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PROCEEDINGS AND DEBATES OF THE SIXTY-SIXTH CONGRESS
SECOND SESSION.

SENATE.

FRIDAY, *April 9, 1920.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, in the higher regions of life there is peace, and we start to-day in the altitudes where God is and carry the influence of this precious divine moment out into the business of our daily life. Amid all the conflict of opinion and clash of interest there is one place where every heart beats in accord, where every spirit is reverent. It is in Thy presence. We ask Thee to send us forth with a spirit that comes into our hearts at this moment of our calling upon Thy name. Imbue us with wisdom and grace and power for the duties of this day. For Christ's sake. Amen.

The PRESIDENT pro tempore (Mr. CUMMINS) resumed the chair.

The Reading Clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the President pro tempore:

S. 2786. An act authorizing the sale of lands in Gregory County, S. Dak.;

S. 3263. An act to authorize the construction of flood-control and improvement works in Minnesota River and Big Stone Lake between the States of Minnesota and South Dakota;

S. 3779. An act to authorize the Ozark Forest road improvement district of Baxter County, Ark., to construct and maintain a bridge across the White River, near Norfork, Ark.;

H. R. 685. An act for the relief of Frank S. Ingalls;

H. R. 687. An act for the relief of Frank Pinkley;

H. R. 6077. An act for the relief of the King Coal Co., of San Francisco, Calif.;

H. R. 8645. An act for the relief of Lawrence Bendich and Anthony Vezich;

H. R. 11175. An act for the public sale of customhouse building and site at Kennebunkport, Me.; and

S. J. Res. 167. A joint resolution providing for the filling of a vacancy in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress.

PETITIONS AND MEMORIALS.

Mr. NORRIS. I present a petition to the Congress of the United States signed by several hundred of the leading citizens of the State of Nebraska, headed by the governor, signed also by the members of the supreme court of the State, in which they protest against the treatment by Japanese officials of the Korean people, and ask Congress to take such action as may be necessary to bring about the proper treatment and justice. I move that the petition be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. PAGE presented a petition of sundry citizens of Vermont, praying for the enactment of legislation providing for the parole of Federal prisoners, which was referred to the Committee on the Judiciary.

Mr. PHELAN presented a petition of the Kern County Chamber of Commerce, of Bakersfield, Calif., praying that relief be granted to the peoples of Central Europe and Armenia, which was referred to the Committee on Finance.

He also presented a petition of the National Federation of Employees, of San Francisco, Calif., praying for an increase in the salaries of inspectors in the Steamboat-Inspection Service, which was referred to the Committee on Commerce.

Mr. KENYON presented a petition of sundry citizens of Des Moines, Iowa, praying for the enactment of legislation providing for the public protection of maternity and infancy, which was referred to the Committee on Education and Labor.

He also presented memorials of sundry citizens of Gowrie and Winneshiek County, Iowa, remonstrating against compulsory military training, which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. PAGE, from the Committee on Naval Affairs, to which was referred the bill (H. R. 13108) making appropriations for the naval service for the fiscal year ending June 30, 1921, and for other purposes, reported it with amendments and submitted a report (No. 514) thereon.

Mr. SPENCER, from the Committee on Privileges and Elections, to which was referred the bill (S. 4166) to provide for election contests in the Senate of the United States, reported it with amendments and submitted a report (No. 515) thereon.

Mr. WATSON, from the Committee on Finance, to which was referred the bill (H. R. 6238) to provide revenue for the Government and to establish and maintain the production of zinc ores and manufactures thereof in the United States, reported it without amendment and submitted a report (No. 512) thereon.

RIVER AND HARBOR APPROPRIATIONS.

Mr. JONES of Washington. From the Committee on Commerce I report back favorably with amendments the bill (H. R. 11892) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, and I submit a report (No. 513) thereon. I give notice that I shall endeavor to bring up the bill on Monday next for consideration.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

INVESTIGATION OF RAILROAD STRIKES.

Mr. CALDER. I am instructed by the Committee to Audit and Control the Contingent Expenses of the Senate to report back favorably with an amendment Senate resolution 346, submitted yesterday by the Senator from Illinois [Mr. MCCORMICK], and I ask unanimous consent for its present consideration.

The PRESIDENT pro tempore. The resolution will be read.

The Reading Clerk read the resolution, as follows:

Resolved, That the Senate Committee on Interstate Commerce is hereby authorized and directed to conduct an inquiry, by subcommittee or otherwise, respecting any existing strike of interstate railroad employees not conducted or authorized by any recognized organization of railroad employees. For this purpose such committee, or any subcommittee thereof, is hereby empowered to sit during the recess and sessions of the Senate, at such times and places as may be deemed advisable, to require by subpœna or otherwise the attendance of witnesses and the production of books, papers, and documents, to administer oaths, and to employ a stenographer and such other clerical assistance as may be necessary. A report of the results of such investigation, including a statement of the causes and purposes of such strike and the merits of the controversy involved therein shall be made to the Senate as soon as practicable, accompanied by such recommendations as may be deemed proper. The expenses of such investigation shall be paid out of the contingent fund of the Senate.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. KELLOGG. Mr. President, I do not want to object to the resolution, but I do not know just when the committee will get a chance to make such an investigation with all the business it has before it at this session.

Mr. McCORMICK. Mr. President, may I say, by way of reply to the Senator from Minnesota, the resolution specifically provides that a subcommittee may make the inquiry? I do not doubt that the investigation can not be as searching as a sociological survey, but what is needed now, in default of the appointment of the wage board, is some body of men which may bring the facts to public attention. There is no other possible means of mobilizing that public opinion which may induce the men to return to work pending the ultimate arbitrament of the dispute.

364334

Mr. KELLOGG. There is no objection to that, but the committee spent a great deal of time during last autumn, as the chairman knows, in investigating strikes and the labor question pertaining to the railroads, and made recommendations to Congress which Congress did not approve of.

Mr. NORRIS. May I interrupt the Senator from Illinois?

Mr. McCORMICK. Certainly.

Mr. NORRIS. I understand that, under the law which we passed, when the board provided for therein was appointed, there would be a court that would have jurisdiction and whose duty it would be to investigate this very thing.

Mr. McCORMICK. There would have been a board appointed if the executive branch of the Government had been functioning with full energy.

Mr. NORRIS. The Senator has introduced this resolution for the reason that no such board has been appointed.

Mr. McCORMICK. Precisely.

Mr. NORRIS. And at the present time there is no official instrumentality by which the people of the country may be informed as to what the facts are in this particular case.

Mr. McCORMICK. And so lend their support. The responsible elected officers of the brotherhoods have been deprived of that.

Mr. NORRIS. Exactly. I am entirely in sympathy with the resolution, although I might not be in favor of it if the proper officials had been selected and were functioning. But the people of the country ought to know what the truth is about this matter, and, as an educational proposition, I believe the investigation should be made. I understand that is the object of the resolution, and it seems to me that the investigation ought to be made.

Mr. McCORMICK. There are facts which I could lay before the Senate, but they are ex parte, prejudiced, if you please, by the judgment of the persons who have brought them to me. We are confronted with a very grave situation, brought about, I think, by the unhappy failure to appoint the wage board provided by the law. No hurt can be done that I see, and I feel that some great good may flow from prompt action by the Senate. If action be not prompt, action will be useless.

The Senate, by unanimous consent, proceeded to consider the resolution.

The amendment of the committee was, on page 1, line 12, after the word "stenographer," to insert the words "at a cost not exceeding $1 per printed page."

The amendment was agreed to.

The resolution as amended was agreed to.

ARMY REORGANIZATION.

The PRESIDENT pro tempore (at 12 o'clock and 10 minutes p. m.). The morning business is closed.

Mr. WADSWORTH. I move that the Senate proceed to consideration of Senate bill 3792, the unfinished business.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3792) to reorganize and increase the efficiency of the United States Army, and for other purposes.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Reading Clerk called the roll, and the following Senators answered to their names:

Borah	Dillingham	Kirby	Phipps
Brandegee	Elkins	McCormick	Pomerene
Calder	Frelinghuysen	McKellar	Ransdell
Capper	Gay	McNary	Sheppard
Chamberlain	Gronna	Nelson	Smoot
Comer	Harrison	New	Spencer
Culberson	Jones, Wash.	Norris	Wadsworth
Cummins	Kellogg	Nugent	Watson
Curtis	Kendrick	Page	
Dial	Kenyon	Phelan	

Mr. DIAL. I desire to announce that my colleague [Mr. SMITH of South Carolina] is detained by illness in his family. I ask that this announcement may stand for the day.

Mr. CURTIS. I wish to announce that the Senator from Maine [Mr. HALE], the Senator from New Hampshire [Mr. KEYES], the Senator from Delaware [Mr. BALL], and the Senator from Florida [Mr. TRAMMELL] are absent in attendance at a meeting of the subcommittee of the Committee on Naval Affairs.

Mr. McKELLAR. The Senator from Kentucky [Mr. BECKHAM], the Senator from Rhode Island [Mr. GERRY], the Senator from Nevada [Mr. PITTMAN], the Senator from North Carolina [Mr. SIMMONS], and the Senator from Maryland [Mr. SMITH] are absent on official business.

Mr. GRONNA. I desire to announce that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is unavoidably absent, due to illness. I ask that this announcement may stand for the day.

The PRESIDENT pro tempore. Thirty-eight Senators have answered to their names. There is not a quorum present. The Secretary will call the names of absent Senators.

The Reading Clerk called the names of the absent Senators, and Mr. COLT, Mr. POINDEXTER, and Mr. WARREN answered to their names when called.

Mr. LENROOT, Mr. GORE, Mr. TOWNSEND, Mr. KNOX, Mr. HARRIS, Mr. MOSES, Mr. MCCUMBER, Mr. SMITH of Arizona, Mr. HITCHCOCK, Mr. LODGE, and Mr. GLASS entered the Chamber and answered to their names.

The PRESIDENT pro tempore. Fifty-two Senators have answered to their names. There is a quorum present.

Mr. McKELLAR. Mr. President, in reference to the Frelinghuysen amendment I wish to read from an article in the Washington Post of this morning:

When Chairman WADSWORTH and the advocates of compulsory training finally were forced yesterday to concede defeat some adroit political maneuvers were necessary.

An effort was made to prevent a direct vote, in order to save certain Senators from the embarrassment of committing themselves. For the time being the effort has proved successful.

Senator FRELINGHUYSEN, an advocate of compulsory training, offered an amendment providing for "voluntary" training instead of "compulsory" training as being better than nothing. Senator LODGE, also a supporter of compulsory training, admitted the certainty of its defeat, and, being unable to obtain what he preferred, would take the substitute.

Mr. President, we thus see the great cause of universal compulsory military training being slaughtered by its friends. I do not think, however, that anyone in the country is going to be misled about it. The fact that conscription in time of peace is killed by its friends, after admitting that it is going to be killed by its enemies, will not change the situation in respect to it.

The Frelinghuysen amendment provides, just as my amendment provides, that sections 56 and 57, providing for registration and for conscription, shall be eliminated from the bill, and I want to say that if any Senator who is in favor of conscription in time of peace is going to vote for the Frelinghuysen amendment on the ground that he is sidestepping a vote on conscription in time of peace, he is going to be badly mistaken, because the Frelinghuysen amendment provides in terms, just as mine does, that conscription shall be eliminated from the bill.

Mr. President, this attitude upon the part of our Republican friends who are in control of the organization is the same attitude that has been displayed throughout this controversy.

In the House the Military Affairs Committee was in favor of conscription in time of peace and by a vote of 11 to 9 authorized the favorable report on such a measure. So much opposition developed in their own party and in the country that the organization in the House was forced to withdraw that favorable recommendation, and thereupon the House passed a bill without compulsory military training.

In the Senate the situation was exactly the same, except the Republican organization of the committee reported out the bill and has undertaken to pass it. They have not passed it because there are apparently at least 40 Democrats and maybe more opposed to it, and probably at least 15 Republicans and maybe more who are opposed to fastening conscription upon the people in time of peace.

But the situation can not be camouflaged by adroit amendments. The facts are that the Republican organization in both Houses have ceaselessly worked to fasten universal military training or conscription in time of peace upon the people of this country.

I want to congratulate those Republicans who put their country before party and who have stood steadfastly against this measure which would Prussianize the American Army and would belie everything that America has stood for during all of her history.

The PRESIDENT pro tempore. The question is upon the amendment proposed by the Senator from New Jersey.

Mr. CHAMBERLAIN. Mr. President, I regret exceedingly that this great question of the reorganization of our Army—and universal military training is a part of that general scheme—has drifted into the channel of partisan politics. I do not know what credit the distinguished Senator from Tennessee [Mr. MCKELLAR] and those who stand with him in this matter can claim by way of party advantage in this connection, because the distinguished leader of the Democratic Party has advocated it at this session of Congress.

I have been almost charged with treason by some of my friends in the days gone by simply because I differed from some others as to the conduct of some of the bureaus and departments of the Government. That was an indication of treason in the eyes of the distinguished Senator from Tennessee and some others who felt as he did—that the King could do no wrong and that no one under him could do any wrong; but here, where no departmental methods are involved, but where a great scheme of Army organization is involved, the distinguished leader of the so-called antimilitaristic Senators differs radically from our party leader on this very great question. So, from a party standpoint, I do not see what my Democratic friends are going to claim by way of party advantage, because the President has advocated military training, nor can I see anything that our Republican friends are going to gain by doing what the Senator from Tennessee charges them with doing, in deserting the proposition which they have heretofore advocated, simply for the reason that both the President of the United States and, I think, the majority of the Republicans both in the House and in the Senate favor universal compulsory military training.

Mr. President, in support of my position that the President of the United States, the leader of the Democratic Party, has advocated this proposal, I am going to call the attention of the Senate, and particularly of the Senator from Tennessee, to a letter addressed by the President of the United States some days ago, through the Secretary of War, to the leaders on the Democratic side of the House. In that letter the President said:

> I am told that a caucus of the Democratic Members of the House of Representatives has been called to consider pending military legislation, and the suggestion has been made that a resolution be adopted committing the Democratic membership of the House against the policy of general military training. In the present circumstances it would seem to me unfortunate to make a party issue upon this subject, particularly since within a few months the party will assemble in convention and declare the principles upon which it deems it wise to commit itself in a national election. The present disturbed state of the world does not permit such sureness with regard to America's obligations as to allow us lightly to decide upon this great question upon purely military grounds while the demonstrated advantages to the youth of the country which came from military service in the war plainly suggest that in the national interest, quite apart from military considerations, the moderate and carefully conducted course of military training may have the highest possible advantage.

That is the appeal of a patriot, Mr. President.

Mr. HITCHCOCK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Oregon yield to the Senator from Nebraska?

Mr. CHAMBERLAIN. I yield.

Mr. HITCHCOCK. Does the Senator think that that language of the President of the United States justifies the statement made a few moments ago by the Senator from Oregon that the President of the United States was in favor of compulsory military training? It rather indicates to me that he desired the matter not to be made a question of party decision at this time, but to await the verdict of the national convention.

Mr. CHAMBERLAIN. I think it appeals for both. If I can construe the language, it appeals for the training of the young men of this country under some system; and in view of the fact that the question before the House was compulsory military training, and that was what the Democratic caucus acted upon, I think it is susceptible of the construction that the President meant universal military training. In any event, I cite it for the purpose of showing that the distinguished Senator from Nebraska [Mr. HITCHCOCK] and the distinguished Senator from Tennessee [Mr. MCKELLAR], if you please, are violating the request of the President in undertaking to make this great question a party question. They are likely to subject themselves to the charge of disloyalty to their chief, the leader of their party.

Mr. HITCHCOCK. Mr. President, I am glad the Senator read the letter, because I was shocked by his statement that the President of the United States had taken a position in favor of compulsory universal military training, because I had no such impression myself; and the reading of the letter just now confirms me in my feeling that he merely objected to having the representatives of the party take a position at this time which would bind the party before the national convention had met. He asked for a withholding of opinion, rather than to have the party go on record in favor of universal military training.

Mr. CHAMBERLAIN. I will read a part of it again for the Senator's benefit. I still claim that my construction of the President's letter is right, and it is not hard for the Senator to put his own construction on it. I am going to say here, without the fear of successful contradiction, that some of the distinguished men who are leading this fight against universal military training led the fight against conscription during the war, and would, if their views had prevailed, have led America and the Allies to defeat.

Mr. HITCHCOCK. I do not know to whom the Senator refers. I recognize no member of the minority party in the Chamber at this time or within the last few days who opposed conscription or the draft law.

Mr. CHAMBERLAIN. Mr. President, an old lawyer out in my section of the country, when he was stating a proposition of law to a justice of the peace, said, "If your honor does not believe what I say about this, I refer you to my library." I refer the Senator to the CONGRESSIONAL RECORD for the period from April 6, 1917, to the time the selective-service act was passed, May 18, 1917.

Mr. HITCHCOCK. The Senator, of course, does not refer to me.

Mr. FRELINGHUYSEN. Mr. President, will the Senator from Oregon yield?

Mr. CHAMBERLAIN. I yield to the Senator.

Mr. FRELINGHUYSEN. I think the Senator from Nebraska only begs the question. The Secretary of War, in a public statement, has announced that he is in favor of universal military training; and most certainly he, as the representative of the War Department, could not utter such a policy without the approval of the President. The President himself has plainly stated in the public press—and it has been printed all over the country—that he is in favor of military training, and has changed his policy; and there has been no denial whatsoever from the President of those public statements.

Mr. HITCHCOCK. Mr. President, will the Senator tolerate another interruption? I think it hardly follows, because one of the Secretaries takes a position on any question, that that binds the President. For instance, the Postmaster General has taken a position for the Government ownership of telephones and telegraphs, but that did not represent and does not bind the President of the United States. Such representatives of the Government have been free to make their own personal recommendations from time to time, but they never have been considered as binding the President.

Mr. CHAMBERLAIN. Mr. President, permit me to read again a part of what the President said, and something that I did not read before:

> The present disturbed state of the world does not permit such sureness with regard to America's obligations as to allow us lightly to decide upon this great question upon purely military grounds while the demonstrated advantages to the youth of the country which came from military service in the war plainly suggest that in the national interest quite apart from military considerations the moderate and carefully conducted course of military training may have the highest possible advantage.

What did we have in the war that the President commends as having brought us great military advantage? We had a system which the Senator from Nebraska and the Senator from Tennessee both opposed, and that was the compulsory system, compelling the young men of this country to realize and to know that for the benefits which our Government and laws gave to them they owed a duty to this country that they were bound to perform when the time came that their services were needed. Oh, Mr. President, the pacifists of this country who opposed the draft law are at this time opposing anything like the training of the young men of this country, and I am not charging the Senators who are differing from my position in this matter with having been or with being pacifists.

Further, the President in his letter says:

> In our discussion of the subject you will recall I gave my approval in principle to the various very moderate training projects suggested by the General Staff, and I would be very glad to have you convey to appropriate Members of the House, who will attend the caucus, my strong feeling against action by the caucus which will tend to interpose an arbitrary party determination to the consideration which this subject should receive from the best thought of the Members of the House, considering alike the national emergencies which may confront us and the great disciplinary and other advantages which such a system plainly promises for the young men of the country.

What was the mild system of training that the General Staff suggested? It was a sterner system of compulsory training than is included in this bill, and that bill came before us with the approval of the Secretary of War, and it was through the Secretary of War that this communication of the President was transmitted to the Democratic leaders of the House.

But I will not undertake to say that the leaders of the House on the Democratic side were guilty of treason because they differed from their leader. I simply say that it was unfortunate that they did not follow the President's lead, and I believe he did have the majority sentiment of the Republican Party with him in the House of Representatives on that proposition.

Mr. BRANDEGEE. Mr. President, will the Senator yield?

Mr. CHAMBERLAIN. I yield to the Senator.

Mr. BRANDEGEE. Will the Senator put in the RECORD the page of the RECORD on which the President's letter, which he has just read, is printed?

Mr. CHAMBERLAIN. Page 2837, volume 5, of the RECORD of this session.

Mr. BRANDEGEE. But the date? I mean the date of the RECORD which contains it.

Mr. CHAMBERLAIN. February 13, 1920.

Mr. FRELINGHUYSEN. May I also add, for the benefit of the RECORD, that the President's letter was published in the Washington Star of February 9, 1920?

Mr. BRANDEGEE. Mr. President, with relation to the inquiry of the Senator from Nebraska, whether the President's letter was a thoroughgoing indorsement of universal compulsory military training or not, it seems to me, from listening to what the Senator has just read, that it certainly was an appeal to his party not to decide against that system.

Mr. CHAMBERLAIN. There is no doubt about it. It was plainly an appeal for them to leave it to the free and frank discussion of Members of the House, without undertaking to divide on party lines.

Mr. GRONNA. Mr. President, will the Senator yield for a question?

The PRESIDENT pro tempore. Does the Senator from Oregon yield to the Senator from North Dakota?

Mr. CHAMBERLAIN. I do.

Mr. GRONNA. The distinguished Senator from Oregon was formerly chairman of the Military Affairs Committee, and I am sure he is as familiar as anyone can possibly be with the military affairs of this country during the war. Is there any record of the number of young men who served in the late war which shows the percentage of those who enlisted voluntarily, and also the percentage of those who had to be conscripted and who served in the late war?

Mr. CHAMBERLAIN. There is no doubt that The Adjutant General's Department can give the Senator that information. I can not lay my hands on it right now, but those figures are obtainable from The Adjutant General.

Mr. GRONNA. In the Senator's opinion, is it fair to assume that a large proportion of those who served in the late war were those who volunteered?

Mr. CHAMBERLAIN. No. A small proportion, as compared with over four million that were raised under the selective service, were volunteers; less than a million, I think. The Senator from Oklahoma [Mr. GORE], who has given this matter a good deal of attention, says it was something less than a million, and we raised over 4,000,000 men altogether.

Mr. GRONNA. So that although we had conscription, there were more than a million, or a million, we will say—one-fourth—who volunteered, and who did not have to be drafted. Is that correct?

Mr. CHAMBERLAIN. That is substantially correct. I do not want the Senator to understand that I am criticizing the volunteer. No man in this world has a higher regard for the young men who volunteered their services than I; and it was for that very reason that I was a strong advocate of the selective-service law, because I wanted to protect the men who had volunteered, and compel others, who owed the same duty to their country, to go to its relief.

Mr. GRONNA. Mr. President, if the Senator will permit me another remark, what led me to ask the Senator the question was his statement referring to those who were opposed to conscription, and also, in connection with that, I think, to use the Senator's language, "those who would have led our country to defeat." That was, of course, a rather broad statement. The Senator evidently had reference to some Member of this body.

Mr. CHAMBERLAIN. Oh, no; oh, no. The Senator misunderstood me. I had no intention of suggesting that any Senator here would intentionally do anything that would have led our country to defeat; but I say that the policy of raising an army simply by the volunteer system would have led our country to defeat. It must have done it. We could not have raised 4,000,000 men, we would not have raised the 2,000,000 that went over there and did the fighting, by the volunteer system. That is what I meant.

Mr. GRONNA. I am glad the Senator modifies his statement. I think he will find by examining the RECORD that his statement is as I stated it.

Mr. CHAMBERLAIN. I want to say to the Senator that I do not share the feeling that a great many have that the Senator and others who opposed the draft law were not loyal to our country. The fact is, I want to say to the Senator, that no man proved his loyalty any more than the Senator did, because he had two or three sons over there, and two or three nephews as well.

Mr. GRONNA. I will say to the Senator from Oregon that it would not be well for any Senator or anyone else to face the Senator from North Dakota and say that.

Mr. CHAMBERLAIN. I believe that, too. I believe that of other Senators as well. I have the greatest regard for Senators who differed from those of us who advocated the selective-service law. I have the highest regard for them. I think their judgment was bad, that is all, and I think if their course had been adopted by Congress as the course to pursue in raising an army, the Allies would have met with defeat.

Mr. GRONNA. Mr. President, I dislike very much to interrupt the Senator so much, but this is a question of very great importance; and the trouble was during the war that it was almost impossible for any man who did not agree with the plan proposed to be permitted to discuss the question intelligently. I will say to the Senator that I know that there were men who were not unalterably opposed to the system of the draft, and I think I may say there were several of the Members who opposed the draft because they thought it was possible to get an army by volunteers, but, if such a thing as that should be impossible, of course they would favor the Senator's forced plan of a draft. But, as I said, it was impossible during the war to discuss that question in an intelligent way, because, if any question was asked or any objection was made trying even to correct some of the provisions in the bills, it was immediately construed to mean that a man was opposed to the whole scheme, which was not true.

Mr. CHAMBERLAIN. I think if the Senator will refer to the discussion then, he will find that Senators and Representatives were not afraid to discuss it. There were no abler addresses made against the selective-service bill than some that were made in the Senate and in the House of Representatives, and by leaders in both parties. It was not a question of party. It was a question of difference in policy. I thought then, and I think now, that but for the selective-service law the Allies would have lost the war. The Senator would doubtless differ from me.

There is no absolute need now for training the young men of this country, but, as the President of the United States has suggested, in the present troubled condition of the world we do not know what we will need. Some Senators predict here that there is no danger of war. In 1915 I introduced in this body the first selective-service bill. Some thought I was wholly wrong, but as a matter of fact it was to get this country ready to fight. If that bill had passed, if Congress could have been induced to pass that bill in 1915, so that an army of young men might have been trained in 1916, there is no question that we would have kept out of this war. Why, it was the boast of Germany and Germany's friends there and here, first, that America was so busy making a dollar that she would not raise an army, and, second, if she raised an army they could not get over, and, third, if they got over they would not fight. How grievously mistaken she was on all three of these propositions!

If we had shown that we were willing to raise an army by passing a selective-service act and if we had put under the colors of our country a million or two young men for training, Germany would have hesitated long before insulting our flag. It is my opinion that Germany would not have dared to have brought the United States into the cause of the Allies if we had had a million men in training. She only brought us in as it was by continued destruction of American life and property and continued insult to the American flag. We did not see fit to train our boys. They said, therefore, that we were not going to get into the war.

The distinguished Senator from Tennessee [Mr. MCKELLAR] who is leading the fight against this measure, and I hope the Senator will listen to me, as late as the 29th of April, 1916, opposing so-called militarism, opposing the raising of an army in a safe and sane way, said in a speech before the Senate that will be found at page 831 of the CONGRESSIONAL RECORD of that date, in speaking of the federalization of the militia:

> The greatest accomplishment of this measure, however, is to be found in the plan of making the State militia an effective body of first-line defense. Originally the Secretary of War had another plan. It was known as the continental army scheme. That scheme provided that there should be a continental army composed of 400,000 men enlisted to serve three years, either one month or two months in a year. That after the end of the third year they shall go into the reserve for three years. It was expected that 133,000 of these could be recruited a year, and at the end of three years the 400,000 would be raised. This plan brought up quite a controversy, and the committee was of the opinion that (1) the men could not be recruited in that way, and (2) that the training would not be sufficient to make them soldiers. Of course, the plan would have been even more expensive than the federalization of the militia, and in the judgment of the committee nothing like so efficient.
>
> Again, the plan, if it could have been made efficient, would have been a tremendous step toward militarism in this country, in that it would have led to a tremendous standing army. The result was the committee unanimously voted in favor of the federalization of the State militia.

Raising 400,000 men under the proposed scheme that was then suggested would have raised an immense standing army and would have placed our country in danger of becoming

militaristic! Think of it as compared with raising more than 4,000,000 men less than one year later!

Mr. McKELLAR. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Oregon yield to the Senator from Tennessee?

Mr. CHAMBERLAIN. Certainly.

Mr. McKELLAR. The facts are absolutely well known as to my position in 1916. It is impossible to have any misunderstanding about it. My position was that the first 500,000 men should be brought into the Army by the volunteer system. That was the extent of the amendment and precisely what it provided for. I voted for the draft bill in time of war, of course. There can not be any mistake about my attitude. I would vote for such a bill in another emergency, but I am not in favor of conscription in time of peace.

Mr. CHAMBERLAIN. The Senator voted against the provision in the so-called Kahn bill to increase the Army to 250,000 men.

Mr. McKELLAR. I do not recall when that was.

Mr. CHAMBERLAIN. I will read from another speech of the Senator, made on the 13th of May, 1916——

Mr. McKELLAR. It may be so. I have never favored a large standing Army. I think my position on that question is well understood. In a colloquy between myself and the Senator from New York [Mr. WADSWORTH] some time ago I expressed the view that at this time we ought to have a standing Army of something like 300,000 men for the protection of the United States. I think so now. There is no secrecy about it. There is nothing unusual about it. It is open and aboveboard and the Senator can not misquote me. My attitude is the same that it has always been.

Mr. CHAMBERLAIN. I am not charging the Senator with doing anything in secret. I do not usually indulge in that kind of thing myself; but the Senator does not hesitate to get up here and charge Democrats and Republicans with jugglery and party machine work, which is not justified by anything that has happened here.

Mr. McKELLAR. Of course, every Senator here knows that the principal question in this bill is universal compulsory military training. The amendment offered——

Mr. CHAMBERLAIN. The Senator makes that statement. I will ask the Senator how many times he attended the meetings of the Committee on Military Affairs when it was considering this bill? There are other important questions in it.

Mr. McKELLAR. I attended practically every meeting that I was invited to attend. I was not on the subcommittee, and, of course, did not attend the subcommittee meetings. I think one or two times I was invited to attend those.

Let me say this about this particular amendment. We all know that the amendment which was first offered raised the question fairly and squarely, so that every Senator who voted "yea" voted for military training and those who voted "nay" voted against military training. There was not any doubt about it. The other amendment introduced later, and which under the rules has priority, does not present that question in the square way that I think it ought to be presented in the Senate, and when it is presented in that square way, if we can get it up I say it will be overwhelmingly defeated. I believe a majority of both parties in the Senate will vote against it. I ask the Senator from Oregon if he is willing to have a fair and square vote on the proposition?

Mr. CHAMBERLAIN. The Senator from Oregon has never been afraid to take a fair and square vote on anything.

Mr. McKELLAR. Mr. President——

Mr. CHAMBERLAIN. I do not care to be interrupted any more. Some of us, as a step toward saving something from this wreck, are in favor of the voluntary training of the young men of this country. Senators are not interested in these personal controversies. They are not interested in these differences between the Senator and myself. What Senators and the people are interested in is questions that involve the national welfare, not merely of our Government, but our civilization, if you please. The Senator from Tennessee is a most honorable man. I make no charges affecting his honor. He and I differ very radically on very many propositions. We differed all the way through practically on the question of the raising of an army to prosecute the war. When the selective-service law was up for consideration in 1916, let us see what the Senator said in a speech delivered by him on Saturday, May 13, 1916. I am citing it to show that the Senator makes mistakes sometimes, and he may be making some now. He said:

> When the Army bill was reported back by the conferees for further instructions I voted against the provision raising the standing Army to 250,000 men, and I voted against section 56 of the Chamberlain bill providing for what is best known as the continental-army scheme. Under these circumstances I wish to give my reasons for these votes.

The Senator went ahead and gave his reasons for the vote. Both those measures were intended to place our country in a position to defend itself and, it may be, to assist the Allies in defending the world. The Senator opposed it, and he had a right to oppose it. It was a difference in policy then, just as to-day there is a difference between us as to the proper policy to pursue regarding the Army of the United States.

Mr. McKELLAR. The Senator will again do me the justice to say that this so-called continental-army scheme, which was put forward, as I recall, by the Senator from Oregon, among others, was a proposition that was put up in lieu of the National Guard system of the United States, and what the Congress did was to turn down the continental-army scheme which was proposed by the Senator and others and accept the National Guard scheme which I myself and others advocated at that time. That is all there is in that. It was a difference of opinion. I believe now that the National Guard system is incomparably better than the so-called continental system, and the Members of the House and the Senate agreed with me and did not agree with the Senator from Oregon. That is all there is to that. One was for the national defense quite as much as the other. I think the National Guard system and the record of the men who went into the National Guard in this late war have demonstrated that we were exactly right in standing for the National Guard as the primary national defense, because we never had a better national defense than the National Guard.

Mr. CHAMBERLAIN. The Senator can not put me in the category of one who is opposed to the National Guard. The Senator can not talk louder or longer for the National Guard than I. They all vote. We are all their friends. We all talk about them whenever we have a chance to do it. But admitting the strength of the National Guard, their gallantry in action, and the splendid record they made, they became federalized and became a part of the United States Army before they became coordinated and unified so as to do the work that was necessary to be done.

Mr. McKELLAR. I do not want to interrupt the Senator, but——

Mr. CHAMBERLAIN. The Senator can take his own time and make his own speech. I desire to finish what I have to say without these constant interruptions. As I said a while ago, the people do not care about any controversies between the Senator and myself.

Mr. McKELLAR. But the Senator keeps referring to me.

Mr. CHAMBERLAIN. The Senator kept referring to me, and I have answered him, and I have the floor. The Senator can get after my scalp or take my scalp when I get through.

Mr. McKELLAR. I have never referred to the Senator at all.

Mr. CHAMBERLAIN. No; the Senator does not have to refer to me when he charges men as a body with indulging in subterfuge here on the floor of the Senate and endeavoring to accomplish by indirection something they are not undertaking to accomplish at all. They are undertaking to accomplish something for the good of the country. Let us try to find out the facts about it and then vote.

I am frank to say that I expect universal compulsory military training to be defeated. I have not any question about that. All legislation is the result of compromise. If a Senator or a body of Senators can not get all they want, there is no reason why they should not get a part of what they want if there is a chance to compromise. That is all that the proposed amendment of the Senator from New Jersey is. It is to undertake to save something from this wreck, something that the President of the United States wanted to save if possible.

Mr. President, the Senator from Tennessee, in that speech of May 13, 1916, said—and I hope the Senator will listen to this, because he may have forgotten it:

> I have not the slightest idea of our becoming involved in war with any European country.

That was on the 13th day of May, 1916. That was when the national-defense act was up for consideration. That was less than a year before the Senate and the House declared the war. He said:

> The Regular Army officers, who it is claimed are behind the Chamberlain bill, as I noticed from the debate in the Senate, printed in the RECORD, naturally do not want the National Guard used in our system because it does not, in the first place, mean rapid promotion for them, and, in the second place, they naturally want to build up as large a standing army as possible. Of course, I do not blame them. They are to be commended for wanting to make the Army effective. I feel quite sure that the continental army can not be recruited, and if not recruited then it is hoped to come back before another Congress and have some sort of compulsory military service bill passed. Of course, I am opposed to universal compulsory military service, and I am opposed to a large standing army in times of peace. I do not blame these Army officers. It is natural that they should want to make larger the Regular Establishment. But the duty of Congress is to consider only the best interests of the country.

I have not the slightest idea of our becoming involved in war with any European country. I have absolute confidence in the President and his ability to keep us out of this European war, and keep us out with honor. Certainly, I see no reason why we should go to war. We can not go to war without Congress declaring it, and I do not know of a man in Congress who would be willing to vote for a resolution declaring war on any European country. We have the greatest prosperity in this country, taken as a whole, and it would be silly and ridiculous for us to disturb it by getting into this European imbroglio. If we were to build up a great standing army like that provided for in the Chamberlain bill, an excitable President could get us into war without declaring it. Of course, President Wilson would not do this, but some other President more easily excited might do so.

Think of it, Mr. President, less than a year before the time when America, on the recommendation of the President of the United States, declared war against Germany.

Mr. President, I honestly believe that if the Senator from Tennessee [Mr. MCKELLAR] had bent his efforts toward creating a large citizen soldiery or a large standing army at that time, in view of the troubled condition of the country, we would not have had any war with Germany; but the Senator opposed a large army, he opposed then universal military training, he opposed anything that squinted toward what he and others called a militaristic system in this country; and it was because of that fact, because Senators stood on the floor of the Senate of the United States and gentlemen stood on the floor of the House of Representatives and opposed everything looking toward the preparation of America to fight. If we all had gotten together and put our shoulders to the wheel and said, "We will not only organize a large Army, if need be, but we stand ready to train every young man in this country in the science of war, and we will do it at a moment's warning"—if we had done that, instead of declaiming against the so-called fear of cultivating a militaristic spirit, we would not have had any war.

I sometimes think this appeal against the so-called militaristic spirit has tended to enervate the young men of the country, that it has tended to destroy national pride and patriotism, and nothing but this war, which brought the sons of the rich and poor alike together and made them confer with each other and realize the situation, ever aroused in them a spirit of love of country that was going to sleep.

Mr. BRANDEGEE. Mr. President, as reenforcing what the Senator said as to the probability that we would not have been compelled to enter the war if we had had a sufficient military force, and a sufficient and effective system of military training in this country, I want to remind him that it has been repeatedly stated in the papers of the country that one of the great surprises to the Emperor and the German military authorities was that America had been able to provide for conscription after war was declared. They had no idea that the country would stand for it. If they had known in advance that that would be done, they never would have provoked us into the war.

Mr. CHAMBERLAIN. I think there is no doubt of that, I will say to the Senator.

Mr. President, the Senator from Tennessee [Mr. MCKELLAR] differs from the President about the troubled condition of the world now. He does not think there is anything that exists to-day that necessitates the training of the young men. The President seems to think that the troubled condition of the world requires some sort of training of the young men of the country.

The Senator from Tennessee may be mistaken now, just as he was mistaken in 1916. He said that the President would not get us into the war; that he would keep us out of the war; that there was nothing to fight about. But the President advised us to get in, and the Senator helped get us in. Now, the President says there is a troubled condition that necessitates training the young men. The Senator from Tennessee says there is no need of it; that there is no use to train them now. Who is right? I think the President is right.

I think it is just as well to be prepared, Mr. President, and let the world know that America, for the present, at least, while the troubled world situation exists, is going to be ready to fight if it needs to fight. Everybody knows that nobody hates war any more than I do, and nobody would go further to keep out of it than I will. But America owes a duty to itself and to the world to maintain her dignity as a separate nationality, and as the greatest Republic in the world, the greatest country in the world.

Mr. President, it has been charged by the Senator from Tennessee, and charged by others, that this system of training of the young men is violative of the traditions of this country. May I call attention to the fact that the first act which was passed by the Congress of the United States, in 1792, recommended by Gen. Washington and prepared by Gen. Knox, was a military-training act. It provided that all men of certain ages, between 18 and 65, I think, should assemble at certain seasons of the year, at least once a year, and train in the use of arms. It became obsolescent in later years, but was not finally repealed until the Dick law was passed in 1903. So that we have had it all the time; and I beg to call the Senator's attention to the Knox report on that act, and if he believes that this is violative of the traditions of America, ask him to read that report, which was approved by Gen. Washington, and the bill was practically enacted as recommended.

In order not to take too much time, I am going to ask that there may be inserted in the RECORD, as a part of my remarks, letters and opinions written by Gen. Washington and other leaders, from his time down to the present time, advocating the draft.

The man who, above all others, was in a position to speak intelligently as well as feelingly upon the subject of the militia during the Revolution was Gen. Washington. He did not hesitate to speak out on more than one occasion as to the inefficiency of the volunteer system.

On February 9 ,1776, he wrote:

To expect the same service from raw and undisciplined recruits as from veteran soldiers is to expect what never did and perhaps never will happen.

On August 20, 1780:

Had we formed a permanent army in the beginning, * * * we never should have had to retreat with a handful of men across the Delaware in 1776, trembling for the fate of America; * * * we should not have been the greatest part of the war inferior to the enemy, indebted for our safety to their inactivity, enduring frequently the mortification of seeing inviting opportunities to ruin them pass unimproved for want of a force which the country was completely able to afford, and of seeing the country ravaged, our towns burnt, the inhabitants plundered, abused, murdered with impunity, from the same cause.

September 15, 1780:

Regular troops are alone equal to the exigencies of modern war, as well for defense as offense, and whenever a substitute is attempted it must prove illusory and ruinous.

And, again, on September 24, 1776, in a letter to the President of the Continental Congress, he said, amongst other things:

To place any dependence upon militia is assuredly resting upon a broken staff. Men just dragged from the tender scenes of domestic life, unaccustomed to the din of arms, totally unacquainted with every kind of military skill (which is followed by want of confidence in themselves when opposed to troops regularly trained, disciplined and appointed, superior in knowledge and superior in arms), are timid and ready to fly from their own shadows. Besides, the sudden change in their manner of living, particularly in their lodging, brings on sickness in many, impatience in all, and such an unconquerable desire of returning to their respective homes that it not only produces shameful and scandalous desertions among themselves, but infuses the like spirit in others. Again, men accustomed to unbounded freedom and no control can not brook the restraint which is indispensably necessary to the good order and government of the army, without which licentiousness and every kind of disorder triumphantly reigns. To bring men to a proper degree of subordination is not the work of a day, a month, or even a year; and unhappily for us and the cause we are engaged in, the little discipline I have been laboring to establish in the army under my immediate command is in a manner done away by having such a mixture of troops as have been called together within these few months.

Again, in the same letter, he says:

The jealousy of a standing army and the evils to be apprehended from one are remote, and, in my judgment, situated and circumstanced as we are, not at all to be dreaded; but the consequence of wanting one, according to my ideas formed from the present view of things, is certain and inevitable ruin. For if I was called upon to declare upon oath whether the militia have been most serviceable or hurtful upon the whole, I should subscribe to the latter. I do not mean by this, however, to arraign the conduct of Congress; in so doing I should equally condemn my own measures if I did not my judgment; but experience, which is the best criterion to work by, so fully, clearly, decisively, reprobates the practice of trusting to militia that no man who regards order, regularity, and economy, or who has any regard for his own honor, character, or peace of mind will risk them upon this issue.

And, again, in a letter to the President of the Congress, under date of December 5, 1776, he said:

When I reflect on the losses we have sustained for want of good troops, the certainty of this is placed beyond a doubt in my mind. In such a case the militia, who have been harassed and tired by repeated calls upon them, and farming and manufactures in a manner suspended, would, upon any pressing emergency, have run with alacrity to arms, whereas the cry now is, 'They may be as well ruined in one way as another,' and with difficulty they are obtained. I mention these things to show that, in my opinion, if any dependence is placed in the militia another year Congress will be deceived. When danger is a little removed from them they will not turn out at all. When it comes home to them the well affected, instead of flying to arms to defend themselves, are busily employed in removing their families and effects, while the disaffected are concerting measures to make their submission and spread terror and dismay all around to induce others to follow their example. Daily experience and abundant proofs warrant this information.

And in a letter to the same person under date of December 20, 1776, he said:

It is needless to add that short enlistments and a mistaken dependence upon militia have been the origin of all our misfortunes and the great accumulation of our debt. We find, sir, that the enemy are daily gathering strength from the disaffected. This strength, like a snowball by rolling, will increase unless some means can be devised to check effectually the progress of the enemy's arms. Militia may possibly do for it for a little while, but in a little while also the militia of those States which have been frequently called upon will not turn out at all;

or if they do, it will be with so much reluctance and sloth as to amount to the same thing. Instance, New Jersey. Witness, Pennsylvania. Could anything but the river Delaware have saved Philadelphia?

On the 17th of October, 1777, he wrote to President Thomas Wharton, of Pennsylvania, as follows:

There is another matter which I beg leave to recommend to the serious consideration of the legislature of your State; that is, the adopting of some mode of completing and keeping up the quota of your continental regiments. Upon an average, your battalions have never been above one-third full, and now many of them are far below even that. From the extravagant prices given to substitutes in the militia in the different States, it has become impossible to recruit more upon the bounty allowed by Congress. The New England States and Virginia have begun to adopt the mode of drafting and, I am informed, they have succeeded very well. I am convinced that this will be found the only method of raising continental troops, and if the measure were to become general throughout the States it would not be deemed a hardship. I mention this matter to you at this time in the hope that you will as soon as possible fall upon this or some other mode to recruit your regiments in the course of this fall and winter, and as it is more than probable that our opposition will not end with this campaign, we ought to endeavor to have a respectable army in the field in the spring, before the enemy can receive further reenforcements from Europe.

On the 18th of November, 1779, he wrote from West Point to the President of Congress as follows:

In the more early stages of the contest, when men might have enlisted for the war, no man, as my whole conduct and the uniform tenor of my letters will evince, was ever more opposed to short enlistments than I was, and while there remained a prospect of obtaining recruits upon a permanent footing in the first instance, as far as duty and a regard to my station would permit, I urged my sentiments in favor of it. But the prospect of keeping up an army by voluntary enlistments being changed, or at least standing on too precarious and uncertain a footing to depend on for the exigency of our affairs, I took the liberty in February, 1778, in a particular manner to lay before the Committee of Arrangements, then with the army at Valley Forge, a plan for an annual draft as the surest and most certain, if not the only means left us, of maintaining the army on a proper and respectable ground. And, more and more confirmed in propriety of this opinion by the intervention of a variety of circumstances unnecessary to detail, I again took the freedom of urging the plan to the committee of conference in January last; and, having reviewed it in every point of light and found it right, or at least the best that has occurred to me, I hope I shall be excused by Congress for offering it to them, and in time for carrying it into execution for the next year, if they should conceive it necessary for the States to complete their quotas of troops.

The plan I would propose is that each State be informed by Congress annually of the real deficiency of its troops, and called upon to make up, or such less specific number as Congress may think proper, by a draft; that the men drafted join the army by the 1st of January and serve until the 1st of January in the succeeding year; that from the time the drafts join the army the officers of the States from which they come be authorized and directed to use their endeavors to enlist them for the war, under the bounties to the officers themselves and the recruits granted by the act of the 23d of January last, namely, $10 to the officers for each recruit, and $200 to the recruits themselves; that all State, county, and town bounties to drafts, if practicable, be entirely abolished, on account of the uneasiness and disorders they create among the soldiers, the desertions they produce, and for other reasons which will readily occur; that on or before the 1st of October annually an abstract or return similar to the present one be transmitted to Congress, to enable them to make their requisitions to each State with certainty and precision.

On the 25th of May, 1780, he wrote to Phillip Schuyler, John Mathews, and Nathaniel Peabody, a committee of Congress:

Unless the principal part of the force be composed of men regularly organized, and on the continuance of whose services we can rely, nothing decisive can be attempted. The militia are too precarious a dependence to justify such an attempt, where they form a material part of the plan. Militia can not have the necessary habits nor the consistency either for an assault or a siege. In employing them essentially we should run a risk of being abandoned in the most critical moments. The expense and the consumption of provisions and stores, which we are bound by every motive to economize, will be very considerably increased. As we should not be able to keep the same body in the field during the whole campaign, we should a great part of the time have a double set of men to pay and feed, those in actual service and those on the march to relieve them or returning home when relieved. The operations of husbandry will suffer in proportion.

The mode of draft is, I am persuaded, the only efficacious one to obtain men. It appears to me certain that it is the only one to obtain them in time; nor can the period which you have appointed for bringing them into the field be delayed without defeating the object. I have little doubt that at any time, and much less at the present juncture, the powers of the Government exerted with confidence will be equal to the purpose of drafting. The hopes of the people, elevated by the prospects before them, will induce a cheerful compliance with this and all the other measures of vigor which have been recommended and which the exigency requires.

On March 12, 1782, he wrote James McHenry as follows:

It is idle at this late period of the war, when enthusiasm is cooled, if not done away, when the minds of that class of men who are proper subjects for soldiers are poisoned by the high bounties which have been given and the knowledge of the distresses of the Army so generally diffused through every State, to suppose that our battalions can be completed by voluntary enlistment. The attempt is vain, and we are only deceiving ourselves and injuring the cause by making the experiment. There is no other effectual method to get men suddenly but that of classing the people and compelling each class to furnish a recruit.

AUTHORITY OF JEFFERSON.

Jefferson ought to be pretty good authority with a southern audience, and I recall his views on the subject. He did not think the draft was violative of our traditional policy, un-American, or unnecessary.

In a letter to Secretary of War Dearborn September 21, 1805, inclosing a proposed law for compulsory military service for the Army and Navy, he said:

Considering that the important thing is to keep the militia classes so that we may get at the young for a year's service at a time, and that training may be supplied after they are called out, I think we may give up every part of the bill which respects training and arming. Let us once get possession of the principle, and future Congresses will train and arm. In this way we get rid of all those enemies to the bill to whom different details would be objectionable. I send to you the bill thus modified, and I have thrown in a few words in the clause beginning with the words: "The junior class shall be liable," etc., in order that the law may execute itself without waiting for any legislature. Will you be so good as to communicate it to Gen. Varnum and Mr. Bidwell? The sooner the better.

In his annual message to Congress December 3, 1805, he said:

In the meantime, you will consider whether it would not be expedient for a state of peace as well as of war so to organise or class the militia as would enable us on any sudden emergency to call for the services of the younger portions, unencumbered with the old and those having families. Upward of 300,000 able-bodied men between the ages of 18 and 26 years, which the last census shows we may now count within our limits, will furnish a competent number for offense or defense in any point where they may be wanted, and will give time for raising regular forces after the necessity of them shall become certain; and the reducing to the early period of life all its active service can not but be desirable to our younger citizens of the present as well as future times, inasmuch as it engages to them in more advanced age a quiet and undisturbed repose in the bosom of their families. I can not then but earnestly recommend to your early consideration the expediency of so modifying our militia system, as by a separation of the more active part from that which is less so we may draw from it when necessary an efficient corps fit for real and active service, and to be called to it in regular rotation.

JEFFERSON URGED DRAFT.

On the 26th of February, 1810, explaining this part of his message, he wrote Gen. Kosciusko as follows:

Two measures have not been adopted which I pressed on Congress repeatedly at their meetings. The one to settle the whole ungranted territory of Orleans by donations of land to able-bodied young men, to be engaged and carried there at the public expense, who would constitute a force always ready on the spot to defend New Orleans. The other was to class the militia according to the years of their birth, and make all those from 20 to 25 liable to be trained and called into service at a moment's warning. This would have given us a force of 300,000 young men, prepared by proper training, for service in any part of the United States, while those who had passed through that period would remain at home, liable to be used in their own or adjacent States. These two measures would have completed what I deemed necessary for the entire security of our country. They would have given me, on my retirement from the Government of the Nation, the consolatory reflection that, having found, when I was called to it, not a single seaport town in a condition to repel a levy of contribution by a single privateer or pirate, I had left every harbor so prepared by works and gunboats as to be in a reasonable state of security against any probable attack; the territory of Orleans acquired and planted with an internal force sufficient for its protection; and the whole territory of the United States organized by such a classification of its male force as would give it the benefit of all its young population for active service, and that of middle and advanced age for stationary defense. But these measures will, I hope, be completed by my successors, who, to the purest principles of republican patriotism, adds a wisdom and foresight second to no man on earth.

JUSTICE MARSHALL'S OPINION.

Chief Justice Marshall, in the early case of McCulloch *v.* Maryland (4 Wheat., 316), laid down a canon of constitutional construction which has been followed by every distinguished judge since. In express terms he spoke of the solemnity of the duty he was performing in rendering the decision and with masterly ability he covered the whole subject from every angle. He said:

But we think the sound construction of the Constitution must allow to the National Legislature that discretion, with respect to the means by which the powers it confers are to be carried into execution, which will enable that body to perform the high duties assigned to it in the manner most beneficial to the people. Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adopted to that end, which are not prohibited, but consistent with the letter and spirit of the Constitution, are constitutional.

Following the logic of that decision, Congress having the power to declare war, to raise and support armies, provide and maintain a Navy, and to make all laws which shall be necessary and proper for carrying into execution these powers and all other powers vested by the Constitution in the Government of the United States, or in any department or officer thereof, wherein is there lacking the slightest element of constitutional power to do any and every thing essential to the preservation of our country's civilization and the liberties of our people?

In the first legal-tender case of Hepburn *v.* Griswold (8 Wall., 603) the court, although nullifying as unconstitutional an act of Congress, affirmed the principles laid down by Chief Justice Marshall, as they did in both the majority and minority opinions in the second legal-tender case of Knox *v.* Lee (12 Wall., 457), sustaining the same act of Congress, the court saying:

Even in Hepburn *v.* Griswold both the majority and minority of the court concurred in accepting the doctrines of McCulloch *v.* Maryland as sound expositions of the Constitution, though disagreeing in their application. With these rules of constitutional construction

before us, settled at an early period in the history of the Government, hitherto universally accepted, and not even doubted, we have a safe guide to a right decision of the questions before us.

In Juillard v. Greenman (110 U. S., 421) the court said:

A constitution establishing a frame of government, declaring fundamental principles and creating a national sovereignty, and intended to endure for ages and to be adapted to the various crises of human affairs, is not to be interpreted with the strictness of a private contract.

And, again:

Congress must possess the choice of means and must be empowered to use any means which are in fact conducive to the exercise of a power granted by the Constitution.

ALEXANDER HAMILTON'S VIEWS.

The authorities essential to the common defense are these: To raise armies; to build and equip fleets; to prescribe rules for the government of both; to direct their operations; to provide for their support. These powers ought to exist without limitation, because it is impossible to foresee or define the extent and variety of national exigencies or the correspondent extent and variety of the means which may be necessary to satisfy them. The circumstances that endanger the safety of nations are infinite, and for this reason no constitutional shackles can wisely be imposed on the power to which the care of it is committed. This power ought to be coextensive with all the possible combinations of such circumstances, and ought to be under the direction of the same councils which are appointed to preside over the common defense.

This is one of those truths which, to a correct and unprejudiced mind, carries its own evidence along with it, and may be obscured but can not be made plainer by argument or reasoning. It rests upon axioms as simple as they are universal; the means ought to be proportioned to the end; the persons from whose agency the attainment of any end is expected ought to possess the means by which it is to be attained.

Whether there ought to be a Federal Government intrusted with the care of the common defense is a question in the first instance open for discussion; but the moment it is decided in the affirmative it will follow that that Government ought to be clothed with all the powers requisite to complete execution of its trust, and unless it can be shown that the circumstances which may affect the public safety are reducible within certain determinate limits, unless the contrary of this position can be fairly and rationally disputed, it must be admitted as a necessary consequence that there can be no limitation of that authority which is to provide for the defense and protection of the community in any matter essential to its efficacy; that is, in any matter essential to the formation, direction, or support of the national forces. (The Federalist, No. 23, pp. 152, 153, edition of Central Law Journal Co., 1914.)

JAMES MADISON'S VIEWS.

Madison, discussing the same subject, said:

Is the power of declaring war necessary? No man will answer this question in the negative. It would be superfluous therefore to enter into a proof of the affirmative. The existing Confederation establishes this power in the most ample form.

Is the power of raising armies and equipping fleets necessary? This is involved in the foregoing power. It is involved in the power of self-defense.

But was it necessary to give an indefinite power of raising troops, as well as providing fleets, and of maintaining both in peace as well as in war?

The answer to these questions has been too far anticipated in another place to admit an extensive discussion of them in this place. The answer, indeed, seems to be so obvious and conclusive as scarcely to justify such a discussion in any place. With what color of propriety could the force necessary for defense be limited by those who can not limit the force of offense? If a Federal Constitution could chain the ambition or set bounds to the exertions of all other nations, then, indeed, it might prudently chain the discretion of its own Government and set bounds to the exertions for its own safety.

How could a readiness for war in time of peace be safely prohibited, unless we could prohibit, in like manner, the preparations and establishments of every hostile nation? The means of security can only be regulated by the means and the danger of attack. They will, in fact, be ever determined by these rules, and by no others. It is in vain to oppose constitutional barriers to the impulse of self-preservation. (The Federalist, No. 41, pp. 275, 276, edition of Central Law Journal Co., 1914.)

The Senator from Tennessee will say that that was in time of war. That is true. But the same arguments that were made against Washington's demands in war times were made against the selective-service law when we were precipitated into the World War. The arguments were just the same. I am citing it for the purpose of showing that this course is not violative of the traditions of our country, but is in line with the traditions of our country from Washington down to the present.

I do not know that the Senator from Tennessee [Mr. McKELLAR] indulged in any criticism of the Father of his Country, or whether he made any statements on the floor of the Senate that if we undertook to enforce the selective-service act there would be riot and bloodshed all over the country. Some Senators said that if they undertook to enforce it there would be riot and bloodshed. The cases in opposition to the draft were sporadic. It was perfectly remarkable the way the people supported and the young men of this country came under the terms of the selective-service law, and, as a rule, wherever there was opposition to the draft it happened to be in States the Senators or Representatives from which opposed the draft on the floor of Congress. I think that is generally true. But the American youth realized, when this act became a law, that they did owe a duty to their country, and there was not any disposition to make a protest against or to raise a riot about it. They came under its terms with magnificent gallantry and patriotism.

There was riot and bloodshed, however, at the time the draft act of the Civil War was undertaken to be put in force. The reasons for it were very different from those which existed at the time the selective-service act was passed. President Lincoln had a hard time quieting those riots, particularly in New York, where there were some persons killed and an immense amount of property destroyed. President Lincoln wrote a magnificent paper in support of the draft at that time, a part of which I am going to ask to have printed in the RECORD. It was written in his own handwriting, as is stated by Messrs. Nicolay and Hay in their Life of Lincoln, and they inserted it in that work. There was never an abler paper written in favor of the draft than that article by President Lincoln, and I ask to have part of it printed in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

"It is at all times proper that misunderstanding between the public and the public servant should be avoided, and this is far more important now than in times of peace and tranquillity. I therefore address you without searching for a precedent upon which to do so. Some of you are sincerely devoted to the republican institutions and territorial integrity of our country and yet are opposed to what is called the draft or conscription.

"At the beginning of the war, and ever since, a variety of motives, pressing some in one direction and some in the other, would be presented to the mind of each man physically fit for a soldier, upon the combined effect of which motives he would or would not voluntarily enter the service. Among these motives would be patriotism, political bias, ambition, personal courage, love of adventure, want of employment, and convenience, or the opposite of some of these. We already have and have had in the service, as appears, substantially all that can be obtained upon this voluntary weighing of motives. And yet we must somehow obtain more or relinquish the original object of the contest, together with all the blood and treasure already expended in the effort to secure it. To meet this necessity the law for the draft has been enacted. You who do not wish to be soldiers do not like this law. This is natural; nor does it imply want of patriotism. Nothing can be so just and necessary as to make us like it if it is disagreeable to us. We are prone, too, to find false arguments with which to excuse ourselves for opposing such disagreeable things. In this case those who desire the rebellion to succeed and others who seek reward in a different way are very active in accommodating us with this class of arguments. * * *

"The republican institutions and territorial integrity of our country can not be maintained without the further raising and supporting of armies. There can be no army without men. Men can be had only voluntarily or involuntarily. We have ceased to obtain them voluntarily, and to obtain them involuntarily is the draft—the conscription. If you dispute the fact and declare that men can still be had voluntarily in sufficient number, prove the assertion by yourselves volunteering in such numbers, and I shall gladly give up the draft. Or if not a sufficient number, but any one of you will volunteer, he for his single self will escape all the horrors of the draft and will thereby do only what each one of at least a million of his manly brethren have already done. Their toil and blood have been given as much for you as for themselves. Shall it all be lost rather than that you, too, will bear your part?

"I do not say that all who would avoid serving in the war are unpatriotic; but I do think every patriot should willingly take his chance under a law made with great care in order to secure entire fairness. This law was considered, discussed, modified, and amended by Congress at great length and with much labor, and was finally passed by both branches with a near approach to unanimity. At last it may not be exactly such as any one man out of Congress, or even in Congress, would have made it. It has been said, and I believe truly, that the Constitution itself is not altogether such as any one of its framers would have preferred. It was the joint work of all, and certainly the better that it was so.

* * * * * * *

"The principle of the draft, which simply is involuntary or enforced service, is not new. It has been practiced in all ages of the world. It was well known to the framers of our Constitution as one of the modes of raising armies at the time they placed in that instrument the provision that 'the Congress shall have power to raise and support armies.' It had been used just before, in establishing our independence, and it was also used under the Constitution in 1812. Wherein is the peculiar hardship now? Shall we shrink from the necessary means to maintain our free government, which our grandfathers employed to

establish it and our own fathers have already employed once to maintain it? Are we degenerate? Has the manhood of our race run out?

"Again, a law may be both constitutional and expedient, and yet may be administered in an unjust and unfair way. This law belongs to a class, which class is composed of those laws whose object is to distribute burthens or benefits on the principle of equality. No one of these laws can ever be practically administered with that exactness which can be conceived of in the mind. A tax law, the principle of which is that each owner shall pay in proportion to the value of his property, will be a dead letter if no one can be compelled to pay until it can be shown that every other one will pay in precisely the same proportion, according to value; nay, even it will be a dead letter if no one can be compelled to pay until it is certain that every other one will pay at all—even in unequal proportion. Again, the United States House of Representatives is constituted on the principle that each Member is sent by the same number of people that each other one is sent by; and yet, in practice, no two of the whole number, much less the whole number, are ever sent by precisely the same number of constituents. The districts can not be made precisely equal in population at first, and if they could they would become unequal in a single day, and much more so in the 10 years which the districts, once made, are to continue. They can not be remodeled every day; nor, without too much expense and labor, even every year.

"This sort of difficulty applies in full force to the practical administration of the draft law; in fact, the difficulty is greater in the case of the draft law. First, it starts with all the inequality of the congressional districts; but these are based on entire population, while the draft is based upon those only who are fit for soldiers, and such may not bear the same proportion to the whole in one district that they do in another. Again, the facts must be ascertained, and credit given, for the unequal numbers of soldiers which have already gone from the several districts. In all these points errors will occur in spite of the utmost fidelity. The Government is bound to administer the law with such an approach to exactness as is usual in analogous cases, and as entire good faith and fidelity will reach. If so great departures as to be inconsistent with such good faith and fidelity, or great departures occurring in any way, be pointed out, they shall be corrected, and any agent shown to have caused such departures intentionally shall be dismissed.

"With these views, and on these principles, I feel bound to tell you it is my purpose to see the draft law faithfully executed."

Mr. CHAMBERLAIN. I do not believe anyone can charge that the martyred President, that great tribune of the people, was a militarist, or that because he advocated the draft he favored Prussianizing America. I call attention to what he said about the draft to show that in his day and generation it was not considered as violative of our traditions to favor compulsory service.

Mr. President, I do not like to take up any more of the time of the Senate, but when this question of the training of the young men was up before the Military Affairs Committee there were a number of representatives of the American Legion before us, and amongst others there were Col. Hough and Col. Donovan, both officers from civil life, who served with peculiar gallantry in France. I am just going to ask to have inserted in the RECORD a part of what they said about the condition of the young men who went into the service insufficiently trained. God alone knows, Mr. President, how many young lives were sacrificed in this war because when they went over there they not only did not know how to shoot but did not know how to load a gun.

God alone knows how much money was spent because the young men over there not only went over untrained but went over unequipped to fight.

Col. Hough stated, in part:

When I am asked whether I am in favor of compulsory military training my answer to that is to cite what absolutely took place within my experience. When we went into the Argonne—and this is only one instance of many that might be cited—we received a number of replacements. My regiment was distributed in its formation with a battalion in front and a supporting battalion here and a battalion in the rear. Those replacements were assigned to my regiment in bulk, perhaps 300 of them. Under war conditions there was nothing I could do except to parcel them out to the various companies of the regiment. In doing so naturally a certain percentage of the replacements went into the front line. The companies that were in the front line took their quota of replacements and they went immediately into the front line. It was not until after that had been done that I learned that those men had not been in the United States uniform to exceed three weeks in the United States. They had been sent as casuals across the ocean attached to a replacement division and parceled out to combatant troops, and there they were, three weeks in a uniform, and not able even to load their own rifles. It was actually true that the corporals of the various squads in the front line had not only to teach the men how to shoot, but how to force a cartridge into the chambers of their rifles and fire a shot. That is the best instance I know of of an argument for some military preparation to protect our own United States.

Col. Donovan stated, in part:

I would like to say a word on the general question of military training. We have heard expressed frequently the advantage this would be so far as general Americanization is concerned. I think most of us may be agreed upon that, but eventually the purpose of such a bill as this is battle-field efficiency. Now, in getting that there are two things we must consider. The first is that if we are going to call men to go and fight for us it is our obligation as citizens to see that they have a fighting chance for their lives, and the men in this war did not have that chance, and in reading the report of the commander in chief it seems to me that on that point enough credit is not given our allies, the French, their officers and noncommissioned officers, in the training and inspiration they gave to us who commanded combat units there, because those men gave to our men in general instruction a fighting chance for their lives that our own country had denied them.

In substantiation of what Col. Hough has told you, I would like to cite a concrete example of the untrained condition of the men that came in. It was after the Battle of Corpoil. I think we left 50 per cent of the combat battalion there. After that fight I happened to be made a lieutenant colonel. I commanded a battalion there. They were sent to us as replacements, and I personally questioned each replacement sent to us. Ninety per cent of those men were untrained. Ninety per cent of those men had never opened the bolt of their rifles, they had never had on a gas mask. We were told we were going up into the St. Mihiel fight. I got these men before us and I said, "Men, here is what we are going to do; now, I want to give you a chance for your lives. You men who are old men, it will do you no good if you have men by the side of you who are untrained. So I am going to ask you to do this." We marched at night for the battle line. We started at 9 o'clock and would march until 5 o'clock in the morning, and then I would let those men sleep until noon, and then I started in training them, and except when they stopped to eat, we trained them until 9 o'clock at night, when we again started on the march. What does that mean? Let us take you men here, who are intelligent men. Say I am your sergeant in that fight. We are told to go out and take a machine-gun nest. Think what you would do. The first idea would be the idea of fear, that comes to every one of us, there is no use denying it. The next thought would be the gregarious instinct, men will huddle together like sheep, making the surest target for a machine gun. Now, if you were to put on uniforms, do you think that would change your character any?

That was the situation in this war. Those who saw the untrained men going up against machine guns realized the importance of training men beforehand. I think this bill will constitute a laboratory in which men will be trained who will be officers, who will be efficient and humanized. I think the fundamental defect of the A. E. F. was a lack of appreciation of the psychology of command and the art of leadership. What can you expect from men who have had no experience with a citizen soldier, no experience in leadership? What can you expect in the handling of men? Every officer who is worth his salt knows that the only reason for his existence is to look out for his men. But he does not get that by instruction. What we needed was not so much the discipline fire but the discipline of the heart. The American soldier would go any place if he were led, but he had to be led, and that is the kind of spirit we have in this country, and that is what must be done, and if you send your officers where they have contact with enlisted men, where they know the reaction of the citizen, he is going to make a darn sight better officer when it comes to a fight.

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Does the Senator yield to the Senator from Washington?

Mr. CHAMBERLAIN. I yield.

Mr. POINDEXTER. In that connection, I would like to cite a statement which has been furnished me from an authority on this subject, a well-informed military officer—and if the Senator has any information on the subject I will be glad to have his comments on it—in which he treats of certain controversies that occurred in the War Department just prior to the war and during the war in regard to the training of soldiers, and cites some reprimand which he states was given to Gen. Crowder because Gen. Crowder insisted upon pushing the training of the men; and in that connection he makes this statement, that the authorities of the Army sent the Three hundred and seventh Infantry and the Three hundred and eighth Infantry into battle with 2,100 men who had never fired a rifle. I call the Senator's attention to the fact that it is not a statement that they were merely sent to France without ever having fired a rifle, but they were sent into battle without ever having fired a rifle, and that they had never mastered the Infantry drill. These men, he said, were slaughtered like rats in a trap.

Mr. CHAMBERLAIN. There is testimony to corroborate that.

Mr. POINDEXTER. He specifies the regiment. It ought to be very easy to demonstrate if that statement is not true, because there is a record of the Three hundred and seventh and the Three hundred and eighth Regiments, and it can be easily ascertained if the statement is not correct.

Mr. CHAMBERLAIN. I do not know of any testimony with respect to those particular regiments, but there is testimony to sustain that general charge, and that is what I asked to have printed in the RECORD a while ago. Here is what Col. Hough says in a portion of his testimony. Col. Hough was a member of the One hundred and sixty-sixth Infantry, the Rainbow Division, which, as the Senator knows, was a very distinguished fighting organization. He says:

When I am asked whether I am in favor of compulsory military training my answer to that is to cite what absolutely took place within my experience.

I call the Senator's attention to that.

When we went into the Argonne—and this is only one instance of many that might be cited—we received a number of replacements.

That is, the troops who were called in to take the place of the young men who had been killed or else who had been withdrawn from the battle front because they were worn out.

My regiment was distributed in its formation with a battalion in front, and a supporting battalion here, and a battalion in the rear. Those replacements were assigned to my regiment in bulk, perhaps 300 of them. Under war conditions there was nothing I could do except to parcel them out to the various companies of the regiment. In doing so naturally a certain percentage of the replacements went into the front line. The companies that were in the front line took their quota of replacements and they went immediately into the front line. It was not until after that had been done that I learned that those men had not been in the United States uniform to exceed three weeks in the United States. They had been sent as casuals across the ocean attached to a replacement division and parceled out to combatant troops, and there they were, three weeks in a uniform, and not able even to load their own rifles. It was actually true that the corporals of the various squads in the front line had not only to teach the men how to shoot but how to force a cartridge into the chambers of their rifles and fire a shot.

That corroborates the statement which has come to the Senator. There is not any doubt about that. I venture to say that if the Senator would go into his own beautiful city of Spokane and into the high school, where there are boys from 18 to 21 years of age, select promiscuously a group of those young men, and take them out into the woods, they would not know how to load a gun; and yet young soldiers, according to Col. Hough, were put into the battle front who not only did not know how to shoot a gun but did not know how to put a cartridge into a gun. That was criminal, and Congress is measurably responsible for failing to provide in time of peace for training these young men.

Mr. POINDEXTER. Will the Senator pardon me for just a moment?

Mr. CHAMBERLAIN. Certainly.

Mr. POINDEXTER. Some time ago I received a letter from an expert rifleman in my section of the country complaining about the sights on the Army rifles at that time; he said they were impracticable, and that no man could shoot in a hurry and could use the sights at all; that the rear sight was too far from the eye, and the hole in the rear sight was too small. I submitted the matter to the Ordnance Service of the department; of course, they defended the Army rifle, but this is the interesting part of the correspondence: Much to my surprise the authorities of the War Department claimed at that time that they did not expect men in battle to shoot accurately, and they argued that it was not necessary to have a practicable sight on the guns. This was about four or five years ago. I may add—and it is quite interesting—that although they ridiculed the recommendation of this practical rifleman, through accident and through their own inefficiency, not having the proper kind of rifle, and being compelled to accept in part the rifle that was used in the British Army, finally in this war they adopted a rifle with the same sight that this practical rifleman had recommended.

Mr. CHAMBERLAIN. I am glad to have had the Senator from Washington add that. We went into the question a long while ago of the manufacture of guns, munitions, and ordnance, and I am not going to refer to it in what I have to say now. I simply call attention to the report of Gen. Pershing, which has just been printed, and which I think Senators can get in the document room. For the verification of all the statements that were made by the Military Affairs Committee early in 1918, that is all the testimony I care for.

Mr. President, there is nothing that will excuse the negligence of a country that fails to teach its young men their duty in time of war. This can be done here without cultivating a militaristic spirit. The only country in Europe that was not directly or indirectly seriously involved in the recent war was Switzerland, and Switzerland has had universal training for years in a more stringent form than we propose it here. The fact that Switzerland can in 24 hours literally call nearly a million men to the colors makes other nations hesitate very much before they will undertake to arouse that little Republic.

It is for the reason that I believe that America ought to train its young men in the use of the implements of war that I have always stood for universal military training, in order that when war does come, if it ever comes, we may call an army together without very much trouble.

I might discuss the effect of the calling together of young men from every section of the country and from every occupation in Americanizing and democratizing them. I heard of an instance over in France where a rich New Yorker was acting as chauffeur for a man who had been his chauffeur before the war. His chauffeur had become an officer and the millionaire was still a private, and yet they were discharging their duties faithfully. They had learned to do that under military discipline. There is not anything that brings men closer together and more completely Americanizes them and tends more to make democratic citizens of them than standing shoulder to shoulder in the duties which fall to a soldier's lot.

Mr. President, I am going to call attention to the decision of the Supreme Court in the case of "Selective draft-law cases," Two hundred and forty-fifth United States Reports, 366, sustaining the draft act. It knocks down some of the men of straw which some Senators have raised here in opposition to compulsory military training and service. I ask leave to print a portion of that decision in connection with my remarks.

The PRESIDING OFFICER. Without objection, permission is granted.

The matter referred to is as follows:

"As the mind can not conceive an army without the men to compose it, on the face of the Constitution the objection that it does not give power to provide for such men would seem to be too frivolous for further notice. It is said, however, that since under the Constitution as originally framed State citizenship was primary and United States citizenship but derivative and dependent thereon, therefore the power conferred upon Congress to raise armies was only coterminous with United States citizenship and could not be exerted so as to cause that citizenship to lose its dependent character and dominate State citizenship. But the proposition simply denies to Congress the power to raise armies which the Constitution gives. That power by the very terms of the Constitution, being delegated, is supreme. (Art. VI.) In truth the contention simply assails the wisdom of the framers of the Constitution in conferring authority on Congress and in not retaining it as it was under the Confederation in the several States. Further it is said the right to provide is not denied by calling for volunteer enlistments, but it does not and can not include the power to exact enforced military duty by the citizen. This, however, but challenges the existence of all power, for a governmental power which has no sanction to it and which therefore can only be exercised provided the citizen consents to its exertion is in no substantial sense a power. It is argued, however, that although this is abstractly true, it is not concretely so, because as compelled military service is repugnant to a free government and in conflict with all the great guaranties of the Constitution as to individual liberty, it must be assumed that the authority to raise armies was intended to be limited to the right to call an army into existence counting alone upon the willingness of the citizen to do his duty in time of public need; that is, in time of war. But the premise of this proposition is so devoid of foundation that it leaves not even a shadow of ground upon which to base the conclusion. Let us see if this is not at once demonstrable. It may not be doubted that the very conception of a just government and its duty to the citizen includes the reciprocal obligation of the citizen to render military service in case of need and the right to compel it. (Vattel, Law of Nations, Book III, chs. 1 and 2.) To do more than state the proposition is absolutely unnecessary in view of the practical illustration afforded by the almost universal legislation to that effect now in force. In England it is certain that before the Norman conquest the duty of the great militant body of the citizens was recognized and enforceable. (Blackstone, Book I, ch. 13.) It is unnecessary to follow the long controversy between Crown and Parliament as to the branch of the Government in which the power resided, since there never was any doubt that it somewhere resided. So also it is wholly unnecessary to explore the situation for the purpose of fixing the sources whence in England it came to be understood that the citizen or the force organized from the militia as such could not without their consent be compelled to render service in a foreign country, since there is no room to contend that such principle ever rested upon any challenge of the right of Parliament to impose compulsory duty upon the citizen to perform military duty wherever the public exigency exacted, whether at home or abroad. This is exemplified by the present English service act."

Mr. CHAMBERLAIN. The court then proceeds to consider the acts of the Colonies, the acts of the States under the Articles of Confederation, and the provisions of the Constitution, and concludes that Congress had power to pass the selective-service law, and the present act for compulsory military training is not obnoxious to that decision.

Mr. President, in conclusion let me say that, if universal compulsory military training is put in force under this bill, ample provision is made for the training of these young men, industrially and otherwise. It will constitute a school for them, so that they will not only be fitted for the duties of citizenship by the discipline through which they will have passed but they

will be fitted for the duties of industrial life by having their hands, their eyes, and their brains trained for particular branches of service.

Yesterday in what I had to say I mentioned Camp Holabird, in Baltimore, a camp which I myself have visited, where training is carried on in industrial and vocational pursuits. Young men are volunteering for enlistment in order to learn a trade there. They go there from every walk of life; and, although many of them have only common-school educations, they learn every part of an automobile, and when they leave that camp at the end of a year they can almost build an automobile, and every part of it. They are taught to handle the forge; they are taught to work at the anvil; they are taught to make things from diagrams and blue prints which they have never seen before or known anything about. I went through every department of that institution, and the officer in command assured me that these young men went out of the Army and secured positions in automobile factories throughout the United States at from forty to sixty dollars a week. Letters are coming into the camp asking for the services of the young men whenever they are discharged; and those who have not fitted themselves to do otherwise than act as chauffeurs go out and obtain excellent positions in that capacity.

Mr. President, in answer to the charge that politics is being played by some of us who are willing to compromise compulsory military training for voluntary training, permit me to say that, if we do not intend to compel all young men to learn the things that make for better citizenship in this country, we ought at least to give every young man who wants it a chance to learn, and to learn at the expense of the Government of the United States. My opinion is that the object lesson will be of such splendid advantage to the American people that all of the young men will ask that compulsory training become the vogue in this country. I hope that the Senate may see fit to enact the provisions of the amendment proposed by the Senator from New Jersey.

Mr. HARRIS. Mr. President, I offer an amendment, which I should like to have considered. Before the amendment is stated, however, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Beckham	Gerry	Lenroot	Smith, Ariz.
Borah	Glass	Lodge	Smoot
Brandegee	Gore	McCormick	Spencer
Calder	Hale	McCumber	Sterling
Capper	Harris	McKellar	Swanson
Chamberlain	Harrison	Norris	Townsend
Colt	Kellogg	Nugent	Trammell
Curtis	Kendrick	Phelan	Wadsworth
Dial	Kenyon	Poindexter	Warren
Dillingham	Keyes	Ransdell	
Frelinghuysen	Kirby	Sheppard	

The PRESIDING OFFICER. Forty-five Senators having answered to their names, a quorum of the Senate is present. The Secretary will call the list of absentees.

The Assistant Secretary called the names of the absent Senators, and Mr. HITCHCOCK and Mr. MCNARY answered to their names when called.

Mr. BALL, Mr. ELKINS, Mr. ASHURST, Mr. PITTMAN, and Mr. GAY entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty-two Senators having answered to their names, a quorum of the Senate is present. The amendment offered by the Senator from Georgia [Mr. HARRIS] will be stated.

The READING CLERK. On page 65, line 5, after the words "United States," it is proposed to insert "who have been citizens for at least 10 years." In lines 6 and 7, page 65, strike out the following words: "and all male persons who reside therein and who have declared their intention to become citizens." On page 65, line 19, after the word "months," strike out the period and insert: "and all applications to participate in training shall be submitted to the adjutant general of the State in which the applicant is a resident and forwarded to the War Department with the approval of the governor of said State."

Mr. SPENCER. Mr. President, I have endeavored to answer for myself three questions in connection with this subject of universal military training in order to enable me to make up my own mind as to what is the right thing to do in the matter.

I could wish that the title of "universal military training" had never been adopted, for to my mind the military features of the plan are far less important and far less extensive than are the essential educational elements of the plan.

The first question which I asked myself was whether or not the principle of universal training was right and whether its application was desirable.

When we think, as Americans, of the astounding fact that one out of every four of our soldiers in the last war was unable to write a letter home in English or to read an order written in English, and when we remember that there are in the United States five and a half million of people above school age who can not read or write in the English language, and that there are 3,000,000 in the United States who can not speak the English language or understand it when it is spoken, and that one of every three American boys called to the colors was rejected because of physical inability, the result is a strong determination to do anything that will promote the subject of general mental and physical education in the Nation.

So I have answered the first question to my own mind by definitely determining that any plan that has for its main purpose or as a large part of its purpose the education of young American manhood, mentally and physically, is a plan that is right in principle and is desirable to try.

The universal military training as contemplated in this bill provides that the young manhood of the Nation for four months shall, at Government expense, undergo an intensive form of training. The time of the year is optional with the young man. If his occupation is upon the farm, he may take that training at a time of the year when the duties of the farm are not arduous. If he is engaged in industrial life, he may take that four months of training at a time of the year when it is most convenient and imposes upon him the least burden. He has the option of taking it either in his eighteenth or his nineteenth or his twentieth year.

All of that is optional with the individual young man himself; but the great foundation of the plan is that there shall be brought together the young manhood of the Nation, and that when they are thus gathered at Government expense there shall be four months of intensive training—mental, physical, and in the principles for which the American flag stands.

I should like to take that training myself. I should like to have every one of my three boys take that training. It would be Plattsburg magnified. It would bring together the young manhood from every section of the country and from every walk of life, together with all the resulting democratic efficiency and understanding that would result from the men of every geographical section and every kind of occupation coming into close relationship with each other on terms of absolute equality. It would demonstrate upon a larger scale what the public schools are demonstrating every day. The military features of the plan are not absent. The lack of training of a soldier results in the needless sacrifices of war; and, as the Senator from New York [Mr. WADSWORTH] so ably represented the other day, in case of an emergency—and no man can tell when that emergency may arise—the four months of training might well be not only necessary for the Nation but absolutely necessary for the life of the soldier.

The general principle of universal military training—though I do not like the name; I would much prefer "universal training for American citizenship"; it would be truer in its application, it would arouse less misunderstanding, it would be in every way more desirable—but the principle itself has the merit of right in it and its application is desirable.

The second question I ask of myself is whether the plan itself, namely, four months of intensive training, is the best plan, and upon that I am not so clear. No one can tell what only four months of training will do. It is a problem; it is a venture. It may result in a mere accumulation of training soon to be forgotten, for it is not followed up. No one can tell whether four months are sufficient to really accomplish what the plan proposes. It is an experiment.

My mind leads rather to the advisability of the Swiss plan or to the Australian plan of universal military training. Those plans differ from the plan proposed in the pending bill in that they have no long period of intensive training, but they take the boyhood of Switzerland, commencing at the age of about 12, and in connection with his education they give him substantially the very same training that is intensively concentrated in four months of time under the present proposed plan. When the Swiss boy has had his training in school in his twelfth, thirteenth, fourteenth, and fifteenth years, then, if I remember rightly, in his sixteenth year he has a certain period of a few weeks when he has the intensive training which under this plan is provided for in a longer time and without any of the preliminary school education.

Mr. WADSWORTH. I think, if the Senator will permit me, he will find on examination of the Swiss law that a young man in Switzerland is called out annually for two or three or four years for maneuvers, two or three weeks at a time.

Mr. SPENCER. I think the Senator is quite right.

Mr. WADSWORTH. And he is a member of the citizen reserve army during a considerable period of time; and that is all the army they have. As a matter of fact, their only

regular army consists of officers who really do the guiding and teaching and training in the maneuvers. As a result they have a perfectly democratic army, composed of citizen soldiers, liable to service in time of war or to protect the nation; and that little country, with 400,000 men on its borders, maintained its neutrality in the midst of the greatest vortex that ever occurred in Europe.

Mr. SPENCER. I thank the Senator for the interruption. The facts are exactly as he presents them. The difference between the two plans is that in Switzerland the foundation of the plan is through the course of years. The Swiss boys, during the formative period of their lives, are gradually trained in citizenship. It is a part of their required education, and when they reach the age of young manhood, 16 years, if I remember rightly, then they have a period in camp of a few weeks, and the next year for a shorter period, and the third year for a still shorter, and then they go into the reserve, as the Senator from New York has stated, for an extended period, but subject to military duty only in case of national need. This provides the great illustration of a citizen army as the result of universal military training, and the plan is not dissimilar from that followed in Australia.

I am not clear but that such a plan is better than the plan proposed in the pending bill. The difficulty with the Swiss plan in the United States is our great extent of territory, the difficulty of applying it in the thinly settled portions of the United States, and the difficulty of the added cost of transportation, none of which difficulties are present in Switzerland.

So when I come to answer the second question, as to whether the plan proposed by the bill is the best plan, I have not been able to satisfy myself. I do know that the principle of this bill is worth a trial. I do know that the principle for which it stands is right. I do know that it is absolutely essential for the preservation of our country that some such plan as this should be put into operation.

That leads me to the third question, which I ask myself, and that is, What ought to be done at this time in connection with the matter? If the principle is right, by all odds the principle ought to be conserved and not defeated. If it is uncertain whether the proposed plan of carrying out this general principle is the best, then the plan ought to be tried to determine whether it is the best plan or not, and in a trial of it there is no need of making it compulsory. It can be tried by voluntary enlistment as well as it can by universal compulsion. The plan is as capable of demonstration with 50,000 American young men who may voluntarily elect to try it as it is with 500,000 who are compelled to try it, and everyone would probably agree that 50,000 men would volunteer; and the principle could be just as well demonstrated as if the compulsory feature of the bill were included at the start, though such compulsion would undoubtedly produce a larger number of students.

Then there is a question in my mind as to how wise it is to introduce the feature of compulsion, even if the plan is wise in principle, when a great part of the public opinion of the country is adverse to such compulsion. I do not care so much whether that opposition arises from a mistaken impression or whether it arises from an intelligent conviction upon the actual merits of the case. The point is that in a nation ruled by public opinion there must be a certain amount of deference to the opinion of the people of the nation in introducing any plan.

It is always unwise, unless absolutely necessary, to compel by law what the sentiment of the nation does not generally approve.

The sentiment of the American people inevitably turns to what is right when they fully understand the matter, and the process of education and discussion is safer in a Republic than the process of compulsion.

Mr. HARRISON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Mississippi?

Mr. SPENCER. Certainly.

Mr. HARRISON. The Senator has changed his position, then, on that proposition quite recently.

Mr. SPENCER. There is no change on my part.

Mr. HARRISON. The Senator is a member of the Committee on Military Affairs of the Senate.

Mr. SPENCER. Not of the subcommittee. I am a member of the committee.

Mr. HARRISON. The Senator voted in the committee to report out the bill?

Mr. SPENCER. I voted to report the bill.

Mr. HARRISON. That was only a few days ago.

Mr. SPENCER. It was some weeks ago, but the time is immaterial.

Mr. HARRISON. Does not the Senator think if he entertained those views at that time, they should control his vote at this time?

Mr. SPENCER. Perhaps so; but if I am right now—I am sure the Senator will agree with me—he and I both ought to now vote as we believe.

Mr. HARRISON. I agree with the Senator fully. But what is it that has come up that causes the Senator to change his views?

Mr. SPENCER. I can tell the Senator, and I can tell him frankly. The principle of the bill, which is at the foundation of the whole thing, I had no doubt about in the committee. I have no doubt about it now upon the floor of the Senate. When the bill was before the committee there was no doubt about the right of the principle. Then there was a discussion and a doubt expressed as to whether the proposed plan was the wisest plan for carrying out that principle, and whether the financial burden was greater than ought to be put upon the country now, and whether the public opinion in regard to that question ought not to be considered. All of those questions were in my mind then, and I resolved in favor of bringing the bill to the Senate for its consideration, and I would do the same thing again under the same circumstances. The principle of universal training ought to be considered by the Senate. Whether it is brought before the Senate as a compulsory measure or as a voluntary measure does not matter so much. In either event the principle was bound to be discussed, as it has been, and the judgment of the majority recorded. If a majority of the committee had been in favor of voluntary training, I would have voted to report that plan to the Senate. What I wanted was that the principle of universal training should be considered.

Mr. HARRISON. If the Senator will permit me, I understand when he voted in the Committee on Military Affairs upon the question of compulsory military service he was of the opinion that the sentiment of the country was for it.

Mr. SPENCER. The Senator is mistaken.

Mr. HARRISON. The Senator then thought that the sentiment of the country was in favor of compulsory military training?

Mr. SPENCER. I thought the sentiment of the country then was just what I think it is now—greatly divided upon the question.

Mr. HARRISON. I understand the Senator to say now that in the event a Senator casts his vote, he should at least consult the sentiment of the country.

Mr. SPENCER. I think so.

Mr. HARRISON. The sentiment of the country being against it, he is willing now to abandon his position with reference to compulsory military training and adopt voluntary military training.

Mr. SPENCER. I did not say in committee, nor do I say now, that the sentiment of the country is against it. I say the sentiment of the country is divided upon the question. Much of the opposition comes from a misunderstanding of the provisions of the measure. Some of the opposition comes from a conviction that it is wrong.

Mr. HARRISON. Why has the Senator changed his views now from what they were when he voted in the Committee on Military Affairs for compulsory military service, as did the other members on the majority side?

Mr. SPENCER. I suffer in my inability to make the Senator from Mississippi understand that I have not changed my views, that I stand on the principle of universal training to-day precisely where I did when I voted to report the bill out to the Senate.

Mr. WADSWORTH. May I state to the Senator from Mississippi that the sentiments expressed by the Senator from Missouri a few moments ago are exactly the sentiments which he expressed in the committee? There has been no change whatsoever.

Mr. HARRISON. There has been a change in the vote that he is going to cast now from the vote which he cast in the Committee on Military Affairs, and there is a change on the part of other members of the committee on the majority side.

Mr. WADSWORTH. The trouble with the Senator from Mississippi is that he does not know the attitude of the Senator from Missouri in the committee. The Senator from Missouri did not promise in the committee to vote for the bill.

Mr. HARRISON. That is why I asked the question, but the Senator from Mississippi does know that certain members of the Committee on Military Affairs brought in a bill providing for compulsory military service, and most of them, if not all of them, have changed their views, and are trying to put it through

the Senate, but have abandoned compulsory military service for voluntary military training.

Mr. WADSWORTH. I beg the Senator not to say "all."

Mr. HARRISON. I should state perhaps all with the exception of the Senator from New York.

Mr. SPENCER. I am wondering at the keenness and the anxiety of my friend, the distinguished Senator from Mississippi, to inquire into the reason why a Senator did this or that. I would rather consider that the question into which he should inquire is what is the right thing to do when we are brought to a consideration of the bill itself. If I thought I was wrong in the committee, I would not hesitate to change upon the floor of the Senate, and neither would the Senator from Mississippi, for his fearlessness is well known, but there is no occasion to make any change. The fact of the case is that there was a great principle of universal training before the committee. When they came to the application of that principle the method by which it might best be tried out was not so clear.

We now come to the amendment proposed by the Senator from New Jersey [Mr. FRELINGHUYSEN], and I answer the third question that I proposed to myself as to what is the right thing for the Senate now to do, by determining to make a fair trial of universal training along the lines of voluntary rather than compulsory enlistment.

The principle can be thoroughly demonstrated by the plan of voluntary enlistment as to whether it is good or as to whether it is bad. If the plan proposed by the amendment of the Senator from New Jersey is tried out, what will result?

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. SPENCER. Certainly.

Mr. McKELLAR. The amendments offered by the Senator from New Jersey [Mr. FRELINGHUYSEN] are the pending amendments, and we want to vote intelligently upon them. They were just submitted to most of us yesterday. The question I wanted to ask was, How much is it going to cost? That is a very important matter, as the Senator knows. I know the Senator's great interest in such matters, as to the means of getting the money to run the Government properly. The question of the cost is a matter that we all should consider. What will it cost if adopted? I have no knowledge, and I would like to have some information.

Mr. SPENCER. I wish I could tell the Senator from Tennessee. I can give him this as an approximate estimate which has been carefully computed, and which I myself believe to be substantially correct, that it will cost about $283 a man. How many will try the training under a volunteer system I do not know. The plan could be demonstrated if in this bill we limited the number of those who would be accepted under a voluntary plan to 100,000 or 200,000, and then the cost would be a mere matter of mathematical calculation, in which the Senator is so quick and so accurate.

Mr. McKELLAR. Mr. President, does the Senator think that it would be very wise to limit it so that we would know how much money to appropriate to carry it out? We surely are not going to continue the war-time process of appropriating a lump sum to carry out the projects in such manner as the War Department may determine. We ought to have some figures, and, as I understand the Senator, the only way we can get the figures accurately is to determine how many men we are going to permit to come in under the voluntary scheme, and figure on the basis of the cost of each man.

Mr. SPENCER. That is a detail, Mr. President, which it seems to me should interpose no serious obstacle. Anyone knows that there will not be more than 200,000 who will volunteer. Anyone knows that there will probably be at least 50,000 who will volunteer, and either figure is quite within the possibility of easy computation, and neither figure is excessive, as regards cost, and is negligible in comparison with the benefits.

Mr. SMITH of Arizona. I would like to ask the Senator on what he bases the certainty of 50,000 enlistments under the bill?

Mr. SPENCER. I can only base it upon the general common sense of the situation, as to which the Senator is far better qualified than myself to give a guess. I arrived at it by thinking, first, of my own home city, and then the country towns with which I am acquainted, and then the State, and I think I could easily see that from Missouri there would come all the way from 2,500 to 4,000 men to try it. It would depend a good deal on whether the American Legion got back of it. If the American Legion got back of the voluntary plan, the enlistments would be larger.

Mr. SMITH of Arizona. I was asking for information. I have a very serious doubt myself of any definite number we could rely on to enter, with nothing on earth offered those who do enter except the limited service, under the rules laid down in the ordinary Army discipline. If the Senator will just permit me, I wish to throw out a suggestion as to whether we could not meet this better somewhat along the line of the suggestion of the Senator from Minnesota [Mr. NELSON] the other day. Suppose we had a hundred thousand volunteers for one year's service, and with that voluntary service we had the additional feature of an education, and give these hundred thousand men the chance for an education, and have lectures on patriotism and the duty of the soldier and the citizen to his country, giving one year of actual war service. For three or four hours a day give not only an opportunity for an education but compulsory education, and let no man over 21 years of age enlist, and at the end of 10 years we would have ten hundred thousand, and the oldest one would not be over 30 years of age—regularly trained and equipped soldiers. I doubt whether it would cost as much as the present bill will cost. Along that line only can I see any way of inducing an American boy with ambition to enter the Army under the provisions of a voluntary system.

Mr. SPENCER. The mathematics of the Senator from Arizona are unanswerable, and there is a great deal of merit in the plan. The difficulty is not as to whether we would not have a million trained men under 30 years of age if a hundred thousand enlisted every year for 10 years, but the difficulty comes in the fact that at this very day we have the provision for the enlistment for a year, and we can not get the men to enlist.

Mr. SMITH of Arizona. But you have nothing in the world to offer except the service they will give.

Mr. WADSWORTH. Oh, yes, we have.

Mr. SMITH of Arizona. I will be glad to be interrupted by the Senator from New York. I think we all recognize the necessity not only of soldiers as trained men but we recognize the necessity also of some inducement above mere service as a private in the Regular Army.

Mr. SPENCER. We have it to-day. But, Mr. President, I yield to the Senator from New York.

Mr. WADSWORTH. I think the Senator forgets that three years ago we put into the national-defense act, as I recollect, the provision for vocational education in the Army, and every soldier who enlists in the Regular Army to-day has a right to receive extra instruction in any trade that is carried on the list or the curriculum of the Army, and the number of trades must be 40 or 50. The schools are being conducted to-day at every Army post and every cantonment. I have been to one of them myself, and I have seen hundreds of young men learning how to repair, and in fact to build the minor parts, at least, of every part of an automobile or a truck. When those men went on furlough last Christmas for five days, or a week perhaps, to the city of Baltimore, as their Christmas vacation from the Army, they hired out in local garages for $8 a day, as a result of the benefits which they had received while serving as soldiers in the Motor Transport Corps. The whole Army is building up that system, and to-day, may I say to the Senator from Arizona, any soldier who enlists in the Army for one year or for three years—there being two periods of enlistment at the present time—can have that training.

Mr. SMITH of Arizona. I know that, and that is a most commendable feature which characterizes the Regular Army to-day. But the Senator mistakes my point. Take the boys from the mountains, or the country boys, who have no advantages and no money. They need the rudiments of a regular education. They need lectures by competent men. If this camp of 100,000 citizen soldiers should be made a school, not for education in the arts or in mechanics, but in the books of the world, in the patriotism of our country, in the elevation of their manhood, their devotion to the flag, as a part of the curriculum, and let those 100,000 boys come out and take the additional education of which the Senator from New York speaks, would we not have, at the end of 10 or 15 years, probably, the most patriotic and the best-educated men ready for service any country ever had in the annals of all time?

My idea is that if we could organize our Army along that line and have the inducement of one year of good schools, with the expenses of the soldier paid, his clothes furnished, his money paid him as a soldier, and, in addition to that, knowing that he will be free in a year, with the addition of the education, it would be a temptation in the minds of these boys, unable to be otherwise educated, to take advantage of this service; and it would inure not only to the uplifting of the personnel of the Army, but of the citizenship of America.

Mr. SPENCER. That is precisely what they have to-day; but the enlistments do not come.

Mr. WADSWORTH. May I ask the Senator to listen for a moment while I read the language of the bill? I am quite sure the Senator's interest in it has caused him to read it, but I

know there are a good many Senators here who have not read this bill at all.

Mr. SMITH of Arizona. I have not paid as much attention to it as I would have done if I had had more time.

Mr. WADSWORTH. For instance, section 52, headed "Classes of training," reads as follows:

> The military training and any preparatory education therefor required by this act shall be such as may be prescribed by regulation, and shall include general educational training and vocational training in appropriate trades which may be necessary in war and useful in peace, scientific agriculture, physical training, instruction in hygiene, instruction in American history, principles and forms of government, and such other instruction and training as may be adapted to qualify those receiving it for the performance of their duties,

And so forth.

Mr. SMITH of Arizona. If I am not intruding too much on the time of the Senator from Missouri, may I ask the Senator from New York what good that will do under this voluntary system?

Mr. WADSWORTH. Of course, I am in favor of the compulsory system.

Mr. SMITH of Arizona. I know; and in your view it is reasonable, but in view of a voluntary system may I ask the Senator what good it will do?

Mr. WADSWORTH. I can tell the Senator what good it will do. Will the Senator from Missouri forgive me for taking his time?

Mr. SPENCER. I yield to the Senator.

Mr. WADSWORTH. It is this part of it in which I am just as deeply interested as in the purely military part. To-day the Army is carrying on a recruit educational center at Camp Upton, where men who enlist in the Regular Army and who can not read or write English at all are sent, and those who can read or write so little that they are fearfully handicapped are also sent there.

Last winter there were about 600 men in that so-called recruit battalion there. They sent a platoon down here to Washington of 28 men last winter, and the War Department was courteous enough to inform the Military Affairs Committees of the Senate and the House that the platoon would give an exhibition drill out here on the plaza. Perhaps the Senator and other Senators will recollect that I announced it on the floor of the Senate and begged Senators to go out there and see the exhibition. Unfortunately only three of us went. I wish all 96 had gone. There were 28 men in that platoon. Three months before they were here not one of them could read or write the English language. The day they were here every one of them could read and write the English language. I read the letters which they had written to their families and friends in English. I talked with them. I went in the ranks when they opened ranks after they had given a remarkably proficient drill. Their close-order drill was better than anything I had ever seen.

Mr. SMITH of Arizona. How long had they been in the service?

Mr. WADSWORTH. Only three months. They had volunteered to go into the Regular Army. I talked with those men and asked them about their personal experiences, and perhaps the Senate will forgive me if I tell the Senate about some of them.

The first man I talked to was a Persian, who had fought for 18 months in the Russian Army in the Caucasus, back in 1915, in the great European War. How he ever reached this country, poor boy, I do not know; but he arrived here absolutely helpless, so far as knowing our language or literature was concerned. I had a talk with him and he talked with me intelligently in English. I asked him how he got his meals when he was traveling around, and with perfect confidence he told me, "I ordered them from the menu cards in the dining car"; and that boy could not have spoken a word of English three months before.

The next man I talked to was an Italian. I asked him how long he had been in this country and he said nine years. I asked him, "Is it true that you could not speak English three months ago?" He said that it was. I asked him, "How is it that you stayed in this country over eight years and never learned?" He said, "I lived amongst my Italian-American people. It never was apparently necessary for me to learn the English language and I never learned it. I suddenly realized that I was hopelessly handicapped, and I heard about this thing, and went into the service, and I can speak English."

Mr. SMITH of Arizona. I rather regret, if the Senator will pardon me a moment, that every man in the Senate did not serve in some army, if he could have learned the English language there in three months. Some of us attended college for four or five years and did not learn it.

Mr. WADSWORTH. These men could all speak English. Of course, I will not say they spoke it without a foreign accent, for they spoke broken English, but they could speak it intelligently and they could read it intelligently.

The next man to whom I spoke was a Dane. He was a native, Mr. President, of the Province of Schleswig-Holstein, which was until the end of the war a part of the German Empire. During the war, as late as 1916, he had been in the German Army as a member of the Prussian Guards, but he had not much sympathy with the Germans because he was really a Dane. He got out of the German Army somehow or other, reached this country, and enlisted in our Army. He was delighted with the treatment that he was getting, and he spoke English very creditably. He rather amused me when I asked him how it was that he could learn so quickly when he said "I have a good brain."

There were Czecho-Slovaks, there were Poles, there were Greeks, there were Persians, and there were Danes; the representatives of 14 different nations in that one platoon of 28 men.

I merely cite this to show what the vocational training and educational side of military service can amount to. None of those men, coming to this country beyond the school age of our several States, could have had a really effective chance to acquire the education which the Army has given them. Of course, they have enlisted for three years, but that is what had happened during the first three months, and that was done in addition to teaching them the military side.

Mr. SMITH of Arizona. Mr. President——

Mr. WADSWORTH. May I interrupt further merely to say that before these men came here to Washington every one of them had been naturalized as citizens of the United States, and they were the proudest lot of men I ever saw?

Mr. SMITH of Arizona. That is a very commendable and a very hopeful statement. As I understand the Senator, the men he has named had been foreigners and were enlisted in the Army for three years. I am speaking of giving some inducement to the enlistment in the Army of the American-born boy who has had no great opportunity for educational advancement.

Mr. SMOOT. Will the Senator yield to me?

Mr. SMITH of Arizona. Yes.

Mr. SMOOT. In answer to that suggestion, I wish to call attention to the fact that Col. Reese was before the Joint Committee on Printing this morning, and, if I am not mistaken, he said that to-day there are over 50,000 soldiers in the United States Army who were taking vocational training; and I think over 20 different trades are being taught to-day in the Army vocational schools.

Mr. SMITH of Arizona. I am gratified, and I know every Senator here is gratified, to learn what the Senator from Utah and other Senators have stated. They have not reached the point at which I was particularly aiming; but, begging the pardon of the Senator from Missouri for having interrupted his very interesting speech, I shall not longer keep him off the floor.

Mr. SPENCER. Mr. President, I only wish to add that the American people want what is best in universal training. The difference is not so much a difference upon principle as it is an uncertainty as to what is the best plan. Therefore, if the principle, which is unquestioned, can be tried without compulsion, it is the wiser plan to try it with a voluntary body. If it works, at the end of the first year the 50,000 volunteers who will try the four months' training will, every one of them, be an apostle of the plan, and their parents and their communities will understand it. The next year will show the result of their experience; and the voluntary plan, if it works out along the lines of merit which it possesses, will soon by itself develop into a plan that will comprise the great part of the young manhood of the United States.

Mr. FRELINGHUYSEN. Mr. President, I should like to express the hope that we may secure a vote upon the pending amendment within a few moments, if there is no other Senator who desires to speak. I am called out of town on a very important matter at 3 o'clock and am very desirous of having my vote recorded, and particularly being here to support my own amendment.

Mr. McKELLAR. Mr. President, I shall detain the Senate for but a moment, and I should not do so at all at this time but for the unexpected attack which was made upon me this morning by the distinguished senior Senator from Oregon [Mr. CHAMBERLAIN]. There was not a word in anything that I had said that in the slightest degree, as it seemed to me, provoked such an attack. I had not mentioned the name of the Senator from Oregon, and had not thought of him in connection with what I said. The Senator from Oregon is an able and conscientious Member of this body and is usually most conservative. His statements about me are indeed inexplicable.

The Senator from Oregon undertook to show what I advocated four or five years ago, when I was in the other House, was in some way a reflection upon my present attitude, and he quoted from some remarks that I made at that time to prove it. I have since looked at those remarks—of course, I did not recall what I then said, but upon looking up the RECORD, I find

that they are precisely what I say now, and what I stand for now. I was not in the remotest sense a pacifist then, and I am not in the remotest sense a pacifist now, in the sense the Senator uses that term.

At that time the question before the Congress was whether we should adopt a bill, prepared in large part by the senior Senator from Oregon, which was known as the compulsory military training bill, and which is substantially the bill that we now have, except that the pending bill is a little more comprehensive and involves considerably more expense. That bill provided for compulsory military service, and the bill now here is largely patterned after it. I was opposed to that bill when it was advocated before the Senate by the Senator from Oregon then just exactly as I am opposed to the compulsory military training bill which is now advocated by the distinguished Senator from New York [Mr. WADSWORTH].

Certain extracts from my speech were quoted by the Senator from Oregon, and in order that there may not be any misunderstanding about the record, I desire to quote precisely what I said at that time. There is not a particle of difference between the position which I then took and the position which I now take; my opposition to compulsory military training was precisely then as it is now. I said at that time:

The Hay bill—

And, by the way, before I read from the RECORD the extract, which is very short, I desire to say that the two measures before the Congress at that time were the Chamberlain bill, providing for compulsory military service, and the Hay bill, which largely increased the Army and provided for its increase by expanding and enlarging the National Guard of the several States. Those two measures, presented as preparedness measures, were fought over just as the pending proposal is being fought over. The advocates of the Hay plan, among whom I was, believed at that time that the Hay bill was a better preparedness measure than the Chamberlain bill; and the advocates of the Hay bill won. We won then just as we are going to win now. It has been demonstrated that that bill, known as the national-defense act of 1916, was a more effective measure than the one which we defeated. Why do I say that? Because we fought the war under the terms of the national-defense act of 1916 and won it, and the very best test of a measure is what is done under it. I do not want to swap our system under which we won for the German system, which we defeated and which Germany has agreed with all the great nations of the earth never to restore. If it is bad for Germany, and in my judgment it was responsible for her downfall, it will prove bad for us. I am for an American military system and not a Prussian system, as this is. The United States never made such a record as its Army made operating under the act of 1916. The conscription act of May 18, 1917, elaborated the national-defense act and added the necessary war powers. I now read from the RECORD what I said on the occasion referred to:

The Hay bill will mean an increase in our Regular Army of nearly 100 per cent and over 200 per cent in the National Guard. It will be by far the cheapest and best way of defending our country, and it will be utilizing units and organizations that already exist. It will not be an untried scheme. The Chamberlain bill is a long step toward militarism. The Hay bill is a democratic measure, and one strictly in accord with our Constitution, our history, the genius of our institutions, and democratic policies.

The Regular Army officers, who it is claimed are behind the Chamberlain bill, as I noticed from the debate in the Senate, printed in the RECORD, naturally do not want the National Guard used in our system—

By the way, I stop here long enough to interpolate that those officers are against the National Guard, and its absolute destruction is provided for in this bill by providing an entirely different system, and one along the lines of the continental army under the so-called Chamberlain bill. The Regular Army officers—

naturally do not want the National Guard used in our system because it does not, in the first place, mean rapid promotion for them; and, in the second place, they naturally want to build up as large a standing army as possible. Of course, I do not blame them. They are to be commended for wanting to make the Army effective. I feel quite sure that the continental army can not be recruited, and if not recruited then it is hoped to come back before another Congress and have some sort of compulsory military-service bill passed. Of course, I am opposed to universal compulsory military service, and I am opposed to a large standing army in times of peace. I do not blame these Army officers. It is natural that they should want to make larger the Regular Establishment. But the duty of Congress is to consider only the best interests of the country.

Those were my views then; they are my views now. The additional scheme of voluntary service is proposed. Why? Of course, because it is hoped that eventually there can be engrafted on it the conscript system. That is the desire behind it; it is a step in that direction.

My position is exactly the same to-day as it was then. I have been in favor of a proper national defense at all times; I am in favor of it to-day. I believe in building up our military schools all over the land. It has been a great mistake that we have not devoted more money and more attention to educating the young men of this country in schools where they can be properly trained to become officers, because officers are quite as necessary in time of war as are the men themselves. We should build up our National Guard; we should build up our defense in every proper way. I am not one of those who believe in pacifism, but I believe in a reasonable and democratic defense, and not a Prussianized militarism, as is proposed by this bill. This is all I have to say.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. STERLING in the chair). The absence of a quorum being suggested, the Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Dillingham	Lenroot	Poindexter
Beckham	Elkins	Lodge	Pomerene
Borah	Frelinghuysen	McCormick	Sheppard
Brandegee	Gay	McCumber	Simmons
Calder	Gore	McKellar	Smith, Ariz.
Capper	Harris	McNary	Smoot
Chamberlain	Harrison	Nelson	Spencer
Colt	Hitchcock	New	Sterling
Culberson	Jones, Wash.	Norris	Swanson
Cummins	Kellogg	Nugent	Trammell
Curtis	Kenyon	Page	Wadsworth
Dial	Kirby	Phipps	

The PRESIDENT pro tempore. Forty-seven Senators have answered to their names. There is not a quorum present. The Secretary will call the names of the absentees.

The Reading Clerk called the names of the absent Senators, and Mr. GERRY, Mr. MYERS, Mr. PHELAN, Mr. TOWNSEND, Mr. WARREN, and Mr. WATSON answered to their names when called.

Mr. HALE and Mr. KEYES entered the Chamber and answered to their names.

Mr. GERRY. The Senator from Alabama [Mr. COMER], the Senator from Wyoming [Mr. KENDRICK], the Senator from Nevada [Mr. PITTMAN], and the Senator from Louisiana [Mr. RANSDELL] are absent on official business.

The PRESIDENT pro tempore. Fifty-five Senators have answered to their names. There is a quorum present.

Mr. BRANDEGEE. Mr. President, I have had nothing to say on this question of compulsory military training, and before the vote is taken I desire to speak for two or three minutes on that subject.

Long ago I made up my mind that if this country expected to be prepared to defend itself there was but one course to pursue, and that was to have our citizens so trained in the rudiments of military service as that when they were called upon to enter into active military operations they would have at least a basis of military knowledge laid. I have not changed that opinion. I pretend to no expert military knowledge on the question. The whole matter, in my mind, is based upon common sense, or my conception of what common sense is.

It seems to me a pitiable thing that after so recent an illustration as this country has had of the folly, the criminal futility, the tremendous expense, and the horrible loss of life entailed by the doctrine of pacifism, by the theory that the best way to protect the country is to make no preparation for its defense, within two years there should appear to be a sentiment in the country in favor of lapsing back into the condition in which we have always been, and laying ourselves liable to future panic and possible disaster.

I have listened to the remarks of the Senator from Missouri [Mr. SPENCER], who says that he joined in the report of this bill to compel the young men of the country to enter these training camps and to acquire this necessary military knowledge; and, having done so, he states that he thinks public opinion ought to be deferred to, and therefore he is not in favor of compulsory military training, but he is in favor of trying what he calls the principle. I suppose he means the principle of voluntary military training.

There is no principle to try out about military training. That principle has been tried, if it ever needed any trial, repeatedly. It is just like everything else. Nobody can be efficient in anything unless he has studied the question.

No man can make a good soldier, no country can rely upon a soldier, who does not know anything about his business. There is not any principle to be tried about that. The only principle to be tried is the principle of whether you will compel men to be prepared or whether you will allow them to decide, as individuals, in the opinion of each individual, whether he wants to prepare or not.

As I say, the question of allowing individual men themselves to decide whether or not the country shall be adequately de-

fended seems to me to be preposterous. This Government has a right to exist. The Government has a right to prescribe such policies as will perpetuate its own safety and existence. In the matter of ordinary mental equipment, in the matter of what a man shall know in order to be allowed to vote, in the matter of what a man shall know in order to be allowed to live in this country at all, we do not submit those questions to the individuals of the country. Every State compels its citizens to go to school, to be educated. I believe in that theory, and I believe it is a correct theory. I believe that in a great democracy the Government has a right to say that each citizen owes it as a duty to the State to be an intelligent citizen, and I believe that the Government ought to prescribe compulsory attendance upon schools. That is the only way to be educated. That is the only way to make democracy safe for us and for this Government.

The only way to make this country safe against attacking nations is to have the people able successfully to repel aggression upon us. It is foolish, in my opinion, to leave that question to the decision of each individual. What principle is there to be determined by experiment again as to whether it is better to have your soldiers trained when they go into battle or not? Did not the camp at Plattsburg demonstrate that its graduates made better soldiers than those who, as the Senator from Oregon showed this morning, were thrown into the front battle line without knowing how to put a cartridge into the chamber of their rifles? I hope we do not need now, after all this experience, to go back to establish the principle of whether it is better to be ignorant or intelligent. There is only one question at issue and that is whether the people of this country owe a duty to the country, and if they do, they ought to be compelled to perform it.

There are a great many features of this thing which seem to me to be pertinent and ought to be touched upon. I have no desire to weary the Senate or attempt to instruct those who are probably better informed about this matter than I am. I simply want to go on record as expressing my own view.

It is said that the country will not need any more men qualified to defend themselves or the country, because we have just disbanded a great Army, to a certain extent a veteran Army, and hence qualified to go into battle. The whole of that Army was not a veteran Army. The whole of it did not see actual military service in battle abroad. A good portion of it never got abroad at all. But having been drafted into the service of the country and performed their duty, assuming that they are fairly well qualified to be drawn again into the service of the United States in case of emergency, what then? Is it true that the country wants to take the position that those who have once stood upon the firing line ready to render the supreme sacrifice for their country, if necessary, are the only ones to be called upon to do it again? Is it true that those who have borne the burden and heat of the day are the only ones who are to be compelled to do it again and that those who come to military age hereafter are only to be trained and competent to perform that duty in case each individual thinks he wants to perform it?

Mr. CHAMBERLAIN. May I interrupt the Senator?

Mr. BRANDEGEE. Certainly.

Mr. CHAMBERLAIN. It is the contention of some that the training of these young men is wholly unnecessary now because we have an Army of 4,000,000 trained men who have just been serving in the World War. But the question is whether it would be fair to call on those men in case of trouble and ask them to make the second sacrifice for their country.

Mr. BRANDEGEE. We have already drafted an immense army of over 4,000,000 men into the service, and we would have to draft them again. Of course, they would have to go, having such training as they have had. Even assuming that the selective service system were put upon all men of military age in the country and others were drafted along with those, everyone knows that the best qualified men would be sent to the front first.

Suppose we did get 50,000 men voluntarily to take it upon themselves to go to the training camps and attempt to prepare themselves, so far as one can in conditions of peace, for the terrible ordeal of war. Suppose they did get such training as could be furnished under those circumstances, who would those 50,000 young men be? They would be the 50,000 young men who had the highest conception of their duty to the Government; they would be the most patriotic, the most self-sacrificing, the most intelligent; they would be those who would make the best soldiers. They would be those who had an instinct or a tendency to or a fondness for that kind of life. Then what would happen? They would be the first sent abroad next after those who were in the Great War, while the other young men who were drafted would be put into training camps here, to be compelled to acquire a preliminary education in military affairs which the 50,000 most patriotic young men had volunteered to acquire and had acquired.

Then what would we see? We would see the cream of the United States—the first 50,000 or 100,000 young men patriotically volunteering for this service—sent to the front line of battle to hold the line while the other less patriotic men should be rendered as competent as they might be rendered in the short time under the stress of war conditions and the emergency, to go over there and relieve them. What would happen? The same thing would happen that happened in Great Britain when they did not have conscription at the beginning of the war. They relied on their volunteers, and the volunteers, the flower of Great Britain, went to France with their backs to the wall and died in the trenches waiting for the less patriotic men to get such a degree of training as would warrant the authorities in sending them there at all.

It seems to me that that is a disgraceful policy for this country to adopt. It would have been disgraceful at any time. It is not only disgraceful now, but idiotic, and in the light of the experience we have just had it is criminal.

It may be necessary to defend this country at any time. Everybody knows that there are now conditions let loose in the world that never were rampant before. There are nearly 1,000,000,000 people in the Orient, in China, India, Japan, and Russia, the future movements of whom no man can prophesy. All central Europe and southern Europe and northern Africa are in a condition of flux.

The people everywhere are discontented and are liable in those countries to be taken possession of by unprincipled demagogues and agitators and adventurers. Now it is proposed that we shall enter again into that condition of dolce far niente—going to sleep at the switch, relying upon those inspiring words of our peerless leader, Mr. Bryan, that a million men would spring to arms overnight to defend the country whenever needed, to reenter again and live our lives in the fool's paradise from which he has just emerged.

Everyone knows that the question of grabbing a gun and saying, "I am here," does not constitute a soldier. Everyone knows that the next war, if war shall come, will be fought with instruments and by processes which require most expert technical knowledge. Our aeroplane service we have heard has practically been abandoned. We all know that the chemical factories and the T. N. T. factories and the supply factories for all sorts of munitions which were erected in this country did not get to their full capacity until just before the armistice was declared, and that the system of voluntary military training and all this class of valuable material and method and system that we have assembled and perfected after two years of the most tremendous exertion by processes which have left us in debt, saddled upon the backs of future generations to the extent of nearly $30,000,000,000, will all disintegrate and go to pieces under this system of making it optional with the citizen to elect whether he will choose to know anything about doing his duty to his country or not.

I can imagine no fairer thing to everyone in the country than to require the boys between certain ages of young manhood to take four months of training. No one need think that that falls with special severity upon the farmers. It falls upon everybody, just as it falls upon them to send their children to school to make good citizens. What is the use of having good citizens raised up in this country to be slaughtered? Is it not fair to the boy we are going to draft and send in to risk his life for the flag and for those of us who are too old to go or can not go or who are disqualified, that we should give him the training so that he will stand some "show for his white alley"? Is it right to send these hay-foot, straw-foot, raw recruits up against flame throwers, poisonous gas, and cold blue steel, utterly unprepared and untrained to meet the opponents against whom we compel them to fight?

It seems to me there are no two sides to the question. If there be a public sentiment which is divided, as the Senator from Missouri [Mr. SPENCER] says it is, I for one desire to go on record and have my record clean that my part of this public sentiment is for making the trial, if trial be necessary, of compulsory universal military training to the extent recommended by the committee in this bill.

The PRESIDENT pro tempore. The question is upon the amendment proposed by the Senator from New Jersey [Mr. FRELINGHUYSEN].

Mr. McKELLAR. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HITCHCOCK. Mr. President, before the vote is taken, I should like to ask the chairman of the committee whether he has been able, during the opportunity he has had for an examination,

to ascertain how many of the officers, numbering some 18,300, provided for in the bill will be required for the compulsory military training system?

Mr. WADSWORTH. If the Senate in its wisdom should see fit to substitute voluntary military training for compulsory universal military training, the best study the committee could make, with the assistance of its advisers, indicated that we could reduce the number of commissioned officers in the permanent personnel by 1,007.

Mr. HITCHCOCK. Does that mean to leave the military training matter upon an optional or voluntary basis?

Mr. WADSWORTH. It does. There can be, however, no reduction in the strength of the permanent personnel, unless, of course, the Senate votes to reduce it.

Mr. NELSON. Will the Senator from New York allow me a question?

Mr. WADSWORTH. Certainly.

Mr. NELSON. For how many years would this training continue, either under the voluntary system or the compulsory system? I have not been able to find it in the bill. It prescribes a training of four months, and there may be two months additional, but for how many years? Is it for only one year or is it to continue for a number of years?

Mr. WADSWORTH. The Senator means under the bill?

Mr. NELSON. Under the compulsory features of the bill a man is compelled, between 18 and 21 years of age, to go into camp for compulsory training for four months, and with his consent it may be for two months more. Is that only for one year?

Mr. WADSWORTH. For just one year.

Mr. NELSON. For one year?

Mr. WADSWORTH. Yes, sir; just one year. Then, after being a graduate of the four months' training camp, he is a member of the organized reserves, and within the five succeeding years he is liable to be called twice to maneuvers for two weeks each time.

Mr. NELSON. For five years?

Mr. WADSWORTH. Twice within the five years, for two weeks each time. So his total of training will be four months in camp and one month in maneuvers, making a total out of his lifetime of five months, which I have heard said upon the floor of the Senate is going to militarize the youth of this Nation.

Mr. NELSON. The four months, I understand, are not to be exclusively confined to what I would call military training, training men in the duties of a soldier, but include many other educational features. The bill reads:

> The military training and any preparatory education therefor required by this act shall be such as may be prescribed by regulation, and shall include general educational training and vocational training in appropriate trades which may be necessary in war and useful in peace, scientific agriculture, physical training, instruction in hygiene, instruction in American history, principles and forms of government, and such other instruction—

And so forth.

With such a comprehensive program of general instruction, I do not see how you can make much of a real soldier in four months' training. If he is to box the educational compass, as indicated in the bill, I do not see how you will get your real trained soldier.

Mr. WADSWORTH. I suppose the logic of the Senator is that he does not want them to have any training at all.

Mr. HITCHCOCK. Mr. President, I should like to ask the chairman of the committee another question. In making the estimate that the abolition of compulsory military training will reduce the number of officers by 1,007, can he state what reduction in the expense or in appropriations that will involve?

Mr. WADSWORTH. The average pay of an officer and his allowances, I think, taking all grades into consideration, from second lieutenant to major general, inclusive, is about $3,500 a year.

Mr. HITCHCOCK. It would mean a reduction of about three and a half million dollars.

Mr. WADSWORTH. Yes.

Mr. HITCHCOCK. That still leaves a wide discrepancy between the number of officers provided for in the House bill and the number provided for in the bill which the Senator has reported. Can he explain out of what circumstance the discrepancy arises?

Mr. WADSWORTH. There will not be such a discrepancy as the Senator describes. Perhaps the Senator's idea that there would be a discrepancy is due to my own fault. I think I said, in answer to a question of the Senator the other day, that the House bill provided for 17,200 officers. I was mistaken in that. That was the figure which had been stated, I think, in the debate upon the floor of the House of Representatives and in the public press, and I took it for granted that it was accurate. I find, however, that the House bill actually provides for 17,832 officers. Taking 1,007 officers off the Senate bill would leave the Senate bill at 16,993 officers, practically 850 officers less than the House bill provides for.

Mr. HITCHCOCK. Will the Senator explain, then, wherein my figures are erroneous? I have made my figures from the Senate bill as follows: General, 1; major generals, 20; brigadier generals, 50; colonels, 609; lieutenant colonels, 685; majors, 2,283; captains, 4,566; first lieutenants, 4,339; second lieutenants, 2,740; medical officers, 1,800; dental officers, 280; veterinary officers, 200; warrant officers, 750.

Mr. WADSWORTH. The Senator has added warrant officers. If you are going to add in warrant officers you must add 1,500 to the House bill. They are not commissioned officers.

Mr. HITCHCOCK. They are officers who receive exactly the same pay as second lieutenants.

Mr. WADSWORTH. Yes; but they are not classed, nor can they be ranked, as commissioned officers. The Senator asked me how many commissioned officers were provided for in the bill, and I told him 18,000. That does not include 750 warrant officers. But if the Senator is to count warrant officers in the Senate bill, he must count warrant officers in the House bill, and there are almost twice as many.

Mr. HITCHCOCK. That, I think, substantially removes the discrepancy.

Mr. WADSWORTH. It more than removes it.

The PRESIDENT pro tempore. The question is upon the amendment offered by the Senator from New Jersey [Mr. FRELINGHUYSEN]. The yeas and nays have been ordered, and the Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. WADSWORTH (when Mr. FRELINGHUYSEN'S name was called). The Senator from New Jersey asked me to state that he had to leave town at 3 o'clock, but that if he were present he would vote in favor of the amendment. He is paired with the Senator from Montana [Mr. WALSH].

Mr. KIRBY (when his name was called). On some questions I have been paired with the senior Senator from Wisconsin [Mr. LA FOLLETTE], who is detained on account of illness, but on this particular question he and I would vote alike. I therefore vote "yea" on this question, not regarding my pair as binding, as the Senator from Wisconsin would vote the same way.

Mr. LODGE (when his name was called). I have a general pair with the Senator from Georgia [Mr. SMITH], which I transfer to the Senator from California [Mr. JOHNSON] and vote "yea."

Mr. MYERS (when his name was called). I observe that the Senator from Connecticut [Mr. MCLEAN] is not in the Chamber. I have a pair with the Senator from Connecticut [Mr. MCLEAN], which I transfer to the Senator from Alabama [Mr. COMER] and vote "nay."

Mr. SPENCER (when his name was called). I have a general pair with the Senator from New Mexico [Mr. JONES], but under the arrangement that I have with that Senator I am free to vote on this question. I vote "yea."

Mr. STERLING (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. SMITH], and in his absence withhold my vote. If at liberty to vote, I would vote "nay."

Mr. JONES of Washington (when Mr. TOWNSEND'S name was called). The Senator from Michigan [Mr. TOWNSEND] is necessarily absent. He is paired with the Senator from Arkansas [Mr. ROBINSON].

Mr. WATSON (when his name was called). I have a general pair with the senior Senator from Delaware [Mr. WOLCOTT]. In his absence I withhold my vote. If I were voting, I should vote "yea."

The roll call was concluded.

Mr. MCCORMICK. I have a general pair with the junior Senator from Nevada [Mr. HENDERSON]. If he were present, he would vote "yea" and I would vote "nay." Therefore I withhold my vote.

Mr. BECKHAM. I have a general pair with the senior Senator from West Virginia [Mr. SUTHERLAND], who is absent. If he were present, he would vote "yea." I therefore feel at liberty to vote. I vote "yea."

Mr. CHAMBERLAIN. I have a general pair with the junior Senator from Pennsylvania [Mr. KNOX]. In his absence and being unable to secure a transfer I withhold my vote. If permitted to vote, I would vote "yea."

Mr. GLASS. I have a general pair with the senior Senator from Illinois [Mr. SHERMAN]. I transfer that pair to the Senator from Kentucky [Mr. STANLEY] and vote "yea."

Mr. DILLINGHAM (after having voted in the affirmative). I observe that the senior Senator from Maryland [Mr. SMITH], with whom I have a general pair, is absent. I transfer my pair to the junior Senator from Maryland [Mr. FRANCE] and allow my vote to stand.

Mr. KENDRICK. I have a pair with the Senator from New Mexico [Mr. FALL], which I transfer to the Senator from Utah [Mr. KING] and vote "yea."

Mr. McCUMBER (after having voted in the negative). I have a general pair with the senior Senator from Colorado [Mr. THOMAS]. I transfer that pair to the junior Senator from Pennsylvania [Mr. KNOX] and allow my vote to stand.

Mr. WARREN. I have a general pair with the Senator from North Carolina [Mr. OVERMAN], who is absent. I transfer my pair to the Senator from Wisconsin [Mr. LA FOLLETTE] and vote "yea."

Mr. CHAMBERLAIN. The Senator from North Dakota having transferred his pair to the Senator from Pennsylvania [Mr. KNOX], I am at liberty to vote. I vote "yea."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Maine [Mr. FERNALD] with the Senator from South Dakota [Mr. JOHNSON];

The Senator from Ohio [Mr. HARDING] with the Senator from Alabama [Mr. UNDERWOOD];

The Senator from Michigan [Mr. NEWBERRY] with the Senator from Missouri [Mr. REED];

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS]; and

The Senator from Delaware [Mr. BALL] with the Senator from Florida [Mr. FLETCHER].

The result was announced—yeas 46, nays 9, as follows:

YEAS—46.

Ashurst	Elkins	Kendrick	Pomerene
Beckham	Gay	Kenyon	Ransdell
Borah	Gerry	Kirby	Sheppard
Calder	Glass	Lenroot	Simmons
Capper	Gore	Lodge	Smith, Ariz.
Chamberlain	Gronna	McKellar	Smoot
Colt	Hale	McNary	Spencer
Culberson	Harris	Nelson	Swanson
Cummins	Harrison	Norris	Trammell
Curtis	Hitchcock	Nugent	Warren
Dial	Jones, Wash.	Page	
Dillingham	Kellogg	Phelan	

NAYS—9.

Brandegee	Moses	New	Poindexter
Keyes	Myers	Pittman	Wadsworth
McCumber			

NOT VOTING—41.

Ball	Johnson, S. Dak.	Phipps	Thomas
Comer	Jones, N. Mex.	Reed	Townsend
Edge	King	Robinson	Underwood
Fall	Knox	Sherman	Walsh, Mass.
Fernald	La Follette	Shields	Walsh, Mont.
Fletcher	McCormick	Smith, Ga.	Watson
France	McLean	Smith, Md.	Williams
Frelinghuysen	Newberry	Smith, S. C.	Wolcott
Harding	Overman	Stanley	
Henderson	Owen	Sterling	
Johnson, Calif.	Penrose	Sutherland	

So Mr. FRELINGHUYSEN'S amendment was agreed to.

Mr. GORE. Mr. President, I should have discussed the motion just voted upon at an earlier hour but for the desire of the Senate to accommodate the Senator from New Jersey [Mr. FRELINGHUYSEN]. As between a voluntary system of military training and a compulsory system of military training, I feel obliged to cast my choice on the side of the voluntary system.

The letter of President Wilson to Secretary Baker expressing his sympathetic attitude toward universal compulsory military training has just been read to the Senate. I do not find myself in perfect agreement with him in respect to such training. There are some who regard the President's views as infallible excepting when they disagree with him. They reserve to themselves the right to disagree with him in regard to compulsory military training, but deny others the right to disagree with him in regard to conscription, in regard to the League of Nations, in regard to any other subject concerning which they happen to agree with him. For my own part, I accord perfect integrity of views to the President, whether I agree with him or whether I disagree. I claim neither more nor less than that consideration for my own views and for my own convictions.

I may say that sometimes it is a good deal more comfortable for a Democratic Senator to vote with a Democratic President than it is to vote otherwise; sometimes it spares him a great deal of criticism; and, I may say, that it sometimes spares him a great deal of abuse. I have made it a rule to obey my own judgment and my own conscience in the discharge of my duties as a Member of the Senate of the United States. Any other rule of action would be fit only for a toothless suckling at the breast of power.

I feel obliged, Mr. President, to express my own opposition to a system of universal compulsory military training.

I desire also to express the opposition of the people of Oklahoma, whom I have the honor in part to represent in this legislative body. I feel constrained to oppose any measure which might either directly or indirectly lead to the institution of a system of militarism in this self-governing Republic. I think it a vain thing to imagine that we can have a system of mild-mannered militarism in the United States; I think it vain to hope that we can have a benevolent military despotism; I think it worse than vain to imagine that we can establish here in this democracy a considerate and amiable system of military autocracy.

Militarism has certain characteristics which are distinct, which are distinctive, which are unfailing. A system of militarism will sooner or later develop those characteristics, just as the wild boar develops his tusks, just as the tiger develops his claws, just as the eagle develops his talons.

Venom is in the fangs of militarism as certainly as it is in the fangs of the asp and the adder; and, according to my knowledge of natural history, those creatures which have the tusks and the talons, the claws and the fangs, develop a predisposition to use those natural weapons. I think that the system of militarism generates a militaristic spirit; I think that a militaristic spirit intensifies the system of militarism. Out of this vicious circle comes Prussian militarism, and it grows in intensity until it ends in madness.

I think that the one thing which more than all others reconciled the American people to the late war was the hope—the belief—that it would result in the extermination of militarism upon this globe; in the extermination of militarism not in Prussia alone but in all the nations of the earth. It would be most unfortunate if it should turn out that we have exchanged our democracy for Prussian military autocracy. What would it profit a nation like our own if it should extinguish militarism everywhere and lose its own democracy? But how infinitely worse would it be should it exchange its democracy for a system of military autocracy. No disappointment could be more grievous than for the American people to see the foul spirit of militarism, which we have sacrificed so much to cast out of the German Empire, find refuge here in the greatest democracy in all the tides of time.

Mr. President, such an exchange would be a tragic reminder of a description in Dante's Divine Comedy of a terrific combat between a creature in human form and a monster serpent. The combat was fierce, furious, and bloody. Each antagonist inflicted terrible wounds upon the other. There came a pause in the combat. The serpent gradually assumed the figure, the features, and the attributes of a human being. It stood up and spake. The creature in human form gradually developed the form, the posture, and the scaly folds of a serpent; it lay prostrate upon the ground. It glided hissing into the jungle. They had exchanged forms; they had exchanged characteristics. I hope that no such exchange of the characteristics of democracy and of autocracy will come out of the recent struggle.

Mr. President, it is said that the young tiger is a tame and docile creature until it once gets a taste of blood, but from that time forward the thirst for blood and the passion to kill and eat becomes uncontrollable. I merely mean that we should not dally with a danger like this, a danger which has led other nations to their undoing. If we permit similar causes to operate among ourselves we may anticipate that similar misfortunes will overtake us.

I had hoped that an invoice of the fruits of this war might show at least two substantial results of service to all mankind. It may be true that other nations had come to believe that the people of the United States were money-mad, that they worshiped no god but gold, that the dollar mark was our national emblem, and that the people of the United States either could not or would not fight.

It is said, at any rate, that the Kaiser had come to believe that the people of the United States had enshrined gold as their diety and that they could not or would not fight. The Kaiser, at least, has been disillusioned, and I had hoped that this disillusionment was universal. I had hoped that, for a time at least, no nation would become so drunk with power or so arrogant with pride as to challenge this great Republic to combat. I say this not by way of mere vainglory, but because I had hoped that this was a pledge of peace, that this was a safeguard against war; not, indeed, an absolute, unfailing guaranty but an assurance that for many a year to come this Nation, at least, might dwell in peace, unmolested and unchallenged.

The other lesson which I had hoped would be among the fruits of this war was this: The theory obtains in the Old World that it requires two years or more to make a soldier. It may require two years to make a soldier out of the oppressed and the downtrodden people of the Old World; I do not know; but recent experience has demonstrated that it does not require two years to make a first-rate soldier out of an alert, intelligent, and patriotic American youth. In a much less period the American youth was developed into as fine a soldier as ever unsheathed a sword. This had led me to hope that the conviction would be universal; it had led me to hope that this would be regarded as proof conclusive that we did not need a system of militarism in the United States, or rather, I should say—for I do not wish to be offensive—that we did not need a vast Military Establishment in the United States.

Mr. President, I do not believe that a system of universal compulsory military training can be regarded as a measure of urgent importance. It can not be regarded as a measure that ought to be adopted now and that could not be adjourned until the morrow. The League of Nations, at least for the present, is quiescent. Whether or not it will ever rise from the dead I can not say; but it is almost certain that if the treaty be ratified the obligations of article 10 will not be assumed by the United States. Article 10, if ratified as written, would have laid upon the United States an obligation to participate in every war that ever happens upon this globe. A good many things about the league were uncertain, but that was certain—that article 10 would involve the United States in every war that ever happens upon this revolving planet. If we had assumed an obligation of that sort, a system of universal compulsory military training might have been, I will not say desirable, but absolutely indispensable.

To have discharged an obligation to participate in all the wars of all the earth certainly would require very general military preparedness and the facility to act upon the instant; but that obligation has not been assumed.

Mr. President, in placing this construction upon article 10 I am abundantly justified. The treaty of peace was submitted to the Senate by the President on July 10 last. The administration's Army reorganization bills were introduced in the Senate on August 4 and in the House on August 5. These measures were introduced in both Houses of Congress just three weeks after the presentation of the League of Nations to the Senate. They were introduced in both Houses four weeks before the treaty and the league were reported to the Senate by the Committee on Foreign Relations. These measures were presented to both Houses of Congress when the ratification of the treaty was generally, if not universally, expected.

I refer to these as the administration Army reorganization bills, because they had the approval of the Secretary of War, they had the approval of the Chief of Staff, and I assume, as a matter of course, they had the approval of the Commander in Chief of the Army and the Navy. These measures, as I remember, were identical. They provided for a standing Army to consist of 572,000 Regulars in time of peace—an army more than four times as large as our standing Army prior to the war. These measures provided for a reserve consisting of 750,000 men. These measures provided for universal compulsory military training, and also provided for the universal and automatic draft. They provided that in case of war every able-bodied male citizen of the United States between the ages of 18 and 46 years should be automatically drafted into the military service without any further action and without any further authorization on the part of Congress. This made conscription not only a permanent but an automatic part of our military system.

Mr. President, if the league had been ratified with article 10 as written, I am not prepared to say that such a system would not have been indispensable to the Nation's security. Indeed, sir, much as I oppose universal compulsory military training, if the obligation of article 10 had been assumed, it seems to me that safety and necessity alike would have rendered such a system unavoidable. But that obligation has not as yet been assumed, that necessity does not now confront us. The vast Military Establishment was to cost $900,000,000 a year, seven times as much as our Military Establishment cost before the war, and was to be reinforced by a Navy, as suggested at the time, costing $1,000,000,000 a year. This Army and this Navy, as suggested last summer, before the League of Nations had emerged from the Senate committee, were to cost $1,900,000,000, were to cost three times as much as the total expenses of the United States Government for all purposes prior to the war, excepting only the Postal Department, which pays its own way.

This vast military array and this vast military budget would have been necessary had article 10 been ratified, with its universal obligation to war; but, Mr. President, at least for the present, the treaty is slumbering. I do not say that it is dead. I do not know.

There are those who believe that the league itself would be a guaranty of peace and an infallible preventive of war. I envy them such a complacent optimism; but, Mr. President, those who are better advised do not share that illusion. President Wilson is too wise a historian, is too wise a statesman, either to entertain or to express a conviction of that sort. When the President laid the first draft of the League of Nations before the commission in Paris—I hold his speech in my hand—he said, with unreserved candor:

> Armed force is in the background in this program, but it is in the background, and if the moral force of the world will not suffice, the physical force of the world shall.

Mr. President, there is the rub.

In his speech at Indianapolis on September 4 the President said, with equal candor:

> At present we have to mind our own business. Under the covenant of the League of Nations we can mind other people's business.

The President was entirely correct in that declaration. Under the league we can mind other people's business; but, sir, when we acquire the power to mind other people's business, we concede others the power to mind our business. We concede that power to some 45 other nations. If there be any way more direct, more swift, and more certain leading to inevitable trouble I am not aware of it.

In his speech at Spokane on September 12 the President said:

> Our present sovereignty merely extends to making the choice whether we will go to war or not, but this extends our sovereignty to say whether other nations shall go to war or not.

The President was eminently correct in that declaration; but, sir, when we acquire through the league the sovereign power to decide that others shall go to war, we concede to others the sovereign power to decide when we shall go to war. Under article 16 we would have agreed that any nation in this world could automatically have placed this country in a state of war. There, Mr. President, is the consideration that gave us pause. Lord Grey himself declared "the League of Nations is a plunge into the unknown." The editor of the London Post asserts that the league comes not with peace, but with the sword. England is expending four or five times as much on her army now as before the war. Japan is laying the keel of the mightiest dreadnaught of all her navy. These nations have joined the league. They must now arm to carry out the obligations of article 10.

There is another reason why this measure can not be regarded as urgent. We have in the United States to-day 4,800,000 men trained to arms. Four million of them belong to the land forces and 800,000 to the sea forces. I believe that a better band of soldiers, a better band of defenders, never was assembled under the sun. No man can profess fear while these proven champions, these veterans who have stood the test of war, are still among us. I should be the last to impose upon these veterans, or to subject any of these troops to overtime in the defense of their country. The Atlantic and Pacific are still our best fortresses. Our Navy is our first line of defense. With a reasonably strong Navy these trained troops, these veterans, could hold an invading army at bay until we could train fresh defenders to relieve them. But, Mr. President, waiving any objection based upon principle, there are certain objections based upon expediency which warn us against the adoption of this policy now.

It is estimated by the majority of the committee that this training would cost something like $125,000,000 a year to train anywhere from 600,000 to 1,000,000 young men. The minority of the committee estimates that the cost would approximate $550,000,000. Statistics which differ so widely are of very little value; but let us take the middle ground and assume that this training would cost $350,000,000 a year. That is an obligation which we should hesitate to assume at this time. We have a funded and a floating debt of approximately $27,500,000,000, gross. There is an enormous deficit in our revenues for the current year. There are other obligations that can not be adjourned. With these 4,800,000 men trained to arms, should we not hesitate before adding this enormous fixed charge to other unavoidable expenditures of the Government?

I do not doubt that the 4,800,000 men themselves would prefer that this money be laid out in some plan of readjusting them to the industrial and economic life of this country, rather than to rivet upon this country at this time so vast and so expensive a system of military training.

There are other economic considerations which bid us hesitate before rushing into this system. But there is one other point upon which I wish to touch before proceeding to that.

The virtue and value of physical training have been greatly exploited in this debate. I do not believe that they have been appraised too highly. I believe in physical fitness. I think that the disclosures during the recent war of physical unfitness in this country were appalling, not to say a national shame. I go further than that and say a national crime.

I have battled in the Senate for years for a system of rural sanitation, but without avail. I think the time is coming when civilized man will not consent to suffer from preventable disease or preventable evils of any character. I think that the progress of the race in the future will consist largely in a warfare against preventable evils and in a triumph over preventable evils.

No one can deny the value of physical training. A voluntary system, so far as it goes, will provide those advantages, but I have here a statement by Dr. Sargent, who is at the head of an institution in Cambridge, Mass., training those who are to be instructors in physical culture and physical training. It is his conclusion that military training is not the best system to bring about the highest character of physical fitness.

It is declared by those who have made a study of the matter that Germany herself, when she first embarked upon her system of military training, found it inadequate and in some particulars injurious. Germany found it desirable to revise her system, and supplemented her military training with gymnasium exercises. I believe that we can provide physical training and physical fitness without necessarily making soldiers out of our boys.

There is another consideration in this connection. Owing to the large percentage of our population engaged in farming, the farmers sent a larger percentage of boys to the Army than any other class of our people. That was unavoidable under the circumstances. A great many farm boys did not return to the farms. The drift from the country to the city has long been a subject of comment and of regret, but it has been the result of economic forces which were perfectly natural and to which our rural population responded. But we ought not now to accelerate those economic forces.

I say that many of the farm boys did not return to the farms. This has occasioned a great shortage of labor upon the farms of the country and has created a situation far more serious than Senators apprehend as to the food supply of the future. If these boys are assembled in training camps, many of them will never return to the farms. It is rather difficult to find four consecutive months in the year during which these boys can be spared from the farm. But if all of them should return to the farm and if all of them should return to their other pursuits, there would yet be an enormous loss in the productive energies of the country during the four months they were assembled in their camps.

As production is the most urgent demand of the hour, it seems to me that no policy should be adopted which would arrest or diminish production when that need is so imperious.

Mr. President, this brings me to the consideration of the high cost of living. It has been much discussed, but a great deal of the discussion has not been very illuminating. Perhaps I shall add to the darkness which already enshrouds the subject.

The high cost of living is not a new problem under the sun. This problem often trails a great war as the ravens trail the army. It followed the Civil War. It is due in large measure to the enormous destruction of life and of labor and of capital and of productive forces and energies. In large measure the high cost of living is but an unavoidable part of the price of waging and winning a great war. Does anyone imagine that a war of such colossal proportions, involving so much sacrifice of capital and life, could be waged without disturbing all industrial and economic relations?

There are three distinct factors which have operated and which have cooperated to raise the problem of the high cost of living in this country and throughout the world. First is the decrease of supplies available in the world; second, the increase of demand throughout the world; and, third, the inflation of currencies and credits, an inflation which is world-wide.

There were some 27,000,000 men under arms in the recent war—27,000,000 men withdrawn from productive pursuits, 27,000,000 men who but for war would have been engaged in producing the necessaries and comforts of life. Their energies were withdrawn from production, while, on the other hand, they became extraordinary consumers of the supplies which were available. Twenty-seven millions of men were engaged in killing each other instead of being engaged in producing things to eat and wear and ministering to the wants and needs of men. This decrease in the world supplies would have raised the problem of the high cost of living even if the demand had remained normal, but demand did not remain normal. Demand, like supply, has been disturbed. Demand has increased and is still increasing.

The belligerent powers were subjected to certain involuntary restraints upon consumption. In addition to that they laid certain voluntary restrictions upon their consumption.

In addition to this the neutral powers were subjected to involuntary and assumed certain voluntary restrictions upon their consumption. This lessened for the time the pressure of demand against the diminished supplies. The central allies were under blockade and the pressure of their demands did not register in the world's markets. The blockade is over. They have reentered the market places with considerable effective demand and with tremendous potential demand for the world's already limited supplies. In addition to this, to use the phrase of the street, times have been flush. Prosperity is abounding; employment is general, if not universal; the people have money to spend; people are buying more than they bought in other times. This brings an incalculable demand into the market as against the diminishing supplies available for that demand.

These concurring causes operating to intensify the demand would have raised and would have aggravated the problem of the high cost of living, even if the supply had been normal. But if supply and demand had both been normal, there is still another factor which would have raised the problem of the high cost of living. I refer to inflation, the inflation of the paper money and the inflation of the credits of the world.

Inflation is too moderate a term. It has been a deluge. Nothing like it ever happened in all history. It is a matter of regret that accurate statistics are not available upon this point. I have seen estimates of the issues of paper moneys throughout the world varying from $40,000,000,000 all the way up to $250,000,000,000. A divergence of this sort in statistics, of course, discredits them all; but it is not necessary to be exact as to the amount of the inflation. Its existence and its evils are self-evident—not only self-evident but universal.

The Comptroller of the Currency in his last report estimates that at the end of the year 1918 paper issues aggregated $69,000,000,000 in the world. Mark you, that was more than fifteen months ago. Twenty-eight billion dollars of that were in Russia. I have seen a recent estimate by a respectable authority placing paper issues in the world at $121,000,000,000, but a difference of $40,000,000,000 ought not to be material. I do not mean to trifle with trifles in discussing a great question like this, but there can be no doubt that the paper-money issues of the world now aggregate something like $100,000,000,000.

Prior to the war there were about $15,000,000,000 of money on the globe, $9,000,000,000 of which was gold and $6,000,000,000 of which was paper, practically all of which was redeemable in gold. This $6,000,000,000 of paper have been increased to something like $100,000,000,000. That increasing prices should follow in the train of such inflation is just as certain as the night treading upon the heels of day—perfectly inevitable. If all advances or if inflation acted and reacted upon all economic forces at exactly the same time and in exactly the same proportion, it would not occasion any problem as to the high cost of living.

I mean this: If prices and wages and interest and rents and profits and salaries all advance with equal step, and at the same moment, inflation would create no problem as to the high cost of living. Changes which do not effect the ratios would not raise the problem. It is the disturbance of ordinary ratios. Prices, I take it, advance first, perhaps profits second, possibly wages third, interest and rents linger, salaries are the last to respond to inflation, and the salaried class are among the first and the worst to suffer. That would include teachers, ministers, clerks, and others who have fixed salaries which do not easily respond to the upward tendency. Eighteen thousand schools were closed during the last year. To these must be added those whose incomes are fixed, and which arise from long-time interest-bearing securities and long-time rental contracts.

Mr. President, these are the three major factors, as I analyze the problem and the situation. To these, perhaps, should be added the profiteer and profiteering, although economists are still engaged in a discussion as to whether profiteering is the cause or the effect of advancing prices.

Mr. President, I have but this to say on that point: Any man who would fatten and batten upon the misfortunes of his countrymen in time of stress and peril deserves the severest reprobation. Whatever good can come from the prosecution and punishment of the profiteer will, of course, contribute that much to the solution of the problem and to the relief of this situation.

Deflation is another remedy. It must come. Contraction of the currency must follow upon this enormous inflation. Deflation has its evils quite as striking, if not so crushing; and

sometimes they are more crushing, I may say, than the evils of inflation. Our chief concern should be to see that we come down upon the lock-and-dam system, instead of rushing down by way of the cataract. I merely throw this out as a general observation in coming to the point which I wish to press.

The fundamental solution of this problem, Mr. President, is to be found in increased production. Of course, there are two methods—decreased consumption and increased production. Either one, or both cooperating, would solve this problem. I shall not discuss decreased consumption. That is largely an individual or voluntary affair, at least until a crisis shall come upon the country, and such a remedy as that is worse than the disease itself. But I say that increased production upon the farm, in the factory, in the forest, in the mine, is the solution. In that way real relief lies, and in no other.

Mr. President, the farmer must be the primary factor in the application of this remedy. Food and clothing, the raw materials wherewith to feed and clothe the world, must come from the farm. This accentuates the importance of the farmer as a factor in the present economic situation.

I believe the farmer will solve this problem if he is let alone, if he is not harried, if he is not harassed too much, if he is not too much discouraged.

Mr. President, I merely observe in passing that the Lever Act, passed as a war measure, entailed a needless loss upon the wheat farmers of this country of more than a billion dollars. I believe the farmer was the only class whose prices were fixed arbitrarily by a committee and not fixed as a result of an agreement upon the part of the producers concerned.

I know there are those who stigmatize the farmer as a profiteer. I desire to enter a plea of not guilty. Mr. President, the dean of the Agricultural College of Ohio, which is a part of the State University of Ohio, issued a recent statement, in which he declared that the farmers of Ohio received for their crop of 1918 only 3 per cent more than for the crop of 1917. That reflected a slight advance. But, sir, the cost of production in 1918 was 19 per cent more than in 1917. While there was a nominal increase in the price, there was an actual loss in profits, owing to the advanced cost of production. The increased cost of machinery and of labor upon the farm has not been taken into account by those pseudo-economists who have felt justified in characterizing the farmer as a profiteer.

I wish to insert at this place, Mr. President, a table showing the purchasing power of 1 acre of wheat in 1909 and in 1919, prepared by the Department of Agriculture. It will show that the farmer's purchasing power has declined as compared with other industries, and that, sir, is the crucial test. Can he buy more or less with a given quantity of his product?

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

Item.		Wheat.		Average all crops.	
		1919	1909	1919	1909
Barb wire	100 pounds	4.8	5.2	6.4	5.6
Jumpers	each	11	20	15	22
Lard	pound	80	117	106	126
Linseed oil	gallon	11	20	15	21
Nails	100 pounds	4.4	4.6	5.9	5.0
Overalls	pair	11	19	14	20
Pitchforks	each	21	25	28	27
Rope, hemp	pound	75	115	100	123
Sacks, grain	each	60	103	80	111
Sugar	pound	175	267	234	287
Twine, binder	do	107	150	143	162

Mr. GORE. I also wish to insert at this point a schedule showing the prices of farm implements paid by the farmers before the war and since the war. I do this, Mr. President, because I wish to appeal to the conscience of the consuming classes of this country.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

Price of farm implements.

Articles.	Before the war.	April, 1920.
Wagons	$85	$185
7-foot binder	160	270
Riding cultivator	33	65
Sulky plow	45	90
Lister and corn and cotton planter	45	95

Mr. GORE. Information as to the cost of production is essential if we conduct agriculture as a science and as a business. No business can be carried on without the keeping of a cost sheet. Yet much of our farming has been done without the keeping of a cost sheet. Farmers have sold their products without realizing fair wages for themselves and their families, and without receiving any return for the fertility which they withdrew from the soil and marketed in their products. I think the consumers of this country have enlightened and sensitive consciences. Consumers have revolted against convict-made goods. Consumers do not insist upon buying convict-made goods at low prices as against the product of free labor. Consumers of this country have revolted against articles which are produced in the sweat shops. The consumers of this country are not beguiled by a serenade in the form of "The song of the shirt." They are willing to pay reasonable prices, as I believe, and are willing to pay reasonable profits to those who feed and clothe them. For that reason I have insisted, in season and out, here in the Senate and elsewhere, upon a system of cost accounting upon the farms, or rather upon the Government's assisting the farmers to introduce a system of cost accounting.

Mr. President, there is another risk which the farmer can not shift, there is another burden which he can not escape, there is another evil which he must face, and that is the weather risk. "The farmer is the servant of the seasons," and the weather risk can not be elliminated from agriculture. I wish to show the Senate what I mean.

In 1910 the cotton farmers of the South produced 11,600,000 bales of cotton. For that crop they received $810,000,000. The very next year, in 1911, the same farmers produced upon the same farms 15,600,000 bales of cotton, produced exactly 4,000,000 bales of cotton more than the preceding year, and sold the entire crop for $749,000,000; sold the crop of 15,600,000 bales for $60,000,000 less than they realized for a crop of 11,600,000 bales. That 4,000,000 bales of additional cotton which they contributed to the service of mankind lost them $60,000,000. It was worth to them $60,000,000 less than nothing, not to take account of the increased cost of gathering the crop. In other words, if the farmers of the South in 1911 had burned 4,000,000 bales of cotton it would have meant at least $60,000,000 to them. Of course, no farmer would consider vandalism or incendiarism of that sort. They contributed 4,000,000 bales of cotton to the use of mankind, to clothe the naked and to minister to the needs of mankind, and they were penalized in the sum of $60,000,000 for that contribution of 4,000,000 bales of cotton.

That is not peculiar to cotton. In 1915 the wheat farmers produced 1,025,000,000 bushels of wheat. They realized for that crop $942,000,000. The very next year the wheat farmers produced only 639,000,000 bushels of wheat and realized for that crop $1,020,000,000. They produced 400,000,000 bushels less of wheat and realized $80,000,000 more for the harvest. If they had produced 400,000,000 bushels less the year preceding, it would have meant at least $80,000,000 in their pockets. But, sir, it would have meant famine and starvation to the world, and the serious crippling of the prosecution of the war to so early a victory. I could multiply instances as to corn, potatoes, and other agricultural products. To me, Mr. President, this is the riddle of the Sphinx in the business of agriculture. I have not devised a solution—a way to obviate or distribute the weather risk.

I refer to farming as a business advisedly. The time was when, in a strict sense, it was not a business, when the farm was a self-sufficing economic unit, when the farmer produced what he consumed and consumed what he produced, when he did not produce for the market, or when that was not his chief concern. If he had a surplus, it was marketed; but that was an incident. He produced for his own subsistence.

That, however, is all changed. To-day the cotton farmer does not spin and weave and wear the cotton he produces. The wheat farmer does not mill and consume the flour from the wheat which he produces upon his own farm. He produces for the market; he produces a commodity of commerce, and he satisfies his wants in the market place. This makes farming a business, and a business which responds as sensitively to market conditions and to price fluctuations as any other business in the land.

Mr. President, this accentuates the importance of stimulating and encouraging production in this country and at the same time seeing to it, so far as we can, that the producer is not penalized. If he produces a generous harvest, he ought not to be subjected to a fine as a convict or felon, but he should receive a reward in proportion to his contribution to society.

There was a campaign—a one-sided campaign—started against the high cost of living last July or August. It has not

been a signal success. It is true that the prices of hogs and cattle were driven down. Hogs went down from 22 cents to 13 cents a pound—a drop of nearly 50 per cent—and the pity of it is that as hogs went down they met bacon going up.

Mr. President, there is a source of justified discontent on the part of the farmers of this country. When the farmer sells a pound of cotton for 27 cents and pays $4.50 cents for a pound of cloth manufactured from it he is likely to complain. The farmer receives less than $9 for 4½ bushels of wheat, which are necessary to make a barrel of flour. A barrel of flour sells from $12 to $14. A barrel of flour will make two hundred and ninety-four 1-pound loaves of bread. At 10 cents a loaf, this amounts to $29.40. The dean of the Agricultural College of Ohio is my authority for the statement that when these loaves of bread are sold in orders at hotels and cafés they bring $270 in the aggregate. The producer receives less than $9; the ultimate consumer pays $270. He would be a rather unobservant farmer who would not mark the spread in these prices.

Mr. President, the withdrawal of the boys from the farms at this time for military training would aggravate this evil. This is my reason or, if I may say so, my excuse and apology for this digression into the economics of agriculture. It is a subject that deserves more consideration than it has received in the past; it is a subject which must receive more consideration in the future than in the past if our prosperity is to continue and if evil times are not to come upon us.

Mr. HARRIS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Brandegee	Gronna	Lodge	Reed
Capper	Harris	McKellar	Sheppard
Chamberlain	Harrison	McNary	Simmons
Cummins	Hitchcock	Moses	Smoot
Curtis	Jones, Wash.	Myers	Sterling
Dial	Kellogg	Nelson	Trammell
Gay	Kendrick	New	Wadsworth
Gerry	Keyes	Norris	Warren
Glass	Kirby	Page	
Gore	Lenroot	Ransdell	

The PRESIDENT pro tempore. Thirty-eight Senators have answered to their names. There is not a quorum present. The Secretary will call the names of absent Senators.

The Secretary called the names of the absent Senators, and Mr. CALDER, Mr. PHELAN, and Mr. WATSON answered to their names when called.

Mr. SPENCER, Mr. DILLINGHAM, Mr. KENYON, Mr. COMER, Mr. SWANSON, Mr. POMERENE, Mr. ASHURST, Mr. MCCORMICK, and Mr. COLT entered the Chamber and answered to their names.

The PRESIDENT pro tempore. Fifty Senators have answered to their names. There is a quorum present.

Mr. HARRIS. Mr. President, I ask for the consideration at this time of the amendments presented by me.

The PRESIDENT pro tempore. The Secretary will state the amendment proposed by the Senator from Georgia.

The READING CLERK. On page 65, line 5, after the words "United States," it is proposed to insert "who have been citizens for at least 10 years."

The PRESIDENT pro tempore. The question is upon the amendment proposed by the Senator from Georgia.

Mr. WADSWORTH. Mr. President, I simply wish to call the attention of the Senate to this amendment, for I think, perhaps, some Senators were not listening when it was read. The amendment, if adopted, will prohibit any man being trained of his own volition unless he has been a citizen of the United States for 10 years. I do not believe the Senate should inflict such a penalty upon foreign-born citizens of this country.

Mr. HARRIS. Mr. President, previous to and during the late war with Germany our country experienced great trouble with the foreign-born citizen who had been in this country for just a short time. Under this bill we allow a man to be trained in the Army before he is a citizen of the United States; he is only required to state that he desires to become a citizen. I think under all the circumstances 10 years is a short enough time for a man to be in this country to enable him to belong to our Army.

Mr. BRANDEGEE. Mr. President, to me it seems that if these people are here, the sooner we catch them and teach them what is necessary, the better it will be. Why a man who knows nothing about military affairs and has declared his intention of becoming a citizen of this country should be practically exempted from military training for 10 years I do not see.

Mr. NEW. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Indiana?

Mr. BRANDEGEE. Yes.

Mr. NEW. I thought the Senator from Connecticut had concluded.

Mr. BRANDEGEE. I have.

Mr. NEW. I simply wish to supplement what the Senator from Connecticut has said by calling the attention of Senators to a certain incident that most of them will remember, namely, the exhibition that was given in front of the Capitol less than six months ago by a company of just such men as will be prohibited from joining the Army if the amendment suggested by the Senator from Georgia shall prevail. Ninety days before those men were here in uniform but one of the whole company could speak the English language.

In that 90 days they had been trained into shape, they made a splendid appearance, they spoke the English language, at least to a sufficient degree to enable them to receive and obey commands given in that language, and I think the progress of which their appearance gave evidence was an object lesson to every Senator who saw them. Their advance in citizenship had been of the most pronounced character; and all of that will be impossible if such an amendment as is proposed shall be adopted. I hope it will not prevail.

The PRESIDENT pro tempore. The question is upon the first amendment proposed by the Senator from Georgia [Mr. HARRIS].

The amendment was rejected.

The PRESIDENT pro tempore. The Senator from Georgia has two further amendments, which will be stated.

The READING CLERK. On page 65, lines 6 and 7, it is proposed to strike out the following words:

> And all male persons who reside therein and who have declared their intention to become citizens.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Georgia.

The amendment was rejected.

The READING CLERK. Also, the following amendment:

> On page 65, line 10, after the word "months," it is proposed to insert the following words: "And all applications to participate in training shall be submitted to the adjutant general of the State in which the applicant is a resident, and forwarded to the War Department with the approval of the governor of said State.

Mr. HARRIS. Mr. President, this amendment requires every person who wishes military training to make application through the adjutant general of the State in which he resides, and this must be approved by the governor. In every State there are undesirable citizens who would not reflect credit on our Government as soldiers. They are best known to their neighbors and the county officials, and the governor of a State could get this information better than the Secretary of War at Washington.

Mr. WADSWORTH. Mr. President, I merely desire to call brief attention to this amendment. In effect it provides that no young man, even though he may want the training and applies for it, can have it unless the governor of his State says he can have it. I do not believe the Senate cares to inject such an element into this matter of voluntary training.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Georgia.

The amendment was rejected.

Mr. MCKELLAR. Mr. President, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The Chair is of the opinion that the amendment proposed by the Senator from Arkansas [Mr. KIRBY] must be first disposed of before that of the Senator from Tennessee is in order.

Mr. KIRBY. Mr. President, the purpose of the amendment proposed by me having been accomplished in an indirect way by the substitution of the voluntary for the compulsory system, and on account of our inability to get a vote on the particular question involved in my amendment, I withdraw the amendment that I have proposed, if I have the consent of the Senate to do so, in order that the amendment of the Senator from Tennessee may be presented.

The PRESIDENT pro tempore. Does the Senator from Tennessee withdraw the amendment to which the Senator from Arkansas offered his amendment?

Mr. MCKELLAR. I do, and offer the one which I send to the desk in lieu of it.

The PRESIDENT pro tempore. The amendment now proposed by the Senator from Tennessee will be stated.

The READING CLERK. Beginning on page 65, line 4, it is proposed to strike out all of sections 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, and 61, found on pages from 65 to 76, and being that portion of the bill which provides for universal compulsory military training.

The PRESIDENT pro tempore. The question is upon the amendment proposed by the Senator from Tennessee.

Mr. MCKELLAR. On that I ask for the yeas and nays.

Mr. WADSWORTH. This amendment will give rise to a good deal of discussion. I do not know what is the desire of the Senate about continuing the session further to-day. It is now 25 minutes of 5 o'clock.

Mr. NELSON. I desire to have a short executive session.

Mr. WADSWORTH. I have understood that there is some desire among Senators to have an executive session.

PENSIONS AND INCREASE OF PENSIONS.

Mr. McCUMBER. During the morning hour the Committee on Foreign Relations was in session and I was necessarily absent from the Senate Chamber. I therefore ask unanimous consent, out of order, to report back favorably with amendments from the Committee on Pensions the bill (H. R. 9369) to revise and equalize rates of pension to certain soldiers, sailors, and marines of the Civil War; to certain widows, former widows, dependent parents, and children of such soldiers, sailors, and marines; and to certain Army nurses; and granting pensions and increase of pensions in certain cases; and I submit a report (No. 512) thereon.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

EXECUTIVE SESSION.

Mr. WADSWORTH. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and (at 4 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Saturday, April 10, 1920, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 9, 1920.

UNITED STATES ASSAYER.

Hugh T. Rippeto to be assayer in charge of the United States assay office at Salt Lake City.

UNITED STATES ATTORNEY.

John L. Neeley to be United States attorney, northern district of Florida.

UNITED STATES MARSHALS.

Nathan H. Boswell to be United States marshal, southern district of Florida.

Clayton L. Wheeler to be United States marshal, northern district of New York.

COLLECTORS OF CUSTOMS.

Robert E. Latimer to be collector of customs for collection district No. 21.

Roscoe M. Drumheller to be collector of customs for collection district No. 30.

CONSULAR SERVICE.

Henry S. Waterman to be a consul of class 7.

John R. Bradley to be a consul of class 8.

APPOINTMENTS AND PROMOTIONS IN THE NAVY.

To be rear admiral.

Benjamin C. Bryan.

To be captains.

Henry B. Price.
Milton E. Reed.
Stanford E. Moses.

To be commanders.

Benjamin G. Barthalow.
Wallace Bertholf.
Julius C. Townsend.

To be lieutenant commanders.

Vaughn V. Woodward.
George M. Ravenscroft.
Henry C. Gearing, jr.
Carl T. Osburn.
George T. Swasey, jr.
Samuel L. Henderson.
Harry A. McClure.
Charles B. C. Carey.
Henry P. Samson.
Carleton F. Bryant.
William J. Larson.
Alfred P. H. Tawresey.
Thomas N. Vinson.
John H. Buchanan.
Herman A. Spanagel.
Frank L. Lowe.
Joseph R. Redman.
Franklin G. Percival.
Theo D. Westfall.
Theodore D. Ruddock, jr.
Zeno W. Wicks.
Andrew H. Addoms.
Albert G. Berry, jr.
George B. Wilson.
William H. Porter, jr.
William K. Harrill.
Sherrod H. Quarles.
Alfred H. Baisley.
William E. Malloy.
Greene W. Dugger, jr.
John M. Creighton.
Charles D. Swain.
Edmund W. Burrough.
Albert H. Rooks.
George F. Neiley.
Russell E. Perry.
Byron B. Ralston.
Stanley L. Wilson.
Charles E. Rosendahl.
Herbert J. Ray.
John G. Moyer.
Robert W. Hayler.
Bert F. Clark.

To be lieutenants.

Richard H. Knight.
John R. Palmer.
Benjamin H. Lingo.
Franklin B. Conger.
Rawson J. Valentine.

To be lieutenants (junior grade).

Robert B. Carney.
Herbert S. Jones.
John S. Bessent.
Malcolm S. Brainerd.

Timothy S. O'Leary to be pay director, with the rank of captain.

William R. Bowne to be pay inspector, with the rank of commander.

Charles L. Brand to be naval constructor, with the rank of commander.

To be passed assistant surgeons with rank of lieutenant.

Forrest M. Harrison.
Arthur C. Sinton, jr.
Irving W. Jacobs.
Arthur W. Houglund.
Jack H. Harris.
Kenneth E. Lowman.
Earl C. Carr.
Leo C. Thyson.
Rolland R. Gasser.
Howard E. Gardner.
Alanson L. Bryan.
Mortimer T. Clement.
Theo E. Cox.
James M. Quinn.
Edward K. Lee.
Ezra E. Koebbe.
William E. Glanville.
Melville J. Aston.
John T. Bennett.
Ellis A. Stephens.
Rudolph D. Joldersma.
William R. Levis.
Horace E. Spruance.

Herbert L. Barbour to be assistant surgeon with the rank of lieutenant (junior grade).

Rufus A. Ferguson to be passed assistant dental surgeon with the rank of lieutenant.

Alfred W. Chandler to be passed assistant dental surgeon with the rank of lieutenant.

Cedric T. Lynes to be passed assistant dental surgeon with the rank of lieutenant.

Ross P. Schlabach to be naval constructor with the rank of commander.

Arthur C. Eberhard to be assistant civil engineer with the rank of lieutenant (junior grade).

James A. Newell to be chief machinist.

Peter Treutlein to be assistant naval constructor with the rank of lieutenant (junior grade).

Joseph L. Schwartz to be assistant surgeon with the rank of lieutenant (junior grade).

Francis G. Ulen to be assistant dental surgeon with the rank of lieutenant (junior grade).

Adolphus R. Gleitsman to be assistant dental surgeon with the rank of lieutenant (junior grade).

Arthur J. O'Leary to be lieutenant colonel in the Marine Corps.

Adolph B. Miller to be major in the Marine Corps.

Allen E. Simon to be major in the Marine Corps.

POSTMASTERS.

CONNECTICUT.

Edward S. Coulter, Essex.

GEORGIA.

John W. English, Helena.
Victor L. Howe, Tallapoosa.

HAWAII.

Thomas E. Longstreth, Lihue.

ILLINOIS.

Edward F. Ledoyt, Sandwich.

LOUISIANA.

Robert Y. Newell, Newellton.
Charles Janvier, New Orleans.
Neil D. Womble, Winnsboro.

NEBRASKA.

Herbert O. Paine, Cook.
Lory D. Russell, Ansley.
Charles M. Evans, Arapahoe.
Lorena W. Doe, Arcadia.
John E. McClure, Axtell.
William I. Tripp, Belvidere.
Hannah Price, Bennett.
George G. Bruckert, Bruning.
Gladys Kesterson, Carroll.
Edward H. Bishop, Central City.
Hans Jensen, Cozad.
John J. Adams, jr., Crawford.
Louis K. Musser, Crookston.
John Grabenstein, Eustis.
Richard A. Gibson, Friend.
Will H. Lamm, Gering.
Elizabeth McGuire, Hampton.
George A. Herzog, Harvard.
Harry L. Stebbins, Holbrook.
Kathryn F. Michael, Liberty.
Ernest G. Miller, Lynch.
Charles H. Kuhns, Maxwell.
Walter I. Farnham, Merna.
Frances H. Marnell, Nebraska City.
Burton C. Gentle, Norfolk.
Wesley E. Snider, Osceola.
Leo A. Rengler, Overton.
Perry E. Chase, Page.
Horton W. Bedell, Peru.
Homer T. Davey, Ponca.
Frank J. Kovar, Schuyler.
Thomas W. Cook, Scotia.
Gustav Blassl, South Sioux City.
Earl W. Glandon, Stapleton.
Margaret M. Anderson, Stromsburg.
Albert E. Pratt, Tobias.

OREGON.

Iva E. Russell, St. Helens.

TEXAS.

Sudie Gaut, Arp.
Gurney H. Kindred, Bloomington.
John T. Wallace, East Bernard.
Edward E. Layton, Gorman.
Lelia A. Pyeatt, Richardson.
Mabel E. Kennedy, Rockport.

UTAH.

William L. Cash, Castle Dale.
Thomas C. Smiley, Helper.
B. F. Caffey, Sunnyside.
Edward J. Young, jr., Vernal.

HOUSE OF REPRESENTATIVES.

FRIDAY, *April 9, 1920.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We wait upon Thee, our Father in heaven, for wisdom to guide us in our quest for truth.

We thank Thee that Thou hast made us progressive beings and placed within our reach the means for the betterment of our condition—physically, intellectually, morally, spiritually.

The fact that the race has passed from savagery to barbarism, from barbarism to civilization, is the guaranty for the still betterment of life and its conditions.

Give us wisdom, grace, harmony, brotherly love; through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS.

Mr. TILSON. Mr. Speaker, I ask unanimous consent to extend in the RECORD some remarks of my own upon the subject of reducing the number of civil employees in the Government.

The SPEAKER. The gentleman from Connecticut asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Dudley, its enrolling clerk, announced that the Senate had passed joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

Joint resolution (S. J. Res. 189) authorizing and directing the accounting officers of the Treasury to allow credit to the disbursing clerk of the Bureau of War Risk Insurance in certain cases.

SENATE JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate joint resolution 189, authorizing and directing the accounting officers of the Treasury to allow credit to the disbursing clerk of the Bureau of War Risk Insurance in certain cases, was taken from the Speaker's table and referred to the Committee on Interstate and Foreign Commerce.

TERMINATION OF STATE OF WAR WITH GERMANY.

The SPEAKER. Under the special order debate upon the peace resolution is now in order.

Mr. PORTER. Mr. Speaker, I yield 15 minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Speaker, gentlemen on the Democratic side argue that the House of Representatives under the Constitution is not a part of the treaty-making power, and that the passage of this resolution by the House is an infringement on the constitutional prerogatives of the President, who is charged with the negotiation of treaties.

It must be understood by gentlemen that this resolution is not a treaty, nor does it assume to take away any of the President's treaty-making rights. The Congress under the Constitution is charged with declaring war and raising and maintaining armies and navies. The President under the Constitution is made Commander in Chief of the armies and navies and as such is charged with the responsibility of directing these forces in time of war.

On November 11, 1918, the President appeared before a joint session of the Senate and House of Representatives of the American Congress and submitted the terms of the armistice signed by Germany, and in the following words declared the war was over:

> The war thus comes to an end; for, having accepted these terms of armistice, it will be impossible for the German command to renew it.

Later he proceeded to Paris to negotiate a treaty of peace, and upon his temporary return, before the completion of that work, he announced to the American people that he intended to urge the formation of a league of nations and have it so interwoven in the treaty of peace that it would be impossible for the Senate to unravel it.

He kept that promise. And when he finally returned, after the treaty of Versailles was signed by the allied nations and the President, representing the American people, he submitted the treaty for consideration by the Senate, and has continued to insist upon its ratification without amendment. Fortunately for the Nation, the Senate has insisted upon the incorporation of reservations intended to protect the United States from en-

tangling alliances with the nations of the world, and to make clear the responsibilities to be assumed by this country under the provisions of the treaty.

I take the liberty of setting forth the resolution of ratification with the reservations presented by the Republicans of the Senate during the consideration of the treaty, and adopted by a majority of the Senate, but failing to receive the two-thirds necessary:

Resolved (*two-thirds of the Senators present concurring therein*), That the Senate advise and consent to the ratification of the treaty of peace with Germany concluded at Versailles on the 28th day of June, 1919, subject to the following reservations and understandings, which are hereby made a part and condition of this resolution of ratification, which ratification is not to take effect or bind the United States until the said reservations and understandings adopted by the Senate have been accepted as a part and a condition of this resolution of ratification by the allied and associated powers, and a failure on the part of the allied and associated powers to make objection to said reservations and understandings prior to the deposit of ratification by the United States shall be taken as a full and final acceptance of such reservations and understandings by said powers:

1. The United States so understands and construes article 1 that in case of notice of withdrawal from the League of Nations, as provided in said article, the United States shall be the sole judge as to whether all its international obligations and all its obligations under the said covenant have been fulfilled, and notice of withdrawal by the United States may be given by a concurrent resolution of the Congress of the United States.

2. The United States assumes no obligation to preserve the territorial integrity or political independence of any other country by the employment of its military or naval forces, its resources, or any form of economic discrimination, or to interfere in any way in controversies between nations, including all controversies relating to territorial integrity or political independence, whether members of the league or not, under the provisions of article 10, or to employ the military or naval forces of the United States, under any article of the treaty for any purpose, unless in any particular case the Congress, which, under the Constitution, has the sole power to declare war or authorize the employment of the military or naval forces of the United States, shall, in the exercise of full liberty of action, by act or joint resolution so provide.

3. No mandate shall be accepted by the United States under article 22, Part I, or any other provision of the treaty of peace with Germany, except by action of the Congress of the United States.

4. The United States reserves to itself exclusively the right to decide what questions are within its domestic jurisdiction and declares that all domestic and political questions relating wholly or in part to its internal affairs, including immigration, labor, coastwise traffic, the tariff, commerce, the suppression of traffic in women and children and in opium and other dangerous drugs, and all other domestic questions, are solely within the jurisdiction of the United States and are not under this treaty to be submitted in any way either to arbitration or to the consideration of the council or of the assembly of the League of Nations, or any agency thereof, or to the decision or recommendation of any other power.

5. The United States will not submit to arbitration or to inquiry by the assembly or by the council of the League of Nations, provided for in said treaty of peace, any questions which in the judgment of the United States depend upon or relate to its long-established policy, commonly known as the Monroe doctrine; said doctrine is to be interpreted by the United States alone and is hereby declared to be wholly outside the jurisdiction of said League of Nations and entirely unaffected by any provision contained in the said treaty of peace with Germany.

6. The United States withholds its assent to articles 156, 157, and 158, and reserves full liberty of action with respect to any controversy which may arise under said articles.

7. No person is or shall be authorized to represent the United States, nor shall any citizen of the United States be eligible, as a member of any body or agency established or authorized by said treaty of peace with Germany, except pursuant to an act of the Congress of the United States providing for his appointment and defining his powers and duties.

8. The United States understands that the reparation commission will regulate or interfere with exports from the United States to Germany, or from Germany to the United States, only when the United States by act or joint resolution of Congress approves such regulation or interference.

9. The United States shall not be obligated to contribute to any expenses of the League of Nations, or of the secretariat, or of any commission, or committee, or conference, or other agency, organized under the League of Nations or under the treaty or for the purpose of carrying out the treaty provisions, unless and until an appropriation of funds available for such expenses shall have been made by the Congress of the United States: *Provided*, That the foregoing limitation shall not apply to the United States' proportionate share of the expense of the office force and salary of the secretary general.

10. No plan for the limitation of armaments proposed by the council of the League of Nations under the provisions of article 8 shall be held as binding the United States until the same shall have been accepted by Congress, and the United States reserves the right to increase its armament without the consent of the council whenever the United States is threatened with invasion or engaged in war.

11. The United States reserves the right to permit, in its discretion, the nationals of a covenant-breaking State, as defined in article 16 of the covenant of the League of Nations, residing within the United States or in countries other than such covenant-breaking State, to continue their commercial, financial, and personal relations with the nationals of the United States.

12. Nothing in articles 296, 297, or in any of the annexes thereto, or in any other article, section, or annex of the treaty of peace with Germany shall, as against citizens of the United States, be taken to mean any confirmation, ratification, or approval of any act otherwise illegal or in contravention of the rights of citizens of the United States.

13. The United States withholds its assent to Part XIII (arts. 387 to 427, inclusive) unless Congress by act or joint resolution shall hereafter make provision for representation in the organization established by said Part XIII, and in such event the participation of the United States will be governed and conditioned by the provisions of such act or joint resolution.

14. Until part 1, being the covenant of the League of Nations, shall be so amended as to provide that the United States shall be entitled to cast a number of votes equal to that which any member of the league and its self-governing dominions, colonies, or parts of empire, in the aggregate shall be entitled to cast, the United States assumes no obligation to be bound, except in cases where Congress has previously given its consent, by any election, decision, report, or finding of the council or assembly in which any member of the league and its self-governing dominions, colonies, or parts of empire, in the aggregate have cast more than one vote.

The United States assumes no obligation to be bound by any decision, report, or finding of the council or assembly arising out of any dispute between the United States and any member of the league if such member or any self-governing dominion, colony, empire, or part of empire united with it politically has voted.

15. In consenting to the ratification of the treaty with Germany the United States adheres to the principle of self-determination and to the resolution of sympathy with the aspirations of the Irish people for a government of their own choice adopted by the Senate June 6, 1919, and declares that when such government is attained by Ireland, a consummation it is hoped is at hand, it should promptly be admitted as a member of the League of Nations.

It must be obvious to everybody who has studied the question that if the treaty had been ratified as presented by the President of the United States, this country would to-day have an Army of anywhere from twenty-five to two hundred thousand in Armenia and would have obligated itself to the expenditure of not less than $757,000,000, and perhaps a billion dollars, as indicated by the report of the American commission headed by Maj. Gen. Harbord, after a comprehensive study of the conditions on the ground.

It now appears, as the result of this study, how unfortunate it would be for the United States to have accepted a mandatory over Armenia, as the following reasons given by the Harbord Commission show, as it undoubtedly would have done if the Senate had ratified the treaty with the President's covenant of the league without amendment:

1. The United States has prior and nearer foreign obligations and ample responsibilities with domestic problems growing out of the war.

2. This region has been a battle ground of militarism and imperialism for centuries. There is every likelihood that ambitious nations will still maneuver for its control. It would weaken our position relative to the Monroe doctrine and probably eventually involve us with a reconstituted Russia. The taking of a mandate in this region would bring the United States into the politics of the Old World contrary to our traditional policy of keeping free of affairs in the Eastern Hemisphere.

3. Humanitarianism should begin at home. There are a sufficient number of difficult situations which call for our action within the well-recognized spheres of American influence.

4. The United States has in no way contributed to and is not responsible for the conditions, political, social, or economic, that prevail in this region. It will be entirely consistent to decline the invitation.

5. American philanthropy and charity are world-wide. Such a policy would commit us to a policy of meddling or draw upon our philanthropy to the point of exhaustion.

6. Other powers, particularly Great Britain and Russia, have shown continued interest in the welfare of Armenia. Great Britain is fitted by experience and government, has great resources in money and trained personnel, and though she might not be as sympathetic to Armenian aspirations, her rule would guarantee security and justice. The United States is not capable of sustaining a continuity of foreign policy. One Congress can not bind another. Even treaties can be nullified by cutting off appropriations. Nonpartisanship is difficult to attain in our Government.

7. Our country would be put to great expense, involving probably an increase of the Army and Navy. Large numbers of Americans would serve in a country of loathsome and dangerous diseases. It is questionable if railroads could for many years pay interest on investments in their very difficult construction. Capital for railroads would not go there except on Government guaranty. The effort and money spent would get us more trade in nearer lands than we can hope for in Russia and Roumania.

Proximity and competition would increase the possibility of our becoming involved in conflict with the policies and ambitions of States which, now our friends, would be made our rivals.

8. Our spirit and energy can find scope in domestic enterprises or in lands south and west of ours. Intervention in the Near East would rob us of the strategic advantage of the Atlantic, which rolls between us and probable foes. Our reputation for fair dealing might be impaired. Efficient supervision of a mandate at such a distance would be difficult or impossible. We do not need or wish further education in world politics.

9. Peace and justice would be equally assured under any other of the great powers.

10. It would weaken and dissipate our strength, which should be reserved for future responsibilities on the American Continent and in the Far East. Our line of communication to Constantinople would be at the mercy of other naval powers, and especially Great Britain, with Gibraltar and Malta, etc., on the route.

11. These institutions have been respected even by the Turks throughout the war and the massacres, and sympathy and respect would be shown by any other mandatory.

12. The peace conference has definitely informed the Turkish Government that it may expect to go under a mandate. It is not conceivable that the League of Nations would permit further uncontrolled rule by that thoroughly discredited Government.

13. The first duty of America is to its own people and its nearer neighbors. Our country would be involved in this adventure for at least a generation, and in counting the cost Congress must be prepared to advance such sums less such amounts as the Turkish and trans-Caucasian revenues should afford.

The League of Nations would have committed the United States to the protection of the political integrity and geographical boundary lines of every nation in the world. It would have forced the country into every European quarrel. It would have authorized the council of the league, consisting of nine members, to direct when, and how, and where the people of the United States should send their sons into battle. It would have forced American boys in large numbers to serve in countries

of loathsome and dangerous diseases. It would have required a constant increase in the Army and Navy for this purpose, and would force upon the American people the necessity for conscripting American boys to fight foreign wars without choosing which side they were to fight on.

The League of Nations would have committed America's national ideals to a body of men whose customs, languages, standards of conduct, and race habits are not in keeping with our own. America would have but one vote in the council of this league and would be powerless to prevent any action which the council might choose to take. It would have swept aside the Constitution and carried us irresistibly into the Old World currents. It would have made us participants in the 1,000-year-old feuds of European nations. It would have committed the destinies of a free people into the keeping of a hidden power over whose actions we would have no control. It would have forced us to be internationalists instead of nationalists. It would have placed upon us untold burdens, the extent of which no man could foresee. It would have left our boys to bleach their bones upon battle fields in wars in which we had no interest. It would have modified the Constitution of the United States by a method contrary to the provisions now provided by the Constitution itself, and left the Representatives of the people of the United States in the Congress with nothing to do but vote men and money whenever so directed to do by the council of the league.

Most of the European wars have had their origin in commercial rivalry, resulting in territorial aggression. The rulers of European nations have fought to gain power for themselves and their dependent relatives. Their ambitions have never taken into consideration the rights of the people. They have used the people as a pawn to advance themselves. The life of the people with them has had no value, except as they were able to use it on the battle fields to promote their power. Surely the people of the United States must feel grateful to the patriotic men who represent them in the Senate for their insistence upon Americanizing the covenant of the league which would impose such burdens, if adopted without amendment.

The ratification of the league without amendment would have given the people of Europe power over the people of the United States, and this power would undoubtedly be used for the promotion of European interests, regardless of its effect or its cost in blood and treasure to the American people.

We have responsibilities of our own at home. They should receive our first consideration. We have many problems of great moment demanding our attention. They should be our first care. We should not place upon the shoulders of the American people the calamities and burdens of the earth. The ratification of the League of Nations without amendment would force us to do that.

The men who first inhabited Continental America were a sturdy lot. They came here to escape tyranny and to find liberty. They endured the privations of the pioneer. They felled the forests; they cultivated the soils; they fought the Indians; and they established the foundations of an enduring Republic having freedom for its purpose. We enjoy the blessings of this freedom to-day. Shall we jeopardize it or shall we preserve it? Shall we develop along broader lines the peaceful industries of the Nation, or shall we join in the intrigue of foreign nations and become a part of the forces which they command? Shall we protect America against unholy alliances or shall we become internationalists?

We live in the greatest land under the sun. We have enjoyed the blessings of liberty handed down to us by our forefathers, and our people have shown their courage to defend that liberty on every battle field where the honor of the Nation was at stake. We should under no circumstances jeopardize the freedom of the Western Hemisphere at the solicitation of any dreamer or doctrinaire. We are a people of peace. After every war which our men have fought they have returned to their homes and families and the cares of private life. They have been willing to pursue the policy of developing peaceful industries and have gone to war only when the Nation's honor was at stake.

Our forefathers framed a government to save in peace what they had gained in war in the early days, and we are asked by the President to create something that will lose in peace what we won in war.

The founders of the Government left a solemn warning to their descendants to safeguard human rights; to foster the liberty which they had established. They warned us against entangling alliances with foreign nations. They knew and hated the kings and nobles; they hated their cruelties and customs; they admonished us to let Europeans settle their own quarrels; but the President advises otherwise, and he objects because the Senate of the United States, a coordinate branch of the Government, with treaty-making powers, insists upon the protection of American rights.

We entered into no alliance with Europe when we declared war. We considered Germany a menace to free government. She had murdered our citizens, sunk our ships, destroyed our property, and prevented our commerce on the high seas. There was nothing for us to do but to protect our interests and the interests of our people. We did that, but we were careful not to enter into any alliance with the allied nations who were fighting Germany. We sought no world dominion; we simply wished to protect American rights. We accomplished that purpose by the successful termination of the war; but the President, even now, 17 months after the close of the war, still insists on keeping the Government of the United States in a state of war, and this resolution is simply intended to declare a state of peace and incidentally to repeal the war powers granted to the President during the period of the war in more than 30 acts, which he is now exercising and which he ought not longer to be permitted to exercise. The people of the United States should be permitted to go their way in peace; to conduct their affairs without war restrictions; to enter upon their legitimate concerns with a knowledge that there is no danger of them infringing upon a war right.

This resolution is perfectly within the power of the Congress and the House has the right to originate it. The President, the treaty-making power, has refused to act; he has refused to consider amendments to the League of Nations, to which he seems to be wedded. He professes to believe that the people of the United States are in favor of the league on the ground that it would bring peace. God knows we are all for peace, but the League of Nations, far from bringing peace, will involve us in continued war; but to the extent that the United States can properly enter the league without yielding its sovereignty to the control of foreign powers I should be glad to see it formed with America as part of it, but with a league that surrenders any American right to any foreign nation with the power of any council of any league controlled by anybody outside of the United States to dictate policies to the American people, I am opposed unalterably, now and always.

Since the President has refused to act, refused to consult, refused to compromise, it seems to me the time has come for the voice of the people to be heard, and this resolution presumes to express their views, for I verily believe that four-fifths of the American people are for America, whatever the other one-fifth may be for, but for America I stand. I want to see the League of Nations covenant Americanized. I am not an internationalist; I am a nationalist, with all that the term implies. I believe that the United States, as an independent entity with all its power and wealth and its sense of justice, can be more useful to the world without alliances of the kind provided in the President's covenant of the league unamended than it can be as a member of such a league. It stands out with its hand held aloft, beckoning the people of the world onward toward freedom and justice; its food supply, its wealth, its power, and its men are always at the service of the world where justice is at stake. It should hold itself aloof from all alliances; it should be ready to meet whatever issue comes. It should join in its own way, at its own free will, under the direction of its own Government, and with the consent of its own people, in any movement for the world's betterment, but it should do so freely, without coercion, without dictation, without orders. It should be in fact what it is in name, the paramount spokesman of the world's liberty and eternal justice. [Applause on the Republican side.]

Mr. FLOOD. Mr. Speaker, I yield five minutes to the gentleman from Mississippi [Mr. QUIN].

Mr. QUIN. Mr. Speaker, this is not a question of the League of Nations. The gentleman from Illinois [Mr. MADDEN] made a very able address, at which no one from his viewpoint could take grievance; but that is not the issue before us. All of us, I believe, every man on both sides of this House, want to see the United States Government at peace with our late enemy. We are not the peace-making power under the Constitution. This branch of the Congress has no right to interfere with the President and the Senate in respect to the League of Nations and the treaty that the Senate has been considering all these long, weary months. Neither have we the power under the Constitution to usurp the authority to pass such a resolution as is now pending before this body. No one knows this fact any better than does the Republican majority. Any man who understands practical politics can readily perceive that this resolution is pure demagoguery and humbuggery. Any man who runs can read that. Replying to the gentleman from Alabama [Mr. HUDDLESTON], I beg to say that the cooked, poisoned fish that he proposes to swallow along with the Republicans, endeavoring to fool the

American public, will not be swallowed by me, and it will not be swallowed by the great majority of the Democrats of this Congress. The idea of standing up and doing such a thing under our oath as Members of the American Congress, which we took to uphold the Constitution in all its sanctity and its legality, is repulsive. We would subvert the Constitution of this great Government by passing this contemptible resolution. It would be an insult to the boys who wore the uniform of this great Nation, who went out to fight for the principles for which this Government was founded, as well as for the civilization of the world. [Applause on the Democratic side.] The people of our country gave freely of their treasure and made burdensome sacrifices, and to now pass this hypocritical resolution would cast ignominy upon us all. Can we, as intelligent and patriotic Americans, face the people who contributed down to the very bottom of the till to the Red Cross and the Y. M. C. A., who subscribed for Liberty bonds, if we should pass this resolution? Above all, could we face the mothers who gave their sons, some of whom lie now yonder in the soil of France, with the poppies blowing above their graves, while those mothers grieve for them at home? You pretend to represent the American people and to pass this contemptible and hypocritical resolution and leave the enemy free from being bound to stand by and support the great victory that our soldiers won as set forth in the treaty which was made to safeguard and protect us. [Applause on the Democratic side.]

The SPEAKER. The time of the gentleman from Mississippi has expired.

Mr. FLOOD. Mr. Speaker, I yield 10 minutes to the gentleman from Tennessee [Mr. HULL].

Mr. HULL of Tennessee. Mr. Speaker, of course it is impossible within the limits of 10 minutes to enter into a real discussion of the questions which this resolution raises. I desire only to offer a few words of comment on two or three phases of it. As I conceive the present situation, as it relates to peace and to the treaty of peace, the authorities on whom the Constitution imposes the duty and in whom it vests the power of negotiating peace have failed to perform that duty, and entirely, as I look at it, because of political conditions. The Senate, I fear, has failed thus far, seriously and earnestly, to exercise its fullest endeavors in the discharge of its treaty-making duties and power. The result of the temporary deadlock thus created is that after nearly 10 months of delay, accompanied by every kind of agitation and injection of political and other matters wholly foreign to the merits of the treaty, we now find, strange to say, the House of Representatives, by means of a purely legislative measure, undertaking to exercise the most vital and important part of the treaty-making power of the Government.

On the horrible treaty situation which politics and personalities have created I wish to read a few lines from two or three very distinguished gentlemen. They relate to a situation as it now exists and as the House is now undertaking further to develop it, and that is to add another political step in the efforts extending over 10 months to discredit the President in the performance of his treaty-making functions and duties. [Applause on the Democratic side.] A noted French writer a short time ago made this statement:

> What has come about is the destruction of all confidence in the capacity of American plenipotentiaries to negotiate.
>
> In five or six years, when an American President offers us a treaty on any subject whatever, we shall reply to him, "No; thanks. What can you give us in the way of guaranties that your Senate will ratify? Bring us first the consent of the Senate. Then we will talk."
>
> The Republicans do not appear to understand that in discrediting Wilson as a negotiator of treaties, they at the same time discredit for three generations future Presidents of the United States who try to negotiate treaties.

[Applause on the Democratic side.]

On the 4th day of February, 1899, Senator Edward O. Wolcott (Republican), of Colorado, replying to the threatened attitude of certain Democrats who were undertaking to raise foreign issues on the then pending Spanish treaty, used this language:

> For one, I believe that issue a fair one, and I am ready, as all good citizens ought to be, to meet the views of the whole American people upon the question of the conduct of the war, of its achievements, and of the policy this country should pursue at its close. But it is deplorable, Mr. President, that in formulating such an issue and in pursuit of such a policy those leaders should find it necessary to seek to dishonor this Government and the administration which has guided us so wisely through the troubled sea of international complications and brought us to the threshold of an honorable peace; that they should seek to degrade us in the face of the nations of the world; and that they should attempt to bring about some fancied political advantage by an effort to defeat the ratification of a treaty which, if unratified, must bring back a condition of war as it existed before the report of the commissioners, passive it may be, Mr. President, but full of uncertainty and full of disaster to the interest and the welfare of our country.
>
> For my part, I do not believe these tactics can win. There are on both sides of this Chamber enough men animated with high patriotism ready to obliterate party lines and to stand shoulder to shoulder together and with the Government, not because it is a Republican Government but because it is an American Government.

Mr. Speaker, this language applies in its every word, syllable, and letter to the conditions brought about by the present Republican Congress and now existing. [Applause on the Democratic side.]

Senator John Sherman on February 25, 1863, must have had just such a partisan Congress as the Sixty-sixth in mind when he said:

> We do no good to our cause, no good to our country, by constant crimination of the President, by arraigning him here, as I have heard him arraigned, as a tyrant and an imbecile. * * * If we allow his authority to be subdued and overrun we destroy the authority of the Government of the United States.

Now, Mr. Speaker, it has been said that this treaty is killed, and that it was killed by its friends. I want to say in reply to that that arson and murder are never committed by the real friends of the victim; they are always committed either by an avowed enemy or a pretended friend, and I dare say that those who offer criticism of the administration in connection with these treaty negotiations and the treaty delay will find difficulty in convincing the American people that the true and real friends of this treaty are responsible for whatever injury has been suffered thus far from the failure to bring about peace. Now, coming down to the present proposal. I agree that if this resolution had stopped with sections 1 and 2 you would have been on much stronger ground than you are. I agree that after the cessation of hostilities, to which the President referred in the statement often quoted in this debate, it is within the power of the legislative branch, speaking for itself, to say that so far as it is concerned "we have quit fighting." The war, that is, hostilities, has ceased, in so far as "we are concerned." That is the expression of one will, but this resolution does not stop there. It undertakes to couple section 3 as an integral and component part of sections 1 and 2. Section 3 in particular puts this House in the attitude, by a mere legislative act, of calling on the German Government to agree to a large number of things, such as Senator KNOX wrote in his recent resolution, after which this resolution is patterned. The Knox resolution expresses some of the numerous agreements to which Germany is expected through this statutory proceeding to comply. His resolution says this:

> That unless the German Government notifies the Government of the United States that it acquiesces in and confirms irrevocably to the United States all undertakings and covenants contained in the treaty of Versailles conferring upon or assuring to the United States or its nationals any rights, powers, or benefits whatsoever, and concedes to the United States all rights, privileges, indemnities, reparations, and advantages to which the United States would have been entitled if it were a ratifying party to the said treaty, the President of the United States shall have power, by proclamation, to prohibit commercial intercourse between the United States and Germany and the making of loans or credits, and the furnishing of financial assistance or supplies to the German Government, or the inhabitants of Germany, directly or indirectly, by the Government of the United States or the inhabitants of the United States.

Now, for failure to agree to most of these many proposals the pending resolution says we shall sever commercial relations with Germany. I say, Mr. Speaker, that there is not the remotest shadow of even a fleeting doubt that the terms of sections 1, 2, and 3, which must be taken together, embrace an outright general treaty proposition in every possible essential. [Applause on the Democratic side.] No man can go before any court or any fair-minded tribunal and seriously argue otherwise.

While section 3 ostensibly and pretendedly proposes as its chief purpose the establishment of reciprocal trade relations with Germany, a fair construction of this section reveals its real and decidedly paramount purpose as an endeavor to have the German Government agree to assure to the United States and its nationals all the benefits and advantages which the President and the allied nations had compelled the German Government to write into the treaty of Versailles. The reciprocal trade proposal is not only minor and incidental, but, suggested in this manner, it stands out as the merest sham and pretense. The real compelling meaning and intent of section 3 is under a puny, puerile, silly threat to require the German Government, as stated, to agree in substance and in effect, although the language of the resolution is in negative form, to many of the innumerable covenants, contracts, understandings, and arrangements securing the treaty rights, privileges, benefits, penalties, indemnities, and so forth, to the United States from the German Government, as negotiated and written into the treaty of Versailles. In other words, section 3, by the use of negative language, attempts to do in some measure what the language in the Knox resolution undertakes to accomplish by including "all undertakings and covenants contained in the treaty of Versailles," and so forth. It is attempted in a feeble way to bolster up the so-called reciprocal trade contention of section 3 by citing section 3 of the reciprocity provision of the McKinley tariff act of 1890, and the opinion of the Supreme Court of the United

States sustaining its validity. There is no easier task than that of distinguishing this and similar enactments of Congress under its exclusive legislative power to levy and collect duties and to regulate commerce with foreign nations, from the bald treaty proposal embraced in section 3 of the pending resolution.

The acts of Congress relating to reciprocal trade and the decisions of the courts construing them have never in any remote sense trenched upon the treaty-making power of the United States Government. The Constitution gives the President the power generally to negotiate commercial treaties. Congress, as a rule, must exercise its legislative power either under the authority to levy and collect duties or to regulate commerce with foreign nations in order to carry into effect such commercial treaties. Either Congress or the Executive may take the initial step, as each has done, but in so doing the Executive in the past has in no wise encroached upon the legislative action necessary, nor has Congress, on the other hand, encroached upon the treaty-making functions of the President and the Senate in this connection. The decision of the Supreme Court in the case of Field against Clark dealt alone with the question of whether Congress could delegate to the President what was alleged as its legislative power to levy duties, or, rather, to put in effect by proclamation duties already conditionally imposed by Congress.

It will be noted that the conditions prescribed as a prerequisite to the issuance of such proclamation by the President was entirely within the scope and nature of reciprocal trade legislation, and in no wise sought to make as a condition the one-sided execution of an entire treaty of peace with its wholesale conditions, qualifications, contracts, and covenants, such as are contained in the German-American provisions of the treaty of Versailles. No such condition was ever written in any congressional enactment relating to reciprocal or other trade relations, but on the contrary only such condition or conditions as were germane to this subject. The Supreme Court in the case of Field against Clark, touching on this very point, used the following language concerning this class of trade statutes:

> In the judgment of the legislative branch of the Government it is often desirable if not essential for the protection of the interests of our people against the unfriendly or discriminating regulations established by foreign Governments in the interests of their people to invest the President with large discretion in matters arising out of the execution of statutes relating to trade and commerce with other nations.

These statutes, as I have been specially pointing out, have related to "trade and commerce with other nations," and until the pending resolution was offered I dare say the idea that a condition might be made a part of a reciprocal trade statute which would require a sovereign power to enter into a wholesale peace treaty with this Government—a matter wholly foreign to all such commercial statutes and decisions thereon—has never been dreamed of until now. It has never been contended that any of the long list of congressional enactments relating to reciprocal and other trade relations with foreign nations ever in any instance transferred legislative power from Congress to the President or transferred any part of the treaty-making power from the President to be exercised under the legislative power of Congress.

When considered together as they must be, sections 1, 2, 3, and 4 of the pending resolution constitute an outright treaty proposal such as the Constitution vests exclusively in the President with the approval of the Senate. Viewing the clearly defined treaty-making power of the President with the approval of the Senate and the purely legislative power of the two Houses of Congress, each entirely separate and distinct, as contained in the Constitution, there is no room to escape the conclusion just stated. But even if the resolution were valid the conditions which the demands of section 3 impose on Germany renders the idea of her acceptance utterly absurd.

Mr. Speaker, the proposed resolution will mean absolutely nothing when it passes the House. It will only have served the purpose intended of allowing our Republican friends to play politics and thereby endeavor to confuse, mislead, and prejudice the public mind with respect to peace and peace conditions.

Instead of hastening or facilitating real and practical peace conditions, such performances as this resolution affords only complicate and delay the kind of peace the American people are longing for and have had a right to expect during the past eight months, and which they would have received long since but for politics. When one political party in control of the legislative branch follows the fixed policy of opposing whatever is proposed by the executive branch of the Government without regard to its merits, the country can scarcely expect congressional action in the usual and orderly way and must be prepared for just such vexatious and injurious delays as we have seen in the case of the nonratification of the peace treaty.

I can scarcely conceive of a more dishonorable attitude before the world than that in which this resolution would place the United States Government and the American people. It places us in the attitude of rejecting the treaty negotiated at Versailles and signed by Germany and all our allied Governments, but at the same time demanding of the German Government that it shall comply with the terms of the treaty in so far as they bestow benefits upon the United States and its citizens. It would be impossible to express or to imagine the amazement, hatred, contempt, and ridicule with which the allied Governments and enlightened nations the world over would view our Government and our people if this resolution should be passed over the President's veto by two-thirds of both Houses of Congress and seriously transmitted to Germany by a House or Senate messenger. The name of the United States would become a hiss and a byword in every civilized country on earth. And yet this is precisely the pusillanimous proposal that would be made to Germany after deserting our allies, if the Republicans in Congress viewed this resolution seriously, which they do not. In my judgment, if all the politics contained in both ends of the Capitol Building could have been segregated and confined to the House end for as much as three hours of any day during the past eight months, the treaty of Versailles would have been ratified without destructive reservations, and peace in the fullest sense and with all its blessings and advantages would have come to the people of this and other countries long since.

Mr. Speaker, every Member of Congress and every true American citizen alike have desired peace with all that the term implies at the earliest possible date after the signing of the armistice, but to support the pending resolution, confessedly designed as the purest political buncombe, and not in any sense intended to advance the cause of peace so much as to retard and hurt it, would constitute a far higher tribute to one's politics than to one's patriotism.

Mr. MOORES of Indiana. Mr. Speaker, I yield 10 minutes to the gentleman from Iowa [Mr. DICKINSON].

Mr. DICKINSON of Iowa. Mr. Speaker, one of the things required of every Government is that it be flexible to meet the conditions of every emergency. I believe it was said of one of the former Presidents that he must be shown the law for every step he took. It was said of another President that he must be shown the law against a proposition. In view of the fact that these two propositions seem to be involved here, it seems to me that most of our discussion here from one side of the House is to show the law in favor of this resolution. On the other side it is to show the law against the resolution. Most of the arguments from the Democratic side of the House opposed to this resolution have been based upon the premise that the resolution is an invasion of the treaty-making power. It is the contention of the drafters of the resolution that it does not invade the treaty-making power. We have not been shown any law, or any rule by which it can be construed, that shows that this resolution invades the treaty-making power. That being the case, most of the citations and most of the examples cited by the Democratic side of the House here in opposition to this resolution therefore come amiss of the mark. If you take a false premise, it is an easy matter to show that the world is flat and that water will run up hill, but you can not do it if you take well-founded principles which no one can deny. The conflict of interests here now is between the domestic and internal affairs of our Government and between the foreign policy of our Government, and which one shall be given preference by the legislative branch of our Government now. Which one do we want to forward here; which one do we want to protect?

Regardless of where the blame lies and regardless of whether the President is at fault or the Senate is at fault, it must be admitted by everyone that the peace-making machinery of our Government is in a hopeless deadlock. The armistice was signed on the 11th day of November, 1918, nearly 17 months ago; and while the treaty of peace between the Imperial German Government and the United States was signed at Versailles on June 28, 1919, it has not been ratified, and has been returned to the President and the usual method of terminating a war status has completely failed. It is certainly not within the meaning and intent of the Constitution that when Congress declares a war the only method of stopping a war is through a treaty negotiated in the regular way. If this be the case, a deadlock between the President and the Senate could keep us in war for an indefinite length of time, and although the House might withdraw support by means of refusing to pass appropriations, this would not relieve us of an internal condition of war. It is not hard to perceive conditions under which the present deadlock of a peace treaty could continue for a period of some un-

limited time, and should a President and a Senate be elected of opposing parties and of adverse views on a war policy it might be possible to hold the matter up for at least a term of four years and possibly longer. For one, I am not ready to admit that when Congress once declares war no right exists to end the same except through the Executive treaty-making power, for, if this be true, the Executive of the country could keep us in war indefinitely without our approval or consent and against the will of the great majority of our people.

During the war our industries were concentrated on a war basis by duly authorized acts of Congress; unnecessary industries were eliminated and rules and regulations adopted intended to conserve our material, our munitions, and so forth, for war purposes. By reason of the war ending and the cessation of hostilities, the necessity for this condition has been entirely removed and necessity exists now for industries to return to their prewar peace basis. When the war made large demands upon industries and when every industry could dispose of twice the amount of its product that it could produce, it was an easy matter for industries to survive; but when the war ceases and our industries must return to a normal basis, when our foreign exports will begin to decrease, when our foreign imports will commence to increase, we find that, in order to protect our industries and our workmen, it is necessary that many of the rules and regulations now existing, under which they are compelled to transact their business, must be repealed. In case this is not brought about at an early date many industries will sooner or later face insolvency, many workmen will be thrown out of employment, and in many cases wages will have to be adjusted to new conditions, and our commercial life will be at such a nervous tension that unless relief is given in ample time panic conditions will endure, and instead of bringing this adjustment about gradually it will be brought about through a panic, disastrous in every way.

For the above reason I am thoroughly convinced that the repeal of the present war-time legislation will do more to relieve the present unrest, to relieve the tension under which men are working, to convince men that they should resume their prewar employment, and to discourage extravagance than any other possible act that this House can favorably consider at the present session.

The present unrest is due to many causes, among which we find the demand for short hours of labor, thereby cutting down the amount of production; the contention between the farm and city labor, the drifting of farm labor to the city by reason of attractive wages and shorter hours; favors gained by one class of laborers but not secured by another; the curtailment of production in many lines on account of the reasons heretofore given; the lust for idleness, brought about by war conditions; the inflation of the present monetary standard wherein one dollar is only worth about one-half its former value in purchasing power; the unprecedented demand for labor in every line of work, thereby creating a false standard of wage earnings; the fact that the Old World has been demanding American produce while it was fighting out its battles; and many other conditions which show to us that with the resumption of commercial relations with foreign countries we must be abreast in production and financiering in order to hold our own in the coming after-war tide which is sure to follow from foreign competitors at an early date.

Secondly, I want to call your attention to the provisions of the resolution:

Article 1 declares that the state of war, heretofore found to exist, has ended. There seems to be a great deal of confusion that a war can not end except by a treaty of peace, while the best authorities all agree that there are at least three ways by which a war may end, as follows:

Belligerents may (1) abstain from further acts of war and glide into peaceful relations without expressly making peace through a special treaty; or (2) belligerents may formally establish the condition of peace through a special treaty; or (3) a belligerent may end the war through subjugation of his adversary. (Oppenheim, International Law, vol. 2, p. 322.)

There are three ways of terminating hostilities between States, namely, (1) by a mere cessation of hostilities of both sides, without any definite understanding supervening; (2) by the conquest and subjugation of one of the contending parties by the other so that the former is reduced to impotence and submission; (3) by a mutual arrangement embodied in a treaty of peace whether the honors of war be equal or unequal.

Under the first mode the relationships between the parties remain in a condition of uncertainty, and, owing to the numerous difficulties involved, combatant States have very seldom resorted to this method of withdrawing from the war without arriving at some definite and intelligible decision. (Phillipson, Termination of War and Treaties of Peace, p. 3.)

It is certain that a condition of war can be raised without an authoritative declaration of war, and, on the other hand, the situation of peace may be restored by the long suspension of hostilities without a treaty of peace being made. History is full of such occurrences. What period of suspension of war is necessary to justify the presumption of the restoration of peace has never yet been settled, and must in every case be determined with reference to collateral facts and circumstances. (Mr. Seward, Secretary of State, July 22, 1868, Dip. Cor., 1868, vol. 2, pp. 32 to 34, cited Moore's International Law, vol. 7, p. 336.)

Section 2 provides for the repeal of the present war-time legislation, and among the acts which would be repealed by this section, should it be enacted into law, are found the following: The trading-with-the-enemy act, the alien custodian act, the espionage act, the draft law, the Overman Act, and the Lever pure-food act. Each and every one of these measures would be repealed should this resolution be enacted into a law. These laws are responsible for a great deal of the unrest which exists in our country at the present time, especially in the condensed centers thereof. I do not believe that anyone here thinks that they should be continued for an additional length of time. There are many other laws the repeal of which will be brought about by section 2, but I mention these solely for the purpose of showing that the more drastic measures which lead to a great deal of the unrest would be immediately affected by the passage of this resolution. This resolution would have the same effect on this legislation as the ratification of the treaty by the Senate and the proclamation of peace by the President.

Section 3 of the bill provides for the restoration of reciprocal trade relations with the German Government and retains to our citizens and to our country all rights preserved to them under the treaty of Versailles.

Section 4 is merely a penalty section for section 3.

Section 5 reserves to us all of the rights, privileges, indemnities, and advantages to which we are entitled under the terms of the armistice or acquired in any other way by reason of our participation in the war.

Third. Authorities and precedents supporting this resolution.

Reference has heretofore been made that there are other ways of ending war than making a treaty of peace. A great deal of confusion has arisen for the reason that many confuse a resolution declaring that a state of war no longer exists with a treaty of peace ending war. This resolution in sections 1, 2, and 5 deals purely with domestic matters and has no reference whatsoever to our relations with other countries. It declares that a satisfactory condition exists in this country and this resolution can be used as a basis for the President in negotiating a further treaty of peace.

It has been held in numerous cases that the House may pass a resolution terminating, enforcing, and suggesting treaties. (1502–1520, Hinds' Precedents, vol. 2, p. 975.) See sections 1504, 1505, 1514, 1520, Hallock's International Law, volume 1, page 334, which says:

Every treaty of peace is nothing more than a compromise.

See also same volume, page 330:

By the Constitution of the United States of America the President has the exclusive power of making treaties of peace which, when ratified with the advice and consent of the Senate, become the supreme law of the land, and have the effect of repealing all other laws of Congress as of its States which stand in the way of their stipulations.

But Congress may at any time compel the President to make peace by refusing the means of carrying on the war, and its approbation is necessary for the passage of any laws which might be required for carrying into effect the stipulations of the treaty.

When we authorized the President to prosecute the war, did we authorize him to continue the prosecution until the war ended, or until the nations involved formulated themselves into an international supergovernment according to his particular views, and did we imply therein a right to enforce all war legislation on the peoples of the country until the peoples of this country acquiesced in his demands? President Wilson did not bring back a treaty of peace to end war; he brought back the covenants of a League of Nations, with the peace treaty an adjunct thereto. Must we sit in silence with the peace machinery of our Government locked? Must this Government of ours sit still until a referendum is had fixing the blame and suggesting the remedy before a remedy can be had? Must we admit that in this situation our Government is unable to function and that present conditions must continue until relief is found through the same channels that have failed since November 11, 1918?

By this resolution we are placing the legal machinery of our Government in a position to await the coming of a treaty of peace at some future date. We are restoring our commercial and industrial life as near to a peace basis as possible under existing conditions. We are holding our international and domestic rights in status quo awaiting further negotiations. A government that can not meet an emergency is not flexible; a government that fails in an important function is doomed. Our Government must not fail and it can not delay longer. This resolution is not an attempt to make peace with Germany, but a resolution declaring that this country, so far as we are concerned, considers the war at an end and that peace conditions

shall be restored. I do not favor permitting the President to legislate us into a League of Nations, under the guise of a peace treaty, without the consent of the legislative branch of our Government, and this resolution simply declares the condition that shall exist in our country until the matter is finally determined by treaty. And yet when we present this resolution for this purpose, and for this purpose only, when this honest and conscientious effort is made to protect American rights and further our privileges as American citizens, we are met by the ferocious howl of the administration supporters that some one is trying to discredit the President. If we must discredit the President in order to protect the rights of our citizens, I for one am willing to vote "aye."

PRESUMPTION AS TO VALIDITY.

[From Federal Statutes Annotated, vol. 10, p. 392.]

The presumption is in favor of the validity of an act of Congress, and it is only when the question is free from any reasonable doubt that the court should hold an act of the law-making power of the Nation to be in violation of that fundamental instrument upon which all the powers of the Government rest. The provisions of an act should not be lightly or inadvisedly set aside, although if they be plainly antagonistic to the Constitution it is the duty of the court to so declare.

[From Federal Statutes Annotated, vol. 11, p. 43.]

Congress has power to abrogate a treaty made by the President and approved by the Senate.

NEED OF LEGISLATURE TO GIVE EFFECT TO TREATIES.

Yet, although the power is given to the Executive, with the consent of the Senate, to make treaties, the power is nowhere in positive terms conferred upon Congress to make laws to carry the stipulations of treaties into effect. It has been supposed to result from the duty of the National Government to fulfill all the obligations of treaties.

[From Tucker's International Law, vol. 11, p. 729.]

No power is given to the President and the Senate to effectuate the terms of the treaty by legislation. On the other hand, power is given to Congress by law to carry into execution all the powers vested in other departments of which the treaty-making power is one. Can the conclusion be reached that the law-making department must then concur in action with the treaty-making power to make the treaty effectual as law to the people? Can an inference in favor of Executive authority be admissible in the face of this expressed delegation of power to Congress to carry the treaty into execution? Can it be held that it is obligatory upon Congress to do all of this—not discretionary—and that Congress must register the will of the President and Senate without power to dissent?

IMPLIED POWERS TO FULFILL TREATIES.

To this end it was needful only to make express grants of general powers, coupled with a further grant of such incidental and auxiliary powers as might be required for the exercise of the powers expressly granted. These powers are necessarily extensive. It has been found, indeed, in the practical administration of the Government that a very large part, if not the largest part, of its functions have been performed in the exercise of powers thus implied. (Hepburn v. Griswald, 8 Wall., 613; 19 W. C., 513.)

CONCLUSION.

In my judgment, it is imperative that the American people, that American industries and American commerce, be relieved from the present handicap of war legislation. There is no other method by which this relief can be brought about at this time except by action of this House. Our Government must not cease to function in an emergency, even though the treaty-making power is blocked by reason of a disagreement between the Executive and one branch of the legislative department. The United States is made up of a great people, all of whom know of the freedom and opportunities of the American citizenship. The founders of this Republic had sense enough to make up a Constitution which experience has shown to be a wonderful document. When we realize that the United States, with 6 per cent of the population and 7 per cent of the land of the world, produces 20 per cent of its gold, 25 per cent of its wheat, 40 per cent of its iron, 50 per cent of its coal, 60 per cent of its copper, 65 per cent of its oil, 75 per cent of its corn, 85 per cent of the automobiles, and has 40 per cent of all the railroads, we then comprehend what a marvelous achievement has been worked out under the American Constitution. As Representatives in Congress, we are here to insure the domestic tranquillity by this Constitution guaranteed; we are here to promote the general welfare of this American citizenship whose wonderful achievements I have just described. Our Government has stood the test; our citizenship speaks for its efficiency. I would say to the college professor who with knit brow hints approval of the socialism of Marx, "You are not fit to instruct our young men." I would say to the public-school teacher who says that our form of government is inferior to others, "Your resignation is acceptable." I would say to the Russian and German Bolshevist, "Get out of our country and stay out. Your teaching has no attraction for us." Let us put more Americanism into our teachings, our preachings, our congressional legislation, and restore the American citizenship to its prewar privileges and our country can not help but survive.

Who saves his country saves all things,
And all things saved do bless him;
Who lets his country die lets all things die,
And all things, dying, curse him.

[Applause.]

Mr. MOORE of Virginia. Mr. Speaker, in the wide range of this discussion, it seems to me that one outstanding fact has not been sufficiently stressed. There has been constant reference here to the reasonable and insistent demand of the public that the prewar status should be restored as completely as possible. There has been unlimited criticism of the President and certain Senators as if they were responsible for the prewar status not being restored. But the outstanding fact that has been glossed over is that the responsibility rests directly on Congress. Except for the mere matter of the continuance of the war in a technical sense, Congress could long ago have gone far in the direction of restoring the conditions that existed prior to the war, not simply with respect to our domestic concerns, but with respect to intercourse with Germany and Austria. But Congress has utterly failed to recognize and perform its duty in that regard. It has not attempted to take up the great problems consequent on the war for the purpose of considering and disposing of them in a systematic and comprehensive manner. It has made no attempt to deal in any such manner with the mass of laws, some of them expressed in statutes and some otherwise expressed, which it was necessary to maintain in effect while the war was flagrant, but which it was not necessary to maintain after hostilities ceased without any prospect of hostilities being resumed. Now and then an individual statute has been dealt with and repealed or amended, as, for instance, the railroad-control act and the war-time prohibition act, but I repeat that there has been an utter absence of any general or coherent policy relative to the modification of the war laws or relative to any of the great problems which the war has created. Up to this time we have observed a policy, if it can be called a policy, of indifference and drift, with really nothing done in response to the continuous and crying demand of the public. Since the extra session began on May 19, 1919, nearly a year ago, there has not been a day or hour when Congress was not entirely free to undertake a survey and analysis of the entire body of the war laws—and not confining itself to the statutes enacted since April 6, 1917—with a view to such action touching the individual laws as would place our domestic affairs and our relations with the enemy nations on a practical and substantial basis. This could have been done. It ought to have been done last year. If it had been heretofore intelligently done, there would be left now only a bare technical state of war, with a minimum of embarrassment to this country and the enemy countries. But there has been an utter failure to do it.

What a contrast is afforded by the action of England. Before the ink was dry upon the terms written in the armistice England had gotten busy on the very line on which we are only beginning to travel here. Parliament deliberately acted before the expiration of November, 1918. Here the thing that might have been done has been left undone, and now the House is expected to do something which it ought not to do by passing a hastily conceived and hastily debated resolution without the opportunity of making any change, however slight. It is charged that the President was averse to the dotting of an "i" or the crossing of a "t" in the treaty of peace, and we are now invited to the same course here in respect to this important resolution. [Applause on the Democratic side.] It might have been expected that such a resolution, if believed to have merit and desired to become a law, would have originated in the Senate, which has done hardly anything else for several months but talk about the questions that the resolution involves, but the Senate is evidently willing to try it out on the House and let the House bear the humiliation incident to giving its approval to a resolution which hereafter will be regarded as absurd. [Applause on the Democratic side.]

Section 2 is undeniably within the power of Congress. It is a blanket provision which attempts to modify the war statutes enacted since April 6, 1917. It is confined to those statutes, but those statutes are so framed that to many of them it can have no application. Its practical effect from an economic and business point of view upon those to which it does apply would require such study and analysis of the individual statutes as the Committee on Foreign Affairs has not made, and I doubt whether any Member of this House has made. The section is a long-delayed and feeble and a rather reckless effort to meet the public demand that prewar conditions be restored, a demand with which I am in complete sympathy. Nevertheless, while it is open to much criticism, in my anxiety to meet that just demand I would vote for the section if it could be detached from portions of the resolution which I find myself unable to support. Whether the resolution is enacted or not, and, though a motion to recommit should be defeated, I suggest that the Judiciary Committee should be directed to analyze the existing statutes passed since April 6, 1917, and the war laws outside of the scope of

those statutes and report any bills which may be thought necessary for the purpose of bringing about a return to prewar conditions. [Applause on the Democratic side.]

Let me say a word or two about other sections of the resolution. It has been assumed that the intention of the first section is to establish, by the declaration which it contains, complete peace in every sense, substantially and technically. I agree with those who have argued against that being within the power of Congress. Their argument has sufficiently developed the reasons supporting that view. They have been pointed out, or at least could have been pointed out, that if Congress can do what it is assumed the first section proposes, it can take such action at any stage of any war as well before as after an armistice is signed, and it can take such action at any moment after hostilities have ceased, even though at that very moment a treaty of peace is on the point of being ratified. I do not care to refer to any of the authorities that have been cited or to any additional extracts except Senator LODGE's essay on the treaty-making powers of the Senate, published in 1902, in which, discussing the treaty-making clause, he commends as the best description of the manner in which it was modified, after being reported by the committee on detail, the statement of George Ticknor Curtis. Senator LODGE quotes a part of Mr. Curtis's statement, and the part quoted contains the following:

> The power to declare war having been vested in the whole legislature, it was necessary to provide the mode in which a war was to be terminated. As the President was to be the organ of communication with other governments, and as he would be the chief guardian of the national interests, the negotiation of a treaty of peace and of all other treaties was necessarily confided to him. But as treaties would not only involve the general interests of the Nation and might touch the particular interests of individual States, and whatever their effect, were to be a part of the supreme law of the land, it was necessary to give to the Senators, as the direct representatives of States, a concurrent authority with the President over the relations to be affected by them.

And then follows a statement of the considerations that led to the requirement that in the Senate the representatives of more than a bare majority of the States should concur.

But I shall not take the line that has been pursued. I shall not assume that the intention of the first section is to do more than declare that the war is at an end in the sense that actual hostilities have ceased and are not likely to be resumed, and in no other sense. I feel confident that should the resolution become a law, and two parties to a very important contract, fixing duties and rights contingent upon the termination of the war, submit to a court a controversy as to the construction of the first section, the court would have no difficulty in deciding that to be its meaning. Not only does the resolution in other sections refer to an armistice, that is to say, a truce being still in effect the terms of which are not to be waived, and also refer to the war as a "present war," but the preamble of the resolution, which is to be regarded in a way as its basis, cites a statement by the President that the war is ended, which statement Congress itself and the Supreme Court, in deciding the prohibition cases, have viewed as nothing more than an assertion that hostilities are at an end. I have no doubt whatever that the court in such a case as I have supposed, construing the contract, would hold that section 1 was not intended to terminate and can not operate to terminate the war in a strict technical sense. That being the situation, section 1 may perhaps be laid aside as relatively unimportant.

Section 3 is the objectional provision. It is nothing more or less than, in substance, an attempt to agree and adopt a treaty of peace with Germany, which is to be the very treaty heretofore negotiated, in so far as it concerns the obligations which that treaty imposes on Germany. Incidentally, it may be noted, though it is not very important to note, that any obligations which that treaty may impose on the United States are not to be regarded or preserved. If Congress can, under a statute or resolution, adjust the relations between the United States and an enemy nation in this instance, it can, of course, do so in any instance and exercise the treaty-making authority, although the President and Senate would certainly be entitled to function independently along parallel lines. In other words, under a resolution passed by a majority vote of the two Houses of Congress, and not disapproved by the President, a treaty might be secured through the agency of anyone named in the resolution, and at the same moment the President might negotiate another and different treaty, which is, to my mind, inconceivable. Should it be replied that section 3 does not ignore the President as the treaty-making agent of the Government, but expressly recognizes him as such by placing on him the duty of ascertaining what, if any, agreement—and an agreement is a treaty—Germany is willing to make, the same to be accepted if within the terms of section 3, a singular situation is presented, namely, that while the Constitution leaves the matter of negotiating and agreeing on a treaty to the President, Congress intervenes to instruct the President how the negotiation shall be carried on and what the thing resulting from it shall be. This is also, to my mind, inconceivable, and therefore I must oppose the resolution. [Applause on the Democratic side.]

Mr. FERRIS. Mr. Speaker and gentlemen of the Congress, House joint resolution 327, now under consideration, proposes to make a separate peace with Germany. Such a proposal is without constitutional warrant and without precedent. In the opinion of the Chief Executive, concurred in by the State Department, who are in possession of all the authorities, all the precedents, all the laws and expert information on the subject, and who are actually charged with the duty of promulgating treaties, are of the opinion that it is a nullity, without effect; that it will not close the war; that it will but confuse, retard, and hinder and delay the bringing about of peace, which the Nation yearns for and desires.

I shall not reiterate the many able legal arguments that have been made, every one of them confirmatory and conclusive of the fact that peace can not be made by the passage of such a resolution. I shall not recite the terms of the Constitution which specifically empower the President to make peace treaties, by and with the advice and consent of two-thirds of the Senate. I shall not reiterate the fact that the fathers in the Constitutional Convention by unanimous vote refused to give the Congress the powers that they this day for the first time seek to employ. To do this would be repeating in poor fashion what has already been presented in good fashion.

I shall content myself with the thought that even if the Congress had the power to do the thing this resolution purports to do—to make a separate peace with Germany—it would be as unwise as it is dangerous. It would be making a separate, haggling peace with not only our own enemy but the enemy of civilization; it would be allying ourselves with our enemy at the expense and sacrifice of every one of the 45 nations who have just signed the peace treaty and with whom our friendship has been entwined and interlinked. If the passage of such a resolution meant any achievement toward a lasting peace we would embrace it together, but to make peace with Germany and leave a long shadow and trail of animosity behind to the 45 nations of the earth that have already signed the treaty would be playing fast and loose with America's honor—would to me be a course of disaster and a pitiable surrender of the best ideals of our Nation.

What answer shall we make for such a course to the fathers and mothers of the 50,000 American boys who were killed on the battle fields of France? What answer shall we make to those who fought and fell that free government might live, that Prussianism might be crushed, and the nations of the earth might dwell in peace together? What answer shall history make for us who this day attempt such a course? To me the passage of such a resolution is saying to Germany, "Although you sought to crush civilization and caused the nations of the earth to lose 7,500,000 lives and expend $187,000,000,000"—by a simple wave of the hand we answer, "We have done; we have concluded; you may go."

What answer shall we make to the taxpayers of the Republic who spent $30,000,000,000 in war activities and loans that free government might live? Is the passage of a simple resolution like this one, which merely declares the war as ended, without retribution, without settlement, without achievement? Will that suffice; is that all a grateful Republic may expect? Is that all we as their agents will exact of Germany for the terrible toll exacted of us, of the sacrifices made?

What answer shall we make to the Nation, who now holds $500,000,000 worth of alien enemy property, seized under the authority of this Congress from the German Government and her nationals to be used in partially indemnifying Americans for their loss of property and the havoc that has been wrought? Shall all this go for naught, be sacrificed, given back, ended by the passage of such a resolution?

What answer shall we make to American claimants who hold claims aggregating a billion dollars against Germany for the sinking of ships, murdering of free-born Americans, loss of cargo, until the very bottom of the sea is strewn with sunken ships, with wasted cargo, with America's dead?

Will the passage of this simple resolution reciting "the war is ended"—will that answer, will that satisfy, is that all we have to offer?

Will the five years of Prussian outlawry and outrages against not only our own civilization but the civilization of the world be thus condoned, thus forgiven, thus forgotten?

Shall we as a Nation surrender our standing, our prestige, our leadership, and turn traitor to those with whom we have

just fought simply to make an abortive effort to make a separate peace with Germany, when Germany is entitled to no separate negotiations or special favors from us?

Can a thoughtful constituency, who believe in free government and who despise autocratic government, counsel such a course, point such a way, approve of such a plan?

No. To me our duty as a House of Representatives seems clear—that we should attend to our own business; revise the tax laws, that are burdensome and heavy to bear; pass soldier legislation, that is needed, clamored for, promised, and deserved; reduce the high cost of living; encourage agriculture; repeal the burdensome war laws, that are irksome and hard to endure; get back to normal conditions; stand on our own bottom; observe our own Constitution; perform our duties that are within our jurisdiction and not inject ourselves into a controversy between the Executive and the Senate, whose duties are prescribed by the Constitution and whose delinquencies will be dealt with by the American people. [Applause.]

To me the duty of this House seems clear—that the passage of such a resolution as the one proposed would not bring peace; it would not end the war; it would not settle anything. It is but a makeshift. It is but a pretense. It is a thing unreal; a thing without warrant of law, Constitution, good morals, or good sense.

To me it seems perfectly clear that peace must be made by the parties who were engaged in the war. One party to the contract can not make the peace. The terms must be agreed upon. The common-sense thing to do is to stand with our associates and make the peace they make. If we refuse to make the peace they make, instead of having the bulk of the world with us we have the bulk of the world against us. The passage of such a resolution will not beget the friendship of Germany but it will beget the enmity of the 45 nations who have signed the treaty and who will all be against us. To abandon the peace treaty and the covenant now would be disastrous, for our Monroe doctrine will be shattered and gone, because the South and Central American nations have signed the treaty and are all going into the league.

To me it seems perfectly clear that to thus abandon the nations with whom we have just fought is to make our folly of the moment the folly of the age.

To me it is perfectly clear that the time will soon come and at no distant date when the President of the United States and the Senate will each do its part in getting together on a treaty and with such interpretations as do not mutilate and destroy but that do make it perfectly clear that we do not sacrifice an American right, and that we will still do our part as a Nation, and that we will stand with our associates; that we will end the war; and that we will stand for, first, arbitration; second, reduction of armament; third, the abolition of secret treaties—all vouchsafed to us in the peace treaty and in the covenant. To such a course all Americans may well subscribe. A course of surrender in the making of a separate and haggling peace with our enemy is a course that Americans may well avoid, and we as their representatives may well avoid for them.

Let me pause to remind them that the defeat of the peace treaty defeats arbitration, and arbitration has been the hope of civilization for 2,000 years.

Let me pause to remind that the defeat of the peace treaty by the 96 Senators of the United States is the defeat of the provision for the reduction of armament, which has been the hope of the Republic from its inception to this good day.

Let me pause to remind that the defeat and the abandonment of the peace treaty and the covenant is the abandonment of hope for the abolition of secret treaties, which have been the breeder of all wars from the dawn of civilization until now.

Let those who delight at the defeat of the peace treaty be reminded that we are just concluding a war where 7,500,000 lives were lost on the field of battle—more lives lost than in all the wars of history.

Let me remind them that we are just concluding a war that cost the 26 nations engaged in it $187,000,000,000, which is more than one-third of the wealth of the nations engaged in it. Let me remind them of the $30,000,000,000 gleaned from the taxpayers of our own land to conduct this war. Let me remind them of the 230,000 wounded soldiers who must of necessity hobble through life, a more or less miserable existence. Let me remind them of the mothers of the land who, throughout the long, tedious war, knit sweaters and socks, to aid as best they could to win the battle for free government and for civilization. Let me remind them of the 20,000 American girls who enlisted for war service to bind up the Nation's wounds. Let me remind them to visit the national cemeteries, both in France and America, where America's dead lie in abundance; let me remind them to visit Arlington. Let them witness the wounded and maimed—let them witness the limbless trunks, sightless eyes, with health gone. Ponder well these unsightly scenes, these costly sacrifices, before you make separate peace with Germany at the expense of our friends.

To follow such a course I can not subscribe. To such a course no thoughtful constituency will insist.

To pursue such a course would be to abandon the Constitution of the fathers, which, through long years of trial in the fiery furnace of politics and fancy, has stood every test. It has been the giant oak that has protected us in every storm both in peace and in war. It has saved and soothed the weak from the revenge of the mighty. It has blazed the way of righteousness and justice and bound together with bands of steel the rich, the poor—the high, the low—the savage and the civilized. I can not think the exigencies are so great, I can not think the hour of peril so near, as to abandon it now and trample under foot our bulwark of hope, faith, and charity, for within its costly folds it holds them all safe and secure.

No; to me such a course is unthinkable—to such a course I can not subscribe. [Applause.]

The SPEAKER. The time of the gentleman from Oklahoma has expired.

Mr. PORTER. Mr. Speaker, I yield seven minutes to the gentleman from New York [Mr. HOUGHTON].

The SPEAKER. The gentleman from New York is recognized for seven minutes.

Mr. HOUGHTON. Mr. Speaker, the resolution obviously presents two questions to the House; first, is the action contemplated by the resolution constitutional and within the power of the Congress? And second, if constitutional, is it expedient? I had not, I confess, thought a discussion necessary from this latter viewpoint. It seemed to me evident that the people of the United States wanted peace, and that a deadlock between President and Senate prevented the realization of that fervent wish, and that if a constitutional way could be found to terminate the purely technical state of war in which they are involved and to free them from its restrictions it would be welcomed by all of us alike. Apparently, such is not the fact. Apparently also, if one may judge by yesterday's debate, even to discuss the possibility is a sort of lèse-majesté. If so, the risk must obviously be run. A discussion from this angle evidently ought to be made.

For five years past the people of the United States have been living in a sort of economic nightmare. They have had unprecedented material prosperity, and it has satisfied nobody. They have been taxed under a system which enabled them to pay dividends on their taxes. Their dollars have multiplied marvelously, and yet somehow in the process they became 50-cent pieces. Is it any wonder that some of us, under the influence of such bewildering phenomena, began to fear that human society had entered upon a new phase, wherein wages and prices might be increased at will until in the end everything would be so high that none of us could buy anything, and the race would perish in the midst of plenty? Fortunately we did not reach that point. But it has been an extraordinary period and the fundamental explanation is simple. The war had been under way only a few months when it became apparent that, with the rest of the world at loggerheads, the need of our foodstuffs and raw material and manufactured goods was practically unlimited. Unlimited demand, however, means the end of competition. And from that time until the end of 1919, with competition practically suspended, we have seen prices soaring, industry expanding by leaps and bounds, wages doubling and even tripling, exaggerated profits, speculation running wild, and everywhere industrial and social unrest.

When the time came for America to participate in the war we withdrew from this already strained situation some 4,000,000 men who, previously engaged in production, now became, economically speaking, mere consumers. That left a shortage of labor so acute that the Government was forced to take in hand the job of making over the whole machinery of production, and this it did by taking men from nonessential industries and putting them in industries that were essential to supply the war demands. Even when hostilities ceased that desperate demand continued and production rang along unslackened. But recently a change has taken place. It has only begun, but its meaning is unmistakable. If, for instance, we compare the country's total production for 1919 with that of 1918 we find a decrease. Such comparisons are difficult to make with any accuracy. But the decrease may safely be estimated as approaching 20 per cent. That trend is maintaining its downward course in the present year. Other items, of course, tend to accentuate the movement. The Government is making no more loans to foreign Governments to be used in buying our products. The fact that substantially no new freight cars have been built in

the past couple of years is making itself felt. Wherever you turn you find labor slightly more plentiful—you find reserve orders for materials somewhat lessened. Economic laws are beginning to assert themselves. Competition is no longer wholly negligible. A widespread feeling of caution is manifesting itself in all directions. It begins, indeed, in all truth, to look as if the time was at hand when the eggs must be unscrambled. The process bids fair to be a long and somewhat painful one.

Now, one man's guess is as good as another's as to the duration and the severity of the unscrambling process through which the country inevitably must pass. We would probably all agree that it will be serious enough. There is no apparent reason why we should seek to intensify it. And yet, as I see it, we are making a situation distinctly worse by permitting a technical state of war to continue. We need the greatest freedom of action. The Government can not help. We must do the job ourselves. All the readjustments of industry, all the infinitely complex mass of relations of supply and demand, which boards and commissions and inspectors, and God knows what else, have been regulating and controlling and directing, must be left to the American people—to them, as individuals—if this Nation is again to enter into safe and stable economic conditions. [Applause.]

We are talking here as if this freedom of relief from war conditions was a purely academic thing, as a more or less interesting point of constitutional law. It is vastly more, for it involves intimately the well-being of more than a hundred million Americans. Other factors, of course, enter in. The situation is a complex one at best. But there are two outstanding facts, both springing from the war situation, which are working directly to our detriment. If possible, both, it seems to me, should be eliminated.

First, the President still possesses the extraordinary powers of regulation and control of industry which Congress gave him three years ago to further the prosecution of the war. It is unnecessary to discuss this in detail. The emergency for which those powers were given has clearly passed. Such powers, invading as they do the private rights and freedom of every citizen, should never be intrusted to any man one moment after the absolute need for them has ceased. They weaken our morale. They tend to break down our reliance upon the ordinary processes of law. They can be used plausibly in some minor emergency on behalf of some of us and against the rest of us. What I want to emphasize here, however, is their destructive effect upon industry. They check and hamper enterprise by making men overcautious. They paralyze initiative. They menace the future. They make our difficult task more difficult. That these powers are not actually employed at any one time is immaterial. They exist, nevertheless. And if we are prudent men, these powers should be repealed.

Second, we are geared up as a Nation, as you know, to produce a good bit more than we can consume. And upon our ability to export part or all of this surplus product our immediate future depends. Otherwise overproduction begins. Here again figures are hard to obtain. But it is probably safe to assume that we have been exporting recently about 10 per cent of our total production. It is safe to assume also that unless we take steps to safeguard the future, those exports will be sharply curtailed. As matters stand, merely because technically we are still at war, we are substantially barred out of one, at least, of the great potential markets of the world. Our people can not trade with the peoples of central Europe except by license, except as they work under the restriction and difficulties of the trading-with-the-enemy act. England can. France can. Italy and Japan can. And they do. They are very properly taking advantage of every opening to build up and extend their commerce in those countries. We can not. This great potential market is shut to us. A great industrial opportunity is being sacrificed.

But that is not all. We hear every now and then about "voices in the air," and about our obligations to other nations. It is, of course, the simple and obvious and unexaggerated truth that civilization depends upon the restoration throughout the world of normal conditions of production and trade. Why, then, make the task more difficult? The one prime requisite is to get men to work—to get materials to them, where necessary, to enable them to work. This assistance the Government can not wisely and effectively render. To be effective, it must be given by individual to individual, not as a charity but as a loan, in the common everyday routine of commercial intercourse. In no other way can individual initiative and responsibility and effort be assured—nor can this help be placed in the hands of those who are most capable of using it. Congress has recognized this fact by passing the Edge bill, which enables our banks to engage in this work. A start has been made. It is but slight. But the work could go forward much more rapidly if permitted to expand freely. Obviously if we permit technical obstacles to block the way, we simply delay to that extent this free interplay of economic forces upon whose action the fate of this war-ravaged world to-day undoubtedly depends. Everybody knows that. Everybody knows how vital it is that the upbuilding process should begin. And yet the entire emphasis of the discussion by our friends across the aisle is not how to further the process but why we must block it. Men are dying and women and little children are starving because the assistance America can and would give is barred. It makes me wonder if there is not a place somewhere in this discussion for a little business sense?

Two questions, as I said, are presented by the resolution—is the action contemplated by it constitutional, and if constitutional should the resolution be adopted? I do not pretend to discuss the constitutional question, although I am free to say I see no way in which the action contemplated by the resolution conflicts with the treaty-making rights and powers of the President. But there is no doubt in my mind that the plain people of the United States want the resolution passed. They want peace. They want the right to work out their economic salvation in their own way and without hindrance or interference by the Government. And they know why. Both have been denied them. A constitutional deadlock exists. Naturally and as is their right they turn to the Congress for relief. The resolution before you represents an honest effort, constitutionally, to meet their clearly expressed demand. [Applause.]

The SPEAKER. The time of the gentleman from New York has expired.

Mr. FLOOD. Mr. Speaker, I yield 20 minutes to the gentleman from Missouri [Mr. CLARK]. [Applause.]

The SPEAKER. The gentleman from Missouri is recognized for 20 minutes.

Mr. CLARK of Missouri. Mr. Speaker and gentlemen, I am not vain enough to believe that anything that I could say or that anybody else could say will defeat this resolution. If Alexander Hamilton and John Jay and James Madison and all the great men that participated in making the Constitution of the United States were to walk in here, headed by the majestic shade of Washington and flanked by John Marshall, the greatest jurist that ever construed it, and explain that you are acting absurdly, it would not make a dent upon the Republican majority in this House. [Laughter and applause.] The ukase of that remarkable aggregation of talents known as the steering committee has issued its mandate to pass this resolution through this House.

I am not going to waste any time in this speech about the League of Nations or the quarrel in the Senate, or any of that kind of stuff. I am going to express my own opinion very briefly. If I had acted according to my own feeling I would simply have taken it out in voting, because I know the futility of speechmaking. Since God issued his fiat, "Let there be light," the wisest set of men who ever sat under one roof in this world were the men who made the Constitution of the United States. [Applause.] They wrote a document that is the only paper Constitution that has ever passed the century mark in its life, a document that has received the unstinted admiration and the frequently declared concurrence of the entire civilized world. Wherever men have been struggling for free government or liberty the Constitution of the United States has been taken as the model.

The wisest thing the fathers did was to divide the powers of government and distribute them among three separate and distinct departments, the legislative, the judicial, and the executive. It is this nice balance of powers among these three departments that has kept this Republic alive and has made this Government a great and profound success. [Applause.] In the distribution of the powers of government, the Constitution makers devolved upon the executive department the conduct of our foreign affairs, all of them.

There was a long dispute about who had the right to recognize foreign Governments. It was joggled about, first and last, and finally President Cleveland put an absolute end to it by writing a document stating that the Constitution gave foreign affairs into the hands of the President, and Congress had no business fooling with it; and from that day to this that has been accepted as final on that proposition. My own opinion is—and it is a settled conviction after a great deal of study—that each one of these three departments should attend strictly and exclusively to its own business [applause] and not undertake to encroach upon the powers of the others. [Applause on the Republican side.]

In applauding that statement you Republicans acted with more sense than usual. [Laughter and applause.] Of course, people that know the history of this country know that some-

times the Executive absorbs more power than he is entitled to. [Applause on the Republican side.] It began with Gen. Grant [laughter on the Democratic side] on account of his vast personal popularity. Some others have practiced it. [Laughter.] Sometimes Congress has encroached upon the powers of the Executive. For instance, in the days of Andrew Johnson they reduced the Presidency almost to a nullity.

I have been consistent about this theory. I would resent, and I do resent, the judiciary legislating from the bench, and so do you men. I would resent the encroachments of the Executive upon the other branches, and I will resent the encroachment of Congress upon the undoubted prerogatives of the Executive. [Applause on the Democratic side.]

There might have been some doubt about this thing—that is, about the constitutional intention—if it never had been mentioned in the constitutional convention. But it was mentioned. It was proposed to give Congress the power to make peace, and it was voted down unanimously. So believing, I will vote against this resolution, though I am as much in favor of peace as any man on earth, but this resolution will not bring peace. On the contrary, it will bring "confusion worse confounded" and involve us in all sorts of uncertainty and difficulties.

Now, some of you gentlemen over on that side may think that you have got more brains than the men who made the Constitution. I do not believe it. [Laughter and applause on the Democratic side.]

Here is the peculiar feature about this thing: This Porter resolution is not really a House resolution at all. It is a Senate resolution, introduced by Senator KNOX, of Pennsylvania, several months ago, revamped, and they have been afraid to bring it up there, and this performance here to-day is purely a political performance. [Applause on the Democratic side.] The Constitution of the United States distinctly gives to the executive department control over our foreign affairs in making treaties, and this resolution, if it means anything, is essentially a treaty with Germany, a thing that we are prohibited from doing. Of course, you can go through the motions and you can pass it, and after you have passed it it is what the old Latins would have called a frutum fulmen, a futile thing, a useless thing, a thing that has no force or effect in the world.

Suppose it were left to you gentlemen over there to get up a treaty with Germany. Do you believe you could do it? It seems to me that so many cooks would spoil the broth. [Laughter on the Democratic side.]

I want to read an extract from a Republican newspaper, the biggest Republican newspaper west of the Mississippi River, and I especially commend it to my serious friend from Kansas [Mr. CAMPBELL] and to my flamboyant friend from Kansas [Mr. TINCHER], because the Republicans of Kansas swear by the Globe-Democrat. I do not. [Laughter.] But it is the biggest Republican paper west of the Mississippi. Here is an editorial extract:

> Whatever we may say, the state of war with Germany can not be actually terminated without the acquiescence of Germany, and that acquiescence can be obtained by no one but the President.

That is Republican authority, and it is high Republican authority—

> There can be no question about the supreme authority of the President in the conduct of foreign affairs, nor of his exclusive authority to make treaties, subject only to the approval of the Senate before they can be ratified.

This certainly was not written for buncombe—

> The proposed resolution calls for an agreement with Germany and is, in effect, a treaty of peace. We do not believe that Congress has any such right, nor that its action, if it adopted the resolution, would be supported by the Supreme Court. That court has repeatedly declared that "the negotiation and modification of treaties is a prerogative of the Executive with which the courts can not interfere," and Mr. Taft, in an opinion which we quoted the other day, says that "the President is the only organ of government through which our relations with foreign Governments can be initiated or changed in the first instance.
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> "No one can constitutionally communicate for the United States with another country except through the President. Only he can make an armistice, only he can sign a protocol of peace, only he can initiate a treaty, and only he can communicate its confirmation by the Senate to the nations with whom it is made. Until he does proclaim it it is not a treaty of the United States."
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> How, then, can the conditions of this resolution be communicated to Germany and its acceptance obtained save through the President? Congress is constitutionally voiceless beyond our domains. If the President refuses to approve this resolution, as he certainly will, unless he chooses to surrender his constitutional authority, there is no legal way by which it may be presented to the German Government, and if not so presented it can have no force. There is much justification for the impatience of Congress, but we are confident that such a resolution as this would have no meaning without the support of the President, and would serve only to complicate further a situation that is already intolerable. All the things it seeks to accomplish are eminently desirable, but this is not the way to accomplish them.

Now, as some esthetic eastern gentleman who labors under the delusion that St. Louis is still merely an Indian trading post may not believe that the Globe-Democrat is of any avail, if such antediluvian there be, I am glad to enlarge his intelligence by a few pertinent sentences from an editorial from the Springfield (Mass.) Republican. For fear that some wild and woolly westerner may not have heard of Springfield, Mass., as the New England Brahmins would phrase it, I am delighted to inform him that it is distinguished by being the home of our honored Speaker, Hon. FREDERICK HUNTINGTON GILLETT, and incidentally the home of the Soul.

The Springfield Republican, founded by Samuel Bowles, is a very influential Republican journal of light and leading. Not long since the Republican said, editorially:

> It needs at least two to make peace. One alone can declare peace, but suppose after one side had declared peace the other side should keep on fighting. According to this novel and quaint theory of declaring peace by congressional resolution, a country getting whipped or tired of war might solemnly resolve that the war was over, but would such a resolution stop the enemy's armies in their march of invasion? Would it save your country's capital from capture? The theory of declaring peace so much discussed in Washington would necessarily proceed on that absurd assumption. The principle appealed to by the peace declarers must be squared with all possible situations under which peace has to be made, and when put to this test it immediately breaks down.

When transcendentalism was in flower in New England, a man crossing Boston Common ran across a small boy digging in the ground. The man said: "Sonny, why diggest thou?" The urchin solemnly replied: "I am seeking the unattainable." You gentlemen in trying to confer on Congress powers which the Constitution denied to it are also seeking the unattainable. The Constitution is against you, the opinions of the men who made it, so far as they ever expressed an opinion, are against you, the commentators are against you, and the precedents of 132 years are against you. You say the President with the veto power is against you. With all these forces against you, it requires courage in you to essay the impossible. I admire courage, but courage tempered with discretion. The bull that essayed the stunt of butting the railroad train off the track was long on courage but woefully short on discretion. You gentlemen know what happened to him. You are his mental brothers. His fate should warn you of what is in store for you. Verily, verily, you are "seeking the unattainable." [Applause.]

Mr. PORTER. Mr. Speaker, I yield 15 minutes to the gentleman from Pennsylvania [Mr. TEMPLE].

Mr. TEMPLE. Mr. Speaker, if this were a contest of personal force and influence, any Member of the House might well hesitate to take the floor immediately after the gentleman from Missouri [Mr. CLARK], the former Speaker of this House, with an argument opposing a position he had taken. But since it is a contest of facts and of principles, there need be no hesitation on the part of any man who takes the facts into consideration, though he take the opposite side from that advocated by the eloquent and able former Speaker. [Applause.] The gentleman from Missouri [Mr. CLARK] is always interesting and always effective, but he is not always right. [Applause.]

This resolution is not in any sense based on the theory that the House, or both Houses of Congress, have any right whatever to make a treaty with a foreign power. [Applause.] On the contrary, the declaration in paragraph 1 that the war is at an end is based on the doctrine that war may be terminated without a treaty, and that the collateral facts and circumstances in this case justify the declaration that the war between the United States and Germany has so ended.

On that point I might quote many authorities. I refer to Oppenheim, volume 2, page 322, of his great work on international law, in which he says—

> War may be terminated in three different ways: Belligerents may (1) abstain from further acts of war and glide into peaceful relations without expressly making peace through a special treaty, or (2) belligerents may formally establish the condition of peace through a special treaty of peace, or (3) a belligerent may end the war through subjugation of his adversary. (Oppenheim, International Law, vol. 2, p. 322.)

I might cite many other authorities. I will quote from one more, from Mr. Seward, the great Secretary of State in the Cabinet of Abraham Lincoln. He wrote on July 22, 1868:

> It is certain that a condition of war can be raised without an authoritative declaration of war, and, on the other hand, the situation of peace may be restored by the long suspension of hostilities without a treaty of peace being made. History is full of such occurrences. What period of suspension of war is necessary to justify the presumption of the restoration of peace has never yet been settled, and must in every case be determined with reference to collateral facts and circumstances. (Mr. Seward, Secretary of State, July 22, 1868, Dip. Cor., 1868, vol. 2, pp. 32 to 34, cited Moore's International Law, vol. 7, p. 386.)

What are the collateral facts and circumstances in this case? Hostilities have ceased. There has been no fighting since the 11th of November, 1918, nearly a year and a half ago. Our Army has been brought home from France. Do we intend that it shall fight longer? It has been demobilized. The soldiers

have returned to the pursuits of peace. Is there any intention on our part of continuing the war? The war forces of our enemy have been demobilized, and the enemy has ratified a treaty of peace with all the powers that were willing to ratify it. Germany has no intention of carrying on that war. The collateral facts and circumstances, it seems to me, are plain, and do establish the fact that the war is over. How many million men, women, and children in the United States have thanked God that the war is over? [Applause.] We know it. The gentleman from Missouri knows it. The war is over in every sense but that which is purely legal and technical.

The war began before we declared it. In our declaration we said that by repeated acts of hostility on the part of Germany against the United States, war already existed. After we knew it existed we declared it, as we had the right to. Now, after we know that peace exists, we have the right to say so. Section 1 is, therefore, an alternative of a treaty, and is not in any degree a usurpation of the treaty-making power. [Applause.]

The question may still be raised whether section 3 is an infringement of the treaty-making powers of the President and the Senate. It does make that provision which prohibits commercial intercourse with Germany depend on certain action of the German Government. So did the nonintercourse act of March 1, 1809, and the act of May 1, 1810, make our embargo at that time upon commercial intercourse between the United States and England, or between the United States and France, depend on the modification by England of her orders in council and on the modification by the Emperor Napoleon of his decrees of Berlin and of Milan.

The act of March 1, 1809, forbade commerce with England or France, because these two nations, which were at war with one another, had both interfered with the commerce of the United States. This act expired May 1, 1810, but on that date Congress passed an act which provided that if either England or France prior to a day named in the act should so revoke or modify her decrees as that they should cease to violate the neutral commerce of the United States, the President should declare that fact by proclamation, whereupon commerce with the nation so modifying its edict should be resumed. If the other nation should not within a given time modify its decrees in like manner, then certain severe provisions of the act of March 1, 1809, should be revived and have full force and effect.

The embargo was to go into effect upon the mere proclamation by the President of the United States of the fact that either of these countries had failed to give us the suggested guaranty. That is exactly the provision in section 3 of the resolution now pending. It follows the course set by the act of Congress of May 1, 1810. This act was tested and sustained in the Supreme Court of the United States in the case of the brig *Aurora*, which sailed from Liverpool, England, and was seized and condemned under the provisions of the nonintercourse act.

The vessel had sailed under a misapprehension. Announcement had been made by Mr. Erskine, the British minister at Washington, that Great Britain had modified her orders in council; whereupon President Madison, as authorized by the act, issued a proclamation reestablishing trade between England and the United States. The British Government, however, repudiated its minister's declaration that the orders in council had been modified, and President Madison thereupon issued a new proclamation reviving as against Great Britain the provisions of the act of 1809.

The brig *Aurora* was seized for engaging in the trade forbidden by the law thus revived. Upon condemnation by the lower court the case was taken by appeal to the Supreme Court of the United States. Mr. Justice Johnson, speaking for the whole court (7 Cr., 382), said:

> We can see no sufficient reason why the legislature should not exercise its discretion in reviving the act of March 1, 1809, either expressly or conditionally, as their judgment should direct.

In the case of Field *v.* Clark (143 U. S., 649, at 683) Mr. Justice Harlan, delivering the opinion of the court, cited the paragraph just quoted and said:

> This certainly is a decision that it was competent for Congress to make the revival of an act depend upon the proclamation of the President, showing the ascertainment by him of the fact that the edicts of a certain nation had been so revoked or modified that they did not violate the neutral commerce of the United States. The same principle would apply in the case of the suspension of an act upon a contingency to be ascertained by the President and made known by his proclamation.

Not only does the court in the case of Field against Clark thus interpret and confirm the principle that Congress has the right to make the operation of its own laws contingent upon the action of a foreign government, that action to be ascertained and announced by the President, but it makes that principle the basis of its decision in the case then under consideration.

The case was this: Section 3 of the tariff act of October 1, 1890—the McKinley tariff—authorized and directed the President, whenever the Government of any country producing and exporting certain enumerated articles imposed duties or other exactions on the products of the United States which, in view of the free introduction of the enumerated articles into the United States, were, in his opinion, unreasonable or unequal, to suspend as to that country the privilege of free importation and subject the articles in question to certain discriminating duties. After citing with approval the opinion in the case of the brig *Aurora* and commenting on it as quoted above, the opinion of the court continued:

> To what extent do precedents in legislation sustain the validity of the section under consideration, so far as it makes the suspension of certain provisions and the going into operation of other provisions of an act of Congress depend upon the action of the President, based upon the occurrence of subsequent events, or the ascertainment by him of certain facts to be made known by his proclamation? If we find that Congress has frequently, from the organization of the Government to the present time, conferred upon the President powers, with reference to trade and commerce, like those conferred by the third section of the act of October 1, 1890, that fact is entitled to great weight in determining the question before us.

The court then cited many acts of Congress, from the days of Washington to those of President Arthur, which authorized the President, upon ascertaining the action of foreign Governments, to continue or discontinue by proclamation the operation of embargo or other retaliatory or reciprocal acts of Congress affecting our commerce with such foreign nations. The opinion of the court then continues:

> It would seem to be unnecessary to make further reference to acts of Congress to show that the authority conferred upon the President by the third section of the act of October 1, 1890, is not an entirely new feature in the legislation of Congress, but has the sanction of many precedents in legislation.
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> If the decision in the case of the brig *Aurora* had never been rendered, the practical construction of the Constitution by so many acts of Congress, and embracing almost the entire period of our national existence, should not be overruled unless upon a conviction that such legislation was clearly incompatible with the supreme law of the land.

In conclusion the court said:

> We perceive no errors in the judgments below and each is affirmed.

The provisions of section 3 of the pending resolution are closely parallel to those of the acts of 1809 and 1810. It provides that commerce now prohibited between the United States and Germany, except under license, shall be reestablished; but further provides that such trade and commerce shall again be prohibited, except under license, unless Germany within 45 days take the action mentioned in the section. The acts of 1809 and 1810 likewise prohibited commerce between the United States on the one hand and France and England on the other hand, unless those nations took certain action mentioned in the acts of Congress. Then as now the legislation provided that the President should ascertain and proclaim the facts as to the action taken or not taken by the foreign Government concerned.

Such action by Congress was not in 1809 or 1810, and it is not now, an attempt on the part of Congress to usurp the treaty-making powers of the President and the Senate. Thomas Jefferson was President in 1809; he did not think Congress was usurping the treaty-making powers; he signed the act. Madison, sometimes called the father of the Constitution, was President in 1810. He did not raise the question of the constitutionality of the action of Congress or think it was an invasion of the treaty-making powers. He signed the act; he issued the necessary proclamations and enforced the prohibition of commerce between the United States and the offending nation.

We are not making a treaty with Germany when we pass this resolution. We are asking for no contract; we are imposing a condition upon which we are willing to reestablish reciprocal trade with Germany. If that condition is met, our commerce will be established; if it is not met, commerce with Germany will be prohibited except under license.

This resolution does not propose to make any agreement with Germany, nor to ask Germany to make any agreement with us. The proclamation which the resolution authorizes the President to issue is not to be a proclamation announcing any agreement with Germany or any promise on the part of Germany. The proclamation is not to announce what Germany has promised to do, but what Germany has done.

Mr. WELTY. Will the gentleman yield?

Mr. TEMPLE. No; I have not sufficient time. Our course will be guided by the facts and by no agreement whatever.

But if it were an agreement between the two powers we have a precedent for such a situation also. I wish to call attention to the fact that there was once upon a time—and the gentlemen from Texas are probably more familiar with the details of the story than other Members of the House—there was a time when

the State of Texas, as it now is, was an independent Republic. France and England sent ministers to the capital of the Republic of Texas. The very interesting diplomatic correspondence between the Republic of Texas and other powers has been published and is accessible to all who wish to read it. The United States made more than one treaty with the independent nation of Texas. The time came when Texas wished to be annexed to the United States, and the people of the United States also wished for that annexation. A treaty of annexation was prepared, was sent to the Senate, and the Senate voted against its ratification. What happened then? A joint resolution was passed through both Houses providing for the annexation. [Applause on the Republican side.]

I would like to read a part of that joint resolution. The second section provided:

SEC. 2. *And be it further resolved*, That the foregoing consent of Congress—

That is, consent to the annexation of Texas—

is given upon the following conditions and with the following guaranty, to wit: First, said State to be formed subject to the adjustment by this Government of all questions of boundary that may arise with other Governments; and the constitution thereof, with the proper evidence of its adoption by the people of said Republic of Texas, shall be transmitted to the President of the United States to be laid before Congress for its final action on or before the 1st day of January, 1846,

And so forth.

The treaty failed of ratification, whereupon the exact purpose of the treaty was accomplished by joint resolution.

Section 3 provided:

And be further

Resolved, That if the President of the United States shall, in his judgment and discretion, deem it most advisable, instead of proceeding to submit the foregoing resolution to the Republic of Texas as an overture on the part of the United States for admission, to negotiate with that Republic: Then be it.

Resolved, That a State, to be formed out of the present Republic of Texas, with suitable extent and boundaries and with two Representatives in Congress, until the next apportionment of representation, shall be admitted into the Union by virtue of this act on an equal footing with the existing States as soon as the terms and conditions of such admission * * * shall be agreed upon by the Governments of Texas and the United States.

So when the treaty of annexation could not be ratified in the Senate because a two-thirds vote could not be secured, a majority of the two Houses of Congress found a way to do what the people wanted done. The treaty failed, but a joint resolution accomplished the purpose of the treaty. Texas, an independent power, took notice of the joint resolution, and without waiting for a treaty became one of the States of the Union. Will the Texas Members to-day say that the action which admitted their State was unconstitutional? [Applause on the Republican side.]

Now, it seems to me that we have some precedents for this kind of work, and in spite of the very effective, somewhat flippant—if the gentleman will pardon me—but humorous and delightful speech of the gentleman from Missouri, we may still hold without fear and trembling that the thing that was done by Congress and was accepted by President Madison, the father of the Constitution, and has been sustained by decisions of the Supreme Court, are things that this Congress still has the right to do. [Applause on the Republican side.]

Moreover, this action by Congress will in no way interfere with the ratification of the treaty that was recently sent back to the President. I called attention yesterday to the treaty signed in Paris March 20, 1883, for the protection of industrial property. This treaty was sent to the Senate in 1883. It was rejected by the unanimous vote of the Senate June 12, 1884. President Arthur sent it back to the Senate in 1884, where, after long delay, it was ratified March 2, 1887. It is now in effect. The treaty was ratified four years after it had been signed, three years after it had been rejected.

No one wants the peace treaty to have a like history of delay, but long delays have already happened and ratification with reservations acceptable to the people of the United States does not seem likely in the near future. It will be ratified in some form, some time, or another treaty with Germany will be ratified instead of it, but in the meantime what is to be the status of our country and our people? Are we to be at war or at peace. Is business to be carried on under the hampering restrictions of war legislation? Are the extraordinary war powers of the President to continue, or shall we put an end to them? Let us do to-day what we ought to do and all we can do to restore normal conditions by reestablishing our laws and our institutions on their constitutional foundation. [Applause on the Republican side.]

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. PORTER. Mr. Speaker, I yield 20 minutes to the gentleman from Illinois [Mr. MASON].

Mr. MASON. Mr. Speaker, I was pleased with the statement made by the distinguished ex-Speaker, Mr. CLARK of Missouri, who is a real Democrat and my personal friend. He described George Washington coming into this body with all the framers of the Constitution and said they would not make a dent on the Republican side. That is true; they would not; they would add to the majority. [Laughter and applause on the Republican side.] If George Washington came down the aisle to-day and I should say to him, "What did you mean when as president of that Constitutional Convention and what did the convention mean in the very first sentence, reading 'Article I, section 1, all legislative powers herein granted shall be vested in the Congress'?" And George would say, "It means just what it says; that the lawmaking power is in the Congress and not in the President of the United States." [Applause on the Republican side.] Then I would say to him, "What did you mean, sir, when you said Congress shall have the power to regulate commerce with foreign nations?" He would say, "It means just what it says," and he would also say, "I have read the Porter resolution; you have exercised your congressional power when you have attempted in section 3 to regulate commerce with the country with which you are at war, and you are absolutely right." Then he would come over and sit down by the side of STEVE PORTER and stay with us and vote with us. [Laughter and applause.]

My good friend said that too many cooks spoil the broth. As there were 80 cooks on the *George Washington* to feed the President I have no doubt that is what spoiled the broth at the peace table. [Laughter on the Republican side.] They kept out of that wonderful instrument every flavor of Americanism and brought us instead of the dove of peace the British lion in a covered basket. [Applause and laughter on the Republican side.]

Section 1, article 1, says that the lawmaking powers shall be in the Congress of the United States. If the President disagrees with the Congress we can overturn his will by a two-thirds vote, and we have done it in this very Congress. The power is here. If he refuses to obey the law, we can remove him. He can not remove a janitor out of this House, but under the Constitution that George Washington and his friends made the Congress can move him out of the White House. [Applause and laughter on the Republican side.] And they ought to have done it when he sent our troops to Russia without a declaration of war by the Congress of the United States, and they would have done it but for his condition of health, body and mind.

Section 3 of the resolution under consideration simply provides for a reestablishment of trade relations with Germany. It is not an attempt to make a treaty of peace. If it was I would not vote for it. The peace-making power, the making of a treaty, is not in the President of the United States alone. It is in two-thirds of the Senate of the United States. He has not the treaty-making power. He can negotiate a treaty by and with the advice and consent of the Senate. He did negotiate a treaty without the advice of the Senate, and he never took its advice, and by his own action in controlling the minority of that body he never got the consent of that body to the ratification of the treaty. [Applause on the Republican side.]

We may say the President is to blame; you may say the Senate is to blame. We need not quarrel about that. A treaty of peace has not been made; the treaty of peace has not been completed. There are other ways to settle war. President or Senate—put the blame where you please, I shall show you before I get through, and the people of this country know it, that the fault is in the White House, because the President stood in a stubborn place of saying, "You must have the treaty that I make, of my dictation," notwithstanding a large majority of his constitutional advisers have recommended and passed amendments to his treaty. He has left us in a condition of stagnation. Our manufactures are decreasing, and have in the last 90 days by 50 per cent. Our imports are increasing and our exports are decreasing. There is no phase of American life that is not held in abeyance, waiting and disturbed by the present situation. The Constitution makers said there might come a time when the Congress of the United States might find new occasions, and new occasions make new duties; and they provided in this section that we could take care of and should take care of the "general welfare" of your country and of mine. Is the general welfare at stake? Is there any danger with all these war measures lying in the hands of the Executive at the present time? We are at peace when he wants us at peace, and we are at war when he says we are at war. One statute we passed may be enforced to-day as a war measure, and if it should so please the administration, they can refuse to enforce it as a peace measure. At the White House they have the power of making laws. It is the first time in the history of this country where the President

has had such great power. He has peace on Mondays, Wednesdays, and Fridays, and war on Tuesdays, Thursdays, and Saturdays—whenever it pleases him. [Laughter on the Republican side.]

When John Barleycorn knocked at the door he said, "You get out, we are at war"; and when these men who are threatened with prison, who labor and who are in labor unions, said, "Give us the right to make negotiations collectively," he said, "We are at war, and you will not do anything of the kind, and if you go on and strike you go to jail, because we are at war." But the next moment, when 100,000,000 people knock at his door and say, "For God's sake protect us under the war measure from these people who are robbing us on sugar, these profiteers," he whispers to an attendant and says: "Palmer is a candidate for President; Palmer is for the League of Nations; tell them when they want to regulate sugar that we are at peace." [Applause and laughter on the Republican side.]

He does not enforce—and it was stated right here on this floor yesterday that he does not enforce—all of these laws. Then you have left it in him not only to be the man who shall make the law, but the man who shall enforce the law. Mr. Speaker, it is time for us to speak on this matter; it is time to take some action. We have the right to declare a state of peace, and it would be a silly thing for the Constitution makers to say that having the power to make war we have not the power to stop it, and if PORTER and the rest of us should vote for such a proposition, then I think George Washington and the rest of his friends would move over onto the Democratic side and say that for once they were right. We do have the power to stop war—congressional power. The power is here. We answer only to the people, while the President is supposed to answer to the Congress, to enforce the laws passed by the Congress of the United States.

Mr. Speaker, I wish at this moment to reply to a gentleman who placed such an erroneous construction upon gentlemen on this side of the Chamber when he called attention to the fact as to what possibly had caused the President's sickness. The gentleman from Kentucky [Mr. CANTRILL] tried to quote me, and through a very strained construction claimed that we were not quite human over here, that we did not have the red blood and the Christian idea of being kind to a man who was sick. Why, Mr. Speaker, men on the battle field will help the enemy when he is wounded. There is not a man on either side of this Chamber who does not sympathize with one of us when we are sick or in trouble, or with the President of the United States. What I said then I must explain to the gentleman, who did not seem quite to get the point that I made. It may have been my fault that the joke I attempted, which was not as to his health, went by freight to the gentleman from Kentucky. [Laughter.] Let me call his attention to the way in which I spoke of his sickness. We are all sorry for the President of the United States. What we were laughing at was not at our good President's sickness, but at the fact that a Democratic Senator had uncovered him at a sudden time and place when he was well and on his campaign. He was saying in every State where he spoke that under this League of Nations Canada could not have a vote on the council. Mr. Speaker, I am not a constitutional lawyer, nor a very good lawyer. I am an attorney. I find that a great many constitutional attorneys are disturbed about this resolution, but I have not found any disturbance in the minds of any constitutional lawyers so far. [Laughter.] I was simply saying this, that the President of the United States has got caught in his own trap. He said out there repeatedly that Canada could not have any representation on the council, and it so happened that on the very day before he was taken sick a Democratic Senator from Missouri—a dreadful thing, the "show me" State—called attention to the fact that he was not telling what was right and true. The peace commissioner representing Canada at the peace table, Mr. Borden, was trying to get a ratification of the treaty in the Canadian Parliament. The Canadian Parliament in opposition—and we all have oppositions—arose and said, "We do not want to ratify this, because Canada can not have a place on the council." "Oh, yes," said Mr. Borden, "Canada can have a place on the council, even though Great Britain has one." But they replied, "Mr. Wilson is President of the United States, and only yesterday he said that Canada could not have." Then Mr. Borden dug down in his right-hand or left-hand pocket and brought to the attention of the world a signed agreement of Woodrow Wilson, Clemenceau, and Lloyd-George to the effect that the contention of the minister of Canada was sound and they could have a man on the council that could hear and determine even questions between the United States and Great Britain. Then the question came, Who was right? President Wilson, I submit, had made a secret agreement, a construction of which, admitted by Republicans and Democrats alike, was that Canada should have an equal show in the council as well as in the assembly, and then it became rather a joke from a political standpoint. I do not use hard language. I heard some one say "liar," this, that, and the other. I would not say that about the President. He said out there that Canada could not have, after he had signed an agreement that she could have. He is a diplomat. [Applause on the Republican side.] Some honest people can not find out just where diplomacy lays off and lying begins. [Laughter on the Republican side.]

The SPEAKER pro tempore. The Chair desires to announce to the gentleman that he has consumed 15 minutes of his time.

Mr. MASON. Mr. Speaker, time is very scarce. Each one has the right to print for home consumption. [Laughter.] I was only going to show by a table which I have prepared that this so-called treaty and League of Nations was amended by a majority of the Senate that was elected by the people for that place. One hundred and sixty-odd Democratic votes were cast for that on the 14 amendments, and I have prepared a table which shows there was an average of over 11 Democrats who voted for every amendment, and the treaty as amended would have passed the Senate but for the fact the President of the United States absolutely withheld his consent. So do not blame us. Let us not blame anybody. If you want to go to the people on that issue, my friend from Kentucky, just remember you did go on it in Kentucky and that good old Democratic State gave 40,000 Republican majority by reason of your argument in favor of this proposition. [Applause on the Republican side.] But I do not want to try it out as a party question. I had hoped and I believed, and I intended to stand against this rule, for I believe in amendments, I believe in fair consultation upon both sides, and my colleague upon the committee who has spoken in our favor, the gentleman from Alabama [Mr. HUDDLESTON], will bear me out. I believe I have taken it as a nonpartisan question, but your chairman of your party came here, and then, as my colleague from Massachusetts [Mr. ROGERS] said, before we had drawn the resolution Mr. Cummings announced you would oppose it and the President would veto it. There was nothing else for us to do, and instead of having the benefit of your advice you forced us into a position where we had to do the best we could, and we have presented this, for it means peace; it means a step toward peace; it means a lightening of the burdens; it means the taking away of legislative power from the Executive; it means comfort to the weary, war-worn people of this world to know that the popular branch of this Congress has declared in favor of peace. [Applause on the Republican side.]

I wanted to go further myself and make a resolution which would declare peace with all the world. I wanted to include Austria. I think that is our duty, but the answer of my colleague was that the Senate and the President are still considering the treaty and are not considering a treaty with Germany. On the contrary, the leading Democrat over here in charge of it says that President Wilson is enjoying himself while the Senate is worrying and stewing over what they are going to do about the treaty. I remember that Nero played the fiddle, I think, while Rome burned. I can see him enjoying himself while the people of the United States, 100,000,000, are asking and praying for peace, peace—your tax laws, your laws that keep the prisons full of men for political reasons, your laws which we allow the Department of Justice to enforce against profiteers in one place and in favor of profiteers in another. We want peace, and I will yield any position I ever had or hope to have or my personal association with the party if you will show a better way to have peace for the people of this country. You offer a resolution or an amendment that comes within the power of the Congress and you will get at least one vote if you can show me any way to bring to this country the blessings of peace.

Mr. Speaker, last September, six months ago, when it was perfectly apparent the treaty of peace could not be ratified with the American reservations, seeing the injury coming to our country by remaining in a state of war, I offered the following concurrent resolution:

Resolved by the House of Representatives (the Senate concurring), That the United States of America is at peace with all the world.

When the Senators sent the "round robin" to the President that his league covenant, which placed our country under a superstate, could not be ratified and the President assured the country that he would not permit the Senate to ratify an amended treaty, it was apparent to everyone that he intended to keep us in a "state of war" for partisan purposes until this fall election. Friends discredited my judgment, but in view of his later statements that he wishes to submit the covenant to the people, is conclusive proof that he has had it in his mind ever since he left for Paris; that as he won his last election by

"keeping us out of war," he might win another one for himself or some of the reigning family by keeping us out of peace. As Republicans we would welcome the issue, but as Americans we can hardly find language strong enough to condemn the unpatriotic idea of continuing the state of war for party gain. Since the day of his partisan letter to the sixth district of Indiana, six weeks after the beginning of the war, and after his violation of law in refusing to accept volunteers, to keep Theodore Roosevelt out of the United States Army, he has not hesitated to sacrifice American blood and treasure to advance his personal and party interest. Gentlemen who condemned me for telling the truth about him, now admit to me it was best to tell it as we went along. To-day our allies are at peace and getting ahead of us in all foreign trade, our domestic affairs are unsettled, our people are overtaxed.

The harsh war measures burden the people by depriving them of their constitutional rights, and in the midst of this unrest it is the duty of a Republican Congress to give the people what they want, and that is peace, and the repeal of the war laws. Wilson says let the people suffer that we may win for the party. Bryan says let us have peace to win for the party; while the Democratic mule wisely ponders whether it is best to run Wilson for a third term or run Bryan for a fourth time for a first term.

To show the necessity for a declaration of peace, I propose to set out in full the articles which were limited by the Lodge reservations, and the reservations as adopted by the Senate which Wilson defeated by voting against the treaty those senatorial minds which "go along" with his.

It is interesting to note that the majority of Senators elected by the people insisted on the American reservations, and a minority controlled by Wilson defeated the treaty. If considered by a question of majority—democracy—please hear the following table which shows that States having more than two-thirds of the inhabitants of the United States voted to amend the treaty, and if four of the small Democratic States controlled by Mr. Wilson—even seven votes controlled by him—would have ratified the treaty by 56 to 28. We are forced to the conclusion that he preferred a partisan issue to peace on earth.

Table showing votes on reservations.

No. of reservation.		Democrats for.	Democrats against.	Republicans for.	Republicans against.	Majority for reservation.
1	Right of United States to decide when to withdraw	10	20	35	.....	25
2	No war for United States without act of Congress	14	26	42	.....	30
3	No mandate without consent of Congress	29	4	39	.....	64
4	Right of United States to settle domestic questions	14	25	42	.....	31
5	Retaining the Monroe doctrine	17	22	41	.....	36
6	Withholds assent of United States to Japan's claim to Shantung	9	21	39	.....	27
7	Appointments by President on League Council, Assembly, etc., to be ratified by United States Senate	17	14	38	.....	41
8	United States commerce with Germany not to be submitted to league	6	22	35	.....	19
9	Requires appropriation by Congress for expenditures	8	25	38	.....	21
10	In war, United States reserves right to increase armaments	9	26	40	.....	23
11	Right of United States to permit commercial relations with covenant-breaking State	5	28	39	.....	16
12	Rights of Americans in certain property	8	27	37	.....	18
13	Reserves right of Congress to accept labor provisions	6	27	38	.....	17
14	Demands equal representation of United States with other nations on League	16	27	41	.....	37
	Total	168	314	543	.....	395

An average majority of over 28 on each reservation. Then by the President's order the treaty was defeated, although a majority of 14 voted to ratify it.

The reservation in the resolving clause is as follows. It is a simple statement that we will not be bound by its terms unless the contracting parties accept our terms with theirs. What intelligent man can object to this?

RESOLVING CLAUSE.

Resolved (*two-thirds of the Senators present concurring therein*), That the Senate advise and consent to the ratification of the treaty of peace with Germany concluded at Versailles on the 28th day of June, 1919, subject to the following reservations and understandings, which are hereby made a part and condition of this resolution of ratification, which ratification is not to take effect or bind the United States until the said reservations and understandings adopted by the Senate have been accepted by an exchange of notes as a part and a condition of this resolution of ratification by at least three of the four principal allied and associated powers, to wit, Great Britain, France, Italy, and Japan.

I print reservations in the order given by Senators LODGE and HITCHCOCK in Senate Document 193:

RESERVATION NO. 4.

The United States reserves to itself exclusively the right to decide what questions are within its domestic jurisdiction, and declares that all domestic and political questions relating wholly or in part to its internal affairs, including immigration, labor, coastwise traffic, the tariff, commerce, the suppression of traffic in women and children and in opium and other dangerous drugs, and all other domestic questions, are solely within the jurisdiction of the United States, and are not under this treaty to be submitted in any way either to arbitration or to the consideration of the council or of the assembly of the League of Nations, or any agency thereof, or to the decision or recommendation of any other power.

What American wants to submit our domestic questions to other nations? The last statement of Col. Roosevelt was, when commenting on the League of Nations, as follows:

Moreover, no international court must be entrusted with the decision of what is and what is not justiciable. In the articles of agreement the nonjusticiable matters should be as sharply defined as possible, and until some better plan can be devised the Nation itself must reserve to itself the right as each case arises to say what these matters are.

I beg you to read again the reservation, and say which of these domestic or home questions you would submit to a foreign, and possibly an unfriendly, country. Would you submit our tariff laws to our business rivals? Would you let any other country vote on our immigration laws?

The next reservation is No. 6, and to understand it we should read articles 156, 157, and 158, as it relates to the robbery of the Chinese Republic by the autocrat Japan:

SECTION VIII.

Shantung.

ARTICLE 156.

Germany renounces, in favor of Japan, all her rights, title and privileges—particularly those concerning the territory of Kiaochow, railways, mines and submarine cables—which she acquired in virtue of the treaty concluded by her with China on March 6, 1898, and of all other arrangements relative to the Province of Shantung.

All German rights in the Tsingtau-Tsinanfu Railway, including its branch lines, together with its subsidiary property of all kinds, stations, shops, fixed and rolling stock, mines, plant and material for the exploitation of the mines, are and remain acquired by Japan, together with all rights and privileges attaching thereto.

The German State submarine cables from Tsingtau to Shanghai and from Tsingtau to Chefoo, with all the rights, privileges and properties attaching thereto, are similarly acquired by Japan, free and clear of all charges and encumbrances.

ARTICLE 157.

The movable and immovable property owned by the German State in the territory of Kiaochow, as well as all the rights which Germany might claim in consequence of the works or improvements made or of the expenses incurred by her, directly or indirectly, in connection with this territory, are and remain acquired by Japan, free and clear of all charges and encumbrances.

ARTICLE 158.

Germany shall hand over to Japan within three months from the coming into force of the present treaty the archives, registers, plans, title-deeds, and documents of every kind, wherever they may be, relating to the administration, whether civil, military, financial, judicial, or other, of the territory of Kiaochow.

Within the same period Germany shall give particulars to Japan of all treaties, arrangements, or agreements relating to the rights, title, or privileges referred to in the two preceding articles.

The shame of the century is in the above articles. It is an attempt to consummate the things we went to war against. It is in keeping with the most wicked secret treaty between a king and a mikado and should have been denounced by the President and the Senate.

However, for diplomatic reasons this mild reservation was made. This article, together with article 10, would have compelled us to furnish American lives to "preserve as against external aggression the territorial integrity" of Japan in stolen property. Here is—

RESERVATION NO. 6.

The United States withholds its assent to articles 156, 157, and 158, and reserves full liberty of action with respect to any controversy which may arise under said articles between the Republic of China and the Empire of Japan.

RESERVATION NO. 7.

* * * * * * *

No person shall represent the United States under either said League of Nations or the treaty of peace with Germany, or be authorized to perform any act for or on behalf of the United States thereunder, and no citizen of the United States shall be selected or appointed as a member of said commissions, committees, tribunals, courts, councils, or conferences except with the approval of the Senate of the United States.

This deprives the President of autocratic power never possessed by an American President.

All ministers and consuls have to be confirmed by a senate, elected by the people.

Woodrow Wilson would not have objected to this reservation before the last election. He had a subservient House and Senate until rebuked by the last election, and naturally does not want the people's representatives to be consulted about the man or men who represent this country anywhere. The evidence of Mr. Bullitt shows that it was Wilson's vote at the peace conference that prevented the adoption of a plan whereby the parliaments of the powers were to be consulted in selecting members of the council and assembly.

Did this reservation break the "heart of the world" or crack the ambition of Woodrow Wilson? All I ask is for any real American to read—

RESERVATION NO. 10.

If the United States shall at any time adopt any plan for the limitation of armaments proposed by the council of the League of Nations under the provisions of article 8, it reserves the right to increase such armaments without the consent of the council whenever the United States is threatened with invasion or engaged in war.

Reservation No. 1, relative to our withdrawal from the league, article 1, provides that—

Any member of the league may, after two years' notice of its intention so to do, withdraw from the league, provided that all its international obligations and all its obligations under this covenant shall have been fulfilled at the time of its withdrawal.

Therefore if the people of the United States attempted to withdraw from the League of Nations, they must give two years' notice, and then not be allowed to withdraw until they had performed all things required by the league. If the Kings wanted to keep the Republics in, how easy to say, "You have not fulfilled your obligations under the covenant." And how natural it was for an American Senator to vote for this.

RESERVATION NO. 1.

The United States so understands and construes article 1 that in case of notice of withdrawal from the League of Nations, as provided in said article, the United States shall be the sole judge as to whether all its international obligations and all its obligations under the said covenant have been fulfilled, and notice of withdrawal by the United States may be given by a concurrent resolution of the Congress of the United States.

A concurrent resolution is passed by Congress and does not require the signature of the President. If a Congress was elected with a majority in favor of withdrawing from this league they could do so even against the will of the President, but without this reservation providing for a concurrent resolution the President might veto it, and keep us in, in spite of the wish of a majority of Congress.

Does this reservation break the heart of the world, or cause a pain in the heart of the President?

Article 16 of the league is as follows:

ARTICLE 16.

Should any member of the league resort to war in disregard of its covenants under articles 12, 13, or 15, it shall ipso facto be deemed to have committed an act of war against all other members of the league, which hereby undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the covenant-breaking State, and the prevention of all financial, commercial, or personal intercourse between the nationals of the covenant-breaking State and the nationals of any other State, whether a member of the league or not.

It shall be the duty of the council in such case to recommend to the several Governments concerned what effective military, naval, or air force the members of the league shall severally contribute to the armed forces to be used to protect the covenants of the league.

The members of the league agree, further, that they will mutually support one another in the financial and economic measures which are taken under this article, in order to minimize the loss and inconvenience resulting from the above measures, and that they will mutually support one another in resisting any special measures aimed at one of their number by the covenant-breaking State, and that they will take the necessary steps to afford passage through their territory to the forces of any of the members of the league which are cooperating to protect the covenants of the league.

Any member of the league which has violated any covenant of the league may be declared to be no longer a member of the league by a vote of the council, concurred in by the representatives of all the other members of the league represented thereon.

This drastic rule of preventing all financial or personal intercourse between the nationals has never been resorted to under the conditions stated, and the following reservation was necessary:

RESERVATION NO. 11.

The United States reserves the right to permit, in its discretion, the nationals of a covenant-breaking State, as defined in article 16 of the covenant of the League of Nations, residing within the United States or in countries other than that violating said article 16, to continue their commercial, financial, and personal relations with the nationals of the United States.

The most glaring abandonment of equality of representation is in articles 1, 2, 3, and 4, which would give Great Britain more votes than the United States has. It is almost unthinkable that any American would vote for such a proposition. There might have been some doubt as to the construction to be given to the covenant on this question, but since Senator REED, a Democratic Senator from Missouri, inserted in the RECORD the secret note signed by Clemenceau, Lloyd-George, and President Wilson, assenting to Canada's claim that she might have a seat in the council, no one raises the question. It will be noted that the Prime Minister of Canada was forced to exhibit this secret note before he could get ratification of the peace treaty by the Canadian Parliament. The leading statesmen of England saw the unfairness of their having more votes than the United States; how then could any American object to—

RESERVATION NO. 14.

The United States assumes no obligation to be bound by any election, decision, report, or finding of the council or assembly in which any member of the league and its self-governing dominions, colonies, or parts of empire, in the aggregate have cast more than one vote, and assumes no obligation to be bound by any decision, report, or finding of the council or assembly arising out of any dispute between the United States and any member of the league if such member, or any self-governing dominion, colony, empire, or part of empire united with it politically has voted.

Article 10 of the covenant, the most dangerous to American peace, is so important that a brief review of its diplomatic history will be interesting. President Wilson announced the doctrine of "self-determination," and went to the King's table and the peace table with that thought in his mind. If you have any doubt of it, read the following article 3 in his—Wilson's—original draft. After royal trimming and English decorations, it emerged as article 10 in the covenant. (See Evidence of Bullitt, vol. 2, p. 1172.)

ARTICLE 3.

The contracting powers unite in guaranteeing to each other political independence and territorial integrity; but it is understood between them that such territorial readjustments, if any, as may in the future become necessary by reason of changes in present racial conditions and aspirations or present social and political relationships, pursuant to the principle of self-determination, and also such territorial readjustments as may in the judgment of three-fourths of the delegates be demanded by the welfare and manifest interest of the peoples concerned, may be effected if agreeable to those peoples; and that territorial changes may in equity involve material compensation. The contracting powers accept without reservation the principle that the peace of the world is superior in importance to every question of political jurisdiction or boundary.

It emerges as article 10, and would not be recognized after Mr. Wilson's association with royalty but for the fact that it deals with our guaranteeing the territorial integrity of all parties signing the treaty. In article 10 which Kings and Mikados made out of Wilson's article 3 there is no word of "self-determination," no word of territorial adjustments as may be "demanded by the welfare and manifest interests of the peoples concerned."

No hint of the splendid thought that the "peace of the world" was superior to "political jurisdiction or boundary" under Mr. Wilson's original draft—India, Egypt, Ireland, South Africa, Korea, and China—might hope for relief, but all high ideals of human liberty and self-government are swept away by—

ARTICLE 10.

The members of the league undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all members of the league. In case of any such aggression or in case of any threat or danger of such aggression the council shall advise upon the means by which this obligation shall be fulfilled.

How can we guarantee England, Italy, Japan, or any nation its "territorial integrity" unless we are prepared to do so by force of arms?

What American associated with Mr. Wilson agreed with him on article 10? Certainly not House, Lansing, or Bullitt. Certainly not the international lawyers employed by President Wilson. Listen to what his own attorneys say as to article 10—at one time article 3. It was submitted to his international lawyers, men of distinction and of his own choosing.

This is their answer, volume 2, page 1183, evidence of Bullitt hearings before United States Senate Committee on Foreign Relations, Sixty-sixth Congress, first session:

But aside from any questions of several joint or collective guaranties and their proper language, the question of policy presented by this article in its first sentence is whether the United States should favor a guaranty of independence and integrity of every State by every other State.

Such an agreement would destroy the Monroe doctrine. Under such an agreement, Germany, as well as the United States and even despite the United States, would have been bound to support Venezuela against Great Britain in 1895. Under such an agreement, Great Britain, France, and Japan might be bound to intervene in Chile or in Peru, according to their views of the Tacna-Arica dispute, either in addition to intervention by the United States.

Indeed, any guaranty of independence and integrity means war by the guarantor if a breach of the independence or integrity of the guaranteed State is attempted and persisted in.

What the United States has done, is doing, and will do for Europe is enough, without making an unasked sacrifice of her interests and those of Latin America, by giving up a policy which has prevented the countries south of the Rio Grande from being pawns in the diplomacy of Europe.

Mr. Wilson's own legal advisers make the suggestion—same page—that instead of thus guaranteeing each nation its territory as against the world we should say:

SUGGESTION.

Each contracting power severally covenants and guarantees that it will not violate the territorial integrity or impair the political independence of any other contracting power.

The contracting powers recognize as a binding principle that the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any extrinsic powers.

It would be safe for us to agree that "we will not violate" the territory of another, but to guarantee that others would not simply means perpetual war for the United States. The council, in case of "threats or danger of aggression," shall advise upon the means by which this obligation shall be fulfilled. Article 16, above quoted, also provides in such cases what we shall contribute to the armed forces to protect the covenants of the league.

Under our supreme law, Congress alone can declare war; and it was not only fair to our people but fair to our allies to call attention to that fact by—

RESERVATION NO. 2.

The United States assumes no obligation to preserve the territorial integrity or political independence of any other country or to interfere in controversies between nations—whether members of the league or not—under the provisions of article 10, or to employ the military or naval forces of the United States under any article of the treaty for any purpose, unless in any particular case the Congress, which, under the Constitution, has the sole power to declare war or authorize the employment of the military or naval forces of the United States, shall by act or joint resolution so provide.

What does Mr. Wilson say to the reservation? He says, of course, Congress alone can declare war; of course, they all knew that around the peace table. That is a true statement of our supreme law, but he says in his letter it is supererogation. He uses this large word twice. It means, according to the Standard Dictionary, "the performance of any meritorious act in excess of the demands of duty, hence superfluous." The professor is willing to destroy the League of Nations and "break the heart of the world" rather than rupture his rule of rhetoric.

To be perfectly fair, I read from his last letter, of March 8:

WHAT WAS UNDERSTOOD.

It was understood, as a matter of course, at the conference in Paris that whatever obligations any government assumed or whatever duties it undertook under the treaty would, of course, have to be fulfilled by its usual and established constitutional methods of action.

Once or twice in meetings of the conference, when the treaty was under consideration, "reservations" were made to that effect by the representatives of individual powers, and these "reservations" were invariably received in the way in which men who have met for business and not for talk always receive acts of scrupulous supererogation—listened to with indifferent silence, as such men listen to what is a matter of course and was not necessary to say.

IS GLAD TO EXPLAIN.

There can be no objection to explaining again what our constitutional method is, and that our Congress alone can declare war or determine the causes or occasions for war, and that it alone can authorize the use of the armed forces of the United States, on land or on the seas. But to make such a declaration would certainly be a work of supererogation.

This is his answer to the Senate reservation which simply notifies our allies and all the world that Wilson and the Senate can not make a treaty which will force us into war without an act of Congress. He has lost his cunning. He does not deceive the people who feel he wants us in war in November, any more than he was able to deceive the people as to why he removed Lansing. What England expected of us is perfectly apparent. She expected to use our lives and our money to maintain her Empire. The leading King's organ in Canada, the Star, in an editorial lately printed, bewails the fact that Britain can not call us to send our troops to Baku. Look it up on the map. I have not had time. Ninety-nine per cent of Americans do not know and do not care whether Imperial Britain gets the oil there or whether it goes to the people who own it. Is it not too bad Wilson can not send a few American boys to fill graves in Baku to help Great Britain provide for the "responsibility of empire"? Read the editorial and comments, taken from the News Letter, November 12, 1920:

Americans who scoff at the suggestion that the League of Nations is a machine reared by Great Britain to guarantee a continuance of her control of world affairs might do well to read an editorial printed a few weeks ago in the Montreal Daily Star. The Star is the leading imperialist organ in Canada. Those who control it are of the innermost British imperial councils. The editorial is headed, "An hour of peril." It starts off, "War-weary Britain is learning once more with a tragic thoroughness the full meaning of the responsibility of empire." That, of course, is quite true to form. The average imperialist is firmly convinced that these "responsibilities of empire" are a complete justification for empire. The "peril" to which the editorial alludes is the peril to British interests, born of bolshevism and of Moslem unrest. "A sudden thrust," reads the editorial, "might threaten the life of the British Empire more surely than would a Prussian victory in 1914. The Bolshevists, not finding the supplies of oil and petrol which they expected at Krasnovodsk, are stretching out their tentacles toward the western coast of the Caspian, their envious eyes fixed on Baku, the control of which Britain can not afford to relinquish. With a force of Afghans and Bolshevists joined at Merv, we have no assurance that the Amir's army will not throw open the passes of Afghanistan, which are the northern doors of India. With a powerful fleet in the Black Sea dominating Constantinople and dividing the Turks of Europe from those of Asia, with large military forces in India and new reenforcements operating from the Baku area, with the assistance of her new-found friends, the Arabs and her wards of Persia, Britain is squaring her shoulders again for the worst. Had the League of Nations been in operation six months ago Britain could have called to her aid her partners in the covenant. To-day she must play a lone hand." Analyze that editorial, which may be regarded as presenting the typical British imperial viewpoint. It announces that the "life of the British Empire" is in peril; that English oil interests must be maintained in trans-Caucasia; that English domination in India must be upheld at all hazards; and that England already is making military use of her "new-found friends" in the British-controlled myth kingdom of the Hedjaz and of her "wards" of Persia. But above all is the assertion that "had the League of Nations been in operation six months ago Britain could have called to her aid her partners in the covenant"—forced them to go into battle to uphold her commercial and imperial interests. Let America beware. The menace to which the editorial alludes may not exist at this moment. But sooner or later British imperial interests will again be threatened. Perhaps the threat will come from an Ireland bent upon bursting her fetters. Perhaps from Egypt. Perhaps from English oil interests, not in Russian Georgia this time, but in American Mexico. When that day comes England will again call for assistance to uphold her world sway. If America, when the new call echoes forth, is a member of the British-controlled league, woe be to her. "Had the League of Nations been in operation six months ago Britain could have called to her aid her partners in the covenant." So it will be in the future. To-day, then, there must be no compromise. If American interests are to be preserved the United States must not become a party to the league.

Those who have sons to sacrifice to see that England holds Baku stand up and shout for the League of Nations. Those of you who believe in fighting only for our country thank God the danger of the League of Nations is almost passed.

All writers on international law agree that war may be terminated in three distinct ways; one by simply stopping fighting, without an agreement, the second is by one conquering the other, and the third by a treaty of peace.

Under international law it is the duty of the several departments of the Government to do everything necessary to carry out a treaty of peace. By our Constitution a treaty is the supreme law of the land, and Congress would be legally and morally bound to make appropriations to carry out all the terms of a peace treaty.

Since the organization of this Government there has been conflict of opinion among the best writers as to whether Congress is bound by a treaty to make all appropriations and pass all laws necessary to carry out a treaty.

Washington said that it was perfectly clear to his understanding that the assent of the House of Representatives was not necessary for the validity of a treaty. That is, of course, true; but there has been a contention constantly by American writers that Congress was acting within its legal and moral scope if they refuse to pass the laws required by a treaty if, in the opinion of Congress, the treaty-making power exceeds its constitutional rights or if, in the opinion of Congress, such so-called necessary laws were against the interest of the people of the United States.

Congress has always in the past made the necessary laws and made the necessary appropriations to carry out all of its treaties, but there has always been a serious contention—one side saying that you have a treaty agreement and you are bound to pass these laws, and under the strict rule of international law they have complied.

This Government passed the necessary laws in 1796 to carry out the treaty with Great Britain in 1794; in 1816 they passed the necessary laws to carry out a commercial treaty or convention with Great Britain. They did the same in 1842 and 1843 with respect to a treaty of Washington, and after the Mexican War provided the necessary laws to carry out the treaty of peace with Mexico. In every case the claim was made that under international law we were bound to do this, and where an American objected by saying Congress alone has the power to appropriate money, the answer given by Great Britain and Mexico would be "True, your Constitution requires that Congress shall make appropriations, but the same Constitution authorizes the President and the Senate to make treaties and conventions"; and that has been a complete answer for the foreign State; men will say that they made treaties in good faith without the knowledge as to the constitutional limitations of the President and Senate. Now, for the first time in the history of the United States our allies ask us to ratify a treaty of peace which will authorize a foreign court to order us into war; and if we approve, the same old argument will be used, and Great Britain or Japan, if she goes into war, and the supreme council advises us how many men, how much money, and how many ships they want, they will say at once, "Congress, you are morally bound and under international law you are legally bound to furnish your troops, furnish your men and ships to defend Great Britain or Japan," and we will have

no legal or moral answer to their claim unless we give specific notice to our allies that under our Constitution Congress alone can declare war, and if any power on earth calls us to war the American people reserve the right, through their representatives, to decide whether they shall go to war; and if so, on which side.

The same suggestion applies to the reservation which notifies the high contracting parties that the Congress of the United States reserves to itself the right to pass upon appropriations, but it is not of such moral or vital interest for the people to control appropriations as it is for them to retain control of the lives and honor of their citizens. Gentlemen may say that these reservations which reserve the constitutional powers to Congress are in derogation of international law—that it amends international law.

In my opinion there is no doubt about that—international law has not kept pace with civil law, and this is not the first case where the United States of America has given a new construction to international law in the interest of justice and civilization; for instance, the recognition of a new State before the birth of this Government was recognized as a cause for war by the parent State, and such recognition meant intervention. Since the days of Thomas Jefferson the United States has had a fixed policy of recognition of a new State without intervention; it has been done whenever we have had an American Congress and an American President, and no parent State from which the new State springs has ever found it a cause for war; but, on the contrary, it is accepted as one of the American's rights to make recognition without intervention whenever the little peoples of the world have sought self-determination.

Many instances could be cited where the birth of this Republic started with the reformation in the international law, and no more striking illustration can be made than to use the reservations to article 10, for it says to Great Britain, with whom we have had treaties in the past, beginning with our treaty after the Revolutionary War on down to the Clayton-Bulwer treaty, after the close of the Mexican War, on down to the Hay-Pauncefote treaty No. 2 on the Panama Canal. We say to them in so many words that you have made a treaty with our President and Senate and have taken money from the people of the United States, because under the international law we felt bound to carry out those treaties, and we did it.

For half a century, by the cunning of your Clayton-Bulwer treaty and by craft of your diplomacy, you kept us from constructing the Panama Canal; by your influence you got the President of the United States to violate his pledge and to give some strange construction to the Hay-Pauncefote treaty by compelling us Americans to pay toll on ships sailing in waters every drop of which is American and every foot of the shore line on both sides of the canal American property. You have in diplomacy beaten us for more than a hundred years; you never have and never can beat us in war, but you have bled us financially in the past as you are doing now, and we give you notice by reservation to article 10 that you can not, with the aid of your self-governing colonies, order us to sacrifice money or American life, and we call your attention to the fact that Congress must appropriate life and money. The American people intend that America shall use that power given to them by the Constitution, and that each separate case shall use that power as the interest of our country and demands of justice shall dictate.

Under our Constitution all appropriations must be made by Congress, and we give notice to the world of that fact in—

RESERVATION NO. 9.

The United States shall not be obligated to contribute to any expenses of the League of Nations, or of the secretariat, or of any commission, or committee, or conference, or other agency organized under the League of Nations or under the treaty or for the purpose of carrying out the treaty provisions, unless and until an appropriation of funds available for such expenses shall have been made by the Congress of the United States.

This is a true statement of fact, and if President Wilson did not want to keep us in war for political purposes he would not pocket the treaty or instruct his free-thinking, free-acting, independent Senators to beat it on account of supererogation.

Mr. Speaker. I could not secure favorable action on my declaration of peace, so I yield to the judgment of my colleagues, but I prefer the straight declaration of "peace with all the world," for I wish to declare peace with Austria and with Russia. We declared a state of war with Austria. That people never wanted war with us. There are millions of her citizens who have sought our shores and our shelter. They are an industrious and an honest people. They seek citizenship here. The Senate holds the treaty and can not consistently accept it without these American reservations in the covenant.

Mr. Speaker, I still hope for the broad declaration and reserved the right to present it to the House, but having great respect for the judgment and patriotism of my associates on the Committee on Foreign Affairs, and having been notified by the Democratic chairman that his party will oppose our ending of the war, and that Wilson will veto it if we pass it, I must yield my point and vote for the resolution as reported by the committee. I feel sure of our constitutional power to declare the war at an end, and under our power of legislation to fix a date which repeals the war laws. And even if the section which makes conditions with Germany should be held to be beyond our power, yet the other sections will stand.

Mr. Speaker, I vote under protest for a joint resolution. That requires the signature of the President. He has already declared the war at an end. The resolution I offered and prefer is a concurrent resolution and does not require the approval of the President. It is a congressional finding the same as that already found by the President in the war of 1861–1865.

The House, July 22, 1861, passed a House resolution stating the objects of war, to maintain the supremacy of the Constitution, and that as soon as the object was accomplished the war ought to cease.

The Senate, July 25, 1861, adopted a Senate resolution practically the same. Neither was joint or concurrent, but President Johnson used them as a basis for his proclamations, as they expressed the "will of Congress."

The President by proclamation, April 2, 1866, declared the objects of the war had been obtained except in Texas, and on August 20, 1866, the President proclaimed the object of war had been obtained in Texas and proclaimed that the "insurrection is at an end."

And the Supreme Court held that the war ended on the day of the proclamation, August 20, 1866. In other words, the House by House resolution and the Senate by Senate resolution expressed "the will of Congress." Neither one was signed by the President, yet the Supreme Court of the United States held in United States against Anderson (9 Wallace) that it was the acts of Congress and the proclamation of President Johnson that fixed the date on which the war ended. Congress in March, 1867, fixed June 20 as the day the Rebellion closed. President Wilson has made his statement that the war was ended no less than twelve times to us. Why ask him to repeat when we know that with him war is over for some things and in full blast for other things? At the White House, as I stated before, we are at peace Mondays, Wednesdays, and Fridays, and at war Tuesdays, Thursdays, and Saturdays, and the chairman of the Democratic committee knows on which day he will consider our resolution of peace. Why trust him, anyway?

Our Democratic brethern are trying to "bell the cat" by asking him to say he will not be a candidate at Frisco. Suppose he did promise? What did he promise on his first run in 1912? He promised that he would not be a candidate for a second term. Which one of his friends will testify that on presidential running his reputation for truth and veracity is good in the neighborhood where he resides?

AS TO RUSSIA.

Gentlemen may say, "We are not at war with Russia." If that is so, our declaration that we are at peace with all the world can do no harm. Some professor may say it is supererogation. Big words do not frighten us now as they used to.

We have been in a state of war with Russia. Our soldiers are buried there and she is knocking at our door for peace. Four thousand of my constituents who were conscripted to fight Germany were sent there, according to Pershing's report, to fight Bolsheviki, and, according to Wilson's report, not to fight anyone. I shall prove by Mr. Wilson's own statement that he was and was not at war.

I shall show his statement of instructions to guard a railroad, and so forth, and not to fight, and then show his agreement to help Kolchak fight the soviet government, and Kolchak's agreement to pay the $14,000,000,000 in bonds of royal Russia. When you have read or heard the evidence of the President and members of his Cabinet, you can decide whether we are or have been at war with Russia, and whether we ought not to declare peace broad enough to remove any doubt as to being at war with Russia. I started out in the investigation of our situation in Russia for the purpose of securing the release of 5,000 of my constituents who were enlisted—most of them drafted—to fight Germany and were sent to the frozen north—Russia, our ally—to fight, freeze, suffer, and some to die in fighting a people against whom Congress had not declared war. They were kept there more than a year fighting after the armistice was signed. If you wish to know the degradation and humiliation heaped on American officers and men, read the book of Albertson, "Fight-

ing without war." He was a volunteer worker for humanity in the Red Cross or the Y. M. C. A. His story is free from "self," but a simple, and I know from many of my constituents who were there, a truthful, pathetic statement of our boys fighting when they never saw our flag, and were constantly asking, "Why are we fighting here," and "For God's sake, send us an American flag."

More than a year ago, while fighting for the release of my constituents from a Russian hades, I felt the sinister work of bondholders in America who were willing to sacrifice American lives to collect their money. They even wrote me that I was interfering with the collection of their money, which they loaned Imperial Russia before we went into the war. Though we were neutral, they claimed they "scalped" Russian bonds in a spirit of patriotism.

Some of you thought Lincoln Colcord was a crazy Bolsheviki when in his "Carving of Russia" he told the truth as to what was happening, and visioned the attempt of the international bankers to maintain Governments throughout the world which will "pay the bills of war." (See The Nation, July, 1919.)

I will show you by reports lately received by the committee that Mr. Wilson was solicited for months early in 1918 to commit acts of war against our allies, the Russians, to take part in the civil war there between the Kolchak and Lenin governments. He stood for months on high ground. He refused, but as time wore on he yielded to and worshiped the golden calf.

May I use the deadly parallel to show by Mr. Wilson that we were and were not at war with Russia?

President Wilson to the Senate, July 22, 1919:

"The instruction to Gen. Graves directs him not to interfere in Russian affairs, but to support Mr. Stevens wherever necessary."

President Wilson and others to Kolchak, May 26, 1919:

"We are therefore disposed to assist the government of Admiral Kolchak and his associates with munitions, supplies, and food to establish themselves as the government of all Russia."

If you have trouble in weighing the conflict of evidence between Commissioner Wilson and President Wilson, look at the dates of papers signed by him and quoted above. When he signed the statement of June 22, 1919, as President, stating instruction of Gen. Graves of "noninterference," he had about a month before—May 26, same year—signed a statement as a self-appointed peace commissioner to furnish the fighting men at war with the soviet government munitions, supplies, and so forth.

Let us call Gen. Pershing, who has no diplomatic training in perversion of tongues, and who is as honest as he is brave. This is from his report, page 55:

It was the opinion of the supreme war council that troops should be sent to cooperate * * * against the Bolshevist forces.

This witness corroborates Commissioner Wilson and contradicts President Wilson.

I call for the next important witness, Mr. Secretary Baker. He was kind enough to reply to my resolutions before the Military Committee and before the Committee on Foreign Affairs. He is bright, quick of mind and tongue, more resourceful and versatile as a witness than Mr. Lansing. His mind "goes along" with President Wilson and with Commissioner Wilson. He must have been both present and absent at the Cabinet meetings which landed Lansing on the sidewalk; so, of course, we were at war in Russia with Commissioner Wilson and at peace in Russia with President Wilson on the same day.

ON SEPTEMBER 15, 1919.

This witness, Secretary of War Baker, after repeating the theory on which our troops were sent to Siberia and northern Russia, said, page 22, hearings, Military Affairs:

For these reasons, although the Czechs are now substantially out of Siberia, it was decided that the allied forces in Siberia should continue to guard the railroad. The American Army is not participating in favor of Admiral Kolchak. It is not participating either for or against Bolshevists.

Now, he certainly supports President Wilson that we were at peace in all Russia. It may hurt the pride of a real American that our soldiers were track laborers and guards for railroads in Siberia. Policemen and guards do not make war, but peace.

The statement of Secretary Baker before the Committee on Foreign Affairs shows we were at war. He testified that he was then selling millions of dollars worth of the American people's goods, war munitions, and so forth, to a man named Uget, and he took Mr. Uget's personal note for the property, and that he, the Secretary, knew these goods were being sent to Kolchak, who was fighting on one side of the civil war. The Secretary very promptly said it was not an act of war, because he sold the goods to Uget and made no official recognition of the Kolchak government. Of course, if he had kept the promise of Commissioner Wilson and sent the guns direct to Kolchak, he would have violated the statement of President Wilson that we were at peace in Russia.

Whether we have recognized any government in Russia or not is important in considering whether we want to declare peace with that country.

When the Kerensky government fell, we were notified of that fact. The Russian Government (Zarist and Kerensky) had purchased large supplies in this country, and we had given to the Russian Government a credit of $450,000,000 on which we had advanced $186,400,000. The following is from a statement of Mr. Undersecretary Polk:

On November 7, the Kerensky government was overthrown. On the 15th the first payment of interest on obligations held by the United States was due and the Treasury advanced against an obligation signed by Mr. Bakhmeteff the sum of $1,329,750, which were at once repaid to the Treasury as interest on advances which had been made by it to Russia. This brought the total of the cash advances made by the Treasury of the United States to $187,729,750.

Mr. Polk stated, at page 23:

Mr. Bakhmeteff turned it over to the City Bank to the credit of the Russian Government, but he could not draw against it—

And so forth.

We saw that the money was used in the liquidation of the Russian debts.

Again, on page 29, he says:

Mr. MCFADDEN. He has had complete control of a certain amount of the funds, has he not?

Mr. POLK. He had control of one separate amount, a very small amount, but he had no control over these large items. Since December, 1917, my understanding is that every payment of any size was made with the knowledge of this Government.

Mr. MCFADDEN. That is, when he drew checks in settlement of these accounts they had to be approved by the Treasury Department before the banks would honor the checks?

Mr. POLK. The bank would not honor checks if the Treasury objected and no check was honored until the Treasury was notified.

Mr. MCFADDEN. The expense of keeping up the embassy was paid by Bakhmeteff, with the approval of the Treasury Department?

Mr. POLK. We have not questioned his right to spend a small amount of money for the expenses of the embassy, and I understand the Treasury have therefore not objected to such payments.

Surely, then, Mr. Bakhmeteff was not an ambassador using his country's money, or our State and Treasury Departments would not have kept control of the funds. Surely, you could not blame just plain Congressmen on the Committee of Expenditures in the State Department for wanting to know how much and to whom the money was paid. Our colleague, Mr. MCFADDEN, of that committee, addressed a letter to Mr. R. C. Leffingwell, Assistant Secretary of the Treasury, asking for a statement of money paid out under his direction. This official had testified before the committee, page 88:

It was arranged that no withdrawals should be made from that account without first notifying the Treasury and ascertaining whether it objected to the particular disbursement proposed.

This was in harmony with the evidence of Secretary Polk. Very properly our State and Treasury Departments were bound to see that this money was paid to American contractors, and they adopted a plan they did not adopt with any real ambassador. In other words, he has never been recognized as an ambassador and he is not now and has not been an ambassador since the fall of the Kerensky government.

Therefore I was naturally surprised when I read Mr. Leffingwell's answer to Mr. McFadden's letter. He addressed Mr. ELLIOTT, chairman of the Committee on Expenditures in the State Department:

The Treasury does not feel, therefore, that it can allow the confidential information, which it obtained from those Governments in a spirit of cooperation and mutual confidence, to be made public, or made the basis of what would in effect be an indirect investigation of their affairs such as no committee of Congress would, I assume, desire to have power to conduct directly.

In other words, put the Secretary of the Treasury on the stand—

Q. Was Bakhmeteff ambassador when, after the fall of his government, you compelled him to get your O. K. before he checked out money from the City National Bank?—A. Oh, no; if he had been we could not have made this requirement.

Q. Was he ambassador when he paid out that American money on your O. K.?—A. Oh, yes; it was done in a spirit of mutual confidence, and because he was an ambassador it would not be safe to allow the American Congress to know the facts.

Mr. Speaker, it is time to speak the truth. Dr. Dillon, in his most valuable book, The Inside Story of the Peace Conference, says, speaking of the peace commissioners:

Without chart or compass they drifted in strange and sterile courses, beginning with the Prinkipo incident and ending with the * * * Kolchak incident, in order to legalize international relations which could not be truly described as peace or war.

If we are at war with Russia, our declaration should be broad enough to make peace. If we are not at war, it can do no harm to felicitate ourselves that we are at "peace with all the world."

I want to go back to the old American home, the old American doctrine. I remember when I was a boy—and there was a bunch of 10 of us—sometimes at night when the storm would come and it was dark our good mother would call us in and shut the door and leave the storm and darkness on the outside. She left one curtain up to light our friends and neighbors that passed by on the village street, as our Constitution and our declaration have been a beacon light to light those people who wished to emulate us in the matter of self-government.

We were away there in the storm. I want my country to get back to where it was. I want the doors closed. I want my children and my grandchildren to get out of the storm of war and jealousies and the contemptible conspiracies of the kings, the mikados, the czars, and the kaisers. [Applause on the Republican side.] And the only way to do it is to help to make peace. I want to get around that old table with this old Constitution that we all want to follow as a guide to our politics and the old Bible as a guide to our conscience. Away from the storms and the policies and the crimes of other countries, around that old family fireside, we will take a new oath of allegiance to this Constitution and dedicate ourselves anew and yet anew to the interest of this country—the best country in the world. [Loud applause on the Republican side, the Members rising.]

Mr. Speaker, I yield back the balance of my time.

The SPEAKER. The gentleman yields back three minutes.

Mr. PORTER. Mr. Speaker, I yield two minutes to the gentleman from Illinois [Mr. MASON].

Mr. MASON. Mr. Speaker, the distinguished Democratic leader, the gentleman from North Carolina [Mr. KITCHIN], asked those of us who had introduced measures to repeal war-time statutes to hold up our hands. We did so. I want also to lift my voice. I am very much obliged to the gentleman for advertising my speech in favor of the League of Nations.

Mr. KITCHIN. It never would have been heard of otherwise. [Laughter.]

Mr. MASON. Oh, the gentleman and I have a working agreement. I praise very properly the best speech made against the declaration of war, which he made, next to mine, and he now praises my speech in favor of the League of Nations. [Laughter.] But I want you gentlemen to look at the date when the speech was made, and I recommend you all to read it. I know it is a good speech—I made it myself. I have not a word to take back, but I made it before I ever dreamed of a proposition for a league of nations that would be produced having the provisions that this has. Show me one line in that speech, or anywhere, where I have announced myself in favor of giving Great Britain 6 votes to our 1. Show one line in that speech where I stood in favor of allowing any other power in the world to order my country into war, except the Congress of the United States. Show me one word whereby I yielded any of those American doctrines, and I will apologize to my children and grandchildren for having done so.

Mr. BYRNES of South Carolina. Mr. Speaker, will the gentleman yield?

Mr. MASON. Oh, the gentleman knows I can not yield in two minutes.

Mr. BYRNES of South Carolina. But the gentleman asked us to show him and I want to read it to him.

Mr. MASON. Out of my two minutes I can not yield to the gentleman, but I recommend the gentleman to read my speech and commit it to memory, and say it at night before he goes to bed—it will do him good. But I can not allow the gentleman to interrupt me in my two minutes, and I am simply answering this proposition. I say that I am in favor of a league of peace, and I have not said anything against it. I believe in international arbitration, and I worked and fought for it in this House 32 years ago, but if ever I saw the time when I would stand for a league of nations that would give 6 votes to Great Britain and 1 to us, I will have to apologize to the gentleman and to everyone else.

Mr. FLOOD. Mr. Speaker, I yield 10 minutes to the gentleman from Michigan [Mr. KELLEY].

Mr. KELLEY of Michigan. Mr. Speaker, I am tremendously opposed to the passage of this resolution or any resolution like it. I do not know of any proposition that has come before Congress in the seven years that I have been a Member to which I have been so much opposed as I am to the proposition now before the House. [Applause on the Democratic side.] Gentlemen, what does this resolution propose? It is a proposition to make a separate peace with Germany. If the President of the United States at the conclusion of the war had said that he was going to make a peace with Germany separate and distinct from the peace to be made with the nations with whom we were associated, he would not have had a single vote of support or confidence on either side of this Chamber. [Applause on the Democratic side.]

This idea of a separate peace with Germany is not a new proposition. This idea of a separate peace with Germany has been floating about Congress for months. More than one partial poll of this House has been made to determine whether or not there was sentiment enough to back up such a proposition. Here is the situation: The great mass of the people of America, in Congress and out of Congress, have wanted this peace when it was made to be in conjunction with the nations with whom we were associated in the war. At the other end of the Capitol not more than a dozen Senators have taken the other position—that the peace should be a separate peace. Mr. Speaker, we want to consider pretty carefully what we are doing here. More than 80 Senators have voted to ratify a treaty signed by all of the allied nations, and about a dozen have voted in season and out of season against such a treaty, either with or without reservations.

If you pass this resolution here to-day, the interpretation which the country and the world will put upon it—of course not what is intended here—will be that this House has approved the course of those who have stood against the treaty in the Senate, with or without reservations, and in favor of a separate peace, and it will be regarded as a repudiation of the position taken by those Senators who favored the ratification of the treaty either in its original form or with reservations. [Applause on the Democratic side.]

Mr. KEARNS. Mr. Speaker, will the gentleman yield?

Mr. KELLEY of Michigan. No; I have not the time. Furthermore, I want to call particular attention to the fact that it is idle to hope for an early vote or passage of this resolution in the Senate, with 49 Republicans and 47 Democrats in that body. What man is there here so inexperienced as to think that a two-thirds vote can be obtained in the Senate for a cloture rule to ever bring this resolution to a vote in that body?

It will be over there, if it is ever reported out of the Committee on Foreign Relations, as a bone of contention, taking up the time of the Senate of this country until the clock strikes 12 on election day. That is what is likely to happen. [Applause on the Democratic side.]

Mr. YOUNG of North Dakota. How about the Michigan election?

Mr. KELLEY of Michigan. If the gentleman wants to take the position that he favors a separate peace with Germany, I am perfectly willing that he should do so, but as for myself I refuse to do it [applause on the Democratic side], and that is why I am stating to the House why I am opposed to this resolution.

Mr. YOUNG of North Dakota. The gentleman is not speaking to me.

Mr. KELLEY of Michigan. All my life long whenever I have taken a decided position upon a question, as I have in this case, I have endeavored to give the reason why I have taken that position. That is what I am doing now. Now, irrespective of what happens to this resolution after it leaves here, I hear men say, "Why, if it is a proper thing to do, let us perform our duty and let other people take care of theirs." That is right. And that brings me directly to the merits of this resolution. This is a resolution to make a separate peace with Germany without terms. [Laughter on the Democratic side.] Section 3 provides that if we have any rights under the armistice we shall continue to enjoy those rights, and section 5—perhaps I have got the sections twisted about—provides that Germany shall not set up any claim under this resolution which she could not set up under the treaty. But outside of that the proposed resolution makes peace with Germany without terms, without pledges, and without guaranties of any kind, shape, or description.

The SPEAKER. The time of the gentleman has expired.

Mr. FLOOD. I will yield the gentleman—how much time does the gentleman wish?

Mr. KELLEY of Michigan. Can the gentleman give me 10 minutes more?

Mr. FLOOD. I will yield the gentleman 10 additional minutes.

The SPEAKER pro tempore. The gentlemen from Michigan is recognized for 10 additional minutes.

Mr. KELLEY of Michigan. Mr. Speaker, if any man had said while the war was in progress that when the war was over he would be willing to make a separate peace with Germany without terms or without guaranties as to the restoration of Belgium or France, he would not have been safe in any community in the United States. [Applause on the Democratic

side.] What change has taken place that we should propose such a thing now?

By this resolution we say, in effect, to Germany, "The war is over; let bygones be bygones; let us shake hands and call it square; it is all over, and, besides, we want to trade with you." [Laughter on the Democratic side.] We ask them to make no promises or guaranties as to their military policy; we do not even inquire of them as to how large an army they are going to maintain, or how large a navy they are going to keep up, or what their relations are to be with Russia, Poland, Belgium, or any of the new nations that are set up over there. We seem to wash our hands completely of all interest in or responsibility for what may happen in Europe. And why? According to the resolution in order that we may "secure reciprocal trade with the German Government." [Laughter on the Democratic side.] If we were really going to do a thing like that I would not have written it in the bill, in any event, where all the world can read it. [Laughter on the Democratic side.] This resolution is so absolutely inconsistent with everything that this great Republic has done from the time we entered the war up to this time that it seems too bad that we should mar our record. As a Republican, I would much prefer to let our record stand as it has been made on this question. I would much prefer to stand where the Republicans of the Senate have placed us as a party, for the treaty with suitable reservations to protect the sovereignty and political independence of America against any encroachments from the outside. We would have had the treaty ratified in that form if the President of the United States had been willing that it should go through; the responsibility for failure to ratify is his; the record of the Republican Senate is clear and straight; let the issue be fought as made in the Senate; let us not confuse it with this resolution. Now, this is a new and strange attitude for us to take on the Republican side of the Chamber. Only a year or so ago one of the distinguished Republican leaders of this country laid down the correct doctrine, in my judgment, for Republicans and Democrats alike to follow upon the conclusion of the war.

He did not seem to think that it was our place to cut ourselves off from the allied nations and make a separate peace with Germany without terms. Oh, they say we can negotiate a treaty afterwards, but it is a fine thing to give a man a receipt in full and then tell him to come back and settle afterwards. [Laughter and applause on the Democratic side.] Here is what a great Republican statesman uttered only a year or so ago, and he blazed the correct pathway for this country to take at the conclusion of this war. He said:

The United States occupies, fortunately, a position in which she will be able to speak with a powerful voice.

Oh, this is a powerful voice, this resolution. [Laughter on the Democratic side.]

He said:

We seek no territory; no material gain for our own country. There is no territory by which we could be bribed or influenced; no trade advantage by which we could be tempted.

He could not have even dreamed of this resolution, which recites "in order that we may have reciprocal trade with the German Government." [Laughter on the Democratic side.]

Continuing, he said:

There is no personal profit which can turn us from the one great object. Our sole purpose is to put Germany finally and completely in a position where she can never again attempt to conquer and ruin the world, as she has done in the last four years.

That is what a great Republican statesman said only a few months ago. I stand by every word of it, and commend it to my colleagues on both sides of the Chamber.

SEVERAL MEMBERS. What was the date?

Mr. KELLEY of Michigan. August, 1918. Again, in order that there should be no question about that or that America should take its proper place in the settlement of this Great War, he went on to say that we must see to it that Belgium must be restored. What does this resolution say about restoring Belgium? Nothing. I can not so soon forget that Belgium threw herself across the path of the world's despoiler and held the lines till France could arrive.

I for one refuse to forget the services which Belgium rendered to mankind. [Applause on the Democratic side.] This great Republican leader and statesman further declared:

Alsace and Lorraine must be returned.
Italia Irredenta must go back to Italy.
Serbia and Roumania must be established in their independence.
Greece must be more secure.
The Jugoslovakia and Czechoslovakia must be independent States.
The Polish people must have an independent Poland.
The Russian Provinces must be restored.
Constantinople must be taken away from Turkey.
Palestine must never be returned to Turkish rule.

There must be compensation to Belgium, and a partial compensation at least can be found in the disposition of the German colonies, which ought never to be returned to the empire which has so abused all the most ordinary rights of humanity. These in outline are the principal conditions—

He says:

What conditions are in this resolution? None.

Continuing—

which alone will give us a victory worth having, and when we talk about a complete peace, and a just and righteous peace, let it be known to all the world that that is what we mean.

I adopt as my own the language and sentiment of this great leader.

Those are the words of a great Republican statesman, the Republican leader of the Senate, HENRY CABOT LODGE. [Applause on the Democratic side.] That is the record we have made on this question, and I propose to stand there, and not upon the record that we will make here this afternoon.

Men, I do not want to claim your attention further. Just one word in conclusion.

I believe that for the present, until the conditions in the world settle down, we had better stand with the nations with whom we stood in war in this matter of peace with Germany. Men sometimes declare pretty glibly that they do not care what happens to Europe. Why, the failure of a single banking house in Europe precipitated one of the great panics of America. My Republican colleagues, our record is perfectly clear.

We stand for the treaty as it is written and as it has been safeguarded by the Republican Members of the Senate. When the time comes that a sufficient number of Democratic Senators will join us in the ratification of the treaty so safeguarded we will be at peace under a joint treaty entered into by us and the allied governments. In the meantime let us not confuse ourselves or the world by passing this resolution. Let us adhere to the course we have so wisely followed up to this hour, and then no man or nation can ever truthfully say that this great Republic, within 18 months after the signing of the armistice and before the grass had grown a second time over the graves of our dead in France, held out the friendly hand to Germany saying, "Shake hands; call it square. It is all over; we want to trade with you." Others may do as they please; but, gentlemen, it will never be done with my vote. [Loud applause on the Democratic side, the Members rising.]

Mr. PORTER. Mr. Chairman, I yield to the gentleman from New York [Mr. HUSTED].

Mr. HUSTED. Mr. Speaker, our Democratic friends are very much concerned because the Republican Members of the House have determined to make an effort to end the anomalous condition which exists in the country to-day with respect to the duration of the war. While everybody admits that the war is over in the sense that hostilities have ceased and that Germany has no intention of resuming them against us, nevertheless it is asserted that a technical state of war exists, because peace has not been formally established, and this technical state of war is given as an excuse for the continuance of war activities, which impose a great burden of expense upon the people and prevent American citizens from enjoying trade relations with the present German Government and its nationals.

The people of this country want peace declared. They want normal conditions restored. My own view has been that a majority of our citizens wanted the treaty ratified after American interests had been fully protected under the Lodge reservations. I confess to some doubt about it, now that presidential primaries have expressed a preference for antileague candidates. [Applause on the Republican side.] There is only one reason why that could not and can not be done. The gentleman from North Carolina [Mr. POU] stated in the course of his remarks on the rule that the only living ex-President of the United States favored the League of Nations, but I would call the gentleman's attention to the fact that ex-President Taft stated that the only thing which prevented the ratification of the treaty with the League of Nations covenant was the stubbornness of the present occupant of the White House. In view of the fact, which is recognized by every Member of Congress, that there is no prospect during the life of the present administration to secure ratification of the treaty, it becomes the paramount duty of Congress to take any justifiable means to establish a condition of peace, in order that all doubt on this question may be set at rest by a formal declaration, and that commercial relations may be resumed with the present German Government and its nationals.

Of course, our Democratic friends must find some excuse for voting against this resolution. They must find some excuse for taking action which they know is contrary to the wishes of the

vast majority of people in practically every congressional district in the United States, and so they seek to take refuge under an alleged constitutional objection. They contend for this purpose that the adoption of the joint resolution is an invasion of the treaty-making power, which the Constitution vests in the President, by and with the advice and consent of the Senate. In order to demonstrate the unsoundness of this contention it is only necessary to consider the nature of a treaty.

There are many definitions in the Federal reports, but they all agree that a treaty is a contract or agreement negotiated in the first instance by the plenipotentiaries or commissioners of sovereign States and subsequently ratified by the sovereign authority of such States.

Taking up section 1 of the joint resolution, we find a simple declaration that the state of war declared to exist between the Imperial German Government and the United States by joint resolution of Congress approved April 6, 1917, is hereby declared at an end. There is certainly no element of any contract or agreement in this section. It is a simple declaration on our part only that we formally recognize the existence of a state of facts which everybody knows to be true.

The authorities on international law, and this is solely a question of international law, state there are three ways of ending a war; first, by a treaty of peace; second, by the complete subjugation of the enemy; and third, by a long-continued cessation of hostilities without intention of resumption, that States may glide imperceptibly into a state of peace with each other without any formal action. It might be well argued that there is another way in which peace may come, unless it be considered a variation of the second, namely, where the enemy with which we were at war no longer exists. Our declaration was against the Imperial German Government. It might well therefore be argued that when the Imperial German Government passed out of existence the war declared against it automatically came to a close. [Applause on the Republican side.]

Of course, it is true that this declaration does not bind Germany. It is simply a declaration upon the part of the United States that so far as we are concerned the war is over, that we are quit of it and do not intend to resume it. To contend that such a declaration is an invasion of the treaty-making power, that it involves the formation of a contract or agreement with another Nation, is a palpable absurdity.

Section 2 is clearly constitutional as an exercise of legislative authority. The power which originally fixed the date for the termination of war emergency legislation can certainly change the date whenever it sees fit to do so, and that is all that would be accomplished by this section.

Section 3 provides for the resumption of trade relations with the German Government and its nationals under certain specified conditions. The Constitution of the United States expressly vests in Congress the authority to regulate trade with foreign nations. Having that authority, it is certainly competent to specify the conditions under which we will permit our people to trade with another nation, whether it is one with which we have been at war or one with which we have been at peace. The section provides that our nationals may engage in such trade unless Germany falls within a specified number of days to declare peace with the United States, and that it waives and renounces on behalf of itself and its nationals certain claims and demands. This is clearly no exercise of treaty-making power. There is here present no element of any contract or agreement. If Congress has the right to regulate trade with foreign nations it certainly follows as an inescapable conclusion that it has the right to impose the conditions under which such trade is permitted to her citizens, and the condition here is that Germany shall show to the United States a fair and friendly attitude. We could not afford to permit such trade if that were not done.

Section 4 merely provides penalties for a violation of the prohibition contained in section 3. The constitutionality of this section is frankly admitted in the general statement contained in the minority report.

Section 5 provides that nothing in this resolution shall be construed as a waiver of any of our rights under the armistice signed November 11, 1918, or which were acquired by the United States during the war, and ratifies, confirms, and maintains all fines, forfeitures, and seizures imposed by the United States. It is simply a declaration of the American purpose with respect to these matters, which, in my opinion, is not strictly necessary but which is entirely proper in order that no doubt may be entertained by anybody as to our attitude in respect thereto.

The enactment of this joint resolution will, of course, largely fail of its purpose unless Germany declares peace with the United States. I have no doubt but that she will promptly take such action, as it is manifestly in her interest to do so. If Germany should declare peace with the United States after the enactment of this resolution and within the time specified therein, then the two nations, each acting for itself, having declared a state of peace to exist, the technical state of war would end without treaty of peace, and trade relations could be resumed.

I regret to say that I fear this happy consummation will be defeated by the action of the President of the United States. I am satisfied he will veto this resolution for the purpose of attempting to coerce the Senate of the United States into compliance with his views in the matter of the covenant of the League of Nations. This attempt will fail, as all previous attempts have failed. The Republican Senate will not sacrifice the sovereignty and freedom of action of the United States at the request of President Wilson or of anybody else, and so the present unfortunate and highly undesirable relationship in which we stand with the German Government and its nationals in all probability will be continued for some time to come, until we have another occupant of the White House or the force of public opinion changes the attitude of the Democratic Members of Congress, who are to-day upholding the President in his desire to thwart the will of the people of the United States. But whether this joint resolution is vetoed or not, the Republicans in Congress will have performed their duty in effecting its passage, and the sole responsibility will be upon the Democratic administration for preventing the restoration of peace and the return to normal conditions. [Applause on the Republican side.]

Mr. PORTER. Mr. Speaker, I yield five minutes to the gentleman from Rhode Island [Mr. KENNEDY].

Mr. KENNEDY of Rhode Island. Mr. Speaker, I have listened with the utmost attention to the speeches that have been made upon this resolution ever since the beginning of the debate, and it seems to me that those who have addressed themselves to this subject upon the other side of the House are guilty of begging the question. If anyone here is at a loss for argument in support of this resolution he can find in the minority report, presented by the gentleman from Virginia [Mr. FLOOD], plenty of ground to justify affirmative action. On page 13 of that report I find the following language:

> It is a fact that every war in which the United States has been engaged has been concluded by a treaty of peace, except the war between the States, which was an internal conflict.

There is no doubt as to the correctness of this statement, but the point to remember is that the war through which the country has recently passed has not been brought to a close by a treaty of peace, and though several attempts have been made to conclude it in that way it has been entirely impossible to do so. Let me say, moreover, that present indications show that the peace treaty, either with or without reservations, will not be ratified for some time to come, if, indeed, it is to be ratified at all. In consequence of this situation the pending resolution comes before the House from the Committee on Foreign Affairs, a committee on which I have had the honor to serve during the past six years. I am one of those who assisted in the framing of this resolution. I voted to report this resolution to the House. I shall vote for its passage to-day, and I am free to say that I can see no reason whatever for any difference of opinion upon it.

Gentlemen on the other side of the House ask for precedents that will justify the passage of this measure. The gentleman from Arkansas [Mr. GOODWIN] only a few moments ago, in the course of his speech, defied anyone to show a precedent which will warrant the passage of a treaty by the House of Representatives. This proposed legislation is not a treaty. I deny that it partakes of the character of a treaty. The gentleman from Arkansas and his colleagues may call it a treaty if they desire, but to do so furnishes no plausible excuse for opposition to the resolution. No one here makes the claim that the House of Representatives has a right to pass a treaty of peace or any other kind of a treaty. The precise question before the House is, What can Congress do in view of the situation which confronts this country at the present hour? What is that situation? One year and a half has already passed since the war came to a close, but no treaty has yet been ratified by the United States. We are therefore technically in a state of war which will continue indefinitely unless something is done to declare the war at an end. In the face of this condition you gentlemen on the other side of the House ask for precedents. I maintain that it is impossible to present a precedent for an unprecedented situation. The fact is that the country demands this legislation in order to declare the war at an end and to repeal certain war-time and emergency legislation which is out of date and oppressive, and from which the country has long since been clamoring for relief.

Section 1 of the pending resolution declares that the war is at an end. This is a declaration of fact well known to every person in the country. This section is attacked by our friends

on the other side of the House on the ground that it is unconstitutional. How, I ask, can the mere declaration of a fact in any way violate the Constitution? But you say to declare the war at an end is to make a treaty of peace, a power which Congress does not possess. This argument is a mere subterfuge and if you gentlemen make it sincerely then I submit that your position is entirely illogical. And why?

I heard the speech of a distinguished leader of the other side of the House in the course of which he said, "Why don't you come in here with a straightforward resolution to repeal this war-time legislation and we on this side of the House will support it"? I call attention here to the fact that before the war-time legislation can be repealed, either in the manner provided in this bill or in the manner suggested by the distinguished gentleman, you on the other side of this House will have to admit that the war is at an end, for otherwise there would be no reason for such repeal. But you deny that the war is at an end when you oppose section 1 of this resolution. If, as you contend, the war is not at an end, how could you support your proposition to repeal the war-time legislation when such repeal must necessarily be predicated upon the plain fact that the war has terminated and that there is consequently no further need of the war-time legislation?

I repeat, Mr. Speaker, that the country desires this legislation which we are considering, and that it is the duty of this House to pass it without further delay, regardless of whether or not our action in so doing is acceptable to the occupant of the White House, who is loath to let go that control which was granted him by Congress in organizing the Nation for war. War legislation is oppressive in time of peace. Congress has the power to repeal it and the right to exercise that power in the manner which this resolution proposes.

Section 3 of the pending resolution provides for the resumption of reciprocal trade relations between Germany and the United States. This section says, in a word, that unless Germany within a given time shall notify the President that it has declared a termination of the war, and has made the waivers and renouncements on behalf of itself and its nationals as therein specified, commercial intercourse, and so forth, shall, except with the license of the President, be prohibited. Gentlemen also deny that section 3 is constitutional. Let us see whether or not their position is tenable. For myself, I am frank in saying that if the plan or purpose of this section were to open up negotiations with Germany concerning trade, if this section in any way held out an offer by this Government on the one hand and an acceptance thereof by Germany on the other, it might then be regarded as an attempt on the part of Congress to assume and exercise functions which under the Constitution belong to the President and the Senate of the United States. But this section does not propose any plan or purpose of negotiation. It is not a proposition of offer and acceptance. There is nothing in it which entitles Germany to set up any modifications or counter modifications; nothing, moreover, which even suggests regulation by compromise or compact; and nothing, therefore, which lays claim to the exercise of a power which does not belong to this House.

A treaty requires action on the part of two independent nations comprising mutual agreements in regard to the terms and stipulations set forth in the instrument itself. A close examination of section 3 of this measure leads to the conclusion that it does not propose mutual action or submit any terms that are based upon interchange between the United States and Germany. It leaves it entirely to Germany herself to decide whether or not she wishes to restore trade relations with us. Section 3, therefore, does not carry us beyond the power which is clearly ours—the power given by the Constitution to regulate commerce with foreign nations.

The pending resolution bears its credentials on its face. It is not a treaty, but rather legislation to be applied municipally without consultation with Germany. Hence there is no usurpation here—no exercise of the treaty-making faculty—and, this being the case, it follows that our action in passing this resolution is entirely consistent with the authority vested in this House by the organic law of the country. [Applause.]

The SPEAKER. The time of the gentleman from Rhode Island has expired.

Mr. PORTER. Mr. Speaker, I yield 10 minutes to the gentleman from Illinois [Mr. SMITH].

Mr. SMITH of Illinois. Mr. Speaker and gentlemen of the House, as a member of the Foreign Affairs Committee I felt myself under the obligation to convince myself that I had the right to not only vote this resolution out of the committee but to vote for it upon the floor of the House. I am not an international lawyer; in fact, I am not a lawyer at all. When I heard the silver-tongued orator from the State of Texas, whom I admire greatly, expound the doctrine that this is unconstitutional, I wavered somewhat in my allegiance to my former conviction, but I was reassured by the gentleman from Pennsylvania, who in support of it advanced irrefutable logic. So I again take my place as one willing to support this resolution, fully believing that I am not violating the Constitution when I do so.

International law has no particular appeal to the people of the United States at this time upon this question. In fact, if one is to judge by the result in Michigan and several other States, international alliances have no particular appeal to the people of the United States just now. [Applause.]

Undoubtedly the resolution will pass. Whether it will muster a two-thirds vote of the House when it comes back, vetoed by the President, is another matter. That question is not important at present. Nor is it of the first importance now whether the resolution is a proper one for the House to consider, despite the length of argument upon that issue. The matter which is of first importance and which is urgent is that this country shall achieve somehow a peace status. [Applause.]

We have proclaimed ours to be a peace-loving Nation upon every occasion offered and in every quarter open to our eloquence. We have confessed our horror of war upon every opportunity. Yet for 17 months we have clung desperately to a war that is over. For 17 months we have puttered at peace making—puttered at it without getting anywhere. We were chided for our reluctance to get into the war, possibly with justice. But the critic does not live who can accuse us of unseemly haste in getting out of it. [Applause.]

Mr. Speaker, if we are a peace-loving people it is time for us to prove it. If we do hate war, let us get rid of one that was finished long ago. [Applause.] We are in an impossible situation. Unanimously we say we want a state of peace. Every interest in our land beseeches it; trade languishes without it; industry is hobbled by the restrictions of war and we fret under them ourselves as individuals; we know that we can make no substantial progress, that we can neither plan for the future nor fulfill the obligations of the present, until peace is attained.

Unanimously, also, we say that we are a self-governing people. But for 17 months we have withheld from ourselves the thing we want. None but ourselves intervenes between us and a state of peace. None but ourselves inflicts a state of war upon us. We said, justly, that the war was forced upon us. Is that why we defy all the powers of earth to force us into a state of peace? It is a safe defiance. Other powers do not much care whether we remain in a state of war or not. If they did care, we would never let them force peace upon us, because we are self-governing and can run our own affairs; that is, we say we can.

I myself believe we can. I hold fast to what now seems the absurd theory that we are self-governing. That is why I am going to vote for the pending resolution; why I am not much concerned with the arguments for and against the right of the House to consider this matter.

If we are a governed people at all there is, of necessity, some road which will lead us from a state of war to one of peace. We who are not lawyers are told by those who are that there is such a road—plain and direct, wide open and main traveled. That is theory. In fact, the road is blocked. The American people know it is blocked, because they have not been able to pursue it to the peace they desire.

We know it is blocked, because we have seen some of the obstructions set up.

What are we going to do about it? It has been blocked for 17 months. None is removing the obstructions; rather, they are being piled higher. Shall we, then, stand still and wait for the removal of these obstructions by the corrosion of time? Or shall we try to find a way around? The pressure of the American people, of business, of industry, of husbandry, and of morality is behind us. If we stand and wait, that pressure will become heavier than some of us can bear. Hence, I believe we will be wise if we try to go around. That is what this resolution seeks to do—to find a way around. And in this there is none to complain except those who have helped to block the main-traveled road.

It is claimed here that peacemaking is not our job; that there are those who are specifically charged with this duty. Grant that this is true—what does it get us? These others have failed. It is not our fault, and it is not the fault of the people, that they have been heedless of duty. We are concerned only with the fact. It is because they have failed that this House is constrained to act. A thing is to be done. If the agency specifically charged with its performance fails to do it, the answer is, not to leave the thing undone but

to find another agency. We are a futile people, and this is a futile legislature if we can not accomplish this.

I hope the resolution before the House will achieve this end. I wish that resolution were broader; that it included all the nations with which we have been at war—Austria, if there is an Austria, and Hungary, if there is a Hungary—so that we might be at peace with all the world. For that is the great end to be sought. Hate has been loose in the world for nearly six years. It is time for the cultivation of good will. We are not cultivating good will by clinging to the fiction of a war that has passed into history. We are neither cultivating good will nor serving our people by trying to fix the blame for blocking the road to peace. The only way in which we can render service is by bringing to our country the peace we have won; by restoring to our people the right to plan their lives and conduct their affairs upon a basis of good fellowship with all the world. Because we hope this resolution will do that, we ask, in the name of common sense, that it shall be passed. [Applause on the Republican side.]

Mr. CAMPBELL of Kansas. Mr. Speaker, I ask unanimous consent that the vote be taken at 5.30 o'clock instead of at 5 o'clock, as provided in the rule. I make this request because gentlemen on both sides have urged additional time.

The SPEAKER. The gentleman from Kansas asks unanimous consent that the time for taking the vote be changed from 5 o'clock to 5.30 o'clock p. m. Is there objection?

Mr. CONNALLY. Mr. Speaker, reserving the right to object, the additional time I take it will be equally divided between each side?

Mr. CAMPBELL of Kansas. Certainly.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. MASON. Mr. Speaker, by direction of the chairman of the committee, I yield 15 minutes to the gentleman from Wisconsin [Mr. BROWNE].

Mr. BROWNE. Mr. Speaker, I listened to the distinguished gentleman from Michigan [Mr. KELLEY], and if his speech had been made a year and a half ago, during the pendency of the war, I would have heartily agreed with him. No one, while we were in war, wanted to make a separate peace with our enemies, but the conditions are entirely different to-day. To-day all of our allies, in fact all of the world, are at peace with Germany and the Central Powers, except the United States. That is the difference. They have made their treaties, and their rights are determined. That treaty stands to-day, and we can ratify it at any time. The passage of this resolution does not in the least preclude us from ratifying the treaty when it is presented to us and we are given an American treaty and proper reservations safeguarding American rights are accepted by the President, who has certainly shown great arbitrariness in this matter.

The President himself has emphasized the fact that it is necessary to have peace, necessary not only for the people of the United States, but for the world, for this country to be at peace, but because we can not enter into a peace that he wants he stands back and prevents us from being at peace on any other terms. He refuses to modify his views in the least, although a large majority of the Senate, representing a constituency of more than three-fourths of the people of the country, ask for fair and reasonable reservations.

The constitutional question has been fought out here very carefully, and I do not think there is much doubt in anyone's mind who has listened to the arguments, and is unprejudiced by partisanship, but that we have a constitutional right to declare a fact that we know exists, that this war is at an end. I believe we therefore have the right to officially declare the war is at an end. It is an elementary principle that any legislative body has a right to repeal any act or resolution that it has the right to pass. I think that at any time, from a day to a year after war was declared, Congress had the right to repeal the resolution declaring war, and that when that repeal resolution passed both houses and was signed by the President, the war would have been at an end.

EFFECT OF RESOLUTION.

The passage of this resolution will give us peace and will repeal over 60 war measures, many of which are oppressive to the people and which give the President extraordinary powers never intended to be exercised by the Executive in times of peace.

In arguing for the support of this resolution declaring that the war is at an end, there are two propositions to establish: First. Has Congress the authority under the Constitution to pass this resolution? Second. If Congress has the authority, is it for the best interest of the people of the United States that Congress exercise that authority?

This resolution does not contemplate the making of a treaty. I do not contend for a moment that Congress could pass a resolution that was broad enough in its scope to cover the subject matter that would naturally be embraced in a treaty. I do maintain, however, that Congress has a clear right under the authorities that I will cite to declare that the war, which is in fact at an end, is officially at an end. The war between the United States and the Imperial German Government came to an end November 11, 1918. There was a complete cessation of hostilities between the United States and Germany on that date.

Germany at that time signed an armistice which was a complete surrender, and in compliance with that armistice turned over her navy to the Allies, also her guns and munitions of war, demobilized her armies, and made it absolutely physically impossible in every way for her to carry on the war. The President officially laid these facts before Congress November 11, 1918, when he appeared before a joint session of Congress and presented the terms of the armistice. The first sentence of President Wilson's message to Congress in presenting the armistice was as follows:

> The war thus comes to an end, for, having accepted these terms of armistice, it will be impossible for the German command to renew it.

Several times in that message the President reiterated the fact that the war is at an end. Notwithstanding that the war, in fact, came to an end November 11, 1918, over 17 months ago; notwithstanding that all the nations of Europe are at peace with Germany and have established friendly trade relations with her, the United States is still at war with Germany.

John Bassett Moore, as high authority on international law as we have, states:

> Peace may be restored by the long suspension of hostilities without a treaty of peace being made.

He states further:

> History is full of such occurrences. What period of suspension of war necessary to justify the presumption of the restoration of peace must be determined in each case with reference to collateral facts and circumstances. (Vol. —, p. 336, sec. 1163.)

Oppenheim, another great authority on international law, holds that peace may be established in the following way, to wit:

> The normal condition between two States being peace, war can never be more than a temporary condition; whatever may have been the cause or the causes of a war, the latter can naturally not last forever.
>
> A war may be terminated in three different ways: Belligerents may, first, abstain from further acts of war and glide into peaceful relations without expressly making peace through a special treaty; or, secondly, belligerents may formally establish the condition of peace between each other through a special treaty of peace; or, thirdly, a belligerent may end the war through subjugation of his adversary. (See Phillimore, International Law, vol. 3, p. 772.)
>
> There appear to be three ways by which war may be concluded and peace restored: First, by a de facto cessation of hostilities on the part of both belligerents and a renewal de facto of the relations of peace; second, by the unconditional submission of one belligerent to another; third, by the conclusion of a formal treaty of peace between belligerents.
>
> A formal declaration on the part of the belligerents that war has ceased, however usual and desirable, can not be said to be absolutely necessary for the restoration of peace. War may silently cease and peace be silently renewed. So ended the war between Sweden and Poland in the year 1716.

Grotius, in his Rights of War and Peace, holds as follows (p. 286):

> The person who has authority to begin a war has the authority to make peace.

It is inconceivable that the framers of our Constitution would place the power of declaring war in the hands of the Congress and deny them the right of repealing that law and thus making peace.

It is conceded by all that Congress could at any stage of the war put an end to war by refusing to make the necessary appropriations for carrying on the war. If Congress has the power indirectly to stop a war, it would certainly have the power to repeal a statute declaring war.

There seems to be much confusion over the question of Congress declaring that a state of war no longer exists and the right of Congress to make a treaty of peace. The right to make a treaty of peace or any kind of treaty is expressly delegated by the Constitution to the President with the advice and consent and the right of confirmation by the Senate.

The question of making a treaty is not involved here. The question is, "Congress having passed a resolution declaring war, has Congress the right to repeal that resolution?"

Objection is made to section 3 of the resolution, that it attempts to confer legislative powers on the President and is in effect a treaty.

Section 3 of the resolution, authorizing the President to secure reciprocal trade with the German Government and its nationals and requiring the German Government to declare a termination of the war with the United States; is clearly within the Constitution, and sustained by the Supreme Court in the

case of Field v. Clark (143 U. S., 649). All the embargo statutes follow this decision. The President was given the authority by Congress to place an embargo on all our ammunitions going to Mexico. This embargo has, at the discretion of President Wilson, been withdrawn and then made operative by the President at various times during his administration. The same identical language used in the McKinley law and sustained in Field against Clark is used in this resolution. This decision, therefore, settles the constitutionality of this part of the resolution.

Congress having clearly the power to say that the war is at an end, I maintain it is for the best interest of the people of the United States to declare that the war is at an end.

REPEAL OF WAR MEASURES.

This resolution repeals the so-called war legislation which was to terminate at the end of the war. It repeals the pernicious and tyrannical espionage act that makes the Postmaster General the censor of what 100,000,000 people can read or send through the mails and gives him the right to exclude any paper or magazine from the mails without giving its publisher a hearing or an appeal from his decision. Under the "trading-with-the-enemy act" now on our statute books, our merchants and manufacturers are not permitted to trade with Germany. Her people can not exchange their products for ours, or buy our products, or carry on commerce with this country, or the people of this country can not trade with them unless the President issues a special license. Thus our trade relations are very much restricted. This act and many others will be repealed by this resolution. A vote against this resolution is a vote in favor of retaining these and the other war measures on our statute books.

England, France, Belgium, and Italy are at peace with the Central Powers. They are taking advantage of this embarrassing position of the United States and are building up their trade with Germany at our expense.

OUR EXPORTS FALLING OFF.

Our exports fell off very greatly in February and still greater in March. With the present deadlock between the Senate and the President on the treaty and the League of Nations, there is not the remotest possibility of an agreement before the coming in of a new Congress and new President, March 4, 1921.

Can this Congress sit by complacently and keep a resolution on the statute books stating that a state of war exists when in reality it does not exist and has not existed for over 17 months? Does this Congress want to take the responsibility of permitting our great commercial rivals, England, France, Italy, and Japan, to take advantage of our being at war with Germany while they are at peace with her and permit these nations to take the trade our people formerly had with Germany? Do the people want the President to retain these extraordinary war powers in times of peace?

This Congress can not be accused of acting hastily in passing a resolution like the one under consideration. I think we have been overpatient, and our patience has long since ceased to be a virtue. The American people have also been patient. They have seen our commercial rivals getting the trade that belonged to us before the war, and have waited for the President and the Senate to act. They now demand that something be done to place us on a peace status, and they earnestly petition the House of Representatives, the people's popular branch of the Government, to act.

Take President Wilson's own words, as to the necessity of an immediate peace, in his address before the Senate Foreign Relations Committee, August 19, 1919:

> The nations that ratify the treaty, such as Great Britain, Belgium, and France, will be in a position to lay their plans for controlling the markets of Central Europe without competition from us, if we do not presently act. We have no consular agents, no trade representatives there to look after our interests.
>
> There are large areas of Europe whose future will lie uncertain and questionable until their people know the final settlements of peace and the forces which are to administer and sustain it. Without determinate markets our production can not proceed with intelligence or confidence. There can be no stabilization of wages, because there can be no settled conditions of employment; there can be no easy or normal industrial credits because there can be no confident and permanent revival of business.

The President further states:

> But I will not weary you with obvious examples. I will only venture to repeat that every element of normal life amongst us depends upon and awaits the ratification of the treaty of peace.

President Wilson, in a speech at Billings, Mont., September 11, 1919, emphasizes the necessity of an early peace in these words:

> In order, therefore, to straighten out the affairs of America, in order to calm and correct the ways of the world, the first and important requisite is peace, and it is an important requisite that can not wait. It is not wise to wait.

THE PEOPLE WANT PEACE.

All agree that it is very important that we have peace. Peace will stabilize industry, restore confidence, and hasten our return to normal conditions. The business men of the country, the producers, and the laboring men are all anxious to return at once to our normal condition, which we only can do by terminating the war, repealing war legislation, and becoming once more a Government by the people and for the people, and not a Government by the President alone.

Germany is not in the League of Nations. There is no reason why Germany and the United States can not make peace at once and resume trade relations. It would surely be for the mutual benefit of the United States and Germany. This resolution will not only stabilize conditions in the United States but in the world.

Can anyone give us the slightest assurance that President Wilson will ever consent to a peace except on the basis of a League of Nations, as he insists upon it without reservation made by a majority of the Senate, which majority represents a constituency of over three-fourths of the American people? With the urgent necessity of an immediate peace, with the dire results that are bound to happen unless we have peace at the earliest possible time, as set forth by the President himself in his speeches that I have quoted from, how long must the people wait because of the arbitrary action of one man?

"HE KEPT US OUT OF WAR."

This was the slogan of the Democratic Party four years ago. November 6, 1916, on the eve of the election, the following advertisement appeared:

> You are working, not fighting; alive and happy, not cannon fodder. Wilson with peace with honor or Hughes with Roosevelt and war?
>
> The lesson is plain; if you want war, vote for Hughes. If you want peace with honor, vote for Wilson.

Can President Wilson or the Democratic Party go before the people in the coming presidential campaign, almost two years after the cessation of hostilities and the laying down of arms, under the slogan "We are still at war," when they as a party opposed a resolution officially declaring, what is an indisputable fact, that the war is at an end?

USURPATION OF POWER.

Some of the Democratic members of the Foreign Affairs Committee seemed to be very apprehensive of the legislative branch of this Government encroaching on the powers of the executive branch of the Government. They opposed the bill providing for a convention to consider questions relating to international communication on the grounds that the provision in the bill that the appointees of the President be confirmed by the Senate was trenching on the President's powers and was therefore unconstitutional. This bill passed by a large majority, notwithstanding the arguments of the gentlemen opposing it.

When the same bill came before the Senate, where it was scrutinized by the ablest constitutional lawyers in the country of both parties, with the elaborate minority report of my Democratic friends in the House in their hands, not one Senator raised his voice against it or claimed that it was unconstitutional.

Therefore I am led to believe that my Democratic friends are unnecessarily apprehensive over the danger of Congress usurping the powers of the President.

When the history of the last seven years is written, the historian will record the fact that more powers have been vested in the President and more powers unlawfully assumed by him than any other Executive at any time in the history of this Republic. If the powers of the President continue to be enlarged, if the President of the United States continues to usurp the powers that rightfully belong to Congress, the executive branch of the Government with its powerful departments will control the legislative branch of the Government, and the House of Representatives and the Senate will become merely debating societies.

From the beginning of civilization the executive branch of almost every Government has attempted to usurp the powers from the other coordinate branches of the Government, especially the legislative. One of the reasons is the fact that executive powers are exercised by one person while the legislative powers are divided up among many. As the result of the intrenchment of the executive upon the legislative, many legislative branches of Governments have degenerated into mere debating societies. I know of no instance in history of the people losing any of their liberties because the legislative branch usurped any of the powers from the executive branch of the Government.

EXECUTIVE POWER.

President Wilson's attitude toward Congress on the great question of declaring war and making treaties is entirely at variance with all of our earlier statesmen. The President, on his own initiative and without consulting the Congress that was then in session, sent our fleet to Mexico. When our fleet was well under way, so that to have recalled it would have made us the laughingstock of the world, the President asked the approval of Congress. Before the Senate had acted upon it our marines had landed, some of them had been killed, and a number of Mexicans had been killed. A state of war practically existed. No one doubts that the same acts would have been equivalent to war if they had occurred toward any of the larger nations. The power to declare war was expressly and solely given to Congress by the Constitution.

Notwithstanding this express provision of the Constitution, President Wilson treats it as a mere perfunctory power of Congress, the real discretionary power being with the Executive.

So in regard to that other great power, the right of the Senate, one of the treaty-making branches of the Government, to participate in the making of treaties. The President has wholly ignored the Senate in his negotiations in making the most important treaty in the world. He literally carried out the text in his book entitled "Constitutional Government in the United States," published in 1908. I quote from President Wilson as follows:

One of the greatest of the President's powers I have not yet spoken of at all—his control, which is very absolute, of the foreign relations of the Nation. The initiative in foreign affairs which the President possesses, without any restriction whatever, is virtually the power to control them absolutely. The President can not conclude a treaty with a foreign power without the consent of the Senate, but he may guide every step of diplomacy, and to guide diplomacy is to determine what treaties must be made if the faith and the prestige of the Government are to be maintained. He needs to disclose no step of negotiation until it is complete, and when in any critical matter it is completed the Government is virtually committed. Whatever its disinclination, the Senate may feel itself committed also.

HOW TO COERCE THE SENATE.

In a still earlier work entitled "Congressional Government," published by President Wilson in 1885, he tells how the Executive can coerce the Senate into acquiescence and thus nullify an important part of the Constitution. How nearly President Wilson has carried out the suggestion made by him in his book, I quote his exact language and let the public judge. President Wilson, in his book "Congressional Government," published in 1885, states:

His—

The President's—

only power of compelling compliance on the part of the Senate lies in his initiative in negotiations, which affords him a chance to get the country into such scrapes, so pledged in view of the world to certain courses of action that the Senate hesitates to bring about the appearance of dishonor which would follow its refusal to ratify the rash promises or to support the indiscreet threats of the Department of State.

Mr. Speaker, the Constitution provides that the President of the United States shall have power, by and with the advice and consent of the Senate, to make treaties, providing that two-thirds of the Senators present concur.

Alexander Hamilton, fresh from the Constitutional Convention, pending ratification of the Constitution of the United States, in a speech in New York, speaking of the danger of lodging with one man, the President of the United States, the executive authority to make treaties and control foreign relations, said:

However proper and safe it may be in governments where the executive magistrate is an hereditary monarch to commit to him the entire power of making treaties, it would be utterly unsafe and improper to intrust that power to an elective magistrate of four years' duration.

Again, he said:

The history of human conduct does not warrant that exalted opinion of human virtue which would make it wise in a nation to commit interests of so delicate and momentous a kind as those which concern its intercourse with the rest of the world to the sole disposal of a magistrate created and circumstanced as would be a President of the United States.

I have cited the attitude of our present Executive to show the danger of the Executive trenching on the powers of the legislative branch of the Government.

This is not the first time in our history when Congress has attempted to exercise its sovereignty and discharge its duty to the people, that carping critics have questioned its authority in discharging its duty to the people. Prophets were heard in the North, as well as in the South, from 1861 to 1865, contending that the acts of Congress in defending the integrity of the Union were unconstitutional. We all now rejoice that history has proven them to be false prophets, and that we are now a united people, citizens of the best Government that it has pleased the Almighty to foster and perpetuate. The grandsons of the heroes of the North and the South, heroes of the Civil War, have vied with one another in heroic deeds—many, too many, alas, have sacrificed their lives for the honor and glory of our common country on the fair fields of France. Their names will be enshrined in the hearts of all Americans and honored by all lovers of liberty in every land throughout the globe. Pass this resolution and bring home the 19,000 of our boys still in Europe, at an expense of one million two hundred and twenty-five thousand dollars a day, and, in the language of one of America's greatest soldiers, Gen. Grant, "Let us have peace." [Applause.]

Mr. PORTER. Mr. Speaker, I yield 10 minutes to the gentleman from Pennsylvania [Mr. KREIDER]. [Applause.]

Mr. KREIDER. Mr. Speaker, a little less than four years ago our Democratic friends exhibited in every city and town throughout the country two celebrated posters, one describing the horrors of war in Europe, the other picturing the peaceful existence of the honest workman in America, together with a large medallion of Woodrow Wilson, advertised to the world that "He kept us out of war."

To-day, I would suggest that our Democratic friends follow the same scheme of advertising now. Picture the *George Washington*, flying the President's flag and 14 pennants, on each of which be inscribed in large letters one of the 14 points named as "essential in the consideration of peace" by President Wilson in his address to a joint session of Congress on January 8, 1918. The first point named, "Open covenants of peace, openly arrived at," and so forth, should be on the first pennant; the second should have inscribed upon it "Absolute freedom of navigation upon the seas," and so forth, for this was the second point; and still another should bear the inscription embodying the principle of "self-determination," and so on, the other picturing the American people bound and shackled, hampered and oppressed, clamoring and pleading as American citizens to be relieved of the burdens imposed by war legislation, and then, the same large medallion as before, but the inscription surmounting same should read, "The price of peace is the surrender of Americanism for internationalism."

As between the two exhibits, the latter, at least, has the merit of picturing the true state of affairs, without any attempt at misrepresentation.

The American people are peace loving, and when President Wilson in 1916 went before them asking for reelection, he knew and his party knew that he could make no more eloquent appeal to secure the votes necessary for his reelection than to say, "He has kept us out of war," although he must have known, as every man in public life knew, that the policy the Administration was pursuing would lead us directly into the war.

Three years ago this week the Congress of the United States, upon the recommendation of the President, declared that a state of war existed between the United States and the Imperial German Government.

Immediately after this declaration the American people, as one man, bent their every energy for the purpose of winning the war. They accomplished what was considered the impossible—we raised an Army of over 4,000,000 men, trained them, and transported 2,000,000 of them to France, and in practically six months' actual fighting we turned defeat into victory and had Germany on her knees begging for peace.

While the war was in progress the President of the United States has enunciated to our allies as well as our enemies the 14 points, to which I have referred, as "essential to the consideration of peace." These points were regarded by the American people as generally satisfactory, and were accepted by our allies, and led to the signing of the armistice on the 11th day of November, 1918, and as a result in the gray dawn of the morning of that day the doughboys, at the very gates of Sedan, received orders that "all firing on all fronts shall cease promptly at 11 o'clock this day."

And on that day, not only throughout the United States but throughout the entire world, there was such rejoicing as had never been known before. Peace was at hand; mothers who had been longing for their sons, wives for their husbands, and sweethearts for their betrothed gave thanks to God for peace and joined in the great rejoicing; and in the hospitals those who had gone to the front—strong men, America's finest and best—and had been returned from the front mutilated and deformed in body gave thanks to God that the war was over and rejoiced in peace; and those other mothers, wives, and sweethearts of the gold star, who knew they would not be reunited with their loved ones until they stand before the Father on the final day of judgment, they, too, gave thanks for peace which had cost them and theirs so dearly.

And when the wild tumult of joy had spent itself America, as America will, turned her thoughts to the actual making of peace and waited with keenest interest word from the President as to who would be delegated as the American representative

for this momentous and all-important task, hoping and trusting that, regardless of who the representative was to join our allies, that he would truly represent America and safeguard her interests, with due regard for the 14 principles so publicly announced as the basis on which the treaty of peace would be consummated.

Unfortunately for the American people, however, the President issued this mandate to himself, sincere in his belief, no doubt, that no one but he could accomplish the things he desired to bring about.

Never before in the history of America had a deserved success been so fervently prayed for, never had any emissary of this country carried with him such manifestation of good will as that which accompanied Woodrow Wilson on the day on which he boarded the *George Washington*.

Previous to the sailing of the *George Washington* the President dispatched on the *Orizaba* a picked corps of news correspondents and news photographers, addressed the Congress of the United States, and assured us that not only the Congress but the people should be taken into his confidence; every act of his up to this time, the sending of the correspondents, the assurance to Congress, indicated that he intended to stand firmly by at least the first of the 14 points, which was "open covenants of peace openly arrived at"; but when the President took control of the cables, thus cutting off the members of the press, some doubt was had as to his sincerity.

Americans familiar with European politics well knew the opposition the President would encounter in his attempt to live up to the high ideals enunciated, and with bated breath listened for even the faintest sound of how his battles with the giants fared.

It is impossible to describe the disappointment when we saw he had lost in the first round. He had advocated open covenants of peace to be openly arrived at—affairs between nations were to be discussed in the full light of the sun, and the result of the deliberations to be communicated to every people. To our great disappointment we soon learned that the sessions were held in secret. Only the merest crumbs of the deliberations were given the public. The telegraph and cables were placed under the most rigid censorship, the press was gagged, journalists whom he had sent on the *Orizaba*, instead of being permitted to see what was going on and to hear what was said, were barred and were obliged to turn into eavesdroppers or to employ backstair methods to give their assumptions and imaginations some warrant of fact.

At length, after five months of secret battle, Woodrow Wilson, the self-styled world's champion of human righteousness, the world's one-time bitterest opponent of militarism, imperialism, nationalism, hatred, and revenge, came forth not only with defeat written all over him but even arrayed on the side of his vanquishers.

The disillusionment of his many friends and admirers was appalling. Probably never before had a man fallen with so sickening a thud as that with which President Wilson fell from the heights to which he had been elevated by public opinion.

All the European people, who a short time before had welcomed him as a deliverer from autocracy, who had hailed him as the spokesman of right and justice, who had worshiped, honored, and respected him, were amazed and sorely disappointed.

It took days and weeks before people could get themselves to believe that what they heard concerning Wilson was true.

As events subsequently proved, as had been feared, President Wilson was no match for the European past masters in the arts and crafts of diplomacy. They soon learned that he was but an amateur in politics, little acquainted with the intricacies and intrigues of European affairs. It no doubt amused these diplomats to see him take himself so seriously, to see him assume the rôle of world arbiter, when they knew that with a little flattery he had become a willing tool in their hands.

Like professionals, they allowed him to have a few bouquets, the plaudits, and acclamation of the people, but when it came to writing the peace treaty and the League of Nations he was not seriously considered, and, according to Secretary Lansing's testimony before the Foreign Relations Committee of the Senate, the 14 points which our President had formulated and to which he had given the widest publicity, and which he had said were "essential in the consideration of peace," were not even discussed at the conference.

He returned to America, bringing with him a treaty of peace and a League of Nations dictated and drafted by the diplomats of Europe, the provisions of which divided the spoils of war and territory according to the desire and previous agreements of the European powers, and, so far as America was concerned, its provisions not only violated the provisions of the Constitution of the United States but our most sacred traditions, policies, and doctrines.

This treaty and League of Nations was presented to the Senate for ratification. There is no question but what the American people want peace. They want no more wars. They want a League of Nations to prevent war, but they also want to preserve the Constitution of the United States; they want to reserve to themselves their sovereignty, their rights, and interests. The Senate, after a wearisome, toilsome, and prolonged discussion and debate, formulated certain reservations, which are as follows:

Resolution of ratification.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the treaty of peace with Germany, concluded at Versailles on the 28th day of June, 1919, subject to the following reservations and understandings, which are hereby made a part and condition of this resolution of ratification, which ratification is not to take effect or bind the United States until the said reservations and understandings adopted by the Senate have been accepted as a part and a condition of this resolution of ratification by the allied and associated powers, and a failure on the part of the allied and associated powers to make objection to said reservations and understandings prior to the deposit of ratification by the United States shall be taken as a full and final acceptance of such reservations and understandings by said powers:

1. The United States so understands and construes article 1 that in case of notice of withdrawal from the League of Nations, as provided in said article, the United Sttaes shall be the sole judge as to whether all its international obligations and all its obligations under the said covenant have been fulfilled, and notice of withdrawal by the United States may be given by a concurrent resolution of the Congress of the United States.

2. The United States assumes no obligation to preserve the territorial integrity or political independence of any other country by the employment of its military or naval forces, its resources, or any form of economic discrimination, or to interfere in any way in controversies between nations, including all controversies relating to territorial integrity or political independence, whether members of the league or not, under the provisions of article 10, or to employ the military or naval forces of the United States, under any article of the treaty for any purpose, unless in any particular case the Congress, which, under the Constitution, has the sole power to declare war or authorize the employment of the military or naval forces of the United States, shall, in the exercise of full liberty of action, by act or joint resolution so provide.

3. No mandate shall be accepted by the United States under article 22, part 1, or any other provision of the treaty of peace with Germany, except by action of the Congress of the United States.

4. The United States reserves to itself exclusively the right to decide what questions are within its domestic jurisdiction and declares that all domestic and political questions relating wholly or in part to its internal affairs, including immigration, labor, coastwise traffic, the tariff, commerce, the suppression of traffic in women and children and in opium and other dangerous drugs, and all other domestic questions, are solely within the jurisdiction of the United States and are not under this treaty to be submitted in any way either to arbitration or to the consideration of the council or of the assembly of the League of Nations, or any agency thereof, or to the decision or recommendation of any other power.

5. The United States will not submit to arbitration or to inquiry by the assembly or by the council of the League of Nations, provided for in said treaty of peace, any questions which in the judgment of the United States depend upon or relate to its long-established policy, commonly known as the Monroe doctrine; said doctrine is to be interpreted by the United States alone and is hereby declared to be wholly outside the jurisdiction of said League of Nations and entirely unaffected by any provision contained in the said treaty of peace with Germany.

6. The United States withholds its assent to articles 156, 157, and 158, and reserves full liberty of action with respect to any controversy which may arise under said articles.

7. No person is or shall be authorized to represent the United States, nor shall any citizen of the United States be eligible, as a member of any body or agency established or authorized by said treaty of peace with Germany, except pursuant to an act of the Congress of the United States providing for his appointment and defining his powers and duties.

8. The United States understands that the reparation commission will regulate or interfere with exports from the United States to Germany, or from Germany to the United States, only when the United States by act or joint resolution of Congress approves such regulation or interference.

9. The United States shall not be obligated to contribute to any expenses of the League of Nations, or of the secretariat, or of any commission, or committee, or conference, or other agency, organized under the League of Nations or under the treaty or for the purpose of carrying out the treaty provisions, unless and until an appropriation of funds available for such expenses shall have been made by the Congress of the United States: *Provided*, That the foregoing limitation shall not apply to the United States' proportionate share of the expense of the office force and salary of the secretary general.

10. No plan for the limitation of armaments proposed by the council of the League of Nations under the provisions of article 8 shall be held as binding the United States until the same shall have been accepted by Congress, and the United States reserves the right to increase its armament without the consent of the council whenever the United States is threatened with invasion or engaged in war.

11. The United States reserves the right to permit, in its discretion, the nationals of a covenant-breaking State, as defined in article 16 of the covenant of the League of Nations, residing within the United States or in countries other than such covenant-breaking State, to continue their commercial, financial, and personal relations with the nationals of the United States.

12. Nothing in articles 296, 297, or in any of the annexes thereto, or in any other article, section, or annex of the treaty of peace with Germany, shall, as against citizens of the United States, be taken to mean any confirmation, ratification, or approval of any act otherwise illegal or in contravention of the rights of citizens of the United States.

13. The United States withholds its assent to Part XIII (articles 387 to 427, inclusive) unless Congress by act or joint resolution shall hereafter make provision for representation in the organization established by said Part XIII, and in such event the participation of the

United States will be governed and conditioned by the provisions of such act or joint resolution.

14. Until part 1, being the covenant of the League of Nations, shall be so amended as to provide that the United States shall be entitled to cast a number of votes equal to that which any member of the league and its self-governing dominions, colonies, or parts of empire, in the aggregate, shall be entitled to cast, the United States assumes no obligation to be bound, except in cases where Congress has previously given its consent, by any election, decision, report, or finding of the council or assembly in which any member of the league and its self-governing dominions, colonies, or parts of empire in the aggregate have cast more than 1 vote.

The United States assumes no obligation to be bound by any decision, report, or finding of the council or assembly arising out of any dispute between the United States and any member of the league if such member or any self-governing dominion, colony, empire, or part of empire united with it politically has voted.

15. In consenting to the ratification of the treaty with Germany the United States adheres to the principle of self-determination and to the resolution of sympathy with the aspirations of the Irish people for a government of their own choice adopted by the Senate June 6, 1919, and declares that when such government is attained by Ireland, a consummation it is hoped is at hand, it should promptly be admitted as a member of the League of Nations.

These reservations were inserted in the resolution of ratification by a majority vote.

There is no question but that the resolution of ratification with these reservations would have passed the Senate by more than a two-thirds vote had the Senators been permitted to vote their convictions. But this privilege was denied them by the President. Thus one "willful man" has defeated the will of the great majority of the 110,000,000 people of the United States.

As a result, it is now evident that we can not have peace by the ratification of the treaty, for the reason that the President insists that the treaty and the League of Nations must be ratified as it was written by the diplomats of Europe, notwithstanding the fact that these same diplomats have signified their willingness to accept the reservations, and, on the other hand, the Senate insists that it can not and will not ratify except with the reservations.

We must therefore choose either to continue a technical state of war indefinitely, with all its burdens, or find some other way to secure peace.

Happily, international law provides three ways of terminating war between belligerents—

First, by a treaty of peace.

Second, by conquest.

Third, by the mere cessation of hostilities, so long continued that it is evident there is no intention of resuming them.

It is this method which has been adopted and on which the resolution now before us is based.

Of course, the followers of the President are opposing this resolution. They tell us we are "playing politics," trying to "gain political advantage," and so forth.

If bringing about peace, which the great majority of the American people demand, is "playing politics" or "gaining political advantage," then we plead guilty.

They accuse us of assailing, condemning, and finding fault with the President.

Yes, we do criticize him, because he has been chosen as the representative of the American people and he fails to represent them, but insists on representing himself and the European nations.

We are told we are embarrassing the President. We deny this, for he has done all the embarrassing, largely because of the untenable position he has taken and his refusal to yield to reason.

Now, let us consider in the light of reason, common sense, the Constitution and international law, this resolution, which provides for the termination of the state of war with Germany, and the objections raised against the adoption of this resolution.

It has been claimed by those opposing the resolution of peace that we have no authority and no power to act in this matter, and that the resolution itself is unconstitutional and if passed is void and of no effect.

The first section of this resolution simply declares—

That the state of war declared to exist between the Imperial German Government and the United States by the joint resolution of Congress approved April 6, 1917, is hereby declared to be at an end.

This section is predicated absolutely upon official information given to Congress by the President about 17 months ago, when he said: "Thus the war comes to an end, for Germany having accepted these terms of the armistice it will be impossible for the German command to renew it."

When Congress passed the resolution declaring that a state of war existed between the Imperial German Government and the United States it did so upon the advice of the President of the United States and simply declared the fact that a state of war existed, the object of which was to inform officially all neutral nations of the fact so they could govern themselves accordingly, so now, Congress again having been officially informed by the President that "the war is at an end," Congress makes the simple declaration of the fact, for the same purpose, to thus notify the neutral nations of the world.

Furthermore, it is claimed that the Congress has no right to enter into peace negotiations or write a treaty of peace. We thoroughly agree with that view and are not now attempting to write a treaty of peace; we are simply declaring officially what every man, woman, and child in the United States and every other nation on earth knows to be a fact.

Section 2 provides for an official date for the termination of the present state of war for the purpose of terminating various emergency acts of Congress, joint resolutions, proclamations by the President, and so forth, which are absolutely dependent upon the date of the termination of the present emergency.

It is claimed by the gentlemen on the other side, and they have said repeatedly to-day and yesterday, that the war can not end except by the ratification of the treaty of peace, and that Congress has no constitutional authority to recognize any other termination.

Let me point to a provision in the act known as the trading with the enemy act, approved October 6, 1917, as recorded in the Statutes at Large, on page 412, volume 40:

The words "end of the war," as used herein, shall be deemed to mean the date of proclamation of exchange of ratifications of the treaty of peace, unless the President shall by proclamation declare a prior date, in which case the date so proclaimed shall be deemed to be the end of the war, within the meaning of this act.

Gentlemen say the war can not end until ratifications are exchanged and proclamation of the fact made by the President, but by this act, passed by the Sixty-fifth Congress, when the Democratic Party was in the majority, these words were enacted into law; you Democrats voted for that act, and I voted for it. The majority of Members on the Republican side, almost all of them, voted for it.

If we had the right then to authorize the President to take certain action, we have the right now. We have the right to repeal that authorization and to fix some other mode of determining the date which shall be the end of the war.

The President's authority to announce a prior date is an authority conferred upon him by act of Congress, and we can repeal that provision and assert the right to name a prior date. We could not have conferred upon him a right that we did not ourselves possess.

We have been told that this resolution is intended to dispose of the pending treaty in the Senate and that support of it is an evidence of partisanship. Quite to the contrary, this resolution is not a treaty of peace and does not in any way conflict, or hamper, or interfere with the writing of a treaty of peace or a league of nations. A treaty of peace should be written and ratified, and nothing contained in this resolution will interfere with so doing. Neither does this resolution dispose of or prevent the United States from joining the League of Nations, when two-thirds of the Senate and the President can agree upon the basis which the United States will join such a league of nations, and there is no question but what the American people desire to join a league of nations, but not at the expense of surrendering our sovereignty at the expense of violating the Constitution of the United States and the surrender of what we deem to be our rights and interests and traditions. The gentleman from North Carolina [Mr. KITCHIN] emphatically denied that the President was responsible for the failure of the Senate to ratify the treaty, but insisted that the Republican Members were responsible. Let us see. The treaty was submitted to the Senate on the 10th day of last September, and after the most exhaustive consideration by that body, on the 19th of November, after contest following contest covering more than a score of test votes, each of which showed that the ratifying body by a decisive majority was ready to ratify the treaty and end the war upon the condition that American sovereignty and independence should not be surrendered, but was prevented from doing so by the Executive influence.

On the 18th of November, the day before the final vote was taken, which was two and one-half months after the treaty was presented to the Senate, came the Executive order, "Defeat it," and it was defeated.

To the appeals from treaty friends, he replied, "I have no concessions in mind."

Three months later a second effort was made, when again all the reservations were adopted by a decisive majority, some of them 2 to 1, and the treaty with the reservations was favored; but the necessary two-thirds failing, again came the short statement "unacceptable," and the treaty has not been ratified, although in every case it was demonstrated that only one willful man stood in the way.

Even now the sentiment in the Senate is in harmony with this thought. Let me direct your attention to the last vote that was

taken in the Senate on the question of ratifying the treaty. On that vote there were, including the pairs, by which Members announced their position on the question, 34 Republicans who were in favor of ratification and 23 Democrats; against ratification there were 15 Republicans and 24 Democrats. The majority of the Republicans more than 2 to 1 voted for ratification, with the reservations which had been adopted by the majority of the Senate. It was the vote of 23 Democrats added to the 15 Republicans that prevented ratification, and it is safe to say that had those 23 Democrats voted their convictions or been allowed to do so by the administration the necessary two-thirds vote would have been had in the Senate.

There has not been a moment since the 1st of October when the war could not have been ended technically, as it has been practically, within 24 hours, if the President had been willing.

If my Democratic friends are right, that there is no way to end this war except by the treaty coming from the President and ratified by the Senate, then I want to say to the country that there will be no ending of the war until after the initiation of a treaty shall be placed in some other hands than those of the present President.

At any rate, the passage of this resolution will in no way affect the treaty, and it is not to be supposed that the action of the Senate is necessarily a final disposition of the treaty.

It should also be said and remembered that the great majority of the wars in the past have been ended without a formal treaty of peace. Those that have ended with a treaty of peace have been the exception rather than the rule. I admit it would have been more desirable to have ended this war according to the plain provisions of the Constitution of the United States, but the condition confronting the people is that we find the President and the Senate not in agreement; meanwhile the people of the country are suffering because of war legislation, war burdens, tax burdens, and so forth, which the Congress of the United States can remedy, and the question is, Shall this condition of affairs continue indefinitely, shall the war-time powers conferred upon the President of the United States continue, or shall Congress, acting for and in behalf of the people of the United States, put an end to these conditions?

Gentlemen have said that we should repeal war legislation and thereby put the country on a peace basis. I wonder if the gentlemen have examined this war legislation. It has been ascertained by actual count that there were 61 different acts of emergency legislation passed for the purpose of the war only. Thirty of them are to come to an end upon the proclamation of the treaty of peace, 31 are to come to an end at different periods—3 months, 6 months, 18 months, 3 years, 5 years, and in one case 10 years—after the ratification of peace.

If Congress is to go over these acts one by one and repeal them, or repeal those acts which are not intended to remain in force after the end of the war, it would be more than a full sessions's work for the Congress.

Section 3 deals entirely with foreign trade and commerce and a resumption of trade relations with Germany. This certainly is not unconstitutional, because the Constitution expressly provides that "Congress shall have power to regulate commerce with foreign nations and among the several States," and it has always been entirely under the control of Congress and has never before been disputed. It is plain legislation, based upon facts to be ascertained by the President.

Section 4 provides for the enforcement of the act.

Section 5 provides for and protects all the property rights, privileges, and advantages to which the United States has become entitled under the terms of the armistice signed on November 11 or that we are in any way entitled to by reason of our participation in the war. We give nothing, but, to the contrary, maintain our rights in every particular.

Mr. Speaker, this is the most important piece of constructive legislation presented to the House since the beginning of the war. It is a business proposition from start to finish. It is what the people of the country want, and I doubt whether there would be a single vote against this resolution when it comes to final passage if it were not for political reasons, but I assume that when the vote is taken those who in 1916 advertised so extensively "He has kept us out of war" will now vote to keep us out of peace.

It has also been said that by the passage of this resolution we are now deserting our allies, and the things that our Army and Navy fought for will go for naught and that we have made the sacrifices in vain. Quite the contrary is the fact. We have spent over $30,000,000,000; we have plunged the American people into debt; we have allowed 236,000 Americans to become crippled and maimed for life; and we have sacrificed the lives of over 112,000 of the finest and best manhood in the country for the purpose of winning the war, for the purpose of whipping Germany, for the purpose of preserving the civilization of the world, all of which has been accomplished—and shall we not now have peace, the peace which America and her sons have fought, bled, and died for?

The enactment of this legislation into law will bring peace. [Applause.]

Mr. PORTER. Mr. Speaker, I yield to the gentleman from Minnesota [Mr. SCHALL].

Mr. SCHALL. Mr. Speaker, I am for this resolution of peace in all the different kinds of language included in the so-called League of Nations. For its passage will at once bring about technical peace and will repeal all the obnoxious war laws now cramping, belittling, and suppressing a peaceful, free, and liberty-loving people.

Congress declared war; it must therefore have a right to end it, and the passage of this resolution through both Houses of Congress will end it, providing our imperial President does not veto it, and if he does the people will have had it pointed out to them who is the real obstructor to our prewar condition of peace and good will toward men. This resolution of peace protects us in all the advantages we would have secured under the treaty and relieves us of all entangling alliances that Washington, Jefferson, Lincoln, Roosevelt, Johnson, and all other American patriots have warned us against.

The patriots of the Senate have seen fit to Americanize the treaty, thereby protecting the sovereign power of the people, our traditions, and liberties. But the President insists that it should be passed as prepared without the dotting of an "i" or the crossing of a "t," which would rob us of the right for which our fathers and the heroes of the late war have fought and bled and died.

Every sane man wants to end wars and is in favor of some sort of arbitration whereby international disputes must be brought for adjudication, but this ill-begotten child called the League of Nations when seen in its nakedness reveals the beginning of a hideous, leering monster of war made of secret treaties, intrigues, and lies, and is the antithesis of all that is holy or ideal.

France is to-day, under the treaty, committing an act of war against Germany. Were we a member of the league to-day we would be involved in a dozen or more European wars. What authority had our President to send our troops to Russia to protect British bonds? Talk about the Constitution! He has not recognized such an instrument during the war, and would have entirely forgotten that it existed had he not wanted to make pretense in the use of it to discharge a faithful servant of his Cabinet and an American patriot who could not sit calmly by and see the traditions and liberties of his country hauled into the mire and make not such bold protests as he could.

It was my vote for the Democratic organization of the House that upheld the hands of our President at the outset of this war. My voice and vote stood constantly behind him in the winning of the war, and I can, I believe, therefore speak the truth without being accused of partisanship. I am an American first, as my record in this House will prove, and I care not to what party any man may have attached himself, when he stands in the way of what I believe to be the rights of my country, I must, in being true to myself, with the light God gives me, strike and call a spade a spade, regardless of what party he belongs to or with what confidence the people have honored him. There is no divine-right-of-kings doctrine in the land of the free and the home of the brave, where every American is a king. [Applause.]

The issue before us to-day is peace versus war, Americanism versus Europeanism, nationalism versus internationalism, democracy versus imperialism, the common man versus the aristocrat, the many versus the privileged few. It is the battle of the weak with the strong; the battle of the humble cobbler, carpenter, mechanic, and laborer in general against the minions of Midas. It is the tiller of the soil against the speculator, gambler, and seeker for riches and glory unearned by the sweat of the brow. It is Morgan & Co. and his international bankers' association against the liberties of mankind.

The so-called League of Nations marks the bloody path back to the jungle of the divine right of kings, from which mankind through the dark centuries has struggled. The proposed league is the most colossal trust of imperialism the world has ever visioned. Through it the sovereign power of the people, who are beginning to comprehend, is to be stealthily transferred beyond their reach. But history is the handwriting of God, and the brave patriots in the Senate have been the instrument with which He has written that our willful President shall not trade our birthright for a mess of pottage. [Applause.] They have fought the greatest moral and intellectual battle of the ages. They have stood against the President and his falsely created

public opinion backed by the greatest money organization, with all its various ramifications, that the world has ever known. They have stood majestic, like Horatius at the bridge of Rome, like Leonidas at the pass of Thermopylæ, like Ajax defying the lightning. Their stand will make them famous throughout the world, and a grateful Nation will revere their names as the saviors of their country. [Applause.]

Our President and our former President, Mr. Taft, undoubtedly believed, along with the purpose of the Andrew Carnegie fund, Morgan and his consorts, and their English friends, that the lion and the lamb should lie down together, but our President insists that the lamb should be inside the lion. [Laughter.]

Our President, while in Scotland, made a speech in which he said that he did not think this country was a fit place to die in. He did not say it in exactly those words, but he said he wanted to be buried in Scotland alongside his grandfather. Following in the footsteps of Washington! But his toes are where the heels of Washington used to be. As I look down the trail that he is retreading, I see the throne of King George. Around it in blazing letters I read, "One vote for Canada, one vote for New Zealand, one for Australia, one for Africa, one for India, and one for the United States," just like all the other colonies. [Applause.] We see our imperial President, not like the kings of old, with 100 or even 500 men to run before, but with 23,000, start for Europe to settle the affairs of the world, with his 14 points tucked neatly under his arm. He never brought any of them back. [Laughter.] He sat down at a table and took a hand in the game of distributing the spoils. England got one-third of the face of the world; Italy got her pockets full; France, her lap; and Japan filled her sack. All we got was prohibition. [Laughter.]

After the spoils of war had been distributed so judiciously under their former secret treaties, an intricate plan was adopted which we have come to know as the League of Nations. They were particularly interested in the part of the decree known as article 10, which reads that we should protect their territorial integrity—loot—and which was explained to the President carefully that this was the crux of the whole situation, and he must be sure and put this over, and if he did they would make him president of this supernation. We will just put the word "integrity" instead of "loot," and with the help of our powerful agencies in America it will get by. If it does not, it will break the "heart of the world." A draft of the article having been completed, our President sends a copy it, with a concise declaratfon, like Cæsar of old. But Cæsar sent his declaration to the Roman Senate. Our Cæsar sent the copy of the league not to the United States Senate, who was equally joined with him in responsibility, but to Morgan & Co., who submitted it to their attorney, Elihu Root, for approval. And, like Cæsar, who said "I came, I saw, I conquered," our President, with that nicety of conception, must have had it, "I came, I saw, and I concurred." [Applause.]

As an American, believing in the traditions and institutions of my country, I oppose the President in the rape of our Constitution and liberty, the trade of our independence for a vassalage, in his so-called League of Nations. And I believe it to be the duty of every red-blooded American, whether Democrat or Republican, to raise his voice in protest, so the people may know that by adopting it they will trade their independence for servitude, liberty for slavery, democracy for imperialism.

If the people understood this hideous monster of foreign rule he is attempting to fasten upon us 75 per cent of them would not be for this League of Nations. Public men should fearlessly tear away this rosy veil of peace that has been draped around this germinator of strife, of dissension, of enmity, and of war while the mouths of the people have been muzzled by imperial order, and who still, through his Attorney General, insists upon a permanent sedition law, which has already passed the Senate, to continue to close the mouths of the people and their public servants who might continue to inform them, while he crowds over this nefarious thing which is to be used to reelect him and thereby satisfy his insatiable ambition to become the president of this supernation.

Every mother's son and daughter of the United States should understand what this league means and set themselves to encourage and support the noble patriots in the Senate, who are standing, and pray God they may continue to stand, for the rights, liberties, independence, and faith of our fathers.

The man twice honored by the confidence of the great people of this country, having drunk deep of imperialistic power during the war, is loath to put aside that beverage. In his begrogged condition he dreams of being president of a supernation. The average American chafes under deliberation. He will not read the 263 pages of the peace treaty; nor will he pay attention to or ponder its meaning. He will hardly endure to follow an explanation and analysis of it. He has been told that the League of Nations will bring about closer cooperation between nations and avoid war; that it represents the triumph of right. He has been led to expect that in it the United States plays a glorious and unselfish rôle; that the eyes of the world are upon us; that in some mysterious way we have been obligated to enter it. He, moreover, is impatient that the war shall cease, and he will not tolerate long discussion or analysis, nor any argument or separation of the treaty or the league if such separation or argument shall prolong the state of war.

The American spirit is too often apt to act first and be sorry after, or perhaps to forget if the being sorry involves too much discomfort. The obligation is upon everyone to think hard and clearly what this treaty involves.

In an effort to coerce the Senate into a speedy acceptance, without due consideration of the treaty and its rider, the League of Nations, an arrangement was made that our merchants could not resume trade relations with Germany till after the treaty of peace was signed. Whether this was kept by other countries or not, our merchants best know. It is to be hoped they will recognize who is the true enemy of American business and the cause of our not having technical peace in this cunningly planned delay. Not the Senate, who must in duty take time to weigh and consider this most momentous document in all our country's history.

That another swarm of bees should be loosed about the Senate's ears, the President told the wet leaders that as soon as the treaty was signed he would consider removing war-time prohibition. It was up to the President to remove this ban, but he craftily used the delay to align the liquor interests along with the ministers and the business interests to stampede the Senate into rapid and ill-considered action.

The ministers of the gospel who are so strong for peace should read the treaty. Some churchmen, lured by the bait of avoiding all war, valiantly urge the support of the League of Nations in the name of religion. They overlook the sacrifice involved, declare with fervent zeal that it is wrong, selfish, and narrow to think of ourselves, and wrong to refuse to make sacrifices when, by such a little thing as the loss of the liberty and independence and security of the United States, we can be free at once and forever of all wars. How much better to maintain this Christian land as the home of liberty and democracy. It is hard to think that sensible people can so delude and hypnotize themselves.

They use the very arguments suggested by England for the thing England desires. Lord Robert Cecil said:

> I see it suggested in some places that the United States should not accept membership in the League of Nations because it might involve some sacrifice of national sovereignty. It would be foolish to deny that if nations are to make any organization for peace each of them must be content to modify to some degree, however slight, its liberty of action. That is the inevitable result of cooperation, and I do not wish to underrate the sacrifice involved.

What would Lord Robert Cecil say if the proposition were reversed and it was England who stood to lose her power and place, and who was to be humiliated to a place among the dependent representatives of the United States.

What is article 10? In article 10 the United States, along with other members of the league, agrees to respect and preserve, as against external aggression, the territorial integrity and existing political independence of all members of the league. We, by agreeing to this, bind ourselves to maintain in perpetuity the agreements concluded in the present peace treaty, just or unjust. And as to external aggression, that internal aggression which may be held to threaten or involve external aggression, may be interpreted by the league to constitute cause for our conscripting our youth and sending them into any far-away land the representatives of the league may see fit, a league where we have one vote, and Liberia has a vote, and the British Empire has six votes.

The plan is to make the League of Nations do, justly or unjustly, what it might take a war to do. Matters not whether the aggressor be Ireland or Korea or China, struggling to regain or obtain just rights. Our boys will be called upon to leap to the defense of this present agreement. Is that why they went across the sea to make the world safe for democracy? This is not democracy, but a rarely planned imperialism. "Prevent war?" Restitution to the wronged, recognition of weak new nations, and justice instead of kowtowing to the powerful might have done so. "Prevent war?" There is in this section a threat of war in every ripple of unrest from anarchistic Italy, disturbed Ireland, ravished China, and downtrodden Korea. And shall the United States leave her position, upheld till now, as the champion of the oppressed and take her place by the side of the autocrat and tyrant, to maintain existing political independence and territorial integrity?

The league will not prevent war, but it will prevent speedy and adequate defense. What do the big four care about peace, except as it means that their vast acquisitions are preserved to them intact? And they are careful to arrange to tie us up to maintain this peace. The immolation of our boys in Russia is a foretaste of the imperial attitude, without constituted authority which the League of Nations will bring forth. How will the cheated fathers and mothers respond when, after enthusiastically embracing this thing which was to end all war, they are called upon to see their sons set forth indefinitely for the ends of the earth, to maintain and preserve for the Hedjaz of Arabia or the Sultan of Zulu his tottering territorial integrity? To rob a nation of its sovereignty and then expect it to exercise that sovereignty is an anomaly. To preserve its sovereignty, a nation must keep for its own decision all questions of immigration, of peace and war, of commerce, of the size of its army and navy. To pledge that our Nation shall, at some time in the future, go to war on some unknown cause is folly. Who can foresee what disastrous policy that would commit us to? All wisdom will not die with us. The future citizens of America can be reasonably relied on to act with equity.

Article 21 purports to keep for us our Monroe doctrine. But it does nothing of the kind. After the assertion by the President on his first return that the wording of the treaty should not be changed, and that the Monroe doctrine had been translated in the league to a new idea, extending it to the world, it is nothing strange that it should not be preserved. The dishonesty of pretending to do one thing when it does another makes those who care for America and her interests distrust the whole plan. No one favoring the spirit of the Monroe doctrine would call it a treaty of arbitration or a regional understanding to preserve peace. The Monroe doctrine is bound and delivered over to the administration of the League of Nations, to the very ones who all these years it has been protecting us against, to the tender mercies of its enemies. A Monroe doctrine extended to the world is a Monroe doctrine destroyed, wiped off the face of the earth. Our one great bulwark of defense needlessly sacrificed, thrown away, by one too indifferent or too blinded by self-interest to value it or safeguard it. The British were open in their interpretation of this amendment. They say in their press, "Should any dispute arise concerning it, the league is there to settle it." Do you want that, you Americans?

Do you want the Monroe doctrine wiped out and the league substituted to settle, say, a controversy with Japan? Britain, Japan's ally, bound in secret treaty to go to war with them, or vice versa, has six votes to our one. Suppose it was a question we wanted settled affirmatively, the vote of one member could block it, and in the assembly, therefore, the vote of Hejaz would be just as strong as the vote of the United States.

This is not a league of all nations but a league of a few nations. Not a democracy, but a trust. Membership of new nations must receive a vote of two-thirds. There is no provision as to how the members are to be elected or how long they shall serve. They will be in no true sense representatives of the people. Nor will it be a democracy, for here the power trickles down from above—a council of nine members. The big five will control that. The assembly will have 31 members, and 13 others have been invited to join. These 13 do not include Germany, Austria, Turkey, Bulgaria, Ukraine, Jugo-Slavia, Finland, Russia, Luxemburg—two-thirds of Europe—Mexico, Bolivia, Arabia, Palestine, or Egypt.

Yet hear what the President himself had to say concerning foreign entanglements, concentration of power, and secret treaties:

> There are actually men in America who are preaching war, who are preaching the duty of the United States to do what it never would before—seek entanglements in the controversies which have arisen on the other side of the water—abandon its habitual and traditional policy, and deliberately engage in the conflict which is now engulfing the rest of the world. I do not know what the standard of citizenship of these gentlemen may be. I only know that I for one can not subscribe to those standards. (From a speech by President Wilson at Des Moines, Iowa, 1914, 9 months after the sinking of the *Lusitania* and 18 months after the invasion of Belgium.)
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> When we resist, therefore—when I, as a Democrat, resist—the concentration of power, I am resisting the process of death, because concentration of power is what always precedes the destruction of human initiative and therefore of human energy. (From a speech of Woodrow Wilson in 1912.)
>
> The theory of government which I decline to subscribe to is that the vitality of the nation comes out of the closeted councils where a few men determine the policy of the country. (President Wilson at Philadelphia, 1918.)

The President resists any suggestion of a change in his covenant. He admits that the league will mean the sacrifice of United States sovereignty, but declares "at whatever cost of independent action, every government should lend itself to the new purpose." He also demolishes the position taken at first by his would-be backers, that the league will be merely advisory. It is a hard and fast agreement, no scrap of paper, and Uncle Sam will be thoroughly bound by it once he sets his mighty fist thereto.

The American people for several years have lock stepped along to a remarkable series of slogans; specious parrot cries, mouth-filling, that take the place of argument, each the accompaniment to some national humiliation. First, "Watchful waiting." Next, "Too proud to fight." "He kept us out of war." "Safe for democracy." "Pitiless publicity." Then, as a most tremendous climax to this series of cast skins, preparing the way for the triumphant march to victory of the League of Nations, "Promote peace and prevent war." A phrase acceptable to every class in the United States. What sane man wants war? But what prudent sick man is going to swallow every quack nostrum that is offered because of its bright, alluring promise of cure?

It was not the act of a friend of peace to represent at the peace conference that the United States was heart and soul for a League of Nations as a means to prevent future wars, and to use the necessity of Europe and our resources as a lever to force the nations of Europe to interweave the peace treaty with the League of Nations. The war-weary world, dying for peace, had to wait six months that this sleight of hand might be thoroughly done. And then, when they have accepted it, thinking that if the great United States was for it it must be good, it was not the act of a friend of peace to come back and say it would break the heart of Europe if we did not conform to his covenant. That is what Abraham Lincoln called lifting yourself by your own boot straps. It was not the act of a friend of peace to keep the people absolutely in the dark as to developments except such strained and purposely colored bits as were allowed to creep out from the council. One interested in America first would have kept them informed of all the interweaving facts, kept the Senate abreast, so that when it came time to act they would be prepared, not left to flounder in a mass of new, unexplained facts, with no sidelights on the motives and interests back of the various clauses.

The President said, "There is no need that I should report to you what was done at Paris. You have been daily cognizant of what was going on there. The cross currents must have been evident to you." It reminds us of his imploring the Senate not to discuss the peace treaty and the League of Nations till his return, when the first thing he announced was the time for discussion was past. And yet, without time for discussion, never furnished with complete files, in the dark as to secret agreements, with several conflicting explanations and hasty denials on vital points, the Senate was expected to swallow, without reservation or amendment, the whole ill-constructed mess.

No considerations of a future war should have been allowed to hold up the peace in the present war. The treaty should have been ratified at once, and separately. Then the League of Nations could have been considered at leisure. There is no provision in the Constitution of the United States for either the President or the Senate to subject the people to such domination as that of the League of Nations. Let the light in on it. Let the people know, and let the people then decide. I don't believe the Senate and the President should bind on our backs this infamous proposition without hearing from the people. If, like Esau, they are so hungry, so craven, have such appetite for bodily comfort and soft-handed personal ease as to trade their birthright for a mess of pottage, that they must have a meal now, all right. The voice of the people is the voice of God, and it must be His will that we shall be so commingled that the seeds of dissension sown will bring about the battle of all nations, the Armageddon, that shall sweep away all dross and bring the thousand years of peace.

The advocates of the new idea have managed to create a propaganda that patriotism is no longer the fashion, something to be ashamed of, an old-fashioned sentiment. It puts me in mind of something I read just before the war broke out that crashed like an unholy thing upon my consciousness, a ripple of thought brought about by foreign propaganda, that subsidized our free speech, our lecture platforms, our pulpits, and chairs in colleges and universities, so that a university professor was emboldened to say, "The flag and patriotism are an illusion." It was this tendency that caused Theodore Roosevelt to charge that the moral fiber of Americans was relaxing. The flabby arguments of the pacifists, appealing to the gross and selfish, the cowardly and self-seeking, was making fat oxen of our citizens. The conscientious objectors, the I. W. W.'s, pacifists, and pro-Germans hid their heads under the drastic laws of war time, but now they are noisily at it again. Are people so blinded by a promise that a set of agreements will avoid all war that they are content to put their heads in the sand and refuse

to consider a document that blasts the foundation stones of our Nation, so well laid by our wise and clear-visioned forefathers; indifferent to the sacrifice of principles that our fathers were not too proud to fight and die for, flinging away with profligate unthinking our inheritance?

This is no new hope—this plan of alliance of nations, unselfish in aim, to protect the weak from aggressions of the strong. Such a league has been dreamed of and previsioned ever since a thousand years ago. The hope of the brotherhood of man is an ideal that can be relied on to kindle dreams and expand the hearts of everyone. But it is an unpatriotic act to trade upon such a hope with false promises, to juggle with words that conceal instead of reveal purposes, to promise without fulfillment.

We are bidden to forego national pride, consideration for our country, our ideals as a Nation, the fulfillment of our glorious destiny, or we are, forsooth, selfish and narrow of vision. Can this be the end of our mission? Are we to tread the path of nonresistance to oblivion, this great and glorious country, the hope of the world, the vision of the oppressed people of all lands, the promised land, set apart, purified, made a haven by special preparation, its people free and untrammeled, kings every one, who never have bowed the knee or bent the neck to any conqueror? Are we to go under the yoke? We were not defeated. For what, then? For coming to the aid of warring nations when they were licked, when they had their backs to the wall, and surrender was a question of weeks? They could not win; they called valiantly for help. We went and won in six months with a cost of 150,000 killed and $57,000,000,000—they had been fighting for three years and a half. And for that we shall be penalized.

If America is bound to mix in European affairs, Europe is bound to return the compliment; but why does our lending aid in this war tie us up to the troubles of Europe ad infinitum? How are we tied to the quarrels of the future in which we have no interest? If the League of Nations becomes a power the United States will give over its command to a council of men outside the country and receive orders from them. This is a condition of the league not possible to falsify or blink or evade.

The United States is, far deeper than President Wilson means, the hope of the world. The bank of the world. The meat and drink of the world. But all the work that is set for the United States to accomplish can be done more efficiently, in a more businesslike way, more equitably, if we retain our independence and do not put our heads in a noose.

Democracy is threatened. The constitutional form of government is in danger. The process of reducing Congress to a rubber stamp was successfully carried out during the war, when the President was given powers as absolute as a czar, and patriotism held criticism dumb. Internationalism, which is being offered us as a substitute for Americanism and patriotism, is death to American liberty and independence. It is the same thing that the I. W. W.'s believe in; the same doctrine as that of the Bolshevists, only it is reversed to fit the autocrat. To link our fate so closely to the fate of nations everywhere will destroy us as a free people. It is not jingoism to assert that we are different from the nations and peoples of all the rest of the world. We have been accustomed so long to bear the supercilious condescension and assumption of superiority of the rest of the world that it comes as a shock almost to find that we are broader minded, more honest, more sincere, and our ideals are genuine and lofty. We can not mix milk and mud and have anything but mud. Europe is a hundred years behind America. It does not know what liberty is. There is no such thing as disinterest or unselfishness in their claims or dealings with other nations.

Human nature has not changed much in the war. Except for the boy who has been through the Golgotha of the trenches, there has not been that general spiritual ennobling that some were looking for. There is not any royal or vicarious road to the millennium when you have to build on the same old crotchets and the same, or vaster, selfishness. Ask the returned soldier whether he found any brotherly love in England or France, or anywhere else. The peoples of Europe have been so scarred by war that they are fearful, suspicious, vengeful, full of hate. They have lost the warmth of feeling, the impulse toward sympathy they had even at the time of the armistice. They are incapable of thinking honestly or fairly. They should not be allowed to tie our hands and clip our wings.

We must follow our own judgment, act according to our ideals, or the world will sink back into the old war-breeding welter of grasping selfishness. One fact America must admit, that there has been a good deal of halo draped around our noble allies. Anyone who visits Europe is struck by the sordid selfishness, the small-minded intrigue, the devious deceit, the self-seeking, the greed for America's money, not even veiled, touched even with a peremptoriness and impatience of our slowness. They look upon us, the only solvent, going Nation in the world, as in duty bound to assume their burdens and lift them along.

It would come with a little better flavor if we could have the privilege of giving our aid, instead of having it forced from us at the point of a pistol. America can work best for humanity as a free agent. She has never proved niggardly of her sons or of her treasure. At least, she should have the privilege of dispensing her aid in accordance with her own judgment.

Not one act of generous impulse or unselfish idealism was performed by a single one of the European nations at the peace table. They were only concerned with getting all they could, with yielding as little as they could. The fact that the United States did not join in the mad scramble was a matter for contempt not of admiration, only confirming them in the idea that we were a nation of easy marks. The United States is the only one who makes sacrifices and gets nothing. Europe makes no sacrifice under the league and gets everything. We have not a friend in all Europe. Six months of clawing, irritating meddling have served to turn from us every nation in the world. The British are bitter because we undertook to keep the interned ships which sought our ports. They said it was only because of the English Navy that they were forced to seek our shores, and we were, hence, not entitled to them.

The House of Commons broke into a roar of Homeric laughter at the mention of the proposed League of Nations. They betrayed then what they have so long concealed, that our President was duped by their seeming agreement to his hobby into granting them the basis which will make of them the mightiest nation in the world. What need they care, when they were assured of their command of the seas, their losses fully underwritten, their control of the future league made certain by six votes to our one, vast increases to territory, a wonderful succession of diplomatic victories, and in return only a promise to sign the League of Nations agreement.

Bewildered by his view from the high mountain, the President has let himself become the cat's-paw for England and for Japan. He has allowed himself to enter upon the very thing he assured us the League of Nations made unnecessary—an alliance of nations for war. The great powers of Europe refuse to trust their own safety to the league. England does not rely on it, but retains her control of the seas. Italy does not rely upon the league, but insists upon the rectification and strong fortification of her frontier. France has her league against war within the league. These stand to the respective nations for their Monroe doctrine. Why are they not as well protected by the league as we are given to believe the United States is? Why confess at the outset that the League of Nations is an unsuccessful theory if it will not hold, even before attack, without internal bracing?

The President said, "There can be no alliances or special understandings within the general or common family of the league." And yet the whole fabric of these secret understandings have been worked out in the peace treaty, and so interwoven with the League of Nations that the President says they can not be separated.

Last April it was flatly denied from the White House, by the President's secretary, that the President had made any such alliance as the agreement with France. But when the treaty comes out there it is, the fact of such a promise having been given; another trade to get a vote for his hobby. But it did not make the French our friends. Our soldiers noticed a change creep over the spirit of their dreams before they left France. Recently one of their statesmen blamed the United States for the cloud between France and Italy. It was not through any lack of demand of France that we were not burdened with the great European war debt, for the French proposed that the belligerents pay according to population; next as to wealth. So they would get us either way.

When I was in Paris, time after time Frenchmen broached the suggestion to me that I personally ask our President on my return to make a public statement that after the war half of our merchant marine, then built or to be built, would be turned over to France. It would make for better feeling, they said. And with what distress and alarm they viewed our work on their inadequate and old-time harbors, made necessary by their incapability of handling our troops going to their relief. They feared we had an interested eye, looking to the future of our commerce.

Japan clearly shows her intention to anyone who is not asleep of trying to deceive the rest of us. Any change in her Shantung steal and she would not sign, and shook aloft her still unsettled racial-equality clause, the clause that was defeated, not by the vote of our President, as you would suppose, but

by the vote of the Australian premier, who was desirous of keeping Australia still a white man's country. And then can anyone in honesty declare that Japan has any intention of releasing Shantung, now or ever?

The apologists for this monstrous deed say that Japan will right the wrong. They leave it to the cat who ate the canary to make it right with the canary.

All decisions must be unanimous, so what chance will any oppressed nation in the future have as against its oppressors? What chance will we have on our race-equality difference with Japan? Her contrary vote will balance ours. What chance will China have when always Japan's negation stands between her and her rights? Mr. Taft asks why we did not object to Germany's act when it was committed. We were not in the business of world meddling then, whatever might have been our opinion. But now he asks us to condone—to be a party to—this act. It was wrong then; it is wrong now.

Japan is a skillful, watchful waiter. In due time, when the League of Nations shall be a going concern, she will call up the matter of our immigration laws. Her vanity, smoldering so long under what she fancies is humiliation, will feed fat the ancient grudge she bears us. We will hasten to give our noble ally everything she asks just to keep out of trouble, as has been our policy all along through the Taft and Wilson administrations. Nothing is really worth fighting for if it is American seems to be their motive, as illustrated by the surrender of free tolls to our coastwise trade through the Panama Canal.

We went to war avowedly to destroy militarism. We fought not for territory nor for reprisals. We did not gain anything by entering the conflict. All well and good; but instead of standing fast for the principles he himself had enunciated, our President admits that he was responsible for yielding up Shantung to Japan; for the stripping from China of vast territory and millions of subjects, in flat opposition to his high-sounding doctrine of self-determination. Two hundred thousand Chinese laid down their lives during the war, from this very district of Shantung, and now their reward is that by an ally, a friend from time immemorial, the yoke they were fighting to remove is bolted the harder on the necks of their fathers, mothers, brothers, and sisters.

Here is the basis of a militaristic and imperialistic menace that we shall have to thank our own President for, an American, supposedly representing America and safeguarding her rights.

It is a victory for Japanese diplomatic strategy. It confirms their rapacious predatory attitude toward both China and Russia. It will turn the Chinese, who have looked on us as friends, into enemies. China's fate in the matter of Shantung was decided by the big five, of whom four, Great Britain, France, Italy, and Japan, had secret agreements. The only chance was for President Wilson to hold out. His contrary vote would have disposed of the matter. But he did not do it.

He gave away one ideal after another, one right after another, in his futile chase after a will-o'-the-wisp.

Trading, compromising. Fine phrases, with no intellectual honesty back of them. Oh, for a good stiff-spined American patriot; oh, for a Roosevelt or a Johnson at the peace table. We had every advantage. We needed not to creep and crawl in order to have our ideals made into perpetual world law. We had what Europe had to have. They had nothing we needed. We won their war. But in a short while, the astute, Machiavelian old world had won the mastery. It was a humiliation. All the world laughs at the matching of minds of the dreamer, while it sneers at an easy victory.

Where is the freedom of the seas we heard so much about? Self-determination? The rights of small peoples? Where any shadow or substance of the peace for all the world in this great combination of the mighty to "respect and maintain existing territorial integrity"? To continue into perpetuity wicked and unjust aggression and conquest. It is the most imperialistic plan ever conceived. A world empire.

We are expected to safeguard the same old wrongs, the same old injustices, the same old plunderings and greed and selfishness that have made all the causes for war in the past. Why will the League of Nations preserve peace and prevent war? Because the United States will preserve France and England and Japan and Italy in their aggressions.

Should the United States be complaisant toward this hideous thing, which England views with amusement, France with impatience, Japan with an inscrutable reserve, China with despair, Italy with hatred, while the "small nations," made mock of, and treated, as ever, like pawns, stand utterly bewildered at illusions lost and hopes flouted?

We have been duped into underwriting a peace so unjust and vicious that without our aid it could not persist, but would soon break up in war. We have entangled ourselves in prospect in every little European squabble, regardless of its merits or interests.

Whatever troubles arise over there, we have the burden of maintaining the balance of power. If the rights of China and Korea are done to death, in secret, even before the League of Nations, meets, when the diplomats of the craft are on their good behavior, what will happen when a few men meet in secret to parcel out the world? What has there been in the past 17 months to comfort the hope of the small nations? Strong nations have been made stronger. Grabbing right and left has been the order of the day. Even a great and generous ally has been bound and gagged, lest peradventure she prove dangerous in the future.

We have no place among such expert diplomats. We have not been trained in "ways that are dark and tricks that are vain." Our place should be this side the water, minding our own business.

We have become a world power. Circumstances have made us so. But our position is not one of dependence on that account. We are powerful, independent, as we are; able to do for needy peoples better and more successfully just in proportion to that power and independence. Why must we descend to the level of the bankrupt and crafty, the caste-ridden countries of Europe? The intrigue, the deceit, the secret agreements, that have entangled us in their meshes already, before the League of Nations is even well under way, show what is before us.

We can not marry Europe, Asia, and the Hejaz of Armenia to reform them. It would the rather be a union "with a clown, the grossness of whose spirit would have weight to drag us down." Because the submarine has undermined the safety of right little, tight little island empires, because modern warfare leaps, Remus-like, over all fortifications, is no argument that we should abandon our commanding position in order to be of service. We are strong, with the strength of a clear-thinking, high-purposed race. We can never sit around the gambling table with the hairsplitting, jealous diplomats of the old school. Brotherhood of man! What does it mean, and what voice has it had in the present negotiations for peace?

If a national spirit breeds wars, as advocates of the league claim, there is plenty of evidence that such spirit remains in the other countries, and it will be time enough for us to begin the brotherhood of man when there is some sign of its being practiced instead of so generally preached.

Somebody has nationalism mixed up with Kaiserism. But nationalism in America means America first, just as, reduced to its lowest terms, it means family first. Theodore Roosevelt said, "The best man in the community is the man who thinks of his family first." Rip Van Winkle was one of your good fellows, glad to muddle in everyone's quarrels, but not a high type of citizen at that. There are men a plenty to whom other men's wives look just as good as their own. They are not so narrow and selfish and pygmy-minded and old-fashioned as to love their own wives best. Internationalism savors of free love. It lacks the stern morality dear to the hearts of patriots who fashion their hopes and beliefs after the men of our country's elder days.

Do we want our morals to be controlled by Japan, with her geishas and her picture brides and her open and wanton and unabashed laxness of living? When we consider that our lives are to be regulated by a majority of nations whose populations are scarce civilized and illiterate to the last degree, we can not hope that our ideals will be the ones to survive in all their purity.

> For East is East, and West is West,
> And never the twain shall meet.

Frenchmen will be Frenchmen, Britons British, and Yankees Yanks in spite of all efforts to internationalize them. You can not have a supernation till you destroy the differences that have cleft the nations asunder since the Tower of Babel. [Applause.]

Mr. PORTER. Mr. Speaker, I yield to the gentleman from Colorado [Mr. VAILE].

Mr. VAILE. Mr. Speaker, we have had a good many kinds of protests against this resolution, and have even had one from the maternity ward, presented by the gentleman from Arkansas [Mr. GOODWIN]; but the protests all seem to be based on the theory that we are attempting to embarrass the administration and the President. People do not generally protest against attempts unless they are likely to be successful. The things that people protest against are conditions existing, or imminent facts which they want to change.

Now, our Democratic friends assure us that this resolution will never become law because the President will veto it. Undoubtedly he will do so. Nevertheless, the protest of the minority increases hourly. They complain against this as an attempt to embarrass the administration. The whole course of this debate shows that the real ground of their complaint is not the attempt to embarrass. It is the existing fact of the embarrassment. The facts are now embarrassing to the President and to the minority, and they are daily becoming more so with the approach of the election. These embarrassing facts are that the American people want a definite, official, technical termination of the war; that the President has had the daily opportunity since last October to effect such a termination with the consent of two-thirds of the Senate; that he has declined to comply with the wishes of the American people because he could not do so and still carry out his own theory of internationalism; and that when this resolution is presented to him he will be obliged once again to meet the alternative of complying with the wishes of the American people or of insisting upon his own, and that he will do the latter.

Yesterday the gentleman from Kentucky [Mr. CANTRILL], standing on the floor of the House, made a tearful speech to his district in which he denounced the Republican side of the House for its alleged cruelty and callousness in applauding the remarks of a Republican Representative who referred to the President's sickness. This was quite different, he said, from the exceptionally generous and chivalrous conduct of the Kentucky General Assembly in regretting the assassination of President McKinley.

There is a kind of political pathology involved in such an argument. I can assure my friend that we all want the President to get well. We sincerely hope that his recovery may be complete. We hope it will be an actual recovery, sufficient to enable him to be the candidate of his party for reelection. We would much rather have him the Democratic candidate than, for example, our present colleague, that seasoned statesman, the gentleman from Missouri, whom we know to be not only wise but sensible, even if he is not always right—even if he is now mistaken as to the side George Washington would take.

Now, the gentleman from Illinois [Mr. MASON], in the speech which my friend from Kentucky so severely criticized, was speaking of a man who was not by any means lying upon his death bed, but who was at least well enough to summarily dismiss a member of his Cabinet who had attempted to carry on a part of the country's necessary business during his illness; well enough to hold most of his party in the Senate in line against the wishes of the people of the United States; well enough at this moment to whip the minority of this House to vote against peace and against their own convictions.

The gentleman from Illinois, as we all know, is one of the kindliest and gentlest characters in the House. He could not possibly derive pleasure from the suffering of any other man. Surely it was not a breach of propriety for him to say of a man who is now probably almost well that he got sick when his arguments were shown to be fallacious by the facts of current history.

Gentlemen of the minority, it is facts which are your embarrassment to-day.

The real fact is that the gentleman from Illinois offended not by saying that the President had been sick, but by pointing out that the Democratic Party is now sick. My friends, there is one way for your party to get well, and that is to get back in harmony with the American people. The American people are tired of this deadlock on a declaration of peace. They know that the fault is yours. We are now giving you Democrats an opportunity to get back your party health by disowning the fault and voting for this resolution. If you do not do so your recovery at all is extremely doubtful. [Applause on the Republican side.]

Mr. PORTER. Mr. Speaker, I yield to the gentleman from Minnesota [Mr. STEENERSON].

Mr. STEENERSON. Mr. Speaker, in opposition to this resolution it is contended that Congress has no power to declare peace and that section 1 of the resolution is therefore void on its face. It is pointed out that this is a Government of separate powers, and that the treaty-making power being vested in the President and the Senate, they possess exclusive power to end war. I submit that this argument is based upon an erroneous assumption of what the separation of powers in the Constitution means. It does not mean that the President and Congress together can not accomplish what the President and the Senate alone can do. The fallacy of the argument is based upon the error that one part of the Government is greater than the whole. The Constitution gives to Congress the power to declare war, yet the practice has been in every instance that declarations of war have been in the form of acts of Congress signed by the President. No one has suggested that the declarations of war were unconstitutional because in the form of an act of Congress signed by the President. On its face this resolution does not contemplate that Congress act alone. The presumption is that this, like every other joint resolution, will pass both Houses and will be submitted to the President. We have no right to assume that the President will veto it. Has anyone got the hardihood to say that if this resolution passes both Houses and is signed by the President that it will be unconstitutional, forsooth, because the President alone, with the concurrence of two-thirds of the Senate, by treaty could determine the state of war? The opposition, therefore, must be based upon the theory that the President will veto this resolution and that if it is passed over the veto then it will be unconstitutional. That would be an argument against passing the resolution over the veto of the President, but it is not an argument now, for we have the right to assume that the President will sign it. For certainly what the President can do alone, Congress and the President can do jointly.

The first section of this resolution is as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the state of war declared to exist between the Imperial German Government and the United States by the joint resolution of Congress approved April 6, 1917, is hereby declared at an end.

Section 2 provides that this declaration shall terminate all resolutions, and so forth, and all war powers of the different statutes enacted during the war.

Section 3 provides that Germany shall have 45 days after the passage of the resolution in which to notify the President that it accepts its terms and waives and renounces on behalf of itself and its nationals all claims or demands against the United States or its nationals that it or they would not have had the right to assert had the United States ratified the treaty of Versailles. In case of such notice commercial relations are to be resumed.

Section 4 provides penalties for violations of the terms of the resolution as to trading with the enemy.

Section 5 provides that the passage of the resolution shall not be construed as a waiver of any rights under the armistice signed November 11, 1918.

The writers on international law are agreed that there are three ways of terminating war between belligerents, as follows:

First, by a treaty of peace; second, by the conquest and subjugation of one of the belligerents by the other; third, by the mere cessation of hostilities so long continued that it is evident that there is no intention of resuming them.

"War may be terminated in three different ways: Belligerents may (1) abstain from further acts of war and glide into peaceful relations without expressly making peace through a special treaty, or (2) belligerents may formally establish the condition of peace through a special treaty of peace, or (3) a belligerent may end the war through subjugation of his adversary." (Oppenheim, International Law, vol. 2, p. 322.)

"There are three ways of terminating hostilities between States, namely, (1) by a mere cessation of hostilities of both sides, without any definite understanding supervening; (2) by the conquest and subjugation of one of the contending parties by the other so that the former is reduced to impotence and submission; (3) by a mutual arrangement embodied in a treaty of peace whether the honors of war be equal or unequal.

"Under the first mode the relationships between the parties remain in a condition of uncertainty, and, owing to the numerous difficulties involved, combatant States have very seldom resorted to this method of withdrawing from the war without arriving at some definite and intelligible decision." (Phillipson, Termination of War and Treaties of Peace, p. 3.)

"It is certain that a condition of war can be raised without an authoritative declaration of war, and, on the other hand, the situation of peace may be restored by the long suspension of hostilities without a treaty of peace being made. History is full of such occurrences. What period of suspension of war is necessary to justify the presumption of the restoration of peace has never yet been settled, and must in every case be determined with reference to collateral facts and circumstances." (Mr. Seward, Secretary of State, July 22, 1868, Dip. Cor., 1868, vol. 2, pp. 32 to 34, cited Moore's International Law, vol. 7, p. 336.)

It is undisputed that war can begin without a declaration of war. A declaration of war may precede or follow actual hostilities. Where it follows, it simply declares that a state of war exists. This was the form adopted in the present case as well as in the Spanish War. In that case the declaration was passed April 25 and war was declared to exist then, and to have existed from April 21. The convention adopted at The Hague conference in 1907 provides that hostilities "must not commence without a previous and explicit warning in the form of a declaration of war."

I said that the argument that this was an infringement of the treaty-making powers would be good, if true, on the question of passing the resolution over the veto. But we contend that this resolution is not in fact a treaty, and that therefore it does not violate the prerogative of the President and Senate. The treaty of Versailles is not dead. It can be sent back at any time

and be ratified. This resolution does not prevent that. The only thing that stands in the way of ratification is the deadlock between the President and the Senate on the covenant of the League of Nations. If the President would agree to the Senate reservation on article 10 ratification would instantly follow and peace by treaty be an accomplished fact. What is that reservation? Here it is:

"Reservation No. 2. The United States assumes no obligation to preserve the territorial integrity or political independence of any other country or to interfere in controversies between nations—whether members of the league or not—under the provisions of article 10, or to employ the military or naval forces of the United States under any article of the treaty for any purpose, unless in any particular case the Congress, which under the Constitution has the sole power to declare war or authorize the employment of the military or naval forces of the United States, shall by act or joint resolution so provide."

It will be observed that the only thing this does is to preserve the power of Congress to declare war. Should we surrender that power so that our boys could be sent to fight in foreign lands without our consent? Is it asking too much that before this is done the elected Representatives of the people in Congress assembled shall consent? To do otherwise would be a contradiction of the very idea of a government of, by, and for the people, a clear violation of our fundamental law and a craven surrender of our independence to foreigners. When the peace of the world was ruthlessly broken and the very existence of free popular government was threatened, America without treaty obligations, but because of a high sense of duty to civilization and the world, entered the war as the champion of liberty and right, and by reason of her power and the bravery and gallantry of her sons, many of whom are buried on the fields of France, brought it to a successful conclusion.

Should a similar occasion arise, America will not be found wanting.

I have long advocated international arbitration as a substitute for war. I joined the American group for international arbitration when I first came to Congress 17 years ago. I have sought to further the cause for which it stands. I believe that the League of Nations can be so perfected as to be an aid to peace in the future, but I do not believe it is necessary to surrender our independence or our birthright to get such an organization established.

I believe the Lodge reservations sufficiently Americanize the covenant and protect our fundamental rights as a free people, and that with these reservations the peace treaty should be ratified. I believe it eventually will be so ratified, either in this or a subsequent administration. Pending such a result we should pass this resolution. The people demand it and are entitled to it. In the language of Gen. Grant, "Let us have peace." [Applause.]

Mr. PORTER. I yield to the gentleman from New Hampshire [Mr. BURROUGHS].

Mr. BURROUGHS. Mr. Speaker, if I thought that the passage of this resolution would prevent or hinder the resubmission and ratification of the peace treaty, I would vote against it. I have favored and still favor the peace treaty containing the League of Nations covenant and wish to see it ratified—of course, with suitable reservations that shall fully and effectively protect all American rights and interests. Such protection, in my judgment, is afforded by the so-called Lodge reservations. With those reservations, my understanding is that the treaty might be ratified to-morrow; without them, it has long been apparent that it can not be ratified at all.

The passage of this resolution by Congress will not prevent the resubmission of the treaty. It will not, in my judgment, interfere in the slightest degree with its ratification by the Senate. There is one thing, and one thing only, that prevents such resubmission and ratification to-day. That thing is the will of the President. He says: "Take the treaty as it is." He says: "The Senate reservations are unsatisfactory." Having returned from Paris and experience with the German envoys, he seems to say to the Senators, "Sign on the dotted line." Thereupon his followers in the Senate promptly vote against the resolution of ratification embodying protective reservations, and the necessary two-thirds vote is not secured. In other words, he declines to take the "advice" which the Senate in the performance of its duty under the Constitution has on two separate occasions been willing to offer him. It must be his way or no way; it must be his treaty or no treaty.

Now, grant, if you please, that some of the proposed reservations are unnecessary, what of it? Every one of them seems to be in the interest of an independent and self-respecting America. No one of them militates in the slightest degree against the principle of the League of Nations. No one of them is objected to by the nations associated with us in the war. Every one of them has been accepted by the friends of the league. Why, then, should the President himself object to them? Why delay the coming of peace; why postpone through weary, anxious months the resumption of normal business relations between men and nations? No good reason has been thus far suggested, and certainly none is perceived.

Of course, the President may have good reasons for not accepting the "advice" of the Senate. Some people do not need advice. They know it all in the first place. Macauley, you will remember, tells us of the eminent gentleman he has seen "come down with messages from God to the House of Commons." It would seem that the type has been known before. However, so far as the American people are concerned, the evidences are multiplying every day that they are about to indicate in unmistakable fashion that their experience with this type has been quite sufficient.

As a matter of fact, Mr. Speaker, the war is over, and has been over for a year and a half, and yet legally and technically we are not yet at peace. The unfortunate controversy between the President and the Senate concerning the peace treaty has thus far prevented peace and kept us in a state of technical war long after the fighting is over. Our people are anxious to see the state of war ended; they want to see the autocratic power of the President ended; they want to see normal trade relations resumed; they want to see peace come again in law as well as in fact. The resolution under consideration looks to that end. It would recognize in law what the whole world knows is true as a matter of fact.

A treaty between this country and Germany would be the usual, normal, and perhaps the best method of bringing this about. But it is not the only way by which it can be done. The method proposed in the pending resolution is another way, even though it may not be so desirable a way. I do not say that the resolution under consideration is the best means of bringing about a state of peace, but I do say it is the best means now within our power. I do say it is the only means at all likely to be within our power before the 4th of next March.

But we are told, and the argument is pressed with great insistence, that Congress has no power to pass this resolution. Again and again we have been told in this debate that the President alone has power under the Constitution to end war. I do not believe this position is well taken, nor do I believe that the argument supporting it is sound.

Before going into that question, permit me to say, Mr. Speaker, that this is not the first time that the Republican Party has been forced to meet such a challenge. Sixty years ago, at its very birth as a party, it was confronted with a similar situation. Then, as now, the welfare, if not, indeed, the safety and permanence, of the Government of the United States was in peril. Then, as now, it was said we had no power to meet the crisis. Then, as now, a Democratic President, obsessed with his theories, sat in the White House and said that Congress could do nothing. Then, as now, the Democratic Party took the position that we were in a "blind alley" and there was no way out. But Abraham Lincoln and the Republican Party found a way out. The Nation was saved and the "indestructible Union of indestructible States" was securely established.

I say to my friends on the Democratic side of the House, whatever sins of omission or commission you may charge against us, you can not truthfully say that from that day to this the infamous doctrine of impotence has ever for a single minute been a part of the platform, the policy, or the practice of the Republican Party.

Congress has ample power to pass this resolution. It is found in its powers "to declare war," "to raise and support armies," "to provide and maintain a navy," "to make rules for the government and regulation of the land and naval forces," and "to provide for the common defense and general welfare of the United States." There seems to be no limit to the power of Congress in the premises.

Consider for a moment what would be the result of a different interpretation. Suppose there is a disagreement between Congress and the President as to the wisdom of continuing a war. Can it be said that the President has power to continue the war against the will of Congress? Or, on the other hand, suppose the President should enter into negotiations with the enemy to terminate the war which Congress did not wish to terminate. Will anybody say that such an effort on his part could by any possibility be successful? Surely not. It is the will of Congress that controls. The sword and the purse alike are in the hands of Congress and both are indispensable in the prosecution of war. To be sure, when war comes, Congress hands the sword to the

President, but the Congress that gives can take back the sword whenever it wills. Congress and Congress alone determines whether our policy shall be one of peace or one of war.

As there may be war without a declaration of war, so there may be peace without a treaty of peace. Always there is a clear distinction between the fact of peace and the terms of peace. I say that the fact of peace now exists, and Congress, under its war powers and the general welfare and national-defense clause of the Constitution, may so declare. That is what we are trying to do by this resolution. But the terms of peace, except as they may be made conditions upon the right to resume commercial relations—these fall clearly within the treaty-making powers of the President and the Senate.

Mr. Speaker, I believe the people of this country are heartily tired of this disgraceful policy of "watchful waiting"; this pitiful display of "peanut politics," wherever exhibited, in a matter of such transcendent importance, of such vital and far-reaching concern to all our interests. While the President sulks in the White House, willing to make concessions at Paris, but apparently too proud to make concessions in the interests of the independent sovereignty of his own country, our people look to Congress for intelligent action. In this time of profound upheaval throughout the world, when loud and angry voices are heard on every hand, urging the overthrow of cherished institutions that it has taken us centuries to build, they turn their eyes hitherward in the hope and confident expectation that the dominant party in Congress—the party of Lincoln and Grant and McKinley and Roosevelt—will at least do its part to put an end to this bastard régime under which we have lived for 17 months and bring us again into the paths of peace.

I believe that we will meet and fulfill that expectation. I believe that we will not betray that trust. I believe that we will pass this resolution to-day. We have the constitutional right to do it. We have the moral right to do it. Thank God, we have the votes to do it, and it shall be done. [Applause.]

Mr. PORTER. I yield to the gentleman from Nebraska [Mr. EVANS].

Mr. EVANS of Nebraska. Mr. Speaker, I desire to prefer a unanimous-consent request first. I ask unanimous consent to incorporate in my remarks a letter from a gentleman in Nebraska on the situation as disclosed by the acts of the administration.

The SPEAKER pro tempore. The gentleman from Nebraska asks unanimous consent to extend his remarks by incorporating a letter written to him by a gentleman in Nebraska. Is there objection?

Mr. BEE. Mr. Speaker, reserving the right to object, is this gentleman from Nebraska a private citizen?

Mr. EVANS of Nebraska. He is a private citizen and a member of the gentleman's party. [Laughter on the Republican side.]

Mr. BEE. Mr. Speaker, I object.

Mr. MASON. Mr. Speaker, a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MASON. The gentleman does not have to have unanimous consent for an extension of remarks.

The SPEAKER pro tempore. The Chair understood the request granted for unanimous consent yesterday was that it should not be matter other than a person's own remarks or suitable quotations.

Mr. MASON. Were the words "suitable quotations" used there?

The SPEAKER pro tempore. That was the understanding of the request as the Chair understood it, that gentlemen were allowed to make quotations but not to extend letters or editorials or other matters besides that.

Mr. EVANS of Nebraska. Mr. Speaker and gentlemen of the House, governments are organized with a view to a long existence—if it may be—to be perpetual. Our Constitution was framed to aid in making our Government perpetual. Though it provides the machinery by which the Government functions, the perfection of this functioning will determine how long our Government will exist. If the Constitution receives a narrow construction and ceases to be flexible, does not have a comprehensive and liberal interpretation, it fails and governmental decay has begun.

With the purpose of the Constitution in mind each provision should be liberally construed to accomplish the desired result and achieve the end sought. When the general welfare of the Nation suggests that peace be brought about—and peace with honor is always a consummation devoutly to be wished—that purpose, peace, should be the guiding star in construing the powers contained within the Constitution.

It may be claimed that powers not granted are retained by the States, but this has reference to national affairs and not to international negotiations. A State, or all the States, except they act through the Executive, Congress, or the treaty-making power, could not have communication with another nation.

But the right to exist—or, if you please, self-preservation—is the first law of nations as well as of nature, and the gentleman from Mississippi [Mr. VENABLE] conceded away his case when, in effect, he said, in answer to the gentlemen from Michigan [Mr. SMITH], that there was no remedy under conditions now present in our Government if neither President nor Senate recede.

To say that under our Constitution Congress can not declare a fact has ceased to exist which on a previous occasion under different conditions it had the power to declare did exist, the evidence in each case being the same—common knowledge of the fact with official notice or declaration of the fact conveyed by the President in an official message—is an application of a rule of construction that loses sight of the purpose in view when the Constitution was made the fundamental law of our land.

The war—physical war, force against force—has ended. The President has so declared officially.

The treaty has been negotiated by the President and presented to the Senate. After failure to ratify it has been returned to the President, who states that the "next move is with the Senate." In other words, we are at a deadlock, so far as ending the war by treaty is concerned. Under such conditions is peace technically impossible? Others have discussed the constitutionality of the "resolution," citing authorities conclusive as to the correctness legally of the position of the committee.

This resolution is in no sense a treaty, a part of a treaty, or an attempt to make a treaty. It does not end the war; that has already been done. It provides for the declaration of a fact that the President says exists and makes legal acts and commerce not now lawful between two peoples not now at war. It opens, conducts, or attempts no negotiations; it suggests no change of terms between Germany and the United States from those agreed to by the President. It leaves all international intercourse with the proper department of the Government. It will make it possible to have lawful business and intercourse between our people and another nation with whom we are not, in fact, at war.

This resolution, so far as actual war is concerned, is of no effect; that is, it changes no fact between Germany and the United States as to actual conflict. The conflict closed when the armistice was signed. When the opposition argue or assert that this resolution is an attempt at treaty making or that it is an attempt to declare peace, and therefore unconstitutional, it is only a smoke screen behind which it hopes to make its escape from its unpatriotic, its aristocratic, and its illogical position—a position against which the Democratic Party is almost in revolt, but which is made necessary to satisfy the Democratic schoolmaster's inordinate ambition to sit and rule as kaiser even as he rode the seas as one.

The Germans do not wish to fight Americans. They do wish to buy from our people. We do not desire to engage in mortal combat with the Germans—indeed, we have, by order of the Commander in Chief of our Army and Navy, brought home and disbanded our military forces, and they have returned to the ways of peace. We, too, would sell to Germany. No ally on either side objects; indeed, all earnestly desire to end this war technically and have peace and the ways of peace.

The President says he wants the war ended; so does the Senate, so does the House, and, above all, so do the people. Does our Constitution make us impotent to do what all departments of our Government and all the people want and our general welfare demands?

And here is where there should be an application of that principle which requires a broad and liberal construction of the instrument that its purpose may be carried out. If you apply the principle contended for by those on the other side of the House, then we never were at war by any constitutional declaration of war, because the action taken April 6, 1917, was not a declaration of war; it was a declaration that a state of war already existed. And, applying the narrow rule contended for by those against this resolution, there is just as much warrant in the Constitution to declare a state of war has ceased to exist as there was to declare a state of war existed; just as much and no more. Technically there is no express power to make either declaration, but to apply such a rule in either case is foolish and kills the spirit by the letter.

I wish to call to your attention the fact that there is not one thing in the resolution that has not been agreed to by Germany, all the Allies, the President, and the Senate. Let me repeat—to-day by this resolution no one is asked or required to do, or consent to, a single thing that has not been

agreed to by all interested parties. Certainly the President and the Senate have agreed to it. All agree that the war is ended. All agree that diplomatic and commercial relations should be resumed and war legislation abrogated. No single element affecting the war and its ending is unsettled except the declaration of that fact by a proper authority, so that commercial transactions may be legally conducted and commerce resume its wonted way.

The only matters in dispute are things and conditions not mentioned or thought of as a cause of war. We did not go to war to establish a "League of Nations," but Germany has consented to even that. So have the Allies. We are still at war technically because the President and the Senate can not agree as to matters not related to the war or its cause. Does anyone claim that we must fight with another nation because our President and the Senate disagree, because they disagree about matters which do not touch even remotely the cause of the war between Germany and the United States?

In arriving at a decision as to the course to be pursued with reference to the adoption of this resolution declaring the fact that the war is at an end it matters nothing as to whether the President's or the Senate's action is wrong, or if both are wrong. It is not a sufficient reason that the covenant presents an administration policy. It was an American-fought war, and America, if it so desires, should have it ended technically, if actually it has ceased.

However, the administration's policies have not met with the approval of the people, and many of the Democrats disapprove of the administration's policies.

I received some time since from a Democratic constituent, W. M. Cain, Esq., of Fremont, Nebr., a letter containing comments which demonstrate the truth of this statement and which comments I quote:

In addition thereto—as we often say—have we not reared and delivered a man for "president of the world," who, "accompanied by Missus Wilson," of course, bade fair to "give us the heathen for our inheritance and the uttermost parts of the world for our possessions." Then, too, our progressive Josephus has inaugurated the interesting reversal of things by decorating the chap that does not fight but runs away. I suppose that by this curious innovation we may truly say that "defeat is swallowed in victory." That sir, is as it should be, for if we are "too proud to fight" and if we "thank God for our unpreparedness," why, then, should we not crown defeat and loathe victory?

Why, come to think of it, didn't we openly declare somewhere in the temporal vicinity of the sacred 14 points that we wanted "no victorious peace"? Seems to me we did so declare. So I affirm, upon my word as a Democrat (still), that we are at least consistent and logical. So it is, after all, quite right that Commander Bagley, who, pursuing the dogma of "peace without victory," sailed his craft in a hasty, if awkward, get-away from gunfire, should receive from the august hands of the Secretary of the Navy the distinguished service medal. Why not? If he steamed away from the scene of prospective—though not actual—conflict, he could leave the enemy to his wretched fate of nosing around the high seas until he could find some ship carrying the American flag whose commander had not learned the new idea of "no victory" and would not run. Of course, I don't care a damn about it, except—aye, there's the rub—except that Bagley's ship carried my flag!

It might be in the logical order of fightless victory and shootless guns and soldierless armies that we would have a valueless currency, but I don't believe it. The numerous "deserving Democrats" drawing limitless salaries for workless service would induce us to keep the dollars we are getting sound. So friend Luce is on the wrong track. Why don't he aim at those places in our armor that are worn so thin that "a pigmy's straw could pierce them"?

Look at our record again! Did the Republicans ever produce a president of the world? They did not. In all the successions of Republican administrations what progress did they make toward cultivating amicable relations with the Akhund of Swat or the Duke of Timbucto or the King of the Cannibal Isles down in the tropic seas? No progress whatever. And yet, in the brief span of less than four years, we Democrats have made them our blood brothers, invited them to our councils, and made ourselves their equals. This is little short of magic. Is it not? It is—not!

I asked unanimous consent to insert as a part of my remarks a letter from W. M. Cain, Esq., a Democrat and a citizen of the district I have the honor to represent.

The gentleman from Texas [Mr. BEE] objected. I had desired, in justice to Mr. Cain, to insert the entire letter, as he had claimed for his party achievements with which I do not agree and which ought to appear to correctly set forth his attitude. As I am prevented from quoting the letter at large I have quoted the above as evidence of the disapproval I have mentioned and to challenge the attention of the other side of the House to this estimate placed upon the achievements of the present administration by members of that party in the hopes that it may have a beneficial effect.

This administration in the conduct of foreign affairs has not won the confidence of the people of the United States. Its conduct of foreign affairs has lacked an insight into and a comprehension of the matters involved and the ability to solve such problems as it did seem to understand. In Mexico it has been following a policy of "watchful waiting," which has consisted largely of waiting without watching, and were it not for the cries of outraged women and the graves of murdered citizens it might be allowed to pass by calling it "witless wabbling." Its chief protest has been letters so numerous as to waste almost enough paper to form winding sheets for the victims which its puerile policy has permitted Mexican outlaws and bandits to ravish and kill.

The President's triumphal procession with royalty through Europe, borne about upon the hard-earned or carefully saved dollars of American citizens and the shed blood of American soldier boys, the trip across the Atlantic with an exclusive company and an excluded soldiery, a discarding of the idea of open diplomacy and, indeed, nearly all of the sacred fourteen points, the threatening of a coordinate branch of our Government, backed by a record unsurpassed for its instability, does not suggest a great statesman and patriot, animated by a great idea, but rather an intensely selfish disposition, moved by an overweening ambition, and whose every move merits close scrutiny, and which, in this instance, with every advantage in his favor, has fallen so that now there is scarce one to commend him.

Indeed, if the party of this administration could have the people forget, it would flee from the record it has made as from a pestilence.

Recall and reconsider the conditions present: Germany had sunk our ships, murdered our women and children, and our Chief Executive, being "too proud to fight," opened a school for letter writing, in which he greatly excels. Germany continued to sink our ships and send our people to watery graves. Our Executive still taught letter writing, and so things continued until in 1917, when it could be borne no longer, and the Chief Executive informed Congress that a state of war existed and asked Congress to so declare, which it did. Mark you, there was in the prewar correspondence no dispute about any of the various provisions of the so-called "covenant," which the President has said must be accepted without dotting an "i" nor crossing a "t." The cause of the war was violations of international law—ships sunk and citizens murdered. Our boys, with courage unsurpassed, were instrumental in snatching victory from defeat. The war ends. An armistice is signed. A treaty is negotiated and signed by all parties engaged but United States and China, if my memory is correct. By the treaty terms Germany consents to everything the United States asks; all other nations engaged in that war consent to these arrangements.

To-day neither the United States nor the President is making any demand from Germany which in any way affects this war or its ending. There is nothing that the United States is to do to or for Germany. Yet with no cause for quarrel with Germany and with Germany having no cause for quarrel with us and with both peoples anxious to resume the ways of peace we must remain at war. Why? The answer of those who oppose this resolution must be, "Because Woodrow Wilson wishes to give England 6 votes to our 1 in the council of nations." Germany does not care or object to that. Why should we remain at war with Germany until Wilson can convince the American people that England is six times as intelligent as they are?

Why must we remain at war with Germany? Because Woodrow Wilson insists that when our enemies are invading our country or we are at war we can not increase the limit fixed for our military forces unless Spain and Japan and Italy and the other members of the council say so. Of course, Germany did not fight about that. But what do you think about remaining at war with Germany because the President insists on having the size of our armies fixed by foreign nations?

Why should we remain at war? Because Woodrow Wilson insists Japan must be permitted to steal Shantung from China. Germany does not care; she has given up all control and title thereto. God pity a party that has so far lost its self-respect and honesty that it insists on continuing a state of war to satisfy an unrighteous ambition of one of its own members and to aid another power to rob a weaker ally.

Why must we continue at war with Germany? Because Woodrow Wilson insists on placing in the hands of eastern nations, who are now criticizing us as a Nation and him as an individual and an officer, the right to enforce article 10 of the covenant against us as a guarantor of the territorial boundaries of every real estate grabber among European nations.

Why must we continue at war with Germany? Because Woodrow Wilson insists that the laboring people of the United States must go back to European standards and again develop along lines suitable to European, Asiatic, and African conditions. That we must without question accept the change made when the

word "merely" was inserted in the following sentence: "But holding, as they do, that labor should not be regarded merely as an article of commerce," and so forth.

Why must we continue at war with Germany? Because Woodrow Wilson insists that in the construction and application of the Monroe doctrine to conditions as they shall arise in the future, European and Asiatic nations shall have full power to construe and apply that doctrine. We shall in all cases be the interested Nation, and hence without a vote. They now are and always have been against the doctrine. Imagine, if you can, Spain and Japan and Italy or even France and England sitting down in a judicial frame of mind to pass upon the application of the Monroe doctrine when one of their number had taken possession of the oil fields of Mexico or when Japan had purchased or taken a coaling station on the western coast of Lower California.

The American who hopes to get justice under such circumstances has made a prima facie case against himself before the insanity commission. Yet, before we may have peace with Germany we must, as a Nation, agree to this condition. God help America if this is to be a sample of its twentieth century diplomacy.

Why must we continue at war with Germany? Because Woodrow Wilson insists that after having allowed the European, Asiatic, and African countries to fix the size of our armies and navy, if perchance we are invaded or engaged in actual warfare before we could increase our Army or Navy, permission must be secured from European, Asiatic, and African nations in the council. Suppose war with Mexico. Do you find yourself able to imagine Japan hurrying to give the needed permission? Do you think that Spain will find herself in a position where she is convinced that we ought to have the help asked for? What would be Spain's influence on her daddy-in-law, England? What would Italy say and how quickly would she say it?

Does any man on this floor believe that the fate of our country is in safe hands so placed? Even now the echo of the cannon comes not faintly from European battle fields, started under rights claimed under this treaty and which are disputed by other signatories, allies in the late conflict. There are now under this covenant and treaty more serious disputes between practically all of the European nations than existed on July 26, 1914.

When you vote against this resolution and go to your home and your neighbor asks you why you so voted, tell him truly you wished England to have six votes in the assembly to our one; that you believe the laborer of our country should still wallow in the mire of European conditions; that you believe in the kind of national honor that aided Japan to steal Shantung from our ally, China, and after the theft was complete, in guaranteeing the thief in the possession of his loot; that we should give up the Monroe doctrine and send our boys to act as policemen for the Turks; and that we should bind ourselves and our posterity—because the covenant leaves with the council whether we have performed our obligations so as to retire from the "league"—to the tender mercies of those who hate us for our freedom, laugh at our simplicity, live off of our charity, and, until the Wilson administration, have damned our independence.

We all know the reasons I have enumerated are the real cause and the only cause the peace treaty is not signed. We all know that no one of these causes had any relation to the war. We all know that not a corporal's guard would vote in favor of adopting any one of them if presented so that a direct vote was required. But to save the political face of one who has abandoned nearly every policy he has espoused down to and including the sacred 14 points, almost the entire Democratic membership will, in this indirect manner, vote for them.

Where is that patriotism that is more potent than party fealty?

The time has come when we should be brave enough to do in the national legislative halls what our boys did on the battlefields—end the war. They carried that flag through the hell of war and returned it to you and to me and to our common country and never allowed it to dip to an enemy. Does it remain for the Democrats in Congress to bid our country bow to a foreign commander and kiss the hand that smites? I hope not, but if so, the mandate will be in vain.

The Republican Party would be pleased to join with the Democratic Party in keeping our sovereignty undivided and tributary to no foreign power. The Republican Party has never faltered when duty called. If need be, it will again maintain the dignity of our common country and prevent its bowing to any supersovereignty or its being made subservient to any other power.

Gentlemen of the House, let us adopt the resolution and "Let us have peace."

Mr. PORTER. Mr. Speaker, I yield to the gentleman from Iowa [Mr. BOIES].

Mr. BOIES. Mr. Speaker, I favor this resolution for the reason that the time has long since passed when peace with Germany might and should have been accomplished.

Peace with Germany could easily have been effected within six months or less, following the date of the signing of the armistice, but for the uncompromising and unusual purpose of the President to force the Senate of the United States to accept the covenant of the League of Nations as he presented it—"without the dotting of an 'i' or the crossing of a 't.'" This Government would long ago have been at peace with all the world, and in all probability a sane arrangement entered into by the leading nations of the world, guaranteeing the peace of the world, in so far as it is humanely possible, at one broad jump, thereby saving to the world billions of money and thousands of lives. That part of the world once known as civilized is now from 5 to 10 years further removed from normal conditions than it would have been had a peace plan been presented and adopted that contained the roots of reason, that appealed to the common sense of the people of the world, that was fitted to the practical uses and benefits of the people as we find them in the various countries of the world, that was the product of many of the best minds of the world, that had received the baptism of the thought, the reason, the suggestions, the mature deliberations of the master minds of the world in the broad and open sunlight of confidence and generosity "openly arrived at."

The all-absorbing question should have been, What do the people of my country desire? Aye, question upon question should have passed uncensored under the waters and through the heavens to this country, to the people, and especially to our Senators, whose advice and consent must finally have been heeded and secured.

The voice of the people still rules in this country. Threats and attempts to thwart the will of the people cause unrest and destroy business, and carry from safe moorings the radicals and the irresponsibles who are always eager for the chance to "raise the devil." But the great bulk of the American people finally bring about times that are right—under the authority of the Constitution, which points plainly the duties, responsibilities, and separate powers of the executive, legislative, and judicial branches of this splendid Government—and which we love too well to discard or betray any of its functions into the hands of any foreign countries.

In most of the countries of Europe the heads of the government will, and the people acquiesce. It is different here. The will of the majority rules. In the secret negotiations at Paris the men of Europe naturally did not consult their people, and, judging from the result of that convention, as handed to America, they felt sure that the people of this country would calmly accept any trade contract carried away from the seat of fashion and gayety.

The men of Europe there assembled evidently never understood the station that the individual citizen occupies under our form of Government, nor did they interpret correctly the responsibility felt by the average officeholder toward the people and to the laws and the good order of the land. This must have been their attitude of mind, else they would have been unwilling to expend six months of time and as much money as it costs this Government, for the simple privilege of the six months of sociability at Paris. This may be getting separated a trifle from the serious side of the question. It is a mighty serious matter—so much time, and money, and rancor, and tribulation, and misunderstanding, and heartaches, and deception, and arrogance following, and nothing of first hope to come except disappointment, discord, and distrust. Such results are especially to be regretted when it was more important that harmony and good will prevail during the past year and a half than at any like period of time in the history of the world.

Had the peace with Germany been made when it should have been, Russia, Germany, Austria, and other countries, including our own, would have been in immeasurably better condition than they are to-day. Europe at war then is generally at war now, with 14,000 of our boys under arms in a foreign land; war-time laws disturbing the business of the country; war-time expenses yet piling up to be liquidated; unheard of prices oppressing the poor, the laborer, and the moderately well to do.

All hands must join, in good faith, if this great burden is to be lifted. In sight and hearing of it all we are told by the chairman of one of the two great parties in this country that this resolution must not pass; that notwithstanding the Presi-

dent's health he is able to reach the President when "crucial questions" arise, and that it will be folly for Congress to adopt this resolution because the President will veto it.

This position means nothing more than a "crucial question" in politics—that the League of Nations must be made an overshadowing issue in the coming campaign.

I predict that, in case this resolution is vetoed, and the President refuses to allow his followers to accept the proposed reservations to article 10, and a plank appears in the San Francisco platform placing the League of Nations before the voters of this country, the friends of the League of Nations, with or without reservations, will never see it presented to another Senate.

I am young in this business and my advice may be ridiculed and spurned, yet I believe that I have some knowledge of men, and my advice to the gentlemen of the minority of this House is that you have one chance to secure the adoption of the covenant of the League of Nations, with reservations, and that is, by forgetting your politics and voting your judgment upon this resolution, thereby informing the President that you can follow his advice no further on this question. You owe this to yourselves and to your country. Should you thus advise the President, the document, in my judgment, with the reservations, will be returned to the Senate within a week and will receive the "consent" that the Constitution requires.

My Democratic friends, if you do not now see the handwriting on the wall, you are blinder than a bat sitting on a street pavement at high 12 on a cloudless day with the Government thermometer standing at 119 degrees in the shade.

Really the handwriting I refer to, that should make any Democrat, high or low, quake in his "innards" who dreams of making the league an issue, is not on the wall, but appears upon the ballots most recently cast for Hiram Johnson. Can not you put two and two together?

If you bear such love for the President as tradition speaks, help to save his face; attend to it that the league is adopted with reservations.

Please do not answer that such action on your part "will break the heart of the world." England does not care a snap for the covenant of the League of Nations only in so far as it would require of this Government to bear a large part of the expense connected with the managing and bossing of that half of the world over which she presides.

France would rather be assured that under like circumstances this country, in the name of humanity, in the defense of womanhood, and in the love and adoration of the very name of mother, would come again and whole-heartedly, as France would come to us again in days like the time when Lafayette said to Washington, "We are here."

There are some things in this world broader and deeper and better than partisan politics. When the good of the country requires we should first and last and all the time be Americans.

Do not advance the empty argument that the adoption of this resolution will prevent securing a just settlement of property matters with Germany. The property now in our possession may be handled as justice dictates. Whatever else we might be entitled to will be settled as Germany may agree. The Congress, the people of this country, will not consent that we engage Germany in further bloodshed in order to possess ourselves of anything Germany might refuse to concede.

The President has taken undue advantage of his position to force the Senate to yield, having no regard for the Constitution or the rights and privileges of the Senators thereunder. He has had ample opportunity to draw the people to his way of thinking; he has worn himself out, destroyed his health, closed the doors upon himself and the orderly business of his Cabinet; he has stopped the wheels of progress and brought the world into a state of unrest by his prolonged insistence upon the adoption of a plan of world government that the people of this country will not assent to; and now threatens in advance the veto of a resolution to restore peace. Is it not about time that the man who claims to be so much interested in the freedom of men and of nations be required to remove his grip from the throats of those officers of this Government who regard their oaths as of some concern in the exercise of their duties?

Is it possible that one man can be in the right and the overwhelming majority of the American people wrong?

"Break the heart of the world?" Listen to the voice of France as contained in that great journal, the Paris Matin:

> At the most troubled moment in history America has a sick President, an amateur Secretary of State, and no treaty of peace. A President in the clouds, a Secretary of State in the bushes, and a treaty in the cabbage patch. What a situation! However, America is America; that is to say, our great sister nation, which has our love and eternal confidence. Colby or no Colby, treaty or no treaty, the American people know that we call them friends.
>
> It is only a little longer that a sick man will be able to keep the cloud in the sky above the two sister republics. And soon there will be a Secretary of State with whom Europe can speak and whom we can understand. France needs no written guaranty to know that America will send her boys again if we are menaced as we were in 1918, and let America know that we will send another Lafayette if she ever needs him.

The argument thus far has been an attempt to point to the necessity for the adoption of this resolution, rather than to the power of Congress to legally act in the premises. What is the legal phase? Among the powers conferred on Congress and delegated to no other branch of the Government is the power "to declare war." Nowhere is it found that the President has any voice in this matter. Nowhere is it found, by implication or otherwise, that the President can veto a declaration of war by Congress. It would be a most dangerous rule if the President held a veto power in this connection.

Section 1 of Article II of the Constitution provides, among other things, that—

> In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of his office, * * * the Congress may by law provide for the case of removal, death, resignation, or inability both of the President and the Vice President.

Supposing a President should become wholly unable to discharge the powers and duties of his office, and, in the interests of the country, it became imperative that the Congress by law provide for such an emergency, declaring the inability of the President to discharge the powers and duties of his office, would anyone contend that the President then in office and thus disqualified could veto such an act of Congress? If the question may rightfully be answered in the affirmative, we might be confronted with the case of a President wholly unable to discharge the powers and duties of his office and by his own veto obstruct the business of the office for four years. It appears that this is the only method by which a case of this character could be reached, as the Constitution provides for only three grounds of impeachment of the President, Vice President, and all civil officers of the United States, to wit:

> Conviction of treason, bribery, or other high crimes and misdemeanors.

It might be contended that this provision of the Constitution only contemplates the voluntary resignation by the President during his inability to discharge the powers and duties of his office. If that is the construction to be placed upon the Constitution, then there is no way whereby the inability of the President can be determined except by his own admission and by his willingness to permit some one else to act until the disability be removed. If this part of the Constitution is meaningless and unenforceable, then certain it is that the Constitution should be amended. These provisions of the Constitution are cited in order to show that the third paragraph of section 7 of the Constitution does not apply when the clear language of the Constitution would be inoperative if controlled by said paragraph.

The Congress having absolute power "to declare war," it is an anomalous situation if Congress is not likewise empowered to declare that a state of war which it brought into existence is at an end. If Congress has not the power to so declare the state of war at an end, then a state of war once declared may continue indefinitely or until some President is found who would not veto a resolution by the Congress declaring that a state of war was ended. In this connection, as having some bearing upon the question at issue, it may be stated that Germany did not declare war against this country, and in such case a very different proposition would confront this Congress.

Laying aside the matter of the legal right of the President to veto the action of Congress in the event of the adoption of this resolution, what reason can be suggested why he should do so? Laying politics aside and looking to the welfare of this Government and to the needs and the wishes of the people of this country, there is no excuse for the rejection of this resolution.

The President may assign, as an excuse for vetoing the action of Congress, in case it adopts this resolution, that Congress, the legislative branch of this Government, is encroaching on the prerogatives of the Executive as related to his power to negotiate treaties. If this is the only reason that may be advanced for the exercise of the veto power lodged in the President, it probably will occur to the people of this country that the prerogatives and powers of the other branches of this Government have been so often usurped in past years as that it has lost its meaning, influence, and natural application altogether.

I shall vote for the adoption of this resolution because I believe that the people of this country are earnestly in favor of its adoption, for the reason that it will be of benefit to all matters of business in this country, for the reason that it is the right thing to do, and for the further reason that the peace with

Germany should have been disposed of long ago and never "entangled" with the covenant of the League of Nations. The Senate of the United States possessed the undoubted right to pass upon both propositions, and separately without coercion or handicap of any kind or sort.

Mr. PORTER. Mr. Speaker, I yield to the gentleman from Kansas [Mr. STRONG].

Mr. STRONG of Kansas. Mr. Speaker, I am very glad that there is no reason of any kind which will prevent my voting to establish officially that peace which the people of the country are demanding and for which the splendid men of our Army and Navy sacrificed so much; and I believe that no vote that I have cast since I became a Member of this House will come nearer meeting the unanimous approval of the people I have the honor to represent as the one I shall cast for this resolution declaring officially the state of war with Germany at an end and revoking the war-time powers of the President.

I regret that our friends on the Democratic side of this House are not to be allowed by their party to have the pleasure of voting for this resolution, for I know many of them would like to do so. It is unfortunate for the country that now that the Republican Party is in the majority the Democratic Members of the House must become obstructionists, opposing all measures we propose. This is so in the matter of appropriation bills. If because of the fact that they left us an empty Treasury, a national interest-bearing debt of $26,000,000,000, and a deficit between our yearly income and expenses of $3,000,000,000 we are forced to adopt a program of economy they at once try to prevent our carrying the same into effect. It was true with the railroad bill. The President having set March 1 as the time for returning the roads to their owners, it was the duty of the majority party to provide legislation governing such return and to enable the roads to continue to give service to the people; yet our Democratic friends obstructed and denounced us for doing what the needs of the country required, and so it is with this resolution.

The Nation has waited for 17 months since the armistice for a declaration of peace, yet now that our party has introduced this resolution the leaders on the Democratic side denounce it and write long technical briefs in an attempt to show that "we should not make a separate peace with Germany" and "that it is a violation of the Constitution." They overlook the fact that the President led our allies into a separate peace with Germany which they have already consummated but with which he interwove his League of Nations and made it impossible to us, because it destroyed our independence. So we are left but two alternatives—to either declare a separate peace or to delay until we can have a Republican President who will negotiate an American treaty.

In order to make their cry of "unconstitutionality" they point out that Congress has no power to make treaties, and then insist that this resolution is a treaty. Yet these same "constitutional objectors" applauded the President when he ripped open the Constitution and took therefrom the right of Congress to declare war and gave it to a League of Nations across the sea, dominated and controlled by a nation that was to have six votes to our one.

Is it possible we can pass a resolution stating that war exists, as this Congress did, and yet can not pass a resolution stating that it no longer exists? Or must we remain technically at war because the President insists upon having the treaty signed upon the dotted line?

Our Democratic friends say "the President will veto the resolution if we pass it, and we have not a majority large enough to pass it over his veto, and they will not help us to do so." Well, if this result comes I believe the people in November will give us both the Presidency and a two-thirds majority in this House. The people want peace; they want the unusual war powers which interfere with business and restrict free speech and American rights taken from the Executive. They are tired of a government of the President, by the President, and for the President. For my part I could not look the people I am representing in the face if I failed to vote for this resolution. I would feel that I was not loyal to the sacrifice of those who made this resolution possible. I shall vote for peace.

Mr. PORTER. Mr. Speaker, I yield to the gentleman from Delaware [Mr. LAYTON].

Mr. LAYTON. Mr. Speaker, I am heartily in favor of this resolution. The only criticism I make is that it was not introduced long ago. I favor it because the country demands it. I favor it because our financial, industrial, agricultural, and commercial interests demand it. I favor it because it is an absurd and silly thing to be technically at war and virtually at peace with Germany. I favor it because all our allies with whom we were associated in the late war have already concluded peace with Germany. Seeing that peace is eminently desirable, what, after all, is the real opposition to the passage of this resolution? When the situation is carefully analyzed it is seen to be solely the opposition of the President, the same opposition that led to months of vexatious delay in the matter of the League of Nations, and finally to its rejection, because one imperial will was set against the constitutional right of the Senate and the will of the people, even though our allies had openly declared that they would accept the league with the Lodge reservations.

While the world is in a vast turmoil, and is muddling along in confusion and uncertainty, our projects of reconstruction, involving not only those of this country but of world-wide inclusion, and the supreme necessity for coordination on the part of all the functions of our Government are delayed and even arrested, because of the strange and inexplicable attitude of the President.

The universal query on the lips of everyone at home and abroad is what sort of a Government now exists in the United States. Have we still a constitutional Government or a dictatorship? Have the legislative bodies lost their constitutional powers, or has all power passed into the hands of one man whose whims and desires have become supreme and who evinces a determination to evade the Constitution and all those precedents which time has sanctified for more than a century? I confess I am astounded and even dismayed at the situation, and am utterly unable to understand the position of those in this House who celebrate appropriatingly the memories of the fathers who formulated and delivered to us those splendid principles which we all, whether Republicans or Democrats, profess to revere and cherish. And more especially do I feel this when I see men sacrifice their own independence and gradually submit to encroachment after encroachment upon constitutional rights seemingly careless of their trust and weakly yield themselves to an autocratic will. I am called a Republican, but I yield to no Democrat a deeper and more sincere regard for the principles of a representative democratic Government which was so clearly enunciated by the framers of our Constitution.

In a representative democratic Government there should be no will but the will of the people, no force to prevail over that of the representatives of the people. A President is chosen by the same power which chooses the Members of this House. Under the fundamental law of the land they are each supreme in their respective spheres of action, but the whole spirit of the Constitution implies and demands a hearty and harmonious coordination of the three separate functions of our Government in order that the people may receive those blessings which can only flow from harmonious and coordinate action.

This resolution is not only right, but timely. The war is over. For all practical purposes it has been ended for a year and a half. This country alone is still technically at war because of the pique of one man, who seeks to thwart not only the popular demand, but the needs of the world because his own supreme will was not submitted to in the matter of the League of Nations.

The power to declare war lies in the Congress. The power to end war should be determined by the same authority, otherwise the declaration that this is a country where the people rule is a farce and that rule has been supplanted by the rule of one man. In this connection, in order to throw a bright light upon the subject of this resolution, I desire to quote as a part of my remarks the following editorial, taken from the Washington Post of date April 5, 1920, which, to my mind, furnishes an illuminating analysis of the resolution now under discussion:

Those who oppose the resolution which proposes to terminate the state of war and repeal the war powers of the President are beginning to dispute the constitutional right of Congress to make peace. They intend to attack the resolution on this ground. They hold that peace can be made only by treaty, which the President alone has the power to negotiate.

While there are features of the pending resolution which are open to criticism, it will be safer for its opponents to attack it on other grounds than those of constitutionality. A little analysis of the matter ought to convince any American that Congress can constitutionally exercise the power to make peace when necessary.

There is no limit to the powers of Congress in making war. Congress may do anything necessary to preserve the Nation's existence.

The power to make war is the power to preserve the Nation. The power to make peace is also the power to preserve the Nation, as would be demonstrated very quickly in case of a disastrous war.

The sword and the purse are held by Congress. It handed the sword to the Executive and told him to carry the war to a successful termination, which he did. Congress can take back the sword when it will.

War is a policy which can be adopted only by Congress. It is a continuation and development of a precedent policy, merely substituting force to accomplish what had been unsuccessfully sought by protest and warning. The Executive executes the policy declared by Congress, using the means provided by Congress and subject to the rules regulating the forces which are laid down by Congress.

The Executive can not terminate the policy any more than he can refuse to execute it. The policy may have been adopted over his veto, but it remains in effect until Congress decides otherwise. The termination of war must be in accordance with the policy of Congress, and therefore with the consent of Congress open or tacit. An attempt to terminate the war against the will of Congress would be equivalent to an attempt by the Executive to repeal the declaration of war.

The Executive and Congress may disagree as to the wisdom of continuing a war. The will of Congress controls.

Executive neglect, failure, or refusal to treat for the termination of war does not affect the power of Congress to determine the national policy and to change the policy from war to peace.

An Executive might treat for the termination of a war which Congress did not wish to terminate. His effort would be in vain.

Congress can by law direct the Executive to treat for the termination of war, in pursuance of the policy it has decided to execute.

War is usually terminated by a treaty, but not necessarily. But it is always terminated with the consent of Congress, and tacitly under its direction. This direction can be made explicit by law, but usually it is not necessary to do so.

The conduct of foreign relations is in charge of the President, operating through the Department of State. Congress created that department and can abolish it. But while the President is in charge of the conduct of foreign relations he is subject to law and he can not conduct foreign relations in violation of law. If Congress desires peace he can not prosecute war, and if Congress desires war he can not make peace.

The termination of war is the termination of the policy of force. The continuation of the policy may depend upon a foreign government but the termination can not be decided by a foreign government or by the Executive without the consent of Congress.

The Executive can not declare war or declare peace. He can proclaim either, but only in pursuance of law. If pence is made by treaty, it is law.

The reason why war is usually terminated by treaty is because it is usually desirable to treat with the enemy. But this is not always necessary or desirable. A treaty proposing to end war has just been rejected by the Senate, because it is not the policy of Congress to end the war on the terms stated in the treaty.

The Senate in making treaties acts according to the will of Congress. No treaty ending war can pass the Senate against the will of Congress, for the Senate is a part of Congress. The Senate does not possess two natures, although it exercises two powers. It exercises its share of the treaty-making power in harmony with its share of the lawmaking power. As the Senate helped to establish the policy of war, it will act according to its nature in dealing with that policy. As a lawmaker it can not favor war and then as a treaty maker favor peace.

Any treaty ending war, if acceptable to Congress, can readily pass the Senate.

The Executive can make treaties only if the Senate concurs.

Congress can make laws even if the Executive does not concur.

If Congress, in pursuance of its policy, determines to change from a state of war to a state of peace, and the Executive should refuse to cooperate in the treaty-making function, or if he should insist upon a treaty that would be equivalent to a refusal to execute the policy of Congress, then Congress can make peace by law instead of by treaty.

Any act of Congress is just as much the supreme law of the land as is a treaty.

The power to terminate war by law is an indispenable alternative. It does not disturb, deny, or destroy any of the powers of the Executive. It is available, however, in case he fails to exercise his powers or attempts to abuse his powers; as, for example, an attempt to continue a war by refusing to negotiate peace or by negotiating an unacceptable treaty for the purpose of having it rejected or by refusing to proceed with ratification of a treaty to which the Senate had attached reservations.

The question of policy always remains in the control of Congress, and by its power to overrule the Executive in the making of laws Congress can compel him to execute its policy of war or peace.

In my judgment the time has come—indeed, it has been too long delayed—when all of us here, we who came here as the representatives of the people and not as the representatives of an imperial will, should forget everything except our duty to the country. For my part, be he Democrat or Republican in the White House, I stand for the old-time powers and precedents. As long as I have a vote in this body I shall act as an independent representative commissioned by my constituents to observe their will. I have no other conception of my sworn duty as long as I believe that this should be a Government of the people, by the people, and for the people.

Gentlemen on the other side of the House prate of unconstitutionality, suddenly and strangely sensitive to what they term an infraction of the Constitution, and yet silent and nerveless for a long time past under repeated assaults upon the same Constitution and those revered precedents which time has given a plain sanction to, equaling the force of constitutional laws themselves. This attitude can only be explained by assuming that they feared a conflict with the presidential will and at any cost determined to avoid it.

The gentlemen upon the other side who subordinate their wills and their judgments to one man, and by so doing rob their party of the last vestige of national confidence, present a spectacle so strange that one is almost led to believe in some malign fate following upon their footsteps. They say that this resolution is merely a declaration; that it will amount to nothing if passed; that it is void in law; that it is a trespass upon the constitutional rights of the President and the Senate; and that its design is solely to embarrass the President. Let us leave out all these considerations except the last. Why should not the President be embarrassed? For long months he has embarrassed not only this country but the world. Has the time come when the whims and desires of one man become of such supreme importance that a royal consideration must be extended to him while grave matters affecting the public welfare are held in uncertain abeyance? And yet this is what we are asked to do.

The illness of the President is used as an excuse for opposing all legislative action contrary to the President's will. If criticism of this condition occurs, a hot flame of indignation flows from the mouths of his partisan and sycophantic supporters, charging against such critics a lack of the commonest decencies and sensibilities of human intercourse and an absence of the very commonest instincts of kindness and sympathy. If true, this charge would be shameful. The facts are the President is ill under certain circumstances and should be almost reverently considered, and under other circumstances he is in such a splendid state of mentality that all other minds should cease to function and his alone be allowed to determine every domestic and world-wide problem.

I desire to make this declaration: The Members of this House, and those of the Senate, can not intelligently discharge their duties to the country without keeping in mind the peculiar temperament and mentality of the President. At a time when counsel, wisdom, and the heartiest coordination is demanded, it is lacking, because the President will have nothing but his own way. It is not necessary to dwell upon this. Multitudinous facts are known to every American, substantiating this declaration, and thousands more to be found in Europe during the President's sojourn there. There is no doubt, and no one on calm reflection and with an informed mind can escape the conclusion, that the President by his peculiar quality of mind and temperament became at the most critical need of the world its greatest marplot. Long continued and glowingly voiced altruism, including those 14 alkaloidal extracts of human righteousness in government, were gradually given away under the delicate but keen and cold manipulation of those astute representatives of England, France, Italy, and Japan. Recognizing as they did the voracious ambition of the President to become the first President of a united states of the world, they fed his vanity to repletion, tricked him at every point, and gave him the empty shell of a righteous League of Nations, while they robbed the world and at the same time obtained the President's assent thereto. The argument is advanced that the President's pledges and promises should be made good because those to whom he made them accepted them in good faith. This is an outrageous argument. It is not to be believed for a moment that such men as Lloyd-George, an Englishman, and acquainted with the constitutional history of this country by reason of our historical relations to his own, or Clemenceau, who spent years in this country, breathing the life and the spirit of our laws, nor in fact Sontino nor the Mikado were not aware of the supreme fact that the President of the United States had no power to bind the Senate of the United States in the making of treaties, and also of the further fact that historically no former President had ever dared to assume such power. The President went across the ocean to match minds. It is perfectly plain now how that mind matching concluded.

I desire to call attention to another fact of supreme importance which ought to be more and more considered. When the armistice was signed we possessed the confidence, the esteem, and the profound gratitude of all our allies, at least in Europe. To-day we have inherited by reason of the regrettable pilgrimage of the President in Europe general scorn and blame. The President's stay in Europe was one of royal magnificence. The American entourage was more costly than that of kings. His seclusion was that of an august potentate. He had more than a thousand in his royal train, and took the advice of none of them. He journeyed hither and thither attracting great crowds of the proletariat, who followed him as a Pied Piper of Hamlin, hanging upon his lips, entranced and exalted, by reason of the glorious things that would be born out of his conception of a supergovernment of the world. He threatened established governments, forgetful that they had just been recently confirmed by the will of their respective peoples, while he himself had been repudiated.

This attitude of arrogance and of power was unutterably deplorable. While the President was dwelling in an unreal world of his own creation the representatives of England, France, Italy, and Japan—those mastercraft men in the arts of diplomacy—were not only stealing every one of the principles of the 14 points from under the President's nose and executing the most monstrous and colossal territorial grabbing scheme that the world had ever known, but were themselves looting and robbing, and in such a way, notably in the Shantung matter, as to build up and make great the potential power of Japan, which England is undoubtedly designedly doing in order to have a club over the head of this country in the future.

For our money and our dead we traded off confidence and friendship for scorn and ill will and territorial adjustments that will serve as a serious menace to our future peace.

The time has gone by for further inaction. If the President be of sound mind, and if the only obstacle to peace and to reconstruction is an imperial determination to have his own way regardless of the will of the Senate and of the House and of the whole people, this resolution should be passed as quickly as possible. If the President's mind is unsettled, and if he no longer can think and act in a normal way responsive to the needs and the necessities of the country at large, this resolution should be all the more quickly and promptly passed or the strange spectacle of a Government without a normal mind at the head of it will be presented to the gaze of the whole world. It will be a spectacle of a representative democracy drifting along like a ship in the turbulent waters of a stormy sea without a pilot. The plea is made that we have no constitutional right to make a peace treaty in this House; that that power is reserved for the President and the Senate. This resolution makes no treaty. It simply sanctions and approves in a solemn way the terms of peace already approved by the President and all our allies in the late war.

The crux of the matter is that the President does not want a peace treaty without his own particular League of Nations. He has openly declared that he would so interweave his scheme for a League of Nations with the peace treaty that both would have to be taken or neither of them. The country wants the peace treaty but does not want the President's particular brand of a League of Nations. This is as manifest as a fact can be, and is evidenced on every hand by the public press and the declarations of the people whenever they have had an opportunity for expression. But this state of facts makes no impression upon the presidential mentality. He cares nothing for the constitutional rights of the Senate, nothing for the desires and necessities of the people. Like a dictator, he is bent, at any cost, on having his own way.

This resolution simply expresses what the country wants. It is a proper expression of the popular will. If passed, it will serve not only to calm the people here but to give to other countries a proper understanding of the will and purpose of this country, which the President so continuously and so grossly perverted while abroad. If the resolution is new as to precedents, it can be said that the present situation is new also. It is time when the sincerest and wisest thought in the country, regardless of partisanship or politics, should be united in a common purpose, not for our national welfare only, but for world-wide good. At this time when, to a greater degree than ever, the three branches of Government should be in the most harmonious accord, the Government of the country is largely impeded in every proper function by the imperial, or impaired, mind of one man, and those necessary and imperative steps looking to the restoration of peace with Germany, and the reconstruction necessarily demanded after the late war of such fearful magnitude are arrested.

Finally, the situation is this: The President says, "You shall have no peace with Germany and her allies unless you take my League of Nations with it." The Senate says, "We will not take your League of Nations unless it is properly safeguarded by such reservations as shall preserve our old-time independence and liberty." In reply, the President says, "I will throw the whole thing into the campaign as a political issue, and keep in the seclusion of the White House while I pray that some other war will break out, so that I can point to it as a proof of my foresight and wisdom and the foolishness of the Senate and the people." All of which means the country has for a President one who, regardless of every demand of the hour, demands his own way. What is the remedy for this anomalous situation? It is clearly to pass this and all other proper legislation that will reassure the country, and then wait patiently on time and the dispensation of Divine Providence and the American voter for the certain solution of this unprecedented problem.

Mr. PORTER. Mr. Speaker, I yield to the gentleman from Nebraska [Mr. ANDREWS].

Mr. ANDREWS of Nebraska. Mr. Speaker and gentlemen of the House, I heartily indorse the pending resolution and count it a rare privilege to assist in its passage.

It reads as follows:

[H. J. Res. 327, Sixty-sixth Congress, second session.]

Joint resolution terminating the state of war declared to exist April 6, 1917, between the Imperial German Government and the United States; permitting on conditions the resumption of reciprocal trade with Germany, and for other purposes.

Whereas the President of the United States, in the performance of his constitutional duty to give to the Congress information of the state of the Union, has advised the Congress that the war with the Imperial German Government has ended:

Resolved, etc., That the state of war declared to exist between the Imperial German Government and the United States by the joint resolution of Congress approved April 6, 1917, is hereby declared at an end.

SEC. 2. That in the interpretation of any provision relating to the date of the termination of the present war or of the present or existing emergency in any acts of Congress, joint resolutions, or proclamations of the President containing provisions contingent upon the date of the termination of the war or of the present or existing emergency, the date when this resolution becomes effective shall be construed and treated as the date of the termination of the war or of the present or existing emergency, notwithstanding any provision in any act of Congress or joint resolution providing any other mode of determining the date of the termination of the war or of the present or existing emergency.

SEC. 3. That with a view to secure reciprocal trade with the German Government and its nationals, and for this purpose, it is hereby provided that unless within 45 days from the date when this resolution becomes effective the German Government shall duly notify the President of the United States that it has declared a termination of the war with the United States and that it waives and renounces on behalf of itself and its nationals any claim, demand, right, or benefit against the United States or its nationals that it or they would not have had the right to assert had the United States ratified the treaty of Versailles, the President of the United States shall have the power, and it shall be his duty, to proclaim the fact that the German Government has not given the notification hereinbefore mentioned, and thereupon and until the President shall have proclaimed the receipt of such notification, commercial intercourse between the United States and Germany and the making of loans or credits, and the furnishing of financial assistance or supplies to the German Government or the inhabitants of Germany, directly or indirectly, by the Government or the inhabitants of the United States shall, except with the license of the President, be prohibited.

SEC. 4. That whoever shall willfully violate the foregoing prohibition whenever the same shall be in force, shall upon conviction be fined not more than $10,000, or, if a natural person, imprisoned for not more than two years, or both; and the officer, director, or agent of any corporation who knowingly participates in such violation shall be punished by a like fine, imprisonment, or both, and any property, funds, securities, papers, or other articles or documents, or any vessel, together with her tackle, apparel, furniture, and equipment, concerned in such violation, shall be forfeited to the United States.

SEC. 5. That nothing herein contained shall be construed as a waiver by the United States of any rights, privileges, indemnities, reparations, or advantages to which the United States has become entitled under the terms of the armistice signed November 11, 1918, or which were acquired by or are in the possession of the United States by reason of its participation in the war, or otherwise; and all fines, forfeitures, penalties, and seizures imposed or made by the United States are hereby ratified, confirmed, and maintained.

This resolution recalls great historical events. Most of us sat upon the floor of this House on the 2d of April, 1917, to hear the message of the President of the United States in relation to the momentous questions that were then endangering the civilization of the world. As we listened to the words of President Wilson at that time and reflected upon the grave consequences involved we found it impossible to banish from our minds the words "he kept us out of war."

Let the American literature of 1916 be flashed upon the screen in contrast with that war message of April 2, 1917. Let the citizenship of America to-day consider calmly and thoughtfully the significant examples therein revealed. In the midst of such reflections an irresistible exclamation forced itself into expression, "What a change!" Immediately the thoughtful mind began to search for the reasons and to weigh the consequences of the future.

The war resolutions passed quickly through the House and Senate and were approved by the President April 6, 1917, three years ago last Tuesday. Great events followed one another in rapid succession as the Army, the Navy, the financial, the industrial, the commercial, and the agricultural affairs of the Nation sprang into lively activity for the mobilization of an Army and a Navy of adequate proportions, and also the mobilization of the financial resources of the country to furnish the sinews of the war. Never had the dogs of war been unleashed in such a mighty contest before.

Our country was speedily transformed from an era of peace into an era of war, death, and destruction. The smiling countenances, the merry laughter, the good cheer, the happiness, the plans, and the hopes of a day of peace were speedily exchanged for sorrowing faces, tearful eyes, sad voices, throbbing hearts in the opening days of war.

Fathers and mothers, young men and young women, have laid aside the cheerfulness of the day of peace and now breathe the sadness of the days of war. Young men by the millions turned sorrowfully from their homes to the camps and fields of battle. What did it all mean? Must this tremendous price in treasure and life be paid that liberty and free government may live? What has entered into the soul of humanity that forces this unspeakable cruelty into the experiences of human life? Does it cost more to subdue human passion and deliberate destruction of life and property than it does to supply all the peaceful agencies of government? Such is the sad commentary upon the civilization of the world.

Notwithstanding these grave consequences American boys by the million marched bravely to the front and carried our flag of liberty across the ocean to the field of contest on European soils, and helped to destroy tyranny, monarchy, and oppression. American girls by the thousand and hundreds of thousands turned aside from their schools and ordinary vocations

of life, comfort, and ease to help in war work at home. Many of them went to the front with their gifts, ministrations of kindnesses, sympathy, and helpfulness in the midst of the contest. But since the victory and signing of the armistice on the 11th of November, 1918, what progress have we made toward the reestablishment of safe and sane government throughout the world? This period of reconstruction is quite as important as the war period itself. Calmness and patient loyalty to human rights under free government are essential characteristics that must be molded into the citizenship of the nations of the world.

In the midst of this period of reconstruction came the consideration of the treaty of peace and a League of Nations. Never in all the history of the world was broad, intelligent, Christian statesmanship needed more imperatively than it was at that great crisis. Those great problems demanded broad-mindedness, the absence of selfish ambitions, the absence of autocratic, dictatorial manifestations of individuality. We waited patiently and anxiously during the months covered by the sessions of the peace commission in Paris. Debates upon great problems were passing to and fro in the meantime. On the 10th of July, 1919, the President submitted to the American Senate the treaty of peace with Germany interlaced with a covenant for a League of Nations.

It would be unduly painful to attempt to rehearse even a small portion of the debates that have followed on that subject in the Senate and throughout the country. An opportunity appeared last October for the ratification of that treaty of peace and the League of Nations with mild reservations, but the representatives of the President on the floor of the Senate rejected all overtures and the debates went on. By and by a decisive majority of the Senate adopted reservations and embodied them in a resolution of ratification. When the treaty and covenant for the League of Nations was submitted under that resolution with the reservations the administration directed its rejection, and so it passed to defeat in the Senate on the 17th of December, 1919. Within a few weeks it was resurrected from the files of the Senate, brought forward in the second attempt to secure ratification, but after prolonged discussion the administration again directed its rejection, and accordingly on March 19, 1920, it was rejected a second time and returned to the President with an official notification that the Senate had failed to advise and consent to its ratification. It has been since that time in the possession of the President, with no indication that any movement will be made by him to secure ratification upon terms agreeable to the Senate.

As the President and the Senate are clothed by our National Constitution with coordinate powers in making treaties with foreign Governments, each has its right under the Constitution to exercise its judgment according to its own convictions.

So far as we are able to understand conditions at this time there is no prospect of an agreement between the President and the Senate upon this important question.

Each of us, therefore, as Members of the House, having no authority in the matter of the ratification of the treaty, must exercise individual judgment as to our duty in relation to the decision of peace between the United States and Germany. Nearly 17 months have elapsed since the signing of the armistice, and yet we are technically at war with Germany.

For myself I regard it as my imperative duty to vote for the adoption of this resolution as a means of removing that legal technicality which holds our Nation constructively at war with the German Government. Personally I have been from the outset, and I am now, in favor of the ratification of the covenant for a League of Nations with such reservations as will harmonize it fully with our National Constitution, the Monroe doctrine, and the settled policies that have made our Nation strong and great.

When that document was submitted to the Senate two extremes immediately manifested themselves—unqualified ratification on the one hand and unqualified rejection on the other. Investigation and discussion brought a majority of the Senate to a compromise midway between the extremes. Certain reservations were agreed upon and adopted by a decisive majority of the Senate, as follows:

Resolution of ratification.

Resolved (*two-thirds of the Senators present concurring therein*), That the Senate advise and consent to the ratification of the treaty of peace with Germany, concluded at Versailles on the 28th day of June, 1919, subject to the following reservations and understandings, which are hereby made a part and condition of this resolution of ratification, which ratification is not to take effect or bind the United States until the said reservations and understandings adopted by the Senate have been accepted as a part and a condition of this resolution of ratification by the allied and associated powers, and a failure on the part of the allied and associated powers to make objection to said reservations and understandings prior to the deposit of ratification by the United States shall be taken as a full and final acceptance of such reservations and understandings by said powers:

1. The United States so understands and construes article 1 that in case of notice of withdrawal from the League of Nations, as provided in said article, the United States shall be the sole judge as to whether all its international obligations and all its obligations under the said covenant have been fulfilled, and notice of withdrawal by the United States may be given by a concurrent resolution of the Congress of the United States.

2. The United States assumes no obligation to preserve the territorial integrity or political independence of any other country by the employment of its military or naval forces, its resources, or any forms of economic discrimination, or to interfere in any way in controversies between nations, including all controversies relating to territorial integrity or political independence, whether members of the league or not, under the provisions of article 10, or to employ the military or naval forces of the United States, under any article of the treaty for any purpose, unless in any particular case the Congress, which, under the Constitution, has the sole power to declare war or authorize the employment of the military or naval forces of the United States, shall, in the exercise of full liberty of action, by act or joint resolution so provide.

3. No mandate shall be accepted by the United States under article 22, part 1, or any other provision of the treaty of peace with Germany, except by action of the Congress of the United States.

4. The United States reserves to itself exclusively the right to decide what questions are within its domestic jurisdiction and declares that all domestic and political questions relating wholly or in part to its internal affairs, including immigration, labor, coastwise traffic, the tariff, commerce, the suppression of traffic in women and children and in opium and other dangerous drugs, and all other domestic questions, are solely within the jurisdiction of the United States and are not under this treaty to be submitted in any way either to arbitration or to the consideration of the council or of the assembly of the League of Nations, or any agency thereof, or to the decision or recommendation of any other power.

5. The United States will not submit to arbitration or to inquiry by the assembly or by the council of the League of Nations, provided for in said treaty of peace, any questions which in the judgment of the United States depend upon or relate to its long-established policy, commonly known as the Monroe doctrine; said doctrine is to be interpreted by the United States alone and is hereby declared to be wholly outside the jurisdiction of said League of Nations and entirely unaffected by any provision contained in the said treaty of peace with Germany.

6. The United States withholds its assent to articles 156, 157, and 158, and reserves full liberty of action with respect to any controversy which may arise under said articles.

7. No person is or shall be authorized to represent the United States, nor shall any citizen of the United States be eligible, as a member of any body or agency established or authorized by said treaty of peace with Germany, except pursuant to an act of the Congress of the United States providing for his appointment and defining his powers and duties.

8. The United States understands that the reparation commission will regulate or interfere with exports from the United States to Germany, or from Germany to the United States, only when the United States by act or joint resolution of Congress approves such regulation or interference.

9. The United States shall not be obligated to contribute to any expenses of the League of Nations, or of the secretariat, or of any commission, or committee, or conference, or other agency, organized under the League of Nations or under the treaty or for the purpose of carrying out the treaty provisions, unless and until an appropriation of funds available for such expenses shall have been made by the Congress of the United States: *Provided*, That the foregoing limitation shall not apply to the United States' proportionate share of the expense of the office force and salary of the secretary general.

10. No plan for the limitation of armaments proposed by the council of the League of Nations under the provisions of article 8 shall be held as binding the United States until the same shall have been accepted by Congress, and the United States reserves the right to increase its armament without the consent of the council whenever the United States is threatened with invasion or engaged in war.

11. The United States reserves the right to permit, in its discretion, the nationals of a covenant-breaking State, as defined in article 16 of the covenant of the League of Nations, residing within the United States or in countries other than such covenant-breaking State, to continue their commercial, financial, and personal relations with the nationals of the United States.

12. Nothing in articles 296, 297, or in any of the annexes thereto, or in any other article, section, or annex of the treaty of peace with Germany, shall, as against citizens of the United States, be taken to mean any confirmation, ratification, or approval of any act otherwise illegal or in contravention of the rights of citizens of the United States.

13. The United States withholds its assent to Part XIII (articles 387 to 427, inclusive) unless Congress by act or joint resolution shall hereafter make provision for representation in the organization established by said Part XIII, and in such event the participation of the United States will be governed and conditioned by the provisions of such act or joint resolution.

14. Until Part I, being the covenant of the League of Nations, shall be so amended as to provide that the United States shall be entitled to cast a number of votes equal to that which any member of the league and its self-governing dominions, colonies, or parts of empire in the aggregate shall be entitled to cast, the United States assumes no obligation to be bound, except in cases where Congress has previously given its consent, by any election, decision, report, or finding of the council or assembly in which any member of the league and its self-governing dominions, colonies, or parts of empire in the aggregate have cast more than 1 vote.

The United States assumes no obligation to be bound by any decision, report, or finding of the council or assembly arising out of any dispute between the United States and any member of the league if such member or any self-governing dominion, colony, empire, or part of empire united with it politically has voted.

15. In consenting to the ratification of the treaty with Germany the United States adheres to the principle of self-determination and to the resolution of sympathy with the aspirations of the Irish people for a government of their own choice adopted by the Senate June 6, 1919, and declares that when such government is attained by Ireland, a consummation it is hoped is at hand, it should promptly be admitted as a member of the League of Nations.

These reservations were inserted in the resolution of ratification by a majority vote.

In this connection I urge the gentlemen on the other side of the aisle to read and study the clear, forceful speech delivered by Senator HOKE SMITH of Georgia and printed in the CONGRESSIONAL RECORD for March 19, 1920, pages 4588 to 4593.

Those reservations expressing the deliberate judgment of a decisive majority of the Senate should have been accepted and the covenant ratified upon that basis long ago. A refusal to accept the rule of the majority is a positive declaration that the minority shall rule. No one can consistently advocate democracy and the rule by the minority at one and the same time. He may say, "Make the world safe for democracy," but at the same time he says, "Make America safe for autocracy"—rule by the minority, even one person.

The CONGRESSIONAL RECORD demonstrates that the treaty of peace with Germany and the proposed covenant of the League of Nations could have been ratified last October, also on the 17th of last December and again on the 19th of last March with the Senate reservations, if the will and recorded judgment of a decisive majority of the Senate had been permitted to control.

Since a minority has repudiated the rule of the majority and thus substituted autocracy for democracy, ratification by the Senate under existing conditions seems impossible. The House, therefore, should go to the full limit of its authority in the restoration of peace by repealing the war resolution enacted by the House and Senate and approved by the President on the 6th day of April, 1917. Such action will prepare the way for the repeal of the oppressive war statutes which clothed the President with arbitrary and dictatorial power. The business and citizens of the country should be relieved as speedily as possible from those oppressive war measures.

It has been stated on the other side of the aisle that the passage of this resolution will be an embarrassment to the President. He can avoid all embarrassment by signing the resolution as soon as it reaches the White House. If the gentlemen on the other side of the aisle wish to remove their embarrassment, let them vote for the resolution, and we will give the country the peace that it has been demanding for many months. [Applause on the Republican side.]

Mr. PORTER. Mr. Speaker, I yield to the gentleman from Wisconsin [Mr. NELSON].

Mr. NELSON of Wisconsin. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Wisconsin already has that privilege.

Mr. FLOOD. Mr. Speaker, I yield to the gentleman from Alabama [Mr. RAINEY].

Mr. RAINEY of Alabama. Mr. Speaker, the attainment of peace with its manifold blessings is a consummation devoutly to be wished. But peace at any price, peace in violation of the Constitution, peace in usurpation of vested constitutional authority, peace contrary to all the honored precedents and established forms of the American Government is more to be despised by a great and courageous people than to be desired. On yesterday gentlemen loudly exclaimed that the people demand peace. The American people do demand peace, but they demand a constitutional and an honorable peace. They are not now, and will never be, willing to destroy the constitutional basis of the American Government, conceived in the wisdom and experience of our fathers, in order to gain the accomplishment of any end, and much less the accomplishment of the ambitious aims of a political party seeking to ride through popular favor over constitutional authority into political power.

Loud complaint was made here yesterday that all the allied nations are now at peace with Germany, while America is technically still at war. All the other allied nations were wise enough to ratify the treaty of peace, while America, bound and fettered by designing politicians, has been held back while those politicians gambled on the destiny of our country over the graves of our soldiers who died that America might live. The Constitution expressly provides that the President shall have the power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur. No one surely, I presume, will say that the House of Representatives has any authority whatever in the negotiation, making, or ratification of treaties. The sole question then remains whether the joint resolution, or declaration of peace, under consideration, if consummated, is a treaty. The consensus of all authority is that a treaty is an agreement made by negotiation or diplomacy; specifically, an agreement, league, or contract between two or more States or sovereigns, formally signed by representatives duly authorized, and solemnly ratified by the several sovereigns, or the supreme power of each State, unless the treaty is personally concluded by the sovereigns or other persons exercising the sole treaty-making power.

The joint resolution before the House provides, among other things, that Germany must accept the terms thereof within 45 days from the date when the resolution becomes effective, and unless Germany does accept or agree to said terms then the United States shall prohibit commercial intercourse between this country and Germany, also prohibit the making of loans or credits, and the furnishing of financial assistance or supplies to the German Government or the inhabitants of Germany. It is clear, therefore, Mr. Speaker, that in order to make this resolution effective Germany must acquiesce in and agree to the terms of the resolution. Hence, the joint resolution here proposed is an attempt by the House of Representatives to negotiate a treaty; an attempt to usurp the functions of the President and the Senate of the United States; an attempt to violate the Constitution and here set up, in defiance of constituted authority, an arbitrary power. This daring political move on the part of the dominant party in this House; this open defiance of constituted authority; this bold attempt at usurpation of vested constitutional authority finds no precedent anywhere in all the annals of American history.

In every instance where the United States was involved in war with a foreign nation the termination of that war was affected through a treaty of peace. The Revolution terminated in the treaty of Paris, September 3, 1783. Following the War of 1812, President Madison, availing this Government of the offer of Russia as mediator between the United States and Great Britain, nominated, as envoys extraordinary and ministers plenipotentiary, Albert Gallatin, James A. Bayard, and John Quincy Adams. The President forwarded to the Senate, May 29, 1813, the nominations made for confirmation. On July 19, 1813, the Senate confirmed the nominations with the exception of Gallatin. Subsequently the British Government refused the mediation of Russia and sought to treat directly with our Government. The President proceeded immediately to nominate John Quincy Adams, James A. Bayard, Henry Clay, and Jonathan Russell as the commissioners to effect a treaty of peace with the British Government. On January 18, 1814, four days after the nominations were made, the Senate confirmed them. On February 9, 1814, Gallatin was again named by President Madison, and his nomination was duly confirmed. The treaty of Ghent was signed on December 24, 1814, and unanimously ratified by the Senate on February 16, 1815.

Directly following the victory of American arms at Buena Vista, in the Mexican War, President Polk appointed Nicholas Trist as a representative to negotiate a treaty of peace with Mexico. The President and his Cabinet drafted a treaty, and on April 16, 1847, Trist, in secrecy, and traveling under an assumed name, went to New Orleans with the treaty. The Mexican authorities refused this treaty and offered in lieu thereof another treaty. Finally, February 2, 1848, Trist succeeded in concluding a treaty with the Mexican plenipotentiaries, and the Senate ratified this treaty on March 10, 1848, which is known as the treaty of Guadalupe Hidalgo.

The Spanish-American War was concluded in the treaty of Paris, December 10, 1898, and was ratified by the Senate of the United States February 6, 1899. No attempt heretofore has ever been made by any Congress to transgress the Constitution in the settlement of any war or concluding of peace.

In the War with Mexico there was much opposition in the United States to the prosecution of that war. Efforts were made through Congress to terminate the war. These efforts, it is claimed, were not altogether honest, but used as instruments to embarrass and discredit the administration. These efforts, however, do not come up to the high-handed proceedings here proposed, but consisted in measures to terminate the war by cutting off or limiting appropriations and efforts to exercise pressure on the President by political strategy and maneuvering. These efforts were designed to so cripple the Chief Executive as to render further prosecution of the Mexican War impracticable or impossible. The joint resolution before us seeks not only to embarrass the Chief Executive but to usurp the authority expressly vested in him and in the Senate by the Constitution. It is a deliberate effort to negotiate a treaty of peace with Germany, and it is surprising that the joint resolution fails to nominate certain persons as ambassadors and ministers plenipotentiary to Germany.

Permanent peace following a war can only be properly attained by negotiation of a treaty. In the event the proposed legislative act passes and is signed by the President, then Germany, within 45 days, must enact a corresponding declaration of peace, in terms accepting and agreeing to the provisions set forth in the joint resolution. Such a peace would be one without definite conclusions—a peace fraught with a multitude of lawsuits over alien property and property rights, countless complications arising from German vessels seized and in American ports—in short,

it would be an inconclusive, unsettled, disjointed, undefined peace. After the inhuman sinking of the *Lusitania* America specifically entered the war in order to maintain the rights of our ships as a neutral nation upon the high seas, and the rights of American citizens on foreign commercial vessels sailing the high seas to be protected against submarine warfare. These rights Germany bitterly disputed and launched forth her unrestricted submarine warfare. If this resolution is to be the treaty for the conclusion of peace with Germany, none of these indisputable rights will be established; the millions of dollars of alien property in custody will become involved; the $25,000,000 of seized German vessels will be a subject of dispute, together with countless complications that will inevitably arise. The brand of peace proposed would indeed be a makeshift, charged with innumerable embarrassments and guillotining the glorious victory we achieved at such a tremendous sacrifice in money, blood, and life.

Such a consummation would be the negotiation of a separate peace with Germany, regardless of and ignoring our allies. However much we may conjecture as to such a peace, we but waste time and spend our thoughts in extravagant waste. It is utterly impossible to conceive that any President of the United States would ever sign such a document. The presidential veto, to all sane men at least, is a foregone conclusion, and the American people will loyally, patriotically sustain him in that veto. No political party can commit a travesty on law, defeat constitutional authority, and maintain the confidence and respect of the people. Such an unwise procedure in an endeavor to blind the people is but a rude makeshift and will fail to stiffly bear them up.

Is there any man here so unwise as to believe the President would sign such a resolution? Or is there any man here so foolish as to believe that two-thirds of either House would pass such a resolution over his veto? Miserable scapegoat for duties unperformed by the dominant political party! It is only a seductive whirlpool, fraught with countless dangers to the Republic had it the semblance of passage; but impotent and impossible as it is, it resolves itself into a political trick and scheme which inevitably must turn upon its creator to wreck a much-deserved punishment and chastisement.

It is contended by some, as was asserted by the gentleman from Alabama [Mr. HUDDLESTON] on yesterday, that he favored the resolution, and presumably for two reasons: First, because public sentiment demands peace, and second, because "the people continue to groan under harsh and restrictive war laws." In answer to his first assignment, let me say to the gentleman that the American people are averse to the conclusion of any peace other than an honorable one; a peace in violation of the Constitution is not an honorable peace. As to his second contention, let me say that it is not essential to the repealing of burdensome war measures that a peace resolution should be passed. The Republican Party could long ago have repealed these war measures had they desired to have done so.

Let us hope that constitutional procedure will be the only course America will follow. In that no question is ever settled until it is settled right, let us hope that the President and the Senate will yet negotiate a righteous peace, preserving all the rights that American soldiers fought and died for, and for which the American people sacrificed and prayed. Gentlemen, lay aside, in this solemn hour of the Republic, partisanism and political hatred—assume a virtue, if you have it not. Though ardent in politics and zealous for coming victory, let these ambitions not usurp your patriotism as your resolution seeks to usurp constituted authority. Let patriotism, wisdom, and unity of purpose prevail in this crucial period for the common good and the glory of the Republic.

When the proposition of the passage of this resolution is based upon a purely legal and constitutional status the position of those who favor the resolution is absolutely untenable, while the position of those opposed to the resolution is sustained by precedent, the Constitution of the United States, and every authority on international law. As a part of my remarks, I herein embody a memorandum furnished me by the Library of Congress, as follows:

Memorandum relative to the power of Congress to declare a state of peace through the agency of a joint or a concurrent resolution.

This question, it appears, was really anticipated in the discussion in the Federal Convention on August 17, 1787, with regard to the powers that should be bestowed upon Congress. The following excerpt taken from Madison's Journal is illuminating:

"To make war

"Mr. Pinkney opposed the vesting this power in the legislature. Its proceedings were too slow. It would meet but once a year. The House of Representatives would be too numerous for such deliberations. The Senate would be the best depositary, being more acquainted with foreign affairs, and most capable of proper resolutions. If the States are equally represented in Senate, so as to give no advantage to large States, the power will notwithstanding be safe, as the small have their all at stake in such cases as well as the large States. It would be singular for one authority to make war and another peace.

"Mr. BUTLER. The objections against the legislature lie in a great degree against the Senate. He was for vesting the power in the President, who will have all the requisite qualities and will not make war but when the Nation will support it.

"Mr. M[adison] and Mr. Gerry moved to insert 'declare,' striking out 'make' war, leaving to the Executive the power to repel sudden attacks.

"Mr. Sherman thought it stood very well. The Executive should be able to repel and not to commence war. 'Make' better than 'declare,' the latter narrowing the power too much.

"Mr. Gerry never expected to hear in a Republic a motion to empower the Executive alone to declare war.

"Mr. ELLSWORTH. There is a material difference between the cases of making war and making peace. It should be more easy to get out of war than into it. War also is a simple and overt declaration; peace attended with intricate and secret negotiations.

"Mr. Mason was against giving the power of war to the Executive, because not [safely] to be trusted with it, or to the Senate, because not so constructed as to be entitled to it. He was for clogging rather than facilitating war, but for facilitating peace. He preferred 'declare' to 'make.'

"On the motion to insert 'declare' in place of 'make' [it was agreed to].

"N. H., no; abst.; Cont., no; Pa., ay.; Del., ay.; Md., ay.; Va., ay.; N. C., ay.; S. C., ay.; Geo., ay. [Ayes 7, noes 2, absent 1.]

"Mr. Pinkney's motion to strike out whole clause, disagd. to without call of States.

"Mr. Butler moved to give the legislature power of peace, as they were to have that of war.

"Mr. Gerry 2ds. him. 8 Senators may possibly exercise the power if vested in that body, and 14 if all should be present, and may consequently give up part of the U. States. The Senate are more liable to be corrupted by an enemy than the whole legislature.

"On motion for adding 'and peace' after 'war.'

"N. H., no; Mas., no; Ct., no; Pa., no; Md., no; Va., no; N. C., (no); S. C., no. [Ayes 0, noes 10.]

"Adjourned."

In this connection, Dr. William Rawle, in his view of the Constitution (Philadelphia, 1829, p. 110–111), remarks:

"Treaties by which peace is completely restored may, as already shown, be made by the President and Senate alone, without the concurrence, and against the will of the House of Representatives.

"It has been made a subject of doubt whether the power to make war and peace should not be the same, and why a smaller part of the Government should be entrusted with the latter than the former. Sufficient reasons may certainly be assigned for the distinction. Peace is seldom effected without preparatory discussion, often of length and difficulty, the conduct of which, of course, belongs only to the President and Senate. War is always an evil; peace is the cure of that evil.

"War should always be avoided as long as possible, and although it may happen to be brought on us before observed, without the previous assent of Congress, yet a regular and formal war should never be entered into without the united approbation of the whole Legislature. But although a peace is seldom obnoxious and unacceptable to the public, yet its necessity or propriety may not always be apparent, and a public disclosure of the urgent motives that really exist in favor of it, may be prejudicial. The people have, in such case, a stronger motive for relying on the wisdom and justice of the President and Senate, than in the case of ordinary treaties. They are less likely than a larger body to be influenced by partial views or occasional inflammation, and the very circumstance of the smallness of their numbers increases their responsibility to public opinion."

Mr. Joseph Story, in his valuable Commentaries on the Constitution (Boston, 1872, p. 88), contributes the following:

"SEC. 1173. In the convention, in the first draft of the Constitution, the power was given merely 'to make war.' It was subsequently, and not without some struggle, altered to its present form. It was proposed to add the power 'to make peace,' but this was unanimously rejected upon the plain ground that it more properly belonged to the treaty-making power. The experience of Congress, under the confederation, of the difficulties attendant upon vesting the treaty-making power in a large legislative body, was too deeply felt to justify the hazard of another experiment."

Mr. J. I. C. Hare, in his treatise on American Constitutional Law (Boston, 1889, p. 171–172), first contrasts the systems of government in the United States and England, and then with reference to the President of the United States he adds: "He is as much the representative of the entire people of the United States as any Member of Congress can be of his district, and should therefore exercise the discretionary powers confided to him by the Constitution in the way that he may deem best calculated to promote the welfare of the country, which may not be the way deemed best by Congress. Take, for instance, the case of a war which Congress thinks unnecessary or unjust and wishes to close on terms that the enemy are willing to accept. Still, it is the right of the President, and not of Congress, to determine whether the terms are advantageous, and if he refuses to make peace the war must go on."

The legal authorities on international law, heretofore referred to, holding that a treaty of peace is necessary to establish a state of peace, I quote as follows:

Fiore: A war between two or more States can only be considered as legally ended by the conclusion of peace stipulated in a final treaty of peace.

Military occupation, although extended over a considerable period of time and rendered stable by the constitutional government, can not have the effect of causing the war to be considered as legally at an end, as the result of the tacit relinquishment of the territory occupied; but a formal treaty shall always be required, which shall recognize the new state of affairs, and thus war shall be declared at an end.

When under the provisions of constitutional law peace can only be concluded on condition that the treaty be ratified by the legislative bodies, the war must be considered at an end by the stipulation of the treaty of peace, but subject to the condition subsequent of ratification. The agreement must, however, be regarded as effective and can not be considered as broken unless the legislative assemblies have expressly refused to ratify the treaty. (Fiore, Pasquale, International Law Codified, secs. 1953, 1955, 1961.)

Lawrence: War between civilized States is almost invariably ended by a treaty of peace. It has sometimes happened that the belligerents have exhausted themselves and tacitly ceased from further operations,

but there are no recent instances of such a termination to hostilities in a struggle of any consequence, except the withdrawal of the French troops from Mexico in 1867 at the instigation of the United States. Wars may come to an end through the destruction of one of the communities engaged in them, as Poland was destroyed by the third partition, or as the Southern Confederacy fell after four years of strenuous warfare. In such cases no treaty is possible because there is no body politic left for the victor to treat with. Great Britain, however, strained a point in 1902 because of the special circumstances of the Boer War and consented to negotiate with the leaders of the Boer commandoes still in the field against her, though the Governments in whose name they waged war had ceased to govern and no longer exercised any powers of sovereignty over definite territorial areas. But when each of the belligerents preserves its political identity after the war a treaty is drawn up embodying the conditions of peace. (Lawrence, T. J., Principles of International Law, sec. 217.)

Bluntschli: War is terminated by the conclusion of peace, i. e., by a treaty between the belligerent States fixing the conditions and regulations of the renewed state of peace. (Bluntschli, Dr. J. C., Das Moderne Völkerrecht, sec. 703.)

Pomeroy: * * * practice has become universal, and as such incorporated into the positive law of nations, that all treaties should be written and executed with great formality. Whenever an agreement in the nature of a compact is verbal it must be reduced to writing as soon as possible.

The consent must be positive and certain, but it may have this quality of positiveness, and be either express or tacit or implied. A tacit or implied consent would generally have place in the case of a ratification. But mere silence would never amount to an implied consent; there must be some positive act indicating the assenting intention of the party. (Pomeroy, J. N., International Law, sec. 272.)

Oppenheim: Many publicists correctly call a treaty of peace the normal mode of terminating war. On the one hand, simple cessation of hostilities is certainly an irregular mode. (Oppenheim, L., International Law, vol. 2, sec. 266.) Subjugation, on the other hand, is in most cases either not within the scope of the intention of the victor or not realizable. And it is quite reasonable that a treaty of peace should be the normal end of war. (Oppenheim, International Law, vol. 2, sec. 266.)

Rivier, A.: Hostilities may cease and a de facto state of peace may be established without a special treaty of peace. This, however, is a rare occurrence and may be regarded as an anomaly.

Sooner or later a treaty of peace will have to take the place of the de facto state of peace. (Rivier, A., Lehrbuch des Völkerrechts, sec. 69.)

AUTHORITIES HOLDING THAT A TREATY OF PEACE IS NOT ABSOLUTELY NECESSARY TO ESTABLISH A STATE OF PEACE.

Phillimore: There appear to be three ways by which war may be concluded and peace restored:

1. By a de facto cessation of hostilities on the part of both belligerents and a renewal de facto of the relation of peace.
2. By the unconditional submission of one belligerent to another.
3. By the conclusion of a formal treaty of peace between the belligerents.

A formal declaration on the part of the belligerents that war has ceased, however usual and desirable, can not be said to be absolutely necessary for the restoration of peace. War may silently cease and peace be silently renewed. So ended the war between Sweden and Poland in the year 1716, namely, by a reciprocal intermission of hostilities; it was not until after the lapse of 10 years that peace was formally and de jure recognized as subsisting between the two Kingdoms.

In such a state of things the presumption of law would be that both parties had agreed that the status quo ante bellum should be revived. Yet, in the absence of any formal declaration, it would not be concluded that the claims which had given occasion to the war, or which had grown out of the war, were abandoned, but they must be considered as in abeyance. In fact, it is as difficult to predicate the consequences, legal and practical, of such a state of things as it would be to predicate the consequences of a treaty of peace which contained no clause of amnesty. (Phillimore, Sir. Robert, International Law, pt. 12, ch. 1, para. 510, 511.)

Oppenheim: Be that as it may, a war may be terminated in three different ways. Belligerents may, first, abstain from further acts of war and glide into peaceful relations without expressly making peace through a special treaty. Or, secondly, belligerents may formally establish the condition of peace through a special treaty of peace. Or, thirdly, a belligerent may end the war through subjugation of his adversary.

The regular modes of termination of war are treaties of peace or subjugation, but cases have occurred in which simple cessation of all acts of war on the part of both belligerents has actually and informally brought the war to an end. Thus ended in 1716 the war between Sweden and Poland, 1720 the war between Spain and France, in 1801 the war between Russia and Persia, in 1876 the war between France and Mexico. And it may also be mentioned that, whereas the war between Prussia and several German States in 1866 came to an end through subjugation of some States and through treaties of peace with others, Prussia has never concluded a treaty of peace with the Principality of Liechtenstein, which was also a party to the war. Although such a termination of war through simple cessation of hostilities is for many reasons inconvenient, and is therefore, as a rule, avoided, it may nevertheless in the future as in the past occasionally occur. (Oppenheim, L., International Law, secs. 261, 262.)

Heffter: It is not necessary that the termination of a state of war shall be formally declared by the belligerent parties, although it is advisable and customary. Hostilities may be silently ended. After friendly relations have thus been reestablished neither party may claim privileges which may accrue from a continued state of war. (Heffter, A. W., Das Europäische Völkerrecht der Gegenwart, sec. 177.)

Seward: It is certain that a condition of war can be raised without an authoritative declaration of war, and, on the other hand, the situation of peace may be restored by the long suspension of hostilities without a treaty of peace being made. History is full of such occurrences. What period of suspension of war is necessary to justify the presumption of the restoration of peace has never yet been settled, and must in every case be determined with reference to collateral facts and circumstances.

The proceedings of Spain and Chile which have been referred to, although conclusive, require an explanation on the part of either of those powers which shall insist that the condition of war still exists. Peru, especially with Spain, has an absolute right to decline the good offices or mediation of the United States for peace as either has to accept the same. The refusal of either would be inconclusive as an evidence of determination to resume or continue the war. It is the interest of the United States, and of all nations, that the return of peace, however it may be brought about, shall be accepted whenever it has become clearly established. Whenever the United States shall find itself obliged to decide the question whether the war still exists between Spain and Peru, or whether that war has come to an end, it will make that decision only after having carefully examined all the pertinent facts which shall be within its reach, and after having given due consideration to such representations as shall have been made by the several parties interested. (Seward, W., Secretary of State, to Mr. Gofii, Spanish minister, July 9, 1868, U. S. Diplomatic Correspondence, 1868, II, 32, 34.)

Vattel: We shall therefore content ourselves with observing that in case of a pressing necessity, such as is produced by the events of an unfortunate war, the alienations (of a part of a State) made by the prince in order to save the remainder of the State are considered as approved and ratified by the mere silence of the nation, when she has not, in the form of her government, retained some easy and ordinary method of giving her express consent, and has lodged an absolute power in the prince's hands. (Vattel, E. de, Law of Nations, Book IV, ch. 2, sec. 11.)

Hall: War is terminated by the conclusion of a treaty of peace, by simple cessation of hostilities, or by the conquest of one, or of part of one, of the belligerent States by the other. (Hall, W. E., A Treatise on International Law, III, ch. 9.)

EFFECT OF TERMINATION OF WAR THROUGH SIMPLE CESSATION OF HOSTILITIES.

Oppenheim: Since in the case of termination of war through simple cessation of hostilities no treaty of peace embodies the conditions of peace between the former belligerents, the question arises whether the status which existed between the parties before the outbreak of war, the status quo ante bellum, should be revived, or the status which exists between the parties at the time when they simply ceased hostilities, the status quo post bellum (the uti possidetis), can be upheld. The majority of publicists correctly maintain that the status which exists at the time of cessation of hostilities becomes silently recognized through such cessation, and is, therefore, the basis of the future relations of the parties. This question is of the greatest importance regarding enemy territory militarily occupied by a belligerent at the time hostilities cease. According to the correct opinion, such territory can be annexed by the occupier; the adversary, through the cessation of hostilities, having dropped all rights he possessed over such territory. On the other hand, this termination of war through cessation of hostilities contains no decision regarding such claims of the parties as have not been settled by the actual position of affairs at the termination of hostilities, and it remains for the parties to settle them by special agreement or to let them stand over. (Oppenheim, L., International Law, sec. 263.)

EFFECT OF REJECTION OF RATIFICATION OF PEACE TREATY.

Fiore: As soon as the decision not to ratify the treaty has been finally reached, the law of war shall once more be in full force and hostile acts may again be undertaken without reservation or condition. (Fiore, Pasquale, International Law Codified, sec. 1962.)

Westlake: The contracting authorities, of whom only one can, in general, be present at the court where the treaty is signed, reserve to themselves the power to conclude finally. The ratification may be refused by any party; and although this would be offensive if done without grave reason, it is impossible to limit the right of doing it, and there are sufficient examples of its being done even by foreign ministers who all along had control over the negotiations. Where the contracting authority is shared by a body having no such control, as the Senate of the United States, refusal of ratification may result from the exercise of independent judgment, and is very natural. Such a body will occasionally attempt to qualify its ratification by a modification of the terms of the treaty, but such a proceeding is nothing more than the proposal of a new treaty, which may or may not be accepted. (Westlake, J., International Law, Pt. I, ch. 12.)

INSTANCES WHERE RATIFICATION OF TREATIES WAS REFUSED.

Twiss: It may happen after a treaty has been signed by the plenipotentiary of a nation that grave circumstances occur under which the provisions of the treaty may be likely to have a prejudicial effect upon the interests of that nation which were not known at the time of signature. Under such circumstances the sovereign power of a nation is by usage justified in declining to ratify the treaty. Thus, the King of the Netherlands refused in 1841 to ratify a treaty for the incorporation of Luxemburg into the Customs Union of the Germanic States on the ground of the injurious effects which it was likely to exercise upon the commercial interests of his subjects, which had been brought to his knowledge subsequently to the signature of the treaty. So the King of the French declined in 1841 to ratify the quadruple treaty for the suppression of the slave trade on account of the objections raised against it in the French Chambers. So Great Britain declined in 1859 to ratify a treaty which her minister plenipotentiary had concluded with Nicaragua, and Nicaragua in the same year declined to ratify her convention with Great Britain for the settlement of the Greytown and Mosquito question. If, however, there should be an express provision that the preliminary engagements shall take effect immediately without waiting for the exchange of ratifications, such a treaty will be an exception to the rule. (Twiss, T., the Law of Nations, sec. 233.)

It is, therefore, evident and beyond all question that the proponents of this resolution and its supporters have arrayed themselves against all constituted authority and against the recognized authorities on international law. It can not be presumed that all the gentlemen on the other side in this House are ignorant of international law, or that they are unaware of the fact that their position can not be legally and constitutionally maintained. The proposition, therefore, narrows itself down to the justified presumption that the Republican leaders in Congress have deliberately launched a political scheme, hazarding the rights of the Republic and in defiance of the Constitution, in order to mislead the public, embarrass the administration, and with the hope that they may gain political ascendancy in the fall elections.

Mr. FLOOD. Mr. Speaker, I yield to the gentleman from Utah [Mr. WELLING].

Mr. WELLING. Mr. Speaker, I shall vote against the pending resolution. I am not a lawyer and have no right to assume or pretend to be able to pass upon the question from a lawyer's point of view. I have during the course of this debate, however, listened to at least two great addresses directed to the constitutionality of this proposed resolution. Both the gentleman from Mississippi [Mr. VENABLE] and the gentleman from Texas [Mr. CONNALLY] have presented arguments which no Member of the majority in favor of this resolution has undertaken seriously to combat or answer.

Every proponent of this resolution has addressed himself to the question of expediency. They declare, in effect, that the President and the Senate have failed to bring about peace in a constitutional way. These agencies, clearly under the mandate of the Constitution charged with the duty of making a treaty, having done wrong, it is now proposed that we do a thing confessedly indefensible and wrong to correct the evil.

A man does not need to be a lawyer, either constitutional or otherwise, to have some regard for his oath of office as a Member of this great body. A careful reading of the debate on the treaty-making and war-making power under the Constitution clearly reveals the fact that the framers of that great instrument did not intend that the House should participate in the framing of a treaty or concluding peace with a foreign power. To the contrary, by unanimous vote, these men denied the right of the House to have any part in the business of making peace.

At a time of uncertainty like this, when the passions of men lead them to denounce our institutions and our laws, it seems a shame that a great party should lend itself to a deliberate violation of the supreme law simply to obtain what they hope to be a political advantage.

Much as I desire the resumption of normal prewar conditions, I refuse to barter for them by tearing down the very foundations of liberty and free government. At a time when we should be holding up the principles of free constitutional government, the Republicans of this House are by this resolution exchanging those principles for a political mess of pottage.

The excuse for all this is a pretended desire to escape from the essential restrictions and oppressive prohibitions of necessary war-time legislation. Section 2 of this resolution repeals in one sentence 65 such laws. The hypocrisy and insincerity of such proceeding is clearly apparent upon a simple statement of our legislative history for the past year. The Republican Party has been in complete control of both branches of Congress during that time, and Congress has been continuously in session. Every day for a full year this House has been organized and competent to consider and repeal any one or all of these laws. No such action has ever been presented for consideration of this body. Not only so, but no committee has yet during all that time ever considered the repeal of these laws, much less reporting such legislation for action of the House. Furthermore, no member of the majority has yet been able to point to any measure he has proposed looking to the repeal of these necessary war-time laws. Perhaps one exception to this general statement should be made, namely, the railroad-control act, which terminated Government operation of railroads. But this was not done until the President had fixed the date for the return of the roads. Later, on account of the delay of this House in providing the necessary laws, the President was forced to extend the time, giving the House an additional 60 days in which to act.

This failure of the majority to consider the repeal of any of these war-time laws is all the more remarkable because it has been notorious that we have literally spent months here with nothing important to do. Those who remained here during all the dreary months of last summer remember well that the result of our work then was accurately described as "chicken-feed legislation" by the gentleman from Illinois [Mr. MANN], who manifested his own distaste and disgust with the proceedings by going home for the summer and recommending that his colleagues do the same thing.

The Republicans of this House, as a basis for this meddling with our treaty-making power, seize eagerly upon the noble utterance of the President on November 11, 1918, wherein he stated: "The war thus comes to an end." Their hypocrisy in basing the whole structure of this resolution upon a rhetorical statement that the fighting had stopped is apparent when it is known of all men that the Supreme Court has held that war-time laws could only be terminated by their repeal, or the signing of a treaty of peace, and the proclamation of that peace by the President.

For months you have shown a studied disregard of the plain demand of the President in regard to the repeal of war laws in a proper and orderly manner.

In his message to this House on October 27 the President said:

I object to and can not approve that part of this legislation with reference to war-time prohibition. It has to do with the enforcement of an act which was passed by reason of the emergencies of the war, and whose objects have been satisfied in the demobilization of the Army and Navy, and whose repeal I have already sought at the hands of Congress. Where the purposes of particular legislation arising out of war emergency have been satisfied, sound public policy makes clear the reason and necessity for repeal.

Here is an express demand for the repeal of one war-time law and a general statement recommending the repeal of the others. The very men to-day who denounce these war laws voted that day to keep the particular one then under discussion in force in spite of the veto of the President, and they have refused ever since to seek the repeal of any others.

Moreover, the men who to-day denounce the continuance of war-time laws and demand their repeal were only 30 days ago denouncing the President because he did not prosecute so-called coal profiteers and sugar profiteers under the terms of these same laws. As this debate proceeds to-day the forces of labor are ominously threatening a great strike on the railroads of this country, and it will not be a week before some Republican rises in his place here and denounces the President for failure to act under these same restrictive measures.

What is the effect of this resolution? You say to Germany by this abortion of justice, "Shake hands. War is not such a bad thing after all. We forgive you for sinking our ships and murdering our women and children upon the high seas. We approve of your inhuman slaughter of our men from Chateau-Thierry, through San Mihiel and the Argonne Forest, to the armistice at Sedan. We are now willing to make a separate peace with you, disregarding all claims of reparations and without your promise of any reform. We cheerfully abandon Belgium without your promise of reparation or reconstruction or indemnities. We leave France without guaranties and turn our back upon England and Italy. We invite you to rape and destroy the new government set up in central and southern Europe. And after you have accepted our resolution, we will come to you, hat in hand, and ask you to form a more extended treaty of peace." No more contemptible attitude of servility was ever assumed by any nation since history began than is contemplated by the House to-day.

Thank God at last for the obstinacy and self-righteousness of the Senate of the United States. Having sought to usurp the power of the Executive in this treaty making business, they are unlikely to abdicate to this House in a matter over which they have undoubted concurrent jurisdiction.

The majority in this House have by their action to-day and by their words throughout this debate been given a rare opportunity to criticize the President and denounce his conduct of our foreign relations. During this debate men on that side of the aisle have broken into delighted applause when the sickness of the President was mentioned. It is probable that no public man in the history of our Government was ever so hated by those who would tear him down from the high place he has won in the affections of his countrymen and the statesmanship of the world. He is passing to-day through the bitter experience of every lofty spirit which has swayed the destiny of the world in times that are past. As I contemplate his place in history and see about me the weaknesses and failings of those to-day who hate his success, I am reminded of the force and justice of what was said 2,000 years ago:

Thou hypocrite, first cast out the beam out of thine own eye; and then shalt thou see clearly to cast out the mote out of thy brother's eye.

[Applause.]

Mr. FLOOD. Mr. Speaker, I yield to the gentleman from Oklahoma [Mr. MCKEOWN].

Mr. McKEOWN. Mr. Speaker, no one who witnessed celebrations of the news of the signing of the armistice can ever forget the unbounded happiness of the mothers and fathers of America. Hostilities had come to an end. The gallant soldiers of the Republic had suddenly brought the world's greatest war to a close and would soon return to the arms of their loved ones at home. The American people love peace and hate war, and it was their hope that the end had come to all wars. The terms of the armistice were such as to preclude the enemy from renewing hostilities. Everyone knew that the war was at an end so far as further fighting was concerned.

It became necessary to draft the treaty of peace, and the foremost men of the allied nations met at Versailles, and among the group was the President of the United States. Before the treaty was completed or its terms known the enemies of the President commenced a hue and cry in this country about his going to Europe to negotiate the treaty and tried to cause him every embarrassment and humiliation possible while his great task was the hardest.

Under the Constitution it was the duty of the President to negotiate the terms of the treaty, but it could not become effective and binding until it had the approval of two-thirds of the Senate present consenting thereto. Article II, section 2, reads:

He—

The President—

shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur.

It was the purpose of the makers of the Constitution to vest the power to fix the terms of peace in the President and the Senate. The power to declare war is placed in both branches of Congress, but the moment war is declared the President is granted supreme power to conduct the war. The authority to conduct the war having been once vested in the President, the Congress can not divest him of that power by an attempt to declare peace.

No one will contend that while the war is in progress the Congress could pass a resolution to end the war. If the resolution could not be passed by Congress under such circumstances then under what claim of authority do the proponents of this resolution act?

It is certainly not based upon the construction placed upon the Constitution by its makers, for we read from Madison's Journal the following excerpts:

To make war.

Mr. Pinckney opposed the vesting this power in the legislature. Its proceedings were too slow. It would meet but once a year. The House of Representatives would be too numerous for such deliberations. The Senate would be the best depositary, being more acquainted with foreign affairs, and most capable of proper resolutions. If the States are equally represented in Senate, so as to give no advantage to large States, the power will notwithstanding be safe, as the small have their all at stake in such cases as well as the large States. It would be singular for one authority to make war and another peace.

Mr. Butler: The objections against the legislature lie in a great degree against the Senate. He was for vesting the power in the President, who will have all the requisite qualities and will not make war but when the Nation will support it.

Mr. Madison and Mr. Gerry moved to insert "declare," striking out "make" war, leaving to the Executive the power to repel sudden attacks.

Mr. Sherman thought it stood very well. The Executive should be able to repel and not to commence war. "Make" better than "declare," the latter narrowing the power too much.

Mr. Gerry never expected to hear in a Republic a motion to empower the Executive alone to declare war.

Mr. ELLSWORTH. There is a material difference between the cases of making war and making peace. It should be more easy to get out of war than into it. War also is a simple and overt declaration; peace attended with intricate and secret negotiations.

Mr. Mason was against giving the power of war to the Executive, because not [safely] to be trusted with it, or to the Senate, because not so constructed as to be entitled to it. He was for clogging rather than facilitating war, but for facilitating peace. He preferred "declare" to "make."

On the motion to insert "declare" in place of "make" [it was agreed to].

N. H., no; abst.; Cont., no; Pa., ay.; Del., ay.; Md., ay.; Va., ay.; N. C., ay.; S. C., ay.; Geo., ay. [Ayes 7, noes 2, absent 1.]

Mr. Pinckney's motion to strike out whole clause, disagd. to without call of States.

Mr. Butler moved to give the legislature power of peace, as they were to have that of war.

Mr. Gerry 2ds. him. 8 Senators may possibly exercise the power if vested in that body, and 14, if all should be present, and may consequently give up part of the U. States. The Senate are more liable to be corrupted by an enemy than the whole legislature.

On motion for adding "and peace" after "war."

N. H., no; Mas., no; Ct., no; Pa., no; Md., no; Va., no; N. C., (no); S. C., no. [Ayes 0, noes 10.]

Adjourned.

The fourth section, to wit, "The President, by and with the advice and consent of the Senate, shall have power to make treaties," etc., was then taken up.

Mr. Wilson moved to add after the word "Senate" the words "and House of Representatives." As treaties, he said, are to have the operation of laws, they ought to have the sanction of laws also. The circumstance of secrecy in the business of treaties formed the only objection; but this, he thought, so far as it was inconsistent with obtaining the legislative sanction, was outweighed by the necessity of the latter.

Mr. Sherman thought the only question that could be made was whether the power could be safely trusted to the Senate. He thought it could, and that the necessity of secrecy in the case of treaties forbade a reference of them to the whole legislature.

Mr. Fitzsimmons seconded the motion of Mr. Wilson; and, on the question—ayes 1, noes 10.

It is seen from this record of the proceedings of the convention that it is settled that Congress does not possess the power to make peace.

The safety of the Republic lies in the balance of power between the three coordinate branches of the Government, and it is the duty of each branch to prevent as far as possible any encroachment upon its jurisdiction by any other branch. The President has no right to encroach upon Congress, and neither has Congress any right to invade his duties. Because he has not conducted the making of the treaty in accordance with the views of the Republican leaders of the House is no excuse for them to try to make the treaty after their own fashion. There being no warrant of authority in the Constitution by which the House of Representatives has any power to make a treaty of peace, the lawyers on the majority side attempt to justify the passage of the resolution on the ground that the resolution is not a treaty.

A treaty is nothing more than a contract between independent nations. The resolution attempts to make a contract with the German Government relating to reciprocal trade between the nationals of the two countries. The German Government must give its assent to the terms of the resolution within 45 days or a financial and trade boycott on the part of the United States follows:

Sections 3 and 5 of the resolution undertake to fix the rights of the respective Governments and their nationals by the terms of the treaty of Versailles. These sections provide as follows:

SEC. 3. That with a view to secure reciprocal trade with the German Government and its nationals, and for this purpose it is hereby provided that unless within 45 days from the date when this resolution becomes effective the German Government shall duly notify the President of the United States that it has declared a termination of the war with the United States and that it waives and renounces on behalf of itself and its nationals any claim, demand, right, or benefit against the United States or its nationals that it or they would not have had the right to assert had the United States ratified the treaty of Versailles, the President of the United States shall have the power, and it shall be his duty, to proclaim the fact that the German Government has not given the notification hereinbefore mentioned, and thereupon and until the President shall have proclaimed the receipt of such notification commercial intercourse between the United States and Germany and the making of loans or credits and the furnishing of financial assistance or supplies to the German Government or the inhabitants of Germany, directly or indirectly, by the Government or the inhabitants of the United States shall, except with the license of the President, be prohibited.

SEC. 5. That nothing herein contained shall be construed as a waiver by the United States of any rights, privileges, indemnities, reparations, or advantages to which the United States has become entitled under the terms of the armistice signed November 11, 1918, or which were acquired by or are in the possession of the United States by reason of its participation in the war, or otherwise, and all fines, forfeitures, penalties, and seizures imposed or made by the United States are hereby ratified, confirmed, and maintained.

These sections disclose beyond a doubt that the resolution is an attempt to make terms of peace and thereby beyond the power of the House of Representatives. It is worthy of notice that although the treaty negotiated by the President is so obnoxious at times to the proponents of this resolution, yet when it will serve the political convenience of the majority party they invoke its terms in the resolution.

Aside from the question of the power of the House of Representatives under the Constitution to pass such a resolution, is it the right thing to do under all the circumstances? If the passage of the resolution would hasten the settlement of the turmoils of the world and bring quietude to the people of the United States, its enactment might be justified, notwithstanding the doubtful authority of the House to act. But the passage of this resolution means that we abandon the allied nations of the world and make a separate peace with Germany; that we are willing to take advantage of all the benefits of the treaty of Versailles without assuming any of the obligations; that we are willing to sacrifice the good opinion of the world for the right to trade with our recent enemy.

By the adoption of this resolution we indicate that we are willing to abandon the hope to settle disputes between nations by arbitration, the disarmament of the world, and the abolition of secret treaties. Our gallant soldiers brought this World War to an end, and it is our duty to see some means is provided to end all wars.

This resolution will only add to the confusion now existing caused by the failure of ratification of the treaty.

The failure of the treaty-making powers to conclude the treaty of peace does not justify the House of Representatives in passing an unauthorized resolution. By so doing is adding hope to the "bitter enders" and joy to those who make munitions of war. By such a course we say to the world that we prefer to stand with Germany outside of a League of Nations than to stand with the rest of the world in a League of Nations.

The resolution provides for the repeal of the war-time acts. Of course, this Congress has the power to repeal the emergency legislation enacted during the war. This is a duty that this Congress should have entered upon long ago in a systematic way. I favor the repeal of much of the war-time legislation, and but for the attempt by this resolution to make a treaty I should lend my vote and support to the same, although it is entirely too general in its scope.

Mr. Speaker, in view of the sacrifices our people have made in hardships and heartaches, and in lives and broken bodies, to bring this war to a speedy termination, I for one am unwilling to offer to the memory of our heroic dead this resolution as the finale in American statesmanship in treaty making. I am unwilling to offer it to the broken-hearted relatives as the only hope to prevent future wars.

I am for peace and for a permanent peace in the world. I oppose the maintaining of great war machines and compulsory military service or training in time of peace, but this resolution makes no provision for the reduction of armaments of the nations nor for the regulation among the nations of compulsory military service in times of peace.

The voice of those who have merchandise to sell has been heard and this resolution must be adopted at once.

The adoption of the resolution is an attempt to trade the hopes of the Nation for the right to bargain and sell to the enemy.

In my desire for peace I am unwilling to act the part of Esau and trade the birthright of the Nation for a mess of pottage. I cast my vote against the resolution.

Mr. FLOOD. Mr. Speaker, I yield to the gentleman from North Carolina [Mr. WEAVER].

Mr. WEAVER. Mr. Speaker, I am opposed to this resolution because it violates the Constitution of my country. [Applause on the Democratic side.] I am opposed to it because it would be a failure in imposing ample and sufficient terms on the German Government, and I am opposed to it because I feel that we should not, by attempting a separate peace, desert those who were associated with us in this war. [Applause on the Democratic side.]

No resolution of this character was ever before in our history presented to Congress for consideration. It is a mockery to the passionate demand for peace that is world wide. It is a deceptive response to the demand of the American people for a legal status of peace. All the nations associated with us have already signed the treaty of Versailles and, under peace conditions, are now attempting to reestablish themselves in all activities of their lives. The United States alone of the countries who participated in the war has refused and rejected this treaty. Even nations who were neutral during the great conflict have come in and made themselves parties to the treaty by accepting membership in the League of Nations provided in it. It is hard to escape the conclusion that partisan politics of the most unrighteous sort has prevented us from accepting this treaty, and from thereby establishing and creating in the method provided by our organic law a legal status of peace for the guidance and benefit of our citizens.

A method is provided by our Constitution for the purpose of negotiating treaties and bringing to an end conflicts with foreign nations. In clear and distinct language our Constitution confers upon the President of the United States the duty of negotiating such treaties, which become effective upon the assent and with the advice of two-thirds of the Senate. But the measure now under consideration is a clear and distinct violation of the powers conferred upon the House of Representatives. This is purely a legislative body, created with well-defined limitations of power, and now undertakes to declare the war at an end and to negotiate terms of peace with the German Government.

If the Republican leadership had consulted the Constitution of their country instead of their hatred for Woodrow Wilson, this resolution would not have been brought forward. It is conceived in partisan venom toward the great Chief Executive of this Nation. He endeavored to prevent war as long as it was possible to do so, but when no longer possible he led this Nation into the war with vigor, and under his matchless guidance the armies of the German Empire were thrown back across the Rhine, Belgium and France were relieved from the foot of the invader, militarism was destroyed, and civilization once again set upon its forward march. This is an attempt by his political opponents to embarrass him in the management of foreign affairs and to destroy his prestige at home and abroad. I for one shall not be a party to such unholy purpose.

The Government of the United States was created, formed, and given life by the Constitution. This Constitution, a compact for the purpose of forming a more perfect Union, was entered into by the thirteen original sovereign States. In forming the Union the Constitution has provided three separate, independent, coordinate departments—the executive, the judicial, and the legislative. The Constitution itself has marked the lines of power for each of these.

An examination of this great instrument of government will disclose the powers which are conferred upon the Congress. They are set out in section 8 of Article I of the Constitution. Clause 2 of this section provides that Congress shall have power "to declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water." Congress is further empowered to raise and support armies and to provide and maintain a navy. But nowhere in the Constitution is it provided that Congress by a joint resolution, as a legislative body, may prescribe the terms of settlement of disputes with foreign countries and enter into agreements for ending hostilities.

On the contrary, this power is particularly and expressly conferred by the Constitution, in Article II, upon the President, by and with the advice and consent of the Senate, providing two-thirds of the Senators present shall concur.

It is easy to perceive the reasons why the Constitution placed in the House and Senate the power to declare war. The declaration of war is a single act. We can declare war against another nation whether the latter shall wish war or shall not wish war. It involves the raising of armies and vast expenditures of money. Before this status shall be created it was the purpose of the framers of our Constitution that there should be action by Congress, including the House of Representatives. The declaration of war involves merely our attitude as to belligerency toward a foreign power, and they wisely left this to the Congress.

But the making of a peace—of a permanent peace—involves the consent and agreement of the nation with whom we are at war. It is necessarily the subject of negotiation. If the causes of a war are to be eliminated an agreement is necessary. We went to war with Germany for certain definite reasons. A treaty of peace is necessary that Germany may no longer assert the right to do the things which involved us in the war. Unless we shall insist upon this, while we may have destroyed her armies and rendered her unable to fight for the moment, as between us and her the war will become a draw. The same causes of war, the same arbitrary action, may be continued by Germany which led us into the war. A treaty of peace must be made, and it must be made in the constitutional method.

A treaty is a compact between sovereign powers. Hamilton has pointed out in the Federalist, in discussing the Constitution and the treaty-making power conferred therein, that the making of a treaty is in a sense neither within the ordinary duties of the legislative branch of the Government nor of the Executive branch. It is not of the nature of an ordinary law which may be enacted. It is a contract between two sovereignties and becomes effective through the power of good faith between nations. An agreement of this nature can not successfully be made by a mere legislative body. It requires negotiations and adjustments which can only be made by a contract, and this contract, it is specifically provided, shall be negotiated by the President and become effective when consented to by the Senate, upon a vote of two-thirds of its Members. In fact, the journal of the general convention which formulated the Constitution shows that a motion was made by one of its members to confer upon Congress, in addition, the power "to make peace," and this motion was defeated by unanimous vote.

In Story on the Constitution, section 1173, we find:

> In the convention, in the first draft of the Constitution the power was given merely "to make war." It was subsequently, and not without some struggle, altered to its present form. It was proposed to add the power "to make peace," but this was unanimously rejected, upon the plain ground that it more properly belonged to the treaty-making power. The experience of Congress under the confederation of the difficulties attendant upon vesting the treaty-making power in a large legislative body was too deeply felt to justify the hazard of another experiment.

Washington was a member of the general convention and presided over its deliberations. After he became President, because of disputes, especially involving our frontier and our commercial rights, it became necessary to negotiate a further treaty with England. He selected John Jay, at that time Chief Justice of the Supreme Court, to negotiate a treaty. This treaty, known as the Jay treaty, after much acrimonious and bitter debate, was finally ratified, but it aroused the passions of the people. Those who disliked Washington and opposed the treaty brought forward the now familiar argument against the British Empire and alleged that the Jay treaty conceded rights to England which should not have been conceded. Even after it was passed, when it became necessary to carry it into effect, the debate was continued in the House of Representatives. By resolution, solemnly adopted, the House called upon Washington as President to lay before it all instructions which he had given Jay and all papers relating to the treaty. On March 7, 1796, he replied to this resolution of the House, declining to transmit the papers desired and discussed the treaty-making power under the Constitution. In his letter to the House he says:

> The course which the debate has taken on the resolution of the House leads to some observations on the mode of making treaties under the Constitution of the United States.
>
> Having been a member of the general convention, and knowing the principles on which the Constitution was formed, I have ever entertained but one opinion on this subject; and from the first establishment of the Government to this moment my conduct has exemplified that opinion—that the power of making treaties is exclusively vested in the President, by and with the advice and consent of the Senate, provided two-thirds of the Senators present concur, and that every treaty so made and promulgated thenceforward became the law of the land. It is thus that the treaty-making power has been understood by foreign nations, and in all the treaties made with them we have declared and they have believed that, when ratified by the President, with the advice and consent of the Senate, they became obligatory. In

this construction of the Constitution every House of Representatives has heretofore acquiesced, and until the present time not a doubt of suspicion has appeared, to my knowledge, that this construction was not the true one. Nay, they have more than acquiesced, for till now, without controverting the obligations of such treaties, they have made all the requisite provisions for carrying them into effect.

From that time until this the correctness of these views of the first President has not been questioned, and no other House of Representatives, except this, has since embarked upon such an attempted violation of our fundamental law.

I wish also to call the attention of the House to the fact that Washington expressed these views with the full concurrence of his Cabinet. He outlines the nature of foreign negotiations, which would clearly indicate how impractical it is for this House to undertake to settle our relations with Germany in the method now proposed. He further said:

The nature of foreign negotiations requires caution, and their success must often depend on secrecy; and even when brought to a conclusion, a full disclosure of all the measures, demands, or eventual concessions which may have been proposed or contemplated would be extremely impolitic, for this might have a pernicious influence on future negotiations or produce immediate inconveniences, perhaps danger and mischief, in relation to other powers. The necessity of such caution and secrecy was one cogent reason for vesting the power of making treaties in the President, with the advice and consent of the Senate, the principle on which that body was formed confining it to a small number of members. To admit, then, a right in the House of Representatives to demand and to have, as a matter of course, all the papers respecting a negotiation with a foreign power would be to establish dangerous precedent.

Thus, with a calm dignity but with certainty and courage, Washington declined to comply with the resolution of the House upon the ground that the treaty-making power was not included in its functions. Again I quote from this letter and recommend it to the consideration of the Republican leadership, which now, after more than 100 years, would again undertake, in a paroxysm of political hate, to violate the Constitution which they have so clamorously declared they were desirous of maintaining:

If other proofs than these and the plain letter of the Constitution itself be necessary to ascertain the point under consideration, they may be found in the journals of the general convention, which I have deposited in the office of the Department of State. In those journals it will appear that a proposition was made "that no treaty should be binding on the United States which was not ratified by law," and that the proposition was explicitly rejected.

As, therefore, it is perfectly clear to my understanding that the assent of the House of Representatives is not necessary to the validity of the treaty, as the treaty with Great Britain exhibits in itself all the objects requiring legislative provision, and on these the papers called for can throw no light, and as it is essential to the due administration of the Government that the boundaries fixed by the Constitution between the different departments should be preserved, a just regard to the Constitution and to the duty of my office, under all circumstances of this case, forbids a compliance with your request.

Let us suppose that President Wilson had declined a request of this House as Washington did. To what extent of denunciation would the authors of this resolution have proceeded? The clamorous cry would have gone forth that the President was drawing to himself the powers of an autocrat and was refusing to give information to the Congress. They would have been forgetful of the fact that Congress is but one of the three separate, independent, and coordinate branches of our Government. What right has Congress to take to itself powers which are not given it by the Constitution? And shall we now yield to this partisan attempt to destroy the distribution and balance of powers conferred by the Constitution upon the several departments?

But Washington himself did not escape the tongue of calumny. I was about to say that in history there was no parallel with the savage and frenzied attacks made upon our present Chief Executive. But such parallel does exist in the Jay treaty itself. I read to you from Washington and His Colleagues, written by Henry Jones Ford:

During the agitation over the Jay treaty the rage of party spirit turned full against Washington himself. He was blackguarded and abused in every possible way. He was accused of having embezzled public funds while President. He was nicknamed "the Stepfather of his Country." The imputation on his honor stung so keenly that he declared "he would rather be in his grave than in the Presidency," and in private correspondence he complained that he had been assailed "in terms so exaggerated and indecent as could scarcely be applied to a Nero, a notorious defaulter, or even to a common pickpocket."

But they who made the attacks are now forgotten. You will have to search the annals of Congress to learn their names. Washington still stands out in grand and glorious dignity as the founder of our Republic, and I predict that in the years that are to come those who similarly attack Woodrow Wilson will be forgotten and the record of these acrimonious denunciations of him will be read with surprise and condemnation, while his name shall be a household word throughout the world.

Even Congress itself has uniformly recognized that the war would come to end by treaty negotiated by the President and ratified by the Senate. In all of the war-time legislation intended to end with the war we find recognition of this fact.

For instance, in the emergency shipping act of March 15, 1917, it is provided "that all authority under the act shall cease six months after a treaty of peace is proclaimed by this Government and the German Empire."

The railroad-control act was to end with "the proclamation of the exchange of the ratification of a treaty." So with the food-control act of August 10, 1914; the soldiers and sailors' civil rights bill of March 8, 1918; the trading-with-the-enemy act of October 6, 1917. This act provides "that the words 'end of war' as used herein shall be deemed to mean the date of proclamation of an exchange of the ratification of the treaty of peace."

It was not even suggested that the war might otherwise end by any action that this House could take.

In attempting to sustain their position the majority report quotes Oppenheim on International Law, as follows:

War may be terminated in three different ways: Belligerents may (1) abstain from further acts of war and glide into peaceful relations without expressly making peace through a special treaty, or (2) belligerents may formally establish the condition of peace through a special treaty, or (3) a belligerent may end the war by subjugation of his adversary.

Certainly there is nothing in this authority that even intimates that Congress has the power by mere declaration of this sort to end this war. If it has ended by a cessation of hostilities, it has so ended and the declaration of Congress adds nothing to the situation, even if it had power to act. But all writers on international law state that a treaty is necessary and that "combatant States have seldom resorted to this method of withdrawing from war without arriving at some definite and intelligible decision."

Unless, therefore, Germany is not to be brought to account to us and the world, a treaty is necessary, and this resolution would be but a mere withdrawal from the war with such an accounting unmade.

If this is an attempt to negotiate terms of settlement with Germany, it is essentially a treaty. Let us therefore examine the terms of the resolution.

The preamble indicates the remarkable state of mind and wonderful conception of those who drafted it. With an unparalleled hypocrisy, it undertakes to base the resolution upon the statement that the President himself had advised the Congress that the war with the Imperial German Empire had ended. So he did. In announcing to the Congress in December, 1918, that an armistice had been signed and that hostilities had ceased he stated, "Thus the war comes to an end." This was a pæan of victory, announcing that actual hostilities had ceased. Germany had laid down her arms; the war in a sense had ended, gloriously and triumphantly; but that the relations between the German Government and the world were intended to be settled by this simple declaration of the triumph of our armies no one believes. For many months thereafter the President himself labored to adjust the terms of peace. After months of such labor, heartbreaking and weary, the treaty of Versailles was signed. It was nothing short of an adjustment of the affairs of an entire world. No greater task was ever undertaken by men. Under these labors the very strength of the President succumbed. He discharged his full constitutional duty. He undertook to do the things that our organic law placed upon the Chief Executive. That treaty, as the Constitution provides, was submitted by him to the Senate for ratification. It was rejected by the Senate and returned to the President. There can be no treaty until the method provided by the Constitution is followed.

The language used in the preamble has been given an interpretation by the Supreme Court itself. It was used as an argument in the case of Hamilton against Kentucky Distilleries, decided by the Supreme Court in October, 1919, for the purpose of having that court declare void the war-time prohibition act, but Justice Brandeis held that it was a mere popular expression to indicate the ending of hostilities and that the war was not ended until it was so declared by constitutional method.

Section 3 of the resolution is purely an attempt at treaty making. It undertakes to impose terms upon the German Government. Realizing the awkward and absurd position in which our Government will be without a formal treaty of peace, this section undertakes to provide that if the German Government shall not, within 45 days from the date of the ratification of this resolution, also declare a termination of the war and waive and renounce on behalf of itself and its nationals any claim, right, demand, or benefit against the United States or its nationals, they would not have the right to assent under the treaty of Versailles, and the President shall proclaim the fact that Germany has not so done. It shall then become unlawful for American citizens to trade with the German Empire.

Thus the rejected treaty—the treaty which the Senate has returned to the President and to which it has refused its consent and advice—is undertaken to be written, in part at least, into this resolution. This proposal to Germany involves an agreement between the two sovereigns. An agreement can only be made by treaty, and under the Constitution it must be made by the President with the advice and consent of the Senate. This is an attempt by Congress to negotiate. Let us suppose that Germany should make a counter proposition and should propose that they would do certain things if this Government should surrender the property which it had seized or should in any way seek to modify the provisions of section 3 of this resolution. We would thus be led into the field of negotiation, which the framers of the Constitution themselves knew could not be carried on through this body and for that reason conferred upon the Executive, with the advice and consent of the Senate. The mere reading of this section will show the futility and the lack of power and the absurdity of such an attempt to end the war by such a method.

Section 5 likewise attempts to build up an agreement with Germany based upon the armistice which was signed on November 11, 1918. To whom is section 5 directed? This section provides—

That nothing herein contained can be construed as a waiver by the United States of its rights, privileges, indemnities, reparation, or advantages to which the United States has become entitled under the terms of the armistice signed November 11, 1918, or which were acquired by the United States or are in the possession of the United States by reason of its participation in the war or otherwise; and all fines, forfeitures, penalties, and seizures imposed or made by the United States are hereby ratified, confirmed, and maintained.

What possible meaning has this section? Can this House under power granted in the Constitution negotiate with Germany? Can it enact legislation that is binding upon the German Empire? Suppose Congress does provide that we shall not waive any rights or indemnities acquired by virtue of the armistice. Must not Germany agree to such terms before they can rise to the dignity of enforcement between two sovereigns?

And regardless of the assertions contained in section 5, if we are to terminate the war without a treaty, if we are to withdraw from the conflict by a mere declaration that hostilities have ended, under the rules of international law what shall prevent the United States from losing the indemnities, and reparations, and advantages which it may have acquired or taken into possession during the conflict? Certainly the mere act of the House can not arrange an international status nor affect the rights of individuals of other countries. The armistice is a mere agreement for the cessation of actual hostilities, and only under a treaty based thereon could war be ended between the contending nations, if its terms are to be imposed. If, therefore, by this act of Congress we withdraw the right given us by the armistice to demand of Germany that she shall sign a treaty in conformity with its provisions, then, by international law, having foregone the right to make peace by treaty, the indemnities and reparations and advantages which we acquired must be lost to us.

But it is contended that a treaty not having been ratified, the power to declare the war at an end rests with Congress. One branch of Congress has failed to agree to the terms of the treaty and has rejected it, but this did not have the force of giving to this House the right to take over the duties of the Senate. Suppose Congress itself should fail to pass a necessary law, could the President claim the power to declare it by proclamation? Suppose the Supreme Court should refuse to perform some duty, could the Congress assume it? The argument is idle. Congress has often failed to pass laws that the people demanded, and the people have changed the membership of Congress, not the Constitution.

Section 1 of the resolution is a mere declaration by Congress that a state of war as declared by the joint resolution of Congress of April 6, 1917, is thereby declared at an end. This is in effect no more than an attempted repeal of the resolution of April 6, 1917. It is a foolish attempt on the part of Congress by its mere declaration, regardless of the powers with whom we have been at war, to create a legal status of peace between us. Such a declaration by Congress might be harmless enough, because of the lack of power to enact it, were it not for the fact that it might also involve us in a maze of difficulties. Since the resolution of April 6, 1917, many things have happened throughout the world. There has been a change in the possession of property. We have taken possession of millions of dollars of property belonging to private individuals and private corporations, subjects of the German Government. Damages have been incurred by our citizens and property belonging to them has no doubt been seized by the German Empire. When we declared war on Germany she had then been at war with the Allies since 1914. Our harbors were filled with her interned shipping. We took possession of it. We have it now. But it was not the property of the German Government; it was the property of her nationals.

By act of Congress we created an agency of Government known as the Custodian of Alien Property and we conferred upon this agency the power to take and dispose of the goods and property of every kind of our alien enemies. Under this power vast amounts of the property belonging to German nationals were seized and disposed of. Stocks in corporations, tangible property of every kind, trade-marks, and patent rights were all taken by our Government and sold by the Custodian of Alien Property. It is now claimed, I am informed, by the German nationals that the value of this property so confiscated amounts to several billions of dollars.

If, therefore, the great conflict with Germany is to end by a simple declaration of this character the title to this property would remain in the German nationals, corporate or individual, to which it originally belonged. It is therefore necessary that treaty agreements shall be made between our respective Governments to provide for the many and complex situations that have arisen. It is impossible that the American people would be content to let the war so end and to remit every German national, or every alien enemy of Austria, to their rights of the property so seized and to the prosecution of claims against our Government therefor.

At the same time, if such declaration is to end the war and Germany is not to be forced by this Republic to sign a treaty of peace that will protect American citizens, all their rights to damages of every kind against the Imperial German Government must likewise be remitted and foregone.

Never before has Congress, by a simple resolution, undertaken to settle the issues of any foreign war. History is to be reversed if this resolution is adopted.

When we had fought the Revolution, when Cornwallis had been defeated at Yorktown and the last vestige of British authority over the Colonies had been overthrown, the issues of the conflict were settled by a treaty of peace. Suppose we had been content with the mere declaration that hostilities had ceased. Suppose the leaders of those days had suggested to the American Colonies, who had shed so much blood for their independence, that all that was necessary was that Congress should adopt a resolution that the war was at an end. They had fought for a purpose. They had declared that the Colonies were and of right ought to be free and independent. They had declared that taxation without representation was intolerable. They had sought to establish themselves as free and independent sovereignties. It took more than a declaration of Congress to determine the rights for which they had so courageously fought and, though the British armies had been defeated and captured and Great Britain was no longer able to contend and her soldiers had laid down their arms, the American Colonies demanded, as of right they should have demanded, that the things for which they had fought should be embodied in the stipulations of a treaty that would guarantee their independence to themselves and their children forever. A protocol was signed at Paris on November 3, 1782. By it Great Britain acknowledged the independence of the United States, relinquished all claims, and specified the boundaries between the United States and Canada. Later a further and permanent treaty of peace embodying these terms and other terms imposed by the victorious Colonies was signed at Paris on September 3, 1783.

Again in 1812 we became involved in war with Great Britain. Again American armies were victorious. The war came to an end, but not by an absurd declaration by Congress that "war is hereby ended." This war was ended by the treaty of Ghent, which was signed on December 24, 1818. It declared peace between the two countries and provided for restoration of territory and established other rights for which we had contended.

In 1848 war again came to the American people. For the first time we had to lead American armies from American soil. The war with Mexico was in fact ended on September 14, 1847, when Gen. Scott marched a victorious army into the city of Mexico. In a sense the war had thus ended. Mexican armies had been defeated. The conflict was over just as surely as when Germany signed the armistice of November 11, 1918, but the matter did not thus end. The Army was not merely withdrawn to American soil and demobolized. We did not merely pass a declaration of Congress that the war had ended. The treaty of Guadalupe Hidalgo concluded the war in 1848, about one year afterwards, and we are told by historians that this closed the Mexican War. Under its provisions territory which is now embraced in the States of Nevada, Utah, California, and parts of Arizona, New Mexico, Colorado, and Wyoming was ceded by the Mexican Government to this Republic. It was done by treaty negotiated by the President, signed by him on the part of the American people and by the Mexican Government, and ratified by the Senate. If we had been content to rest upon the mere declaration by Congress that the war was over, these States would still have been

Mexican territory. But, having followed the constitutional method of ending war, they were acquired by this Republic and seven new and brilliant stars took their places upon the blue field of the American banner. We ought to be thankful that we did not have, during those times, a leadership such as now dominates the American Congress.

The next foreign war was with Spain. The present Republican Party controlled both the executive and legislative branches. The war was fought to a successful conclusion. The American Squadron under Dewey boldly entered the harbor of Manila and destroyed the entire Spanish fleet and captured the naval stations. This was followed by further destruction of the Spanish warships at Santiago. American troops in Cuba took possession of the island and the war ended, but Congress did not content itself with a simple resolution of this character. Cuba had been oppressed by Spain for centuries and Spanish rule in the West Indies had become intolerable. And although Spain had been rendered helpless and was thoroughly conquered, she was required by treaty to abandon her claim of sovereignty over Cuba and to cede to the American Government the Philippine Islands and other of her possessions. Although the war had ended in 1898 a formal exchange of ratification between the two Governments did not take place until April 11, 1899, and the Attorney General ruled that the war did not end until this exchange.

If the leadership of the Republican Party at that time had been such as it is at this time, when Spain had been defeated and her army had been withdrawn Congress would have simply declared that the war was over. Cuba, the Philippine Islands, and other territory which Spain relinquished would still, under international law, have been Spanish territory. But having proceeded under the constitutional method and having required Spain to make a treaty of peace, the Philippines passed to us, and under our guidance it shall become a self-governing people. And the flag of the Queen of the Antilles was flung to the breeze as an independent sovereignty, and she has already ratified the treaty of Versailles and has become a member of the League of Nations without reservations or interpretations.

We entered the war with Germany because her militaristic spirit had undertaken to dominate the world. Belgium had given her no cause for war, and yet her armies had overcome and trodden down that little Empire. France had given her no cause for war, but the gray lines of the German armies had flowed like a mighty flood almost to the doors of Paris. Every principle of modern warfare had been outraged. Women had been murdered. Children had been trampled under foot of the advancing armies. Merciless submarine warfare had been waged upon every merchant ship that crossed the Atlantic. The *Lusitania* had gone down with more than 125 of our citizens aboard. She had declared, in effect, that America could not travel the lanes of the sea and had sunk our shipping wherever it had been found. Savage with power, she had determined that Prussian militarism should dominate the world. England and France and Italy were struggling under her fierce attacks when President Wilson called the special session of the Congress of the Nation and told them that the Imperial German Government in total disregard of American rights was destroying our commerce upon the seas, was murdering American citizens, and was, in fact, carrying on war against this Nation. He advised that Congress should immediately declare war and proceed to raise and equip an Army. This was done. Our soldiers ended the war by their courageous spirit and indomitable courage. They were told that they were fighting that all wars might end forever. The armistice itself was signed upon certain definite ideas of justice and right. The President has written these into a treaty of peace which he signed at Paris. As the Constitution has required, he has brought back this treaty of peace and submitted it to the Senate for its consent and advice. This treaty, which Germany was compelled to sign and which has been rejected and returned to the President, carries into effect by its stipulations the destruction of Prussian militarism; it guarantees to this Republic, and to all our allies, all the rights which they won upon the field of battle. If this resolution is to end the war, then this is to be lost to us. Even if Germany should accept the provisions of this resolution and so notify the President that the war was ended in accordance with its provisions and should attempt to waive the rights of its nationals to the property seized by us, we would have ended the war by settling nothing with Germany except some miserable property rights in vessels which were interned in our harbors and the property of individual German citizens.

But what shall we say to our dead and wounded? Is this the answer? More than 150,000, while living, bear the cruel marks of war. More than 50,000 sleep along the western front, at Chateau-Thierry, in the Argonne, and in Flanders fields, where—

* * * poppies grow
Between the crosses, row on row.

From their silent tombs they have cried to us:

To you, from failing hands, we throw
The torch. Be yours to hold it high.
If ye break faith with us who die,
We shall not sleep, though poppies blow,
In Flanders fields.

Who has broken faith with our heroic dead? Woodrow Wilson grasped the torch in his illustrious hands. Obedient to the Constitution of his country, he bore it, aflame with the light of justice and glowing with the love of humanity, to the portals of the Senate of the United States. He left it in their keeping. After weary months, the leadership of that body, with sneers and vituperation, returned it to him, the light extinguished by partisan venom and the glow transmuted into the dead ashes of national selfishness. In its stead they now offer this abortive measure. Upon such a record of boasted statesmanship I am constrained to believe that the American people instead of assaulting their Constitution will elect to change this leadership.

Mr. FIELDS. Mr. Speaker, much has been said about the constitutionality or unconstitutionality of this so-called peace resolution. I am not a constitutional lawyer and shall therefore not attempt to deal with the question of its constitutionality except in a very general way.

The Constitution provides that the power to make treaties shall be vested in the President, by and with the advice and consent of the Senate, two-thirds of that body concurring. The Constitution vests in the House of Representatives the sole power of impeachment, the exclusive power to decide upon the eligibility and qualifications of its own Members, and the power to initiate all bills for raising revenue for the support of the Government, and so forth. But nowhere does it lodge in the House of Representatives the treaty-making power.

If this resolution is anything, it is a treaty. It proposes to reestablish commercial relations between the United States and Germany, which clearly makes it a treaty. The House therefore has no constitutional jurisdiction over the question; if it has, then the Senate by a majority vote could pass the peace treaty as it came from Versailles in the form of a resolution.

Let us take a concrete case for example. Let us suppose that both the Senate and the House are Democratic by small majorities; that the President presented the treaty of Versailles to the Senate for ratification; and that a majority voted to ratify it, but that it was not a two-thirds majority. Then, if the House has constitutional jurisdiction over this resolution, the purpose of which is to treat with enemy countries, the treaty of Versailles could be put into the form of a resolution, passed by both the House and Senate by a bare majority vote, and be approved by the President, thereby becoming effective without having received a two-thirds majority of the Senate, as required by the Constitution.

It has been cited by the proponents of the resolution that Chile and an enemy country once made a treaty by the passage of a similar resolution, and that Spain and Mexico did likewise; but gentlemen must bear in mind that we are not operating under the constitution of Chile, Spain, or Mexico; we are operating under the Constitution of the United States, which specifically provides that the President shall make treaties by and with the advice and consent of the Senate, two-thirds of that body concurring. So if the House has not the constitutional power to act upon the resolution, its doing so will only delay a final settlement between the United States and Germany. If it has authority to do so, which I do not concede, then let us see what the resolution purposes to do. Does it purpose to cease hostilities between the United States and Germany? No; hostilities have long since ceased. Does it purpose to demobilize the emergency army? No; the army has already been demobilized. Does it purpose any action looking to the prevention of war in the future? No; it does not. Then, what is its purpose. According to its text, it is to permit the resumption of trade with Germany. Paragraph 1 of section 1 reads:

House joint resolution No. 327 terminating the state of war declared to exist April 6, 1917, between the Imperial German Government and the United States; permitting on conditions the resumption of reciprocal trade with Germany.

And paragraph 1 of section 3 reads:

That with a view to secure reciprocal trade with the German Government and its nationals, and for this purpose—

And so forth.

We find much in the resolution designed to establish and maintain trade with the German Government, but nowhere do we find a line, a word, or a syllable designed to establish and maintain peace in the immediate or remote future. It is therefore

obvious that the author of this resolution is more concerned about the establishment of trade than he is about the establishment of peace, and is more concerned about the maintenance of trade in the future than he is about the maintenance of peace in the future. And if the resolution is adopted and becomes a law it will doubtless serve its purpose to reestablish trade between the United States and Germany and will preclude from further consideration the Versailles treaty, the chief object of which is to restore and maintain the peace of the world, and as I am more interested in the establishment and maintenance of peace than I am in the establishment and maintenance of trade with Germany, I can not support the resolution; as I am more interested in preserving the life and the blood of the young manhood of the country that must fight wars than I am in establishing trade relations with Germany for the purpose of swelling the fortunes of those who happen to be fortunate enough to have goods to sell to Germany, I shall vote against this resolution, which is designed not to preserve peace in the future, not to save the young manhood from future wars, but to establish trade for the benefit of those who do not participate in war when it comes.

In fact, Mr. Speaker, everyone here knows that while this resolution is referred to here as the Porter resolution, it was drafted by Senator KNOX, who is one of the archenemies of that provision of the peace treaty of Versailles which undertakes to prevent future wars, namely, the covenant of the League of Nations, and who was also one of the ablest supporters of the Lodge reservation to the league which provides that the power of economic discrimination shall not be invoked against warring nations except by act of Congress. I will say in passing that, while that reservation was not discussed as extensively as other reservations, it is the reservation most sought by the selfish interests that oppose the League of Nations.

The power of economic discrimination, the exercise of the power of boycott, suggested by Roosevelt, advocated by Taft, and written into the treaty of Versailles by Wilson, if directed against a warring nation, would render it unable to wage a war of any consequence. No nation could wage an effective war if cut off from and ostracized by the rest of the world. But if the power to declare a boycott against a warring nation is withheld from the league or the Executive and can not be exercised until authorized by Congress, we all know what would happen in the event another war should come. The interests engaged in the manufacture and sale of war materials and other supplies would move upon Congress with their powerful influence, and any legislation designed to establish economic discrimination, to exercise the power of boycott, would be debated at the other end of the Capitol, where it is difficult to limit debate, until an ordinary war would be ended or until the whole world would become involved. Everyone who has given any thought to that question knows that any bill designed to stop the shipment of supplies to a warring nation would be talked to death at the other end of the Capitol, or delayed indefinitely by those representing the great manufacturing sections of the country, who do not want their trade interfered with even though such interference may be essential to the maintenance of peace. And it is in that spirit of selfish greed that the League of Nations finds its greatest opposition among those who would maintain commerce at the expense of peace, who would sell goods while the world fights, who would swell their fortunes while the bloom of the world's manhood is sacrificed on the field of battle.

The resolution has another purpose also; it is being used as a means of attempting to pull certain Members of another body out of a hole in which they placed themselves by their temporary defeat of the peace treaty, and I refuse to join in that effort.

We have also heard a great deal of discussion of and a great deal of opposition to that provision of the League of Nations which guarantees the territorial integrity of nations, but a canvass of the opposing forces discloses the fact that they belong to that class of Americans who have been clamoring for years for American intervention in Mexico, and who express the opinion that once the American flag is planted in Mexico it should not and will not be withdrawn; and let it not be forgotten that those same forces criticized Wilson in the 1916 campaign because we were not at war with Mexico, and many of them criticized him because we had not declared war on Germany. They wanted war then and many of them are still urging that we fight Mexico. I heard a prominent Republican, a Member of this House, say a few weeks ago, "We expect to clean up Mexico if we get control of the Government at the next election."

Mr. Speaker, it is true that conditions are bad in Mexico; it is true that there are American investments there that are suffering as a result of those conditions; and it is also true that the invasion and occupation of Mexico by the armed forces of America would cause those investments to multiply ten, a hundred, yea, a thousand fold in value. But that would be worth nothing to the Government of the United States or to the American boys who would be forced to fight the battles. It would benefit only the mighty rich who have elected to invest a portion of their surplus in Mexico. If it is their choice to invest in Mexico instead of investing under the flag of their own country that is their business, but so far as I am concerned, I am unwilling to sacrifice one American boy or spill one drop of American blood to protect their investments or enhance the value of them.

Mr. Speaker, the hope and the prayer of civilization for the last century has been that the day would come when the sword would be supplanted by reason, when nations like individuals would be forced by the power of public opinion to settle their differences in a court of justice instead of on the battle field. And with the completion of the peace treaty of Versailles the world breathed a sigh of relief and felt that the long-hoped for, the long-sought result, had been achieved, and no one doubted that America, which had stood as the world's champion of peaceful settlements of international disputes for a quarter of a century, would hesitate to ratify the treaty. But, alas, out of petty political jealousies and prejudices by the one element and selfish greed by the other an opposing force was organized and put into action which seeks to destroy the glorious opportunities for future peace for which we as a Nation had prayed for a hundred years, and for which American heroes died on the fields of France and Flanders. But I for one shall not despair; I shall continue to hope, as I have since the day we entered the war, that out of the great conflict will come a settlement that will make future wars impossible or reduce them to a minimum. I shall therefore support no resolution or movement that will impede the progress of that great humanitarian movement. I shall vote for the motion to recommit that is to be offered by the gentleman from Virginia [Mr. FLOOD], the purpose of which is to repeal all war legislation; but this resolution is a deception, a sham, and a fraud, and I shall vote against it. [Applause.]

Mr. FLOOD. Mr. Speaker, I yield to the gentleman from Texas [Mr. BLANTON].

The SPEAKER. The gentleman from Texas is recognized.

Mr. BLANTON. Mr. Speaker, we are asked by the Republicans in this House to do a foolish thing. We are asked by them to do a ridiculous thing. We are asked by our colleagues on the other side of the aisle to do an unlawful thing—to violate the sacred Constitution which each of us has taken a solemn oath to uphold and support—for the Constitution of the United States plainly and clearly provides that all treaty-making power is placed only in the hands of the President and the Senate of the United States. The House of Representatives has nothing whatever to do with it.

Then why has this sham of a so-called resolution of peace with Germany been brought in here by a Republican steering committee under an autocratic rule which allows two whole days of debate, yet will not permit it to be amended in the slightest particular? Dirty Republican politics is the only answer. It is an attempt to camouflage the people of the United States into believing that Republicans tried to bring about peace, when but for their action in the Senate, in killing the peace treaty, there would be peace—dirty Republican politics interfering with the peace of the world, placing pages of unfair, misleading, vicious, hot-air attacks upon the President and his administration in the RECORD, to be franked over the United States in an attempt to win another election.

If only the President had given the United States Senate representation on the peace commission there would have been no opposition to the treaty of peace. We are victims of pique. If on his return from war-stricken Europe with the signed instrument that tends to make future war impossible the President had not been accorded such great ovation from the American people from Columbus, Ohio, across the United States, there would not be this continued effort on the part of Republicans to discredit him, to embarrass him, to hamper him, to jibe him, to persecute him, aye, even to destroy him, if possible; for his greatness worries our Republican friends. It disturbs them; it disquiets them; it unnerves them; it makes them apprehensive; early in the morning, at noontime, in the evening, and late at night it somnambulates them, and they can not rest. Verily, we are victims of pique, of enviousness, of covetousness, of political hatred.

The great Theodore Roosevelt was in favor of just such a League of Nations to prevent war.

The great William Howard Taft is in favor of just such a League of Nations to prevent war.

In 1916 the great Henry Cabot Lodge was in favor of just such a League of Nations to prevent war, for in his speech here in Washington before the League to Enforce Peace, on May 16, 1916, he said:

The limit of voluntary arbitration has, I think, been reached. Much has been achieved by it. It has taken out of the range of arms a large mass of questions which once were causes, frequently of war, constantly of reprisals, and by the general consent of civilized mankind has put them before a tribunal and had them there decided. If we have reached the limit of voluntary arbitration, what is the next step? I think the next step is that which this league proposes, and that is to put force behind international peace.

We may not solve it in that way, but if we can not solve it in that way it can be solved in no other.

But alas, the President did not give the United States Senate representation on the peace commission. The President was becoming too popular and beloved in the United States. The people were forgetting to applaud anyone else. The President's Democratic Party was becoming too much in the limelight and gathering too great a following. Something had to be done to stop it, else it presaged harm for Republican hopes during the years to come. But more important than all else, if this League of Nations plan and the President's treaty of peace were adopted it would stop the manufacture of war munitions; it would close up a lot of Republican gun and munition factories, and they would have to change their machinery to create more useful utensils; the war program would stop; the war-preparation program of 1916 would stop; the $50,000,000 dreadnoughts would not be built; the arms, ammunition, supplies, and equipment for a great Navy and a great Army would not be sold; and the immense profits anticipated by the Republican plutocrat manufacturers who furnish all the Republican campaign funds would not go into their already bulging pockets, but would be kept in the pockets of the people, out of which otherwise the same would be taken through increased taxation. And under such pressure of political hysterics our Republican steering committee is cramming this absurd, meaningless thing down our throats.

When it passes by Republican votes, what will be accomplished? Absolutely nothing. Will there be peace? No; and our Republican friends know it. Millions of men, women, and little children throughout Europe will still suffer the outrages of anarchy now menacing the enemy country until a treaty of peace is entered into in a constitutional way, and this country will still remain in a state of disquiet and turmoil until the people elect a Senate that will ratify a proper treaty.

The same Republican colleagues of ours who are now forcing this sham through the House are the ones who have voted for an Army several times the size that would be necessary had the treaty been ratified, and are the same ones who voted for a Navy program several times the size that would be necessary had the treaty been adopted, for had the treaty been ratified every country would have begun to disarm, would have reduced its standing army, would have stopped its navy program in the line of building battleships that serve no useful purpose whatever out of war and are a dead expense to every Government, and would have stopped over half of its annual expenditure now made necessary in keeping up departments attending to the war program. They are the same Republican friends who have been trying to curse this Republic with compulsory military training, that will take all of the young men in this country from their homes and put them into the camps to learn bloody warfare. They are against furnishing a few police to assist our allies in keeping the peace of the world and preventing cruel war in the future, but they want to build dreadnoughts, maintain a big fighting Navy, manned with boys taken forcibly from the farms and businesses of the country, maintain a big standing army, garner war engines, war munitions, buy millions of war supplies annually, and turn our friendly allies against us, so that if Republican munition sellers can ever inveigle our country into some fuss with another, we can use all of the man power of this country from 15 and 16 year old boys up to fight the combined powers of the world. That is what our Republican friends seem to be in favor of doing.

I am for peace. I am against war. I am in favor of reducing to the lowest minimum the chances of war in the future. When I ran for this office in 1916 one plank in my platform was the following:

INTERNATIONAL PEACE.

In a short time the world will have had enough of war. We must find a permanent solution of this question and make it impossible for any country to successfully declare war, and at the same time provide a just and adequate means of honorable settlement of all international disputes.

I am against a large standing army. I am against building these helpless battleships and dreadnoughts, costing hundreds of millions, which would not be needed with a League of Nations. I am against compulsory military training. When you go to take an 18 or 19 year old boy out of a home now that has one or more loved ones buried in France to send him to a training camp each year during peace time you are going to hear from the fathers and mothers of this country. The people of a county enforce peace in that county. The people of a State enforce peace in that State. The people of the United States enforce peace in the United States. But when the peace of the world is involved, it is the nations of the world that should enforce it. "United we stand, divided we fall" is just as true when applied to the civilized nations of the world concerning the peace of the world as it is true of the United States when applicable only to the peace of the United States.

This Republican sham resolution will accomplish nothing when passed. Republicans are camouflaging when they say that they want war-time laws repealed. We Democrats have wanted these laws, such as the Lever Act, which has cost the producers of the country hundreds of millions of dollars, repealed ever since the armistice was signed. We are going to give you Republican colleagues of ours a chance to vote on the subject of repealing these war-time laws, for the gentleman from Virginia [Mr. FLOOD], who has charge of this debate on the floor, is going to offer the following substitute for your sham so-called peace resolution, which substitute will read as follows:

Be it enacted, etc., That all acts and joint resolutions of Congress which have been passed since April 6, 1917, and which by their terms are to be effective only for the period of the war, or for the present and existing emergency, or until a treaty of peace should be ratified, or until the proclamation by the President of the ratification of a treaty of peace, are hereby repealed; and all such acts and resolutions which by their terms are to be effective only during and for a specified period after such war, or such present or existing emergency, or the ratification of such treaty, or the proclamation by the President of the ratification of such treaty are hereby repealed, which repeal shall be effective at the end of the specified period, such specified period being construed as beginning on the date of the final passage of this resolution.

Now, this substitute to be offered by our Democratic colleague from Virginia will repeal all of the emergency war-time laws, and if you Republicans are sincere in wanting them repealed you can repeal them. But every Republican in this House, whipped into line by your party leaders, will vote against this Flood substitute, and will thereby prevent these war-time laws from being repealed, and the responsibility of keeping such laws effective will be on you Republicans.

This Congress has declared a state of war to exist between this Government and not only the Imperial German Government but also the Royal Austro-Hungarian Government. Why the urgent necessity of now by this sham resolution declaring peace with one and not with the other?

On April 6, 1917, this Congress passed the following resolution:

Whereas the Imperial German Government has committed repeated acts of war against the Government and the people of the United States of America: Therefore be it

Resolved, etc., That the state of war between the United States and the Imperial German Government which has thus been thrust upon the United States is hereby formally declared; and that the President be, and he is hereby, authorized and directed to employ the entire naval and military forces of the United States and the resources of the Government to carry on war against the Imperial German Government; and to bring the conflict to a successful termination all of the resources of the country are hereby pledged by the Congress of the United States.

And notwithstanding the fact that the power to end this war through a treaty of peace is by the Constitution placed solely with the President and Senate of the United States, the Republican steering committee of this House seeks to make this House look ridiculous in the eyes of the whole world through the passage by their party vote alone of this sham resolution of so-called peace, now before the House, which means nothing.

What are these Republicans going to do with the other declaration of war against the Royal Austro-Hungarian Government? Are we still to be left at war with Germany's main allies, though put at so-called peace with Germany? This Republican action is ridiculous even to the children of our country, who understand such camouflage.

In the Star-Telegram, published at Forth Worth, Tex., issue of last Tuesday, April 6, 1920, is a splendid editorial predicting that the Texas delegation will register its 18 votes solidly against this foolish measure, indicating that its ulterior, vicious purpose and design will fool no intelligent person.

Now examine the other declaration of war, concerning which no action is taken. On December 7, 1917, this Congress passed the following:

Whereas the Imperial and Royal Austro-Hungarian Government has committed repeated acts of war against the Government and the people of the United States of America: Therefore be it

Resolved, etc., That a state of war is hereby declared to exist between the United States of America and the Imperial and Royal Austro-Hungarian Government; and that the President be, and he is hereby, authorized and directed to employ the entire naval and military forces of the United States and the resources of the Government to carry on war

against the Imperial and Royal Austro-Hungarian Government; and to bring the conflict to a successful termination all the resources of the country are hereby pledged by the Congress of the United States.

Why do Republicans want to remain at war with the Royal Austro-Hungarian Government? Why is it not just as important for the House of Representatives to assume functions not given by our Constitution and declare peace with the Austro-Hungarian Government as with Germany? This House of Representatives will have wasted two whole days and thousands of dollars in this useless, resultless debate, without accomplishing anything. The people of this country are going to hold you Republicans responsible for such incompetency, waste, and inefficiency.

Mr. PORTER. Mr. Speaker, I yield to the gentleman from New York [Mr. DEMPSEY].

Mr. DEMPSEY. Mr. Speaker and gentlemen, everyone admits that the end sought by the resolution under consideration is a most desirable one. The sole question is whether the Congress has the power to pass the resolution. That being the only question at issue, I pass to a discussion of it.

Section 1 of the resolution simply declares that the war is at an end. There can be and is no dispute that, as a matter of fact, it is at an end. The two questions involved are: Does its ending in fact so terminate it in law as to invest the Congress with the power to make the declaration which it attempts to make by this section? As a general rule, well recognized by all the authorities on international law, wars may end by the long-continued suspension of hostilities. There has been such suspension here for 18 months—surely a long enough time of itself and alone to bring us within this general rule. But we have much more than a simple suspension of hostilities; the halting of the war was inaugurated by a solemn written agreement of armistice, executed with the usual formalities by the contending countries, providing not alone for the suspension of hostilities but for the conclusion of a treaty of peace and stipulating as much in detail as could be done in the haste required in such a document the terms upon which peace should be concluded.

In pursuance of the preliminary agreement negotiations promptly followed the signing of the armistice, which were delayed a most unusual time, not because of disputes between Germany and the Allies, but solely on account of the difficulties among the Allies themselves in agreeing upon the terms of another instrument, included in but no part of the peace treaty, creating a League of Nations, to which, for a considerable time at least, Germany was not even to be admitted.

So there is and there can be no dispute that, in fact and in law, the war is at an end. The question remains whether Congress has the power to declare that the war has ended. No question is raised except as to whether it involves the assumption by Congress of the treaty-making power. Congress does not attempt by this declaration to make a treaty or even to negotiate with Germany. It does nothing more than to recognize an indisputable fact, proven by incontrovertible evidence. As the war has terminated by the suspension of hostilities and it does not attempt to make a treaty or even to negotiate with Germany by doing so, the Congress, under its general legislative power, would clearly have the right to declare by resolution the fact and settle all questions on the subject in the business community and among the people generally. The Supreme Court has recognized the right of Congress to pass such a resolution under peculiar circumstances, and while the case then under consideration was not one of a world war, the principle upon which the case was decided was that some public proclamation of legislation would seem to be required to inform those whose private rights were affected by it of the time when it terminated—United States *v.* Anderson (9 Wall., 56)—and that principle applies with equal force and necessity here.

Section 2 of the act simply repeals war-time legislation. It is assumed that the minority report contains the sober, well-considered views of those who oppose this legislation, and it is conceded in that report that the Congress has power to repeal this legislation. (General statement, top p. 3.)

Section 3 provides for the resumption of trade relations with Germany. It can not be disputed that Congress has power to regulate commerce with foreign nations. That power is expressly conferred upon Congress by subdivision 3 of section 8 of Article I of the Constitution, and can not be disputed. The question involved is whether the Congress seeks to exceed this power by imposing certain conditions upon Germany, requiring her to assent to them and give us notice of her assent, and prohibiting intercourse of all kinds between the two countries in the event that she fails to fully comply with these conditions. It is strenuously urged that Congress is exceeding its powers in imposing and requiring an assent to these conditions, because—

(1) Any encroachment upon the treaty-making power by Congress is unconstitutional; and (2) the imposing of the conditions and requiring an assent to them is such an encroachment.

I deny both of these propositions. What has been settled by legal decision is much more conclusive than the best of argument, and it has been settled by the decision of our Supreme Court that under the power to regulate commerce with foreign nations the Congress has the power to provide in a tariff law that foreign nations which comply with certain conditions imposed by the act shall enjoy exceptional privileges conferred by it. The only difference between such a tariff law and section 3 is that by the terms of the section under consideration the German Government is required to notify us of its assent, while in the tariff law the giving of such notice was not required. However, it can not seriously be contended that the giving of this notice can make any material difference. In both cases the provisions are in substance the same: A foreign country is given certain trade benefits, provided it complies with certain conditions. The important thing is, not notifying us that it has complied, but compliance.

Besides, the argument that section 3 is void if it encroaches in the slightest degree on the treaty-making power is not well founded. By subdivision 17 of section 8 of Article I of the Constitution, Congress is given power—

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by the Constitution in the Government of the United States or in any department or officer thereof.

However, the fact that one of the three coordinate branches of the Government encroaches by its acts on a function properly belonging to one of the two other branches is not even evidence that the act so done is unconstitutional.

This is well recognized by the authorities.

It has from the beginning been necessary to vest in each of the three departments of Government certain powers which, in their essential nature, would not belong to it. * * * The courts have been given the legislative power to establish rules of practice and procedure and the executive power to appoint certain officials—sheriffs, criers, bailiffs, clerks, etc.; the legislature has been given the judicial powers of impeachment and of judging of the qualifications of its own members, and the Senate the essentially executive power of participating in the appointment of civil officials; and the Executive has been granted the legislative veto power and the judicial right of pardoning. (Willoughby on the Constitution, vol. 2, 1262–1263.)

From this quotation it is obvious that the encroachment by one of the branches on the powers and functions of the other is not infrequent and often recognized as valid, and the question is whether or not the principal act done is one within the powers of the Congress and the encroachment only incidental to the carrying out of the principal act. Congress is given the right to regulate commerce with foreign nations and to make all laws necessary and proper for carrying into execution that power. It becomes necessary for Congress in regulating commerce with Germany, a nation with which we have ceased to be at war but with which we have waged a war, to impose certain restrictions, the necessary consequences of that war. In imposing these conditions Congress has the right to do what it has heretofore done in passing tariff laws containing reciprocity provisions. It could not for a moment be contended that the provisions contained in these tariff laws were the only provisions which could be imposed. The fact has been recognized that Congress has the right to impose conditions, and that is what it is doing and all that it is doing now. The circumstance that the conditions imposed are described in a certain document does not bring the document referred to in question here at all, except for a description of the conditions.

So, it is evident that even if we incidentally encroach on the treaty-making power, this would not make the legislation unconstitutional unless the encroachment was the main and principal thing which was done and not a mere incident of the exercise of the power to regulate foreign commerce, which we are granted.

It is exceedingly clear that we do not encroach at all, however, on the treaty-making power. The armistice has been signed. It defines, in a general way, the terms on which the treaty shall be concluded. It stands in the same relation to a treaty that a land contract would stand to a deed. The parties have entered into this preliminary arrangement which defines their rights and the United States can insist on its rights either under the armistice or in a treaty to be concluded in accordance with its terms.

The gentleman from Texas says that if we have the right to declare peace now, we had the same right to declare it while hostilities were being actively waged—in the midst of one of the drives. In making such a declaration he misses entirely the point under consideration. This is not a declaration that the

war shall end, but simply a recognition by solemn declaration of the circumstance that the war has long since ended. During the continuance of the war the only right of Congress would be to end it by refusing to grant appropriations, but when once the war is ended Congress has the right to declare the fact.

The gentleman from Texas, too, very eloquently refers to the wonderful services of our boys in the Great War, which has ended with such a splendid victory owing to their bravery and devotion. He seems to urge that in some way it is to their interest to have a technical state of war continued. This would be a bad return for all the wonderful services they have rendered their country. We should not permit them to return to a country where they have won peace by their sacrifices of life and vigor, and impair and lessen the prosperity of the country by continuing a technical state of war when the real war has ended. It is our duty to make the country as prosperous as possible. We should give them the best opportunities that a prosperous country can afford them, and not ask them to resume the duties, obligations, and routine of civil life under discouraging circumstances by saying, as we would say by the defeat of this resolution, something that is not true, something that is not the fact, that a state of war exists when those boys have by their arms and by their valor ended that war.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. PORTER. Mr. Speaker, I yield 10 minutes to the gentleman from Massachusetts [Mr. GALLIVAN].

The SPEAKER. The gentleman from Massachusetts is recognized for 10 minutes.

Mr. GALLIVAN. Mr. Speaker, I thank God in this hour that I am not a constitutional lawyer. [Laughter and applause.] I am not even a curbstone lawyer. I have heard this question discussed by constitutional lawyers and by curbstone lawyers and none of them have impressed me. [Laughter.]

Now, it does not take a constitutional lawyer to know that the House of Representatives has nothing whatever to do with negotiating a treaty. The Constitution very clearly provides that such authority lies in the hands of the President and the Senate. There can be no question about the letter or the intent of the provision of the Constitution. But in this peculiar case which lies before us the condition of war into which we entered in April, 1917, can be summarily ended without the necessity of any negotiations. We have not only defeated the Government with which we were at war, but we have annihilated it. [Applause.] It no longer exists. The Imperial German Government has as completely disappeared as the imperial government of Napoleon or of Augustus. There is as a matter of law and of fact no government in Germany with which we were at war, and consequently no government in Germany with which we are bound of necessity to negotiate at all. [Applause on the Republican side.]

The Kaiser, the head of the old Imperial German Government, is now an exile in an asylum State. No longer does his imperious will sway and control the German people. He is now content to saw wood within peaceful Holland. [Applause on the Republican side.]

Mr. Speaker, I am one of those who believe that it is within the power of Congress to say by resolution that the war we waged with a vanquished Government has, like that Government itself, ceased to exist; and if we deny the right of Congress to declare that this war has ceased, we deny the right of Congress to state an accomplished fact. In other words, we assert that it is unconstitutional for the Congress of the United States to say that something has happened which every child knows has happened. To talk about the President and the Senate being compelled to go hand in hand to Germany to ask for terms of peace is to talk as the foolish talk. [Applause.]

Every sensible man knows quite well that Germany in her present exhausted and chaotic condition will consent to whatever terms of negotiation the President and the Senate, in the exercise of their constitutional authority, may present to the German Government. Nor, in case that Germany should demur, would it be necessary either to resume military and naval warfare or even to threaten the resumption of warfare; a mere threat of breaking off commercial relations would bring the German Government to submission at once, because Germany can not possibly continue to exist, much less hope to get again upon her feet industrially, if the great markets of the United States were closed to her exports. The Congress clearly having the right to declare that the war has ceased, the only question to be answered is whether Congress should take that action at once.

To this question there can be but one answer.

In the interest of our own trade and commerce it is highly necessary that untrammeled communication between the United States and Germany should begin at once, or else, when we do open the highways to the German markets, we will find them couped by the commercial invasion of England and other competitive nations.

But, Mr. Speaker, there is another point. At this very moment, while we gather here, well clothed, well fed, and comfortable, there are literally millions of men, women, and children in Europe dying from lack of food, from lack of medicines, from lack of every convenience and necessity which make civilized life comfortable, and which make even life itself possible.

If some inhuman ashman were to place a cage here on the floor of this House and exhibit the skeleton form of one little baby being slowly starved to death, there is not a man in this House who would not rush to rescue the little victim and kill its inhuman tormentor; and yet in Germany, in Austria, in Hungary, and in Russia there are literally millions of little babes who die slowly before their mothers' and fathers' eyes, in the agonies of starvation, and we, civilized Americans, are asked to let this hideous spectacle of awful agony continue until certain gentlemen can debate for several more months the important question as to whether the majesty of the Executive and the dignity of the Senate would be outraged by a simple declaration of fact by the Congress of the United States. [Applause.]

Mr. Speaker, to sum up, may I say that on this question and in this hour I can not give to my party what I owe to humanity? [Applause.] I am for peace now, and I propose to vote for this resolution with a conscience that is clear and a conviction that I hope is an honest conviction. [Applause.]

Mr. FLOOD. Mr. Speaker, I yield to the gentleman from Mississippi [Mr. CANDLER].

The SPEAKER. The gentleman from Mississippi is recognized.

Mr. CANDLER. Mr. Speaker and gentlemen of the House of Representatives, I yield to no man in this great legislative body or elsewhere in a sincere desire to see this magnificent Republic at peace within its own borders and at peace with all the nations of the world. I am a man of peace, and every fiber of my nature at all times yearns for peace and quietude and abhors war and unrest. Therefore I would go a long ways—even to the extreme limit—to have peace and end war.

I shall never forget as long as life lasts how awful and solemn I felt in my innermost heart, under the most terrible responsibility resting upon me, when we declared by act of Congress on April 6, 1917, that a state of war existed between the Imperial German Government and the United States of America; when I came to the full realization of the fact that real war, so long dreaded by us, was on in earnest between our country and the Government of the arch enemy of civilization and mankind—the German Kaiser. Neither will I ever forget the gladness and the joy that filled my soul when real hostilities came to an end with the signing of the armistice on November 11, 1918. The burden that had been on my heart with ever-increasing weight, if possible, from the day we entered the war was rolled away by the joyous voice of victory and the resultant prospect of permanent peace not only for our own country, but for the world.

I shall never forget how glad I was to see our brave boys returning home to their loved ones in a blaze of glory, resplendent with honor, and aglow with the purest patriotism, having achieved a triumphant victory over autocracy and despotism and established as we believed the democracy and freedom of the world. While filled with joy to see these thus return, we felt the sadness produced because others of our noble boys had paid the supreme sacrifice to bring about this glorious result; but we found comfort and solace in believing they had not died in vain, but had wrought well for the future of mankind and in their sacrificial blood had written another chapter in the history of America which would shine on with ever-increasing brilliancy and glory to the end of time. Never will I forget how we watched the supreme efforts of our great President to make secure the results obtained by these noble American soldier and sailor boys in securing the execution and the signing of a permanent treaty of peace.

How America rejoiced when it was signed and we believed war was to be no more and world peace had been made secure; but, alas, the Senate of the United States has rejected that treaty, although it has been ratified by 32 of the civilized nations of the world, including all our allies in the war and all the nations who signed the treaty with us. Only the United States, of the nations signing it, has failed to ratify it. The Senate by refusing to ratify the treaty has caused the United States to turn away from all our allies and those who signed the treaty with us and practically all the civilized nations of the earth

and placed us in the company of China and Russia. They did not sign the treaty, and hence did not ratify it. We did sign it and then refused to ratify it. We are standing alone with superstitious China and bolshevik Russia. Do you think the people of America will be proud of the company we are placed in by this action of the Senate?

Nay, verily. Now, we are called upon by you Republicans to violate our oaths of office and pass this resolution, which is contrary to the letter and spirit of the Constitution of our country. You hope thereby to try to make a separate peace with Germany in a little, short resolution of a few lines, which is not worth the paper it is written on, but which if effective would cause us to prove faithless to our allies, who sacrificed the blood of millions of their brave men and billions of their treasure in a righteous and common cause with us, and in addition to that cause us to turn our backs upon the 32 civilized nations who signed the treaty with us and have ratified it, thereby standing by their agreement to aid in its enforcement to secure permanent world peace and prevent wars for all time. You would also have us turn aside from the ideals of our brave soldier boys, who fought our battles and won victory. We will not do it.

By proposing this resolution you are trying to practice a deception and a fraud upon the American people. If it should become law, it would be a nullity, because it violates the Constitution, and it could not and would not bring about the peace so much desired. One party to a war can not make a treaty of peace by resolution or otherwise, and you know that. You are not sincere in this grandstand flourish of trumpet's play. It is a barrage; it is a camouflage.

It takes the agreement of both parties, solemnly entered into by a contract, by a treaty, to secure peace, and a treaty can only be negotiated by the President, and must be ratified by two-thirds of the Senate.

The President, with the advice and consent of two-thirds of the Senate, is the treaty-making power. The House of Representatives has nothing on earth to do with it, and to-day you are doing a vain, foolish, and ineffective thing. It would be funny, indeed it would be perfectly ridiculous, if you were not dealing with such a tragic and solemn situation. Now, let us see what this resolution proposes to do. In section 1 it proposes "that the state of war" * * * "is hereby declared at an end." Such a thing never before in the history of this Republic was attempted to be done except through the instrumentality of a treaty, solemnly entered into between the belligerent nations.

In section 2 it provides that all the war measures in which it is provided they shall terminate upon the termination of the war shall terminate when this resolution becomes effective.

That is a legislative power, and if you are honest and sincere in desiring the repeal of the war legislation, we Democrats will give you an opportunity to do that by voting for our motion to recommit to be offered by Mr. FLOOD. If it is adopted it will repeal the war measures outright and leave no doubt about it. Will you vote for it? No; you will vote against it, thereby demonstrating your insincerity and your determination in the sacred name of peace to impose upon the credulity of the American people and deceive them if you can. I warn you now you will not be able to do it. The people will see your hypocrisy and visit upon you their just censure and condemnation.

Section 3 requires that to secure reciprocal trade with Germany the German Government must, within 45 days after the passage of this resolution, notify the President that it has declared the war ended and that it waives all claims, demands, and benefits against the United States. In other words, it says to Germany, "You must accept the treaty of Versailles, although we have not ratified it." The resolution refers to the treaty specifically; it makes reference to its terms and makes the acceptance of those terms a part of the proposed settlement in effecting peace. This is clearly nothing less than an attempt to make a treaty by a resolution of Congress, and is unconstitutional and would be wholly ineffective to accomplish that result.

Section 4 provides that any of our citizens found trading with Germany during the time when trade with them is not permitted shall be fined not more than $10,000 or be sent to the penitentiary for not more than two years.

Section 5 provides that we shall not waive any of our rights secured under the armistice or forfeit anything acquired during the war by reason of our participation in the war—simply another treaty provision which can not be made certain by simply "resoluting" ourselves.

Such provisions as are here proposed can only be made valid when secured by treaty. How are treaties made? The Constitution of the United States says: "He—the President—shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur." Then if the President is given the power, by and with the advice of two-thirds of the Senators, to make treaties, certainly the House of Representatives has no part or parcel in the treaty-making power of the Government. All our diplomatic affairs, and a treaty is a diplomatic affair, belong to the executive branch of our Government and not to the legislative branch. The Constitutional Convention fixed that beyond question. They provided "that Congress shall have power to declare war," but denied to Congress the power "to declare peace."

In the Constitutional Convention an amendment was offered to add after the words "to declare war" the words "and to declare peace," and the amendment was unanimously voted down and defeated, thereby showing that the Constitution makers denied Congress the power "to declare peace," and provided that that power should be vested in the President to be exercised by making a treaty to secure and to proclaim peace. As a further unanswerable proof of that fact I offer the history of our country during all the years of our existence as to the unbroken procedure adopted to secure peace at the conclusion of all the wars in which we have engaged. During our national existence up to the time of this great World War we were engaged in the Revolutionary War, the War of 1812, the Mexican War, and the Spanish-American War—four great wars with foreign countries.

How were they terminated, by a resolution of Congress? No, sirs; not at all. They were terminated by a treaty of peace at the end of each of the wars. To substantiate this statement I call your attention to the following memorandum furnished me by the Legislative Reference Service, Library of Congress. Now, listen; here it is. It comes from a nonpartisan, unbiased, authoritative source and is a simple statement of the truth of our history:

[Library of Congress—Legislative Reference Service.]

TERMINATION OF WARS IN WHICH THE U. S. WAS INVOLVED.

In every case in which the United States has been involved in a war, the termination of this hostile state has been effected through a treaty of peace. The following memorandum shows the mode followed by the United States in its four wars with foreign countries.

Memorandum on peace negotiations in wars of the United States with foreign countries.

TREATY OF PARIS, SEPT. 3, 1783.

The commissioners appointed at the close of the Revolutionary War, June 14, 1781 (Journals of Continental Congress, v. 20, pp. 647–648)—John Adams, John Jay, Benjamin Franklin, Thomas Jefferson, and Henry Laurens—were chosen by the Congress under the old Articles of Confederation (1781–1789). This Congress was a unicameral body, and owing to the absence of any provision under the "articles" for a Federal executive it exercised both legislative and executive functions. Being the sole piece of Federal machinery, the right of appointment was naturally vested in it (Journals of Congress, v. 4, p. 80; also Butler, C. H., Treaty-making power of the U. S., V. I, C. V).

The provisional treaty of peace was signed at Paris Nov. 30, 1782, and the definitive treaty was signed on Sept. 3, 1783. It was ratified by Congress Jan. 14, 1784, and proclaimed Jan. 14, 1784.

TREATY OF GHENT, DEC. 24, 1814.

(War of 1812.)

On April 17, 1813, President Madison, having accepted the offer of the Russian Government to mediate between the United States and Great Britain, appointed Albert Gallatin, James A. Bayard, and John Quincy Adams as envoys extraordinary and ministers plenipotentiary to negotiate a treaty of peace with Great Britain. On May 29, 1813, Madison sent these nominations to the Senate for confirmation. A debate immediately arose as to whether the functions of the Secretary of the Treasury, which office Gallatin was then holding, were compatible with those of envoy extraordinary. On July 19, 1813, the Senate confirmed the nominations of Bayard and Adams, but by the close vote of 18 to 17 rejected the nomination of Gallatin. (Adams, H., History of the U. S., 1801–1817, V. VII, pp. 1–65.)

The British Government now refused to accept the offer of Russian mediation, and instead offered to treat directly with the United States. This offer President Madison hastened to accept, and on Jan. 14, 1814, he nominated John Quincy Adams, James A. Bayard, Henry Clay, and Jonathan Russell as the new commissioners to negotiate directly with Great Britain. (Adams, H., History of the U. S., 1801–1817, V. VII, pp. 339–370.)

Four days later, Jan. 18, 1814, with but little opposition in the Senate, these nominations were confirmed. On Feb. 9, 1814, Gallatin was once more nominated by President Madison as one of the envoys to negotiate the treaty of peace with Great Britain, and on this occasion his appointment was promptly confirmed by the Senate. (Adams, H., History of the U. S., 1801–1817, V. VII, pp. 371–372; V. IX, pp. 52–58.)

On Dec. 24, 1814, the treaty was signed at Ghent. On Feb. 15, 1815, President Madison transmitted the treaty to the Senate, and on the following day it was unanimously agreed to by that body. On Feb. 17, 1815, it was ratified by the President; ratifications were exchanged Feb. 17, 1815; and on Feb. 18, 1815, the treaty was proclaimed.

TREATY OF GUADALUPE HIDALGO, FEB. 2, 1848.

(Mexican War.)

On April 10, 1847, immediately after the news of the American victory at Buena Vista and the occupation by American troops of the important town Vera Cruz, President Polk, upon the advice of James Buchanan, Secretary of State, decided to appoint a representative or commissioner to negotiate a treaty of peace with Mexico. Nicholas Trist, chief clerk of the Department of State, was chosen for this commission, and on April 16, 1847, in great secrecy, and under an assumed name, he left for

New Orleans with a *project* of a treaty drawn up by President Polk and his Cabinet. (Rives, G. L., U. S. and Mexico, 1821–1848, V. II, pp. 424–428.)

On Monday, September 6, 1848, Trist had a final conference with the Mexican plenipotentiaries, who flatly refused to accept the American project, and instead offered a counterproject which Trist declared wholly inadmissible. President Polk now decided to recall Trist, and on October 6, 1847, instructions to that effect were forwarded. (Rives, G. L., U. S. and Mexico, 1821–1848, v. II, pp. 520–521.)

Trist, however, despite his instructions, remained in Mexico, and on February 2, 1848, formally concluded a treaty with the Mexican plenipotentiaries. This treaty arrived in Washington on February 19, 1848, was accepted by the President, and on February 22d was sent to the Senate, where, after a long and spirited debate, it was agreed to on March 10, 1848. (Ex. Journal, v. 31, pt. 2, pp. 1161, 1284.) It was ratified by the President on March 16, 1848; ratifications were exchanged on May 30, 1848; and the treaty proclaimed July 4, 1848.

TREATY OF PARIS, DEC. 10, 1898.

(Spanish-American War.)

On August 12, 1898, M. Cambon, the French ambassador to the United States, was authorized by the Spanish Government to sign a protocol suspending hostilities between the United States and Spain. In accordance with the fifth article of this protocol President McKinley on August 26, 1898, appointed five commissioners to represent the United States in the negotiations for peace—William R. Day, who resigned the office of Secretary of State to head this mission; Cushman K. Davis (Republican from Minnesota), chairman of the Senate Committee on Foreign Relations; William P. Frye (Republican from Maine and a member of the Senate Committee on Foreign Relations), president pro tempore of the Senate; George Gray (Democrat from Delaware and also a member of the Senate Committee on Foreign Relations); and Whitelaw Reid, editor of the New York Tribune. (Congressional Drectory, 55th Cong., 2d sess., Dec. 1897, pp. 26, 55, 68, 149–151; ibid, 56th Cong., 1st sess., Dec. 1899, pp. 40, 54. Richardson, Messages and Papers of the Presidents, v. 14, pp. 6321–6322.)

On December 10, 1898, at Paris, the treaty of peace was signed by the commissioners of both Spain and the United States. On January 4, 1899, President McKinley transmitted it to the Senate, where, on February 6, 1899, ratifications were advised by a vote of 57 to 27. On the same day, February 6, 1899, the treaty was ratified by the President; ratifications were exchanged April 11, 1899; and the treaty proclaimed April 11, 1899.

Now, then, if the Constitutional Convention said Congress should not have the power "to declare peace," but did say in the Constitution that the President did have that power conferred upon him in authorizing him to "make treaties," to be ratified by the Senate, and that course has been followed since September 3, 1783, upon which date the treaty of Paris was signed which ended the Revolutionary War, up to this, the 9th day of April, in the year of our Lord 1920, "without deviation or shadow of turning," I ask you, my Republican friends, where you get your authority, either from Constitution, international law, or precedent, to end this great World War by a little five-section resolution of Congress? You know you have no such authority and you can not point to any in the Constitution, in international law, or in the precedents of this Republic.

In your attempt to deceive the people by calling this a "peace resolution" and in passing it by your votes you will but stultify yourselves, violate the Constitution you swore to support, and make yourselves the laughingstock of the people of this country and the people of foreign lands. I will not join you in such a foolish, vain, and nonsensical performance. You say it is a "peace resolution." I say it would be more appropriately styled "a resolution to involve America in more difficulties, more complex situations, more friction, and possibly more war," because it might bring about diplomatic complications and friction with other nations, who already distrust us because we have rejected absolutely the treaty which we signed with 32 other nations, all of whom have ratified it, and we stand alone in rejecting it.

But you say as a justification for undertaking this unconstitutional and unheard-of proceeding that you want to restore domestic peace and normal conditions by repealing the war legislation. Well, we will see whether you are sincere in that statement. We will give you a chance and put you to the test. You have had since this Congress met on the 19th day of last May to repeal war legislation, and you promised the people to repeal it and pass reconstruction legislation in its stead, and you are in the majority in the House and in the Senate, but you have as usual proven false to your promises, deceived the people again, and up to this good hour you have not repealed a single war law or passed a single reconstruction statute. But you say you want to do it now. All right.

Mr. FLOOD will offer the following motion to recommit:

That House joint resolution No. 327 be recommitted to the Committee on Foreign Affairs with instructions to the committee to report the same to the House forthwith with the following amendment:

Strike out all the preamble and all after the enacting clause and insert following the enacting clause the following:

"That all acts and joint resolutions of Congress which have been passed since April 6, 1917, and which by their terms are to be effective only for the period of the war, or for the present or existing emergency, or until a treaty of peace should be ratified, or until the proclamation by the President of the ratification of a treaty of peace, are hereby repealed; and all such acts and resolutions which by their terms are to be effective only during and for a specified period after such war, or such present or existing emergency, or the ratification of such treaty, or the proclamation by the President of the ratification of such treaty are hereby repealed, which repeal shall be effective at the end of the specified period, such specified period being construed as beginning on the date of the final passage of this resolution."

We propose a legislative proposition, and if you will pass Mr. FLOOD's motion it is constitutional and will effectively repeal the war laws now on the statute books. The Democrats practically to a man are going to vote for it, and I am going to vote for it, because we want domestic peace and normal conditions.

Will you Republicans make good your statement that you want domestic peace and normal conditions and make good your preelection promises to the people by voting for it and thus secure the repeal of these war laws? If you fail to vote for it—if you vote against it—you will again expose your hypocrisy and insincerity by losing this certain, definite, and specific opportunity to pass a law to repeal these irritating, objectionable, and burdensome war measures, the enacting of which was made necessary by the war and for which there is no other justification. So turn aside once from your partisanship and give your better nature and your patriotism a chance and join us in the repeal of these war measures. Will you do it? We will see very soon.

Now, in conclusion, let me reiterate with all the earnestness of my nature, I am for peace. I never wanted war, but am now and have always been against war, where it could with honor and safety to our people be avoided. When we had no other alternative but war or dishonor we preferred to fight and did fight for the preservation of our national honor and the security of our institutions and the safety of our people, and to destroy autocracy and despotism and to establish democracy and preserve liberty. And our brave boys won a glorious victory, and I for one am opposed to throwing away the results to which that victory entitles us. Yes; I want peace, but I want a sure-enough peace, secured in the proper way, and then it will be, as it should be, a lasting peace; otherwise it will not. Therefore, in this august presence at this solemn hour I pray God to give us abiding peace within our borders and with all the world, to the end that our people may enjoy contentment, happiness, and prosperity in the full realization of universal peace and the hope at least that there will be no more war evermore. May God preserve our great Republic and bless all our law-abiding, liberty-loving, loyal, and patriotic people. [Loud applause.]

Mr. FLOOD. Mr. Speaker, I yield half a minute to the gentleman from Virginia [Mr. HARRISON].

The SPEAKER. The gentleman from Virginia is recognized for half a minute.

Mr. HARRISON. Mr. Speaker, under the authority conferred on Congress by the Constitution, Congress on April 6, 1917, declared a state of war to exist between this country and the Imperial Government of Germany. I voted for that resolution, as our American sovereignty could no longer subsist if we submitted to Germany's attempted dominion over our undoubted international rights. It was an epoch-making resolution, of stupendous significance, not only to the world of to-day, but to generations yet unborn. All criticism of that vote has died, if any ever had existence, and every thoughtful person now realizes that no other course was consistent with the honor and safety of this Nation.

As we are now considering the powers of this House to officially end what that resolution initiated, a brief résumé of the congressional history from that date does not seem inappropriate. I speak to some extent of my own part in it, not that it was in any sense as important as that of others, but for the personal touch which generally lends interest to a subject of discussion.

The first great act was the selective draft. I believe of all the important measures enacted by Congress it contributed most to the successful issue of the war. It came with a minority report from the Committee on Military Affairs, but it is a great satisfaction to me to recall I was one of the eight minority members of that committee who successfully carried it through the House in the face of the opposition of many of the leaders. It was novel legislation and its enactment as an initiative method of raising armies was contrary to all precedent. Under its provisions, however, 4,000,000 men, carefully selected so as least to disturb industry, were speedily mobilized. Vast sums of money had to be raised, in all aggregating, with the loans to our allies, $34,000,000,000. Such sums had never been dreamed of before in the history of the world. Aladdin with his lamp had never pictured to the imagination of the East such vast treasures.

As a member of the great Committee on Military Affairs, I had my part in framing one appropriation bill alone which carried $14,000,000,000.

New methods of taxation had to be devised so as to place the enormous burden on those best able to bear it. Taxation was laid so as to reach as far as practicable those who were reaping

a profit out of the war. "Work or fight," "Make no dollars out of this war," were the slogans of the day as applied to labor and capital. Time was all important and money had to be spent, not with economy in view, but solely to get immediate results. Great factories for all possible supplies had to be established, enlarged, or pushed to the utmost capacity, and the country to a certain extent must finance them. Wharves and piers and all forms of facilities for handling shipments rose like magic at many terminals both in this country and in Europe. Congress made this possible. The telephone and telegraph systems, in order to give priority to governmental service and to prevent hostile use, were taken over by the Government and operated as governmental agencies under legislative sanction. The great railroad systems and all methods of transportation became crowded far beyond capacity, and legislation was enacted by which these great public agencies passed under governmental control. Priority of shipment and priority of service were regulated by authority of law.

After the armistice it was necessary to provide for the return of the railroad systems to private ownership. This must be done without burden upon the public and without peril to the business interests dependent upon the transportation systems of the country. The conservation of food and of fuel demanded of Congress the Food Administration and the Fuel Administration, and public suffering was avoided by appropriate legislation along these lines.

One of the great operations of the Government under congressional legislation was the building of a great merchant marine to supply the loss from the ravages of the U-boats. The construction work was on a vast scale, and in no war work was governmental energy so conspicuously displayed. Every one who visited the great shipyards during their maximum development was thrilled by the tremendous energy everywhere visible.

Congress enacted laws for compensation to the disabled soldier, to the dependents of those who died in the service of their country, and provided for allotments and allowances to the dependents of the men in the service, for insurance of those in the service, for vocational training, and, finally, for the return to civil work of the discharged soldier, so that he should not go home penniless, and these laws in themselves constitute a code.

Legislation of the gravest importance is now pending before appropriate committees, providing for the payment of a bonus or otherwise making adequate compensation to all who entered the military service. These propositions are now receiving careful and considerate investigation, so that the Government may be generous to the defenders of the country within the capacity of the country's resources.

It is impossible to narrate all the important laws under the operation of which 4,000,000 men were mobilized in such fashion as to cause the least possible injury to industry; were armed and equipped with every weapon of modern warfare, fed, clothed, trained, and 2,000,000 of them transported across the sea, where by their unconquerable valor they turned threatened allied disaster into a great American victory.

Besides these measures, more or less dealing with war conditions, good-roads construction has received attention. I call attention to the bill by which surplus war material has been turned over to the State highway authorities of the several States, and I greatly appreciate the following letter from the State highway commissioner in regard to my efforts therein:

RICHMOND, VA., *March 24, 1920.*

Hon. H. F. BYRD,
Winchester, Va.

MY DEAR SENATOR: I am just in receipt of yours of the 22d instant, asking with reference to the distribution by the Government of war materials to the various States. This has been done through the Department of Agriculture in Washington in connection with the Federal aid act. Considerable delay, however, has been occasioned by the unwillingness on the part of the War Department to declare machinery or materials which could be used in highway construction or maintenance as surplus. It was therefore necessary for the highway officials of the United States to try to get through Congress legislation which would clear up the situation.

As chairman of the executive committee of the Highway Officials' Association, I took more or less active part in this work, and, by the way, I found your Congressman, Hon. T. W. HARRISON, most active in his willingness to assist us in these matters, and I feel that it is only fair that I should say to you that I feel the State of Virginia, and, as a matter of fact, all the other States, owe to him the legislation which has just been enacted by the Congress. Judge Harrison's position on the Military Affairs Committee placed him in a particularly advantageous position to bring about results.

This legislation, we believe, materially clears up the situation and will enable the States to procure road materials which will be of inestimable value to us in carrying forward our highway programs. The greater part of this machinery will be used in connection with the State and Federal construction and maintenance.

Trusting that this will give you all the information asked for, I am,
Very truly, yours,

G. P. COLEMAN,
State Highway Commissioner.

But this House has not fairly treated the agricultural interests. Under the guise of economy it has made injudicious cuts in appropriations of great importance to the farmer, and this in the face of earnest protests by Democratic Members who more especially represent agricultural interests. The fight is being carried to the Senate.

The great strain under which the Members of Congress have worked in the last three years has taken a heavy toll of its Members. Many times has the flag on the Capitol floated at half-mast. Three of the Virginia delegation, of long and faithful service to their State and country, full of honors, amidst the tears of their people, have been laid to rest beneath the sod of their native State.

During this period Congress, in obedience to an overwhelming mandate of the people, proposed by over a two-thirds vote the eighteenth amendment to the Constitution, providing for national prohibition, which was ratified by 44 of the 48 States of the Union. I was elected to Congress in the first instance on this direct issue for national prohibition, and I would have been untrue to every pledge had I voted otherwise. Virginia was one of the first States to ratify.

This Congress has enacted the Volstead Act to enforce the provisions of the eighteenth amendment. The Republican Party alone is responsible for such imperfections as are found in this act, as at the time of the passage of the Volstead Act the Republicans were in control of both Houses of Congress.

The Volstead Act contains many imperfections and shortcomings, and I favored amendments to it, which were not accepted. When it came up in the House it had passed the stage of amendment, and the question then was whether it should be accepted or rejected as written. To vote to reject the bill meant that I was not in favor of enforcing the eighteenth amendment. To vote to accept the bill still leaves it open at the proper time to make such corrections as experience under it shows proper.

The drastic features of the bill have been grossly exaggerated, as it is not nearly so drastic as the Virginia State law.

The veto of the President was directed solely to that portion of the Volstead Act which related to the war-time prohibition. At the time the vote was taken in the House this feature of the Volstead Act had become immaterial. War-time prohibition, with or without the Volstead Act, continued until peace was declared and terminated, with or without the Volstead Act, when peace was proclaimed. On January 17 constitutional prohibition became operative and war-time prohibition ended.

The President had recommended a repeal of war-time prohibition, but Congress refused to act on his suggestion, and he could not, therefore, consistently sign the Volstead Act with this provision in it. As he had no fault to find with the other provisions of the bill, and after January 17 the vetoed provision passed out, my vote was in entire accord with the veto message of the President. I may add that my position on the Volstead Act was also in entire accord with the Democratic members of the Virginia delegation, including the late Senator Martin.

A certain slogan has gone forth in favor of "beer and light wines"; but it is difficult to understand what this comprehends. If it means nonintoxicating beer and light wines, then the Volstead Act does not interfere with such traffic. If it means intoxicating beer and light wines, then the traffic necessarily involves the return of places of sale and distribution. But no act of Congress can authorize the sale of intoxicating beverages, and the promise of a return to the traffic in such drinks is false and delusive.

An impression exists in some quarters that Congress may by definition of the amount of alcohol authorize traffic in intoxicating drink. This would permit Congress by mere definition to set aside a constitutional provision, which to any open mind obviously can not be. The Supreme Court has held that Congress may forbid the sale of liquor, even though the amount of alcohol is far below the intoxicating point, but the court has never held, nor is it within the range of possibility for the court to hold, that Congress may define intoxicating drink and authorize an amount of alcohol which would set aside the constitutional provision. Congress can limit the amount of alcohol below the intoxicating point, as a part of the necessary measures to suppress the traffic in intoxicating drink, but this is the very antithesis of authorizing an amount of alcohol in drink which produces intoxication.

Absurd ideas are scintillated about the effect of the Volstead Act as to traffic in liquids which have alcohol therein but which are not used as beverages. It has been stated in public places that traffic in vinegar is forbidden. This is wholly false. The Volstead Act applies only to malt, vinous, and fermented liquors for use for beverage purposes.

Mr. Speaker, the resolution before the House embodies the latent hope of everyone and that is a return to official peace and

to normal conditions, but a resolution can not bring about that which does not exist. In order to obtain official peace the war must terminate according to the regular and prescribed method. The Constitution prescribes the method and that must be followed. Nor can one nation make peace with its belligerents by its independent action, and a declaration of this kind simply leaves this country with its hands tied in dealing with Germany, and in the attitude of abandoning her allies. I can not therefore vote for it.

Never were conditions in this country and in the world generally so abnormal. The aftermath of war has left us problems to solve almost as menacing as faced this country in time of war. Stern and unflinching adherence to principle, conscientious devotion to duty, is demanded of all who have their country's good at heart. Instead of partisanship at this time, all conservative men should stand shoulder to shoulder in the great work of restoration. Instead of division on matters of minor importance, there should be unity of purpose on the part of every true American to keep the country free of the dangers now casting their shadows on her destiny.

Mr. PORTER. I hope the gentleman from Virginia [Mr. FLOOD] can use some of his time.

Mr. FLOOD. I think there will be only one more speech on this side.

SEVERAL MEMBERS. "Vote!" "Vote!"

Mr. PORTER. Mr. Speaker, I yield 15 minutes to the gentleman from Ohio [Mr. LONGWORTH]. [Applause.]

Mr. LONGWORTH. Mr. Speaker, I have listened to most of the speeches made in opposition to this resolution, and my feelings have been a combination of amusement and sympathy—amusement at the gyrations of some of my distinguished friends to get themselves in line, and sympathy with the dilemma in which they find themselves. The general inadequacy of their arguments shows that it is difficult even for the most astute to defend the indefensible.

Constitutional lawyers have sprung up overnight upon that side of the aisle, and from their arguments it would seem rather evident that they have confined their study of the Constitution to overnight. [Laughter.] In fact, some have displayed that quality of statesmanship which spells America with a little "a" and constitution with a "k." [Laughter.]

It has been 17 long, weary months now since the American people were electrified by the news that the enemy had laid down their arms and that hostilities had ceased. They heard that the Kaiser, the archfoe of civilization, was fleeing from his country with his precious progeny, and they rejoiced that peace was at hand. Not for one moment did they contemplate the possibility that a year and a half could elapse and a state of war still continue to exist. Yet to-day, though our Army is disbanded and our Navy reduced to a peace footing, all the war powers of the Executive continue in full force and vigor. Trade and commerce are out of joint. War boards and war commissions flourish, and thousands upon thousands of useless employees and chair warmers abound in the land. Under all the rules of international law we are to-day as much at war as when our guns were thundering in the Argonne, and it is time that this abnormal and anomalous condition should cease. And so far as it lies in the power of Congress to do it, we propose here and now to see that it shall cease. [Applause.]

The people of this country want peace. They are entitled to its fruits. They expected it, and had every right to expect it months ago, and it was beyond their reckoning that it would be so long withheld from them by one man, no matter how stubborn, and armed with no matter how great power and authority. [Applause.] But there has been, and is now, one insurmountable obstacle in our path toward peace, and that obstacle is the President of the United States. [Applause.] More than a year ago the treaty of peace would have been negotiated and ratified had he not forced the inclusion, in a manner and form inseparable from the rest of the document, as he has frequently boasted, of the child of his brain, that un-American monstrosity known as the Wilson League of Nations. [Applause.] It still remains, though twice repudiated, an integral part of the treaty, and in the exact phraseology bargained for and brought back by the President. From the beginning he has insisted, and still insists, that there shall be no peace unless that document as originally conceived and drafted by him shall be kept intact, and in so far as the peace negotiations were concerned he was successful.

As he embarked on the shores of France from the imperial yacht, the *George Washington*—heaven save the mark—he was acclaimed and hailed as a sort of demigod; and small wonder, for had not the American forces clinched the victory and was he not the titular head of the American Nation? The manner in which the people of Europe bade him farewell upon his return from his second voyage overseas is a different story, and one over which it is as well to draw the veil.

As we look back upon the days of the conference of Versailles, the general misconception of the people of Europe as to the precise nature of the credentials brought by President Wilson from the American people seems little short of extraordinary. Few apparently realized that under our form of government he had at best only half the treaty-making power. It seemed to be assumed also—and this assumption was by no means discouraged on the part of the Executive by permitting the truth to be dispatched over the cables—that he came fortified with and possessed of the confidence of at least a majority of the American people. It was known that Clemenceau had previously gone to the country and received an overwhelming vote of confidence, and that Lloyd-George, Orlando, and other dominant figures of the conference had done likewise. It was never suspected, apparently, certainly the President never encouraged the suspicion, that he had gone to the country in the only way possible under our Constitution, namely, in a campaign, urging the people to elect a Congress in control of his own partisans, and that he had been overwelmingly repudiated at the polls. [Applause.]

And so the people of Europe, ignorant of the true conditions, hailed him and glorified him as a conquering hero. He walked with Kings and lost the common touch. Voices in the air whispered to him that honors greater even than the Presidency of the United States lay within his grasp, and he invented the League of Nations, of which he was to be president. Beguiled by the subtle flattery of sovereigns and the councilors of Versailles, he floated in an atmosphere of rosy dreams of power and glory, and soon began to forget his real constituents—the American people—and to barter away their interests for the consummation of his personal ambition. The old foxes about the peace table, trained in the traditions and skilled in the methods of European and Oriental diplomacy, saw in the League of Nations, which to them meant little or nothing, a splendid pivotal bargaining point, and for every inch they yielded during the negotiations in what to them were nonessentials they exacted and received an ell in essentials.

I had hoped to have time to quote rather elaborately from the work of a distinguished author on the subject of the peace conference, but I can read just one sentence from a book written by Mr. Keynes, who was the representative of the British treasury at that conference:

> Clemenceau had been clever enough to let it be seen that he would swallow the league at a price.

That is precisely what happened, and the price was paid by the American people.

And so the league was bought and paid for at the expense of the American people, and the President returned to display his wares to his almost forgotten constituents. To his immense surprise they balked at the bargain. He did not realize that they had had an opportunity to inspect and dissect the document, and had not been slow to conclude that instead of being a means to prevent war it was directly provocative of war and meant an involvement of America in controversies in which she had no possible interest or concern. He found that effective opposition had developed in the coordinate branch of the treaty-making power and had spread throughout the land. Deeply incensed at the course of events and unmindful of his most recent experience he again confidently took his cause to the people.

Reverse after reverse met his efforts. His auditors were respectfully unconvinced of his arguments and his persuasive eloquence fell upon dull ears. Furious at his failure, he raged at his opponents and coined epithets to fling at their devoted heads; but the more he raged the stronger grew the opposition, until finally one day during a paroxysm of fury something snapped, and he returned to Washington a broken man.

Unfortunately for himself the President had made a cardinal and vital mistake in his judgment of the temper of the American people. His specious doctrine of internationalism, which from the time of his declaration of the policy of watchful waiting he had been endeavoring with honeyed phrases to instill into their minds, had made but little impression. He had found that the doctrines of Washington and Hamilton and Jefferson and the other great constructive statesmen were by no means forgotten. He had discovered that the spirit of seventy-six still dwelt untarnished in the souls of the American people. [Applause on the Republican side.] There is no historical instance with which I am familiar of a misjudgment of public sentiment so complete; but it may prove to be not without value to posterity if it shall teach to future Presidents that complete isolation from the everyday citizen, if proper for a sovereign like

the Mikado of Japan, does not comport with the institutions of a great democratic Republic. [Applause on the Republican side.] It will prove of supreme value, in my estimation, if it shall teach the lesson that the proper place during his term of office for the President of the United States is in the United States. [Applause on the Republican side.]

What particularly concerns us to-day is the fact that peace without action by Congress is impossible so long as President Wilson remains in office. Though his following in the Senate has diminished to a mere handful his influence has twice proved effective to block all efforts to ratify the treaty of Versailles. So long as he insists that his League of Nations must remain intact in the treaty so long will ratification be unattainable, for there will be always enough patriots in the Senate who will not accept it under any circumstance or else only when so hedged about with reservations as will make it an American document and preserve the interests of the United States. [Applause on the Republican side.]

For 17 months the Wilson League of Nations has stood between us and peace. To some Members of the coordinate branch of the treaty-making power it seemed so obnoxious to every canon of American institutions as to be unacceptable under any circumstances. To a larger group it has seemed possible in the interests of the procurement of peace to so hedge the document about with reservations as to enable us to participate in it without denationalizing ourselves. Both of these groups stand for the preservation of American rights. They decline to permit this Nation to participate in any covenant which will take from the American people that primary attribute of sovereignty, the right to determine who shall and who shall not be admitted to our shores, later perhaps to enjoy the privileges of citizenship. [Applause on the Democratic side.] They refuse to permit the denaturing of the Monroe doctrine. Above all, they resolutely refuse to bind this Nation to a covenant under which we would be compelled at the behest of some supergovernment to conscript our young men and send them to the uttermost ends of the earth to fight battles in which they have no concern and in which the interests and the honor of the United States are in no way involved. [Applause on the Republican side.] These constitue the American group.

There is still another, which we may for convenience style the international group. Not great in numbers but all-sufficient under existing conditions to prevent the ratifying of any treaty which does not include the Wilson League of Nations in exactly the form he wishes it. They have stood impervious to all arguments save one—"Unacceptable, W. W." And that fact was admitted on the floor of this House only a few moments ago by the distinguished Democratic leader, the gentleman from North Carolina [Mr. KITCHIN], who stated that the President "controlled," to use his own words, more than 20 Democratic Senators. Their stubborn and successful fight to maintain war throughout all these months might be aptly eulogized in such lines as these:

Their's not to make reply,
Their's not to reason why,
Their's to vote "Nay" or "Aye"
As the boss ordered.

[Laughter and applause on Republican side.]

We have arrived at an impasse. The question simply is, Shall we, the chosen Representatives of 110,000,000 of people, sit supine and permit the will of a vast majority to be thwarted by the will of one man, elevated to office originally by a minority and since then repudiated by a great majority? The American people want peace and nine-tenths of them want it now. They are wearied to death of the interminable and futile debates in another body and they know that this resolution affords the only possible way to obtain peace. Gentlemen can not shirk their responsibility by quibbling over legal technicalities. The Constitution of the United States was intended to make effective the will of the people, not to stifle it. Whenever it has been invoked for the latter purpose the courts have intervened. Can it be that the statesmen who wrote the Constitution were so utterly lacking in vision that they devised an instrument under which an insignificant minority can keep this country indefinitely at war when all actual hostilities have ceased and can not be reopened? Is it possible that after a victory nobly won, with the enemy crushed and impotent to renew the conflict, we must forever wait upon the whim of one man before we may return to the normal paths of industrial activity? Must we continue indefinitely to endure the vastly expensive war commissions and boards which cramp and fetter the production of our farms, mines, and factories? Can it be that we, the legislative branch of the Government, are compelled by the Constitution to lodge indefinitely in the hands of the Executive powers which it was never contemplated should be exercised except when our armies were actually in the field? Is there no way by which Congress can terminate what amounts to martial law in this country? To admit that we are without recourse in this emergency is to admit that the Constitution is inadequate to protect our liberties and that our form of government is a failure. If such a preposterous proposition be true, then there is no longer any balance between the legislative and executive branches of the Government. The Executive is supreme and Congress is subordinate. I am loath to admit, but I fear it is true, that Congress stands none too high to-day in the estimation of the people of the United States. Doubtless this is partly due to the insensate greed of the Executive for power, but in my opinion we ourselves are mainly responsible because of our yielding on many occasions when we should have stood firm. An opportunity now offers—no better will ever come in our time—to play a man's part and thereby restore our lost prestige. I repeat, the American people want peace and they want it now. Shall we quibble about technicalities and whine about a possible veto from him who must be obeyed and then finish by doing nothing? Then, indeed, we shall deserve the contempt of the people and a seat in this House will carry with it diminished honor in the years to come.

Congress had and exercised the power to declare that a state of war existed between this country and Germany. Nearly a year and a half ago Germany laid down her arms and her navy passed out of existence. Our Army has disbanded and our Navy has been reduced to a peace footing. Under such circumstances it is mere quibbling to deny that Congress has the power to declare that a state of war has ceased to exist. Under any reasonable interpretation of the Constitution we have that power and by its exercise we may determine the date at which the state of war terminates. That is what is done by this resolution. Under it we also undertake to prescribe the conditions under which Germany may resume and enjoy complete trade relations with us. To assert that this is an exercise of the treaty-making power is pure equivocation and a mighty feeble excuse for avoiding responsibility.

This resolution is designed to meet a situation for which there is no other remedy. Without action by this House no peace is possible except by the sacrifice of principles that millions have fought to preserve and that of all Presidents Woodrow Wilson has been the first to abandon. Holding a club over a requisite number of Senators he has prevented action and will prevent during the remainder of his term of office the ratification in the ordinary manner of any treaty which does not contain as its very essence and heart a covenant which 90 per cent of the people resent as un-American. For nearly a year and a half they have been patient, but patience has ceased to be a virtue. They turn to us as a last resort for the relief which this administration has denied them.

To me our duty seems so clear and manifest that it amazes me that you gentlemen of the Democratic Party should make it a matter of partisan politics. When you were in the majority we upon this side did everything in our power to assist you in winning the victory. Yet now that we are in the majority you do everything in your power to prevent our bringing to the American people the full enjoyment of the fruits of victory. You know—who does not?—that we are proposing the only possible method of bringing about peace. Yet you are doing all you can to thwart us. You suggest no remedy, yet you repudiate the only one available.

We wish that we could have had your help to pass this resolution, but we can and will accomplish our purpose without it. We in this House have a double duty to perform—a duty to ourselves and a duty to the people. By our action to-day we will demonstrate that the House of Representatives has ceased to be the legislative amanuensis of the Executive, that we have again become at least a coordinate branch of the Government. We will demonstrate, too, that when the manifest will of the many is being thwarted by the will of the few there is at least one political party of sufficient constructive ability to see to it that the will of the majority is made effective. Before we adjourn to-night we shall have paved the way to peace, an American peace, a peace of which Washington, or Jefferson, or Lincoln, or Roosevelt would not have been ashamed. [Applause on the Republican side.]

Mr. PORTER. Mr. Speaker, I now yield to the gentleman from Indiana [Mr. KRAUS].

Mr. KRAUS. Mr. Speaker, there is apparently one accord here to-day that a state of peace actually exists, and that it is vitally important to the commercial and industrial welfare of the country and to its general tranquillity that the fact of peace be given official expression. The war with Germany ended nearly a year and a half ago. Our Army and Navy have been demobilized to peace status, and our young men have long since laid aside their

uniforms and returned to the pursuits of peace. We are even trading with our late enemies, and the technical state of war we are maintaining is of no consequence to other countries, with effects only internal. The President, too, so recognizes, for he has vetoed legislation founded, as he stated, on war, and which was not justified by the existing peace, and in numerous Executive communications he has affirmed that the war closed in November, 1918. This fact is so palpable that even for convenience in argument no one in the course of this discussion has thought to question it, and yet because the President blocks every avenue to formal peace, except through the League of Nations, this farce of war is to be continued indefinitely.

When the Congress declared war against Germany the President and the Congress said it was because our rights and welfare had been assailed, our citizens and interests attacked, and that we were going to war to vindicate our rights and eliminate from the world the menace of military autocracy. There was no other purpose whatever assigned or understood by the Congress and people, and therefore when these purposes were accomplished our task was done and an immediate peace should have been concluded with Germany that would have vindicated our rights, assured us against future attack and of the permanence of our victory, but as the war progressed the President gave evidence that he had other purposes in view than those expressed in the declaration of war. It was of no consequence that he declared that the object of the war was to make the world safe for democracy, for no one believed it then or believes it now; but when, as the war was drawing to a close, he gave it another meaning of his own creation and he heard voices in the air mandating him to deliver the country to a superior sovereignty, his vision became serious and alarming and the national voice, the material voice of myriads of patriotic men whose feet were on the earth, was heard at the polls in vehement mandate to the Congress, and especially to the Senate, to protect and save the country. But even after this, with astonishing persistency in the mandate which he alone was able to hear, he insisted to the world that it rang so clear, so imperative, that he enmesh his country in a supergovernment—of which, of course and incidently, the same voice whispered he should be the first ruler—that he was left no discretion, but reduced to a mere scrivener to write the instrument of assignment; and yet there is evidence that discomforting doubts came to him and that more and more his confidence became shaken in his inspiration, and that finally he came to distrust and at last lose confidence altogether in his ethereal mandate. Had he remained confident that he was but the utterance of a high authority, certain and definite in a distinct and determined purpose, he would not have hazarded his high commission by complicating its execution with an extrinsic or foreign subject, but would have brought back a League of Nations covenant in perfect purity, untrammeled by the terms of peace with Germany, respecting which he had no mandate and the approval of which there was no certainty. No matter with what distrust or suspicion his manner of executing the league covenant cast upon his sincerity, what appearance it gives of pretense and good faith, or what intense indignation it may stir, we must refrain from free expression, for, after all, Mr. Wilson is the President of the United States. But on the authority of Mr. Wilson himself we are privileged to say that he was so determined to merge the United States with a superstate, to subordinate it to a foreign sovereignty, and to preclude the American people from free consideration and expression in the matter that he purposely and deliberately resorted to the device of interweaving the League of Nations with the treaty of peace with Germany. As he himself has declared in a speech which he delivered in New York on March 4, 1919, when he said:

> And when that treaty comes back gentlemen on this side will find the covenant not only in it, but so many threads of the treaty tied to the covenant, that you can not dissect the covenant from the treaty without destroying the whole vital structure. The structure of peace will not be vital without the League of Nations, and no man is going to bring back a cadaver with him.

Such unprecedented methods have been employed to accomplish a purpose by men who were less distinguished and who were not looked upon as the epitome of the honor of this great Nation. The President appointed himself plenipotentiary to negotiate a treaty with countries with which we have not been at war on a proposition and in consummation of a policy absolutely foreign, independent, and distinct from the cause of our war with Germany, and then not only attempted to deprive the people of free consideration and judgment in the matter by complicating it with the treaty of peace, but he attempted to coerce them into ratifying it by holding the distress of war over them until they should submit to his will. After intertwining the league covenant with the treaty of peace, he said to the Senate of the United States and to the country, "If you want peace, yield to my will. It is this treaty with the covenant rider or no treaty. Take it in this form or leave it. Take this in its entirety or you shall have nothing. Accept this covenant or I shall continue the infliction upon the country of war."

So far as the actual terms of the treaty of peace with Germany are concerned, there is no difficulty. They are acceptable to America and in instances Germany has already agreed to them. Then, in fact, the war is at an end and even the written terms of peace are agreed upon, but as a state of war gives to the President a leverage in his efforts to force the League of Nations on this country, he will not permit a restoration of peace. The same instrument which he handed to conquered Germany with the command, "Sign here or war shall be continued," is now presented to victorious America with this same imperialistic command, with the same threat, and, what is more, his supporters insist that this sovereign country has no alternative but to accept. While, of course, conceding that the Congress alone is vested with the prerogative to declare war, the President and his supporters contend it has no power of initiative in restoring peace; that until the President moves affirmatively and in written terms, the war must continue; and hence, logically, should the President fail or refuse to act at all, such inaction would preclude the possibility of peace. There is no other construction to be given to the President's speeches and letters or the argument of his supporters. To these gentlemen and for their convenience, the Constitution closes every avenue to peace. Because of it we can not follow precedent in our own history or that of nations, or act under the high authority of international law. All of their arguments in construing the means of peace bring us back and confine us to the one solitary method—that of ratifying the league covenant, and this, too, without the dotting of an "i" or the crossing of a "t."

It is mere dictum, I know, but patent and fully sustained, that the proponents of the league covenant have but one interest and but one purpose in the long, protracted struggle for peace which has been going on, and that is to force this country into the League of Nations.

While it is recognized that the House is without voice in the creation of international treaties, yet the situation has made the obligations, expediency, and consequences to America of her entering a League of Nations the text of all speeches on the pending resolution.

The constitutional authority and other means of establishing peace have been so exhaustively discussed that seemingly nothing more can be said without mere repetition, and therefore, as the treaty and league covenant are questions of the gravest importance and consequence to the House of Representatives per se and as the most immediate representative in government of the people, it may be well to consider for a moment the relation of the House to the treaty, which to my notice has not been referred to.

Should this treaty be ratified it would undoubtedly wrest from the House its highest and most sacred constitutional authority of declaring war and judgment in making appropriations of public money for many international uses, and it would vest this authority in the superstate. The Constitution provides that a treaty made by the President and the Senate "shall be the supreme law of the land," and therefore should this treaty be ratified the House would be as subject to its mandates and inhibitions as it is to the Constitution, of which the treaty would become a part, and hence the House would be legally and morally bound to perform all the requirements that would be necessary to the execution of the terms of the treaty. The obligation of the House to obey and carry out the engagements of treaties was considered and confirmed by the House of Representatives as early as 1796, with the cordial concurrence of Washington. The Jay treaty could not be executed without an appropriation of public money, and, as under the Constitution such appropriation must orignate in the House, the question was whether the House was under compulsion by the requirements arising from the treaty to vote an appropriation when the House did not approve of the treaty. In 1835 the House again acknowledged the compelling power of a treaty by making important changes in our tariff laws because an international treaty had pledged to do so. During President Jackson's administration our Government protested against the action of the French Chamber in refusing to vote an appropriation for an indemnity which the King in a treaty had promised to pay. There is one resolution of the House of Representatives holding to the contrary of this principle, but from a study of it and of the circumstances inducing its passage, it will be seen, I think, that this resolution is not authoritative. Then applying this provision of the Constitution and the compulsion of the House to obey it to a hypothetical situation, which is sure to become actual under the operation of the League of Nations, there is no

disagreement with the contention of the President that the league covenant establishes a superstate, endowed with authority to compel obedience to its edicts. One of the superstate's most distinctive powers is to maintain the boundaries and territorial integrity of such subordinate or signatory nations as it may recognize, and another that it may levy upon nations for men and means to enforce its judgments and decrees. There could be no dispute as to these provisions of the covenant without the Senate's reservations.

The league has created and is covenanted to maintain the national integrity of Poland, which country in mere ambition is to-day at war extending her national boundaries. She must be upheld or restrained, as the league may conclude, which, of course, implies force in either event—either against Russia to enforce the ambitions of Poland, or with Russia to compel Poland to withdraw within her own confines, as fixed by the superstate. It would be sheer nonsense to contend that while the league has the duty to establish national boundaries, it has no power to draw upon the man power and resources of its signatories to enforce its authority. Mr. Wilson himself so contends in saying that the Senate reservations to article 10 of the treaty takes the life out of the covenant by depriving the league of authority to draw upon the United States in the conduct of wars it is waging without a declaration of war by Congress. Then by virtue of the Constitution, the treaty having become a part of the "supreme law of the land," the House has no option in the matter, but is under compulsion to tax our people and appropriate public money in any amount which the league would apportion the United States as her part of the cost of establishing by force of arms the boundary line between Poland and Russia. But the case of Poland is only a mere instance.

The city of Fiume is already in open revolt against the league and but the other day sent a statement to Sir Eric Drummond, secretary of the league, that the league was attempting to deprive Fiume of her rights and sovereignty; "that the pseudo League of Nations is nothing more in reality than an instrument by which the British Empire and other capitalistic States serve themselves by insuring the hegemony of the rest of the world."

There was much more in this communication, but enough has been given to show that Fiume is already in revolt against her master and that certainly the league must soon send a fleet and an army there to restore obedience, and here, too, were the United States in the league, the House would have no choice in the matter, but would be compelled to levy a tax and make appropriations to carry out our national obligations under the treaty and thus support this war.

Roumania is likewise in open revolt, for, as she contends, while her territorial dominion has been extended, the league has deprived her of her sovereignty and she is even threatening to withdraw from the league by force of arms. Of course, here also could be a necessity of the superstate making requisition upon our public funds.

Nations are at swords points as to which of them shall have the rich Provinces which have been wrested from Turkey, Egypt, India, Albania, even Greece, and a large part of Italy, and, in fact, it is difficult to name a country other than Japan, France, England, and the United States that at this time is not either at war or whose peoples are not in open insurrection in whole or in part, while the general unrest in the countries I have excepted is well and generally known.

Mr. Wilson in the name of peace would plunge the United States into this world riot and orgies of war in fetters. The House would be helpless to guard and protect the National Treasury and would become a mere automaton in the hands of the League of Nations to vote such taxes on our people and make such appropriations of money as the superstate would at pleasure command. But let us turn from war to glance at the cost to the United States of the operation of the league when the world is at peace; when turbulent Europe is meek and submissive, and when we would not be required to support armies and maintain wars, but would only be required to contribute our part to the cost of maintaining civil government in Europe under the league. As now required, to say nothing of what further and later may be demanded, we are to participate in the commissions created to supervise affairs in Belgium, Saar Basin, Czecho-Slovak State, Poland, free city of Danzig, and Schleswig boundary. We are in like manner participants in the Saar Basin government commission. We are to participate in plebiscite commissions of Poland, Schleswig, and East Prussia, and the interallied military, naval, and aeronautical commissions of control, charged with the enforcement of the disarmament provisions of the treaty. We are to have our arbiters to determine the amount of river craft that shall go to France on the Rhine and to the allied and associated powers on the Elba, the Oder, the Niemen, and the Danube, and to determine the conditions under which the international convention relative to the St. Gothard Railway may be denounced. Finally, we are one of the four powers whose representatives are to sit as a representative commission to assess damages against Germany, to appraise credits, to judge of her economic requirements as affecting her ability to furnish certain raw material, to pass on her tax system, to postpone payment of her debts, to prescribe the conditions of her bonds, to recommend abatement of her debt, to appraise the value of public property in ceded territories, and a great bulk of other duties, all of which may make or break the peace of Europe by an obligation on our part that having so participated in the breaking we shall once more contribute our millions of men and our billions of dollars to the readjustments. Imagination can hardly outstrip reality as to the cost of carrying on even orderly civil government in Europe, and yet the House could only in effect make appropriations when and in amounts as ordered by the league.

The civil pay roll alone would be enormous. But our participation in civil government might prove interesting, and in this we could have some compensation for our outlay.

It is probable that party lines in America would be drawn on the policies to be pursued in administering the multitudinous affairs of Europe referred to, for if our people are interested to the extent of going deep into their pockets, they certainly will want to know what they are getting for their money. They will want an understanding and a voice through Representatives in Congress of what is going on over there in Europe, what policies are being pursued, and how these trusts are being administered. If possible, they should not divide on policies; they certainly would on spoils and plunder, for there would be rich picking. It would be only the army of clerks that would be under the civil service, and hence nonpartisan, while there are innumerable high commissioners to be named by the party in power. Of course, no man of ordinary ability could fill these high stations of great responsibility, and, of course, salaries and expenses, it is no exaggeration to say, running into the millions would have to be in keeping with the high statesmanship required. Were the amount of salaries of commissioners and clerks and the amount of other expenses to be left to the House, these might give some perplexity, and some money might be saved, but undoubtedly the superstate would fix salaries, figure the general budget, and pass it to the House with an order to pay it.

We who so long have been accustomed to considering the propriety and the amounts and objects of appropriations asked out of public funds are naturally slow to comprehend that with going into the league we would surrender these options and that the demands of the League of Nations would be supreme.

Out of all of the pessimism and gloom which shrouds the league covenant, the brilliant vision to office seekers of public pap looms in relief. But even this is not without a cloud, for Mr. Wilson might conclude to reward the worthy syndicated patriots who assisted him in putting the League of Nations across—such men, for instance, as ex-President Taft and Attorney General Wickersham and many of such high-priced international lawyers; the personnel of the league to enforce peace en bloc; some of the international brokers, who hold large speculative investments in promises to pay of pauper nations, in the financial and physical integrity of which they are, of course, financially interested; and possibly the editors of some of the metropolitan newspapers, who seem to have no country and no object but to serve great interests. Of course, such men would come high, and their expense accounts would hardly be less than some of the dollar-a-year patriots who served in Washington during the war and rendered an expense account of $6,000 per year. I am not attempting irony in presenting this aspect, for it is real and serious. The fact is the United States would be a packhorse of burdens which the treaty would put upon it in the matter of civil government alone, which is the least burdensome prospect of the League of Nations.

It may be that it will require actual sober experience to impress these facts upon our people, but it well may be at least surmised that eventually when our people settle down to the consideration of the dollars and cents to them which the League of Nations means and of the House having to vote enormous appropriations year after year, obedient to orders from Europe, in order to support foreign civil governments or to keep people some three to six thousand miles away from fighting and killing each other, that at taxpaying time and when soberly considering the high cost of living, they will lose interest in the poetry of the league and wish that Europe could attend to her own business and bear her own burdens; but let us remember that once in the league our people will be helpless to stop payments or to withdraw, for the league covenant provides for perpetuity of its existence and affords no means for the United States to with-

draw until the signatory powers say we have discharged all of our obligations. And certain it is, with Europe the judge as to when we have discharged our obligations, we would have to pay dearly for the privilege we had exercised. To refuse to keep up payments would be in violation of the constitution of the league and of our own Constitution, and nothing could be more revolutionary in character, and it would unquestionably precipitate an immediate war with the entire world against us.

I appeal to our people to turn their eyes for a moment from the deceptive and luring vision of peace with which they are being baited and look at the practical, financial, and homely side of this serious question.

I should refer to another matter before closing. There seems to be a scurrying to fix the responsibility or blame of defeating the treaty and league covenant upon some one or some group in the United States Senate. To me, as I understand the league covenant, after painstaking study, this is incomprehensible, for I consider the dangers of the covenant so serious and the surrender of our national sovereignty and individual liberty so certain that it appears to me that instead of trying to fix the blame for destroying the covenant we should identify the men or group upon which to confer the honor.

It is probable that because the President has said that the reservation to article 10 takes the life out of the treaty and because the great battle in the Senate has raged around this article that the public believes that by the adoption of the reservation the fangs of the covenant have been extracted and that all danger is past. Nothing could be further from the facts. The reservation, important as it is, merely preserves the present constitutional power of the Congress to declare war, any provision in the league covenant to the contrary notwithstanding. This with the other reservations materially Americanize the covenant, but the fabric itself of the covenant remains unimpaired and the reservations do not subtract from the great mass of its remaining provisions that are essential to confer upon the superstate its far-reaching powers. So far as the chief purposes of the league are concerned, our commitment to it and our moral and most of its legal obligations to and under it remain. The reservations preserve to the United States certain powers and the right to exercise its own judgment on matters the covenant took away from it and conferred upon the league. But notwithstanding this they leave us in the league as fully as provided in the original covenant. They do not destroy the basis of the league. We are still to participate as a member of the league in the affairs, political and financial, of the world generally and of other nations respectively. We are as a member to contract and assume great financial and other obligations and to take upon ourselves all of the grave responsibilities mentioned by the covenant and which may be hereafter assumed or undertaken by the league. With participation in the contracting of these vast obligations and responsibilities there goes necessarily the obligation to not only respect our own but to demand performance by other nations of reciprocal obligations. This means force, for there must be some existing power—moral, legal, or both—behind contracts, national or private, to assure their performance.

I have already discussed the constitutional character and mandatory power of our international treaties, and said in substance that when once in the league the superstate could command the United States to war to carry out its own purposes, and I have endeavored to make clear that the House of Representatives—or the Congress, for that matter—would be compelled to impose taxes to enable any appropriation that the superstate would require. There is no exception to these propositions, even considering the reservation which prevents the league from using our military forces at will; for, notwithstanding this reservation, the amended covenant, if ratified, would require the Congress both legally and morally to make such appropriations as the superstate called for to discharge engagements undertaken by and in operations of the treaty.

The principal allied foreign nations, international bankers, and investment brokers understand this perfectly and really care but little for the reservations, for through the league they would have and use the credit, wealth, and resources of the United States in, as they say, rehabilitating Europe. Every persuasive, alluring sophistry is being employed by these selfish interests; appeals in the name of peace and to the heart and conscience of the American people are being employed to inveigle our country into the league. England, France, and Italy have through their leading statesmen and official newspapers assured that the reservations were not material; that they would welcome the United States on practically any terms. It is not that these great national and private interests are devoted to the heart, soul, and conscience causes which they flaunt and which is the impelling consideration of good people in giving their indorsement to the league, but these organized financial interests are endeavoring by any and all means to shoulder upon this country the financial burdens of their own and of the world generally.

Every conceivable plan for involving the United States is already perfected or is being evolved to be set in operation through the league as soon as the United States can be persuaded into it. I wish it was possible for everyone who is studying the great economic problems growing out of the war to read especially the seventh chapter of Mr. John Maynard Keynes's book, entitled "The Economic Consequences of the Peace." Mr. Keynes is a great English statesman and financier, who represented the British treasury at the peace conference, and who in his book urges the necessity to the world of the United States canceling the debts owing to her by the European countries. The allied powers are openly agitating and advocating the proposition of the League of Nations reapportioning the total war debt of all countries and saddle upon the United States a material part of it. European influences have obtained the indorsement of the Secretary of the Treasury to so refund the English debt as to cause a loss to the United States in interest of nearly half a billion dollars. A great English banker and financier, Sir George Paish, has been in the United States within the last six weeks to obtain American support of a proposition that the British and American bankers shall create a reciprocal credit of a billion dollars as a revolving fund to be used by the League of Nations in stabilizing the credit of European countries and by which and without more detail both the money and the commodities purchased would remain in Europe—the operation to be financed by the War Finance Corporation and the Federal reserve bank.

America, solvent and prosperous, is the victim of machinations of every conceivable character of European nations and international brokers, and we must be vigilant and watchful or we will be brought to financial ruin.

The United States began its career in a state not of seclusion but at least of distinct independence from European politics, intrigue, and wars. Adherence to this policy has brought America to her estate of financial prosperity and moral influence, and the great destiny of our country is to be fulfilled by a faithful adherence to the same wise, prudent, and generous course.

Mr. PORTER. Mr. Speaker, I yield to the gentleman from New Jersey [Mr. RAMSEY.]

Mr. RAMSEY. Mr. Speaker, the duties which devolve upon men in political and governmental life are such that they must be met without bias or personal prejudice, but fearlessly, conscientiously, and truthfully. The obligations of such persons are always of lesser or greater importance, and the greater the responsibility to act and to perform the graver is the subject matter and the more essential is it that one should act right and in accordance with his honest convictions. Three years ago we were here considering with great solemnity, earnestness, and feelings of apprehension a resolution declaring that by reason of the unlawful acts of the Imperial German Government to and toward our Government and individual rights a state of war had been thrust upon us, and then existed; and so upon its adoption by the Congress of the United States we entered upon the performance of the duty that such resolution necessarily obligated us to. I will not recite the activities of the war, our participation in it, nor the great emulation and commendation that our Republic and its true patriotic sons and adopted sons are entitled to for their efforts in bringing about an ultimate victory. This is history, is well known to us all, and will go down to posterity in its true light. On November 11, 1918, the armistice was signed, and on that day the President of the United States addressed the Congress, and after reciting other matters of interest, declared, "War thus comes to an end," which meant that Germany had been subdued.

Of course, such a statement by the President did not necessarily have the effect of really ending the war. But what are the indisputable facts? Germany and the Central Powers were conquered. There was immediately a cessation of hostilities. The German naval vessels and ships were either taken possession of or destroyed, its artillery was captured, and ever since, a period of about 17 months, there have been no hostilities and actual peace has existed. The usual method of establishing peace between belligerent nations is by treaty, and this was undertaken by our Government in consort with the allied powers. The treaty-making power under our form of government and as prescribed by the Constitution of the United States is a prerogative of the President in its negotiation and must be ratified by the Senate of the United States by a two-thirds vote before it can become effectual and operative. After months of consideration a treaty of peace was executed and afterwards submitted to the United States Senate by the President, but with it and inter-

woven in it was the League of Nations. This treaty with the League of Nations failed of ratification by the Senate and was rejected by it because in its provisions it was positively in conflict with the Constitution of the United States, destroyed our sovereignty as a Nation, and created a supergovernment, over which we had no control. It has been considered twice by the Senate and on each occasion failed of ratification and has been returned to the President, where it now is. The Senate, in the proper exercise of its constitutional rights and duties, desiring to safeguard American rights and preserve inviolate our Constitution, believed that an American Congress should retain the sole power of declaring war and that our young men should not be sent to foreign countries to fight the battles of other nations without our express direction as evidenced by congressional action. The reservations that were adopted by the Senate to the League of Nations were of a substantial character and of great value in preserving our rights, and with these accepted it might have been advisable for the Senate to have ratified it, for our people wanted peace, and now want peace.

Mr. Speaker, what is the character of this resolution and what will be the effect of its adoption? It is simply to declare that the state of war that existed or now exists between the Imperial German Government and the United States is at an end. The war is at an end, and has been for nearly a year and a half. This is patent to everybody, and the whole world knows it is so. The adoption of this resolution by Congress will legally declare a fact to exist, namely, that the war is at an end, and under its terms commercial relations with Germany will be resumed, a condition most desirable, and the great war powers given to the President by the various acts of Congress which were necessary during war times will be abrogated and become inoperative, as they should be, for there is no necessity for their further continuance. These powers are greater and more far-reaching in their character than any that have ever been bestowed upon a living man in any country. Should they be continued when we are not at war? I think not, and I am sure the people of this country think likewise.

Mr. Speaker, what is the objection urged against the adoption of this resolution? Only one, so far as I have been able to learn from the debate that has taken place to-day. My friends on the other side of the House urge that it usurps the powers and privileges of the President, and that it is unconstitutional; that peace can only be established by a treaty; that while the Congress only can declare war, it has no right to say in express and direct language that the war is at an end. Permit me to say that nowhere in the Constitution is there any inhibition against Congress doing just what this resolution seeks to accomplish. The authorities on international law all agree that there are three ways of terminating war between belligerent States: First, by a treaty of peace; second, by the conquest and subjugation of one of the belligerents by the other; third, by mere cessation of hostilities so long continued that it is evident that there is no intention of resuming them. We have tried the first method and failed. We now come to the third. Can anyone say that not sufficient time has elapsed since the cessation of hostilities—nearly a year and a half—not to warrant the conclusion that the war has terminated and that there is no intention of resuming hostilities? Besides, Germany has been divested of its war equipment, and, in fact, a new form of Government has been established by its people, and the Army of the United States has long since been entirely demobilized.

Mr. Speaker and Members of the House, let us be fair in this matter; let no man hide behind the untenable statement that our contemplated action is unconstitutional. Who is to question the constitutionality of this resolution?

Is there a patriotic American citizen or a group of American citizens who dare question our right by court proceedings to enact this law, even though it might be subject to attack, of which I am very much in doubt, and especially as to those provisions declaring the war at an end and the repeal of the extraordinary war-time powers of the President?

Mr. Speaker, has politics at last been interjected in this House in the consideration of war legislation? There was none when the resolution declaring that a state of war existed was passed; there was none when we considered and passed all the war-time bills. Shall there be politics now, when we seek to declare that the war is at an end? I hope not and that it will be so evidenced by the vote soon to be taken.

The people of the United States want this resolution adopted and made a law. It is incumbent on each and every one of us to give heed to their desires, as well as it is incumbent on us to examine ourselves and then, in obedience to a conclusion brought about by a fearless, conscientious, and truthful determination, declare our vote. May it be in the affirmative, for I truly believe that by so doing only will we be satisfied with ourselves and meet up to the expectations of our constituency and the people of our country.

Mr. FLOOD. Mr. Speaker, I yield to the gentleman from Ohio [Mr. WELTY.]

Mr. WELTY. Mr. Speaker and gentlemen of the House, when a peace resolution was first suggested it found a hearty response in my heart and I determined to support the same. I have spent every spare moment in the library since the committee filed this bill with a hope that I might find authority to support the bill, but the more I searched the more I became convinced that I was wrong. In fact, I have not been able to find a single authority to support this resolution. For two days I have been sitting in this Chamber, heard and read all arguments advanced by the proponents of this bill, but I have failed to find where anyone claims that Congress has the right to make a treaty. I say not one, and what seems passing strange is that not one would answer a single question, and all declined to yield because they "did not have time." Even the chairman of the committee, the gentleman from Pennsylvania [Mr. PORTER], refused to answer a single question. How, then, can an honest inquiring mind satisfy the longing of a heart to support this resolution? I do not propose to discuss the constitutionality of this bill, for that has been fully covered by gentlemen who preceded me in this debate, but I want to call one matter to the attention of the House which has not been discussed. The First Congress attempted to do the very thing that this Congress now attempts to do. The first treaty which made us a Nation was the so-called Jay treaty with England, which seemingly was not very popular in this country.

The Jay treaty, after due ratification, was proclaimed by the President on February 29, 1796, and on the following day a copy of it was communicated to Congress for its information. An expenditure was necessarily involved in the organization of the mixed commissions providing for the various articles. The treaty met with disfavor in the House, and on March 24 a resolution was passed by which the President was requested to communicate to the House copies of the instructions to the negotiator and other documents relative to the treaty.

Fully appreciating the importance as a precedent of his reply to the request, President Washington called for the written opinions of the heads of the departments. He also wrote to Hamilton for his views. The heads of the departments were unanimous in denying the right of the House to insist on the request, and in asserting that the power to make the treaty rested with the President and Senate, and that treaties thus concluded were binding on all bodies of men within the jurisdiction of the United States.

President Washington, on March 30, replied as follows:

It is perfectly clear to my understanding that the assent of the House of Representatives is not necessary to the validity of a treaty. * * * The duty of my office forbids a compliance with your request. * * * I have ever entertained but one opinion on this subject, which from the establishment of the Government until that time had been acquiesced in by the House, namely, that the power of making treaties was exclusively vested in the President and the Senate, and that every treaty so made and promulgated thenceforward became the law of the land.

In replying to this message the House passed a resolution in which it declaimed an agency in the making of treaties—

* * * but it was the constitutional right and duty of the House of Representatives to deliberate on the inexpediency of carrying such treaty into effect. (Crandall on Treaties, pp. 164–165.)

Thus it seems that President Washington and all those associated with him in the making of the Constitution, as well as those who interpreted it to the present day, were all of the opinion that Congress has no authority to make a treaty. In the treaty with Algiers the test came up again, and because of some doubt as to whether Congress would appropriate the money necessary to carry the treaty into effect Thomas Jefferson, who was then the Secretary of State, advised President Washington not to affix the seal until he knew that Congress would vote the money. The President asked whether, if such a treaty were ratified by and with the consent of the Senate, it would be valid under the Constitution and obligatory upon the Representatives to furnish the money. Jefferson replied that—

It certainly would, and that it would be the duty of the Representatives to raise the money that they might do what was their duty. * * *

The President would not favor the procaution, and declared that if the Representatives—

Did not do what the Constitution called on them to do the Government would be at an end and must then assume another form. (Crandall on Treaties, sec. 75.)

The framers of the Constitution were unanimous in their opinion that Congress should not be given a voice in making a treaty. (Madison Papers, 5 Elliot 131, Federalist No. 75.)

Here are the words as finally adopted and now appear in the Constitution:

He—

The President—

shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur.

The safety of our Republic depends upon the fidelity of her representatives to the Constitution. Our Constitution has lived longer than any ever written. Mr. Gladstone says that it is—

The most wonderful work ever struck off at a given time by the brain and purpose of man.

It rests the functions of our Government in three branches—executive, judicial, and legislative. But they tell us that the Senate and the President are at loggerheads and are unable to write a treaty, and that is justification sufficient to warrant us in violating our oaths to support the Constitution. Let us see. Would any of you advocate that Congress should usurp the power of the Supreme Court and interpret the laws that we pass because that branch has failed in their duty? Just recently the Supreme Court held that they could not find the Steel Trust guilty, even though it violated the Sherman antitrust law by unlawful combinations and compelled the consumer to pay dividends on $100,000,000 watered stock, because there was no evidence that the law was violated after the complaint was filed by the Government. In other words, the court held in principle that if a man committed murder he could not be convicted if he behaved himself while in the custody of the sheriff.

Not a single person here will approve that decision. All of us know that if that is to be the future course it will mean the end of this Republic, yet not one will advocate that we assume judicial duties. You will not even attempt to remedy that condition by requiring that judges should be appointed for a term of years instead of for life. History is surely repeating itself. My grandparents came to this country to escape the autocracy in Europe. They preferred to trust their children to the wild beast of the forest rather than continue to pay tribute to an autocracy. But behold how we pay tribute to the autocracy of combinations, and you fail to raise your voice in opposition, even though you find the chains already clanking to bind you into serfdom.

Yes, history repeats, and in more than one way. It was about a century ago when actions of the Senate were as selfish as their actions now appear to be. And what is the result of all this "holier-than-thou" action? After the South and Central American countries threw off the European yoke they asked for a conference under the Monroe doctrine, against the encroachment of the Holy Alliance in Europe, which insisted that these South American Republics should again become Spanish colonies. President Adams appointed two commissioners, but the Foreign Relations Committee of the Senate refused to comply. However, the Senate, after years of debate, finally confirmed them, but not until one man had died and the other was unable to get there in time for the last meeting.

The South American Republics naturally concluded that our Monroe doctrine was a selfish doctrine, issued to keep European nations from colonizing the Western Hemisphere, but with no assurance that we would permit them self-determination. This action did not only alienate the friendship of these Republics but made them distrustful, resulting in a loss of confidence and trade. Even now it is proposed by these Latin American Republics to abandon the Pan American Union and to establish a court of arbitration for the Western Hemisphere wherein we have no voice. And now the action of our Senate in failing to ratify the peace treaty did not only give additional offense to these neighbor Republics but to all Europe as well.

All the belligerents signed the treaty of Versailles except China, and all have treaty relations again except this country and China. China has a real grievance, but she always will have until she is willing to make the necessary sacrifices to preserve her national life. Look at her hundreds of millions unable to drive out a handful of Japanese!

But let us dismiss those who advocate that the time is at hand when we are justified in violating our oath to preserve this country, for they only possess the mind reflecting hate and advocating brute force, just because they think themselves superior in that field. There are enough law-abiding men who will be against this class. Permit me for a moment to divert your attention to the specious arguments advanced by those proponents who show some respect for the Constitution which holds us together as a Nation. These gentlemen contend that this bill does not attempt to make a treaty. Let us see. Section 3 provides—

That unless with 45 days from the date when this resolution becomes effective the German Government shall duly notify the President of the United States that it has declared a termination of war * * * and that it waives and renounces on behalf of itself and its nationals any claim, demand, right, or benefit against the United States or its nationals that it or they would not have had the right to assert had the United States ratified the treaty of Versailles.

Rather bungling expression, I will admit, but it only shows that the framers of this bill intended to confuse by the use of words. However, a close reading only means to impose on Germany the Versailles treaty without assuming any responsibility on our part. But since a treaty is an agreement between nations, just as a contract is between individuals, I fail to see how the treaty can become effective unless we, too, agree to sign the contract. But what happens if Germany will not accept the provisions of this bill? In that event we have section 4, which provides that if any person will trade with Germany that person shall be fined $10,000 or imprisoned, if a natural person, for two years. In other words, the bill imposes a fine of $10,000 or two years' imprisonment for any person in this country who should send money or provisions to their starving relations in Germany.

They tell us that this bill only declares a state of peace and provides for trade with Germany. We are at peace with Germany. Our armies have been withdrawn and the boys are at home. This resolution can not add anything. Again, as we are now trading with Germany, why impose a fine of $10,000 and two years' imprisonment on anyone in this country for trading with Germany? Why make Germany accept the Versailles treaty under threat of starvation when we will not be a party to that treaty? Gentlemen, you can not have peace on that basis. If we want to enter into a contract with Germany, let us be willing to sign that contract ourselves and not possess the spirit of the highwayman, who extracts the money from the traveler with pistol in hand. They tell us the people are weary of war measures and want them repealed. So they are. Then why do you not offer your resolution designating which ones you propose to repeal? Is it the food-control act and the espionage act that you desire to repeal? Then why not say so?

This bill does not repeal either the food-control act or the espionage act. On October 22, 1919, you extended the food-control act for two years, and it does not repeal the espionage act. Then why not be honest and say just what act you intend to repeal? I propose to vote for the repeal of the substitute which repeals all those war acts, which is more than this bill would do if enacted into law.

The fact is that the bill was conceived in hate and born in a murderous heart. Not one would vote for this bill if he knew it would become a law, but you are voting only to discredit the President. What else do these whispering, slanderous remarks mean? What else did the gentleman from Illinois [Mr. MASON] intend when insinuating that the President is only feigning sickness? What else does the CONGRESSIONAL RECORD speak to our children in the debate on this resolution, when they read the following words spoken of the President, found on page 5266, "'That is when he got sick' [applause on the Republican side]"? Great God, have we fallen so low as to lose all sense of feeling? Can we laugh when we see men suffer for righteousness' sake? Can we applaud when we see them dying for the right as God has given them light to see that right? Would you applaud if word came that our Chief Executive had died?

History reveals that probably no Presidents were more slandered than Washington and Lincoln. To-day the most expensive monuments in our Capital have been erected to those two noble characters. If President Wilson has blazed his name into fame, you can not destroy it by slander. You may kill the body, but not the spirit. That, my friends, you will, after all, find the only enduring part of life.

Gentlemen, the day will come when your posterity will refuse to speak of this day because of shame. Even now you applaud in order to keep up your courage. Some day the world will understand the real meaning of all this. The people will not surrender their liberties so easily, and you can not fool them by this bastard resolution. The boys who fought at Belleau Woods and the Argonne Forest knew why they were fighting. The boys who will carry the wounds to their graves will never permit you nor anyone else to destroy these liberties secured for them by their fathers and which they fought to preserve. Yes, gentlemen, when the world comes to understand the real meaning of all this, you will be asked to explain. I close as I began; I would like to vote for a peace resolution, but I shall not do anything this day which would require the balance of my life in explaining, neither will I do a vain thing. You might just as well ask the city council of one of the municipalities in my district to vote for peace. It would be just as effective as a vote for this resolution. [Applause.]

Mr. FLOOD. Mr. Speaker, I regard this as a very important propositon because it involves the shaking of the checks and balances which have been provided in the Constitution for the various departments of the Government. I have listened with

much pleasure to the speeches that have been made for and against this propostion. I listened with particular attention to the speech made by the distinguished member of the Committee on Foreign Affairs, the gentleman from Pennsylvania [Mr. TEMPLE]. His speech was logical and well reasoned, but based on an absolutely unsound premise. The gentleman is nearly always right. I have had the pleasure of serving on this committee with him for many years, but I believe in this instance he is as absolutely and entirely wrong as he is generally right, and I am going to reply to him, because he really discussed the resolution and I want to do the same.

The gentleman and other gentlemen have said we want peace. We all want peace, and if this resolution established such a status, as far as it is within the power of the Congress to enact it, this side of the House would be unanimously in favor of its passage. [Applause on the Democratic side.]

No one is more anxious to have this country return to all of the conditions of peace than the President of the United States, and the fact that that status actually does not exist technically is the stupendous price that the people of this country are paying for the folly of electing a Republican House and Senate in 1918. [Applause on the Democratic side.]

If there had been a Democratic Senate, the Committee on Foreign Relations would not have been packed against the treaty while it was in the making. This is all the more tragic when it is recalled that their majority was obtained by the purchase of a senatorial seat in the State of Michigan—the most shameful and disgraceful debauching of an electorate that has ever occurred in this country. [Applause on the Democratic side.]

If there had been a Democratic Senate there would not have been a "round robin," pledging Senators who signed it to vote against the treaty long before it was agreed upon and before they could possibly know what it contained. [Applause on Democratic side.]

If there had been a Democratic Senate the treaty would have been ratified, peace would to-day be blessing the land, the rehabilitation of the war-stricken territory would be progressing in a satisfactory manner. Thus it will be seen that upon the Republican Party rests the responsibility for the repudiation by America of the League of Nations and the refusal thus far of this country to join in a peace which gentlemen on the Republican side claim they are now so anxious for. This responsibility you can not evade by ineffective and unconstitutional resolutions of this character. [Applause on the Democratic side.]

Mr. Speaker, I am well aware that international law lays down three ways of terminating war between belligerent States: First, by treaty; second, by cessation of hostilities; and, third, by subjugation. This is no new discovery, as gentleman on the other side seem to think. It has been the recognized principle for centuries.

We did not subjugate, nor did we desire to subjugate, Germany, so that method need not be considered.

We did not stop fighting. We sent a magnificent Army to France. At Chateau-Thierry they turned the tide of battle; at St. Mihiel, the Argonne, and other places the glorious spirit and courage of the American soldier was shown. An offensive had been projected for this splendid Army for November 14 that would have sent it through the German lines and on to Berlin. We had no idea of stopping the fight, and would not have done so but for the armistice of the 11th. We assented to this armistice. An armistice is an agreement between belligerents to suspend hostilities for a limited time. This armistice was revived from time to time until the treaty was negotiated and ratified by the required number of States. In the name of the brave and valorous boys who constituted the American Expeditionary Forces I repudiate the suggestion that this war ended by a cessation of hostilities. [Applause on the Democratic side.]

We, therefore, undertook to terminate this war by negotiation, by agreement, by treaty; and it is a late date for the Republican leaders to discover that it was terminated by a cessation of hostilities, a late date for them to discover that it was terminated because our soldiers did not want to fight any longer. This is a slander of as brave and high-spirited an Army as was ever marshaled in all the tide of time. [Applause.]

But if this contention is true, the Republican leadership of this House have been criminally negligent in their duty to the public in not having undertaken to pass this resolution before.

The treaty was sent to the Senate for ratification or rejection on July 10, 1919; it was reported by the Foreign Relations Committee on September 10, and was debated in the Senate for over two months, and rejected on November 19. It had then been more than a year since hostilities ceased.

Why did not the Republican steering committee of this House have the resolutions brought in after the treaty was rejected the first time? Why wait six months while America and the world suffered and groaned under these restrictive and oppressive war measures? Surely, these learned gentlemen will not admit that they were ignorant that the powers they are attempting to-day to exercise did not reside in this House until they were informed by a group of Senators, and surely if they had known that they had such powers they would not have failed to exercise them. We know, however, that they waited four months after the treaty was rejected before acting. If they are right now, they must assume the responsibility for this delay in the coming of peace, and we can dismiss the discussion, which has been debated at such length in the discussion as to whether the Senate or the President is to blame. If they can end the war by this resolution under the Republican leadership, the House is to blame and is responsible.

If the House possesses the power you claim for it, the Republicans of the House have failed as completely in their duty to the people as have the Republicans of the Senate. [Applause on the Democratic side.]

There could be only two reasons for your failure—ignorance and inefficiency or a willingness to play politics with this great issue. Either or both reasons will be condemned by the American people in November. [Applause on the Democratic side.]

Another thought has occurred to me. If these Republican leaders are really concerned to restore this country to a state of peace, why do they take no notice of the fact that we are at a state of war with the Imperial Austro-Hungarian Government? Is it because they can not quote a rhetorical statement of the President to base a resolution upon?

Gentlemen proclaim here that the country wants peace, that they have the power to restore peace, and yet they sit idly and inefficiently by and let this war with the Imperial Austro-Hungarian Government go on. [Applause on the Democratic side.]

Why is it not as important to stop this war as it is to stop the war against the Imperial German Government? Both Governments have gone out of existence, I hope forever. We are trading with both of them as far as they have money or credit to trade with us. The armistice with Austria was a week earlier than that with Germany. We signed the peace treaty, along with the other allied and associated powers, with Austria at St. Germain last September, more than six months ago. This treaty aims at justice and liberty and peace for Europe and America, just as the Versailles treaty does. It provides for the reduction of national armaments and will go a long way in the prevention of future wars. [Applause.]

If this House has the power to propose a peace treaty to a belligerent power, why did the Republican leaders overlook Austria?

There could be but one of two reasons—inefficiency and indifference or ignorance—and at the polls in November the American people will not accept such excuses. [Applause on the Democratic side.]

This whole episode is characteristic of the low ebb of efficiency and morality to which the Republican leadership in Congress has fallen. For months the Senate floundered in its dealings with the vital questions of the world's peace and failed utterly to measure up to the expectations of the country and of humanity. And now, to save itself from being utterly discredited, Members of that august body have induced the leadership of this House to inject itself into a situation in which it has no legitimate part or parcel by proposing something more humiliating and more dangerous to many interests in this country than has as yet come from the leadership of even of the Senate. [Applause on the Democratic side.]

On yesterday a gentleman complained that the minority report had accused the majority of insincerity and sharp practice in declarations in the preamble to this resolution.

This preamble declares that the President of the United States, in the performance of his constitutional duty to give to Congress information of the state of the Union, has advised the Congress that the war with the Imperial German Government has ended.

There is not a man who voted to report this resolution who did not know that the President had reference to the cessation of actual hostilities and not to the technical termination of the war. To base an important piece of legislation involving the interests of millions of people upon that statement and to distort its meaning is very mildly characterized in the minority report.

Hostilities, or actual fighting, had ceased on the very day when the President made that utterance. An armistice had been signed which contemplated and provided for the negotiation of a treaty of peace which would bring the war to an end.

Within a month after that declaration the President went with a peace commission to Paris to arrange the terms of that treaty of peace. This was known to the world. Ten days after this declaration by the President Congress passed an act prohibiting the manufacture and sale after June 30, 1919, of intoxicating liquors for beverage purposes. This act was to continue in force during the present war, and thereafter until the end of demobilization. A number of the gentlemen who voted to report this resolution from the Foreign Affairs Committee voted for that act on November 21, 1918. In July, 1919, an act was passed for regulating war-time prohibition. This act was vetoed by the President and was passed over his veto. In reporting that bill to the House the chairman of the Committee on the Judiciary used this language:

> That war exists with both Germany and Austria needs no argument. The armistice only suspends actual hostilities, and until treaties of peace have been ratified there is no peace.

This was nearly eight months after the President had made the statement referred to in this preamble. [Applause on the Democratic side.]

Many Members on the other side of the aisle voted to pass that measure over the President's veto. I am curious to know how they will reconcile their acts in voting to continue war-time prohibition on the ground that we were at war with the vote they are going to cast to-day for a resolution based upon a preamble which declares that the war had been at an end eight months prior to the time they cast that vote. And if the distinguished chairman of the Committee on the Judiciary [Mr. VOLSTEAD] is here, I would like to know how he is going to reconcile the declaration he made in the report on June 30, 1919, with the vote in favor of the pending resolution. [Applause on the Democratic side.]

Since that time this very question has been taken to the Supreme Court of the United States, and on December 15, 1919, the most august judicial tribunal in the world declared that the war was not at an end. We, therefore, have the actions of the President, of the Congress, and of the courts to refute the statement of this preamble and resolution that the war had come to an end. And yet this statement of the President that "the war thus comes to an end" is used as the basis of this far-reaching and ill-considered proposition. [Applause on the Democratic side.]

I do not care to discuss at any great length the constitutionality of this resolution. That question has been ably discussed by a number of gentlemen during this debate, the gentleman from Texas [Mr. CONNALLY] and others, who have completely demonstrated its unconstitutionality.

I do want to say, though, in answer to the gentleman from Pennsylvania [Mr. TEMPLE], that this resolution constitutes an attempt to establish contractual relations between the Government of this country and the Government of Germany, establishing an agreement which amounts to a treaty, and is therefore a bold invasion of the treaty-making powers, which are the constitutional prerogatives of the President, by and with the advice and consent of the Senate, provided two-thirds of the Senators present concur. The President has the sole power to initiate the negotiation of treaties. This is a great power, but it is one that in the conception of the founders of our Government was thought wise to lodge in the President. Each of the several branches of our Government has shown great care in endeavoring not to infringe upon the province of the others. No branch of the Government should ever be tempted, for partisan purposes or for other reasons, to invade the proper functions of another branch of the Government, for each one of them, in its proper sphere, is ultimately the sovereignty of this country.

If any other rule is followed, the principles of mere might will be introduced into our system and each branch will proceed to do whatever the other branches have no means to effectually prevent. This will mean the end of Government of and by the people and the beginning of a usurped Government over the people. Written constitutions, being like all human contrivances imperfect, will then have proven impracticable. [Applause on the Democratic side.]

But aside from the constitutional questions involved in this resolution, which are of the utmost importance and very far-reaching, the legislation itself, if it were perfectly constitutional and completely in accord with the principles of international law, is dangerous to American interests and the interests of many of the American people.

The title of the United States to the German ships which we seized during the war is very doubtful. These ships have never been through a prize court, and when they were first seized it was the general understanding that unless they did go through a prize court they would be subject to be libeled by their owners in any neutral ports in which they might be found. They were not put through the courts, our Government depending upon the treaty to take care of our interests in them. These ships are of very great value and constitute one of the few items by way of reparation that the American Government will get for its tremendous expenditure of money and blood in the World War. I do not think Congress should hastily and without proper consideration enact a measure that might cause the loss of these ships, and yet this is just what the Republican majority here proposes to do. You could not play the German game better if you were their chosen spokesman. [Applause on the Democratic side.]

The Alien Property Custodian funds, amounting to something over $500,000,000, can not be dealt with otherwise than by restoration to the owners, unless German consent to their application to other purposes is obtained. This resolution, if it becomes law, would make it impossible to obtain Germany's consent.

The resolution declares that a state of peace exists, and provides for the repeal of war-time laws, and then attempts to impose the harsh terms of the resolution upon Germany upon the threat of cutting off commercial relations with her. No one who has studied the history of the Versailles treaty and considered the reluctance with which Germany consented to it and signed it would think for a moment that Germany would consent to a resolution that imposes upon her again the obligations of that treaty. So far as we are concerned, she is free from the terms of that treaty, and we will never get her to assent to its terms again. International law does not permit the confiscation of private property unless the enemy government consents of the use of such property for the satisfaction of claims against it. Without Germany's consent, we can not take that property. Under the Versailles treaty Germany consented that the claims of the United States and its nationals against the German Government might be satisfied out of it. Out of this fund we expected to take care of the widows and orphans who were made so by the *Lusitania* outrage and other outrages practiced against civilization by the German Government during the war. The rights of these people will be put in peril, if not sacrificed, by this legislation. What answer will the Republican majority make to the representatives and loved ones of those who suffered these outrages? Do you think the American people will approve the surrender of these claims? [Applause on the Democratic side.]

Again, if Germany does not assent to this resolution our people will be the sufferers. We are the people who have things to sell that the Germans are buying, and they will increase in their desire to buy as soon as their credits are properly established. Our cotton growers and our tobacco growers, our meat raisers and our grain growers, our packing houses and our flour millers, and other producers of the necessities which Germany wants would be the sufferers by the punishment which this resolution proposes to inflict.

If this resolution should become law and is accepted by Germany, we would cut ourselves off from our right under the treaty of Versailles for reimbursement for our army of occupation in Germany. This amounts to probably $100,000,000 or more. The Republican Party has proclaimed its purposes of economy, and so far has failed in all of them. Is it willing to throw away $100,000,000 and force our Government either to issue bonds or levy taxes in order to meet the necessary expenses of the Government? If this result comes about, the Republican leadership of this House will be responsible for it, for here is $100,000,000 you are absolutely throwing away. [Applause on the Democratic side.]

The adoption of this resolution and its attempt to alienate ourselves from our allies and make a separate peace with Germany will deprive us of representation upon the reparation commission. We should realize that by the terms of the treaty of Versailles the influence and power of a large part of the world is concentrated behind the decisions of this commission. This resolution will deprive us of the veto power which we have heretofore had upon the acts of this commission and destroy the commercial interest of our people in many parts of the world. These interests will hold the Republican Party responsible for this reckless surrender of American rights and interests.

From whatever angle this resolution is viewed, it presents itself as a proposition not only ineffective in achieving its proclaimed purpose but as a sure method of confusing our foreign relations, injecting new and complicated questions into an already difficult situation, and involving a surrender of American rights and an impairment of American prestige and honor. [Applause on the Democratic side.]

The gentlemen who favor this resolution have expressed great anxiety for the repeal of war-time legislation, and yet section 2 of the resolution does not do this. It is a declaratory

statute. I would favor going further in this line than section 2 goes. No one ever questioned the power of Congress to repeal any legislation it enacted. Much of this legislation is burdensome and oppressive in times of peace. The Republicans have had control of this House for nearly a year. In that time they have accomplished little. During that time they could have repealed all of this burdensome legislation. I shall offer a motion to recommit, which will accomplish something along this line and will show whether the gentlemen on the other side are really in favor of any relief to the people who are burdened by the long-continued existence of the war legislation or whether they are endeavoring to make political capital for the coming campaign. [Applause on the Democratic side.]

I have no doubt they will vote against my motion to recommit, because it really means something, and the debate on this resolution has demonstrated that their purpose is not to accomplish any result beneficial to America, but is an attempt to fasten upon the President the responsibility which belongs to the Republicans of the Senate for the existence of a technical state of war between this country and Germany.

Some 16 months ago the President of the United States went to Paris as the head of the peace commission to aid in making peace between the warring nations of the world. There he met in the arena of international politics the shrewdest diplomats of the Old World, and was confronted with the most difficult questions that ever taxed the brain of man. It was an enormous task, and he poured into the service all the power of his mighty intellect, his great spiritual force, and his tremendous physical energy. He triumphed, but he wrecked his health and almost sacrificed his life. He brought back a document signed by 32 of the civilized nations of the earth. It contained the League of Nations, the principles of which had been indorsed by every political party in this country, and which the people favored in overwhelming numbers. This league is indispensable to the gradual bringing into execution of the new policies the treaty embodies. It is a league which, with American backing, would bring order and peace throughout the civilized world. Without it the sacrifices America made for the world would be in vain. With it, the treasure spent and the young lives sacrificed would have secured an immense gain for mankind. The league and the treaty are one and inseparable, and will go down in history as the most memorable international agreement ever made. [Applause on the Democratic side.]

This treaty should have been promptly ratified so that peace could be brought to a stricken world and the various nations that had been engaged in the great war could begin the work of rehabilitation that would have brought hope and life and prosperity to their peoples. It was ratified by most of them. The Republicans of the Senate encumbered it with such nullifying reservations as made its ratification impossible. Their leaders had determined to play politics with this mighty issue. A war-torn and, in places, a starving world meant nothing to them, if the changing of these conditions and the saving of these people would bring prestige to the President of the United States.

Everybody everywhere was committed to the treaty and the league that so many believed would prevent the recurrence of war. For the first time in the annals of the human race it seemed possible to attain this great objective. But the Republican leadership in the Senate, placing partisanship above patriotism and above humanity, have crossed and thwarted the noble purposes of the peace conference, and have denied this precious boon to the people of this country and the world. [Applause on the Democratic side.]

The gentleman from Alabama [Mr. HUDDLESTON] said yesterday that all the other nations were at peace and we were at war. The gentleman from Indiana said that all the other nations of the world were at war and we were at peace. The gentleman from Indiana is nearer right than the gentleman from Alabama, because revolution threatens to almost engulf Europe. And even in this country we see unrest and disturbances of a most disquieting character. We see our commerce still hovering about American shores instead of seeking the innumerable avenues that would have been open to it if the world were at peace. We see our industries halted, our labor dissatisfied, our farmers flocking to the cities, and a general state of unrest in the country which is appalling, all brought about by the insincere, unpatriotic attitude of the Republican Party in reference to the Versailles treaty. Truly the world is paying a stupendous price for the Republican victory of 1918. Truly the debauching of the Michigan electorate in that year in the Newberry senatorial election has proved a curse not only to this country but to the world. [Applause.]

Mr. PORTER. Mr. Speaker, I yield to the gentleman from Illinois [Mr. BRITTEN].

Mr. BRITTEN. Mr. Speaker, there are really so many good reasons why the peace resolution now before the House should be immediately passed that one can hardly justify the waste of time for general debate before passing the same.

I have recently visited almost every important city in Europe between Vienna and Madrid, as well as the principal cities of England, Ireland, Scotland, and Wales, and I therefore feel that I know just a little about present existing conditions in Europe.

If America could realize that there are positively millions of lean, hungry, sad-faced, tubercular children in Germany today, the peace resolution would be immediately passed.

A declaration of peace would remove war obstructions to diplomatic, commercial, and banking relations which would in turn promote credits and delivery of raw materials and foodstuffs and thereby probably save a newborn Republic from a military dictatorship, monarchy, or Bolshevism.

Awaiting credits and raw materials these wretched people who are anxious for work stare hungrily into restaurants and shop windows containing food.

A German Republic looks only to America for its very life and existence as commercial representatives of England and France are negotiating for trade supremacy and making enormous purchases, while the mark is nearly valueless and a desperate people will sign any agreement to insure a scant living.

Sickly little boys and girls as well as adults of a Christian nation are praying that that same humane element which prompted America's entrance into a bloody carnage will now assist them in holding body and soul together, and I am certain that their prayers will be heard and answered.

Mr. Speaker, when President Wilson, Lloyd-George, Clemenceau, and Orlando drew up the treaty of peace with Germany, which destroyed everything of productive value within Germany and Austria, they failed to provide something to take the place of the German economic structure, which was practically supplying food for 300,000,000 people in continental Europe as well as raw materials which through manufactories brought them their daily labor and sustenance.

The natural result of this awful blunder, which has brought starvation and Bolshevism to central Europe, was the almost complete destruction of the French, Belgian, Russian, Polish, Italian, and Swiss economic structures, which were literally carried by the German foundation, upon which they all rested to a greater or less degree.

It has been said that the "big four" who framed the treaty were so preoccupied with personal ambitions that they failed entirely to comprehend what any advanced student in international diplomacy and commerce might have known—that in destroying everything with which Germany and Austria might have been able to pay their debts they also were destroying the machinery which gave life and industry to the greater portion of Europe, even outside of Germany.

The President's mind was preoccupied on his Utopian scheme for a society of nations for the perpetuation of peace and happiness on a rose-scented earth, with sunshine, flowers, sweet music, and gentle zephyrs.

Lloyd-George's sole ambition seemed to be to satisfy the British press and the promises he had made for tremendous indemnity and reparations during a heated political campaign.

Orlando's ambition for territorial expansion in the Trentino and the Fiume localities was so shortsighted as to prevent his seeing or thinking of anything else, while Clemenceau was preoccupied upon the complete destruction of everything that was attached to Germany in his innate fear that natural German superiority would rise and again dominate central Europe.

Is it any wonder that when so preoccupied the "big four" failed to observe and to provide for the one thing which meant more to all Europe and to the world than everything else in the treaty?

Mr. Speaker, without the establishment of a tremendous credit system, backed by our Federal reserve banks, Europe will be in the throes of political unrest, Bolshevism, and even war for many years to come, and the mere sending of American millions of dollars will not even afford temporary relief and is almost waste of good money.

I firmly believe that unbiased students of world diplomacy are practically in accord on the opinion that a tremendous blunder was made at Versailles and that the peace treaty, if not rewritten, will have to be materially readjusted by the League of Nations, not only in the interest of Germany and Austria but in order to save Europe from itself in the advance of Bolshevism and terrorism which is now being kindled in practically every European country, including England.

Unless some sympathy and mercy are shown and hatreds are forgotten, that frightful war is likely to be the beginning

of the end of the white race, and another hundred years will see the complete domination of the earth's surface by the yellow man of the Orient.

To paralyze Germany industrially and commercially, agreeable as it might be to those who can see no good in anything German, is but to promote an awful canyon of anarchy and Bolshevism into which most of Europe must eventually slide, and God only knows the ends to which the white man may be driven in getting out of that hell of destruction.

All of Europe is very largely an economic unit, and I predict that peace and good will with commercial tranquillity will never prevail there until all Europe, including Germany and Austria, go hand in hand together in the restoration and rehabilitation of trade and industry.

It is now generally recognized that Germany and Austria can not be completely destroyed and at the same time make payments of indemnities and reparations.

You can not kill a thing and yet expect it to live and work for you, but that is what has been exacted of Germany in the treaty of Versailles.

Mr. Speaker, if the United States could find some means of financing a credit system on raw materials for Germany, to be paid in the return of finished products and by so doing take men off the streets and give them the employment they desire, I am quite satisfied that Germany would quickly restore herself and in so doing assist greatly in the restoration of Europe.

Without the assistance of the greatest and strongest Nation on earth Germany can not resume work with empty warehouses, with disheartened and physically weakened workmen, with no ships worth mentioning, and with the necessity of opening trade anew with a hostile world, and the quicker we appreciate this condition, not necessarily in the interest of Germany and Austria, as I have heretofore said, but in the interest of common humanity, the better for all the world.

The suggestion is constantly heard that Germany should "get to work." How can she go to work when her mark, ordinarily worth 25 cents, is worth but a penny and her overseas credit has been destroyed, while her ships have been taken from her and her local transportation practically wiped out of existence, and when she herself has been the mainstay of all continental Europe in the delivery of raw materials with which their factory wheels were turned?

The economic rehabilitation of France and Belgium is largely dependent on the payment of an indemnity by Germany, and this payment can not be forthcoming until the German factories start grinding out finished products, and this, in turn, can not prevail until American ingenuity and humanity get behind a European trade council based on sound principles and backed by the Federal Reserve Banking System.

When this has been accomplished the wheels of peace and industry will start grinding and killing the seeds of anarchy and Bolshevism, and not until then.

Take it from me, militarism is as dead in Germany as it is in America, and the quicker we realize that and recognize a starving, striving, Christian, white man's Republic, the better for humanity's sake.

Germany was so decisively defeated in the war that it will require one generation at least to put her in company with the second-rate powers of the earth, and several generations to reach the status as a competitor that she held before the war.

She will never again be a military power, because her form of government always will be antagonistic to militarism even in its mildest form.

Refusal of soldiers in uniform to salute their superior officers on the street is an evidence of the extreme reaction against anything militaristic.

This trend toward so-called democratic socialism is prevalent not only in Germany but in all of Europe, where every throne is poised on a magazine of dynamite surrounded by torches.

Mr. Speaker, I was also impressed with the seriousness of the general economic and political situation in England, Scotland, and Ireland.

The man who says that Ireland is loaded with prosperity, that its banks are bulging with money because of Irish industry and thrift, and that the people were never so satisfied as at present, is not writing for Ireland but for England.

The people of Ireland are heartbroken, dejected, exceedingly poor, and think only of the freedom which has so long been uppermost in their minds, and until this matures Ireland will continue to be the saddest community in all Europe.

The most cherished human principle is the right of self-determination, and while we Americans are willing to apply it to all the world, I could see no sane reason why those five and one-half million souls, who are capable of self-government, should be discriminated against by England.

In conclusion, let me say, Mr. Speaker, that for two long days this House has listened to debate by Members on both sides, with hair-splitting arguments on the constitutionality of this so-called peace resolution. I am not a lawyer, but I for one am willing to take my chance on its being as constitutional as that obnoxious, undesirable, unnecessary, unpopular Volstead prohibition enforcement act that was forced upon the American people by this Congress while 4,000,000 of our "boys" were away from home defending the flag. [Laughter and applause.] I appreciate the applause and recognize the laughter, but I am wondering if you gentlemen really dare amend the Volstead Act. I am wondering if you are afraid to bring it on the floor, where it would be amended, and you know it. [Laughter and applause.]

Mr. PORTER. Mr. Speaker, I yield to the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Speaker, I have listened with much interest to what has been said in the consideration of this resolution. Its purpose is to terminate the war by act of Congress. Some say that Congress can not declare the war at an end for the reason that such action would be making a treaty with Germany, and no one has any power to make a treaty but the President, by and with the advice and consent of the Senate, two-thirds voting therefor, under Article II, section 2, of the Constitution, which is as follows:

ART. II, SEC. 2. He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur. * * *

This gives the President power to make a treaty, with the advice and consent of the Senate. But we are not making a treaty. We are declaring that the war is at an end. If this simple resolution is a treaty, the President took a great deal of pains with the making of his treaty at Versailles, which involved the work of months to draft. It cost thousands of dollars in treasure. It involved a retinue exceeding in splendor that of an oriental potentate. It is ludicrous to call or denominate this resolution a treaty. That is giving it a false name and attributing to it a false purpose. The first two sections of the resolution providing for ending the war read as follows:

Joint resolution (H. J. Res. 327) terminating the state of war declared to exist April 6, 1917, between the Imperial German Government and the United States; permitting on conditions the resumption of reciprocal trade with Germany, and for other purposes.

Whereas the President of the United States, in the performance of his constitutional duty to give to the Congress information of the state of the Union, has advised the Congress that the war with the Imperial German Government has ended:

Resolved, etc., That the state of war declared to exist between the Imperial German Government and the United States by the joint resolution of Congress approved April 6, 1917, is hereby declared at an end.

SEC. 2. That in the interpretation of any provision relating to the date of the termination of the present war or of the present or existing emergency in any acts of Congress, joint resolutions, or proclamations of the President containing provisions contingent upon the date of the termination of the war or of the present or existing emergency, the date when this resolution becomes effective shall be construed and treated as the date of the termination of the war or of the present or existing emergency, notwithstanding any provision in any act of Congress or joint resolution providing any other mode of determining the date of the termination of the war or of the present or existing emergency.

SEC. 3. That with a view to secure reciprocal trade with the German Government and its nationals, and for this purpose, it is hereby provided that unless within 45 days from the date when this resolution becomes effective the German Government shall duly notify the President of the United States that it has declared a termination of the war with the United States and that it waives and renounces on behalf of itself and its nationals any claim, demand, right, or benefit against the United States or its nationals that it or they would not have had the right to assert had the United States ratified the treaty of Versailles, the President of the United States shall have the power, and it shall be his duty, to proclaim the fact that the German Government has not given the notification hereinbefore mentioned and thereupon and until the President shall have proclaimed the receipt of such notification, commercial intercourse between the United States and Germany and the making of loans or credits, and the furnishing of financial assistance or supplies to the German Government or the inhabitants of Germany, directly or indirectly, by the Government or the inhabitants of the United States shall, except with the license of the President, be prohibited.

SEC. 4. That whoever shall willfully violate the foregoing prohibition whenever the same shall be in force shall upon conviction be fined not more than $10,000, or, if a natural person, imprisoned for not more than two years, or both; and the officer, director, or agent of any corporation who knowingly participates in such violation shall be punished by a like fine, imprisonment, or both, and any property, funds, securities, papers, or other articles or documents, or any vessel, together with her tackle, apparel, furniture, and equipment, concerned in such violation, shall be forfeited to the United States.

SEC. 5. That nothing herein contained shall be construed as a waiver by the United States of any rights, privileges, indemnities, reparations, or advantages to which the United States has become entitled under the terms of the armistice signed November 11, 1918, or which were acquired by or are in the possession of the United States by reason of its participation in the war, or otherwise; and all fines, forfeitures, penalties, and seizures imposed or made by the United States are hereby ratified, confirmed, and maintained.

Its purpose is to express the sentiment and will of the Nation on every hand to end the war. Its purpose is to cry aloud from this Capitol Hill, so that any man a mile or more away can hear that the war is ended. Its purpose is to take from the

President of the United States the great war powers conferred upon him in waging war against Germany. Its purpose is to give congressional sanction to the peace already existing between the United States and Germany. We are not at war with Germany. We are not at war with any nation. Why can we not say so? We are not hors de combat. We are non de combat, especially with Germany, which lies prostrate as a warring nation. Let us declare that we are not at war with Germany, so that everybody will know it, even if he thinks otherwise. Let us bring our army home. If anyone thinks we are at war with Germany, he is mistaken. I have been for war whenever it was needed and wherever it is needed to preserve the honor, integrity, and sovereignty of the United States. The most humiliating days of my career were when our troops were sent home by Carranza, instead of vindicating the lives of American citizens who were ruthlessly killed in Mexico by Mexican troops. If we want to uphold our sovereignty and force peace on foreign nations and protect their political identity as provided in the League of Nations, we might take a hand down in Mexico. It would be nearer home. The President declared this Mexican war, and it ended without a treaty. This resolution ought to pass as a first step toward a return to our former normal conditions. When the war was ended there ought to have been a separate and distinct peace treaty. It ought not to have been ingrafted into a League of Nations. Some people think it is more important to have a League of Nations than to have peace. If we had a League of Nations today, and we were directed by the supreme council to establish peace, political identity, and preserve the boundaries of the European nations, we would need our army of 5,000,000 soldiers to do it. The League of Nations is a one-sided, jughandled affair, as far as the United States is concerned. It calls on the United States for men and money to settle the disputes of other countries which involve none of our business. If a treaty of peace is needed to end the war and our Democratic friends think no one can make such a treaty but the President of the United States, then the President of the United States has failed in his duty.

The people of the United States want peace, and if we can get it by simple treaty, and the President is the only one who can make a treaty, why does not he make it? Some think that the Constitution must be followed to the letter in making a treaty to end the war. The international law writers say peace can be established after a war without a treaty. Some might say, then, what is the use of this resolution? It is because there are more than 30 war powers conferred upon the President now in existence which are to terminate whenever peace is declared, and it is for the twofold purpose of ending the war and ending the war powers conferred upon the President. No one has claimed they should continue. No one has made any other formidable objection to this resolution except that it is unconstitutional. The Constitution provides that Congress shall have power to declare war. The terms are identical in language with the power of the President to make a treaty, omitting the advice and consent of the Senate. The President made war on Mexico without any action of Congress, although the Constitution is specific that the right to declare war is conferred upon Congress; and those wanting to stick so closely to the Constitution never objected when the President marched our Army into Mexico nor when he marched them out and thereby established peace. The League of Nations is at the foundation of the whole difficulty. The President never submitted to the Senate a formal peace treaty. The Senate has never had an opportunity to approve, or consent, or advise as to a separate treaty of peace. I think there is a difference between a peace treaty and a covenant for a League of Nations to prevent wars in the world. The whole of Europe is virtually at war. How would we look over in Russia to-day with our Army to establish the political identity of the Russian Government? Who would want to have such a chaotic government as Russia has to-day, with the right of property and boundary lines destroyed and social and individual rights determined by autocracy? The treaty submitted to the Senate to ratify was drawn with the express purpose so that it could not be ratified without our country joining the League of Nations, which would establish a supernation. The real purpose of the document submitted to the Senate was not to establish peace but to establish a League of Nations, and it will be to the everlasting credit of the United States of America that it failed to ratify such a covenant. Let us keep away from a League of Nations and follow the advice of Washington and the founders of our Republic. Let us say we are not at war by passing this resolution. The Constitution in no place prohibits us from passing a resolution declaring a state of peace. Let us have peace. Let us consider the League of Nations separate and apart from the peace treaty, if it is found to be needful, useful, or helpful to our national welfare. It can then be considered on its own merits. I firmly believe that the League of Nations, as drawn, is un-American and alone would stand no show of ever becoming a law.

What, then, is the use? What is the purpose of keeping up a state of war between the United States and Germany? I know of no reason. I can think of no good purpose. The one purpose and reason I now think of is that if the people can not get peace any other way it might force the Senate to ratify the League of Nations, but the Senate will not ratify such a league as it was submitted. It seems also that the President will not submit a separate treaty of peace without combining it with this league. Therefore, let us pass this resolution and get our Army back home out of European politics and European domestic affairs. Just now we have quite a little to do at home in looking after our own domestic welfare. I wish to close my remarks by incorporating a part of the report of the great Committee on Foreign Affairs of the House, which contains many pronounced and eminent lawyers. The Congress has full power to pass the resolution. On this point the report says:

> There has been a complete suspension of hostilities on both sides without any intention of resuming them. Congress is clearly exercising powers which are within its constitutional rights in recognizing and declaring that the condition described by the writers on international law which are above quoted has now arrived and that the war is at an end. As by the resolution of April 6, 1917, Congress officially recognized the fact that war had been thrust upon us, so now it becomes the duty of Congress to give official recognition to the fact that the war is ended. Moreover, the general welfare of the United States imperatively demands that all uncertainty upon this subject shall cease, and that the extraordinary war powers of the Government shall be vacated and set aside.

I shall support the resolution.

Mr. PORTER. Mr. Speaker, I yield the balance of my time to the gentleman from Wyoming [Mr. MONDELL]. [Applause.]

Mr. MONDELL. Mr. Speaker, before I begin my remarks on the resolution I want to express my very sincere regret at the sudden illness of the gentleman from North Carolina [Mr. KITCHIN] during the debate this afternoon. I am sure we all join in the hope that his illness will be brief and that he will very soon be restored to his usual splendid physical and mental condition and be with us again. [Applause.]

Mr. Speaker, by the cessation of hostilities the World War ended, as the President declared at the time, November 11, 1918, and the American people who have waited with extraordinary patience for 17 months for action officially securing and declaring the end of war and the restoration of normal conditions are looking to us to-day to do our part in the reestablishment of a state and condition of peace.

We are thankful to the minority for that part of their report on this resolution which so conclusively justifies its adoption in order that we may, as they say, afford "relief from the burdens, inconveniences, extravagances, and losses which come from the existence of this—war—legislation." We have given heed to the demand which reaches the Congress from every section of the country for this relief from war legislation, the hampering and vexatious and blighting character of which has been eloquently stated by the minority, and we shall respond to this demand with a practically unanimous vote on the Republican side. [Applause on the Republican side.]

From the viewpoint of partisan advantage we might be tempted to hope that few on the minority side shall support this resolution, for nothing could so clearly demonstrate to the country the constructive patriotism of the Republican Party on the one hand, and a narrow and provincial partisanship on the part of the minority, as a sharp division of the vote on party lines.

But the issue is too important for partisanship, and while I shall not appeal to the gentlemen on the minority side to follow the dictates of their consciences rather than those of partisanship, I am reminded what a splendid thing it would be if, as we all joined in the declaration under which the Republic drew the sword and sent millions of her youth to battle, we could now join in the official declaration of the establishment of conditions of peace and in the return to the people of the extraordinary authority and jurisdiction which, in their name, we placed in the hands of the Chief Executive for the purposes of war. [Applause on the Republican side.]

Through the days of strife and struggle we on the Republican side joined in furnishing men and money and authority without stint or limit, so it would appear seemly and proper that the House should be united when we proclaim the fact of peace, known of all men, and in doing so return to the people the extraordinary powers we are authorized to invoke only under the stress of war. [Applause on the Republican side.]

It is not essential to the discussion of this resolution that we shall consider the occurrences which have made it necessary. On the other hand, it is proper that we should recall that the only reason why conditions of peace have not been restored through the more usual method of a treaty is because the Chief Executive refused to sanction in the legislative body which coordinates with him under the Constitution in the making of treaties the same freedom of judgment and action that he insisted upon for himself. For it is known of all men who care to be informed that the prevailing opinion in the matter is confirmed by the public announcement of a Democratic Senator that but for the pressure by the Chief Executive to the contrary the treaty would have been ratified with reservations safeguarding the Republic and preserving its sovereignty and peace thus secured and proclaimed.

In such a situation is there anyone with so poor an opinion of our form of Government as to believe that, having waited patiently 17 months for a treaty of peace, for the relief from burdensome and extraordinary control, for the reestablishment of normal conditions of trade and intercourse, we are helpless to cure the situation and must indefinitely wait upon the will of one man, and he the one on whom we have conferred powers and prerogatives and jurisdiction which the people have carefully reserved in themselves only to be guardedly conferred upon the President during the imperative exigencies of war.

As we glory in our country and in our Constitution, we decline to accept a construction so narrow, so destructive, so subversive of the theory and principles of the Republic. [Applause on the Republican side.]

No one approached the preparation of this resolution without appreciation of the differences of opinion liable to arise as to phraseology and formula, but out of an abundance of council came clarity of thought and unanimity of opinion, both as to form and substance. And yet all realized that in relation to a proceeding somewhat novel, some valid objections might have been overlooked, and some suggestion of change of real merit might be made. But since the popping of the pickets on Tuesday, the firing of the siege guns in the minority report, through the booming and rattle of light and heavy artillery of debate, including a considerable number of popguns and some duds, not a real, substantial, or convincing thought has been advanced or argument made against either the plan, purpose, or pattern of the resolution. [Applause on the Republican side.]

Out of the smoke screen of political camouflage, through the cloud of variegated gas, one curiously illogical note has whined its way through the atmosphere of debate. They say the Republicans are trying to embarrass the President! The wicked Republicans, who are accused of spending a large part of their time assailing the President, are charged with some sinister purpose in connection with this resolution, touching the Chief Executive.

A large part of the criticism I have heard of the President has filtered out of the Democratic cloak rooms. I have heard surprisingly little of it, everything considered, elsewhere; but however that may be, everybody knows, except those who are willfully misled, that there is neither infringement of executive authority nor aught of embarrassment to the Executive in this resolution. There is not unless, indeed, the Executive may voluntarily assume the embarrassment of vetoing a measure which has the approval, the commendation, and the enthusiastic support of an overwhelming majority of the people.

Is it not about time that our friends on the other side got to thinking in terms of the Republic and cease to have their acts and public utterances colored and controlled by influences having their sources in the Executive Mansion? [Applause on the Republican side.]

We are still, thank God, a government of, for, and by the people, and without thought or purpose of encroaching upon the proper authority and jurisdiction of anyone, we are under our oaths, and in the full light and under the full authority of the Constitution, proposing to legislate, not to please this, that, or the other individual, organization, or agency, but for, on behalf, and in the interest of all of the people of the Republic in the reestablishment of a state of peace. [Applause on the Republican side.]

The SPEAKER. All time for debate has expired.

Mr. LONGWORTH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LONGWORTH. Under the rule does the previous question operate upon the motion to recommit as well as on the final vote?

The SPEAKER. The Chair thinks it does. The Chair will decide that question when it arises. The previous question was ordered by the rule. The question is on the engrossment and third reading of the joint resolution.

The question was taken, and the joint resolution was ordered to be read a third time.

The SPEAKER. Without objection, the preamble is agreed to.

There was no objection.

The joint resolution was read the third time.

Mr. FLOOD. Mr. Speaker, I offer the following motion to recommit which I send to the desk and ask to have read, and on that I demand the previous question.

The SPEAKER. The gentleman from Virginia offers a motion to recommit, which the Clerk will report.

The Clerk read as follows:

Mr. FLOOD offers the following motion to recommit:

That House joint resolution No. 327 be recommitted to the Committee on Foreign Affairs with instructions to the committee to report the same to the House forthwith with the following amendment:

Strike out all the preamble and all after the enacting clause and insert following the enacting clause the following:

"That all acts and joint resolutions of Congress which have been passed since April 6, 1917, and which by their terms are to be effective only for the period of the war, or for the present or existing emergency, or until a treaty of peace should be ratified, or until the proclamation by the President of the ratification of a treaty of peace, are hereby repealed; and all such acts and resolutions which by their terms are to be effective only during and for a specified period after such war, or such present or existing emergency, or the ratification of such treaty, or the proclamation by the President of the ratification of such treaty, are hereby repealed, which repeal shall be effective at the end of the specified period, such specified period being construed as beginning on the date of the final passage of this resolution."

Mr. FLOOD. Mr. Speaker, I move the previous question on the motion to recommit.

The SPEAKER. The Chair has examined the rule and is of opinion that the previous question is not necessary. The rule provides:

That at the conclusion of the general debate the previous question shall be considered as ordered on the said House joint resolution to final passage without intervening motion, except one motion to recommit.

That clause, in the opinion of the Chair, prevents any motion to amend and makes the previous question unnecessary. The question is on the motion of the gentleman from Virginia to recommit the joint resolution.

Mr. FLOOD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 171, nays 222, answered "present" 2, not voting 32, as follows:

YEAS—171.

Almon	Doughton	Larsen	Rainey, J. W.
Ashbrook	Dupré	Lazaro	Raker
Aswell	Eagan	Lea, Calif.	Randall, Calif.
Ayres	Eagle	Lee, Ga.	Rayburn
Babka	Evans, Mont.	Lesher	Riordan
Barkley	Evans, Nev.	Linthicum	Romjue
Bee	Ferris	Lonergan	Rouse
Benson	Fields	McAndrews	Rowan
Black	Fisher	McClintic	Rubey
Blackmon	Flood	McDuffie	Rucker
Bland, Va.	Fuller, Mass.	McGlennon	Sanders, La.
Blanton	Gallagher	McKeown	Sherwood
Box	Gandy	McKinley	Sims
Brand	Ganly	McLane	Sisson
Briggs	Gard	Maher	Small
Brinson	Garner	Major	Smith, N. Y.
Brumbaugh	Godwin, N. C.	Mann, S. C.	Stedman
Buchanan	Goldfogle	Mansfield	Stephens, Miss.
Byrnes, S. C.	Goodwin, Ark.	Martin	Stevenson
Byrns, Tenn.	Griffin	Mays	Stoll
Caldwell	Hardy, Tex.	Mead	Sullivan
Campbell, Pa.	Harrison	Milligan	Sumners, Tex.
Candler	Hastings	Minahan, N. J.	Tague
Cantrill	Hayden	Montague	Taylor, Ark.
Carew	Hersman	Moon	Taylor, Colo.
Carss	Hoey	Mooney	Thomas
Casey	Holland	Moore, Va.	Tillman
Clark, Fla.	Howard	Nelson, Mo.	Upshaw
Clark, Mo.	Huddleston	Nicholls, S. C.	Venable
Cleary	Hudspeth	O'Connell	Vinson
Coady	Hull, Tenn.	O'Connor	Watkins
Collier	Humphreys	Oldfield	Weaver
Connally	Igoe	Oliver	Welling
Crisp	Jacoway	Overstreet	Welty
Cullen	Johnson, Ky.	Padgett	Whaley
Davey	Johnson, Miss.	Park	Wilson, La.
Davis, Tenn.	Johnston, N. Y.	Parrish	Wilson, Pa.
Dent	Jones, Tex.	Pell	Wingo
Dickinson, Mo.	Kelley, Mich.	Phelan	Wise
Dominick	Kettner	Pou	Woods, Va.
Donovan	Kincheloe	Quin	Wright
Dooling	Lanham	Rainey, Ala.	Young, Tex.
Doremus	Lankford	Rainey, H. T.	

NAYS—222.

Ackerman	Begg	Brooks, Pa.	Cannon
Anderson	Benham	Browne	Chindblom
Andrews, Md.	Bland, Ind.	Burdick	Christopherson
Andrews, Nebr.	Boies	Burke	Classon
Anthony	Bowers	Burroughs	Cole
Baer	Britten	Butler	Cooper
Barbour	Brooks, Ill.	Campbell, Kans.	Copley

Costello	Hawley	MacGregor	Schall
Crago	Hays	Madden	Scott
Cramton	Hernandez	Magee	Sells
Crowther	Hersey	Mapes	Sinclair
Currie, Mich.	Hickey	Mason	Sinnott
Dale	Hicks	Merritt	Slemp
Dallinger	Hill	Michener	Smith, Idaho
Darrow	Hoch	Miller	Smith, Ill.
Davis, Minn.	Houghton	Monahan, Wis.	Smith, Mich.
Dempsey	Hulings	Mondell	Snell
Dickinson, Iowa	Hull, Iowa	Moore, Ohio	Snyder
Dowell	Husted	Moores, Ind.	Steenerson
Dunbar	Hutchinson	Morgan	Stephens, Ohio
Dunn	Ireland	Morin	Stiness
Dyer	James	Mott	Strong, Kans.
Echols	Jefferis	Mudd	Strong, Pa.
Edmonds	Johnson, S. Dak.	Murphy	Summers, Wash.
Elliott	Johnson, Wash.	Nelson, Wis.	Sweet
Ellsworth	Jones, Pa.	Newton, Minn.	Swope
Elston	Juul	Newton, Mo.	Taylor, Tenn.
Emerson	Kahn	Nichols, Mich.	Temple
Esch	Kearns	Nolan	Thompson
Evans, Nebr.	Keller	Ogden	Tilson
Fairfield	Kelly, Pa.	Olney	Timberlake
Fess	Kendall	Osborne	Tincher
Focht	Kennedy, R. I.	Paige	Tinkham
Fordney	Kiess	Parker	Towner
Foster	King	Peters	Treadway
Frear	Kinkaid	Platt	Vaile
Freeman	Kleczka	Porter	Vare
French	Knuston	Purnell	Vestal
Fuller, Ill.	Kraus	Radcliffe	Voigt
Gallivan	Kreider	Ramsey	Volstead
Garland	Lampert	Ramseyer	Walsh
Glynn	Langley	Randall, Wis.	Walters
Good	Layton	Reavis	Watson
Goodall	Lehlbach	Reber	Webster
Goodykoontz	Little	Reed, N. Y.	Wheeler
Gould	Luce	Reed, W. Va.	White, Kans.
Graham, Ill.	Lufkin	Rhodes	White, Me.
Green, Iowa	Lubring	Ricketts	Wilson, Ill.
Greene, Mass.	McArthur	Riddick	Winslow
Green, Vt.	McCulloch	Robsion, Ky.	Wood, Ind.
Griest	McFadden	Rogers	Woodyard
Hadley	McKenzie	Rose	Yates
Hamill	McKinley	Rowe	Young, N. Dak.
Hardy, Colo.	McLaughlin, Mich.	Sanders, Ind.	Zihlman
Harreld	McLaughlin, Nebr.	Sanders, N. Y.	
Haugen	MacCrate	Sanford	

ANSWERED "PRESENT"—2.

Bell	Longworth

NOT VOTING—32.

Bacharach	Dewalt	McPherson	Shreve
Bankhead	Drane	Mann, Ill.	Siegel
Bland, Mo.	Garrett	Neely	Smithwick
Booher	Graham, Pa.	Robinson, N. C.	Steagall
Caraway	Hamilton	Rodenberg	Steele
Carter	Heflin	Sabath	Ward
Curry, Calif.	Kennedy, Iowa	Scully	Wason
Denison	Kitchin	Sears	Williams

So the motion to recommit was rejected.

The Clerk announced the following pairs:

For motion to recommit:

Mr. KITCHIN (for) with Mr. LONGWORTH (against).

Mr. ROBINSON of North Carolina (for) with Mr. MANN of Illinois (against).

Mr. BELL (for) with Mr. RODENBERG (against).

Mr. HEFLIN (for) with Mr. WILLIAMS (against).

Mr. STEELE (for) with Mr. GRAHAM of Pennsylvania (against).

Mr. GARRETT (for) with Mr. DENISON (against).

Mr. CARAWAY (for) with Mr. SHREVE (against).

Mr. NEELY (for) with Mr. SIEGEL (against).

Mr. CARTER (for) with Mr. WARD (against).

Mr. DRANE (for) with Mr. CURRY of California (against).

Mr. STEAGALL (for) with Mr. WASON (against).

Mr. SMITHWICK (for) with Mr. KENNEDY of Iowa (against).

Mr. DEWALT (for) with Mr. BACHARACH (against).

General pairs:

Mr. MCPHERSON with Mr. SABATH.

Mr. HAMILTON with Mr. BLAND of Missouri.

Mr. BELL. Mr. Speaker, how am I recorded?

The SPEAKER. The gentleman is recorded in the affirmative.

Mr. BELL. Mr. Speaker, I am paired with the gentleman from Illinois, Mr. RODENBERG, and I desire to withdraw my vote of "aye" and answer "present."

The name of Mr. BELL was called, and he answered "Present."

Mr. LONGWORTH. Mr. Speaker, I desire to know how I am recorded.

The SPEAKER. The gentleman is recorded in the negative.

Mr. LONGWORTH. Mr. Speaker, I have a pair with the gentleman from North Carolina, Mr. KITCHIN, who is unavoidably and most regrettably detained by sudden illness. If Mr. KITCHIN were present, he would vote "aye"; and I having voted "no" desire to withdraw my vote and answer "present." [Applause.]

The name of Mr. LONGWORTH was called, and he answered "Present."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the joint resolution.

Mr. ROGERS. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 242, nays 150, answered "present" 2, not voting 33, as follows:

YEAS—242.

Ackerman	Foster	Lehlbach	Ricketts
Anderson	Frear	Little	Riddick
Andrews, Md.	Freeman	Luce	Robsion, Ky.
Andrews, Nebr.	French	Lufkin	Rogers
Anthony	Fuller, Ill.	Lubring	Rose
Ashbrook	Gallivan	McArthur	Rowe
Baer	Ganly	McCulloch	Sanders, Ind.
Barbour	Garland	McFadden	Sanders, N. Y.
Begg	Glynn	McKenzie	Sanford
Benham	Goldfogle	McKinley	Schall
Bland, Ind.	Good	McKinley	Scott
Boies	Goodall	McLane	Sells
Bowers	Goodykoontz	McLaughlin, Mich.	Sherwood
Britten	Gould	McLaughlin, Nebr.	Sinclair
Brooks, Ill.	Graham, Ill.	MacCrate	Sinnott
Brooks, Pa.	Green, Iowa	MacGregor	Slemp
Browne	Greene, Mass.	Madden	Smith, Idaho
Burdick	Greene, Vt.	Magee	Smith, Ill.
Burke	Griest	Maher	Smith, Mich.
Burroughs	Hadley	Mapes	Snell
Butler	Hamill	Mason	Snyder
Caldwell	Hardy, Colo.	Mead	Steenerson
Campbell, Kans.	Harreld	Merritt	Stephens, Ohio
Cannon	Haugen	Michener	Stiness
Carew	Hawley	Miller	Strong, Kans.
Chindblom	Hays	Monahan, Wis.	Strong, Pa.
Christopherson	Hernandez	Mondell	Sullivan
Classon	Hersey	Moore, Ohio	Summers, Wash.
Cole	Hickey	Moores, Ind.	Sweet
Cooper	Hicks	Morgan	Swope
Copley	Hill	Morin	Tague
Costello	Hoch	Mott	Taylor, Tenn.
Crago	Houghton	Mudd	Temple
Cramton	Huddleston	Murphy	Thompson
Crowther	Hulings	Nelson, Wis.	Tilson
Cullen	Hull, Iowa	Newton, Minn.	Timberlake
Currie, Mich.	Husted	Newton, Mo.	Tincher
Dale	Hutchinson	Nichols, Mich.	Tinkham
Dallinger	Ireland	Nolan	Towner
Darrow	James	O'Connell	Treadway
Davis, Minn.	Jefferis	O'Connor	Vaile
Dempsey	Johnson, S. Dak.	Ogden	Vare
Dickinson, Iowa	Johnson, Wash.	Olney	Vestal
Dooling	Jones, Pa.	Osborne	Voigt
Dowell	Juul	Paige	Volstead
Dunbar	Kahn	Parker	Walsh
Dunn	Kearns	Pell	Walters
Dyer	Keller	Peters	Watson
Echols	Kelly, Pa.	Platt	Webster
Edmonds	Kendall	Porter	Wheeler
Elliott	Kennedy, R. I.	Purnell	White, Kans.
Ellsworth	Kiess	Radcliffe	White, Me.
Elston	King	Ramsey	Wilson, Ill.
Emerson	Kinkaid	Ramseyer	Winslow
Esch	Kleczka	Randall, Calif.	Wood, Ind.
Evans, Nebr.	Knutson	Randall, Wis.	Woodyard
Evans, Nev.	Kraus	Reavis	Yates
Fairfield	Kreider	Reber	Young, N. Dak.
Fess	Lampert	Reed, N. Y.	Zihlman
Focht	Langley	Reed, W. Va.	
Fordney	Layton	Rhodes	

NAYS—150.

Almon	Doughton	Larsen	Rayburn
Aswell	Dupré	Lazaro	Riordan
Ayres	Eagan	Lea, Calif.	Romjue
Babka	Eagle	Lee, Ga.	Rouse
Barkley	Ferris	Lesher	Rowan
Bee	Fields	Linthicum	Rubey
Benson	Fisher	Lonergan	Rucker
Black	Flood	McAndrews	Sanders, La.
Blackmon	Fuller, Mass.	McClintic	Sims
Bland, Va.	Gallagher	McDuffie	Sisson
Blanton	Gandy	McGlennon	Small
Box	Gard	McKeown	Smith, N. Y.
Brand	Garner	Major	Stedman
Briggs	Godwin, N. C.	Mann, S. C.	Stephens, Miss.
Brinson	Goodwin, Ark.	Mansfield	Stevenson
Brumbaugh	Griffin	Martin	Stoll
Buchanan	Hardy, Tex.	Mays	Sumners, Tex.
Byrnes, S. C.	Harrison	Milligan	Taylor, Ark.
Byrns, Tenn.	Hastings	Minahan, N. J.	Taylor, Colo.
Campbell, Pa.	Hayden	Montague	Thomas
Candler	Hersman	Moon	Tillman
Cantrill	Hocy	Mooney	Upshaw
Carss	Holland	Moore, Va.	Venable
Casey	Howard	Nelson, Mo.	Vinson
Clark, Fla.	Hudspeth	Nicholls, S. C.	Watkins
Clark, Mo.	Hull, Tenn.	Oldfield	Weaver
Cleary	Humphreys	Oliver	Welling
Coady	Igoe	Overstreet	Welty
Collier	Jacoway	Padgett	Whaley
Connally	Johnson, Ky.	Park	Wilson, La.
Crisp	Johnson, Miss.	Parrish	Wilson, Pa.
Davey	Johnston, N. Y.	Phelan	Wingo
Davis, Tenn.	Jones, Tex.	Pou	Wise
Dent	Kelley, Mich.	Quin	Woods, Va.
Dickinson, Mo.	Kettner	Rainey, Ala.	Wright
Dominick	Kincheloe	Rainey, H. T.	Young, Tex.
Donovan	Lanham	Rainey, J. W.	
Doremus	Lankford	Raker	

ANSWERED "PRESENT"—2.

Bell	Longworth

NOT VOTING—33.

Bacharach	Drane	Mann, Ill.	Smithwick
Bankhead	Evans, Mont.	Neely	Steagall
Bland, Mo.	Garrett	Robinson, N. C.	Steele
Booher	Graham, Pa.	Rodenberg	Ward
Caraway	Hamilton	Sabath	Wason
Carter	Heflin	Scully	Williams
Curry, Calif.	Kennedy, Iowa	Sears	
Denison	Kitchin	Shreve	
Dewalt	McPherson	Siegel	

So the resolution was agreed to.

The Clerk announced the following additional pairs:

Mr. LONGWORTH (for peace resolution) with Mr. KITCHIN (against).

Mr. MANN of Illinois (for peace resolution) with Mr. ROBINSON of North Carolina (against).

Mr. RODENBERG (for peace resolution) with Mr. BELL (against).

Mr. GRAHAM of Pennsylvania (for peace resolution) with Mr. STEELE (against).

Mr. WILLIAMS (for peace resolution) with Mr. HEFLIN (against).

Mr. DENISON (for peace resolution) with Mr. GARRETT (against).

Mr. SHREVE (for peace resolution) with Mr. CARAWAY (against).

Mr. SIEGEL (for peace resolution) with Mr. NEELY (against).

Mr. WARD (for peace resolution) with Mr. CARTER (against).

Mr. CURRY of California (for peace resolution) with Mr. DRANE (against).

Mr. WASON (for peace resolution) with Mr. STEAGALL (against).

Mr. KENNEDY of Iowa (for peace resolution) with Mr. SMITHWICK (against).

Mr. BACHARACH (for peace resolution) with Mr. DEWALT (against).

Mr. HUTCHINSON. Mr. Speaker, I would like to make a statement. My colleague, Mr. BACHARACH, has been detained at his home on account of sickness. If he were here, he would vote "yea."

Mr. BELL. Mr. Speaker, how am I recorded?

The SPEAKER. In the negative.

Mr. BELL. I am paired with the gentleman from Illinois, Mr. RODENBERG, and I withdraw my vote of "nay" and answer "present."

Mr. LONGWORTH. Mr. Speaker, I desire to make the same announcement as to my pair with the gentleman from North Carolina, Mr. KITCHIN, that I made a moment ago. Had he been present he would have voted "nay" and I would have voted "yea."

Mr. HICKS. Mr. Speaker, on account of the unavoidable absence of my colleague, Mr. SIEGEL, he could not vote to-day. If he were present, he would have voted "yea."

The SPEAKER. He is paired that way.

Mr. GARNER. Mr. Speaker, I ask unanimous consent to extend in the RECORD a telegram which I received from Mr. GARRETT, of Tennessee, respecting his vote on the peace resolution.

The SPEAKER. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

The telegram referred to is as follows:

DRESDEN, TENN., *April 8, 1920.*

Hon. JOHN M. GARNER,
House of Representatives, Washington, D. C.

Father's condition such I can not leave. Pair me against resolution. If this is not possible, state for RECORD reason for my absence, and that if present I would vote "No."

FINIS J. GARRETT.

The result of the vote was announced as above recorded.

On motion of Mr. PORTER, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

FORTIFICATION APPROPRIATIONS.

Mr. SLEMP, by direction of the Committee on Appropriations, reported the bill (H. R. 13555) making appropriations for fortifications and other works of defense, for the armament thereof, and for the procurement of heavy ordnance for trial and service, for the fiscal year ending June 30, 1921, and for other purposes, which was referred to the Committee of the Whole House on the state of the Union, and ordered printed.

Mr. EAGAN. Mr. Speaker, I reserve all points of order on the bill.

MEMORIAL SERVICES FOR LATE REPRESENTATIVE JOSEPH B. THOMPSON.

Mr. McCLINTIC. Mr. Speaker, I desire to ask unanimous consent that Sunday, April 18, 1920, beginning at 12 o'clock noon, be set aside for addresses in memory of the late JOSEPH B. THOMPSON, a Representative from the State of Oklahoma.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent that Sunday, April 18, 1920, be set aside for memorial services on his late colleague, Mr. THOMPSON. Is there objection? [After a pause.] The Chair hears none.

AMENDMENT TO FEDERAL FARM-LOAN ACT.

Mr. PLATT, from the Committee on Banking and Currency, submitted a conference report on the bill (H. R. 9065) to amend sections 3, 5, 10, 12, 20, and 21 of the act approved July 17, 1916, known as the Federal farm-loan act, for printing in the RECORD under the rules.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 4082. An act to amend section 4878 of the Revised Statutes as amended by the act of March 3, 1897; and

S. 3813. An act to authorize the construction of a bridge across Lake Champlain between the towns of Shoreham, Vt., and Ticonderoga, N. Y.

LEAVES OF ABSENCE.

By unanimous consent, leaves of absence were granted as follows:

To Mr. SMITH of Michigan, for two weeks, on important business.

To Mr. TAYLOR of Tennessee, for 10 days, on account of important business.

ADJOURNMENT.

Mr. ROGERS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 22 minutes p. m.) the House adjourned until Saturday, April 10, 1920, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SLEMP, from the Committee on Appropriations, to which was referred the bill (H. R. 13555) making appropriations for fortifications and other works of defense, for the armament thereof, and for the procurement of heavy ordnance for trial and service, for the fiscal year ending June 30, 1921, and for other purposes, reported the same without amendment, accompanied by a report (No. 814), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 6130) granting an increase of pension to James Robinson, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. BAER: A bill (H. R. 13526) to create a national food commission, to define its powers and duties, and to stimulate the production, sale, and distribution of live stock and live-stock products, and for other purposes; to the Committee on the Judiciary.

By Mr. JOHNSON of Kentucky: A bill (H. R. 13527) authorizing the Secretary of War to donate to the town of Cloverport, Ky., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 13528) authorizing the Secretary of War to donate to the town of Springfield, Ky., one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. SLEMP: A bill (H. R. 13555) making appropriations for fortifications and other works of defense, for the armament thereof, and for the procurement of heavy ordnance for trial and service, for the fiscal year ending June 30, 1921, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. HICKS: A bill (H. R. 13556) to create a bureau of aeronautics and a naval flying corps in the Department of the Navy; to the Committee on Naval Affairs.

By Mr. PELL: A bill (H. R. 13557) to amend the provisions of laws regulating the collection of taxes; to the Committee on Ways and Means.

By Mr. MACGREGOR: Joint resolution (H. J. Res. 332) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. CULLEN: Memorial of the Senate of the State of New York, regarding the canals of the State of New York; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREWS of Maryland: A bill (H. R. 13529) for the relief of I. James Riggin; to the Committee on Military Affairs.

Also, a bill (H. R. 13530) for the relief of Annie Ellis; to the Committee on Claims.

Also, a bill (H. R. 13531) to correct the military record of Thomas H. Caldwell; to the Committee on Military Affairs.

Also, a bill (H. R. 13532) for the relief of William J. Harris; to the Committee on Military Affairs.

By Mr. ASHBROOK: A bill (H. R. 13533) granting an increase of pension to Thomas C. Staggers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13534) granting an increase of pension to George F. Portwick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13535) granting an increase of pension to Solomon Stricker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13536) granting an increase of pension to John W. Green; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13537) granting an increase of pension to Sylvester Clennings; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13538) granting an increase of pension to James F. Denney; to the Committee on Invalid Pensions.

By Mr. COLE: A bill (H. R. 13539) granting an increase of pension to Charles O. Woesner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13540) granting an increase of pension to Simon E. Foust; to the Committee on Invalid Pensions.

By Mr. CROWTHER: A bill (H. R. 13541) granting relief to Lee M. Allen; to the Committee on Military Affairs.

By Mr. EDMONDS: A bill (H. R. 13542) for the relief of the Liberty loan subscribers of the North Penn Bank, of Philadelphia, Pa.; the Santa Rosa National Bank, of Santa Rosa, Calif.; and the Mineral City Bank, of Mineral City, Ohio; to the Committee on Claims.

By Mr. FESS: A bill (H. R. 13543) granting a pension to Arminta Lary; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13544) granting an increase of pension to Louisa Johnson; to the Committee on Pensions.

By Mr. FULLER of Massachusetts: A bill (H. R. 13545) for the relief of Edward C. Jacobs; to the Committee on Military Affairs.

Also, a bill (H. R. 13546) for the relief of George C. Hussey; to the Committee on Military Affairs.

By Mr. IGOE: A bill (H. R. 13547) granting an increase of pension to Dwight D. Johnson; to the Committee on Invalid Pensions.

By Mr. KELLY of Pennsylvania: A bill (H. R. 13548) to correct the military record of A. G. Vincent; to the Committee on Military Affairs.

By Mr. LANGLEY: A bill (H. R. 13549) granting an increase of pension to William Endicott; to the Committee on Invalid Pensions.

By Mr. LEE of Georgia: A bill (H. R. 13550) granting an increase of pension to Georgia A. Godard; to the Committee on Pensions.

By Mr. MACGREGOR: A bill (H. R. 13551) granting an increase of pension to Joseph R. Mumm; to the Committee on Pensions.

By Mr. SLEMP: A bill (H. R. 13552) granting a pension to Robert H. Wilson; to the Committee on Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 13553) for the relief of Elizabeth C. Abbey; to the Committee on Claims.

By Mr. TINCHER: A bill (H. R. 13554) for the relief of the Garden City (Kans.) Water Users' Association, and for other purposes; to the Committee on Irrigation of Arid Lands.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2874. By the SPEAKER (by request): Petition of Columbia Lodge, No. 174, International Association of Machinists, of Washington, D. C., urging relief of the war-time prisoners, etc.; to the Committee on the Judiciary.

2875. By Mr. CROWTHER: Petition of members of the First Presbyterian Church of Gloversville, N. Y., urging enactment of legislation conserving integrity of the Government of Korea and affording protection to Christian missionaries engaged in missionary work in Korea; to the Committee on Foreign Affairs.

2876. By Mr. EMERSON: Petition of Henry P. Shupe Post, No. 22, of the American Legion, favoring the passage of House bill 13293; to the Committee on Ways and Means.

2877. By Mr. FULLER of Illinois: Petition of H. J. Heinz & Co., of Rock Island, Ill., opposing House bills 12379 and 12646; to the Committee on Banking and Currency.

2878. By Mr. O'CONNELL: Petition of the National Guard Association of the State of New York, favoring the recognition of the National Guard as a national body of citizen soldiery and urging Congress to provide for the reorganization of the National Guard under the Army clause of the Constitution; to the Committee on Military Affairs.

2879. Also, petition of American Association for Labor Legislation, New York City, favoring retirement of civil-service employees; to the Committee on Reform in the Civil Service.

2880. By Mr. JOHN W. RAINEY: Petition of the St. Michael Archangel Society, Polish National Alliance of North America, Chicago, Ill., opposing the passage of Senate bill 3718; to the Committee on the Judiciary.

SENATE.

SATURDAY, *April 10, 1920.*

Rev. Richard H. Bennett, D. D., of Lynchburg, Va., offered the following prayer:

Gracious Father, source of all wisdom and God of all power, we acknowledge Thy sovereignty and pray for Thy guidance. Thou hast graciously led us and blest us beyond our deserts. In our feebleness compared with Thy great strength, in our ignorance compared with Thy wisdom, children all in Thy sight, we ask Thy continued guidance and blessing.

We thank Thee for the gracious record of our Nation, and for the possibilities of the future that brighten and glorify the days to come. We pray Thee that the responsibilities of the present may be adequately met and that Thy guidance may be sought and obtained by all our citizenship high and low.

We pray Thy blessing upon Thy servant the President of the United States, that he may be restored to complete health and strength, and that all Thy people in every office may be guided by Thee. We pray Thy blessing upon each of us that we may be delivered from the mistakes that belong to human nature and that we may seek Thy holy will in all our doings.

We thank Thee for the gracious life that the Senate commemorates to-day and for the useful career of our departed friend and father. We pray Thee that the lessons of his life may be handed down, that we may profit thereby, and that the enrichment may come to us from the virtues that adorned his character.

We pray Thy blessing upon every Member of the Senate and upon the homes represented here, that Thy gracious protection and care may be given unto each and every one, that those in sickness may be delivered and strengthened, and that when life shall close with each of us we may look back upon days spent in accordance with Thy plans, to a life used as Thou hast given us wisdom to see it, and enter through the gates into that eternal city where Thy children shall gather when the battles of life are over and we come to the day of rest.

Grant these things in the name of our Savior. Amen.

On request of Mr. CURTIS, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with and the Journal was approved.

MEMORIAL ADDRESSES ON THE LATE SENATOR MARTIN.

Mr. SWANSON. Mr. President, I ask for the adoption of the resolutions which I send to the desk.

The PRESIDENT pro tempore. The resolutions will be read.

The resolutions (S. Res. 347) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate expresses its profound sorrow in the death of the Hon. THOMAS STAPLES MARTIN, late a Senator from the State of Virginia.

Resolved, That as a mark of respect to the memory of the deceased the Senate, pursuant to its order heretofore made, assembles to enable his associates to pay proper tribute to his high character and distinguished public services.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Mr. SWANSON. Mr. President, we have convened to-day to pay appropriate tribute to the life, character, and achievements of our former colleague, Senator THOMAS S. MARTIN, of Virginia. Having been intimately associated with him for more than 30 years, I appreciate how inadequate are my powers of speech to give expression to the profound esteem, friendship, and admiration I entertained for him or properly to portray his manly worth and great nobility of character. Under the shadows of a deep personal loss and sorrow in his death, silence, if permissible to me, would have been far preferable to speech. I am fully sensible that in his death I have lost my best, dearest, and most intimate friend.

Mr. President, Senator MARTIN was possessed of such high qualities of mind and character that he would have attained distinction in any line of human endeavor to which he had chosen to direct his energies. He thought directly, clearly. His mind was never encumbered with subtle distinctions nor beclouded by vague and far-distant deductions. He looked at things with a clear, unblinking vision—almost prophetic. No sophistry, no alluring eloquence could hold captive his strong, sturdy sense or induce him to depart from the tried pathway of prudence and good judgment into the unknown regions of uncertain adventure or experiment. This rugged granite strength made him a pillar of salvation in hours of doubt, panic, and stress. The more others became disturbed or excited, the greater was his composure, his thoughtful consideration. This quality inspired confidence and insured his leadership. No great commander on a field of battle could exhibit at critical times greater calmness, skill, and resourcefulness than he displayed in the many fierce conflicts which marked his long political life.

Senator MARTIN was not a plausible man, but he was a deeply wise one. Plausibility scintillates and shines upon the surface, but does not penetrate an inch beneath. Wisdom without glitter or glare goes to the deepest depths and sees the very foundation of things. He was wisdom personified. His rare good judgment, his prudent discretion, were so marked and well known that his advice was sought far and wide by those engaged in varied vocations. He was the wisest counselor I ever knew. Politicians, lawyers, large business men, governors, Senators, Cabinet members, and Presidents sought with confidence his advice and conclusions upon delicate and difficult matters. The public little knows the many acts of beneficial legislation, the wise solution of many difficult public questions that were due to his unerring judgment and forcible insistence. His opinion was expressed with the utmost frankness—sometimes it was almost brutal in its manly candor and courage. Equivocation and dissimulation were foreign to his mind and were scorned in all his expressions. He loathed a lie. His opinions were fixed and positive, and given regardless of those entertained by others. By nature it was impossible for him to be a timeserver or incense burner to those in high official position. His intellectual integrity, his candor of expression, he scorned to surrender to anyone. I have frequently witnessed exhibitions of this high quality which strikingly displayed his innate greatness and courage. One always obtained from Senator MARTIN the plain, unvarnished truth as he saw it. He was direct, positive, and candid in all dealings with his constituents. He abominated the petty, ingratiating arts of the demagogue and achieved his great political successes by masculine strength and courage.

The people of Virginia passionately admired him as a rugged oak where they could seek refuge and shelter in hours of storm and stress. In his long service in the Senate he never shirked a roll call nor dodged an issue. His conclusions were reached after the most thoughtful and careful consideration and when made were fearlessly expressed and firmly adhered to regardless of all personal and political consequences. He scorned by explanation or evasion to avoid full responsibility for any position ever assumed by him on public questions. He never acted hastily, and hence never apologized for his well-formed and firm convictions. These he could always successfully defend with the most cogent and convincing reasons.

Mr. President, Senator MARTIN was without exception the most indefatigable worker I ever knew. He was a marvel of industry and energy. He had no recreation except such as was obtained from varied but incessant work. Possessed of a splendid constitution, always working orderly and intelligently, the amount of work he could efficiently dispose of was prodigious. So great was his capacity for work that he could attend to the smallest wishes of his constituency and still find ample time to study and dispose of the large public questions which his important position placed under his direction. He had a genius for detail. He completely mastered all measures which were under his control in the Senate. His knowledge of them was excelled by none. The ease and facility with which he passed so many important measures through the Senate were largely due to the fact that the Senate had full confidence in his judgment and integrity, and knew he was fully informed upon all the details and phases of the legislation he proposed. It was wonderful the great mass of detail his memory was able to retain.

Mr. President, combined with these admirable, sterling qualities was a heart as loyal to every demand of friendship as ever pulsated in human breast. It can be said with equal truth of him, as was said of Old Hickory, President Jackson, "he never failed a friend, he never forgot a favor." No considerations of personal comfort, no apprehension of personal detriment, no promptings of personal profit, could ever induce him to fail a friend or refuse any demand that friendship had a right to claim. This quality was almost a passion with him. How frequently in the political strife of our State have I seen him unhesitatingly and firmly take his stand for loyal friends against excited clamor and when he knew success was not possible. These considerations did not slightly influence him; his loyal heart resolutely determined, despite all personal consequences, fully to meet friendship's demands. This marked characteristic gave him a personal and devoted following equaled by none in our State. Men became attached to him with hooks of iron and steel, which nothing could sever. This firm and enthusiastic following gave him a permanency in politics which can never be attained by those who simply strive to sail with popular breezes. No man when convinced of the rectitude of his conduct could more resolutely face a storm. Another quality which he possessed almost to heroic proportions was the composure with which he could meet unavoidable misfortunes. He bore his own worries and troubles without burdening others. His life was composed of sparkling sunshine and darkened shadows, each of which he passed through with calm courage. He knew his last illness would be fatal, yet he neither quailed nor quivered when brought face to face with death.

In his last hours he forcibly reminded me of the noblest of Roman senators, calmly gathering his robes around him and fearlessly meeting inevitable death, which awaits us all. He entertained no apprehensions of the great future beyond.

Mr. President, Senator MARTIN possessed in a preeminent degree those domestic virtues and that honorable moral character which are so highly cherished in Virginia and which she scrupulously requires of her public men. He was pure in mind, in thought, and in conduct. No stain ever followed his footsteps. No suggestion of scandal, public or private, ever besmirched his fair name. He was the soul of generosity and liberal, honorable dealing. Like Virginians, the ties of blood and relationship were strong and enduring. His personal life was one of service and sacrifice for others. From early boyhood, when the loss of his father left him the head and main support of a large family, to his death he toiled and thought more for the comfort of those near and dear to him than for himself. His deep devotion, his constant care of and attention to his aged mother, form beautiful chapters in the story of his magnificent life. He was a most affectionate and responsive brother, a most considerate, devoted, and unselfish father. He was a husband of rare excellence, possessed of an absorbing love and ever happy in bestowing sweet, loving attentions. Those of us who knew him intimately realized that several years ago the large part of his happiness and most of the sunshine of his life were buried in the grave with his beautiful, brilliant, and charming wife. This man of iron strength and resolution gave new graces to social life, brought new charms to domestic felicity.

Mr. President, Senator MARTIN's success was founded more on solid than shining qualities and was builded securely on the strong foundation of substantial moral character and thorough reliability. These virtues are indispensable to permanent success in public life.

No brilliance of genius, no witchery of oratory, no fascinations of personality can supply the deficiency. The possessing of these sterling virtues in a preeminent degree by Andrew Jackson enabled him to repeatedly defeat the genius of Webster and Clay combined. How strikingly is this truth illustrated in the life of Mirabeau, the great Frenchman. Mirabeau was a marvelous character, endowed with tireless energy, a resolute, courageous heart, a fervid patriotism, a surpassing eloquence. He possessed every virtue but moral character. On account of this defect he was never able to obtain the complete confidence of the French people so as to be able to control and direct

their destiny. In the hours of his greatest power he never had influence sufficient to stabilize the great reforms he advocated and to place France safely in the pathway of sane betterment. Thus poor France had to endure all the terrors of the Revolution, suffer all the vicissitudes of Napoleon, because her greatest man, the one capable and desirous of saving her, was powerless to do so for lack of strong moral character sufficient to inspire the complete trust of the French people, which was indispensable for the accomplishment of the Herculean task. One of the crying needs of the world to-day is more statesmanship founded in rugged moral character, capable of squarely meeting the difficult problems confronting us and dealing with them with firm hand and resolute will. We need to-day brave, unflinching Catos, fearlessly facing troubles, more than eloquent Ciceros, glozing over evils and lulling us with pleasing platitudes and alluring prophecies. The world seems to acquire each year more exquisite flowers, but possesses less rugged oaks for refuge in hours of storm and stress. Many of our public men are like our modern clothes, very beautiful in the gaudy colors of their new freshness, but not able to stand the wear and tear of continual use and soon become faded and threadbare.

But, Mr. President, this was not true of Senator MARTIN. On account of the fierce political contests he was continuously engaged in, no man ever lived more completely than he in the pitiless light of publicity. Enmity and jealousy engaged in every exaggeration of criticism and faultfinding, yet during his long public service each receding year brought him increased confidence, enlarged influence, and greater popularity. Five successive times did the people of Virginia emphasize their trust and affection for him by commissioning him to represent them in this august assembly, the highest honor at their disposal. The last time he had no opposition in the Democratic primary, none in the general election. He was the unanimous choice of the Virginia people. His manly worth, his genuine merit, his sturdy character, his valuable and patriotic service had so deeply impressed the people of Virginia that with one accord they demanded he should represent them in these troublous and perilous times. Virginia has bestowed upon Senator MARTIN honors which she has conferred upon but few of her public men. These honors so generously given by a State made illustrious by so many distinguished sons, coming from a people possessed of lofty ideals and traditions inherited from a glorious past, should fill to full measurement any man's pride and ambition.

Mr. President, a distinguished writer has well observed that the life of every man is as the wellspring of a stream, whose small beginning is indeed plain to all, but whose ultimate course and destination as it winds through the expanse of years only the Omniscient can discern. Is it to be a nameless brook and will its tiny waters commingling with such others only increase the current of some famed river? Or is it to receive such rills as a sovereign and become a large, magnificent river serving and fertilizing large districts, known far and wide? How forcibly is this exemplified in the life of our departed colleague.

Who could have foretold, watching his early beginning, without wealth, unassisted by influential friends, that the day was not far distant when, with only the assistance of his strong arm and resolute will, he would become the most distinguished citizen of the great Commonwealth of Virginia and one of the most influential statesmen of this Nation? The tiny stream born amid the hills of Albemarle had increased and enlarged its current of life until it became a large, famed river, bearing on its bosom rich treasures for his State and Nation. His large, full life presents an inspiring story of continuous effort and honest endeavor. We first behold him as a boy matriculated at the Virginia Military Institute during the latter years of the Civil War. He insisted upon volunteering for service in the Confederate Army, but being a mere boy and too young for enlistment, his father compromised the matter by permitting him to attend this famous military institute in order to prepare him for future military service. During his attendance here he was most studious, stood high in his classes, and was most observant of the rules of strict discipline required. He was loved and esteemed by his classmates and acquired a leadership in college far beyond what could be expected in one so young. The friendships here formed continued through life, and his boyhood associates during his long political life were ever his most devoted and determined supporters. The faculty of forming firm ties of friendship and esteem was as marked in his boyhood as in his later days. When the military pressure upon the Confederacy during the last years of the war became overwhelming the corps of cadets at the Virginia Military Institute were ordered to join the Confederate Army and participate in the defense of Richmond.

Thus, at the age of 16, Senator MARTIN became a Confederate soldier and served as such until the collapse of the Confederacy. As a mere boy he cheerfully endured without murmur or complaint all the severe privations, hardships, and dangers incident to the last year of this great war. Language is powerless to describe the intense suffering to which the Confederate soldier was subjected during the concluding months of this war. Only those who passed through the terrible experience can form any conception of the awful destitution in food and clothing—an army surrendered because the government it served had become powerless to arm, feed, and clothe it. Senator MARTIN served with the Confederate Army around Richmond during the time immediately preceding and following the evacuation of the city and the final collapse of the Confederacy by the surrender of Gen. Lee. When the end finally came and the Confederate Army was practically disbanded and each soldier driven to the necessity of providing for himself, the means employed by this mere boy, amid the general confusions and enveloping dangers to escape capture and to reach his home, form a remarkable record of adventure, daring, and resourcefulness. It evinced that a short army experience had transformed a boy into a capable and courageous man. He was a fine type of the Confederate youth, returning manfully and hopefully to rebuild a prostrate country and to bind up the bleeding wounds produced by a protracted war and to readjust a social and political system which misfortune had overthrown. The rebuilding and development of the South from the ruins of the Civil War is the most marvelous story in the history of mankind and furnishes an enduring monument to the ability and patriotism of the returned Confederate soldier.

Those soldiers, like Senator MARTIN, made brave from burdens borne and overcome, made patient by sacrifice and long suffering, cherishing to a passion the love of State and section for which they had ventured all, fearlessly faced an adverse future and directed all the energies of heart, mind, and body to restore to their beloved South its former prosperity, greatness, and power. The wonderful work achieved bears everlasting testimony to the industry and genius of the architects. The world never possessed a more self-reliant and resolute class of men than those that directed the destiny of the South immediately following the Civil War.

Mr. President, returning home, Senator MARTIN devoted all his energies to the completion of his education and proper equipment for the practice of law as a profession. He attended the University of Virginia, and was noted for his studious habits and strong, lucid mind. Being thoroughly prepared for the practice of law, he was admitted to the bar and located at Scottsville, in Albemarle County, a small town, where he was born and had resided. By industry, strict attention to business, honesty, and frankness in dealing with clients, and his great ability as a lawyer and advocate, he soon acquired a large and lucrative practice in Albemarle and all the surrounding counties. There were few important cases in his section of the State in which his services were not engaged. He regularly attended the county and circuit courts of more than half a dozen adjacent counties. There is no greater school in the world for the development of clear, logical reasoning, cogent and forcible expression, ready resourcefulness, and efficient management of men than that furnished by the practice of law on country circuits.

Far from elaborate libraries and legal authorities, lawyers were compelled to settle intricate and delicate questions of law by force of their own logical reasoning and argument or effective persuasion to court and jury. Legal contests became a severe clash of mind and not a race of industry in collecting authorities and decisions. From this school have emerged our most eminent lawyers, orators, and statesmen. From it came Patrick Henry, the most eloquent and effective of all American orators; Chief Justice John Marshall, the greatest of all modern judges; also Douglas, Lincoln, Andrew Jackson, Clay, and many others, who constitute our most distinguished and successful of public men. Those who are capable of successfully surviving the severe mental contests here daily encountered become equipped for service in any arena.

Senator MARTIN practiced for years in a circuit composed of counties the members of whose bars were noted for their ability and learning, and he attained great preeminence among the distinguished lawyers with whom he came in contact. His reputation for legal ability and learning was so marked that there was a widespread movement to elect him to the court of appeals, the highest judicial tribunal of our State. I am sure this would easily have been accomplished if he had consented. But for his refusal he would have become a member of this high court, and I am sure would have become distinguished as a great jurist, whose legal acumen and learning would have adorned our judicial history.

Mr. President, while assiduously engaged in the prosecution of his legal profession, like all country lawyers Senator MARTIN took a deep and active interest in politics and became the most

potential and controlling factor in the politics of his section of the State. The people of the counties in which he practiced, knowing him intimately and entertaining for him an abiding confidence and esteem, early accepted his leadership, and all through his political career were his enthusiastic supporters and admirers.

From early manhood he took a profound interest in the important public questions agitating his State, and the wise solution of many of these was the product of his brain and bore the impress of his forceful hand. He was largely instrumental in the final settlement of the State debt of Virginia on a basis just and fair to all concerned, and thus brought financial and political peace to the State, which for years had been agitated by unseemly political divisions and unfortunate financial distress.

Modest, unassuming, never seeking publicity, willing to work and let others receive the credit, years before it was generally known he was the guiding spirit in the management of the Democratic Party of Virginia; its wisest and most trusted adviser. The leaders of the party from all sections of the State continuously sought his council and assistance. For years, with no prospect of personal advancement, his time and means were unselfishly and unstintingly given to the service of his party. When Mr. John S. Barbour was elected chairman of the Democratic Party of Virginia, under whose leadership the control of the State was rescued from the opposition party, during the years he held this position Senator MARTIN as a member of the executive committee was his closest, most trusted adviser, the man to whom he looked more than all others for guidance and assistance. Senator MARTIN justly received a part of the great credit accorded his able chieftain for the splendid victories achieved.

When Senator Barbour suddenly died many of the Democratic leaders, who were acquainted with Senator MARTIN'S valuable and unselfish work in behalf of the party and knew his great ability and industry, united with the party's younger element and insisted that Senator MARTIN should become a candidate for the United States Senate as Mr. Barbour's successor. Not until then had the thought of political preferment stirred Senator MARTIN'S aspirations. He consented, and precipitated one of the closest, fiercest political fights ever waged in Virginia, finally winning over Gen. Fitzhugh Lee, a gallant and distinguished Confederate officer, a man of great charm, ability, and deserved popularity. This contest engendered bitterness and produced political divisions which lasted for years. However, when in 1918 Senator MARTIN was reelected for the fifth time to the United States Senate as the unanimous choice of all parties and all the people of Virginia, it was clearly demonstrated that these enmities were obliterated, these party divisions had faded, and that around his strong personality clustered the confidence, esteem, and affection of an entire State. Worth, merit, and service had thus won a great triumph and been properly acclaimed by an appreciative people.

Mr. President, when Senator MARTIN entered the Senate in 1895 the few following years it was composed of men of unusual capacity and distinction. There were times before in its history when it contained a few men of superior merit and eminence, when it possessed towering giants like Clay, Webster, and Calhoun, but never before nor since has the average ability of its Members been surpassed. The Senate was replete with men whose ability, eloquence, and genius would have adorned the legislative body of any age or country. The very mention of their names recalls animated debates, stirring scenes, historic incidents, and important legislation with which they were connected.

Serving in the Senate at the time was Hoar, of Massachusetts, author of innumerable judicial acts, a great lawyer, eloquent and scholarly; Daniel, of Virginia, a great law writer, an orator of marvelous eloquence and polish; Morgan, of Alabama, an encyclopedia of information, possessed of a facility and purity of expression never surpassed; Depew, of New York, able, pleasing, and scintillating with wit and sunshine; Vest, of Missouri, whose every sentence glistened with brilliance, wit, epigram, and sarcasm, the very Rupert of debate; Hale, of Maine, a ready, incisive debater, a most dangerous antagonist; Harris, of Tennessee, the best parliamentarian in the body, sharp and incisive in speech, swift and direct in action, overwhelming in repartee; Blackburn, of Kentucky, genial, lovable, with a copius flow of rich, stirring eloquence; Allison, of Iowa, always calm and composed, logical and persuasive in statement, possessed of unbounded wisdom and prudence; Gorman, of Maryland, most astute manager of men, able and farsighted, leader of the Democratic minority; Aldrich, of Rhode Island, the maker of tariffs, financial expert, whose master mind and skillful hand dominated the Republican majority; Quay, of Pennsylvania, Platt, of New York, Hanna, of Ohio—three of the most masterful political managers this country ever produced; illuminating the Senate with ability and learning were Teller, of Colorado; Davis, of Minnesota; Proctor, of Vermont; Jones, of Arkansas; and many others whom time will not permit me to mention. It was a splendid body of men, comporting themselves with the dignity and reserve expected of the greatest parliamentary body in the world. While the atmosphere of the Senate was cold and austere, yet its proceedings were conducted with a stately decorum, with such profound respect for the Senate's past high traditions, that the assembly inspired universal confidence and esteem.

This was a body in which sham and pretense could make no progress. Entering the Senate, composed of men of such genuine capacity and character, Senator MARTIN wisely pursued the course that soon brought him the esteem and confidence of the Members. He engaged in no dramatic performances, made no spectacular speeches to obtain publicity or notoriety, but scrupulously and conscientiously discharged every duty assigned him by the Senate. He was constant in his attendance at the daily sessions, and an indefatigable and efficient worker upon all the committees to which he was appointed. He early demonstrated that he was a working, useful Senator, who did things and not merely talked about things. He considered a good piece of legislation silently enacted far more desirable than a brilliant, sensational speech delivered. His efforts ran to useful achievements, not to frequent speeches. He believed the Senate was a legislative body and should promptly enact needed legislation, and strongly disapproved of its perversion into an arena for mere oratorical display to enhance the reputation of the speaker or to serve propaganda purposes. When he spoke he addressed himself directly to the pending question; was sincere, earnest, clear, and convincing, and always had the attention of the entire Senate. The Senate realized that when Senator MARTIN was prompted to speak he had something important to say on a vital question, that he had mastered the matter in all its details and far-reaching effects, and that his acknowledged wisdom and prudence demanded his suggestions should receive the most serious consideration. Without oratorical display or ornamentation, he was a most forceful speaker. When interrupted he was ready and effective in rejoinder, and in debate able and skillful. He never used written, prepared speeches, yet his diction was fine, his words aptly selected, and he studiously avoided all superfluity of expression. His speeches were so correct when delivered that he rarely, if ever, subjected them to revision.

He was most courteous and considerate to all Senators. No Senator possessed in a greater degree the universal good will, friendship, and esteem of the entire body than did Senator MARTIN. From the time he entered the Senate until his death he daily increased in influence and reputation. His was an enduring growth, founded on strength and substantial merit. He sought to shun the meteoric reputation obtained by blazing a few days athwart the skies of public attention and then disappearing forever into the infinity of oblivion.

At the time of his death Senator MARTIN was firmly established in the confidence of the Senate and country as one of our ablest public men, one whose advice and direction were wise and invaluable.

Mr. President, as leader of the Democratic majority in the Senate, as chairman of the Committee on Appropriations, Senator MARTIN had imposed upon him a responsibility, and exercised an influence in the prosecution of the war with Germany second only to that of the President of the United States. A larger part of the appropriations necessary for the conduct of the war emanated from his committee; these bills, and many other important measures, indispensable for a successful and vigorous waging of war, passed the Senate under his guidance and direction.

The great work thus accomplished by him can not be overestimated. To secure the prompt passage of these measures, many of which encountered much opposition, required the exercise of great parliamentary skill and leadership. His tact, his ability to reconcile differences, to propitiate opposition, to unite discordant elements in his own party, were never displayed to greater advantage than during this war; and through the exercise of these qualities so preeminently possessed by him many a bill, the passage of which at first seemed hopeless, finally received legislative sanction. His calm patience, his constant persistence, his restrained silence, secured the passage of his measures with marked ease and promptness. The Senate recognized that when he took charge of a bill its passage through the Senate was assured within a reasonable time and with little change and no mutilation. The facility with which he secured the passage of legislation was almost unrivaled. He was never

known, as others have been, to destroy his bill by his own interminable debate. He studiously refrained from speech except when it was absolutely necessary.

Mr. President, the heavy burdens and weighty responsibilities imposed upon Senator MARTIN by the important position held by him during the war were greater than his strength could bear. His unceasing work, day and night, without rest or recreation, the continuous pressure upon him as leader of the majority, and the anxieties and responsibilities incident to the position undermined his health and left him at the conclusion of the war a physical wreck. Despite the solemn warning his physicians gave him that unless he desisted from his strenuous life fatal results might ensue, and the constant solicitations of his friends not to destroy his health, he firmly refused in the critical time of the war to abandon his post of duty, and thus unselfishly and patriotically sacrificed his life to public service.

It is by the lives and sacrifice of such men as Senator MARTIN that States and nations progress along correct lines and are made strong and great.

A poet has well expressed it:

What builds a nation's pillars high
And makes it great and strong?
What makes it mighty to defy
The foes that 'round it throng?

Not gold, but only men can make
A nation great and strong;
Men who for truth and honor's sake
Hold still and suffer long.

Brave men who work while others sleep,
Who dare when others sigh;
They build a nation's pillars deep
And lift it to the sky.

Mr. LODGE. Mr. President, I had been two years a Senator when Senator MARTIN entered the Senate. We served together for a quarter of a century, and during that time I came to know him very well, our friendship, although we were of different parties, increasing with each succeeding year. There is a large opportunity for the growth of friendship in the Senate, because, after all, it is here that our waking hours are chiefly passed and our fellow Senators are men whom we see every day and with whom we are engaged steadily and for long periods in a common work for a common purpose.

When the contemporary service of two Senators reaches to 25 years, the constant relationship necessarily draws them very closely together. In this way opportunity was given me to know Senator MARTIN very well, and the more I knew him the more attached I became to him. He had never held public office until he came to the Senate, differing in that respect from most of his colleagues, but from the start he showed his large natural capacity for the important work of legislation, and, wholly apart from the party measures, which, after all, do not occupy most of the time, he proved himself a thoroughly good legislator, following all the business and earnest to secure the best results. He was a man of strong opinions which he sustained with great vigor and persistence. This was shown by his service in the Confederate Army when he was a mere boy, and the same qualities went with him through life. He was a thorough American, devoted to his country and his State, and anything un-American not only met with no sympathy from him but roused his energetic resistance. He was attached to all the traditions of the country, to those policies by which the country has been built up and which are distinctively American. Never were such men more needed than at this precise time, and although he had passed the Psalmist's age, his departure leaves a great gap in the Senate to those who had long served with him.

He was always zealous for the prompt transaction of the public business, and the delays which sometimes characterize the Senate tried his patience severely. He often said to me that there was no subject which a man could not discuss sufficiently in an hour, and he did not suffer long speeches gladly, but he could always be depended upon to drive forward the business of the Government and the legislation necessary to carry that Government on properly and efficiently. In all personal relations he was one of the most agreeable and companionable of men and a good friend if there ever was one. He was above all things loyal. In his early days loyal to his State and to the cause which his State then espoused, proud of her great traditions and of the service which she had rendered throughout our history. He was equally loyal to the United States when he became one of the great body which plays so large a part in the National Government. But his loyalty of disposition did not stop at principles of government or the traditions of the Nation and the State. He was loyal to his friends. Whether they were of the same party as he or not made no difference. If he had once admitted a man to his personal friendship, he was always loyal to him, and I have seen him on the floor of the Senate resent with characteristic warmth a base attack upon a Senator of the opposite party with the same earnestness with which he would have resented an attack upon one of his own political faith. Qualities like these never fail to make a man lovable, and while he had the respect of everyone he also commanded their affection. He rose to be the leader of his party in the Senate, and no man ever filled that responsible position better than he. Such a man whenever death comes can not but be a great loss. It is commonly and probably truthfully said that there are no indispensable men, but there are, nevertheless, those whose place, whether in friendship or in public life, it is very hard to fill and who leave behind them a vacant place of which all men who have been privileged to know them are deeply sensible. The Senate has been deprived by Senator MARTIN'S death of a man who added honor to its long history and who will be sadly missed by the friends whom he made in public life who best knew his worth, his warm affections, and his many admirable and attaching qualities. He worked on despite increasing illness, with no abatement of interest in the questions before him and no diminution in his ruling determination that all duties should be conscientiously performed. Whatever his years, he was always young in mind, in heart, and in feeling. He died as he would have wished to die—in harness, with faculties undimmed, and he faced the end with all the personal courage which had gone with him through life.

Mr. SMITH of Maryland. Mr. President, the world will always be the debtor to the State of Virginia for the great men she has given so generously and abundantly to the service of civilization.

Washington, Jefferson, Henry, Madison are the first of that brilliant and imperishable company. And now we have gathered to do honor to another great son of Virginia—THOMAS S. MARTIN.

It is not too much praise to say that in prophetic wisdom, loftiness, and purity of character and exalted patriotism he is without doubt worthy to be classed with those other great characters, now historic, and to whom he was so lately joined.

For THOMAS S. MARTIN grew white and grew poor in the performance of unostentatious, diligent, self-sacrificing service to his country.

There is a wholesome, indeed glorifying, lesson to be learned from his deliberate abandonment of the brilliant professional career, his for the taking, and which promised certain and large returns, in wealth, distinction, and ease, to carry on so faithfully his too often unappreciated public work for his State and his country in this body. Few can fully appreciate or assess the priceless worth of his life and labor for the public welfare.

Throughout it all, gradually growing poorer in worldly goods, he forgot his own advancement, his own loss, in his consuming desire to enrich the world by his efforts. To do his duty in his chosen field, as he saw it, was to him only worth while; that alone was to him priceless. His rugged, healthy, intellectual honesty accepted no compromise where principle was involved. His brains and hands knew no rest when there was work for the Republic to be done.

His loyalty to his convictions, his rare devotion to his many friends, his culture and clean heart, made all who knew him love him and few more than I. His all he gave his country ungrudgingly.

No man could give more; do more.

And we in this Chamber, as do the people of the land, who with us mourn his death, find ourselves powerless, helpless, to fill the unique place he so long held by undisputed title.

Senator MARTIN'S was a nature born to leadership. He was preeminently a leader always, though often without wishing to be. He left his work as leader here reluctantly.

For months with unflinching courage he looked forward to the end, fully realizing his desperate physical condition.

His regret even upon the eve of approaching dissolution was not that he must die, but rather that he must die leaving his task uncompleted, especially that the sort of peace he desired for the world to have must be made by other hands, if at all.

Historians can point to no finer record among English-speaking statesmen, idealized throughout the centuries past, than we have been privileged to see here for ourselves in the character and daily walk of THOMAS STAPLES MARTIN.

His inspiring life and example must in many effective ways persist, and can not fail to stimulate those of us who respect his ideals and love his memory to seek the more earnestly to carry forward the torch that lately fell from our leader's dying hands.

Mr. WARREN. Mr. President, it has been said, evidently by a somewhat misanthropic person, that human glory is but dust and ashes, and that we mortals are no more than shadows in pursuit of shadows.

But who can say that a man who has lived an upright and useful life for more than 72 years; who has devoted nearly a quarter of a century to the service of the public; who, like Abou Ben Adhem of old, has loved his fellow men, and has been fair and square in his dealings with them—who can say that he has lived in vain, and that when he passes to the great beyond he has left behind only dust and ashes, and shadows vanished and forgotten?

Such a man, possessing the qualities I have enumerated, was our beloved colleague, Senator MARTIN. An American through and through, a devoted worker in the interest of every cause which he believed to be beneficial to his country, and a man of splendid judgment as well, his departure meant a great loss to us personally and to the Senate officially.

All of us here recognized the fact that he was endowed with qualities such as are possessed by all men who follow political activities as a sort of "second nature." His ability to make and keep strong friendships, and to inspire and retain the respect of all who knew him, both friends and mere acquaintances, were among his many splendid attributes.

THOMAS STAPLES MARTIN was born at Scottsville, Albemarle County, Va., on July 29, 1847, where he lived until about 10 years ago. He then bought an estate near Charlottesville, which was his home until death claimed him.

In his youth he was a member of the battalion of cadets of the Virginia Military Institute, and he took part in the military service of the Confederate States, participating in the Battle of New Market and other engagements.

He began practicing law in the year 1869, and during the remainder of his life he devoted much time to that profession.

For more than 24 years he served the people of his State and of the country at large as a Member of the United States Senate, where his usefulness was continuously recognized and greatly appreciated by all of us who have had the honor of serving with him.

As we know, his seniority, as well as his ability and his capacity for hard work, finally brought him to the chairmanship of the Committee on Appropriations, where, during the war period, the great burdens of the country's money problems were constantly present. Senator MARTIN'S responsibilities then became far greater than his physical endurance; but, regardless of the advice of friends and physicians, he remained on duty throughout that troublous period of our country's history and until stricken by the serious illness which five months later caused his untimely death.

As a matter of fact, he gave his life to his country in time of war just as our brave soldiers did who made the supreme sacrifice on the battle fields of France.

Such service, while there is nothing dramatic or sensational about it, was of inestimable worth to our Government. Senator MARTIN, a superior man by nature, had also the great assets of long experience as a legislator, years of devoted study of his country's needs, his memory of the lessons taught us by the Spanish-American War, which occurred during his first term as a Member of this body, and a sense of conscientious devotion to duty such as one does not find so keenly developed in the hearts of all public servants. He did not work for name or fame, for gratitude or glorification, but to fulfill his patriotic obligation to his Government to the best of his ability.

I lost a good and valued friend when Senator MARTIN was taken from us, and I shall always cherish in memory the pleasure and satisfaction I derived from service with him during our many years together as fellow committeemen and fellow Senators.

When the great day of judgment comes, the roll call of the State of Virginia will carry the names of many honored and illustrious dead. But present and future generations of the Old Dominion's children will hold no name in higher esteem than that of her beloved son, THOMAS STAPLES MARTIN.

Mr. HITCHCOCK. Mr. President, I deem it a privilege to be permitted to say a few words in memory of Virginia's great Senator whom we have gathered to honor to-day.

During the turmoil of life and in the midst of the struggles and controversies of the Senate, we see as through a glass darkly. We are not always able to measure correctly the characteristics, the abilities, and the services of a public man. When death comes, however, and we look back upon the scenes through which we have passed, a clearer light is thrown upon the individual and upon his services, and certain qualities stand out in bold relief. With Senator MARTIN it seems to me to be peculiarly true that his great value as a public man was due in a large respect to the strength of what we call the homely virtues.

The Senator from Virginia [Mr. SWANSON] has delivered a beautiful tribute to his late colleague, and has analyzed his character in a most impressive way. What seemed to me to be the commanding quality in Senator MARTIN'S character was his strength, and with that I include his courage, his steadiness of purpose, his determination to do his duty.

In these days, Mr. President, when the people of the United States are perhaps confronted with a danger of shirking duty, the services and the life of Senator MARTIN stand as a splendid example.

It appears to me that one of the consequences of this war has been a sort of moral let down in the Senate, a disposition quite general on the part of each individual to look after himself, to do as little as he can and get as much as he may. Senator MARTIN'S life was laid along lines exactly contrary to that. He gave up more than 25 years of that life, more than a quarter of a century in time, to the service of his State, the service of his people, the service of the United States; and when I say he gave it up I am only echoing what has already been said, that his life here in Washington was one of continuous, unremitting toil and industry.

Think of the countless hours he spent in hard committee work; think of the endless days he spent in struggles in this Chamber; think of the thousands of trips he made to the departments here in Washington on public business or representing his constituents; think of all that he did for others during those 25 years, and you will realize that his life was an unselfish one; that it was a life of service and not a life of self-interest and self-promotion.

As has already been said, his work was characterized by a strict adherence to his sense of duty. He had a contempt for anything in the nature of a public shirk. He was brief and to the point. He was quick in reaching his decisions, as well as careful, and he was firm in adhering to them. He had a contempt for insincerity and hypocrisy. He had no use for the insincere man. He was direct and open and frank.

Mr. President, Senator MARTIN represented in an unusual degree a link between the past and the present. In this body there remain only a very few who occupy that position to-day. His life went back to the days of the Civil War, and it came forward to the days of the reconstituted American Republic. He represented the old as well as the new, and not many with that experience still remain in public life.

Mr. President, it was my privilege to count Senator MARTIN as my friend, and there are few men whom I have known whose friendship was more sincere, more disinterested, or more steadfast.

Senator MARTIN represented an element of great value in the public service of the United States. He represented a conservative element. The service he rendered to his country, however, was not confined to the exercise of a conservative judgment, but he became conspicuous and active, as his colleague has shown, in pushing to passage in the Senate the remarkable list of constructive acts of the present administration, done very largely under his leadership.

In mourning to-day the death of this great representative from Virginia the Senate does well to pay tribute to his memory. The great State of Virginia has lost one of her eminent men, one of her men who will be known in history, and the Senate has lost one of its most valuable Members, as his work here during a quarter of a century abundantly testifies.

Mr. NELSON. Mr. President, THOMAS S. MARTIN became a Member of the Senate on the 4th of March, 1895. Fourteen other Senators began their service in the Senate at the same time. Of this number all but four are dead, and of the living one is still in the Senate; and of the dead the following-named six died in the service of the Senate: Augustus O. Bacon, Stephen B. Elkins, John H. Gear, William J. Sewell, Benjamin R. Tillman, and THOMAS S. MARTIN, who was the last of the number to die and was the longest in the service of the Senate.

In the face of such a list of our departed associates, all men of high character and pronounced ability, we can not avoid reflecting upon the transitory character of human life and human activity, even among the bravest and the best. But while the span of life and activity may be brief and appear perishable, the result of the useful and good done and accomplished survives, though not always and for the moment visible, and is the chief legacy of our existence.

There is in the moral and intellectual world no broader or nobler field of usefulness than in a legislative body such as the

United States Senate, which has jurisdiction not only over domestic affairs but also, to some extent, over foreign affairs.

Legislators approach their duties from two different angles and on two different theories. One class seem to have no pronounced opinions on any important public question, but seek to be guided solely by what they conceive to be the opinion of the majority of the people they represent, without any regard to the intrinsic merits of the question. In other words, they court what they regard as most popular, even if their own judgment tells them it is unwise. Another class take a more serious and conservative view of their duty. While they are not oblivious of the views of the public, the masses of the people, if you please, yet they feel that it is their duty to exercise their own best judgment on great public questions, and if their judgment runs counter to public opinion for the time being they feel that it is their duty not only to act rightly and justly and according to their best judgment, but also to aim to instruct and to lead public opinion into the right channels. In other words, that they should not only be real leaders and guides in legislation but that they should also be real guides and instructors for their constituency. The masses of the public may sometimes, through misinformation or lack of information, go astray. In such a case it is the duty of the representative to give his constituency the necessary information and to guide them into true and just premises and conclusions.

The class I have first mentioned is, in the main, of a more modern type than the other class, and seems to some extent to be an outcome of the evolution that has taken place in recent years in our systems of nominations and elections.

Most of our prominent and leading legislators of former times, of bygone days, appear to have belonged to the second class to which I have referred. These great men of the past did not regard themselves as mere legislative automatons, to register temporary fluctuations of the so-called public pulse. They felt that first of all their constituents were entitled to the exercise of their best judgment and opinion on all great public questions, that this was an important part of their legislative functions. While they were willing to hear all and to counsel with all; yet, like jurymen, they must render their own judgment upon the law and facts of the case in hand and act accordingly. More than this, if it turned out that there was a conflict between their views and the views of their constituents founded on ignorance or misapprehension, then it was their duty to instruct, educate, and guide their constituents into the right channels and proper conclusion. The finest and greatest example of statesmen of this school is found in the men who framed our Federal Constitution. They formulated that great instrument according to their own opinions and upon their own judgment, without listening to clamor or voices from the outside; and when their work was assailed, after its completion, feeling that they were right, they defended it boldly, heroically, and effectively in speech and press against all assaults, and in the end secured its adoption after a great educational campaign.

Senator MARTIN belonged, by mental and moral equipment, to this school of legislators and statesmen. He came from good Virginia stock; had a liberal education in his native State, both of a civil and military character; became a good, sound, and reliable lawyer; and, above all, proved himself independent, trustworthy, fearless, reliable, and of sound judgment, both in private and public affairs. When he entered the Senate he came mentally and morally well equipped for the task, and he assumed the work of legislation in a serious and conservative spirit, determined to bear his full share of the legislative burden and to exercise his best judgment on all public questions.

Experience has long ago made it manifest to us who have been a long time in the Senate, as well as to others, that legislative activity is, in the main, exercised through two groups or classes of Senators. The members of one class are faithful and industrious in their committee work and in formulating and preparing legislative measures for the action of the Senate, while not as a rule participating to any great extent in the debates, beyond giving brief explanations and answering questions. Members of the other class give little or no attention to committee work, but devote their attention to the debate and discussion of legislative measures and public questions, elucidating and expounding the same from all angles and standpoints, and in this manner advising their colleagues as to the merits of measures that may have been overlooked by the committees, and above all keeping the public in touch with what is pending and going on in the halls of legislation. Members of this class, owing to the character of their work, are rather more in the limelight than those of the former class.

Senator MARTIN, in his legislative activity, belonged, in the main, to the first of these groups. He was a most faithful and industrious attendant of all meetings of committees of which he was a member, rendering in all such cases most valuable and efficient service. I can bear witness to this fact, for I was associated with him on one of the important committees of the Senate during nearly all his service in this body. He was one of the most energetic of committee workers—fearless, thorough, and self-contained. And while his greatest task was in committee work, he was also a good debater. Measures that he had in charge on the floor of the Senate he would expound in an instructive and convincing manner, never failing to meet all questions propounded to him in a candid and convincing spirit.

He was, above all things, fearless and independent. With him it was always a question as to what was for the best of our country. Public clamor, if not based on justice and righteousness, made scant impression on him, and while he was beyond a question devoted to his State, yet his loyalty to the Union, to our common country and its interests, was ever uppermost and foremost in his thought and labors. He was emphatically a most pronounced exponent of the new South. He was actuated by the sentiment—

Let the dead past bury its dead.
Act, act in the living present,
Heart within and God o'erhead.

He was not given to what I term mere academic oratory or debate. He was content to confine his discussion to pending or proposed measures, and never indulged in mere political oratory. As a debater he was instructive, sincere, earnest, and convincing, and as such often proved a balm on the flights of oratory of an opponent. He was a pronounced and determined enemy of all shams and of all camouflage. Neither was he a man of lofty airs or high pretentions. He was a plain, hard-working, and most industrious Senator, who was content to do his work and allotted task without the blare of trumpets and beating of cymbals. He aimed at practical and wholesome results, and to this he devoted his energy and his life. A Senate composed of such men as Senator MARTIN would never go far astray and would be more likely to formulate and enact needed measures for the welfare of the country than a mere galaxy of orators, however gifted they might be as such. Mere oratory may lubricate the legislative wheels, but it hardly ever furnishes the real material or the real labor.

During the last year of the Civil War Senator MARTIN was a cadet at the Virginia Military Institute, and as such served in the Confederate forces during the closing days of the war. He and Senator BANKHEAD, who soon followed him in death, were the last survivors of the Confederate armies in this Chamber. Two soldiers of the Union armies are still in our midst, both advanced in years. When they are finally mustered out, which can not be far off, this Chamber will have no longer in its ranks any representative of those mighty hosts which more than 50 years ago so heroically and bravely struggled for supremacy. While the cause of the Union won, the glory of the soldier, Union and Confederate alike, survives. They were all Americans, and all fought as only Americans can fight; and their descendants who fought in the late World War have demonstrated that they could fight as bravely and as heroically, side by side and shoulder to shoulder, as their ancestors did on opposite sides in the days of the Civil War.

Virginia has been represented by many great statesmen and great orators in the United States Senate, men of great renown and famous throughout the land, but none of them has rendered more faithful or more efficient service as a legislator than Senator MARTIN. His work may not have been of that meteoric character, as was the work of some of his predecessors, but in substantial, far-reaching, and beneficial results the burden he bore and the task he performed stand second to none. Virginia can well be proud of such a legislative record of faithfulness to public duty and public trust.

Mr. SIMMONS. Mr. President, I do not rise to eulogize but to pay a loving tribute to the memory of a departed friend.

When I entered this body, now over 19 years ago, I found Senator MARTIN here. There was then in the Senate a galaxy of distinguished men, most of whom have since passed away, but whose names are indissolubly linked with the history of the Nation.

Already the then junior Senator from Virginia, just entering upon his second term, had found his way into the inner circles of this distinguished group, and had become a potential factor in the work and deliberations of the Senate. During all the intervening years of his service here his influence, never waning, grew steadily and continuously, finally culminating in his selection to the position of leader of this body, which position he held at the time of his death.

It goes without saying that no man could retain for 24 years the prominent position Senator MARTIN held in this body without being a man of high qualities both of mind and heart. During all these years he enjoyed the full confidence and esteem of

the entire membership of this body, and I am sure I can safely say no Senator enjoyed greater or more universal popularity with his associates. Though his manner sometimes seemed brusque, all recognized it as the brusqueness of a direct and frank nature rather than of ill temper, for no one who knew him well, or came in close touch with him, could fail to discover the kindness and cordiality of his disposition and the innate gentleness of his spirit.

Senator MARTIN, though a convincing speaker and a forceful and resourceful debater, was not an orator. In the Senate he seldom spoke, and never long. Indeed, he seemed rather to shrink from forensic conflict, but he did not falter in this respect if he thought it necessary and expedient in the accomplishment of his purpose, or in the support or furtherance of the interest or position for which he stood, and when he did speak it was because he had something worth while to say, and he said it with a directness and forcefulness that challenged attention and put his adversaries upon their mettle. All of his speeches were characterized by directness, and were never obscure, either in statement or implication.

His industry was remarkable and unremitting. During his whole service in the Senate he was a close attendant upon its sittings. Generally, except when in attendance upon the important committees of which he was a member, he was to be found in his seat. His unflagging interest, energy, and industry in the discharge of every duty and function of his great office were notable and exceptional.

His equipoise was splendid. He was always steady and calm. With tireless patience and industry he pursued the even tenor of his way, giving to every public matter committed to his charge and in which he was interested the most thorough study and consideration; and thus it came about that no man in this body was better equipped than he for the work before him.

Beyond doubt the possession of these high qualities and traits measurably contributed to his usefulness, standing, and position in the Senate; but they were not and could not, of course, have been the main source of his great and long-sustained influence and power in a body which appraises and measures its membership with impartial exactitude. His great influence and success as a Senator and statesman was chiefly due to his open-minded frankness, his moral and intellectual integrity and courage, and his sound judgment and level headedness.

I know of no man who has served in the Senate since I have been here whose counsel and advice was more highly esteemed by his associates and carried more weight than his. "What does MARTIN think?" was an inquiry often made by Senators in connection with their discussions of difficult and mooted questions. The unusual esteem in which his associates in the Senate held his judgment and advice was not due altogether to the confidence entertained in his ability, though that was great, to analyze difficult and abstruse problems, and reach a sound conclusion; but it was in large part the result of their confidence in his moral and intellectual integrity and courage. They knew he was as sincere, courageous, and honest in thought as in action. They knew the opinions which he declared were those which he had reached, and that they were devoid of all elements of subterfuge or dissimulation.

Somewhat brusque in manner, at times seeming a little callous, his spirit was gentle, and his heart beat in unison with that of his fellow man, and nothing gave him keener pleasure than to serve them. No man possessed in a higher degree the spirit of patriotism and service than he. He was not an ambitious man, and cared but little for money; and it was not ambition or lust for power or gain that caused him to devote the best part of his life to the service of his State, his country, and his fellowman.

Thus it came about that the fruitage of his life, the reward of his toils and struggles, were not the things that appeal to selfishness, but the things that were helpful to his fellowmen and his country. While he left but little of this world's goods, though he wrought constantly and had lived frugally, he left what is infinitely more to be desired—a record of splendid and useful achievement, an honorable name unstained, and an enduring sense of gratitude in the hearts of his countrymen.

It is gratifying to know that when the end came he passed peacefully away, and that "like a shadow thrown softly and sweetly from a passing cloud, death fell upon him." It is comforting to his associates here and to those who loved him to have the assurance of our religion that, though dead, he still liveth. "I know that my Redeemer liveth, and if He live I know I, too, shall live."

The day has come, not gone;
The sun has risen, not set;
His life is now beyond
The reach of death or change;
Not ended, but begun.

Mr. JONES of Washington. Mr. President, we form our judgments and opinions of men we do not know from the things we hear and read of them. This opinion and judgment is more or less molded by our views of questions we are interested in or by our personal bias. This leads to wrong and oftentimes unjust impressions. The things we hear or read may come from a prejudiced source. They may appeal to our own prejudices, partisan or otherwise, and this often leads us into grievous error. I have known men of national prominence toward whom the popular view was wholly wrong and very unjust. At any rate, a personal acquaintance with them changed my view, and proved to me that they were the reverse of what they were said to be and what the public believed them to be.

To a degree this was my experience with Senator MARTIN. I had met him only casually before I entered the Senate. I had read more or less of him and had seen various references to his work and views in the papers. My impression was not a favorable one. I thought him to be a man of narrow, partisan views, of rather unscrupulous methods, of reactionary tendencies, and what is commonly called a "machine man," with all that that implies. How wholly wrong I was in this opinion I had the pleasure of telling him before he passed away; and I am glad to give this testimony for the RECORD, not only as a proper tribute to him but in the hope that it may cause some one to be slow in passing adverse judgment upon those they do not know, and especially upon public men whose duty it is to consider carefully all phases of the questions upon which they must act and then do what they believe is for the best interests of their country.

I was not long in this body till I became aware of the universal esteem in which Senator MARTIN was held by his colleagues, regardless of party, and those who had known him longest seemed to esteem him highest. It was not long until my views and impressions about him began to change. I looked for those things my impressions led me to expect. I did not find them. He was open, frank, fair, honest, and just in his dealings. Rather brusque in manner, he was withal kind, considerate, and tender. He was firm and positive in his opinions, but you instinctively felt that he was honest and conscientious in his views. He was a strong partisan, but, above all, he was a patriot, and whatever he did was done for his country's ultimate good and with a belief that the action he took was for his country's good.

He was often referred to as a "reactionary" or a "standpat" or a "conservative" Democrat. He was so in the sense that every honest, conscientious, and patriotic man stands firmly for what he thinks is right and refuses to follow what he believes to be wrong. Senator MARTIN may not have agreed with many of the proposals advanced for the uplift of the people, but what he did believe in and the measures he stood for he thought were for their good, and he was as honest and sincere in his opinions as those who disagreed with him. He may not have agreed with those few who would have the Government help and support its citizens, but he stood for and believed in those things that he thought would best promote their welfare. He was an honest man, a faithful legislator, a consistent partisan, a devoted husband, and an intensely patriotic American. He did his duty faithfully as he saw it, and reflected great credit upon the State that honored him so long. His life and work will be a guide and inspiration to those who would serve their State and their country. To us who were favored with a more intimate knowledge of his kindly, genial nature, his sterling mental and moral qualities, and his tender, gentle attributes, his memory will be a precious heritage.

Mr. POMERENE. Mr. President, little can be added to the splendid eulogies thus far pronounced.

If I were to attempt to describe in a phrase the chief characteristic of our friend and former associate, Hon. THOMAS STAPLES MARTIN, I would speak of it as his intense devotion to duty as it was given to him to see it. Loyalty was his watchword. He was loyal to himself, to his family, to his friends, to his State, and to the Nation. True it is that as a boy he cast his lot with his native State in the Civil War, no doubt through a sense of duty to the State of his nativity. The war having ended, the allegiance which he gave to the stars and bars was transferred to the Stars and Stripes. The country was reunited and he was a part of it.

After the war he completed his preliminary education, read law, early rose to a high rank in his profession, and at the time of his death was the first citizen of the Old Dominion State. For five consecutive times Virginia honored him by election to the United States Senate. No other man has ever been so distinguished by the State of Virginia. Only three sitting Members of the Senate have thus been honored by their respective States—

the senior Senator from Massachusetts, Mr. LODGE; the senior Senator from Wyoming, Mr. WARREN; and the senior Senator from Minnesota, Mr. NELSON. Only 12 other Senators, if I am rightly informed, in the entire history of the United States have been thus favored by their respective States with five or more elections:

Hon. John T. Morgan, of Alabama; Hon. Shelby M. Cullom, of Illinois; Hon. William B. Allison, of Iowa; Hon. Eugene Hale and Hon. William P. Frye, of Maine; Hon. Thomas Benton and Hon. Francis M. Cockrell, of Missouri; Hon. John P. Jones, of Nevada; Hon. John Sherman, of Ohio; Hon. Nelson W. Aldrich, of Rhode Island; Hon. Justin S. Morrill, of Vermont; and Hon. Jacob H. Gallinger, of New Hampshire.

To state merely the fact that Senator MARTIN was thus elected and reelected to the greatest legislative body in the world is conclusive evidence of the high character of his service and of the abiding affection which his people entertained for him. Surely he was not without honor in his own country.

He did not reach his goal of success by some meteoric flight of fancy. Rather it was an arduous path he trod. When he came to the "hill of difficulty" he climbed it. He did not go around it. Nothing daunted, nothing discouraged him. His was the genius of hard work, added to native ability of a high order. He labored, he did not idle. His eyes were on his work, not on the clock. He thought, he did not dream. His energies were devoted to construction, not to destruction. By his work his colleagues knew him, not by his words.

No honest man ever questioned his integrity or that in all he did or thought he was ever guided by anything but high purposes.

In the nine years of my service in the Senate I know of no one who surpassed him in effectiveness as a legislator or in his consecration to the duties of his high office.

In his legislative work, as in his private life, he took counsel of fact, not of fiction. With him doctrines were not true, because they were new, nor were they false because they happened to be old. As new questions arose he looked forward and took pride in our civic development, but in doing so he did not lose sight of the guiding wisdom of the past. He was a man of vision, not of visions; hence some of the opposition which his course inspired. Senator MARTIN'S feet were always on the ground, and his head was never above the clouds. He was not given to much speech making. Few pages of the CONGRESSIONAL RECORD are filled with his utterances. But the United States Statutes at Large, and particularly the great appropriation acts, will always remain as monuments to his industry, his intelligence, and his conservative regard for the financial welfare of his fellow countrymen.

Senator MARTIN'S face and figure were not familiar to the great body of the people, simply because he did not frequent public places; but his colleagues and his constituents always knew that they could find him either in his office or in his home. Devotion to duty was the secret of his great success.

Now that he is gone, who that ever knew him can ever forget him or the profit derived from his wise counsel and his well-poised mind?

No one ever found him obtrusive in the presentation of his views, but with what firmness and frankness he always spoke. Few men in our legislative halls will be more missed than he. He had passed the threescore years and ten, and necessarily we could not expect him to linger much longer among these scenes of his great labors; but because of his well-stored mind and his broad experience we were wont to go to him for counsel and guidance. Now that he is gone we shall miss him more than words can tell.

Mr. GLASS. Mr. President, a tall oak has fallen; a monarch of the forest cut down. Trite though the analogy be, it fittingly conveys the thought of the Virginia people when THOMAS STAPLES MARTIN passed away. I wish that I might aptly express in words their high estimate of their fallen chief and the degree of their faith in his capabilities and the extent of their pride in his achievements, thus interpreting in the language of oral speech Senator MARTIN'S lofty qualities of mind and heart and ideals as they appealed to those who knew him best and loved him most. Yet, in a lively recognition of my own limitations, I apprehend that the theme can be done scant justice at my hands.

The tidings of Senator MARTIN'S death affected the people of Virginia with a consciousness of a real personal loss, producing public sorrow in a degree that has been rarely witnessed at the passing of a public man. The scene at his funeral service when he was laid to rest attested with pathetic eloquence the deep-seated, affectionate loyalty of those who had given their faith to him in the early period of his political prominence and who had followed him throughout the intervening years. There, at the open graveside of their dead chief, they foregathered, these stalwarts, the old guard of the Martin clans. From city and from countryside they came to pay the last tribute of their devotion to the man who had led them to victory in every political battle that has been waged in Virginia for nearly three decades. And there these men gave compelling manifestation of their deep and lasting attachment for the grim, resolute, masterful leader they had so newly lost. The spectacle then presented I shall not soon forget, nor the thoughts to which it gave rise, in respect to the tenacious hold which Mr. MARTIN had established upon the abiding affection as well as the confidence and admiration of the people whom he served.

With almost exactitude, the years of Senator MARTIN'S life measured the distance between two epochs of history. In the first flush of youth he had a place in the ranks of that immortal battalion of the Virginia Military Institute—those young cadets who, with Spartan heroism, endured their baptism of fire at New Market just when the Civil War was being brought near to its conclusion and the beleaguered Confederacy hastening to its fall. Then, after nearly threescore years of ceaseless activity, we see him, but yesterday it seems, standing in this forum as the wise, sagacious, trusted leader in the war cause of his country, against the aggressions of European autocracy; thus in early youth emerging from the strife of Civil War and closing his earthly career in ripe old age at the ending of a World War. The circumstance is both interesting and suggestive. In an important sense it reminds one of the effect of stern environment in developing the character, shaping the career, and molding the destiny of this distinguished Virginian. It recalls the larger demands and opportunities for service and achievement which summoned men of MARTIN'S generation to the work of building anew and adjusting to fundamentally changed conditions the political, economic, and social fabric of a defeated and wasted land, of a sadly stricken and sorely menaced civilization. Senator MARTIN'S first call as he neared the entrance to active life was a call to patriotic service. The last call was the same; and both translated the terms of public stress and crisis. It is known with what consecration he answered; how nobly his task was begun with his cadet comrades in Virginia; and how as well ended here in the Senate of the United States. These two chapters in Mr. MARTIN'S life—the introduction and the conclusion, together with those which lay between, covering more than a quarter of a century of service in this body—are now being recalled by the people of his native State with emotions in which exultation and sorrow blend.

Senator MARTIN was born in Albemarle County, Va., 72 years ago. It was there that he started out upon the building of his fortunes without other aid or influence than that derived from his own courageous purpose to be of some account in the world. And, verily, he builded well, if to be coveted is the structure of a human life securely established upon foundations of wide, enduring usefulness. It is not difficult to suppose that, when entering the province of his manhood, Senator MARTIN caught the message that there was both room and need for him in public affairs; that he felt charged with a distinct mission to serve, and by service to aid in saving, repairing, and constructing anew a land which had been wrecked by the desolating sweep of war. Men who were not of that generation can not understand the difficulties and dangers which either provoked to mute despair or prompted to high and heroic endeavor. Those who did live through the perilous time know best how to appreciate the motives which animated men of the school so fitly typed by Mr. MARTIN and to measure the great service which they wrought.

It was due to his participation in the work of enabling Virginia to stand upon her feet again and advance to the higher and happier state which lay ahead that Senator MARTIN begun to develop the attributes of astute leadership. In the first place, there was something about his personality that seemed naturally to draw men to him and to hold them fast. The increasing years of his public activity steadily added to the number of his friends and admirers, so that at the time of his death he held his post of party leader unchallenged from any source. Within my knowledge no man in Virginia since the days of John Warwick Daniel had an influence more complete and controlling than that of Senator MARTIN. Nor is the reason difficult to apprehend. The Virginia people know it well.

Mr. MARTIN was trained in the school of politics under men rarely experienced in the arts of thorough, searching organization. He undertook party work when Virginia was passing through the gravest, most dramatic period of her history. He brought to his task an intense ardor of spirit, a great love for his State, a calm grimness of purpose, an exceptionally clear, penetrating mind, and an unusual knowledge of men. The

natural order of things was therefore witnessed. Mr. MARTIN advanced stage by stage to station of authority and power among the prevailing individual political forces of the State.

Until the early nineties, however, Mr. MARTIN held aloof from the rôle of aspirant for political preferment. He was content to labor and to wait until the darkness of a long political night had gone forever and Virginia's safety was assured. With that happy consummation, he appeared as a candidate for the first office he had ever sought and the only office he ever held. He was elected to the United States Senate, and for 26 years, without intermission, retained his seat in this body.

I dwell thus upon Mr. MARTIN'S genius for organization as expressed in his political career and upon the service which he rendered in the field of Virginia politics because these things served as the real background of his life; because they revealed the most forceful and compelling traits of his mind and character; because they the more clearly disclose the vehicle through which he translated the exalted aspiration into the thing achieved. But it must not be thought that the dead Virginia Senator was enabled to score in his every political battle solely by virtue of his extraordinary success as a party tactician or organizer. This was not the case. His talents would have counted in vain but for his sensitive recognition of the duties and obligations incident to public service. He was of modest mien and even speech, except when strongly provoked to talk in an emphatic fashion. This he could do unmistakably.

Mr. MARTIN was not of the showy order; he was inclined to regard pityingly those who were. Nor was he skilled in the ways and wiles of the cheap politician. He was big and broad, compelling the respect of his adversaries and never impairing the confidence of his adherents. He never forgot a friend nor a friendly act. His conception of public duty comprehended the minor details as well as the larger and more important features of his trust, and from no Virginian could come a request requiring his attention that would suffer the slightest neglect or indifference at his hands. So being faithful in service, loyal to supporters, true to trust, and strong of intellect, Mr. MARTIN continued to grow in the stature of usefulness from the time he entered the Senate until, with health worn and shattered by the last years of his arduous labors here, he left his seat, never to return.

It is not needful that I should speak of Mr. MARTIN'S service in this body. The record speaks for him, although it does not nearly disclose the full extent and scope of his fruitful activity. In committee room, especially as either chairman or ranking member of the great Appropriations Committee, in conference and in council, my lamented predecessor accomplished most of the large sum of usefulness which characterized his labors as a Senator. This much is known: Senator MARTIN was an effective leader on the floor of this body. He marshaled his forces and directed their movements with ability and sagacity. Considering the manifold perplexities with which his post was beset, the many difficulties that obtruded to add infinitely to the burden of his responsibilities, the extraordinary crises in national and world affairs which were precipitated just prior to America's entry into the war, continuing throughout that disastrous conflict, and into the period immediately following the signing of the armistice, Mr. MARTIN, who was in command on this side of the Chamber, measured up to the standards of level-headed, prudent, constructive leadership. Indeed, because of the appalling strain upon the resources of his mind and body, consequent upon the so terrific ordeal, the Virginia Senator's life was probably shortened by many years, making it so that he sacrificed and fell because ready to give his all for his country's sake.

It is inspiring to think that when this grizzled chieftain was making last preparations to answer "ad sum" to the roll call of the Master he had thus rounded out a career of enduring distinction; that from a reserved, unassuming entrance upon the deliberations of a great legislative tribunal he had, by sheer force of his own merit, risen slowly but surely to the eminence of majority leadership in full cooperation with the administration and relied on by the President as a source of support and guidance in the halls of legislation while the Republic was being rocked to its foundations by the convulsions of war. Virginians rightly take satisfaction in the reflection that this was so; that at a time when men of great capacity and militant patriotism and fine courage were most needed in the legislative department of the Government their State gave to the upper branch of Congress the leader of the dominating party.

Senator MARTIN interpreted an order of Americanism which was stalwart in genus, vibrant in patriotism, robust in fidelity, impatient of aught that smacked of timeserving or cant. Greatness is a relative term; men are wont to employ it with a carelessness and lack of discrimination so crude that the tribute which it is really designed to convey often becomes obscure and bedimmed in meaning. But, guarding carefully my words, it seems to me that elements of greatness may readily be imputed to Senator MARTIN, if greatness can be measured in the scale of service or by the test of the sum of the things which he did, the ends which he achieved, the purposes which he wrought, during the time in which it pleased God that he should walk the ways of usefulness here on earth.

In his private and domestic relations of life Mr. MARTIN exemplified those lofty ideals which appeal directly to what is best and highest in human standards. He was the fond, devoted husband, the tenderly solicitous and affectionate father, the good neighbor, the public-spirited citizen.

Mr. President, as a further mark of respect to the memory of the late Senator MARTIN, I move that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 2 o'clock and 15 minutes p. m.) the Senate adjourned until Monday, April 12, 1920, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *April 10, 1920.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, who holdest in the hollow of Thy hand the destinies of men and of nations, give us as individuals and as a people religious grace and strength to meet the strenuous and exacting duties of life, through sunshine and cloud, through calm and storm, through sorrows and joys.

Let Thy healing touch be upon the Member of this House sorely stricken.

Help us to conserve our physical and intellectual energies, that our service may be lengthened and our work be acceptable in Thy sight and redound to the good of our fellows. In His name. Amen.

The Journal of the proceedings of yesterday was read and approved.

BUDGET OF THE BRITISH NAVY.

Mr. GREEN of Iowa. Mr. Speaker, I desire to ask unanimous consent to extend my remarks by putting in the RECORD the official statement of the English Admiralty, containing the budget and plans for the English Navy for the next fiscal year.

Mr. CLARK of Missouri. His remarks about what?

Mr. GREEN of Iowa. I merely wanted to extend my remarks by putting into the RECORD an official statement of the English Admiralty on the budget and plans for the English Navy for the ensuing fiscal year.

Mr. CLARK of Missouri. What I was asking is what remarks you are extending?

Mr. GREEN of Iowa. The statement made by the First Lord of the Admiralty of England.

Mr. CLARK of Missouri. That is all of it, is it?

Mr. GREEN of Iowa. That is all of it.

The SPEAKER. Is there objection?

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. BLANTON. I want to ask the gentleman from Iowa in what way that will help and assist us?

Mr. GREEN of Iowa. It will show that England has reduced her expenses down to nearly a prewar basis.

Mr. BLANTON. Is that to shame us for not further reducing ours?

Mr. GREEN of Iowa. I hope it will have some effect in further reducing ours.

Mr. BLANTON. If it will, I shall not object.

The SPEAKER. Is there objection?

There was no objection.

Following is the statement referred to:

[From the Times, Tuesday, Mar. 16, 1920.]

NAVY ESTIMATES—MR. LONG'S STATEMENT—£84,372,300.

The statement of the First Lord of the Admiralty, explanatory of the navy estimates, 1920–21, was issued last night as a white paper (Cmd. 619).

The estimates for 1920–21 amount to £84,372,300 as compared with 1919–20 estimates, together with the supplementary estimate, amounting to £157,528,810.

This total provides for—

(a) The liquidation of the terminal expenses of the war, which consist of expenditure already incurred or to which the Admiralty are committed, estimated at £19,077,000;

(b) Separation allowances, estimated to cost £3,915,000;

(c) Expenditure of abnormal or quasi war character arising out of temporary obligations, such as the maintenance of an adequate force in the eastern Mediterranean and the Black Sea until peaceful conditions are reestablished in those regions, estimated to cost about £500,000; and

(d) The maintenance during the coming year of a fleet of the minimum strength which, in the opinion of the Board of Admiralty, can be regarded as providing in present circumstances for the security of the Empire.

Owing to the great increase of salaries, pay, wages, and pensions, and in the prices of materials of every description since 1914, a direct comparison with the prewar estimates is of little value. An analysis, however, of the gross expenditure of £96,490,181 estimated to be incurred in 1920–21 shows that it can be approximately divided into—

(a) Nonrecurrent war liabilities or terminal charges	£19, 077, 000
(b) Recurrent expenditure, due to war conditions; e. g., increases in prices and in rates of wages, pensions, etc., and separation allowance	40, 023, 000
(c) Normal expenditure on basis of prewar rates and prices	37, 489, 981

On this basis, the following comparison of the gross estimate for 1914–15 with the gross estimate for 1920–21 can be made:

1914–15.		
Gross estimate		£53, 373, 261
Deduct amount included for new construction		18, 373, 000
		35, 200, 261
1920–21.		
Gross estimate		96, 590, 181
Deduct war liabilities, including new construction	£19, 077, 000	
Deduct recurrent expenditures due to war conditions	40, 023, 200	
		59, 100, 200
		37, 489, 981

The increase of approximately £2,290,000 over the provision required in 1914–15 is due mainly to the following causes:

The grant of clothing allowances to men of the fleet.
Provision of larger hospital ships.
The extension of scientific research and of technical training.
Reduction in the hours worked by the industrial staff.
Increase in noneffective charges.

The above comparison takes no account of the greater extent to which stocks will be used without replacement during 1920–21, as compared with 1914–15. Against this, however, must be set the fact that a considerable expenditure will be incurred in 1920–21 in building up reserves of victualing and clothing stores, medical stores, oil fuel, and in the provision of new types of shell and ammunition consequent on experience gained in the early part of the war.

The number that we propose shall be voted in vote A for the maximum number of the personnel of the fleet to be borne on any day during the financial year is 136,000, as compared with 151,000 in 1914–15. The numbers at the date of the armistice were 407,316, and by November, 1919, had been reduced to 157,000. The actual number required for the reduced fleet which it is proposed to maintain during the year is 127,500; but the provision under vote 1 for the pay of the fleet has been based on the assumption that 131,000 officers and men will still be borne at the end of the year, as it can not be expected that all those who are surplus to our reduced requirements can be disposed of during 1920–21.

There is great difficulty in suddenly effecting large decreases or increases in naval personnel, and the reduction of over 25,000 officers and men in the 17 months from last November to April, 1921, will, if accomplished, as we hope, be a remarkable feat. It must be remembered that the crew of a ship is made up of numerous small groups of individuals of many trades—gunnery ratings, torpedo ratings, engine-room ratings, signal ratings, electricians, armorers, mechanics of many kinds, and so on, each group possesses entirely distinct qualifications and having an entirely distinct duty, but each absolutely essential to the fighting efficiency of the ship. In every adjustment of naval personnel provision has to be made for each of these numerous branches of skilled men to be kept up to strength in every ship all over the world; any attempt to wash out naval personnel with a broad brush at once immobilizes far more units of the fleet than was ever intended.

The time is opportune for an explanation of some of the principal decisions which the board of admiralty have taken and of the motives by which they have been guided while framing these estimates, which may, perhaps, be described (in spite of the considerable provision for war commitments which they embody) as the first of the new series of peace estimates. I therefore append some notes on naval policy and a note on dockyard policy. It should be understood that these statements do not purport to be exhaustive even of the decisions already taken, still less of the matters which are engaging the attention of the board.

The statement which I issued on December 1 last to accompany the estimates for 1919–20 (Cd. 451) contained a summary of naval activities since the armistice. I have thought it unnecessary to present any detailed record of the work of the Navy and Admiralty during the short period which has since elapsed

WALTER H. LONG.

ADMIRALTY, *March 12, 1920.*

THE BUDGET.

Mr. TAYLOR of Colorado. Mr. Speaker, I ask unanimous consent to address the House for two minutes for the purpose of asking a question or two on this very subject.

The SPEAKER. The gentleman from Colorado asks unanimous consent to address the House for two minutes. Is there objection?

There was no objection.

Mr. TAYLOR of Colorado. Mr. Speaker, during the last presidential campaign both the Democratic and Republican Parties put a solemn plank in their national platforms promising the American people the prompt enactment of a budget system. It is true that during the war, throughout the Sixty-fifth Congress, we were so busy that we could not follow it up, but soon after the 19th of May, 1919, when Congress was convened in extra session and this Republican House was organized, we appointed a Select Committee on the Budget, and I have been and am very greatly gratified to be a memer of that committee. Our committee went to work promptly under the very able leadership of the gentleman from Iowa [Mr. GOOD], and let me say that Congress and the country owe him a debt of gratitude and commendation for his energy and efficiency in securing as witnesses the most eminent experts on the subject in the United States, and in conducting the hearings we were favored by the advice and suggestions of some 40 of the most profound students of the subject in this country. Our hearings extended from September 21 to October 9, 1919, and made a printed volume of 788 pages and exhaustively covered the subject. As a result we prepared a bill (H. R. 9783) and introduced it, brought about its prompt and thorough consideration by the House, and on October 22, 1919, the House passed the bill on a roll call vote of 285 yeas to 3 nays. The bill went to the Senate on October 22, and apparently no action was taken on it until December 15, on which date the Senate committee to which it was referred held a short hearing on it. Then nothing was done for another month, when on January 14, 1920, another short hearing was held, all the hearings containing only 195 pages and being mostly documentary material and a restatement of their views by some half dozen witnesses who had appeared before the House committee and whose statements were fully printed, and from January 14 to this good hour nothing whatever has apparently been done with the bill.

Mr. MONDELL. Mr. Speaker, will the gentleman yield?

Mr. TAYLOR of Colorado. Yes.

Mr. MONDELL. I understand that the Senate committee has either reported the budget within the last day or two or anticipates doing it in a day or two, and I understand it is their intention to take it up within a week.

Mr. BYRNS of Tennessee. It has been reported.

Mr. MONDELL. Yes; it has been reported, as the gentleman from Tennessee says.

The SPEAKER. The time of the gentleman from Colorado has expired.

Mr. TAYLOR of Colorado. I ask to proceed for one minute more.

The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

Mr. TAYLOR of Colorado. I think the gentlemen are misinformed about the Senate committee having reported out the budget bill. I understand that committee contemplates reporting it out some time next week. But be that as it may, the question is, Why has this tremendously important measure been sleeping in a Senate pigeonhole for eight months? What is holding it up? Why has not the party in control of the Senate and House given this law to the country many months ago? What are they waiting for? I see by the newspapers nearly every day that Gov. Lowden, of Illinois, and Gen. Wood, and the junior Senator from Illinois, who is the chairman of the Senate committee that has this bill in a pigeonhole, and various other prominent Republicans are making speeches somewhere, loudly extolling the marvelous virtues and imperative necessity of a budget system in this country at this time, all of them trying to make campaign thunder, promising the people a budget system if they are elected. Why do not you Republicans keep the faith and do it now? Now is the accepted time. We have, all of us, promised the people this law. We have all the information necessary. Why wait another year or two? Why regale the people with more promises? Why do not the steering committee of this House put that budget bill right straight onto an appropriation bill as a rider, right now, and on this fortifications bill, and bring in a rule making it in order, and put it through this House now, instead of letting it sleep in the Senate and promising the American people to enact a budget system some time in the future if they are elected next November?

Mr. MONDELL. Mr. Speaker, will the gentleman yield?

Mr. TAYLOR of Colorado. I only have a minute and can not, unless I can get more time. I am not criticizing this House, because we have performed our full duty in this matter. And I will not criticize the Senate, because that would be unparliamentary, but I will criticize the leaders of the party in power in both the Senate and House for their utter failure to enact this solemnly promised and vitally needed legislation, as they should have done many months ago. They have no right to hold this bill up to allow some prominent gentlemen to make campaign speeches about it and try to monopolize that subject as a campaign issue. Let us establish it now. With the exception of 3 votes, there was no opposition to this bill by any Democrat

or Republican in this House, and there ought not to be any opposition in the Senate or any politics about it. I want to see this Congress keep the faith and pass this bill and establish this budget system in this country at this session and before we adjourn for the summer. The country needs this system now a hundred times more than it ever has. With the high cost of living going higher, with taxes and prices going to the blue sky, with waste, duplications, and unnecessary governmental expenditures as shown in the hearings there is no earthly excuse for delaying this bill all these months while prominent candidates are trying to make campaign thunder out of clamoring for a budget system.

The SPEAKER. The time of the gentleman from Colorado has again expired.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

Mr. MONDELL. Mr. Speaker, I congratulate my friend and neighbor from Colorado [Mr. TAYLOR] on his enthusiasm for the budget system, an enthusiasm which is shared by all the Members of this House and, I think, by a very great majority of the Members of the Senate. It is a very large question, which requires careful consideration. The Senate will in a day or two report the budget bill. They propose to take it up very soon. The gentleman from Colorado knows that the budget system, no matter when the bill we passed months ago becomes a law, can not become operative and effective upon the transactions of the Government until the executive departments begin to prepare their estimates, which are to be presented in October, so that if the budget bill is a law—which I trust it will be within the next 30 days—any time soon it will have been provided within abundant time to make provision for the earliest use that could possibly be made of it. As everybody knows, it passed the House months ago.

Mr. GARNER. Mr. Speaker, I understand the gentleman to say that within 30 days we will have a budget-system law on the statute books?

Mr. MONDELL. I feel quite confident of that.

Mr. GARNER. Let me call the gentleman's attention to the parliamentary situation, as suggested by the gentleman from Colorado [Mr. TAYLOR]. If he is not perfectly confident of that, there is no reason why it should be put on an appropriation bill. It has had thorough consideration by the House and thorough consideration by the Senate committee and the Senate, and it ought to go to conference now.

Mr. MONDELL. Nobody is more insistent about this thing than I am, and I will say to the gentleman from Texas that I have no sort of doubt but that before this Congress finishes its labors, which I hope will be the 1st of June, there will be a budget bill on the statute books.

The SPEAKER. The time of the gentleman from Wyoming has expired.

MEDICAL AND SURGICAL HISTORY OF THE WAR.

Mr. LAZARO. Mr. Speaker, I ask unanimous consent for two minutes, in which to have read a very short article on the subject of the medical and surgical history of the late war. This article is from the Journal of the American Medical Association.

The SPEAKER. The gentleman asks unanimous consent to have read, in two minutes, an article on the medical and surgical history of the late war. Is there objection?

Mr. KNUTSON. Does this deal with lancing also?

Mr. LAZARO. No, sir.

Mr. KNUTSON. It is just pure surgery?

Mr. LAZARO. I think the information is worth something to the Members of the House.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read as follows:

THE MEDICAL AND SURGICAL HISTORY OF THE WAR.

The Surgeon General, with the approval of the Secretary of War, is asking for an appropriation, in the sundry civil bill, for the publication of the medical and surgical history of the World War. In its projected form, this medical history will be more than an account of the rapid expansion and administrative achievements of the Medical Department; it will be a collective study of the many problems of hygiene, medicine, and surgery which were involved in the efficient medical care of the Nation's armies—in fact, a system of medicine and surgery based on the experience and observations of the physicians who guarded the health of our soldiers. The knowledge which was gained in hospitals and on the battle field, and the vast amount of medical research carried on during the war, can be made of immediate value to the medical profession and the public only by prompt publication of the medical history. There can be no question of the merit of such a work; as a scientific record alone the data will be of permanent value, irrespective of considerations regarding their utility as a source of information in future emergencies. The first volume of an unofficial history of the Canadian Army medical corps appeared last year; steady progress has been made on the official British medical history, and the history of German participation in the war will be issued in nine volumes late in 1920; much of the material for the American history is already collected, and publication waits on the action of Congress. Nothing can be gained from procrastination and delay; the appropriation requested by the Surgeon General should be allowed promptly. The medical and surgical history of the War of the Rebellion was delayed through 20 years. It is to be hoped that a similar fate does not await the publication of the medical history of the World War. If Congress does not, within a short time, make the appropriation necessary for the printing of this available material, the failure will be tantamount to an order for its destruction. In a few years this material would be of archaic but not of scientific interest.

ARTHUR WENDLE ENGLERT.

Mr. EDMONDS. Mr. Speaker, I move to take from the Speaker's table H. R. 795, for the relief of Arthur Wendle Englert, a House bill passed by the Senate with an amendment, and that the House disagree to the Senate amendment and ask for a conference thereon.

The SPEAKER. The gentleman from Pennsylvania calls up H. R. 795, and moves to disagree to the Senate amendment and ask for a conference. The Clerk will report the bill.

The Clerk read the title of the bill.

Mr. WALSH. Mr. Speaker, reserving the right to object——

The SPEAKER. The Chair does not think it is subject to objection.

Mr. WALSH. The gentleman is asking for a conference.

The SPEAKER. He moves for a conference.

Mr. WALSH. It is not in order to move for a conference. I should like to ask the gentleman if the Senate amendment increases the amount of this claim?

Mr. EDMONDS. It increases it $230.

Mr. WALSH. Over the House bill?

Mr. EDMONDS. Over the House bill.

Mr. WALSH. Or over the amount of the claim?

Mr. EDMONDS. Over the House bill.

Mr. GARD. What was the amount in the House bill?

Mr. EDMONDS. The amount in the House bill was $500. We reduced the amount asked for by the claimant from $748 to $500. The Senate put back the amount originally asked for by the claimant. The bill as it passed the House this year was reduced to $500, but the claimant last year asked for $748.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania [Mr. EDMONDS].

The motion was agreed to; and the Speaker appointed as conferees on the part of the House Mr. EDMONDS, Mr. LITTLE, and Mr. STEAGALL.

LEAVE TO EXTEND REMARKS.

Mr. ASHBROOK. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD briefly.

The SPEAKER. The gentleman asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. WALSH. Reserving the right to object, upon what subject?

Mr. ASHBROOK. Very largely giving the reasons why I voted as the gentleman did last evening on the peace resolution.

The SPEAKER. Is there objection?

There was no objection.

Mr. GARD. Mr. Speaker, a parliamentary inquiry. Was it not made in order yesterday for five legislative days for anyone to extend remarks in the RECORD on the peace resolution?

The SPEAKER. It was.

Mr. ASHBROOK. I may touch briefly on some other things.

USE OF T. N. T. FOR PEACE-TIME PURPOSES.

Mr. KIESS. Mr. Speaker, I offer a privileged resolution from the Committee on Printing.

The SPEAKER. The gentleman from Pennsylvania offers a privileged resolution from the Committee on Printing, which the Clerk will report.

The Clerk read as follows:

Resolved, That the report of John Swenehart, of the College of Agriculture of the University of Wisconsin, giving scientific and experimental data for the practical use of T. N. T., a war-salvaged explosive, for peace-time purposes, be printed as a House document, and that 5,000 copies be printed for the use of the House document room.

Mr. KIESS. I move the adoption of the resolution.

Mr. CLARK of Missouri. Mr. Speaker, how much will this printing cost?

Mr. KIESS. This printing will cost the large sum of $45.10.

Mr. CLARK of Missouri. How many copies are you going to print?

Mr. KIESS. The usual number, 1,345, and 5,000 additional to go to the document room.

Mr. STEENERSON. Would the committee have any objection to making it three times that number? I can use almost all of that edition for my own district. There is a large area of cut-over land which they desire to clear, and this will be a very

valuable document for them. I should like to ask unanimous consent to have the number doubled.

Mr. KIESS. The document is a valuable one, and if the House feels like increasing the number to be printed, there will be no objection from the Committee on Printing. The cost of 10,000 additional copies would be $41.54.

Mr. MILLER. Reserving the right to object, I should like to ask how are these documents to be disposed of?

The SPEAKER. This is a privileged resolution. Does the gentleman from Pennsylvania yield to the gentleman from Washington?

Mr. KIESS. Yes. I will answer the gentleman's question. They are to go to the document room, as there are many Members who will not be interested in this particular document. For that reason it is best to send it to the document room, where those who want the publication can get it.

Mr. Speaker, I move the adoption of the resolution as reported by the committee.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

NITRATE OF SODA.

Mr. HULL of Iowa. Mr. Speaker, I ask unanimous consent for the immediate consideration of S. J. Res. 180, with a committee amendment, which I send to the Clerk's desk.

The SPEAKER. The gentleman asks unanimous consent for the present consideration of a Senate resolution, which the Clerk will report.

Mr. GARD. May we have the amendment read also?

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Resolved, etc., That in order to meet the existing emergency in the shortage of fertilizers the Secretary of War is hereby authorized to turn over to agricultural fertilizer distributors or users in this country such quantity of the nitrate of soda held as a reserve supply by the War Department as, in his opinion, can be spared consistently with the military needs of the Government, such stocks so turned over to be replaced by such fertilizer distributors or users with an equivalent amount of nitrate, the turning over and replacement being under such guaranties as the Secretary of War may prescribe.

With the following amendment offered by Mr. HULL of Iowa:

Strike out all after line 4 on page 1, and insert the following: "To sell for cash at the prevailing market price, at the time of the sale thereof, to such distributors or users thereof, in the United States, as shall request the same, and in such quantity to each, as he shall see fit, not to exceed in the aggregate 50,000 tons of nitrate of soda, now held as a reserve supply of the War Department, the proceeds of such sale to be repaid to the proper item of the current appropriations, originally made for such purposes."

Mr. LONGWORTH. Reserving the right to object, I should like to ask the gentleman a question. Was this nitrate of soda secured during the war or before the war?

Mr. HULL of Iowa. During the war. It is in reserve now. There are something like 300,000 tons of it held by the War Department, and it has been thought advisable to allow the sale of 50,000 tons, which they can spare, to relieve a very pressing emergency that exists in the agricultural districts of the country. Owing to insufficient shipping facilities and the slides in the Panama Canal, the supply that should be in the country to-day has been delayed, and this is to meet that situation. The Committee on Military Affairs thought it would be better to sell it, and let the Government accumulate the profit themselves, than to transfer it.

Mr. LONGWORTH. The gentleman's amendment provides that it shall be sold at the current market price; that would be considerably less than the amount paid for it.

Mr. HULL of Iowa. No; the market price to-day is more than the War Department paid.

Mr. BYRNES of South Carolina. If the gentleman will yield——

Mr. HULL of Iowa. I yield.

Mr. BYRNES of South Carolina. The Government paid $84 for the last shipment and the prevailing market price is higher than that. The Government supply was purchased for $56 up to $84, and the prevailing market price will mean a profit to the Government.

Mr. LONGWORTH. Then there is no loss to the Government by this provision?

Mr. BYRNES of South Carolina. No; on the contrary there should be a profit.

Mr. HULL of Iowa. There will be a profit, because the current price is a great deal higher than what the Government paid for it, and higher than what they can buy it for in Chile and have it shipped here.

Mr. LONGWORTH. I am surprised that the price is less now than it was during the war.

Mr. BYRNES of South Carolina. During the consideration of the deficiency bill we had the matter up and we provided for the construction of a scoop in the earth at Savanna, Ill., for the storing of our reserve supply of nitrate of soda.

This resolution should reduce our storage expense. We are now paying $13,000 a month for storage of nitrate of soda in commercial warehouses, and if the War Department will construe this action as the War Department should, they will sell the nitrate of soda now stored in commercial warehouses, where they are paying 35 cents a ton, and they will save the storage and at the same time sell at a price much higher than the average price paid by the Government. The average cost price paid by the Government is below $80, and the market price is nearer $90. If the War Department exercises the discretion that it should exercise, and sells the nitrate of soda which is stored in Jacksonville, where we are paying 30 cents per ton, in Galveston and several other points, instead of taking it out of the Government-owned buildings and out of warehouses where we are paying only 10 cents a ton, a very considerable profit will come to the Government.

Mr. LONGWORTH. Mr. Speaker, under these conditions I withdraw my reservation to object.

Mr. DENT. Will the gentleman yield?

Mr. HULL of Iowa. I will.

Mr. DENT. I wish to add to the statement made by the gentleman from South Carolina that the War Department accumulated an excessive reserve supply of nitrate in anticipation that the war would last longer than it did. So that now it has no use for this nitrate and can dispose of it at a profit for the benefit of the farmers at this particular time, the shipment of nitrate having been delayed 30 days.

Mr. WALSH. Will the gentleman yield?

Mr. DENT. Yes.

Mr. WALSH. Why confine it to 50,000 tons if that be so?

Mr. DENT. I will state that I do not think it ought to be confined to 50,000 tons. The Secretary of War stated to the committee that he would limit it to 50,000 tons.

Mr. WALSH. Why do they want to keep the balance?

Mr. DENT. I see no reason for it, and I would be willing to have the limit raised.

Mr. BEGG. Will the gentleman yield?

Mr. HULL of Iowa. I will.

Mr. BEGG. Does the resolution provide that it shall be sold to the consumer or the jobber?

Mr. HULL of Iowa. Either one; it is to be distributed among the users.

Mr. BEGG. Is there any serious objection to a provision safeguarding it so that it will not be sold by the War Department to jobbers and then resold to the consumer at enormous profit? I happen to know that the War Department sold a vast number of buckets for 30 cents apiece the other day, and the man to whom they were sold never touched them, but resold them for $1.10 each. If we do not safeguard these sales, we are going to give them the opportunity to do the same thing right over with the nitrates.

Mr. HULL of Iowa. We have safeguarded it as far as possible. The Secretary of War was before us and said that he would safeguard it.

Mr. LONGWORTH. Would the gentleman have any objection to adding a provision that the names of the persons to whom the nitrate is sold shall be reported to Congress?

Mr. HULL of Iowa. I think that is unnecessary. We can find the names at any time.

Mr. LONGWORTH. I do not think it is necessary, but I sometimes have suspicions of the way things are done.

Mr. CANDLER. Will the gentleman yield?

Mr. HULL of Iowa. Yes.

Mr. CANDLER. Mr. Speaker, I want to say that the situation is acute with reference to the supply of nitrate for fertilizer. Within the last few days there was a hearing before the Agriculture Department in reference to the spread of the pink bollworm in the States of Texas and Louisiana, which brought to the National Capital representatives from all over the country, and especially from a number of the Southern States. I attended this hearing myself to help, if I could, to have taken appropriate action to safeguard the cotton interests and prevent the further spread of this pink bollworm pest. Those representatives attending this hearing told us in conferring with us about general agricultural conditions of the acute situation as to fertilizer. I assure you the situation as to fertilizers is very acute and everything possible ought to be done to improve the present situation, and I sincerely hope there will be no objection to this resolution, but that it will receive immediate consideration and be promptly passed in order to stimulate production and to meet the situation, at least to the extent it will furnish the relief so necessary and so much desired by the farmers. [Applause.]

Mr. McLAUGHLIN of Michigan. Will the gentleman yield to me?

Mr. HULL of Iowa. I yield to the gentleman from Michigan.

Mr. McLAUGHLIN of Michigan. Mr. Speaker, this same matter was added as a Senate amendment to the appropriation bill for the Department of Agriculture. It is a Senate amendment which the conferees on that bill have considered. I think I can safely say, although the conferees have not finished their work, that this amendment now offered by the gentleman from Iowa is practically in the form which the conferees think it should be. But it occurs to me that the last two or three lines of the amendment of the bill are a little uncertain as to what is to be done with the proceeds of the sale. Reading from the bill, it says:

The proceeds of such sale to be repaid to the proper item of the current appropriations originally made for such purposes.

That may be the regular, orderly, proper way of providing for the disposition of money which comes into the hands of an official of this Government, but if it is I have not understood it to be the way. I have supposed the money should be covered into the Treasury of the United States as miscellaneous receipts or placed to the credit of a particular fund, to be used for a particular purpose. I suggest that some attention be given to the last sentence of this amendment to see if it is right in providing the method in which the proceeds of the sale shall be handled.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. McLAUGHLIN of Michigan. I yield.

Mr. WALSH. Do I understand that the proposed amendment provides that the proceeds from these sales shall go to the credit of some particular appropriation?

The McLAUGHLIN of Michigan. The amendment reads:

The proceeds of such sale to be repaid to the proper item under the current appropriations originally made for such purposes.

It is a little irregular, it seems to me, although from my limited knowledge of these matters I would not be justified in demanding a change.

Mr. WALSH. It sounds as if that was in aid of Muscle Shoals.

Mr. HULL of Iowa. That was put in there so that the appropriation would go back, so that if thought advisable they could purchase with this same money some more nitrate of soda.

Mr. WALSH. What do they want to replace it for when the gentleman from South Carolina says that they have no use for this now that the war is over?

Mr. BYRNES of South Carolina. Oh, the gentleman misunderstood me, if he got that impression.

Mr. WALSH. I meant the gentleman from Alabama [Mr. DENT]. I beg the gentleman's pardon.

Mr. BYRNES of South Carolina. May I say this: The statement of the officials of the War Department is that they do need it. They take the position that in this country it is essential that they maintain a reserve of 300,000 tons of nitrate of soda, which is used in the manufacture of high explosives; that because of the Chilean situation as it developed at the beginning of the war it would be unsafe for this country to be without this amount, and that is the reserve settled upon. The officers of the Ordnance Department are very earnest in their statement that it would be very unsafe for this Government to reduce its stock much below that reserve. That is their position.

Mr. WALSH. That was to be the reserve when the country was at war.

Mr. BYRNES of South Carolina. No; this is the position taken by the department at this time. Once we are in war, the only place from which we can secure nitrate of soda is from Chile. If we control the seas, it can be secured, and if we do not we are cut off from that supply, and therefore they say it is essential that that supply be on hand, and they have figured it out with a great degree of care and declare it is dangerous to reduce that reserve much below that amount. I think their position ought to be stated to the House.

Mr. LAYTON. Mr. Speaker, following the line of inquiry of my friend from Ohio [Mr. BEGG], do I understand that this resolution would allow an individual farmer, or an association of farmers, to put in an order for a ton of nitrate of soda and obtain the same consideration that a jobber would have?

Mr. HULL of Iowa. That is supposed to be the purpose of the resolution.

Mr. LAYTON. There is no limit on the amount to be sold?

Mr. HULL of Iowa. There is no limit on it.

The SPEAKER. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none, and the Clerk will report the resolution.

The Clerk again reported the joint resolution, together with the amendment offered by Mr. HULL of Iowa.

The SPEAKER pro tempore (Mr. WALSH). The question is on the amendment offered by the gentleman from Iowa.

Mr. LONGWORTH. Mr. Speaker, I offer the following amendment to the amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment to the amendment offered by Mr. LONGWORTH: Add at the end of the amendment the following: "*Provided*, That the Secretary of War shall report to Congress not later than December 6, 1920, the names of all purchasers of said nitrate of soda, together with the prices for which sold."

The SPEAKER. The question is on the amendment to the amendment.

Mr. HULL of Iowa. Mr. Speaker, I have no objection to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. BEGG. Mr. Speaker, I desire to offer an amendment to the amendment. I want to strike out the words that give the Secretary of War the right to fix quantities. I can not quote them, for I have not a copy of the amendment before me. I think it provides in such quantities as he may see fit. I want to leave the amendment in such a way that if a farmer wants to buy 1 ton the Secretary is compelled to send it to him, and can not refuse to do so upon the ground that he is selling it only in 100-ton lots.

The SPEAKER. The gentleman from Ohio offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BEGG to the committee amendment——

Mr. BLANTON. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. BLANTON. I submit that the amendment as detailed by the gentleman from Ohio is not in such form that the Clerk can report it. The gentleman had better get this drafting board to help him draw it up.

The SPEAKER. But the Clerk is reporting it. The Clerk will continue to report the amendment offered by the gentleman from Ohio.

The Clerk read as follows:

Amendment offered by Mr. BEGG to the committee amendment: Strike out of the committee amendment the words "as he shall see fit," so that it will read: "to sell for cash, at the prevailing market price at the time of the sale thereof, to such distributors or users thereof in the United States as shall request the same, and in such quantity to each, not to exceed in the aggregate 50,000 tons," etc.

Mr. BEGG. Mr. Speaker, the only thing I want to say on that proposition is this: I believe every man has an honest intention to make it available to the farming communities, if they shall want to use it and buy it, without its going through the hands of a commission man. If we leave in the words that I am seeking to have stricken out it is very easy for the Secretary of War to make a ruling that he will not sell it in any quantities other than 100-ton lots or more, and no farmer, or group of farmers, can afford to buy that amount at one time.

Mr. CLARK of Missouri. Mr. Speaker, does not the gentleman think there ought to be a minimum amount fixed—some reasonable amount?

Mr. BEGG. I would not object to a reasonable amount at all. The only thing I am anxious to do is to fix this so that it is available to the average farming community. I will eliminate even the little user.

Mr. CLARK of Missouri. I think the gentleman's intention is good, but there ought to be a minimum limit, or they would pester the War Department to death.

Mr. BEGG. What limit would the gentleman suggest?

Mr. CLARK of Missouri. I do not know enough about it to say.

Mr. DONOVAN. Mr. Speaker, if the gentleman will permit, while I am not an agriculturist, yet the point suggested to me by the inquiry of the gentleman from Missouri [Mr. CLARK] is that some one under the gentleman's amendment might write in and ask that 25 pounds of the fertilizer be sent to him by parcel post, and the War Department might be compelled to deal it out in that way.

Mr. BEGG. Well, Mr. Speaker, I would like to answer the gentleman and say that his experience in farming, if he ever had to farm any, would very readily relieve his mind of any embarrassment of sending for a 10-pound sack of fertilizer.

Mr. DONOVAN. If the gentleman will permit, I had in a small way, and I know there would be somebody in this country who would think that 25 pounds would be sufficient.

Mr. BEGG. I would willingly accept a minimum of 1 ton.

Mr. McKENZIE. If the gentleman will yield, I think I understand the gentleman's purpose, but I want to ask if he does not believe that the profiteering in here that may be carried on by the jobber in selling to the farmer could better be protected by

fixing the per cent of profit that the distributor may charge over and above the Government price?

Mr. BEGG. In reply to that I want to say to the gentleman that if this is safeguarded so that the farmer can buy in small quantities at the same price the Government buys at there will not be profiteering and you do not need to put a maximum profit the jobber can make, because the very fact that the farmer can buy from the Government will preclude any possibility of any man buying it and charging an exorbitant price.

Mr. McLAUGHLIN of Michigan. Mr. Speaker, I understand and should approve the result the gentleman from Ohio [Mr. BEGG] wishes to reach. There should be some way by which farmers and other small purchasers can acquire this nitrate of soda; but some one must determine quantities in which it shall be sold. Under the resolution as presented by the gentleman from Iowa [Mr. HULL], that determination is to be by the Secretary of War. If left as the amendment of the gentleman from Ohio would leave it some one else will have that authority or privilege. It may be that the first one who makes an offer satisfactory in price to the Secretary will be able to buy all he wishes. I can see no better way for large purchasers to acquire practically all of this nitrate of soda than to take from the Secretary of War all discretion and control over it, and practically leave it to the purchasers to make their offers, which the Secretary will have no right, on the theory advanced by the gentleman from Ohio, to refuse. It might be for half or all the quantity that the Secretary had to sell.

Mr. SNYDER. Will the gentleman yield?

Mr. McLAUGHLIN of Michigan. I will.

Mr. SNYDER. I would like to ask the gentleman if it is not a fact that there is a very small proportion of nitrate of soda used as a simple ingredient for use on the soil, and is it not a fact that this nitrate of soda will have to be taken to a fertilizer plant and mixed with other ingredients before being sold to the farmer at all?

Mr. McLAUGHLIN of Michigan. In answer to what the gentleman from New York says, it is true that only a small quantity of nitrate of soda is used as a fertilizer by a farmer; it is used in combination with other fertilizing ingredients. A farmer or anyone else who has the ingredients can mix them himself; it is not necessary for this nitrate of soda to go to the fertilizer factory to be made up or mixed by the manufacturer. It was suggested before the conferees on the Agricultural bill that the word "manufacturer" should be included, but the sense of the conferees was, and the sense of the Committee on Military Affairs is evidently the same, that purchases should be made only by "distributors and users," those who come after the manufacturer. And I insist, Mr. Speaker, that this resolution should give some official of the department authority to determine the quantities in which this nitrate of soda shall be sold. If we divest the Secretary of War of all authority in that respect, we may be placing it in the hands of those who will purchase or who offer to purchase, and the large purchaser may acquire all of it.

Mr. SNYDER. If the gentleman will yield further for just a moment, I want to thank the gentleman for the information. It is my understanding, however, that very few farmers do buy nitrate of soda and mix it themselves.

Mr. LAYTON. My experience has been otherwise?

Mr. SNYDER. I am speaking of my own section of the country; those are the only farmers I am familiar with. If what the gentleman says is true, I think with him there should be a limitation on the amount the farmers ought to be permitted to buy from the Secretary of War.

Mr. RHODES. If the gentleman will permit, where is this surplus of nitrate of soda located?

Mr. McLAUGHLIN of Michigan. It is stored at different places, as has been stated by the gentleman from South Carolina [Mr. BYRNES]—Galveston, Savannah, and other places.

Mr. LAYTON. If the gentleman will yield——

Mr. McLAUGHLIN of Michigan. I will.

Mr. LAYTON. I desire to say to the gentleman that my only interest in this bill is to see that under the provisions of this bill this nitrate of soda is made available for the individual farmer. In reply to what the gentleman from New York said, I want to say that it is not true that nitrate must go through the hands of a corporation or fertilizing company. I have used it myself. Farmers buy the various ingredients—fish screenings, nitrate of potash, and so forth—and they mix it themselves, according to the proportions they get from the agricultural colleges. And now, this matter ought not to be left in any dispute or concluded in such a way that we can not know that this nitrate will reach the man who needs it, without going into the hands of the profiteer.

Mr. McLAUGHLIN of Michigan. Well, I will say to the gentleman that if the amendment offered by the gentleman from Ohio should be adopted all control over it, as to quantities in which it will be sold, will be taken out of the hands of the Secretary of War; and suppose some distributor or user offers to make a large purchase, what control over the matter has the Secretary of War? Absolutely none. He has no authority to refuse the offer. It may be a favorable offer as to price, and under the law, as it will read if the amendment be adopted, he must accept it.

Mr. LITTLE. Will the gentleman yield?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. LITTLE. Who fixes the price for this nitrate of soda?

Mr. McLAUGHLIN of Michigan. The Secretary must sell at the market price prevailing at the time. That is, the best price that anyone wishing to buy is willing to offer. I suggest it is dangerous to take away from the Secretary of War all control over the matter as to the quantity in which it shall be sold.

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. HULL of Iowa. Mr. Speaker, I have very little self-interest in the passage of this resolution. The State I come from uses as little as any other State. However, every State uses some of it. My only interest is to make it possible for the users—the farmers—to get hold of this and use it on this present season's crop in order to produce food. We have gone over it in the Committee on Military Affairs of the House and the Senate and also in the Agricultural Committee of the House and of the Senate, and after consultation with all of them we have brought out this resolution in its present form. I hope the amendment of the gentleman from Ohio will be defeated, because I believe it will delay the possibility of getting this to the farmer. We want the farmer to get this at once so he can produce food with it and thereby lower the cost of living.

Mr. LAYTON. If the gentleman's purpose is that distinctly, that is all I am interested in.

Mr. BYRNES of South Carolina. Will the gentleman yield to me one minute?

Mr. HULL of Iowa. Certainly.

Mr. BYRNES of South Carolina. At least 50 per cent of this nitrate of soda in its crude state is used by the farmer. This sale by the Government is not a new departure. For two or three years the Department of Agriculture has been selling nitrate of soda directly to the farmers, and there was no complaint about it going into the hands of middlemen. I ask the House not to adopt the amendment of the gentleman from Ohio for this reason, that if there is any danger of it being sold to one man that is cured to a great extent by the amendment offered by the gentleman from Ohio [Mr. LONGWORTH], which has been adopted, and which provides for submission to Congress of the names of the persons to whom it is sold. And discretion must be placed in the Secretary of War in the administration of the law. It must be placed in that department and not left to one person to purchase all of the 50,000 tons which would be possible under the amendment. I hope the amendment of the gentleman from Ohio [Mr. BEGG] will be defeated.

Mr. SNYDER. Mr. Speaker, I move to strike out the last word. The gentlemen of this House know that I am not a farmer. But it seems to me that putting the limitation upon the distribution or sale and bringing it down to certain amounts that the Secretary of War or his subordinates are permitted to dispose of of this material is entirely out of order and not in keeping with good business principles. No one can tell here just what quantity or amount of nitrate of soda should be fixed so that it would be universally satisfactory to all the farmers that might need it, and it seems to me you have got to trust somebody somewhere. Four hundred and thirty-five men have usually got 435 different ideas about how a thing ought to be done, and you have got to leave the actual details of managing affairs of this kind in the hands of some one.

And I believe, while I have a very high regard for the judgment of the gentleman from Ohio [Mr. BEGG], his amendment is contrary to good business and it will interfere with this ingredient, that is so much needed by the farmers, getting to them, and will reflect against the best interests of the country. Therefore I shall have to vote against the amendment.

Mr. LAYTON. Will the gentleman yield?

Mr. SNYDER. Certainly.

Mr. LAYTON. Do you not think that the bill ought to indicate a minimum quantity?

Mr. SNYDER. I do not think it ought to indicate a minimum quantity. I think that no one will want to buy the whole 50,000 tons of nitrate of soda, nor will anybody want to buy less than several thousand pounds. Anywhere between there that you

raight want to fix as a maximum or a minimum would be entirely out of order to be fixed by this House. I think that ought to be left to the man in charge of the proposition.

Mr. LAYTON. There are plenty of people in the country who would like to buy the whole 50,000 tons in order to make a profit on it.

Mr. MacCRATE. Will the gentleman yield?

Mr. SNYDER. Yes.

Mr. MacCRATE. May I suggest to the gentleman that by adopting the amendment of the gentleman from Ohio [Mr. BEGG] you are not taking away the discretion from the Secretary of War at all. As a matter of fact, as I see it, if the amendment of the gentleman from Ohio is adopted, the Secretary of War can sell it all to one person.

Mr. SNYDER. I would not care to have any restriction put upon the Secretary of War as to whether he should sell it to a million people or to one person. I am not so sure if it went to one person, if that person had the facilities to distribute it throughout the country, it would not be the best thing to do.

Mr. BEGG. Mr. Speaker, I ask unanimous consent to withdraw the amendment.

The SPEAKER. The gentleman does not require unanimous consent. The gentleman can withdraw it.

Mr. BEGG. I withdraw the amendment, and, Mr. Speaker, I would like to offer another amendment.

The SPEAKER. The gentleman withdraws his amendment and offers another one.

Mr. BEGG. I would like to offer an amendment following the word "each" in the fourth line, in the following words:

Not less than 1 ton or more than 100 tons to any individual purchaser.

The SPEAKER. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. BEGG to the committee amendment: After the word "each," in the fourth line of the committee amendment, insert the words "not less than 1 ton or more than 100 tons to any individual purchaser."

Mr. BEGG. Mr. Speaker, I would like to ask unanimous consent to take out the word "individual," so that it would read "any purchaser."

Mr. QUIN. Reserving the right to object——

The SPEAKER. The Clerk will report the modified amendment.

The Clerk read as follows:

Modified amendment: Insert after the word "each," in line 4, the words "not less than 1 ton or more than 100 tons to any purchaser."

Mr. QUIN. Will the gentleman yield?

Mr. BEGG. I yield.

Mr. QUIN. I am very strongly for this, but I want to know why the gentleman wants to limit the amount to less than a ton? Some man might want to buy half a ton.

Mr. BEGG. I will reply to the gentleman by saying that if there is any reason for the passage of this bill it is an economic reason, to try to increase production. I doubt seriously whether there is any producer other than a small gardener—who is not a producer for the country to any great extent—that would want less than a ton. If there were such, two fellows could go together and buy a ton. It seems to me——

Mr. GARD. Does not the gentleman think it would be better to have in his amendment the word "one" instead of the word "purchaser"?

Mr. BEGG. I do not see any advantage or disadvantage in that word. I would not object. It would not make any difference.

The SPEAKER. The question is on the amendment offered by the gentleman from Ohio [Mr. BEGG].

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Iowa [Mr. HULL] as amended.

Mr. McKEOWN. Mr. Speaker, this question, raised by the gentleman from Illinois [Mr. McKENZIE], is a matter that this Congress will have to take notice of, in my judgment. The purpose of this amendment is to prevent profiteering in this surplus material which the Government will permit to be sold.

Now, what are we doing about it? There has been a clamor for the War Department to sell the surplus of all its accumulations, and yet we have put no restriction upon that surplus. You are letting it be sold every day down here by the thousands of dollars' worth, and yet you put no restriction upon the purchaser to prevent profiteering, when that was the purpose, as I understand, of the Congress when you called for the sale of this property; it was in order to help bring down the high cost of living. Now, I wonder why a resolution of some kind should not be passed by this Congress in order to take care of the situation, not merely in the matter of the sale of this nitrate to farmers but all this other property that is being sold every day.

I want to say that it has come back here to the ears of some of us from France that some of the property that we sold in France was sold by the French Government, and it got into the hands of the profiteers of France, and the French people themselves, for whom this property was sold at a low price, are not getting the benefit of it. I think, gentlemen, it is a serious matter that Congress ought to deal with. I know it is a hard matter to deal with, because we try to get on behalf of the Government the highest price possible for the property. That is commendable on the part of the officers of the Government, to procure the best price possible; and yet at the same time we permit this property to go unrestricted into the markets of the country and without any restraint against profiteering.

Gentlemen, I favor this amendment and favor this legislation, but I think it ought to go further and reach other property that is being sold by the United States Government.

Mr. QUIN. Mr. Speaker, will the gentleman yield right there?

Mr. McKEOWN. Yes.

Mr. QUIN. Do you not think that particular thing would be properly handled so that it got into the hands of the right people?

Mr. McKEOWN. Yes; but the gentleman knows that this material is being sold in such large quantities and we have constant complaints from people who desire to purchase small quantities that they have had no opportunity to buy this property, which was purchased with the proceeds from the sale of Liberty bonds, which these people purchased. This is a commendable provision, and I am not objecting to a provision to fix a reasonable price and allow the material to be sold to small purchasers.

Mr. QUIN. I am with the gentleman on this and all other matters. We tried to do that very thing.

Mr. McKEOWN. Has the gentleman's committee reported out a resolution effecting the sale of all this other surplus property that is being sold down here now?

Mr. QUIN. Yes. Small quantities are being sold, and even shipped by parcel post now.

Mr. BROOKS of Illinois. Mr. Speaker, I move to strike out the last word.

The SPEAKER. The gentleman from Illinois moves to strike out the last word.

Mr. BROOKS of Illinois. Mr. Speaker, I understand that this resolution calls for the sale of 50,000 tons.

Mr. HULL of Iowa. Yes.

Mr. BROOKS of Illinois. I understand that the Government is paying $13,000 a month for storage. Why not sell 100,000 tons?

Mr. HULL of Iowa. I will say to the gentleman that, so far as I am concerned, I have no objection; but, at the same time, the War Department recommended that only 50,000 tons be sold. I believe that we ought to take the advice of the War Department and limit it to 50,000 tons. That is all they ask for.

Mr. SNYDER. Mr. Speaker, I move the previous question.

Mr. BROOKS of Illinois. Mr. Speaker, I offer an amendment to strike out "50,000" and insert "100,000."

The SPEAKER. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BROOKS of Illinois: In the fifth line of the committee amendment, after the word "aggregate," strike out "50,000" and insert "100,000."

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. BROOKS].

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. MURPHY. A division, Mr. Speaker.

The SPEAKER. A division is demanded.

The House divided; and there were—ayes 35, noes 17.

So the amendment was agreed to.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Iowa [Mr. HULL].

The amendment was agreed to.

The SPEAKER. The question is on the third reading of the Senate joint resolution.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. HULL of Iowa, a motion to reconsider the vote whereby the Senate joint resolution was passed was laid on the table.

POST OFFICE APPROPRIATION BILL—CONFERENCE REPORT.

Mr. STEENERSON. Mr. Speaker, I call up the conference report on the Post Office appropriation bill.

The SPEAKER. The gentleman from Minnesota calls up the conference report on the bill H. R. 11578, the Post Office appropriation bill, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 11578) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1921, and for other purposes.

Mr. STEENERSON. Mr. Speaker, I ask that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Minnesota asks unanimous consent that the statement may be read in lieu of the report. Is there objection?

Mr. WALSH. Mr. Speaker, I think some of these amendments ought to be read before the conference report is considered, and it is not any longer than the statement. I object.

The SPEAKER. Objection is made. The Clerk will read the conference report.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11578) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1921, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 15, 19, and 20.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 5, 6, 9, 10, 11, 13, 14, 17, 18, 25, and 28, and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: After the words "to be available immediately," insert the following: "And the Secretary of War is hereby authorized, in his discretion, to turn over to the Postmaster General, without charge therefor, such buildings or parts thereof as may be desired by the Postmaster General and now located at Watervliet Arsenal, N. Y. And the Postmaster General is hereby authorized to cause said buildings or parts thereof to be removed to said land and to be reassembled or reconstructed thereon for the use of the Post Office Department"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following: "*Provided*, That whenever the office of a postmaster becomes vacant through death, resignation, or removal, the Postmaster General shall designate some person to act as postmaster until a regular appointment can be made by the President, and the Postmaster General shall notify the Auditor for the Post Office Department of the change. The postmaster so appointed shall be responsible under his bond for the safekeeping of the public property of the post office and the performance of the duties thereof until a regular postmaster has been duly appointed and qualified and has taken possession of the office. Whenever a vacancy occurs from any cause, the appointment of a regular postmaster shall be made without unnecessary delay"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In line 3 of the matter inserted by said amendment, strike out the word "aeroplane" and insert in lieu thereof "aircraft"; and in line 5 strike out the word "materially"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of "$1,415,000" named in said amendment insert the following: "$1,250,000"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following:

"For transportation of foreign mails by steamship, aircraft or otherwise, including increases hereinafter provided, $4,700,000: *Provided*, That not to exceed $100,000 of this sum shall be expended for carrying foreign mail by aircraft."

And the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "of which $500,000 shall be available immediately"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"SEC. 3. That the Secretary of War is authorized hereafter, in his discretion, to turn over to the Postmaster General, without charge therefor, from time to time, such motor vehicles, aeroplanes, airdromes and parts thereof, and machinery and tools to repair and maintain the same, as may be suitable for use in the Postal Service; and the Postmaster General is authorized to use the same in the transportation of the mails and to pay the necessary expenses thereof, including the replacement, maintenance, exchange, and repair of such equipment, and the transfer and refabrication of such airdromes, out of any appropriation available for the service in which such vehicles, airdromes or aeroplanes are used: *Provided*, That the Postmaster General shall not use such aeroplanes or airdromes on any other routes than the one between New York, N. Y., and San Francisco, Calif., herein provided for."

And the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: Renumber the section to read: "SEC. 4"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: Renumber the section to read: "SEC. 5"; in line 1 of said amendment, after the word "That," insert the word "hereafter"; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: Renumber the section to read: "SEC. 6"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"(c) The commission shall investigate all present and prospective methods and systems of handling, dispatching, transporting and delivering the mails, and the facilities therefor; and especially all methods and systems which relate to the handling, delivery and dispatching of the mails in the large cities of the United States.

"On or before March 1, 1921, the commission shall make a report to Congress containing a summary of its findings and such recommendations for legislation as it may believe to be proper."

And the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"(d) For the purposes of this section, the commission shall have power to summon and compel the attendance of witnesses and the production of documentary evidence, and to administer oaths."

And the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: Strike out the second paragraph of said amendment and insert in lieu thereof the following:

"SEC. 7. That the Secretary of War be, and he is hereby, authorized and empowered, at his discretion, and under such rules and regulations as he may prescribe, to loan to any State of the Union, when so requested by the highway department of the State, such tractors as are retained and not distributed under the act approved March 15, 1920, for use in highway construction by the highway department of such State: *Provided*, That all expenses for repairs and upkeep of tractors so loaned and the expenses of loading and freight shall be paid by the State, both in transfer to the State and the return to the Army."

And the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and

agree to the same with an amendment as follows: Renumber the section to read: "SEC 8"; and the Senate agree to the same.

HALVOR STEENERSON,
MARTIN B. MADDEN,
W. W. GRIEST,
JOHN A. MOON,
A. B. ROUSE,
Managers on the part of the House.

CHAS. E. TOWNSEND,
THOMAS STERLING,
LAWRENCE C. PHIPPS,
J. C. W. BECKHAM,
CHARLES B. HENDERSON,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreement of the House to the amendments of the Senate to H. R. 11578, entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1921, and for other purposes," submit the following written statement in explanation of the effect of the action agreed upon by the conferees as to each of said amendments:

The Senate recedes from amendments Nos. 15, 19, and 20.

Amendment No. 15 struck out the words "printing presses" in the appropriation for miscellaneous equipment under the Office of the Third Assistant Postmaster General.

Amendment No. 19 rewrote the section 2, continuing the increased compensation under House joint resolution 151, and omitted the words "unless otherwise provided by law."

Amendment No. 20 authorized the property and equipment of the pneumatic-tube companies in the post offices in the different cities where located to remain until June 30, 1921.

The managers on the part of the House agree to amendments Nos. 1, 2, 5, 6, 9, 10, 11, 13, 14, 17, 18, 25, and 28.

Amendments Nos. 1 and 2 merely corrected the phraseology in the appropriation for the purchase of land for the equipment shops.

Amendment No. 5 added a clause repealing the limitation of $500 for rent and $100 for fuel and light allowable for post offices of the third class.

Amendment No. 6 struck out $60,000,000 in the appropriation for inland transportation of mail by railroads and inserted $59,886,822.

Amendment No. 9 merely inserts the word "*further*" after the word "*Provided*" in the paragraph relating to Railway Mail Service.

Amendment No. 10 strikes out "$932,156" and inserts "$1,032,156" in the appropriation for terminal railway post offices.

Amendment No. 11 strikes out the word "*however*" in the paragraph relating to the appropriation for transportation of mail by electric and cable cars.

Amendment No. 13 strikes out "$965,000" and inserts "$765,000" in the appropriation for manufacture of postal cards.

Amendment No. 14 adds a proviso to the appropriation for indemnity for losses or injury of domestic registered, insured, or collect-on-delivery mail, authorizing the Postmaster General to authorize postmasters to pay limited indemnity claims. This is designed to expedite payment of claims.

Amendment No. 17 strikes out a proviso to turning over motor vehicles, aeroplanes, etc., by the Secretary of War, which proviso in slightly different form is reinserted in section 4 of the bill as amendment No. 21.

Amendment No. 25 authorizes the payment of the expenses of the commission created under section 7 of the bill.

Amendment No. 28 directs the executive departments and independent establishments of the Government, when directed by the President, to furnish the said commission with information and records in their possession.

The House receded from its disagreement to the amendments of the Senate Nos. 3, 4, 7, 8, 12, 16, 21, 22, 23, 24, 26, 27, 29, and 30, with an amendment to each, as follows:

Amendment No. 3: After the words "immediately available," for the appropriation for the purchase of land for the equipment shop, there is added a provision authorizing the Secretary of War to turn over to the Postmaster General, without charge therefor, buildings, or parts thereof, as may be desired by the Postmaster General, now located at Watervliet Arsenal, N. Y., and authorizes such buildings, or parts thereof, to be removed and reconstructed on said land for the use of the Post Office Department.

Amendment No. 4: Rewrites the provision proposed by the Senate authorizing the Postmaster General whenever the office of postmaster becomes vacant through death, resignation, or removal to designate some person to act as postmaster until regular appointment can be made by the President.

Amendment No. 7: Strikes out the word "aeroplane" and inserts the word "aircraft" and strikes out the word "materially" in the proviso relating to contract air mail service, the effect of which is to authorize the Postmaster General to contract for an aircraft mail service between such points as he may deem advisable and designate, where such service is furnished, at a cost not greater than the cost of the same service by rail.

Amendment No. 8: Reduces the appropriation from $1,415,000, proposed by the Senate, to $1,250,000 for aeroplane mail service from New York, N. Y., to San Francisco, Calif., via Chicago, Ill., and Omaha, Nebr.

Amendment No. 12: Changes the amendment of the Senate which enlarged the appropriation for the transportation of foreign mails by inserting the words "by steamship, aircraft, or otherwise," so as to read as follows: "For transportation of foreign mails by steamship, aircraft, or otherwise," including increase hereinafter provided, $4,700,000: *Provided*, That not to exceed $100,000 of this sum shall be expended for carrying foreign mail by aircraft.

Amendment No. 16: In the appropriation for the equipment shop of $2,090,000, the Senate amendment proposed to make the whole amount immediately available, but this was modified so as to make $500,000 immediately available.

Amendment No. 21: Changes the language of section 4 proposed by the Senate relating to the turning over of motor vehicles, aeroplanes, and airdromes to the Postmaster General to be used in the transportation of the mails, and adds a proviso that such vehicles and airdromes and aeroplanes can not be used on other routes than the New York to San Francisco routes.

Amendment No. 22: Simply renumbers section 5 to section 4.

Amendment No. 23: Changes the language of section 6 proposed by the Senate relating to the permit privilege of first-class mail by inserting the word "hereafter" after the word "that" in the first line, making the section permanent law.

Amendment No. 24: Renumbers section 7 to section 6.

Amendments Nos. 26 and 27: Modify the language of paragraphs C and D, relating to the creation of the commission to investigate transportation of mail and the facilities for distribution thereof.

Amendment No. 29: The amendment proposed by the managers on the part of the House strikes out the second paragraph of amendment No. 29, which related to the loan of tractors by the Secretary of War to State highway departments, and inserts a new section numbered section 7 on the same subject. The original proposition of the Senate related to 5 and 10 ton artillery trucks, but as amended the provision authorizes the loan of tractors generally to State highway departments for use in highway construction, such highway departments to pay the cost of transportation, both for the shipment and return.

Amendment No. 30: Renumbers section 3 to section 8.

The net increase over the appropriations as passed by the House is $1,146,178, making a total now carried in the bill of $462,674,546.

HALVOR STEENERSON,
MARTIN B. MADDEN,
W. W. GRIEST,
JOHN A. MOON,
A. B. ROUSE,
Managers on the part of the House.

Mr. WALSH. Mr. Speaker, I reserve a point of order on the conference report.

I should like to ask the chairman of the Committee on the Post Office and Post Roads what these buildings are at the Watervliet Arsenal, N. Y., which are to be removed or reconstructed for the Post Office Department, as mentioned in amendment No. 3?

Mr. STEENERSON. That is a mistake in the name of the place. It is Watertown, N. Y. Of course we can not correct it in the conference report, but I intend as soon as it passes the Senate to have a concurrent resolution passed authorizing the clerk to correct it in the enrollment of the bill. This amendment was offered by the gentleman from Illinois [Mr. MADDEN] and inadvertently a mistake was made in the name of the town. I received a communication from the Postmaster General yesterday calling my attention to the fact that the name Watervliet should be Watertown.

These buildings have been put up for a munition factory.

Mr. MADDEN. I should like to explain that.

Mr. STEENERSON. I will ask the gentleman from Illinois [Mr. MADDEN] to explain it. He offered the amendment.

Mr. MADDEN. The gentleman from Massachusetts [Mr. WALSH] asks what amendment No. 3 of the Senate means. It means this: The Post Office Department have a repair shop here in the city of Washington. It is not adequate for the needs of the service. The department have had an option on a piece of ground adjoining the shop for about three years. They had to take advantage of the option or not be able to get the ground. Somebody else wanted to buy it. Senate amendment No. 3 provided for an appropriation of $25,700 to purchase the land. The Secretary of War said to the Postmaster General that he had over at Watertown—and the Postmaster General said it was Watervliet, and that is the reason why the word "Watervliet" is in the report—a building constructed of steel and glass, in sections, that could be taken down in sections, that he had no further use for it, that he would be glad to turn that building over to the Post Office Department. The Post Office Department, anxious to utilize the ground that it is about to purchase, and thereby enlarge the repair shop, is very glad of the opportunity to take advantage of the offer made by the Secretary of War.

Mr. TILSON. Will the gentleman yield for a question?

Mr. MADDEN. Wait until I explain it. The building can be taken down in sections, and the sections loaded on cars, and the building can be reerected in sections without any very great expense. Believing that it is of some advantage to the Government to be able to utilize a building that might otherwise be wasted, and knowing that it would save a large amount of money to erect the building in this way rather than in the ordinary way, the committee were very glad to give their consent to the utilization of a part of the building to be used for the purpose indicated. Now I yield to the gentleman from Connecticut.

Mr. TILSON. Where are these buildings?

Mr. MADDEN. At Watertown, N. Y.

Mr. TILSON. What kind of an arsenal is there at Watertown?

Mr. MADDEN. There is not any arsenal at Watertown. The gentleman from Minnesota just stated that that was a mistake. The Postmaster General, in making the suggestion, as I said, indicated that the buildings were at Watervliet, and "Watervliet" was written into the bill; but it turns out that it is Watertown. The only way that this can be corrected is by a concurrent resolution, which we expect to have passed immediately after this conference report is agreed to.

Mr. WALSH. It is not the only way.

Mr. MADDEN. We could withdraw the report. The gentleman is correct.

Mr. ROUSE. Will the gentleman yield?

Mr. MADDEN. I yield to the gentleman from Kentucky.

Mr. ROUSE. The gentleman says this was a Senate amendment. The appropriation was provided for by the House. The Senate amendment made the appropriation immediately available.

Mr. MADDEN. Yes; that is correct. That is the whole story.

Mr. RAMSEYER. The appropriation by the House simply provided for the purchase of the ground.

Mr. MADDEN. Yes.

Mr. WALSH. I should like to ask the gentleman from Illinois if this has been considered by the Post Office Committee.

Mr. MADDEN. This building feature?

Mr. WALSH. This proposition in this amendment.

Mr. STEENERSON. The purchase of the ground?

Mr. WALSH. No; I mean the proposition in the Senate amendment.

Mr. MADDEN. No; it has not, but the committee thought it was a proper amendment.

Mr. WALSH. There are a lot of buildings here in Washington that could be moved with less expense.

Mr. MADDEN. Yes; but the gentleman does not understand the situation as I understand it.

Mr. WALSH. I admit that.

Mr. MADDEN. The buildings here in Washington would not do for this work at all.

Mr. WALSH. Would not they make good repair shops?

Mr. MADDEN. They would not make good repair shops, because they are not built substantially enough to carry the machinery and the shafting and all that. They have not the material in them that could be so reconstructed as to enable a building of sufficiently substantial nature to be constructed to carry the shafting and machinery. This building at Watertown is particularly fitted for the purpose. That is the reason why we propose to utilize it.

Mr. WALSH. Does the gentleman know what this building is at Watertown, N. Y., and how it happens to be under the jurisdiction of the War Department?

Mr. MADDEN. It was a munitions building, a Government building, and the Government has no further use for it, and the chances are it will be thrown away. Since it is built in sections, and can be taken down in sections and put up again, it is an easy matter to remove it and to utilize it.

Mr. WALSH. I understand that under this amendment the Secretary of War will deliver the building on the ground down here free of cost to the Post Office Department?

Mr. MADDEN. I do not understand that.

Mr. WALSH. Then who will pay for the transportation?

Mr. MADDEN. I suppose the Post Office Department will pay for the transportation.

Mr. WALSH. Out of what appropriation?

Mr. MADDEN. Out of whatever appropriation it may have at its disposal.

Mr. WALSH. I did not know that any appropriation had been made for the removing of buildings from one part of the country to another.

Mr. MADDEN. We have not made any particular appropriation for moving the building, but I think the advantage to the service justifies the economy that will result from the transfer of this building.

Mr. STEENERSON. I will say that there is an appropriation available for the construction of this building.

Mr. WALSH. You made an appropriation for the building before you provided for the land to put it on?

Mr. STEENERSON. No; this bill does not carry any appropriation for the building; it carries it for the purchase of the land, which the Senate changed so as to make it immediately available.

Mr. WALSH. The gentleman stated that there is an appropriation available for the building.

Mr. STEENERSON. I understood so from the Postmaster General.

Mr. WALSH. They must have made an appropriation for the building before they made the appropriation for the land.

Mr. STEENERSON. If the gentleman will wait until I finish my answer. There is a statute authorizing the construction of the building for this purpose, and when they asked for additional ground I understood them to say that they only needed an appropriation for the additional ground, and that there was a fund available for the enlargement of the building. I did not go into the details and I can not cite the statute. If they had wanted an appropriation for the building as well as for additional ground, they would have asked for it.

Mr. McKENZIE. Will the gentleman yield?

Mr. STEENERSON. Yes.

Mr. McKENZIE. I understood the gentleman to say there was a law authorizing the construction of this building.

Mr. STEENERSON. Yes; passed some years ago. This shop has been in operation many years. About eight or nine years ago there was an authorization for the construction and maintenance of shops.

Mr. WALSH. This proposition, it seems to me, is rather an important one.

Mr. MADDEN. It is important, and that is the reason the committee put it in.

Mr. WALSH. The gentleman means the conferees.

Mr. MADDEN. Yes; the conferees; and because of the value to the service, because of the necessity for it, because of the economy that will result from it, and because of its utilitarian character; and anything that may be said to the contrary does not change the value of it. It does not change the economy of it; it does not change the utility of it; and if by any chance it were not left in it would be a great misfortune and incur a large amount of unnecessary expense to the Government.

Mr. WALSH. That is all true. I admit everything the gentleman from Illinois has said; but it is a matter put in by way of an amendment, clearly legislation, without any consideration on the part of the Post Office Committee, simply as the result of a request made by the Postmaster General. I doubt whether we ought to encourage the heads of departments in procuring legislation on an appropriation bill simply upon request. I have no doubt that if this were submitted to the Post Office Committee, the distinguished chairman of the House committee, with the able assistance of the gentleman from Illinois, would possibly get favorable consideration from the Post Office Committee. I am not opposed to the project, and I agree that it will probably be an economy and give the department an adequate building for the purpose. But I dislike to see the House assent to this way of putting through legislation—simply writing a letter to members of the conference committee, and then jump in what they want on an appropriation bill without the appropriate committee having time to consider it or without the House having a chance to carefully consider it.

Mr. STEENERSON. Will the gentleman yield?

Mr. WALSH. Certainly.

Mr. STEENERSON. This matter is in the nature of an emergency, because neither the Post Office Committee nor the department was advised of the existence of this building that was adapted especially for the use for which they want to erect a building on the additional ground. We held a hearing on the purchase of the land, and at that time I assumed that the Post Office Department had not found out about this opportunity. Now, they were informed that there was a building especially suited for this purpose, and the committee on conference had the matter inquired into and postponed it for a day or two in order to let the gentleman from Illinois inquire into the merits of it. I hope the gentleman from Massachusetts will not insist on his point of order.

Mr. WALSH. Has the gentleman or the managers on the part of the House given any consideration as to what the expense would be for moving this building and reconstructing it down here—what the saving would be by doing this over building a new structure?

Mr. STEENERSON. I will say that the managers on the part of the House and on the part of the Senate had this matter under consideration and the facts were explained. But being somewhat of a business proposition we referred it to the gentleman from Illinois [Mr. MADDEN], who is a business man and a builder. He agreed to look it up. It did not come up again for a day or two, but he has explained it to the conferees as he has explained it on the floor.

Mr. WALSH. He has not given that information. I would like to ask the gentleman from Illinois, Can the gentleman state in his judgment what the saving would be, if any, in taking the building from Watertown, moving it here, reconstructing it, over the erection of a new building?

Mr. MADDEN. I looked into it carefully, and my judgment was that it would save $200,000.

Mr. WALSH. And give them a building that is suitable to their needs?

Mr. MADDEN. Yes; and right away, so that they can utilize the investment in the ground besides. We need the additional building space very much for the work that is to be done.

Mr. WALSH. Has the gentleman from Minnesota a letter from the Postmaster General requesting this action?

Mr. STEENERSON. It is in my office.

Mr. WALSH. Will the gentleman be willing to put that letter into the RECORD as a part of his explanation?

Mr. STEENERSON. Certainly, and I will do so.

APRIL 8, 1920.

Hon. HALVOR STEENERSON,
Chairman Committee on the Post Office and Post Roads,
House of Representatives.

MY DEAR MR. CHAIRMAN: I note in the report of the conferees on the Post Office appropriation bill that amendment No. 3 authorized the Secretary of War, in his discretion, to turn over such buildings or parts thereof as are now located at Watervliet Arsenal, N. Y. The buildings are located at Watertown, N. Y., at which point there is no arsenal, and the wording of the amendment should be corrected accordingly.

Very sincerely,

(Signed) A. S. BURLESON,
Postmaster General.

Mr. WALSH. Well, Mr. Speaker, very reluctantly I will withdraw my reservation of a point of order.

Mr. DYER. Mr. Speaker, I renew the reservation of the point of order. I want to call attention to another matter in this bill which in my judgment is most unjust and unfair and ought itself alone to be sufficient to prevent an agreement by the House to the conference report. That is, Mr. Speaker, the provision in this bill, written into it in conference, with reference to aeroplane mail service. Members of the House will recall that when we had this Post Office appropriation bill under consideration here the provision for aeroplane mail service was stricken out on a point of order. In the Senate it was put in as amendment No. 8, on page 16, providing for an appropriation of $1,415,000—between certain cities. The conferees, no doubt with a jealous eye to only certain sections of the country and for the purpose of preventing other sections of the country from having an opportunity to test out the aero-mail service, put in amendment 21, at the end of which we find the following provision:

That the Postmaster General shall not use such aeroplanes or aerodromes on any other routes than those between New York and San Francisco herein provided.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. DYER. Yes.

Mr. MADDEN. I want to state to the gentleman for his information why this particular route was established. It was to test all climatic conditions through which a successful air service can be conducted, and the experts in the Army and some other branches of the Government testified very extensively to the fact that this particular line would give more opportunity for the development of successful air service in all climatic conditions than any other route that could be established anywhere in the United States. It is because of the expert testimony to that effect that this line was established—not that some of us believed particularly in the matter of carrying mail by air, but that we felt that it was important that to the extent that the military navigation of the air could be developed through any system of work for the Postal Service, we should encourage it. For myself, I have never believed that it will be possible to carry the mail successfully by air at any price the people of the United States would be able to pay, but I am a believer in the air service for military purposes and to the extent that the Post Office Department can conduct this service and develop efficiency in the air service for military purpose, I am willing to lend my aid. Otherwise, I should be against it.

Mr. DYER. Mr. Speaker, the statement of the gentleman from Illinois, a distinguished member of the Committee on the Post Office and Post Roads, is that this appropriation is for military purposes. I would like to know when the Post Office Committee became a committee to look after military affairs. If this item is for the purpose of testing aeroplanes for the Army for military purposes it ought to be in the Army appropriation bill and not in the Post Office bill, where the money must be accounted for to the people for the purpose of looking after the mails.

Mr. MADDEN. Will the gentleman yield to me again?

Mr. DYER. Yes.

Mr. MADDEN. Of course, the gentleman knows that he did not quote what I said correctly. I did not say it was purely for military purposes.

Mr. DYER. The gentleman says that he would not be for it except for military purposes.

Mr. MADDEN. I say that again; that is my view, but as a matter of fact this appropriation is for the transportation of mail.

Mr. DYER. But the gentleman says that he is not in favor of it and that it is a waste of money.

Mr. MADDEN. It is for the transportation of mail by air, and I say, and I repeat, that I do not believe you can carry mail by air at any price that the people of the United States would be willing to pay; but to the extent that it does earn and at the same time develops military efficiency in the air, this postal facility ought to be encouraged, and it should be encouraged for that purpose, and that alone, in my judgment.

Mr. DYER. Yes. Mr. Speaker, the Second Assistant Postmaster General told me that they urged that these routes be so made as to include one from Minneapolis by way of St. Louis to Atlanta and New Orleans. Why does not that section have consideration in the determination of whether or not this kind of service is of benefit for the people? If they only want it for military reasons the Post Office Committee has no business appropriating that much money for that purpose.

Mr. ROUSE. Mr. Speaker, will the gentleman yield?

Mr. DYER. Yes.

Mr. ROUSE. The Post Office Department recommended and asked the Post Office Committee for $3,000,000 for this service, but did not specify any particular routes. The Post Office Committee reported to the House a provision asking for $855,000, and a rule was to have been asked for making that provision in order.

Mr. NEWTON of Missouri. Mr. Speaker, will the gentleman yield?

Mr. ROUSE. Yes.

Mr. NEWTON of Missouri. Did not the representatives of the Post Office Department at the time of their hearing specify certain routes, including Chicago, St. Louis, and certain other points?

Mr. ROUSE. I believe they did, and an extension of the route from New York to Washington and to Atlanta.

Mr. NEWTON of Missouri. And those facts were under consideration at the time that matter was considered, and they indicated at that time, did they not, that the routes which they would establish first was a route from New York to Chicago and on to Seattle and one by the same route to Chicago and on to San Francisco?

Mr. ROUSE. I do not remember about that particular route. I know they wanted to establish a route across the country, but I want to say to the gentleman that the House never had an opportunity to consider that provision. When that provision of the bill was reached, the point of order was made and the point of order was sustained.

Mr. DYER. Yes.

Mr. ROUSE. And the item went out entirely; the Senate inserted a provision for $1,415,000.

Mr. DYER. Then the conferees wrote in their amendment No. 21, which, if agreed to by the House and the Senate, even prevents the continuance of the air-mail service already in operation between Washington and New York.

Mr. MADDEN. Oh, they have already abandoned that.

Mr. DYER. They would have to quit that and they could not experiment at any other place in the country except upon this one route. St. Louis could not have the opportunity of having the benefit of this service, although it has been represented to the people of St. Louis by the postmaster and other postal authorities that it was the absolute desire and intention to use this service there, and the people went to considerable expense on those representations, getting ready for the use of that service. Mr. Speaker, I do not propose to give my permission or consent to having the Post Office Committee write into this bill legislation of this character, discriminating against the section of the country that I come from, and this conference report will not be agreed to with my permission for that very reason.

Mr. MADDEN. But this is not subject to a point of order.

Mr. DYER. I will make a point of order to something that is subject to a point of order.

Mr. MADDEN. But that will not change this bill.

Mr. DYER. It will give the opportunity to see whether or not the House desires to discriminate against certain sections of the country in favor of other sections.

Mr. STEENERSON. Mr. Speaker, I would like to answer the gentleman briefly, if he is through.

The SPEAKER. Will the gentleman state his point of order?

Mr. DYER. I will make the point of order when the time comes.

Mr. MADDEN. I demand the regular order. If we are going to have a point of order made, it ought to be made now.

Mr. STEENERSON. The gentleman from Illinois has had some time, and I think the chairman ought to have some time.

Mr. MADDEN. I will yield.

Mr. STEENERSON. Mr. Speaker, with reference to this aeroplane provision I want to say to the gentleman from Missouri [Mr. DYER] that, as already pointed out, the bill carried an appropriation for air mail of $850,000 when it came to the House without specifying where. The department had a proposition, then, involving an expense of some $3,000,000 for St. Louis, Minneapolis, Atlanta, and so on, and for the continuation of the route between Washington and New York. The provision we put in went out on the point of order. The Senate put in this provision from New York to San Francisco. Now, if the gentleman will give me his attention there is this to be said: The House conferees were of the opinion, at least most of them, a majority of them, that as a mail facility the aeroplane service is not a success. We were satisfied that the route between here and New York had not expedited the mail, and it was largely a waste of money. With reference to this proposition of mail from New York to San Francisco there is this in its favor: As a mail facility it would not be justified, but the Senate put it in largely for military reasons. It was attacked in the Senate exactly the same as it is now by the gentleman from Missouri, especially by the gentleman from South Carolina [Senator DIAL], who asked for a route to Atlanta and New Orleans, and when we argued this matter in conference the conferees on the part of the Senate put forth the argument that this was not adopted here mainly because of its postal value but because of its value from the military point of view, and they cited the testimony of Gen. Mitchell before the committee, which is printed in the hearing, in which he at great length showed that this particular route would be of greater service to the military and to the Government than any other. It had the advantage of being a transcontinental route. It would establish landing fields and airdromes at proper distances. It would enable the Government to mobilize their air forces on the Atlantic or Pacific as the case might require. He emphasized the fact that this route would carry them over a high altitude of from 10,000 to 12,000 feet, which they needed in order to develop a certainty of flying at such altitude. They wanted for a military purpose to prove the practicability of a transcontinental route.

Mr. WELLING. Will the gentleman yield?

Mr. STEENERSON. In a moment. When he was asked this question: "Now, if you knew that only one aeroplane route could be established, what aeroplane route would you establish?" He answered unhesitatingly, "It would be the route from New York to San Francisco for the reason I have already given." He elaborated upon it that it was of immense value, and, besides that, it was the kind of experiment that could not be performed by the military branch of the Government. They had not the facility to fly across the continent.

A transcontinental line for postal purposes will aid the military branch of the Government more than any other. It will carry a heavier load than otherwise and aid in the experimentation with aeroplanes. This argument on the part of Gen. Mitchell convinced the Members of the Post Office Committee of the Senate that only one route should be put in, and they put in $1,415,000. Now I yield to the gentleman.

Mr. WELLING. Will the War Department or the Post Office Department lay out these routes?

Mr. STEENERSON. I think the War Department will aid the Post Office Department in laying them out.

Mr. WELLING. And select their landing fields and places for airdromes?

Mr. STEENERSON. Yes; they will be glad to aid, as they are very much interested.

Mr. BRIGGS. Will the gentleman yield?

Mr. STEENERSON. Certainly.

Mr. BRIGGS. Does the Post Office Department expect to have the use of military aviators to carry these mails in this service?

Mr. STEENERSON. The statement is that all the aviators are ex-service men. But when they are flying for the Post Office Department they are employed and paid by the Post Office Department, and they are not under the jurisdiction of the War Department, but they are men who have received their training in the Aviation Service of the War Department.

Mr. BRIGGS. Suppose the Post Office Department wanted to make a change by not finding it possible or expedient to carry this mail by air between New York and San Francisco; would not this proviso absolutely prevent them from doing so?

Mr. STEENERSON. I did not catch the gentleman's idea.

Mr. BRIGGS. Would not this provision in the bill, "*Provided*, That the Postmaster General shall not use such airplanes or airdromes on any other routes than the one between New York and San Francisco, Calif."——

Mr. STEENERSON. Oh, I will explain that in a minute. It is not a new proposition. That is in another part of the bill.

Mr. ROUSE. Will the gentleman yield?

Mr. STEENERSON. I will.

Mr. ROUSE. The gentleman knows this air service was never considered in the House?

Mr. STEENERSON. Not the San Francisco route.

Mr. ROUSE. The gentleman knows that no service was considered; that this item was not considered in the House when the bill was before the House in January?

Mr. STEENERSON. That is correct.

Mr. ROUSE. Will the gentleman state to the House why the rule was not asked for making this provision in order when he drew up a resolution for a rule?

Mr. STEENERSON. That was explained in the gentleman's presence here when the matter was upon the floor.

Mr. ROUSE. I beg the gentleman's pardon.

Mr. SIMS. And the leader [Mr. MONDELL] stated here that the Rules Committee would not grant such a rule.

Mr. ROUSE. The gentleman knows that the committee directed him to ask for a rule?

Mr. STEENERSON. The gentleman knows nothing of the kind.

Mr. ROUSE. It is a matter of record.

Mr. STEENERSON. The gentleman knows the committee authorized the chairman to ask for a rule to make the legislation in order, but did not give any direction, and I did not so understand, and if I was mistaken I can not help it.

Mr. ROUSE. Is it a fact the gentleman did not ask for a rule for the Air Service nor for the Motor Truck Service?

Mr. STEENERSON. Before the rule was drawn and introduced I went and asked the leader on this side whether or not the committee would grant a rule on that proposition. He has always favored economy, and I wanted to know before I drew the rule, and he advised me that no rule of that kind would be granted.

Mr. ROUSE. The gentleman obeyed the order from the leader of the majority side and not from his committee?

Mr. STEENERSON. No; I deny that. I will say to the gentleman from Kentucky that I was one of the supporters of this proposition in conference, and there was a division of votes.

Mr. ROUSE. I supported it in conference, because I am very heartily in favor of the Air Service, and I wanted the House to have opportunity to consider these matters, and that is the reason I was interested in the rule and this item.

Mr. STEENERSON. While I am on my feet I might as well explain the further provisions in regard to the Air Service. The Senate conferees convinced us that this was the most valuable route that could be selected, mainly for the reasons that I have stated, that it was of military value over and above all other routes, and, much to our regret, we did not feel that we were justified in spending any more money than the amount provided. The amount was reduced to $1,250,000.

Now, I want the attention of the gentleman from Missouri [Mr. DYER] and the gentleman from Kentucky [Mr. ROUSE]. The Post Office officials in the Second Assistant Postmaster General's office have made calculations for the purpose of inducing Congress to grant large appropriations for this service. They

wanted to have lines all over the country. In order to use those lines they figured out they could carry the first-class mail with aeroplanes cheaper than they could in any other way. If you will examine the RECORD and the speech of the Senator from South Carolina, where he advocated a mail route from Atlanta to New Orleans, you will find he prints a table where the Post Office Department shows that there will be a saving of money instead of a loss in carrying the mail by aeroplane. Now, then, the conferees on the part of the majority did not believe that. We have not been convinced yet, but we take the department at its word, and consequently, under the provisions of the bill in relation to the appropriation for inland transportation of mail, we have put in in conference the provision that they may enter into contracts for aircraft service out of the appropriation of $59,000,000 for railroad transportation if they can get that transportation at no greater cost than railroad transportation. And I will say that railroad transportation has gone up 50 per cent in the last 60 or 90 days to the Government because of the decision of the Interstate Commerce Commission.

We have also inserted here a clause in regard to the item of transportation of foreign mails, $4,700,000. We put in the item that not exceeding $100,000 may be expended in a contract aircraft service. That will cover the route from Key West to Habana, and perhaps two or three other routes equally important. Now, then, if the department is correct in that they can carry first-class mail as cheap or cheaper than by rail, then they can use the part of that $59,000,000 to carry the mail to St. Louis; they can carry it to Minneapolis, and they can carry it to Atlanta. Now, perhaps, I ought to explain to you why I say that. The reason they advance is that they can do it just as cheap, because first-class mail has to be distributed en route, in expensive railway post-office cars. They have to have in there distributing cases. It occupies a large part of the railway post-office car, for which they pay a compensation of 33⅓ cents per mile, and they say that with airplanes they do not distribute en route, but that they distribute in terminals and post offices, and with much cheaper clerks, and that the aeroplane goes so fast that they deliver the mail to the end of the route quicker than they could get it by rail. Therefore, they say, they save this car space, which is expensive. Now, if that be true, then you can have your air-mail route to St. Louis and to Atlanta and to Minneapolis. We can not always get what we appropriate for, because last year, as I have explained to the House before, we did appropriate expressly on the assurance that we would get aeroplane service to the twin cities, but after it was appropriated they failed to establish the service. It never has been established, although it should have been established a year ago. We put in this proviso to the appropriation for the transportation of mail by railroad as follows:

Provided further, That the Postmaster General may contract with any individual, firm, or corporation for an aircraft mail service between such points as he may deem advisable and designate, in case such service is furnished at a cost not greater than the cost of the same service by rail, and shall pay therefor out of the appropriation for inland transportation by railroad routes.

And if they can, as they say, carry mail as cheaply by air as by railroad they will carry mail to those towns—Minneapolis, St. Louis, and Atlanta. There is ample authority for that.

Mr. SNYDER. I would like to ask the gentleman a question or two about another matter. I think I have heard enough of that part of the question.

Mr. STEENERSON. I will be glad to yield later on that.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. STEENERSON. I will.

Mr. NEWTON of Minnesota. I will say to the gentleman from Minnesota that he will recall at the time the aeroplane carrying of mail was up for discussion with the Second Assistant Postmaster General I was there and questioned him in reference to the fulfillment of the promise made the year previous for aeroplane mail service from Chicago to Minneapolis, and at the time there was up for discussion a transcontinental route.

Mr. STEENERSON. Yes.

Mr. NEWTON of Minnesota. And I asked him if the service from Chicago to Minneapolis was in any way dependent upon the putting through of the transcontinental route.

Mr. STEENERSON. Yes.

Mr. NEWTON of Minnesota. And the Postmaster General said, "No; it was not." Now, my attention was called this morning to a paper received from the city of Minneapolis on the 8th of April to the effect that air mail service to Minneapolis was killed by Congress, based upon a telegram from the Second Assistant Postmaster General to the postmaster at Minneapolis. Now, what I want to ask the gentleman is this: If this paragraph 8 referred to in the conference report is adopted and becomes a law, will that in any way restrict or abridge the right of the Post Office Department to use the money that is now available for the purpose of extending service from Chicago to the Twin Cities?

Mr. STEENERSON. Not at all. The conversation the gentleman has referred to is printed in the hearings on that occasion.

Mr. DYER. Will the gentleman yield?

Mr. STEENERSON. I will.

Mr. DYER. On that very thing I talked with the Post Office Department this morning, and they told me they were of the absolute opinion that if the conference report is agreed to they could not use any part of the machinery on any route at any other place than the one absolutely specified in this report, which provides for one from New York to San Francisco by way of Chicago.

Mr. STEENERSON. The gentleman is talking about another matter. I am coming to that in a minute.

Mr. DYER. The gentleman wants to know if Minneapolis was being experimented on.

Mr. STEENERSON. The gentleman from Minnesota [Mr. NEWTON] was talking about the route to Minneapolis. It was appropriated for, and the money is in the Treasury now, unexpended. The year expires on the last day of June. We appropriated that money on the assurance of the department that the service was to be established to Minneapolis. It has not been established. We have put in a clause here, on the assurance of the department, to take care of airplane mail when it is as cheap as the service by rail, and providing that they can use the money for that purpose. If it is true, as they say, that they can carry it as cheaply by air, they certainly will carry the airplane mail to Minneapolis. We accepted their word last year and now we do the same thing, hoping that they will get their mail by airplane or dirigible to Minneapolis.

Mr. NEWTON of Minnesota. I wish to ask this question of my colleague: If the appropriation is not all expended by the 30th of June, is that available for the next year?

Mr. STEENERSON. It is available for two years after the year expires.

Now, as to the matter referred to a moment ago by the gentleman from Missouri [Mr. DYER]—that is, amendment No. 21. It is as follows:

SEC. 3. That the Secretary of War is authorized hereafter, in his discretion, to turn over to the Postmaster General, without charge therefor, from time to time, such motor vehicles, aeroplanes, airdromes, and parts thereof, and machinery and tools to repair and maintain the same, as may be suitable for use in the Postal Service; and the Postmaster General is authorized to use the same in the transportation of the mails and to pay the necessary expenses thereof, including the replacement, maintenance, exchange, and repair of such equipment, and the transfer and fabrication of such airdromes, out of any appropriation available, for the service in which such vehicles, airdromes, or aeroplanes are used: *Provided*, That the Postmaster General shall not use such aeroplanes or airdromes on any other routes than the one between New York, N. Y., and San Francisco, Calif., herein provided for.

It was in the last year's bill. It is in the existing law, but it was changed somewhat in the verbiage, so that the Postmaster General was authorized to use such articles in the transportation of the mail and to pay the necessary expenses thereof out of any appropriation available for the service in which such vehicles, airdromes, and aeroplanes are used. We thought they might use the money appropriated for any particular service, including either maintenance or operation of these aeroplanes or machines.

There was doubt expressed by some of the conferees as to whether that would authorize them to establish and operate new routes with airplanes so obtained—operate them out of the funds in that service, whether it was a route to Minneapolis, or Atlanta, or elsewhere; but it was said it was not their intention to do that, and that they were perfectly willing to make it plain that this money should not be used except on the route established to San Francisco. That was the reason for adding the limitation as to the use.

Mr. KELLY of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. STEENERSON. Yes.

Mr. KELLY of Pennsylvania. I want to ask a question there for information. This amendment 21 also provides for airplanes and airdromes. I notice in the statement that is printed here that such vehicles and airplanes and airdromes shall not be used on other routes than San Francisco. That is a mistake?

Mr. STEENERSON. It simply applies to airplanes.

Mr. KELLY of Pennsylvania. There is no intention on the part of the committee to prohibit the use of the vehicles on the other routes?

Mr. STEENERSON. No.

Mr. SNYDER. Mr. Speaker, it has just been stated to me that the Post Office Department is building a lot of new machines now for the purpose of carrying the mail.

Mr. STEENERSON. Yes.

Mr. SNYDER. This does not prohibit the use of those machines on some other route?

Mr. STEENERSON. Oh, no.

Mr. DOWELL. Mr. Speaker, I demand the regular order.

Mr. SNYDER. Some of these machines I understand cost as much as $30,000 apiece.

The SPEAKER. The regular order is demanded. The gentleman from Missouri [Mr. DYER] reserves a point of order.

Mr. DYER. I make the point of order. I will make it either to the Speaker or to the gentleman from Minnesota [Mr. STEENERSON].

The SPEAKER. The gentleman will state it.

Mr. STEENERSON. Let the gentleman make it.

Mr. DYER. I will make it if I have the opportunity.

The SPEAKER. The gentleman will state his point of order.

Mr. DYER. The provision to which I make the point of order——

Mr. MADDEN. Mr. Speaker, I insist on the gentleman making the point of order instead of making a speech. I demand the regular order.

Mr. DYER. Under the rules, Mr. Speaker, I understand the Speaker himself is the one who determines whether or not——

Mr. MADDEN. I demand the regular order.

The SPEAKER. The gentleman will state his point of order.

Mr. DYER. Without going into the various items of this bill which are subject to a point of order, I will only mention the first one, which is found on the first page. That is amendment No. 3. In connection with that, I call the attention of the Speaker to the rule, Jefferson's Manual, page——

The SPEAKER. The gentleman will state his point of order.

Mr. DYER. The point of order, Mr. Speaker, is that this subject matter of amendment No. 3 has not been covered either in the bill that passed the House or the bill that passed the Senate, but it was put in entirely new by the conferees.

The SPEAKER. Does the gentleman from Minnesota [Mr. STEENERSON] admit that fact? It may save examination on the part of the Chair.

Mr. STEENERSON. We do not admit it, because we think that the subject matter is so closely connected.

The SPEAKER. The Chair will examine the bill. The Chair will hear the gentleman from Minnesota or anybody else on the committee if they wish to show to the Chair that this is in order.

Mr. STEENERSON. As I understand the point of order—the gentleman from Missouri has not stated it very clearly——

The SPEAKER. The Chair understands that the subject matter was not contained in either the Senate or House bill, and the Chair must admit at first blush that it so appears to the Chair. The Chair will be glad to hear any suggestion from the gentleman from Minnesota.

Mr. STEENERSON. Of course, if that were construed strictly, it would apply to this proviso. The proviso is attached to an appropriation for a building site, and it is to be placed on that building site—this building that we provide for the removal of is to be placed on the said land—and it seems to me that that is sufficiently connected. You can not very well say that that is entirely new legislation.

The SPEAKER. The House has attached a proviso to amendment No. 3. The Chair sustains the point of order, unless there is something further shown which would lead him to rule otherwise.

Mr. MADDEN. I would like to be heard on that.

The SPEAKER. The Chair will be glad to hear the gentleman.

Mr. MADDEN. Mr. Speaker, the House provided for an appropriation of $25,700 for the purchase of a piece of land adjoining the repair shop connected with the Post Office Department in the city of Washington, and the Senate made that immediately available. The conferees then provided for the utilization of the land by authorizing the Postmaster General to accept, without cost, the material in the fabricated building from the Secretary of War, which the Postmaster General is also authorized to erect and refabricate. So that, as a matter of fact, the two subjects are related, the one being merely an amendment or an enlargement of the other.

Now, if the gentleman from Missouri [Mr. DYER] is willing to assume the responsibility of making a point of order to an item in a bill that saves the Government $200,000 and at the same time furnishes facilities with which to conduct the affairs of the Post Office Department more economically than they are now being conducted, of course the responsibility is his; but I do not believe the amendment is subject to a point of order. I think it was entirely within the province of the conferees to write this amendment into the bill as reported from the Senate, and I think it is perfectly in order for the Chair and perfectly within the rule for the Chair to hold this point of order not well taken.

But let us assume, for the sake of the argument, that it is subject to a point of order. Then let me ask in this connection whether the gentleman from Missouri is so obsessed with the importance of an experimental air line from St. Louis to Chicago that he is willing to squander $200,000 of the people's money in order that he may be able to curry favor with a few people in St. Louis, who want an air line that is not necessary? That is what I should like to find out.

The SPEAKER. The Chair regrets very much to have a conference report go out on a point of order and in any case where he felt justified in doing so would overrule the point of order; but the Chair does not see how this amendment can possibly be hung onto the Senate amendment, so as to provide that it shall be immediately available, and the Chair is regretfully obliged to sustain the point of order.

Mr. STEENERSON. Mr. Speaker, I presume this necessarily requires the bill to go back to conference, and I therefore move that the House further disagree to the amendments of the Senate and ask a conference with the Senate.

Mr. MILLER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MILLER. I understand that this point of order being sustained, the whole conference report goes back?

The SPEAKER. Yes.

Mr. MILLER. Now, when it comes back, what becomes of points of order to the remainder of the conference report?

The SPEAKER. We can not tell in what shape it will come back the next time.

Mr. MILLER. Will it come before the House in the same condition in which it now is?

The SPEAKER. We can not tell in what shape it will come back.

Mr. MILLER. If the same conference report comes back with the exception of the amendment which went out on the point of order, will it then be in the same parliamentary situation as to the other part of the report?

The SPEAKER. Exactly; yes.

The motion of Mr. STEENERSON was agreed to; and the Speaker appointed as conferees on the part of the House Mr. STEENERSON, Mr. MADDEN, Mr. GRIEST, Mr. MOON, and Mr. ROUSE.

CODE OF THE DISTRICT OF COLUMBIA.

Mr. VOLSTEAD. Mr. Speaker, I ask to take from the Speaker's table H. R. 6025, to amend an act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901, and the acts amendatory thereof and supplemental thereto, and I move to concur in the Senate amendment.

The SPEAKER. The Clerk will report the Senate amendment.

The Senate amendment was read.

The SPEAKER. The question is on concurring in the Senate amendment.

The motion was agreed to.

APPROPRIATIONS FOR FORTIFICATIONS.

Mr. SLEMP. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the fortifications appropriation bill, H. R. 13555; and pending that, I will ask the gentleman from New Jersey [Mr. EAGAN] how much time he desires for general debate.

Mr. EAGAN. I have had requests for two hours and a half, but I think we can cut that down to an hour and a half on this side.

Mr. SLEMP. Will that be satisfactory to the gentleman?

Mr. EAGAN. I think so.

Mr. SLEMP. I ask unanimous consent that the general debate be limited to three hours, one-half to be controlled by the gentleman from New Jersey [Mr. EAGAN] and one-half by myself.

The SPEAKER. The gentleman from Virginia asks unanimous consent that the general debate on this bill be limited to three hours, one-half to be controlled by himself and one-half by the gentleman from New Jersey [Mr. EAGAN]. Without objection, it will be so ordered.

There was no objection.

The motion of Mr. SLEMP was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 13555) making appropriations for fortifications and other works of defense, for the armament thereof, and for the procurement of heavy ordnance for trial and service, for the fiscal year ending June 30, 1921, and for other purposes, with Mr. SANFORD in the chair.

Mr. SLEMP. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to dispense with the first reading of the bill. Is there objection?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Virginia [Mr. SLEMP]. [Applause.]

Mr. SLEMP. Mr. Chairman, the fortifications bill makes appropriation for the seacoast defenses of the United States, for Panama, for the insular possessions, and for mobile artillery. The estimates submitted to the committee originally were $117,793,330. These were subsequently reduced by the War Department to $66,294,114, and it is this latter estimate that was more largely the subject of investigation by the committee. The reduction is about $98,000,000 from the original estimate and $48,000,000 from the revised estimate. Inasmuch as there had been reserved in the hands of the War Department a very large sum of money for the settlement of claims arising from contracts for the production of ordnance, and which sum, under the law, was subject to obligation and expenditure prior to July 1, 1920, for ordnance production, it was necessary for the committee to ascertain the status of this fund at the present time and the extent to which it is to be used for ordnance production during the coming fiscal year in order to determine the appropriate amounts in this bill. The War Department responded to the wishes of the committee in this respect, and upon its statement that a little more than $800,000,000 of previous appropriations would be restored to the Treasury on June 30, 1920, this bill contains a provision preventing its obligation prior to that date. In this connection I wish to thank Gen. Rice particularly for his cooperation and assistance in determining the amount that can thus be returned. I can not thank the members of the subcommittee too much for their unselfish labors and cooperation. The quiet but effective work of the gentleman from New Jersey [Mr. EAGAN], aided by the affable and courteous gentleman from Tennessee [Mr. BYRNS], who uses the rapier with a smile, and whose delicate and friendly suggestions will always assist any chairman, however inefficient, combined with the comforting support of the gentleman from Idaho [Mr. FRENCH] and the gentleman from Kentucky [Mr. OGDEN], who is serving his first term on the committee, are responsible for whatever merit the measure possesses. [Applause.]

The cancellation of previous appropriations to the extent of $800,000,000 has the approval of the Director of Finance, the Chief of Ordnance, and the Claims Board. It is likely that an additional amount will be returned on June 30 from the balances not recovered, which amount to $346,333,646.10. The fortifications bill in prewar times carried generally an annual appropriation of from $5,000,000 to $9,000,000. The estimate this year of $117,000,000 and subsequently of $66,000,000 by the War Department, so much larger than former times, caused the committee to give serious consideration to the amount of money spent on purposes connected with our seacoast defenses during the war, and also to what extent our supply of mobile artillery, including ammunition, had been increased during this period. The Chief of Coast Artillery reports that about $90,000,000 has been spent on our seacoast defenses since our declaration of war in 1917, an amount almost equal to two-thirds of the entire amount we had expended for that purpose in the previous years, while in mobile artillery and ammunition we have accumulated a quantity never before contemplated by any Congress.

During this period we have practically completed the installation of all 12-inch long-range guns contemplated by our seacoast service; continued the construction of thirteen 16-inch guns and twelve 16-inch howitzers, which had been insisted upon by our experts for many years; acquired 42 new and powerful 14-inch guns; secured about 300 guns on railway mounts, while the mobility of our Field Artillery is such that a large portion of it can in case of emergency be used in repelling an attack on our shores. Incidentally our ammunition supply has been accumulated to an extent greater than had been asked for in any board of review report ever submitted. Our mine project for the harbors of the United States is complete. Our fire-control project almost complete and standardized. Our searchlight program is in a progressive state of development, and our defenses generally are better than we have ever had them before. But apart from all these affirmative conditions the world has just come through the most devastating and destructive war of all the ages. The one nation that endangered the peace of the world in the philosophy it cultivated lies prostrate before the world, its armies disbanded, its fortifications razed to the ground, and its navy at the bottom of the sea. Other nations, with possibly a single exception, burdened with a debt they almost can not pay, struggling to restore the waste places of their countries and fighting to regain their moral, physical, and economical equilibrium, should offer us little concern for the immediate future. Should we listen only to considerations of this kind we should perhaps do less in this bill than we have done. Should we, on the contrary, prepare against every theoretical or possible emergency we might do more. The theory on which this bill is framed is that the United States both for itself, its insular possessions, and Panama should spend some money each year by way of insurance to maintain in an efficient condition the various posts established at so much expense, and to continue our production of war material in a small way so that the art of gun making will not be lost in this country, and in general to continue in such a state of preparedness that at little expense we can expand our productive facilities to meet any national emergency. For considerations of this kind the committee eliminated every unnecessary expenditure from the bill. To compare properly this bill with the previous fortifications bill is difficult, because the last bill carried a provision covering into the Treasury all balances unexpended and unobligated on June 30, 1920; but during this fiscal year expenditures were made of large amounts not appropriated for in the annual bill but carried in previous appropriations. In this bill we have cleaned the slate of all previous appropriations. The amount carried in this bill will therefore be the total amount that can be obligated during the coming fiscal year for the purposes mentioned in the bill. Had we continued the previous practice of continuing appropriations, this bill would have been much reduced, probably carrying not more than $6,000,000 or $7,000,000 as in former years. I wish the committee thoroughly to understand this.

The maintenance items, so far as they relate to our fortifications proper, differ very little from the appropriations carried for that purpose in previous acts. The cost of materials of all kinds is greater, and labor costs are greater, and this is reflected to some extent in maintenance items.

No money is appropriated for purely field artillery.

Mr. LITTLE. Mr. Chairman, will the gentleman yield for a question?

Mr. SLEMP. I yield to the gentleman from Kansas.

Mr. LITTLE. Every year for 32 years there has been an appropriation for a Board of Ordnance and Fortification. Some time ago, as chairman of the Committee on Revision of the Laws, while engaged in that work I discovered that there never had been any authorization for that appropriation. I called the attention of the Secretary of War to that fact, and after careful consideration he informed me that they would manage to get along without the Board of Ordnance and Fortification, and that he would not ask for any appropriation for that purpose. May I ask the gentleman what has been the result of that?

Mr. SLEMP. I will say in reply to the gentleman that the War Department withdrew the estimate of $58,500 for that board for the coming fiscal year, and will return to the Treasury Department the unexpended balance in that fund of $230,000, or a total of $288,500, so that the gentleman is responsible for saving to the Treasury $288,500.

Mr. MONDELL. That is worth while.

Mr. SLEMP. Our situation in this respect is that we have between 10,000 and 11,000 pieces of artillery, embracing about every standard type from 16-inch down to 3-inch guns, whereas before the war we had fewer than 900.

No money is carried in this bill for field ammunition, the large part of the amount carried for that purpose being for the preparation and care of the ammunition already on hand. This was urgently requested by the Chief of Ordnance.

In seacoast artillery, where the original estimates were over $14,000,000, $2,000,000 only is carried. The situation regarding this is that in 1918 the War Department entered into contract for the construction of thirteen 16-inch guns and twelve 16-inch howitzers for our seacoast defenses, perhaps the most useful and the most effective gun in the world, and requested by every expert board from the Endicott Board down. At the end of this fiscal year these guns will be in an advanced state of completion. The committee decided to continue their production, but at a reduced rate.

In seacoast ammunition consideration was given to the supply already on hand, to the obligations already incurred for the manufacture of seacoast ammunition the coming fiscal year, and appropriated a sum very much smaller than requested, but ample in all respects for our needs.

Repair and maintenance items for both seacoast artillery and field artillery are larger than usual, but were made necessary by the large amount of war material still on hand and not yet in shape either to be used or to be stored away. I confidently expect a material reduction in these items in the future.

The committee made appropriation for railway carriages for 14-inch guns. This is requested by every officer of the War Department that came before the committee as being in line

with the progressive development of the use of artillery in substituting mobility for fixedness in our seacoast defenses.

Mr. McKENZIE. Will the gentleman yield?

Mr. SLEMP. I will.

Mr. McKENZIE. It was stated some time ago by one of the officers before the Committee on Military Affairs that we had field artillery sufficient to arm an army of 4,000,000 men. Did the committee look into that?

Mr. SLEMP. The statement before the committee on that subject was that we had field artillery sufficient to arm an army of 1,500,000 men. On certain arms we had a surplus for an army of 1,500,000 men. Of the 75-millimeter guns we have more than 2,000 surplus. Of the 155-millimeter we had enough to correspond to an army of a million and a half men. It was stated that we have a tremendous surplus, if you regard the Army from the peace standpoint, say something like 300,000 men; but from the standpoint of 1,500,000 men we have a sufficient amount in nearly all of the standard type and a surplus in some.

In this connection the committee makes appropriation of $1,800,000—for field emplacement, $400,000; to complete emplacement of the twenty-four 12-inch long-range guns, which lacks that much of completion, $400,000; to continue the 16-inch gun emplacement at Fort Michie, in which $212,000 has been spent and obligated and the remainder to begin the emplacement of the 16-inch guns and howitzers now under construction.

The character of these emplacements is not yet determined. Of the costliest type, these emplacements would cost to finish at least $70,000 or probably more. The Chief of Coast Artillery assures the committee that a study of this subject will be made this spring in connection with the Chief of Engineers to install the simplest kind of emplacements, securing the protection these wonderful guns afford with minimum cost.

Another point that had the careful consideration of the committee was the request of the War Department for large funds for experimental and development purposes. This applies to all kinds of war material—guns of all calibers and their carriages, ammunition of all kinds, fuses, tractors, searchlights, mounts for guns, and every kind of fighting utensil that should or could be considered by this committee. The War Department spent this fiscal year more than $2,000,000, perhaps $3,000,000, on this work alone. The theory of the War Department is that this experimental and development work should best be done now while the knowledge gained from the European war could best be utilized. While in general the committee agrees that this is most important and useful work, yet the committee feels that the development should take place in an orderly way, with fewer types considered, tested, and finally passed upon and then others taken up. The amount therefore asked for this purpose is much reduced, but yet involves a substantial amount.

Mr. GOODYKOONTZ. Will the gentleman yield?

Mr. SLEMP. I will.

Mr. GOODYKOONTZ. This may not be germane, but out of curiosity I would like to know what is the cost of these big guns.

Mr. SLEMP. The cost of a 16-inch gun and carriage is $550,000. The cost of a 16-inch howitzer and carriage is $350,000. Guns and carriages under construction will be 60 per cent completed at the end of the fiscal year. The War Department says that all the howitzers will be completed during the next fiscal year, and also all of the 12-inch guns. The appropriations recommended by the committee change the rate of delivery of the 16-inch guns and howitzers.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. SLEMP. Certainly.

Mr. MOORE of Virginia. What is the maximum range of these large guns?

Mr. SLEMP. That depends on a lot of facts, such as the rifling in the gun, the character of the projectile, and the change of the band, and so on. Recently a change was made in the bands in the production of the smaller type of guns, and that increased the range materially. They expect to be able to have the 16-inch guns have a range of 40,000 or 50,000 yards, and one officer stated as high as 60,000 yards. A 16-inch howitzer may be regarded as having a range of 50 per cent of the 16-inch gun. The reason for the difference in the range of the howitzer is that it fires at such an elevation that it will attack the deck armor of a vessel, while the 16-inch gun will attack the side armor.

What is the absolute effective range of destruction against a battleship seems difficult to determine. They are intended to attack a 13½-inch side armor, and of course a smaller armor on deck, because the deck armor usually runs about 3 inches. The penetration depends upon the angle at which the shot strikes the object. Their effort is to get a range up to 40,000 yards for a 20 per cent degree of impact against the armor. I should say a 16-inch gun would get up to 40,000 yards and the development of a change in the shell would make it between 40,000 and 60,000 yards.

In aviation the committee took action only on the estimates submitted to it. For the Hawaiian Islands the bill carries an appropriation of $1,300,000 and $239,000 for Panama, both of which are very essential.

In regard to the Panama item, of the $239,000, $230,000 is for the enlargement of France Field and $9,000 for emergency landing places. It was testified before the committee that several boys had lost their lives on the France Field because of the shortness of the field.

In the Hawaiian item we have the aviation personnel all there without housing or barracks in which to live and without fresh water to drink; the water supply is brackish; they are also without sewerage facilities, and this bill carries the minimum amount, or a reduction of 50 per cent of what the War Department asked.

There are only 65 minor items and 8 legislative items in the bill. About half these items approximate the amounts carried in previous acts and the remainder I have given a general explanation of.

The bill is submitted to the committee by unanimous vote of both the Subcommittee on Fortifications and the full Committee on Appropriations, with the confident hope that it will merit the approval of the Committee of the Whole. [Applause.]

Mr. Chairman, I yield to the gentleman from Michigan [Mr. FORDNEY] 15 minutes.

Mr. FORDNEY. Mr. Chairman and gentlemen of the committee, I hope gentlemen will not consider my speech political, although it is in a sense political.

Mr. BLANTON. Will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. BLANTON. Is it a corollary to what happened yesterday?

Mr. FORDNEY. I do not know to what the gentleman refers. I will say that some industrious person has given out a statement—I do not believe it comes from the Treasury Department—that during this fiscal year down to the 31st of March our public debt has been very materially reduced, and for the month of March reduced to the extent of about three-quarters of a billion dollars, which is an error. But that statement has gone out broadcast over the country through the newspapers and has been so changed as to comment favorably upon the work of the administration in reducing the public debt during that length of time.

The administration apparently released a statement to the press April 1 calling attention to the marked reduction in the national debt during the month of March. The publicity given this statement in certain channels points with considerable pride to this reduction and other reductions accomplished by the administration during the current fiscal year 1920.

The following article is typical of newspaper comment on April 2, and purports to be based on statements by Treasury officials:

$705,660,000 REDUCTION MADE IN NATIONAL DEBT IN MARCH—CUT IS MORE THAN DOUBLE THAT OF ANY PREVIOUS MONTH AND INDICATES SUCCESS OF FINANCIAL PROGRAM, SAYS TREASURY DEPARTMENT.

WASHINGTON, *April 2.*

A reduction of $705,660,000 in the national debt—more than double the amount by which the debt was lowered during any previous month—was accomplished in March, the Treasury reported to-night. The national debt now stands at $24,698,000,000.

Officials said this record could not be used as a basis for forecasting further monthly reductions. They regarded it, however, as "sound evidence" of the success of the Treasury program for financing the postwar period when Government expenditures still continue to run high.

March payments on the public debt were confined almost wholly to retirement of certificates of indebtedness issued in anticipation of income and profit taxes.

Reductions by months since August, when the retirements began, were: October, $15,533,000; November, $94,478,000; December, $278,973,000; January, $168,689,000; and February, $264,057,000. Heavy payments on the debt in December and February were traceable to the retirement of certificates of indebtedness, but the amount of obligations retired each month, although fluctuating, has been on the increase.

Future monthly reductions will hinge largely on new appropriations and tax legislation, officials said. They expected, however, that operation of the sinking fund would reflect more and more on the gross national debt each month hereafter. None would venture a prediction as to the net reduction for the calendar year.

As the public debt now stands it is made up of $15,616,800,000, comprising the four issues of Liberty bonds, $4,422,700,000 of Victory short-term notes, $2,667,220,000 in Treasury certificates, $870,000,000 in war-savings certificates, and approximately $1,000,000,000 in bonds issued prior to the World War.

The greatest single item among those old bonds is the issue of consols of 1930, which aggregate $600,000,000.

I call attention to the fact that this article states that officials regard the reduction in the national debt as "sound evidence" of the success of the Treasury program. That alleged "sound

evidence," permit me to say, is based on a wholly fictitious reduction of the national debt.

Such claims, if made deliberately, resolve themselves into sheer misrepresentation; misrepresentation which raises false hopes and a false confidence in the public mind. The outstanding fact is that since July 1, 1919, our disbursements have exceeded our revenue from all sources by $214,207,713.82.

CASH BALANCE IN TREASURY EXHAUSTED TO REDUCE PUBLIC DEBT.

Our public debt since June 30, 1919, the close of the fiscal year 1919, has been reduced to the extent of but $785,934,576.05.

The explanation of this net reduction during a period when our expenditures exceeded receipts is in this: The cash balance, current assets, of the general fund during this period were decreased to the extent of $1,000,042,289.35.

In other words, the improvement in the status of our funded debt, since June 30, 1919, has been more than offset by the depreciation of a billion dollars in our cash assets.

The situation is summed up in the following table:

Cash balance June 30, 1919	$1,251,664,827.54	
General fund Mar. 1, 1920	251,622,538.19	
Decrease in cash assets		$1,000,042,289.35
Public debt June 30, 1919	$25,484,506,160.05	
Public debt Mar. 31, 1920	24,698,671,584.52	
Decrease in public debt		785,735,575.53
Net decrease in assets		214,207,713.82

For the purpose of showing the comparative condition of the Treasury, the balance in the general fund should be deducted from the gross debt. I will here give the difference between gross debt and net balance, month by month, from June 30, 1919, to March 31, 1920:

	Gross debt.	Balance in general fund.	Difference.
1919.			
June 30	$25,484,506,160	$1,251,664,827	$24,232,841,333
July 31	25,800,033,536	818,700,336	24,981,333,200
Aug. 31	26,596,701,648	1,118,109,534	25,478,592,114
Sept. 30	26,194,996,798	1,191,738,500	25,003,258,298
Oct. 31	26,210,530,269	888,032,521	25,322,497,748
Nov. 30	26,116,051,951	666,107,671	25,449,844,280
Dec. 31	25,837,078,807	987,415,459	24,852,663,348
1920.			
Jan. 31	25,668,389,095	725,770,078	24,942,619,017
Feb. 29	25,404,331,707	395,782,596	25,008,549,111
Mar. 31	24,698,671,584	251,622,538	24,447,049,046

This indicates that the condition of the Treasury is less favorable on March 31, 1920, than on June 30, 1919, by $214,000,000, and this is in harmony with statement contained in the Daily Statement of the United States Treasury of March 31, 1920, which gives the excess of disbursements over receipts as $214,207,713.

WHY DID THE GOVERNMENT CARRY SUCH ENORMOUS CASH BALANCES?

The Treasury closed the month of March, 1920, with a cash balance of but $251,000,000. From June 30, 1919, up to the beginning of February, 1920, the cash balances in the Treasury have fluctuated from approximately $700,000,000 to $1,250,000,000. During this period the refunding of maturing Treasury certificates by new issues of certificates was constantly going on.

Why the Treasury Department did not exhaust these balances in order to reduce the debt at an earlier date is the question which might be appropriately asked.

In the same connection it should be pointed out that, with the cash balance exhausted, the Treasury Department now recognizes the necessity for new borrowings, through Treasury short-term certificates, to meet expenses for the next two months.

THE ADMINISTRATION'S POSTWAR EXPENDITURES PROGRAM.

Real and permanent improvement in the condition of the Treasury can come only from economical administration. The American people had hoped that the current fiscal year 1920 would witness a substantial return to prewar conditions and prewar expenditures. With the signing of the armistice Congress expected that the administration would submit a definite program of retrenchment and readjustment in connection with its estimates, then about to be transmitted, for the fiscal year 1920.

The original estimates, which were transmitted on December 18, 1918—subsequent to the armistice—failed to reveal real effort toward retrenchment. They called for $8,000,000,000. It was the administration's formal demand for appropriations covering a fiscal year which would not begin until eight months after the armistice. On analysis they appeared to be a mere compilation of departmental requests without reductions, explanations of increase, or coordination looking toward economy. Their submission followed the customary, formal, and—in the expressed indifference of economy—casual methods of computing requests which had been universally condemned.

In addition to the original estimates calling for $8,000,000,000, there were submitted supplemental requests not included in the original requests, which amounted to more than $3,000,000,000. The estimates, original and supplemental, and the appropriations, original and supplemental, for 1920 might be summed up as follows:

Requests:		
a. Regular (original estimates)	$8,089,667,298	
b. Supplemental and deficiency (not included in original)	3,128,243,372	
Total requests		$11,218,191,670
Appropriations:		
a. Regular	3,035,151,723	
b. Supplemental and deficiency (including permanent, etc.) (1)	4,328,544,657	
Total appropriations		7,363,696,380
Difference between total requests of administration and allowances of Sixty-fifth and Sixty-sixth Congresses for 1920		3,854,495,290

In other words, the Sixty-fifth and Sixty-sixth Congresses—both of which participated in the original as well as supplemental 1920 appropriations—reduced the appropriations requested by the administration to the extent of 34.36 per cent, more than one-third.

FAILURE OF ADMINISTRATION TO DEVELOP A POSTWAR EXPENDITURE PROGRAM.

Economy, retrenchment, and improvement of the condition of the Treasury must be based upon a sane expenditure policy. In the light of requests for appropriations for 1920, calling for $11,000,000,000—98 per cent of which came from the administration—the taxpayer might well ask: What is the postwar expenditure policy of the present administration?

For months the Sixty-fifth and Sixty-sixth Congresses struggled in 1919 with the original estimates, which, in large part, were guesswork—and officials from the departments admitted that hundreds of the guesses were wrong—to determine what the administration's expenditure policy contemplated. Information was not submitted with the estimates. Shifting from a war to a peace basis is largely an administration problem. But it was evident that the executive departments lacked a definite administration program for its accomplishment. It was necessary for the several appropriations committees to develop this information, through hearings, investigations, and independent analyses.

By cutting in this direction and that direction, almost $4,000,000,000 was eliminated from the original and supplemental estimates.

COMPARISON OF 1920 REQUESTS (ESTIMATES) WITH 1916 EXPENDITURES.

The 1920 estimates of the administration furnish no comparison of the amounts asked for with the amounts which had been allowed or asked for before the war. The only comparisons made—and these are fragmentary—have to do with war periods, 1918 and 1919.

TABLE OF COMPARISON, 1916–1920.

The following table furnishes, under the main or primary functions of the Government, a comparison of the amounts actually spent—disbursed—in 1916 with the amounts which the administration requested in 1920, showing the percentage of increase, by function, of the request over the 1916 expenditure. The amounts include not only the original requests, but also the supplemental requests already explained, which were not included in the original estimates:

Classification.	1916	1920	Increase, 1920 over 1916.	
			Amount.	Percentage.
Legislation	$7,831,241	$10,344,805	$2,513,564	32.10
General administration	88,224,854	273,749,580	185,524,726	210.29
National defense	447,616,554	5,752,762,492	5,305,145,938	1,185.20
Civil service	153,108,836	2,747,586,133	2,594,477,297	1,694.53
Judicial	8,355,939	11,850,201	3,494,262	41.82
Local government	13,958,990	20,132,308	6,173,318	44.22
Permanent obligations	22,900,313	1,792,300,000	1,769,399,687	7,726.53
Total ordinary	741,996,727	10,608,725,521	9,866,728,794	1,329.75
Postal (payable out of revenues)	306,228,453	609,466,149	303,237,696	99.02
Grand total	1,048,225,180	11,218,191,670	10,169,966,490	970.21

It is realized that there are legitimate influences and burdens of the war which survive—burdens which would prevent an immediate return to prewar cost of operations. Nevertheless the prewar period furnishes the only accurate base of comparison. It presents administrative activities developed on a basis comparable to what are now being carried on and will be projected during the fiscal year 1921. A comparison of the costs—one against the other—fixes the exact amount of increases by activities and facilitates definite thinking as to the factors involved in the increases.

Eliminating the $22,000,000 requested for the legislative and the judicial branches of the Government, or but one-fifth of 1 per cent of the entire amount requested, the foregoing statement reveals increases all along the line which are staggering.

COMPARISON OF 1921 REQUESTS (ESTIMATES) WITH 1916 EXPENDITURES.

Furthermore this fact, with respect to the administration's expenditure program for 1921, is even more startling. If Congress allowed for the fiscal year 1921 all the funds which were requested by the administration in the estimates already submitted—and which call for approximately $5,000,000,000—the Government would probably close the next fiscal year in a worse condition than we will end the current fiscal year.

Glance at the estimates and the reason is obvious. They reveal, in the staggering amounts again requested, the lack of any definite plan of retrenchment.

The present Congress is holding daily hearings and conducting numerous investigations in order to reduce the administration's unwarranted appropriation requests for 1921—which without deficiencies call for $4,865,410,032—by at least a billion and a quarter dollars—this is its "retrenchment slogan." But no comprehensive reports have been submitted by the administration presenting administrative needs and the expenditure requirements in such a way as to facilitate a discussion of such retrenchment either on the part of Congress or the public.

The following table furnishes under each primary function of the Government a comparison of the amounts actually spent—disbursed—in 1916, with the amounts which the administration has requested for 1921 in the estimates before Congress at the present time, showing the percentage of increase by function of such requests for 1921 over the expenditures for 1916:

	Expenditures, 1916.	Request, 1921.	Increase, 1921 over 1916.	
			Amount.	Per cent.
Legislative	$7,831,241	$8,402,758	$571,517	7.30
General administration	88,224,854	156,856,785	68,631,931	77.79
National defense	447,616,554	2,205,550,085	1,757,933,531	392.73
Civil services	153,108,836	759,657,294	606,548,458	396.16
Judicial	8,355,939	12,891,131	4,535,192	54.28
Local government	13,958,990	25,338,306	11,379,316	81.52
Permanent obligations	22,900,313	1,305,000,000	1,282,099,687	5,598.61
Total ordinary	741,996,727	4,473,696,359	3,731,699,632	502.93
Postal (payable out of revenues)	306,228,453	391,713,673	85,485,220	27.92
Grand total	1,048,225,180	4,865,410,032	3,817,184,852	364.16

TABLE OF SAVINGS OR REDUCTIONS IN APPROPRIATIONS FOR THE YEAR 1920.

The appropriations made by the Sixty-fifth and Sixty-sixth Congresses were indeed substantial. The amount of reductions, however, under the requests made by the administration in the original and supplemental estimates are, however, very large. The amount of $3,854,495,290, or 34.36 per cent of the total amount requested, represents the net result of the effort of Congress to economize and force something in the way of a retrenchment program on the administration.

The following table furnishes under each main or primary function of the Government a comparison of the amounts actually appropriated for 1920—including original and supplemental appropriations—with the amounts which the administration requested for 1920—including the original and supplemental requests. In parallel columns are shown the percentage of decrease or increase of the appropriations with requests:

Classification.	1920 requests.	1920 appropriations.	Decrease, 1920 appropriations under 1920 requests.	
			Amount.	Per cent.
Legislation	$10,344,805	$10,244,805	$100,000	0.97
General administration	273,749,580	243,858,592	29,889,988	10.92
National defense	5,752,762,492	2,205,084,948	3,547,677,544	61.67
Civil services	2,747,586,135	2,473,774,537	273,811,598	9.97
Judicial	11,850,201	11,850,201		
Local government	20,132,308	17,116,148	3,016,160	14.98
Permanent obligations	1,792,300,000	1,792,300,000		
Total ordinary	10,608,725,521	6,754,230,231	3,854,495,290	36.33
Postal (payable out of revenues)	609,466,149	609,466,149		
Grand total	11,218,191,670	7,363,696,380	3,854,495,290	34.36

SAVINGS TO BE EFFECTED BY CONGRESS FOR THE FISCAL YEAR 1921.

It is premature to forecast, with any degree of accuracy, the amount which Congress will disapprove in the requests of the administration, which approximate $5,000,000,000. The last figures, however, on the several appropriation bills which have been reported out of Appropriations Committees indicate that the total saving will approximate $1,250,000,000, as outlined. This saving will be in accordance with the policy laid down by the majority leader, Hon. FRANK MONDELL, in his statement on the floor of Congress, in the month of January, at the time the first appropriation bill was reported out of committee with a saving of 28 per cent.

Mr. EAGAN. Mr. Chairman, the gentleman from Virginia [Mr. SLEMP], chairman of the fortifications subcommittee, did his colleagues on the subcommittee too much honor in his complimentary remarks regarding our industry and service. I think every member of that subcommittee, with the exception of its modest chairman, will agree with me in the statement that he has rendered a very great service to the country and to the Congress by his own extraordinary diligence and because of his unusually keen business intellect. His mastery of the many and intricate details of the estimates on which this bill is based are evidenced on every page of the hearings. He has saved us a very great deal of work and has done the work much better than any of his colleagues on the subcommittee could have hoped to do it. [Applause.]

The members of the subcommittee are agreed that he has proven a very worthy successor to his distinguished predecessors in the chairmanship of this subcommittee—Hon. Swagar Sherley, of Kentucky; the late William T. Borland, of Missouri; and to the acting chairman of last year, the gentleman from Tennessee [Mr. BYRNS].

The fortifications appropriation bill is perhaps the most highly technical bill with which the Committee on Appropriations has to do. The items which make up the bill have been thoroughly explained by the chairman, and I shall not take the time of the committee in going over the same ground. The original estimates submitted by the War Department totaled $117,734,839. These estimates were subsequently reduced by the department to $66,235,614. This bill recommends the granting of $18,833,442, as against $11,214,291 carried in the fortifications bill for last year.

The chairman said the members of the subcommittee were in accord with every item in the bill. The gentleman from Tennessee [Mr. BYRNS] and I, however, are strongly of the opinion that a very serious mistake was made in failing to make provision in this bill for continuing and making available the sum of $9,617,179.38 of the appropriations heretofore made for aviation purposes for use in connection with the seacoast defenses of the United States and authorizing the Secretary of War to expend from said sum about $596,725, or so much thereof as may be necessary, for the purchase or acquisition of land necessary for aviation stations in connection with coast defenses of continental United States. At the proper place in the bill I shall move an amendment to provide for the reappropriation of this sum.

The following table, which will be found on pages 344 and 345 of the hearings, will be of interest in this connection:

Detail of estimates, continental United States.

[No new appropriation is asked.]

	Former appropriation.	Obligation.	Reservation.	Free balance.
Aviation, seacoast defense	$3,600,000.00	$894,779.14	$0.00	$2,705,200.86
Aviation stations, seacoast defense	8,000,000.00	1,088,041.48	2,906,750.00	4,005,208.52
Total	11,600,000.00	1,982,820.62	2,906,770.00	6,710,409.38

Appropriation less obligation, $9,617,179.38.

Proposed expenditures.

Construction of one balloon base line on land to be purchased on coast defenses of Narragansett Bay:		
Sachuest Neck	$304,600.00	
Fort Kearney	63,000.00	
		$367,600.00
Construction of five heavier-than-air stations in coast defenses of (on land to be purchased):		
Long Island Sound	$1,217,282.50	
Narragansett Bay	1,162,010.50	
Boston	1,158,482.50	
Portland, Me	1,134,472.50	
Puget Sound	1,062,202.40	
		5,734,450.40
Purchase of seven parcels of land, as follows, in coast defenses of:		
Long Island Sound, Stonington, Conn., 100 acres	$27,500.00	
Narragansett Bay (3)	69,000.00	
Boston Harbor	351,475.00	
Portland	88,750.00	
Puget Sound	60,000.00	
		596,725.00
Contingencies		11,033.98
Grand total		6,710,409.38

Gen. Menoher, Director of the Air Service, testified before the subcommittee that it was absolutely necessary to continue the appropriation and to give the authority to purchase the necessary land. The projects on which the funds have been obligated, reserved, or on which it is proposed to apply the free balances, he said, were the result of a definite and very careful study made by both the Army and the Navy prior to the war for the purpose of carrying into effect the functions of coastal air service assigner to the Army in the report of the Joint Army and Navy Board on March 12, 1917, and as redefined and reapproved by the joint board on January 22, 1920. These projects have had the definite sanction of Congress, as shown by the appropriations made therefor in 1917 and 1918.

I now yield 15 minutes to the gentleman from Tennessee [Mr. BYRNS].

Mr. BYRNS of Tennessee. Mr. Chairman and gentlemen of the committee, I do not know that I shall consume all of the time so generously accorded to me, but I do want to take advantage of this occasion to pay a very just tribute to the gentleman from Virginia [Mr. SLEMP], the chairman of the subcommittee which has had in charge the hearings and the preparation of this particular bill. Having been a member of the subcommittee, I am in a position to be familiar with the tireless energy that he has displayed, with the very great labor that he has performed, and with what very great ability and keen business insight he has met the responsibilities which have rested more heavily, naturally, upon his shoulders than upon the shoulders of any other members of the subcommittee.

As the gentleman from New Jersey [Mr. EAGAN] has said, this is a highly technical bill. I dare say that there is no appropriation bill presented to Congress which is so highly technical in all of its many details, in respect to the character, type, caliber of guns, the various kinds of ammunition, and other features in the bill. The gentleman from Virginia [Mr. SLEMP] has mastered this bill in a manner that has not been excelled by any of those chairmen who have served in the same capacity during the time that I have been a member of the Committee on Appropriations, or for the past 10 years. [Applause.]

I feel it is nothing but fair to him to say that the great merit which I believe is contained in this bill is largely due to the work which he put upon it before the hearings commenced, and also as a result of the very careful hearings that he conducted during its consideration by the subcommittee. I regard this bill, gentlemen of the committee, as a splendid bill in many respects. The fact of the business is I have only one or two objections to it. It is an economy measure, and the estimates have been greatly reduced, but I believe that in the appropriations which are sought to be made we have adequately taken care of our coast defenses during the next fiscal year with a few exceptions, of some of which I shall speak later on. Seacoast fortifications are largely in the nature of insurance. They may be considered somewhat like the insurance that a man takes upon his home. If he insures his house or his building and no fire occurs during that year it might be said that he had lost the amount of the premium by reason of taking the insurance, but he is, of course, protected against any possible loss that may occur during the year and he is willing to pay the premium in order to secure that protection. The country is spending several millions of dollars each year in maintaining our seacoast fortifications. Of course, if no war occurs, if no enemy attacks our coast, it might be said that the money could have been saved, but the difficulty is that we do not know when we are going to be thrown into war or when some enemy may attack us, and it is therefore highly important that adequate provision should be made to protect these important cities upon our coasts and the important harbors upon our coasts, so that in the event of trouble with some foreign country an enemy may not have an opportunity to work serious loss upon the property of this country and take possession of our harbors and points of strategic importance. The gentleman from Virginia has very fully discussed the main provisions of this bill.

The estimates have been largely reduced, as stated by the gentleman from Virginia. The first estimates submitted were $117,000,000. Later on the officials of the War Department revised their estimates and cut them down to something like $66,294,114. The committee, after a very careful and thorough hearing further cut those estimates, and this bill carries a little less than $19,000,000.

The original estimates were submitted last fall. A more thorough and more recent consideration of the needs for next year resulted in the officers themselves voluntarily reducing their first estimates in the sum of about $51,000,000, and this very fact emphasizes the very great importance of budget legislation, for if it had been made the duty of some central authority to examine and revise the estimates before they were first submitted, I have no doubt but that not only the reduction named would have been made at that time, but that even greater reductions would have been made and the committee would have been thus aided in its effort to reduce the appropriation to the lowest possible sum consistent with the good of the service.

There are only two features of this bill to which I desire to very briefly call attention. One is in reference to the railway mounts that are provided for in the bill. We have a number of 14-inch guns which were placed in construction during the war which the Government now has on hand and which are not provided with proper mounts or carriages. The department estimated for $3,000,000 to provide 12 railway mounts for 12 of those 14-inch guns. This bill carries a provision which makes it possible to provide three railway mounts or 25 per cent of the amount asked for. My own idea is, and I think the War Department is clearly of that opinion, that more attention should be directed along the line of making our seacoast artillery mobile rather than fixed, and if properly developed along that line it would not only, in my opinion, afford more adequate defense to all portions of the coast line, but in the end it would result in greater economy because we would necessarily be able to do without so great a number of fixed emplacements, cannon, and other methods of coast defense. Gen. Coe stated that 14-inch guns are now considered necessary to an adequate coast defense.

Hence my idea is that, having these 14-inch guns on hand now belonging to the United States Government, something should be done toward putting them into service, so that in the event during the next fiscal year or the year following an enemy should threaten our shores they would be ready for use in order to protect our cities, our harbors, and our coasts.

Unless these guns are provided with mounts they will be entirely useless in the defense of our country. Officers tell us that they are needed and that they are the best type of seacoast guns, having an effective range of 40,000 yards. If the carriages are not provided, they must be stored away, and in case of a sudden or reasonably sudden attack they could not be used in the defense of our country and to prevent an invasion. We have the railroads on the coast and we have the guns. Why not provide railway carriages, so they may be quickly moved here and there and thus afford added protection to our cities and our shore lines with an ultimate less expense?

The other matter to which I wish to call attention is the failure of this bill to make proper provisions for aviation stations at certain fixed emplacements. Two or three years ago the committee recommended and the Congress adopted a provision providing for eight aviation stations. The estimates, submitted with the approval of the Secretary of War, at that time were for 16 of those stations, to be located at various places named. After a consideration of the matter the committee recommended to the Congress that these 16 stations be reduced to 8 stations, and the sum of $8,000,000 was appropriated to construct those 8 aviation stations, it being stated that the stations would cost on an average of a million dollars a piece. The war came on and nothing was done to any extent toward constructing any of those aviation stations. I may say that one was to be constructed at Portland, Me., the nearest port to Europe, one at Boston, Narragansett Bay, the eastern end of Long Island, Staten Island, Langley Field, San Francisco, and Puget Sound, all being places recognized as of very great strategic importance and very liable to attack in case of trouble on either coast.

Mr. SLEMP. Will the gentleman yield?

Mr. BYRNS of Tennessee. I do.

Mr. SLEMP. Langley Field had already been constructed out of another appropriation and was not one of the eight.

Mr. BYRNS of Tennessee. What was the place, if the gentleman recalls?

Mr. SLEMP. I can not give it, but there were eight besides Langley Field.

Mr. BYRNS of Tennessee. I am glad to have the gentleman correct me.

Mr. EVANS of Nevada. Will the gentleman yield?

Mr. BYRNS of Tennessee. I will.

Mr. EVANS of Nevada. Could I inquire if that meant just the station itself?

Mr. BYRNS of Tennessee. Just the station—the necessary buildings or barracks and hangars or accessories of an aviation station, including such land as will be required.

Mr. EVANS of Nevada. The gentleman may explain later on about the maintenance of these stations, but does that include anything in regard to maintenance?

Mr. BYRNS of Tennessee. The sum I have named is the money that will be necessary actually to construct these particular stations for the various balloons and aeroplanes which were to be used. It does not include maintenance.

Mr. SLEMP. To acquire the necessary lands.

Mr. BYRNS of Tennessee. And to acquire the necessary lands for the stations, as the gentleman from Virginia suggests. As I stated, due to the war, nothing was done by the service toward establishing those aviation stations, except that negotiations were under way and contracts were actually made for the purchase of some land at an enormous figure up here at Staten Island. That was the status of the matter when the committee met a year ago for the purpose of framing the bill for the current year. It appeared at that time that the service had an unexpended free balance of something like, as I recall, $11,000,000. The subcommittee on fortifications at that time took no action upon the matter, but left that money in the hands of the service for the purpose of constructing these eight stations, which had been theretofore approved by Congress. Under the law as it existed then and under these appropriations as made, the service had authority to acquire the necessary land on which to construct these stations; and all the stations required the purchase of land except the one at San Francisco, which was to be constructed upon a Government reservation at Fort Scott, and a balloon station at Narragansett Bay, where the Government already owned the necessary land. So at the time the last fortification bill passed the service had sufficient money with which to erect these stations and to acquire the necessary land——

Mr. OGDEN. Will the gentleman yield?

Mr. BYRNS of Tennessee. I yield.

Mr. OGDEN. If this bill should pass, it would not be declaratory of a policy to decrease the number of stations from eight to three, would it?

Mr. BYRNS of Tennessee. No. I do not think it would necessarily declare that that was the policy of the Congress, but that would be the result so far as the next fiscal year is concerned.

Mr. OGDEN. There are two of those stations uncompleted, I believe?

Mr. BYRNS of Tennessee. Yes.

Mr. OGDEN. Would it not be advisable to permit them to be completed or advanced further in the course of completion before providing for additional stations?

Mr. BYRNS of Tennessee. Well, I do not think it is necessary to permit those stations to advance toward completion before providing for these other stations, because those who appeared before the committee stated——

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. EAGAN. I yield five minutes more to the gentleman.

Mr. SLEMP. Would the gentleman also incorporate in his statement there the amount that would be expended at Staten Island and at the Presidio?

Mr. BYRNS of Tennessee. I am coming to that.

That was the status of the matter when last July Congress passed the Army appropriation bill, in which a provision was included directing that no appropriation for military purposes should be expended for the purchase of land unless it had theretofore been contracted for. The service therefore found it was in the situation after the passage of that bill that it could not acquire the necessary land at five of these stations, and the result was that it has not been able to do anything in the past year toward completing the stations at those places. It had acquired, as I say, the land at Staten Island. The Government owned land at Langley Field. It owns land at San Francisco, on which the station there is to be constructed, but it did not own the land required at Puget Sound, Portland, Me., Boston, or Narragansett Bay, or on the eastern end of Long Island, and the service found itself unable to expend the money which had been provided for this particular purpose. Gen. Menoher came before the committee and asked it to reappropriate the sum then in hand and authorize the purchase of the necessary land, which amounted to less than $600,000 in all. The committee declined to reappropriate the money in hand, amounting to something like $9,000,000 or more.

Mr. SLEMP. Will the gentleman yield there?

Mr. BYRNS of Tennessee. I will.

Mr. SLEMP. The free balance is not $9,000,000 but $6,000,000.

Mr. BYRNS of Tennessee. I understand. The $9,000,000 includes $2,000,000 and some hundred thousand dollars of money already obligated, and certain reservations, which can and will be used at Staten Island and San Francisco, and $6,710,000 in round numbers—a free balance in the Treasury. So the result is that the service will be deprived of $6,710,000 with which to continue the construction of these aviation stations at the points named. And Congress, by the adoption of this bill, will to that extent for the next fiscal year repeal its former action, when it authorized and directed the construction of eight aviation stations.

Now, gentlemen, it is unnecessary for me to talk to you about the importance of aviation stations where you have guns which have a range all the way from 15,000 to 60,000 yards. As was stated, the 16-inch guns that are placed at some of these stations, and which are proposed to be placed at others, have an effective range of 50,000 to 60,000 yards.

If it was important to permit the work to go on at Staten Island and San Francisco, which are provided with 12-inch guns, then it is equally important to have the stations provided for at the other five places, which are also provided with 12-inch guns. On the other hand, if these stations are not needed at the five places, then they are not needed at the three places referred to, and it is useless and wasteful extravagance to permit the expenditure of two and a half millions of dollars in their construction. It will possibly take two years to complete all of this work. If they are needed to adequately defend these places, then we are assuming a great risk, just as the man who neglects to insure his building for two years takes the chance of losing his all when he least expects it. Fortifications are said to be our second line of defense. The Navy is the first, although it was stated by a very high officer that in 15 or 20 years the airplanes would constitute the first line of defense and navies would be obsolete. If our Navy is dispersed or if it is at some other place along our long coast line when enemy ships appear, then the defense rests wholly with the fortification defenses. If an enemy ship stands off 40,000 yards and out of range of direct observation and begins to bombard centers of population, to enable our gunners to shoot effectively you must give them the eyes to locate the ship and observe the effectiveness of their shots. This can only be done by directional wireless telegraphy from airplanes. Hence, I repeat that these five stations, including Portland, Boston, and Puget Sound, must be equipped with airplanes before it can be said that they are anything like adequately protected. The last Congress provided for the adequate protection of these places. This bill withdraws that protection, and as a result no steps will be taken at least during the next fiscal year to make the defenses at these places adequate and effective. We must rely on Army officers as to what is necessary to make our seacoast fortifications effective. They state that these long-range guns are useless without airplanes.

Mr. EAGAN. Is it not a fact that if the money is reappropriated they can then use the major part of it, if not all of it, in this work during the coming fiscal year?

Mr. BYRNS of Tennessee. That is my understanding. It would certainly start, and a great deal of it would be completed, if not all of it.

These 14-inch guns have an effective range of 40,000 yards, and the 12-inch guns a range of 27,500 yards, far beyond the range of direct observation, and unless you provide aeroplanes by which the fire can be directed by wireless, to enable those in charge of these guns to know where the target is located, and to know in what direction to shoot, and to know where their shots are landing, these guns are absolutely ineffective, and these defenses are inadequate. So I contend that even though you may have 14-inch guns or 16-inch guns, or even 12-inch guns at Portland or Boston and these other important places, unless you give them the aeroplanes to serve as the eyes with which to see the target and know in what direction to range their guns they will prove absolutely inadequate and ineffective. And that was the testimony submitted by Gen. Menoher and Gen. Mitchell, who appeared before the committee.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BYRNS of Tennessee. I would appreciate it if the gentleman would give me five minutes more.

Mr. EAGAN. I yield five minutes more to the gentleman.

Mr. BYRNS of Tennessee. Gen. Menoher, when asked about it, made this statement:

> I think that matter has been gone into very carefully not only at the time they were originally proposed but since then, and I do not think there is any division of opinion as to the necessity for air defense at those various points. Later on it will probably be desirable to extend this service to some other stations along the coast.
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> * * * * * * *
>
> Mr. SLEMP. These particular stations are subordinate to the coast defenses proper, and are not looked upon as major projects?
>
> Gen. MENOHER. No, sir.
>
> Mr. SLEMP. It does not involve powerful battle planes or the equipment of this service with such airplanes as you would have in the Navy?
>
> Gen. MENOHER. No, sir; not at all.
>
> Mr. SLEMP. It would include the offensive power——
>
> Gen. MENOHER (interposing). Equipping the Nation with the air weapons like you would have the Navy, for instance.
>
> Mr. SLEMP. Equipping with air weapons like the naval vessels are equipped?
>
> Gen. MENOHER. Yes, sir.

Gen. MITCHELL. That is really a part of the Coast Artillery; the Coast Artillery could not function without this air service.

Mr. BYRNS. It is the eyes to them?

Gen. MITCHELL. Yes; this has nothing to do with the other air defenses of the country.

Gen. MENOHER. Now, it is a well-known fact, well known to every artilleryman, that there is no use shooting your guns unless you can see where the shells are falling, unless you are firing from a big vessel lying 30 or 40 miles out of New York and having them hit Manhattan Island, say. So it is necessary, in order that the coast defenses may function efficiently, to have eyes, as Mr. BYRNS suggested.

* * * * * * *

Gen. MENOHER. Yes, sir. Actual construction on the major portion of these projects had to be postponed on account of the fact that the Army appropriation act approved July 9, 1919, prohibited the expenditure of funds on hand for the purchase of land, notwithstanding the fact that Congress had specifically given authority for the purchase of land for these stations.

Mr. SLEMP. They gave that, though, General, with the restriction that wherever possible these stations should be put on land already owned by the Government, and that no new land should be acquired except with the actual approval of the Secretary of War.

Gen. MENOHER. That is correct; and all these so-called lighter-than-air stations mentioned in here—the balloon base lines—except one, are on Government-owned land. The one for which new land is required is the balloon base line at Narragansett Bay. We wish to purchase a small tract of land at Sachuset Neck and on the western shore of Narragansett Bay near Fort Kearney, and they are the only ones that are on land to be purchased, the only ones of the lighter-than-air stations.

Hence the necessity for continuation of the appropriation and the authority to purchase land which is now being sought. That is the whole object of our hearing. The project on which these funds have been obligated, reserved, or on which it is proposed to apply the free balances, have not been hastily prepared; but, on the contrary, are the result of a definite and careful study made by the Army and Navy prior to the war for the purpose of carrying into effect the functions of coastal air service assigned to the Army in the report of the joint Army and Navy board dated March 12, 1917, and as redefined and reapproved by the joint board January 22, 1920. These projects have had the definite sanction of Congress, as indicated by appropriations made therefor in 1917 and 1918.

So that if Gen. Menoher and Gen. Mitchell and other officers who appeared before the committee know what they are talking about, it is clear that these places to which I have referred, where defense was considered so necessary that 12 and 14 inch guns have been placed, should also be provided with proper air service. The city of Portland, the nearest port to Europe; the great city of Boston and Narragansett Bay, the eastern end of Long Island, and Puget Sound on the west during the next fiscal year will not have that amount of construction which those qualified to speak say is necessary to adequately defend and protect them from the incursions of an enemy; and when you take into consideration the fact that it did not require the appropriation of a single dollar of money, but simply the reappropriation of money already appropriated and in the Treasury, it is really false economy not to give them the money with which to provide this adequate defense. [Applause.]

Not only these stations should be provided for, but there should be some on the southern coast, which will prove an inviting point of attack in event of trouble with a formidable naval power. I do not favor a large standing Army, but in the absence of a covenant or a league of peace with the other nations of the world, I do believe that an efficient Navy and adequate coast defenses along the great length of our coast line must be maintained in the inferest of our future safety and security. This bill fails to carry the reappropriation referred to because of the desire of the Republican majority to make a record of economy before the next election. They know full well that it will not save the people one cent, for the appropriation will be made next year, but in the meantime credit will be taken for the saving of the amount of money necessary to construct these stations. It is but another evidence of the hypocrisy of the majority and its readiness to sacrifice for the time being not only efficiency and the proper service of the Government to its citizens but also to risk our national security and defense in the hope of securing political advantage through its alleged claims of economy.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. SLEMP. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. SNYDER].

The CHAIRMAN. The gentleman from New York is recognized for five minutes.

Mr. SNYDER. Mr. Chairman, referring to the bill now under discussion, H. R. 13555, it seems to me that the membership of this House and the people of this country are to be congratulated upon the work of this subcommittee under its able chairman, the distinguished gentleman from Virginia [Mr. SLEMP]. And it seems to me that it must be apparent to the people of this country that this House under its able leadership is really practicing the strictest economy, inasmuch as every appropriation bill that has been brought in during this session of Congress has been greatly reduced as compared to the estimates presented by the various department heads. And notwithstanding these great reductions that have been made by the various appropriation committees, every necessary activity of these various departments has been cared for by appropriations not only sufficient to operate them successfully in peace time, but in most cases the appropriations are more than double what they were in the days before the Great War.

In this particular bill the original estimate of the department was, in round numbers, $117,000,000, subsequently reduced to $66,000,000; and as the bill is presented to us it carries $18,000,000, or $98,000,000 less than the original estimate. It will be seen that the amount appropriated in the bill is approximately three times the average amount appropriated annually for a period of years before the war.

I have always been an advocate of sufficient appropriations to put not only the borders of our own country but the borders of our colonies in proper defensive position. I believe that this measure carries a full and adequate amount for all necessary purposes in peace time and will eventually bring our fortifications up to a standard that will make them approximately impregnable.

Another feature of this bill which is very attractive to me is the fact that it requires there should be covered into the Treasury, upon its approval, over $800,000,000 of unobligated balances of appropriations heretofore made for fortifications, and that the appropriations provided for in this bill are for the coming fiscal year only. I think it is highly proper legislation that appropriations should not, except for emergencies, be made immediately available. Neither should appropriations, in my judgment, be made available until expended.

I think the committee has shown great wisdom in this respect and I have no doubt that it will bring about great savings to the country in the future.

The watchword of this House during this session has been "economy," and, in my judgment, it is the most important word of all, and we should keep it always in mind, and every estimate should be cut to the actual needs of the project in hand. [Applause.]

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman yields back two minutes.

Mr. SLEMP. Mr. Chairman, I yield 30 minutes to the gentleman from Connecticut [Mr. TILSON].

Mr. EAGAN. I understood I was to have the opportunity of yielding time next.

Mr. SLEMP. My understanding was that the gentleman to whom time would be yielded would follow the gentleman from Connecticut.

The CHAIRMAN. The gentleman from Connecticut is recognized for 20 minutes.

Mr. TILSON. Mr. Chairman, I request that during my preliminary statement I be not interrupted. When I pass from this I shall court interruption and shall be glad to have as many questions asked as possible.

Mr. BLANTON. But before the gentleman begins the preliminary statement will he permit an interruption?

Mr. TILSON. Yes.

Mr. BLANTON. I just want to commend the aproposness of the gentleman's subject; that is, our defensive problems, following our action of yesterday. It comes in very appropriately.

Mr. TILSON. The gentleman from Texas is right, because I speak for a peace-time military program. The gentleman should recall that, according to the teachings of our first President, in peace is the time to make preparation for war. It is for such preparation as I believe our first President would approve that I speak.

I would next apologize for the small number of my exhibits, but perhaps they are sufficient to defend myself against the somewhat attenuated audience that I must face. I hope to have time in which to explain the exhibits, although the time granted to me is only half what I had expected.

Mr. Chairman, I would tell very briefly a mere fragment of the story of a great giant who was drawn into mortal combat at a time when he had failed to take care to keep his armor and weapons in order. I would call to mind as a lesson to be remembered how he was compelled to spend almost $25,000,000,000 in preparation for the conflict, how more than a quarter of this fabulous sum was spent for ordnance material alone, and how not even a tithe of the material for which it was expended was ready in time to be of use in the struggle.

One of the most outstanding facts in connection with our participation in the Great War is that the United States had to spend seven billions of dollars for ordnance material and airplanes that had not yet materialized when the war closed, while we fought the war with about a half a billion dollars worth of ordnance purchased from France and Great Britain.

Let it be understood at the outset that what I am saying is not in criticism of anyone, but rather by way of recalling a few well-authenticated facts for the purpose of setting them down for the guidance of those who come after us. I feel that it is a great pity that no one has yet attempted to set out with historical accuracy what we did in the war and how we did it, and at the same time set out with equal care the things we failed to do and the reasons why we failed. It would be an interesting as well as valuable historical document.

We are now in the midst of the great quadrennial contest for control of the civil side of government for the next four years. It is a time when men are prone to point with pride or to view with alarm according to their political leaning. In what I shall say to-day there will be no time consumed in doing either of these things except so far as the facts themselves may serve that purpose.

I have feared that between those who seek only to praise and glorify all that took place during the war and those who are disposed to find fault with everything that was done, those who come after us will not get an accurate picture of what happened. So far as I am able to make it so that picture shall be not only accurate but constructively helpful to the student of these matters in the years to come.

I was much impressed a few weeks ago by some remarks of the very able gentleman from Tennessee [Mr. GARRETT]. Referring to the so-called embalmed-beef episode of the Spanish War, he unsparingly disapproved of those who in such great crises would make such petty scandals their stock in trade political argument. I thoroughly agree with him. Nothing makes me more inexpressibly weary than the inane cry of "embalmed beef" made occasionally by some ignorant partisan who seeks thereby to cast discredit upon those who had the task of carrying on the Spanish War. Even if the beef were all that the yellow journals described it to be—and it was not, for I was there and both saw it and ate it—still it would probably not rightfully discredit more than a single careless inspection officer. No sensible person would claim that it involved Secretary of War Alger or President McKinley.

I happen to know upon first-hand information of an instance in France of beef known to be scarcely fit for human food, which was nevertheless issued to soldiers and eaten by them. I refer to this case here because it happens to relate to beef. It was far worse than was ever charged against the embalmed beef of 1898, and I think the officers responsible should have been called to account if possible. Yet who would be so silly as to charge or to think for a moment that Secretary Baker or the administration of his party had anything whatever to do with such dereliction of duty. Such instances could probably be multiplied in this and every other war. It is nauseating to see partisans trying to make political capital out of such occurrences, whether they be sheer accidents or careless blunders on the part of some subordinate official.

In an undertaking so stupendous as our preparation for participation in the Great War there were inevitably both wonderful achievements and colossal blundering, more than enough of either to consume all the time that a busy House or an impatient public would spare to a speaker or writer on the subject. There were a great number of noteworthy performances which entitle those responsible for them to lasting credit and renown, and should assure them grateful remembrance by the American people. Among these none are entitled to greater credit than officers of the Ordnance Department. It would be pleasant to speak of the achievements only, but to do so would be to ignore some of the most useful and needful lessons of the entire war.

I shall speak for the most part of arms, ammunition, and other essential weapons of warfare, articles usually included under the term ordnance and used in fighting. Instead of trying to cover the entire field of ordnance, which is now a very broad field, I shall take a sufficient number of essential articles to serve as types of the whole.

If I needed a text for my remarks, Kipling's oft-quoted "Lest We Forget" would serve appropriately. During the years 1917 and 1918 we were taught, at most fearful cost, some very important lessons, which it would be a great pity, in fact, a calamity, for us to forget. As many of you will readily recall, for some time prior to our entering the war it was my privilege, as I conceived it my duty, to stand upon this floor and try to explain to my colleagues our true situation with regard to the very vital subject of national defense. I sought to make clear what our plight must inevitably be should war come. Not content with calling attention to the condition and to the probable consequences if not remedied, I went further, and attempted in some measure to point the way toward a possible solution of the problem. Whatever might have been the final results of efforts along this line, war came too soon to permit the fruition of any adequate plan.

It is therefore well to admit the fact, quite discreditable to us as a progressive Nation, that at the outbreak of the war in Europe we were woefully unprepared for war, whether it should be for attack or defense. I am not going into the controversy as to who was most to blame for this condition of affairs. In certain important respects, to which I shall refer later, we were somewhat better prepared when the war came to us in 1917. As a Government we can claim no credit whatever for this improvement in our situation, for even in the face of a world conflagration, liable to reach us at any time, we, as a Government, sat supine and did nothing toward increasing or improving our fire-extinguishing apparatus until the flames actually reached us.

Assistant Secretary of War Crowell, in his book on America's munitions, says:

> When the war touched us our strategical equipment included plans ready drawn for the mobilization of men. They were on file at the Army War College in Washington; detailed plans for defending our harbors, our coasts, and our borders. There were also certain plans for the training of new troops.
>
> It is worthy of note, however, that this equipment included no plan for the equally important and equally necessary mobilization of industry and production of munitions, which proved to be the most difficult phase of the actual preparations for war.

There should have been such plans. Students of military problems, outside as well as inside of the War Department or the Army, not only saw that this would be the more difficult phase of preparation but had called attention to the fact.

Assistant Secretary Crowell further says:

> The war taught us that America can organize, train, and transport troops of a superior sort at a rate which leaves far behind any program for the manufacture of munitions.

This is absolutely true in the situation this country was in when war came, but it ought not to be true and would not be true if we had a proper plan and the necessary preliminary preparation.

The Assistant Secretary also informs us that the war upset the previous opinion that adequate military preparedness is largely a question of trained man power.

Many of you can testify that I had been for several years before the war thoroughly trying my throat and lungs, as well as the patience of my fellow Members of this House, in a continuous effort to uproot any such opinion.

When the war came to us in 1917 it was also the prevailing popular belief that not many men would be required of us, but that our great and important part of the joint task would be to furnish munitions, which we were supposed to be able to provide without stint. Exactly the reverse happened. American men were most needed. We sent men in surprising numbers, and, strangest of all, they had to fight with foreign-made munitions.

Again, I say that there is no disposition on my part to find fault or criticize. Given the situation as it existed when we entered the war, the result was the natural, almost inevitable, consequence. That it is a fact, however, that our men had to use foreign-made munitions can not be controverted.

Maj. Gen. William J. Snow, Chief of Field Artillery, in his report of the activities of this arm of the service during the war, says:

> One of the great lessons that our people should learn from this war is that it requires much time to manufacture guns. On November 11, 1918, with the exception of twenty-four 8-inch howitzers, manufactured upon plans which had been used by the Midvale Steel Co. in the construction of howitzers for the British Government, there was not in the firing line a single field or heavy artillery gun manufactured for us in the United States after our entrance into the war—a period of 19 months. Had it not been for the matériel furnished us by the French and the British it is believed that the war would have been lost.

In making recommendations for the future based upon the experience of the war Gen. Snow makes this additional statement along the same line:

> It is indispensable that an adequate reserve of material and equipment, particularly of ordnance, for our needs upon the outbreak of war be accumulated and maintained in time of peace. Had we not been able to obtain ordnance from the French and the British we would have been a negligible factor in the war until the end of 1918. When the armistice went into effect, 19 months after we entered the struggle, with the exception of twenty-four 8-inch howitzers made from British plans by the Midvale Steel Co., we had in line not one single piece of divisional, corps, or army artillery manufactured in America after our entry into the war.

Gen. Pershing in his final report says:

> The task of the Ordnance Department in supplying artillery was especially difficult. In order to meet our requirements as rapidly as possible we accepted the offer of the French Government to supply us with the artillery equipment of seventy-fives, 155-millimeter howitzers, and 155-millimeter G. P. F. guns from their own factories for 30 divisions. The wisdom of this course was fully demonstrated by the fact that, although we soon began the manufacture of these classes of guns at home, there were no guns of American manufacture of the calibers mentioned on our front at the date of the armistice.

It is a familiar saying that hindsight is better than foresight. As we look back now we can see numerous places where mistakes occurred. Unfortunate decisions were made among the many and momentous decisions necessary to be made. Incorrect estimates were made and acted upon with the inevitable result. Unexpected difficulties were encountered, causing heartrending delays. Inexperience explains many untoward happenings. Remember that there were less than a hundred ordnance officers at first and 11,000 at the end of the war. Some of them were doubtless poor officers, not only inefficient but incompetent and incapable. It would have been a miracle had it been otherwise. It is pleasant to believe, as I do believe from personal knowledge of hundreds of representative ordnance officers met during the war, that no arm of the service produced a more efficient or competent personnel.

To the lasting credit of the Ordnance Department it should be said that its spokesmen did not indulge in any optimistic dreams that were put forth as promises. It was stated quite frankly at the outset that so far as guns for the Artillery and shells for the guns were concerned it would be 1919 before they would be well started in quantity production and that the full program would not be in operation prior to October 1, 1919. While seemingly insurmountable difficulties were encountered, this promise was more than kept, so that in a number of cases guns and shells were beginning to come through before November, 1918, though not in quantities that were adequate

The story of our preparation for the war may be summed up and explained in a few sentences. We declared war on April 6, 1917, and Germany signed the armistice on November 11, 1918. We raised and trained an Army of 4,000,000 men, who by their deeds of valor turned the scale of war during the last six months. No praise can be too extravagant for such a performance. Within a period of a little more than 12 months we had created from our raw material of American manhood a substantial force of men ready for the final training to be acquired only by contact with the enemy. What of the weapons and other material with which they must fight? These things we did not have, and it was not physically possible to produce them, or any substantial part of them, within 12 months. We entered upon the task with a will and determination worthy of a great people engaged in a noble cause and without regard as to what it might cost, but neither high and noble zeal nor all the gold of Ophir can accomplish the impossible. Nineteen months passed and the war ceased without our front-line troops having seen, in the shape of fighting material, the results of our great labor and expense.

The cause is not far to seek. The arms and ammunition used in modern warfare are as a rule complicated and delicate machines. To be effective they must function with precision. To produce such articles requires time. Above all, the preparation of the tools, inspection devices, and other special appliances necessary for the accurate and rapid production of such articles not only requires time but technical skill possessed by a comparatively limited number of men. Herein lay the worm at the core of such small preparation as we had hitherto made for national defense. When the crisis came there was no provision for a rapid expansion of production, and the expenditure of no amount of money whatsoever could then make up the loss.

In one important instance, to which I have already alluded, we were saved in large measure from the legitimate consequences of our own lack of wisdom and foresight. I refer to the production of shoulder rifles. We had developed the best service rifle in the world—the new Springfield—and through a number of years had accumulated a total supply of about 600,000 of these rifles. This number now seems small, but the substantial ground for criticism lies not in the small number on hand but in lack of capacity for producing more if needed. Probably the maximum capacity of our two small arsenals under any condition would not have exceeded 1,200 rifles per day. I should say that the capacity was not limited by buildings, machinery, or men, but largely by the lack of special tools, dies, gauges, and fixtures, which it was estimated would require at least 18 months to produce. Therefore had it been necessary to fight the war with our own excellent rifles it would have been necessary for us to persuade the enemy to wait 18 months, until we were ready to produce rifles.

Fortunately for us our private manufacturers were called upon to make rifles for Europe.

The allied countries able to reach America came here for munitions. They had the right to come, and our industries had the right to supply them. It proved to be no easy task. Time was the most essential element involved, for the munitions were sadly needed, but a great deal of time was consumed in making the tools and other devices to which I have referred before our most capable and progressive manufacturers were able to respond to the demand. The primary ordnance essentials at that time as at all times were infantry rifles and cannon, with an abundance of ammunition for both. Early orders were placed in the United States for large numbers of rifles and great quantities of rifle ammunition.

Urgent as was the demand for rifles few were delivered within 18 months. Two years saw the contracts well along, and two and a half years saw them well nigh completed. Full capacity production reached about 15,000 rifles per day. The rifle produced here in greatest quantities was the modified Enfield, which had been designed by the British but not put into production. It was originally designed for a high-power cartridge, much like our own, and therefore could be readily modified to use our ammunition. This was done and proved a veritable godsend to our munitions program. No decision made during the war was more important or far-reaching in its effects.

All the machinery, special tools, fixtures, dies, jigs, and gauges for making the Enfield rifle for Great Britain were in the hands of our manufacturers. It was a comparatively small task to procure such new tools and appliances as were made necessary by the modification to use American ammunition. Within three or four months this was accomplished, and a satisfactory rifle was being turned out in quantities. As I have said, the decision to make and use the modified Enfield rifle chambered for our own ammunition was an important one. Any other would have meant a scarcity of rifles such as Great Britain suffered from during the first two years of the war and a dependence upon our associates in the war for the arm which, although the most essential, is at the same time the most difficult to produce.

The three men who, in my judgment, deserve the highest credit in connection with this momentous decision and for thereafter making the rifle program an unqualified success are Mr. John E. Otterson, president of the Winchester Repeating Arms Co.; Mr. Harry S. Kimball, president of the Remington Arms & Union Metallic Cartridge Co.; and Mr. C. H. Schlachs, general manager of the Eddystone rifle plant. These men are great captains of industry who led others through difficult and baffling problems the right solution of which was absolutely vital. Their preeminent executive ability coupled with technical training of a high order directed along practical lines made their services invaluable in the crisis then at hand.

Mr. McKEOWN. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from Connecticut yield to the gentleman from Oklahoma?

Mr. TILSON. Yes.

Mr. McKEOWN. I am very much interested in the gentleman's discussion. I would like to know if any changes were made between the English rifle and our pattern of it?

Mr. TILSON. Only the changes necessary to make it fit our cartridge. Ours is what is known as the .30 caliber, whereas the cartridge used in the British rifle is the .303. Our cartridge case has a cannelure by means of which it is fed into the chamber and ejected after firing, while the British has the old-fashioned rimmed head.

Mr. MILLER. Mr. Chairman, will the gentleman yield for a short question?

Mr. TILSON. Yes.

Mr. MILLER. The gentleman speaks of the small number of pieces of American-made ordnance that were on the battle front in France at the time of the armistice. Is it not a fact that we sent to France many forgings which materially facilitated the ready production of ordnance so that France could supply it?

Mr. TILSON. Yes; and some to the British. Before we entered the war we were producing ordnance for some of the Allies, and this, of course, we went ahead with. The reason why we completed 24 of the 8-inch howitzers that Gen. Snow speaks of in time to get them to the front was because we already had the plans and were making them for the British.

The point I wish to bring home is the time it takes to develop a gun and put it in actual production. Wherever we were prepared to make guns we did it rapidly. It is the time required for the preparation that looms largest in the way.

Mr. SNYDER. Mr. Chairman, will the gentleman yield?

Mr. TILSON. Yes.

Mr. SNYDER. When the gentleman says we were making some ordnance will he particularize who "we" were?

Mr. TILSON. I mean our private manufacturers. Of course, our Government made nothing for foreign Governments. It could not properly do so in time of peace. Our private manu-

facturers, however, were manufacturing these things. The Midvale and the Bethlehem companies were two concerns that were specially engaged in making the heavy guns, while the three plants to which I have alluded—the Winchester Repeating Arms Co., the Remington Arms & Union Metallic Cartridge Co., the Eddystone plant—and others, were actively engaged in making rifles.

Assistant Secretary Crowell, in his book on American munitions, states clearly why it was necessary to adopt the modified Enfield rifle instead of our own superior Springfield. I quote:

> To produce Springfields on a grand scale in private plants would imply the use of thousands of gauges, jigs, dies, and other small tools necessary for such a manufacture, as well as that of great quantities of special machines. None of this equipment for Springfield rifle manufacture had been provided, yet all of it must be supplied to the commercial plants before they could turn out rifles.

Accurately expressed. His statement as to why this condition of affairs existed is not so fortunate, because it is entirely at variance with the well-authenticated facts. I quote from this statement:

> Why, then, was not the manufacture of Springfields extended to private plants? Some antebellum effort, indeed, had been made looking to the production of Springfields in commercial plants, but lack of funds had prevented more than the outlining of the scheme.

Members will recognize at a glance the old time-worn dodge of trying to lay the blame upon Congress, but it will not work in this case. There was an earnest antebellum effort along the lines indicated by Mr. Crowell in this statement. Many of the present membership of the House will recall the part played in that effort by the Member now addressing you.

Section 123 of the national defense act, which was written by me and placed in the bill as a result of my efforts, and also the appropriation authorized by that section and carried in the Army appropriation bill passed in the summer of 1916, will serve to refresh the memory on this subject. The undisputed facts in the case are that Congress appropriated all the funds for this purpose that the War Department could be persuaded to accept, and that none of the funds appropriated were used. If there be blame in connection with this matter, it should be placed where it properly belongs.

The modified Enfield rifles were produced in sufficient quantities to not delay or hamper military activities in any respect, and as this was the only part of our munitions program of which this could be truly said, we are justified in feeling a reasonable degree of pride in it, although we should recognize the fact, as Mr. Crowell says, that it was due to "a condition in our small-arms industry in early 1917 that now seems to have been well-nigh providential."

In order to give a clearer idea as to just what the problem was and what progress was made toward solving it, I here submit certain tabulated data relating to typical articles in the ordnance program, which will serve to give a general idea of the whole. The tables are, for the most part, taken directly from War Department sources and are substantially accurate, although in some cases the totals of articles completed since the armistice may need to be increased. However, they are sufficiently accurate for present purposes.

Figures concerning the production of airplanes are omitted purposely. There has been so much controversy upon this subject that I doubt if anything I might contribute would furnish additional light, and I do not desire to add anything to the heat of the controversy. It is sufficient for my purpose here to refer to the uncontroverted fact that, although more than a billion of dollars were expended, American-made airplanes did not make their appearance at the fighting front in time to be of any appreciable service in winning the war. I say this because it ought not to be left unsaid in remarks touching upon this subject, having for their purpose, not criticism of the past but the unbiased narration of certain facts which may serve in some small measure as a reliable guide for the future. The national defense through the years to come is for me infinitely more important than the question whether one man may deserve praise or another man deserve blame for something done or something left undone in the war just ended.

Passing rapidly to the statistical charts that I have brought in I shall be compelled to be very brief in explaining them. Fortunately they are largely self-explanatory. After I have referred to them I shall be glad to have anyone ask me questions in regard to them.

In the case of rifles, machine guns, pistols, and revolvers I have shown in the charts the rate of production and the totals. In case of the larger guns and other articles something of the magnitude of the program is shown by giving the number ordered as well as the number completed, whether before or after the war ended.

SERVICE RIFLES.

Chart 1 shows the total rifle production during the period of the war, the period included in the year 1918 being given by months.

It should be understood that the two Government arsenals at Springfield, Mass., and Rock Island, Ill., made and were able to make only the Springfield rifle, while the Winchester, Ilion, and Eddystone plants produced the Enfield.

The time consumed in changing over from the manufacture of the Enfield chambered for British ammunition to the same rifle chambered for American ammunition was so short that it can be explained only by the fact that some of the far-sighted manufacturers evidently discounted the decision to make the change and began preparation in advance of the decision. Winchester made the first delivery of rifles on August 18, 1917, Eddystone on September 10, 1917, and Ilion on or about October 28, 1917.

CHART I.

RIFLES.

Months.	Eddystone.	Winchester.	Ilion.	Springfield Armory.	Rock Island Arsenal.	Total.
Before August, 1917	.....	.....	.....	14,986	1,680	16,666
Aug. 1 to Dec. 31, 1917	174,160	102,363	26,364	89,479	22,330	414,696
1918.						
January	81,846	39,200	32,453	23,890	7,680	185,069
February	98,345	32,660	39,852	6,910	2,460	180,227
March	68,404	42,200	49,538	120	420	160,682
April	87,508	43,600	36,377	2,631	.....	170,116
May	84,929	41,628	54,477	3,420	550	185,004
June	104,110	34,249	52,995	6,140	619	198,113
July	135,080	35,700	60,413	14,841	2,038	248,072
August	106,595	20,030	65,144	27,020	1,597	220,386
September	110,058	31,550	58,027	29,770	3,813	233,218
October	100,214	33,700	53,563	35,920	3,256	226,653
Nov. 1 to 9, 1918	30,659	9,109	16,338	10,500	808	67,405
Total	1,181,908	465,980	545,541	265,627	47,251	2,506,307

The small number of Springfield rifles produced at the Government arsenals during the first months after our entry into the war is explained by the considerable number of components produced and used as spare parts to replace defective parts in certain rifles already on hand.

Mr. OGDEN. Does the gentleman expect to insert these charts in the RECORD?

Mr. TILSON. I expect to insert them in the RECORD, where they will serve as a source of information for anybody who may care to examine them.

MACHINE GUNS.

The next subject of which I shall speak is the production of machine guns. Chart II shows the production up to January 1, 1918, in the first column, and after that the total number of guns of all kinds manufactured up to December, 1918. It appears that we had at the first of 1918, 2,031 Vickers guns, 2,500 of the Colt guns, and 2,209 of the Lewis guns, besides 750 of the Lewis guns chambered for the .303 British ammunition. There were a few of the old Benet-Mercier type of gun in the hands of the troops. My own regiment was supposed to be adequately armed with four of these guns during our tour of duty on the Mexican border in 1916.

CHART II.

AUTOMATIC ARMS.

	To Jan. 1, 1918.	1918					
		January.	February.	March.	April.	May.	June.
Ground machine guns.							
Browning, heavy	.....	.....	.....	.....	12	922	2,620
Vickers, field	2,031	1,021	951	1,386	1,341	1,208	1,349
Colt	2,500	.....	.....	.....	.....	.....	305
Lewis, field	2,209	291	.....	.....	.....	.....	.....
Lewis, caliber .303	750	.....	.....	.....	300	.....	.....
Aircraft machine guns.							
Marlin	12	3,134	3,850	3,419	5,750	6,250	219
Lewis, flexible	6	540	1,085	1,568	1,333	2,629	4,342
Vickers, 11 mm	.....	.....	.....	.....	.....	.....	72
Automatic rifles.							
Browning, light	.....	.....	15	548	303	1,822	3,876
Total	7,508	4,986	5,901	6,921	9,099	12,831	12,783

CHART II—Continued.
AUTOMATIC ARMS—continued.

	1918						Total.
	July.	August.	September.	October.	November.	December.	
Ground machine guns.							
Browning, heavy	4,225	9,182	8,638	14,639	6,651	9,516	56,606
Vickers, field	1,565	780	381	103			12,125
Colt	11						2,816
Lewis, field							2,500
Lewis, caliber .303							1,050
Aircraft machine guns.							
Browning				211	363	6	580
Marlin	6,356	7,269	1,691	60			38,000
Lewis, flexible	4,338	5,595	3,973	5,857	3,792	4,142	39,200
Vickers, caliber .30			307	575	373	1,221	2,476
Vickers, 11 mm	263	95	254	117	161	276	1,238
Tank machine guns.							
Browning					3	1	4
Marlin		103	9	316	460	582	1,470
Automatic rifles.							
Browning, light	8,198	12,517	6,896	13,687	11,368	10,672	69,960
Total	24,954	35,447	22,340	35,239	22,714	25,834	226,557

In May, 1917, it was decided to adopt the Browning gun, the light automatic rifle, and the heavy gun for the field gun, and a supreme effort was begun to put these guns into production. It is almost marvelous that in a single year we were able to produce a few of each type. It was early in May, 1917, when it was decided to adopt this gun. In May, 1918, the Winchester Co., at New Haven, had turned out about 1,000 of the automatic rifles. By June, 1918, the Marlin-Rockwell Co. was ready to begin making them, and by July, 1918, the Colt Co. was producing them. At the end of the war the War Department reported the acceptance of 52,238 of the light Brownings. About 40,000 of the heavy Brownings were accepted during the same period. Do not suppose that any considerable number of these guns reached the firing line. A few of them had finally gotten through to the front, but probably if you ask all the men who served at the front whom you may meet for six months whether they saw a Browning gun, they will all probably tell you that they did not. This is because it took some time to assemble the guns in this country, prepare them for shipment, transport them to Europe, issue them there, and then train the men in the use of them. You must remember that the final campaign of the war began on the 26th of September, 1918, so that practically none of our Browning rifles reached the front in time for effective use. I saw a single report of their use at the front about the middle of September, 1918. The officer who sent in the report was enthusiastic concerning their use.

Mr. McKEOWN. What is the advantage of the Browning gun over the Lewis gun?

Mr. TILSON. It seems to be very generally claimed by our Army ordnance experts that it is superior, and I am prepared to believe that it is a better gun. It is claimed that it operates with less difficulty under all sorts of conditions. The Lewis gun is a good gun, however. My own judgment is that we ought to have produced more Lewis guns and more Marlin guns, not because they were the best that had been designed, perhaps, but because at the time we entered the war they were the only guns that were in actual quantity production in this country. Being the only guns that were in full production so that they could be made rapidly, we should have made more of them. In other words, we should have made the only guns that we could make, and we should have made them rapidly enough to supply our troops in camp for training purposes and at the front for fighting.

Mr. SNYDER. We all have a very high regard for the gentleman's opinion, but when he states that the Browning gun is a better gun than the Lewis gun, he does not state that from actual experience of the two guns, because the facts are that in the war, so far as England and Germany were concerned, there were 50 Lewis guns used to 1 Browning.

Mr. TILSON. The gentleman from New York is entirely correct, and what I have stated is really the opinion of most of our ordnance people, which I am not prepared to controvert, that the Browning is the superior gun.

Mr. SNYDER. I just want it to appear in the RECORD that the Lewis gun was the gun that was used.

Mr. TILSON. The gentleman is correct in what he says. The Lewis gun was successfully used in great numbers, while the Browning was not used at all in any appreciable numbers. The Browning gun was not sufficiently tested out in the war itself to enable anyone to say from sufficient actual war experience that it is a superior gun. Upon such tests as it has had it is believed to be a superior weapon.

Mr. SNYDER. The Lewis gun is manufactured in my district, and in view of that fact I am deeply interested in having the facts appear, and I want it clearly in the RECORD that what the gentleman has stated is purely a matter of opinion.

Mr. TILSON. As I have stated, I do not know whether the opinion is correct or not. The criticism that, in my judgment, should be made is not as to whether the gun adopted was superior or inferior to some other, but of the fact that we waited for the development and preparation to manufacture a gun that required a full year before we could make it at all. I think that just as soon as we entered the war we ought to have procured all the Lewis guns possible by every possible means. We did buy them later on and used them as flexible guns in the Air Service, but we should have had more as we went along of both the Lewis and the Marlin guns.

Mr. SNYDER. I am glad to hear the gentleman say that.

Mr. TILSON. A few words in regard to the Marlin gun. As I have stated, the Marlin gun was the only other machine gun in production on a large scale. For certain reasons of a mechanical character the Vickers gun had never been put into production on a large scale; hence the Lewis and Marlin guns were the only American guns available for our needs. For our ground fighting in France we chose to rely upon the French Hotchkiss and Chaucat automatic, both using French ammunition. The merits of the Marlin gun were slow to be recognized by the Ordnance Department. The Air Service required for use on the tractor type of airplane, most used in France, a machine gun capable of being synchronized so as to shoot between the swiftly rotating blades of the propeller. The Marlin was found to fill the bill admirably. It was first ordered as a stop-gap, proved to be satisfactory, and finally received the most enthusiastic approval. As early as February, 1918, Gen. Pershing cabled as follows:

Marlin aircraft guns have been fired successfully on four trips, 13,000–15,000 feet altitude and at temperature of −20° F. On one trip guns were completely covered with ice. Both metallic link and fabric belts proved satisfactory.

Again, just before the armistice, Gen. Pershing cabled:

Marlin guns now rank high as any with pilots and are entirely satisfactory.

The French Government tried them out also and declared them to be the equal of the Vickers.

PISTOLS AND REVOLVERS.

Now, I pass to pistols and revolvers. Chart III shows the production of automatic pistols and revolvers during the period of the war. Prior to the war only about 20 per cent of our enlisted personnel were armed with the pistol. As soon as our troops got into actual fighting it was found that the pistol, especially the automatic pistol used in our Army, was a great life saver as well as a great life destroyer as used by our men. It proved to be a fine weapon to fight with, and it was at once decided that a very much larger percentage of our troops should be armed with the pistol. Every effort was made to enlarge the capacity for the manufacture of the automatic pistol. When it was found to be impossible to get the tools, gauges, jigs, and other necessary things to increase production capacity sufficiently in time for the purpose, it was decided to include revolvers in the program. Several types of revolvers were used, including the old-type Colt, the new-type Colt, the Smith & Wesson, and others. In fact, it was a case of accepting almost anything that would shoot. When the war ended a number of manufacturers in addition to the Colt Company were tooling up for the production of the Colt automatic pistol, notably the Winchester Co.; so that if the war had lasted over into 1919, as it was generally expected it would, our program for pistols would have been well along.

CHART III.
PISTOLS AND REVOLVERS.

	Pistols.			Revolvers.			Total, pistols and revolvers.
	Colt.	Remington Union Metallic Cartridge Co.	Total, pistols.	Colt.	Smith & Wesson.	Total, revolvers.	
Apr. 6 to Dec. 29, 1917	58,500		58,500	20,900	9,513	30,413	88,913
1918.							
January	11,000		11,000	8,700	7,500	16,200	27,200
February	14,500		14,500	8,800	8,550	17,350	31,850
March	21,300		21,300	11,800	12,400	24,200	45,500

CHART III—Continued.

PISTOLS AND REVOLVERS—continued.

	Pistols.			Revolvers.			
	Colt.	Remington Union Metallic Cartridge. Co.	Total, pistols.	Colt.	Smith & Wesson.	Total revolvers.	Total, pistols and revolvers.
1918.							
April	22,400	.....	22,400	10,400	10,650	21,050	43,450
May	35,000	.....	35,000	11,100	12,150	23,250	58,250
June	37,800	.....	37,800	11,100	14,250	25,350	63,150
July	39,800	.....	39,800	11,600	11,555	23,155	62,955
August	40,400	.....	40,400	11,300	13,358	24,658	65,058
September	32,100	640	32,740	11,100	12,650	23,750	56,490
October	42,300	3,881	46,181	13,500	16,675	30,175	76,356
November	45,800	4,102	49,902	11,900	12,660	24,560	74,462
December	24,600	4,529	29,129	9,500	11,400	20,900	50,029
Total	425,500	13,152	438,652	151,700	153,311	305,011	743,663

37-MILLIMETER GUN.

In the brief time left I wish to speak for only a moment of the 37-millimeter gun, which is a sort of connecting link between the infantry and the artillery. The 37-millimeter gun is a little under an inch and a half in caliber, or, to be exact, 1.45669 inches. The whole outfit weighs about 340 pounds. It is hauled along by a single horse or mule on a sort of cart. It is so arranged that the wheels and axle can be taken off and left behind. By putting the sponge staff through the barrel two men can carry it, while two other men of the squad carry the trail. The remaining four men of the Infantry squad carry the ammunition. The guns of this type used by our troops were bought from the French. We started to put them in manufacture in this country and had ordered 2,597. These were just beginning to come through at the end of the war. I think that a few of them had been assembled for shipment overseas.

The 37-millimeter was used as an antidote for the "pill boxes" and to clean out machine-gun nests and other strong points of this kind. It was called the Infantry cannon, being used entirely by this arm of the service.

75-MILLIMETER GUN.

The gun that played the largest part of all the field or other heavier guns in the war was the 75-millimeter gun. Its importance is indicated by the fact that it makes up numerically practically one-half the artillery program and requires very much more than half the total number of rounds of ammunition. Prior to the war no one outside of a few French ordnance officers had ever seen the 75-millimeter gun—that is, the interior of it—although it is not a new gun, being known as the 1897 model. The secret of the recoil mechanism had been preserved for 20 years, carefully kept from the public and from everyone except a few special ordnance officers in the French Army.

CHART IV.

75-MILLIMETER GUNS.[1]

Unit.	Contractor.	Number ordered.	Number completed, 1919.
75-mm. gun carriage, model of 1916.	Rock Island Arsenal	472	185
	Bethlehem Steel Co	455	25
	New York Air Brake Co	400	97
75-mm. gun carriage (French)	Willys-Overland Co	2,927	1,299
75-mm. gun carriage (British), complete.	Bethlehem Steel Co	2,868	921
75-mm. gun carriage limber (British), complete.	do	908	1,010
75-mm. gun carriage limber, model of 1918.	Bethlehem Steel Co	436	441
	American Car & Foundry Co	3,661	3,661
75-mm. gun caisson, model of 1918.	Bethlehem Steel Co	1,666	831
	American Car & Foundry Co	20,356	18,301
75-mm. caisson limber, model of 1918.	Bethlehem Steel Co	1,916	1,916
	American Car & Foundry Co	20,675	20,675
75-mm. cannon, model of 1916.	Symington-Anderson Co	640	416
	Wisconsin Gun Co	100	116
	Watervliet Arsenal	264	192
	Bethlehem Steel Co	340	2
75-mm. cannon (French)	Symington-Anderson Co	4,300	860
75-mm. cannon (British)	Wisconsin Gun Co	2,050	190
	Bethlehem Steel Co	2,868	909
75-mm. recuperator	Singer Manufacturing Co	.....	2,083
	Rock Island Arsenal	.....	

[1] 19 model 1916 and 124 British model were sent to France for training purposes.

The recoil mechanism of the 75-millimeter and other guns of its general type is called the recuperator. Something of this kind is necessary to absorb and neutralize the tremendous force of reaction caused by firing the piece. The French believe, and this belief was quite generally concurred in, that the recuperator of the famous 75 was the most perfect and effective in the world. As I have said, its secret had been carefully guarded for years. French joy at our coming into the war was manifested, among other ways, by turning over to us without restriction the wonderful 75 with its marvelous recuperator. A first study of the mechanism led to an attempt to Americanize the method of production, which was not entirely successful. American perseverance finally overcame all obstacles, so that a considerable number of these recuperators were finally completed; but, like most of our other preparations made after the war began, they came too late to be of service in the war.

4.7-INCH GUNS.

Chart V shows the number of 4.7-inch gun units ordered and the number finally completed:

CHART V.

4.7-INCH GUNS.[1]

Unit.	Contractor.	Number ordered.	Number completed 1919.
4.7-inch gun carriage, model of 1906.	Rock Island Arsenal	303	183
	Studebaker Corporation	380	175
	Walter Scott Co.	250	57
4.7-inch gun carriage limber	American Car & Foundry Co.	433	433
	Maxwell Motor Co.	479	250
4.7-inch gun caisson	American Car & Foundry Co.	1,848	848
	Ford Motor Co.	1,001	402
4.7-inch cannon	Northwestern Gun Co.	.....	417
	Watervliet Arsenal	.....	

[1] 16 of these units were floated for overseas up to Nov. 11, 1918.

The 4.7-inch gun is the one weapon used in the war with which our troops were familiar. We had the stupendous number of 48 of these guns when the war began, only a fractional part of the number needed for training purposes alone. Sixteen more were completed in time to be sent to France before November 11, 1918. Had the war lasted until the spring of 1919, an appreciable number of these guns would have been on the firing line. Orders were given early for the guns, carriages, caissons, and limbers, but the usual difficulties were encountered, and some additional ones, so that deliveries had only just begun when the war ended. One of the serious difficulties was the result of the great difference in cross section between the breech and muzzle ends, which made difficult the proper necessary heat treatment.

The 4.7-inch gun, with its heavier missile and longer range, was counted upon for very effective use against the German 77. With a 60-pound projectile and an elevation of 15 degrees, the 4.7 has a range of 4½ miles. By using a 45-pound projectile and the same angle of elevation, the range can be increased to 5½ miles. A still greater range is possible by depressing the trail into a hole in the ground, thus giving a still greater angle of elevation. A new design of carriage with a split trail, giving both a wider traverse and a greater elevation, was developed, and the first one was undergoing tests at the proving grounds when the war ended.

155-MILLIMETER HOWITZERS.

Like most of the best weapons used in the war, the 155-millimeter howitzer was not a new weapon. With the famous 75 it shares the great honor of being one of the most used as well as most useful weapons used in the war. It was designed and manufactured by the great firm of Schneider et Cie. and considered by the French as one of the finest examples of the gun builder's art. American skill rose to the occasion, however, and duplicated it quite successfully, though not in time to be sent to France. Since the armistice a considerable number of these howitzers have been completed, as shown in Chart VI. These will doubtless serve as an important part of our armament in any future program of preparedness.

The 155-millimeter howitzer weighs less than 4 tons and is conveniently mobile. The projectile used weighs 95 pounds and its range is more than 7 miles. The recuperator is of the hydropneumatic type and returns the piece into battery quickly, making it possible to fire several shots per minute.

CHART VI.

155-MILLIMETER HOWITZERS.

Unit.	Contractor.	Number ordered.	Number completed 1919.
155-mm. howitzer carriage	Osgood Bradley Car Co.	1,150	462
	American Rolling Mill Co.	1,270	26
	Rock Island Arsenal	172	
155-mm. howitzer carriage limbers.	Maxwell Motor Co.	2,575	700
	Rock Island Arsenal	100	
155-mm. howitzer cannon	American Brake Shoe & Foundry Co.		1,789
155-mm. howitzer caisson	Ford Motor Co.	8,937	8,937
155-mm. recuperator	Dodge Bros.		1,601

155-MILLIMETER G. P. F. GUNS.

The same difficulties were met and the same obstacles had to be overcome in reproducing the 155-millimeter G. P. F. guns in the United States as were encountered in duplicating or reproducing in any form the other French types of weapon. One of these monsters complete weighs 20,000 pounds. It hurls a 95-pound projectile more than 10 miles. Motor traction is used and an additional caterpillar arrangement is designed which makes it possible to traverse soft ground. It has a split trail, a very low carriage, a wide angle of traverse, and a high angle of elevation.

CHART VII.

155-MILLIMETER G. P. F. GUNS.[1]

Unit.	Contractor.	Number ordered.	Number completed 1919.
155-mm. gun carriage, model of 1918 (Filloux).	Minnesopolis Steel & Machinery Co.	1,446	800
155-mm. gun carriage limber, model of 1918 (Filloux).	do.	1,446	800
155-mm. gun cannon	Bullard Engine Works	1,400	250
Do	Watervliet Arsenal	760	68
155-mm. recuperator	Dodge Bros.		889

[1] 16 were actually floated to be equipped with recuperators in France.

Our program for the production of this gun [Chart VII] was quite ambitious, but like the others did not materialize in time. It is expected that a total of nearly 1,000 of these huge pieces will be completed and become a most valuable part of our permanent armament. A later report than that given in the chart shows 954 units have been completed and that 39 more are to be completed later.

8 AND 9.2 INCH HOWITZERS.

The 8-inch howitzer has the honor of being the only piece of American ordnance manufactured in the United States during the period of the war to make its appearance on the fighting line in Europe before November 11, 1918. On April 14, 1917, just eight days after our entry into the war, an order for 80 of these howitzers was placed with the Midvale Steel Co., which had been producing the same gun for Great Britain. In consequence of this fortunate circumstance the Chief of Field Artillery was able to state in his report that six batteries of this gun were in line on the day the armistice was signed.

CHART VIII.

8 AND 9.2 INCH HOWITZERS.[1]

Mark.	Size.	Contractor.	Number ordered.	Number completed, 1919.
VI	8-inch howitzer	Midvale Steel Co.	195	195
VIII	do.	do.	100	34
Model of 1917	9.2-inch howitzer	Bethlehem Steel Co.	100	1

[1] 96 of the Mark VI 8-inch howitzers were shipped overseas before the close of the war, of which 24 reached the front before the armistice.

The 9.2-inch British howitzer is only a fraction of an inch less in caliber than the 240-millimeter French howitzer, and is not considered equal to the French weapon in any respect. The British were supplying us with this type. It might seem strange that in addition to our somewhat liberal program for the 240-millimeter we should also order 100 of the 9.2's to be made in this country.

A sufficient explanation lies in the fact that the Bethlehem Steel Co. had been making this gun for Great Britain and was ready to produce them. With this capacity available it was deemed the part of wisdom to utilize it. Therefore an order was given to the Bethlehem Steel Co. for 100 guns of this type. None of them were finished in time for use abroad.

240-MILLIMETER HOWITZERS.

Although but a fraction of an inch larger than the British 9.2 and still in the same class as the British 8-inch, nevertheless it was believed that the French 240-millimeter howitzer was so much superior to the other two that it was adopted. A glance at Chart IX will disclose something of the magnitude of the undertaking. To Watertown Arsenal alone was allotted $17,500,000 as the estimated expense for turning out 250 gun carriages complete for the 240-millimeter howitzer. Another order for nearly four times as many more gun carriages of the same kind was given to the Standard Steel Car Co. One unit was completed before the armistice, but was not sent abroad.

CHART IX.

240-MILLIMETER HOWITZERS.

Units.	Contractors.	Number ordered.	Number completed, 1919.
240-mm. unit complete, except howitzer.	Watertown Arsenal	250	41
240-mm. howitzer carriage units, except recuperators.	Standard Steel Car Co.	964	67
Windlasses	Dodge Manufacturing Co.	1,125	350
Rammer trucks	do.	1,205	375
Shot trucks	do.	3,214	1,000
240-mm. howitzer cannon	Watervliet Arsenal		240
240-mm. recuperators	Otis Elevator Co.		426
	Watervliet Arsenal		

The exact size of the 240-millimeter is 9.45 inches. The projectile weighs 356 pounds and carries a bursting charge of almost 50 pounds of high explosive. Its range is about 10 miles. By separating the complete unit into four parts, each part can be drawn by a 10-ton tractor, thus rendering the weapon mobile. A small crane is carried along for use in setting up the gun.

RAILWAY ARTILLERY.

The program for railway artillery in the war was one of mounting guns already in existence. The task was one of such magnitude as to require time beyond what the period of the war afforded. The Ordnance Department took up the task in a large way and some noteworthy results were achieved, but the same story must be told as in the case of nearly all of our gun program—the war ended before any of the guns were on the fighting line.

The 7-inch Navy guns were not intended for use overseas, but were mounted for the protection of our own seacoast against the heavy guns of the German submarines.

There were available, that could be spared from our seacoast defenses, ninety-six 8-inch guns of 35-caliber length. It was decided to construct 47 mounts. Three large contractors attempted the job and made such progress that three complete units were shipped overseas. These mounts were equipped to run on either the standard gauge or the omnipresent 60-centimeter road of the fighting zone. If the war had lasted till the spring of 1919 it is believed that these guns would have proved a factor.

CHART X.

MOUNTS FOR RAILWAY ARTILLERY.

Source whence obtained.	Number of guns.	Size, inches.	Length, calibers.	Number complete, 1919.
Navy	12	7	45	12
Seacoast defenses	96	8	35	33
Do	129	10	34	22
Do	49	12	35	1
In manufacture for Chile	6	12	50	3
Seacoast defenses	[1] 150	12	10	45
Navy (60 more ordered)	21	14	50	11
Seacoast defenses (61 more ordered)	1	16	20	

[1] Mortars.

There were 129 of the seacoast 10-inch guns of 34-caliber length available for war use. It was decided to mount 30 of them on the Schneider sliding mount and 18 on the Batignolles type of mount. Three large contractors undertook the work of fabricating the parts of the Schneider mounts to be assembled in France. A few parts had been fabricated before the armistice. None of either type were finished, and the contracts were canceled.

Of the 12-inch guns found to be available for mounting 6 were being made here for the Republic of Chile when we came

into the war. Their great length, 50 calibers, gave them a very long range. Three mounts were ordered and almost completed before the armistice. One of these mounts requires four railway cars, has a total length of 105 feet, and weighs 600,000 pounds.

One of the biggest jobs of the entire program was the mounting of the 12-inch mortars. The buildings and tools for a single plant cost $3,500,000. When the armistice was signed the castings, forgings, and structural parts were ready and 45 units were completed later.

None of the 14-inch Navy guns were finally mounted by the Army, and the contracts were canceled after the armistice. Under the supervision of the Navy Ordnance Bureau 11 of these guns, on hand before the war, were mounted on railway cars, and later on 6 of them were turned over to the Army. These 6 guns figured as the only very large semimobile artillery of American make on the line during the war.

There was one American 16-inch howitzer forged, finished, and ready for mounting at the outbreak of the war. It was decided to place this monster on a railway mount and use it in France, but it was not finished in time.

TANKS.

It does not seem to be fully settled just who it was who first invented the tank, if, indeed, it can be properly called an invention. An American contrived the caterpillar tractor. A Frenchman claims the honor of evolving the portable fortress to be carried by the tractor. The British were the first to use it in the famous drive at Cambrai.

CHART XI.

TANKS.[1]

Item.	Number ordered.	Number completed, 1919.
6-ton Renault	4,440	950
Mark I	1,000	.....
3-ton Ford & Co	15,015	15
Mark 8 A. A., components	1,500	1
Mark 8 U. S., complete	1,450	29

[1] 6 Renault and 10 Ford tanks were shipped to France.

No manufacturer in America knew anything at all about producing tanks. Fortunately they do not come within the same class with guns for difficulty of production. I shall therefore make but brief reference to them here.

It was first decided to equip our forces with two sizes of tanks. The very large British tank had proved satisfactory in battle, so it was adopted for the large size, while the 6-ton Renault used by the French was accepted for the smaller type. A working agreement was made with the British by which we furnished the engines and driving mechanism, while Great Britain furnished the hull, guns, and ammunition. The wisdom of this arrangement is apparent. We could make engines and driving mechanisms, but our production of guns and ammunition had not yet reached a satisfactory stage.

The large tanks had not yet materialized at the time of the armistice, but a few of the smaller size were about ready for use when the end of the war came.

A small 3-ton two-man tank was devised, and the Ford Motor Co. set about building them in the summer of 1918, but only a few were completed and none in time to be used.

There are many other features of our war-time ordnance problem that I should like to dilate upon, such as trench mortars, grenades, bombs, and many varieties of ammunition, but I have already referred to enough to indicate the general character of the problem. I shall refer to but one thing further, which will serve as typical of the Artillery ammunition program.

75-MILLIMETER HIGH-EXPLOSIVE SHELL.

The high-explosive shell for the 75-millimeter gun will best serve to illustrate the stupendous task of supplying Artillery ammunition, because practically all calibers use the high-explosive shell in part or in whole, and a larger proportion of high-explosive shells were used in the Great War than ever before. A very thorough study of the production of the 75-millimeter high-explosive shell during the war has been made by the statistics branch of the General Staff. The results of this study are embodied in Report No. 5, Statistical Summary Series, a most interesting, illuminating, and valuable document, the examination of which is recommended to anyone desirous of a thorough understanding of this subject. I shall submit the substance of but a single page of this report, Chart XII, in order to show the difficulty of keeping to a paper program when laid out in an untried field.

CHART XII.

PRODUCTION OF 75-MILLIMETER HIGH-EXPLOSIVE SHELLS.

(Figures represent millions.)

	Status Apr. 1.	Status Aug. 1.	Status Dec. 1.	Above or below program Aug. 1.[1]	Above or below program Dec. 1.[1]
Primers	7.8	22.2	30.6	+ 2	+10.4
Cartridge cases	4.8	17.1	26.8	− 3.1	+ 6.6
Fuzes	.4	4.8	12	−15.4	− 8.2
Shells	.3	3.9	13.9	−16.3	− 6.3
Boosters	.04	2.2	10.9	−18	− 9.3
Complete rounds	.....	.5	4.8	−19.7	−15.4

[1] The Government program called for 20,200,000 complete rounds by Sept. 1, 1918

The program finally adopted called for the production of 20,200,000 complete rounds on September 1, 1918. The different components were assigned to a number of manufacturers, each of whom set to work to turn out his particular part as soon as possible. No one knew just how long it would require. The result is shown in the chart. It shows what might be called a very badly unbalanced program. Primers were easy to make, while boosters were found to be very difficult and slow. Cartridge cases lagged behind primers, but were far ahead of fuses or shells. Since the slowest ship necessarily determines the speed of the entire fleet, so the number of complete rounds must fall below the number of boosters.

On August 1, 1918, a month before the date set for the consummation of the program, primers had been accepted to the number of 22,200,000, or 2,000,000 beyond the mark set, while boosters ready on the same date were only 2,200,000, or 18,000,000 below the program. Meanwhile the number of complete rounds lagged still further behind, with the result that only 1,600,000 rounds of light field gun high-explosive shell of American manufacture reached France, and this arrived so late that practically none of it could be tested, authorized for issue, and used before the armistice was signed.

The report referred to very appropriately adds in connection with the time required to produce the 75-millimeter high-explosive shell—and it applies as well to many other articles—"Some of the causes of the delay in manufacture were peculiar to the circumstances of this war. Others would occur in almost any future war. It is of vital importance for future military plans to know what the causes of delay were, how far they were peculiar to the occasion, and how far common to every program of munition manufacture."

Mr. Chairman, I ask unanimous consent to place in the RECORD the charts here displayed by me.

The CHAIRMAN. The gentleman from Connecticut asks unanimous consent to extend his remarks by placing some charts in the RECORD. Is there objection?

There was no objection.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TILSON. I ask for one minute more. [Turning shotgun toward the Republican side of the House.]

Mr. SLEMP. I will yield the gentleman one minute. [Laughter.]

Mr. TILSON. I have brought in as an exhibit the weapon which I now hold in my hand, because it was at one time a matter of international interest. This is the famous sawed-off shotgun, against the use of which the Kaiser protested as not being in accordance with international law. So far as my knowledge of international law goes there is nothing that would prohibit the use of such a gun. It is simply a short shotgun with a bayonet fitted to it. The ammunition used is a cartridge containing nine buckshot. It is by no means a new gun, this one being one of model 1897. It has been called a riot gun, and would doubtless be quite effective for such a purpose. It was probably first intended to be used in France to guard prisoners. It was tried in the trenches and found to be useful in close-range fighting. Gen. Pershing ordered more of them, and there were sent over to him about 30,000 or 40,000 of them. They were not all used for guarding prisoners.

These guns were made by private manufacturers entirely and were never made in the Government arsenals.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. EAGAN. I yield the gentleman one minute more.

Mr. TILSON. This little gun which I now hold in my hand was captured from the Germans. It is a pistol, using the wooden holster for an extension butt to the stock. Placing it to the shoulder in this way [illustrating] gives the weapon a steadiness in holding and aiming that in shooting gives to it practically the effectiveness of a rifle for short distances. It

is one of the very excellent pistols carried by officers of the German Army, and I am told that it is a very accurate-shooting pistol, though I have not yet had the opportunity of trying it out for myself.

Mr. McLAUGHLIN of Michigan. How many cartridges does it carry?

Mr. TILSON. I believe that the chamber and magazine together hold 10 cartridges. I thank the gentleman from New Jersey for yielding to me the extra time and the Members present for their helpful attention. [Applause.]

I would add but a brief conclusion to my remarks. Fortunately the charts which I extend in the RECORD with my remarks speak far more eloquently than any mere words that I might utter. They tell in typical instances something of the story of our mighty, though necessarily hasty and wasteful, effort to prepare for war in time of war. Fabulous as has been the cost it will not have been expended in vain if we and those who come after us shall learn from this experience, and not allow them to be forgotten, the very obvious lessons it has taught.

There were no plans, we are told. The next five years will be the very best years in the century to make plans. The lamp of actual experience, a heart-rending experience in many respects, will be a light to guide us.

Scarcely has the noise of the thundering guns ceased to reverberate along the Meuse before we begin to hear the senseless chatter, time worn and oft refuted, that all wars have now ceased forever. The prophets Isaiah and Micah in identical language foretold the day when men would beat their swords into plowshares and their spears into pruning hooks. This prophecy is now being fulfilled in this country under our very eyes. It was likewise fulfilled after 1865 and again after 1898. In fact, the periodical fulfillment of this beautiful prophecy makes it a somewhat unsafe foundation upon which to build a policy of national defense. Nevertheless we are proceeding upon a theory which for the time being and until war comes fulfills that other prophecy, "Neither shall they learn war any more." Oh, if by simply wishing we could make things so!

Let me not be misunderstood. I would not maintain a huge Military Establishment in time of peace. In fact, I have always favored a small standing Army, knowing full well that in the future as in the past our wars must be fought by citizen soldiers. For their own sakes as well as for the sake of the country whose defense is their most sacred duty they should have the benefit of an elementary military training; but as I have here tried to show, the most serious obstacle to be overcome by us in the Great War was not the lack of trained man power, important as this was. The mobilization of our industries for the production of munitions was the really big problem. The war lasting 19 months was too short to solve it. The return of peace gives another opportunity to attack the problem in an orderly, systematic, and scientific fashion. The future welfare and safety of the Republic demand that we perform our part of the task now. We of this day and time shall prove ourselves unfaithful servants if without an earnest effort to prevent it we permit ourselves to drift back into the same old fool's paradise in which the war found us.

To prevent such a relapse is not so much a matter of expense as it is of attitude on the part of Congress and the people and of far-sighted, practical making of plans, and, so far as may be, carrying them into execution on the part of those charged with responsibility. A tithe of the sum that was wasted in the frenzied effort made during the war if properly expended would go far toward insuring against the possible recurrence of the necessity for such an expenditure. For one, I shall not cease to urge and to assist wherever I may that the house of our national defense be put in order and kept so for the benefit of our own posterity, as well as for the good of all mankind.

By unanimous consent, Mr. BYRNS of Tennessee, Mr. TILSON, Mr. SLEMP, and Mr. EAGAN were given leave to extend their remarks in the RECORD.

Mr. EAGAN. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has 61 minutes remaining.

Mr. EAGAN. I yield 40 minutes to the gentleman from Louisiana [Mr. ASWELL].

THE COTTON FARMER, THE COST OF PRODUCTION, AND THE PRICE OF HIS PRODUCT.

Mr. ASWELL. Mr. Chairman, the merchant properly bases his selling price upon the cost price. Why should not the cotton farmer? If the merchant does not get his price to-day, he rightly holds his goods until to-morrow. Why should not the cotton farmer? The merchant has the goods the people need, the farmer has the cotton the world needs. In the two cases the economic conditions are identical.

Cotton growing is expensive. It demands practically 12 months of the year to grow and harvest a crop. Other crops require much less time. Cotton is the one staple crop that must be cultivated and harvested entirely by human hands. Tobacco is another largely handled by hand. Other crops are cultivated and harvested by machinery. Cotton is planted by hand, or by some simple device requiring the planting of each row separately. It is cultivated by human hands with hoe and plow. It is picked by hand, human fingers touching every lock and boll of the entire crop; then it is loaded on wagons by hand and again handled at the gin, requiring the maximum of human energy. Wheat land is broken by machinery; it requires no cultivation; the crop is harvested by machinery, thrashed and sacked by machinery, requiring the minimum of human labor.

Cotton was originally produced by slaves, when neither the cost of labor nor the living conditions of the laborer were considered an item in the legitimate cost of production. To some extent this conventional opinion prevails to-day among those in the trade who seek cheap cotton and who, while demanding their "pound of flesh," are not humanly interested in removing the wretched privations that were suffered until recently by those who performed the manual labor in the cotton fields.

It has been charged by the press of New England and of Europe that cotton-land owners are making excessive profits, as shown by the great increase of the deposits in southern banks. These critics are evidently ignorant of the fact that, owing to the rich and versatile soils of the South, with a wealth of sunshine and climate, the cotton crops produced last year only one-fifth of the $10,000,000,000 of revenues derived from the southern farms. In the other four-fifths, not in the cotton crops, over 30 per cent of which were produced at loss, are found the profits the South realizes from its agricultural activities. The South is, of course, increasing in wealth and power, but its profits have come not from cotton but from other agricultural products which make cotton growing possible, and from its vast increasing oil, mineral, and timber resources. If the South, deprived of its timber, oil, and minerals, under present high prices of farm equipment and cost and scarcity of labor, were to-day compelled to grow cotton exclusively, even at prices that now prevail, its bank deposits would disappear and bankruptcy would inevitably follow. You may give a young man the best college agricultural education and he can not with his own hands earn a decent living growing cotton alone. He must grow other crops also. Cotton is his cash crop, but under present prices does not yield a profit. The money value of his corn, peas, potatoes, hay, pastures, vegetables, beef, pork, milk, butter, chickens, eggs, interest, taxes, and depreciation of improvements, implements, and live stock, to say nothing of his labor, used during the whole year required in growing and harvesting a cotton crop is greater than the money value of the cotton grown.

CRITICS ANSWERED.

These well-known facts conclusively answer the critics who claim the price of cotton paid the producer is too high. Then, too, authoritative estimates show that of the service men who left the cotton fields to enter the service only one-tenth have returned to cotton production, while there is a steady and increasing movement of laborers from the cotton farms because they can earn from three to four times more in other callings.

The present price of cotton does not permit the cotton-land owner to pay prices sufficiently high to arrest this movement away from the cotton fields. These laborers have not in great numbers left the South. They have only left the cotton fields. The problem that confronts the South and is vital to the world, now in need of clothing, is how to bring this labor back to the cotton fields. It will be illuminating to note that dependable white labor and not uncertain negro labor, as usually presumed, produces the major part of the cotton grown. So in bringing labor back to the cotton farms you are dealing with the dependable white man, the white American, ambitious and resolute in purpose to have a wage and living conditions equal to men in other industries. I myself have picked cotton at 35 cents a hundred pounds when lint cotton was 8 cents a pound. Texas last year paid $3 a hundred pounds, and the average cost of harvesting the crop over the belt was above $2 a hundred. In this ratio a fair price for the crop of 1919 is well above 50 cents a pound. But even the high prices paid for harvesting the crop in 1919 failed to attract laborers to the cotton fields and much of the crop was wasted. Clearly, then, the remedy is to increase the price of cotton to the producer, so that he may secure an adequate, dependable supply of labor. Cotton growing in 1920 will be even more expensive to the producer.

THE TENANT FARMER.

The records show that 2,000,000 families in the South are engaged in growing cotton. The average production per family in 1919 was 5½ bales. The average in each family is a fraction over 5 persons. Sixty-two per cent are tenants, paying one-fourth rent to the landowner. This means that each tenant family has 4½ bales of cotton to support 5 persons during the year, an average of 3 of whom work in the cotton fields. The income is as follows:

4½ bales	$643.50
2.07 tons seed	186.30
Total annual gross income for entire family	829.80

No argument is needed to show this means, under present living prices—shoes, for example—a meager existence. Who among you would, even if you could, depress the price of cotton received by the producer under conditions such as these? Will it not be better for the country if the laborer is encouraged by sympathetic effort to increase his output per acre that he may be stimulated to a larger degree of efficiency?

THE SMALL LANDOWNER.

Gentlemen of the House, the situation of the small cotton farmer who owns and cultivates his own land is no less serious to the cotton industry. He is becoming forward looking, and he is standing up fighting with the spirit of a thoroughbred. He is rightly placing a new value on his own and his wife's labor and his invested capital. He demands right living conditions for his family and proper advantages for his children. If he fails to get a fair profit from his cotton, he will grow something else. The price of cotton is no longer determined by the necessity of the producer. It is now the necessity of the consumer.

RECORDS OF COST.

In 1919 the United States Department of Agriculture made a thorough study of the cost of producing cotton in 1918 on 842 cotton farms in 4 Southern States. An analysis of this report reveals that taking the average yield and the average cost per pound of the 842 farms reported on and applying it to 160 pounds, which was the average yield over the belt in 1918, it figures the cost of growing cotton for that year was 35½ cents a pound. The average selling price for the crop of 1918 was 28¾ cents a pound. With the advanced cost of production since 1918, it is clear that the crop of 1919 should sell well above 50 cents, and the cost of growing cotton is still advancing.

An exhaustive study of the average cost of producing the 1919 crop in Texas was made through a committee of cotton specialists by the department of agriculture of that State. The investigation covered the entire State. The average cost of production for the whole State was shown, by an itemized statement, to be 44 cents. The average selling price of cotton by the producer in the belt for 1919 is 31.2 cents. So, the average crop in Texas was produced at an average loss of 12.8 cents a pound.

AVERAGE TENANT COTTON FARM OF 20 ACRES.

To be exact, I give an accurate detailed statement, dated July 20, 1919, from Mr. W. W. Morrison, of New Orleans, one of the highest authorities in the world on the cost of cotton production:

It is perhaps well to say that the writer has had many years of practical experience in growing cotton, and that the items in the estimate below are generally concurred in by all of those with whom he has discussed the matter who have had a like experience. The figures below are based upon a 20-acre cotton farm. It will take all the time of one laborer and one plow animal to do the plowing required in cultivating such a farm and the outside work necessary to its general upkeep and such recreation, it should be emphasized, as every American citizen is entitled to. While more can be cultivated in some parts of Texas and Oklahoma, less can be cultivated in a good part of the belt east of the Mississippi River. Twenty acres seem, therefore, a fair average. The estimate is based upon 160 pounds of lint per acre:

Estimate cost cotton crop 1919.

Rent 20 acres land, $7.50 per acre	$150.00
Rent one plow animal	65.00
Feed one plow animal	279.00
Ginning 9,600 pounds seed cotton, 30 cents per hundred	28.80
Transportation farm products and supplies	30.00
Deterioration of farm implements	20.00
Labor one man, one year, $75 per month	900.00
Extra labor hoeing over crop three times, 75 days, $2.50 a day	187.50
Picking 9,600 pounds seed cotton, $1.50 per hundred	144.00
Gross expense	1,804.30
Less 3½ tons seed at $90 per ton	288.00
	1,516.30

Twenty acres at 160 pounds, 3,200 pounds lint, net expense $1,516.30; cost 47½ cents.

The current prices on which this statement is based can be too easily ascertained to make any discussion of the items in detail necessary. It may, however, facilitate investigation to state that the scientific feed for one plow animal for one year is 53 bushels of corn, 53 bushels of oats, and 3 tons of hay. This cost the consumer—corn, $2 per bushel; oats, $1 per bushel; hay, $60 per ton for No. 1 timothy. The estimate is based on country hay at $40 per ton. Labor is also based on a wage of $75 per month, or $2.50 per day. Much evidence in the hands of the writer indicates that it may average $3 per day for the year. The evidence also indicates that picking may average $2 instead of $1.50 for the season. No charge for fertilizer is included, as its reduced use during the last four years makes it an unimportant factor in the general average cost.

Retail merchants' books and local market quotations approximate, with much more accuracy than any other records, the price the growers of cotton have to pay. These records show that from 1913 to May, 1919, the price of these commodities advanced 273 per cent—labor during this time advanced 240 per cent, most of it during the last 20 months.

As labor makes up, according to the best authorities, about 50 per cent of the cost, these figures show an increase in the cost of growing cotton during this period of 256 per cent, or 34.56 cents per pound. In other words, cotton to-day would have to sell at 48.06 cents per pound to bear the same relation to the expense involved in its production that it bore in 1913, when the average price was 13½ cents.

MEXICAN PINK BOLLWORM.

Gentlemen, the appearance in Louisiana and Texas of the Mexican pink bollworm, unless crushed in its incipiency, threatens disaster. It means that unless drastic measures are immediately adopted the world's supply of cotton may be in peril. The expense of immediate action to eradicate the pest, the burden of this calamity, let me pause to say, should not be borne alone by the cotton producers. It should be borne by the Federal and State treasuries. When the cotton farmer fails, his farm laborer, his preacher, his school-teacher, his doctor, his dentist, his lawyer, his banker, his merchant, and his commission merchant alike suffer, as do the stock raiser, the wheat grower, the wheat dealer, and the cotton consumer in other sections of the country. The question is not sectional. It is national in its serious import and should be handled vigorously—and handled now—as such. The need is constant, close, and cordial cooperation between the Federal and the State authorities. Investigation, direction, and control should be financed by the Federal Government, while reparation or compensation to individual cotton growers for crops prevented or destroyed is of necessity a State matter. With the boll weevil working disaster in wet weather and the pink bollworm working ruin in dry weather, the cost of growing cotton will of necessity be vastly increased within the next year or two.

OTHER FARM PRODUCTS.

The following comparisons of average yearly prices of certain important farm products is shown by the records of the Bureau of Labor Statistics:

	1913	1919	Per cent of increase.
Cotton, New Orleans	$0.127	$0.319	151
Flaxseed	1.349	4.533	236
Corn, No. 2	.625	1.597	155
Corn, No. 3	.616	1.580	157
Winter wheat, Kansas City	.877	2.418	176
Spring wheat, Minneapolis	.874	2.566	194
Calfskins	.189	.685	263
Pacific coast hops	.172	.555	223
Wool (fine fleece, scoured basis)	.589	1.728	180

Of the nine commodities listed above, cotton showed a smaller increase from 1913 to 1919 than any other commodity.

ARTICLES THE COTTON FARMER HAS TO BUY.

The increase in the price of articles the farmer has to buy is vastly greater than the increase in the price of cotton. The War Industries Board price list No. 48, issued in 1919, shows the increase in the cost of certain fertilizer materials from 1914 to 1918:

		1914.	1918.
Acid phosphate (16 per cent phosphoric acid)	ton	$7.20	$17.75
Slaughterhouse tankage	do	26.27	57.50
Muriate potash	do	39.24	302.50
Kainit	do	8.43	40.00

Potash advanced 670 per cent during the war period. If the proposed Republican protective tariff on potash is enacted into law the price of the most commonly used fertilizer will be wholly prohibitive to the cotton farmer, thus further reducing the yield per acre and greatly advancing the cost of production.

The Boot and Shoe Recorder, in its issue of January 24, 1920, shows that since 1913 shoe leather and shoes have advanced in price as follows: Glazed kid, 850 per cent; calfskin, 600 per cent; calf leather, 450 per cent; shoes (men's and women's), 275 per cent.

STARTLING PROFITS IN OTHER INDUSTRIES.

The press carried the following news item:

BOSTON, *March 24.*

A stock dividend of 100 per cent to shareholders of the Amoskeag Manufacturing Co. was recommended to-day by the trustees.

The Pittsburgh Tin Plate and Steel Corporation said, in a letter of March 22:

Every operating tin-plate and sheet-steel mill has made enormous fortunes for their stockholders, many of the common stocks selling at 1,500 per cent premium. A steel company organized by the head of this corporation earned 77 per cent in one year, and the holders of original common stock made a profit of over 1,000 per cent.

INCREASING WORLD COTTON SHORTAGE.

Gentlemen, the seriousness of these conditions becomes evident when it is recalled that the cotton crop of 1919 was only 11,030,000 bales, while all dependable statistics and estimates show the world, needy and half-clothed, calls upon the South to produce over 15,000,000 bales in 1920. Under present conditions, how can there be big crops unless at higher price?

Mr. Speaker and gentlemen, how can the additional 4,000,000 bales be produced, with labor only 60 per cent efficient and with a 25 per cent shortage, unless the price paid the producer is advanced sufficiently to attract an adequate, dependable, and efficient labor supply for intensive cultivation? Let critics of the cotton producer in and out of Congress supply the remedy, or else yield without quibble to the present logical economic situation which demands a fair price to the grower of raw cotton so urgently needed to clothe a naked European world, which is not less urgent than to feed a starving world.

Since the real problem of the cotton farmer is to increase, not the acreage but the yield per acre, the situation becomes even more difficult of solution when it is recalled that during 1910–1914, the five-year period immediately preceding the war, the South produced 73,518,000 bales, while during 1914–1919, the period of the war, the total production was 61,094,000 bales. During the first period the total acreage was 176,652,000, while during the war period the acreage was 168,759,000. This means the reduction in acreage was 4½ per cent, while the yield per acre fell off 17 per cent. The cotton farmer no longer gets an average yield per acre of 250 pounds of lint; he gets an average of only 158.2 pounds. The average yield in 1919 in Louisiana, on account of the ravages of the boll weevil and excessive rains, was only 93 pounds. This means necessarily an average one-third increase of labor and equipment to cultivate and harvest the necessary acreage and a much higher cost of production in 1920.

THE COTTON FARMER REFUSES TO BE STAMPEDED.

The spinners of New England and of Europe periodically seek to frighten the southern cotton farmer into accepting ruinous prices for his product. The motive behind the propaganda is apparent. One moment the southern cotton farmer is viciously attacked for holding his cotton. Then the press announces that shiploads of cotton, on account of foreign exchange conditions, are being rejected by England and returned to America. Then it is heralded that England has raised $75,000,000 to stimulate cotton production among her colonies. For 100 years this propaganda has from time to time gone out from spinners, and especially from England, but the southern cotton farmer now refuses to be stampeded. He knows the world must have cotton and that the South is fully able to supply the world, if only prices guarantee a fair profit to the producer. This one thing—a fair profit—in the future he will certainly demand and receive. He knows, on account of soil, climate, and industrial conditions elsewhere, that other countries can not compete with him. He knows that in the South there are over 50,000,000 acres of unreclaimed cotton lands, the finest in all the world, capable of producing 50,000,000 bales annually, sufficient to supply the world for generations to come. He knows that these lands, in easy reach of storage and transportation facilities, can, with modern machinery, be readily reclaimed. He knows that for 100 years the South has been developing a vast industrial organization of skilled cotton growers, banks, storage, and transportation facilities which make the threat of competition from Europe a delusion. No such cotton-growing organization is found or can be created within a generation anywhere else in the world. Why should he not be undisturbed and unafraid?

PROFITS.

The southern cotton farmer gets a smaller share of profits from his product than does the farmer in any other country in the world. He is willing for others to make profits from his cotton, but he has decided to demand his fair share.

The records of the Department of Agriculture (Department Circular 56, dated August, 1919) show that the cotton mills of the State of North Carolina consume about as much cotton as that State produces, about 800,000 bales. The records show that the mills of that State paid an average of $11.60 per bale more than the average price received by the farmer on the same date for cotton of the same grade and staple. After deducting $2.50 a bale for freight and drayage, the farmers of North Carolina received $7,280,000 less than the mills paid for their cotton. The farmers will find a way to share these millions. Why should they not?

Again, the records show that the average price of cotton received by the individual producer in the United States in 1919 was about 4 cents a pound, or $20 a bale less than the cotton mills paid for the same grade and staple. This means that the mills paid, including storage, freight, and drayage, $220,600,000 more for the crop than the farmers received for it. On this basis, the farmers of Louisiana sold their crop of 300,000 bales for $6,000,000 less than the mills paid for it. Do you wonder that the cotton growers are becoming alive to the situation to demand that these profits be reflected back proportionately to the farmer? [Applause.]

When the cotton farmers realize fully that the price is below the cost of production, they will hold their cotton as much as possible off the market until a living price is offered. What else can they do? What else would you have them do? Heretofore they have been financially unable to do this; to-day with their improved banking facilities they are less dependent.

PROFITEERING ON THE FARMERS' COTTON.

Gentlemen, excessive profits in the trade have barely begun to appear when the cotton reaches the spinner. Hearings before the Interstate and Foreign Commerce Committee on February 28 revealed (1) that during the past six months cotton yarns at the mills have advanced in price more than 100 per cent, while raw cotton and labor at the mills advanced only 15 per cent; (2) cotton yarns are selling at $4 a pound, while the spinners pay 40 cents a pound for cotton; (3) New England spinning mills are making profits ranging from 250 to 600 per cent. A proper step was taken when by House resolution, April 5, the Federal Trade Commission is directed to investigate the increased price of cotton yarn from 1914 to 1919, inclusive. The spinners of England, there is ample evidence to show, have accumulated fabulous fortunes in the past 12 months profiteering on American cotton.

No equitable adjustment of world conditions is possible, nor can this country ever return to normal trade relations, unless the price of cotton paid the producer is adjusted properly to meet present conditions.

The cotton farmer sells his cotton at the lowest price that cotton brings; he then has to buy cotton goods at the highest price that goods bring. He goes to a dry-goods store and buys 6 yards of gingham, at 75 cents a yard. It costs him $4.50. He then notes that he sold the cotton in the gingham for exactly 25½ cents, while he pays $4.50 for the same cotton when it comes back to him in cloth. Should he not share this advance of 1,700 per cent? He then buys a 25-cent handkerchief, and finds he had sold the cotton in it for 1½ cents, which is an advance of over 1,500 per cent. When he takes his cotton to market he usually does not know its grade or its value. He accepts what is offered him. Then he has no part in naming the price of the goods he has to buy. The farmer can improve these conditions both for himself and his merchant, and he will.

PUBLICITY.

These are abnormal times and the inequalities in profits are said to be caused by the high cost of living, but these conditions will be adjusted. The greatest need now is pitiless publicity. The Bureau of Markets of the Department of Agriculture has done some good work in this line and is planning to do better work. The statistical information heretofore sent out from the Department of Agriculture by an expert is so technical that it takes three experts to interpret and translate the statistics into intelligible English. [Laughter.] The Bureau of Markets, charged with that duty, should collect and send out each day in simple, readable, intelligible form definite information showing what the farmers in each section of the country are receiving for their products and what the consumers in definite towns and cities of each section are paying that day for the same commodities. These figures should be published in the newspapers and sent by telegram to farmers' organizations, women's clubs, labor organizations, boards of trade, chambers of commerce, and so forth, throughout the country. These organizations will gladly distribute the information by telephone to the individuals. The people have a right to know not only what the prices are but where the best daily markets are. [Applause.] If the information is properly distributed, using a standard basis in giving quotations, the people themselves will settle the question of profiteering. This principle holds good in the cotton industry. Widespread accurate information as to prices, grades, and classes of cotton and cotton fabrics is imperative if the cotton grower is to be successful.

MONEY VALUE OF TEACHING COTTON CLASSING.

Gentlemen of the House, the first suggested step in the movement to disseminate accurate information on cotton is further to coordinate the Federal Board for Vocational Education, the

States Relations Service, and the Bureau of Markets with various State and county agencies in the cotton section.

During the summer months of this year the Bureau of Markets should furnish prepared standards—sample types of the various cotton grades or classes—and expert demonstrators in cotton classing to hold in each cotton State one or more schools of instruction of at least one week at such place or places, in connection with summer schools, as may be designated by the State authorities. The principals of the Smith-Hughes agricultural schools and the county agents should be required by the State and Federal authorities to attend. The principals and teachers of other agricultural schools should be requested to attend. Farmers and pupils should also be invited to attend.

In this way a beginning can be made and the foundation laid for the teaching of this important subject in the Smith-Hughes schools, where the pupils of these schools and the farmers may learn inexpensively properly to class their own cotton and know in advance the grade and market value of their cotton.

The Department of Agriculture will furnish the standard samples at cost to the Government. The State authorities should forthwith make provision for the regular teaching of cotton classing in the agricultural and mechanical colleges, and in the Smith-Hughes agricultural schools in the cotton section. A course of instruction covering a period of six weeks will enable a high-school pupil to become a successful cotton classer. The equipment for such course of instruction consists merely of standard samples and other raw cotton for comparison. The value of this instruction at this time to the cotton growers of the present and the future can not be estimated.

The Bureau of Markets has succeeded in arousing such interest in parts of the State of Texas that the farmers, upon their own initiative, have begun in a limited way the study of classing their cotton. The Department of Agriculture estimates that these Texas farmers have already profited $1,000,000 by this study; one farmer having this information increased the selling price of his crop $30 a bale.

It is clear that each farmer, if he is to follow business usage and hold his own as a business man, should know the various standard classes and the value and quality of his cotton before he offers it for sale. Having this information, he will strive to produce such grades as will be most remunerative. He will grow interested in improving his cotton seed. Why should he select his seed unless he knows the different classes of cotton? He will more carefully handle his cotton and see to it that it is properly ginned and baled to avoid the usually large output of low grades. In this way he will rapidly raise the standard and value of his product. A great opportunity for real and definite service for which they were created is now presented to the Smith-Hughes agricultural schools. This call to duty is unmistakably clear. The States through these schools should promptly respond. The Vocational Board and the Department of Agriculture, through the Bureau of Markets and the States Relations Service, have pledged their hearty cooperation when the State authorities take the initiative.

The proposed plan for teaching the classes of cotton should be adopted in the grain States. Cotton and grain are the only agricultural products that have been standardized by the Government.

COTTON FARMER NOT A STRIKER.

Gentlemen, the cotton farmer's vocation differs from other callings. He has few vacations. He can not go on a strike for a week or a month and resume work, losing only the wages for the idle period. His is a yearly business. He must plow in season, or there is no planting. He must plant in season, or he has no harvest. He must harvest in season, or he has nothing to sell. He must sell at the proper time, in the right way, at a fair profit, or he has no returns for his labor. He runs the risk of drouth, flood, and pestilence. No one guarantees him either price or profit.

A FAIR CHANCE.

He can not and he does not desire to restrict trade or corner the market to form an unreasonable monopoly. There is no reason, justice, or defense for proposed legislative restrictions on his plan of cooperative buying or collective bargaining. His thrift and enterprise thus to improve his market should certainly be encouraged. All he demands—a wholly righteous demand—is a fair return from the labor of his hands, a fair chance to earn an honorable living for himself and his family. This means that he properly demands that the price of cotton be high enough to enable him through industry and economy, with the proper market facilities, to live comfortably, not in a shack, but in a home with modern conveniences, with enough money to support his church, educate his children by properly paid trained teachers, purchase wholesome literature for his family, enjoy the use of telephones, good roads, and proper mail facilities.

He rightly demands enough income to send his children, now in the cotton field, into the schoolhouse and the women out of the cotton field back to the home. He has a right to demand a fair remuneration for his labor, a reasonable interest on his invested capital with a chance to improve his farm equipment, live stock, and soil, and to live as comfortably as the man in any other industry. The cotton growers are getting together to stay together, and they will not always have to call upon the "other fellow" to name the grade and price of cotton.

The American Cotton Association promises to become a potent influence for good in the cotton industry throughout. In rightly defending the cotton growers' economic life its provisions for properly marketing the cotton crops at prices fair to the producer or hold them off the market until world needs force an adjustment will protect the spinner against himself and guarantee to him the necessary output from the cotton fields for a dependable supply of cotton for his mills. If the spinners were unrestrained in their avaricious desire for cheap cotton, they would unwittingly destroy themselves by so depressing the price and decreasing production that their own mills would be forced to close. [Applause.]

A NEW DAY.

For 50 years, often without his knowing it, the cotton farmer received less than one-half the cost of producing cotton. He was a slave, with his wife and children toiling under the grinding heel of poverty and despair. He had a hopeless task, resulting in crushing his spirit, deadening his vitality, and destroying his initiative to construct for himself and his home. But, thank God, a new day dawns! The cotton farmer rising out of his 50 years in the wilderness has a new vision, a new perspective. He will force a new adjustment. He sees the profits made by others of 300 to 1,000 per cent on his product. He sees the farm lands of the North and West valued from $300 to $500 an acre and yet yielding enormous annual profits with boundless prosperity everywhere in the grain regions.

The cotton farmer rejoices to see his brother farmer in other sections of our great country prosperous and happy, but he himself refuses longer humbly to be driven by the lash of poverty thrust upon him by an unequal distribution of profits from his cotton when his own blessed South is the most abundantly favored land in climate and resources in all the world.

If he is not permitted to grow cotton at a profit the world problem of the future will not be how to get cheap cotton, but the question with the cotton mills and the consumer will be how to get cotton at any price. The cotton-consuming world can not and will not permit this to be. The sooner the purpose of the cotton farmer is known throughout the world the better will it be for all concerned and the easier will the adjustment be. In his decision to demand simple justice in the future the cotton farmer is loyally supported by men in all other activities in the cotton section. The banker and the merchant are his faithful supporters and friends.

Mr. Speaker and gentlemen of the House, men of the South understand and fully appreciate the emergency of this hour; but let the cotton spinners of New England and of Europe, critics, oppressors, and profiteers everywhere, in the interest of their own business and for the good of humanity, pause to recognize that in the South the awakening is at hand. The mission of our great country is, with calmness and courage, to stand for individual and national liberty. No section leads the South in her spirit of patriotism and Americanism, but she claims the right to enjoy the liberties for which she gave her sons, the liberties she labors to give others. [Great applause.]

Mr. EAGAN. Mr. Chairman, I yield eight minutes to the gentleman from Colorado [Mr. TAYLOR].

Mr. TAYLOR of Colorado. Mr. Chairman, early this afternoon I called the attention of the House to the present status of the legislation intended to bring about the enactment of a law to establish a national budget system in this country. I am sorry that the distinguished leader of the majority is not on the floor at this time, because I asked him a question or two as to why practically no action has been taken on this bill during the past eight months, and he protested quite earnestly that the Senate budget committee had just reported the House bill out to the Senate in some form. I had often inquired about the bill ever since we passed it last October, and I had not noticed in the RECORD any report of that committee acting, so after having the colloquy with the gentleman from Wyoming, I called over the phone the clerk of that Senate committee and was informed that they had not made any report on the bill, but that the committee was expecting to take up the matter next week some time and report out a bill. Mr. Chairman, my thought

about the matter is this: Of course, I can not with legislative propriety criticize a coordinate branch of our Government, no matter how negligent it may be, but the party in power is responsible and is subject to just criticism for not passing this bill several months ago. And now, when there is talk of Congress adjourning in June, I feel, as a member of the House budget committee, that this matter ought not to sleep any longer. The House has performed its full duty, but unless some very vigorous action is taken very soon this bill will not be enacted before next February, if it ever is.

If there ever was a time in the history of our Government when we needed a budget system, when we needed thorough business economy and efficient methods in our financial affairs, it is right at the present time. In view of our present financial conditions, the unparalleled conditions left by the war, every thoughtful person who knows anything about these conditions and the fiscal policy of our Government must have a very deep-seated realization of the importance of this measure, and I feel that with the way the matter has been allowed to drag along during the past eight months the chances are there will not be anything accomplished this year. I notice in the CONGRESSIONAL RECORD of December 16, 1919, pages 619 to 621, a magazine article by a distinguished Member of another body, who is chairman, I may say, of a budget committee in that other body, in which article the first sentence is, "The business men of the country are crying out for a national budget."

If that is so, why does not he do something to give it to them? He then goes on to criticize very severely the bill passed by this House, and says that it is not a budget system, and that it postpones the day when a true budget system may be obtained. His closing sentence is, "We have the information, the experience, and the occasion for applying drastic remedies, as did Hamilton. Let us do nothing less." To be consistent he ought to have omitted the last word. In another sentence he asks, "What have we done?" Echo answers, "Nothing." It seems to me that with the many distinguished Republican gentlemen hippodroming around over the country making loud and eloquent speeches, clamoring for a budget system, promising a budget to the people of America if they are elected next fall, that it is about time something was done by this Congress. What is the sense of waiting until a year or so from now or until after election next fall to enact a budget system? You Republican gentlemen have a good working majority right here in both the Senate and House. There is no opposition by the Democrats. We are for it. You have a splendid bill to operate on that passed practically unanimously through this House on October 21, 1919, seven months ago, and which now is sleeping peacefully in a pigeonhole and has been for all these seven months. That is not the way to keep faith with the American people. Both of our party platforms promised this legislation. The business interests of the entire country demand it. The financial welfare of our Government demands it. Every Member of this Congress knows, or ought to know, that this measure is imperative at the earliest possible moment. I believe that the Republican membership of this House owe it to themselves and to the people of the country to bring in the necessary rule and put that House bill on one of these appropriation bills. I think it ought to be put on to this one under consideration at this time. At least it ought to be done before all these bills are passed, and nearly all of them have been passed already, and another body, if necessary, should be forced to override any personal vanity or pride of individual opinion, if there is any, and accept the budget system in that way. The party should not allow itself to be held responsible for whatever is causing this delay.

I feel that I ought to correct the impression that the bill has been reported out by the Senate committee, because that is evidently a mistake in information on the part of the majority leader. In my reference to Gov. Lowden and Gen. Wood, who nearly every day in their public speeches and public statements are advocating a budget system—I do not mean to criticize them, because I have a very high regard for both of them; I know them both. But they have no copyright on the budget system. Neither has anybody in the Senate. It is not a partisan measure, and they have no priority of appropriation on its advocacy. The Democrats supported it as actively and earnestly as the Republicans did. The report of our Budget Committee was unanimous. And acting in good faith, I feel the obligation to take the lead in this matter devolves upon the other side of the House, and they ought to take whatever steps are necessary to promptly adopt this system that has long ago been adopted by practically every civilized nation in the world. [Applause.]

Mr. EAGAN. Mr. Chairman, I yield 15 minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON rose.

Mr. WALSH. Mr. Chairman, before the gentleman begins will he yield to me for a question?

Mr. BLANTON. Yes; I could not resist.

Mr. WALSH. I take it, in view of the fact that the gentleman is going to talk for 15 minutes, that he has attended to his marketing to-day. [Laughter.]

Mr. BLANTON. Yes. Although this Saturday evening is marketing day, and it is now late, and almost marketing time, I can not resist making a few remarks on a vital subject before we adjourn.

Mr. DUNBAR. Mr. Chairman, will the gentleman yield further?

Mr. BLANTON. Not yet; I will directly. I must first get something before my friends present.

Mr. Chairman, if there could be anything more farcical than the proceedings we had yesterday and the day before it is the proceeding which has been going on here several hours this afternoon. We are in general debate on a great supply measure of this Government, the fortifications appropriation bill, and there are only nine Republican Members now on the floor, representing the great majority party of this House.

Mr. REBER. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. REBER. The gentleman said there are nine Republicans. Why does he slight the Democrats?

Mr. BLANTON. I am going to get to them. If it was not for our loyal, patriotic Democratic colleagues, who stay here with our distinguished leader [Mr. CLARK] and the gentleman from Massachusetts [Mr. WALSH] and others of us who stay here and keep the Government business going, God only knows what would become of the business of this Government. Are you gentlemen not ashamed of yourselves, pretending to be in charge of the Nation's business and keeping such a measly handful of Republican Representatives of the people here to pass legislation? This bill is supposed to be debated for three hours. Almost that time has been consumed, and with no audience. Simply because estimates have been cut down by the committee is no reason why there should not be any interest in the bill. The gentleman from Massachusetts [Mr. WALSH] referred to the fact that I did not ask that we adjourn earlier to-day to give our employees a chance to go to market. I did not do that because we had to finish this bill this afternoon so that we can pass to the great Graham constructive measure that is to come in on Monday, which after we have debated and passed upon it will be just as meaningless to the country as was the result of the two days' waste of time which occurred yesterday and the day before. How long is this going to keep up? Four hundred and thirty-five Congressmen drawing big salaries from this Government, and you can not keep a handful here to attend to the Government's business. Do not you Republicans know that the people are not going to stand for it? Do not you Republicans know that the people are going to bring you to account in November? You are going to hear from this on the hustings, and you are going to have to answer.

What are you going to answer? Can you not control your Members? Can not your majority leader and your good, energetic Republican whip, with whom I have controversies sometimes, and yet whom I love, keep them in line and make them attend to their business?

If you can not, you might as well give up. Why, there is another party here ready to take charge of the business of the Government and run it on a business basis. We Democrats are willing to again take charge.

Mr. EDMONDS. It did not use to do so.

Mr. BLANTON. If you would only let us do it. The proposed budget system has been mentioned. But what good is a budget system going to do? It will be good as far it goes, but something else is necessary. We are going to have one. We have already passed a budget measure. It is a splendid measure. The people are to be congratulated that we are going to have one as a result of the magnificent effort and work done by such men as Mr. Fitzgerald and Mr. Sherley, whose presence we need now. But that is not going to save the Government money of itself. Do you know what it is going to take? It is going to take hard work by Members of Congress and personal investigation of these various departments and their estimates by Members of Congress. We do too little work in that respect. We take for granted too much. I do lots of investigating. You have got to know more about your Nation's business if you keep these estimates down properly. I commend this distinguished committee, and I think it needs commendation more than any committee of this House, for it has cut down the estimates over $98,000,000 on this bill. They deserve commendation; but that is no reason why we should just accept their act here and not give this bill our careful investigation in general debate on this

floor. I wish I had time. I would call attention to several items in this bill that need further cutting and could be cut without doing harm to the fortifications of this country, but I must discuss another subject. I congratulate our great Secretary of Agriculture. Do you know he has helped some of us bring about one of the greatest little reforms that I know of that have occurred in a long time? He has helped us to get rid of this measly, nasty, little old insignificant congressional seed distribution graft that has been going on in this country for so long.

Mr. WALSH. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. WALSH. Of course the conference report on that bill has not been presented.

Mr. BLANTON. Oh, but the Republican conferees do not dare to overturn that action. Let me read you the letter from the Secretary of Agriculture on that point. It is as follows:

DEPARTMENT OF AGRICULTURE,
Washington, March 23, 1920.

Hon. THOMAS L. BLANTON,
House of Representatives.

DEAR MR. BLANTON: I think you will be interested in the inclosed copy of a letter which I recently wrote to Senator GRONNA, chairman of the Senate Committee on Agriculture and Forestry, recommending that the appropriation for the "congressional seed distribution" be eliminated from the bill. It seems to me that this appropriation can well be discontinued in the interest of economy. Certainly the money now devoted to it could be much more advantageously utilized in the prosecution of urgent and important work on problems of crop production. I sincerely hope that the Senate will confirm the action of the Senate committee in striking the item from the bill and that it will be agreed to by the conferees.

I am also taking the liberty of sending you a copy of my letter of March 1 to Senator SMOOT, chairman of the Joint Committee on Printing. May I not call your attention especially to the suggestion that the present edition of the Yearbook, which, as you know, is an annual publication, might well be reduced and that the farmers' bulletins, four-fifths of which are now allotted to Members of Congress, should be handled entirely by the Department of Agriculture? As you perhaps know, only 30,000 copies of the Yearbook are allotted to the department, the remaining 470,000 copies being distributed through Members of Congress. If only a few thousand copies were issued, as suggested in my letter, a considerable saving could be effected. So far as the farmers' bulletins are concerned, I am convinced that much better results would be secured if the matter of their distribution were placed entirely under the control of the department. Under the present arrangement, when four-fifths of the bulletins are available to Members of Congress, it is possible for the department to comply with only a very small portion of the demand for them. I do not know what action the Joint Committee on Printing will take with reference to these matters, but I sincerely hope that the recommendations I have made will receive favorable consideration. Our appropriation for printing is carried in the sundry civil bill, which has not yet been reported out by the House Committee on Appropriations.

Very truly, yours,

E. T. MEREDITH,
Secretary.

Does the gentleman from Massachusetts mean to insinuate that after the Secretary of Agriculture had agreed with us and requested the Senate to get rid of this little old measly and pernicious graft that the Republican conferees of this House, who have control of this legislation in its finality, are going to put that pernicious measure back into the bill? I do not believe it. I dare them to do it. The majority leader is not going to let it be done. The distinguished chairman of the Committee on Appropriations is not going to let it be done. For it saves $300,000 annually for the people.

Mr. MONDELL. Will the gentleman yield?

Mr. BLANTON. Do not take up all my time.

Mr. MONDELL. Personally I am inclined to think that the seed-distribution appropriation ought to go out, but I notice the Secretary of Agriculture——

Mr. BLANTON. I am glad to hear that, because the gentleman was not in favor of keeping the 13 surveyors general out of the bill and had them put back——

Mr. MONDELL. The Secretary of Agriculture, while he is in favor of not giving Congressmen any seed to send out, asks for a few million dollars to employ useless and unnecessary folks to run around over the country bothering the farmers when they ought to be busy gathering their crops. [Applause on the Republican side.]

Mr. BLANTON. I do not commend the Secretary for that. I hope this will not be taken out of my time. I can not be discourteous to my good friend, the distinguished and magnificent majority leader, who, when occasion arises, advises the use of the snickersnee, but when the Appropriations Committee uses the snickersnee and cuts 13 surveyors general out of a bill he comes back on the floor of the House with his persuasive qualities and induces his Republican colleagues to put that $181,000 and the 13 surveyors general and their 13 corps back into that bill, because he does not want Wyoming, his own State, to lose the expenditure of that appropriation of public money; this same distinguished gentleman from Wyoming, our majority leader, who, when the wintertime was on, after we had already appropriated thousands of dollars to feed his elk out in Wyoming, came here on the floor of the House and forced his colleagues to give $35,000 more to feed the elk out in his State of Wyoming, when human beings were starving to death for want of food.

Mr. McLAUGHLIN of Michigan. Will the gentleman yield?

Mr. BLANTON. I am sorry I can not. I want to get to another matter. I am with the gentleman from Wyoming seriously on this question of economy. I prod him for economy; I am helping him to secure economy. He needs my help.

I want to call his attention to another subject upon which he can economize. Take the letter from the Chief of the Efficiency Bureau of this Government, Herbert D. Brown. What does he say? Let me again read you that letter, excerpts of which I put in the RECORD on March 5, 1920.

Mr. Chairman, I ask unanimous consent to extend my remarks by putting this letter in the RECORD.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. BLANTON. The following is the letter:

UNITED STATES BUREAU OF EFFICIENCY,
Washington, D. C., March 3, 1920.

Hon. THOMAS L. BLANTON,
House of Representatives, Washington, D. C.

MY DEAR MR. BLANTON: I have just received your letter of March 2, in which you make certain inquiries concerning personnel conditions in the executive departments in Washington. I will quote your questions and undertake to answer them in the order in which they appear in your letter:

"(1) Both Congressman MADDEN and myself estimate that there are now in Washington 40,000 idle, unnecessary clerks still on the pay roll, whose services could be dispensed with without crippling the service. Is this true or not?"

I do not know whether your figures are correct or not, because I have not had the opportunity to find out. I know that there are a great many unnecessary clerks in Washington (literally thousands), but whether the number of them is 20,000, 40,000, or some other figure, I can not say. I know that there are very many superfluous clerks in Washington, because investigations made by the Bureau of Efficiency in certain offices have disclosed that fact. Whether this condition is general throughout the departments I am not prepared to say without making a comprehensive survey of the whole service. With the limited force of investigators at my disposal, I am unable to make such a survey at the present time.

There is no doubt in my mind but that it would be possible for administrative supervisors to reduce the number of their clerical assistants very greatly: (1) Because the volume of work in the departments to which they are attached is considerably less than it was during the period of the war when many of these clerks entered the service, and (2) because, now that the war strain is over, time can be found in the departments for improvement of methods. Whether the resulting reduction in the force would amount to 40,000 workers, which would be approximately 40 per cent of the total number now engaged, I am not prepared to say.

It is only fair to the administrative officers to say that present conditions have grown out of unusual circumstances. The war emergency made it necessary to organize many new offices and to expand practically every existing governmental agency overnight. The times were abnormal and heads of departments and independent establishments were placed at the enormous disadvantage in handling organization problems. Ordinary principles of efficiency could not always be applied under these circumstances. The departments have, however, now passed the peak of the war load. It should, in my opinion, be possible at this time to institute a program of strict economy.

"(2) May we expect efficient service generally from our employees as long as they are affiliated with the American Federation of Labor?"

I believe that the affiliation of Government employees with labor organizations must, of necessity, result in a reduction of efficiency in the departments. I am of the opinion that such affiliation has an unfortunate effect on the morale of the service. The employee comes to feel that his success depends not so much on his individual effort as on the political strength of the organization to which he belongs.

"(3) Is there not fully as much reason for separating our Government employees from strike organizations as there was for separating the police and firemen from such organizations?"

Yes; quite as much reason, and even more. In the event of police strikes or strikes involving a fire department it will always be possible, because of the relatively small number of people involved, for residents of the community to assume the burdens laid down by the striking policemen or firemen, and while it is true that inexperienced persons would not be able to safeguard the public interests to the same extent as could regular policemen or firemen, yet the danger to the community could be kept within reasonable bounds and situations of this sort could be taken care of with a relatively small loss to the public. In the case of a strike of Government workers, which might involve not merely a few employees, but practically the entire force in the Government service, the damage to the public interest would be far greater. Such a strike would practically result in the suspension of all the functions of the Federal Government. It would affect not merely a few people, or a few thousand people, but, practically speaking, the entire population of the country.

"(4) I call your attention to the attack made upon you in the Federal Employee, the official magazine of the National Federation of Federal Employees, for February 28, 1920, page 3 thereof, suggesting your demise, by reason of your late activities for efficiency. Is this veiled threat of the official organ of Government employees going to stop your activities and cause you to 'lay down'?"

My answer to this inquiry is, "No." I shall continue to work for economy and efficiency in the Government service without regard to threats that may be made by any person or organization.

Very sincerely, yours,

HERBERT D. BROWN,
Chief Bureau of Efficiency.

The Federal Employee, the official mouthpiece for all organized Government employees, for February 28, 1920, devoted pages 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, and 13 to an unwarranted

and vicious attack upon Chief Brown of this United States Bureau of Efficiency, because of his late efforts to bring about efficiency, and is trying to ruin him.

You will note he makes certain recommendations in that letter that I do not see how on God's earth our distinguished Republican leader of this House and the Republican steering committee can afford to ignore, with a deficit of $3,000,000,000 staring us in the face. You have just granted these employees a raise of $50,000,000. Why do you not back up Chief Brown in his efforts to secure some efficiency in their service? They have tried to get the Senate lately to legislate Chief Brown's position out of existence—to get rid of him.

Mr. MONDELL. Will the gentleman yield?

Mr. BLANTON. I yield.

Mr. MONDELL. My recollection is that the affiliation of Federal employees with the labor organizations came about through the approval of our President.

Mr. BLANTON. And that is one matter upon which I do not agree with the President, and I am willing to say that with an election staring me in the face. I think the President of the United States is the biggest man in this Nation to-day, and you know it. And down deep in your heart you think it, too. It is his greatness that is keeping you fellows awake at night. As I said yesterday, it somnambulates every one of you Republicans. You can not sleep. It bothers you in the morning and at noontime, and in the evening, and late at night. You can not get rid of the greatness of that man. And yet I do not agree with all of his policies. I voted to pass the prohibition bill over his veto; I voted to pass the daylight-saving bill over his veto; I am against the proposed wet plank in the San Francisco platform, and I am against some of his other policies. Nevertheless, he is the greatest man we have in the United States to-day, and you Republicans realize it.

Mr. SLEMP. Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. EDMONDS].

Mr. EDMONDS. Mr. Chairman, I have introduced this bill in the interest of an American marine insurance market. Marine insurance is an absolute necessity for the successful conduct of foreign trade. It is more than a fundamental agency of commerce, and its importance extends beyond the commercial function of protecting property and credit and of stabilizing banking, commerce, and shipping. Our leading commercial rival has used it for years as a competitive weapon in international trade. Marine insurance has served as a powerful weapon to comb out profits in international trade and to meet competitive situations. Possession of sufficient marine insurance facilities is also absolutely necessary to the United States for the proper safeguarding of commercial information, as was so well demonstrated by our recent experience with German insurance and reinsurance companies. Underwriters know the cargoes, consignors, consignees, carriers, trade routes, destinations, financial affiliations, and leading contract terms of our commercial transactions. By supinely letting foreign underwriters do our marine insurance we simply open our books and our trade secrets to our rivals to be used against our merchants and our merchant marine.

The recent investigation of marine insurance by the Committee on the Merchant Marine and Fisheries shows that an independent American marine insurance business does not exist. American interests have lost their grip on this type of insurance. No other vital branch of American commerce has passed so extensively under foreign control. A mere handful of companies do two-thirds of the business, and nearly one-fifth of the American marine insurance companies are foreign owned or very closely allied by having directors or leading stockholders resident abroad.

Two-thirds of all the marine insurance written in the United States—hull and cargo insurance combined—is controlled by foreign underwriters, and of hull insurance more than three-fourths is thus controlled. American companies also placed one-half of all their reinsurance with alien underwriters, mostly because of necessity. Your committee was also convinced that foreign interests are making a determined effort right now to undermine American marine insurance, small though it be, with a view to reducing it to still smaller proportions. The great majority of American companies reported to the committee that they did not and could not emphasize hull insurance, a very large proportion of which is exported directly to the foreign market without appearing in any of the records on this side. They have frankly stated their handicaps, and among these excessive taxation, based on a wrong principle, easily ranks as first.

Such a state of affairs is not to the credit of this Nation. It is a peril so great that we should be aroused to immediate action. Strenuous rivalry in international trade is already upon us, and will soon be unsurpassed for keenness. The immediate future requires that our foreign-trade equipment be strengthened in its three great departments—shipping, banking, and insurance. As contained in the report of the Merchant Marine Committee:

> There can be no doubt, judging from the manner in which our competitors are now seeking to undermine this branch of underwriting, that marine insurance will be used, as probably never before, as a national commercial weapon for the acquisition and development of foreign markets. Failure to act now in strengthening our marine insurance facilities and placing them in an independent position, free from foreign control, can not be regarded otherwise than as the neglect of a duty and of an opportunity. The loss of the present rich opportunity will soon be bitterly regretted, but it will be too late to undo the mischief.

But the worst of the whole miserable affair is that the existing plight of American marine insurance is due to our own making and our own folly. Legislative obstacles upon obstacles, entirely unnecessary and exceedingly harmful, have been heaped upon the business. The investigation of your committee has made this clear and the facts and conclusions have been published in the committee's report.

Of the burdens now resting on marine insurance none are greater than the excessive and incredible taxation. No other essential and strategic business has suffered so cruelly from unwise and unmerciful taxation as the insurance business. A carefully prepared compilation for the committee absolutely proves this statement. The taxation, for example, imposed upon the marine insurance business of the 12 leading American companies, writing 61 per cent of the net marine premiums written by all American companies, amounted to 7.69 per cent of their net marine premium income during 1918. In other words, for every $100 of marine premiums received and retained by the companies the Federal and State Governments took nearly $8, and this before any allowance is made for loss payments and expenses. The total taxes and fees paid by these companies for a single year amounted to 39.5 per cent of their capital stock, 68.5 per cent of their dividends plus the total increase in surplus for the year, 180 per cent of the dividends paid to stockholders, and 11.4 per cent of their total capital and surplus. Stated in another way, these companies paid taxes in a single year amounting to over 11 per cent on their assets over and above liabilities, to nearly 40 per cent on their capital stock and nearly 69 per cent on their profits. Moreover, for every dollar of dividends paid to stockholders during the year the American taxgatherer took nearly $2. Again, when I state that the taxation amounted to nearly 69 per cent of the profits, it should not be forgotten that the income of these companies is derived very largely from their investments, as distinguished from underwriting profits. Leading underwriters testified before your committee that they are well satisfied, over a period of years, to make underwriting profits equal to 5 per cent of the gross premiums received. Judged from this standpoint, present taxation is equal to 100 per cent and more of the entire underwriting profit.

Such folly is not perpetrated by our leading commercial competitor, despite the fact that she is in much greater need of revenue than we are. She fosters the business, because she realizes the vital and strategic importance of marine insurance in its relation to the whole structure of foreign trade. British taxation on marine insurance is not only much smaller but is levied on net profits, thus recognizing the fact that a premium written may result in a loss, without, however, any consideration being shown under a gross premium tax, which is the principal method of insurance taxation in this country. As an illustration of England's more reasonable attitude, despite her heavier need for taxation, I might mention the fact that a hull insured for $100,000 at 5 per cent in the United States pays a tax on the premiums of approximately $200 against about $25 in England. We, on the contrary, forget the broader and more vital aspects of the situation, and our vision is limited to revenue, revenue, and more revenue. We act as though marine insurance is a public nuisance to be restricted by taxation in the interest of the public welfare.

The American shipowner and merchant must pay this unreasonable tax bill in the long run or seek his insurance in foreign markets where such burdens do not exist. This they have done to the great discomfiture of our own underwriters. Our underwriters do not object to paying taxes on their profits like any other business. They are paying their just income and profits taxes under our present Federal system of taxation. But it is beyond comprehension why insurance was singled out for an additional tax, over and above income and profits taxes, of 1 per cent on the gross premiums. This is equivalent to an extra income tax of between 15 and 20 per cent. If the marine insurance business were local in character, the tax could be shifted easily to the consumer, who must buy the service in that local market. But marine insurance, among all the forms of insurance, is peculiar in that it is not local, but national and international in character. It is easily cabled abroad, and over

half of all our hull insurance is thus exported to the foreign market. The Federal tax of 1 per cent on gross premiums can not be shifted. It remains as a handicap to our companies, in addition to their numerous other handicaps, in their competition with English underwriters. These underwriters have enough advantage as it is, and by retaining this tax we simply give them an additional advantage. It increases the differential against our companies and to that extent enables foreign underwriters to underquote our own and obtain the business. I am therefore earnestly urging the repeal of this tax in so far as it pertains to marine insurance. The Committee on the Merchant Marine and Fisheries has unanimously recommended the repeal. Such repeal will be in direct line with our effort to also reduce excessive State taxes on the marine insurance business. No one opposes fair taxation. But what we have before us is not fair, but iniquitous. The loss in revenue resulting from the passage of this bill will be a mere inconsequential item as compared with the direct and indirect benefits resulting from the establishment of a strong and independent national marine insurance institution as an integral part of our foreign trade equipment.

Mr. SLEMP. Mr. Chairman, I yield two minutes to the gentleman from West Virginia [Mr. GOODYKOONTZ].

Mr. GOODYKOONTZ. Mr. Chairman and gentlemen of the committee, the majority may have been guilty of some mistakes, and the majority leader may have been at fault once in a while; but the majority have never made the mistake of undertaking to suppress the gentleman from Texas [Mr. BLANTON]. We have appropriated a lot of money to suppress the boll weevil down there, but we have never done anything to preclude the gentleman from Texas from speaking in extenso whenever he saw fit.

The minority leader from Texas sometimes attacks the President, but he is never able to get any following from the minority side. Whenever an appropriation bill is brought here and a motion is made to reduce an expenditure, the gentleman from Texas votes for the motion; but those he is supposed to lead vote in favor of increasing the appropriation, so that his leadership has never helped us any, but the combined effort of the minority on frequent occasions has had the effect of carrying appropriations when 90 per cent of the membership of the majority have voted in the other direction.

But I had no purpose to advert upon this subject; my thought was that if I were permitted to speak for awhile on this bill this afternoon I should speak in a more friendly vein in regard to the membership of the House. When I came to this Congress I was presented to my distinguished friend, the great veteran leader from the State of Illinois [Mr. CANNON], and he said, "GOODYKOONTZ"——

The CHAIRMAN. The time of the gentleman from West Virginia has expired.

Mr. GOODYKOONTZ. I ask unanimous consent to proceed for two minutes more.

Mr. SLEMP. I can give the gentleman only one minute.

Mr. EAGAN. I will yield to the gentleman one minute.

The CHAIRMAN. The gentleman is recognized for two minutes more.

Mr. GOODYKOONTZ. He said, "GOODYKOONTZ, you have come to the greatest school in the world." I was also presented to Mr. MANN, the other great leader from Illinois, and he said, "Mr. GOODYKOONTZ, this is the greatest legislative body in the world." And when I heard the chairman of the subcommittee in charge of this bill explain and present to you the matters that arise upon that measure, I thought this: That whereas there are some great men in charge of the committees in this House, yet no man has spoken more clearly or shown a greater fund of information or has ordered his words with more precision or has provided more general information to those inquiring in regard to it than the chairman of the subcommittee, the distinguished gentleman from Virginia [Mr. SLEMP]. [Applause.] And then I thought of the fact that when he graduated at the Military Institute of Virginia he reached the highest grade that had ever been attained by any student in that distinguished school of the South. So that this body is made up of many men of many minds, Representatives who come from every section of the country.

I should like to go further, but I shall content myself with asking to revise and extend my remarks.

The CHAIRMAN. The gentleman from West Virginia asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

Mr. SLEMP. Mr. Chairman, I yield the balance of my time to the gentleman from Wyoming [Mr. MONDELL].

The CHAIRMAN. The gentleman from Virginia has eight minutes remaining. The gentleman from Wyoming is recognized.

Mr. MONDELL. Mr. Chairman, sometimes I agree with the gentleman from Texas [Mr. BLANTON]; quite frequently I agree with his views. I even agree with him in the matter of attendance upon the House. I have long regretted that we did not have a more generous attendance on the ordinary proceedings of the House. But I want to calm his fears relative to any decadence in the House by telling him that the condition that he has witnessed since he has been here is about the condition that we have had for many years, including the last eight years, when his party had the leadership and the majority here.

I sometimes do not blame the gentlemen of the House because they do not always attend the general debates. They realize that there is to be no vote taken; they do not know for certain that they will be entertained by the gentleman from Texas; they may even fear that I am going to speak, and so they stay away. [Laughter.] But we do have a very excellent attendance generally in the House when the House is really doing business. And let us remember this: That neither this nor any other legislative body could properly carry on its business, consider its legislation, and do the work assigned it if there was always a majority in attendance during the legislative sessions. There is so much work to do in committee; there is so much that Members must do toward informing themselves with regard to legislation, in attending committee hearings, and meetings and discussions, that if we had a majority here on the floor all the time we would not have that close, careful, and thorough consideration of legislation that is absolutely essential. After all, the work on the floor is more or less the dress parade after the work is done. Of course, that does not apply to the speeches of my friend from Texas, which are always interesting and generally to the point. I am willing to admit that mine are not always so interesting.

I want to congratulate the Committee on Appropriations, the House of Representatives, and particularly the members of the subcommittee that considered this bill. It is something of an undertaking to persuade departmental officers that they can reduce their own estimates from one hundred and seventeen to forty-seven millions; and then it requires very careful consideration and very thorough and exhaustive work for a committee to take the estimates thus reduced and reduce them from forty-seven to seventeen millions. This committee has reduced the original estimates under this bill $98,959,808.88, and I have no doubt that the reductions have been made with understanding, with knowledge, with appreciation of the needs of the service, and without in any particular or at any point reducing the estimates below what is required for the necessary work of the service in the line of fortifications and defense. The gentleman from Virginia [Mr. SLEMP] is entitled to very great credit for his work. [Applause.] And his colleagues on the subcommittee are entitled to very great credit for their work. We have made some very heavy reductions in estimates during this Congress, but in no case so heavy a reduction has been made as in this bill. And the important thing to remember is that it has not been a reduction simply for the purpose of making a reduction. It has not been a thoughtless reduction. It has not been a reduction without regard to the needs of the service. It has been an intelligent reduction, made in view of the absolute necessity at this time of bringing our expenditures as a people within our income.

Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has three minutes remaining.

Mr. MONDELL. In that time I want to refer to another matter.

The Public Ledger of the City of Brotherly Love this morning brings up the much discussed question of raising Army and Navy pay, and it says that the failure to increase Army and Navy pay is due mainly to the hostility of FRANK W. MONDELL, majority floor leader, and that a tacit understanding exists that nothing shall be done at the present session.

Now, whether or not the fact that we have not increased Army and Navy pay is in anywise due to my attitude in the matter be true or no, the remainder of that statement is without any basis or foundation whatever, at least so far as I know. I have never said, I have never thought, I have never believed that we should adjourn this session of Congress without giving some consideration to the general question of increases of pay in the Military and Naval Establishments. I think before we leave we must also give consideration to increases in the pay of some of those in the civil establishment. I do not know what the Congress will finally conclude to do, but I think those things must be considered. The trouble is that the House having passed an emergency bill relating to a few men in the Naval Establishment, certain gentlemen in the Naval and Military Establishments are insisting that the House shall allow its conferees to raise the pay of all the officers of the Army and the Navy in a sum amounting to about $75,000,000 per annum without the House having passed

on the matter. The bill necessary to increase the pay of the petty officers of the Navy and of the Coast Guard could become a law any day if certain gentlemen would cease their insistence that before this absolutely essential legislation goes on the statute books the whole question of advances in pay in all branches of the Regular Military Establishment shall be considered. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. McKEOWN. Mr. Chairman, I suggest the absence of a quorum.

Mr. SLEMP. Let us begin the reading of the bill under the five-minute rule.

Mr. McKEOWN. I will withdraw the point until one paragraph of the bill has been read.

The CHAIRMAN. The Clerk will read the bill for amendment under the five-minute rule.

The Clerk read as follows:

Be it enacted, etc., That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for fortifications and other works of defense, for the armament thereof, and for the procurement of heavy ordnance for trial and service, for the fiscal year ending June 30, 1921, and for other purposes, namely:

FORTIFICATIONS AND OTHER WORKS OF DEFENSE.

ENGINEER DEPARTMENT.

For construction of gun and mortar batteries, $1,800,000.

Mr. McKEOWN. Mr. Chairman, I make the point of no quorum present.

Mr. SLEMP. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SANFORD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 13555) making appropriations for fortifications and other works of defense, for the armament thereof, and for the procurement of heavy ordnance for trial and service, for the fiscal year ending June 30, 1921, and for other purposes, had come to no resolution thereon.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 202. An act to authorize the Secretary of the Interior to issue patent in fee simple to the county of Huron, in the State of Michigan, for a certain described tract of land for public-park purposes;

H. R. 1275. An act for the relief of W. L. Rose;

H. R. 1791. An act for the relief of O. W. Lindsley;

H R. 3211. An act for the relief of Emma J. Spear;

H. R. 5213. An act for the relief of occupants and claimants of unsurveyed public land in township 8 north of range 2 west of Salt Lake meridian, Utah;

H. R. 6136. An act authorizing the Secretary of the Interior to sell certain lands to school district No. 21, of Fremont County, Wyo.;

H. R. 6291. An act for the relief of E. Willard;

H. R. 6413. An act granting the sum of $549.12 to Clara Kane, dependent parent, by reason of the death of William A. Yenser, late civil employee, killed as a result of an accident at the Philadelphia Navy Yard;

H. R. 6772. An act authorizing and directing the transfer approximately of 10 acres of land to rural high-school district No. 1, Lapwai, Idaho;

H. R. 6773. An act for the relief of Albert C. Burgess;

H. R. 10207. An act providing for service of process in causes removed from a State or other court to a United States court;

H. R. 12711. An act to amend the act approved December 23, 1913, known as the Federal reserve act; and

H. J. Res. 222. Joint resolution authorizing the Secretary of War to dispose of surplus dental outfits.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. MASON (at the request of Mr. MURPHY), for one week.

To Mr. FULLER of Illinois, for one week, on account of important business.

ADJOURNMENT.

Mr. SLEMP. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 13 minutes p. m.) the House adjourned until Monday, April 12, 1920, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting supplemental estimate of appropriation required for the service of the current fiscal year by the National Home for Disabled Volunteer Soldiers, Mountain Branch, at Johnson City, Tenn. (H. Doc. No. 721); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting supplemental estimates of appropriation required by the Federal Board for Vocational Education for the fiscal years 1920 and 1921 (H. Doc. No. 722); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting supplemental and deficiency estimates of appropriation required for the Post Office Department for the fiscal years 1918, 1919, and 1920 (H. Doc. No. 723); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. GRAHAM of Illinois, from the Select Committee on Expenditures in the War Department, to which was referred the resolution of the House (H. Res. 515) referring certain hearings and a report of the Select Committee on Expenditures in the War Department to the Department of Justice, reported the same without amendment, accompanied by a report (No. 816), which said resolution and report were referred to the House Calendar.

Mr. RAYBURN, from the Committee on Interstate and Foreign Commerce, to which was referred the joint resolution of the House (H. J. Res. 324) authorizing and directing the accounting officers of the Treasury to allow credit to the disbursing clerk of the Bureau of War Risk Insurance in certain cases, reported the same without amendment, accompanied by a report (No. 817), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 5983) granting a pension to Jane Philpot, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. WASON: A bill (H. R. 13558) for the purpose of improving the facilities and service of the Bureau of War Risk Insurance, and of further amending and modifying the war-risk insurance act, as amended; to the Committee on Interstate and Foreign Commerce.

By Mr. ASHBROOK: A bill (H. R. 13559) authorizing the Secretary of War to furnish a German cannon, with carriage and cannon balls, to the Colonel Cooper Unit, No. 3, of the United Veterans of the Republic, of Mount Vernon, Ohio; to the Committee on Military Affairs.

By Mr. JOHNSON of Kentucky: A bill (H. R. 13560) to permit distilled spirits to be transferred from the original packages into bottles while in any bonded warehouse; to the Committee on the Judiciary.

By Mr. GRAHAM of Illinois: Resolution (H. Res. 515) referring certain hearings and a report of the Select Committee on Expenditures in the War Department to the Department of Justice; to the Select Committee on Expenditures in the War Department.

By Mr. MOON (by request): Resolution (H. Res. 516) to print 500 copies of a manuscript entitled "Scots and Scottish Influence in Congress," by Arthur McDonald; to the Committee on Printing.

By Mr. GRAHAM of Illinois: Resolution (H. Res. 517) for the immediate consideration of House resolution 515 and Report No. 816; to the Committee on Rules.

Also, joint resolution (H. J. Res. 333) to loan tents and cots to certain sections along the Mississippi River which are liable to be overflowed; to the Committee on Military Affairs.

By Mr. HUTCHINSON: Joint resolution (H. J. Res. 334) providing for the repeal of existing war legislation; to the Committee on the Judiciary.

By Mr. CAREW: Memorial of the Senate of the State of New York, regarding the canals in the State of New York; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 13561) granting an increase of pension to Morgan Thomas; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13562) granting an increase of pension to George F. Bostwick; to the Committee on Invalid Pensions.

By Mr. FIELDS: A bill (H. R. 13563) granting an increase of pension to Presley Jackson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13564) granting an increase of pension to Lewis Clemens; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13565) granting a pension to Cynthia Timberlake; to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 13566) granting an increase of pension to George P. Vance; to the Committee on Pensions.

By Mr. HAYDEN: A bill (H. R. 13567) granting a pension to M. Davis; to the Committee on Pensions.

By Mr. KENDALL: A bill (H. R. 13568) granting an increase of pension to John Hartzell; to the Committee on Invalid Pensions.

By Mr. McKINLEY: A bill (H. R. 13569) granting a pension to Clara Mahoney; to the Committee on Invalid Pensions.

By Mr. OGDEN: A bill (H. R. 13570) granting an increase of pension to David R. Fenton; to the Committee on Invalid Pensions.

By Mr. VENABLE: A bill (H. R. 13571) granting a pension to John H. Isiley; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

2881. By Mr. BARBOUR: Petition of residents of Selma, Calif., favoring the passage of House bill 10925 and Senate bill 3259; to the Committee on Interstate and Foreign Commerce.

2882. By Mr. BURROUGHS: Petition of the members of General Phil Sheridan Branch, Friends of Irish Freedom, Somersworth, N. H., S. L. Curley, S. D. Hourrihan, James Morrison, and Hannah R. Wallace, corresponding secretary, denouncing the murder of Lord Mayor MacCurtain, of Cork, etc.; to the Committee on Foreign Affairs.

2883. By Mr. CAREW: Petition of the Silk Association of America, of New York, favoring an adjustment of the revenue system of the United States; to the Committee on Ways and Means.

2884. Also, petition of William Ezra Spencer Post, the American Legion, Jay, Okla., regarding legislation for ex-service men; to the Committee on Ways and Means.

2885. Also, petition of the National Guard Association of the State of New York, regarding National Guard legislation; to the Committee on Military Affairs.

2886. By Mr. ESCH: Petition of the Brooklyn Chamber of Commerce, relative to the operation of the barge service on the New York State Barge Canal by the Federal Government, etc.; to the Committee on Interstate and Foreign Commerce.

2887. By Mr. EVANS of Nebraska: Petition of sundry citizens of Plainview, Nebr., opposing compulsory military training; to the Committee on Military Affairs.

2888. By Mr. FULLER of Illinois: Petition of the National Americanization League of the United States, favoring the revision of the revenue laws, etc.; to the Committee on Ways and Means.

2889. Also, petition of the American Association for Labor Legislation, favoring the Sterling-Lehlbach retirement bill; to the Committee on Reform in the Civil Service.

2890. By Mr. JOHNSTON of New York: Petition of the Chamber of Commerce of the State of New York, for the withdrawal of Federal Government from barge canal affairs; to the Committee on Interstate and Foreign Commerce.

2891. By Mr. KELLY of Pennsylvania: Petition of the Pittsburgh Chamber of Commerce, relative to the transportation and express situation; to the Committee on Interstate and Foreign Commerce.

2892. By Mr. LINTHICUM: Petition of the J. Henry Miller Co. (Inc.), of Baltimore, Md., urging the passage of House bill 13390; to the Committee on Naval Affairs.

2893. Also, petition of George G. E. Cross, M. D., of Baltimore, Md., relative to the Army increase pay bill; to the Committee on Military Affairs.

2894. Also, petition of the Simpson & Doeller Co., of Baltimore, Md., relative to the excess-profits tax; to the Committee on Ways and Means.

2895. Also, petition of the Newark Shoe Stores Co., against House bill No. 12976; to the Committee on Ways and Means.

2896. Also, petition of the Baltimore Chamber of Commerce, also the Myers-Hicks Co., of Baltimore, Md., protesting against House bill 12379; to the Committee on Banking and Currency.

2897. By Mr. LONERGAN: Petition of the United Societies of Bridgeport, Conn., urging the recognition of the Irish republic; to the Committee on Foreign Affairs.

2898. By Mr. PARRISH: Petition of ex-soldiers of the Dennis-Anderson Post, American Legion, of Gainesville, Tex., transmitting a tentative draft of a bill, amending the Federal farm-loan act; to the Committee on Ways and Means.

2899. By Mr. RAKER: Petition of Charles W. Merrill, of San Francisco, urging the passage of the Nolan bill, House bill 11984; to the Committee on Patents.

2900. Also, petition of the United Cloth Hat and Cap Makers of North America, of Los Angeles, Calif., urging the passage of Senate joint resolution No. 171 and Senate bill 1233; to the Committee on the Judiciary.

2901. Also, petition of the R. H. Arnold Co., of Washington, D. C., urging the passage of House bill 13390; to the Committee on Naval Affairs.

2902. Also, petition of the Chamber of Commerce of the State of New York, protesting against the allocation of American ships to German routes and urging the utilization of idle tonnage; to the Committee on the Merchant Marine and Fisheries.

2903. By Mr. TEMPLE: Petition of the American Legion Post No. 341, relative to compensation for the ex-service men and women; to the Committee on Ways and Means.

2904. By Mr. WINGO: Petition of J. B. Sillivan and numerous other citizens of Howard County, Ark., protesting against compulsory military service; to the Committee on Military Affairs.

2905. Also, petition of N. Simpson, and other citizens of Polk County, Ark., protesting against compulsory military service; to the Committee on Military Affairs.

2906. By Mr. WINSLOW: Petition of employees of Cordis Mills, Millbury, Mass., favoring daylight saving; to the Committee on Interstate and Foreign Commerce.

2907. Also, petition of protest of Central Labor Union of Milford, Mass., against certain policies of the Bureau of Immigration, Department of Labor; to the Committee on Immigration and Naturalization.

SENATE.

MONDAY, *April 12, 1920.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we are Thy workmanship, created unto good works, called to the stewardship of a great service that has been committed unto us, a responsibility that we dare not meet except by the divine guidance and blessing. But as Thou hast smiled upon us as a people, led us by the hand unto a large place, so we trust Thee to lead us on to accomplish Thy divine purpose in us. Forgive our sins. Save us from fatal mistakes. Give us a due regard for the divine will. Help us to fulfill our mission. We ask for Christ's sake. Amen.

On request of Mr. CURTIS, and by unanimous consent, the reading of the Journal of the proceedings of Saturday last was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House disagrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11578) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1921, and for other purposes, further insists upon its disagreement to the amendments of the Senate, asks a further con-

ference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. STEENERSON, Mr. MADDEN, Mr. GRIEST, Mr. MOON, and Mr. ROUSE managers at the further conference on the part of the House.

The message also announced that the House had passed the joint resolution (S. J. Res. 180) authorizing the Secretary of War to turn over to agricultural fertilizer distributors or users a supply of nitrate of soda, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House agrees to the amendment of the Senate to the bill (H. R. 6025) to amend the act entitled "An act to establish a code of law for the District of Columbia, approved March 3, 1901," and the acts amendatory thereof and supplementary thereto.

The message also announced that the House had passed a joint resolution (H. J. Res. 327) terminating the state of war declared to exist April 6, 1917, between the Imperial German Government and the United States, permitting, on conditions, the resumption of reciprocal trade with Germany, and for other purposes, in which it requested the concurrence of the Senate.

The message further announced that the House disagrees to the amendment of the Senate to the bill (H. R. 795) for the relief of Arthur Wendle Englert, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. EDMONDS, Mr. LITTLE, and Mr. STEAGALL managers at the conference on the part of the House.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

S. 3813. An act to authorize the construction of a bridge across Lake Champlain, between the towns of Shoreham, Vt., and Ticonderoga, N. Y.; and

S. 4082. An act to amend section 4878 of the Revised Statutes as amended by the act of March 3, 1897.

PETITIONS AND MEMORIALS.

Mr. JONES of Washington presented a petition of sundry citizens of the State of Washington, praying for the passage of the so-called Mondell land settlement bill, which was referred to the Committee on Public Lands.

Mr. ELKINS presented a petition of sundry teachers of the Cabin Creek School District, of Kanawha County, East Bank, W. Va., praying for the enactment of legislation providing for the establishment of a Department of Education, which was referred to the Committee on Education and Labor.

Mr. TOWNSEND presented a petition of the Rotary Club of Marquette, Mich., praying for the enactment of legislation providing for the incorporation of the International Association of Rotary Clubs, which was referred to the Committee on the Judiciary.

He also presented a petition of Albion Chapter, Daughters of the American Revolution, of Albion, Mich., praying for the passage of the so-called Webb-Vestal bill to promote Americanization, which was ordered to lie on the table.

He also presented a petition of the Local Lodge No. 4, Cap Makers' Union, of Detroit, Mich., praying for the enactment of legislation providing for the parole of Federal prisoners, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Marysville, Mich., and a petition of sundry citizens of Vestaburg, Mich., praying for the enactment of legislation providing a bonus for ex-service men, which were referred to the Committee on Finance.

He also presented a petition of the Chamber of Commerce, of Battle Creek, Mich., praying for the repeal of certain provisions of the so-called Lever Act, which was referred to the Committee on Interstate Commerce.

REPORTS OF COMMITTEE ON PUBLIC LANDS.

Mr. SMOOT, from the Committee on Public Lands, to which was referred the bill (S. 3763) regulating the disposition of lands formerly embraced in the grants to the Oregon & California Railroad Co. and Coos Bay Wagon Road Co., reported it without amendment and submitted a report (No. 516) thereon.

He also, from the same committee, to which was referred the bill (H. R. 4311) to authorize the addition of certain lands to the Caribou National Forest, reported it with amendments, and submitted a report (No. 517) thereon.

FORT BERTHOLD INDIAN RESERVATION.

Mr. SMOOT. Some days ago the bill H. R. 13139 was passed by the House, came over to the Senate, and was referred to the Committee on Public Lands. The bill has reference to Indian lands in the former Fort Berthold Indian Reservation, N. Dak. I move that the Committee on Public Lands be discharged from the further consideration of the bill and that it be referred to the Committee on Indian Affairs.

The motion was agreed to.

GOVERNMENT PERIODICALS AND FIELD PRINTING (S. DOC. NO. 265).

Mr. SMOOT. Mr. President, I present, in compliance with section 11 of Public Act No. 314, Sixty-fifth Congress, the report of the Joint Committee on Printing on Government periodicals and field printing for the year ended March 1, 1920. I ask that the report be printed and referred to the Committee on Printing.

The PRESIDENT pro tempore. Without objection, it is so ordered.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. POINDEXTER:

A bill (S. 4204) to prohibit interference with commerce; to the Committee on Interstate Commerce.

By Mr. NELSON:

A bill (S. 4205) to amend section 4, chapter 1 of title 1, of an act entitled "An act making further provision for a civil government for Alaska, and for other purposes," approved June 6, 1900, as heretofore amended by section 2 of an act entitled "An act to amend section 86 of an act to provide a government for the Territory of Hawaii, to provide for additional judges, and for other judicial purposes," approved March 3, 1909, and for other purposes; to the Committee on the Judiciary.

By Mr. CALDER:

A bill (S. 4206) to encourage the building of homes by providing for exemption from taxation of the income on mortgages on real estate; to the Committee on Finance.

By Mr. FERNALD:

A bill (S. 4207) granting an increase of pension to Michael A. Murphy (with accompanying papers); to the Committee on Pensions.

By Mr. PHELAN:

A bill (S. 4208) granting a pension to Agnes G. Young (with accompanying papers); to the Committee on Pensions.

By Mr. SHEPPARD (for Mr. GORE):

A bill (S. 4209) to grant the consent of Congress to the Elmer Red River Bridge Co. to construct a bridge across the Red River; to the Committee on Commerce.

AMENDMENT TO NAVAL APPROPRIATION BILL.

Mr. POINDEXTER submitted an amendment authorizing the Secretary of the Navy to employ on active duty with their own consent members of the Naval Reserve Force in enlisted ratings, etc., intended to be proposed by him to the naval appropriation bill, which was ordered to lie on the table and be printed.

RIVER AND HARBOR APPROPRIATIONS.

Mr. JONES of Washington. I desire to give notice that to-morrow, after the routine morning business, which I hope will take as brief a time as possible, I shall ask unanimous consent to call up the river and harbor appropriation bill, with the hope of disposing of it.

POST-OFFICE APPROPRIATIONS.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11578) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1921, and for other purposes, further insisting upon its disagreement to the amendments of the Senate, and requesting a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. TOWNSEND. I move that the Senate further insist upon its amendments and agree to the further conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. TOWNSEND, Mr. STERLING, Mr. PHIPPS, Mr. BECKHAM, and Mr. HENDERSON conferees at the further conference on the part of the Senate.

HOUSE JOINT RESOLUTION REFERRED.

H. J. Res. 327. Joint resolution terminating the state of war declared to exist April 6, 1917, between the Imperial German Government and the United States, permitting, on conditions, the resumption of reciprocal trade with Germany, and for other purposes, was read twice by its title and referred to the Committee on Foreign Relations.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had approved and signed the following acts and joint resolutions:

On April 7, 1920:

S. 2440. An act for the relief of the estate of John M. Lea, deceased.

On April 8, 1920:

S. 2343. An act for the relief of Capt. Frederick B. Shaw;

S. J. Res. 134. Joint resolution to readmit Augustus Louise de Haven-Alten to the status and privileges of a citizen of the United States; and

S. J. Res. 148. Joint resolution authorizing the Department of Commerce to participate in the National Marine Exposition to be held in New York in April, 1920.

On April 10, 1920:

S. J. Res. 167. Joint resolution providing for the filling of a vacancy in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress.

On April 12:

S. 2807. An act to correct the military record of Edward Sigerfoos; and

S. 3610. An act for the relief of William S. Britton, formerly second lieutenant of Infantry, who has been erroneously dropped from the rolls of the United States Army.

RAILROAD STRIKES.

Mr. FRELINGHUYSEN. Mr. President, I wish to read for the information of the Senate a telegram which I have received from one of the cities in my State. It is difficult for a representative of a great State to contemplate with composure the present situation in regard to the strikes which threaten the starvation of an entire State. I do not know what can be done by Congress, but I want to raise my voice in behalf of some action which will make any conspiracy hereafter by any group of men, who through the power of combination threaten to starve and freeze the American people, unlawful and illegal. This is a telegram from the acting mayor of Hackensack, N. J.:

HACKENSACK, N. J., *April 11, 1920.*

Hon. JOSEPH S. FRELINGHUYSEN.
Senate Building, Washington D. C.:

At a mass meeting of the citizens of Tenafly, Bergen County, N. J., held to-day the following preambles and resolutions were unanimously adopted:

Whereas the present strike of switchmen, firemen, and others employed on the railroads has occurred without any formal statement of grievances; and

Whereas said strike is opposed by the responsible officers of the railroad labor unions; and

Whereas said strike savors strongly of syndicalism and direct action which completely violates the spirit of American institutions; and

Whereas said strike, in fact, represents the effort of a minority to impose its will by force on the majority against the spirit of our institutions and the laws of the land and as such constitutes an abuse of power that becomes intolerable tyranny; and

Whereas said strike disturbs the orderly processes of industry and commerce and thereby endangers the lives and liberty and the pursuit of happiness of all citizens: Therefore be it

Resolved by this mass meeting of the citizens of the Borough of Tenafly, State of New Jersey, and vicinity, held on Sunday afternoon April 11, 1920, That we appeal to the strikers to recognize the antisocial nature of the strike and return to work at once in the assurance that the public desires to see properly adjusted any just grievance; be it further

Resolved, That the wanton nature of this strike precludes the possibility of temporizing, and that we demand of the President and the Congress of the United States of America that immediate exercise of all of the power of the Government in behalf of the great law-abiding majority of the citizens of the country to cause a resumption of railroad traffic; and be it further

Resolved, That we demand similar action so far as lies in their power and jurisdiction of the governor and the Legislature of the State of New Jersey; and be it further

Resolved, That the acting mayor of the Borough of Tenafly be requested immediately to telegraph these resolutions to the President of the United States, to the United States Senators from the State of New Jersey, and to the Congressman from this district, and also to the governor of the State of New Jersey and to the State senator and assemblyman from this district.

J. D. P. KENNEDY, *Acting Mayor.*

Mr. President, at the present time this strike has almost reached the state of revolution. The Senate passed an antistrike provision in the railroad act which provided ample means for the settlement of difference and grievances by the railway labor men employed on the railroads. The Senate passed that measure believing that where men conspired to tie up a great country and starve and freeze the people it should be made illegal. The House of Representatives failed to pass that provision. I say the time has come in this country to find out whether we have a Government or not, and to pass laws which will make for the peace and happiness of the American people.

Mr. POINDEXTER. Mr. President, I ask permission to say a word in regard to the subject which the Senator from New Jersey just referred to.

I have just introduced a bill intended to provide a means by which the Government can perform the functions which devolve upon it under the duty of regulating interstate commerce, and I should like to call the attention of the Senator from New Jersey and the Senate very briefly to the nature of the measure. I am going to ask that the Committee on Interstate Commerce give the matter very early consideration.

There was objection made to the so-called antistrike clause in the Cummins railroad bill which has been enacted into law because of the claim that it imposed involuntary servitude, it being argued by certain representatives of railroad employees that the purpose of it was to compel them to stay in service and to deny them the right of quitting their employment.

Of course that was not either the purpose or the effect of that provision, and it is my opinion that the attempt which has brought about the present paralysis, in some sections, of interstate commerce is not the assumption of the right of men who engaged in the operation of the agencies of interstate commerce to quit their employment but it is the exercise by those men of a right to persuade or coerce others to quit their employment. If Congress is to live up to the duties which devolve upon it under the power to regulate interstate commerce, which implies the duty to protect interstate commerce, it must have the authority, and it ought to exercise it, in my opinion, to penalize any effort, either by persuasion or by coercion on the part of any organization or any individual, whether it be a conspiracy or not, to obstruct the free movement of such commerce.

I thought it was the weakness of the clause referred to in the railroad bill that it only penalized a conspiracy. I think that such obstruction ought to be made a crime, whether it is effected through conspiracy or whether it is the act of individuals not in conspiracy, when with the intent of interfering with the operation of agencies of interstate commerce in the movement of commodities between States or commerce with foreign nations any individual or any organization interferes with the employment of any other person in the operation of those agencies.

I have provided in this bill, Mr. President, a penalty aimed at that, which I believe can be vindicated both as a matter of policy and as a matter of constitutional power on the part of Congress:

That whoever with intent to obstruct, delay, hinder, impede, or prevent the movement of commodities in commerce with foreign nations or among the several States shall by word of mouth or by the presentation, exhibition, or circulation of written or printed words, or otherwise, solicit, advise, induce, or persuade, or attempt to induce or persuade, any person or persons employed in any capacity in the production, care, maintenance, or operation of any means or agency of such commerce, to quit such employment shall be guilty of a felony and punished by a fine not exceeding $10,000, or by imprisonment not exceeding 10 years, or by both such fine and imprisonment.

SEC. 2. Whoever, with intent to obstruct, delay, impede, hinder, or prevent the movement of commodities in commerce with foreign nations or among the several States shall by force or violence, or by threats or menace of any kind, prevent or seek to prevent any person from engaging in employment or from continuing in employment in any capacity in the production, care, maintenance, or operation of any means or agency of such commerce shall be deemed guilty of a felony, and upon conviction thereof shall be punished by a fine not exceeding $15,000, or by imprisonment for 15 years, or by both such fine and imprisonment.

SEC. 3. Whoever, with intent to obstruct, delay, hinder, impede, or prevent the movement of commodities in commerce with foreign nations or among the several States shall injure, disable, or destroy any car, bridge, track, ship, or any other means or agency of such commerce or shall with like intent solicit, advise, induce, or persuade others to do so, shall be deemed guilty of a felony and upon conviction thereof shall be punished by a fine of $10,000, or by imprisonment for 10 years, or by both such fine and imprisonment.

None of those prohibitions affect in any way whatever the right of any individual to quit his employment at any time he sees fit. Of course, there are certain limitations, I think, to the right of one to quit his employment; for instance, if a railroad engineer starts the mechanism of his locomotive and then abandons it and leaves the train to go to its destruction, he will be guilty of crime and responsible for the death of passengers and the destruction of the train if this should be caused by his act; just as a physician who had assumed the obligation of caring for a patient and at some critical time in the operation should abandon it and thereby cause the death of the patient would be guilty of a crime.

Mr. FRELINGHUYSEN. Mr. President——

Mr. POINDEXTER. I yield to the Senator.

Mr. FRELINGHUYSEN. Has the Senator introduced the bill which he read?

Mr. POINDEXTER. I have introduced it this morning.

Mr. FRELINGHUYSEN. I am very glad to know that.

Mr. POINDEXTER. I shall ask its reference to the appropriate committee, and I should like to secure the cooperation of the Senator from New Jersey in getting early consideration for it. I ask leave briefly to state the purposes which I have had in introducing this measure and in asking for its prompt consideration.

Mr. President, any complaint which railroad employees may have affecting the terms or conditions of their employment should be fairly investigated by the Government, and the Government

should use its influence to bring about a just and fair settlement. Congress has provided a labor board for the hearing of such complaints, and for some years there has existed a Board of Labor Conciliation, which has been available for the consideration and adjustment of such disputes.

I have already commented upon the limitations of the right to quit employment, which, in general and under normal conditions, nobody questions, and which, in my opinion, is not involved in the problems with which it is necessary for Congress to deal. There is a question, however, and it is one of vital importance, as to the right of railroad employees, or others, to induce others so employed to leave their employment or to prevent persons from entering such employment, with the intent of obstructing commerce with foreign nations and among the several States. I may say that that is what constitutes a strike. A strike does not come about merely by men quitting their employment of their own initiative; it comes about by a widespread organization, which operates among the employees, and deliberately, with great care and by the expenditure of vast resources, conspires and persuades, and very frequently coerces employees and organizes them for the purpose not merely of quitting their employment but with the ultimate object of tying up the railroads and of absolutely cutting off the flow of commodities in interstate commerce, and thereby bringing the community to such a condition of starvation or of inconvenience or of suffering for the very necessities of life that it will be compelled by means of this system of terrorism to submit to the economic demands of those who have control of the organization which brings about the interruption of traffic. That, in its last analysis, is a government by force and violence, not a government by law; it is not a government by the people; it is a government by a class, by a coterie, by a junta, by a ring within the labor union which secures control of the organization and operates, in secret very largely and very frequently, against the will of the majority of the employees themselves; and, as in this case from which the railroads are suffering now, to the injury and to the suffering of the laboring men of the country who are thrown out of employment, by having factories shut down because supplies can not be obtained through the ordinary process of transportation.

Mr. NELSON. Will the Senator allow me to interrupt him a moment?

Mr. POINDEXTER. I yield to the Senator from Minnesota.

Mr. NELSON. I want to say to the Senator that, while the remedies he proposes may be very good, they will never be effective to meet such a situation in advance, as it ought to be met, unless there is given to the courts the power to restrain these acts by injunction. It is too late after the deed shall have been accomplished to say that the men may be put in prison. What we need is to have the courts armed with authority to stop it in advance. We need preventive justice as well as punitive justice.

Mr. POINDEXTER. The right of injunction, I apprehend, now exists. I myself think there are many things which could be done under the existing law by vigorous and prompt action of the proper executive authority that would have modified and, if taken in time, would have prevented a great deal of the loss which has resulted from the present strike. I think that a little of the kind of action that three or four Presidents we have had in our history—and I might name George Washington, Andrew Jackson, Grover Cleveland, and Theodore Roosevelt—certain types of action that they took in crises of this importance would, perhaps, bring about a solution of many of these complications. I agree with the Senator from Minnesota that where irreparable injury—a well-known ground of injunction—will result from the plans and purposes of an organization, that remedy should be used, but there ought to be, in addition, a penal law which, by the imposition of penalties, will operate to deter the commission of crimes, just as the penalty against murder or robbery or arson operates to prevent the commission of those crimes.

I may say incidentally that where a cessation of transportation is brought about and food is cut off from the congested communities of the country, it frequently results in just that sort of a crime. It results in the death of people, and I am not sure but that people have already died by reason of the existing strike in some of the cities where, I understand, milk supplies have been cut off from babies, and where food supplies, which were inadequate before the strike was called, are already getting shorter. If such commerce can be obstructed and prevented by these men, then the life of the Nation and the Government itself is at the mercy of those who by persuasion or coercion bring transportation to a stop.

Powerful organizations supplied with ample financial resources are endeavoring to persuade all railroad employees to quit work and to prevent others from entering into such employment, with the avowed purpose of preventing the movement of commodities in interstate commerce. Already truck farmers are plowing up their crops, food is rotting on the docks, babies are dying for want of milk, and whole communities are confronted with starvation.

All of this is said to be because Joseph Grunau, a switchman, was discharged. In other words, the outlaw unions claim the right to dictate the management of the railroads, and in order to enforce this claim they are willing to throw their fellow workmen throughout the country out of work, to bring the families of working men to want and suffering, and to cut off the food supply of the Nation. It is Bolshevism pure and simple. It is backed up by every anarchist and revolutionist, alien or domestic, both of the outdoor and parlor variety.

The Constitution vests Congress with the power to regulate commerce with foreign nations and among the several States. This power implies a duty. The power to regulate imposes the obligation to protect. Upon the exercise of this trust depends the integrity of the Government and the safety and very life of the people.

If the management of the railroads is to be taken over by the employees in defiance of the Government and the people, and the control of commerce is to be secured by the revolutionary means of cutting off supplies from the people, then Congress will have been divested of its powers, and free government is suspended and government by dictation of an outlaw labor union substituted in its place.

Control of the railroads by stopping their operation and so bringing to a standstill the industrial processes of the Nation and subjecting the people to starvation, unemployment, and industrial chaos is as truly control by force and violence as any military dictatorship could be. The mails are obstructed. Government ships are prevented from operating. The entire business of the Government is embarrassed and some of its functions suspended by this violent means. The Government should act for the protection of its own agencies as well as for the regulation of commerce in general between its citizens.

In the interest of peace and order and of that security of person and property which is the essential foundation of any civilized free government and in the protection of the functions of the government itself, the revolutionary organization which is trying to enforce its demands by cutting off food supplies from the Nation should be required to submit its industrial complaints, if it has any of real merit, to Government tribunals which are available for that purpose.

A dispute about a title to property is not subject to settlement by force and violence, but must be submitted to tribunals provided by law, and it is equally essential to free government that economic disputes involving transportation or essential industries shall not be determined by violence and coercion, but must likewise be submitted to the law.

Mr. EDGE. Mr. President, I sincerely trust that the suggestion offered by the Senator from Washington will help to meet the situation with which we are now confronted, but I am doubtful as to its efficacy. I am afraid it will not reach the real kernel of the difficulties as I have to some extent in the last three days personally observed them. I have been in New York and northern New Jersey, having returned to Washington last evening. I was on a train between Manhattan Transfer and the Terminal of the Pennsylvania Railroad in New York between three and four hours waiting for it to be drawn into the station. That, of course, is merely a personal inconvenience, and means in itself but little; but I think the time has arrived when, if we have not laws sufficient to reach the situation that now exists in a way that will give something like permanent relief, it is the duty of Congress to endeavor to solve the problem, so that relief may be afforded.

Representing, in part, the State of New Jersey, I telephoned the Department of Justice this morning, thoroughly recognizing their great difficulties at this time. Hundreds of thousands of citizens in the northern end of New Jersey are unable to go to their business in New York, where they are employed; hundreds of thousands of tons of food material are now lying on the various docks in New Jersey terminals awaiting transportation. The Department of Justice replied that they were investigating the matter. As I recall their answer, there were two possible methods to pursue: One through establishing that a conspiracy exists—I am not a lawyer and my explanation of that may not be entirely correct—and the other under the Lever law. They hope to arrive at a decision in the very near future, but I am afraid any decision they may arrive at and proceed under will, as I have inferred, not give the relief which the situation demands.

We have been patching up temporarily these labor troubles from time to time ever since the war. Some of the situations have been met in a way that has brought some results. Others

are said by the Department of Justice to furnish more difficult conditions, and I believe this is one of them. We must meet this situation at some time. Perhaps it will bring about a great deal of suffering and loss of life before we do come to a solution of the problem. I am afraid the American people are too prone to forget in a very few hours the inconvenience of yesterday and go on hoping that it will not occur again; but I think that if the law does not provide now—and I believe it does not—for some control before the strike, or whatever it may be termed, then it is the absolute duty of Congress to prepare for that situation, rather than try alone always to correct it after the men have left their employment and the condition exists which exists at this moment. In other words, I think it should be a misdemeanor or some other offense—I will not attempt to analyze the type—for any body of men together, to the extent that it would cripple operation, to leave their employment without giving due notice and stating their grievances, where such action will result in the suffering of an innocent public.

Mr. POINDEXTER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Jersey yield to the Senator from Washington?

Mr. EDGE. I yield.

Mr. POINDEXTER. The Senator, I understand, has just said that in his opinion no measure would be of any benefit which merely provided for punishment of the act after the act had occurred. How would the Senator apply such a law as that which he proposes to men for quitting employment at any time except after they had quit?

Mr. EDGE. It is obvious you could not. I will supplement the general statement I have made by saying that of course there should be punishment for all crime after the crime is committed; but I am suggesting a type of law that would make it a misdemeanor when the man quits, if he did not give a reasonable notice, where such action would result in the suffering of an innocent public. I do not in any way, by suggesting that, attempt to make it appear, and I do not believe I do, that after the man has left his employment he should be beyond the purview of the law. Of course, he should not. I am simply trying to find some method that may in some way deter or discourage the man or the conspiracy of a number of men, such as has happened now, apparently, leaving their employment before giving some notice of what their grievance may be.

I have no bill, or at least I have not attempted to draw a bill, to meet that situation. I sincerely hope that the suggested law presented by the Senator from Washington can be worked out to meet that situation; but I have about reached the conclusion that if we can be of any benefit in this matter it must be with the idea of reaching the man before he actually leaves or making it a misdemeanor when he does rather than spending time and money to find out if a conspiracy or something of that kind exists after thirty or forty thousand men are out of their jobs and all the commerce of the country is being held up. It seems to me that by taking that forward step we will do a great deal to discourage a duplication of the present situation.

Mr. THOMAS. Mr. President, the American Congress is very largely to blame for the unfortunate industrial conditions now confronting the country. The legislation proposed to meet the situation is merely an illustration of our methods of dealing with economic questions, and particularly when they become acute.

If I may paraphrase an ancient expression, we have sowed the wind and we are reaping the whirlwind. How extensive that whirlwind may become, how destructive in its consequences, is a matter perhaps for speculation, but of genuine apprehension nevertheless.

The procedure of the American Congress has been characterized during the last 50 or 60 years by its liberal grants of privilege, either in the shape of franchises or largesses to combinations of capital, or by the granting of exemptions from the operation of general laws to organizations of men. In the first instance, the beneficiaries of privilege waxed strong and yet stronger until they menaced the welfare and the future of the country, aroused the opposition of all thinking men, divided the membership of a great national party, and justly received with others the denunciation of organized labor. They were finally made subject to a series of legislative restrictions the value of which is still a matter for speculation.

Learning the lesson which the advantage of special legislation conferred upon its beneficiaries, organized labor, readily imitative, adopted the identical policy which it denounced when exercised by others, and by the sheer force of its political power has secured from Congress in almost every instance the legislation it has demanded; and that legislation has exempted it from the operation of many salutary laws on the one hand, and therefore from responsibility on the other, giving it, in other words, but in a different form, precisely what we have doled out ad nauseam to other combinations.

It is not necessary to again recount the many instances of privileged legislation which organizations of men have enjoyed and still enjoy, nor, indeed, to focus attention at any length upon the very natural manner in which these privileges have been utilized. Suffice it to say that we are able by our legislation to attempt the control of merely one form of monopoly, to restrict the operation of merely one form of trust, while on the other hand we have expressly exempted other forms which may become equally oppressive and equally destructive, both of society and of government, and when the logical results follow we propose to meet them by restrictive legislation which will not even be considered by this Congress, for the very good reason that the presidential election looms in the immediate future, and the suffering and starvation of the great metropolitan centers of the country are secondary to the importance of that election in the minds of Senators and Representatives. Why, there is no more probability of the serious consideration of the bill offered by the Senator from Washington at this session than there is, in my judgment, of its effecting anything of a substantial character if it should be enacted into law.

What is the situation? We are confronted with what the older organizations of labor call an outlaw strike—a strike condemned not only by every thinking man and woman in the country, but as well by the labor organizations hitherto recognized as controlling these various elements of labor; but it is an effectual strike just the same. I am not surprised at it. I only hope that it will not increase beyond its present dimensions.

You, Mr. President [Mr. CUMMINS in the chair], were told, as chairman of the Committee on Interstate Commerce, that the so-called Plumb plan would be made the basis of a political campaign in the event Congress should reject the plan and restore the roads to their owners. It was said before your committee or elsewhere, Mr. President—it was certainly said somewhere—that this organization had a fund of several millions behind it, and that this money would be expended in propaganda to enforce Government ownership upon the people. We also know that through sinister organizations in the country, financed from some mysterious source, and I imagine from Russian sources, acts have occurred, all bearing in the direction of and intending to effectuate, in my judgment, that identical object. The fact that the first direct action is aimed at the transportation system rather confirms that view, because a railroad man knows as well as anyone else, and perhaps better than anyone else, that whatever disturbs the normal transportation system of the country necessarily injures and disorganizes the entire body politic. The paralysis of transportation inevitably causes great industrial institutions to suspend and throws hundreds of thousands of men out of employment, whose discontent furnishes a fertile soil for the increase of propaganda.

There is nothing haphazard about this strike, in my judgment, Mr. President. It betrays an organization, thorough, systematized, acting upon common lines of previously conceived effort, and punishing if not designed to punish 110,000,000 innocent people so severely as to compel their adhesion to or their acquiescence in any measure demanded by extreme leaders, of which the Plumb plan is one.

Henry George long ago said that the principle of organized labor was opposed to the principles of the Golden Rule, and he might have said to the principles of even-handed justice. This strike is an excellent illustration of its truth. Great cities like New York and Chicago are dependent for daily supplies of necessary foodstuffs upon our transportation system. The sick in hospitals, the babes in their mothers' arms, school children—all classes and conditions of men requiring daily sustenance for their physical existence—are brought face to face with want and possible starvation. But what do these people care how the unoffending people of this country shall suffer or possibly lose their lives, so long as the politico-industrial purposes of the movement shall have been accomplished? There is neither mercy nor pity in such conduct. Nor is there any pretense of justice.

Mr. President, the movement is as heartless as Bolshevism itself; and, indeed, it is a form of the horrid thing thus designated. Death is death, whether it comes by violence, by disease, by starvation, or by the normal processes of nature. Suffering is suffering, whatever its cause; and we know that the man and woman who suffer, and particularly when the causes of the suffering are complicated and little understood, are easily led to cooperation in acts of violence or injustice threatening at times the very life of the Nation where they occur.

Mr. President, I am very glad that this strike does not receive the countenance of the official heads of the brotherhoods and of the other great labor organizations. But is it not true, Mr. President, that the strikers are following the example which those people have set in the past? The only difference between

this railroad strike and the coal strike lies in the fact that the one was said to be officially authorized and the other was not. Inherently, there is no difference, for both affect key industries, and both are productive of the same consequences. Both are therefore equally reprehensible.

The committee investigating the steel strike learned that the leaders in the so-called I. W. W. movement were engaged in what they called the process of "boring from within"; that is to say, their modern policy consists in joining the American Federation of Labor for the purpose of destroying its constituents. We have not heard, Mr. President, that the policy has been abandoned. Nothing in the investigation indicates any purpose to abandon it. We have not heard that it has lost in enthusiasm. Is it surprising, then, to conclude that the boring from within process has been a constant policy, and that it is effecting the identical disintegration for which it was intended, and that it has gone so far as to produce this form of rebellion against duly constituted labor authorities? It did not succeed in the coal strike because the Government, to use the expression of a distinguished statesman, "First shook its fist, then its finger, in the face of the organization"; first enjoined, and then compromised with it, at the same time assuring the people of the United States that the tax upon coal consumption would not be increased.

That promise has borne ghastly fruit, Mr. President. It would be amusing if it were not tragic, in view of the recent rise of $2 a ton in coal, whereby, notwithstanding these insistent assurances, as usual the increased cost is saddled upon the shoulders of the poor, unorganized consumer, who apparently exists for no purpose on earth except to be robbed in front, robbed on the right, robbed on the left, and robbed behind; he seems to enjoy it, because all he does is to occasionally protest, and then express with us the wonder how all this is going to end.

I make the prediction now that this outlaw strike, so called, if the Government interferes, will be disposed of just as the coal strike was, and that the outlaws will get what they demand, to wit, a large increase in their wages, notwithstanding one of the brotherhood heads declares that the question of wages was an afterthought; and the good people will bear their burden, feeling a sense of momentary relief, and hoping against hope, and against all their experience, that, after all, the trouble is now over. But it will not be. Mr. President, it will prove to be another entering wedge in a series of well-designed and well-planned movements, which are the legitimate outgrowth of the privilege and lack of responsibility which labor everywhere now enjoys.

Mr. President, I think I know of a remedy for these conditions, though I do not know how effectual it might be. It is hardly worth while stating it, for Senators on both sides of the aisle will not even consider it, unless the difficulty swells into the proportions of a rebellion and bloodshed and the destruction of property become the fruits of its activities.

The first step is to repeal all forms of privileged legislation on our statute books and make every man and every corporation alike subject to the laws. No other condition is consistent with free government; no other system can be reconciled with American institutions and our oft-repeated declaration of equality before the law.

Another is to require these organizations to incorporate, so that they may bear the responsibilities and therefore the consequences of their actions. Mr. President, the corporations, as bad as they are, infamous as many of their demands upon Congress for legislation have been, are yet organized entities, subject to the jurisdiction of the courts and against which the processes of justice may be invoked. It is not so with these organizations.

Think of the damage caused by this strike up to the present time; the shutting down of industries, inconveniences to travelers, the stagnation of perishable freight that is probably now or soon will become valueless, the disturbance of business, the suffering and privation to great communities for which there is no remedy whatever. The loss is irreparable because no legal responsibility rests upon any man or any organization. We could once truly boast that for every wrong the law afforded a remedy. Such is not the case to-day. If the wrong be inflicted by organizations of men, the damage is final; the wrong must forever remain unredressed.

Suppose the Pennsylvania Co. should conclude—and it has the same right to do so that the men working for it have—to suspend the operations of that great system until the Interstate Commerce Commission acceded to its demand for increased freight and passenger rates. Of course, the conditions now existing would perhaps be magnified. Nobody would denounce it more loudly than the men now engaged in striking. Conditions would be terrible. But those injured would at least have their right to redress against that concern by summoning it into the courts by attaching its property, by garnisheeing its income, and by resorting to all of the legal processes which are utilized for the settlement of private controversies. But we have freed an immense proportion, perhaps 25 per cent, of the voting population of the United States from all these responsibilities. Yet some of us express surprise at the excesses in which they are indulging. Why should they not indulge in them? We have invited it by our legislation. We should have foreseen it. Some, perhaps, did foresee it. But the political interests and ambitions of the great political parties of the country, swayed by fear and prompted by hope, have been deftly manipulated by these great organizations to their own interest and benefit, while the people have suffered, as the innocent always suffer, for the offenses of the guilty.

They know that we will do nothing, Mr. President, except to investigate. On Friday we authorized the Committee on Interstate Commerce to investigate, and I have no doubt that committee will go through the solemn farce of inquiring into the causes of this strike, and make a report, which nobody will read, and about which nobody will care. But that is all we will do.

Do you tell me that it is possible for us, unless we are face to face with an emergency so great in its proportion as to threaten our existence, to consider any legislation upon this subject prior to the first Tuesday after the first Monday of next November? The head of the Department of Justice is a candidate for the Presidency. Other administration heads have undeveloped hopes. This Chamber is half empty because senatorial aspirants for the Presidency are out upon the stump making their several campaigns. That is true of both sides of the Chamber, more largely, perhaps, of the other side, which seems to think that its prospects are the more brilliant at this time. That being the case, Mr. President, our experience tells us that we will point with pride and view with alarm, but wait until the people shall have disposed of the issues to be presented to them and the election shall be over. Then what will be done depends upon how we construe the views of the people.

Yes; this is a great country, a country where every man is equal before the law, a country which my distinguished friend from Washington [Mr. POINDEXTER] very properly and very naturally desires shall extend the beneficence of its protection to every citizen, who must be permitted to work or not as he sees fit, who may or may not, as his judgment dictates, join a labor organization.

Yesterday morning the dispatches announced that in one of the secret meetings of the strikers in Chicago an individual attendant expressed the hope and desire that they would resume work, and the dispatches also announced in the most nonchalant way that he was summarily killed. Whether he was beaten to death, torn limb from limb, or otherwise disposed of is immaterial, but the fact is that the mere suggestion of a return to work cost that poor devil his life, and it would not surprise me if the murderers were not even indicted for it. It is dangerous to make an inquiry into a murder of that kind, lest you lose the votes of the murderers, and that might affect the result in Illinois. So it will be sidestepped. But we will continue mouthing the great doctrine that all men are created equal, while all Americans facing such conditions and protesting against them may share the same fate. I have no doubt the victim I have referred to is not the only one.

Mr. POINDEXTER. Mr. President——

Mr. THOMAS. I yield to the Senator from Washington.

Mr. POINDEXTER. I notice that about the same time in Chicago, according to the apparently authoritative press reports, one John Krintz, a striker, who proposed that the men should return to work, was shot. I do not know whether that is the same man or not.

Mr. THOMAS. I hope it is the same one, yet I would not be surprised if there were more than one casualty of that sort.

Mr. POINDEXTER. At the same time the following is reported:

One E. C. Esty, a C. Y. A. organizer, who participated in the Gary steel strike and several labor disturbances, said, "They call me a rebel. I am proud to be a rebel. In 1910 I had charge of a railroad strike in Minneapolis and St. Paul. The men all went out and stayed out.

"I went down to the I. W. W. headquarters and got some help. Then one day four passenger trains were wrecked. The next day seven freight trains were wrecked. Then we sent word to the railroads that if they didn't come across we would tear down the roundhouse. They didn't answer—we did. The roundhouse was torn down.

"Then the railroads begged for mercy and asked to meet us. We told them to come to us. There was a meeting. The union drew up a contract and the railroad refused it. The next day we blew up a bridge. That night an ice jam formed in the river and tore down the rest of the bridge, so they don't know to this day who did the job. But we won the strike."

Mr. THOMAS. Yes; I saw that also. If I were a betting man, which I am not, I would wager 10 to 1 that the State authorities, assuming that statement to be true, never enforced the law against Esty or inquired into the outrage.

There is another difficulty in the present situation. We have laws enough; there are plenty of laws in New Jersey, in Colorado, and in the other States to meet these identical situations, but the State officials, like ourselves, think more of succeeding themselves than they do of enforcing the penal laws against organized outrage. This is the most sinister feature of the present-time laws that are inoperative; laws which can be violated with impunity are worse than no laws at all. Before we enact new ones to be flouted let us test the efficacy of those we have.

Of course, the man who can violate the law with impunity is bound to do so. It is a short cut to getting what he wants. If I am strong enough to take my friend, the Senator from Utah [Mr. SMOOT], by the throat and relieve him of his watch and his pocketbook, and conscious of my ability to do it with impunity as regards the law, it becomes the easiest way for me to get money. I have the same right to do that as any great organization has to use its power for the purpose of starving millions of people into submission to its demands.

All these strikes are outlaw strikes, which affect or involve the semipublic agencies upon which the public depends for its comfort and existence. It is not surprising, therefore, that in the early days of the war, before we entered into the struggle, the hyphenated citizen here utilized and encouraged that form of domestic disturbance to weaken as far as possible our capacity to furnish ammunition and supplies to the Allies. It is that which Lenin preaches and which Martens practices. Martens doubtless would have been deported, as he ought to have been long ago, but for insistence by the Committee on Foreign Relations that he be kept here for the purpose of examination and reexamination and cross-examination.

Mr. Gompers in yesterday morning's paper was quoted as saying, and in a somewhat triumphant tone, I imagine, from the phraseology of the telegram, that Congress had seen fit to declare strikes unlawful and that this was a strike of the individual, not a strike of an organization, and you could almost see between the lines a query of "How do you like it?" In this morning's paper he is quoted as saying that this unfortunate condition is due to an attempt by Congress to insert an antistrike clause in the railroad bill, to agitation of the subject creating a discontent which has culminated in this difficulty. I think it is far more reasonable and consistent to say that it is a consequence of the failure of Congress to enact the Senate bill practically in form as it was reported to us by the Committee on Interstate Commerce. I believe firmly that if we had had the courage to stand by our guns and write into the legislation of this country a statute forbidding, under penalties, these mass strikes of men engaged in semipublic occupations, this unfortunate difficulty might not have occurred. Whether it would have occurred or not, the agencies of justice would have been armed with a law, coupled with responsibility to enforce it, which would have tested our power to control such movements. And I am sure it would have minimized the conditions now unfortunately so critical in the country.

Mr. DIAL. Mr. President——

Mr. THOMAS. I yield to the Senator from South Carolina.

Mr. DIAL. Does not the Senator think the time has come and that it is now our duty to repeal all class legislation?

Mr. THOMAS. I said so just a moment ago.

Mr. DIAL. Pardon me, I did not hear the Senator say it.

Mr. THOMAS. The time has come, but if the Senator lays the flattering unction to his soul that we will do it he is subject to disappointment.

Mr. DIAL. I hope, nevertheless, that we may do it.

Mr. THOMAS. What we on this side of the aisle want to do is to elect a Democrat President. What those on the other side of the aisle want to do is to elect a Republican President. We are going to do it, each of us, if we can; consequently we shall, if we can avoid it, offend no man. The consumer is not organized, the taxpayer is discouraged, so let them both go to the devil. We are concerned for the men who speak by organized authority.

Mr. DIAL. I would like to say to the Senator that I voted last year to exempt certain classes from certain legislation, but I have been ashamed of that vote ever since and shall be glad of an opportunity to change it.

Mr. THOMAS. Of course, all assertions as to the operation of a bill that never passed are speculative. I may be entirely wrong, but it is certainly a remarkable proposition, if it is true, that strikes flow from the serious efforts of well-intentioned legislators to consider the subject as one of great concern. The moral to be drawn from the contention is to touch nothing that may offend some parts of the public, lest to do so will produce all the consequences you seek to avoid by active legislation.

I want to commend to my Republican friends, because this is addressed to them, or to the Republican national committee, the views of organized labor as expressed by Mr. Gompers, Mr. Woll, and Mr. Morrison as members of the platform committee of the national nonpartisan campaign of the federation. It is very modest as to what the Republican platform should contain. It will come to San Francisco, too, and if you will adopt the program we will go one better and perhaps put something more extreme in our platform. If you fail to take the entire thing, we will probably take it all, and then each claiming to be the only friend of organized labor, each will compete for its vote. I read:

Acceptance of the eight-hour day and the six-day week with Saturday half holiday.

Recognition of American wage earners' right to organize in accordance with their own judgment.

Continued exemption of labor organizations from antitrust laws.

Acceptance of the right of employees to choose their own representatives from within or without the plant.

Recognition of the right of employees to strike.

If the shoemakers in Massachusetts want a barber in New York to represent them in matters of contracts of employment or recognition of the right of employees to strike or any other issue which may come between employer and employee they must have a perfect right to do so, and a failure to recognize the conclusion, of course, means a general disturbance of industry.

Abandonment of the use of the injunction in labor disputes.

Establishment of free Federal employment agencies in the administration of which labor would have a voice.

We had one of those during the war. I think it is still functioning. I have not time now to dissect it, but I have no doubt that its activities have appealed so strongly to these gentlemen that they perceive its value as an agency of organization, and therefore they want it free so far as they are concerned as a permanent institution of the Government.

Minimum age of 16 years for employment of children.

Extension of the Federal workmen's compensation act to all wage earners not protected by State compensation acts.

Of course, the constitutionality or unconstitutionality of such a provision is a matter of no particular consequence between friends or political allies.

Elimination of company welfare and uplift organizations and substitution of welfare work as conducted by labor organizations.

Then the recent statute enacted in Kansas, and now being tested, is denounced as "so antidemocratic as to be reprehensible in the extreme and repugnant to every American concept of justice, freedom, and democracy."

Mr. President, I do not know much about that statute; its purpose, however, is a good one, and I hope it will be thoroughly tested before it shall be abandoned, whatever the opposition to it. In my judgment it is the opposite of everything invoked against it.

Mr. President, I have attempted very feebly, by correspondence and by occasional speeches, to impress upon the public the necessity of a counter organization of the middle class in America. The middle class of this country is the great basis of all our institutions; it is the class which bears the burden of Government, and upon whose shoulders falls the necessity of its support and defense. In 1910 President Diaz said to me, in the City of Mexico, that Mexico would never have a real republic until she had a middle class like that in America, and that one of his purposes through all his administrations was to establish, if possible, such a class before giving to the people the right to exercise the privileges which are so common to every man here, and that is true.

These movements, of which the present strike is, perhaps, a most graphic illustration, tend, consciously or unconsciously, to the undermining of the great middle class of America—the taxpayer, the law-abiding man of intelligence and education, the merchant, the manufacturer, the farmer, the laborer—since every invasion of an industrial character impinges upon his income, his right to earn a living, his ability to enjoy the profits of his industry, and just as surely as there is a future, if these things continue, this great class will more and more feel the impact of the opposing forces of combinations above and combinations below until, robbed and discouraged, losing all interest in the Government of their fathers, they will become indifferent and let it drift to inevitable decay.

God helps those who help themselves, and if this class could only be aroused to the supreme importance of counter organization for the maintenance of their own rights, for the protection of their own liberties, and for the safeguarding of their properties, that would bring to bear upon the Congress a political

influence which all would heed, and legislation common to all the citizens of the Republic would be written large upon the statute books of the future. Whatever, Mr. President, we may do or fail to do, in its last analysis, the future of America rests upon its people, and as they shall meet this and kindred crises, so will be the future of the United States.

Mr. KELLOGG. Mr. President, the Senator from New York [Mr. WADSWORTH] is anxious to get up the Army reorganization bill, and so I shall content myself with merely saying a very few words on this question. I notice also that the Senate takes no interest whatever in it, as it took but little interest in the subject when it was before this body two months ago.

We are aware of the calamity and the suffering in several of the large cities of this country to-day; starvation is threatening some of them; but, Mr. President, it is nothing to the calamity that may happen to this country if there shall be a nation-wide strike on the railroad systems. You might just exactly as well strike against the Government and tie up the Government itself as to paralyze the arteries of trade, the daily operation of which is necessary to the very life of the people. The way industries are organized in the present condition of the economic development of this country and of every other country, transportation is necessary daily to the life of the people.

Mr. President, I wonder how soon the public and the Congress are going to realize that fact. Every facility should be created by law for the settlement of every dispute, so that every man or organization of men working for the railroads shall have their grievances promptly considered, but when that is done the time is coming when men can not be permitted to conspire to take the Nation by its throat and starve it to death. However, the Congress will not now do anything, but the time will come when it will have to act and when it will act.

I sympathize with many classes of labor to-day who are suffering, of course, on account of the great cost of living; but that is beside the question. They can not be permitted by force to stop the transportation of this country any more than they may be permitted to stop the Government of the country; and the quicker they realize it the better.

ARMY REORGANIZATION.

Mr. SHEPPARD. I suggest the absence of a quorum.

Mr. SMOOT. I suggest to the Senator that the Army reorganization bill be taken up first.

Mr. WADSWORTH. I inquire if the Senator from Texas insists upon his suggestion at this time?

Mr. SHEPPARD. I will defer it until the motion is made to take up the bill.

The PRESIDENT pro tempore (at 1 o'clock and 27 minutes p. m.). Morning business is closed.

Mr. WADSWORTH. I ask unanimous consent that the Senate proceed to the consideration of Senate bill 3792, being the Army reorganization bill.

The PRESIDENT pro tempore. The Senator from New York asks unanimous consent that the Senate proceed to the consideration of Senate bill 3792.

Mr. SHEPPARD. Now, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Beckham	Hale	McNary	Smoot
Borah	Harris	Nelson	Spencer
Capper	Harrison	New	Sterling
Chamberlain	Jones, Wash.	Nugent	Swanson
Colt	Kellogg	Overman	Thomas
Comer	Kendrick	Page	Townsend
Culberson	Kenyon	Phipps	Trammell
Cummins	Keyes	Pittman	Wadsworth
Curtis	Kirby	Poindexter	Warren
Dial	Lenroot	Pomerene	Watson
Frelinghuysen	Lodge	Sheppard	Wolcott
Gerry	McCormick	Simmons	
Glass	McCumber	Smith, Ariz.	
Gronna	McKellar	Smith, Md.	

Mr. GERRY. I have been requested to announce that the senior Senator from California [Mr. PHELAN], the senior Senator from Louisiana [Mr. RANSDELL], and the junior Senator from Louisiana [Mr. GAY] are necessarily absent.

The PRESIDENT pro tempore. Fifty-three Senators have answered to their names. There is a quorum present. Is there objection to the request of the Senator from New York?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3792) to reorganize and increase the efficiency of the United States Army, and for other purposes.

Mr. LENROOT obtained the floor.

Mr. SPENCER. Mr. President——

Mr. LENROOT. I yield to the Senator from Missouri.

ARTHUR WENDLE ENGLERT.

Mr. SPENCER. The House passed a bill (H. R. 795) for the relief of Arthur Wendle Englert, giving to him $500 for some improvements that he had made upon his farm, to which the Government patent was found to be imperfect. The Senate felt that the amount ought to be $749.50, and passed the bill with that amendment. The House has refused to concur in the amendment of the Senate, and I ask the Chair to lay before the Senate the action of the House thereon.

The PRESIDENT pro tempore. The Chair lays before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 795) for the relief of Arthur Wendle Englert, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SPENCER. I move that the Senate recede from its amendment.

The motion was agreed to.

VOCATIONAL TRAINING.

Mr. KENYON. Mr. President——

Mr. LENROOT. I yield to the Senator from Iowa.

Mr. KENYON. I had supposed that the calendar would be considered this morning. There is a bill on the calendar that is in a very peculiar situation. I want to explain the situation to the Senator from New York, and possibly he will permit it to come up. If it requires any discussion at all, I will not press it, but it ought to go to conference.

The bill is what is known as the bill for vocational training for men hurt in industry. It was passed by the Senate in January or February. The bill went to the House, and the same bill had been introduced in the House. We put some amendments on it in the Senate, and the House passed the other bill, which was practically identical with this one. It came back to the Senate under a different name, and had to go to the Committee on Education and Labor.

We reported out that bill, striking out everything after the enacting clause, and substituting the bill that has heretofore been passed by the Senate.

I have not been able to be here for the last two or three Monday mornings, but this bill ought to go to conference. The Senate has already passed on it; and, if the Senator from New York has no objection, I will ask unanimous consent that the unfinished business be laid aside temporarily and that Order of Business 319 be taken up by unanimous consent.

The PRESIDENT pro tempore. The Senator from Iowa asks unanimous consent that the unfinished business be temporarily laid aside.

Mr. WADSWORTH. Mr. President, I have no objection, unless, of course, it gives rise to an extended debate, in which event I shall have to protect the military bill.

Mr. KENYON. If it gives rise to any discussion, I shall not press it at all.

The PRESIDING OFFICER (Mr. MCKELLAR in the chair). Is there objection to the present consideration of the bill referred to by the Senator from Iowa?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 4438) to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment, which had been reported from the Committee on Education and Labor with an amendment.

Mr. KENYON. Mr. President, I want to say that the amendment in the nature of a substitute is exactly the same as the bill that passed the Senate, except that we do not put it into effect for another year. We do nothing this year. The appropriation does not commence until next year. It was discussed, and very fully discussed, and passed by the Senate.

Mr. SMOOT. Has the appropriation made for this year been reduced at all, or has it been cut out entirely?

Mr. KENYON. There is no appropriation. It is omitted entirely. The object was to try to take up this work after the soldier work had been disposed of.

Now, Mr. President, I ask that the formal reading of the bill be dispensed with and, if possible, the second reading.

The PRESIDING OFFICER. The Senator from Iowa asks unanimous consent that the formal reading of the bill be dispensed with. Is there objection? The Chair hears none, and it is so ordered. The amendment proposed by the committee will be stated.

The ASSISTANT SECRETARY. It is proposed to strike out all after the enacting clause and to insert:

That in order to provide for the promotion of vocational rehabilitation of persons disabled in industry or in any legitimate occupation and their return to civil employment there is hereby appropriated for the use of the States, subject to the provisions of this act, for the purpose of

cooperating with them in the maintenance of vocational rehabilitation of such disabled persons, and in returning vocationally rehabilitated persons to civil employment for the fiscal year ending June 30, 1921, the sum of $750,000; for the fiscal year ending June 30, 1922, and thereafter for a period of two years, the sum of $1,000,000 annually. Said sums shall be allotted to the States in the proportion which their population bears to the total population in the United States, not including Territories, outlying possessions, and the District of Columbia, according to the last preceding United States census: *Provided*, That the allotment of funds to any State shall not be less than a minimum of $5,000 for any fiscal year. And there is hereby appropriated the following sums, or so much thereof as may be needed, which shall be used for the purpose of providing the minimum allotment to the States provided for in this section for the fiscal year ending June 30, 1921, the sum of $46,000; for the fiscal year ending June 30, 1922, and annually thereafter, the sum of $34,000.

All moneys expended under the provisions of this act from appropriations provided by section 1 shall be upon the condition (1) that for each dollar of Federal money expended there shall be expended in the State under the supervision and control of the State board at least an equal amount for the same purpose: *Provided*, That no portion of the appropriation made by this act shall be used by any institution for handicapped persons except for the special training of such individuals entitled to the benefits of this act as shall be determined by the Federal board; (2) that the State board shall annually submit to the Federal board for approval plans showing (a) the kinds of vocational rehabilitation and schemes of placement for which it is proposed the appropriation shall be used; (b) the plan of administration and supervision; (c) courses of study; (d) methods of instruction; (e) qualification of teachers, supervisors, directors, and other necessary administrative officers or employees; (f) plans for the training of teachers, supervisors, and directors; (3) that the State board shall make an annual report to the Federal board on or before September 1 of each year on the work done in the State and on the receipts and expenditures of money under the provisions of this act; (4) that no portion of any moneys appropriated by this act for the benefit of the States shall be applied, directly or indirectly, to the purchase, preservation, erection, or repair of any building or buildings or equipment, or for the purchase or rental of any lands; (5) that all courses for vocational rehabilitation given under the supervision and control of the State board and all courses for vocational rehabilitation maintained shall be available, under such rules and regulations as the Federal board shall prescribe, to any civil employee of the United States disabled while in the performance of his duty.

SEC. 2. That for the purpose of this act the term "persons disabled" shall be construed to mean any person who, by reason of a physical defect or infirmity, whether congenital or acquired by accident, injury, or disease, is, or may be expected to be, totally or partially incapacitated for remunerative occupation; the term "rehabilitation" shall be construed to mean the rendering of a person disabled fit to engage in a remunerative occupation.

SEC. 3. That in order to secure the benefits of the appropriations provided by section 1 any State shall, through the legislative authority thereof, (1) accept the provisions of this act; (2) empower and direct the board designated or created as the State board for vocational education to cooperate in the administration of the provisions of the vocational education act approved February 23, 1917, to cooperate as herein provided with the Federal Board for Vocational Education in the administration of the provisions of this act; (3) in those States where a State workmen's compensation board, or other State board, department, or agency exists, charged with the administration of the State workmen's compensation or liability laws, the legislature shall provide that a plan of cooperation be formulated between such State board, department, or agency and the State board charged with the administration of this act, such plan to be effective when approved by the governor of the State; (4) provide for the supervision and support of the courses of vocational rehabilitation to be provided by the State board in carrying out the provisions of this act; (5) appoint as custodian for said appropriations its state treasurer, who shall receive and provide for the proper custody and disbursement of all money paid to the State from said appropriations. In any State the legislature of which does not meet in regular session between the date of the passage of this act and December 31, 1920, if the governor of that State shall accept the provisions of this act, such State shall be entitled to the benefits of this act until the legislature of such State meets in due course and has been in session 60 days.

SEC. 4. That the Federal Board for Vocational Education shall have power to cooperate with State boards in carrying out the purposes and provisions of this act, and is hereby authorized to make and establish such rules and regulations as may be necessary or appropriate to carry into effect the provisions of this act; to provide for the vocational rehabilitation of disabled persons and their return to civil employment and to cooperate, for the purpose of carrying out the provisions of this act, with such public and private agencies as it may deem advisable. It shall be the duty of said board (1) to examine plans submitted by the State boards and approve the same if believed to be feasible and found to be in conformity with the provisions and purposes of this act; (2) to ascertain annually whether the several States are using or are prepared to use the money received by them in accordance with the provisions of this act; (3) to certify on or before the 1st day of January of each year to the Secretary of the Treasury each State which has accepted the provisions of this act and complied therewith, together with the amount which each State is entitled to receive under the provisions of this act; (4) to deduct from the next succeeding allotment to any State whenever any portion of the fund annually allotted has not been expended for the purpose provided for in this act a sum equal to such unexpended portion; (5) to withhold the allotment of moneys to any State whenever it shall be determined that moneys allotted are not being expended for the purposes and conditions of this act; (6) to require the replacement by withholding subsequent allotments of any portion of the moneys received by the custodian of any State under this act that by any action or contingency is diminished or lost: *Provided*, That if any allotment is withheld from any State, the State board of such State may appeal to the Congress of the United States, and if the Congress shall not, within one year from the time of said appeal, direct such sum to be paid, it shall be covered into the Treasury.

SEC. 5. That the Secretary of the Treasury, upon the certification of the Federal board as provided in this act, shall pay quarterly to the custodian of each State appointed as herein provided the moneys to which it is entitled under the provisions of this act. The money so received by the custodian for any State shall be paid out on the requisition of the State board as reimbursement for services already rendered or expenditures already incurred and approved by said State board. The Federal Board for Vocational Education shall make an annual report to the Congress on or before December 1 on the administration of this act and shall include in such report the reports made by the State boards on the administration of this act by each State and the expenditure of the money allotted to each State.

SEC. 6. That there is hereby appropriated to the Federal Board for Vocational Education the sum of $75,000 annually for a period of four years for the purpose of making studies, investigations, and reports regarding the vocational rehabilitation of disabled persons and their placements in suitable or gainful occupations, and for the administrative expenses of said board incident to performing the duties imposed by this act, including salaries of such assistants, experts, clerks, and other employees, in the District of Columbia or elsewhere, as the board may deem necessary, actual traveling and other necessary expenses incurred by the members of the board and by its employees, under its orders, including attendance at meetings of educational associations and other organizations, rent and equipment of offices in the District of Columbia and elsewhere, purchase of books of reference, law books, and periodicals, stationery, typewriters and exchange thereof, miscellaneous supplies, postage on foreign mail, printing and binding to be done at the Government Printing Office, and all other necessary expenses.

A full report of all expenses under this section, including names of all employees and salaries paid them, traveling expenses and other expenses incurred by each and every employee and by members of the board, shall be submitted annually to Congress by the board.

No salaries shall be paid out of the fund provided in this section in excess of the following amounts: At the rate of $5,000 per annum, to not more than one person; at the rate of $4,000 per annum each, to not more than four persons; at the rate of $3,500 per annum each, to not more than five persons; and no other employee shall receive compensation at a rate in excess of $2,500 per annum: *Provided*, That no person receiving compensation at less than $3,500 per annum shall receive in excess of the amount of compensation paid in the regular departments of the Government for like or similar services.

SEC. 7. That the Federal Board for Vocational Education is hereby authorized and empowered to receive such gifts and donations from either public or private sources as may be offered unconditionally. All moneys received as gifts or donations shall be paid into the Treasury of the United States, and shall constitute a permanent fund, to be called the "Special fund for vocational rehabilitation of disabled persons," to be used under the direction of the said board to defray the expenses of providing and maintaining courses of vocational rehabilitation in special cases, including the payment of necessary expenses of persons undergoing training. A full report of all gifts and donations offered and accepted, together with the names of the donors and the respective amounts contributed by each, and all disbursements therefrom shall be submitted annually to Congress by said board: *Provided*, That no discrimination shall be made or permitted for or against any person or persons who are entitled to the benefits of this act because of membership or nonmembership in any industrial, fraternal, or private organization of any kind under a penalty of $200 for every violation thereof.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. KENYON. I move that the Senate request a conference with the House of Representatives on the bill and amendment, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. KENYON, Mr. BORAH, and Mr. SMITH of Georgia conferees on the part of the Senate.

ARMY REORGANIZATION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3792) to reorganize and increase the efficiency of the United States Army, and for other purposes.

Mr. LENROOT. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The Senator from Wisconsin offers an amendment, which the Secretary will report.

Mr. LENROOT. The pending amendment, I think, is to strike out, is it not?

The PRESIDING OFFICER. The amendment of the Senator from Tennessee [Mr. MCKELLAR] is to strike out, and, as the Chair understands it, this is a preferential motion.

The ASSISTANT SECRETARY. On page 66, line 2, after the word "desire," insert:

Provided further, That not more than 100,000 applications for training under the provisions of this section shall be accepted annually.

Mr. LENROOT. Mr. President, I voted for the amendments modifying the committee's recommendations from compulsory military training to voluntary military training, and this amendment will limit the number who can be accepted each year for voluntary training to 100,000.

With reference to the original recommendations of the committee for compulsory military training—and I shall say only a word concerning them—if it had been necessary to occupy the time of the Senate in demonstrating what the compulsory military training would have cost, I am satisfied we would have been easily able to show that, instead of the estimate made by the committee, it would have cost this country at least $500,000,000 annually.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator yield to the Senator from Ohio?

Mr. LENROOT. I yield.

Mr. POMERENE. I just at this moment heard the Senator's amendment, and am disposed to favor it; but permit me to suggest that there is not anything in the amendment indicating how these troops shall be distributed or how they shall be selected. It seemed to me that some reference should be made to the population of the several States, and that they should be distributed among the States. Also, it would seem to me that it might be well to authorize the adoption of certain rules under which they should be selected; and those, perhaps, first coming should be first accepted.

Mr. LENROOT. I am very glad the Senator has suggested adding to the amendment that the selection shall be made under such rules and regulations as may be prescribed by the President. If I may, I will add to my amendment, "that selection of applicants shall be made under rules and regulations to be prescribed by the President."

Mr. POMERENE. May I suggest also that they should be distributed as nearly as may be among the several States in proportion to their population?

Mr. LENROOT. It seems to me that it would be assumed that that would be done. However, if the Senator desires to offer that amendment, I should be willing to accept it.

Mr. POMERENE. That would indicate to the President, at least, what was the desire of the Congress.

The PRESIDING OFFICER. If the Senator will permit the Chair, the amendment provides that no more than 100,000 applications for training shall be accepted. Does not the Senator think the words "men applying" should be substituted for "applications"?

Mr. LENROOT. No; I say not more than 100,000 applications should be accepted annually. It seems to me that covers it. What has the Senator in mind?

Mr. McKELLAR (Mr. KIRBY in the chair). The Senator's amendment provides that not more than 100,000 applications for training under the provisions of the section shall be accepted annually; that is, not more than 100,000 applications shall be accepted. I imagine the Senator intends that not more than 100,000 men shall be accepted of those who apply.

Mr. LENROOT. Yes.

Mr. McKELLAR. It strikes me that the wording might be changed just a little, although I do not suggest how it should be modified.

Mr. CHAMBERLAIN. May I interrupt the Senator for just a moment?

Mr. LENROOT. Certainly?

Mr. CHAMBERLAIN. Does the Senator intend that there shall be received only 100,000 applications or that only 100,000 men of those who apply shall be received? There may be 100,000 applications, and out of that number 25 per cent may be incapacitated from physical defects for training.

Mr. LENROOT. The amendment states that not more than 100,000 applications shall be accepted. What I have in mind is to limit the number who may be trained annually under the terms of this section to 100,000. If the language does not accomplish that result, I shall be glad to accept any suggestion.

Mr. CHAMBERLAIN. The reason why I called the Senator's attention to it is because of the fact that the report of the Provost Marshal General showed a very large percentage of young men incapacitated for military duty; so that there might be, we will say, 125,000 making application for training and 25,000 or more may not be fitted for training.

Mr. LENROOT. I see the Senator's point, and if I may modify the amendment, Mr. President, I would make it read this way:

That not more than 100,000 applicants for enlistment for training shall be inducted into the service each year.

That would take care of the objection.

The PRESIDING OFFICER (Mr. KIRBY in the chair). The Secretary will report the amendment as modified.

Mr. WADSWORTH. May I suggest where the amendment should go? All the language from line 19 on page 65 down to the bottom of the page and the first line and a half on page 66 has been stricken out. So the amendment should be inserted on line 19, after the words "two months."

The PRESIDING OFFICER. The Secretary will report the amendment.

The ASSISTANT SECRETARY. On page 65, line 19, after the words "two months," insert the following additional proviso:

Provided further, That not more than 100,000 applicants for enlistment for training shall be inducted into the service each year, the selection of applicants to be under rules and regulations to be prescribed by the President.

Mr. LENROOT. Mr. President, my only purpose in offering this amendment is to limit the expense to which the Government may be put while conducting this experiment, for, under the bill as it now stands, it is wholly an experiment, and Senators will remember that under the bill as it now stands when this training has been completed every person so trained goes right back into civil life without any obligation to the Government of any kind incurred by his voluntary enlistment; that is, he does not go into the guard, he does not go into the reserves, and when their training is over there is no way by which the services of those particular men can be utilized by the Government, except as the Government may call out the entire body of the citizenship of the country subject to military duty.

If the bill were framed so as to require that a voluntary enlistment for training should carry with it the obligation, for a limited time, to go either into the guard or the reserves, then there would be no occasion for this limitation, because there would be a clear asset to the Government in the training which it had provided. But as it is, if a hundred thousand men apply for this training, I think, under the estimate of the Senator from New York [Mr. WADSWORTH], it will cost us some $25,000,000, which I think is very much too low, and while I am willing that we should experiment along this line, with the present condition of the Treasury and the certainty of what the condition of the Treasury will be for the next two or three years, we can not afford to spend thirty or forty million dollars a year for training volunteers when at the end of the training they have entered into no obligation to serve their country either in the National Guard or in the Reserves.

If more than a hundred thousand shall apply for training under the provisions of the bill as it now stands, then I think the law should be modified so that one who volunteers for training shall also enter into an obligation that after he has received the benefit of this training he shall for a limited time be under some obligation to render service to the country if emergency shall arise.

When interrupted, Mr. President, I stated that if it had been necessary to show to the Senate that the estimate of the committee of the cost of compulsory military training was too low, we could demonstrate, I am satisfied, that it would cost the country at least $500,000,000 a year. Gen. Marshall, Chief of the Construction Division of the Army, has testified that it will cost $25,000,000 to put our camps in condition for every 150,000 men who are trained. For 600,000 men it would cost in the first instance $100,000,000 for that purpose alone, and if we get 100,000 men, under the provisions of this amendment, under voluntary training, it is going to cost about $20,000,000 in the very first instance to put our camps and cantonments in proper condition. So even with 100,000 men, if we shall secure that many, it is going to cost the Government, in my judgment, more than $50,000,000 the first year for that purpose alone.

However, I do believe that this will be a valuable experiment. I do not know, and no one knows, how many men may take advantage of the provisions of the bill; but it seems to me that where there is no obligation whatever imposed upon an applicant to serve his country in any respect after he has received the training we may have a very large number of applicants who will receive their training at the expense of the Government. That would be a good thing for the country, but under present conditions and conditions in the immediate future I do say that we ought not to expend millions upon millions of dollars for training where the Government will not be able after the training is over to utilize the men who are trained for any emergency which may arise.

Mr. President, just a word more. During the last week it was stated upon the floor of the Senate that there were thousands upon thousands of lives lost in France because the country had not had a system of military training prior to our entry into the war. It is true that the hearings of both committees are full of testimony to the effect that men were sent into the front trenches without knowing how even to load a rifle, without having had any training whatever, and it was little short of murder to send them there. But, Mr. President, that was not because this country had not had universal military training. If we had had universal military training, unless we had had with it everything that was necessary to put an army into action, our men would have had to wait until we secured the rifles, until we secured the ordnance, until we secured the aeroplanes, until we secured all those things that were necessary to accompany putting men into action.

The murder of these boys—because it was murder—was not due to the failure to enact a policy of universal military training prior to our entry into the war. It was due wholly, as every officer who touched upon the subject has testified, to the fact that division commanders in the camps of this country

who had trained men in abundance when they were called upon for replacements, instead of those commanders sending their trained men they sent from those camps men who had never received an hour's training and kept their trained men in the camps in this country.

This was clearly brought out before the Committee on Military Affairs at the last hearing upon this subject on March 1 last. Several officers who had served in France testified as to lack of training of men who were in the front trenches, where in every case it appeared that they were sent by officers in this country, knowing that they had not an hour of training, and at the same time those officers had ample numbers of men who had received three, four, six, and eight months of training, but kept them in this country, and, as suggested by the Senator from Kansas [Mr. CURTIS], many of them who had received long training were never sent over at all.

I asked one of those officers this question after he made a statement of the untrained men being sent to the front trenches.

He—

Speaking of the officer—

would be little short of a murderer if he sent men that were untrained, if he could send any others.

This is Mr. Donovan's testimony, that was referred to by the Senator from New York [Mr. WADSWORTH] the other day:

Mr. DONOVAN. The ultimate murderer is the American people, who did not provide for a proper system.

Senator LENROOT. But these four months' training, if we had had it, would have done us no good, because we did not have the equipment and guns. The two must accompany each other, must they not?

Mr. DONOVAN. Yes; but ultimately it would have done good, because you would have had that first stage, and the most important stage, already accomplished, because with training will go organization.

That is all true, but I do say that so far as these untrained men being sent to France and to the front trenches in France the fault is due to American officers who permitted it. There ought to be some courts-martial in this country of those officers, because we have enlisted men to-day serving in the penitentiaries because of comparatively trivial offenses, while these officers are going free, and perhaps some of them have had the distinguished service cross being conferred upon them notwithstanding their committing this act of murder upon American boys.

Mr. POMERENE. Mr. President——

Mr. LENROOT. I yield to the Senator from Ohio.

Mr. POMERENE. I am very glad the Senator is discussing this subject. I discussed it very briefly the other day. Since that time I have had two letters from alleged officers bringing me to task and laying the whole blame upon the American people and the Congress, and so forth, and of course accepting none of the blame themselves.

The Senator is on the committee, and I would like to ask him this question: Was it developed during the hearings that there was any occasion when it became necessary to send to the front men who were not trained?

Mr. LENROOT. Certainly not. On the contrary, it was testified by officers to whom these men were sent that the untrained men that were sent them, instead of being an advantage were nothing but an encumbrance.

Mr. POMERENE. Was it not a fact also that those men received a certain amount of training in the cantonments here in the United States and later were sent across for intensive training on the other side?

Mr. LENROOT. Of course, that was true of the great bulk of our soldiers, but it is true that orders would come to this country for replacements or casuals, and division commanders here, instead of sending over trained men, men who had had training, would send men who would just come into camp and never had any training, but who would be sent to France and from there would be sent to the front trenches.

Mr. CHAMBERLAIN. Mr. President——

Mr. LENROOT. I yield to the Senator from Oregon.

Mr. CHAMBERLAIN. It is true, as the Senator states, that nearly all the men who went over from the United States had some training, but it was not such training in many instances as would have done them any good if they had been sent to fill up battalions and regiments at the front. For instance, many of the men who went over there, I think, were trained in some of the cantonments of this country with cannon that were made out of telegraph poles; some of them were drilled with guns that were simply broomsticks; and many of them were trained with wooden guns that were made in imitation of real guns. So none of these men would know how to fire a cannon or how to fire a gun or to load a gun. I do not say that that was general, but at one time the Military Affairs Committee had pictures of whole cantonments where many of the young men were drilling with broomsticks for guns. So they would not have fared very well on being sent to the front-line trenches.

Mr. LENROOT. There is much in what the Senator says, but there was never any excuse for sending any American boy to France for intensive training or otherwise, if he had not while in this country learned how to load and fire a rifle.

Mr. CHAMBERLAIN. I do not want the Senator to infer that I am apologizing for that condition. I am in thorough accord with the Senator's views. I think it was nothing short of murder to send those men to the front, particularly if it were true, as some of the officers testified, that men who were well trained and might have been sent were not sent and men who were untrained were sent.

Mr. LENROOT. As the Senator knows, it is undisputed that we did have trained men and that there never was a time when it was necessary to send those boys without any training to the front.

Mr. CHAMBERLAIN. That is absolutely true.

Mr. McCORMICK. Mr. President——

Mr. LENROOT. I yield to the Senator from Illinois.

Mr. McCORMICK. I wish to ask the Senator from Wisconsin if he will not dwell for a moment upon the untrained general officers who were in command of American forces in France, officers who had never held command over units larger than the regiments as they were constituted for the war? Officers who were commanding divisions in that capacity were as untrained as any private who went untaught in the handling of the rifle. If ever there be an investigation of the actions which were fought in France, to bring out the facts as the facts are being brought out in the subcommittee of the Committee on Naval Affairs of the Senate, the American people will understand how utterly untaught and untrained were officers who, in their inexperience, unwittingly sent thousands of men to their death. There is where the want of training was chiefly manifest.

Mr. FRELINGHUYSEN. Will the Senator suffer a further interruption?

Mr. LENROOT. Certainly.

Mr. FRELINGHUYSEN. I also wish the Senator would touch upon the question of untrained citizenship of men who, when Europe was in conflagration, four years prior to this war, absolutely refused to prepare, and denied the necessary appropriations to the Ordnance and other departments that were asking for them.

Mr. LENROOT. That is a matter of history.

Mr. McKELLAR. Mr. President——

Mr. LENROOT. I yield to the Senator from Tennessee.

Mr. McKELLAR. While the Senator is going into that matter, I hope he will recall that these untrained officers have won the greatest war that was ever fought among men, and it is the highest compliment that could possibly be paid to them when you say that they, untrained as they were, won this great war over the trained armies of Germany when they had had universal military training for more than 100 years. It is a great tribute to the American soldier and to the American officer.

Mr. LENROOT. In what I have said concerning the dereliction of some of the officers I would not for a moment wish to be understood as reflecting upon the great body of officers in the war who were patriotic and who did render distinguished service. I do agree with the Senator from New Jersey that they could and would have rendered better service if they had had better opportunity for training, and, of course, the same is true of the men. But when Senators get up on the floor of the Senate and say that it was because of the failure to have a system of universal military training that our boys were sent to the front without knowing how to load a gun, I say that is not true, and as to such the fault was not with the system. We had trained men who did know how to load their guns, who had all the preliminary training; but because some officers in this country, so far forgetting their duty to their country, so far forgetting their duty to the men who had been sent to them, because they wanted the pick of soldiers in their own command, believing that they would soon have the opportunity to go across, when those men on a call for replacement sent men who were untrained, those were the men who are guilty and should be brought to account.

Mr. McKELLAR. In further substantiation of what the Senator says, as I recall it, it was more than 14 months after our declaration of war, and after we had begun to train our Army, before any of our men were sent to the front-line trenches. Am I correct about that?

Mr. LENROOT. Practically.

Mr. McKELLAR. I think it was something like 14 months.

Mr. WADSWORTH. Mr. President, will the Senator yield?

Mr. LENROOT. Certainly.

Mr. WADSWORTH. The Senator from Tennessee has in that sentence made the most eloquent argument for the original bill that has been made upon this floor. Fourteen months after we went to war we commenced to fight!

Mr. LENROOT. Let us see about that. Suppose on April 6 we had had 3,000,000 men trained under the provisions of this bill, how long would it have been before they could have begun to fight?

Mr. WADSWORTH. Is that question addressed to me?

Mr. LENROOT. Yes; I am asking the Senator from New York.

Mr. WADSWORTH. I assume we could have begun our real activities by the middle of the summer of 1917, not with all 4,000,000 men, of course, but we could have had at least three or four hundred thousand men there. Three or four hundred thousand men at that time would have won the war.

Mr. LENROOT. The Senator says that. The Senator speaks——

Mr. FRELINGHUYSEN. Will the Senator suffer a further interruption?

Mr. LENROOT. No; I do not want to get away from this question.

The Senator from New York proposes to train some 3,000,000 men, and I have asked him how long he believed it would have been before they would have been able to begin their actual fighting. He says three or four hundred thousand men could have won the war at that time, in the summer of 1917.

Mr. WADSWORTH. Of course, that is an opinion. I do not speak with authority.

Mr. LENROOT. Of course.

Mr. WADSWORTH. But the Senator must realize it would have been of enormous influence had we been able to send six or eight divisions to France in the spring of 1917.

Mr. LENROOT. It would have had effect, of course. I wish that we might have done it. We might have sent more men and got into the fight sooner than we did, as the Senator from New York well knows, but it would have been a very limited number; but we did not even send those whom we had trained, so it was not due to the lack of universal military training that we got nobody to the front for 14 months.

Our National Guard divisions were ready and could have gone into the fight long, long before they did, so far as their own training was concerned. No; we could not have gotten into that war to any material extent if we had had universal military training, unless we had had with it all of the equipment that was necessary to put an army into action; and that would have meant a proper complement of airplanes for an army of a million or more men, artillery for an army of a million or more men, and everything else that is necessary to go to make up an army.

If you are going upon that policy, what is the difference between this system and what is known as militarism? Does the Senator propose with compulsory training that we are going to be ready at the drop of the hat to put a million or two million men into the field? If he does, the estimate of $900,000,000 a year for the Army, as he proposes in the bill, would not be half sufficient for the country to make use of the universal compulsory military training that he proposes.

But, Mr. President, I was only answering the arguments that have been made—and one of them was made by the Senator from New York—that the fact that we had untrained boys who went to their death in France because of lack of training was because we had not had a universal military training system in this country; and I am only showing that it was not necessary at any time to send any of those untrained boys to the front; that they were sent only because certain officers desired to keep the trained men for themselves and under their own command.

In the same hearing Senator KNOX, during the testimony, asked Mr. Donovan the following question:

> You take an officer that would send untrained men into the front, do you not think that he was about as morally guilty as if he had sent blank cartridges to the troops?
>
> Mr. DONOVAN. Yes; but suppose he honestly believed that he would have to lead his own unit into the fight three weeks from then?

Mr. Donovan was a splendid-appearing gentleman, but think of any man excusing the sending of men to the front who did not know how to load or fire a gun by saying that he did not know how soon he might be called upon to lead his own men into the front! If he had been called upon the responsibility for murder would not have been upon him, but it would have been upon those who sent him if he had any considerable number of untrained men under his command.

No, Mr. President, notwithstanding the speeches that have been made here concerning the sending of untrained men to the front, it was not due to any lack of training, but it was due to the criminal action of some of the officers of this country who sent such men into battle. Finally the abuse became so great that the Secretary of War realized that murder was being committed by such action, and the War Department issued an order requiring a certificate from the commanding officer who was ordered to send replacements to the effect that he was sending only trained men. In view of that order, can there be any question concerning what the practice was as to the sending of untrained men to the front?

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER (Mr. NUGENT in the chair). Does the Senator from Wisconsin yield to the Senator from Ohio?

Mr. LENROOT. I yield.

Mr. POMERENE. Did the committee make any investigation as to who the officers were who sent over replacement troops who could not load or fire a gun?

Mr. LENROOT. The committee has not made any such investigation, but I think it should make an investigation of the subject.

Mr. POMERENE. I agree with the Senator.

Mr. LENROOT. Now, Mr. President, to get back to the amendment. I believe in training; I do not for a moment underestimate the value to the individual of the training that will be afforded by the provisions of the bill as it now stands, but I am opposed to this country, at the time when the other countries of the world are talking about disarmament, entering upon a military policy the very opposite from what the nations of the world are now planning. If we would have preparedness—and I believe we should at all times be better prepared than we have been in the past—there are two ways in which it can be secured. One is in the way of providing for the mobilization of our industries whenever the emergency shall arise, in making provision that if we are called upon to manufacture guns, artillery, and ammunition the plans shall be ready and everything prepared so as to go into it upon a moment's notice. Even then, Mr. President, before we can get the equipment that will be necessary to send an army of any size into the field, we shall have opportunity to give more training than would have been provided by the compulsory system which was contained in the bill.

So far as voluntary military training is concerned, I am perfectly willing that we shall go into it as an experiment, and if it shall be successful I should like to see the law so modified that when one voluntarily enlists for military training he shall at the same time enter into an agreement that for the military training which he receives he shall assume certain obligations to his country thereafter, either by joining the National Guard for a limited time or going into the reserves for a limited time, so that if an emergency shall arise the Government may call upon those who have secured the training at the expense of the Government.

Under the provisions of the bill as it now stands we shall have no such right. If 1 man out of 50 eligible for training receives the training at Government expense, when he is through his training he goes back to his community and the Government can not subsequently avail itself of his services any more than in the case of the man who has received no training at all. That training would be a good thing for the man who takes it, and whenever our finances will warrant it I do not believe that money can be better expended than for such a purpose; but for the next year or two, and possibly three years, I do insist the Government can not afford to spend twenty-five, fifty, or sixty million dollars per year for training men as to whom there will be no obligation to go into the National Guard or the reserves after they have received such training. For that reason, I have offered this amendment limiting the number to 100,000 annually who may receive such training.

Mr. FRELINGHUYSEN. Mr. President, inasmuch as the system of voluntary military training now provided for in the bill has been incorporated in the measure in pursuance of an amendment offered by me, and in view of the fact that the Senator from Wisconsin by his amendment is trying to limit to 100,000 the number of men who may thus voluntarily be trained, I wish to say a few words in opposition to the amendment.

The Senator has mentioned the necessity for economy as one of the reasons why the number to be trained should be limited. If we have learned anything from experience, we must acknowledge that the tremendous cost of the war with Germany and the tremendous burden of expense under which we are now staggering, our bonded indebtedness, and heavy taxation are due to the fact that we were not properly prepared when we declared war; that our preparation began practically three years after Germany, in the first instance, brought on the war; that we prepared under a tremendous inflation due to the war in Europe; and that had we taken some slight means of preparing

this Nation moderately—and by "moderately" I mean by the maintenance of a limited Army, practically one-fifth of the size of the Army that we had when the war ended—it would have saved this Nation billions of dollars of taxation.

My effort to save the plan of universal military training by making it voluntary is in order that this country, notwithstanding the blind folly which animates some of the statesmen who are representing their States to-day, may at least in some measure make some preparation outside of the small standing Army that is provided for in this bill, which is scarcely sufficient to police our border and our insular possessions.

An effort has been made to find the culprits who sent a few thousand untrained men into battle. I think that it almost approaches cowardice to say that the culprits are a few officers who, under the stress of the German advance, were forced to send their men into battle. Who are the culprits? Let us find out who is responsible. What has been our preparedness policy? I have here [exhibiting] quotations from the messages and speeches of the President of the United States, who, down to the end of 1916, continuously voiced a protest against any preparation on the part of this country for war, notwithstanding the fact that all Europe was in conflagration.

Mr. President, I have read the hearings held in the Senate and in the House prior to our entrance into the war; I have read the appeals of Gen. Crozier that we give him even moderate appropriations for artillery and for rifles, and I have seen those appropriations denied when the appropriation bills were presented. During the conflagration in Europe statesmen of this body turned their faces against any preparation and built barbed-wire entanglements around every appropriation, so that this country could not prepare. Our statesmen went over the length and breadth of this land preaching antimilitarism and peace at any price. Read the "Prince of Peace" speech of William Jennings Bryan; read the hearings before the committee; read the statements of the President of the United States.

I remember in my State toward the end of 1916, during the campaign, seeing a great poster on which was portrayed the picture of an aged mother with her hand upon her boy's shoulder, and back of her was a farmhouse around which flowers were growing. The poster was beautifully decorated and illustrated in colors; and at the left-hand side was a picture of the President of the United States, beneath which, in letters as black as jet and as high as one of these desks, were the words "He kept us out of war." My God, at that time every man in this country knew that we would be drawn into the vortex of that great struggle. Now, it is the approaching election that prevents us from protecting the destiny of this country. After the tremendous lesson we have had, when we are staggering under war taxation, I say it is our duty to prepare, and keep this country prepared, so that the interests of our people and their welfare may at all times be defended.

Mr. President, I have heard the answer of the Senator from New York to the Senator from Wisconsin when the Senator from Wisconsin challenged the statement that three or four hundred thousand men might have prevented a further continuance of the war. I say that if in 1916 the continental plan of Secretary Garrison had been adopted, and preparations had been made to carry that plan into effect immediately, it undoubtedly would have had a tremendous influence upon Germany in her resumption of her submarine campaign; and if we had had only two or three hundred thousand men and a proper system of training at the time Germany declared war, if we had joined with the protest of the statesmen of Europe and Earl Grey and those others who were trying to keep the Kaiser from declaring war, the Germans never would have crossed the Belgian line at Liege; and in the early days of 1917, when the German line was crumbling, and when Haig had them almost with their backs to the wall, if we had had a few hundred thousand men ready to send over there, undoubtedly this war would have been shortened by a year and over 2,000,000 lives would have been saved.

This is not a question of compulsory training. It is a question of proper preparedness and training. I am not a lawyer. I have heard the Senator from Ohio and the Senator from Wisconsin try to fix the responsibility on a few officers who were compelled to take untrained men. What I am trying to do is to have some men trained; and if we had had some simple preparation of this kind undoubtedly those officers would not have been compelled to send those men in untrained. Their very argument is an argument in favor of this provision.

Mr. President, the trouble with this thing is that men are afraid to stand up and do their duty. I say it is our duty to train our young men in this country, so that we will have a reservoir of men to protect our rights on sea and land. The fear that in the approaching election there will be a revulsion of sentiment in the districts is preventing men now from doing their duty. At a time when this whole country is threatened with revolution, when Europe is in chaos, when the question of national defense and the protection of our traditions of government should be paramount in every man's mind, we are opposing a simple measure of this character for the defense of our Nation.

Economy! If we should to-morrow be compelled to protect the rights of property and human rights, and the lives of our citizens, and call together a million or a million and a half of men, how would the question of twenty-eight or thirty or fifty millions of dollars compare with that? What we should have in this country is the citizens of this country properly prepared to defend the rights of the country, and that is what I am trying to see provided in this bill. I had hoped that there would be no limitation, but that possibly one hundred and fifty, two hundred and fifty, aye, even five hundred thousand men might volunteer in order that they might take this training. I am unwilling to accept a limitation of this character, and I hope the Senate will defeat it.

Mr. THOMAS. Mr. President, I concur with the Senator from New Jersey [Mr. FRELINGHUYSEN] in the hope which he has just expressed that the proposed amendment to the amendment will be defeated, for if we can not have—and it is quite obvious that we can not have—any compulsory system of training we certainly should make provision for a voluntary system of training sufficiently liberal and comprehensive in its character to supplement as far as possible the purpose of the system recommended by the committee, and particularly so when we consider that as regards the overhead charge, the expense to the people, the difference between a voluntary system and no system at all is comparatively negligible.

I think no man who has given any attention to the military history of the war, and particularly since our identification with it, will do otherwise than regret that some more extensive system of training had not been adopted and followed during the interval between the commencement of the war and our entry into it. But the Senator from New Jersey is in error when he unequivocally declares that the administration was opposed to any system of training up to the time we entered the war. I agree with him that the proposed Garrison bill failed to receive the support of the administration. I fully agree that many of us, myself included, were not then sufficiently alive to the need of a thorough system of training, and that the sentiment of the country, both Democratic and Republican, was largely opposed to it. Indeed, it was the policy—if policy it may be called—of the United States to be as unmilitary as possible. We were opposed to a large standing Army. We looked upon too great a National Guard as an expensive luxury, and we hugged to ourselves the fond delusion, announced many years ago by Buckle, that with the increase of trade and the extension of commercial intercourse between the nations the spirit of war would decline and finally disappear. In fact, both the great English-speaking nations of the world have squared their conduct with that policy, whether they believe in it or not; hence it was practically impossible to awaken the people of America from the lethargy of nonpreparation which many years of almost unbroken peace had produced. So that I am not disposed myself to hold any administration, or any particular section of the people, responsible for our military situation.

In view of what the Senator has said, however, I call the attention of the Senate to the position taken by President Wilson upon the subject of training as early as December 8, 1914, on which occasion, in addressing the Congress, he used this language:

> We must depend in every time of national peril, in the future as in the past, not upon a standing Army, nor yet upon a reserve army, but upon a citizenry trained and accustomed to arms. It will be right enough, right American policy based upon our accustomed principles and practices, to provide a system by which every citizen who will volunteer for the training may be made familiar with the use of modern arms, the rudiments of drill and maneuver, and the maintenance and sanitation of camps. We should encourage such training and make it a means of discipline which our young men will learn to value.

Here is the first authoritative utterance of an Executive upon the subject. It is not only an indorsement but a recommendation of a system of voluntary training that would equip the American citizen mentally and physically for the more arduous duties of campaigning in the unfortunate event that hostilities should be declared against any nation. The fact that Congress did not follow it up is not the fault of Mr. Wilson. The fact that no legislation followed the recommendation is our act of omission, not a failure upon his part to advise us. Hence, it is hardly fair to assert without qualification that the Executive, between the period of the commencement of the war and our entry into it, made no recommendation upon the subject, or failed to commit himself to any system, however crude the

system may appear to those who believe in the contrary principle of compulsory training.

Mr. President, I read this extract from a letter furnished me by Col. Palmer, a gentleman of whose valuable services we have availed ourselves in the preparation of this bill, an accomplished student of military affairs, an active soldier who saw arduous service in France, and a man who is deeply concerned in the inauguration of such a system for our Army as will reasonably protect us against any and all probable difficulties in the future. He is the same gentleman to whom the chairman of the committee referred some time ago as having contributed so valuably, in conjunction and collaboration with Col. Gulack, toward the preparation of this bill; and, whether it addresses itself ultimately to the favorable consideration of the Senate or not, I want here and now to express my sense of high appreciation, as a member of the committee, of the invaluable services rendered by these two splendid officers to the committee in our efforts to prepare and present to the Senate some intelligent and scientific system of military reconstruction.

Col. Palmer says, following this quotation from the President's message of December 8, 1914:

> The Senate bill as amended, with the voluntary system of training, will establish precisely the system outlined by the President. As the bill stands, young men may take the training without any obligation to enter any organized military force after the training, but they will be given the option, if they so desire, to volunteer either in the Regular Army or the National Guard or the Organized Reserves. Those who enter the Regular Army or the National Guard will voluntarily assume an obligation for military service in time of peace. Those who voluntarily enlist in the Organized Reserves will assume an obligation to serve only in the event of a great emergency especially proclaimed by Congress.
>
> All of the organizational features provided in the bill still remain. It will still provide an organization for national defense, the only difference being that the necessary organizations would be filled in time of peace under compulsory training, whereas, under voluntary training, they will only be partly filled. But under voluntary training they will include all of the necessary officers and noncommissioned officers and at least part of the necessary private soldiers.
>
> With voluntary training provided in the bill, it will still be a great preparedness measure, and, in my opinion, will be the best military system that can be devised so long as we are restricted to the voluntary principle. If it should be organized on the voluntary basis, and we should come to compulsory training in the future, we would have all of the necessary organizational arrangements prepared to take care of the young men after such training.

If it be true, and I have no doubt of it, that the proposed voluntary system squares with President Wilson's recommendations of December 8, 1914, then it must follow that we may by this amendment adopt a measure which addressed itself to his favorable consideration almost six years ago, and which I think we should have acted upon then.

It is well to refer to the experiences of the past in determining what our action shall be upon so important a subject, and to glean as many lessons from the experiences of the war as seem to be consistent with its history. But we are too apt, I think, to magnify our deficiencies, to use bitter and extreme expressions of opinion in fixing responsibility, and perhaps too ready to draw conclusions that are only partly sustained by the facts.

I shall not elaborate upon that feature of this discussion, except to say that we have seemed prone ever since this Congress assembled to make charges and countercharges, followed by investigations designed to show that we were not only unprepared for this war, but that during its prosecution and at its close neither our Army nor our Navy had any semblance of efficient organization; that, upon the contrary, they were wholly inadequate to the tremendous duties they were called upon to perform. If we can judge from the investigations of the Navy Department, the American Navy had neither efficiency nor organization. It was a mere phantom. A disinterested listener to these debates would come to the conclusion that our Army was ill-equipped with material, officered by greenhorns, and composed wholly of untrained men.

If that be true, it is to wonder that we won the war. Is it possible that with a Navy that was good for nothing, with an Army that was good for nothing, and with an administration wholly inefficient and indifferent, we contributed mightily to the glorious result, and both our Navy and our Army returned with comparatively small losses, crowned with the triumph of a victory without any parallel in the history of civilization? I sometimes think when I read some of these reports and hear some of these statements that the war must have won itself, that by some automatic method of operation the German army was routed and an armistice altogether favorable to the Allies was secured. What would have been the result if we really had had "a sure enough Army and Navy"?

Oh, Mr. President, these practices are largely belittling. In the brief space of time given to the United States, between the hour when our intervention became a certainty and the glorious 11th day of November, 1918, this Government accomplished more through its Army and its Navy than was ever effected by any other nation in the history of the world. The great, big outstanding fact is that we went into the war and accomplished the object which impelled us to do so, and all the investigations and charges and countercharges in the world can never rob America or this administration of the credit of that stupendous fact, written large upon the pages of history, there to remain, ineffaceable forever.

Mr. President, I earnestly and sincerely hope that the amendment which was adopted last Friday will not be further reduced. I think it is the least that we can do and discharge our duty in making due preparation for a proper Military Establishment. Let us give to the boys of America the opportunity, at least, to come forward on their own account and equip themselves for duties which they must encounter, in all probability, sometime in the future of the Nation. Let us not limit the amount or number, at least until this may be subjected to the experiments of the next three or four years. Let us see whether a beneficial result will be obtained from offering to every young man in the country the opportunity, if he cares to avail himself of it, of enlisting for a system of military training designed for his betterment and advantage, and an essential part of any intelligent system of training, before we further mutilate the proposal by placing upon it a limitation which, in my judgment, would effectively destroy its practical benefit as an operative feature of the bill.

Mr. KIRBY. Mr. President, in view of the fact that there has been so much unwarranted criticism and disparagement of our wonderful accomplishment in the great World War, I want to take occasion here to read a short statement which I maintain reflects the true conditions so far as the training of our soldiers both individually and in the divisions was concerned. I read from a speech which I made some time since on the participation of America in the World War:

"TRAINING—SOLDIERS—DIVISIONS.

"The average American soldier who went to France received six months' training at home before sailing, and had two months' training overseas before entering the battle line, and then about a month in a quiet sector before going into an active sector and hard fighting, although the experience of thousands of soldiers differ widely from this figure.

"The infantry soldier was trained in the division which was our typical combat unit. In the American Army the division was composed of about a thousand officers and 27,000 men. Training and sorting organizations of 10,000 men, known as depot brigades, were also utilized, but as far as possible the new recruits were put immediately into the divisions which were the organizations in which they would go into action.

"There were trained and sent overseas 42 divisions before the signing of the armistice. The training of 12 more was well advanced and 4 others were being organized at the time. The plans on which the War Department was acting called for 80 divisions overseas before July, 1919, and 100 divisions by the end of that year.

"Of the 42 American divisions which reached France, 36 were organized in the summer and early autumn of 1917. The other 6 were organized as divisions by January, 1918, but had been in training as separate units months before that time. The average division had been organized eight months before sailing for France and its period of training was lengthened by a two months' interim between the time of landing in France and the time it entered the front line. While this is true of skeletons of divisions, it is not true of all the men they finally included since sometimes weeks or months elapsed from the time a division was organized till it reached full strength and troops were frequently taken from one division to fill another which was sailing or to be sent overseas to replace losses. Although the average of two months' training in France before getting into the fighting lines was maintained the experience of divisions used as replacements in the last months was under this figure. The Regular Army divisions show the shortest periods of training, but they were made up of the most experienced soldiers."

I maintain that that reflects the true condition so far as the training of the individual soldier and the soldier in the division were concerned. There has been much unwarranted disparagement here of our past accomplishments, in arguing the necessity for a compulsory military training system.

Mr. President, it has been said that if we had gone into the war a year sooner than we did, if we had been able to put in a compelling force, or a force which would have been equal to the force we did send a year later, we would not have had so many killed. I deny that. If we had put twice as many men into France a year sooner than we did, we would have had four or five times as many killed. The German armies were there; they were fighting; they had to be conquered and overcome; and

it could not be done by our armies when they were on the ground without desperate fighting and necessary casualties and loss in killed and wounded.

Why did we not get into the war sooner? Was it because we did not have a trained army? No. We did not get into the war sooner because the Allies and associates with whom we finally joined causes said, "We do not need any men. We need credit, and we need supplies and money. We have plenty of men to whip the Germans."

That was the sort of statement that was made to us. We sent a very few thousand men over at the first. They said, "We do not need any great contingent of men. Just send enough over to show the world that America is with us at heart, and let us have the money and let us have the supplies."

That was the condition. Soon after we got into the war they came with the insistent cry of men and more men, and to send them at once. They said, "We will train them over here." Some were sent under those conditions. But I maintain that the true condition is reflected by what I said in the extract from the speech just read.

Of course, every man who went into the fight had not been trained. That could not be, under the conditions and circumstances. Sometimes replacements which had not received as much training here as should have been given were put into the fight, because they had to have men then; the condition demanded it.

Mr. President, I would call attention to the fact that no great battle has ever yet been fought as it was staged, as it was intended and planned and laid out. It never has been done, and it can not be done. Sometimes one division or sometimes one brigade or sometimes one contingent of soldiers that is not expected to be put into the battle at all must be put in. Sometimes the battle develops hottest on a line where it has not been anticipated it would develop. These conditions must be met as they arise.

Those are some of the things about which there has been much unwarranted criticism here. Compulsory military training, every man knows, will produce the grandest army that has ever been mobilized upon the face of the earth. We know that. The question is whether we shall go into that sort of a system and policy now. I do not believe that the conditions of the country and the world require that it shall be done, and I do not believe that the financial condition of the United States permits of our doing it at this time. We have determined wisely, I think, that it shall not be done.

What ought to be done about the establishment of a voluntary military system? It might be well, and probably ought to be done; but I maintain here and now that the proposal of the Senator from New Jersey [Mr. FRELINGHUYSEN] does not show a complete plan for a voluntary training system which would be effective. It has not been worked out along that line. The bill was not drawn with that purpose in view. Will it prove effective if this measure becomes a law? The Senator from Wisconsin [Mr. LENROOT] has insisted that if a man is brought into the service, or volunteers to take the training, there is no provision of law whereby his services may be utilized after he has been trained. I will ask the chairman of the Committee on Military Affairs now if, under the bill as amended by the amendments offered by the Senator from New Jersey, there is any provision for inducting these men into the service after their training is finished or putting them into the reserve, where they can be utilized without further legislation?

Mr. WADSWORTH. When the Senate adopted the amendments offered by the Senator from New Jersey, of course, it took out of the bill the element of compulsion, and men are permitted to volunteer and take a four months' training, and thereafter a man can volunteer and join the National Guard, as they do to-day, or the organized reserves, which are to be organized under this bill. The bill, however, does contain a provision which will result in this: That in the event of a declaration of war by Congress and proclamation by the President, a selective-service law automatically takes effect, and trained men, graduates of these four months' training camps, would be, of course, the greatest assets we would have to recruit such an army.

Mr. KIRBY. They would be available, then, under the provisions of this law, having taken the training?

Mr. WADSWORTH. Unfortunately, from my standpoint, of course, they would not be organized. They would be available as individuals.

Mr. KIRBY. As individuals, but not as bodies of troops.

Mr. WADSWORTH. I may say to the Senator, as he undoubtedly knows, that half the time of training an army is taken up in organizing it.

Mr. KIRBY. I understand that that is the case, and I understood the bill as it was first presented here provided for a complete system of compulsory military training, but I did not understand, as I said just now, that that could be changed by these mere amendments into a thorough system of voluntary training; and that was the reason why I asked him the question.

I have no objection, so far as I am concerned, if we have a voluntary system that would prove effectual, that would be likely to prove useful, to inaugurating it here, and putting it into force; but if we are going to provide a system that will be practically ineffectual and worthless, I do not see why we should make that kind of a provision. Unless there is a reasonable prospect of putting this system into force and of it being of some advantage hereafter, we ought not to worry about putting it into force and paying the expenses necessary thereto.

So far as I am concerned, it seems to me useless to put 100,000 men in and train them as an experiment; but we know there is no experiment so far as training is concerned. We know we can train a soldier in three months. We trained officers in three months for the last war. We trained officers and soldiers in that time; they won the war against the best trained soldiers and the greatest military machine on the face of the earth. If these men go into training they can get enough training in four months to be proficient in the manual of arms and to be effective soldiers thereafter; and under the circumstances it does not seem to me that there is sufficient binding force in the provisions of the bill to make the system effective as the bill is now drawn.

Mr. WADSWORTH. Mr. President, I intend to detain the Senate but a moment. The Senator from Colorado [Mr. THOMAS] has spoken against the limitation suggested by the Senator from Wisconsin [Mr. LENROOT]. The Senator from Indiana [Mr. NEW] is opposed to it, as I happen to know. The Senator from Arkansas [Mr. KIRBY] is in favor of it. The Senator from South Dakota [Mr. STERLING] is opposed to it. The Senator from Tennessee [Mr. MCKELLAR] is in favor of it. So that only leaves the Senator from Arizona [Mr. ASHURST] and the Senator from Connecticut [Mr. BRANDEGEE] for me to talk to. The interest manifested in this subject is most inspiring.

I merely want to make one or two references to some of the things that have been said about volunteer training. The Senator from Wisconsin has felt quite certain, as he has said upon many occasions, that the cost of this training is going to be very much larger than the figures submitted by the committee would indicate. He constantly refers to the cantonments as if the cantonments were the only facilities the Government has at its disposal for the training of these men. Of course, the fact is the Government has many other facilities. It has large and commodious seacoast fortifications near great centers of population. It has Army posts of a permanent form and of considerable size, which collectively can take many thousands of men without any material increase in expense by way of construction and without any added burden by way of maintenance. I refer to such forts as Fort Sheridan, near Chicago; the Plattsburg Barracks, in northern New York; the barracks at Fort Ethan Allen. Those posts up there could take care of all northern New England and New York men. Posts like that at the Presidio at San Francisco, posts like that at Fort D. A. Russell—large brigade posts—can take care of all men from the State of Wyoming and perhaps from Idaho and Montana. So we are not encountering the terrific expenses which the Senator from Wisconsin insists upon.

Furthermore, let me repeat that the estimates of the committee to the effect that it would take $283 to train a young man for four months include the cost of the rifles, the cost of the cartridge belts, the cost of the canteen, the cost of the mess kit, and all the soldier's personal equipment. As everybody knows, we have those things on hand now, and it is utterly unfair to charge the value of those things annually against the cost of the training. Two hundred and eighty-three dollars' cost per man for four months is an inflated estimate. It will be much lower than that in actual cost, because it contains the items to which I have just alluded.

I mention this matter of cost because that seems to be the thing that makes Senators fearful about permitting these boys to be trained if they want to be trained. My idea of economy is somewhat different from that of those who have been speaking in opposition to the bill. I believe it is economy to train men. The more men are trained the greater the economy to the country in the long run. There are Senators who do not believe that, or who believe that this matter of economy is only a matter of running over one or two years, perhaps until a certain election can be decided, perhaps for the purpose of making a certain kind of record and going out and preaching about that

record. I am trying to look 10, 15, 20, or 30 years hence to see what is economical in the long run. I venture to say that the history of this country shows, without any doubt or question whatsoever, that we would have saved billions of dollars during that history had we had some trained men with which to fight our wars. I fear history some day will repeat itself.

Mr. CHAMBERLAIN. May I interrupt the Senator?

Mr. WADSWORTH. Certainly.

Mr. CHAMBERLAIN. I remember that when the universal military training bill was up in 1916 and hearings were being held by the Military Affairs Committee, a very distinguished officer of the Civil War, Gen. Nelson A. Miles, expressed it as his opinion that it was not necessary to train any men at all, because there were enough men in the United States who had had military training and had gone out of the service to fill all the requirements of any war that might come upon us. Does the Senator know how many men went into this World War who had had military service sufficient to have enabled them to serve in the World War, and who yet were not beyond the age limit for active service?

Mr. WADSWORTH. I do not think there were over 200,000 out of the 4,000,000 who had had any military experience worthy of the name—that is, amongst the enlisted men.

Mr. NEW. Mr. President——

Mr. WADSWORTH. I yield to the Senator from Indiana.

Mr. NEW. If the Senator from New York will permit me, I simply wish to remind the Senator from Oregon of the fact that there were only 250,000 volunteers in the Spanish-American War, if that is the war Gen. Miles had reference to. Nearly 20 years elapsed between the time that war closed and the time of our entry into the World War began, and in that period nearly every man who had served in the Spanish-American War had passed the age where he would be accepted by the Government under the restrictions named in the act under which we entered the war. Of course, they were no longer of value in a military sense, except in a very limited number of cases.

Mr. CHAMBERLAIN. Will the Senator permit me to reply to the Senator from Indiana?

Mr. WADSWORTH. Certainly.

Mr. CHAMBERLAIN. I simply want to emphasize that fact. My recollection is as the Senator from New York and as the Senator from Indiana have put it, but there is a general impression throughout the country, amongst people who have not given the subject intimate consideration, that there are enough men who have served in the military arm of the Government who can comply with all the requirements of any kind of a war, and if a man like Gen. Miles, who had gone through the Civil War and served with very great distinction, entertained that opinion, how much more natural is it for men to entertain it who have given the subject only passing consideration.

Mr. WADSWORTH. That reminds me to refer to something which the Senator from Arkansas [Mr. KIRBY] mentioned in his remarks a few moments ago, not in criticism of the Senator, but to get one or two little things straightened out. It has to do with a remark the Senator from Oregon [Mr. CHAMBERLAIN] made about the number of trained men we had who went into the war.

We speak of the Regular divisions in the war, and when that expression is used the casual hearer gains the impression that all our Regular divisions were composed of what are commonly known as Regular soldiers, and that the Regulars were trained men. As a matter of fact, we had no Regular troops in this war at all, in the usually accepted meaning of the term "Regular." The First Division, that paraded here through Washington, was not composed of Regular troops. It was over 80 per cent drafted men and volunteers, who had enlisted for the emergency only. That same figure, or a greater percentage, would be applicable to every other Regular division which we had, probably greater in all the others, because the First Division managed to gather some of its old Regular soldiers back into it before it came home.

So every one of our divisions were divisions of citizen soldiers in the main. When the First Division went to France in June, 1917, it carried with it 51 per cent, if my recollection is correct, of raw recruits who had enlisted largely for the emergency only. They were not Regulars.

The truth is that a Regular Army, such as we can keep in time of peace, becomes, upon the outbreak of a great war, instantly dissipated and scattered and injected here and there into a vast citizen army, and it loses its identity. The Regular Army can never fight a great war. It did not fight this war. It did not fight the Civil War. Its officers, of course, occupied posts of high responsibility, as they should, because they are the best trained officers. The Regular officers or commissioned personnel of the Regular service is really the only permanent military force we have. The enlisted men come and go, but the commissioned personnel, in a sense, perpetuates itself through the system of graduating them from West Point.

I only mention this to illustrate the fact that a regular army of 200,000 trained men in time of peace is not a drop in the bucket in time of war, and that if we do not have organized back of that army in time of peace some citizen force, reasonably well trained, probably not as well trained as the Regulars, we have not got any army with which to go into war.

Great Britain had exactly the same experience. She had one of the most perfect regular armies the world ever saw. In the first week or 10 days of August, 1914, the British Regular Army moved from England to France and Belgium with clocklike precision, without the slip of a cog, with remarkable discipline and splendid training. In six weeks they had almost ceased to exist. They had simply been wiped practically out of existence by the great armies to which they suddenly found themselves opposed.

Again, referring to this amendment, I hope that no limitation will be placed upon the number of men who may be trained. I can appreciate, however, the thought that is in the mind of the Senator from Wisconsin. He apparently feared the cost in that the bill as now amended provides that men between the ages of 18 and 28 shall be eligible for this training in an unlimited number. Would the Senator consider the suggestion that instead of limiting the number who may be trained in any one year we limit the ages?

Mr. LENROOT. Yes.

Mr. WADSWORTH. Would the Senator consider withdrawing his amendment if we fix the ages at 18 and 21?

Mr. LENROOT. Yes.

Mr. WADSWORTH. And then permit any boy between the ages of 18 and 21 to be trained as a matter of right, provided, of course, he is physically and mentally fit?

Mr. LENROOT. If the Senator desires to modify the provision, cutting off seven years during which boys and young men will be eligible to training, I shall be glad to withdraw the amendment.

Mr. WADSWORTH. The ages of 18 to 21 were the ages originally fixed in the bill; and what I am particularly anxious for is that, whatever minimum and maximum age we shall set, every young man in the United States between that maximum and minimum shall have the right to be trained. To my mind it has always been a question of right; a young man ought to have that opportunity. If that would meet the Senator's objection as well as his amendment, so far as I am concerned, I had rather do it in that way.

Mr. LENROOT. Mr. President, if the Senator from New York will offer such an amendment as he suggests, I will withdraw, if I may, the pending amendment until his amendment shall have been disposed of fixing the age limit.

Mr. WADSWORTH. Mr. President, if we turn to page 65 of the bill, line 9, we shall find that amongst the amendments offered by the Senator from New Jersey [Mr. FRELINGHUYSEN] the word "three," before the word "years," was stricken out and the word "ten" was inserted. It was that amendment which had the effect of raising the maximum age limit to 28 instead of 21 years. I ask unanimous consent that the vote by which that amendment was adopted be reconsidered.

Mr. FRELINGHUYSEN. Mr. President, having introduced the amendment referred to by the Senator from New York, I shall not object to that change, in view of the fact that the Senator from Wisconsin withdraws his amendment.

The PRESIDING OFFICER (Mr. HARRIS in the chair). Without objection, the vote whereby the amendment was agreed to will be reconsidered.

Mr. WADSWORTH. The vote whereby the amendment was agreed to having been reconsidered, I hope the amendment will now be rejected. It is the amendment proposing to strike out "three" and insert "ten."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. LENROOT. Mr. President, as I understand, the RECORD shows that my amendment is withdrawn?

The PRESIDING OFFICER. The Senator's amendment is withdrawn.

Mr. McKELLAR. I offer certain amendments in reference to the pending bill, which I ask may be printed and lie on the table.

The PRESIDING OFFICER. It will be so ordered.

Mr. McKELLAR. I send to the desk an amendment to the amendment which I offered on Friday, which I ask that the Secretary may read.

The PRESIDING OFFICER. The Chair understands that the proposed amendment is in lieu of the amendment previously offered by the Senator from Tennessee?

Mr. McKELLAR. It is.

The PRESIDING OFFICER. The amendment will be read.

The READING CLERK. In lieu of the amendment heretofore proposed by Mr. McKELLAR it is proposed to insert the following:

Beginning on page 65, line 4, strike out all of sections 51, 52, 53, 54, 55, 58, 59, 60, 65, 71, and 76, as amended, and insert in lieu thereof the following:

"In addition to military training, soldiers while in active service shall hereafter be required to study and receive instruction of not less than three hours in any scholastic week of five days during eight months in the year upon educational lines of such character as to increase their military efficiency and enable them to return to civil life better equipped for industrial, commercial, and general business occupations.

"Each Army post or cantonment, and, as far as possible, not less than one shall be designated in each State, is hereby directed to be utilized as a training center for the education of such soldiers as may be assigned to duty there, and the Secretary of War, with the approval of the President, shall prescribe such rules and regulations for conducting the instruction herein provided for, to the end that when a soldier completes his term of enlistment he may be given a certificate of graduation in those schools in which he has been found proficient at the same time that he is given his discharge or his furlough to the reserves.

"In pursuance of this plan the Secretary of War is authorized and directed to divide the enlisted men of the Army, hereby fixed at 300,000 men, into three general classes or divisions, so that one-third of the Army may be graduated and discharged each year and new recruits not exceeding 100,000 men may be entered as a new class each year. As soldiers are graduated and discharged they shall be furloughed into the reserves, and shall be subject to call in the event of an emergency during a period of five years. Any officer of the Army qualified to give instruction in any line, or any qualified noncommissioned officer, may be designated by the Secretary of War as a teacher or professor in any school or post to which he may be assigned. Civilian teachers may be employed to aid the Army officers in giving such instruction, and part of this instruction may consist of vocational education, either in agriculture or in the mechanic arts.

"Each soldier shall have the right to elect what course of instruction he will take under the rules and regulations to be established as aforesaid. The General Staff shall have, under the direction of the Secretary of War, general supervision over the conduct of the schools and courses of study provided for under this act."

Mr. HARRISON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Mississippi?

Mr. McKELLAR. I yield.

Mr. HARRISON. Before the Senator proceeds with the discussion of his amendment, I should like to ask him a question. As I understand, the amendment provides for compulsory education among the soldiers in the Army?

Mr. McKELLAR. In the Regular Army.

Mr. HARRISON. And it changes the law to that extent. Heretofore it has been voluntary and the amendment proposes to make it compulsory.

Mr. McKELLAR. The Senator is correct in the main about it.

Mr. HARRISON. So that the Senator may discuss the proposition, I propose to offer an amendment to the amendment, and, if he will allow me, I will offer it now.

Mr. McKELLAR. Very well, let it be offered now.

Mr. HARRISON. At the beginning of the amendment proposed by the Senator from Tennessee I move to strike out the words "be required," and to insert the words "be given the opportunity."

Mr. McKELLAR. The words referred to occur in the second or third line, I think.

The PRESIDING OFFICER. Is there objection?

Mr. McKELLAR. As I understand, the Senator from Mississippi merely desires to offer the amendment and have it pending.

The PRESIDING OFFICER. Without objection, the amendment to the amendment will be considered as pending.

Mr. McKELLAR. The amendment offered by the Senator from Tennessee would reenact in a modified way the law as it now stands. In the national defense act of June 3, 1916, there is found the following provision, being a part of section 27 of that act:

In addition to military training, soldiers while in the active service shall hereafter be given the opportunity to study and receive instruction upon educational lines of such character as to increase their military efficiency and enable them to return to civil life better equipped for industrial, commercial, and general business occupations. Civilian teachers may be employed to aid the Army officers in giving such instruction, and part of this instruction may consist of vocational education either in agriculture or the mechanic arts. The Secretary of War, with the approval of the President, shall prescribe rules and regulations for conducting the instruction herein provided for, and the Secretary of War shall have the power at all times to suspend, increase, or decrease the amount of such instruction offered as may, in his judgment, be consistent with the requirements of military instruction and service of the soldiers.

Mr. President, a short time after that provision was enacted into law the United States entered the World War, and that naturally interfered, in fact practically prevented, the carrying out at that time of this voluntary scheme. Since the armistice was signed and our troops have returned provisions have been made for the carrying out of that requirement of existing law, and I find that in an army of 211,000 on October 31, 1919, there were 27,132 men in the Army who were receiving the benefits of this voluntary educational training. I have found, however, that it is attended with many difficulties which I will point out in a few moments.

The purpose of this amendment is to give the young men who enlist in our Army a strictly first-class education. We know perfectly well that under present circumstances and under the present law young men drift into the Army, young men who probably have not anything else to do enlist in the Army, and various other kinds of young men get into the Army who are more concerned about their then present situation than they are about improving themselves for the future. The purpose of this amendment is to change that situation.

I am indebted for much of what I am going to say and for many of the views I am going to express upon this subject to a young but distinguished Army officer of very considerable rank, who has served in almost all capacities from private soldier up to his present rank.

The idea that men in the Army should be trained only for drill and in the use of weapons is obsolete. We have progressed beyond that. The Senators who are in favor of compulsory training think that if young men are trained in the Army for three months that will make them good soldiers for all time. Under present conditions that is no longer a correct proposition, but obsolete idea referred to has made service in the Army unpopular and practically fitted only for those who can not succeed in civil life; it has made recruiting difficult and costly. The sums which we expend in recruiting young men for the Army to-day are enormous. It is difficult to get them; it has made people believe that peace service in the Army is time wasted amidst slothful influences. We all know that that is correct. The mere idea of compulsory education in the Army makes the service the alma mater of soldiers; it extends education to those who can not otherwise afford it; it makes parents willing to enlist their sons; it makes peace service in the Army a useful and necessary period in a man's life, of great economic value, and gains for it the respect of all people.

Arguments in favor of compulsory education in the Army may be grouped under three general heads:

A. Benefit to the Army.

(1) The addition of compulsory education to physical training will practically solve the recruiting problem.

(2) Changes in modern system of waging war require brain as well as brawn.

(3) The Army will become the great university of the common people, the alma mater of the honorably discharged soldiers, perhaps in most instances the only college of which the ambitious sons of the poor can have the advantage.

B. Benefit to the soldier:

(1) It provides him with weapons for battles of civil life upon his leaving the service.

(2) It gives him the self-respect which only knowledge brings.

(3) It is practical and completes his physical training, making him a well-rounded citizen.

C. Benefit to the country:

(1) In a Government like ours, where every citizen can express his opinion at the ballot box, lack of education is one of the most dangerous afflictions.

(2) Proper education of our citizens is the most powerful weapon against bolshevism.

(3) Education means an understanding of our institutions. If a soldier is educated, he will in turn take care that his children are educated.

Under a system of voluntary enlistment it solves the recruiting problem, gains better material for the Army and provides material for the making of officers and noncommissioned officers.

Compulsory education gives the Army a personnel better suited for its advancement in these times, when science is responsible for military achievement.

It is practical. The soldier has plenty of time for it, and it can go hand in hand with his military and physical training.

It will help materially to stamp out illiteracy in our country. Right there, when we recall that we have over 8,500,000 illiterates in this country, surely we ought to take advantage of this opportunity to train the young men as they go into our Army. We spend these vast sums, hundreds of millions of dollars, on our Army. Surely we ought to utilize that money in part in making these boys better citizens when they come out of the Army.

The present system of schools in the Army is inadequate; and, by the way, I want to say that they are doing a splendid work, Mr. President. Many of the Army officers have taken an active interest in the matter, and they are doing a most excellent work; they ought to be aided, and they ought to be aided by a better and a more effective system.

The present system of schools in the Army is inadequate for three reasons: (1) Shortage of officers and the intensive course of instruction mapped out for officers does not permit a sufficient number to be detailed for instructing in khaki schools. (2) Lack of qualified instructors in technical branches; for example, laymen attempting to teach motor mechanics, and the president of the college not a man of experience in educational matters. (3) Lack of attendance by the men.

It has too long been the thought of our people that, except during a war, our Army was but an asylum for the unemployed, and that the time spent by a man in the military service was utterly wasted to him as a citizen and even detrimental thereto.

How often we have heard that statement—that you put a young man in the Army, and he came out of it a worse man than when he went in; but if you put him in the Army and give him an excellent education, better than many of our smaller colleges afford, even, it will build him up. It will make a man out of him; it will make a good citizen and a good American out of him. In the past, as everyone knows, this idea has caused some contempt and prejudice against the uniform among the civil population. Later years, capped by the experience of our great Army in the late war, have wrought great changes in the public mind as to what the Army should and does now stand for as an institution beneficial to our own national progress. To the public mind, in a democratic Republic like ours, simon-pure militarism is abhorrent and is only tolerated as a necessary evil when the country is actually faced with war. When peace comes again all are anxious to disarm and rid ourselves of all signs of militarism as rapidly as possible. The best thinkers in the country know that in these times we are in no sense isolated by the oceans that wash our shores, and that while Europe and the Orient are armed camps it is fatal to a country like ours to be unprepared for war.

Compulsory military training in time of peace is un-American and will never be tolerated by the American people. The maintenance of a Regular Army of adequate size and a citizen reserve is, however, a safeguard with which we can not prudently dispense. This must be done by voluntary enlistments, and experience has taught us that in time of peace service in the Army is not favorably thought of by the people generally and is attractive in the main only to those who lack the ambition and self-confidence so necessary to success in civil life.

If educating a man to succeed afterwards in civil life were made a compulsory part of Army training there would be no difficulty in recruiting the Army from the best material in the land. Instead of looking upon Army service as a bad influence and a ne'er-do-well's refuge, parents would vie with each other to secure places for their sons upon the Army rolls. It would mean to them that their sons would be sent to a school where the character-forming influences were sure to make them patriotic and self-reliant citizens, where they could by election choose their vocation and be efficiently trained for its pursuit in civil life. It would bring these unparalleled advantages within the reach of all up to the authorized strength of the Army.

When the soldiers of America become the scholars of the Nation the safety of our institutions will be guaranteed by the irresistible force of intelligence actuated by patriotism.

At present service in the Army in time of peace means so many years wasted from a man's career as a citizen. If, on the contrary, it meant to him a free education along academic and vocational lines it would lift the service in the minds of our people to the high educational plane where the requirements of modern warfare have of necessity placed it and would be a godsend to our young men who lack the financial assurance of an education so necessary to every man of to-day.

Mr. President, I may say here that as I recall my own experience in early life I would have given anything to have enlisted in an army under an educational scheme like this and secured my education in that way, and there are thousands, nay, hundreds of thousands of young men all over our country, and especially in the rural districts of our country, who would be glad to join the Army if thereby they could get a strictly first-class education that would fit them for civil pursuits during all their lives to come.

An educated citizen is a credit to a nation, while every illiterate is a debit. A trained mind is an asset; an idle brain is a liability. The strength of a nation is now measured by the state of education of its people. Not only does the modern soldier fight far more with his head than with his hands, but our welfare and prosperity in war and in peace depends upon the intelligence of our vast industrial army.

By making liberal education a necessary part of Army training, the Government would be making useful citizens by the same effort that maintains our martial strength, and the Army uniform would be looked upon more with the respect that surrounds the cap and gown than as the livery of the unemployed. There are many men who think that the boys in our Regular Army have little or nothing to do except the usual chores around an Army camp.

Many States have laws compelling all native-born children to attend school, and the benefits of such laws in the reduction of illiteracy and in augmenting economic efficiency can not be questioned as overestimated. When the mother can send her boy to the Army, and feel that when he has finished his service there he has received an education, even learned a profession or trade, and at the same time qualified himself as a soldier to defend his country in time of need, then will we have taken a most important step toward perfection in enlightened democratic government.

The advantages to accrue from compulsory education in the Army may be grouped under three general headings: First, the benefits to the Army; second, the benefits to the soldiers; and last, the benefits to the country. Modern methods of waging war require more than ever before warriors with imagination and with trained intellects. In the second place, education will prove of the same value to the soldier as to persons in other walks of life. Last, but by no means least, comes the benefit that will accrue to the country; for the real purpose of our Army is to protect our country, and in the ranks of an Army of a democracy there is no place for illiterates. Physical strength will not alone suffice, and brawn can not take the place of brain in the operation of the complicated engines of death of this advanced age.

Pope said in one of his poems: "A little learning is a dangerous thing." He might well have added: "But abysmal ignorance is more dangerous still," for ignorance is the canker which gnaws at the heart of a republic, and an enlightened citizenry is the most powerful bulwark of a free State.

Generally speaking, four classes of men were attracted into the old army who could have been helped: (1) Failures; (2) men without ambition, seeking the easiest way; (3) the uneducated, or those of little education; and (4) men, usually in a rut, who could not forge ahead in the competitive struggle of civil life. That there were good men and true in the old army, no one knowing the facts can deny; but what was done for them? What advantages of self-culture or education were placed within their reach? What incentive was offered them to improve their minds?

Compulsory education will not prove a panacea for all the ills to which our Military Establishment is heir; but under a sensible system of compulsory education in the Army, there should be attracted to its ranks those who enlisted under the old régime and others who would add to the effectiveness of the Army and who could in turn be substantially assisted. As the standards of its soldiers are raised through education, it will be regarded as a lasting honor to wear the uniform, and the youth of the country can be safely encouraged to enter the ranks. Families of small means and many children will look forward to the day of enlistment of the boys as the date of their matriculation in the khaki university; and their training will not, as now, depend upon chance benefactions for completion and leave them unprepared for the battles of civil life. Many a boy to whom otherwise the doors of knowledge would be forever barred will walk through the door of a recruiting office into the realm of knowledge.

Education fosters ambition and wakes dormant and unsuspected talents. Coming back to civil life after an intensive course of study in the Army, a soldier meets men of his age on the same level. He may reenlist in the desire for further advancement, but he is not compelled to reenlist because he is cold or hungry or lonely. He goes back, not as to a haven of the slothful or the unambitious, but as the thirsty man who has tasted of the cup of knowledge and found it good.

In the National Army there were thousands of men to whom the language of their adopted country was a sealed book; and many a soldier of this Republic lies buried in the fields of France who prayed his last prayer in an alien tongue.

Awhile ago I said that war is now a thing of brain as well as brawn. One of the most deadly weapons of the late war was a chemical preparation evolved by a trained mind—I refer to gas—and protection against it was the work of intellect and not of the hands. Airships were constructed not so much by brute strength as in the knowledge of natural and physical laws, and the

swiftly gliding zeppelins were first completed in the imagination of an educated man.

Not that we desire the creation of more deadly weapons for the destruction of mankind. It is not for such purposes that we would educate our soldiers. But peace has problems just as deadly and as difficult to overcome as the engines of war, and we have not done our duty toward the soldier who goes back to civil life unless we have furnished him with the one weapon of defense which he most needs—an education.

How does the ordinary soldier spend his day? I call the particular attention of Senators to this before they vote on this amendment. This is from a man who was a soldier. Of course, a large number—27,351, as the records show—are now attending the schools provided at a few camps, but attendance at these schools is voluntary. Let us look at the daily life of a soldier who does not attend schools.

He rises at 6 o'clock. Tidying up his bunk, he makes his toilet and eats breakfast. After breakfast he "polices up" around his quarters or barracks and is given military instruction usually throughout the forenoon. At noon he eats dinner. After dinner, unless he is given some duty involving physical exertion, he finds his time heavy on his hands and must repair to the canteen or to the poolroom for amusement. Without education the great world of literature provided at every camp library can not attract him. The afternoon gone, he eats supper at 5 o'clock and usually loafs until his bedtime.

The young man between 18 and 25 has no hours to loaf. He must have hours for play, and I would be the last one to curtail the time necessary for recreation of mind and body. Recreation, in truth, it is; but idle loafing will not recreate lost tissues or stimulate tired nerves.

Soldiers are human beings. They are not simply forms composed of flesh and bone to be moved about and sacrificed as men on a chessboard. When sacrifices are necessary they are always ready, but in the meantime if given the opportunity they will anxiously embrace all educational advantages. Education has been the greatest boon to the human race since the beginning of time. We of the United States have provided means whereby any person may obtain an education. Why have we been so anxious about this? Why did we, as soon as we undertook to govern the Philippines and Cuba, at once organize extensive school systems? Because to-day education is the heritage due all humans and one of the greatest obligations of a nation to its citizens. Because the returns to the nation are many times over worth the cost.

To date we have exacted every sacrifice from the soldier. We have taken him into the Army and endeavored to develop him into a perfect physical specimen, so he could the better fight for us. At all times we have had in mind the making of a fighting machine that would win battles for us. The day, however, is here when our soldier must be more than a fighting machine of bone and muscle. Education in the Army is in the ascendency, and while the Nation will get the real benefits from education, the men will incidentally benefit in many ways.

Take the life of a soldier as lived to-day. He becomes one of the Army. He need not know how to speak, read, or write the English language, and even if he can he is associated with many who can not. He is carefully drilled for the purpose of making him a disciplined soldier and making his body strong and healthy. After we have done this we selfishly stop and give nothing in return, and when the soldier leaves the service he takes nothing with him but his well-developed body. The great talents that these men possess are allowed to lie dormant, and of course atrophy. During peace time the soldier has a great deal of leisure time and we have been content that he should spend this time undirected.

Now, what would be the outlook to an enlisted man under compulsory education. First of all, we would make our soldiers Americans in fact as well as in name. They would all speak, read, and write our language. They would know the history and meaning of our institutions. Our drill would not be confined to the training of the body, but would also include training of the mind. Give the men a taste of education and they will grow ambitious to excel and fit themselves for the specialized work in the new branches of a modern Army that require highly trained and educated men.

A most important factor to be considered is the return of soldiers to civilian life. Under compulsory education we will have made them 100 per cent American and equipped them mentally to compete with those who have not rendered service to the flag. Given educational advantages, a man improves. Denied such advantages, he falls behind. From a selfish standpoint it is a wise policy for us to educate our soldiers in order to make them better soldiers and leaders in the industrial life of this country upon release from the Army.

Mr. President, I have been in one or the other branches of Congress for a period now of more than eight years. I have voted for every educational measure that has come up in either House while I was there, some of them good and some of them not so good. But I take no chances. With 8,500,000 illiterates in this country who ought to be educated, I believe it is the duty of every public servant who has anything to say about it to give the young men of this country a better education than they are now receiving, whenever it is possible.

The first bill I ever introduced in the House was a bill which provided for military training and for education at the same time. I believe in it. We have now the opportunity to enact it. We enacted four years ago a voluntary system, working fairly well in a small degree. But what we need is a compulsory system, for these young men have the time, and it is our duty to look after their time, and it is our duty to give them the benefits which the expenditure of these vast sums permits us to give to them.

Mr. CHAMBERLAIN. Will the Senator yield?

Mr. McKELLAR. With pleasure.

Mr. CHAMBERLAIN. I would like to ask the Senator, if he believes it is a good plan to compel an uncertain number of young men who may volunteer in the service to take an education, why it is not a good plan to absolutely wipe out illiteracy by compelling every young man of a certain age to go into the service and then to compel him to take an education, because in one or two years at least you would have all the young men in the country taking an education?

Mr. McKELLAR. For this reason, Mr. President: When a young man volunteers, as provided here, to go into the Army, then, as it seems to me, we have the right to say what we shall do with him, and how we shall control his time, and how we shall train him after he gets there, and to that extent I am for whatever is necessary to make that man a better soldier and a better man after he has volunteered to go into the Army. But I say that in peace times it is undemocratic, that it is contrary to American institutions, contrary to American traditions and to every phase of American policy we know anything about, to conscript the young men and put them in the Army when they come of a certain age. I say that it is not only contrary to our institutions but that it has proven bad in the past. There is no nation which has ever had universal compulsory military training which has not come to grief. Take Germany. It flourished there as in no other place, and yet we see Germany, the greatest military nation in the world and with universal compulsory training for more than a hundred years, humbled and broken by the young men of America, who had the spirit to fight. I say that I am unwilling to change this American system, which built up in the young man a spirit to fight for his country when it is necessary, for the worn-out system of Germany, which has been found a colossal failure to the German nation.

Why should we change? We have just won the greatest war ever fought among men. We won it by training young men under our American ideals and American institutions and American traditions and American history, and we succeeded. They overcame the great trained armies of Germany, trained under universal military instruction. Why should we swap the successful system we have for the impotent and defeated system of Germany? I say that we should not do it. I say that when the young man enlists in the Army we have a right to train him as we see fit, and I believe we should train his mind as well as his body, because we know he will make a better soldier. But I would not force him in times of peace to go into any army, whether he would or not.

Mr. President, before I close I want to say a word or two about this voluntary system. We all know what this voluntary system is. There is no use for us to fool ourselves a moment about it. Last Friday the Senate of the United States voted down universal compulsory military training, and there were only nine Senators in this body who voted for it. Why is the voluntary system proposed? In the hope that some future Congress may graft the compulsory system on it. The bill as amended is exactly the same as when reported, except for the word "compulsory." All the machinery, all the paraphernalia, all the casts, are just the same, provided we get as many men under it. It is just made voluntary instead of compulsory, in the hope, of course, that some future Congress will make it compulsory. I pray to God that no future Congress will make it compulsory. We know we can get these young men, and we know we can train them. Under the magnificent management of Gen. Crowder the draft system in the war worked wonders in this country, and it will work them again, if you just keep the

young men out of compulsory training, and keep them with the spirit to fight.

As to this voluntary system, I want to quote for a moment a statement of one of its friends. In season and out of season the Washington Post has fought for compulsory military training. It fought for it when the distinguished Senator from Oregon [Mr. CHAMBERLAIN] a few years ago introduced a bill providing for it. It has fought for it all the time ever since, and here is what it says in an editorial entitled "A great step backward":

> Universal military training, a policy of necessity for the adequate defense of the Nation, is dead, a sacrifice upon the altar of political expediency. Events of the last three years have proved that had this policy been in effect at the outbreak of the war thousands of lives and millions of treasure would have been saved by obviating much of the delay caused by training the citizen army in readiness for field service. The men who had the largest part in America's war activities recommend it as the only safe and prudent measure of preparedness which will meet the possible exigencies of the future. The wisest statesmen recognize that in this policy lies the best insurance against future wars, since a nation prepared is least likely to be attacked.
>
> But universal training is dead, killed by the politicians who are terrified at the threats of voters in some States to turn the Republicans out of Congress if they enact such a law. These voters are more concerned about the spring plowing and the harvest of the crops than about the national defense. They are short-sighted Americans, who hide their personal interests behind a pretended fear of militarism.
>
> Senate leaders, real Americans of both parties intent only upon building up a national defense to meet any possible situation which may arise, now sorrowfully admit their failure. While universal military training lies dormant in the House, the Senate has endeavored to secure favorable action on it, but it is now apparent that the bill can not be put through at this session.
>
> A compromise is proposed, by which "compulsory" training would be wiped out and "voluntary" training substituted. But what would "voluntary" military training mean if put into effect? It would mean that the patriotic young men of the United States, those with red blood in their veins and the spirit of liberty in their souls, would take advantage of the opportunity to prepare themselves for shouldering the responsibilities of citizenship if this Government should be threatened. They would attend the encampments, learn the rudiments of soldiering, and be ready to leap to the colors upon call.
>
> The "other kind" of young men would not.
>
> Should war clouds appear upon the horizon, the Nation would look to the youths who are prepared for service to make up the first line of defense. Being ready, both in training and in spirit, they naturally would be the first to be called. And while the "other kind" were going through the delays of the draft and training the patriots would be facing the enemy. Thus the "voluntary" compromise would reward and protect slackers and punish patriots.
>
> It is bad enough that Congress should abandon the great policy of preparedness under the threat of political retaliation. But it would be craven to consent to adopt a "voluntary" plan which would lift the responsibility of American citizenship from the shoulders of some boys and add it to the backs of others.

Mr. President, there is much in that editorial that I do not agree with. On the other hand, it affords a strong argument why we should not go into voluntary training—the cost of it at this time, the doubt about what will be accomplished under it, the building up of great machinery to look after at this time when our country is already overburdened with debt. The cost might possibly amount, as some one suggested to-day, to $700,000,000 or $800,000,000. It would take only about 20 years of that kind of expenditure to cost more than all the World War has cost the United States.

Mr. WADSWORTH. Mr. President, will the Senator yield?

Mr. McKELLAR. Of course.

Mr. WADSWORTH. Will the Senator state which Senator has suggested that the voluntary training would cost seven or eight hundred million dollars?

Mr. McKELLAR. No; the appropriation for the entire Army would cost about $800,000,000, some one suggested.

Mr. WADSWORTH. The Senator was referring to voluntary military training when he made that remark.

Mr. McKELLAR. I do not think so.

Mr. WADSWORTH. The RECORD will show it, unless the Senator changes the RECORD.

Mr. McKELLAR. I did not intend it that way. If I did say so, I want to correct that statement, because I did not intend it that way. The appropriations for the Military Establishment are somewhere in the neighborhood of $800,000,000, and I think will be much more than that if we pass this bill as it is. The figures I have given I think are correct.

However that may be, here is what is proposed. Who can say what it will cost? No one knows. Who can say what kind of men will be obtained for this voluntary army? No one knows. Who can say how many will come from one State or another? Who can say how much we ought to appropriate for? No one knows and no one can tell. It is a visionary scheme a little larger than Plattsburg and vastly more costly, perhaps.

As to the provision that I propose in lieu of it, we will know exactly what we are going to do. We are going to train 300,000 men and keep them training all the time and moving along one after another. Every year we will add another 100,000, and in five years, in general terms, of course, not exactly that many, because many of them will die and many will be made ineffective for service, but there will be between 400,000 and 500,000 men, not trained for three months, not trained simply to shoulder a musket and keep step, but 400,000 or 500,000 men who are well trained, well educated, capable of defending their country, capable of making good citizens when their country needs no defense.

It seems to me we should adopt this kind of a system, that is concrete, so we may know exactly what we are going to get for our money. There can be no doubt about it. The money will be well expended, regardless of training, either way. To my mind, we can not adopt a better system. As I recall it, the Senator from New York the other day, when the matter was mentioned in a running debate on the floor, expressed his approval of some such plan of compulsory education in the Regular Army. The Senator shakes his head and I suppose he did not. I hope the Senator will come to a different conclusion about it, because the sooner we come to it the stronger and better Army we will have and the better citizens we will make. Instead of young men looking down upon the Army and service in the Regular Army, it will be regarded as a badge of honor to have served in the Army and to have graduated from its school.

Mr. WADSWORTH. Mr. President, I ask the attention of Senators to some of the provisions of this amendment. In the first place, it says "beginning on page 65, line 4, strike out all of sections 51, 52, 53, 54, 55, 58, 59, 60, 65, 71, and 76." Roughly speaking, those are the sections which provide for the training now made voluntary under the bill. All training, of course, is to be for young men between the ages of 18 and 21, anyone who may present himself and receive it. The Senator from Tennessee offers as a substitute for all that something of an entirely different character, applicable only to the small Regular Army.

Then for some reason the Senator from Tennessee proposes to repeal section 71. Section 71 is the section of the bill that provides for pay for the National Guard. What the Senator has against the National Guard I do not know, but he repeals it, or is attempting to do so.

In addition to that he repeals section 76, which has already been repealed, and before it was repealed its only effect was to provide for the method——

Mr. McKELLAR. May I interrupt the Senator?

Mr. WADSWORTH. Just a moment. I decline to be interrupted now.

Its only effect before it was repealed was to provide for the admission of cadets to West Point. Why he wants to repeal it a second time, when it was not necessary in the first instance, I do not know.

Again, in the third paragraph of the amendment, which was prepared, I see, with remarkable care, the Senator from Tennessee provides that the strength of the enlisted men in the Army is "hereby fixed at 300,000 men." That is in direct conflict with section 12 of the bill, in which we fixed the strength of the Army at 280,000 men. The Senator does not make any amendment of section 12, but merely, in some mysterious way, by inserting in another part of the bill a brand new section, affecting only the permanent personnel, the Regulars only, many pages separated from anything to do with the Regulars, he proceeds to put in a contradictory section.

As to this scheme for 300,000 enlisted men in the Army, to be divided according to his amendment into three general classes or divisions, so that one-third of the Army may be graduated and discharged each year, the Senator probably forgets that if he does that he will not permit any man to serve as an enlisted man in the Army for more than three years. That would necessitate the discharge immediately upon the passage of any such legislation of practically sergeants in the Army, who have all been in over three years, and who, under the Senator's amendment, can not stay more than three years, for in the future, he says, the whole 300,000 men shall be divided into three classes, one of which shall graduate from the Army each year. Men of 20, 25, or 30 years of faithful service, splendid old noncommissioned officers, will be a thing of the past if the Senator from Tennessee has his way. Never again will we have that splendid type of old veteran noncommissioned officers in the Army if his amendment should be agreed to.

I suppose the Senator means that. He has worked very hard on many such amendments to the bill, and I have to take the amendments as he suggests them. That is the effect. The provision is in direct conflict with the section of the bill which he does not attempt to amend, and we will never in the days to come have anything like the old sergeants and first sergeants and quartermaster sergeants of the Regular service, because no one, under his proposed amendment, can stay in the Regular service over three years.

The bill carries a reenactment of the present law providing for vocational and educational work in the Army. It is true it is voluntary, just as the Senator from Tennessee apparently would prefer it. It is in the bill now reenacted from the national-defense act. The Senator from Tennessee, I assume from his amendment, endeavors to make it compulsory. That must be based upon the conclusion that no one goes into the Regular Army save uneducated men, which I think is somewhat of a slur upon the enlisted strength of the Regular Army. Quite a number of men go into the Regular Army, voluntarily of course, who do not need this education. Why should they be compelled to take it if that is the case?

The Senator from Tennessee makes a proposal under which every man who enlists in the Army must spend three hours a day on five days in the week throughout his entire length of service in this educational work; he must do it. Well, if he is hiking after marauding bands in the mountains of the Philippine Islands, I do not know how he is going to do it. If he is out on active service patrolling the border week after week, day after day, I do not know how we are going to say that that man must spend three hours every day studying arithmetic. That is what the Senator from Tennessee asks the Senate to do.

I really think the Senator has been handed something by his young officer friend. Apparently he has urged the Senator to introduce this amendment, because he said that in the first instance.

Mr. McKELLAR. Mr. President, the Senator from New York declined to yield, but surely he does not want to misrepresent me. I got from him the material on which I spoke a while ago, but this amendment is my own amendment. It is fashioned after the amendment that I prepared and which is now a part of the national-defense act of 1916. That amendment, or the compulsory feature of it, was stricken out by the House or the Senate, I have forgotten which, in 1915. I offered a similar amendment to the House bill in 1915, as I recall. That is where it comes from, and the little deficiencies that the Senator speaks of do not interfere in the slightest particular with the principle.

Mr. WADSWORTH. One of those little deficiencies wrecks the National Guard. I do not know what the Senator wanted to do.

Mr. McKELLAR. Of course, in some way section 71 happens to be in that amendment. I do not recall how it go there, and it is not the intention, of course, to offer a provision that will strike that out. I am going to perfect my amendment by striking it out. I am much obliged to the Senator for calling it to my attention. Those things will happen. If that is the only trouble with it——

Mr. WADSWORTH. There is a lot more than that.

Mr. McKELLAR. I am delighted to agree to every suggestion the Senator makes upon it.

Mr. WADSWORTH. There is a lot more than that.

Mr. McKELLAR. Well, I am willing——

Mr. WADSWORTH. I yielded for a question only. There are lots more troubles about this in addition to the ones I have mentioned.

In spite of the avalanche of abuse in which the Senator from Tennessee has been inclined to indulge with reference to the General Staff of the Army, I notice that this amendment of his puts all the educational work of the Army under the much-hated General Staff.

Mr. McKELLAR. I want to give them something to do.

Mr. WADSWORTH. In other words, we are going to militarize education?

Mr. McKELLAR. Yes; to that extent.

Mr. WADSWORTH. Well, that is the complete extent. The General Staff is composed solely of officers of the Army, and here it is proposed to establish an educational system in the Army and put it solely under soldiers. That, of course, is in direct conflict with several other provisions of the bill which define the duties of the General Staff. The Senator from Tennessee does not attempt to amend those provisions. As a matter of fact, Mr. President—and I say it advisedly—the amendment as offered here to-day indicates that the Senator from Tennessee has not yet read our bill from beginning to end. The amendment would not have been offered had he done so. It indicates that he does not understand the structure of our bill at all, even though it has been reported from a committee of which he is a member.

The amendment is not competent as it is drawn, and I think the Senator from Tennessee knows it. It would make instead of a consecutive piece of legislation, as recited between its first and the last pages, a hopeless mess of the whole thing if it were adopted.

Mr. McKELLAR. If the Senator will yield, I desire to say that I think the Senator's entire bill is a hopeless mess.

Mr. WADSWORTH. At least it is a consistent mess.

Mr. McKELLAR. I think it is very inconsistent, painfully inconsistent, and that the Senator himself does not understand it, as he has frequently shown on the floor.

Mr. WADSWORTH. Well, Mr. President, I think if I were offering an amendment to the bill, I would know what sections to strike out, which the Senator from Tennessee apparently does not know. He also proposes to change the term of enlistment of the entire Regular Army by the addition of a reserve clause. His amendment provides:

As soldiers are graduated and discharged they shall be furloughed—

How can a soldier be discharged and furloughed at the same time? The amendment provides:

As soldiers are graduated and discharged they shall be furloughed into the reserves.

There are not any reserves, Mr. President, which are applicable to the Regular Army; and that is the only thing which the Senator from Tennessee touches. The amendment reads:

They shall be furloughed into the reserves, and shall be subject to call in the event of an emergency during a period of five years.

An emergency declared by whom—by the President or by the Congress or by both? The language is incomplete. The terms of enlistment of the whole force are changed, and no man can do more than three years of active service in the Regular Army. Even if he should want to reenlist, he must be discharged and then furloughed, whatever that may mean.

Mr. President, I have simply offered this as an example of the studious care which the Senator from Tennessee has shown in examining the bill and to indicate to the Senate that if his amendment were adopted in anything like its present form it would not be operative in any degree. I hope we shall not establish the theory of compulsory education in the Army as a condition to enlistment. I fear we would not get any recruits.

Mr. HARRISON. Will the Senator yield?

Mr. WADSWORTH. I yield.

Mr. HARRISON. As I understand, the adoption of the amendment proposed by the Senator from New Jersey [Mr. FRELINGHUYSEN], providing for voluntary training, does not repeal the present law which is carried in the national-defense act, touching the training of soldiers along educational lines?

Mr. WADSWORTH. No.

Mr. HARRISON. But if the amendment proposed by the Senator from Tennessee [Mr. McKELLAR] should be adopted, it would repeal that law, because it would make such training compulsory.

Mr. WADSWORTH. It would make it compulsory and go much further.

Mr. HARRISON. Whereas the other is voluntary.

Mr. WADSWORTH. It would go much further and change the entire enlistment contract.

Mr. HARRISON. Then I take it that if there should be any probability of the amendment of the Senator from Tennessee being adopted, the Senator from New York would prefer an amendment such as I have offered, to make such education voluntary rather than compulsory?

Mr. WADSWORTH. Yes; of course. But that is already in the bill.

Mr. HARRISON. I understand.

Mr. WADSWORTH. I desire to read an amendment which has been adopted by the Senate.

Mr. HARRISON. But if the amendment proposed by the Senator from Tennessee should be adopted, the amendment to which the Senator from New York refers would not be in the bill, and the present law on the subject would be repealed.

Mr. WADSWORTH. The Senator from Tennessee has not proposed to amend the amendment which has already been adopted. That is another thing, Mr. President. One of the amendments, adopted upon the third day the bill was under consideration, and known as subdivision (f) of the miscellaneous provisions at the end of the bill, provides:

(f) In addition to military training, the enlisted men of the permanent personnel shall hereafter be given an opportunity to study and receive instruction of such character as to increase their military efficiency and enable them to return to civil life better equipped for industrial, commercial, and general business occupations. Civilian teachers may be employed to aid the Army officers in giving such instruction, and part of this instruction may consist of vocational education either in agriculture or the mechanic arts. The Secretary of War, with the approval of the President, shall prescribe rules and regulations for conducting the instruction herein provided for, and the Secretary of War shall have the power at all times to suspend, increase, or decrease the amount of such instruction offered as may, in his judgment, be consistent with the requirements of military instruction and service.

Of course, it depends upon what kind of duty troops are serving on. On some kinds of duty they can spend more hours per day in educational studies than they can when serving upon other kinds of duty. There has to be left elasticity in

such legislation. The Senator from Tennessee desires to make the time no less than three hours every day, and to make it compulsory. I think that the Senator from Mississippi and myself rather agree upon that side of the question. The provision which I have read, however, is already in the bill, and the Senator from Tennessee has not offered to amend it or to strike it out at all.

Mr. CHAMBERLAIN. May I interrupt the Senator from New York?

The PRESIDING OFFICER (Mr. NEW in the chair). Does the Senator from New York yield to the Senator from Oregon?

Mr. WADSWORTH. I yield.

Mr. CHAMBERLAIN. Shortly before the United States entered the recent war, when the Army appropriation was under consideration, I prepared a provision—and it was adopted by the committee—which authorized the Secretary of War to designate a garrison or garrisons of those already established where young men who had enlisted in the service could be brought and educated along the lines that were suggested. I think that is the first legislation there was on the subject. The war came on shortly afterwards, and there was never any opportunity given to put that provision of the law into effect. How many men would have taken advantage of it I do not know. The Senator from Tennessee says about 27,000 young men are being trained.

Mr. WADSWORTH. If I may interrupt at that point, I desire to say the Senator from Tennessee is inaccurate about that. The education branch of the War Plans Division reports that 60,000 men were undergoing such training on February 24, 1920.

Mr. McKELLAR. The figures given by me were dated October 31, 1919, and, according to those figures, there were 27,132 men in the Army receiving the benefits of the training. I am glad to know that there are now more taking advantage of it.

Mr. WADSWORTH. There are now 60,000.

Mr. McKELLAR. I desire to modify the amendment by striking out the figures "71;" otherwise the amendment is absolutely correct. If the Senate adopts the amendment there will be no trouble about making the bill conform to it. It is practically impossible to make an amendment conform to an entire bill at one time, and various other amendments will have to be adopted in order to make it conform. Of course that can be done and will be done at the proper time. I repeat, if the Senate adopts the amendment there will be no difficulty about making such other changes as will be necessary throughout the bill. That is constantly being done, as we all know, in the case of nearly every bill that is amended. When an amendment is adopted frequently other provisions of the bill require to be amended in order to make the amendment properly fit in. That is all that is necessary in this case; and that is the extent of the Senator's criticism of the amendment.

Mr. WADSWORTH. Oh, no; Mr. President, if the Senator will yield——

Mr. McKELLAR. The Senator is opposed to the amendment, of course, but otherwise——

Mr. WADSWORTH. The Senator knows perfectly well that sections 7 to 12 fix the strength of the Regular Army, does he not?

Mr. McKELLAR. Yes; and if this amendment should be adopted they can be changed.

Mr. WADSWORTH. Are they not the sections to amend, then?

Mr. McKELLAR. The question has not been finally determined; the bill has simply been read for committee amendments, and it is now open to further amendment.

Mr. WADSWORTH. Oh, the Senator does not answer the question.

Mr. McKELLAR. The strength of the Army is fixed at 300,000 in the amendment, and if the amendment is adopted the other sections can be correspondingly amended.

Mr. WADSWORTH. Yes; but will not that necessitate a complete reallotment of the branches of the service?

Mr. McKELLAR. It will necessitate a changing of the bill precisely as the striking out of the provision for compulsory universal military training necessitated changing various parts of the bill.

Mr. WADSWORTH. Again the Senator is mistaken.

Mr. McKELLAR. Nearly a hundred amendments were offered by the Senator from New Jersey, with a view simply to striking out of the bill the provisions in regard to universal military training.

Mr. WADSWORTH. That was not the point under discussion at all; the Senator from Tennessee is elusive. The fact is that the amendments of the Senator from New Jersey had no effect upon the strength of the Regular Army; they did not touch it. The amendment offered by the Senator from Tennessee does; it is intended to; but, instead of reaching the question in those sections where the strength of the Army is fixed, he reaches it by another and new section, and I do not know which section is going to control. I have some regard for the form of legislation; the Senator from Tennessee has not.

Mr. McKELLAR. Mr. President, of course the question here is whether or not we are going to adopt compulsory education in the Regular Army. If we adopt it, then it will be easy enough, as the Senator from New York and as every other Senator in this body knows, to make the bill conform to that provision. The question that I am trying to get a vote on is whether or not we are going to have compulsory education in the Army; the details can be easily arranged.

Mr. WADSWORTH. Does the Senator believe that no man should serve in the Army more than three years?

Mr. McKELLAR. I think so; I think just as the Senator from Minnesota [Mr. NELSON] so well stated on Friday last in discussing the bill generally, that the term of service should be, as he put it, for one year and then the soldier should be graduated into the reserves. My amendment provides a little different arrangement, but is in line with what the Senator from Minnesota argued for.

Mr. WADSWORTH. Then, the Senator does not want any more of the old-time noncommissioned officers?

Mr. McKELLAR. Provision is made in the amendment for noncommissioned officers such as may be necessary for training the young men as they come into the Army.

Mr. WADSWORTH. But they are included in the 300,000.

Mr. McKELLAR. Not at all.

Mr. WADSWORTH. Well, I give it up, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Tennessee as modified.

Mr. McKELLAR. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Harris	McNary	Smith, Ariz.
Beckham	Harrison	Moses	Smith, Md.
Capper	Jones, Wash.	Myers	Smoot
Chamberlain	Kellogg	Nelson	Spencer
Colt	Kendrick	New	Swanson
Cummins	Kenyon	Nugent	Thomas
Curtis	Keyes	Page	Trammell
Dial	Kirby	Phipps	Wadsworth
Glass	Lenroot	Poindexter	Warren
Gronna	Lodge	Pomerene	
Hale	McKellar	Sheppard	

Mr. DIAL. I desire to announce the absence of my colleague [Mr. SMITH of South Carolina] on account of illness in his family. I ask that this announcement may stand for the day.

Mr. GRONNA. I wish to announce that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is unavoidably absent, due to illness.

Mr. McKELLAR. I desire to announce that the junior Senator from Rhode Island [Mr. GERRY], the senior Senator from Nevada [Mr. PITTMAN], the senior Senator from North Carolina [Mr. SIMMONS], and the junior Senator from North Carolina [Mr. OVERMAN] are absent on official business.

The PRESIDENT pro tempore. Forty-three Senators have answered to their names. There is not a quorum present. The Secretary will call the roll of the absent Members.

The Assistant Secretary called the names of the absent Senators, and Mr. EDGE and Mr. MCCORMICK answered to their names when called.

The PRESIDENT pro tempore. Forty-five Senators have answered to their names. There is not a quorum present.

Mr. WADSWORTH. I move that the Sergeant at Arms be directed to request the presence of absent Senators.

The motion was agreed to.

The PRESIDENT pro tempore. The Sergeant at Arms will execute the order of the Senate.

Mr. WOLCOTT, Mr. STERLING, Mr. FRELINGHUYSEN, Mr. BRANDEGEE, and Mr. POMERENE entered the Chamber and answered to their names.

The PRESIDENT pro tempore. Fifty Senators have answered to their names. There is a quorum present. The question is upon the amendment offered by the Senator from Mississippi [Mr. HARRISON] to the amendment offered by the Senator from Tennessee [Mr. MCKELLAR].

Mr. HARRISON. Mr. President, may we have the amendment reported, so that Senators will know what they are about to vote upon? I do not ask that the whole amendment offered by the Senator from Tennessee be read. As I understand it, his amendment provides for compulsory education in the Army,

and the amendment which I have proposed to his amendment provides that soldiers shall be given the opportunity to be educated, if they desire.

The PRESIDENT pro tempore. The Secretary will report the amendment to the amendment.

The ASSISTANT SECRETARY. The Senator from Mississippi proposes to strike out the word "required" in the proposed amendment of the Senator from Tennessee, and to insert in lieu thereof the words "given the opportunity," so that it will read:

In addition to military training, soldiers while in active service shall hereafter be given the opportunity to study and receive instruction of not less than three hours per day in any scholastic week of five days.

On a division, the amendment to the amendment was agreed to.

The PRESIDENT pro tempore. The question now is upon the amendment offered by the Senator from Tennessee [Mr. MCKELLAR] as amended.

Mr. WADSWORTH. Mr. President, I hope the amendment will be rejected.

Mr. MCKELLAR. On that I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. SMOOT. Mr. President, I can not see why the Senate should adopt this amendment. It should be rejected for the very reason that the law now provides for what is proposed to be accomplished by the amendment; and not only that, but appropriations have been made to carry it into effect, and there are over 50,000 private soldiers now receiving this education.

Mr. WADSWORTH. The Senator from Utah is absolutely correct. It is now the law.

The amendment was rejected.

Mr. WADSWORTH. Mr. President, does the Senator from Tennessee desire to press his motion to strike out all the sections providing for the voluntary system?

Mr. MCKELLAR. Yes; and on that motion I ask for the yeas and nays.

The PRESIDENT pro tempore. Upon what amendment does the Senator from Tennessee ask for the yeas and nays?

Mr. MCKELLAR. On the original amendment I offered to strike out the voluntary system.

The PRESIDENT pro tempore. The Chair is advised that the Senator from Tennessee withdrew the original amendment offered by him and that there is nothing now before the Senate.

Mr. MCKELLAR. If that is the case, I offer it again in its original form.

Mr. SMITH of Arizona. A parliamentary inquiry, Mr. President.

The PRESIDENT pro tempore. The Senator will state it.

Mr. SMITH of Arizona. I ask if the purpose of the motion of the Senator from Tennessee would not in effect be reached when it comes to concurring in the amendment as amended? Then those who are opposed to that amendment with the voluntary system in it can vote against it. It seems to me the question to strike out would arise naturally on the question as to whether the amendment made as in Committee of the Whole should be concurred in or defeated.

Mr. LENROOT. Mr. President, I will remind the Senator that it is not a motion to strike out and insert; it is a motion perfecting the original text, so that it would not be true that there would be a vote upon it in the Senate.

The PRESIDENT pro tempore. As the matter stands now, the original text was amended by the amendments offered by the Senator from New Jersey [Mr. FRELINGHUYSEN], and the Senate has just rejected the amendment offered by the Senator from Tennessee [Mr. MCKELLAR]. The Chair now understands the Senator from Tennessee offers another amendment, which the Secretary will state.

The ASSISTANT SECRETARY. The Senator from Tennessee moves as an amendment to strike out those sections pertaining to military training, sections 51, 52, 53, 54, 55, 58, 59, 60, 65, and 76——

Mr. WADSWORTH. Section 76 has already been stricken from the bill.

Mr. MCKELLAR. Then I want to perfect my motion by omitting section 76.

The PRESIDENT pro tempore. The amendment will be so modified. Upon his amendment as modified the Senator from Tennessee demands the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BECKHAM (when his name was called). I have a general pair with the senior Senator from West Virginia [Mr. SUTHERLAND] on this question, but I am told by him that if he were present he could vote as I would vote. I am therefore at liberty to vote and I vote "nay."

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. KNOX]. I understand that if present he would vote as I am about to vote, and I take the liberty of voting "nay."

Mr. EDGE (when his name was called). I have a general pair with the junior Senator from Oklahoma [Mr. OWEN]. He is absent and I withhold my vote. If permitted to vote, I would vote "nay."

Mr. FRELINGHUYSEN (when his name was called). I have a general pair with the junior Senator from Montana [Mr. WALSH]. I transfer that pair to the junior Senator from West Virginia [Mr. ELKINS] and vote "nay."

Mr. GLASS (when his name was called). I have a general pair with the senior Senator from Illinois [Mr. SHERMAN], which I transfer to the Senator from Kentucky [Mr. STANLEY] and vote "nay."

Mr. HARRIS (when his name was called). I have a pair with the Senator from New York [Mr. CALDER] and in his absence withhold my vote.

Mr. KELLOGG (when his name was called). I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS] which I transfer to the Senator from West Virginia [Mr. SUTHERLAND] and vote "nay."

Mr. KENDRICK (when his name was called). I have a general pair with the Senator from New Mexico [Mr. FALL] which I transfer to the Senator from Utah [Mr. KING] and vote "nay."

Mr. MCCORMICK (when his name was called). I have a standing pair with the junior Senator from Nevada [Mr. HENDERSON]. If he were present, I am advised that he would vote as I am about to vote, and therefore I vote "nay."

Mr. MOSES (when his name was called). I have a general pair with the Senator from Louisiana [Mr. RANSDELL]. In his absence I withhold my vote. If permitted to vote, I would vote "nay."

Mr. MYERS (when his name was called). The Senator from Connecticut [Mr. MCLEAN], with whom I have a pair, being absent, I transfer my pair to the Senator from Massachusetts [Mr. WALSH] and vote "nay."

Mr. SMITH of Maryland (when his name was called). I have a general pair with the Senator from Vermont [Mr. DILLINGHAM]. In his absence I withhold my vote.

Mr. SPENCER (when his name was called). I have a general pair with the junior Senator from New Mexico [Mr. JONES], but under the arrangement which I have with him I feel at liberty to vote. I vote "nay."

Mr. STERLING (when his name was called). I have a general pair with the Senator from South Carolina [Mr. SMITH] which I transfer to the Senator from Vermont [Mr. PAGE] and vote. I vote "nay."

Mr. THOMAS (when his name was called). I transfer my general pair with the senior Senator from North Dakota [Mr. MCCUMBER] to the junior Senator from Rhode Island [Mr. GERRY] and vote "nay."

Mr. WARREN (when his name was called). I have a general pair with the junior Senator from North Carolina [Mr. OVERMAN]. I understand that that Senator has not voted. I therefore withhold my vote. If permitted to vote, I would vote "nay."

The roll call was concluded.

Mr. EDGE. I transfer my general pair with the junior Senator from Oklahoma [Mr. OWEN] to the junior Senator from Pennsylvania [Mr. KNOX] and vote "nay."

Mr. KIRBY. I have a general pair with the senior Senator from Wisconsin [Mr. LA FOLLETTE], who is absent on account of illness. I do not know how he would vote if present. I transfer my pair to the senior Senator from Oklahoma [Mr. GORE] and vote "yea."

Mr. GRONNA. I desire to announce that the senior Senator from Nebraska [Mr. NORRIS] is absent on official business. If present, he would vote "yea."

I also desire to announce that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is absent on account of illness. If he were present and not paired, he would vote "yea."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Maine [Mr. FERNALD] with the Senator from South Dakota [Mr. JOHNSON];

The Senator from Ohio [Mr. HARDING] with the Senator from Alabama [Mr. UNDERWOOD];

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS];

The Senator from Michigan [Mr. TOWNSEND] with the Senator from Arkansas [Mr. ROBINSON]; and

The Senator from Massachusetts [Mr. LODGE] with the Senator from Georgia [Mr. SMITH].

Mr. McKELLAR. The Senator from Nevada [Mr. PITTMAN], the Senator from Rhode Island [Mr. GERRY], the junior Senator from North Carolina [Mr. OVERMAN], and the senior Senator from North Carolina [Mr. SIMMONS] are absent on official business.

The roll call resulted—yeas 9, nays 37, as follows:

YEAS—9.

Borah	Harrison	McKellar	Swanson
Dial	Kirby	Reed	Trammell
Gronna			

NAYS—37.

Ashurst	Frelinghuysen	McNary	Smoot
Beckham	Glass	Myers	Spencer
Brandegee	Hale	Nelson	Sterling
Capper	Jones, Wash.	New	Thomas
Chamberlain	Kellogg	Nugent	Wadsworth
Colt	Kendrick	Phipps	Watson
Cummins	Kenyon	Poindexter	Wolcott
Curtis	Keyes	Pomerene	
Edge	Lenroot	Sheppard	
France	McCormick	Smith, Ariz.	

NOT VOTING—50.

Ball	Harris	Newberry	Smith, Ga.
Calder	Henderson	Norris	Smith, Md.
Comer	Hitchcock	Overman	Smith, S. C.
Culberson	Johnson, Calif.	Owen	Stanley
Dillingham	Johnson, S. Dak.	Page	Sutherland
Elkins	Jones, N. Mex.	Penrose	Townsend
Fall	King	Phelan	Underwood
Fernald	Knox	Pittman	Walsh, Mass.
Fletcher	La Follette	Ransdell	Walsh, Mont.
Gay	Lodge	Robinson	Warren
Gerry	McCumber	Sherman	Williams
Gore	McLean	Shields	
Harding	Moses	Simmons	

The PRESIDENT pro tempore. Upon this question the yeas are 9 and the nays are 37, and 4 Senators, namely, Senators HARRIS, MOSES, SMITH of Maryland, and WARREN, have announced pairs. There is a quorum present.

So Mr. McKELLAR's amendment was rejected.

Mr. HARRISON. I offer an amendment and ask that it may be printed.

The PRESIDENT pro tempore. The amendment will be printed and lie on the table.

Mr. LENROOT. I ask unanimous consent to have two amendments printed which I send to the desk.

The PRESIDENT pro tempore. They will lie on the table and be printed.

Mr. WADSWORTH. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, April 13, 1920, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *April 12, 1920.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We lift up our hearts in gratitude to Thee, our Father in heaven, for the manifold blessings Thou hast bestowed upon us. Not least of these is a Government of the people, by the people, for the people, which guarantees to each man the right to think his own thoughts, live his own convictions, worship Thee according to the dictates of conscience, and do unto others as he would be done by.

Though the world is full of sin, good abounds. Though there are evils, right prevails; hate, though love is in the ascendency; much sorrow, though happiness is the normal.

Guide us by the spirit of grace that perfection may at last obtain in each man's heart, to the glory of Thy holy name. In the spirit of Christ the Lord. Amen.

The Journal of the proceedings of Saturday, April 10, 1920, was read and approved.

DEPORTATION OF ALIENS.

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent to address the House for five minutes in respect to some matters of deportation.

The SPEAKER. The gentleman from Washington asks unanimous consent to address the House for five minutes in respect to matters of deportation. Is there objection?

There was no objection.

Mr. JOHNSON of Washington. Mr. Speaker, I desire to call the attention of the House to the present situation concerning certain deportation cases. I wish to call attention to the fact that this morning, if the Nickle Plate train from Chicago was on time, there arrived in New York from New Orleans one Paul Bosco, who is, in my opinion, a dangerous alien, an anarchist, and an enemy of this country. The evidence against this man was such that in New Orleans his application for release on bond was denied. Appeals were made to let him out on $500 bond and denied. These appeals were made by New York attorneys who devote much time to the interests of Socialists, I. W. W's, and anarchists. Next the appeal was made to have the bond fixed at $1,000, and to have the alien transferred to New York. Finally on the matter of the appeal the case was taken over by another attorney, Mr. Weinberger, on the belief that the first attorney was offensive to the Department of Labor. Weinberger, who continuously represents anarchists, got this fellow's bond reduced to $1,000, the bond to be placed at Ellis Island, New York, the man to be transferred from New Orleans to New York at Government expense, and there to be released on that bond, there to connive and bring about proceedings that will keep him in the country, even though he said at his hearing that he did not care to have an attorney; that he was perfectly willing to be deported; even though he stood up in the court room at Morgantown, W. Va., after he had been convicted, and said that he hoped the red flag would replace the Stars and Stripes in the United States at an early date.

Mr. BLANTON. Mr. Speaker, by whose order was that?

Mr. JOHNSON of Washington. By order of the Assistant Secretary of Labor.

Mr. BLANTON. Mr. Post.

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent to insert a digest of that file and some other matters in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. JOHNSON of Washington. I shall put that digest at the end of my remarks, together with some explanatory comment, so all may see the processes by which these fellows are protected. This alien, Bosco, believes in force against the Government. He wants the red flag in place of the Stars and Stripes. And yet, Mr. Speaker, I say that it is more than an even bet that he will never be deported from the United States.

Mr. BLANTON. That is what I have been telling the gentleman for months.

Mr. JOHNSON of Washington. We have plenty of law. Something is the matter with the execution of it. When there is doubt, the decision is against the Government.

According to the newspapers on Saturday morning, the Assistant Secretary of Labor, in the case of Thomas Truss, of Baltimore, arrested as a communist and ordered deported, has ordered Truss released. He referred to this case at length as typical of the thousands which he will be called upon to decide, and will, I suppose, release ninety-five out of every one hundred thereof. The question hangs on whether Truss was a member of the Russian Workers, and the evidence shows that Truss was in and out of the I. W. W. and in and out of the Russian Workers' Associations, also a church member, and that while he was out of the Russian Workers probably at the time of his arrest he was then the instrument in the city of Baltimore for bringing communist organizers and I. W. W. agitators to Baltimore. In other words, he is, in my opinion, an undesirable alien in the United States and of the very type that is working day and night to undermine this Government and preach its overthrow by force. One can split hairs on these cases until the law itself is forgotten.

In conclusion, let me say that it has been stated in one or two newspapers that the chairman of the Immigration Committee and the Sergeant at Arms of the House have removed papers from the files of the Department of Labor in certain deportation cases, and particularly in the case of Martens, the so-called Russian ambassador. I want to state that that is not the fact at all. The committee has not called for or even looked at the papers in the case of Martens. The committee is examining other papers at the department. The rule down there is that Members of Congress, individually, can not take out papers. I never heard of a Member of Congress being able to secure even copies of papers, notwithstanding the fact that these attorneys for anarchists have no difficulty at all in having copies made of complete files for their use against the Government. I find further that when these deportation cases are decided, it is stated in these records that if there is any doubt, the benefit of the doubt is given to the alien and against the United States Government.

Mr. GARNER. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. GARNER. Will the gentleman give the House some information as to who is responsible for the policy wherein an attorney for an alien can get copies of papers and a Congressman can not even get copies?

Mr. JOHNSON of Washington. I do not know that Congressmen can not get copies. I can not get copies.

Mr. GARNER. Who is responsible for that?

Mr. JOHNSON of Washington. I find that in certain cases that I have asked for the papers are lost.

Mr. GARNER. But the gentleman does not answer my question. If the gentleman can give the House the information, the House ought to know it. Who is responsible in that department for the policy that enables one man to get copies and another man not to get copies?

The SPEAKER. The time of the gentleman from Washington has expired.

Mr. BLANTON. Mr. Speaker, I ask that his time be extended for three minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. JOHNSON of Washington. In answer to the question, it is my opinion that the Department of Labor is being bored from within.

Mr. GARNER. But that is not a clear statement. I want to get down to who is who and to put my finger on him. The gentleman is dealing with the Department of Labor. Who is responsible in the Department of Labor for the policy that enables one man to get a copy of a paper and that a Congressman can not get a copy of the same paper?

Mr. JOHNSON of Washington. I do not know just who is responsible for that.

Mr. GARNER. That is the trouble. Has not the gentleman's committee power to investigate that?

Mr. JOHNSON of Washington. I think so.

Mr. GARNER. Then, you ought to find it out.

Mr. BLANTON. I want to ask the distinguished chairman of the committee, who has this matter under investigation, in his opinion, what per cent of this Department of Labor is socialist, what per cent is communist, and what per cent anarchist?

Mr. JOHNSON of Washington. Well, I can not divide it.

Mr. GARNER. That is a matter of opinion.

Mr. JOHNSON of Washington. And I am not giving an opinion.

Mr. GARNER. I do not think that is worth a great deal, but, as a matter of fact, he who is responsible is the one, I think, can be ascertained by the gentleman.

Mr. JOHNSON of Washington. Let me explain the situation. Here is the Department of Justice making a number of arrests, 2,700 or more, for deportation. The cases are turned over to the Department of Labor. The Commissioner of Immigration recommends deportation. The Assistant Secretary of Labor cancels the warrant. The Department of Justice can not make a charge against another department of the Government, or does not want to. But, if it answers the gentleman, here is the Department of Labor, through the Assistant Secretary, Mr. Post, resolving in favor of the alien wherever he can. The net result is that the large amount of money authorized by this Congress to be placed in the Department of Justice for arrest of radical and revolutionary persons has gone for little, and the further great amount placed in the hands of the Department of Labor for the deportation of such undesirable aliens has likewise gone for little. The law says the decision of the Secretary shall be final.

Mr. GARD. Will the gentleman yield?

Mr. JOHNSON of Washington. I will.

Mr. GARD. The gentleman does not intend to say it is the policy of the Department of Labor which prevents Members of Congress from getting a paper or papers but which permits counsel for the defense to get them?

Mr. JOHNSON of Washington. No. What I said was that the policy is that an individual request for files to be taken out by Members of Congress could not be granted.

Mr. GARD. But there is no policy which keeps them from a Member of Congress and gives them to an attorney for the defense?

Mr. JOHNSON of Washington. I suppose the papers are open to anyone who will go and see for themselves if they can find them. They are pretty hard to find. Attorneys for these radicals get copies made for them.

Mr. CLARK of Missouri. Has it not always been the policy of the department not to allow papers on file to be taken out?

Mr. JOHNSON of Washington. I think so.

Mr. CLARK of Missouri. Somebody came to me a few days ago and told me that a subcommittee of the Committee on Immigration was going to take the Sergeant at Arms and go down and gobble up a lot of documents, and I told them they had better keep out of it, that they had no right to do it.

Mr. JOHNSON of Washington. It has not been done, and was not proposed to be done in that manner.

Mr. CLARK of Missouri. They could issue a subpœna duces tecum on one of these fellows and make him bring the papers before the committee.

Mr. JOHNSON of Washington. The matter has not reached that stage. These files appear to be at loose ends. To take others out would make a further mess of them. What the committee particularly wanted was some files in relation to certain cases from the Pacific Northwest of aliens cited for deportation, taken to New York, released, and returned to that country. Some were placed at liberty to report to the inspector. The minute they were placed at liberty they got on box cars and left for other parts to continue their work of preaching revolution and destruction. Some have been rearrested. Some will be sent to New York again. All at Government expense.

Mr. GARNER. Mr. Speaker, let us see if I can get it in the RECORD. I want to find out why somebody has not taken action with reference to the Department of Labor and the individual who is responsible for certain policies. I want to see if I get the gentleman's statement correctly. If I understand the gentleman, he thinks the policy of the Department of Labor is to permit attorneys for aliens to go there and get copies of papers?

Mr. JOHNSON of Washington. No; I will tell you exactly what I said.

Mr. GARNER. The gentleman made that statement.

Mr. JOHNSON of Washington. No; I said it was stated to me that a Member of Congress could not take out papers——

Mr. GARNER. The gentleman stated——

Mr. JOHNSON of Washington. I did say—and I will tell the gentleman what I did say—that it seemed possible for attorneys representing, in my opinion, dangerous aliens to get copies of any papers they wanted.

Mr. GARNER. Exactly. Now, may I get the other statement the gentleman makes, so as to verify that; and if the gentleman will verify that, and as a matter of fact locate the individual, it is possible we may get some rectifying action, because there is an executive branch yet in existence and some people control these men. There is a further charge made by the gentleman that the Department of Labor has resolved the doubt in favor of aliens, anarchists, and——

Mr. JOHNSON of Washington. As a matter of record, wherever there was a doubt they have resolved it in favor of the aliens.

Mr. GARNER. In other words, there is an intimation coming from the gentleman's suggestion that the Department of Labor is not being properly administered in reference to these cases of aliens brought up for deportation. Is that correct?

Mr. JOHNSON of Washington. Not an intimation but a statement that the policy is, in case of doubt, to favor the aliens.

Mr. GARNER. If it is being improperly administered and the gentleman's committee is busy ascertaining that those are facts and will act, I will join, and I think many Members over here will join the gentleman in doing what we can to rectify such a condition and reduce such expenditures.

Mr. JOHNSON of Washington. I thank the gentleman.

Mr. McARTHUR. Will the gentleman yield for one question?

Mr. JOHNSON of Washington. I will.

Mr. McARTHUR. Why not transfer this matter to the Department of Justice, where it properly belongs? [Applause.]

Mr. JOHNSON of Washington. Well, that matter is being considered by the Committee on Immigration and Naturalization. It involves a great deal more than appears at first thought. [Applause.]

Under leave granted, I present an analysis of the case of Paul Bosco, an alien, Bureau of Immigration file No. 54616-242.

Bosco was born in the southern part of Russia, close to the German frontier.

The case, it seems, originated, in so far as the Department of Labor, Bureau of Immigration, is concerned, with a personal letter written by United States District Attorney Stuart W. Walker, at Martinsburg, W. Va., dated June 4, 1919, and addressed to Hon. A. Mitchell Palmer, Attorney General, which reads as follows:

Permit me to express my very great delight in learning from the papers that the dastardly attempt on your life and that of your family was only an attempt and that no harm befell you or yours. At the same time of the expression of this gratification on my part, I hope it will not be regarded as amiss or improper on my part to call your attention to a case from my district disposed of on the 18th

day of January, 1918, of the United States against Paul Bosco. Bosco came to this country from the southern part of Russia, on the German border.

On inquiry from the department under date of February 27, 1919, which doubtless is in your files, I undertook to give a history of this man as gathered by me in this trial, in opposition to a commutation of his sentence or pardon. I have since learned through the press that this man has either been pardoned or his sentence reduced, and my mind necessarily goes back to this case on learning the dastardly attempt on your life by some one the other night. One of the men implicated with this Bosco, by the name of Frank Johnson, and on whom I have abundance of evidence to convict, is a fugitive from justice. I have traced him through Ohio to New York, but have been unable to locate him.

Bosco is such a dangerous character, and was so considered by the labor organization in Morgantown, this district, where he committed the overt acts against the Government, and for which he was convicted, that he was ejected bodily from the labor organization's headquarters and his former associates came in numbers to Parkersburg, where he was tried, and testified against him. They were so apprehensive of the dastardliness of this man and his associates that they warned the marshal of this district that danger might exist for me in the trial of the case if any bitter denunciations should be used against Bosco. The marshal therefore stationed through the court room his deputies in order to forestall any attempt that might be made by this man's associates.

I did not hesitate in vigorously going after him and his kind in the argument of the case, and the jury very promptly convicted him. At the time of his sentence, as reported in my letter of February 27 last, he defiantly in that crowded court room announced to the court that he hoped that when he would be released from the Atlanta Penitentiary he would find the red flag waving over the American flag.

I simply give you these facts, not in complaint of his sentence having been reduced or his having been pardoned, as I have no right to do so, and I want to be understood as not in the slightest complaining; what I want to suggest is that this man, in the event of his not having yet been released from the Atlanta Penitentiary, be immediately deported. I have no question as to his dangerous tendencies, nor have I any question as to the dangerous tendencies of this man Johnson, whom I have not been able to locate. The third man who was indicted with these two men was a citizen of German extraction from Morgantown, this district, and was defended and cleared by Mr. Stedman, of Chicago, who was sent there to defend him. Gneiser is the man referred to as being defended by Stedman. Gneiser may have been properly acquitted, because he showed remarkable shrewdness in his conduct with Bosco and Johnson, always putting them to the fore, and not implicating himself in any open way in the presence of witnesses. After he was acquitted he removed from Morgantown to Ohio.

I have letters in this office that the man Johnson wrote to Bosco, advising him to go to Ohio and register under the draft under the name of his brother, and then get passports in his brother's name, and leave this country. He told Bosco that he so much resembled his brother that he could take his brother's photograph and fool the Government authorities, and in this way get away.

I do not know if this man Johnson has any connection with this bunch of anarchists in the East or not. We do know that after he went from Morgantown that he drifted through Ohio and then went to New York, where he had secured a scholarship in a socialist school in New York, or a school of kindred character.

I am worrying you with all these details because it might throw some light on the investigations the papers say the department is making, and I do urge, if it not be improper by reason of which I have learned and know of Bosco, that if he is pardoned or his sentence has been reduced, as the papers have indicated, that he is a fit subject for deportation. I have no question about his anarchistic tendencies, and his open defiance was illustrated in court.

This letter, or a copy of same, was transmitted to the Secretary of Labor under date of June 17, 1919, by Claud R. Porter, Assistant Attorney General, with a letter from Mr. Porter, reading as follows:

I have the honor to transmit herewith for your consideration a copy of a letter from the United States Attorney at Martinsburg, W. Va., with respect to one Paul Bosco, who is now serving a term of two years in the Atlanta Penitentiary for violation of the espionage act. Bosco is of strong anarchistic tendencies, and while he was sentenced to 10 years' imprisonment, the same has been commuted by the President to two years.

Bosco's term will expire on September 1, 1919, and in view of his anarchistic tendencies it is suggested that steps be taken to have him deported promptly upon his release from the Atlanta Penitentiary on September 1. Mr. Walker, the district attorney, in a personal interview with officials of this department, laid stress upon the bad character of this man.

The letter from Mr. Porter in the Immigration files bears the following indorsement written across the face in ink:

June, 1918: Issue W/A Anarch, Anarchize, Anarcotem, Anotoid, Disbeliever. Send to Jacksonville with copy of this letter and its inclosure.

The five words in this memorandum are code words for various charges to be contained in the warrant of arrest, same pertaining to anarchists, disbelievers in government, etc.

The formal warrant of arrest was issued June 20, 1919, signed by Acting Secretary Abercrombie, and reads as follows:

No. 54616/242. Incl. 702.

UNITED STATES OF AMERICA,
DEPARTMENT OF LABOR,
Washington.

To Thomas V. Kirk, inspector in charge, Jacksonville, Fla., or to any immigrant inspector in the service of the United States.

Whereas, from evidence submitted to me, it appears that the alien, Paul Bosco, who landed at an unknown port on or about the 1st day of January, 1916, has been found in the United States in violation of the act approved October 16, 1918, for the following, among other, reasons: That he is an alien anarchist; that he believes in the overthrow by force or violence of the Government of the United States; that he believes in the overthrow by force or violence of all forms of law; that he advocates the overthrow by force or violence of all forms of law; and that he disbelieves in all organized government.

I, John W. Abercrombie, Acting Secretary of Labor, by virtue of the power and authority vested in me by the laws of the United States, do hereby command you to take into custody the said alien and grant him a hearing to enable him to show cause why he should not be deported in conformity with law.

The expenses of detention hereunder, if necessary, are authorized, payable from the appropriation "Expenses of regulating immigration, 1919." Pending further proceedings the alien may be released from custody upon furnishing satisfactory bond in the sum of $1,000.

For so doing, this shall be your sufficient warrant.

Witness my hand and seal this 20th day of June, 1919.

_____,
Acting Secretary of Labor.

[Exact copy as signed by John W. Abercrombie, mailed June 20, 1919.]

The same was transmitted under date of June 20, 1919, to the inspector in charge at Jacksonville, Fla., with the following memorandum:

The bureau transmits herewith formal warrant of arrest issued today for Paul Bosco, who is at present an inmate of the Federal Penitentiary at Atlanta, Ga. A copy of a letter from the Assistant Attorney General, with its inclosure, is also inclosed.

A hearing on the warrant of arrest under deportation proceedings was granted the alien, Paul Bosco, by Immigration Inspector Thomas V. Kirk at the United States Penitentiary in Atlanta, Ga., under date of June 25, 1919. Bosco at that time was serving a sentence for violation of the espionage act. A copy of the testimony adduced at the hearing follows:

Alien sworn:

Q. What is your name?—A. Paul Bosco.

Q. Have you ever been known by any other name?—A. No.

Q. My object in coming here is to give you an opportunity to show cause why you should not be deported at the expiration of your prison sentence. I have a warrant for your arrest signed by John W. Abercrombie, Acting Secretary of the Department of Labor, dated June 20, 1919, No. 54616/242, the charge against you reading as follows: "That he is an alien anarchist; that he believes in the overthrow by force or violence of the Government of the United States; that he believes in the overthrow by force or violence of all forms of law; that he advocates the overthrow by force or violence of all forms of law; and that he disbelieves in all organized government." You are entitled to be represented by an attorney at this hearing.—A. I do not think it necessary to have an attorney.

Q. Then, do you waive all right for an attorney and are you ready for the hearing to proceed?—A. Yes.

Q. I hand you the warrant which you will please read.—A. (Alien reads the warrant carefully and says:) I am not an anarchist. I did not know just what anarchy was until I was accused of it. After I was accused of it I read up and studied on it to find out what anarchy was, and I must say after informing myself I have no objections to anarchists or their principles, as the Constitution of the United States does not forbid anarchistic propaganda or anarchistic doctrines.

Q. Does your understanding of anarchy agree with anarchy or the definition of anarchists as given in the United States immigration law and as set forth specifically in the charge against you in the warrant which you have just read?—A. (Alien carefully reads charge in the warrant, then hesitates for some little time and says:) I do not believe in the overthrow of law, but whenever laws are against the people I see no reason why the people should not resist their enforcement by force if it is attempted to enforce the law by force. Whenever Congress passes a law that is contrary to the interests of the people and contrary to the rights guaranteed by the Constitution, then the people are justified in resisting the enforcement of such a law in any way they can—this to uphold their constitutional rights. I think it is the duty of every workingman to take this position.

Q. Of what country are you a citizen or subject?—A. I was born in Russia.

Q. How old are you?—A. I am 27 years old.

Q. When did you first come to the United States?—A. In 1911, from Russia, and landed at Hoboken, N. J., January, 1911, on the *Kaiserin August Victoria.*

Q. Have you ever taken any steps to become a citizen of the United States or any other country?—A. Yes; I got my "first papers" for United States citizenship at Moundsville, W. Va., in 1914.

Q. Have you ever gotten full citizenship papers?—A. No, sir.

Q. Why not?—A. Just neglect.

Q. Are you married?—A. No.

Q. Have you any relatives in the United States?—A. Yes; a brother, George Bosco, 510 Morgan Avenue, Brooklyn, N. Y.

Q. Does he have the same ideas about Government that you have?—A. I don't know what he believes.

Q. When you first came to the United States how much money did you bring?—A. About $60. Brought nothing else to amount to anything.

Q. How much money have you now?—A. About $30. I left some property in Russia, but don't think it in such shape that I could get anything out of it now.

Q. What is your occupation?—A. I have been a glass cutter since I was about 14 years old. For a few months before I was arrested I was in business for myself, selling ice cream and drinks at Morgantown, W. Va.

Q. Why were you arrested?—A. I was arrested at Morgantown, W. Va., for distributing leaflets; the subject of the leaflets was "The Price We Pay."

Q. By what organization was this leaflet gotten up?—A. By the Socialist Party.

Q. Did you distribute any of the leaflets?—A. I sold some socialistic propaganda, as we usually do.

Q. What do you mean by "we"?—A. I mean Socialists.

Q. Just what kind of propaganda did you sell?—A. They did not make any charge against me for selling literature. The charge against me was for distributing the leaflet "The Price We Pay," which was an argument against world militarism.

Q. For what offense were you tried and convicted and sent to this prison?—A. As I understand it, I was arrested and convicted and sent

here for distributing the leaflet "The Price We Pay." This leaflet was written by John Santuckner, of Chicago, I think, about 1915.

Q. When were you convicted?—A. I was convicted at Parkersburg January 16, 1918.

Q. When did you first become identified with anarchists?—A. I never was identified with an organization of that kind.

Q. When you were convicted at Parkersburg for how long were you sentenced?—A. For 10 years.

Q. When your sentence and term in penitentiary for 10 years was announced in the crowded court at Parkersburg did you not state defiantly that you hoped that when you were released from the penitentiary that you would find the red flag waving over the American flag?—A. Yes; I said that.

Q. Do you still hope that?—A. Yes.

Q. And you don't call that anarchy?—A. I don't call that anarchy because the red flag is an international emblem.

Q. You have been living in this country how long?—A. About eight years.

Q. And you think you are better qualified to say what kind of a flag we should have and what kind of laws Congress should make than our best statesmen who were born in this country?—A. I don't mean especially for this country, but for the world.

Q. Then you claim you are better qualified to say what kind of laws the world should have than our President and our Congressmen?—A. I say this because the Constitution of the United States gives every man of the United States a right to express his opinion; but before I said this I carefully looked over the Constitution of the United States and it does guarantee free speech, free press, and free assemblage.

Q. After being in this country seven years you regard yourself a first-class constitutional lawyer and presume to know more about the Constitution than our President and our best Congressmen, do you?—A. The Constitution is plain on free speech, free press, and free assemblage.

Q. Don't you think it would be better for a newcomer to this country to leave the interpretation of the Constitution and the laws of the country to properly constituted authority, rather than to place your own interpretation on these matters, at least until you become a citizen of the United States?—A. I think the Constitution guarantees freedom for foreign people the same as for United States citizens, therefore I try to exercise my privilege.

Q. The Constitution does not give sufficient liberty to aliens as well as to United States citizens, and if you would be satisfied with the same kind of liberty that I and all other United States citizens have I do not think you would be in this trouble, do you?—(No answer.)

Q. Were you not treasurer of the liberty defense fund before you were arrested at Morgantown?—A. Yes.

Q. Did you collect any money in that capacity; and, if so, how much?—A. Yes; I did. I suppose about $50 or $75.

Q. Just what was the object of this organization?—A. The object was to raise some money to help some of our comrades who had been arrested.

Q. What do you mean by your comrades, some more international and constitutional lawyers like yourself, people who would like to have the red flag flying instead of the United States flag?—A. Comrades who did enjoy their constitutional rights.

Q. Is there any further statement you would like to make as to why you should not be deported to Russia after your sentence expires here?—A. If the United States authorities are not willing for working men to exercise industrial democracy, then I would not object to going back to free Russia.

FINDING.

Alien came to the United States from Russia, landing at Hoboken, N. J., in January, 1911; declared his intention to become a citizen of the United States at Moundsville, W. Va., in 1914; was convicted for violation of the espionage act at Parkersburg, W. Va., in January, 1918, and given a sentence in the United States Penitentiary, Atlanta, Ga., for 10 years, which sentence has been reduced to 2 years. Sentence is due to expire in about 30 days. Alien says he does not belong to any organization of anarchists, but his declaration as to what he does believe in as to government and enforcement of law to my mind constitutes positive proof that he is an anarchist of the worst type, and it is recommended that he be deported as such at the expiration of his sentence.

In connection with this matter the department's special attention is called to a letter (copy inclosed) dated Morgantown, W. Va., June 4, 1919, from Stuart W. Walker, United States attorney, to the Hon. A. Mitchell Palmer, United States Attorney General.

THOS. V. KIRK,
Examining Inspector.

Under date of July 15, 1919, the record of the hearing accorded Bosco was transmitted to the Bureau of Immigration for the action of the Department of Labor, together with a letter from the inspector in charge at Jacksonville, Fla., recommending the alien's deportation, and reading as follows:

Referring to department warrant No. 54616/242, dated June 20, 1919, I am inclosing herewith record of hearing in the case of the alien, Paul Bosco, now detained in the United States penitentiary, Atlanta, Ga., whose term will expire in about 30 days.

For the reasons stated in the finding it is recommended that the alien be deported as an anarchist at the expiration of his prison sentence.

The record was reviewed by the law division of the Bureau of Immigration, and under date of July 21, 1919, a memorandum for the Acting Secretary was prepared and signed by A. Caminetti, Commissioner General of Immigration, stating:

The bureau is of the opinion that the alien's own statements and admissions clearly substantiate all of the charges in the warrant of arrest, and upon those grounds his deportation to Russia at Government expense is recommended when possible * * *; and it is further recommended that immediately upon his release—this means release from the penitentiary—he be taken into custody by this service and detained until his removal from the country can be accomplished.

This memorandum was approved by the Acting Secretary, and bears the notation in pencil as follows: "Where shall we hold him; New Orleans?"

While quoting another memorandum, it is desired to call particular attention to the above-quoted paragraph, which indicates the intention of holding this alien without bond until his deportation can be accomplished.

The memorandum now follows:

The above-named alien was arrested at the Federal prison, Atlanta, Ga., on the grounds that he is an alien anarchist; that he believes in the overthrow by force or violence of the Government of the United States; that he believes in the overthrow by force or violence of all forms of law; that he advocates the overthrow by force or violence of all forms of law; and that he disbelieves in all organized government.

This case arose as the result of the alien's conviction and sentence in the Federal courts at Parkersburg, W. Va., for violation of the espionage act, the sentence at first being 10 years in the above-named prison, but latter commuted to two years. He states that he was convicted and sentenced for distributing leaflets at Morgantown, W. Va., entitled "The Price We Pay," and that such leaflets were prepared by the Socialist Party; also that he sold other socialistic propaganda. He further admits that at the time sentence was pronounced in the crowded court room at Parkersburg, he stated defiantly that he hoped that when he was released from the penitentiary he would find the red flag waving over the American flag, and he still hopes that this may be the case. He evidently sets himself up as a constitutional authority, saying that he did not believe the above statement he made in the court room was anarchistic because the red flag is an international emblem. He was given an opportunity to read the warrant. After doing so he stated as follows: "I am not an anarchist. I did not know just what anarchy was until I was accused of it. After I was accused of it, I read up and studied on it to find out what anarchy was, and I must say after informing myself I have no objections to anarchists or their principles, as the Constitution of the United States does not forbid anarchistic propaganda or anarchistic doctrines. He was then asked if his understanding of anarchy agreed with the definition of anarchy as given in the United States immigration law and as set forth in the warrant of arrest, and replied, after considerable hesitation: "I do not believe in the overthrow of law, but whenever laws are against the people I see no reason why the people should not resist their enforcement by force, if it is attempted to enforce the law by force. Whenever Congress passes a law that is contrary to the interests of the people and contrary to the rights guaranteed by the Constitution, then the people are justified in resisting the enforcement of such a law in any way they can—this to uphold their constitutional rights. I think it is the duty of every workingman to take this position."

The alien has not taken out final citizenship papers and stated that he had not done so simply because of neglect. He says that he was treasurer of the liberty defense fund at Morgantown, W. Va., and during the period of his office collected about $75, the object of which was to assist some of his comrades who had been arrested.

In a letter to Attorney General Palmer, copy of which is made a part of the record, the United States attorney at Parkersburg, who prosecuted the alien under the espionage act, states that he is considered as a very dangerous man; that he was bodily ejected from the labor organization's headquarters at Morgantown, and that his former associates came in numbers to Parkersburg to testify against him; also that they considered him so dangerous that they warned the marshal of that district that danger might exist during the trial.

The bureau is of opinion that the alien's own statements and admissions clearly substantiate all of the charges in the warrant of arrest, and upon those grounds his deportation to Russia at Government expense is recommended, when possible. His term in the penitentiary will soon expire and it is further recommended that immediately upon his release he be taken into custody by this service and detained until his removal from the country can be accomplished.

Under date of July 24, 1919, the Assistant Commissioner General of Immigration, with the approval of the Acting Secretary of Labor, addressed the following letter to the Commissioner of Immigration at New Orleans:

The bureau transmits herewith, for your information, a copy of a formal warrant of deportation issued to-day for Paul Bosco. This alien is confined in the Federal penitentiary at Atlanta, Ga., but will be released from custody in about three weeks, at which time he will be delivered at your station by an officer detailed by the inspector in charge at Jacksonville for detention until after his deportation can be effected.

The expenses incident to such detention, including the expenses of delivering the alien at Ellis Island, New York Harbor, for deportation, as well as those of an attendant who will accompany him, if necessary, are authorized, payable from the appropriation "Expenses of regulating immigration, 1920."

It will be noted in this letter no provision is made for the release of this alien under bond. To the contrary, the instructions are to detain him until his deportation can be effected. The warrant for his deportation, dated July 24, 1919, reads as follows:

No. 24616/242 Incl. 2407.

UNITED STATES OF AMERICA,
DEPARTMENT OF LABOR,
Washington.

To FREDERIC C. HOWE,
Commissioner of Immigration,
Ellis Island, New York Harbor:

Whereas from proofs submitted to me, after due hearing before Immigrant Inspector in Charge Thomas V. Kirk, held at the Federal Penitentiary, Atlanta, Ga., I have become satisfied that the alien, Paul Bosco, who landed at the port of New York, N. Y., ex steamship *Kaiserin Auguste Victoria*, on or about the 15th day of January, 1911, has been found in the United States in violation of the act approved October 16, 1918, to wit:

That he is an alien anarchist; that he believes in the overthrow by force or violence of the Government of the United States; that he believes in the overthrow by force or violence of all forms of law; that he advocates the overthrow by force or violence of all forms of law; and that he disbelieves in all organized government, and may be deported in accordance therewith.

I, John W. Abercrombie, Acting Secretary of Labor, by virtue of the power and authority vested in me by the laws of the United States, do

hereby command you to return said alien to Russia, the country whence he came, at the expense of the appropriation "Expenses of regulating immigration, 1920." You are directed to purchase transportation for the alien from New York to such point in Russia as you may designate at the lowest available rate, payable from the above-named appropriation.

For so doing this shall be your sufficient warrant.

Witness my hand and seal this 24th day of July, 1919.

_____ _____,
Acting Secretary of Labor.

[Exact copy as signed by John W. Abercrombie, mailed July 25, 1919.]

Under the same date the formal notice of the issuing of said warrant of deportation was forwarded to the inspector in charge of the Immigration Service at Jacksonville, Fla.

Attention is again called to the fact that no bond was provided for in either the formal notice to the inspector at Jacksonville nor in the warrant of deportation. The formal notice referred to reads as follows:

UNITED STATES DEPARTMENT OF LABOR,
BUREAU OF IMMIGRATION,
Washington, July 24, 1919.

(54616/242)
INSPECTOR IN CHARGE IMMIGRATION SERVICE,
Jacksonville, Fla.

SIR: The bureau acknowledges the receipt of your letter of July 15, No. 122/116, transmitting record of hearing accorded the alien, Paul Bosco, who landed at the port of New York, N. Y., ex steamship *Kaiserin Augusta Victoria*, on or about January 15, 1911. After a careful examination of the evidence submitted in this case, the department is of opinion that the alien is in the United States in violation of law. You are therefore directed to cause him to be taken into custody and conveyed to New Orleans, La., the expenses incident to such conveyance, including the employment of an attendance to assist in delivery, if necessary, at a nominal compensation of $1 and expenses both ways, being authorized, payable from the appropriation "Expenses of regulating immigration, 1920."

Upon his release from prison by the proper authorities, the alien should be taken into custody and conveyed to New Orleans, La., for detention until his deportation can be effected.

Respectfully,
_____ _____,
For the Commissioner General.

[Exact copy as signed by Alfred Hampton, mailed July 25, 1919, by _____ _____, assistant commissioner general.]

Approved:

[Exact copy as signed by John W. Abercrombie, mailed July 25, 1919, by _____ _____, Acting Secretary.]

Inclosed W. D. No. 2407.

Under date of July 24, 1919, an official copy of the warrant of deportation was sent to the Commissioner of Immigration at Ellis Island, N. Y., together with a memorandum reading as follows:

Official copy to the commissioner of immigration, Ellis Island, New York Harbor, for his information: The alien will be conveyed to your port, at such time as the necessary arrangements have been made, by an officer detailed by the commissioner of immigration at New Orleans, La., to whom advices should be forwarded at the proper time. The alien is at present confined in the Federal penitentiary at Atlanta, Ga., but will be released in about three weeks, at which time he will be conveyed to New Orleans for detention until his deportation can be effected. No foreign address is given.

Under date of July 28, 1919, the inspector in charge at Jacksonville, Fla., addressed the following letter to the commissioner of immigration:

Referring to bureau letter of the 24th instant, No. 54616/242, directing that the alien, Paul Bosco, be conveyed to New Orleans for detention until his deportation can be effected, it is observed that the department warrant in the case of this alien, date, and number as given above, is issued to Frederic C. Howe, commissioner of immigration, Ellis Island, New York Harbor, N. Y.

It is thought at this office that the direction that the alien be conveyed to New Orleans for detention until such time as he can be deported is due to congestion at Ellis Island; but as the letter directs that he be conveyed to New Orleans and the warrant is issued to the commissioner at Ellis Island, it was thought advisable to call attention of the bureau to this matter, in order that the bureau's intentions will be carried out when the alien is conveyed to New Orleans for detention.

This letter was replied to by the commissioner of immigration under date of August 4, 1919, as follows:

Replying to your letter of the 28th ultimo, No. 122/116, relative to the case of Paul Bosco, you are requested to arrange with the commissioner of immigration at New Orleans to send an officer from his station to Atlanta for the purpose of taking the alien into custody upon his release from the Federal penitentiary and conveying him to New Orleans for detention until his deportation to Russia can be accomplished. The expenses will be payable from the allotment for your district.

Under date of July 30, 1919, the inspector in charge at Jacksonville, Fla., addressed the following communication with reference to this case to the Commissioner General of Immigration:

Referring to department warrant of deportation in the case of the alien, Paul Bosco, No. 54616/242, dated July 24, 1919, and to letter from the bureau to this office bearing the same date and number, directing that the alien be conveyed to New Orleans for detention until such time as he can be deported, I desire to suggest, inasmuch as the work at this office is very much congested at this time, that we would appreciate it if the bureau can arrange for Inspector Joseph H. Wallis, New Orleans, La., to take charge of this alien at the expiration of his prison sentence and convey him to New Orleans for detention until deportation can be effected.

For information of the bureau, I will state that I know this arrangement will be perfectly satisfactory to Mr. Wallis, and I may further state that it will be less expensive for Mr. Wallis to proceed from New Orleans to Atlanta and return than it will be for this office to detail an officer from Jacksonville for the purpose outlined.

Under date of August 6, 1919, the Commissioner General of Immigration addressed the following communication to the commissioner of immigration at New Orleans:

1. Please arrange to have Inspector Joseph H. Wallis proceed to Atlanta, Ga., upon receipt of advices from the Jacksonville office for the purpose of taking into custody and conveying to New Orleans for detention the alien, Paul Bosco, who is now confined in the Federal penitentiary at Atlanta and will be released in about three weeks.

2. The expenses incurred by Inspector Wallis in making the trip will be chargeable to the allotment of district No. 7.

And under the same date, August 6, addressed the following communication to the inspector in charge at Jacksonville, Fla.:

Replying to your letter of the 30th ultimo, No. 122/116, relative to the case of the alien, Paul Bosco, who is now confined in the Federal penitentiary at Atlanta, Ga., you are advised that Inspector Joseph H. Wallis, New Orleans, La., has been directed to proceed to Atlanta upon receipt of advices from your office for the purpose of taking the alien into custody and conveying him to New Orleans for detention.

Under date of September 29, 1919, the inspector in charge at Jacksonville, Fla., addressed a letter to R. H. Marr, attorney at law, New Orleans. This letter reads as follows:

Replying to your letter of the 27th instant, I have to advise that the case of Paul Bosco, so far as this office is concerned, is closed.

For your information I will state that the alien had ample opportunity to secure an attorney at the time of his hearing and waived his right thereto, stating he did not regard it necessary for him to have an attorney.

A copy of same was transmitted to the Bureau of Immigration with a letter dated September 29, 1919, from the inspector in charge at Jacksonville, reading as follows:

Referring to bureau letter of August 6, 1919, No. 54616/242, and to warrant of deportation dated July 24, 1919, bearing the same number, in the case of the alien, Paul Bosco, I have to advise that this alien, upon the expiration of his sentence in the United States Penitentiary at Atlanta, Ga., was taken into custody by Assistant Commissioner Joseph H. Wallis, of New Orleans, La., and conveyed to the immigration station at New Orleans for detention pending deportation. The alien is now detained at that port.

This office is just in receipt of a letter dated New Orleans, La., September 27, 1919, written by R. H. Marr, attorney at law, 1020–21 Hennen Building, which reads as follows:

"The United States Civil Liberties Bureau has asked me to look into the case of Paul Bosco, held here for deportation. I shall be pleased if you will be kind enough to furnish me with the reports in the case."

As this alien was given ample opportunity to secure an attorney at the time of his hearing, but waived his right to do so, I think the matter, so far as any lawyer is concerned, should be regarded as closed; however, if the bureau directs, I will furnish Attorney Marr with the record in the case. Copy of my reply to Mr. Marr's letter is inclosed herewith.

In addressing the letter to Attorney Marr the inspector in charge at Jacksonville was following a long-standing custom or regulation of the Immigration Bureau, to the effect that the Immigration Service could recognize only an attorney whom the alien had gone on record as desiring to appear in his behalf. The custom or regulation in a case of this kind, wherein the attorney claimed to have been retained by some outside sources in behalf of the alien, had, until recently, been to advise the alien of his right to counsel, and that such and such an attorney had claimed to be retained by such and such a party in his behalf, and in the event the alien then went on record as desiring said attorney to represent him, to recognize that attorney, but otherwise he was not to be recognized in the case.

Recently a new regulation with reference to attorneys has been issued, but even in this new regulation the alien has somewhat to say as to who shall or who shall not represent him. A regulation was also issued to the effect that it was unnecessary for an alien to have more than one attorney, and unless it were members of the same firm not more than one attorney should be recognized, and that before any attorney not a member of the same firm could be recognized in any particular in a deportation proceeding, the attorney first recognized must have gone on record as withdrawing entirely from the case. Special attention is called to this regulation with reference to attorneys in order that the correspondence which followed in connection with the Paul Bosco case may be more readily understood.

Under date of September 30, 1919, on a letterhead of the National Civil Liberties Bureau, No. 41 Union Square, New York, a letter was addressed to Hon. John W. Abercrombie, Acting Secretary of Labor, by Walter Nelles, listed as counsel for the beforementioned organization or society. This letter bears the indorsement in ink to the effect that it was referred October 1, 1919, to the Bureau of Immigration by Acting Secretary Abercrombie, and reads as follows:

NATIONAL CIVIL LIBERTIES BUREAU,
41 Union Square, New York, September 30, 1919.

(Officers: L. Hollingsworth Wood, chairman; Norman M. Thomas, vice chairman; Helen Phelps Stokes, treasurer; Albert De Silver, director; Paul J. Furnas, associate director; Walter Nelles, counsel. Directing committee: John S. Codman, Crystal Eastman, John Lovejoy Elliott, Edmund C. Evans, Edward W. Evans, William A. Fincke, John Haynes Holmes, Agnes Brown Leach, Judah L. Magnes, John Nevin Sayre.)

Hon. JOHN W. ABERCROMBIE,
Acting Secretary of Labor, Washington, D. C.

DEAR SIR: Paul Bosko, an alien who is to be deported to Russia via New York, is now being held at the immigration station at New Orleans. A correspondent there advises us that he can not be admitted to bail

except by order from your office at Washington. I assume that in this case, as in others of Russians where deportation will not be practicable for a considerable time, bail will be permitted. If you will make the order I should be greatly obliged if you will let me know that you have done so. If any particular showing must be made before bail is granted, will you not let us know its nature?

Yours, very truly, WALTER NELLES.

The National Civil Liberties Bureau was brought into being by radicals of the Roger Baldwin type for the purpose of assisting men to evade the selective-service act. Baldwin, one of the organizers of the "Bureau," was convicted and served about one year in a Federal penitentiary for violating the selective-service act. This group of radicals were particularly active in and about New York City, and manufactured a multitude of "conscientious objectors," going so far as to furnish legal advice.

Under date of October 10, 1919, Charles Recht addressed the Commissioner General of Immigration as follows:

I appear for Paul Bosco, who is now held at New Orleans awaiting deportation to Russia.

As the department is not now in a position to return people to Russia, I would appreciate it if you would fix a reasonable amount, say $500, as bail for this man, and so instruct the department at New Orleans, until such time as his deportation can be effected.

This letter bears a footnote in pencil reading as follows:

Miss Weiss called at bureau and advised alien's friends have now raised $500 for bond. Consider advisability his release on bond on this or larger amount.

W. J. P.

The Miss Weiss referred to in footnote is Rose Weiss, an attorney in the law firm of Charles Recht. The latter, it will be remembered, is the same attorney who appeared with Caroline Lowe before the Bureau of Immigration in the cases of aliens brought from the Pacific coast to Ellis Island and later released.

Charles Recht is recognized in and around New York as attorney for many anarchists, I. W. W.'s, communists, and anti-Government organizations. Recht was appointed chief counsel and legal advisor for Ludwig K. C. Martens, which position he holds to-day. He is recognized as a clearing house for radicals actively opposing the Government.

Going back to Recht's letter of October 10, which has been quoted, special attention is called to the language used. He says, "I appear for Paul Bosco." He does not say that he was retained by Bosco, nor does he say who authorized him to appear in this alien's behalf. If all the regulations with reference to attorneys issued by the Department of Labor had been followed in this case, Recht could not and should not have been recognized as attorney for Bosco. That he was recognized as attorney, however, is shown by his letter of October 27, 1919, to the Commissioner General of Immigration, reading as follows:

Sometime ago I made application for the fixing of bail in the case of this alien, who is held at New Orleans awaiting deportation to Russia. As it is not likely that this deportation can be effected for some time, it would be advisable to fix bail at a reasonable sum. The friends of this alien have raised $500, which, under all the circumstances, might be accepted in this case.

And the reply thereto, under date of November 1, which reads as follows:

In response to your letter of the 27th ultimo, making application for bond in the case of Paul Bosco, now confined at New Orleans awaiting deportation to Russia, you are advised that the bureau will give the matter consideration within the near future and will inform you of its decision.

Special attention is called to this reply to Recht, wherein it is stated, with reference to the request that Recht made, that bond be fixed in the Bosco case, that the bureau would give consideration to the matter of bond, and would advise him later of its decision, thereby indicating that up to that time, November 1, 1919, no change had occurred in the original policy adopted at the time of the issuing of the warrant of arrest for Bosco with reference to his admittance to bond. Under date of November 7, 1919, Recht again addressed the Commissioner General of Immigration on the subject of bond for Bosco, his letter reading as follows:

Will you please advise us of your decision in regard to the release on bail of Paul Bosco, and oblige?

This letter evidently was not answered, and under date of November 26, 1919, he again addressed the Bureau of Immigration on the subject, his letter reading as follows:

I should appreciate it if you would advise us as to your decision in the matter of fixing bail for Paul Bosco. We have not heard from you for some time concerning the matter and shall appreciate your reply.

Attached to this letter in the files of the Bureau of Immigration, on a separate piece of paper, is a memoranda which reads:

Mc.: Why can't we bring this man on to Ellis Island? Rewrite memo. and refuse mail (bail). Initial "C."

The "memo." referred to in the foregoing note unquestionably referred to a memorandum for the acting Secretary dated December 2, 1919, indicating that the facts concerning the alien in question were reviewed. This memorandum, which was signed by the Commissioner General and approved by the Acting Secretary, specifically denied bond to the alien. The memorandum reads as follows:

The facts concerning this alien are reviewed in bureau memorandum indicated at marker, to which your attention is invited. He is now confined at the New Orleans detention station awaiting deportation to Russia. His attorney, Charles Recht, requests that alien be released under bond in the sum of $500 until such time as his removal from the country can be effected.

The evidence in this case shows that Bosco is considered a dangerous man, a menace to the community, and not a fit person to be at large. As he is a citizen of Russia and is to be deported to that country, the bureau recommends that the request for bond be denied, and that he be brought at once to Ellis Island and held there until his removal from the country can be effected.

Special attention is called to the last paragraph of this memorandum, which indicates that a decision to transfer this alien from New Orleans to Ellis Island until he could be deported had been reached. In following out this new policy, a telegram was sent the Immigration Service at New Orleans by the Assistant Commissioner General under date of December 4, 1919, reading as follows:

By direction Acting Secretary join Paul Bosco to Russell party for conveyance to New York. Caminetti—

And then signed by Alfred Hampton for the Commissioner General.

The same date Attorney Recht, of New York, was advised that the department had decided not to accept bond in the Bosco case. The letter from the Commissioner General to Attorney Recht reads as follows:

The bureau refers to your letter of November 26 and advises the department has decided not to accept bond in the case of Paul Bosco.

A memoranda concerning this case appears in the files of the Bureau of Immigration and reads as follows:

1. Full name of person arrested: Paul Bosco.
2. Number of case (Bureau of Immigration files): 54616/242.
3. Date of warrant of arrest: June 20, 1919.
4. Charge upon which arrest was made: That he is an alien anarchist; that he believes in the overthrow by force or violence of the Government of the United States; that he believes in the overthrow by force and violence of all forms of law; that he advocates the overthrow by force or violence of all forms of law; and that he disbelieves in all organized government.
5. Date and place of arrest: June 25, 1919, Atlanta, Ga.
6. Disposition of case: Warrant of deportation to Russia at Government expense issued July 24, 1919. Transferred to New Orleans for deportation on release from United States penitentiary. Application for release on bond denied.
7. Status of case at present: Pending, awaiting deportation.

The Russell party referred to in the telegram of December 4, which was a pick-up deportation party, evidently took a different route from that intended, and the officer in charge at New Orleans so advised the bureau by wire, requesting instructions as to whether or not he should deliver Paul Bosco to Ellis Island. Under date of December 19, 1919, he was advised by the bureau in a telegram to defer delivery of Paul Bosco to New York pending further instructions. Under date of February 27, 1920, one Harry Weinberger, who lists himself as counselor at law, 261 Broadway, New York, addressed a letter to the Commissioner of Immigration concerning the alien, Paul Bosco. The letter reads as follows:

Will you kindly advise me in reference to the case of Paul Bosco, what the intentions of the department are in reference to him?

Will he be brought to New York City for deportation; and if so, how soon? Will time be given so that he may get clothes and other necessaries for deportation? Until the time of deportation, will any bail be fixed for him?

In reply to this letter the bureau addressed Weinberger under date of March 2, 1920. The letter reads as follows:

Referring to your letter of the 27th ultimo, you are advised that as you do not appear to be the attorney of record in the case of Paul Bosco the bureau is not in a position to advise you of the status of this matter or to furnish you with the information called for in the last paragraph of your letter. The alien was represented before the Jacksonville, Fla., office by Attorney R. H. Mar, of New Orleans, and before the department by Attorney Recht, of New York City.

If satisfactory evidence is placed before the bureau showing that Attorney Recht has withdrawn from the case the bureau will be glad to furnish you with such information from its files as you may desire and which it would be proper for it to furnish.

Special attention is called to the last paragraph of this letter, which indicates that, in so far as this attorney is concerned, the regulations pertaining to attorneys in cases of this nature were being strictly adhered to.

Under date of March 2, 1920, Weinberger again addressed the Bureau of Immigration, and particularly the Commissioner General of Immigration. His letter follows:

I have gotten a fairly full résumé of the papers in the case of Paul Bosco, now detained for deportation at New Orleans for more than six months.

I want to make certain requests in this case, and you may even consider them demands, as I feel that a palpable injustice has been done to this man. I desire complete stenographic copy of the evidence upon which his order for deportation was made. From his records, I understand, he is a socialist and not an anarchist. In fact, he was arrested and convicted for distributing the socialist pamphlet by Mr. Tucker entitled "The Price We Pay." Mr. Bosco got out his first naturaliza-

tion papers and is willing to take out his second. He was a member of the Socialist Party and a member of the American Flint Glass Workers' Union and could get a job now as manager of the cutting department in the Weston (W. Va.) Glass House, Weston, W. Va., if he were released. Apparently the evidence on behalf of this man against his deportation was not properly presented to your department.

I ask—nay, even demand and insist—that his case be reopened; that bail be fixed at $1,000, so that we can perhaps obtain the same, and the case transferred from New Orleans to New York, where I can handle the matter. Unless, of course, if you will look into this record again yourself, you will determine that the order of deportation should be canceled and the man ordered released entirely.

I desire to be heard in this man's case. Of course, if he finally is deported, he should be ordered deported to soviet Russia. It certainly is a peculiar situation where a socialist who has filed his first application papers for citizenship should be deported as an anarchist, and in view of the fact that the individual is willing to file his application for final naturalization papers.

Does not your department realize that these cases come flooding in, and these calls for defense help from all parts of the country come to a few who are interested, until it is almost hopeless to give aid or obtain justice or get the release of individuals who, without friends and without money, are simply caught in the juggernaut of your administrative machinery?

Continually I get partial evidence of your department, I presume unknowingly, being made an instrument to wreak vengeance of private individuals. I might mention two cases—the Chinese I. W. W. and the case of Rasmus Rasmussen.

Mr. Caminetti, I wish you would begin to realize that American justice the world round is being weighed through your department and is being found wanting. I realize, of course, the flood of cases that your office has to handle. I realize that your machinery moves slowly, but it also grinds exceedingly small.

Let us have justice in this case. Fix bail at $1,000, and let this man come out. Let me examine the record and let me submit an argument. Bosco is without funds, and his health is broken. Apparently jails of America are to break the health of individuals as the wheels of old were to break their bones.

Wire me if you will fix bail at $1,000 in this case, and will you wire New Orleans to send me stenographic copy of the evidence and the charges in this case?

Special attention is called to the demands made by Weinberger, as these demands will be commented on later in this memorandum. Weinberger's letter was not answered immediately, and under date of March 8, 1920, he sent a telegram from New York City to the Immigration Bureau, which reads as follows:

Why the delay in decision Martinez, Perruchom, and Bosco cases? Send me letter of information.

Under date of March 9, 1920, the Commissioner General of Immigration addressed a letter to Weinberger, reading as follows:

Answering your letter of the 2d instant, which has further reference to the case of Paul Bosco, I beg to reiterate the statement made in my letter to you of the 2d instant that since you have submitted no evidence to show that you have succeeded the attorneys of record in this case, the record will not be submitted to you for your inspection.

Observing the tone of your letter, under acknowledgment, the bureau may be permitted to state that a plain statement of pertinent facts you desire to present might do just as well as the style you seem to affect.

I advised you in my letter of the 2d instant (which letter you have doubtless received some time since) of the manner in which you should proceed if you are desirous of representing this case at this late stage. If you do not choose to follow this course kindly advise the bureau to that effect.

It will be noted that the regulation with reference to attorneys is still being adhered to.

Under date of March 6, 1920, Charles Recht addressed the Commissioner General of Immigration with reference to Weinberger's appearance in the Bosco case. His letter follows:

This is to inform you that Mr. Harry Weinberger, of No. 261 Broadway, New York, has also been retained by Mr. Carl Bosco, who is held for deportation, as his attorney, to act in cooperation with me in his case. However, should there be any objection as to Mr. Bosco's having more than one attorney in this matter, it is agreeable to me that Mr. Weinberger hereafter be considered the sole counsel in this case.

Not hearing from you further on this matter, I shall take it that it is satisfactory that both Mr. Weinberger and myself shall be the attorneys for Mr. Bosco.

Under date of March 3, 1920, Weinberger addressed the following letter to the Commissioner General of Immigration in connection with this case:

I have asked Mr. Recht's office to write you a letter stating that I am one of the attorneys of Mr. Paul Bosco—as a matter of fact, his sole attorney.

I do not understand the authority of your department to state that only one attorney could represent an alien. As a matter of fact, he is entitled to as many attorneys as anyone else who is brought into a proceeding or court. However, Mr. Recht's office will write you that I am one of the attorneys, or, if necessary, that he has withdrawn.

Attention is called to the fact that Weinberger is questioning the authority of the department to make the regulation that it issued with reference to attorneys. Under date of March 10, 1920, Weinberger addressed another communication to the Commissioner General of Immigration with reference to the Bosco case. This letter reads as follows:

In re Paul Bosco, No. 54616/242, I beg to state:

First. That I understand that Mr. Charles Recht wrote your office stating that they are no longer attorney for Paul Bosco, but that I am. I understand he is writing again to-day.

Second. I beg to inform you that I have deposited with me $1,000 to be used as bail for Mr. Bosco, and in view of the fact of his service of period of time that he has spent in the jail at New Orleans, I think that this bail should be accepted and hope that you will authorize it to be deposited at Ellis Island.

time in Atlanta Penitentiary, under the espionage act, and the long

Third. I further beg to state that if the case is opened I have in my possession membership card of the Socialist Party of America of Paul Bosco, and of the Socialist Party of West Virginia, and affidivat of the secretary to the same effect, and I will submit all this, with additional evidence, as the fact that he belongs to a union and has his first naturalization papers. I think that when the evidence is completed that your department will order him released and not deported, and hope, therefore, that you will order at once that bail be fixed at $1,000, and that I be given an opportunity to submit the evidence in the case.

Fourth. If your records show that you have received authorization of the withdrawal of Mr. Recht, and my substitution, that you send me copy of the record so that I may see what is necessary for this man's defense.

In the meanwhile I hope you will deem it advisable to order Mr. Bosco's release on $1,000 bail, and send me wire if that bail will be accepted. I will try to get in touch with Mr. Recht's office to-night to write or wire you that he has withdrawn as attorney for Mr. Bosco, and I am now his attorney, though as a matter of fact you don't as yet point to any rule which shows that a man can not have more than one attorney, and you have not supplied the record, I believe, to Mr. Recht.

Under date of March 12, 1920, Charles Recht addressed another communication to the Commissioner General of Immigration concerning this case and Weinberger's appearance therein as counsel. This letter reads as follows:

Recently I wrote you with regard to the case of Paul Bosco, and stated that I was quite willing to withdraw from the case in favor of Mr. Harry Weinberger, an attorney of this city. Mr. Weinberger tells me that such communication has not reached you, and I therefore take this occasion of repeating that statement to you.

Under date of March 19 Weinberger telegraphs the Commissioner General of Immigration, as follows:

Will you fix bail one thousand Paul Bosco? Wire collect.

Under date of March 16, 1920, Weinberger addressed another letter to the Commissioner General of Immigration complaining bitterly as to the bureau's action in this case. His letter follows:

In re Paul Bosco, No. 54616/242, I wonder why the machinery in this case moves so slowly?

Can not I have the records, so that I might put in a defense for this man, and can not you come to an immediate decision and advise me that I can deposit $1,000 in bail, which I have in my possession now, for this man? Surely, two years in jail and more than six months down in New Orleans ought to be enough of an appeal to give a quick decision to accept the bail.

Wire me if you will accept the bail. Advise me by mail when I may expect the record, so that I may put in a defense for this man.

Under date of March 19, 1920, Weinberger addresses another letter to the Commissioner of Immigration, complaining because no answers to these letters and telegram had been received. His letter follows:

I sent you to-day the following telegram:

"Will you fix bail $1,000 Paul Bosco? Wire collect."

I have $1,000 in my possession, deposited by relatives for bail of Mr. Bosco. I think under all of the circumstances bail should be fixed at $1,000, and Ellis Island authorized to accept the same, and the case reopened. This man has been a long time in jail, and the facts call for immediate decision.

Under date of March 22 Weinberger addresses another letter to the Commissioner General of Immigration, again complaining because his communications have gone unanswered. His letter follows:

I sent you the following telegram:

"Will you accept bail $1,000 Paul Bosco? Wire."

I have $1,000 bail ready for this man. Will you admit him to bail, and order Ellis Island to accept same, and order the hearing continued in Ellis Island in reference to him.

This man has never had a proper defense, nor has his case been properly presented to your department. I am merely requesting simple justice on his behalf, and I am sure your department desires to do nothing but that. I feel that immediate action is desirable.

Under date of March 23, 1920, Weinberger addresses another telegram to the Commissioner General of Immigration, which reads as follows:

Will you accept bail $1,000 for Paul Bosco? Wire.

Under date of March 26, 1920, Weinberger addresses another letter to the Commissioner General of Immigration, renewing his demands in the Bosco case. His letter follows:

Can your department give any decision in the Paul Bosco case, now detained at New Orleans?

Apparently your department does not realize what it is to be in jail. I have made a simple request that his case be reopened, and that bail be fixed at $1,000, so that this man can have a proper day in court.

Kindly give this your immediate attention. Delay in a decision sometimes is worse than injustice. It is almost a crime.

Under date of March 25, 1920, a letter was dictated and prepared for the signature of the Assistant Secretary. This letter was addressed to Weinberger at New York, was submitted to the Assistant Secretary for his signature, was returned by the Assistant Secretary without signature to the Bureau of Immigration with the following notation in ink:

Application of alien's attorney in letter of March 26, 1920, for reopening, transfer of hearing to Ellis Island, and release on $1,000 bail is granted.

(Signed) LOUIS F. POST,
Assistant Secretary.

Another notation in ink in a different handwriting appears on this letter which was prepared and never sent, reading as follows:

Law Division, following instructions of Assistant Secretary, comply therewith. March 27, 1920. C.

The letter addressed to Weinberger but which was never sent reads as follows:

In answer to your letters of March 16, 19, and 22, 1920, concerning the release of Paul Bosco, now detained at New Orleans awaiting deportation, you are advised that the department, after a careful review of the facts in his case, is unable to grant your request for his release under bond in the sum of $1,000. In view of the activities of Bosco, leading up to his conviction and prison sentence of two years ago, and his general dangerous character, the department can not consider his release under bond in a sum of less than $5,000.

A new letter was prepared for and signed by the Assistant Secretary under date of March 29, 1920. This letter, which was sent to Weinberger, reads as follows:

Referring further to the case of Paul Bosco, now detained at New Orleans, La., awaiting deportation, you are advised that your demand contained in letter of March 2, 1920, that this alien be released upon bond in the sum of $1,000, is hereby granted. You are also advised that in compliance with your other demands alien is to be transferred from New Orleans to New York at an early date, and that upon arrival at the latter city the case will be reopened and you will have an opportunity to fully represent your client.

Special attention is called to the fact that Weinberger's "demands," which have hereinbefore been referred to, are granted in each instance. In this connection it is deemed proper to call attention to the fact that the alien was ordered removed from New Orleans to New York at Government expense, there to be released on bond. The customary and proper procedure in a case of this kind, if they were granting the demands to fix bond in the sum mentioned, would have been to have the bond go to the commissioner of immigration at New York City, and upon his report that said bond was satisfactory to have wired the commissioner of immigration at New Orleans that a satisfactory bond had been given and instructing him to release the alien from custody, in which case any new hearing in another proceeding arising from the reopening of the case would have then been held in New Orleans, the district in which the case originated; or in the event the alien or his counsel desired the hearing in some other district, the alien would have been obliged, therefore, to go to that district at his own expense and not at the expense of the Government.

The procedure in this case, however, was to grant all the "demands" of Weinberger and deliver the alien to whatever point was most convenient for Weinberger, as is shown by the letters that followed, viz, the letter to the commissioner of immigration at New Orleans, dated March 29, 1920, which reads as follows:

Referring to the case of Paul Bosco, your file No. 22050–15, you are directed to convey this alien to Ellis Island, New York Harbor, in connection with a deportation party which will probably leave Chicago, Ill., within a week or 10 days. You will be notified as to the exact date later.

Also, a letter from the Commissioner General to the commissioner at Ellis Island, N. Y., under same date, which reads as follows:

In connection with the case of Paul Bosco, now detained at New Orleans, La., awaiting deportation, you are advised that this alien will be conveyed to Ellis Island shortly with a deportation party. Upon his arrival he is to be released on a bond of $1,000 and his case reopened. Mr. Harry Weinberger will be the attorney in the case.

Weinberger, however, apparently was becoming uneasy that his demands were not acted on as speedily as he might desire, and under date of March 31 sent the following telegram to Louis F. Post, Assistant Secretary of Labor, Washington, D. C.:

Kindly wire New Orleans authority convey Paul Bosco to New York.
(Signed) HARRY WEINBERGER.

He followed this telegram up on the same date with a letter to Assistant Secretary Post reading as follows:

I sent you to-day the following telegram:
"Kindly wire New Orleans authority convey Paul Bosco to New York."
Will you kindly see that they get immediately authorization, so that Mr. Bosco may be brought to New York as soon as possible, and we can give bail here for him.

On the same date, March 31, 1919, he addressed another letter to Assistant Secretary Post, which reads as follows:

Thank you very much for your decision in the Paul Bosco case, to allow him out on bail, and arrangement re reopening of case, so that Mr. Bosco may have full opportunity to put in his defense.

Under date of April 1, 1920, Mr. Post addressed a letter to Weinberger, again advising him, in substance, that all his demands had been granted. This letter reads as follows:

Replying to your telegram and letter of the 31st, I quote, for your information, my original decision upon the case, as follows:
Application of alien's attorney in letter of March 2, 1920, for reopening, transfer of hearing to Ellis Island, and release on $1,000 bail is granted.
I believe this covers the point raised in your telegram, as I understand it.

In order that Weinberger might not be disappointed, a telegram under date of April 6, 1920, was addressed to New Orleans, instructing that alien Paul Bosco be joined to the Russell party—a deportation party—leaving Chicago April 10, via the Nickel Plate Railway, giving the train number and hour of departure from Chicago.

Mr. Speaker, Weinberger's practice consists almost solely of defending radicals who are attempting to undermine the Government of the United States. He has appeared in numerous cases for I. W. W.'s, anarchists, communists, and other brands of radicals, commonly calling themselves "class-war prisoners," which means a radical arrested and charged with or who has been convicted of the crimes of treason, syndicalism, sedition, and so forth. Many aliens have been turned over to him in his custody as their attorney by the Department of Labor, and it is understood he has been unable to produce many of these paroled radicals when called upon to do so. Therefore it can not be conceived that the department, especially the Assistant Secretary of Labor, is not advised of the general character of this attorney.

Next I desire to insert the report of the immigration inspector at Baltimore in the case of Thomas Truss, referred to by me. The report follows:

UNITED STATES DEPARTMENT OF LABOR,
IMMIGRATION SERVICE,
OFFICE COMMISSIONER OF IMMIGRATION,
Baltimore, Md., February 12, 1920.

(No. 5401.)
COMMISSIONER OF IMMIGRATION,
Baltimore, Md.:

In the matter of Thomas Truss, subject of warrant of arrest No. 54860/67, dated January 9, 1920, to whom hearings were given on January 20 and subsequent date, I beg leave to make the following report and hand you transcripts of the record, to which are attached numerous exhibits.

The alien is 33 years of age, a native of Russia, of Polish race, and claims to have entered the United States at this port in 1907. He has not declared his intention to become a citizen of this country. He married in this city in 1912 and has a wife and three children living here.

The testimony in this case is most voluminous, made necessary in part by alien's insistence in talking in English, which he did with the exception of comparatively few instances, when the use of an interpreter was imperative. The record will demonstrate that alien's English is very poor and that the stenographer had great difficulty in recording his answers as given. Alien was represented by three attorneys, who, with others of their firm, have joined in the signing of the accompanying brief, which criticizes most severely the entire administrative procedure—characterizes the hearing as most unfair, the examining inspector as arbitrary and prejudiced and as using reprehensible methods of questioning. The attention of the reviewing authorities is especially invited to this brief, and because of its comprehensiveness, the standing of the counsel, the analysis of the testimony, and the criticisms made it should have earnest consideration in the deciding of the case.

I shall endeavor to outline what the records, the seeming facts, disclose in this case, in support of the warrant charges and as indicating membership in such an order as is described in the act to which the warrant is based. As is fitting, I shall attempt to do this in disregard of the clamor and prejudice that have been injected into the proceedings.

On page 4 alien states that he used to belong to the Communist Party, which he joined about June or July, 1919, but that said organization ceased to exist "because it didn't have so many members." He had attended a meeting in this city last summer addressed by one Pinsky, an organizer from out of town, who advised the Polish people to form a branch here of the Communist Party and detailed the difference or distinction between the Socialist Party and the proposed new one. Alien claims that this man on the preceding night had addressed a meeting of the branch of the Amalgamated Clothing Workers of America, of which alien is chairman or president, and that on this occasion alien first met Pinsky and came to know him. Alien claims that he went to the I. W. W. hall on this second night with this organizer simply because the latter had asked him to do so, the organizer saying he did not know the location (p. 6). He admitted that Pinsky was at that time an organizer of the Polish section of the Socialist Party, and at first seemed to admit that he distributed circulars advertising this meeting, which was on August 13 last. However, to his attorneys alien stated that the meeting for which he passed out circulars was that held on the first evening of Pinsky's visit here, when the latter addressed the clothing workers (p. 35). The testimony concerning these two meetings and alien's connection with and interest therein is quite involved and contradictory, so that it should be carefully studied.

Alien admitted that someone else had made out the application card for membership in the Communist Party in his name, which is Exhibit A, after several questions on the point professed not to know whether same was in the writing of the organizer Pinsky or in that of one Marosz (Andred Marosz), who had been elected temporary, and later permanent, secretary of the Polish branch of this party in this city, to which alien belonged. Alien identified his membership card (Exhibit B), which shows the date of his admission to have been September 5 last, and bears the indorsement of Morasz as secretary. Alien stated that he had this card in his house and that it was "laying" on his desk. To the examiner of the Department of Justice alien stated under oath, January 8 (see Exhibit P), that he had lost the one he got at a mass meeting, and did not know where it was. This card carried a 50-cent initiation stamp in the Communist Party in the space for the month of September, and canceled dues

stamps for October and November, and alien acknowledged making these payments.

Alien was shown his name and statements of dues paid in the so-called membership book of the small Polish branch of the Communist Party, identified as such by the secretary who kept it, Andrew Marosz, and which is an exhibit in the latter's own case. (Warrant No. 54860–351.) Alien thinks that this secretary was the delegate from the Polish local to the city central committee, which is a fact. Alien corroborated the statements made by Marosz, and which are referred to in the back of the membership and dues book noted above; that he, Truss, sold certain books, received from Chicago but published by or for the Polish paper, Glos Robitniczy, in Detroit. Some of the proceeds of these sales, a proportion of the price of each book, was turned in by alien to Marosz, the secretary (p. 10), as revenue for the branch. The paper referred to is the organ of the Communist Party in the Polish language, of which alien is aware (pp. 11 and 23), and alien has subscribed thereto for five or six months. Indeed, Exhibit I, a letter from this paper to alien, dated June 14, 1919, evidences that he sold said paper in this city, was paid $9.10 by check at that time, and that 10 copies would be sent every day to him. Alien admitted serving as agent and distributor, and received subscriptions. He endeavored to tell how much he made from this work, but thinks he stopped acting in this capacity in December (pp. 22 and 23). Alien knew that Marosz, the secretary of his branch, received from Chicago a charter therefor and had taken it away to have it framed (pp. 11, 16, and 39).

Alien denied he was a member of the Union of Russian Workers, but asserted that he once joined the Russian Workers' organization, but can't tell just when that was. Attention is invited to the questioning and answers on this feature, found on pages 17, 18, 19, 33, and 34. Exhibit C is a card in alien's name of membership in the Russian Workers' organization, with a seal on the outside bearing the date of September 30, 1917, and it contains inside under the heading "1919" several impressions of a stamp reading March 1, 1919. It is not known definitely to what the latter stamp referred, and alien did not throw any light upon it; but the record book of the financial secretary of the Russian Workers' organization, later the Union of Russian Workers, No. 1, of Baltimore, who was John Brunert, and who was deported on the *Buford*, shows alien as T. Truss, and paying 75 cents from October to December, 1917, and $3.45 through 1918 and $1 in March, 1919. Alien finally denied he made this last payment. On the premise that from these records alien at least had been a member of the Union of Russian Workers certain extracts from a translation of Nowimirsky—Manifesto of Anarchists-Communists—were read into the record and the entire translation entered as "Exhibit KK."

Alien admitted as his a receipt for $2.50 from the secretary-treasurer of the Workers' Defense Union, in this city, T. S. Wetter, who alien "guesses" is also the local organizer or secretary of the I. W. W. This receipt represented the sale of 25 buttons by the local of the Amalgamated Clothing Workers, of which alien was chairman, to help some of their members who had been arrested because of their membership in the Union of Russian Workers last November (See "Exhibit D"). The Department of Justice found many circulars, books, pamphlets, etc., in alien's desk at his home, and one of them, "Exhibit E," is a blank from the executive secretary of the Communist Party, in Chicago, asking for subscriptions for the work of the party and detailing various purposes for which funds and contributions were needed. Alien is very vague and contradictory as to how he came to receive this circular, but said only one came (pp. 20, 21). On page 22 he identified four blank application cards for membership in the Communist Party found in his desk, and "Exhibit H" hereto, as having been received by him in a letter from Chicago.

Alien received a letter from some man in Chicago, whom he states he did not know (which, with translation and envelope, is "Exhibit J"), and which letter refers to the writer not being able to come to Baltimore to address alien's local. Alien stated on direct examination that this letter was received in the envelope referred to, which bears a notation in an upper left-hand corner "Polish S. S. P." and an address which later was the headquarters of the Communist Party of America. Alien defines these initials, etc., as the Polish Section, Socialist Party, and states he thinks this organization was transferred to the Communist Party. Alien later was not sure that this letter was received in the envelope he identified, and which is postmarked August 5, 1919, and which preceded by over a week Pinsky's address in this city (pp. 25, 40), alien having stated that he presumed Pinsky gave the writer of the letter alien's address. Other papers and books and pamphlets found in alien's home were likewise introduced as exhibits, some by me and some by alien's counsel. One circular in English, found with others in "Exhibit L," is a blank application for charter in the Communist Party of America, others in this exhibit in English being the well-known circular of said party, "Your Shop" and "Break the Blockade of Russia." Alien claimed he was holding these temporarily for the secretary, Marosz, who had handed them to him (p. 26).

Exhibit O is a book of blank receipts and stubs bearing the seal of a branch of the Industrial Workers of the World, to which alien belonged in this city several years ago. It was, so he said, for the purpose of noting receipts of money for the benefit of this organization, but alien claimed he made no collections. To his attorneys he said it was about eight years ago that he was a member of this order, and joined simply because the shop in which he was working then was organized in that union, but that he left this order when he ceased working in said shop.

Much questioning and controversy were based upon the paper which is Exhibit LL, a report from the files of the Department of Justice regarding alien's alleged presence at a meeting of some vaguely described organization on July 20 last, at which Truss was said to have been a speaker, and to have made certain declarations about his membership in the Union of Russian Workers at that time. Alien consistently denied having been at any such meeting or of having made the substance of the statement attributed to him therein. Counsel in the submitted brief criticized severely the introduction of this report, and intimate that it really does not pertain to their client. It seems to me that it should not receive consideration against the alien, as it is secondary and altogether hearsay evidence, and the agent who supposedly was present at the time was not produced or named by the Department of Justice. It was entered in the record for what worth it might be considered, which, in my opinion, is negligible.

To his attorney alien admitted, page 40, that he was many times in the meeting of his local branch here of the Communist Party. He made several guesses as to what month this branch, which he claims has become defunct, held its last meeting, finally saying it was in October. There is no proof of this other than alien's claim, and it is contravened by the fact that the secretary of the branch, Marosz, sent to the party headquarters in Chicago on October 13 for $6 worth of dues stamps and for the charter, and alien knows of this (p. 11), and one of the circulars printed in Polish, just preceding the blank application for charter, in Exhibit L, is dated October 28, and was found in alien's home.

Extraneous to matter directly connected with the warrant charges, counsel introduced several witnesses, including alien's wife and the pastor of the church in which he is an elder, to prove alien's good character, religious affiliation, peacable disposition, his love for this Government and its institutions, and his generosity in buying a Liberty bond, contributing to the Red Cross, and other patriotic activities. The witness, Rev. Paul Fox, testifying on pages 58 to 62, inclusive, related alien's connection with his church, and told that while alien did not attend the Americanization class in English, he has attended faithfully the general lectures which are intended to acquaint all the foreign citizens with our institutions. To me witness stated that these lectures in the Polish language have the same object in view as the Americanization English classes, and tell the people how they can become citizens of this country. That in these lectures, which Truss has attended, the hearers are told just how they could obtain information as to when they arrived in this country. Compare these statements with alien's testimony that in some past year, not definitely stated, he did apply for his first papers, but could not obtain them because of his ignorance of the exact date of his arrival in this country. Alien admitted that he knew that such information could be obtained in this office, where records of arrival at this port are filed; yet despite this knowledge, and what he has been hearing at the lectures at his church since 1910, he has made no serious attempt to declare his intention of becoming a citizen, thereby bringing into serious question his professed admiration and love for this Government.

To exemplify what may have been alien's real attitude toward our participation in the World War, I respectfully refer to the testimony of his wife, on page 29. She was justly proud of the fact that her brother had fought with the American Army in France and had died of wounds. When asked by counsel if the alien urged his brother-in-law to join or volunteer, Mrs. Truss stated that her husband said "If you join it, you know your parents are not in good condition; you might stay and help them." The next question of counsel was "Did Mr. Truss have anything to do with his joining?" the answer being in part, "He didn't have anything to do with it, but he told my brother not to join it because he would be killed." Counsel seemed to omit referring to this testimony, when dilating upon the alien's spirit of patriotism and Americanism.

Summing up, then, it would seem from the above analysis of testimony and exhibits, dispassionately, reasonably, and fairly, that both alien's membership in and affiliation with the Communist Party of America have been established. His acting as subscription agent and distributor of the Polish organ of the Communist Party would in itself evidence affiliation as distinguished from actual membership. It remains, then, to determine whether the Communist Party is one embraced within the language of the act of October 16, 1918. The extracts from the publications and proclamations of said party, read into the record, clearly prove, in my opinion, that this party does teach, advocate, and believe in the inimical doctrines detailed in the warrant of arrest. As a sequence, the warrant charges have been sufficiently established, and deportation is recommended.

Alien is at liberty under bail of $1,000.

(Signed) A. R. ARCHIBALD,
Immigrant Inspector.

This report from the Baltimore inspector is followed in the file by a memorandum for the Assistant Secretary, dated March 29, 1920, submitted to the Assistant Secretary without being submitted to the commissioner general, written by W. D. Davidge, a labor mediator and confidential investigator—acting under instructions of the Assistant Secretary—as law examiner in reviewing these cases. His recommendation does not represent the views of the commissioner general or of the Bureau of Immigration. It carries the clause "the bureau recommends that the warrant be canceled," but that is not signed by Commissioner General Caminetti.

Then, on April 6, Assistant Secretary Post canceled the warrant and issued the following memorandum:

APRIL 6, 1920.

For: Commissioner General of Immigration.
From: Assistant Secretary.
Subject: In re Thomas Truss, No. 54860/67.

This alien, a Pole by birth, is 33 years of age; he arrived in the United States in 1907; was married in 1912, and has three American-born children. He is a coat presser by occupation, earning about $40 a week, and is or recently was president of the Amalgamated Clothing Workers, of Baltimore. His character, well attested by highly responsible witnesses, is that of a man who is not in the slightest degree dangerous to this Government or at all inimical to any organized government, but who would make a good citizen of the United States. He was taken into custody on the 7th of January, 1920, by policemen who came to his home and asked him to accompany them for the purpose of answering questions. He complied, expecting to return presently. The policemen conducted him to a police station where they delivered him to the police official in charge, saying that he was wanted by a special agent of the Bureau of Investigation of the United States Department of Justice. Thereupon the alien was locked in a cell over night, and until some time during the next day his wife and friends were ignorant of his whereabouts. If there was any warrant for this arrest, the alien was not shown the warrant or in any other way informed of the reason or the authority for his summary imprisonment nor has any such authority been since disclosed. While still imprisoned he was examined on the 8th of January by a special agent of the Department of Justice, and his examination reduced to writing. No lawful authority for this proceeding was disclosed to the alien at the time, nor has any been disclosed since; no warning was given him that his replies might be used against him, and he was not informed of his right to have counsel present to represent him if he wished.

A special agent of the Bureau of Investigation of the Department of Justice thereupon made an affidavit in which he swore that in the course of his personal investigations and those of the officials and employees under his supervision and direction he was informed and verily believed that the alien was a subject of Russia; that he was a member of the Communist Party and the Union of Russian Workers; that these organi-

zations advocate the overthrow by force or violence of the Government of the United States, and that the alien was a member of and affiliated with them; that he was an anarchist, believed in and advocated the overthrow by force or violence of the Government and believed in and was opposed to all organized government. This affidavit was evidently a filled-out form, as the attorneys for the alien state; but inasmuch as the Secretary of Labor had already decided that the Union of Russian Workers and the Communist Party are within the proscription of the act of Congress of October 16, 1918, its averments imposed upon the immigrant inspector in charge at Baltimore the duty of applying to the Secretary of Labor for a warrant of arrest (see immigration rule 22, subdivision 3), and the Secretary of Labor was thereupon in duty bound to issue the warrant (see section 19 of the immigration act of 1917, and section 2 of the supplementary act of October 16, 1918).

Accordingly, on January 8, the alien being then still in custody at the police station in Baltimore, as stated above, the immigrant inspector in charge at Baltimore telegraphed to his superior officer at Washington that satisfactory probable cause had been shown against the alien for membership in the Union of Russian Workers and the Communist Party.

On the following day, January 9, a warrant of arrest was consequently issued by the Secretary of Labor and the inspector in charge at Baltimore was duly instructed by telegram to arrest the alien and hold him in bail in $1,000, the usual sum in such cases. In due course the formal warrant of arrest was transmitted to the inspector in charge at Baltimore, and on January 9, two days after the arrest described above, the alien was taken into the custody of the Department of Labor by the inspector in charge.

Prior thereto the Department of Labor was in no wise a participant in or directly or indirectly responsible for the arrest of the alien or his treatment in any respect. Subsequent, however, to January 9, and until he gave bail, on January 15, the alien remained in custody as a prisoner upon the aforesaid warrant of the Department of Labor. His hearing pursuant thereto began January 20, and on April 1 the record of hearing came to the Assistant Secretary for decision, pursuant to his authority under the immigration laws and the organic act of the Department of Labor.

Examination of this record makes it evident that alien is not a communist. Neither is he an anarchist. He is the opposite of an anarchist, namely, a socialist.

It also appears from the record that the alien came to the United States in 1907, has lived in Baltimore ever since, and has been for several years a respected member of and active worker for the St. Paul's Polish Church (Presbyterian) of Baltimore, in which he is an elder.

As to his membership in the I. W. W., a point of contention at the alien's hearings, the record shows that he was a member of a branch of that organization six years ago, this branch being then the only union of wage workers in his shop, but that he joined the Amalgamated Clothing Workers when it was organized and thereupon dropped out of the I. W. W.

The record also shows that alien was for a time a member of a Russian workers' organization, then an educational and mutual benefit society, having nothing to do with governmental problems. This organization merged into the Union of Russian Workers (an organization heretofore proscribed under the act of Oct. 16, 1918), whereupon the alien dropped his membership. He never became a member of the Union of Russian Workers.

The case appearing in the record against the alien turns, therefore, upon the question of his alleged membership in the Communist Party of America, which, like the Union of Russian Workers, is under the ban of the act of October 16, 1918. He is shown to have authorized the signing by another for him of a printed application for membership in the Communist Party. Inasmuch, however, as that signing was prior to the organization of the proscribed Communist Party of America, it is a nullity for the purpose of this proceeding unless confirmed by activities or declarations of the alien after the constitution of the proscribed Communist Party was adopted and brought to his attention.

According to the circumstances shown, alien's membership application was made in June, July, or August, 1919. The Communist Party of America was not organized until September. Alien had authorized his anteorganization application at the suggestion of an official organizer of the Socialist Party at a mass meeting which alien attended upon the organizer's invitation, and at which the organizer set on foot preliminary proceedings for organizing a local branch of the subsequently organized Communist Party. As alien understood him the new party was to stand for socialization of mines, railroads, etc., thereby lowering prices as the Government Post Office had lowered postage.

Such a branch was informally organized, and on September 5, the day of the organization of the Communist Party in Chicago, it applied for a charter. The application was approved by Communist Party officials at Chicago on September 14 and a membership card was given to the alien. Having previously paid a membership fee and two months' dues, the alien was credited with payments up to and including November. A charter was received by the secretary of the branch, but not accepted by the group. The reason for delay seems to have been that no constitution nor any explanation of the purpose of the new party had been received, although the informally organized branch had been promised the attendance of an organizer to explain the Communist Party to its members. At a meeting in October, no organizer having come nor any constitution of the party, and the members of the branch not having learned anything more about the organization than had been explained at the mass meeting held in Baltimore before the Communist Party was organized, alien's branch decided to have no more meetings and instructed the secretary to return the charter. Its members never got together again.

On the basis of those circumstances, the responsibility falls upon this department of deciding whether or not the alien comes within the membership clause of the act of Congress of October 16, 1918.

Under that clause aliens must be deported if "they are members of or affiliated with" the Communist Party of America. If this clause be construed as meaning that aliens who have once technically become members of the Communist Party must be deported even though they had no guilty knowledge, or that the principle of "once a member always a member" applies, it might be possible to spell out from the circumstances described above a membership for which deportation would be mandatory. Even then, however, there would be no little difficulty without disregarding every principle of personal responsibility. Having applied for membership before the proscribed organization was born, and withdrawn before its constitution was brought even perfunctorily to his attention, this alien would seem to a fair American mind to lack the requisites even of technical membership. If, however, the requisites of technical membership were all present, nevertheless the Congress of the United States should not hastily be presumed to have intended that resident aliens be arrested and deported as members of an unlawful organization, when all the circumstances show the alien himself to have been innocent of any guilty knowledge or motive in taking membership, and when it appears not only that he is and has been wholly free from any hostile purpose toward this Government, but that he is sympathetic with our democratic institutions.

Some members of Congress may possibly have intended, when they voted for this law, to have it construed in a narrow and un-American fashion; but it would not be reasonable to infer that Congress, as the constitutional law-making body of this country, enacted this law with any such un-American purpose. I shall therefore assume in this case, as I have in a large number of similar cases, that Congress intended the act of October 16, 1918, to be considered reasonably with reference to the individual knowledge and intent of persons drawn innocently into an unlawful membership.

If the act be so construed, this alien is not within the spirit of the act even if he were within its letter. In fact, however, he does not appear to be within its letter. Under the circumstances disclosed by the record he was never so much as a technical member of the proscribed Communist Party, and in so far as his conduct might be supposed to confirm his anteorganization application or to bring him within the affiliation clause of the act the circumstances of his withdrawal are conclusive.

I have described this case at length, because in most, if not all, essentials it is typical of a large proportion of fully 1,000 cases I have decided after hearings in which warrants of arrest had ben issued by the Department of Labor on prima facie proof of probable cause furnished by special agents of the Bureau of Investigation of the Department of Justice. The aliens are arrested and imprisoned, while imprisoned they are subjected to a police-office inquisition, an affidavit showing probable cause (upon information and belief) is thereupon presented to the Department of Labor, whereupon the Department of Labor issues its warrant of arrest, takes over the custody of the alien, as by law it is required to do, and proceeds as usual in warrant cases under the expulsion clause of the immigration law. When the hearings at immigration stations are reported verbatim in regular course to the Department of Labor, the Secretary of Labor (or his lawful representative), who is charged with the exclusive responsibility, comes to examine these records, it is found in a large proportion of the large number of cases I have examined that there is no better reason for deportation than is disclosed in the present case. In some cases the membership is "automatic," the arrested alien having been transferred from a lawful organization to the unlawful one by vote of a group or branch of the former and without his knowledge. In some cases he has had knowledge of the transfer, but none at all of the character of the organization to which he has been transferred. In other cases he has signed applications before the existence of the unlawful organization and has never confirmed his membership by any conscious act. Sometimes an organizer or a friend has signed the application for him. As a rule, the hearings show the aliens arrested to be workingmen of good character who have never been arrested before, who are not anarchists or revolutionists, nor politically or otherwise dangerous in any sense. Many of them, as in this case, have American-born children. It is pitiful to consider the hardships to which they and their families have been subjected during the past three or four months by arbitrary arrest, long detention in default of bail beyond the means of hard-working wage earners to give, for nothing more dangerous than affiliating with friends of their own race, country, and language, and without the slightest indication of sinister motive or any unlawful act within their knowledge or intention. To permit aliens to violate the hospitality of this country by conspiring against it is something which no American can contemplate with patience. Equally impatient, however, must any patriotic American be with drastic proceedings on flimsy proof to deport aliens who are not conspiring against our laws and do not intend to. Although these are not criminal proceedings, being wholly administrative in their character, their effect upon the innocent individual who in this summary way is found to be guilty is as distressing to him and his family, to his friends, and to his neighbors as the effect of conviction for crime by regular judicial processes.

It is sometimes difficult to draw the line in the records of cases of aliens charged with membership in a proscribed organization—and very few cases so far instituted upon probable cause shown by special agents of the Bureau of Investigation are for anything else—between those who are members understandingly, and those whose membership is only technical, and without guilty knowledge on their part. The natural association of alien residents with their own countrymen and the overlapping social, industrial, and political organizations, each with its factions, tend to confuse the circumstances. As a guide through this maze, I have tried to follow the following principles of decision in each individual case:

1. The Communist Party of America is within the membership clauses of the act of October 16, 1918 (Secretary's memorandum in the Preis case).

2. Personal signing of the application for membership required by the Communist Party as quoted in the Secretary's memorandum in the Preis case, when such signing is supplemented by circumstances indicating membership subsequent to the creation of the Communist Party, constitutes membership within the purview of the act of October 16, 1918.

3. Signing by another with the authority of the alleged member has the same effect as personal signing, provided authority to sign and understanding of the purpose thereof are proved.

4. Applications for membership not confirmed by acceptance do not constitute membership within the act of October 16, 1918, unless it may be inferred from further facts indicative thereof.

5. Name in a membership list is not in itself proof of membership.

6. "Automatic membership" does not constitute membership within the act of October 16, 1918, unless supported by proof of individual activities or declarations tending to show knowledge of the character of the organization.

7. Signed applications antedating the formation of the Communist Party (on or about September 5, 1919), which are not unlawful in their own terms or their legitimate implications, do not in themselves constitute proof of membership nor of application for membership in the prescribed Communist Party.

8. When membership has been withdrawn under circumstances satisfactorily establishing good faith, the accused alien does not come within the proscriptions of the act of October 16, 1918, as to membership.

9. When the accused alien appears to be a person of good general character, fit for American citizenship except for the accusation in hand, and there is reasonable doubt of his membership, the warrant of arrest will be canceled.

10. Statements of the accused alien, whether oral or in writing made while he is in custody and without opportunity fairly afforded him from the beginning to be represented by counsel, and without clear warning

that anything he says may be used against him will be disregarded pursuant to the principle re Jackson (U. S. District Court for Montana, Bourquin, J.) and of Silverthrone v. United States (Jan. 28, 1920), as having been unlawfully obtained.

11. Exhibits seized upon the premises or the person of the accused alien without lawful process will be disregarded pursuant both to the principle and the precise decision in re Jackson and Silvertone v. United States.

12. In cases in which the alien is the father of children born in the United States, and therefore constitutional American citizens, and who are dependent upon and receive from him parental support, every fair doubt regarding membership within the purview of the statute will be accorded.

Guided by those principles, I am of opinion that upon the record in this case the alien is not a member of or affiliated with the Communist Party or any other prescribed organization within the meaning of the act of Congress of October 16, 1918.

The warrant is canceled.

LOUIS F. POST, *Assistant Secretary.*

Then the file in the proceedings against Thomas Truss comes to an end with a pathetic memorandum from the law division, as follows:

APRIL 9, 1920.

Mr. CAMINETTI:

I have read the memorandum of the Assistant Secretary. It leaves little hope for the rest of the cases. However, we can still recommend in accordance with what we conceive the law to be.

There is nothing further for the law division to do in the case (unless you wish to make reply to the memorandum) and it should go to the Cor. Sec. for decision and the usual letters.

W. W. P.

Mr. Speaker, the case of Thomas Truss is presumably the least offensive that the Assistant Secretary could find among all the arrested alien communists. The hundreds of others fall on that decision.

Further, "rules of guidance" Nos. 10 and 11, in the Assistant Secretary's memorandum, make it practically impossible to prove cases against alien revolutionists, anarchists, and enemies of this Government.

Many other papers show just how Commissioner General Caminetti recommends deportation in these cases, after review by his law examiners, how Assistant Secretary Post orders cancellation, and how the Commissioner General of Immigration, or his law clerk, then is obliged to write memorandums in accordance with the views of the Assistant Secretary, cancellation of the deportation warrant follows, and the alien is free. The radicals, both native and alien, are organized as never before. They defend each other. It makes no difference to what particular organization they belong or what they call themselves. Anarchists, communists, syndicalists—they are all the same. They connive day and night for the same thing. They know what they want—revolution by force.

Under such conditions it is too bad that the United States under its laws can not send away from its shores those aliens who are here for the purpose of destroying this Government.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that April 10 they had presented to the President of the United States for his approval the following bills:

H. R. 685. An act for the relief of Frank S. Ingalls;

H. R. 687. An act for the relief of Frank Pinkley;

H. R. 6077. An act for the relief of the King Coal Co., of San Francisco, Calif.;

H. R. 8645. An act for the relief of Lawrence Bendich and Anthony Vezich; and

H. R. 11175. An act for the public sale of customhouse building and site at Kennebunkport, Me.

REPORT OF THE COMMITTEE ON PRINTING.

Mr. KIESS. Mr. Speaker, on behalf of the Joint Committee on Printing, of which I have the honor to be the vice chairman, I have transmitted to the Speaker, for submission to the House of Representatives, the report of the Joint Committee on Printing on Government periodicals and field printing for the year ended March 1, 1920, in compliance with section 11 of Public Act No. 314, Sixty-fifth Congress.

The report contains a detailed statement filling 105 printed pages of the activities of the Joint Committee on Printing during the past year, but its work may be summarized as follows:

A careful investigation was made of 266 journals, magazines, and periodicals, which the committee ascertained were being published by various branches of the Government service at a cost of approximately $2,500,000 per annum. As a result of this investigation and the regulations adopted by the committee, 111 of these periodicals, which cost approximately $1,200,000 per annum, have been discontinued.

During the year the committee received requests for field printing authorizations to the amount of $2,079,200, of which it approved $1,181,100, making a net reduction of $898,100 in the amount asked by the various branches of the Government service.

The committee also investigated 287 printing plants which were maintained in the various branches of the Government service for printing and binding in addition to that procured from the Government Printing Office or purchased from commercial printers. The equipment of these plants cost approximately $1,000,000 and includes 500 presses, nearly two score typesetting machines, as well as vast quantities of other printing and binding equipment. These plants, which are scattered all over the United States, employ more than 800 men at an annual wage of approximately $600,000.

Quite a number of field plants have been discontinued as a result of the committee's efforts to centralize as much printing as possible in the Government Printing Office, and it is expected that there will be a further material reduction in the number of these plants the coming year.

In addition to the foregoing activities, as required by the act of March 1, 1919, the committee has devoted much time the past year to its duties as a board of directors for the Government Printing Office, including direct supervision over the standardizing, purchase, and inspection of more than $5,000,000 worth of paper and other material annually for that great establishment.

Owing to extraordinary market and manufacturing conditions brought about by the war, it has been almost impossible to obtain paper for the Government Printing Office by contract at anything like a reasonable price. The committee therefore directed the Public Printer to buy nearly all the vast quantities required for war printing in the open market at the lowest competitive prices quoted at the time for suitable stock. This procedure has greatly increased the detail work of the committee, as each proposed purchase has to be examined and passed upon. Such transactions number several thousand in the course of a year.

SAVING IN PAPER PURCHASES.

The judgment of the committee in refusing to enter into annual contracts for paper during the critical war period and in directing the Public Printer to buy his stock in the open market at current prices proved to be most profitable for the Government. When the committee opened the bids for one year during the war it decided that the prices quoted for annual contracts were entirely too high and rejected all of the proposals at that time. As a result, paper for the year was bought in the open market from time to time, thereby effecting an actual saving to the Government of $846,278.14, according to a comparison by the Public Printer with what the same paper would have cost had the bids for annual contracts been accepted by the committee.

By a careful supervision over the open-market purchases, the committee has also been able to effect additional savings in the expenditures for paper. For example, in November, 1919, the committee disapproved the bids then submitted for some 4,000,000 pounds of print paper and directed the Public Printer to solicit new proposals. Much lower prices were then obtained and the paper was bought at a net savings of $52,000 on this purchase alone.

As is well known, the scarcity of paper and its abnormal price have vitally affected the printing business during the war. Many times it has been almost impossible to get paper at any price. This situation, coupled with the enormous requirements for paper by the war activities of the Government and its extravagant use by the various publicity and propaganda bureaus, has made the work of the committee most difficult and trying, but it is believed the record proves that its efforts to effect economies have been highly successful even under such adverse conditions.

Further evidence of the economies that have resulted from the committee's supervision over the public printing and binding is contained in a comparative statement prepared by the Public Printer covering production in the Government Printing Office for the eight months of ths fiscal years 1919 and 1920, bringing the comparison up to March 1, 1920.

This statement shows that the computed product of the Government Printing Office for the eight months of the present fiscal year decreased almost a million dollars. During the first eight months of the fiscal year 1919 the computed product amounted to $8,060,169.95, while for the first eight months of the fiscal year 1920 the computed product amounted to $7,065,373.08, or a decrease of $994,796.87. The Public Printer states that this was due largely to the material decrease in "edition" work, which is shown by the following figures comparing the first eight months of the fiscal year 1919 with the same period of the fiscal year 1920:

In 1919 the total number of sheets folded in pamphlet binding section was 180,373,682 as compared with 152,372,964 for 1920, or a decrease of 28,000,718. The number of signatures sewed, which indicates the edition work of the bindery, for the eight months of 1919 was 91,388,080 as compared with 67,993,510 for 1920, or a decrease of

23,394,570. The number of cases made, which indicates the number of books bound, for the eight months of 1919 was 2,992,188 as compared with 1,612,870 for 1920, or a decrease of 1,379,318.

There was a marked decrease also in the printing for the fiscal year 1919 from that done in the fiscal year 1918. In the fiscal year 1918 the Government Printing Office charged for a total of 8,509,053,764 printed pages, as compared with 6,932,259,276 for the fiscal year 1919, or a decrease for the year of 1,576,794,488. For the fiscal year 1918 the number of bound publications was 4,395,461, as compared with 3,465,229 in the fiscal year 1919, or a decrease in the bound publications for the year of 930,232.

This material decrease in the product of the Government Printing Office has had a marked effect also on the quantity of print paper used by that establishment. For the first eight months of the fiscal year 1920, ending March 1, 1920, the Public Printer reports charges for paper (including envelopes) entering into the product of the Government Printing Office at $2,206,734.38, as compared with charges of $3,114,919.10 for the first eight months of 1919. This shows a decrease of $908,184.72 in the paper used for Government printing during the present fiscal year, although the price of paper has greatly increased during the same period.

For the eight months of 1919 paper represented 39 per cent of the total printing charges, while for the eight months of 1920 it represents only 33 per cent, or a decrease of 6 per cent. For the entire fiscal year 1919 the charges for paper going into the product of the Government Printing Office amounted to $4,679,177.16, as compared with $4,753,924.58 for the fiscal year 1918, which, due to war requirements, represented the largest quantity of paper ever used by the Government Printing Office in any year of its history. The decrease in 1919 from that of 1918 was $74,747.42. The further decrease of $900,000 for the first eight months of the present fiscal year indicates the progress that is being made by the Government in its economies in the use of paper.

INVESTIGATIONS BY COMMITTEE.

The committee also has made considerable progress in the following investigations, which it hopes will result in substantial economies, particularly in the use of print paper by the Government:

1. Investigation of publications and other printed matter sent to Members of Congress by various governmental agencies. This inquiry has disclosed a large waste in such publications. Members of Congress have appealed to the committee for relief from the flood of useless printed matter that the departments are constantly pouring down upon them. The departments have been requested, therefore, to revise all their regular mailing lists at least once a year by making inquiry as to whether the publications so distributed are desired by the persons receiving them. The committee found that many mailing lists had not been revised for years, and that consequently a large percentage of the publications was wasted by useless distribution.

2. An urgent request has been made to the heads of departments to immediately cooperate with the committee in conserving the print paper by suspending, at least temporarily, many Government publications that are not essential at this time. This request has not brought forth the response that the committee had hoped would come from the departments. The continued shortage of paper makes it imperative that a number of the less important publications of the Government shall be suspended, at least for a time, or else the Government Printing Office will soon have no paper for even printing which is absolutely necessary to the transaction of public business. Some of the departments have rushed ahead in their mad orgy of printing, utterly regardless of this situation and unmindful of the public demand that such extravagances must soon cease. The committee is preparing, therefore, to order the suspension of an additional number of publications unless the departments themselves take prompt steps to curtail unnecessary printing and check the great waste of paper by their useless propaganda bureaus.

3. Investigation of the use of mimeograph, multigraph, and other duplicating devices by the various branches of the Government in the production of vast quantities of publicity propaganda and printing. Many thousands of dollars have been invested in such equipment by the departments in Washington alone, and these duplicating devices have to a large extent taken the place of the branch printing offices which Congress abolished a number of years ago. A separate report on this subject will be submitted later.

4. Investigation of addresses and speeches printed at the Government Printing Office for Government officers and charged to appropriations for the various executive departments and independent establishments of the Government from July 1, 1916, to September 15, 1919. The total number of speeches thus printed at public expense for Government officers other than Members of Congress was 30,144,362 copies, which required 894,101 pounds of white print paper and 557,683 pounds of manila envelope paper, or a total of 1,451,784 pounds of paper.

The printing of these speeches cost the Government $109,066.35. The envelopes used for mailing them at Government expense cost $84,052.96. The estimated expense of addressing these envelopes and inclosing the speeches was $97,968. The estimated expense to the Postal Service for handling and transporting the 725 tons of mail matter was $151,711.42. The total expense to the Government for printing and distributing the speeches of the Government officials who made this use of public funds was $442,798.73.

In addition to the foregoing, 3,031,137 speeches and addresses by Government officers other than Members of Congress were printed and charged to congressional funds or paid for by Members of Congress during the period from July 1, 1916, to January 1, 1920. The cost of printing the speeches was $12,610.66. The estimated cost to the Government of envelopes furnished free for the distribution of these speeches was $7,274.83.

In connection with the printing at public expense of these speeches, none of which were made by Members of Congress, it should be stated that Members of Congress are required to pay out of their own funds not less than the actual cost of such printing ordered by them from the Public Printer, so that the Government is fully reimbursed for the printing of speeches for Members of Congress. The committee is of the opinion, therefore, that other officers of the Government should not be permitted to have their speeches printed at public expense for general distribution, and that the gross abuse revealed by this investigation cease.

5. Investigation of the furnishing of large quantities of Government publications to private individuals and agencies, the distribution of which has been a valuable asset to such individuals and agencies. The committee ascertained that from January 5, 1918, to February 19, 1920, 1,319,495 Government publications were furnished free to one individual alone by order of three establishments of the Government—the Department of Agriculture, the Public Health Service, and the Bureau of Mines. The greater portion of these publications was thus disposed of in lots of from 5,000 to 10,000 copies of each. The individual referred to conducts an extensive newspaper service in which the distribution of Government publications forms a conspicuous part. The plan is to advise readers of the newspapers represented by this correspondent to write to him for copies of any desired publication, inclosing a 2-cent stamp, upon receipt of which the publication is sent out from the Washington office of the correspondent. In this way one individual, during the past two years, took over the distribution of nearly a million and a half publications which it was the duty of officers of the Government to distribute. The committee has no knowledge as to what profit, if any, these publications have been to the individual in question; but the committee did come to the conclusion that the furnishing of such a vast quantity of publications printed at Government expense to a private individual or agency was highly improper, and therefore adopted the following resolution, which is intended to prevent a continuance of such practice:

Resolved by the Joint Committee on Printing, under authority of section 11 of Public Act No. 214, Sixty-fifth Congress, That no person connected with any department of the Government shall furnish any publication for free distribution to any private individual, corporation, or agency in lots to exceed 50 copies, without first making application to the Joint Committee on Printing, giving the name of the person or agency desiring the same, the name of the publication, and the number of copies desired: *Provided,* That this regulation shall not apply to publications which are sold at a price to cover the cost of same: *Provided further,* That the clerk of the Joint Committee on Printing be instructed to furnish to each department of the Government and to the Public Printer a copy of this resolution, with a request that the receipt of same be duly acknowledged.

As a result of these investigations, the committee is firmly of the opinion that the act of March 1, 1919, which was adopted by Congress on the recommendation of this committee, was a most effective step toward substantial and much-needed economies in the public printing and binding. It is regrettable that some departments of the Government, particularly the War and Post Office Departments, made a vigorous effort to have this legislation repealed almost as soon as the law was enacted and before there was an opportunity to accomplish any of the economies it contemplated.

A year's experience in the application of the law has convinced the committee that it was most timely and that the savings set

forth herein are but a substantial beginning of the economies that may be brought about by continuing the supervision which has been vested in this committee.

The committee urgently recommends, therefore, that Congress reject all efforts to nullify or amend the act of March 1, 1919, in its application to any particular branch of the Government service.

The committee further recommends that it be given general supervision over all Government publications so as to bring about much needed coordination in Government printing, and that the committee be empowered to pass on the publication or discontinuance of all Government journals, magazines, and periodicals from time to time instead of having the same specifically provided for by law. It is believed this supervision should be vested in some body not connected with any particular department of the Government, and, from the work it has already done in this connection, the committee is of the opinion that the authority may as well be intrusted to it as to any other governmental agency.

PRINTING ECONOMIES OF CONGRESS.

It seems proper to state here that Congress and this committee have not undertaken to enforce printing economies on other branches of the Government without first effecting substantial saving in its own expenditures for that purpose. By direction of the committee the editions of documents printed for congressional distribution have been greatly restricted, and in many instances such distribution has been entirely suspended. The shortage and high price of paper and the necessity of utilizing the Government Printing Office to its utmost capacity for vital war work, prompted the committee to meet the situation as far as possible by curtailing congressional publications. The committee felt confident that the Members of Congress would give their approval to this patriotic purpose, and in this the committee has not been disappointed. The committee desires to express here and now its sincere appreciation of the hearty cooperation and support it has received from all the Members of Congress, who have accepted great reductions in the number of publications to which they are entitled without complaint or criticism.

The public is entitled to know that the failure of Members of Congress to distribute as many Government publications during the last two years has not been due to any negligence or lack of interest on their part, but has been the result of this committee's action, necessitated by war conditions, in suspending the printing of thousands upon thousands of copies of these publications. If such radical steps had not been taken by the committee, the Government Printing Office would not have been able to render the splendid war service it did, especially in the printing of the millions of publications so necessary to the success of the draft and the conduct of military operations. The committee believes, therefore, that this record fully justifies the means adopted.

The law (34 Stats. L., 826) provides that congressional publications, even though the total number is designated, shall be printed in such editions as the Joint Committee on Printing may determine, and that subsequent editions shall be printed as directed by the committee. The committee accordingly took advantage of this provision to effect the economies that were absolutely required of it by war conditions and the paper shortage. The committee anticipated somewhat the situation that it felt was sure to result from the war, and since October 6, 1914, has not ordered a single reprint for distribution by Members through the Senate and House folding rooms.

Just what this means to Members of Congress may be appreciated by citing as an example the Agricultural Yearbook. The full number of copies authorized by law for congressional distribution is 470,000 a year. Under the committee's regulations only 380,000 copies are regularly printed as the first edition, and since 1914 the committee has of necessity declined to permit any reprints, thus effecting a saving of 90,000 yearbooks annually for the last five years. As it costs about 75 cents apiece to print these books, the actual saving on this one item alone for the five years has been $337,500. The committee greatly regrets that Members and the public have been deprived of their full quota of yearbooks, but it believes such an economy will be commended by all who are interested in reducing the expenditures of the Government at this time of high costs and burdensome taxation.

This marked reduction in congressional printing became fully effective the past year and, together with the prior restriction on editions of other publications, has already saved many million pounds of precious paper besides effecting an economy of thousands upon thousands of dollars in the public printing and binding. A detailed statement in this regard is now being prepared for the committee.

PRINTING-REFORM BILL.

The committee also felt justified in the application of these economies to the present emergency by the fact that it was merely putting into effect similar provisions of which the Senate and the House at one time or another have given their approval when the printing-reform bills have been under consideration. Substantially all the publications suspended for congressional distribution are similarly disposed of in the printing bill (H. R. 8362) which I introduced in the House on behalf of the committee as its vice chairman and which was passed without opposition by this body on August 13, 1919. The bill is now pending before the Senate Committee on Printing.

The printing bill, including the economies already undertaken by this committee, will make it possible to reduce the expenditures for printing and binding by $507,581.80 a year, according to a detailed statement included in the report on that measure (H. Rept. 227, 66th Cong.). The Joint Committee on Printing fully concurs in that report and urges that the bill be enacted into law at an early date.

EXTENSION OF REMARKS.

Mr. LITTLE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an article from the Sunday Washington Star, entitled "No lopsided repeal of the organic act," which is a brief discussion from their standpoint of the half-and-half tax, and the view that they are representing.

The SPEAKER. The gentleman from Kansas asks unanimous consent to extend his remarks in the RECORD by printing the article from the Sunday Star to which he has referred. Is there objection?

Mr. CLARK of Missouri. I object, Mr. Speaker.

Mr. GALLIVAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an argument which I attempted to make before the Committee on Ways and Means of the House with reference to legislation on the soldiers' bonus.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD by printing an argument made before the Ways and Means Committee on the soldiers' bonus. Is there objection? [After a pause.] The Chair hears none.

INVESTIGATION OF CERTAIN WAR DEPARTMENT CONTRACTS.

Mr. CAMPBELL of Kansas. Mr. Speaker, I submit a privileged report from the Committee on Rules.

The SPEAKER. The gentleman from Kansas submits a privileged report from the Committee on Rules, which the Clerk will report.

The Clerk read as follows:

House resolution 517.

Resolved, That immediately upon the adoption of this resolution it shall be in order to move to go into Committee of the Whole House on the state of the Union for the consideration of H. Res. 515 and House Report No. 816 accompanying said resolution from the Select Committee on Expenditures in the War Department. That there shall be not to exceed four hours of general debate on said resolution and report, one-half to be controlled by the chairman of said committee, Mr. GRAHAM of Illinois, and one-half by the gentleman from Michigan, Mr. DOREMUS. That the gentleman from Illinois, Mr. MCKENZIE, the gentleman from Ohio, Mr. MCCULLOCH, and the gentleman from Michigan, Mr. DOREMUS, shall have leave to revise and extend their remarks on said resolution and report in the RECORD. That at the conclusion of the general debate the vote shall be taken on one substitute for the resolution, if any be offered, That upon the conclusion of the vote on said substitute and resolution in committee the committee shall rise and report the resolution or substitute, as the case may be, to the House; whereupon the previous question shall be considered as ordered on the resolution or substitute to final passage without intervening motion, except one motion to recommit.

Mr. CAMPBELL of Kansas. Mr. Speaker, I move the previous question on the resolution.

Mr. CLARK of Missouri. I would like to ask the gentleman a question.

Mr. CAMPBELL of Kansas. I am moving the previous question to allow 20 minutes' debate on a side.

The SPEAKER. The question is on ordering the previous question.

The previous question was ordered.

Mr. CAMPBELL of Kansas. Now I yield for a question to the gentleman from Missouri [Mr. CLARK].

Mr. CLARK of Missouri. I would like to inquire of the gentleman about the mysterious proposition in there that three certain gentlemen shall have the right to extend their remarks while the rest of us are shut out.

Mr. CAMPBELL of Kansas. The provision in the rule is to allow gentlemen who have been on the subcommittee making this investigation, and who are especially prepared to discuss it, to extend their remarks in the RECORD on the subject.

Mr. CLARK of Missouri. Why do you specify three men to have this privilege?

Mr. CAMPBELL of Kansas. For the reason that on a former occasion unanimous consent was refused to permit gentlemen to make proper corrections in the remarks they had made on the subject presented.

Mr. CLARK of Missouri. I do not think anybody in the House could be found who would object to these three men extending their remarks.

Mr. CAMPBELL of Kansas. That has been done, and this provision was put in to enable a complete record on the subject these gentlemen have so thoroughly investigated and are prepared to discuss.

Mr. FLOOD. I would like to ask the gentleman if he has objection to other members of the committee extending their remarks? There are other members of this investigating committee who are not on the subcommittee.

Mr. CAMPBELL of Kansas. The other members of the committee are dealing with subjects on other subcommittees, and are not especially prepared, as I understand it, on this subject. The gentlemen named, the gentleman from Illinois [Mr. MCKENZIE], the gentleman from Ohio [Mr. MCCULLOCH], and the gentleman from Michigan [Mr. DOREMUS], are familiar with the subject matter of this report and resolution.

Mr. FLOOD. Some of us have been endeavoring to familiarize ourselves with it. Of course we could not possibly have the information that the three gentlemen named in the rule have, but we wanted to familiarize ourselves as well as we could with the conditions, and we might desire to extend our remarks.

Mr. CAMPBELL of Kansas. If the gentleman from Virginia desires time, I suggest he make application to the gentleman from Michigan [Mr. DOREMUS] for it, or ask to extend his remarks in the RECORD.

Mr. FLOOD. I am not referring to the question of time. I am referring to the right to revise and extend the remarks I shall make in the time given me by the gentleman from Michigan [Mr. DOREMUS].

Mr. CAMPBELL of Kansas. That will undoubtedly be granted by the House and is not barred by this rule.

Mr. FESS. Will the gentleman yield?

Mr. CAMPBELL of Kansas. I will.

Mr. FESS. The three gentlemen have prepared their remarks, and if they take the time to put all they want to say in the RECORD other persons will be shut out entirely in the debate.

Mr. CAMPBELL of Kansas. Yes.

Mr. BEE. Will the gentleman yield?

Mr. CAMPBELL of Kansas. I yield to the gentleman from Texas.

Mr. BEE. I understood the gentleman from Kansas to say that this was done once before?

Mr. CAMPBELL of Kansas. On a former occasion a member of the committee asked leave to revise and extend, and objection was made to the request.

Mr. BEE. I mean in the rule. Once before they had a rule that limited the gentlemen who could extend their remarks. Was it not the same character of a resolution that we now have before us, something affecting the expenditures in the War Department, and are these not the only two instances at this session where gentlemen have been named who only should be allowed to extend their remarks, and is there any especial sanctity as to their investigation of the War Department that they should have a right that other Members do not have?

Mr. CAMPBELL of Kansas. It is not a question of sanctity. It is a question of procedure of the House. Objection was made to the request of a Member of the House who had discussed the subject of war expenditures to revise and extend his remarks in the RECORD.

Mr. GARD. Is there any provision in the rule for any amendment to be offered?

Mr. CAMPBELL of Kansas. One amendment may be offered.

Mr. GARD. By way of substitute?

Mr. CAMPBELL of Kansas. Yes.

Mr. GARD. Which is the only amendment that can be offered?

Mr. CAMPBELL of Kansas. The only amendment. And if the gentleman will read the resolution, I doubt if he would even offer a substitute.

Mr. Speaker, the rule is fair to both sides of the House. It brings before the House for consideration the report of the committee on camps and cantonments. The committee has offered a resolution making certain recommendations, which will be voted upon at the conclusion of the debate provided for in the rule. The resolution itself, I assume, will be discussed by gentlemen who are familiar with the subject. It provides that matters bordering on the criminal, if, indeed, they have not violated the statutes, should be referred to the office of the Attorney General.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. CAMPBELL of Kansas. I yield.

Mr. MOORE of Virginia. Will the gentleman state when the resolution, not the rule, was presented here?

Mr. CAMPBELL of Kansas. I am not sure. I found it on my desk this morning. It was introduced on April 10.

Mr. MOORE of Virginia. April 10.

Mr. CAMPBELL of Kansas. Yes.

Mr. MOORE of Virginia. That was Saturday.

Mr. CAMPBELL of Kansas. Yes.

Mr. MOORE of Virginia. What opportunity does the gentleman think has been given to the membership of the House to consider that resolution?

Mr. CAMPBELL of Kansas. Well, from Saturday until Monday.

Mr. MOORE of Virginia. Does the gentleman think that is the proper method of procedure, to have a resolution brought in here on the 10th and considered under a rule that is presented here this moment?

Mr. CAMPBELL of Kansas. If I did not think so, I would not have brought in this rule.

Mr. MOORE of Virginia. Does the gentleman think that, as a system, is a good way of conducting the business of this House?

Mr. CAMPBELL of Kansas. I think so.

Mr. MOORE of Virginia. The gentleman is at variance with the opinion I understood him to have expressed last summer, when he thought some means ought to be found to give the House a little notice in advance of business to be transacted and when it is to be transacted. I do not think I misunderstood my friend's expression at that time.

Mr. CAMPBELL of Kansas. Not at all.

Mr. BLANTON. Mr. Speaker, will the gentleman yield for a question?

Mr. CAMPBELL of Kansas. Yes, for a short question.

Mr. BLANTON. I would like to ask the gentleman from Kansas whether or not there is anything in this resolution that will protect the millions of helpless women and little children who are now threatened with starvation in the United States? Is there anything to relieve that situation that now confronts the country? That is the livest question before us just now.

Mr. CAMPBELL of Kansas. This deals with officers and agents of the United States Government contractors, who the committee think have been robbing these women and children of whom the gentleman from Texas speaks, and it suggests that the cases of these officers and others be referred to the Attorney General for proper treatment.

Mr. BLANTON. The gentleman realizes, however, that New York to-day is threatened with starvation inside of 10 days unless help is granted. Are we not going to take some action that will relieve that situation?

Mr. CAMPBELL of Kansas. That question is not under consideration to-day in the House, but is a proper matter for the Attorney General to take up at once.

Mr. MOORE of Virginia. Mr. Speaker, will the gentleman yield again?

Mr. CAMPBELL of Kansas. Yes.

Mr. MOORE of Virginia. I propose to introduce a resolution instructing the Committee on the Judiciary to consider the great mass of war statutes under which we live and which we ineffectively dealt with the other day when the so-called peace resolution was considered, and when we undertake the consideration of it I do hope that my distinguished friend will give some attention to that resolution and deal with it, if he can, in a summary way.

Mr. CAMPBELL of Kansas. I shall be happy to cooperate with the gentleman from Virginia in terminating the war powers of the President, if they have not already terminated.

Mr. MOORE of Virginia. I am going to give the House an opportunity to do that.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. MADDEN. I want to disagree with the gentleman from Virginia [Mr. MOORE]. I think we disposed of the war laws very effectively last Friday.

Mr. MOORE of Virginia. Has the gentleman any information that the Senate has disposed of the so-called peace resolution or will do it?

Mr. MADDEN. I can not answer to that effect until the resolution is passed by the Senate.

Mr. CAMPBELL of Kansas. Mr. Speaker, I can not have any more of this discussion taken out of my time.

Mr. WINGO. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL of Kansas. I will yield for a short question.

Mr. WINGO. Under the rules and practice of the House, which control extensions of remarks, any Member can submit his request. Now, this special rule having undertaken to control extensions, has the gentleman contemplated the fact that his rule has limited the right of extension and revision, and it would be out of order to submit a request for somebody else under the rule?

Mr. CAMPBELL of Kansas. Not at all.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The gentleman from North Carolina [Mr. POU] is recognized.

Mr. POU. Mr. Speaker, the House is called upon to consider another chapter in the investigation which has been in progress by the Committee on Expenditures in the War Department. This is a somewhat peculiar resolution. As has been pointed out, it designates three gentlemen who are to be permitted to extend their remarks in the RECORD. This is another bad precedent. The House set this precedent on a former occasion, if I remember correctly, and this is to be a second time that procedure is to be followed.

Mr. GRAHAM of Illinois. Mr. Speaker, will the gentleman yield?

Mr. POU. Yes; I yield.

Mr. GRAHAM of Illinois. I would like to ask the gentleman if he does not think that the three men who discuss this proposition ought to have the right to extend and revise their remarks on the subject?

Mr. POU. I do not think that these three gentlemen should have any more privileges under the rules of the House than any other Members of the House. [Applause on the Democratic side.]

Mr. GRAHAM of Illinois. I will agree with the gentleman about that, that that may be true. But the gentleman will also concede, I think, that in view of the fact that these gentlemen come from his committee objection might be made to their extending remarks that would not be made to other gentlemen on the floor of this House.

Mr. POU. I do not concede anything of the kind, Mr. Speaker, and I submit that it is bad procedure to designate three members of the Committee on Expenditures in the War Department, and to give them privileges by a rule of the House that are withheld from other Members.

Every Member should stand on equality with every other Member in asking to extend his remarks. And this is not good procedure; and the sooner the House puts an end to the practice the better it will be.

Now, there is another peculiarity about this rule we are considering. It does not provide that there shall be a vote on House resolution 515. There is no provision of that kind. But it provides that if a vote is taken at all, it must be on the substitute.

Mr. CAMPBELL of Kansas. Oh, I submit to my friend, the gentleman from North Carolina, that if he will read lines 2 and 3 on page 2 of the rule he will find that there will be a vote on the question.

Mr. POU. I will say to my good friend from Kansas that I have read those lines and all other lines in this resolution. The House gets its warrant for action from this rule. You may do whatever this rule authorizes, and you may not do anything else. And here is what the rule says:

> That at the conclusion of the general debate the vote shall be taken on one substitute for the resolution if any be offered.

And that is all you are empowered to do. It does read that "upon the conclusion of the vote on said substitute and resolution," which would seem to infer that a vote had been taken on the original resolution, but there is no authority in this rule for taking a vote on anything but the substitute. Lex ita scripta. You yourself have written your law of procedure that way. It may be that you did not intend that it should read that way, but that is what you have done. So the House must vote on the substitute, and if you vote on the resolution you do something this rule does not authorize you to do, except by implication.

Now, Mr. Speaker, this resolution provides for the consideration of House resolution 515, and House resolution 515, as has been pointed out by the distinguished gentleman from Virginia [Mr. MOORE], was only introduced on April 10. There is no favorable report on it from any committee. I read on the back it was referred to the House Calendar. So without any report from any committee, without any consideration by any committee, the special rule we are considering directs by implication only that this resolution 515 shall be either voted up or voted down.

That may be good procedure, but it has remained for this House to adopt such procedure. So far as I recollect no House of Representatives of any former Congress ever did anything of the kind.

Mr. KINCHELOE. Will the gentleman yield?

Mr. POU. Yes.

Mr. KINCHELOE. Will the gentleman tell us how we can intelligently vote on this resolution unless we have some report of the committee from which it is presented?

Mr. POU. I would not like to attempt to answer that question, because the rule is so peculiar that I must leave my friend to work out in his own ingenious mind the answer to his own question.

Now, Mr. Speaker, the subject matter of this report is the building of our war cantonments. You are criticizing the cost-plus system that was resorted to by the War Department. If there is one achievement that stands out above any other on this side of the water in the winning of this war it is that achievement that made these cantonments ready in time to train our soldiers, to send them across the sea. [Applause.] And I imagine that any man who investigates this testimony will come to the conclusion that it was not a question of choice with the War Department, but that the War Department adopted the only means by which these cantonments could have been put in readiness to take care of the boys before they were sent across the sea. Every fair-minded man will, I think, admit that in all the investigations in progress by your several committees up to this good hour, no outstanding scandal in this war has been developed. Whenever you discover that there is anything really rotten in Denmark, you will not have to debate it four hours in the House. The newspapers of the country will take care of it. In the Spanish-American War it was not necessary to inaugurate an investigation to prove that the soldiers were fed upon rotten beef. It was not necessary to debate here for four or five hours the treatment of our soldiers in that war. The whole country knew that they were dying like flies over in Cuba from diseases which could have been easily prevented if somebody had not been remiss in doing his duty. So whenever you discover that any particular man has violated the law you will not have to inaugurate an investigation here. He will immediately be marked by the people of the country. He will immediately be prosecuted by the Department of Justice, and you will not have to waste four hours in useless debate. [Applause.]

Mr. HASTINGS. May I have two minutes?

Mr. POU. I yield two minutes to the gentleman.

Mr. HASTINGS. Mr. Speaker, we have before us this rule, which is contained in House resolution 517. By reference to it you find that it was introduced on April 10. It is for the purpose of allowing the consideration of House resolution 515. The report on that resolution was made on April 10. So you see that the rule is of the same date—Saturday last—as the report upon the resolution.

But the point to which I want to invite attention is this: Lines 10 to 14, inclusive, in House resolution 517 provide—

> That the gentleman from Illinois, Mr. MCKENZIE, the gentleman from Ohio, Mr. MCCULLOCH, and the gentleman from Michigan, Mr. DORMUS, shall have leave to revise and extend their remarks on said resolution and report in the RECORD.

That is put in here for no other purpose than to allow remarks to be revised and extended so as to put in the RECORD newspaper clippings, ex parte statements, and all sorts of rubbish, in order that it may be franked out as campaign material in this presidential year. Now, we might as well look it straight in the face. That is the only purpose of doing it, and that is exactly what it is intended to be used for. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. CAMPBELL of Kansas. Will the gentleman from North Carolina use some more of his time?

Mr. POU. I think that is the conclusion of the debate on this side.

Mr. CAMPBELL of Kansas. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has nine minutes remaining.

Mr. CAMPBELL of Kansas. I yield eight minutes to the gentleman from Ohio [Mr. FESS]. [Applause.]

Mr. FESS. Mr. Speaker, unusual concern is expressed here by the gentleman on the Rules Committee representing the Democratic side, because we are giving to three men the privilege to extend their remarks without asking for that privilege from the floor of the House, which is the usual method and which will be employed by other Members who speak from the floor.

It has been stated before that the purpose of this is to allow the men who have made a thorough investigation and have reduced their argument to form to place it in the RECORD as they have produced it, which otherwise could be prevented by any Member on the floor of the House by simply objecting.

Mr. CLARK of Missouri. Will the gentleman yield?

Mr. FESS. I yield to my friend.

Mr. CLARK of Missouri. Does the gentleman from Ohio believe that there is one man on the floor of this House who would object to either one of these three gentlemen named extending his remarks for the very reason that he himself states?

Mr. FESS. Unfortunately I have to say that I have a fear of that, because it was done once before. Among the 435 Members there might be a very odd angle of view by certain Members of the House, and this is to prevent any one Member refusing to these gentlemen the privilege of extending their remarks as those remarks have been prepared.

Mr. CLARK of Missouri. I do not believe anybody would object to their extending their remarks. The gentleman says this is going to be the line of procedure hereafter. It never was done but once before, and I catechised the gentleman from Kansas about it then. If you can do it under one rule and force it through here, you can do it under any rule, and say that Tom, Dick, and Harry shall be permitted to extend his remarks, but that the rest of us shall be shut off.

Mr. FESS. The rest of us will not be shut off unless some individual Member of the House shuts us off by objecting. We permit any individual Member to shut off other Members, but we do not permit any Member to shut off these three men who have prepared their arguments, that we want to have printed as they are written.

Mr. REAVIS. Will the gentleman yield?

Mr. FESS. I yield to my friend.

Mr. REAVIS. The gentleman recalls that on one of the reports from one of the subcommittees the gentleman from Nebraska [Mr. JEFFERIS], a member of the committee, the gentleman from Illinois [Mr. GRAHAM], another member of the committee, and the chairman of the main committee asked the privilege of extending their remarks for the purpose of apprising the American people of the facts that they had developed, when time did not permit them to speak at length from the floor, and objection was made in that case.

Mr. FESS. I remember that fact.

Mr. REAVIS. Is it not the purpose of the Rules Committee, by permitting all the members of the committee, Democrats and Republicans alike, to extend their remarks, to see that all the facts as developed by that committee get to the people of the United States?

Mr. FESS. That is the situation that led to the adoption of this rule.

At the opening of this war every Member who had an open mind knew that if the war would become extensive, as everybody expected it to become, there would be an immense amount of waste, because that is war, and if not managed under some degree of regard for the Treasury, extravagance would become the inevitable rule. The very first step taken to avoid this certainty was by the Republican membership of this House, when immediately after providing for the man power and money power of this Nation to prosecute the war, we sought to insure against needless extravagance and waste of funds. Our next step was to take the precaution to prevent the unnecessary waste in the expenditures for war by creating a committee of Congress on expenditures for war purposes. We saw our national debt increased overnight from less than a billion to over ten billions, and much more to follow, and in order to prevent unnecessary waste the Republican side of the House undertook the appointment of a committee on war expenditures—mark you, not a committee on the conduct of the war, as was the case in the Civil War—not as was attempted during the Civil War, when the Democratic side of the House undertook to interfere in the prosecution of the war, which they condemned and tried to hinder—but in the interest of seeing that there was no needless waste of the Nation's resources. The body that was supplying funds desired to provide against the waste of those funds. Those who fought against it, on the basis that we were interfering in the conduct of the war, failed to discriminate between the conduct of the war, which was the function of the Executive, conceded by every Republican in the House, and the expenditures of money appropriated by Congress. The body that appropriated the money must see that it is applied in accordance with the terms of the law.

What is the result? The moment we introduced that resolution there came an order from the White House that it was an attempt to interfere in the prosecution of the war, and we were defeated. This was not the first suggestion that the war was to be made a Democratic Party war. A second attempt was made, and again we were defeated. Each time the party which had led in all war legislation was to be ignored. Having failed to do the thing that the executive department of the Government ought to have welcomed in the interest of effective administration and economic management of the war, what else could we do? Upon every hand a wild orgy of waste was observed. Every protest met the same answer, it was not our concern. We started the investigation of these expenditures soon after the Republican Congress met. This was done in answer to a general demand from the people. Why? First, the people have a right to know how the money that they are paying in the form of taxation was and is being expended. No amount of boasting by Democratic politicians of what was done will answer that demand. Secondly, there is an inherent right in this Government to find the culpable party who takes advantage of his Government in time of war. If there has been anyone guilty of moral turpitude, taking advantage of the war to profiteer at the expense of this Government, then we have a right not only to point it out, but we must prosecute the men who have done it. [Applause on the Republican side.] People from every section of this country are demanding prosecution. Congress can not do that. That is the work of the Justice Department. Congress can uncover the facts. It is so doing. The Justice Department must prosecute.

It is generally believed that there will be no prosecutions, that an administration will not find itself guilty. There is a basis for this statement.

In the investigations thus far there was a report from the special commission upon aircraft, appointed by the President in response to the general outcry of the Nation for the actual situation. That report was made by Justice Hughes, whose commission was confined to finding facts. It made recommendations which were indorsed by the Attorney General of the present administration. The report was sent to the Secretary of War with the recommendation that certain specific men therein named be court-martialed, which recommendation was based on the facts submitted. In spite of the facts and recommendation, the Secretary of War decided that it was not a sufficient case to submit for court-martial proceedings. Although we had spent $1,055,000,000 for aircraft and had not a single American-built battleplane at the front and only 196 other American-built planes, yet we were told that there was no ground for court-martial procedure. This action of the War Department indicates what is to be expected from the administration in the prosecution of such cases. Congress can not go further than make the investigation. The Department of Justice, which in the aircraft case indorsed the Hughes recommendation, must necessarily make the prosecution when brought under the civil authority. The indictments secured by the Shipping Board investigations show what can be done. Another reason why we must uncover these irresponsible expenditures is to compel a repayment wherever it can be shown that funds have been collected under false contracts or where advantage has been taken of the Government. There are numerous cases of this sort already promised.

Still another reason why we must continue to make the investigation is to lay the foundation to cut off the unnecessary and continuing war agencies that still persist. We are bitterly assailed by the country because we have not been able to separate all the thousands of war workers who are still on the pay roll and who are employing every influence to continue on it. If you do not lay this foundation, we will not succeed in our efforts to get back to normal, and we are subject in Congress to the criticism that we are maintaining these war agencies. [Applause on the Republican side.] Our business here is not in any way to discredit men nor an administration because they do not happen to be on our side politically, but our business is to know how the money was spent, to let the public know it, to prosecute where there is guilt, to recover where there is fraud, and to lay the foundation to cure the disease that the whole Nation to-day is still suffering from. What has already been accomplished justifies us in an expectation that more will still be done. That is why I will vote for the rule. Our duty as Congressmen is to get at the facts. It is then up to the Department of Justice to prosecute the guilty parties. Indictments have already been secured in some cases and trials are awaited. If, as in the aircraft cases, the findings of a presidential commission are ignored, the only recourse left us is an appeal to the people, which will not be long deferred. [Applause on the Republican side.]

The SPEAKER. Under the rule the previous question is considered as ordered, and the question now is on agreeing to the resolution.

Mr. POU. On that, Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 154, nays 113, answered "present" 2, not voting 159, as follows:

YEAS—154.

Ackerman	Baer	Boies	Burdick
Andrews, Nebr.	Barbour	Bowers	Burroughs
Ashbrook	Benham	Brooks, Ill.	Campbell, Kans.
Ayres	Bland, Ind.	Brooks, Pa.	Cannon

Christopherson	Hernandez	McLaughlin, Nebr.	Schall
Classon	Hersey	MacGregor	Scott
Cole	Hickey	Madden	Siegel
Cooper	Hicks	Magee	Sinclair
Copley	Houghton	Mapes	Smith, Idaho
Currie, Mich.	Hull, Iowa	Merritt	Stephens, Ohio
Dale	Ireland	Michener	Stiness
Dallinger	James	Miller	Strong, Kans.
Davis, Minn.	Jefferis	Monahan, Wis.	Strong, Pa.
Dempsey	Johnson, Ky.	Moore, Ohio	Sweet
Dickinson, Iowa	Johnson, S. Dak.	Mott	Swope
Dowell	Johnson, Wash.	Mudd	Temple
Dunn	Kahn	Murphy	Thompson
Dyer	Kearns	Newton, Minn.	Tilson
Eagan	Keller	Newton, Mo.	Timberlake
Echols	Kiess	Nichols, Mich.	Tincher
Emerson	King	Nolan	Tinkham
Esch	Kinkaid	Ogden	Towner
Evans, Nebr.	Kleczka	Osborne	Treadway
Evans, Nev.	Knutson	Paige	Vaile
Fairfield	Kraus	Pell	Vestal
Fess	Kreider	Platt	Volstead
Focht	Lampert	Purnell	Watson
Fordney	Layton	Ramseyer	Webster
Foster	Lea, Calif.	Randall, Calif.	Welling
Frear	Lehlbach	Reavis	Wheeler
Gallivan	Little	Reed, N. Y.	White, Kans.
Glynn	Lonergan	Reed, W. Va.	White, Me.
Goodykoontz	Luhring	Rhodes	Wilson, Ill.
Graham, Ill.	McArthur	Ricketts	Wood, Ind.
Green, Iowa	McCulloch	Riddick	Woodyard
Hardy, Colo.	McFadden	Rogers	Yates
Harreld	McKenzie	Rose	Young, N. Dak.
Haugen	McKinley	Sanders, Ind.	
Hawley	McLaughlin, Mich.	Sanders, N. Y.	

NAYS—113.

Almon	Evans, Mont.	McClintic	Romjue
Aswell	Ferris	McDuffie	Rouse
Babka	Fields	McKeown	Rubey
Barkley	Fisher	Major	Rucker
Bee	Flood	Mann, S. C.	Sanders, La.
Benson	Gandy	Martin	Sherwood
Bland, Va.	Gard	Mays	Stedman
Blanton	Garner	Mead	Stephens, Miss.
Box	Godwin, N. C.	Milligan	Stoll
Brand	Goodwin, Ark.	Minahan, N. J.	Sumners, Tex.
Briggs	Griffin	Montague	Tague
Buchanan	Hardy, Tex.	Mooney	Taylor, Ark.
Byrnes, S. C.	Hastings	Moore, Va.	Taylor, Colo.
Byrns, Tenn.	Hersman	Nelson, Mo.	Thomas
Campbell, Pa.	Hoey	O'Connor	Tillman
Candler	Howard	Oldfield	Venable
Carss	Huddleston	Oliver	Vinson
Clark, Fla.	Hudspeth	Olney	Watkins
Clark, Mo.	Hull, Tenn.	Overstreet	Weaver
Coady	Igoe	Padgett	Welty
Collier	Jacoway	Park	Wilson, La.
Crisp	Johnson, Miss.	Parrish	Wilson, Pa.
Davey	Jones, Tex.	Pou	Wingo
Davis, Tenn.	Kincheloe	Quin	Woods, Va.
Dent	Lanham	Rainey, Ala.	Wright
Dickinson, Mo.	Lankford	Rainey, H. T.	Young, Tex.
Donovan	Lazaro	Rainey, J. W.	
Doughton	Lee, Ga.	Baker	
Dupré	Linthicum	Rayburn	

ANSWERED "PRESENT"—2.

Humphreys	Longworth

NOT VOTING—150.

Anderson	Eagle	Kennedy, Iowa	Rowan
Andrews, Md.	Edmonds	Kennedy, R. I.	Rowe
Anthony	Elliott	Kettner	Sabath
Bacharach	Ellsworth	Kitchin	Sanford
Bankhead	Elston	Langley	Scully
Begg	Freeman	Larsen	Sears
Bell	French	Lesher	Sells
Black	Fuller, Ill.	Luce	Shreve
Blackmon	Fuller, Mass.	Lufkin	Sims
Bland, Mo.	Gallagher	McAndrews	Sinnott
Booher	Ganly	McGlennon	Sisson
Brinson	Garland	McKinley	Slemp
Britten	Garrett	McLane	Small
Browne	Goldfogle	McPherson	Smith, Ill.
Brumbaugh	Good	MacCrate	Smith, Mich.
Burke	Goodall	Maher	Smith, N. Y.
Butler	Gould	Mann, Ill.	Smithwick
Caldwell	Graham, Pa.	Mansfield	Snell
Cantrill	Greene, Mass.	Mason	Snyder
Caraway	Greene, Vt.	Mondell	Steagall
Carew	Griest	Moon	Steele
Carter	Hadley	Moores, Ind.	Steenerson
Casey	Hamill	Morgan	Stevenson
Chindblom	Hamilton	Morin	Sullivan
Cleary	Harrison	Neely	Summers, Wash.
Connally	Hayden	Nelson, Wis.	Taylor, Tenn.
Costello	Hays	Nicholls, S. C.	Upshaw
Crago	Heflin	O'Connell	Vare
Cramton	Hill	Parker	Voigt
Crowther	Hoch	Peters	Walsh
Cullen	Holland	Phelan	Walters
Curry, Calif.	Hulings	Porter	Ward
Darrow	Husted	Radcliffe	Wason
Denison	Hutchinson	Ramsey	Whaley
Dewalt	Johnston, N. Y.	Randall, Wis.	Williams
Dominick	Jones, Pa.	Reber	Winslow
Dooling	Juul	Riordan	Wise
Doremus	Kelley, Mich.	Robinson, N. C.	Zihlman
Drane	Kelly, Pa.	Robsion, Ky.	
Dunbar	Kendall	Rodenberg	

So the resolution was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. RODENBERG with Mr. BELL.

Mr. LONGWORTH with Mr. KITCHIN.

Mr. GREENE of Massachusetts with Mr. GARRETT.

Mr. JUUL with Mr. LARSEN.

Mr. FRENCH with Mr. MOON.

Mr. KENDALL with Mr. SMALL.

Mr. DENISON with Mr. HEFLIN.

Mr. CHINDBLOM with Mr. BANKHEAD.

Mr. WILLIAMS with Mr. DEWALT.

Mr. BROWNE with Mr. GALLAGHER.

Mr. ZIHLMAN with Mr. BLACK.

Mr. WALSH with Mr. O'CONNELL.

Mr. PARKER with Mr. JOHNSTON of New York.

Mr. ANTHONY with Mr. SISSON.

Mr. LANGLEY with Mr. CARTER.

Mr. HUTCHINSON with Mr. BRINSON.

Mr. GRAHAM of Pennsylvania with Mr. NEELY.

Mr. SELLS with Mr. CLEARY.

Mr. TAYLOR of Tennessee with Mr. DOREMUS.

Mr. HAMILTON with Mr. PHELAN.

Mr. ROWE with Mr. EAGLE.

Mr. SUMMERS of Washington with Mr. CARAWAY.

Mr. HULINGS with Mr. MCKINLEY.

Mr. JONES of Pennsylvania with Mr. MANSFIELD.

Mr. KENNEDY of Rhode Island with Mr. CALDWELL.

Mr. RADCLIFFE with Mr. SCULLY.

Mr. WINSLOW with Mr. SIMS.

Mr. BACHARACH with Mr. SABATH.

Mr. EDMONDS with Mr. DOMINICK.

Mr. VARE with Mr. MCANDREWS.

Mr. SINNOTT with Mr. BLACKMON.

Mr. NELSON of Wisconsin with Mr. NICHOLLS of South Carolina.

Mr. BUTLER with Mr. STEELE.

Mr. SHREVE with Mr. UPSHAW.

Mr. WALTERS with Mr. STEVENSON.

Mr. KELLY of Pennsylvania with Mr. STEAGALL.

Mr. MCPHERSON with Mr. MCGLENNON.

Mr. MANN of Illinois with Mr. RIORDAN.

Mr. GRIEST with Mr. LESHER.

Mr. HOCH with Mr. GOLDFOGLE.

Mr. PETERS with Mr. HARRISON.

Mr. RANDALL of Wisconsin with Mr. CULLEN.

Mr. FULLER of Massachusetts with Mr. WISE.

Mr. DARROW with Mr. CASEY.

Mr. MASON with Mr. SMITHWICK.

Mr. MONDELL with Mr. KETTNER.

Mr. RAMSEY with Mr. SMITH of New York.

Mr. WASON with Mr. ROWAN.

Mr. SMITH of Illinois with Mr. MAHER.

Mr. PORTER with Mr. MCLANE.

Mr. SNYDER with Mr. HAYDEN.

Mr. MOORES of Indiana with Mr. SULLIVAN.

Mr. SLEMP with Mr. WHALEY.

Mr. FULLER of Illinois with Mr. BLAND of Missouri.

Mr. BURKE with Mr. CAREW.

Mr. CURRY of California with Mr. DOOLING.

Mr. GOOD with Mr. HAMILL.

Mr. FREEMAN with Mr. CANTRILL.

Mr. ELSTON with Mr. DRANE.

Mr. GARLAND with Mr. ROBINSON of North Carolina.

Mr. COSTELLO with Mr. SEARS.

Mr. CRAGO with Mr. BOOHER.

Mr. HADLEY with Mr. CONNALLY.

Mr. CROWTHER with Mr. GANLY.

Mr. SMITH of Michigan with Mr. BRUMBAUGH.

Mr. MORIN with Mr. HOLLAND.

Mr. MORGAN. Mr. Speaker, I desire to vote yea.

The SPEAKER. Was the gentleman present, listening, when his name was called?

Mr. MORGAN. No.

The SPEAKER. The gentleman does not bring himself within the rule.

Mr. ANTHONY. Mr. Speaker, I should like to vote yea.

The SPEAKER. Was the gentleman present, listening, when his name was called?

Mr. ANTHONY. I was just entering the door when my name was called.

The SPEAKER. Was the gentleman present, listening, when his name was called?

Mr. ANTHONY. If there is any doubt about it, I would like to be recorded present.

The SPEAKER. The Chair has no authority to do that.

The result of the vote was announced as above recorded.

Mr. GRAHAM of Illinois. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of House resolution 515 and House Report No. 816 under the rule.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of House resolution 515, with Mr. WOOD of Indiana in the chair.

The CHAIRMAN. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 515.

Whereas the hearings before the Select Committee on Expenditures in the War Department on the construction of camps and cantonments contain testimony tending to show that there was criminal conduct in connection with emergency construction work; and

Whereas said hearing disclose cases where it is alleged Government funds were fraudulently and illegally paid to contractors and others in connection with emergency construction work: Therefore be it

Resolved, That the Speaker of the House of Representatives is hereby authorized and directed to refer to the Attorney General of the United States the testimony taken before the Select Committee on Expenditures in the War Department on the subject of camps and cantonments, together with the report of said committee and the minority views on that subject, with the request that the Attorney General institute investigations before grand juries for the purpose of indicting and prosecuting such persons as are guilty of criminal conduct, and to institute civil suits for the recovery of any Government funds which have been fraudulently or illegally paid on account of such emergency construction work.

Mr. GRAHAM of Illinois. Mr. Chairman, before we begin I would like to arrive at some understanding with the gentleman from Michigan [Mr. DOREMUS]. As I understand it, there will be but two speeches on this side, one by the gentleman from Ohio [Mr. MCCULLOCH] and the other by the gentleman from Illinois [Mr. MCKENZIE], one to open and one to close. Will it be entirely satisfactory to the gentleman to use all of his time after the first speech on this side?

Mr. DOREMUS. And then let Mr. MCKENZIE close?

Mr. GRAHAM of Illinois. Yes.

Mr. DOREMUS. Oh, certainly.

Mr. GRAHAM of Illinois. Mr. Chairman, with that understanding, I yield one hour and a half to the gentleman from Ohio [Mr. MCCULLOCH].

Mr. MCCULLOCH. Mr. Chairman, subcommittee No. 2 of the Select Committee on Expenditures in the War Department was directed and charged with the responsibility of investigating expenditures in connection with the construction and maintenance of camps and cantonments. The report, which is now before the House, covers 105 pages, and is a complete and exhaustive review of the testimony taken by the committee, with its conclusions, findings, and recommendations.

I have been asked by the gentleman from Illinois [Mr. MCKENZIE], the chairman of the committee, to present to the House a brief analysis of the testimony and findings of the committee. In the time allotted to me I can only deal with the subject in the most general way. Our committee has endeavored to pursue its work systematically, and with but one thought in mind—to get the facts and disclose the truth.

Congress declared war; it raised the money necessary to carry on the war from the people by taxation, the authorization of bond issues, and otherwise; and by appropriations Congress allotted that money among the various executive branches of the Government to be expended for the prosecution of the war. Congress and the people are entitled to know how that trust was executed. If there was graft and criminality, those who are guilty should be punished; if there was undue extravagance and waste due to negligence or ulterior motives, those responsible should be condemned; if, on the other hand, the funds were properly expended, those who did their duty should receive the highest commendation. For the benefit of future generations, and that there may never be a repetition of any errors and mistakes that were made, an investigation of the kind pursued by our committee, we feel, can not but be of benefit to the public generally and the country.

"We won the war" has been made to cover a multitude of sins, and during the taking of testimony I have been impressed with the audacity of the claims of the profiteers. To hear them talk you would think that the fighting was done in the swivel chairs and over the roll-top desks, instead of on the battle fields. They pin upon themselves the golden badge marked "patriot" and sing from morning until night their own praises. [Applause on the Republican side.]

It is not within the province or jurisdiction of this committee to prosecute crime or indict criminals. That is an executive and judicial duty, and while the testimony disclosed many cases of theft, of fraud, and of individual guilt, which should receive the attention of the Department of Justice, yet some of the greatest crimes that were committed against the public and the Government were probably technically "within the law." They were acts committed under a cloak of patriotism.

Much has been said about the Council of National Defense. I will refer to it only as its operations have a bearing on emergency construction. I have no criticism to make of the underlying purpose that actuated Congress to authorize the creation of the Council of National Defense. The idea of correlating and bringing into active operation, in order to successfully meet the emergency, the industrial, commercial, and manufacturing forces of the country, so that all elements would be working together with but a single purpose and to one end, was not only laudable, but, in my judgment, practical; and if the activities of the Council of National Defense had been confined to surveying, advising, recommending, and assisting the regularly constituted agencies of the Government, as the act creating it specifically provided, there perhaps could have been no criticism offered in regard to the Council of National Defense, its creation, or its operations. But instead of the committees of the Council of National Defense confining themselves to recommending and advising the regularly constituted agencies of the Government in the conduct of the war, they exceeded their powers, superseded the regularly constituted agencies, and assumed control.

The Council of National Defense was a holy thing put to an unholy use. It furnished the opportunity for interested parties to get control of the governmental distributing agencies, and while that control was assumed and usurped, being unauthorized by law, yet the effect was the same, the result being that the regularly constituted agencies, officered by men paid by the Government, and under oath to do their duty, agencies created to safeguard the Government and protect it, were in effect supplanted by the agents and friends of such interested parties operating through the committees of the Council of National Defense. The interested parties moved in and took possession, became both purchasers and sellers, and represented both the Government and themselves, because, acting for the Government, they purchased from themselves, their employers, affiliated concerns, or past and future clients. They not only assumed full control and became the purchasing agents for the Government, superseding the regularly constituted agencies, but they fixed the prices of the products that were to be sold to the Government, and acting in the dual capacity, in fact, if not in name, often of both purchasers and sellers, eliminated those whose duty it was to look after the interests of the Government. This was true in almost all lines, according to the testimony taken before our general committee, but it was glaringly so in connection with emergency construction.

When war was declared it was decided that 16 National Army cantonments should be constructed and 16 National Guard camps. These were to be distributed in zones throughout the country with a view to facilitating mobilization and training of troops.

The construction of these camps and cantonments and construction generally by the Construction Division involved the expenditure of approximately $1,200,000,000. The structures to be built were of the simplest character, being mere shelters. The first consideration was speed in construction, for our soldiers had to be encamped and trained with all possible dispatch. The second consideration was to get the best construction at a reasonable price.

The War Department was the regularly constituted agency charged under the law with the duty of providing shelter for our troops. Newton D. Baker was the Secretary of War, so that the responsibility for what was done and for what happened is directly chargeable to the War Department and to the Secretary of War. Instead of the War Department functioning and this work being carried on by the regularly constituted agency of the Government, receiving advice, recommendations, and assistance from outside sources or committees, and following such advice and recommendations to the extent that it was deemed wise to do so, a subcommittee of the Council of National Defense, called the emergency construction committee, came forward, kicked the War Department out bag and baggage, and assumed absolute control. This was done with the approval of the Secretary of War, and the effect of it was that men who owed only a moral and not a legal duty to the Government transacted the business that should have been carried on by men who were under oath to protect the Government in a legal as well as a moral way. The system was by written record attempted to be justified upon the theoretical ground that patriotism would temper the average greed and avarice of human nature; that all men in this emergency were patriots willing to subordinate their own personal interests to those of the Government, which can only be described as a beautiful theory advanced by

impractical men in charge of very practical affairs. If the Secretary of War, instead of being a theorist, had been a practical business man, he never would have permitted the ordinary rules of business conduct to have been abrogated on a theoretical idea that all men would subordinate their own avarice for patriotic purposes. [Applause on the Republican side.]

ISSUE JOINED ON COST-PLUS SYSTEM.

It is clear, after months of investigation and the taking of volumes of testimony by our committee, that an issue is squarely joined between the majority members of the committee and the minority, and that issue is, whether or not the cost-plus system, which was adopted and followed with the approval of the Secretary of War, was a proper system to have been put into operation under the circumstances attending the emergency.

The majority members of the committee assert that the cost-plus system was not a proper system to have followed; that it was a reprehensible system; that it resulted in delays, fraud, waste, and extravagance, the far-reaching effects of which will be felt for years and years to come by the people of the United States.

The minority justifies the cost-plus system, contending that it was necessary, due to the circumstances surrounding the emergency. The issue, therefore, is clearly joined and made.

There can be no doubt about who was finally responsible for the system adopted, as the Secretary of War, Newton D. Baker, in testifying before our committee assumes full responsibility for the adoption of the cost-plus system, stating to the committee that it had his approval.

In view of the fact that the Secretary of War admits responsibility for the cost-plus system, it is not at all strange that the minority should attempt a justification of the system, because, if the contention of the majority is justified by the facts, the executive branch of the Government is responsible for a system that has and had more far-reaching detrimental effects upon the American people than any one act of omission or commission in connection with this emergency. It is the contention of the majority that the cost-plus system invited waste and extravagance to such an extent that the results are revolting to contemplate; that while speed was all important, and is advanced by the minority as the reason for its adoption, the facts are the cost-plus system caused delay.

The majority contends that whether or not the adoption of the cost-plus system is traceable to a willful and successful attempt to open the door for the profiteer, or merely an error in judgment on the part of the executive officers of the Government in adopting the wrong system, the adoption of that system did result in giving interested parties and those who were seeking to profit by the emergency and its necessities every opportunity to do so, and words are not strong enough to express the bitter condemnation that should fall upon the executive branch of the Government for the adoption of this reprehensible system.

EMERGENCY CONSTRUCTION COMMITTEE.

The cost-plus system, which was approved by the Secretary of War, was decided upon by what is known as the emergency construction committee, a subcommittee of the general munitions board of the Council of National Defense. This committee decided upon the policy, prepared the form of contract and the various provisions of the contract, such as the fees to be paid contractors, etc. This committee selected the contractors who were to do the work, exercising absolute and autocratic control over the whole situation.

Who made up the personnel of this emergency construction committee, which was permitted to assume such far-reaching powers, involving the expenditure of hundreds of millions of dollars, under a contract that gave the contractor almost unlimited authority in disbursing Government money? Who made up the personnel of this committee which was permitted by the Secretary of War to assume the prerogatives that belonged to the regularly constituted agencies of the Government?

At the time the emergency construction contract was formulated the emergency construction committee of the Council of National Defense was made up of the following members: W. A. Starrett, chairman, a member of the firm of Starrett & Van Vleck, architects, New York; C. W. Lundoff, of the firm of Crowell-Lundoff-Little, construction contractors, Cleveland; and M. C. Tuttle, general manager of the Aberthaw Construction Co., Boston.

W. A. Starrett, the chairman, had for the clients of his firm and did business with the large contractors of the country. He is now the vice president of the George A. Fuller Co., one of the largest firms of contractors in the country, which concern had many Government contracts during the war.

C. W. Lundoff, of the firm of Crowell-Lundoff-Little, construction contractors, Cleveland, later resigned from the emergency construction committee, and through the Cleveland Construction Co. he, acting as general manager, constructed Camp Perry, a $5,000,000 governmental project.

M. C. Tuttle, the other member of the committee, was the vice president of the Aberthaw Construction Co., Boston, which company received contracts during the war. How M. C. Tuttle came to be selected as a member of the emergency construction committee is shown by the testimony of Frank A. Scott, of the Council of National Defense, who told our committee that Mr. Tuttle had come to Washington looking for a job; that "He came to scoff and remained to pray." He evidently decided that it was his duty to remain here in Washington as a member of the emergency construction committee, distributing contracts, rather than to return to Boston with a contract. When Mr. Scott was asked what Mr. Tuttle's experience was that justified his appointment, he said, "I knew nothing of his experience except that he was vice president of the Aberthaw Construction Co., which is one of the great construction firms, which you probably know," and he added, "When a man gets excited and forgets he came here looking for a job, it would show responsibility." [Applause on the Republican side.]

Tuttle came representing a contractor, and he stayed at a dollar a year to represent the Government on a committee that distributed contracts involving the expenditure of hundreds of millions of dollars.

This emergency construction committee was permitted to assume the power, first, of deciding upon the form of contract and the policy to be followed in emergency construction; second, to select arbitrarily the contractors who were to be given contracts. This committee was permitted to supersede and supplant the regular agencies of the War Department, and they were allowed to override the views of Army officers, such as Gen. Littell, of the Quartermaster Corps, who was compelled to bow to the "superior judgment," as he puts it in his testimony, of the members of this committee, and accept their views as to the details of the form of the contract and the policy to be pursued.

In my opinion, this committee, with other committees of the Council of National Defense, were responsible for the representations that were made to the public that the emergency found this country absolutely without any preparation to meet it. It is true that our preparedness was not as great as it would have been had persons in executive authority counseled and recommended legislation looking toward preparedness at the beginning of the World War in Europe, but to attempt to make it appear that we had no plans and facilities for meeting the emergency, as had been contended by the committees of the Council of National Defense, is not only absurd but utterly and absolutely untrue. It has appeared time and again in the testimony of the swivel-chair patriots appearing before our committee that the Council of National Defense and its committees found the Government unprepared in every particular. To show the falsity of these statements I need but refer to one situation, which is typical.

In connection with emergency construction it was necessary to have a corps of engineers. In fact, it was contended by Gen. Goethals that the way to construct the cantonments and provide shelter for our troops was not to call in contractors, but to have the Corps of Engineers of the United States Army, who were trained in construction, go upon the job, and in behalf of the Government and for the Government build the structures that were necessary to house our troops.

The committee on emergency construction either did not know that we had a trained Corps of Engineers available, or they refused to permit them to function, because they developed a corps of engineers for each cantonment from civilian life. Many excuses were given by those who testified before our committee as to why the trained Corps of Engineers of the Army had not been utilized, but not one of their excuses would carry conviction to the reasonable mind.

The truth is that West Point was established as an Engineers' school in the year 1802. Every year since that school was founded there has been selected for the Corps of Engineers the men who stood first in their classes at that school, with the result that we have in the Army Engineer Corps the greatest engineers in the world, and we had at the beginning of this emergency in the Corps of Engineers immediately available 165 officers. They also had within their organization on their reserve list the best engineering talent of the United States. [Applause on the Republican side.]

The Corps of Engineers had been so divided in zones throughout the country that there was in every zone where a cantonment was to be constructed a district office of the Corps of Engineers, whose officers could have been gotten upon any job in not to exceed one week. For instance, at Wheeling, W. Va., within a hundred miles of Chillicothe, where Camp Sherman was built,

there was a district office of the United States Army Corps of Engineers, which, according to the testimony of Col. Sherrill, could have been gotten onto the job and started construction in less than a week. To contend that this Corps of Engineers was not a competent adjunct of the American Army is ludicrous. They built the Panama Canal. They have built every great engineering project in connection with our waterways. They were the banner corps of the United States Army, and yet Mr. Starrett, the architect, Mr. Lundoff, the contractor, and Mr. Tuttle, the contractor, refused to utilize this Corps of Engineers, which was ready and waiting to meet this emergency, and they developed from contractors' organizations in civilian life the engineering force to carry on this work at a large expense to the Government.

Col. Sherrill, of the Corps of Engineers, a West Point man, who has been in the service for 22 years and who is recognized as one of its most efficient officers, appeared before our committee under subpœna and testified as to the personnel and the organization of the Corps of Engineers prior to the declaration of war and after the declaration of war; also as to the work they accomplished in France. Col. Sherrill stated to the committee that the Corps of Engineers had ready, available, and waiting an efficient force competent to have constructed the camps and cantonments; although the Army regulations provide "the duties of the Corps of Engineers comprise reconnoitering and surveying for military purposes, including the laying out of camps," and while the Corps of Engineers, through Gen. Sharpe, notified those in executive authority that they were ready and waiting to undertake this work, having in every zone where a camp was to be constructed an office of the Corps of Engineers with complete data as to labor conditions and all information necessary to enable them to enter upon the work promptly and without delay, yet they were not called upon; they were absolutely ignored, and the emergency construction committee took weeks to decide upon the form of a contract, took weeks to select the contractors, took a great deal of time developing the several engineer organizations necessary to carry on the work at the various camps, while an efficient organization of the Government remained idly by, waiting to be called to duty in the emergency.

The facts as disclosed by the testimony of Col. Sherrill, which is substantiated in every particular by the testimony of Gen. Black, Chief of Engineers, United States Army, furnish positive proof that the contentions we have made are justified, that the regularly constituted agencies of the Government were superseded by men from contracting firms, and that these men, with the approval of the Secretary of War, fixed things to suit themselves. [Applause on the Republican side.]

Col. Sherrill said:

The Engineer Department was and is organized so that, with no difficulty whatever, it could have so allocated construction work among the then existing construction districts as to have accomplished it in a very brief time economically and efficiently.

The Engineer Department has approximately 35 engineering districts located throughout the country for civil work and for the construction of military work. Some of these districts carry on both civil and military construction, as, for instance, the district at Norfolk carries on all fortifications work in that district, and carries on all work necessary for the development and upkeep of the river and harbor improvements. To any one of those districts there could have been assigned the construction of one, two, or three cantonments, and it could have been done without any interruption whatever. For instance, the officer who was in charge of the Wheeling district at the outbreak of the war told me this morning, in speaking of the matter, that he could have handled the two camps—the one at Chillicothe and the other one in that section—with his organization without the slightest difficulty whatever.

Mr. MCCULLOCH. Was he called upon to do so?

Col. SHERRILL. He was not.

On the very important question of delay, Col. Sherrill testified:

Mr. MCCULLOCH. You say that these camps, these buildings and shelters, could have been built economically. What do you mean by that?

Col. SHERRILL. I mean that there would have been no waste of Government money, that every dollar the Government appropriated would have gone into useful construction at the lowest practical prices.

Mr. MCCULLOCH. You say that it could have been done promptly and without delay?

Col. SHERRILL. I do.

Mr. MCCULLOCH. Will you elaborate on that? How would you have been able to have accomplished the work promptly and without delay?

Col. SHERRILL. One of the greatest causes for delay in undertaking a large piece of work is due to lack of organization with which to start the work and get it going; therefore, the Engineers were in a position to have eliminated that large element of delay, because the organization was ready-made to initiate this work without any delay, and they could have taken it up step by step as the plans allowed the work to be pushed, so I do not believe there would have been any unnecessary delay.

Col. Sherrill was asked the question:

Mr. MCCULLOCH. You were not called upon to do it?

Col. SHERRILL. No, sir.

* * * * * * *

Mr. MCCULLOCH. And you did have the organization available during the emergency?

Col. SHERRILL. We were available, and it was our duty, and we were not called upon to do it.

* * * * * * *

Mr. MCCULLOCH. You heard Gen. Black say that he had a conference with Gen. Sharpe on this proposition, did you not?

Col. SHERRILL. Yes, sir.

* * * * * * *

Mr. MCCULLOCH. And that the information was conveyed to those in authority that you had the facilities to go ahead with this work.

Col. SHERRILL. That, I believe, was reported by the Chief of Engineers.

Mr. MCCULLOCH. And you were ready to do it?

Col. SHERRILL. Yes, sir.

Mr. MCCULLOCH. But, in fact, you were not called upon to do it?

Col. SHERRILL. No, sir.

With the greatest engineering organization in the world available, an organization the training of the officers of which has cost this Government millions of dollars, men trained for just such an emergency as confronted the country; men who built the Panama Canal; men who were waiting and ready to do their duty, to look after and safeguard the interests of the Government; men who had no obligations to outside interests; men who had no clients except their Government; men who could be relied upon to be influenced by no motives except those which would be for the welfare of their Government, having been educated and trained by the Government for this very purpose, this organization was thrown into the discard, ignored, and humiliated, and a committee composed of former architects and contractors were permitted to get control of this emergency construction work. The bulk of the emergency construction work in America had been practically completed by the first part of December, 1917, and the Corps of Engineers had not been utilized on this work, although comparatively few officers of the Corps of Engineers went to France until late in the spring of 1918. The Corps of Engineers executed all construction work of every description under the American Army in France. The efficiency of that great organization was demonstrated by the work of those officers at the battle front and in the Services of Supply at the rear, where they surmounted all difficulties and successfully, expeditiously, and economically carried on every engineering task, including the building of wharves, docks, dams, railroads, and bridges as well as shelters for the housing of American troops. But this great organization was ignored in America and contractors selected to do their work. [Applause on the Republican side.]

How any such procedure can be excused, much less justified, is beyond my comprehension, and I challenge the minority to show one syllable of testimony offered before our committee in justification of this procedure that would appeal to any reasonable mind.

The testimony of Col. Sherrill, which is supported by Gen. Black, and which is not refuted by a single witness that appeared before our committee, is to the effect that the Government of the United States was prepared to meet the emergency, so far as the construction of camps and cantonments was concerned; that the department would have functioned in such a manner as to eliminate any great amount of waste and extravagance; that they were in a position to supervise the work so as to get a day's work for a day's wage, and yet, in the face of those facts, they were absolutely disregarded and an outside agency brought in to do the work.

PLANS.

It has been contended by this emergency construction committee that there were no plans and specifications prepared and ready for this emergency construction. There again they either did not know or did not want to find out that for two years the Quartermaster Corps had been looking forward to an emergency and that the trained officers of the Army, which this American Government at large expense had educated for just such a situation, had prepared plans and detailed material lists for sheltering American troops, and the plans and material lists were so drawn that any sized camp for the purpose of housing any number of troops could be prepared in the course of a day, with the exception of plans for the utilities, which could have been prepared as the work progressed, it only being a question of the layout, and yet this emergency construction committee contended that in that regard we were absolutely and utterly unprepared, a statement that was as false as it was absurd.

Gen. Littell testified before our committee that he regarded the Army as prepared for the emergency, so far as plans for sheltering troops were concerned. He said:

Well, we considered that, as far as plans for buildings were concerned, we were pretty well prepared in every way to house troops.

Now, if the regularly constituted agency or corps existing in the War Department had been utilized, if the Secretary of War

had followed the method suggested by Gen. Goethals, using Camp Sherman as a typical example of what could have been done, within a week after the site had been determined upon the Army Engineers could have been on the job laying out the camp, ordering the material, providing the labor necessary to carry on the work, for they had a survey of labor conditions in every zone, the plans and material lists were prepared in writing, and, according to the statement of Col. Sherrill, the work could have been under way in less than a week. What happened? It has been contended that speed was all-important. Why, it took the emergency construction committee six weeks to decide upon the form of contract they would use. It took them more than another month to make the selection of the favored contractors and get them on the job.

The final conclusion that is to be drawn from such a situation as this must be determined by the application of certain tests. Either the Secretary of War was incompetent to handle the emergency that confronted him and to utilize the agencies of the Government and the trained men who were in the service and available and permitted interested parties to get control, or he was so derelict in his duty, in his failure to properly supervise what was going on, that he allowed the situation to get away from him, either of which would bring down upon his head and the executive branch of this Government the severest condemnation if it turns out, as I shall endeavor to show before I have completed my statement, that the result of the operations of the emergency construction committee and the result of the superseding of regularly constituted agencies by outside agencies caused a loss to the Government of not only millions but hundreds of millions of dollars—undoubtedly caused the loss of the lives of American soldiers; caused a reduction of the morale of American business, which has gone all around the cycle to the detriment of every American citizen, and is responsible to a large degree, according to the testimony of responsible naval officers and other experts before our committee familiar with the operation of cost-plus contracts, for the high cost of living throughout this country to-day.

THE EMERGENCY CONSTRUCTION CONTRACT.

The first action taken by the emergency construction committee after it was permitted to assume full control was to decide upon the form of contract to be used and the policy that was to be followed in emergency construction. They decided to build these cantonments, as has been shown, under what was known as the cost-plus percentage contract. In deciding upon that method they rejected the bid system; also the system which was recommended by Gen. Goethals of building the cantonments under the direction of Army Engineers by directing competent men to go out on the job and build the camps for the Government, and they also rejected what is known as the unit bid system. According to the testimony of men of such wide experience as Gen. Goethals, Admiral Harris, Mr. Wetmore, the Supervising Architect of the Treasury, and many others, the cost-plus system is reprehensible at all times, because it opens the door for fraud and great extravagance, for the padding of pay rolls, reduces the morale of labor, eliminates the incentive for the contractor to speed up or economize, delays the work and increases the cost, and is a contract that was seldom, if ever, used before the war. Cost-plus contracts had been used by the Navy Department at certain times, and, according to the testimony, they were never used unless they contained what were called "essential safeguards," such as, first, a guaranty of maximum cost; second, a bonus for saving and forfeiture for excess cost; and, third, a bonus for completing in less than an estimated time and a forfeiture for delay beyond such time.

I can not take the time to elaborate upon the arguments that were made, as shown by the testimony, before this emergency construction committee in favor of safeguards, except to say that everybody except only the three members of the committee, so far as the record shows, urged that if the cost-plus contract were to be used safeguards should be put into it, but this emergency construction committee, constituted as I have indicated, ignored all arguments and disregarded all advice, and not only arbitrarily decided upon this reprehensible system but wiped out and away every safeguard, leaving the contractor free not only to spend all the money that he wanted to spend but to take all the time that he saw fit to take in constructing these camps. Not a single safeguard was placed in the contract that would either speed the work or cut the cost. The floodgates were thrown down that a golden stream might flow away. [Applause on the Republican side.]

It can not be contended for a moment that the emergency construction committee was not warned in regard to the effects of the working of the cost-plus system, but it absolutely overruled and paid no heed whatever to the admonitions, advice, and warnings of men of real experience, who advised against the adoption of the system, who pointed out its weaknesses and the effect that its adoption would probably have upon the country, and the Secretary of War stood with the emergency construction committee.

At one of the conferences, when the form of contract and the policy to be followed were under consideration, Gen. Goethals was present by invitation of Mr. Scott, chairman of the general munitions board of the Council of National Defense. It is not necessary for me to point out to this House the experience of Gen. Goethals. He is known as one of the foremost engineers in the world. [Applause.]

Gen. Goethals, testifying before the committee, condemned the cost-plus contract. He said:

Why, it is liable to lead to great extravagance. The contractor is not interested in what it is going to cost the Government. He is going to get his 10 per cent anyhow, and the fact of the matter is, his return being based upon a percentage of cost, the more he pays for labor and material the greater is his return. Therefore there is no incentive for him to economize. The Government takes all the risks and the contractor takes none.

The chairman asked Gen. Goethals this question:

From your experience during this war with these matters, do you believe now that it was necessary to adopt that system in order to get the supplies we really needed?

And Gen. Goethals answered:

I NEVER thought so.

I quote the following from Gen. Goethals's testimony:

Gen. GOETHALS. When the question of cantonments came up, they had quite a discussion, and Mr. Scott asked me if I would not attend the hearings that were to be held and the discussion of the subject. The whole uncertainty of the proposition was outlined there. They did not have the plans. It was necessary to begin work at once. These various sites throughout the country were to be cleared and prepared for cantonments. I attended the discussion and advocated at that time that there were plenty of construction engineers in the country who could be secured who would handle building propositions to a great extent, and if they would select competent men and draft them into the service, and send one man and put him actually in charge of the work there, it would not be necessary to wait for plans or anything. They could begin construction at once, and not employ contractors under any circumstances, in view of the situation as outlined there. And I still believe that was the method to have followed.

Mr. MCCULLOCH. You were overruled in that meeting?

Gen. GOETHALS. I was not a part of that meeting; I was just asked to sit in at the meeting, and I just made that suggestion.

Mr. MCCULLOCH. It was not adopted, however?

Gen. GOETHALS. No; it was not adopted.

Gen. Littell, who was chief of the cantonment division of the Quartermaster Department, appeared before our committee under subpœna, and testified that he sent a communication to Mr. Starrett, chairman of the emergency construction committee, dated May 5, 1917, protesting against the proposed contract for the construction of cantonments. In that letter he pointed out that, in his opinion, the contract as drawn was entirely in favor of the contractor. In that letter Gen. Littell said:

With reference to the proposed contract for the construction of cantonments, it is believed that the contract, as drawn, is entirely in favor of the contractor.

Gen. Littell finally in his testimony admitted that he was compelled to or did bow to the assumed "superior judgment" of the members of the emergency construction committee on all matters relating to the form of the contract and its provisions. In this connection, and as bearing upon the question of delay, I call attention to the fact that Gen. Littell, in a memorandum dated May 31, 1917, addressed to Mr. Scott of the Council of National Defense, urged that the form of contract should be determined upon so that the construction work could be proceeded with. This was nearly two months after war was declared. He said:

We have reached a point where it is very necessary that we have a form of contract upon which the construction of cantonments can be let. Three of the camp sites have been definitely fixed and others will soon be determined. We are most anxious to get the work started, but will not do so until we have the contract forms. * * * May I ask you to have your committee informed of my desire to get the contract form at the earliest possible date?

According to the testimony of Gen. Littell, it took the emergency construction committee from five to six weeks to complete the form of contract alone.

I quote the following in regard to the attitude of the experts of the Navy Department as to this contract, which shows clearly that, after listening to the deliberations of the emergency construction committee, the Navy Department refused to give its approval to their plans and to the contract. [Quoting from Mr. Starrett's report:]

It should be here recorded that when the deliberations were about finished and the contract was near its final draft, the emergency construction committee was surprised to receive word from the Navy Department that it did not acquiesce in the recommendations about to be made. Admiral Harris, then in charge of the Bureau of Yards and Docks, sent a note to Mr. Scott, stating that he regarded the proposed contract as inadequate, but since his representatives had con-

tributed much to the deliberations, and, further, since he had made no suggestion as to where the loopholes occurred, his comment could not be regarded as constructive criticism.

How it could be possible that architects and contractors, such as those who made up the emergency construction committee, could have been permitted to put over on this American Government, against the advice of such men as Gen. Goethals and Gen. Littell and the Navy Department experts, this reprehensible system is more than I can conceive. How the Secretary of War, as the executive head of the War Department, responsible for the acts of that department—a department that the Congress of the United States had intrusted with the expenditure of hundreds of millions of dollars of the people's money—can justify the putting over of this kind of a scheme is beyond my comprehension. If there had been no bad results flow from it, we might forget it and content ourselves with a criticism of a scheme that permitted the regularly constituted agencies of the Government to be subordinated to a civilian committee, composed of architects and contractors; but the system did result in the most serious consequences. The testimony was to the effect that the emergency construction committee passed the contracts around to their particular friends.

The contractors went on the job entitled to a fee which ranged on a sliding scale from 10 to 6 per cent, and the contract was so drawn that the contractor in fact was required to give only his personal services for the fees he received. It was so drawn that as many subcontractors as were desired could be put upon the job, and the result was that a contractor, without assuming any financial responsibility whatever, was in a position to make a maximum fee of $250,000, covering a period of a very few months for mere supervision and the furnishing of what they called an organization, which the Government paid for. This system permitted contractors and subcontractors to receive salaries for personal services that amounted, in many instances, to as much as $250,000 for five months' work, or $50,000 per month. And they said that was necessary because the Government did not have the facilities to do this work, when, according to the testimony, they allowed the greatest engineers in the world, who had been working for the Government all their lives at mediocre salaries, to sit here in Washington waiting for something to do.

Will anybody say that a man of Gen. Goethals's ability would not have been able to go on the job at Camp Sherman, with the information that was available and the surveys that had been made in that zone by the Corps of Engineers, with all the power of the United States Government back of him, the price of material having been fixed by the Government, and develop an organization to do that work as quickly as some unknown quantity would have been able to do it? And yet, when they had available these men of ability and training, who were willing to go on the job as the servants of the Government at a minimum salary and look after the Government's interests, they employed some firm at Toledo and gave them $250,000 for a few months' work.

The emergency construction committee says that the Government was not in a position to undertake the work. Gen. Goethals says the Government was in a position to undertake the work in the most effective way possible. Gen. Black and Col. Sherrill, of the Corps of Engineers, say that the Government was ready and able to undertake the work, and had every facility for carrying it on in the most economical and expeditious way.

Testimony before our committee is to the effect that contractors were available, ready, and waiting to bid upon emergency construction work, and that if the bid system had been followed a saving of millions of dollars would have been the result, but the Secretary of War permitted interested parties to get control, and while our soldiers were fighting in France, offering their lives for the cause at $30 a month, the Government was paying contractors $50,000 a month for mere personal supervision, which consisted, in many instances, of riding around over the camp grounds in an automobile for perhaps 30 minutes a day. [Applause on the Republican side.]

Thus far I have dealt entirely with operations in Washington. The emergency construction committee, having fixed up the contract in the most advantageous way possible for the contractors and the favored contractors having been selected, let us look to the testimony as to how the contract worked out. Our committee has made an extensive investigation of two camps. We sent investigators upon the ground, who interviewed men who worked upon the jobs, endeavoring to secure first-hand information as to just what occurred. Our committee then held hearings at two of the camps—Camp Sherman and Camp Grant. It was not our purpose to prosecute or persecute anybody. In seeking after the truth as to what actually happened on the ground we called foremen and workmen of various classes, carpenters, bricklayers, plasterers, roofers, plumbers, steam fitters, common laborers, water boys, and so forth. The witnesses were all sworn, and they were questioned by members of the committee, not formally, as would be done in a lawsuit, but more or less informally.

I can not take the time to read to the House any of the testimony that was taken before our committee on the question of waste and extravagance, for the reason that it is so voluminous that even a general review of it would be out of the question in the time allotted to me. Therefore I must content myself by giving the House a general statement of the conclusions drawn by the committee from the testimony, and if Members desire to pursue the matter in detail, they will find in the report a brief, reviewing the evidence showing waste and extravagance, and in the hearings will be found volumes of testimony upon that subject. The committee has caused an abstract of the testimony to be prepared and printed for the convenience of the Members of the House, which is submitted in connection with the report.

The committee found that waste and extravagance began at the very inception of the work. More materials were ordered than were needed. There seemed to be absolutely no check system nor method followed in the ordering of materials. Carload after carload of lumber, of hardware, of cement, and building materials generally were dumped indiscriminately on the ground where the camps were to be constructed. While a feeble attempt was made to check the material as it came in, yet the evidence was positive and conclusive upon the point that there was no adequate check and that the Government was forced to accept the invoices of material men without a proper check having been made of the invoices with the material received. After the materials were on the ground the methods followed in handling them resulted in waste of a kind and nature that is appalling. There seemed to be an effort made on the part of nearly everybody to destroy and waste as much material as possible. As an instance, loads of finishing lumber were dumped into mudholes for the purpose of repairing roads. It was a common thing to have trucks run over piles of lumber and destroy it.

Hundreds of kegs of nails were left out in the open and in the rain to rust and ruin. Carloads of cement were left out in the open to be destroyed by the elements. Little effort seemed to be made to protect the materials in any way. During the process of construction it was a common thing to saw a foot or two off of a board and throw the balance into the scrap heap. After a building was completed all of the materials that remained in the building, often including bundles of flooring unopened, building paper, kegs of nails, and everything that was in the building were thrown into a scrap pile and hauled to a dump heap where they were afterwards burned, without any systematic effort made to salvage or save. The workmen were encouraged to destroy good material, and the idea seemed to permeate their minds that the greater the waste the better the contractor would be pleased, for the more money he would get out of the job by way of percentage. It has been estimated by dozens of witnesses, and not controverted to my knowledge by a single witness, that the waste in materials was from one-fourth to one-third, and in some cases as much as one-half of the entire amount used in the construction.

I believe that a careful analysis of the testimony by anyone who is unbiased and conservative will disclose that from the beginning to the end—that is, from the ordering of the material to the final completion of the work, taking into consideration the lack of system in ordering and the methods that were followed throughout the construction—there was a loss in materials of at least 25 to 50 per cent. It was a riot of waste at all camps that has cost the people of this country millions upon millions of dollars, and which is directly traceable and results from the cost-plus system which was put into operation with the approval of the Secretary of War.

LUMBER.

At Camp Sherman lumber was burned in such quantities that the men who burned it were compelled to lay off frequently for the reason that the fires got so hot they were afraid of burning down the cantonment. On an estimate made of 50,000,000 feet of lumber used at Camp Sherman, testimony was to the effect that at least 12,500,000 feet were wasted. Finishing lumber and flooring in bundles that were never untied were, according to the testimony, hauled away and burned. At Camp Meade Col. Oury testified that he employed his entire regiment of 3,000 men a week in carrying the waste lumber off the drill ground. Witnesses testified that there was enough lumber wasted at Camp Sherman to build another cantonment.

ROOFING.

Roofing material was piled like cordwood out in the sun and two-thirds became absolutely useless, for the reason that it could not be unrolled. Unbroken rolls of roofing material were hauled away and burned.

NAILS.

Tons of nails were hauled to the river and canal and thrown away. No workman took the trouble to go to the nail keg to empty his apron, but just dumped the nails where he stood. One witness testified that he went to the scrap pile and secured a truckload of nails and supplied himself and his entire neighborhood.

TRANSPORTATION.

Automobiles were hired by the day, invoiced at less than $400, for which the Government paid more than $800 each as rental. One and one-half ton trucks were rated as 3 tons and 5-ton trucks were rated as 7 tons, this fraud costing the Government an additional amount of a dollar per hour per truck. The testimony showed that they had 70 trucks and 450 teams on the pay roll at Camp Sherman, and that they had no use at all for 250 of the teams. These teams were kept on the pay roll, but were hidden away in the gravel pit, or ordered to drive around the camp to make it appear that they were being used.

IDLENESS.

The methods followed in the handling of workmen from the time of their employment and during the entire construction of the camps was such as to bring about a condition which has become notorious throughout the country, namely, that there was idleness and a willful waste of time which resulted in delaying the construction of the camps, and caused loss to the Government of millions of dollars in wages.

When work started upon these camps there was an effort made to get just as many people upon the pay rolls as possible. Wages were fixed without regard to the workmen's experience or ability. It soon became apparent that efficiency was not expected nor desired. Boys were employed as journeymen carpenters and paid journeymen's wages who had never worked at the carpenter trade an hour. It was testified that out of gangs of 25 to 30 men drawing wages as journeymen carpenters there would not be to exceed three or four who had ever worked at the carpenter trade. Everybody seemed to be employed as carpenters except carpenters, and the same was true in all trades, and very soon all the workmen on these jobs became permeated with the idea that the Government was an easy mark, and all they needed to do was to get on the pay roll and then loaf their time away. In fact, it was proven by dozens of witnesses, and not successfully controverted, that it was a common thing for gangs of men to be ordered to "get into the clear," to hide in the cornfields, or behind the hills, or in empty buildings, or any convenient place, just so they could keep on the pay roll. Everywhere the idea prevailed that the longer it took to complete the job and the more idleness that prevailed the more the contractor would get out of the job under the cost-plus system.

The record shows clearly that from 30 to 50 per cent of the labor was wasted; that hundreds of men were engaged in gambling in the wheat fields, the cornfields, and in nearly every building on the grounds; that the idlers on every job were so many that they were in the way of those supposed to be working; that there were so many men on the roofing job that at least one building actually collapsed by their weight. Witnesses testified that a continuous crap game was going on in one barrack building. The following statement taken from the record of the testimony of Ben J. Clark, timekeeper at Camp Sherman, gives a clear idea of what the testimony of many witnesses showed and the effect on speed of the cost-plus system. Mr. Clark testified:

You could go over that camp any time and see crowds of men collected here and there; any place where you knew they should not be. * * * You could go out in the wheat fields any time and see a poker game and a crap game. I don't mean one, but several of them. * * * It was not any trouble to go out in the cornfields and see the same thing. After the camp was in construction and the buildings went up, why, any time you wanted a poker game or crap game, all you had to do was just to look in three or four rooms and you would find one in one of the three or four anyway; and during my work at the base hospital group certain wards there seemed to be used for no other purpose than for shooting craps. * * * Every day, more or less, the same thing from the time they got there in the morning until the time they quit. They would not even stop to eat dinner; didn't have time; the game was too big. * * * I have seen a ring that would go clear the whole width of the room, maybe 30 or 40 men. I have seen two games in one ward; workmen supposed to be plumbers, supposed to be carpenters; others were cooks and fellows from the base hospital, both white and black—their color didn't make any difference—shooting craps on Government time.

One other of the many witnesses that verified Mr. Clark's statement as above detailed was Mr. Gunther, who had been a carpenter contractor for about 20 years, a very high-class man. He said:

I can't blame the carpenters much. The plumbers just loafed on the job. If the carpenters had used the same methods as the plumbers, the camp would not have been built to-day. The fault is in the management. Those responsible must be the contractors. There was not a man on the ground, visitor or employee, but what knew the conditions. * * * I would have regarded myself as derelict in my duty and perpetrating a fraud on the Government if I had permitted it and received a profit for it. As an instance, here in this room were 40 or 50 plumbers, and over here [indicating] 40 or 50 carpenters, and these plumbers were shooting "craps" or playing poker, and "getting by easy." "Why can't we?" The result is, the carpenters were using practically the same methods. Somebody was permitting it, and they were continuing to do it.

So many men were on all jobs that they were in one another's way. One witness testified:

I have seen three men have hold of an ordinary 2 foot 8 inch door to put it on the hinges.

A witness testified:

I have seen plumbers spend half a day building a sunshade under which to fix a joint that it would have taken two of them half an hour to put in.

While our soldiers lay sick and dying in unfinished, cold, damp hospital buildings, those charged with their construction and equipment were running a Monte Carlo.

It was necessary to dig temporary wells all over the camp for use before the water system was installed, and dirt that came out of the wells was piled alongside of the wells. After the water system had been installed, instead of using the dirt alongside the wells, an order was issued to haul dirt from the gravel pit, 3 miles away in some instances, and fill up the wells, and haul the dirt that came out of the wells originally back to the gravel pit.

I make the statement to the House, without fear of successful contradiction by anybody, that a careful analysis of the testimony before our committee will disclose that the work in all branches could have been done in just one-half the time that it was done had the Government secured a day's work for a day's wage, and had the workmen on the job been classified and paid according to their efficiency and their ability to do the work to which they were assigned. It was a common thing, according to the testimony, for men to check in in the morning and leave a job, come back to the camp and check out at night, receiving a full day's wage and pay. Foremen were ordered not to discharge anybody.

It would take me days to bring to the attention of the House all of the instances that were developed in the testimony of a similar character to those I have detailed. The criminal waste and idleness and the shame of it all is beyond comprehension.

EFFECT OF SYSTEM ON TIME.

The main contention of the emergency construction committee has been that the cost-plus system was necessary in order to get the shelters for our troops constructed in the shortest possible space of time. The majority members of the committee are ready to meet that issue with the facts, and we assert that the testimony shows that the cost-plus system meant a delay of at least 50 per cent in the time of construction.

A graphic chart has been prepared showing the time, according to the testimony, which it would have taken the regularly constituted agencies of the Government to have done the work if the plan suggested by Gen. Goethals had been followed and the time it actually took the emergency construction committee to do the work under the cost-plus system. If the Goethals plan had been followed, according to the chart, the cantonments would have been completed by about August 10, 1917, ready to receive 654,000 men, and there would have been released at that time over 100,000 workmen, who could have at once entered upon other essential war work. Under the cost-plus system it took them until December 1, 1917, to complete the 16 cantonments to a point where 654,000 men could be housed. In other words, if the Goethals plan had been followed, by August 10, 1917, as much work would have been done and accomplished on emergency construction as was accomplished under the cost-plus system by December 1, 1917.

In the reports that have been issued by the War Department praising the work of the emergency construction committee it is pointed out that on September 4, 1917, the camps were completed, when in truth and in fact they were not half completed at that time. My distinguished colleague, the minority member of subcommittee No. 2, has, in questioning the witnesses time and again, referred to these reports in which the claim is made that the camps were completed by September 4, 1917, when the facts are they were not completed so as to each house a division until the first part of December, 1917.

If the Goethals plan had been followed, with the thoroughly trained organization already in existence on April 7, 1917, the Chief of Engineers would have been ready to start active operations by calling upon his district engineer officers, located all over the country, to furnish data as to the supply of building materials in their localities and to make recommendations as to the sites. Surveys of labor conditions had already been made and a great trained force was ready for immediate operations. According to the testimony of Col. Sherrill, the Engineers would have been on the job and the construction under way by April

15, 1917, or one week after the order was issued. Under the cost-plus system, as shown by the chart, almost a month's time was lost after the declaration of war before the emergency construction committee was organized. Almost a month and a half was spent in determining upon the policy and drawing up a form of contract, selecting favored contractors, and so forth, so that under the cost-plus system it took them from April 7 until June 22 to get their construction work started, and it took them from June 22, as an average date when construction work started, until the first part of December to complete the camps. The facts are, and they stand out not to be refuted, that the Goethals plan would have completed the work by August 10 and the cost-plus system did not complete the work until the first part of December; that the Goethals plan would have saved 50 per cent in time and 50 per cent in cost.

EFFECT OF SYSTEM ON COST.

An effort has been made in the light of the testimony before the committee to give to the House some idea by way of comparative figures of the loss in the opinion of the majority members of the committee resulting to the Government because of the adoption of the cost-plus system. That such a comparison is hard to make with any degree of accuracy is admitted by the majority in the report. However, a fairly accurate conclusion, we believe, has been reached by the following comparisons:

A reliable contractor of wide experience and financial responsibility was asked by the committee to make a survey and an estimate of the cost of Camp Grant, located at Rockford, Ill., a typical camp. He was directed to make his estimate as nearly as possible upon conditions as they existed at the time the cantonment was built. A comparison of his estimate was made with the cost of the cantonment as nearly as could be determined from War Department records. The committee, from the figures submitted by the contractor referred to and the War Department records, arrived at the conclusion that Camp Grant could have been built for $9,119,544 if the bid system had been followed, when, according to the records in the War Department, it actually cost about $14,689,620. On that camp the committee estimates that the cost-plus system cost the Government a loss of $5,570,076. Following the same basis of figuring on the 16 National Army cantonments, the majority estimates that these 16 cantonments should have cost the Government, under the bid system, not to exceed $128,101,399. The records of the War Department show that these camps did cost not less than $206,632,920. On the basis of figuring detailed our committee estimates that the cost-plus system on the 16 National Army cantonments totaled a loss to the Government of approximately $78,531,521. I have included and shall have printed in connection with my remarks the table prepared by the committee showing the estimated figures of the cost of each of the 16 cantonments and the estimated loss to the Government under the cost-plus system, which table is as follows:

Name of camp.	Cost determined by committee from War Department records.	Proper cost.	Loss to taxpayers of United States.
Camp Lee	$19,060,920	$11,817,771	$7,243,149
Camp Meade	18,614,020	11,540,693	7,073,327
Camp Upton	15,370,820	9,529,909	5,840,911
Camp Grant	14,689,620	9,119,544	5,570,076
Camp Pike	13,505,320	8,373,299	5,132,021
Camp Custer	13,385,920	8,299,271	5,086,649
Camp Sherman	13,247,620	8,213,525	5,034,095
Camp Dix	13,109,220	8,127,717	4,981,503
Camp Jackson	12,710,720	7,886,227	4,833,493
Camp Devens	12,311,420	7,630,081	4,681,339
Camp Funston	11,715,520	7,263,623	4,451,897
Camp Gordon	11,639,420	7,216,441	4,422,979
Camp Dodge	10,365,120	6,426,375	3,938,745
Camp Lewis	9,231,420	5,723,481	3,507,939
Camp Taylor	8,861,120	5,473,895	3,387,225
Camp Travis	8,805,720	5,459,547	3,346,173
Total	206,632,920	128,101,399	78,531,521

SUPERVISION.

Much has been said by those who seek to defend the cost-plus system about the Government's supervision of construction work through the Quartermaster General's Department and the fact that a constructing quartermaster representing the Government was assigned to each camp to supervise the work on behalf of the Government. At first I thought that perhaps that plan might, at least to some degree, protect the Government against some of the evil effects of the cost-plus system, but the interested parties had not overlooked a single situation. The Corps of Engineers were not only kicked out, but it is apparent from the testimony that the interested parties controlled at least in some instances the assignment of constructing quartermasters.

I need but call attention to one case to condemn the whole system of supervision and show its utter absurdity as a safeguard or protection to the Government. The facts in this one case should strike a deathblow at the contention of those who would make it appear that this supervision was anything more than another arm reaching into the Public Treasury. The testimony before our committee proves that the whole system of supervision was a farce and a joke at all camps, but the Camp Gordon case is the most glaring and open piece of conniving that has come to my notice. A man by the name of James Norman Pease had been employed as an engineer for more than three years prior to the war by an engineering concern doing business under the name of Lockwood, Greene & Co. The contract for building Camp Gordon near Atlanta, Ga., was given by the emergency construction committee to a contractor by the name of Arthur Tufts, who associated with himself several contracting firms of Atlanta and vicinity to assist in completing the work. Lockwood, Greene & Co. were given the contract for all engineering work in connection with the construction of Camp Gordon, but a few days before the contract was let to Lockwood, Greene & Co., the company's district manager, a Mr. Barnwell, recommended their own engineer, Mr. Pease, for a commission as constructing quartermaster, and he was afterwards assigned to supervise the construction of Camp Gordon. Pease remained as the representative of the Government, acting as constructing quartermaster supervising the work of his former employers until the camp was completed. After he was discharged from the Army, he returned to the employ of Lockwood, Greene & Co.

Men with business experience know that supervision of construction work on the part of the owner is ordinarily absolutely necessary to protect the owner against the violation of specifications both as to material and construction. The objection that would be urged to a former employee of the engineering or contracting concern supervising the work of the contractor would be that the supervision might be so lax as to permit the contractor to make money by violating the specifications.

What chance the people had under such a system I leave it to the Members of this House and the country to judge.

SOLDIERS SUFFERING.

I made the statement a little while ago that the cost-plus system and its operation caused intense suffering among American soldiers, and I desire briefly to call to the attention of the House the testimony upon which that statement was based. The winter of 1917, which began earlier than usual, was one of the most severe in recent years. Hundreds of thousands of American boys were being drafted into the Army and encamped at the various cantonments throughout the country. One of the great contentions of those who would justify the cost-plus system has been that speed was all-important in order that our soldiers might be properly housed. With that contention we agree, but we assert as a fact that the operation of the cost-plus system resulted in delay, which not only retarded the progress of our preparation for the emergency but caused great suffering among our soldiers. We make the charge that this suffering resulted directly from the cost-plus system, and, having so asserted, I offer the proof: At Chillicothe there was built an emergency hospital. The specifications provided that that hospital was to be heated with steam heat. Cold weather began early in the fall, and, according to the testimony before our committee, during the latter part of September, October, and November it was exceedingly cold. Witnesses testified that a gang of steam fitters was assigned to connect up the pipes in what was known as the base hospital at Camp Sherman; that it took from the middle of September until the first part of November to complete the steam lines; that during that time, while soldiers were in the hospital wards sick and without any heat, except such as was provided by oil stoves, the steam fitters, instead of doing their work connecting these pipes, that the sick soldiers might be kept warm and made comfortable, were engaged almost constantly in gambling, shooting craps, and idling their time away. The foreman in charge of the carpenter gang cutting the holes for the steam fitters reported, according to his sworn testimony, time and time again to the representatives of the contractors, that the steam fitters were gambling and idling their time away while our soldiers were suffering from the cold, and yet nothing was done to stop them.

Mr. KEARNS. Mr. Chairman, will the gentleman yield there?

Mr. McCULLOCH. Yes.

Mr. KEARNS. Does the gentleman know when the plumbing was completed at Camp Sherman?

Mr. McCULLOCH. Not until about the 1st of December.

Mr. KEARNS. Does the gentleman know how many men died because of catching pneumonia on account of the cold?

Mr. McCULLOCH. I do not know.

Mr. KEARNS. It is up in the thousands.

Mr. DOREMUS. Oh, no.

Mr. McCULLOCH. There were many men who died, but whether it was because the steam was not on I do not know.

I quote the following from the testimony of Joseph E. Poole, Chillicothe, Ohio, which testimony is supported by a number of witnesses, and not a word of which testimony has ever been denied or any attempt made to controvert it:

Mr. McCULLOCH. You say to this committee that while those soldier boys were sick in those wards suffering from the cold——

Mr. POOLE. Actually pinched blue; their lips were blue; their finger nails blue.

Mr. McCULLOCH. That while they were in that condition, these steam fitters who were charged with the responsibility and the work of getting heat to those boys were shooting craps?

Mr. POOLE. Shooting crap.

Mr. McCULLOCH. And idling their time away?

Mr. POOLE. Yes, sir.

Mr. McCULLOCH. While those boys were suffering?

Mr. POOLE. That is the most harrowing feature of it. We could overlook the cost and the waste, or I could at least, if we could eliminate the suffering that those boys endured there. The nurses and the doctors did the best they could for them, under the circumstances. They distributed little oil stoves around, which in zero weather wasn't much.

Mr. McCULLOCH. How were the doctors going; how were they clad?

Mr. POOLE. They had on sheepskin-lined coats and the nurses had furs all muffled up.

Mr. McCULLOCH. And yet those boys were in there without any heat?

Mr. POOLE. Without any heat.

Mr. McCULLOCH. In rooms where the nurses had to go with their furs on and the doctors with fur-lined overcoats?

Mr. POOLE. Yes, sir.

Mr. McCULLOCH. And during all this time, now, you say that these steam fitters were gambling and idling their time away?

Mr. POOLE. Yes; they were.

Capt. William J. Say, of the Medical Corps, who was assigned to duty at the base hospital, Camp Sherman, wrote a letter to the chairman of our committee from St. Louis on November 4, 1919, in which he said:

What Joseph Poole says about the nurses and physicians wearing overcoats in the wards is true.

The suffering and inconvenience of the officers in their quarters was worse than in the wards. New officers' quarters were erected in the early spring, and 10 steam fitters worked in the building from early morning until late in the evening from spring until the following winter killing time. They played cards and billiards occasionally, but generally when the medical officers were about they would be putting up or taking down the same pipe over and over again—one or two men doing the work and the others looking on. When winter came we had to use coal-oil stoves nearly up to Christmas.

Joseph Poole furnished the committee the following telegram from Christian R. Holmes, major, Medical Corps:

I am sick at the post-graduate hospital in New York, but can not refrain from congratulating you on revealing the truth before the congressional committee about the criminal conduct of the steam fitters and others at the base hospital.

The testimony before our committee shows that there was a great deal of suffering among the soldiers caused by the idleness, loafing, lack of system, and method that prevailed among the gangs putting up the furnaces in the barracks; that while the American soldiers were suffering from the cold workmen were idling their time away, working to no purpose, with the result that the furnaces would sometimes lie three or four days for the want of about 15 minutes' work in connecting a pipe, and that because of the lack of system and the methods that were followed workmen were either not permitted to connect the pipe or did not do so. So that not only was there waste and extravagance and loss of time as a result of the operation of the cost-plus system, but there was undoubtedly great suffering among the soldiers and because of the idleness, lack of system, and utter disregard of conditions due to the operation of this system.

Let those who would justify the cost-plus system account to the soldiers and the parents of the soldiers, who, according to the testimony of Foreman Poole, were "actually pinched blue; their lips were blue; their finger nails were blue" from the cold, and while this condition obtained the steam fitters, working under a contractor who had a cost-plus percentage contract, were shooting craps and gambling; and, according to the testimony of Foreman Poole, this condition obtained for a period of five weeks, and Foreman Poole swears that the representatives of the contractor knew about it, that they were warned and told about it time and time again, and that they paid no attention to it.

RECOVERIES.

The majority report contains a brief on the law, and if the conclusions in the brief are correct the Department of Justice, on the facts set out in the testimony taken before our committee, should proceed at once to recover by civil action from contractors and others money illegally paid.

It is the opinion of the majority members of the committee, in the light of the decisions set out in the brief on the law and the facts developed by the testimony, that the color of fraud has arisen in many transactions to such an extent as to taint such entire transactions with fraud, and that the Government can recover amounts conservatively estimated at upward of $6,000,000 on some of the cantonments. If the conclusions of the majority members of the committee are correct, the Department of Justice should be able to recover by civil suits in excess of $50,000,000 on the 16 National Army cantonments. The committee has set out in detail in the report specific instances and cases where it recommends that the Department of Justice institute proceedings for the recovery of money illegally paid. The committee has developed facts that not only justify the Department of Justice proceeding with investigations at the various camps for the purpose of instituting civil suits for recovery of money illegally expended, but the committee believes that the facts contained in the record of the testimony are such as to make it the clear duty of the Attorney General of the United States to institute such suits at once. [Applause on the Republican side.]

PROSECUTIONS.

In the beginning of my statement I pointed out that it is not within the province nor the duty of this committee to prosecute crime or indict criminals. That is an executive and judicial function.

The report of the majority contains facts and evidence, and the record of the testimony taken in connection with the construction of Camp Sherman at Chillicothe, Ohio, and Camp Grant at Rockford, Ill., contains evidence on which the Department of Justice should immediately predicate grand jury investigations, with a view to indicting individuals guilty of criminal conduct in connection with the expenditure of public funds.

The majority members of the committee believe that the facts developed at these two camps were such as to justify and require investigations by the Department of Justice of criminal conduct at all camps.

Our committee has completed its work. If those guilty of criminal conduct, who defrauded their Government in time of war, are to be prosecuted and made to suffer for their crimes, it will have to be as a result of the action of the Department of Justice, for we are without jurisdiction. If those who secured from the Government money to which they were not entitled are required to pay that money back into the Public Treasury, it will have to be by civil actions instituted by the Department of Justice. The testimony taken by the committee has pointed the way. It is now up to the Attorney General. [Applause on the Republican side.]

CONCLUSION.

The testimony shows that interested parties operating through the committees of the Council of National Defense got control of governmental distributing agencies during the war; that they supplanted regularly constituted agencies of the Government; that instead of being unprepared, without any facilities, as was claimed, as the interested parties would have it appear, we did have in the War Department corps organized and trained to meet the emergency, especially in regard to the construction of camps to house our troops. We had the Engineer Corps; we had the Quartermaster Corps; we had plans and material lists for shelters; we had labor surveys in every zone in which a camp was to be constructed. We had everything that was necessary to proceed with emergency construction without the necessity for any outside agency intervening. But, with the approval of the Secretary of War, the agencies of the Government were thrown into the discard. The cost-plus system, which was condemned by such men as Gen. Goethals, was the result.

The majority members of the committee estimate that at the lowest amount the cost-plus system totaled a loss to the Government of $78,531,521 on the 16 National Army cantonments alone. What the operation of the cost-plus system cost the Government in the aggregate in all branches of activity during the war will never be known, but the loss, according to the facts developed by our committee is, to say the least, stupendous. The inauguration of the cost-plus system not only cost millions in money, but because of the delay resulting in the construction of the camps it caused great suffering among our soldiers.

The majority contends that the delay in emergency construction was at least 50 per cent, and that the money lost due to waste, extravagance, and idleness was from 30 per cent to 50 per cent.

The testimony is not to be refuted that the morale of labor of all classes employed in the camps was reduced at least 50 per

cent. The cost-plus system caused a riot of waste and extravagance which is revolting to contemplate. When the American people were being counseled by the Government to economize; when all Americans were being asked to contribute their part toward the Great War by purchasing Liberty bonds, buying war-saving stamps, helping the Red Cross, and all such worthy projects; during the period when the patriotism of the American people, as exhibited by their actions as well as their words, had no parallel in the history of the world; when they were responding to every call, relying upon the honor and the good faith of those who were conducting the affairs of the Government; when American soldiers were fighting in the trenches at $30 a month, being drafted from civil life and making the great sacrifice in business and opportunity that they might serve their country; during a time when the spirit of patriotism was running high, the black hand of the profiteer was reaching into the American Treasury and taking out millions upon millions of dollars.

The people were told to economize while the profiteers were allowed to spend. The idea of economy in expenditures was entirely disregarded. No attempt was made at saving anywhere.

You are paying and your children and your children's children for generations to come will pay and continue to pay for the cost-plus system. Let us hope that never again in the history of the Republic will such a reprehensible system be put into operation, and if the labors of this committee have accomplished that result we will be content. [Applause on the Republican side.]

Mr. FLOOD. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Virginia makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and two members present, a quorum. The gentleman from Michigan [Mr. DOREMUS] is recognized for two hours.

Mr. DOREMUS. Mr. Chairman, this is a momentous occasion in the life of the Republic. On this day our reconstruction Congress pauses in its tortuous and questionable career to add another chapter to that celebrated historical work entitled "How America Lost the War," written by Hon. WILLIAM J. GRAHAM, of Illinois, and his nine unprejudiced, disinterested, nonpartisan Republican collaborators.

During the past nine months I have been associated with the gentleman from Illinois [Mr. MCKENZIE] and the gentleman from Ohio [Mr. MCCULLOCH] in an investigation of the most successful building program in the history of the world.

It will aid us in reaching a right understanding of this subject if we will try to contemplate the conditions that confronted the Government in the spring of 1917. War was declared on the 6th of April. A bill was introduced in the House for the conscription of the Army, and it became operative on the 18th day of May. In accordance with the plans of the War Department it then became necessary to select 16 sites in various parts of the country for the National Army cantonments.

The task of selecting these sites was intrusted to the commanding generals of the several departments. The commanding general appointed boards, upon each of which were an engineering officer and a medical officer, to aid him in the selection of the proper sites. The commanding generals made their recommendations to the Secretary of War, through the General Staff, and if these recommendations were satisfactory to him the sites were approved.

In the selection of the camps for the National Guard the same method was pursued. These were selected in the South, for climatic reasons, the thought being that the National Guard, being already an organized force, could be trained in tent construction rather than wood construction, and that the warmer climate of the South would be preferable to that of the North in winter weather. There is no testimony anywhere in the record that in the selection of these sites, either in the North or in the South, sectional considerations influenced the choice of the department commanders, the boards that cooperated with them, or the Secretary of War.

The sites for the 16 cantonments for the drafted army were approved by the Secretary of War between May 31 and June 27. Between those dates and the 1st of September the War Department was required to build 16 cantonments to accommodate the first increment of the drafted army and provide them with shelter, light, roads, water, sewers, and sanitation.

Great as it was, this task was but a small part of the Government's building program. Including the 16 camps for the National Guard, it was but one-third of the job that faced the construction division of the Army alone. If to those we add the tremendous building activities of the Ordnance Department, the Navy, the Aircraft Board, the Housing Corporation, and the Shipping Board, we may gather some conception of the construction program of the Government in the spring and summer of 1917. It was a program that challenged not only the organizing genius of the country's builders and engineers, but was destined to tax the resources of the country as well. The draft law was taking many thousands from the field of labor, and the extraordinary demand for lumber and other materials occasioned by this great program further complicated the situation.

The investigation of subcommittee No. 2 was confined to camps and cantonments, and it is my purpose to discuss the building program as it applied to them, including the adoption of the cost-plus system, the contract that was entered into, and the results obtained. Later I hope to consider in some detail the majority report, its findings and recommendations.

The construction of these camps was but one link in a chain of operations that in 16 months sent 2,000,000 of our young men to France and crushed the military power of Germany. [Applause on the Democratic side.] In these camps our soldiers received six months' training before going to France, and when the armistice was signed 2,000,000 more were under training.

We all remember the last drive of the German Army toward Paris and the Channel ports in the spring of 1918 and Hindenburg's ominous declaration, "The thing is over; we are on our way." Nor do we forget in these days when criticism of the conduct of the war seems to be regarded as the acme of statesmanship by those who hope to profit by the mistakes of others the historic exclamation of Lloyd-George, "It is now a race between Hindenburg and Wilson." Nor shall we ever cease to recall with pride and satisfaction that in those dark days, when the destiny of nations was in the balance and the star of civilization hung low, we were able to answer the call of the Allies by sending from these camps to the battle front a victorious army of over 300,000 men per month. [Applause on the Democratic side.] This army could not have been trained without shelter, water, and sanitation. A breakdown or even partial failure of the building program in the summer of 1917 might have meant victory for Germany and disaster to the cause of civilization.

There can be no doubt that the emergency justified the Secretary of War in abandoning peace-time methods of construction. I think that all unprejudiced men feel the same way about it. I am willing to go further, and say that if Secretary Baker had attempted to build those camps by the competitive system he would have been guilty of the grossest incompetence and merited removal from office. The majority report says that the Secretary of War must bear the responsibility for this building program. I quite agree with the majority, and I have no doubt the Secretary of War will be not only glad but proud to carry the burden.

The majority also finds that, in addition to the responsibility resting upon the Secretary of War for permitting the departure from established peace-time methods of construction, direct responsibility must rest upon Col. W. A. Starrett, chairman of the committee on emergency construction. Let us analyze this for a moment. Our hearings show that the emergency contract, which is so viciously attacked by the majority of this committee, was approved by the following-named gentlemen, who participated in the discussions in the meetings of the General Munitions Board:

Admiral W. S. Capps, Bureau of Construction and Repair, Navy Department; Mr. Orlando Weber, of the war materials section of the War Industries Board; Col. F. G. Hodgson, Quartermaster Corps, War Department; Paymaster J. H. Hancock, Bureau of Supplies and Accounts, Navy Department; Admiral H. H. Rousseau, Bureau of Yards and Docks, Navy Department; Dr. Franklin Martin, Council of National Defense; Col. H. Fisher, Medical Corps, War Department; Dr. R. C. Holcomb, Bureau of Medicine and Surgery, Navy Department; Col. W. B. Dunn, of the Ordnance Department; Admiral A. W. Zane, of the Bureau of Steam Engineering, Navy Department; Col. F. E. Blunt, of the Ordnance Department; Maj. P. E. Pierce, of the General Staff, War Department; Commander R. H. Leigh, of the Bureau of Steam Engineering, Navy Department; Gen. J. B. Aleshire, representing the General Munitions Board, priority, Council of National Defense; Maj. Charles Wallace, of the Signal Corps, War Department; Mr. L. McH. Howe, of the office of the Assistant Secretary of the Navy; Mr. Frank A. Scott, chairman of the General Munitions Board, Council of National Defense; and Mr. H. B. Bingham, assistant secretary of the General Munitions Board.

All of these gentlemen gave their approval to the cost-plus contract for the construction of these camps. The record shows that this contract was considered in every detail and was approved only after the most thorough consideration. According to the majority, Col. Starrett must have been a wonderful per-

sonage. If all the things said of him are true, then, indeed, there could have been applied to him in 1917 the line from Shakespeare—

"He doth bestride the narrow world like a Colossus."

He must not only have reduced to a state of mental vassalage the representatives of the Navy Department, the War Industries Board, the Quartermaster Corps, the Bureau of Supplies and Accounts, the Bureau of Yards and Docks, the Council of National Defense, the Medical Corps of the War Department, the Ordnance Department, the Bureau of Steam Engineering in the Navy, and the Signal Corps, but also brought the Secretary of War under his hypnotic sway.

Last summer the chairman of the Select Committee on War Expenditures gave out a statement to the press, in which he declared in substance that the Council of National Defense was the "invisible government" that was conducting the war, and that this "invisible government" had supplanted the duly constituted authorities, and my good friend from Ohio, Mr. McCULLOCH, reiterates it this morning. In the meetings that were held to consider the cost-plus system of building camps, we get a glimpse of this "invisible government" in action. We see it surrounded by representatives of the War and Navy Departments and every branch and bureau of the Government interested in building operations and the health and comfort of our soldiers, sailors, and marines. We see men like Gen. Goethals invited to attend its deliberations. We see its recommendations reduced to writing and filed with the permanent records of its meetings. We see these recommendations transmitted to the Construction Division of the War Department, and then to the Secretary of War for his approval. To make this invisibility more pronounced, we see its members haled from time to time before committees of Congress during the war and its operations heralded through the press to the uttermost corners of the land. Wonderful invisible government! But invisible only to those who would rob it of its fair share of credit in the winning of the Great War. [Applause on the Democratic side.]

The majority would have us believe that Gen. Littell, at that time Chief of the Construction Division of the War Department, was induced to approve the cost-plus contract through the misrepresentations of Col. Starrett in a memorandum to Col. Littell May 31, 1917. Yet the testimony shows that on May 5 Col. Littell, in a memorandum to Col. Starrett, objected to the contract, because he understood that it provided for a 10 per cent fee, and when informed that it provided for a sliding scale of fees with a maximum upset fee his objections were removed. Gen. Littell testified before your committee as follows:

"Gen. LITTELL. As I stated at the beginning, when we understood from these rumors that it was to be a cost-plus 10 per cent contract we were concerned about it, and Capt. Oury and I talked it over and reached the conclusions that were in that letter. I do not know whether Capt. Oury ever changed his mind about it or not, but after I saw the contract in full as approved, with the limitations and the scaling down of the percentages, my objections to it were removed.

"Mr. McCULLOCH. Entirely removed?

"Gen. LITTELL. In our particular case; yes, sir."

The cost-plus system, which the gentleman from Ohio [Mr. McCULLOCH] has so severely condemned, was also approved by the country's ablest engineers, architects, and builders.

The reasons that led to the adoption of this plan are well stated by Mr. Frank Scott, chairman of the General Munitions Board.

I judge from the majority report that they entertain a very high opinion of Mr. Scott, and his testimony is particularly interesting at this juncture on that account. He testified as follows:

"Mr. SCOTT. The testimony of builders and engineers and contractors who came daily to the rooms of the General Munitions Board or to the Quartermaster General's office and to the office of the Secretary of War—and I encountered them in all those places—was to the effect that if we waited until the General Staff located the cantonments and until contractors had a chance to examine the cantonment sites and until the Quartermaster General's Department and the engineers' department completed the specifications for the cantonments and until those gentlemen had time to figure those specifications and the quantities of material necessary and deliver all those materials on the ground, that if we waited for those things to be done it was going to be absolutely impossible to get the cantonments well under way before winter. That would make it impossible for the General Staff to call the troops, or else they would have to call troops and the boys would have frozen to death in the camps. That was what was stated to us by everybody who assumed to have an opinion at the time."

Mr. Leonard Metcalf, the well-known civil engineer, of Boston, Mass., whose ability and integrity will be questioned by no one and whose ripe experience carries respect for his judgment, testified that it would have been impossible to build the cantonments by the established peace-time methods and have them ready for the troops in September. Speaking to this point, Mr. Metcalf said:

"Moreover, to have done the work in that way would have involved, as we believed, six weeks' delay. It would not have been possible to have assembled the essential information and gotten plans out on which to have gotten competitive bids on the work, and then let the contract. The organization of forces under that system would have resulted in a delay of at least not less than six weeks."

Of course, Mr. Metcalf, a man of 30 years' experience in construction work, does not know as much about this business as some of the men sworn at Chillicothe and Columbus, Ohio. [Applause on the Democratic side.]

"It might as well have been two months. Now, that was out of the question. You could not take two out of the three months for bidding and build those camps. Moreover, to have submitted the construction of these camps to competitive bidding on short notice with ill-prepared plans would have meant and would of necessity have resulted in the receiving of many bids from men who could not have had the experience, or who were not prepared and perhaps not competent to do the work on such a scale with such a time limit."

This is the testimony of a man of many years' experience with construction work. On water-works problems he has advised organizations in 140 or 150 cities. He has worked with San Francisco, Denver, Indianapolis, Scranton, Wilkes-Barre, San Antonio, and Tampa, and is now serving either in water-works or sewage problems the cities of Dayton, Milwaukee, Cleveland, and a number of others.

Mr. LITTLE. Will the gentleman yield for a question?

Mr. DOREMUS. No, I will not yield now; I may later on. Testifying with reference to the hazards involved in building at that time, Mr. Metcalf said—of course, there are some of us who put a little reliance upon the testimony of a man like Metcalf whether the majority do or not:

"The first and foremost one was the uncertainty of the labor situation. The contractors felt that very keenly. That, of course, was aggravated by the Government's own business. They had not the machinery to carry on such a work as lay before the Government. It resulted, of course, in the Government's bidding against itself on the local available labor supply. Take the situation down about Norfolk; five or seven different pieces of work were running into millions of dollars and they were bidding for the same labor, with the result that it made the position of the builders exceedingly difficult. There was a second consideration that materials were not available. Certain kinds were scarce in certain localities.

"And then there was the third difficulty of the railroad situation, which was quite a grave situation. I think the worst conditions existed at Alexandria, which seemed to be the neck of the bottle, and of course you know a great deal of the materials were shipped by trucks that should have gone by rail. We simply did not have the facilities, so that the question of materials and the question of labor both, as well as transportation, constituted great hazards from the bidding point of view. That is the contractor's point of view."

Mr. George W. Fuller, consulting engineer of 30 years' experience, testified with like effect. He has specialized in municipal engineering, particularly in connection with water supply and sanitation.

The majority have no word of complaint against Mr. Fuller. I think in their report they gave him credit for being a conscientious and competent man.

Mr. Fuller has been connected with more than 150 water supply and sewage projects for cities and towns in this country and to a limited extent with projects outside of this country. For 12 or 15 years he has been consulting engineer for the Catskill water supply project for the city of New York and advised the District of Columbia regarding the filtration of the Potomac River water in 1901. He has been connected with many large sewage-disposal projects and sewage systems in our largest cities.

The War Department apparently was paying more attention to sanitation in 1917 than it was in 1898. [Applause on the Democratic side.]

Mr. Metcalf, Mr. Fuller, and Mr. Asa E. Phillips, all members of the American Society of Civil Engineers, were appointed on a subcommittee on preliminary planning, sanitation, and engineering relative to cantonment construction. The testi-

mony clearly shows that at every stage of the proceedings the War Department had the cooperation of the country's ablest men, and that they rendered valuable service in solving the difficult problems of war construction. I repudiate and denounce as unsupported by the testimony and entirely unworthy of belief the claim advanced by the majority that these men who came to the assistance of the Government in a great emergency were primarily interested in getting business for themselves and their clients. I will not permit a great achievement to be smeared with loose and irresponsible allegations of graft and fraud without voicing an emphatic protest.

It is a very easy thing for men who assumed no responsibility for that building program—the like of which had never been undertaken before—to criticize the methods adopted and those who conceived and put them into execution. If the Supreme Architect of the Universe had built those camps, our bleacher managers would have found fault with the job. [Applause on the Democratic side.]

When men seriously contend that peace-time methods should have been followed in carrying out this program, I wonder if they realize that this country was in the midst of the greatest war of history. In 1898 President McKinley appointed a commission to investigate the conduct of the War Department in the War with Spain. Many of you will recall the horrors of camp life in that war, particularly at Chickamauga Park and Montauk Point. The report of this commission contains some very interesting reading. For instance, in volume 1, at page 128, we find this observation: "To clothe and equip 275,000 soldiers was a massive undertaking." Well, assuming that it was a massive undertaking, what adjective shall we select to indicate the magnitude of a task that required the clothing, equipping, sheltering, and training of over 4,000,000 men? [Applause on the Democratic side.]

If the views of the majority as to competitive bidding for the cantonment contracts had been adopted, the whole building program would have collapsed, our boys would have perished with cold or died of disease in the winter of 1917, and the Germans would have been in Paris before the American Army could have reached the battle lines.

Let us examine briefly the form of the emergency construction contract which is so frequently referred to in the majority report as a "wide-open" contract which left the Government wholly unprotected against the rapacity of contractors. If the contract was wide open, as the majority allege, and if under it the contractor had unlimited license to swell the cost of construction for the purpose of increasing his fees, those who were responsible for its adoption should receive our severest censure. If, on the other hand, the contract was drawn with every safeguard included for the protection of the Government—which is a matter of fact to be determined by an examination of the contract itself—they should be commended.

I shall not attempt to examine the contract in detail. It may be found in the majority report and the minority views, and I invite a careful inspection of its provisions. This contract, among other things, provided:

1. That the contractor was subject in every detail to the supervision, direction, and instruction of the contracting officer representing the Government.

2. The contract reserved in the Government the right to make changes in the drawings and specifications, issue additional instructions, require additional work, or direct the omission of work previously ordered, and its provisions applied to all such changes, modifications, and conditions. It was made the duty of the contractor to comply with all such written instructions or drawings.

I want to refer just for a moment to the argument of Mr. McCULLOCH over the omission from this contract of the bonus for savings and penalty for overtime clauses. That is discussed in the minority views. I simply wish to emphasize at this point that under article 1 of this contract these clauses could not have been inserted, and I challenge anybody to show how they could have been made operative. As to the penalty for overtime which these gentlemen say should have been inserted in this contract, there is no contractor in America who would have taken a contract under which he could be penalized for overtime when the Government had the power to issue additional instructions, require additional work, or direct the omission of work previously ordered. There can be no question about that.

3. The contractor could make no expenditures for either labor or material without the approval or ratification of the contracting officer.

4. The contractor could make no departure from the standard rate of wages being paid in the locality where the work was done without the prior consent and approval of the contracting officer.

5. The contractor could pay rentals for machinery and equipment only in accordance with the scale of rates attached to and made a part of the contract.

6. The overhead items upon which the contractor was entitled to a fee were set forth in the contract, with an express provision that no interest on capital employed or on borrowed money should be included in the cost of the work.

7. The contractor was required to take advantage to the extent of his ability of all available discounts, and when unable to take such advantage was required to promptly notify the contracting officer of his inability and his reasons therefor.

8. The contract fixed a maximum upset fee of $250,000, with an express provision that in no event should the contractor's fee exceed that sum.

9. In case of dispute as to any item or items of expenditure the decision of the contracting officer was to govern.

10. The system of accounting to be employed by the contractor required the approval of the contracting officer.

11. The Government reserved the right to terminate the contract upon five days' notice if the contractor refused, neglected, or failed to prosecute the work with promptness and diligence or defaulted in the performance of any of the agreements contained in the contract.

12. If conditions arose which, in the opinion of the contracting officer, made it feasible or necessary to cease work, the right was reserved in the Government to abandon the work and terminate the contract.

13. The contractor was to furnish a bond in the sum of $250,000, conditioned upon the full and faithful performance of all the terms, conditions, and provisions of the contract.

14. In the event of any dispute over wages, hours, or other conditions appertaining to the work, the contractor was required to comply with the instructions of the contracting officer with reference to the settlement of such disputes.

15. The contractor could not enter into any subcontract for any part of the work without the written approval of the contracting officer.

16. If the contractor felt aggrieved by any decision of the contracting officer regarding the interpretation of the contract, he had the right to appeal to the Secretary of War, whose decision was final and binding upon both parties to the contract.

It will be seen that this contract gave the Government absolute control over every phase of construction. The labor pay rolls and invoices for material and equipment required the approval of the representatives of the Government. The contractor was powerless to increase wages without the prior approval of the representatives of the Government. The construction quartermaster fixed the rate of wages that the contractor could pay and approved the purchases of all materials. The contractor had no discretion in the matter of wages or prices of materials. In short, under this contract, which the majority contends was designed in the interest of the contractor and left him with a free hand to swell the cost of construction, the Government controlled everything, even to the minutest detail, and the contractor controlled nothing.

Under the sliding scale of fees fixed in the contract for building these cantonments the contractor had earned his maximum fee when the cost of the work reached the sum of $4,166,000. The cost of work on all of these 16 original projects was more than twice that amount. The testimony shows that both the contractor and the men representing the Government knew at the outset that the cost would be far in excess of that amount. The maximum fee that the contractor could by any possibility earn under this contract was assured in the beginning. Even though the contract had enabled the contractor to intentionally and willfully increase the cost of the work, what incentive did he have for doing it? If we assume that the contractor was wholly unpatriotic and was actuated solely by a desire to feather his own nest, not even his self-interest could have been a motive for increasing the cost of this work to the Government. In brief, his maximum fee was established at the outset, and under the provisions of the contract could not be exceeded.

The majority can not escape the irresistible force of this conclusion. In an attempt, however, to minimize its effect upon this controversy, it placed in the record a large list of contracts under which the contractor did not earn his maximum fee. An examination of the record, however, discloses that none of them was for original cantonment construction. The testimony of Col. Shelby, of the construction division, shows that in this list of contracts under which the maximum fee was not earned there was included all small contracts which were made at the beginning of the period before the original form of contract had been changed. For instance, at each one

of the 32 cantonments and camps there was a separate road contract. The amount of funds available for that work varied from $45,000 to $75,000 for each camp and cantonment. While the contract for road construction was in the beginning made on the same forms that were used for cantonment construction, which contained a maximum fee of $250,000, as a matter of fact the entire cost of the road work was much less than that amount, and the fee earned was $5,000 or $6,000. Included in that list were 182 contracts that were at the height of their progress when the armistice came. These contracts were either entirely abandoned or settled under provision 8 of the contract. (Hearings, p. 2843.)

Having examined the reasons which led to the adoption of the cost-plus system and the form of the contract, let me now consider some of the results that were accomplished. The actual work of camp construction was under the direction, supervision, and control of the Construction Division of the War Department. At the beginning of the war this division was in charge of Col. Littell, afterwards general, who was succeeded by Gen. Marshall. In view of the general condemnation of the entire construction program by the majority, it will be interesting to quote a very brief extract from the hearings. On page 2724 I find the following—Mr. MCKENZIE is chairman of our investigating committee:

"Mr. MCKENZIE. I want to say right here, as an American, of course I am proud, and I think every other American is, of the achievement not only of the Construction Division but of the entire Military Establishment and the American people as a whole, and they only carried out the views of some of us. And the only question involved had been whether the way in which it was done was the only possible way in which it could have been done. We had the Engineer Corps in our Army."

Mr. GOODWIN of Arkansas. Is the gentleman quoting from Mr. MCKENZIE of the House?

Mr. DOREMUS. Yes; the gentleman from Illinois, who is chairman of the subcommittee that conducted this investigation.

The gentleman from Illinois [Mr. MCKENZIE], chairman of the subcommittee that conducted this investigation, is not only proud of the record achieved by the Construction Division, but frankly admits that the only question we have been investigating for the past nine months is whether the way in which this work was done was the only possible way in which it could have been done. [Laughter on the Democratic side.]

If, as asserted by the majority, the emergency construction committee dominated and controlled the Construction Division of the War Department and usurped its functions, and the chairman of the investigating committee is proud of the achievement of the Construction Division, one is naturally led to inquire what was wrong with the emergency construction committee?

The original 16 cantonments were constructed to accommodate from 37,000 to 46,000 men each, and were provided with hospitals, sewers, water, lighting, and roads. They were equipped to accommodate 649,038 men, or a division of Infantry for each camp, including air squadrons, balloon companies, telegraph battalions, and Artillery. In 9 of the camps there was an additional regiment of Infantry. The following table, taken from the report of the hearings, shows the number of men in each camp for which provision had been made on September 4, 1917:

American Lake, Wash., Camp Lewis	46,000
Annapolis Junction, Md., Camp Meade	15,000
Atlanta, Ga., Camp Gordon	14,000
Ayer, Mass., Camp Devens	16,458
Battle Creek, Mich., Camp Custer	10,000
Chillicothe, Ohio, Camp Sherman	13,800
Columbia, S. C., Camp Jackson	12,500
Des Moines, Iowa, Camp Dodge	15,000
Fort Riley, Kans., Camp Funston	22,800
Fort Sam Houston, Tex., Camp Travis	28,000
Little Rock, Ark., Camp Pike	20,000
Louisville, Ky., Camp Taylor	24,000
Petersburg, Va., Camp Lee	18,750
Rockford, Ill., Camp Grant	14,000
Wrightstown, N. J., Camp Dix	10,000
Yaphank, Long Island, Camp Upton	7,000
Total	287,308

(Hearings, p. 2901.)

By taking Camp Sherman as an example we can obtain a fair idea of the speed with which these 16 cantonments were built. The site for this camp at Chillicothe, Ohio, was approved June 21 and the contract with A. Bentley & Sons Co., of Toledo, was signed June 27. Work was started July 4, and 63 days later—September 5—the camp was ready to receive the first increment of the National Army. The workmen had practically all left the job on October 6. The camp at that time contained 1,300 buildings, and the testimony shows that the average time consumed in construction was from 43 to 52¼ minutes per building, depending upon whether Sundays are included in the calculation.

At Camp Sherman the labor turnover was 48,000 men from the beginning to the end of the original construction. The largest number employed at one time was 11,000. At the Camp Sherman hearings numerous carpenters, teamsters, and other laborers were sworn for the purpose of showing waste of materials and loafing among the men. I shall not attempt to review their testimony in detail. I think it pertinent to observe at this point that the man who was selected to secure these witnesses was the chairman of the Republican committee of Ross County, in which the camp was located. I wish to assert with emphasis that he made no attempt to present both sides of the matter. I wish to assert with equal emphasis that the entire proceedings at Columbus and Chillicothe bear unmistakable evidence that it was a prosecution and not an investigation. That there was a certain amount of loafing at Camp Sherman—particularly in the early stages of the work—there is no doubt. What proportion of this loafing was due to delay in the arrival of materials there is no way to determine. There can be no question that the limited time allowed for the construction of the camp led to a waste of materials that could have been obviated under normal conditions and processes. But that the waste and loafing at Camp Sherman was greatly exaggerated by these witnesses will be apparent to anyone who will read their testimony. That testimony can not be reconciled with the fact that in 63 days from the time work was started the camp was ready for the first increment of the drafted troops, including the installation of an adequate water supply, sewers, lighting, and other utilities.

Of the 48,000 men who were employed at Camp Sherman from the beginning to the end of the work all of them, with the exception of some plumbers from Chicago, were residents of Ohio. That there were some loafers, grafters, and incompetent workmen in this army of men will be conceded.

I want to call your attention to this chart which the gentleman from Ohio [Mr. MCCULLOCH] has brought in here. I wonder who prepared it. It is headed, "Labor's record under the cost-plus system at Camp Sherman, Ohio. The average number of carpenters employed from June 21, 1917, the date on which work was started." Who put that in there? I am not going to accuse my friend from Ohio of doing it, because he must have known better. The site was not selected until the 21st of June, the contract was not entered into until the 27th of June, and the work was not started until the 4th day of July. [Applause on the Democratic side.] I would like to know where he gets his figures as to the 75 days. It was not 75 days. It was only 63. That chart does not take into account the fact that it required time to get the organization started. It does not take into consideration the fact that it was necessary to go out onto the farms and into the stores to get men to do that work. It does not take into consideration delays in arrival of material. It does not take any of those things into consideration.

I want to repeat, gentlemen of the committee, that there were 48,000 men on that job, from the first to the last. All of them were citizens of Ohio with the exception of these plumbers from Chicago, and I refuse to indict the citizenship of a great State on that chart or on the testimony dug up by this Republican boss of Ross County. [Applause on the Democratic side.]

If anyone doubts that the majority report is about 99 per cent noise and 1 per cent substance, I hope he will read the chapter on recoveries. He will there find that the majority has given serious consideration to the recovery of $78,531,521 from the contractors for the 16 cantonments. This sum represents the majority's estimate of the difference between the actual cost of the camps and what, in the judgment of the majority, they should have cost. They reached their estimate of what the 16 camps should have cost by adopting the estimate of J. P. O'Connor, a Chicago contractor, of the proper cost of Camp Grant, made from a survey of the camp over two years after it was built, and striking an average of the proper cost of all the other camps. If their theory is correct, there was not a competent nor a patriotic contractor on any one of those jobs. In the opinion of the majority recoveries should be attempted from every one of them, ranging from three to five million dollars. The contractor at Camp Sherman, for instance, who swore that his net fee after paying his overhead and the Federal taxes on his profits was $69,736.54, would be called upon to pay into the Treasury the sum of $5,034,095, or nearly one-half the whole cost of the job.

This contention is made in the face of the fact that the expenditures for both labor and material were under the control of the Government, and the actual cost of the 16 cantonments under the original contracts was but 5 per cent in excess of the estimate of the Construction Division.

This particular "recoverable item" is the most fantastic suggestion made since common recoveries were abolished in England. Is there any wonder that the majority did not dare submit their report to a vote of the House?

Now, let us analyze the other chart which my friend from Ohio [Mr. McCULLOCH] has dragged in here. It reads, "$78,000,000 waste." I will now proceed to analyze the testimony of Mr. O'Connor, upon which this chart has been made, and submit to the sober, deliberate judgment of the Members of this House whether it is entitled to any consideration whatever.

Now, Mr. O'Connor is a reputable Chicago contractor. He was recommended to the gentleman from Illinois [Mr. McKENZIE] by his colleague [Mr. MADDEN]. Mr. McKENZIE wanted someone to go out to Camp Grant and survey that job as it stood, over two years after it was completed, and make an estimate of what he would have been willing to take the job for in the spring or summer of 1917. Of course, it is manifest that no contractor, however reputable, could go on to that job over two years after the event and make an intelligent estimate of what it should have cost in the spring and summer of 1917. On cross-examination he testifies that he knew nothing about the condition of the site when the work was started. He encountered none of the obstacles that were overcome by the contractor. He knew nothing of the problems that were presented. And while I think Mr. O'Connor was an honest witness, I am sure I can demonstrate that neither he nor any other man could have gone to Camp Grant last winter and made an intelligent estimate of what it should have cost in the spring of 1917. He left out of his estimate many very important items. I call your attention to a few of them by quoting from his testimony:

"Mr. DOREMUS. In reaching your conclusion, Mr. O'Connor, that you could have constructed this camp for over $4,000,000 less than was actually expended on it, did you take into consideration any of the material changes which were made, but which were not made at the time you made your estimate?

"Mr. O'CONNOR. You mean on hand at Camp Grant?

"Mr. DOREMUS. Yes, sir.

"Mr. O'CONNOR. No, sir; I did not take that into consideration at all. My figures were made up as though Camp Grant did not exist. They were independent entirely of the existence of the camp.

"Mr. DOREMUS. I am advised by the Construction Division that a very complete inventory of the material and equipment on hand and not erected, made of December 31, 1918, shows $817,523.49 worth of material and equipment on hand, to which should be added freight to the amount of $222,129.21, as I understand it. You have no knowledge of that fact?

"Mr. O'CONNOR. No."

I want to recall that at the time Mr. O'Connor gave his testimony at Camp Grant the newspapers carried, in flaming headlines, a story that the Government had been robbed of $4,000,000 by letting this job under the cost-plus system. That story was based upon the testimony of Mr. O'Connor.

Now, what else did Mr. O'Connor leave out? I quote further from the hearings:

"Mr. DOREMUS. In your estimate did you allow anything for cots?

"Mr. O'CONNOR. I did not.

"Mr. DOREMUS. Did you allow anything for refrigerators?

"Mr. O'CONNOR. No, sir.

"Mr. DOREMUS. Did you allow anything for laundry equipment?

"Mr. O'CONNOR. No, sir. You mean for the housing of the men?

"Mr. DOREMUS. Yes, sir.

"Mr. O'CONNOR. No, sir.

"Mr. DOREMUS. Did you allow for refrigerator machinery?

"Mr. O'CONNOR. No, sir.

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"Mr. DOREMUS. Are you able at this time to give us an answer to that question, Mr. O'Connor?

"Mr. O'CONNOR. I did not figure any cots; no.

"Mr. DOREMUS. You figured no refrigerators?

"Mr. O'CONNOR. No.

"Mr. DOREMUS. You figured no laundry equipment?

"Mr. O'CONNOR. No.

"Mr. DOREMUS. You figured on no refrigerator machinery?

"Mr. O'CONNOR. No.

"Mr. DOREMUS. You figured no fire engines?

"Mr. O'CONNOR. Fire engines?

"Mr. DOREMUS. Yes.

"Mr. O'CONNOR. No.

"Mr. DOREMUS. You did not figure on fire extinguishers?

"Mr. O'CONNOR. No.

"Mr. DOREMUS. You did not figure on fire hose?

"Mr. O'CONNOR. No.

"Mr. DOREMUS. If these things all went into Camp Grant, it would be necessary to pay not only the first cost, but also the cost of the labor in distributing and installing these various things; is that correct?

"Mr. O'CONNOR. They would have to be placed around, I suppose.

"Mr. DOREMUS. And they would have to be unloaded?

"Mr. O'CONNOR. Yes.

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"Mr. DOREMUS. In your estimate I think you allow $9,500 for the construction of the post bakery?

"Mr. O'CONNOR. Yes, sir; $9,500.

"Mr. DOREMUS. In that estimate did you allow anything for the bakery equipment?

"Mr. O'CONNOR. No; nothing.

"Mr. DOREMUS. You did not allow anything for the special ovens?

"Mr. O'CONNOR. Nothing for the equipment; we had no ovens considered at all.

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"Mr. DOREMUS. How much did you allow for the mess hall for the feeding of the employees?

"Mr. O'CONNOR. I did not allow anything for that.

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"Mr. DOREMUS. You realize, of course, that while that work was being constructed there was no water system?

"Mr. O'CONNOR. I realize that.

"Mr. DOREMUS. In view of that form of construction, which was particularly hazardous from the standpoint of fire, I assume that it would have been imperative in order to prevent fire, to keep the lumber, the shavings, and the scraps, and various things on the job, cleaned up daily; is that right?

"Mr. O'CONNOR. You would have to keep the shavings cleaned up.

"Mr. DOREMUS. And if you had undertaken this job, would not you have cleaned up all the scrap material?

"Mr. O'CONNOR. Oh, yes; I would have taken the shavings and the small pieces of lumber out of the buildings.

"Mr. DOREMUS. And that would have been true as to all of the approximately 1,500 buildings on the job. Now, would you have made any allowance for the cleaning up on the job?

"Mr. O'CONNOR. Not specifically; I did not, but I would take the same precautions that I do in all my buildings that are inflammable. I would keep them sufficiently clean so that there would be no great danger of fire.

"Mr. DOREMUS. As I understand it, you have no item in your estimate to cover that cost?

"Mr. O'CONNOR. No; I have not.

"Mr. DOREMUS. How much did you allow for installing kitchen equipment?

"Mr. O'CONNOR. Nothing.

"Mr. DOREMUS. Your estimate did not include ranges, steam tables, dishwashers, and the other articles necessary to care for thousands of boarders in a hurry?

"Mr. O'CONNOR. I did not include anything for that.

"Mr. DOREMUS. How much did you allow for storehouses, refrigerators, pantries for commissary purposes——

"Mr. O'CONNOR. Nothing for that.

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"Mr. DOREMUS. Now, in making this estimate you went over this camp personally. You are familiar with the conditions generally there?

"Mr. O'CONNOR. Yes, sir; I went over it personally.

"Mr. DOREMUS. Let us take the largest building in the camp, the laundry, which, as I understand it, is 200 feet by 270 feet. I think your estimate on that building is $51,000.

"Mr. O'CONNOR. That is correct.

"Mr. DOREMUS. You know, of course, that there is a concrete floor in that entire building?

"Mr. O'CONNOR. Yes, sir.

"Mr. DOREMUS. If it should develop, Mr. O'Connor, that the cost of the material alone in that building amounted to $63,260.23, would it make any difference in your estimate?

"Mr. O'CONNOR. Not in the construction alone, on what I figured. Does that figure take in equipment—machinery?

"Mr. DOREMUS. Yes, sir.

"Mr. O'CONNOR. Of course, I have no idea as to what the cost actually was of that.

"Mr. DOREMUS. You did not include machinery and equipment in that?

"Mr. O'CONNOR. No. This is the building shown on the plan [indicating].

"Mr. DOREMUS. Then, you allowed more for machinery and equipment of the laundry?

"Mr. O'CONNOR. Not at all. I figured the excavation trench and footing, excavation, all concrete work for the trenches, and the general concrete work for the floor, which consisted of 4 inches of rough concrete and 2 inches filling up under the wooden floors, and all of the lumber, the trenchers under the washers, the trenchers under the extractors; all of the roofing, novelty siding, and the millwork, and a little hardware, but no equipment, and, of course, not the laundry outfit.

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"Mr. DOREMUS. What can you tell us as to the magnitude of the task of assembling the materials for the buildings of Camp Grant?

"Mr. O'CONNOR. You mean placing them at the different units where needed?

"Mr. DOREMUS. Getting them on the job originally.

"Mr. O'CONNOR. That would be some job.

"Mr. DOREMUS. It would be a tremendous job, would it not?

"Mr. O'CONNOR. It would.

"Mr. DOREMUS. I am informed by the Construction Division of the War Department that Camp Grant alone used 4,353 cars of construction material and equipment up to November 7, 1917, and that at the other National Army cantonments they had received by November 7, 1917, 77,317 cars of similar material, and that the National Guard camps had received 32,041 cars of material. In other words, that would be 109,358 cars of construction material and equipment for the 32 jobs alone. I am also advised that these materials were scheduled, ordered, manufactured, inspected, shipped, and delivered in 145 days. In other words, from June 15 to November 7. What can you state to the committee as to how you regard that sort of a transportation feat?

"Mr. O'CONNOR. I should say it was ably taken care of.

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"Mr. DOREMUS. What sort of heat did you figure on?

"Mr. O'CONNOR. In any of the buildings where there was stove heat we did not include anything in our estimate, any more than we did for cots or furniture.

"Mr. DOREMUS. Do you mean that you did not figure anything for heating purposes?

"Mr. O'CONNOR. Oh, we have a general item of over $100,000 for heating, but in different units in the camp there was stove heat.

"Mr. DOREMUS. Then, as I understand you, you did not figure anything for unloading and setting up the stoves, did you, Mr. O'Connor?

"Mr. O'CONNOR. No, sir.

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"Mr. DOREMUS. After the construction at Camp Grant was well advanced, the organization of the Army was changed to conform to the units which actual experience in France had shown to be necessary. This involved expensive alterations in the barracks buildings; for instance, the ends of some of the large barracks had to be removed. Then the buildings were extended. The mess halls and kitchens which had been built were dismantled and the partitions were changed. Various other alterations were made necessary by the change in the units of the Army. Did you make any allowance for that?

"Mr. O'CONNOR. No, sir.

"Mr. DOREMUS. Of course, if you had received the contract and had been called upon to make these alterations to which I refer, it would have been classed as an extra, would it not?

"Mr. O'CONNOR. Yes, sir.

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"Mr. DOREMUS. How much did you allow, Mr. O'Connor, for building latrines for the workmen, according to the Army plans?

"Mr. O'CONNOR. I did not allow anything for that.

"Mr. DOREMUS. Do you know that over 100 latrines were built at Camp Grant?

"Mr. O'CONNOR. No; I did not know that; I knew it would be necessary to build some few of them until the water system was in, or, rather, until part of the water system was in; that is, until they could build them.

"Mr. DOREMUS. How much did you allow for the sanitary squads to operate at the latrines daily, put oil in the stagnant pools, clean up around the kitchen, and look after the incinerators, and cleaning up around the camp?

"Mr. O'CONNOR. I did not allow anything.

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"Mr. DOREMUS. At Camp Grant, I am told, the construction forces for a long time before the troops arrived, covering a period of several months, the contractors handled the garbage and roughage from all the kitchens of the camp. Did you make any estimate for that?

"Mr. O'CONNOR. No, sir; I did not.

"Mr. DOREMUS. Are you aware that at the time construction began at Camp Grant there was no water system, and that many wells had to be dug?

"Mr. O'CONNOR. Yes, sir; I knew that.

"Mr. DOREMUS. Did you make an allowance for temporary wells?

"Mr. O'CONNOR. No, sir.

"Mr. DOREMUS. You are aware, of course, Mr. O'Connor, that this camp was built upon virgin soil.

"Mr. O'CONNOR. Yes, sir.

"Mr. DOREMUS. And that much of the territory was covered with forestry which had to be cleared?

"Mr. O'CONNOR. I did not know that, because when I saw it, it was all cleared.

"Mr. DOREMUS. Did not you have in your estimate any allowance for clearing?

"Mr. O'CONNOR. No, sir.

"Mr. DOREMUS. Have you an item in your estimate for temporary quarters?

"Mr. O'CONNOR. No.

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"Mr. DOREMUS. Did you make any allowance, Mr. O'Connor, for the hire of shifting engines and crews?

"Mr. O'CONNOR. Switching engines?

"Mr. DOREMUS. Shifting.

"Mr. O'CONNOR. No, sir; I did not.

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"Mr. DOREMUS. Your water systems required a maintenance force to take care of the leaks, and the contractor was required to do that work. Did you make any allowance for that?

"Mr. O'CONNOR. Not to take care of leaks; no, sir.

"Mr. DOREMUS. Did you allow anything for surface drainage work?

"Mr. O'CONNOR. No.

"Mr. DOREMUS. What is the sump?

"Mr. O'CONNOR. It is usually a hole in the ground. It takes in surface water.

"Mr. DOREMUS. I am told that there were 65 of those on the job, for the purpose of taking care of the surface drainage. Did you make any allowance for that?

"Mr. O'CONNOR. No.

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"Mr. DOREMUS. Did you allow anything for building crossings over the sewer and water trenches in order to distribute your materials?

"Mr. O'CONNOR. No; I did not."

So I could continue, but I will not attempt to go through all of it. I think I have given enough to demonstrate that Mr. O'Connor could not have made an intelligent estimate under the circumstances, and that no man in the world could.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. DOREMUS. Yes; I will yield to the gentleman.

Mr. MADDEN. Did Mr. O'Connor make any allowance in a lump sum for any of these things that were left out?

Mr. DOREMUS. No. He left them out entirely.

Mr. MADDEN. And made no allowance for them in any form?

Mr. DOREMUS. He made no allowance for them, and that is the testimony on which this chart is based and on which they are going to get back into the Treasury of the United States $78,000,000. [Applause on the Democratic side.] Can you imagine anything more ridiculous to be incorporated in a report and brought into this House? [Applause on the Democratic side.]

Now, let us take another item which the majority says should be recovered, and which they want sent down to the Attorney General and have investigated:

"Losses through misclassification and nonclassification of labor, amounting, as to carpenter work alone, to over $400,000 per cantonment; other amounts not determined."

This would bring the amount to be recovered against the contractor at Camp Sherman up to $5,434,095. I have already pointed out that all pay rolls had to be approved by the representatives of the Government before the contractor could pay his men. In this connection I now wish to submit an extract from a sworn statement of Mr. Bentley, the contractor at Camp Sherman, showing how the pay rolls were handled:

"With respect to the pay rolls, the field auditor's department kept the time of all employees, wrote up the pay rolls, and delivered them to us, showing the details of employment, such as the name of each man, the time worked, the rate, and total due.

"We then sent to Chillicothe the currency required to pay these pay rolls; we filled the pay envelopes and delivered them to the field auditor and took his receipts. The field auditor's assistants then paid the men.

"When our work was approximately done, the field auditor made a complete or final audit and prepared what the auditors know as an 'A to H statement.' Two additional similar complete audits were made by the accounting branch of the Construction Division of the War Department and two additional 'A to H statements' were prepared."

Perhaps if we delve far enough into this report we may find enough recoverable items to reimburse the Government for the entire cost of the camp. [Laughter on the Democratic side.]

Let us take another recoverable item from the majority report:

"Illegal payments made to A. Bentley & Sons Co. on account of the commissary in the sum of $169,372.79."

The facts in regard to the commissary are that the contract for feeding the men was sublet to the American Commissary Co. on a cost-plus basis. Feeding the men was a part of the construction work which the Government was bound to pay, and that was true whether Bentley or his subcontractor fed them. In actual operation it was found, not only at Camp Sherman but at many other camps, that contractors were not properly equipped to feed the army of employees, and, with the approval of the contracting officer representing the Government, the commissary was sublet to concerns who made a business of feeding large bodies of men. The statement of the Camp Sherman contractor is that as many as 6,000 men were fed in 20 minutes. These companies received a fee of 5 per cent of the cost of operation.

The commissary presented one of the most perplexing questions connected with camp construction. Many of them show a loss, occasioned by the rapidly increasing cost of food and a failure to charge the men enough per meal to cover the cost of operation. At Camp Sherman, where the price per meal was fixed at 30 cents, the loss on the commissary was $142,165.71. The testimony of Capt. Dabney, construction quartermaster at Camp Sherman, as well as the testimony of the officers of the Construction Division in Washington, shows that they all knew that the commissary was running behind. It became a question of whether the Government should pocket the loss on the commissary or increase the price of meals to the men, which, in their judgment, would have involved an increase of wages. According to Capt. Dabney, he believed that to increase the wages would have amounted to more than the deficit in the operation of the commissary. Yet the majority soberly insists that a recovery ought to be had on this commissary contract, notwithstanding it was entered into with the full consent and approval of the Government's representatives.

If my computation is correct, I have already squeezed out over $85,000,000 of water from these pretended claims to recovery. While this process could be continued, I think the illustrations already given will serve to show the visionary character of the proposed recoveries. I assert that as to 99 per cent of these alleged recoverable items they are not supported by either the law or the facts.

After nine months of investigation the majority of this committee is unwilling to make a specific recommendation to the Attorney General or a particular allegation of fraud against any person, firm, or corporation. During all of that time they have had access to the records of the Construction Division of the War Department and the emergency construction committee, and unlimited authority from this House to investigate every phase of the construction program. They have employed able investigators and counsel, and no limitation has been placed upon their expenditures. During these nine months they have left no stone unturned in their efforts to discover evidence of fraud and graft, and now they propose to pass the investigation on to the Attorney General. They have brought in a report which they would not dare to submit to a vote of the House, because it contains findings and recommendations that the House would not approve. The resolution is a confession of failure, and the country will so regard it. [Applause on the Democratic side.]

When the committee rises I shall offer a motion to recommit the resolution and report to the select committee with instructions to bring in a resolution specifying the persons, firms, or corporations which in the opinion of that committee should be investigated by the Attorney General in connection with the construction of these camps [applause], and requesting the Attorney General to institute investigations, either by grand jury or otherwise, for the purpose of beginning criminal or civil proceedings against such persons, firms, or corporations in any case where the facts warrant it. [Applause on the Democratic side.] Such a resolution I shall be glad to support.

I would deem these remarks incomplete if I did not reproduce here a paragraph from a memorandum written by Maj. Clair Foster, a member of the emergency construction committee, and which our investigators found sleeping in the records of that committee:

"This stream of callers which flowed through the office of the committee on emergency construction was composed largely of the clear waters of marked ability, appreciation of the Government's predicament, understanding of the Government's necessities, the will and capacity to meet the Government's needs; but on the surface of this stream there bobbed and jostled and swirled always the flotsam of incapacity and ignorance and intolerance and cupidity. To judge of the characters of the waters on the body of the stream by straining the mind's eye for clear spaces in its turbulent surface was a nerve-racking business. There were nights when we went home discouraged in the conviction that there were left no people in the world but the self-seeking. Then would come a brighter day when we could see that there were enough real people left to keep the world moving on its path toward better things."

A strange voice, indeed, to proceed from what our majority associates would have us believe was a den of iniquity. It is with much pleasure that I take these words from the dusty files of the emergency construction committee and incorporate them in the permanent records of the Congress.

Mr. Chairman, I do not regret the part I have taken in this investigation. It has given me a clearer idea of the gigantic task that confronted the Government when war suddenly threw its shadow athwart the path of a peace-loving people. It has given me a keener appreciation of the obstacles that were surmounted and of how a mighty nation arose to its great responsibility when the supreme test of its genius and patriotism came. [Prolonged applause on the Democratic side.]

Mr. FLOOD. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Virginia makes the point of order that there is no quorum present. The Chair will count. [After counting.] Seventy Members present, not a quorum.

Mr. KEARNS. Mr. Chairman, I demand tellers.

Mr. GRAHAM of Illinois. Mr. Chairman, I move that the committee do now rise, and I ask for tellers on that.

The CHAIRMAN. As many as are in favor of ordering tellers will rise and stand until counted. [After counting.] A sufficient number.

Mr. CLARK of Missouri. Mr. Chairman, the motion to rise was never put.

The CHAIRMAN. The gentleman from Illinois was not recognized to make the motion to rise.

Mr. CLARK of Missouri. What was he recognized for?

The CHAIRMAN. For the purpose of asking for tellers.

Mr. CLARK of Missouri. I know; but tellers on what?

The CHAIRMAN. On the question of whether there is a quorum present. The gentleman from Illinois moved that the committee do now rise, and then asked for tellers. A sufficient number rose to order tellers, and the Chair will appoint the gentleman from Illinois [Mr. GRAHAM] and the gentleman from Michigan [Mr. DOREMUS] to act as tellers.

Mr. CLARK of Missouri. I know; but the gentleman from Illinois made the motion to rise. He did not know whether he was going to be successful on that motion or not. At the same time he coupled with the motion a demand for tellers, and he had no right to ask for any such thing.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. CLARK of Missouri. Yes.

Mr. LONGWORTH. The object of the gentleman in asking for tellers was to enable a quorum to come in, it being suspected that everyone would vote against the motion to rise.

Mr. CLARK of Missouri. That is true; but the question before the committee was the motion to rise.

Mr. LONGWORTH. Certainly.

Mr. CLARK of Missouri. It never was put.

Mr. GRAHAM of Illinois. Mr. Chairman, I think I can shorten this matter. I withdraw my request for tellers, and I move that the committee do now rise.

Mr. KEARNS. Mr. Chairman, but before the gentleman from Illinois had made any motion to rise I had asked for tellers.

Mr. CLARK of Missouri. Tellers for what?

Mr. KEARNS. To determine whether or not a quorum is present.

Mr. WELLING. Can not the gentleman trust the Chair to count 100 Members?

The CHAIRMAN. The gentleman from Illinois moves that the committee do now rise.

The question was taken; and the Chair announced that the noes seemed to have it.

Mr. GRAHAM of Illinois. Mr. Chairman, I ask for tellers.

Tellers were ordered.

The committee again divided; and the tellers (Mr. GRAHAM of Illinois and Mr. FLOOD of Virginia) reported that there were—ayes 2, noes 55.

The CHAIRMAN. On this vote there were ayes 2, noes 55, and 8 not voting. Not a quorum has voted, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ackerman	Eagle	Kahn	Scully
Andrews, Md.	Edmonds	Kelley, Mich.	Sears
Bacharach	Ellsworth	Kelly, Pa.	Sells
Bankhead	Evans, Nev.	Kendall	Shreve
Begg	Ferris	Kennedy, Iowa	Sims
Bell	Fess	Kennedy, R. I.	Sinnott
Black	Fisher	Kettner	Slemp
Blackmon	Freeman	Kitchin	Small
Bland, Mo.	French	Kraus	Smith, Ill.
Blanton	Fuller, Ill.	Langley	Smith, Mich.
Boles	Fuller, Mass.	Lanham	Smith, N. Y.
Booher	Gallagher	Larsen	Smithwick
Brinson	Gallivan	Lee, Ga.	Snell
Britten	Ganly	Lesher	Steagall
Brumbaugh	Garland	Lufkin	Stedman
Burke	Garrett	McAndrews	Steele
Burroughs	Goldfogle	McArthur	Stevenson
Butler	Goodall	McGlennon	Sullivan
Campbell, Pa.	Gould	McKinley	Taylor, Colo.
Cantrill	Graham, Pa.	McLane	Taylor, Tenn.
Caraway	Greene, Mass.	Mann, Ill.	Towner
Carew	Greene, Vt.	Mason	Treadway
Carter	Hadley	Merritt	Upshaw
Casey	Hamill	Morin	Venable
Chindblom	Hamilton	Neely	Vestal
Clark, Fla.	Harrison	Nelson, Wis.	Voigt
Connally	Haugen	Nolan	Walsh
Copley	Heflin	O'Connell	Walters
Costello	Hill	Padgett	Ward
Crago	Holland	Parker	Wason
Cramton	Hulings	Peters	Watkins
Culien	Husted	Porter	Whaley
Curry, Calif.	Hutchinson	Reber	Williams
Darrow	Igoe	Riddick,	Wilson, Ill.
Denison	Ireland	Riordan	Wilson, La.
Dewalt	Johnson, S. Dak.	Rodenberg	Wilson, Pa.
Dominick	Johnston, N. Y.	Rowan	Young, Tex.
Donovan	Jones, Pa.	Rowe	Zihlman
Dooling	Jones, Tex.	Sabath	
Drane	Juul	Sanford	

The committee rose; and Mr. CAMPBELL of Kansas having resumed the chair as Speaker pro tempore, Mr. WOOD of Indiana, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration H. Res. 515, finding itself without a quorum, under the rule he directed the roll to be called, whereupon 261 Members answered to their names, and he presented the names of the absentees to be entered upon the Journal.

The SPEAKER pro tempore. The committee will resume its sitting.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of House resolution 515.

The gentleman from Michigan [Mr. DOREMUS] has 40 minutes remaining, and the gentleman from Illinois [Mr. GRAHAM] has 9.

Mr. GRAHAM of Illinois. I wish the gentleman from Michigan would yield his time.

Mr. DOREMUS. How much time have I left, Mr. Chairman?

The CHAIRMAN. Forty minutes.

Mr. FLOOD. I understood the gentleman from Illinois was going to move to rise.

Mr. GRAHAM of Illinois. No. After we had consumed two hours' time I thought we would rise.

Mr. FLOOD. Why not rise now?

Mr. GRAHAM of Illinois. Mr. Chairman, I think we had better go along a while, so that we can get done at a reasonable hour in the morning.

Mr. FLOOD. I misunderstood the gentleman. I understood him to suggest that after the gentleman from Michigan [Mr. DOREMUS] got through he would move to rise.

Mr. GRAHAM of Illinois. It may be that the gentleman misunderstood me. I have no doubt that is true. But my idea was that, inasmuch as we can not get done to-night, it would take until a quarter past 5 for these gentlemen to finish, and then there would be doubtless two record votes, and it will take us late to get through this afternoon. I conferred with the leaders on my side of the House and reached a sort of tentative conclusion that if you gentlemen could finish to-night the gentleman from Illinois [Mr. MCKENZIE] could speak in the morning, and we could take a vote in the morning.

Mr. FLOOD. That is very true; you could not. But with 40 minutes on one side and 9 on the other, with an equal amount of time consumed on either side, it would seem only fair to give this side some time to-morrow, and some to the other side.

Mr. GRAHAM of Illinois. If you will have one speech on your side we can let it go over, and then have two concluding speeches.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. MADDEN having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had further insisted upon its amendments to the bill (H. R. 11578) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1921, and for other purposes, disagreed to by the House of Representatives, had agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. TOWNSEND, Mr. STERLING, Mr. PHIPPS, Mr. BECKHAM, and Mr. HENDERSON as the conferees on the part of the Senate.

The message also announced that the Senate had receded from its amendment to the bill (H. R. 795) for the relief of Arthur Wendle Englert.

The message also announced that the Senate had passed the following resolution:

Senate resolution 347.

Resolved, That the Senate expresses its profound sorrow in the death of the Hon. THOMAS STAPLES MARTIN, late a Senator from the State of Virginia.

Resolved, That as a mark of respect to the memory of the deceased the Senate, pursuant to its order heretofore made, assembles to enable his associates to pay proper tribute to his high character and distinguished public services.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

EXPENDITURES IN THE WAR DEPARTMENT.

The committee resumed its session.

Mr. DOREMUS. I yield 10 minutes to the gentleman from California [Mr. LEA].

The CHAIRMAN. The gentleman from California is recognized for 10 minutes.

Mr. LEA of California. Mr. Chairman, I ask the privilege of extending and revising my remarks.

The CHAIRMAN. The gentleman from California asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

Mr. LEA of California. Mr. Chairman, I do not propose to discuss the merits of this report, with which I am not familiar. I desire to call attention for a brief time to the method of procedure proposed.

The resolution before us proposes to turn the evidence and reports over to the Attorney General with a request that he institute grand jury investigations and prosecute "such persons as are guilty of criminal conduct" and bring civil suits to recover funds that have been "fraudulently or illegally paid." No person is named; no particular offense or transaction is identified. The resolution fails to give the slightest information to the Attorney General as to whom or for what he is to prosecute or sue. He is not given the slightest suggestion whether the amount involved is $5,000 or $5,000,000. The only assistance offered the Attorney General is such as he can dig out of over 3,000 printed pages of testimony.

The gentleman from Michigan will offer a motion to recommit with instructions to the committee to report a resolution specifying the persons whom, in their judgment, should be investigated and requesting the Attorney General to prosecute those whose guilt is established, if any, and bring suits to recover any money he may find to have been illegally or fraudulently paid.

I voted for the rule to-day. I shall vote for the motion to recommit.

I believe that the majority should accept the substitute proposed by the gentleman from Michigan [Mr. DOREMUS]. By doing so they could accomplish more and relieve themselves of the just criticism to which the pending resolution is subject.

There are two legitimate circumstances under which a resolution for the purpose here proposed by the majority might properly be referred to the Attorney General of the United States. The first would be where the evidence clearly establishes criminal or civil fraud. If the evidence in this case showed that somebody had committed a criminal fraud or a civil fraud against the Treasury of the United States, there should be no difference of opinion in this House that such person deserves prosecution. Politics or official position should have nothing to do with it. But if the evidence before the committee does dis-

close such a case, in my judgment it is clearly the duty of this committee so to declare by the resolution that it adopts. No man whose guilt is established should be shielded by generalities or equivocal language. The other condition under which we would be justified in referring this case to the Attorney General is where there is a doubt either as to the facts or as to the law applicable to the facts. In such a case I think we might legitimately and properly turn over to the Attorney General the evidence in the case, call attention to the circumstances, and ask him to determine whether there is a legal responsibility. We could also request that if he finds a fraud has been committed he should institute criminal or civil action to fix the responsibility, punish the crime, and recover money fraudulently paid.

In this case the resolution proposed recites two circumstances upon which it bases its proposed action. It recites that there is "testimony tending to show that there was criminal conduct" in connection with the emergency construction work; not a declaration that a crime has been committed, but simply that there is "testimony tending to show" that crime has been committed.

In the second place it is recited that "it is alleged that Government funds were fraudulently and illegally paid to contractors." In neither case is there a specific assertion that either a crime or a fraud has been committed.

This committee has been investigating for eight or nine months. It had the opportunity of observing the witnesses and hearing their testimony. Nobody on earth should be in a better position to judge whether or not a crime has in fact been committed or whether a civil fraud has been committed.

This committee was charged with the duty of determining the facts in this case. If this matter is to be referred to the Attorney General, in my judgment it is the plain, practical, common-sense duty of this committee to declare who has committed these crimes, if any, and to ask the Attorney General to prosecute the perpetrators of them. [Applause.]

This resolution proposed by the majority does not say that a single individual in the United States is guilty. But it proposes to turn over 3,000 pages of testimony, the testimony of 170 witnesses, and over 150 pages of report and to tell the Attorney General to prosecute and convict. To prosecute whom? For what? Your resolution does not answer that question.

Now, look at this proposition as a practical one. Apply to it the same standards of procedure and common sense that you would in the practical affairs of ordinary life. If you should go down to the Attorney General's office and hand over to him a report of over 3,000 printed pages of testimony and say, "Prosecute!" would he not have the right to ask, "Whom shall I prosecute, and for what?" But this committee says neither thing. They either do not know or they will not tell.

The substitute offered by the gentleman from Michigan [Mr. DOREMUS] is to refer this back to the committee with a request to report to the House, giving the names of persons who have committed these offenses, if any. Then transmit that report to the Attorney General. Let him determine upon the law and the facts, from grand jury investigations and otherwise, whether or not there is a case. Request him, if he finds the facts to justify it, to prosecute every one of the persons so guilty. In my judgment that is the practical thing that should be done in this case.

Here is the situation: If we adopt this resolution, we assign to the Attorney General a serious duty. We can not afford to be anything but serious about a matter of this character. If we are going to assign to the Attorney General a serious duty respecting a possible fraud against the Treasury of the United States committed in time of war, then we should make that duty specific. We should make it so definite and certain that after the Attorney General has concluded his labors we can judge his work. We can say to him, "You have failed to do your duty" or "You have done your duty." But under this resolution the Attorney General might have the ability of a Choate. He might labor with the greatest zeal and skill, and after all is done any Member who voted for this resolution could say, "You have not performed your duty. You did not do what we voted for you to do."

On the other hand, the Attorney General may take this report and the evidence and prosecute some one under it. Every Member who voted for this resolution can go to the man who is prosecuted and say, "We did not vote to have you prosecuted. This is the act of an officious Attorney General." In other words, this resolution is an evasion of duty.

It is not a fair proposition. If we are going to impose a duty upon the Attorney General of the United States, he has a right to know what that duty is. Then he can prosecute those who are actually guilty. If he fails to prosecute anybody whose actions we suggest should be investigated, he can show why he did not do it. That would be a sensible, practical way of getting results, and that should be our purpose.

This resolution in its present form is open to the suspicion that instead of trying to accomplish results we are only trying to make a show—going through the motions of doing something instead of getting down to brass tacks. If we can show that men have committed crimes against the country under pretense of serving our war needs, let us do it.

First of all, be just to the innocent and patriotic who faithfully served our country. Let us hope for no partisan success based on defamation and detraction of patriotic men. Put those men in jail who robbed us and let them be branded with the ignominy that rightfully belongs to them. [Applause on the Democratic side.]

Mr. Chairman, I yield back the remainder of my time.

The CHAIRMAN. The gentleman yields back five minutes.

Mr. GRAHAM of Illinois. Does the gentleman from Michigan desire to yield any further time?

Mr. DOREMUS. As far as I know now there will be but one more speech on our side, and that will be by the gentleman from Virginia [Mr. FLOOD].

Mr. GRAHAM of Illinois. I would like to have that understood, that there is only one speech on each side. In view of that, Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. CAMPBELL of Kansas having taken the chair as Speaker pro tempore, Mr. WOOD of Indiana, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration House resolution 515, and had come to no resolution thereon.

EXTENSION OF REMARKS.

Mr. JOHN W. RAINEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on Senate joint resolution 156.

The SPEAKER. Is there objection?

There was no objection.

LEAVE OF ABSENCE.

Mr. LARSEN, by unanimous consent, was given leave of absence for 10 days, on account of important business.

ADJOURNMENT.

Mr. GRAHAM of Illinois. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 38 minutes p. m.) the House adjourned until to-morrow, Tuesday, April 13, 1920, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers of the United States Army, together with an index to reports of the Chief of Engineers from 1913 to 1917, inclusive, called for by section 10 of the rivers and harbors act approved August 8, 1917 (H. Doc. No. 724); to the Committee on Rivers and Harbors and ordered to be printed.

2. A letter from the chairman and vice chairman of the Joint Committee on Printing, transmitting the report of the Joint Committee on Printing on Government periodicals and field printing for the year ended March 1, 1920; to the Committee on Printing.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. GANDY, from the Committee on Indian Affairs, to which was referred the bill (S. 2442) authorizing and directing the Secretary of the Interior to convey to the trustees of the Yankton Agency Presbyterian Church, by patent in fee, certain land within the Yankton Indian Reservation, reported the same without amendment, accompanied by a report (No. 818), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. COOPER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 13387) to extend the time for the construction of a bridge across the St. Louis River between the States of Minnesota and Wisconsin, reported the same with an amendment, accompanied by a report (No. 820), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Claims was discharged from the consideration of the bill (H. R. 13255) for the relief of the estate of George B. Spearin, and the same was referred to the Committee on the Judiciary.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. JOHNSON of South Dakota: A bill (H. R. 13572) to amend section 301 of the revenue act of February 24, 1919, so as to maintain for the years 1919 and 1920 the 30, 65, and 80 per cent brackets which were in force in 1918 and postpone until 1921 the reduction of tax to the 20 and 40 per cent brackets and the elimination of the 80 per cent bracket; to the Committee on Ways and Means.

By Mr. LUHRING: A bill (H. R. 13573) to make a preliminary survey of the Wabash River in Illinois and Indiana with a view to the control of its floods; to the Committee on Flood Control.

By Mr. SCHALL: A bill (H. R. 13574) to provide for a modification of the time calendar now in general use in the United States, the modified form to be known as the Liberty calendar; to the Committee on the Judiciary.

By Mr. CANDLER: A bill (H. R. 13575) to provide for the survey of the Tombigbee River in Alabama and Mississippi and a survey of a canal connecting the Tennessee and Tombigbee Rivers; to the Committee on Rivers and Harbors.

By Mr. MADDEN: A bill (H. R. 13576) authorizing the Secretary of War to turn over to the Postmaster General without charge therefor a certain building or buildings now located at Watertown, N. Y.; to the Committee on the Post Office and Post Roads.

By Mr. MONDELL: A bill (H. R. 13577) for granting certain lands to Converse County, Wyo., for a public park; to the Committee on the Public Lands.

By Mr. KINCHELOE: A bill (H. R. 13578) to amend the war-finance corporation act; to the Committee on Ways and Means.

By Mr. KENNEDY of Rhode Island: Memorial of the Legislature of the State of Rhode Island, recommending to Congress the passage of legislation providing for Federal inspection of inland barges; to the Committee on Interstate and Foreign Commerce.

By Mr. STINESS: Memorial of the Legislature of the State of Rhode Island, recommending to Congress the passage of legislation providing for Federal inspection of inland barges; to the Committee on Interstate and Foreign Commerce.

By Mr. ROWAN: Memorial of the Senate of the State of New York, regarding State canals; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. JOHNSON of South Dakota: A bill (H. R. 13579) granting a pension to John Gonigam; to the Committee on Pensions.

By Mr. KELLEY of Michigan: A bill (H. R. 13580) granting a pension to Stella M. Williams; to the Committee on Invalid Pensions.

By Mr. McKENZIE: A bill (H. R. 13581) granting an increase of pension to Theodore Kundinger; to the Committee on Invalid Pensions.

By Mr. OGDEN: A bill (H. R. 13582) granting a pension to William H. Ratcliff; to the Committee on Pensions.

By Mr. RICKETTS: A bill (H. R. 13583) granting an increase of pension to Martin V. B. Lindsey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13584) granting a pension to Effie M. Stradley; to the Committee on Invalid Pensions.

By Mr. SCHALL: A bill (H. R. 13585) granting an increase of pension to Samue P. Marlette; to the Committee on Invalid Pensions.

By Mr. STEPHENS of Mississippi: A bill (H. R. 13586) to carry into effect the findings of the Court of Claims in favor of Dora Alexander Miller, and Emma Alexander, in her own right and as administratrix of estates of Jennie Alexander, deceased, and of Charles T. Alexander, deceased; to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2908. By Mr. BABKA: Petition of Henry P. Shup Post, No. 22, of the American Legion, of Cleveland, Ohio, favoring adjusted compensation under House bill 13293; to the Committee on Ways and Means.

2909. By Mr. ESCH: Petition of Federated Trades Council of Milwaukee, urging the enactment of Senate joint resolution 171 and Senate bill 1233, to repeal the espionage law; to the Committee on the Judiciary.

2910. Also, petition of Central Labor Union of Grand Rapids, Mich., urging enactment of Senate joint resolution 171 and Senate bill 1233, to repeal the espionage law; to the Committee on the Judiciary.

2911. Also, petition of Central Labor Union of Grand Rapids, demanding an investigation of the activities of the Bureau of Immigration; to the Committee on Immigration and Naturalization.

2912. By Mr. HERNANDEZ: Petitions of New Mexico Cattle and Horse Growers' Association, protesting against invalidation of grazing permits now in force, favoring increased salaries for forest and other field officials of the Department of Agriculture, protesting against transfer of the national forests from Department of Agriculture, favoring preference for American citizens in issuance of grazing permits, favoring control of unappropriated public domain for grazing purposes by Department of Agriculture, favoring establishment of game sanctuaries or refuges on the national forests, and favoring appropriation for the destruction of range-destroying rodents and predatory wild animals; to the Committee on Agriculture.

2913. By Mr. O'CONNELL: Petition of Signal Post, No. 343, supporting the Wadsworth Army reorganization bill; to the Committee on Military Affairs.

2914. Also, petition of National Cloak & Suit Co., of New York, protesting against the proposed tax on advertising; to the Committee on Ways and Means.

2915. By Mr. ROGERS: Petition of executive committee of H. Wallace Woodward Post, No. 162, American Legion, Berlin, Mass., favoring fourfold optional plan of legislation for ex-service men; to the Committee on Ways and Means.

2916. Also, petition of certain citizens of Massachusetts, favoring the passage of House bill 1112, for the parole of Federal prisoners; to the Committee on the Judiciary.

2917. By Mr. ROWAN: Petition of the Associated Business Papers (Inc.), of New York, favoring the passage of the Fess bill, House bill 10876; to the Committee on the Post Office and Post Roads.

2918. Also petition of L. O. Rothschild, of New York, opposing a bonus for soldiers, except the wounded or incapacitated; to the Committee on Ways and Means.

2919. Also, petition of Alex Walker, of New York, opposing the passage of House bill 12976; to the Committee on Ways and Means.

2920. Also, petition of Robert H. Ingersoll & Bros., of New York, opposing the passage of House bill 12646 and the Steagall bill; to the Committee on Banking and Currency.

2921. Also, petition of the National Guard Association of the State of New York, regarding legislation affecting the State National Guards; to the Committee on Military Affairs.

2922. Also, petition of Lee Keedick, of New York City, favoring passage of House bill 11720; to the Committee on Ways and Means.

2923. Also, petition of Harvey A. Patterson, of New York, favoring increased pay for Army and Navy; to the Committee on Naval Affairs.

2924. Also, petition of East Side Business Men and Taxpayers' Association, favoring adoption of 1-cent rate for drop postage; to the Committee on the Post Office and Post Roads.

2925. Also, petition of Signal Post, No. 343, American Legion, of New York, favoring Wadsworth Army reorganization bill; to the Committee on Military Affairs.

2926. Also, petition of National Cloak & Suit Co., of New York City, protesting against House bill 12976, placing a tax on advertising; to the Committee on Ways and Means.

2927. Also, petition of Bruce Dodson, of Kansas City, Mo., in connection with the bonus or assistance to ex-service men; to the Committee on Ways and Means.

2928. By Mr. SNELL: Petition of Moriah Post, No. 223, the American Legion, Port Henry, N. Y., indorsing the recommendations to Congress on the subject of adjusted compensation, as made by the national executive committee of the American Legion; to the Committee on Ways and Means.

2929. By Mr. TAGUE: Petition of American Association for Labor Legislation of New York, favoring the retirement of civilian employees of the Federal Government; to the Committee on Reform in the Civil Service.

2930. Also, petition of Sampson & Murdock Co., of Boston, Mass., opposing the passage of House bill 12976; to the Committee on Ways and Means.

2931. Also, petition of Howard Bros., of South Boston, Mass., favoring the passage of House bill 13390; to the Committee on Naval Affairs.

2932. By Mr. THOMPSON: Petition of business and professional men, members of the Delta Commercial Club, Delta, Ohio, opposing the passage of the Steagall bill; to the Committee on Banking and Currency.

2933. Also, petition of Bridgewater Grange, No. 1697, of Williams County, Ohio, favoring the passage of the "truth in fabric bill"; to the Committee on Interstate and Foreign Commerce.

SENATE.

TUESDAY, *April 13, 1920.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, the author of all our blessings, we reverently come into Thy presence this morning. We remember our unworthiness to discharge so high an office, to perform so great a task, a task that has for its end the uplift of a Nation, the establishment of justice and righteousness. We invoke Thy mercy. Blot out our transgressions. Fill us with the spirit of the Christ, that we may perform the duties of this day as in Thy sight, and receive Thy blessing upon the work we do. In Thy name we ask it. For Christ's sake. Amen.

The Reading Clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

FEDERAL COUNCIL OF THE CHURCHES OF CHRIST.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Federal Council of the Churches of Christ in America, addressed to the Vice President of the United States and President of the Senate. Without objection, it will be printed in the RECORD, and if there be no objection it will be referred to the Committee on Foreign Relations.

The communication was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

FEDERAL COUNCIL OF THE CHURCHES OF CHRIST IN AMERICA,
Washington, April 10, 1920.

Hon. THOMAS R. MARSHALL,
President United States Senate.

DEAR MR. MARSHALL: Having been appointed by the Federal Council of the Churches of Christ in America to prepare a statement in regard to America's relation to the problem of establishing peace in the Near East, and particularly in regard to the continuation of the Sultan in Constantinople as the ruler of the Ottoman Empire, we beg your careful consideration of the following points, in stating which we believe that we are voicing the sentiment of the large majority of the religious forces of America:

First. That the purpose which led America into the war was not fulfilled with the cessation of hostilities. Germany has been defeated but autocratic militarism still lives, and is even now manifesting itself in its worst form in the former Turkish Empire, which has been well called the breeding place of atrocities and wars.

Second. That there is a growing impatience amounting to indignation over the failure of the administration and of Congress to concur in enacting such legislation as will enable America to help the allied nations to escape from the political entanglements of the past and to solve the Near Eastern problem according to the principles of right and justice, for the establishment of which we entered the war.

Third. That this impatience is coupled with the sense of humiliation that America by her delay is losing her prestige among the nations and the acknowledged moral leadership which has been accorded her by the peoples of the world, and that she is being accused of self-interest and bad faith.

Fourth. That it is well-nigh, if not actually, impossible for Great Britain and France to meet their present responsibilities which can not be avoided, and much more to assume new ones without America's aid.

Fifth. That cable dispatches from Lord Bryce and other British leaders interested in the Christian peoples of the Near East declare that "unless America joins to help bear the burdens we see no hope of delivering the subject races of Turkey."

Sixth. That the King-Crane, the Harbord, the Near East Relief, and other commissions, public and private, as well as a large number of Americans in the Near East, all agree that America alone is in a position to do with comparative ease what ought to be done in that country for its pacification, for the protection of the people there, and for the setting up of a safe and righteous government.

That many leaders in other countries are of the same opinion, which is also confirmed by practically all the nationalities dwelling in those areas.

That from all these different sources there is general agreement that if America refuses to come to the relief of the situation the Turks will continue to hold sway in Europe and while dwelling in Constantinople will continue to practice officially from that city their characteristically unjust administration and perpetrate their customary atrocities upon their defenseless subjects wherever their rule shall extend.

We therefore appeal to the Government at Washington to recognize America's peculiar opportunity and obligation to help in the solution of this problem, because she, better than any other nation, can take up its consideration with nothing to gain for herself, without arousing suspicion in others and in answer to the practically unanimous call of all the nations concerned, especially those smaller nations that are now awaking to a desire for national independence.

In particular we urge that the weight of America's influence be thrown on the side of a definite and final decision that the Turk should be excluded from Europe and denied control over the subject peoples which he has so long and so brutally oppressed and maltreated.

We believe that we express the opinion of the large majority of those whom we represent when we say that the Christian people of our country, while not coveting for America the responsibility of an advisory or mandatory position, feel that she should not shrink from declaring her willingness to take such an advisory or mandatory responsibility if the allied nations and the peoples of the East should make strong representation that by doing so she could effectively aid them in bringing order out of the chaotic conditions that now exist.

Yours, respectfully,

Rt. Rev. CHARLES S. BURCH,
Bishop LUTHER B. WILSON,
Rev. JAMES L. BARTON,
Rev. ARTHUR J. BROWN,
Rev. STANLEY WHITE,
Committee.
STANLEY WHITE, *Chairman.*

LICENSE BUREAU—DISTRICT OFFICES (S. DOC. NO. 267).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Commissioners of the District of Columbia, submitting a supplemental estimate of appropriation in the sum of $3,900 for salaries, offices of the District of Columbia (3 clerks of license bureau) for the fiscal year 1921, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

TREATY OF PEACE WITH GERMANY.

Mr. LODGE. Mr. President, I offer the petition of Samuel Colcord and others praying for whatever compromises may be necessary with respect to reservations in order to bring about the early ratification of the treaty of peace with Germany. I ask that the letter of transmittal, which is addressed to me, may be printed in the RECORD and that the petition be referred to the Committee on Foreign Relations.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The letter of transmittal is as follows:

WASHINGTON, D. C., *April 13, 1920.*

To the Hon. HENRY CABOT LODGE,
United States Senate, Washington, D. C.

DEAR SIR: To you as the chairman of the Foreign Relations Committee and majority leader of the Senate we are presenting, signed by many of the most distinguished names in the country, an appeal which is addressed not to the Senate alone but also to the President, to whom it was duly presented on the 29th day of March.

Written and signed several weeks past, it can not now be construed as proposing any immediate action by the Senate in respect to the treaty, but only as bespeaking a friendly attitude toward

it and a favorable reception of it if and when it is resubmitted to the Senate in a way that will give the opportunity.

It is our earnest desire and hope that it may be returned to the Senate in a way not to intensify partisan rancor and make another and perhaps ultimate rejection certain, but in such manner as will insure immediate agreement upon the vital question of the entry of the United States into the League of Nations. If then there be any questions left undetermined they may not be such as will keep the world waiting in suspense, suffering, and peril while discussion and negotiation continue.

Respectfully, but earnestly requesting your friendly and serious consideration of these suggestions, we are,

With respect,

SAMUEL COLCORD,
S. HOMER WOODBRIDGE,
CHARLES H. STOCKTON,
ARCHIBALD HOPKINS,
JOHN SPENCER BASSETT,
J. FRANKLIN JAMESON,
The Committee of Presentation.

REPORTS OF COMMITTEES.

Mr. STERLING, from the Committee on the Judiciary, to which was referred the bill (H. R. 9781) to amend section 217 of the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909, reported it with amendments and submitted a report (No. 523) thereon.

Mr. McCORMICK, from the Special Committee on the National Budget, to which was referred the bill (H. R. 9783) to provide a national budget system and an independent audit of Government accounts, and for other purposes, reported it with an amendment and submitted a report (No. 524) thereon.

CONDITIONS IN THE NEAR EAST (S. DOC. NO. 266).

Mr. LODGE. I am instructed by the Committee on Foreign Relations to ask for the printing of Part 1 of the report of the American Military Mission to Armenia, by Maj. Gen. James G. Harbord, United States Army. The entire report would make two or three substantial volumes. It is a very important report, and I should like to have it all printed. The first part gives a synopsis of the conditions in Armenia and Turkey, subjects which are engaging the attention of the Senate. I ask that it may be printed as a Senate document, omitting all illustrations.

I also ask that instructions may be given that the copy be carefully preserved, because it contains photographs and maps which are of value, and I do not want to have them destroyed.

Mr. CHAMBERLAIN. Why should not the entire report be printed? I have not read any part of it, not even the synopsis to which the Senator from Massachusetts refers, but it must be a very valuable document.

Mr. LODGE. It is of very great value, indeed; but it embraces a great mass of papers, and there is a pronounced shortage of paper at this time. The difficulties are physical. Furthermore, if the entire report were ordered printed, it would also very much delay the Senate in getting the synopsis.

Mr. CHAMBERLAIN. I am not objecting to the request of the Senator from Massachusetts, but I simply thought it would be a good idea for the information of the country to have the entire report printed.

Mr. LODGE. It would be, and I hope later it may be done. It is a most valuable report. The object of the committee was, first, to get the synopsis printed, and at this moment, in view of the great shortage in paper, not to try to print two or three volumes, which would cause long delay and which it would be very difficult, really, to get printed.

Mr. SMOOT. Mr. President, I desire to call the Senator's attention to the fact that, if there are illustrations in the report, a special order would have to be made by the Senate that they be printed.

Mr. LODGE. I expressly asked that the illustrations be omitted.

Mr. SMOOT. I did not hear the Senator make the request.

Mr. LODGE. I asked that the illustrations be omitted, because the printing of them would involve long delay.

Mr. BRANDEGEE. I desire to ask the Senator from Massachusetts how many copies would his request, if complied with, give to each Senator; that is, the printing of Part 1 as an ordinary public document without other specifications?

Mr. LODGE. The Senator from Utah [Mr. SMOOT] can give the Senator the exact figure.

Mr. SMOOT. Each Senator would be entitled to two copies under the first printing as a public document; but I will say to the Senator that if the printing of additional copies be found to be necessary, that can be taken care of later by an order of the Senate.

Mr. BRANDEGEE. To what extent?

Mr. LODGE. A document may be printed by Senate resolution up to $500 worth, but the Joint Committee on Printing have authority to issue an order to the Public Printer for the printing of additional copies up to $200 worth.

Mr. BRANDEGEE. I do not think $200 would go very far in printing the summary of the report, which contains about 75 typewritten pages.

Mr. LODGE. There are 44 pages and the appendix; altogether there are about 60 typewritten pages of matter the size of a folio page.

The PRESIDENT pro tempore. Without objection, the request of the Senator from Massachusetts [Mr. LODGE] will be granted.

MISSOURI RIVER BRIDGE.

Mr. CALDER. From the Committee on Commerce I report back favorably without amendment the bill (S. 4073) to authorize the construction of a bridge across the Missouri River near Kansas City, and I submit a report (No. 518) thereon. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Missouri Valley Bridge & Iron Co., a corporation organized under the laws of the State of Kansas, its successors and assigns, be, and are hereby, authorized to construct, maintain, and operate a highway, trolley, and railroad bridge and approaches thereto across the Missouri River at a point suitable to the interests of navigation between the Chicago, Milwaukee & St. Paul Railway bridge and the mouth of the Big Blue River, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MISSISSIPPI RIVER BRIDGE.

Mr. CALDER. From the Committee on Commerce I report back favorably without amendment the bill (S. 4167) to extend the time for the completion of the municipal bridge approaches, and extensions or additions thereto, by the city of St. Louis, within the States of Illinois and Missouri, and I submit a report (No. 519) thereon. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the time for the construction and completion of the municipal bridge approaches and also extensions or additions thereto, which said construction and completion was authorized by an act entitled "An act to authorize the city of St. Louis, a corporation organized under the laws of the State of Missouri, to construct a bridge across the Mississippi River," approved June 25, 1906, be, and the same is hereby, extended, for the period of three years from February 11, 1921.

SEC. 2. That for the purpose of carrying into effect the objects of this act, the city of St. Louis may receive, purchase, and also acquire by lawful appropriation and condemnation in the States of Illinois and Missouri upon making proper compensation therefor, to be ascertained according to the laws of the State within which the same is located, real and personal property and rights of property, and in order to facilitate and support interstate commerce, may make any and every use of the same necessary and proper for the acquirement, construction, maintenance, and operation of said municipal bridge approaches, and extensions or additions thereto, consistent with the laws of the United States.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PEARL RIVER BRIDGE.

Mr. CALDER. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 11877) granting the consent of Congress to Madison and Rankin Counties, in the State of Mississippi, to construct a bridge across the Pearl River between Madison and Rankin Counties, and I submit a report (No. 521) thereon. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to Madison and Rankin Counties, State of Mississippi, and their successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Pearl River, at a point suitable to the interests of navigation, one end of said bridge being in Madison County and the other in Rankin County, State of Mississippi, at or near Meeks

Ferry, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MAHONING RIVER BRIDGE.

Mr. CALDER. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 12889) granting the consent of Congress to the city of Youngstown, Ohio, to construct a bridge across the Mahoning River, at or near Division Street, in the city of Youngstown, Ohio, and I submit a report (No. 522) thereon. I ask unanimous consent for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole, and it was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the city of Youngstown, Ohio, and its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Mahoning River at a point suitable to the interests of navigation, at or near Division Street, in the city of Youngstown, in the county of Mahoning, in the State of Ohio, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SUSQUEHANNA RIVER BRIDGE.

Mr. CALDER. From the Committee on Commerce I report back favorably without amendment the joint resolution (S. J. Res. 186) to extend the authority of the county of Luzerne, State of Pennsylvania, to construct a bridge across the North Branch of the Susquehanna River from the city of Wilkes-Barre, county of Luzerne, Pa., to the borough of Dorranceton, county of Luzerne, Pa., and I submit a report (No. 520) thereon. I ask unanimous consent for the present consideration of the joint resolution.

There being no objection, the joint resolution was considered as in Committee of the Whole, and it was read, as follows:

Resolved, etc., That the authority granted in the act of Congress approved September 7, 1916, entitled "An act to authorize the county of Luzerne, State of Pennsylvania, to construct a bridge across the North Branch of the Susquehanna River from the city of Wilkes-Barre, county of Luzerne, Pa., to the borough of Dorranceton, county of Luzerne, Pa.," is hereby renewed and extended to permit the commencement of the construction of said bridge within one year, and its completion within three years, from the date of the passage of this resolution, as provided under section 6 of the act of Congress approved March 23, 1906, being an act to regulate the construction of bridges over navigable waters.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MR. HOOVER AND THE FARMER.

Mr. MOSES, from the Committee on Printing, reported the following resolution (S. Res. 348), which was considered by unanimous consent and agreed to:

Resolved, That the manuscript entitled "Mr. Hoover and the farmer," and the letter from Henry C. Wallace to Senator GORE, in re Hoover and the farmers, be printed in the CONGRESSIONAL RECORD.

The manuscript ordered to be printed in the RECORD is as follows:

[From Wallaces' Farmer, Mar. 19, 1920.]

[In a recent issue of the CONGRESSIONAL RECORD Mr. Hoover answers Wallaces' Farmer and tries to show that he acted fairly in fixing hog prices in the fall of 1918. But in his answer Mr. Hoover tries to humbug Congress just as he tried to humbug the farmers. If Mr. Hoover had lived up to his agreement, the hog producers of the Corn Belt would have received $50,000,000 more for the hogs marketed from October 1, 1918, to March 1, 1919, than they actually did receive. But the thing that really hurt the farmer was not the loss of money but the deliberate effort to deceive him—to play him for an ignoramus who would not see how he was being worked.]

MR. HOOVER AND THE FARMER.

"The article, 'What's the matter with the farmer?' which appeared in our issue of February 13 has stirred up the forces which have been planning to make Mr. Herbert Hoover the next President of the United States. It was criticized by some of the daily papers, which seem to be definitely committed to the Hoover propaganda, and it has brought an answer from Mr. Hoover himself. This answer from Mr. Hoover affords such a beautiful illustration of his methods of evasion that, in justice to the farmers of the country, it seems necessary to deal with it. It is an astonishing answer to come from a presidential candidate.

"It will be remembered that in the article, 'What's the matter with the farmer?' we said that Mr. Hoover more than any other one man was responsible for starting the dissatisfaction among the farmers of the country. This was said simply as an explanation of one of the reasons why there is such widespread dissatisfaction among farmers.

"It seems that this article in Wallaces' Farmer came to the attention of Senator GORE, and he proceeded to have it printed in the CONGRESSIONAL RECORD, the daily publication which reports all the proceedings of Congress.

"When Senator HENDERSON read the article he brought it to the attention of Mr. Hoover, and on February 23 Mr. Hoover addressed a letter to Senator HENDERSON and sent him certain reports issued by the Food Administration. This letter and the accompanying documents were printed in the CONGRESSIONAL RECORD. In his letter Mr. Hoover said: 'One statement' (referring to the article in Wallaces' Farmer) 'is absurd on its face; the other, relating to hogs, can easily be demonstrated inaccurate by the actual documents.' He then went on to say:

"'The approach of the armistice and a sharp fall in forward prices of corn caused the plan' (he means the plan of making good his 13 to 1 promise on the price of hogs) 'to break down, because farmers naturally interpreted the falling corn to mean ultimate falling hogs, and a panic in marketing started. The live-stock committee of farmers was summoned to meet in Washington to consider the whole situation on October 25, 1918.'

"Mr. Hoover submits with the letter the circular issued October 26 dealing with the price of hogs.

"Now, from the foregoing, it is very clear that Mr. Hoover wishes the people to believe: (1) That a panic in marketing had started and something had to be done to stop it, and (2) that the meeting held in Washington October 25 was called to deal with this emergency, the inference being that this was the first meeting of the committee to deal with fall hog prices.

"The fact is that the first meeting called to consider the matter of putting in force the 13 to 1 corn-hog ratio was held on September 24 or 25 and is reported in a document issued by Mr. Hoover on September 25, 1918, or a month before the October meeting, which he seems to want people to believe was the first meeting. It is not necessary to republish this document issued September 25. It is only necessary to say that it bears on its face the clear evidence that Mr. Hoover did not propose to carry out in good faith his 13 to 1 promise, but intended to juggle the figures in such a way that he would seem to be carrying it out when in fact he was not.

"This report, which was issued September 25, was followed by a report issued October 2, which reveals still more clearly the purpose to evade the promise, and this in turn was followed by two documents, dated October 3, dealing with the same matter. Why did not Mr. Hoover send all of these documents along with his letter to Senator HENDERSON for publication in the CONGRESSIONAL RECORD?

"Mr. Hoover says, 'A panic in marketing started.' When did this panic start?

"On July 1, 1918, the average price of hogs in Chicago was $16.40. They advanced gradually through the month of July and on August 1 the average price was $19.05. During the month of August the average price dropped as low as $18.65 on one day, but swung back promptly to $19, and from August 28 until September 5 the average price was above $19. On September 6 the average price was $18.95, which was the lowest price during the month of September. It advanced to $20.40 on September 16, and on September 28, the date when the report of the September 25 meeting first became generally known, the average price was $19.80.

"Now, note what happened. The average price of hogs in Chicago on October 1 was $19.50. Then, as the news of what Mr. Hoover was trying to do got out, hog prices started on the toboggan. They fell steadily until on October 24 they reached an average price of $15.85, a perpendicular drop of $3.65 per hundred in 24 days. That was the result of Mr. Hoover's September meeting. No wonder he avoids mentioning it. Naturally, he would like it to be forgotten. He caused hog producers to lose millions of dollars, with no corresponding benefit to consumers.

"Mr. Hoover would have Congress believe that this 'panic in marketing' came from the approach of the armistice. Nothing of the sort. It was precipitated by Mr. Hoover's effort to avoid keeping his promise, as brought out at the September meeting which he carefully refrains from mentioning. And it was this terrific slump in prices and the roar of indignation that went up throughout the country which compelled Mr. Hoover in the meeting held on October 25 to abandon his efforts to juggle with the 13 to 1 corn-hog ratio and to abandon all pretense of making good on that ratio.

"In the third paragraph of his letter to Senator HENDERSON, Mr. Hoover says that the committee recommended the abandonment of the 13 to 1 plan, as it could, 'under the new conditions,' only work out to the disadvantage of the farmer, and

recommended the substitution of a minimum price of $17.50 per hundred. The only 'new conditions' were the disastrous conditions following the September juggling with the matter. The committee evidently agreed to Mr. Hoover's revised opinion because, as many of them have since stated, it was evident that Mr. Hoover did not propose to keep his promise fair and square, and they thought the only thing to do was to get the best out of him that they could.

"In the meantime, when the news of the action taken at the September meeting got spread about, various live-stock associations, agricultural papers, and others protested in the most vigorous way. For example, a special meeting of the Corn Belt Meat Producers' Association was called. This is the strongest organization of stockmen in the Central West. The president of the association, Mr. Sykes, was a member of Mr. Hoover's committee. Prof. Evvard, of Ames, was another member of that committee. Both Prof. Evvard and Mr. Sykes were present at this meeting of the directors held on October 22, and after reporting their experience at the September meeting of Mr. Hoover's committee and talking the whole matter over the following resolution, which both of them indorsed, was adopted by the directors:

"'*Resolved*, That the representatives of this association who attend the meetings called by the Food Administration to still further consider the price of hogs are hereby instructed to insist that the hog-corn ratio adopted by the Food Administration, November 3, 1917, be carried out in good faith and in accordance with the original intent, and that all promises, direct and indirect, made by the Food Administration for the purpose of stimulating production be made good in both letter and spirit. If, because of changed conditions, the Food Administration finds it impossible to make good its promises, then our representatives are instructed to state that the farmers and stockmen we represent will abide by whatever must be done to win the war and feed our people, but respectfully ask to be excused from further council in the matter until the Food Administration secures whatever authority it may need to carry out in absolute good faith any agreement it may enter into. The representatives of this association are further directed to express to the Food Administration our sincere belief that the policy it is now pursuing will inevitably tend to reduce not alone hog production but agricultural production of all kinds.'

"This was not the only protest. On October 16 a mass meeting of farmers was held at Lincoln, Nebr., and the Nebraska State Board of Agriculture, in Bulletin 263, issued a report containing the resolutions adopted, which include the following:

"'We do insist that a promise to us should be kept just as inviolate as promises made to men in any other occupation. We do not believe that our Government would permit any of its representatives to let their promises, either expressed or implied, become merely scraps of paper.'

"It would not be difficult to gather together a large number of similar protests which went up from the farmers of the country.

"Mr. Hoover, in the fifth paragraph of his letter, says: 'Finally, it can also be noted that the average price of hogs for the year October 1, 1918, to October 1, 1919, was very close to $19 per hundred pounds, and it represents the full ratio in all the predominant hog and corn States. The farmer realized fully $2.50 per hundred more than he has realized this season in an unassured market.'

"This is typically Hooveresque. The impression is given that he controlled the market from October 1, 1918, to October 1, 1919, and therefore made good his promise, notwithstanding all of the criticism which has been made. What are the facts?

"Mr. Hoover did not control the market during 1919. His control ended about March 1, 1919. From October 1, 1918, to March 1, 1919, while Mr. Hoover was controlling the market, the average price of hogs at Chicago was $17.64 per hundred. From March 1, 1919, to September, 1919, when Mr. Hoover had no control over the market, the average price of hogs was $19.97 per hundred; and yet Mr. Hoover calmly claims credit for these higher prices which followed immediately after his control ceased.

"During the month of February, 1919, the lowest daily average price of hogs on the Chicago market was $17.50 and the highest daily average price was $17.93. Mr. Hoover's control practically ended with that month. This is what happened: The price opened on March 1 at $17.51. It began to climb immediately. By March 11 it had reached $19.17, and from that it climbed steadily until on March 31 it was $19.90. In April the average price was lowest on the 1st, $19.90, and reached $20.91 on April 24. In May it was never below $20, and reached the price of $21.21. In June the low price was $19.76 and the high price $21.39. Could there be a better illustration of the injustice farmers suffered than Mr. Hoover's control of hog prices? How thoroughly the trend of prices after he stepped out of control discredits all of his talk about his great trouble to keep up prices.

"We have dealt with this matter at such length simply because Mr. Hoover invited it himself when he sent his letter and documents for publication in the CONGRESSIONAL RECORD. He challenged there the correctness of statements made by Wallaces' Farmer, and it seems to us necessary to prove that he was wrong.

"There seem to be a great many innocent people who think that this talk of Mr. Hoover for President is the result of a spontaneous demand springing up all over the country; that he is being sought by people who would like to get away from domination by partisan politics. The fact is that there is abundance of evidence to show that for considerably more than a year past there has been organized effort by strong forces to make Mr. Hoover a presidential candidate. As far back as January, 1918, Edward Price Bell, correspondent of the New York Globe and the Chicago Daily News, cabled from London a dispatch which we quote as follows:

"'A strong article will appear to-morrow on Herbert Hoover, by Sir William Good. Among other things Sir William will say: "I shall be greatly surprised if Hoover is not some day President of the United States."'

"In an article published in the March, 1920, issue of the magazine Reconstruction, Alfred W. McCann, a well-known New York food expert, says: 'Many months ago, Tom Wilson, of Wilson & Co.; J. Ogden Armour, of Armour & Co.; and Theodore F. Whitmarsh, president of the National Wholesale Grocers' Association, informed me on different occasions that they intended to support Hoover for President.'

"Mr. Hoover's letter to Senator HENDERSON and the documents he submitted in support of it have been republished in a 16-page pamphlet, and this is being sent out to papers all over the country. No name appears on the pamphlet, and there is nothing to show who is going to this expense, but evidently it is some one who is not unfriendly to Mr. Hoover's presidential aspirations.

"When he was 22 years of age Mr. Hoover left the United States, and until 1914 spent his time in foreign countries, promoting engineering and mining enterprises of one sort or another. He has been very successful financially, and understands the methods of big business. As a presidential candidate no doubt he would be very satisfactory to the large business interests. The farmers of the country, however, have already had enough experience with him to know that he is not the man they want in a position of power."

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"WALLACES' FARMER,
"*Des Moines, Iowa, March 3, 1920.*

"Hon. T. P. GORE,
"*Washington, D. C.*

"DEAR SENATOR GORE: I see that you had the editorial in which I undertook to answer the question, 'What's the matter with the farmer,' reprinted in the CONGRESSIONAL RECORD of February 20.

"I note also that in the RECORD of February 24 Senator HENDERSON has caused to be printed a letter from Mr. Hoover and certain documents which are part of the records of the Food Administration. These documents are referred to by Mr. Hoover in his letter as demonstrating the inaccuracy of the statements made in my editorial.

"Naturally a controversy of this sort can not be carried on in the pages of the CONGRESSIONAL RECORD; but, inasmuch as you caused my article to be published, it is due you that I should have something to say concerning the reply made by Mr. Hoover.

"You will note that Mr. Hoover's document No. 1 is the announcement made by the Food Administration November 3, 1917, carrying the promise that as to hogs farrowed in the spring of 1918 'we will try to stabilize the price so that the farmer can count on getting for each hundred pounds of hog ready for market thirteen times the average cost per bushel of the corn fed into them.'

"It was this promise which was given nation-wide publicity and which induced farmers to increase greatly their hog production in the spring of 1918.

"Now note carefully that Document No. 2 is dated October 24, 1918. This seems to be characteristic of Mr. Hoover.

"The fact is that the matter of carrying out the promise was first considered at a meeting of the committee held in Washington September 24 or 25, and reported in a document issued by the Food Administration September 25. It was at this meeting that Mr. Hoover undertook to juggle the figures and evade his

definite promise. The report of the action taken at this meeting and the statements made in a document issued by Mr. Hoover October 2 (which he does not transmit with his letter) aroused such widespread indignation and condemnation in the corn and hog country that the meeting of October 23–25 became necessary, and Mr. Hoover was compelled to change his tactics completely and abandon all pretense of keeping the promise made November 3.

"To illustrate the indignation over the action of the Food Administration, I quote a resolution adopted by the directors of the Corn Belt Meat Producers' Association, the strongest organization of stockmen in the Central West, on October 22. The president of the association was Mr. Sykes, a member of Mr. Hoover's committee. Both he and Prof. Evvard, another member of the committee, were present and agreed to the following resolution:

"*Resolved*, That the representatives of this association who attend the meetings called by the Food Administration to still further consider the price of hogs are hereby instructed to insist that the hog corn ration adopted by the Food Administration November 3, 1917, be carried out in good faith and in accordance with the original interest, and that all promises, direct and indirect, made by the Food Administration for the purpose of stimulating production be made good both in letter and spirit. If, because of changed conditions, the Food Administration finds it impossible to make good its promises, then our representatives are instructed to state that the farmers and stockmen we represent will abide by whatever must be done to win the war and feed our people, but respectfully ask to be excused from further counsel in the matter until the Food Administration secures whatever authority it may need to carry out in absolute good faith any agreement it may enter into.

"The representatives of this association are further directed to express to the Food Administration our sincere belief that the policy it is now pursuing will inevitably tend to reduce not alone hog production but agricultural production of all kinds.

"On October 16 a mass meeting of farmers was held at Lincoln, Nebr., and in Bulletin 263 the Nebraska State Board of Agriculture issued a report containing the resolutions passed, which included the following:

"We do insist that a promise to us should be kept just as inviolate as a promise made to the men in any other occupation. We do not believe that our Government would permit any of its representatives to let their promises, either expressed or implied, become merely scraps of paper.

"I could give you many more illustrations of the widespread dissatisfaction caused by Mr. Hoover's efforts to evade his promise, but I think the foregoing are sufficient to prove my statement that Mr. Hoover was responsible more than any other one man for starting the dissatisfaction among the farmers of the corn belt.

"I simply submit in addition the following memorial addressed to the President and Congress of the United States. Note the thoroughly representative character of the associations whose names are signed to it:

"At a meeting held on March 8, 1918, at Chicago, Ill., attended by representatives of the associations whose names are subscribed hereto, the following resolutions were unanimously adopted as expressing the mature views of the stockmen of the corn-belt States:

"*Resolved*, That conditions which have prevailed during the past six months have been most discouraging to the live-stock producer. During most of this period prices received for the fat stock have been below the cost of production. If the needs of the Nation demand the sacrifice of our live stock, the stockman will cheerfully make the sacrifice; but he can not continue to produce at a loss.

"*Resolved*, That the fixing of prices of agricultural products by indirection and at secret conferences with middlemen by men who do not understand production problems will inevitably bring disaster to the Nation. The experience of the past three months has thoroughly shaken the confidence of corn-belt stockmen in the wisdom of those who have undertaken to stabilize live-stock prices and regulate live-stock marketing.

"*Resolved*, That the division of authority between the Food Administration and the Department of Agriculture is most unbusinesslike and has resulted in a confusion of tongues and multiplicity of advisers who often work at cross purposes, to the great bewilderment and embarrassment of the producer.

"*Resolved*, That the maintenance of agricultural production on a scale sufficiently large to feed our own people and our allies can not be hoped for unless a constructive agricultural policy shall be at once formulated and put in operation by men who understand the principles which govern production and who enjoy the confidence of the farmers and stockmen of the Nation. In the meantime, we demand an immediate readjustment of live-stock prices on the basis of cost of actual production, and that such adjustment be safeguarded by Congress and maintained for the present and the coming feeding season of 1918 and 1919.

"In adopting the foregoing resolutions we are actuated not so much by the desire to protect the live-stock industry from disaster as by the earnest hope that a wise production policy may be adopted in time to avert the impending most serious shortage in all foodstuffs, which will assuredly imperil the great cause for which our Nation is fighting.

"State Live Stock Association of Illinois, Corn Belt Meat Producers' Association of Iowa, Indiana Cattle Feeders' Association, Missouri Farmers' Association, Illinois Swine Breeders' Association, Minnesota Live Stock Breeders' Association, Michigan Live Stock Association, Wisconsin Live Stock Breeders' Association, The National Live Stock Exchange, The Chicago Live Stock Exchange.

"I do not need to assure you that I had not the slightest intention of discussing Mr. Hoover's candidacy for the presidential nomination. The dispatches which went out from Washington gave such a wrong impression of the state of the farmer's mind that I wrote the article, 'What's the matter with the farmer?' with the idea that a clear and truthful statement of the case might help clear the atmosphere.

"Very sincerely, HENRY C. WALLACE."

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. POINDEXTER:

A bill (S. 4211) to fix compensation of officers of the National Army who incurred disability while in the service; to the Committee on Military Affairs.

By Mr. FRELINGHUYSEN:

A bill (S. 4212) to authorize the Central Railroad Co. of New Jersey to construct a bridge across the waters of the Delaware River, between the city of Easton, in the State of Pennsylvania, and the city of Phillipsburg, in the State of New Jersey; to the Committee on Commerce.

By Mr. HALE:

A bill (S. 4213) granting a pension to Leroy C. White (with accompanying papers); to the Committee on Pensions.

By Mr. SMITH of Arizona:

A bill (S. 4214) to authorize the Secretary of the Interior to issue patent in fee simple to the University of Arizona, State of Arizona, of Tucson, Ariz., for a certain described tract of land (with accompanying paper); to the Committee on Public Lands.

By Mr. FRELINGHUYSEN:

A bill (S. 4215) to provide for the punishment of certain persons who interfere with interstate railroad transportation; to the Committee on Interstate Commerce.

By Mr. DIAL (by request):

A joint resolution (S. J. Res. 190) for the relief of Elizabeth R. Nicholls and Joanna L. Nicholls, heirs of Joshua Nicholls; to the Committee on Claims.

ARMY REORGANIZATION.

Mr. STERLING submitted two amendments intended to be proposed by him to the bill (S. 3792) to reorganize and increase the efficiency of the United States Army, and for other purposes, which were ordered to lie on the table and be printed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CALDER submitted an amendment proposing to increase the salaries for 10 graduate nurses who shall act as public-school nurses from $1,200 per annum to $1,500, intended to be proposed by him to the District of Columbia appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. POINDEXTER submitted an amendment providing that the percentages of captains and commanders in the Supply Corps be increased from 4 and 8 to 6 and 12, respectively, intended to be proposed by him to the naval appropriation bill, which was ordered to lie on the table and be printed.

ELIZABETH A. AGNEW.

Mr. GLASS submitted the following resolution (S. Res. 349), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the miscellaneous items of the contingent fund of the Senate to Elizabeth A. Agnew, widow of Frank E. Agnew, late the upholsterer and locksmith in the employ of the United States Senate, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

STEAMSHIP "MATOA."

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 1005) for the relief of the owner of the steamship *Matoa*, which was, on page 2, to strike out lines 11 to 14, inclusive.

Mr. SPENCER. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

SCHOONER "HENRY O. BARRETT."

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 1222) for the relief of the owners of the schooner *Henry O. Barrett*, which was, on page 2, to strike out lines 12 to 15, inclusive.

Mr. SPENCER. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

RAILROAD STRIKES.

Mr. EDGE. Mr. President, I had intended during the morning hour at this session of the Senate to have introduced a bill supplementing the short discussion of yesterday on a subject which appeals to me as perhaps the most important for the Senate

to face at this time of any subject before it. It is that relating to the strike conditions which particularly affect the State that I in part represent.

However, on reading the newspapers this morning and supplementing that with a telephone conversation with the Attorney General, I think perhaps it is not necessary to actually introduce the bill I had in mind. In this morning's New York Times there appears an article with the Washington date line which states that—

PALMER SAYS LAW IS ADEQUATE.

In an interview this afternoon Attorney General Palmer said: "The Government will not run away from its responsibilities. There is plenty of law on the statute books for the protection of the people. The law will be enforced."

As I said, I confirmed that later this morning with a phone conversation with the Attorney General, and he said to me practically the same thing, in effect. I feel, Mr. President, that he is entirely correct in that statement, and that further law at this time to meet this particular situation is unnecessary, and would not assist in actually settling the difficulty.

The Government, in my judgment, inherently has the power of self-defense, and certainly this strike has reached a situation, especially in New Jersey, wherein the executive power of the Government, not the legislative power, but, especially in view of this statement, the executive power of the Government, must be exercised to its fullest extent in order that the situation may be relieved.

Yesterday on the floor of the Senate a Senator remarked that we are possibly facing a situation whereby a strike would be general on the railroads. So far as New Jersey is concerned, it has in practical effect reached that stage. One of the largest railroads in the State, the New Jersey Central Railroad, discontinued all its passenger service yesterday. This means that hundreds of thousands of commuters, who are mostly engaged in business in New York, can not get back and forth to their places of business. It means, of course, a lack of transportation of milk and supplies coming from suburban sections into New York City, and it means, as far as it is possible to understand, a situation almost without a parallel in this country.

Mr. President, I sincerely hope that the statement of the Attorney General is correct. Otherwise I was prepared to introduce a bill that would give power practically without limit to the Executive, when the health and life of the people of the country were threatened, under which the Executive would have the power to call in all the instrumentalities of the Government in order to cope with the situation.

It is perfectly well understood that it is not going to help the situation to put perhaps 40,000 men in jail. It is physically impossible to do it, and is not, in my judgment, the method to employ, anyhow. But, as I stated yesterday, I believe similar situations, so far as Congress is concerned, could be assisted in the future if men are required to give due notice, where they represent practically in their vocation the life and the health of the Nation, before actually leaving their responsibilities; and if they do not give due notice, that they shall automatically be considered as breaking the law.

This business of trying to discover whether a conspiracy actually exists after the men have left their work and Rome is burning, it seems to me, is not sufficient protection in itself in these days; and when I discuss our present difficulties I am not taking just one side of the question, either. There are two sides, and I hope when the Attorney General is investigating, or rather when he is acting, he will also act along the lines of the profiteering side. When we read in the papers that in some cases rents have been raised for small habitations from $12 to $20 a month, or from $15 to $25 a month, without any improvements whatever having been made to the property, I can well understand that there is a feeling of unrest among a large number of people employed, and that this to some extent naturally inspires uprisings of this character.

Mr. LODGE rose.

Mr. EDGE. I am not going to take the time of the Senate, I will say to the Senator from Massachusetts, because I do not think that we can relieve the situation to-day by hurrying perhaps ill-conceived legislation. I am delighted that the Attorney General feels that he has the power. I think this is a time to go ahead and act and look up the law afterwards, if it is necessary to do it.

I do not mean to be unfair to these men at all, but I feel that when the health and actual life of the people are at stake it is worse in a way than a war between nations abroad. It is a war within our own country, or at least that type of war which will in its final analysis result in more deaths and more suffering to the people of the country, perhaps, than a war between great nations, and it must be handled without reservation. We must handle it also so far as profiteers are concerned when we are considering tax laws, so as to reach the abnormal percentages of profit that have been made during this orgie of making money quickly.

That is one side, but, on the other hand, we must prevent men from leaving their employment when by leaving their employment they are practically leaving a helpless, innocent people without the daily needs of life. In the meantime the employers should not deal with the strikers until they return to their work. Also, there should be adequate protection for volunteers who are striving to render real service.

I trust that we may not put this responsibility behind us. The trouble with the American people is that they have been so successful, they have made so much money, to express it frankly, that when they have a difficulty like we are facing right now, which worries them for the time and by which they are inconvenienced, yet if in to-morrow's papers the headlines appear that the strike seems to be fairly well in hand or has been broken, then we go along in our daily avocations and enjoy ourselves as we did before and forget all about it.

Sooner or later we must face this situation from both sides and settle it. We are only piling up and pyramiding day after day when we say we are satisfied because it has apparently been temporarily checked, and go ahead and wait for the next outbreak. We pyramid until we get to a position where, of course, something horrible is going to happen. If we are going to suffer, and I am afraid we are before we can bring the American people to a realization of what is facing them, let us suffer now and get it over with. It is coming sooner or later.

Mr. THOMAS and Mr. LODGE addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from New Jersey yield; and if so, to whom?

Mr. LODGE. I do not want to interrupt the Senator, of course, but if this is going to lead to debate I should like to know what is the regular order.

Mr. EDGE. I recognize that I am somewhat out of order.

Mr. LODGE. I do not want to interfere with the Senator, but——

The PRESIDENT pro tempore. The introduction of concurrent and other resolutions is the regular order.

Mr. LODGE. I should like to dispose of a petition and a report of a committee.

Mr. THOMAS. I interrupted the Senator simply to give him consolation by reminding him that the Senate is investigating the strike and by next July or August we will have a report upon it of some sort.

Mr. EDGE. I assure the Senator from Massachusetts that I will conclude in three minutes.

Mr. LODGE. I did not mean to interrupt the Senator.

Mr. EDGE. Answering the suggestion of the Senator from Colorado, as far as the investigation is concerned I have personally little faith in investigations. An investigation without providing a remedy for the difficulty that has been uncovered by the investigation is simply a waste of time, and most of our investigations result in no real affirmative action after the investigation.

I do not think we need an investigation particularly in this matter. I think we all know the situation. We have all been to an extent dodging it. We have all been with our backs to the wall, hoping that something would happen somewhere and that it would adjust itself.

It will not as long as the profiteer abnormally raises his rent on the one hand and as long as society generally realizes that they are having to pay more and more on the other.

I take the stand here frequently that I do not believe in criticism without some constructive remedy. Neither do I. My remedy lies in two things that Congress can do. In the meantime the Executive, through the Department of Justice, I think, can do a great deal without legislation. The legislative remedies are these: On the side of the profiteer, readjust the tax laws so that we can get, as far as it is physically and humanly possible to get, the profits that are abnormal. On the other side, I believe, as I have suggested in this running talk, that Congress should enact a law affecting those men who are engaged in a pursuit directly connected with the health and life of the people of the country which will require them to give due notice of grievances before they actually leave their posts, and if they do not comply with a law prepared in that way that they automatically become lawbreakers. In that way we may deter some such movements as we are now facing.

On the other hand, I reiterate that it is just as important to get after abnormal profits which we see are being charged on

every hand at this time. These are the two remedies which I suggest for existing conditions.

In the meantime, I do not see that we can do anything to help a great State and the surrounding States in the present difficulty except to depend upon the executive department. The Attorney General says that he has the law, and I believe in a case of this kind, where the health of the country is at stake, that he has the law, for, as I have said, the Government unquestionably has the inherent power of self-defense, and I hope that the Attorney General will act without hesitation.

Mr. NELSON. If the Senator from New Jersey will allow me, I desire to call his attention to the fact that this is not a case of abnormal profits on the part of the railroads. An examination of the operation of railroads during the period of Government control shows that the roads failed to pay expenses. I do not see where the element of profiteering arises in that case.

Mr. EDGE. Mr. President, I do not wish to be misunderstood in what I have said as to abnormal profits. I was not discussing any particular activity or vocation. When I spoke of abnormal profits, I referred to the profits charged by various classes of dealers in commodities, men who own and rent houses and men who sell goods, not to the railroads. We all appreciate that they have been among the enterprises that have been overregulated, but the regulations apparently do not often reach the rank and file.

Mr. EDGE subsequently introduced a bill (S. 4210) to prevent interference with the operation of the instrumentalities of interstate or foreign commerce, which was read twice by its title and referred to the Committee on Interstate Commerce.

EMBARGO ON PERISHABLE PRODUCTS.

Mr. DIAL. Mr. President, I send to the desk half a dozen telegrams from among many which I have received in regard to the embargo which has been placed on the shipment of perishable freight to eastern markets. I should like to have the telegrams read.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

The telegrams were read, as follows:

Telegrams received by Mr. DIAL from planters, business men, and municipal officials of Beaufort, S. C., regarding damage suffered and in prospect by reason of embargoes on perishable freight, due to railway strikes:

From Hon. Niels Christensen, State senator, merchant, planter:

"Necessary to move truck crop. Imperative if section is to be saved from financial disaster threatened by railroad strike."

From J. W. Gray, planter:

"Railroads have refused to receive my lettuce shipments. My lettuce must move now or ruin in field. Can you help?"

From H. F. Burkmyer, planter:

"Embargo on perishable truck for eastern markets means financial ruin. Can not something be done?"

From the People's Bank:

"Unless farmers can make shipment of truck now ready losses will be immense. * * *"

From W. E. Richardson, president the Beaufort Bank:

"Our entire farming territory demoralized. Lettuce crop, representing year's work at heavy expense, must be moved. Will not stand this week. Unless Government does something to adjust railroad strike immediately, this section is practically ruined financially."

From Beaufort Truck Growers' Association:

"During the war, when the Government appealed to the farmers to produce food to the limit, Beaufort County met the appeal in a spirit of patriotism. We now have a highly perishable crop which must be harvested without delay. Each 24 hours entails a loss running into thousands of dollars. We appeal to the powers of Government to give us relief, and expect you to make the appeal effective."

Mr. DIAL. Mr. President, Beaufort is a rich truck-growing section; it is on the coast, some 500 miles from Washington. While there is no strike down there yet, the roads refuse to receive for through shipment the trucking produce, and great quantities of lettuce and other vegetables are going to waste there now because the roads will not receive them for through shipment.

In connection with the strikes which we are having, some of the employees claim that the cost of living is prohibitive, and yet at the same time they refuse to handle freight. That, of course, is one reason why living is high, namely, because they do not continue to run the trains and handle the freight. It seems to me that now is the time for all citizens, whether in public position or private, to express themselves upon this question. The time has come to settle it and settle it right. When railroad or other employees have their rows they do not consider the innocent farmers or the truck dealers who have accumulated large quantities of fresh vegetables and other products which will not keep; they do not consider the loss that will be entailed upon those men; but when they have some row, real or imaginary, between themselves and the railroads, or some row among or within their own organizations, they shut down our commerce.

I believe that a large number of the employees of the railroads are patriotic men; I feel that they want to go along, do their duty, perform their labors, and carry out their obligations to the company and to the public; but some of the walking delegates and unreasonable and extreme leaders encourage and incite a strike when there is no grievance behind it and when the question in dispute, if there be any, should be arbitrated and adjusted in some amicable way. The time for that kind of business is rapidly passing.

I voted against the Cummins bill, but I did not do so on account of the antistrike provision which it contained, and I so stated at the time. That bill having passed, I am sorry the antistrike provision was not retained in it; and if it had been retained, I should have liked to have seen it made a little bit stronger, as I said at the time.

Last year, directly after I took my seat in this body, I cast a vote to exempt certain classes from antitrust legislation. At the time I so voted I thought that it was wrong, but not having had much opportunity to look into the question, and following the beaten path, I cast my vote in that way. That is one of the few votes cast by me in this body which I regret. I have been ashamed of that vote ever since, and as soon as I have an opportunity I am going to correct it.

Mr. President, I am ready to go further; and, in all seriousness, I think the time has come when Congress should repeal all class legislation. We threw a little sop to the farmers last year, but they did not need it; they did not ask for it. Most of my constituents are farmers, but they are hard-working, honest people; they are willing to pay their debts, and they do not want to be exempted under the law. When we enact such legislative expedients here we are time servers. It will not do. Whenever we deviate from the direct path of legislation we are bound to get into trouble, and the more we deviate the deeper we will get into trouble.

So I wish that to-day bills would be introduced to repeal all class legislation or legislation granting special privileges. Some candidates might go down to defeat at the election, but they had better do that than to keep this country always in turmoil. There is something higher, Mr. President, than being returned to the House or the Senate, and I feel now that the time has come when we should let everybody in this country know where we stand.

The people away out in the country do not realize the situation that exists about these strikes. Last year four delegations of men came on here in one day, stating that the railroads would not accept the shipment of their tobacco down in South Carolina. They said that the farmers were losing many thousands of dollars a day. Now, these people who struck did not consider the comfort and the welfare and the happiness and the prosperity of the man who bought the seed and sowed it and put in the crop and cultivated and raised it, expecting that the railroads would run.

I say that these employees of railroads are under a contract—I do not mean a written contract or a verbal contract—but they are under an implied contract with the public that they will do their duty and will let those trains run, and in all decency and in all right and in all respect to themselves and to their neighbors and to the companies and to their Government they ought to carry out their contract, and then, if they intend to quit, give reasonable notice.

Not only that, Mr. President, but this Government ought to protect people in their employment. If a man wants to join a union and the union wants to let him join, I have no objection; but if a man wants to work and does not want to join the union, he should have just as much liberty to work as a union man has, and he should have protection, and, if necessary, this Government should use its troops to see that he is protected in the enjoyment of his labor, the same as a man is protected in the enjoyment of his property. Then, when people will not allow other people to take their positions because they have quit their jobs, when they go and throw rocks at a passenger train, or, as we read this morning, so far forget themselves and their duty to the public as to throw bars of iron into a train and hurt the passengers, they ought to be taken into court and, if convicted, put on the chain gang.

We should realize, and at once, what it is that confronts us, and I say, Mr. President, that we should act, and act promptly. I see intimations that some of the departments of the Government here are divided. It has been said that the great Department of Justice is hampered by the acts of subordinates in another department. That ought not to be in a democratic form of government. If they can not agree, somebody should be made to vacate, and that before sundown; and if those departments can not work in harmony now, then we should abolish some of them. It is time that the people of this country—the great mass of taxpayers and laboring people—should be protected, and know what to expect.

I may say to my colleagues that the people of this country are going to wake up. They are not going to allow a handful of voters, notwithstanding they are organized, to dictate to them whom they shall support. They are going to hold us to a strict accountability all over the country. Nearly every man to-day is paying an income tax, and he is going to want to know that that money is properly expended. We should encourage retrenchment, and we should set the example right here in Congress. I feel that a great deal of the unrest in this country emanates right from here. This is the hotbed and hatching place of a good deal of it.

One of the best things that could be done here in Washington would be for the commissioners to enforce the vagrancy law.

Mr. McCORMICK. Mr. President, will the Senator yield for a question?

Mr. DIAL. Certainly.

Mr. McCORMICK. Perhaps the Senator will pass judgment upon the Adamson Act, its advocacy, and the circumstances of its enactment.

Mr. DIAL. Mr. President, I was not a Member of this body when the Adamson Act was passed; but, as I said before, and as I say again, I feel that it is one of the most iniquitous laws that ever passed in this Congress, and I would vote to-day, before night, to repeal it. I feel that the country will not get over the ill effects of the passage of that law for generations to come, and it ought to be repealed.

Mr. McCORMICK. Assuming that it is as iniquitous as the Senator suggests, what would the Senator say of the circumstances of its advocacy and of its advocates?

Mr. DIAL. I presume they thought it was necessary to enact it at the time it was done; but the Senator's party is in the majority here, and if you want to repeal it, introduce a bill for that purpose, and I will vote with you.

Mr. President, we ought to go to work right here in Washington and make some necessary reforms. When I came here I saw the parks full of surplus people; full of loafing people. You could not get on a street car and get a seat; they would not get up even to let a lady have a seat; and things of that sort. Here your schools are crowded, and everyone is always calling for more pay; and I notice, Mr. President, that nearly every day a murder is committed here. I feel that you have mighty poor enforcement of law in the city of Washington. People are always wanting appropriations, appropriations, appropriations. If you will allow me, I can send down to South Carolina and get about three judges to come up here and make the local government self-supporting in less than 30 days. We would run out about 100,000 of this vagrant crowd here, both white folks and negroes. I told my secretary to write a vagrancy bill for me, but I was glad to find that in 1910 my predecessor had secured the enactment by Congress of an admirable vagrancy law, and it stands upon the statute books to-day; and the authorities here ought to wake up and go to work and enforce it.

Why, I noticed yesterday where a negro killed a little child and then killed himself, I believe. At least, he ought to have killed himself. He ought to have been out in the country cutting wood, or raising potatoes, or making a living in producing something for the people to live upon. We want people to get out of the congested districts and go back on the farm, where they can live and do their duty and support themselves. So I hope we will wake up and do something to remedy the existing condition. I do not mean that we need additional law. I think we have plenty of law now; but the trouble is, we have too many laws and too many investigations. If we will enforce the laws that we have, enforce them like men, enforce them fearlessly, and have no favorites, and repeal some of the class legislation that we have passed, then we will set a good example in this country, and it matters little whether we be returned to Congress or not.

RIVER AND HARBOR APPROPRIATIONS.

The PRESIDENT pro tempore (at 12 o'clock and 45 minutes p. m.) The morning business is closed.

Mr. JONES of Washington. I ask unanimous consent that the Senate proceed to the consideration of H. R. 11892, the river and harbor appropriation bill.

Mr. HARRISON. May I ask the Senator if he expects to reach a final vote on the bill to-day or to-morrow?

Mr. JONES of Washington. I hope to get through with it before 2 o'clock to-day.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Washington?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 11892) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which had been reported from the Committee on Commerce with amendments.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Elkins	McCormick	Sheppard
Ball	France	McCumber	Simmons
Borah	Frelinghuysen	McKellar	Smith, Ariz.
Brandegee	Gronna	Moses	Smith, Md.
Calder	Hale	Myers	Smoot
Capper	Harris	Nelson	Spencer
Chamberlain	Harrison	New	Sterling
Comer	Jones, Wash.	Nugent	Swanson
Culberson	Kellogg	Overman	Thomas
Cummins	Kendrick	Page	Trammell
Curtis	Kenyon	Phipps	Wadsworth
Dial	Keyes	Poindexter	Watson
Dillingham	Lenroot	Pomerene	Wolcott
Edge	Lodge	Reed	

Mr. DIAL. I desire to announce that the Senator from South Carolina [Mr. SMITH] is detained by illness in his family. I ask that this announcement may stand for the day.

Mr. JONES of Washington. The senior Senator from Michigan [Mr. TOWNSEND] is necessarily absent.

The PRESIDENT pro tempore. Fifty-five Senators have answered to their names. A quorum is present.

Mr. JONES of Washington. I ask that the formal reading of the bill may be dispensed with and that the bill be read for amendment, the amendments of the committee to be first considered.

The PRESIDENT pro tempore. Without objection it will be so ordered. The Secretary will read the bill for action on the amendments of the committee.

The Assistant Secretary proceeded to read the bill.

The first amendment of the Committee on Commerce was, on page 1, line 3, to strike out "$12,000,000" and insert "$20,000,000," so as to read:

That the sum of $20,000,000 be, and the same hereby is, appropriated, out of any moneys in the Treasury not otherwise appropriated, to be immediately available and to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers, for the preservation and maintenance of existing river and harbor works, and for the prosecution of such projects heretofore authorized as may be most desirable in the interests of commerce and navigation.

Mr. HARRISON. I desire to offer an amendment to the committee amendment increasing the amount from $20,000,000 to $24,000,000.

Mr. SMOOT. Mr. President, I ask that this amendment may go over. I make this request because I think the discussion of the bill will be mostly upon this item. The other amendments can be passed upon, and after disposing of them we can have this one item disposed of toward the end of the discussion of the bill, and perhaps get a better attendance in that way than if we had the discussion at the present time, with all the other amendments yet to be passed upon.

Mr. HARRISON. I have no objection to its going over. However, I want to have my amendment pending.

Mr. JONES of Washington. I have no objection to passing it over temporarily and considering the other amendments.

The PRESIDENT pro tempore. It will be passed over until other committee amendments are disposed of.

The reading of the bill was continued.

The next amendment was, on page 2, line 2, after the word "*Provided*," to strike out "That $5,000,000 of the sum herein appropriated may be allotted for the preservation and maintenance of existing river and harbor works, and $7,000,000 of the sum herein appropriated may be allotted for the prosecution of works of improvement heretofore authorized by Congress: *Provided further*."

Mr. SMOOT. This amendment ought to go over in connection with the first amendment, because if we adopt the House provision, then I think this proviso ought to be agreed to.

Mr. JONES of Washington. I will state to the Senator that I do not think so. Col. Taylor stated that if he were allowed, even under the House provision, to have the lump sum he thought he could save two to three million dollars. So whichever sum is adopted, I think this amendment should be agreed to. I believe it is in the interest of economy and will tend to save money to the Government. However, if the Senator prefers that it shall be passed over, I have no objection.

Mr. SMOOT. I would like to have it go over, Mr. President.

The PRESIDENT pro tempore. It will be passed over until other committee amendments are disposed of.

The reading of the bill was continued.

The next amendment was, on page 3, after line 5, to insert:

Every report submitted to Congress in pursuance of this section or of any provision of law for a survey hereafter enacted, in addition to other information which the Congress has heretofore directed shall be given, shall contain a statement of special or local benefit which will accrue to

localities affected by such improvement and a statement of general or national benefits, with recommendations as to what local cooperation should be required, if any, on account of such special or local benefit.

The amendment was agreed to.

The next amendment was, on page 4, after line 7, to insert:

Delaware River, from Trenton, N. J., to Easton, Pa.

The amendment was agreed to.

The next amendment was, on page 4, after line 15, to insert:

Woodbridge Creek, N. J.

The amendment was agreed to.

The next amendment was, on page 4, line 19, after the words "New Jersey," to strike out "including that section above the Washington Canal," so as to make the clause read:

Raritan River, N. J.

The amendment was agreed to.

The next amendment was, on page 5, after line 3, to insert:

Northwest River, Va.-N. C.: With a view to securing a channel 6½ feet deep at mean low water and 50 feet wide on the bottom on the bar at the mouth and over the shoal 2 miles above the mouth.

The amendment was agreed to.

The next amendment was, on page 5, after line 22, to insert:

Sterlings Creek, Accomack County, Va., and channel to and connecting said creek with Pocomoke Sound.

The amendment was agreed to.

The next amendment was, at the top of page 6, to insert:

Channel leading from Oyster, Northampton County, Va., to Atlantic Ocean.

The amendment was agreed to.

The next amendment was, on page 6, after line 2, to insert:

Channel connecting York River, Va., with Back Creek, Va.

The amendment was agreed to.

The next amendment was, on page 6, after line 4, to insert:

Carters Creek, Lancaster County, Va.

The amendment was agreed to.

The next amendment was, on page 6, after line 5, to insert:

Morattico Creek, Lancaster County, Va.

The amendment was agreed to.

The next amendment was, on page 6, line 9, after the word "from," to strike out "the foot of Kings Island" and insert "Drakies Cut," so as to make the clause read:

Savannah Harbor, Ga., from Drakies Cut to the sea, with a view to consolidating all projects relating to Savannah Harbor, widening, straightening, and deepening the same in such manner as to depth and width as may be deemed advisable to respond to commerce.

The amendment was agreed to.

The next amendment was, on page 6, after line 13, to insert:

St. Marks River, Fla.

Mr. JONES of Washington. I desire to offer an amendment to the committee amendment. On page 6, line 14, I move to strike out "Florida" and in lieu thereof to insert "Wakulla County, Fla."

Mr. TRAMMELL. I would like to know from the chairman of the committee the object of the amendment to the amendment.

Mr. JONES of Washington. I understand from the senior Senator from Florida [Mr. FLETCHER] that there are two St. Marks rivers in Florida, and it is proposed to insert the name of the county so as to identify the stream covered by the amendment.

Mr. TRAMMELL. There are two rivers by that name in Florida, Mr. President. I did not at first understand the object of the amendment to the amendment.

Mr. JONES of Washington. That was the purpose of it.

Mr. TRAMMELL. The river is located partially, if not wholly, in Wakulla County. Certainly I have no objection to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 6, after line 14, to insert:

Charlotte Harbor Channel, South Boca Grande, Fla.

The amendment was agreed to.

The next amendment was, on page 6, after line 15, to insert:

Narrows between Choctawatchee Bar and Santa Sound, Fla., including the swash channel from Camp Walton to Mary Esther.

Mr. JONES of Washington. I desire to offer an amendment to that amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The ASSISTANT SECRETARY. On page 6, in line 16, strike out "Choctawatchee" and insert in lieu thereof "Choctawhatchee," and at the end of line 16, after the word "Santa," insert the word "Rosa," so as to read:

Narrows between Choctawhatchee Bar and Santa Rosa Sound, Fla., including the swash channel from Camp Walton to Mary Esther.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 6, after line 18, to insert:

Charlotte Harbor to Punta Gorda, with a view to increasing the dimensions of the channel from Punta Gorda to the Gulf, including Boca Grande Channel.

The amendment was agreed to.

The next amendment was, on page 6, after line 21, to insert:

St. Petersburg, Fla., and to deep water in Tampa Bay, with a view to increasing the dimensions of the channel and existing project from the docks to deep water in the bay.

The amendment was agreed to.

The next amendment was, on page 7, line 6, after the word "ocean," to insert "connecting St. Johns and Indian Rivers, Fla.," so as to make the clause read:

St. Johns River, Fla., from Jacksonville to the ocean, connecting St. Johns and Indian Rivers, Fla.

Mr. JONES of Washington. I ask that the committee amendment in this case be disagreed to, and then I desire to offer one in lieu thereof.

The amendment was rejected.

Mr. JONES of Washington. I desire to offer a committee amendment, which I send to the desk.

The PRESIDENT pro tempore. The proposed amendment will be stated.

The ASSISTANT SECRETARY. On line 6, page 7, after the word "ocean," insert the following:

And St. Johns River from Lake Harney to Indian River to create a navigable waterway from St. Johns River to Indian River.

So as to read:

St. Johns River, Fla., from Jacksonville to the ocean, and St. Johns River from Lake Harney to Indian River to create a navigable waterway from St. Johns River to Indian River.

The amendment was agreed to.

The next amendment was, on page 7, after line 8, to insert:

Apalachicola River, at Apalachicola, Fla., and Apalachicola Bay, with a view to modification or enlargement of existing project, including preliminary examination and survey along route B as described in Senate Document No. 316, Sixty-fifth Congress, first session, to present loading berth in order to provide a channel from Apalachicola to this point, with a depth of, to wit, 18 feet.

Mr. JONES of Washington. I desire to offer a committee amendment to that amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The ASSISTANT SECRETARY. On page 7, line 10, after the word "bay," insert the word "Florida," and strike out the remainder of the paragraph, so that it will read:

Apalachicola River, at Apalachicola, Fla., and Apalachicola Bay, Fla.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. SMOOT. Mr. President, I simply wish to say that if I thought the House was going to agree to all these propositions, I would want some explanation of them, but I am quite sure from the manner of the passage of the bill in the House that there will have to be some good reasons given for these items or they will never be agreed to by the House.

The next amendment was, on page 7, after line 17, to insert:

Mississippi River, La., with a view to securing an outlet to deep water in the Gulf of Mexico by the most practicable route for a permanent channel of a depth not exceeding 35 feet, and investigating this matter consideration shall be given to the question of utilizing the Industrial Canal, New Orleans.

Mr. JONES of Washington. The word "in" should be inserted in line 21, between the words "and" and "investigating." I move that amendment.

The amendment to the amendment was agreed to.

Mr. SMOOT. Mr. President, I would like to have the Senator tell the Senate what this proposition will ultimately cost.

Mr. JONES of Washington. It was asked for by the Senator from Louisiana [Mr. RANSDELL]. The purpose of the amendment is to find out what the cost will be. These surveys, of course, do not commit the Government to any proposition. They are made for the purpose of getting the facts, and especially submitting estimates to make recommendations as to whether a project is feasible. I can not tell the Senator what the probable cost would be.

Mr. SMOOT. It is only another way of getting the head of the camel under the tent, and his whole body will be there in a very little while. The very fact that an investigation has been made of it, and a favorable report made by the engineers, which, of course, can be easily obtained, will furnish the ground for

insisting at some future time that a direct appropriation should be made to carry out the project. It seems to me from reading the amendment that if this work is undertaken it will lead to the expenditure of millions and millions of dollars. When we come to think of making a channel 35 feet deep in order perhaps to open transportation for a little business there, that would never justify one one-hundredth part of the expenditure, I doubt the wisdom of expending the people's money even to the extent of making an investigation of such a project.

The PRESIDENT pro tempore. The question is upon the committee amendment.

Mr. SMOOT. I call for a division.

Mr. THOMAS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Ball	Elkins	McCormick	Simmons
Beckham	France	McCumber	Smith, Ariz.
Borah	Frelinghuysen	McKellar	Smoot
Brandegee	Hale	McNary	Spencer
Calder	Harris	Moses	Sterling
Capper	Harrison	Myers	Swanson
Chamberlain	Jones, Wash.	New	Thomas
Culberson	Kellogg	Overman	Townsend
Cummins	Kendrick	Page	Trammell
Curtis	Kenyon	Phipps	Wadsworth
Dial	Keyes	Poindexter	Warren
Dillingham	Kirby	Reed	Watson
Edge	Lodge	Sheppard	Wolcott

The PRESIDING OFFICER (Mr. STERLING in the chair). Fifty-two Senators have answered to their names. There is a quorum present.

Mr. SMOOT. Mr. President, I offer the following amendment to the amendment: On page 7, line 21, after the word "feet," I move to strike out the words: "and investigating this matter consideration shall be given to the question of utilizing the Industrial Canal, New Orleans."

Mr. President, I desire to say that this is no time for the Government of the United States to be spending money in surveying a project that on its face would require the amount involved. Every rotten proposition for river and harbor improvement which we have had in the United States has been initiated in exactly the same way as here proposed. As I have said before, when a survey is ordered and the engineer undertakes it he feels that it is his duty, if possible, to report favorably upon it because Congress has acted in reference to the matter.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from North Carolina?

Mr. SMOOT. I shall yield in just a moment. It is true that occasionally a project is so bad that the engineers can not even recommend its undertaking. Now I yield to the Senator from North Carolina.

Mr. SIMMONS. Mr. President, I think the Senator from Utah is wholly wrong in the broad statement that he has just made with reference to the action of the engineers in connection with surveys. So far from it being true, as stated by the Senator from Utah, that the engineers feel under some constraint to report favorably on these projects, the record, I think, shows that most of them which have been investigated by the engineers have been reported upon unfavorably. So far as my knowledge goes—and I have been a member of the Committee on Commerce for a long time—I think a very large per cent of such projects have been reported upon unfavorably and a very small percentage have been reported upon favorably.

Mr. SMOOT. That may be the Senator's recollection. I have not now the figures in reference to the matter, but I remember looking at them years ago when the river and harbor bill was under consideration, and the figures at that time did not support the Senator's statement.

I desire to say, in answer to the Senator from North Carolina, there is not any doubt that when the engineers are ordered by Congress to make a survey they have the idea that Congress desires the project in question examined with a view, if possible, of making a favorable report upon it.

Mr. SIMMONS. Mr. President, I merely wish to state, if the Senator will permit me, that that has not been the course of the engineers in recent years. Certainly after a great deal of propaganda in this country against river and harbor construction and work the engineers began to report pretty generally against the projects, and a project had to be very strongly fortified before it could get by the engineers.

Mr. SMOOT. A project does not have to be very strongly recommended by anybody to get by the committee if a Senator or Representative from the State in which the project is located is a member of the committee.

Mr. President, I wish to say a few words in relation to my amendment.

Mr. JONES of Washington. I desire to say that I shall make no objection to the amendment of the Senator to the amendment of the committee.

Mr. SMOOT. I was going to say that if we have any confidence whatever in the engineers, why should we in authorizing the survey direct the engineers that in "investigating this matter consideration shall be given to the question of utilizing the Industrial Canal, New Orleans"? Have those words been incorporated in the amendment with the idea that the Government is going to purchase the Industrial Canal at New Orleans? That canal may be a project entirely outside of the proposed improvement, and it seems to me the words referred to are merely an indication to the engineers that Congress would like to have them report in favor of the purchase of the Industrial Canal at New Orleans, if the proposed project is to be favorably reported.

Mr. CHAMBERLAIN. Mr. President, if I may interrupt the Senator, I desire to suggest that it is barely possible that in the investigation the engineers might find that the Industrial Canal could be utilized without going to the expense of further deepening the channel. Why should the matter not be considered in connection with the proposed survey and a full report be submitted? The report might show that it is not necessary to deepen the channel if the canal be taken into consideration.

Mr. SMOOT. I will ask the Senator if he thinks there is an Army engineer who would make the survey, knowing that the Industrial Canal at New Orleans is there, without taking into consideration the matter as to whether or not the work could not be done at less expense if that canal were purchased?

Mr. CHAMBERLAIN. But the Senator from Utah, by eliminating the language, would lead the engineer to believe that it was not to be considered at all.

Mr. SMOOT. Not at all, Mr. President. The engineer could make a survey of the whole situation, but this is virtually requesting him to consider the purchase of the canal. I could tell the Senate of some of the other canals which have been purchased ultimately by the Government under just such provisions as this; and, in my opinion, they have been very expensive purchases on the part of the Government. So, it seems to me, if we are going to have a survey, and if the Senate is going to spend money for a survey for this purpose, we should let the engineer make a survey upon the whole project as it exists, and not with a view of binding, so far as the engineer can bind, the Government of the United States to take over any canal, no matter by whom it is owned.

Mr. JONES of Washington. Mr. President, I merely want to say that anybody who knows anything about the methods of providing for river and harbor improvements knows that in providing for a survey there is no direction to the engineer as to how he shall report or how he shall act except according to whatever limits there may be within the survey itself. Such surveys are simply to furnish information to Congress. Then the duty and responsibility rest upon Congress in the future as to whether or not they will adopt any given project.

My knowledge with reference to the practice in late years, at any rate, corresponds with that of the Senator from North Carolina [Mr. SIMMONS], that more of these projects which are surveyed are reported upon adversely than are reported upon favorably. The engineers do not consider a provision of this kind as a direction to them to make a report, one way or the other, but simply a provision upon the part of Congress to ascertain the facts upon which it shall base its future action.

Mr. SMOOT. Mr. President, considering the surveys ordered in the pending bill and in later years, I should hope that the engineers of the Government would report a greater percentage adversely than they formerly did when Congress appropriated money for expenditures on rivers in order to make them navigable and not on creeks and small streams.

Mr. President, it seems as if surveys are frequently ordered without a thought of the projects for which they provide ever being adopted; but perhaps it looks good to the people at home for the engineers of the Government to make a survey of a particular creek or stream within a congressional or senatorial district.

Mr. JONES of Washington. Mr. President, I desire to say that I have been in Congress for 21 years; that I was a member of the Rivers and Harbors Committee of the House of Representatives for six years, and the same methods and the same plans that are pursued in connection with surveys in this bill have been pursued ever since I have been here.

Mr. SMOOT. The same plans, yes; but not the same kind of projects.

Mr. JONES of Washington. Yes; exactly the same kind of projects.

Mr. THOMAS. Mr. President, the truth of the statement just made by the chairman of the committee is obvious to anyone who has given any sort of attention to the river and harbor bills of recent years. They are based upon the same plan, and I suppose they always will be. One feature of the plan is very conspicuous in all of the Senate committee amendments; it is to interest ever section of the country in some particular project, and, upon the principle of you pat my back and I will pat yours, they all go through.

I realize, Mr. President, from the experiences of seven years the futility of opposing items in a river and harbor bill. They are always favorably considered; they tend to distribute the public money in different communities; they are based upon the theory of water competition, the advantages and beauties of which have been sung here in every key from the deepest bass to the highest treble since I have been here; and, of course, upon that theory I presume millions upon millions of dollars have been taken from the Treasury and have been expended with no resultant profit, and from which there never will be any resultant benefit, so long as our system of transportation remains as it is and as it has been.

We can expend all the money in the Treasury upon the improvement of rivers and creeks and tributaries; we may so improve some of them as to make them physically efficient for navigable purposes for the carrying of freight and passengers, but until the railroads are compelled to cooperate with waterway systems and with companies engaged in utilizing them for traffic purposes our expenditures will be vain and useless. Nobody who has given any sort of study to it denies that proposition; yet nobody attempts, even in legislation connected with river and harbor bills, to require the establishment or enforcement of any such system. Fifteen or sixteen railroads centering in St. Louis from either direction will interchange traffic and continue to do so without regard to a 35-foot channel, if such were the case, from St. Louis to the Gulf down the Mississippi River. Germany met the problem long ago and solved it by requiring intercommunication, cooperation, and distribution of freight according to bulk and need for speed, in consequence of which her river systems and her railroad systems both flourish and prosper. Nothing of the kind is attempted here; and nothing of the kind will be attempted here, I am afraid, so long as we vote indiscriminately to appropriate money from the National Treasury for every scheme which may receive the approval of the Board of Engineers.

During the 10-year period between 1906 and 1916 the commerce on the Mississippi River and its tributaries decreased from 4,412,000 to 1,621,000 tons, or 63 per cent. I understand it has been decreasing since. How many millions we have spent for improving the Mississippi River and its tributaries during that time I can only imagine. During the same period there was a decrease of 24 per cent in freight upon the canals and other inland waters. Just at present, when Government expenditures are abnormally large and everyone recognizes the necessity for economy, the House commendably decreased the appropriation for river and harbor purposes to the moderate sum of $12,000,000.

Of course I knew—everyone doubtless assumed—that the Senate committee would do just what has been done. I want to congratulate them upon their modesty, because I figured that they would add at least 100 per cent to the bill. They have contented themselves with about 66⅔ per cent. If I should regard it as a start, I should be very happy. I imagine, however, that it is merely a break in the continuity of that which is to come hereafter.

Of course we can not defeat this bill. As usual, we can only record our protests to it. I think the money might just as well be thrown into the Mississippi River as to be utilized for this purpose, as far as making it actually available—not potentially, but actually available—for the transportation of freight, cargoes, and passengers is concerned. I say that without any reflection upon the committee and without any reflection upon those who think otherwise. I merely state it as a fact, in my judgment, due to the dislocated character of our transportation system, and which, as far as can now be determined, will proceed indefinitely, Congress being content in all probability to do hereafter as it has done heretofore—to vote appropriations for the improvement of rivers, large and small, and then trust in God for the results.

Mr. CHAMBERLAIN. Mr. President, just a word.

The Senator from Colorado [Mr. THOMAS], in speaking of the Mississippi River and the amounts of money which have been contributed by the Federal Government to its improvement, does not mention the fact that the people along the Mississippi River have shown by their own acts, and by the taxes they have from time to time imposed upon themselves, that they have not looked upon the improvement of that river as a simple graft, proposed merely to get money out of the Federal Treasury. They have taxed themselves, from the headwaters of the river to its mouth, in very large sums for its improvement and for the maintenance of the levees along its banks.

Mr. THOMAS. Mr. President, will the Senator allow me to interrupt him?

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Colorado?

Mr. CHAMBERLAIN. Yes.

Mr. THOMAS. The protection of the people from the inundations of the Mississippi is another proposition altogether. The Senator probably will remember that finally that subject has been divorced from the rivers and harbors bill. I have always advocated appropriations for that purpose, and I have voted for them, regardless of their amounts, when thought to be necessary; and I think it is the duty of the Government to protect the people on either side of the river wherever these inundations may affect them. I know they are cooperating. That is one proposition. The other proposition is, of course, entirely different, and has reference to other subjects, and they are in connection with these various schemes of so-called river and harbor improvements which extend all over the face of the United States.

Mr. CHAMBERLAIN. It is true, as the Senator says, that the matter of protection of overflowed lands has been separated from river and harbor improvement; but, as a physical fact, it is almost impossible to separate them. I take a different view from many of the Senators in reference to river and harbor improvements. My position is that if what the Senator from Colorado has said is true—and I have not the figures before me—that the commerce of the Mississippi River has fallen off materially during the past few years, yet the fact that the river has been maintained as a navigable waterway has been of itself instrumental in compelling the railroad companies to reduce the freight charges.

Let me take one illustration of that, not on the Mississippi, but in my own State.

Along some points on the Columbia River there has been somewhat of a falling off in the freight carried on the river; and yet the construction of two canals on the Columbia River has been instrumental in saving to the producers of the inland empire more money than would pay for the comparatively small expenditure of the Government a hundred times or more.

Mr. THOMAS. Mr. President, will the Senator allow another interruption?

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Colorado?

Mr. CHAMBERLAIN. Yes; I yield.

Mr. THOMAS. Does not the Senator know that but for the repressive action of the Interstate Commerce Commission freight rates would have been everywhere increased far beyond what they were when we entered the war, whereas since that time there has been practically no limit to freight rates anywhere?

Mr. CHAMBERLAIN. Oh, that is correct, measurably. Does the Senator mean repressive legislative action against the commission?

Mr. THOMAS. No; I mean repression by the commission, by its refusal to permit those raises which the railroads wanted to make in freight rates of all descriptions.

Mr. CHAMBERLAIN. Mr. President, I believe that the best regulator of freights is not the Interstate Commerce Commission, but it is the regulation provided by nature itself. For instance, you extend a railroad line along a nonnavigable waterway that may be made navigable, and the Interstate Commerce Commission undertakes to regulate and does regulate the rate to be charged by a railroad company along that nonnavigable stream. You make the river navigable, and it immediately regulates the rate itself, without any interference upon the part of the Interstate Commission or any other regulatory body.

But I was going to give an illustration. On the Columbia River, between Portland, Oreg., and the inland empire—and that covers a territory, if you please, of 250,000 square miles—before canals were built on the upper stretches of the river the railroad companies charged indiscriminately what they pleased. They charged all the traffic would bear. Just the moment that these two canals were put in, at the expense of the Government in cooperation with the State of Oregon, rates dropped. It did not require any regulation upon the part of the Interstate Commerce Commission. Nature regulated it, because competition by water was possible.

Mr. THOMAS. Mr. President, will the Senator yield further?

The PRESIDING OFFICER. Does the Senator from Oregon further yield to the Senator from Colorado?

Mr. CHAMBERLAIN. Yes; I yield to the Senator.

Mr. THOMAS. Is it not true that coincident, or practically so, with the completion of the canal, the Great Northern Railroad built a competing or parallel line with the Oregon Short Line, and that that had much to do with the drop in railroad rates?

Mr. CHAMBERLAIN. That had some effect, Mr. President; but the canal was completed before the rail competition went into effect. The Great Northern or Northern Pacific did subsequently build a line down on the north bank of the Columbia River which paralleled the Oregon-Washington Railroad & Navigation Co.'s line on the south bank; but the canals were finished before that was completed and the canals themselves regulated the rates without any competition between the railroad lines.

Mr. President, I say, then, that in this day and generation, when there is a congestion of railroad transportation, and it is physically impossible to get from some quarters of the country to the markets the products of the country, we ought to stimulate and encourage the improvement of these rivers and harbors, no matter how small the traffic may be on them temporarily.

Take the situation in my own State. We have contributed fifty-fifty with the Government for nearly every improvement we have ever had. In other words, the people of Oregon have created port commissions at the city of Portland, at Nehalem, at Astoria, at Tillamook, at Newport, at Coos Bay, and other places, and they have levied taxes upon themselves equal to appropriations made by Congress. Small communities, if you please, meet the Government appropriation every time and have contributed dollar for dollar when they have asked the Government for appropriations. In other words, the people have shown, by levying upon themselves heavy rates of taxation, the confidence they have had in the development of their own country. It is hardly fair, from my viewpoint, that they should be asked to do it, because the traffic that goes down the Columbia River and from Oregon harbors is not only national in its importance but it is international. The wheat that goes down the Columbia River goes to Liverpool and our lumber goes to the markets of the world. The world is our market. So Oregon is contributing money for a benefit that comes to the Government of the United States by reason of the increased international commerce, if you please. So it is in other communities, and I think if we are going to apply that fifty-fifty rule to some States it ought to be general, and that is the policy of the Commerce Committee now.

I call the Senator's attention to page 3 of the bill, which provides:

> Every report submitted to Congress in pursuance of this section or of any provision of law for a survey hereafter enacted, in addition to other information which the Congress has heretofore directed shall be given, shall contain a statement of special or local benefit which will accrue to localities affected by such improvement and a statement of general or national benefits, with recommendations as to what local cooperation should be required, if any, on account of such special or local benefit.

In other words, if an improvement for which the Federal Government is asked to make an appropriation is international in its scope, if it does not affect the local community at all, if its benefits come to the United States, and it is international commerce, then the Government ought to contribute it all. On the other hand, if the improvement asked for is purely local, the community should make it; if it benefits the locality on a basis of 50 per cent while it benefits the National Government 50 per cent, there is no reason why they should not contribute equally.

That is the disposition of the Commerce Committee in the Senate toward the whole subject. It is to ascertain whether the improvement is local in its character, and if so to compel the locality to improve it. If it is not local in its character, it is to compel the National Government to pay its proportion; and that, I hope, will be done here in the times to come.

Why, take the great State of New York. It comes here every year asking for large appropriations, and yet the State of New York has taxed itself more than the Government ever contributed to any improvement of the harbors of New York. It is a narrow policy, this effort to belittle river and harbor work, as has been done here frequently. There is some political capital, possibly, to come from it; but when you take a broad, national view of it, it is a question in which the whole country is interested; it is a question in which the world is interested; and that is particularly true while these labor and transportation troubles exist which make it impossible to get the products of the farmer and the products of the factory to the markets of the world.

I hope no captious objection will be made to these surveys. These little ports have been growing all the time. Our trade and commerce has been changing. Why not ascertain, at a very small expenditure, whether or not any of these proposed surveys are in a neighborhood where there has been an increase in the commerce?

Mr. THOMAS. Mr. President, I shall occupy but a moment of your time.

No man is more sensible of the need for the improvement of the harbors of the country than myself; but the trouble is, and has been, that we can not secure needed appropriations for harbor improvements without tacking onto every bill for that purpose numerous appropriations for so-called improvements which, when accomplished, are of no material benefit to anyone.

I am aware of the law in Oregon, and it is a most commendable one, under which the community interested in harbor improvements—my recollection is that it is a harbor proposition—the Senator will correct me if I am mistaken—may issue bonds, upon the security of their property, for the payment of principal and interest to improve their harbor facilities, which, of course, is a great benefit not only to the immediate community concerned but to the State and to the Nation.

I think it would be well if every coastal State in the Union would follow suit and imitate this example, as some of them have done, notably the neighboring State of Washington, and by that means intelligently direct national appropriations for aiding this local enterprising spirit, which, after all, is the great thing in American community life.

I do not understand why Senators should balk at our habit of opposing bills containing appropriations of the most commendable nature and needed for the development of the commercial facilities of the country when to obtain them it becomes necessary to vote money for other enterprises, some of which are hoary with age, and many of which can not possibly, whatever the improvement, result in any substantial benefit either locally or generally.

I want to assure the Senator from Oregon that no man is more favorably inclined nor more anxious to encourage such developments as he has spoken of than myself, though I must dissent, toto cœlo, from the conclusion that the improvement of rivers and harbors tends to reduce railway rates in the country. I know it is an old argument; I know it is one which is plausible; but the fundamental fact regulating railroad rates is competition, or control, or both. When I say competition I do not mean potential competition, but actual competition. Ever since I have lived in Colorado, and that is nearly half a century, we have suffered from discrimination in railroad rates, based entirely upon the theory of potential competition of sea rates. San Francisco, Portland, Seattle, Los Angeles, all those places, have enjoyed railway rates very much more favorable than and immensely different from those which have been given to Salt Lake, Spokane, Denver, and other inland places, upon the contention that it is the only way by which they can meet and survive so-called potential competition. That proposition has prevailed, notwithstanding the fact that nearly all the lines of ocean traffic are either under or are controlled by the great continental lines of railway. I am not able to accept it. Of course, I can understand how the competition or the threat of competition of railways, united with the improvement of some great navigable river—and the Columbia River is essentially, really, actually a navigable river—might affect rates locally; but as to affecting them generally, such is not the case, as those who suffer in my section of the country have reason to know from the experiences of the last 45 years.

Mr. CHAMBERLAIN. May I interrupt the Senator?

Mr. THOMAS. Certainly.

Mr. CHAMBERLAIN. The Senator will remember that in the rate cases, where a railroad was charging more than it ought to charge for carrying the traffic between certain points where there might be competition by river, private initiative then went to work and put on a line of steamers to compete with the railroad company in order to reduce the freight, and the railroad company immediately reduced its rate to a point where its competitor could not live; and then it immediately raised the rate. But that situation was cured, the Senator will remember, by an amendment to the interstate-commerce act, so that they could not change these rates without having authority to do so.

Mr. THOMAS. I concede that locally, we will say from the head of navigation of the Columbia River to the ocean, on the Sacramento River, on the lower reaches of the Mississippi River, and as to other actually navigable streams, such conditions may obtain. It is also true that legislation was necessary to prevent the absorption by the roads of local lines of water traffic. It seems to me, if I am correctly informed, it does not sensibly encourage the operation of competitive lines of river traffic.

I want to emphasize, while I am on my feet, the fact that this idea of potential competition, which I do not believe was ever

anything more than remotely potential, has been used not only against the section which I in part represent upon this floor but that two or three months ago, when the Senator from Washington [Mr. POINDEXTER] offered an amendment to the railroad bill to abolish what is known as the long-and-short-haul clause, which is necessary to our commercial salvation, it was the Senators from States enjoying both this actual and potential competition whose votes defeated the Poindexter amendment. We hoped for some relief there, but were disappointed. Those who are so fortunate as to live in those sections of the country where the cry of potential competition can be effectually utilized for the reduction of rates, and for consequent benefit to these localities, seem to feel that the relief which we want, and which we must eventually have, might interfere with their advantageous privilege and to the detriment of their constituents. But it is a crying shame and outrage, Mr. President, that the great Rocky Mountain region, one of the greatest on the continent, not having the benefit even of so-called potential competition, can not obtain relief from those conditions because of the votes of those who are unduly favored. It costs a great deal more to send freight from Denver to Galveston, down grade all the way, than it does to haul freight from Galveston to Denver, up grade all the way, a discrimination which is justified upon the theory of potential ocean competition. So that we get no benefit from it in any way.

Mr. JONES of Washington. Mr. President, I am not going to take any time to discuss the matter. We can discuss it in connection with the $20,000,000 item. I would like to get through as many unobjected amendments as we can before 2 o'clock. I have no objection to the amendment of the Senator from Utah.

Mr. HARRISON. Mr. President, the amendment now before the Senate, as I understand it, is for a survey of the Mississippi River. The point objected to is that found in lines 21, 22, and 23, where, in connection with this investigation, it reads:

And in investigating this matter consideration shall be given to the question of utilizing the Industrial Canal, New Orleans.

This provision was inserted in the bill at the instance of the Senator from Louisiana [Mr. RANSDELL], who, I am sure, did not know that the matter was coming up to-day. He is away from the Senate on official business. None of us knew the bill was coming up to-day. It seems to me this is a very important matter, and the Senator from Utah should not insist on his amendment. It does not direct the engineers' office to accept this canal; it only asks, in considering the survey for this new project, that the canal shall be taken into consideration.

Here is the situation: We have an Industrial Canal at New Orleans which it is supposed will operate when it is finished from the Mississippi River to Lake Pontchartrain. The object is to move vessels from the Mississippi River through the canal into Lake Pontchartrain, into Lake Borgne, and out into the Gulf. If a project such as that contemplated should be adopted, it would save fully half the distance for vessels going from New Orleans through the Mississippi River into the Gulf. Not only would it save much time by shortening the distance, but it would save vessels which now come into New Orleans through the mouth of the Mississippi and up the Mississippi in times of high water from those handicaps which necessarily must be encountered in coming in that way under those circumstances. I can not understand why in making this survey the Senate should withhold from the engineers' office the mere consideration of the utilization of the canal going through this way.

Mr. JONES of Washington. I merely wish to suggest to the Senator from Mississippi that in my judgment we would not withhold it; but even with this language stricken out, the engineers would report upon the proposition just the same.

Mr. HARRISON. May I ask if the chairman of the committee and the Senator from Utah would not be willing, in striking out the language he proposed to be stricken out, to insert in line 19, after the words "Gulf of Mexico," the words "through Lake Pontchartrain"?

Mr. SMOOT. Mr. President, if the Senator wants to have the amendment go over until the Senator from Louisiana [Mr. RANSDELL] can be present, I have no objection whatever; but I wish to say to the Senator now that I fully agree with the statement just made by the Senator from Washington.

The Senator from Mississippi has been in Congress long enough, I believe, to learn the fact that wherever there is a survey made and where there is any direction on the part of Congress to investigate the taking over of a canal, or some particular direction as to how a project is to be ultimately constructed, if the report is favorable, the original survey authorization is considered in connection with the appropriation asked for and it is pointed to as proof that it was understood at the time the survey was made that the canal should be a part of the project and therefore the Government should buy the canal.

Mr. HARRISON. Certainly the adoption of this provision merely for a survey would not direct Congress in the future to do that.

Mr. SMOOT. I know it does not direct it, and I do not want any action taken that could be so construed. Not only that, but it does not prevent the engineers from reporting upon this very canal as the best and most feasible project, if this project is to be undertaken. Why not leave the engineers entirely free to report upon the project and as to the best plan, in their judgment, it could be constructed?

Mr. HARRISON. Will the Senator not accept my suggestion that after the words "Gulf of Mexico" there be inserted the words "through Lake Pontchartrain"?

Mr. SMOOT. That would be about the same thing.

Mr. HARRISON. Would not the Senator accept this suggestion, then, instead of using the word "shall," to use the word "may"?

Mr. SMOOT. Mr. President, I do not think it is necessary. I think the words are put in the amendment for the very purpose of some time in the future calling the attention of Congress to the fact that when this particular survey was ordered it was with the idea of utilizing the canal.

Mr. HARRISON. The Senator should not say that. This is merely a specification of the kind of a survey that is to be made, and if you do not put in that it is to be through Lake Borgne or through the canal, or designate through Lake Pontchartrain, you have no specification, you have not particularized where you want the survey made.

Mr. SMOOT. The amendment reads:

Mississippi River, Louisiana, with a view to securing an outlet to deep water in the Gulf of Mexico by the most practicable route for a permanent channel of a depth not exceeding 35 feet.

What more do you want than that? That is a direction for a survey.

Mr. HARRISON. Lake Pontchartrain is not a part of the Mississippi River; it is separate and distinct from the Mississippi River, and what the Senator from Louisiana tried to do by his amendment is to save some time for the vessels going from the port of New Orleans, because in the opinion of the navigator it is a practicable route. What the Senator has done here is to particularize where he wants the survey made. It does not bind Congress in the slightest to live up to that proposition.

Mr. SMOOT. Mr. President, if the Senator will read the language again, he will see that it says—

With a view to securing an outlet to deep water in the Gulf of Mexico by the most practicable route for a permanent channel of a depth not exceeding 35 feet.

That is, Mr. President, they are to secure an outlet to deep water in the Gulf of Mexico—that is, between the Mississippi River and the Gulf of Mexico. It means a channel connecting the Mississippi River and the Gulf of Mexico. That can be at any point, and does not have to be through the Industrial Canal at New Orleans.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The READING CLERK. A bill (S. 3792) to reorganize and increase the efficiency of the United States Army, and for other purposes.

Mr. WADSWORTH obtained the floor.

Mr. JONES of Washington. Will the Senator permit me just a moment?

Mr. WADSWORTH. I yield.

Mr. JONES of Washington. I desire to give notice that immediately after the routine morning business to-morrow I shall ask unanimous consent to proceed with the further consideration of the river and harbor bill.

ARMY REORGANIZATION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3792) to reorganize and increase the efficiency of the United States Army, and for other purposes.

Mr. WADSWORTH. Mr. President, the Senate having decided upon the question of voluntary training and adopted some amendments to establish a system of voluntary training, it is now incumbent upon me to offer a few amendments making other provisions of the bill conform to the amendments that have already been adopted in that respect. The amendments are largely those of verbiage and do not disturb the general structure of the bill. If it is agreeable, I will offer them now and that matter will then have been disposed of.

On page 4 of the bill, line 9, at the end of the line, I move to strike out the words "to further military training who have completed their prescribed period of initial training, and all

other persons liable," and in line 12, after the word "war," to strike out the words "who are not liable to training under the provisions of this act" and insert in lieu thereof the words "except the recruits," so that the paragraph will read:

The reservists shall include all persons liable to military service in time of war except the recruits.

The amendment was agreed to.

Mr. WADSWORTH. I move, in line 14, page 4, after the word "undergoing," that the word "voluntary" be inserted, so that the paragraph will read:

The recruits shall include all persons undergoing voluntary training in the training forces who have not completed their prescribed periods of initial training therein.

The amendment was agreed to.

Mr. WADSWORTH. I move, on page 5, line 24, to strike out at the end of the line the words "called out" and insert in lieu thereof the word "enlisting," and on page 6, line 1, to strike out the words "called out" and insert in lieu thereof the word "enlisting," so as to read:

The training forces shall consist of such commissioned officers, enlisted men, and civilians of the permanent personnel, and such reserve officers and reservists as may consent to serve for limited periods under regulations to be established by the President as shall be required to train and provide for the recruits enlisting annually for military training, and, together with the recruits so enlisting, shall be organized into such training units as the President may direct in accordance with the requirements of the service.

And so forth.

The amendment was agreed to.

Mr. WADSWORTH. On page 7, in line 3, after the word "act," I move to strike out the words "who, having completed their prescribed initial training with the training forces, are liable to military service in time of war in" and insert in lieu thereof the words "who may voluntarily enlist in," so that the section will read:

SEC. 8. The organized reserves: The organized reserves shall consist of such commissioned officers, enlisted men, and civilians of the permanent personnel and such reserve officers as shall be assigned thereto under regulations to be prescribed by the President, and of all reservists, except as otherwise provided for in this act, who may voluntarily enlist in the organized reserves in accordance with the provisions of this act.

The amendment was agreed to.

Mr. WADSWORTH. On page 7, line 15, I move to strike out the words "enrolled or assigned reservists," so as to read:

Companies, batteries, troops, battalions, squadrons, regiments, trains, and other units shall consist of such officers, enlisted men, or reservists, and civilians as the President may direct, subject to the provisions of this act, and in accordance with the requirements of the service.

The amendment was agreed to.

Mr. WADSWORTH. On page 7, line 22, before the word "corps," I move to strike out the words "not less than 12," so as to read:

For purposes of administration, training, and tactical control the territory of the United States, excluding the insular possessions and Alaska, shall be divided on a basis of military population into corps areas.

The amendment was agreed to.

Mr. WADSWORTH. On page 9, lines 14 and 15, I move to strike out the words "assigned to the organized reserves or," and in line 15, after the word "enlisted," I move to insert the words "in the organized reserves or," so that section 11 will read:

The unorganized reserves shall consist of all reservists, except as otherwise provided for in this act, who are not enlisted in the organized reserves or in the National Guard of the United States.

The amendment was agreed to.

Mr. WADSWORTH. On page 58, line 10, I move to strike out the word "whether," and on the same page, in line 10, after the word "forces," I move to strike out the words "or in the National Guard of the United States," so that the proviso will read:

Provided, That persons duly qualified for and who were recommended before their discharge from the aforesaid service, may be appointed in a higher grade. Under regulations to be prescribed by the President, any person who honorably served in the United States Army, including the National Guard while in the service of the United States, or the National Army, between April 6, 1917, and November 11, 1918, as an enlisted man, and any person who has completed the training provided for in the training forces, and any other person specially qualified for any combatant or technical branch of the service may be commissioned as a reserve officer—

And so forth.

The amendment was agreed to.

Mr. WADSWORTH. On page 66, line 7, I move to strike out the words "liable to" and insert the words "enlisting for," so the sentence will read:

To such extent as may be consistent with effective training and economical administration and subject to regulations prescribed by the President, persons enlisting for training shall be permitted to elect such training in either of two training periods.

The amendment was agreed to.

Mr. WADSWORTH. On page 69, line 4, I ask unanimous consent that the amendment which was added the other day be reconsidered for this purpose. The amendment added the other day was due to a misprint, and line 4 was made to read "persons eligible for training under the provisions of this act," and so forth, the words "eligible for" having been substituted for the words "liable to." I would like to have that amendment reconsidered in order that I may move that the words "eligible for" be stricken out and substitute in lieu thereof the words "enlisting for."

The PRESIDING OFFICER (Mr. DIAL in the chair). Without objection, it will be reconsidered.

Mr. WADSWORTH. I move to strike out the words "eligible for" and to insert in lieu the words "enlisting for."

The amendment was agreed to.

Mr. WADSWORTH. On page 69, in line 10, after the word "regulation," I move to strike out the words "and they may be inducted into the service or not for this purpose."

The amendment was agreed to.

Mr. WADSWORTH. On page 70, in line 8, will be found the amendment agreed to by the Senate in the earlier discussion of the bill, before the training amendments were offered, and this phrase is used:

That in case any person called for the training shall have dependents—

And so forth.

I ask unanimous consent to have that amendment reconsidered in order that we may change the word "called" to "enlisting."

The PRESIDING OFFICER. Without objection, it will be reconsidered.

Mr. LENROOT. I should like to ask in that particular case whether it would apply before they were inducted into the service.

Mr. WADSWORTH. The dependency feature?

Mr. LENROOT. Yes. For instance, they might be accepted for enlistment, and the time would then begin to run, perhaps; and I was wondering whether that should be "enlisted" instead of "inducted" into the service.

Mr. WADSWORTH. My idea is that the enlistment is the induction. It is the same thing. When a man enlists he is thereby inducted.

Mr. LENROOT. I think so; but that question was raised yesterday, as the Senator may remember, and at the suggestion of the Senator from Oregon [Mr. CHAMBERLAIN] we put in the words "inducted" instead of "enlisted."

Mr. WADSWORTH. I thought that discussion had to do with the word "application."

Mr. LENROOT. Perhaps the Senator is right. Is the Senator satisfied with it as it is?

Mr. WADSWORTH. I am, though the word "inducted" may be inserted if the Senator desires.

Mr. LENROOT. Oh, no; it is not necessary, if the Senator is satisfied.

Mr. WADSWORTH. I move to amend the amendment so as to read:

That in case any person enlisting for the training shall have dependents—

And so forth.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. McKELLAR. Before the Senator leaves that I would like to ask him a question. The section provides:

That in case any person enlisting for the training shall have dependents within the meaning of the act of Congress approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," there shall be paid to such dependents, during the period of training, the amount provided by said law, without requiring any allotment from the recruit.

If these men voluntarily enlist for the training does the Senator think we ought to pay their dependents?

Mr. WADSWORTH. I think the poor boy ought to have a chance, and if any member of his immediate family is in whole or in part dependent upon him, I think it only fair that that should not prevent him from having the training, which would be the case if we did not offer for that very short period of four months to conform to the dependency features of the selective draft law.

Mr. McKELLAR. Does the Senator recall just what would be paid to dependents under this act? I think it is dependent upon the number of members of the family.

Mr. LENROOT. I think it is $15 that is allowed to the wife or mother.

Mr. WADSWORTH. It was so much for the wife or mother, and something in addition for each child. I think the maximum was perhaps $30.

Mr. McKELLAR. I think the maximum was $52, but I do not remember, and I am therefore afraid to say.

Mr. WADSWORTH. The Senator, of course, will remember that boys between the ages of 18 and 21 ordinarily do not have dependents, and they would be very few in number.

Mr. McKELLAR. There were a great many dependents provided for under the previous act. This is reenacting the war legislation, and it seems to me it is going a long ways when we apply this war-time legislation to cases of voluntary enlistment for four months' training.

Mr. WADSWORTH. Mr. President, on page 85, line 15, I move to strike out the words "training or."

The amendment was agreed to.

Mr. WADSWORTH. On page 87, line 22, after the word "States," in the caption of section 72, I move to insert the words "and the organized reserves." That, Mr. President, is a corrective amendment that really has nothing to do with the volunteer training, but the caption of that section was incomplete owing to the omission of that phrase, which was an error.

The PRESIDING OFFICER. The question is on the amendment of the Senator from New York.

The amendment was agreed to.

Mr. WADSWORTH. I propose a similar amendment on page 88, line 1, after the word "authority," to insert the words "and the organized reserves."

The amendment was agreed to.

Mr. WADSWORTH. With the adoption of those amendments I think I am safe in saying that the entire bill has been transformed from one involving universal military training to one involving only volunteer military training.

Mr. LENROOT. I now move to strike out section 37 of the bill.

The PRESIDING OFFICER. The amendment proposed by the Senator from Wisconsin will be stated.

The READING CLERK. On page 44, after line 11, it is proposed to strike out:

SEC. 37. The construction service: There is hereby established a construction service which, under regulations to be established by the President and in accordance with the provisions of this act, shall be charged with the construction, maintenance, and repair of all buildings, structures (other than fortifications), and utilities, and the preparation of plans therefor in accordance with the requirements of the several arms, corps, and services of the Army of the United States, and with the operation of such utilities as the President may direct, and with the acquirement of real estate and the issuance of licenses in connection with military reservations under the jurisdiction of the War Department.

The permanent personnel of the construction service shall consist of 1 chief of construction, with the rank of brigadier general, and 200 officers, in grades from second lieutenant to colonel, inclusive, and 6,000 enlisted men, in their appropriate grades, all of whom shall be detailed or assigned from the permanent personnel under the provisions of this act. The reserve personnel of the construction service shall consist of all reserve officers and reservists assigned thereto as provided for in this act.

Mr. CURTIS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ball	Dillingham	Kendrick	Page
Borah	Edge	Kenyon	Phipps
Brandegee	Frelinghuysen	Keyes	Sheppard
Calder	Gerry	Kirby	Smith, Ariz.
Capper	Glass	Lenroot	Smoot
Chamberlain	Hale	Lodge	Thomas
Colt	Harris	McKellar	Townsend
Culberson	Harrison	McNary	Trammell
Curtis	Jones, Wash.	New	Wadsworth
Dial	Kellogg	Nugent	Wolcott

Mr. GERRY. The Senator from Arizona [Mr. ASHURST], the junior Senator from North Carolina [Mr. OVERMAN], the Senator from Nevada [Mr. PITTMAN], and the senior Senator from North Carolina [Mr. SIMMONS] are absent on official business.

Mr. McKELLAR. The junior Senator from Louisiana [Mr. GAY], the senior Senator from Louisiana [Mr. RANSDELL], and the Senator from California [Mr. PHELAN] are necessarily absent.

The PRESIDING OFFICER (Mr. KENYON in the chair). Forty Senators have answered to their names. There is not a quorum present. The Secretary will call the names of absent Senators.

The Reading Clerk called the names of the absent Senators, and Mr. MOSES and Mr. STERLING answered to their names when called. Mr. BECKHAM, Mr. NELSON, Mr. SPENCER, Mr. WATSON, Mr. CUMMINS, Mr. SWANSON, Mr. SIMMONS, and Mr. FRANCE entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty Senators have answered to their names. A quorum is present.

Mr. LENROOT. Mr. President, the pending amendment seeks to strike out section 37, which provides for a separate construction service.

It seems to me that the committee, in the recommendation that it has made in this section, has gone in exactly the opposite direction to the one in which the Congress should be going if it would seek to secure economy in the expenditures of the Government. Instead of creating new departments, instead of creating new overheads, there ought to be greater consolidation into departments which are now existing.

If this amendment is adopted, I shall later offer other amendments that will place this construction work in the hands of the engineers, where it ought to be; and from the standpoint of direct expense alone, if this amendment is adopted, it is estimated that it will save the Government $3,000,000 a year. But that is only a small part of the expense that will be saved to the Government if this amendment is adopted, because, in my judgment, the Engineer Department will do this work vastly cheaper than the proposed separate construction department would be able to do it; and I base that statement upon what has transpired during the war.

The construction department of the Quartermaster's Corps which it is now proposed to put into an independent department did all of the construction work in this country during the war. The Engineer Corps did the construction work in France. While there have been many, many criticisms—indeed, little short of scandal—in connection with the construction work done in this country, so far as expense is concerned, I have not heard nor do I think anyone has heard any criticism of the work done by the Engineer Department in France, and that was due very largely to the different policies that were pursued.

This construction division that it is now proposed to make a wholly separate division, now under the head of Gen. Marshall—and I shall not cast any reflections upon him, but I think it was a very great mistake of judgment upon the part of the chief of that department—this department—when the war began, and we had to expend hundreds of millions of dollars in the construction of new cantonments and structures of various descriptions, followed the cost-plus system, by which, in the beginning of the war and to a lesser extent throughout the entire war, contracts were given to contractors agreeing that the Government would pay them as profits a certain percentage, sometimes as high as 10, upon the total cost of the work, and of course the inevitable result was that if a contractor was not very patriotic it was to his interest and his benefit, instead of securing as low costs as possible to the Government, to make them mount as high as possible. In other words, the more money he could expend upon the job the greater his profits would be.

That became so notorious, as Senators will remember, that later on Congress began attaching riders to these various bills appropriating money to carry on the war prohibiting cost-plus contracts. A committee of the other House has been investigating this subject of cost-plus contracts under this very division, and we noticed in the newspapers this morning that a report was made yesterday wherein it is recommended that the facts be turned over to the Department of Justice, because that committee believes that out of an expenditure of a little over $200,000,000 for cantonments, and so forth, there was $78,000,000 that could not possibly be defended, and the most of which ought to be recovered from the contractors; and I am sorry to say that Gen. Marshall, the head of the construction division, who will be the head, I take it, of this construction division if it is made a separate department, as provided in the bill—Gen. Marshall, as I understand, still defends this cost-plus contract system. He testified before a subcommittee of the other House last July, and I want to quote very briefly from his testimony:

The CHAIRMAN. But, General, would there be anything in such a contract other than a man's own sense of honor that would induce him to be on guard to see that the material was not wasted, and that the workmen were not loafing on the job?

Gen. MARSHALL. Well, it would be that, and his reputation, and his hope of future work. Certainly if he——

The CHAIRMAN (interposing). There would not be anything in the contract, however, from a personal pecuniary standpoint that would be an incentive for him to be on guard?

Gen. MARSHALL. Why, I would say from that point of view, probably not. But he had supervision, and if wastefulness existed other than might be expected on work of that character, he was sure to be called, and he could not get called more than so often without injuring his reputation to the extent of being denied further work, and at the time they were doing that work I believe that it was the honest endeavor of these men, even some of those who failed, it was the honest endeavor to do the best and to put into the work the best that they could put into it.

Mr. President, right there let me pause and say that appalling as the extravagance and the waste has been in this war, if that policy defended by Gen. Marshall had been pursued in every department of this Government the costs of this war would have been much greater than they are, because what is the implication from that testimony? That a contractor in any department of the Government can be trusted to fix his own profits and his

own costs, because he would not dare to fix them too high, for fear that he would not get another contract if he did. Why, Mr. President, there were profits enough in some of these contracts to make the contractor independent for life. He never would need to receive another contract.

Mr. FRANCE. Mr. President, do I understand that the Senator holds the construction division responsible for the adoption of that plan?

Mr. LENROOT. I do.

Mr. FRANCE. I think the Senator is misinformed.

Mr. LENROOT. Whether they originated it or not, I do not know; but they did adopt it, against the protest of Gen. Goethals, as the testimony shows.

Mr. FRANCE. They adopted it for the reason that the system was recommended by the Council of National Defense, was approved by the Secretary of War, and was adopted by the construction division as a result of that suggestion by the Council of National Defense and because of its approval by the Secretary of War.

Mr. LENROOT. Of course, if it were true that it was adopted under protest by the construction division, if the head of the construction division did not believe that it was a policy that ought to be adopted, then I frankly concede that the head of the construction division should not be subject to any criticism, because it was beyond his control; but it so happens that the testimony that I am now reading is a defense by the head of the construction division of that very cost-plus system. Not only that, but I hold in my hand extracts from a speech made by Gen. Marshall, the chief of this division, at the annual meeting of the Society of Civil Engineers on January 15, 1919, wherein, as I shall show, he not only defends this cost-plus system which had been prohibited by Congress and which had resulted in so much waste and extravagance, but he suggests that it is not the system that should be criticized, but it is Congress that should be educated so that they would no longer prohibit it.

Mr. FRANCE. Mr. President, I desire to say to the Senator that I am heartily opposed to the cost-plus system.

Mr. LENROOT. I am sure the Senator is.

Mr. FRANCE. I think it is a vicious and demoralizing system.

Mr. LENROOT. I was very sure that would be the Senator's position.

Mr. FRANCE. I would hold to strict account the gentlemen who originated it, however, not the officers who carried it out under orders.

Mr. LENROOT. I quite agree with the Senator. Gen. Marshall said on this occasion:

> Let me advert to the form of contract which the construction division has used. Popularly it is almost universally known as a "cost-plus contract," but, strictly speaking, this term is not exact. The contract which has been used from the beginning, with slight modifications in non-essential details, has been one in which the contractor was reimbursed his actual expenditures with a fee to him graduated on a sliding scale. The percentage he receives gets lower as the cost increases, and a maximum figure is set which his fee can in no case exceed, no matter what the cost of the work may be. Many reasons dictated the adoption of this form of contract, which, to all who understand the facts, has proved its usefulness and its value beyond the peradventure of a doubt.
>
> Let me not be misunderstood. The sole justification for the cost-plus contract as used during the war is not the uncertain and unstable condition brought about by the war, for the cost-plus contract, properly administered, is the proper, conservative, and just method of doing contracting work—just alike to the owner, the engineer, and the contractor. In this connection I want to draw the attention of this audience to the trend of Congress in this matter as indicated in two provisions of law.

Then he goes on and gives the prohibitions made by Congress—one on June 30, 1919, and the other a little later—prohibiting these cost-plus contracts in the future, and then Gen. Marshall says:

> I can not believe that this tendency of Congress has been brought about through any effort by this society, or any similar to it. I am convinced that the best thoughts are quite to the contrary. I do believe that these laws and similar talk in Congress are brought about by the lack of effort on the part of this society and similar ones.
>
> Education, of course, is the only remedy worthy the name for ignorance or for mistaken apprehension of facts. Through ignorance and through mistaken apprehension of the facts of the case the emergency contract outlined above has been the subject of bitter attacks from persons in and out of the Government service and from quarters high and low.

And that is the defense by Gen. Marshall of this cost-plus contract, in the face of the testimony which I wish Senators might read of the result of this cost-plus system. I was reading only this morning some testimony before that committee in regard to a hospital where the plumbers were putting in a heating apparatus, and the soldiers were freezing, and the physicians and nurses were compelled to wear heavy overcoats in order to protect themselves from the cold. The contractor under the cost-plus system had plumbers there who were gambling and playing craps during working hours, while the patients were suffering and perhaps dying from cold.

There was other testimony with reference to the cantonment at Fort Sheridan, where the testimony showed that finished lumber, valuable lumber, was carted away and burned; where roofing paper, the rolls of which had never been cut open, was carted away and dumped into the river. Oh, Mr. President, it is a sordid history, the history of the cost-plus contract system, and Congress did a good job when it prohibited it; and that is one reason, aside from any natural saving in overhead, why there ought not to be a separate construction division for the performance of this work, when there is a division in the Army where this work actually belongs, the Engineer Corps. When Congress has appropriated money to be expended under the direction of the Board of Engineers there has been no scandal or criticism concerning the expenditure of that money by the Corps of Engineers. They have expended more than a billion dollars in this country. As I have stated, they had charge of the construction work in France. The Engineer Corps in France constructed a total of 17,120 barracks, which, if placed end to end, would cover a distance of 324 miles. They constructed space for 280,000 hospital beds. Docks aggregating in length 4,100 feet were built and equipped. One thousand and thirty-five miles of standard-gauge railroad was built by this division. Storage space covering more than 500 acres was constructed by the engineers in France. So I might go on at great length detailing the work done by the engineers in all of the construction work which the Army had to do over in France.

It is a creditable record, Mr. President, and the Engineer Corps has done such splendid work in France, and in the doing of all our river and harbor work has had the greatest care for Government expenditures, and to the knowledge of every Senator they have repeatedly rejected bids for river and harbor work where they deemed the price excessive, and they have come before Congress and repeatedly asked for authority to do the work themselves, not under contract, believing it could be done cheaper than by contract. They have gone along with those two systems side by side, one checking the other; but through it all, with all the money that has been expended, I have yet to hear any criticism of any waste or extravagance in the expenditure of the money appropriated for the improvement of rivers and harbors under the jurisdiction of the Corps of Engineers.

So, Mr. President, the adoption of this amendment will mean an outright saving to the Government of $3,000,000 per year. It will bring about a consolidation in the direction that we ought to move with reference to all of the divisions and departments of our Government. Instead of this alone being under the Board of Engineers, we ought to have one department of this Government, in my judgment, which would do all original and new construction work, and we could save immense amounts of money if we had.

But more than that, by far more than that, with the experience we have had with the engineers, we are assured that if they shall have the expenditure of appropriations made by Congress for new and original construction in the Army, the money will be economically expended. We have no such assurance whatever if a new and separate construction division is created, as is proposed by the bill.

I do not reflect upon Gen. Marshall's integrity; of course not. I have no doubt that Gen. Marshall thought he was doing the best possible for the Government. But, Mr. President, it is too expensive to the country to have such mistakes of judgment, especially when we can put this work into the hands of a department that has had experience, and which will not make such mistakes of judgment, costing the Government millions upon millions of dollars.

Mr. STERLING. Mr. President, I was not in the Chamber when the Senator from Wisconsin [Mr. LENROOT] offered his amendment, nor have I had the good fortune to hear all he has had to say in regard to it. But, Mr. President, I have formed altogether a different impression as to the work of the Construction Division from that formed by the Senator from Wisconsin.

From the information I have had I concluded that the Board of Army Engineers did not have the men, in the first place, fitted for this work, the work that was required to be done after we came into the war, nor did they have the equipment, and that it was necessary to organize this Construction Division separate and apart from the Army engineers for the purpose of carrying on this great work.

I further believe, Mr. President, that with the experience the country has had in the work of the Construction Division we can not now afford to dispense with that division; that it will

be in the interest of both economy and efficiency if that division is still retained as a division separate from the Board of Army Engineers.

I think, Mr. President, there is disposition upon the part of the Board of Army Engineers to arrogate to itself as much of power as possible, and now that the war is over it would bring within its jurisdiction all work of the kind performed by the Construction Division. I do not believe this should be. I believe it will be in the interest of the Government to retain this separate Construction Division, made up largely of skilled civil engineers, who will carry on all the work of construction needed by the Army, aside, of course, from the construction of military roads, bridges, and fortifications, this being strictly military work, for which the Army Engineers' organization is fitted.

A statement has been furnished me, Mr. President, and I am going to refer to this statement and read from it freely. I believe it is well founded. It is furnished by a gentleman who has been in the Construction Division, a man whom I know very well and whom I regard as a most competent and able civil engineer. First, as to the history of the work of this Construction Division he says:

Early in May, 1917, the War Department was confronted with the task of providing suitable training camps for the draft army and the National Guard. The question of policy was referred to the Council of National Defense, which decided, after due consideration, that neither the Quartermaster Corps nor the Corps of Engineers nor any other bureau of the War Department was equipped to handle such a stupendous building task in the short space of time available. Hence the Cantonment Division was organized, starting with three Regular Army officers and gradually calling to their aid hundreds of prominent engineers, contractors, lawyers, business men, etc., some of whom were commissioned as volunteer officers. Ultimately this organization attained a personnel of about 1,500 officers (98 per cent volunteer) and about 10,000 civilians, who directed and supervised the operations of some 450,000 men employed simultaneously on about 450 projects scattered throughout the country.

The Cantonment Division built the 32 training camps (16 tent camps for the National Guard and 16 barrack camps, or cantonments, for the National Army), having a total capacity for about 650,000 troops, and accomplished this task in about 90 days. The Secretary of War has stated that next to the transportation of troops across the ocean this was the greatest feat accomplished during the war. The Assistant Secretary of War and others have declared this work to be the greatest building exploit in all history.

Soon after the completion of the camps it became evident that the War Department would require an extensive program of construction, involving port terminals, interior storage depots, hospitals, munition plants, proving grounds, plants for the manufacture of acids, gases, shells, etc. Work on several of these projects had already been started under the jurisdiction of the different services which were to operate them, but it soon became evident that in order to carry on this work efficiently and expeditiously it would be necessary to combine it under one head, and hence it was all turned over to the Cantonment Division, the name of which was changed to the Construction Division of the Army. This organization was placed under the Chief of Staff as a temporary independent service, and this is its present status.

The bill, as I understand it, continues the construction division with its present status as such.

During the duration of the war the construction division prepared the plans and carried on the construction of over 500 independent projects at various points throughout this country, Panama, the Hawaiian Islands, and the Philippines at an expenditure of approximately $1,200,000,000. The magnitude of this work can be understood when it is compared with the construction of the Panama Canal, which was located at one point and required a period of 10 years for its construction, at a cost of $375,000,000.

Since the signing of the armistice the construction division has done notable work in the salvaging of a large number of camps and other temporary projects and in the satisfactory settlement of over 20,000 incomplete contracts.

And here is an account of the attempts made by the Board of Army Engineers to take over the division.

There have been several distinct attempts in the last four years to put the work of the construction division under the Corps of Engineers. Each of these attempts seem to have been made with a view to the centralization of additional jurisdiction and authority in the Corps of Engineers. After due consideration of the facts of each case, and with especial reference to the essential differences between the combative or military character of work performed by the Engineer Corps and the noncombative or civilian character of work handled by the construction division, the Secretary of War and Chief of Staff in each instance continued the construction division in the performance of its logical duties.

Mr. President, that is what it would amount to, additional jurisdiction and authority to anything the Corps of Army Engineers has ever yet had. Their business has been in the main the construction of roads and bridges for Army purposes, and the construction of fortifications; and, of course, that special work which they always do on rivers and harbors. I do not know for how long, but for many years, anyhow, all river and harbor projects and improvements have been referred to the Board of Army Engineers.

Reference was made by the Senator from Wisconsin [Mr. LENROOT] to what was done in France. Granted there was great work done there, and it may have been done under the general supervision of the Army engineers; but for the most part it was done by civilians or by men specially trained, men who were commissioned from civil life, more largely done under their supervision, I suppose, than under the supervision of those who had been long with the Board of Army Engineers.

Mr. LENROOT. Mr. President——

Mr. STERLING. I yield to the Senator from Wisconsin.

Mr. LENROOT. Does not the Senator admit that the head of the department, whatever it may be, has the responsibility for the policy, in so far as he has discretion?

Mr. STERLING. I grant that that is perhaps true, but there was the reliance, of course, on the civilian engineers doing the work, the very kind of engineers that occupy places in the construction division.

I read further:

After due consideration of the facts of each case and with especial reference to the essential differences between the combative or military character of the work performed by the Engineer Corps and the noncombatant or civilian character of work handled by the Construction Division, the Secretary of War and Chief of Staff in each instance continued the construction division in the performance of its logical duties.

Reference has been made to the cost-plus contracts as though the construction division was responsible for contracts of this character, but the construction division did not have the initiative in that regard. That plan had been agreed upon by higher authorities, was sanctioned by the Secretary of War, if not initiated by him, and by the Chief of Staff, and the construction division was simply following out in that kind of a contract the plan that had already been determined upon by the higher authorities.

I read further:

The Engineer Corps has never in the history of this country, nor of the Army, had anything to do with construction work for the Army, nor with the construction or operation of utilities.

I will say perhaps that statement ought to be modified by examples——

Mr. NELSON. Whoever wrote that wrote what was not true.

Mr. STERLING. I grant that it is a pretty broad statement, but I think the Senator from Minnesota will agree with me that this in the main is true. They have accomplished this great work independently of the Corps of Army Engineers. They have demonstrated their fitness to continue as a separate organization, and that by reason of their experience it will mean yet greater economy and efficiency.

Mr. LENROOT. Will the Senator yield?

Mr. STERLING. Certainly.

Mr. LENROOT. By that great work does the Senator mean the cantonments of this country?

Mr. STERLING. Largely.

Mr. LENROOT. Does the Senator justify it and say that was a creditable piece of work, in view of everything that has occurred?

Mr. STERLING. I think in view of everything it was a most creditable piece of work, when we take into consideration the 90 days' time within which they had to do that immense work, what it was, and the fact that 650,000 men within 90 days were accommodated in these camps and cantonments.

I read further:

The work of the Engineer Corps is distinctly military in its character and has to do with construction work essential for the mobilization and handling of military organizations under military conditions. This is a class of work for which civilians without military training and experience are totally unfitted. On the other hand, the engineer officer, trained for military operations, is equally unfitted to handle construction work on a large scale under commercial conditions.

There, I think, the gentleman who furnishes me this statement strikes a very important point.

The Engineer Corps is not fitted, by reason of training or experience of its men, up to date, to deal with these great projects and improvements under commercial conditions as are the civil engineers—the men coming from civil life. The civil engineer knows more about labor conditions, cost of material, trade conditions, and the making of contracts for construction work than does the Army Engineer.

Mr. REED. Mr. President——

The PRESIDING OFFICER (Mr. DIAL in the chair). Does the Senator from South Dakota yield to the Senator from Missouri?

Mr. STERLING. I yield.

Mr. REED. Did the construction corps of which the Senator is speaking advise the construction or building of these habitations that we have over in front of the Capitol Grounds—that class of work that was called the housing problem—did they build those?

Mr. STERLING. I am not sure, I will say to the Senator, whether it came directly under the Construction Division or not.

Mr. REED. I am not limiting my question to those few buildings, but there was a large project carried on for the housing of

employees both of the Government and the concerns engaged in producing war supplies. That consisted in the building of a large number of dwellings and other buildings in a considerable number of places in the country. I am curious to know whether this board which the Senator wants to have continued is the board that had control of that construction.

Mr. STERLING. I will say to the Senator that on reflection and on referring again to the statement which was furnished me, I do not think that it had supervision of that work, for in addition to the cantonments and camps the writer of this statement goes on to say:

Soon after the completion of the camps it became evident that the War Department would require an extensive program of construction, involving port terminals, interior storage depots, hospitals, munition plants, proving grounds, plants for the manufacture of acids, gases, shells—

And so forth.

Nowhere in the statement is work of that kind mentioned, and I would infer from that, without reference to what is now said by the Senator from New York [Mr. WADSWORTH], that they did not have supervision of that work.

Mr. REED. The Senator from New York in a side remark refers to the Housing Corporation. I am aware that they were the immediate agents, but what I want to get at is whether any part of the construction of these buildings or the general supervision of them or the responsibility for them in any way falls on this board. I want to ask another question while I am on my feet. Did the Construction Division have anything to do with the location of these camps?

Mr. STERLING. I think not. That was determined upon by the Secretary of War, I take it.

Mr. WADSWORTH. The sites of the several camps were chosen by boards of officers who were appointed for the purpose very early in our participation in the war and who reported back to the Secretary of War. In fact, the sites, I think, were selected before the Construction Division was made a separate division. They had nothing to do with placing the sites; they merely constructed the buildings.

Mr. REED. I am obliged to the Senator. Does the Senator propose now, because we had a war in which we were able to organize a body of men to perform this miracle that he has been describing and do it within 90 days, to perpetuate that body? What is the reason, if we did it this time and performed this remarkable work without any such organization, that it should now be perpetuated? Why could it not be reproduced in case of another war? Why should we prolong it during the period of the millennium which is now upon us and which will probably make all war in the future impossible?

Mr. STERLING. Without regard to war, I can conceive that there would be work for this construction division in time of peace, not in the work of building roads or building fortifications, of course, but in other construction work which would be necessary for the Army. Part of their work is seen in the salvaging which they have done at the various camps and cantonments which are no longer needed or all of which are not needed on account of the different conditions.

Mr. REED. Let me ask the Senator a further question. He speaks of the salvaging. How does the Senator know that that has been successfully done? Has there been anything really saved? Has it been economically done?

Mr. STERLING. I think it has been economically done, as economically done as it could have been done. Does the Senator from Missouri——

Mr. REED. I am not making any charge, but the thing I am interested in is to get at the facts; that is all. The Senator spoke of this body of men having spent over a billion dollars. That does not prove anything; they may have spent it wisely, and they may have spent it unwisely. The amount of money expended tells us nothing except that the money is gone.

Mr. STERLING. It does tell us the number of projects, I will say to the Senator from Missouri.

Mr. REED. I could spend a billion dollars in a night with no other project than a roulette wheel.

Mr. STERLING. Over 500 independent projects at various points were involved.

Mr. REED. The Senator speaks of salvage. There may have been a great deal of salvage. The question is, Was there an efficient salvage? That is what I am interested in knowing. For instance, there was some salvaging done in France, we are told, which consisted in selling our materials over there for practically nothing.

Mr. STERLING. The Senator from Missouri will not blame that on this construction division?

Mr. REED. Oh, no; I am using it as an illustration. The construction division has been salvaging a number of things. The Senator speaks of the magnitude of the work. That does not quite cover the question. I am not taking any sides in this.

Mr. STERLING. I understand.

Mr. REED. I want information. I would like to know what the Senator knows about this work having been efficiently done? I am not saying it was not efficiently done. I may be for the board. I am seeking light.

Mr. STERLING. I can not speak with particularity in regard to the number of camps or cantonments at which this salvage work has been done nor just how efficiently it has been done, but the gentleman who furnishes me this statement says:

Since the signing of the armistice the construction division has done notable work in the salvaging of a large number of camps and other temporary projects.

Mr. REED. That sounds well; but the Senator does not tell us who is the author of it, and the Senator himself is not the author. If the Senator had examined that work and made that statement, I would be willing to take his conclusion, but he reads the conclusion of another man and does not tell us who the man is.

Mr. STERLING. No; I do not feel at liberty to tell who the man is or to give his name, but he is a man I have known for a great many years and have always regarded as a most competent civil engineer and a very reliable man. He would not make that broad statement as so much camouflage. He means something substantial; that substantial work in the matter of salvaging has been done.

Mr. REED. To save my life, I can not see why his name should be kept from the Senate.

Mr. STERLING. It is not at his request that I do not mention the name, I will say to the Senator from Missouri. I have not been given liberty to use his name; he is in the service, and I do not like to use his name because of that fact. I will read just a little further from the statement, Mr. President, and then I will close.

It would be clearly unwise to separate the operation of utilities of the various military projects of this country from the organization carrying on the construction and repair of these projects. In order to secure economy and efficiency of design, construction, and operation, it is necessary that all these functions should be performed by the same organization. The organization which designed, built, and has operated these projects from the beginning is certainly the one which should continue to administer them. This organization, by virtue of its being largely composed of civilian experts, is flexible, direct, and businesslike in its operations; distinctly different from other Government bureaus, and especially the usual military organizations.

In order that the Government may receive from the construction division in the future the greatest value and efficiency, the Army reorganization bill should provide for the continuance of the construction division as a separate corps or service—

And so forth.

Mr. President, I have been impressed with that statement and it appeals to me throughout, without having special knowledge of the subject, as being a most reasonable statement, one which bears on its face evidence of its truth and the value of the construction division as an independent branch, separate and apart from the Corps of Army Engineers. I think there is here a distinct and a special field of work which can be better performed by the construction division than it can be by the Board of Army Engineers. It is a field over which that board has not heretofore had jurisdiction.

Mr. NELSON. Mr. President, I have listened attentively to the argument of the Senator from South Dakota, but, even accepting his argument at its full weight, he is entirely out of harmony with the bill. The theory is that while during the recent war we had a construction or cantonment division, which built all the cantonments, therefore we ought to retain it. While it was necessary during the war to build cantonments, and to build them in a hurry, I want to call the Senator's attention to the fact that that work was not performed by Army engineers; nominally they were at the head of it; but the architects who prepared the plans for the buildings, the mechanics who did the work, and all of the laborers were nothing but civilians and their work was confined to this country.

I was sorry to hear the Senator from South Dakota belittle what our Engineer Corps did in France. The Army engineers had charge of all important construction work there; they built over a thousand miles of broad-gauge standard railroad; they sent men over from this country into the woods to chop the timber, build the sawmills, and manufacture the lumber. They built the roads, they erected the buildings, and every structure which was needed there for the Army was built under the engineering forces of the United States.

Mr. STERLING. Will the Senator yield for just a moment?

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from South Dakota?

Mr. NELSON. I yield.

Mr. STERLING. The Army engineers, I grant, had general supervision, but was not much of the work of the supervision of

this or that particular project or the construction of this or that barrack or of this or that road left to civil engineers who had been commissioned but who were not a part of the Army Engineer Corps at all?

Mr. NELSON. No; not as a rule. I wish to say that the great body of the men who did the work in France were enlisted men. The men who worked on the cantonments in this country were civilian employees; they were hired by the architects and the contractors, and were not enlisted in the Army. The men who did the work over in France were all enlisted men. I know that fact, because men from my own State were enlisted to go into the woods in France to cut the timber, to build sawmills, and to get out the lumber. They built the wharves and did everything in the shape of construction work that was there required.

However, granting all that the Senator says, that the construction service performed great civilian work during the war in building cantonments here, does the Senator expect that we shall carry on that work in time of peace? Are we to keep up the building of cantonments? Will our work be anything else but to keep those buildings from going to decay?

More than that. I desire to call the Senator's attention to the provisions of the bill and to show him what they are. I call his attention to pages 44 and 45, from which I read:

SEC. 37. The construction service: There is hereby established a construction service which, under regulations to be established by the President and in accordance with the provisions of this act, shall be charged with—

With what?—

the construction, maintenance, and repair of all buildings, structures (other than fortifications), and utilities, and the preparation of plans therefor in accordance with the requirements of the several arms, corps, and services of the Army of the United States—

And so forth.

Who is to do this work? Is it to be done by the civilian carpenters and the civilian architects who built the cantonments? Why, bless you, no. Here is the provision, which reads:

The permanent personnel of the construction service shall consist of one chief of construction, with the rank of brigadier general—

We have always got to provide for a brigadier general, even if it is only to do a bit of carpenter's work—

and 200 officers, in grades from second lieutenant to colonel, inclusive, and 6,000 enlisted men.

Just think of that! Are you going to take the carpenters of the country and issue commissions to them? Are you going to take the architects and issue commissions to them? Why do you want such a big force of Regular Army officers put over this construction division—to look after the lot of dilapidated cantonments which are going to rack and ruin? Where is a civilian force provided for in the bill?

Mr. STERLING. If the Senator will read the remaining portions of the bill he will see where they will obtain the men. All these men will be assigned from the permanent personnel under the provisions of the act. They will not be 6,000 new men in the service, but they will be men assigned from the permanent personnel of the Army.

Mr. NELSON. Why, bless you, they will be 6,000 enlisted soldiers. There are men enlisted in the service who can be detailed for this work or detailed for any other work, but they are not enlisted as carpenters. The Senator is utterly mistaken. They are enlisted like any other soldiers; and then there is to be the commissioned personnel, consisting of a brigadier general and 200 officers in grades from second lieutenant to colonel.

It is admitted that the erection of buildings is all civilian work. It does not require any engineering skill. It is work a civilian architect and civilian mechanics can do; it does not require a brigadier general or a number of officers from second lieutenant up. It simply requires plain carpenters and plain American architects, not with the trappings of a brigadier general or the trappings of a colonel or of a second lieutenant.

Mr. SWANSON. Mr. President, will the Senator permit me to interrupt him for a moment?

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Virginia?

Mr. NELSON. Yes, sir.

Mr. SWANSON. I have a statement here concerning which I should like to advise the Senator in order to see if he can verify it. As I understand, when the recommendations were submitted to Congress the Engineer Corps made an estimate as to the officers it would need if the construction and utilities work were continued under it. Then the Quartermaster Corps made an estimate of the officers they would need if the work of construction and utilities was continued under them.

Mr. NELSON. I will answer the Senator by referring to an old Norwegian maxim, that one crow does not dig out the eyes of another crow.

Mr. SWANSON. This is a case where there are three crows and each one wants so many crows to do the work. I understand that the construction division also made a recommendation to Congress of what it would need to do this work, and they only asked for 294 officers both for construction work and for the operation of utilities.

Mr. NELSON. Of course, if they get the officers, it makes very little difference whether they are in the Engineer Corps or some other corps; it is an officers' bill from first to last; it is to make places for a lot of officers.

Mr. SWANSON. The question is whether the construction work shall be carried on by a separate corps or whether it shall be consolidated under the Engineer Corps or under the Quartermaster Department. I understand that the Engineer Corps asked for 370 officers to carry on the construction and utilities work. I understand, further, that when estimates were made to Congress as to what would be required to do the work of construction and utilities if it were consolidated under the Quartermaster Department, they asked for more officers to do it than the construction corps asked for.

Mr. NELSON. I would not give them more officers.

Mr. SWANSON. The only question now is whether the construction service shall be a separate department or be consolidated with one of the other departments or corps. As I understand, as a separate department, the chief of construction and utilities asks for less officers than the Engineer Corps or the Quartermaster Department asks for if the work is assigned to them. I am for the one that will do the work with the least officers if it can be done efficiently.

Mr. NELSON. But why do we need officers and enlisted men to do this civilian work?

Mr. SWANSON. Probably a great deal of it could be done without them; but the point I make is, if the construction and utilities work is put under a separate corps and they can do the same work as efficiently with less officers than the Quartermaster Department asks for in their estimate and with less than the Engineer Corps asks for in their estimate, economy ought to make us provide a separate corps for this purpose.

Mr. LENROOT. Mr. President, will the Senator from Minnesota yield?

Mr. NELSON. Certainly.

Mr. LENROOT. May I ask the Senator from Virginia where he secured the information that the Engineer Department asked for a larger number of officers?

Mr. SWANSON. From a memorandum setting forth the estimates submitted to Congress showing what will be required to do the work. I do not know what the appropriation bill gives them, but I am referring to the estimates made to Congress when the various corps requested appropriations.

Mr. LENROOT. There could not have been any estimate by the Engineers for this work, because it never was under the jurisdiction of the Engineers.

Mr. SWANSON. The estimates were made with a view to the work being put under their control.

Mr. LENROOT. That could not have been included in the estimates.

Mr. SWANSON. As I understand, there are three propositions—to have the construction work carried on by a separate corps, to put it under the Engineer Corps, or to put it under the Quartermaster Department—and, as I understand, in the estimates that have been submitted for the officers to do this work a less number were asked for by the Construction Division as a separate department than were asked for if it were consolidated with either of the other two corps.

Mr. LENROOT. I am very sure the Senator is mistaken, because I have consulted the officers of the Engineer Corps, and instead of asking for more officers they say they can do the work with 70 officers less than if it were done by a separate division.

Mr. WADSWORTH. If I may interrupt the Senator there, how many more does the Quartermaster Department want to run the utilities?

Mr. LENROOT. I do not know.

Mr. WADSWORTH. That would just about even it up.

Mr. SWANSON. I repeat that, according to my understanding, the construction and utilities work, if carried on by a separate corps, can be conducted with less officers than if the construction and utilities work is consolidated under the Quartermaster Department or under the Engineer Corps.

Mr. LENROOT. I will say, if the Senator from Minnesota will yield further, in response to the Senator from New York,

that I have also made inquiries of the representatives of the Quartermaster General's Corps, and they have all indicated that if they run the utilities they will not ask for any more officers.

Mr. SWANSON. Mr. President, I do not desire to make a speech. I merely want to have a memorandum printed in the RECORD.

Mr. NELSON. Who is the Senator's authority? Is it from some military officer hiding behind a shadow?

Mr. SWANSON. It is a military officer.

Mr. NELSON. Who is he?

Mr. SWANSON. In order that it may be understood, I want to have the memorandum put into the RECORD, so that if it is not correct that fact may be brought out.

Mr. NELSON. Will the Senator put his name in?

Mr. SWANSON. I will put his name in after I get permission to incorporate the memorandum.

Mr. NELSON. I object to its going into the RECORD unless the officer's name is given.

Mr. SWANSON. If it is accurate, it can speak for itself.

Mr. NELSON. I want to know who the military man is who gives this information.

Mr. SWANSON. I have had made a computation, from which it appears that the appropriation bill passed by the House carries $350,000,000. We have an estimate that $138,000,000 of that sum will be used for pay of officers and soldiers, leaving $212,000,000 for other purposes, and out of that $212,000,000 for construction there is appropriated $6,000,000 and for utilities $30,000,000, making $36,000,000 in all, which, it seems to me, is sufficient to justify a separate department. Now, I should like to have the memorandum to which I have referred put into the RECORD, so that if it is not correct that fact can be shown.

Mr. NELSON. I want the name of the man who wrote it.

Mr. SWANSON. If I see him and get his permission, I shall be glad to furnish it.

Mr. NELSON. Unless his name is given I object, Mr. President.

I am very sorry to see my friends here from South Dakota and from Virginia and from New York so wedded to this great Army scheme. I am a friend of the common soldier, especially of the corporals, and I am a friend of the efficient and good officers; but I am not a friend of this scheme to build up an unusual and extraordinary body of officers, in time of peace, out of all proportion with the little Army that we are to have. I should be very glad to see our Army at least 400,000 strong; but, inasmuch as that is not to be the case, inasmuch as we are to have an Army, outside of the officers, of less than 300,000 men, I think we ought to have a little economy in the way of establishing so many places for commissioned officers.

Take the argument of the Senator from South Dakota [Mr. STERLING]. He described the great work that had been done in building these cantonments during the recent war. It was indeed a great work, although it was done under contracts that in principle, perhaps, were not justified. I shall refer to that a little by and by; but, after all, it was civilian work. It was not military work. The architects who planned the cantonments were civilians. The men who did the work and the mechanics and the laborers were civilians, and the Army officers had but little work to do in that connection. We are expecting to live from now on indefinitely—I might say some people think so at least—in piping times of peace. We are not expecting any more building of cantonments. About all that will be required in the way of cantonments will be nursing and taking care of these old cantonments and getting some use from the odds and ends before they go to utter decay. About all that this construction corps will have to do from now on, unless we get into another war, will not be to build new cantonments or new camps but to be a sort of a wet nurse for these old cantonments and these old buildings that we have scattered over the country, and to take care that the lumber and material in those cantonments does not go utterly to waste.

The building work that is contemplated in this bill is purely civilian work. It is not work for which you should detail a brigadier general and 200 officers and 6,000 enlisted men. An enlisted man is a soldier, and an enlisted man can be detailed for various kinds of work. He can be detailed for this work, but he is nevertheless a soldier. He is a part of the little Army that we are to have, of 300,000 men or so. For work of this kind—and I do not care whether you put it under the Quartermaster Department or under a separate construction division—for work of this kind, purely civilian work, purely work for architects and carpenters, purely work for these salvage men who are to pick up the wrecks of these buildings, why do we need a corps of officers and enlisted men? Why can we not do it with other forces and through other methods if we want to economize?

In order to justify this, it has been attempted indirectly to create the impression—I do not say that it was done intentionally, but that was the drift of the argument—that the engineers of the Army do as great work as was done by this cantonment construction division here in America. Why, all the construction work was done by the Engineering Corps over in France, and done by the enlisted men of that corps, men enlisted as private and noncommissioned officers.

Mr. HARRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Georgia?

Mr. NELSON. Certainly.

Mr. HARRIS. I will say to the Senator from Minnesota that the engineers not only did this splendid construction work in France but the Sixth Engineers participated in as many battles as any other regiment during the late war.

Mr. NELSON. Now, Mr. President, look over the great work done by our Army engineers over in France from first to last. They had to build wharves, they had to build buildings in which to store all our Army supplies, they had to build railroads, not only standard-guage railroads, but—I do not know whether I use the military phrase correctly or not—they had to build those little pony railroads that run up from the main front line up to no man's land, as they called it. They had to build all those things.

They had to build roads, and get everything into condition. Practically all the construction work in France was performed by our engineers, and look what a body of men they are! We have not in the whole Army service a body of men equal to the United States Engineers. For years and years they have conducted all the river and harbor improvements in this country; they have expended millions of dollars year by year, and in all the life of the corps there has only been a single scandal, and that was in the case of Carter; and all he made away with the Government finally recovered, and he had to serve a sentence in jail. Outside of that, the Engineer Corps have performed the most valuable service. They constructed the Panama Canal; they constructed the great canals and locks up at the Sault Ste. Marie; and all our great river and harbor improvements have been conducted under their auspices and under their direction.

Why should you attempt now, in time of peace, to humiliate a body of men that have such a record as our Army engineers have had from first to last, and take away a part of their work, and not leave it in their hands? Are not these men, who have had charge of our river and harbor improvements, competent to oversee and look after these dilapidated cantonments? Are not they more competent than anyone else to effect any salvage that can be made out of them?

Mr. WADSWORTH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from New York?

Mr. NELSON. I yield to the Senator.

Mr. WADSWORTH. Is it not a fact that the engineers have never had this construction work in the Army?

Mr. NELSON. They had it over in France.

Mr. WADSWORTH. In time of peace?

Mr. NELSON. I do not care about what is done in time of peace.

Mr. WADSWORTH. But just a moment.

Mr. NELSON. No matter what happens, you are not building on time of peace. You never had such a department or bureau in time of peace before the war as this construction bureau.

Mr. WADSWORTH. Yes, Mr. President.

Mr. NELSON. I never heard of it.

Mr. WADSWORTH. It was a division in the Quartermaster General's Office.

Mr. NELSON. It may have been a division. It was no more a division than we had in the Quartermaster Department. They had their division of rivers and harbors, and in the Engineer Department they had a division of rivers and harbors.

Mr. WADSWORTH. But the Senator said that we were——

Mr. NELSON. I am talking about what occurred in France during the war.

Mr. WADSWORTH. Mr. President, I ask permission to interrupt the Senator just for this purpose——

Mr. NELSON. Certainly.

Mr. WADSWORTH. The Senator said that we were now trying to cast aspersions upon the Engineer Corps by taking away from the Engineer Corps the work which it had had.

Mr. President, this bill does not do that. The Engineer Corps never has done the construction work for the Army——

Mr. NELSON. I think the Senator is mistaken about that.

Mr. WADSWORTH. Except military construction alone.

Mr. NELSON. Well, that has been about the only construction. We have not had any cantonment work before this war broke out.

Mr. WADSWORTH. Oh, yes, Mr. President. We have built barracks; we take care of walks and roads in the Army posts——

Mr. NELSON. Yes, for automobiles.

Mr. WADSWORTH. Pumping stations, sewerage plants, drainage, repairs, and maintenance.

Mr. NELSON. Yes; and I will tell you what this grand cantonment corps of yours did during the war. They built a lot of automobile roads all over the country. I think it was one of these so-called cantonment corps that built a lot of these automobile roads down South in the different localities. Of course, if it is in contemplation to build more of those roads under this provision of the bill—and you never can tell—if that is the purpose of the bill, I can see where there is a field for it. You want more concrete roads built, and you think you can do it under this construction division.

Mr. WADSWORTH. Why, Mr. President, this has nothing to do with building concrete roads.

Mr. NELSON. Oh, well; see how broad this language is:

> Shall be charged with the construction, maintenance, and repair of all buildings, structures, and utilities.

Mr. WADSWORTH. In the Army.

Mr. NELSON. That language is broad enough to cover a multitude of sins, as it was during the war.

Mr. WADSWORTH. That is the language which has been used in the Army appropriation bills for years and years. It covers the maintenance and repair of barracks.

Mr. NELSON. We have a great many old-time, worn-out phrases in the Army bill that we ought to eliminate. There are a great many antediluvian things in the Army bill that we ought to eliminate. We ought to come back to business principles. Take this bill as an entirety, and I say—and I do not say it in any invidious spirit—that it is an officers' bill. It is top-heavy. It creates a larger force of officers than is necessary for the small Army that we are to retain in the future.

I want to add another thing—whoever is responsible for it finally, I can not say—and that is in reference to the matter that was discussed by the Senator from Wisconsin [Mr. LENROOT] about these cost-plus contracts. I understand that most of the cantonment work was done under that system. I am not familiar with that part of it, but I know what took place under the cost-plus contracts in reference to shipbuilding. I know what took place in reference to the great shipyard started at Hog Island under a cost-plus contract.

There was a company in which Stone & Webster, the great engineers of Boston, noted all over the country, became interested. They became interested in the building of that shipyard, and in building ships there. It was a cost-plus contract. The Government was to pay all the expenses for labor and material, and they were to have a percentage on all the product. What transpired under that? Why, Stone & Webster, who were a part of this company, unloaded, saddled on it their chief engineer, whom they had had for years on their pay roll at $12,000 a year. He was put on the Government pay roll at Hog Island at $30,000 a year. I know another man from my State, who probably had never earned over $5,000 a year, who was put on the pay roll there at $15,000 a year. I know a couple of men from Minnesota who were junk dealers, who had been accustomed to do wrecking of buildings and picking up odds and ends for Stone & Webster, and they were put on the Hog Island pay roll under that cost-plus contract, one at $1,000 a month and the other at $625 a month.

That is how the cost-plus contracts operated in shipbuilding. We had other yards, but I am more familiar with what transpired at the Hog Island yard, and we were unmercifully plucked by these cost-plus contracts.

Whoever inspired that kind of contracts, whoever brought them forward and got them to be adopted and used, either in the construction of cantonments or in the building of ships, was no friend of the American people. He played into the hands of the grafters and the contractors and the money-makers. I know in the case of the Hog Island shipyard the Government has been most unmercifully plucked, and I have no doubt that if we could ever get at the bottom of it—but we never will, Mr. President—we would find how the American people were plucked in the construction of these cantonments.

But there is one consolation, Mr. President. We had such grafters, such promoters, such greedy men during the days of the Civil War, and they came out of that war with their millions. But the whirligig of time has made all things even. Where are those men to-day who made fortunes out of the Civil War? They are dead. The fortunes they made out of the Government have become dissipated, and many of their children and descendants have become wrecks.

It may be an unholy hope, Mr. President, but I hope that the men who have been filching from the pockets of Uncle Sam in these unholy contracts and by these unholy methods may encounter the same experience that was encountered by the grafters and promoters of the Civil War.

Mr. McKELLAR. Mr. President, I merely wish to call attention to the figures in reference to the officers.

The bill provides for 201 officers—1 brigadier general and 200 officers in grades from second lieutenant to colonel, inclusive—and 6,000 enlisted men. A memorandum from the Quartermaster General's Department, with which this construction service was before the war and is now, under the general law, has furnished this statement:

> With construction a part of the Quartermaster Corps, but 47 of these officers would be engaged on such work, as follows:
>
> In the office of the Quartermaster General:
>
Brigadier general	1
Colonels	2
Majors	4
Captains	6
Total	13
>
> For the field:
>
Majors	10
Captains	24
Total	34

Or a grand total of 47 officers, as against 201 officers, which would be a saving in officers.

I have not the figures about the men, but I understand that there will be quite as great a saving, proportionately, in the matter of men.

I agree that this amendment ought to be adopted. I think beyond doubt it would mean a saving. A very careful officer has estimated that the cost of the three services which are provided by the bill—to wit, the finance service, the transportation service, and the construction service—will be $33,247,584. I think the Senate should know what it means to create these additional services. It will cost a great deal of money, and it is believed that the efficiency will not be as great.

Mr. REED. The Senator stated that there would be a great reduction in officers, and gave us the figures, and said he understood there would be a corresponding reduction in the number of enlisted men.

Mr. McKELLAR. Yes.

Mr. REED. That is very interesting. How does the Senator understand that?

Mr. McKELLAR. I have a statement which I would like to put into the RECORD from the Quartermaster General's Department, in which it is stated exactly how that arises. In the use of men for all purposes there would be a duplication of work if separate services are provided.

Mr. REED. Duplication on the part of the enlisted men through the actual manual labor?

Mr. McKELLAR. Yes; and so many posts. Men who are engaged in one work could also be used for another department.

Mr. REED. I can understand how by creating a separate organization it might be that the officers running that organization would have to be more numerous than if they act as officers of the Quartermaster Department, and I can understand how the difference might be the difference between 47 and 201, but I can not understand how there should be a reduction in the personnel of the laborers to a corresponding degree. It surely can not be that they would enlist 6,000 men to do, each of them, a day's work each day and take them out and employ them under this new plan, and that somebody else in another department can get along with one-eighth of the same number of laborers and accomplish the same results.

Mr. LENROOT. It is not one-eighth; there is a reduction of only 2,000 suggested here.

Mr. REED. But the statement of the Senator from Tennessee was that there was a corresponding reduction in the number of laborers.

Mr. LENROOT. Of 2,000 enlisted men.

Mr. McKELLAR. I did not have the number in my head.

Mr. LENROOT. I ask the Senator how that comes about?

Mr. REED. Let us get the figures straight first. The statement of the Senator from Tennessee is that under the proposed reorganization there will be 201 officers, and that if we put the business under the Quartermaster Department there will be only 47, which is about one-fourth.

Mr. LENROOT. I think the Senator is mistaken about that.

Mr. REED. That is the statement of the Senator from Tennessee, not mine. Then the Senator states that there will be a corresponding reduction in the number of enlisted men; that is, laborers. So we would have 1,500 laborers instead of 6,000, and I am simply trying to get an accurate statement for my own information as to how that comes about.

Mr. McKELLAR. I will give it to the Senator if he would like to have it.

This statement I have says:

Under paragraph 2, General Order 131, War Department, December 8, 1919, the Construction Division (utilities officer) is charged with:

Installation, operation, and repair of all plants.

Construction, repair, and maintenance of all buildings.

Installation, repair, and operation of all fire apparatus.

Construction, repair of all railway tracks, fences, roads, drainage, culverts, bridges, signals, and procurement of all materials in connection therewith.

This creates a condition in the maintenance of Army posts and depots which is extravagant and inefficient. It will necessitate a duplicate storage system at each post and station and duplicate depots for replenishment, in view of the fact that the supply and transportation officers each use many similar articles to those used by utilities officers. For instance, the quartermaster could not mix his stock of nails, tools, etc., with those of the utilities officer, as the funds covering procurement come from different appropriations. The utilities officer would not trust his stock in the same storehouse as the quartermaster, and the quartermaster vice versa. This will also necessitate two sets of storekeepers and the necessary clerical help entering therein.

Should a quartermaster warehouse suddenly spring a leak or should the manufacturing plant at the Philadelphia or Jeffersonville depots break down, the process of manufacture will cease until the utilities officer makes the necessary repairs. Assuming that the utilities officer had not foreseen this possible condition and did not have the necessary parts in stock, production would cease until they had been received.

If the roof springs a leak the quartermaster is responsible for the damage to his stock pending repairs by the utilities officer, and yet the quartermaster has no authority to see that the utilities officer is prepared for or competent to meet such an emergency.

The quartermaster is in charge of manufacture and must be selected for his competence for this supervision, and yet his decision to install a new or improve an old mechanical operation in an endeavor to obtain economical and efficient production is completely subject to the determination of a separate service which might, through inefficiency or intent, wreck an efficient organization or prevent the proper development or improvement of an inefficient one.

Divorcing the several services, such as finance, construction, transportation, etc., from the Quartermaster Corps, where they properly belong, simply consumes excessive public funds, in that it creates duplication of officers and enlisted men and the necessary clerical personnel, labor, and supplies. With all this added expense it actually retards instead of speeds up the fundamental reason why all the services exist, viz, the supply, pay, housing, and transportation of troops.

Then there are illustrations given.

As an example, take a military post. With finance, construction, and transportation, a component part of the Quartermaster Corps, one officer (the quartermaster) did all the work with one office force, one set of records, and the minimum of supplies. He usually had a sergeant in charge of the several divisions under his direct supervision, where all could be coordinated and worked into an efficient, smooth running machine. With divided services, an officer of each service will necessarily be required in each post. Each of these will require a separate office (expense, fuel, light); a separate set of records (expense, forms, stationery); a separate set of personnel (expense), all of whom will be busy part of a day but idle the greater part (useless expense). With a quartermaster performing all of these duties we have a minimum force constantly employed, flexible and available as a whole to absorb the peak load at any time falling upon any activity, with no unnecessary administrative heads, and lacking all the routine delays and red tape of intercommunication between separate services.

I ask that the whole statement may be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Memorandum on effect of creating separate services of construction, etc.

Under the organization of a separate construction corps, which it is contemplated to perpetuate in Senate bill 3792, all utilities are operated by this organization. This means that all repairs for maintenance at posts, depots, and other plants and all machinery and plants utilized therein shall be operated by the construction corps.

The heating and lighting plants and mechanical labor-saving devices at supply depots will be operated by officers who are not under the jurisdiction of the responsible commander of the plant. This creates a condition similar to a superintendent of a mill who is deprived of jurisdiction over the engineer of his plant, who could dictate the kinds of machinery that were installed and methods and hours of operation, despite the fact that the superintendent is responsible for the output of the factory. Where will the responsibility for quality, quantity, and economical production be placed? What will be the result of post or camp maintenance being placed under a utilities officer operating under the construction corps or any other organization than the Quartermaster Corps? Not only will there have to be an additional officer at each camp or post to carry on this activity and in charge of repairs, of heating, lighting, water, and garbage disposal maintenance, but each utility officer will have to have a duplicate office personnel to the post supply officer, from whom he will draw the tools and materials to carry on his work. At present the supplies he uses are drawn from purchase and storage, despite the fact that purchase and storage is not responsible for maintenance of such supplies. When purchase and storage supplies become exhausted, then construction must set up a storage service parallel to that of purchase and storage in order to provide maintenance from stock and not require emergency repairs to await the legal and routine delays necessary in Government purchases as conducted with a separate finance service.

Maintenance has heretofore been an additional activity pertaining to the supply officer, who, as post quartermaster, formerly performed all the functions of supply, transportation, finance, and construction. Post maintenance placed under his jurisdiction requires no additional officer or clerical personnel and the supplies necessary are carried under a storage system which is already at his disposition. When the two are divorced we not only set up an additional and totally unnecessary personnel, but we create delays and inefficiency through divided responsibility and the complications of routine. The added financial burden is most apparent.

If Congress still deems it necessary to create a separate construction corps, the utilities functions should be divorced from "new construction" and maintenance at posts assigned to the Quartermaster Corps. Utilities functions other than those at posts and camps should be assigned to whatever bureau is charged with the activity, thus giving to the Ordnance Department and the Quartermaster Corps complete jurisdiction over their manufacturing plants and control of labor-saving devices in the handling of supplies pertaining to the activities of their responsibilities.

New and original projects of construction can be assigned to the Engineer Corps with equal efficiency and economy as would result in returning such duties to the Quartermaster Corps and with the benefit to the Engineers of this peace training. The continuation of a separate construction corps can not, however, be justified from any standpoint.

If a separate construction corps is to be created or new construction is assigned to the Engineer Corps, it is most important that the following amendment should be adopted in the definition of the duties thereof, viz: "except utilities pertaining to the maintenance of posts, camps, and stations, which shall be assigned to the Quartermaster Corps and maintenance and utilities at depots, arsenals, and manufacturing plants, which shall be charged to the service conducting the activity."

Section 9, H. R. 12775, provides 1,050 officers for the operation of the Quartermaster Corps with transportation and construction included. With construction a part of the Quartermaster Corps, but 47 of these officers would be engaged on such work, as follows:

In the office of the Quartermaster General:

Brigadier general	1
Colonels	2
Majors	4
Captains	6
Total	13

For the field:

Majors	10
Captains	24
Total	34
Grand total	47

No special number of officers was contemplated for the so-called utilities duties at posts, camps, and depots, as one of the number of officers assigned by the Quartermaster Corps to each station would be required to perform the duties pertaining to utilities in addition to such other duties as would be assigned. At some of the larger places the full time of the officers assigned to utilities duties will be required, but such cases do not involve an increase of the total commissioned forces provided for the Quartermaster Corps.

For purely construction purposes it would be necessary to provide a group of officers for duty solely as constructing quartermasters during the periods construction is in progress. When there is no construction these officers would be available for other duties.

The apportionment of officers by the General Staff on October 31, 1919, gave 290 officers to the construction division. Unless Congress contemplates vast construction projects for the Army the 47 officers provided in the total of 1,050 for the Quartermaster Corps will be ample to carry on the normal activities pertaining to new construction during peace times.

Under paragraph 2, General Order 131, War Department, December 8, 1919, the Construction Division (utilities officer) is charged with installation, operation, and repair of all plants; construction, repair, and maintenance of all buildings; installation, repair, and operation of all fire apparatus; construction, repair of all railway tracks, fences, roads, drainage, culverts, bridges, signals, and procurement of all materials in connection therewith.

This creates a condition in the maintenance of Army posts and depots which is extravagant and inefficient. It will necessitate a duplicate storage system at each post and station and duplicate depots for replenishment, in view of the fact that the supply and transportation officers each use many similar articles to those used by utilities officers. For instance, the quartermaster could not mix his stock of nails, tools, etc., with those of the utilities officer, as the funds covering procurement come from different appropriations. The utilities officer would not trust his stock in the same storehouse as the quartermaster and the quartermaster vice versa. This will also necessitate two sets of storekeepers and the necessary clerical help entering therein.

Should a quartermaster warehouse suddenly spring a leak, or should the manufacturing plant at the Philadelphia or Jeffersonville depots break down, the process of manufacture will cease until the utilities officer makes the necessary repairs. Assuming that the utilities officer had not foreseen this possible condition and did not have the necessary parts in stock, production would cease until they had been received. If the roof springs a leak the quartermaster is responsible for the damage to his stock, pending repairs by the utilities officer, and yet the quartermaster has no authority to see that the utilities officer is prepared for or competent to meet such an emergency.

The quartermaster is in charge of manufacture and must be selected for his competence for this supervision, and yet his decision to install a new or improve an old mechanical operation in an endeavor to obtain economical and efficient production is completely subject to the determination of a separate service which might through inefficiency or intent wreck an efficient organization or prevent the proper development or improvement of an inefficient one.

Divorcing the several services, such as finance, construction, transportation, etc., from the Quartermaster Corps, where they properly belong, simply consumes excessive public funds, in that it creates duplication of officers and enlisted men, and the necessary clerical personnel, labor, and supplies. With all this added expense it actually retards instead of speeds up the fundamental reason why all the services exist, viz: The supply, pay, housing, and transportation of troops. As an example, take a military post. With finance, construction, and transportation a component part of the Quartermaster Corps, one officer—the quartermaster—did all the work with one office force, one set of records,

and the minimum of supplies. He usually had a sergeant in charge of the several divisions under his direct supervision where all could be coordinated and worked into an efficient, smooth running machine. With divided services an officer of each service will necessarily be required in each post. Each of these will require a separate office (expense, fuel, light), a separate set of records (expense, forms, stationery), a separate set of personnel (expense), all of whom will be busy part of a day but idle the greater part (useless expense). With a quartermaster performing all of these duties, we have a minimum force constantly employed, flexible and available as a whole to absorb the peak load at any time falling upon any activity, with no unnecessary administrative heads, and lacking all the routine delays and red tape of intercommunication between separate services.

Approximate comparative expense at small posts and stations.

CONSOLIDATED.

1 captain, Quartermaster	$2,400
2 clerks	2,400
4 enlisted men	6,000
1 office, heat, light.	
1 set records.	
	10,800

DIVIDED.

1 captain, Quartermaster	2,400
1 lieutenant, Transportation	2,000
1 lieutenant, Finance	2,000
1 lieutenant, Construction	2,000
4 clerks	4,800
8 enlisted men	12,000
4 offices, records, etc.	
	25,200

The above is what will necessarily happen in a small post, resulting in inefficiency and cumbersome methods of supply. In addition there will be the expense to post headquarters in issuing orders for four services instead of one, which will entail an increase of approximately 50 per cent.

The expense and inefficiency in supply which will be created by separating these activities as demonstrated in the operation of small posts, becomes an increasing factor as the size of the post increases and up through the avenues of supply, the depots, and department headquarters, and finally in a vastly magnified degree by the creation of these new bureaus in the War Department.

Each new service will demand the creation of another major general to provide for its chief, and then the expansion and competition will begin. Gradually these separate services will "justify" their existence by expansion, each requiring a little more each year for its budget. This "little more" each year added to four or five services soon becomes millions and millions. Vast offices filled with clerical forces, voluminous correspondence between services and an excuse for a greatly enlarged General Staff who will ineffectually claim to "coordinate" these separate services.

Personal ambition in these separately created services and the General Staff have created powerful machines to lobby for the continuation of their existence. Is Congress going to legislate into existence a system whereby 75 cents of every dollar appropriated for the Army will be spent in the administrative methods incurred for each 25 cents worth of supplies? What does the Army get? Only delays and insufficiency in supply.

The chairman of the Appropriations Committee, the Bureau of Efficiency for the War Department, the Inspector General's Office, and, except for the General Staff, the Army itself deems these separations of activities from the Quartermaster Corps are inadvisable and that they will entail inefficiency and greatly increased cost. How will Congress answer the taxpayer?

Mr. McKELLAR. That is from the Quartermaster General's Department.

Mr. SWANSON. From what officer?

Mr. McKELLAR. It is not signed, but it is from that department.

Mr. SWANSON. I have a statement of a similar character which I ask to have printed.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

Statement has been made that by consolidating certain services under the Quartermaster General a great saving in the overhead would be made. Statements have also been made that by putting construction under the engineers a great saving in overhead would be effected. Such is not the case, so far as construction is concerned.

The denials above made are based upon records submitted by the chiefs of the Quartermaster Corps, Engineer Corps, and Construction Division when said statements were delivered by the several chiefs as to what they would require for the Construction Service. The Chief of Construction asked for 294 officers for construction work and for the operation of utilities, the larger part of these being for the operation of utilities.

In the bill submitted to the Congress by the War Department there was included for these several services of the Quartermaster Corps some 2,700 officers. Applying an ordinary percentage to this, at least 270 of these would be needed for the operation of utilities, and this bill contemplated that the Quartermaster Corps would not do construction but would operate utilities. This bill also contemplated that the Engineer Corps would do construction and at least 370 of these officers were for construction purposes alone, making a total of 640 officers for construction and operation of utilities, where the Chief of Construction asked for only 294. Figures can be adduced showing all other items to be in like proportion. With a division of the Army requiring so large an expenditure as that required for operation of utilities and for construction the question of economy is not so dependent upon this item of overhead as upon the method of operation. The method of operation is, of course, dependent upon its having a chief who can give it his undivided attention. The cost of overhead is no more than 5 per cent of its total expenditure, and if there were any basis for the statement that the cost of overhead would be greatly reduced by this consolidation it is not entitled to much weight, as it could be no more than 5 per cent of the whole, but the above figures show the overhead to be greatly reduced by consolidating operation of utilities and construction under a separate and distinct bureau, and the saving in operation would unquestionably be greatly influenced by it receiving the undivided attention of experts in these several lines, rather than being subject to a chief who can treat this important matter in only an incidental way.

The 294 officers asked for by the Chief of Construction Division was divided, 170 for utilities and 124 for construction. The Quartermaster Corps asked for 270 officers for utilities, this being a cost to the Government of $400,000 additional per annum in officers alone. The Engineer Corps asked for 370 officers for construction at a cost of $976,000 per annum additional for officers, or a total of $1,376,000 in officers alone, as a saving that will be brought about by the construction work and operation of utilities being placed in one service and as obtained during the war. This is based on figures submitted by the several chiefs at a time when their estimates were made without any influence other than what they conceived to be the needs of the service.

This is further illustrated by the fact that the Chief of Engineers in his statements requests one lieutenant colonel, four majors, four captains, and such additional assistants as may be available for each divisional cantonment, whereas the Chief of Construction asks that one major and two assistants be authorized for each divisional cantonment. The economy of placing construction and operation of utilities in a construction service is so obvious and so exactly demonstrable in facts and figures as to need no considerable explanation.

At no place in the hearings or in the public documents are given any facts and figures on which the statements of savings can be demonstrated other than the fact that the method of handling construction and operation of utilities in one service produced the greatest economy to the Government.

Mr. REED. The question I have been urging is not answered by the long statement read by the Senator from Tennessee. There is, it strikes me, much of sound argument in the statement the Senator has made with reference to certain matters, unless there is another side to be presented; but it does not answer the question why we can get along with 1,500 laborers under one arrangement and it takes 6,000 under the other. I think there are many defects in the statement just rendered. To illustrate, one of the statements read by the Senator from Tennessee was to the effect that it might be necessary to have some improvement made suddenly, and the new division might not have the parts. That is very true. The Quartermaster's Department might not have the parts. One of them would be just as likely to be out of the parts as the other. It does not follow because you put the work into somebody else's hands that he will be prepared to perform the work. So there are many similar holes in the argument that we heard read. I have not made up my own mind about this matter, and I therefore am not saying which is the better plan; but a loosely constructed argument of that kind does not appeal to me very much.

Mr. LENROOT. I would like to say to the Senator that the estimates I have shown, that if the separate construction division is eliminated and new construction put in the hands of the engineers, it will result in a reduction of 70 officers and 2,000 men, and the Senator will readily see that, so far as the Quartermaster's Department is concerned, there would not necessarily be any increase under this section of a separate division. Not only does this construction department have charge of all new construction, but it would operate and maintain the utilities.

At every post the quartermaster has a department and a force of men, and that same force of men might well be able to operate utility, while if you have a separate division you must have separate men in each post and cantonment to do those particular things, although it might require very little time.

Mr. REED. I think there is much force in the Senator's statement. I did not really rise to take part in the debate, but to get some light.

While I am on my feet I desire to call attention to an argument that has been made here, the soundness of which I am unable to perceive. We are told that at the beginning of the war we had no construction department; that we went out into civil life and in a few days' time gathered out of civil life a body of men to perform what is described here as a sort of a construction miracle. If that is true, it is the best argument I know of against a separate construction department as a permanent branch of the Army. Why? Because, if we were able to do this wonderful work without any construction department, to call these men from civil life, and if they did the marvelous work ascribed to them, if they did work that was better than the Regular Army officers and the regular organization, why create a regular organization? Why not trust to the future and confidently expect that if we ever get into another war we could go out and get civilian employees who would perform this marvelous work? The argument is that having been obliged to appeal to the civilian life of the country to accomplish a marvelous work, and that work having been accomplished in a marvelous way, we are now to turn that work over permanently to a branch of the Regular Army which, the argument tends to show, fell down on the job before. There is not much logic in that kind of an argument, to my mind.

It seems to me that now, in a time of peace, and when we all believe, no matter how we believe on the League of Nations, that

a long period of peace lies ahead of this country, we ought to treat this question with reference to the economy and, of course, efficiency necessary in time of peace. We are not going to be building cantonments, we are not going to do a very great amount of new construction, and naturally it ought to be under some branch of the Army, in my opinion, so that the whole proposition resolves itself into this: Can it be done better under two divisions or under one division? That is the real question at issue.

Generally speaking, splitting up of authority is not wise, and yet there always comes a point where there must be a splitting up of authority. I am interested in knowing why one branch of the Army should have all these different powers centered in it or why it is advisable to divide them up. If there is going to be a duplication of work and a splitting up of authority and a weakening of the service, then we ought not to do this thing.

This much I do say: The time has come to cut down the expenses which grew out of the war. They are never going to be cut down if we leave it to the departments themselves—that is, they will never be cut down as rapidly as they should. There is something in human nature that makes a man who is at the head of a great big organization want to keep it. Pressure comes constantly from employees who want to hold their positions. Unless Congress deals with these questions as they come up, and does it with judgment, but nevertheless with an iron hand, the burdens will continue to exist for many years—burdens from which we ought to be relieved.

I hope that the bill, before it is finally passed, will cut to the very bone along the line I have spoken of. I recognize the fact that there must be probably an increase of pay to necessary officers, and, in so far as that is necessary, I believe it to be justifiable and right; but the multiplication of bureaus and of boards and of devices for keeping employees is a subject that ought to be very seriously dealt with. I have not the slightest doubt that there are 25,000 to 30,000 people employed here in performing work in Washington who ought to have been home in some other employment a year ago. The business of the war ought to be wound up, and it ought to be wound up speedily and efficiently.

We are running an insurance department down here, trying to settle up the claims of men, and an army of men and women are working over reports that are in an interminable jumble. The Government ought to get out of the insurance business. It ought to reinsure the live risks with companies that know how to conduct the business of insurance. It ought to speedily adjust all the losses and all the liabilities, and we ought to send home the people who are down here trying to do something and who do not know how to do it.

I do not suppose there has ever been anything in the history of the world in the shape of insurance that has been managed as inefficiently as the insurance department established by the Government. I do not think anything has ever paralleled it. My opinion is that the sooner the Government gets out of it the better. We should get rid of every one of those war excrescences, and the sooner the better it is going to be for the country. I wanted to make that observation because I think it is time that it was made and acted upon.

Mr. WADSWORTH. Mr. President, what I shall have to say concerning the amendment offered by the Senator from Wisconsin [Mr. LENROOT] I shall say without reflection upon the record of any service in the Army during the recent war. I am fairly well familiar with the Engineer Corps' record in France, as I had an opportunity of seeing a good deal of the construction which they accomplished over there; likewise, like many other Senators, I have been to many cantonments and other points where the construction division operated in the United States. My own impression is that both of them did good work, and I see no occasion for the friends or the enemies of this amendment indulging in any charges or veiled charges against either service.

Now, just a moment upon the history of the thing. Before we went into the war the construction work of the Army was somewhat scattered. For instance, the Ordnance Department did its own construction and operated the utilities at its arsenals. The Signal Corps also did some construction for itself. The Quartermaster Corps did construction work for itself and for the line of the Army and for the medical service, and also some of the work for the Engineer Corps. The construction work to which I refer is that construction work which is essentially civilian in its character. In other words, it is not military construction, such as the seacoast fortifications and emplacement of guns. That work has always been done by the Engineer Corps and will continue to be done by the Engineer Corps under the terms of the bill.

There was in the Quartermaster Department a so-called construction division—I think that was its name—which had charge of the construction for the Quartermaster Corps, construction for the medical service, and the operation of certain utilities of the posts, the quartermaster officer of the post running the power station, pumping plant, electric light plant, sewer system, drainage, taking care of walks and drives around the posts, keeping them drained and keeping them in trim, looking after the gutters and curbs, and seeing to it that the grounds were generally kept in condition. I say I think that kind of work can not be called, strictly speaking, a soldier's job.

After we got into the war the construction division of the Quartermaster Department was expected in the first instance, I assume, to accomplish all the emergency construction in the war. That job, of course, instantly became an enormous one, larger than anything of its kind, probably, in the history of the world. Indeed, taken as a whole, it was a greater task than the building of the Panama Canal, and it had to be done with a degree of speed which made it utterly impossible for it to be done economically. No one deplores the tremendous expenditure of money more than I do, but where the race is against time and not against the resources of the Treasury, when if we do not get a particular job done by a certain day the enemy will beat us to it, we have to get that job done, no matter what it may cost. That was largely the case in all our construction efforts during the recent war, whether those efforts were under the construction division or under any other branch of the service or branch of the departments of the Government. So the construction division, I think it was in May of 1917, about a month or more after we entered the war, was separated from the Quartermaster Department and given the work, among other things, of building cantonments. Senators have discussed this question merely in the terms of cantonments, but the cantonments were not to exceed one-half of the job. The construction division had to build all the port terminals; and if one has ever seen the Brooklyn terminal, for example, that enormous series of docks and storage warehouses connected up with railways and railway yards, one can understand something of the immensity of the task not only at Brooklyn, but at Boston, Philadelphia, Charleston, New Orleans, and Norfolk, where similar structures, probably the largest of their kind in the world, were erected by the construction division.

Then, again, in addition to the cantonments, the construction division built all of the structures at the flying fields and operated all the utilities; they built munition factories; they built clothing factories; they built factories and facilities for the manufacture or the production of everything that the Army needed. Wherever it became necessary for the Government to go in and build, the work was all given to the construction division to do. They built great interior storage depots, distributing depots situated at strategical points. If I could remember them all, it would probably take me the rest of the afternoon to describe the number and kind of tasks that the construction division was asked and called upon to perform. So much for describing what that division's function was during the war.

In France the engineers did the constructing. The territory of France was regarded as the theater of operations during the war. The engineers are not only builders, but they are soldiers. If you suggest anything else to an engineer you will get into trouble, and I do not blame them. An engineer is a fighting man as well as a builder. So it has always been the custom, as I recollect, for our Army and for all armies to confide to the Engineer Corps whatever building is necessary in the theater of operations in time of war. So the engineers built the docks at Bordeaux, St. Nazaire, and at Brest, France. They built the storage warehouses in France; they supplemented the railway system that had to be increased and enlarged in France; they built the intermediate stations; they built the narrow-gauge railroads; and they generally supervised the construction work in France, for, theoretically at least, that was the work that was done in the presence of the enemy. It was essentially, or primarily at least, military work, for the support of an army in the field. It was entirely proper that the engineers should do that. No other branch of the service is supposed to do it. It would have been utterly improper for the construction division to do it.

The construction division, however, Mr. President, is to engage in building which is essentially civilian building, if I may use that term in connection with the Army. It builds the barracks which the Army occupies in time of peace; it builds the roads through the reservations which the Army occupies in time of peace; it builds the power stations, the electric-light plants, the gas plants, the sewage systems, the drainage systems which supply the barracks and the reservations which the Army occupies in time of peace. Such construction work is not necessarily a soldier's job; it is really the job of a civilian, who, for the purpose of assuring adequate discipline and coordination

of effort within the Army posts and Army reservations, is dressed up in a uniform and in limited numbers only is given a commission in order that he may have authority within the Army post. That is why it is necessary to have some commissioned officers of the Army in general in charge of the construction work at Army posts. If that work is lodged with a civilian, that civilian could not exercise authority inside the post over anybody in the post who was in the category of a soldier or an officer. It is impossible to escape the conclusion that some officers must be at the head of activities which the Army itself needs and in which the Army itself engages.

There is a peculiar piece of history about the present contest which, I think, I might as well tell the Senate, although there are only a few Senators here, which is usually the case, Mr. President, when an important matter is under consideration.

The Quartermaster Department up to about a month ago had been doing everything it could to persuade the committee to put construction under the Quartermaster, contending that that is the place it used to be and that it should go back there. The Engineer Corps has been doing everything it could to get construction work put under the Engineers. The Secretary of War and the Chief of Staff have urged that construction be placed under the Engineers. The Assistant Secretary of War and a large number of business men who dealt with the Government during the war have urged that it be kept separate. With these conflicting views making the air vibrate with their intensity, the Committee on Military Affairs did its best to listen to the testimony of everybody, which we did, Mr. President, day after day in our subcommittee. To be perfectly frank, when we got through and had heard everybody, from the Secretary of War down, the subcommittee that had charge of the work unanimously agreed that the best thing for the whole Army was to have a separate construction division. We have not great pride of opinion, and we know our judgment is not infallible, but that is the conclusion we reached after listening to all the testimony and incidentally talking with, I do not know how many, officers and others interested.

I have said that the Quartermaster General wanted this work put back under him. He also wanted transportation put back under him, although the Quartermaster Corps had broken down with the transportation problem during the war. He also wanted the finance department put back under him. Mind you, Mr. President, during all this time the Engineer Department was fighting to get hold of construction.

There is a little bit more, Mr. President, in this contest than the mere saving of money. There is the thirst for power. I have encountered that tendency in the Army in several of its branches, that each one of them wants to grow, and if there is any discussion taking place as to whether a certain department or branch of the service is to be eliminated or is to be shifted in one direction or another, it is astounding how many department chiefs will come around and say, "Give it to me." That is just what has been going on.

Mr. POMERENE. Mr. President——

Mr. WADSWORTH. I yield to the Senator from Ohio.

Mr. POMERENE. I am interested in the suggestion about the thirst for power. Did that in any wise suggest the idea of compulsory military training?

Mr. WADSWORTH. Yes; power for the United States.

Mr. POMERENE. No; but in the case of the officers who were suggesting it?

Mr. WADSWORTH. I do not think, under the terms of the bill, that their power would be proportionally increased. If the Senator will study the bill, he will see that the citizen officer is the man who does the business under the training.

Mr. POMERENE. The Senator has made the suggestion that a good deal of the spirit of the thirst for power was responsible for some of the positions taken by the different officers. That is the reason I asked the question.

Mr. WADSWORTH. I mean in this kind of a controversy.

Mr. LENROOT. Will the Senator yield further?

Mr. WADSWORTH. Yes.

Mr. LENROOT. Does not the Senator think that the thirst for power also had something to do with the activities of those officers who wanted a separate construction division?

Mr. WADSWORTH. I have no doubt that they are all human and are inspired in a greater or less degree by the same considerations. The Senate subcommittee, however, did not care so much who exercised the power as that the work was done right.

Mr. POMERENE. Mr. President, may I ask the Senator another question on a more serious phase of the matter?

Mr. WADSWORTH. I yield.

Mr. POMERENE. Of course, I can understand, not only from such information as I had before but from the statement made by the Senator from New York, that there was a real necessity for something like the construction service, as planned by this bill, during the period of the war; but is there such necessity for it now?

Mr. WADSWORTH. May I come to that a little later on? I intend to cover it.

Mr. POMERENE. Very well.

Mr. WADSWORTH. The Senator from Tennessee has read to the Senate an estimate prepared in the Quartermaster Department showing how advantageous it would be to have the construction division put back into the Quartermaster Department, and what a saving of money it would bring about. I do not know the date of the communication which the Senator from Tennessee has, but it is amazing that it has been put in the RECORD, in view of what the Quartermaster General now says. I have said something about the thirst for power, and I think it might be well to call the attention of the Senate to how, when two departments reach a point in a controversy where there does not seem to be much chance of either one of them getting all it wants, they agreed to divide what there is between them.

Under date of March 17, 1920, the Chief of Engineers, who, mind you, of course, has been contending that construction should go to his department, wrote a letter to the Quartermaster General, in the second paragraph of which he said:

> It is regarded as advisable to have this work of construction and the major maintenance work involving important alterations of structures placed under the Corps of Engineers in order to prevent overlapping and duplication of construction activities in peace and war, and to furnish this most valuable means of training for our Engineer officers in peace for their construction duties in war. It is believed that this work should be turned over to the Corps of Engineers and the operation of utilities left with the various services principally concerned therein.

It will be observed that he does not ask for the utilities. Then he goes on to say:

> I am firmly convinced that the consolidation of the various activities of transportation, motor transport, finance, and operation of utilities at posts under the quartermaster will be far more advantageous and economical than the present multiplicity of agencies with their unnecessary overhead and expense.

In the letter of the Chief of Engineers, he says: "Give me construction, and I think it would be a pretty good thing for you to have transportation and finance." The Quartermaster General replies to that upon the same day in a letter to the Chief of Engineers, in which he says in part:

> I have carefully considered the suggestion contained in the second paragraph of your letter, and, in view of the recent recommendation of the Secretary of War, I am of the opinion that the interests of the service will be as well served if all original and new projects of construction work formerly carried on by the Quartermaster Corps and lately by the construction division were turned over to the Engineer Corps.

Then he goes on to say:

> For the sake of economy and the utilization of supplies and personnel already available in the Quartermaster Corps at Army posts, depots, and other activities of the Quartermaster Corps, it is deemed essential that maintenance and repairs and utilities at such places should be, as heretofore, included in the duties of the Quartermaster Corps.
>
> The necessity for the operation of utilities being left with the bureau or service responsible for the activity is beyond argument. The functions which have been recently ascribed to utilities officers of the construction division are absolutely essential at both arsenals of the Ordnance Department and depots of the Quartermaster Corps.

And so forth.

So, Mr. President, we see that, when they reach what might be termed an impasse, they sit down and calmly divide the thing between them, and have their letters apparently published in the CONGRESSIONAL RECORD at the time the debate is going on in the House of Representatives on the Army reorganization bill; in other words, the Quartermaster Department is entirely willing, as its chief says in this letter, to let the engineers have construction, although for months the Quartermaster Department insisted to us and to everybody with whom they discussed the question that, in the interest of economy, it should go back to them, exactly in line with the statement read by the Senator from Tennessee, which he says was prepared in the Quartermaster Department itself. So, Mr. President, it is not so much a matter of economy; it is a matter of who is to be boss.

Had the Military Affairs Committee of the Senate realized that the chiefs of services could get together and so easily divide the functions of the Army, so easily reach an agreement, and everything would be so lovely, we would not have worked as hard as we did, because we would have said, "Go ahead," and we would have invited, perhaps, all the other chiefs of services in the Army to get together and sit around the table and divide up the whole pot between them. It would have been much easier for us and much simpler.

Now, Mr. President, why a separate construction division? Many people seem to think the construction work of the Army is

finished, but it is not. I imagine we are sorry that it is not finished, because if we must go on with it—as we must, to a certain extent—it means that we must appropriate money and impose taxes; but it is not finished. I imagine that no Senator will contend that the Regular Army, as finally evolved from the pending legislation, will be less than 250,000 men. That Army must be housed. As has been indicated before, it is going to be difficult to house it permanently in these famous cantonments. If the cantonments are to be put in shape to last a few more years for the housing of the Regulars carried in this bill or in the House bill, something like $60,000,000 of appropriations will be necessary. We will also have to build quarters for the officers and for their families—they do not exist to-day in cantonments—and that amount of money would not house the Army permanently in the way in which it must be housed eventually.

We have a number of Army posts in the United States with which Senators are familiar. A few of them are one-company and two-company posts. Quite a number of them are. They have been abandoned, very largely, in the matter of housing troops. It is most uneconomical to keep them up. The one company or the two companies of soldiers are separated from the service to an extent that is very bad for morale, discipline, and efficiency; and it is the proper and natural policy for the Army to gather into larger units in the larger posts. Now, we have a number of those larger posts. Their total capacity to-day is only 93,000 officers and men. If we have an Army of 250,000 men—which is 30,000 less than that carried in this bill and 50,000 less than that carried in the House bill—we will have to build quarters within the next six or eight years, we will say, for 157,000 men at the minimum; 157,000 men at the minimum will need quarters, barracks built of brick, concrete, substantial construction, served with water supply, served with sewer systems, electric lights, and all the utilities and facilities that must go in a permanent Army post. I assume that that cost will be distributed over a term of years. It is not contemplated in this bill, and it is not contemplated in the annual appropriation bill so far as I know. There is a great, big construction problem right there, a kind of work that the Engineers have never done. I do not say that they are not competent to do it. I think they could do it if put to it; but should we ask the Engineers to do that kind of work in view of the real purpose of Engineer troops?

I can not help thinking of the Engineers primarily as troops, and not as architects and carpenters and plumbers, as the Senator from Minnesota so often describes the men who have to do this building. My conception of the Engineer Corps is this, and this was the conception of the committee, too—that when war breaks out the Engineer Corps go to the front. They do not stay back in the permanent Army posts; they do not stay back in the barracks, in the power plants, running the sewers, keeping them in repair, and keeping the walks and drives in repair. They go forward with the troops; they accompany the Army into the field, and they do whatever building and construction is necessary for an army in the field, and they do it mighty well, and that is their job. They are military engineers. This job of building a barrack in the piping times of peace, thousands of miles from any possible theater of war, is a civilian's job. It is a business man's job. We have to take a few business men or civilians and dress them up in officers' uniforms to give them the necessary authority within the posts; that is all. That has to be done. It is done in the Navy, as I recollect.

The Navy has its Bureau of Yards and Docks which does the civilian construction for the Navy separately from the Bureau of Steam Engineering. There is a Bureau of Construction and Repair in the Navy which does naval construction, builds the battleships, and so on. The Bureau of Steam Engineering, as I recollect, designs and builds the machinery, the technical work connected with naval construction; but the Bureau of Yards and Docks builds the structures in the navy yards, the barracks, the buildings in which the factories are located. It takes care of the utilities, the power plants, the drainage, and all that civilian work. This construction division of the Army is to correspond exactly, as I understand the Navy—and I do not understand it at all thoroughly—it is to correspond, roughly speaking, with the Bureau of Yards and Docks of the Navy; and the Bureau of Yards and Docks of the Navy is essentially manned by business men who are given rank. It is commanded by business men, as I recollect. If I am inaccurate about that, I should be glad to be corrected; but that is my general conception of the situation.

Now, as to the saving:

The amendment offered by the Senator from Wisconsin [Mr. LENROOT] has been offered before we have had an opportunity to make a redistribution of the commissioned and enlisted personnel in this bill as the result of the adoption of the amendment offered by the Senator from New Jersey [Mr. FRELINGHUYSEN]. I think it was the Senator from Ohio [Mr. POMERENE], or perhaps it was the Senator from Nebraska [Mr. HITCHCOCK], who asked me the other day whether the striking out of compulsory universal military training would not make it possible to reduce the number of officers in this bill. I said that it would; that the number could be reduced by 1,007. I do not think, however, and the committee does not think, that the enlisted strength of the bill can be reduced. In fact, the enlisted strength will have to bear a greater burden of national defense without universal military training than with it; but we can reduce the officers, because a certain number of those officers would have been engaged in helping in the training.

In the series of amendments which I intended to introduce on behalf of the committee, but which the Senator from Wisconsin asked me to postpone introducing until the Senate could pass upon this question of a separate construction division, we have arranged for a redistribution or a reallotment of the commissioned officers, and also, to some extent, of the enlisted men of the Army, among the several branches and services. A considerable number of enlisted men would have been required for the universal military training, as is, of course, well understood; in fact, a great many more enlisted men than officers. By the reallotment we ask the Senate, always keeping within the maximum number of 280,000 enlisted men, to build up the Infantry and other combat branches, and to reduce by the same aggregate number some of these services. One of them is construction.

The bill has been criticized on the ground that it allots 200 officers and 6,000 men to the construction service. With universal military training we would have to have that number, because if you bring 500,000 men into the cantonments and Army posts over the country you can see that the number of officers needed to run the utilities and keep the places in repair, and the number of enlisted men who are really acting in large measure as bosses of gangs of civilian laborers, would be much greater than if you did not have universal military training. But now we are not going to have universal military training, and we propose to cut the 6,000 enlisted men down to 4,000, and to cut the 200 officers down to 150, and to transfer those 2,000 enlisted men to some combat branch of the service. Of course, it is the combat branches that will have to bear the burden, with no universal military training.

We propose to do that in several cases connected with these services. We do it in the Transportation Service. We propose to ask the Senate to reduce the allotment in transportation from 12,500 men down to 8,000 men. Now, why do we do that? If you had 500,000 young men coming into the training camps every year, under universal military training, you can see that the transportation problem which would be assigned to the Transportation Service in and about those cantonments and camps would be very large; but with that very largely taken out, we propose to take 4,500 men from the transportation allotment, transfer them, and allot them to some combat branch.

Mr. NELSON. Mr. President, will the Senator allow me to ask him a question right there?

Mr. WADSWORTH. Yes.

Mr. NELSON. The announcement that the Senator makes about reducing the force of officers and men in the Transportation Service is very encouraging; but the Senator also referred to similar reductions in other branches. The enlisted men, of course, will go back to the combat divisions; but what about these officers that you take out? Will they still be kept in the service?

Mr. WADSWORTH. We reduce the total number of officers by 1,007.

Mr. NELSON. You would reduce the total number by 1,007 because of adopting the voluntary system?

Mr. WADSWORTH. Yes.

Mr. NELSON. But in the case of these officers, now, you reduce the 200 officers in the Transportation Service by one-half, if I have understood the Senator correctly.

Mr. WADSWORTH. No; by 50.

Mr. NELSON. What would you do with the other 50 officers? Would they be retained somewhere in the service?

Mr. WADSWORTH. Yes, Mr. President.

Mr. NELSON. It would not reduce the aggregate of officers in the bill?

Mr. WADSWORTH. Not by that one change alone.

Mr. NELSON. No; but by that and similar changes in other branches to which the Senator refers, would it reduce the aggregate of officers?

Mr. WADSWORTH. By 1,007.

Mr. NELSON. That is all?

Mr. WADSWORTH. Yes; and with this proposed new allotment—this, I think, is important—this bill will carry under the Quartermaster Service and the Construction Service and the Transportation Service the same number of men that the House bill carries in the Quartermaster Service, which is to take charge, under the terms of the House bill, of construction and transportation.

So the bill as it will be presented to the Senate, when I have a chance to present the amendments, making the redistribution and reallotment of officers and men, will carry the same number of officers and enlisted men for these three separate services, Quartermaster, Transportation, and Construction, as the House bill carries for Quartermaster alone, and under which construction and transportation are to be placed. So I think we will not save very much, Mr. President, by abolishing the construction division, even in this matter of overhead.

Mr. LENROOT. Does the Senator take the position that creating a separate division adds no expense to overhead?

Mr. WADSWORTH. No, Mr. President, I do not.

Mr. LENROOT. I should think not.

Mr. WADSWORTH. I do not, of course. There must be an office force, not very large in this case, especially in time of peace. It will take separate offices, and I suppose the rental cost should be charged up against the cost of maintaining the Army; but the committee nevertheless felt that this kind of work should be done by a separate service in the Army; that it ordinarily would be better done, more promptly done, that the business men of the country, the civil engineers of the country, who must be called upon to submit bids and plans, could deal better with this kind of an organization than with an organization which is composed primarily of soldiers. I think I am accurate in saying that in the construction division there are not over three or four Regular officers, and there never have been, I think. There may have been more than that during the peak of the work during the war. The officers in the construction division have been civilians, as I said, dressed up in uniforms.

Gen. Marshall, when he came before us, said, very frankly, "We are the one purely noncombatant branch of the Army. We are not even subject to combat conditions to the extent that the Medical Corps is, because the Medical Corps in some instances is subject to very severe combat conditions." The construction division personnel is never supposed to go forward with the Army. It is not a part of the fighting army at all. It does not pretend to be. It is the business man's side alone in this matter of building, making contracts, making adjustments, taking care of real estate problems in connection with the land which the Government owns and which is used for Army reservations.

The Senator from South Dakota [Mr. STERLING] reminds me that the construction division has not entered into any cost-plus contracts since January 1, 1919. It is not the policy of the construction division at present nor has it been for over a year.

Mr. LENROOT. The Senator states it is not the policy of the construction division. Gen. Marshall defends it and expresses the hope that Congress will no longer prohibit it.

Mr. WADSWORTH. When we come to a discussion of that, Mr. President, I have no sympathy with the cost-plus system myself. If it was a bad system, why did the Secretary of War let it be put into operation? Where is the fault? Assuming that it was an unwise thing to do, somebody issued an order to Gen. Marshall and he carried it out. Later on, is it unnatural that he should defend it? That is not very unnatural. He probably has some pride in his work. I think he is entitled to it. He probably wants to vindicate everything they did, if he possibly can. He is a human being, and he is conscious of his earnest endeavors to make the thing a success. The Secretary of War and the Council of National Defense approved of this system, and it is not surprising that the chief of the construction division attempts to defend it later on as a policy. I do not think he defends some of the costs that were involved. Some of my impressions as to how these bills were run up are a little different from those of the Senator from Wisconsin. The reason why plumbers and steam fitters were sitting around playing cards was not as a result of the cost-plus system. It was because some other group of workmen were on strike; and those plumbers and steam fitters, or whatever they were, did not have anything to do, and the contractor who was employing them could not afford to let them go; he had to hold them there, for any moment they might be required to go to work again.

I was at Newport News myself, Mr. President, when, on a moment's notice, a great group of workmen employed by a contractor, not by the construction division, went on strike just at the time when we were using every energy we possessed to finish that port of embarkation to make it possible to ship troops and supplies to Europe. Just at one of those crucial moments a gang of men rushed out, which threw the whole plant out of kelter, and it is perfectly true that a lot of other men who had not struck, who were perfectly willing to work, had to sit around in idleness. That thing happened again and again. It happened in the shipyards.

Mr. LENROOT. I want to assure the Senator that he has not read this testimony. It is a very exceptional case, where they did not work on account of a strike. The testimony is overwhelming that they loafed upon the job because the contractor wanted them to do it, because he was making more money when they loafed instead of working.

Mr. WADSWORTH. Mr. President, I am not ready to attach all the blame to any one group of people. I know money was wasted in the matter of work not being done promptly. There were several causes contributing. It was not all of it the cost plus by any means.

Mr. STERLING. I would like to ask the Senator from New York if a reason for the cost-plus contract to begin with is not to be found in the fact that it was thought it was the best way, perhaps the only way, to get this great work done within the time it was necessary to be done. Of course, it may have been a mistaken notion, but I think that was the reason for the cost-plus contract. It was thought that we would not be able to complete the contracts and get the work done within the 90 days within which it should be done unless they entered into that kind of a contract. If it was an evil, it was a necessary evil, so to speak.

Mr. POMERENE. There was another reason, as I have been informed, namely, that the contractors themselves often could not intelligently bid upon the work, because they did not know when they could get their material or at what price they could get it, or what price they would have to pay for labor. I have not any doubt that there have been serious abuses growing out of the cost-plus plan.

Mr. STERLING. Certainly; I think the Senator from Ohio suggests a very natural element or condition involved in these contracts at the time they were made and making a reason for that particular kind of contract.

Since the 1st of January, 1919, as stated by the Senator from New York, all contracts have been lump-sum contracts, and, as I understand it, and by direction of the Secretary of War, there must be at least three bids on each contract before the contract can be let.

Mr. CALDER. I wish to add to what was said by the Senator from Ohio, that undoubtedly a great many contractors refused to bid on this work during the war, and that was a reasonable thing, because they were afraid of not being able to get material and labor. In time of peace under no circumstances should the cost-plus contract be permitted. It is against every business principle.

Then, too, a cost-plus contract during a war, and in time of peace, too, encourages men to make the charges pile up; it encourages men to loaf; it encourages timekeepers often to put men on who did not work, as I have heard of some cases. The whole principle might be wrong in time of peace, but in time of war very often you are unable to get people to do work unless you have some such system.

Mr. LENROOT. I grant what the Senator says is true; it would be impossible to get bids. But, as a practical man and a contractor, as is the Senator from New York, does he not think it would have been very much cheaper for the Government to have hired outright supervision, and paid a good round sum for it, not depending on the cost of the work?

Mr. CALDER. I think so.

Mr. JONES of Washington. Mr. President, I want to call the attention of the chairman of the committee to a letter I have received from a representative of the Chamber of Commerce and the Commercial Club of Seattle, Wash. The members of this organization have taken a great deal of interest in military matters. They have been brought in touch especially with the Quartermaster Department there, and they have called my attention to certain matters, and asked me to look into it very carefully. I just got the letter; there are a great many other matters I have to give attention to, and it is impossible for me to look into this question fully.

I know the Senator from New York has given a great deal of attention to it, and I have not any doubt but that the committee has carefully considered the situation, as they have referred to it here. I am inclined to think the Senator from New York probably has covered the matter pretty fully in the remarks which he has made, and to which I have listened; but I want to call his attention to the statements in this letter, and probably he can make a brief statement with reference to it.

They refer to the fact that in the Army bill, as it passed the House, the work of the Quartermaster Department was consoli-

dated in that department, and that the Senate has separated that somewhat, and, referring to the Quartermaster Corps, they say that—

This particular section of the Army is the one with which the business community comes in closest touch. It has charge of all the buying, handling of supplies, and disbursing of money for those supplies. Under these circumstances we feel that we have a very full knowledge of how this department should operate. From that knowledge it is my best judgment that it is a grievous mistake to divide this service into several distinct and separate departments. To do so results in divisions of responsibility and makes it almost impossible to secure efficient operation in a territory as remote from Washington as is the Puget Sound country.

Our organization is emphatically on record in favor of the continuance of this service as the old Quartermaster Department with the centralization of all of these powers in one responsible service.

I would like the views of the chairman of the committee stated a little more directly, probably, than he has done, especially directed to those particular suggestions in the letter.

Mr. WADSWORTH. Mr. President, the writer of the letter evidently wants the transportation service, the construction service, and the finance service all put back under the quartermaster. That is what the quartermaster had, generally speaking, in addition to his other normal functions, when we went into the war; but it broke down. It was too much to put under one department. The committee was convinced, after listening to testimony from a very large number of people on every conceivable side of the question, that it was too much to ask of any one department to take care of all the financing of the Army, the pay of the troops, the pay of officers, the establishment of credits, the forwarding of funds, making arrangements with banks all over the world, payment for supplies, payment of troops, transporting all the troops and matériel by rail and by water and by animal-drawn transport and by motor trucks. Add to that all the building, such as is done by the construction service, and I do not believe that one man can carry such a burden as the head of the department. It would really mean another general staff; he would have to have so many assistants.

Mr. JONES of Washington. Was the committee satisfied from its investigations that the Quartermaster Department had not done these things efficiently during the war?

Mr. WADSWORTH. The Quartermaster Department had to give them up in the first three or four months of the war; it could not do them.

Mr. JONES of Washington. Were all these various lines of activity turned over to different branches of the military service?

Mr. WADSWORTH. They were. There is a separate construction division. There are two transport services now in the Army. Our bill proposes to have but one. To-day, as the Senator knows, there is a Transportation Service and a Motor Transport Corps. We propose to put both of these together and to add to them animal-drawn and water transport.

Mr. JONES of Washington. Making it a separate service?

Mr. WADSWORTH. We propose to include all kinds of transportation for the Army in one service. Gen. Pershing was very clear about that. He said above everything else transportation ought to be a separate service; it has become such an enormous problem in these modern days, when the supplies of an army are so tremendous.

Mr. JONES of Washington. The action of the committee follows the recommendation of Gen. Pershing?

Mr. WADSWORTH. Not in connection with the construction division.

Mr. JONES of Washington. I am not referring to that.

Mr. WADSWORTH. It does as to transportation.

Mr. JONES of Washington. I am referring to the general distribution of the former powers of the Quartermaster Corps.

Mr. WADSWORTH. It does with the one exception that the separate construction division is not in line with his suggestion. Separate transportation is, separate chemical warfare is, and separate finance is.

Mr. President, the Senator has called my attention to a letter. The Quartermaster Department has been carrying on a nation-wide propaganda on these questions to such an extent that the Secretary of War addressed a letter to me as chairman of the committee, calling my attention to it, although the Secretary of War, it is fair to say, in the matter of the construction department being separate, is not in agreement with the committee.

It turns out that the Quartermaster Department, through some of its officers, has been writing to a large number of people all over the United States, people who have had business connections with the Quartermaster Department, who have supplied the department with goods by contract, asking them if they did not think the transportation and finance and construction had better be under the Quartermaster Department, and the letters came back saying, "Yes; we do," very naturally. I think it is an unfortunate thing to have done and I regret that it was done. That is not quite the way to get a free expression of opinion, but it has not influenced the committee.

The PRESIDENT pro tempore. The question is upon the amendment proposed by the Senator from Wisconsin [Mr. LENROOT].

Mr. McKELLAR. Mr. President, I suggest the absence of a quorum.

Mr. TOWNSEND. I hope the Senator will not do that. I understand there is a desire for an executive session.

Mr. McKELLAR. I think we ought to have a yea-and-nay vote on this proposition, but I am willing to have it go over. I withdraw my suggestion for the present.

EXECUTIVE SESSION.

Mr. TOWNSEND. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, April 14, 1920, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 13, 1920.

UNITED STATES TARIFF COMMISSION.

Theodore E. Burton, of New York, to be a member of the United States Tariff Commission for the term of 12 years from September 8, 1916, vice Taussig, resigned.

UNITED STATES SHIPPING BOARD.

Martin J. Gillen, of Wisconsin, to be a member of the United States Shipping Board, vice Robinson, resigned, for the term expiring January 17, 1925.

RAILROAD LABOR BOARD.

The following-named persons to be members of the Railroad Labor Board:

Labor Group.

Albert Phillips, of Ohio, for a term of three years.
A. O. Wharton, of Missouri, for a term of two years.
James J. Forrester, of Ohio, for a term of one year.

Management Group.

Horace Baker, of Ohio, for a term of three years.
J. H. Elliot, of Texas, for a term of two years.
William L. Park, of Illinois, for a term of one year.

Public Group.

R. M. Barton, of Tennessee, for a term of three years.
G. Wallace W. Hanger, of District of Columbia, for a term of two years.
Henry Hunt, of Ohio, for a term of one year.

SECOND ASSISTANT DIRECTOR, BUREAU OF FOREIGN AND DOMESTIC COMMERCE.

Charles E. Herring, of the District of Columbia, vice Herman G. Brock, to be Second Assistant Director (by promotion from Trade Commissioner) of the Bureau of Foreign and Domestic Commerce in the Department of Commerce.

UNITED STATES COAST AND GEODETIC SURVEY.

The following-named officer of the United States Coast and Geodetic Survey in the Department of Commerce to be hydrographic and geodetic engineer (by promotion from junior hydrographic and geodetic engineer): Robert James Auld, of New York, vice John D. Powell.

The following-named officer of the United States Coast and Geodetic Survey in the Department of Commerce to be aid (by promotion from deck officer): Charles Justus Itter, jr., of Pennsylvania, vice William T. Combs.

PROMOTIONS IN THE ARMY.

MEDICAL CORPS.

To be majors.

Capt. Allen R. Howard, Medical Corps, from January 4, 1920.
Capt. Benjamin B. Rowley, Medical Corps, from January 19, 1920.
Capt. Henry C. Bradford, Medical Corps, from February 5, 1920.
Capt. Harry H. Towler, Medical Corps, from March 4, 1920, subject to examination required by law.
Capt. Oral B. Bolibaugh, Medical Corps, from March 6, 1920, subject to examination required by law.
Capt. Harold E. Clark, Medical Corps, from March 9, 1920.
Capt. Roland A. Davison, Medical Corps, from March 25, 1920.

CORPS OF ENGINEERS.

To be captain.

First Lieut. Patrick H. Tansey, Corps of Engineers, from September 28, 1919.

CAVALRY ARM.

To be lieutenant colonel.

Maj. John P. Wade, Cavalry, from April 10, 1920.

To be major.

Capt. George B. Comly, Cavalry, from April 10, 1920.

INFANTRY.

To be colonel.

Lieut. Col. Harrison J. Price, Infantry, from April 2, 1920.

To be lieutenant colonel.

Maj. Henry E. Eames, Infantry, from April 2, 1920.

To be majors.

Capt. Robert H. Peck, Infantry, from February 24, 1920.
Capt. Ward Dabney, Infantry (Quartermaster Corps), from February 26, 1920.
Capt. Paul M. Goodrich, Infantry, from February 26, 1920, subject to examination required by law.
Capt. William W. Taylor, jr., Infantry (General Staff), from March 1, 1920.
Capt. George A. Herbst, Infantry, from March 1, 1920.
Capt. Thomas M. Hunter, Infantry (Ammunition Train), from March 7, 1920.
Capt. Elverton E. Fuller, Infantry, from March 7, 1920.
Capt. William S. Neely, Infantry, from March 19, 1920.
Capt. Frank H. Adams, Infantry (Quartermaster Corps), from March 31, 1920.
Capt. George Chase Lewis, Infantry, from March 31, 1920.

CORPS OF ENGINEERS.

To be first lieutenant.

Second Lieut. Henry G. Lodge, Corps of Engineers, from May 1, 1919.

APPOINTMENTS AND PROMOTIONS IN THE NAVY.

Naval Constructor Julius A. Furer to be a naval constructor in the Navy, with the rank of captain, for temporary service, from the 2d day of March, 1920.

Assistant Naval Constructor Walter W. Webster to be a naval constructor in the Navy, with the rank of commander, for temporary service, from the 2d day of March, 1920.

The following-named lieutenant commanders to be commanders in the Navy, from the 1st day of July, 1919:
John S. Graham,
Ralph M. Griswold,
Ralph P. Craft,
William L. Pryor,
James P. Lannon,
Walter G. Roper, and
Otto C. Dowling.

Lieut. James Parker, jr., to be a lieutenant commander in the Navy, from the 1st day of July, 1919.

The following-named lieutenants (junior grade) to be lieutenants in the Navy, from the 7th day of June, 1919:
Roy J. Wilson,
Walter Seibert,
John A. Brownell,
Paul Cassard,
George B. Junkin,
Charles N. Ingraham,
George L. Greene, jr.,
Thomas Shine,
Eric F. Zemke, and
Paulus P. Powell.

Lieut. (Junior Grade) Alfred H. Donahue to be a lieutenant in the Navy from the 1st day of July, 1919.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 3d day of June, 1919:
John E. Williams and
James K. Davis.

Medical Inspector Raymond Spear to be a medical director in the Navy, with the rank of captain, from the 8th day of February, 1919.

Surgeon James E. Gill to be a medical inspector in the Navy, with the rank of commander, from the 6th day of June, 1919.

Surgeon David C. Cather to be a medical inspector in the Navy, with the rank of commander, from the 28th day of December, 1919.

The following-named citizens to be assistant surgeons in the Navy, with the rank of lieutenant (junior grade), from the 22d day of March, 1920:
Francis Phillips Gardner,
Reuben Alvord Moffet, and
Leonard Otto Riggert.

Dental Surgeon William A. Dorney to be an assistant dental surgeon in the Navy, with the rank of lieutenant (junior grade), from the 16th day of October, 1917.

Naval Constructor William McEntee to be a naval constructor in the Navy, with the rank of commander, from the 18th day of November, 1919.

Naval Constructor Richard D. Gatewood to be a naval constructor in the Navy, with the rank of commander, from the 21st day of January, 1920.

The following-named naval constructors to be naval constructors in the Navy, with the rank of lieutenant commander, from the 7th day of December, 1919:
Jerome C. Hunsaker,
Edmund R. Norton, and
Andrew W. Carmichael.

Assistant Civil Engineer Greer A. Duncan to be a civil engineer in the Navy, with the rank of lieutenant, from the 12th day of March, 1920.

Acting Chaplain Charles H. Hastings to be a chaplain in the Navy, with the rank of lieutenant (junior grade), from the 6th day of November, 1919.

The following-named boatswains to be chief boatswains in the Navy from the 16th day of January, 1920:
Stephen Ingham and
Nils Anderson.

The following-named gunners to be chief gunners in the Navy from the 16th day of January, 1920:
Edmund D. Duckett and
Vincent Benedict.

The following-named machinists to be chief machinists in the Navy from the 29th day of December, 1919:
Frank E. Nelson,
John Reber,
Leon W. Knight, and
Charles N. Koch.

Pay Clerk Nathaniel E. Disbrow to be a chief pay clerk in the Navy from the 29th day of July, 1919.

Pay Clerk Jacques H. E. Everette to be a chief pay clerk in the Navy from the 30th day of July, 1919.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 13, 1920.

ASSISTANT ATTORNEY GENERAL.

Francis P. Garvin to be Assistant Attorney General.

CONSULAR SERVICE.

E. Haldeman Dennison to be a consul of class 3.
Heaton W. Harris to be a consul general of class 3.
Leroy R. Sawyer to be a consul of class 7.
Paul C. Squire to be a consul of class 7.

COAST AND GEODETIC SURVEY.

Kenneth Tress Adams to be a hydrographic and geodetic engineer.

Maurice Eli Levy to be a hydrographic and geodetic engineer.

POSTMASTERS.

CONNECTICUT.

Edward S. Coulter, Essex.

KANSAS.

Jemima Hill, Arma.
Harold H. Brindley, Peabody.
Rufus J. Miller, Selden.

MICHIGAN.

Laurence C. Snyder, Blanchard.
Covert O. Miller, Lyons.
Carrie M. Colegrove, Remus.

OHIO.

Louise S. Lovett, Wickliffe.

PENNSYLVANIA.

Clarence S. Page, Cornwells Heights.
Jeremiah H. Fetzer, Coopersburg.
Oscar G. Darlington, Radnor.
Hilda J. Blomberg, Wilson.

SOUTH DAKOTA.

Lottie M. Whalen, De Smet.
Sidney H. Dains, Marion.

VIRGINIA.

Nannie L. Curtis, Leehall.
John A. Johnston, Petersburg.

HOUSE OF REPRESENTATIVES.

TUESDAY, *April 13, 1920.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Lord God, our Heavenly Father, let the light of heaven shine in our hearts that we may hold our course to Thee, deal wisely, justly, with our fellow men.

We are confronted with grave problems which touch the welfare of every home throughout the land. Impart wisdom, strength, courage, to those in authority, that order may come out of chaos, peace out of contentions, that strife may be swallowed up in victory and brotherly love prevail. In the spirit of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

ARMY APPROPRIATION BILL.

By direction of the Committee on Military Affairs, Mr. KAHN reported the bill (H. R. 13587) making appropriations for the support of the Army for the fiscal year ending June 30, 1921, and for other purposes, which was read a first and second time, and, together with the accompanying report, referred to the Committee of the Whole House on the state of the Union and ordered printed.

Mr. DUPRÉ. Mr. Speaker, I reserve all points of order on the bill.

The SPEAKER. The gentleman from Louisiana reserves all points of order.

INVESTIGATION OF CERTAIN WAR DEPARTMENT CONTRACTS.

Mr. GRAHAM of Illinois. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of House resolution 515 and House Report 816.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of House resolution 515 and House Report 816, with Mr. WOOD of Indiana in the chair.

The CHAIRMAN. The gentleman from Illinois [Mr. GRAHAM] has 39 minutes and the gentleman from Michigan [Mr. DOREMUS] has 34 minutes.

Mr. FLOOD. Mr. Chairman, speaking for the gentleman from Michigan, we will not consume any more of our time. I ask unanimous consent, however, to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. GRAHAM of Illinois. Mr. Chairman, the gentleman from Illinois [Mr. MCKENZIE] had not expected to go on immediately after convening this morning, but intended to wait until after the gentleman from Michigan had used the remainder of his time. I shall myself use a portion of the time while we are waiting for the gentleman from Illinois [Mr. MCKENZIE] to come into the Chamber.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. GRAHAM of Illinois. Mr. Chairman, this resolution which is presented to the House at this time is a resolution which, in the opinion of the majority members of the committee, was the proper thing for this committee to present to the House. There seems to have been among some of the Members of the House, from the beginning of the investigation which this committee has made, a misunderstanding as to the extent of its jurisdiction. The select committee which was appointed by the Speaker at the beginning of this Congress to investigate expenditures in the War Department was not a committee with legislative functions or with the right to suggest legislation, but was more in the nature of a committee to investigate and to report so that the House and the other committees of the House might have the benefit of its investigations in future legislation.

Mr. KNUTSON. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Minnesota makes the point of order that there is no quorum present. Evidently there is not. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Andrews, Md.	Bankhead	Black	Blanton
Anthony	Begg	Blackmon	Boles
Bacharach	Bell	Bland, Mo.	Booher
Brinson	Fuller, Mass.	Lufkin	Sells
Browne	Gallagher	McAndrews	Shreve
Burke	Ganly	McArthur	Small
Caldwell	Garland	McGlennon	Smith, Ill.
Campbell, Kans.	Garrett	McKinley, N. Y.	Smith, Mich.
Campbell, Pa.	Goldfogle	McLane	Smith, N. Y.
Cantrill	Goodall	Maher	Smithwick
Caraway	Gould	Mann, Ill.	Snell
Carew	Graham, Pa.	Martin	Steagall
Casey	Greene, Mass.	Mason	Stedman
Chindblom	Hamill	Moore, Va.	Steele
Clark, Fla.	Hamilton	Morin	Stevenson
Classon	Harrison	Nelson, Wis.	Sullivan
Costello	Heflin	Nicholls, S. C.	Summers, Wash.
Crago	Hill	Nolan	Sumners, Tex.
Cramton	Hudspeth	O'Connell	Tague
Cullen	Hulings	Overstreet	Taylor, Tenn.
Curry, Calif.	Husted	Parker	Tinkham
Darrow	Johnson, S. Dak.	Peters	Upshaw
Denison	Johnston, N. Y.	Phelan	Walters
Dewalt	Jones, Pa.	Porter	Ward
Dominick	Juul	Rainey, J. W.	Wason
Drane	Kelly, Pa.	Rodenberg	Whaley
Eagan	Kennedy, Iowa	Rowan	Williams
Edmonds	Kennedy, R. I.	Rowe	Winslow
Ellsworth	Kitchin	Sabath	Wright
Freeman	Langley	Scully	Zihlman
Fuller, Ill.	Larsen	Sears	

The committee rose; and the Speaker having resumed the chair, Mr. WOOD of Indiana, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration House resolution 515, finding itself without a quorum, under the rule he caused the roll to be called, whereupon 317 Members answered to their names, and he reported the list of the absentees to be entered upon the Journal.

The SPEAKER. The committee will resume its session.

Mr. GRAHAM of Illinois. Mr. Chairman, I was stating, when the call of no quorum interrupted what I had to say, that the Committee on Expenditures did all it could do when it brought these facts to the House and now offers this resolution to refer them to the proper department of the Government to have them investigated and any infraction of law prosecuted. It will be noted by the rule that has been offered here that the minority of the committee have their choice of doing one of two things. The rule provides, Mr. Chairman, that the minority may offer an amendment in the way of a substitute at the conclusion of the debate or that a motion to recommit may be made on the resolution. I am informed by the minority of the committee that the second method will be adopted and that there will be a motion to recommit this resolution to the Committee on Expenditures, with the suggestion and recommendation that they bring back another report setting out particularly the names of the persons whom they want the Attorney General to have investigated. I trust that that motion to recommit will not prevail. The resolution in its present form is the thing the House ought to do if it does anything in this particular. It would not be proper, in my judgment or in the judgment of a majority of the committee, for the House to say to the Attorney General which particular person he should have investigated by a grand jury or what particular civil suit should be recommended. If the facts are laid before the Department of Justice as they are in this report, then it is a duty that devolves upon that department to ascertain for itself what particular person should be prosecuted or what particular civil action ought to be begun. This is the only suggestion I have to make about the matter, Mr. Chairman, and I hope the resolution, as it is presented by this committee, will be passed. I now yield the balance of the time to the gentleman from Illinois [Mr. MCKENZIE]. [Applause.]

Mr. MCKENZIE. Mr. Chairman, how much time have I?

The CHAIRMAN. Thirty-three minutes. The gentleman from Illinois is recognized for 33 minutes.

Mr. MCKENZIE. Mr. Chairman and gentleman of the committee, this duty that was placed upon subcommittee No. 2, of which I had the honor to be chairman, has not been a pleasant duty. The only pleasant recollection that I will have of that work is the recollection of the friendship and support that I was given by my colleague [Mr. MCCULLOCH] and my distinguished friend of the minority [Mr. DOREMUS]. [Applause.] These things, of course, are pleasant, but an investigation of a matter of this character is never pleasant to anyone. The man or the set of men to be investigated do not enjoy it, neither does the right-thinking man enjoy lifting the veil and discovering that perhaps some of his fellow citizens have been guilty of misconduct during a war. So it has not been a pleasant task. In the first place, I wish to mention the chart to which your attention was called yesterday by Mr. DOREMUS. The chart in question should not have been designated Camp Sherman. It was simply a chart representing the average of all the 16 cantonments; the average time of beginning work, the 21st of June:

average number of carpenters employed at various camps, 2,400; and those facts taken together are the basis on which the chart was made. I am not going into a discussion of it. On the pending resolution I hope that no man will excuse himself from voting for that resolution on the ground that we did not specify and point out the particular individuals we desired to see prosecuted. Personally we have no interest in prosecuting anyone. More than that, it would be impossible for us to point out all men who might be connected up with some of the conduct of the men mentioned in our report. I mention only one case. Take the Tragelis case at Camp Sherman. Tragelis was a British adventurer who came to this country and became involved in what appears to be graft in connection with the automobiles at that camp. He undoubtedly had coconspirators. He was not alone, and it was impossible for us to point out those men. Therefore all that we can do is to transmit the testimony as it is to the Attorney General and let him proceed, if he deems there is sufficient evidence to warrant it. I was amused at my good friend from Michigan [Mr. DOREMUS] yesterday when he undertook in his masterly way to bolster up his case by referring to me and quoting from the testimony in which I said, with reference to the construction corps, that I was proud of its record, and as an American proud of the record of our country. I am truly proud of the record our country made in that Great War. It only demonstrated to me what I have always contended, that we are the greatest and most powerful Nation on the face of the earth, with more potential power to get into action quickly and do things than any other people.

But that does not signify that in saying those things I condone the offense of persons who take advantage of the opportunity of war to enrich themselves. I am proud of the achievements of the old Continentals in winning our liberty, but I do not approve of the conduct of the scoundrel who held up the money and compelled the boys to march with bare feet at Valley Forge on the frozen ground during that struggle. I am proud of the achievements of our country in the Civil War, but I do not have any pride in the men who laid the foundation of some of the greatest fortunes in this country to-day out of the blood and tears of that war. I am proud of our record in the Spanish-American War, but I do not condone nor do I give my approval but I add my condemnation and execration of the men who in the Spanish War took advantage of the war time to enrich themselves. And so in this war I am proud of the final result as any American should be, but I do not think that in the pride of the success of our entire Nation we should condone and excuse men who have enriched themselves out of the sacrifices of their fellow men in carrying on that war. [Applause.]

Just a word about Mr. O'Connor. He is a man whom I never met until I employed him to make the survey at Camp Grant. He was recommended to me as a capable construction man. He was also recommended by the emergency construction committee down here as a man worthy to have a contract, but he never got one. I went to him and said, "Now, Mr. O'Connor, I do not know you; I have no purpose to serve but to get at the truth. I want you to go to Camp Grant, inasmuch as you are a practical contractor and builder, and make a survey of that camp and bring the truth back to me." He went there. He made a survey upon which to estimate the cost. He came back and told us what he would have been willing to have taken the contract to build that camp for at that time, taking into consideration the prices of material and labor that then prevailed. My good friend from Michigan [Mr. DOREMUS] on yesterday pointed out that he left out certain things; that he did not include refrigerators; that he did not have certain other little things included in his estimate. That is true. He did not. But Mr. O'Connor had an item of $251,000 in his estimate for overhead expense. He had another item of $460,000 for profit, out of which he could pay incidental expenses, making a total of $711,000 to cover all incidental matters that were brought out by Mr. DOREMUS, and other matters that you will find if you will read the record of the hearings.

But suppose that Mr. O'Connor was mistaken by a million dollars. Suppose he made an error of $2,000,000, which I do not think he did, yet the waste at Camp Grant is something that would bring the blush of shame to any American who desires to see his country's rights protected.

Mr. DOREMUS says:

> Let us go back two or three years; go back to the time of the declaration of war and see what the condition of the country was at that time.

Yes; I am willing to go back. When the declaration of war came business in this country was suspended. Every contractor that came before our committee testified that he did not have anything to do. Hundreds of them with great organizations stood ready and willing to give their services and their organizations to the Government to do this construction work in order that they might keep their organizations together. Did they get the job? Oh, no. They tell us that labor was hard to get. Remember, friends, about that time we did another thing. We passed a draft law. We put a provision in it that men who were engaged in industrial pursuits, including agriculture, might be excused, and the rush of the slackers to buy lead pencils and try-squares and get into the work of being carpenters was something that had never been seen in this country before. Remember that when these 16 cantonments were constructed the draft was not then on, and there was no lack of help; and I contended then, and I contend now, that there was no necessity for the cost-plus system of contract. The engineers could have gone on and by the purchase-and-hire method have constructed these camps. The contractors could have gone on and by the unit system of putting up these buildings at so much per thousand feet, as Mr. O'Connor figured it, could have done it that way. All that could have been done. The unit system could have been used in putting in the utilities and would have reduced that sort of expenditure, and there was absolutely no real necessity for it, in my judgment. But they say to us it was necessary, and many of these contractors and men who supported it said, after the exigency had passed, that it should not be used. But did they stop it? After they built the 16 cantonments did they stop that infamous system? No. It went on, and it was in vogue in this country when the armistice was signed, and it was not only in vogue in the construction of buildings but all down the line. And in most cases men who made contracts with the Government were getting their full cost price, buildings constructed for them in many instances, and a percentage. And that is not all. We thought, of course, when the upset fee of $250,000 as a maximum was fixed, a man would go on to the camp and build it. Even our good friend, ex-Congressman Bulkley, from Ohio, testified to that. He was connected with the emergency construction committee, in a legal capacity, and he testified he thought that was to be done; but it was not.

There was a provision in that contract that permitted the paying out of hundreds and thousands and millions of dollars to subcontractors, and I will put a list of those in my speech at this point for your information:

Total fees paid to contractors for construction of National Army cantonments.

	Amount.	Total fees.	Estimated cost of cantonment.
Camp Custer:			
General contractors	$420,077.71		
Subcontractors	148,260.70	$569,338.41	$13,385,920.00
Camp Devens:			
General contractors	298,023.34		
Subcontractors	75,648.32	373,671.66	12,311,420.00
Camp Dix:			
General contractors	376,344.80		
Subcontractors	57,441.54	433,785.34	13,109,220.00
Camp Dodge:			
General contractors	390,984.29		
Subcontractors	135,455.22	526,439.51	10,335,120.00
Camp Funston:			
General contractors	294,735.35		
Subcontractors	149,851.06	444,586.41	11,715,520.00
Camp Gordon:			
General contractors	440,540.80		
Subcontractors	103,081.73	543,622.53	11,639,420.00
Camp Grant:			
General contractors	409,423.67		
Subcontractors	36,404.73	445,828.40	14,689,620.00
Camp Jackson:			
General contractors	410,036.07		
Subcontractors	159,330.51	569,366.58	
North Camp Jackson, Artillery Camp		112,438.36	12,710,720.00
Camp Lewis:[1]			
General contractors		348,735.16	9,231,420.00
Camp Lee:			
General contractors	517,484.34		
Subcontractors	123,706.08	641,190.43	19,060,920.00
Camp Meade:			
General contractors	456,061.91		
Subcontractors	223,561.84	679,623.75	18,614,020.00

[1] Camp Lewis is known as the largest and best equipped cantonment in the country. To the cost of this cantonment as shown in this statement has been added an amount to make it equal with other northern construction, that is 6 per cent of the cost; however it should be noted that this cantonment was most economically constructed, due to the fact that there were no subcontractors.

Total fees paid to contractors for construction of National Army cantonments—Continued.

	Amount.	Total fees.	Estimated cost of cantonment.
Camp Sherman:			
General contractors	$378,342.91		
Subcontractors	93,442.51		
		$471,784.42	$13,247,620.00
Camp Taylor:			
General contractors	330,459.40		
Subcontractors	68,235.43		
		398,694.83	8,861,120.00
Camp Travis:			
General contractors		449,161.71	8,805,720.00
Camp Upton:			
General contractors	405,743.54		
Subcontractors	82,772.11		
		486,515.65	15,370,820.00
Camp Pike:			
General contractors	497,728.90		
Subcontractors	1,470.26		
		499,199.16	13,505,320.00
Total		7,875,728.74	206,632,920.00

Average fees per cantonment as estimated from available records, $492,233.04.

I want to cite one instance. At Camp Lee, Petersburg, Va., Rinehart & Dennis were the principal contractors. R. L. Thomas, of Charlottesville, got the contract for putting in the plumbing and heating for $1,308,159.46, at a 7 per cent fee. He took a young man at Petersburg, by the name of Harrison, and gave him the subcontract for 1 per cent. He did all the work, got his 1 per cent, and Mr. Thomas, if you will read the testimony—which I will insert herewith, so that you can read it—testified that the Government paid all his help that he had out there; that he was not out one cent. He drew down $78,000 and did not do a thing for it, in consideration of that contract, except he said that he paid his board down there and his living expenses. That is a sample of what was going on in this country under that cost-plus system. The following is the testimony that I have referred to:

[Excerpts of testimony from serial 3, part 33, hearings before subcommittee No. 2 of the Select Committee on Expenditures in the War Department.]

TESTIMONY OF MR. WILLIAM HENRY HARRISON, JR., PETERSBURG, VA.

(Page 2656.)

(The witness was sworn by the chairman.)

Mr. MCKENZIE. Mr. Harrison, please state your full name to the reporter.

Mr. HARRISON. William Henry Harrison, jr.

Mr. MCKENZIE. Where is your home?

Mr. HARRISON. Petersburg, Va.

Mr. MCKENZIE. I will ask you, Mr. Harrison, whether or not you had any subcontract for construction work at Camp Lee under Rinehart & Dennis?

Mr. HARRISON. I was associated with Mr. R. L. Thomas in the plumbing and heating contract at Camp Lee, Va.

* * * * * * *

(Page 2657.)

The amount of the job was $1,308,159.46, and I received 1 per cent of that and did the job.

Mr. MCKENZIE. What was your fee?

Mr. HARRISON. One per cent.

Mr. MCKENZIE. What did that amount to?

Mr. HARRISON. $13,081.59.

Mr. MCKENZIE. What was the total fee?

Mr. HARRISON. $91,000—7 per cent of the $1,308,159.46. To be exact, the total fee was $91,571.15. That was 7 per cent of the gross amount. We had a contract with Rinehart & Dennis, which was confirmed by Washington. Washington said it was a percentage contract—a scale contract. If your work amounted to so much—that is, if it amounted to a certain percentage—you would receive a certain per cent; if it amounted to a larger sum, you received less, and if it amounted to a smaller amount, you received a greater per cent. Now, our contract came within the 7 per cent amount, amounting to $1,308,000, roughly speaking, and our fee was approximately $91,000; and I personally received 1 per cent of the total amount, or one-seventh of the fee.

Mr. MCKENZIE. And the remainder of it went to Mr. Thomas?

Mr. HARRISON. Yes, sir.

Mr. MCKENZIE. The man who originally had the subcontract?

Mr. HARRISON. Yes, sir.

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(Pages 2658–2659.)

Mr. MCKENZIE. Did you have men in Petersburg who were qualified and responsible to do this work, that could have done this work, and who were desirous of doing this work?

Mr. HARRISON. I can only answer for myself when I tell you that I took the plumbing and heating contract and relieved Mr. Thomas entirely of the engineering or the laying out of the job and of the actual performance of the job, and the batting average at Washington kept among all 16 cantonment contractors, I led the entire 16 by 200 per cent batting average, and I was a Petersburg man.

Mr. MCKENZIE. I want to ask you another question. You got 1 per cent?

Mr. HARRISON. Yes, sir.

Mr. MCKENZIE. And who did the engineering? Who looked after this work? What did Mr. Thomas do?

Mr. HARRISON. Mr. Thomas?

Mr. MCKENZIE. Yes; he got 6 per cent. What did Mr. Thomas do for which he was paid 6 per cent?

Mr. HARRISON. After the work was started and well under way, Mr. Thomas was a stranger to me. He simply knew me by reputation. Mr. Thomas was a very cold business man. After Mr. Thomas and I had been associated together for 30 days he realized that I could handle the work perhaps, according to his notion, better than he could, and he let me continue with the work, and he got another contract down there.

Mr. MCKENZIE. Where at? At that same camp?

Mr. HARRISON. Yes, sir; he got the sheet-metal contract. He left me entirely to perform the plumbing and heating contract.

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(Page 2661.)

Mr. MCKENZIE. Personally I feel that I would like to congratulate you as one man who rendered service to the Government at a fee that was very reasonable. It strikes me that while perhaps others were getting liberal fees for their services, you were rendering services at what I would call a very reasonable fee.

Mr. HARRISON. Mr. McKenzie, that was bad business dealing on my part, when everyone else on the job was getting rich.

(The witness withdrew.)

TESTIMONY OF MR. R. L. THOMAS, CHARLOTTESVILLE, VA.

(Page 2662.)

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Mr. MCKENZIE. Did you have anything to do with the contract for the plumbing and heating?

Mr. THOMAS. I had the contract for the plumbing and heating also.

Mr. MCKENZIE. You got the original subcontract, did you not, and then took in Mr. Harrison?

Mr. THOMAS. Yes, sir; it was a percentage cost-plus job.

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(Page 2663.)

Mr. MCKENZIE. Can you give us from memory about how many men you had there, superintendents and foremen, that were paid by the Government, and also men that were paid out of your own funds?

Mr. THOMAS. We did not have anybody there. The Government paid all that were on that contract.

Mr. MCKENZIE. And you got a straight 6 per cent?

Mr. THOMAS. Seven per cent.

Mr. MCKENZIE. Mr. Harrison got the 1 per cent and you got the remaining 6 per cent?

Mr. THOMAS. Yes, sir.

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Mr. MCKENZIE. What was the total amount of your fee?

Mr. THOMAS. I think it was somewhere around ninety-one thousand and odd dollars.

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(Page 2665.)

Mr. MCKENZIE. And no one participated in that fund with you?

Mr. THOMAS. No, sir.

Mr. MCKENZIE. You were not required to make any contribution to the Rinehart & Dennis Co. in consideration of your receiving the contract, or anything of that kind?

Mr. THOMAS. No, sir.

Mr. MCKENZIE. It was a straight-out 7 per cent contract, so far as you were concerned, with the Rinehart & Dennis Co. when you went into it later on?

Mr. THOMAS. Yes, sir.

Mr. MCKENZIE. You took Mr. Harrison in and he received 1 per cent and he superintended the work?

Mr. THOMAS. Yes, sir.

Mr. MCKENZIE. The Goverment paid you for all your overhead?

Mr. THOMAS. Yes, sir.

Mr. MCKENZIE. And you got a straight, clean fee?

Mr. THOMAS. No, sir; we did not. They did not pay for our board at the hotel. They did not pay all our expenses. You would call that overhead, wouldn't you? I do not know about it, but I want to say that they did not do that.

Mr. MCKENZIE. I presume that would be living expenses that every man has to bear in every line of business which he is engaged in.

Remember, my friends, we are not out looking for some particular contractor; we are not seeking particularly to put some one man in the penitentiary. We are striving, or, at least, I am striving, to carry this investigation through on a higher plane than pursuing some little grafter to cover. It has been carried on with a view of forever condemning that system of work in order that our Government, if another emergency arises, will never permit a few men to come to Washington, as was done, and set themselves up as an emergency committee and draw up contracts without a single protection to the Government.

It is said the Government was protected. Now, let us see. Every nail that was thrown away, every board that was spoiled, every sack of cement that was left out in the weather and went to the bad, every hour that was loafed by the workingmen, added to the profit of the contractor up to the point of his maximum fee, and after that had been reached what incentive did he have other than patriotism to protect the interests of his country? I want to say right here, in my judgment, those men were not guilty of any crime. They took those contracts under a system provided down here in Washington, and, more than that, those contracts were handed out to the men they wanted to have them. Oh, they say, "They are honest men. They are good men. They would not do anything to take advantage of the people." I hope that is true. But oh, my friends, think of it! With that sort of a system in vogue, where would we have been if bad men had been in charge? That is the point.

Where would we have been if men with designing minds had been in charge of this work? Why, we would have had no protection whatever. I say without fear of contradiction that this cost-plus system is the most damnable curse that was ever visited upon a country. [Applause on the Republican side.]

Not only did it rob us of many millions of the people's money, but when the good old mothers were sitting up knitting socks for the boys, when you were walking the streets of your little town begging men to buy a $50 Liberty bond or a $100 Liberty bond to help out the Government, and perhaps going to the bank to borrow the money, is not it most exasperating when you realize that at that instant the Government was turning over $78,000 profit to the man who admits in his testimony that he did not do a thing to earn it at all, a sum greater than it was possible to raise in many small towns of the country?

Not only that, but this accursed cost-plus system demoralized labor so that it will take years and years for labor to overcome that demoralization. At the same time your boy who put on the uniform of the United States and sailed across the sea while the submarine was lying in wait for him spent his time in the camps and fields of battle at $30 or $36 a month, do you think he has not a curse in his heart for the men who took advantage of a situation of that kind and allowed his neighbor boys, with a lead pencil and a carpenter's square, claiming to be "carpenters," to go to one of these places and get $6 or $7 a day and double pay for work on Sunday and time and a half for overtime? Do you wonder now that that great army came back from France dissatisfied? Are you surprised that these boys who risked everything are now asking that they be given some compensation by the Government which permitted such a cursed system as that to prevail while they were over on the front? That system, gentlemen, is responsible for the claim now that we owe these boys a bonus. How are you going to get away from it?

And that is not all that it destroyed. It destroyed the organizations of the contractors of this country and put them in a position where they can not get back those organizations. And, oh, the saddest thing of all, the thing that hurts me most, is that good friends of mine, men whom I respect and love, will even now apologize for such a thing. Yes; they will even stand on the floor of Congress and apologize for a system that cost us these millions of the people's money, that destroyed the morale of our boys at home, that put a curse into the heart of every soldier that wore the uniform. Yet they will tell us to forget! The gentleman from Georgia [Mr. UPSHAW], in a speech the other day, said that, and I will include what I want of his remarks in mine. He said, in effect: "Why, to talk about these things now and to make these criticisms is political stuff, and it ought to be forgotten; and when I hear men talking about this thing now it is water under the bridge. Say hooray for the Stars and Stripes."

Oh, how pleasing that must be to the man who profiteered on his country in time of war. Forget it? Yes; if you can. I can not forget it as I stand on the street down here and see a soldier boy, with a leg off, hobbling along on his crutches, and there comes along one of these profiteers in his splendid limousine; I can not forget it. I look at the little cottage out yonder on the hillside, where a little later on will live one of these boys who wore the uniform; and down the road a little farther you see a magnificent mansion, and you ask, "Who lives there?" "Oh, that is the home of Mr. Smith, who had a cost-plus contract during the war, and made his money."

Go over yonder to France, if you will, and stand at the grave where Quentin Roosevelt sleeps, and follow that line where all the heroic boys sleep up to where the heroic son of Harry Lauder fell and sleeps to-day, where they sleep the last long sleep, and then say, as the gentleman from Georgia [Mr. UPSHAW] says, "Forget it!" He says:

> Of course, I would not stand for any kind of postwar extravagance, but the war-time extravagance that grew naturally out of the vast volume of money that had to be voted for speedy action, I think no man should now stop or stoop to criticize; for that water has already passed under the bridge. We were called on, not to see how much money we could save, but to see how quickly we could be sure of saving that flag yonder that inspires us every day—our beautiful flag that Democrats and Republicans together voted money to protect and arms to save.
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> It was patriotic to vote and spend and fight together then. In other words, were the glories all American, but only the mistakes Democratic? That is the narrow partisan view. Over against this political charge of extravagance let us drown out the din and the jargon of folly by shouting, "Hooray for the American flag!"
>
> I think it is a fine thing to just think about our common glory under the new meaning of the "Stars and Stripes." When narrow partisanship dips its tongue into gall and its pen into the frenzy of petty political pillage, let us answer again, "Hurrah for the Stars and Stripes!"

According to the gentleman from Georgia, while Uncle Sam is standing gazing with pained face and tearful eyes to the battle fields where the boys are dying for your country and mine, if certain of our countrymen in the rear pick his pockets, because the robbing is done in time of war it is "water under the bridge" and should be forgotten.

Great God, gentlemen, are you willing to stand for such a proposition? Oh, my friends, Republican or Democrat, cease that sort of talk. Do not let it ever be heard that you are apologizing for a man who would rob his country in time of war! [Applause on the Republican side.] "Hooray for the Stars and Stripes," as the gentleman from Georgia says, when talking of these men. I will tell you, gentlemen, my sentiments.

When I think of these men who enriched themselves at the expense of the American people in time of war, I feel like saying, "Hooray for the stone wall and the firing squad!" [Applause on the Republican side.]

Now, my friends, I have not time to talk longer of them, although I would like to. This report means nothing unless it be backed up by legislation. We make certain recommendations, including an amendment to the Constitution, that will make profiteering in time of war treason. [Applause on the Republican side.] We also recommend other things that will protect the American people. I will include these recommendations in my speech, and I want you to read them and I want you to vote for the bills, if they get on this floor, to protect the American people against it, if it ever comes again. And remember, if we pass the proper legislation, the next time that American boys are called upon to fall upon the field of battle, as they lie there with the smoke of battle rolling over them and gazing on that old flag for the last time, they will know and feel that back home not only the old mothers are patriots, not only those who live in minor stations in life are patriots, but that everybody is a patriot, because he has to be under the law. The great mass are patriotic and true and need no law.

I know full well, my good friends, that you can not change the selfishness and avarice of the human heart by legislation. I realize that. But I do know that you can make laws that will take a man who will rob the Government in time of war and make him a traitor, as much as a man who meets you on the field of battle with a gun, and I am for that kind of thing. You gentlemen will agree with me that that is right. No doubt that is where you stand. In your hearts you dare not say, "Oh, well, this money is gone; it went out to labor; it is gone under the bridge; let us forget it."

Friends, I know we can recover only a little of it, but that does not trouble me. The only thing that has troubled and worried me is to think that men claiming to be Americans, claiming to love our country, would so far forget themselves that they would do these things while other men and women were dying for the country which gave them a chance to live. That is what hurts me most. [Applause on the Republican side.]

I submit with my remarks the committee recommendations, as follows:

RECOMMENDATIONS.

I.

Your committee respectfully recommends that legislation be enacted prohibiting any Government construction work being done on a cost-plus basis, either in an emergency or normal times. If it be found necessary in any emergency to begin any work before sufficiently definite plans can be prepared to enable the procurement of lump-sum or unit bids, then such legislation should provide that the construction be proceeded with by the Engineer Corps, either wholly or to such time as bids can be had and the contractor take over the work, proper provision being made for allowance on or reduction of contract by the amount of work at such time accomplished.

II.

Your committee respectfully recommends that the power of the Secretary of War to suspend the requirements relating to advertising, under section 3709 and the amendatory sections, be either entirely withdrawn or be definitely limited so as not to permit him to abrogate the wise public policy of taking competitive bids quickly by other means. Your committee respectfully recommends that such legislation be made broad enough to cover other officers now having similar powers of suspension.

III.

Your committee respectfully recommends that carefully considered legislation be enacted providing that war activities, not military, be carried on under a system to be provided, which shall provide for a fixed definite responsibility as fully and directly as it is fixed in the strictly military operations. Such activities are as surely a part of carrying on the war as strictly military operations. In the language of the letter of instruction from the officer in charge of cantonment construction, all persons so engaged "are just as truly serving their country as if actually placed on the firing line." (A. 11.)

The vagueness and looseness with which it was all carried on in the past war through the indiscriminate, irresponsible calling into a sort of semi-service, of the interested parties themselves, to control their own industries and activities, must never be repeated. Very little, if anything, can be said in proper defense of the system as employed. The most that has been said has been in the nature of an excuse that it occurred or was necessary by our unpreparedness. Certainly the lesson was expensive. By the same token, then, it ought to be heeded, and its repetition prevented. The time to do it is now, for no man and no government is wise enough to say when the next emergency may confront us.

Such legislation, in the judgment of your committee, should be along lines substantially as follows:

1. As to those war facilities and commodities which must be provided by all the outside industries of the country, definite provision should be made by law that they be carried on and the commodities or facilities furnished, under contracts involving complete definite responsibility, and under no circumstances permit wide-open uncontrolled administration and expenditure. In other words, legislation should now be passed providing, as completely as possible, not only for the coordination, marshaling, and using existing agencies and facilities for or in any future emergency, but also providing for the definite control thereof.

2. That, in order to make such control effective, and to prevent the marking up of properties and costs and the boosting of prices because of the mere fact of the existence of a state of war, legislation be now enacted providing that, upon declaration of war by the United States, prices of all properties and commodities necessary in the prosecution of the war, including food, fuel, clothing, building materials, transportation, and all materials used in the production, assembling, or conversion thereof, and of all materials used in or in connection with the manufacture of supplies and equipment for the Army and Navy, including ordnance, quartermasters' supplies, or other articles used by or in connection with the Army or the Navy in the prosecution of the war, shall come automatically under Government control, as a necessary exercise of war power, and likewise all wage scales, and providing that all such prices and wage scales shall remain fixed until further action by the Government in the emergency.

3. As far as possible construction and other tasks which an emergency would produce should at this time be definitely delegated to existing or constituted governmental agencies.

Moreover, in order that such legislation thus fully and carefully considered and enacted may not be superseded or rendered inactive by subsequent hastily prepared and special legislation in the emergency or when the emergency is definitely threatening such present legislation should contain provisions, so far as legally possible, against repeal by implication.

IV.

Your committee respectfully recommends the declaration of policy by legislation that whenever in a war emergency it be found necessary to employ men not then in the military service to have direct charge of work of a military or quasi-military nature, connected with the equipping of troops, or providing facilities for them or similar tasks affecting the prosecution of the war that such persons be temporarily commissioned in the proper corps or arm of the service.

Your committee is moved to make this recommendation through its firm belief that there was no sufficient reason for paying to certain contractors and certain contracting firms fees that were nothing more than salaries in sums ranging from $50,000 to more than $500,000 within a year, whereas persons charged with supervisory responsibility over them on the part of the Government and others performing equally meritorious and technical services received merely the salaries of the military grade to which commissioned.

Your committee expressly states that this recommendation is not to be regarded as in any manner either condoning past or encouraging any future wholesale or unwarranted commissioning.

V.

Your committee respectfully recommends that Congress make provision to place all engineering and construction work for the Army under the Corps of Engineers of the Army. It is moved to this recommendation by several considerations:

1. That the Corps of Engineers is distinctly the technical branch which should handle such work.

2. The initial features of any construction work involve engineering. Therefore they are best fitted to start such work promptly.

3. They are engaged in peace times in a greater variety of engineering and construction projects than any department.

4. The sole ultimate purpose of having any military organization is to be prepared for an emergency. Therefore, if this corps is given, in addition to its present peace-time duties, all construction work, it will then obtain during peace times that complete variety of experience which will best fit it to meet the emergency.

5. Your committee's conviction in making this recommendation is further strengthened by the fact that the Construction Division, as now constituted, appears still, as Maj. Foster so frankly described the emergency committee in 1918, "to be in sympathy with them (the contractors) both in theory and fact." And your committee reaches this conclusion from the fact that in its last annual report, which has just been printed (February, 1920), the Construction Division, notwithstanding the numerous iniquitous results and evils which had been disclosed by the testimony taken before this committee, still emphatically defends the cost-plus system and assails the lump-sum system, with its well-established and recognized safeguards (see annual report, Chief Construction Division, printed in 1920, pp. 94–101), and because, in its solicitude for the contractors, it even surpassed the emergency construction committee in the only exercise of its veto power over acts of the emergency construction committee, of which we have record, by overruling the committee's recommendation for downward revision of certain fees. (R. 2963.)

6. Since the closing of hearings in this investigation your committee has been advised by the War Department that, after careful consideration by the General Staff, it recommended such transfer, and still strongly recommends it. Apparently the only reason why such transfer has not been made by War Department order prior to this time is that after the approval of the Secretary of War of such transfer, in a memorandum from the Director of Operations, dated March 11, 1919, to The Adjutant General for the issuance of the order to become effective at midnight March 31, 1919, the Secretary left Washington, and the Acting Secretary, Mr. Benedict Crowell, at the instance of the Construction Division, countermanded such direction of the Secretary of War for reasons of temporary administrative convenience, which your committee deems insufficient.

VI.

Your committee respectfully recommends legislation definitely restricting the subcontracting evil. It suggests that such legislation be drafted only after careful hearings and consideration by the proper committee. Your committee is moved to make this recommendation from the fact that while it was clearly the intention of those who drew the emergency form of contract that the prime contractor should carry the definite job to completion, yet because of a permissive clause placed in the contract subcontracting was generally practiced, with the result that not only was the prime contractor allowed a percentage, but the subcontractor was also given the usual contractor's percentage, thereby adding useless expense and dissipating responsibility with attendant harmful results.

VII.

Your committee respectfully recommends that an amendment to the Constitution be drawn and submitted to make profiteering in war times treason.

Article III, section 3, of the Constitution of the United States provides that—

"Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort."

Modern war has been called "technical war," and we now know what such technical war means in the straining to the utmost of the resources of the Nation. What can then be more dangerous or give more "aid and comfort" to the enemy than that which seriously strikes at and impairs such resources? All profiteering does this. It is common knowledge that the profiteering during this war has been great, but what proportion of the $22,000,000,000 expended falls under the head of profiteering will probably never be known.

While hindering the Nation's war program by impairing its resources through profiteering is, to that extent, giving aid and comfort to the enemy, still it is clear that it may not be, and probably is not, coupled with such personal adherence to the enemy as is necessary to bring such conduct within the constitutional definition of treason. Your committee appreciates fully the seriousness of enlarging the constitutional definition of treason. However, it assumes it to be a certainty that in every future war a strict censorship will be in force, thus practically suppressing criticism, whether honest or unwarranted. That being so, it would seem additionally necessary, as far as possible, to provide against the recurrence of those things which should be criticized. And it is the deliberate judgment of your committee that effective legislation to prevent profiteering is one such much-needed step.

Realizing, as it believes fully, the seriousness of its recommendation because of the seriousness of the need, your committee respectfully recommends that a constitutional amendment be prepared and submitted for ratification, so amending the constitutional definition of treason as to include that form of unconscionable taking of the Nation's resources in time of war, which is commonly known as profiteering.

It suggests the following language for consideration:

"That Article III, section 3, of the Constitution of the United States be amended by inserting a comma in lieu of the period at the end of the first sentence thereof and adding the following: "or in giving them aid and comfort by injury to the military, physical, or financial resources of the United States."

VIII.

Your committee respectfully recommends that Congress refer this report and the testimony taken to the Department of Justice, with the request or direction that a complete and thorough investigation be made of all cantonment and camp construction projects, to the end of bringing to book those responsible for the losses to the Government, and frauds through which they occurred, both by recoveries and merited penalties. In the judgment of your committee enough irregularities and fraudulent practices have been uncovered by the testimony to warrant such recommendation and complete investigation of the entire cantonment and camp construction work.

The CHAIRMAN. Under the rule, at the conclusion of the debate, if is provided that a substitute resolution may be offered. Is there a substitute resolution to be offered?

Mr. GRAHAM of Illinois. Mr. Chairman, I move that the committee do now rise and report H. Res. 515 to the House, with the recommendation that it do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. WOOD of Indiana, Chairman of the Committee of the Whole House on the state of the Union, reported that that commttee, having had under consideration H. Res. 515, referring certain hearings and a report of the Select Committee on Expenditures in the War Department to the Department of Justice, had directed him to report the same back to the House with the recommendation that it do pass.

The SPEAKER. Under the rule the previous question is ordered on the resolution to final passage.

Mr. DOREMUS. Mr. Speaker, I desire to offer a motion to recommit.

The SPEAKER. The gentleman from Michigan offers a motion to recommit, which the Clerk will report.

The Clerk read as follows:

Mr. DOREMUS moves to recommit the resolution and report of the Select Committee on Expenditures in the War Department to that committee with instructions to report to the House a resolution specifying all persons, firms, and corporations which, in the judgment of said committee, should be investigated by the Attorney General in connection with the construction of camps and cantonments, and requesting the Attorney General to institute investigations, either by grand jury or otherwise, for the purpose of beginning civil or criminal proceedings against such persons, firms, or corporations in any case where the facts warrant the same.

The SPEAKER. The question is on the motion to recommit.

Mr. DOREMUS. Mr. Speaker, on that I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 131, nays 169, answered "present" 2, not voting 125, as follows:

YEAS—131.

Almon	Bee	Byrnes, S. C.	Clark, Mo.
Ashbrook	Benson	Byrns, Tenn.	Cleary
Aswell	Box	Campbell, Pa.	Coady
Ayres	Brand	Candler	Collier
Babka	Briggs	Carss	Connally
Barkley	Buchanan	Carter	Crisp

Davey	Holland	Moon	Sanders, La.
Davis, Tenn.	Howard	Mooney	Sherwood
Dent	Hudspeth	Moore, Va.	Sims
Dickinson, Mo.	Hull, Tenn.	Neely	Sisson
Donovan	Humphreys	Nelson, Mo.	Stedman
Doremus	Igoe	O'Connor	Stephens, Miss.
Doughton	Jacoway	Oldfield	Stoll
Dupré	Johnson, Miss.	Oliver	Sumners, Tex.
Eagan	Keller	Olney	Tague
Eagle	Kincheloe	Overstreet	Taylor, Ark.
Evans, Mont.	Lanham	Padgett	Taylor, Colo.
Evans, Nev.	Lankford	Park	Thomas
Ferris	Lazaro	Parrish	Tillman
Fields	Lea, Calif.	Pell	Venable
Fisher	Lee, Ga.	Pou	Vinson
Flood	Linthicum	Quin	Watkins
Gallivan	Lonergan	Rainey, Ala.	Weaver
Gandy	McClintic	Rainey, H. T.	Welling
Gard	McDuffie	Rainey, J. W.	Welty
Garner	McKeown	Raker	Whaley
Godwin, N. C.	Major	Rayburn	Wilson, La.
Goodwin, Ark.	Mansfield	Riordan	Wilson, Pa.
Griffin	Mays	Robinson, N. C.	Wingo
Hardy, Tex.	Mead	Romjue	Wise
Hastings	Milligan	Rouse	Woods, Va.
Hersman	Minahan, N. J.	Rubey	Young, Tex.
Hoey	Montague	Rucker	

NAYS—169.

Ackerman	Fordney	Luhring	Rose
Anderson	Foster	McCulloch	Sanders, Ind.
Andrews, Nebr.	Frear	McFadden	Sanders, N. Y.
Anthony	French	McKenzie	Sanford
Baer	Glynn	McKinley	Schall
Barbour	Good	McLaughlin, Mich.	Scott
Benham	Goodykoontz	McLaughlin, Nebr.	Siegel
Bland, Ind.	Graham, Ill.	MacCrate	Sinclair
Boies	Green, Iowa	MacGregor	Sinnott
Bowers	Griest	Madden	Slemp
Britten	Hadley	Magee	Smith, Idaho
Brooks, Ill.	Hardy, Colo.	Mapes	Snyder
Brooks, Pa.	Harreld	Merritt	Steenerson
Browne	Haugen	Michener	Stephens, Ohio
Burdick	Hawley	Miller	Stiness
Burroughs	Hays	Monahan, Wis.	Strong, Kans.
Butler	Hernandez	Mondell	Strong, Pa.
Cannon	Hersey	Moore, Ohio	Summers, Wash.
Christopherson	Hickey	Moores, Ind.	Sweet
Classon	Hicks	Morgan	Swope
Cole	Hoch	Mott	Temple
Cooper	Houghton	Mudd	Thompson
Copley	Huddleston	Murphy	Tilson
Crowther	Hull, Iowa	Newton, Minn.	Timberlake
Currie, Mich.	Hutchinson	Newton, Mo.	Tincher
Dale	Ireland	Nichols, Mich.	Towner
Dallinger	James	Ogden	Treadway
Davis, Minn.	Jefferis	Osborne	Vaile
Dempsey	Johnson, Ky	Paige	Vare
Dickinson, Iowa	Johnson, Wash.	Platt	Vestal
Dowell	Kahn	Purnell	Volstead
Dunbar	Kearns	Ramseyer	Walsh
Dunn	Kendall	Randall, Calif.	Watson
Dyer	King	Randall, Wis.	Webster
Echols	Kinkaid	Reavis	White, Kans.
Elliott	Knutson	Reber	White, Me.
Elston	Kraus	Reed, N. Y.	Winslow
Emerson	Kreider	Reed, W. Va.	Wood, Ind.
Esch	Lampert	Rhodes	Woodyard
Evans, Nebr.	Layton	Ricketts	Young, N. Dak.
Fairfield	Lehlbach	Riddick	
Fess	Little	Robsion, Ky.	
Focht	Luce	Rogers	

ANSWERED "PRESENT"—2.

Clark, Fla.	Longworth

NOT VOTING—125.

Andrews, Md.	Edmonds	Kettner	Rowe
Bacharach	Ellsworth	Kiess	Sabath
Bankhead	Freeman	Kitchin	Scully
Begg	Fuller, Ill.	Kleczka	Sears
Bell	Fuller, Mass.	Langley	Sells
Black	Gallagher	Larsen	Shreve
Blackmon	Ganly	Lesher	Small
Bland, Mo.	Garland	Lufkin	Smith, Ill.
Bland, Va.	Garrett	McAndrews	Smith, Mich.
Blanton	Goldfogle	McArthur	Smith, N. Y.
Booher	Goodall	McGlennon	Smithwick
Brinson	Gould	McKiniry	Snell
Brumbaugh	Graham, Pa.	McLane	Steagall
Burke	Greene, Mass.	McPherson	Steele
Caldwell	Greene, Vt.	Maher	Stevenson
Campbell, Kans.	Hamill	Mann, Ill.	Sullivan
Cantrill	Hamilton	Mann, S. C.	Taylor, Tenn.
Caraway	Harrison	Martin	Tinkham
Carew	Hayden	Mason	Upshaw
Casey	Heflin	Morin	Voigt
Chindblom	Hill	Nelson, Wis.	Walters
Costello	Hulings	Nicholls, S. C.	Ward
Crago	Husted	Nolan	Wason
Cramton	Johnson, S. Dak.	O'Connell	Wheeler
Cullen	Johnston, N. Y.	Parker	Williams
Curry, Calif.	Jones, Pa.	Peters	Wilson, Ill.
Darrow	Jones, Tex.	Phelan	Wright
Denison	Juul	Porter	Yates
Dewalt	Kelley, Mich.	Radcliffe	Zihlman
Dominick	Kelly, Pa.	Ramsey	
Dooling	Kennedy, Iowa	Rodenberg	
Drane	Kennedy, R. I.	Rowan	

So the motion to recommit was rejected.

The Clerk announced the following pairs:

Until further notice:

Mr. LONGWORTH with Mr. KITCHIN.

Mr. JUUL with Mr. LARSEN.

Mr. RODENBERG with Mr. BELL.

Mr. LANGLEY with Mr. CLARK of Florida.

Mr. MANN of Illinois with Mr. DEWALT.

Mr. FULLER of Illinois with Mr. BANKHEAD.

Mr. GRAHAM of Pennsylvania with Mr. STEELE.

Mr. DENISON with Mr. GARRETT.

Mr. BACHARACH with Mr. SCULLY.

Mr. GREENE of Massachusetts with Mr. SMALL.

Mr. WILLIAMS with Mr. HEFLIN.

Mr. BEGG with Mr. O'CONNELL.

Mr. NELSON of Wisconsin with Mr. UPSHAW.

Mr. CURRY of California with Mr. BLAND of Virginia.

Mr. GREENE of Vermont with Mr. DOOLING.

Mr. CHINDBLOM with Mr. BLAND of Missouri.

Mr. MCARTHUR with Mr. SEARS.

Mr. ELLSWORTH with Mr. CALDWELL.

Mr. COSTELLO with Mr. JOHNSTON of New York.

Mr. FULLER of Massachusetts with Mr. HAYDEN.

Mr. TINKHAM with Mr. BLANTON.

Mr. DARROW with Mr. SMITHWICK.

Mr. WALTERS with Mr. STEVENSON.

Mr. GOULD with Mr. MCLANE.

Mr. HUSTED with Mr. MCANDREWS.

Mr. ZIHLMAN with Mr. BLACK.

Mr. BURKE with Mr. WRIGHT.

Mr. CRAGO with Mr. KETTNER.

Mr. PETERS with Mr. MANN of South Carolina.

Mr. MORIN with Mr. SULLIVAN.

Mr. YATES with Mr. MAHER.

Mr. WASON with Mr. BRINSON.

Mr. MCPHERSON with Mr. ROWAN.

Mr. GARLAND with Mr. LESHER.

Mr. LUFKIN with Mr. GALLAGHER.

Mr. RADCLIFFE with Mr. CAREW.

Mr. CAMPBELL of Kansas with Mr. HARRISON.

Mr. WHEELER with Mr. MCGLENNON.

Mr. SMITH of Michigan with Mr. BRUMBAUGH.

Mr. MASON with Mr. CANTRILL.

Mr. HULINGS with Mr. PHELAN.

Mr. JOHNSON of South Dakota with Mr. STEAGALL.

Mr. HAMILTON with Mr. JONES of Texas.

Mr. PORTER with Mr. DRANE.

Mr. ROWE with Mr. HAMILL.

Mr. KLECZKA with Mr. GOLDFOGLE.

Mr. EDMONDS with Mr. MARTIN.

Mr. RAMSEY with Mr. SMITH of New York.

Mr. SHREVE with Mr. CULLEN.

Mr. KENNEDY of Rhode Island with Mr. NICHOLLS of South Carolina.

Mr. WARD with Mr. BOOHER.

Mr. KIESS with Mr. DOMINICK.

Mr. GOODALL with Mr. BLACKMON.

Mr. FREEMAN with Mr. CASEY.

Mr. KELLY of Pennsylvania with Mr. GANLY.

Mr. SNELL with Mr. MCKINIRY.

Mr. TAYLOR of Tennessee with Mr. SABATH.

Mr. JONES of Pennsylvania with Mr. CARAWAY.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on agreeing to the resolution.

Mr. GRAHAM of Illinois. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 299, nays 4, answered "present" 2, not voting 122, as follows:

YEAS—299.

Ackerman	Box	Cleary	Donovan
Almon	Brand	Coady	Doremus
Anderson	Briggs	Cole	Doughton
Andrews, Nebr.	Britten	Collier	Dowell
Anthony	Brooks, Ill.	Connally	Dunbar
Ashbrook	Brooks, Pa.	Cooper	Dunn
Aswell	Browne	Copley	Dupré
Ayres	Burdick	Crisp	Dyer
Babka	Burroughs	Crowther	Eagan
Baer	Butler	Currie, Mich.	Echols
Barbour	Byrnes, S. C.	Dale	Elliott
Barkley	Byrns, Tenn.	Dallinger	Elston
Bee	Campbell, Pa.	Davey	Emerson
Benham	Candler	Davis, Minn.	Esch
Benson	Cannon	Davis, Tenn.	Evans, Mont.
Bland, Ind.	Carss	Dempsey	Evans, Nebr.
Bland, Va.	Christopherson	Dent	Evans, Nev.
Boies	Clark, Mo.	Dickinson, Mo.	Fairfield
Bowers	Classon	Dickinson, Iowa	Ferris

Fess	Kearns	Mudd	Sinclair
Fields	Keller	Murphy	Sisson
Fisher	Kelley, Mich.	Neely	Slemp
Flood	Kendall	Nelson, Mo.	Smith, Idaho
Focht	Kiess	Newton, Minn.	Stedman
Fordney	Kincheloe	Newton, Mo.	Steenerson
Foster	King	Nichols, Mich.	Stephens, Miss.
Frear	Kinkaid	O'Connor	Stephens, Ohio
French	Knutson	Ogden	Stiness
Gallivan	Kraus	Oldfield	Stoll
Gandy	Kreider	Oliver	Strong, Kans.
Gard	Lampert	Olney	Strong, Pa.
Glynn	Lanham	Osborne	Summers, Wash.
Godwin, N. C.	Lankford	Overstreet	Sumners, Tex.
Good	Lazaro	Padgett	Sweet
Goodwin, Ark.	Lea, Calif.	Paige	Swope
Goodykoontz	Lee, Ga.	Park	Tague
Graham, Ill.	Lehlbach	Parrish	Taylor, Ark.
Green, Iowa	Linthicum	Pell	Taylor, Colo.
Griest	Little	Platt	Temple
Griffin	Lonergan	Pou	Thompson
Hadley	Luce	Purnell	Tillman
Hardy, Colo.	Luhring	Quin	Tilson
Hardy, Tex.	McClintic	Rainey, Ala.	Timberlake
Harreld	McCulloch	Rainey, H. T.	Tincher
Hastings	McFadden	Rainey, J. W.	Towner
Haugen	McKenzie	Raker	Treadway
Hawley	McKeown	Ramsey	Vaile
Hayden	McKinley	Ramseyer	Vare
Hays	McLaughlin, Mich.	Randall, Calif.	Venable
Hernandez	McLaughlin, Nebr.	Randall, Wis.	Vestal
Hersey	MacCrate	Rayburn	Vinson
Hersman	MacGregor	Reavis	Voigt
Hickey	Madden	Reber	Volstead
Hicks	Magee	Reed, N. Y.	Walsh
Hoch	Major	Reed, W. Va.	Watkins
Hoey	Mansfield	Rhodes	Watson
Holland	Mapes	Ricketts	Weaver
Houghton	Martin	Riddick	Webster
Howard	Mays	Riordan	Welling
Huddleston	Mead	Robinson, N. C.	Welty
Hudspeth	Merritt	Robsion, Ky.	Whaley
Hull, Iowa	Michener	Rogers	Wheeler
Hull, Tenn.	Miller	Romjue	White, Kans.
Hutchinson	Milligan	Rose	White, Me.
Igoe	Minahan, N. J.	Rouse	Wilson, La.
Ireland	Monahan, Wis.	Rubey	Wilson, Pa.
Jacoway	Mondell	Rucker	Wingo
James	Montague	Sanders, Ind.	Winslow
Jefferis	Moon	Sanders, La.	Wise
Johnson, Ky.	Mooney	Sanders, N. Y.	Wood, Ind.
Johnson, Miss.	Moore, Ohio	Sanford	Woodyard
Johnson, S. Dak.	Moore, Va.	Schall	Wright
Johnson, Wash.	Moores, Ind.	Scott	Young, N. Dak.
Jones, Tex.	Morgan	Sherwood	Young, Tex.
Kahn	Mott	Siegel	

NAYS—4.

Buchanan	Garner	Sims	Thomas

ANSWERED "PRESENT"—2.

Clark, Fla.	Longworth

NOT VOTING—122.

Andrews, Md.	Drane	Kettner	Rowe
Bacharach	Eagle	Kitchin	Sabath
Bankhead	Edmonds	Kleczka	Scully
Begg	Ellsworth	Langley	Sears
Bell	Freeman	Larsen	Sells
Black	Fuller, Ill.	Layton	Shreve
Blackmon	Fuller, Mass.	Lesher	Sinnott
Bland, Mo.	Gallagher	Lufkin	Small
Blanton	Ganly	McAndrews	Smith, Ill.
Booher	Garland	McArthur	Smith, Mich.
Brinson	Garrett	McDuffie	Smith, N. Y.
Brumbaugh	Golafogle	McGlennon	Smithwick
Burke	Goodall	McKinley	Snell
Caldwell	Gould	McLane	Snyder
Campbell, Kans.	Graham, Pa.	McPherson	Steagall
Cantrill	Greene, Mass.	Maher	Steele
Caraway	Greene, Vt.	Mann, Ill.	Stevenson
Carew	Hamill	Mann, S. C.	Sullivan
Carter	Hamilton	Mason	Taylor, Tenn.
Casey	Harrison	Morin	Tinkham
Chindblom	Heflin	Nelson, Wis.	Upshaw
Costello	Hill	Nicholls, S. C.	Walters
Crago	Hulings	Nolan	Ward
Cramton	Humphreys	O'Connell	Wason
Cullen	Husted	Parker	Williams
Curry, Calif.	Johnston, N. Y.	Peters	Wilson, Ill.
Darrow	Jones, Pa.	Phelan	Woods, Va.
Denison	Juul	Porter	Yates
Dewalt	Kelly, Pa.	Radcliffe	Zihlman
Dominick	Kennedy, Iowa	Rodenberg	
Dooling	Kennedy, R. I.	Rowan	

So the resolution was agreed to.

The following additional pairs were announced:

Until further notice:

Mr. ANDREWS of Maryland with Mr. EAGLE.

Mr. BURKE with Mr. WOODS of Virginia.

Mr. SNYDER with Mr. CARTER.

Mr. CRAMTON with Mr. HUMPHREYS.

Mr. EDMONDS with Mr. STEAGALL.

Mr. KENNEDY of Iowa with Mr. MCDUFFIE.

Mr. PARKER with Mr. MCGLENNON.

Mr. SINNOTT with Mr. SMITH of New York.

Mr. McPHERSON. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman present and listening when his name should have been called?

Mr. McPHERSON. I was not, Mr. Speaker.

The SPEAKER. The gentleman does not qualify.

The result of the vote was announced as above recorded.

On motion of Mr. GRAHAM of Illinois, a motion to reconsider the vote whereby the resolution was agreed to was laid on the table.

EXTENSION OF REMARKS.

Mr. GODWIN of North Carolina. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on matters of general legislation.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

FEDERAL FARM LOAN ACT—CONFERENCE REPORT.

Mr. PLATT. Mr. Speaker, I call up the conference report upon the bill (H. R. 9065) to amend sections 3, 8, 10, 12, 20, and 21 of the act approved July 17, 1916, known as the Federal farm loan act, and I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from New York calls up the conference report upon the bill H. R. 9065, and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

Mr. WALSH. Mr. Speaker, I object.

The SPEAKER. The Clerk will read the conference report.

The Clerk read the conference report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9065) to amend sections 3, 8, 10, 12, 20, and 21 of the act approved July 17, 1916, known as the Federal farm-loan act, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 3.

That the House recede from its disagreement to the amendments of the Senate numbered 8 and 9 and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "and may appoint a deputy registrar who shall during the unavoidable absence or disability of the registrar perform the duties of that office," and also by adding after "registrars," in the sixth line of said paragraph the words "deputy registrars"; and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "and may appoint a deputy registrar who shall during the unavoidable absence or disability of the registrar perform the duties of that office"; also, on page 1, line 13, of the engrossed bill strike out the period and insert a comma; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: Omit the matter proposed to be stricken out and also the matter proposed to be inserted by the Senate; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"SEC. 2. That the first paragraph of section 10 be amended to read as follows:

"'That whenever an application for a mortgage loan is made through a national farm loan association, the loan committee provided for in section 7 of this act shall forthwith make, or cause to be made, such investigation as it may deem necessary as to the character and solvency of the applicant, and the sufficiency of the security offered, and cause written report to be made of the result of such investigation, and shall, if it concurs in such report, approve the same in writing. No loan shall be made unless the report is favorable, and the loan committee is unanimous in its approval thereof.

"'The written report required in the preceding paragraph shall be submitted to the Federal land bank, together with the application for the loan, and the directors of said land bank shall examine said written report when they pass on the loan application which it accompanies, but they shall not be bound by said appraisal.'"

"SEC. 3. That the third paragraph of section 11 be amended to read as follows:

"'Third. To fix reasonable initial charges to be made against applicants for loans and to borrowers in order to meet the necessary expenses of the association: *Provided*, That such charges shall not exceed amounts to be fixed by the Farm Loan Board, and shall in no case exceed 1 per cent of the amount of the loan applied for; to acquire and dispose of property, real and personal, that may be necessary or convenient for the transaction of its business.'"

And the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by the Senate amendment insert the following: "and inserting in lieu thereof the words 'incurred for agricultural purposes, or incurred prior to the organization of the first farm loan association established in and for the county in which the land is situated'"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by the Senate amendment, insert the following: "incurred for agricultural purposes, or incurred prior to the organization of the first farm loan association established in and for the county in which the land is situated"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disgreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment, insert the following: "$40"; and the Senate agree to the same.

Amend the title so as to read: "An act to amend certain sections of the Federal farm-loan act, approved July 17, 1916."

EDMUND PLATT,
LOUIS T. MCFADDEN,
MICHAEL F. PHELAN,
Managers on the part of the House.
GEO. P. MCLEAN,
A. J. GRONNA,
Managers on the part of the Senate.

STATEMENT.

This report differs from the conference report on the same bill, rejected in the House on March 2 (Report No. 684), chiefly in amendments 4 and 7. In amendment No. 4, the matter inserted by the Senate, amending section 7 of the farm loan act, relating to the payment of expenses of the secretary-treasurer, has been stricken out. This took out the whole of section 2, making a renumbering of the sections necessary. The authorization for a reasonable initial charge against applicants for loans is made only in amendment No. 5, amending section 11 of the farm loan act, relating to the powers of the farm loan associations. It thus appears in one place only, instead of two, and is more carefully limited than before—"and shall in no case exceed 1 per cent of the amount of the loan applied for."

In amendment No. 7, referring to loans to liquidate already existing indebtedness of the owner of the land, the following has been inserted in lieu of the former restrictions stricken out by the Senate, "incurred for agricultural purposes, or incurred prior to the organization of the first farm loan association established in and for the county in which the land is situated."

The rest of the report is the same as Report No. 684, the former report of the committee of conference on the same bill. The Senate's method of numbering amendments gave two numbers to each amendment, which made the former report and this one look somewhat complicated. The bill was written to show exactly what changes were made in the law, the words stricken out being stated and also those inserted, with the paragraph as amended then printed in full. In each case this was only one amendment to the law, but in changing the wording of these amendments two numbers were given, one in the introductory clause and one in the paragraph as amended. This method of numbering made the House conferees seem to have receded on twice as many amendments as was the fact.

EDMUND PLATT,
LOUIS T. MCFADDEN,
MICHAEL F. PHELAN,
Managers on the part of the House.

Mr. WALSH. Mr. Speaker, I reserve the point of order on the conference report.

Mr. PLATT. Mr. Speaker, this conference report, as the statement of the managers on the part of the House indicates, differs from the report that was presented on March 2 in three places. One of the amendments was in the bill before in two places. It was said to have been so placed on account of harmonizing the act. It provided for an initial charge upon borrowers in order to furnish funds for the carrying on of the farm-loan associations. In one place it was an amendment to section 7 of the farm-loan act, referring to the salaries of the officers of farm-loan associations and the expenses, and in the other place it was an amendment to the powers of the farm-loan associations. This duplication was confusing and the amendment was necessary only in one place, as we now have it in this report. The charge authorized is more carefully guarded than it was before. It is fixed so that it can in no case exceed 1 per cent, and the presumption is that the Farm Loan Board will regulate it in such a way that probably very rarely will a charge as high as 1 per cent be made. It is claimed there are some counties where it would be necessary to allow a charge as much as 1 per cent, but not in a great many instances. There are about 4,000 farm-loan associations, or were in November, when the last report of the Federal Farm Loan Board was made. They average about 19 members each, which is a pretty small average, and one thing which I failed to explain fully, I think, when the last conference report on this bill was under consideration by the House, is that the whole system is new; that its great growth so far has been from the organization of new farm-loan associations. Very few of them have had much chance yet to grow. There is one notable exception, however, and that is in the State of Oregon, where there is one farm-loan association with 384 members, and it is known as the millionaire association, having something like a million dollars of loans. The assocations average, I think, about $80,000. There is a tendency, apparently, in some places to keep them as close corporations. Men who have already gotten their loans have no great inducement to go out and get others to join them, and the records show some counties where there are two or three associations, apparently new associations having been organized within the limits of the county because it was not easy to get into the old association. The whole thing is new. Not only has the growth so far been through the organization of new associations, but the reports from the associations showing what they have been doing and how they have raised funds for their expenses have only just begun to come in. That is, they have been coming in only within the past few months. I am informed that the Federal Farm Loan Board has had some trouble in getting the farm-loan associations to report. There are places where the secretary-treasurers think it is not necessary to make reports to Washington, and they have been very delinquent in making the reports.

I think everyone who studies the act will admit that it is absolutely necessary that there be some inducement to the secretary-treasurer to go out and get loans. I might perhaps quote Mr. Lever, of the Farm Loan Board, formerly the chairman of the Committee on Agriculture of this House, who told me that there are places in his State where mountain farmers, for instance, never hear of the farm-loan associations or of the farm-loan act, and if some secretary-treasurer or somebody interested did not go out and tell them about it they would never learn of it. He says that what the board wants to do is to have the secretary-treasurer given some inducement to go to the county clerk's office or the register's office, or whatever office it is where mortgages are recorded, and find out what outlying farms are mortgaged, where probably the farmer is paying a high rate of interest and perhaps renewing his mortgage every three or four years and paying commissions to do so. There ought to be inducement to the secretary-treasurer to look those fellows up and ask them to come into the farm-loan association and get their loans fixed at a low rate for a term of thirty-odd years.

Mr. Speaker, one thing I want to do is to ask unanimous consent to put into the RECORD as a part of my remarks a letter to Hon. E. B. BROOKS, of Illinois, by Mr. Lever, of the Farm Loan Board, explaining fully the purposes of this amendment.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD for the purpose indicated. Is there objection?

There was no objection.

The letter referred to is as follows:

FEDERAL FARM LOAN BUREAU,
Washington, March 10, 1920.

Hon. E. B. BROOKS,
House of Representatives, Washington, D. C.

MY DEAR MR. BROOKS: Responding to your letter of recent date, in which you ask for information regarding an amendment to the farm-loan act, which was voted on the early part of last week, permit me to say that I am glad to give you the facts.

The farm-loan act provides, section 7, bottom of page 9, that "the reasonable expenses of the secretary-treasurer, the loan committee, and other officers and agents of national farm-loan associations, and the salary of the secretary-treasurer shall be paid from the general funds of the association, and the board of directors is authorized to set aside such sums as it shall deem requisite for that purpose and for other expenses of said association."

The funds of a national farm-loan association can be collected only from four sources, as follows:

"(a) The board of directors may levy an assessment on members in proportion to the amount of stock held by each, which may be repaid as soon as funds are available. (Sec. 7.)

"(b) It may secure an advance from the Federal land bank of the district, to be repaid with interest at the rate of 6 per cent per annum from dividends belonging to said association. (Sec. 7.)

"(c) Subject to rules and regulations prescribed by the Federal Farm Loan Board, any national farm-loan association shall be entitled to retain as a commission from each interest payment on any loan indorsed by it an amount to be determined by said board not to exceed one-eighth of 1 per cent semiannually upon the unpaid principal of said loan, any amounts so retained as commissions to be deducted from dividends payable to such farm-loan associations by the Federal land bank. (Sec. 9.)

"(d) Dividends paid to the association upon stock owned by it in the Federal land bank."

You will note that there are really only two methods of supplying money for the general fund of an association: (1) By assessing members already in the association who already have their money, in proportion to the amount of stock held by each; and (2) from dividends paid to an association upon stock owned by it in the Federal land bank, the others being only loans.

The principal expense of an association arises in connection with the making of new loans, and it is hardly to be expected that members of an association, who already have their loans made and the money in their pockets, are going to assess themselves to permit their neighbor to secure the benefits arising out of membership in the association. They do the very human thing of requiring him to do as they have already done, namely, pay for the expense of securing his loan.

It has been found in the operation of the system, therefore, that this method of supplying the general fund of an association with money is of no practical value and will not be resorted to by members of an association. The only other method of raising money for association expenses is through dividends coming to an association upon stock owned by it in a Federal land bank.

Three out of the 12 land-bank districts so far have not paid dividends, though all of them are expected to do so in the reasonably near future; but even if all of them were paying dividends the funds accruing to the associations from this source would not be sufficient in a great majority of cases to meet the reasonable expenses of the associations, for the reason that the average loan per association is about $80,000, which would mean that the association had $4,000 of stock in the Federal land bank. This $4,000 at 6 per cent per annum would yield only $240, a sum totally inadequate to meet the expenses of the average association, but which, if it were adequate, should not be used for this purpose, because the dividends of an association belong to all the borrowers, and to use it to pay for the expenses of a new loan would be to deprive the initial borrowers of the dividends upon their stock to which they are justly entitled. I feel that dividends paid to an association should in all cases of which I can at present conceive go to the borrowers who own the stock of the association and should not be diverted for paying the expenses of getting new loans. That was not the intention of the law and works an injustice to the borrowers already in the system.

You may be interested to know some of the expenses of an association. They include stationery; postage, which is considerable; rent; surety bond for the secretary-treasurer; transportation for the Federal appraiser to the property to be appraised; and the expenses of the local loan committee of three members, which varies from $3 to $5 per day; and, in addition to these expenses, comes the salary of the secretary-treasurer, authorized in section 7 of the act.

The secretary-treasurer is the active executive officer of the association. We have found that the best associations, those that are most nearly meeting the expectations of the framers of the farm-loan act are those which have the liveliest secretary-treasurers. The duties of a secretary-treasurer are varied and most important and are as follows:

1. He must take the application of the intending borrower and usually is called upon to fill it out.
2. He must procure appraisal of the land by the local appraisal committee.
3. He must write up, as a matter of practice, the report of the local appraisal committee.
4. He must take charge of the Federal appraiser when he visits the association for appraising purposes and procure for him transportation to the property in question.
5. He must disburse the funds being loaned and is responsible for their disbursement in accordance with the terms contained in the application of the borrower.
6. It is his duty to collect interest and amortization payments from borrowers and to remit the same to the Federal land bank.
7. He must look after the matter of delinquent borrowers and make such efforts as are necessary to collect these delinquencies.
8. He must examine tax records and report tax delinquencies.
9. He must keep accurately the books and accounts of the association and must be present at directors' and annual stockholders' meetings.
10. He must file with the Farm Loan Board quarterly and annual reports showing the condition of his association.

The performance of these duties requires very much more time and attention than would at first be supposed. An examination of our records discloses the fact that fully 90 per cent of the secretary-treasurers by positive, direct vote of their associations are receiving compensation of from one-fourth of 1 per cent to one-half of 1 per cent of the amount of loans closed. Those who serve without compensation are either connected with banks in some position or other or are abstract attorneys, who compensate themselves by the patronage brought the bank or through charges for abstracting.

The small initial assessment charge now being made upon new applicants, in the case of the amendment, not to exceed 1 per cent of the amount of the loan closed, is absolutely the only charge which is being made against the borrower by the association throughout the life of the mortgage. If you do not make it worth while for the secretary-treasurer to go out after business, the existing associations, more than 4,000 of them, in a large majority of the cases will cease to operate, except perhaps in the most limited way. The present members, busy with their own affairs, who have already completed their own transactions, are not going out to seek new members, especially if they are to bear the expenses of procuring the loans for such members.

It is my thought that the secretary-treasurer of an association should receive sufficient compensation to make him alive at all times to the credit needs of a farm community. He should have an incentive to be alert to increase the membership of his association, and thereby aid in fulfilling the aims of the farm-loan act by reducing the rate of interest on farm mortgages, stabilizing it, and of furnishing adequate capital for the fullest and best development of the agricultural resources of the country. I am strongly of the opinion that if we should issue a regulation that farm-loan associations should cease these small initial association charges against new borrowers or applicants, thereby making it impossible to compensate secretary-treasurers, four-fifths of them would promptly sever their connection with the association. I may add in this connection that I have not had one complaint coming across my desk from any borrower as to the charges made to him for the procurement of his loan through an association.

The difficulty involved in this matter lies in the fact that unless this amendment or some amendment of like purport is adopted all of these associations now levying any charges which continue to do so will find their action in direct contravention of that portion of section 31 of the act, which reads:

"No land bank or national farm-loan association organized under this act shall charge or receive any fee, commission, bonus, gift, or other consideration not herein specifically authorized."

What we undertake to do in this amendment is to authorize something, to make it legal, that practical experience in the working out of the system has found to be absolutely necessary.

It should be noted also that no additional authority is being conferred upon the Farm Loan Board, except to limit the amount that a farm loan association may vote upon the new borrower. There is no authority in the amendment proposed to compel an association to vote even one-fourth of 1 per cent. The charge must be the voluntary action of the association. The general fund into which these charges go belongs to the borrowers, and they can only be expended as they are authorized by the board of directors of the association. The association itself must make the charge in the first instance, and it must, through its own action, make the disbursement of the funds raised thereby. The limit of the authority of the board is to see to it that if an initial charge is made against new borrowers or applicants it shall not exceed 1 per cent, which the board believes will produce funds sufficient in all cases, even with the weakest association, to meet the reasonable expenses of such associations.

It should be observed also that there is no intention in the amendment that such assessment should be a continuing one, and it might be well to make that clearer by the insertion of such language as would make it plain that this charge is an initial one.

Trusting that this gives you the information which you wish and assuring you of my pleasure in trying to do so.

Your friend,

A. F. LEVER.

Mr. MORGAN. Mr. Speaker, will the gentleman yield?

Mr. PLATT. Yes.

Mr. MORGAN. I want to ask the gentleman to explain a little more fully what difference there is between this report and the one that was voted down on the question of levying assessments on borrowers to pay for the initial expense of the loan. I think the House ought to understand that thoroughly.

Mr. PLATT. That item was carried in the Senate amendment to the bill as the conference report was presented on March 2, in section 2, on page 4 of the bill, and it was also carried in section 3 in an amendment referring to the powers of the farm-loan associations. We have stricken it out entirely in section 2, taken the whole section out, so that it does not appear there, and so that there can be no possibility of any claim that the board could authorize a charge over the heads of the local associations.

Mr. MORGAN. As I understand it, under the report you have now, no charge can be made to a borrower except it is done by the authority of the local association.

Mr. PLATT. That is the fact. It must be done by the authority of the local association.

Mr. MORGAN. The secretary-treasurer on his own account, even by authority of the Federal Farm Loan Board, can not make a charge unless the board of the local association authorizes him to make that charge.

Mr. PLATT. That is the fact, and I want to call the gentleman's attention to the fact that we have made it clearer. The criticism was made before that it was not absolutely clear that this was an initial charge. Some seemed to think that it was a continuing charge. I do not think that was true, but we changed that to make it "to fix reasonable initial charges to be made against applicants for loans and to borrowers in order to meet the necessary expenses of the association." And we strengthened it still further by saying that the charges shall not exceed an amount to be fixed by the Farm Loan Board and shall in no case exceed 1 per cent.

Mr. WALSH. Will the gentleman yield?

Mr. PLATT. I will yield to the gentleman from Massachusetts.

Mr. WALSH. Will the gentleman state what his understanding is of amendment No. 10 of the Senate?

Mr. PLATT. Amendment No. 10 refers to the denomination of bonds. Section 20 of the farm-loan act provides for bonds beginning with as low as $25 and $50, and when we amended the act, when we passed the bill in the House, we struck out the $25 and $50 bonds in the bill. There were plenty of Liberty bonds

at $50 denomination, and there was no reason for continuing such a low value of bonds. The Senate thought there might be some people who might want to invest in a farm-loan bond of as low a value as $40——

Mr. WALSH. So the Senate made it a $40 bond?

Mr. PLATT. Struck out the $25 and the $50 bonds and inserted $40. Struck out $100 and put it at $40.

Mr. WALSH. No; the Senate has not stricken out $100. The Senate has inserted $40.

Mr. PLATT. The House struck out the $25 and $50 bonds and the Senate substituted the $40.

Mr. WINGO. If the gentleman will permit, the present law permits $25, $50, and $100 bonds.

Mr. WALSH. I am asking about what the gentleman understands to be Senate amendment No. 10, which simply inserts $40.

Mr. PLATT. Forty-dollar bonds.

Mr. WALSH. It just inserts $40. Now, the conference report says:

In lieu of the matters proposed by the Senate amendment insert the following: "$40"; and the Senate agree to the same.

Now, that is the Senate amendment, $40. Unless the conferees may have been referring to a prior amendment the conferees have inserted nothing, because that is the identical Senate amendment. In line 10, page 9, they insert the figures or symbol "$40."

Mr. PLATT. I will say to the gentleman I asked Mr. Wold, the Senate clerk, about that. I told him I did not think it was stated right, but there is something else involved in the amendment, the renumbering of the section or something of that sort. He explained it to me and convinced me it was right at the time, but I do not recall just what it is. Of course, there is no sense in numbering this amendment 9 and 10. It is one amendment. I wrote it so as to be absolutely plain, showing what was stricken out and what was inserted and how the paragraph would read as amended. This is all one thing, and I see no reason for the two numbers. It should have been given one number instead of two, which makes confusion.

Mr. WINGO. If the gentleman will yield——

Mr. PLATT. I do.

Mr. WINGO. I noticed the language to which the gentleman called attention, and evidently the reason why the person writing the report for the Senate put it in was this, that the House bill provided for striking out of existing law $25 and $50 bonds. Now, the Senate amended the proposal of the House by providing for $40 bonds. In other words, they treated the language they put in this report the same as if the House bill had carried the present existing law and put in $25 and $50, and they struck out the $25 and $50 and inserted $40. That is the only explanation of the use of the awkward language which has been used.

Mr. WALSH. No; not only awkward, but it is incorrect. If the gentleman is referring to No. 9——

Mr. WINGO. I am referring to No. 10.

Mr. WALSH. No. 10 is simply inserting $40. Now, the conferees report that in lieu of $40 the conferees strike out $40 and insert $40.

I wanted to be sure that the report of the conferees was correct, because that language, of course, would carry the implication that something else was substituted for what was eliminated by amending the Senate amendment, and I wanted to make sure that the gentleman had the report correct.

Mr. PLATT. The report is correct, I am sure of that, because I talked this matter over with Mr. Wold as to exactly how it came about.

Mr. WINGO. If the gentleman will permit, here is where the confusion comes. It is a fact amendments Nos. 9 and 10 are the same.

Mr. PLATT. Exactly.

Mr. WINGO. Now, section 5 of the bill undertakes to amend section 20 of the act, and section 5 of the bill says that "said section 20 of said act shall be amended by striking out the $25 and $50, in line 2 of paragraph 1, and inserting in lieu thereof the numeral '40,' and also by inserting after '$1,000' the words 'and such larger denominations as the Federal Farm Loan Board may authorize,' so that the paragraph as amended will read," and then proceeds to give section 20 as amended. Now, the error was in undertaking to say that the new matter inserted in line 10 should be treated as a separate amendment. As a matter of fact, it is not. The amendment is amendment No. 9. They undertook, though, to number every change, so there is amendment No. 10 and the figures "$40" that occur with amendment No. 10 in line 10 is to make the section conform to amendment 9, which inserts $40 instead of $25 and $50. The legal effect, I think the gentleman from Massachusetts will agree, is the same. It might be misleading, but the legal effect is the same.

Mr. WALSH. Of course, the explanation clarifies the situation, and if that is the understanding of the conferees——

Mr. PLATT. That is the understanding. I may say to the gentleman I protested against this thing of numbering the same amendment as if it were two amendments, but I could not change the Senate forms.

Mr. WALSH. I should think you could not treat them any other way except by numbering them singly.

Mr. PLATT. As the amendments should be numbered, one number should be given to each amendment, and not two.

Mr. WALSH. I withdraw the reservation of the point of order, Mr. Speaker.

Mr. PLATT. Mr. Speaker, I reserve the balance of my time.

Mr. MORGAN. May I ask the gentleman from New York a question?

Mr. PLATT. I yield five minutes to the gentleman from Arkansas [Mr. WINGO].

Mr. WINGO. Mr. Speaker, I am not going to make any fight on the conference report. The Members who were here on March 3 remember that the House disagreed to the conference report that was reported on that date. The result has been that the Senate has receded from those things we contested on that date, and which were the reasons why we defeated the conference report. Briefly, to remind the Members of the House, the controversy which I raised at that date was that I contended that the local associations should at all times have the sole power to determine what if any shall be the assessment on themselves for their local expenses. Now, the only change that is made in the amendment that is brought in here—as a matter of fact, it was in the report before this—is that while the local association retained the power to initiate an assessment upon themselves, yet we do give the Federal Farm Loan Board the right to limit them in making assessments upon themselves, and we also fixed a legislative limit of 1 per cent. In other words, if the local association refuses to make any kind of assessment, under the conference report as it is brought in to-day, the Federal Farm Loan Board can not compel them by rule or regulation to make any assessment as it could have done under the conference report that was defeated before.

Mr. MORGAN. Will the gentleman yield?

Mr. WINGO. I yield.

Mr. MORGAN. As I understand, under section 7 of the original act it required that the reasonable expenses of the Secretary of the Treasury, and so forth, should be paid from the general fund of the association, and permitted an assessment to be made, but it did not authorize an assessment upon the applicant when he applied for a loan.

Mr. WINGO. Oh, yes; it did. If the gentleman will turn to page 5 I will give him the language that was in the Senate amendment that we defeated and which is dropped by this conference report. The new language is to be found in line 17, and is as follows:

Such funds under rules and regulations of the Farm Loan Board to be provided by reasonable charges not to exceed 1 per cent of the amount borrowed.

I am not sure, but I may have overstepped and taken some of the language of the present act. But the vicious language is this:

Such funds under the rules and regulations of the Farm Loan Board.

In other words, the board might fix a rule and regulation that would make the assessment compulsory, but under the wording brought in, if a loan association in Kansas, Oklahoma, or Illinois says, "We will not assess ourselves one single dime," there is not any power in the land bank or in the Federal Farm Loan Board at Washington to compel them to make such assessment. They retain local self-government over the question of taxing themselves. We do put a limitation on it. If any of the local directors should be extravagant the Federal Farm Loan Board could limit it, but we say they can not put a higher limit than 1 per cent; but they can make a limit of one-half of 1 per cent or one-fourth of 1 per cent.

Mr. BROOKS of Illinois. Will the gentleman yield?

Mr. WINGO. Yes.

Mr. BROOKS of Illinois. Have the local boards been making assessments on the members without law?

Mr. WINGO. That is a disputed question. I want to tell you this: The words "initial charges" in the present conference report are very wise. You can not always make the percentage basis fair. One-half of 1 per cent on a $1,000 loan would be $5, and on a maximum of $10,000 it might be deemed unnecessary, as they would not need it to meet their expenses. The general rule is to make a small nominal charge. Now, this permits them to do what they are doing now—instead of putting

them on a percentage basis, according to a strict interpretation of the law, they may put on a nominal charge less than the percentage basis, but which would not be strictly uniform. To be frank with the gentleman, I am going to agree to this report. I am waiting for the Supreme Court to settle the question of the constitutionality of the act. The gentleman understands that at the present time the banks are held up and can not make loans and can not sell their bonds because the Supreme Court of the United States is holding up the act on the question of its constitutionality. But after they hold it constitutional—which I think they will; I do not believe they can do otherwise—I am going to insist that we cut out the question of assessment entirely, except what? Require each applicant to put up a small nominal sum of $5 or $10, so as to prevent a bogus application, in order to get the land appraised by an appraiser; and if the loan goes through, return the initial fee, because he can still contribute to his local association. I contend the 1 per cent profit the land banks make between the interest rate they charge the farmer and the interest rate at which they sell their bonds, if handled properly, will pay the administrative expenses, pay the title examiners, and all the expenses, including those of the appraiser that goes out and represents the bank. That should be taken out of the 1 per cent, and the farmer should not be assessed for it.

Mr. PLATT. The gentleman, I understand, has some very interesting statistics from the Farm Loan Board, and I was going to ask him if he will refer to them.

Mr. WINGO. I am going to ask to revise and extend my remarks for the purpose of inserting some memoranda which I suggest the Members can study at their leisure, and will afford information as to the expenses of the operation of these banks, the number of borrowers, the gross loans in force, the average amount of loans, and the average cost of title examination, and so forth.

Now, to get back to the proposition we have been discussing. In the initial stage it was contended that we ought to require this fee to be paid by the borrower. But the banks are getting upon their feet. You remember we had up the question of the Springfield bank the other day. Going over the data which I have accumulated, I understand why it is $38,000 in the hole. They are paying too much for legal and other overhead expenses. They are paying too much for overhead charges.

Mr. PLATT. The Springfield bank is located in a different sort of country from that in which the gentleman lives. It is a rocky and hilly country, and, not only that, but the people who have got farms can borrow from the old mutual savings banks as cheaply.

Mr. WINGO. The gentleman did not catch the point. They have an old, cumbersome title system.

Mr. PLATT. And they do not have the same system of taxation.

Mr. WINGO. The gentleman from New York will realize that there is a comparatively clumsy method of examination of titles in Massachusetts and that puts some burden on it. In my State you can get an abstract from a bonded abstract company in an hour's time, and an attorney in 15 minutes can pass on most of the titles. But in addition to that, they are paying too much for their overhead expenses. I think that is undoubtedly so. Of course, it will rate higher proportionately, because they have a smaller number of loans. You take the gross amount of expense of that bank and you will find it is outrageous. I am going to tell the board to go through it and make them cut down expenses. The appraisal and legal expenses amount to $178,000. That is outrageous for 4,405 loans.

Mr. MORGAN. Mr. Speaker, will the gentleman yield?

Mr. WINGO. Yes.

Mr. MORGAN. Does the gentleman know as to the amount paid for salaries that these local land banks pay?

Mr. WINGO. No; I do not know.

Mr. MORGAN. I think the gentleman ought to know.

Mr. WINGO. Oh, that is a detail; but I can not be expected to recall everything I am questioned about.

Mr. MORGAN. Is it not a fact that the presidents of some of these banks get $7,500 a year?

Mr. WINGO. I do not know as to that.

Mr. MORGAN. Do not all of them get that?

Mr. WINGO. I am not sure of that, and when I make a statement of fact I want to be sure. That is a matter that I have not looked into because I have felt sure that the board would control that in a reasonable way.

Mr. MORGAN. Do you not think that $7,500 a year as salary to the president of one of those banks, with no responsibility as a public officer, is too much?

Mr. WINGO. I know one of them turned down an offer of $20,000 a year.

Mr. MORGAN. Who was it?

Mr. WINGO. I am not going to say, because it came to me in a private conversation. He is a man whom I have known all my life, although he is not from my State, who is a very able and efficient executive and is wrapped up in the farm-loan act. Men in a distant State have offered that man $20,000 a year to handle a financial operation for them.

Mr. MORGAN. Is he not an exception to the rule?

Mr. WINGO. Well, I know some men in this House that are worth more than the salary that is paid them, and then I know of one or two who are not worth a cent. [Laughter.] You can not standardize men.

Mr. PLATT. Mr. Speaker, will the gentleman yield?

Mr. WINGO. Yes.

Mr. PLATT. I hold no brief for the Springfield bank and I do not know how it is managed, but I do not think its expenses are excessive as compared with the expenses of the Baltimore bank, for instance, or the Omaha bank, which make much larger loans. The gentleman, of course, knows that these old farms in the East have titles going back to the days of the kings and queens of England and the details are intricate and have to be looked up carefully.

Mr. WINGO. I know that.

Mr. PLATT. And the farms have been added to and taken from from time to time, so that the problem is made complicated.

Mr. WINGO. The land grants in Texas, I will say to my friend, go almost as far back. When parts of Massachusetts were a howling wilderness, whenever Longfellow, the poet, wanted to find a genial atmosphere he went to my district, and in a poem he referred to "that grand old southern gentleman down by the Choctaw line." But here is the point——

Mr. PLATT. In the gentleman's district there are sections laid out in regular squares, but in New England the lines are complicated, and some one has got to see to it that the titles are right, and that the surveys are right. It is the way the farms are bounded.

Mr. WINGO. I do not care whether you follow the "meandering lines," as is done in Massachusetts, Tennessee, and other States, or otherwise. I do not think that that adds to the expense. Take the Baltimore bank, for instance. That is as old as the Springfield proposition, with over two times as many borrowers and nearly four times as many loans. The total legal expense of the Baltimore bank was only $20,000 more than the legal expense of the Springfield bank.

Mr. PLATT. But the legal expenses are necessarily different.

Mr. WINGO. I do not charge any mismanagement to the Springfield bank. I think possibly they could use a little more economy there, and, of course, I admit that when you have a smaller and fewer number of loans, necessarily the overhead cost per loan would be greater. But when you compare it with the lump sum, I think possibly the expenses are a little heavy.

But to get back to the proposition I was discussing. When the dispute over the farm loan act is settled and we get back to a normal basis, I want to insist that the 1 per cent difference between the rate the bank charges the farmer and the rate at which it sells its bonds should be used to cover all expenses, including the bank's appraiser.

The SPEAKER. The time of the gentleman from Arkansas has expired.

Mr. WINGO. Mr. Speaker, I ask unanimous consent to insert the data in the RECORD that I referred to in debate.

The SPEAKER. The gentleman from Arkansas asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

There was no objection.

Following are the statements referred to:

COMPARATIVE DATA COVERING OPERATIONS OF FARM LAND BANKS.

Tables 2, 3, and 4 attached hereto indicate the total costs of the various land banks of appraisals, title determinations, and all other operating expenses with the average cost per loan and per thousand for each. These figures do not represent the cost to the borrower.

Table 6 indicates the rates charged by the banks against the applicants for appraisal and title determination expenses. Table 7 is a comparison of the total of such collections by the various banks with the total amount expended for appraisal and legal departments. It will be noted that the total amount expended has in every instance exceeded the total collected from the borrowers:

TABLE I.—*Statement showing total gross loans in force, number, and average amount of such loans for each Federal land bank district as at the close of business Feb. 29, 1920.*

Federal Land Bank of—	Gross mortgage loans in force.	Number of borrowers.	Average amount of loan.
Springfield	$12,558,795.00	4,445	$2,825.38
Baltimore	13,215,100.00	5,072	2,605.50
Columbia	17,734,755.00	7,897	2,245.76
Louisville	24,268,800.00	7,877	3,080.96
New Orleans	22,432,805.00	14,204	1,579.33

TABLE I.—*Statement showing total gross loans in force, number, and average amount of such loans for each Federal land bank district as at the close of business Feb. 29, 1920*—Continued.

Federal Land Bank of—	Gross mortgage loans in force.	Number of borrowers.	Average amount of loan.
St. Louis	$25,196,880.00	10,412	$2,419.98
St. Paul	44,430,300.00	15,218	2,919.59
Omaha	42,674,440.00	8,147	5,238.05
Wichita	27,216,800.00	11,044	2,464.40
Houston	37,574,781.00	12,712	2,955.85
Berkeley	16,676,400.00	5,247	3,178.27
Spokane	42,202,320.00	16,181	2,608.14
Total	326,182,176.00	118,456	2,753.61

TABLE II.—*Statement showing number and amount of net loans approved, the total expenses of the legal departments (title examination costs), and the average of such expense per loan and per thousand for each Federal land bank as at the close of business Feb. 29, 1920.*

Federal Land Bank of—	Total number of net loans approved (titles examined).	Total amount of net loans approved.	Total expense of legal department.	Average cost of title examination.	
				Per loan.	Per $1,000.
Springfield	4,886	$13,841,260.00	$39,528.84	$8.09	$2.85
Baltimore	5,880	15,185,315.00	53,059.23	9.03	3.49
Columbia	9,339	21,673,829.00	59,106.87	6.33	2.73
Louisville	9,900	30,323,850.00	69,658.20	6.97	2.30
New Orleans	17,718	28,974,526.00	54,547.63	3.08	1.88
St. Louis	13,008	32,068,795.00	70,039.51	5.38	2.19
St. Paul	16,197	48,907,550.00	58,755.51	3.63	1.21
Omaha	10,204	53,929,824.00	45,540.51	4.46	.84
Wichita	11,055	30,298,600.00	53,402.02	4.83	1.76
Houston	18,362	46,212,357.00	105,665.25	5.75	2.28
Berkeley	5,666	18,159,300.00	35,367.17	6.23	1.95
Spokane	18,131	47,263,645.00	52,619.16	2.90	1.11
Total	140,436	386,840,151.00	697,499.93	4.96	1.80

TABLE III.—*Statement showing number and amount of gross loans approved, total expenses of the appraisal department (appraisal costs), and the average of such expense per loan and per thousand for each Federal land bank as at the close of business Feb. 29, 1920.*

Federal Land Bank of—	Total gross loans approved from organization to Feb. 29, 1920.		Expense of appraisal department from organization to Feb. 29, 1920.	Total number of appraisals from organization to Feb. 29, 1920.	Average cost of appraisal department from organization to Feb. 29, 1920.	
	Number.	Amount.			Per appraisal.	Per $1,000.[1]
Springfield	6,701	$18,428,595.00	$72,828.55	7,528	$9.67	$3.62
Baltimore	7,800	19,371,615.00	82,025.37	10,746	7.63	3.11
Columbia	12,911	28,432,619.00	89,274.42	23,000	3.88	1.94
Louisville	13,593	37,305,700.00	79,830.29	17,205	4.62	1.80
New Orleans	24,758	36,691,985.00	98,351.13	27,359	3.59	2.07
St. Louis	18,170	42,277,475.00	119,711.37	21,246	5.63	4.39
St. Paul	25,484	65,045,150.00	133,481.44	26,039	5.12	2.09
Omaha	14,468	67,816,424.00	100,682.00	15,686	6.42	1.47
Wichita	16,140	41,201,825.00	122,435.68	22,551	5.47	2.17
Houston	24,902	64,983,543.00	136,378.74	27,287	4.99	1.40
Berkeley	7,778	24,273,400.00	113,804.84	11,188	10.17	4.48
Spokane	24,039	62,106,305.00	114,400.65	28,600	4.00	1.85
Total	196,744	507,934,636.00	1,263,204.48	238,495	5.29	2.48

[1] The average cost per thousand is based upon the total amount of appraisals made and not upon the total amount of approved loans. This basis of computation is necessary in order to reflect the correct average cost per thousand on the lands appraised because in many instances the loans are either rejected or approved for greatly reduced amounts after appraisal, or withdrawn.

TABLE IV.—*Statement showing number and amount of gross loans approved, the total expenses of the Federal land banks (excluding appraisal and title examination costs), and the average of such expense per loan and per thousand for each land bank as at the close of business Feb. 29, 1920.*

Federal Land Bank of—	Number of applications.	Total gross loans approved, organization to Feb. 29.	Total expenses, excluding appraisal and legal departments.	Expense average (excluding appraisal and legal expenses).	
				Per loan.	Per $1,000
Springfield	6,701	$18,428,595.00	$177,273.51	$26.45	$9.62
Baltimore	7,800	19,371,615.00	157,921.10	20.24	8.15
Columbia	12,911	28,432,619.00	147,562.51	11.43	5.19
Louisville	13,593	37,305,700.00	149,864.21	11.03	4.02
New Orleans	24,758	36,691,985.00	173,933.80	7.02	4.74
St. Louis	18,170	42,277,475.00	203,243.24	11.18	4.81
St. Paul	25,484	65,045,150.00	303,719.38	11.92	4.67
Omaha	14,468	67,816,424.00	201,805.70	13.94	2.97
Wichita	16,140	41,201,825.00	206,161.95	12.77	5.00
Houston	24,902	64,983,543.00	199,045.93	7.99	3.06
Berkeley	7,778	24,273,400.00	161,248.89	20.73	6.64
Spokane	24,039	62,106,305.00	189,249.34	7.87	3.05
Total	196,744	507,934,636.00	2,271,029.56	11.54	4.47

TABLE V.—*Consolidated statement showing earnings and expenses, distribution of earnings, and undivided profits of all Federal land banks from organization to Feb. 29, 1920.*

Federal Land Bank of—	Gross earnings.	Deductions from income (interest charges, etc.).	Net operating income (gross earnings less deductions from income).	Expenses.
Springfield	$938,338.94	$687,132.87	$251,206.07	$289,630.90
Baltimore	996,620.90	709,479.43	287,141.47	293,015.70
Columbia	1,280,482.14	937,642.35	342,839.79	295,943.80
Louisville	1,597,566.64	1,172,743.46	424,823.18	299,352.70
New Orleans	1,759,347.93	1,269,528.43	489,819.50	326,832.56
St. Louis	1,923,385.91	1,435,759.31	487,626.60	392,994.15
St. Paul	3,319,129.15	2,467,789.19	851,339.96	495,956.33
Omaha	2,897,510.51	2,257,970.01	639,540.50	348,028.21
Wichita	2,497,929.10	1,814,713.93	683,215.17	381,999.65
Houston	2,644,274.69	1,889,938.16	754,336.53	441,089.92
Berkeley	1,407,637.69	995,963.99	411,673.70	310,620.90
Spokane	3,456,863.36	2,714,339.66	742,523.70	356,269.15
Total	24,719,086.96	18,353,000.79	6,366,086.17	4,231,733.97

Federal Land Bank of—	Dividends paid.	Carried to reserve account.	Carried to suspense account.	Undivided profits.
Springfield				$33,424.83
Baltimore				5,874.23
Columbia				46,895.99
Louisville	$38,310.91	$15,800.00		71,359.57
New Orleans	62,931.25	25,300.00		74,755.69
St. Louis	42,916.60	12,300.00		39,415.85
St. Paul	102,782.86	60,000.00		192,600.77
Omaha	161,159.90	46,700.00		83,652.39
Wichita	66,308.17	53,300.00		181,607.35
Houston	77,154.87	56,200.00		179,891.74
Berkeley	39,291.40	14,000.00		47,761.40
Spokane	92,084.83	66,900.00	$66,019.72	161,250.00
Total	682,940.79	350,500.00	66,019.72	1,034,891.69

TABLE VI.—*Statement showing charges made by the several Federal land banks to cover cost of appraisal and determination of title.*

Federal Land Bank of—	Appraisal fee.	Determination of title fee.	Title insurance fee.
Springfield	⅛ of 1 per cent on loan; minimum fee, $7.50; maximum fee, $30.	Included in appraisal fee.	
Baltimore	½ of 1 per cent; minimum fee, $5; maximum fee, $15.	....do....	$3 per $1,000; minimum fee, $3.
Columbia	$100 to $1,000, fee of $7.50; $1,001 to $2,000, fee of $12.50; $2.50 for each $1,000, up to $10,000.	$2.50 in case of reappraisal for determination of title, etc.	$2.50 per $1,000; included in appraisal fee.
Louisville	$5 up to $1,000; $1 for each $1,000 or fraction thereof.	Included in appraisal fee.	25 cents per $100, with minimum fee of $2.50; optional in Indiana and Ohio; compulsory in Kentucky and Tennessee.
New Orleans	$5 per $1,000 or fraction; $1 additional for each $500 or fraction.	....do....	$2.50 per $1,000.
St. Louis	½ of 1 per cent; minimum fee of $5 for first $500 or less.	....do....	
St. Paul	$5 to $1,000, and $5 per $1,000 above $1,000 to a maximum of $25.	....do....	
Omaha	No charge in "corn belt"; $5 per application; additional fee of 1 per cent, including $5 fee on irrigation loans.	....do....	
Wichita	Up to and including $1,000, $7.50; to $2,000, $12.50; to $4,000, $17.50; to $6,000, $22.50; to $10,000, $25.	....do....	
Houston	$5 on first $1,000 and $2.50 for each additional $1,000 or fraction thereof.	....do....	
Berkeley	$10 for loans of $500 to $1,000, inclusive, and 25 cents additional for every $100 of loan.	....do....	
Spokane	No fees charged except $5 with each application for increased loan.		

TABLE VII.—*Statement showing amounts collected by the several land banks from borrowers for the period from organization to the close of Feb. 29, 1920, for expenses of appraisal and title examination, and total amounts expended by the land banks for their appraisal and legal departments.*

Federal Land Bank of—	Total collected from borrowers for expense of appraisal and title determination.	Total amount expended by land banks for their appraisal and legal departments.
Springfield	$29,360.82	$112,357.39
Baltimore	54,053.45	135,094.60
Columbia	60,590.57	148,381.29
Louisville	71,345.94	149,488.49
New Orleans	97,105.35	152,898.76
St. Louis	101,491.83	189,750.91
St. Paul	191,438.40	192,236.95
Omaha	54,763.30	146,222.51
Wichita	141,291.35	175,837.70
Houston	168,000.12	242,063.99
Berkeley	76,896.78	149,372.01
Spokane	6,797.21	167,019.81
Total	1,053,044.12	1,960,704.41

Mr. PLATT. Mr. Speaker, I yield five minutes to the gentleman from Oklahoma [Mr. MORGAN].

The SPEAKER. The gentleman from Oklahoma is recognized for five minutes.

ORDER OF BUSINESS TO-MORROW.

Mr. MONDELL. Mr. Speaker, will the gentleman suspend long enough for me to make a unanimous-consent request?

Mr. MORGAN. Yes.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to dispense with Calendar Wednesday calls to-morrow, and I do it for this reason: The Army appropriation bill is reported. The gentlemen of the committee are exceedingly anxious to take that bill up. It is rather important that the bill be passed as soon as possible. There may be some difference of opinion as to the sums that the bill should carry, and I think it is very well to start the bill along on its legislative course as soon as possible.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. WALSH. How can they report an Army appropriation bill when we do not know what the Army organization is going to consist of?

Mr. MONDELL. The appropriation bill is based very largely on the Army organization bill as it passed the House, and one reason for passing the Army appropriation bill as promptly as possible is that the bill may go to the Senate and be there and be considered about the time we get the Army reorganization bill into conference.

Mr. WALSH. Then suppose the Army reorganization bill comes out, and——

Mr. MONDELL. Of course, the Army reorganization bill will come out of conference before the Army appropriation bill goes into conference, and it is rather important to have the measure well along; and, furthermore, there are members of the committee that are very anxious to have the bill disposed of.

Mr. WALSH. If the gentleman will permit, it seems to me that is rather an unwise precedent to establish; when a coordinate branch is considering a measure that is to control the appropriations that are to be made for a branch of the Government, to rush——

Mr. MONDELL. If the gentleman will allow me, it is only a question of whether the bill will come up to-morrow or the day after.

Mr. WALSH. That is why I mention it, because if we waited until the day after to-morrow the reorganization bill will be on its way back here.

Mr. MONDELL. What we do on the Army appropriation bill will not affect the Senate's action on the reorganization bill. The reorganization bill will in any event take its way in the Senate. In the meantime the Army appropriation bill will have taken its way.

Mr. WALSH. Very well; I will not object.

Mr. RAYBURN. To-morrow is Calendar Wednesday?

Mr. MONDELL. Yes.

Mr. RAYBURN. Is it a week or two weeks before we get another Calendar Wednesday?

Mr. MONDELL. A week.

Mr. ESCH. I want to say, speaking for the Committee on Interstate and Foreign Commerce, that that committee will not have enough work to carry it through another Calendar Wednesday. We will not lose any rights if it is dispensed with to-morrow.

Mr. RAYBURN. You may lose a week.

Mr. ESCH. Yes; a week.

Mr. PLATT. I shall not object to putting it over to-morrow if we can have a Calendar Wednesday next week.

Mr. MONDELL. We will.

Mr. WINGO. Reserving the right to object, I suggest to the gentleman from New York—I am sure the gentleman from Wyoming [Mr. MONDELL] will agree to it—that there is some question whether or not under the rules the Committee on Banking and Currency would be entitled to go on to-morrow. I am pretty sure though that the request of the gentleman from Wyoming will simply leave our rights in statu quo, deferring the consideration of the question for one week. I think that is what the gentleman from New York [Mr. PLATT] wants to protect.

Mr. PLATT. That is what I wish.

Mr. WINGO. It will not jeopardize any rights that the Committee on Banking and Currency may have, but will simply defer the whole matter for one week?

Mr. PLATT. Yes.

Mr. VESTAL. Reserving the right to object, do I understand that the Committee on Coinage, Weights, and Measures will have the call a week from to-morrow?

The SPEAKER. The gentleman will have the same rights a week from to-morrow that he would have to-morrow.

Mr. VESTAL. With that understanding I shall not object.

Mr. GARNER. Reserving the right to object, and I do not intend to object, I merely want to ask the gentleman from Wyoming [Mr. MONDELL] if it is not a fact that the Committee on Military Affairs is reporting the Army bill in this apparent haste in order to get the Army bill through the House and over into the Senate, to use it as a prize pole on the Senate with reference to the Army reorganization bill?

Mr. MONDELL. I hardly think that is true. I have not thought of that as being true. I have thought it was desirable to have this whole program of appropriations well on its way, and particularly this bill, which will necessarily be delayed somewhat in the Senate.

Mr. GARNER. I want to congratulate the gentleman on passing his appropriation bills as quickly as possible, but I think it must be apparent to everyone that if the Army appropriation bill goes through the House and over to the Senate based on the Army reorganization bill as it passed the House, it will be a considerable prize pole on the proposition of making the Senate agree to the House provisions.

The SPEAKER. Is there objection to the request of the gentleman from Wyoming to dispense with Calendar Wednesday to-morrow?

There was no objection.

FEDERAL FARM LOAN BOARD.

The SPEAKER. The House will resume consideration of the conference report on the Federal farm-loan act, H. R. 9065. The gentleman from Oklahoma [Mr. MORGAN] is recognized for five minutes.

Mr. MORGAN. Mr. Speaker, this report has been modified somewhat from the original report which the House voted down. I do not rise for the purpose of opposing this report. As the gentleman from Arkansas [Mr. WINGO] and the gentleman from New York [Mr. PLATT] state, this gives the local association the sole authority to levy a commission upon borrowers—the initial charge. The original act provided that the local association might make assessments upon stockholders, but it did not give them the right to levy a special assessment or commission upon borrowers applying for loans. After the borrowers obtained their loans, of course they did not feel like levying assessments upon themselves. I think this assessment or charge ought to have been limited to one-half of 1 per cent instead of 1 per cent; but inasmuch as it is a local association that levies the assessment, I suppose we can trust it. I believed at the time the Federal land bank act was passed that the local association would be expensive to the system. There are 4,000 of these local associations to-day, and their number will increase as the system grows. The secretary-treasurer keeps an account with each borrower. Interest payments are collected and transmitted to the Federal land banks. Some of these secretaries handle large amounts of money. Consequently, what did the Farm Loan Board do? They came into the Committee on Appropriations and said, "We have 4,000 of these associations doing business. We have nobody to examine their accounts. We have already had a defalcation or two, and we want $60,000 appropriated to employ 8 or 10 examiners to go out and examine these local associations." I have always contended that the local association ought to exist as an organization for the mutual benefit of borrowers, but that the secretary-treasurer ought not to be allowed to col-

lect the interest; that the borrowers themselves ought to send their interest into the banks. In this way the chief labor of the secretary-treasurer would be eliminated. In this way the expense of the local associations would be greatly reduced. The cost of Federal supervision of the local associations now amounting to $60,000 annually would be saved.

Mr. WINGO. Will the gentleman yield for a question?

Mr. MORGAN. I have only a short time, but I will yield for a question.

Mr. WINGO. I will say that in one bank they do require that. They require them to send it in. The president of that bank sees that notices go out far enough in advance, and he tells them to send in their checks ahead of time, and the checks are dated ahead.

There is another point on which I wish to correct the gentleman. The figures that I put in the RECORD are misleading, because they cover only the amount collected for the banks. This does grant some relief, because the president of one bank admitted to me that on a loan of $1,000 they charged $29 altogether, $15 when the application was first made and $14 when it was finally approved. This amendment providing for 1 per cent will cut them down, and does grant some relief. But I am willing to go still further.

Mr. BROOKS of Illinois. Will the gentleman yield?

Mr. MORGAN. I want to say a few words myself, but I will yield.

Mr. BROOKS of Illinois. I see by the act that 1 per cent may be levied for local expenses.

Mr. MORGAN. Yes.

Mr. BROOKS of Illinois. Suppose a man is already a member.

Mr. MORGAN. An assessment can not be made on him. It is only the initial charge for the man who makes application for a loan.

Now, the gentleman from Arkansas referred to the 1 per cent that the Federal land bank has for operating expenses; that is the difference between the interest rate of the bond and interest rate paid by the borrower. Land banks may charge 1 per cent more interest annually than the bonds bear, giving the banks 1 per cent to do business with. Now, gentlemen, that is too much. Our Federal land banks are spending too much money for administration expenses. The law should be amended. These banks should do business on one-half of 1 per cent. The European banks, I think without exception, run on less than one-fourth of 1 per cent.

The SPEAKER. The time of the gentleman has expired.

Mr. MORGAN. Will the gentleman yield me five minutes more?

Mr. PLATT. Mr. Speaker, I yield the gentleman five minutes more.

Mr. MORGAN. I repeat that the European banks run on less than one-quarter of 1 per cent. The managers and officers of the Federal land banks have no financial interest in economical management. I fear that the tendency is to employ too large a number of people and pay them excessive salaries. I think they are employing too many men now. I understand each land bank employs on an average about 50 persons and pays salaries ranging up to $7,500. I think that is excessive, and I think we ought to limit their expenses, and when we come to revise the laws I think we ought rapidly to cut down the expense account, the amount allowed the Federal land banks to use for operating expenses, to at least one-half of 1 per cent. It has been asserted that these banks are making money, that they are paying dividends but they are not making money. When these banks have a surplus it merely means they have made overcharges. One per cent is more than they need, notwithstanding they have all the employees they want and pay them liberal salaries.

If you examine the joint-stock land banks and the number of employees they have and the list of their salaries, you will find that they are run on much less expense than the Federal land banks. Why? Because the officers and owners of the stock of these banks are interested in making money; they are interested in the economical administration; they must make dividends or the stock is worth nothing. You will find that they are operated to-day under much less expense than the Federal land banks. The great danger of semipublic loan institutions is that they will not operate economically as private institutions are operated. This must be guarded against. We must see to it that the managers of these banks reduce operating expenses to the lowest limit. I think the local associations ought to be remodeled. We ought not to have the expensive secretary-treasurer. We have 4,000 secretary-treasurers. Of course, every man wants to make as much out of it as possible; he wants his salary raised, as everybody else does. If we do not employ the secretary-treasurers there would not be 4,000 or 5,000 men wanting a boost in their salaries.

In the future the one great central idea for Congress to consider with reference to the Federal land banks is limitation of expenditures and reduction in the cost of administration. More than 500 people are employed by these banks. All this expense is on the borrowers. An efficient and economical administration should be the keynote of the future legislation on Federal land banks. [Applause.]

Mr. PLATT. Mr. Speaker, I move the previous question on the adoption of the conference report.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

FORTIFICATION APPROPRIATION BILL.

Mr. SLEMP. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 13555, the fortification appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. SANFORD in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill, of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 13555) making appropriations for fortifications and other works of defense, for the armament thereof, and for the procurement of heavy ordnance for trial and service for the fiscal year ending June 30, 1921, and for other purposes.

The Clerk, proceeding with the reading of the bill, read as follows:

For the repair and restoration of sea walls, retaining walls, and fill, and for urgent repairs to batteries in the defenses of Galveston, Tex., $10,000.

Mr. OVERSTREET. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 3, line 18, after the figures "$10,000," insert "for the protection of the shores of Fort Screven, Ga., $500,000."

Mr. MADDEN. Mr. Chairman, I make the point of order against the amendment that that is a river and harbor project.

Mr. OVERSTREET. It is not a river and harbor project, Mr. Chairman. A similar item was carried in the bill last year for Sandy Hook, in which there was a $500,000 item similar to this. I offered an amendment last year to this same bill appropriating $160,000 and no point of order was made, but the chairman of the subcommittee said that he did not think the work was necessary to be done at that time. It is not an item that ought to be carried in the river and harbor bill. It should be carried in this bill, as similar items have been carried in the bill for the protection of other fortifications.

The CHAIRMAN. The point that the Chair has in mind is that this is a specific appropriation for a specific project.

Mr. OVERSTREET. There is a similar item in this bill on line 15 for the construction of a sea wall and embankment, $20,000. This is for a similar purpose.

Mr. MADDEN. That is a different proposition; that is where they have emplacements. The gentleman's amendment authorizes an expenditure of $500,000 for the reclamation of the shore.

Mr. OVERSTREET. The Government owns the land at this point. Fort Screven is a Government reservation and consists of several acres of ground. The purpose of my amendment is to protect the reservation and keep the shore from being washed away and the sea from encroaching on it. The engineer in charge at Savannah, Ga., has recommended the appropriation. Last year they recommended an appropriation of $160,000, and this year they say that it will require $520,000. Unless it goes into this bill, I do not see that it can be carried in any other bill.

I went before the subcommittee, as the chairman of the committee, the gentleman from Virginia [Mr. SLEMP] knows, and explained this matter to him. He went down to Tybee as a member of the subcommittee and examined this reservation. He looked into the project himself with a view of allowing this item in the bill. When the engineers came before the subcommittee Mr. SLEMP asked them whether they thought this work could remain as it is for another year. The engineer said he thought the work was necessary, but that the work could remain for another year. That is the reason the item is not included in this

bill. There is no doubt that the amendment is germane, but I ask the gentleman from Illinois to withdraw his point of order that I may discuss it more fully and that the committee may vote upon it.

Mr. MADDEN. Mr. Chairman, I make the point of order.

The CHAIRMAN. The Chair wishes to make it very clear to the gentleman from Georgia [Mr. OVERSTREET] that without any reference to the merits of the project he speaks of, the amendment he proposes is in order only if the project has been specifically authorized by law or is already in progress. If it is not in progress it is not in order under this bill unless it has been specifically authorized by law. Unless the gentleman can show the Chair that it is authorized by law the Chair would feel constrained to sustain the point of order.

Mr. OVERSTREET. Before the Chair rules I would like to state that there is a project in the bill similar to this, and if it would not be in order to offer this amendment in its present shape, then I would move to amend it by making the sum $520,000.

Mr. BYRNS of Tennessee. Mr. Chairman, without expressing any opinion as to the merits of this particular amendment, I wish to direct the attention of the Chair to the fact, and I think the gentleman from Georgia has already adverted to it, that his amendment simply carries a provision for the purpose, as I understand it, of constructing a sea wall and embankment at a fortification where guns are now emplaced.

Mr. OVERSTREET. Yes.

Mr. BYRNS of Tennessee. A regular fortification in continental United States. It is not a question of a new project, but it is simply a proposition to repair and to maintain a project now in existence, and heretofore the bills have carried projects of this kind.

The CHAIRMAN. That is the very suggestion the Chair has already made to the gentleman from Georgia. There is no way the Chair can discover whether there is a project for a fortification there already authorized at Fort Screven, or if there is such a project already in existence, except he be assured of these facts by the gentleman offering the amendment or the gentleman show the Chair the law. If there is such a project, and it is authorized by law, and is a public work already in progress, then of course the amendment would be in order.

Mr. BYRNS of Tennessee. There is such a fortification. This is simply an amendment to repair and properly maintain that fort and keep it from washing away.

Mr. MADDEN. Mr. Chairman, will the gentleman from Tennessee yield? The gentleman will not contend that any law has been ever passed authorizing the development of the improvement suggested in this amendment?

Mr. BYRNS of Tennessee. There has been no legislation authorizing the construction of this sea wall, but I submit that where a public improvement exists, Congress has authority without express legislation to make an appropriation to keep it in order and to preserve it, and that is all this amendment does.

The CHAIRMAN. There is a fort at Fort Screven, Ga.?

Mr. OVERSTREET. Yes.

The CHAIRMAN. And this is for the purpose of taking care of the wall around that fort?

Mr. OVERSTREET. This is to keep the reservation from washing away and protecting the armament; yes.

The CHAIRMAN. The point of order is overruled.

Mr. OVERSTREET. Mr. Chairman, last year when this bill was before the House for consideration I offered an amendment authorizing the expenditure of $160,000 for the protection of the shore at Fort Screven, Ga., for the reason that amount at the time was recommended by the local engineers as being sufficient to do the work that was necessary to protect the reservation. Both engineers have seen the necessity of doing something to prevent the reservation from being washed away, and I recently appeared before the subcommittee that prepared this bill and urged them to put in the bill an item carrying the amount named in my amendment, but the committee failed to do so, and I have brought the matter before the House and am asking you gentlemen of the committee to agree to this amendment.

There is no doubt that the Government property at this point is liable to great damage owing to the rapid encroachment of the sea, and both last year and this year the engineers have recommended the construction of a breakwater parallel to the shore with a connecting dike, which is required to prevent further erosion of the shore. This reservation is a very beautiful place. When the Government bought this property several years ago there was no shrubbery of any kind there, except a natural growth that was very unsightly, but all that was taken up by the Government and beautiful palm trees were set out and are growing all over the property. It would be a great pity if the waves and elements were allowed to encroach upon this land and destroy the buildings or any part of the reservation. The Government has erected a number of handsome and substantial buildings on this property, and I was informed last year by the Chief of Coast Artillery that the value of these buildings alone is around $1,000,000, besides land, armament, and other equipment. I should think that the whole of the property owned by the Government at this place would be worth several million dollars.

The private citizens on Tybee Island have gone to considerable expense also in building up and beautifying the island, which is considered one of the most attractive summer resorts on the Atlantic coast, and the mayor of the island and a number of citizens have been very insistent for the last two years that the Government take steps to protect the island from the encroachment of the sea. A few weeks ago the island was visited by a storm which caused very high waves to roll in upon the island, and as a result a number of buildings were washed into the sea, and others were badly damaged.

The engineers and members of the subcommittee all agree that the work is necessary, but they seem to think that perhaps it can stand a year longer as it is, but it seems to me, Mr. Chairman, that when it has been pointed out by the engineers charged with the duty that a certain amount of work is necessary to preserve and protect Government property the necessary amount of money required to do this work should be appropriated without hesitation, because in the meantime it is admitted that the reservation is being damaged and washed away, and no one is able to say when nor how soon a storm and high waves may again visit the island and do much greater damage to the reservation and other property belonging to private citizens.

In this connection I desire to say that several years ago some jetties were constructed at Fort Screven, or out some distance from the shore line, and they were built of rock of various sizes. Some of the stones used in these jetties proved to be too small to remain in place under action of the sea, but one of these jetties in particular proved practically adequate for the purpose, and is now intact, and this would seem sufficient proof that the scheme proposed by the engineers for the protection of Fort Screven is practical and effective.

In conclusion, I appeal to you to agree to the amendment. The Government engineers recognize the necessity for doing this work. The chairman of the subcommittee visited the island for the purpose of getting first-hand information in regard to this project, and he is satisfied that the reservation needs protection. Sooner or later an appropriation will be made by Congress for the purpose, and why delay any longer? It is like plugging a tooth with a small cavity; the sooner it is done the better. I sincerely hope the amendment will be adopted.

Mr. HUDSPETH. Mr. Chairman, will the gentleman yield?

Mr. OVERSTREET. Yes.

Mr. HUDSPETH. Is the amount asked for by the amendment based upon the estimate made by the Government engineers?

Mr. OVERSTREET. Yes. They recommended $520,000 and I have asked for $500,000.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. SLEMP. Mr. Chairman, I rise in opposition to the proposed amendment offered by the gentleman from Georgia [Mr. OVERSTREET]. The circumstances of this case are simply these: A year ago the War Department asked that $147,000 be appropriated to restore the shores at Fort Screven. This year I was amazed when the department asked for $527,000 for the same purpose. Therefore I took it upon myself to go down to Fort Screven to look the situation over. I found three reports, or three different views as to this project, one costing $147,000, one costing $300,000, and one costing $527,000. The matter was then taken up with the Engineer Department to see whether there would be any damage caused by a delay of this project for another year, inasmuch as the Engineering Department of the United States Government had given three different views within a year. The gentleman from Georgia offered an amendment last year for $147,000——

Mr. OVERSTREET. One hundred and sixty thousand dollars.

Mr. SLEMP. One hundred and sixty thousand dollars; and had that amendment been agreed to at that time the money would have been wasted.

Mr. OVERSTREET. May I ask the gentleman a question?

Mr. SLEMP. Yes.

Mr. OVERSTREET. The work could hardly have been done upon it and the appropriation could have been added to.

Mr. SLEMP. The theory upon which the $160,000 would have been appropriated upon is an altogether different theory from

the one owned by the $527,000 estimate; absolutely different. If $160,000 had been given last year upon that theory, it would have been wasted. Inasmuch as there can not be any damage to a building there during the coming year, and inasmuch as there are three different views about this matter, the committee thought it would be well to withhold action for another year. The Chief of Engineers before the committee said that the work was necessary in order to protect the reservation and a certain number of buildings on the reservation, but that it was not essential, because at a relatively small cost the buildings that are already there could be protected or removed. He further said that the reservation was being washed away and that a great many demands were being made by local authorities for protection.

Mr. OVERSTREET. Mr. Chairman, will the gentleman yield?

Mr. SLEMP. Yes.

Mr. OVERSTREET. The gentleman says the buildings could be removed. I submit it would be unfair to remove the buildings in from the shore.

Mr. SLEMP. The buildings that are of any importance are about 40 yards back on ground 15 feet above the shore line. The ground they are talking about is the parade ground now used for a golf course. The proposition is not a sound one for us to spend $500,000 upon until the engineers have agreed on their policy.

Mr. OGDEN. I want to direct the gentleman's attention to the answer given by Col. Sherrill on page 102.

Mr. SLEMP. Yes.

Mr. OGDEN. The question was asked, "What did you say that amounted to," and the answer was, "$526,500. It can be omitted without any very great detriment for this year."

Mr. SLEMP. It can be omitted without any detriment this year.

Mr. PELL. What is the difference between the three plans?

Mr. SLEMP. It is a rather scientific, technical engineering proposition. There is an old wall there, built about 10 or 15 years ago. Perpendicular to that wall there is a little projection called jetties. Some are standing to-day and some are not. The first proposition was to continue the extension of those jetties. Now, the district engineer thought that another system ought to be adopted and the project of extending the jetties abandoned. I talked the matter over with him personally. The gentleman who has charge of the entire district down there now says that we ought to go out in the ocean about half a mile from the land and build a wall that is 46 feet wide at the base, about 20 feet high, and 6 feet wide at the top, and carry the rock from Augusta, Ga., to Savannah, and load it on barges, and then come in there and place that along that wall a half mile out in the sea at a cost of $14.50 a cubic yard. He thinks that will do the work, with an additional feature intended to provide still water there. Now, there is so much uncertainty as to the course that should be pursued that I do not see how we could stand up on that proposition, however much we love our friend from Georgia and however much I would like to do something for his State.

The CHAIRMAN. The time of the gentleman has expired.

Mr. OVERSTREET. I ask unanimous consent that the gentleman have a minute additional in order to enable me to ask him a question.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia? [After a pause.] The Chair hears none.

Mr. OVERSTREET. I appreciate very greatly the reference the gentleman has made to the State of Georgia. I would like to ask him this question: Is it not true that the United States Government pays engineers a fine salary at different places in the United States to make reports to different committees of Congress and that the committees of Congress themselves act on those reports? Is it not true that the engineer has recommended specifically the sum of $520,000 to do this work?

Mr. SLEMP. Yes; I will say to the gentleman they have made three specific reports. Which one would the gentleman adopt?

Mr. OVERSTREET. The latest one, because it is made more recently and because this work, as we all know, has considerably increased in cost in the last two or three years.

Mr. SLEMP. No; this is an entirely different proposition, so the recommendation of the subcommittee and of the full Committee on Appropriations is that this matter go over until the coming year.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. MADDEN. Mr. Chairman, the gentleman from Georgia [Mr. OVERSTREET] has just regaled us with the statement of the fact that this is a great summer resort; that they have very beautiful trees upon the ground. We have been later informed by the gentleman from Virginia [Mr. SLEMP] that there is the golf course to be protected, and yet the gentleman from Georgia comes in here and asks for $520,000 to be taken out of the Treasury at a time like this to preserve a golf course, to preserve a summer resort for a lot of people who want to bask in the sunshine. There ought to be more important reasons why this appropriation should be granted than those offered. Five hundred thousand dollars is quite a sum of money, and it ought not to be expended for this purpose at this time, when the Treasury is empty and when everybody in the United States is groaning under a load of taxation they are unable to bear; so that the gentleman from Georgia certainly ought to have some consideration for the people who are compelled to forego every pleasure in the world in order that they may be able to keep body and soul together rather than to come in here and ask for $500,000 to preserve a summer resort. These beautiful trees can go along very well without this expenditure of $500,000. Why, we had better let these trees burn up and replant them, and it would not cost half as much to do that as to spend this money. The gentleman from Georgia, of course, understands the beauty of the spot, because I understand he spends his summers there and likes to bask in the sunshine of this beautiful island and drink in the sea breezes that come across the ocean.

Mr. GARD. Will the gentleman yield for a question?

Mr. MADDEN. Not just now. I am more concerned about the Treasury of the United States than I am about those who have time to spend at summer resorts. I am more concerned about the overloaded burdens that are being carried by the American people now than to protect a golf course. If, perchance, a wave should wash from the ocean and break away one or two of the links of the golf course, why, it would not hurt my feelings. It may disturb the gentleman from Georgia and those who have time to play golf and sit around while the rest of us are working, but that does not appeal to me at all. I am opposed to the appropriation on the ground that it is unnecessary, even though it should wash a foot or two of the land away; and since the engineers have three plans, neither of which they can agree upon, we certainly can afford to wait until they come to an agreement. An engineering proposition of this sort involves an expenditure of $500,000 as an initial expenditure, but maybe possibly $5,000,000 as a final expenditure, and it ought not to be considered lightly. For myself, I do not propose to sit here and permit the injection of $500,000 in a bill of this kind for the purpose different from that of fortifications——

Mr. RAYBURN. Will the gentleman yield?

Mr. MADDEN. Not now. The fortifications are secure; there is no danger of their being swept away, except that something extraordinary occurs to which we do not look forward now. The ocean will pass along in its peaceful moods and in its wild tumult and wash along those shores, and the people who are basking in this beautiful summer resort can go to some other place, if it is necessary, to pass away their time. We can give them the fine crisp mountain air or the prairie breezes if they come out our way and we will not ask the Government to spend $500,000 for their entertainment.

We will give them a chance to come out and drink in the glories of the Middle West and to see the golden harvests of grain that grow for the millions of people here and everywhere else in the world. [Applause.] We will not call upon the Government to contribute one cent toward their entertainment. And as to giving $500,000 or any other sum for the purpose of enabling golf players to entertain themselves while they are drinking in the sea breezes, I am opposed to it. The time has come when we must be serious with the Government's Treasury. Now is a good time to begin. [Applause.]

Mr. GARD. Mr. Chairman, it would seem that the millionaire leader of the steering committee is rather at variance with the gentleman who is the chairman of this branch of the Appropriations Committee, the distinguished gentleman from Virginia [Mr. SLEMP], who is, I understand, not alone a devotee but a distinguished exponent of the ancient and noble Scottish game of golf.

Mr. MADDEN. I hope the gentleman's statement will add to my credit, for I am pretty hard up just now, and I have trouble in getting credit at different places.

Mr. GARD. I trust it will, because I understand both statements that I have made concerning the gentleman are very happily true.

What I rose to say was that the gentleman has a new idea about people coming out his way for a summer resort. I suppose he refers to his own excellent State of Illinois. After finding fault with the State of Georgia and this island, which he characterizes as a summer resort, which should not be protected—I do not know anything about the merits of the situation

myself—I notice that summer resorts in Illinois seem to be sadly criticized to-day, because I see in the columns of a reputable newspaper, the Washington Post, under the signature of a reputable writer, that under the headline, "Drag Illinois in mud," "money has been spent in wads, lies have been backed by forged letters, vice dens, gunmen, and gamblers have been compelled to support designated candidates—there is disgust among the clean element of the city that men calling themselves Republicans should engage in such tactics."

Mr. MADDEN. Will the gentleman yield?

Mr. GARD. Very gladly.

Mr. GOOD. Mr. Chairman, I make the point of order that the gentleman is not speaking to the amendment.

Mr. MADDEN. Illinois needs no defense from the gentleman from Ohio or from any other section. She stands upon her merits and is willing to be judged by fair men from every section of the Nation.

The CHAIRMAN. The point of order is made that the gentleman from Ohio is not speaking to the amendment.

Mr. GARD. The amendment was to strike out the last word.

Mr. GOOD. I beg the gentleman's pardon. The amendment was to insert $500,000.

Mr. GARD. I do not desire to pursue it any longer; I only desired to show that possibly the summer climate spoken of by the gentleman from Illinois may not be salubrious.

Mr. SLEMP. Mr. Chairman, I move that all debate on this paragraph and all amendments thereto be now closed.

Mr. OVERSTREET. Mr. Chairman, I make the point of no quorum. I would like a word more.

Mr. CRISP. Mr. Chairman, I ask my friend to give my colleague five minutes more. He is discussing the merits of a proposition.

Mr. SLEMP. All right. I ask unanimous consent that all debate on this paragraph and on this amendment close at the end of five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. OVERSTREET. Mr. Chairman, I do not care to consume five minutes. I only want to answer the gentleman from Illinois [Mr. MADDEN] briefly.

When I first proposed this amendment, before the gentleman from Illinois knew anything about the merits of it, he objected to it simply because he saw that the "gentleman from Georgia" was undertaking to have an amendment agreed to that might benefit his section of the country in some slight respect. The gentleman objected to it before he knew anything of the merits of the amendment, and the gentleman tells the members of this committee that this amendment is offered for the purpose of protecting a golf course in the city of Savannah. I will ask the gentleman if he has ever been to Tybee Island and seen Fort Screven? Does the gentleman himself know anything about it? Does the report of the committee state that they have a golf course at this place? Has he no faith in the report of the Government engineers, who are supported by this Government and who have recommended that the sum of $500,000 be appropriated for this purpose? The gentleman from Illinois [Mr. MADDEN] gets up here in a facetious sort of vein in an effort to defeat this amendment by stating it is offered for the purpose of protecting golf links in the city of Savannah.

Mr. MADDEN. Will the gentleman yield?

Mr. OVERSTREET. No; I will not yield. He would not yield to me and I will not yield to the gentleman.

I say the statement of the gentleman shows very plainly that he is not in favor of allowing the smallest appropriation, even, to protect Government property, to improve the reservation at Fort Screven, Tybee Island, because, forsooth, it is in the southeastern part of the United States. I would like to ask the gentleman to put aside that feeling of prejudice, that feeling of envy.

Mr. MADDEN. I think the gentleman is doing himself a great injustice in making that statement.

Mr. OVERSTREET. The gentleman should not oppose an amendment of this kind.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Georgia [Mr. OVERSTREET].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. OVERSTREET. Division, Mr. Chairman.

The committee divided; and there were—ayes 13, noes 16.

So the amendment was rejected.

The Clerk read as follows:

For contingent expenses incident to the construction of seacoast fortifications and their accessories, under the Engineer Department, $50,000.

Mr. SLEMP. Mr. Chairman, I offer the following committee amendment.

The CHAIRMAN. The gentleman from Virginia offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

Mr. SLEMP offers the following committee amendment: Page 3, after line 21 and before line 22, insert the heading: "Under the Chief of Coast Artillery."

Mr. GARD. Mr. Chairman, I reserve a point of order on the amendment.

Mr. SLEMP. I will say to the gentleman from Ohio that this item is under the Chief of Coast Artillery, and this heading is simply to have the bill so provide. It is simply the heading for the item.

Mr. GARD. Does the gentleman mean that he establishes here a different heading and that instead of "Engineer Department" he puts in what he asks for?

Mr. SLEMP. The item is already under the jurisdiction of the Chief of Coast Artillery.

Mr. GARD. What is it the gentleman now seeks to do? I merely do not understand.

Mr. SLEMP. To insert between lines 21 and 22 the words "Under the Chief of Coast Artillery," that would apply to the paragraph to follow.

Mr. FRENCH. If the gentleman will note, the succeeding pages have interspersed between the paragraphs headings indicating what the paragraphs contain, and this amendment is intended to do that.

Mr. GARD. As it is on page 4, line 14, "Under the Chief Signal Officer"?

Mr. SLEMP. Yes.

Mr. GARD. This is to make it comprise lines 22, 23, and 24?

Mr. SLEMP. Yes. No change is involved in existing law.

Mr. GARD. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WATSON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the last word.

Mr. WATSON. I notice this item carries $50,000 for contingent expenses incident to the construction of fortifications; and on page 2, line 11, $25,000 is carried for the preparation of plans for fortifications. Who draws the plans for fortifications?

Mr. SLEMP. The Board of Engineers, located in New York, use about $12,500, and $12,500 is used by parties going out in the field and studying fortifications and plans, and so on. It is a very small sum.

Mr. WATSON. Does the bureau employ permanent engineers?

Mr. SLEMP. Yes.

Mr. WATSON. Are they not competent to prepare the plans?

Mr. SLEMP. This is for drafting work.

Mr. WATSON. Are not the engineers competent?

Mr. SLEMP. Yes; and this will be used by the engineers.

Mr. WATSON. Why is it necessary to appropriate $25,000 when $50,000 is appropriated in the item to which I first alluded?

Mr. SLEMP. That is an entirely different item.

Mr. WATSON. Is it under the engineers?

Mr. SLEMP. It is under the control of the engineers.

Mr. WATSON. I do not understand why it is necessary to have an extra appropriation of $25,000 when the Government engineers are competent to draw the plans for the fortifications.

Mr. SLEMP. This is what the Chief of Engineers says about that item:

Col. SHERRILL. Twenty-five thousand dollars has been regularly estimated and has been allowed for the last few years, and this item is divided into two parts, one of the expenses of the Board of Engineers, and the other is the general preparation of plans for defense for which no funds are definitely or specifically set aside by Congress. In other words, if a question comes up for consideration of certain defense plans down at some small place on the coast and we have no definite appropriation for that, then this would be used. It is just for preliminary work.

Then I asked him:

Mr. SLEMP. And you look upon this as a useful appropriation?

Col. SHERRILL. It is absolutely vital, because it enables us to get up data or records we want and that Congress wants all the time in advance to the appropriation.

Mr. WATSON. Then I understand that the engineers who are permanently employed by the Government have not the time to prepare the plans for fortifications, and therefore others than permanent engineers are required.

Mr. SLEMP. This is for the Board of Engineers. It involves surveys and all sorts of things of that kind. It has been in the appropriation bill for a great many years. It has been carried that way, and they consider it as absolutely necessary and one of the vital small items of the bill. I asked them if there

was any way to get rid of it, and if some other appropriation could not care for it, and their reply was that it was absolutely vital.

Mr. WATSON. The War Department employs its engineers to prepare plans for bridges constructed under its care.

Mr. SLEMP. I was assured that there was no duplication in the item at all. The money would be used, for example, in making preliminary topographic surveys, to be finished up by the departmental organization.

Mr. WATSON. Mr. Chairman, I withdraw my pro forma amendment.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

For construction of fire-control stations and accessories, including not to exceed $48,755 for the purchase of lands and rights of way; purchase and installation of necessary lines and means of electrical communication, including telephones, dial, and other telegraphs, wiring and all special instruments, apparatus, and materials; coast-signal apparatus, subaqueous sound and flash ranging apparatus, including their development; and salaries of electrical experts, engineers, and other necessary employees connected with the use of coast artillery; purchase, manufacture, and test of range finders and other instruments for fire control at the fortifications, and the machinery necessary for their manufacture at the arsenals, $770,000.

Mr. McKEOWN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Oklahoma moves to strike out the last word.

Mr. McKEOWN. I want to ask the gentleman in charge of the bill a question. Is this $48,000, in line 23, to be used for the purchase of additional lands?

Mr. SLEMP. It is not for additional land in the sense of any new project, but it is for land upon which the fire-control stations are to be placed.

Mr. McKEOWN. I was wondering whether during this war we had not bought all the land, or contracted for all the land, we would possibly need during any emergency, and why should we be buying more land?

Mr. SLEMP. I think the point of the gentleman is well taken, except that the acquisition of this land is already arranged for in pursuance of the general policy.

Mr. McKEOWN. Where is it proposed to buy this land?

Mr. SLEMP. They ask for that $48,000 for acquiring land at the different places where these fire-control projects are under way. One is at Boston, another at Charleston, another at Savannah, and another at Galveston. The property was taken possession of and steps taken to purchase it a year or so ago, and then the Army act of last year prevented the carrying out of the purchases.

Mr. McKEOWN. This is to pay for lands already purchased?

Mr. SLEMP. Yes; already contracted for. They are not for new projects, however.

Mr. McKEOWN. The Army certainly bought plenty of land during the war, and that ought to be enough.

Mr. SLEMP. After the passage of the Army appropriation bill last year, preventing the purchase of additional land, the Army could not pay for the land it had contracted to purchase. This item is to cover cases of this kind.

Mr. McKEOWN. This is to cover lands already purchased?

Mr. SLEMP. Yes; land, in most cases, which had already been occupied by the Government.

Mr. McKEOWN. Mr. Chairman, I withdraw the pro forma amendment.

The CHAIRMAN. The gentleman from Oklahoma withdraws the pro forma amendment. The Clerk will read.

The Clerk read as follows:

For operation and maintenance of fire-control installations at seacoast defenses, $165,000.

Mr. EAGAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New Jersey offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. EAGAN: Page 4, after line 16, insert a new paragraph, as follows:

"The sum of $9,617,179.38 of appropriations heretofore made for aviation purposes for use in connection with the seacoast defenses of the United States is hereby continued and made available for obligation until June 30, 1922, and the Secretary of War may expend from said sum $596,725, or so much thereof as may be necessary, for the purchase or acquisition of land necessary for aviation stations for use in connection with the coast defenses within the continental limits of the United States."

Mr. GOOD. Mr. Chairman, I reserve a point of order on that.

Mr. EAGAN. Mr. Chairman and gentlemen of the House, this is the item providing for the eight aviation stations in connection with our coast defenses that the House on several occasions has passed upon.

These stations are to be erected as follows: At or near Portland, Me.; at Boston; at Narragansett Bay; eastern end of Long Island Sound; southern end of New York City (Staten Island); Langley Field; San Francisco; and Puget Sound.

The War Department originally estimated for 16 stations, and the House two or three years ago reduced the number to 8. That number was considered absolutely essential in the opinion of the responsible officers of the War Department, and the House saw fit to agree with that opinion. This calls for no new appropriation, but merely continues and makes available the sum of $9,617,179.38 remaining of the $11,600,000 that have been appropriated already for the purpose.

The purpose of these aviation stations is not for direct offense so much as for observation in connection with fire control and to making the coast defenses of the country really serviceable. They are what might be called the eyes of the coast defense. Gen. Menoher testified before the committee in answer to a question by the gentleman from Tennessee [Mr. BYRNS]:

I think that matter has been gone into very carefully not only at the time they were originally proposed but since then, and I do not think there is any division of opinion as to the necessity for air defense at those various points. Later on it will probably be desirable to extend this service to some other stations along the coast.

Then later on Gen. Menoher said:

Now, it is a well-known fact, well known to every artilleryman, that there is no use shooting your guns unless you can see where the shells are falling, unless you are firing from a big vessel lying 30 or 40 miles out of New York and having them hit Manhattan Island, say. So it is necessary, in order that the coast defenses may function efficiently, to have eyes, as Mr. BYRNS suggested.

I think that since Congress has already functioned on this matter on two prior occasions, and as it has been approved on several occasions by the responsible officers of the War Department, and since nobody knows what the future may hold in store for us, it is the part of wisdom and good insurance to make provision so that the 12-inch and 14-inch guns of our coast fortifications may be made efficient and useful.

The establishment of these coast-defense stations was not a temporary measure to meet possible German submarine operations in the United States. They are designed, on the contrary, as a part of the permanent coast-defense plans, carefully drawn as a permanent part of the Army and Navy plans for the defense of our coasts.

Mr. GOOD. I make the point of order.

The CHAIRMAN. Does the gentleman desire to be heard on the point of order? What is the point of order?

Mr. GOOD. The Revised Statutes provide that "no land shall be purchased on account of the United States except under a law authorizing such purchase." This amendment specifically provides for the purchase of land not authorized by law, in violation of the provisions of law. That section which I have read is section 3736 of the Revised Statutes.

Mr. BYRNS of Tennessee. Mr. Chairman, I do not propose to discuss the merits of the amendment at this time, but I do want to say something in opposition to the point of order raised by the gentleman from Iowa [Mr. GOOD].

Of course we are all familiar with the statute to which the gentleman has just referred. This bill makes an appropriation for the purpose of providing proper coast defenses. If those who appeared before the committee and who have charge of our fortifications are to be believed, unless aviation stations are provided at these certain points—Portland, Boston, Narragansett Bay, Puget Sound, and the eastern end of Long Island—they will have no real adequate coast defenses.

In the bill which was passed for the fiscal year 1918 Congress approved eight aviation stations and made an appropriation of $8,000,000. That appropriation reads as follows:

For the establishment of eight aviation stations for use in connection with the seacoast defenses of the United States, including the acquisition of land, buildings, heating, lighting, plumbing, water, sewers, roads, and walks, $8,000,000: *Provided*, That land may be acquired for the said stations only after a determination by the Secretary of War that sites on existing Government reservations can not be utilized.

I contend, Mr. Chairman, that that is an express and specific authorization for this appropriation. Congress has heretofore authorized the purchase of land under an act providing for war powers, and in this amendment which the gentleman from New Jersey offers he seeks simply to reappropriate the money which was unexpended from a previous appropriation, and it is really in the form of a limitation upon the appropriation, for it provides that the Secretary of War may not expend for land more than the sum named in the amendment.

Now, that money was not expended during the year for which it was appropriated for the reason that shortly after the beginning of the fiscal year Congress passed a provision in the Army appropriation bill providing that no part of any of the appropriations made in that bill nor any of the unexpended balances

of appropriations heretofore made for the support and maintenance of the Army or the Military Establishment should be expended for the purchase of real estate. That is the provision in the Army appropriation bill. It does not repeal the authority contained in the specific act of Congress authorizing the purchase of land for these stations and for general purposes, but simply provides that no part of any of the appropriations made for the Army or the Military Establishment shall be expended for the purchase of land.

Now, those in charge of this service were of the opinion that this provision did not apply to the air stations, and it is stated in the hearings that they proceeded under that assumption. Finally, when they called for the opinion of the Judge Advocate General as to whether or not the provision applied to the appropriations carried in the fortifications bill they were advised that it did and that they had no authority to purchase the land out of the appropriation.

But the point I am making, Mr. Chairman, is that Congress has heretofore by specific statute authorized the purchase of land for these stations. That authority has not been repealed, and the only reason the land was not purchased was the fact that Congress later on passed a provision saying that the appropriations made should not be expended for the purchase of real estate. Now, the gentleman from New Jersey [Mr. EAGAN] simply seeks to reappropriate the money that was previously appropriated for this specific purpose, and I submit that if the majority of Congress sees fit to do so it has the authority, notwithstanding the statute to which the gentleman refers.

Mr. WALSH. Mr. Chairman, as I caught the reading of the amendment it seems to me it is further subject to a point of order in making the appropriation available until June 30, 1922. That is clearly legislation not authorized upon this bill. This bill is for the next fiscal year, and the gentleman from New Jersey [Mr. EAGAN] seeks to make available some $9,000,000, of which five hundred thousand and odd dollars shall be used for the purchase of real estate, and that the entire appropriation shall run over for another year, which is clearly a legislative provision.

The CHAIRMAN. Does the gentleman from Massachusetts make the point of order?

Mr. WALSH. I make that point of order additional to the one submitted by the gentleman from Iowa [Mr. GOOD].

The CHAIRMAN. The point of order is sustained.

Mr. EAGAN. The point of order is sustained which was made by the gentleman from Massachusetts?

The CHAIRMAN. Yes.

Mr. EAGAN. Mr. Chairman, I offer the same amendment, simply striking out the figures "1922" and inserting in lieu thereof the figures "1921."

The CHAIRMAN. The gentleman asks to modify his amendment.

Mr. WALSH. No; he offers a new amendment.

The CHAIRMAN. Does the gentleman reoffer his amendment?

Mr. EAGAN. I submit a new amendment, simply changing the figures as stated.

The CHAIRMAN. The Clerk will report the amendment as changed.

The Clerk read as follows:

Amendment offered by Mr. EAGAN: Page 4, after line 16, insert a new paragraph as follows:

"The sum of $9,617,179.38 of appropriations heretofore made for aviation purposes for use in connection with the seacoast defenses of the United States is hereby continued and made available for obligation until June 30, 1921, and the Secretary of War may expend from said sum $596,725, or so much thereof as may be necessary, for the purchase or acquisition of land necessary for aviation stations for use in connection with the coast defenses within the continental limits of the United States."

Mr. GOOD. Mr. Chairman, I make the point of order that that is contrary to existing law.

The CHAIRMAN. Under the war legislation of August 29, 1916, and other acts that followed the Secretary of War was given the broadest possible power to acquire by purchase, condemnation, or otherwise for the United States such land as might be necessary for aviation purposes. Those general statutes have not been repealed. That war power is still lodged in the Secretary of War. In recognition of such power Congress adopted different aviation projects, and this amendment proposes to continue one or more of these projects, and therefore the Chair feels constrained to rule that the amendment proposes expenditure for a purpose authorized by law and is not subject to a point of order. The Chair therefore overrules the point of order.

Mr. BYRNS of Tennessee. Mr. Chairman, I hope this amendment will be adopted, because I believe it is absolutely essential if we are to provide adequate coast defense for the eight different places which the coast service has in view. These places are Portland, Me., the nearest port to Europe; the great city of Boston; Narragansett Bay; the eastern end of Long Island, which is so important to the great city of New York; Staten Island, for which land has already been purchased; Langley Field; San Francisco; and Puget Sound.

Personally I believe, in view of the statement made by the various officers who appeared before the committee, that there ought to be, and I believe there will be, if we continue the coast defense, one or two stations in the South, because that is an inviting field for attacks by any formidable naval power with which we may have trouble in the future.

This reappropriation contemplates a station only at these eight places to which I have referred, all of which are upon the coast of New England and in the vicinity of New York, where the population is greatly congested, and out in the West at San Francisco and Puget Sound.

Here is the proposition, gentlemen: We have batteries of large guns at these stations. We have guns of an effective range all the way from 27,000 yards up to 40,000 yards. This bill carries appropriations for 16-inch guns which have an effective range of 50,000 yards, and one officer said 60,000 yards. It is perfectly evident that these guns are absolutely useless as a matter of defense unless we provide some means by which those who man the guns can get the range of the target at which they are shooting. They can not see it, it is impossible to know where it is or where it is located, without observation from a balloon or without an aeroplane to send back information by wireless and direct the fire of the guns. Gen. Mitchell and every other officer who appeared before the committee were absolutely emphatic in the statement that these coast defenses were absolutely useless as a matter of defense unless we give them aviation stations. I take it that it does not need an expert to tell us that that is true when you consider the long range of these guns.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. BYRNS of Tennessee. I will.

Mr. GREEN of Iowa. I agree with the gentleman that there would have to be some way to find the target where they were using these guns at that distance, but what is the Air Service of the Army doing if they are not looking after such a situation. If we are going to use the seacoast defenses, we will never use them except when the whole Army is at home.

Mr. BYRNS of Tennessee. That may be entirely true, but I submit that we have a great long coast line on both the Atlantic and Pacific Oceans, and the enemy are not going to tell us where they are going to strike, so that the aviators of the Army can have time to appear on the scene. They are likely to strike at some important city or harbor, and therefore we must have at these important places permanent aviation stations in order to inform the gunners and furnish proper fire control and provide proper and adequate defenses for those cities.

Of course, if the Army officers knew in advance that a certain power was going to strike New York at a certain hour, or on a certain day, they could have all the Army aeroplanes there in order to take care of the situation; but that can not be expected. The enemy would not be likely to publish their plans in advance.

Mr. GREEN of Iowa. On the contrary, I assert that if the Army Air Service is worth anything at all, they will find out about that. Does the gentleman think that any vessel attacking our coast would be near as speedy as an aeroplane? These aeroplanes would be at sea looking after the ships.

Mr. BYRNS of Tennessee. The gentleman knows that the Navy is our first line of defense. If we can have the Navy off New York, we do not need any coast defense as long as the Navy lasts; but suppose the Navy is dispersed, or suppose the strike is made at some part of the coast where we have no Navy. Then the coast defense is the second line of defense. Gen. Mitchell made the statement that in 15 or 20 years the Air Service would be so developed that the Navy would be obsolete.

Mr. GREEN of Iowa. I would be very much pleased if that were so.

Mr. BYRNS of Tennessee. And that the Air Service will be our first and real line of defense; but that is not now. What I submit is this: While I do not believe in a large standing Army in time of peace, yet in the present condition of unrest which exists throughout the world, and in almost every nation in the world, it is absolutely important and imperative, in the absence of some concert between the nations of the world in favor of peace, to have not only an efficient and adequate Navy but also to provide an adequate coast defense for these exposed cities along our coast.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. BYRNS of Tennessee. Mr. Chairman, I ask unanimous consent to proceed for three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BYRNS of Tennessee. Otherwise, if we have trouble, then we will be subjected not only to great loss of property and destruction of property in these large cities but to great loss of life. So I say it seems to me that if we are undertaking to provide adequate coast defenses for these places, we must provide for these aviation stations. It does not mean an appropriation of one dollar of money over and above what has heretofore been appropriated, but it is simply reappropriating a sum now in the Treasury to the credit of this service, and which will go back, of course, on June 30 if this amendment is not adopted. I hope the committee will see fit to adopt the amendment.

Mr. SLEMP. Mr. Chairman, the amendment proposed by the gentleman from New Jersey [Mr. EAGAN] involves, net, about $7,000,000. The situation in relation to this matter is this: In the spring of 1918 representatives of the War Department came before the Committee on Appropriations and stated that there was danger of German submarines bringing aeroplanes and attacking the coast of the United States, and that as a war emergency proposition it was proposed to establish 16 air stations.

Mr. EAGAN. Mr. Chairman, will the gentleman yield?

Mr. SLEMP. Yes.

Mr. EAGAN. Gen. Jervais, director of operations, made the statement on April 15, 1919, and the Secretary of War approved the same, as follows:

> The establishment of our coast-defense stations was not a temporary measure to meet the German submarine operations in the United States.

Mr. SLEMP. I know perfectly well the statement made before the committee, because I asked the gentleman what the source of his information was, and he told me, and he told the committee, that he had private telegrams from men working in the Krupp yards, and that they were then making large submarines for the purpose of bringing aeroplanes to attack our coast. I am not mistaken about that. This inaugurated in war time as a war proposition.

Mr. BYRNS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. SLEMP. Yes; although I would really like to finish my statement.

Mr. BYRNS of Tennessee. I just wish to ask the gentleman this: Does the gentleman contend that these guns, which have a range of 40,000 yards, can prove anything like effective without some means of ascertaining just where the target is?

Mr. SLEMP. If the gentleman will pardon me, I am not referring now to that phase of the matter. I wish to explain to the committee how this matter had its inception. It was not started as a peace proposition but as a war proposition. Last year this committee, of which the gentleman from Tennessee [Mr. BYRNS] was then the chairman, brought in a bill with a provision under which the War Department could either obligate this money prior to the 1st of July, 1920, or permit it to revert. That was pursuant to the action of the subcommittee last year, of which the gentleman from Tennessee [Mr. BYRNS] was the chairman, and for which the gentleman from New Jersey [Mr. EAGAN] voted. This year the War Department—and I would like the committee to know this—did not make the request that the gentleman from New Jersey is offering by way of amendment, and the Secretary of War submitted no estimates for this proposition. There is nothing in this bill, so far as estimates are concerned, that refers to this proposition. The committee's action is in line with the official, formal action of the War Department.

Where do you propose to stop? I think the general trend of thought is that there ought to be some limitation of this Air Service. Here is what we have now: The Army has a field at Mineola, one at Langley, one at San Diego, and one at Arcadia, Fla., and the Navy has one at Lakehurst, N. J., one at Cape May, N. J., one at Chatham, Mass., one at Hampton Roads, one at Rockaway Beach, and one at San Diego.

Gentlemen are fond of quoting Gen. Mitchell, Chief of the Coast Air Service; and what does he say?

> I want to say further that we should contemplate the coast defense under one specific system of defense.

We now have the Army aviation stations and we have the Navy aviation stations, and these gentlemen now propose additional Army stations. Gen. Mitchell says this:

> If you persist in the mistake of not forming a united Air Service, then you should concentrate the defense of the land in the Army and you should make the Navy develop its aviation service for duty on the sea.

Gen. Mitchell recommends that every one of these Navy stations be taken over by the Army. He is the Chief of the Coast Air Service. The proposition of the committee is this: We leave the Army alone, we leave the Navy alone. We allow the Army to go on and continue with funds that will be available for obligation until the end of the fiscal year the stations they have already started—that is, one at Staten Island and one at Presidio—and to improve the one at Langley Field, but no appropriation for those stations for the next fiscal year was requested by the Secretary of War. The proposition does not come to Congress officially, and simply resolves itself into another unnecessary draft on the Treasury amounting to $7,000,000. [Applause on the Republican side.]

Mr. Chairman I ask unanimous consent that all debate upon this paragraph and all amendments thereto close in 16 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. EAGAN. Mr. Chairman, it is true that Gen. Mitchell is heartily in favor of a united Air Service, and in the language just quoted by the gentleman from Virginia he makes the statement very definitely, and he winds up that statement with this sentence:

> The function of observation on the coast and all along the coast is the proper function of the Coast Artillery.

Now, the gentleman from Virginia says that no estimate has been made by the War Department in this year's estimate. There has been no definite estimate put in, I take it, because they assumed, this money having been appropriated, a new estimate was not necessary; but Gen. Menoher repeatedly testified before the committee that the purpose of his coming before the committee and the chief purpose of the hearing was to justify the request for a continuation of the appropriation of this money and the authority to purchase land for some of these stations. He said:

> The project on which these funds have been obligated, reserved, or on which it is proposed to apply the free balances, have not been hastily prepared; but, on the contrary, are the result of a definite and careful study made by the Army and Navy prior to the war for the purpose of carrying into effect the functions of coastal air service assigned to the Army in the report of the joint Army and Navy board dated March 12, 1917, and as redefined and reapproved by the joint board January 22, 1920. These projects have had the definite sanction of Congress, as indicated by appropriations made therefor in 1917 and 1918.

Now, with responsible officers of the War Department, knowing their business, as we must assume they do, coming before us and telling us, as they did repeatedly in the hearings, that it was necessary to have this money continued and made available, surely the mere technical failure to make a definite request in the estimates ought not to prevent us from functioning, and especially as Congress has on two prior occasions approved these projects. These aeroplanes are used in connection with the Coast Artillery; they are to give eyes to the Coast Artillery. Surely we want to be able to use the guns in case of necessity.

Mr. GREEN of Iowa. Mr. Chairman, I agree entirely that it is necessary to have aeroplanes in the sighting of these great guns from the distance at which they will be used. The aeroplanes will be the eyes of the Coast Artillery the same as they are of the Army, and without them these guns could not be efficient, but in case of an invasion by a foreign foe or an attempted invasion by a navy every aeroplane we have in the United States belonging to the United States Army and the United States Navy will be within our boundaries and be ready for service with the Coast Artillery. It is the only place, then, where they can be used. Unless we use them with the Coast Artillery they might as well be packed away and no attempt made to use them at all. I can not state at this time how many aeroplanes we have in the United States in both the Army and Navy, but there ought to be enough, and I believe they are ample, to supply the Coast Artillery in a case of this kind. No gentleman, in fact, has claimed there will not be enough, so what need have we to add still another department? Where would we use the Army and Navy planes if we were not using them for this purpose? What would be done with them? Of what account would they be under such circumstances? I can understand why gentlemen want aeroplanes in connection with the Coast Artillery, but why they are not willing to use the Army and Navy planes for that purpose when they have nothing else to do and would be conducting no useful function if they were not so used is more than I can understand.

Mr. MADDEN. The Coast Artillery is a part of the Army?

Mr. GREEN of Iowa. It is part of the Army, of course.

Mr. MADDEN. Then why do they want to separate them?

Mr. GREEN of Iowa. They seem to want to add another division to the Aeroplane Service. This is simply, it seems to me,

to have control entirely. It seems that every particular department, subdivision, of the Government wants to get as much under its control individually as possible, and that seems to be the whole of this particular case. I insist, Mr. Chairman, that this amendment ought not to prevail.

Mr. BYRNS of Tennessee. Mr. Chairman, the gentleman from Iowa [Mr. GREEN], as I understand him, says that aeroplanes will not be necessary or useful for the Army, and therefore they can be used for the Coast Artillery. He concedes that they are necessary for the Coast Artillery at these various defenses or fortifications. I wish to say to the gentleman from Iowa if that be true that he has put the cart before the horse. The gentleman ought to allow the Coast Artillery all the aeroplanes they need and take them away from the Army if it does not need them. The Army appropriation bill is going to be called up to-morrow, as I understand, and if the gentleman thinks the aeroplanes are not necessary for them, why cut them out, and I will gladly vote with the gentleman if he is correct on that sort of a proposition, but I submit it is hardly a sensible thing to do to appropriate aeroplanes to the Army when you say they are not needed on the theory that they can be used for the Coast Artillery. The gentleman from Virginia referred to the fact that the last appropriation bill carried a provision covering all unexpended appropriations into the Treasury to June 30. That is true. That provision was put in the fortification bill passed by the House in February a year ago. That bill made no appropriation for the stations, but simply left in the hands of the service the money theretofore appropriated, just as the gentleman from New Jersey [Mr. EAGAN], by his amendment, is seeking to do now in this bill, and Congress, without objection, unanimously approved the action of the committee in making the report at that time. Now, that money would have been expended, or at least obligated, in the building of these stations during the past current year had it not been for the provision of law which I read a while ago and which was adopted in July, 1919. That provision prevented the Air Service from spending this money, because at Portland, at Boston, Narragansett Bay, at the eastern end of Long Island, and at Puget Sound it is absolutely necessary to purchase land, since the Government has no land there upon which to build those stations. They have bought the land at Staten Island, having contracted for it prior to July, 1919.

Mr. HUSTED. Will the gentleman yield?

Mr. BYRNS of Tennessee. I will.

Mr. HUSTED. Are there any facilities in the way of hangars at the time available at any of these fortifications for aeroplanes?

Mr. BYRNS of Tennessee. Absolutely none.

Mr. HUSTED. There are none. So that even if you had aeroplanes assigned from the Army or Navy for this purpose you could not use them, could you?

Mr. BYRNS of Tennessee. No; there are no facilities whatever at any of these places.

Mr. HUSTED. There would not be any sense in assigning aeroplanes from the Army for this particular purpose until you acquire the land necessary to erect the facilities to take care of the aeroplanes after they are assigned?

Mr. BYRNS of Tennessee. I am glad the gentleman made the suggestion. And just what this amendment seeks to do is to authorize the money now in the Treasury to be used for the purpose of providing these facilities to which the gentleman from New York [Mr. HUSTED] referred.

Mr. MADDEN. How many places have they now where they can land aeroplanes along the coast?

Mr. BYRNS of Tennessee. They have no place except at Langley Field.

Mr. GREEN of Iowa. Does the gentleman mean to say that aeroplanes in the last war were not used, irrespective of stations?

Mr. BYRNS of Tennessee. I know they were used. These stations are intended to be permanent and must have hangars for the aeroplanes. They must have a proper field for the aeroplanes to rise and also to land.

Mr. GREEN of Iowa. Put it in the Army bill. If you give it to the Army you give it to the Coast Artillery. If you take it away from the Army you take it away from the Coast Artillery.

Mr. BYRNS of Tennessee. The gentleman's position would mean this: That you would provide aeroplanes for the Army, which he says does not need them, and turn them over to the Coast Artillery, without a single facility to take care of them, and also deprive the Coast Artillery of the observation balloons which are necessary in order to properly train the guns. I call your attention, gentlemen, that you are providing in this bill nearly $2,500,000 for air stations at Staten Island and San Francisco, where the Government owns land. Now, if you do not need the air stations at the other five places, then it is a useless and wasteful expenditure of money to provide those air stations at those two places. On the other hand, if you need them at Staten Island and San Francisco to protect those cities, then you should give them to Boston, you should give them to Portland, Me., and at the eastern end of Long Island for the further protection of New York, and at Puget Sound for the protection of Seattle, Tacoma, and other cities on the western coast. So I submit you are up against this proposition—that either you ought to pass this amendment and provide for this service and make the coast defenses worth something at these places, or you ought to strike from this bill the appropriation of $2,500,000, which provides for air stations at Staten Island and San Francisco.

Mr. GOOD. Will the gentleman point to the item in this bill that we can strike that out of? The gentleman knows there is no such item.

Mr. BYRNS of Tennessee. The gentleman knows this: They have about $1,900,000 which they have obligated and several hundred thousand dollars in reservations at Staten Island, and there is not a line in this bill that undertakes to take it away from the Air Service and cover it into the Treasury. It is to be used at Staten Island and San Francisco.

Mr. GOOD. The gentleman says that we should strike out of the bill the provision for Staten Island.

Mr. BYRNS of Tennessee. Then, offer an amendment, I will say to the gentleman, in the interest of the economy for which he says he stands, covering that money back into the Treasury.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. GOOD. Mr. Chairman, this is a very ingenious method to raise the total in this bill by some $7,000,000. The gentleman says that because we allowed some of the departments to retain unexpended balances last year that was an invitation for them to extend the amounts and all of the amounts. Now, the bill last year, the current law, in section 5, contains this provision:

> That the appropriations for fortifications and other works of defense, for the armaments thereof, and for the procurement of heavy ordnance for trial and service, heretofore made in fortifications or sundry civil appropriation acts, shall not be available for obligations after June 30, 1920; and all unexpended balances of such appropriations which remain on the books of the Treasury on June 20, 1921, shall be covered into the Treasury of the United States.

Now, the gentleman says that because this appropriation, that was made when we were at war, was not actually repealed last year we should now go ahead and spend the money, and the amendment is to that effect. Now, what are the facts? At every one of these eight stations, excepting Portland, Me., and Puget Sound, we now have air stations, and in time of war they are available for the coast defenses. And yet the gentleman wants to spend this $7,000,000 to construct additional air stations where some department of the Government already has an air station. The adoption of this amendment can have but one beneficial effect, simply to embarrass the committee and Congress and help to swell the items in the bill. There can be no other reason for trying to raise this amount.

Mr. BYRNS of Tennessee. Will the gentleman yield?

Mr. GOOD. For a question.

Mr. BYRNS of Tennessee. The gentleman, of course, makes a rather serious charge when he tells us that it is purely an effort to embarrass the committee——

Mr. GOOD. I do not yield for a speech.

Mr. BYRNS of Tennessee. Will the gentleman tell where there is an aviation station at Boston that will serve the coast defenses?

Mr. GOOD. I can not give the exact——

Mr. BYRNS of Tennessee. Does the gentleman contend that the coast defense has any authority over the naval aviation station?

Mr. GOOD. It is about 3 miles away, I am advised by the gentleman from Massachusetts.

Mr. BYRNS of Tennessee. The gentleman knows they have no control over the Navy.

Mr. GOOD. There remained an unexpended balance of $700,000,000 for ammunition last year in the appropriation bill, and by the same logic gentlemen should urge that we should reappropriate that or about $500,000,000. The War Department has been very reckless in the expenditure of the appropriation for Air Service. It went over to Staten Island and bought land for $400,000 on which to erect a station. And the gentleman has here a provision to allow some real estate men interested in locating these stations upon their land to sell their land to the Government at $5,000 an acre or thereabouts, as was done over at Staten Island. There is a "nigger in the woodpile" here in regard to this matter. The War Department does not want the

money unless they are allowed to purchase land. If they had been allowed to purchase land this year, most of this money would have been spent or obligated. This amendment throws down the bars so far as the right to purchase land is concerned. The adoption of the amendment is unthinkable.

Mr. BYRNS of Tennessee. I do not think the gentleman ought to make a remark like that on the floor of the House. The gentleman says there is a "nigger in the woodpile"——

Mr. GOOD. The gentleman knows very well that without the provision in here——

Mr. BYRNS of Tennessee. Mr. Chairman, does the gentleman mean to insinuate that either the gentleman from New Jersey [Mr. EAGAN] or myself is influenced by improper motives?

Mr. GOOD. The gentleman knows me too well for that.

I want to say that the "negro in the woodpile" is with the War Department, and the gentleman from New Jersey [Mr. EAGAN] and the gentleman from Tennessee [Mr. BYRNS] ought not to get too warm under the collar when the War Department is called. The gentleman from Tennessee has himself denounced as vigorously as any man can denounce the purchase of the land by the War Department over at Staten Island for this air station. The gentleman knows it, and the gentleman knows that without that authority to purchase land in this amendment of the gentleman from New Jersey [Mr. EAGAN] the appropriation would be useless, because under the law they have no right to expend the money. And so here they come in and want to swell the bill by this amendment in absolute violation of the estimate made by the Secretary of War.

Why, here is an amendment for a project that the Secretary of War saw no merit in, and the Secretary of War never asked for it, but because some officer down in the War Department has urged it, it is sought to put it in on the floor of the House. I do not know what interest he may have in the matter or whether he has any interest in the matter; but the Secretary of War, at least, never felt strongly enough impressed with the necessity of this appropriation to ask for it or for the right to use these unexpended balances to build the air station.

The CHAIRMAN. The time of the gentleman from Iowa has expired. All time has expired. The question is on agreeing to the amendment offered by the gentleman from New Jersey [Mr. EAGAN].

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. EAGAN. A division, Mr. Chairman.

The CHAIRMAN. A division is asked for.

The committee divided; and there were—ayes 10, noes 38.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ARMAMENT OF FORTIFICATIONS.

For purchase, manufacture, and test of mountain, field, and siege cannon, including their carriages, sights, implements, equipments, and the machinery necessary for their manufacture, $1,500,000.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. MACCRATE having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Dudley, its enrolling clerk, announced that the Senate had passed with amendment the bill (H. R. 4438) to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment, had requested a conference with the House of Representatives, and had appointed Mr. KENYON, Mr. BORAH, and Mr. SMITH of Georgia as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bills of the following titles:

S. 1005. An act for the relief of the owner of the steamship *Matoa;* and

S. 1222. An act for the relief of the owners of the schooner *Henry O. Barrett.*

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 11877. An act granting the consent of Congress to Madison and Rankin Counties in the State of Mississippi to construct a bridge across the Pearl River between Madison and Rankin Counties; and

H. R. 12889. An act granting the consent of Congress to the city of Youngstown, Ohio, to construct a bridge across the Mahoning River at or near Division Street in the city of Youngstown, Ohio.

FORTIFICATIONS APPROPRIATION BILL.

The committee resumed its session.

Mr. HULL of Iowa. Mr. Chairman, I want to offer an amendment. On page 4, line 21, after the word "manufacture," strike out the figures "$1,500,000" and insert "$7,735,000."

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HULL of Iowa: Page 4, line 21, strike out "$1,500,000" and insert "$7,735,000."

Mr. SLEMP. Mr. Chairman, could we agree on the amount of time?

Mr. HULL of Iowa. I do not know that we could right away. I do not know how many gentlemen may want to talk about it.

Mr. BYRNS of Tennessee. Mr. Chairman, will the gentleman yield for a question?

Mr. HULL of Iowa. Certainly.

Mr. BYRNS of Tennessee. I want to ask the gentleman, who also comes from Iowa, if this is an amendment for raising this bill for political purposes?

Mr. HULL of Iowa. I will say it is not.

Mr. BYRNS of Tennessee. I did not think so; in fact, I am sure that it is not.

Mr. HULL of Iowa. Mr. Chairman, I want to say that no one in this House is more in favor of economy than I am, but I think that some of the committees are pursuing a policy of false economy in regard to the armament of this country. I do not want to go back and dig up any ancient history; but we went into this war without a well-defined policy of production in our arsenals for the production of armament. In the year 1915 and in the year 1916 amendments were offered on the floor of this House which, if they had been put in the bills, as we advocated at that time, would have saved this Government millions of dollars, even billions of dollars. But they thought that we ought to economize, and we did economize, and as a result of that economy, when this war came upon this country you had nothing to fight with, and you never obtained it during the entire war.

Now, there were some of us who thought that we ought to have a supply system that would function, and we tried to work out one. I will say right here that it was not the fault of Congress that you did not have a supply system. It was absolutely the fault of the General Staff of the Army. I came to Congress in 1915, and I found that Congress and every succeeding Congress friendly to the idea of making your arsenals function, and function efficiently, and we have had to fight the General Staff every time in regard to that matter. We have at last reached a basis by which we are going to try to make the arsenals efficient, so that when war comes we will have something to fight with.

Mr. WALSH. What does the gentleman mean when he says "we"?

Mr. HULL of Iowa. I mean Congress. I think the great majority of this Congress is with those of us who are trying to make a supply system that will produce something, so that when war comes you will have supplies of all kinds to fight with. But when you come to items like this and reduce them as far as this you are robbing the very thing that you ought not to rob; you are taking the personnel out of the arsenals; you are destroying the whole system.

Now, as far as this appropriation goes, I do not know that it has very much to do with any arsenal near my home. I have no arsenal in my district. I have one adjacent. I do not think that this appropriation goes there. I think that most of this appropriation goes to the Watertown Arsenal and the Watervliet Arsenal. But I say to you that it is essential to have five great working arsenals in this country, and in those arsenals you can produce everything you need to fight a war with; and it is more essential to keep those men in your arsenals—at least a working force that will function—than it is to keep your combat troops in the field, standing idle, without arms. Unless you keep your arsenals running your Army will be without arms to fight and defend your country with.

Mr. DALLINGER. Mr. Chairman, I was very much surprised to find that when this bill was reported this item was only $1,500,000, because I had had some talk with the members of the committee in regard to this question of the maintenance of the arsenals.

Now, it seems to me, Mr. Chairman, that we ought to do either one of two things: We either ought to go on the assumption that there is never going to be another war or we ought to maintain an efficient Military Establishment. In the former case, if we

desire to relieve the people of this country from the burdens of taxation we should abolish the War Department and the Navy Department and save to the people of this country between one and two billion dollars. That would be a saving that would show itself in the way of the lifting of burdensome taxes. If, on the other hand, we intend to maintain a War Department and a Navy Department and to retain these arsenals and navy yards on which the people of the United States have spent hundreds of millions of dollars in lands, buildings, and equipment, we ought to maintain a skeleton organization sufficient to manufacture the munitions and projectiles that are absolutely necessary to carry on necessary experimental work, and to train ordnance officers who will be competent in case of war to superintend the manufacture of munitions either in Government arsenals or in private plants.

Now, the officials of the Ordnance Department have spent a great deal of time and study to find out the very smallest numbef of men that will have to be employed in order to maintain such a skelton organization. These officials, who are experts in such matters, insist that an appropriation of $7,735,000 for this particular purpose, in place of the item of $1,500,000 carried in the bill, is absolutely essential, and also that an increase in the appropriation in the first paragraph on page 5 from $2,000,000 to $3,909,000 is also absolutely necessary.

Mr. Chairman, if you are not going to take the advice of these experts, this committee ought not to bring in any fortifications appropriation bill at all and ought to save to the country the whole $18,000,000. That is the logical thing to do. The arsenals should be closed and the property disposed of for the benefit of the Treasury of the United States. For instance, the Watertown Arsenal probably could be sold for $25,000,000 to some manufacturing concern, and the entire cost of maintenance, which even under this bill will amount to over $3,000,000 a year, saved to the Government.

Now, I want the committee to understand clearly that the increased appropriation for which this amendment calls is not for the manufacture of a single munition of war that is unnecessary. It is for the purpose of manufacturing different kinds of ordnance for experimental purposes, in order that we may profit by the lessons of this great war and in order to train our future odnance officers.

Mr. GOOD. Will the gentleman yield?

Mr. DALLINGER. Certainly.

Mr. GOOD. Does the gentleman mean to tell the committee that the $18,000,000 carried in this bill does not provide funds enough for a skeleton organization?

Mr. DALLINGER. I certainly do.

Mr. GOOD. In 1913 we appropriated, in round numbers, $4,000,000. In 1915 we appropriated $5,000,000. In 1916 we appropriated for all purposes in the fortifications bill $6,000,000, and we had more than a skeleton organization then——

Mr. DALLINGER. That is just the trouble. We did not have an efficient skeleton organization, and that is precisely why the war proved so costly to us.

Mr. GOOD. And if we had more than skeleton organizations with $4,000,000 and $5,000,000 and $6,000,000, how does it happen that we can not have more than a skeleton organization with $18,000,000?

Mr. DALLINGER. Mr. Chairman, that is perfectly evident. The lessons of this war have shown that the methods of warfare had changed even while those appropriations of which the gentleman from Iowa speaks were being made. We were handicapped by our lack of a proper skeleton organization, and it cost this country hundreds of millions of dollars and the lives of thousands of our boys "over there" because we had not kept up the proper kind of a skeleton organization and carried on the necessary experimental work which we should have carried on. We were behind other countries in the matter of the recoil mechanism of guns and in many other things. If we had kept up this experimental work before the war and had been prepared as we should have been, it would have saved this country an immense amount of blood and treasure. [Applause.]

Mr. BYRNS of Tennessee. Mr. Chairman, I am not in favor of this amendment and shall vote against it, because I believe that the bill carries a sufficient amount of money to provide just the kind of an organization to which the gentleman from Massachusetts [Mr. DALLINGER] and the gentleman from Iowa [Mr. HULL] have referred. It was a very big cut that was made in the estimates. Now, we have the artillery, but I agree with the gentleman that it is necessary to continue the organization in these arsenals, and, as I stated, I think the appropriation that has been made, with the obligations that have been made, and which will be carried into the next year, will be sufficient to provide that organization.

Mr. DALLINGER. Will the gentleman yield?

Mr. BYRNS of Tennessee. I yield.

Mr. DALLINGER. I want to ask the gentleman from Tennessee what the advice and opinion of the experts was in regard to the very smallest amount that was absolutely essential to maintain a skeleton organization?

Mr. BYRNS of Tennessee. I do not recollect the exact testimony on that subject. I will say to the gentleman, however, that they contended that there should be appropriated a much larger amount than the committee finally agreed to recommend to the House.

Mr. DALLINGER. As a matter of fact, was it not very much larger than the amount of this amendment?

Mr. BYRNS of Tennessee. I think so. I am not positive, though, as to the figures.

But, Mr. Chairman, I arose mainly for the purpose of expressing some wonder as to what the gentleman from Iowa [Mr. GOOD], the distinguished chairman of the Committee on Appropriations, would have to say with reference to the amendment offered by his colleague from Iowa [Mr. HULL], and also as to the remarks made by the gentleman from Massachusetts [Mr. DALLINGER], both of whom are recognized able, strong, influential, and loyal Republicans upon the floor of this House. Certainly there are no Republicans upon the floor of the House who are more loyal to their party and to their party's interests. The gentleman from Iowa [Mr. GOOD] a few minutes ago in his zeal in opposition to the amendment offered by the gentleman from New Jersey [Mr. EAGAN], which amendment did not carry a single dollar, but merely proposed to reappropriate a less sum than is proposed by this amendment, made the distinct charge that the gentleman from New Jersey [Mr. EAGAN] was actuated solely by the desire to increase this bill for political purposes. I have wondered what the gentleman from Iowa [Mr. GOOD] will have to say as to the action of his colleague [Mr. HULL] and the action of the gentleman from Massachusetts [Mr. DALLINGER], and whether he will read them a lecture because they see fit, from motives of the utmost sincerity, to offer an amendment which they believe ought to be adopted and which they believe is essential to the security and defense of our country.

Mr. GOOD. Will the gentleman yield?

Mr. BYRNS of Tennessee. I yield to the gentleman from Iowa.

Mr. GOOD. I think the gentleman and I do not misunderstand each other with regard to the activity of Members who happen to have arsenals in their districts. The gentleman and I understand the pressure that is brought to bear upon them, and we understand the reason why they are always found together asking for large appropriations. It is perfectly natural, and I suppose we would have to do the same thing under the same circumstances.

Mr. BYRNS of Tennessee. I will say to the gentleman that I have more confidence in the sincerity and patriotism of the gentleman who offered this amendment and of the gentleman who spoke in favor of it than he seems to have, from the statement he has just made, because I believe they were actuated by the purest motives of patriotism and the sincerest desire to secure an appropriation which they believe to be necessary to the defense of this country.

Now, as to the amendment which the gentleman from New Jersey [Mr. EAGAN] offered, I want to say to the House, inasmuch as it has been disposed of, that it at one time had the support of the entire subcommittee, including the three Republicans upon it. I submit that simply in defense of the gentleman from New Jersey and myself as against the charge that we were standing here trying to have the amount of this bill increased over and above what we believed it ought to be and purely from political motives.

Mr. GOOD. As a war-time appropriation?

Mr. BYRNS of Tennessee. I am referring to this bill and the subcommittee which proposed it. I submit that if the three Republicans on the subcommittee, in whom we have the utmost confidence, were convinced at one time that the proposition ought to be put through, no such motive can justly be attributed to the gentleman from New Jersey and myself.

Mr. SLEMP. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that all debate on the paragraph and amendments thereto close in five minutes. Is there objection?

Mr. GARD. Reserving the right to object, what is the use of fixing time on all these little amendments?

Mr. SLEMP. We want to get through as soon as we can.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SLEMP. Mr. Chairman, the item to which this amendment has been offered is for field artillery. The increase in field artillery since the war has been from 1,891 to 11,000. Not a single officer of the War Department asked for a single dollar for a gun for field purposes. In view of that situation, I wondered myself what we were going to do with the arsenals. If we did not need any guns, if we had all the guns that we ought to have—and we do have enough guns for 1,500,000 men—what was the use of making any more guns?

I went to the arsenals to see what was going on. I wish to say here to both Republicans and Democrats, and especially to my Democratic friend from Tennessee, that the Appropriations Committee and the Appropriations Subcommittee on Fortifications do not use this information as a vehicle for an attack on the War Department or for criticism of what they have done. We have tried to do a constructive thing rather than to find things to criticize. But, to my amazement, when I visited the arsenal in the district represented by the distinguished gentleman from Massachusetts, I found that they were employing five times as many men at the Watertown Arsenal as they employed before the war. Some of these men were working three shifts a day making guns and gun carriages, taxing the people straight on without reservation and without stopping.

Mr. HULL of Iowa rose.

Mr. SLEMP. Just a moment; I have not got to Rock Island. [Laughter.] I went to the Watervliet Arsenal and found that they were employing for the purpose of making guns nearly five times as many men as they employed in 1916. The total number of men employed in these arsenals before the war ran between 5,000 and 6,000.

At Rock Island they are employing nearly 8,000 men to-day. I did not go out in the newspapers and denounce that, but I asked the gentlemen responsible for these items in the bill what their policy was.

We did not need the material. I thought we might work out some plan, some scheme, by which we would have a skeleton organization at each of these plants and not lose the art of gunmaking in this country. If we did not need the material and we did not need the guns, why run the arsenals?

So we asked the gentlemen responsible for the Watertown item what they thought would constitute a minimum organization. They had in 1916 about 600 men. What do you suppose their minimum organization was to be in 1920? They propose 1,800 men as their minimum skeleton organization—three times the number of men that they utilized in 1916.

Mr. HULL of Iowa. Will the gentleman yield?

Mr. SLEMP. Certainly.

Mr. HULL of Iowa. The gentleman speaks of the organization previous to this war.

Mr. SLEMP. I used the term 1916 specifically.

Mr. HULL of Iowa. Will the gentleman tell us how many guns that organization produced to fight this war with? That is a pertinent question.

Mr. SLEMP. I told the gentleman we had secured something like 11,000 pieces of artillery, some purchased abroad and some made in this country. How many were purchased abroad will be found in the hearings.

Mr. HULL of Iowa. What did your organization before the war produce?

Mr. SLEMP. They produced a part of the guns that were used during the war.

Mr. HULL of Iowa. We did not have any.

Mr. SLEMP. I told the gentleman how many guns we had.

Mr. HULL of Iowa. You never used them.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. GARD. Mr. Chairman, I ask unanimous consent that the gentleman from Virginia may be allowed to proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SLEMP. We tried to work out a skeleton-organization proposition. We found that the arsenal people reduced their estimate from three times the full number of men that they employed in 1916 to twice the number of men as a skeleton organization—twice as many men as they used to run the plant in 1916—and called that a skeleton organization, and I lost confidence in the skeleton organization when they asserted they should have twice the number of men they had in their former peace organization.

Mr. DALLINGER. Mr. Chairman, will the gentleman yield?

Mr. SLEMP. Yes.

Mr. DALLINGER. I would like to ask the gentleman from Virginia if he thinks it fair to compare the skeleton at the Watertown Arsenal in 1916 and the Watertown Arsenal in 1920, when during that time, between those two dates, the plant has been quadrupled in size and in the kind of things done there?

Mr. SLEMP. Yes; and I will answer that proposition in this way: In 1916 this item carried $450,000, and it now carries more than three times as much. We are carrying in this item more than three times as much as we did in 1916.

Mr. DALLINGER. But you are doing four times as many different things at that arsenal.

Mr. SLEMP. We ought not to, and we have got to stop it.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. SLEMP. Yes.

Mr. MONDELL. Is not this the fact, that as far as the needs of the Government and the people of the United States are concerned at this or any time in the near future, no matter what may happen, this entire item could go out?

Mr. SLEMP. Absolutely.

Mr. MONDELL. And that we are only carrying what is being carried here in order to keep an organization in the arsenal, and we are keeping them at work making things, even this organization, that we do not need?

Mr. SLEMP. Except one point, where the gentleman from Massachusetts [Mr. DALLINGER], I think, is correct. That is this: All of the officers of the War Department recommend the manufacture of certain types of guns to test out for the future, and they call that experimental and development work. Some of the development business is absolutely a joke. In one instance they spent $400,000 in trying to make a fuse, and the hearings are full of questions, "You spent two and a half million dollars last year on your experimental proposition and what have you got to show for it?" And they answer, "Not a single gun; absolutely not a single gun." I think we have got to get down to business. That is what we tried to do here. They will have spent this year, on this item, $41,000,000—I mean this fiscal year. I believe it is a good idea to get down out of the trees, and if they wish to experiment on something, let gentlemen come forward to the committee and state what experiments they wish to make, and how much money they will cost, and then Congress can function on it; but just to give so much money, or three times as much as we gave in 1916, with no excuse for it except a minimum organization, as they call it, which is three times the previous full organization, does not have the approval of the committee.

The CHAIRMAN. All time has expired. The question is on the amendment offered by the gentleman from Iowa.

The question was taken, and the amendment was rejected.

Mr. GARD. Mr. Chairman, I offer to amend, in line 21, page 4, by striking out the figures "$1,500,000" and inserting in lieu thereof the figures "$1,000,000."

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. GARD: Page 4, line 21, strike out "$1,500,000" and insert in lieu thereof "$1,000,000."

Mr. GARD. Mr. Chairman, I am led to offer this amendment by the statement of the chairman of the subcommittee that all that is being sought to be maintained is a skeleton organization at these arsenals, and in the light of the statement of the leader of the majority, the gentleman from Wyoming [Mr. MONDELL], it would seem that the sum of $1,000,000 would be amply sufficient, because he states that the entire item should go out, and that they are not manufacturing anything which is necessary up there. The guns are not needed, the material is not needed, and there is nothing needed which apparently is being manufactured. Just what is being manufactured the leader of the majority does not tell us.

Mr. GOOD. Mr. Chairman, will the gentleman yield?

Mr. GARD. Very gladly.

Mr. GOOD. The estimate of the Secretary of War was for $15,000,000.

Mr. GARD. Oh, yes; and I am very glad to have the gentleman's word about that, but of course that does not take into consideration the maintenance of the skeleton organizations. That has in view the plan proposed by the gentleman from Iowa [Mr. HULL] and the gentleman from Massachusetts [Mr. DALLINGER], which the gentleman himself repudiates. My plan is now to save $500,000 upon what the gentleman himself said is unnecessary, and what the gentleman from Wyoming [Mr. MONDELL] said is unnecessary, and to maintain merely a skeleton organization there. One million dollars is enough to maintain the experimental ideas.

Mr. GOOD. Why, the Secretary of War estimated that it was necessary to have $15,000,000 originally, and as I recall in the reduced estimates $11,000,000, and that was on a very much reduced organization, somewhere between a skeleton organization and the amount asked for.

Mr. GARD. Yes; but we have left the elements of the organization except the skeletonizing of it, and, as has been said by the leader of the majority, there is nothing being manufactured there and this whole item can go out. Now, if the whole item can go out, surely there is enough left in the item to maintain the experimental features with a million dollars instead of $1,500,000 to appeal to those who are interested in saving large amounts on these appropriation bills. I make this amendment in the utmost good faith and point out where by their own statements and the statements of their own leader a saving of $500,000 can very properly be made.

Mr. LONGWORTH. Mr. Chairman, I rise in opposition to the amendment for the purpose of asking the chairman a question. Is this the item, which I think amounted to some two or three hundred million dollars in the bill of 1916 or 1917, out of which all the money was taken to build the Muscle Shoals alleged nitrate plant?

Mr. SLEMP. I do not think so.

Mr. LONGWORTH. My recollection is it was the item——

Mr. SLEMP. It was out of munitions, not out of this.

Mr. LONGWORTH. It is one of the items on the next page?

Mr. SLEMP. Yes.

Mr. LONGWORTH. Well, I wanted to ask, and might as well ask now, is the department now confining the expenditure of its appropriations to something like what the appropriations really call for?

Mr. SLEMP. That is the purpose next year.

Mr. LONGWORTH. They are going to confine their items to what they call for and not——

Mr. SLEMP. That is what they say.

Mr. LONGWORTH. I am very glad to know that is to be done.

Mr. SLEMP. Mr. Chairman, I would like to say with reference to the statement of the gentleman from Ohio [Mr. GARD] that we have cut this just as far as we could to do anything at all at the arsenals and we think it will result in doing some useful work. We cut it from $15,000,000 down to $1,500,000. If I could see any good object in a further cut of $500,000 I would not seriously object. We have got a lot of guns there which are incomplete and a small amount of money will complete them. There are some experiments——

Mr. VARE. The gentleman thinks they are entitled——

Mr. SLEMP. I believe in having a little common sense.

Mr. VARE. The gentleman believes they are entitled to 10 per cent of what they ask for?

Mr. SLEMP. Yes.

Mr. EVANS of Nebraska. Mr. Chairman, I would like to ask a question in reference to this. If you cut the amount which you now carry in this proposed appropriation an additional 33⅓ per cent, could they then conduct efficiently the experiments they wish to make and keep these plants in order?

Mr. SLEMP. I will state to the gentleman that with reference to an experimental proposition it is one of the most difficult things which the subcommittee had to handle. We would give a certain amount of money and we hoped it would get results, but in the very nature of things, with reference to an experimental proposition, we do not know of a certainty what we will get out of it.

Mr. EVANS of Nebraska. Then the judgment of the committee that investigated it is they will at least need this much money to work at all?

Mr. SLEMP. Yes, sir.

Mr. MACGREGOR. Mr. Chairman, I move to strike out the last word. The sarcasm of the gentleman from Ohio is very humorous in the light of the great amount of money that was expended for continuation of experimental stations during the war. I have in mind, in particular, the Curtiss aero plant, at Buffalo, which was maintained during most of the time as an experimental station, while the efficient Aircraft Board was experimenting as to the kind of aeroplanes that we should have and the engine that should be put into them, and the experiment resulted in about 27,000 men being kept on the pay rolls most of the time during the period, and contributed largely to the $1,051,000,000 for aircraft.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For purchase, manufacture, and test of seacoast cannon for coast defense, including their carriages, sights, implements, equipments, and the machinery necessary for their manufacture, $2,000,000.

Mr. DALLINGER. Mr. Chairman, I move to amend, page 5, line 6, by striking out the words "two million" and inserting in place thereof "$3,909,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. DALLINGER: Page 5, line 6, strike out "$2,000,000" and insert in lieu thereof "$3,909,000."

Mr. DALLINGER. Mr. Chairman, I wish to ask the indulgence of the committee for speaking twice on this matter, but this paragraph to which I have offered an amendment and the one to which the gentleman from Iowa offered his amendment and in favor of which I spoke are the two vital parts of this bill.

The adoption of these two amendments is absolutely essential, as I indicated before, to the maintenance of a skeleton organization at the arsenals and the carrying on of the absolutely essential experimental and training work of the War Department.

Now, the gentleman from Wyoming [Mr. MONDELL], who is absolutely ignorant of this question, so far as its details are concerned, talked about manufacturing things that are not necessary. As a matter of fact, every cent of that $7,735,000 contained in the amendment offered by the gentleman from Iowa [Mr. HULL] is necessary to carry on experimental and training work. It is necessary to make different kinds of ordnance in order to train men to make them, in order to train officers who shall be capable of supervising their manufacture, and for experimental purposes. A Government arsenal must keep up with the times. And if, as I have said before, we had had an efficient skeleton organization before the war, we would not have been in the deplorable state of unpreparedness that we were. The amendment offered by the gentleman from Iowa [Mr. HULL] did not affect the Watertown Arsenal to any great extent. About one-eighth of that appropriation would have been used at Watertown. The amendment which I have offered, however, does affect the Watertown Arsenal more directly, as about half of this item is to be expended for the manufacture of carriages for the new 16-inch guns and 16-inch howitzers which the gentleman from Virginia [Mr. SLEMP] admits ought to be manufactured for coast-defense purposes.

Why, Mr. Chairman, is the Watertown Arsenal being maintained? It is not being maintained for the purpose of manufacturing useless munitions of war. It is being maintained for three reasons. In the first place, there are manufactured there the carriages for the new 16-inch coast-defense guns and their projectiles. In the second place, Watertown has been chosen as the principal laboratory of the War Department for the purpose of making experiments, in order that we may utilize the lessons of this Great War. In the third place, and most important of all, the Watertown Arsenal is being maintained for the purpose of having a training school for ordnance officers, a matter in which we were sadly deficient at the outbreak of this war.

In order that the Watertown Arsenal may carry out these purposes it is necessary that Congress should appropriate sufficient money to maintain a skeleton organization. Now, it is very unfair for the gentleman from Virginia [Mr. SLEMP] to compare the skeleton organization of 1916 with the skeleton organization now. It is true that in 1916 there were employed at Watertown only 675 men. But what has been done at Watertown since that time? The people of the United States have expended over $15,000,000 on that plant. There has been added to the Watertown Arsenal a steel plant. There has been constructed there a gun-forging plant, a mobile-carriage plant, and a recuperator plant. Twelve new buildings have been constructed, the floor space quadrupled, and the arsenal converted from a small establishment requiring a small skeleton organization into a large, up-to-date manufacturing plant requiring a much larger skeleton organization. If 675 employees constituted a sufficient skeleton organization in 1916, then three or even four times that number would be necessary to maintain an efficient skeleton organization in 1920. Col. Dickson, the commandant at Watertown, reports that 1,800 employees are absolutely essential to the maintenance of such an organization.

Now, the gentleman from Iowa [Mr. GOOD] talked about a certain expenditure of $400,000—a mere bagatelle compared with the billions that were spent during the war—which he says was expended for the purpose of getting a better fuse, and he says that those in charge of the experiment have not yet succeeded in perfecting the improved fuse. Hence, he says, the money is wasted. If the gentleman from Iowa is correct, then all the money spent in medical research in order to find a cure for cancer, for instance, is wasted. So money is being spent in the new recuperator plant in experimenting with devices for the recoil of guns. Great improvements have been made and will continue to be made in this important field if the organization can be maintained.

In closing, Mr. Chairman, I wish to resent the insinuation that I am in favor of the appropriation of a single dollar for the pur-

pose of keeping a single man on the pay roll at Watertown or anywhere else unnecessarily.

The fact that the Watertown Arsenal is in my district and that some of the men employed there reside in my district is no reason why I should advocate an unnecessary expenditure of money by Congress, and I would be false to my duty as a Member of this House if I did so. As a matter of fact, the mechanics employed at the Watertown Arsenal have come from all parts of Massachusetts and from all over the United States—men who are experts in their line, and whose skill is absolutely necessary for the carrying on of this essential experimental work and to give the ordnance officers of the United States Army the necessary training that they should have. If you are not willing to give the Ordnance Department a sufficient amount to maintain the necessary skeleton organization, it is a great deal better to be manly about it and to say to the country, "We will close these arsenals; we will give up this work; we will trust to luck in case war comes, as we have done in the past. We will sell these great plants in order that the Treasury of the United States may be the richer by several hundred million dollars, and in order that the American people may be saved this large annual maintenance charge." That is the only logical thing to do. To refuse to heed the advice of the experts of the Ordnance Department and to permit the organization of these Government arsenals to be destroyed for the failure to appropriate a comparatively insignificant sum is the most shortsighted economy and can not be justified from any point of view. [Applause.]

Mr. SLEMP. Mr. Chairman, there was no experimental work proposed under this item except as to one 18-inch gun, upon which the department desired to spend $300,000 next year. The committee did not agree. This is the situation: This item relates to the manufacture of 16-inch guns and 16-inch howitzers. They have thirteen 16-inch guns and twelve 16-inch howitzers, and their carriages are being manufactured. I do not know whether it is wise to go on with their production or not. In my judgment it is. That is where I stand. The Government of the United States on that proposition has already expended over $6,000,000. These guns are the largest and best guns in the world. They have been requested and demanded by every expert of the War Department from 1885 down to 1920. There has never been an expert before the Appropriations Committee who did not demand them. Looking back at the proposition, it occurs to me to ask why we did not make these guns at the start instead of having produced a lot of other things. Three of the pieces will be delivered before the 1st day of July and five before the 1st day of January, 1921; that is, if their program goes through. And some of the work has already been done on the carriages. Now, we figured that a good skeleton organization might be kept going in these arsenals, particularly the arsenal at Watertown. And I think the gentleman from Massachusetts [Mr. DALLINGER] can not praise that arsenal too much or praise its facilities too much; but when he says they make steel there I wish to say that they have a steel plant, but they can not manufacture steel for less than $35 a ton, or something like that.

Mr. DALLINGER. Is not that because they are not able, because of the lack of appropriations, to run their plants continuously the way plants ought to be run?

Mr. SLEMP. It was because they wished to be independent, and that was all there was about it. They can not hope to compete with the United States Steel Corporation, which owns its own coal mines and its own transportation facilities. In case of emergency they have got that steel plant.

Mr. DALLINGER. Mr. Chairman, may I ask the gentleman a question?

Mr. SLEMP. Certainly.

Mr. DALLINGER. Is it not a fact that it is necessary to run all these different processes in order to give the ordnance officers the necessary training, the same as in the technical school?

Mr. SLEMP. Certainly not. There is no reason for running a steel plant in Watertown except in an emergency and in case of a deficiency in the supply of commercial steel.

Now, I wish to call the attention of the committee to the fact that in 1916 this item carried $300,000, and Watertown got along with it. In 1915 it carried $336,000. In 1914 it carried $128,000. We have been more than liberal in giving them more than $2,000,000, and I hope the amendment offered by the gentleman from Massachusetts will not prevail.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Massachusetts [Mr. DALLINGER].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For the establishment, construction, enlargement, or improvement of aviation stations for use in connection with the seacoast defenses of the Hawaiian Islands, including the acquisition of land or any interest in land by purchase, lease, condemnation, or otherwise, and the preparation necessary to make the same suitable for the purpose intended, $1,300,000.

Mr. GARD. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Ohio moves to strike out the last word.

Mr. GARD. I do it for the purpose of asking for information about the way this appropriation is carried. I note on page 11, beginning line 2 and including line 8, there is an appropriation "For the purchase, manufacture, maintenance, operation, and repair of airships," and so forth, which seems to be very inadequate, $100 for the Philippine Islands and $100 for the Hawaiian Islands.

Mr. SLEMP. I will say to the gentleman that we asked the representatives of the department about that, and they said they did not want any money for these islands, but wanted to retain the language in the bill, and they asked for $100 just as a nominal matter.

Mr. GARD. A nominal matter?

Mr. SLEMP. Yes.

Mr. GARD. What good does a nominal matter do?

Mr. SLEMP. It is to keep the language alive in the bill for the future. That is all there is in it.

Mr. GARD. It certainly does not do anything in the way of either purchase or manufacture or operation or repair of aircraft with a $100 item unless it is desired to carry that item so as to enter the estimates for another year.

Mr. GOOD. It is for future reference only. It will enable the department to keep their books open on this item, and when they come to Congress for an appropriation, the appropriations will be set down in our printed code for the committee, showing the appropriations by the year, and it will simply keep the books open on the matter.

Mr. GARD. As I gather, these two items are merely put in for the purpose of identification in future appropriation bills?

Mr. GOOD. Yes; at the request of the War Department.

Mr. GARD. I would like to have the gentleman inform me further—and I thank both the gentlemen for the information they have afforded me—as to the expenditure of $1,300,000 for the establishment, construction, and so forth, of aviation stations in the seacoast defenses of the Hawaiian Islands. What is included in that, and how far has any progress been made, if any?

Mr. SLEMP. The proposition stated before the committee was that we already have a field there purchased, one-half of it owned by the Navy and one-half owned by the Army; that the men are there without any place to live in, with salt water to drink, without quarters, and with no roads.

Mr. GARD. This provides "for the establishment, construction, enlargement, or improvement of aviation stations."

Mr. SLEMP. The field is already there and already purchased, and already in existence, and the men are already there. There are squadrons there, living in tents. This is to construct quarters and the necessary buildings for them, and to build the roads and provide the sewerage, and so forth. It is in Pearl Harbor. Lute Field is the field referred to.

Mr. GARD. How large a reservation is this for aircraft purposes?

Mr. SLEMP. My recollection is that it is 234 acres.

Mr. GARD. Two hundred and thirty-four acres?

Mr. SLEMP. Yes; but I can not verify it without looking it up.

Mr. GARD. Is it necessary to spend this money?

Mr. SLEMP. This is only a little over 50 per cent of what they asked. We have trimmed it down as best we could. We can give them quarters and facilities and technical buildings and roads, and fresh water to drink for the boys who are there now.

Mr. GARD. How many men are proposed to be maintained at this aviation station?

Mr. SLEMP. Four hundred, I think.

Mr. GARD. Are there any existing barracks there?

Mr. SLEMP. No.

Mr. GARD. No improvements on this field at all?

Mr. SLEMP. No.

Mr. GARD. So that it means the development of a field without any improvements on it at all?

Mr. SLEMP. Yes. A part of this money, $300,000, had been previously appropriated for certain buildings, and that was carried on in this bill.

The CHAIRMAN. The time of the gentleman has expired.

The Clerk read as follows:

In all, specifically for fortifications and armament thereof for the Panama Canal, $1,985,534.

Mr. BRIGGS. Mr. Chairman, I move to strike out the last word, for the purpose of asking the chairman of the Subcommittee on Appropriations a question. Recently I saw in some paper the statement that the fortifications of the Panama Canal Zone are now inadequate and the batteries becoming obsolete. Does the chairman know anything about that matter, or was it investigated?

Mr. SLEMP. The situation about that is simply this: There is some misgiving as to the effectiveness of shells of the 12-inch guns against modern battleships. We have quite a number of 12-inch and 14-inch guns down there, and one 16-inch gun. Now, with modern ammunition, for which this bill carries a sufficient amount——

Mr. BRIGGS. I notice that it does——

Mr. SLEMP. We ought to be able to maintain our defensive position there. Originally the estimates contained about $5,000,000 for the further fortification of Taboga Island, about 15 miles out on the western side. That matter is under joint consideration by the Army and the Navy and they have not agreed on it just yet; so that was cut from the bill.

Mr. BRIGGS. Pending an agreement between the Navy and the Army?

Mr. SLEMP. Yes. I will say in regard to the fortification of Taboga Island, that the fire-control project provided in this bill will make it absolutely complete. Of course, the broad proposition would embrace questions of attack from vessels of certain depths and carrying certain thicknesses of armor on the decks and sides; but I do not think we are taking any chances.

Mr. BRIGGS. I notice this newspaper statement said the defenses of the Panama Canal Zone were rather inadequate—in fact, were regarded as inadequate against attacks by sea—and I saw no appropriation for armament and equipment there, and I wondered why.

Mr. SLEMP. They might, perhaps, be injured by an attack from a vessel like the *Hood*, and there is one Japanese vessel which might do some damage there out of the range of our guns. Of course, there is no French vessel, no Italian vessel, and no German vessel which would be dangerous, and only a few British vessels. I imagine there are not more than five vessels in the world that would be dangerous against the Panama fortifications. There are no British vessels armed with 17-inch guns; there are some with 15-inch guns, and there may be some new ones coming along that will have 16-inch guns. We have one 16-inch gun at Panama, and I think it is proposed to put some of the 14-inch guns there on railway mounts; but the big item is to add some more 16-inch guns when the Army and Navy agree on the policy, which will make those fortifications absolutely impregnable.

Mr. BRIGGS. That matter is now being worked on by the Army and Navy?

Mr. SLEMP. Yes. They have not agreed upon it, and so it was stricken from the bill.

Mr. GOOD. Section 2 has been carried in the bill 12 or 15 years or more. The same language has been carried giving the Secretary of War the right to purchase abroad. The third section was put in the bill when it was found that, so far as powder is concerned, as I recall it, we were purchasing it long before the war and paying a great deal more for it than we could manufacture it at the Picatinny Arsenal. That amendment was adopted on the floor of the House, and the proviso providing for giving some leeway, so that if an emergency should arise, if the President felt that it was emergent to purchase some material at a cost even more than 25 per cent in excess of the cost at the arsenal, the President, being Commander in Chief, should have that authority, but it was only in such an emergency that it was thought that right should be exercised, and it was given to the President instead of the Secretary of War.

Mr. WALSH. It is supposed that when they purchase abroad it should be an emergency or for the best interest of the United States, and yet they say in that section the Secretary of War can decide that question. I think the Secretary of War would have a much more intimate knowledge of the purchases that are being made and whether they could be manufactured in the Government plant as cheaply as in private establishments than would the President. I think it would facilitate action upon this particular proposition if we substitute the Secretary of War for the President.

Mr. GOOD. I have given the gentleman the history of the legislation. Foreign purchases were not looked upon with favor, as discriminating against home producers.

Mr. WALSH. But I would like the gentleman's opinion.

Mr. GOOD. I think that power that is given the President in section 3 should never be exercised except in case of war or threatened war. Now, the other might be a different case; it has to do with the purchase of raw materials, and things of that kind, that the President would not perhaps need to be consulted about and perhaps would not know anything about it.

Mr. WALSH. Mr. Chairman, I make the point of order on the proviso in section 3.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

SEC. 6. That all orders for manufacture of material pertaining to approved projects, which are placed with arsenals or other ordnance establishments and which are chargeable to armament of fortifications appropriations, shall be considered as obligations in all respects in the same manner as provided for similar orders placed with commercial manufacturers.

Mr. GARD. Mr. Chairman, I reserve a point of order to section 6, which apparently is a legislative provision, or at least it is so stated in the report. I make the reservation of the point of order for the purpose of asking why this new order of things is authorized by the committee.

Mr. HULL of Iowa. In order to save the Government money. At a certain time in the year, for instance, at the present time, if you wanted 100,000 rifles you could not place them in the Government arsenal because you could not finish them before the 1st of July. But you could buy them of private manufacturers.

Mr. GARD. The gentleman's statement does not apply to section 6. This is only chargeable to armament fortification appropriations.

Mr. HULL of Iowa. The same thing applies to cannon—I used the word "rifles." We are using this same language in the Army bill. It was suggested by Gen. Lord, because, when they come to carry out the provisions of section 5 and place the orders in Government arsenals, where it is cheaper to manufacture them, they find that at certain times of the year the appropriation will run out before the order can be completed in the Government arsenals. If they went out and bought them the money could be used. This section makes the money applicable in Government arsenals.

Mr. GARD. Does it have any other effect than to give them two years instead of one year?

Mr. SLEMP. It does not.

Mr. GARD. What is the use of it?

Mr. HULL of Iowa. It has no other purpose than to make the money available for the Government arsenals and to save money for the Government.

Mr. GARD. How do you save any money for the Government?

Mr. HULL of Iowa. Because you can manufacture them cheaper in the Government arsenal than you can buy them. If you want to buy cannon you would have to buy them out of money appropriated in last year's bill for use in this fiscal year, and it would run out before you could manufacture them in the arsenal.

Mr. GARD. As I understand section 6, under existing law the appropriation continues only for the fiscal year, whereas under section 6, if this legislation is to be carried in this bill, the appropriation will be carried along for two years.

Mr. WALSH. Will the gentleman yield?

Mr. GARD. Yes.

Mr. WALSH. Does the gentleman understand that if the appropriation is available for the purchase or to make a contract with a commercial firm, and the obligation is entered into, the appropriation is available for two years?

Mr. GARD. Yes; I understand that.

Mr. WALSH. Is it not the intention to put these Government arsenals on the same footing by this section, so that if they entered into a contract or an agreement with the arsenal, the obligation is thereby incurred, and it will continue for two years, whereas without this language it would only continue during the period of the appropriation law?

Mr. GARD. I understand, as it is said in the report; but what I am trying to get at is, What benefit is there by including this in this bill, because it simply means, if anything, a little less bookkeeping?

Mr. GOOD. Mr. Chairman, will the gentleman yield?

Mr. GARD. Yes.

Mr. GOOD. Having been carried in the Army bill, where moneys are appropriated for certain works in the arsenals, can not the gentleman see that in reporting out this bill the committee ought to keep in mind what has already been done in the other bill, so as to have a uniform policy with regard to appropriations available for work in the Army?

Mr. GARD. Is this section carried in the Army bill?
Mr. GOOD. Yes.
Mr. GARD. I withdraw my reservation of the point of order.
The Clerk read as follows:

SEC. 7. That whenever any Government bureau or department procures, by purchase or manufacture, stores or materials of any kind, or performs any service for another bureau or department, the funds of the bureau or department for which the stores or materials are to be procured or the service performed may be placed subject to the requisitions of the bureau or department making the procurement or performing the service for direct expenditure: *Provided*, That funds so placed with the procuring bureau shall remain available for a period of two years for the purposes for which the allocation was made unless sooner expended.

Mr. GARD. Mr. Chairman, I reserve the point of order as against section 7. Will the gentleman explain what good purpose is accomplished by section 7?

Mr. SLEMP. This is a new section. The Army and the Navy seem to have the arrangement mentioned in this paragraph, and this will enable other bureaus of the Government to do business with the Government arsenals and the Government institutions. They can advance them money, and in that way they can make contracts. Suppose you want to make road machinery; suppose you want to use your arsenals for peace purposes, or any other Government operating plant. This will enable that particular department to do that, as I understand it. This is legislation and is subject to the point of order, but it is recommended by the various departments.

Mr. GARD. Does it do anything else than permit a transfer of funds?

Mr. SLEMP. Not as I understand it.
Mr. GOOD. Mr. Chairman, will the gentleman yield?
Mr. GARD. Yes.

Mr. GOOD. Suppose the Army should desire some work done in the gun factory here at Washington, and the Navy did not have the money appropriated to do that work. The bureau goes on with the work and the men must be paid weekly. Under the law the work can not be paid for out of the Army appropropriation until the work is completed and delivered. Under the authority carried in this bill they would be authorized to transfer funds so that the laborers could get their pay as they perform the work. It places that department on the same basis that it would be on if they were contracting with a private concern. With a private contractor the funds would be available even if not expended during the fiscal year, but this plan is not the same if the work is done in a Government plant, and we simply put the department on the same footing in that respect that the private concern the Government would contract with is now on.

Mr. GARD. I do not see that this affects the Government's private contracts. I do see that it may effect a transfer from one fund to another fund to care for existing emergencies.

Mr. GOOD. It amounts to an authorization to make a contract with another department just the same as authority is given to contract on the outside. That was the reason urged by the department, and they have earnestly requested this legislation. It is not legislation that has been offered without the recommendation by the department.

Mr. GARD. Mr. Chairman, I withdraw the reservation of the point of order.

The Clerk concluded the reading of the bill.

Mr. SLEMP. Mr. Chairman, I move that the committee do now rise and report the bill with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SANFORD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 13555) making appropriations for fortifications and other works of defense, for the armament thereof, and for the procurement of heavy ordnance for trial and service, for the fiscal year ending June 30, 1921, and for other purposes, and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. SLEMP. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en grosse. The question is on agreeing to the amendments.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SLEMP, a motion to reconsider the vote by which the bill was passed was laid on the table.

EXTENSION OF REMARKS.

Mr. DALLINGER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the fortification bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. VARE. Mr. Speaker, I ask unanimous consent to address the House to-morrow for 10 minutes——

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to address the House tomorrow—when?

Mr. VARE. Upon convening.

The SPEAKER. Upon convening.

Mr. GARD. Mr. Speaker, reserving the right to object, I presume the gentleman means after the reading of the Journal?

Mr. VARE. Oh, yes.

The SPEAKER. Is there objection?

Mr. WALSH. I would like to ask the gentleman upon what subject?

Mr. VARE. On the coming congressional election.

Mr. GARD. On what?

Mr. VARE. On the congressional election that is now coming on.

Mr. WALSH. The approaching congressional election?

Mr. GARD. On the general wide subject of the general election, or pertaining particular to the gentleman's district——

Mr. VARE. On the approaching general election.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. EAGAN. Mr. Speaker, I ask unanimous consent to extend my remarks.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

LEAVE OF ABSENCE.

By unanimous consent, Mr. MACGREGOR was granted leave of absence, for one week, on account of urgent business.

ADJOURNMENT.

Mr. SLEMP. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 36 minutes p. m.) the House adjourned to meet to-morrow, Wednesday, April 14, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting draft of a bill to amend the Penal Code of the Canal Zone and the navigation rules of the Panama Canal, was taken from the Speaker's table and referred to the Committee on Interstate and Foreign Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. KAHN, from the Committee on Military Affairs, to which was referred the bill (H. R. 13587) making appropriations for the support of the Army for the fiscal year ending June 30, 1921, and for other purposes, reported the same without amendment, accompanied by a report (No. 821), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CRAGO, from the Committee on Military Affairs, to which was referred the bill (H. R. 5815) granting relief to persons who served in the military telegraph corps of the Army during the Civil War, reported the same without amendment, accompanied by a report (No. 824), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Idaho, from the Committee on the Public Lands, to which was referred the bill (S. 2528) to grant certain lands to the city of Pocatello, State of Idaho, for conserving and protecting the source of its water supply and as a municipal park site, reported the same without amendment, accompanied by a report (No. 825), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. BEE, from the Committee on Claims, to which was referred the bill (H. R. 9337) for the relief of the Cornwell Co., reported the same with an amendment, accompanied by a report

(No. 822), which said bill and report were referred to the Private Calendar.

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (H. R. 13542) for the relief of the Liberty loan subscribers of the North Penn Bank, Philadelphia, Pa.; Santa Rosa National Bank, Santa Rosa, Calif.; and Mineral City Bank, Mineral City, Ohio, reported the same without amendment, accompanied by a report (No. 823), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on the Post Office and Post Roads was discharged from the consideration of the bill (H. R. 13497) for the adjudication and determination of the claims arising under joint resolution of July 14, 1870 (16 Stat. L., 670), authorizing the Postmaster General to continue to use in the Postal Service Marcus P. Norton's combined postmarking and stamp-canceling hand-stamp patents, and directing him to "determine upon a fair, just, and equitable compensation for the use of said inventions," or arising otherwise, and the same was referred to the Committee on Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. KAHN: A bill (H. R. 13587) making appropriations for the support of the Army for the fiscal year ending June 30, 1921, and for other purposes; committed to the Committee of the Whole House on the state of the Union.

By Mr. RAMSEY: A bill (H. R. 13588) authorizing the Secretary of War to enter into a contract with the borough of Tenafly, county of Bergen and State of New Jersey, to share with that municipality the cost of grading and paving a portion of Hickory Avenue, in said borough; to the Committee on Military Affairs.

By Mr. DAVILA: A bill (H. R. 13589) authorizing and directing investigations and experiments for the improvement of the fisheries of Porto Rico; to the Committee on Insular Affairs.

By Mr. RAYBURN: A bill (H. R. 13590) granting the consent of Congress to Sid Smith, of Bonham, Tex., for the construction of a bridge across Red River, between the counties of Fannin, Tex., and Bryan, Okla.; to the Committee on Interstate and Foreign Commerce.

By Mr. HUSTED: A bill (H. R. 13591) authorizing suits against the United States in admiralty for collisions caused by and salvage services rendered to public vessels belonging to the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. SINNOTT: A bill (H. R. 13592) to authorize certain homestead settlers or entrymen who entered the military or naval service of the United States during the war with Germany to commute their entries; to the Committee on the Public Lands.

By Mr. DYER: A bill (H. R. 13593) to change the name of oleomargarine to margarin; to change the rate of tax on margarin; to protect the consumers, dealers, and manufacturers of margarin against fraud; and to afford the Bureau of Internal Revenue more efficient means for the detection of fraud and the collection of the revenue; to the Committee on Agriculture.

By Mr. RANDALL of California: Resolution (H. Res. 519) relating to increase of weight and size of parcel-post packages; to the Committee on the Post Office and Post Roads.

By the SPEAKER: Memorial of the Legislature of the State of New York, regarding the development of all aircraft and aerial navigation; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BYRNS of Tennessee: A bill (H. R. 13594) granting a pension to Thomas J. Meadows; to the Committee on Pensions.

By Mr. COPLEY: A bill (H. R. 13595) granting war-risk insurance benefits to John C. Kromer; to the Committee on Claims.

Also, a bill (H. R. 13596) granting war-risk insurance benefits to Hetta M. Flood; to the Committee on Claims.

By Mr. FIELDS: A bill (H. R. 13597) granting an increase of pension to Thomas Pigg; to the Committee on Invalid Pensions.

By Mr. HAYS: A bill (H. R. 13598) granting an increase of pension to George W. Overstreet; to the Committee on Invalid Pensions.

By Mr. HUSTED: A bill (H. R. 13599) granting an increase of pension to George W. Hart; to the Committee on Invalid Pensions.

By Mr. IGOE: A bill (H. R. 13600) for the relief of Mrs. William B. Ryan; to the Committee on Claims.

By Mr. PLATT: A bill (H. R. 13601) for the relief of P. Delany & Co.; to the Committee on Claims.

By Mr. SMITH of New York: A bill (H. R. 13602) for the relief of the Consolidated Gas Co. of New York; to the Committee on Claims.

By Mr. TEMPLE: A bill (H. R. 13603) granting an increase of pension to Mary McNally; to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 13604) granting an increase of pension to George W. Spann; to the Committee on Invalid Pensions.

By Mr. WOOD of Indiana: A bill (H. R. 13605) granting a pension to Merrill Martin Chenoweth; to the Committee on Pensions.

By Mr. BROOKS of Illinois: Resolution (H. Res. 518) authorizing the payment of $500 to August Buehne for extra services rendered the Members of the House of Representatives during the year 1920; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2934. By the SPEAKER (by request): Petition of the American Legion, Department of Hawaii, urging the passage of legislation by Congress favoring the employment of citizen labor on all Federal projects in the Territory of Hawaii and urging the passage of certain legislation in regard to military matters; to the Committee on Military Affairs.

2935. By Mr. CAREW: Petition of Signal Post, No. 343, the American Legion, New York City, favoring the passage of the Wadsworth bill; to the Committee on Military Affairs.

2936. By Mr. O'CONNELL: Petition of the Federal Council of the Churches of Christ in America, urging that the United States accept a mandatory in the Near East; to the Committee on Foreign Affairs.

2937. Also, petition of the New Success Magazine, protesting against the proposed tax on advertising; to the Committee on Ways and Means.

2938. Also, petition of the National Federation of Federal Employees, requesting investigation as to the efficiency of the Bureau of Efficiency; to the Committee on Appropriations.

2939. By Mr. PELL: Petition of the Amsterdam Democratic Club, of the seventh assembly district of New York City, favoring an increase in the Navy of the United States, making it a greater power than any other navy in the world; to the Committee on Naval Affairs.

2940. By Mr. SMITH of Idaho: Petition numerously signed by residents of Buhl, Twin Falls County, Idaho, urging enactment of House bill 10925; to the Committee on Interstate and Foreign Commerce.

2941. Also, letter to accompany H. R. 13080, for the relief of Lyn Lundquist; to the Committee on the Public Lands.

2942. By Mr. STEENERSON: Petition of sundry citizens of Osage, Minn., opposing compulsory military training; to the Committee on Military Affairs.

2943. By Mr. TIMBERLAKE: Petition of Henry C. Booth, State executive committeeman, Denver, Colo., favoring the fourfold plan of legislation advocated by the American Legion; to the Committee on Ways and Means.

2944. Also, petition of Oklahoma City Post, No. 35, Oklahoma City; William Ezra Spencer Post, Jay; Torrent-Murphy Post, Hooker; Crutchfield Edward Post, No. 75, Francis; Carmen Memorial Post, No. 47, Carmen, all posts of the American Legion in the State of Oklahoma, favoring the fourfold plan of legislation advocated by the American Legion; to the Committee on Ways and Means.

2945. Also, petition of Bruce Frew Post, Gunnison; Huerfano Post, No. 16, Walsenburg; Rickard Post, No. 78, Denver; Nathaniel McBride Post, No. 81, Kit Carson County; State office of American Legion, Denver; Rio Blanco Post, No. 74, Meeker; George Steele Post, Denver; Willie Skeets Post, Durango; Fred Green Post, No. 49, Limon; Jefferson County Post, No. 21, Golden; Francis McCall Post, No. 19, Ault; San Juan Post, No. 14, Silverton; Garrison Brothers Post, Castle Rock; Harold H. Dehaan Post, No. 19, Fort Morgan; Post No. 66, Akron; Debeque Post, No. 79, Debeque; Carbondale Post, No. 100, Carbondale; Wm. C. Stratton Post, No. 59, Ouray; Post No. 76, Wiggins; Kit Carson Post, Fort Lyon; Lee Leyden Post, No. 1, Denver; Chas. E. McFarland Post, No. 9, La Junta; Jack Hewitt Post, No. 69, Denver; W. H. Noonan, post adjutant, Glenwood Springs;

Marcellus H. Chiles Post, No. 41, Denver; James G. Hamilton Post, No. 53, Monte Vista; Pueblo Post, No. 2, Pueblo, all posts of the American Legion in the State of Colorado, favoring fourfold optional plan of legislation advocated by the American Legion; to the Committee on Ways and Means.

2946. By Mr. VARE: Petition of the Cincinnati Clearing House Association, asking for the continuance of the United States subtreasuries; to the Committee on Banking and Currency.

SENATE.

WEDNESDAY, *April 14, 1920.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, Thou hast touched our poor human life with an infinite purpose. Those who have desired to see Thy glory have seen it not in the work of Thy hands but in the perfect life of Thy Son. Thou art the God of the perfect life. We thank Thee that the foundations of our civilization are based upon the qualities of life that He has revealed to us. Our common law, our standard of morals, our highest ideals are in Him. Grant us this day so to construct our lives as that we may be patterned after the image of Thy Son. For Christ's sake. Amen.

The Reading Clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9065) to amend sections 3, 8, 10, 12, 20, and 21 of the act approved July 17, 1916, known as the Federal farm-loan act.

The message also announced that the House had passed a bill (H. R. 13555) making appropriations for fortifications and other works of defense, for the armament thereof, and for the procurement of heavy ordnance for trial and service for the fiscal year ending June 30, 1921, and for other purposes, in which it requests the concurrence of the Senate.

BONUS TO EX-SERVICE MEN.

Mr. DIAL. Mr. President, I present and ask to have read an article from the news columns of The State, of Columbia, S. C., regarding resolutions of the American Legion of South Carolina.

I wish to state that the South Carolina Legion has spoken with discretion, judgment, and patriotism. South Carolina soldiers can be counted on to do the right thing in time of peace or in time of war. Their example ought to be emulated over the United States.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

The Secretary read as follows:

[From The State, Columbia, S. C., April 13, 1920.]

BONUS ATTITUDE CLEARLY STATED—STATEMENT SETS FORTH DEPARTMENT VIEWS.

"In order that the people of South Carolina may understand the position of the South Carolina department on the American Legion and the bonus Irvine F. Belser, State adjutant of the legion, yesterday gave out a statement for State headquarters, setting forth the attitude of the department.

"At a recent meeting of the executive committe of the South Carolina department resolutions were passed placing the department on record as being opposed to the legion waging a campaign for the bonus. The statement says that the department does not go into a discussion of the merits or demerits of the bonus, but leaves such matters entirely to Congress, the department being, the statement ends, 'unalterably opposed to the American Legion waging a campaign in "its selfish interest." The statement follows in detail:

"'The State convention of the department of South Carolina left the matter of a bonus to the delegation to the national convention, and the delegation voted unanimously for the American Legion to be hands off. The national convention passed resolutions leaving the matter to Congress, feeling that it could not "ask" for legislation in its selfish interest.

"'The national executive committee, at a meeting held February 10 and at a subsequent meeting held March 22, decided to advocate a bill asking for the bonus.

"'The department of South Carolina will not cooperate with the national organiaztion in waging a campaign for the bonus for two reasons:

"'1. The national executive committee went beyond its jurisdiction in reversing the national convention, for the executive committee is an administrative body and the convention the legislative body.

"'2. It is inconsistent with the principles on which the American Legion was founded.

"'The department of South Carolina does not go into a discussion of whether the bonus is advisable; whether the country can afford it; the merits or demerits of the question. It leaves such matters entirely to Congress. It is unalterably opposed to the American Legion waging a campaign in "its selfish interest."'"

PETITIONS AND MEMORIALS.

Mr. COLT. I present a resolution adopted by the General Assembly of the State of Rhode Island, which I ask to have printed in the RECORD and referred to the Committee on Commerce.

There being no objection, the resolution was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

STATE OF RHODE ISLAND, ETC.,
IN GENERAL ASSEMBLY,
January Session, A. D. 1920.

Resolution recommending to Congress the passage of legislation providing for Federal inspection of inland barges. (Approved April 8, 1920.)

Whereas the loss of life along the shores of the State of Rhode Island is much endangered by the operation of inland barges, which are in many cases without lifeboats, anchors, cables, or life preservers: Therefore be it

Resolved, That the General Assembly of the State of Rhode Island respectfully requests our Senators and Representatives in Congress to introduce or urge the passage of a bill in Congress providing for the Federal inspection of all inland barges of 100 gross tons or over, and providing for the issuance of a certificate of inspection, which shall require that such barges shall be suitably equipped and in proper seaworthy condition; and be it further

Resolved, That a copy of this resolution be transmitted to our Senators and Representatives in Congress from Rhode Island.

STATE OF RHODE ISLAND,
OFFICE OF THE SECRETARY OF STATE,
Providence, April 9, 1920.

I hereby certify the foregoing to be a true copy of the original resolution passed by the general assembly and approved by the governor on the 8th day of April, A. D. 1920.

In testimony whereof, I have hereunto set my hand and affixed the seal of the State aforesaid this 9th day of April, in the year 1920.

[SEAL.] J. FRED PARKER,
Secretary of State.

Mr. COLT presented a memorial of the New England Coal Dealers' Association, remonstrating against further governmental regulation of the retail coal industry, which was referred to the Committee on Interstate Commerce.

Mr. CAPPER presented a petition of the Chamber of Commerce of Columbus, Kans., praying for the enactment of legislation granting adequate bonus to ex-service men, which was referred to the Committee on Military Affairs.

He also presented a petition of the American Cooperative Publishing Co., praying for the adoption of an amendment to the so-called Sherman antitrust law giving to the farmers of the country the right to collective bargaining, which was referred to the Committee on the Judiciary.

RELIEF OF ARMENIA.

Mr. LODGE. Mr. President, I have here a memorial which is addressed to the President of the United States and to Congress by a delegation of American Veterans of Armenian Origin. Some 500 of them have been here just now, in the uniform which they wore during the war, the uniform of our Army, and have requested me to present this memorial to the Senate, which I now do. The memorial is very brief; it will take but a few moments to read it, and I ask permission to have it read.

There being no objection, the memorial was read and referred to the Committee on Foreign Relations, as follows:

A MEMORIAL ADDRESSED TO THE PRESIDENT OF THE UNITED STATES AND TO CONGRESS BY A DELEGATION OF AMERICAN VETERANS OF ARMENIAN ORIGIN, APRIL 14, 1920.

We, 500 delegates representing the Union of American Veterans of Armenian Origin, the members of which fought in the recent war, have come to Washington respectfully to express to the President and to Congress the profound sense of disappointment which we and our comrades feel at the delay in the settlement of the Armenian question; to call attention to the intolerable conditions to which our kinsmen, the Armenian people, continue to be subject, and earnestly to petition our Government to extend to them immediate protection and assistance.

When we were called to arms and while we were on the field of battle we were happy in the conviction that we were fighting not only in defense of the beloved country of our adoption but also for the triumph of the principles for which she stands, as applied to the protection and liberation of oppressed nationalities, among which we naturally placed first our motherland, Armenia. And if we had been told that a year and a half after the date of the armistice our kinsmen would still be at the mercy of the Turk, would still be subject to violence and massacre, would still be prevented from returning to their homes by an undisarmed foe, and forced to the humiliation of subsisting upon charity, we should not have believed it. But, unfortunately, such is the appalling situation. While in the case of such sufferers as France, Belgium, and Serbia the foe was immediately disarmed, forced to evacuate the invaded territory, and to make restitution in the form of heavy indemnities for the property destroyed; while, as in the case of the nationalities which aspired to freedom from foreign domination, such as the Poles and the Czechoslovakians, boundaries have been defined and conditions established which have enabled these peoples to begin to organize States, to establish commerce, to resume industry, and the cultivation of the soil, Armenia, chief sufferer among all the nations which have been swept by the war, has during all these long months been left in a condition comparable to that which existed throughout the war.

We respectfully submit that this is altogether deplorable, not only on the general grounds of humanity, but also because of the fact that Armenia was actually an ally to whom America and the allied powers are indebted for significant military services. It may not be amiss to recall in a word what these services were. You are aware that at the very beginning of the war the Armenian people, through their representatives, were formally offered an autonomous government if only they and their brethren of Russian Armenia would definitely ally themselves with the Turks and the Central Powers against Russia, and that it was largely as a result of their refusal to do this that they lost over 800,000 of the flower of their race by a systematic deportation and massacre which have no parallel in history. You are aware of the part played by the Armenian volunteers in the army of Grand Duke Nicholas and of the services rendered by the 150,000 Armenian regulars of the Russian Army, who fought for two years on the eastern front, and who, with the volunteers, after the breakdown of Russia, took over the Caucasian front and held it for months without aid from any of the Allies. You are also aware that in the Palestinian campaign there were 9,000 Armenian volunteers, several thousand of whom came from the United States, and that the Army of the United States included thousands of Armenian soldiers and a very creditable proportion of Armenian officers.

In view of the heroism thus displayed by the Armenian people, and of the character of the despotism against which they had struggled for centuries, their complete liberation and future protection was universally agreed upon as a war aim, and specifically pledged by all the official spokesmen of the allied and associated powers. It is therefore in the belief that we are asking for no more than is just, and that in so doing we are but expressing the best of American traditions, that we respectfully state that we believe our Government is in a position to afford that immediate protection which Armenia so greatly needs, and to hasten a satisfactory settlement of the Armenian question. We further believe that our Government can use its influence to prevent the rumored break-up of Armenian territories which threatens to deprive Armenia of its richest and most valuable regions and an indispensable outlet to the sea.

We therefore respectfully urge our Government to take the necessary measures for the immediate protection of the Armenian people, now in imminent danger; to furnish them with adequate means of self-defense; and to provide them with facilities for the repatriation of the Armenian people, so that they may resume their normal life; and to extend immediate recognition to the Republic of Armenia, already in existence.

And may we add that to this chivalrous service, which we respectfully urge our Government to perform, we, the Union of American Veterans of Armenian Origin, pledge our own services and resources to the uttermost.

L. M. Zylcitarian, Reg. Radio Staff; T. C. Waldonian, Seg.; Sergt. H. Avrigion; John Tegrarian; A. Kasparian; B. K. Papajian; V. H. Kuzaryian, Hon. Major, R. A. M. C.; Edw. H. Bedrossian, Capt. M. R. C., U. S. A.; S. K. Boyajian, First Lieut. Ord. R. C.; A. A. Sehan, Second Lieut. Inf., U. S. R.; Leon Kazanjian, Second Lieut. F. A. R. C.; Yervant S. Assadoorian, First Gl. Gr. Sergt. C. A. C.

BRIDGE ACROSS RED RIVER OF THE NORTH.

Mr. CALDER. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 12581) granting the consent of Congress to the village and township of Shelly, Norman County, Minn., and the township of Caledonia, Traill County, N. Dak., and their successors and assigns, to construct a bridge across the Red River of the North on the boundary line between the said States, and I submit a report (No. 525) thereon. I ask unanimous consent for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole, and it was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the village and township of Shelly, Norman County, Minn., and the township of Caledonia, Traill County, N. Dak., and their successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Red River of the North at a point suitable to the interests of navigation, at or near the section line between sections 13 and 24, township 146 north, range 49 west, fifth principal meridian, on the boundary line between Minnesota and North Dakota, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COMMITTEE ON PUBLIC HEALTH AND NATIONAL QUARANTINE.

Mr. CALDER, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 342, submitted by Mr. FRANCE on the 1st instant, reported it favorably without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Public Health and National Quarantine, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-sixth Congress to hold hearings, to send for persons, books, and papers, to administer oaths, and to employ a stenographer, at a cost not to exceed $1 per printed page, to report such hearings as may be had in connection with any subject which may be pending before said committee; to sit and act at such times as it may deem necessary during the sessions or recesses of the Senate, the expenses thereof to be paid out of the contingent fund of the Senate.

ELIZABETH A. AGNEW.

Mr. CALDER, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 349, submitted by Mr. GLASS on the 13th instant, reported it favorably without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the miscellaneous items of the contingent fund of the Senate to Elizabeth A. Agnew, widow of Frank E. Agnew, late the upholsterer and locksmith in the employ of the United States Senate, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

RUSSIAN PROPAGANDA.

Mr. MOSES. From the Committee on Foreign Relations I submit, pursuant to Senate resolution 263, a report (No. 526) relative to the status and activities of Ludwig C. A. K. Martens, the representative in this country of the soviet régime in Russia, which I ask may be printed as a public document.

The PRESIDING OFFICER (Mr. FRELINGHUYSEN in the chair). Is there objection? The Chair hears none, and it is so ordered.

BILLS INTRODUCED.

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. REED:

A bill (S. 4216) for the relief of Ferdinand A. Roy; to the Committee on Military Affairs.

A bill (S. 4217) granting a pension to John T. Clark;

A bill (S. 4218) granting a pension to Rhoda Button;

A bill (S. 4219) granting a pension to Raliegh H. Hamilton (with accompanying papers);

A bill (S. 4220) granting an increase of pension to Edward A. Ward (with accompanying papers);

A bill (S. 4221) granting an increase of pension to George Morrison (with accompanying papers); and

A bill (S. 4222) granting a pension to Emilie Deetz (with accompanying papers); to the Committee on Pensions.

By Mr. SMITH of Maryland:

A bill (S. 4223) granting an increase of pension to Edward Jacob Stewart; to the Committee on Pensions.

By Mr. CALDER:

A bill (S. 4224) for the relief of Sophie K. Stephens; to the Committee on Claims.

RESUMPTION OF COMMERCIAL RELATIONS WITH GERMANY.

Mr. McCUMBER. I submit a proposed amendment in the nature of a substitute for House joint resolution 327, the so-called peace resolution, which is now before the Committee on Foreign Relations. I ask that it may be printed in the RECORD and referred to the Committee on Foreign Relations.

There being no objection, the amendment was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

Whereas actual hostilities between the warring nations in the late war ceased on the 11th day of November, 1918, under and by virtue of the terms of an armistice of said date; and

Whereas the German Government has acknowledged its defeat, and has by treaty yielded to every demand imposed by its enemies in said war, including the disbanding of its armies; and

Whereas commercial relations have been resumed between the said German Government and other Governments associated with the United States in said war: Now, therefore, be it

Resolved, etc., That commercial relations between the United States and Germany be, and the same are hereby, resumed to the same extent and under the same limitations as though no war had existed between the said Governments, and all laws prohibiting trade and commerce between the nationals of said Governments, enacted since the 6th day of April, 1917, are hereby repealed in so far as they are in conflict with this resolution.

HOUSE BILL REFERRED.

H. R. 13555. An act making appropriations for fortifications and other works of defense, for the armament thereof, and for the procurement of heavy ordnance for trial and service, for the fiscal year ending June 30, 1921, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

RIVER AND HARBOR APPROPRIATIONS.

The PRESIDENT pro tempore (at 12 o'clock and 15 minutes p. m.). The morning business is closed.

Mr. JONES of Washington. I ask unanimous consent that the Senate proceed to the consideration of House bill 11892, the river and harbor appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11892) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The PRESIDENT pro tempore. The pending amendment is the amendment offered by the Senator from Utah [Mr. SMOOT], on page 7, line 21.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Dillingham	McCormick	Smoot
Ball	Edge	McKellar	Spencer
Beckham	France	McNary	Thomas
Calder	Frelinghuysen	Myers	Townsend
Capper	Glass	Nelson	Wadsworth
Chamberlain	Gronna	Nugent	Walsh, Mass.
Colt	Harris	Overman	Warren
Comer	Harrison	Page	Watson
Culberson	Jones, Wash.	Phipps	Wolcott
Cummins	Kellogg	Sheppard	
Curtis	Kendrick	Smith, Ariz.	
Dial	Kenyon	Smith, Md.	

Mr. DIAL. I desire to announce that my colleague [Mr. SMITH of South Carolina] is absent on account of illness in his family. I ask that this announcement may stand for the day.

Mr. GRONNA. I wish to announce that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is absent, due to illness. I ask that this announcement may stand for the day.

Mr. CURTIS. I was requested to announce that the Senator from Maine [Mr. HALE], the Senator from Florida [Mr. TRAMMELL], and the Senator from New Hampshire [Mr. KEYES] are absent on official business.

Mr. McKELLAR. The Senator from California [Mr. PHELAN], the senior Senator from Louisiana [Mr. RANSDELL], and the junior Senator from Louisiana [Mr. GAY] are necessarily absent.

The Senator from Rhode Island [Mr. GERRY], the Senator from Nevada [Mr. PITTMAN], and the Senator from North Carolina [Mr. SIMMONS] are absent on official business.

The PRESIDENT pro tempore. Forty-five Senators have answered to their names. There is not a quorum present. The Secretary will call the names of absent Senators.

The names of the absent Senators were called, and Mr. LENROOT, Mr. NEW, Mr. POMERENE, and Mr. REED answered to their names when called.

Mr. LODGE, Mr. McCUMBER, Mr. KNOX, Mr. SWANSON, and Mr. MOSES entered the Chamber and answered to their names.

The PRESIDENT pro tempore. Fifty-four Senators have answered to their names. There is a quorum present.

EXECUTIVE SESSION.

Mr. LODGE. Mr. President, it is known to the Senate that there are some very important nominations to be confirmed, action upon which ought to be taken at once. I therefore move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 1 hour and 50 minutes spent in executive session the doors were reopened.

ARMY REORGANIZATION.

The PRESIDING OFFICER (Mr. FRELINGHUYSEN in the chair). The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate bill 3792.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3792) to reorganize and increase the efficiency of the United States Army, and for other purposes.

The PRESIDING OFFICER. The pending question is on the amendment of the Senator from Wisconsin [Mr. LENROOT].

Mr. HARRISON. Let it be read, please.

The PRESIDING OFFICER. It will be read.

The READING CLERK. The Senator from Wisconsin [Mr. LENROOT] proposes to strike out section 37, page 44, beginning with line 11, in the following words:

SEC. 37. The construction service: There is hereby established a construction service which, under regulations to be established by the President and in accordance with the provisions of this act, shall be charged with the construction, maintenance, and repair of all buildings, structures (other than fortifications), and utilities, and the preparation of plans therefor in accordance with the requirements of the several arms, corps, and services of the Army of the United States, and with the operation of such utilities as the President may direct, and with the acquirement of real estate and the issuance of licenses in connection with military reservations under the jurisdiction of the War Department.

The permanent personnel of the construction service shall consist of 1 chief of construction, with the rank of brigadier general, and 200 officers, in grades from second lieutenant to colonel, inclusive, and 6,000 enlisted men, in their appropriate grades, all of whom shall be detailed or assigned from the permanent personnel under the provisions of this act. The reserve personnel of the construction service shall consist of all reserve officers and reservists assigned thereto as provided for in this act.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wisconsin.

Mr. FRANCE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Reading Clerk called the roll, and the following Senators answered to their names:

Capper	Hale	McKellar	Smith, Ariz.
Chamberlain	Harris	McNary	Smoot
Colt	Harrison	Moses	Spencer
Curtis	Jones, Wash.	Myers	Sterling
Dial	Kendrick	Nelson	Swanson
Dillingham	Kenyon	New	Thomas
Edge	Keyes	Nugent	Townsend
France	Kirby	Overman	Trammell
Frelinghuysen	Knox	Page	Wadsworth
Gerry	Lenroot	Reed	Warren
Glass	Lodge	Sheppard	Wolcott
Gronna	McCumber	Simmons	

The PRESIDING OFFICER (Mr. SPENCER in the chair). Forty-seven Senators have answered to their names. There is not a quorum present. The Secretary will call the roll of absentees.

The Reading Clerk called the names of the absent Senators, and Mr. WALSH of Massachusetts answered to his name when called.

Mr. WATSON, Mr. CALDER, and Mr. CULBERSON entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty-one Senators have answered to their names. There is a quorum present.

Mr. LENROOT. Mr. President, I am anxious for progress upon the bill, and I shall speak very briefly upon the pending amendment, which is to strike out the provision for a separate construction division of the Army.

The Senator from South Dakota [Mr. STERLING] on yesterday, in his defense of the separate construction division, disclaimed all responsibility upon the part of the construction division for the cost-plus system, and then, in the very next breath, after he had put in a very effectual disclaimer, said that the cost-plus system under the construction division had brought splendid results.

Mr. STERLING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from South Dakota?

Mr. LENROOT. I shall do so in just a moment. It is a little curious why the defenders of the separate construction division and the cost-plus system are so anxious to disclaim responsibil-

ity for the cost-plus system. Now I yield to the Senator from South Dakota.

Mr. STERLING. Mr. President, I do not think there is any inconsistency in the position I took. The cost-plus system was charged with gross evils in the argument yesterday, and I think by the Senator from Wisconsin. The purport, at least, of what I said, if I did not say it in terms, was that the construction division was not responsible for the cost-plus system, if that system was wrong. Later I sought to give some reason for the adoption of the cost-plus system, by whomsoever adopted, but with the statement that the construction division did not have the initiative in the cost-plus system. That is all that I meant to say; and I do not think there is any inconsistency in the argument which I made.

Mr. LENROOT. I do not think there is any serious difference between the Senator from South Dakota and myself, but I understood the Senator yesterday to defend the results that had been secured through the cost-plus system.

Mr. STERLING. Not exactly to defend them, if the Senator will permit me—not that—but to say that the cost-plus system was, under the conditions at the time, a necessary evil; that contracts could not be made for camps and cantonments unless they were made under a contract of that kind—a cost-plus contract—and that the price of materials and the cost of labor being so uncertain was a reason why the cost-plus contract was insisted upon by the contractors.

Mr. LENROOT. Now I think we fully understand each other. The fact is, Mr. President, that there were thousands of professional men—civilian engineers and others—who patriotically volunteered their services, accepted commissions, and served for the salary of a commissioned officer—major, captain, or even of lesser rank—and then under the cost-plus system that is defended, not these officers but whoever is responsible, turned around and paid for services less valuable than many of these commissioned officers rendered fees under the cost-plus system amounting to a fortune in themselves to each individual contractor.

Mr. STERLING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield further to the Senator from South Dakota?

Mr. LENROOT. I do.

Mr. STERLING. If the Senator from Wisconsin will permit me, does he blame that on the construction division? Was not that in pursuance of a policy inaugurated by the Secretary of War and the Chief of Staff and their determination that that kind of a contract should be made?

Mr. LENROOT. I do blame the head of the construction division, for the reason that when the evils of that system were developed, as they were developed in the very beginning of the war, and the gross and almost criminal extravagance that resulted from it, the head of that division, who had charge of it, ought to have protested and attempted to secure some other system, but, instead of that, he defended it, and defends it to this day.

I wish, Mr. President, that before voting upon this amendment every Senator might have read the report of the subcommittee on war expenditures of the House of Representatives and the testimony which they there quote concerning the results of the cost-plus system. If they had read it, I venture to say that there is not a Senator upon the floor, including the Senator from South Dakota, who would not vote for this amendment. That committee in making its report accompanied it with a proposed resolution, which I desire to read:

> Whereas the hearings before the Select Committee on Expenditures in the War Department on the construction of camps and cantonments contain testimony tending to show that there was criminal conduct in connection with the emergency construction work; and
> Whereas said hearings disclose cases where it is alleged Government funds were fraudulently and illegally paid to contractors and others in connection with emergency construction work: Therefore be it
> *Resolved*, That the Speaker of the House of Representatives is hereby authorized and directed to refer to the Attorney General of the United States the testimony taken before the Select Committee on Expenditures in the War Department on the subject of camps and cantonments, together with the report of said committee and the minority views on that subject, with the request that the Attorney General institute investigations before grand juries for the purpose of indicting and prosecuting such persons as are guilty of criminal conduct, and to institute civil suits for the recovery of any Government funds which have been fraudulently or illegally paid on account of such emergency construction work.

That was the resolution. It was voted upon in the other House yesterday, and it was carried by a vote of 299 for it and 4 votes against it, showing that there was no partisan division upon the question. There was almost a unanimous vote in the other House.

Mr. President, it is fair to say that so far as I have read this evidence there is not the slightest suggestion of any criminal conduct upon the part of any of the officers or any "graft." It was due, in my judgment, almost wholly to the cost-plus system defended by the present head of the construction division. In fact, officers who served in the construction division have told me that because of this cost-plus system, the contractor's interest being to make the work cost as much as possible, and that there be as much loafing upon the job as possible, it was impossible for the officers in direct charge of the work to secure an honest day's work upon the part of the workmen.

The Senator from Minnesota [Mr. NELSON] hands me the recommendations of this committee, with special reference to recommendation V, which I read:

> V.
>
> Your committee respectfully recommends that Congress make provision to place all engineering and construction work for the Army under the Corps of Engineers of the Army. It is moved to this recommendation by several considerations:
> 1. That the Corps of Engineers is distinctly the technical branch which should handle such work.
> 2. The initial features of any construction work involve engineering. Therefore they are best fitted to start such work promptly.
> 3. They are engaged in peace times in a greater variety of engineering and construction projects than any department.

I shall not take the time to read the entire committee report, but I want to repeat that a thorough examination of the testimony taken by this committee, considered in connection with the defense by the present head of the construction division of this cost-plus system, it seems to me ought to convince any Senator that this separate construction division, with one at the head of it who defends that system, ought not to remain in this bill.

Mr. President, Gen. Pershing, it should be presumed, is a very fair authority upon this subject. He had ample opportunity to observe the work of the engineers in the performance of the construction work in France; and I send to the desk and ask to have read a letter from Gen. Pershing upon this subject, under date of March 18.

The PRESIDING OFFICER. In the absence of objection, the Secretary will read as requested.

The Reading Clerk read as follows:

> MARCH 18, 1920.
>
> Hon. JULIUS KAHN,
> *Chairman Committee on Military Affairs,*
> *House of Representatives, Washington, D. C.*
>
> MY DEAR MR. KAHN: As you will doubtless recall, when I appeared before your committee some months ago I stated my belief that the work of constructing barracks, quarters, hospitals, camps, and all other construction for the Army in the United States should be assigned to the Quartermaster Corps, by which such work was done before the World War.
>
> I was then, and am now, strongly of the opinion that the creation of a separate construction department is wrong in principle and decidedly uneconomical. This is based upon my experience in France, which showed conclusively that such a separate agency is unnecessary, therefore poor organization and wasteful of money.
>
> If for any reason Congress is indisposed to return this construction work to the quartermaster, in accordance with my original recommendation, then it might be well to confide it to the Corps of Engineers, which in France has proved itself competent to perform such a task promptly and economically. It may be said that the training which the officers of the Corps of Engineers would secure while doing this construction work in time of peace would be valuable in time of war.
>
> Very sincerely, yours, JOHN J. PERSHING.

Mr. LENROOT. That, Mr. President, is the opinion of Gen. Pershing. Secretary of War Baker is also of the same opinion and makes the same recommendation—that there be no separate construction division and that all original construction work be confided to the Corps of Engineers. I send to the desk and ask to have read a letter from Secretary Baker to Mr. KAHN, under date of March 12, making this recommendation.

The PRESIDING OFFICER. In the absence of objection the Secretary will read as requested.

The Reading Clerk read as follows:

> MARCH 12, 1920.
>
> Hon. JULIUS KAHN,
> *House of Representatives, Washington, D. C.*
>
> MY DEAR MR. KAHN: I desire to call attention to my communication addressed to you on March 5, 1920, referring to H. R. 12775, in which appears the following paragraph:
>
> "It is, therefore, my respectful recommendation that in due consideration of this subject provision be made for a separate transportation service and a separate construction service in the proposed bill."
>
> Through inadvertence the full purport of the paragraph above quoted escaped my notice, and I desire to at once correct any erroneous impression it may have conveyed as to my attitude on these two important subjects.
>
> It is now and has been my recommendation that the transportation service should be separated from the Quartermaster Corps and should constitute a separate and distinct service, independent of said corps, and be known as the transportation service; and it is now and has been my recommendation that the construction service should be separated from the Quartermaster Corps, be assigned to the Corps of Engineers, and be known as the construction service of the Corps of Engineers.
>
> It is hoped that the above corrections will receive careful consideration in the bill now before the House.
>
> Respectfully, yours, NEWTON D. BAKER,
> *Secretary of War.*

Mr. LENROOT. Mr. President, yesterday the Senator from New York [Mr. WADSWORTH] attempted to make much of the fact that Gen. Rogers, of the Quartermaster Corps, and Gen. Beach, of the Engineer Corps, had exchanged letters with each other, as I recollect, advocating this consolidation between the Quartermaster Corps and the Engineer Corps, cutting out a separate construction division; but the Senate will recognize that five days before those letters were written the Secretary of War himself, the chief of all of these departments, had written a letter, which has just been read from the desk, advocating this very thing; so that in the exchange of letters between these two departments they were simply carrying out the recommendations of the head of the War Department.

Mr. WADSWORTH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from New York?

Mr. LENROOT. Yes.

Mr. WADSWORTH. I am quite sure the Senator is mistaken. The letter from the Chief of Engineers to the Quartermaster General agrees with the suggestion of the Quartermaster General that transportation and finance be put under the Quartermaster General, which is something the Secretary of War never has urged. He has urged that we have a separate transportation service and a separate finance service.

Mr. LENROOT. I am confining myself to the construction department.

Mr. WADSWORTH. The significance of the letter was that they did not coincide with the judgment of the Secretary of War.

Mr. LENROOT. They did, so far as the construction service was concerned.

Mr. WADSWORTH. That is only one-third of the problem.

Mr. LENROOT. The construction service is what is before the Senate at this time.

Mr. WADSWORTH. That is perfectly true, but that is only one of the three problems discussed in those two letters.

Mr. LENROOT. But the Senator must have been referring to those letters with reference to their bearing upon the question that is before the Senate, which is the construction service; and I am stating that whatever was contained in those letters with reference to the construction service was only in accord with the recommendations of the Secretary of War himself.

Now, Mr. President, just one word more.

I confess that I can not quite understand the views that must have actuated the subcommittee, whatever views they may have held with reference to new and original construction, to induce them to place the operation of utilities and the maintenance of them in this separate division, as against the quartermaster division, if they desired to have economy in the expenditures of the Government. Why, Mr. President, take a small post where, without any increase of personnel, in addition to the duties that under this bill would be performed by the Quartermaster Department, the subcommittee would have a separate division go into that little post and have their officers and men represented there to operate those little utilities that might be done by the quartermaster's force without any increase of personnel at all—clear duplication, additional expense, without the slightest justification for this separate construction division having under its jurisdiction the operation of these utilities.

Mr. President, the expenditures under this bill will in any event be enormous, and it does seem to me that, although we are considering the Army, so necessary for the protection of our country, we ought at the same time to have some regard for economy and the expenditures that will be made under it; and wherever service can be performed without loss of efficiency, even though it may mean less power to some officers, that is a consideration which ought to be taken into account. The Senator from New York spoke yesterday of thirst for power. The major portion of the fight—I am not speaking of the committee—that is being made to maintain and to retain this separate construction division comes from gentlemen outside of the Senate who are thirsting for power and will have it if this separate construction division is maintained in this bill, but who will not have it if this amendment is agreed to.

Mr. President, I have no other possible interest in this amendment than the desire for economy and efficiency. I have had no relations of any kind with one department more than another, but I am satisfied that in time of peace, at least, there can be no justification for this additional expense and loss of efficiency by having a separate construction division.

Mr. CHAMBERLAIN. Mr. President, I merely desire to make an announcement and will yield the floor in just a second.

Some time ago I introduced in the Senate a bill to establish military justice. It was really a bill intended to remodel and revise the Articles of War. It is known as S. 64. I give notice now that I shall offer it as an amendment to the Army reorganization bill; but I am not going to ask to have it printed as an amendment, because it is quite long, and there has been a constant demand for economy in the use of paper. There are a number of copies of the bill that can be laid on the desks of the Senators at the proper time; and I ask that it be considered as an amendment now proposed to the Army reorganization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. CHAMBERLAIN. I yield.

Mr. LENROOT. I should like to say that, as the Senator, of course, is aware, that bill was referred to a subcommittee consisting of the Senator from Wyoming [Mr. WARREN], the Senator from Oregon, and myself. I think perhaps I am somewhat at fault for not being able to meet with the subcommittee for final determination of the action of the subcommittee upon that bill.

I have completed my study of the bill. I shall be glad to meet with the subcommittee at any time, and I do not think it will take very long for us to make a report.

Mr. CHAMBERLAIN. I will say, in answer to the Senator from Wisconsin, that I was not blaming him or any other member of the subcommittee. Probably we are all to blame. It would be very much better, it seems to me, if we could get together as a subcommittee and report out the bill; but I did not want the session to end without having it considered by the Senate in some form. It would very materially reduce time and labor if the subcommittee could agree on the amendments proposed.

Mr. WARREN. Mr. President, as chairman of the subcommittee I wish to say that it is true that the Senator from Wisconsin has been very much engaged on various measures, particularly so until the League of Nations covenant was laid aside, and, in deference to him, and also to the fact that appropriation bills have been pressing, I have refrained from calling further meetings of the subcommittee. The subcommittee has accumulated all the evidence that is necessary, I think, and all the printing is done. I will say now, as both the other members of the subcommittee are here, if they will meet in my room to-morrow morning at 10 o'clock we will undertake to put the measure in shape so that the Senator from Oregon may offer as an amendment what may be determined upon, if he proposes to offer the matter in that way.

Mr. LENROOT. Will the Senator not make it 9.30? I have another meeting to attend at 11.

Mr. WARREN. Nine or nine thirty. I will leave it to the Senator.

Mr. CHAMBERLAIN. At any time from 7 o'clock on.

Mr. WARREN. We will make it 9.30.

Mr. STERLING. Mr. President, until the Senator from Wisconsin [Mr. LENROOT] had spoken, I had not expected to say another word in regard to the pending amendment, and I shall be very brief now.

I will not yield to the Senator from Wisconsin or to any other Senator in insistence upon the system that will mean economy and efficiency. It is because I believe there is economy and efficiency in the maintenance of the construction division as a separate and independent service that I am opposed to the Senator's amendment.

Mr. President, I can hardly conceive why the question of cost-plus contracts has been dragged into this debate. That question is wholly apart from the question as to whether we shall continue to maintain a construction division in the Army as a separate and distinct division. Reasons have been given as to why the cost-plus system was resorted to in the first instance. It seemed necessary in order that we might have a great work accomplished in a certain very limited time, a period of 90 days, that the War Department, under the conditions as they then existed, should adopt that kind of a contract.

It has been shown, I think, and quite conclusively, that the head of this division is not responsible, and never has been, for that form of contract, but that the Secretary of War is the official who is responsible to begin with. He realized the situation, and no other form of contract could be adopted with a prospect of results such as were demanded at that time.

Mr. President, I have seen the letters of Gen. Pershing, Quartermaster General Rogers, and the Secretary of War, to which the Senator from Wisconsin has made reference. Of course, what Gen. Pershing saw was in the theater of operations in France, and where, necessarily, the work must have been under the general supervision of the Army engineers. It was for the Army to say, and the Army engineers as a branch of the Army, whether a road was to be constructed here or not, whether a bridge was to be erected there or not. They were on the ground,

operating with a great armed force in the face of the enemy, and they knew, and they only could know, the exigencies of the hour and what was needed in the way of Army construction.

Mr. President, we have been referred to the great work, unsurpassed, I think, in the history of this country, if not in the history of the world, which was accomplished by the construction division as a civil division, as it were, from the time it was ascertained in the first instance that it could not be done by the Army engineers, or could not be done by the Quartermaster Corps of the Army, and when, under the direction of the Secretary of War, all of it was put under the control and supervision of this selfsame construction division.

Realizing the situation, Mr. President, the Secretary of War knew that that was the only way by which the great work could be achieved. Our claim is that this demonstrates clearly what the construction division is capable of, what it can do now, and what it can do in the future. The past justifies the continuance in existence of the construction division as a separate and distinct division.

I know, Mr. President, what the Quartermaster General says. What is his proposition? In the main I think this, Mr. President, that the construction part of the work, now under the supervision of the construction division, and which has been in the past under the supervision of that division, shall go to the Army engineers.

Mr. WADSWORTH. Mr. President, may I remind the Senator that that was a very recent conversion on the part of the Quartermaster General, who for months has been asking that all the construction work be put under him.

Mr. STERLING. I understand so. He is now content, as I understand, that the work of operating and maintaining the work constructed shall be under the Quartermaster General.

There are the two phases of the work, Mr. President, construction work, to begin with, and then operating work afterwards. Both can be performed by this one separate construction division, instead of, as the Quartermaster General now proposes, their being put under two different organizations of the Army, the one under the Quartermaster Corps, the other under the Army Engineer Corps.

I want to refer to what has been said as the expressed opinion of Secretary Baker. Whether he believed it or not, whether he intended it or not, Mr. President, the Secretary, of course, has given expression to two different views in this regard. His first expression was that this should be a separate division, and I quote from his letter, and from the language which he now quotes in a subsequent letter, wherein he wishes to correct the former. He says, in writing to Mr. KAHN, under date of March 12:

> I desire to call attention to my communication addressed to you on March 5, 1920, referring to H. R. 12775, in which appears the following paragraph:
>
> "It is therefore my respectful recommendation that in due consideration of this subject provision be made for a separate transportation service and a separate construction service in the proposed bill."

Mr. President, there is nothing very involved about that. It would seem as if he had clearly before him from the very language itself the two distinct propositions, and he deliberately recommended the two services as separate and distinct services, the transportation service on the one hand and the construction service on the other. Then he goes on to explain:

> Through inadvertence the full purport of the paragraph above quoted escaped my notice, and I desire to at once correct any erroneous impression it may have conveyed as to my attitude on these two important subjects.

It was not an "impression" simply that would be conveyed, Mr. President, by the language used, and which I have just quoted. The thought that would naturally arise in the mind of the reader would be that it was the fixed opinion, the deliberate opinion, of the Secretary of War, that there should be these two branches of the service. Let me read another paragraph of this same letter:

> It is now, and has been, my recommendation that the transportation service should be separated from the Quartermaster Corps and should constitute a separate and distinct service, independent of said corps, and be known as the transportation service; and it is now, and has been, my recommendation that the construction service should be separated from the Quartermaster Corps, be assigned to the Corps of Engineers, and be known as the construction service of the Corps of Engineers.

Mr. President, that is so elaborate and distinct it is wonderful that the Secretary of War did not have something of the same kind in mind when he wrote the prior letter to which he referred, and in regard to which he wishes to correct any wrong impression that may have been derived from it.

But the point in regard to this, Mr. President, is this: Why a separate transportation service? Why any more need for a separate transportation service than there is for a separate construction service? Why does that not go under the supervision of the Quartermaster General? I have not yet heard an argument advanced by those who favor this amendment, by the Senator who offered it or anyone else, as to how economy and efficiency would be served if the transportation service should be made a separate service, as proposed by the Secretary of War, and the same principle not apply to the construction service.

It seems to me there is something quite inconsistent in these two positions.

But, Mr. President, Gen. Pershing gets his view from conditions at the front and in the theater of war.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator yield to the Senator from Minnesota?

Mr. STERLING. I yield to the Senator.

Mr. NELSON. I just want to remind the Senator that the Quartermaster Department is the department which procures all the supplies for the Army, and it is highly appropriate that the department which procures the supplies should also provide for the transportation. That is entirely distinct from this other question which the Senator has discussed.

Mr. STERLING. But the Secretary of War recommends not that the transportation service be put under the Quartermaster Corps, but that it be made a separate and distinct service. I would agree that if there is any one of these services that should be united with another and be made to come under the supervision of another, it is the transportation service. The Quartermaster does deal in supplies and in the transportation of supplies in great quantities for the use of the Army. Why should not the transportation service then be under the supervision of the Quartermaster General instead of being made a separate and distinct service?

Now, Mr. President, a word further in regard to the matter of economy and efficiency. I wish to call the attention of the Senate to what was recommended by the War Department when the bill supported by the Secretary of War and the Chief of Staff for the new Army was up for consideration before the committee.

In the bill submitted to the Congress by the War Department there were included for these several services of the Quartermaster Corps some 2,700 officers. Applying an ordinary percentage to this, at least 270 of these would be needed for the operation of utilities, and this bill contemplated that the Quartermaster Corps would not do construction but would operate utilities. This bill also contemplated that the Engineer Corps would do construction, and at least 370 of these officers were for construction purposes alone, making a total of 640 officers for construction and operation of utilities, where the Chief of Construction asked for 294 only—294 at that time, but cut down to 200 by the terms of section 37 of the bill. So what the Secretary of War and the Quartermaster General were representing as being necessary for the performance of this work when they appeared before the committee having the bill under consideration was 640 officers, while, as a fact, the work of construction and of the operation of utilities can be done by 294 or perhaps by 200, as proposed by the bill.

I should like that this question be considered wholly on its merits without reference now to the cost-plus proposition, which has nothing whatever to do with the question, and yet I may say that it has been the burden of the argument of the distinguished Senator who introduced the pending amendment. Since January 1, 1919, not a cost-plus contract has been made. Since that time every contract has been a lump-sum contract, and there is no question that they will continue to be so, and if they are not so the responsibility will rest with the Secretary of War, who has the final determination as to the kind of contract that shall be made.

Mr. NELSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Glass	McKellar	Simmons
Calder	Hale	McNary	Smith, Ariz.
Capper	Harris	Myers	Smoot
Comer	Harrison	Nelson	Spencer
Cummins	Jones, Wash.	New	Sterling
Curtis	Kendrick	Nugent	Swanson
Dial	Kenyon	Overman	Thomas
Dillingham	Keyes	Page	Wadsworth
France	Kirby	Phipps	Walsh, Mass.
Frelinghuysen	Knox	Pomerene	Warren
Gerry	Lenroot	Sheppard	Wolcott

Mr. GERRY. The Senator from Kentucky [Mr. BECKHAM] and the Senator from Nevada [Mr. PITTMAN] are absent on official business.

The PRESIDING OFFICER. Forty-four Senators have answered to their names. There is not a quorum present. The Secretary will call the roll of absentees.

The names of the absent Senators were called, and Mr. MOSES answered to his name when called.

Mr. REED, Mr. SMITH of Maryland, Mr. LODGE, Mr. MCCORMICK, Mr. TRAMMELL, Mr. MCCUMBER, Mr. COLT, and Mr. WATSON entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty-three Senators have answered to their names. There is a quorum present. The question is upon the amendment offered by the Senator from Wisconsin [Mr. LENROOT] to strike out section 37 of the bill.

Mr. MCKELLAR. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Reading Clerk proceeded to call the roll.

Mr. FRELINGHUYSEN (when his name was called). I have a general pair with the junior Senator from Montana [Mr. WALSH]. I transfer that pair to the junior Senator from Washington [Mr. POINDEXTER] and vote "nay."

Mr. GLASS (when his name was called). I have a general pair with the senior Senator from Illinois [Mr. SHERMAN]. In his absence I withhold my vote.

Mr. KENDRICK (when his name was called). I have a general pair with the Senator from New Mexico [Mr. FALL]. I transfer that pair to the Senator from Utah [Mr. KING] and vote "nay."

Mr. KIRBY (when his name was called). I have a pair with the senior Senator from Wisconsin [Mr. LA FOLLETTE], which I transfer to the senior Senator from Tennessee [Mr. SHIELDS] and vote. I vote "yea."

Mr. MOSES (when his name was called). I have a general pair with the junior Senator from Louisiana [Mr. GAY]. In his absence I withhold my vote.

Mr. MYERS (when his name was called). I have a pair with the Senator from Connecticut [Mr. MCLEAN], who is absent. I transfer that pair to the Senator from Nebraska [Mr. HITCHCOCK] and vote "nay."

Mr. SIMMONS (when his name was called). I wish to inquire whether the Senator from Minnesota [Mr. KELLOGG] has voted.

The PRESIDING OFFICER. That Senator has not voted.

Mr. SIMMONS. I have a pair with that Senator, which I transfer to the Senator from Louisiana [Mr. RANSDELL] and vote "yea."

Mr. SPENCER (when his name was called). I have a pair with the junior Senator from New Mexico [Mr. JONES], but under the arrangement I have with him I feel free to vote, and I vote "nay."

Mr. STERLING (when his name was called). I have a general pair with the Senator from South Carolina [Mr. SMITH]. I transfer that pair to the Senator from Kansas [Mr. CURTIS] and will vote. I vote "nay."

The roll call was concluded.

Mr. DILLINGHAM. I inquire whether the Senator from Maryland [Mr. SMITH] has voted.

The PRESIDENT pro tempore. That Senator has not voted.

Mr. DILLINGHAM. Then I withhold my vote, having a general pair with that Senator. If permitted to vote, I should vote "nay."

Mr. MCKELLAR. I desire to announce the unavoidable absence of the senior Senator from Oregon [Mr. CHAMBERLAIN] on account of official business.

Mr. GLASS (after having voted in the affirmative). I transfer my pair with the senior Senator from Illinois [Mr. SHERMAN] to the junior Senator from Kentucky [Mr. STANLEY] and allow my vote to stand.

Mr. DIAL. I desire to announce that my colleague [Mr. SMITH of South Carolina] is absent on account of illness in his family. He is paired with the Senator from South Dakota [Mr. STERLING].

Mr. LODGE (after having voted in the negative). I have a general pair with the senior Senator from Georgia [Mr. SMITH]. In his absence I transfer that pair to the Senator from Connecticut [Mr. BRANDEGEE] and will allow my vote to stand.

Mr. JONES of Washington. The senior Senator from Michigan [Mr. TOWNSEND] is necessarily absent. He is paired with the Senator from Arkansas [Mr. ROBINSON].

Mr. MCCORMICK (after having voted in the negative). I have a standing pair with the junior Senator from Nevada [Mr. HENDERSON], who is unavoidably absent. I therefore withdraw my vote.

Mr. KNOX. I have a general pair with the senior Senator from Oregon [Mr. CHAMBERLAIN]. In his absence and not knowing how he would vote I withhold my vote.

Mr. LODGE. I wish to announce the absence of the Senator from Kansas [Mr. CURTIS] on official business.

I desire also to announce the following pairs:

The Senator from Delaware [Mr. BALL] with the Senator from Florida [Mr. FLETCHER];

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN];

The Senator from West Virginia [Mr. ELKINS] with the Senator from Oklahoma [Mr. GORE];

The Senator from Maine [Mr. FERNALD] with the Senator from South Dakota [Mr. JOHNSON];

The Senator from Ohio [Mr. HARDING] with the Senator from Alabama [Mr. UNDERWOOD];

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS]; and

The Senator from West Virginia [Mr. SUTHERLAND] with the Senator from Kentucky [Mr. BECKHAM].

The yeas and nays resulted as follows:

YEAS—23.

Borah	Harris	McKellar	Reed
Comer	Harrison	McNary	Simmons
Dial	Jones, Wash.	Nelson	Smoot
Gerry	Kirby	Nugent	Trammell
Glass	Lenroot	Overman	Wolcott
Gronna	McCumber	Pomerene	

NAYS—24.

Calder	Hale	New	Swanson
Capper	Kendrick	Page	Thomas
Colt	Kenyon	Phipps	Wadsworth
Cummins	Keyes	Sheppard	Walsh, Mass.
France	Lodge	Spencer	Warren
Frelinghuysen	Myers	Sterling	Watson

NOT VOTING—49.

Ashurst	Gay	McLean	Smith, Ariz.
Ball	Gore	Moses	Smith, Ga.
Beckham	Harding	Newberry	Smith, Md.
Brandegee	Henderson	Norris	Smith, S. C.
Chamberlain	Hitchcock	Owen	Stanley
Culberson	Johnson, Calif.	Penrose	Sutherland
Curtis	Johnson, S. Dak.	Phelan	Townsend
Dillingham	Jones, N. Mex.	Pittman	Underwood
Edge	Kellogg	Poindexter	Walsh, Mont.
Elkins	King	Ransdell	Williams
Fall	Knox	Robinson	
Fernald	La Follette	Sherman	
Fletcher	McCormick	Shields	

The PRESIDENT pro tempore. Upon this question the yeas are 23 and the nays are 24. The Senator from New Hampshire [Mr. MOSES], the Senator from Vermont [Mr. DILLINGHAM], the Senator from Illinois [Mr. MCCORMICK], and the Senator from Pennsylvania [Mr. KNOX] having announced their pairs, there is a quorum present, and the amendment is not agreed to.

Mr. WADSWORTH. Mr. President, as Senators will doubtless remember, I gave notice that, following the striking out of the provisions for universal military training as one of the features of this bill, it would be necessary to make a reallotment of the commissioned and enlisted personnel of the permanent establishment, or Regular Army, involving incidentally a reduction of the number of officers by 1,007.

Mr. LENROOT rose.

Mr. WADSWORTH. Does the Senator from Wisconsin desire to interrupt me?

Mr. LENROOT. I merely desire to give notice that I shall ask for a separate vote in the Senate upon the amendment which has just been voted upon.

Mr. WADSWORTH. I purpose at this time to offer those amendments, and I seriously invite the attention of the Senate to them as they are offered, because attention to them will make it entirely possible to understand just what the effect has been of striking out the universal military training feature.

Incidentally, may I say, in view of the notice just given by the Senator from Wisconsin [Mr. LENROOT], that if the Senator reserves his amendment again to be taken up in the Senate we shall have to ask to reserve this whole matter also.

Mr. LENROOT. I so understand.

Mr. WADSWORTH. Mr. President, perhaps the quickest way is to offer the amendments verbally from the floor, as they are merely changes in figures, which can be followed very easily. On page 9, line 22, before the words "major generals," I move to strike out "twenty" and insert "eighteen."

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. WADSWORTH. On the same page, before the words "brigadier generals," in line 22, I move to strike out "fifty" and insert "forty-five."

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. WADSWORTH. Now, on page 9, line 23, I ask that the proposed committee amendment to substitute "six hundred and nine" for "six hundred and eleven" in the grade of colonel be disagreed to.

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported by the committee.

The amendment was rejected.

Mr. WADSWORTH. I now move that "six hundred and eleven" be stricken out and that "five hundred and sixty-nine" be inserted.

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. WADSWORTH. I make a similar request in regard to the committee amendment on line 24, page 9.

The PRESIDENT pro tempore. Without objection, the committee amendment referred to by the Senator from New York is rejected.

Mr. WADSWORTH. I now move to strike out "six hundred and eighty-eight" and insert "six hundred and forty" as the number of lieutenant colonels.

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. WADSWORTH. I make a similar request as to the committee amendment on line 25 of the same page.

The PRESIDENT pro tempore. Without objection, the committee amendment at the place referred to is rejected.

Mr. WADSWORTH. I now move to strike out "two thousand two hundred and ninety-two" and insert "two thousand one hundred and thirty-four" as the number of majors to be provided for.

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. WADSWORTH. I make a similar request as to the committee amendment on line 1, page 10.

The PRESIDENT pro tempore. The question is on the amendment reported by the committee referred to by the Senator from New York.

The amendment was rejected.

Mr. WADSWORTH. I now move to strike out "four thousand five hundred and eighty-four" and to insert "four thousand two hundred and sixty-seven."

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. WADSWORTH. I make a similar request as to the committee amendment on line 2, page 10.

The PRESIDENT pro tempore. Without objection, the amendment reported by the committee, on line 2, page 10, is rejected.

Mr. WADSWORTH. I move to insert "four thousand and fifty-four" in place of "four thousand three hundred and fifty-five."

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. WADSWORTH. I make a similar request as to the committee amendment on lines 3 and 4, page 10.

The PRESIDENT pro tempore. Without objection, the same order will be made in reference to that amendment.

Mr. WADSWORTH. I now move that "two thousand seven hundred and fifty-two" be stricken out and "two thousand five hundred and sixty" be inserted in lieu thereof.

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. WADSWORTH. Those amendments, Mr. President, reduce the commissioned personnel of the permanent establishment from 18,000 down to 16,993, a decrease of 1,007 officers.

Now, if the Senate will bear with me patiently, on behalf of the committee I will offer amendments making certain changes in the allotment of the officers as well as certain changes in the allotment of the enlisted strength of the Regular Army. Commencing on page 17, section 17, the Infantry, on line 10, I move to strike out "five thousand" and insert "four thousand five hundred."

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. WADSWORTH. And, on lines 10 and 11, I move to strike out "ninety-four thousand" and insert "one hundred and ten thousand."

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. WADSWORTH. On page 17, line 21, in the Cavalry, I move to strike out "seven" and insert "nine," making it read "950 officers."

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. WADSWORTH. In line 22, I move to strike out "fourteen" and insert "twenty," making it read "20,000 enlisted men."

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. WADSWORTH. I may say that that is in line with the suggestion made the other day by the Senator from Wyoming [Mr. WARREN].

Mr. NELSON. Mr. President, what is the object of increasing the Cavalry force beyond that provided in the bill? You increase the number of officers and the number of enlisted men.

Mr. WADSWORTH. But the net result of this whole thing will be a decrease of 1,007 officers, with no decrease in enlisted men.

Mr. NELSON. That does not answer my question. What is the object of the increase of the Cavalry force? It has been increased from 750 officers and 14,000 enlisted men to 950 officers and 20,000 enlisted men.

Mr. WADSWORTH. I was about to answer that. As I said yesterday, the abolition of compulsory universal military training will relieve the supply services of the Army of a very heavy burden. For example, if we were to call into training camps every year 500,000 boys between 18 and 21, it is obvious that the Quartermaster Corps and the Construction Service and the Transportation Service would have a very heavy burden, the Transportation Service having charge of all the transportation in and about the camps in the way of motor-truck transports, and handling the men on the trains going to the camps and going home from the camps, and the Quartermaster Corps would have a very heavy supply problem; but that being done away with, it is our purpose to suggest the transfer from some of those supply services of a certain proportion of the men allotted to them under this bill, and to put them into the combat branches, such as Infantry and Cavalry.

Mr. NELSON. But, Mr. President, if the Senator will allow me, the amendment made above reduced the Infantry, too, as I understood the amendment that the Senator offered just before this.

Mr. WADSWORTH. No; the amendment I offered above increased the Infantry from 94,000 to 110,000 men.

Mr. NELSON. I misunderstood the Senator, then.

Mr. WADSWORTH. There being no compulsory universal military training, and the supply services being relieved of a considerable burden by reason of the decision of the Senate not to have universal military training, it is apparent that the greater the strength of the Army that we can put into the combat services the better it will be in the interests of national defense; and by fortifying the combat branches and reducing the number of officers and men to be assigned to the supply services, we put the burden of proof upon the supply services, who, under the terms of this bill, would have to persuade the President that they needed more men; and the President, acting under that elastic provision of the bill, could give them more than we have allotted them, but could not do so without taking them away from the combat services.

Does the Senator from Minnesota desire to oppose that amendment?

Mr. NELSON. No.

Mr. WADSWORTH. Then, Mr. President, on page 18, Field Artillery, lines 7 and 8, I move to strike out "two thousand two hundred" and insert "one thousand nine hundred."

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. WADSWORTH. On line 8, I move to strike out "thirty-nine" and insert "thirty-seven," so as to read, "thirty-seven thousand."

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. WADSWORTH. On page 18, Coast Artillery, line 18, I move to strike out "one thousand and fifty" and insert "one thousand two hundred."

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. WADSWORTH. On the same line, I move to strike out "twenty-eight" and insert "thirty," making it read "30,000 enlisted men" of the Coast Artillery.

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. WADSWORTH. On page 19, the Air Corps, line 5, I move to strike out "twenty-one" and insert "sixteen."

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. POMERENE. Mr. President, may I ask the Senator a question in regard to the last amendment?

Mr. WADSWORTH. Yes.

Mr. POMERENE. I notice that you reduce the number of enlisted men of the Air Corps from 21,000 to 16,000—that is a reduction of 5,000—but you leave the number of officers, 1,550, the same.

Mr. WADSWORTH. Yes.

Mr. POMERENE. Why is that?

Mr. WADSWORTH. It is only the officers who are fliers. We do not want to reduce the number of fliers below 1,550. The enlisted men are largely mechanics and men who take care of the hangars and take care of the motors and the machines of all the different types. Had we had universal military training, and some young men offered to train for the Air Corps, it would have required, of course, a larger number of enlisted men to take care of the extra equipment thus made necessary. That having been done away with very largely, the committee feel safe in reducing the number of enlisted men—that is, in reducing the allotment. It ought to be remembered that these are merely allotments. They can be raised or lowered by the President, but not in any way to disturb as a maximum the figure of 280,000 enlisted men.

Mr. POMERENE. That is, they can be raised or lowered without further legislation?

Mr. WADSWORTH. Yes, they can; but they must not in any event exceed the maximum of 280,000; and no one branch, may I say to the Senator from Ohio, can be lowered more than 20 per cent.

On page 20, Corps of Engineers, lines 5 and 6, I move to strike out "nine hundred" and insert "six hundred."

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. WADSWORTH. In line 6, I move to strike out "sixteen" and insert "twelve."

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. HARRISON. Mr. President, is the same explanation applicable to the Corps of Engineers with reference to the officers?

Mr. WADSWORTH. Yes; Mr. President.

On line 15, I move to strike out the word "four," near the end of the line, before the word "hundred," and insert "three."

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. WADSWORTH. On page 32, line 9, the Judge Advocate General's service, I move to strike out "eighty," in front of the word "officers," and insert "one hundred and twenty."

Mr. HARRISON. Mr. President, why is there an increase in that number of officers?

Mr. WADSWORTH. Mr. President, that is a portion of a committee amendment which takes care of the very peculiar situation in the Judge Advocate General's service. It is perfectly apparent—the committee has been persuaded, and had a special meeting upon it—that 80 officers for the Judge Advocate General's service are utterly inadequate; that 120 are absolutely necessary. They have well over 250 now, and the law business of that branch of the service is enormous, perfectly tremendous.

Mr. HARRISON. Of course, during the war it was enormous.

Mr. WADSWORTH. It still is. It is tremendous. In fact, it is growing rather than decreasing, from the best information the committee can get. May I say that the Secretary of War and the Judge Advocate General himself join in a very urgent request that they be given 120 officers.

Mr. McKELLAR. Of course, they had very many more than that during the war. This is a very much less number.

Mr. WADSWORTH. This is a very sharp reduction at that. The House bill, may I say, gives them 100, and my information is that some of the members of the House committee realized that that was too small; but in connection with the Judge Advocate General's service I think I ought to give notice, as I have before, that I shall offer a committee amendment making some special provisions for the Judge Advocate General's service. I will offer it now, in order that it may be printed. It is so important that I think it ought to be printed, because undoubtedly it is going to give rise to discussion. A great many Senators have been interested in it; but that number—120—is the number agreed upon among all the Senators who have offered amendments.

Mr. POMERENE. I ask that the amendment be stated.

Mr. WADSWORTH. I am not going to press it now.

Mr. POMERENE. I understood that, but I should like to have it read for the information of the Senate.

The PRESIDENT pro tempore. The Secretary will state the proposed amendment for the information of the Senate.

The READING CLERK. On page 32, line 6, after the word "purpose," insert:

Immediately upon the passage of this act the number of colonels in the Judge Advocate General's Department shall be increased by 5, and the vacancies thus created shall be filled by promotion as heretofore provided by law.

Line 9, strike out "major" and insert "captain."

Line 12, after "act," insert:

Vacancies remaining or occurring in the Judge Advocate General's service, after the original appointments in the field grades authorized in section 42 of this act have been made, shall be filled by the assignment thereto of officers of the permanent personnel in their proper grades from captain to colonel, inclusive, as provided by this act, by the appointment in the grade of captain of first lieutenants of the permanent personnel or by the appointment in the grade of captain of reserve officers not under 30 years of age of the Judge Advocate's General's service. Appointments in the grade of captain herein provided shall be subject to such examination as the Secretary of War may prescribe. Reserve officers so appointed in the grade of captain shall be considered as having had on the day of appointment sufficient prior service to entitle them to promotion to that grade, and shall be placed accordingly upon the promotion list provided for in section 43 of this act.

Page 51, line 11, after "proposed," insert:

Provided, That any person under 54 years of age having special scientific, technical, or professional qualifications, and who is otherwise eligible for appointment to a field grade under the provisions of this section may, upon the recommendation of the chief of such service and the concurrence of the board of general officers herein provided, be appointed to the grade of colonel, lieutenant colonel, or major, as provided in this section, without reference to the minimum age limits otherwise prescribed for appointments in such grades. But no such person under 34 years of age shall be appointed to any field grade.

Mr. POMERENE. Mr. President, may I ask the Senator a question?

Mr. WADSWORTH. I yield to the Senator from Ohio.

Mr. POMERENE. What is meant by the phrase "appointed from the permanent personnel" of this department?

Mr. WADSWORTH. From the Regular Army.

Mr. WARREN. As they do now.

Mr. POMERENE. Does that mean that any of these appointments may be made from those who were inducted into the service of that particular department during the period of the war?

Mr. WADSWORTH. Some of them may; yes. In fact, the majority of the new officers will be from the emergency officers.

Mr. POMERENE. Do I understand that there was a judge advocate general's office connected with the Regular Army and another one connected with the National Army?

Mr. WADSWORTH. Oh, no; it is just one office; but during the war they brought in a large number of lawyers from civil life and gave them commissions from colonel down.

Mr. POMERENE. Am I to understand, then, that some of these men, if they see fit to appoint them, can be appointed without an examination to the higher grades?

Mr. WADSWORTH. No, Mr. President; it is not without examination.

Mr. POMERENE. Some of them ought to pass examinations.

Mr. McKELLAR. Do I understand the Senator to say that he is offering the amendment to be voted on now?

Mr. WADSWORTH. No; to be printed.

Mr. McKELLAR. The reason why I ask is because I have a substitute which I shall offer for the amendment when it comes up.

The PRESIDENT pro tempore. The amendment will lie on the table.

Mr. KENYON. The Senator does not intend to call up the amendment this afternoon?

Mr. WADSWORTH. As soon as the reallotment amendments are finished with I hoped the Senate could go on and finish a couple of committee amendments.

Mr. KENYON. But not to act on the amendment just read?

Mr. WADSWORTH. No; because I would like to have it printed.

The PRESIDENT pro tempore. The question is upon the amendment offered by the Senator from New York to strike out, on page 30, line 9, the word "eighty," and to substitute therefor the words "one hundred and twenty."

Mr. HARRISON. May I ask the Senator from New York if a single list is provided for in the bill?

Mr. WADSWORTH. It is.

Mr. HARRISON. Are those in the Judge Advocate General's office excluded from the single list, or are they included in it?

Mr. WADSWORTH. They are to be included in it after the initial organization of the Judge Advocate General's Department, as provided for in the amendment.

Mr. HARRISON. I understand that if you increase this number from 80 to 120, there are certain officers now in the Judge Advocate General's office who have been appointed during the war and who hold commissions as high as major, lieutenant colonel, and colonel—some of those who have had those commissions will be included among the number, will they not?

Mr. WADSWORTH. If they are appointed into the permanent personnel as a result of vacancies created by the act.

Mr. HARRISON. Then, if a single list is provided for it will necessarily cause some of the men in the Infantry, Artillery, or Engineers to be demoted that much?

Mr. WADSWORTH. No; Mr. President, there will be no demotion as a result of the single list.

Mr. HARRISON. It will necessarily retard the promotion of certain men who have been in the Army for quite a long time, will it not?

Mr. WADSWORTH. It will not retard it in comparison with the rate of promotion in the past. The rate of promotion as the result of the single list will be on the average exactly what it has been through the entire Army. But certain branches of the service will cease having that advantage over other branches, which special legislation and influence have given to them in time past. I admit that.

Mr. HARRISON. I was in hopes that this amendment would not be offered and acted on until we had settled this proposition of a single list, because I have an amendment which I propose to offer making the single list operative from the passage of the bill, and not retroactive, so that it would affect men who have been in the service 20 years.

Mr. WADSWORTH. This allotment of the personnel has no connection with the single list. With the single-list provision stricken out of the bill it would make no special difference in this allotment of the different services.

Mr. NELSON. It may not be pertinent to this particular amendment, but to me the slight increase in the Infantry, Cavalry, and Artillery which the Senator has made by these recent amendments looks very much like taking care of five or six hundred additional officers. I can not see any reason why the chairman of the committee all at once became anxious to increase the Infantry, Cavalry, and Artillery, except that it gave an opportunity to increase the number of officers.

Mr. WADSWORTH. The Senator is quite mistaken. The number of officers is reduced by 1,007.

Mr. NELSON. You reduce them in one part, and here you increase them in another.

Mr. WADSWORTH. Let me remind the Senator that these figures do not actually fix the strength of these arms. This is merely an allotment, to be considered in each case as somewhat of a standard number. The President may increase or decrease the number of officers and men in each and every branch of the service from time to time as the number of the tactical organizations demand. I thought I explained that when we gave up universal military training it relieved the supply services of a very heavy burden and made it entirely possible to transfer from the supply services some officers and men, especially men, to the combat services. If we are not to have an assured reserve Army composed of citizen soldiers, trained under universal military training, it is wiser and safer for us to build up the combat branches of the Regular Army, and that is just what we are trying to do. We are not taking care of any officers. The spirit of this whole bill, Mr. President, lies in the fact that all the officers of the Army are put into one big pool of officers, with the exception of the medical service and the chaplains, from colonels down to second lieutenants, inclusive. The President can assign that personnel in any way he sees fit, under certain elastic provisions in the bill.

Mr. NELSON. Yes; he can go up to the maximum.

Mr. WADSWORTH. So long as he does not exceed the maximum number of officers fixed in the bill, he can assign just as many colonels to the Infantry as he wants.

Mr. NELSON. If the Senator will allow me, I was greatly delighted when he told us that on account of striking out enforced military training, and making it voluntary, the corps of officers would be reduced by about 1,000. But now it looks to me as though what he has given in one hand he has taken back in the other.

Mr. WADSWORTH. No, Mr. President, the Senator is mistaken.

Mr. NELSON. He adds to the number of officers in the Infantry, Artillery, and Engineer Corps, and makes additional officers.

Mr. WADSWORTH. No.

Mr. NELSON. And, of course, he does that on the ground that he is increasing the force a little. It looks to me as if this was a sudden inspiration to provide for some more officers.

Mr. WADSWORTH. Mr. President, I hope the Senator will not attribute any such motive to me. I do not think he really means it.

Mr. NELSON. I do not impute any bad motive to the Senator. I am only telling him how it strikes me, and I can not help it.

Mr. WADSWORTH. May I explain it once more, and perhaps it is my own fault for not explaining it clearly enough. It is true that by the reallotment which I have just proposed we increase the officers and men, and especially the men, in the combat branches, but we decrease the officers and men in the service. The net result is a net decrease of 1,007 officers.

Mr. NELSON. Do you not think it could be decreased another thousand?

Mr. WADSWORTH. No; I do not.

The PRESIDENT pro tempore. The question is upon the amendment proposed by the Senator from New York [Mr. WADSWORTH].

The amendment was agreed to.

Mr. WADSWORTH. The next amendment is, on page 34, in line 5, after the word "and," I move to strike out the word "nine" and insert in lieu thereof the word "eight." That takes a thousand men off the Quartermaster Department. We think that is about the minimum they can get along with in their work. If the President wants to, he can take more off and assign them to other branches which need them more.

The amendment was agreed to.

Mr. WARREN. Mr. President, will my colleague on the Committee on Military Affairs allow me to present a conference report?

Mr. WADSWORTH. Certainly.

LEGISLATIVE, ETC., APPROPRIATIONS—CONFERENCE REPORT.

Mr. WARREN. Mr. President, I submit the conference report on the legislative, executive, and judicial appropriation bill, and I move its acceptance and agreement.

The PRESIDENT pro tempore. The Senator from Wyoming asks unanimous consent for the present consideration of the conference report on the legislative, executive, and judicial appropriation bill, which will be read.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12610) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1921, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 40, 42, 43, 56, 57, 58, 59, 60, 61, 67, 68, 76, 80, 84, 92, 93, 94, 95, 96, 97, 100, 102, 112, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 145, 154, 158, 159, 160, 167, 168, 174, and 185.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 41, 45, 46, 47, 48, 49, 50, 51, 52, 54, 63, 64, 65, 66, 70, 71, 72, 73, 74, 75, 77, 82, 87, 88, 89, 90, 98, 99, 101, 103, 104, 105, 106, 107, 108, 109, 110, 111, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 141, 142, 143, 144, 146, 147, 148, 149, 150, 151, 152, 153, 155, 157, 161, 162, 163, 164, 165, 166, 169, 170, 171, 172, 173, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 186, 187, 188, and 189, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$24,060"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows:

"The duty placed upon the Secretary of the Interior by section 4 of an act entitled 'An act to regulate and improve the civil service of the United States,' approved January 16, 1883, shall be performed on and after July 1, 1920, by the Civil Service Commission.

"For contingent and miscellaneous expenses of the Civil Service Commission, including furniture and other equipment and repairs thereto; supplies; telegraph and telephone service; freight and express charges; fuel, heat, light, and power; window washing; street car fares not to exceed $100; stationery; law books, books of reference, directories, newspapers, and periodicals, not to exceed $350; charts; purchase, exchange, maintenance, and repair of motor trucks, motor cycles, and bicycles; maintenance and repair of electric conduit; postage stamps to prepay postage on matter addressed to Postal Union countries; and special-delivery stamps; in all, $50,000.

"For rent of building for the Civil Service Commission, $16,875."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: Restore the sum stricken out by said amendment and strike out lines 15 to 20, inclusive, on page 32 of the bill and insert in lieu thereof the following: "For temporary employees in the Department of State, $402,500: *Provided*, That no person shall be employed hereunder at a rate of compensation exceeding $5,000 per annum and not more than 8 persons shall be employed hereunder at a rate of compensation exceeding $1,800 per annum except the following: Four at $4,500 each, 3 at $4,000 each, 10 at $3,500 each, and 5 at $2,500 each"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$30,060"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows:

"Section 3595 of the Revised Statutes of the United States, as amended, providing for the appointment of an Assistant Treasurer of the United States at Boston, New York, Philadelphia, Baltimore, New Orleans, St. Louis, San Francisco, Cincinnati, and Chicago, and all laws or parts of laws so far as they authorize the establishment or maintenance of offices of such Assistant Treasurers or of Subtreasuries of the United States are hereby repealed from and after July 1, 1921; and the Secretary of the Treasury is authorized and directed to discontinue from and after such date or at such earlier date or dates as he may deem advisable, such Subtreasuries and the exercise of all duties and functions by such assistant treasurers or their offices. The office of each Assistant Treasurer specified above and the services of any officers or other employees assigned to duty at his office shall terminate upon the discontinuance of the functions of that office by the Secretary of the Treasury.

"The Secretary of the Treasury is hereby authorized, in his discretion, to transfer any or all of the duties and functions performed or authorized to be performed by the Assistant Treasurers above enumerated, or their offices, to the Treasurer of the United States or the mints or assay offices of the United States, under such rules and regulations as he may prescribe, or to utilize any of the Federal reserve banks acting as depositaries or fiscal agents of the United States, for the purpose of performing any or all of such duties and functions, notwithstanding the limitations of section 15 of the Federal reserve act, as amended, or any other provisions of law: *Provided*, That if any moneys or bullion, constituting part of the trust funds or other special funds heretofore required by law to be kept in Treasury offices, shall be deposited with any Federal reserve bank, then such moneys or bullion shall by such bank be kept separate and distinct from the assets, funds, and securities of the Federal reserve bank and be held in the joint custody of the Federal reserve agent and the Federal reserve bank: *Provided further*, That nothing in this section shall be construed to deny the right of the Secretary of the Treasury to use member banks as depositaries as heretofore authorized by law.

"The Secretary of the Treasury is hereby authorized to assign any or all the rooms, vaults, equipment, and safes or space in the buildings used by the Subtreasuries to any Federal reserve bank acting as fiscal agent of the United States.

"All employees in the Subtreasuries in the classified civil service of the United States, who may so desire, shall be eligible for transfer to classified civil-service positions under the control of the Treasury Department, or if their services are not required in such department they may be transferred to fill vacancies in any other executive department with the consent of such department. To the extent that such employees possess required qualifications, they shall be given preference over new appointments in the classified civil service under the control of the Treasury Department in the cities in which they are now employed."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,000,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,000,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert the following: "two at $2,200 each, one at $2,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,750"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$852,790"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment as follows: On page 83 of the bill, in line 23, strike out "$68,290" and insert in lieu thereof "$68,400"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 156, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$171,000"; and the Senate agree to the same.

On amendment numbered 53 the committee of conference have been unable to agree.

F. E. WARREN,
REED SMOOT,
LEE S. OVERMAN,
Managers on the part of the Senate.
WILL R. WOOD,
T. U. SISSON,
Managers on the part of the House.

The report was agreed to.

Mr. WARREN. There is one item still in disagreement. I move that the Senate further insist upon its amendment, ask a further conference with the House on the disagreeing votes of the two Houses thereon, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. WARREN, Mr. SMOOT, and Mr. OVERMAN conferees at the further conference on the part of the Senate.

NATIONAL PROHIBITION.

Mr. BRANDEGEE. Will the Senator from New York yield to me?

Mr. WADSWORTH. Certainly.

Mr. BRANDEGEE. Mr. President, there is pending before the Supreme Court of the United States the most important suit that has ever been there, in my opinion, in relation to the powers of the Government. It is a suit which is intended to test the validity of the eighteenth amendment to the Constitution. I applied to the clerk of the court when the argument in that suit was made for copies of the briefs of counsel and was informed that the number furnished by counsel was so limited that the supply was exhausted. I have here the brief of ex-Senator Root, William D. Guthrie, and others, of counsel in that suit, No. 788, October term, 1919. I regard it as of such importance that I ask unanimous consent that it may be printed as a public document.

Mr. SHEPPARD. Would it not also be proper to have the Government briefs printed at the same time?

Mr. BRANDEGEE. I would not have the slightest objection, if the Senator has them, but I have not been able to get any of the others. Ex-Senator Root sent me his at my request. I met him in the Capitol. I have that, and I have read most of it, and it is so exceedingly important, and, in my opinion, able, as expounding his interpretation of the Constitution, that I have no doubt there will be a great demand for it.

I may say that I am moved to make this request by a gentleman connected with one of the bar associations, who wrote me that the bar of the country is greatly interested in this case, and they are unable to get copies of the briefs, and he asked me if I would not have it printed as a public document. I wrote him that I would be very glad to do so as soon as I could get possession of it.

Mr. SHEPPARD. I think I can secure copies of the other briefs, and I have no objection to the request if all can be put in the same document.

Mr. BRANDEGEE. I shall have no objection if the Senator wants to make that request. All I am interested in is this one.

Mr. SMOOT. I ask the Senator if he will not have the matter referred to the Committee on Printing, and let that committee pass upon it?

Mr. BRANDEGEE. Certainly. I send it to the desk and ask that it be referred to the Committee on Printing.

The PRESIDENT pro tempore. Without objection, the request of the Senator from Connecticut is referred to the Committee on Printing.

Mr. SHEPPARD. Mr. President, I desire to say that I shall submit the other briefs and ask that the same course be taken in regard to them.

The PRESIDENT pro tempore. The same order will be made with respect to the briefs mentioned by the Senator from Texas.

Mr. SHEPPARD. Mr. President, in connection with the subject brought to the attention of the Senate by the Senator from Connecticut [Mr. BRANDEGEE], I desire to say that some time ago it was stated on the floor of the Senate that the ultimate cost of enforcing the Federal prohibition laws in the United States might reach the sum of $50,000,000. I took that matter up with Hon. Wayne B. Wheeler, the general attorney of the Anti-Saloon League, and asked him what data he had. I asked him to give me his opinion as to what the cost would probably be. I have here a letter from him which enters into an analysis of the subject, showing that in his opinion the cost will probably not exceed $5,000,000, and that the returns to the Government in fines and penalties will probably for a time exceed that amount. I ask to have the letter inserted in the RECORD.

Mr. SMOOT. The Senator can have the letter read, but I do not want to have it inserted in the RECORD without reading.

Mr. WARREN. I only wish to remark that it will cost very much more than that amount, and every Senator who has weighed it in his own mind knows it, because in addition to the regular United States Government expenditures are the expenses of all the various States, Territories, and Districts.

While it doubtless may be worth all it costs, it does not become us to underestimate. We should better prepare for and meet cheerfully our responsibilities.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

The Reading Clerk read as follows:

THE ANTI-SALOON LEAGUE OF AMERICA,
LEGAL DEPARTMENT,
Washington, D. C., April 3, 1920.

Senator MORRIS SHEPPARD,
Washington, D. C.

DEAR SENATOR SHEPPARD: In your recent letter you say "it has been stated on the floor of the Senate that the cost of enforcing prohibition throughout the country will be $50,000,000 or more a year. Kindly let me know what data you have along this line." In my judgment it will not be necessary to spend any such amount to get good results in law enforcement. If it was necessary, however, to spend even that amount in order to prevent a waste of over a billion dollars a year spent for liquor and to check the lawlessness of the liquor traffic it would not be an inexcusable expenditure.

I think five millions a year appropriated to enforce this law would be ample, and if the liquor dealers suddenly became law-abiding it can be reduced when the need disappears. Three million has been provided for this department to cover expenses until July 1, two million in the original appropriation and one million since. One hundred thousand dollars for extra aid for the Justice Department was appropriated for prosecutions. This should be increased. Under the plan adopted by Congress and many of the States in establishing a law-enforcement department, the fines and forfeited bonds collected are more than enough to reimburse the Government for all the funds expended for a law-enforcement commissioner and sufficient deputies and assistants to enforce the law.

In West Virginia from July 1, 1918, to July 1, 1920, $22,500 a year was provided. From 1914 to 1916 the appropriation was $15,000 a year; from 1916 to 1918 it was $20,000 a year; from 1918 to 1920 it was $22,500 a year. The last legislature appropriated $40,000 a year for the next two years. The State is not disturbed about the cost of enforcement when the results show that this policy is not a liability but an asset to the State. The result of the enforcement of prohibition by fines and forfeited bonds has been at least $200,000 this last year, which has been turned into the school fund.

In Michigan the estimated cost for the enforcement of prohibition is set forth by Fred Woodworth, in charge of the state department, as follows: "Will say that the best estimates we can make, taken from our department books and from known expenses in the counties of the State, would indicate that it has cost the State of Michigan about $150,000 a year to enforce the law. County, city, and other local expenses would bring this amount up to about $200,000 a year. The financial benefits received are, of course, hard to calculate, because no one can estimate exactly what the court expenses would have been had Michigan remained wet. From reports received from attorneys and judges all around the State I believe that it is a conservative statement to say that criminal prosecutions have decreased one-third in Michigan since the State went dry. So nearly as we can estimate, the different counties of the State have collected over half a million dollars in fines. We also have on hand in the custody of this department about 300,000 quarts of bottled-in-bond whisky and 300 barrels of alcohol, which has been made out of inferior whisky and has been confiscated from violators. This liquor will undoubtedly be sold by the State of Michigan for medicinal purposes, as provided in the State and Federal law. We estimate that this will bring into the State about $1,000,000."

In Ohio the policy of having a State officer responsible for the enforcement of certain State liquor laws was inaugurated more than 15 years ago. The policy has expanded, and under the State liquor license law a complete law enforcement department was provided for. It returned to the State far more than the total cost of the department. This result was made possible even though the policy of the department for a time under the license system was not vigorous for law enforcement, as a representative of the liquor interests was appointed on the board by the governor.

In Virginia for the year ending October 31, 1919, the cost of the department was $52,430. The total fines imposed from November 1, 1917, to November 1, 1918, was $101,690, from November 1, 1918, to November 1, 1919, $135,849. The estimated receipts from the sale of confiscated vehicles, $10,000. The total cost of maintaining the law enforcement department from November 1, 1918, to November 1, 1919, was $52,430.12. The amount of money paid over to the State through fines and forfeited bonds was more than double that amount. In practically every State or subdivision where this policy is established and operated in good faith, the Government finds that a vigorous and honest enforcement of the law results in from two to five times the amount in returns that it costs the Government to establish and operate the department.

Of course, no one desires to see the Government making money out of lawbreakers. Every good citizen would naturally be better pleased to find every liquor dealer obeying the law, and no fines coming from that source. Under those conditions there would be no need of a law enforcement department. But as the Supreme Court of Georgia recently said (146 Ga., 667): "Dealers in alcoholic liquors have never been known to be over nice in adhering to the strict letter of the law." Or as the United States Supreme Court put it in another case recently, the notorious difficulties always attendant upon the enforcement of prohibition laws justify measures out of the ordinary.

In establishing a national law-enforcement department there is every reason to believe that the results of the department work will amount in fines, forfeited bonds, and prohibitive taxes to far more than the total cost of the department. In the central and southern Federal supervising districts the amount of fines and other sources of revenue collected is greater than the cost of the department in those districts. The department has been handicapped thus far because of the attacks upon the law as to its constitutionality and construction; when these questions are settled better results will follow. In addition to the results secured by the State law-enforcement department, section 34 of the prohibition code places a prohibitive tax upon the illegal manufacture and sale of intoxicating liquors. If the internal-revenue department and the Justice Department and the law-enforcement department will use this section of the law with the other provisions in it, they can make the beverage traffic in liquor financially unprofitable as well as dangerous. As long as the liquor interests defy the law, no one ought to be oversensitive in providing heavy penalties and fines for these lawbreakers. They complain that under this system they are compelled to pay the cost of both ends of the lawsuit. They say they must retain their own attorney and then with the fines and forfeited bonds and prohibitive taxes the Government is reimbursed for the cost of prosecuting them. There is at least one good answer to this complaint. If the liquor dealers do not violate the law, they will not have to pay attorneys on either side of the case. When the eighteenth amendment was adopted and the Federal Code enacted, patriotic citizens had a right to expect that every person would obey the law. If the way of the law violator is hard under national prohibition, it is made so only because it is necessary in order to deal effectively with this lawbreaking traffic.

Very cordially, yours,

WAYNE B. WHEELER,
Attorney and General Counsel of the Anti-Saloon League of America.

ARMY REORGANIZATION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3792) to reorganize and increase the efficiency of the United States Army, and for other purposes.

Mr. WADSWORTH. Mr. President, on page 42, line 20, I move to strike out "six thousand" and insert "four thousand five hundred."

The amendment was agreed to.

Mr. WADSWORTH. On page 44, line 3, I move to strike out the words "seven hundred and seventy" and insert "six hundred."

The amendment was agreed to.

Mr. WADSWORTH. On page 44, line 5, I move to strike out "twelve thousand five hundred" and insert "eight thousand."

The amendment was agreed to.

Mr. WADSWORTH. On page 45, line 1, I move to strike out "two hundred" and insert "one hundred and fifty."

The amendment was agreed to.

Mr. WADSWORTH. On page 45, line 2, I move to strike out "six" and insert "four."

The amendment was agreed to.

Mr. WADSWORTH. That finishes the allotment of the permanent personnel, both officers and men, and with the adoption of three or four small committee amendments, printed in the bill as such on page 10, the consideration of which was postponed at the request of the Senator from Wisconsin [Mr. LENROOT], the whole matter will be completed. The amendments are exceedingly simple, and I ask that they be taken up, because the matter of universal military training having been decided upon, it is entirely proper and competent to take them up at this time. They were postponed until that question was settled.

Mr. HARRISON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Mississippi?

Mr. WADSWORTH. Certainly.

Mr. HARRISON. In the revised list, how many officers are provided for in the bill?

Mr. WADSWORTH. Sixteen thousand nine hundred and ninety-three.

Mr. HARRISON. And 280,000 enlisted men?

Mr. WADSWORTH. Two hundred and eighty thousand.

Mr. HARRISON. How many officers were provided for in the bill as passed by the House?

Mr. WADSWORTH. Seventeen thousand eight hundred and thirty-two.

Mr. HARRISON. How many enlisted men?

Mr. WADSWORTH. Two hundred and ninety-nine thousand. This is a smaller Army.

Mr. HARRISON. So we really had more officers provided for in the House bill than are provided for in the Senate bill?

Mr. WADSWORTH. Yes; by over 800. I ask that the Secretary may read the committee amendments as set forth on page 10 of the printed bill.

The PRESIDENT pro tempore. The Secretary will state the amendments proposed by the Committee on Military Affairs.

The READING CLERK. On page 10, line 4, strike out the words "and enlisted men"; in line 6, after the word "academy," insert the word "and"; in line 7, strike out the words "and the flying cadets of the Air Corps"; in line 8, page 10, strike out "sixty-three thousand two hundred" and insert "eighty thousand"; and in line 10, strike out the word "exclusive" and insert the word "inclusive."

The amendment was agreed to.

Mr. WADSWORTH. Mr. President, at the time the universal military training provision was stricken out I think I said to the Senate that the question would then arise as to whether we could reduce the Army at the rate of 5 per cent a year in the enlisted strength for five years and at the rate of 2 per cent per year in the commissioned personnel for five years. The provision to make that progressive reduction will be found on page 10, commencing with line 12 and extending through the two provisos to the end of the page.

It is a provision which I very much regret having to move to strike out. Of course, the Senate knows my theory of national defense economically administered, but if we are not to have an assured reserve Army, if we are going to depend upon uncertainty, and guess from time to time how many men we shall have in the National Guard and how many men in the organized reserve, and trust to chance and the fluctuation of public sentiment, I do not think it is safe to reduce the Army of 280,000 men to 210,000 men as provided on page 10. It was my intention, therefore, to move to strike out those two provisos, which I now do.

The PRESIDENT pro tempore. The Secretary will report the proposed amendment.

The ASSISTANT SECRETARY. On page 10, line 12, after the words "Philippine Scouts" strike out all on that page down to the period, being the remainder of section 12, in the following words:

Provided, That, beginning with the fiscal year after the year in which the system of military training hereinafter provided for shall have been established, the total permanent personnel herein authorized and that hereinafter authorized for detail or assignment to each of the several arms, corps, and services shall be decreased, as follows: Commissioned officers, 2 per cent per annum for five successive years; enlisted men, 5 per cent per annum for five successive years: *Provided further*, That the decreases provided for in the next preceding proviso shall be distributed proportionately among the several commissioned and enlisted grades, and during the period of decrease vacancies occurring in such grades shall not be filled until the decreases herein provided for have been made.

Mr. REED. Mr. President, I am not sure that I understand the proposition of the chairman of the committee. What is it he moves to strike out?

Mr. WADSWORTH. I can tell the Senator in just a few words. What I propose to strike out is the proviso commencing in line 12 on page 10. The bill as reported from the committee, as the Senator knows, provided for universal military training, which at the end of seven years would have provided a trained citizen reserve army of over 3,000,000 men. In view of the situation, the committee believed that the Regular Army, which is always the costly element in our military forces, should be progressively reduced, and that the money saved by reducing the Regular Army, which in this case would have amounted to $125,000,000 or $130,000,000 a year, should be applied to the training of citizen soldiers. We wanted to reduce the professional force, the standing Army, and to build up the citizen force, which must bear the burden whenever there is a first-class war. Now, however, that no provision for universal military training is left in the bill, and nothing upon which we can surely depend, there is a very grave question whether we should reduce the Army down to 210,000 men at this moment in the world's history.

Mr. REED. Mr. President——

Mr. LENROOT. Will the Senator from Missouri yield to me?

Mr. REED. I wish, first, to ask a question, and then I will yield. The Army provided for in this bill numbers 270,000?

Mr. WADSWORTH. It numbers 280,000 enlisted men.

Mr. REED. And how many officers?

Mr. WADSWORTH. It provides for 16,993 officers.

Mr. REED. That is practically three and a half times larger than any Army we have ever had in time of peace?

Mr. WADSWORTH. No; we had a Regular Army of approximately 120,000 men when we went into the German war.

Mr. REED. Well, that was an increase that had been made on account of the trouble on the Mexico border.

Mr. WADSWORTH. No, Mr. President; that increase was due to the national-defense act in the first instance. The national-defense act provided for an Army, to be raised in five annual increments, of 236,000 enlisted men.

Mr. REED. Perhaps I did not make my statement as accurately as I should have done. Up to the time of the German war we did not have an Army of more than 80,000 men, except when it had been temporarily increased on account of the Mexican situation. That is correct, is it not?

Mr. WADSWORTH. No.

Mr. REED. How much was it?

Mr. WADSWORTH. About 120,000 men.

Mr. REED. Then I have been in error in my figures. When was the Army increased to 120,000?

Mr. WADSWORTH. I think the authorization came in 1915 or on the appropriation bill of 1916. I can not remember the date.

Mr. REED. That was after the German war had begun. The Senator misunderstood me.

Mr. WADSWORTH. I thought the Senator referred to the difficulties on the Mexican border.

Mr. REED. I am not speaking of when we entered the German war, but of the beginning of the German war itself.

Mr. WADSWORTH. I can not remember the strength of the Army in 1914.

Mr. REED. My recollection is that prior to the time the German war broke out we never had in this country over 80,000 men in the Army, except, possibly, when there was a temporary increase due to contemplated difficulties with Mexico. I have not looked up the figures for a long time, and what I am saying now is merely from memory, but is not what I have stated substantially true?

Mr. WADSWORTH. My recollection—I have not myself looked up the figures for some time—is that the authorized strength of the Regular Army prior to the German war was in the neighborhood of 88,000 men, exclusive of the Medical Service and the Quartermasters Corps. If those services were added, it would be in the neighborhood of 101,000 men.

Mr. REED. Very well.

Mr. WADSWORTH. Now, I think we never actually had enlisted many more than 90,000 men, but that was the authorization—in the neighborhood of 100,000.

Mr. REED. President Roosevelt actually decreased the Army at one time by order. The present bill, if the Senator's amendment is adopted as he has now offered it, would give us 276,000 enlisted men. Is that correct?

Mr. WADSWORTH. It would give us 280,000.

Mr. REED. And how many officers?

Mr. WADSWORTH. There would be 16,993 officers.

Mr. REED. Does that include the Medical Corps?

Mr. WADSWORTH. It includes everything; and may I say—I have not said it to the Senate before—it also includes the Philippine Scouts for the first time and the Porto Rico Regiment of Infantry.

Mr. REED. What is the number of the Philippine Scouts?

Mr. WADSWORTH. Their authorized strength is 12,000, but they have only about 8,000 men enlisted. The Porto Rico Regiment of Infantry has about 1,500 men.

Mr. REED. This bill multiplies the Army substantially by three. What is the reason for it?

Mr. WADSWORTH. Does the Senator ask me?

Mr. REED. Yes; I am asking what is the reason for the increase in the Army?

Mr. WADSWORTH. The national security. The Army provided for is all we shall have, with the exception of the 42,000 men who are in the National Guard to-day.

Mr. REED. The National Guard to-day is not as strong as it was. Is not that true?

Mr. WADSWORTH. The National Guard at the time of the Mexican border mobilization comprised about 120,000 men all told.

Mr. REED. What proposition does this bill contain looking toward the rehabilitation of the National Guard?

Mr. WADSWORTH. This bill changes the status of the National Guard and takes it out from under what might be termed the militia clause of the Constitution and puts it under the Army clause of the Constitution. At the same time providing protection for the States, it puts the National Guard, officer and man, in the same status, with the same rights and privileges as the officer and man in the Regular Army has.

Mr. REED. That is, the Senator means it puts him in a status with his rights limited to those which the man in the Regular Army possesses.

Mr. WADSWORTH. Which is a very much larger degree of right and privilege than the militia officer has to-day.

Mr. REED. I can not agree with the Senator as to that. The Senator does not mean to say that a member of the National Guard under the old system, when controlled by State laws, had the same liabilities and responsibilities that he now has under the pending bill, does he?

Mr. WADSWORTH. The liabilities and responsibilities, in a military sense, are not substantially changed by this bill, but his standing is changed most decidedly and to his benefit.

Mr. REED. One of the benefits is that he may be called into the service by the President at any moment. Is not that one of the benefits?

Mr. WADSWORTH. Not at all.

Mr. REED. But that is a fact, is it not?

Mr. WADSWORTH. No, sir.

Mr. REED. How is the National Guard soldier gotten into the service?

Mr. WADSWORTH. He is called into the service to suppress insurrection, to repel invasion, and in time of war declared by Congress and proclaimed by the President he may be called into service to go anywhere, just as he is to-day.

Mr. REED. However, the law that made it possible to get him into the service in time of war was passed only recently.

Mr. WADSWORTH. No. That is contemplated in the Constitution.

Mr. REED. There was a statute, which was passed about three years ago and with which the Senator from New York had something to do, which created the power to call the National Guard into service by order of the President. Is not that the fact?

Mr. WADSWORTH. Perhaps the Senator is referring to the provision in the national defense that, in the event of war being declared by Congress, the officers and men of the National Guard may be drafted?

Mr. REED. Yes; that is what I am referring to.

Mr. WADSWORTH. That was necessary, otherwise the officers and men of the National Guard could not have been sent first to France and afterwards to Germany.

Mr. REED. They could have enlisted for that service, of course. I am not dealing with that act; I am merely dealing with the proposition that the Senator made a moment ago, that this bill enlarges the rights and privileges of the National Guard. That it enlarges the duties and responsibilities of the National Guard would be a better term for it.

Mr. WADSWORTH. I can not agree with the Senator as to that.

Mr. LENROOT. Mr. President, will the Senator from Missouri yield?

Mr. REED. I yield.

Mr. LENROOT. The Senator from New York does not mean that under the Constitution, even though war were declared, the President, without legislation by Congress, could have called the National Guard into the Federal service?

Mr. WADSWORTH. Absolutely.

Mr. LENROOT. Without legislation?

Mr. WADSWORTH. Without legislation.

Mr. LENROOT. Upon the declaration of war?

Mr. WADSWORTH. Yes, sir; but not to send them out of the country.

Mr. LENROOT. I think the Senator will find that there would have to be legislation to select any particular portion of the citizenship comprising the militia of this country to do that.

Mr. WADSWORTH. My understanding is that the guard, being a part of the militia, may be called out to suppress insurrection and to repel invasion; that is the obligation of a militiaman; but he can not be sent out of the country.

Mr. LENROOT. The National Guard is only a part of the militia under the Constitution.

Mr. WADSWORTH. That is perfectly true; but a member of the National Guard is a militiaman just the same, and he can be called out to repel invasion and execute the laws and to suppress insurrection.

Mr. REED. Mr. President, I do not care to discuss the legal question at this moment. I think the Senator from New York will find that there is some doubt about his position, and because of that doubt the law was enacted to change the status of the National Guard.

I hope that the Army as now provided for in this bill will be reduced, not by the slow process provided by this bill but that it will be reduced now to not to exceed 200,000 men. I can not understand what there is calling for an enormous Army in this country, and I particularly can not understand it at this time. We have in the country two million and a half trained men, and practically all of them could be depended upon in case an attack should be made upon the United States.

Mr. WARREN. Mr. President, may I ask the Senator a question?

Mr. REED. Yes.

Mr. WARREN. The Senator does not presume that they could be forced into any service except as volunteers unless other provision were made by Congress?

Mr. REED. I assume, in the first place, that there would not be much trouble about volunteering if this country were attacked; and I assume, in the second place, that if we wanted a draft law, a draft bill could be passed in the face of a real emergency, and it could be passed in about three days' time here in Congress.

Mr. WARREN. Of course, such a law would take those who are not prepared as well as those who are?

Mr. REED. It would take whomever we named in the draft. The draft is not limited by any constitutional provision or by anything else except the will of Congress.

Mr. WARREN. I hardly think the Senator would want to go on record as saying that the United States may draft a certain class of men who have performed certain service because they have performed such service and because they have been patriotic and rendered service and may not ask those who heretofore have not performed any service also to undertake some of the burdens of war.

Mr. REED. I do not intend to be put in that position at all. The Senator spoke about the right and power to do a thing, and I answered him that Congress had the power. I have not any doubt that Congress has the power, if it wanted to exercise it, to select men of only 19 years of age or 20 years of age or any other age. I am not saying that that would be a prudent thing for Congress to do, but I am talking to the proposition that to-day there are in this country two and a half million trained men, for we put two and one-half million men in France, and they all must have had some training.

Mr. McKELLAR. Mr. President, will the Senator from Missouri yield to me for a moment?

Mr. REED. Yes.

Mr. McKELLAR. The Senator from Missouri asked a few moments ago about the size of our Army prior to the war. I

have the figures here, and I should like to put them into the RECORD.

Mr. REED. Very well.

Mr. McKELLAR. On June 30, 1913, our standing army was composed of 81,787 men; on June 30, 1914, of 87,781 men; on June 30, 1915, of 95,765 men; on June 30, 1916, of 97,013 men; on January 1, 1917, of 110,226 men; on March 31, seven days before the breaking out of the war, of 121,797 men; and on June 30, 1917, after the war had broken out, the number had increased to 238,455 men. I should add to all these numbers that there were about 5,000 Philippine Scouts on duty in the Philippine Islands; but, generally speaking, the standing army of the United States up until just a very short time before the war was a little less than 100,000 men.

Mr. REED. When did we have that trouble with Mexico?

Mr. McKELLAR. In 1916, as I recall, when we went over the border; but the Army at that time was in the neighborhood of 100,000 men.

Mr. REED. And was built up for that purpose.

Mr. NELSON. Mr. President, will the Senator allow me a brief interruption?

Mr. REED. I will; yes.

Mr. NELSON. The Senator from New York [Mr. WADSWORTH] has given the figures of our enlisted strength and the number of officers. If I got his figures correctly, there are to be 16,993 officers and 280,000 enlisted men. That means an officer for every 16 enlisted men in the whole Army. While I disagree with the Senator from Missouri as to the size of the Army, I think there are enough officers in this bill for an Army of 400,000, and I should be very glad to vote for an amendment increasing the enlisted strength of the Army, because there are enough officers in the bill for such an army.

Mr. REED. Mr. President, resuming at the point where I was when these interesting interruptions occurred, there are at least 2,500,000 trained men in the United States to-day. They are, for the most part, quite young men. I regard them as a great military asset, whether they are technically a part of the Army or not. I have no more doubt that they would come to the colors if our country should be menaced than I doubt the general loyalty of the American people, and I certainly have no doubt of that.

General military training has been defeated, and I think properly so. It seems to me that instead of having a large standing Army, we ought to build up the National Guard by generous appropriations and by liberal inducements to men to enter the guard.

I suppose that what I am saying is not very popular with the Regular Army officer or man. I could not say anything against the Regular Army officer or the Regular Army enlisted man, because they so well performed their duty in the hour of a great national and world emergency; but the sooner it is understood in this country that the people of the United States will not sustain a very large professional soldiery the better it will be for the country. The only real supplement there is to the Regular Army, unless you have enforced military training, is a well-organized and well-equipped National Guard, and the money that it is proposed to expend upon the professional soldier who stays in the camps in this country, and who has but few duties to perform in time of peace, would be better spent upon the National Guard. If we could supplement the military strength we have to-day, through the existence in the country of 2,500,000 or more trained men, by a constantly increasing body of trained men in the National Guard who volunteer for the service and who are held together by those ties that can exist in the guard and that do not exist in the Army, we would be doing something of a practical character.

I know that the disposition has been to belittle the National Guard; the disposition is to belittle the volunteer soldier; but I say that the Mexican difficulty demonstrated the fact that the National Guard could be mobilized and sent to the front almost as quickly as the Regulars, and the history of this war demonstrates the great efficiency of this organization, for there were 17 divisions of the National Guard in France on the firing line, or ready for the firing line, when there were only 7 divisions of Regulars there, and I do not believe that any Regular Army officer, whether he sits in the galleries smiling, or wherever he sits, will dare, over his signature, to challenge the gallantry and efficiency of the service rendered by the National Guard.

I know that every influence of the Regular Army has been brought to bear to discountenance the existence of a National Guard and to destroy the National Guard. I know that the Secretary of War violated the spirit, if not the letter, of the law when the National Guard organizations were broken up, dismembered, and to a very large extent scattered through other branches of the Army service, for it had been provided in the military bill that the National Guard organizations should remain intact wherever practicable, and those words "wherever practicable" were distorted to mean wherever the Army officers wanted to disregard the rule. So these organizations were broken up, and yet they went to the front, they did valiant service, and a service that is as creditable to them as the service rendered by the Regulars is creditable to the Regulars.

Mr. MYERS. Mr. President, may I ask the Senator a question?

Mr. REED. I yield to the Senator from Montana.

Mr. MYERS. How much of a National Guard would the Senator have? As great a number as this bill provides for the Regular Army?

Mr. REED. I should be very glad, indeed, to have a National Guard almost as large as could be reasonably organized. Of course, there must necessarily be some limit, but I would have a large Guard, and for this reason: You are training new men all the time. They are under their local State governments. They are under local influences. They keep up the military spirit among the people. They are volunteer organizations, and they are maintained at a very small expense compared with the expense of an equal number of men in the Regular Army.

Mr. MYERS. The Senator does not subscribe, then, to the theory so generally held that there are only two adequate defenses—the League of Nations and a good-sized standing Army?

Mr. REED. No; I do not subscribe to it. If you want to know where the real defense of this country is, it is in its men and in its resources. Of course, you must have trained men, and you must have an army of sufficient size to provide a large number of trained men, and you must have military schools. So far as I am concerned, I would vote for the establishment of a dozen military schools in the United States to-morrow, and I think we have overlooked a prime essential when we have failed to do that. When you create in this country a standing Army of 300,000 men, supplemented by a Navy personnel, such as is requested by the Secretary of the Navy, of 250,000 men, you have constantly under arms in this country over a half million men. That is an enormous expense in two ways: First, the direct charge upon the taxpayers of the country to maintain the Army and Navy; and, second, the economic loss due to the fact that these men are withdrawn from the creative industries and put into a noncreative business. If it is necessary to have an Army of this size, I want somebody to tell me why.

The reason ought to be assigned. The cause ought to be manifest. What is that reason and what is that cause? Does anybody fear an uprising in the United States among the people, a rebellion? I do not. There is no necessity for a great standing army to maintain order in this country. We may have some strikes and some labor disturbance, but we do not need a standing army of 300,000 men to preserve order on that account. We do not need anything approximating that number. You can build up militarism in this country until you produce a reaction. There is no trouble in this country warranting the creation of a vast Military Establishment on account of internal conditions.

Is there, then, anything in the external conditions demanding that at this time, when our people are paying the expenses of the war and are being taxed to an extent never before dreamed of, for the creation and maintenance of a vast Military Establishment in this country? If there is a foreign menace, where is that foreign menace? Is it in Austria? Austria has been dismembered. There is every probability that Austria will not within a century of time, if ever in the history of the world, arise from the ashes of her disaster a powerful State.

Is it in Germany? Germany has been disarmed. Conditions have been imposed upon her by the Allies of such a character that for many years to come Germany can not be a first-class military power, and France and England will undoubtedly see that those conditions are met by the German people. Besides, she has been made helpless in many respects for many years to come. She is without a war navy, and without ships of war she can not land a soldier on our coasts. Neither can she land a soldier on our coasts until she has a navy superior to ours, and vastly superior to ours. She must be powerful enough to drive our war Navy from the waters of the ocean before she dare intrust her men to transports to bring them across the sea. If Germany were to-day to undertake to invade the United States, to move an army across the ocean, she would be annihilated. Under present conditions she would undoubtedly be attacked from the rear. She can scarcely maintain her own tottering Government. What the conditions may be 10 or 15 or 20 years from now we can not even prophesy, but that it will require

many years before Germany would ever constitute a menace of any kind to the United States seems to me too clear for argument.

Whence, then, are we to expect an attack? Will it be from France? There are two or three reasons why France will never attack the United States. First, if she did attack the United States, in all probability Germany would attack her, not from love of the United States but from motives of revenge.

Second, if she were to attack the United States, we have as good a fleet as she, if not better, and we are many times stronger than France, and it would be an impotent attack, and would result in the destruction or great injury of France. I do not want to talk about war with France, for I think it is the furthest removed from possibilities.

The third reason, which I ought to have mentioned first, is that the French people certainly entertain for the American people a decent regard, if not an affection, and there is no reason for France to attack the United States, and there is no danger from that source.

There remains the British Empire. Is there any possibility of the British Empire attacking the United States? Certainly not, if there is any truth in this philosophy that is being taught of amity and good will between the English-speaking peoples. For my own part I do not feel that that is a sufficient safeguard, because nations follow the line of their interest, and no nation follows the line of its interest with more certainty and precision and persistence than the British Empire.

I desire to discuss this matter with all candor. It is my opinion that the only nation in Europe whose interests are likely to some day clash with those of the United States is the British Empire. She is so spread over the earth, her commercial and maritime interests are so involved and so enormous, her ambition for more territory is so insatiate, and she is so close to us along our northern border that there may come a time when British interests and American interests will come into serious conflict. But while that is true, it does not follow that there is serious danger of a war with the British Empire.

Such a war would hardly be engaged in by the British Empire, for two reasons. I believe that the controlling people of the Empire, the English, would regard with horror a conflict between these two nations. I believe that that restraining influence and, I trust, some degree of affectionate regard is a very great insurance against any possibility of attack from the British Empire.

Surely it must be that the British Empire recognizes the fact that it was the presence of American soldiers at the crucial moment which turned the tide of battle. So I can not believe there is any particular danger from that source. If I believed there was a great and serious danger, I would be in favor of a large standing Army and a much larger Army of reserves than is provided for in this bill or in any proposed bill that I know of.

We are asked for an Army of 300,000 men and a quarter of a million men for the Navy; and whom are we going to fight with these men? Is it to be Japan? I have simply this to say in regard to Japan, that it would have been a much better safeguard for us if the islands in the north Pacific which were given to Japan had been withheld from her and we had taken them over ourselves, and thus prevented her from having coaling stations and harbors in the Pacific 2,000 miles nearer our coast. If we had used some common, plain sense when we wrote the German peace treaty, it would have been a better safeguard for us than this Army will be.

But are we in any danger from Japan? If we are, the way to meet it is by increasing our war fleet, by increasing our fortifications, and with that done there is no necessity for burdening the people of this country with an Army of 300,000 men in a time of profound peace.

To my mind, America has never been as safe from attack since the flag was first unfurled as it is to-day. Europe is prostrate; she has neither the resources in materials nor the resources in money to renew a great war. There may be some fighting there between nations which are struggling over territory, but a general war of invasion by European countries against this country at this time is absurd and unthinkable.

There is no man here who has given a reason or can give a reason for an Army of 300,000 men in a time of profound peace. There are a good many men who got into the Army who would like to stay there. I would like to see them get back to their homes and their work.

There is another reason why we are in no danger from Europe or from Asia. Before this war was fought there was an impression among European people and Asiatic people that the people of the United States were too proud to fight, or too cowardly to fight, or too inefficient to fight. There was an impression in certain places that the American people were a mere lot of merchants engaged in the business of chasing dollars, and that there was not in our country any real fighting material and strength. That is what William of Prussia counted upon. That is what made him insult the United States and take the chance of the United States entering the conflict. That is a mistake which no European power will make again in the next half century of time. They have discovered that the people of the United States, while preferring civilian employment and occupation, devoting themselves to commerce and to business, and doing so as a matter of preference, can fight and will fight, and the resources of this country can be gathered together in a very short time; so that any nation insulting us will find a very ugly antagonist.

I do not believe, sir, that there is any possible chance of this country becoming involved in any war of magnitude for a very considerable period of years. I do not refer to Mexico, because if we are ever obliged to deal with that country it can be handled very expeditiously, and that problem is easily solved.

Mr. President, I hope that the size of the Army will be cut down, and that something will be done for the National Guard, and that we shall proceed along that line. It may be impossible to accomplish it, but I say to the chairman of the committee that the people of the United States will not stand for a standing Army of over 300,000 men. He will find that is true, and increasingly true. As time goes on the feeling of excitement due to the war will be dissipated; the people will be ready to spend money to prepare armaments, fortifications, and schools, but they will not maintain an enormous standing Army, and 300,000 men are more than are demanded in this country, more than have ever been necessary in the past, and they are not necessary now.

Mr. DIAL. Mr. President——

The PRESIDING OFFICER (Mr. FRELINGHUYSEN in the chair). Does the Senator from Missouri yield to the Senator from South Carolina?

Mr. REED. I had concluded, but I shall be glad to answer any question the Senator may have to ask.

Mr. DIAL. Does not the Senator think an Army half the size of the Army proposed in the bill would answer all purposes?

Mr. REED. I do; unqualifiedly I do.

Mr. DIAL. I agree with the Senator.

The PRESIDING OFFICER. The question is on the adoption of the amendment offered by the Senator from New York [Mr. WADSWORTH].

Mr. WADSWORTH. Mr. President, I imagine it will be rather difficult to get a quorum at this hour, and I assume that Senators will want to have notice and an opportunity to vote upon the amendment. Therefore I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Thursday, April 15, 1920, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 14, 1920.

POSTMASTERS.

CALIFORNIA.

Joseph M. Azevedo, Half Moon Bay.
Zylpha Potter, Hughson.
William C. Brite, Tehachapi.
Hugh M. Day, Tustin.

INDIANA.

Charles A. King, Star City.
William F. Lytton, Wheatland.
Louise Randall, Whiting.

IOWA.

Melvin V. Smith, Akron.
Vernon B. Petrehn, New Albin.

NEW YORK.

John M. Kennedy, Johnson City.

OREGON.

Ernest J. Schneider, Myrtle Point.

SOUTH CAROLINA.

William D. Trantham, Camden.

SOUTH DAKOTA.

Lewis W. Ford, Wakonda.

WASHINGTON.

Oscar Grace, Edmonds.
Charles P. Robbins, Vader.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April 14, 1920.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou great Father Soul, infinite in all Thy resources, let Thy spirit possess our hearts and abide with us, that our thoughts, words, and deeds may be to the betterment of mankind.

Grant that American patriotism may dominate the hearts of all true lovers of liberty—illustrated in our Washington, Jefferson, Lincoln; that common sense and reason may be the shibboleth of every patriot, that our Republic may be indeed a land of peace and plenty and thus reflect Thy glory. In the spirit of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

PRESENTATION OF ARMENIAN PETITION.

Mr. ROGERS. Mr. Speaker, I ask unanimous consent to proceed for one minute.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to proceed for one minute. Is there objection? [After a pause.] The Chair hears none.

Mr. ROGERS. Mr. Speaker, about a quarter of 2 o'clock p. m. to-day 500 men of Armenian origin are going to assemble on the House steps of the Capitol for the purpose of presenting a petition to the Congress in connection with the situation in Armenia. All these men are American citizens; all of them fought in the American Army during the World War; and all of them have been selected as delegates for the purpose of coming to Washington in order to present this petition. They have expressed the hope that as many Members of the House as could conveniently do so should be present at the ceremonies, which will be very brief, and which, as I say, will be opposite the House steps of the Capitol at about a quarter of 2 o'clock p. m. to-day.

CONGRESSIONAL PRIMARIES IN PHILADELPHIA.

The SPEAKER. By special order of yesterday the gentleman from Pennsylvania [Mr. VARE] was authorized to address the House for 10 minutes.

Mr. VARE. Mr. Speaker, in view of the limited time, I would like to proceed without interruption.

I hold in my hands a newspaper published in the city of Philadelphia in which there appears a story entitled, "The fight is on in the third congressional district." It goes on to state that the campaign for the election of a Republican in Congress from the third district to succeed the Hon. J. Hampton Moore has now begun in earnest. It recites that the opposing candidates are former Sheriff Harry C. Ransley and Charles Delany, president of the Kensington National Bank. It further states that Mr. Ransley is chairman of the Republican city committee for Philadelphia County, a man who has always been a factor in Republican politics and a prominent and successful business man, who was born and raised and who always votes in the district, while his opponent, Mr. Delany, does not now and never did live in the district; and, of course, never voted therein. It adds that the formal announcement of Mr. Delany's candidacy followed a meeting of manufacturers held in one of the exclusive clubs of Philadelphia.

Previous to the publication of this article a full-page paid advertisement of Mr. Delany's candidacy appeared in every daily newspaper in Philadelphia, signed by a large number of manufacturers, a great majority of whom have no voting residence in this congressional district or even in Philadelphia.

Very recently there was another meeting of manufacturers where the demand was made that the manufacturers raise a campaign fund of $50,000; and when the question was asked as to how this enormous sum could be used the frank statement was made that this money must be used to purchase votes for Mr. Delany.

I am addressing this House in the exercise of my high prerogatives, not only as a Member of this body but as an American citizen, to protest against a very apparent effort on the part of special interests to purchase a seat in this honorable body; and I am moved to do so not only because of the outrageous preparations that are being made to debauch a great voting constituency but, having in mind the recent national scandals arising out of the election of a United States Senator in the State of Michigan, it becomes the absolute duty of every citizen who has any knowledge of a conspiracy which will likewise besmirch the fair name of Pennsylvania to raise his voice in protest. I only have to remind the House that the presiding judge at the Newberry trial pronounced it to be the law that, with the knowledge that a certain fixed amount has been determined as the lawful expenditure of a candidate who seeks a seat in either the upper or lower House of Congress, those who voluntarily add to the corruption fund bring themselves within the penal statutes on the charge of a conspiracy to debauch an election.

Mr. GARD. Will the gentleman yield?

Mr. VARE. I regret I can not yield. I have only 10 minutes, and I do not want to further encroach on the House.

Those who will be called upon by the force of the demands of the manufacturers' clique know now, even if they never heretofore have been informed, that the United States statute has fixed the lawful expenditures for a candidate for Congress at the sum of $5,000 for both the primary and general election. This sum already has been expended for newspaper advertising. Therefore, with the knowledge that there is to be a fund of $50,000 raised, those who contribute to this debauchery become amenable to our criminal law and are conspirators in thought and deed. I am fully confident that with a Pennsylvanian at the head of the Department of Justice we have an officer who, notwithstanding the fact that his politics differ from mine, will, I am convinced, be eager to preserve the good name of Pennsylvania and be alert to prevent a great crime against the sanctity of the ballot. [Applause.] I am certain that Hon. A. Mitchell Palmer, chief law officer of the United States, through his powerful agencies of the Department of Justice, will cause an investigation of this situation both before and after the primary election, which will be held May 18 next.

Under the Pennsylvania law every candidate for office and every committee formed for the purpose of advancing the candidacy of any man must file with the clerk of quarter sessions of the county an itemized statement of receipts and expenditures, made under oath, giving the names of each contributor and the amounts accredited to him. Therefore, those who contribute to such a vast fund, many times the amount that can lawfully be expended, will do so with the knowledge that the public records of Philadelphia County will forever perpetuate the amount of their contributions and they hereafter can not plead innocence either of fact or intention.

The public press of April 12 has proclaimed the fact that this exclusive committee of nonresident leather manufacturers and representatives of special interests has retained the services of a manager for Mr. Delany, who also does not live in the district. Of course, his services to Mr. Delany's cause have not been contributed because of his love for Mr. Delany, but like every political adventurer has been attracted to the side that is reputed to be spending large sums of money.

The voters of the third congressional district are almost entirely workmen, the men of the mills and the factories of that great beehive of industry. The men who are behind the candidacy of Mr. Delany, like Mr. Delany himself, have nothing in common with this constituency of workmen, but their desire is solely to return to this body a representative of capitalists who will be unembarrassed in his advocacy of their cause by any of the demands or the needs of the workmen of his district, with whom he has no acquaintance and with whom he never has associated.

From a political viewpoint, I have no fear about the result of the primary election for this district, for in a recent aggressive campaign for mayor of Philadelphia Judge John M. Patterson, candidate of the Republican organization, polled 20,245 votes, while our former colleague, Hon. J. Hampton Moore, polled 12,415 votes, the majority for Judge Patterson being 7,830 votes. I am, however, concerned in upholding the fair name of the great Commonwealth of Pennsylvania and the goodly city of Philadelphia in order that there may be no repetition of the scandal which besmirched the good name of the State of Michigan.

I demand, in the name of fair play and decency, that an uninfluenced expression of the public opinion reach the ballot box on May 18 next uncontaminated and unpolluted by the sordid wealth of the conspirators. I serve public notice upon them that their plans are known, their leaders are marked, and their contributions must become public property. I serve notice on the morocco king of Philadelphia, the largest employer of alien labor, who has urged the raising of a $50,000 corruption fund, that he and his associates are known and will have to answer. I further serve notice upon them that the expenditure of $50,000 or any sum over and above the statutory limitation makes them, and each of them, amenable to the criminal law, and I invoke in behalf of the people of that district the relentless and untiring vigilance of the Department of Justice. [Applause.]

Mr. WALSH. Mr. Speaker, I desire to ask the gentleman from Pennsylvania [Mr. VARE], under a question of privilege,

what his remarks have to do with the coming congressional election? He stated that he was going to speak on the congressional election. His entire remarks have been devoted to a primary contest within a certain political party.

Mr. VARE. I certainly regard that as quite important on the coming congressional election.

Mr. WALSH. If the gentleman's candidate should be nominated, of course it may be important.

Mr. VARE. I have no candidate.

Mr. WALSH. Then I can not quite see what his remarks have to do with the congressional election. The gentleman secured permission by unanimous consent to address the House, and when he was asked on what subject he said on the congressional election. The gentleman from Ohio [Mr. GARD] asked whether it was on the subject of the general election or pertaining particularly to the gentleman's district, and he said it was on the approaching general election.

Mr. VARE. I will state again that I regard, and the Pennsylvania laws also regard, our primary elections and general elections of equal force.

Mr. CLARK of Missouri. Mr. Speaker, a point of order. This whole confabulation between these two gentlemen is out of order.

The SPEAKER. It is if the point of order is raised.

MILITARY APPROPRIATIONS.

Mr. KAHN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering the Army appropriation bill for the fiscal year ending June 30, 1921.

The SPEAKER. The gentleman from California moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the Army appropriation bill——

Mr. KAHN. And pending that, Mr. Speaker, I ask unanimous consent that there be three hours of general debate, one and a half hours to be consumed by the gentleman from Alabama [Mr. DENT] and one and a half hours by himself.

The SPEAKER. Pending the request, the gentleman asks unanimous consent that general debate be limited to three hours, half of the time to be controlled by himself and half by the gentleman from Alabama [Mr. DENT]. Is there objection? [After a pause.] The Chair hears none. The question is on the motion of the gentleman from California that the House resolve itself into the Committee of the Whole House on the state of the Union.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 13587, the Army appropriation bill, with Mr. TOWNER in the chair.

The CHAIRMAN. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 13587) making appropriations for the support of the Army for the fiscal year ending June 30, 1921, and for other purposes.

Mr. KAHN. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from California asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none. The gentleman from California [Mr. KAHN] is recognized for 1 hour and 30 minutes.

Mr. KAHN. Mr. Chairman, to-day in this country of ours there is industrial disturbance that causes the Members of Congress, and all the citizens of the Republic who have at heart the welfare of the people, considerable concern. But this is nothing new in our national life. I read occasionally some of the old debates in Congress, and recently ran across a speech of Daniel Webster, delivered in 1836, in which he said this:

> There are persons who constantly clamor. They complain of oppression and speculation and the pernicious influence of accumulated wealth. They cry out loudly against all banks and corporations, and all means by which small capitals become united in order to produce important and beneficial results. They carry out mad hostility against all established institutions. They would choke the fountain of industry and dry all streams. In a country where property is more evenly divided than anywhere else they rend the air shouting agrarian doctrines. In a country of unbounded liberty they clamor against oppression. In a country of perfect equality they would move heaven and earth against privilege and monopoly. In a country where the wages of labor are high beyond parallel, they would teach the laborer that he is but an oppressed slave.

If those words were uttered to-day they would probably be just as apt as when they were delivered in 1836. They show conclusively that history repeats itself constantly.

Mr. GARD. Does the gentleman invoke the address of Webster in 1836 because to-day the gentleman from Pennsylvania [Mr. VARE] has stated that special interests are buying up the Republican nominations for Congress in the city of Philadelphia?

Mr. KAHN. Oh, there have been charges and countercharges about political corruption ever since the days of George Washington and Thomas Jefferson, and I suppose they will continue as long as the Republic exists.

During all the years of our national life we have had more or less of an Army.

One hundred and forty-five years have elapsed from the date of the Battle of Lexington, in 1775, until this year of grace, 1920. During the 145 years since the beginning of the American Revolution in 1775 the United States has been engaged either in civil or foreign wars for almost 38 years, or 25 per cent of the time. We have had one year of such war for every three years of peace, considering the years of Indian warfare and minor disturbance as peace time. The length of the peace periods during those 145 years are as follows:

The War of the Revolution to war with France, 15 years 3 months; the war with France to war with Tripoli, 9 months; war with Tripoli to war with Great Britain, 7 years and 1 month; war with Great Britain to war with Algiers, Tunis, and Morocco, about 1 year; war with Algiers, Tunis, and Morocco to war with Mexico, about 30 years and 6 months; war with Mexico to Civil War, 12 years and 10 months; Civil War to war with Spain, 31 years and 8 months; Philippine insurrection to Cuban pacification, 4 years and 3 months; Cuban pacification to Nicaraguan expedition, 3 years and 5 months; Nicaraguan expedition to Vera Cruz expedition, 6 months; Vera Cruz expedition to Mexican punitive expedition, 1 year 3 months; Mexican punitive expedition to World War, 2 months, making a total of about 107 years of peace out of the 145.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. KAHN. In just a moment; then I shall be glad to yield to my friend from Illinois.

During the 145 years since 1775 the armed forces of the United States have been engaged in some sort of warfare for a little over a hundred years, or 69 per cent of the total time. That includes foreign wars, Indian wars, and minor domestic disturbances, as well as the Civil War. So we have had our Army occupied in one kind of warfare or another during our history for a period of two years of warfare to one year of peace.

Now I yield to the gentleman fom Illinois.

Mr. MADDEN. The World War closed on the 11th of November, 1918, and our Army was supposed to have been demobilized. How many American soldiers and how many American officers are still doing service at Coblenz? And if the gentleman can and will tell, what part of the expense for the maintenance of this army at Coblenz is being paid by Germany, if any?

Mr. KAHN. I will say to the gentleman from Illinois that there are about 17,455 American officers and enlisted men in Germany. That includes the bridgehead at Coblenz, and also the plebiscitary area in upper Silesia. Under the terms of the armistice Germany was to bear the expense of our troops in Germany. Not only that, but Germany was also to bear the expense of bringing the supplies to our troops in Germany. During the hearings on the pending bill I took occasion to ask Gen. Hines, chief of the transportation of our Army, whether he could furnish me any data as to what Germany has paid on account of the extraordinary expenses of this country in connection with maintaining our troops on the Rhine and elsewhere in Germany, and I can say to the gentleman that this very morning I received from the Secretary of War a letter bearing upon this subject, which letter I will ask the Clerk of the House to read in my time.

The CHAIRMAN. Without objection, the Clerk will read.

There was no objection.

The Clerk read as follows:

WAR DEPARTMENT,
Washington, April 9, 1920.

HON. JULIUS KAHN,
Chairman Military Affairs Committee,
House of Representatives, Washington, D. C.

MY DEAR MR. KAHN: The Chief of Transportation Service has advised me that you requested during the hearings on the Army appropriation bill certain information relative to any amounts paid by the German Goverament under the terms of the armistice agreement relating to the maintenance of the army of occupation.

Under the interpretation of the terms of the armistice agreement Germany is required to compensate the United States for all expenses incident to the maintenance of the daily life and activities of the troops of occupation. Germany is also required to reimburse the United States for all freight charges on the necessary supplies from the United States to European ports and thence to the German frontier.

In order that your committee might have full and detailed information, a cable was sent Gen. Allen calling for a report of the status of payments made up to the present time, and under date of April 4, 1920, Gen. Allen replied as follows:

"Reference W 199. German Government has paid in marks as follows: December, 1918, and January and February, 1919, 109,000,000; March, 1919, 19,000,000; April, 1919, 80,000,000; May, 1919, 100,000,000; February, 1920, 50,000,000; March, 1920, 75,000,000; total, 433,000,000. Total has been credited to appropriation pay of the Army. All has been used for partial payment troops. No payment

has been made for transportation service in connection with troops. Transportation has been furnished in kind in Germany. Claims for damages paid directly by German Government after investigation by these headquarters."

In addition to the payments reported in the preceding paragraph, a deposit of $2,079,069.77 was made in August, 1919, to the credit of the Treasurer of the United States as "Miscellaneous receipts, payment by German Government of requisition drawn in partial settlement of the amount due under the terms of the armistice."

The cost of the occupation of the American Army for the first four months, from December 1, 1918, to March 31, 1919, has recently been refigured on the basis of settlement agreed to by the Interallied Armistice Commission at Spa, Belgium. This daily per capita cost for the period in question amounts to the following: Officers, $10.92028; soldiers, $4.24641; animal, $1.83896. The total average daily cost based on the strength of the command for the period in question amounts to $1,220,948. An officer has recently been sent to report to the commanding general American forces in Germany with a complete statement and supporting data upon which the above figures are based for the period mentioned and to assist in the preparation and submission of figures showing the cost of occupation for period subsequent to that time.

Very truly, yours,

NEWTON D. BAKER,
Secretary of War.

Mr. MADDEN. I notice that the Secretary of War reports that the payment has been made in marks. What I would like to know is how much it amounts to in dollars, so that we can understand it. Four hundred million marks may amount to $2,500, according to my recollection. [Laughter.]

Mr. KAHN. I will say to the gentleman that I made inquiry as to how many marks were equivalent to $1, and I find the marks have fallen so that about 50 marks were required to make $1. But I think there has been a rise lately and the mark is not as low as it was. But I think you can get an idea of what the expense is when I recall that the Secretary says that the cost is about $1,220,000 a day. Now, of course, the financial experts will have to figure out how many marks that will amount to.

Mr. MADDEN. Our troops have been in occupation of the Coblenz bridgehead and in Silesia for about 17 months. If the cost amounts to a million and some odd thousands a day, and we have been there 500 days or a little over, it would be equivalent to about $750,000,000, in payment of which we have received 437,000,000 marks, and I understood the gentleman to say that deposits had been made to the credit of the Treasury amounting to $2,000,000; and if we take the $2,000,000 as the basis for the German payment of a contract obligation of $750,000,000 we are not coming anywhere near getting payment for the service we are rendering. The American people are being taxed for that, are they?

Mr. KAHN. That goes without saying. Of course, this force in Germany is being maintained at the present time out of the Treasury of the United States very largely.

Mr. MADDEN. I would like to ask this further question: Under the terms of the armistice there is no obligation on Germany to grant any indemnity to the United States. We make no claim for indemnity for losses, for territory, for payment of damages, or anything of that sort?

Mr. KAHN. We made no demand for indemnity in any form, and the Allies took us at our word and did not arrange for any indemnity.

Mr. LONGWORTH. If the gentleman will pardon me for a moment, I have just consulted the financial page of a recent paper and I find that the mark is now quoted at 1.98, or about 2 cents. It used to take about 5 marks to make a dollar.

Mr. KAHN. Yes.

Mr. MADDEN. That is getting along very well.

Mr. KAHN. I thank the gentleman from Ohio [Mr. LONGWORTH].

Mr. MADDEN. How do our troops compare in number in German territory with the English troops at the Cologne bridgehead?

Mr. KAHN. I have read the speech of Winston Churchill, secretary of state for war of Great Britain, made in the House of Commons on February 23, 1920. He stated at that time that England had a total of 16,000 officers and men in the occupied territory of Germany; so that we have about 1,455 more officers and men in that area than England has.

Mr. MADDEN. The territory occupied by England, if I understand the terms of the armistice, is intended to be occupied by the English troops for a period of five years, while the territory occupied by the United States troops is to be occupied for a period of 10 years.

Mr. KAHN. Not in the armistice; under the terms of the treaty of peace which was rejected by the Senate recently.

Mr. MADDEN. Yes; under the treaty.

Mr. KAHN. Under the terms of that treaty the United States is bound to maintain troops along the Rhine. The Cologne bridgehead is to be surrendered at the end of five years in case Germany lives up to her treaty obligations. The Coblenz bridgehead, where our troops are stationed, is intended to be evacuated in 10 years if Germany lives up to her obligations, and the Mayence bridgehead, where the French troops are, is to be evacuated in 15 years in case Germany carries out all the conditions which she has agreed to perform.

Mr. KEARNS. Will the gentleman from California yield?

Mr. MADDEN. Let me ask the few questions that I am recognized for. Has the gentleman any information which he thinks would be of interest to the House and to the country tending to show why it is that, notwithstanding the fact that England under the treaty has been granted vast areas of territory, has been allotted indemnity under the reparation commission, has been supplied with German ships, territory, money payment, and all kinds of equipment——

Mr. KAHN. And other material.

Mr. MADDEN. And other material, with locomotives and trains of cars, and all equipment to enable it to function in time of peace, America has been supplied with nothing except a bill of expense; yet she is there with an Army greater than that of England and being paid for out of the American Treasury, while I undertake to say the army of occupation sent there by England is being paid for—every dollar of it—by the German Government? Has this committee any jurisdiction over that sort of situation?

Mr. KAHN. No; I do not believe that the Committee on Military Affairs has any jurisdiction over this situation; but the facts are pretty much as the gentleman has stated them. We have more troops in the German area than the Government of Great Britain has if the statement made by Winston Churchill on the floor of the House of Commons is correct, and I am satisfied that the honorable gentleman was correct when he made that statement.

Mr. Chairman, the question asked by the gentleman from Illinois regarding the great expense to this Government growing out of the presence in German territory of our troops is really a serious one. I do not know whether Germany will ever be able to meet the expenses of our occupation. As the letter of the Secretary of War indicated, they are growing enormously. A rough calculation made by the gentleman from Illinois is that they now owe us $750,000,000.

Mr. MADDEN. About a million and a half dollars a day, is it not?

Mr. KAHN. A million and a quarter dollars a day. I doubt whether we will ever be able to recover the great amount of indebtedness from the German Government. I would be glad if the Committee on Military Affairs had jurisdiction over this matter, in order that we might try to accomplish the purpose of getting the pay for our soldiers who are in German territory or of withdrawing our troops from Germany. [Applause.]

Mr. MADDEN. The question is whether we are going to continue on forever in this altruistic expenditure of the public money or whether we are ever going to be able to relieve the burden of taxation from the backs of the American people.

Mr. KAHN. I wish I could answer that question. I am just as anxious as is the gentleman from Illinois to relieve that burden.

Mr. KEARNS. Will the gentleman yield?

Mr. KAHN. I yield to my colleague on the committee.

Mr. KEARNS. I understand the gentleman to say it is costing the Treasury of the United States $1,220,000 per day.

Mr. KAHN. The Secretary of War, in a letter to me which was read a few moments ago, stated, as I recall the figures, that the daily expense for our troops in German territory is about $1,220,000 in round numbers.

Mr. KEARNS. And they have been there about 500 days. Now, I understand the gentleman further to say that the Military Affairs Committee of the House has not any way at all of preventing this. If we should include an amendment to this appropriation bill providing that no part of this money shall be expended to maintain troops along the Rhine, I was just wondering if that would not be effective.

Mr. KAHN. It has been held repeatedly that the Commander in Chief of the Army and the Navy of the United States, who is the President, has the right to send American troops wherever the rights of our Government demand that they be sent, and under those rulings I doubt whether such a limitation would be proper or effective.

Mr. KEARNS. Will the gentleman yield for this further question? Has it not always been held that any appropriations committee can direct how the money that they are appropriating shall be used?

Mr. KAHN. Yes.

Mr. KEARNS. And if this Congress should fail to appropriate the money for that purpose the President could not maintain those troops there.

Mr. KAHN. In our foreign relations we have never tried to circumscribe the use of our troops.

Mr. KEARNS. Would not this be a good time to undertake to circumscribe it?

Mr. KAHN. I doubt the constitutionality of such an attempt. I want to say that the President has seen fit to send troops into Mexico twice, when we were not at war with Mexico, and Congress paid the bills. The President has seen fit to send troops into Nicaragua. He has sent troops into Haiti. He has sent troops into Santo Domingo, and President Roosevelt sent troops into Panama when the revolution broke out there. It has been done at various times since the organization of the Government, and Congress has always recognized the right of the Chief Executive, as Commander in Chief of our Army and Navy, to send troops where the interests of our country demanded that they be sent.

Mr. LONGWORTH. Will the gentleman yield?

Mr. KAHN. I yield to the gentleman from Ohio.

Mr. LONGWORTH. If I caught the question of the gentleman from Illinois [Mr. MADDEN] accurately, I do not think that the gentleman from California has made a specific answer to it. The gentleman from Illinois asked why it was that in this peace settlement Great Britain and other countries got all the benefits and America got only the liabilities. I think the gentleman will agree with me that the answer is that the President of the United States and the peace commissioners deliberately bargained away the rights of the American people in order to obtain their League of Nations. [Applause.]

Mr. KAHN. I did say that we asked for no indemnities, we asked for no material, we asked for nothing at the peace council, and the other nations took us at our word.

Mr. McKENZIE. Will the gentleman yield?

Mr. KAHN. I yield to my colleague on the committee.

Mr. McKENZIE. I desire to ask my colleague from California if it is not a fact that the power of the Committee on Military Affairs, and, in fact, the power of Congress, over the Army is in limiting the size of the appropriations for the number of men and officers of the Army? That is the power that we have under the Constitution. When we have exercised that power and provided for an Army, as we do in this bill, of 175,000 men, then, under the Constitution of the United States, the power of distributing those troops is in the hands of the Executive——

Mr. KAHN. As Commander in Chief of the Army.

Mr. McKENZIE. And not in the power of Congress, and any limitation we might put on the appropriation bill would be ineffective. Is not that true?

Mr. KAHN. I will yield to the gentleman from Texas, who has been on his feet for some time.

Mr. RAYBURN. Is the gentleman in favor of withdrawing our troops in Germany at once, without consultation with the Allies?

Mr. KAHN. I am in favor of withdrawing the American troops from Europe at the earliest practicable moment.

Mr. RAYBURN. Everybody is in favor of that, but, as indicated by the gentleman from Ohio and the gentleman from Illinois, it matters not what the agreement is we have got with the Allies, are we to withdraw now?

Mr. KAHN. We are only held at the present time under the armistice agreements. What those agreements are I do not know, because the armistice, which was signed on November 11, 1918, was continued a number of times, and I am not familiar with the terms of the continuances.

Mr. RAYBURN. Then our rights which were bargained away, that the gentleman from Ohio [Mr. LONGWORTH] speaks of, in the peace treaty, is not true, because the peace treaty is not in effect.

Mr. KAHN. That is true. We are not bound by the peace treaty in any way, shape, or manner, because we are not a party to it.

Mr. LONGWORTH. I never contended that we were.

Mr. GARNER. Will the gentleman yield?

Mr. KAHN. Certainly.

Mr. GARNER. If I caught the statement correctly, the Secretary of War states that it is costing us a million and a quarter dollars a day to maintain our troops in Germany. How much appropriation does this bill carry?

Mr. KAHN. The total appropriation is about $377,000,000.

Mr. GARNER. Then, if I understand it, it will take the entire amount carried in this bill to defray the expenses of our troops in Europe for a year.

Mr. KAHN. Oh, no.

Mr. GARNER. The gentleman says a million and a quarter dollars a day, and there are 365 days in the year. I would like to know how you are going to support the Army in this country.

Mr. KAHN. The administration is looking to Germany to pay that million and a quarter dollars a day.

Mr. GARNER. Is it in fact being paid by Germany?

Mr. KAHN. No; it is not in its entirety. They have made a few payments. As I stated—I imagine the gentleman was probably not in the Hall at the time—I fear Germany would never be able to pay this enormous sum, and that the burden was going to fall upon the shoulders of the American taxpayers in the final analysis.

Mr. GARNER. That will take $400,000,000 a year on the present basis.

Mr. KAHN. I imagine so.

Mr. GARNER. What does the gentleman say to the proposition of the gentleman from Illinois [Mr. McKENZIE] to place on this bill the proviso, substantially, that no part of the appropriation carried in this bill should be used for the purpose of paying soldiers outside of the United States or its possessions?

Mr. KAHN. I believe that the President would probably disregard such a provision, because attempts have been made in the past to limit appropriations along the line suggested by the gentleman from Texas, and it has always resulted in keeping our soldiers in the territory that they occupied, nevertheless.

Mr. GARNER. The President of the United States has no more power to expend money than has the gentleman from California. The Auditor for the War Department passes on the question as to the legality of the expenditure, and I undertake to say that if Congress places in the bill a provision that no part of the money appropriated shall be spent for troops outside of the territory of the United States, no auditor would approve a voucher for that purpose.

Mr. KAHN. I do not know; the gentleman from Texas has more confidence than I have.

Mr. GARNER. I believe that the law will be administered as written.

Mr. KAHN. The Commander in Chief of the Army has always maintained that he has a right to send troops where he thought the necessities of the United States require it.

Mr. GARNER. He might send the troops, but he would have no money to pay them.

Mr. KAHN. I think the auditor would allow the necessary funds to be withdrawn from the Treasury for that purpose.

Mr. DONOVAN. Will the gentleman yield?

Mr. KAHN. Certainly.

Mr. DONOVAN. I do not recall hearing the gentleman state a comparison between the cost of our troops and those of the French. I heard the comparison made with those of England. If the gentleman knows, will he state the comparison with the French troops?

Mr. KAHN. I stated that there were about 16,000 English troops, but I did not pretend to say how much their cost was.

Mr. DONOVAN. And how many French troops?

Mr. KAHN. I do not know. I have heard it stated, in substance, that France had something like 64,000 troops at her bridgehead.

Mr. DONOVAN. And that is more than the United States has?

Mr. KAHN. Oh, very largely in excess of ours and of the English combined.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. KAHN. I will.

Mr. GREEN of Iowa. I want to say further, with all due deference to my friend from Illinois [Mr. McKENZIE], who is usually so correct and accurate, that I do not like to take issue with him, but every authority on constitutional law that I know of holds just absolutely the contrary of what he has just stated. In examining the question with reference to the treaty powers of the country, which came before us incidentally in the discussion a few days ago, I found that all the authorities state that while Congress can not make peace it could bring peace about by refusing to appropriate money to carry on the Army.

Mr. LITTLE. Will the gentleman yield?

Mr. KAHN. I will.

Mr. LITTLE. On page 62 of the bill I find an appropriation of $10,000 for the Secretary of War to revise and codify the military laws of the United States. The Judge Advocate General's office informed me only a few days ago that they had finished and sent to the printer a codification of those laws and asked if I would help them to get it printed without further delay. I do not think that is necessary. Furthermore, the Committee on Revision of the Laws, which has worked on the bill to revise and codify the general laws of the United States, has completed its revision and codification of the military laws of the United States and the Public Printer is printing them. They are all assembled and printed. They have been presented and compared with the data of the Judge Advocate General's office in the War Department and, as far as we can learn, have been found satisfactory. In view of the fact that the work has been done twice already and is in the Printing Office and

that the presentation of it by the Committee on the Revision of the Laws is printed and that part of the bill ready to present to Congress and in view of the fact that the gentleman's committee has no authority of the subject and the Secretary has no authority and that there is not any law authorizing it, just why is the $10,000 going to be appropriated?

Mr. KAHN. I will say to the gentleman that a bill passed by this House and reported by the Committee on Military Affairs about three years ago carried an appropriation for the revision and codification of the military laws. That was done, I am informed, at the request of the Judge Advocate General of the Army. It became law. The war came on and we were informed that the work had not been continued. But the members of the committee felt that there should be at the earliest practical moment a codification of the military laws of the United States. Nobody seems to know just exactly what the military law is. I am very glad to hear that the gentleman has taken up the matter. I am very glad to know that he has completed the matter and that it has the approval of the Judge Advocate General's office, and I dare say, in view of that statement, the Committee on Military Affairs will ask that the provision in the bill be stricken out. If the gentleman can give us the assurance that it will be printed soon, we will thank him still more.

Mr. LITTLE. It is in print, and if the gentleman will come into my office I will be very glad to show it to him, O. K'd. by the gentleman from the Judge Advocate General's Department.

Mr. KAHN. I would say that the gentleman has done a splendid piece of work for his country if he has codified, as he says he has, the military laws of the United States.

Mr. LITTLE. And let me add that that department has done the same thing, and it is now in the Printing Office, and they are trying to get it printed.

Mr. KAHN. Perhaps it will be necessary to furnish the money to get a speedy printing of it. That is a matter, of course, which we can discuss when we take up that feature of the bill.

Mr. LITTLE. Our committee did this, and it is already printed. After that had been done and printed the Judge Advocate General's office informed me they had sent theirs to the printers and it is all in print, and they have compared the two, and they have no criticism to offer of ours, and I do not see why they need go on with it, but to that I have no objection if they desire to do so, though I think this $10,000 can be saved.

Mr. KAHN. It is essential that that work of codification be done without delay.

Mr. LITTLE. I am very glad the gentleman feels that way about it.

Mr. KAHN. Because it is my belief there is no Army officer, or no Member of this House or, I believe, of the Senate, who today knows all about the military law of this country.

Mr. LITTLE. I am quite familar with that unfortunate condition.

Mr. KAHN. Mr. Chairman, this bill provides for an Army of enlisted men of 175,000; of officers, about 16,000. The Committee on Military Affairs came to the conclusion that appropriations for an Army of that size would meet the conditions for the next fiscal year. The recruiting has not been very rapid nor satisfactory.

The recruiting division of the Judge Advocate General's Department started out on an intensive drive for 84,000 recruits on January 16, 1920, and they expected to enlist them by March 31. The total number of men recruited at the various recruiting stations was about 20,000, less than 25 per cent of the total number it was hoped to bring into the service. It is true that a little over 3,000 men were recruited at the camps, but I presume most of them were reenlistments. So that it was the judgment of the Committee on Military Affairs that we were entirely safe in appropriating for an average force of 175,000 enlisted men for the fiscal year 1921.

The great expense of the Army at the present time is due largely to the increased cost per capita of the Army personnel. When we went into the World War the pay of the enlisted man was $15 a month. Privates of the first class were paid $3 additional. Under the present law the private receives $30 a month and the first-class private receives $33 a month. So that the pay of the enlisted man has been doubled.

Mr. QUIN. Mr. Chairman, would the gentleman there show to the House the exact cost, the average per man, officers and all?

Mr. KAHN. The War Department, in a letter sent to me some weeks ago, indicated that the present cost is about $1,600 per man per year. During the war it was over $2,000 per man. In the period before we entered the World War it was about $1,200 per man per year. It might be interesting to know some of the details of the rapid increase of the cost to the Government for the personnel of the Army.

Mr. MERRITT. Mr. Chairman, do those figures of $1,200 represent the average officers and men?

Mr. KAHN. Yes. The ration before the war and during the period that I have been on the Committee on Military Affairs had gradually risen from 18 cents a day in 1905 to 28 cents a day in 1917. At the present time the ration is 54¼ cents per day, or double the amount it was in the year immediately preceding our entrance into the war.

Mr. DUNBAR. Mr. Chairman, will the gentleman yield?

Mr. KAHN. In a moment. The cost of the commissary articles in Washington and vicinity was as follows: Butter, January, 1915, 34 cents a pound; in 1920, 60 cents a pound. Bacon, in 1915, 20.9 cents a pound, and to-day, 47.9 cents a pound. Vinegar, which is used very largely in connection with the animals for the Army, cleaning the stalls and the mangers, 10½ cents a gallon in 1915 and 50 cents a gallon to-day. Rice, per pound, in 1915, 5 cents; to-day, 14 cents. Coffee in 1915, 30 cents, and to-day, 45 cents.

I shall ask unanimous consent to insert this full statement in the RECORD as part of my remarks.

The CHAIRMAN. Without objection, it will be so ordered. There was no objection.

The statement is as follows:

Cost of commissary articles in Washington and vicinity.

	January, 1915.	January, 1919.	January, 1920.
	Cents.	*Cents.*	*Cents.*
Butter, per pound	34	.....	60
Bacon, do	20.9	.....	47.9
Vinegar, per gallon	10.5	.....	50
Rice, per pound	5	.....	14
Coffee, do	30	.....	45
Ham, do	14.8	.....	31.9
Beans, do	5.5	.....	12
Sugar, do	5.3	.....	15
Condensed milk, per can	12.3	21	16
Tomatoes, do	5.5	.....	18
Salt, per bag of 3 pounds	2.8	.....	5.7
Prunes, per pound	8.8	.....	21
Flour, do	3.1	.....	6.2
Onions, do	1.7	.....	6

Mr. KAHN. The matter of clothing and subsistence is also very important, as will be seen from the following statements:

Memorandum—Requirements Division.

APRIL 13, 1920.

From: Maj. Zeidner.
To: Col. Gerow, Room 1046.
Subject: Cost of articles of clothing.

1. Below is a list showing the difference in cost of the following articles of clothing between the years 1916 and 1920, with percentage of increase:

Article.	Cost 1916.	Cost 1920.	Per cent of increase.
Blouse	$3.95	$9.79	148
Breeches	2.31	6.32	173
Hat	1.04	3.00	189
Shoes	2.81	7.00	142

SAMUEL I. ZEIDNER,
Major, Quartermaster Corps, Chief Requirements Branch, C. & E. Division.

WAR DEPARTMENT,
OFFICE OF THE DIRECTOR OF PURCHASE AND STORAGE,
Washington.

Subsistence.

Cost of ration fiscal year 1916, $0.28104; present cost of ration, $0.5525; per cent increase, 99+.

There has been a steady increase in the cost of practically all foodstuffs since the cessation of hostilities. Sugar may be taken as an example. Should subsistence supplies increase much more in cost the amount estimated will be insufficient.

Hay: December, 1916, $15 to $17.50; May, 1917, $19 to $22; December, 1917, $26 to $28. Price per ton, Department of Commerce. Fiscal year, 1920, $32; average price paid. Estimates for 1921 based on $32. April 14, 1920, quoted Chicago, $40 per ton. Per cent increase over 1916, fiscal year 1920 prices, 82 per cent; Chicago quotations, 148 per cent.

Oats: July, 1914, $1.107; July, 1915, $1.587; July, 1916, $1.215; July, 1917, $2.29. Price, wholesale, per hundredweight, Department of Commerce. Fiscal year, 1920, $2.25 per hundredweight (prices paid). Estimates for 1921 based on $2.25. April 14, 1920, quoted Chicago, $3 per hundredweight. Per cent increase over 1916, fiscal year 1920 price, 85 per cent; Chicago quotations, 147 per cent.

Coal, soft: 1916, $2.51 per ton; present price, $4 per ton; f. o. b. mines. Per cent increase, 67 per cent.

Coal, hard: 1916, $5.27 per ton; present price, $7 per ton; f. o. b. mines. Per cent increase, 32 per cent.

Paper: Increase cost over 1913, 74 per cent.

The same is also true with transportation, as will be seen by the following statement:

TRANSPORTATION.

Cost, 1915, per capita	$134.57
Estimated cost, 1920, per capita	262.83
Water, rail, animal drawn	186.63
Motor	76.20
	262.83

The cost per capita for the fiscal year 1920 is of necessity estimated, due to the impossibility of obtaining data from all parts of the field and from forces in Germany, and also to the short time in which to collect these figures. It also requires considerable time to pick out of the costs the items due to war operations and which should not be used as comparative against peace costs. In arriving at the above costs all possible items chargeable to war conditions have been eliminated and figures shown are believed very close to actual costs. Several conditions are responsible for the increase in cost. For instance, increase in railroad tariffs, greatly increased costs of all commodities, such as fuel, supplies, repairs, wages, stevedoring, and particularly replacement materials. It is believed an average increase of at least 85 per cent in this cost has been reached over prewar conditions. This percentage, however, it is not believed will be sufficient to cover the balance of the fiscal year 1920 and 1921.

So that one does not have to stretch his imagination very far to see why this enormous increase has come upon the taxpayers of the country in the maintenance of our military forces.

Mr. DUNBAR. Will the gentleman yield?

Mr. KAHN. I yield to the gentleman.

Mr. DUNBAR. This appropriation bill provides for practically 200,000 men in our Army, including officers?

Mr. KAHN. One hundred and ninety-one thousand.

Mr. DUNBAR. Practically 200,000 for the purpose of basing the calculation, roughly, which I am about to make. This bill carries an appropriation of $377,000,000, which is approximately $1,700 a year expense for every soldier and officer in our Army. Now, in view of that fact I was wondering if the letter from the Secretary of War announcing that our Army in Germany cost $1,250,000 a day was not an error. We have over there approximately 15,000——

Mr. KAHN. Seventeen thousand five hundred.

Mr. DUNBAR. Seventeen thousand five hundred men. That would make the cost per man per day something like $60, or $21,000 a year per man.

Mr. QUIN. Here is the amount exactly, and I think the Secretary of War is in error. It would be $70.14 a day, or $25,550 a year, for every officer and man. Surely that can not be correct, I suggest to my friend.

Mr. KAHN. Of course, I received the letter from the Secretary of War this morning and I have not had an opportunity to analyze it, but I have always found the Secretary a pretty accurate man. I do not know whether there is any mistake or not, but I shall be glad to take it up with the Secretary before long and see whether there is a correction to be made.

Mr. DUNBAR. I want to say to the gentleman there is evidently an error in this amount, for it is preposterous to suppose that the cost of maintaining a soldier in Germany would amount to $2,500 a year.

Mr. KAHN. I want to say to the gentleman that in estimating for the entire Army we are carrying at this time and probably will have to carry for quite a number of years a considerable sum of money for cleaning up the war work of the country. In this bill there is a total amount of $22,777,839.40 which can be attributed solely to our participation in the war. Yet they are expenses that have to be met by our Government and the taxpayers have to furnish the funds to pay them.

Mr. DUNBAR. Will the gentleman answer another question?

Mr. KAHN. If I can.

Mr. DUNBAR. Germany is under obligation to reimburse the United States for our troops stationed in their country. Is that true?

Mr. KAHN. There is an agreement under the armistice; I believe that is the case. The Secretary so stated in his letter.

Mr. DUNBAR. But the gentleman is not absolutely certain?

Mr. KAHN. I take the Secretary's word.

Mr. DUNBAR. I know; but the Secretary also stated that the cost of maintaining troops over there was $1,000,000 and over a day, so possibly there is an error somewhere.

Mr. KAHN. Of course, the gentleman knows that we have not ratified the treaty and therefore are not bound by any terms of the treaty; but we went into the occupied area immediately after the armistice was agreed to by the allied nations and ourselves in November, 1918, and have continued there under the terms of the armistice.

Mr. DUNBAR. But the gentleman believes it doubtful if Germany will ever be able to reimburse us, as we are all doubtful that Europe will be able to reimburse us for the $10,000,000,000 which we have advanced.

Mr. KAHN. Well, figuring from cause to effect, I should say that if Germany contemplates meeting her great obligations to the allied nations under the terms of the treaty she will not have any money left to pay the United States for retaining soldiers there to carry out the terms of a treaty to which we are not a party.

Mr. McKEOWN. Will the gentleman yield?

Mr. KAHN. Yes.

Mr. McKEOWN. I understood the gentleman from California, in reply to the gentleman from Illinois, to say that under the provisions of the treaty the bridgehead occupied by the English was to be released in 5 years, and the one occupied by the American troops in 10 years, and the one occupied by the French in 15 years.

Mr. KAHN. That is under the terms of the treaty; the gentleman is right.

Mr. McKEOWN. Under that provision the gentleman does not mean to give the impression that the American soldiers alone would occupy the bridgehead they now occupy?

Mr. KAHN. Oh, they can be transferred to Cologne, and the English could be transferred to Coblenz.

Mr. McKEOWN. The 5 years and 10 years referred to are to be occupied by the allied soldiers?

Mr. KAHN. Exactly, and ourselves. We have never considered ourselves as an ally of the Allies. We have always referred to our troops as cobelligerents, and the treaty of peace has referred to the allied nations and associated powers, we being an associated power.

Mr. McKEOWN. And the control of the soldiers has been retained by the United States Government all this time?

Mr. KAHN. Oh, yes. The President sent his letter to Congress in response to a resolution that I had offered in the House in which he stated very fully and very clearly the position of American troops in Europe.

There are a number of legislative features in the bill, which I shall try to explain as we reach the pages on which they appear.

Mr. FAIRFIELD. Will the gentleman yield?

Mr. KAHN. I certainly will.

Mr. FAIRFIELD. As I understand, the consensus of opinion on the part of the Members of the House is that we could in no way interfere with the President's continuing those troops in Germany.

Mr. KAHN. I think that is the case.

Mr. FAIRFIELD. The gentleman understands, then, that the President, on his mere motion, or any succeeding President, could continue the troops there indefinitely if he were so minded, thus leaving Congress absolutely helpless in the matter?

Mr. KAHN. Of course, they are there in accordance with the terms of the armistice and the extensions of the armistice of November 11, 1918. The precedents all go to show that the President of the United States as Commander in Chief of the American forces has the right to send American troops where he considers American interests are involved; and, as I stated before, the Presidents in the past have sent our troops into countries with which we were not at war in order to protect American interests. I took occasion to look up the authorities when the Committee on Military Affairs had before it the resolution about returning American troops from Siberia, and I think there is no difference among the authorities that the Commander in Chief has the right to send American troops as I have indicated.

Mr. FAIRFIELD. I quite agree with the gentleman on that proposition. And not only that, I think any limitation of that power would go to the very heart of the institutions of this country; so that, for good or ill, during the incumbency of the President the Army and the Navy are under his charge, to be used whenever and wherever he pleases to send them.

Mr. KAHN. I am entirely in accord with the gentleman's views of the matter.

Mr. Chairman, I reserve the balance of my time. [Applause.]

Mr. DENT. Mr. Chairman, I yield to the gentleman from Arkansas [Mr. TAYLOR].

Mr. TAYLOR of Arkansas. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

Mr. LONGWORTH. Reserving the right to object, on what subject?

Mr. TAYLOR of Arkansas. On some legislation that has been enacted into law. It does not pertain to this bill.

Mr. LONGWORTH. Are they the gentleman's own remarks?

Mr. TAYLOR of Arkansas. Yes. They are concerning legislation that has been enacted.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GREEN of Iowa having taken the chair as Speaker pro tempore, a message from the Senate by Mr. Dudley, its enrolling clerk, announced that the Senate had passed bills and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 4073. An act to authorize the construction of a bridge across the Missouri River near Kansas City;

S. 4167. An act to extend the time for the completion of the municipal bridge approaches and extensions or additions thereto by the city of St. Louis, within the States of Illinois and Missouri; and

S. J. Res. 186. Joint resolution to extend the authority of the county of Luzerne, State of Pennsylvania, to construct a bridge across the North Branch of the Susquehanna River from the city of Wilkes-Barre, county of Luzerne, Pa., to the borough of Dorranceton, county of Luzerne, Pa.

ARMY APPROPRIATION BILL.

The committee resumed its session.

Mr. DENT. Mr. Chairman, I yield 20 minutes to the gentleman from Mississippi [Mr. QUIN].

Mr. QUIN. Mr. Chairman and gentlemen, I think that the House of Representatives should be proud of the fact that the Committee on Military Affairs has followed a policy of economy and at the same time appropriated for an efficient establishment for our national defense so far as the Army is concerned. The War Department wanted over $900,000,000. Your committee has brought out $377,000,000, in round numbers, for an army of 175,000 men, with the officers, making it in all about 191,000. I have been against a big army. I have been against all the branches and arms of it that I thought would tend to bring about militarism in this country; but this measure, my friends, is one, I believe, that every man on this floor ought to support. The bill carries too many officers—and I will vote for an amendment to reduce the number of officers. The Army has already been provided for by this House, and this is the appropriation to maintain and support it for the next fiscal year. Republicans and Democrats alike on the committee agree on this matter, except some of us want more money for the National Guard, and it seems to me that in these times of extravagance and heavy burdens placed upon the taxpayers of the country, each and every Member of this House ought to feel that when the Military Committee brings out such language as this:

The committee felt that at this time it is necessary to practice rigid economy. The country faces a deficit of several billions of dollars at the beginning of the next fiscal year.

That your committee, in bringing out such language as that in its report, and feeling in its heart the effect of that language and the reason for it being necessary to practice economy in legislation, ought to be the subject of congratulation on the part of both sides of this House.

I regret that I have to disagree with my administration, with the Secretary of War, in his efforts to establish this great army of 576,000 men and officers in peace times. I regret that I can not follow him in his desire for a big standing army, but I congratulate this committee and this House on curtailing the Army and bringing out, as I verily believe, a bill for a sufficient army to guarantee the security of our citizenship and property rights and the honor of our flag for the next fiscal year. [Applause.] Who is it that really understands the situation that doubts that 175,000 men are plenty and ample in peace times? We know that in some corners of this Republic and in certain newspapers there is a manifest propaganda for a great army. All kinds of bugaboos have been put up to fool the American people. But after all it must come down to the good, sound judgment, to the sincerity and practical sense, of the representatives of the people to establish and maintain an army compatible with the security of our Republic.

This Congress, in my judgment, has used its good sense in Army legislation. Irrespective of all outside influences, with the feeling of obligation resting individually upon each Congressman, the House of Representatives has done, I believe, the clean and proper thing for the American people. And whatever amendments may be necessary to put in this appropriation bill, on its face as a whole the amount is not too much, and I believe is proper, and that every man on this floor, regardless of how small an Army he may want, would be justified in his heart and his conscience in supporting this measure that your committee now has placed before you.

True, the other end of the Capitol has been engaged in a desperate effort, as some did at this end of it not long ago, to place compulsory military service in our Army bill, in the reorganization scheme, and force that upon the country. But that monstrosity has been, fortunately for the people and the taxpayers of our country, eliminated from consideration. And according to my belief this institution, the Regular Establishment of the Army, can never be a great burden nor factor of militarism, because it is inbred in the bones and blood of the American citizenry to oppose a great Army and all of the attendant circumstances which would bring about the instrumentalities of oppression.

As a circumstance justifying that statement, the enlistments in the Army can not make it above about the 175,000 men that this bill provides for. The American men will not run over each other to go in peace times and enlist in the Regular Establishment, because they realize that their country is in no danger, and the citizen wants to be out and following civil pursuits; he wants to be out in some active, productive pursuit, where he is worth something to his country as a citizen and as a productive unit. With that spirit in the American manhood, we will never have a volunteer Army in peace times which will be a great burden on the taxpayers of this country nor one that could be a menace to the liberties of our Republic. One hundred and seventy-five thousand men will not alarm anybody. I doubt whether under the rate of enlisting at the end of the fiscal year we shall have the 175,000 enlisted men. Of course, you will have all the officers. You need not be worried about the officers; they will be there. Our chief aim has been to hold the bill down from being an officers' bill. Of course, it would be possible, under some of the schemes advocated, to have one officer to about five men. If that were the case, you would have a great army of officers without men to command. That is the thing that your committee has endeavored to look after.

I believe that this House would be most vitally interested in a bill to have a reasonable Army with the proper and adequate number of officers, but not too many officers. I heartily believe in good, well-educated and trained and disciplined officers, but I want those officers to be in proportion to the size of the Army.

The young men who have been officers in this present war are back in civil pursuits now. They are filling the necessary places in the productive industry and in the society of our Republic. If danger threatens and war clouds come, those men, as well as all the graduates of West Point who are in civil life, will be ready and willing to listen to the call of their country and come and train the raw recruits necessary to make an adequate army to defend us against any foe.

There is one question that came before this House to-day that I would like to discuss for a moment. The letter from the Secretary of War indicates that the 17,455 men and officers that this Republic has on the bridgehead at Coblenz, in Germany, cost daily $1,120,600. That would be a daily cost for each officer and man of $70.14, or an average cost of $25,550 per officer and enlisted man for a year. I call on our chairman now to do it, and if he does not do it I will introduce myself a resolution here to ask the Secretary of War to furnish detailed information as to why it is necessary for such an enormous expense as that per man for our men occupying the territory over in Germany to-day. [Applause.]

The average cost per man in the Army in this country is $1,600 per annum. Upon what basis could the Secretary of War estimate a cost of $25,550 per man for a year for the forces that this Government has occupying neutral territory in Germany to-day? I think there must be an error in the statement which the Secretary of War submits in this letter. This letter was dated April 9. It was read before you, and I hold it in my hand. Surely it was some clerk in his office that made up this statement and not the Secretary himself. One million one hundred and twenty thousand six hundred and fifty-four dollars per day for 17,455 men and officers!

The gentleman from California [Mr. KAHN] has demonstrated to you that we are not collecting all that money from Germany, and I do not think that in the fix that the German Government is in to-day we should oppress it and call for the last penny each month. We must give them time. We must let that nation get on its feet. We shall collect every dollar of the money in due course of time. But the American Government must be reasonable. We must not go out and oppress our late enemy while he is down and helpless in money matters and make conditions of anarchy and Bolshevism in that country. However necessary it may be to maintain this army over there for some time to come—and we must do it under the armistice agreement—the cost of that army should be held down to what is right and reasonable. I can not conceive of how it would cost $70.14 daily for each man we have got there and put that cost on the enemy. I do not believe in abusing the enemy. We have crushed the enemy. We are endeavoring now to get business and restore trade relations with the enemy that we had before, and so why should this Government put up such an expense account

as $1,120,000 a day against the poor, helpless enemy, when the maintenance cost per man of the Army in our own country to-day is only $1,600, while over there in Coblenz it is $25,550? Somebody must explain something to this Congress.

I can not understand why an army in Germany would cost $25,550 per year for each man and one in the United States, in this high-cost country that we have here, only $1,600 a year per man. We can not maintain it here for less. Nobody would expect us to maintain it here for less than we are paying now. Nobody would expect the Government to maintain the Army at a less expense per man, considering the additional cost of pay and of what they eat and the provender and the ammunition, which have all advanced, and I am afraid the high cost is with us for some time yet to come.

The Government has failed to practice economy. This Congress is endeavoring to bring about some economy. I believe this House is sincere in its efforts, and if the other branch over yonder would follow the same policy, and if the executive branch of this Government would get busy, we could cut down the expenses of this Government. [Applause.]

There is an estimate here from this very department that we are appropriating for—they wanted us to put up nearly a billion dollars for the Army. The American public as a rule lays all the extravagance at the door of Congress. I am just one humble Member of this House, and ever since the armistice was signed over yonder I have advocated on every hand the exercise of businesslike, sound judgment and economy in the administration of this Government. [Applause.] Some folks say it can not be done. Of course, it can not be done when all the executive departments of this Government are sending down great items and demanding that this Congress put them through. If this Congress fathers them and puts them through the country blames Congress. You know that back in every district they think that the individual Representative of the district is responsible for the waste and extravagance.

I wish the people could realize how legislation is brought about. I wish they could realize that these 107,000 employees in the District of Columbia are not handled by this Congress but are employed and handled by the executive branch of this Government, by these bureau chiefs and these Cabinet officers. And the Congress is getting the blame for every bit of it. We cut down the appropriations, endeavoring to get rid of useless clerks, and it seems like we are abused for doing that. The war is over. The armistice was signed away back yonder—November 11, 1918—and here it is crop-planting time in 1920 and still the war expense is running. We have had peace in everything except expenses; and I want to say that the Committee on Military Affairs had a very hard time getting our Army demobilized. We had to work for months and months endeavoring to get that Army down to what it is now. The Army is reduced now, and rightfully so, and it ought to stay down in peace times. If this House would back up its Committee on Military Affairs in endeavoring to hold the Army down in its size, the expenses of this Government, so far as the Army is concerned, would be reasonable and in proportion to the importance of this establishment.

Mr. KNUTSON. Will the gentleman yield?

Mr. QUIN. I yield; yes.

Mr. KNUTSON. Just what is the gentleman's proposition?

Mr. QUIN. This proposition before you is a reasonable one, only $377,664,000 for an Army of 175,000 men, and officers enough to make it $191,000 for the next fiscal year, the most reasonable proposition that has been brought to this House by any of the great committees. No man on this floor can complain at what has been done by the Military Affairs Committee of this House, and I want to say that both parties have been endeavoring to be economical and to hold down the Army to what the country can stand, and what at the same time the country would be safe in supporting and maintaining.

Some are endeavoring to reach out and put a consumption tax on the people of this country to pay for these things. They want to let the great profiteers, those who have made immense fortunes in this war, go free from taxation.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. QUIN. Let me have five minutes more.

Mr. DENT. I yield to the gentleman five minutes.

Mr. QUIN. They are endeavoring to put on the backs of the poor men and women and children of this country, through that sinister method of taxation called a consumption tax on sales, the burden of paying for the billions of bonds that have been floated to carry on this war. Personally I am for a bonus to the American soldiers who went over and fought this war, and I see propagandists busy now saying, "Yes, we will give the soldiers a bonus, but we want to put a tax on all the necessities of life, so that the poor people, the people who constitute the public, must pay when they buy any necessity of life."

Mr. BAER. Will the gentleman yield there for a question?

Mr. QUIN. Yes; I yield, if the gentleman will be quick about it.

Mr. BAER. Do not the people, in fact, pay the excess-profits taxes about five times over now, and would it not be better if they could pass the act?

Mr. QUIN. Oh, no; I want to say to my friend that you Republicans can not fool the people of this country with any such idea as that. [Applause.] The poor people of this country know that when you get a big income tax you are getting it out of the pockets of the people who are able to pay the taxes. I admit and I regret that to some extent the profiteers are able to pass the excess-profits tax on to the great multitude of this country.

I hope we can pass legislation that will make it impossible for these greedy people who have profiteered on the people during this war to continue their profiteering and their oppression of the people, and avoiding that tax by passing it on in such a manner that the poor people still have to pay it. [Applause.] But a propaganda is going out from certain places in the United States, and is permeating the committee room over here that we call the Ways and Means Committee, to put this consumption tax on the articles that the people must buy. The Republicans are taking hold of that proposition, and I fear a few Democrats will be caught in that trap, to let these rich men—the great corporate interests of the country—escape from taxation and to saddle the whole burden on the man with the hoe and the man and woman in the factory, in the mine, and in the workshop, the clerks, people in all the avocations of life, all who spin and toil, who must bear the burden. And a little later on you will take that tax off of the rich. You will reduce the income tax, you will take off the excess-profits tax, and place it all on the backs of the consuming public of this country.

Mr. McKENZIE. Will the gentleman yield?

Mr. QUIN. I have not time. I have only five minutes.

Mr. McKENZIE. We will give you two minutes over here.

Mr. QUIN. All right, if you will give me two minutes there.

Mr. McKENZIE. I want to get one thing clear in my mind. I understood the gentleman in his speech a few moments ago, in response to a question by the gentleman from North Dakota [Mr. BAER], to say that even the income tax and the excess-profits tax levied on the rich is finally passed on down to the consumer.

Mr. QUIN. I did not say that.

Mr. McKENZIE. Then I misunderstood the gentleman.

Mr. QUIN. Certainly, you misunderstood me. I said that the income tax caught these wealthy fellows, and we are going to keep on catching them unless you take it away. They do have some ability to pass a great deal of the excess-profits tax on to the public, and I desire legislation that would prevent them from passing the buck to anybody. Why, it seems to me that the American Congress ought to wake up and realize what is confronting the people of this country. You should know what the folks are talking about. Do you believe that the American people will sit idly by while you go on placing great burdens upon the taxpaying masses of this country by legislation specially devised to allow the rich to go free, and while they gather in all the bonds of this Government that it has issued, and through your consumption tax allow the public to be robbed?

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. McKENZIE. On behalf of the chairman of the committee, I yield to the gentleman from Mississippi three minutes.

The CHAIRMAN. The time of the gentleman is extended three minutes.

Mr. QUIN. The American people can stand much. About a year ago when I landed back in the United States from a trip abroad I read in the newspapers that Congress had just assembled; that the Republicans all over the country had demanded an early session of the Congress for the purpose of reducing the high cost of living. I do not know whether that was a false alarm or not. [Laughter.] I will not demagogue on such a serious subject. Every man on both sides of this House, Democrat and Republican, who had the intellectuality of a snowbird, realized that the whole world was short on production and the demand exceeded the supply, that you could not by legislation and by artificial methods reduce the cost of the commodities of life, but must rely on supply and demand. However, my friends, the American people know that State legislatures can stop profiteering within the State. They know that the American Congress can, to a certain extent, legislate for commodities

that come into interstate commerce and on all articles in the District of Columbia. But you have not up to this good hour put either one of those things into force. You content yourselves by blaming the Attorney General of the United States. I have no brief to defend Mr. Palmer. I admire him as a Congressman, as a citizen, and as Attorney General. I do not know whether he has done everything he could to stop the greed of the profiteers and I can not speak for him. I do not think the courts can remedy all this thing. I notice that some folks in the city expect the farmer to do his work for nothing. The first thing that they call on is that they want meat and flour for almost nothing. They want hog meat and beef at old-time prices, when the labor on the farm is getting excessive prices. Laborers on the farm are calling for $5 and $7 a day. That is so in the South, and I presume it is so all through the North and the West, and the farmers are paying $4 to $6 a day for men to cultivate the fields. And yet people in the city think that the farmer ought to get less for his products. I can not see on what process of reasoning they can arrive at that conclusion. In my judgment labor is worthy of its hire, whether it is the farmer, the blacksmith, the man in the sawmill, the man running the trains—I say that all labor is entitled to a just compensation for its service. And, on the other hand, the man should render full value received for the pay that he gets. [Applause.]

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. KNUTSON. Mr. Chairman, I ask unanimous consent that the gentleman from Mississippi may have two additional minutes, as I desire to ask him a question.

Mr. ANTHONY. I yield two minutes to the gentleman from Mississippi.

Mr. KNUTSON. I understood the gentleman from Mississippi to say that he was in favor of a bonus to soldiers. Has he given any consideration to the question as to how that money is to be raised to pay that bonus?

Mr. QUIN. How much time do I get to answer that question? [Laughter.]

Mr. KNUTSON. How much time does the gentleman need?

Mr. QUIN. Give me three minutes and I will answer it.

Mr. ANTHONY. I yield the gentleman three minutes.

Mr. QUIN. Yes; I have given consideration to it, and I will give you my reasons for it. We raised an Army to go abroad and fight with the Allies, about four and a half million American young men. You had back at home in this country men engaged in every activity. Our farmers at home received war prices and were more poorly paid than all other classes of labor during the war except the railroad men, and I have heard them criticized, but we ought to be fair to them. The engineers and the conductors and trainmen and shop workers——

Mr. KNUTSON. A point of order, Mr. Chairman. The gentleman is not discussing the bonus question. He is discussing the railroad question, and I want him to answer my question, as I am looking for information.

Mr. QUIN. I will answer it. All of these folks back home got high prices for their work; they slept in good, warm beds eight or nine hours every night; sat down to a table and ate three good meals a day. Now, you have given a bonus to all of the yeomanettes down here in the navy yard; you have given a bonus to every clerk in this Government, $240 a year; you have raised the salaries of everybody from the Farm Loan Committee clean on up except the salaries of Congressmen and Senators. You have raised everybody's salary. When these men over at the shipyards wanted more pay the executive department has gone over and raised their salary. You had salaries raised on every hand in this country. Thousands on thousands have profiteered in the necessities of life and made fortunes running into the millions.

Now, after the war is over, after these soldiers who have done their duty and after they went through the hardships, some of them dying in battle, some coming back gassed, wounded, and scarred for the rest of their lives, some of them deprived from making money like those back home—I am in favor of giving these boys a bonus and putting them on an equality with all the citizens that stayed at home and had a good time and slept in a warm bed every night. [Applause.] These soldier boys, who slept in the mud and who marched in the face of the enemy in the Argonne and were ready to die for their country—yes; I am going to vote to give them a bonus, and I think it should be raised from a tax on war profits; but if you will not raise it from that source, then add on more income taxes. The American people will not object. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. DENT. Mr. Chairman, I yield 45 minutes to the gentleman from Ohio [Mr. DAVEY].

Mr. HUSTED. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. Evidently no quorum is present.

Mr. KAHN. Mr. Chairman, I move that the committee do now rise.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. KAHN. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed Mr. DENT and Mr. KAHN to act as tellers.

The committee again divided, and the tellers reported that there were—ayes 7, noes 70.

So the motion to rise was rejected.

The CHAIRMAN. A quorum is not present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Bacharach	Freeman	Kincheloe	Rowan
Bankhead	Fuller, Ill.	Kitchin	Rowe
Barkley	Fuller, Mass.	Kraus	Rubey
Bell	Gallagher	Kreider	Rucker
Black	Gallivan	Larsen	Sabath
Blackmon	Gandy	Lazaro	Sanders, La.
Blanton	Ganly	Lehlbach	Sanders, N. Y.
Booher	Garland	Lufkin	Scully
Brinson	Garrett	McAndrews	Sears
Brumbaugh	Goldfogle	McArthur	Sells
Burke	Goodall	McCulloch	Shreve
Butler	Goodwin, Ark.	McGlennon	Small
Caldwell	Gould	McKenzie	Smith, Idaho
Campbell, Kans.	Graham, Pa.	McKinley	Smith, Ill.
Caraway	Hadley	MacGregor	Smith, Mich.
Carew	Hamill	Maher	Smith, N. Y.
Casey	Hamilton	Mann, Ill.	Smithwick
Chindblom	Haugen	Mason	Snell
Clark, Fla.	Hawley	Morin	Snyder
Copley	Heflin	Mott	Steagall
Costello	Hernandez	Nelson, Wis.	Stedman
Crago	Hill	Nicholls, S. C.	Steele
Cramton	Hoey	Nichols, Mich.	Stephens, Miss.
Crowther	Howard	Oldfield	Stevenson
Curry, Calif.	Hulings	Padgett	Sullivan
Denison	Hull, Tenn.	Park	Taylor, Tenn.
Dewalt	Humphreys	Parker	Treadway
Dickinson, Mo.	Johnson, S. Dak.	Peters	Vinson
Dickinson, Iowa	Johnston, N. Y.	Phelan	Voigt
Dooling	Jones, Pa.	Platt	Ward
Doremus	Juul	Porter	Wason
Drane	Kelley, Mich.	Ramsey	Williams
Eagle	Kelly, Pa.	Reavis	Wright
Ellsworth	Kennedy, Iowa	Reed, W. Va.	Yates
Fess	Kennedy, R. I.	Rhodes	Young, Tex.
Flood	Kettner	Riordan	
Frear	Kiess	Rodenberg	

The committee rose; and the Speaker having resumed the chair, Mr. TOWNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill H. R. 13587, finding itself without a quorum, under the rule he caused the roll to be called, whereupon 278 Members answered to their names, and he presented the list of absentees to be entered upon the Journal.

The CHAIRMAN. The committee will resume its session.

Mr. HARDY of Texas. Mr. Chairman, I ask unanimous consent for leave to revise and extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas? [After a pause.] The Chair hears none.

Mr. DAVEY. Mr. Chairman, I ask for leave to revise and extend my remarks.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. DAVEY. Mr. Chairman and gentlemen of the committee, it is my purpose in the time allotted to me to discuss certain outstanding features of the railroad strike. There seems to me to be two very evident facts in this situation. The first one is the fact that members of the old railroad brotherhoods apparently have a just complaint. The second one is that the red radicals have capitalized that complaint and are now directing the course of the strike as its active leaders.

I wish to discuss the first point in order to make my position clear. I happen to live in a little town which is a railroad center, a division point on the Erie, and I know these brotherhood men as intimately as I know anyone in the world. Many of them I have grown up with, and I want to say that those men whom I know and have seen all the years of my life are for the most part fine, substantial American citizens. [Applause.] And I do not suggest even that there is any lack of Americanism on the part of the great rank and file of the members of the brotherhoods who are now affected.

I want to give you two or three illustrations. I was riding on a passenger run that I have taken many times between my

home town and Cleveland just a month or so ago. I talked with a trainman on that passenger run, and, as a matter of curiosity, I asked him what he was making. He told me that his pay is $4 a day. He is a fine, wholesome American, steady as a clock, working day in and day out. I know that he is right at heart. In these days that wage is impossible for a man with a family. Four or five years ago it was a good wage and members of the old brotherhoods had a distinct advantage, the result of which was a gradual drawing to their ranks of fine types of Americans. You know them if you have observed at all. These fine old men in the brotherhoods represent as fine a stock of American citizens as I know.

I have in mind two young men with whom I grew up. Their father is president of one of the banks in my home town. These boys have railroaded all their lives. They are engineers. There are no finer Americans than those two boys, and yet their pay is $5.70 a day. If these men were required to support a family it is self-evident that to-day such a wage is unjust, especially for a man who assumes the responsibility of running an engine, who takes into his hands the life and safety of countless lives and vast wealth. Furthermore, the most ignorant and least skilled laborers are being paid much more than the best and most important men as a general rule. When the skilled worker who has spent years in the service draws a pay of $65 or $70 in two weeks sees ignorant and unskilled laborers all around him drawing a hundred to a hundred and ten or fifteen dollars for the same period, it is not to be wondered at that he feels himself unjustly treated, especially when the struggle to support his family is so intense and difficult.

I think I can speak as the sincere friend of orderly organized labor. I am sure that my record in the time that I have been in this House will sustain me. Having said that, I wish to bring out the other fact, which is apparent that this just complaint has been capitalized by the revolutionary group.

Gentlemen, the fact is that to-day the most active leaders of this railroad strike—understand me to say leaders now—were formerly paid agents of the I. W. W. And this is the truth, gentlemen; I have it on accurate authority. Whether they are to-day on the pay roll of that sinister organization I can not say, but the fact is that they have been paid agents of the I. W. W., which seeks to destroy this country. One outstanding example is that in Chicago. This is an official message:

One Bedell, an I. W. W. of reputation, had displaced Grunan, leader of the unauthorized strike.

A new organization has been formed in Chicago, known as the Railroad Workers' Union, which is to be affiliated with the "One Big Union." The officers of this organization are: Carl Pierson, one Carlson, A. E. Reese, and one Kane. This new organization is making every possible effort to cause the men employed in the railroad shops to strike in sympathy with the present workers who are out on strike.

Literature is being printed in Chicago to be sent broadcast through the country for distribution among the strikers.

And you have to-day a group of fine Americans, good citizens, with a just cause that has given them a state of mind which makes them susceptible to the specious appeals of the radicals.

These radicals are as bitter in their enmity toward organized labor as they are toward the Government itself.

The first witness before the Lusk committee was Hugh Frayne, general organizer of the American Federation of Labor in charge of the New York district. He described the various revolutionary groups and named especially the anarchists, the I. W. W.—Industrial Workers of the World—the W. I. I. U—Workers' International Industrial Union—the Socialist Labor Party, and the Communist Party.

Quoting from an article by Vincent St. John, he gave the following striking statement:

As a revolutionary organization, the I. W. W. aims to use any and all tactics that will give the results sought with the least expenditure of time and energy. The tactics used are determined solely by the power of the organization to make good in their use. The question of "right" and "wrong" does not concern us. No terms made with an employer are final. All peace, so long as the wage system lasts, is but an armed truce.

His testimony gives from the printed words of these revolutionary organizations the proof that is uncontrovertible that they propose to destroy not only organized labor but the Government itself.

So you have to-day, gentlemen, what is in fact a challenge of the revolutionists toward all orderly society, and if this strike succeeds it means the death of orderly organized labor. It means, moreover, the death of American institutions. It is the most sinister, the most ominous threat that has faced this Nation in many a day.

What is the avowed program of the red radicals? You have but to study their own literature to know their objective. First of all, they propose to form one big union, and, of course, they expect to have themselves elected the directing officers of that union. Next, strikes and more strikes, and finally a general strike, and from that revolution. That is the threat you face to-day.

They have one avowed purpose: To destroy this Government, to confiscate all private property and eliminate private ownership, to prostitute the schools, to abolish the church and banish God, to invade the sanctity of the home, and to internationalize this great country that was born in the blood of noble patriots and dedicated to the principle of majority rule and liberty and equal opportunity.

Let me repeat, gentlemen, that in my honest opinion, as I know men and as I have seen these members of the brotherhoods all my life, I am confident that 9 out of 10 of them represent the finest type of citizenship, and it is only because of a consciousness they have of a just cause that they have become fertile ground for the activities of the revolutionists. They have become the unwitting tools of the red radicals who talk to them of their grievances and seek by means of "mass action" the overthrow and destruction of government and society.

The I. W. W. in its official organs repeatedly gives its slogan, "All peace so long as the wage system lasts is but an armed truce." That is the battle cry of the I. W. W. That gives the spirit which actuates them. Not justice—no—they do not demand justice; they say that "All peace so long as the wage system lasts is but an armed truce."

Finding some time ago that they could not put over their program according to the old method, they determined on a new policy, to "bore from within" in the old unions, to secure places of vantage, and to use that power for the purpose of revolution.

One very interesting fact is disclosed in the complete harmony existing between all these radical groups on the one hand and the Russian Bolshevist government on the other. They have all espoused the cause of Russia, all of them; and likewise Russia, through her spokesman, the communist party in America, has made common cause with all the radical groups in this country.

Do you think this is far-fetched? Do you believe that it is an extreme statement? Why, gentlemen, I will tell you what the president of the Central Labor Union in Akron told me a month or so ago—the president of the Central Labor Union, who is a good friend of mine and likewise a good American.

He told me a little over a year ago that that organization over which he now presides was controlled by the red radicals, and he ought to know. He told me also that they kicked them out. [Applause.] More power to them. He went further and told me what one of these revolutionists said to him. He wanted to find out what was running in this fellow's mind, and he asked him some questions as to his thought and purpose. This man said to him:

Some of these days there will be a shot ring out. That will be the signal. When that time comes there will be men springing from everywhere, and they will be armed. If my own father stands in my way at that time I will shoot him down.

This came from a revolutionist in the ranks of organized labor, who happens to be an American citizen, a home owner, and a man of family. Those are the threats which face organized labor and organized society.

We find various groups of these red radical organizations. The old I. W. W., which still exists and is more active than ever; the W. I. I. U., which is an offshoot of the I. W. W.; and then there is the left-wing Socialists and the Socialist Labor Party, as distinguished from the right-wing Socialists, who apparently believe in achieving their ends by lawful and orderly process. How many there are I do not know. But the left-wing Socialists and the Social Labor Party are revolutionary at heart and completely.

Then there is the communist party, which was organized only the 1st of last September. They claimed at that time some 60,000 members. They proclaim their allegiance, not to the Constitution of the United States, not to the Stars and Stripes, but to the international that sits at Moscow and to the red flag that speaks their gospel.

We have also the various groups of anarchists and anarchist-communists, the Union of Russian Workers, and so forth. They have assumed a bold and defiant attitude. They have one objective, gentlemen, which is not justice, which is not fair play; it is nothing more nor less than revolution.

We have the testimony of the attorney general of New York when he appeared before the Judiciary Committee of this House. He said that, according to the best evidence they were able to obtain, there are right now between 70 and 80 headquarters in New York City from which the poison of the revolutionists is sent out. He testified also that there are between 300,000 and 500,000 members of these red radical organizations in New York

City alone—not men who wish to change our Government by orderly processes, but men who wish to destroy it and all that America represents.

I had opportunity to hear the story of a young Russian from a good friend of mine, a Member of this House. A friend of his had lately returned from Russia, where he had been during the latter days of the Czar's régime, during the period of Kerensky's brief official life, and latterly during the Bolshevist reign, until just three or four months ago when he left. His last stand was at Archangel, concerning which he tells the story of a young Bolshevist who was captured as a spy, and in his effort to escape this young Russian was shot and mortally wounded and was brought in. They attempted to do for him all that it was possible to do.

The American was interested in him, because he was apparently an intelligent type. He wanted to know why this man was a Bolshevist. He could not understand. His type did not suggest the ultra radical. He said to the young wounded officer, "Why are you a Bolshevist?" The young Russian's eyes blazed. He said, "My God, of all the names that I hate in this world, I hate that the worst." "Why, then, are you a Bolshevist?" "I can not help myself. They hold my old mother as a hostage, and if I fail she dies." Then he reached into his pocket and drew out some paper money and said, "Please get this to my mother if you can," giving him her address. "You may not be able to get her the money, but for God's sake, man, publish to the Bolshevists the fact that I died for them, so that my old mother may live."

That is the system that makes Bolshevism a temporary success in that sad land—holding as hostages the wives, the mothers, and the daughters of strategic men. And we see over there 2,000,000 armed men holding in subjection 180,000,000 people, forcing upon them a type and character of government which they do not want and can not live under in peace and happiness and prosperity.

That, gentlemen, is the objective of the revolutionary groups in this country, who have proclaimed time and time again their allegiance to the great Internationale that is represented now by the Bolshevist government in Russia. These men in our own country, just a small minority, wild-eyed radicals, who talk always and talk loudly and make themselves sound ten times greater, demand the destruction and overthrow of this Government and the substitution of a soviet system. Their audacious activity very often secures for them places of authority and leadership, which is their aim. Gentlemen, if you have doubt as to the correctness of these statements, I ask only that you study their literature and learn from their own words what their program is.

Gentlemen, ever since last June the Attorney General of the United States has been asking for a law to deal with these agents of revolution. He appeared before a committee of the Senate last June and asked for a law to reach the enemies of this Government, those who would destroy it by force. He has repeatedly asked for it, and upon invitation of the Senate he prepared a proposed bill which I had the honor to introduce in this House.

Mr. MADDEN. Mr. Chairman, will the gentleman yield there?

Mr. DAVEY. Yes.

Mr. MADDEN. Did he not modify his views on that before the committee of the House?

Mr. DAVEY. He did not.

Mr. MADDEN. He did.

Mr. DAVEY. I beg the gentleman's pardon. He has stood consistently and always for this same measure. I know, because I have been in constant touch with him, and I know from his testimony; and if the gentleman will read the letter that he sent to the Committee on Rules he will see that he stood for this same measure from the beginning.

Mr. MADDEN. I do not agree at all with the gentleman, and I still assert that he changed his views. He modified them very materially. He does not seem to know what he wants.

Mr. DAVEY. The gentleman is entitled to his opinion, but I know that the Attorney General has stood stendfast for this same bill.

Mr. UPSHAW. Mr. Chairman, will the gentleman yield?

Mr. DAVEY. Yes.

Mr. UPSHAW. Is it not true that the Attorney General changed his view from what was reported to be his view, but that he himself has been consistent? He is reported to have taken a certain stand, but his first authoritative utterance was his letter to the committee if I understand the matter aright.

Mr. DAVEY. Yes; and that letter stated very positively that he stood for the same bill that he had recommended originally to the Senate.

Mr. RAYBURN. Mr. Chairman, will the gentleman yield?

Mr. DAVEY. Yes.

Mr. RAYBURN. The gentleman from Illinois [Mr. MADDEN] virtually contradicts the gentleman from Ohio. What evidence has the gentleman from Illinois that the Attorney General has changed his position?

Mr. MADDEN. His own statement, his own letter.

Mr. RAYBURN. I will be glad if the gentleman from Illinois would put it in the RECORD.

Mr. MADDEN. I am entitled to my interpretation of his letter, the same as the gentleman is to his.

Mr. DAVEY. I would be glad, with the consent of the House, to have that letter inserted at this point. May I have unanimous consent on that?

The CHAIRMAN. What was the gentleman's request?

Mr. DAVEY. That the letter of the Attorney General to the Committee on Rules be inserted at this point.

The CHAIRMAN. The gentleman already has unanimous consent to extend his remarks in the RECORD.

Following is the letter referred to:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., January 21, 1920.

Hon. PHILIP P. CAMPBELL,
Chairman Committee on Rules, House of Representatives,
Washington, D. C.

MY DEAR MR. CAMPBELL: I find that public business of pressing importance will make it impossible for me to attend the hearing before your committee to-morrow morning. I would be glad if you will print this letter in the hearings as a statement of my views with respect to the legislation which you are considering. I have read with great care both the Sterling bill, passed by the Senate, and the Graham bill, reported by the Committee on the Judiciary of the House, and feel impelled to say that neither of these bills accords with my views as to what the legislation ought to be. In response to a Senate resolution I prepared several months ago and transmitted to the Senate the following as a draft of a law which, in my view, meets all the requirements of the situation:

"A bill defining sedition, the promoting thereof, providing punishment therefor, and for other purposes.

"*Be it enacted by the Senate and House of Representatives of the United States in Congress assembled:* Sedition: Whoever, with the intent to levy war against the United States, or to cause the change, overthrow, or destruction of the Government or of any of the laws or authority thereof, or to cause the overthrow or destruction of all forms of law or organized government, or to oppose, prevent, hinder, or delay the execution of any law of the United States, or the free performance by the United States Government or any one of its officers, agents, or employees of its or his public duty, commits, or attempts or threatens to commit, any act of force against any person or any property, or any act of terrorism, hate, revenge, or injury against the person or property of any officer, agent, or employee of the United States, shall be deemed guilty of sedition, and upon conviction thereof shall be punished by a fine not exceeding $10,000 or by imprisonment for a period not exceeding 20 years, or by both such fine and imprisonment in the discretion of the court.

"SEC. 2. Promoting sedition: Whoever makes, displays, writes, prints, or circulates, or knowingly aids or abets the making, displaying, writing, printing, or circulating of, any sign, word, speech, picture, design, argument, or teaching which advises, advocates, teaches, or justifies any act of sedition as hereinbefore defined, or any act which tends to incite sedition as hereinbefore defined, or organizes or assists or joins in the organization of, or becomes or remains a member of, or affiliated with, any society or organization, whether the same be formally organized or not, which has for its object, in whole or in part, the advising, advocating, teaching, or justifying of any act of sedition as hereinbefore defined, or the inciting of sedition as hereinbefore defined, shall be deemed guilty of promoting sedition, and upon conviction thereof shall be punished by a fine of not exceeding $10,000 or by imprisonment of not exceeding 10 years, or by both such fine and imprisonment in the discretion of the court.

"SEC. 3. Aliens to be deported: Any alien who shall be convicted under any of the provisions of this act shall, at the expiration of his sentence, be taken into custody under the warrant of the Secretary of Labor and deported in the manner provided by the immigration laws of the United States then in force, and said alien shall forever thereafter be debarred from again entering the United States or any Territory or possession thereof.

"SEC. 4. Denaturalization and subsequent deportation: The conviction under any of the provisions of this act of any naturalized citizen shall be deemed sufficient to authorize the cancellation of his or her certificate of naturalization in the manner provided by section 15 of the naturalization act of June 29, 1906. It shall be the duty of the United States attorney in the district where said naturalized citizen is held in custody or resides to institute and conduct such proceedings immediately upon the entry of final judgment of conviction. Upon the cancellation of the certificate of naturalization the alien shall become subject to the provisions of section 3 of this act.

"SEC. 5. The Department of Justice shall furnish the Secretary of Labor such data as will enable him at the proper time to effect the deportation of those made subject thereto by the provisions of this act."

I understand this bill has been introduced in the House by Representative DAVEY, of Ohio (H. R. 10650). Of course, the form which legislation shall take is for the Congress, exclusively. The bill which I have quoted was prepared by me only because requested so to do by a Senate committee. It is unnecessary for me to add that the Department of Justice stands ready to enforce whatever legislation the Congress shall see fit to pass.

Yours, truly,

A. MITCHELL PALMER,
Attorney General.

Mr. DAVEY. And here is the pathetic part of it all, gentlemen: Right now in this crisis the American people, including Republicans, look to that same Attorney General to uphold the

law and protect the peace and the safety of the Nation, and I know that in your hearts you believe that he will make good.

Mr. STRONG of Kansas. We hope so.

Mr. DAVEY. You know that he will. You look to him. You ask him to protect America in a crisis; you ask him to do the difficult thing, the thing that takes courage to do; and then you stab him in the back with petty politics. [Applause on the Democratic side.]

Were it possible for a courageous public official to do his duty and receive the plaudits of men on the other political side, how much more chance would we have to get good public service! [Applause on the Democratic side.]

Now, as to the condition of the present law. It is said that the present laws are adequate. That, of course, is a question subject to a difference of opinion. The Attorney General says—and his statement is borne out apparently by the facts—that these present laws will not reach the situation; that in the case of both the present penal sections an actual overt act must have taken place. It is impossible under the condition of the present laws to do one solitary thing until the conflagration has broken out.

Let me speak symbolically and illustrate, if I may, the condition of the present laws as they affect the revolutionary enemies of this Government. The revolutionist can take up his torch and with it he can take a bundle of oil-soaked waste; he can beckon his followers from everywhere to take up likewise their torches and their oil-soaked waste. They can march down the street boldly and defiantly, telling you in advance what they propose to do. They can lay that oil-soaked waste at the foot of your Government. They can set it on fire, and not until the conflagration has broken out can you lay the hand of the law upon them. That is a fact. I speak symbolically.

Mr. BAER. Are you speaking figuratively there?

Mr. DAVEY. Yes.

Mr. BAER. You must be speaking figuratively, because two or more men who conspire in any way, even if they do not commit an overt act, can be put in jail and shipped out of the country according to our present laws.

Mr. DAVEY. Which laws?

Mr. BAER. According to the criminal code.

Mr. DAVEY. I beg the gentleman's pardon, because that is not a fact. The courts have held that before conspiracy can be proven the overt act must have occurred.

Mr. BAER. That is in the case of one single man, all alone, who starts something. It is not in the case of two or more who conspire, because if a person writes a letter to another person and starts that letter on its way, saying, "We are going to start some of this waste down in Washington," you can put them in jail; and if you can not put them in jail under the criminal code that we already have, you can do it under the espionage act, that we passed in time of war; and I think that Mr. Palmer could deport every one of these people who advocate the overthrow of government by force and violence right now.

Mr. DAVEY. Of course, I realize that the easiest thing and the most natural thing in the world is to "pass the buck" to Mr. Palmer. You have no law even now under war legislation that will reach the apostles, the leaders, of revolution.

Mr. MADDEN. Mr. Chairman, will the gentleman yield right there?

Mr. DAVEY. No; I regret I can not yield.

Mr. MADDEN. I have an interview with Mr. Palmer now. This is in connection with what I have said.

Mr. DAVEY. Well, I yield.

Mr. MADDEN. Mr. Palmer is reported to have said in an interview in a New York newspaper day before yesterday:

> The Government will not run away from responsibility. There is plenty of law on the statute books to protect the people, and the law will be enforced.

Mr. DAVEY. The law to which the Attorney General referred is undoubtedly the Lever Act, and you propose to repeal that, and no doubt it will be repealed, and when that is gone, what have you got? Not a thing to protect the Nation against its avowed enemies. Section 5534 reads as follows:

> SEC. 5334. Every person who incites, sets on foot, assists, or engages in any rebellion or insurrection against the authority of the United States or the laws thereof, or gives aid or comfort thereto, shall be punished by imprisonment not more than 10 years, or by a fine of not more than $10,000, or by both of such punishments; and shall, moreover, be incapable of holding any office under the United States.

The courts have held that before that section can apply an overt act must have taken place. You have nothing to reach your Berkmanns and your Goldmans. They can proceed up and down this country violently preaching, and working for their objective, and you can not touch them.

Section 5336 reads as follows:

> SEC. 5336. If two or more persons in any State or Territory conspire to overthrow, put down, or to destroy by force the Government of the United States, or to levy war against them, or to oppose by force the authority thereof, or by force to prevent, hinder, or delay the execution of any law of the United States, or by force to seize, take, or possess any property of the United States contrary to the authority thereof, each of them shall be punished by a fine of not less than $500 and not more than $5,000, or by imprisonment, with or without hard labor, for a period not less than six months nor more than six years, or by both such fine and imprisonment.

This section was passed during the Civil War and the courts have held that it applies to conditions or acts of actual rebellion.

Furthermore, that section requires proof of conspiracy. You may be satisfied in your own mind that a conspiracy exists, but, gentlemen, it is the hardest thing in the world to prove, and every lawyer must know that that is so. I am not a lawyer. I had the opportunity to sit as judge in the local police court while I had the honor to be mayor of my home town, and I remember the case of an Italian who had shot and killed his near relative. I picked up this Italian. He confessed everything to me. He told me how he did it and why he did it. He said he would do it over again. Yet when that man came to trial it was impossible to convict him of first-degree murder, because they could not provide one little connecting link in the testimony. In the same way you face a very difficult and sometimes impossible problem in proving conspiracy. If you miss one connecting link, the charge of conspiracy falls flat.

Gentlemen, the only law that we now have is one which applies to the aliens, and then only as to deportation. That is an unfortunate fact, because not every enemy of this Government is an alien. Some of them are naturalized citizens, and occasionally you will find a native born.

Right here I want to bring out one of the saddest things in the history of the last few months of our Government. That is the action of one Louis F. Post in the Department of Labor. He serves in a Democratic administration, in a Democratic department, but what I am going to say is not an indictment of the Democratic Party, and I hope that no thought of politics will be injected into this. If it were an indictment of my party, I would mighty soon get out of it, but it is not. We have down there in the Department of Labor a man whose sympathies evidently are with the enemies of our Government. [Applause.] Just a little while ago this same man Post, after the warrant for the deportation of Ludwig Martens had been issued, withdrew this warrant and held up the deportation. Under our laws he has the power to do that. Furthermore, although Martens is the avowed enemy of our country, the avowed representative of Bolshevik Russia, and comes here to spread his damnable doctrines, yet this man Post allowed Martens to go free without bail on the recognizance of his attorney, ex-Senator Hardwick, and he assured Mr. Hardwick that he would take no action without consulting him.

Mr. GRIFFIN. Are we at war with Russia?

Mr. DAVEY. Socially and economically; yes.

Mr. BAER. Commercially; no.

Mr. ANDREWS of Nebraska. Will the gentleman yield?

Mr. DAVEY. Yes.

Mr. ANDREWS of Nebraska. Does not the gentleman think it would be a wise thing to remove Mr. Post from his position that he has treated in that manner?

Mr. DAVEY. You start something, gentlemen, and I will be with you on it. [Applause.]

Mr. FOSTER. Why do not you start it?

Mr. DAVEY. I do not control the processes of this House. If I were on the Republican side, I would start it mighty quick.

Mr. ANDREWS of Nebraska. Will the gentleman yield once more?

Mr. DAVEY. Yes.

Mr. ANDREWS of Nebraska. What course of procedure would the gentleman suggest?

Mr. DAVEY. If I could do nothing else, I would impeach him.

Mr. ANDREWS of Nebraska. Will the gentleman introduce the resolution?

Mr. DAVEY. I am perfectly willing. [Applause.] Another thing, gentlemen. This same man Post has ruled that membership in the I. W. W. is not sufficient evidence for deportation, and there are hundreds of alien enemies of our Government in this country to-day who are here simply because Post has stood between them and deportation. The hand of the Attorney General has been made impotent by that friend of the revolutionists and that enemy of our Government, Louis F. Post.

Mr. SUMMERS of Washington. Will the gentleman yield?

Mr. DAVEY. Gladly.

Mr. SUMMERS of Washington. I agree with the gentleman that Post should be removed; but I want to inquire if he is not an appointive officer, and if it is not in the power of some one else to take action in that case?

Mr. DAVEY. My friend, what is the difference? If some one else fails to act, shall we be excused for failure to do our duty?

Mr. SUMMERS of Washington. I am in favor of action. I agree with the gentleman; but I call his attention to the fact that the action should come from some place else.

Mr. DAVEY. My time is going on. One thing more——

Mr. CARSS. Will the gentleman yield?

Mr. DAVEY. Yes.

Mr. CARSS. I would like to ask the gentleman if Mr. Post made a wrong interpretation of the law, why did not Mr. Palmer appeal from his decision?

Mr. DAVEY. To whom? The law gives that department final jurisdiction.

Mr. CARSS. He might have taken it up with the Secretary of Labor.

Mr. SUMMERS of Washington. Was Mr. Post responsible for the 393 being deported from New York at the present time, while 933 have been released?

Mr. DAVEY. Gentlemen, I think I can say with authority that the Attorney General of the United States has tried valiantly to do his duty, but he has been blocked by Mr Post, in the Department of Labor. One thing more. I have it on good authority, gentlemen, that if this man Post had not stood in the way of the Attorney General there would not have been now in this country certain men who are leading this illegal railroad strike. Some of the active leaders of this strike were those who were supposed to be deported, but whose deportation was blocked by this same man in the Department of Labor.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. DAVEY. I will.

Mr. HUDDLESTON. Will the gentleman inform us whether his attack on Mr. Post is inspired by the Attorney General, or is it with the Attorney General's knowledge?

Mr. DAVEY. Not with the Attorney General's knowledge. My attack on Mr. Post comes from my own heart, because I detest the policy he has pursued and I detest his destructive influence. [Applause.]

Mr. HUDDLESTON. The gentleman has left the impression that he speaks by the authority of the Attorney General, and I wanted to find out if that is so.

Mr. DAVEY. I am no man's echo.

Mr. HUDDLESTON. But the gentleman said that he spoke by authority.

Mr. DAVEY. By authority as to the facts.

Mr. HUDDLESTON. Authority of the Attorney General? The gentleman left us under that impression, but if that is not correct it is an improper impression.

Mr. SIMS. Will the gentleman yield?

Mr. DAVEY. Yes.

Mr. SIMS. Is not there record evidence of the facts brought against these individuals on file in the Department of Labor?

Mr. DAVEY. Yes.

Mr. SIMS. And can not they be brought out?

Mr. DAVEY. Yes.

Mr. SIMS. Has the gentleman seen the records? The gentleman says that he knows the facts. If the gentleman has, he is worthy of belief and we are willing to take what he says about it.

Mr. DAVEY. The gentleman doubts my word, and I suggest that the answer to the gentleman's question is an investigation.

Mr. SIMS. I ask if the gentleman has himself seen the records?

Mr. DAVEY. I would hardly be prepared to discuss the source of my information.

Mr. SIMS. The gentleman is trying the case in a court of appeals without having the record before him.

Mr. DAVEY. The gentleman seems determined to inject into this question a doubt. I am sure the American people will not agree with that suggestion. I believe that every thinking man who has followed the course of this man Post during his recent incumbency condemns him absolutely. The facts are available. You can get them.

Mr. SIMS. I do not know anything about it, but I would like to know the facts, and they should be in an official form so that anybody could see them. If Mr. Post has done what the gentleman says he has, he ought to be removed. The gentleman could impeach the judges of the Supreme Court if he did it without the record.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. FIELDS. I will yield the gentleman five minutes more.

Mr. DAVEY. The law which is now needed, and seriously needed, is one which makes it a crime to use or advocate force and violence for the overthrow of this Government. The apostle of this red doctrine, who makes it his business to spread the poison, who incites and fires the gullible dupes of red revolution, is the most guilty and the most dangerous. You have no Federal law to reach him, this teacher of crime and barbarous destruction.

We hear much about the old alien and sedition law of 1798, which, they recite with much satisfaction, put the Federalist Party out of business. That law made criticism of Government and Government officials a crime. It was radically different from the law which we are now demanding. No reasonable man now even wishes for a law against criticism. As a matter of fact, criticism is the powerful force that keeps a democracy pure.

Criticism is not what the red radicals want; criticism is too American. They want the utmost license to preach and finally put into practice the doctrine of force and violence, to destroy and plunder, to wreck the foundation and superstructure of civilization.

The proposed law, in which I am earnestly interested, does not and will not prevent proper or even violent criticism. It is aimed at those who would destroy and who daily preach their damnable doctrine.

Some tell us that we have gotten along for over a hundred years in this country without such a law. Well, what of it? Mankind got along for thousands of years without the air brake. A new condition—great railroad trains—made the air brake an utter necessity. So with many other things. It is the weakest sort of argument to say we have never had such a thing and did not need it in the past. It is significant that most of these who oppose any law on this subject demand that nothing be done to curb the agents of revolution. "Let them talk," they say. Unfortunately most of those who urge complete license for this gang of revolutionists show too much sympathy for them to suit me. It makes me suspicious of their real purpose.

They tell us there are only a few wild radicals and there is nothing serious about it. The facts are that there are many of these avowed enemies of government; that they are persistently active; and that they are eagerly working toward their sworn objective, the overthrow of this Government. A man must be sympathetic toward them or deliberately blind who will not consider the evidence that is so overwhelming.

They tell us these revolutionists can not destroy America. Well, maybe so, probably so, but why take the chance? It does not take many armed men to capture and hold a great city. Law-abiding citizens do not arm. The Bolshevists themselves warn their followers that 50,000 White Guards in Finland held in subjection 3,000,000 people. The red radicals cry out to their followers: "Arm yourselves, prepare for the revolution, make ready for the rule of the proletariat." Are you willing to wait until they actually start the revolution before you wake up and protect your country from those who deliberately seek its destruction?

We are advised to compromise with them, to pat them on the back, and give them part of what they want. The only compromise that is possible is surrender. They say so themselves. "All peace is but an armed truce." You can not compromise with a rattlesnake. You can kill it or run away from it. You can not both inhabit the same spot. They tell us to meet argument with argument. That would be fine if it were confined to argument. You can not argue with a burglar or a highwayman. You can not argue with a murderer. You could not argue with the Kaiser. When a man or group of men set out to rob you or murder you or conquer you, argument is out of order and wholly useless.

Some decry this proposed law as repressive legislation. As a matter of fact, nearly all law is repressive. The laws against murder, against robbery, against immorality, against slander, against libel, against gambling, against speeding—all these and many more are repressive laws. They are necessary, however, and are sanctioned by society. The welfare of society as a whole justifies any law that is necessary to protect society.

Speed laws are an absolute necessity, and yet I might argue that speed laws are repressive; that they invade any individual liberty. Certainly they do, and yet the well-being of society makes them wholly necessary. You could not even afford to repeal the speed laws because they are sometimes abused. Any law, however right its purpose, can be abused. It is one of the weaknesses of human administration. If the peace and protection of society demand the enactment of a law, that is suffi-

cient justification. If we had no lawbreakers, no enemies of society, we would need no laws. Human necessity brings laws into being. New conditions make new laws. If there had never been a murder, there would be no law against murder. If there were no group seeking the destruction of government, you would need no law to protect government and people.

We hear loud cries about free speech and free press. No one believes in these sacred things more than I. Freedom, or, rather, the continuity of freedom, must have free speech and free press, but not wild and unbridled license. We have no such thing in this country as absolute free speech and free press. Witness the laws against slander and libel. These are repressive laws also, but very necessary and wholesome. Many such laws protect society and are sanctioned by society. Sometimes they do not fully protect and sometimes they may be abused, but they are necessary and must remain the protecting arms of civilization.

Of course, we will all admit that in this country, at least, it is wrong to attempt the destruction of government; that it is wrong to murder and wrong to rob. Suppose you had a school maintained for the sole purpose of training murderers and robbers. Suppose it taught the necessity, the advantage, and the art of murder and robbery. Suppose it rapidly gained recruits and continued to train men to commit crime. Would you tolerate it? Not unless you were blind and stupid.

Well, we have just such a school, with many branches, many headquarters, and many followers. It teaches the necessity, the advantage, and the art of destroying our Government. It is an avowed and active enemy of this country and our institutions. It would invade the sanctity of the home, wreck the schools, abolish the church, and banish God and destroy the Government which protects and defends these bulwarks of civilization.

This detestable thing springs from strange and alien hearts. It is animated from alien sources. It is alien in conception and purpose. Many of its agents here are alien. Apparently much of the gold that supports it and drives it is blood-stained gold from alien lands. It is foreign to America in every sense. It is not of America, but it seeks to destroy America.

We welcome the oppressed from every land. We welcome those who seek opportunity. We welcome all who love liberty. High over the gateway of every port of entry there is written this same "Welcome" in large, bold letters. We bid them come among us and take all they can rightfully get of our abundant prosperity; take full part, after a period of probation, in the government of this fair land; partake in fullest measure all the blessings of our institutions.

We bid them partake, but not destroy; accept our hospitality, but not desecrate the house.

Would you think I am an alien hater? No; it can not be. My good old father was an immigrant, who became one of the finest Americans I have ever known. He was born in a land and at a time when public schools were not known. He did not know his A B C's until he was 21, but he yearned for an education and started with a little dictionary and a copy of the New Testament to acquire the fundamentals. By the slow and painful process of self-teaching, he picked out one word and then another. He showed me one time that same copy of the New Testament on which was a brown spot where a drop of milk had fallen as he studied while he milked. Then came the impelling desire to come to America, this great land of freedom and opportunity. And as a young man of about 27 he landed at Castle Garden. Here in America he continued his studies, working by day and attending school at night, going on into Latin and Greek and finally acquiring an education that would do credit to the average college graduate.

But, above all, he learned to love America. At the earliest opportunity he became a full citizen. He told me once of that sacred time when he raised his right hand and took the oath of allegiance. His eyes filled with tears at the inspiring thought. He learned every word of the Declaration of Independence and every word of the Constitution. He learned every word of America and the Star-Spangled Banner, and until old age laid her heavy hand upon him he could sing them with a zeal and fervor that was wonderful to see. From the cradle up I have seen him every time he passed Old Glory lift his hat in veneration.

No; I can not be an alien hater. It is only to protect this country that he loves and taught me to love that I want a proper law that will strike a vigorous and effective blow at the ungracious and determined enemies of our great Nation. [Applause.]

Mr. FIELDS. Mr. Chairman, I yield to the gentleman from Oklahoma [Mr. FERRIS].

Mr. FERRIS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. KAHN. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio [Mr. COOPER].

Mr. COOPER. Mr. Chairman and gentlemen of the House, at a time like this, when our Nation is facing a great crisis, it is very easy to misconstrue what a Member of Congress might have to say. Some mention has been made here to-day of the great railroad strike, which already has brought a great deal of misery, want, and suffering to the American people. At the very outset I desire to say that I deplore this strike. It never ought to have been called, and there is no question in my mind but that the strike was instigated by a certain radical element in the northwest part of our country. Too much praise can not be given to the officials of the five railroad brotherhoods for denouncing this strike and pleading with the men of the various railway unions to go back to work. [Applause.] I believe that their attitude in this matter has shown to the American people that they are true, loyal, patriotic American citizens. However, I think some misunderstanding exists throughout the length and breadth of our land relative to the wages of the railroad employees. We must bear in mind that this present strike is not one of the passenger trainmen or of the freight trainmen. This strike originated in what is known as the yard service, among the switchmen. Six months ago I issued a warning that the patience of the railroad men was about at an end, and again during the consideration of the conference report in the Esch-Cummins bill I made a plea for an increase in wages for these workingmen.

What are the actual conditions relative to the wages of the yardmen, the switchmen, who work upon the American railways? One of the Members of Congress, in talking to me on this question a short time ago, said: "I know an engineer that runs between Washington and Philadelphia who makes $175 every two weeks."

That may be so. There are a few of those preferred runs, where the engineer, who is the highest paid man in the railroad service, receives such a wage. It should be borne in mind that no matter whether it be in the passenger, the freight, or the yard service, the locomotive engineer is the highest paid man on the crew. There may be runs that pay as much as this man said, between here and Philadelphia and between Philadelphia and New York, but they are preferred runs, and there are but few of the railroad engineers that make that much money. What is the schedule of wages for the switchmen, the yardmen, now on strike throughout our country? As I said a moment ago, the engineer is the highest paid man in the service. What does the engineer in the yard service make? He makes 70 cents an hour. Figure it up yourself, at eight hours a day, and you find that it amounts to $5.60. What are the wages of a conductor in the yard service? He makes $5.45 and the switchman makes $5.11 a day. The switch tender makes $4 and the fireman $4.16 per day. I want to say that they are paying common labor all over this country more wages than they are paying skilled railroad employees at this time.

Let us take the case of the switchman who makes $5.11 a day, who works, we will say, 30 days a month. He makes in that event only about $150. Suppose he takes two days' rest during the month, which he ought to have, for no man ought to have to work 30 days out of every month. If he takes the two days of rest, then his monthly wage is cut down to about $140. You all know as well as I do that no American can live decently to-day in a respectable neighborhood unless he pays from $35 to $40 a month rent. Let us say that he has a family of four—three children and a wife. If he pays $40 a month rent for a house, he then has left $100 to carry that family over for the month. I have some sympathy with their demand for an increase in wages. I wanted to make this explanation because I know that there is a misunderstanding relative to the wages of the railroad employees. This schedule of wages which I have just given to the House was fixed in General Order No. 27 by the wage-adjusting board of the Railroad Administration during Federal control and there has been no change in same since the roads were returned to the private owners, March 1, 1920.

But, as I said in the beginning, I deplore this strike. There is no question in my mind but what it was started by radicals, but by reason of unsatisfactory conditions, by the poor wages that the railroad men are receiving, it only needed a spark to touch the powder keg, and it went like a house afire. But I with you men hope and pray that something can be done in the near future that will bring a speedy end to this strike, which is bringing so much misery and disaster to this country. The

gentleman from Ohio made the statement that he thought the "one big union" was back of this movement. I received a telegram only yesterday from 3,500 switchmen in my home city of Youngstown, Ohio, denying that the "one big union" was back of this strike; that they wanted to remain loyal to their organizations, and they were ready to meet the representatives of the railroad managers any time they could get an audience with them. [Applause.] I have too much confidence in the patriotism of the American railway employees to believe that they will be led or influenced by the I. W. W.'s of this country. [Applause.]

Mr. Chairman, I must confess that I have some feeling on this question. For 17 years before I came to Congress I associated with the railroad men, working with them as a locomotive fireman and engineer on the Pennsylvania Railroad. And while I have no authority to speak for the railroad brotherhoods I desire to say that from the time I commenced work as a railroad employee, up to this day, I have been proud of the fact that my name is recorded as being a member in good standing in one of the brotherhood organizations. And I also believe that if the President of the United States had taken the interest that he should have taken in this matter and used the power granted him in the Cummins-Esch bill, the power to appoint a labor board, which was passed by the House and Senate more than six weeks ago—if he had appointed this board at once so that the wage questions of railroad employees could have been considered, I say if the President had done this then this strike could have been averted, and we would not have had the wheels of transportation tied up in our country to-day. [Applause on the Republican side.] But, no; the President of the United States had to wait until the crisis came before he appointed this board, which gave him the power by law to settle these labor disputes as far as railway employees are concerned. Then again there is another thing I want to touch on just a moment——

Mr. CARSS. Will the gentleman yield for a moment?

Mr. COOPER. I have only 10 minutes. If I have time later, I will be glad to yield. It has been prominently mentioned in the papers that the Plumb Plan League is back of this strike. I do not believe that. I do not believe that the Plumb Plan League had anything to do with this strike, but I do believe that this official organ of the Plumb Plan League, printed and published here in Washington, managed by a former Member of Congress who has been drawing $7,500 a year from the Government of the United States at least part of the time he was managing this paper called "Labor"—I do believe that this paper has done more to poison the minds and hearts of the railroad men than anything else that has been done in this country in the last year. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. KAHN. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has six minutes remaining.

Mr. KAHN. I yield those six minutes to the gentleman from Ohio.

Mr. COOPER. I thank the gentleman.

The CHAIRMAN. The time of the gentleman from Ohio is extended for six minutes.

Mr. COOPER. The name of this publication is "Labor." You have all read it. For weeks this paper has been picturing the American Congress as the enemy of railroad employees and the special friend of the railway owners and big interests. This paper makes a bitter attack upon every Member of Congress who voted for the Cummins-Esch bill; and no less a person than Mr. Plumb, the author of the Plumb plan, is now campaigning across the country advocating the defeat of every Member of this body who would not submit to his way of thinking and support the Plumb plan for the operation of our transportation systems. But I thank God that regardless of the threats of Mr. Plumb and the official organ of the league, that 250 Members of this House had the courage of their honest convictions and cast their vote in a way which they believed would be for the best interests of all the American people. I trust the day will never come when the American Congress will yield to the threats of any class, whether it be labor or capital. Now, I know what I am going to get from the Plumb Plan League because I am making this statement here to-day, but I have never smothered my convictions on any great question in order to stay in public life, and I am going to express myself as to what I think about this paper. [Applause.] I have here a copy of this paper. You see headline after headline which reads, "Defeat every Member of Congress who voted for the railroad bill." No matter how friendly he may have been to labor in the past, if he voted for the railroad bill he is an enemy of labor and the tool of Wall Street.

This paper is being sent into the districts of Congressmen who have always been friendly to labor during their service in this House, Members who have supported labor's cause every time legislation has been considered which was for their benefit. I say that this paper is now going into the districts of these men and asking for their defeat for reelection, because they had the courage to vote their convictions on the railroad bill.

Then they even go so far as to say—if not in direct words, by inference—that we got our price, that we were paid by Wall Street to vote for this railroad bill. They are attacking the labor provisions of the railroad bill. There is not a thing in the labor section but what gives labor the same rights and privileges that it has had in the past. [Applause.] There is no antistrike clause in the law, and they know there is not. If a question of dispute goes to the Railway Labor Board they agree in regard to the question of wages or conditions, there is nothing compulsory in their findings. The railroad employees can either accept or reject the decision of the board, and there is no provision in the law that will stop the railroad employees from going on strike if they so desire. They condemn us because we refused to vote for recommitting the conference report. They have said it would have given an opportunity to strike out the antistrike section and other obnoxious features. There was not a thing in the motion to recommit which would have given them an opportunity to do that any more than it would have given them an opportunity to put in an antistrike provision. It was a straight motion to recommit, and the gentleman from Kentucky, who made the motion to recommit, and 22 others who voted for the motion to recommit, all voted against the Anderson amendment, which prohibited the antistrike provision in the railroad bill. [Applause.]

The gentleman from North Carolina [Mr. KITCHIN], Democratic floor leader, spoke in favor of the motion to recommit, and from his own words you can understand his reasons for doing so. He said:

> In my judgment the arbitrary, the dictatorial, and defiant attitude of Mr. Gompers and a few other labor leaders has lost to the opposition of this report at least a dozen or more gentlemen who otherwise would have voted against it.
>
> I did not vote for the Anderson amendment in the Esch bill because it was an arbitrary, one-sided, labor-leader-made, futile amendment. I prefer the labor proposition in the report to that.
>
> I would go much further than the labor-dispute provisions in the report if I had my way about it. I must confess that I can not understand how and why the labor leaders object or can object to the proposition in the report. It is as harmless as it can possibly be. It is not binding on any. It takes away no right, not even any of the assumed rights of labor or of the labor leaders.

These men have a clear sheet as far as the Plumb plan advocates are concerned, but the Members of this House who have been loyal to labor and have supported them and spoken for them here on the floor of this House, they are now condemned as grafters and as the tools of Wall Street and as bowing to the big interests because they voted for the railroad bill.

They say that we guaranteed 5½ per cent on watered stock. Why, there is not a thing in that bill that guarantees one penny to the railroads except for the first six months, and during that period the law guarantees to them the same return that the Government guaranteed during governmental control. After that the law establishes a rule of rate making which permits the Interstate Commerce Commission to fix a rate which will give to the railroads a return of 5½ per cent. On what? On the value of their property as the value is fixed by the Interstate Commerce Commission, not by the railroad company.

And if the Interstate Commerce Commission follows out the law in the rule of rate making as it is written in the Cummins-Esch bill it will be impossible for the railroad owners to receive any revenue on watered stocks. A few days ago the representatives of the railroad-security owners appeared before the Interstate Commerce Commission and argued that the commission, in fixing the rates, should take the book value of the roads as a basis. The law says that the commission shall take into consideration that part of the railroad property that is used for transportation purposes as a basis for fixing rates. And the advocates of the Plumb plan know that the law has this provision, for on the same day that the representatives of the railroad-security owners appeared before the commission Mr. Donald R. Richberg, representing the Plumb Plan League and speaking in place of Mr. Plumb, appeared before the commission and argued that the Cummins-Esch law would not permit a return of revenue to the railroads on watered stock. It is strange, indeed, that a representative of the Plumb Plan League should make this statement before the commission when every issue of their paper states that the Cummins-Esch bill guarantees 5½ per cent on watered stock.

Mr. MADDEN. Will the gentleman yield?

Mr. COOPER. I have only another minute. There is another matter to which I want to call the attention of the House. It is a disagreeable task for me to do, but I feel moved to do it.

The Plumb Plan League paper has been running a series of cartoons which picture Members of Congress as bowing to Wall Street, as getting their price, as the enemies of labor, tying the laboring man to the railroad tracks and letting a train come along and crush him.

I am very sorry, indeed, that one of the Members of this body has seen fit to use his talent in this way. He seems to take great pride in the fact that he is the author of these cartoons. Above every one of these cartoons that have been published in the official organ of the Plumb Plan League you will find this notice: "Drawn for Labor by Congressman J. M. BAER." Mr. Chairman, I want to say to the gentleman from North Dakota that if I believed as he does, that the 250 Members of this body who voted for the Cummins-Esch bill, and President Wilson, who signed it, are as corrupt and as unclean as he represents them to be in the cartoons he is drawing for the Plumb-plan organ—I say, if I believed as he does, I would resign my seat to-day, as I would not want to contaminate myself in such company. [Loud and long applause.]

The CHAIRMAN. The time of the gentleman from Ohio has expired. All time has expired.

Mr. BAER. Mr. Chairman, I presume I can not get personal privilege in committee, can I?

The CHAIRMAN. The gentleman can probably get time under the five-minute rule. The Clerk will read.

The Clerk read as follows:

SECRETARY OF WAR.

CONTINGENCIES OF THE ARMY.

For all contingent expenses of the Army not otherwise provided for and embracing all branches of the military service, including the office of the Chief of Staff; for all emergencies and extraordinary expenses, including the employment of translators and exclusive of all other personal services in the War Department or any of its subordinate bureaus or offices at Washington, D. C., or in the Army at large, but impossible to be anticipated or classified; to be expended on the approval and authority of the Secretary of War, and for such purposes as he may deem proper, including the payment of a per diem allowance not to exceed $4, in lieu of subsistence, to employees of the War Department traveling on official business outside of the District of Columbia and away from their designated posts, $150,000: *Provided*, That the restrictions herein above recited concerning personal services and the amount allowable for per diem allowance shall not apply to so much of the funds herein appropriated as may be required to carry out the purpose of existing laws relating to the sale of war supplies and the adjustment of war contracts and claims: *Provided further*, That not to exceed $100,000 of the money herein appropriated shall be expended for the payment of salaries of civilian employees connected with the sale of war supplies and the adjustment of war contracts and claims: *And provided further*, That none of the funds appropriated or made available under this act shall be used for the payment of any salary in excess of $12,000 per annum to any civilian employee in the War Department.

Mr. WOOD of Indiana. Mr. Chairman——

Mr. GARD. Mr. Chairman——

Mr. WOOD of Indiana. Mr. Chairman, I make a point of order against the portion of this section commencing with the word "*Provided*," in line 16, and ending with the word "claims," in line 23.

The CHAIRMAN. The gentleman will state his point of order.

Mr. WOOD of Indiana. The point of order is that it is legislation on an appropriation bill.

Mr. KAHN. Mr. Chairman, I hope the gentleman will not insist on his point of order. The purpose of the provision is to save money for the Government. The amount that was asked for by the War Department for the contingencies of the Army for this coming fiscal year was $700,000. The committee has reduced that amount in the bill to $150,000. Fifty thousand dollars is to be expended for contingencies in the Army, $50,000 is to be expended by the Bureau of the Director of Sales, and $50,000 is to be expended by the various adjustment boards that are trying to clean up the contracts growing out of the war. This proviso will allow that money to be expended practically in the manner I have indicated and will prevent the use of other funds from other sections of the bill for paying civilian salaries in these two civilian branches of the War Department.

Mr. WOOD of Indiana. Mr. Chairman, I am trying to save some money to the Government by making this point of order, and I desire very briefly to state how. The gentleman from California has stated one of the purposes for which this money is desired. I will endeavor to point out another purpose. It is for the purpose, first, of absolutely nullifying a portion of this section, which says:

Including the employment of translators and exclusive of all other personal services in the War Department or any of its subordinate bureaus or offices at Washington, D. C.

And it is for the further purpose of permitting them to expend without any restriction any amount of money they may see fit for per diem expenses. It is for the further purpose, as stated by the gentleman, of paying the war board for settling war claims. And I wish to call the attention of the House particularly to the composition of this war-claims board. They have got 30 or 40 men to whom they are paying salaries all the way from $4,500 to $17,000 a year, some of whom have admitted, and admitted before one of the committees of this House, that they never earned $3,000 a year in their lives before they got this employment. The man who is the vice chairman of this board for the settlement of these claims, who is getting $1,000 a month, admitted that he never earned $3,000 in his life before he got this position. So I say that I am making this point of order for the purpose of saving money to the United States and not permitting it to be squandered, as it is being squandered, in this department.

The CHAIRMAN. Does the gentleman from Indiana insist on his point of order?

Mr. WOOD of Indiana. I do.

The CHAIRMAN. The point of order is sustained.

Mr. GARD. Mr. Chairman, I move to strike out the last word for the purpose of learning from the chairman of the Committee on Military Affairs, as to this appropriation of $150,000, with reference to whether anything was carried in other appropriation bills for the same amount. What was carried in the legislative, executive, and judicial bill?

Mr. KAHN. I do not think anything was carried for the contingencies of the Army. This item of contingencies in the Army has been carried in the military appropriation bills for many years. Of course, during the war, or immediately after the war, I should say, the War Department undertook to establish two civilian bureaus in the Army for the purpose of settling up war contracts and for the purpose of selling surplus military supplies. That is the only new proposition contained in this item, and I do not believe it is appropriated for in any other bill.

Mr. GARD. I have a recollection that in the bill I refer to there was carried an appropriation of $50,000. Of course, the gentleman from Indiana [Mr. WOOD] has more accurate information of that than I have.

Mr. WOOD of Indiana. I do not remember just exactly the amount, but my impression is that it was $250,000. I wish to call attention to the fact that this appropriation bill up to 1917 never carried more than $50,000 for contingent expenses.

Mr. GARD. What I am led to observe in making this inquiry is that here and there in appropriation bills there seems to be a very ingenious method of dovetailing in and out, so that an additional appropriation is granted in one bill and granted in another bill, and the language is varied a little so as to give another bill jurisdiction. My recollecton is—and I am supported by the gentleman—that practically the same item of $50,000 is carried in another bill, and if it be so—and I submit it for the information of the gentleman from California—is it necessary to carry this $150,000 now in this bill?

Mr. KAHN. I will say to the gentleman from Ohio that for many years the members of the Committee on Military Affairs have found fault with the attitude of some of the officials in the War Department who go from one committee to another trying to get appropriations for the same thing. I think it is a pernicious custom and it ought to be dispensed with without delay. But the Committee on Military Affairs in the last Congress was asked to appropriate $900,000 for these civilian organizations connected with the War Department and that are trying to close up war work.

Mr. DENT. Will the gentleman yield?

Mr. KAHN. Certainly; I will yield to my colleague.

Mr. DENT. Just for a suggestion. I feel perfectly sure, although I have not read the bill recently, that the legislative, executive, and judicial appropriation bill does not carry any item for contingencies of the Army. If it is carried in any bill at all, it was always in a deficiency bill coming after the Army appropriation bill. But the legislative, executive, and judicial appropriation bill does carry a provision for the payment of employees in the District of Columbia. But this is a special employment due to the outgrowth of the war.

Mr. KAHN. Exactly. I am quite sure that this item is not carried in any other bill.

Mr. WOOD of Indiana. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Yes.

Mr. WOOD of Indiana. There is carried for contingent expenses of the War Department, for all the bureaus, in the legislative, executive, and judicial bill, the sum of $250,000.

Mr. GARD. Two hundred and fifty thousand dollars?

Mr. WOOD of Indiana. Yes.

Mr. KAHN. That is not contingencies for the Army. The legislative, executive, and judicial bill carries the pay for the

clerks in the War Department and other employees in the War Department here in Washington.

Mr. WOOD of Indiana. And also for the per diem expenses and subsistence allowances.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. GARD. Mr. Chairman, I ask for five minutes additional.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. KAHN. But the Committee on Military Affairs appropriates for the employees of the War Department under the General Staff, and the legislative, executive, and judicial bill never has carried any appropriations for that purpose. These civilian employees who are now finishing up the war work are operating under the General Staff of the Army.

Mr. GREENE of Vermont. Mr. Chairman, will the gentleman yield?

Mr. GARD. Yes.

Mr. GREENE of Vermont. I simply want to suggest to the gentleman from Indiana, who so ably and industriously represents the Committee on Appropriations whenever the Army appropriation bill comes out, if he will surrender to the Committee on Military Affairs that adjunct to the Army affairs which the Committee on Appropriations still retains, there would be no danger of duplication of items. They would then all be passed upon by ourselves at one table.

Mr. GARD. I want to eliminate if I can duplications wherever they are apparent.

Mr. GREENE of Vermont. That is the hope of the Committee on Military Affairs, but our friends on the Committee on Appropriations, having a quasi jurisdiction over certain matters military by the back door for appropriations of a kind that we can not control, come in here and claim that there is duplication.

Mr. GARD. Without referring to the matter in controversy between the Committee on Appropriations and the Committee on Military Affairs, I claim the right to ask for information about these matters.

Mr. KAHN. I think the gentleman performs a good service to the House by asking these questions.

Mr. WOOD of Indiana. Mr. Chairman, will the gentleman yield?

Mr. GARD. Yes.

Mr. WOOD of Indiana. I desire to say in answer to the statement of the gentleman from Vermont [Mr. GREENE] in reference to the action of the Committee on Appropriations, the legislative, executive, and judicial appropriation bill is for the specific purpose of making appropriations to pay the clerical expenses of the War Department and all other departments except the Department of Agriculture in the District of Columbia. Appropriations for these purposes are gotten through the legislative, executive, and judicial bill through the front door. What they fail to get there they attempt to get through the back door of the Committee on Military Affairs. [Laughter.]

Mr. GREENE of Vermont. Will the gentleman be kind enough to state further what the jurisdiction of his committee is? Under the so-called fortifications appropriation bill you propose to provide equipment for the armed forces. There is the back door.

Mr. WOOD of Indiana. I criticize just as much as the gentleman from Vermont does the nefarious practice of permitting these various bureaus, when failing to get what they want before one of these committees, going immediately somewhere else and getting what they want. You will find three or four other items in this bill where, in violation of the law prescribed in the legislative bill, and in defiance of it, they have sought and obtained through this Committee on Military Affairs appropriations that were denied them because they could not make before the Committee on Appropriations a showing that they were entitled to receive them. And that is not all. There is a bill now pending, the naval appropriation bill, which passed this House a few days ago and went over on the other side, and in the committee over there they have added $450,000 for clerical work to help keep up this establishment in the city of Washington that is about as necessary as a cat with five tails. I am deprecating and will continue to oppose, as far as it is possible for me to do it, this constant overlapping and duplication that is resulting in the waste of millions of money to the United States every year.

Mr. McKEOWN. Mr. Chairman, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. McKEOWN. This example simply confirms the necessity for a budget system, does it not?

Mr. WOOD of Indiana. Absolutely; and there ought to be some system whereby the appropriation for clerical forces and all the other expenses of these various bureaus should be obtained through one committee. If it is not done so, how are you to keep track of what these bureaus are costing the Government? There is no possible way of finding out or ascertaining or keeping tab on the expenditures of these various bureaus unless there is some centralized body that has supervision over their entire appropriations and their expenditures.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

Mr. WOOD of Indiana. I yield.

Mr. McKENZIE. Does not the gentleman from Indiana think that it would safeguard the situation somewhat when people come before the Committee on Appropriations asking for money for military purposes if the chairman of the Committee on Appropriations or some member thereof would take the matter up with the chairman of the Committee on Military Affairs and ascertain whether or not it was a proper claim?

Mr. WOOD of Indiana. I think that is correct, and there ought to be that correlation instead of this seeming jealousy about jurisdiction. Likewise it might be said that before the Committee on Military Affairs undertook to put an appropriation through for clerical force in their Army bill they ought to come and consult with the Committee on Appropriations, which has jurisdiction over appropriations for clerical force.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. KAHN. Mr. Chairman, this last statement that the gentleman from Indiana has made about the clerical force is gratuitous. The Committee on Military Affairs has never assumed to appropriate for any clerks or messengers or laborers except those connected with the General Staff of the Army. I have been on the Committee on Military Affairs for about 15 years, and that committee has always had jurisdiction over those clerks and employees. It does not assume jurisdiction over any other clerks except that it has also had jurisdiction over the clerks that are attached to the Military Establishment at division or department headquarters of the Army throughout the country.

Mr. WOOD of Indiana. Mr. Chairman, will the gentleman yield?

Mr. KAHN. We have appropriated for those clerks. But over the clerks in the War Department here we have never assumed jurisdiction.

Mr. WOOD of Indiana. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Yes.

Mr. WOOD of Indiana. You say you are making no appropriations for clerical force. I invite your attention to page 7, to the item appropriating $800,000 for clerical force.

Mr. KAHN. Oh, the gentleman seems to have missed altogether what I said. We do appropriate for the clerical force connected with the General Staff and the various departments and branches of the Army scattered throughout the country, and we have always had jurisdiction over that matter.

Mr. WOOD of Indiana. Mr. Chairman, will the gentleman yield further?

Mr. KAHN. Yes.

Mr. WOOD of Indiana. The gentleman is evidently mistaken as to what I called his attention to, because in addition to the appropriation you make generally for your clerical force, you are appropriating $800,000 for the Adjutant General's office that you do not generally appropriate for.

Mr. KAHN. The gentleman is mistaken. That $800,000 is in the nature of a reappropriation, remaining over from the $3,500,000 appropriated last year for the purpose of making proper lists of the soldiers who participated in the World War and turning over those lists to the various States of the Union at the request of the adjutants general of those States.

Mr. WOOD of Indiana. Mr. Chairman, will the gentleman yield further?

Mr. KAHN. Yes.

Mr. WOOD of Indiana. I wish to call attention, in view of the statement made by the gentleman, to the fact that The Adjutant General, in coming before the legislative committee for this very purpose, asked for only $2,000,000. The legislative bill gives him $1,800,000. Now you are giving him $800,000 more, or $2,600,000, or $600,000 more than he ever made any specification for.

Mr. KAHN. If the gentleman had come to the chairman of the Committee on Military Affairs and told him about this request, we might have reached some understanding or agreement; but the fact remains that a year ago we put into the military appropriation bill an item for $3,500,000. There was a general

demand throughout the country, from practically all the States, that lists of the soldiers from those States be furnished to the adjutants general of those States, in order that they might have a record of what their sons had accomplished in this war. That item was carried in the Army appropriation bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KAHN. I ask for two minutes more.

The CHAIRMAN. The gentleman from California asks unanimous consent that his time be extended two minutes. Is there objection?

There was no objection.

Mr. KAHN. The Adjutant General appeared before our committee and stated that he had not completed his work, that it would require some little time to finish it. He did not ask for an additional appropriation. He simply asked that the balance remaining from the former appropriation be reappropriated. When we asked how much that balance would be, he said there would be about $800,000 remaining of the fund of $3,500,000 on the 1st of July next.

Now, there is no desire on the part of members of the Committee on Military Affairs to assume jurisdiction over matters that do not belong to them. Only a few days ago one of the Army officers came to the Committee on Military Affairs and spoke of aeroplanes for the fortifications. I stated that I believed that was a matter that ought to be taken up with the Appropriations Committee. I wonder if any member of the Appropriations Committee ever told an Army officer that some military item submitted to that committee ought to be taken up with the Committee on Military Affairs?

The CHAIRMAN. The Chair calls the attention of the chairman of the committee to the fact that the first proviso has been stricken out, and the second proviso commences with the language *"Provided further."*

Mr. KAHN. I move that that be amended by striking out the word *"further."*

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. KAHN: Page 2, line 23, after the word *"Provided,"* strike out the word *"further."*

The amendment was agreed to.

Mr. KAHN. On page 3, in line 1, I move to strike out the word "And."

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. KAHN: Page 3, line 1, after the colon, strike out the word "And."

Mr. GARD. Mr. Chairman, it seems that the amendment is not necessary. It follows along in proper sequence, as I view it, because when you have stricken out the first proviso then you have the words "Provided further," and then, on line 1, page 3, you have "And provided further."

Mr. KAHN. Let me call the attention of the gentleman to the fact that the first proviso was stricken out on a point of order.

Mr. GARD. I understand that. I said it seemed to me that the word "and" ought to remain in here. But that is very immaterial.

The point about which I wish to ask is that for those of us who are not of the elect, who are of the uninitiated in the line of appropriation bills, it is difficult to understand from the language in lines 2 to 4 just who down in the War Department are getting salaries in excess of $12,000 per annum.

It says here in lines 1 to 4:

That none of the funds appropriated or made available under this act shall be used for the payment of any salary in excess of $12,000 per annum to any civilian employee in the War Department.

Can the gentleman advise us how many of these civilian employees there are?

Mr. KAHN. I do not know how many there are, but I will tell the gentleman the history of that. Somewhat over a year ago the Secretary of War appeared before the Committee on Military Affairs and told us that it was necessary to have a civilian employee of acknowledged ability who was familiar with the mercantile world to become Director of Sales; he said that in order to get the right kind of an employee a salary of $25,000 a year would have to be paid. He brought to the Military Affairs Committee the gentleman whom he had selected for the position, Mr. Hare, of Philadelphia.

The members of the committee felt that it would be rather anomalous to have a civilian employee in the War Department functioning therein who was paid twice the salary of the Secretary of War; and as the salary of the Secretary of War is $12,000 a year, it was deemed advisable to put in a proviso that no civilian employee in the War Department should get more than the Secretary of War receives.

Mr. GARD. That prescribes the salary to be paid to Mr. Hare?

The CHAIRMAN. The time of the gentleman has expired.

Mr. McKENZIE. I ask that the gentleman be given two minutes more.

The CHAIRMAN. Unanimous consent is asked that the time of the gentleman from California be extended two minutes. Is there objection?

There was no objection.

Mr. GARD. Does that apply to the gentleman to whom the chairman of the committee has referred, Mr. Hare?

Mr. KAHN. No; Mr. Hare resigned.

Mr. GARD. What I particularly want to know from the chairman of the committee, or any other member of the committee, was how many of these $12,000 men there are?

Mr. KAHN. There was only one that I knew of. Mr. Hare evidently was not satisfied that $12,000 was sufficient, and he resigned. Mr. Morse has taken his place and is now the Director of Sales.

Mr. McKENZIE. I wish to call the attention of the gentleman from Ohio to the statement on page 10 of the hearings before our committee, where he will find the names of the various officers, and he will find that several of them are drawing $50 a day—lawyers—and one, I think, perhaps as high as $75 a day. Those are the gentlemen we are driving at.

Mr. KAHN. They are the gentlemen who are connected with the boards for the closing up of the war contracts.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. KAHN].

The amendment was agreed to.

The Clerk read as follows:

The unexpended balance of the $3,500,000, reappropriated in the Army appropriation act for the fiscal year 1920, approved July 11, 1919, for the completion, preservation, and transportation of the records pertaining to the draft under the act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917, including the employment of the necessary clerical and other help for duty in the office of The Adjutant General of the Army in connection with the arrangement, operation, and maintenance of the files of those records and for the employment of clerical help required to furnish to the adjutants general of the several States statements of service of all persons from those States who entered the military service during the war with Germany, is hereby reappropriated and made available for the fiscal year 1921, for all expenses, including the employment of clerical and other help in the office of The Adjutant General of the Army, necessary for the completion and preservation of the selective-service records and the completion of the work of furnishing statements of service to adjutants general of States: *Provided*, That this appropriation shall be disbursed by such officer as may be designated by the Secretary of War for the purpose.

Mr. WOOD of Indiana. Mr. Chairman, I make a point of order to this clause.

The CHAIRMAN. To what portion of the paragraph?

Mr. WOOD of Indiana. To all of that portion that provides for the employment of clerks in the Adjutant General's Office for the purpose of preparing statements of service of the persons in the different States who entered the military service in the war with Germany.

The CHAIRMAN. Commencing on line 8, page 7, after the word "record," down to and including the word "Germany," on line 12?

Mr. WOOD of Indiana. Yes.

Mr. KAHN. Mr. Chairman, I submit that this entire item was carried in the appropriation bill a year ago.

The clerical force for carrying out this work was provided for in that law. This is simply a continuation of the unexpended balance of that appropriation.

Mr. WOOD of Indiana. Even if it was in the bill of a year ago, that would not make it in order now.

The CHAIRMAN. Let the Chair inquire so as to understand the point of the gentleman from Indiana. The point of the gentleman is not that it is not authorized by law but as being within the jurisdiction of the committee. The point is that it being for clerical help, it should fall under the jurisdiction of the Committee on Appropriations and be a part of the legislative bill?

Mr. WOOD of Indiana. Yes.

The CHAIRMAN. On that point the Chair would like to hear the gentleman from California.

Mr. KAHN. Mr. Chairman, this entire matter was brought to the attention of the Committee on Military Affairs a year ago. Many Members of the House at that time were exceedingly anxious to have these records furnished for their respective States. The committee included the item which provided, among other things, for the hiring of the necessary clerks to do the work. I submit that this is simply a continuation of that work which was authorized in the last Army bill.

Mr. McKENZIE. I would like to ask the gentleman from Indiana a question. Has the Committee on Appropriations taken care of this matter by making an appropriation heretofore?

Mr. WOOD of Indiana. Yes; and I wish to call the attention of the committee to the situation. It is not the purpose or desire of anyone connected with the Committee on Appropriations to cripple this work. Let me call attention to the fact that the estimates of the War Department only asked for $1,345,000 for this service, and we appropriated $1,850,000 for the service. The Adjutant General at that time said that it was problematical, but he estimated that it would take $2,094,000, and we gave him $1,850,000. So if this item was germane and should be allowed, you are giving The Adjutant General $600,000 beyond his fondest dreams. In the opinion of The Adjutant General's office, they believe they can get through with the amount already appropriated. I think it is bad policy, even if it was proper, to give them an appropriation that they do not need to do the work specified.

Mr. McKENZIE. In what bill was that item?

Mr. WOOD of Indiana. In the legislative bill just passed. The gentleman from California, if he had been present at the time the bill was considered, would have discovered, and if he will read it now he will see that out of the lump-sum appropriation of $2,500,000 for the War Department $1,850,000 of that sum was for The Adjutant General's office for this specific purpose.

Mr. KAHN. Will the gentleman yield?

Mr. WOOD of Indiana. Certainly.

Mr. KAHN. Does the gentleman know that the Committee on Military Affairs in the last year's bill had already appropriated $3,500,000 for that work?

Mr. WOOD of Indiana. Let me call the gentleman's attention to what The Adjutant General said about that. He said:

> The estimates for the office were revised by a War Department board convened for the purpose of considering the financial needs of the various bureaus of the department. That board allotted to this office $1,345,000 for the additional roll on the assumption that $750,000 of the $3,500,000 appropriated for the care and custody of the selective-service records and for the furnishing of statements of service to the adjutants general of States would be made available for the payment of salaries of the additional roll during the fiscal year ending June 30, 1921. This sum will not be available for that purpose.

That is the reason he gave to us, and that is the reason for the Appropriation Committee giving him $1,800,000 for this service. If we had had any idea that he was anticipating going to the Military Committee for this same purpose, our action would have been different.

Mr. McKENZIE. I want to ask the gentleman another question—if the point of order is sustained, whether the entire amount carried in this appropriation bill will then be made available to be used on the questionnaires that are down there?

Mr. WOOD of Indiana. That is a part of this service.

Mr. McKENZIE. Oh, no; they are two different propositions.

Mr. WOOD of Indiana. There are two services—one was the service to be rendered the War Risk Bureau and to the finance department of the War Department furnishing data for the purpose of straightening out the accounts of the soldier boys. The other was for the purpose of furnishing the lists to the various adjutants general throughout the United States. For these two services The Adjutant General said it would take $2,094,000.

Mr. McKENZIE. If the gentleman will read the appropriation, he will see that it is for two purposes: First, to take care of the military record of the soldiers, which is a very proper thing to do, and to furnish copies to the adjutants general of the various States. The second proposition was to furnish clerks to take care of the questionnaires that were sent here by the train load to be taken care of by the Federal Government.

What I want to know from the gentleman from Indiana [Mr. WOOD] is whether or not, if his point of order is sustained, and nothing further done, the entire amount that is left in this appropriation will be available to be expended by employing clerks to take care of the questionnaires, and whether the appropriation will thereby be increased for doing the other work.

Mr. WOOD of Indiana. Mr. Chairman, in order that there may be no mistake about that, I make the point of order to the portion of this measure that the gentleman has called my attention to, with reference to the questionnaire, which is as clearly out of order as the other.

The CHAIRMAN. The Chair desires to ascertain to what language the gentleman extends his point of order. Does the point of order extend to the remainder of the paragraph?

Mr. WOOD of Indiana. Yes.

The CHAIRMAN. Commencing with the word "and" in line 8, and extending to the remainder of the paragraph.

Mr. WOOD of Indiana. Yes; that is the idea.

Mr. GARD. Mr. Chairman, I desire to call the attention of the gentleman from Indiana to the fact that if he makes the point of order beginning with line 8 on page 7, why not, in the interest of good legislation, make the point of order likewise against the language beginning on lines 22 and 23—against the entire paragraph, in fact; because if you leave the language on lines 22 and 23, and so forth, down to the record on line 8, it does not mean anything—it is not sense.

Mr. WOOD of Indiana. The only fear that I have in my mind is that the two or three things mentioned before possibly might have been in order, but I will admit that if this is taken out there is not much left of it.

Mr. GARD. What I am trying to say is that there is no necessity for the appropriation of an unexpended balance of $3,500,000, because it does not apply to anything, if the gentleman's point of order is sustained.

Mr. WOOD of Indiana. That is correct.

Mr. BEE. Mr. Chairman, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. BEE. Mr. Chairman, I want to say to the gentleman from Indiana, and to the gentleman from California, that the average Member of this House has no special interest at all in the controversy between the Committee on Appropriations and the Committee on Military Affairs, but it does occur to me that the result of this situation is going to be to deprive the people of the country of that which they are looking forward to, viz, the preservation of the records of the soldiers of the Great War, both in the Government at Washington and in the States of the Union, so that hereafter in years to come these records may be available. We ought not to be crippled by a controversy between these committees.

Mr. KAHN. Mr. Chairman, will the gentleman from Indiana yield to me while I read a letter from the Secretary of War on this subject?

Mr. WOOD of Indiana. Certainly.

Mr. KAHN. The letter is as follows:

> WAR DEPARTMENT,
> *Washington, March 26, 1920.*
>
> Hon. JULIUS KAHN,
> *Chairman Committee on Military Affairs,*
> *House of Representatives.*
>
> MY DEAR MR. KAHN: I beg leave to invite your attention to a matter that I believe should be considered in connection with the pending Army appropriation bill. I refer to the appropriation of $3,500,000 for the purpose of caring for the draft records and the furnishing of statements of service to the adjutants general of States.
>
> I respectfully request that the unexpended balance of that appropriation be made available for the fiscal year ending June 30, 1921, as otherwise it will be impossible to complete the statements of service for the adjutants general of the States, or to conduct satisfactorily the work connected with the draft records.
>
> The Adjutant General will, if you so desire, appear before your committee and explain in detail his needs in this connection.
>
> Trusting that you will give this matter your favorable consideration and that The Adjutant General will be permitted to appear before your committee, when he will furnish you with the details you may desire, I am,
>
> Cordially, yours,
> NEWTON D. BAKER,
> *Secretary of War.*

In accordance with the request of the Secretary, The Adjutant General did appear before the committee and testified that it was absolutely necessary, in order to have these records, that this unexpended balance be appropriated.

Mr. WALSH. Mr. Chairman, will the gentleman from California yield?

Mr. KAHN. Yes.

Mr. WALSH. Is any of this money to be used for constructing fireproof buildings?

Mr. KAHN. No.

Mr. WALSH. Are the records to be still kept in these fire traps where they were first stored when they were brought here to Washington?

Mr. KAHN. I understand that the records are kept in the brick buildings at Washington Barracks, near the Potomac.

Mr. WALSH. Then they have been moved from these various buildings where they were scattered.

Mr. KAHN. I understand so. I understand that they are in those brick buildings down there. One of the reasons given for wanting to create an engineer school at Camp A. A. Humphreys was because those buildings at Washington Barracks were utilized for these records.

Mr. GREENE of Vermont. Mr. Chairman, will the gentleman from Indiana yield?

Mr. WOOD of Indiana. Yes.

Mr. GREENE of Vermont. It is manifest that the Committee on Military Affairs took original jurisdiction of this provision and apparently with the assent, if not the definite consent, of the Committee on Appropriations. At least that committee made no protest. We initiated the legislation and carried it heretofore. How can you reenter, having once withheld your juris-

diction? Suppose we play both ends against the middle here, and each, thinking the other is going to take care of it, did nothing, what state is legislation to be in? If jurisdiction once assumed is not continued to the finish, we would find ourselves in a state of chaos. I would like to suggest to the gentleman that the Committee on Appropriations, having waived its jurisdiction, it is estopped from reentering upon it when action has begun.

Mr. WOOD of Indiana. The logic of the gentleman from Vermont is all right as far as it goes, but it does not go far. If the point of order were not raised against this item in a former military-affairs bill, it does not give a right, as a precedent, for a repetition of it. The point of order is just as germane at any subsequent violation of the rule as it would have been originally. I want to say, in answer to the gentleman from California, that there is no purpose, and I wish to impress this upon the gentleman, of the Appropriations Committee to interfere in the least in getting out these records and the statement to the Military Committee by the Secretary of War is in direct conflict with the necessities of this department as shown by The Adjutant General himself when he came before our committee and complained that the War Department was not giving him enough of this money, and when he only asked the total of $2,094,000 we gave him the amount we felt he could use for the fiscal year, $1,850,000, which is within less than $250,000 of the amount he said he needed to complete the entire work. So in answer to the gentleman from Texas this bureau is not going to be crippled at all, but we are opening the door by this proposal for an extra expenditure of $850,000.

Mr. McKENZIE. But the legislative bill has not yet become a law?

Mr. WOOD of Indiana. No.

Mr. McKENZIE. It is in the conference committee.

Mr. WOOD of Indiana. And agreed to.

Mr. McKENZIE. I want to ask the gentleman from Indiana if he does not believe, in the interest of orderly procedure and proper jurisdiction of the committee, that the thing to do is to put this appropriation where it belongs, on the military appropriation bill, and strike it out in conference from the legislative bill?

Mr. WOOD of Indiana. I will say to the gentleman from Illinois that would be impossible, for the conference has been had and the report agreed to and signed.

Mr. McKENZIE. But it has not yet been brought in.

Mr. WOOD of Indiana. It has not been brought in; no. It is a question of jurisdiction. However, I am not technical about the question of jurisdiction, but it is for clerical service in the District of Columbia, and that jurisdiction belongs to the legislative committee.

Mr. McKEOWN. Will the gentleman yield?

Mr. WOOD of Indiana. I will.

Mr. McKEOWN. I understood the gentleman to reply to the Chairman that the point of order was that it was not within the jurisdiction of this committee, and I was wondering if he meant to make the point of order or rather that it was legislation upon this appropriation bill?

Mr. WOOD of Indiana. Well, it is legislation upon an appropriation bill, and it is not proper legislation.

Mr. McKEOWN. I was wondering if the gentleman could raise the point of order on the paragraph after the bill is in that it is not within the jurisdiction——

The CHAIRMAN. The Chair is ready to rule. The propositions involved in the point of order are very simple, and when resolved down to fundamentals raises the question as to the jurisdiction of the Committee on Military Affairs as to two items. Those two items are one for clerical help for a certain specified purpose, and the other item for clerical and other help for a certain specified purpose. Within the District of Columbia matters affecting employees of all the various departments of the Government are within the jurisdiction of the Committee on Appropriations. The point of order is sustained, and the Clerk will read.

Mr. GARD. Mr. Chairman, I move to strike out the last word. It is evident there now remains in this bill, as far as I understand the ruling of the Chair, unless the Chair has ruled that the entire paragraph goes out——

The CHAIRMAN. The gentleman extended the point of order, the Chair will say to the gentleman from Ohio, against the language in line 8, commencing with the word "and," and that strikes out under the rule the rest of the paragraph.

Mr. GARD. In moving to strike out the last word, what I desired was to call to the attention of the gentleman from Indiana that on that point of order he is seeking to accomplish some saving, I have no doubt. It accomplishes nothing, because it still continues to appropriate an unexpended balance of $3,500,000. Now, the argument advanced by the gentleman from Indiana was that the Committee on Appropriations in the legislative, executive, and judicial bill had carried, I believe, $1,850,000 for the same purpose, so that if that be true, why is it necessary to carry the unexpended balance of $3,500,000? It seems to me that that is a bad way to appropriate, anyhow, an unexpended balance that is of an unknown quantity, and inasmuch as this part has been stricken out on the point of order, it seems to me, in the interest of good legislation, that something should be done with the other, because it certainly should not be the rule to appropriate unexpended balances without any purpose.

The CHAIRMAN. The Chair will ask the gentleman from Indiana if he does not believe he would be justified in withholding the point of order, commencing in line 12 with the word "is," where it reads, "is hereby reappropriated and made available for the fiscal year 1921 for all expenses," and so forth?

Mr. WOOD of Indiana. I do not see that that would help any. I think the proper thing to do would be for the chairman to move to strike out the rest of it.

Mr. KAHN. Mr. Chairman, I am not willing to take the responsibility at this time of stopping the work of preparing these lists, and I therefore will not move to strike out the other language.

Mr. WOOD of Indiana. Mr. Chairman, I move to strike out all the remaining portion of this clause, commencing on line 19, page 6. I move to strike out the remainder of the paragraph. That will cover it.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WOOD of Indiana: Page 6, line 19, strike out all of lines 19, 20, 21, 22, 23, and 24, and on page 7 all of lines 1, 2, 3, 4, 5, 6, 7, and 8, up to and including the word "records."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. HASTINGS. Mr. Chairman, I would like to ask the chairman of the committee whether or not, after having heard the explanation of the gentleman from Indiana [Mr. WOOD] that if this motion prevails and this paragraph is stricken out, he believes there is sufficient appropriation in the legislative bill to carry on this work?

Mr. KAHN. I will say frankly to the gentleman from Oklahoma that I do not know. I simply know that the Secretary of War wrote a letter to the chairman of the Committee on Military Affairs, in which he said that in order to carry on this work it was necessary to have the unexpended balance of $3,500,000 reappropriated.

Mr. HASTINGS. Mr. Chairman, I do not want to vote for a duplication of this work. There seems to be some uncertainty about it. I know the States are very much interested in having these records completed. At least, I know that my State is. I was wondering, after what has been said and the uncertainty that surrounds it, whether or not it would be well for the chairman of the committee to ask that this paragraph go over until to-morrow until the matter can be more thoroughly investigated?

Mr. KAHN. I will say furthermore that the letter of the Secretary of War to the chairman of the Committee on Military Affairs is dated March 26, only a few days ago.

Mr. HASTINGS. Does the chairman of the committee know that the attention of the Secretary of War was called to this item in the legislative bill?

Mr. KAHN. I imagine the War Department gets a copy of every appropriation bill hot off the press. I have no objection to submitting a unanimous-consent request that the matter be allowed to go over until to-morrow.

Mr. HASTINGS. I do not want to vote for it twice. I want to vote for it once.

Mr. KAHN. I am just stating to my friend from Oklahoma that on the 26th of March, long after the legislative, executive, and judicial appropriation bill had passed this House, the Secretary of War wrote to the chairman of the Committee on Military Affairs, saying that the appropriation of the unexpended balance was necessary.

Mr. HASTINGS. And that letter indicates that the Secretary of War was not advised of this other appropriation?

Mr. KAHN. I do not think it does indicate anything of the kind. But I am willing, for the sake of saving time, to ask unanimous consent that this entire matter be allowed to go over until to-morrow.

The CHAIRMAN. The amendment of the gentleman from Indiana [Mr. WOOD] is pending. Does the gentleman ask that the matter be carried over under its present status?

Mr. KAHN. Exactly.

Mr. WOOD of Indiana. If the gentleman will wait for a minute. Clearly the Secretary of War was not advised of this situation. Evidently The Adjutant General knows more about his necessities than the Secretary of War seems to know. The Adjutant General, according to his testimony—I am not giving you my word for it—said $2,094,970 was the amount that would be necessary to complete this work. The War Department had only allotted to him $1,345,000 for it. The legislative committee gave him five hundred thousand and some odd dollars more than the War Department had set apart for it, upon his statement, making it, instead of $2,094,000, as he said he thought would be necessary, $850,000. It is problematical how much it will take to do this work, but we are within $250,000 of all that is necessary to do it at the outside.

Mr. HASTINGS. That was to do this same work?

Mr. WOOD of Indiana. Exactly.

Mr. KAHN. I do not know whether it was to do this same work or not.

The CHAIRMAN. The gentleman from California [Mr. KAHN] has preferred a unanimous-consent request.

Mr. KAHN. I want to say in reply to the gentleman from Indiana [Mr. WOOD]—and I have no desire to assume jurisdiction for the Committee on Military Affairs to which it is not entitled—that The Adjutant General appeared before the Committee on Military Affairs on the 26th of March, subsequent to the time when he appeared before the Committee on Appropriations on this very item.

Mr. WOOD of Indiana. And upon the assumption, no doubt, that he would not get the amount that we appropriated for him when it finally passed the body at the other end of the Capitol.

Mr. KAHN. I ask that my unanimous-consent request be stated.

The CHAIRMAN. The Chair will state the unanimous-consent request of the gentleman from California. The gentleman from California asks unanimous consent that further consideration of this paragraph be continued over and made in order to-morrow when consideration is resumed in the Committee of the Whole. Is there objection?

Mr. GARD. Reserving the right to object, I shall not object to the wish of the gentleman from California to have it go over; but I merely offer this suggestion, that the Chair, having sustained a point of order to part of this, in order to make a completed statement of the balance remaining it would be necessary to include after the word "records," on line 8, the words "is hereby appropriated and made available for the fiscal year 1921," so that that should be included. The motion of the gentleman from Indiana [Mr. WOOD] was to strike it out.

Mr. WOOD of Indiana. If the point of order is sustained it absolutely leaves this clause meaningless anyhow.

Mr. KAHN. The amendment which the gentleman from Indiana has offered may not be adopted if we find that this unexpended balance is necessary for the continuance and the completion of the work.

Mr. BRIGGS. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Yes.

Mr. BRIGGS. When The Adjutant General was before the Committee on Military Affairs what did he have to say with reference to the necessity for this extra sum here? He testified before that committee, did he not;

Mr. KAHN. Exactly; and he went into details about the great value of these records and the great necessity for getting the unexpended balance to continue the work.

Mr. BRIGGS. Did he say that he would need that unexpended balance in addition to the amount that was carried in the deficiency bill?

Mr. KAHN. He did not say anything about any amount carried in the deficiency bill.

Mr. WOOD of Indiana. You bet he did not.

Mr. KAHN. Or in the legislative bill.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The Clerk will read.

Mr. GARD. Inasmuch as it is a good point to begin on to-morrow, I make the point of order.

Mr. KAHN. I hope the gentleman will not insist upon his point of order. Possibly we can finish reading a few more pages. I do not think there will be any material objection to them. Let us read until a quarter past 5.

Mr. GARD. I will withhold, if the gentleman desires.

Mr. KAHN. I would like to go on for a few moments longer. I would like to finish the bill, in fact, by Friday afternoon at 5 o'clock.

Mr. DENT. Mr. Chairman, will the gentleman yield to me for a moment?

Mr. KAHN. Certainly.

Mr. DENT. I think we can finish the bill by Friday. There is no opposition or fight on the bill from this side of the House. I would like to know about how much longer this afternoon the gentleman wants to continue?

Mr. KAHN. I should like to continue until a quarter past 5—15 minutes longer.

Mr. BAER. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. That will be in order after the next paragraph is read.

The Clerk read as follows:

For purchase and binding of professional books treating of military and scientific subjects for library, for use of school, and for temporary use in coast defense, $2,360: *Provided*, That section 3648, Revised Statutes, shall not apply to subscriptions for foreign and professional newspapers and periodicals to be paid for from this appropriation.

Mr. WALSH. Mr. Chairman, I reserve a point of order on the proviso of the paragraph.

The CHAIRMAN. The gentleman will state his point of order.

Mr. WALSH. I will reserve it, Mr. Chairman.

Mr. KAHN. Mr. Chairman, I hope the gentleman will not make the point of order. This item is necessary for some of these bureaus in order that they may secure newspapers and periodicals from foreign countries and our own country—publications that are purely technical. They publish articles of considerable value to the bureau in question. The publications require that subscriptions must be paid for in advance. They will not accept subscriptions to be paid after the year is over, and so this language is inserted and has been carried in the bill for many years, as to certain departments, in order that the bureaus may have the advantage of those special technical newspapers and periodicals which carry the articles that pertain to that particular service. It has been done as to some of the provisions of the bill for a number of years, notably in the Ordnance and other scientific and technical bureaus. They want to get the benefit of these particular publications.

Mr. GREENE of Vermont. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Yes.

Mr. GREENE of Vermont. Did not that first come to particular attention when the Post Office Department ruled, under some act or under the authority of some act, that newspapers could not send through the mails their publications except when they are paid for in advance?

Mr. KAHN. I think so. I want to call to the attention of my friend from Massachusetts [Mr. WALSH] the fact that legislation of this kind has been carried in the bill since 1908.

Mr. WALSH. Now, will the gentleman permit a question?

Mr. KAHN. Certainly.

Mr. WALSH. Does the department subscribe for periodicals only of foreign publication?

Mr. KAHN. No. They also subscribe for publications that discuss technical questions in which the bureau is interested in this country, but the rule here is that subscriptions must be paid for a year in advance.

Mr. WALSH. Has that rule been in force since 1908?

Mr. KAHN. The law has been carried that long. Probably it is because it was called to the attention of the Committee on Military Affairs, and upon that statement the provision was inserted in the bill.

Mr. WALSH. Of course, this is a very minor appropriation, Mr. Chairman, and in view of the explanation of the gentleman from California I will not press the point of order.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OFFICE OF THE CHIEF SIGNAL OFFICER.

SIGNAL SERVICE OF THE ARMY.

Telegraph and telephone systems: Purchase, equipment, operation, and repair of military, telegraph, telephone, radio, cable, and signaling systems; signal equipments and stores, field glasses, telescopes, heliographs, signal lanterns, flags, and other necessary instruments; wind vanes, barometers, anemometers, thermometers, and other meteorological instruments; photographic and cinematographic work performed for the Army by the Signal Corps; motor cycles, motor-driven and other vehicles for technical and official purposes in connection with the construction, operation, and maintenance of communication or signaling systems, and supplies for their operation and maintenance; professional and scientific books of reference, pamphlets, periodicals, newspapers, and maps for use in the office of the Chief Signal Officer; telephone apparatus, including rental and payment for commercial, exchange, message, trunk-line, long-distance, and leased-line telephone service at or connecting any post, camp, cantonment, depot, arsenal, headquarters, hospital, aviation station, or other office or station of the Army, excepting local telephone service for the various bureaus of the War Department in the District of Columbia, and toll messages pertaining to the office of the Secretary of War; electric time service; the rental of commercial telegraph lines and equipment and their operation at or connecting any post, camp, cantonment, depot, arsenal, headquarters, hospital, aviation station, or other office or station of the Army, but not including payment for individual telegraph messages transmitted over commercial lines; electrical installations and maintenance at military posts, cantonments, camps, and stations of the Army; fire control and direction apparatus

and matériel for Field Artillery; salaries of civilian employees, including those necessary as instructors at vocational schools; supplies, general repairs, reserve supplies, and other expenses connected with the collecting and transmitting of information for the Army by telegraph or otherwise; experimentation and research for the purpose of developing improvements in apparatus and methods of signaling, including machines, instruments, and other equipment for laboratory and repair purposes; tuition, laboratory fees, etc., for Signal Corps officers detailed to civilian technical schools for the purpose of pursuing technical courses of instruction along Signal Corps lines; lease, construction, alteration, and repair of such buildings required for storing or guarding Signal Corps supplies, equipment, and personnel when not otherwise provided for, including the land therefor, the introduction of water, electric light and power, sewerage, grading, roads and walks, and other equipment required, $4,000,000.

Mr. WALSH. I reserve a point of order on the paragraph, Mr. Chairman.

Mr. BAER. Mr. Chairman, I move to strike out the last word. I have asked the Official Reporters for a copy of the stenographic notes of the remarks of the gentleman from Ohio [Mr. COOPER], but as I have not received them yet, and as it is getting to be a late hour, I want to rise to say a few words with regard to the remarks he made. So far as the remarks he made about me personally are concerned, I want to say that I shall continue to cartoon as I have in the past, and I wish I had as much ability to express my ideas in pictures as the gentleman from Ohio has with his oratory. I can simply say that this publication, the Plumb Plan League paper, called Labor, is an official organ of the brotherhoods of which Mr. COOPER is a member. I am not a member of it, and I do not stand up here in behalf of labor. But if I wanted to go into some details in regard to the railroad bill, which would take about an hour, I believe I could justify my own opinion that that bill was not entirely beneficial to the great mass of the people, to labor or the farmers either.

In Chicago recently, according to newspaper reports, the president of the American Bankers' Association got up in a great convention and said he was proud of the bill because they had written five or six provisions into that measure. Now, as the bankers are the looters of the railroads, and not the railroad owners themselves, I believe it would be logical and consistent for me to show that because the bankers of this country had succeeded in writing five or six provisions into the bill it was a bill practically drawn by a soviet of brokers in Wall Street.

The newspaper dispatch I referred to was in the Washington Star under the following date line:

COMMENDS RAILROAD BILL—BANKERS' HEAD CALLS IT STABILIZER OF CERTAIN CONDITIONS.

CHICAGO, *March 2.*

The Esch-Cummins railroad bill is the most constructive legislation Congress has enacted in many years, Richard S. Hawes, president of the American Bankers' Association, declares in a statement here.

Six of seven recommendations drawn up by a special railroad committee of the association were incorporated in the bill, Mr. Hawes said.

"The bill will serve as a stabilizer of certain national conditions," Mr. Hawes said, "and it will insure a continuance of the present prosperous conditions. The principle of arbitration provided is at least equitable to all concerned. Let the labor features be given a full and fair trial. Both sides should welcome an unbiased try out."

I could quote another document proving that the railroad bill was partly written by financial interests, but I shall not discuss this matter further unless I am again attacked.

Mr. FOSTER. Will the gentleman yield?

Mr. BAER. No; I will not yield. I have only five minutes. But I am not trying to prove what I have just suggested, and I do not intend to unless some one makes an attack on me and I have to come in here on the floor and defend my statements in any paper in which my work is published. But the Members of this House were not entirely familiar with that bill.

Mr. FOSTER. Will the gentleman yield for a question, to explain this cartoon, in view of what he has just said?

Mr. BAER. That is just exactly what I have just explained.

Mr. FOSTER. This one where you say, "Wanted for Congress, a man who votes for the people and not for the soviet of Wall Street."

Mr. BAER. I have just explained that when five or six provisions of that bill are written by bankers who are the looters of the railroads, the men who voted for that bill, unconsciously, perhaps, did vote for the interests of Wall Street.

Mr. FOSTER. My question is this: Did you get paid for libeling 250 Members of this House in that cartoon?

Mr. BAER. No; I did not get any pay for it. I expressed my views on the railroad bill in that cartoon without any pay for it.

Mr. FOSTER. Is this your view about your fellow Members of Congress, who are as honest as you are?

Mr. BAER. I have no time to yield further.

Mr. FOSTER. I have a lot of questions I would like to ask you on that.

Mr. BAER. The antistrike clause of the bill which I attacked in Labor was not the clause that was in the bill as it originally passed the House, but was language written in by a Member of another body that I can not mention on this floor, and that was a vicious measure. It is evident that it meant the slavery of laboring men in this country. Here they wanted public ownership of laborers to compel them to work, and still they were hollering against the Government controlling the railroads. That was the very reason I attacked this provision that was written in another body, not by this House. The Anderson amendment was a splendid amendment, but that other provision was written in in another body, and it meant the slavery of the laboring men of this country, and I have the right, as a cartoonist and as an individual American citizen and as a Member of Congress, to attack a vicious measure that is contrary to the very fundamentals of our American Government.

The CHAIRMAN. The time of the gentleman from North Dakota has expired.

Mr. FOSTER. Mr. Chairman, I move to strike out the last two words. I want to say that the cartoon I referred to in my question to the gentleman from North Dakota is in Labor, dated March 20, and not prior to the House passing the bill, but subsequent to that date. The cartoon says, "Wanted, for Congress, a man who votes for the people and not for the soviet of Wall Street." That is under date of March 20.

Mr. BAER. Will the gentleman yield?

Mr. FOSTER. Yes; I will gladly yield.

Mr. BAER. I went on the proposition that this measure had passed according to my views, and that was what the American bankers said—they had written five or six provisions into the bill.

Mr. GREENE of Vermont. Will the gentleman allow me a suggestion?

Mr. FOSTER. Yes; gladly.

Mr. GREENE of Vermont. If this be a representative Government, is it extraordinary that once in a while the bankers might get a law through Congress not harmful to them?

Mr. BAER. That is all right.

Mr. FOSTER. I want to say that I came here as a Member of this Congress with a large labor constituency, and I think my record at home will show that I was not considered unfriendly to labor. After the present railroad bill was passed I asked the American Federation of Labor for their classification of my votes on labor bills. I found that there were 13 bills that the Federation had been interested in and that I had voted for all they were in favor of, as they classify it, except one, and that was my final vote for the railroad bill. I mention this to show that I do not believe I can justly be accused of being unfriendly to labor.

When the final vote arrived a motion to recommit by substituting the Anderson amendment for the labor clause then in the bill would have carried by a majority of 50 had the opportunity been presented for the vote. That is not only my judgment, but the judgment of the legislative agent of one of the railroad brotherhoods. It was generally understood by those friendly to labor that such a motion would be made up to within five minutes of the time the gentleman from Kentucky [Mr. BARKLEY], who had not voted for the Anderson amendment originally, made the motion to recommit, which precluded the vote for the Anderson amendment. This condition gave us no opportunity to vote for the substitution of the Anderson amendment. I then voted for the bill, realizing that it was necessary to protect the railroads on their return to private ownership. Without protection, the weaker roads in my district would have been thrown into the hands of receivers with a result that the coal mines would have their output materially reduced and the miners would be without employment. When we vote, as friends of labor, for this bill we turn around only to find a gentleman of the House cartooning the House of Representatives as a "soviet of Wall Street." This is both unfair and untrue. In my judgment, a gentleman who does that and intends it—I will not say what is in my mind, because I am not positive as to the rules of the House in such a case—but I resent it. [Laughter.]

Mr. BAER. Go ahead.

Mr. FOSTER. The gentleman says, "Go ahead." What I had in mind to say was that, if the gentleman from North Dakota objects to his company in the House, there is a way to part company without the retirement from the House of the 250 Members who supported the railroad bill.

Mr. WALSH. Mr. Chairman, in view of the fact that I have a point of order reserved and in view of the fact that I may need some assistance in having it properly considered, I will not press the point of order now.

Mr. BAER. Mr. Chairman, I think the gentleman who has recently spoken is very unfair, and I will not go into a consideration of the railroad bill, because it would take an hour. I think the men who voted for the bill voted conscientiously,

but it was passed under circumstances that did not enable them to know all that was in the bill. I am not questioning the good faith of any Member of the House, only I say that a great number of Members of the House did not know what was in the bill. I claim that the constitutional lawyers of the country do not know what is in the bill, because in that bill you can have an injunction on labor to-day. I am not arguing in regard to that. What I want to say is that as a cartoonist or a Member of Congress I have the right to express my views in pictures as well as somebody has to get up on the floor and make a speech.

The cause of the present unrest and strikes in this country is not caused by the Plumb plan paper. It is caused by repressive legislation, not only that has been passed by Congress but bills introduced and put in here suppressing free speech, free assemblage, and other repressive legislation. I want to put in the RECORD in connection with my remarks, as I have the right of extension, a statement printed in yesterday's Herald, drawn up by some members of the American Federation of Labor, and they speak officially for that organization as well as for the brotherhoods. These men go on to say that it is the reactionary legislation that has caused the present agitation. Bolshevism is always brought about by Bourbonism. In every country where they have tried to pass such repressive measures as Mr. Palmer's espionage bill a similar result has been caused. It is similar in every respect to the Czar's bill, to the Kaiser's bill, to the Bourbon bill, to the Stuarts' bill, and to what was done in Russia. What did it bring about? It brought about a serious condition like that in Germany to-day. I have a right to talk against this legislation and I have a right to picture it, and I challenge anybody in this House to say that I have not the right to express my views in that manner.

In connection with what I have said I insert the following:

STRIKES DUE TO REACTIONARY LAWS, LABOR'S OFFICIAL VIEW.

The Washington Herald herewith presents labor's official views on the unauthorized nation-wide railroad strike. The article was written by a trade-union official after he had conferred with international labor chiefs on the subject, and the opinions presented are the opinions of men high in the councils of the American Federation of Labor and the railroad brotherhoods. The article follows:

"The stampeded strikes of individual railroad employees can be laid to the reactionary legislation by Congress and the 'government-by-injunction' tactics of representatives of our Government.

"The strikes also are a stinging rebuke to those men in Congress who have persistently, flagrantly, and maliciously denounced in scathing terms organized labor and labor officials.

SAYS A. F. OF L. PREVENTED NATION-WIDE STRIKES.

"It is safe to say that were it not for the American Federation of Labor and its affiliated unions the country would be in the turmoil and stress of a gigantic strike that would paralyze industry and cause famine in food and other necessaries of life.

"There would have been no bolshevik government in Russia if there had been in that country as strong and virile an organization as the American Federation of Labor. There can be no complete paralysis of industry and commerce in this country because the American Federation of Labor and its affiliated unions will prevent it. There can be no so-called revolution in the United States so long as there is an American Federation of Labor. But the tactics of the labor baiters in Congress have embittered the people of this country until their regard for the law is becoming a secondary consideration.

"Since May, 1919, when the present Congress began its session, it has been surfeited with obnoxious bills, the intent of which are to reaffirm in peace times all the now vicious legislation adopted with the tacit consent of the people during the war.

REGRETS ATTEMPT TO HAMPER LABOR AND THE PEOPLE.

"Bills have been introduced taking away the initiative of men to better their conditions, the right of free speech, free press, and free assembly granted by the Constitution, and sumptuary laws have been proposed that would tie labor and the farmers into such a condition of servitude they would be unable to engage in the most necessary agitation seeking the betterment of their conditions.

"Not an idea was conceived in the hostile minds of Members of Congress that would retard and hamper not only labor but the people, that has not been written into a bill and presented for consideration.

"While the people of the country were suffering from the effects of the Great War and the economic equilibrium was shattered as never before in the history of the country, not a constructive measure was enacted by Congress for their relief.

"The high cost of living entered into every home. Children were denied proper sustenance because of the inability of the breadwinners of the household to earn sufficient wages to support themselves and their dependents. Cries for relief were incessant. They came from every quarter of the United States, and no class was more patient than the railroad employees. The appeals were ignored.

HOLD "TREACHERY OF CONGRESS" EXCITED WORKERS.

"This situation has caused the individual strikes that are disturbing the country to-day. But those men are fighting for the right to live as Americans should live, and notwithstanding their membership in trade unions, they have stampeded from their employment in what is called an unauthorized strike. It is unauthorized because the trade-union movement of the country believes in orderly procedure in the settling of grievances, but it can not be called an unjust strike, as those men were excited through the treachery of Members of Congress who have neglected the interests of the people.

"Congress is to blame for the situation. There is no doubt about it. Its antistrike legislation, its efforts to establish involuntary servitude of the employees of the railroad companies as well as others, and the falsehoods uttered so frequently embittered the people of this country. But the American Federation of Labor, which has been so maliciously maligned, can be depended upon to save this country from the terrible situation that has developed through the acts of Congress.

PEOPLE SHOULD PRAISE TRADE-UNION IDEA.

"Every rule of discipline in the railroad brotherhoods and their lodges is being enforced to the extreme. The strikers have been notified they will be expelled from their organizations unless they return to work. Every piece of machinery in the labor organization, every influence it can bring to bear, is being used to induce the strikers to return to work.

"This will be accomplished in a few days, as men are already returning to their employment.

"The people of the country should rise up in praise of the trade-union movement. They should make it their one aim in the next election to defeat every candidate who has aided in sowing the seeds of unrest among the workers.

"There was no greater influence during the war for a united people than the trade-union movement. It was a potential factor in killing pacifism when it was becoming a serious menace.

"But no sooner was the armistice declared than the denunciation of organized labor began. President Gompers was declared to have been disloyal during the war. Every act of his that had been approved by the rulers and parliaments of allied countries and our own Government was ridiculed and said to have been of no moment. Such denunciation by Members of Congress was sent out through the country in an effort to prejudice the people against the trade-union movement and its normal activities.

HIT PROFITEERS FOR SWELLING PROFITS.

"While the attack was being made on labor the profiteers went on their way rejoicing. As long as labor was denounced as being the cause of the profiteering the profiteers kept swelling prices without fear. These are the causes of the strikes of the railroad men, who had performed such prodigious tasks during the war. No group of men in the United States are more loyal, but the hammering away at them, the charge that they are receiving enormous wages, when they are saving and skimping at every turn and are still unable to make ends meet, has aroused them so they can not be held responsible for their acts.

"The trouble will settle down, peace will be restored, but the bitterness of feeling will remain. It is therefore necessary for all citizens of the United States who believe we should have a representative Congress, one which will legislate in the interest of the people and not for a privileged few, to give their aid to defeat those responsible for the present terrible conditions.

"The men who are on strike quit as individuals. No law could be enacted that would prevent such a class of strikes unless it prohibited an individual from quitting his employment whenever he saw fit. It is a most striking example of what unrest will do.

WANT "UNBEARABLE CONDITIONS" IMPROVED.

"Let Congress forget politics, forget personal aggrandizement, and enact legislation that will be of benefit to our people. Send every profiteer to jail. Repeal all reactionary legislation that prohibits citizens of our country from enjoying the inherent rights granted them by the Constitution.

"The people, to be successful, must not be burdened with any sumptuary laws that will take away their liberties. It were better that Congress should be done away with altogether than to have it create such rebellion in the minds and hearts of the people.

"The remedy, therefore, is that Congress and the interests that have been attacking labor should change their policy of seeking to enact such laws as make the life of the workers unbearable and join with the American Federation of Labor to alleviate the present unbearable conditions and unrest among the army of workers of our country. This can not be done unless the American Federation of Labor is supported by those who are now seeking to disrupt it."

Mr. GARD. Mr. Chairman, I renew the point of order that there is no quorum present, in the interest of peace on the Republican side.

Mr. KAHN. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TOWNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 13587, the Army appropriation bill, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. GOODWIN of Arkansas for an indefinite period, on account of sickness.

POST OFFICE APPROPRIATION BILL—CONFERENCE REPORT.

Mr. STEENERSON. Mr. Speaker, I present a conference report upon the bill H. R. 11578, the Post Office appropriation bill, for printing under the rule.

Mr. CLARK of Missouri. Mr. Speaker, I reserve all points of order.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Dudley, its enrolling clerk, announced that the Senate had passed without amendment the bill (H. R. 12581) granting the consent of Congress to the village and township of Shelly, Norman County, Minn., and the township of Caledonia, Traill County, N. Dak., and their successors and assigns, to construct a bridge across the Red River of the North on the boundary line between the said States.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12610) making appropriations for legislative,

executive, and judicial expenses of the Government for the fiscal year ending June 30, 1921, and for other purposes, that the Senate had further insisted upon amendment 53, had asked a further conference with the House, and had appointed Mr. WARREN, Mr. SMOOT, and Mr. OVERMAN as the conferees on the part of the Senate.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bill and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate Committees as indicated below:

S. 4167. An act to extend the time for the completion of the municipal bridge approaches and extensions or additions thereto by the city of St. Louis, within the States of Illinois and Missouri; to the Committee on Interstate and Foreign Commerce.

S. J. Res. 186. Joint resolution to extend the authority of the county of Luzerne, State of Pennsylvania, to construct a bridge across the North Branch of the Susquehanna River from the city of Wilkes-Barre, county of Luzerne, Pa., to the borough of Dorranceton, county of Luzerne, Pa.; to the Committee on Interstate and Foreign Commerce.

ENROLLED BILL SIGNED.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 795. An act for the relief of Arthur Wendle Englert.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 1005. An act for the relief of the owner of the steamship *Matoa;* and

S. 1222. An act for the relief of the owners of the schooner *Henry O. Barrett.*

LEAVE TO PRINT.

Mr. KAHN. Mr. Speaker, I ask unanimous consent that all gentlemen who have spoken on the Army appropriation bill, or who may hereafter speak on that bill, have five legislative days within which to extend their remarks on the bill.

The SPEAKER. Is there objection?

Mr. GARD. Mr. Speaker, why does not the gentleman extend it to all Members of the House?

Mr. KAHN. Only those gentlemen who have spoken on the bill have asked that I make this request. I have no objection to changing the request so that all Members may have five legislative days in which to extend their remarks on the Army appropriation bill.

Mr. WALSH. Mr. Speaker, I object to that request.

Mr. COOPER. Mr. Speaker, I ask unanimous consent to extend my remarks on the subject on which I addressed the House.

The SPEAKER. Is there objection?

Mr. WALSH. The gentleman's own remarks?

Mr. COOPER. Yes.

The SPEAKER. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. KAHN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 24 minutes p. m.) the House adjourned until to-morrow, Thursday, April 15, 1920, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of waterway or ship canal along the most practicable route between Lake Erie and Lake Ontario of sufficient capacity to admit the largest vessels now in use on the Great Lakes, was taken from the Speaker's table and referred to the Committee on Rivers and Harbors.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. ELLSWORTH, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 9228) to authorize the establishment of a Coast Guard station on the coast of Lake Superior, in Cook County, Minn., reported the same without amendment, accompanied by a report (No. 826), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MADDEN, from the Committee on the Post Office and Post Roads, to which was referred the bill (H. R. 13576) authorizing the Secretary of War to turn over to the Postmaster General without charge therefor a certain building or buildings now located at Watertown, N. Y., reported the same without amendment, accompanied by a report (No. 827), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Idaho, from the Committee on the Public Lands, to which was referred the bill (H. R. 9028) to authorize the addition of certain lands to the Nez Perce National Forest, Idaho, reported the same with an amendment, accompanied by a report (No. 833), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. WILSON of Pennsylvania, from the Committee on War Claims, to which was referred the bill (H. R. 3522) for the relief of Lemuel Stokes, reported the same with an amendment, accompanied by a report (No. 828), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 12890) referring the claim of the State of Rhode Island for expenses during the War with Spain to the Court of Claims for adjudication, reported the same with an amendment, accompanied by a report (No. 829), which said bill and report were referred to the Private Calendar.

Mr. McKINIRY, from the Committee on Claims, to which was referred the bill (H. R. 11945) for the relief of W. C. Stewart, reported the same without amendment, accompanied by a report (No. 830), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 12005) for the relief of Henry P. Corbin, reported the same without amendment, accompanied by a report (No. 831), which said bill and report were referred to the Private Calendar.

Mr. TAYLOR of Colorado, from the Committee on the Public Lands, to which was referred the bill (H. R. 178) authorizing an exchange of lands by A. A. Bruce, of La Veta, Colo., reported the same with an amendment, accompanied by a report (No. 832), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 13539) granting an increase of pension to Charles O. Woesner; and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. KELLAR: A bill (H. R. 13606) granting the consent of Congress to the city of St. Paul, Minn., to construct a bridge across the Mississippi River; to the Committee on Interstate and Foreign Commerce.

By Mr. HOWARD: A bill (H. R. 13607) amending section 2 of the act of June 14, 1918, providing for a determination of heirship in cases of deceased members of the Cherokee, Choctaw, Chickasaw, Creek, and Seminole Tribes of Indians in Oklahoma, conferring jurisdiction upon district courts to partition lands belonging to full-blood heirs of allottees of the Five Civilized Tribes, and for other purposes; to the Committee on Indian Affairs.

By Mr. TAGUE: A resolution (H. Res. 520) regarding the Irish citizens confined in the prisons in England; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 13608) granting an increase of pension to Henry Haines; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13609) granting an increase of pension to Frank Dye; to the Committee on Invalid Pensions.

By Mr. DALE: A bill (H. R. 13610) granting a pension to Cynthia A. Prince; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13611) granting a pension to Preston Phinney; to the Committee on Pensions.

By Mr. DARROW: A bill (H. R. 13612) for the relief of the heirs of R. M. Bryson; to the Committee on Claims.

By Mr. EVANS of Montana: A bill (H. R. 13613) for the relief of Ferman Montreal; to the Committee on Military Affairs.

By Mr. GRIGSBY: A bill (H. R. 13614) validating homestead entry of Mike Campbell for certain public land in Alaska; to the Committee on the Public Lands.

By Mr. KETTNER: A bill (H. R. 13615) granting an increase of pension to Hannah Barney; to the Committee on Pensions.

By Mr. LANGLEY: A bill (H. R. 13616) granting a pension to William M. Miller; to the Committee on Pensions.

By Mr. O'CONNOR: A bill (H. R. 13617) to extend the provisions of the retirement law for the Lighthouse Service to include Joseph P. Groux, former keeper of Chefuncte River Range Light Station, La.; to the Committee on Interstate and Foreign Commerce.

By Mr. SANDERS of Indiana: A bill (H. R. 13618) granting a pension to Tabitha A. Coole; to the Committee on Pensions.

By Mr. SNELL: A bill (H. R. 13619) granting a pension to Minnie Chapman; to the Committee on Invalid Pensions.

By Mr. UPSHAW: A bill (H. R. 13620) for the relief of G. L. Adams; to the Committee on Claims.

Also, a bill (H. R. 13621) granting a pension to Hiram L. Middlebrooks; to the Committee on Pensions.

Also, a bill (H. R. 13622) for the relief of the widow of John A. Zachary; to the Committee on Claims.

Also, a bill (H. R. 13623) for the relief of Alexander Mattison; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2947. By Mr. BEE: Petition of Eugene A. Nordhaus and others, of San Antonio, Tex., favoring enactment of civil-service retirement legislation; to the Committee on Reform in the Civil Service.

2948. By Mr. BYRNS of Tennessee: Affidavit in support of House bill No. 13594, granting a pension to Thomas J. Meadows; to the Committee on Pensions.

2949. By Mr. DYER: Petition of the night inspectors of the port of Baltimore, urging the passage of the Dallinger bill to increase the salary, etc.; to the Committee on Appropriations.

2950. Also, petition of the Austin and Floyd Key Post, No. 156, of the American Legion, urging the support of the American Legion fourfold optional bill, etc.; to the Committee on Ways and Means.

2951. By Mr. KINKAID: Petition of Miss Adaline M. Miller and 93 other citizens of Mitchell, Nebr., and vicinity, protesting against universal military training, etc.; to the Committee on Military Affairs.

2952. Also, petition of H. Schuman and 19 other citizens of Big Springs, Nebr., and vicinity, protesting against universal military training, etc.; to the Committee on Military Affairs.

2953. By Mr. NEWTON of Minnesota: Petition of group of citizens of Minneapolis, Minn., that the United States Army stores be kept open to aid in combating high cost of living; to the Committee on Military Affairs.

2954. Also, resolution of Minnesota State central committee, Veterans of Foreign Wars of the United States, indorsing and recommending for favorable action and passage the Royal Johnson back-pay bill, House bill 7923; to the Committee on Ways and Means.

2955. By Mr. O'CONNELL: Petition of the victory convention of the National American Woman Suffrage Association, urging the adhesion of the United States to the League of Nations with the least possible delay, etc.; to the Committee on Foreign Affairs.

2956. By Mr. RAKER: Petition of the Los Angeles Chamber of Commerce, urging the passage of House bill 12537; to the Committee on Irrigation of Arid Lands.

2957. Also, petition of the editor of the Liberty Magazine, Washington, D. C., protesting against House bill 12504, etc.; to the Committee on the District of Columbia.

2958. Also, petition of the Golden Gate Association, No. 40, Masters, Mates, and Pilots of America, protesting against certain provisions in House bill 10378; to the Committee on the Merchant Marine and Fisheries.

2959. Also, petition of California State Federation of Women's Clubs, indorsing conservation of the forests of the United States and urging the purchase by the United States of forests at the head of navigable rivers; to the Committee on Agriculture.

2960. Also, petition of the Schmidt Lithograph Co., of San Francisco, Calif., protesting against the excess-profits tax, etc.; to the Committee on Ways and Means.

2961. By Mr. ROGERS: Petition of V. H. Kazanjian, Edward H. Bedrossian, S. K. Boyasian, A. A. Selian, Leon Kazanjian, Yervant Assayoorian, L. K. Mkitarian, F. Mallonian, H. Aurigian, A. Kasparian, and B. K. Papajian, members of the Union of American Veterans of Armenian birth, urging the Government of the United States to extend to the Armenian people immediate protection and assistance; to the Committee on Foreign Affairs.

2962. By Mr. SINCLAIR: Petition of residents of Cooperstown, N. Dak., and vicinity, protesting against compulsory military training; to the Committee on Military Affairs.

2963. By Mr. TIMBERLAKE: Petition of the Benjamin J. Hofstetter Post, No. 89, of the American Legion, of Hayden, Colo., urging the Ways and Means Committee to report out the fourfold optional plan, etc.; to the Committee on Ways and Means.

2964. By Mr. WINGO: Petition of J. E. Young and other citizens of Howard County, Ark., protesting against compulsory military training service; to the Committee on Military Affairs.

SENATE.

THURSDAY, *April 15, 1920.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come before Thee day by day that we may be recommissioned for the task Thou hast put into our hands. We dare not meet the responsibilities of this high office trusting alone in human wisdom or human strength—too many sacred and important interests are at stake. We turn our faces constantly toward God and ask Thee to guide us in the discharge of our duties. Bless the labor of this day in this Senate. We ask it for Christ's sake. Amen.

The Assistant Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

NITRATE OF SODA.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the joint resolution (S. J. Res. 180) authorizing the Secretary of War to turn over to agricultural fertilizer distributors or users a supply of nitrate of soda, which was to strike out all after "authorized," in line 4, and to insert "to sell for cash at the prevailing market price, at the time of the sale thereof, to such distributors or users thereof, in the United States, as shall request the same, and in such quantity to each, not less than 1 ton nor more than 100 tons to any purchaser, as he shall see fit, not to exceed in the aggregate 100,000 tons of nitrate of soda, now held as a reserve supply of the War Department, the proceeds of such sale to be repaid to the proper item of the current appropriations originally made for such purposes: *Provided*, That the Secretary of War shall report to Congress not later than December 6, 1920, the names of all purchasers of said nitrate of soda, together with the prices for which sold."

Mr. SMITH of South Carolina. I hope the Senate will concur in the amendment of the House. The War Department advises me that this will be the most expeditious way in which to keep the accounts.

Mr. GRONNA. I shall have to ask that the matter go over for to-day, because I have some information from one of the departments very much opposed to the measure in its present form.

Mr. SMITH of South Carolina. Let it go over, then, for the day.

The PRESIDENT pro tempore. By unanimous consent, it will be passed over until to-morrow.

RAILROAD STRIKES.

Mr. THOMAS. Mr. President, the Denver papers announce that the Denver railroad yardmen at a mass meeting a few days ago, after a full consideration of the appeal made to them to join in the strike movement now generally prevalent, unanimously decided not to do so. The action of this organization is

so commendable, so just, and so conservative that I think it is worth a special note of appreciation on the floor of the Senate and entitles it to a public expression of our thanks.

I therefore take this opportunity to say that this example should commend itself to law-abiding, conservative American workmen throughout the country, whether organized or not. It indicates a strong leaven of order, of justice, of public spirit among the organizations which, in my judgment, must inevitably make itself felt and which, I trust, will ultimately prevail everywhere.

PETITIONS AND MEMORIALS.

Mr. TOWNSEND (for Mr. NEWBERRY) presented a petition of the Chamber of Commerce of Battle Creek, Mich., praying for the repeal of certain provisions of the so-called Lever Act, which was referred to the Committee on Interstate Commerce.

He also presented a petition of Shiawassee Chapter, Daughters of the American Revolution, of Owosso, Mich., praying for the passage of the so-called Kenyon-Vestal bill to promote Americanization, which was ordered to lie on the table.

Mr. ASHURST presented a telegram in the nature of a petition from the Buxton North Co., of Nogales, Ariz., praying that more troops be sent to the Mexican border on account of the pending revolution in Sonora, which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Kingman, Ariz., praying for universal military training, which was ordered to lie on the table.

REPORTS OF COMMITTEE ON EDUCATION AND LABOR.

Mr. KENYON, from the Committee on Education and Labor, to which was referred the bill (S. 4002) to establish in the Department of Labor a bureau to be known as the women's bureau, reported it with an amendment.

He also, from the same committee, to which was referred the bill (S. 4001) to provide for the election of the members of the Board of Education of the District of Columbia, and for other purposes, asked to be discharged from its further consideration and that it be referred to the Committee on the District of Columbia, which was agreed to.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NELSON:

A bill (S. 4225) granting an increase of pension to Elizabeth Streit; to the Committee on Pensions.

By Mr. FRELINGHUYSEN:

A bill (S. 4226) to authorize national banking associations to establish and maintain branches; to the Committee on Banking and Currency.

A bill (S. 4227) granting an increase of pension to Sarah E. Hanes; to the Committee on Pensions.

By Mr. OVERMAN:

A bill (S. 4228) for the relief of Stanley Mitchell; to the Committee on Naval Affairs.

AMENDMENT TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. JONES of Washington submitted an amendment proposing that hereafter birch timber may be exported from Alaska, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

THE BUILDING SITUATION.

Mr. CALDER submitted the following resolution (S. Res. 350), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Whereas the general construction of houses, manufacturing establishments, and buildings necessary for the development of the Nation's resources, the production of essential materials, and the amelioration of present housing conditions was curtailed by Federal action during the war and is now seriously hampered by an unprecedented demand for consumables and luxuries which has diverted capital, labor, and materials into nonproductive or nonessential fields: Therefore be it

Resolved, That a committee of five Senators, consisting of three members of the majority party and two members of the minority party, appointed by the President of the Senate, is hereby authorized to inquire into and report to the Senate on or before December 1, 1920:

(a) The existing situation in relation to the general construction of houses, manufacturing establishments, and buildings; and the effect thereof upon other industries and upon the public welfare; and

(b) Such measures as it may deem necessary to stimulate and encourage such construction work, to encourage popular investment rather than spending, to foster private initiative in building, and to insure cooperation between labor and persons or corporations engaged in transportation, banking, or other business necessary to the development of such construction.

Such committee is hereby authorized during the Sixty-sixth Congress to sit during the sessions or recesses of the Congress, at Washington or at any other place in the United States, to send for persons, books, and papers, to administer oaths, and to employ experts deemed necessary by such committee, a clerk, and a stenographer to report such hearings as may be had in connection with any subject which may be before such committee, such stenographer's service to be rendered at a cost not exceeding $1 per printed page; the expenses involved in carrying out the provisions of this resolution to be paid out of the contingent fund of the Senate.

POST OFFICE APPROPRIATIONS—CONFERENCE REPORT.

Mr. TOWNSEND. I present a conference report on the disagreeing votes of the two Houses upon House bill 11578, the Post Office appropriation bill, and I ask for its present consideration.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the report will be read.

The Assistant Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11578) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1921, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 15, 19, 20.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 5, 6, 9, 10, 11, 13, 14, 17, 18, 21, 23, 25, and 28 and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4 and agree to the same with an amendment as follows:

In lieu of the matter inserted by said amendment insert the following: "*Provided*, That whenever the office of a postmaster becomes vacant through death, resignation, or removal, the Postmaster General shall designate some person to act as postmaster until a regular appointment can be made by the President, and the Postmaster General shall notify the Auditor for the Post Office Department of the change. The postmaster so appointed shall be responsible under his bond for the safekeeping of the public property of the post office and the performance of the duties thereof until a regular postmaster has been duly appointed and qualified and has taken possession of the office. Whenever a vacancy occurs from any cause, the appointment of a regular postmaster shall be made without unnecessary delay"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In line 5 of the matter inserted by said amendment, strike out the word "materially"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of "$1,415,000" named in said amendment, insert the following: "$1,250,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following:

"For transportation of foreign mails by steamship, aircraft or otherwise, including increases hereinafter provided, $4,700,000: *Provided*, That not to exceed $100,000 of this sum shall be expended for carrying foreign mail by aircraft."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "of which $500,000 shall be available immediately"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: Renumber the section to read: "SEC. 4"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: Renumber the section to read: "SEC. 6"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"(c) The commission shall investigate all present and prospective methods and systems of handling, dispatching, transporting, and delivering the mails, and the facilities therefor; and especially all methods and systems which relate to the handling,

delivery, and dispatching of the mails in the large cities of the United States.

"On or before March 1, 1921, the commission shall make a report to Congress containing a summary of its findings and such recommendations for legislation as it may believe to be proper"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"(d) For the purposes of this section, the commission shall have power to summon and compel the attendance of witnesses and the production of documentary evidence, and to administer oaths."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: Strike out the second paragraph of said amendment and insert in lieu thereof the following:

"SEC. 7. That the Secretary of War be, and he is hereby, authorized and empowered, at his discretion, and under such rules and regulations as he may prescribe, to loan to any State of the Union, when so requested by the highway department of the State, such tractors as are retained and not distributed under the act approved March 15, 1920, for use in the highway construction by the highway department of such State: *Provided*, That all expenses for repairs and upkeep of tractors so loaned and the expenses of loading and freight shall be paid by the State, both in transfer to the State and the return to the Army."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: Renumber the section to read "Sec. 8"; and the Senate agree to the same.

CHARLES E. TOWNSEND,
THOMAS S. STERLING,
LAWRENCE C. PHIPPS,
J. C. W. BECKHAM,
CHARLES B. HENDERSON,
Managers on the part of the Senate.

HALVOR STEENERSON,
MARTIN B. MADDEN,
W. W. GRIEST,
JOHN A. MOON,
A. B. ROUSE,
Managers on the part of the House.

Mr. POMERENE. May I ask the Senator from Michigan what was done with respect to the question of the bonus which was given to employees?

Mr. TOWNSEND. We carried over the appropriation for last year in which a bonus was specially provided for, but neither House made any provision for additional compensation at this time.

Mr. POMERENE. I am a little confused about the matter. There was some provision, either in this bill or in the legislative, and so forth, appropriation bill, to grant the bonus for the ensuing year that the employees are receiving during the current year.

Mr. TOWNSEND. That is correct, and it is in the bill now. It was in the bill when passed by both Houses.

Mr. POMERENE. That is what I wanted to be reassured about.

Mr. TOWNSEND. That was not a matter in disagreement.

I desire to state that we passed this bill, as the Senate will remember, and sent it to conference. In the conference the House conferees proposed an amendment whereby a building located at the Watertown Arsenal that belongs to the Government could be moved to a piece of ground here, which Congress was providing means for purchasing in this bill. When that item went to the House in the conference report one of the Members of the House was not pleased with what the Senate had done relative to airplanes, although the bill, as passed by the House, made no provision for any airplane service. Therefore he raised the point of order against this building proposition, and it was, in fact, legislation which had not been enacted by either House, and the bill had to go back to conference. It went back, and the offending item was eliminated. The conferees have now reached a complete agreement on this report.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

The report was agreed to.

NATIONAL SYSTEM OF HIGHWAYS.

Mr. TOWNSEND. Mr. President, I desire to say one word about an item which was not included in the Post Office appropriation bill by either House, but a matter which has received the attention of the country to as great an extent as any other purely domestic matter which is before the Congress or the country. I refer to the question of highway legislation. We did not include any provision in the Post Office appropriation bill; in fact, it was not seriously urged that we should increase the appropriation or pass any legislation extending Federal aid.

I have, however, introduced a bill, which has been called to your attention generally, I think, known as the national highway bill. It has received the indorsement of good roads organizations from all over the country. The National Grange and boards of commerce generally favor it. Ordinarily I should press it for consideration at this session of Congress.

When we had the last measure up making appropriations for Federal aid I then stated that I would consent to that proposition, because it was an encouragement to road building and the only proposition then before the Senate, but I then said on this floor that I did not regard it as a wise and proper course for the United States to follow in expending money in highway construction and maintenance.

I believed then and I believe now that the Federal Government can be properly interested only in the construction of interstate roads, of roads that benefit commerce, that contribute to the general welfare and to the common defense. There never was a time when roads were more in need than they are at present. The present great emergency that is disturbing the country—strikes on the railroads—could be obviated if we had through systems of highways, and the threatening peril of railroad strikes would be largely robbed of its terrors.

The bill which I have introduced provides for a national system of highways composed of two roads at least in each State, one running east and west and one north and south, connecting with roads in adjacent States or adjacent countries, these roads to be built and maintained by the Federal Government.

It provides for a national highway commission, which will take over all of the powers that are now being exercised by the Bureau of Public Roads of the Department of Agriculture. It is to be the business of this commission to lay out, construct, and maintain these national highways.

I repeat, no one will question the need of these highways, and especially the present need. There is sufficient encouragement throughout the country to warrant embarkation upon this proposition to-day, but I considered the condition of the Treasury, knowing that it was under great strain, knowing that it would require men who a year ago we were exercised about for fear that they would not find employment after the war, but who to-day are needed by the agricultural interests of the country very greatly. Therefore, I thought it was not wise to ask that a large number of men be taken out of regular employment and placed upon road work.

This, I repeat, together with the condition of the Treasury, induced me to postpone pressing the national highway bill for consideration at this time. I have not felt that it was wise to appropriate any more money at this time for Federal aid. Over $100,000,000 are available, less probably than $13,000,000 of which have been utilized by the States. The existing appropriations for Federal aid will run until the end of 1921, and after that they will continue for two years. So there is money enough to continue the work which has already been laid out.

But, Mr. President, I am not at all pleased with the way the Federal money has been expended in highway construction work.

The money, for instance, is apportioned, as Senators know, among the States according to population, territory, and mileage of roads. The States put up an amount equal to that appropriated by the Federal Government. The fact is that a great many of the States apportion their Federal-aid money among their counties in the same ratio that the Federal Government apportions it among the States, with the result that we find little patches of road built here and there all over a State, beginning nowhere, leading nowhere, having no system in view, and being washed away in many instances by the first flood that comes after they have been completed. Sixty per cent of the Federal aid already expended has been devoted to temporary roads. I maintain that present methods of expending Federal aid are wasteful and inexcusable.

Therefore I have felt that one of two things must occur: Before I will ever vote another dollar in that direction we must

amend the Federal-aid law so that the money shall be expended upon a system of State highways connecting with adjoining systems in other States and maintained permanently, so that the investment may be of some value to the country, or else, at the proper time, I am going to insist as strongly as I can—and that is what I am doing now—that we have a national system, laid out by the Federal Government and built and maintained by it, for the good of the whole country. It will be an inspiration to the States to build State systems connecting with the Federal plan which will contribute to the highest welfare of the States.

So, Mr. President, I am going to call the committee together next week some time, I hope, to consider not the appropriation of a large amount of money at this session of Congress, but to create a commission and transfer to it the powers of the Highway Commission of the Agricultural Department, and instruct it to proceed to carry out the provisions of Federal-aid laws as they now exist and at the same time map the country for the national system of roads to be constructed hereafter.

There are before the committee a bill introduced by the junior Senator from Colorado [Mr. PHIPPS] and another bill introduced by the senior Senator from Oregon [Mr. CHAMBERLAIN] having reference to Federal aid. The former bill refers especially to roads in public-land States. Certainly a different condition exists there from that which exists in the other States, and that condition ought to be given consideration. I propose, with the concurrence of the Committee on Post Offices and Post Roads, to proceed to the consideration of this question, and possibly to hold such hearings as may be deemed advisable for the purpose of presenting to the Congress or to the Senate a concrete statement of the conditions as they exist, with a view that the great and pressing need for better highways and a better system of highways may be considered at the earliest possible date consistent with the condition of the Treasury. If you want to promote general prosperity, protect against railroad strikes, and promote the general welfare you will favor such a system as I propose.

I make this statement, Mr. President, because I feel that it is due the country to know the facts. I take it, Mr. President, that you, as well as myself, are receiving urgent communications on this subject greatly favoring it. I have therefore made it as clear as I could as to what course the Committee on Post Offices and Post Roads will take in reference to the matter.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

After 4 hours and 10 minutes in executive session, the doors were reopened.

RECESS.

Mr. WADSWORTH. As in legislative session, I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and (at 4 o'clock and 27 minutes p. m.) the Senate took a recess until to-morrow, Friday, April 16, 1920, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 15, 1920.

MEMBERS OF THE RAILROAD LABOR BOARD.

LABOR GROUP.

Albert Phillips.
A. O. Wharton.
James J. Forrester.

MANAGEMENT GROUP.

Horace Baker.
J. H. Elliot.
William L. Park.

PUBLIC GROUP.

R. M. Barton.
G. Wallace W. Hanger.
Henry Hunt.

COLLECTORS OF CUSTOMS.

Harry A. Lund to be collector of customs, district No. 35.
W. Burr Gongwer to be collector of customs, district No. 41.

POSTMASTER.

NEW JERSEY.

Edna Dalrymple, Alpha.

HOUSE OF REPRESENTATIVES.

THURSDAY, *April 15, 1920.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou, to whom our hearts are as open books, to whom therefore our thoughts and all our ways are known, look with compassion upon us, pardon our shortcomings, our weakness, and our sins.

Illumine our minds. Quicken our conscience by the holy spirit of truth. Strengthen us by the power of Thy might to do the duties public and private Thou hast laid upon us, so that we may guide our frail barks over the tempestuous sea of life to that haven of rest which Thou hast prepared for the faithful. In the name of Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS.

Mr. DUPRÉ. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of what is known as the Comer cotton rider to the Agricultural appropriation bill.

The SPEAKER. The gentleman from Louisiana asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. ACKERMAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an article prepared by myself relating to the excess-profits tax and the high cost of living and a suggested remedy therefor.

The SPEAKER. The gentleman from New Jersey asks unanimous consent to extend his remarks on the excess-profits tax and the high cost of living. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, is there any attack in these remarks upon the Attorney General of the United States?

Mr. ACKERMAN. No; not at all.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

VOCATIONAL REHABILITATION.

Mr. FESS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 4438, disagree to the Senate amendment, and agree to the conference asked for by the Senate.

The SPEAKER. The gentleman from Ohio asks unanimous consent to take from the Speaker's table, disagree to the Senate amendment, and agree to the conference asked for on the bill, the title of which the Clerk will report.

The Clerk read as follows:

H. R. 4438. An act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment.

The SPEAKER. Is there objection?

Mr. WALSH. Mr. Speaker, this is one amendment, I understand?

Mr. FESS. Just one amendment.

Mr. WALSH. Well, I think it ought to be considered by the committee, and I object to its going to conference.

The SPEAKER. Objection is made.

Mr. KAHN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the Army appropriation bill for the fiscal year ending June 30, 1921.

Mr. WOOD of Indiana. Mr. Speaker, I wish the gentleman would suspend a moment, as I desire to file a conference report to have printed under the rule.

The SPEAKER. Will the gentleman yield for that purpose?

Mr. KAHN. I will yield.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The SPEAKER. The gentleman from Indiana submits to be printed under the rule a conference report on the bill, the title of which the Clerk will read.

The Clerk read as follows:

H. R. 12610. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1921, and for other purposes.

The SPEAKER. Ordered printed under the rule.

Mr. GARNER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARNER. I notice there has been a habit of some Members to reserve points of order against conference reports. I would like to know from the Chair if it is necessary for some

Member of the House to rise in his place when a conference report is made, to be printed under the rule, and say that he reserves all points of order?

The SPEAKER. It is not. The proper time to make the point of order is when the report is read.

Mr. CLARK of Missouri. If the Chair will permit a word, doing that is premature.

Mr. GARNER. I understand that, but I was seeing whether it is going to be necessary to take up that much time of the House and that much space of the RECORD when it can be done when the report comes up for consideration.

The SPEAKER. It can be done after the reading of the report.

Mr. WINGO. Mr. Speaker, right on that, there has been a disagreement on that proposition once before. The present Speaker rules that the proper time to make the point of order is after the reading of the report.

The SPEAKER. Yes; the Chair rules that way.

Mr. GARNER. Let us see whether I understand the Speaker——

Mr. WALSH. The Speaker, I suppose, also means and before the statement is submitted if the reading of the report is dispensed with?

The SPEAKER. Well, the Chair——

Mr. WALSH. I want to ask the Speaker in order to have the ruling clear. Is it not a fact that the proper time for the point of order to be made is after the reading of the report, and, if the reading of the report is dispensed with, before the statement is read?

The SPEAKER. Well, the Chair would like to reflect on that as to whether, if the statement was read in lieu of the report, the proper time would be before or after the statement was read.

Mr. WALSH. I think the Speaker will find the precedents establish it as before the statement is read.

The SPEAKER. The Chair is not certain about that.

ARMY APPROPRIATION BILL.

Mr. KAHN. Mr. Speaker, I desire the Speaker to put my motion.

The SPEAKER. The gentleman from California moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the Army appropriation bill.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 13587, the Army appropriation bill, with Mr. TOWNER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 13587), which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 13587) making appropriations for the support of the Army for the fiscal year ending June 30, 1921, and for other purposes.

Mr. WALSH. Mr. Chairman——

Mr. KAHN. Mr. Chairman, I will yield to the gentleman.

Mr. WALSH. Mr. Chairman, there was a point of order reserved by myself when the committee rose last evening, and under the reservation I would like to ask the gentleman from California for information with reference to the language of this paragraph, which covers an appropriation of some $4,000,000 for the Signal Corps relating to the leasing of lands.

Mr. KAHN. I am glad the gentleman asks that question.

The Signal Corps is operating along the entire length of the Mexican border, from the Pacific Ocean to the Atlantic Ocean. They have signal stations along that entire border. At times they have to move them. It is not always possible to use Government land where they can install their paraphernalia, and so they are called upon at times to rent a little tract of land for the installation of their radio machinery. The amount expended, I am told, for that purpose is very small, $30 a year possibly, and yet it is necessary to have the permission in the appropriation so that when the money has to be used speedily they can have authority for conducting their work without hindrance or delay. It is largely in connection with matters of that kind that the language is necessary. And I want to say to the gentleman that the bills in the last two or three years have carried similar language.

Mr. WALSH. I recall that. Of course, that was during the war, when it was necessary. But, as I understand this, it is only for small tracts of land for small buildings and for short periods of time?

Mr. KAHN. Yes.

Mr. WALSH. And the gentleman is confident that no large structures or buildings would be leased for any term of years under this language?

Mr. KAHN. I am quite sure there is no intention to use any of the money for the leasing of any large tracts of land or structures for the coming year. I am quite positive of that.

Mr. WALSH. Well, I will withdraw the point of order.

Mr. KAHN. Mr. Chairman, I move to strike out the last word for the purpose of making a statement. Yesterday a letter was read from the Secretary of War regarding the cost of maintaining our troops in German territory. The Secretary called my attention this morning, when I went to see him, to the fact that at the time we sent our forces into German territory we placed about 100,000 men there, and that number continued in that territory from December 1, 1918, to March, 1919. During that period the expense was, as he stated, $1,220,000 a day. But in March our troops began to return from the German area, and to-day we have, as was stated yesterday, about 17,455 officers and men there. Therefore the daily expense has materially decreased. It is about $175,000 a day at the present time. But I want to say that the possibility of being recouped out of the German treasury for the expenses we are compelled to bear by reason of our presence in Germany is said to be very remote. I have received the following from the Secretary of War upon this subject:

WAR DEPARTMENT,
Washington, April 15, 1920.

Hon. JULIUS KAHN,
Chairman Committee on Military Affairs,
House of Representatives.

MY DEAR MR. KAHN: I have noticed in the CONGRESSIONAL RECORD of April 14, 1920, the debate occasioned by my letter to you of April 9, 1920, giving the cost of occupation of the American Army in Germany for the first four months of its occupation; that is, from December 1, 1918, to March 31, 1919. The letter appears on page 5661 of the CONGRESSIONAL RECORD of April 14, 1920, and states, in part, as follows:

"The cost of the occupation of the American Army for the first four months from December 1, 1918, to March 31, 1919, has recently been refigured on the basis of settlement agreed to by the interallied armistice commission at Spa, Belgium. This daily per capita cost for the period in question amounts to the following: Officers, $10.92028; soldiers, $4.24641; animals, $1.83896. The total average daily cost, based on the strength of the command for the period in question, amounts to $1,220,948."

This amount is so clearly limited to the cost of the American army of occupation for the first four months that the subsequent debate, in which it was alleged that the cost of our present army of 17,000 men was at the rate of $1,220,948 a day, is very puzzling to me. The members of the Military Committee, at least, know that the original army of occupation was the Third American Army, under command of Maj. Gen. Dickman. This army consisted, in round numbers, of 250,000 officers and men, the actual strength for the months for which the cost has been calculated for you being:

	Officers.	Troops.
December, 1918	8,951	218,255
January, 1919	10,605	250,042
February, 1919	10,426	251,583
March, 1919	10,566	244,771

I do not know that it is possible for me to add anything to my original statement to you that the cost in question was confined to the four months mentioned in the letter, but if it will add anything to the discussion I may simply state that the cost of maintenance of a force of 17,000 men is not the same as the cost of maintenance of an army of 250,000 men.

Very truly, yours,
NEWTON D. BAKER,
Secretary of War.

I believe when the committee adjourned a motion was pending, made by the gentleman from Indiana [Mr. WOOD], to strike out the language on pages 6 and 7, relating to the preparation of the lists of the men who were in our Army during the World War for the benefit of the States of the Union and the handing over of those lists to the adjutant generals of the various States. I have looked into that matter this morning at the War Department, and I have found that there is no relationship whatever between the appropriation carried in the bill and the appropriation that the gentleman from Indiana spoke of as having been inserted in the legislative, executive, and judicial bill. I take it, therefore, that the gentleman from Indiana will not press his motion to strike out.

Mr. WOOD of Indiana. Mr. Chairman——

Mr. DENT. Mr. Chairman——

Mr. WOOD of Indiana. Does the gentleman from Alabama desire to speak on this subject?

Mr. DENT. Yes.

Mr. WOOD of Indiana. I will defer, then.

The CHAIRMAN. Let the Chair make this statement: Under the action of yesterday the gentleman from Indiana would have the right, having unanimous consent to return to this paragraph,

to call it up at such time as he chose. If he chooses now to consider it, the matter is before the committee.

Mr. WOOD of Indiana. I will defer to the gentleman from Alabama [Mr. DENT], a member of the committee.

Mr. GARD. Mr. Chairman, we have proceeded beyond that place. Is it not now proper for the chairman of the committee to ask to return to this paragraph and take it up?

Mr. KAHN. Yes; I asked unanimous consent.

The CHAIRMAN. That has already been granted.

Mr. KAHN. I ask to return at this time to that paragraph in the bill.

The CHAIRMAN. Very well. The Chair will recognize the gentleman from Alabama [Mr. DENT].

Mr. DENT. Mr. Chairman, relative to the paragraph on page 6, relating to the completion and preservation of the selective service records and the preparation of statements of service for adjutant generals of States, I had a conversation this morning with The Adjutant General over the phone, and he tells me emphatically that there is no duplication of this appropriation with the item that appears in the legislative, executive, and judicial appropriation bill.

Gen. Harris informs me, Mr. Chairman, that he fully explained the item in the legislative bill in the Senate hearings, on pages 166 to 170. In appearing before the Senate committee on this item he asked for 1,000 clerks for the regular permanent establishment. He asked for 1,290 additional or temporary clerks for the purpose of taking care of the records of the demobilized Army; that is, furnishing information to the Bureau of War Risk Insurance, to the Zone Finance Section, and to the Auditor for the War Department, and that those two items are the items included in the legislative, executive, and judicial appropriation bill; that he asked $2,000,000 for this purpose, and the committee allowed him $1,800,000; and that nothing carried in the legislative bill has any relation whatever to the completion and preservation of the selective service records; and that therefore the item in that bill is not in conflict with the item in the present Army appropriation bill. He further stated that without this appropriation or without the authorization to use the unexpended balance heretofore appropriated of $3,500,000, it will be absolutely impossible for The Adjutant General's office to complete and preserve the selective service records.

Mr. WOOD of Indiana. Mr. Chairman, I have no occasion to dispute what The Adjutant General has said to the gentleman from California [Mr. KAHN] and to the gentleman from Alabama [Mr. DENT]. I have every reason to believe he said to them what they claim. But I wish again to call the attention of this committee to the statement The Adjutant General made before the subcommittee on the legislative bill as compared with the statement he is now making to the gentlemen of the Military Affairs Committee. The Adjutant General is now telling the members of the Military Affairs Committee that the appropriation that was made in the legislative bill had no reference whatever to the work of getting out this data for the adjutant generals of the several States.

Now, I wish to call the attention of the House to exactly what The Adjutant General said on that proposition, so that you may know what his attitude was then as compared with his attitude now. This is what he said:

> The estimates for the office were revised by a War Department board convened for the purpose of considering the financial needs of the various bureaus of the department. That board allotted to this office $1,345,000 for the additional roll on the assumption that $750,000 of the $3,500,000 appropriated for the care and custody of the selective-service records and for the furnishing of statements of service to the adjutant generals of States would be made available for the payment of salaries of the additional roll during the fiscal year ending June 30, 1921. This sum will not be available for that purpose. But for this erroneous assumption it is presumed that the $2,094,970 needed by the office would have been approved by the board, as the sum of $1,345,000 tentatively allotted, and the $750,000 before referred to, is $2,094,970, the amount necessary to properly conduct the business of the office.

This sum will not be available for that purpose, so that he appealed to us to increase the amount that this allotment board had awarded to his office from $1,345,000 to $2,094,000. After hearing his evidence and after admitting that he could not tell to a nicety just how much money it would take to complete these records, we concluded to take and place in our bill, out of the lump-sum appropriation for the War Department, $1,850,000 for the exclusive use of The Adjutant General, and put language in the bill so that he would get it, against the advice of Gen. Lord and the Secretary of War, who did not want any restriction put on the amount and wanted us to let them distribute it as they saw fit. Knowing that if we did not put any restriction on it so that The Adjutant General would get the amount he desired, he would not get it, we put that restrictive language in. You will see, therefore, that The Adjutant General's own words before the legislative committee absolutely prove the incorrectness of the position that he is occupying now.

This is the position you are placing the legislative committee in if this language were to remain in this bill. The vital portion of it can not remain, because it has gone out on a point of order; but if it were to remain in, this would be the position: The Committee on Appropriations has appropriated practically $600,000 to do this work that he is now asking this committee to give him $750,000 additional to do. It would be a duplication of appropriation, and I think I may say to you that I am voicing the sentiment of the members of the subcommittee when I say that if we had had any idea that The Adjutant General was going to go before the Committee on Military Affairs and ask for an additional appropriation for this purpose, for which we made the appropriation, the appropriation allotted to this office should be at least $550,000 less than it is.

And here is the further predicament we are in: The legislative committee and the Committee on Appropriations on the other side of the Capitol have had their conference, and their report has been filed on the other side, as I found out this morning when it was too late to recall the conference report from further consideration of this proposition; and, finding it to be filed on that side, I filed the report here this morning; so that there would be a duplication of this appropriation of at least $600,000. As I stated yesterday, and wish to reiterate now, it is not the purpose of the Committee on Appropriations or anyone connected with it to cripple this work in the least, but you need not fear that this work will not be completed and that it will not be completed in time.

I wish to call attention now—and I think it is edifying, at least, to the force now in The Adjutant General's office——

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. WOOD of Indiana. Mr. Chairman, I ask unanimous consent to proceed for five minutes additional.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. McKENZIE. Mr. Chairman, will the gentleman from Indiana yield a moment while I read a paragraph of the testimony of Gen. Harris? Then he can explain it.

Mr. WOOD of Indiana. Yes; but make it as short as possible.

Mr. McKENZIE. On page 170 of the hearings before the Committee on Appropriations of the Senate on the legislative bill, under the heading of "Temporary employees," Gen. Harris said:

> I should like to call attention again to the mistake that was made in the Secretary's estimate of the amount that would be required for The Adjutant General's office. In recommending the apportionment of $4,000,000, the estimate of the Secretary of War, the board assumed that there would be a surplus of $750,000 from my special appropriation of $3,500,000, and that amount was deducted from my estimate, and they recommended that the Secretary allot $1,345,000 to The Adjutant General's office. Adding $750,000 to the amount that they recommended would make exactly the amount of my estimate.
>
> Senator GRONNA. You will really need $2,000,000?
>
> Gen. HARRIS. I really need $2,000,000, and I am sure I can not do the work under $2,000,000.

Now, I want the gentleman from Indiana, if he can, to explain whether or not they made up that deficiency, and if that is not carried in the appropriation that we are making here to-day?

Mr. WOOD of Indiana. We made it up. The only difference is that instead of appropriating $750,000 that he asked for, we appropriated nearly $600,000, thinking that he could get along with that amount of money.

Now, his testimony before that committee is substantially what it was before our committee. He said there that it would take $2,094,000 to do this work, and if you will take the $1,850,000 we have given him and add the $800,000 that it is proposed to give him in this bill, you are giving him, not $2,094,000, but you are giving him $2,600,000. There is the position you are occupying, and it strikes me that there can be a very material reduction in the clerical force of The Adjutant General's department. Here we are 18 months after this war is closed. Before we entered this war there were in The Adjutant General's office practically 550 clerks. To-day, or upon the 8th of this month, there were 3,778 clerks there. It strikes me that if there could be practice of a little economy here and there throughout that department, and with the practice of a little bit more of efficiency in that department as well as in all the other departments, this work could be done within the appropriation that was made by the legislative committee, and if it can not be done, the gentleman is not without recourse. It just simply shows the absolute futility of this Congress or any branch of this Government trying to keep tab on the appropriations that are made to these various bureaus as long as they are permitted to have access to half a dozen different com-

mittees, or three or more different committees, for the purpose of getting the appropriations desired for the same identical service.

Now, I have, as I have stated, every desire to facilitate and see completed this work in The Adjutant General's office. It was neglected for 20 years after the Civil War, and it made it very hard to obtain the information when it was at length taken up; but it can be completed now, and within the appropriation, in my opinion. That is all I desire to say on this proposition, but it is due this House, and it is especially due to the Committee on Appropriations, that the gentlemen of this House should know the reasoning not only of The Adjutant General before the committee, but the reason why the amount allotted to him by the War Department itself was increased from $1,345,000 to $1,850,000.

Mr. SISSON. Mr. Chairman——

Mr. KAHN. Mr. Chairman, does the gentleman desire to debate this item?

Mr. SISSON. I do.

Mr. KAHN. I desire to close the debate on this item.

Mr. SISSON. Mr. Chairman, I quite agree with the gentleman from Indiana [Mr. WOOD]. If the gentlemen of the committee will bear with me for just a moment and go through the hearings we had before our committee, they will recall that we had Gen. Harris before us and questioned him for several days. We were interested in what would be done with the amount of money carried in the bill that the gentleman is talking about, which would do the same work that would be done under this item. They are asking here that you shall expend the unexpended balance of $3,500,000 left from an allotment of war funds. I called on Gen. Harris a while ago to know what that unexpended balance was of the $3,500,000. No one on the committee seemed to know. I asked Gen. Harris over the phone a moment ago, and he told me that it was between $700,000 and $800,000. He did not give me the exact figures of this unexpended balance.

Mr. KAHN. If the gentleman will allow me, he gave the Military Committee the amount.

Mr. SISSON. All right; but I am now calling the attention of the committee to this peculiar way of appropriating money. I think Gen. Harris is a very accomplished Army officer. I do not think he always presents to us the strongest side of his own case; but I think he is a patient, honest, and splendid Army officer, and is doing this job and doing it well. Out of this fund he proposes to do three things. If you will read the testimony, page after page of it in the hearings before the Appropriations Committee, you will find with how much care and detail the subcommittee went into the whole matter.

First, he wants to pay, out of this unexpended balance, together with what we gave him in the legislative bill, for preparing the records of the Regular Army; then, second, the demobilized army; and then, third, under the act of Congress to supply the records for the States. Now, after careful consideration he does not contend that he needs more than $2,000,000. The Senate and the House agreed on $1,850,000, or within $150,000 of what he said he needed. There is not a member of our committee who would hesitate for one minute to give Gen. Harris every dollar that he needs to make these records. But we meet again in December, and if you give him $1,850,000, or within $150,000 of all he asks, we will take care of the remainder of it in a deficiency bill if he absolutely needs it. If you Republicans want to practice some economy, if you want to vote to save something like $700,000 or $800,000, here is your opportunity to do it.

What I fear is that if you give the $700,000 or $800,000, this unexpended balance, you are going to have that money expended in addition to the amount that both committees in the House and Senate are desirous of appropriating for this purpose. The chairman of the Committee on Appropriations in the Senate was for years the chairman of the Committee on Military Affairs. The Senator from Wyoming [Mr. WARREN] is partial to the Army, and you need not be uneasy about Senator WARREN ever receding upon a matter where he thinks the Army would be done any injustice. Yet he agreed on the $1,850,000 as being an amount of money reasonably necessary to do this work which The Adjutant General desires to have done.

Now, here is the trouble: This item ought not to go into this bill at all, but it got in in this way: The Provost Marshal General had, as I recollect, something like $8,000,000 carried in this Army bill. At the close of the war there was some $6,000,000 or $7,000,000—the amount is immaterial, but quite a sum—and of that amount of money, under the war power that the department has, there was allotted to The Adjutant General for this purpose $3,500,000, the amount specified in this bill. Now they seek to continue that item of appropriation after the war is over. What this Appropriation Committee thought and what your subcommittee of that committee thought was that there would be no item carried in this bill. We were endeavoring to give The Adjutant General every dollar that we thought he needed. But how can one committee, how can this House, how can the people know what any department is spending, when one committee goes and gives what it thinks is necessary, and then a department of the Government goes around the committee that has jurisdiction of the matter to another committee, gets that committee to overrule the first committee and has this House put in the peculiar attitude of having voted at one time to give all the money necessary to do this work, and then the same identical Congress through another committee adds $700,000 or $800,000 more, and that without rhyme or reason? Your subcommittee realized not only that the people of the country demand, but that it is the right of every soldier to have these records accurately made and kept, and I would not deny to The Adjutant General a penny which he requires for this purpose. On the contrary, it is a duty that we owe to the soldiers to keep their records with accuracy, even with painful accuracy, so that in years to come that record will be one that every man can rely upon, that his family after he has passed away may rely upon. So your subcommittee felt they were most liberal in granting this appropriation. The full Committee on Appropriations took this matter specially into consideration, because the subcommittee, in reporting to the full committee, gave the full committee all the facts within its possession, and the full committee indorsed what we had done, and this House indorsed what we did in the Committee of the Whole and in the House by the passage of that bill.

Therefore I think it is bad legislation, I think it makes for extravagance for you now to carry this item in this bill when the other committee, that had the jurisdiction of all the clerks within the District of Columbia, gave everything they thought was necessary. [Applause.]

Mr. KAHN. Mr. Chairman, as a matter of fact, The Adjutant General gets money for the clerks in his department from three different sources. His regular pay roll, which includes the clerk hire for The Adjutant General's office, is carried in the legislative bill, and provides for those clerks. Then he asked for a lump-sum additional appropriation for other clerks who are doing necessary clerical service on matters appertaining to the war. He has told the gentleman from Alabama [Mr. DENT] and he has told me that none of those clerks are intended to expend a single minute of time in connection with the work of making up these military rolls which are so important to the soldiers, the Government, and the States.

Almost every day I receive letters saying that the adjutant general of this State or of that State hopes that the money will be appropriated for the continuation of this important work. Now, the matter came to the Committee on Military Affairs in rather a peculiar manner. There was an appropriation made, I believe by the Military Affairs Committee, of something like $8,000,000 for making up these records by the Provost Marshal General. When the office of the Provost Marshal General was discontinued, its work naturally went to The Adjutant General of the Army, who has the custody of all the records of the Army and has always been their custodian.

I take it for granted that if the amount carried in this bill is not allowed, the work of making up the rolls will be very seriously interfered with. Nay, more, I believe it will be stopped entirely. I do not think at this time it is wise to adopt the motion of the gentleman from Indiana and strike out all the other provisions of this paragraph that carry the appropriations.

I am just as anxious as is the gentleman from Indiana or the gentleman from Mississippi to cut down the expenses of the Government. I am just as anxious as any Member of this House to prevent duplication of appropriations.

The trouble has been in the past that the great Appropriations Committee of the House, which votes enormous sums of money, and which at times acts upon measures over which other committees have jurisdiction, has never invited the chairmen of those other committees or the members of those committees to coordinate the work of the various committees. I have suggested time and again to the chairman of the Committee on Appropriations that one of the best things he could do would be to get the chairmen of other committees together and coordinate the work on appropriations with these other chairmen. I speak not only of the present chairman but others in the past.

Mr. GOOD. Will the gentleman yield?

Mr. KAHN. Certainly.

Mr. GOOD. I think the gentleman will recall that last year when matters relating to the military bill were before the Committee on Appropriations, when estimates were made for de-

fense, the chairman did confer with the gentleman from California, chairman of the Committee on Military Affairs, as he did with the gentleman from Pennsylvania, calling them in, and having hearings together.

Mr. KAHN. I frankly and freely admit that the gentleman from Iowa is the first chairman of any appropriation committee that has called in other chairmen on those matters.

Mr. WOOD of Indiana. Will the gentleman yield?

Mr. KAHN. Yes.

Mr. WOOD of Indiana. Does not the gentleman think it would have been reciprocal if the chairman of the Committee on Military Affairs had called in some members of the Appropriations Committee before they made this appropriation for clerical service?

Mr. KAHN. The members of the Committee on Military Affairs did not know that The Adjutant General had appeared before the Appropriations Committee and asked for money for clerical hire for completing the military rolls.

The CHAIRMAN. The time of the gentleman from California has expired, and the question is on the amendment offered by the gentleman from Indiana.

The question was taken; and the Chair being in doubt, the committee divided, and there were—17 ayes and 42 noes.

So the amendment was rejected.

The Clerk read as follows:

WASHINGTON-ALASKA MILITARY CABLE AND TELEGRAPH SYSTEM.

For defraying the cost of such extensions, betterments, operation, and maintenance of the Washington-Alaska military cable and telegraph system, as may be approved by the Secretary of War, to be available until the close of the fiscal year 1922, from the receipts of the Washington-Alaska Military Cable and Telegraph System which have been covered into the Treasury of the United States, the extent of such extensions and betterments and the cost thereof to be reported to Congress by the Secretary of War, $140,000.

Mr. KAHN. Mr. Chairman, I move to strike out the last word. Here is another case of duplication of work. This Alaska system pays for itself. The amount appropriated is not as large as the amount received from private individuals and business concerns who use that system. But in the hearings before the Committee on Military Affairs it developed that we appropriate for 10 Army radio stations along the coast of Alaska. The Navy appropriates for 10 naval stations along the coast of Alaska. So there are 20 stations along that coast. Whether they coordinate the business or whether they work together the committee was unable to find out.

But additional appropriations were asked for in this item in order to establish an additional Army station in Alaska. The committee before voting for another station determined to let the matter go over for the present in order that we may confer with the Committee on Naval Affairs and with officials of the Navy Department and see whether this Army station is really necessary.

Mr. MONTAGUE. Will the gentleman yield?

Mr. KAHN. I will.

Mr. MONTAGUE. May I ask the gentleman if, in his opinion, the recent budget bill that passed this House would have any tendency to prevent the duplication which seems to disturb his mind now?

Mr. KAHN. I do not know whether it would or not.

Mr. MONTAGUE. What would be its purpose if it could not accomplish so simple a thing as that?

Mr. KAHN. This has been the experience of the chairman of the Committee on Military Affairs: It generally takes the committee working from 10 or half past 10 in the morning until 6 o'clock in the evening with an hour for lunch several months to finish the hearings on the Army appropriation bill. I take it for granted that the Committee on Naval Affairs also expends a like amount of time on their bill.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. KAHN. I ask to proceed for five minutes longer.

The CHAIRMAN. The gentleman from California asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. KAHN. I take it for granted that other committees also expend a great deal of time on their bills, but I do not believe, frankly, that any one committee of this House can go into the numerous items of appropriations and get at the facts.

Mr. MONTAGUE. Then am I right in the conclusion that the gentleman's position is that the budget bill will not be effective to prevent duplication?

Mr. KAHN. The budget bill only provides for the method. It has to be followed by additional legislation. What the additional legislation will be I do not know, but it will be an important matter.

Mr. MONTAGUE. I am speaking of the bird in the hand and not in the bush. I am talking of the present bill.

Mr. KAHN. The bill that passed the House had practically the unanimous vote of the Members of the House.

Mr. MONTAGUE. I appreciate that, but I ask the gentleman, in view of his ripe experience, whether it will be effective to cure us of this embarrassment?

Mr. KAHN. I do not know; I say it in all frankness; but I hope so.

Mr. GOOD. Will the gentleman yield?

Mr. KAHN. Certainly.

Mr. GOOD. In regard to the item for the Alaskan cable the War Department appeared before the Committee on Appropriations for a deficiency to repair the cable; about 100 miles had given out. What is the condition now?

Mr. KAHN. I am told that those repairs have been made. There are a few cables which connect the coast of Alaska with the mainland of the United States. That cable was in a very poor condition, and, as the gentleman states, the Committee on Appropriations furnished money for new cables, which have been contracted for or have been delivered.

Mr. GOOD. My recollection is that the item went out on a point of order on the floor of the House and was not put back in the Senate and therefore did not carry the money.

Mr. KAHN. I asked about that matter when this item was before the Committee on Military Affairs and was informed that the cables had been procured.

The Clerk read as follows:

AIR SERVICE.

For creating, maintaining, and operating at established flying schools and balloon schools courses of instruction for aviation officers, students, and enlisted men, including cost of equipment and supplies necessary for instruction, purchase of tools, equipment, materials, machines, textbooks, books of reference, scientific and professional papers, instruments, and materials for theoretical and practical instruction; for maintenance, repair, storage, and operation of airships, war balloons, and other aerial machines, including instruments, gas plants, hangars, and repair shops, and appliances of every sort and description necessary for the operation, construction, or equipment of all types of aircraft; and all necessary spare parts and equipment connected therewith; for the purchase of supplies for securing, developing, printing, and reproducing photographs in connection with aerial photography; improvement, equipment, maintenance, lease, and operation of aviation stations, balloon schools, plants for testing and experimental work; procuring and introducing water, electric light and power, telephones, telegraphs, and sewerage, including maintenance, operation, and repair of such utilities; for the acquisition of land or interest in land by purchase, lease, or condemnation where necessary to explore for, procure, or reserve helium gas, and also for the purchase, manufacture, construction, maintenance, and operation of plants for the production thereof and experimentation therewith; salaries and wages of civilian employees in the District of Columbia or elsewhere as may be necessary, and payment of their traveling and other necessary expenses as authorized by existing law; experimental investigation and purchase and development of new types of aircraft, accessories thereto, and aviation engines, including patents and other rights thereto, and plans, drawings, and specifications thereof; for the purchase, manufacture, and construction of airships, balloons, and other aerial machines, including instruments, gas plants, hangars, and repair shops, and appliances of every sort and description necessary for the operation, construction, or equipment of all types of aircraft, and all necessary spare parts and equipment connected therewith; for the purchase, manufacture, and issue of special clothing, wearing apparel, and similar equipment for aviation purposes; for all necessary expenses connected with the sale or disposal of surplus or obsolete aeronautical equipment, and the rental of buildings, and other facilities for the handling or storage of such equipment; for the services of such consulting engineers at experimental stations of the Air Service as the Secretary of War may deem necessary, including necessary traveling expenses; purchase of special apparatus and appliances, repairs, and replacements of same used in connection with special scientific medical research in the Air Service, $27,255,000: *Provided*, That claims not exceeding $250 in amount for damages to persons and private property resulting from the operation of aircraft at home and abroad, may be settled out of the funds appropriated hereunder, when each claim is substantiated by a survey report of a board of officers appointed by the commanding officer of the nearest aviation post, and approved by the Director of Air Service: *Provided further*, That claims so settled and paid from the sum hereby appropriated shall not exceed in the aggregate the sum of $150,000; for printing and binding, including supplies, equipment, and repairs for Air Service printing plants at stations outside of the District of Columbia, at which printing may be authorized in accordance with law; for publications, station libraries, special furniture, supplies, and equipment for offices, shops, and laboratories; for special services, including the salvaging of wrecked planes: *Provided further*, That section 3648, Revised Statutes, shall not apply to subscriptions for foreign and professional newspapers and periodicals to be paid for from this appropriation: *And provided further*, That hereafter the Army Air Service shall control all aerial operations from land bases, and that naval aviation shall have control of all aerial operations attached to a fleet.

Mr. WALSH. Mr. Chairman, I reserve the point of order on the paragraph. I direct the attention of the chairman of the committee to the language on page 13, lines 23 and 24—

For printing and binding, including supplies, equipment, and repairs for Air Service printing plants at stations outside of the District of Columbia, at which printing may be authorized in accordance with law,

That apparently conflicts with section 11 of the act of March 1, 1919, which conferred jurisdiction upon the Joint Committee on Printing. I wondered if the gentleman would be willing to accept an amendment in line 23, before the words "Air Service," to insert the word "such" and to then strike out, in line

24, the words "which printing" and substitute the word "and," so that it would read:

For such Air Service printing plants at stations outside of the District of Columbia as may be authorized in accordance with the law.

Mr. KAHN. I have no objection to that amendment.

Mr. WOOD of Indiana. Mr. Chairman, I make the point of order before there is any amendment, to the language on page 12, in lines 12, 13, and 14—

Salaries and wages of civilian employees in the District of Columbia or elsewhere as may be necessary.

Mr. KAHN. Mr. Chairman, I hope the gentleman will reserve the point of order on that.

Mr. WOOD of Indiana. I will reserve it.

Mr. KAHN. If the gentleman wants to make it, I simply will tell the gentleman that Gen. Mitchell, of the Air Service, informed me to-day that if that goes out on a point of order the Air Service will not have a single civilian employee in the District and will have to close down.

Mr. WOOD of Indiana. Mr. Chairman, I make the point of order on the following language:

Salaries and wages of civilian employees in the District of Columbia.

That is in lines 13 and 14, on page 12. I make the point of order for the reason that it is legislation with reference to the employment of civilians in the District of Columbia, of which the Committee on Military Affairs has no jurisdiction.

Mr. WALSH. Mr. Chairman, will the gentleman from Indiana yield for a moment?

Mr. WOOD of Indiana. Yes.

Mr. WALSH. Would not the gentleman prefer to permit the language that is left to read as follows?—

Salaries and wages of civilian employees outside of the District of Columbia.

If he strikes out the words "the District of Columbia," there might be language substituted which would make it in order; or does he wish to strike all provision for salaries and wages of civilian employees?

Mr. WOOD of Indiana. All I am desiring to do is to strike out the words—

Salaries and wages of civilian employees in the District of Columbia.

Mr. LONGWORTH. Then there would be no sense in what is left in the paragraph.

Mr. WOOD of Indiana. That is not my fault.

Mr. KAHN. Gen. Mitchell, of the Air Service, informed me it would absolutely stop all work of the Air Service.

Mr. WOOD of Indiana. In the District of Columbia?

Mr. KAHN. No; all over the country.

Mr. FIELDS. Mr. Chairman, let me have the attention of the chairman of the committee for a moment to call his attention to the fact that the only language that would be subject to the point of order are the words in line 13, "in the District of Columbia."

Mr. KAHN. I think so.

Mr. FIELDS. If I were the gentleman I would insist that that is all that is subject to the point of order, so that it would not interfere with civilian employment outside of the District of Columbia.

The CHAIRMAN (Mr. ROSE). The Chair sustains the point of order.

Mr. KAHN. Mr. Chairman, I call the Chair's attention to the suggestion made by the gentleman from Kentucky [Mr. FIELDS] that the only words subject to the point of order are those in line 13, "in the District of Columbia," and I hope the gentleman from Indiana will modify his point of order to that extent.

Mr. FIELDS. Mr. Chairman, if I may be permitted, I submit to the Chair that the Committee on Military Affairs has jurisdiction over appropriations for the pay of civilian employees outside of the District of Columbia, and part of this appropriation would probably apply to the employment of civilian labor outside of the District of Columbia. I make the point of order that the gentleman's point of order is not well put, but that the only part of the language to which the point of order would apply are the words in line 13, "in the District of Columbia."

Mr. WOOD of Indiana. Mr. Chairman, I suggest that if the gentleman wants to amend the proposition, he can do so. That is not my province. The members of the Committee on Military Affairs may amend the matter after the point of order is sustained to the language:

Salaries and wages of civilian employees in the District of Columbia.

I suggest that they can insert—

Salaries and wages elsewhere than in the District of Columbia.

Mr. KAHN. Salaries and wages of civilian employees elsewhere than in the District of Columbia. Is the point of order sustained, Mr. Chairman?

The CHAIRMAN. The point of order is sustained.

Mr. KAHN. Then I offer to amend, on page 12, line 12, by inserting after the word "therewith" the following:

Salaries and wages of civilian employees elsewhere than in the District of Columbia.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. KAHN: Page 12, line 12, after the word "therewith" insert "salaries and wages of civilian employees elsewhere than in the District of Columbia."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. WALSH. Mr. Chairman, I offer an amendment to the amendment to strike out the words "elsewhere than in" and insert the word "outside."

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WALSH to the amendment offered by Mr. KAHN: Strike out the words "elsewhere than in" and insert in lieu thereof the word "outside," so that it will read "salaries and wages of civilian employees outside the District of Columbia."

Mr. KAHN. That leaves the words "or elsewhere" in there?

Mr. WALSH. The gentleman can strike those out afterwards. Does the gentleman accept the amendment?

Mr. KAHN. I accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

Mr. BLANTON. Mr. Chairman, if the words "or elsewhere" are left in there——

Mr. KAHN. I am going to move to strike them out.

Mr. BLANTON. Otherwise the point of order of the gentleman from Indiana would be unavailing.

Mr. KAHN. I am going to move to strike them out.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California as amended by the amendment of the gentleman from Massachusetts.

The question was taken, and the amendment as amended was agreed to.

Mr. KAHN. Mr. Chairman, I offer the following amendment: Page 12, at the end of line 13, strike out the word "or," and at the beginning of line 14 strike out the word "elsewhere."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 12, line 13, at the end of the line, strike out the word "or," and the first word "elsewhere," in line 14.

The question was taken, and the amendment was agreed to.

Mr. WALSH. Mr. Chairman, in view of the statement of the chairman of the committee with reference to the matter to which I reserved the point of order in lines 23 and 24, page 13, I desire to withdraw the reservation of the point of order, the gentleman from California having indicated his willingness to accept the proposed amendment. I withdraw the reservation and offer an amendment.

Mr. BRIGGS. If that includes the reservation against the whole paragraph I want to renew it to the last proviso of the section.

The CHAIRMAN. Does the gentleman make the point of order?

Mr. BRIGGS. No. I just reserve the point of order until the amendment may be offered.

Mr. WALSH. The gentleman from Texas merely reserves the point of order against the last proviso.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Massachusetts.

The Clerk read as follows:

Page 13, line 23, after the word "for," insert the word "such"; and in line 24 strike out the words "at which printing" and insert the word "as."

Mr. WALSH. Mr. Chairman, that will leave the language, "for printing and binding, including supplies, equipment, and repairs for such Air Service printing plant at stations outside of the District of Columbia as may be authorized in accordance with law," bringing it in conformity with section 11 of the act of March 1, 1919.

Mr. KAHN. The amendment is perfectly satisfactory.

The question was taken, and the amendment was agreed to.

Mr. BRIGGS. Mr. Chairman, I want to ask the chairman of the Committee on Military Affairs in connection with the last proviso. I want to ask him what effect this last proviso is going to be—

That hereafter the Army Air Service shall control all the aerial operations from land bases and that Navy aviation shall have control of all the aerial operations attached to a fleet.

Does that mean all naval stations along the coast of the United States are now going to be turned over to the Army for operation?

Mr. KAHN. No. The immediate effect of that provision, we were told, would be a saving of about $10,000,000 a year. The intention is that there shall be no duplication of work as between the Army and the Navy. The Navy shall operate in connection with our fleet. The Army aviation shall operate in all land operations. The committee was reliably told that a very material saving in the expense of the aviation services could be made by the adoption of this provision.

Mr. BRIGGS. Was there any objection raised by the Navy Department to this provision at all?

Mr. KAHN. No; not that I have heard of.

Mr. BRIGGS. Does that in other words mean the operation by the Army of the land bases of the naval stations along these various coasts?

Mr. KAHN. No; I do not think it contemplates anything of that kind.

Mr. BRIGGS. Mr. Chairman, I withdraw the reservation of the point of order.

The Clerk read as follows:

For the establishment, enlargement, and improvement of public buildings and facilities at aviation stations, schools, and depots, $245,000.

Mr. JAMES. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 14, line 13, insert "for the acquisition, by purchase, condemnation or otherwise, of 640 acres of land more or less and the appurtenances thereunto belonging, situate in Macomb County, State of Michigan, now occupied by the Air Service of the Army as an aviation station and known as Selfridge Field, not to exceed $190,000."

Mr. BLANTON. Mr. Chairman, I reserve a point of order.

Mr. JAMES. Mr. Chairman, the Government has spent about $2,000,000 on this proposition. We had a hearing before the Committee on Military Affairs this morning of representatives from the War Department. They stated that this land should be purchased by the Government and retained for the training of the aerial service of the War Department. The option expires June 1 next, and if anything is to be done it should be done in this bill at the present time.

Mr. BLANTON. It went before your committee, and they did not see fit to put it in, and therefore I make the point of order.

Mr. FIELDS rose.

Mr. BLANTON. If the gentleman desires to discuss the matter, I will reserve the point of order.

Mr. FIELDS. Mr. Chairman, the subcommittee that visited the aviation fields last summer did not have an opportunity to visit this particular one. It was on our program, but, for lack of time, we could not make it. But this field has some particular advantages that other fields of the country do not have. First, it is in the center of a great labor market. There are several miles of bay frontage on the field. It is a shallow bay, 4 or 5 feet deep, where they can practice with the guns without doing damage to the citizens or the property in the country. While I do not know enough about the system to talk about it intelligently, I understand that by reflecting the sun onto the water they use that as a target at which to shoot from the airplanes. I have had the process explained to me, but, as just stated, I do not know enough about it to explain it intelligently, but there is not another field in the country that has that advantage, nor is there another field where there is water on which to shoot and over which to fly.

It is conceded by aviators that it is not as dangerous for the fliers for the planes to drop into shallow water, 4 or 5 feet deep, as it is for them to drop on the ground. I believe it is the general consensus of opinion in the committee—I am not speaking for the committee, because it has not acted upon the question officially during the consideration of this bill—but I do venture the assertion that it is the general consensus of opinion among the members of the committee that this field is a good proposition. And I will say in answer to the suggestion of the gentleman from Texas [Mr. BLANTON] that the committee passed it without giving it any consideration, as this item was contained in the Army camp purchase bill that passed this House some time ago. As I recall, a fight was made against it by the gentleman from Illinois [Mr. MANN] and the gentleman from New York [Mr. LaGUARDIA], and it was stricken from the bill. I think the House made a mistake at that time in striking it out. I think the gentleman would make a mistake by urging his point of order at this time.

Mr. BLANTON. Will the gentleman yield?

Mr. FIELDS. Yes.

Mr. BLANTON. Does the gentleman think if this item was not of sufficient importance to appeal to the membership of our Committee on Military Affairs, that has just framed the bill and left this item out, it ought to appeal to the Committee of the Whole House, that knows nothing about its merits, and when there has been no chance whatever to investigate or pass upon it?

Mr. FIELDS. Let me repeat what I said a moment ago, that the committee has acted upon it. They placed it in a bill that passed the House a few weeks ago.

Mr. BLANTON. They did not place it in this bill.

Mr. FIELDS. But I insist, in view of the importance of the Air Service, which, in time to come, and probably in my time and in the time of the gentleman from Texas, will be the most important branch of the Army and the Navy, in view of the possibilities of the Air Service and our inefficiency in that service, that the point of order should not be made, because I think this is important to the Air Service.

Mr. EVANS of Nevada. Will the gentleman state during his remarks what part of the State of Michigan this is in?

Mr. FIELDS. As I recall, it is in the southeastern part. If I am not correct, the gentleman from Michigan [Mr. JAMES] will correct me.

Mr. BLANTON. Mr. Chairman, I make the point of order.

Mr. ANTHONY. I wanted to give some information, if the gentleman will withhold his point.

Mr. BLANTON. May I ask why it was not placed in the bill by the committee?

Mr. ANTHONY. That is what I want to state.

Mr. BLANTON. Then I will withhold the making of the point of order.

Mr. ANTHONY. As has been stated by the gentleman from Kentucky [Mr. FIELDS], this Selfridge project was passed on and approved by the Military Committee and placed in H. R. 8819, which was considered by this House a month or two ago. It was stricken out of that bill on the floor because of objections made by Members of the House at that time, and it has not been passed upon since by the Committee on Military Affairs. But the arguments then, to include it in the permanent list of air stations, were considered by the committee, and the arguments are good to-day. For the information of the House, it ought to know that the present value of the improvements on the property is $2,825,000. This construction is on leased land. It will take $190,000, as asked for in this amendment, to buy the land the Government has under lease. If we do not buy this land, it means we will have to sacrifice this $2,000,000 worth of buildings that are now on this leased ground. If they are sold, they will bring about 10 per cent of their cost. Selfridge Field was included by the Chief of Aviation in the chain of aviation stations which were approved to go across the country from north to south and east to west. It is a part of the approved chain of stations; and under the circumstances—and I believe it is the opinion of the majority of the committee—the department should be authorized to go ahead and buy this land on which these improvements have been made.

Mr. EVANS of Nebraska. Will the gentleman please state for information the character of these buildings, especially as to their permanency?

Mr. FIELDS. They are the standard aviation buildings.

Mr. ANTHONY. The gentleman is correct. They are of the regulation unit type, so called, and are of a much more permanent type than the other Army cantonments that the gentleman is perhaps familiar with. They cost twice as much as the average Army cantonment buildings, and will last 10 to 20 years.

Mr. EVANS of Nebraska. And as to salvage value——

Mr. ANTHONY. That is about 10 per cent of the cost.

Mr. FIELDS. In a nutshell, this is the situation: We have spent $2,300,000 on this field. We can secure a title to it for an additional expenditure of $190,000. It is worth more than $190,000 in agricultural value, and the testimony before our committee this morning was to the effect that it could be sold for an amount in excess of $190,000 as a real estate proposition. If we expend this additional $190,000, the Government acquires title to the property; if we do not, we lose our $2,300,000, except what we can get out of it for salvage value, which will probably be 10 per cent of the amount invested.

Mr. BLANTON. Mr. Chairman, I am in favor of this country getting back to a peace basis just as soon as possible, not by resolution but by real action of the House, and I make the point of order to save this $190,000.

The CHAIRMAN (Mr. ROSE). Does the gentleman from Michigan concede the point of order? The Chair is ready to rule, overruling the point of order on the ground that during the war legislation was enacted and is yet in force——

Mr. BLANTON. Will the Chairman permit me an interruption?

The CHAIRMAN. Certainly.

Mr. BLANTON. Why, Mr. Chairman, there is not a member of this committee that will claim this is not subject to a point of order.

The CHAIRMAN. The gentleman will wait until the Chair gives the reason for his ruling.

Mr. BLANTON. This is to buy land. This Committee on Military Affairs has no authority whatever to bring in such legislation as this. This is legislation on a bill where they have no authority to insert it.

Mr. FIELDS. The authority has already been given and the option taken.

Mr. BLANTON. The committee admitted they had this in a former bill and that it went out on a point of order.

Mr. FIELDS. It did not go out on a point of order.

Mr. ANTHONY. For the information of the gentleman I will say that it went out of the bill because it was shown that the title of the land was in question and in the courts. That was the basis of the contention of the gentleman from Illinois [Mr. MANN] and the gentleman from New York [Mr. LaGuardia].

Mr. BLANTON. Does the gentleman consider this is not subject to a point of order?

Mr. ANTHONY. I do not think so, but I am not a parliamentarian.

Mr. BLANTON. I make the point of order that it is new legislation, unauthorized, and not germane to this bill.

Mr. FIELDS. It is only carrying out legislation heretofore enacted. Legislation was enacted authorizing the Government to acquire this land, and an option was taken on the land, which option holds good until July 1. The legislation that authorized the Government to acquire this title is still in force, and I maintain that it is not subject to a point of order.

The CHAIRMAN. The Chair could almost adopt the language of the gentleman from Kentucky [Mr. FIELDS] in overruling the point of order.

There can be no doubt that during the war legislation was enacted and is yet in force authorizing the Secretary of War to acquire, by purchase, donation, or by condemnation, such land sites throughout the United States as are immediately necessary for the permanent establishment of aviation schools, aviation posts, and experimental aviation stations and proving grounds for the United States Army. For this authority let me cite the act of July 9, 1918, as also legislation previously enacted thereto. Since the legislation referred to has not yet been repealed the rights and powers above mentioned are yet lodged in the Secretary of War. A similar situation arose on April 13, 1920, when the Chairman [Mr. SANFORD, of New York] held that an appropriation for the acquisition of land necessary for aviation stations in connection with coast defense was in order as an amendment to the fortifications appropriation bill, since under existing war legislation the Secretary of War was granted power to acquire, by purchase or otherwise, land for aviation purposes. The Chairman, by reason of existing law and decisions thereunder, therefore overrules the point of order.

Mr. BLANTON. Mr. Chairman, I make the further point of order that it is not germane to the paragraph which precedes it. It must be germane to the paragraph—an amendment offered from the floor.

The CHAIRMAN. The Chair overrules the point. The question is on agreeing to the amendment offered by the gentleman from Michigan [Mr. JAMES].

The question was taken, and the Chairman announced that the ayes appeared to have it.

Mr. BLANTON. A division, Mr. Chairman.

The CHAIRMAN. A division is called for.

The committee divided; and there were—ayes 34, noes 6.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Pay of officers: For pay of officers of the line, $18,265,230.

Mr. OLNEY. Mr. Chairman, I very much regret that this item does not contain the proposed increase in pay for the officers of the Army, Navy, Marine Corps, and other service corps, but I understand that the conference committee is busy, and will possibly soon make some report to the House, perhaps of a compromise nature, although the Wadsworth pay bill, providing for a $59,000,000 increase in pay, is being considered.

The impression probably prevails in this House that nearly all of our Regular Army officers are West Point men. That is not true, for since the West Point Military Academy was established, 118 years ago, there have been less than 5,000 graduates, and it is safe to say that there are less than a thousand graduates from West Point to-day in the Regular Army.

Now, since the armistice was declared there have been 2,452 resignations of officers from the Regular Army, and there were 100 in the month of March, due primarily and emphatically to the fact that these officers can not maintain their families on the small pay received from the Government.

Reference has been made in this House to the fact that these officers do not need an increase of pay since they received promotion from, say, a captaincy to a majority, or even to a brigadier generalship, in time of war. But it is a fact, according to statistics obtained from the War Department, that while there were in promotions 72 per cent during the war of all officers in the Regular Army, since the armistice was signed they have all been demoted except 25 per cent, and these men will gradually be demoted at the end of the fiscal year, June 30, this year.

As to enlisted men and noncommissiond officers, there have been 11,083 desertions from the Regular Army from March 1, 1919, to April 5, 1920. I refer here to the necessity of increasing the pay, too, of the enlisted men, and I charge that these desertions are resultant from the fact that the enlisted man is not getting the pay he deserves.

There has never been a time since the West Point Academy was established when there were so many vacancies at this academy as there are now. Then the statement was made by the majority leader on the floor a few weeks ago that this increase in pay of officers would amount to an increased appropriation of $100,000,000. He did have the grace a few days later to revise the figures to $75,000,000; but, as a matter of fact, the Wadsworth bill provides for an increase in appropriation of $59,000,000, and that includes increased pay for all the officers of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and the Public Health Service.

I hope that the House will take action at least before adjourning, and the sooner the better, because every day the Army and Navy are becoming more and more demoralized on account of inadequate pay, and said officers can not support their families and subsist on the small salaries paid them.

I may say for the benefit of the House that I have consulted the distinguished chairman of the Committee on Naval Affairs within 10 minutes and he assures me that something will come out of conference, or a compromise bill will be offered, carrying an appropriation of $40,000,000 to take care of this emergency.

Mr. PLATT. Mr. Chairman, will the gentleman yield?

Mr. OLNEY. Yes.

Mr. PLATT. Can the gentleman tell how many vacancies there are at West Point?

Mr. OLNEY. I can not accurately state at this time. I should like the information from the gentleman from New York, if he has it.

Mr. PLATT. I understand from The Adjutant General's office—and my information was received some weeks ago—that there are about 770 vacancies at West Point, and that from the regular examinations which have been held the number of vacancies to be filled will not be more than half that number. That is to say, as the law stands at the present time, because the statistics show that the percentage of vacancies filled does not exceed 50 from the examinations. Last year it was only 38.4. The year before it was 45.

Mr. OLNEY. Comparing that statement with the fullest capacity of the West Point Academy, which I think is about 1,300 men, it shows a deficiency of about 50 per cent.

Mr. PLATT. Does the gentleman think something ought to be done to remedy that situation?

Mr. OLNEY. I certainly do. I think the bill proposed by the gentleman from New York would remedy the situation.

Mr. FIELDS. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN (Mr. TOWNER). The gentleman from Kentucky moves to strike out the last word.

Mr. FIELDS. Mr. Chairman and gentlemen of the committee, I think it is only fair to say that the vacancies at West Point at this time are due largely, at least, to the feeling of the people generally that they want to get away from military matters.

It is not fair to charge that the boy of 17 or 18 or 19 is not entering West Point because the officers of the Army are not getting at this time as much money as they feel they should receive.

Mr. GOODYKOONTZ. Will the gentleman yield?

Mr. FIELDS. Not right now. I want to finish this statement. There has been a good deal of discussion about the increased pay of the Army, and my position in opposing it is not an enviable one. I have many dear friends in the Army, and their souls are wrapped around this proposition. I have no personal criticism of them to offer. It is natural that they should want an increase in pay and I do not blame them for getting it if they can. But, gentlemen, these continual increases in prices and everything else must come to a halt somewhere and at some time

in this country. As the gentleman from Massachusetts pointed out, 72 per cent of the officers of the Army received increases of pay during the war, and until recently, by reason of increases in rank, many of them almost double and probably some of them more than double their pay prior to the war. Let us look over the figures and see what they are getting now, and how it compares with salaries in civil pursuits in this country.

They will tell you that a second lieutenant receives $1,700 per year. That, of course, is the minimum pay of a second lieutenant, but that would not be a fair basis of comparison, because the maximum pay of a second lieutenant is $2,380. The only way, therefore, to arrive at a just approximation of the pay of a second lieutenant would be to take the average between the maximum and the minimum, which is $2,040. To that is added his allowances, which make a total of $2,482 per annum that he receives.

They will tell you that the pay of a first lieutenant is $2,000. That is the minimum, but the maximum is $2,800. The average therefore is $2,400, and to that is added his allowance for commutation of quarters, heat, and light, which makes a total of $3,025.32. That is what a first lieutenant receives.

Ask Army officers what is the pay of a captain, and they will tell you it is $2,400; but that is only the minimum, the maximum being $3,360, which would make the average $2,880; and when we add to that the allowances that go to the rank of captain we have a total of $3,683.25.

They will tell you that the pay of a major is $3,000. That is correct as to the minimum, but the maximum is $4,000. Therefore the average would be $3,500, or his total average pay, including allowances, $4,579.02.

The minimum pay of a lieutenant colonel is $3,500 and the maximum $4,500. The average therefore would be $4,000. Add to that the allowances which he gets, and he receives $5,350.10.

The minimum pay for the grade of colonel is $4,000. The maximum is $5,000. The average there would be $4,800, and the allowances are added to that, making a total of $6,127.80. So, Mr. Chairman and gentlemen of the House, when we compare these salaries with the salaries received by men in educational institutions, by men in the medical profession, by men in the legal profession, by the superintendents and supervisors in the trades, in fact, in every civil activity in this country, I say that they compare most favorably with them.

Mr. BARKLEY. Will the gentleman yield?

Mr. FIELDS. I yield to my colleague.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARKLEY. I ask unanimous consent that the gentleman have three minutes more.

The CHAIRMAN. Unanimous consent is asked that the time of the gentleman from Kentucky be extended three minutes. Is there objection?

There was no objection.

Mr. BARKLEY. What determines whether an officer is to get the minimum or the maximum or any intermediate figure between those two?

Mr. FIELDS. His pay increases 10 per cent with each five years of service up to 20 years.

Mr. OLNEY. And there is a maximum?

Mr. BARKLEY. You arrived at your average by adding the minimum and the maximum and dividing by two, did you not?

Mr. FIELDS. I took the 10-year period. They are increased each 5 years up to 20 years, and therefore the 10 years would be the average.

Mr. BARKLEY. Is there any way to tell what is the actual average pay of the officers in the various ranks, as they are now drawing their pay?

Mr. FIELDS. The only way by which an exact calculation could be made would be to take the Army pay roll and ascertain what each officer receives. As that would be a momentous task, I have prepared a table showing the minimum, the maximum, also the average pay of each grade. I insert that table at this point for the information of the House:

Pay and allowances of officers and proposed pay increase.

Rank and service.	Pay.	Commutation of quarters.	Heat and light.	Total pay and allowances.	Proposed 20 per cent increase.	Total proposed pay and allowances.
Second lieutenant:						
Base	$1,700.00	$288.00	$154.60	$2,142.60	$340.00	$2,482.60
5 years	1,870.00	288.00	154.60	2,312.60	340.00	2,652.60
10 years	2,040.00	288.00	154.60	2,482.60	340.00	2,822.60
15 years	2,210.00	288.00	154.60	2,652.60	340.00	2,992.60
20 years	2,380.00	288.00	154.60	2,822.60	340.00	3,162.60
First lieutenant:						
Base	$2,000.00	$432.00	$193.32	$2,625.32	$400.00	$3,025.32
5 years	2,200.00	432.00	193.32	2,825.32	400.00	3,225.32
10 years	2,400.00	432.00	193.32	3,025.32	400.00	3,425.32
15 years	2,600.00	432.00	193.32	3,225.32	400.00	3,625.32
20 years	2,800.00	432.00	193.32	3,425.32	400.00	3,825.32
Captain:						
Base	2,400.00	576.00	227.25	3,203.25	480.00	3,683.25
5 years	2,640.00	576.00	227.25	3,443.25	480.00	3,923.25
10 years	2,880.00	576.00	227.25	3,683.25	480.00	4,163.25
15 years	3,120.00	576.00	227.25	3,923.25	480.00	4,403.25
20 years	3,360.00	576.00	227.25	4,163.25	480.00	4,643.25
Major:						
Base	3,000.00	720.00	259.02	3,979.02	600.00	4,579.02
5 years	3,300.00	720.00	259.02	4,279.02	600.00	4,879.02
10 years	3,600.00	720.00	259.02	4,579.02	600.00	5,179.02
15 years	3,900.00	720.00	259.02	4,879.02	600.00	5,479.02
20 years	4,000.00	720.00	259.02	4,979.02	600.00	5,579.02
Lieutenant colonel:						
Base	3,500.00	864.00	290.10	4,654.10	700.00	5,354.10
5 years	3,850.00	864.00	290.10	5,004.10	700.00	5,704.10
10 years	4,200.00	864.00	290.10	5,354.10	700.00	6,054.10
15 years	4,500.00	864.00	290.10	5,654.10	700.00	6,354.10
20 years	4,500.00	864.00	290.10	5,654.10	700.00	6,354.10
Colonel:						
Base	4,000.00	1,008.00	319.80	5,327.80	800.00	6,127.80
5 years	4,400.00	1,008.00	319.80	5,727.80	800.00	6,527.80
10 years	4,800.00	1,008.00	319.80	6,127.80	800.00	6,927.80
15 years	5,000.00	1,008.00	319.80	6,327.80	800.00	7,127.80
20 years	5,000.00	1,008.00	319.80	6,327.80	800.00	7,127.80
Brigadier general: Base	6,000.00	1,152.00	345.90	7,497.90	1,200.00	8,697.90
Major general: Base	8,000.00	1,296.00	372.00	9,668.00	(1)	9,668.00
Lieutenant general: Base	9,000.00	1,440.00	395.65	10,835.65	(1)	10,835.65
General	10,000.00	1,584.00	418.27	12,002.27	(1)	12,002.27

[1] No increase.

Mr. KAHN. Will the gentleman yield?

Mr. FIELDS. I yield to the gentleman from California.

Mr. KAHN. Of course, the men in the lower grades do not have increases in the way the men in the higher grades do. A colonel is limited with his "fogy" pay, as they call it, to $5,000 as a maximum. A major probably gets his commission after he has been in the Army 20 years.

Mr. FIELDS. A major is limited to $4,000 as a maximum, to which is added his allowances, which amount to $975.02.

Mr. KAHN. Yes; exactly.

Mr. FIELDS. Mr. Chairman, I also desire to add here that in addition to the pay and allowances shown by the table previously referred to, officers receive their medical and hospital treatment without cost to themselves. They are also permitted to purchase their food and other supplies at Army commissaries at what they actually cost the Government at the factories, without any charge for transportation, which represents a saving to them of 42 per cent, as compared with similar purchases in the open markets of the country. I do not agree with the argument that is made that all these resignations in the Army are due to insufficient pay. During the war the officers had opportunities as never before to come in contact with business that they had not before come in contact with. They found business that was to their liking—that appealed to them more than the Army appealed to them—and it is true that many of them have gone out of the Army and are receiving larger salaries than they could receive or will ever receive in the Army. But that is true in civil life. There are a few men here and there of special ability—men of high skill—who far surpass the average in their earning capacity, but the only way to arrive at a just basis is to take the average ability and the average salary; and when we take the average ability of the Army and compare it with the average salaries in civil life, I doubt if there are many men in the Army who would resign to accept positions in civil life.

Mr. DEMPSEY. Will the gentleman yield?

Mr. FIELDS. Just one thought: I realize the necessity for some more pay for the noncommissioned officers. They are the life of the Army; but I do oppose the proposition at this time to increase the salaries of the commissioned personnel, much as I dislike to do so.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DEMPSEY. I ask that the gentleman's time be extended one minute.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DEMPSEY. How does the gentleman reconcile his statement that all of the salaries in civil life are less than the salaries in the Army with the statement that officers are resigning wholesale?

They certainly do not resign wholesale to get less salary if they are resigning on account of bettering their condition.

Mr. FIELDS. I say many of them would go out of the Army regardless of how much the Government might pay them, because the Government would never pay what they could earn in civil life, because of their fitness to perform some particular duty that they have found in civil life. I said also that we must take the average ability and compare it with the average salary in civil life, and when you do that I claim that my contention is correct.

Mr. DEMPSEY. I think the resignations are so large in number that it refutes the gentleman's argument.

Mr. FIELDS. No; I think not. Then again, in the case of many officers their pay will be increased by an increase in rank, under the provisions of the Army reorganization bill now in process of enactment.

The CHAIRMAN. The time of the gentleman from Kentucky has again expired.

The Clerk read as follows:

All the money hereinbefore appropriated for pay of the Army and miscellaneous, except the appropriation for mileage to commissioned officers, warrant officers, members of the Officers' Reserve Corps when ordered to active duty, contract surgeons, expert accountant, Inspector General's Department, Army field clerks, and field clerks of the Quartermaster Corps, when authorized by law, shall be disbursed and accounted for as pay of the Army, and for that purpose shall constitute one fund.

Mr. FIELDS. Mr. Chairman, I offer the following amendment, which I send to the desk, and pending that I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 20, line 19, after the word "fund," add the following: "*Provided*, That no part of the funds herein appropriated shall be expended in the payment of the salary of any officer of the Army of the United States who shall issue or cause to be issued any order, written or verbal, establishing social distinction, or preventing social intercourse between officers and enlisted men of said Army while not on military duty: *Provided*, That this limitation shall not apply to an officer who shall have acted in obedience to orders from his superior."

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. FIELDS. Mr. Chairman and gentlemen of the committee, I offered this amendment once before in this House and spoke in support of it. It was not adopted by the Committee of the Whole, but was adopted by the House on a motion to recommit, and I give notice now that if it is defeated by the Committee of the Whole I shall again offer it as a motion to recommit. You can go out through the country to-day and you will find that the thing that is causing the most unrest among the former service men, the thing that is poisoning the minds of the youth of the country most against the Military Establishment, is the social distinction that we find in the Army of the United States. I venture the assertion that the only place in the world to-day where the last remnant of Prussian autocracy is left in security is in the Army of the United States. There is not another army in the world where social distinction is recognized and practiced as it is in the Army of the United States. No one can say that France has not a fighting army. Yet social distinction is not practiced there to the extent that it is practiced in our Army. No man can say that Australia has not a fighting army, and yet you do not find social or class distinction practiced in the Australian Army.

Another thought. At the beginning of the World War this country changed its military policy from that of the volunteer to the draft system. It therefore reaches into every home in the land and brings from that home the bloom of its manhood and places it in the military service. You can not convince the fathers and the mothers of the youth that are taken from the homes of this country into the military service or the boys themselves that they are not as good, that they do not stand as high, socially, as any other class of men in the country. We all recognize the necessity of discipline; discipline is essential to the welfare of the private soldiers, but in this regard, Mr. Chairman and gentlemen of the House, I maintain that discipline is overworked; in fact, class distinction is not a part of discipline.

Mr. McKENZIE. Will the gentleman yield?

Mr. FIELDS. Not now; I want to complete this thought. The gentleman from Connecticut [Mr. TILSON], an honorable Member of this body, a former member of the Military Affairs Committee and a former officer of the National Guard and the Army of the United States, spoke on this subject on the floor of this House on the 27th of January last. I commend his sound doctrine to the House and to the commissioned personnel of the Army. If it should be followed by the Army it would save it from the evils that await it because of its practice of class distinction between officers and enlisted men, which is contrary to the spirit of our institutions and repugnant to our people.

Mr. TILSON said:

I have dwelt with considerable emphasis upon the question of the importance of matériel. In many respects it is more difficult to produce than trained personnel.

Neither personnel, matériel, nor both together will avail a nation anything when the crisis comes if that fine indescribable, intangible thing called the spirit of an army or of a nation be lacking or proves to be of inferior quality. It is of this I would speak to-day, of what threatens to destroy it in our Army and Navy and what may be done to prevent it.

Further on he said, and I commend this language to the House and to the Army:

The fathers and mothers of the land must understand that difference in rank in the Army is only the measure of responsibility, and that, whether their sons serve as high-ranking officers or as private soldiers, they equally fulfill the duty of citizenship. Class distinctions have no place in a democratic Republic like ours, whether it be in military or civil life. Difference in rank and pay is necessary in the Army and the Navy for the proper distribution of duties and responsibilities. Leaders must be placed in the proper position from which to lead effectively, and they must have power, authority, and compensation accordingly. In civil life the same adjustment is made in a slightly different way and with the same general result; but whether generals or privates, captains of industry or common laborers, all are equal before the law, all are equal before God, and there is not—and must not be—any place in America for classes, for class distinctions, or class spirit.

I heartily agree with the gentleman from Connecticut. With his experience in the military service on the one hand and his experience with the civil population on the other hand, coupled with his experience in this House, he foresees the danger that awaits the Military Establishment if this practice of class distinction is continued in the Army.

Mr. McKEOWN. Will the gentleman yield?

Mr. FIELDS. Let me finish this thought. A member of this House told me a few days ago that during his visit to France arrangements were made by Army officers to entertain him in an old royal palace, where American Army officers were billeted, and upon learning that he would spend that night at the palace he wired his young brother, who was a sergeant in the Army, to meet him there and spend the night with him. The sergeant came, but the Congressman was notified right away by the Army officers in charge that his brother could not even so much as enter the palace with him where they planned to give him a reception, because it was then the quarters of commissioned officers, and his brother was not a commissioned officer. The Congressman said to them in reply, "This is my brother; the same woman who brought me into the world brought him into the world; the same father who reared me reared him; and, while I am a Member of the Congress of the United States and he is only a sergeant in the Army, he is as good as I am. I refuse to accept your invitation unless I can take my brother with me, because I have not seen him for two years, and this is the only opportunity I shall have to talk with him while here." But his explanation availed him nothing. The officers advised him most emphatically that his sergeant brother could not enter. He then declined their invitation, and finally they provided for him and his brother an attic room, up next to the roof, a little 2 by 4 room, where they spent the night together. There were no hotel accommodations to be had, and the Member preferred the little attic room with his brother to the royal chamber that had been arranged for him down among the commissioned gods, where the private and the sergeant dare not enter. Mr. Chairman, I admire his grit and indorse his action.

The next morning when they went down for breakfast his brother was stopped at the door and informed that he could not enter, because it was the officers' mess hall. Oh, no; he could not enter; he must stop; he must withdraw, for the ground upon which he stood was holy ground that must not under any circumstances be invaded by a soldier who had given his services to his country and had pledged his life to the protection of its flag, unless perchance he wore upon his shoulder a bar, a leaf, an eagle, or a star.

I know of another instance where a Member of Congress was denied the privilege of taking his own son, who was a sergeant, on a day's trip on a train because commissioned officers constituted a part of the party occupying the train. The excuse was made that there was no room, which was untrue, as there was unoccupied space in the compartment occupied by the father of the boy who was refused admittance to the train. The soldier was on a furlough at the time, and there was no reason why

he should not have gone with his father, whom he had not seen for many months, except that he could not ride with commissioned officers.

Mr. Chairman, I do not mention these particular instances in an effort to claim, or with even a thought of claiming, that the enlisted men who happen to be sons or brothers of Members of Congress should be given privileges not enjoyed by other men of their rank; far be it from me to make such a contention. I simply mention these cases because I have positive first-hand information to support my assertions. Nor are the two instances referred to all that I have heard of; I could not in any reasonable length of time explain nor even refer to all the cases of that character that have been brought to my attention.

I talked with a colonel of the Medical Department in France. I suppose from the course of his conversation that he had read the RECORD, where I made a fight against this practice. He explained to me that he at that time had a friend, a major, who previous to the war had been a sergeant.

He said:

> Personally we—the major and I—are good friends. They have three children. I was their family physician when each of their children was born, but I never went to their home socially or permitted them to come to my home. Since he is a major his wife visits my wife and my wife visits his wife and I visit him and he visits me, but after the war is over and he is demobilized and goes back to a sergeancy I would not think of having him in my home.

Gentlemen of the House, that spirit has no place in the democratic Republic of America. I detest it beyond the power of words to express and I intend to fight it at every opportunity.

Now, as to the amendment. It does not often happen that such an order is issued as this amendment would prevent, but it does sometimes occur.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. FIELDS. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

Mr. McKEOWN. Reserving the right to object, I want the gentleman to tell us what the present orders are. Some of us are not familiar with these orders.

Mr. FIELDS. That is the point that I was about to reach.

Mr. McKEOWN. I shall not object.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

Mr. FIELDS. Yes.

Mr. McKENZIE. I agree with my colleague that there are some abuses, but I want to ask him in all candor if he does not think this amendment goes a little too far?

Mr. FIELDS. I do not. It does not go far enough. I had to draw it only as a limitation upon the appropriation, so that it would not be subject to a point of order under the rules. I wish it were permissible under the rules to make it more rigid. In answer to the question propounded by the gentleman from Oklahoma [Mr. McKEOWN] as to what orders are issued, I call to the attention of Members a case that occurred in Texas about a year and a half ago, where an order was issued by a major which purported to have been formulated by Gen. Buck, who was the commanding officer of the camp at which it was issued, which prevented officers and men from attending the same public gatherings, assembling in the same theater or the same church. When the order was called to the attention of Gen. Buck he sent out runners and had it taken down, and he denounced it in a telegram to the gentleman from New York [Mr. CALDWELL] as unauthorized and un-American. Yet the fact remains that an order, which Gen. Buck denounced as unauthorized and un-American, found its way out of the office of the staff of Gen. Buck, and was posted up before he knew anything about it. I also saw a photograph of a similar order which was posted at another camp and have heard of many others.

Mr. McKEOWN. What are the present orders now? Is there any regular order to that effect?

Mr. FIELDS. There are no general orders, and I am trying to prevent Army officers from at any time issuing such an order.

Mr. KEARNS. Mr. Chairman, will the gentleman yield?

Mr. FIELDS. Not now. It will be contended, probably, by some that this would force officers to associate with men they might not want to associate with. It does not force anybody to associate with anybody else. It just prevents Army officers from issuing orders that would prevent free social intercourse between officers and men while not on military duty. There are some officers who would associate with their men if permitted to do so. There is nothing that would exert a more noble influence over the youth of the Army than for the Army officers, once in a while at least, to get down off their lordly perches and put their arms around them socially and take them into their confidence and into their association. Such action on the part of the officers would create and cultivate in the youth of the Army a feeling of mutual interest between them and their officers and would go a long way toward removing the smothered contempt which the private has for the officer but which he dare not mention while in the service where an officer will hear of it.

That statement, Mr. Chairman, may be startling to some Army officers, and perhaps to all of them, but nevertheless it is only a plain, straight-from-the-shoulder reference to a condition that exists; and if there are any officers who do not know that it does exist, I invite them to put on civilian clothes and go where they are not known as Army officers and talk with the men who have served in the Army. If that course were followed occasionally by Army officers instead of their continuous method of divorcing themselves from the men who see the Army from the private's viewpoint, they would know more about the private and the civil population than they now know, which knowledge would be a blessing to the Army in days to come.

Mr. Chairman, I do not submit these observations because of my hostility to the commissioned personnel of the Army but because of my interest in the Army and my firm conviction that the class distinction now practiced is poisoning the mind of the civil population against the Army, which will ultimately result in immeasurable detriment to it. It is in the hope that I may by my efforts and the efforts of those who join me improve conditions in the Army, and that such improvement will bring the Army and the civil population closer together, that I submit these remarks and exert these efforts.

Mr. KEARNS. Does the gentleman's amendment go so far as to prevent court-martial of a boy who neglects to salute an officer even when he meets him on the street?

Mr. FIELDS. No; it has nothing to do with that question at all.

Mr. KEARNS. I understand it does, and I hope it does.

Mr. FIELDS. It does not.

Mr. KEARNS. What is the necessity for a boy being required to salute some petty officer every time he meets him on the street?

Mr. FIELDS. Oh, that does not enter into this proposition, and I hope the gentleman will not take up my time further with it. And I will say in that connection in justice to the officer, for I want to be fair, that the officer is required to return the salute, and as there are more enlisted men than officers the officers get the worst of the requirement to salute.

I am sincere in offering this amendment. I think it ought to be adopted by this House as it was on the motion to recommit when I offered it near the close of the Sixty-fifth Congress. It ought to be adopted by the Senate and approved by the President of the United States. Some say the bill would be vetoed by the President if it should go to him with such an amendment. I do not believe it. To me it is inconceivable that the man who gave himself a national reputation, which led to an immortal name by his efforts to democratize the great institution of Princeton, would veto a bill because it carries a democratic provision like this. I hope this amendment may be adopted. I hope that the Army may begin now to realize that the officers are only men, and that man's social standing in this life is and should be measured by his conduct, and not by the amount of money he has in his pocket or the insignia that he wears upon his shoulders. [Applause.]

Mr. KAHN. Mr. Chairman, I make the point of order.

Mr. FIELDS. Mr. Chairman, I desire to be heard upon the point of order.

The CHAIRMAN. Does the gentleman from California desire to be heard on the point of order?

Mr. KAHN. It seems to me that from the reading of the amendment, as I heard it, it is not a limitation, but is a direction.

Mr. FIELDS. Mr. Chairman, the identical amendment, with the exception that this contains the words "or verbal," was offered by me when the Army appropriation bill was under consideration in the last session of the Sixty-fifth Congress. A point of order was made and was discussed. The gentleman from Virginia, Judge Saunders, presiding over the committee, overruled the point of order. The amendment was not agreed to by the House and I offered it in the form of a motion to recommit. The point of order was again made and the Speaker overruled the point of order and it was voted upon and adopted by the House.

Mr. CLARK of Missouri. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CLARK of Missouri. Does not the point of order raised by the gentleman from California come too late?

Mr. KAHN. Oh, no; I reserved it.

Mr. CLARK of Missouri. I beg the gentleman's pardon.

Mr. LONGWORTH. Mr. Chairman, it seems to me, notwithstanding the previous ruling, of which I was not aware until the gentleman from Kentucky spoke of it, that this amendment, with the language in which it is submitted, is clearly subject to a point of order. It is true that on its face it is a limitation, but in its matter it is a distinct change of existing law, a distinct mandate, ordering that an executive department shall proceed in a certain way.

Mr. FIELDS. Will the gentleman yield?

Mr. LONGWORTH. I do.

Mr. FIELDS. What existing law does it change?

Mr. LONGWORTH. It is an affirmative direction.

Mr. FIELDS. There is no law authorizing the doing of the thing that is sometimes done and to which I object and which my amendment proposes to prevent. It does not change any law——

Mr. LONGWORTH. Well, it takes away the discretion already lodged by law with the officers. Now, I would like to call the Chair's attention to page 368 of the manual—I have not had an opportunity to examine the precedents quoted in Hinds—but here is one distinctly in point:

The limitation may not be applied directly to the official functions of executive officers.

That is precisely what this does. Furthermore I call the Chair's attention to the ruling by the gentleman from Georgia [Mr. CRISP] on the legislative appropriation bill of March 11, 1916, where he ruled—

but such limitations must not give affirmative directions and must not impose new duties upon an executive officer.

Now, that is precisely, Mr. Chairman, what the amendment offered by the gentleman from Kentucky does. On these matters I am more concerned with the procedure of the House than I am concerned with the merit of the case. I offer no opinion whether the amendment of the gentleman would be wise or not, but I am opposed to legislation on appropriation bills, I do not care whether they are brought under the guise of the Holman rule or the rule of limitation. This is not a limitation at all; it is an affirmative direction to do just exactly what the precedents which I have cited say may not be done. I insist, Mr. Chairman, that the point of order of the gentleman from California is well taken.

Mr. FIELDS. Mr. Chairman, now the gentleman from Ohio [Mr. LONGWORTH] cites the rule which provides in substance that a provision is not in order which attempts to circumscribe the official action of an executive officer of the Government. This is clearly a limitation upon an appropriation. It does not attempt to interfere with the exercise or discharge of the official duty of an officer of the Army. It only places a limitation upon him if he shall attempt by written or verbal order to prevent social intercourse between officers and men while not on military duty. Now, there is no law authorizing the issuing of such an order. Therefore the contention of the gentleman from Ohio that it changes existing law is without foundation. There is no general order authorizing the issuing of such an order. Therefore his contention that the amendment will prevent the exercise of authority vested in him by the law is without foundation. It is clearly a limitation, Mr. Chairman, and it has been so held by a previous Chairman and the Speaker in a previous Congress, and I trust the point of order may be overruled.

Mr. LONGWORTH. Mr. Chairman, just one word. The gentleman from Kentucky, I do not think, apprehended exactly the point I made. It is clearly giving affirmative direction, and it clearly violates the precedent that I quoted and ruled upon by the gentleman from Georgia [Mr. CRISP], that such limitations must not give affirmative direction and must not impose new duties upon an executive officer.

Mr. FIELDS. It does not give affirmative direction.

Mr. LONGWORTH. It gives affirmative direction, and if the Chair will note Hinds, volume 4, page 3957, it says:

The limitation may not be applied directly to the official functions of executive officers.

Mr. FIELDS. There is no authority in law or general orders authorizing the issuing of these orders that are sometimes issued and which this amendment seeks to prevent, and it is not an affirmative direction or a change of law or general orders.

The CHAIRMAN. The Chair is ready to rule. The Chair would hesitate and always does hesitate upon overruling a decision made by a previous presiding officer upon almost exactly the point before the committee. Especially is that true from so eminent an authority as the gentleman from Virginia [Mr. Saunders]. The Chair has read carefully the decision of the gentleman from Virginia [Mr. Saunders] in passing upon this proposition. Nevertheless the Chair shall overrule the decision without any hesitation. The Chair does not think it is a limitation, and to extend the Holman rule to such a case as this, the Chair thinks, would be beyond the province of the committee and a legitimate construction of the rule. This is based very largely upon this proposition. In this proposed amendment a penalty is imposed upon an officer for doing an act which is not prohibited by law or if prohibited by law imposes a new penalty for it. It says that "if any officer, who by any order, written or verbal, establishes social distinction"—who is to determine whether a social distinction has been established? It would take probably a court-martial to do so. "Or preventing social intercourse between officers and enlisted men of said army while not on military duty." Who is to determine whether or not social intercourse has been prevented? Is the officer to be deprived of his pay without a trial? Who is to say whether or not such a condition exists? Clearly such propositions as that can not be considered as a limitation within the meaning of the rule. The point of order is sustained.

The Clerk read as follows:

INCIDENTAL EXPENSES.

Postage; cost of telegrams on official business received and sent by officers of the Army, including members of the Officers' Reserve Corps, when ordered to active duty; extra pay to soldiers employed on extra duty, under the direction of the Quartermaster Corps, in the erection of barracks, quarters, and storehouses, in the construction of roads, and other constant labor for periods of not less than 10 days; as additional school-teachers during the school term at post schools, and as clerks for post quartermasters at military posts, and for overseers of general prisoners at posts designated by the War Department for the confinement of general prisoners, and for the United States disciplinary barracks guard; of extra-duty pay at rates to be fixed by the Secretary of War for mess stewards and cooks at recruit depots who are graduates of the schools for bakers and cooks, and instructor cooks at the schools for bakers and cooks; for expenses of expresses to and from frontier posts and armies in the field; of escorts to officers or agents of the Quartermaster Corps to trains where military escorts can not be furnished; hire of laborers in the Quartermaster Corps, including the care of officers' mounts when the same are furnished by the Government, and the hire of interpreters, spies, or guides for the Army; compensation of clerks and other employees of the Quartermaster Corps, and clerks, foremen, watchmen, and organist for the United States disciplinary barracks, and incidental expenses of recruiting; for the apprehension, securing, and delivering of deserters, including escaped military prisoners, and the expenses incident to their pursuit, and no greater sum than $50 for each deserter or escaped military prisoner shall, in the discretion of the Secretary of War, be paid to any civil officer or citizen for such services and expenses; for a donation of $10 to each dishonorably discharged prisoner upon his release from confinement under court-martial sentence, involving dishonorable discharge; and such additional expenditures as are necessary and authorized by law in the movements and operation of the Army, and at military posts, and not expressly assigned to any other department, $10,000,000.

Mr. McKEOWN. Mr. Chairman, I move to strike out the last word. I want to ask about the condition of the disciplinary barracks. That is to say, how many men are now confined in the disciplinary barracks and what number are expected to be continued in such barracks as shown by the hearings?

Mr. KAHN. As the gentleman knows, the Government has three disciplinary barracks—one at Leavenworth, Kans., one at Alcatraz, in the Bay of San Francisco, and one on Governors Island, N. Y.

As I recall, there are about 600 in the disciplinary barracks at Alcatraz, and I think there are 1,500 at Leavenworth. I will say to the gentleman that the disciplinary barracks were established about seven or eight years ago for the purpose of trying to allow a man who had deserted or who had been convicted by court-martial of some offense to redeem his record in the Army. By being sent to a disciplinary barracks the man is given a chance to work out his salvation. He is allowed to work every day. They make an effort to teach him a trade. He also has to do the usual amount of military duty. But in the end, if he performs his duties faithfully during the period for which he is sentenced to the barracks, he gets an honorable discharge from the Army.

Mr. McKEOWN. Are the men who are sent to the disciplinary barracks sent for any specific period of time under court-martial sentence?

Mr. KAHN. Oh, yes.

Mr. McKEOWN. Then if they make good, under these rules, they are permitted to be restored to rank and honorably discharged from the Army?

Mr. KAHN. Exactly.

Mr. McKEOWN. A great many of these men who are now in the disciplinary barracks were thrown into the Army by reason of the emergency?

Mr. KAHN. I should imagine, because of the largely increased number, that that is true.

Mr. McKEOWN. Does the gentleman know about what average is being discharged from the disciplinary barracks now?

Mr. KAHN. No; I do not.

Mr. McKEOWN. If a man does not make good, he is compelled to stay there the whole length of time for which he is sentenced by the court?

Mr. KAHN. Exactly so. But if a man shows a disposition to make good and does make good, he gets an honorable discharge from the Army, so that he can resume his position in civil life without a stain upon his record.

Mr. McKEOWN. Complaints have come into my office from persons in the disciplinary barracks about some trouble at Fort Leavenworth.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KAHN. Mr. Chairman, I ask unanimous consent for one minute.

The CHAIRMAN. The gentleman from California is recognized.

Mr. KAHN. I would like to say to the gentleman from Oklahoma [Mr. McKEOWN] that the Army officers who have charge of this branch of the military service inform me that the disciplinary barracks proposition has worked out remarkably well and to the advantage of the soldier and the country.

Mr. FAIRFIELD. Mr. Chairman, I would like to ask a question of the chairman of the committee. I note in the preceding paragraph and in the paragraph last read a great number of articles are enumerated. I suppose that an estimate was furnished for each article to the committee?

Mr. KAHN. I believe they are itemized in the hearings.

Mr. FAIRFIELD. There is no restriction, however, as to what part of the $32,000,000 or the $10,000,000 might be spent for any one thing? There is no limitation put upon it?

Mr. KAHN. No. That is done purposely. I want to say to the gentleman that in the War Department itself allotments are made of the entire amount appropriated, and these are carried on the books of accounts under each particular item enumerated in the bill. It frequently happens that conditions which no one can foresee make it necessary to use a little larger sum for some particular item, and the War Department can also get along with a less sum for some other item. And so these different amounts during the year have to equalize themselves, and they do equalize themselves. It has been found that it would not be good for the Army or good for the service to limit the amount for each particular item rigidly in the bill. It is deemed advisable to allow some latitude to the administrative officers of the department.

Mr. FAIRFIELD. I can understand that very well. But I think there should be some mobility in the administration of the funds. But I have wondered, if the War Department cared to do so, and they thought extra quarters or extra developments were needed, that they might transfer a larger proportion than was really absolutely necessary and then trust to a deficiency bill to take care of what has been distributed unwisely. How is that taken care of?

Mr. KAHN. If the gentleman will refer to page 25, line 14, he will see that new construction is limited in the paragraph to just one project:

> That not to exceed $52,230 may be used in the erection and completion of an ice and cold-storage plant at Schofield Barracks.

Now, the evidence before the committee was that the ice has to be transported from Honolulu to Schofield Barracks, a distance of 12 miles. The weather there is usually pretty warm, and I think the testimony was to the effect that about 10 or 15 per cent of the ice that was being transported melted on its way to Schofield Barracks. The contention was made that this ice plant would pay for itself in the course of two or three years. Therefore the committee allowed that one piece of construction in the bill. The committee would not allow other construction that was suggested, and, of course, the uses that will be made of these sums are so numerous the War Department could not possibly use any considerable sum for construction without experiencing some difficulty.

Mr. FAIRFIELD. They could not divert it beyond the intention of the committee?

Mr. KAHN. That is it, exactly.

Mr. McKENZIE. If the gentleman will yield, I wish to state to the gentleman from Indiana in connection with this matter that there was a proposition submitted to the Committee on Military Affairs asking us to put in a provision that would make it possible to take 10 per cent of one appropriation and add to another appropriation; that is, 10 per cent of an original appropriation could be added. For instance, on an appropriation of $50,000 for construction, to make it plain, we could take $5,000 from another——

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. FAIRFIELD. Mr. Chairman, I would like one minute more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. McKENZIE. In order to give a little more leeway. But the committee felt that inasmuch as under the reorganization bill the entire language of the appropriation bill will have to be changed, it would be unwise at this time to do that. So they will have to be compelled to get along with the old law, with limited ability to transfer from one appropriation to another.

Mr. BEE. Mr. Chairman, I wanted to ask the chairman of the committee with reference to line 24, page 26, of a donation of $10 to each dishonorably discharged prisoner when he is released from confinement. Does that mean a prisoner who has been sent, for example, from Fort Sam Houston to Leavenworth?

Mr. KAHN. Yes.

Mr. BEE. Or Alcatraz Island?

Mr. KAHN. Yes.

Mr. BEE. Let me understand. Of course, I anticipate that the chairman will say that this is the existing law.

Mr. KAHN. I will say to the gentleman that up to the appropriation bill of a year ago the amount allowed was only $5 and the committee thought it was proper to increase it to $10.

Mr. BEE. With all due deference to the chairman, it strikes me that to turn a man loose from Leavenworth or Alcatraz Island or Atlanta, Ga., after serving a year or two in the penitentiary and giving him a $10 bill and saying, "There is the street," is equivalent, so far as any good purpose is served to the man, to throwing the $10 away. It occurs to me, Mr. Chairman, that there ought to be some way, where a man has served his sentence, has been punished, and served his time, and paid his debt to his Government for the offense committed, by which he should be permitted to be returned either to his home or to some place as he chooses as his future destination, if you expect that man thereafter to assume the place of a good citizen. Very often a man who has been in a penitentiary does not desire to return to his home, but in other instances he may. But, in any event, to turn a disgraced man out of the penitentiary and give him $10 and let him shift for himself, in ninety-nine cases out of a hundred—and I will take the experience on that point of any man who has ever held the office of prosecuting attorney or has ever made the study of criminology at all—in ninety-nine cases out of a hundred, the penitentiary walls receive him again in a limited time. I wish just to call this to the attention of the gentleman in the hope that hereafter a provision may be made to give a man a chance, like the child who has offended against the fireside to return to that fireside with some degree of respect.

Mr. KAHN. Mr. Chairman, I desire to inform the gentleman from Texas that there is a provision in this bill to allow a discharged man from the penitentiary the sum of $25 for a suit of clothes.

Mr. BEE. He would have to have that, because he can not wear the others when he comes out.

Mr. KAHN. Up to the time this bill was reported the amount allowed—and the same amount is allowed until the present law is changed—was $15; but we have increased the amount to $25; and in discussing the matter in the committee, without desiring to violate any confidences as to the action that was taken by the committee, I used practically the same argument that the gentleman from Texas has used with reference to this personal allowance of money. I feel that when a man has served a term in the penitentiary in expiation of some offense, the country owes him at least an opportunity "to come back" and to get on his feet.

Mr. BEE. That is the reason why I called the attention of the gentleman to this matter, because it does not give him that opportunity at present.

Mr. KAHN. I recognize the fact that this is a very small sum, but I am told that the men in the penitentiaries also have an opportunity to earn some money of their own while they are serving.

Mr. BEE. I will say to the gentleman from California that in that respect I have always thought that where a State penitentiary undertook to manufacture any kind of articles the man manufacturing them ought to be allowed so much a day, to be used as an accumulating fund for his benefit when he is released. If he is a criminal, he will come back. If he is simply a man who has offended thoughtlessly, he will take his place in the world again.

I desire to offer an amendment, Mr. Chairman, on page 26, line 23. I desire to strike out, in line 23, the words "or citizen," so that it will read "in the discretion of the Secretary of War, be paid to any civil officer for such service and expenses."

Now, Mr. Chairman, I am not doing that merely for the purpose——

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BEE: Page 26, line 23, strike out the words "or citizen."

Mr. BEE. Now, Mr. Chairman, I am not doing this solely with the purpose of completing the thought that is in my mind in connection with this, neither shall I urge this amendment if the Committee on Military Affairs in charge of the bill do not deem it advisable; but I wish to take the opportunity to make a very brief statement in reference to this subject. I admit the heinousness of the offense of desertion on the part of a soldier from the United States Army in time of war. It is deserving, unquestionably, of death, and in time of peace it is deserving of punishment. But I do object to the idea that a citizen, not an officer of the law, shall be paid money for his assistance in bringing to justice a violator of the law. It is not done in civil life.

Let me say to the chairman of this committee that I speak of that which I know. As I stated before, when I was a very young man I was a clerk in the judge advocate's office in San Antonio, Tex., and I knew men who had been in the Army, and who had quit the Army, whose systematic business it was, by enticement, by deception, to worm themselves into the confidence of men who had deserted from the Army and had married and were raising families in an honorable occupation, giving them no chance to come back and make their explanation to the Government, but for $50 to betray those men. I myself as a clerk have paid into the pockets of one man in my city $800 in one year which that one man made by working himself into the confidence of these men, destroying their families, and putting them in the penitentiary, one of whom afterwards had his arm blown off in a mine where he was working.

Unless the gentlemen of the committee in charge of the bill think it is not advisable I shall insist on my amendment. We ought not to sanction the practice, either in civil or military matters, of civilians, not officers of the law, fattening themselves upon the misery of somebody else and fattening themselves out of the Treasury of the United States, because they are turning traitors against their comrades; and I say that, Mr. Chairman, without any extenuation of the man who deserts from the Army. We have got plenty of officers. God knows we have got more officers in this country, almost, than we have of anything else, and they are alert, and I have no objection to the officers of the law performing their duty, to go out of their way and secure some character of reward. But I am unalterably opposed to the idea of having citizens turn themselves into spies and traitors in order to make $50 as blood money from a man who has violated the law. Unless the gentlemen of the committee think this is necessary in the administration of justice I shall insist on my amendment.

Mr. KAHN. Mr. Chairman, I confess that there is a great deal of merit in what the gentleman from Texas [Mr. BEE] has said. I rather think that the language at times leads to blackmail. Some citizen, learning that an ex-soldier who had deserted is living in a community and is trying to lead a decent life, bleeds that ex-soldier for money in order to remain silent upon the subject. The fact is that this language has been in the Army bill for many years.

Mr. BEE. Yes; I know that, because it was in the law when I was a young man.

Mr. KAHN. I myself believe that all these matters should be taken up with the officers of the Army who are charged with the duty of enforcing the law, with the view ultimately and soon of rewriting the language of the appropriation bill. In the committee we discussed the matter only recently, but in view of the fact that the Army reorganization bill is likely to become a law before the adjournment of this session the committee thought it best to bear with the ills we have for another six months, until with the new information that we will get on the subject of the appropriation bill we can make a revision all along the line.

Mr. BEE. Is it contemplated to bring in a revision of the court-martial law of the Army?

Mr. KAHN. I hope to be able to do that also before the end of this session.

Mr. BEE. I think we ought to do that.

Mr. KAHN. A subcommittee of the Committee on Military Affairs has been appointed for that purpose, and I am informed by the chairman of that subcommittee that hearings will be held very soon.

Mr. BEE. In view of the fact that it may perhaps disorganize existing conditions, and in view of the probability of a revision of the court-martial proceedings, I ask unanimous consent to withdraw the amendment, merely calling the attention not only of the committee but of the country to the fact that the kind of organized blackmailing to which I have called attention is an evil that ought not to be allowed to exist either in civil or military matters.

Mr. KAHN. I agree with the gentleman.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

Mr. LITTLE. Mr. Chairman, I move to strike out the last word. On page 25 of the bill it speaks of extra pay to soldiers employed on extra duty under the direction of the Quartermaster Corps, in the erection of barracks, quarters, and storehouses, in the construction of roads, and other constant labor for periods of not less than 10 days. Who fixes the amount of the pay for the soldiers who do that extra work?

Mr. KAHN. The law fixes the amount.

Mr. LITTLE. Where?

Mr. KAHN. There are laws on the statute books. That is another indication of the necessity for a codification of the military laws.

Mr. LITTLE. There is plenty of reason for that.

Mr. KAHN. The amount of extra duty pay, as I recall, is fixed by statute at 50 cents a day.

Mr. LITTLE. Does not the gentleman think that overpays them a little?

Mr. KAHN. They can earn about $15 a month by extra duty.

Mr. LITTLE. Who is it that decides whether a given company or soldier shall go to work on the road?

Mr. KAHN. No soldier is compelled to labor at any time. It is simply optional with the soldier if he desires to earn 50 cents a day. When the commandant of the force that he is with makes the announcement that he would like to secure so many soldiers to do this additional work, the soldier may accept it or refuse it, as he chooses.

Mr. LITTLE. To what extent is it done? How many of them respond?

Mr. KAHN. The information before the committee is that the number of the recipients of extra duty pay is gradually dwindling, and that the Army is drifting out of that custom.

Mr. LITTLE. Mr. Chairman, I just want to call the attention of the chairman of the committee to the fact that I am with him on this proposition, especially if he will raise it a bit.

I withdraw the pro forma amendment.

Mr. JOHN W. RAINEY. Mr. Chairman, I move to strike out the last two words.

Roger Sullivan is dead. That message wired from Chicago yesterday, seen in to-day's newspapers by millions of readers, carries wherever he was known regret and sorrow. Those throughout the Nation who admire "the self-made man," that type, distinctly American, who overcomes all obstacles, rises from obscurity through his own ability, industry, and energy to a merited position of eminence, regret the passing of this great man. To the people of Illinois and of Chicago who have long considered him their foremost citizen; who have an honest pride in his career; who appreciate him for his qualities of mind and heart; who know better than he really wished them to know—he never advertised his kindnesses—of his liberality and generosity, for as he grew successful he became correspondingly more solicitous for those on whom fortune had not smiled; his death brings sorrow. Alike in the stately mansion on the Lake Shore Drive and in the more humble home elsewhere throughout the city of Chicago—for human nature, despite the accidents of place or position, is the same—his loss will be lamented.

This is neither the time, nor have I the disposition in these first hours of my own grief over the death of my friend, to detail his characteristics. But, Mr. Speaker, one fact will serve as an index. I have known him more intimately than many men and have enjoyed his confidence. Yet only recently did I learn accidentally, and not from him, that he was educating at his own expense a number of young men, who otherwise would probably be unable to go to college or receive an education. This, Mr. Speaker, was characteristic of him, to do good quietly and to do it unselfishly. [Applause.]

Mr. KAHN. Mr. Chairman, before we leave this paragraph I desire to make a statement, and I would like to inform the gentleman from Texas [Mr. BEE] that upon looking into the matter since it was first called to my attention—about the transportation of discharged prisoners—I find that the War Department under existing law is allowed to furnish that transportation, where a prisoner has served a period of over six months. He receives his transportation to his home, a suit of clothes, and $10 in money, which money is supposed to buy his meals while he is en route to his home.

Mr. BEE. Mr. Chairman, may I say to the gentleman from California that that meets the question that I had in mind, and is satisfactory, because it does what we have contended ought to be done. It gives a man who comes out of the penitentiary a chance to restore his good name and citizenship.

Mr. KAHN. I want to say to the gentleman further that in some cases hardships have arisen where men did not serve six months. It is probable that the Committee on Military Affairs will look further into the matter, so as to relieve a man who has had to serve time for some infraction of law in order that he may be given a chance to redeem himself.

Mr. BEE. Would you send away to a penitentiary a man to serve a sentence of six months or less, or would you confine him in the guardhouse at his post?

Mr. KAHN. He would probably be confined in the county jail of some county near where his conviction occurred. And yet after his discharge from the county jail he might have to travel three or four hundred miles to get to his home.

Mr. BEE. Since we have opened up this subject may I suggest to the gentleman from California that I do not believe that they ought to confine the rule to transportation back to the place where he was convicted. Very often a man finds it more compatible with good citizenship to go as far the other way, to get away from the scene of his disgrace.

Mr. KAHN. Of course, it is a very interesting subject, and I can assure my friend from Texas that when we again bring in a military appropriation bill the committee will have tried to get all the light possible upon the subject, with the view of doing some good for the unfortunate individuals to whom he has referred.

Mr. BEE. May I say to the gentleman from California that it has been suggested that if the gentleman from California and the gentleman from Texas were unfortunate enough to be transported away to a distant scene, far removed from their crime, their individual appearance would not enable them to conceal themselves, for obvious reasons, one quite different from the other. [Laughter.]

The Clerk read as follows:

TRANSPORTATION OF THE ARMY AND ITS SUPPLIES.

For transportation of the Army and its supplies, including transportation of the troops when moving either by land or water, and of their baggage, including members of the Officers' Reserve Corps, enlisted men of the Enlisted Reserve Corps, and retired enlisted men when ordered to active duty, including the cost of packing and crating; for transportation of recruits and recruiting parties, of applicants for enlistment between recruiting stations and recruiting depots; for travel allowance to officers and enlisted men on discharge; for payment of travel allowance as provided in section 126 of the act approved June 3, 1916, to enlisted men of the National Guard on their discharge from the service of the United States, and to members of the National Guard who have been mustered into the service of the United States, and discharged on account of physical disability; for payment of travel pay to officers of the National Guard on their discharge from the service of the United States, as prescribed in the act approved March 2, 1901; for travel allowance to discharged prisoners and persons discharged from the Government Hospital for the Insane after transfer thereto from such barracks or place to their homes (or elsewhere as they may elect), provided the cost in each case shall not be greater than to the place of last enlistment; of the necessary agents and other employees, including per diem allowances in lieu of subsistence not exceeding $4 for those authorized to receive the per diem allowance; of clothing and equipage and other quartermaster stores from Army depots or places of purchase or delivery to the several posts and Army depots and from those depots to the troops in the field; of horse equipment; of ordnance and ordnance stores, and small arms from the foundries and armories to the arsenals, fortifications, frontier posts, and Army depots; for payment of wharfage, tolls, and ferriages; for transportation of funds of the Army; for the payment of Army transportation lawfully due such land-grant railroads as have not received aid in Government bonds (to be adjusted in accordance with the decisions of the Supreme Court in cases decided under such land-grant acts), but in no case shall more than 50 per cent of the full amount of service be paid, $38,000,000: *Provided*, That such compensation shall be computed upon the basis of the tariff or lower special rates for like transportation performed for the public at large, and shall be accepted as in full for all demands for such service: *Provided further*, That in expending the money appropriated by this act a railroad company which has not received aid in bonds of the United States and which obtained a grant of public land to aid in the construction of its railroad on conditions that such railroad should be a post route and military road, subject to the use of the United States for postal, military, naval, and other Government services, and also subject to such regulations as Congress may impose restricting the charge for such Government transportation, having claims against the United States for transportation of troops and munitions of war and military supplies and property over such aided railroads, shall be paid out of the moneys appropriated by the foregoing provisions only on the basis of such rate for the transportation of such troops and munitions of war and military supplies and property as the Secretary of War shall deem just and reasonable under the foregoing provision, such rate not to exceed 50 per cent of the compensation of such Government transportation as shall at that time be charged to and paid by private parties to any such company for like and similar transportation; and the amount so fixed to be paid shall be accepted as in full for all demands for such service: *Provided further*, That nothing in the preceding provisos shall be construed to prevent the accounting officers of the Government from making full payment to land-grant railroads for transportation of property or persons where the courts of the United States have held that such property or persons do not come within the scope of the deductions provided for in the land-grant acts; for the purchase and hire of draft and pack animals in such numbers as are actually required for the service, including reasonable provision for replacing unserviceable animals; for the purchase, hire, operation, maintenance, and repair of such harness, wagons, carts, drays, other vehicles, and motor-propelled and horse-drawn passenger-carrying vehicles as are required for the transportation of troops and supplies and for official, military, and garrison purposes; for drayage and cartage at the several depots; for the purchase and repair of ships, boats, and other vessels required for the transportation of troops and supplies and for official, military, and garrison purposes; for expenses of sailing public transports and other vessels on the various rivers, the Gulf of Mexico, and the Atlantic and Pacific Oceans: *Provided further*, That $683,000 of the appropriation hereby made shall be available for additional pay for employees on harbor boats, quartermaster service, in lieu of subsistence: *And provided further*, That none of the funds appropriated or made available under this act or any of the unexpended balances of any other act shall be used for the purchase of motor-propelled passenger or freight carrying vehicles for the Army except those that are purchased solely for experimental purposes.

Mr. CONNALLY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 30, line 10, after the word "purposes," insert "*Provided*, That no money herein appropriated shall be expended for the purchase of any motor-propelled vehicles nor for the hire, operation, maintenance, or repair of any motor-propelled vehicle, which shall be employed wholly or in part for personal, social, or similar use, or for any purpose except for military and official business."

Mr. KAHN. Mr. Chairman, I have no objection to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The question was taken, and the amendment was agreed to.

Mr. McKEOWN. Mr. Chairman, I move to strike out the last word. I want to ask the gentleman from California about these railroad-grant payments to land-grant railroads. I notice it states that "pending the decision of the Supreme Court," and so forth. Has that matter been settled yet, and to what exent are we required to pay the railroads for transportation of Army supplies?

Mr. KAHN. These Supreme Court cases have been decided; but, of course, the language is put in here so as to enable the appropriation to be used in accordance with the decisions of the Supreme Court. The gentleman, I take it, is thoroughly familiar with the law regarding the land-grant railroads.

Mr. McKEOWN. I am not familiar with the final outcome of it.

Mr. KAHN. The general purpose of the land-grant law is to secure for the Government of the United States special rates for the carriage of officers and men of the United States Army and the supplies of the Army over these railroads. Of course, when we passed the antitrust laws and railroad-rate laws there was a question as to how far they applied to the Government. But the cases were taken to the Supreme Court and the decisions were rendered. We are still getting the benefit of these special rates. I believe the reduction made on the carriage of Government freight and the reduction made on Army supplies and for the transportation of officers and men of the Army is about 33⅓ per cent less than it is to the private individual.

Mr. McKEOWN. Did that apply to the war just ended?

Mr. KAHN. Yes. For a long time the Government held back some of this money, I think in the Treasury of the United States, awaiting the decision of the Supreme Court. When these decisions were rendered the entire matter was straightened out, and the Government is now receiving the benefit of these land-grant laws.

Mr. McKEOWN. And it is the purpose of this language to permit the Secretary of War to continue to get the benefit of those reductions?

Mr. KAHN. Exactly so.

The Clerk read as follows:

WATER AND SEWERS AT MILITARY POSTS.

For procuring and introducing water to buildings and premises at such military posts and stations as from their situations require to be brought from a distance; for the installation and extension of plumbing within buildings where the same is not specifically provided for in other appropriations; for the purchase and repair of fire apparatus, including fire-alarm systems; for the disposal of sewage, and expenses incident thereto; for repairs to water and sewer systems and plumbing; for hire of employees, $4,000,000: *Provided*, That not to exceed the following sums may be used in the erection and completion of buildings, structures, or systems enumerated at the places named: $30,000 for a filtration plant at Fort Niagara, N. Y.; $60,000 for improvement of the water mains at Fort Leavenworth, Kans.

Mr. KAHN. Mr. Chairman, I desire to call the attention of the Chair to a misprint at the end of line 6, where the word "appropriations" should have a hyphen.

The CHAIRMAN. Without objection, that amendment will be made.

There was no objection.

The Clerk read as follows:

That all the money hereinbefore designated under the titles "Subsistence of the Army," "Regular supplies, Quartermaster Corps," "Incidental expenses, Quartermaster Corps," "Transportation of the Army

and its supplies," "Water and sewers at military posts," "Clothing and camp and garrison equipage" shall be disbursed and accounted for as "General appropriations, Quartermaster Corps," and for that purpose shall constitute one fund.

Mr. WOOD of Indiana. Mr. Chairman, I reserve a point of order on the last clause of this paragraph, line 21 to line 3 on page 33.

Mr. KAHN. Does the gentleman desire to ask any question?

Mr. WOOD of Indiana. Yes. This is a most irregular and unusual proposition, to provide that the Quartermaster General shall use any and all of these funds as he sees fit.

Mr. KAHN. The language the gentleman refers to has been carried in the Army appropriation bill for probably 10 years. It has been found, or was found before we adopted this language, that frequently one appropriation would fall short about $1,000 during a fiscal year; another appropriation might be $2,000 ahead at the end of the fiscal year. Instead of coming in with a deficiency bill on the one item, the Quartermaster Department has been allowed for many years to use a surplus in any other item of the total number of items, so that the funds could be disbursed without delay at the end of the fiscal year. It has served a very good purpose.

During the war it was extended so that every item in the Army appropriation bill was made one fund. But in the appropriation bill passed a year ago we came back to the language of the original bill and restricted the matter entirely to the items which are under the direction of the Quartermaster General of the Army.

Mr. WOOD of Indiana. Will the gentleman yield?

Mr. KAHN. Certainly.

Mr. WOOD of Indiana. Under the language of this clause, page 33, "shall be disbursed and accounted for as general appropriations," it is possible under that language for the Quartermaster General to use all of this appropriation for different purposes for the accomplishment of one purpose.

Mr. KAHN. Oh, no.

Mr. WOOD of Indiana. It says "shall be disbursed and accounted for as in general appropriations."

Mr. KAHN. Possibly it might be done, I suppose; but the intention of the language is for bookkeeping purposes only. There has never been a violation of the intent of the language and I do not fear that there ever will be a violation of that intent.

Mr. WOOD of Indiana. I have not nearly as much confidence as the gentleman from California has.

Mr. KAHN. The gentleman is a newer Member of Congress than I. When he has been here as long as I have been here and gets to know the officers of the Government he will probably have more confidence in them than he has to-day.

Mr. WOOD of Indiana. If I stay here sufficiently long to become hypnotized by them, perhaps that is true. [Laughter.]

Mr. KAHN. Oh, well, the gentleman probably is more susceptable to hypnotism than is the gentleman from California.

Mr. WOOD of Indiana. That, of course, may be possible, though I wish to reserve a doubt as to that. I make the point of order against the paragraph.

Mr. HASTINGS. Mr. Chairman, will the gentleman reserve the point of order so that I may ask a question of the gentleman from California?

Mr. WOOD of Indiana. Yes.

Mr. HASTINGS. I want to ask the gentleman from California if he considers this language authorizes the various funds appropriated under this, or any part of them, that is not used for any one purpose, to be used for any of the other purposes? There is appropriated under the head of subsistence in the Army $32,000,000; regular supplies, subhead, $28,000,000; incidental expenses, $10,000,000; transportation of the Army and its supplies, $38,000,000; water and sewers at military posts, $4,000,000; clothing in camp, and so forth, $19,000,000. Those sums aggregate $131,000,000. Suppose, for the sake of argument, that only $31,000,000 is used under the subhead of subsistence in the Army. Could the amount not used under the gentleman's construction of this provision be used for regular supplies or for any of the other purposes as authorized by these subheads?

Mr. KAHN. If he had a deficiency in the first item that the gentleman has named, and he had a surplus in the second item, he could use, under this language, the surplus in the second item to make good the deficiency in the first item, but that is as far as he could go.

Mr. HASTINGS. Mr. Chairman, I want to say that I think that is dangerous legislation. Every officer of this Government is in favor of lump-sum appropriations. This is practically a lump-sum appropriation of $131,000,000 that can be used for the purposes mentioned in this paragraph.

Mr. KAHN. I want to say to the gentleman that it has been in effect for the last 8 or 10 years and the discretion allowed has never been abused.

The CHAIRMAN. The Chair is ready to rule. The language used evidently is legislation, not authorized by existing law, and the point of order is sustained.

The Clerk read as follows:

HORSES FOR CAVALRY, ARTILLERY, ENGINEERS, ETC.

For the purchase of horses of ages, sex, and size as may be prescribed by the Secretary of War for remounts, for officers entitled to public mounts for the Cavalry, Artillery, Signal Corps, and Engineers, the United States Military Academy, service schools, and staff colleges, and for the Indian Scouts, and for such Infantry and members of the Medical Department in field campaigns as may be required to be mounted, and the expenses incident thereto, $1,500,000: *Provided*, That the number of horses purchased under this appropriation, added to the number now on hand, shall be limited to the actual needs of the mounted service, including reasonable provisions for remounts, and unless otherwise ordered by the Secretary of War, no part of this appropriation shall be paid out for horses not purchased by contract after competition duly invited by the Quartermaster Corps and an inspection under the direction and authority of the Secretary of War. When practicable, horses shall be purchased in open market at all military posts or stations, when needed, at a maximum price to be fixed by the Secretary of War: *Provided further*, That no part of this appropriation shall be expended for the purchase of any horse below the standard set by Army Regulations for Cavalry and Artillery horses, except when purchased as remounts or for instruction of cadets at the United States Military Academy: *Provided further*, That no part of this appropriation shall be expended for polo ponies except for West Point Military Academy, and such ponies shall not be used at any other place: *Provided further*, That not to exceed $250,000 of the appropriation hereby made shall be available for the encouragement of the breeding of riding horses suitable for the Army, including cooperation with the Bureau of Animal Industry, Department of Agriculture, and for the purchase of animals for breeding purposes and their maintenance: *Provided further*, That the Secretary of War may, in his discretion, and under such rules and regulations as he may prescribe, accept donations of animals for breeding and donations of money or other property to be used as prizes or awards at agricultural fairs, horse shows, and similar exhibitions, in order to encourage the breeding of riding horses suitable for Army purposes: *And provided further*, That the Secretary of War shall report annually to Congress, at the commencement of each session, a statement of all expenditures under this appropriation, and full particulars of means adopted and carried into effect for the encouragement of the breeding of riding horses suitable for the military service.

Mr. JONES of Texas. Mr. Chairman, I move to strike out the last word, in order to ask the chairman of the committee the necessity for this appropriation for these horses, in view of the fact that at this time last year we were selling thousands, and we made an appropriation even when selling them last year of about two and a half million dollars for horses.

Mr. KAHN. Mr. Chairman, the testimony before the Committee on Military Affairs was to the effect that they are between fourteen and fifteen thousand animals short of what they require for an Army of 175,000 men, for which we have appropriated.

Mr. JONES of Texas. I have read the hearings this year. I have been unable to find any reference at all or any inquiry as to the horses they sold. I read the hearings of last year and they were selling horses and had sold 162,800 horses, which they had purchased for $250 each, for an average of about $150 or $170 each, and still had on hand some 70,000 or 80,000 horses, which they were selling off gradually. In the face of that fact, last year we appropriated two and a half million dollars for horses.

Mr. KAHN. Of course, it was advisable to sell the horses at that time, because the cost of feeding would have amounted to about if not quite as much as the horses could be sold for. But we did go into the matter quite fully this year, and the need for the purchase of additional animals, horses and mules. On page 767 of the hearings the gentleman will find that for an Army of 175,000 men——

Mr. JONES of Texas. I have read those hearings, but they do not say one word about the horses that were on hand or explain what they did with those other horses.

Mr. KAHN. They sold them. They sold, as I understand it, any surplus, and probably some have died, but at any rate for an Army of 175,000 men the War Department announces that it will require additional horses.

Mr. JONES of Texas. Last year I did not get the hearings until after this item in the appropriation bill had been passed. It carried $2,500,000 of appropriation for more horses, and at that time they had just finished selling 162,800, and still had 70,000 horses on hand, and it looked as if they just wanted to get a particular kind of horse that they might want somewhere else.

Mr. KAHN. If the gentleman will indulge me, I think the amount carried in the bill as it left the House a year ago was $1,000,000. It was probably increased in the Senate to the larger amount.

Mr. JONES of Texas. But the committee this year seems to have followed the suggestions of the War Department, and yet last year they recommended to the House $5,000,000 for horses.

The House committee, instead of allowing that, cut it down to $1,000,000. Then the Senate raised it to $2,500,000, and I had the assurance of the chairman of the committee at that time that none of this money would be expended for horses unless absolutely necessary. I would like to know if all of the $2,500,000 was expended for horses, when they were selling horses and had some seventy or eighty thousand horses on hand. Did they use all of that money for horses?

Mr. KAHN. I do not know. This is the inquiry that was made:

For a strength of 175,000 there will be required to procure 10,293 Cavalry animals, at $225 a head, without replacements.

The CHAIRMAN. Is this amount on page 35, $7,988,000, the total amount you are asking for, or have you revised those figures?

Maj. HANNAY. They have been revised.

Col. SCOTT. We have estimates for armies of four different sizes.

Maj. HANNAY. The total for an Army of 175,000 is $2,727,000.

The committee cut that amount down to $1,500,000.

Mr. JONES of Texas. Yes. But there does not seem to have been any inquiry made as to what they did with the seventy or eighty thousand horses they had on hand at the time the other appropriation was made, and the committee does not seem to have made any inquiry as to what they did with the two and a half million dollars which was allowed when the House appropriated only $1,000,000 last year. The House had to yield to the Senate and raise the amount to two and a half million dollars. It seems to me that they are spending too much money for horses, and are going out perhaps and selecting a particular kind of horse that they like and discarding the old horses.

Mr. KAHN. No; the committee went into those questions quite fully.

Mr. JONES of Texas. I have been unable to find where they did.

Mr. KAHN. We had Col. Scott before us. He is very familiar with the horse and mule situation.

Mr. JONES of Texas. He always wants more money than the committee thinks he is entitled to. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 33, line 13, after the word "thereto," strike out the figures "$1,500,000" and insert in lieu thereof the figures "$500,000."

Mr. JONES of Texas. Now, Mr. Chairman, I sent over for the hearings of last year. I did not know that we were going to reach this section so soon, but this question was raised last year, and it was shown by the hearings which were conducted by the Military Affairs Committee last year that the War Department had sold 162,800 horses for which they paid $250 apiece, and at the time the bill was pending in the House that they then had between 70,000 and 80,000 horses which they did not need. Yet that had to be brought out, and the committee, just in accordance with the old custom and old habit, brought in an appropriation for some more horses. The War Department wanted $5,000,000 last year, even though they had these horses on hand and were selling horses and mules for which they paid $250 for an average price of $150. Now, if they had 70,000 or 80,000 more than they needed on hand last year, what is the use of making an appropriation of $2,500,000? When I raised the question the chairman of the committee refused to let me have time to discuss it or, rather, to go back to the paragraph, it having been discovered after the paragraph was passed, but assurance was made at that time that the War Department would spend none of this $2,500,000 unless it were needed, yet after that it has been spent. I have read over the hearings and I have not been able to find where the committee made one single inquiry of any kind as to what was done with that $2,500,000, nor as to what was done with the money they received for the 70,000 or 80,000 horses they had that they did not need, yet they come in this year with an item that calls for 10,293 horses at $225 per head. I wonder what the 70,000 or 80,000 horses were sold for? Now, I assume that the War Department must be obsessed with the idea that when a horse gets so he does not hold his head in a chesty enough fashion and his nostrils do not distend they must discard that particular horse and go and buy another slick one that looks a little better to them. I believe it is time when we should cut down on this sum. I believe that $500,000 will be amply sufficient to take care of the situation until the department offers further evidence.

Mr. McKENZIE. Mr. Chairman, the committee gave this particular subject careful consideration. The committee agrees with the gentleman from Texas that this Government ought to be economical in the matter of the purchase of horses, but I want to call the attention of the members of the committee to just one or two facts. We have authorized 17 regiments of Cavalry for the Army, and counting 1,200 to a regiment and figuring $200 apiece for a good cavalry horse, it would cost $4,080,000. Now, of course, we have a good many horses on hand, but during the winter season it pays the Government, in my judgment, to sell a good many of those horses rather than winter them over, and then buy again. I assume that the money received from the sale of those horses goes into the Treasury of the United States, but we felt after taking into consideration the fact that in the Artillery we are motorizing as much of it as possible—the 155's are motorized, and we are going to try out motorizing the field artillery, the 75's—but as years go on we will be able to reduce, perhaps, the expense of the purchase of horses and the maintenance of horses.

Mr. SUMMERS of Washington. Will the gentleman yield?

Mr. McKENZIE. I will.

Mr. SUMMERS of Washington. I want to know if the Cavalry hibernate during the winter and do not have any use for horses in the winter, by suspending training during the winter so entirely that they have to sell off the horses and buy them back again the next year?

Mr. McKENZIE. No; I will say to the gentleman. Of course, the Cavalry does not hibernate, but in horses, as in everything else in the Military Establishment, we have a certain reserve, and ought to have a certain reserve on hand, but in certain localities of the country where Cavalry are not stationed and where we are using horses for transportation or horses for artillery, we could sell off a few hundred or perhaps a few thousand during the winter; not sell cavalry horses. I want to say that the Committee on Military Affairs, in the preparation of this bill, knowing well the condition of the country, has cut every item down to the bedrock, as we view it——

Mr. JONES of Texas. Will the gentleman yield?

Mr. McKENZIE. Including the item for horses, and I hope that the amendment of the gentleman from Texas will not be adopted, for, in my judgment, it will simply mean it would have to be added on in the Senate or face a deficiency——

Mr. JONES of Texas. Will the gentleman yield?

Mr. McKENZIE. Yes.

Mr. JONES of Texas. I would like to ask the gentleman if any inquiry was made—I have not been able to find it in the hearings—as to what was done with this two and a half million dollars of appropriation?

Mr. McKENZIE. I will say to the gentleman from Texas that I do not know, and that I do not think any member of our committee knows. We have the Secretary of War and the Chief of Staff and his staff officers in charge of the Government property in their hands, and if they sell property I assume, as honest men, they turn that money into the Treasury of the United States as miscellaneous receipts.

Mr. JONES of Texas. Mr. Chairman, I ask unanimous consent to proceed for five minutes. I have a copy of the last year's hearings from which I desire to read.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. JONES of Texas. Mr. Chairman, while I do not know anything about the wisdom of having different breeding horses and breeding stations and all of those things, yet I want to read the testimony that was taken last year by the Committee on Military Affairs, just an excerpt from the testimony which I have had copied.

It is the testimony of Col. Hardeman. And here is what he says:

Col. HARDEMAN. We propose to purchase 36,214 riding horses, 14,212 draft horses, 1,200 pack horses, 18,418 draft mules, and 2,397 pack and riding mules.

The CHAIRMAN. That is 72,000 animals in round numbers.

Col. HARDEMAN. Yes, sir.

Mr. CRAGO. That estimate is based on a supposed army of 500,000 men, is it?

Col. HARDEMAN. Five hundred thousand men; yes, sir.

Mr. CRAGO. Suppose the Army is left at 200,000 or 250,000, you would have all the mounts you needed, would you not?

Col. HARDEMAN. We would have approximately the number we need now; yes, sir.

The CHAIRMAN. How are you off for Cavalry horses?

Col. HARDEMAN. We have sufficient for present needs. We have sufficient of all classes of animals for present needs.

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Col. HARDEMAN. The horses averaged a little less than $90; and they will cost about $190 to buy them back.

Mr. WISE. So that both the mules and the horses will cost you, on the average, about $100 more than you sold them for?

I have the data, and, as I stated awhile ago, it shows that they had sold just prior to the appropriation bill of last year 162,800 horses; that they then had some 70,000 or 80,000 on hand that were subject to be sold; and that they were selling

at $100 each less than they paid for them. Now, in the face of that, the Congress last year appropriated $2,500,000 for horses, based on an estimate made by the War Department that we were going to maintain an Army of 500,000 men. Now, they have sold those horses or done something else with them. They have spent that $2,500,000, or wasted it, or done something else with it, and are coming here with a request for $2,000,000 more, and the committee allows them $1,500,000 without asking them what they did with the $2,500,000, without asking them what they did with the 70,000 or 80,000 horses, and then they appropriate so much more money with which to buy more horses at a stipulated price. So if they are trying to economize on this side of the House, as they claim, it seems that the committee might at least ask the question when they are appropriating millions of dollars for horses, when the Government is turning around and selling them for $100 less than they paid for them per head. I believe it is wise to vote for this amendment cutting down this appropriation and require the War Department to bring up some more evidence before we allow them this large amount of money for horses. [Applause.]

Mr. WOOD of Indiana. Mr. Chairman, I move to strike out the last word.

I am surprised at the lack of information the gentleman from Texas [Mr. JONES] has exhibited in reference to the need of horses in the Army. It is a well-known fact, demonstrated in the last 17 months, that proportionately it takes twice as many horses for the Army in peace time as it does in war time. An officer needs only one horse in war time, but in peace time he needs a work horse for the week day, and he needs a Sunday horse. He needs a fine saddle horse for himself and one for his lady love. Last Sunday I went, in company with a gentleman, over into Georgetown, and in that little stretch between the city of Washington and the bridge we passed six darkies, each of them riding one horse and leading another with a lady's saddle on. Coming back in a short time, we passed three or four of those that were then completely equipped and mounted. We have 2,000 Army officers in the city of Washington, where there is need for only 200, according to those who are qualified to express themselves, and each one of those officers has to have at least two of these fine saddle horses, which would necessitate 4,000 war horses at least in the city of Washington, whereas before the war we did not need one-fourth of that number. So it is perfectly apparent we do not consider the necessity for horses in war time as compared with the necessity for them in peace time.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. GREENE of Vermont. When those colored gentlemen were going past on those saddle horses, did they have a bill of sale or anything that showed the ownership of the horses, and was there evidence enough to hang a dog with to show that they belonged to Army officers?

Mr. WOOD of Indiana. There was not only evidence sufficient to hang a dog with, but to hang the men who were using the horses as well. There was a flunkey, dressed in military garb, riding one horse and leading another. The man's saddle and the bridles had on them the insignia of the United States Army.

Mr. GREENE of Vermont. Was he a flunkey or was he doing stable duty? Do you know anything about it?

Mr. WOOD of Indiana. I do not think my eyes deceived me, and I think I know a United States uniform when I see it.

Mr. GREENE of Vermont. Was there any evidence as to whether they belonged to the Army or to private owners?

Mr. WOOD of Indiana. If all these horses belonged to the officers, what are they coming in and asking for $1,500,000 from the Government for?

Mr. GREENE of Vermont. Does not the gentleman realize that across the river here there is a military post, where Cavalry and Artillery are stationed, and that those horses coming out of that post ought not to start an incident?

Mr. WOOD of Indiana. You can go out on one of these bridle paths around the Speedway at this hour, or at any time in the day, or into our public parks, and you will find any number of these gentlemen who are drawing down large salaries from the Government absolutely doing nothing but riding horseback with their lady love. But I am speaking in defense of the gentleman's committee; but he does not seem to appreciate it. I am trying to convince the House that his committee was well warranted in providing this item, because it necessitates more horses to accommodate these gentlemen in peace times than it does in war time. They must have something to do, and why not keep them riding? It is splendid exercise and much enjoyed by their lady companions. And I again say that I am amazed at the want of information displayed by the gentleman from Texas.

Mr. McKENZIE. Mr. Chairman, I just want to read two or three questions and answers from the hearings in order that the record may be kept straight in connection with this matter. And I want to say before I read it that we were asked to appropriate $2,720,000 and we appropriated $1,500,000.

I asked Maj. Hannay how many animals he had, and he said that they had 118,000.

Mr. McKENZIE. That includes mules and horses?

Maj. HANNAY. Yes; mules and horses of all classes—transportation and riding.

Mr. McKENZIE. Do you buy the horses for the Army now?

Maj. HANNAY. Yes, sir.

Mr. McKENZIE. Will you ask for the purchase of a considerable number this year?

Maj. HANNAY. Well, we will bring that up in the item for horses, Artillery and Cavalry. We will be asking for 14,599 horses under the Army strength of 175,000 men. That is not the total animals that will be required according to the table of organizations. It is cut down from that.

Now, that was his statement, but notwithstanding that we cut off one million two hundred thousand and some odd dollars.

Mr. BEE. Will the gentleman yield for a question?

Mr. McKENZIE. Yes.

Mr. BEE. I have no special interest in the horse controversy except in so far as it affects the Mexican border, where we have large Cavalry forces. Will the effect of this reduction be to reduce the Cavalry forces on the Rio Grande, which are needed to guard that Big Bend country and along down as far as Eagle Pass? Will that be the effect of it? It ought not to be done, even though there may be an Army officer in Washington who rides a Government horse out of hours. The Mexican border ought not to be left unprotected.

Mr. McKENZIE. I will simply say to the gentleman from Texas that the committee felt that, having in mind the Texas border, we had cut this appropriation as far as it was safe to go.

The CHAIRMAN. The time of the gentleman has expired. The question is on agreeing to the amendment offered by the gentleman from Texas.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

BARRACKS AND QUARTERS.

For barracks, quarters, stables, storehouses, magazines, administration and office buildings, sheds, shops, and other buildings necessary for the shelter of troops, public animals, and stores, and for administration purposes, except those pertaining to the Coast Artillery; for construction or reclamation plants; for constructing and repairing public buildings at military posts; for hire of employees; for rental of the authorized allowance of quarters for officers, including members of the Officers' Reserve Corps when ordered to active duty, on duty with the troops at posts and stations where no public quarters are available; of barracks or authorized allowance of quarters for noncommissioned officers and enlisted men, men on duty where public quarters are not available, including enlisted men of the Regular Army Reserve, retired enlisted men, and members of the enlisted Reserve Corps when ordered to active duty; for grounds for cantonments, camp sites, and other military purposes, and for buildings or portions of buildings for occupation by troops, for use as stables, storehouses, and offices, and for other military purposes; for the hire of recruiting stations and lodgings for recruits; for such furniture for the public rooms of officers' messes and for officers' quarters at military posts as may be approved by the Secretary of War; for wall lockers in permanent barracks and refrigerators in barracks and quarters; for screen doors, window screens, storm doors and sash, and window shades for barracks, offices, and quarters, and for flooring and framing for tents, and for the National Guard when called or drafted into the service of the United States, $10,000,000: *Provided*, That not to exceed the following sums may be used in the erection and completion of buildings enumerated at the places named—$404,256 for motor training school buildings at Fort Leavenworth, Kans.; $600,000 for construction of officers' and noncommissioned officers' quarters, and the repair and remodeling of such existing buildings as may be available for such quarters at Fort Leavenworth, Kans.

Mr. McKEOWN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Oklahoma moves to strike out the last word.

Mr. McKEOWN. I notice you have a provision for building a motor training school building at Fort Leavenworth. What are they going to do with the Holabird camp, over near Baltimore, hitherto used for motor training purposes? The department has been engaged on a great building program during the war, and we have been hoping that this program would be completed, and we had supposed that there had been enough building, because the other parts of the country that try to get public buildings are not permitted to get them because of the condition of the Treasury. Yet here is a building program being carried out by the War Department, and we ought to know the necessity for it.

Mr. KAHN. If the gentleman will allow me, the gentleman from Kansas [Mr. ANTHONY] is very familiar with that situation and can explain it to the gentleman.

Mr. McKEOWN. Very well.

Mr. ANTHONY. If the gentleman will refer to page 214 of the hearings he will find the whole matter covered by the reports of the War Department. There are three motor repair shops already provided—one in Texas, one in Georgia, at Camp Jessup, and one at Camp Holabird. This repair shop is intended to repair all the motor vehicles in the Central West, where it would be too expensive to ship the engines to these eastern and southern points. Moreover, it is intended to have much of the labor done by the prisoners at the disciplinary barracks. Instead of paying $8 or $10 a day for labor they will get the labor for nothing, and at the same time they will be teaching a useful trade or occupation to these prisoners who are undergoing confinement, and at the end of their imprisonment they will be turned out possessed of knowledge and skill in some gainful occupation. It is to take advantage of the labor in these repair shops.

The other item will go hand in hand with the item immediately below it, which provides a million dollars for the necessary buildings at the Infantry School at Camp Benning, Ga. As the gentleman knows, we have provided for basic training schools for the Infantry. The largest of them is at Camp Benning. We also have an Artillery school, as the gentleman knows, at Fortress Monroe. We have Field Artillery training schools at Bragg, Knox, and Sill, Okla. The graduates of these training schools all go to the staff schools at Fort Leavenworth for final training, where they develop a high type of officers who are capable of exercising field and staff command in time of war. Heretofore there have been about 150 officers in the Leavenworth school. When these men begin to go in for postgraduate education from these other schools there will be 350 officers who will have to be taken care of at Fort Leavenworth, and the Government must provide for these men if we are to work out the plans that they have adopted for this school system.

Mr. McKEOWN. That is to take care of the situation?

Mr. ANTHONY. Yes.

Mr. McKEOWN. I am not opposed to the appropriation, except to this extent: That I wanted to voice my sentiments by saying that I do not think it would be fair unless it is absolutely needed by any department of the Government at this time to do any extra building.

Mr. ANTHONY. This motor training shop will be an economy to the Government, and the committee cut the other item in half from what the recommendations of the War Department originally were for it.

Mr. McKEOWN. Mr. Chairman, I withdraw my pro forma amendment.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

Walter Reed General Hospital, Washington, D. C., for such building or buildings as may, in the judgment of the Secretary of War, be necessary and suitable for the use of the Army Medical School, including necessary heating apparatus, plumbing, water and sewer systems, electrical work, and roads and walks for the same, $500,000.

Mr. JONES of Texas. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Texas moves to strike out the last word.

Mr. JONES of Texas. Mr. Chairman, I desire to correct the RECORD in regard to some figures I gave awhile ago. I gave them from memory, and in quoting Col. Hardeman's testimony as to the number of horses they had sold, I said they had sold 80,000 or 90,000. Col. Hardeman says they had sold altogether 162,800 animals. I read from his testimony as follows:

The CHAIRMAN. How many animals have you on hand now?
Col. HARDEMAN. On the 1st of July we expect to have 83,000 and some hundred.

Now, I want to read you what he says about the need of horses at that time. He gives the figures, including 36,214 riding horses, and so forth. I read:

Mr. DENT. Let him give those figures again.
Col. HARDEMAN. We propose to purchase 36,214 riding horses; 14,212 draft horses; 1,200 pack horses; 18,418 draft mules; and 2,397 pack and riding mules.
The CHAIRMAN. That is 72,000 animals, in round numbers?
Col. HARDEMAN. Yes, sir.
Mr. CRAGO. That estimate is based on a supposed Army of 500,000 men, is it?
Col. HARDEMAN. Five hundred thousand men; yes, sir.
Mr. CRAGO. Suppose the Army is left at 200,000 or 250,000, you would have all the mounts you needed, would you not?
Col. HARDEMAN. We would have approximately the number we need now; yes, sir.
Mr. CRAGO. And unless we increase the Regular Army to 500,000 you would not need these horses?
Col. HARDEMAN. That is based on four combat divisions at war strength, 16 at peace strength, and a Cavalry division.
The CHAIRMAN. How are you off for Cavalry horses?
Col. HARDEMAN. We have sufficient for present needs. We have sufficient of all classes of animals for present needs.

Now, I just want to call attention to the fact that the estimate they made as to the horses they had on hand and as to the need for the 70,000 horses they had last year was based upon an Army that was supposed to be fixed at 500,000 men, and in answer to the direct question as to whether they would need any more horses if the Army was left at 200,000 men or 250,000 men, they said they would not need them. Now, we left the Army at less than 250,000 men. In other words, according to the testimony of their own expert they had all the horses they needed last year, and yet we appropriated $2,500,000 for horses for that period. What did they do with the $2,500,000 when they had just sold 162,800 horses? What did they do with that money when they had on hand 83,000 horses, which was a sufficient number for an Army larger than Congress allowed them for the coming year? Notwithstanding the reduction in the Army and the sale of horses the appropriation for the last year carried $2,500,000. The House made it only $1,000,000, but the gentlemen at the other end of the Capitol increased it to $2,500,000, and the House yielded, and the bill as finally passed carried the $2,500,000.

When the cry for economy is going up from the Lakes to Gulf and from sea to sea, when you come down to the cold logic of the situation, just because some Army officer wants to discard a horse that has grown tired, and wants one with arched neck and distended nostrils, that he may ride with more grace and dignity, I do not see why the United States Government should go to that unnecessary expense. It seems to me we should not make the appropriation at the expense of the taxpayers of this country under such circumstances.

Mr. KAHN. Read.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

SHOOTING GALLERIES AND RANGES.

For shelter, grounds, shooting galleries, ranges for small-arms target practice, machine-gun practice, field-artillery practice, repairs, and expenses incident thereto, including flour for paste for marking targets, hire of employees, such ranges and galleries to be open as far as practicable to the National Guard and organized rifle clubs under regulations to be prescribed by the Secretary of War, $50,000.

Mr. HUDSPETH. Mr. Chairman, I move to strike out the last word. On page 36, under "barracks and quarters," I see that the Secretary of War is empowered to expend $10,000,000 for certain purposes. I want to ask the chairman if he is authorized under this appropriation to buy additional land for drill purposes?

Mr. KAHN. He is not.

Mr. HUDSPETH. I am awfully sorry he is not.

Mr. BEE. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BEE: Page 40, line 25, at the end of line 25, add the following: "*Provided*, That there is hereby appropriated out of any money in the Treasury not otherwise appropriated, the sum of $88,880 for the acquisition of land as an addition to the Leon Springs military reservation in Texas, heretofore authorized, and now in use as a target range for Camp Travis, Tex."

Mr. MADDEN. Mr. Chairman, I make a point of order against the amendment.

Mr. BEE. Will the gentleman from Illinois reserve his point of order?

Mr. MADDEN. Yes; I will reserve it.

The CHAIRMAN. The gentleman from Illinois reserves the point of order.

Mr. BEE. Mr. Chairman, I anticipated that perhaps a point of order would be made; but let me say to the gentleman from Illinois that the situation is this: In 1917 the Government of the United States exercised the option of purchase on some 17,000 acres of land near Leon Springs, Tex., for a target range, appropriating $316,000 for the purchase of this land. The war came on and the land was occupied by the Army for a target range. Subsequently the option of purchase was not carried through, but the possession of the property by the Army was continued. In 1917 this land was taken over under an option of purchase authorized, the occupants of it were dispossessed, and the land used for a target range. Under the appropriation act of 1917 the sum of $316,000 was appropriated for the purchase of the land. In 1918, the land being still in use, the money had not been paid to the owners, and the sum of $316,000 was reappropriated.

Subsequently, in July, Congress passed an act stopping the purchase of any more land except that which was purchased prior to the armistice, but the Comptroller of the Treasury construed it to apply only to Army, National Guard, and National Army cantonments, and for that reason refused to permit this purchase to be carried out.

Thereupon the War Department released approximately 12,000 acres of the 17,000 acres that had been purchased, retaining 4,869 acres as a target range for Camp Travis, which is a division headquarters of the Army. They have a division there. The land to the right of Camp Travis is of a character which can not be used as an Infantry target range. The land west of this property is now used as an Artillery range. This piece of property connects up the property now used as an Artillery range and the property at Camp Travis used as a division headquarters, and is the only available place.

The gentleman from Illinois [Mr. MADDEN] will bear in mind that they have there a balloon school and a flying school. In addition to that they have this division headquarters. They have an Artillery school at Leon Springs. This is the only piece of ground that is available for Infantry target practice. The owners of this property have been out of possession of it. The farmers who were occupying it for their herds and their fields have not had the use of the property for three years in May. The Government has not completed its purchase. They have been paid nothing whatever for it. It has been used for three years by the Army, and is now in use for a target range for the Infantry of Camp Travis. The result is that if the purchase of this land is not authorized the Infantry at Camp Travis will have no place for their Infantry target practice.

In the second place, these citizens of the United States who have surrendered their property under the option of purchase exercised by the Government under the appropriation made by Congress in 1917, and under an appropriation of Congress made in 1918, who have never been paid anything at all, find themselves totally without their property for three years. If this amendment is not put into the bill, they will be still further deprived not only of their property but of their money. I violate no confidence when I say that this amendment is not objectionable to the Committee on Military Affairs, because, as is my practice, I consulted them before I offered the amendment, and they recognized the merit and justice of the situation, both from the standpoint of the Government and from the standpoint of the citizen. I make that statement to the gentleman from Illinois, and I hope that he will not insist upon his point of order. The amount involved is $88,880. The Government has target ranges all over it and is using it. It is the only available place that can be used by this big division headquarters. When I make this preliminary statement to the gentleman from Illinois I hope I can induce him to withdraw his point of order, because the amendment is not unacceptable to the Committee on Military Affairs, both sides of it, and so stated by its members.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BEE. I ask unanimous consent for three minutes more.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for three minutes. Is there objection?

There was no objection.

Mr. BEE. Mr. Chairman, I make no especial pretentions to parliamentary skill or knowledge in this body. I have never undertaken to argue parliamentary questions in this House, but I want to submit to the Chair that this afternoon the point of order was made by the gentleman from Texas [Mr. BLANTON] against the purchase of a flying field at Camp Selfridge in Michigan, under the Air Service section, on the ground that it was not germane and not authorized. The Chairman overruled the point of order, and the Camp Selfridge amendment was adopted. Now, I submit to the Chair the question of germaneness. In the first place, this amendment simply carries out two acts of Congress in which the money has already been appropriated and authorized. It is not the question of a new appropriation or of legislation on an appropriation bill.

It is a carrying out of the appropriation already authorized, both in the act of 1917 and the act of 1918, and never repealed, never turned back into the Treasury, and yet appropriated money in the first place.

In the second place, the amendment is offered to line 25, page 40, under the section that provides for shooting galleries and ranges, for shelter, for grounds, for ranges, for small-arm target and machine-gun practice, and so forth, $50,000.

This amendment is offered to that section, it being the section providing for grounds, for ranges, for target practice. This land is now in use for a target range. I am not going to make any elaborate argument on the question, except to state that it is an appropriation authorized by law twice, and in addition to that it is an appropriation that is germane to the purchase of ground and ranges for target practice. I submit that the parliamentary status is the same as that under the ruling this afternoon on the paragraph which is now in the bill, adopted after a point of order was overruled, as to Camp Selfridge Flying Field. There is no reason why the same rule should not apply to an authorization being made for the completion of the purchase by the Government of the United States where it is authorized in two different acts of Congress to acquire and carry out the option of a purchase exercised by the United States, not only to the extent or use of the occupancy of the land but to the dispossession of those owning the premises, leaving them without any means for recovery hereafter except the nebulous claim that might go to their great-grandchildren. I submit that the amendment is not subject to a point of order.

Mr. MADDEN. Mr. Chairman, the legislation to which the gentleman refers has never become effective as to the purchase that he proposes. The Comptroller of the Treasury ruled that the appropriation could not be used for this purpose. Now the law does not apply. Hence there is no law authorizing the purchase. I make the point of order on the ground that it is legislation on an appropriation bill unless it shows on its face that it is a reduction in the expenses, and this amendment not only does not show that, but, on the other hand, shows that it is an increased expense to the Government.

The CHAIRMAN. The point of order raised by the gentleman from Illinois is somewhat difficult for the Chair to understand, but if the Chair understood the statement of the gentleman from Texas, the proposition is to acquire a separate and detached piece of land, and, if that is the case, it occurs to the Chair that the amendment is subject to a point of order.

Mr. BEE. If the Chair will pardon me, it is not to acquire a separate and detached piece of land; it is to acquire additional property. In other words, if the Chair will permit, there is no difference, except in favor of this amendment, between the amendment that was ruled upon this afternoon, where the point of order was overruled and the amendment became a law.

The CHAIRMAN. The Chair has no knowledge regarding the facts in that matter. This is the rule that is laid down in volume 4 of Hinds' Precedents, section 3776:

3776. A proposition to purchase a separate and detached lot of land for an Army target range was held not to be in continuation of a public work. On June 11, 1906, the sundry civil appropriation bill was under consideration in Committee of the Whole House on the state of the Union, when Mr. Francis W. Cushman, of Washington, proposed an amendment:

"Land for target range: For the purchase of a tract of land, of 3,000 acres or less, at American Lake, near Tacoma, State of Washington, for a target range, $30,000."

Mr. Edgar D. Crumpacker, of Indiana, made the point of order that the amendment involved legislation.

After debate, the Chairman ruled:

"The gentleman from Indiana [Mr. Crumpacker] has raised a point of order. The Chair thinks it is clearly obnoxious to the rule and subject to the point of order. The Chair thinks you might purchase land next to an Army post and that it would probably be a continuation of a public work, but it is evidently not in order to purchase a separate piece of land, as this amendment proposes. It is no more in order, in the opinion of the Chair, than it would be to provide on an appropriation bill for the erection of a hospital building or the construction of an Army post without a previous authorization of law therefor. The Chair therefore sustains the point of order."

Mr. BEE. May I call the attention of the Chair to this fact? In the authority that the Chair just read it occurs to me that the same condition exists here. This is adjoining an Army post already acquired, and is to acquire additional land to that post already belonging to the United States. In other words, it is not a separate and detached piece of land, it is additional land adjacent to the land already owned by the United States, and it is to be acquired for the purpose of the Government for target practice. It is a further carrying out of the contract of the Government.

The CHAIRMAN. It occurs to the Chair that he ought to know what the prior legislation is to which the gentleman from Texas refers. The Chair thinks that he should reserve his decision on the point of order until he can ascertain those facts.

Mr. BEE. I will get the previous legislation.

The CHAIRMAN. If there is no objection, the Chair will reserve his decision and the consideration of the amendment offered until to-morrow, and the Clerk will read. The Chair hears no objection.

The Clerk read as follows:

VOCATIONAL TRAINING.

For the employment of the necessary civilian instructors in the most important trades; for the purchase of carpenter's, machinist's, mason's, electrician's, and such other tools and equipment as may be required, including machines used in connection with the trades; for the purchase of material and other supplies necessary for instruction and training purposes and the construction of such buildings needed for vocational training in agriculture; for shops, storage, and shelter of machinery as may be necessary to carry out the provisions of section 27 of the act approved June 3, 1916, authorizing, in addition to the military training of soldiers while in the active service, means for securing an opportunity to study and receive instruction upon educational lines of such character as to increase their military efficiency and enable them to return to civil life better equipped for industrial, commercial, and general business occupations, part of this instruction to consist of vocational education either in agriculture or the mechanic arts, $3,000,000: *Provided*, That whenever possible officers, warrant officers, noncommissioned officers, or other enlisted men shall be detailed as instructors in vocational training in the most important trades in lieu of civilian instructors.

Mr. WALSH. Mr. Chairman, I make a point of order on that paragraph. I would like to ask the gentleman from California what authority there is for that provision?

Mr. KAHN. The national-defense act of June 3, 1916.

Mr. WALSH. Has the provision been carried in the bill heretofore?

Mr. KAHN. Yes; and some years ago I recall that the amount appropriated was about as large as the amount in this bill.

Mr. WALSH. Does the national-defense act of June 3, 1916, require a detail of warrant officers?

Mr. KAHN. Oh, no; that proviso was written in there by the committee to try and save some money for the Government of the United States.

The original language would allow the employment of many civilians at a much larger salary than is paid Army officers, warrant officers, and enlisted men. I want to say to the gentleman from Massachusetts [Mr. WALSH] that vocational education is given the men in the Navy and the Marine Corps at Quantico, Va. Most of the training is being done there, I am reliably informed, by officers and men in the naval service, and the Committee on Military Affairs felt that it would be advisable to allow officers of the Army and enlisted men to do as much of this training as possible. It was believed to be in the interest of economy.

Mr. WALSH. Mr. Chairman, that explains the authority for the provision and also explains the reason for the proviso, but of course the way to save money in an appropriation bill is to reduce the amount. You are still going to allow them to spend $3,000,000.

Mr. KAHN. The amount they asked was something like $10,000,000.

Mr. WALSH. Do I understand that we are teaching these men how to be farmers, masons, carpenters, and other important trades?

Mr. KAHN. Yes. I understand that all those trades are being taught. This is the situation. Usually the military work performed by an enlisted man is done between the time he gets up in the morning and the time he receives his lunch. The afternoon is generally free. He can do with his time whatever he wants to do.

Mr. WALSH. Why is that?

Mr. KAHN. Because there is no work for him to do.

Mr. WALSH. Why is there not any work?

Mr. KAHN. His military work during the entire morning, I presume, tires him out.

Mr. WALSH. And you put him to farming to give him a rest in the afternoon?

Mr. KAHN. It is optional with the man. If he wants to take two or three hours' vocational training so that he will become better able when he gets out of the Army to earn a good wage for himself, I think the Army is doing a good service for those men. We have had some experience in those things. About 10 or 12 years ago the Army established a cooking and baking school. The enlisted men at that period were not receiving any instruction in those matters at all. There was considerable complaint about the Army cooking. The complaint during the Spanish-American War was called to the attention of our War Department officials, and the country was indignant at the conditions. Therefore these schools were established. Oh, there was a great deal of opposition to their establishment. Men said, "You are going to train men who will gladly leave the Army, because they can go to the lumber camps of the country and the great construction camps of the country and receive large salaries after being trained at the expense of the Government." But in the wisdom of the Congress the necessary laws were passed. The men who were trained in those schools did go out of the Army. They did take civilian employment, and they were able to earn much more money than they ever had been able to earn in their lifetime. When this World War broke out, for the first time in the history of the Army we had well-trained bakers and cooks, and the complaints that the food was not properly prepared for soldiers was not heard to any considerable extent. If the men who enlist in the Army can receive vocational training whereby they will be able to go into civilian life and materially increase their earning capacity, I imagine that no harm will be done to their citizenship because the Government has taught them those things. I feel that the Army, besides being simply a military machine, will be doing a splendid service for the young men who enter the Army for a short period of time.

Mr. WALSH. Mr. Chairman, the gentleman from California has given a very interesting dissertation upon the benefits of vocational training. We are providing vocational training for soldiers who were wounded or disabled, and we are getting a little bit off the balance on this subject of vocational training. It seems to me rather a peculiar policy to follow out to ask men to enlist in the Army in peace times, increase their pay, and say, "While you are in the Army we will show you how to be a farmer, an electrician, a machinist, a carpenter, so that when you get through your first enlistment you will be so well equipped that you can supplement your dislike for the Army service with ability to engage in some other pursuit"—something he probably could have equipped himself to do if he had not joined the Army in the first place. It seems to me that when we appropriate as large a sum of money as this we ought to be assured that there is a demand for it, and that the benefits to be received justify departing along this policy.

Mr. KAHN. Mr. Chairman, will the gentleman yield?

Mr. WALSH. Certainly.

Mr. KAHN. I will say to the gentleman that the mere fact that the vocational education has been put into operation has been the means of bringing into the Army a great many young men who probably would not have enlisted. That is the information which the committee has, but I want to cite another instance where the training seems to give men in the Army an opportunity to better their stations in civil life. Under the condition of training in the Coast Artillery the young men have to handle some rather intricate machinery, especially electrical machinery. They become experts in that line, and they go out of the Army with an earning capacity of two or three times that which they had before they secured this training. So there is a double purpose served. The military training enables the young man to receive an education in the line which will enable him to come to the defense of his country should the country need him for its defense at any time in the future. This vocational training gives him an opportunity to become better equipped for civil life.

Mr. GREENE of Vermont. Will the gentleman from Massachusetts yield?

Mr. WALSH. I will yield to the gentleman.

Mr. GREENE of Vermont. Mr. Chairman, I am frank to say I am inclined to be sympathetic with the indication of the gentleman's mind, if I derive it correctly from the character of his question. I believe there is such a thing as losing balance in this matter of vocational training as made a part of the Military Establishment under the act of June 3, 1916, known as the national-defense act, and under subsequent appropriations.

Of course, the foundation that is suggested in the act is a practical one. This instruction of soldiers in the mechanic arts, or in such other manual crafts and occupations as may extend to military life, may just as well be carried along systematically and methodically, so as to get a more or less rounded experience in the crafts as a whole. That is quite reasonable enough, for it does increase their efficiency in the Army, because everybody knows to-day that the modern military weapon is a very complicated thing and its use is distinct from the question of mere brute force. It is the question of handling very delicate and complicated instruments as weapons. It also follows as an inescapable proposition that a man who has once learned to use those things by being taught vocational training as incidental to them, when he comes out of the Army takes that knowledge with him. So up to that point we are estopped. If we begin the one we invite the other consequence, of course. That is all right. You can not get away from it.

But it seems to me the mistake under the present administration is that they are going to work on a paternalistic scheme, advertising from one end of this country to the other, "Boys, come in and be soldiers. Not be soldiers just to be soldiers, but to employ the Army as a camouflage for private education and then get out in civil life to use it." That is what the proposition is, and the Army is going to stand the expense.

At first those figures ran up a little bit, a few hundred thousand. But to-day people in the commercial, industrial, and trade world, knowing that the Government is furnishing free vocational education, are permitting their employees to go into the Army and get it, so that they will come back with the free vocational education to work for them. It has been suggested to me by one of my colleagues that the Goodyear tire people have done that very thing.

Now, we all know what the cry of "militarism" means. We know how often a man who is inclined to make mischief can invent and devise all kinds of things that will tend to suggest how dreadful is the burden of a large standing army. But when this Government is maintaining its Military Establishment for vocational education in this fashion, you are going to start out on a national kindergarten method of supplanting the State and private educational institutions by teaching crafts to all the boys who come in the Army and charge that sum off against the Military Establishment, and one of these days somebody is going to cry out what a dreadful burden "militarism" is. It

seems to me it is pretty near time right here and now, not only in this case of vocational education but in the case of various and sundry other things, to show that the Army is being made to bear the charge of certain costs to the people of the United States that are not to be confused with a direct military purpose at all.

Mr. WALSH. Will the gentleman permit? If you carry this out on such a scale as this, what are we going to have? An Army of soldiers or an Army of industrial mechanics, mechanicians, cooks, bakers, and farmers.

Mr. GREENE of Vermont. We are going to have an Army of men going into one of these revolving doors long enough to get an education and then come out and use it.

Mr. KAHN. But in the meantime he is receiving military training and will be a great asset.

Mr. WALSH. Oh, yes; until he gets tired, and then they turn him over to a vocation.

Mr. GREENE of Vermont. I would like to suggest this, that because an incidental expedient seems for the time being, some place, somewhere, to be a benefit, must it be turned into the policy and practice and do away with all your foundation principles? In other words, does the end justify the means?

Mr. TILSON. Should there not be a line of demarcation between these vocations and those which lend themselves to the military service? Cooks and bakers are as essential a part of the military service as learning the manual of arms, and so are other things in connection with machines.

Mr. GREENE of Vermont. And carpenter work, and so on.

Mr. TILSON. But when you carry it entirely outside of anything that has anything to do with the Military Establishment, then it seems to me you enter the realm of camouflage.

Mr. FAIRFIELD. Mr. Chairman——

Mr. WALSH. I yield to the gentleman from Vermont [Mr. GREENE].

Mr. GREENE of Vermont. The same idea the gentleman from Massachusetts suggests about agriculture—it would take a considerable strain of imagination—and the Lord knows I am eager to do what is my enlightened duty by the Army—it would take a strain of imagination to believe that the art of paper hanging is going to turn out a better soldier, or that we are going to appropriate money out of the Public Treasury to support these matters of private education which under the hitherto understood terms of the Constitution were reserved to the people or to the State. I do not understand this thing. I can not make myself understand it. All I understand is that now and then they bring in the estimates, where they want a thousand more civilians tacked onto the Army, so that every Army post will be swarming with them.

Mr. WALSH. The gentleman realizes the supply of civilian instructors is increasing daily?

Mr. GREENE of Vermont. It has been suggested in connection with that—by what authority I do not know, but probably just as good authority as the original estimates were made on—that there are to-day practically, as far as the present scheme and policy for the administration of the Army is concerned, two civilians carried on the shoulders of each soldier, and the whole thing charged off to the awful burden of "militarism."

Mr. WALSH. This is a million-dollar increase over the last bill, as I recall it.

Mr. FAIRFIELD. Will the gentleman yield?

Mr. WALSH. I yield.

Mr. FAIRFIELD. I have listened with a good deal of interest to this discussion, which is academic in part and, I think, eminently practical in part. What struck me, as I understand it, is that this $3,000,000 is in excess of what would necessarily be appropriated were there no vocational training. Am I correct in that?

Mr. WALSH. Certainly.

Mr. FAIRFIELD. Then I note that the $3,000,000, it would seem, would educate a large number of men in the Army, for I assume that much of what the Army already has in the way of equipment could be utilized in these schools. I assume that they are not going outside to teach these things, but that it will become academic work in the classroom. What strikes me is—and I am just wondering—whether the $3,000,000 can be expended effectively in this connection, and I would like if the chairman of the committee will tell me how many men now in the Army are taking this extra vocational training?

Mr. KAHN. I can not give the gentleman the figures, but I understand there is a general demand for the training among the men who are in the Army now and the young men who are enlisting at the present time in the Army.

Mr. FAIRFIELD. These figures, allowing $300 a student, would bring 30,000 men per year.

Mr. KAHN. We have 175,000 men in the Army. We have over 211,000 men at the present time, but the bill carries an appropriation for a force of 175,000 men on the average for the next fiscal year.

Mr. FAIRFIELD. Will any large percentage of those 175,000, say 30,000 of them, allowing $300 per unit of men instructed, engage in this vocational training?

Mr. KAHN. I think more than 30,000 will engage in it.

Mr. FAIRFIELD. As a matter of fact, I can see how this might well become a substitute for universal military training, and a most effective one, provided effective use was made of this training when they went out, and if they changed every year or two years it would be even better.

Mr. KAHN. The law fixes the period of enlistment at three years, but on first enlistment, if the Army reorganization bill goes into effect, a young man will be allowed to enlist for one year, but if he reenlists he must enlist for three years. After all, the total number of the Army can only be as great as Congress is ready to appropriate money for.

Mr. GREENE of Vermont. Mr. Chairman, will the gentleman yield?

Mr. FAIRFIELD. I will yield now.

Mr. GREENE of Vermont. The gentleman has suggested that this might be a good substitute for military training, or something to that effect.

Mr. FAIRFIELD. It might result in military training if carried far enough.

Mr. GREENE of Vermont. Is not that just exactly the way, by not coming out and being flat-footed and honest and frank in a policy, we get tricked by just such a thing as this?

Mr. KAHN. Does the gentleman believe in universal military training?

Mr. GREENE of Vermont. Yes; I believe in universal military training, but I want it called by that name. I do not believe in any of these kindergartens or sociological experiments in the Army, which only mean, after all, that a man shall go out as a finished skylight artist or plumber instead of a soldier. The whole proposition comes down to this: What was an innocent little paragraph in the national-defense act of June 3, 1916, by the application, to my mind, of a strained policy year after year, gives us another example of the old scriptural warning against "the little foxes that spoil the vines." Little by little there has crept up in the minds of the directing heads of the War Department what has become a policy, and we are embarked now upon a whole expedition of paternalism, by which the Government, not only in simple execution of the act itself performs these things, but blazons and heralds the inducement from one end of the land to the other to the soldier not to be a soldier but to be a plumber or a painter.

Mr. WALSH. Does the gentleman know whether any of these soldier students have been trained to paint some of the posters that the War Department is having exhibited in various parts of the country to serve as an inducement to the American youth to joint the Army?

Mr. GREENE of Vermont. I am not informed as to where these schools have distributed their war paint. I do not know. [Laughter.]

Mr. WOOD of Indiana. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The gentleman from Massachusetts [Mr. WALSH] has the floor on the reservation of a point of order.

Mr. WALSH. I think at this stage I am inclined to make the point of order, but I would like to have just a little more information before I do it.

Mr. WOOD of Indiana. I would like to have a little information, and maybe the gentleman from Massachusetts can furnish the information. If not, no doubt the chairman of the committee can. They have got a number of professors in the War Department, some of them teaching music, vocal and instrumental, and some of them teaching society etiquette, and some of them teaching ping-pong and other similarly cultivated and elevating accomplishments. They were conducted during the war under the term of "war-camp activities." I would like to know whether the intent of that wonderful proposition for instructing young men how to be soldiers is being continued yet, and whether it is under this appropriation?

Mr. GARNER. They have enough officers compared with the number of men they have got to continue that instruction.

Mr. GREENE of Vermont. Those were civilians.

Mr. WOOD of Indiana. Some of them are officers, and they were paid anywhere from $4,000 to $10,000 a year.

Mr. GREENE of Vermont. We are trying to run them out of the Army as fast as possible, but sometimes they seem to be able to get into a major general's uniform and so manage to escape us. [Laughter.]

Mr. GARNER. Of course, there is no such thing as keeping down the number of officers.

Mr. GREENE of Vermont. Not when the officers are the only permanent part of the Army.

Mr. GARNER. You are sure to keep the officers.

Mr. GREENE of Vermont. Yes; because they are the only men who can teach the boys how to fight.

Mr. WALSH. Can the gentleman state what is the necessity for increasing this item a million dollars this year?

Mr. KAHN. The testimony had before the committee was to the effect that they required $10,000,000 for this purpose.

Mr. WALSH. Well, that is what they will get one of these days.

Mr. KAHN. But the committee decided that $3,000,000 would be ample for carrying on this work, and made the cut accordingly.

Mr. FAIRFIELD. Mr. Chairman, will the gentleman yield?

Mr. WALSH. Yes.

Mr. FAIRFIELD. I would like to know whether this expensive advertising that the War Department is doing now comes out of this fund, or if they have another fund that is available for that purpose?

Mr. KAHN. I do not believe that it comes out of this fund; but I want to call to the attention of the gentleman and members of this committee the fact that I can remember 15 years ago when the War Department had magnificent posters illustrated with beautiful scenes in the Philippine Islands and the Tropics, generally.

Oh, they were gems of the lithographer's art. These posters asked young men to enlist in the Army and see the world. I suppose they are conducting that kind of propaganda to-day; but you had those other posters before there was vocational training, and you probably will continue to have that kind of advertising for enlistments in the Army, because somehow or other the American youth as a general rule does not desire to enlist in the Army.

Mr. GREENE of Vermont. If my colleague will permit, is it not true that after all is said and done, with all these experiments in recruiting, with all the inducements that are offered in just the manner he suggests, the actual number of enlistments may be indicated by the barometer of the economic situation; that when we are in hard times Army recruiting is easy, and when we are in flush times it is not?

Mr. KAHN. There is no doubt about the truth of the statement of the gentleman. Whenever men are walking the streets looking for work they will enlist in the Army and take a three years' chance at military service. Whenever a man can earn anywhere from $4 to $12 a day he does not look to the Army for $30 a month.

Mr. WALSH. Why do they want the $1,000,000 increase in this appropriation? That is what I am interested in now. Why should we increase this $1,000,000 over what they had during war times?

Mr. KAHN. They did not have it during war time.

Mr. WALSH. Well, after the armistice, and we were in war until we heard from the commander in chief.

Mr. KAHN. Let me say to the gentleman from Massachusetts that immediately after the armistice, and when we had over 2,000,000 men in France, the War Department organized what they called a university at Beaune, France. The enlisted men in the Army were told that they could go to that place and learn trades, and even painting and drawing and music. I am told that something like 25,000 American soldiers went to that camp and received this training. During the period that they were at the camp they were thoroughly satisfied. If anyone went to the other side during the period immediately after the armistice he found that the American soldier was anxious to get back to this country; that he did not feel satisfied in Europe; but the opportunity to go to school and to learn something that he had not been able to acquire during his civilian life certainly did make a very marked improvement, and the young men were satisfied. Of course, some men may see no virtue in having given those young men that opportunity, but I feel that every one of them who had that opportunity feels kindlier toward his Government than he felt before.

Mr. WALSH. Oh, well, if we are going to establish a citizenship in this country which, in order to acquire kindly feelings toward the Government, must get something for nothing, whether it be in the military service or the civil service of the Government, I think we are going to have a rather peculiar type of citizenship in the future. That has been the trouble in countries heretofore in the past.

Mr. KAHN. Mr. Chairman, I am free to admit that many things have happened in my country within the last two or three years that have made me doubt at times the loyalty and the patriotism of large numbers of the people. But I believe the overwhelming majority are sound at heart. I believe that no occasion will ever arise in this country when the people will not demonstrate with all their soul and might their loyalty and devotion to this country. But I see things happening every day which I regret.

Now, the purpose of the Army is to supply a force of men who can defend the country in the hour of its stress. In the morning these men are taught military tactics, military training, obedience to constituted authority, respect for law and order. They have their afternoons free. I myself can see no reason why those young men should not be improved in civilian pursuits if they desire to take their free hours and accept the vocational training. I think they will be better citizens when they come out of the Army than they were before they went in.

Mr. GREENE of Vermont. Will the gentleman permit?

Mr. KAHN. Yes.

Mr. GREENE of Vermont. Of course the gentleman has suggested incidental by-product benefits.

Mr. KAHN. Yes.

Mr. GREENE of Vermont. The question is whether we shall upset a general foundation principle in order to get those benefits.

Mr. KAHN. I deny that we are upsetting any foundation principles. The men get all the military training that they have ever had, and they will continue to get that military training; but as a by-product they will also learn something in the way of civilian pursuits that will enable them to go out into life after they have served in the Army better prepared to meet the problems of life.

Mr. GREENE of Vermont. And in the meanwhile, just to show the authority I have suggested, it is still within the principles of bookkeeping, and that does not lie; and the bookkeeping shows that all of this which the gentleman says is a great benefit to civil life is charged up to the burden of the Military Establishment.

Mr. KAHN. I presume there are lots of things charged up to the burden of the Military Establishment.

Mr. GREENE of Vermont. And that is wrong, too. The gentleman knows that you can not prove an original point by citing a few more errors. Now, I want to ask the gentleman from Massachusetts in line with his first suggestion——

Mr. WALSH. I asked why they needed $3,000,000, an increase of a million, and I have not yet ascertained the reason. The gentleman from California was diverted from answering my question.

Mr. GREENE of Vermont. The gentleman from Massachusetts asked some question about employing the time of the soldier. The soldier's situation is a peculiar one. As the gentleman knows, the soldier is really in the position that a fireman is at a fire station; he has a tour of duty of 24 hours a day, but he can not actually be employed the whole 24 hours. He gets a certain number of hours in actual employment in military training. That leaves him intervals in which he has nothing to do unless he be on duty taking his trick at guard or his trick on kitchen police or that sort of thing. So that he has intervals of time on his hands.

Mr. WALSH. Well, Mr. Chairman, I will withdraw my point of order and offer an amendment to strike out the sum of $3,000,000 and insert $2,000,000.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 42, line 12, strike out "$3,000,000" and insert "$2,000,000."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

QUARTERMASTER SUPPLIES AND SERVICES FOR RIFLE RANGES FOR CIVILIAN INSTRUCTION.

To establish and maintain indoor and outdoor rifle ranges for the use of all able-bodied males capable of bearing arms, under reasonable regulations to be prescribed by the National Board for the Promotion of Rifle Practice and approved by the Secretary of War; for the employment of labor in connection with the establishment of outdoor and indoor rifle ranges, including labor in operating targets; for the employment of instructors; for clerical services; for badges and other insignia; for the transportation of employees, instructors, and civilians to engage in practice; for the purchase of materials, supplies, and services, and for expenses incidental to instruction of citizens of the United States in marksmanship and their participation in national and international matches, to be expended under the direction of the Secretary of War, and to remain available until expended, $100,000: *Provided*, That out of the said sum of $100,000 there may be expended for the payment of transportation, for supplying meals, or furnishing commutation of subsistence of civilian rifle teams authorized by the Secretary of War to participate in the national matches, not to exceed $80,000.

Mr. CONNALLY rose.

Mr. KAHN. Does the gentleman wish to offer an amendment?

Mr. CONNALLY. Yes.

Mr. KAHN. I will give notice that immediately thereafter I shall move that the committee rise.

Mr. CONNALLY. In line 1, page 43, is a provision for the employment of instructors. Is it the purpose to employ civilians to instruct at the target range?

Mr. KAHN. No; these instructors are for rifle practice. They will be National Guard officers, and reserve officers, and Army officers, and enlisted men.

Mr. CONNALLY. That is what I had in mind that they should do.

Mr. KAHN. That is what is intended. The testimony before the committee at the time of the hearings was to the effect that that was exactly the kind of instructors that were being employed and that they would continue to employ.

Mr. CONNALLY. Does not the bill carry pay for officers of the National Guard when called into service?

Mr. KAHN. Yes; but we do not want to call the National Guard officers into service for this purpose. They can be utilized for training the civilians in rifle practice and can be very serviceable in doing this work.

Mr. CONNALLY. That is what I had in mind, and on the assurance of the chairman I will not offer my amendment.

Mr. KAHN. I thank the gentleman. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TOWNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 13587, the Army appropriation bill, and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Dudley, its enrolling clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11578) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1921, and for other purposes.

ENROLLED BILLS SIGNED.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 12889. An act granting the consent of Congress to the city of Youngstown, Ohio, to construct a bridge across the Mahoning River, at or near Division Street, in the city of Youngstown, Ohio;

H. R. 11877. An act granting the consent of Congress to Madison and Rankin Counties, in the State of Mississippi, to construct a bridge across the Pearl River between Madison and Rankin Counties; and

H. R. 9065. An act to amend certain sections of the Federal farm loan act, approved July 17, 1916.

LEAVE OF ABSENCE.

By unanimous consent, the following leave of absence was granted:

To Mr. BLACK, for 10 days, on account of his father's illness.

To Mr. STEVENSON, for one week, on account of the sickness of his wife.

To Mr. BURKE, for two weeks, on account of bad health.

SIOUX TRIBE OF INDIANS.

Mr. GANDY. Mr. Speaker, I ask unanimous consent to discharge the Committee on Indian Affairs from further consideration of the bill H. R. 400, disagree to the Senate amendments, and ask for a conference.

Mr. CLARK of Missouri. What is the bill about?

Mr. GANDY. It is H. R. 400, authorizing the Sioux tribe of Indians to submit their claims to the Court of Claims.

Mr. WALSH. Has the gentleman talked with the chairman of the Committee on Indian Affairs?

Mr. GANDY. I will say that this request was made not only with the consent of the chairman of the Committee on Indian Affairs, but has been informally considered by the committee. It was the sense of the committee that the bill be sent to conference. The only difference between the Senate and the House is that the Senate struck out a part of the House bill, and the chairman of the House Committee on Indian Affairs is insistent that the bill remain as it was.

Mr. MILLER. There are a number of bills of this character pending before the Indian Affairs Committee.

Mr. GANDY. Yes; some.

Mr. MILLER. Why should the Sioux Indians be singled out to submit their claims and not the other Indians.

Mr. GANDY. I hope the gentleman will not charge me with the responsibility of that.

Mr. MILLER. I am asking the gentleman if he knows why they reported out this bill.

Mr. GANDY. They have reported a number of bills. I am unable to say why. I am not the chairman of the committee. The committee has worked on them diligently and has reported out quite a number of them. This bill was reported out some time last summer.

Mr. MILLER. What is the character of claims involved in this bill?

Mr. GANDY. This is a land claim.

Mr. MILLER. Similar to the claims of other tribes of Indians throughout the country who are trying to get through similar legislation?

Mr. GANDY. I assume so.

Mr. MILLER. I shall not object to this, Mr. Speaker, but I shall object to any further bills until all of the bills are brought in here, because I have some myself that are as meritorious as any.

The SPEAKER. Is there objection?

There was no objection.

The Chair appointed the following conferees: Mr. ELSTON, Mr. DALLINGER, and Mr. CARTER.

EXTENSION OF REMARKS.

Mr. KAHN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the pending bill by inserting a letter from the Secretary of War regarding the matter of the number of troops in German territory.

The SPEAKER. Is there objection?

There was no objection.

Mr. FAIRFIELD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on this bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. KAHN. Mr. Speaker, I ask unanimous consent that all those who have spoken on this bill or who may speak on this bill may have five legislative days within which to extend their remarks on the bill.

The SPEAKER. Is there objection?

Mr. PARRISH. Mr. Speaker, reserving the right to object, is it understood to be their own remarks?

Mr. KAHN. Yes.

The SPEAKER. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. KAHN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 12 minutes p. m.) the House adjourned until to-morrow, Friday, April 16, 1920, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting supplemental estimate requesting the authorization of an expenditure of $1,000,000 from unexpended balance in the appropriation, "General appropriations, Quartermaster Corps," for use of the Construction Division for "Buildings for Infantry School, Camp Benning, Ga." (H. Doc. No. 725); to the Committee on Military Affairs and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting estimate of appropriation for the United States Geological Survey to cover cost of transcripts of evidence before Quebec bridge commission (H. Doc. No. 726); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting supplemental estimate of appropriation required to cover the cost of the education of natives of Alaska for the fiscal year 1920 (H. Doc. No. 727); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Secretary of War transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Missouri River, S. Dak., with a view to bank protection in the vicinity of Vermilion, and locating sites for dams in South Dakota; to the Committee on Rivers and Harbors.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. SINNOTT, from the Committee on the Public Lands, to which was referred the bill (H. R. 13592) to authorize certain homestead settlers or entrymen who entered the military or naval service of the United States during the war with Germany to commute their entries, reported the same without amendment, accompanied by a report (No. 837), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. TAYLOR of Colorado, from the Committee on the Public Lands, to which was referred the bill (H. R. 8690) for the relief of certain homestead entrymen, reported the same with amendments, accompanied by a report (No. 838), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CURRY of California, from the Committee on the Territories, to which was referred the bill (H. R. 13500) to amend an act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900, as amended, to establish an Hawaiian homes commission, and for other purposes, reported the same without amendment, accompanied by a report (No. 839), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ELSTON, from the Committee on Indian Affairs, to which was referred the bill (H. R. 12788) authorizing any tribes or bands of Indians of California to submit claims to the Court of Claims, reported the same with amendment, accompanied by a report (No. 840), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. FERRIS, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 9357) for the relief of S. S. Markley, reported the same without amendment, accompanied by a report (No. 836), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. CANTRILL: A bill (H. R. 13624) to amend section 7 of the act of Congress of April 26, 1898; to the Committee on Military Affairs.

By Mr. MAHER: A bill (H. R. 13625) to increase the compensation of pressmen in the Government Printing Office; to the Committee on Printing.

By Mr. HICKS: A bill (H. R. 13626) amending and modifying the war-risk insurance act as amended; to the Committee on Interstate and Foreign Commerce.

By Mr. LANGLEY: A bill (H. R. 13627) to amend paragraph E of section 7 of the act approved March 3, 1919, entitled "An act to authorize the Secretary of the Treasury to provide hospital and sanatorium facilities for discharged sick and disabled soldiers, sailors, and marines"; to the Committee on Public Buildings and Grounds.

By Mr. KLECZKA: A bill (H. R. 13628) to amend sections 1 and 4 of title 2 of the national prohibition act; to the Committee on the Judiciary.

Also, a bill (H. R. 13629) authorizing and directing the Secretary of the Treasury to permit the withdrawal of distilled spirits from bonded warehouses; to the Committee on the Judiciary.

By Mr. FERRIS: A bill (H. R. 13630) to amend section 11 of the act entitled "An act to provide for the Fourteenth and subsequent decennial censuses"; to the Committee on the Census.

By Mr. HICKS: A bill (H. R. 13631) to provide for 1-cent-a-mile furlough fare for all soldiers, sailors, and marines now being given treatment in hospitals; to the Committee on Military Affairs.

By Mr. KNUTSON: Resolution (H. Res. 521) requesting the Department of Justice to investigate sugar hoarding in the District of Columbia; to the Committee on the Judiciary.

By Mr. HOCH: Resolution (H. Res. 522) for the investigation of certain charges against Louis F. Post, Assistant Secretary of Labor; to the Committee on Rules.

By Mr. CHRISTOPHERSON: Joint resolution (H. J. Res. 335) directing the Attorney General to investigate the manufacture, distribution, and sale of print paper and to institute criminal proceedings against those found to be profiteering; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CLARK of Missouri: A bill (H. R. 13632) granting an increase of pension to Letitia R. Whitehouse; to the Committee on Invalid Pensions.

By Mr. DEWALT: A bill (H. R. 13633) granting a pension to William H. Trautman; to the Committee on Pensions.

By Mr. DOOLING: A bill (H. R. 13634) for the relief of Katherine Cronhardt; to the Committee on Claims.

By Mr. EMERSON: A bill (H. R. 13635) for the relief of John W. Covington; to the Committee on Claims.

By Mr. GANDY: A bill (H. R. 13636) granting an increase of pension to Louis De Witt; to the Committee on Pensions.

Also, a bill (H. R. 13637) granting a pension to Jacob Kuhn; to the Committee on Invalid Pensions.

By Mr. GLYNN: A bill (H. R. 13638) granting a pension to William J. Norton; to the Committee on Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 13639) granting a pension to Cordelia E. Roach; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13640) granting an increase of pension to Joshua B. Richardson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13641) granting an increase of pension to Sarah A. Scott; to the Committee on Pensions.

By Mr. KNUTSON: A bill (H. R. 13642) granting a pension to George G. Denning; to the Committee on Pensions.

Also, a bill (H. R. 13643) granting a pension to Carrie Bouret; to the Committee on Pensions.

By Mr. NICHOLS of Michigan: A bill (H. R. 13644) for the relief of Charles Gittery, jr.; to the Committee on Claims.

By Mr. GRIFFIN: Resolution (H. Res. 523) authorizing the restoration of Louis Roos to his former position as a special officer in the Capitol police; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2965. By Mr. ASHBROOK: Petition of 31 citizens of Delaware, Ohio, in favor of the Raker bill, for the parole of Federal prisoners; to the Committee on the Judiciary.

2966. By Mr. CARSS: Petition of the Virginia (Minn.) Central Labor Union, urging an investigation of the Bureau of Immigration; to the Committee on Immigration and Naturalization.

2967. By Mr. COLE: Petition of Central Labor Union, Marion, Ohio, asking repeal of war-time measures; to the Committee on Foreign Affairs.

2968. By Mr. CURRY of California: Petition from the engineer employees of the third San Francisco district, Engineer Department at Large, favoring Senate amendment to House bill 11892, providing for 25 per cent increase of basic pay of January 1, 1920, for all assistant and junior engineers and chief clerks in the Engineer Department at Large, together with the retirement provision; to the Committee on Rivers and Harbors.

2969. By Mr. FOCHT: Petition of citizens of Greencastle, Pa., opposing compulsory military training; to the Committee on Military Affairs.

2970. By Mr. GALLIVAN: Petition of Walter R. Mungovan and 75 other members of Michael J. Perkins Post, No. 67, of the American Legion, favoring the cash bonus for ex-service men of the World War; to the Committee on Ways and Means.

2971. By Mr. LINTHICUM: Petition of Local Union, No. 514, A. S. M. W., of Baltimore, Md., urging the passage of Senator FRANCE's joint resolution (S. J. Res. 171), also Senate bill 1233; to the Committee on the Judiciary.

2972. Also, petition of Le Roy K. Murrill Co., of Baltimore, Md., protesting against House bill 12976; to the Committee on Ways and Means.

2973. Also, petition of the Consolidated Engineering Co. (Inc.), of Baltimore, Md., urging the passage of the Britten bill (H. R. 13390); to the Committee on Naval Affairs.

2974. Also, petition of the University of Maryland, dental department, protesting against certain provisions in House bill 13204; to the Committee on Ways and Means.

2975. Also, petition of Myron S. Curry, of Baltimore, Md., urging the passage of the Sterling-Graham bill (H. R. 3149); to the Committee on Reform in the Civil Service.

2976. Also, petition of J. Engel & Co., of Baltimore, Md., protesting against the passage of House bill 12378; to the Committee on Banking and Currency.

2977. By Mr. RAKER: Petition of Santa Rosa, Calif., Chamber of Commerce, urging the enlargement of the arsenal and yard at Benicia, Calif.; to the Committee on Naval Affairs.

2978. Also, petition of Santa Rosa Chamber of Commerce, Santa Rosa, Calif., urging the repeal of the excess-profits tax and urging a more equitable and just tax; to the Committee on Ways and Means.

2979. Also, petition of sundry citizens of California, favoring the passage of House bill 1112; to the Committee on the Judiciary.

2980. By Mr. TAGUE: Petition of Canadian Patent Medicine Agency favoring continuation of free collection of checks through Federal reserve banks; to the Committee on Banking and Currency.

2981. Also, petition of Howes Bros. Co., of Boston, Mass., favoring simplification of exportation tax exemption regulations; to the Committee on Ways and Means.

2982. By Mr. TEMPLE: Petition of the Eldore Women's Christian Temperance Union, favoring House bill 8063; to the Committee on Foreign Affairs.

2983. Also, petition of the Ladies' Auxiliary of the Ancient Order of Hibernians, at Canonsburg, Pa., to secure justice for the Irish people; to the Committee on Foreign Affairs.

2984. By Mr. YATES: Petition of Illinois State Dental Society, Peoria, Ill., urging that the Dental Corps have the same status as the Medical Corps of the Army, and favoring military training; to the Committee on Military Affairs.

2985. Also, petition of McNeil & Higgins Co., of Chicago; George B. Stadden, president Franklin Life Insurance Co., Springfield; Stuber & Keck, of Peoria, Ill., favoring 1-cent drop-letter postage; to the Committee on the Post Office and Post Roads.

SENATE.

FRIDAY, *April 16, 1920.*

(Legislative day of Thursday, April 15, 1920.)

The Senate reassembled at 12 o'clock noon, on the expiration of the recess.

DISTRICT STREET RAILWAYS.

Mr. JONES of Washington. If the Senator from New York [Mr. WADSWORTH] will yield to me for a moment, I desire to offer a Senate resolution and ask that it may be read and lie on the table.

Mr. WADSWORTH. I yield for that purpose.

The PRESIDENT pro tempore. The Secretary will read the resolution.

The resolution (S. Res. 351) was read, as follows:

Whereas repeated demands for higher wages are made by the employees of the street railways of the District of Columbia;
Whereas such demands are followed by requests from the railway companies to the Public Utilities Commission for permission to raise their fares;
Whereas such requests seem to be uniformly granted on the alleged ground that the companies must make dividends on their stock of from 6 to 7 per cent;
Whereas by this method the whole burden of maintaining stock dividends and the expenses of operating the railroads is placed upon patrons of the roads;
Whereas the patrons of these roads are largely Government employees with fixed salaries and people of limited means;
Whereas one road appears to make money and the other does not;
Whereas a limit will be reached at which the patrons will cease using the railroads whenever it is possible for them to do so, and bankruptcy to the railroads will result;
Whereas with all the increases in fares the service furnished by said roads is abominable and can hardly be worse; and
Whereas both roads ought to be under one ownership and management, and certain power plants that are necessary in connection with their operation should be taken over: Therefore be it

Resolved, That it is the sense of the Senate that the street railways of the District of Columbia and the necessary power plants operated in connection therewith should be taken over, owned, and operated by the District of Columbia or the Government of the United States; and the Senate Committee on the District of Columbia is hereby directed to formulate and present to the Senate at as early a date as may be practicable, for its consideration, legislation to bring this about.

The PRESIDENT pro tempore. The resolution will lie on the table and be printed.

ESTABLISHMENT OF MILITARY JUSTICE.

Mr. WARREN. From the Committee on Military Affairs I report back favorably with an amendment the bill (S. 64) to establish military justice.

I take this opportunity to submit the report, and I shall hope, after the bill as amended is printed, to have it considered at an early day.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

REORGANIZATION OF ADMINISTRATIVE BRANCHES.

Mr. SMOOT. I introduce a joint resolution, and as it is a very important one, in my opinion, I ask that it may be read.

The joint resolution (S. J. Res. 191) to create a joint committee on the reorganization of the administrative branch of the Government, was read the first time by its title, and the second time at length, as follows:

Resolved, etc., That a joint committee is created, to be known as the "Joint Committee on Reorganization," which shall consist of three Members of the Senate, to be appointed by the President thereof, and three Members of the House of Representatives, to be appointed by the Speaker thereof. Vacancies occurring in the membership of the committee shall be filled in the same manner as the original appointments.

SEC. 2. It shall be the duty of the Joint Committee on Reorganization to make a survey of the administrative services of the Government for the purpose of securing all pertinent facts concerning their powers and duties, their distribution among the several executive departments, and their overlapping and duplication of authority; also to determine what redistribution of activities should be made among the several services, with a view to the proper correlation of the same, and what departmental regrouping of services should be made so that each executive department shall embrace only services having close working relation with each other and ministering directly to the primary purpose for which the same are maintained and operated, to the end that there shall be achieved the largest possible measure of efficiency and economy in the conduct of Government business.

SEC. 3. The committee shall, from time to time, report to both the Senate and the House of Representatives the results of its inquiries, together with its recommendations, and shall prepare and submit bills or resolutions having for their purpose the coordination of Government functions and their most efficient and economical conduct. The committee is authorized to employ such assistance as it may require, at such compensation as the committee may determine to be just and reasonable, and to make such reasonable expenditures as may be necessary for the proper conduct of its work, such expenditures to be paid in equal parts from the contingent funds of the House of Representatives and the Senate, as from time to time may be duly authorized by resolutions of those bodies.

SEC. 4. The officers and employees of all administrative services of the Government shall furnish to the committee such information regarding powers, duties, activities, organization, and methods of business as the committee may from time to time require, and the committee, or any of its employees when duly authorized by the committee, shall have access to and the right to examine any books, documents, papers, or records of any administrative service for the purpose of securing the information needed by the committee in the prosecution of its work.

Mr. SMOOT. I do not intend to take the time of the Senate this morning to call attention to the duplication of work which is now found in the different departments of the Government. I have a great deal of matter prepared—it is not complete, however—and at some future time I wish to call the attention of the Senate to the facts, showing that there must be some kind of readjustment of the activities of the departments of our Government if we ever intend to do away with the wicked duplication of work now going on in these departments.

I move that the joint resolution be referred to the Committee on Appropriations.

The motion was agreed to.

NITRATE OF SODA.

Mr. SMITH of South Carolina. Yesterday the Chair laid before the Senate the amendment of the House of Representatives to the joint resolution (S. J. Res. 180) authorizing the Secretary of War to turn over to agricultural fertilizer distributors or users a supply of nitrate of soda. The joint resolution relates to the distribution or the sale of nitrate by the War Department. Objection was not made to the amendment of the House, but it was asked that it might go over until to-day until I could confer with the department from which it was supposed the objection came. There was a misunderstanding about it. It is now perfectly clear. The department now understands that the joint resolution as it came from the House provides that as soon as this substance is sold the money that is obtained for it shall be used to repurchase and keep the quota intact. There is no further objection to the amendment of the House, and I hope it will be acted upon now, because it is a case of emergency.

Mr. WADSWORTH. I will have no objection if there is no debate. If it gives rise to debate and the consumption of time, I shall have to object.

The PRESIDENT pro tempore. The Senator from South Carolina moves that the Senate concur in the amendment of the House to the joint resolution.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House disagrees to the amendment of the Senate to the bill (H. R. 400)

authorizing the Sioux Tribe of Indians to submit claims to the Court of Claims, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. ELSTON, Mr. DALLINGER, and Mr. CARTER managers at the conference on the part of the House.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

H. R. 795. An act for the relief of Arthur Wendle Englert;

H. R. 6025. An act to amend the act entitled "An act to establish a code of law for the District of Columbia, approved March 3, 1901," and the acts amendatory thereof and supplementary thereto;

H. R. 9065. An act to amend certain sections of the Federal farm loan act approved July 17, 1916;

H. R. 11877. An act granting the consent of Congress to Madison and Rankin Counties, in the State of Mississippi, to construct a bridge across the Pearl River between Madison and Rankin Counties; and

H. R. 12889. An act granting the consent of Congress to the city of Youngstown, Ohio, to construct a bridge across the Mahoning River at or near Division Street, in the city of Youngstown, Ohio.

PETITIONS AND MEMORIALS.

Mr. TOWNSEND presented a petition of Shiawasse Chapter, Daughters of the American Revolution, of Owosso, Mich., praying for the passage of the so-called Kenyon-Vestal Americanization bill, which was ordered to lie on the table.

Mr. KENYON presented a memorial of sundry citizens of Winneshiek County, Iowa, remonstrating against the adoption of universal military training, which was ordered to lie on the table.

Mr. WARREN presented a memorial of sundry citizens of Hanna, Wyo., remonstrating against the enactment of legislation to exclude foreign publications from second-class mailing privileges, etc., which was referred to the Committee on Post Offices and Post Roads.

MERRITT & CHAPMAN DERRICK AND WRECKING CO.

Mr. CALDER. I ask unanimous consent for the consideration of the bill (S. 3294) for the relief of the owner of the derrick *Concord*. I will state to my colleague that if it gives rise to any discussion I shall not press its consideration.

Mr. WADSWORTH. With that understanding, I make no objection.

Mr. SMOOT. I ask the Senator from New York why he asks for the passage of the bill at this time?

Mr. CALDER. The bill permits the owner of the derrick *Concord* to go into court and sue for damages to his vessel.

Mr. SMOOT. There are a half dozen such bills on the calendar.

Mr. CALDER. This was the only one objected to when the calendar was under consideration. Its passage is recommended by the Navy Department. The owner of the injured vessel must go into court and press the matter in court and obtain the verdict of the court.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. SMOOT. Let the bill be read. I have not a copy of the report on my file.

Mr. CALDER. I hand the Senator a copy of the report.

The PRESIDENT pro tempore. The Secretary will read the bill for information.

The bill was read, as follows:

Be it enacted, etc., That the claim of the owner of the derrick *Concord*, arising out of collision between said derrick and the U. S. S. *Robin* on January 10, 1919, at the north pier of the Merritt & Chapman Derrick and Wrecking Co.'s dock at the district salvage base, Stapleton, Staten Island, N. Y., for and on account of the losses alleged to have been suffered in said collision by the owner of said derrick *Concord* by reason of damages to said derrick, may be submitted to the United States court for the eastern district of New York under and in compliance with the rules of said court sitting as a court of admiralty; and that the said court shall have jurisdiction to hear and determine the whole controversy and to enter a judgment or decree for the amount of the legal damages sustained by reason of said collision, if any shall be found to be due either for or against the United States, upon the same principle and measure of liability, with costs, as in like cases in admiralty between private parties, with the same right of appeal.

SEC. 2. That should damages be found to be due from the United States to the owner of said derrick *Concord*, the amount of the final decree or decrees therefor shall be paid out of any money in the United States Treasury not otherwise appropriated: *Provided*, That such suit shall be brought and commenced within four months after the passage of this act.

SEC. 3. That the mode of service of process shall conform to the provision of the act of March 3, 1887, entitled "An act to provide for the bringing of suits against the United States."

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

Mr. SMOOT. I move to strike out section 2 of the bill. I do this in conformity with the action taken by the Senate on all previous bills of this kind.

The amendment was agreed to.

Mr. SMOOT. After the word "Section" in line 16, on page 2, I move to strike out "3" and insert "2," so as to read "Section 2."

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PENSIONS FOR SOLDIERS OF SPANISH WAR, ETC.

Mr. NEW, from the Committee on Pensions, to which was referred the bill (H. R. 2) to pension soldiers of the War with Spain, the Philippine insurrection, and the China relief expedition, reported it without amendment and submitted a report (No. 527) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WARREN:

A bill (S. 4229) granting an increase of pension to Kate M. Smith (with accompanying papers); to the Committee on Pensions.

By Mr. CALDER:

A bill (S. 4230) granting an increase of pension to Joseph Tanco, jr.; to the Committee on Pensions.

By Mr. KNOX (by request):

A bill (S. 4231) for the relief of certain estates; to the Committee on Claims.

By Mr. WALSH of Massachusetts:

A bill (S. 4232) granting a pension to Neil J. Devlin;

A bill (S. 4233) granting a pension to Mary C. F. Warren; and

A bill (S. 4234) granting a pension to Gustav A. Schlott; to the Committee on Pensions.

By Mr. COLT:

A bill (S. 4235) granting a pension to Joshua H. Thomas (with accompanying papers); to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 4236) granting a pension to Charles Layton (with accompanying papers); to the Committee on Pensions.

By Mr. FRELINGHUYSEN:

A bill (S. 4237) providing for the coinage of a 7-cent piece and an 8-cent piece; to the Committee on Banking and Currency.

PENSIONS AND INCREASE OF PENSIONS.

Mr. CHAMBERLAIN submitted an amendment intended to be proposed by him to the bill (H. R. 9369) to revise and equalize rates of pension to certain soldiers, sailors, and marines of the Civil War, to certain widows, former widows, dependent parents, and children of such soldiers, sailors, and marines, and to certain Army nurses, and granting pensions and increase of pensions in certain cases, which was ordered to lie on the table and be printed.

NATIONAL PROHIBITION.

Mr. SHEPPARD. Mr. President, I present a court decision and three briefs relating to prohibition cases before the Supreme Court and ask that they be referred to the Committee on Printing with a view to being incorporated in a public document in connection with a similar brief heretofore presented.

The PRESIDENT pro tempore. The matter will be referred to the Committee on Printing for action.

SIOUX INDIAN CLAIMS.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 400) authorizing the Sioux Tribe of Indians to submit claims to the Court of Claims, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CURTIS. I move that the Senate insist upon its amendment and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the President pro tempore appointed Mr. SPENCER, Mr. MCNARY, and Mr. JOHNSON of South Dakota conferees on the part of the Senate.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had approved and signed the following acts:

On April 13, 1920:

S. 2811. An act for the relief of the York County Savings Bank, of Biddeford, Me.; and

S. 3187. An act to dispose of a certain strip of public land in Waterville, Me.

On April 15, 1920:

S. 2786. An act authorizing the sale of lands in Gregory County, S. Dak.;

S. 3263. An act to authorize the construction of flood-control and improvement works in Minnesota River and Big Stone Lake between the States of Minnesota and South Dakota;

S. 3779. An act to authorize the Ozark Forest road improvement district of Baxter County, Ark., to construct and maintain a bridge across the White River, near Norfork, Ark.;

S. 3813. An act to authorize the construction of a bridge across Lake Champlain, between the towns of Shoreham, Vt., and Ticonderoga, N. Y.; and

S. 4082. An act to amend section 4878 of the Revised Statutes as amended by the act of March 3, 1897.

ARMY REORGANIZATION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3792) to reorganize and increase the efficiency of the United States Army, and for other purposes.

The PRESIDENT pro tempore. The question is upon the amendment proposed by the Senator from New York [Mr. WADSWORTH].

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Borah	Glass	McKellar	Smith, Ariz.
Brandegee	Harris	McNary	Smith, Md.
Calder	Harrison	Myers	Smith, S. C.
Chamberlain	Jones, Wash.	Nelson	Smoot
Colt	Kellogg	Nugent	Spencer
Comer	Kendrick	Overman	Swanson
Culberson	Kenyon	Page	Thomas
Cummins	Kirby	Phipps	Townsend
Curtis	Knox	Pittman	Wadsworth
Dial	McCormick	Reed	Warren
Edge	McCumber	Sheppard	Watson

Mr. CURTIS. I wish to announce the absence of the Senator from Maine [Mr. HALE], the Senator from New Hampshire [Mr. KEYES], and the Senator from Florida [Mr. TRAMMELL], in attendance at a meeting of the subcommittee of the Committee on Naval Affairs.

Mr. McKELLAR. The Senator from California [Mr. PHELAN], the senior Senator from Louisiana [Mr. RANSDELL], and the junior Senator from Louisiana [Mr. GAY] are necessarily absent.

The Senator from Florida [Mr. TRAMMELL], the Senator from Arizona [Mr. ASHURST], the Senator from Delaware [Mr. WOLCOTT], and the Senator from Rhode Island [Mr. GERRY] are absent on official business.

The PRESIDENT pro tempore. Forty-four Senators have answered to their names. There is not a quorum present. The Secretary will call the names of absent Senators.

The names of the absent Senators were called, and Mr. GRONNA, Mr. POMERENE, Mr. STERLING, Mr. SUTHERLAND, and Mr. WALSH of Massachusetts answered to their names when called.

Mr. LODGE, Mr. NEW, Mr. CAPPER, Mr. SIMMONS, Mr. FRELINGHUYSEN, and Mr. DILLINGHAM entered the Chamber and answered to their names.

The PRESIDENT pro tempore. Fifty-five Senators have answered to their names. There is a quorum present. The question is upon the amendment proposed to the pending bill by the Senator from New York [Mr. WADSWORTH].

Mr. McKELLAR. On that I ask for the yeas and nays.

The PRESIDENT pro tempore. The Secretary will state the proposed amendment.

The ASSISTANT SECRETARY. On page 10, beginning in line 12, after the words "Philippine Scouts," it is proposed to strike out the two provisos beginning on that page, which read as follows:

Provided, That, beginning with the fiscal year after the year in which the system of military training hereinafter provided for shall have been established, the total permanent personnel herein authorized and that hereinafter authorized for detail or assignment to each of the several arms, corps, and services shall be decreased, as follows: Commissioned officers, 2 per cent per annum for five successive years; enlisted men, 5 per cent per annum for five successive years: *Provided further*, That the decreases provided for in the next preceding proviso shall be distributed proportionately among the several commissioned and enlisted grades, and, during the period of decrease vacancies occurring in such grades shall not be filled until the decreases herein provided for have been made.

Mr. WADSWORTH. Mr. President, just a word or two, on the assumption that perhaps there are some Senators here this morning who were not here day before yesterday, when the pending amendment was offered, to hear the reasons for its being offered.

The Committee on Military Affairs had hoped that universal military training would be accepted, and with that hope and on that theory it had provided by these two provisos that the Regular Army should be progressively reduced as the training program was developed and perfected; but as the training program on a universal basis has been stricken from the bill as originally drawn, the committee believes that it would be unwise and unsafe to prescribe at this time that the Regular Army shall be reduced to such a low figure.

May I say that the number fixed in the pending bill of 280,000 men at that is 20,000 less than the number fixed in the bill which has already passed the other House?

Mr. GRONNA. Mr. President, the Senator from New York states that the provisions for military training have been stricken from the bill. Is it not true that there is still a provision in the bill for military training, the only change being that it is made voluntary instead of compulsory?

Mr. WADSWORTH. Yes; but that is a very profound change.

Mr. GRONNA. Is it the Senator's opinion and the opinion of those with whom he has conferred that voluntary military training will not be a success?

Mr. WADSWORTH. No; we did not infer that; but we have no idea how many men will volunteer for training, and until we have some experience, to find out what the volunteer system of training is going to produce in the way of a trained citizen soldiery, we believe it would be unwise to command in a statute that the Regular Army go through this course of reduction during the next six years. Two or three years from now we can tell how many soldiers the volunteer training system is going to produce.

Mr. GRONNA. Am I right in assuming that in the pending bill there is an appropriation to take care of the training?

Mr. WADSWORTH. No; this bill does not carry an appropriation for anything.

Mr. GRONNA. But it sets up the machinery, and, of course, an appropriation for that purpose would naturally follow in an appropriation bill.

Mr. WADSWORTH. It would; yes.

Mr. GRONNA. This bill provides the machinery for training?

Mr. WADSWORTH. Yes; and if we were certain how many young men would volunteer to take the training then we could tell accurately by what number we could reduce the Regular Army from year to year, but at present it is absolutely impossible to estimate how many men will take it.

Mr. GRONNA. Then, as I understand, the Senator from New York believes it would not be safe under the present system to reduce the number of men in the Regular Army to the number provided for in the provision which he has asked the Senate to strike out?

Mr. WADSWORTH. Under the present system and at the present moment in the world's history, with conditions at home and abroad as they are to-day, I believe that it would be unsafe and unwise for the Congress of the United States to announce that the only military forces which this great Republic will have at its disposal at the end of four or five years from now will be 210,000 men.

Mr. FRELINGHUYSEN. Mr. President, will the Senator suffer an interruption?

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from New Jersey?

Mr. WADSWORTH. I yield.

Mr. FRELINGHUYSEN. Mr. President, I hope that at the present time no measures will be taken to reduce the present size of the Army. I feel that, with the present conditions in the country and the fact that it is problematical how many men we will get under the voluntary system of military training, we should have at the present time at least an Army of the size provided for in the bill; in fact, I believe we should have 500,000 men.

We have a coast line greater, possibly, than that of any other country in the world. As it now stands, this bill provides that the Coast Artillery shall be limited, I think, to 28,000 men. That will not afford a one-man relief to the guns. We are maintaining fortifications along the Atlantic coast and along the Pacific coast. In the Puget Sound section we are more strongly fortified than at any other point on the Atlantic or the Pacific

coast. This is due to the fact that it is necessary to keep the fortifications on the Pacific as strong as possible, owing to existing conditions. In Hawaii and Alaska it is contemplated to have one division of troops—that is, 27,500 men—and it is necessary to maintain in the Philippines the strength of one division. As I have said, there are 28,000 men in the coast defenses, and they are not sufficient to man the guns with a one-man relief. In Panama we need a division of troops, or 27,500 men. On the Mexican border we have now 24,000 men, who are engaged in small groups in the effort to maintain the embargo on arms against Mexico. There are 14,000 men in the Southern Department. In other words, we only have 38,000 men on the Mexican border at the present time to defend a frontier of 1,500 miles, whereas in the present chaotic condition we should have at least 150,000 men there.

Mr. SMITH of Arizona. Mr. President, will the Senator permit me to interrupt for a moment?

The PRESIDENT pro tempore. Does the Senator from New Jersey yield to the Senator from Arizona?

Mr. FRELINGHUYSEN. I yield.

Mr. SMITH of Arizona. I should like to suggest to the Senator in that connection that I have received a great number of appeals in the last three days for an enlargement of the forces at Douglas, Ariz. As the world knows, Sonora, which touches the United States at that point, and from there on to the Gulf of California, is in rebellion against the Carranza government and fighting is already taking place there. It is going to come close to the American border, and I am told that the town of Douglas is absolutely unequipped to meet such contingencies as might arise there. I have been begged and importuned to go to the Secretary of War in an effort to have some artillery sent to that point and to increase the number of soldiers there. As the Senator has said, that line from the Gulf of Mexico to the Pacific Ocean is practically unguarded, or at least not half so well guarded as it should be.

Mr. FRELINGHUYSEN. Mr. President, in addition to that, we have around Washington, or should have around Washington, a division stationed at Camp Meigs, Fort Myer, and at other posts near Washington, and in addition we should have a full force of marines at Quantico. The Capital of this country at this time should be amply provided with proper protection, and we can not assume that less than a division of troops should be here or in the environs of Washington to protect the National Capital.

Mr. REED. Mr. President, will the Senator yield for a question?

The PRESIDENT pro tempore. Does the Senator from New Jersey yield to the Senator from Missouri?

Mr. FRELINGHUYSEN. I yield.

Mr. REED. What does the Senator want this large force around Washington for—because of threatened or possible internal disturbance, or because of possible external attack?

Mr. FRELINGHUYSEN. I believe that when you are providing a method of national defense the Capital of the Nation should be amply protected at all times by a sufficient number of troops to secure the safety of the Capital against any emergency. When we realize that in the Russian revolution Petrograd, a great city, and the Government were taken by a mob scarcely exceeding 2,000 men, it seems highly necessary that, at least, this Capital should be protected by an amply sufficient number of troops when we know malignant forces are working at this time in this country against the Government.

Mr. REED. Mr. President, I take it that the Senator's answer, then, really is that he wants this large army because of possible internal trouble. I am interested in this, because I tried a day or two ago to get somebody to tell me what they wanted this army for.

The Senator says that 2,000 soviet troops took the capital of Russia. Does the Senator think that the United States bears much resemblance to Russia, either in the character of its people, in the conditions which exist here, or in the character of its army? As I understand, the real trouble in Russia was that the army was in favor of the revolution. If you have that condition, the smaller your army the better off you are.

Mr. FRELINGHUYSEN. Mr. President, I quite understand the point made by the Senator from Missouri. However, I feel that it is our duty to maintain at least a sufficient force to preserve law and order, and that one of the posts that should be protected is the Capital of this country. I think that is a duty that we owe to the 110,000,000 people of this country, if we have a standing army. I am not quite sure that internal dissension and civil commotion are entirely remote. From some of the utterances and the attitude taken by certain racial groups and classes in this country I feel that at least we should have a sufficient police force to preserve law and order. However, possibly the Senator may feel that a smaller number is sufficient; in fact, he may feel that no troops are necessary. I disagree with him. I feel that at least a limited amount of armed force should be around the National Capital to protect it.

But that is the plan here—to have a division of troops at Camp Meigs and at Fort Myer, and around in the various encampments in Virginia and in the District of Columbia. The location of troops in the posts throughout the country and in our insular possessions at the present time, including 50,000 that are scattered around in other sections—Porto Rico and elsewhere—absorb 235,000 men. That includes the 19,000 men that are now in Germany. That practically leaves only 50,000 troops in this country available for immediate use, unless they are withdrawn from these posts. Now, I am not in favor of militarism. I am not in favor of an unwieldy standing army; but I do believe that in the present condition of the world we at least should have 300,000 men to do the police work of this country as a national police force, and I feel, therefore, that any effort to reduce it at this time would be unwise.

I make that statement with a sincere desire to do only what is proper for the national defense. We absorb 235,000 men in the insular possessions and in the coast defenses and in the various posts in this country; and that leaves scarcely 50,000 men, with the exception of the National Guard, who will only be called in an emergency, to defend 110,000,000 people and nearly 4,000 miles of coast frontage.

DISTRICT STREET RAILWAYS.

Mr. THOMAS. Mr. President, but very few Senators were in the Chamber this morning when the resolution offered by the Senator from Washington [Mr. JONES] was read. To my mind, that resolution brings to our attention a subject of prime importance and one upon which summary action of some sort should be taken, if possible. It was doubtless prompted by the fact that the Public Utilities Commission of the District has seen fit to grant another raise in the rates of fare on the transportation lines of the District, and that was doubtless prompted by the apparent determination of the employees of the Washington Railway & Electric Co. to go on strike if their demand for increased compensation should not be granted.

It has become the custom in America—a custom which began during the war and the end of which we can easily foresee—of organized bodies of wage earners to demand increased compensation, accompanied by a threat of strike, which demand is complied with, either in whole or in part, after due deliberation, and sometimes without deliberation, thus encouraging the practice and merely postponing the day of final collapse, because the industrial system can not sustain an indefinite development of that method of demand and increased expense.

The difficulty in this District is primarily due to the fact that the Washington Railway & Electric Co., like nearly all the corporations of the country, has been permitted to water its stock until its dropsical condition threatens its existence. I am informed that the lines which were consolidated into the Washington Railway & Electric system were secured here some years ago for less than $10,000,000, and that the capital stock was increased to $15,000,000, exclusive of bonds. What the bond issue is I can not say. It is very large, and because the company can not now make 6 per cent upon its capitalization it has besieged the commission for an increase, which seems to be contemporaneous with the dissatisfaction expressed by its employees.

Mr. President, an increase of 60 per cent within the last 12 months, if my recollection serves me rightly, has been made in the fares which prevailed in this District, and which, under the charters of incorporation, were presumably the maximum fares to be levied for transportation. It will be absorbed, and perhaps more than absorbed, by this increased demand of the employees, with the result that another request will be made for an additional charge, and that in all probability will be also granted.

Mr. President, I want to protest against this action of the commission, because it levies a tax, and an unbearable tax, upon the vast body of toilers in the District, those employed by the Government and those as well in private employment, to enable this one corporation to meet its expense account and pay dividends upon its enormous capitalization.

The injustice of that situation may be well illustrated by the fact that the increase is given generally, in consequence of which the other company, the Capital Traction Co., will enjoy its benefits; and I am told that it is considered one of the most prosperous institutions in the country. It has been well managed; its capitalization is comparatively small; and, even under the 5-cent rate, it was able to get along splendidly. It will take advantage of this situation, of course. The commission is therefore attempting to aid a crippled institution by compelling the

people to pay an additional charge for its services, and at the same time unduly increasing the revenues of a prosperous competitor.

We are told with every meeting of the Appropriations Committee that the cost of living is constantly mounting, thus requiring additional compensation to our employees; and that is true. But in the face of that fact, to have this commission now deliberately place this increased toll upon the earnings of the people of this District, for the purpose of saving a corporation from bankruptcy, and whose embarrassment is a direct consequence of its own conduct, can not be justified upon any system of reasoning or logic which I am capable of comprehending.

This resolution, which goes over, does not, of course, reach the immediate thing. Any action of ours may not be taken in time to prevent the accomplishment of this purpose, and once established we may not abandon these rates. I do not know what the power of Congress over the commission may be. Doubtless additional legislation will be required. But the people of this District are without relief unless Congress can grant it, and the spectacle of this commission attempting to enable a failing concern to continue as an operating concern on the one hand and inordinately increasing the profits of a profitable concern on the other is too serious to justify any long postponement of the resolution of the Senator from Washington.

In my judgment, the Washington Railway & Electric Co., instead of bolstering itself up on the earnings of the public, ought to go into the hands of a receiver. Many of the other public utilities which, taking advantage of a liberal market and an atrophied public sentiment, have swelled their capitalization into bloated proportions, thus sowing the wind, have reaped the whirlwind. Why should this concern be given the special and tender consideration which it seems to be receiving every time it makes a demand for increased compensation, when the increase means an additional tax upon the productive energies of the community and the salaries of the employees of the Government? It is no slight thing to require the average man or his wife to pay 16 cents to come from home to the center of town and return when it could be done for less than 10 cents prior to the disturbed condition brought about by the war.

This company has said, if I recollect rightly, that the increase to 8 cents is not sufficient for its purposes, and I have no doubt that that is true. But it should be compelled, Mr. President, to rely upon its own resources, just as every one, in private life at least, is compelled to do. I do not want to see these hundreds of thousands of dollars taken from the pockets of the people of the District of Columbia and poured into the coffers of a bankrupt concern and also of an unduly profitable concern merely because the former want 6 per cent upon capitalization which is so largely fictitious.

I understand some of those interested in the Washington company a few days ago purchased $27,000 worth of the stock in New York City for $5,000, and, of course, they want 6 per cent, not upon their $5,000, but upon their $27,000. Mr. President, I do not wish unduly or unfairly to criticize the action of the commission. I concede that they know more about the facts which are involved here than I do. I have no doubt that they have been actuated by high motives and the most sincere desire to meet an unfortunate situation. But however that may be, Mr. President, the fact still remains, as I have said, that it is met by increasing the cost of living to this community. Consequently every man, woman, and child in the District is interested in the subject. Therefore, I trust that this resolution will receive immediate consideration, to the end that we may be able in this emergency to extend some relief, however inadequate, to the suffering people of this District.

Mr. JONES of Washington. Mr. President, I did not intend to say anything about the resolution this morning, and I am not going to take much time in reference to it now. I did offer the resolution, however, to emphasize the situation, and I am glad that it has attracted the attention of the Senator from Colorado and that he has made the statement he has submitted.

The resolution, however, has not gone to a committee. Possibly the Senator, simply hearing it read from the desk, did not grasp the full purport of it. The resolution calls for an expression by the Senate on the question of the Federal Government or the government of the District of Columbia taking over these lines in the District. It expresses it as the sense of the Senate that we should do that, and directs the Committee on the District of Columbia to formulate legislation looking to that end.

A few years ago I was a member of a committe which investigated the street car conditions in the District of Columbia arising out of the strike which occurred at that time. I think the committee was unanimous in the view that the conditions of labor at that time were very deplorable, and that the employees were largely justified in taking the action which they did take.

The resolution which I have submitted to-day does not pretend to pass upon the merits or demerits of the demands of labor for an increase of wages. That is a question I have not looked into. I was strongly prompted to submit the resolution in order to call attention to the situation. As the Senator from Colorado has said, the people of this District must pay these increased charges, whatever they may be, and this impressed upon me that it is largely the poor people of the District, the employees of the Government, who are not getting high salaries or high wages, and people of limited means who must pay largely whatever increased expense there is from the increase of these rates and wages. In other words, the people of the District who are taxed by it are the people who are really less able to bear the tax than anybody else.

The man who has an automobile is not disturbed particularly by this increase in wages and the increase in the price of street car tickets. He gets around without any additional cost or expense. People who live within a mile, or two miles, possibly, of their work can also get to their work without suffering very much from this increased tax. But the great mass of the people who patronize, and must patronize, the street car lines are people who are not really able to pay the increased cost that must be imposed upon them by the increased price of fares. It is in the hope of saving them from this tax and this burden that I have called attention to the situation here.

Furthermore, I can not understand why the Public Utilities Commission feels that it is absolutely incumbent upon it to fix rates here so as to practically guarantee a company a 6 or 7 per cent dividend.

Mr. NUGENT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Idaho?

Mr. JONES of Washington. I yield to the Senator.

Mr. NUGENT. The Senator from Colorado a few moments ago made a statement to the effect that this property was recently purchased for about $10,000,000.

Mr. THOMAS. No; not recently—some years ago.

Mr. NUGENT. Some years ago, then, it was purchased for about $10,000.000; and the Senator stated that in the intervening years the capitalization has been increased to something in the neighborhood of $30,000,000. I desire to ask the Senator from Washington whether he has any definite information in respect to that matter?

Mr. JONES of Washington. I think the Senator from Colorado is correct. I have not looked it up lately.

Mr. NUGENT. I desire to ask the Senator from Washington, further, whether, in his opinion, the Washington Railway & Electric Co. is a bankrupt concern, or whether it is a paying concern?

Mr. JONES of Washington. I think the street car line, together with the electric-power plant, which it owns, practically, and operates in connection with its railroad, is a paying concern. My recollection is that the testimony in the investigation we made a few years ago showed that the street car company itself was probably not on a very paying basis, but that the electric-power company, which is practically owned by the street car company, was paying very large profits.

Mr. NUGENT. I take it for granted that the Senator from Washington will not contend that there is any valid subsisting reason why the people of this community should be obliged to pay a rate of fare which would pay 6 per cent interest on about sixteen or eighteen million dollars of watered stock.

Mr. JONES of Washington. No; I do not.

Mr. NUGENT. Does the Senator from Washington know of any valid reason why, if the railroad company is a bankrupt concern, it should not be placed in the hands of a receiver and sold, as are other bankrupt concerns?

Mr. JONES of Washington. No; I do not.

Mr. NUGENT. Does not the Senator believe that that would be the proper policy to pursue in this matter?

Mr. JONES of Washington. Possibly so. I am not generally in favor of Government ownership of enterprises, but I have come to the conclusion that about the best thing for the District of Columbia, and the best way to furnish really proper and adequate service, is for the Government to take the street car lines and put them together, taking the one which is making money and the one which may not be making money, both of which, however, are operating all in the same way, and using them as one system. Then we will have better service, in my judgment, and we will have cheaper service.

Mr. NUGENT. I fully agree with the Senator.

Mr. JONES of Washington. And we will not be threatened every three or four months with a complete tie-up of the system here through strikes of employees, and so on.

Mr. NUGENT. I am in full accord with the views expressed by the Senator from Washington, and I am very strongly of the opinion that the action of the Public Utilities Commission in ordering a further increase in fares is an outrage. I am furthermore of the opinion that were it not for the powerful influences which hold this watered stock the street car company would go the way of other bankrupt concerns and its property would be sold for whatever it would bring in the open market.

Mr. DIAL. Mr. President——

Mr. JONES of Washington. I yield to the Senator from South Carolina.

Mr. DIAL. Am I to understand the Senator that this additional stock was issued without consideration? In other words, was it what is known as "watered" stock?

Mr. JONES of Washington. I do not remember the details with reference to the issue of the stock. The Senator from Colorado probably can tell the Senator.

Mr. THOMAS. I do not pretend to speak with any personal information or base my statement upon any personal knowledge. The Washington Railway & Electric Co., however, is practically a consolidation of a number of smaller going concerns. On June 5, 1900, an act was passed by Congress creating this corporation and limiting its stock issue to fifteen millions. My information is that the actual cost of the constituents of the company was between nine and ten millions. Of course, they were exchanged for the stock upon the theory that it was worth the face value. That is the way in which all issues of watered stock are covered.

Mr. DIAL. Let me state the point I am getting at. I think, perhaps, we can remedy this condition in the future if we shall pass a law prohibiting the issue of any watered stock. We had similar trouble in South Carolina, and at last we passed a law making it unlawful to issue any watered stock. There stock can only be issued for property.

Mr. THOMAS. In this particular case such legislation would be locking the stable door after the horse is stolen.

Mr. DIAL. I understand that is true in this particular case; but I agree with the Senator from Idaho [Mr. NUGENT] that if this enterprise can not run by charging a reasonable compensation for its services it should, like other unfortunate enterprises, be sold out, and let somebody buy it and put it on its feet, on a proper basis.

Mr. JONES of Washington. I think the conditions with reference to street car service in the District are becoming intolerable. Not only are the fares being raised from time to time in a very unusual degree but the service is simply abominable. It could not get much worse. Something ought to be done to meet the situation. Whether anything can be done to prevent the raise being allowed by the order of the commission that is going into effect I do not know. I do not see how anything can be done, except that we pass a law providing that fares in the District shall not exceed a certain amount, and do that before the 1st of May.

I understand from newspaper reports that this order of the Public Utilities Commission goes into effect the 1st of May. The commission have authority, under the law creating them, to regulate these rates. They have seen fit to raise the rates and have made an order increasing the rates on the 1st of May. That order will go into effect unless before that time Congress shall pass a law modifying the public-utilities act with reference to the charges that can be fixed. It occurs to me that that would probably be very difficult to do. That would only afford temporary relief. We have to meet the situation, and in my judgment it can be met now only by the Government taking hold of the matter.

I have submitted the resolution, and I expect to call it up at the very first opportunity in the hope of getting an expression from the Senate on the proposition. I have not any doubt that every Senator's mind is practically made up really as to what would be the wise thing to do, and if it should be the sense of the Senate, as declared in the resolution, then it will be a direction to the committee to formulate the legislation.

Mr. SMITH of Arizona. Mr. President——

Mr. JONES of Washington. I yield to the Senator from Arizona.

Mr. SMITH of Arizona. Can the Senator state whether, combining the railroad properties with the power property of this corporation and taking the profits of both companies, it would require an 8-cent fare to enable them to declare a reasonable dividend on the whole investment?

Mr. JONES of Washington. I do not think so, but I am not sufficiently familiar with the details of the matter to state. In my judgment it would not be sufficient.

Mr. SMITH of Arizona. Then if with its whole property it can not produce a dividend and pay a fair rate of wages, whatever that may happen to be, does it not become essential to determine that situation, and is there anything left except a receivership?

Mr. JONES of Washington. There is nothing left except for the Public Utilities Commission to allow them to raise their rates or to have the Government take over the properties through receivership or otherwise.

Mr. SMITH of Arizona. As a business proposition, does it not require reorganization or sale or something else to relieve the condition?

Mr. JONES of Washington. Yes.

Mr. SMITH of Arizona. If they can not make any money, they are in a bankrupt condition, anyhow.

Mr. JONES of Washington. There is one of the systems of roads here in the District which is making money, and has been making money all the time. Why should we not put the two systems together and work them together?

Mr. SMITH of Arizona. I can not see any reason why that should not be done.

Mr. JONES of Washington. In that way we could work out a system of transfers and accommodation to the public and all that sort of thing that would be much better, as well as much cheaper, making it all one system. I do not think there could be any question but that the water-power system and the two lines combined as one would work along and make money without any increase in fares over and above the rate of six tickets for a quarter.

ARMY REORGANIZATION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3792) to reorganize and increase the efficiency of the United States Army, and for other purposes.

Mr. HARRISON. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Borah	Glass	McKellar	Spencer
Brandegee	Gronna	Nugent	Sterling
Capper	Harris	Page	Sutherland
Chamberlain	Harrison	Phipps	Thomas
Colt	Jones, Wash.	Pittman	Townsend
Cummins	Kellogg	Pomerene	Wadsworth
Curtis	Kendrick	Reed	Warren
Dial	Kenyon	Sheppard	Watson
Dillingham	Lodge	Simmons	
Edge	McCormick	Smith, Ariz.	
Frelinghuysen	McCumber	Smith, S. C.	

Mr. McKELLAR. The Senator from Florida [Mr. TRAMMELL], the Senator from Rhode Island [Mr. GERRY], and the Senator from Arizona [Mr. ASHURST] are absent on official business.

Mr. CURTIS. The Senator from Florida [Mr. TRAMMELL] is absent in attendance at a meeting of the subcommittee of the Committee on Naval Affairs.

The PRESIDING OFFICER (Mr. SPENCER in the chair). Forty-one Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The names of the absent Senators were called, and Mr. KIRBY, Mr. NELSON, Mr. SMITH of Maryland, Mr. SMOOT, and Mr. WALSH of Massachusetts answered to their names when called.

The PRESIDING OFFICER. Forty-six Senators have answered to their names. There is not a quorum present. What is the pleasure of the Senate?

Mr. WADSWORTH. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will carry out the order of the Senate.

Mr. GRONNA. I desire to announce that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is absent, due to illness. I ask that this announcement stand for the day.

Mr. McNARY, Mr. CALDER, Mr. TRAMMELL, Mr. ASHURST, Mr. HALE, Mr. KEYES, and Mr. OVERMAN entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty-three Senators have answered to their names. There is a quorum present. The question is upon the amendment of the Senator from New York [Mr. WADSWORTH].

Mr. DIAL. Mr. President, I feel that the number of the Army proposed in the pending bill is entirely too large. One-half the size proposed is sufficient. I do not see any necessity

for such a large Army at this time. We have in this country a great many soldiers and a great many ex-officers who are now out of the service. An Army of the size proposed would entail an unnecessary expense upon the people of the United States. I am told that in Panama we now have so many soldiers that they are in the way of each other; and I imagine that is the condition in some other places. This proposed legislation will impose an unnecessary burden upon our citizens. I hope we shall take steps here not only to reduce the number of the Army by adopting this amendment, but in any other way to cut down the expense involved.

Mr. McKELLAR. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. KIRBY. Mr. President, I understand the pending amendment proposes to strike out the feature of the bill which provides for a reduction in the size of the Army to a certain definite number—210,000—within the next five years. I might be in favor of such a reduction, and ordinarily would be, but I should like to know if there has been any estimate or if there is any way of estimating as to how many the Army will probably be increased to by the voluntary training system which is proposed to be included in the bill?

Mr. WADSWORTH. There is no way at all of ascertaining that.

Mr. KIRBY. There is no way of estimating whether or not that plan will be a success?

Mr. WADSWORTH. I desire to say that perhaps I ought to put it in this way—that there is no way of estimating the degree of success. It is for that very reason that the committee thought it would be very unwise to lay down a general policy extending for six years to come making the Army smaller and smaller as the years go by, when we have not the slightest idea upon what we have to depend.

Mr. KIRBY. I thought with the training of the National Guard and with the number of men that ought to be developed under the voluntary training system we might very well afford to reduce the Army; but I do not know. As the chairman of the committee has stated, we are utterly at sea as to whether any particular armed force would be developed by this volunteer training system. Of course, if our young men do not take to it, it will not operate effectively.

Mr. WADSWORTH. We will be able to tell two years from now how the voluntary training system is coming on. The Senator from Arkansas will remember that the volunteer training system is not to take effect until the calendar year 1922; and, in view of that and the uncertainty of the result under it, I think it exceedingly unwise to legislate now for the size of the Army in 1927. That is why I have moved to strike out the provisos.

The PRESIDING OFFICER. The Secretary will call the roll on the amendment of the Senator from New York.

The Reading Clerk proceeded to call the roll.

Mr. FRELINGHUYSEN (when his name was called). I have a general pair with the junior Senator from Montana [Mr. WALSH]. I transfer that pair to the junior Senator from Washington [Mr. POINDEXTER] and vote "yea."

Mr. GLASS (when his name was called). I have a general pair with the senior Senator from Illinois [Mr. SHERMAN]. In his absence, I withhold my vote.

Mr. KIRBY (when his name was called). I have a pair with the senior Senator from Wisconsin [Mr. LA FOLLETTE], who is absent on account of illness. I transfer that pair to the Senator from California [Mr. PHELAN] and vote "yea."

Mr. LODGE (when his name was called). I have a general pair with the Senator from Georgia [Mr. SMITH]. I transfer that pair to the Senator from Wisconsin [Mr. LENROOT] and vote "yea."

Mr. MYERS (when his name was called). I observe that the Senator from Connecticut [Mr. McLEAN], with whom I have a pair, is absent. I transfer my pair with him to the Senator from Nebraska [Mr. HITCHCOCK] and vote "yea."

Mr. SMITH of Maryland (when his name was called). I have a general pair with the Senator from Vermont [Mr. DILLINGHAM], who I notice is not in the Chamber. In his absence I withhold my vote.

The PRESIDING OFFICER (when Mr. SPENCER's name was called). The present occupant of the chair has a general pair with the junior Senator from New Mexico [Mr. JONES], but under the arrangement had with him feels free to vote and votes "yea."

Mr. SUTHERLAND (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. BECKHAM]. He being absent, I withhold my vote. If permitted to vote, I should vote "yea."

Mr. TOWNSEND (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. ROBINSON]. Not knowing how he would vote, I withhold my vote. If permitted to vote, I should vote "yea."

The roll call was concluded.

Mr. EDGE. I have a general pair with the junior Senator from Oklahoma [Mr. OWEN], but I find I am able to secure a transfer of that pair to the Senator from Maryland [Mr. FRANCE]. I make that transfer and vote "yea."

Mr. KENDRICK. I have a general pair with the senior Senator from New Mexico [Mr. FALL], which I transfer to the junior Senator from Utah [Mr. KING] and vote "yea."

Mr. CHAMBERLAIN (after having voted in the affirmative). I have a general pair with the junior Senator from Pennsylvania [Mr. KNOX]. I understand, however, that if present the Senator from Pennsylvania would vote as I have voted. I therefore let my vote stand.

Mr. SUTHERLAND. I find that I am able to secure a transfer of my pair with the Senator from Kentucky [Mr. BECKHAM] to the junior Senator from Pennsylvania [Mr. KNOX]. I make that transfer and vote "yea."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Delaware [Mr. BALL] with the Senator from Florida [Mr. FLETCHER].

The Senator from West Virginia [Mr. ELKINS] with the Senator from Oklahoma [Mr. GORE].

The Senator from Maine [Mr. FERNALD] with the Senator from South Dakota [Mr. JOHNSON].

The Senator from Ohio [Mr. HARDING] with the Senator from Alabama [Mr. UNDERWOOD].

The Senator from New Hampshire [Mr. MOSES] with the Senator from Louisiana [Mr. GAY].

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS].

Mr. PITTMAN. The Senator from Rhode Island [Mr. GERRY] is absent on official business. If present he would vote "yea."

The reading clerk recapitulated the vote.

Mr. REED (after having voted in the negative). For the purpose of the motion I am going to make, I desire to change my vote from "nay" to "yea."

The yeas and nays resulted:

YEAS—35.

Brandegee	Harris	Myers	Smoot
Calder	Jones, Wash.	Nelson	Spencer
Capper	Kellogg	New	Sterling
Chamberlain	Kendrick	Page	Sutherland
Cummins	Kenyon	Phipps	Thomas
Curtis	Keyes	Pittman	Wadsworth
Edge	Kirby	Pomerene	Warren
Frelinghuysen	Lodge	Reed	Watson
Hale	McCumber	Smith, Ariz.	

NAYS—12.

Dial	McKellar	Overman	Smith, S. C.
Gronna	McNary	Sheppard	Trammell
Harrison	Nugent	Simmons	Walsh, Mass.

NOT VOTING—49.

Ashurst	Gay	Lenroot	Shields
Ball	Gerry	McCormick	Smith, Ga.
Beckham	Glass	McLean	Smith, Md.
Borah	Gore	Moses	Stanley
Colt	Harding	Newberry	Swanson
Comer	Henderson	Norris	Townsend
Culberson	Hitchcock	Owen	Underwood
Dillingham	Johnson, Calif.	Penrose	Walsh, Mont.
Elkins	Johnson, S. Dak.	Phelan	Williams
Fall	Jones, N. Mex.	Poindexter	Wolcott
Fernald	King	Ransdell	
Fletcher	Knox	Robinson	
France	La Follette	Sherman	

The PRESIDING OFFICER. On the amendment of the Senator from New York the yeas are 35, the nays are 12. The Senator from Virginia [Mr. GLASS], the Senator from Maryland [Mr. SMITH], the Senator from Michigan [Mr. TOWNSEND] are present, but have announced their pairs. A quorum is therefore present, and the amendment is agreed to.

[Mr. REED addressed the Senate. See Appendix.]

The PRESIDENT pro tempore. The question is upon the motion of the Senator from Missouri [Mr. REED] to reconsider the vote by which the amendment proposed by the Senator from New York [Mr. WADSWORTH] was agreed to.

The motion to reconsider was rejected.

Mr. WADSWORTH. Mr. President, on behalf of the committee, and pursuant to a notice given several days ago, I present an amendment, which has been printed, which affects the Judge Advocate General's Department.

The PRESIDENT pro tempore. The amendment will be stated.

The READING CLERK. On page 32, line 6, after the word "purpose," it is proposed to insert:

Immediately upon the passage of this act the number of colonels in the Judge Advocate General's Department shall be increased by five, and the vacancies thus created shall be filled by promotion as heretofore provided by law.

The PRESIDENT pro tempore. Does the Senator from New York ask that this be considered as one amendment or as four?

Mr. WADSWORTH. Mr. President, it is true that there are four amendments. They are all really linked together in their effect, however.

The READING CLERK. In line 9, strike out "major" and insert "captain."

In line 12, after "act," insert:

Vacancies remaining or occurring in the Judge Advocate General's Service, after the original appointments in the field grades authorized in section 42 of this act have been made, shall be filled by the assignment thereto of officers of the permanent personnel in their proper grades from captain to colonel, inclusive, as provided by this act; by the appointment in the grade of captain of first lieutenants of the permanent personnel; or by the appointment in the grade of captain of reserve officers not under 30 years of age of the Judge Advocate General's Service. Appointments in the grade of captain herein provided shall be subject to such examination as the Secretary of War may prescribe. Reserve officers so appointed in the grade of captain shall be considered as having had on the day of appointment sufficient prior service to entitle them to promotion to that grade and shall be placed accordingly upon the promotion list provided for in section 43 of this act.

On page 51, line 11, after "proposed," insert:

Provided, That any person under 54 years of age having special scientific, technical, or professional qualifications, and who is otherwise eligible for appointment to a field grade under the provisions of this section, may, upon the recommendation of the chief of such service and the concurrence of the board of general officers herein provided, be appointed to the grade of colonel, lieutenant colonel, or major, as provided in this section without reference to the minimum age limits otherwise prescribed for appointments in such grades. But no such person under 34 years of age shall be appointed to any field grade.

Mr. McKELLAR. Mr. President, I offer a substitute, which I send to the desk and ask to have read.

The PRESIDING OFFICER (Mr. STERLING in the chair). The Secretary will read the proposed substitute.

The Reading Clerk read as follows:

The permanent personnel of the Judge Advocate General's Service shall consist of 1 Judge Advocate General with the rank of major general, 1 Assistant Judge Advocate General with the rank of brigadier general, 16 colonels, 32 lieutenant colonels, and 72 majors. The Judge Advocate General and Assistant Judge Advocate General shall be appointed from officers of the Judge Advocate General's Department not below the grade of lieutenant colonel.

Except as in this section otherwise provided for, all officers of the Judge Advocate General's Service shall be permanently commissioned therein. One-half of the vacancies created by this section in each of the grades of colonel and lieutenant colonel shall be filled by the appointment to date from July 1, 1920, of persons, other than officers of the Regular Army, who having served as officers in or with the Judge Advocate General's Department during the present emergency have demonstrated their qualification therefor; and all vacancies in any grade which can not be filled by the promotion of officers holding permanent commissions in the Judge Advocate General's Department, may be filled by appointment as last above provided for. Vacancies in the grade of colonel and lieutenant colonel which are not filled by such appointments shall be filled by the promotion, to date from July 1, 1920, according to present seniority of officers in Class A, as provided for in section 44 of this act, now holding permanent commissions in the Judge Advocate General's Department. All vacancies created or caused by this section in the grade of major shall be filled, subject to such examination as may be prescribed, by the appointment to date from July 1, 1920, of persons, members of the bar and learned in the law, who served in the Army of the United States at any time between April 6, 1917, and June 30, 1919, and all vacancies remaining or thereafter occurring in the grade of major shall be filled, subject to such examination as may be prescribed, by the appointment of persons, members of the bar and learned in the law, selected from officers of the Regular Army, the Judge Advocate General's Officers' Reserve Corps, the National Guard, or civilian members of the bar. Officers appointed by selection under the foregoing provisions may be arranged in order of rank among themselves and with reference to officers promoted as of the same date, without regard to prior commissioned service: *Provided*, That the present order of lineal rank among themselves of officers now holding permanent commissions in said department shall not be disturbed thereby.

The President may assign to duty with the branch of the Army from which he was selected for appointment in the Judge Advocate General's Department any officer holding a commission in that department, and from and after such assignment such officer shall be regarded for all purposes as an officer of the branch of the service to which he has thus been assigned.

The reserve personnel shall consist of all reserve officers and reservists assigned to the Judge Advocate General's Service as provided for in this act.

Nothing contained in sections 42 and 43 of this act shall apply to or affect the Judge Advocate General's Service or the officers thereof."

On page 48, section 41, line 24, after the comma at the end of the word "general" and before the words "the Quartermaster General" insert the words: "the Assistant Judge Advocate General."

Mr. McKELLAR. Mr. President, as you know, during the war there were many criticisms of the Judge Advocate General's Department, and this amendment, which I propose as a substitute, has been carefully prepared by the department for the purpose of democratizing the Judge Advocate General's Department as far as possible. There is a very small body of officers in the regular personnel of the Judge Advocate General's office, I think only about 28 or 30 officers, if I remember the number accurately. All the rest will go out. The department asks for 120 officers, and it seems to be the consensus of opinion that, owing to the great amount of work that is piled up in that department as a result of the war and the work which will be there for a number of years to come, this number, 120, should be allowed; and, in so far as the number is concerned, this substitute does not differ from the amendment offered by the Senator from New York.

But there are a number of differences in the method of appointment. I want to read very briefly a statement from the department, and I will say that the amendment offered bears the approval of the department and of Gen. Crowder, the head of the department, as I understand, as well as of the Secretary of War. The statement reads:

"A very careful study of the situation has been made in the department to determine the smallest number of officers who will be sufficient to handle its business. Under existing law the emergency officers now connected with the department will return to their private practices at the expiration of the present fiscal year. When that time comes there will, of course, be a considerable volume of business growing out of the war which is to be regarded as abnormal. In making provision for the number of permanently commissioned officers in the Judge Advocate General's Department the amount of this abnormal business has been eliminated from consideration and the number has been carefully fixed with reference to the volume of business that may fairly be expected to continue after such abnormal business has been disposed of. The number of permanently commissioned officers thus determined will certainly not be less than 120. This is the number asked for in the proposed amendment. It may become necessary to increase this number, but it seems impossible that the actual requirements after normal conditions are restored will fall below this number. Until these conditions are restored, the 120 permanent officers asked for will be inadequate to cope with the volume of work, which on the whole is increasing rather than diminishing. The plan formulated in the amendment now advocated by the Judge Advocate General can only be put into effect at the end of the present fiscal year by assuming that a sufficient number of officers can temporarily be detailed to the Judge Advocate General's Department to afford assistance roughly commensurate with the abnormal temporary excess of work.

"If the number of officers asked for seems high to the average Member of Congress, that must be due to a general misapprehension of the volume, nature, and importance of the functions of the officers of the Judge Advocate General's Department. It is not generally understood that these functions extend beyond the conducting and reviewing of the proceedings of courts-martial and drawing, in a more or less perfunctory way, military contracts. As a matter of fact, the legal work of the War Department, all of which falls upon the Judge Advocate General, comprises every field known to the law. It is safe to say that no Federal court or any other court has occasion to consider questions wider in range than those considered by the officers of the Judge Advocate General's Department."

In this connection I wish to say that the Judge Advocate's Department recruits its forces from civilians in order to get the best service. It is impossible to take the young men who graduate from West Point or the young men who are in the line of the Army from civil life and from them select men who will make the kind of a department the Judge Advocate General's Department should be. They need trained lawyers; they need the very best kind of lawyers, and during this emergency they have had in that department a number of the most excellent and the very best lawyers.

Naturally they desire to keep as many of these lawyers in the department as they can, and this substitute provides the means by which they can be kept, the highest officer among these officers to be selected from civil life being colonel. It is possible under the substitute to appoint colonels from these men who are already in the service temporarily, and not lower than major, and it fixes no limitation as to age, and this policy should be adopted. They have some very excellent lawyers there in the department already doing splendid work, who would probably be too old under the Wadsworth amendment, and others who are doing splendid work who would probably be too young. We who are lawyers all know that the question of age does not affect a lawyer a great deal, unless he is very young or very old. Some of the very best lawyers I have ever known were at their

best before they were 30; others did not reach their best until they were 60. It is a matter of temperament with lawyers, and this substitute provides that the department may have its pick and get the very best.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Iowa?

Mr. McKELLAR. I yield.

Mr. KENYON. Right along that line I would like to ask the Senator to consider this hypothetical case: Suppose a lawyer went into the service of the Government in this department during the war, a man, we will say, 52, 53, or it may be 54 years old, and rendered splendid service to the Government, a strong lawyer, who desired to stay with the Government. Under the substitute of the Senator from Tennessee, could such a man be kept in the department?

Mr. McKELLAR. Yes. I read from page 2 of the substitute:

One-half of the vacancies created by this section in each of the grades of colonel and lieutenant colonel shall be filled by the appointment, to date from July 1, 1920, of persons, other than officers of the Regular Army, who having served as officers in or with the Judge Advocate General's Department during the present emergency have demonstrated their qualification therefor.

Mr. WADSWORTH. Mr. President, may I suggest that the portion of the Senator's amendment which wipes out all limitations as to age is found at the bottom of page 3?

Mr. KENYON. In any event one-half would be appointed from civilian life?

Mr. McKELLAR. Of the lieutenant colonels there will be at least half, and there will be a portion of the colonels who are appointed from those men, and all limitations as to age are wiped out by this proposed substitute.

Mr. KENYON. Does the substitute provide that a certain number of the colonels shall be appointed from that class of men?

Mr. McKELLAR. Yes. I am not good at remembering numbers exactly, but I think there are some 28 officers, and probably about half of the colonels and lieutenant colonels will be appointed from the Regular Establishment and about half will be civilian appointments, and if the substitute shall be agreed to the department will have no limitations as to age.

Mr. President, I want to proceed just a little further about the nature of this work, and I read from this report of the department on this subject:

"4. The nature of the work: The functions of the department are essentially threefold: (a) To carry out the discipline of the Army through the system of courts-martial and other military tribunals and particularly to prevent and correct miscarriages of justice and errors in its administration."

I want to pause here long enough to say that it is very essential we should have these gentlemen from civil life to pass upon the questions arising in courts-martial. It is claimed by many people that where judge advocates come from the Regular Army their decisions are in accordance with military procedure absolutely, that they are inclined to render harsh judgments.

I do not know whether that it is true or not; but, at all events, if we fill up this corps with civilian employees, and especially from these men who have been experienced in the Great War in passing upon these questions, surely the country can feel assured that their judgments will be, for the most part, at any rate, righteous judgments, and judgments which will be fair and just to the soldiers who are being tried by these courts-martial. I think the mothers and fathers of this country will feel much easier in mind when they know that their boys who may get into trouble of one kind or another in the Army are going to have their cases reviewed, where it is proper to review them, by civilian lawyers who have been brought into the Army in this way and who are not trained Army officers, and therefore likely to be more careful of military discipline than these men who are brought in from civil life.

I read further:

"(b) Aside from offenses against discipline, to determine the rights and relations that exist between the Government, on the one hand, and officers and soldiers, on the other hand, and between the latter inter sese, and (c) to determine the rights and relations which exist between the Army and the War Department, on the one hand, and private individuals and concerns on the other.

"(1) The administration of military justice is the only part of the work of the Judge Advocate General's Department of which Congress and the public have, in general, a fair conception. It comprises the supervision of preliminary investigations, drawing charges and specifications, participating upon trials, giving advice in respect of confirming, modifying, mitigating, or annulling sentences to the convening and reviewing authorities, including commanding generals, the Secretary of War, and the President, and, in substance, if not in theory, assuming the responsibility of a court of criminal appeals. These duties demand consummate understanding and practical grasp of legal theory and the exercise of mature wisdom, judgment, discretion, and sagacity. If the department fails in these qualities, lax discipline, fatal to efficiency, will go unpunished and unchecked, or else there will be injustice to the accused, either by way of punishing the innocent on mere suspicion or by way of visiting harsh and severe punishments on minor offenders.

"During the war the military justice work of the Judge Advocate General's office at Washington, which amounts to no more than from one-third to two-fifths of the legal work of that office, has, by comparison, been found to exceed in volume the aggregate criminal appellate court work of 39 of the States of the Union. (The present average is approximately 425 general court-martial cases per month, or over 15 cases per day.) And in this statement no account is taken of the field work of the Judge Advocate General's Department, which is quite distinct from the work of the Judge Advocate General's office. After reestablishment of peace conditions and after disposing of all the tasks created by the war, the volume of the military justice work of the department can not diminish to anything like its prewar volume. This is manifest from several considerations. First, the Army is to be about three times as large as before the war. Second, the review of court-martial records at Washington, which before the war was slight and confined to very few cases, was enormously extended in scope by General Order No. 7, War Department, January 17, 1918. This order will be made effective permanently, and the country demands that it should be. Third, there is the strongest probability that Congress will require greatly increased services by judge advocates at court-martial trials, either by acting as counsel to the accused or as a member or quasi member of the court. The present amendment, however, makes no provision for the increased personnel which such legislation will require.

"(2) Questions relating to the treatment which, under the acts of Congress, an officer or a soldier is entitled to receive from the Government and relating to the place which he is entitled to occupy with reference to his fellow officers and fellow soldiers cast upon the Judge Advocate General's Department a burden greater than would be anticipated. The questions relate not only to pay, rank, retirement, decorations, furloughs, and allowances for quarters, rations, fuel, and light, but also the management of post exchanges, the use and control of company and regimental funds, and the compensation properly awarded in case of death, injury, or disability. Unless these questions are solved legally, justly, and wisely dissatisfaction and loss of morale will be the result.

"(3) In volume and also, at least from the taxpayers' point of view, in importance the foregoing activities of the Judge Advocate General's Department are overshadowed by those incident to disposing of the questions of a business and largely of a nonmilitary nature which the Army and the War Department must solve. The tremendous increase in the absolute and relative volume of work of this sort is due to the change that has been wrought in the nature of warfare. It is no longer entirely or even principally a conflict between trained and armed men. It is now principally a contest between engines and machinery and artillery and the arts and methods of production, manufacture, and supply. The activities of this nature which the Army must exercise, and the machinery, plants, equipment, warehouses, and facilities which it must possess can never return to the prewar scale; and the legal problems are necessarily commensurate with the volume of these activities and the number and value of these properties. Work of the nature now referred to comprises at present 60 per cent to 65 per cent of the legal work of the department. With the return of peace conditions, it may probably amount to a higher percentage. That legal questions of a business and nonmilitary nature should be so numerous and important will only be understood if the fact is grasped that the War Department, with its many ramifications, is and will continue to be a prodigious business enterprise. It is engaged in business as landowner and tenant, as a manufacturer, as a warehouseman, as an employer of workmen, as common carrier, as operator of railways and ships, as a builder, owner, and charterer of ships, and as ruler of distant insular and other territorial possessions, including Porto Rico, the Philippines, and the Panama Canal Zone. If those who make claims upon the War Department are given what they are justly entitled to, the expense and delay and waste of time of public officials through unsuccessful litigations is avoided. And if correct conclusions can be reached which will prevent claimants from receiving more than they are justly entitled to, great economies in money are attained,

It would not be an exaggeration to say that the Judge Advocate General's Department has been saving and will continue to save the Government, on the average, several millions of dollars every month.

"On the whole, the Judge Advocate General's Department is the hardest worked in proportion to its numbers of any department of the Army, and it would cause the greatest loss to the country to cut down its personnel without justification.

"To convey some notion of the range and importance of the legal questions that the Judge Advocate General's Department is called upon to consider and upon which it must advise with businesslike promptness, a few such questions taken at random from those actually referred for opinion within the last few weeks, without any effort to select the most important, is appended hereto.

"5. General officers: There is agreement everywhere that the Judge Advocate General himself should continue in future to be a major general, as he has been in the past. During the war there have been four other general officers in the department. It is believed that it would be commensurate with the size of the department, as it ought to be, and would conduce to efficiency to have permanently two general officers of the rank of brigadier general in addition to the Judge Advocate General. This would accord with the two great divisions of the Washington office, viz, the military justice division and the financial or administrative law division.

"6. How newly created vacancies shall be filled: Aside from the question of the size of the department the principal question is how it shall be constituted. The department is greatly in need of additional permanent officers who have had the benefit of professional training in private practice before the ordinary courts of the land. The department was fortunate enough to be able to bring in as emergency officers during the war some of the leading lawyers of the country. The most valuable of them are still in the department. They are on the average substantially older than the regular officers and have been many years in private practice. Although they have patriotically given up their private practice to enter the Army, now that peace has returned it will be impossible to retain their services unless they can be offered commissions commensurate, at least in relation to other officers, with the work which they have been doing, which they are better qualified than others to do, and in the doing of which the department desires to continue them. To accomplish this the number of colonelcies and lieutenant colonelcies must needs be made somewhat greater than is done in either of the pending bills, and it must be made possible to offer to the most valuable of the present emergency officers permanent commissions as colonels and lieutenant colonels. If provision should not be made for them at this time and they should return to their private practice at the end of June, it would be impossible, unless this country should have a future war, to get them back into the service upon any inducement which the Government could then offer them. The best way in which the desired result can, as a matter of practice, be attained is to have Congress itself determine how many of the vacancies shall be filled by the appointment of emergency officers. In the amendment now submitted by the Secretary of War and approved by the Judge Advocate General this is taken care of by providing, in effect, that the Regular officers shall have not only the existing colonelcies and lieutenant colonelcies, but also one-half of any created colonelcies and lieutenant colonelcies, and that the emergency officers should receive the remaining one-half of the created colonelcies and lieutenant colonelcies.

"7. Wherein the pending Senate bill is deficient: S. 3792 sacrifices the Judge Advocate General's Department to considerations of mere sameness and conformity with the general scheme designed for the Army at large. No allowance is made for its needs as a distinct professional branch of the service. No difference is recognized in the qualifications of the judge advocates and other officers of the Army generally with respect either to age, service, prior professional learning, or experience. Exceptional provision has been made for the Medical Department on account of its professional character, but like consideration, although impelled by the same or more cogent reasons, has been withheld from the Judge Advocate General's Department.

"S. 3792 provides a single list of all officers of the Army arranged according to length of prior commissioned service. This scheme, ideal, perhaps, for the Army at large, is demonstrably unworkable within this small professional branch. One illustration will suffice to show this. Suppose that at the age of 35 a civilian lawyer has achieved sufficient success at the bar to be offered, and that, actuated by an unusual degree of patriotism, he hereafter accepts, a commission as major judge advocate. All the majors of the Army who held commissions as such upon his becoming a major will, of course, be promoted ahead of him. But the crux of the situation is that every captain and every lieutenant in the entire Army, even the 21-year-old second lieutenant who shall have been graduated from West Point the day before the civilian lawyer becomes a major, will be promoted ahead of him. In other words, he must count upon never being promoted. Clearly under such a system the only members of the bar who in general could be induced to accept commissions would be those whose services would not bring to the Army any distinct benefit.

"S. 3792 does not provide a definite number of officers in any of the authorized grades for any particular branch or arm, although the total number of officers for each authorized grade is fixed for the entire Army. The number of judge advocates in each grade would depend upon such a distribution as could be obtained from the total number in each grade provided for the entire Army. If the judge advocates were distributed among the different grades in the same proportion as that which obtains for the entire Army, the Senate bill would admit of 14 colonels, 15 lieutenant colonels, and 51 majors for this department. The 120 officers sought by the amendment, if distributed in the same proportion, would give 20 colonels, 23 lieutenant colonels, and 77 majors. The proposed amendment appears conservative in fixing the number at 16 colonels, 32 lieutenant colonels, and 72 majors. The only increased provision for the Judge Advocate General's Department which is asked for is, therefore, the greater total number of officers."

Mr. President, I believe that the principal objection of the chairman of the committee to the substitute is over the rapid promotion of the 28 Regular officers now in the department that will be caused by reason of the passage of the substitute. It is true that if the single list is adopted there probably will have to be some change in the amendment, but I hope that it will not be put on the single-list basis. I do not think the department ought to be placed in that situation.

The substitute provides that men who come into the department hereafter shall be selected to a very large extent from civil life. It does not cut out the Regular Army, because that would be unfair. There are many Regular Army officers who are graduates of West Point or who come in from civil life who have a tendency toward the profession of the law.

Many times these young men are stationed at colleges as commandant or superintendent, and under those circumstances if they want to take a course in law and graduate in law and become perfected in their studies and enabled to graduate and get a license to practice law, under the provisions of the substitute they can enter into the service and it does not cut them out at all; but for the most part it provides for civilians coming into the department.

In order to get good lawyers you have to pay them. It does not pay to get in this department a man who is inefficient. The Government should have the very best. You can not get the best if you shut out from him all possibility of promotion. For that reason it seems to me that it ought to be excluded from the single list, if the single list should be adopted, and the Government should have men of such ability and such efficiency that we may know that the very best service and the very best skill and the very best ability is had in the Judge Advocate General's Department.

If the Government needs a lawyer it should have a good one. I think the provision for captains in this service is all wrong. You can not get a good lawyer anywhere for a captain's pay. The basic pay of a captain is about $2,400, and all told, I believe, it is about $3,000 under the present law. We can not get for that pay the kind of a lawyer that we want or that the Government ought to have or that this department ought to have. In addition to that, if we are going to shut out these men from any future promotion, of course we are not going to get them into the Army, and the kind that we will get will be the kind that the Government really does not need and should not have.

My judgment is that we ought not to make a mistake about it. This is distinctly a professional employment, distinctly so. It is an employment where we must be careful to get the best, and the only way we can get the best is to give them such salaries as will compensate them in a measure, or at least sufficiently to keep themselves and their families from want. They will take a great deal more pride in their work and will do better service if they are given some chance at promotion. If these men are brought in on the single list they will not be given that chance that they should receive in this department.

The legal department ought to be a quasi civilian department of the Government. By the terms of the substitute it is virtually made a civilian department of the Army, and it ought to be made a quasi civilian department of the Army. When I say that I do not mean to reflect at all upon the officers of the Army who have come from the Regular Army to serve in this department.

Some of them I know to be the very best lawyers and the very best kind of men. This does not exclude that kind, but what we do in the substitute is virtually to make it a civilian department, in which the whole country will have confidence. We will hear very much less, in my judgment, about the inordinate and cruel and inhuman punishments that have been inflicted by courts-martial where we have this kind of a civilian department to pass upon the mistakes of the courts-martial.

For these reasons I sincerely hope the substitute will be adopted. It is in the interest of efficiency; it is in the interest of the orderly management of the legal affairs of the Army; it is in keeping with what we ought to do. If there is to be any reorganization, let us make this a separate department and take it away from the single list, just as the Medical Department, I believe, is taken away. At all events, let this professional department, this highly skilled and highly technical department, be taken away from the single list and made separate and apart, so that the very best services can be had.

Mr. WARREN. Mr. President——

Mr. McKELLAR. I yield to the Senator from Wyoming.

Mr. WARREN. I noticed in the remarks of the Senator from Tennessee references to court-martial proceedings and criticisms that have arisen, and I think the tenor of his remarks has been that the criticisms have been directed to officers of the Regular Army serving in those court-martial cases, where he assumes that the officers taken from civilian service would be perhaps less severe.

Mr. McKELLAR. That is the general public impression. I do not know whether it has any foundation or not. I do not mean to make any charge about it.

Mr. WARREN. That supposition is incorrect. There have been mistakes made, and severe sentences have been given both by officers of the Regular Army and by those of the civilian or drafted staff.

Mr. McKELLAR. That may be entirely correct. I have no information about it.

Mr. WARREN. But the most severe sentences upon the lesser crimes or misdemeanors have been administered by those taken into the service from civilian life, and who assumed that the office that they held required that in time of war punishments should be of a more severe nature than any that had been administered heretofore.

That matter all came before the subcommittee considering military justice which has been taking evidence, and there are some 1,500 pages of those hearings. I think that Senators should not maintain that there are any more criticisms due—in fact, there are less criticisms due findings of officers of the Regular Army than are due those officers taken from civilian service. I do not want to accuse those from civilian or Regular service of intentional cruelty.

Mr. McKELLAR. That may be entirely true. I am not advised as to the relative severity of the sentences inflicted by the officers of the Regular service and by those officers who came in from civilian service, but we all know from the newspapers that many complaints have come in about the cruel and inhuman punishments being inflicted.

I will ask the Senator from Wyoming if he does not agree with me that if we build up this department of men who have been trained in the temporary service during the war, coming in from civil life, splendid lawyers peculiarly trained during the late emergency for this work, that it will have a tendency to do away with the fear that this kind of punishment may be made permanent?

Mr. WARREN. Yes; I believe it will be very beneficial to the service to draw from both sources.

Mr. McKELLAR. That is all the substitute which I have offered provides. It provides that the Judge Advocate General's Department may be recruited from the National Guard, from civilian life, and from those who have served as temporary officers, as well as from those serving in the Regular Army. I hope the substitute will be adopted.

Mr. CUMMINS. Mr. President, I do not pretend to understand the application either of the amendment proposed by the Senator from New York [Mr. WADSWORTH] for the committee or the substitute proposed by the Senator from Tennessee [Mr. McKELLAR]. They are both technical and involve a knowledge of the organization of the Army which I do not possess. I have, however, a very definite thought in my mind and a very clearly defined purpose. I intend to make an appeal to the chairman of the committee to lend his influence to embody in some form, and the form is entirely immaterial to me, the purpose which I shall endeavor to express.

It is not in my mind to suggest anything that will tend to retard the promotion and the recognition of the veteran Regular Army officers who are now in the department. I know many of them; they are highly qualified; they are exceedingly faithful; and nothing that I say must be understood as suggesting any disparagement or criticism of the work of those officers.

Mr. McKELLAR. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Tennessee?

Mr. CUMMINS. I yield.

Mr. McKELLAR. I merely wish to say at this point that I indorse what the Senator has said about the officers in the Regular Establishment; I fully agree with him; and if my remarks suggested anything to the contrary I did not intend them in that way.

Mr. CUMMINS. On the contrary, the observations of the Senator from Tennessee are in entire accord with the views I shall attempt to enforce, and I think I am in entire sympathy with the amendment which he proposes, but it is too complicated and too intricate for me. I intend to ask the chairman of the Committee on Military Affairs to consider just one proposition and to see that in some fashion or other it is embodied in the law.

We all know that the work of the Judge Advocate General's Department has vastly increased both in volume and in importance, and that to discharge or perform that work satisfactorily necessitates the employment of experienced, competent lawyers. The work of administering military justice is no more important, indeed, I think it is less important, viewed from one standpoint, than the interpretation and the construction of the law so far as it relates to the civil rights both of the Government and of those who enter into some kind of relation with it. Both these great departments of the law require and demand as good lawyers as we can secure.

In the course of the last three or four years and during the German war there have been called into this department necessarily a number of lawyers who are patriotically inclined, who have a natural disposition to enter the service of the Government, and who have performed the most efficient and valuable work in connection with their duties. We can not keep those men or any considerable number of them unless Congress directly and positively shall say in this bill that a certain number of them are to be retained. Because I am a lawyer, I suppose, I have been led naturally into more intimate acquaintance with the work being done in the Judge Advocate General's Department than any other department of the military branch of the Government, and I know that at this time a great many of these capable, experienced lawyers are seriously considering resignation from the service, and unless we at this time are able to give positive assurance that they may take their places as a part of the permanent personnel of the Judge Advocate General's Department, they will retire from the service.

When they do retire, I predict that it will be wholly impossible for the Secretary of War or the Judge Advocate General, no matter how much they may so desire, to fill those places with like men.

I understand that it is the ultimate purpose of the chairman of the committee as well as of the Secretary of War that a certain number of these men shall be retained; not because the department desires to favor them, but because their service is necessary in order to do the work of the department as it should be done. As we all know, it is absolutely impossible to secure the services of a good lawyer for a captain's pay or a major's pay, and I doubt very much whether it can be successfully accomplished with a lieutenant colonel's pay. The rewards of the legal profession are so rich at this time—and that has been true for years past—that the pay of a lieutenant colonel or a colonel is not very attractive compensation for men who are competent to do the work which these men are called upon now every day to do.

This is my suggestion to the chairman of the committee, and I care not whether it is embodied in some form of the amendment proposed by the Senator from Tennessee or in some form of the amendment proposed by the Senator from New York. I should like Congress to say now that in the reorganization of the Army, which we are contemplating and for which we are now providing, there shall be a certain number of colonels and a certain number of lieutenant colonels. I am not interested in any grade below that of lieutenant colonel, because I do not think we can retain the men I have in mind with the pay and the rank of less than a lieutenant colonel; but I should like it to be stated directly that of this increased force at least 6 colonels shall be taken from the emergency army of the United States, without regard to and outside of the Regular Army force, and that at least 16 lieutenant colonels who are now in the service of the United States shall be taken from the emergency army of the United States. In that way, if we will say that, and say it directly, so that it shall be understood from

this time on that we intend to reorganize the department in this fashion, we will be able, I hope and I believe, to retain these valuable men, or some of them at least, in the service. What arrangement ought to be made for majors and captains and first lieutenants and second lieutenants, I do not pretend to say.

I hope the Senator from Tennessee will not understand that I am criticizing his amendment in any way at all, but I am pointing out the thing which I think ought to be accomplished and which can be accomplished simply by saying in the amendment suggested by the Senator from New York that of this increased force at least 6 colonels and at least 16 lieutenant colonels shall be selected or chosen from the ranks of the emergency army instead of from the Regular Army.

Mr. McKELLAR. Mr. President, will the Senator yield to me for a moment?

Mr. CUMMINS. I yield to the Senator.

Mr. McKELLAR. It is provided that there shall be 16 colonels, 32 lieutenant colonels, and 72 majors. The substitute that I have offered in terms requires that one-half of the vacancies, to wit, 8 colonels and 16 lieutenant colonels, shall be filled from the list of temporary officers.

Mr. CUMMINS. I gathered that from the amendment.

Mr. McKELLAR. That is the purpose of it. I merely wish to say that if these officers are left on a single list a man appointed as major will have nothing to look forward to, because the chances are that he will never be promoted; but if they are kept in a separate department, as the substitute proposes, then he can look forward to promotion.

Mr. CUMMINS. I am simply looking to the main point. I do not want to become involved in the controversy in regard to the single, the double, the triple, or the quadruple list. No matter what may be the policy adopted in that regard, in order to provide for the present contingency, this bill ought to declare the policy or the will of Congress in the respect that I have mentioned. I ask the chairman of the committee whether there is anything unreasonable, unfair, or likely to result in disadvantage to the United States or to the Army of the United States if my suggestion were adopted?

Mr. WADSWORTH. No, Mr. President; I do not think anything unfair or disadvantageous would result; but the desired result can be accomplished without the amendment.

Mr. CUMMINS. I understand that it can be accomplished without the amendment, but there is great fear that it will not be done unless Congress so directs. A further great consideration is that if this bill is passed and we go forward to a reorganization of the Army, which may take weeks and months, and possibly a year before the matter is finally adjusted, the men whose services I think we ought to retain will not wait for the uncertain movements of a board which is to arrange this allotment. If the Senator from New York believes it ought to be done, why should we not do it, and do it now, and do it so that everybody will understand what is to be done in that respect?

Mr. WADSWORTH. Mr. President, the Senator has referred to the element of time. The fact that we write this provision into the amendment would not immediately bring about what he desires. These men would have to be examined after the act takes effect.

Mr. CUMMINS. I am not concerning myself with those details. I assume that all the provisions with regard to ascertaining qualifications and all other matters of that kind will remain in the bill. Far be it from me even to suggest that any incompetent man shall be retained in the service, or a man who can not pass any examination which the orders of the department may require.

When we come finally to decide the matter I intend to propose just that amendment, if other amendments which are intended to accomplish the same result are not adopted. I intend to narrow it just to that one point, not by eliminating any of the precautions which the Senator from New York has embodied in his bill, but solely by providing by act of Congress that a certain number of colonels and a certain number of lieutenant colonels shall be appointed in the Regular service from the emergency Army.

Mr. WADSWORTH. Mr. President, this matter of the proper organization of the Judge Advocate General's Service is one which has disturbed the Committee on Military Affairs for several weeks. I say "for several weeks" because had we ever realized in the committee that the bill as drawn last autumn, which had been sent to the War Department for criticism and suggestions, contained provisions which adversely affected that particular service, we should have attempted to reach a conclusion last autumn. The truth is, however, that it was only about a month ago when the Judge Advocate General of the Army and the Assistant Judge Advocate General informed the committee that any trouble was pending, long after the bill had been reported to the Senate. Since that time various proposals have been made in the way of amendments which would clear up the situation and enable the Judge Advocate General's Service to function in an efficient and adequate way; and the disposition of the committee has been all along to see to it that that service is not crippled. It is true that the bill as printed and as reported from the committee originally would have had a most unfortunate effect upon the Judge Advocate General's Service. We did not realize it at the time, not having been warned.

The amendment offered by myself is the result of a special meeting of the Committee on Military Affairs called a few days ago to consider all the different amendments and proposals that up to that time had been offered or made. The Assistant Judge Advocate General, Gen. Kreger, and his subordinates in the department have been working for some time in drafting a proposed amendment. That had been shown to me on several occasions, and it was laid before the committee. The Secretary of War had prepared by some one—I know not whom—the amendment which the Senator from Tennessee [Mr. McKELLAR] has offered, and the contents of that amendment were also presented to the committee. I have not before me a copy of the amendment suggested by the Judge Advocate General himself. Suffice it to say that it is quite different from the one suggested by the Senator from Tennessee; so that his statement that this represents the views of the Judge Advocate General to-day puzzles me somewhat, because this is not the amendment that was presented to the Military Affairs Committee from the Judge Advocate General's office.

There is no question but that the department needs 120 officers. There is no quarrel upon that point. The bill as presented gave them originally only 80 officers, and by an amendment which I offered day before yesterday we raised that number to 120. There is no question but that the department has an exceedingly heavy task and needs able men to conduct its business, and that it can not secure from the line of the Regular Army a sufficient number of experienced and well-grounded lawyers to carry on that work, and therefore that it must rely to some extent at least upon getting men from civil life to take commissions in the Regular Army from now on or induce those who are now in to stay in.

The bill as drawn does not attempt to say how many colonels there shall be in any branch of the service, nor how many lieutenant colonels there shall be in any branch, nor how many majors or captains. The bill, as I have said upon many occasions, simply provides that out of the pool of officers provided for in section 12 of the bill there shall be assigned or allotted to the several services what might be termed a standard number of officers, not fixing the grades in which they shall be appointed; and so this bill, so far as it is applicable to the Judge Advocate General's Service, provides that they shall have 120 officers in the grades of colonel to captain, inclusive—I think it is printed now, colonel to major, inclusive. The War Department can assign just as many colonels to the Judge Advocate General's Service as it pleases, or just as many lieutenant colonels, or just as many majors, or just as many captains, so long as it does not exceed the total of 120, and may exceed the total of 120 if the President authorizes it to do so. So, I say, there is no limit to the discretion in the naming of officers in the Judge Advocate General's Service in the several grades, and there is really no limit to the aggregate number if the President can be persuaded that they need more than 120 officers.

The bill, however, as reported was defective in that by putting the officers of the Judge Advocate General's Service upon the single list, a peculiar result has been brought about in that particular office. It so happens that three or four of the regular officers there, when placed upon the single list, would have been jumped by three or four other officers in the same department who would have gone over them and would have displaced them, and the service would have been disrupted to that extent. There would have been a somersaulting of officers as a result of the operation of the single list. The Judge Advocate General asked us to cure that situation by providing that there should be five more colonels in the service, and that those five colonels should be appointed according to the provisions of law existing at the time of the passage of this act. That, of course, would have resulted in the promotion of five lieutenant colonels in the Judge Advocate General's Service to the rank of colonel. That, in turn, would have permitted the commissioned personnel in the grades of colonel and lieutenant colonel to straighten itself out in such a way as that when you put the whole of them in the single list no change would have been brought about in the relative rank or grade inside the Judge Advocate General's Service.

The committee is willing to do that. My amendment provides that there shall be five additional colonels and that they shall

be promoted according to the provisions of existing law. That means that five lieutenant colonels, all Regulars, who are now in that department will become colonels.

The Judge Advocate General's Department also asked us to add 10 lieutenant colonels, to create 10 vacancies in the grade of lieutenant colonel, and that they, too, be filled by the promotion of officers now in the Judge Advocate General's service occupying the grade of major. The committee halted at that point. It had a little too much of the aspect of wholesale promotion by law, confined only to the Regular Service in that regard. Had that request been granted by the Military Affairs Committee, every officer of the Regular Establishment now serving in the Judge Advocate General's Department, with the exception of two, would have been promoted one full grade, and as a result of that would have jumped something like six years ahead of their contemporaries in other branches of the service when placed upon the single list.

We could not quite accept that proposal. We thought that was asking too much. I venture to say that nothing like it has been proposed by any other service; and if we were to do such a thing as that before we established the single list several other services would come in and would inevitably demand that we give them immediate promotion before they were put upon the single list. The committee realize that we must have civilians to piece out this department; there is no doubt about it; and so we propose an amendment to that section of the bill which has to do with the admission of emergency officers into the Regular Army. That is section 42.

Section 42 provides that at least half of the vacancies created by this act in the permanent commissioned personnel must be filled by emergency officers who are veterans of this war. Half of all the appointments that are going to be made necessary in the Regular Service must be these veteran officers. The committee placed a maximum age limitation of 50 years applicable to those appointments into the Regular Army. Of course, we must have an age limitation somewhere—I think at least we ought to—because there are several things to consider in this matter of age and rank and the amount of time which an officer may serve until he is retired. Officers must retire at 64. If we put the age limit much above 50 and allow officers to come in at 55, 56, or 57 years of age, as I have heard suggested by some of their friends, we will find them only serving six or seven years and then retiring on three-quarters pay for the rest of their lives.

That is going a little strong, so the committee had to put an age limit somewhere, and, after the best study we could give to it, we decided that, generally speaking, 50 years should be the maximum age for the admission of officers into the Regular Army. I think it has never been put as high as that before; at least not to my knowledge.

Then, it was pointed out to us that in some of the services, like Chemical Warfare, and perhaps Ordnance, and perhaps Engineers, and certainly in the Judge Advocate General's Service, it was exceedingly desirable to lift the limitation somewhat; that there were more than a few men, there were quite a number of men, now holding commissions as emergency officers who are over the age of 50, and whom it would be exceedingly desirable to keep in the service until they are 64.

The committee finally agreed to the proposal that in certain cases the age limit should be higher than 50. So, as a part of my amendment, we proposed to amend that section of the bill which imposes a 50-year age limitation with this proviso:

Provided, That any person under 54 years of age having special scientific, technical, or professional qualifications and who is otherwise eligible for appointment to a field grade under the provisions of this section, may, upon the recommendation of the chief of such service and the concurrence of the board of general officers herein provided, be appointed to the grade of colonel, lieutenant colonel, or major, as provided in this section without reference to the minimum age limits otherwise prescribed for appointments in such grades. But no such person under 34 years of age shall be appointed to any field grade.

The lowest rank in field grade, of course, as is well known, is the rank of major.

The committee believes that that establishes a sufficiently liberal provision to meet this particular problem. If the Judge Advocate General has his eye upon an emergency officer who is a good lawyer and who has served, we will say, during the war, who is over 50, but still under 54 years of age, and will make his recommendation that that officer is especially needed by reason of his professional qualifications, it is entirely within the power of the War Department to commission him. I think there is no doubt whatsoever but that the department and this board of general officers, to which reference has been made, will follow the recommendations of the different service chiefs in that regard, and in that way civilians up to the age of 54 can be brought into the Judge Advocate General's service.

The committee thinks that is about the extent of the exception in the matter of age limitation to which it ought to go. An officer joining the Regular Army at the age of 54 will serve only 10 years before he is retired for life at three-fourths of the pay of his rank. The amendment of the Senator from Tennessee wipes out all limitation whatsoever.

Mr. McKELLAR. Before the Senator leaves that, I notice, in line 22 of his amendment, the following:

But no such person under 34 years of age shall be appointed to any field grade.

It seems to me that that limitation ought not to be in the bill. As I stated before, some of the best lawyers I have ever known were good lawyers before they were 34 years of age, and even before they were 30 years of age. I think some of the very best I have ever known won their spurs and became famous lawyers by the time they were 30.

Mr. WADSWORTH. Mr. President, that brings up another side of the question. Before I approach that, may I say to the Senator that the heaviest emphasis in this whole discussion about the Judge Advocate General's Service is that they want to get the older men in, not the younger. They want to get older, more mature men into the grades of lieutenant colonel and colonel, and with that I agree. You can not use the same argument in favor of lifting the limit of age that you use in favor of lowering the limit of age and apply it to the same department and use the same reasons.

Mr. McKELLAR. Mr. President, I believe the Senator from New York is not a lawyer?

Mr. WADSWORTH. No; I am not.

Mr. McKELLAR. If the Senator were a lawyer and had practiced at the bar, he would know that the question of a lawyer's ability does not depend on his age, whether young or old. It depends on the kind of a lawyer he is.

Mr. WADSWORTH. I am taking the word of the Judge Advocate General. He and his assistants have talked to me and my colleagues on the committee time and time again, and their principal argument is that they must have middle-aged men of mature experience. As I recollect their arguments, they say it is exceedingly difficult to find a man 31 or 32 years old who can carry the responsibilities which are sometimes placed upon an officer of the Judge Advocate General's Service. They want men of 40, 45, 50, and 54. That is their principal argument.

Now, it is proposed by the Senator from Tennessee to wipe out the minimum age limit completely, and let any man over 21 years of age occupy any grade in the Judge Advocate General's Service. I submit that that is an absurd proposition, and indefensible. Mr. President, you can not take men of 27 or 28 and make them colonels or lieutenant colonels, or even majors, without causing a great deal of bitter feeling and most embarrassing situations in the Army.

The Senator from Tennessee suggests that this minimum age limit of 34 years for the rank of major will work more harm than good. I propose to demonstrate that it will work a great deal more good than harm. Thirty-four years of age is a little under the average age of majors in the Army. If you are going to take men of 32 and 30 and 29 and 28 and appoint them as majors, and put them on the single list above captains in the Regular Army who have served for 10 or 12 years, and keep them above those captains all the rest of their Army careers, what are you going to do to the morale of the Army? You simply can not do things of that sort.

Mr. McKELLAR. Mr. President, I call the Senator's attention to the provision in his amendment that captains may be appointed.

Mr. WADSWORTH. That is an entirely different question. That has nothing to do with the age limitation.

Mr. McKELLAR. It is inseparably connected with it. I do not think men ought to be appointed in this department as captains, because you can not get the kind of a lawyer who ought to be in this department on a captain's pay.

Mr. WADSWORTH. Or at a captain's age?

Mr. McKELLAR. I disagree with the Senator wholly about the captain's age, for the reason that some of the very best lawyers I have ever known, whether you regard them as trial lawyers or in any other way in which you take them, were less than 30 years old. I have in mind some gentlemen of my own bar, at Memphis, where I think we have as good a bar as anywhere in the country, who won their spurs before they were 30 years old, and became the superiors of men who had been practicing law a great many more years than they were old.

Mr. WADSWORTH. I was discussing the age limitations and not captains. I again suggest that the amendment of the Senator from Tennessee wipes out all age limitation whatsoever.

Under his amendment you could appoint a man to the Judge Advocate General's Service 63 years and 11 months old, who would retire in one month. Does the Senator think that should be permitted? It can be done under his amendment. Under his amendment a boy of 21 years and 1 day can be appointed a major. Ought that to be permitted?

Mr. McKELLAR. Of course, such an appointment would not be made. The department would never do that.

Mr. WADSWORTH. We propose to have a little bit of standardization about it, and we say that no man under 34 years of age shall be appointed to a field grade, and the lowest field grade is the rank of major. We put that minimum age limit in for the purpose of protecting all the other officers of approximately the same age who are in the Army to-day. We can not very well afford to take men under 34 and appoint them as majors and put them over captains who have had 10, 12, or 15 years of service, and keep them over them all the rest of their lives in the Army, running on a single list of promotion, or any system of promotion. You would create a degree of discontent all through the commissioned personnel of the Army that would go far toward ruining its morale.

There is a limit to this matter of jumping civilians over men of much longer service, and we have tried to place such a limit at an intelligent figure, and we do not believe, with the study we have given it, that the Judge Advocate General's Service will suffer by reason of the fact that it is not permitted under the law to appoint men in the grade of major below the age of 34. They can appoint them as captains if they want to; and there is nothing in the bill which attempts to limit the number of colonels assigned to the Judge Advocate General's Service, or to limit the number of lieutenant colonels, or to limit the number of majors. The Secretary of War and his board of general officers can assign to the Judge Advocate General's Service just as many of those officers as he and they think it needs; and when they have filled up the number to 120, if they have not enough then the President can raise the number, and more officers can be put in in any grade that is considered wise.

Mr. CUMMINS. Mr. President——

Mr. WADSWORTH. Just a moment. I am in sympathy with the suggestion of the Senator from Iowa [Mr. CUMMINS]. I see just what he wants to accomplish, and I am for it. I did, however, want to point out the danger of wiping out all age limitations; and when I have a chance, in a moment, I want to point out the advantage that can be gained by adding the grade of captain to the Judge Advocate General's Service. I yield to the Senator from Iowa.

Mr. CUMMINS. I shall not interrupt the Senator until later.

Mr. WADSWORTH. I think the Senator and I can get together rather easily and draw a proviso which will result in assuring the assignment of a given number of emergency colonels and lieutenant colonels in the Judge Advocate General's Service, provided, of course, as the Senator will understand, that the number be reasonable, as I have no doubt he would propose.

The criticism has been made that we should not permit captains to be assigned to the Judge Advocate General's Service. It is probable that very few would be assigned immediately upon the passage of this act. But when we remember that a very large number of emergency officers are going to be commissioned in the Regulars after this act goes into effect, that half of all the vacancies created by the act must be filled by emergency officers, veterans of the war, and that, further, the act is going to create something like 9,000 vacancies, we see that something like 4,500 emergency officers are going to be commissioned in the Regular Army, subject, of course, to examinations in all the grades from second lieutenant to colonel, inclusive. It is fair to assume, Mr. President, that the majority of those men will be commissioned in the Regular Army in the grades of second lieutenant, first lieutenant, and captain, quite a number of majors, a somewhat less number of lieutenant colonels, and an even less number of colonels; but the bulk of them are going to come in in the grade of second lieutenant, first lieutenant, and captain.

Many of these men before the German war, before they went into the Army as emergency officers, had had some experience in practicing law. We all know that. Many of them are acquaintances of ours, graduates of first-class law schools, who had practiced law. Just as the Senator from Tennessee has said, there are some young lawyers who are very able. That being the case, why make it impossible for the Judge Advocate General to go out and get some of those captains who are being commissioned in the Regular Army and get them assigned to the Judge Advocate General's Service, and there give them the additional training and experience which nearly all officers, when once they join that service, have to have, and let them grow up in the service? It seems to me that an opportunity will be afforded as the years go by—and I am talking about the conditions 5 or 6 or 10 years from now—for building up from the ground, as it were, a Judge Advocate General's Service. If you open that service to captains, and are careful not to fix the number of captains who must be taken in, then the Secretary of War and the officers of the Army who have the personnel distribution in charge can use their judgment from time to time, and if they see a captain of Infantry who they are informed has been a good lawyer in civil life, and who is willing to transfer to the Judge Advocate General's Service, they can transfer him and put him in, or they can take a first lieutenant and raise him to the rank of captain and put him in.

It certainly can not hurt the Judge Advocate General's Service, and it may help it. I think it will help it after the office is reorganized and gets going upon a normal basis, which will not be for two or three years; that is, the normal basis will not be reached before that time, because the law business left over from the war is so tremendous.

A suggestion has been made by the Senator from Tennessee that we take these men off the single list and put them in the same category, I presume he would say, as the medical officers in the Army, the veterinarians, the dental officers, and the chaplains. That resolves itself down to a question of policy. I have heard some officers of the Judge Advocate General's Department say that it would be a good thing for the service. I have heard others say that it would be a most unfortunate thing for the service. The committee has leaned to the latter view. If we take the judge advocates off the single list and put them off to one side, with their own scheme of promotion, it means that no longer will a judge advocate be considered a soldier in the accepted meaning of the term. It means that a judge advocate will not be regarded as eligible for promotion to a general rank in the line of the Army. It means that a judge advocate will not be considered eligible for the command of any kind of troops at any time. That may not seem very important, but it is a question of policy which I regard as rather important. I do not believe the time has come when we want to say that a judge advocate can not be transferred back to the line, to the branch from which he came.

Most of the officers of the Judge Advocate General's Service to-day were educated as Infantry men, Field Artillery men, Coast Artillery men, and other branches. One I met the other day commanded a regiment in France in combat. Another was offered the position of chief of staff of one division, and again was offered a position as chief of staff of a corps, because he was known as an able soldier in addition to being a good judge advocate. I am personally acquainted with the judge advocate of one division that went to France, who, in a very tight place, took command of a battalion of Infantry and led it over the top, and got a decoration for distinguished gallantry.

In other words, the judge advocates have not as yet been entirely divorced from the idea that they are soldiers, and I do not think they should be. I think they should be eligible for combat work if their superiors and men in charge of the personnel believe that they can be used for that purpose when need arises. That is the principal reason why the committee has left them upon the single list for promotion with the rest of the officers of the Army.

If by the Congress they are taken off the single list for promotion, next year we will find the Ordnance officers coming here and asking to be taken off the single list for promotion in order that they may get special legislative treatment bringing promotion for them, and for them alone. You will find other groups of officers representing other branches of the service, which they will say are so technical, or giving some other argument, coming here year after year and saying, "You have left the judge advocates out; you have given them special treatment; you have given them a start upward faster than you have the rest of us; take us out also." Thus you will have renewed in the Halls of Congress that very kind of lobbying which has been the curse and bane of the Army for a generation, each branch trying to dig out something especially favorable for itself.

There are indications that just that kind of lobbying is going on around here now. Certain individuals are not pleased at the way the bill is drawn. Some man below 34 years of age has a friend, and that friend wants him to be a major in the Regular Army and our bill prohibits it, and instantly an amendment is offered on the floor of the Senate wiping out that limitation for the entire Army in order to help some one person. The same thing is true about several other services. If we commence to make exceptions for the judge advocates, taking them off the single list, giving them an advantage over all the other officers of the Army, giving them a special line of promotion, we will

find that will be followed by other branches of the service coming and asking for special treatment, and we will go back to the condition which existed a few years ago, a condition which was so ridiculous as even to make the beneficiaries of that condition laugh.

A few years ago we expanded the Field Artillery of the Regular Army. It had to be expanded. It had become a proportionately more important arm. The result was that the Field Artillery officers all got promotions. An act of Congress which expanded that particular branch caused promotions to run in that particular branch. Only Field Artillery officers got the promotions, or those who were lucky enough to get transferred to the Field Artillery. The result was that the Field Artillery officers are to-day eight or nine years ahead of their contemporaries of the Infantry and Cavalry.

Then what happened? The Cavalry came to Congress and said, "Look what you have done for the Field Artillery. You have left us away behind. Can you not give us some mandatory promotion?" The result was that the Congress passed a special provision increasing the number of officers in the Cavalry, with the result that we had 61 colonels of Cavalry in the Army and only 21 regiments of Cavalry. That is what we are going back to if we begin to make exceptions to this single list.

That is why I am especially opposed to the proposition of the Senator from Tennessee [Mr. MCKELLAR]. His amendment absolves the judge advocates from the single list. I think that they should be kept on the single list. I think the committee amendment starts them on the single list in a favorable position and I think the committee amendment opens up the Judge Advocate General's Service to an essential number of civilians of ability and standing, to whom the Senator from Iowa [Mr. CUMMINS] has so correctly alluded. I think the amendment, with one other little proviso inserted, as suggested by the Senator from Iowa, will give the Judge Advocate General's Service everything which it needs. It will give officers of adequate rank, it will give officers of adequate age and experience, it will assure the conduct of the Judge Advocate General's Service in the years to come upon a normal basis and according to normal methods, and still will not give them an undue advantage over their colleagues in the other services.

Mr. HARRISON. Mr. President——

The PRESIDING OFFICER (Mr. STERLING in the chair). Does the Senator from New York yield to the Senator from Mississippi?

Mr. WADSWORTH. I do.

Mr. HARRISON. The Senator, in speaking of the single list, does not mean that under the provisions of the bill he would go back and affect those promotions which have come to men in the various branches to which he has alluded and who under the law have obtained those promotions by right?

Mr. WADSWORTH. I would not take their rank away from them, of course, but I would have them wait until the Infantry and the Cavalry caught up with them.

Mr. HARRISON. Does the Senator say that under the provisions of the bill it demotes certain officers in different branches of the service?

Mr. WADSWORTH. No; it does not demote anyone.

Mr. HARRISON. At least it retards their promotion to a certain extent.

Mr. WADSWORTH. It deprives them of a certain participation in additional promotion which has not come to them by anything that they have done. It has come to them by act of Congress, affecting their particular branch, of which they were beneficiaries through accident.

Mr. HARRISON. It came to them by law, then?

Mr. WADSWORTH. Exactly; but it was unfair to the rest of the Army.

Mr. HARRISON. The Senator would take it away from them now?

Mr. WADSWORTH. No; I would not take anything away from them.

Mr. HARRISON. The Senator would have this law passed which would have the effect of going back and taking away from them that right which they had under the law.

Mr. WADSWORTH. I would not take away from them anything they have to-day. If a man secured a jump of one grade by transfer from the Infantry to the Field Artillery on the eve of the expansion of the Field Artillery and holds that grade to-day, or whatever grade he may be in to-day, he would continue to hold it, but you will never get good feeling among the different branches of the service until you permit those men who, through no fault of their own, were left far in the rear in this race for promotion to catch up; and that is what the committee bill does. They were unjust laws that were passed at that time.

Mr. HARRISON. Does the Senator think the single-list policy should be in force from the passage of this bill and not be retroactive?

Mr. WADSWORTH. I believe it should be retroactive in that respect.

Mr. HARRISON. In other words, the Senator would go back and take away from certain men rights that they have obtained by the passage of laws through Congress?

Mr. WADSWORTH. I have some hesitation in accepting that word "rights." My conception of right in an Army officer is that it refers to something he has earned. A man who has jumped nine years above his contemporaries through the expansion of the branch in which he happened to be serving and for which expansion that branch was lobbying around the Halls of Congress has not earned that advancement. A man just as old as he is in the Infantry or the Cavalry or other service stood alongside him then, but did not get that advantage, and he is left forever behind. If it is the purpose to commence the operation of this single-list promotion in the way suggested by the Senator from Mississippi [Mr. HARRISON], it means that all these officers, who for years back have been left in the rut through no fault of their own whatsoever, are hopelessly handicapped in reaching the grade of general officer. It means that those officers who have been lucky, whose branches have been expanded, who have gotten promotions which they have not earned, will be constantly at the top of everybody else, and we will not have cured the degree of injustice which to-day exists in the Army, and the condition will not cease for 20 years to come if the suggestion of the Senator from Mississippi is adopted by the Congress.

Mr. HARRISON. The Senator says that these officers have not earned promotion?

Mr. WADSWORTH. No; they have not.

Mr. HARRISON. They earned it under the law that was passed by Congress, did they not?

Mr. WADSWORTH. That is not earning it, in my conception of the term "earn."

Mr. HARRISON. The Senator is finding fault with what the Congress did in the past. Is not that true?

Mr. WADSWORTH. I certainly am.

Mr. HARRISON. The Senator misunderstands my attitude on the amendment offered by the Senator from Tennessee [Mr. MCKELLAR]. I am not in favor of giving to the Judge Advocate General's office certain rights touching the single list that do not apply to other branches of the service.

Mr. WADSWORTH. I am glad the Senator wants to be consistent on that. The Senator and I think alike on it. If we are going to have the single line of promotion, they ought to all be on it with the exception of the medical officers, the veterinarians, the dental officers, and chaplains.

Mr. HARRISON. May I say in addition to that that my idea about the single list is that it should apply upon the passage of this law, and should not be retroactive and affect certain privileges or rights of promotion that came to men of the various branches under an act of Congress.

Mr. WADSWORTH. I think I can say, with a measure of assurance that I am saying something that is correct, that the sentiment of the Army at large is in favor of the single list for promotion. There are a few officers, however, who would like to see it amended. They have been to see me, they have been to see other Senators. They would like to see it amended so that they can continue to occupy the advantage over their fellows which they gained by accident years ago. They have been perfectly frank to say it, too. I am glad to say that the number is not large.

There are many of those officers who secured this promotion by accident or transfer on the expansion of the branch, who have been to me and who have said very frankly that they ought to be required to wait until their colleagues catch up with them, that they do not intend to ask Congress or the Senate or the Committee on Military Affairs to put into the law a continuation of a situation which they admit is unfair to their contemporaries in the Army.

Mr. WARREN. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Wyoming?

Mr. WADSWORTH. I yield.

Mr. WARREN. Entirely along the line of the arguments of the chairman of the committee, I desire to say that I am just signing some mail which has been sent me from my office, and accompanying what I am signing are the letters requiring the answers. I have just come across, not 10 minutes ago, a personal letter written by a Regular Army officer in the Artillery, a young man who is a native of Washington. This young man was appointed by the President to the West Point Academy, and

upon graduation, on account of his capability for that line, was assigned to the Artillery. The letter is dated Coblenz, Germany, March 24, and, among other subjects, he speaks of what he considers the temporary injustice of some of the emergency officers still holding higher rank than officers in the Regular Army of much longer service, so that for the time being it places the Regular Army officers under those officers who have served for less time, and with but scant training and experience. Of course, it is a personal letter; but, as he proceeds, toward the end he states:

All true well-wishers for the good of the Army are hoping for the single list, with no exceptions, to pass, based upon length of commissioned service. Although I lose a lot of rank by it, I am firmly convinced that it will increase the efficiency of the Army by 200 per cent, but the line and staff must have identical treatment.

Mr. WADSWORTH. That is it.

Mr. WARREN. As I have read, he states:

Although I lose a lot of rank by it—

Mr. WADSWORTH. He is mistaken; he does not lose any rank. He loses the prospect for immediate promotion.

Mr. WARREN. Exactly; taking the construction that our friend from Mississippi [Mr. HARRISON] gives to it, differing from the construction given by the Senator from New York, which is correct in that respect, although, of course, the result is perhaps the same. This officer says:

Although I lose a lot of rank by it, I am firmly convinced that it will increase the efficiency of the Army by 200 per cent, and the line and staff must have identical treatment.

Mr. WADSWORTH. Yes; that is it; and that is just what this bill does.

Mr. WARREN. It has so happened that this letter has just come to me, mailed less than three weeks ago at far-away Coblenz, in Germany. This shows how sensitive all officers of the Army are concerning this matter of promotion and the rather hodgepodge condition that we have gotten into by special or spotted legislation, taking up one arm of the service at a time. This because some branches of the Army have been very greatly increased, while others have remained nearly stationary; hence promotions from lieutenants to majors in one branch may be reached sooner than the first lieutenants can receive their promotion to captains in some other branch. Hence the great percentage of officers, including a large number who may be temporarily harmed thereby, are praying for some final formal basis upon which may rest the whole system of promotion.

Mr. WADSWORTH. Dozens and dozens of officers have talked to me along exactly the same line as that indicated in the letter read by the Senator from Wyoming, and they have also talked to other members of our committee. They realize the very unfair condition which exists to-day among the several branches of the service and believe that for the good of the whole Army, not for the good of two or three men here and two or three there, but for the good of the whole Army, the system should be changed and changed now.

Mr. McKELLAR and Mr. HARRISON addressed the Chair.

The PRESIDING OFFICER. Does the Senator from New York yield; and if so, to whom?

Mr. WADSWORTH. I had about concluded.

Mr. McKELLAR. I desire to ask the chairman of the committee a question about the single list. Even as proposed to be established by the committee, the single list is subject to exception, is it not? For instance, it does not equalize conditions; it is not dependent entirely upon length of commissioned service.

Mr. WADSWORTH. "As nearly as practicable," it says.

Mr. McKELLAR. Take the young men who served as volunteer officers in the Spanish-American War and subsequently became officers in the Regular Army. There is an exception in that case. One hundred and fifty or more such officers now in the Army were preceded by young men who were in the Regular service. This bill does not equalize their rank according to length of service. I am rather inclined to think that if the single list can be adopted according to the length of commissioned service in the Army and applied to all alike, with the exception, of course, of the Medical Corps, which ought to be excepted, it will afford the best method of adjusting the matter. Aside from the Medical Corps, I think that there ought not to be any exceptions; but I am afraid, from my examination of the Senator's bill on this subject, that it certainly excepts about 150 officers who served in the Spanish-American War and that they will be discriminated against.

Mr. WADSWORTH. Does the Senator from Tennessee ask that as a question of me?

Mr. McKELLAR. Does the bill discriminate against officers who served in the Spanish-American War?

Mr. WADSWORTH. Here is the situation with respect to them. In 1901 or 1902——

Mr. McKELLAR. In 1901.

Mr. WADSWORTH. In 1901, in legislation enacted by Congress, provision was made for the admission into the Regular Army of volunteer officers who served in the Spanish-American War. A question then arose as to where they should be placed in the respective lineal lists for promotion in the different branches of the service in relation to the Regular officers of the same grade. The question arose as to whether they should be given credit for the time that they have served as volunteer officers before they were commissioned in the Regular Army. The Congress at that time inserted a provision in the legislation stating that they should not receive credit for their service as volunteer officers in computing their position in relation to the Regular Army officers in the same grades with them. That provision was placed upon the statute books of the Congress of that day, I assume, because the Congress of that day thought that that was the best provision to make. It has never been disturbed since. I have never heard any suggestion that that provision of the act of 1901 be amended; I have never heard of any demand from those officers that it should be amended. I have only heard from one officer upon that subject. He wants that act, in effect, under this bill repealed.

The committee went into all that; and we thought that act of Congress, which was a legislative act, an act of discretion, and which had stood for 20 years, and in accordance with which these officers have moved along through the different grades in the flow of promotion without any audible complaint, the whole service having accepted it for a generation—we thought that we ought not by implication repeal that act of Congress. If it is done, we are going to jump some men 300 numbers over the heads of others. I have only heard one officer in that category ask that it be done, while I have heard of other officers in that same category express the hope that it will not be done. That is all I know about it.

Mr. McKELLAR. Mr. President, if the Senator will allow me to interrupt him for a moment, I call his attention to the bill, on page 52, line 2, where, after enumerating those who shall be put in the single list, it provides that they—

shall be placed on the list without changing the present position of any officer on the lineal list of his own branch, but otherwise, as nearly as practicable, according to length of commissioned service.

That makes a clear and distinct exception that it shall not change "the present position of any officer on the lineal list of his own branch" and, of course, prevents to that extent a definite fixed promotion according to length of commissioned service.

Mr. WADSWORTH. No, Mr. President.

Mr. McKELLAR. The adoption of a single list is going to effect changes throughout. There is no doubt that it will make changes in one way or another in the case of a great number of officers. If we are going to effect change, if we are going to adopt length of commissioned service as a rule in order to obliterate inequality in promotion, we ought to make it apply all along the line; we ought not, in my judgment, to continue by legislation the very inequalities that are attempted by the bill to be ironed out.

Mr. THOMAS. Mr. President, let me ask if it is not true that, with one or two exceptions, practically all of the Army officers upon whom the subcommittee called to advise them with reference to this subject were in favor of the single list as it was finally incorporated in the bill?

Mr. WADSWORTH. I do know that is so; I can not remember the one or two exceptions. As a matter of fact—and I say it subject to correction, of course—my impression is that the whole Army is delighted with the prospect that finally all officers will be treated alike in the matter of promotion. They want a square deal, and they want it to start now and not be postponed in some instances 10, 15, or 20 years, until those officers who received unfair advantages 10 or 15 years ago have been retired.

Mr. HARRISON. Mr. President, may I ask the Senator a question?

Mr. WADSWORTH. Certainly.

Mr. HARRISON. The Senator from New York speaks of unfair advantages. Did not these officers when they entered the Army, or when they graduated from West Point, have the opportunity to choose the particular branch of the Army in which they desired to serve?

Mr. WADSWORTH. They did.

Mr. HARRISON. And some branches gave them a greater opportunity for promotion than others?

Mr. WADSWORTH. No; that was not always so; it turned out to be so later.

Mr. HARRISON. There are certain branches of the Army that certain men as they graduated from West Point could not enter. Is not that so? For instance, could a cadet at West

Point who graduated away down in his class get into the Engineer Corps?

Mr. WADSWORTH. I forget the regulations about that, but I think not.

Mr. HARRISON. Is it not a fact that he could not get into the Engineer Corps, but that those assigned to the Engineers came from the graduates highest on the list?

Mr. WADSWORTH. I do not state it as a fact, but that is my recollection. I am afraid to say definitely that that is the case, but I think it is so.

Mr. HARRISON. It is the Senator's recollection, then, that the very best men, the men who displayed the greatest ability as students and graduated highest in their classes, entered the Engineer Corps, for instance?

Mr. WADSWORTH. Not always.

Mr. HARRISON. Could they enter the Infantry?

Mr. WADSWORTH. They could enter the Infantry; they could enter any branch.

Mr. HARRISON. Yes; but could one who graduated away down in his class enter the Engineer Corps?

Mr. WADSWORTH. I think not.

Mr. HARRISON. Then at that time the Engineer Corps was considered to be the highest branch of the Army service, was it not?

Mr. WADSWORTH. The Senator need not cross-examine me. He can tell his own story.

Mr. HARRISON. I was just wondering about the matter concerning which we were speaking. The Senator says it is unfair——

Mr. WADSWORTH. I do.

Mr. HARRISON. Then it is unfair that a man who graduated, say, in 1899, went into the Engineer Corps, for instance, received promotion, and is now under the old system No. 331 on the relative list should become No. 711 on the single list as proposed in the pending bill. The Engineer officers who graduated in the class of 1899 will be demoted, under the terms of the bill, 380 files; those of the class of 1900 who entered the Engineer Corps will be demoted 722 files; those in the class of 1903 will be demoted 1,139 files; those in the class of 1904, 1,183 files; those in the class of 1905, 1,142 files; those in the class of 1906, 1,206 files, and so on down. I ask consent to insert in the RECORD the entire table.

The PRESIDING OFFICER. Without objection, permission is granted.

The table referred to is as follows:

Approximate effect of present mode of making up the single list, as proposed in Senate bill 3792, Sixty-sixth Congress, second session, based upon Army register of Dec. 1, 1918.

ENGINEERS.

Class.	Approximate number on single list.	Approximate number on relative list.	Number of files demoted by Senate bill.
1899	711	331	380
1900	1,180	458	722
1901	1,304	466	838
1902	1,458	478	980
1903	1,653	514	1,139
1904	1,754	571	1,183
1905	1,881	739	1,142
1906	1,956	750	1,206
1907	2,047	756	1,291
1908	2,177	763	1,414
1909	2,391	1,032	1,269
1910	2,527	1,809	726
1911	2,671	1,909	762
1912	2,912	1,915	997
1913	3,078	2,154	924
1914	3,182	3,114	78
1915	3,269	3,265	4
1916	3,412	3,346	66
1917	4,071	3,395	676

Mr. HARRISON. Does the Senator think, considering the peculiar qualifications which they showed as students and the ability which they displayed, that, because they entered this particular branch of the service, they should now be demoted as shown by the table under the terms of the bill?

Mr. WADSWORTH. The Senator indulges in two expressions which I can not agree are correct. In the first place, they are not "demoted"; they do not lose anything they have to-day; they are simply asked to wait a little while until other officers just as good get that to which they are entitled. The other expression I think the Senator used was that these men were "especially qualified." I do not know that they are. How can we tell?

Mr. HARRISON. They displayed ability, did they not, to get into that particular branch?

Mr. WADSWORTH. I do not know; but why should promotion in the Engineers be faster than in the Infantry?

Mr. HARRISON. I do not know. The law made it so, did it not?

Mr. WADSWORTH. We want to cure that.

Mr. HARRISON. The Senator wants to go back and violate the law and make a retroactive law.

Mr. WADSWORTH. The provision in the bill does not violate any law.

Mr. HARRISON. It is a pity the Senator was not here at that time to see that the law did not pass.

Mr. WADSWORTH. We are changing law.

Mr. HARRISON. Yes; the Senator's bill is changing law, but he is making it apply 20 years back. The Senator says it does not demote anyone. It is true it does not demote a man from a major to a captain, but I was talking to an officer only yesterday who told me that he was a major—he had been a colonel, I think—and he stated: "If this bill does not pass, I will be a lieutenant colonel in about six weeks, but if the single list is applied it will be five years before I am a lieutenant colonel."

Mr. WADSWORTH. That is all right.

Mr. HARRISON. Does not the Senator think that that is indirectly a demotion?

Mr. WADSWORTH. No, Mr. President; I do not; I think that is a square deal for the other men. There is no reason why he should reach the grade of lieutenant colonel so fast by the accident of the branch in which he serves.

Mr. HARRISON. I had intended to propose an amendment to the amendment offered by the Senator from Tennessee touching the single list, but I shall not do so. I intend to vote against the amendment offered by the Senator from Tennessee, because I do not think any exceptions should be made. I shall at the proper time, however, offer an amendment to prevent this law from being retroactive, so as to make the single list apply to the future.

Mr. McKELLAR. On the substitute amendment offered by me I ask for the yeas and nays.

Mr. HARRISON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Mississippi suggests the absence of a quorum. The Secretary will call the roll.

The Reading Clerk called the roll, and the following Senators answered to their names:

Ashurst	Edge	McCumber	Smoot
Brandegee	Frelinghuysen	McKellar	Spencer
Calder	Harris	Myers	Sterling
Capper	Harrison	Nelson	Sutherland
Chamberlain	Jones, Wash.	Nugent	Thomas
Comer	Kellogg	Overman	Trammell
Cummins	Kendrick	Page	Wadsworth
Curtis	Kenyon	Pomerene	Walsh, Mass.
Dial	Keyes	Sheppard	Warren
Dillingham	Lodge	Smith, S. C.	Watson

The PRESIDING OFFICER. Forty Senators have answered to their names. There is not a quorum present. The Secretary will call the roll of the absentees.

The Reading Clerk called the names of the absent Senators, and Mr. PHIPPS, Mr. SIMMONS, and Mr. SWANSON answered to their names when called.

Mr. HALE and Mr. NEW entered the Chamber and answered to their names.

The PRESIDING OFFICER (Mr. HARRIS in the chair). Forty-five Senators have answered to their names. There is not a quorum present. What is the pleasure of the Senate?

Mr. WADSWORTH. Mr. President, I hope we can get a vote on this matter before adjournment to-day. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

Mr. GLASS, Mr. MCNARY, Mr. BORAH, and Mr. KIRBY entered the Chamber and answered to their names.

The PRESIDING OFFICER. Forty-nine Senators have answered to their names. A quorum is present. The question is on the adoption of the amendment offered by the Senator from Tennessee to the amendment of the committee, and on that the Senator from Tennessee has demanded the yeas and nays.

The yeas and nays were ordered, and the Reading Clerk proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from Maryland [Mr.

SMITH], which I transfer to the senior Senator from Minnesota [Mr. NELSON] and vote "nay."

Mr. EDGE (when his name was called). I have a general pair with the Senator from Oklahoma [Mr. OWEN]. I transfer my pair to the junior Senator from Maryland [Mr. FRANCE] and vote "nay."

Mr. FRELINGHUYSEN (when his name was called). Making the same announcement as before of my pair and its transfer, I vote "nay."

Mr. GLASS (when his name was called). I have a general pair with the senior Senator from Illinois [Mr. SHERMAN], and in his absence I withhold my vote.

Mr. KENDRICK (when his name was called). Making the same announcement as before of my pair and its transfer, I vote "nay."

Mr. KIRBY (when his name was called). I have a pair with the senior Senator from Wisconsin [Mr. LA FOLLETTE], who is absent on account of illness. I transfer that pair to the Senator from California [Mr. PHELAN] and vote "nay."

Mr. LODGE (when his name was called). I have a general pair with the Senator from Georgia [Mr. SMITH]. I transfer my pair to the Senator from Wisconsin [Mr. LENROOT] and vote "nay."

Mr. MYERS (when his name was called). I transfer my pair with the Senator from Connecticut [Mr. MCLEAN] to the Senator from Nebraska [Mr. HITCHCOCK] and vote "nay."

Mr. SUTHERLAND (when his name was called). I have a general pair with the Senator from Kentucky [Mr. BECKHAM]. I transfer my pair to the junior Senator from Pennsylvania [Mr. KNOX] and vote "nay."

Mr. WATSON (when his name was called). I transfer my general pair with the senior Senator from Delaware [Mr. WOLCOTT] to the junior Senator from Oregon [Mr. MCNARY] and vote "nay."

The roll call was concluded.

Mr. CHAMBERLAIN. I have a general pair with the junior Senator from Pennsylvania [Mr. KNOX]. I understand that if he were present he would vote as I am about to vote, and I therefore vote. I vote "nay."

Mr. SPENCER. I have a general pair with the junior Senator from New Mexico [Mr. JONES]; but under the arrangement which I have with him I can vote on this question. I vote "nay."

Mr. MCKELLAR. The Senator from Maryland [Mr. SMITH] and the Senator from Rhode Island [Mr. GERRY] are detained on official business.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Delaware [Mr. BALL] with the Senator from Florida [Mr. FLETCHER];

The Senator from West Virginia [Mr. ELKINS] with the Senator from Oklahoma [Mr. GORE];

The Senator from New Mexico [Mr. FALL] with the Senator from Wyoming [Mr. KENDRICK];

The Senator from Maine [Mr. FERNALD] with the Senator from South Dakota [Mr. JOHNSON];

The Senator from Ohio [Mr. HARDING] with the Senator from Alabama [Mr. UNDERWOOD];

The Senator from Illinois [Mr. MCCORMICK] with the Senator from Nevada [Mr. HENDERSON];

The Senator from New Hampshire [Mr. MOSES] with the Senator from Louisiana [Mr. GAY];

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS]; and

The Senator from Michigan [Mr. TOWNSEND] with the Senator from Arkansas [Mr. ROBINSON].

The result was announced—yeas 13, nays 36, as follows:

YEAS—13.

Borah	McKellar	Smith, S. C.	Walsh, Mass.
Comer	Nugent	Sterling	
Dial	Overman	Swanson	
Kenyon	Simmons	Trammell	

NAYS—36.

Ashurst	Edge	Kirby	Sheppard
Brandegee	Frelinghuysen	Lodge	Smith, Ariz.
Calder	Hale	McCumber	Smoot
Capper	Harris	Myers	Spencer
Chamberlain	Harrison	New	Sutherland
Colt	Jones, Wash.	Page	Thomas
Cummins	Kellogg	Phipps	Wadsworth
Curtis	Kendrick	Pittman	Warren
Dillingham	Keyes	Pomerene	Watson

NOT VOTING—47.

Ball	Fall	Gay	Gronna
Beckham	Fernald	Gerry	Harding
Culberson	Fletcher	Glass	Henderson
Elkins	France	Gore	Hitchcock
Johnson, Calif.	McLean	Phelan	Smith, Md.
Johnson, S. Dak.	McNary	Poindexter	Stanley
Jones, N. Mex.	Moses	Ransdell	Townsend
King	Nelson	Reed	Underwood
Knox	Newberry	Robinson	Walsh, Mont.
La Follette	Norris	Sherman	Williams
Lenroot	Owen	Shields	Wolcott
McCormick	Penrose	Smith, Ga.	

So Mr. MCKELLAR's amendment to the amendment was rejected.

Mr. CUMMINS. Mr. President, I offer the following amendment to the amendment.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The ASSISTANT SECRETARY. On page 1, line 7, before the word "Vacancies," insert the following proviso:

Provided, That in making the original appointments of officers in the Judge Advocate General's Service who served during the World War, as provided in section 42 of this act, not less than 6 such officers shall be appointed in the grade of colonel and not less than 16 in the grade of lieutenant colonel.

Mr. CUMMINS. I ask the Senator from New York whether the amendment as I have now presented it would require the appointment of 6 colonels of the emergency service and of 16 lieutenant colonels?

Mr. WADSWORTH. It certainly would.

Mr. CUMMINS. Upon being assured of that construction, I offer the amendment without any change. That is what I intend to accomplish, and I think the amendment accomplishes it.

Mr. WADSWORTH. That is what is accomplished by the amendment, and I see no objection to it.

Mr. HARRISON. Mr. President, on yesterday we increased the force of the Judge Advocate General from 80 to 120. Is this in addition to that number?

Mr. WADSWORTH. Oh, no. This merely provides that of the emergency officers assigned to the Judge Advocate General's Service by reason of being commissioned in the Regular Army in the usual way, as provided in section 42 of the bill, at least 6 of them must be colonels and at least 16 lieutenant colonels. They are included in the general total of 120.

Mr. HARRISON. How many were there in that department before the war?

Mr. WADSWORTH. Thirty-two.

Mr. HARRISON. Officers?

Mr. WADSWORTH. That is my recollection.

Mr. HARRISON. How many were lieutenant colonels and colonels and majors?

Mr. WADSWORTH. There were 4 colonels, 7 lieutenant colonels, and 20 majors before the war.

Mr. HARRISON. If the amendment is agreed to as offered by the Senator from Iowa, there would be how many colonels?

Mr. WADSWORTH. Six men appointed to the grade of colonel assigned to the Judge Advocate General's office from among the emergency officers of the war, and 16 to the grade of lieutenant colonel from among the emergency officers of the war.

On behalf of the committee I accept the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. STERLING. Mr. President, I offer the following amendment to the amendment of the committee: Strike out line 6, page 1, of the amendment; in line 12, on page 1, strike out the word "captain" and insert the word "major"; in line 2, page 2, strike out the word "captain" and insert the word "major"; in line 4, page 2, strike out the word "captain" and insert the word "major"; in line 7, page 2, strike out the word "captain" and insert the word "major."

Mr. President, the committee amendment here offered makes a great change in the organization of the Judge Advocate General's Department. It makes that department of the grade of captain. Hitherto, as I understand it, the lowest regular grade in that department has been the grade of major, and that grade has sufficed for time of peace and for all the emergencies of war, practically, although I think there were some special assignments of men of the grade of captain to the Judge Advocate General's office during the war.

I do not believe it is necessary to reduce the grade to that of captain in the Judge Advocate General's office. The first part of the committee amendment, coupled with the latter part of the amendment limiting the age of a major to 34 years, would deprive the Judge Advocate General's Department of some of the very best men in the service. It would, at least, take away from them the rank which they now have and would probably mean their separation from the service.

There are men of the rank of major now in the Judge Advocate General's Department at the ages of 31, 32, and 33 years

who have been in that department for a long time; and under the second paragraph of the amendment those men who have served abroad—some of them, and I do not know but all of them, below 34 years of age—will be reduced, after their long service in the rank of major, to the rank of captain.

I do not believe that is just. It is not a just recognition of their ability as lawyers, it is not a just recognition of their ability in the service of their country and what they have done in that service.

I voted for the McKellar amendment because it affects this question, but the McKellar amendment provided for the single-list theory, from which all appointments or assignments to the Judge Advocate General's office would be made. This does not destroy the single-list theory; that is yet preserved; but it does take away the right, as proposed by the amendment of the committee, to reduce these men to the grade of captain. What is the result? Here are men 33½ years of age who served long in the Judge Advocate General's office ably and efficiently.

Mr. WADSWORTH. Served how long?

Mr. STERLING. I know of one who served over a year, and he is there now after having served in France. He was one of the best and brightest young lawyers in the State of South Dakota and in the active practice of the law before he went into the service. He comes back after honorable service abroad and has served more than a year in the Judge Advocate General's office with the rank of major. It is proposed by the amendment to reduce him to the rank of captain. Captains may be assigned from the general list or the senior list to take his place and by virtue of length of service or by virtue of their age will be above him and have a chance of promotion better than the man who has served as major for this very long period of time.

Mr. President, I do not believe that we want to work any such injustice as that, and I am opposed to reducing this rank to that of captain. Really, I think the single list here should be done away with, so far as the Judge Advocate General's office is concerned, just as was proposed by the amendment offered by the Senator from Tennessee [Mr. MCKELLAR], and why? Because it is a highly specialized department of the Department of War, where professional services are needed upon most intricate questions that come before the men in the office of the Judge Advocate General for decision—legal questions of great import, difficult questions, and questions of great interest to the welfare of the country.

I must protest, as I feel we all ought to protest, against reducing to the position of captain men who have served as these men have served and who have gained the rank they have acquired in the service.

I want to follow this up with a further amendment striking out the age limit, and as what is proposed from the committee is offered as one amendment I think perhaps I had better complete my amendment so that it will apply to the entire amendment of the committee.

I move further to amend the amendment by striking out lines 22 and 23, on page 2, which limit the age to 34 years. I am aware of the fact that the last paragraph in which those words are found pertains to the service generally, but it seems to me that there ought not to be any age limit; certainly not as applied to the Judge Advocate General's Service.

Mr. WADSWORTH. Mr. President, I regret that I can not support the amendment to the amendment and thereby help the young man from South Dakota. I have no doubt he is an able man. He is 31 years of age and is now a major, and from the best information we can get he has been a major in the Judge Advocate General's Service for about a year.

Mr. STERLING. He is a little more than 31. I did not state that he is 31 years of age. He is 32½ years of age.

Mr. LODGE. How long has he been in the service?

Mr. WADSWORTH. The Senator from South Dakota thought it was a little over a year.

Mr. STERLING. He has been in the Judge Advocate General's office over a year.

Mr. LODGE. All the time?

Mr. STERLING. After having practiced law for a long time before entering the service, he served abroad and comes back and is appointed a major in the Judge Advocate General's Service.

Mr. LODGE. Did he serve in the field abroad?

Mr. STERLING. Yes, sir; he served in the field abroad.

Mr. WADSWORTH. No doubt his service was excellent, and I honor him for it. The Senator from South Dakota complains that as a result of this legislation this young major, 32½ years of age, will not be able to be a major in the Regular Army; that he can only have a captaincy, and that that means reducing him from major to captain. As the Senator and all other Senators remember, the Regular Army officers who went abroad and who during the war were brigadier generals and major generals have since been reduced and have gone back to lieutenant colonels, majors, and even down to captains. If we are going to enact legislation here, Mr. President, that will provide that no emergency officer of the National Army is commissioned in the Regular Army hereafter at a grade lower than the grade he occupied as an emergency officer, then we had better legislate and say that every Regular officer who had a high grade in France will continue in that high grade for the rest of his service.

Mr. STERLING. Will the Senator yield?

Mr. WADSWORTH. I yield.

Mr. STERLING. I suppose the reduction generally is for the reason that there is no longer any need for their services in the particular rank they occupied during the war, but no such reason will apply to the case in hand or to the cases to which I have referred. The services of these officers are still needed as much as they ever were, and in the particular places which they had occupied before.

Mr. WADSWORTH. If the Army of the United States can not find enough men over the age of 34 years to occupy the grade of major, it had better go out of business. Now, it is proposed to wipe out the minimum age limit completely and to let any man over 21 years of age be appointed to the grade of major—that is the suggestion of the Senator from South Dakota—regardless of his length of service, provided he served during the period of the emergency. There are men who in France commanded brigades and regiments in action, men who have spent 15 years in the Regular Army, who would be outranked by this young man from South Dakota if the Senator's amendment was adopted, who have had to go back to a captaincy, and who during all the remainder of their career in the Army will be outranked by this young man of 32½ years of age because, forsooth, by act of Congress we are going to put him in the grade of major.

There must be some limit to this thing. We can not open wide the gates as far as they will swing and authorize the War Department to appoint men of any age to any grade. By doing so we are going to tear the Army to pieces, Mr. President. We could not hurt the morale more than by doing things like that. The committee, after weeks and weeks of study of these questions, came to the conclusion that no man should be commissioned in the Regular Army from civil life in the grade of major under the age of 34 years under any circumstances. In fixing the age at 34 years we have attempted to reach the age which is the average age, or at a little bit below the average age, at which a man in the ordinary course of events in the Army becomes a major. I hope the Senate will not adopt the amendment.

Mr. STERLING. Will the Senator from New York tell me the reason why a radical change in the organization of the Judge Advocate General's Department is proposed, allowing the grade of captain, which has never applied in the department before?

Mr. WADSWORTH. There is nothing very radical about it. We simply widen the field of selection for judge advocates by one grade. Prior to this time they had been confined to colonels, lieutenant colonels, and majors; the department could not appoint anybody else to the positions but officers of those three grades. Now, we say, "you may have some captains." That is all.

We think they can use a few captains in that office in the years to come advantageously. They do not have to appoint the regular proportionate number of captains. They may have only two captains or three captains out of the 120 officers. There is nothing in the bill that compels them to appoint a number of captains which would be in proportion to the number of captains in the whole Army. The provision is elastic; there is nothing radical or drastic about it. Now, the Senator from South Dakota wants to wipe out the grade of captain in the Judge Advocate General's Service.

Mr. STERLING. No, I do not want to wipe it out; I merely want to prevent it from being established—that is the position that I take—because there is no such grade to-day.

Mr. WADSWORTH. I mean he wants to wipe it out of this bill. The Senator wants to prevent the grade being established, and, apparently, he uses as an argument that there is a young major there who if he remained in the service would have to be a captain.

Mr. STERLING. The Senator from New York continually refers to the one major to whom I have referred. I have no objection to that. He is a young man of whom any community might well be proud because of his ability as a lawyer and because of his conduct in the service. He is, however, a type;

there are more of them. I have been informed by men from that department that there are officers there, varying in age from 30 to 33½ years, who are majors and who, under this proposed law, will be demoted to captains.

Mr. WADSWORTH. I am informed, according to the best authority I can get, that there are three majors in the department who are under 34 years, and that there is one lieutenant colonel of 29.

The PRESIDING OFFICER. The question is upon the series of amendments proposed by the Senator from South Dakota [Mr. STERLING] to the amendment proposed by the committee.

Mr. STERLING. I ask for the yeas and nays, Mr. President.

The yeas and nays were not ordered.

The amendments were rejected.

Mr. STERLING. I desire to offer another amendment. In line 22, on the second page of the committee amendment, I move to strike out the compound word "thirty-four" and insert the word "thirty" in lieu thereof.

The PRESIDENT pro tempore. The Secretary will state the proposed amendment.

The ASSISTANT SECRETARY. On page 2 of the printed amendment of the committee, on line 22, it is proposed to strike out "thirty-four" before the word "years" and to insert "thirty," so that it will read:

That no such person under 30 years of age shall be appointed to any field grade.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from South Dakota to the committee amendment.

The amendment to the amendment was rejected.

The PRESIDENT pro tempore. The question now is on agreeing to the amendment proposed by the committee as amended.

The amendment as amended was agreed to.

Mr. WADSWORTH. Mr. President, I think it is fairly late, and I move that the Senate adjourn.

Mr. SPENCER. Will the Senator withhold the motion for a moment?

Mr. WADSWORTH. Certainly.

MERRITT & CHAPMAN DERRICK & WRECKING CO.

Mr. SPENCER. From the Committee on Claims I report back favorably without amendment the bill (H. R. 9629) for the relief of the Merritt & Chapman Derrick & Wrecking Co., and I ask unanimous consent at this time for its consideration.

Mr. SMOOT. What is the bill?

Mr. SPENCER. It is a House bill identical with the Senate bill passed this morning.

Mr. SMOOT. I desire to know whether section 2 of this bill has been stricken out?

Mr. SPENCER. I intend to move that it be stricken out.

Mr. SMOOT. If the Senator will do so, I shall make no objection to the consideration of the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. SPENCER. I move that section 2 of the bill be stricken out.

The amendment was agreed to.

Mr. SMOOT. I suggest that section 3 be renumbered to read "section 2."

Mr. SPENCER. There is no section 3 in the bill.

Mr. SMOOT. Then it is not the same as the Senate bill.

Mr. SPENCER. It is precisely the same, but they left out the last section.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. SPENCER. I move to reconsider the vote by which Senate bill 3294 was passed this morning.

The motion to reconsider was agreed to.

Mr. SPENCER. I move that the bill be indefinitely postponed.

The motion was agreed to.

ADJOURNMENT.

Mr. WADSWORTH. I renew my motion that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Saturday, April 17, 1920, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, *April 16, 1920.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Lord God, our Heavenly Father, teach us how to enlarge our faith in Thee, in our fellow men, and in ourselves, for we realize that if distrust, doubt and uncertainty, selfishness, greed, profiteering, and evil shall pass away it must be based on the eternal principles of the larger faith.

And I John saw the holy city, the new Jerusalem, coming down from God out of heaven, prepared as a bride adorned for her husband.

To love mercy, do justly, and walk humbly with thy God was the creed, the principles, the life of Abraham Lincoln, who died a martyr to those truths.

So help us to live, and, if need be, to die for them that peace and happiness may blossom as the rose in the holy city, the new Jerusalem, coming down from God out of heaven, to His glory and to the good of mankind; in the life, character, and precepts of the Lord Jesus Christ our Savior. Amen.

The Journal of the proceedings of yesterday was read and approved.

POST OFFICE APPROPRIATION BILL—CONFERENCE REPORT.

Mr. STEENERSON. Mr. Speaker, I call up the conference report on the Post Office appropriation bill.

The SPEAKER. The gentleman from Minnesota calls up the conference report on the Post Office appropriation bill, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 11578) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1921, and for other purposes.

Mr. STEENERSON. Mr. Speaker, I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read the statement.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11578) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1921, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 15, 19, and 20.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 5, 6, 9, 10, 11, 13, 14, 17, 18, 21, 23, 25, and 28, and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following: "*Provided*, That whenever the office of a postmaster becomes vacant through death, resignation, or removal, the Postmaster General shall designate some person to act as postmaster until a regular appointment can be made by the President, and the Postmaster General shall notify the Auditor for the Post Office Department of the change. The postmaster so appointed shall be responsible under his bond for the safekeeping of the public property of the post office and the performance of the duties thereof until a regular postmaster has been duly appointed and qualified and has taken possession of the office. Whenever a vacancy occurs from any cause, the appointment of a regular postmaster shall be made without unnecessary delay"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In line 5 of the matter inserted by said amendment strike out the word "materially"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of "$1,415,000" named in said amendment insert the following: "$1,250,000"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and

agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following:

"For transportation of foreign mails by steamship, aircraft, or otherwise, including increases hereinafter provided, $4,700,000: *Provided*, That not to exceed $100,000 of this sum shall be expended for carrying foreign mail by aircraft."

And the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "of which $500,000 shall be available immediately"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: Renumber the section to read "Sec. 4"; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: Renumber the section to read "Sec. 6"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"(c) The commission shall investigate all present and prospective methods and systems of handling, dispatching, transporting and delivering the mails, and the facilities therefor; and especially all methods and systems which relate to the handling, delivery, and dispatching of the mails in the large cities of the United States.

"On or before March 1, 1921, the commission shall make a report to Congress containing a summary of its findings and such recommendations for legislation as it may believe to be proper."

And the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"(d) For the purpose of this section, the commission shall have power to summon and compel the attendance of witnesses and the production of documentary evidence, and to administer oaths."

And the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: Strike out the second paragraph of said amendment and insert in lieu thereof the following:

"SEC. 7. That the Secretary of War be, and he is hereby, authorized and empowered, at his discretion, and under such rules and regulations as he may prescribe, to loan to any State of the Union, when so requested by the highway department of the State, such tractors as are retained and not distributed under the act approved March 15, 1920, for use in highway construction by the highway department of such State: *Provided*, That all expenses for repairs and upkeep of tractors so loaned and the expenses of loading and freight shall be paid by the State, both in transfer to the State and the return to the Army."

And the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: Renumber the section to read "Sec. 8"; and the Senate agree to the same.

HALVOR STEENERSON,
MARTIN B. MADDEN,
W. W. GRIEST,
JOHN A. MOON,
A. B. ROUSE,
Managers on the part of the House.

CHAS. E. TOWNSEND,
THOMAS STERLING,
LAWRENCE C. PHIPPS,
J. C. W. BECKHAM,
CHAS. B. HENDERSON,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreement of the House to the amendments of the Senate to H. R. 11578, entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1921, and for other purposes," submit the following written statement in explanation of the effect of the action agreed upon by the conferees as to each of said amendments:

The Senate recedes from amendments Nos. 15, 19, and 20.

Amendment No. 15 struck out the words "printing presses" in the appropriation for miscellaneous equipment under the office of the Third Assistant Postmaster General.

Amendment No. 19 rewrote section 2, continuing the increased compensation under House joint resolution 151, and omitted the words "unless otherwise provided by law."

Amendment No. 20 authorized the property and equipment of the pneumatic tube companies in the post offices in the different cities where located to remain until June 30, 1921.

The managers on the part of the House agree to amendments Nos. 1, 2, 3, 5, 6, 9, 10, 11, 13, 14, 17, 18, 21, 23, 25, and 28.

Amendments Nos. 1 and 2 merely corrected the phraseology in the appropriation for the purchase of land for the equipment shops.

Amendment No. 3 makes the appropriation of $25,700 for the purchase of land for the equipment shops immediately available.

Amendment No. 5 added a clause repealing the limitation of $500 for rent and $100 for fuel and light allowable for post offices of the third class.

Amendment No. 6 struck out "$60,000,000" in the appropriation for inland transportation of mail by railroads and inserted "$59,886,822."

Amendment No. 9 merely inserts the word "further" after the word "provided" in the paragraph relating to Railway Mail Service.

Amendment No. 10 strikes out "$932,156" and inserts "$1,032,156" in the appropriation for terminal railway post offices.

Amendment No. 11 strikes out the word "however" in the paragraph relating to the appropriation for transportation of mail by electric and cable cars.

Amendment No. 13 strikes out "$965,000" and inserts "$765,000" in the appropriation for manufacture of postal cards.

Amendment No. 14 adds a proviso to the appropriation for indemnity for losses or injury of domestic registered, insured, or collect on delivery mail, authorizing the Postmaster General to authorize postmasters to pay limited indemnity claims. This is designed to expedite payment of claims.

Amendment No. 17 strikes out a proviso to turning over motor vehicles, aeroplanes, etc., by the Secretary of War, which proviso in slightly different form is reinserted in section 4 of the bill as amendment No. 21.

Amendment No. 18 rewrites the provision of the House relating to the determination of the length of rural routes.

Amendment No. 21 is section 4 of the bill as amended in the Senate, and relates to turning over of motor vehicles and aeroplanes by the War Department to the Postmaster General and authorizes the use thereof in the transportation of the mails in which such vehicles or aeroplanes are used. The Senate provision remains unchanged.

Amendment No. 23 authorizes the Postmaster General to accept without postage stamps affixed mail matter of the first class under rules and regulations prescribed by him. This was section 6 as inserted in the bill by the Senate.

Amendment No. 25 authorizes the payment of the expenses of the commission created under section 7 of the bill.

Amendment No. 28 directs the executive departments and independent establishments of the Government, when directed by the President, to furnish the said commission with information and records in their possession.

The House receded from its disagreement to the amendments of the Senate Nos. 4, 7, 8, 12, 16, 21, 22, 23, 24, 26, 27, 29, and 30, with an amendment to each, as follows:

Amendment No. 4 rewrites the provision proposed by the Senate authorizing the Postmaster General, whenever the office of postmaster becomes vacant through death, resignation, or removal, to designate some person to act as postmaster until regular appointment can be made by the President.

Amendment No. 7 strikes out the word "materially" in the proviso relating to contract Air Mail Service, the effect of which is to authorize the Postmaster General to contract for an aeroplane mail service between such points as he may deem advisable and designate, where such service is furnished, at a cost not greater than the cost of the same service by rail.

Amendment No. 8 reduces the appropriation from $1,415,000, proposed by the Senate, to $1,250,000 for aeroplane mail service from New York, N. Y., to San Francisco, Calif., via Chicago, Ill., and Omaha, Nebr.

Amendment No. 12 changes the amendment of the Senate which enlarged the appropriation for the transportation of foreign mails by inserting the words "by steamship, aircraft, or otherwise," so as to read as follows:

"For transportation of foreign mails by steamship, aircraft, or otherwise, including increases hereinafter provided, $4,700,-

000: *Provided*, That not to exceed $100,000 of this sum shall be expended for carrying foreign mail by aircraft."

Amendment No. 16: In the appropriation for the equipment shop of $2,090,000 the Senate amendment proposed to make the whole amount immediately available, but this was modified so as to make $500,000 immediately available.

Amendment No. 22 simply renumbers section 5 to section 4 and rewrites section 3936, Revised Statutes of the United States, in regard to the disposition of dead letters.

Amendment No. 24 renumbers section 7 to section 6.

Amendments Nos. 26 and 27 modify the language of paragraphs C and D, relating to the creation of the commission to investigate transportation of mail and the facilities for distribution thereof.

Amendment No. 29: The amendment proposed by the managers on the part of the House strikes out of the second paragraph of amendment No. 29, which related to the loan of tractors by the Secretary of War to State highway departments, and inserts a new section, numbered section 7, on the same subject. The original proposition of the Senate related to 5 and 10 ton artillery tractors, but as amended the provision authorizes the loan of tractors generally to State highway departments for use in highway construction, such highway departments to pay the cost of transportation both for the shipment and return.

Amendment No. 30 renumbers section 8 to section 8.

The net increase over the appropriations as passed by the House is $1,046,178, making a total now carried in the bill of $462,574,546.

HALVOR STEENERSON,
MARTIN B. MADDEN,
W. W. GRIEST,
JOHN A. MOON,
A. B. ROUSE,
Managers on the part of the House.

Mr. STEENERSON. Mr. Speaker, the amount stated as carried in this bill, four hundred and sixty-two million and odd dollars, I desire to explain, does not include all the expense that will be estimated for the fiscal year 1921, for this reason, that the estimates submitted to the two Houses for railroad transportation of mail was based upon the rate of compensation that was in force in October last, when those estimates were prepared. Since last October—I think, on the 23d day of December, under the provisions of the appropriation act of 1916—the Interstate Commerce Commission rendered a decision which increased the compensation of railroads under the space plan about 50 per cent after March 1, 1920, and about 33 per cent between November 1, 1916, and March 1, 1920. I shall insert in the RECORD a statement of Mr. Praeger, Second Assistant Postmaster General, on this subject, which I have taken from the Senate hearings:

(Mr. Praeger's testimony, pp. 270–271, Senate hearings.)

Mr. PRAEGER. We will have less unexpended balance at the end of the coming fiscal year than we have now on account of the increase in the business and the additional transportation space we will have to buy. That does not take into consideration the increase in rates that the commission may fix.

The CHAIRMAN. Have you estimated what that increase would cost you on the basis of the business done this year?

Mr. PRAEGER. It is somewhere in the neighborhood of 50 per cent increase over the existing rate.

The CHAIRMAN. About how much would that amount to in dollars?

Mr. PRAEGER. Between $30,000,000 and $40,000,000 a year. The Postmaster General is preparing a motion for a rehearing on those rates, and until that is determined, and until the commission determine whether or not they will grant a rehearing and go into certain phases of the case that the department will point out, we are not getting ready to make payment to the railroads of the increases. We do not accept the rates as definitely settled until the commission disposes of the motion for rehearing. Then we will get into the work of restating the service on the new rate. Naturally, when that is done we will have to come to Congress and ask for a deficiency appropriation to pay the railroads.

The CHAIRMAN. You are making your estimate here on the basis of present rates?

Mr. PRAEGER. The present rates and a slightly increased service.

We did not know about these figures at the time the bill was before the House, and Mr. Praeger explained that they have made application for a rehearing, and therefore they were unable to submit the estimates that would be required until after the decision of the commission. He says, however, that the actual increase for 1920 and the compensation of railroads for carrying the mail over what is allowed in this bill will be between $30,000,000 and $40,000,000, so it is fair to say that the expenses of the Postal Service next year will be very close to $500,000,000.

Mr. DYER. Will the gentleman yield for one question?

Mr. STEENERSON. Yes; I will yield.

Mr. DYER. In the second conference, will the gentleman state whether the conferees made any changes except in reference to amendment No. 21? Is that the only change?

Mr. STEENERSON. The conferees receded on amendment No. 21.

Mr. DYER. That is in reference to the airplane mail service?

Mr. STEENERSON. That is in reference to this limitation that these airplanes they are obtaining from the War Department could not be used except on the transcontinental route.

Mr. DYER. Is that the only change?

Mr. STEENERSON. No; the gentleman ought to recall that he made a point of order on amendment No. 3 in reference to a building to be moved from Watertown, N. Y., for an equipment shop.

Mr. DYER. That is coming in a separate bill, is it not?

Mr. STEENERSON. Well, I am talking about this conference report now before the House. In view of the fact the point of order was good and conceded to be good, the House receded from this amendment. The gentleman is correct that the Post Office Committee took up the matter and recommended the passage of a bill to do what that amendment sought to do, and that is now on the calendar.

Mr. TREADWAY. Will the gentleman yield to me for a brief statement and an inquiry combined with the statement?

Mr. STEENERSON. I will yield.

Mr. TREADWAY. This is in reference to the provision as agreed upon between the conferees on amendment No. 4. There has occurred within a very few days the death of a postmaster in my district, in a large town, and the applicant for the position was the assistant postmaster. It appears that a bonding company had furnished the bond for the deceased postmaster, and that bonding company claims the right under the approval of the department to name the acting postmaster until the new nomination is made and confirmed. The bonding company named its own agent in this town, who demanded his right to assume the duties of the office, and by inquiry of the Post Office Department it seems that the appointment made that way was accepted by the department. The bonding company agent in Washington informed me that when such a vacancy occurs it invariably offers the position to their agent in the town or city, as the case may be. It seems to me, irrespective of the merits of who should be assigned to the post office—and that I will not enter into, because the assistant postmaster is a very competent man, and the gentleman who has been named as the agent of the bonding company is a highly esteemed citizen of the town—nevertheless, as the law now stands, is it a fact that the bonding company has that advantage in the possibility of naming a new acting postmaster in the case of the decease of the regular postmaster?

Mr. STEENERSON. Yes; under the law and the rules and regulations established by the Postmaster General they have that right.

Mr. TREADWAY. The bonding company has that right?

Mr. STEENERSON. Yes.

Mr. TREADWAY. As I read your amendment No. 4——

Mr. MOON. The bonding company has the right, with the consent of the Government. But the power still exists in the department to release the bonding company from its obligations, and they take a new bond.

Mr. TREADWAY. Unquestionably. But my point is this: Should a bonding company have the power of designating its own agents in preference to any other citizens in the community who might be acceptable to the community or to the department?

Mr. MOON. It seems to be true under the present condition; but I agree with the gentleman fully that they ought not to have such power.

Mr. TREADWAY. That is what I was coming to. Now, after this law comes into effect, after July 1, 1920, will that power cease to be given to a bonding company under amendment No. 4?

Mr. STEENERSON. I think so, because then the Postmaster General will have the power to appoint a temporary postmaster without any confirmation.

Mr. TREADWAY. Evidently the amendment has been offered in view of the fact of just such a situation as I am describing?

Mr. STEENERSON. Yes; that was mentioned in the committee.

Mr. TREADWAY. Then I understand that amendment No. 4 is intended to remedy the situation I have described?

Mr. STEENERSON. That is correct.

Mr. TREADWAY. I am therefore very heartily in accord with the committee in recommending that amendment. I thank the gentleman for his information.

Mr. STEENERSON. In reference to this appropriation for the inland transportation of mail that I referred to a moment ago, I desire to say that not only will it require a deficiency

appropriation, which the Second Assistant Postmaster General says he intends to ask for when the figures are complete, of $30,000,000 to $40,000,000, but according to the best estimates that I can make the new rate of pay under the space plan will be about 8 per cent higher than we would pay if the old law, establishing the weight basis of railway mail pay, was still in force, which would be about between $4,000,000 and $5,000,000 a year more that we will pay under the space plan than we would if the old weight basis were now in force. At least, that is the best calculation that I can make on the subject.

Mr. WALSH. Will the gentleman yield for a question?

Mr. STEENERSON. Yes.

Mr. WALSH. Was the gentleman among those who contended that the space basis would be more economical than the weight basis?

Mr. STEENERSON. No. I stated at the time that was up that I was willing to yield my conviction to the department's recommendation and therefore would vote for it, but I said distinctly I believed the gentleman from Tennessee [Mr. MOON], then the chairman of the committee, was too optimistic. He predicted there would be a saving of $10,000,000 a year, and I said I doubted it; but, in view of the superior knowledge of the Post Office Department, I yielded and voted for the space plan.

Mr. WALSH. I recall some such statement being made, but I had forgotten whether the gentleman was one who made the contention that the space basis would be more economical than the weight basis or not.

Mr. STEENERSON. You will recall that the bill as it passed the House carried an appropriation for this item of $60,000,000, for the inland transportation of mails, but the Senate cut it down $113,178 and the House committee was not advised as to the reason until we got into conference. Some of us found out. The reason that they took out $113,178 from the $60,000,000 we appropriated for the inland transportation of mail was that under the original space-plan law the department is authorized to employ clerks to obtain statistics and data for the administration of the plan and have a trial of the question of which plan, weight or space, was the most economical and advantageous for the Government before the Interstate Commerce Commission. They employed these 78 clerks in that capacity in the department. Now, they have heretofore been paid out of the appropriation for inland transportation of mail, but the department desired that they should be placed on the same basis as clerks in that department, because now the decision has been rendered and the space plan is permanent. And therefore these clerks will be permanent clerks in the department. So the Senate Committee on Appropriations, on the recommendation of the department, made a provision for their compension in the legislative appropriation bill and at the same time the department transmitted a letter to the chairman of the Senate committee explaining that these clerks had been eliminated and that they would hereafter be carried as clerks of the department and that therefore it would justify a reduction of this amount, namely, $113,178, and that explains why the Senate reduced the $60,000,000 to $59,886,822.

Mr. MILLER. Will the gentleman yield for a few questions and a little observation on amendments 7, 8, and 21?

Mr. CANNON. Before the gentleman does that, will he yield to me for just a question?

Mr. STEENERSON. I will yield to the gentleman from Illinois first.

Mr. CANNON. As I understand, the space plan is the more expensive plan?

Mr. STEENERSON. It is more expensive if we assume that the Government to-day will pay on the weight basis, as it did in 1916. In other words, the attorney for the department tells me that if the weight plan were now in force, under his calculations it would be 8 per cent less than we are paying under the new ruling of the Interstate Commerce Commission on the space plan. But he states in relation to that that if annual weighing, instead of quadrennial weighing, were in force, under the weight plan, then the compensation would be about the same. Of course, the old law provided for quadrennial weighing, which was a difference against the railroads of about 8 per cent.

Mr. CANNON. We are going to stick by the space plan, anyhow?

Mr. STEENERSON. That remains to be seen. It may be that there are economies sufficient to justify that.

Mr. MOON. Will the gentleman yield there for just a minute?

Mr. STEENERSON. In a minute. It may be that there are economies sufficient to justify the continuapce of the space plan.

Mr. MOON. The space plan was intended primarily not merely to reduce the cost of carrying the mail, but to establish an accurate and successful system of computation of pay, which could not exist under the quadrennial weighing.

Mr. STEENERSON. I did not hear the last statement.

Mr. MOON. I was going to suggest right there that it was impossible under the old weight system to tell, as the Postmaster General said, within $15,000,000 per annum what the compensation of the railroads ought to be. Of course, the railroad service has grown, and the expense has grown, and it must be expected that there will be more compensation paid than has been paid heretofore to the railroads. The new system, in my judgment, has been very efficacious in holding down that gradual increase, which was abnormal, of from $4,000,000 to $5,000,000 per annum which we had heretofore.

Mr. STEENERSON. I would say no. The Interstate Commerce Commission is considering a motion for a review of the basic rates, and it is possible that if they review that and make a decision more favorable to the Government, this space plan will be as economical as the old weight basis. It is not now.

Now I yield to the gentleman from Washington.

Mr. MILLER. My attention is directed to amendments numbered 7, 8, and 21, relating to aerial mail service. I would like to inquire of the gentleman from Minnesota as to the provisions of the House and Senate bills, respectively, regarding this aerial mail service. Were there not provisions in either of those bills regarding aerial mail service along those lines that are established in this conference report?.

Mr. STEENERSON. First, as to amendment No. 7, that was a Senate provision. It was inserted in the bill——

Mr. MILLER. In the Senate bill?

Mr. STEENERSON. No. It is a House bill, but it is a Senate amendment to the House bill.

Mr. MILLER. Now, if I understand the situation correctly——

Mr. STEENERSON. Does the gentleman want me to answer?

Mr. MILLER. I understood the gentleman had answered.

Mr. STEENERSON. No. If the gentleman will excuse me, the original proposition was a Senate amendment. The House managers struck out the word "materially" in that proposition.

Mr. MILLER. That was in the last conference report. The word "materially" was in the conference report at the time the report was brought out on last Thursday?

Mr. STEENERSON. Yes.

Mr. MADDEN. No; I beg the gentleman's pardon. It was not. I moved to strike it out in the first conference, and it was stricken out, and the motion was agreed to unanimously.

Mr. MILLER. I think the gentleman will find it in the report.

Mr. MADDEN. I know exactly what was done.

Mr. STEENERSON. Wait a moment. I think these gentlemen are both mistaken, because the effect of the action of the conference was to retain the word "materially" in the bill.

Mr. RANDALL of California. No; it was stricken out last time.

Mr. STEENERSON. Yes; "materially" was stricken out.

Mr. MADDEN. I know I am not mistaken.

Mr. STEENERSON. No; the gentleman is not mistaken.

Mr. MILLER. Then under the conference report the only aerial mail service that can be established in the United States, except where it competes in cost with railway transportation mail, is on the New York to San Francisco route?

Mr. STEENERSON. The gentleman will bear in mind that there are two kinds of aerial mail service possible under this bill. One is the directly authorized aerial mail from New York to San Francisco; that is, authorized as a Government-operated aerial mail service.

Mr. MILLER. That is the only one, is it not?

Mr. STEENERSON. The only one. But at the suggestion of the department this clause was added to the section of the bill, that the department could establish contract aerial mail service between such points as they might designate, provided that the expense thereof should not exceed the expense of carrying the mail by rail.

Mr. MILLER. Now, to carry any quantity of mail by aerial service will in all human probability increase the transportation cost over that by railroad.

Mr. STEENERSON. Well, I will tell you: I stated before, when this matter was up, that I believe it is a great deal more expensive to carry first-class mail by airplane than by rail.

Mr. MILLER. Yes.

Mr. STEENERSON. But the Second Assistant Postmaster General has stated that they can carry it as cheaply, and, in

fact, more cheaply, by airplane. I will recite the testimony in the RECORD when I extend my remarks.

Mr. MILLER. Then, why was not the New York to San Francisco line established on that basis, and why is it necessary to appropriate $1,250,000?

Mr. STEENERSON. Let me say that the House committee did not originate that proposition. It originated in the Senate, and we agreed to it by reducing the amount of the appropriation to $1,250,000. We agreed to that proposition because we were unable to get the Senate conferees to recede. It was a close vote, but rather than have a deadlock between the two Houses the majority of the conferees agreed to yield.

Now, then, there is this to be said: That the proposition was urged mainly on the ground of military reasons, and they cited the testimony of Gen. Mitchell before their committee; and I will, if I get permission of the House to extend my remarks, insert those remarks of Gen. Mitchell in these remarks of mine. After enumerating all these advantages of this transcontinental route, the principal thing in his testimony was this: They asked him if it was thought advisable under the economic conditions to establish more than one transcontinental route, and if the Government felt obliged to limit itself to one route across the continent, which route would be selected. And he said, "By all means, the direct route from New York to San Francisco." Now, I am just as sorry as the gentleman from Washington is that he did not say "Seattle," because if he had said "from New York to Seattle," it would go right through Crookston, Minn., my town, every day. But when you are legislating for the American people, when you are legislating for the public safety and for military reasons, then we must disregard these local considerations. The gentleman probably is familiar with the testimony of Gen. Mitchell?

Mr. MILLER. I am familiar with his testimony before the Committee on Military Affairs on that same point, and his testimony, if I am not mistaken, is that the air currents of the northern line and of the southern line are entirely dissimilar from the air currents on the central line, and there is some military significance of an aerial mail service on the central line, and none on the northern and southern lines will yield anything in the military aspect of the situation, because the air currents are entirely different.

Mr. STEENERSON. Well, I will say to the gentleman that I am not going to enter into a scientific discussion of aeronautics; but the gentleman must concede that it would be unwise, and it would not be fair to the people, to authorize the establishment of aerial mail routes to be operated by the Government all over the country—to Seattle, St. Paul, Omaha, or St. Louis, to Atlanta, to Los Angeles, and to every other town that wants an aerial mail route. We compromised on this theory, that if the Department states what is true—incredible as it may seem—that so far as first-class mail is concerned, it requires so much space in expensive distributing cars, these railroad post-office cars, that they can actually carry just as cheaply and more cheaply by airplane, because they say then they work the mail and sort it, and make it ready for delivery on the route to the cities of destination before it is loaded on the airplane, and therefore the space occupied in the distributing cars is saved. You do not have to pay that expense. I have repeatedly said that I doubt it, but, assuming for the sake of the argument that it is true, then the air route will be established to the gentleman's satisfaction and not cost the taxpayers anything, because we will pay the air-mail contractors more than we pay the railroads for the same service. Page 4961, CONGRESSIONAL RECORD, Senator MCKELLAR read from the hearings as follows:

Senator STERLING. Do you recall now what the saving is, Mr. Praeger?
Mr. PRAEGER. Yes, sir. Take our present route New York to Washington, the cost of the service would be $120,000. The saving in car space and distribution is $162,000.
The cost of the service extended to Omaha—just the one line New York to Omaha—should be $575,920.
The saving on car space and clerical hire would be $811,430.

On the same page appears the following with reference to cost of aerial mail:

Mr. DIAL. Mr. President, so far as being self-sustaining is concerned, I submitted in what I said previously the figures obtained from the department, which showed that it was practically self-sustaining now, and they feel satisfied, therefore, that it will soon be absolutely self-sustaining. I submitted that information to the Senate because I thought it might be of interest to them. I would state also that the testimony before the committee showed that 90 per cent of the schedule trips are accomplished.

Therefore we thought the best course to pursue was to establish one Government-operated line and authorize them to contract for as many as they saw fit, provided it did not cost any more than the ordinary service by train.

The department favors contract air-mail service rather than Government operation. Mr. Praeger at the hearings said:

Personally I do not believe a greater thing can be done for aviation than to grant us authority to make contracts with some of these aeroplane companies that are operating as private corporations. That would accomplish more than all the Government flying will do in the way of advancement of aeroplane service.

Mr. MILLER. Was the question of establishing an aerial mail route from San Francisco south to the Mexican border and from San Francisco north to the Canadian border as a part of this system discussed by the conferees?

Mr. STEENERSON. Oh, yes; it was pointed out by the conferees on the part of the Senate that it would be an advantage from the military point of view, looking toward our protection on the south and on the north, and they cited the testimony of Gen. Mitchell that when you have the flying machine at Omaha or at Ogden you can very rapidly reach the Canadian border in a few hours, or you can mobilize them on the Mexican border. It is equidistant between the two points; whereas if you had them in the State of Washington you would be very near the Canadian border, but you would be very much farther away from the Mexican border.

Mr. MILLER. I am not exclusively interested in the State of Washington, although, of course, I have it in mind, but I am interested in the entire Pacific seaboard, where the military aspect of this thing is of the greatest possible importance. That is the combined testimony of all the officers connected with the aerial service before the Military Affairs Committee.

Mr. STEENERSON. I will say to the gentleman that no one can be more proud of the great Pacific coast country than I am. I take great pride in the city of San Francisco, and in the cities of Seattle, Portland, Los Angeles, and San Diego, and I would do anything in the world that I could do legitimately and fairly for each one of them; but seeing that San Francisco happens to be between the two northern and southern borders of the country and that the combined judgment of this military authority and of the Senators with whom we conferred was that this was the best line for military purposes, as well as for experimental purposes, we yielded. Of course, if I had been as well-informed on military matters as the gentleman from Washington [Mr. MILLER] I might have held out, or probably the majority could have held out.

Mr. MILLER. I hope that when the next bill comes before the House or when next the conferees are considering the military aspect of this thing, they will give it to some locality where is will be of some positive, affirmative benefit to the Military Establishment.

Mr. STEENERSON. I am very glad to know that, and I was going to ask the gentleman to read the testimony that I will insert in the RECORD on this very point.

STATEMENT OF BRIG. GEN. WILLIAM MITCHELL, UNITED STATES ARMY AIR SERVICE.

Gen. MITCHELL. Mr. Chairman, in beginning the few remarks I have to make I would say that I think you will have to look at the question of air service from all standpoints. We, as a Nation, need an air service for three principal things. One thing is for military purposes; that is, as a defensive arm of the Government. Another is for civil purposes, and by civil purposes I mean for the use of the civil departments of the Government in the execution of their various lines of work which have been assigned to them. The Post Office Department service would come under that heading. Third is the commercial development of the proposition with a view to its use in the future as a means of communication and transport of freight and passengers.

As to the first, the military use, there is no question that you have got to provide for it in one way or another. It has simply got to be provided for.

As to the second, the Air Service has no competitor whatever where it is a question of delivering something at a terminal station in the air. Do you understand what I mean by that?

The CHAIRMAN. I am frank to say that I do not.

Gen. MITCHELL. If you wish to deliver cannon and machine guns at a place in the air to attack other aircraft or tanks on the ground or infantry marching on a road, aircraft must deliver them there; nothing else can. If you want to map a certain place by photography, the only thing that can deliver the camera up in the air is the aeroplane; this can cover the area very quickly. Where you come into competition with means of communication on the ground, there you have to contend with steamships, with railroad trains, with animal transportation, with dog transportation in the north, or with some other kind of transportation. In other words, you are coming into competition there as a carrier. That is a point I wish to make.

From a military standpoint you have no competitor whatever in the air. You are delivering everything at a terminal station in the air. In so far as mapping is concerned, some phases of life-saving work, the question of air patrol and things of that kind, you have no competitors.

With the Post Office work it is true that you have competitors in these various activities, but on account of the fact that our ground organization—by that we mean our organization of airdromes, communication between airdromes, dissemination of meteorological data between those airdromes, which has to be adopted as a system, can be used by all these activities that I speak of. I believe that in time of peace you will get more returns from keeping up this constant flying for the Post Office Service than you will probably from any-

thing else, because in time of war we have to fly under any and all conditions and in any and all sorts of weather. In time of peace we do not have the same incentive in the Military Service. However, with the Post Office Department they have to keep a regular schedule, and they have to carry certain things right across the country, and they have to keep it up anyway. I believe that from the military standpoint, keeping up your ground organization, and from the navigation and scientific standpoint of making people fly, that it will give more from a standpoint of development than any other one aeronautical activity we have, or certainly as much. I think it is of the greatest importance that you should keep this thing up, and I believe every cent you put into it will be repaid more than two-fold from a national defense standpoint, if not anything else. It is of greater importance, and the longer you make the routes the better.

These in general are my ideas. I have diagrams which show very plainly the various air service routes that I have just mentioned. As to ground organization, we should have in this country, in the event of war or trouble, a series of landing fields throughout the country, which at the same time will do for the Post Office Department, to use in time of peace, for aviation required by any civil department of the Government or for commercial aviation in general. You can not help commercial aviation any more than by providing landing facilities for it, fuel stations and oil stations, certain repair facilities, and things of that kind. By extending the post-office work we will create that system of ground organization and it will be maintained so that it can be used by anybody, in addition to all the other things. I can not say too much for the proposition.

The CHAIRMAN. Tell us more about it. Let us have your full views. For instance, you say the longer the route the better.

Gen. MITCHELL. By the longer the better, I mean this: If you take a short distance like Washington to New York or Washington to Atlanta or something of that kind the difference in speed between your carriers on the ground and your carriers in the air is not so manifest as it is at a greater distance. If you will remember, a long time ago everybody said you could not compete with the horse in short-haul work with a motor truck; that you had to go a certain distance before the thing began to tell. It is so to some extent with air transport, and that is simply from the standpoint of transportation.

Furthermore, a short flight of two or three or four hundred miles involves a very small ground organization, and you do not need to coordinate your meteorological work and your information work along that line to the same extent that you do if you are going long distances. So the reason I say the longer the better is because the farther you make these routes the more benefit you derive and the more service they will render from the standpoint of speed, which the aeroplane has on every other carrier, and the more we are going to get out of it from the standpoint of organization of all these places and coordinating them together.

Suppose we start with a flight from New York. We have proved that we can fly any number of aeroplanes clear across the whole United States in 25 hours' flying time. We have done it. We have flown them over every route that you see marked on the map before you. We can fly clear across the continent in 25 hours' flying time, provided we have a ground organization.

One of our greatest military uses for aircraft will be in an attack of any force, whether in the air or on the water, coming from across the sea from either the east or the west. We believe that we can put surface vessels completely under the water if they will give us a chance; in other words, make these big ships practically leave the surface of the sea. We believe that will be done in the future. We know that, with any sort of adequate air force at all, we can practically stop the debarkation of troops from ships by direct air attack.

Consequently, with our resources in this country of men and material, which make us practically independent if we are organized, so far as sustaining ourselves is concerned, that even if both seas were held by an enemy so that they could get to our coast, yet if we had an air force in the center of the United States so we could throw it to the west or to the east it would be the greatest strategical reserve we could have. But in order to have that efficient you have got to have a ground organization. You have to have landing fields, fuel stations, and your intercommunication and your meteorological system as applied to the air, which we have not got in this country to-day at all. That will benefit agriculture and all sorts of things if we ever get it organized, from the standpoint of the air—that is, the meteorological end of it.

So it is of the greatest importance, in my opinion, that we get these long routes, or particularly the route from New York to the Pacific coast, organized on this basis. One of the most important factors in the continued use of that is its being kept up and developed in the establishment of a post office system, and at the same time the Government otherwise would get a great deal out of it.

Once they establish that one across the continent we can go north or south or anywhere. Across the continent it is less than 3,000 miles, while north and south it is within range of a very quick and easy flight. Take any difficulty we might have along the Mexican border. We can shoot a bunch of aeroplanes down there in a very brief time. In the vicinity of Omaha, Topeka, Wichita, St. Louis, Kansas City, Rock Island, anywhere in there is a splendid place for the development of our air forces in case of trouble—that is, with a view to using it on the Pacific coast, the Atlantic coast, or south or north.

I am so much interested in this thing and I have seen what great benefits these long flights have amounted to in Europe, that I am confident this next summer we will push through to Alaska. We are going up through the Dakotas and through Canada to Alaska. We think we can get to Alaska in four days without any trouble. We think we can get, for instance, to Edmonton. We want to go through there. It is almost a straight shoot on a great circle. We are also going to develop a route from Puget Sound near Seattle to our southernmost island off Alaska. The trouble about this is the fog, which greatly interferes with us.

Senator HENDERSON. That is on the coast?

Gen. MITCHELL. Yes, sir. We have two ranges of mountains until we get to Alaska and then we have three ranges. We have the Coast Range and the Rockies, and when we get to Alaska we have the Coast Range, the Alaskan Range, and the Rockies.

The worst impediment to navigation in the air which we have is fog. That is the worst thing we have to contend with. It is the hardest problem for us to solve. If the mail service has to fly in any kind of weather, it will tend toward solution of that quicker than anything else.

Senator STERLING. Do you think there is a solution for it?

Gen. MITCHELL. There is no question about it. We are sure of it. This is just a way of working it out. In war we do not have time to work these things out. We had to put everything on the front and go to it. We have not begun really to work with this thing yet. These things that have been done have been with war equipment hastily adapted to the experiment, just for the sake of seeing what could be done.

The CHAIRMAN. Are there any great present obstacles in the way of extending that line from Omaha to the Pacific coast?

Gen. MITCHELL. None whatever. We went right over this route from Chicago to San Francisco with a ground organization that we put in effect in about 14 days and had no trouble in getting across; but in order to maintain that on an economical basis and the way it should be maintained, it should be definitely organized with landing fields, with a meteorological system, and an intercommunicating system between them.

By organized, I mean that you have an airdrome at any one place, for instance, at Omaha. You have there a wireless station which can be used in fog or at any time. By that means you can steer the aeroplane for them just as a ship can steer for a lighthouse out in the ocean. That disseminates meteorological information. You can tell the crews of the aeroplanes what height to fly in order to get the best wind conditions, either helping them or against them.

For instance, the other day I got off the ground with a 36-mile wind, and when I got up 6,000 feet there was 85 miles of wind. On another day, when I went up, there was wind from the north of 26 miles on the ground, and when I got up 7,000 feet there was a wind from the northeast of about 55 miles. If a man in an aeroplane goes up without the means of being told from the ground what the air conditions are, he can not tell in the air himself, except in a very indefinite way. That can be told him from the ground, however, and he then takes his readings from the compass and direction readings so as to offset both, and keeps on flying in the direction the wireless impulses indicate.

A great deal of development is necessary for landing in clouds of fog. We can guide the plane toward the airdrome, and we have a means of telling the man in the air when he is over the airdrome. The question is to get down to the airdrome in that plane without stalling and falling or smashing the plane when it comes down. There are several different methods of doing that now which need a thing like the Postal Air Service to be applied in order to perfect it. Once you perfect landing in the fog, that solves the aeroplane business.

I mention these things in connection with the Post Office Department wholly because, in my opinion, that will form a continuous system of aeronautical development under all sorts of conditions which it will be difficult to get in any other way.

In flying from east to west you have, as I remember it, about 400 miles where the ground elevation is 6,000 feet.

Senator HENDERSON. From what point to what point?

Gen. MITCHELL. That is from about Sidney nearly to Sacramento; that is before you start going down into Sacramento. The highest point that one has to fly at is about 11,000 feet.

Senator HENDERSON. That is when you go over the Rockies and the Sierras?

Gen. MITCHELL. Yes, sir.

The CHAIRMAN. Do you have serious trouble in rising from the ground to these high altitudes?

Gen. MITCHELL. It depends on the engine you use. With the old engines that we had, it was very difficult to rise from the ground in an altitude over three or four thousand feet, but with the present engines that has been very largely eliminated. We have some engines that can go higher, have very much more ceiling, as we call it, than others in this air, and we have to use the machines with a high ceiling to get the lift necessary. The best lifting engine that we have is called the 300-horsepower Hispano-Suiza engine. That has a very good altitude capacity.

Another thing we will probably use in the air mail is the turbo booster. It is an arrangement which is put on the motor. It is a turbine which is put on the motor and utilizes the exhaust gases to actuate the turbine, which in turn actuates an air compressor, which delivers compressed air back to the carbureter, and that allows you to get more altitude, because one reason for the inability of gasoline motors to go high is due to the lack of oxygen and air in their mixture.

The CHAIRMAN. Has anybody tried to get a patent on that for perpetual motion?

Gen. MITCHELL. It is a very interesting proposition. With that device we can get an altitude that before was absolutely impossible. As you get your altitude, on account of the rare condition of the air the resistance against the aeroplane is reduced and thereby you gain speed, so that we believe that within a comparatively short time we will get speeds of at least 300 to 500 miles an hour by getting the altitude.

Senator STERLING. An altitude of over 30,000 feet has been reached, as I remember.

Gen. MITCHELL. We have gotten, with the ordinary aeroplane—that is, very heavily loaded with two passengers in it—30,000 feet. We believe we will get 50,000 feet. We believe we will get that possibly this year. If you have an adjustable propeller applied to it, you can set it to climb until you get there, and then set it for speed horizontally and the speed you get is just a matter of conjecture. We know we will get tremendous speed.

The CHAIRMAN. Will you state whether in your opinion the Post Office Department in its experiments during the last 20 months or during the time it has been operating under this law, has contributed anything of material benefit to the art of aircraft?

Gen. MITCHELL. I think it has. I think it has been more of an incentive toward commercial aviation than anything we have had in this country, in that they have maintained a constant air system between certain points.

The CHAIRMAN. Has the department made any improvement upon aeroplanes, in your judgment?

Gen. MITCHELL. I think that within that time they have not attempted to. That is too short a time with the problem they had to make any very great improvement, with the money they have. They have taken some of the war equipment and transformed it to some extent, which has rendered it very much better for their particular work; but as to getting out any new devices they have not had the opportunity to do that and they can not do it in the length of time they have had. They have adopted some existing equipment by slight changes; for instance, the DH-4 has been made into a twin-engine airplane.

The CHAIRMAN. That is of very high value, is it not?

Gen. MITCHELL. It increased the surface and puts in an engine that is more reliable, and in that respect it is a good thing. But remember that is only an adaptation. There is nothing new about it. It is an adaptation of existing things. If we had a development along this line, then we could devise entirely new things with the proposition. There is the question of speed for landing, which is the most destructive thing we have. It depends on the amount of loading per

square foot of wing. If you had some method by which you could furl the wing and then unfurl it as you got down to the ground, or if you could block your downward flight in the air or parachute yourself, then you could begin to eliminate these troubles. On the other hand, coming back to speed, there are many other improvements that might be and probably would be developed if we had the opportunities that would be provided by the development of such a route as we have under discussion. We will have a chance to undertake to develop these in a flying route across the country, such as the Post Office Department have in mind.

The CHAIRMAN. Do you have in mind any such practical demonstrations where the use of the aeroplane as that proposed by the Post Office Department in its experiments? Are there any other agencies that are employed by the Government or by you that could accomplish the same things or better things than are being accomplished by the Post Office Department in this experiment?

Gen. MITCHELL. No; not in that particular line of work. There is no agency of the Government that could develop continuous flying like this service. All this talk about flights to India and South Africa are not as continuous and the total distance covered will not be as great as if you will establish a line straight across this country. This is a big proposition.

The CHAIRMAN. Do you have any idea as to the practicability of this for mail-carrying purposes?

Gen. MITCHELL. That can be better told by the Post Office Department. They can tell much better than I. I believe that all scientific developments and all this overhead of the stations—in other words, all the administration overhead—should be carried in one place so as to economize the cost to the Government. If you keep this stuff—and by stuff I mean the development and this administrative overhead, including a technical section, a finance section, a contract section, and everything that goes with it—under all these different departments of the Government you will, in my opinion, get a minimum development in proportion to the amount of money you put into it.

The CHAIRMAN. A minimum amount you say?

Gen. MITCHELL. I think you should have all these organizations—the ground stations, the procurement of material and personnel, their training, the inspection of the aircraft, the inspection of pilots, the question of international police and regulations—under one scheme of control. Then when any of these are assigned for work under any department of the Government they ought to pass under their exclusive control. If you could apply, for instance, the money that is appropriated to-day for all these departments of the Government, the Army, the Navy, the Post Office Department, and lump it together and cut out all this unnecessary stuff and put it under people that knew something about it I believe you would get 30 per cent more out of it in efficiency and development than you do to-day.

Senator STERLING. Your theory would be that there should be a separate department?

Gen. MITCHELL. There is no question about it. The more you think about it the more you will realize it. People do not know enough about it yet to be able to appreciate that.

The CHAIRMAN. Is there any jealousy between the War Department and the Post Office Department in reference to the aircraft work?

Gen. MITCHELL. I can not see why there should be. Anybody who looks at postal aviation on a very broad plane of development for the country can not feel any jealousy. It ought not to be allowed to interfere in any way.

The CHAIRMAN. I am pleased to hear you state one thing, because if I understood you correctly it meets with my approval. Whatever arrangement we made, whether we had a central aircraft department or not, if we provide the Post Office Department with equipment, that department ought to be supreme?

Gen. MITCHELL. It has to be; it can not be any other way, because they have to operate on schedule, and in order to do that they have to have discipline among their personnel. They have to get the people best qualified to do that particular work. On the other hand, all these people ought to be available for war in case of necessity, and all the aircraft ought to be so constructed that they could be quickly converted.

Senator HENDERSON. They would be, would they not?

Gen. MITCHELL. Yes, sir. Take the Post Office Department right now—we could help them vastly if we only had authority to do it and were allowed to do it.

The CHAIRMAN. How could you help them?

Gen. MITCHELL. In the first place, by keeping up all their repair and salvage and not requiring them to have a separate department of repair, supply, and salvage. We could overhaul all their motors in our regularly constituted repair and supply depots. In fact, we have started to do that at Indianapolis for them. We could salvage all their ships for them. That is a thing that is very important in the air business. If you have an efficient salvage department you save tremendously, and if you do not, you lose a great deal. A big ship crashes out here, and you must have an organization that will go there and take the things off that are worth saving and leave the things that are not worth saving. Often it is not worth the freight charges to ship them to a certain place.

On the other hand there are certain instruments and parts of motors and all that sort of thing that are very necessary, and we can save them very easily. We always have to have three elements in that portion of any airdrome. One is supply, the other is salvage, and the third is repair. Those three things have to go hand in hand. These could do work for all departments using aircraft. There is no use in the Navy maintaining one, the Post Office Department maintaining one, the Army maintaining one, the Geological Survey maintaining one, and the Agricultural Department maintaining its forest patrol. There is no sense in it at all.

Senator HENDERSON. Have they aeroplanes in the forest-patrol work now?

Gen. MITCHELL. Yes. The Army planes are being used for that purpose, and they can very well do it at this time when they are not doing any other things in time of peace. We consider that the second most important thing of advantage in the several departments of the Government. I believe the Department of Agriculture is ready to tell you that in the first six weeks we put that into operation it saved them more money than the combined appropriation for all the air services of the Government.

Senator HENDERSON. When was that put into operation?

Gen. MITCHELL. The 1st of July, I believe, last year.

Senator HENDERSON. There may be requests made for an appropriation in the Agriculture bill?

Gen. MITCHELL. It is very important indeed.

Senator HENDERSON. This will mean another air service under another department,

Gen. MITCHELL. The Coast and Geodetic Survey will want the same thing and the Geological Survey will want the same thing. You will have those requests for appropriations coming from all sides, and once you get somebody practical and responsible for the Air Service in the Government, then you can put your thumb on him, and you will have accomplished something very practical. It is very difficult to start an air service. The air service that has been started by the Post Office Department has been started on personnel trained by the Army and on material furnished by the Army.

The CHAIRMAN. Have they reconstructed it very largely?

Gen. MITCHELL. They have reconstructed it and modified it and fixed it up very considerably; but do not forget, that stuff came largely from the central pool, and alone and unaided an air service is very difficult to get going.

The CHAIRMAN. But the Post Office Department put it in shape and used it?

Gen. MITCHELL. Yes, sir.

Senator HENDERSON. If Congress should decide they would adopt one of the recommendations made by the Post Office Department as to aerial routes, which one do you favor, and which one do you think would bring the greatest benefit to the military organization?

Gen. MITCHELL. The longest one—that is, from New York to San Francisco—absolutely and unquestionably. That would show you more than all the rest put together, because you get all the conditions of climate and all the altitudes that are encountered in this country, and, of course, all the temperatures. We get meteorological data across here as the air currents vary, and that data would be invaluable. I personally think you can deliver mail in 36 hours from New York to San Francisco. I think we will find night flying is best all through the whole middle part of the country, from the Alleghenies to the Rockies.

Senator STERLING. Awhile ago you spoke about 25 hours.

Gen. MITCHELL. That is, 25 hours of straight flying. In order to get 25 continuous hours of flying we would have to fly at night. If you have an organization very strong and capable of having these aids to air navigation, you would do it in 25 hours. I believe to-day—that is, I mean within two or three months—that the organization we could put in there would be able to deliver mail from New York to San Francisco ordinarily in 36 hours. We relayed a message from Nogales to Brownsville the other day in eight hours. Only an hour and a half or two hours from that would carry it from Nogales to the Pacific coast. It is interesting to do those things. We want to begin to try these things out, but we have scarcely made a beginning yet at all.

Senator STERLING. It is a very fascinating field.

Gen. MITCHELL. The great thing is that you go out and try these things, and you find that you can do them.

The CHAIRMAN. Have you anything further you wish to suggest to the committee?

Gen. MITCHELL. Nothing in particular; however, I would be very happy to answer any questions.

Senator HENDERSON. Are there any other maps you wish us to see?

Gen. MITCHELL. There are many things dealing with the air organization and military use of air forces that might be interesting but would take some time to explain.

The CHAIRMAN. We are particularly interested in laying out this line from New York to San Francisco.

Senator STERLING. You have not gone into the question of cost, I suppose, of maintenance?

Gen. MITCHELL. I think the Post Office Department are better qualified to speak about that than I am, because they know the comparative cost from an air standpoint and with respect to the class of carriers that they come into competition with on the ground. I think when you begin to compare costs between the air and ground it does not actually show the benefits that come from the air on account of the time factor and the development factor and the asset that it is to the Government, which you can not measure in money value.

The CHAIRMAN. I quite agree with you on that. Personally, I would not consider the question of carrying mail by aeroplane if the whole object was to make it of use in the mail service. I think there are other and larger questions which can be developed at the same time, and that is the reason why I am looking with some degree of favor upon the continuation of this service.

Gen. MITCHELL. I think if you would try to look at all our questions from the standpoint of the air, they are all connected up with each other and all of necessity connected up, their use, their upkeep, their scientific development, and their regulation from a national standpoint and from an international standpoint—I do not see how you can divide it and get any efficiency out of it. Your right hand will not know what your left hand is doing unless you do that.

The CHAIRMAN. May I ask, Gen. Mitchell, what you are doing now?

Gen. MITCHELL. I am in charge of operations and training in the Army Air Service. I formerly commanded the Air Service with our armies on the front in Europe.

The CHAIRMAN. Do you know how many men have been assigned to the Post Office Department in the Air Service?

Gen. MITCHELL. The Post Office Department are better able to tell. I think they have 21 pilots and 150 men.

The CHAIRMAN. They came from your service, did they?

Gen. MITCHELL. They were all either trained in our service or practically so—that is, all the pilots and the majority of the mechanics, because so far the Governments have been the only ones that could give very much training. It is a very expensive proposition. I see frequent references in the debates in Congress as to what became of the $640,000,000 in this country appropriated for air purposes. It must be realized that a navigating personnel of about 15,000 people is either fully or partially trained. That is, 15,000 pilots and observers received training in the service, and that takes a great lot of equipment and a great lot of money, both from a financial standpoint and from the standpoint of the time, which is of vast importance when you get into war.

The CHAIRMAN. Do you have any control over the men in the Post Office Department?

Gen. MITCHELL. None whatever. They are hired by the Post Office Department and used as civilians. I think that is a very good way to use them.

The CHAIRMAN. They are no longer connected with the Army Air Service at all?

Gen. MITCHELL. No, sir.

The CHAIRMAN. They are discharged men?

Gen. MITCHELL. Yes; just the same as any other activity of the Post Office Department.

The CHAIRMAN. I think that is all, General, unless you have something further to suggest. We are very much obliged to you for coming here. I think you have given some information with reference to the particular branch of the air business that will be of benefit to us. We are not considering the consolidation of the Air Service or any of those large questions, but are merely considering a direct appropriation. We wanted to submit to you the situation for such information as you could give us on these projects that have been in contemplation by the Post Office Department.

Gen. MITCHELL. I think it is a very, very important thing, and I personally not only think we ought to use heavier-than-air craft in it, but I think lighter-than-air craft ought to be used in it also. That has not been brought up yet.

The CHAIRMAN. Just what do you mean by that?

Gen. MITCHELL. I mean large, rigid airships, to not only carry first-class matter, but second-class matter and all sorts of traffic. They are perfectly practicable. They have gone away past the point of development. The first one appeared in Europe some 20 years ago, and we have not got one in this country yet. We could use them all or part of the time for carrying mail.

Senator STERLING. With reference to the heavier-than-air craft service, what do you think about the possibility of developing it beyond the mere matter of carrying mail and developing it so as to allow the transportation of passengers, etc., for long distances?

Gen. MITCHELL. I think it has a great future, but I think if you ever want to make it practicable, to develop the means of navigation I have just spoken of, including the solution of the fog problem, you will have to work on certain safety devices. We are getting the safety end of it solved a little bit more all the time. This division I spoke about just should take care of the flier in the air, and things of that kind unquestionably will be solved if we have an opportunity of keeping at work on it all the time, which this will give us. That is the proposition. The question of military preparedness in this country is always a political question, because the menace against us is not as constant as it is, for instance, in Europe, with the result that our appropriations go up and down and we can not have the same continuity of development that we might get in Postal Air Service. We have to have continuous work for development. With reference to the automobile, if they had had no continuous work for it and if it had been experimented with for awhile and then had to take a big long recess until another war, we would not have been anywhere with motor vehicles. That is the point about it.

The CHAIRMAN. I think that is all, Gen. Mitchell. We are very much obliged to you.

Gen. MITCHELL. I am very glad to have been able to come before the committee.

Mr. CLARK of Missouri. Will the gentleman yield?

Mr. STEENERSON. I yield to the gentleman from Missouri.

Mr. CLARK of Missouri. What makes you shut out St. Louis and all that great southwestern country?

Mr. STEENERSON. We plead not guilty to shutting out anybody. We had to draw a straight line from New York to the Pacific coast via Chicago, and that is what we did.

Mr. CLARK of Missouri. Are they going on a straight line?

Mr. STEENERSON. Practically so.

Mr. CLARK of Missouri. How fast do these machines go on a long trip?

Mr. STEENERSON. About 120 miles an hour.

Mr. CLARK of Missouri. Is this supposed to be entirely for the benefit of the Army?

Mr. STEENERSON. Not entirely. It is supposed to have some value as a mail-carrying proposition. To my mind it would be an indefensible expense unless it had its military value, which has been pointed out.

Mr. CLARK of Missouri. I will ask the gentleman if he does not know that if we make this appropriation Congress will continue to make one every year as long as the world lasts?

Mr. STEENERSON. Oh, no.

Mr. CLARK of Missouri. And that this is just the beginning.

Mr. STEENERSON. The gentleman will certainly remember that I have been against this whole proposition.

Mr. CLARK of Missouri. I thank the gentleman for that exhibition of good sense.

Mr. STEENERSON. The gentleman need not shake his gory locks at me and say I did it, because I was not in favor of spending the public money on this aerial postal route.

Mr. CLARK of Missouri. What made you agree to it, then?

Mr. STEENERSON. The majority of the managers agreed to it.

Mr. DYER. The people want it and Congress wants it, in my judgment.

Mr. ROUSE. It was the best thing we could suggest. That is the reason we agreed to it.

Mr. CLARK of Missouri. Has it ever been demonstrated that this carrying of the mail by flying machines is a successful performance when you consider all the circumstances—the cost and all the rest of it?

Mr. STEENERSON. I think it has been demonstrated that it is not a success, and that is the reason why we have not continued this route from here to New York, because I have evidence in my possession from men who have taken the books and recorded the facts that the mail was actually delayed by the aerial service from New York to Washington.

Mr. CLARK of Missouri. You said it is cheaper than by rail?

Mr. STEENERSON. I said the department claimed it was cheaper.

Mr. DYER. The department is the best authority on the subject.

Mr. RANDALL of California. The gentleman said the records showed that it was a failure.

Mr. STEENERSON. I did not say the records of the Post Office Department. I said the records in my office, compiled by employees.

Mr. RANDALL of California. The records of the flying with the mail from Chicago to New York show an efficiency record of 92 per cent deliveries, and as compared with the railroad time tables that is a very efficient service. The railroads are on time about 65 per cent of the time, but the airplane deliveries of the mail between Chicago and New York are on a 92 per cent efficiency basis.

Mr. STEENERSON. It depends on what you call an efficiency basis. If you call it efficient when they do not kill the aviator and burn up the mail, I presume that is true. But there are many other accidents delaying the mail.

Mr. DUNBAR. Will the gentleman yield?

Mr. BLANTON. Will the gentleman yield?

Mr. STEENERSON. I yield to the gentleman from Indiana [Mr. DUNBAR], a member of the committee.

Mr. DUNBAR. Does not the record show that the transportation of the mail between New York and San Francisco by airplane shortens the time something like 58 hours, and that, too, in the face of the fact that no traveling is done during the night, and that the two extremes of the country are brought that much closer together in point of time?

Mr. STEENERSON. I regret that I am unable to admit the statement made by the gentleman.

Mr. DUNBAR. The transmission of mail by aeroplanes covering long distances is greatly facilitated by aeroplane service, and the transmission of mail from New York to San Francisco is a good thing, yet for short distances it would not be so acceptable.

Mr. STEENERSON. I have no answer to make to that.

Mr. BLANTON. Will the gentleman yield?

Mr. STEENERSON. I will.

Mr. BLANTON. When we had this question up before in the House, the distinguished chairman mentioned his opposition to the matter and incidentally stated that he called to the attention of the department the fact that they had left out the gentleman's Twin Cities in Minnesota from this aeroplane mail service. Thereupon the department promised the chairman that it would establish this service in the Twin Cities within 60 days, and thereupon the gentleman stated that that got the Minnesota vote. I want to ask whether or not the department has again promised this service to the Twin Cities in Minnesota?

Mr. STEENERSON. If the gentleman will excuse me, I will say that the recital of the conversation by the gentleman is not correct, and although he has tried two or three times, he is still incorrect.

Mr. BLANTON. I will put the exact remarks of the gentleman in the RECORD:

[Excerpt from speech of Hon. HALVOR STEENERSON, on page 1578 CONGRESSIONAL RECORD for Jan. 15, 1920.]

POST OFFICE APPROPRIATION BILL.

The committee resumed its session.

Mr. STEENERSON. Mr. Chairman, I should like to have 10 minutes.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. STEENERSON. Mr. Chairman, a year ago last month we held hearings on this item. It was then carried at $160,000 for the year, and they asked for $850,500. Before it was granted we examined Mr. Praeger with regard to it, and I mention this simply to show the methods employed by the Post Office Department to increase this appropriation.

* * * * * * *

I want to call your attention to the fact that a year ago, when we granted the increase of 800 per cent, I asked Mr. Praeger if they were going to extend the service to St. Paul and Minneapolis. I said I did not believe in the service except as an experiment. I said, "If you are going to extend it, are you going to carry it to the Twin Cities?" I will read from page 54 of last year's hearings on the appropriation bill:

"Mr. STEENERSON. You have not gotten to Chicago yet?

"Mr. PRAEGER. Sunday week we will get there—on the 15th of December.

"Mr. STEENERSON. And then what time will you get to Minneapolis and St. Paul?

"Mr. PRAEGER. In the spring. That is the only promise we can make, because we have problems to solve connected with winter flying which we are going to solve on the New York-Chicago route. If that swings well and we have fairly reasonable weather, we will get into Minneapolis in March, 1919."

That, of course, got the Minnesota vote for the appropriation. He has never extended it to Minneapolis. But under his statement the people have purchased an aviation field for $25,000, and the board of trade are bombarding me with telegrams.

Mr. STEENERSON. In the bill which the gentleman refers to in the last Congress an appropriation was made of $855,000 for aerial mail. When that was before the committee I did ask

the department if it included an appropriation sufficient to take care of the Twin Cities, and they said that it would by March 1 a year ago. That bill, however wrong it may be, was reported by the gentleman from Tennessee, the chairman of the committee [Mr. MOON], and it was voted for by the gentleman from Texas, voted "no" on motion to recommit the bill, and the conference report passed unanimously—CONGRESSIONAL RECORD, page 3790, February 19, 1919. If there was any pork barrel in it the gentleman from Texas is as responsible as anybody. The bill went through unanimously, and thereafter it was signed by a Democratic President. If there was anything wrong in the bill, I think it can be fairly charged to the majority of the House at that time.

Mr. BLANTON. Does the gentleman deny that he stated at that time that when the department promised the service by March 1 that got the Minnesota vote?

Mr. STEENERSON. No; I did not say any such thing.

Mr. BLANTON. I will put the exact remarks of the gentleman in the RECORD. And then to-morrow, on reading same, the gentleman from Minnesota will see that in his speech on January 15, 1920, wherein he quoted a colloquy he had with Second Assistant Postmaster General Praeger, he asked when the service would get to Minneapolis and St. Paul, to which Mr. Praeger replied, "In the spring—probably to Minneapolis in March, 1919." The gentleman from Minnesota then stated:

That, of course, got the Minnesota vote for the appropriation.

Mr. STEENERSON. What the gentleman from Minnesota said was said facetiously, that when the Assistant Postmaster General stated that this appropriation would include the service of Chicago to St. Paul and Minneapolis that got my vote, the Minnesota vote. I did not refer to anybody else. The gentleman from Texas has misrepresented me three or four times by saying that I pledged the other Members from Minnesota, and if he had a spark of fairness in his heart he would know that I was talking only about myself and I was not referring to the other Members from Minnesota. I said I would read and I read from page 54 of last year's hearings before the committee on the Post Office appropriation bill. I was the only Minnesota man on the committee. I only referred to myself.

Now, I refuse to yield any further. Mr. Speaker, I move the previous question.

Mr. OSBORNE. Will not the gentleman withhold that for a question?

Mr. STEENERSON. I will withhold it.

Mr. OSBORNE. I wish to get out of the stormy atmosphere that prevails at the present time and get down into the equable climate of the southern part of California. [Laughter.] I wish to ask if the committee in considering this matter of aerial service took into account the more comfortable, the more reliable air lines along the southern part of the country which terminate at the principal city on the Pacific coast of North and South America in population and wealth, namely, the city of Los Angeles?

Mr. STEENERSON. Yes; and we were very sorry that we could not bring Los Angeles and San Diego in.

Mr. CANNON. Will the gentleman yield?

Mr. STEENERSON. I will.

Mr. CANNON. Can not the gentleman suggest something in the report by which the aeroplanes will go over Danville, Ill., every day? [Laughter.]

Mr. STEENERSON. I certainly will, and you can get it under this bill if they can carry as cheaply as by rail. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 90, noes 5.

So the conference report was agreed to.

On motion of Mr. STEENERSON, a motion to reconsider the vote whereby the conference report was agreed to was laid on the table.

EXTENSION OF REMARKS.

By unanimous consent, leave to extend remarks was granted to Mr. STEENERSON, Mr. BLANTON, and Mr. MILLER.

Mr. TAGUE. Mr. Speaker, I ask unanimous consent to extend my remarks by printing a public interview with the Secretary of State, Mr. Colby, and a Delegate of Congress, on the freedom of political prisoners in Ireland.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

ARMY APPROPRIATION BILL.

Mr. KAHN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Army appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. TOWNER in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the Army appropriation bill, of which the Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 13587) making appropriations for the support of the Army for the fiscal year ending June 30, 1921, and for other purposes.

The CHAIRMAN. On yesterday an amendment was offered by the gentleman from Texas [Mr. BEE], to which a point of order was made by the gentleman from Illinois [Mr. MADDEN]. The question depended upon the facts of the case, in the judgment of the Chair. It was impossible to know at that time just what the facts were. The Chair has had an investigation made and is now ready to rule upon the point of order.

The paragraph of the bill under consideration to which this amendment was offered is as follows:

For shelter, grounds, shooting galleries, ranges for small-arms target practice, machine-gun practice, field-artillery practice, repairs, and expenses incident thereto, including flour for paste for marking targets, hire of employees, such ranges and galleries to be open as far as practicable to the National Guard and organized rifle clubs under regulations to be prescribed by the Secretary of War, $50,000.

There is no question but what the amendment offered is germane to the paragraph. The amendment provides for an appropriation of $88,880 for the acquisition of land as an addition to the Leon Springs Military Reservation in Texas, heretofore authorized and now in use as a target range at Camp Travis in Texas.

Whether the point of order directed against the amendment should be sustained or overruled depends upon the facts in the case. If the purchase proposes the addition of a separate and distinct tract of land not adjoining and appurtenant to the Leon Springs Reservation, the point of order should be sustained; if the addition is adjacent to the Leon Springs Reservation it is in order as a continuation of a public work. There is no method of enlarging any public work that is situated as it must be upon lands except by amendment to existing law. It has been held that any continuation of an existing work is not subject to that point of order. This has been extended to include lands which are adjacent to that which has already been authorized by an act of Congress. The Chair has been informed in this case by the War Department that the land appropriated for in the amendment is not only adjacent to but is in fact within the present boundaries of what has been laid out and denominated the Leon Springs Reservation. Under those conditions the point of order must be, and is, overruled.

The question now arises on the amendment offered by the gentleman from Texas, which, without objection, the Chair will ask the Clerk to again report for the information of the committee.

There was no objection, and the Clerk read as follows:

Amendment offered by Mr. BEE: Page 40, line 25, at the end of line 25, add the following:

"*Provided*, That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $88,880 for the acquisition of land as an addition to the Leon Springs Military Reservation in Texas, heretofore authorized and now in use as a target range for Camp Travis, Tex."

Mr. BEE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BEE. When this matter was up yesterday I made a statement of the case under the reservation of the point of order in respect to the merits of the question. Subsequently I discussed the point of order from a parliamentary status. I want to know whether I will be permitted to make a statement under this amendment as to the merits of the case, or am I precluded by the statement that I made yesterday?

The CHAIRMAN. The gentleman yesterday was authorized and, as a matter of fact, used five minutes in a statement in support of his amendment, but, of course, he can ask unanimous consent at this time if he desires to proceed further.

Mr. BEE. Mr. Chairman, I do not believe I care to make any further statement than what I made yesterday. I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The question was taken, and the amendment was agreed to.

Mr. HUDSPETH. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Mr. HUDSPETH offers the following amendment: Amend the bill, page 43, after line 15, by adding, after the figures "$80,000," the following: "That the sum of $356,700 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purchase of 2,000 acres of land adjoining and to the east of the present military reservation at Fort Bliss, Tex., and the Secretary of War is hereby authorized and directed to make said purchase of said lands, to be used for a rifle range and other purposes which the Federal Government may determine, said land now being used by the Federal Government for Army purposes."

Mr. KAHN. Mr. Chairman, I shall have to reserve the point of order on that.

The CHAIRMAN. The gentleman from California reserves the point of order.

Mr. HUDSPETH. Mr. Chairman, I would like to state to my friend from California that the facts in this case are identically the same from a parliamentary standpoint as those just passed upon by the Chair.

Mr. KAHN. Mr. Chairman, I am under the impression that the cases are not exactly identical.

Mr. HUDSPETH. I will state that they are identical. This land adjoins the Fort Bliss Reservation, right against it, and is now being occupied by the Army stationed at Fort Bliss as a drill ground and aviation field and rifle range.

The CHAIRMAN. If the gentleman from Texas desires to be recognized on the merits of his amendment, the Chair will recognize him.

Mr. HUDSPETH. I do; but I wanted to state that the facts are identical with the facts in the case just passed upon by the Chair.

The CHAIRMAN. The Chair will consider the point of order when it is made.

Mr. HUDSPETH. Mr. Chairman, I anticipated there would be a point of order raised against this amendment and I waited for the ruling in the other case. The reservation at Fort Bliss, Tex., comprises 1,280 acres of land; 640 acres were donated by the citizens of my home town to the Government and 640 acres were donated by the State of Texas. The Federal Government has never purchased an acre of land in the Fort Bliss Reservation or adjacent thereto. The Army of the Federal Government stationed at Fort Bliss has used this identical land for 10 years and has paid the magnificent sum of $1 to the people of that city. I want to state further that this land was appraised by a committee appointed by certain Army officers and a committee appointed by the chamber of commerce, and the price that was fixed upon the land was almost double the amount the citizenship there are asking the Government for it to-day. I would state to the gentleman from California [Mr. KAHN], who I believe is in full sympathy with me in this amendment, for I have discussed it with him, that in all fairness to these people, where the Federal Government has used their lands for 10 years, it ought to buy this land at a sum of about one-half of its present value. Why do they want to sell it to the Federal Government? Because everybody in my town recognizes that Fort Bliss is the most important military post on the border. It supplies the division posts for 600 miles on the east side and 500 miles on the west side, and as long as there is disturbance in Mexico—and there has been for many years and probably it will continue for many years to come—this post must be maintained at its present standard. This land ought to be purchased.

The people should be paid some remuneration for lands which could be cut up to-day and sold in city lots, because it is right up against the city, for $300 an acre. That is what the citizenship said, that is what the board appointed by the Army officers say, and I say to you in all fairness that I think the Federal Government ought to purchase this land at this sum, that has been fixed by two boards at a reasonable—a very reasonable—value. I do not believe that they ought to continue to use our choicest land there. It is necessary that they should have an aviation field and that they should have a drill ground and a target range. I have seen it used for a target range for 10 years. Why should not the Government purchase this land at the price fixed? The citizenship did not fix the price. All that the private owners ask is a reasonable sum, not its full market value.

It is not a town-lot scheme, gentlemen, but simply the citizens there who own this land that the Federal Government has been using for years and years ask some remuneration from the Federal Government. And bear in mind, gentlemen, that magnificent post which has been built there, and which has cost millions of dollars, the land upon which those buildings are situated never cost our Government one cent. Now, can you point to any other place in this broad land where the people donated every acre of land or which was donated by the great State of Texas out of its private lands, for when Texas, as you know, went into the Union, she reserved her public lands? When it became necessary to enlarge the post Texas generously donated 640 acres of land to the Federal Government, and I ask you gentlemen, in all fairness to our people, that have just as much pride in building up that post as any other place in this Republic, yet we do not feel we ought to donate this land for Army purposes. That is shown by the Secretary of War, by the commanding general of the Southern Department and the commanding officer at Fort Bliss to be in the interest of the Federal Government. Gentlemen, I want you to bear in mind this is not a town-lot scheme. It is not brought here on the part of certain energetic real estate men because they feel they might induce the Congress to purchase it.

Mr. YATES. What is the amount?

Mr. HUDSPETH. Three hundred and fifty-six thousand dollars, $178 an acre, and the appraised value of this land runs up from $250 to $300 an acre. I certainly trust that my good friend will not insist upon his point of order.

Mr. KAHN. Mr. Chairman, I must make the point of order.

The CHAIRMAN. Upon what ground is the point of order made?

Mr. KAHN. In the first place I do not think it is germane to this section of shooting galleries and ranges, and then I do not understand that this land is in the territory occupied by Fort Bliss. The previous land transaction was in connection with the land at Leon Springs—it was, in fact, a part of that area—and I find that the Leon Springs property was under option of contemplated purchase by the Government for three years. This I have not been able to find is under option by the Government.

Mr. HUDSPETH. If the gentleman will yield, I will state to my good friend that the Government took an option on this land a little over two years ago.

Mr. KAHN. Is there any contract?

Mr. HUDSPETH. Yes; in the War Department there is a contract. I have seen it. I will say to my good friend from California I know and feel that he believes in exact justice in this matter.

Mr. WELLING. Is the War Department occupying this land?

Mr. HUDSPETH. Oh, yes, sir; and has been for 10 years.

Mr. WELLING. How much has it paid for that privilege?

Mr. HUDSPETH. One silver dollar.

Mr. BLANTON. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Texas desire to be heard further on the point of order?

Mr. HUDSPETH. Mr. Chairman, I am not an expert, I will state to my friend, the Chairman, on parliamentary procedure in this House. It joins the land that is owned by the Government, right against it; has been used for years by the Federal Government, and the Government has had an option on this land for two or three years. The contract is in the War Department.

Mr. BLANTON. Mr. Chairman, I desire to call the attention of the Chair to a decision rendered by a very distinguished and expert parliamentarian in the House—rendered no longer than yesterday by the gentleman from Pennsylvania [Mr. ROSE] upon this question. The identical question was up yesterday, and the gentleman from Pennsylvania held that it was not subject to the point of order, although it involves the question of buying land. I find myself not in accord with the said decision of the gentleman from Pennsylvania, but I always try to obey the rules and precedents of the House; and I cite his decision as authority for the present Chair overruling the present point of order.

The CHAIRMAN. The Chair is ready to rule. The amendment offered by the gentleman from Texas [Mr. HUDSPETH] is as follows:

That the sum of $356,700 is hereby appropriated out of any money in the Treasury not otherwise appropriated for the purchase of 2,000 acres of land adjoining and to the east of the present military reservation at Fort Bliss, Tex., and the Secretary of War is hereby authorized and directed to make said purchase of said land, to be used for rifle range and other purposes which the Federal Government may determine, said land now being used by the Federal Government for Army purposes.

It will be observed that this amendment is solely for the purpose of purchasing land. If it had been offered to the section that we had under consideration on page 40, which includes the acquisition of grounds, it would be within the rule laid down by previous decisions of the Chair. The Chair desires to call the attention, however, of the gentleman from Texas and of the committee to the fact that this paragraph

now under consideration is under the general title of "Quartermaster supplies and services for rifle ranges for civilian instruction." That, of course, does not imply the acquisition of land. The language of the paragraph is as follows:

To establish and maintain indoor and outdoor rifle ranges.

The Chair presumes the gentleman from Texas would urge upon the Chair the argument that that establishment would include the purchase of land?

Mr. HUDSPETH. I would.

The CHAIRMAN. The Chair has given that idea some consideration. However, if the gentleman will read the remaining portion of the item, he will understand, the Chair is quite sure, just as the Chair now understands, that that could not be held to include the acquisition of land. That is all under the Quartermaster Department and is intended for the purpose of establishing a range upon any land that has been acquired and for the provision of those things which may be necessary, for clerical service, for baggage and other insignia, for the transportation of employees, for the purchase of material, supplies, and services. Everything included in the paragraph would exclude the idea that it was intended to add the purpose or object of the acquisition of land. For that reason, the Chair holds that the objection that has been made to the point of order suggested by the gentleman from California [Mr. KAHN], that it is not germane, is well taken, and the Chair sustains the point of order.

Mr. HUDSPETH. Mr. Chairman, I ask unanimous consent to return to page 40, so that I may offer this amendment.

Mr. KAHN. I would suggest to the gentleman from Texas that we ought to finish up the bill, and then——

Mr. HUDSPETH. I will state to my good friend that I think it will not take more than a moment. I will make no statement about the matter.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to return to page 40, the last paragraph, for the purpose of offering an amendment. Is there objection?

Mr. CANNON. Mr. Chairman, is this amendment the gentleman wants to offer?

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend the bill, page 40, after the amendment adopted, which was offered by Mr. BEE, by inserting:

"That the sum of $356,700 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purchase of 2,000 acres of land adjoining and to the east of the present military reservation at Fort Bliss, Tex.; and the Secretary of War is hereby authorized and directed to make said purchase of said land to be used for rifle range and other purposes which the Federal Government may determine, said land now being used by the Federal Government for Army purposes."

Mr. CANNON. Mr. Chairman, I would suggest a point of order should be made to that, because the Secretary of War is directed to authorize and purchase land. It is not on all fours with the other case, because there was a contract there. Therefore, in the present condition of our finances, with all the burdens the country has to bear, I do not believe we should appropriate this sum at this time.

Mr. HUDSPETH. Will the gentleman yield for a question?

Mr. CANNON. Certainly.

Mr. HUDSPETH. I will state to the gentleman from Illinois that there is a contract now in existence giving the Federal Government an option on this land.

Mr. CANNON. By authority of law?

Mr. HUDSPETH. By authority of law.

Mr. CANNON. Has the gentleman the contract?

Mr. HUDSPETH. It is on file, as I understand it, here in the War Department.

Mr. CANNON. The gentleman understands it to be so. Then why is it necessary to authorize the purchase of this land? Or is it a bare option?

Mr. HUDSPETH. It is an option, as I have already stated to the gentleman.

Mr. CANNON. An option? I can option off the whole State of Illinois if the State of Illinois were willing that the Government should purchase it for military purposes. That does not amount to a contract.

The CHAIRMAN. Is there objection to returning to page 40 for the purpose of offering the amendment?

Mr. GREENE of Massachusetts. Mr. Chairman, I object.

Mr. CANNON. The gentleman from Massachusetts has objected. I should oppose it if it was in order.

Mr. HUDSPETH. I trust the gentleman will let me put it to a vote.

The CHAIRMAN. The gentleman from Massachusetts [Mr. GREENE] objects, and the Clerk will read.

The Clerk read as follows:

For the procurement and issue, under such regulations as may be prescribed by the Secretary of War, to institutions at which one or more units of the Reserve Officers' Training Corps are maintained, such public animals, uniforms, equipment, and means of transportation as he may deem necessary, and to forage at the expense of the United States public animals so issued; for transporting said animals and other authorized equipment from place of issue to the several institutions and return of same to place of issue when necessary; for the maintenance of camps for the further practical instruction of the members of the Reserve Officers' Training Corps, and for transporting members of such corps to and from such camps, and to subsist them while traveling to and from such camps and while remaining therein so far as appropriations will permit; for the payment of commutation of subsistence to members of the senior division of the Reserve Officers' Training Corps, at such rate, not exceeding the cost of the garrison ration prescribed for the Army, as authorized in the act of Congress approved June 3, 1916, $2,500,000.

Mr. McKENZIE. Mr. Chairman, I move to strike out the last word for the purpose of making a statement.

I want to say that I sympathize somewhat with the gentleman from Texas [Mr. HUDSPETH], who has just taken his seat after making an effort to get an amendment onto this bill providing for the purchase of real estate. My sympathy goes out to him, not because I favor the purchase of real estate but on account of the fact that after our committee had decided that in view of the condition of the Treasury, and in view of the uncertainty in regard to the amount of land that is now owned by the Government for military purposes and the large number of fields and camps that are costing us millions and millions of dollars in overhead expense to keep up from year to year, on yesterday we yielded in that understanding that we had that we would not buy any real estate, and decided to buy Selfridge Field up on the Canadian boundary. And one of the great arguments made in favor of the purchase of that flying field was that there was water in the lake, where the men would fall, if they came down, in the water, rather than on the land, and that it was necessary to keep boats there to go out and bring them in. That it is a good flying field, I have no doubt. I do not question that, but I do question the continuing of the expense of this Government of ours in maintaining all the numerous flying fields that we have and all the numerous camps that we have.

Another thing: After doing that the gentleman from Texas [Mr. BEE] comes forward with his proposition, having perhaps just as much merit as the other, and it was necessary for us, in order to be consistent, to allow him to get his amendment onto this bill for the purchase of more real estate. And I want to simply say to the members of this committee that in my judgment we ought to call a halt until the Military Establishment of this country can come to Congress with a plan and with a map, showing us the number of camps and fields that we have and the number that will be required to take care of the Military Establishment of our country, and then we can buy those locations and go to work and put permanent buildings and equipment on them, and get rid of the enormous expense of maintaining all these temporary camps throughout the country. I say that it is with regret that I see my friend from Texas [Mr. HUDSPETH] go down after others have been favored by getting their amendments in.

Mr. FIELDS. Will the gentleman yield?

Mr. McKENZIE. Yes.

Mr. FIELDS. The gentleman, I judge, refers to my remarks of yesterday in discussing the Selfridge Field. I incidentally referred to the advantages that that field had.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FIELDS. Mr. Chairman, I ask to be recognized. I move to strike out the last word.

Mr. McKENZIE. Mr. Chairman, I ask unanimous consent to proceed for five minutes, and then the gentleman can make his statement.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. FIELDS. Mr. Chairman, I incidentally referred to the advantages that this field had, advantages that are not had by any other field, but I base my support of that proposition upon the fact that the Federal Government has expended $2,300,000 upon that field; that its option expires July 1; and that if it does not take title to it by July 1 it will lose that $2,300,000, except what it may recover through the salvage value of the plant; whereas, by expending the additional $190,000, the Government can acquire title. And I do not believe there is a business man in this country with a spoonful of brains in his head that would throw away $2,300,000 rather than expend an additional $190,000 and acquire title to this land. And then we can sell it if we decide to do so. But if we do not acquire title by July 1 the Government will lose what was put on it.

Mr. McKENZIE. Mr. Chairman, I ask unanimous consent that I may have five minutes in which to finish my statement.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. McKENZIE. I am a little bit surprised that my good friend from Kentucky [Mr. FIELDS] should sing the same siren song that has seduced the Members of this Congress, and perhaps of every other Congress, to invade the Treasury of the United States for the expenditure of money that is unnecessary. And I want to say——

Mr. BEE. I wanted to say that I intended to make a few remarks, but in view of the seductive references of the gentleman from Kentucky, I do not think I will say anything.

Mr. McKENZIE. Now, I wanted to say this, that it is all a mistake to talk about it being economy for the Government simply because they have spent a million dollars in some place on some property to take the property over for fear it otherwise would lose something. At Selfridge Field the contractor got $95,000. What will it cost to maintain it each year?

Gentlemen, the time has come when you must understand that when the Government of the United States buys land or buys a plant there is a very different rule operating from the rule that would operate when an individual buys it. When the individual buys it he begins to get an income from it, but when the Government buys it it immediately means an outlay on the part of the Government, and a continued outlay. Therefore I maintain that we ought only to keep such plants as are necessary to maintain our Military Establishment.

I want to say to my good friend from Texas [Mr. BEE] that, notwithstanding I am in sympathy with him, I am against his proposition, because a man who visited that camp told us that they had 200 acres for a drill field there, while at Camp Gordon they did not have enough land for a company to drill on. Yet they wanted to get more additional land than they have at Camp Gordon, and the gentleman from Texas knows they do not need this great plant there to drill on when they already have 200 acres now. I am against this proposition, and I think we ought to call a halt now to buying any more land until we know "where we are at."

Mr. FIELDS. This Camp Selfridge proposition was included in this general camp purchase, and I do not recall that I heard the gentleman from Illinois raising any thunder about it when it was included in that bill, and he was a member of the committee; neither do I recall that he offered any opposition to it in the House when it was considered.

Mr. McKENZIE. Go back and look at the RECORD.

Mr. FIELDS. Did the gentleman, or did he not?

Mr. McKENZIE. Not specifically to Selfridge Field, but I was opposed to that proposition.

Mr. FIELDS. Why did not the gentleman oppose it specifically at that time?

Mr. McKENZIE. I opposed the whole bill. I did not think it was necessary. I feel that way about it now. We have many flying fields already in America. They may be necessary; they may be necessary in Michigan. But before we buy them I do say we ought to have a comprehensive plan. As it is, gentlemen come in here without information, and some Member offers an amendment to buy 2,000 or 200 acres of land in some locality in this country, and we vote it in without knowing anything about it. We ought to know the facts, and we ought to know whether it is necessary for the Military Establishment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

MEDICAL DEPARTMENT.

MEDICAL AND HOSPITAL DEPARTMENT.

For the manufacture and purchase of medical and hospital supplies, including disinfectants, for military posts, camps, hospitals, hospital ships and transports, for laundry work for enlisted men and Army nurses while patients in a hospital, and supplies required for mosquito destruction in and about military posts in the Canal Zone, $3,500,000: *Provided*, That the Secretary of War may, in his discretion, select types and makes of motor ambulances for the Army and authorize their purchase without regard to the laws prescribing advertisement for proposals for supplies and materials for the Army; for the purchase of veterinary supplies and hire of veterinary surgeons; for expenses of medical supply depots; for medical care and treatment not otherwise provided for, including care and subsistence in private hospitals, of officers, enlisted men, and civilian employees of the Army, of applicants for enlistment, and of prisoners of war and other persons in military custody or confinement, when entitled thereto by law, regulation, or contract: *Provided further*, That this shall not apply to officers and enlisted men who are treated in private hospitals or by civilian physicians while on furlough; for the proper care and treatment of epidemic and contagious diseases in the Army or at military posts or stations, including measures to prevent the spread thereof, and the payment of reasonable damages not otherwise provided for, for bedding and clothing injured or destroyed in such prevention; for the pay of male and female nurses, not including the Army Nurse Corps, and of cooks and other civilians employed for the proper care of sick officers and soldiers, under such regulations fixing their number, qualifications, assignments, pay, and allowances as shall have been or shall be prescribed by the Secretary of War; for the pay of civilian physicians employed to examine physically applicants for enlistment and enlisted men and to render other professional services from time to time under proper authority; for the pay of other employees of the Medical Department; for the payment of express companies and local transfers employed directly by the Medical Department for the transportation of medical and hospital supplies, including bidders' samples and water for analysis; for supplies for use in teaching the art of cooking to the enlisted force of the Medical Department; for the supply of the Army and Navy Hospital at Hot Springs, Ark.; for advertising, printing, binding, laundry, and all other necessary miscellaneous expenses of the Medical Department.

Mr. CONNALLY. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Texas moves to strike out the last word.

Mr. CONNALLY. I want to ask a question. On page 45, lines 9 to 13, why is the proviso inserted authorizing the purchase by the Secretary of War of select types and makes of motor ambulances, authorizing their purchase without regard to the law prescribing advertisement, and so forth?

Mr. KAHN. The idea in placing that language in the law—and it has been carried in the law for some years—was to induce the manufacturers of motor vehicles to try to make improvements on ambulances. If the Medical Department were to advertise, probably it would not result in their getting the types of ambulances that they would desire. Of course, under this provision they can meet manufacturers of motor vehicles, whose men and engineers are constantly trying to make improvements. When one of these engineers suggests an improvement in the matter of an ambulance, the Medical Department under this language would be enabled to allow the experiment to proceed, with the object ultimately of getting the ambulance, provided it met with the requirements of the department. They do not buy them ordinarily; they simply try to get the most improved ambulance they can.

Mr. CONNALLY. Mr. Chairman, I withdraw the pro forma amendment.

The CHAIRMAN. The pro forma amendment is withdrawn. The Chair desires to call the attention of the committee to the fact that on page 45, at the commencement of line 13, there is a mistake in the spelling of the word "supplies."

Mr. KAHN. Yes. The first syllable on line 13 is misspelled.

The CHAIRMAN. Without objection, the correction will be made.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

HOSPITAL CARE, CANAL ZONE GARRISONS.

For paying the Panama Canal such reasonable charges, exclusive of subsistence, as may be approved by the Secretary of War for caring in its hospitals for officers, enlisted men, military prisoners, and civilian employees of the Army admitted thereto upon the request of proper military authority, $60,000: *Provided*, That the subsistence of the said patients, except commissioned officers, shall be paid to said hospitals out of the appropriation for subsistence of the Army at the rates provided therein for commutation of rations for enlisted patients in general hospitals.

Mr. BLANTON. Mr. Chairman, I move to strike out the last word for the purpose of getting the RECORD straight. While the Post Office conference report was under consideration to-day, after being yielded to, I asked the chairman of the committee, the gentleman from Minnesota [Mr. STEENERSON] the following:

Mr. BLANTON. When we had this question up before in the House the distinguished chairman, Mr. STEENERSON, mentioned his opposition to the matter and incidentally stated that he called to the attention of the department the fact that they had left out the gentleman's twin cities in Minnesota from this aeroplane mail service. Thereupon the department promised the chairman that it would establish this service in the twin cities within 60 days, and thereupon the gentleman stated that that got the Minnesota vote. I want to ask whether or not the department has again promised this service to the twin cities in Minnesota?

Whereupon, Mr. Chairman, the said gentleman from Minnesota stated that my recital was incorrect; and when I told him that I would put his exact remarks from his speech of January 15, 1920, in the RECORD showing that my recital was absolutely correct, the gentleman still maintained that I was incorrect, and he went off into a discussion of the subject of "pork barrel" when I had made no allusion to such a question. And when I asked the gentleman if he denied stating in his speech of January 15, 1920, that when Mr. Praeger promised in December to give the twin cities aeroplane service by spring, he stated:

That that got the Minnesota vote—

The gentleman from Minnesota replied:

No; I did not say any such thing.

Mr. CANNON. If the gentleman will allow me just a suggestion. I do not know anything about the difference of opinion between the gentleman from Texas and the gentleman from

Minnesota [Mr. STEENERSON], but I do not see the gentleman from Minnesota here.

Mr. BLANTON. Well, if the gentleman prefers, I will wait until he comes back. But he may not be here to-day. He is not always here.

Mr. CANNON. It seems to me that if by unanimous consent the gentleman wishes to proceed, he should be here.

Mr. BLANTON. I just want to insert this in the RECORD.

Mr. CANNON. If the gentleman has leave, all right.

Mr. KAHN. Mr. Chairman, as I understand, the gentleman from Texas obtained leave, while the Post Office matter was under consideration, to insert this language.

Mr. CANNON. Very well. I do not object.

Mr. BLANTON. I read from the RECORD of January 15, 1920, page 1578, where the Post Office appropriation bill was under discussion:

Mr. STEENERSON. Mr. Chairman, a year ago last month we held hearings on this item. It was then carried at $100,000 for the year, and they asked for $850,500. Before it was granted we examined Mr. Praeger with regard to it, and I mention this simply to show the methods employed by the Post Office Department to increase the appropriation.

* * * * * * *

I want to call your attention to the fact that a year ago, when we granted the increase of 800 per cent, I asked Mr. Praeger if they were going to extend the service to St. Paul and Minneapolis. I said I did not believe in the service except as an experiment. I said, "If you are going to extend it, are you going to carry it to the Twin Cities?" I will read from page 54 of last year's hearings on the appropriation bill:

"Mr. STEENERSON. You have not gotten to Chicago yet?

"Mr. PRAEGER. Sunday week we will get there—on the 15th of December.

"Mr. STEENERSON. And then what time will you get to Minneapolis and St. Paul?

"Mr. PRAEGER. In the spring. That is the only promise we can make, because we have problems to solve connected with winter flying which we are going to solve on the New York-Chicago route. If that swings well and we have fairly reasonable weather, we will get into Minneapolis in March, 1919."

That, of course, got the Minnesota vote for the appropriation. He has never extended it to Minneapolis. But under his statement the people have purchased an aviation field for $25,000, and the board of trade are bombarding me with telegrams.

That is just exactly practically word for word what I said this morning, that the gentleman asked when the service would reach the Twin Cities, and being assured that it would go there by spring, he then said, "That got the Minnesota vote." Now, note right after his colloquy with Mr. Praeger, the gentleman from Minnesota did say:

That, of course, got the Minnesota vote for the appropriation.

Mr. KAHN. If the gentleman will permit me, of course he explained that by the "Minnesota vote," he did not intend to mean the whole Minnesota vote.

Mr. BLANTON. I did not claim that he meant the whole Minnesota vote. I do not contend that he meant anything whatever, more than his words conveyed, in their usual meaning in English. But he did say exactly what I said he said, and though he denied it, he did say:

That, of course, got the Minnesota vote for the appropriation.

And before the gentleman from Minnesota denies passages in his speeches again, and before he accuses anyone of being incorrect, he ought to review his speeches and know that he is himself correct. The record of his speech of January 15, 1920, which I have placed in the RECORD, shows that I quoted him verbatim, almost word for word, and that I did not place any improper construction whatever upon what he said, but merely asked a question.

Mr. McKEOWN. Mr. Chairman, I move to strike out the last word in order to ask a question about the care of our insane soldiers. You are making appropriations here for the Canal Zone.

Mr. KAHN. We have not read that section yet. I would suggest that the gentleman withhold his pro forma amendment until later.

Mr. McKEOWN. Very well.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ARMY MEDICAL MUSEUM.

For Army Medical Museum, preservation of specimens, and the preparation and purchase of new specimens, $20,000.

Mr. McKEOWN. Mr. Chairman, I move to strike out the last word. I want to inquire of the chairman of the Committee on Military Affairs what provision is made for our insane soldiers, and how they are cared for as to their pay, allowances, and so forth? This section refers particularly to the insane soldiers in the Canal Zone.

Mr. KAHN. The item to which the gentleman referred a while ago, on pages 46 and 47, makes the appropriation for that matter.

The Army has a contract agreement with the officials of the Panama Canal. When our soldiers on the zone become ill or go insane they are placed in the hospitals of the Canal Zone. There care is given them by the doctors and the nurses of the Canal Zone, and finally the Canal Zone officials present a bill to the Government for that care and attention of the insane and sick on the Canal Zone who are connected with the Army, and the bills are paid out of this appropriation.

Mr. McKEOWN. May I ask the gentleman what provision is made for the care of insane soldiers in continental United States?

Mr. KAHN. Our soldiers are generally brought here to St. Elizabeths Hospital in Washington and cared for there, the Federal Government, of course, paying for their care and maintenance.

Mr. McKEOWN. I call the attention of the gentleman and to his committee to a circumstance as to which I take it the jurisdiction would be with the Interstate and Foreign Commerce Committee. I have learned that there are over 100 insane soldiers in St. Elizabeths Hospital for whom guardians have been appointed in Washington, and charges are being made for collecting their allowances from the War Risk Insurance Bureau. It occurs to me that these unfortunates ought not to be required to pay the expenses of these guardianships, which the Government has left entirely under the control of the courts.

Mr. KAHN. I understand that what the gentleman says in connection with the appointment of guardians is true, but I do not know that the fees exacted by the guardians for that purpose amount to any considerable sum. The insane person, of course, is not able to conduct his own affairs.

Mr. McKEOWN. I understand that.

Mr. KAHN. And I imagine that it is necessary to appoint a guardian.

Mr. McKEOWN. Yes; but the Government of the United States owes it to these soldiers to see that no unusual charges are made, and it occurred to me that the United States could appoint its own officer to distribute these funds without any cost to the soldiers.

Mr. KAHN. That may be true, and it is a valuable suggestion. I have in mind a case with which I was very familiar some years ago. An enlisted man of the Navy had been placed in St. Elizabeths, and a guardian was appointed here in Washington; that man's pay was saved and cared for by the guardian; and finally the insane man expressed a desire to go back home to California, and through the good offices of the officials of the Government he was sent home. There was practically little taken from his funds for the guardianship.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. McKEOWN. I ask unanimous consent that my time be extended five minutes.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. McKEOWN. Are any other insane cared for in St. Elizabeths except from the Army or Navy, or is it a general hospital for the insane?

Mr. KAHN. All the insane from the city of Washington are also cared for there, but those who go insane while serving in the Army or Navy are taken to St. Elizabeths Hospital.

Mr. McKEOWN. Does the gentleman know whether they are kept separate or whether they are mixed with other patients?

Mr. KAHN. I do not think they are kept separate. Of course, many of them are simply kept under observation. I presume that a great many cases have arisen in the war through shell shock, and, so far as I have been able to learn, those men are being well cared for.

Mr. SUMMERS of Washington. If the gentleman will yield, I would like to make a statement along that particular line.

Mr. KAHN. Certainly.

Mr. SUMMERS of Washington. I have been informed, and I believe reliably informed, that sometimes exceedingly mild cases are confined in wards with very desperate cases, and their mental condition has been very distressing on account of that fact. I have been instrumental in rescuing one or two of the boys from that institution who were being held there. I took them in my automobile and drove them around the grounds and talked with them and studied them from every possible viewpoint and found them wholly competent and capable, and in taking the matter up with the proper officers there they assured me that they were just about ready to let one patient go when certain papers were fixed up, and this, that, and the other, although there had been no indication that that boy was going to be released at any early date, and I found everything to satisfy my mind that the boy had

been in the condition in which I found him, a competent condition, for weeks before the time that I made the personal investigation.

Mr. CLARK of Florida. I move to strike out the last two words. I do this for the purpose of making a statement. I would like to call the attention of the chairman of the Committee on Military Affairs [Mr. KAHN] to the fact that when this St. Elizabeths Asylum was originally established it was established solely for the insane of the Army and Navy.

Mr. KAHN. That is true.

Mr. CLARK of Florida. But as time has rolled along its jurisdiction has been enlarged, until now it takes in not only the insane of the Army and Navy but the indigent insane of the District of Columbia and also criminal insane from all over the country. I do not know just what the conditions now are, but there have been cases where these insane soldiers and sailors have been confined along with the criminal insane; and I wanted to suggest to the gentleman that if his committee would investigate the matter he might find it to the better interest of the insane of the Army and Navy to eliminate these other classes of patients and leave that hospital entirely for the insane of the Army and Navy.

Mr. KAHN. Will the gentleman yield?

Mr. CLARK of Florida. Certainly.

Mr. KAHN. I do not think the Committee on Military Affairs has any jurisdiction over that institution. I know they do not appropriate for it. It is under the jurisdiction, I think, of the Interior Department.

Mr. CLARK of Florida. What committee has been reporting legislation covering that institution?

Mr. KAHN. I presume the appropriations are carried in the sundry civil bill.

Mr. CLARK of Florida. I have not investigated to see what committee reported legislation to the House.

Mr. KAHN. I think the District Committee legislates for the institution directly.

Mr. CLARK of Florida. What I wanted to call the gentleman's attention to was that we ought to have somewhere a hospital for the treatment of the insane of the Army and Navy separate and apart from all other insane.

Mr. WOOD of Indiana. The appropriation for the maintenance of the St. Elizabeths Hospital is carried in the District bill.

Mr. SUMMERS of Washington. Mr. Chairman, I move to strike out the last three words for the purpose of laying a little more information about the St. Elizabeths Hospital, the Government hospital in this city, before the committee, hoping that it will reach a point where it will do some good. A service man who was confined there for a considerable period of time stated to me with tears in his eyes, after he had been out of the institution several weeks or months, the following facts: He is an expert accountant and a well-educated man, and was perfectly sane at the time. He told me that he could not think of the treatment that was given to the poor insane soldiers over there without weeping; that he had repeatedly seen an attendant when he would come to help a patient to bed or to feed him, or something of that kind, a man whose mind was so blank that he did not know that he had hands or feet, the attendant would tell him to sit down, and if he did not sit down he knocked him down. He said he had seen that sort of brutal treatment meted out to these boys for many weeks and months, and that it had aggravated his own condition. But he was pleading that some one would look into that matter and see that that brutality was stopped for the sake of those still in the institution.

Mr. CANNON. Mr. Chairman, I ask unanimous consent for two minutes. Attacks from time to time have been made against St. Elizabeths Hospital. It would be impossible for a great hospital like that, I suppose, to be conducted without some infraction of the rules and everything be in apple-pie order. It is so easy to say that a man who is insane is mistreated.

I think it is due to the St. Elizabeths Hospital and to the man at the head of it to say that my information is, after considerable inquiry, that the man at the head of it has no superior as an insane expert in the United States. I am well acquainted with him, have met him time and again when investigating appropriations to care for the maintenance and support of that hospital, and so far as I know and believe, he is as kind a man in the service as any of my acquaintance, and I believe of any engaged in similar duties throughout the United States.

In a large institution of that kind so many things happen; somebody gets up and reads a letter; somebody gets up and takes the say-so of somebody else. If there are abuses of the kind that the gentleman from Washington [Mr. SUMMERS] speaks of, there should be a committee of investigation. There have been two or three committees of investigation in former years, and, while I have no brief to defend Dr. White, I think I am justified in saying, from the inquiries I have made and the hearings before the Committee on Appropriations, that I believe he is a perfectly competent man, and as kindly a man as you will find anywhere in the hospital service in the United States.

Mr. KAHN. Will the gentleman yield?

Mr. CANNON. Certainly.

Mr. KAHN. That is the opinion that I have gleaned from my casual investigations.

Mr. CLARK of Florida. Will the gentleman yield?

Mr. CANNON. Certainly.

Mr. CLARK of Florida. I want to say that, as far as my remarks are concerned, I was making no attack on anybody. I was calling attention to the conditions that exist there. I say that the three classes ought not to be in the same institution.

Mr. CANNON. I quite agree with the gentleman that we are short of hospitals to care for these people. St. Elizabeths will not hold one-half part of the soldiers who are insane and are detained in hospitals. In many instances some can not get into hospitals at all, as I am reliably informed, but are cared for as best they can be by friends.

Mr. SUMMERS of Washington. Mr. Chairman, I want to say that I was making no attack on the superintendent of the hospital of St. Elizabeths. I am not acquainted with him. He may be the best-equipped man along that line that it is possible to find, but I do believe that there are conditions over there that ought to be changed. I believe that there are men over there who are in such condition that they are not able to take care of themselves, and that their condition ought to be investigated and something done in their behalf. I am fully persuaded that there have been great unkindnesses there to men in that condition, to put it as mild as possible.

Mr. CANNON. The expense is negligible so far as St. Elizabeths is concerned. There are multiplied thousands of soldiers under the Public Health Service. Hospitals are being constructed, hospitals are already in existence at cantonments that I believe ought to be utilized, and I think attention is being paid to the matter.

Mr. KAHN. New hospitals are being leased for these unfortunate men.

Mr. CANNON. Yes.

Mr. CALDWELL. Mr. Chairman, I move to strike out the paragraph in order to say something in connection with this matter. I think it is only fair to men in charge of the hospitals for insane for us in speaking of this subject to take into consideration the fact that the line of demarcation between intelligence, the normal condition, and the insane is sometimes so small that even the experts have difficulty in determining the true state.

When a man is sent to an insane asylum with a diseased mind, his condition may be caused by a great many different things. It may be from undernourishment, or from shock, or from disease in the blood; it may be from trouble brought on by overwork or overstrain; it may be one of many things. In many instances insanity is followed by hallucinations and in others by delusions. Where paranoia develops there is always an effort on the part of the insane person to ascribe his unhappiness or his discomfort to some outside cause other than the ailment from which he is suffering. Every paranoiac in the world imagines that he is sane. Every one of them is able in the first stages of the disease to simulate sanity, except when he is questioned upon the particular subject concerning which he has delusions. A man is frequently diagnosed as a paranoiac who has not paranoia. It is a medical fact that no person who ever had paranoia ever got well, and when a person is sent to an insane asylum and the diagnosis is paranoia, the people in charge of the insane asylum, as long as they believe that he has paranoia, will never release him, regardless of how much he looks like an intelligent, normal man, nor how much it appears he has recovered, because any apparent recovery in paranoiac cases is necessarily temporary, and as soon as the patient is released and is permitted to go into society he will certainly develop his mania and will again become a dangerous element in the community in which he resides. A notable case of that was the well-known case of Harry Thaw. When he was in the insane asylum in New York dozens of experts examined him, and some said that he was perfectly normal.

When he made his escape, he was tried in the courts and he was judged to be sane, and yet as soon as he was given the opportunity to associate with people in private life, where he had the liberty of doing as he pleased, to follow out his natural bent, he developed the same trouble that he had at the time that he committed the murder, and again he became a menace to society. Never again will it ever be that any doctor will be

fooled by his apparent recovery, because all physicians and all experts know that he will never recover. If a diagnosis of paranoia is made in a patient sometimes erroneously, and that patient does get well, it is a very foolish doctor who would give that man his liberty until he has made absolutely sure that the patient did not have paranoia, and that the diagnosis in the first instance was wrong; because if they released him, and he did have paranoia, they would be to blame when he goes back into society and again becomes dangerous.

Therefore, in examining these cases to determine whether or not they have held a man in a hospital for the insane longer than he should have been kept, we should carry in our minds the knowledge that it would be perilous to release a man who had apparently recovered and yet who had not recovered. Therefore, the doubt in all these cases should be resolved in favor of the medical officer in charge of the hospital; and I think if you will examine into these cases concerning which we have all had letters at one time or another, you will find that in each of these cases some such situation as I have described has arisen. When a man is insane, his natural inclination is to find some cause outside of his disease for his discomfort, and in his mind he will build up a case in which he honestly and sincerely believes, but the case is based absolutely upon a state of facts that are the creation of his own mind.

Mr. SUMMERS of Washington. Mr. Chairman, I just want to say that I was speaking of a case that the hospital had discharged as cured, and consequently he could not have had paranoia.

The CHAIRMAN. The pro forma amendment is withdrawn, and the Clerk will read:

The Clerk read as follows:

Care of insane soldiers of Porto Rico Regiment of Infantry: For care, maintenance, and treatment at asylums in Porto Rico of insane soldiers of the Porto Regiment of Infantry, $100.

Mr. HUDSPETH. Mr. Chairman, I ask unanimous consent to return to page 40 for the purpose of offering an amendment, which I believe will be in order. I hope this committee will treat me as fairly as others have been treated and give me this opportunity.

Mr. CANNON. Is that for the third of a million appropriation?

Mr. HUDSPETH. Yes.

Mr. CANNON. I object, Mr. Chairman.

Mr. HUDSPETH. I thought the House would treat me as fairly as it did others, and give me an opportunity to present my amendment.

Mr. CANNON. If I had understood it, the others would not have gone in.

The Clerk read as follows:

Engineer equipment of troops: For pontoon material, tools, instruments, supplies, and appliances required for use in the engineer equipment of troops, for military surveys, and for engineer operations in the field, including the purchase, maintenance, operation, and repair of the necessary motor cycles; the purchase and preparation of engineer manuals and procurement of special paper for same, and for a reserve supply of above equipment, $150,000: *Provided*, That the services of skilled draftsmen, civil engineers, and such other services as the Secretary of War may deem necessary may be employed only in the office of the Chief of Engineers to carry into effect the various appropriations for "Engineer equipment of troops," "Engineer operations in the field," and other military appropriations, to be paid from such appropriations: *Provided further*, That the expenditures on this account for the fiscal year 1921 shall not exceed $100,000. The Secretary of War shall each year, in the annual estimates, report to Congress the number of persons who are employed, their duties, and amount paid to each.

Mr. WOOD of Indiana. Mr. Chairman, I make the point of order to the portion of this paragraph beginning with the word "*Provided*," in line 25, page 49, and ending with the conclusion of the paragraph in line 11, on page 50.

The CHAIRMAN. The gentleman will state his point of order.

Mr. WOOD of Indiana. Mr. Chairman, the point of order is that it is legislation on an appropriation bill, and it is providing for an appropriation to pay expenses of skilled draftsmen and civil engineers and other services in the office of the Chief of Engineers, which is for the defraying of clerical expenses in the District of Columbia, the office of the Chief of Engineers being in the District of Columbia.

Mr. KAHN. Mr. Chairman, I am not familiar with what those civilian employees do. I know the item has been carried in the appropriation bill for many years, and it is not a new provision by any means. I presume that these employees are draftsmen who have special and important work to do in connection with engineering problems.

Mr. WOOD of Indiana. Yes; and the legislative appropriation committee gave them a great amount of money for this same service. There is no question but that the point of order is well taken, because it is for clerical services.

Mr. KAHN. No; it is for services of skilled draftsmen.

Mr. WOOD of Indiana. In the office of the Chief of Engineers in the District of Columbia.

Mr. KAHN. The services, as I understand it, that these skilled draftsmen perform are practically military duties, duties that probably would have to be done by officers of the Army if these civilians were dispensed with.

Mr. WOOD of Indiana. If that is the case, we will have something for those officers to do.

Mr. KAHN. The gentleman seems to have taken a great dislike to Army officers.

Mr. WOOD of Indiana. No; but I have taken a great dislike to a superabundance of Army officers here in Washington, where they are not needed.

Mr. KAHN. I contend that the Army officers that we have to-day are performing an exceedingly useful duty to the country. Although the law authorizes 18,000, we have 16,500, and of those many are in the hospitals, wounded and disfigured. The other officers that we have, I take it, are well and constantly occupied in serving the Government of the United States.

Mr. WOOD of Indiana. And we have 2,000 of them in the city of Washington.

Mr. KAHN. I presume they are needed here or they would not be here.

Mr. WOOD of Indiana. The evidence of gentlemen who claim to know is that there is no necessity for more than 200 here.

Mr. KAHN. And that sort of statement is usual in the Army, I suppose, as in the Navy and other public services. But, after all, let us be fair about the thing. If we have too many, let the attention of the War Department be called to that fact, so that the number can be reduced; but to take the statement of every disgruntled officer, I submit to my friend from Indiana, is entirely unfair.

Mr. WOOD of Indiana. If I did not know whereof I speak, I would not make the accusation. I know it is a fact that there are hundreds and hundreds of these officers who do not go to their office three times a week. I know that last week a stenographer in one of these offices came to see if she could be transferred to some place where she would have something to do; that she did not write on an average of more than three letters a week, had not seen the officer at her office but once or twice in that time, and in addition they had a clerk helping around doing nothing. That is typical of what is going on.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. WOOD of Indiana. I will.

Mr. GREEN of Iowa. I unfortunately did not come in when the point of order was made. To which branch does the gentleman refer?

Mr. WOOD of Indiana. That case came under the Ordnance Department.

Mr. GREEN of Iowa. I did not mean in this particular instance, but where——

Mr. WOOD of Indiana. The point of order I raised is against the provision on page 49, the last line, in reference to the employment of civil engineers——

Mr. KAHN. Skilled draftsmen.

Mr. WOOD of Indiana. Well, it is skilled draftsmen and civil engineers in the office of the Chief of Engineers, District of Columbia, which is clearly beyond the jurisdiction of this committee. It is within the jurisdiction of the legislative committee making appropriations for all services of this character in the District of Columbia.

Mr. KAHN. Mr. Chairman, I want to say further about these officers that we have been speaking about that a good many of them attend the General Staff School in the District of Columbia. They receive instruction in Army work during certain hours of the day. When they finish that work they are at liberty for the rest of the day. It is possible that some men that the gentleman has referred to are connected with those schools right here in the District of Columbia, and I take it that if there are cases where a man is superfluous, the War Department's attention ought to be called to the fact, in order that the man may be relieved of his commission.

Mr. ANTHONY. Mr. Chairman, just a word on the point of order. I do not think the point of order made by the gentleman from Indiana will lie against the service of these skilled draftsmen and civil engineers. I admit if the point of order were made against the provision for clerical help for administration in the War Department here in Washington it might lie, but they are absolutely military duties and do not solely pertain to the District of Columbia, but apply to the activities of the Army as a whole, and so I think they are properly provided for in this appropriation bill.

Mr. WOOD of Indiana. Mr. Chairman, I want to say in answer to the gentleman that all of the civil service of every one of these departments except the Agricultural Department is exclusively within the jurisdiction of the Committee on Appropriations, and the work, whether clerical or professional, or what not, that is done in the office of the chiefs of these bureaus within the District of Columbia is clearly within the jurisdiction of the Committee on Appropriations and can by no stretch of imagination be brought within the jurisdiction of this committee.

The CHAIRMAN. The Chair is ready to rule. It is not within the province of the Chair to determine as to the rightfulness of the employment of these men or anything in regard to their pay or anything in regard to whether they earn their money. Those questions are entirely outside the consideration and the passing upon the point of order. Neither is it proper for the Chair to consider as to whether or not the rules governing these appropriations are wise or unwise. They exist, and the Chair is compelled to follow them. The Chair thinks it is very clear, at least it seems so to the Chair, that the employment of all of these officials in the District of Columbia is within the jurisdiction of the Committee on Appropriations, and that being the case, it will be the duty of the Chair to support the point of order, and the point of order is sustained.

Mr. KAHN. Mr. Chairman, I move to strike out the last word, just to make a very brief statement. This language, I want to say to the gentleman from Indiana, has been carried in the Army appropriation bill since 1899 and no objection was ever made to it heretofore.

Mr. WOOD of Indiana. I wish to say, in opposition to the amendment, that it is unfortunate it should not have been made heretofore, not because I care to be captious but you will find under this same item in the legislative bill an appropriation for this service. It results in duplication of appropriations, and if there were a little bit more attention paid to the duplication and overlapping of these bureaus it would result in a saving of a great deal of money to the Government.

The Clerk read as follows:

CIVILIAN ASSISTANTS TO ENGINEER OFFICERS.

For services of surveyors, survey parties, draftsmen, photographers, master laborers, and clerks to engineer officers on the staffs of division, corps, and department commanders, $40,000.

Mr. GREEN of Iowa. Mr. Chairman, the matter to which I intend to address myself does not, strictly speaking, come under this paragraph. It is involved in the whole bill, but I hope that what I have to say will not be objected to on account of the place where I am making the remarks. At the time when our troops were sent into Russia I characterized that proceeding as an act of folly. I said that they eventually would be withdrawn, without accomplishing anything except to entail upon this country a large amount of utterly unnecessary expense and bring to an untimely death some of our brave boys. I believe that everybody will now admit I was correct. We have at this time a large number of our troops in Germany, at an expense, as I understood the chairman of the committee in charge of the bill to say, of something like a million and a quarter a day.

Mr. KAHN. No. Will the gentleman yield?

Mr. GREEN of Iowa. I will yield.

Mr. KAHN. The Secretary of War informed me subsequently that that was the expense immediately after we went in, when, of course, we had three or four divisions there, but since the troops in large number have been withdrawn the daily expense, I find, is about $175,000.

Mr. GREEN of Iowa. Well, even that is a large sum.

Mr. CONNALLY. Will the gentleman yield?

Mr. GREEN of Iowa. I will yield, with pleasure.

Mr. CONNALLY. I would like to suggest to the gentleman from Iowa, if he does not know, that under the terms of the armistice Germany pays the entire expense for the army now occupying that territory.

Mr. GREEN of Iowa. I take it that everybody knows that.

Mr. CONNALLY. I think it is pertinent. I beg the gentleman's pardon for suggesting that, but I think it pertinent to his remarks here complaining about the expense of the Army in occupied territory.

Mr. GREEN of Iowa. Everybody knows that Germany agreed to pay, and everyone ought to know that she is not keeping her agreement.

Mr. KAHN. We are paying the expense at the present time.

Mr. CONNALLY. I will suggest to the gentleman from Iowa further, that he will recall, when he was in Coblenz last March or April, the Army officers stated at that time that at the end of each month Germany was making settlements. The United States advanced the money, and Germany at the end of each month was making settlement for the expense of the Army. I do not know what the facts are now, but at that time the Army officers stated, to me at least, that that was the fact.

Mr. GREEN of Iowa. They did make the statement in the gentleman's presence and in mine, but in not quite that way. They stated that Germany was making payments, and I think they said something about the amount that had been paid, but I have forgotten it now.

Mr. KAHN. Will the gentleman yield? Germany at that time was making some payments on account, but subsequently she made no further payments.

Mr. CANNON. Was she paying in marks at par?

Mr. KAHN. She was paying in marks, but they were taken, I presume, at the rate of exchange which prevailed at that time.

Mr. CANNON. That left no pay, practically.

Mr. KAHN. Yes; we had $2,000,000 that was put into our Treasury on account of it—$2,000,000 of our money.

Mr. FAIRFIELD. Do I understand that under the terms of the armistice Germany will pay for the cost of maintaining the Army in Russia, to which the gentleman from Iowa is addressing himself?

Mr. GREEN of Iowa. Oh, no; my remarks will take a much wider scope than that. I was speaking last of our Army in Germany, the expense of which Germany agreed to pay.

Mr. FAIRFIELD. The expense incident to the Russian campaign is to-day paid wholly out of the Treasury of the United States, I understand?

Mr. GREEN of Iowa. Yes. It has been paid wholly out of the Treasury of the United States. Nobody knows how much it costs, except we know it ran way up into hundreds of millions of dollars.

Mr. DICKINSON of Missouri. May I ask the gentleman a question?

Mr. GREEN of Iowa. Yes.

Mr. DICKINSON of Missouri. Do you know how much greater the expense is of keeping the troops over there than the expense of keeping the same troops in this country would be?

Mr. GREEN of Iowa. Does the gentleman mean in Germany or in Russia?

Mr. DICKINSON of Missouri. In Germany. If the troops were returned to this country they would still be a part of the Army.

Mr. GREEN of Iowa. My understanding is, in a general way——

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. GREEN of Iowa. I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. GREEN of Iowa. My understanding, in a general way, is that it costs about twice as much. Probably the gentleman from California [Mr. KAHN] can speak more accurately than I can.

Mr. KAHN. Of course, every soldier abroad gets 20 per cent increase in his pay for foreign service; and, while these men are a part of the Army of the United States, the great expense is in keeping eight transports going between American ports and European ports so as to carry supplies to these men over on the other side; and the testimony before the Committee on Military Affairs is that the cost of those transports is from $1,200 to $1,700 a day.

Mr. DICKINSON of Missouri. What would be the difference in cost? Would it be twice as much over there?

Mr. GREEN of Iowa. It would be more than twice as much, counting in that.

Mr. McKEOWN. Will the gentleman yield there?

Mr. GREEN of Iowa. I will; but I am yet getting down to the real matter to which I want to call attention.

Mr. McKEOWN. Does the gentleman favor bringing the troops back immediately from Germany?

Mr. GREEN of Iowa. Yes.

Mr. McKEOWN. You expect by that means to be able to collect the amount that you say Germany agreed to pay?

Mr. GREEN of Iowa. I expect that the amount which Germany has agreed to pay will never be paid, and I do not think any gentleman who has studied the situation expects we will get any substantial sum more out of Germany.

Mr. KAHN. I so stated on the floor day before yesterday, and I am quite in accord with the gentleman's views.

Mr. GREEN of Iowa. But the matter on which I particularly wanted to address the committee is one of far greater importance than the loss of half a billion dollars which will eventually be the result of keeping our troops in Russia and in Germany.

Several members of the Military Committee stated the other day that, in their judgment, it would not be constitutional to

insert a provision in this bill to the effect that no part of the appropriation contained therein should be paid for troops on foreign service, specifying the service; or, in other words, to provide that no money should be paid out for troops kept in some country where they were stationed against the will and purpose of Congress. I would favor a provision that no part of the money appropriated by this bill should be spent to maintain troops in Europe, but the mere fact that the bill contains no such provision is not so important as the establishment of the principle that it is unconstitutional for Congress to attempt to control the disposition of our Army by refusing appropriations when it is used by the President in a manner which Congress does not approve. If it is conceded that such a provision would not be constitutional, then the President can send our Army wherever he pleases, keep it there as long as he pleases, involve us in unnecessary and improper wars, and exercise a power that never before was given to any but the most arbitrary monarchs that ever ruled any portion of the earth, and Congress can do nothing about it. The King of England has no such power. He has always been subject to the will of Parliament in refusing to give appropriations to carry or to keep troops in portions of the globe not approved by Parliament. Strictly speaking, even the Kaiser could not do that. As a matter of fact, however, he did it, and his grandfather before him, under the advice of Bismarck, proceeded for several years without any appropriation for the army, but afterwards got a bill through the Reichstag sanctioning the proceeding.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GREEN of Iowa. Mr. Chairman, I ask unanimous consent to proceed for two minutes longer.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. GREEN of Iowa. I do not believe that the construction placed upon the constitutional powers of the President by the Military Committee is correct. The President, of course, under the Constitution is the Commander in Chief of the Army and Navy, but I think the term "Commander in Chief" as used in the Constitution has the same meaning it has in military affairs. In other words, it means the immediate commander of the forces, who is superior to all other generals, and, in the absence of direction by the civil power, can order the troops wherever he sees fit and just as he sees fit.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. The gentleman will kindly remember that I have only two minutes.

Mr. McKENZIE. Could you divide that authority?

Mr. GREEN of Iowa. Yes; very easily. The Commander in Chief is subject to the civil power. If not, what sort of a Government do we have if the Commander in Chief of our Army is entirely independent of our civil power? It means that the military power is superior to the civil power, and that never exists in anything but an autocratic and tyrannical government. Subject to the direction of the civil power, the Commander in Chief has, as I was about to say, the power to order the troops where, when, and how he may see fit. But beyond that, in my judgment, the Constitution did not intend to give him any power.

Mr. McKEOWN. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. McKEOWN. Does not a declaration of war automatically under our Constitution vest the supreme power in our President to direct the troops and conduct war, and it is not in the power of Congress to recall it until a treaty has been negotiated?

Mr. GREEN of Iowa. No. The gentleman is not exactly correct.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. FAIRFIELD. Mr. Chairman, I ask that the gentleman from Iowa be granted two minutes more.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the time of the gentleman from Iowa be extended two minutes. Is there objection?

There was no objection.

Mr. GREEN of Iowa. Answering my friend from Oklahoma, the breaking out of war gives to the President no more powers than he had before. He is Commander in Chief of the Army and Navy then, as he is now in time of peace.

Mr. FAIRFIELD. I am very much interested in the gentleman's discussion, but perhaps unfortunately for the logic of it—although that may very easily be explained—is the fact that the President is not only the Commander in Chief of the Army, but he is the Chief Executive at the same time of the civil power. Now, then, I would be very much interested, indeed, to find out how, save through the passing of a law by a two-thirds majority in both Houses, or by impeachment, you could reach effectively the control by the President of what you are pleased to call the civil power.

Mr. GREEN of Iowa. That applies to all laws that we pass. We may restrict neither the President nor anyone else without the approval of the President, unless we have a two-thirds majority; so that, of course, the President, through the exercise of his veto, can and may prevent a restriction of his own powers. But that has nothing to do with the question I am discussing. I claim that Congress has the right to provide by law that appropriations made for the Army shall not be used to keep troops in any specified country or to make war upon any specified nation.

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

Mr. HASTINGS. Mr. Chairman, I ask that the gentleman may have one minute more. I want to ask him a question.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that the gentleman from Iowa may proceed for one minute more. Is there objection?

There was no objection.

Mr. HASTINGS. I think this is a very important question. But let me ask: Does the Committee on Military Affairs contend that the House of Representatives, where all appropriations must originate, or where it could refuse to make any appropriations at all, has no authority to place restrictions on this appropriation bill, providing in effect that none of the money appropriated in this bill shall be used to support troops on foreign soil? Now, if it takes that sort of a position, while I am not on the Committee on Military Affairs and while I have not looked up the constitutional provision in the last few days, I am clearly of opinion that this Congress has that right, because it can refuse to appropriate any money at all if it wants to, and why, then, can it not put such a restriction on this bill? I would like to have the gentleman answer that question.

Mr. GREEN of Iowa. I think I have answered it.

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

Mr. KAHN. Let us read one paragraph.

Mr. CONNALLY. I want to oppose the amendment of the gentleman from Iowa.

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. CONNALLY. Mr. Chairman and gentlemen of the committee, the very remarkable and interesting remarks of the gentleman from Iowa [Mr. GREEN], who has just concluded—and I hope he will not go away—illustrate the length to which gentlemen will permit their feelings and their passions to carry them, even to the extent of affecting their views of government and the basic principles upon which this Republic is founded.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. CONNALLY. I yield to the gentleman.

Mr. GREEN of Iowa. I have made the remarkable discovery here that feeling and passion and politics are all on this side. There is never any on the other side. [Laughter.]

Mr. CONNALLY. Oh, yes; there is. There are passion and politics enough on this side, so far as the gentleman from Texas is concerned, to impel him always when he feels that an unjust and unfair attack is made, even by the gentleman from Iowa, to rise in his place here and express his repudiation and denunciation of that action. I did not intend, however, to show any feeling on this occasion, but I wanted to suggest to the gentleman from Iowa that when he complains of the power of the President under the Constitution as Commander in Chief of the Army and compares it unfavorably with the system of Great Britain and with the system of the Kaiser his quarrel is not with the person who occupies the White House, but his complaint is really against the Constitution itself. The authority of the President and of Congress is founded upon the Constitution, and if that distribution of power does not comport with the gentleman's views it can not be the fault of men now in office. The gentleman from Iowa in effect expresses on the floor of this House his preference for the British constitution, which denies to the King the power which he says ought not to be vested in the President.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. CONNALLY. In a moment. The gentleman from Iowa in effect expresses on the floor of this House his preference for the system of the Kaiser when he says that even the Kaiser did not have the power which the President has under the Constitution. I want to accord to the gentleman credit by saying that I do not believe that he really intended to express his preference for the Kaiser's system; but the irresistible conclusion from what he said is that in that respect at least he prefers the German system.

Now I yield to the gentleman from Iowa.

Mr. GREEN of Iowa. The gentleman would be much more fair and do me much more credit if he would quote my remarks as they were. I stated that that was not a correct construction of our Constitution, and that I do not believe that the President has any such power.

Mr. CONNALLY. Then the gentleman's quarrel is with the Committee on Military Affairs. I will say to the gentleman from Iowa that anyone who reads the Constitution, it seems, would agree with the gentleman from Oklahoma [Mr. HASTINGS] when he announces the proposition that Congress may refuse any appropriations to the Army if it sees fit. It may limit those appropriations by placing in the bill a provision that no part of the moneys carried should be used to pay troops in Europe or in Russia or at any other point on the face of the globe. That seems clear, in view of the precedents. While I have not carefully examined them all, it seems sound, and if that is what the gentleman from Iowa meant, I thoroughly agree with the gentleman from Iowa.

Mr. KAHN. Mr. Chairman, will the gentleman yield?

Mr. CONNALLY. I yield to the gentleman from California.

Mr. KAHN. Of course, it has been customary for the Presidents of the United States, regardless of their party allegiance or their party politics, to send American troops where American interests were threatened; and so President McKinley, in his day, sent the forces of the United States into China during the Boxer revolution to protect American lives, and no question was raised.

Mr. CONNALLY. And without a declaration of war.

Mr. KAHN. Without a declaration of war.

Mr. CONNALLY. I thank the gentleman from California for his suggestion. I pay him the honor of saying that on this and many other occasions he has exemplified a breadth of view and a breadth of thought that is commendable to him. The bulk of authority on constitutional power and limitations is favorable to the view that as Commander in Chief of the Army President McKinley had authority to take action in the case of the Boxer uprising.

Mr. CANNON. Will the gentleman allow a single suggestion?

Mr. CONNALLY. I yield to the gentleman from Illinois.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CONNALLY. I ask unanimous consent that my time be extended five minutes.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. CONNALLY. I yield to the gentleman from Illinois.

Mr. CANNON. It is true, is it not, that President Polk ordered the Army across the Rio Grande?

Mr. CONNALLY. I understand the history of that time to be that President Polk did that on the theory that United States territory had been invaded by Mexican troops, and that he took action to repel invasion; and in the exercise of his constitutional power to repel invasion that he had employed the armed forces of the United States.

Mr. CANNON. I am not criticizing President Polk. The present President sent the Navy to Vera Cruz, sent the Army down onto the border, and ordered it into Mexico. I am not saying that he did wrong.

Mr. CONNALLY. I understand the point made by the gentleman from Illinois.

Mr. GREEN of Iowa. Will the gentleman yield a little further, in order to get this matter straight?

Mr. CONNALLY. I yield to the gentleman from Iowa.

Mr. GREEN of Iowa. I understood it was the position of the Committee on Military Affairs that a provision to the effect that none of the money carried in this bill should be appropriated for troops on foreign soil could not be enforced, or that it was at least of doubtful constitutionality, and I understood that some of the Members thought it would be absolutely unconstitutional.

Mr. CONNALLY. I will say to the gentleman from Iowa that from the nods of gentlemen on the Military Affairs Committee, of which I am not a member, I assume that his statement as to their position is correct.

Mr. DENT. Will the gentleman yield?

Mr. CONNALLY. I yield to the gentleman from Alabama.

Mr. DENT. I would like to state that I do not know of any action whatsoever having been taken by the Committee on Military Affairs to that effect, and I do not think they ought to be quoted as a committee. Individual expressions of members of the committee may have been to that effect.

Mr. KAHN. Will the gentleman yield?

Mr. CONNALLY. Yes.

Mr. KAHN. The only time the Military Affairs Committee had this question up for consideration was in connection with the resolution of the gentleman from Illinois [Mr. MASON] to bring the troops out of Siberia. At that time the committee went into the question, and the constitutional precedents were placed before the committee and are in the hearings, and the committee took no action on the resolution.

Mr. CONNALLY. Perhaps the distinction in that case was this: Congress has no power to direct the President to take affirmative action as Commander in Chief. Congress would have no power in an appropriation bill or elsewhere to say that the President should withdraw the troops from Russia. The only power that Congress has is through control of the purse—that is, to deny appropriations. I want to suggest to the gentleman from Alabama and to the gentleman from Iowa that perhaps the gentleman from Iowa arrived at the conclusion that the view of the Military Affairs Committee was that as a matter of policy it was unwise to tie these limitations and restrictions to the Army appropriation bill, when, as a matter of fact, the war is not yet over and your peace resolution has not become law, and when, according to the law of nations, to-morrow or next day or next week hostilities might possibly be renewed between the United States and Germany; and the Military Affairs Committee did not want to be put in the foolish, unwise, and unpatriotic attitude of tying a string to this appropriation, which would make it impossible for the President properly to employ the Army and the Navy in defending our interests on foreign soil. I suggest that to the gentlemen. I do not know that that was the motive that prompted the Military Committee, but I would suggest that it would have been a very wise one if the committee did base its conclusion on that view.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. McKENZIE. Will the gentleman yield?

Mr. CONNALLY. I yield first to the gentleman from Iowa.

Mr. GREEN of Iowa. I heard the remarks that were made in the general debate on this bill, and I take it that possibly my friend from Texas did not.

Mr. CONNALLY. I heard some of them. I do not recall all of them.

Mr. GREEN of Iowa. I understood the gentleman from California [Mr. KAHN] and the gentleman from Illinois [Mr. McKENZIE] to put the matter just as I have stated it. If I have stated it incorrectly, I will be glad to yield to them.

Mr. McKENZIE. I want to say to the gentleman from Texas that as one member of the Committee on Military Affairs I would be opposed to putting the committee in an embarrassing position, and in my humble judgment any such limitation as has been suggested on this appropriation bill would be absolutely void.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. CONNALLY. I ask unanimous consent for five minutes additional.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. CONNALLY. I suggest to the gentleman from Illinois that I thoroughly and heartily agree with the suggestion of his view in so far as it expresses a policy as to the matter, and I want to say to the gentleman from Iowa that I am sure he does not really want to put such a limitation upon this appropriation bill, in view of the fact that our Army is occupying German soil under the terms embodied in the armistice which is still in force and which is recognized by section 5 of the resolution which you passed here the other day. You are claiming benefits under that armistice, and I want to suggest to the gentleman from Iowa that whatever other considerations may be suggested, he would not want to place his country in the position of withdrawing our troops from that zone without some agreement or some settlement with the Allies as to the occupation. And I want to say to the gentleman furthermore that when he and I were in Coblenz last year there were 240,000 American soldiers occupying that territory, and that was what the gentleman from California had in mind when he first presented the large amount of expenditure in the occupied zone. To-day there are something like 18,000 soldiers only, as I understand it, occupying that territory.

Mr. KAHN. There are 17,455, to be exact.

Mr. CONNALLY. There are that many in the occupied territory. Now, the gentleman from Iowa certainly would not want to come in here and try by legislative action to direct the military affairs of this Government. When the thirteen Colonies were conducting the War of the Revolution they undertook for a while to direct military operations through the Continental

Congress, but they had at last to come to the point where they gave Gen. Washington practically supreme power. And the same was true in the case of President Lincoln. In prosecuting the Civil War as long as the Secretary of War undertook to direct military operations in the field your armies were scattered and overwhelmed by the Confederates. At last he came to the conclusion that a civilian was not fit to direct military operations, and he gave Gen. Grant supreme authority in the field and limitless resources and men, and then victory perched upon the banner of the Union.

I want to suggest in reference to putting soldiers in occupied territory and sending soldiers to Russia, that though now it may be questioned by the Members of the House as to the wisdom of that action, that action was taken at a moment when we, alongside the Allies, were faced with a triumphant and unwhipped Germany. The action of sending soldiers to Siberia was the result of a general agreement with the Allies. The United States was but carrying out its part of another agreement when we sent troops into the occupied territory of Germany. We did not go in alone, but under an agreement and with a common purpose and with a common desire that we should put our armies along the Rhine River and hold the enemy at bay until a treaty could be signed. Had we not sent our soldiers there, had we not taken part in that enterprise, we would have been recreant to our duty, and America would have imperiled absolutely the great purpose for which we were engaged in the war. [Applause.]

The Clerk read as follows:

ORDNANCE DEPARTMENT.

ORDNANCE SERVICE.

For the current expenses of the Ordnance Department in connection with purchasing, receiving, storing, and issuing ordnance and ordnance stores, comprising police and office duties, rents, tolls, fuel, light, water, and advertising, stationery, typewriters, and adding machines, including their exchange, and office furniture, tools, and instruments of service; for incidental expenses of the Ordnance Service, and those attending practical trials and tests of ordnance, small arms, and other ordnance stores; for publications for libraries of the Ordnance Department, including the Ordnance Office; subscriptions to periodicals, which may be paid for in advance; and payment for mechanical labor in the office of the Chief of Ordnance; and for maintenance, repair, and operation of motor-propelled or horse-drawn passenger-carrying vehicles, $4,000,000: *Provided*, That all material purchased under the appropriations in this act for the Ordnance Department of the United States Army shall be of American manufacture, except in cases when, in the judgment of the Secretary of War, it is to the manifest interest of the United States to make purchases abroad, which material shall be admitted free of duty.

Mr. CONNALLY. Mr. Chairman, I offer an amendment that is similar to the one I offered the other day.

The Clerk read as follows:

Page 52, line 17, after the figures "$4,000,000," insert: "*Provided*, That no money appropriated herein shall be expended for the maintenance, repair, or operation of any motor-propelled passenger-carrying vehicle employed wholly or in part for personal, social, or other similar use, or for any use except for military official business."

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

Mr. KAHN. Mr. Chairman, I offer an amendment on line 17, page 52, after the word "provided," insert the word "further."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 52, line 17, after the word "provided," insert the word "further."

The amendment was agreed to.

The Clerk read as follows:

ORDNANCE STORES, AMMUNITION.

For the development, manufacture, purchase, and maintenance of airplane bombs; of ammunition for small arms and for hand use for reserve supply; of ammunition for burials at the National Soldiers' Home in Washington, D. C., and of ammunition for firing the morning and evening gun at military posts prescribed by General Orders, No. 70, Headquarters of the Army, dated July 23, 1867, and at National Home for Disabled Volunteer Soldiers and its several branches, including National Soldiers' Home at Washington, D. C., and soldiers' and sailors' State homes, $1,000,000.

Mr. BLANTON. Mr. Chairman, I move to strike out the last word. Has not the time come when we can do away with the old military custom and incident expense of firing a cannon every morning and every evening at the various military posts of our Nation? We are not keeping up with the old militaristic spirit that actuated our forefathers years ago. Why can not we substitute something that will cost nothing and will remind the boys of peace in this country? There is good reason for the ceremony of raising and lowering the flag, but there is no necessity whatever for this expense of accompanying it with the firing of a cannon.

Mr. KAHN. Mr. Chairman, of course it is the hope of the Committee on Military Affairs that when the reorganization bill shall have been passed the wording of the military appropriation bill will be changed. All these matters will be taken up with the idea of presenting a bill that will be entirely modern and up to date.

In regard to firing the sunset and morning gun, there are many citizens who set their timepieces by that gun just as the merchant in the great cities in this country looks for the falling of the time ball at noon on the merchants' exchange building, or some other building of that kind.

Mr. BLANTON. Surely the gentleman does not mean that the people in the United States need the firing of a cannon morning and night by which to set their clocks and watches to carry on business. I know it has been going on since 1869, but the time is now ripe to stop it.

Mr. KAHN. Sometimes it takes a cannon to wake people up.

Mr. BLANTON. And it sometimes takes one to put them to sleep. We ought to wake up and take this obsolete feature out of our appropriation bill and do away with these war-time matters that have been so long a burden on the people. We are appropriating a million dollars in this item.

Mr. KAHN. But a very small part of this item is to go for the firing of the morning and sunset gun.

Mr. BLANTON. When is the gentleman going to give us the modern bill of which he speaks?

Mr. KAHN. I hope to get the Army reorganization bill through this House in a comparatively brief time.

Mr. BLANTON. After the convention?

Mr. KAHN. Oh, no, no. That is a matter that we propose to try and get through this House before this House shall adjourn at this session.

Mr. BLANTON. I think we ought to stop these morning and evening salutes. They cost lots of money and are an additional tax burden on the people. Let the flag be raised and lowered without firing cannons.

Mr. BEE. Mr. Chairman, I am not going to carry on the controversy about firing the morning and evening gun, but I would like to make this suggestion: Almost ever since this Government was established it has been the custom in the Army circles at the raising of the flag, the raising of the Stars and Stripes, in the morning to fire a morning gun. Ever since, almost, the Government was established it has been the custom when the flag was lowered in the evening to fire an evening gun. It is a custom, and it is sanctified and glorified by the blood and heroism of the men who have helped to make this country great. Of this item carrying $1,000,000 probably an infinitesimal part of it is spent in the carrying out of this custom, memorial in its character, patriotic in its purpose, inspiring in its effect, and conducive to the love of country and the respect for the flag. [Applause.]

That is carried in the thought that as the sun rises in the morning and Old Glory floats to the breeze, the symbol of a brave and patriotic and mighty people is announced by the firing of a gun. Then as the evening shadows fall and night comes and slumber is about to envelop the people of this great Nation Old Glory is lowered from its station, where it has floated in the breeze, and the inspiring and beloved symbol of a great people lowered for that slumber by the firing of a gun. Let me say to my good friend from Texas [Mr. BLANTON] that whatever this Army bill may do I hope the time will never come when we will cease in Army posts, amid the soldiers of the Republic who guard the rights of the Government and of the great people who stand in the front of its dangerous enemy, to continue to pay this respect to Old Glory in the morning and to Old Glory in the evening. [Applause.]

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. BEE. Yes.

Mr. BLANTON. Old Glory is raised over this Capitol every morning without the firing of a gun, and is lowered every evening without the firing of a gun, and here in Washington my distinguished colleague has no cannon to wake him in the morning at Congress Hall. Why does he need one in San Antonio to wake him up?

Mr. BEE. Oh, I never participated in a discussion of clock or a discussion of San Antonio. I am talking about a great national question, and I want to say to my colleague from Texas that as a rule the flag is raised over the Capitol in the morning and lowered in the evening as they raise it over every schoolhouse in this land, and I hope the Army of the United States, the symbol of the defense and the strength of the people, will continue by the firing of a gun to pay its respect to that flag.

The CHAIRMAN. The time of the gentleman from Texas has expired.

The Clerk read as follows:

MANUFACTURE OF ARMS.

For manufacturing, repairing, procuring, and issuing arms at the national armories, $700,000.

Mr. TILSON. Mr. Chairman, I move to strike out the last word. Just what kind of arms are now being manufactured at the arsenals?

Mr. KAHN. I am informed that a small number of rifles are being manufactured at the various arsenals for the purpose of keeping intact the working organizations.

Mr. TILSON. They are only skeleton organizations that they are keeping going there?

Mr. KAHN. Yes.

Mr. TILSON. I understand, of course, that it is necessary to produce a number of spare parts to keep the rifles now in use in good condition.

Mr. KAHN. Yes.

Mr. TILSON. Especially those that went through the recent war.

Mr. KAHN. Yes.

Mr. TILSON. I suppose that they will need the replacing of a number of parts.

Mr. KAHN. Yes.

Mr. TILSON. The gentleman knows that it is the intention to go ahead and increase our stock of Springfield rifles as time goes on. This will serve two purposes, namely, to keep the organizations in shape to manufacture them and at the same time to gradually increase our stock of Springfield rifles.

Mr. KAHN. Of course, the only rifle that is being manufactured in the small-arms manufacturing arsenals is the Springfield; but the country has in its possession millions of rifles that were manufactured during the war for the use of our soldiers.

Mr. TILSON. About two and a half millions of those will be put away as a reserve for future emergencies.

Mr. KAHN. Yes.

Mr. TILSON. I have wondered if we were developing any new arms or whether this expenditure is simply to continue the manufacture of additional arms of types that we now have.

Mr. KAHN. That is the only purpose of this appropriation.

Mr. TILSON. With respect to the item before this, concerning which there was so much discussion in regard to the small items, blank cartridges for firing the morning and evening guns and salutes over the graves of dead soldiers, what kind of ammunition is it intended to manufacture with the remainder of the million dollars?

Mr. KAHN. Of course, it is intended to use that for the manufacture of ammunition for the Springfield rifles.

Mr. TILSON. Was there not a pretty large reserve supply of service ammunition left over after the war?

Mr. KAHN. There is a great deal of that ammunition left over, but we were told that experiments were being made in connection with aeroplane defense, and that new sizes were being developed in connection with the tanks, and experiments of that kind.

Mr. TILSON. Does the gentleman know whether the Ordnance Department is going forward with the .50-caliber gun we heard so much talk about being developed just about the end of the war?

Mr. KAHN. I understand that that gun is still being experimented with by the officers of the Ordnance Department.

Mr. FOCHT. Mr. Chairman, as I entered the Chamber I heard the beautiful tribute that was paid to the American flag by one distinguished Member from Texas [Mr. BEE], and then later on it was even more glorified by another Member of Congress from Texas [Mr. BLANTON]. Both gentlemen talked about how Old Glory was unfurled in the morning and taken down in the evening from over the Capitol. As a matter of fact, I will state to these two enthusiasts from Texas, whose love for the flag is so great and whose historical knowledge of a certain fact is so deficient, that the flag over the Capitol is never taken down; that there are four places that the flag floats on continuously and forever, namely, in front of the Capitol, in the rear of the Capitol, over the House Office Building, and over the Senate Office Building.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. FOCHT. Yes.

Mr. BLANTON. And they do not need any gun to keep them there.

Mr. FOCHT. Oh, no; only plenty of noise from Texas. [Laughter.]

The Clerk read as follows:

ORDNANCE STORES AND SUPPLIES.

For the manufacture, test, purchase, and maintenance of sighting devices for airplane bombs, of carrying and releasing devices for airplane bombs; for overhauling, cleaning, repairing, and preserving ordnance and ordnance stores in the hands of troops and at the arsenals, posts, and depots, $1,000,000.

Mr. KAHN. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Page 54, line 3, after the word "depots," change the comma to a semicolon and insert "for purchase and manufacture of ordnance stores to fill requisitions of troops."

Mr. KAHN. Mr. Chairman, this does not add any amount to the appropriation carried in the bill, but the ordnance officers claim it is absolutely necessary in order that they may manufacture certain materials that are in constant use by the Regular Army and by the National Guard.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

AUTOMATIC MACHINE RIFLES.

For the purchase, manufacture, test, repair, and maintenance of automatic machine rifles or other automatic or semiautomatic guns, including their mounts, sights, and equipments, and the machinery necessary for their manufacture, the funds appropriated to remain available until June 30, 1922, $500,000.

Mr. WALSH. Mr. Chairman, I reserve the point of order on the paragraph. What is the idea of making this appropriation available for 1922?

Mr. KAHN. Of course, the gentleman knows that under the Constitution it is not possible to appropriate for the Army for more than one year unless Congress takes action. It is found that in manufacturing machine guns and tanks it is necessary to enter into contract with those who manufacture them, which contracts frequently extend over a year, and in order to make the money available for the payment of the bills under that contract this language is necessary. I want to say to the gentleman, further, that there are quite a number of items in the Ordnance appropriations in which that language is carried; it was found necessary because of the long time required to manufacture the ordnance articles.

Mr. WALSH. Well, of course, this would not prevent the manufacture of the articles if this money be not available until 1922.

Mr. KAHN. It would prevent the manufacture unless the manufacturer would wait for his money until 1922. In other words, we will be asked to make an appropriation in 1922 to pay the bills. But the purpose is to meet the situation by making it possible to pay the manufacturer his money as soon as he delivers his commodity to the War Department without having to come to Congress for a special appropriation for that purpose.

Mr. WALSH. Well, I appreciate that that is very convenient for the manufacturer, but I do not quite see how it is going to hinder the War Department.

Mr. KAHN. We will not be able probably to enter into those contracts unless the manufacturer can be assured that he can get his money promptly.

Mr. WALSH. Well, if the manufacturer is in any doubt of Congress being here in 1922 to appropriate the money I have grave doubts whether he is the proper party with whom to make a contract.

Mr. KAHN. I want to suggest to my friend that it frequently happens that considerable sums are involved in these contracts. The manufacturer has not a ready supply of money, and in order to make immediate payments he has to go to some financial institution and make a loan and pay interest. Every time he has to do that the Government has to pay that interest. He makes an additional charge upon his commodity because he can not get prompt payment.

Mr. WALSH. Following out that argument, why did not the gentleman make all these appropriations that require manufacture by private concerns available the same length of time?

Mr. KAHN. Because there are no contracts just like these for manufacturing machine guns and tanks. The other concerns that furnish food and furnish clothing and other material for the Army can get their money generally just as soon as the goods are delivered, but this money is held in abeyance until the goods are delivered, and it takes over a year frequently to make deliveries to the Government.

Mr. WALSH. I make the point upon the language in lines 24 and 25, "the funds appropriated to remain available until June 30, 1922."

The CHAIRMAN. The gentleman from Massachusetts makes the point of order against the language in lines 24 and 25—"the funds appropriated to remain available until June 30, 1922." The point of order is well taken, and the Clerk will read.

The Clerk read as follows:

TANKS.

For the purchase, manufacture, test, maintenance, and repair of tanks and other self-propelled armored vehicles, to remain available until the end of the fiscal year 1922, $500,000.

Mr. WALSH. Mr. Chairman, I make a point of order upon the language "to remain available until the end of the fiscal year 1922."

The CHAIRMAN. Does the gentleman from California desire to be heard?

Mr. KAHN. Oh, the same reason for this provision applies as was given before with regard to the automatic machine guns. These necessary implements of warfare require a long time to manufacture, and therefore it was deemed advisable by the committee to make the funds for these implements available for two years.

Mr. WALSH. Well, now, does the gentleman know any case in his long experience upon this great committee where a contract was entered into by the officials of the War Department under an authorization in an appropriation bill which was not completed until the succeeding year where the contractor failed to get his money?

Mr. KAHN. Well, I know that we have had the matter up in discussion in the House on a number of occasions where the manufacturers had to wait a considerable time for their money. Of course, the tank is a new instrument of warfare. The ordnance officers who came before our committee explained that they were trying to simplify the manufacture, so that instead of being made up of a great many parts the tanks would be made up of just two parts, and in that way they could be turned out in great numbers in case we should again become involved in war. But the men who are manufacturing these implements of war are men of limited means, and it takes a long time to manufacture these implements. I submit that the provision that the money should remain available until 1922 would help the War Department, the Ordnance Department, and, I think, the men who are experimenting with these implements at the present time.

The CHAIRMAN. The gentleman from Massachusetts raises the point of order to the language on page 55, "to remain available until the end of the fiscal year 1922." The bill is an appropriation bill for the Army for the fiscal year ending June 30, 1921. Any provision extending beyond that period is legislative and subject to the exclusionary rule. The point of order is sustained.

Mr. BLANTON. Mr. Chairman, I move to strike out the last word. There was such a barrage and so much gas from Pennsylvania a moment ago that it obliterated the noise from Texas. I want to correct the gentleman's research in preparing for his flag speech. He got his data a little bit mixed up. If the gentleman had availed himself of the opportunity which was accorded every Member of Congress as well as the people of Washington to hear the splendid music which is rendered out here once a week by one of our marine bands, right here east of the Capitol during the summer months, he would have known that there is one flag upon this Capitol that at least one day in every week is lowered.

Because when that great Marine Band has played the Star Spangled Banner out here on the east side of this Capitol every Member of this Congress who has attended those exercises has seen that flag lowered during the playing of it at sunset.

Mr. FOCHT. Will the gentleman yield?

Mr. BLANTON. I yield.

Mr. FOCHT. Why, now, the gentleman with his vociferousness only emphasizes his ignorance, because my assertion and statement here is well understood by every person of intelligence. I regret that the gentleman can not comprehend the statement.

Mr. BLANTON. I do not yield for that kind of a harangue. I have the floor, Mr. Chairman, and fortunately, I have the privilege under the rules of the House of removing all this hot air and gas from my remarks, because I did not yield. The distinguished gentleman from Illinois [Mr. CANNON] upholds me in that position. There is one flag which, in looking up material for his flag speech, the gentleman overlooked, and that is the flag on the east end of this Capitol, that every time the Marine Band holds its concerts during the summer months here, has been lowered at sunset during the playing of the Star Spangled Banner, and the gentleman from Pennsylvania in that connection was incorrect. And I do not want to correct the speech that he made, his flag speech, but I do want to correct his remarks made here on the floor of the House.

The Clerk read as follows:

ARMS, UNIFORMS, EQUIPMENT, ETC., FOR FIELD SERVICE, NATIONAL GUARD.

To procure by purchase or manufacture and issue from time to time to the National Guard upon requisition of the governors of the several States and Territories, or the commanding general, National Guard of the District of Columbia, such number of United States service arms with all accessories, Field Artillery and Coast Artillery material, Engineer, Signal, and sanitary material, accouterments, field uniforms, clothing, equipage, publications, and military stores of all kinds, including public animals, and a reserve supply of such arms, material, accouterments, field uniforms, clothing, equipage, and military stores of all kinds, as are necessary to arm, uniform, and equip for field service the National Guard of the several States, Territories, and the District of Columbia, $8,000,000: *Provided*, That the Mexican border medal or ribbon issued to National Guard officers and enlisted men under the provisions of the act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1919," approved July 9, 1918, shall be issued to National Guard officers and enlisted men who at the same time served as such in the field under the call of the National Guard to such Mexican border service but were stationed for service at points other than on the Mexican border: *Provided further*, That such medals shall not be issued to men who have subsequent to such service been dishonorably discharged from the service or deserted: *Provided further*, That members of the National Guard who have or shall become entitled for a continuous period of less than one month to Federal pay at the rates fixed for the Regular Army, whether by virtue of a call by the President, of attendance at school or maneuver, or of any other cause, and whose accounts have not yet been settled, shall receive such pay for each day of such period; and the 31st day of a calendar month shall not be excluded from the computation: *And provided further*, That the Secretary of War is hereby directed to issue from surplus stores and matériel now on hand and purchased for the United States Army such articles of clothing and equipment and Field Artillery matériel and ammunition as may be needed by the National Guard organized under the provisions of the act entitled "An act for making further and more effectual provisions for the national defense, and for other purposes," approved June 3, 1916. This issue shall be made without charge against militia appropriations.

Mr. GREENE of Vermont and Mr. DENT rose.

Mr. GREENE of Vermont. Mr. Chairman, I have a committee amendment. On page 57, line 16, strike out the word "or" and insert the word "and" in lieu thereof.

The CHAIRMAN. The gentleman from Vermont offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment: Page 57, line 16, strike out the word "or" at the end of the line and insert in lieu thereof the word "and."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. Let me call the attention of the chairman of the committee that there should be a change in the spelling of the word "elisted," in line 17.

Mr. KAHN. Yes. I ask unanimous consent that the change be made.

The CHAIRMAN. Without objection, the spelling of the word will be changed to "enlisted."

There was no objection.

Mr. MONDELL. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Alabama [Mr. DENT] yield?

Mr. DENT. I yield.

Mr. MONDELL. I move to strike out the last word.

Mr. Chairman, before we conclude the consideration of the Army appropriation bill, I want to say just a word in appreciation of the work of the chairman [Mr. KAHN] and of the committee and all of the members of the committee, the minority and majority, in making up this bill. They have worked diligently, faithfully, and intelligently, and they have given us a bill that we can all support. I have said at one time and another that I hoped the Army bill would carry less than $400,000,000. I am very glad to be able to say that it carries considerably less than $400,000,000—some $23,000,000 less. And yet I am of the opinion that the committee has cared for the military service well and efficiently, and that it will not be necessary to add to the items of this bill. I want to thank the Military Committee for having given us such very valuable assistance in realizing the hope and expectation expressed at the beginning of the session, of being able to reduce the estimates carried in the Book of Estimates in excess of a billion dollars. The reduction below the estimates made in reporting this bill amount to over $600,000,000. That is a very large portion of the reduction we hope to make.

When I made my first statement I said we hoped to reduce in excess of a billion. When I made my second statement I said we hoped to reduce by a billion and a quarter. I think we may now confidently assert that there is no question but what in reporting and passing the regular appropriation bills at this session of Congress we will be able to show a reduction below the estimates as carried in the Book of Estimates of somewhat more than a billion and a quarter of dollars. In saying that I have in mind that there is reported elsewhere a naval bill which carries, as reported, I think, $45,000,000 or $46,000,000 more than was carried in the House. We all take a very great pride in the American Navy. A member of the Naval Affairs Committee has made some graphic charts, which are in the lobby, clearly evidencing the fact that the American Navy will be within the next year or two the greatest Navy that floats

the seas, in number of ships, in tonnage, and, I hope, in efficiency. I am not prepared to say that this is necessarily a matter over which we should be particularly enthusiastic, and yet it is a matter of proper pride that we have developed not only a great Naval Establishment but an exceedingly efficient one.

But there should be reason in all things. Time was when we were urged to build and build and build for fear some one across the Pacific was going to exceed us in the number and in the fighting capacity of ships. And then we had the German Empire held up before us as the real menace. There is no menace on the seas. Our tonnage under construction will make us stronger than any navy afloat. But the American people are not, in my opinion, prepared to pay for the maintenance of the Navy, as much pride as they take in it, two-thirds as much money as they paid for the maintenance of all of the activities of the Government prior to the European war; and I hope we will all have that in mind when the Navy bill comes back to the House. It was a liberal bill when it passed the House, rather too liberal in my opinion, but we supported it because the committee had worked faithfully and had done its best to keep the bill within bounds in face of the everlasting and never-ending insistence of the department for larger appropriations. I hope that the House will stand against any and every increase in the naval bill. [Applause.]

Even at the best, assuming that this military bill is not increased, assuming the naval bill is not increased, we shall be paying over $800,000,000 for our Army and our Navy directly, in addition to very considerable appropriations carried on other bills, like the sundry civil bill, for these purposes. We want to, we must, we shall maintain a good Army and a good Navy, but it is highly essential that we shall remember the over-burdened American taxpayer and that we shall remember that expenditures are in this fiscal year ending 18 months after the guns ceased to roar on the western front $300,000,000, approximately, more than our enormous revenues, including very considerable sums obtained from salvage.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. We can not go on that way indefinitely. We must curtail. Now I will yield if I have time.

Mr. BLANTON. I understand we are soon to take up the third deficiency appropriation bill, which means that on three different occasions it has been necessary for Congress to pass deficiency bills and give more money to the departments that have gone beyond the scope of their expenditures as allowed by Congress. Are we going to keep on allowing them deficiencies when they unlawfully exceed our appropriations?

Mr. MONDELL. Well, I am not blaming anyone——

Mr. BLANTON. Well, I am blaming departments for exceeding——

Mr. MONDELL. For having taken over the railroads. There are a lot of folks who think that it was necessary. That matter is behind us. I am much inclined to blame those who had the administration of them, and yet I am not making that criticism now. But we did incur enormous obligations in connection with the railroads, and hence the deficiency bill which we are to consider within the next few days. As to other deficiency items, I am opposed to any and all estimates under the guise of a deficiency which in fact provides for larger expenditures for a given purpose than Congress contemplated.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. BLANTON. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for two minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. BLANTON. I wanted to call the attention of the distinguished majority leader to the fact that when the body at the other end of the Capitol took up the legislative, executive, and judicial appropriation bill on the first day there were about three pages of Senate amendments increasing our appropriations that were adopted by the Senate without even a word of argument, without even a word said in behalf of them on the floor of the Senate. How much longer is the House going to permit that kind of proposition to go through our conferees without action on the part of the House in curtailing those appropriations? We are helpless; we have no point of order against any of them.

Mr. MONDELL. I certainly am not going to indulge in unparliamentary language in reference to the action taken elsewhere. Hence, I shall say nothing, as I might not express my opinion of the matter in a way that would be entirely parliamentary. But I do confidently expect the conferees on the part of the House to do their duty, and I have confidence that they will.

Mr. HASTINGS. Mr. Chairman, will the majority leader kindly advise us, while he is upon the floor, what is expected to be considered in the House to-morrow?

Mr. MONDELL. To-morrow a special rule is to be brought in for the consideration of a bill increasing the allowance to injured men who are taking vocational training.

Mr. RAMSEYER. In stating the saving of $1,250,000,000, has the gentleman included the railroad bill?

Mr. MONDELL. I was discussing the savings within the estimates carried in the Book of Estimates. Outside of those more appropriations will have to be made. We can only measure our savings now by measuring the savings within the regular estimates.

Mr. RAMSEYER. Was the railroad deficiency in the regular estimates?

Mr. MONDELL. The railroad deficiency was not in the regular estimates. In fact, the railroad deficiency is for the past and present fiscal years, whereas the regular appropriation bills I have referred to provide for the next fiscal year.

Mr. DENT. Mr. Chairman, I move to strike out the last three words.

The CHAIRMAN. The gentleman from Alabama is recognized.

Mr. DENT. I have been a little afraid, Mr. Chairman, that perhaps the appropriation for the National Guard as contained in this bill was not sufficient. The Militia Bureau asked the committee for an appropriation for the National Guard for 175,000 officers and men, as I recall it. The committee decided to appropriate for an average of 100,000 National Guard. It occurred to me that if times should be restored to normal it might be possible for the National Guard to be builded up very rapidly, and if we made an appropriation for 175,000 as requested by the Militia Bureau it would certainly do no harm, because if the States did not raise the guard the money could not be expended. At the present time, as I understand it, there are some 42,000 national guardsmen organized since the armistice.

Mr. KAHN. The gentleman is correct.

Mr. DENT. In view, then, of the fact, Mr. Chairman, that this bill goes into effect on the 1st day of July, and that the Committee on Military Affairs will begin the writing of another appropriation bill about the 1st of next December, I shall not make any objection to the provisions as to the National Guard.

Attention has been called, both in the report on this bill and also by the statement which was recently made by the gentleman from Wyoming [Mr. MONDELL], that this bill reduces the estimates made by the War Department in support of the Army by something over $600,000,000. That is true, and the statement made in the report is a fair statement of the facts. But I think it is only fair to call the attention of the committee to the fact that when these estimates were made last fall—the law requiring them to be submitted in October—nobody knew what sized Army we were expected to have. A number of bills were pending for the purpose of reorganizing the Army of the United States, and the General Staff had prepared a bill for an Army of 576,000 officers and men and for universal compulsory military training.

Mr. KAHN. Mr. Chairman, will my colleague yield?

Mr. DENT. I yield.

Mr. KAHN. Of course, the bill as sent to the committee did carry a provision for universal military training. But I want to submit to my colleague that the estimate sent by the War Department last year also contemplated an Army of 576,000, and had no provision for universal training, and the figures submitted by the War Department were practically like the figures submitted to us here.

Mr. DENT. The figures were submitted on a proposed Army of 576,000 officers and men. Those were estimates. Now, it is only fair for this committee to know that both the committee on the part of the Senate and the House Military Committee repudiated that size of an army, and that repudiation was not limited to any party in this House. So that the estimates that were made were not made for the Army as authorized by law, but only for a proposed army, which neither House has agreed to accept; I think it is only fair for this House to know that the reduction of something like $600,000 is based on a proposed army prepared by the General Staff, and one which the committee unanimously rejected. [Applause.]

Mr. HASTINGS. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Oklahoma is recognized.

Mr. HASTINGS. I am only going to take a minute or two. We are always delighted to have the majority leader [Mr. MON-

DELL] address the House, particularly upon the subject of economy. I want to suggest to him—I do not see him upon the floor now—that if he wanted further to economize he might do with reference to paying our railroad obligations as we do our Indian claims—just never pay them. After representatives of these Indians come around the committees for years and years and years, the claims are called stale, and no appropriation is ever made for them.

Then, when they come with a bill to allow them to go to our own courts, to have the courts say whether or not these claims are just, we will not even allow them to do that. I just want to call attention to the difference in treatment. In one case, in a deficiency bill we appropriate outright the amount that we ought to, and we pay our honest obligations, but when it comes to an Indian tribe we not only do not appropriate the money for them, like we do for the railroads, but we do not even let them go into our own courts, and give them a day in court so that they can be heard. I am in favor of paying our just obligations to all people, white or red. We should not be afraid to trust our own courts.

Mr. WALSH. Mr. Chairman, I offer an amendment in line 7, page 58, after the word "shall" insert the word "hereafter."

The CHAIRMAN. The gentleman from Massachusetts offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WALSH: Page 58, line 7, after the word "shall" insert the word "hereafter."

Mr. KAHN. I have no objection to the amendment.

Mr. WALSH. I understand this proviso is made necessary by some ruling of the War Department?

Mr. KAHN. By a decision of the comptroller.

Mr. WALSH. By a decision of the comptroller which excludes the 31st day of the month?

Mr. CRAGO. It excludes the 31st day of the month.

When men are called into camp on the 31st day of July or the 31st day of August, or the camp ends on that day, they do not receive pay for that day, as the Army pay tables are based on 30-day months. In any event they exclude the 31st of the month, and in July and August, when most of the National Guard organizations are called into service, each of those months has a thirty-first day, and therefore there is necessity for this proviso.

Mr. ANTHONY. Would not the gentleman's amendment make it impossible to pay those States that have heretofore been deprived of pay for the service of their National Guard on the 31st day of the month? Would not the word "hereafter" make this apply to the future and not to the past?

Mr. CRAGO. I am afraid it would.

Mr. ANTHONY. I am sure the gentleman does not want to produce that result.

Mr. CRAGO. No; we ought not to do that.

Mr. WALSH. I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to withdraw the amendment. Is there objection?

There was no objection.

The Clerk read as follows:

TANK SERVICE.

For payment of the necessary civilian employees to assist in handling the clerical work in the office of the Chief of Tank Corps, the various Tank Corps organization headquarters, and Tank Corps schools; and for the payment of the necessary mechanics to assist in repairing and preserving tanks in the hands of Tank Corps units, $50,000.

Mr. WOOD of Indiana. Mr. Chairman——

Mr. KAHN. I presume the gentleman from Indiana is going to make a point of order?

Mr. WOOD of Indiana. That is my purpose.

Mr. KAHN. I want to call the gentleman's attention to the fact that the Tank Corps at Camp Meade are in Maryland and not in the District of Columbia.

Mr. WOOD of Indiana. Why are they not in the District of Columbia?

Mr. KAHN. Because the Tank Corps are operating at Camp Meade, and every time the chief of the corps comes before the Committee on Military Affairs he comes from Camp Meade and brings his assistants with him from Camp Meade. They are operating down there and not in the District of Columbia.

Mr. WOOD of Indiana. On that statement I will not make the point of order.

The CHAIRMAN. The Clerk will read.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. DOWELL having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the amendment of the House of Representatives to the joint resolution (S. J. Res. 180) authorizing the Secretary of War to turn over to agricultural fertilizer distributors or users a supply of nitrate of soda.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 400) authorizing the Sioux Tribe of Indians to submit claims to the Court of Claims disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SPENCER, Mr. MCNARY, and Mr. JOHNSON of South Dakota as the conferees on the part of the Senate.

ARMY APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

INCIDENTAL EXPENSES, TANK CORPS SCHOOLS.

Incidental expenses in connection with the operation of the Tank Corps schools, $5,000.

Mr. McKEOWN. Mr. Chairman, I move to strike out the last word. The bill is nearing completion now, and it carries a considerable appropriation for the purchase of supplies. I want to ask the gentleman if the committee gave any consideration to the surplus supplies that are now on hand?

Mr. KAHN. Oh, yes. The committee were very careful to investigate that matter, and on almost every item of supplies a specific inquiry was put to the officers of the War Department to this effect: "Have you any of those supplies on hand now; and if so, what quantity?"

Mr. McKEOWN. I want to say to the gentleman that if we permit the War Department to sell our surplus supplies which we have ordered sold, and if they are sold to dealers in large quantities who resell them at retail at an enormous profit, and then if we have to buy back those supplies on a depleted market at a very much increased price, the United States Government is going to suffer, and the people are going to suffer both ways. We are going to lose money on the sale of this property and then lose money when we buy the supplies back again, to furnish the necessary supplies for the Army. To my certain knowledge, in one instance they are reselling these supplies at 100 per cent over what they paid the Government.

Mr. KAHN. I want to say to the gentleman from Oklahoma that as the Army is growing smaller the War Department will probably declare further supplies to be surplus. They have a surplus board. But I am told that reserves are being held so that there will be no need to purchase supplies, of which there is a surplus, for some time.

Mr. McKEOWN. Has any method been proposed by which they can prevent unreasonable profits being made on the supplies that are being held?

Mr. KAHN. Of course, that is a question that has been up before the Committee on the Judiciary and other committees. It comes under the proposition of profiteering; but the Committee on Military Affairs has no jurisdiction after the supplies have been sold and have gone into the hands of purchasers.

Mr. McKEOWN. It has occurred to me that it might be provided as a condition precedent to the approval of the bid that such an article should not be sold at to exceed a certain per cent increase on the resale. It makes an embarrassing situation here.

Mr. KAHN. That is an administrative matter, of course, which rests with the officials of the War Department.

Mr. McKEOWN. I understand, but I wanted to call the attention of the committee to that condition. The question was suggested the other day by the gentleman from Illinois [Mr. MCKENZIE] in a discussion over the sale of nitrates. I think that is going to be a very serious question, that the Congress has permitted supplies to be sold in large quantities to dealers who immediately go out and put an unreasonable profit on those supplies when they offer them for sale.

I withdraw the pro forma amendment.

Mr. BLANTON. I rise in opposition to the gentleman's motion. I want to ask the chairman of the committee with regard to complaints that have been coming to me, and that may have been coming to him, with respect to the charge that thousands of automobiles have been kept at various military centers for months without any shelter over them, exposed to the rain and snow and weather, and not sold, because of protests on the part of automobile manufacturers that it would cause an oversupply of automobiles in the market. Is there an understanding between our War Department and the automobile manufacturers?

Mr. KAHN. The gentleman makes a statement that I have heard, but I have not been able to investigate it. The fact remains that at the end of the war we did have many auto-

mobiles and autotrucks and other vehicles, and we had no shelter for them. The Congress since then on two or three occasions has passed legislation ordering the distribution of these trucks for road-building purposes and for the Postal Service. I understand the surplus is rapidly diminishing, if it has not entirely disappeared.

Mr. BLANTON. The gentleman is speaking in regard to trucks. I have within the last month received complaints, not only from my own State but from several other States, that not a single automobile proper has been sold, unless it was a machine condemned by the department; that the great majority of automobiles have been held and are still held in military centers in weather, rain or shine, and are being damaged. They say that if the committee will investigate they will find that that is true, and that it is because of the claims of the automobile manufacturers that it will hurt the market and their business. These complaints come from substantial citizens, and I am sure the gentleman's committee ought to investigate it.

Mr. KAHN. The Committee on Military Affairs has written legislation into this bill forbidding the purchase of additional motor vehicles of any kind.

Mr. BLANTON. Yes; but we have at these camps now automobiles in large numbers that ought to be sold.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, is debate on this amendment exhausted?

The CHAIRMAN. No; the Chair will recognize the gentleman from Michigan.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, the statement made by the gentleman from Texas [Mr. BLANTON] is more than a rumor as to the course pursued by the War Department in permitting automobiles and material of one kind and another to go to waste. I am not disposed to criticize this committee or to suggest that it has not done its duty, but am surprised at the statement of its chairman that, in view of all the statements that have been made by those who evidently know what they are talking about, by men whose statements usually are correct and always entitled to credit—to hear him say his committee has made no investigation, but deliberately recommends appropriations which can be used by the Department of War for the purchase of great quantities of stuff of which it now has more than it can possibly use.

Mr. KAHN. Will the gentleman yield?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. KAHN. The chairman of the committee stated positively that there is language in this bill which prohibits the purchase of additional motor-propelled vehicles of all kinds.

Mr. McLAUGHLIN of Michigan. The language will have to be ironclad, otherwise the department will find a construction by which it can spend the money as the committee does not intend.

Now, I wish to add another word. I know the chairman is anxious to finish the consideration of this bill, but while it is in my mind I wish to say that explanations have been forthcoming as to all features of this bill. The moneys appropriated in the bill, in total, amount to nearly four times as much as was ever carried in an Army appropriation bill previous to the war. The gentleman himself may be satisfied with the explanations, but I think he will have hard work to make people of the country accept them.

I had a little experience with the War Department. A statement I made on the floor of the House a few days ago came to the attention of the Secretary of War, and I received a letter from him. You will remember I told the House that the chief of the roads bureau and the Solicitor of the Department of Agriculture had been before the Committee on Agriculture and had made a statement. The committee was considering whether or not $4,000 or $5,000 should be appropriated for the purchase of a new truck for the use of one of the bureaus of that department. They were asked why they could not use some of the trucks turned over by the War Department. It came out that the War Department, pretending to follow the law that had been passed directing the Secretary of War to turn over to the Department of Agriculture trucks which his department did not need to be used in the road-building program in cooperation with the States—that the War Department had deliberately removed the apparatus of trucks above the wheels and had turned over to the Agricultural Department little, if anything, beside the running gear and chassis. When I made that statement a few days ago the accuracy of it was questioned by a Member who asked if I had talked with the Secretary of War in order to determine whether or not my statement was true. I had not interviewed the Secretary—have not interviewed him yet; but he evidently read my remarks in the RECORD, and he wrote me a letter admitting the truth of what I had said, quoted the law under which he acted, in an effort to explain and to justify the remarkable course he had pursued. The law quoted by the Secretary is "that the Secretary of War be, and he is hereby, authorized, in his discretion, to transfer to the Secretary of Agriculture all available war material, equipment, and supplies not needed for the purposes of the War Department but suitable for use in the improvement of highways and so forth." The Secretary writes me that this law not only permits but requires him "to retain for use by the War Department any equipment which was needed for the supply of the Army"; and he adds that tanks and dumping apparatus of "some trucks were removed for installation upon standard Army chassis, and thus obviated the necessity of purchasing similar articles." He attempts to justify his destruction of trucks as far as their value to the Department of Agriculture is concerned, and says he thereby obviated the necessity of buying similar articles, in face of the indisputable fact that he had and now has thousands and thousands of trucks—the same kind of trucks—so many that he finds it necessary—from his standpoint—to permit them to be destroyed. The Secretary's letter very kindly acquits me of intentional "misstatement"; he says I am "not familiar with the law," else I would not have said what I did.

Mr. GARNER. Why not include in the bill a provision compelling the War Department to sell the automobiles and trucks?

Mr. McLAUGHLIN of Michigan. The gentleman from Texas [Mr. BLANTON] points out that we have a great many automobiles and trucks going to waste, that they have been permitted to remain out in all kinds of weather, the department refusing to put them under cover, permitting them to go to waste. There are statements, more than rumors, that the department has deliberately destroyed the property of the Government of this kind. They have thrown automobiles off railroad trains, have taken new machines and driven them around so that they would be second hand, so that they would have no new machines for sale. I do not believe such a course should be permitted to pass unnoticed; there ought to be an investigation. I do not see how the committee can come before Congress and ask for additional money, admitting all the time that they have made no investigation.

Mr. KAHN. Mr. Chairman, I want only about two minutes. I will say that there is a committee that is investigating this entire matter of motor trucks and motor vehicles. That committee is the committee of which the gentleman from Nebraska [Mr. REAVIS] is the chairman. He has made a full investigation of this matter. The Committee on Military Affairs recognizing that that committee had jurisdiction over the subject, did not attempt to take up the matter, but tried to take up new constructive legislation. The gentleman says that there has been a great increase in the Army and in the cost of the Army. If the gentleman had been here the other day when I made my opening statement, he would have learned that almost every article that is used in the Army has gone up from 100 to 200 and 300 per cent in cost since before the war, he would have learned that shoes that were then sold to the Government for $2.70 a pair now bring $7 a pair, he would have recognized the fact that the pay of the soldier before the war was $15 a month and that to-day it is $30 a month, and that the number of men who are classed as first-class privates receive $33 a month.

Mr. GARNER. Mr. Chairman, that is all very interesting, but the query still comes back, Why do you not force the War Department by law to sell these automobiles?

Mr. KAHN. Because the other committee has jurisdiction over that matter, and we have been so busy preparing these constructive bills that we have allowed the other gentlemen——

Mr. GARNER. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Yes.

Mr. GARNER. When the Reavis Committee comes in here there will be a resolution from the Committee on Rules that will provide for four hours of debate, and in the end we will have no resolution on the subject. The gentleman's committee has power to legislate, and the Reavis Committee will not undertake to legislate, and the result is just a question of tweedledum and tweedledee.

Mr. KAHN. Does the gentleman mean that this committee has had one moment of spare time since this session began?

Mr. GARNER. After we pass this bill the committee will have more time in which it can legislate and bring in more legislation. Have we any assurance that it will bring in legislation that will compel the War Department to do what every man in this House thinks ought to be done?

Mr. KAHN. I want to assure the gentleman that we will have some conference reports to go through with, and I want to tell the gentleman that the Committee on Military Affairs wants to take up the very important question of revising the system of courts-martial and the Articles of War, and that it will take up some additional legislation.

Mr. GARNER. Then, from what I gather from the gentleman's statement, he does not anticipate any legislation on this subject?

Mr. KAHN. If we have time to take up this matter outside of the regular work of this committee, we will try to formulate some legislation.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. McKENZIE. Mr. Chairman, I move to strike out the last word in order to ask the gentleman from Texas a question.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. McKENZIE. Mr. Chairman, I desire to ask the gentleman from Texas if it is not a fact that the Secretary of War and the Chief of Staff and the men in charge of the Military Establishment now have the power to declare any article in their possession surplus?

Mr. GARNER. According to the gentleman from Michigan [Mr. McLAUGHLIN], who spoke just a moment ago, the Secretary of War says he has no such power.

Mr. KAHN. He has done it repeatedly.

Mr. GARNER. I am quoting the gentleman from Michigan. He said he had a letter from the Secretary of War in which the Secretary said, as I understood him, that he did not have the power now to do this thing. I am asking the gentleman why his committee does not compel him to do it.

Mr. McKENZIE. The gentleman has answered my question in the affirmative, I take it. That being true——

Mr. GARNER. I did not answer the question. I say that the gentleman from Michigan [Mr. McLAUGHLIN] says that the Secretary says that he has not that power.

Mr. McKENZIE. I insist that he has.

Mr. GARNER. But the Secretary of War says that he has not.

Mr. McKENZIE. And, furthermore, they have the power under the law to declare articles surplus, and whenever they declare articles surplus then they have the right to sell those articles. The people to get at, in my judgment, if the gentleman is anxious to get quick action, are not the people who are members of the Committee on Military Affairs but the Secretary of War and the Chief of Staff and the men in charge down here who have control of the department.

Mr. GARNER. When it comes under the observation of the gentleman's committee and the House of Representatives and the Committee of the Whole House, as it is now, that the Secretary has that power, that he is not exercising that power, why does not the gentleman's committee compel him as far as it can by law to exercise that power? Why do not you put a provision in this bill saying that the War Department shall not have more than a certain number of automobiles, and that they must dispose of the balance of them?

Mr. McKENZIE. I will say that in my judgment the men at the head of the War Department, including the Secretary of War, are men of ability and better able to judge whether they have a surplus or not than are the members of the Committee on Military Affairs. We do not know whether they have a surplus or not. They ought to know; and if they have a surplus they ought to declare it and sell it.

Mr. GARNER. In other words, if I catch the gentleman's meaning, it is that we have an inefficient Secretary of War.

Mr. McKENZIE. No; I did not say that.

Mr. GARNER. The gentleman did not say that, but that is the inference, that we have a Secretary of War who is not carrying out the policy that the gentleman would have him carry out—or, at least, what seems to be the disposition of this House—and you have not sufficient knowledge or ability to put it into law and compel him to do it.

Mr. McKENZIE. In reply I would say that the gentleman from Texas has been indicting his own administration and his own Secretary of War and that I am insisting upon being fair to them.

Mr. GARNER. I do not hesitate to indict my Secretary of War when I understand that he is not performing the duties that this House thinks he ought to perform. I do not care who he may be, if it is true, as stated by the membership of this House on the floor—and the matter has not been denied—that these automobiles are going to waste; that the Agricultural Department does need them and ought to have them, and can not get them for the want of law, as has been suggested by the gentleman from Michigan [Mr. McLAUGHLIN] and by the statement of the Secretary of War; then, that being the case, this House and the gentleman's committee ought to function and give him power to do it, and if he does not do it compel him to do it.

The CHAIRMAN. Debate on the amendment is exhausted, and the Clerk will read.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The Chair has already directed the Clerk to read.

The Clerk read as follows:

That the amount so advanced be charged to the proper appropriations and returned to "Army account of advances" by pay and counter-warrant. The said charge, however, to particular appropriations shall be limited to the amount appropriated to each.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word. We have heard a great deal of talk here to-day about what the Secretary of War ought to do and why he does not do it, and what this committee ought to do and why it has not done it. I am going to submit what I have heard and believe to be true. The War Department has a number of men in charge of the sale of surplus supplies of all kinds, and they have a combination of men to whom they are selling those supplies when they are declared to be surplus, and it is said they never make a declaration of surplus on certain supplies until they find that the men to whom they sell them have found a market for them; and the next day after these men report that they have sold the goods, whatever they may be, these goods are declared to be surplus.

Mr. GARNER. Will the gentleman yield?

Mr. MADDEN. Not yet. The result is that these men who are in the business of selling war surplus supplies on the market are making millions of dollars. Now, I make that statement as the result of information which comes to me. I make the charge that the War Department has not, except in instances where they have a large quantity of a particular supply that they can not dispose of in this way, declared a surplus until these favorites, if I may so state it, have reported to them that they have made the sale.

Mr. GARNER. Will the gentleman yield?

Mr. MADDEN. I hope I make myself clear.

Mr. GARNER. The gentleman does.

Mr. MADDEN. I want to be distinctly understood as saying that the men in charge of the sale of war surplus supplies are playing favorites with men on the outside to whom an advantage is given, and that in no case, except such as I have mentioned, is anybody advised that war supplies are declared as surplus.

Mr. GARNER. Let me say to the gentleman I think it is his duty—and I think the gentleman will observe it himself—to present these facts to the proper authorities and have these people indicted and send them to the penitentiary. There is where they belong.

Mr. MADDEN. I make that statement on my responsibility as a Member of Congress, based on information which I think reliable, and I take this method of informing the War Department of the facts.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARNER. I ask that the gentleman's time be extended for five minutes.

Mr. MADDEN. I do not want five minutes. I have said what I wanted to say.

Mr. GARNER. I will ask to be recognized.

Mr. FIELDS. Mr. Chairman——

The CHAIRMAN. The Chair will recognize the gentleman from Kentucky.

Mr. GARNER. Will the gentleman from Kentucky yield to me in order to ask a question of the gentleman from Illinois?

Mr. FIELDS. I will.

Mr. GARNER. The gentleman from Illinois has made a statement here that is an indictment of the War Department that ought to be remedied. He makes it on his responsibility as a Member of Congress. Now, I say to him he is in the majority of this House. With that statement before the Committee on Military Affairs it is its duty before this bill leaves this body to put a provision in it compelling these people to sell these automobiles or this property and leave a certain surplus necessary for the conduct of the War Department, and compelling them to do it within 60 or 90 days. Why does not the gentleman and his committee or his side of the House put a provision on this bill which will compel them to protect the people of this country that they are robbing, as the gentleman says they are? I ask that question. Why does not the gentleman do it?

Mr. MADDEN. I am not a member of this committee.

Mr. GARNER. I want the gentleman to indict his committee just as he is indicting the War Departent, and I think the gentleman ought to do it.

Mr. MADDEN. I made a statement which I will be able to verify.

Mr. GARNER. The gentleman is a member of the steering committee, the boss of the House, and I think the gentleman

ought to come across with this House by putting something on this bill that will remedy the situation. [Applause on the Democratic side.]

Mr. FIELDS. Mr. Chairman, it is true that the gentleman from Illinois [Mr. MADDEN] is not a member of the Committee on Military Affairs, but he is a Member of the House of Representatives of the Congress of the United States, and in the protection of the Government his responsibilities are equal to the responsibilities of the Military Committee. If he has the information that he says he has, and I do not question the correctness or incorrectness of his statement, I am going to challenge him to put the names of the gentlemen whom he indicts into his remarks and invite the attention of the Department of Justice to the alleged offense.

Mr. MADDEN. I think the department has sufficient notice when it reads what I have said on this subject.

Mr. FIELDS. And introduce a resolution for an investigation. I have no sympathy for any officer, military or civil, who will rob the Government, and I contend that it is the duty of every Member of Congress when the facts are brought to his attention that some individual is robbing the Government to give the name of the individual or those persons guilty to the Government, to the Congress, and to the public and demand that they be prosecuted.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KAHN. Mr. Chairman, the statement made by the gentleman from Illinois [Mr. MADDEN] was rather startling, and I think it but fair to announce to this committee that by reason of that statement the chairman of the Committee on Military Affairs will try to get in touch with the chairman of the committee that has been investigating this automobile and motor-truck business, and will try to cooperate with him so that we may have within a few days a legislative problem before this House on that entire question.

Mr. DENT. Will the gentleman yield to me for a minute?

Mr. KAHN. Yes.

Mr. DENT. Is it not a fact that in the mail of each Member of this House every day there is a printed notice sent from the Sales Division, showing what is declared surplus, and when and where bids will be opened? It is in the mail every morning.

Mr. KAHN. I have not been receiving them lately, but it has been done constantly in the past.

Mr. MOORE of Virginia. Will the gentleman from California permit me to ask him a question?

Mr. KAHN. Yes.

Mr. MOORE of Virginia. We have been here since the 19th of May, and I would like to ask my friend if he ever heard this charge being made until this moment?

Mr. KAHN. I did not hear the charge made by anyone until the gentleman from Illinois [Mr. MADDEN], on his own responsibility as a Member of this House, made it, and therefore I say it is serious enough, in my opinion, to be taken up with the committee that has been investigating these questions, with a view of getting some bill before the House without delay.

Mr. MOORE of Virginia. I think the charge ought to be investigated, if I may interrupt the gentleman a moment further; but I make the prediction now that the truth of it will never be proved.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, the gentleman from Texas [Mr. GARNER] misunderstood me, and he has, unintentionally of course, misquoted me. I did not say the Secretary of War had no authority to sell or otherwise dispose of surplus automobiles or other material. In fact there is a law directing the Secretary of War to turn over trucks, and so forth, to the Department of Agriculture. I was speaking to the proposition that the air is full of rumors, possibly, but some able-bodied rumors, to the effect that the Secretary of War is deliberately permitting waste of war material, and it looks very much as if he were conniving at its destruction. I spoke of matters which had come to my attention, and my statement is verified by a letter from the Secretary of War himself that in pursuance of the law directing him to turn over trucks to the Department of Agriculture, he, the Secretary of War, or some one acting under his direction, had deliberately removed from those trucks all their upper works, the very kind of paraphernalia needed on those trucks that are to be used in building roads. The law says expressly that these trucks were to be used by the Secretary of Agriculture in highway construction throughout the country.

Mr. GARNER. Will the gentleman yield?

Mr. McLAUGHLIN of Michigan. As I said, the Secretary of War took notice of my remarks made a few days ago and wrote me a letter, in which he assumes to justify his course in doing the very thing I charged him with doing and points out the words in the law which he says authorize him to do that, namely, that he is authorized to keep whatever "can be of use to the War Department." Think of it! Under those words he attempts to justify the stripping of trucks, taking off all above the wheels and the chassis, taking off tanks and dumping machinery, taking off the tops and other paraphernalia, the very things which gave them value for their intended use—the building of roads in this country. It shows the length to which the Secretary of War will go not in observing the law but in violating it, getting in line with those who evidently are deliberately trying to destroy the property of the United States, so that it will not go into the market to compete with the original producers of it.

Mr. GARNER. Will the gentleman yield?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. GARNER. Why do not you put a provision in this bill compelling him to sell the trucks not needed by the War Department? Why do you not compel him to do right when you know and say he is doing wrong?

Mr. McLAUGHLIN of Michigan. The gentleman from Texas has already addressed his inquiry and made his suggestion along that line to the proper authority, the chairman of the committee having charge of this bill; it should not be addressed to me.

The CHAIRMAN. The Clerk will read.

Mr. GARD. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. Debate on this amendment is exhausted. The Clerk will read.

Mr. KAHN. Mr. Chairman, I suggest the gentleman wait until we read further.

The CHAIRMAN. The Clerk has already been directed to read. The Clerk will read.

The Clerk read as follows:

That any balances of existing Army appropriations now available for withdrawal from the Treasury, together with any unexpended balances now charged to disbursing officers or agents of the Army which, under existing law, are available for disbursement, shall at such time as may be designated by the Secretary of War, be transferred on the books of the Treasury Department to "Army account of advances" and shall be disbursed and accounted for as such.

Mr. GARD. Mr. Chairman, I am sure that every one in the House was amazed to hear the charge made by the leader of the steering committee on the majority side in his protected capacity as a Member of the House, and upon that responsibility, as he says in no uncertain language—because he asked that it be so understood—does he not only inferentially charge, but does actually charge crimes and criminal transactions in the War Department on the part of persons therein and others he characterizes as "confederates" in the sale of surplus property.

Now, when a man in high authority does that, such a man as the leader of the steering committee in charge of legislation in this House of Representatives, and a man who says he speaks upon his responsibility as a Member of the House of Representatives, makes this serious charge, I call on him in the name of that responsibility to give this House the names of those persons, or the name of one of those persons at this time, and I await an answer.

It is an increasingly common thing, gentlemen, to hear a lot of light and loose talk, and one of the principal ways of inciting distrust of our National Government and of officers who honestly are administering their functions is to have some man in his protected capacity speak in innuendo or in direct charge concerning a thing, making a charge of crime, and then failing on challenge to respond in the slightest or give any evidence as to what that information is which he says he has. It is easy to say that a man is a criminal. It is easy to make a charge, but it is a fair thing for a man, even on his responsibility as a Member of the House of Representatives, to give his fellow Members of the House who want to do the fair thing, too, an opportunity of knowing just what that information is. He says he speaks with authority. Let us have the authority. Let us have the information, Mr. Chairman and Members of this House, and if a man has such information now and here is the time to speak and not sit in silence. [Applause.]

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CODIFICATION MILITARY LAWS.

That the Secretary of War is hereby directed to cause to be prepared, with as much expedition as may be consistent with thoroughness, to be finished within two years, a revision and codification of the military laws of the United States, which shall conform in scope and character to the revision and codification of the laws of the United States of a permanent and general nature directed by the act of March 3, 1901. The Secretary of War shall submit to Congress a report of progress of the revision and codification herein directed upon the first day of the third session of the Sixty-sixth Congress, and, when the revision and codification is completed, he shall cause a copy of the same, in print, to be submitted to Congress, that the statutes so revised and codified may be reenacted, if Congress shall so determine.

Mr. JAMES rose.

The CHAIRMAN. The gentleman from Michigan is recognized.

Mr. WOOD of Indiana. Mr. Chairman, I make a point of order on the paragraph and also on the preceding paragraph.

The CHAIRMAN. The gentleman from Indiana makes a point of order on the paragraph.

Mr. KAHN. It is subject to a point of order.

The CHAIRMAN. The gentleman from Michigan [Mr. JAMES] has been recognized. The Chair will recognize the gentleman from Indiana later.

Mr. WOOD of Indiana. I do not want to debate it unless the provision is decided to be in order.

Mr. KAHN. I concede the point of order. It is clearly subject to a point of order.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

For paying the expenses of clerical hire and printing and other expenses incident to the making of the revision and codification herein directed not to exceed $10,000 is hereby appropriated, to be expended upon certificates of the Secretary of War that the expenditures were necessary therefor.

Mr. WOOD of Indiana. Mr. Chairman, I make a point of order on that paragraph.

Mr. KAHN. I concede the point of order.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

TIME-MEASURING DEVICES.

That no part of the appropriations made in this act shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person having charge of the work of any employee of the United States while making or causing to be made with a stop watch, or other time-measuring device, a time study of any job of any such employee between the starting and completion thereof or of the movements of any such employee while engaged upon such work; nor shall any part of the appropriations made in this act be available to pay any premium or bonus or cash reward to any employee in addition to his regular wages, except for suggestions resulting in improvements or economy in the operation of any Government plant.

Mr. JAMES. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Michigan moves to strike out the last word.

Mr. JAMES. Mr. Chairman, I want to say a few words concerning the item on page 61 regarding disbursing officers.

There should be some change in the system by which men who are discharged from the Army are paid. I know of a case where a young man was discharged from the Army on December 12, 1918. The disbursing officer sent him a remittance of $12 by registered mail, but as it was sent to the wrong address it was returned to the sender, Maj. Durkee. Maj. Durkee then sent another registered letter to the soldier, Clarence J. Vaughan, at his home at Marquette, Mich. The second registered letter was duly received, but contained no money. Mr. Vaughan took the matter up with Maj. Durkee and the War Department and explained that the registered letter contained no money, but receiving no satisfaction sent all papers to me.

After some correspondence I was given to understand that if Mr. Vaughan would furnish a bond, with two responsible bondsmen, he would be paid. I was also informed that—

he should also be cautioned that the instructions attached to the bond of indemnity must be followed absolutely, as the bond when completed must be approved by the Treasury Department prior to the payment of the duplicate check.

Instructions regarding bond were "followed absolutely," red tape and all, and bond was executed and forwarded to the War Department on March 1, 1919.

On July 9, 1919, I was informed by the War Department that they had discovered that the disbursing officer, Maj. Durkee, had sent "currency" to Mr. Vaughan instead of a check, and therefore they were not responsible, and stated that the matter would have to be taken up with the Post Office Department.

After a good deal of correspondence and conversation with the Post Office Department I was informed that nothing could be done until Maj. Durkee could be located and interviewed by a post-office inspector. I was also informed that it would be necessary to get an affidavit signed and sworn to by Maj. Durkee that he had really sent the $12 in currency.

Very luckily Maj. Durkee had not been sent to Siberia to guard some railroad, or to Silesia to oversee some election, or Mr. Vaughan's grandchildren might be paid the money some day.

Maj. Durkee was finally located in Texas and stated that he had sent out thousands of letters and did not remember anything about the one sent to Mr. Vaughan. The Post Office Department said they "were sorry, but nothing could be done until the affidavit was secured."

Under date of January 8, 1920, or about 13 months after Mr. Vaughan had been discharged, I was told in part: "I have to state that the case is still under investigation, with a view to fixing responsibility for the rifling, if possible, in the event it can be definitely determined that the leter was rifled while in the custody of the Postal Service."

As this was as "clear as mud," I asked for further information, and I gathered the additional information that about the only way that they—the Post Office Department—could or would pay was to have the man who stole the money admit that he had stolen it. [Laughter.]

I was also informed that—

Inasmuch as the letter in question was mailed under cover of an official penalty envelope, without payment of postage, indemnity in this case is not applicable. However, if further investigation results in fixing responsibility for the rifling upon a postal employee, consideration will be given to the matter of attempting recovery of the amount involved from such employee in order that claimant may be reimbursed.

In other words, although the registry fee had been paid, the Post Office stated that they assumed no responsibility because the envelope was a "franked" one instead of carrying a 2-cent stamp.

We then called the attention of the War Department to the matter and was informed that they had sent out thousands of registered letters in franked envelopes, and it was their contention that the Post Office was responsible, and they would take the matter up with them at once and advise us.

This was several months ago, and I presume that there is still a debate between the War Department and the Post Office Department as to whether or not money sent a soldier by registered letter and stolen should be paid to the soldier and, if so, by what department.

Mr. Vaughan is not so much concerned about the amount as he is about the principle of the thing. I take it for granted that there are many others in the same fix.

I sincerely hope that before the next war that the War Department will have worked out a system that will be fairer to the soldier and one that means he will be reimbursed promptly in similar cases.

I would like to call attention to another matter. It has been stated many times by defenders of the "league of notions," most of them half-baked and none made in America, that the treaty ought to be ratified so that our business men could "resume trade relations with Germany." At the same time our own War Department had sold goods to Germans and claimed that they had the right to do so on account of a certain proclamation issued by the President.

The following explains itself:

WAR DEPARTMENT,
Washington, August 20, 1919.

Hon. W. FRANK JAMES,
Twelfth district, Michigan, House of Representatives,
Washington, D. C.

DEAR SIR: Your letter of August 7 to Gen. P. C. Harris, Adjutant General of the United States Army, requesting a copy of the order by which provisions, etc., belonging to the Army can be sold to Germans has been referred to me.

The authority under which sales to Germans are permitted is not a War Department order. The solution of this question resolves itself into two inquiries, namely:

1. Who has authority to sell War Department materials?
2. Is there authority in such person or persons to sell to Germans?

1. WHO HAS AUTHORITY TO SELL WAR DEPARTMENT MATERIALS?

By virtue of the authority given in the act of Congress dated July 9, 1918, War Department General Orders, No. 24, dated February 11, 1919, was issued, creating, by the direction of the President, a "United States Liquidation Commission, War Department." The powers of the commission, so far as concerns this inquiry, are set forth in paragraph 3, subparagraph b, which reads:

"To sell or dispose of, upon such terms as it shall determine, any property of whatsoever kind or material acquired, constructed, or manufactured by the United States in connection with or incidental to the participation of the United States in the war and now located beyond the territorial limits of the United States and its possessions."

By virtue of the same act of Congress the President directed that the War Department set up machinery for the sale of surplus War Department material situated in the United States. This was done, and the office of the director of sales, in the office of the director of Purchase, Storage and Traffic, was created.

Both of these organizations, namely, the United States Liquidation Commission and the director of sales, have, therefore, authority to sell surplus War Department property.

2. IS THERE AUTHORITY TO SELL IT TO GERMANS?

By an act of Congress approved October 6, 1917, known as "An act to define, regulate, and punish trading with the enemy, and for other purposes," it was declared to be unlawful for any person in the United States, except with the license of the President, to trade with the enemy or ally of an enemy. As defined by this act, all Germans clearly fell within the term "enemy." By the Executive order dated October 12, 1917, the President established the War Trade Board and empowered it to take all necessary steps not inconsistent with the law to issue or refuse licenses for the exportation or importation of all material. This Executive order, issued under authority of the act of October 6, to which reference has been made, thus delegated the power of the President to the War Trade Board to determine the issuance of import and export licenses. By virtue of this power, on July 14, 1919,

the War Trade Board issued ruling 802, entitled "Resumption of trade with Germany." This bulletin stated that a general enemy trade license has been issued authorizing all persons in the United States, on or after July 14, 1919, to trade and communicate with all persons with whom trade and communication is prohibited by the trading-with-the-enemy act, subject to certain limitations not material to this discussion. War Trade Board ruling 814, published July 20, 1919, amends the ruling of July 14 to a certain extent, but not so far as concerns the subject matter of this inquiry. The real result of the publishing of this bulletin is the resumption of trade and communication with persons residing in Germany and also with all persons with whom trade and communication was prohibited by the trading-with-the-enemy act. The issuance of the general license is the machinery whereby this is accomplished.

It is quite clear, therefore, that the War Trade Board bulletin, which is very broad in its language, permits the sale of all War Department materials to Germans. It follows, therefore, that both the director of sales and the United States Liquidation Commission are authorized to make sales of War Department materials to Germans.

I am inclosing herewith for your information a copy of the War Trade bulletin entitled "Resumption of trade with Germany," dated July 14, this year, and an amendment thereto dated July 20. I trust that this satisfactorily answers your question.

Very truly, yours,

CHESTER W. CUTHELL,
Special Representative of the Secretary of War.

If we are still at war with Germany, one wonders why the officials of the American Army are selling our supplies to the people with whom we are still at war.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

That all orders for manufacture of material pertaining to approved projects, which are placed with arsenals or other ordnance establishments and which are chargeable to armament of fortifications appropriations, shall be considered as obligations in all respects in the same manner as provided for similar orders placed with commercial manufacturers.

Mr. HULL of Iowa. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HULL of Iowa:

Page 63, line 20, strike out all after the word "otherwise" and insert: "That all orders or contracts for manufacture of material pertaining to approved projects heretofore or hereafter placed with Government-owned establishments, shall be considered as obligations in the same manner as provided for similar orders placed with commercial manufacturers, and the appropriations shall remain available for the payment of the obligations so created as in the case of contracts or orders with commercial manufacturers."

Mr. GARRETT. Mr. Chairman, I reserve a point of order on that.

Mr. HULL of Iowa. I hope the gentleman will not insist on his point of order.

Mr. GARRETT. I did not catch the reading of it. Will the gentleman explain it?

Mr. HULL of Iowa. The amendment is simply to clarify the language in the bill. It strikes out the paragraph as it is in the bill and inserts a new paragraph, which has the approval of the committee. It is offered as a committee amendment. It has the approval of the Ordnance Bureau, of the War Department, and of the Secretary of War. It simply permits the arsenals or Government-owned factories to be placed on a parity with private manufacturers in the production of materials for the War Department. It is intended to be an economical step and to save the Government hundreds of thousands and even millions of dollars of money.

Mr. WALSH. Will the gentleman yield?

Mr. HULL of Iowa. Certainly.

Mr. WALSH. How does this compare with the language in the fortifications bill passed here the other day?

Mr. HULL of Iowa. It is practically the same language as that in the fortification bill.

Mr. WALSH. Practically the same—why should it not be identical?

Mr. HULL of Iowa. Because the paragraph in the bill was copied from the fortifications bill, and in the fortifications bill they use the words "which are chargeable to armament and fortification appropriations." This simply makes it read right for the fortification, but it does cover the Army bill as we are passing it, so the wording in the bill is to be struck out and this amendment substituted in order that it shall apply properly to this Army bill.

Mr. GARD. I understood the gentleman to say that the adoption of this proposed amendment would save hundreds of thousands and millions of dollars a year?

Mr. HULL of Iowa. Yes.

Mr. GARD. Can the gentleman inform us with greater accuracy than that how much it will save?

Mr. HULL of Iowa. I can not say, because they are just starting in to do this work. You have never had a system by which the arsenals would produce all the things that the War Department needs.

Mr. GARD. It is a very valuable amendment if it will save hundreds of thousands and millions of dollars a year.

Mr. HULL of Iowa. They have saved over a million dollars in the last six months by doing this very thing, which can be shown by official figures. It will not only save millions but hundreds of millions of dollars in the future, because if you carry this out, when another war comes on you will have something to fight the war with and not be forced to spend billions to get munitions with which to fight.

Mr. GARD. In view of the gentleman's statement I am willing to try it once.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment of Mr. HULL of Iowa was agreed to.

Mr. CRAGO. Mr. Chairman, I offer the following committee amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAGO for the committee: Page 63, after the amendment just adopted, add a new paragraph, as follows:

"Transportation of wounded and otherwise disabled soldiers, sailors, or marines when traveling on furlough.

"The Secretary of War and the Secretary of the Navy, under such regulations and restrictions as they may provide, are hereby authorized to issue to all wounded and otherwise disabled soldiers, sailors, or marines under treatment in any Army, Navy, or other hospital, who are given furloughs at any time, a furlough certificate, which certificate shall be signed by the commanding officer at such hospital. This furlough certificate when presented by such furloughed soldier, sailor, or marine to the agent of any railroad or steamship company over whose lines said soldier, sailor, or marine may travel to and from his home during the furlough period shall entitle said soldier, sailor, or marine to purchase a ticket from the point of departure to point of destination and return at the rate of 1 cent per mile, and on presentation of such certificate on which such ticket has been issued the railroad or steamship company issuing such ticket shall be entitled to receive from the Treasury of the United States the difference between the amount paid for such ticket at the rate of 1 cent per mile and the regular scheduled rate for such ticket.

"The sum of $250,000, or so much thereof as may be necessary, is hereby appropriated out of any funds in the Treasury not otherwise appropriated for the purpose of carrying out the provisions of this paragraph."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. CRAGO].

The question was taken, and the amendment was agreed to.

Mr. KAHN. Mr. Chairman, I ask unanimous consent to return to page 14 of the bill, for the purpose of offering a committee amendment.

The CHAIRMAN. The gentleman from California asks unanimous consent to return to page 14 of the bill for the purpose of offering a committee amendment.

Mr. KEARNS. Mr. Chairman, reserving the right to object, I want to say to the Chair and the committee that I have an amendment to offer on page 63. By returning to page 14 I want it understood that I am not to lose my right to offer my amendment.

Mr. WALSH. The gentleman would, unless he got unanimous consent.

Mr. GARD. Reserving the right to object, let us hear read the amendment to be offered by the gentleman from California.

The CHAIRMAN. The Clerk will report the amendment for information.

The Clerk read as follows:

Page 14, line 22, after the word "officers," strike out the words "mine planter service."

Mr. KAHN. I want to say that in view of the fact that the gentleman from Ohio [Mr. KEARNS] desires to offer an amendment on page 63 of the bill, I will withhold my unanimous-consent request until his amendment can be offered.

The CHAIRMAN. The gentleman from Ohio will send his amendment to the desk.

Mr. KEARNS. My amendment is, on page 63, line 7, after the word "work," strike out the semicolon and insert a period and strike out all that follows, down to and including line 11.

Mr. KAHN. We have passed that paragraph.

Mr. KEARNS. I ask unanimous consent to offer the amendment.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to offer his amendment. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 63, line 7, after the word "work," strike out the semicolon and insert a period and strike out the remainder of the paragraph.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was rejected.

Mr. KAHN. Now, Mr. Chairman, I ask unanimous consent to return to page 14 for the purpose of offering the amendment which has been reported.

The CHAIRMAN. Is there objection to the request of the gentleman from California to return to page 14 for the purpose of offering the amendment which has been reported?

Mr. GARD. Reserving the right to object, the gentleman's motion is to strike out the words "mine planter service."

Mr. KAHN. Yes; and the reason is this: Under the reorganization bill about 1,500 warrant officers are provided for. We have only about 120 warrant officers in the service at present. The appropriation contemplates the passage of the Army reorganization bill before the beginning of the fiscal year, and this would limit it to those in the mine-planter service.

Mr. GARD. This appropriation would be much too large.

Mr. KAHN. Yes; unless the reorganization bill is passed, and we confidently expect that the bill will be passed, so that it can take effect at the beginning of the fiscal year.

Mr. GARD. This is to take care of the increase provided for in the reorganization bill?

Mr. KAHN. Yes.

Mr. CANNON. Does the gentleman from California think it is the proper way to proceed to presume that legislation will be enacted and that it will make it necessary to spend a million dollars?

Mr. KAHN. I want to say to the gentleman from Illinois that in preparing the appropriation bill the committee took into consideration in many instances provisions of law in the Army reorganization bill and saved money by doing it.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. KAHN. Mr. Chairman, I offer the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HUDSPETH. Mr. Chairman, I ask unanimous consent to return to page 40, for the purpose of offering an amendment.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to return to page 40 for the purpose of offering an amendment. Is there objection?

Mr. MADDEN. Mr. Chairman, I object.

Mr. KAHN. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TOWNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 13587, the Army appropriation bill, and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

Mr. KAHN. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. FIELDS. Mr. Speaker, I offer the following motion to recommit, which I send to the desk and ask to have read.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. FIELDS. I am not.

The SPEAKER. Does any Member who is opposed to the bill desire to offer a motion to recommit? If not, the Chair recognizes the gentleman from Kentucky. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. FIELDS moves to recommit the bill to the Committee on Military Affairs with instructions that it report the same back forthwith with the following amendment:

"*Provided*, That no part of the funds herein appropriated shall be expended in payment of the salary of any officer of the Army of the United States who shall issue, or cause to be issued, any order, written or verbal, preventing social intercourse between officers and enlisted men of said Army while not on military duty, when such order was not authorized by law, or general Executive order: *Provided further*, That this limitation shall not apply to an officer who shall have acted in obedience to the mandates of his superior."

Mr. KAHN. Mr. Speaker, I make the point of order against the motion to recommit.

Mr. FIELDS. Mr. Speaker, I will ask the gentleman to state the point of order.

Mr. KAHN. Mr. Speaker, this matter was offered in Committee of the Whole as an amendment to the pending bill. The point of order was made upon the amendment being offered, and the Chairman of the committee declared that the amendment was not in order. I submit that it is new legislation, that it is not germane to the bill, and is clearly subject to the point of order.

Mr. FIELDS. Mr. Speaker, I desire to be heard. The gentleman is entirely wrong. This is not the proposition that was offered yesterday. This proposition eliminates the feature upon which the ruling of the Chair on yesterday was based. This provides a limitation upon an officer only to the extent that it prohibits him from issuing an order when such an order is not authorized by law or by general executive order. The amendment yesterday was not drawn in that form. The amendment provided a limitation or inhibition against the issuing of such an order, regardless of law or regulation, but that feature has been eliminated from this motion to recommit.

Mr. GREENE of Vermont. Mr. Speaker, will the gentleman yield?

Mr. FIELDS. Yes.

Mr. GREENE of Vermont. Does the gentleman offer this as a limitation on the appropriation?

Mr. FIELDS. I do.

Mr. GREENE of Vermont. How does the gentleman define the extent of the limitation when it is in such nebulous words as "social intercourse"? What is the definite, fixed, and particular basis of it?

Mr. FIELDS. If we get this in, we can fix a process for defining it.

Mr. GREENE of Vermont. But I do not want to get it in until it is fixed.

Mr. FIELDS. The Comptroller of the Treasury will pass on it.

Mr. GREENE of Vermont. We do not want to get this in until we know what it means.

Mr. FIELDS. We want to prevent this pernicious practice in the Army of officers posting up notices here and there that will prevent privates from attending church or a theater or a public gathering because an officer happens to be there. That is the object of this amendment.

That practice is pernicious, undemocratic, and has no place in the Military Establishment or any other establishment of this country.

Mr. MADDEN. Mr. Speaker, I make the point of order that the gentleman is not discussing the point of order.

Mr. FIELDS. I am answering the gentleman's question.

Mr. GREENE of Vermont. I am trying to get at what the gentleman wants in here that is definite legislation.

Mr. FIELDS. The gentleman propounds a question and the gentleman would not deprive me of the privilege of answering it, would he?

Mr. GREENE of Vermont. The point about the thing, to my mind, is that if you are going to have a limitation upon the expenditure of money, the limitation ought to be definite enough so as to be understood, and if anyone can explain what there may be about the words "'social intercourse" to establish a definite premise for a limitation upon the expenditure of money, I would like to know what it is.

Mr. LONGWORTH. Does the Chair care to hear any further argument in support of the point of order?

The SPEAKER. The Chair will hear the gentleman.

Mr. LONGWORTH. Mr. Speaker, it is impossible to distinguish, it seems to me, this amendment offered in the form in which it is offered and the one in which it was offered yesterday. Under the guise of a limitation, it is a change of existing law. While it may not specifically change existing law, it does limit the discretion of an officer who is given that discretion by existing law. This precise point was argued yesterday and ruled upon by the Chair, the Chair thereby overruling the decision of a former occupant of the chair, so that the Speaker in this case, while overruling the decision of a former occupant, will be sustaining the decision of a very recent occupant. I think, Mr. Speaker, that a perusal of this amendment will show that it absolutely limits the discretion granted by law to certain officers, and therefore it is not a limitation.

Mr. FIELDS. It specifically states when not authorized by law.

Mr. LONGWORTH. It is not a limitation in the proper sense at all. It is the kind of attempt that is indulged in frequently to get legislation of some sort upon an appropriation bill. I think it is one of the vices of this House that legislation on appropriation bills should be permitted except in the most rare

instances. There are two forms that are usually used, one under the so-called Holman rule, and one under the so-called limitation rule. This amendment offered by the gentleman is not a limitation at all but specific instructions as to how an officer shall fulfill his duty, and hence the point of order made by the gentleman from California is good.

The SPEAKER. It is not the province of the Chair to rule as to the wisdom of a provision. This motion, as the Chair sees it, simply provides that no funds shall be used for the payment for the salary of an officer who shall issue an order which is not authorized by law or by Executive order. It might appear that inasmuch as an officer had no right to issue such an order, any such provision was superfluous and useless. But the Chair has nothing to do with the wisdom or effect of the motion, but only considers whether it is in order, and presumes the gentleman from Kentucky has presented the motion in this form in order to avoid the decision of yesterday by the Chairman of the Committee of the Whole House on the state of the Union. Whether or not the amendment as now drawn will have any effect, the Chair does not see how this is subject to the point of order, inasmuch as it simply says that an officer shall not perform an act which he is not authorized by law to perform. This relieves it of the objection made in committee and sustained by the Chairman then. So the Chair overrules the point of order. The question is on the motion of the gentleman.

The question was taken, and the Speaker announced the noes seemed to have it.

Mr. FIELDS. Division, Mr. Speaker.

The House divided; and there were—ayes 34, noes 56.

Mr. FIELDS. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. GARRETT. Will the gentleman withhold that for a moment?

Mr. FIELDS. If I do not lose my rights.

Mr. GARRETT. The gentleman will have the right always to make the point of no quorum later. I would like to suggest to the gentleman from Kentucky that the gentleman from Kansas [Mr. CAMPBELL] has a proposition that he desires to bring up for the accommodation of the Speaker, I will say, and if an arrangement can be made whereby the gentleman—of course the previous question has been ordered—can have unanimous consent to make such an arrangement——

Mr. GALLIVAN. Mr. Speaker, I am sorry, but I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Kentucky makes the point of order that there is no quorum present.

Mr. FIELDS. I am willing for the accommodation of the gentleman to withhold my motion if I shall not lose my right.

Mr. GALLIVAN. Mr. Speaker, I beg pardon; I withdraw it.

APPOINTMENT OF A SPEAKER PRO TEMPORE.

Mr. CAMPBELL of Kansas. Mr. Speaker, I ask unanimous consent to offer a privileged resolution at this time.

The SPEAKER. The gentleman from Kansas asks unanimous consent to offer a privileged resolution. Is there objection?

Mr. GARNER. Mr. Speaker, let us have it reported.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 524.

Resolved, That section 7 of Rule I be amended so as to read:

"He shall have the right to name any Member to perform the duties of the Chair, but such substitution shall not extend beyond three legislative days."

Mr. CAMPBELL of Kansas. Mr. Speaker, at present the rules of the House provide that the Speaker may designate any Member of the House to perform the duties of the Chair over one legislative day, or over one adjournment. This provides that that substitution may be made for three days. It is unanimously reported from the Committee on Rules and is for the accommodation of the Speaker. I think it is a wise provision to make in the rules.

Mr. GARD. It is a change in the written rules of the House. Do I understand you to say that it is a unanimous report?

Mr. CAMPBELL of Kansas. It is.

Mr. RAYBURN. Is it for three days or any time?

Mr. CAMPBELL of Kansas. It is a permanent change in the rules—to substitute three days for one day in the rules of the House.

Mr. RAYBURN. It is a good idea, of course.

Mr. CAMPBELL of Kansas. The matter has been under consideration by the Committee on Rules for a considerable time.

The SPEAKER. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none.

The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

On motion of Mr. CAMPBELL of Kansas, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

Mr. GARRETT. Mr. Speaker, may I have unanimous consent for a minute?

The SPEAKER. The gentleman from Tennessee asks unanimous consent for a minute. Is there objection? [After a pause.] The Chair hears none.

Mr. GARRETT. I think that in order to avoid any possible confusion in the future touching the matter that has just passed the House, perhaps it would be well for the Members to understand that all that was asked by the Speaker and all that this change in the rules proposes to authorize is simply the appointment of an occupant of the chair for three legislative days unless the Speaker should sooner return. That will not authorize, as the Committee on Rules construed it, the signing of bills or resolutions or performing other functions of the Chair than the presiding functions without a special resolution of the House of Representatives.

Mr. DUPRÉ. Mr. Speaker, does the gentleman from Kansas [Mr. CAMPBELL] agree to that interpretation?

Mr. CAMPBELL of Kansas. The "gentleman from Kansas" certainly does; yes. [Laughter.]

MILITARY APPROPRIATIONS.

The SPEAKER. The gentleman from Kentucky makes the point that there is no quorum present. Evidently no quorum is present. The Doorkeeper will close the doors and the Sergeant at Arms will notify the absentees. The question is on the motion to recommit. The Clerk will call the roll.

The question was taken; and there were—yeas 162, nays 105, answered "present" 1, not voting 159, as follows:

YEAS—162.

Ashbrook	Ferris	Lonergan	Rubey
Aswell	Fields	McDuffie	Rucker
Ayres	Focht	McGlennon	Sanders, La.
Babka	Foster	McKeown	Sherwood
Barbour	Frear	McKinley	Sinclair
Barkley	French	McLane	Sisson
Bee	Gallivan	Major	Small
Bland, Ind.	Gandy	Mann, S. C.	Stephens, Ohio
Bland, Mo.	Gard	Mays	Stoll
Bland, Va.	Garner	Mead	Strong, Kans.
Blanton	Garrett	Miller	Sumners, Tex.
Bowers	Goodykoontz	Milligan	Sweet
Briggs	Harrison	Minahan, N. J.	Tague
Browne	Hastings	Monahan, Wis.	Taylor, Ark.
Buchanan	Haugen	Moon	Taylor, Colo.
Byrnes, S. C.	Hayden	Moore, Ohio	Thomas
Byrns, Tenn.	Herrman	Mudd	Thompson
Caldwell	Holland	Murphy	Tillman
Campbell, Pa.	Huddleston	Neely	Tincher
Candler	Hudspeth	Nelson, Mo.	Tinkham
Carss	Hull, Tenn.	O'Connell	Upshaw
Carter	Humphreys	O'Connor	Venable
Clark, Mo.	Jacoway	Ogden	Vinson
Cleary	James	Oldfield	Voigt
Coady	Johnson, Ky.	Oliver	Watkins
Cole	Johnson, Miss.	Overstreet	Weaver
Connally	Jones, Tex.	Padgett	Welling
Cooper	Kearns	Park	Welty
Cullen	Keller	Parrish	Whaley
Davey	Kettner	Quin	Wheeler
Davis, Tenn.	Kincheloe	Rainey, H. T.	White, Kans.
Dent	King	Rainey, J. W.	Wilson, La.
Dickinson, Mo.	Kinkaid	Raker	Wilson, Pa.
Donovan	Kleczka	Ramseyer	Wingo
Doughton	Lanham	Randall, Calif.	Woods, Va.
Dowell	Lankford	Rayburn	Wright
Dunbar	Lazaro	Ricketts	Yates
Dupré	Lee, Ga.	Riordan	Young, N. Dak.
Eagan	Lesher	Robsion, Ky.	Young, Tex.
Emerson	Linthicum	Romjue	
Evans, Mont.	Little	Rouse	

NAYS—105.

Ackerman	Dickinson, Iowa	Jefferis	Newton, Minn.
Anderson	Edmonds	Kahn	Newton, Mo.
Andrews, Nebr.	Elliott	Knutson	Nichols, Mich.
Anthony	Elston	Kraus	Olney
Benham	Esch	Lampert	Osborne
Boies	Evans, Nebr.	Lehlbach	Paige
Brooks, Ill.	Fairfield	Luce	Parker
Brooks, Pa.	Fess	Luhring	Purnell
Burdick	Fisher	McArthur	Radcliffe
Burroughs	Fordney	McKenzie	Reber
Butler	Good	McLaughlin, Mich.	Reed, N. Y.
Campbell, Kans.	Graham, Ill.	McLaughlin, Nebr.	Riddick
Cannon	Greene, Mass.	McPherson	Rogers
Christopherson	Greene, Vt.	MacCrate	Rowe
Classon	Hadley	Madden	Sanders, Ind.
Copley	Hardy, Colo.	Magee	Sanders, N. Y.
Crago	Hawley	Mapes	Sanford
Currie, Mich.	Hernandez	Merritt	Scott
Dale	Hickey	Michener	Sinnott
Dallinger	Hoch	Mondell	Smith, Idaho
Darrow	Houghton	Moores, Ind.	Steenerson
Davis, Minn.	Hull, Iowa	Morgan	Stiness
Dempsey	Ireland	Mott	Summers, Wash.

Temple	Treadway	Walters	Zihlman
Tilson	Vestal	Wason	
Timberlake	Volstead	Webster	
Towner	Walsh	White, Me.	

ANSWERED "PRESENT"—1.

Langley

NOT VOTING—159.

Almon	Evans, Nev.	Kendall	Rhodes
Andrews, Md.	Flood	Kennedy, Iowa	Robinson, N. C.
Bacharach	Freeman	Kennedy, R. I.	Rodenberg
Baer	Fuller, Ill.	Kiess	Rose
Bankhead	Fuller, Mass.	Kitchin	Rowan
Begg	Gallagher	Kreider	Sabath
Bell	Ganly	Larsen	Schall
Benson	Garland	Layton	Scully
Black	Glynn	Lea, Calif.	Sears
Blackmon	Godwin, N. C.	Longworth	Sells
Booher	Goldfogle	Lufkin	Shreve
Box	Goodall	McAndrews	Siegel
Brand	Goodwin, Ark.	McClintic	Sims
Brinson	Gould	McCulloch	Slemp
Britten	Graham, Pa.	McFadden	Smith, Ill.
Brumbaugh	Green, Iowa	McKinley	Smith, Mich.
Burke	Griest	MacGregor	Smith, N. Y.
Cantrill	Griffin	Maher	Smithwick
Caraway	Hamill	Mann, Ill.	Snell
Carew	Hamilton	Mansfield	Snyder
Casey	Hardy, Tex.	Martin	Steagall
Chindblom	Harreld	Mason	Stedman
Clark, Fla.	Hays	Montague	Steele
Collier	Heflin	Mooney	Stephens, Miss.
Costello	Hersey	Moore, Va.	Stevenson
Cramton	Hicks	Morin	Strong, Pa.
Crisp	Hill	Nelson, Wis.	Sullivan
Crowther	Hoey	Nicholls, S. C.	Swope
Curry, Calif.	Howard	Nolan	Taylor, Tenn.
Denison	Hulings	Pell	Vaile
Dewalt	Husted	Peters	Vare
Dominick	Hutchinson	Phelan	Ward
Dooling	Igoe	Platt	Watson
Doremus	Johnson, S. Dak.	Porter	Williams
Drane	Johnson, Wash.	Pou	Wilson, Ill.
Dunn	Johnston, N. Y.	Rainey, Ala.	Winslow
Dyer	Jones, Pa.	Ramsey	Wise
Eagle	Juul	Randall, Wis.	Wood, Ind.
Echols	Kelley, Mich.	Reavis	Woodyard
Ellsworth	Kelly, Pa.	Reed, W. Va.	

So the motion to recommit was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. LONGWORTH with Mr. KITCHIN.

Mr. RODENBERG with Mr. BELL.

Mr. MANN of Illinois with Mr. DEWALT.

Mr. CURRY of California with Mr. DRANE.

Mr. SHREVE with Mr. CARAWAY.

Mr. WARD with Mr. GALLAGHER.

Mr. GRAHAM of Pennsylvania with Mr. STEELE.

Mr. BACHARACH with Mr. SCULLY.

Mr. DENISON with Mr. BANKHEAD.

Mr. CHINDBLOM with Mr. HEFLIN.

Mr. BEGG with Mr. CRISP.

Mr. DYER with Mr. BOOHER.

Mr. WOODYARD with Mr. ALMON.

Mr. GARLAND with Mr. GOODWIN of Arkansas.

Mr. LANGLEY with Mr. CLARK of Florida.

Mr. WOOD of Indiana with Mr. BENSON.

Mr. ANDREWS of Maryland with Mr. WISE.

Mr. RHODES with Mr. IGOE.

Mr. WINSLOW with Mr. BLACK.

Mr. FREEMAN with Mr. HOEY.

Mr. WILLIAMS with Mr. SIMS.

Mr. FULLER of Illinois with Mr. GANLY.

Mr. GLYNN with Mr. SABATH.

Mr. WATSON with Mr. BOX.

Mr. DUNN with Mr. HARDY of Texas.

Mr. VARE with Mr. BRAND.

Mr. CROWTHER with Mr. JOHNSTON of New York.

Mr. MASON with Mr. HOWARD.

Mr. BURKE with Mr. CASEY.

Mr. JUUL with Mr. LARSEN.

Mr. MORIN with Mr. RAINEY of Alabama.

Mr. KREIDER with Mr. GRIFFIN.

Mr. GOODALL with Mr. MAHER.

Mr. ECHOLS with Mr. COLLIER.

Mr. KELLY of Pennsylvania with Mr. MOONEY.

Mr. ELLSWORTH with Mr. LEA of California.

Mr. KENNEDY of Rhode Island with Mr. MARTIN.

Mr. COSTELLO with Mr. SMITHWICK.

Mr. MCKINLEY with Mr. POU.

Mr. GRIEST with Mr. CANTRILL.

Mr. JOHNSON of South Dakota with Mr. BRINSON.

Mr. SIEGEL with Mr. ROWAN.

Mr. LUFKIN with Mr. MANSFIELD.

Mr. HULINGS with Mr. STEAGALL.

Mr. LAYTON with Mr. NICHOLLS of South Carolina.

Mr. NELSON of Wisconsin with Mr. MONTAGUE.

Mr. HUSTED with Mr. MCCLINTIC.

Mr. MCCULLOCH with Mr. PELL.

Mr. SNELL with Mr. PHELAN.

Mr. REAVIS with Mr. SULLIVAN.

Mr. PLATT with Mr. SEARS.

Mr. KIESS with Mr. SMITH of New York.

Mr. ROSE with Mr. STEVENSON.

Mr. KENDALL with Mr. MCANDREWS.

Mr. RAMSEY with Mr. BRUMBAUGH.

Mr. JOHNSON of Washington with Mr. CAREW.

Mr. HARRELD with Mr. DOMINICK.

Mr. JONES of Pennsylvania with Mr. ROBINSON of North Carolina.

Mr. HICKS with Mr. STEPHENS of Mississippi.

Mr. HERSEY with Mr. STEDMAN.

Mr. PORTER with Mr. GODWIN of North Carolina.

Mr. REED of West Virginia with Mr. HAMILL.

Mr. PETERS with Mr. DOREMUS.

Mr. HUTCHINSON with Mr. EAGLE.

Mr. STRONG of Pennsylvania with Mr. EVANS of Nevada.

Mr. TAYLOR of Tennessee with Mr. MOORE of Virginia.

Mr. SNYDER with Mr. BLACKMON.

Mr. SLEMP with Mr. FLOOD.

Mr. SMITH of Michigan with Mr. GOLDFOGLE.

Mr. CRAMTON with Mr. DOOLING.

Mr. LANGLEY. Mr. Speaker, I wish to inquire if my colleague [Mr. CLARK of Florida] voted?

The SPEAKER. He did not.

Mr. LANGLEY. I am paired with him. He is absent on account of illness. I therefore desire to answer as "present."

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors.

Mr. KAHN. Mr. Speaker, I desire to report the Army appropriation bill with the amendment that has just been adopted by the House, and on that I move the previous question.

The SPEAKER. The gentleman from California reports back the Army appropriation bill with the amendment which has just been adopted, and on that he moves the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. KAHN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had approved and signed bills of the following titles:

On April 13, 1920:

H. R. 6773. An act for the relief of Albert C. Burgess; and

H. R. 12711. An act to amend the act approved December 23, 1913, known as the Federal reserve act.

On April 14, 1920:

H. R. 685. An act for the relief of Frank S. Ingalls;

H. R. 687. An act for the relief of Frank Pinkley;

H. R. 1275. An act for the relief of W. L. Rose; and

H. R. 6413. An act granting the sum of $549.12 to Clara Kane, dependent parent, by reason of the death of William A. Yenser, late civil employee, killed as a result of an accident at the Philadelphia Navy yard.

On April 15, 1920:

H. R. 202. An act to authorize the Secretary of the Interior to issue patent in fee simple to the county of Huron, in the State of Michigan, for a certain-described tract of land for public-park purposes;

H. R. 5213. An act for the relief of occupants and claimants of unsurveyed public land in township 8 north of range 2 west of Salt Lake meridian, Utah;

H. R. 6136. An act authorizing the Secretary of the Interior to sell certain lands to school district No. 21, of Fremont County, Wyo.;

H. R. 6772. An act authorizing and directing the transfer approximately of 10 acres of land to rural high-school district No. 1, Lapwai, Idaho; and

H. R. 11175. An act for the public sale of customhouse building and site at Kennebunkport, Me.

On April 16, 1920:

H. R. 3211. An act for the relief of Emma J. Spear;

H. R. 6077. An act for the relief of the King Coal Co., of San Francisco, Calif.;

H. R. 8645. An act for the relief of Lawrence Bendich and Anthony Vezich; and

H. R. 10207. An act providing for service of process in causes removed from a State or other court to a United States court.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BRAND, for 10 days, on account of illness in his family;

To Mr. HICKS, for six days; and

To Mr. TAGUE, for three days, on account of important business.

EXTENSION OF REMARKS.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to extend his remarks in the RECORD.

Mr. KAHN. Reserving the right to object, upon what subject?

Mr. FERRIS. On schools and school-teachers. It is nonpolitical. They are my own remarks.

The SPEAKER. Is there objection?

There was no objection.

Mr. FIELDS. Mr. Speaker, I ask unanimous consent to extend my remarks on this bill.

Mr. WALSH. The gentleman already has that.

The SPEAKER. The gentleman has that privilege already.

ADJOURNMENT.

Mr. KAHN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 40 minutes p. m.) the House adjourned until to-morrow, Saturday, April 17, 1920, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Naugatuck River, Conn., between the head of navigation at Derby and Waterbury, Conn., with a view to the construction of a barge canal, was taken from the Speaker's table and referred to the Committee on Rivers and Harbors.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. SINNOTT, from the Committee on the Public Lands, to which was referred the bill (H. R. 9392) regulating the disposition of lands formerly embraced in the grants to the Oregon & California Railroad Co. and Coos Bay Wagon Road Co., reported the same without amendment, accompanied by a report (No. 841), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HERNANDEZ, from the Committee on the Public Lands, to which was referred the bill (S. 3867) authorizing the State of New Mexico to apply the proceeds of the grant to said State of 1,000,000 acres of land made by section 7 of the enabling act, June 20, 1910, for the reimbursement of Grant County, Luna County, Hidalgo County, Santa Fe County, and the town of Silver City, N. Mex., reported the same without amendment, accompanied by a report (No. 842), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. TAYLOR of Colorado, from the Committee on the Public Lands, to which was referred the bill (H. R. 9825) authorizing any land-grant railroad company or its successors to convey for public-road purposes certain parts of its right of way, reported the same with amendments, accompanied by a report (No. 843), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FERRIS, from the Committee on the Public Lands, to which was referred the bill (H. R. 12580) authorizing the city of Walters, Okla., to dispose of certain land reserved for public purposes, reported the same with amendments, accompanied by a report (No. 845), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. GLYNN, from the Committee on Claims, to which was referred the bill (S. 3119) for the relief of Con Murphy, reported the same without amendment, accompanied by a report (No. 844), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 13522) granting a pension to Thomas Thompson, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LANGLEY: A bill (H. R. 13645) to authorize the Secretary of the Treasury to provide medical, surgical, and hospital services and supplies for discharged soldiers, sailors, and marines, Army and Navy nurses (male and female), and for other purposes; to the Committee on Public Buildings and Grounds.

By Mr. JOHNSON of Washington: A bill (H. R. 13646) to amend the act entitled "An act to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States," approved June 29, 1906, as amended, and for other purposes; to the Committee on Immigration and Naturalization.

By Mr. TAGUE: A bill (H. R. 13647) granting leave of absence to veterans of any war of the United States to attend State or national conventions of associations or organizations of such veterans; to the Committee on Reform in the Civil Service.

By Mr. HICKS: A bill (H. R. 13648) to create a bureau of aeronautics and a naval air corps in the Department of the Navy; to the Committee on Naval Affairs.

By Mr. ESCH: A bill (H. R. 13649) to amend the Penal Code of the Canal Zone and the navigation rules of the Panama Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. MAPES: A bill (H. R. 13650) to amend "An act for the establishment of a probation system for the District of Columbia," approved January 25, 1910, as amended; to the Committee on the District of Columbia.

By Mr. LANHAM: Joint resolution (H. J. Res. 336) authorizing the Secretary of War to loan to the Albert Sidney Johnston Camp, United Confederate Veterans, No. 1820, Fort Worth, Tex., 100 cots and blankets for the use of Confederate veterans at the reunion of said camp, June 24 to 27, inclusive, 1920; to the Committee on Military Affairs.

By Mr. SHERWOOD: Joint resolution (H. J. Res. 337) to include the names of southern military leaders in the inscriptions on the amphitheater at Arlington; to the Committee on the Library.

By Mr. UPSHAW: Joint resolution (H. J. Res. 338) authorizing and directing the Secretary of War to lend tents to cities during the summer months of 1920 to relieve the housing situation; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CARSS: A bill (H. R. 13651) for the relief of Alfred B. Andrews; to the Committee on Claims.

By Mr. CHRISTOPHERSON: A bill (H. R. 13652) for the relief of Fred N. Dunham; to the Committee on Claims.

By Mr. COLE: A bill (H. R. 13653) granting an increase of pension to Edward C. Warner; to the Committee on Invalid Pensions.

By Mr. FIELDS: A bill (H. R. 13654) granting an increase of pension to James Griffey; to the Committee on Invalid Pensions.

By Mr. GREENE of Vermont: A bill (H. R. 13655) granting an increase of pension to Mary McBride; to the Committee on Pensions.

By Mr. HUDSPETH: A bill (H. R. 13656) granting a pension to Adolph Specht; to the Committee on Pensions.

By Mr. KENNEDY of Iowa: A bill (H. R. 13657) granting a pension to Robert H. Wilcox; to the Committee on Pensions.

By Mr. LANGLEY: A bill (H. R. 13658) granting an increase of pension to Disia Stamper; to the Committee on Invalid Pensions.

By Mr. MAPES: A bill (H. R. 13659) granting a pension to Charles Blaker; to the Committee on Invalid Pensions.

By Mr. REED of West Virginia: A bill (H. R. 13660) granting an increase of pension to Emory E. Flowers; to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 13661) granting an increase of pension to James W. Bird; to the Committee on Pensions.

By Mr. VAILE: A bill (H. R. 13662) for the relief of Stanley Mitchell; to the Committee on Naval Affairs.

By Mr. WILSON of Pennsylvania: A bill (H. R. 13663) granting a pension to Susan L. Shew; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13664) granting a pension to John English, jr.; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2986. By Mr. BROWNE: Petition of sundry citizens of Wild Rose and Spencer, Wis., protesting against compulsory military training; to the Committee on Military Affairs.

2987. By Mr. BURROUGHS: Resolution of Berlin Central Labor Union, by Edw. J. Legassie, recording secretary, urging passage of Senate joint resolution 171 and Senate bill 1233; to the Committee on the Judiciary.

2988. By Mr. CULLEN: Petition of the business men's national tax committee of New York City, favoring the repeal of certain sections of the revenue laws; to the Committee on Ways and Means.

2989. Also, petition of Signal Post No. 343, American Legion, New York City, favoring the passage of the Wadsworth bill; to the Committee on Military Affairs.

2990. By Mr. ESCH: Petition of the Long Island Society, Daughters of the Revolution, favoring issue of a 2-cent coin bearing medallion of Theodore Roosevelt; to the Committee on Coinage, Weights, and Measures.

2991. By Mr. GALLIVAN: Petition of Joseph Toomey, adjutant, and 500 other members of Michael J. Perkins Post, No. 67, of the American Legion, favoring the cash bonus for ex-service men of the World War; to the Committee on Ways and Means.

2992. Also, petition of the New England Cotton Buyers' Association, protesting against the so-called Comer amendment to the Agricultural appropriation bill; to the Committee on Agriculture.

2993. Also, petition of George F. Daly and eight other employees of Seaman & Cobb Co., Boston, Mass., favoring cash bonus for ex-service men; to the Committee on Ways and Means.

2994. Also, petition of Tri-Mountain Garrison No. 98, Army and Navy Union, favoring passage of Shreve bill, providing for care, etc., of the naval brig *Niagara*; to the Committee on Naval Affairs.

2995. Also, petition of the Sulpho-Naphthol Co., of Boston, Mass., favoring 1-cent postage for drop letters; to the Committee on the Post Office and Post Roads.

2996. Also, petition of the Atlantic Dyestuff Co., of Boston, Mass., opposing the passage of H. R. 12646; to the Committee on Banking and Currency.

2997. Also, petition of the Automobile Legal Association of Boston, Mass., protesting against the rise in the price in gasoline; to the Committee on the Judiciary.

2998. Also, petition of the Brown-Durrell Co., of Boston, Mass., regarding the Stevenson bill, H. R. 10835; to the Committee on Military Affairs.

2999. Also, petition of N. J. Reily & Co., of Boston, Mass., opposing the passage of House bills 12379 and 12646; to the Committee on Banking and Currency.

3000. Also, petition of American Unity Post, No. 22, American Legion, of Chicago, Ill., favoring compensation for ex-service persons; to the Committee on Ways and Means.

3001. By Mr. JOHNSTON of New York: Petition of the National Guard Association of the State of New York, relative to the reorganization of the National Guard, etc.; to the Committee on Military Affairs.

3002. Also, petition of Local Union No. 10, A. L. G. C., of New York City, urging the passage of Senate bill 1233, also Senate joint resolution 171; to the Committee on the Judiciary.

3003. By Mr. KINKAID: Petition of W. E. Magnuson and 16 other citizens of Arnold, Nebr., protesting against universal military training, etc.; to the Committee on Military Affairs.

3004. By Mr. LONERGAN: Petition of the Connecticut Retail Jewelers' Association, favoring the repeal of the excise tax on jewelry, etc.; to the Committee on Ways and Means.

3005. By Mr. McGLENNON: Petition of Phoenix Lodge, No. 315, International Association of Machinists, Washington, D. C.; Silk City Lodge, No. 188, International Association of Machinists, Paterson, N. J.; and Plainfield Lodge, No. 167, International Association of Machinists, Plainfield, N. J., urging the passage of Senate bill 1233, also Senate joint resolution 171; to the Committee on the Judiciary.

3006. Also, petition of New York Harbor Lodge, No. 1067, B. R. C. of America, relative to the peace treaty with Germany, etc.; to the Committee on Foreign Affairs.

3007. Also, petition of Greater New York Cut Stone Contractors' Association, Harrison, N. J., relative to the car shortage, etc.; to the Committee on Interstate and Foreign Commerce.

3008. Also, petition of International Jewelry Workers' Union, Local No. 2, opposed to the Sterling-Graham bill, etc.; to the Committee on the Judiciary.

3009. By Mr. HENRY T. RAINEY: Petition of sundry citizens of Meredosia, Ill., opposing the sanitary district being allowed to turn any more water into the Illinois River than they are now turning therein; to the Committee on Rivers and Harbors.

3010. By Mr. REED of West Virginia: Petition of A. T. Jones, J. W. Messenger, E. L. Bennett, and 120 others, protesting against the adoption of compulsory military training; to the Committee on Military Affairs.

3011. By Mr. ROWAN: Petition of Sidney E. Morse, also B. F. Bailey & Co., of New York, urging the defeat of House bill 12379; to the Committee on Banking and Currency.

3012. Also, petition of J. W. D. Grant, manager of the New Success, of New York, opposing House bill 12976; to the Committee on Ways and Means.

3013. Also, petition of Joseph Blumenthal, of New York City, opposing the bonus for the ex-service men and women of the World War, excepting the wounded soldiers; to the Committee on Ways and Means.

3014. Also, petition of Dannan & Kemp Co., New York City, relative to the excess-profit tax, etc.; to the Committee on Ways and Means.

3015. Also, petition of the Federal Council of the Church of Christ of America, relative to the Turk and other foreign questions; to the Committee on Foreign Affairs.

3016. Also, petition of Brisbine C. Ash, president of the Sioux Falls (S. Dak.) Live Stock Exchange, relative to the Bureau of Animal Industry; to the Committee on Agriculture.

3017. Also, petition of the American Association for Labor Legislation, New York City, urging the passage of the Sterling-Lehlbach retirement bill, etc.; to the Committee on Reform in the Civil Service.

3018. Also, petition of the business men's national tax committee of New York City, favoring the repeal of certain sections of the revenue laws; to the Committee on Ways and Means.

3019. Also, Petition of the Aeolian Co. of New York, favoring the repeal of the Lever law; to the Committee on Agriculture.

3020. Also, petition of Local Union No. 10, A. L. G. C., of New York City, urging the passage of Senate bill 1233, also Senate joint resolution 171; to the Committee on the Judiciary.

3021. Also, petition of the National Federation of Federal Employees, Washington, D. C., relative to the Bureau of Efficiency; to the Committee on Appropriations.

3022. Also, petition of the National Civic Federation, New York City, protesting against the recognition of the Bolshevist Government of Russia by the United States; to the Committee on Foreign Affairs.

3023. By Mr. SNYDER: Petition of Polish residents of Rome, N. Y., protesting against deprivation by foreign-language newspapers in the matter of second-class postal rates; to the Committee on the Post Office and Post Roads.

3024. By Mr. TAGUE: Petition of the Union Twist Drill Co., of Athol, Mass., opposing H. R. 12379; to the Committee on Banking and Currency.

3025. Also, petition of the Women's Educational and Industrial Union, of Boston, Mass., urging the passage of H. R. 1540; to the Committee on Ways and Means.

3026. Also, petition of the National Federation of Federal Employees, Washington, D. C., relative to certain provisions in House bill 12610; to the Committee on Appropriations.

3027. Also, petition of Ludlow Post, No. 52, American Legion, Ludlow, Mass., relative to the bonus for the ex-service men of the World War; to the Committee on Ways and Means.

3028. By Mr. TINKHAM: Petition of St. Brendan Society, regarding England's treatment of Ireland; to the Committee on Foreign Affairs.

3029. Also, petition of Roger Casement Branch, Friends of Irish Freedom, urging Congress to abrogate all treaties with England; to the Committee on Foreign Affairs.

3030. By Mr. VAILE: Petition of the Denver Civic and Commercial Association, Denver, Colo., urging adequate compensation to Government employees; to the Committee on Appropriations.

3031. By Mr. WELTY: Petition of Mrs. Howard Amos et al., favoring parole of Federal prisoners; to the Committee on the Judiciary.

SENATE.

SATURDAY, *April 17, 1920.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we desire to come to the tasks of this day with the inspiration of Thy name in our hearts, and to discharge the duties of the day with the power that comes to us with the touch of God upon our lives. May we not forget our divine obligations to-day. May we ever be lifting our hearts toward Thee. Abide with us as our guide and counselor and friend. May the work of the day advance the interests of the kingdom of righteousness and peace among men. We ask it for Christ's sake. Amen.

NAMING A PRESIDING OFFICER.

The Secretary (George A. Sanderson) read the following communication:

UNITED STATES SENATE,
PRESIDENT PRO TEMPORE,
Washington, D. C., April 17, 1920.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. REED SMOOT, a Senator from the State of Utah, to perform the duties of the Chair during my absence.

ALBERT B. CUMMINS,
President pro tempore.

Mr. SMOOT thereupon took the chair as Presiding Officer for the day.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Thursday, April 15, 1920, when, on request of Mr. WADSWORTH and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by D. K. Hempstead, its enrolling clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11578) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1921, and for other purposes.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills:

S. 1005. An act for the relief of the owner of the steamship *Matoa*; and

S. 1222. An act for the relief of the owners of the schooner *Henry O. Barrett*.

PETITIONS AND MEMORIALS.

Mr. LODGE. I present a memorial from the executive council of the National Civic Federation, New York City, comprised of Alton B. Parker, president; Samuel Gompers, vice president; V. Everit Macy, treasurer; Ralph M. Easley, chairman executive council; John Hays Hammond, commercial department, regulation of industrial corporations; William Jay Schieffelin, chairman committee on national defense; Louis A. Coolidge, chairman welfare department; Francis R. Mayer, chairman industrial training department; Miss Maud Wetmore, chairman woman's department; Louis B. Schram, chairman industrial accidents prevention department; A. J. Porter, chairman minimum wage commission; August Belmont, chairman workmen's compensation department; Warren S. Stone, chairman social insurance department; Emerson McMillin, chairman department for the regulation of public utilities; George W. Perkins, chairman department on profit sharing; Vincent Astor, chairman food and drugs department; Jeremiah W. Jenks, chairman department on industrial mediation; Talcott Williams, chairman industrial economics department; William R. Wilcox, chairman department on pensions; Gertrude Beeks Easley, secretary executive council; and D. L. Cease, secretary the National Civic Federation, remonstrating against the recognition of the Russian Soviet Government by the Government of the United States. I move that the memorial be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. RANSDELL presented a petition of sundry citizens of New Orleans, La., praying for the repeal of the so-called Volstead law, which was referred to the Committee on the Judiciary.

Mr. PAGE presented a petition of sundry citizens of Pittsford, Vt., praying for the recognition of the republic of Ireland, which was referred to the Committee on Foreign Relations.

Mr. PHELAN presented a petition of sundry veterans of the Spanish-American War, inmates of the Soldiers' Home, Sawtelle, Calif., praying for the passage of the so-called Sells bill to pension soldiers of the War with Spain, the Philippine insurrection, and the China relief expedition, which was ordered to lie on the table.

He also presented a petition of Sebastopol Post, No. 39, American Legion, of Sebastopol, Calif., praying for the passage of the so-called Davey sedition bill, which was ordered to lie on the table.

Mr. CAPPER presented a petition of the Birchdale Farmers' Union, of Sauk Center, Minn., praying for the enactment of legislation providing for collective bargaining, which was referred to the Committee on the Judiciary.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JONES of Washington:

A bill (S. 4238) relating to street car fares in the District of Columbia; to the Committee on the District of Columbia.

By Mr. McNARY:

A bill (S. 4239) providing for the reclassification of the hull and boiler inspectors of the collection district comprising Portland, Oreg.; to the Committee on Commerce.

By Mr. NUGENT:

A bill (S. 4240) granting an increase of pension to Byron Cuppernull (with accompanying papers);

A bill (S. 4241) granting a pension to Thomas B. Beall; and

A bill (S. 4242) granting a pension to Delphine Chapin (with accompanying papers); to the Committee on Pensions.

By Mr. RANSDELL:

A bill (S. 4243) to extend the provisions of the retirement law for the Lighthouse Service to include Joseph P. Groux, former keeper of the Chefuncte River Range Light Station, Louisiana; to the Committee on Commerce.

A bill (S. 4244) authorizing the Secretary of the Interior to sell and patent to J. D. Calhoun, of Lincoln Parish, La., certain lands; to the Committee on Public Lands.

By Mr. HALE:

A bill (S. 4245) granting an increase of pension to James S. Pendergast (with accompanying papers); to the Committee on Pensions.

By Mr. NEW:

A bill (S. 4246) granting a pension to William B. Lewis (with accompanying papers); and

A bill (S. 4247) granting a pension to Edgar L. Thompson; to the Committee on Pensions.

THE MEXICAN SITUATION.

Mr. SMITH of Arizona. Mr. President, my colleague and I have received telegrams touching the Mexican situation. I should like to read one to the Senate.

It is as follows:

Associated Press dispatch states request made to Washington that Mexican troops be allowed transportation through Arizona. Granting that request will be against interest of United States and Americans in Mexico. We urge you make every effort to prevent Mexican troop movement through Arizona.

NOGALES CHAMBER OF COMMERCE.

Mr. President, I am heartily in sympathy with the Nogales Chamber of Commerce which sends this dispatch to us.

I shall take only a minute. In the investigations on the border we found that in every particular the Carranza government has stood against every interest of the United States. While he has been guarding the border with his own men he has never returned a single one who has committed a depredation in the United States who has gotten across into Mexico. His own soldiers in his own uniform were killed in committing depredations in our country, and now the request is made of the United States to be permitted to send troops through the State of Arizona to assail the only one of the States of the Republic of Mexico that has been apparently in any sympathy

with the efforts of the United States to bring about peace and order in that Republic.

Mr. NEW. Mr. President——

The PRESIDING OFICER. Does the Senator from Arizona yield to the Senator from Indiana?

Mr. SMITH of Arizona. I yield.

Mr. NEW. I merely rose to suggest that I think the Senator from Arizona is making his address at the wrong end of the Avenue.

Mr. SMITH of Arizona. I have attended to that already. As far as I could, I left my protest with the office of the Secretary of State by phone immediately on receipt of the telegram. I feel confidence in the State Department, and I merely wish publicly to call the attention of the country to the protest of the people of Arizona against sending Carranza soldiers through the State of Arizona for the purpose of subduing, killing, and carrying on, probably, in the State of Sonora the same depredations which they have carried on against their own people wherever they have found them out of sympathy with the Carranza government. Knowing something of the conditions in Mexico and the awful chaos existing there under the alleged Carranza government, my sympathy is with the people of Sonora, and I hope that our Government, so often contemptuously treated by Carranza, will not aid him in his efforts to brutally subdue the people of Sonora to longer wearing the yoke which his injustice and cruelty and graft have made unbearable.

Mr. ASHURST. Mr. President, after what my esteemed colleague [Mr. SMITH] has stated nothing further need be said, because he has so thoroughly covered the ground, and I shall detain the Senate only for a moment on this subject.

My colleague and I have been to the War Department so many times that I shall not attempt to enumerate them, urging the War Department to maintain an adequate force of troops on the Mexican border, so that the lives and property of citizens of the United States, *in the United States*, at least, may be safe on the soil of their own country. We have asked for that, and I now warn the War Department that they have a totally inadequate number of troops on the Mexican border. The dispatches announce—and my colleague and I both have telegrams from Arizona to the same effect—that the Department of State is considering the advisability of permitting so-called Carranza troops to pass through Arizona and attack Hermosillo, the capital of Sonora.

Arizona some few years ago was made a highway through which such marauders might pass from El Paso to Douglas to attack troops of another faction, but now it is announced that the Carranza régime, which is so debilitated that I can not refer to it as a government, has asked permission for a large number of its troops to entrain at El Paso, Tex., pass through a part of the State of Texas, pass through New Mexico, and leave the train at Douglas or Nogales, cities on the Arizona border, and proceed thence southerly to attack the forces of the provisional government of the new Republic of Sonora.

Mr. KNOX. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Pennsylvania?

Mr. ASHURST. Just let me finish the sentence, and then I will yield.

I hope the appropriate branch of our Government will decline to permit the gang of Carranza bandits to pass through Arizona; but the Federal Government is not the only authority that has a duty in this matter; the State of Arizona has a duty to perform, and I hope the governor of that State will show true American courage and manhood and repel with force of arms any marauders or bandits who attempt to pass through Arizona on a train or otherwise. The time has come when, if Arizona is to have no protection from the Federal Government, the State is going to protect herself with her own strong, good right arm. Now I yield to the Senator from Pennsylvania.

Mr. KNOX. Mr. President, my purpose in interrupting the Senator from Arizona was a merciful one. I merely wanted to relieve him of his just indignation by calling his attention to the fact that the State Department has declined to issue the permit to which he has referred.

Mr. ASHURST. I am immensely relieved, and I congratulate the State Department.

Mr. SMITH of Arizona. Mr. President, if I may be permitted, I wish to say that I tried to get information this morning in reference to this matter, and I left word at the State Department as to the wishes of the people and as to my own judgment in reference to the subject. I am particularly gratified to have the information from the Senator from Pennsylvania that the State Department has declined the request of the Carranza Government.

THE BUILDING SITUATION.

Mr. CALDER. From the Committee to Audit and Control the Contingent Expenses of the Senate, I report back favorably without amendment the resolution submitted by me on the 15th instant, and I ask unanimous consent for its present consideration.

The PRESIDING OFFICER. The resolution will be read.

The resolution (S. Res. 350) was read, as follows:

Whereas the general construction of houses, manufacturing establishments, and buildings necessary for the development of the Nation's resources, the production of essential materials, and the amelioration of present housing conditions, was curtailed by Federal action during the war and is now seriously hampered by an unprecedented demand for consumables and luxuries which has diverted capital, labor, and materials into nonproductive or nonessential fields: Therefore be it

Resolved, That a committee of five Senators, consisting of three members of the majority party and two members of the minority party, appointed by the President of the Senate, is hereby authorized to inquire into and report to the Senate on or before December 1, 1920—

(a) The existing situation in relation to the general construction of houses, manufacturing establishments, and buildings, and the effect thereof upon other industries and upon the public welfare; and

(b) Such measures as it may deem necessary to stimulate and encourage such construction work, to encourage popular investment rather than spending, to foster private initiative in building, and to insure cooperation between labor and persons or corporations engaged in transportation, banking, or other business necessary to the development of such construction.

Such committee is hereby authorized during the Sixty-sixth Congress to sit during the sessions or recesses of the Congress, at Washington or at any other place in the United States, to send for persons, books, and papers, to administer oaths, and to employ experts deemed necessary by such committee, a clerk and a stenographer to report such hearings as may be had in connection with any subject which may be before such committee, such stenographer's service to be rendered at a cost not exceeding $1 per printed page, the expenses involved in carrying out the provisions of this resolution to be paid out of the contingent fund of the Senate.

The PRESIDING OFFICER (Mr. CURTIS in the chair). Is there objection to the present consideration of the resolution?

Mr. GRONNA. Mr. President, just a moment. Will the Senator from New York explain the resolution? It seems to cover a large scope. Is it the intention of the Senator to have an investigation going on with the idea of encouraging building when perhaps the result will be in the future to eliminate bonds from taxation? Is that the idea?

Mr. CALDER. Mr. President, there is to-day in the United States a shortage of about a million homes. We need investment to-day in buildings to the extent of at least $4,000,000,000. In every large city in the country there is a crying need for homes for people to live in.

Here in the District of Columbia we passed the Saulsbury resolution and the Ball Act. In New York State and other States the legislatures have enacted laws which seek to stop the profiteering landlords, but nowhere in the United States has there been anything done to bring about a coordination or cooperation among all the elements that have to do with increasing building construction.

I have had some experience with this subject. It happens to be a profession that I have followed all my life. I have had occasion during the past year to discuss this question with men who manufacture building material, who have to do with transporting, furnishing fuel for and financing building operations.

The Senator from North Dakota has perhaps in mind a suggestion made by me in a bill recently introduced in the Senate which would relieve from taxation mortgages on real estate and bring about the introduction of some banking system which would relieve the bonds from Federal taxation of banking institutions where money is loaned for housing purposes only.

I did not have that particular thing in mind in this resolution, but I thought perhaps that the Senate of the United States ought to give some consideration to this most important subject, except perhaps the producing of food for the people, of any others that come before us.

Clothes wear out, furniture wears out, and food is consumed by the people immediately after its production, but houses last for a century, and in these days, when prices are at the peak, it is the most hazardous business in the country. It is the one big problem in the great cities of the country, and it seemed to me, in relation to labor, material, and transportation, perhaps a survey of the whole situation might better be made by a committee of this body than by any other function of the Government.

It is in the spirit of cooperating and coordinating of all these elements that I am bringing forward the resolution, and I offered it after conference with men of wide experience who are very anxious that some effort should be made to relieve the present difficult situation.

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from North Dakota?

Mr. CALDER. With pleasure.

Mr. GRONNA. I shall not object to the resolution, but if the Senator deems it expedient for the Government of the United States to go into the housing question throughout our entire country—has the Senator taken into consideration the fact that to-day there is not only a possibility but a probability of a shortage of food, at least a shortage of cereals, in the country? Does not the Senator think it would be of just as much importance for the Federal Government to make an investigation along those lines as along housing lines?

Mr. CALDER. I want to say to the Senator from North Dakota that I think the question of supplying food for the people is a preeminent one, much more important than the subject I am discussing. The production of food comes first, but housing the people is the second.

I might say to the Senator that in this country in normal times we construct each year about $3,000,000,000 worth of houses. I think it is the second or third largest industry in the United States.

I noticed in this morning's newspapers a statement made before the Committee on Immigration of the House that we were 40 per cent short of building labor in New York City, and those men urged that we pass no more restrictive immigration laws at this time. That is a subject the committee might inquire into, and the whole matter considered in its bearing on these questions.

I repeat that I am only interested in this subject from a constructive standpoint.

I trust the Senate will bear with me for a moment longer. Recently in New York I made inquiry about some building projects in which I am interested, and found that by purchasing standard plumbing material we could save 25 per cent in some lines. So having all these things in mind, it seemed to me some good would surely come from this investigation.

Now, just one word more. Great Britain during the past 10 years has found it necessary to go into the building of houses itself. It began, first, by loaning money to builders and then, second, by subsidizing builders to build tenements for people to live in, and now the English Government is actually in the business of building houses itself. I deplore that policy. I shall stand against it here with every power I possess. It is in the interest of preventing that situation and getting everybody interested working together that I have brought forward the resolution.

Mr. KING. I shall not object to the consideration of the resolution. In my opinion, however, its passage will accomplish no useful purpose, and will only emphasize the limitless power which Congress is asserting over the domestic concerns of the people. When it comes up for consideration I shall ask the Senator from New York a question or two, and briefly comment upon the provisions of the resolution.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution? The Chair hears none, and the question is on agreeing to the resolution.

Mr. KING. Mr. President, the resolution which has just been offered by the Senator from New York is quite in harmony with the views of many people nowadays with respect to the duties, powers, and functions of the Federal Government. The Senator from Colorado [Mr. THOMAS] has repeatedly called our attention to the fact that whenever any problem exists in any of the States or in any community, redress is immediately sought at the hands of the Federal Government. If the housing situation is acute in any community, immediately the attention of the people is directed to the Federal Government and appeals are made for Congress to legislate to furnish the desired relief. No matter whether the question is sociological or political or industrial or scientific or of a purely domestic and internal character, some people immediately conceive the idea that the Federal Government, in the plenitude of its power, may relieve the situation.

My good friend, the Senator from New York, has just alluded to the fact that Great Britain, because of the lack of housing facilities, has upon a number of occasions made appropriations for the purpose of erecting homes for the people. I hope the Senator from New York does not cite that as an example to guide the American Congress or to determine the course of procedure of a Republic such as this, where its powers are limited and are only such as have been granted by the States and the people residing therein. Too often we are referred to other nations for precedents to guide us in dealing with American questions. And the American people are being led into dangerous experiments and paternalistic legislation by the heretical and destructive doctrines so constantly advocated throughout the land. The policies of kingdoms and nations whose governments are entirely different from ours are appealed to in support of legislation fiercely championed by many Americans, legislation unconstitutional and hostile to the true interests of the people and the perpetuity of free institutions.

Mr. CALDER. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from New York?

Mr. KING. I yield.

Mr. CALDER. I would say to the Senator from Utah that I propose to resist with all the power I possess, here and elsewhere, any effort on the part of anyone to induce the Congress of the United States to go into the business of supplying houses for the people. I do not believe it ought to do so; and the purpose of the proposed inquiry is to bring about cooperation between all the elements interested in constructing houses and to interest people privately in the subject, for the purpose of offsetting a movement which I know is now in progress.

Mr. KING. Mr. President, I am glad to have the disclaimer of the Senator from New York. However, I fear that his resolution will encourage many people to demand that which he says he will oppose. If his resolution expressed a denial of the power of the Federal Government to enter upon the scheme of housing the population within the States, it might have some efficacy in extirpating the view which he says he will oppose, that Congress shall provide houses for the people. But it appears to me that the resolution will be regarded by many as a recognition by Congress of both its duty and its right to enter upon the stupendous work of building homes for the people of the United States.

I regard with misgivings the attitude of so many public men, as well as so many of the people, with respect to the powers and functions of the Government.

I know that it is popular with many to secure Federal aid and great appropriations for the States and for local communities. The idea of a government of limited powers is not appealing to many of our citizens. They want a "powerful" government, one without limits; one that may enter the States and destroy them and assume the responsibilities which under our form of government they have assumed.

It is so easy to appeal to Congress for appropriations for local and State concerns, and it is so easy to believe that its Treasury is inexhaustible, and that it is supplied without imposing any burden upon the people.

Mr. President, in every schoolhouse throughout this broad land there should be instructions given to the boys and girls who soon will be called upon to bear the burdens of citizenship in regard to our Constitution and the powers and duties of the States and the people within the States. They should be taught that liberty can only be preserved by men and women who are independent and who will defend individualism and local self-government.

Mr. President, I shall be very glad to have some one point to the authority that the Federal Government has to make appropriations to build houses for individuals within the States. During the war we thought, as a war measure, that we were justified in making appropriations for the purpose of constructing houses, in order that the employees of the Government might be properly cared for and render the efficient service so indispensable to carrying the country through the great war in which it was engaged; but, as I understand the Senator, the inference is drawn that there is power in the Federal Government to appropriate money for the erection of houses for private individuals in the various States.

Mr. CALDER. If the Senator will permit me——

The PRESIDING OFFICER. Senators desiring to interrupt the Senator having the floor will please address the Chair.

Mr. CALDER. I beg the Chair's pardon. I ask permission to interrupt the Senator from Utah.

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from New York?

Mr. KING. I yield.

Mr. CALDER. I thank the Senator. I will say to the Senator from Utah that I know of no law on the statute books permitting the appropriation of money for the erection of houses by the Government. I will also say to the Senator that when such a suggestion came during the course of the war I resisted it, because I believed then that the great war manufacturing plants of the country could provide their own housing.

I spoke then against it, and I will protest if it is ever attempted here. It is to prevent that very contingency that the resolution is introduced, and I am hopeful that will be the result of the inquiry to be made.

Mr. KING. The Senator has referred, and I also referred a moment ago, to appropriations made during the war for housing purposes. I then shared the views that were entertained by the Senator, and I felt that the appropriations which we were making at that time were unnecessary. I believe that such appropriations have resulted in waste and in extravagance and failed to accomplish any beneficial purpose. It is possible that some of the houses constructed in the city of Washington may have served a useful purpose, and yet I reserve my judgment with respect to that matter. But, Mr. President, I again invite attention to the heresy that is now so prevalent in the United States. I can not quite understand the reason why the distinguished Senator from New York offers this resolution; I do not quite understand what good he seeks to accomplish by the resolution or what avenues may be opened up legitimately or what instrumentalities may be invoked properly as a result of this resolution. Does the Senator think that the result of the proposed investigation will lead to the appropriation by Congress of money to the States or to corporations or to private individuals in the nature of loans to aid the States or corporations or individuals in the construction of houses?

Mr. CALDER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from New York?

Mr. KING. I yield to the Senator from New York.

Mr. CALDER. In reply to the Senator's statement, I will say that I have no such notion, and I shall oppose vigorously any effort on the part of anyone to have the Federal Government build houses in the several States or to lend money for home building. The purpose of the proposed inquiry is to obtain information in order to coordinate, if possible, all the elements that go into the construction of buildings; to secure cooperation, if we can, on the part of those who manufacture building materials, on the part of those who transport building material, on the part of the producers of fuel needed in the manufacture of building material, and on the part of labor and of capital.

Mr. KING. Mr. President——

Mr. CALDER. If the Senator will permit me further, the Federal Government is responsible largely for the condition in which we find ourselves to-day. During the year 1917 the Treasury Department advised against building construction; during the year 1918 the War Industries Board forbade building construction. The purpose of this action was well intended, for it was believed that such action would tend to furnish labor and capital and material for war purposes. I felt then that it was not wise to take such action, that building construction was an important and essential business that should not have been stopped. The Government diverted business from its normal channels, so that many of those who formerly labored in connection with building construction went into other lines. We have not yet gotten back to normal times. It is my opinion that possibly as the result of the inquiry which will be made, and as a result of the information which will be obtained, nation wide in its scope, people may be induced to work again in the way they ought to work. I want to have a real, helpful, constructive inquiry that will accomplish the very object for which the Senator properly preaches on this floor.

Mr. KING. I should like to ask the Senator what he expects to be the result of the proposed investigation? What information does he seek? And, if I may be permitted to make a further suggestion, so that the Senator will get my attitude in respect to this matter, we know now, as the Senator has explained, that there is a great shortage in the United States of housing facilities; we know that during the war, as the Senator has said, capital was so necessary for the prosecution of the war that many industries were interdicted by Federal agencies and Federal instrumentalities. Whether that interdiction was wise or not, men, of course, will have various opinions, but the people know that they need more homes; men who have money to loan know that there is a shortage of houses. The investors, whether corporations or trust companies or individuals, know that there is a shortage of houses, and they know that real estate investments are frequently highly profitable. There is full information upon these matters, and, if not, the investors could quietly assemble the data bearing upon these and cognate questions. Does the Senator think that any information that this committee might obtain would further elucidate these questions or supply more convincing proof to the people of the country of the shortage of houses in the various municipalities and States? The people know the facts about the shortage of labor, the high prices demanded for building materials, the wages paid to the various crafts employed in building operations. They know the condition of the money market, the rental charges, the profits or losses on real estate investments. What is then to be gained by an investigation? Moreover, what can Congress do when the information is furnished which this resolution calls for?

What is proposed shall be done with the results of the investigation? Will Congress be asked to aid in the building of houses, or loan Federal funds to private persons? Nothing concrete or tangible is sought by this resolution, and it will be regarded as an entering wedge for Federal aid for housing purposes. The Senator knows that wherever capital sees a broad field that promises adequate returns for investment money will go there. There was a time when the surplus money available for investment went into railroads; at one time it went into irrigation projects; and so, from time to time, the money seeking invesment is diverted from one channel into another. Wherever the owner of money finds that he can invest it to advantage, there he will make the investment. If the erection of houses promises adequate returns to the landlord, money will be invested in the construction of houses.

How does the Senator think this committee is going to relieve the situation? What can it report that will relieve the situation? We know the shortage of houses. We know the shortage of labor. We know the acute conditions that prevail in many of the avenues of our Government. Now, what can the Senator suggest may be done in a concrete way to relieve the situation?

Mr. CALDER. Mr. President, there is to-day a shortage of building material of every character. There is a shortage of railroad facilities to transport building material. There is a shortage of fuel necessary for the manufacture of building material; and there is great need of additional labor for the construction of buildings. Although some building investments are attractive, there is a great shortage of money to finance building operations. I will say to the Senator from Utah that men of great wealth who formerly invested some part of their means in mortgages on real estate are rapidly calling in these mortgages, the reason being that the high income and excess-profits taxes on large incomes have reduced the net income on these investments to the neighborhood of 2 per cent, so that much money that formerly went into mortgages is now being invested in State and county bonds, for these securities are exempt from all Federal taxes.

The proper assembling of this information, a complete survey of the Nation's housing needs and of its building-material possibilities, can be accomplished by a committee of this body better, it seems to me, than by any other instrumentality in the country. There is some dignity to an inquiry by this body. If this information can be obtained, if the facts can be gotten together, it will be a source of help, it seems to me; and I may say, Mr. President, that in this view I am borne out by the opinion of gentlemen engaged in the construction business. Many of them have discussed the matter with me and urged that some such information be gotten together, so that we might cooperate with all the different interests and bring about a return to normal times.

If the Senator will permit me, I have made some study of this subject. To-day it costs 75 per cent more to build a house than last year and 150 per cent higher than prewar prices.

Perhaps the Senator is right; perhaps this investigation will accomplish no good purpose at all, but it seems to me it is worth trying. There is a pressing demand for homes for people to live in; this body can do no better work than to try to help relieve the situation. That is my purpose.

Mr. KING. Mr. President, I had hoped that the Senator from New York could justify the passage of this resolution, and I have listened sympathetically to the suggestions which he has made; but I confess that he has furnished, at least to my mind, no satisfactory reason that the passage of this resolution will serve any useful purpose.

I am told that in the Senator's State many tenants are being held up, not so much by the original landlords, the builders of the houses, but by corporations recently organized, which have taken over long-term leases from the owners of tenement houses, apartments, and so forth, which have been leased to and are occupied by thousands of families. These corporations as soon as they acquire control of these properties increase the rents in an extortionate way. It is a sort of a hold-up game that is being practiced, I am told, in the Senator's own State.

Mr. LODGE. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER (Mr. FRELINGHUYSEN in the chair). Does the Senator from Utah yield to the Senator from Massachusetts?

Mr. KING. I do.

Mr. LODGE. Does the Senator think that defeating or stopping this resolution will cure that condition?

Mr. KING. Oh, no; obviously not. I am merely alluding to that for the purpose of showing how unimportant this resolution will be with respect to solving this question. The Legislature of the State of New York has been in session for some time, and many delegations of citizens have appeared before the legislature for the purpose of securing remedial legislation. Let me add, the State has a right to deal with its domestic affairs, and the people of New York went to the body which has authority to consider this question.

Mr. CALDER. Mr. President, the State has passed legislation in connection with the subject to which the Senator refers.

Mr. KING. Mr. President, I think the various States of the Union should consider this question. They have power to deal with their domestic problems; that power is denied, under our form of government, to the Federal Government. I consider the power of the States to adopt measures that will aid in the construction of houses to take care of the people within their borders. Many will think it savors too much of socialism, and yet, if the States desire, and are not hampered by any limitations in their constitutions, they may enact measures which will aid in the building of homes for their citizens.

When, however, it comes to devolving upon the Federal Government obligations and duties which rest upon local communities and upon the States, it seems to me that we are going too far. We may assemble information as to the shortage of houses in the United States. That can be very readily obtained by communicating with the various State agencies. The number of houses that are lacking in order properly to shelter the people can be very readily ascertained, and doubtless it is known by real estate investors in the various States. It is known that prices are high. The Senator has alluded to the price of fuel. The shortage of fuel is known, and the cause of the shortage of fuel. I can not conceive of any investigation that can be made that will be corrective, or that will enable the States or individuals—unless the Federal Government shall make an appropriation, and I deny its power—to correct the situation against which the Senator inveighs.

Mr. President, it seems to be the chief duty of Congress to investigate not national questions and concerns only but the most puerile and unimportant matters. Congress is supposed to be the guardian of the people—their lives and fortunes and domestic concerns. It may cross every threshold, take cognizance of every individual, order his life, and supervise his conduct.

We are no longer citizens of States. We no longer, under this new creed, owe allegiance to any State. Indeed, we no longer may order our own lives. The National Government is the omnipotent power which controls us and with increasing power rules individuals and undermines States.

The war has dislocated business, interrupted the orderly processes of peace. There is confusion in our thoughts as well as in our lives. We are still suffering from shell shock and hysteria. This is an hour for calm and rational thinking and for sane and patriotic action. More than ever we should defend the rights of the individuals and the States. We should weigh carefully the experiments and activities of the General Government. We want a democracy, not a paternalism.

Mr. President, this resolution, of course, will pass. It is in harmony with the views of the new federalism which is sweeping the country and which threatens to destroy the States and build up a centralized bureaucratic tyranny, whose oppressive hand will extend to every corner of the land.

The PRESIDING OFFICER. The question is on agreeing to the resolution reported by the Senator from New York.

The resolution was agreed to.

DISTRICT STREET RAILWAYS.

Mr. JONES of Washington. I ask unanimous consent that the resolution which I submitted yesterday relating to the street car situation in the District of Columbia may be passed over without prejudice and remain on the table.

The PRESIDING OFFICER. Without objection, it is so ordered. [At 12 o'clock and 45 minutes p. m.] The morning business is closed.

DUTY ON PRINT PAPER.

Mr. SMOOT. Mr. President, there are two bills upon the calendar which ought to be passed, and I do not believe they will lead to any discussion whatever. One is a bill to amend the revenue act so as to allow print paper to come into the United States free up to the value of 8 cents a pound. They are both House bills, and there is really a necessity for their passage or I would not ask at this time that they should be considered. I want to say, however, that if they lead to any discussion whatever, I will withdraw the bills from consideration. I am quite sure, however, the Senate will realize the necessity of the early passage of the bills. I ask for the immediate consideration of the bill (H. R. 12200) to amend section 600 of the act approved September 8, 1916, entitled "An act to increase the revenue, and for other purposes."

The PRESIDING OFFICER. The Senator from Utah asks unanimous consent for the present consideration of H. R. 12200. Is there objection?

There being no objection, the bill was considered as in Committee of the Whole, and it was read, as follows:

Be it enacted, etc., That section 600 of the act approved September 8, 1916, entitled "An act to increase the revenue, and for other purposes," be amended so as to read as follows:

"SEC. 600. That paragraph 322, schedule M, and paragraph 567 of the free list of the act entitled 'An act to reduce tariff duties and to provide revenue for the Government, and for other purposes,' approved October 3, 1913, be amended so that the same shall read as follows:

"'322. Printing paper (other than paper commercially known as handmade or machine handmade, japan paper, and imitation japan paper by whatever name known), unsized, sized, or glued, suitable for the printing of books and newspapers, but not for covers or bindings, not specially provided for in this section, valued above 8 cents per pound, 12 per cent ad valorem: *Provided, however*, That if any country, dependency, Province, or other subdivision of government shall impose any export duty, export license fee, or other charge of any kind whatsoever (whether in the form of additional charge or license fee or otherwise) upon printing paper, wood pulp, or wood for use in the manufacture of wood pulp, there shall be imposed upon printing paper, valued above 8 cents per pound, when imported either directly or indirectly from such country, dependency, Province, or other subdivision of government, an additional duty equal to the amount of the highest export duty or other export charge imposed by such country, dependency, Province, or other subdivision of government, upon either printing paper or upon an amount of wood pulp or wood for use in the manufacture of wood pulp necessary to manufacture such printing paper.

"'567. Printing paper (other than paper commercially known as handmade or machine handmade paper, japan paper, and imitation japan paper by whatever name known), unsized, sized, or glued, suitable for printing of books and newspapers, but not for covers or bindings, not specially provided for in this section, valued at not above 8 cents per pound, decalcomania paper not printed.'"

SEC. 2. That this act shall expire by limitation at the end of two years from the date of its passage, and section 600 of the act approved September 8, 1916, entitled "An act to increase the revenue, and for other purposes," as in effect prior to the passage of this act, shall again become operative in its stead.

Mr. KENYON. Will not the Senator explain the bill?

Mr. SMOOT. It will take just a moment. The only change in the existing law is that it strikes out "5 cents per pound" and inserts "8 cents per pound." In other words, the value of print paper in foreign countries exceeds now 5 cents per pound, and with this amendment increasing the amount to 8 cents a pound print paper from some countries, we hope, will come into the United States free, as the law provides now for paper below 5 cents a pound. This provision, however, is limited to only two years. That is all the change it is proposed to make in the existing law.

Mr. KING. Why would it not be a wise legislative enactment, in view of the great scarcity of print paper, and indeed all forms of paper in the United States, to remove all restrictions?

Mr. SMOOT. If we can remove the shortage of print paper, then there will be paper stock to take care of the making of other classes of paper. I have a diagram in my desk here showing the wonderful increase there is in the consumption of print paper. One can hardly realize what it is. I am afraid we can not get sufficient print paper from foreign countries in any considerable quantity, but if we can it will relieve the situation just as much as if we changed the entire law affecting the importation of all kinds of paper.

There are some kinds of paper now exported from the United States of the better grades upon which I have sometimes thought there ought to be placed an embargo. But there is a question, of course, in the mind of the officers of the department, and I think of all Senators and Representatives, too, as to whether we really have the power to place an embargo upon the exportation, unless it be done under the war power.

Mr. KING. I do not care to enter into a discussion of the powers of the Federal Government to place embargoes upon exports. That question was very fully considered more than a hundred years ago, and upon a number of occasions the power was asserted by men of very distinguished ability, and those who had to do with laying the foundations of the Republic.

Some time ago the Senator from Arizona [Mr. SMITH] invited the attention of the Congress and the country to this important question of paper in all of its phases. I opposed the bill which he then brought forward, because I felt that it was projecting the Federal Government into private business, and that it would not accomplish the end in view.

It seems to me, Mr. President, that this would be a good time for us to apply a little common sense to the question of importations. There is not sufficient paper manufactured in the United States. I am not sure whether those who are en-

gaged in the manufacture of paper are charging too high a price for the product, but my information is that they are. For my part, I would like to see paper placed upon the free list, so that we may bring into the United States as much paper as we possibly can for the imperative needs of the public. I regret that this bill does not go a little further.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PREVENTION OF UNFAIR FOREIGN COMPETITION.

Mr. SMOOT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of the bill H. R. 10918, an act to provide revenue and encourage domestic industries by the elimination, through the assessment of special duties, of unfair foreign competition, and for other purposes. This is the antidumping bill. The bill was reported from the Committee on Finance, and the object of the bill is to prohibit the dumping of goods in the United States at a price less than the prices for which they are sold in foreign countries.

The immediate need of the bill, however, Mr. President, is to prevent the dumping into the United States of airships which have been purchased from England, some ten thousand of them, some of which are on the way now. I understand they were purchased of the English Government by a concern which is advertising them for sale from one end of this country to the other, and not only in this country, but in all parts of the world. There are 10,000 planes; there are engines for nearly 30,000; and if they are dumped into this country under present conditions we might just as well abandon the making of American planes until they are all disposed of.

If there is any objection to the present consideration of the bill, or if it is going to lead to any discussion, I will not take the time of the Senate, because I know the Senator from Washington [Mr. JONES] desires to bring up the river and harbor appropriation bill.

Mr. KING. I think I shall object to the present consideration of the bill. I should like to have an opportunity to investigate it.

Mr. SMOOT. Then I withdraw the request.

RIVER AND HARBOR APPROPRIATIONS.

Mr. JONES of Washington. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House bill 11892, the river and harbor appropriation bill. It is doubtful if a quorum could be obtained if a quorum call were made at any time to-day. So it is my purpose to proceed with the consideration of the bill and have adopted such amendments of the committee as can be adopted without any special objection, and any provision which any Senator desires passed over there will be consent given for that purpose.

Mr. KING. I did not hear fully the Senator's statement. Is this the first consideration of the bill?

Mr. JONES of Washington. We have proceeded a part of the way with the bill. Some amendments have been passed over.

Mr. KING. Does the Senator expect to have the bill passed to-day?

Mr. JONES of Washington. No. As I said, I expect to have the Senate proceed with the consideration of the bill, and any provision that any Senator desires to have passed over will be passed over, and any provision for the consideration of which any Senator would like to have a quorum will be passed over. So my only hope to-day is that amendments to which there is no special objection can be adopted, and then when we get the bill up again we will know what particular propositions are at issue.

Mr. KING. I have been absent for several days. I would like to have the attention of the junior Senator from Iowa [Mr. KENYON]. If the request of the Senator from Washington has his approval I will be very glad to accede to it.

Mr. KENYON. I will say to the Senator that the bill has been under discussion here during his absence. There was one provision at least to raise the amount appropriated under the bill from 12 million to 20, which has gone over. So there will be no vote on that amendment to-day.

Mr. SMOOT. I do not think it would take very long for the Secretary to read the amendments which have been reported by the committee. I understand the Senator from Washington to state that that is all he desires at this time.

Mr. JONES of Washington. I shall not try to have any action taken on any provision to which any Senator objects and asks to have go over.

Mr. KING. I make no objection to the Senator's request.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11892) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The PRESIDING OFFICER. The pending amendment is the amendment of the Senator from Utah [Mr. SMOOT] to the amendment of the committee on page 7, to strike out lines 21, 22, and 23.

VALUE OF COTTON CONTRACTS.

Mr. COMER. Mr. President, I hold in my hand a copy of the CONGRESSIONAL RECORD of April 15, and in it there appears this item from the New Orleans Times-Picayune:

> Cotton grower and cotton spinner again have clashed, and Senator COMER, himself one of the Nation's wily spinners, is attempting further to fasten upon our great crop the fetters of a "spinners' contract." Thereupon the cotton trade, representing farmer and cotton banker, cotton factor, and cotton dealer of the exchanges, are up in arms to defend their very reasonable and logical position.
>
> Senator COMER'S assault is in the form of a "rider" to the Agricultural bill, designated as the "Comer rider," which, if adopted, will reduce the volume of tenderable cotton by many hundred thousand bales and will throw that amount of useful, spinable cotton into the class of low grades, refused admission to the exchanges and deprived of the "hedge" protection which has such great importance in all cotton dealings.

I read now from a circular issued by H. & B. Beers Cotton Co., a cotton factor, member of the New Orleans exchange:

> The absurdity of eliminating the grades above mentioned from delivery on contract is shown by the fact that middling tinged, which is at present untenderable, sells to-day at 475 points higher than low middling white, which is tenderable, or $23.75 per bale in excess.
>
> Notwithstanding the elimination in March, 1919, of the preceding grades and the narrowing thereby of a free market for the producer, the Comer "rider" now proposes to eliminate 50 per cent of the grades below middling now tenderable, which will still further restrict the amount of merchantable and spinnable cotton available for deliveries on contract to the absolute and certain detriment of the producer.
>
> The Comer amendment would, if adopted, make the contract entirely unsatisfactory to all interests except the spinner, who would be privileged to demand the best of grades on contract, thereby depriving the market of an outlet for the low grades, leaving the farmer, the southern spot holder, southern banks and merchants to carry the bag. In a word, the Comer amendment would place the southern cotton industry at the mercy of American and European spinners.
>
> In other words, it would outlaw and deprive of price insurance 75 per cent to 80 per cent of low-grade merchantable and spinnable cotton raised by the farmers, and make it impossible for them to find a ready market for their product.

In answer both to the statement of the Times-Picayune, New Orleans, and Messrs. H. & B. Beers Cotton Co., New Orleans, will state that I am a spinner; that our company has 200,000 spindles in active operations, and we consume 60,000 bales cotton, and in the different mills (we have eight) we manufacture all grades, from ordinary to strict good middling. Will further state that we have handled 25,000 bales cotton contracts within the past season as hedges; that we have never demanded or received a bale through the exchange, but each and every time have bought the spot cotton in the spot market and sold the hedges when cotton was so bought, and that is the ultimate design of the exchange.

Mark you, we ourselves have bought 25,000 bales as hedges through the exchanges, and in this business we have not received one single solitary bale of cotton. It was not intended we should receive a bale. We bought the spot cotton and sold the hedges.

Any proposition which makes the exchanges the protector of the farmer as against the spinner is preposterous. The spinner is the buyer and consumer of cotton and not the exchanges, and anybody can understand how the spinner had rather have a firm and advancing cotton market than a vacillating declining market. The buyers of goods are possibly the smartest people in the world, and whoever knew or heard of one of them placing a big contract on a vacillating or declining market. A spinner's contract, meaning by that one in which the spinner has the advantage over the farmer and dealer, is impossible. An exchange contract is protective alike to every legitimate handler of cotton, including the farmer, the dealer, the spinner; their interests are identical, and it is impossible to separate them. The Messrs. Beers state that the Comer amendment "would place the southern cotton industry at the mercy of American and European spinners," as it would give them all the choice cotton, leaving the merchants, farmers, and bankers to hold the bag, which is supposed to be full of low grade, undesirable cotton. Messrs. Beers should know that the spinners, both English and American, go on the market and buy the spot cotton of such grades as they can use, making such goods as their customers demand, notwithstanding the higher grades have not been used in the exchanges for years.

The exchanges have not sold a bale of middling cotton in years. They do not intend to sell that kind of cotton. There has not been any middling or above delivered to the exchanges for years. I say notwithstanding this, through the demand of the spinners for that class of cotton, the high grades are much

higher relatively than the low grades which do pass through the exchanges.

The low grades pass through the exchange, and they themselves say it is too low, too comparatively low. The high grades do not pass through the exchanges at all. The price is made by the demand, just like all other prices on all commodities are made.

The spinners in the largest measure are not demanding a bale through the exchanges, and their usufruct, as I have stated in my own case, is a hedge. Our company yesterday and to-day closed out 5,000 Mays which we were carrying as a hedge, and bought advance months as a further hedge. There was not a bale of exchange cotton, good, bad, or indifferent, delivered.

We use the exchanges as they are; yes, as explained in a previous speech, we use them as a hedge; but there is no gainsaying the fact that it would be incomparably better hedge if it was a reliable, stabilized value hedge, and that is all we ask.

The question again is, Is it safe to let the exchanges write the laws governing their relation to the public? Would it not be in the highest degree prudent to write the laws governing the public's relation to this big business, protecting the people, free from exchange environment and dictation?

Among the "buggers" used by the exchange propagandist is, "Cotton is now high, and the amendment might be followed by decline." In answer, the gamblers on the exchange, with their power to assemble and tender low grade, have tried this season time and again to break the market, but have been defeated by the strength of the spot holders. This, I say, with the assembly of the whole contract tenderable in low grades. How much less could they make a fictitious market when half of the contract is high grade? Conditions being equal, it is easy to prophesy that with the amendment in operation the exchange market will be relatively higher. At any rate, the spot holders will be in a stronger position. It is also claimed that it will hurt cotton as a banking proposition. On the contrary, just as you get rid of the fictitious variations on the exchange prices the contract will be stabilized and the collateral will be more veritable. Who ever heard of a bank objecting to a more stable collateral?

In the New York Exchange, February 20, March cotton was 36.52; March 24 it was 43.18. To-day May cotton, New York, is 42.25. For the first time in years the spot market has escaped the thralldom of the exchange market and is writing records of its own value. This is what the amendment is designed to accomplish in all futures contracts, that exchange values should approximate spot values; that any legitimate dealer should hesitate it is difficult to understand. To escape the fictitious exchange records, substituting value record, can hurt no legitimate interest no matter what the grade may be.

Mr. SMITH of South Carolina. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from South Carolina?

Mr. COMER. Certainly.

Mr. SMITH of South Carolina. I should like to ask the Senator if it is his idea that in case his amendment becomes law, restricting or giving the buyer the option of accepting 50 per cent of his contract, namely, 25,000 pounds of lint cotton above middling, that those purchasing the contract will not demand specific delivery, but will simply use it as a hedge, as they do now, but that the effect on the exchanges of this restrictive delivery, knowing that in case they are called for specific delivery they would have to deliver at least 50 per cent of that character of cotton that the Senator claims has not been heretofore carried, would tend to stabilize the relationship between the future market and the spot market and to make the exchange a true reflection of the actual value of the thing dealt in.

Mr. COMER. The Senator has the question exactly right. I want to compliment the Senator. That is exactly what is intended to accomplish by the amendment.

Mr. SMITH of South Carolina. The reason why I ask that question is that the amendment that I had introduced and which was agreed to restricting delivery to 10 grades was for that very identical purpose; but unfortunately the Government of the United States, through some one's advice, issued an order during the war that no goods made from cotton for Government account should be made from any grades below middling. The public was not advised of the fact, as the Senator from Alabama is advised of the fact, that, barring waste, which is greater in low grades on account of foreign substances, having stayed in the field and there being more or less trash and dirt, the tensile strength and the cloth-making qualities of the present discredited lower grades, they are quite as valuable as those of the higher grades; but that has nothing to do with the psychology of the American public to-day, because from time immemorial the public has been educated to believe that the difference between middling and low middling and strict low middling in the lower grades, and strict middling, good middling, and strict good middling in the upper grades, is so great as to warrant this arbitrary fixing of the difference. That being the fact, it was necessary, in order to protect the public, to restrict the exchanges to delivery of such grades as the mills and the dealers would readily take up, so that they could not pile up a lot of dog-tail and snap at every point they could to absolutely control the prices on every grade.

As to the proposed amendment of the Senator, just whether or not it will have the effect that he desires and that seems to be indicated is problematical. Perhaps it would have been better if, instead of the 10 grades they had been restricted to in the first instance, as far as hedging is concerned, to have restricted them, as it is purely a hedging business that the exchanges do, in New Orleans to a greater extent than they do even in New York, and even there spot business is more or less divorced from the hedging exchange, and it is done by the spot merchants, and their exchange simply reflects the condition of the market from which the types from the table are selected.

But I wish to ask the Senator again, as I did in the first instance, if he does really think as a practical mill man that this difference between spot and future, which has misled the public heretofore, because here is May, June, July, August, and September, all the future months, quoted from about 2 to 3 or 4 cents under spot market when they know that out of the spot supply they have to supply these markets—that is, they know they can be called to a specific fulfillment out of certain grades to at least 50 per cent, and then it will have a tendency to draw the spots and futures together and bring about what we desire, and that is that the future market which must be supplied out of the present supply should be at a premium rather than at a discount. I am contending that May, June, and July cotton, the future cotton, ought to be higher than the present spot cotton if there is going to be a shortage in supply, whereas now they are lower. The Senator has introduced the amendment hoping that that condition will come about.

Mr. COMER. The Senator's reasoning is along the correct line. The amendment simply intends to carry out the full purpose of the Smith-Lever bill of last year, and that is to stabilize contracts on spot cotton. The Senator put in 10 grades last year. Under the usufruct of the exchange more than half of it is outlawed—I am using their own expression; in other words, middling and above are never tendered in an exchange contract, and yet you intended it to be so used because you put in the 10 grades. You never intended that they should go and select only the very lowest, and you never intended that by doing so they could weaken the contract. You intended to make the contract represent the market, and that is what the contract should be. Every contract that you buy should fairly represent or reflect the commercial spot market value. That is all that is intended to be accomplished by this amendment.

Mr. SMITH of South Carolina. I wish to ask the Senator another question, and then I will not interrupt him further. I do not know just in what condition the amendment now is in conference, but studying the Senator's amendment closely, I wondered if it would not have been improved, as they now admit, upon grades on delivery if the amendment had read that the buyer should have the option to demand 50 per cent of the contract that he purchased at his option out of the 10 grades that are admissible.

The reason I suggest that is that arbitrarily fixing middling and above as his optional ground, and selling middling and below as his option of ground, the buyer being the bull ordinarily and the seller the bear, it has a tendency in the minds of the public to take the grades that the buyers may not have an option on and put them in that category where it will have the effect of still further widening the differences between the grades; whereas, if the amendment had read that the buyer should have the option to select 50 per cent of the 10 admissible grades at his option, perhaps it would not have had that effect, and yet would have served the very purpose that the Senator has in view.

Mr. COMER. I understand thoroughly what the Senator states; but the law is not just that way. The Government passes on all the grades that are offered to be delivered on contracts. Contract cotton has to be certificated by the Government. They certificate it in lots of 100 bales; and if the amendment is passed, it will be certificated, one-half of it middling and above, at the seller's option, and one-half at the seller's option from any one or combination of the 10 standard grades. If the law had been made as the Senator suggests, they could not have the certificated stock. They have to be ready to deliver. Under the law the seller has the option of tendering

the cotton any time between the 24th of the preceding month and the 24th of the month itself.

The amendment is intended to accomplish the purposes of the Senator's very wise bill. If the amendment goes through and half of the delivery is limited to middling, one can easily understand that the basis price then will be middling; that it will not be a composite price, that it will be the basis middling, the cotton middling price.

The telegram I am about to read was received at Scottsboro, Ala., and I ask Senators to listen to it:

NEW ORLEANS, LA.

Have all your merchants, farmers, and bankers to address your Senators and Representatives, that such important legislation as the Comer amendment to the cotton-futures act as a rider to the Agricultural appropriation bill is vicious legislation and is inimical to the producers, bankers, merchants, and entire cotton trade, and should be killed.

J. W. BARKDULL.

Signer of this flash is manager for H. & B. Beers, New Orleans.

The telegram from J. W. Barkdull, manager for H. & B. Beers, commission cotton brokers on the New Orleans Exchange, to Mr. Stubbs, cotton dealer, at Scottsboro, Ala., does not say that the amendment is inimical to the exchanges at all, yet this is an exchange man who is telegraphing to various people to wire their Senators objections to this bill because it hurts the farmer. That is the cue, it helps the spinner and hurts the farmer. You know they always say it hurts the farmer.

Here is another telegram from Georgia:

CUTHBERT, GA.

Hon. B. B. COMER: Here's hoping that your amendment will be made a law; also that our Georgia Representatives up there will stick to you. In our opinion there has never been any bill introduced that is of as much vital importance to the South, and especially the cotton farmers.

KING LUMBER CO.

The statement of the King Lumber Co. is true; there has not been a more important measure introduced at this session.

Here is a telegram from Mr. J. S. Wanamaker:

ST. MATTHEWS, S. C., *April 5, 1920.*

Hon. B. B. COMER: Tide has turned very much in favor of your amendment. Receiving telegrams assuring support. If you can prevent misunderstanding concerning meaning, think it will pass. Report sent out that you use the word "cotton" has option where it should read "buyer." That amendment so poorly worded will be subject to various interpretations if passed. Urge that you give out interview to-day clearing defining amendment and reasons for its passage—

The exchanges understand it; they know what it means—

Stick to your boat like Columbus when a green bush has been found.

J. S. WANAMAKER.

Mr. DIAL. Who is Mr. Wanamaker? I know myself, but I should like to have the Senator state who he is.

Mr. COMER. He is president of the American Cotton Association.

Mr. SMITH of South Carolina. He is president of the American Cotton Association.

Mr. DIAL. And is a large planter in South Carolina. I know him, but I wanted the information to appear in the RECORD.

Mr. COMER. Yes; and when a planter, no matter where he lives, and when the ordinary dealer, no matter where he is located, is not in favor of the amendment it is because he has been made not to understand it.

I now read a telegram from Hon. M. C. Allgood, commissioner of agriculture of Alabama:

MONTGOMERY, ALA., *April 6, 1920.*

Hon. B. B. COMER: Fully indorse your amendment and ready to do anything that will assist you in any passage. Best evidence that it will benefit general public is shown by opposition coming from the Wall Street manipulators. In regard to Calvin, he was under fire last year at New Orleans cotton meeting.

Of course, Mr. Calvin is simply an exchange lobbyist; that is all.

I have here a letter from Hon. Harvie Jordan, who is national campaign director of the American Cotton Association, thoroughly indorsing the amendment:

AMERICAN COTTON ASSOCIATION,
Atlanta, Ga., April 6, 1920.

MY DEAR SIR: I beg to call your attention to a recent amendment offered by Senator B. B. COMER relative to a change in the delivery of cotton grades on contracts purchased through the New York and New Orleans Cotton Exchanges.

The present contract is unfair to legitimate dealers on the exchanges and enables the sellers of contracts to make deliveries in a variety of low grades, which tend to depress the spot market for cotton and harass the growers and manufacturers. It is a contract which can be manipulated in the interest of the sellers and which is exceedingly detrimental to the legitimate cotton industry. Senator COMER'S amendment seeks to remedy this evil only in part by requiring that at least 50 per cent of all sales shall be made deliverable in good spinnable cotton. This is no hardship upon legitimate transactions on the exchanges, as a large majority of the cotton crop each year consists of the better grades.

The American Cotton Association has fully indorsed this amendment in the interest of the cotton growers and legitimate business, and urges that you support the amendment and exert your full influence to secure its passage.

Thanking you for your valued support in this important matter, and with best wishes, I beg to remain,

Yours, very truly,

HARVIE JORDAN,
National Campaign Director.

I also have a telegram from Mr. J. J. Brown, commissioner of agriculture of Georgia, who says:

ATLANTA, GA., *April 5, 1920.*

Hon. B. B. COMER:

Have just sent the following day letter to the Georgia congressional delegation: "I have always urged that the cotton-futures act should be amended to provide that deliveries on futures should average middling. I understand that the Comer amendment does this. I hope you will vote for this amendment and do all in your power to influence others to do so."

J. J. BROWN,
Commissioner of Agriculture.

I am told that Mr. Brown is one of the most prominent farm administrators in Georgia, and is in thorough touch with the farmers.

Here is a letter from Hon. C. S. Barrett, president of the National Farmers' Union:

APRIL 9, 1920.

Senator B. B. COMER, *Washington, D. C.*

DEAR SENATOR: Answering regarding your proposed amendment to the cotton-futures act securing that one-half of a contract shall be delivered middling and above and one-half at the option of the seller within the 10 standard grades, I am sure that the cotton farmers of all the States are in favor of it; I am sure that it is very much to their interest and I would earnestly advise all representatives, House and Senate, to secure its passage.

Yours, very truly,

C. S. BARRETT,
President National Farmers' Union.

Mr. Barrett seems to know exactly what he is talking about and entirely comprehends that the propaganda against the amendment is for the exchange interest and not the farmers.

Here is a telegram from Columbia, S. C.:

COLUMBIA, S. C., *April 9, 1920.*

Senator COMER, *Washington, D. C.*

Cotton buyers and commission brokers here yesterday received telegrams from exchange sources urging them to wire their Representatives and Senators to kill your amendment to cotton-futures act—

I have no doubt the Senator from South Carolina [Mr. SMITH] is receiving many such telegrams—

Leroy Springs, widely known cotton manufacturer, made definite statement here yesterday that if your amendment was adopted cotton bears would be eaten alive. Stick to your guns.

EDMUND A. FELDER,
Cotton-Futures Broker.

Surely it will make it hard for the bears; I mean the people who gamblingly attempt to manipulate the market, depressing values. I do not mean the man who believes that cotton is going down and sells the market, but the man who takes the low grades and depresses the market with them. That is what it means, and nothing else.

Here is a circular from Dallas, Tex., which was sent to the Montgomery Exchange, and is one of the worst I have seen. In this circular they propose to go back to the system prevailing before the passage of the bill of the Senator from South Carolina, before the Smith-Lever bill, and to reinstate the 21 grades. They go further than that; they want to make New Orleans, instead of being a commercial market, a partial spot-value market, as it is to-day, get the basis middling by the composite price from 10 spot markets. Listen! This is their recommendation:

We also strongly recommend that the differences between grades for cotton tenderable on the New Orleans Cotton Exchange be regulated in the same manner as those of New York, namely, by the average of the 10 designated spot markets.

Whoever heard of such nonsense as that? It is a swindling proposition. If they had the writing of laws, what would they not write?

To the circular the Montgomery Cotton Exchange replied as follows:

Telegram received. Opinion majority our membership is favorable to Comer amendment, and it is unanimous that the present contract, at least, be not weakened. We do not believe reinstatement contract prevailing prior to 1919 would in anywise remedy present condition prevailing as to low grades, but we do think it would be sure to cause further widening of differences between spots and futures, which would be undesirable to all legitimate interests.

They themselves say they do not want a further widening of the differences between spots and futures. Of course it is best for every legitimate interest to get the middling.

Here is a telegram from Jenkinsburg, Ga.:

JENKINSBURG, GA., *April 8, 1920.*

Hon. B. B. COMER:

Your telegram received. I have read your proposed cotton bill. Highly favor it.

J. H. MILLS,
State President Farmers' Union of Georgia.

Mr. DIAL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from South Carolina?

Mr. COMER. Certainly.

Mr. DIAL. Assuming that a cotton mill does not want to buy its supply through the exchange; and, of course, as it is now they buy the cotton and sell the goods, and indulge in the practice of hedging in a great many instances, but assuming that they do not want to buy the cotton through the exchange, and that they buy a large number of bales, then if the seller has the option under the law as it is now to tender cotton, he might tender a great quantity of one grade.

Mr. COMER. He can tender a hundred bales of one grade.

Mr. DIAL. Suppose the mill wanted to buy a year's supply, say 50,000 bales; would it not be much better for everybody that the mill have the option of selecting the kind of cotton it could spin? If the seller could tender all the contract of one grade it would not be to the best advantage.

Mr. COMER. It is claimed that if a contract was shortened to one grade, or two grades, or even four grades the market could be squeezed. That is one reason there are so many grades let in. I do not agree with that fully; but in milling the mills do not buy the hedge; they do not buy the contract for the purpose of milling; but they buy the contract for the purpose of hedging the cotton wanted. They go into the spot market and buy the cotton that they are going to consume, and after they have bought it then they sell the hedge; that is the way that is done. It is not intended for speculation, but safety.

Mr. DIAL. That is true, but assuming that the contract matures, where would there be any harm in getting the actual cotton? Take the New England mills—of course, it does not affect us in the South, because we have the cotton at our doors—suppose a New England mill bought a contract for a thousand bales, what is the reason it should not let the contract mature and take the cotton?

Mr. COMER. I see what the Senator means. It is expensive to run cotton through the exchange; it will cost possibly 3 cents a pound to put it through the exchange and take it out; and of course that is a charge on the value of the cotton. Any man who undertakes to do business through the exchange in that way is simply adding to the cost. I have taken cotton in that way; in fact, last year I sent Senator SMITH, from South Carolina, a grades list of cotton taken by me in that way. We took up two contracts—200 bales—in New York, 100 through Hubbard Bros. and 100 through Carpenter. That was when we had 21 grades contract tender. They were given 12 different styles of cotton in the hundred bales, and it was not such cotton as we could use. We wrote them and telegraphed them time and time again to sell the cotton, but they could not get an offer for it, so that the only thing to do after three months of trial was to sell 200 bales on the market and redeliver it.

Mr. SMITH of South Carolina. Mr. President, in that connection, in studying the Senator's proposed amendment, and in studying the provision which I have already had enacted into law, the very point the Senator has brought out to-day has always seemed to me to need proper legislation, for the reason that every buyer on the spot market wants to buy those grades that are the nearest of value.

With 10 grades admissible, it would be possible for the exchange to deliver some of all the 10 grades, so that the millman or the buyer accepting it, even if he were a broker who wanted to handle it for some man, would have a mixed lot, out of which he might not be able to get even 50 per cent of the kind of cotton that he needed to fill his contract. So I have been wondering if it would not be a very good thing to further amend the act at some time, so as to provide that the deliveries when made by the exchanges should be within certain groups, so that the seller could not deliver some of all grades, and thus not make the lot, as we who are familiar with cotton call it, a smooth running lot, but a mixed lot impossible of being sold.

That leads me to ask the Senator a further question in reference to his proposed amendment. It has been brought to my attention that perhaps a buyer might demand the 50 per cent that he wants of middling fair. He has bought a contract. He has the option of demanding any grade, or demanding the fulfillment of his contract from middling and above. He might demand middling fair. He might serve notice that he was going to take up the cotton—as the Senator and I know, there is very little middling fair cotton made anywhere—and thereby cause the exchange to cease to be even a hedge market under that possibility. Now, in order to obviate that, after the Senator's suggested amendment shall have been tried to see to what extent it will have that tendency, I wondered if we might not have a law providing, in justice to both buyer and seller, that where one demands the cotton it shall not be possible for him to demand the specific fulfillment of any one grade unless it be possible for the seller to meet it, but that he might have his contract filled with cognate grades, or grades that are in juxtaposition to it, like middling, strict middling, and low middling, say, so that he could not just demand the specific fulfillment in any one specific grade, and then, unless the buyer wanted it, that the seller could not specifically fulfill in any one grade.

Mr. COMER. Just one minute, Senator, please. The amendment does not read that way. It provides that the seller can deliver the 50 bales of any grade the seller selects, or any combination of grades he may select, from middling above. He could make it 10 each of the 5 different grades, or he could make any combination he wants.

Mr. DIAL. Not only that, but the Senator's amendment is not mandatory on the purchaser. There is no reason why he and the seller should not agree to take under middling if they want to. It just gives him the option of taking middling and above.

Mr. COMER. Yes. It can be done that way. But back in the old days, when 50,000 to 100,000 bales of low-grade cotton was assembled in New York convenient for delivery on contracts, then the cotton gamblers had a picnic. A man buying a thousand bales of cotton, say, 10 contracts, the seller would tender him an assortment of many low grades. The buyer would go into the warehouses and select out of the conglomerate collection the cotton that he could best use. Say he selected 500 bales out of the 1,000; then he sold back the 500 bales balance and redelivered the cotton he could not use on the contract market, to go through the same mill again.

Mr. SMITH of South Carolina. And settled on margin.

Mr. COMER. Yes. That was the way they used to do it.

Mr. DIAL. No; but what I am trying to do is to get a contract to represent actual value, to represent cotton. That is what I want. Now, of course, I know the expense of running through the exchanges; but if the sellers knew that the purchasers would not go to that expense of taking the cotton, then of course the seller would bear the market all the time.

Mr. COMER. Yes.

Mr. DIAL. I am trying to get this amendment—and I hope it will be adopted—in shape so that the purchaser will not run the expense, and, if it should become necessary, then take his cotton.

Mr. COMER. If the Senator will read my previous talk along this line, it discussed that very question, and it was handled by a letter from my son, who is the manager at Avondale; and he states that we, the Avondale Mills, who can use any grade, and have the ability to take up any tender, can protect ourselves right along the line we are talking about.

Mr. DIAL. You mean you are manufacturers?

Mr. COMER. Yes; but there are people who can not take up hedges, and the gambler will get him every time; but the dealer that knows what he is doing, as I am sure you would, can hold the cotton and take the delivery. It is not a delivery they want. The exchanges never want to deliver—never, never—and when you take up the cotton on the exchange you have made a big surprise. They do not intend it at all.

Here is another letter I have received:

STATE OF FLORIDA,
DEPARTMENT OF AGRICULTURE,
Tallahassee, April 7, 1920.

Hon. B. B. COMER, *Washington, D. C.*

DEAR SIR: Replying to your telegram of the 1st instant, with reference to the amendment proposed by you to stabilize the price of cotton on the exchanges, etc., has been thoroughly gone into by me, and I am asking our entire delegation in Congress to back your amendment.

Assuring you that I am glad to do anything to help the situation and trusting that the amendment may go through, I am,

Yours, very truly,

WM. A. MCRAE,
Commissioner of Agriculture.

Here is the last that I have:

BIRMINGHAM, *April 16, 1920.*

Senator B. B. COMER,
Washington, D. C.:

Convention—

The American Cotton Association convention—

indorsed your amendment 16 to 15—

I am sorry it did not pass by the whole number, but I understand there was a prominent cotton-exchange man down there, a smart, competent man, who got some delegates buffaloed; but it passed 16 to 15—

Alabama, Florida, Oklahoma, Georgia, Tennessee voting for; Arkansas, Mississippi, Louisiana, and both Carolinas voting against—

Now, I am sure that the Carolinas are for it, are they not?

Mr. DIAL. They are.

Mr. COMER (reading):

W. B. Thompson, ex-president New Orleans Cotton Exchange, led the fight on the floor of convention.

DONALD COMER.

The cotton-futures act intends to secure that the conduct of the exchanges should be equitable and commercial; that there should be no advantage to the buyer nor the seller, no protective anchorage to the junkers of trade, but the widest protection to all transactions from producer to manufacturer. If the exchanges can not exist under such rules, then the exchanges are authorizing vampires on the world's greatest product, and lose their usefulness, lose the intent of their existence.

The proposed amendment to the cotton-futures act is not intended to impair in the least the purpose of the act. The amendment is intended to enable the cotton-futures act to accomplish the evident design of the statute; that is, to stabilize contracts with spots. In specifying 10 grades it was not the purpose to outlaw all except 4 or at the most 5 of the grades. It was not intended that the seller should be able to take the statute and make a delivery of cotton of such grades and in such a manner that three-fourths of the dealers and manufacturers can not use. It was never intended that the higher grades of cotton, middling and above, should be nondeliverable on a contract, but under the practice of the exchanges such is a fact. The law never intended to put the buyer at any such disadvantage. The Federal Government does not knowingly put its seal on such transactions. It was never intended that a contract delivery should be at such a basis price, a price from the very nature of the case shifting and unreliable and arrived at in such a way as to be impossible, as in the case of the New York Exchange market.

The pricing of 10 different types of cotton in 10 different spot markets the same day, and out of it making a composite price validating the contract price, is, I say, absolutely impossible; and however honest the intention of the Bureau of Markets, the making of such a price is like the new way of measuring the distance to the fixed stars—guess one-fourth of the distance and multiply it by four. This part of the present law will be very greatly relieved by the amendment from the very fact that the middling basis will be taken from the middling of actual cotton, and it will be one of the chief benefits of the law, and the difficulty of the Bureau of Markets in validating the basis price by the present law will be greatly relieved.

The exchange propaganda charges that this amendment will make the contract market a spinner's market and can be worked to the hurt of the producer and dealer. This charge is dogmatic, absolutely untrue, and not a scintilla of experience or economic reason can be brought to sustain the charge—absolutely exchange propaganda, unbelievable by any disinterested man and impossible of proof.

The spinner wants a market exactly like the market best suitable to the legitimate dealer, a stabilized market, one in which the contract price and the spot price will carry relative differences from month to month, according as the expense of carriage and the faith in the natural and economic conditions surrounding the crop. Stabilizing the market will benefit the spinner, because he can sell goods and buy or sell cotton, hedging on the contract market with approximate safety. The legitimate dealer will do the same. These taken together will help—is obliged to help—the farmer. Any charge that it will hurt the farmer or the dealer is a camouflage of the junker class, a junker that has preyed on cotton so long—the junker class, I say, who wish to Germanize this great product and place a tribute on it forever.

The exchanges are the reflex or the recording index of cotton values. The exchanges were never intended to be the masters of cotton values, the makers of it, and the propaganda which they are getting out claiming the exchanges make or unmake the price of any grade of cotton is absolute nonsense, and they know it. The only arguments they use or can use are dogmatic—from the very nature of the case impossible. Any business proposition by which the seller can give the buyer unusable delivery at an unreliable price is dishonest, and rendering the exchange back to an equitable transaction can not hurt any legitimate commercial business.

A large cotton firm writes me that a man or a firm can be sincere and be wrong, but he can not see how a house that does trading and takes no part in bear raids can be opposed to the Comer amendment, "for it would make bear raids history." He further writes, "With the good grades embodied in the delivery the contract would be a hedge, which it is not now. Water seeks its level. No matter how many grades are made tenderable, contracts are entered into with the expectancy of delivering the lowest grade of those tenderable, the least usable to the majority of buyers."

In all its past history whenever the exchanges attempted to make the price of cotton legitimate interests have suffered incalculable losses. The exchanges are now using every possible agency in reflex telegrams to Representatives in Congress, alleging that in the interest of the farmer—those blessed farmers—the Representatives must defeat the Comer amendment; that the amendment will help the spinner; that it will make it a spinner's contract, but that it will hurt the farmer and outlaw low-grade cotton.

Now, who ever heard of such immaculate nonsense as that? The exchange does not "inlaw" or outlaw anything. If it was in the outlaw business, has it not got middling and above knocked higher than a kite right now? You never hear of those grades being tendered. Have they hurt the price of them? It is the demand that makes the price. It is the usufruct from the mills that makes the demand, and the kind of cotton they can best use is what they buy. They are not cutting out low-grade cotton because they want to depress the price of it. They are taking high-grade cotton because they can make more money with it. Of course that is the reason. Any other reason would be nonsense.

The greatest objection the exchanges have to the amendment is that in a great measure it takes the "bear" out of the transaction. The exchanges want the low grades kept in the tender, not for the purpose of helping the low grades, not for the purpose of benefiting legitimate trading, but for the purpose of increasing the opportunity to "bear" the market. They know what is the reason. They know it. This is all they have used the low grades for the past year and all the years back, and they know it, and all this stuff about a spinner's contract as against the farmer's and dealer's contract is simply intended to retain an advantage in which the game can be played with marked cards, and they know it.

They never like the game unless they can mark the cards. It is worse than a negro crap game where loaded dice are used.

Yesterday's cotton market, May contracts, in New Orleans was 41.25; July contract, 39.65; October contract, 36.35; December contract, 35.27; March contract, 33.40. If you had a stabilized contract, one in which the spinner could have confidence, he would, of course, buy March cotton and sell his goods against it. This would be a legitimate hedge and one authorized by every condition of trade, and the verity of it should be guaranteed by this law.

Senators, when you can not verify a contract, when you make a law which does not verify a contract, then you vitiate the very principle for which that law is made.

With the amendment requiring one-half of a contract middling and above, the danger of "bear" raids will not be so apprehensible. The spot and futures market will trot along side by side more evenly than now—conditions which the Smith-Lever bill clearly designed should carry.

Taking the lower grades out of the lawful tender, as was done by the Smith-Lever bill last year, did not in the least affect the value of the cotton so outlawed, did not decrease in the least the buying and consumption of same, which alone makes the price.

It is the buying and consumption of it which makes the price. It is not the power of tendering it on the exchange. It simply prevents the gambler on the exchange from assembling a lot of off-grade cotton, cotton not easily merchantable, and tendering it on contracts not for the purpose of helping the low grades, not for the purpose of helping the contract market, but for the purpose of depressing it and making a gambler's gain.

That is so, and we all know it from history all the way back. There is nothing else to it; there can not be anything else to it. Otherwise middling and above, which are tenderable on a contract under the law and which are never used, are absolutely outlawed by the use of the exchange. What keeps the price of these grades up? A simple answer—the law of supply and demand, and it is operating to-day on all grades.

I call attention to an article from the Times-Picayune, in the Appendix to the CONGRESSIONAL RECORD, which Mr. DUPRÉ, of Louisiana, read. I have great respect for Mr. DUPRÉ and also for the Times-Picayune. It is a great paper, but according to every law of trade, to every condition of cause and effect which surrounds this great southern product, there was never a more erroneous conception of the purpose and I am sure of the effect the amendment will have. If Mr. DUPRÉ and the Times-Picayune will stop for a minute and consider the law can not make the price of any grade cotton.

You do not make prices of cotton by law, unless it is war-time prices. In the open trade of the world the price of cotton is

made and of every grade of it. It could not be made any other way. The law can only protect the natural economic conditions, and this amendment simply intends to carry out the true purpose of the Smith-Lever bill, to carry out the true purpose of all legislation, to secure fair dealing in all law-protected institutions.

Mr. SMITH of South Carolina. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from South Carolina?

Mr. COMER. Certainly.

Mr. SMITH of South Carolina. The Senator means to say that the seller be restricted to deliver 50 per cent of his contract for middling and above, at the option of the buyer, and then the seller have the right to deliver 50 per cent from middling and below, and the object which the Senator has is to make middling the real basis and reflection of the value of the contract.

Mr. COMER. That hits the nail on the head.

Mr. SMITH of South Carolina. I just reread the Senator's amendment a moment ago, and I see that it provides that in the settlement of this contract the seller must, at the demand of the buyer, deliver 50 per cent of the grades above middling.

Mr. COMER. Middling and above.

Mr. SMITH of South Carolina. Middling and above?

Mr. COMER. Yes.

Mr. SMITH of South Carolina. While in settling the seller's option is middling and below?

Mr. COMER. Anything he wants within the 10 standard grades.

Mr. DIAL. Not necessarily below.

Mr. SMITH of South Carolina. I understand; but he would hardly deliver the 100 per cent above, unless he is more fortunate than a great many are. But the object, as the Senator has brought out in his argument, is that whereas now the seller having the option of delivering what he pleases of the tendered, admissible grades pleases to deliver low grades all the time to the exclusion of any high grades, he thus vitiates or renders misleading the quotations on the market, which are not based actually upon middling, but upon the average of the lower grades that he sees fit to tender on the contract; whereas if the law were so that the average would be middling, then the price necessarily must reflect the value of middling on the market, and so one picking up a paper and seeing cotton quoted at 41 cents knows that they are quoting 41 cents on the basis of middling, and middling would be delivered at 41 cents.

Mr. COMER. Yes, sir.

Mr. DIAL. Mr. President, may I ask the Senator what the tendency of the market has been since his amendment was agreed to in the Senate?

Mr. COMER. For the first time in years the futures market in New York is reflecting the spot market. To-day the futures market in New York is 42 and a fraction. The futures market in New York to-day is a cent a pound higher than the futures market in New Orleans.

Mr. SMITH of South Carolina. But I think the relative difference between the spot and contract, even for the spot month, is about the same as it was heretofore. In other words, spots to-day in New York are somewhere around 43 cents, while May, which is now considered, I believe, about the spot crop, is about 42¼.

Mr. COMER. No; that is the contract. I think spots are about that price.

Mr. SMITH of South Carolina. I think spots are about 43. From a cent to a cent and a half has been the difference, I think, and yet that should not be permitted. The futures contracts ought to be equal to or a little in advance of the spots, whereas the thing which I have been trying to remedy ever since I have been in the Senate is that the market should reflect the actual value of the middle grade and reflect the law of supply and demand.

Mr. COMER. That is exactly right.

Mr. SMITH of South Carolina. The reason I sought to restrict the grades of delivery was for that purpose. Aside from the disastrous effects of the Government order in widening the difference between the grades arbitrarily, irrespective of the action on the market, it had a psychological effect; and then there was an oversupply of these low grades, which tended to lower it. But the Senator in his speech has emphasized the fact that he is striving to do exactly what I have been striving to do, to formulate a contract and enact it into law, and restrict the action of the exchanges to where, when they quoted the price of cotton, it would be the price of middling grade; then put the premiums on the higher that are legitimate and the discount on the lower.

Mr. COMER. I take off my hat to the Senator from South Carolina. He is exactly right. I am just following right along in his footsteps, and I am simply trying to help him accomplish what he has been working for and nothing else. I desire now to read a short extract from a speech in the Senate delivered by the Senator from South Carolina:

Mr. SMITH of South Carolina. That is simply to provide that, in the contracts for delivery of cotton, cotton of unmerchantable grades shall not, as now, be tendered on a contract. Under the present cotton-grading law the cotton-grading committee has standardized a great variety of grades of cotton, so that the exchanges are tendering these very low and unmerchantable grades to such an extent that it has driven legitimate business away from the exchanges and has practically converted them into mere gambling places and not a place for legitimate business.

That was a pretty good story he told them, and it was the truth, too. I continue reading:

In other words, there is now a difference of anywhere from $25 to $30 a bale between the contract and spot market.

That was outrageous, but true. No wonder the Senator made complaint about it. The Senator further said:

The amendment is simply to make the exchanges legitimate trading places and make the contracts commercial.

That is all it is. That is all this amendment is intended to do. The Senator was just exactly right.

I have here the report of the Commissioner of Corporations, Part I, on cotton exchanges, which I suppose was ordered printed by the House in an investigation made some years ago.

Mr. SMITH of South Carolina. Is that the Herbert Knox Smith report?

Mr. COMER. I can not say. I want to read from this report to show how nearly right I was:

It is obvious that an abnormal depression of the price of future contracts as compared with the spot price of middling cotton, such as results from errors in contract differences, must cause loss to a large number of holders of contracts. The number of persons affected by such losses is vastly greater than the number who actually receive the cotton on contract at overvalued differences; for, as is well known, vast numbers of contracts are purchased, not with the intention of taking up cotton but with the idea of reselling them. Of course, the losses of one class of operators through such relative depression of the contract are at least partly balanced by gains of other operators. This, however, does not justify a system which will permit such abnormal depression of the contract price.

That is what the exchanges are for. This continues:

As will be shown more clearly later, the risk of the seller is much less than that of the buyer. Moreover, the fact that either party to the contract instead of only one may be injured is no justification of improper differences; on the contrary, both risks should, as far as possible, be avoided.

You can not say that it is right that one man should carry a bigger risk in a business transaction than another. It is immoral. I continue:

Such disturbances in the normal parity between the spot middling price and the contract price therefor increase the risks attending future operations. Any increase of risk which can be prevented is clearly an evil. Abnormal disturbances of the parity between the two prices increase the difficulty of forecasting the course of the price of future contracts. Operators in futures base their transactions, in the main, upon a study of the conditions in the spot market. Under a proper and normal difference system they can assume that conditions which tend to advance or depress the price of middling cotton in the spot market will likewise tend to advance or depress the price of basis middling future contracts.

It was just the same story back there as it is now. It is like the old hymn, it is the old, old story, and always true. This proceeds:

As a matter of fact, most operators, as a result of failure to understand thoroughly the influence of grade differences, do make that assumption even when, because of improper differences, there is really no such parity. Where such parity does not exist, conditions affecting the value of middling in the spot market become practically worthless as a guide to the operator in futures, since the prices become dependent on artificial rather than on natural conditions.

The Senator from South Carolina is trying to get rid of artificial conditions; that is what he is working for.

A few operators of unusual resources and cleverness may find profit in such abnormal disturbances in this parity between spot middling and contract prices; but it is apparent that the rank and file of operators will find their transactions much more hazardous in case the two prices do not move in substantial harmony.

An absolutely constant margin between the two prices can not be hoped for, since, as already stated, the future market fluctuates more frequently and often more violently than the spot market; but under a proper working of the future system such disturbances should not continue for any considerable period of time.

I read further:

The injury resulting from a disturbance of the normal parity is perhaps best illustrated in the case of "hedging" transactions. Hedging is a legitimate and one of the most important functions of future trading. Whereas a vast amount of business in futures is unquestionably of a highly speculative character, the hedging function is primarily intended to reduce the element of speculation in transactions in spot cotton. Hedging, in other words, is a sort of insurance against loss, the theory being that by means of hedges the merchant can calculate

with approximate certainty on a fixed margin of profit, foregoing hopes of extraordinary gains for the sake of protection against extraordinary losses.

That is what we want. We want legitimate hedging. We want hedging that is as certain as the stars, as certain as business can make it.

The principle of hedging, especially in so far as buying hedges are concerned, rests on the assumption that the price of future contracts for the current or spot month will maintain a fairly constant parity with the spot price of middling cotton. A cotton merchant who has purchased a future contract as a hedge at a certain margin or discount below the spot price of middling cotton will suffer a loss if, by the time he is ready to sell out his hedge contract, the discount in the contract price has been increased. If the buyer had the option of demanding on his future contract grades which he required for his engagements with spinners, he would, of course, be protected. But, as repeatedly stated, that option lies entirely with the seller.

This was written away back yonder, and it is the same thing we are talking about here to-day. That is what we are trying to avoid. The exchanges have no right to demand anything other than that.

I read further:

Near the close of September, 1906, there was a terrific Gulf storm which caused immense damage to cotton over a large area of the cotton belt. The result was an abnormal proportion of low grades. Commercial differences widened sharply; that is, the price of the low grades fell relatively to that of middling and the price of high grades advanced relatively to middling.

* * * * * * *

The price of spot middling on February 1, 1907, was 11 cents, while that of future contracts maturing in February was only 9.04 cents.

* * * * * * *

It is important to emphasize that the losses resulting from the increase in the margin between the spot and the contract price as a result of this improper revision fell also very heavily upon cotton merchants who, instead of speculating, had purchased contracts in the New York market as hedges for the very purpose of avoiding speculation in their transactions in spot cotton. Instead of thus escaping speculative risks, such merchants found that they had lost enormously because of such hedges.

You have no right to lose because of hedges; and all that is intended in all this is to give honest business an honest chance. That is what the law is intended to guarantee to every dealer; and what the exchanges should do is to go to work studying the conditions with reference to low grades or any other grades and state them honestly to bankers or merchants or anyone else, and they should state the facts just as they are and not use scareheads.

AWARDS OF DAMAGES TO VESSELS.

Mr. SMOOT. Mr. President, the House of Representatives messaged to the Senate two enrolled bills—Senate bill 1005 and Senate bill 1222—for the relief of certain owners of vessels. In both of the bills will be found this provision:

That should damages be found to be due from the United States to the owners of said schooner *Henry O. Barrett*—

And in the other case of the said steamship *Matoa*—

the amount of the final decree or decrees therefor shall be paid out of any money in the Treasury not otherwise appropriated.

These bills passed without the usual amendment striking out that section. In all other bills of a similar character that provision has been stricken out. In order that these bills may follow the course of the others and not establish a precedent of appropriating an unknown amount for any claim that may be decided to be due from the Government, I offer the following concurrent resolution—Senate concurrent resolution 26—and I ask for its present consideration.

Resolved by the Senate (the House of Representatives concurring), That the Speaker of the House of Representatives be requested to cancel his signature to the enrolled bills:

S. 1005. An act for the relief of the owner of the steamship *Matoa;* and

S. 1222. An act for the relief of the owners of the schooner *Henry O. Barrett.*

That upon the cancellation of such signature the Secretary of the Senate be directed to reenroll said bill, S. 1005, with an amendment as follows: Strike out of section 2 the following words: "That should damages be found to be due from the United States to the owner of the said steamship *Matoa,* the amount of the final decree or decrees therefor shall be paid out of any money in the United States Treasury not otherwise appropriated: *Provided,*"

And further, That the Secretary of the Senate be directed to reenroll the said bill, S. 1222, with an amendment as follows: Strike out of section 2 the following words: "That should damages be found to be due from the United States to the owners of said schooner *Henry O. Barrett,* the amount of the final decree or decrees therefor shall be paid out of any money in the United States Treasury not otherwise appropriated: *Provided,*"

The PRESIDING OFFICER. The Senator from Utah asks unanimous consent for the present consideration of the concurrent resolution which has just been read. Is there objection? The Chair hears none. The question is on agreeing to the concurrent resolution offered by the Senator from Utah.

The concurrent resolution was agreed to.

ARMY REORGANIZATION.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate bill 3792.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3792) to reorganize and increase the efficiency of the United States Army, and for other purposes.

Mr. WADSWORTH. Mr. President, I anticipate that it would be somewhat difficult and perhaps impossible to secure the attendance of a quorum of the Senate this afternoon. Indeed, it has been very difficult upon other days. This being Saturday it will probably be more difficult than usual. Therefore, so far as I am concerned, it is my purpose merely to offer two amendments which are committee amendments and which may be correctly described as corrective in their nature.

One of them, the first one, has to do with that provision of the bill which prescribes the form of oath to be taken by men enlisting in the National Guard of the United States. It so happens that in putting the bill together and having it printed, an error was made in that we copied, as I recollect it, the form of oath prescribed in the national-defense act. That form of oath is not in conformance in one of its details with other sections of the bill which relate to the National Guard and which result in placing the National Guard upon a different status than that which it occupied under the national-defense act. So I offer an amendment to correct that and to make the form of oath conform with the purposes of the act.

The PRESIDING OFFICER. The Senator from New York offers the following amendment to the pending bill.

The READING CLERK. On page 78, line 4, strike out the words "to the following oath" and insert "to an oath in the following form."

The amendment was agreed to.

The READING CLERK. On page 78, strike out lines 5 to 16, inclusive, and insert the following:

I do hereby acknowledge to have voluntarily enlisted this — day of ———, 19—, as a soldier in the National Guard of the United States for the period of three years under conditions prescribed by law, unless sooner discharged by proper authority, and I do solemnly swear that I will bear true faith and allegiance to the United States of America, and that I will serve them honestly and faithfully against all their enemies whomsoever, and that I will obey the orders of the President of the United States and of the officers appointed over me according to law and the rules and Articles of War. And I do solemnly swear to bear true faith and allegiance to the State of ——— and to obey the orders of the governor thereof subject to the Constitution and laws of the United States.

The amendment was agreed to.

The READING CLERK. Also, on page 80, line 7, after the word "act," insert the following proviso:

Provided further, That all officers of the National Guard who have taken and subscribed to the oath prescribed for officers in the act of Congress approved June 3, 1916, may be commissioned as reserve officers in the several grades now held by them with original date of rank and be recognized as officers of the National Guard of the United States. All officers of the Organized Militia, of the several States and Territories, and the District of Columbia, and all persons hereafter to be commissioned as officers in the National Guard of the United States shall, upon being commissioned under the provisions of this act, take and subscribe to the following oath: "I ——— ———, having been appointed a ——— in the National Guard of the United States, do solemnly swear that I will support and defend the Constitution of the United States against all enemies foreign and domestic, that I will bear true faith and allegiance to the United States, that I will obey the orders of the President of the United States, that I take this obligation freely without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office of ——— in the National Guard of the United States upon which I am about to enter. I do further solemnly swear to bear true faith and allegiance to the State of ——— and to obey the orders of the governor thereof, subject to the Constitution and laws of the United States, so help me God."

Page 84, line 8, after the word "troops," insert "under the direct orders of the governor of the State or Territory."

The amendment was agreed to.

Mr. WADSWORTH. I desire now to offer another amendment to express more accurately the purpose of the section which provides that the troops of the National Guard of the United States shall be at the disposal of the governors of the several States.

The PRESIDING OFFICER (Mr. SPENCER in the chair). The proposed amendment will be stated.

The READING CLERK. On page 84, line 8, after the word "troops," insert the words "under the direct orders of the governor of the State or Territory."

The amendment was agreed to.

Mr. WADSWORTH. I now offer an amendment on a different topic, which was agreed to by the Committee on Military Affairs, and has to do with the retirement of those officers of the permanent personnel who have served for four years.

I will say in explanation of it that there is an existing provision of law enacted several years ago that officers who have served as chiefs of service in certain of the bureaus or departments which existed at the time of the passage of that act, upon being retired are to be retired at the rank which they held as chiefs of bureaus or service. The proviso which I now offer as an amendment to the pending bill brings that present practice up to date, and makes it conform with the provisions of the bill.

The PRESIDING OFFICER. The Secretary will report the amendment.

The READING CLERK. On page 49, line 18, after the word "act" and before the period, insert a colon and the following proviso:

Provided further, That any officer who shall have served four years as chief of a noncombatant service and who may subsequently be retired shall be retired with the rank, pay, and allowances authorized by law for the grade held by him as such chief, unless already promoted to a higher grade.

The amendment was agreed to.

Mr. WADSWORTH. As I said a moment ago, I think it would be profitless for me to offer one more committee amendment which might give rise to discussion and perhaps a roll call. Unless some other Senator desires to offer an amendment on the floor and take a chance on securing a quorum, I will ask that the Army reorganization bill be temporarily laid aside.

Mr. HARRISON. Mr. President, I have an amendment to offer, but I imagine if it should be favored by those present the Senator from New York would want a quorum. So I shall not insist on it to-day.

Mr. McKELLAR. With that understanding, I desire to offer an amendment, which I ask to have printed and lie on the table.

The PRESIDING OFFICER. The proposed amendment will lie on the table and be printed.

Mr. JONES of Washington. Mr. President, under those circumstances and with the same understanding that I——

Mr. NUGENT. Will the Senator yield for a moment?

Mr. JONES of Washington. Yes.

Mr. NUGENT. I offer the amendment which I send to the desk.

Mr. McKELLAR. Will the Senator from Washington yield to me to ask the Senator from New York a question?

Mr. JONES of Washington. I yield.

Mr. McKELLAR. I am thinking about going out of town this afternoon, to remain over Sunday, but I do not desire to do so if there is any expectation that the Army reorganization bill will be brought up for further consideration to-day.

Mr. WADSWORTH. It is not my purpose to bring up anything in connection with that bill this afternoon. Of course, I can not control other Senators.

Mr. McKELLAR. Very well. I should like to present an amendment and to have it printed and lie on the table.

The PRESIDING OFFICER. The amendment will be received, printed, and lie on the table. The Secretary will now state the amendment offered by the Senator from Idaho [Mr. NUGENT].

The READING CLERK. On page 20, line 2, after the word "purpose," it is proposed to add the following:

Provided, That for the protection of the forest areas of the United States against destruction by fire, the Secretary of War is hereby authorized and directed to organize, maintain, and operate such aeronautical units as may be necessary for the maintenance of an aerial patrol of such areas for the period ending June 30, 1921: *Provided further*, That the areas to be covered by the aerial patrol herein authorized shall be designated by the Secretary of War upon request of the Secretary of Agriculture: *Provided further*, That for this purpose the strength of the permanent personnel of the Air Corps and of the Army as otherwise authorized by this act is hereby increased 160 officers and 660 enlisted men in such appropriate grades as the President may prescribe.

Mr. JONES of Washington. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside, with the view to asking that the Senate proceed to the consideration of the river and harbor bill, with the same understanding that was heretofore had to-day.

Mr. NUGENT. I understand that there is no objection to the amendment which I have just proposed, and I suggest that it be now acted upon.

Mr. JONES of Washington. I ask the Senator to excuse me; I thought the amendment was merely presented to be printed.

Mr. WADSWORTH. Mr. President, I can not say on behalf of the committee that there is no objection to the amendment. I do not feel justified in saying that, in the absence of nearly all of the members of the committee, as to the amendment. I have not had an opportunity to examine its text.

Mr. NUGENT. I will say to the Senator from New York that the amendment I propose is the one which I submitted the other day, and concerning which I spoke to him.

Mr. WADSWORTH. Does the amendment place a time limitation?

Mr. NUGENT. Yes; its operation is limited to the period ending June 30, 1921.

Mr. WADSWORTH. I had not expected that the amendment would result in the increase of the Air Corps by 160 officers and 660 enlisted men. Before accepting the amendment on behalf of the committee, I really think, in fairness to the other members of the committee, that I should show the amendment to them.

Mr. NUGENT. I have no objection to the amendment going over, Mr. President.

Mr. JONES of Washington. Now I ask unanimous consent that the unfinished business be temporarily laid aside——

Mr. McNARY. Mr. President, before passing from the subject involved in the amendment offered by the Senator from Idaho [Mr. NUGENT], I desire to emphasize the importance of the acceptance of the amendment by the chairman of the Committee on Military Affairs, if it is possible for him to do so. In the consideration of the Agricultural appropriation bill some weeks ago I offered an amendment whereby $60,000 was authorized to be appropriated by the Congress to continue the patrol work in the forests of the Northwest. The scheme contemplated the operation of airplanes from some twenty-odd bases in the States of Idaho, Utah, Montana, Oregon, Washington, and California. The sum which has been appropriated will be of no use unless the men are obtained for the service.

In view of the coming of summer, during which season so many thousands of feet of timber and millions of dollars' worth of property are destroyed, I sincerely hope that the chairman of the committee will follow the very excellent suggestion offered by the Senator from Idaho and accept the amendment. I plead with the chairman to do so, because of the fact that the season is fast approaching during which such destruction by fire is likely to occur and because of the very great effectiveness of this agency for anticipating, fighting, and exterminating fires.

Mr. WADSWORTH. In view of the statement which I very frankly made a moment ago, I suggest that the amendment be offered on Monday next. It will not hasten the legislation to adopt it to-day or to reject it to-day.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Washington that the unfinished business may be temporarily laid aside? The Chair hears none, and it is so ordered.

RIVER AND HARBOR APPROPRIATIONS.

Mr. JONES of Washington. I now ask unanimous consent that the Senate proceed to the consideration of House bill 11892, being the river and harbor appropriation bill, with the same understanding that we had when the bill was previously under consideration to-day.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11892) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. JONES of Washington. The pending amendment is that offered by the Senator from Utah [Mr. SMOOT], on page 7, line 18, to strike out from line 18 to line 23, both inclusive. The Senator from Louisiana has made a request that the amendment may go over, and I ask unanimous consent that that course may be pursued.

The PRESIDING OFFICER. Without objection, it is so ordered.

The reading of the bill was resumed.

The next amendment of the Committee on Commerce was, on page 7, after line 23, to insert:

Tansas River, La.

Mr. JONES of Washington. I desire to offer a committee amendment to that amendment, to strike out "Tansas" and to insert "Tensas."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. HARRISON. Mr. President, would the chairman of the committee object if I offer an amendment at this point on this page, or would he prefer for me to wait until after the committee amendments have been disposed of?

Mr. JONES of Washington. We are operating under a unanimous-consent agreement, providing that the committee amendments shall first be considered.

Mr. HARRISON. Very well.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 8, after line 2, to insert:

Galveston Channel, Tex.

The amendment was agreed to.

The next amendment was, on page 8, after line 13, to insert:

The coast in the vicinity of Aransas Pass, Port Aransas, Corpus Christi, and Rockport, Tex., with a view to the establishment of a safe and adequate harbor, or harbors, for protection against storms and erosions, including the protection of the instrumentalities and aids of commerce located there.

Mr. JONES of Washington. I ask that that amendment may be rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was rejected.

Mr. JONES of Washington. Now, I desire to offer a committee amendment.

The PRESIDING OFFICER. The amendment proposed by the Senator from Washington on behalf of the committee will be stated.

The READING CLERK. On page 8 it is proposed to strike out from line 11 to line 13, inclusive, as follows:

Coast of Texas in the vicinity of Aransas Pass, Port Aransas, Corpus Christi, and Rockport, with a view to the establishment of a safe and adequate harbor.

And to insert:

The Secretary of War is hereby authorized and directed to appoint a board of engineers to make a survey of the coast of Texas in the vicinity of Aransas Pass, Port Aransas, Corpus Christi, and Rockport, with a view to the establishment of a safe and adequate harbor, or harbors, and to prepare plans and estimates for protection against storms and erosions, including the protection of the instrumentalities and aids of commerce located there.

Mr. KING. Mr. President, I should like to ask the Senator if it is wise to limit the points where the survey is to be made?

Mr. JONES of Washington. Yes; I think it is, because otherwise they might cover the whole coast, whereas the object is and desire is to secure the information with respect to a particular portion of the coast. There was, I think, a very severe storm in that vicinity some time ago, which practically destroyed the works we have heretofore authorized at certain ports.

Mr. SHEPPARD. Mr. President, the Senator from Washington is correct about that. The amendment refers to that part of the Texas coast which a few months ago was swept by one of the most devastating storms which that section has ever experienced. This provision is similar to the one that was made for Galveston Island a year or so ago, which has resulted in a very comprehensive and beneficial report.

Mr. JONES of Washington. I will say there is no desire for a general survey of the entire coast.

Mr. KING. I should like to ask the Senator whether or not the needs of commerce require this investigation and require the kind of improvement which, if the report is favorable, I presume will be made.

Mr. JONES of Washington. I think so. A favorable report will not be made unless the needs of commerce so require. That is one of the matters, of course, upon which the engineers report. They report the facts with reference to the needs of commerce and their recommendations with reference to that aspect of the matter.

I will say that the Senator from Texas is very familiar with the situation and is satisfied that it is very important that the investigation should be made.

Mr. SHEPPARD. I wish to say to the Senator that one of the most important parts of the Texas coast is that in the neighborhood of Port Aransas. Millions of dollars have been expended there, and, therefore, it becomes very important that we should have a reexamination at this time in view of the ruin wrought by the storm.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Washington on behalf of the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Commerce was, on page 8, after line 19, to insert:

La Grue River, Ark.

The amendment was agreed to.

The next amendment was, on page 8, after line 24, to insert:

Tennessee River, Tenn., Ala., and Ky.

The amendment was agreed to.

Mr. KING. I should like to ask the Senator having this bill in charge how many new items have been added to the House bill by the Senate committee?

Mr. JONES of Washington. The Senator means in the way of surveys?

Mr. KING. Yes.

Mr. JONES of Washington. I do not know; I have not counted them; there are not a great many—that is, not an unusual number. Surveys, as the Senator understands, are really for the purpose of securing information and the views of the Engineer Corps with reference to projects that Senators and Representatives think ought to be investigated. As I have said, I have not counted the number, and do not know how many such items are in the bill, although that could be ascertained by counting and it would not take very long. There are some other items to be put in.

I will say that the committee is usually rather liberal in reference to surveys, because they are put in with the idea of securing information upon which action, either favorable or unfavorable, may be based, and therefore we have not been very restrictive in connection with such amendments.

Mr. KING. The Senator realizes that whenever a survey is made it ordinarily is followed by a large appropriation.

Mr. JONES of Washington. No; the Senator is mistaken as to that. The senior Senator from Utah [Mr. SMOOT], some days ago, suggested that these calls for surveys were treated by the Engineer Corps as practically a direction by Congress to send in favorable reports. I was satisfied that that was wholly incorrect; that the engineers do not construe such provisions in that way; that they understand that they are simply to present the facts to us with their recommendations. I find that to be true. For instance, under the river and harbor bill of 1917 there were 84 surveys authorized, while the percentage of favorable reports was only 7.4; in other words, up to June 30, 1919, they reported on 54, of which number the favorable reports were 4 and the unfavorable reports 50. Also under the act of 1916 there were 128 investigations ordered; there were reported up to June 30, 1919, 109, of which 15 were favorable and 94 unfavorable, or a percentage of 13.7, and so on.

So that when we provide for a survey it does not by any means mean that it will involve an appropriation. As I said, these surveys are made simply for the purpose of getting information, getting the recommendations of the engineers, and then we do not always follow the recommendations of the engineers. We have a rule, however, or a practice, and it has been pretty generally followed, that we will not put in a river and harbor bill a project that has been reported upon unfavorably by the engineers. We do not put in all the projects that are reported favorably, and this showing demonstrates that a comparatively small number of these surveys are acted upon favorably.

Mr. SIMMONS. The Senator says that under the practice of the Senate a project is not put in the river and harbor bill unless it is favorably reported upon by the engineer. The Senator does not mean the local engineer?

Mr. JONES of Washington. Oh, no.

Mr. SIMMONS. The Senator means when the local engineer has approved the project and when the project has in due course received also the approval of the board of engineers.

Mr. JONES of Washington. I mean when the report comes to Congress it comes from the Board of Engineers for Rivers and Harbors, but it still has to pass from them, through the Chief of Engineers, to the Secretary of War, and then it comes down to us.

Mr. KENYON. Mr. President——

Mr. JONES of Washington. I yield to the Senator from Iowa.

Mr. KENYON. Have not the surveys been regarded as sort of consolation prizes? If it was impossible to get an appropriation, the Member of Congress would take a survey, and that has seemed rather to quiet him.

Mr. JONES of Washington. Why, no, Mr. President. The survey comes before the Senator attempts to get any appropriation. He may attempt to get an appropriation without a survey, but that is as far as he gets. It is simply in the nature of an attempt.

Mr. SHEPPARD. Mr. President, is it not a further fact that when a survey is ordered it does not necessarily follow that the actual survey is made? The engineers make what is known as a preliminary general examination, and unless that general examination develops that a project is of distinct importance, they go no further.

Mr. JONES of Washington. That is true.

The PRESIDING OFFICER. The Secretary will continue the reading of the bill.

The reading of the bill was resumed.

The next amendment of the Committee on Commerce was, on page 9, after line 4, to insert:

South Fork of Kentucky River, Ky.

The amendment was agreed to.

Mr. SIMMONS. Mr. President, I wish to ask the Senator in charge of the bill if he would object to my offering an amendment immediately preceding the one just adopted?

Mr. JONES of Washington. Mr. President, we are working under the rule that committee amendments shall be considered first. This is a matter for a survey, however, and if the Senator will present it to me, I will offer it as a committee amendment.

Mr. SIMMONS. I have presented the amendment to the Senator, and he has approved it.

Mr. JONES of Washington. If the Senator has the amendment prepared, I will ask him to present it as a committee amendment. He is a member of the committee.

Mr. SIMMONS. Mr. President, I offer the following amendment:

On page 9, at the end of line 4, add:

Trent River from New Bern to Trenton, N. C., with a view to a channel depth of 12 feet to Polloksville and 8 feet to Trenton.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. KENYON. Mr. President, I should like to ask the chairman of the committee about the item on page 8, line 20:

La Grue River, Ark.

What kind of a river is that?

Mr. JONES of Washington. Mr. President, that is a survey about which the Senator from Arkansas [Mr. KIRBY] is very anxious. I did not ask him for the details with reference to it. I have been satisfied that the engineers would present them. It is the only thing, I think, in which the Senator from Arkansas was especially interested in connection with the bill.

Mr. KENYON. I am sure he ought to have it; but does the Senator know whether this is a stream that has any water in it?

Mr. JONES of Washington. I do not know.

Mr. KENYON. The Senator does not know anything about it?

Mr. JONES of Washington. I do not; but I will learn something about it when the engineers report.

Mr. KING. Mr. President, if I may have the attention of the Senator from North Carolina [Mr. SIMMONS], the Senator has just offered an amendment which directed an investigation with a view to fixing the depth of the channel of a river. Is it customary to do that?

Mr. SIMMONS. I will say to the Senator that it has very frequently been done where there is already a project and that project has been completed, as is the case with reference to the Trent River. There is a project, and that project has been completed. The Government is now simply maintaining it. The commerce has developed considerably, and this is a suggestion that another survey be made with a view to ascertaining if there ought not to be a greater depth than that provided in the present project. That does not mean that they shall report for a 12-foot channel or an 8-foot channel, but it is offered with a view to determining whether there should be a greater depth than the present project provides for, which I think is 6 feet part of the way and 9 feet the rest of the way. That is a very usual way of providing for these surveys.

Mr. KING. Does the Senator believe that the construction of this project is feasible, and that there is sufficient commerce to warrant further expenditures by the Federal Government?

Mr. SIMMONS. I will say to the Senator that the Trent River is the river which runs right by my home. Let me read to the Senator an extract from a letter that I have here. A part of that project is from New Bern to Polloksville, which is a distance, I think, of about 15 or 16 miles by water. As a matter of fact, the present depth from New Bern to Polloksville is more than 12 feet, the depth mentioned here, except a little stretch of less than a thousand yards, where the depth now is only about 9 feet, or probably a little less than 9 feet, the project depth; and the sole purpose here is to secure a report which would enable the engineers to remove that shoal, so as to make the depth there conform to the general depth of the river. The general depth from New Bern to Polloksville, with the exception of this little stretch, is, I think, about 15 feet.

I will read an excerpt from a letter I have received from a gentleman who, because he is largely interested in a manufacturing plant located at Polloksville, is thoroughly familiar with the situation there. He says:

This is a very important matter, and I hope you can find time to push it to a finish. After going up Trent River and showing Col. Mathewson and the Baltimore colonel—

These are two colonels who were down there making an investigation—

what two or three industrial plants were doing, and the possibilities of that section, they suggested that if another order were made for an examination and report on Trent River for a 12-foot channel from New Bern to Polloksville, a turning basin in Mill Creek, and a deeper channel from Polloksville to Trenton, it was possible that the next time we would get a favorable report.

Trent River is already 14 to 17 feet deep from New Bern to Polloksville, except a short stretch about 7 miles up the river over these shoals, where there is a depth of only about 6 feet of water. Now, the 12-foot depth up to Polloksville which is suggested in this amendment is simply to enable the engineers to recommend a project which would permit the deepening of the channel of the river above that point so as to make it conform more nearly to the general depth of the river. That is the only purpose. Above Polloksville it is proposed to ask a survey with a view to having the river for the whole length made a bit deeper than at present, because the commerce along that stretch of the river has developed very considerably since the last project was adopted and completed.

The PRESIDING OFFICER. The Secretary will continue the reading of the bill.

The reading of the bill was resumed.

The next amendment of the Committee on Commerce was, on page 10, after line 11, to strike out:

Survey to determine the advisability and cost to the United States of the following improvements of Los Angeles and Long Beach Harbors, Calif.: (1) Dredging to 35 feet deep the main entrance channel, including an area of approach to the outer harbor, and the reclamation of an area near Reservation Point for the use of the United States; (2) dredging a channel at least 300 feet wide and 30 feet deep around the perimeter of west basin proper; (3) dredging a channel 300 feet wide and 30 feet deep from turning basin to southeast corner of east basin; (4) extension of San Pedro breakwater to a point between the Long Beach Harbor entrance and the sea outlet of the flood-diversion channel; (5) dredging 30 feet deep and 300 feet wide the Ceritos Channel from the east basin of Los Angeles Harbor to the turning basin of Long Beach Harbor; (6) acquisition of suction dredge and accessories.

And to insert:

Los Angeles and Long Beach Harbors, Calif.: For the purpose of ascertaining the cost of improvements, as follows:

(1) Dredging to 35 feet deep the main entrance channel, including an area of approach to the outer harbor, and the reclamation of an area near Reservation Point for the use of the United States.

(2) Dredging a channel at least 300 feet wide and 30 feet deep around the perimeter of the west basin proper.

(3) Dredging a channel 300 feet wide and 30 feet deep from the turning basin to the southeast corner of east basin.

(4) Extension of San Pedro breakwater to a point between the Long Beach Harbor entrance and the sea outlet of the flood diversion channel.

(5) Dredging 30 feet deep and 300 feet wide the Ceritos Channel from the east basin of the Los Angeles Harbor to the turning basin of Long Beach Harbor.

(6) Acquisition of suction dredge and accessories.

Mr. KING. Mr. President, inquiring of the chairman of the committee, I should like to know whether he has had a conference with respect to these items with the Navy Department. I understand the Naval Affairs Committee has been giving some little attention—or, at least, will give some special attention—to the question of one or more naval bases upon the Pacific coast; and, of course, the question of harbors upon the Pacific coast is a matter that is important in the consideration of the naval defense of our country. Did the Senate's committee have in view in recommending this amendment the naval necessities of our country, or did they have in view primarily the commercial needs of the Pacific coast?

Mr. JONES of Washington. Mr. President, our committee had in view primarily the commercial needs of the Pacific coast. I will say, however, with reference to this amendment, that the Senate committee did not attempt to change the House provision, except to put it in language more like the usual and ordinary way of making appropriations for surveys. We did not go into the details of the matter especially. We found from the hearings that the House committee had been satisfied as to the desirability of this survey, and so about all that the Senate Commerce Committee did was to rearrange the language and put it in a little different form. Primarily, however, we thought this was for the benefit of the commercial needs of the coast.

Mr. KING. I will ask the Senator if it would not be a wise idea, in the consideration of this question, to take into account the naval needs of the Government, if there shall be any such needs, in this harbor?

Mr. JONES of Washington. If there should be any such needs, of course they should be taken into account, and I have no doubt but that the engineers will suggest those things if they have not done so already; but, of course, the Army does not consider especially the naval needs. In order to have them properly considered, of course there should be a sort of a joint commission; but I have not any doubt but that the engineers will suggest any naval needs that occur to them. And very likely the Navy Department, if they do consider that there are naval needs there, will suggest them to the Army Engineers, and they no doubt will cover them in their report as fully as they feel that they should.

Mr. CHAMBERLAIN. Mr. President, may I interrupt the Senator for a moment?

Mr. JONES of Washington. Certainly.

Mr. CHAMBERLAIN. If the Senator will notice the first section of the bill, he will find that there is a provision there that requires the engineers to report not only upon the local advantages but upon all advantages.

Mr. JONES of Washington. The Senator possibly was not in the Chamber when the Senator from Utah began. The Senator from Utah inquired about the naval needs.

Mr. CHAMBERLAIN. Yes; but I think that provision of the bill would require them to report not only upon the naval needs but upon all conditions. I may be mistaken about the extent of the amendment that the Senate inserted, but I think it is broad enough to permit the engineers to report upon all the needs.

Mr. JONES of Washington. I think that is true. It does require the engineers to report upon the national benefits. Of course, that was primarily intended to bring about a statement with reference to the local benefits and the national benefits, with a view to having the locality put up what was just and proper on account of local benefits.

I want to call the attention of the Senator from Utah to that amendment to the bill, which has been agreed to, which I consider one of the most important amendments in the bill, and one of the most advanced steps with reference to river and harbor improvements. We have inserted a provision in the bill which requires the engineers, in submitting their reports, to point out as clearly and fully as they can the local benefits which will come from such an improvement, together with their recommendations as to the contributions that shall be made by localities. I believe that will result in very great good and very great improvement along the lines of proper river and harbor appropriations.

The amendment was agreed to.

The next amendment was, on page 12, after line 8, to insert:

Tillamook Bay, Oreg.

The amendment was agreed to.

The next amendment was, on page 12, after line 9, to insert:

Tualatin River, Oreg.

The amendment was agreed to.

The next amendment was, on page 12, line 12, after the word "Oregon," to insert "with a view of," and in line 14, after the word "and," to strike out "including," so as to make the clause read:

St. Helens, Oreg., with a view of connecting deep water in the Willamette Slough with deep water in the Columbia River, and any proposal of cooperation by local interests.

The amendment was agreed to.

The next amendment was, on page 12, line 16, after the word "Oregon," to strike out "including" and insert "with a view of the," so as to make the clause read:

Nehalem River, Oreg., with a view of the removal of submerged rock near the inshore end of south jetty and any proposal for cooperation by local interests.

The amendment was agreed to.

The next amendment was, on page 12, line 23, before the word "Duwamish," to strike out "Duwamish waterway, Seattle Harbor, Wash."; in the same line, after the word "Harbor," to strike out "with the report on the practicability"; and in line 24, before the word "of," to insert "Washington, with a view," so as to make the clause read:

Duwamish Waterway, Seattle Harbor, Wash., with a view of widening or deepening, or both widening and deepening, the channel to accommodate present and future commerce.

The amendment was agreed to.

The next amendment was, on page 13, line 3, before the word "Wrangell," to strike out "Wrangell Narrows, Alaska," and in the same line, after the word "Narrows," to insert "Alaska," so as to make the clause read:

Wrangell Narrows, Alaska, with a view of deepening the channel to accommodate present and future commerce, and the determination of the relative advantages and practicability of the above improvement of Wrangell Narrows, as compared with the improvements of Dry Straits, recommended in House Document No. 68, Sixty-fifth Congress, first session.

The amendment was agreed to.

Mr. JONES of Washington. There is an amendment I want to offer after line 9, page 13. I move to insert the words "Wrangell Harbor, Alaska."

The amendment was agreed to.

Mr. JONES of Washington. Then, after line 10, on the same page, I desire to present this amendment, which was asked for by the commission which recently visited the Virgin Islands.

The PRESIDING OFFICER. The Secretary will report the amendment.

The READING CLERK. On page 13, after line 10, insert the following:

Harbor of Christiansted, St. Croix, Virgin Islands, with a view to securing suitable channel.

The amendment was agreed to.

Mr. SMOOT. Mr. President, in reading section 3 of the bill I notice that a most wise provision of existing law is repealed. I think a leeway of 40 per cent in excess of estimated cost of any project is large enough, as provided in existing law. The pending bill repeals this wise provision, and the estimated cost in a report upon a project may, if this provision of the bill is agreed to, be one-tenth of the amount which the project would cost. Evils have arisen in the past from just such estimates, and based upon experience in the past Congress passed the law now sought to be repealed. Now, Mr. President, this bill provides that it shall be repealed. I know it is not a committee amendment, and I simply want to state that when the bill is up for amendment I certainly shall ask the Senate to strike that part of the bill out.

Mr. JONES of Washington. I call the Senator's attention to the fact that that is not a committee amendment, but is a provision in the bill as passed by the House.

Mr. SMOOT. I stated that, and give notice now that when the committee amendments have been disposed of and the bill is open for further amendment I shall move to strike section 3 out of the bill.

The reading of the bill was resumed.

The next amendment was, on page 13, at the beginning of line 19, to strike out "SEC. 4" and insert:

"SEC. 4. That the following provisions relating to projects heretofore approved and adopted by Congress be enacted."

The amendment was agreed to.

Mr. KING. I understood that the Senator from Washington had some amendment to offer at the end of line 10 with reference to Porto Rico. I direct his attention now to that item. I rose to inquire whether there is any provision for any contribution to be made by the Territory of Porto Rico?

Mr. JONES of Washington. That will be passed upon by the engineers in making their report. If the Senator will turn to page 3 he will see an amendment, which we have agreed to, to this effect:

Every report submitted to Congress in pursuance of this section or of any provision of law for a survey hereafter enacted, in addition to other information which the Congress has heretofore directed shall be given, shall contain a statement of special or local benefit which will accrue to localities affected by such improvement and a statement of general or national benefits, with recommendations as to what local cooperation should be required, if any, on account of such special or local benefit.

That applies to every survey in this bill and every survey that will be hereafter provided for.

Mr. KING. May I inquire of the Senator whether the committee has taken into consideration the question of general legislation requiring, under certain circumstances, contributions to be made by the States in which the Federal appropriation is to be expended?

Mr. JONES of Washington. We expect that to be covered in this report of the engineers.

Mr. KING. That is a mere recommendation; but has the committee taken into account the enactment of any legislation?

Mr. JONES of Washington. That is as far as the committee has gone at this time.

Mr. KING. The reason why I make the inquiry is that I understand the State of Oregon, perhaps the State of Washington, the State of Massachusetts, and other States, have made very large contributions.

Mr. JONES of Washington. I think the Senator is mistaken. I do not think it is the States that have done it, but it is the localities. In Washington, for instance, they form what they call port commission districts, and within that territory they can levy taxes to be used for the purpose of improving the harbors.

Mr. KING. The local community or the State?

Mr. JONES of Washington. That will be covered exactly by this provision. That is the very purpose of this provision.

The next amendment was, on page 14, line 2, after the word "cost," to insert "at present prices," so as to make the clause read:

Yaquina Bay and Harbor, Oreg.: The Secretary of War is hereby authorized, in his discretion, in requiring compliance with the conditions precedent to the prosecution of the project adopted in the river and harbor act approved March 2, 1919, to credit the local interests with the cost at present prices of so much of the work performed by the port of Newport and the port of Toledo in the construction of the south jetty and the channel in the inner harbor as, in the opinion of the Chief of Engineers, conforms to the project plans and standards of the Government.

The amendment was agreed to.

The next amendment was, on page 14, line 7, before the word "Milwaukee," to strike out "Sec. 5."

The amendment was agreed to.

The next amendment was, on page 14, line 12, before the word "Delaware," to strike out "Sec. 6."

The amendment was agreed to.

The next amendment was, on page 14, at the beginning of line 19, to strike out "Sec. 7."

The amendment was agreed to.

The next amendment was, at the top of page 15, to insert:

Cumberland River above Nashville, Tenn.: The Secretary of War is hereby authorized to proceed with the prosecution of the existing project for lock and dam construction on that section of the river located in the State of Tennessee when the local interests in that State have complied with the conditions precedent imposed in the river and harbor appropriation act, approved March 2, 1919.

Mr. JONES of Washington. I desire to state that that is simply a rearrangement of a provision in the bill as passed by the House, so as to bring it under the section.

Mr. McKELLAR. That is entirely satisfactory.

Mr. KING. I would like to ask the Senator from Tennessee whether the investigations thus far made demonstrate the necessity and wisdom of putting in lock and dam construction and making the improvements called for?

Mr. McKELLAR. Absolutely. The Cumberland River runs from north to south in that part of our State, from Kentucky into Tennessee, for about 500 miles. For quite a distance it is the only means of communication. I have traveled the river, and I know how necessary is this improvement. The Corps of Engineers has recommended it, and I know from a personal examination that it can and ought to be utilized. It will open a productive country rich in farm products and rich in minerals, and there are no railroads in that part of our State. It is a matter of vital interest to a large area of my State, and I hope the Senator from Utah will not raise any objection to its inclusion in the bill.

Mr. KING. I will state to the Senator that I made some very exhaustive inquiries last year and the year before, with respect to such rivers and the projects covered by river and harbor bills, some in the Senator's State and some in Kentucky, and I found that on a number of those projects money had been wasted, that there was no necessity whatever for the appropriations, and that there was less traffic upon the streams now than there was many, many years ago, before the appropriations were made.

Mr. McKELLAR. That does not apply to this stream, where it is being improved. I hope the Senator will come to Tennessee so that I can give him an ocular demonstration of the facts. I shall be glad to do it.

The amendment was agreed to.

The next amendment was, on page 15, after line 7, to insert:

Willapa Harbor and River, Wash.: The sum of $71,775, when deposited in the Treasury to the credit of the Secretary of War, shall be accepted by said Secretary of War as the total cash contribution required to be made by the city of Raymond and other local interests in connection with the project for improvement of Willapa Harbor and River, Wash., authorized by the river and harbor appropriation act approved July 27, 1916, and the joint resolution entitled "Joint resolution for improving Willapa Harbor and River, Wash.," approved September 19, 1917.

The amendment was agreed to.

The next amendment was, on page 15, after line 18, to insert:

Houston Ship Channel, Tex.: The Secretary of War is hereby authorized, in his discretion, in requiring compliance with the conditions precedent to the prosecution of the project adopted in the river and harbor act approved March 2, 1919, to credit the local interests with the cost of so much of the work performed by the city of Houston and the Harris County Houston Ship Channel navigation district in the construction of the turning basin and channel as, in the opinion of the Chief of Engineers, conforms to the project plans and standards of the Government.

The amendment was agreed to.

The next amendment was, on page 16, after line 3, to insert:

The seagoing dredge *Cumberland* may be transferred to the appropriation for improving Savannah Harbor without charge.

The amendment was agreed to.

The next amendment was, on page 16, line 7, to change the number of the section from 8 to 5.

The amendment was agreed to.

The next amendment was, on page 16, after line 13, to strike out:

SEC. 9. Cumberland River above Nashville, Tenn.: The Secretary of War is hereby authorized to proceed with the prosecution of the existing project for lock and dam construction on that section of the river located in the State of Tennessee when the local interests in that State have complied with the conditions precedent imposed in the river and harbor act approved March 2, 1919.

The amendment was agreed to.

The next amendment was, on page 16, after line 20, to insert:

SEC. 6. That, within areas to be prescribed by the Secretary of War, it shall not be lawful to throw, discharge, or deposit, or cause, suffer, or procure to be thrown, discharged, or deposited from any source whatever, any free acid or acid waste, or oil, in any form, either directly or indirectly, into any navigable water; and every person and every corporation that shall violate, or that shall knowingly aid, abet, authorize, or instigate a violation of the foregoing provisions of this section shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding $2,500, nor less than $500, or by imprisonment (in the case of a natural person) for not less than 30 days nor more than one year, or by both such fine and imprisonment, in the discretion of the court: *Provided*, That this section may be enforced as provided in section 17 of the river and harbor appropriation act approved March 3, 1899, the provisions whereof are hereby made applicable thereto.

Mr. JONES of Washington. I will ask that section 6 may be passed over. There is some question about whether we ought to put an additional amendment on that.

The PRESIDING OFFICER. Without objection, section 6 will be passed over.

The next amendment was, on page 17, after line 13, to insert:

SEC. 7. That there shall be printed 2,000 copies of the laws of the United States relating to the improvement of rivers and harbors passed between March 4, 1913, until and including the laws of the third session of the Sixty-sixth Congress, of which 400 copies shall be for the use of the Senate, 1,000 copies for the use of the House, and 600 copies for the use of the War Department. Said compilation shall be printed under the direction of the Secretary of War.

Mr. SMOOT. I ask the Senator from Washington if there is any real necessity for section 7, and if there is an appropriation for it why is the item in this bill?

Mr. JONES of Washington. I will state that Col. Taylor came before the committee, and we set out his testimony in the report. He urged that this be done, and he said:

It has been customary to compile these laws from time to time and print an edition of 3,000 copies. I am making it 2,000 copies. I am making it 2,000 copies because we have found actually we have need for only 2,000 copies.

Senator CHAMBERLAIN. Does that include all of the river and harbor acts?

Col. TAYLOR. Yes, sir.

Senator CHAMBERLAIN. Does it collate affirmative legislation?

Col. TAYLOR. It does both. It takes in the river and harbor acts and all the bridge acts and matters of that kind which relate to river and harbor work. It has been customary to have this authorization in the river and harbor act about once in five or six years.

The CHAIRMAN. Then, the compilation is made in the Secretary's office?

Col. TAYLOR. It is made in the office of the Chief of Engineers.

Senator CHAMBERLAIN. When was the last one made?

Col. TAYLOR. In 1912 or 1913.

Senator CHAMBERLAIN. The list was made when?

Col. TAYOR. 1912 and 1913.

The CHAIRMAN. What is the special requirement for it?

Col. TAYLOR. So that in referring to these matters we get them all together, and they can be readily found. They are of very great use in our office and apparently there has been considerable call for them from different Members of the Senate and House and by committees, where they seem to use them a great deal.

The CHAIRMAN. You did not present these matters to the House committee, did you?

Col. TAYLOR. No, sir; I had no opportunity. I had expected to do so, and then they suddenly decided to report the bill within a day or two and I had no opportunity. I did tell them I had some matters to take up with them and they promised to give me an opportunity to do it, but on account of the sudden decision to report the bill they failed to do it.

Senator CHAMBERLAIN. Have these publications heretofore been had out of this fund, or has it been done under the bill?

Col. TAYLOR. It has been done under the bill in exactly this same way.

The CHAIRMAN. What provision do you make for paying for it?

Col. TAYLOR. There is an allotment for printing these made to the War Department. We are given a certain allotment and it is paid for out of that.

The CHAIRMAN. Then, this does not mean any increased appropriation?

Col. TAYLOR. No, sir. We have not asked for any increase in appropriation on account of this at all. It comes out of our annual allotment, the same as the printing of the Chief of Engineer's report does.

The CHAIRMAN. You have no authority to do it?

Col. TAYLOR. No, sir; we have no authority.

The CHAIRMAN. You have to have authority?

Col. TAYLOR. We have to have special authority.

Mr. SMOOT. I can not understand why that is the case. If the appropriation has been made it was no doubt made in a lump sum and the War Department had a perfect right under the law to spend the money for printing. I know of no provision in the law that specifically states that such printing shall not be done.

Mr. JONES of Washington. I have just read the reason.

Mr. SMOOT. I do not believe the statement made is correct, and I wanted to know if the Senator had looked into the question further since I spoke to him about it.

Mr. JONES of Washington. The Senator from Utah, of course, knows more about the printing laws than I do, and I think probably more than any other Senator. I did not look it up further, because Col. Taylor said he did not have authority to do it, and I took that as a statement of fact, think-

ing that the Engineer officer ought to be thoroughly familiar with it. He said they always had to get special authority at this time. I do not know.

Mr. SMOOT. It may be that the printing of 2,000 copies falls within the limitation of the number of copies that can be printed. If it does, then, of course, they would have to have authorization not by Congress but, under the printing law, by the Joint Committee on Printing, to print an additional number. That is all I can think of. I am sure if it is necessary the Joint Committee on Printing will not object.

I will not make objection to the item, only I do not want the different departments of the Government to think that they can come to Congress and have the printing laws repealed on appropriation bills without question.

Mr. JONES of Washington. I do not want them to do it, either. If the Senator from Utah thinks that this is not necessary, if he thinks that authority can be given to them for the printing of this document without express legislation, I am perfectly willing to withdraw the amendment.

Mr. SMOOT. I am not going to ask the Senator to withdraw the amendment, because I take it for granted that 2,000 copies will not be too many to meet the demand.

Mr. JONES of Washington. I think that is true.

Mr. SMOOT. Therefore I am not going to object.

The amendment was agreed to.

The next amendment of the Committee on Commerce was, on page 17, after line 22, to insert:

SEC. 8. That appropriations heretofore, herein, or hereafter made for works of river and harbor improvements, or so much thereof as shall be necessary, may, in the discretion of the Secretary of War, be used for maintenance and for the repair and restoration of said works whenever from any cause they may have become seriously impaired, as well as for the further improvement of said works.

Mr. KING. Mr. President, it seems to me the provisions of this section are very dangerous, and will permit a license that will prove very expensive to the Government. One of the maxims which ought to be followed in making appropriations is to designate with particularity the amount of the appropriation and the purpose for which the appropriation is to be expended. That makes for honest and efficient administration and tends to keep a check upon appropriations made.

If we allow the latitude that the proposed section 8 permits and authorize employees of the Government to utilize unexpended balances for other purposes in their discretion, it will lead to abuses which, in my opinion, will in the end prove very extravagant and harmful to the Government. I think it is very unwise to have a provision that the Secretary of War, in his discretion, may use an appropriation which is made for a specific purpose to maintain and repair and restore work. It may be that Congress, upon investigation as to what has been destroyed, may conclude to abandon it, and after an improvement for which an appropriation has been made has been destroyed, to permit some official of the Government without further authorization by Congress to divert an appropriation, which was made for some purpose, to the rehabilitation of the destroyed work is an example which, I think, will come back to vex the Government and will be very harmful in its operation.

Mr. JONES of Washington. I think the Senator misapprehends the purpose and effect of the amendment. The amendment does not permit the Secretary of War or Chief of Engineers to take the money that has been appropriated for one project and use it on another project. It does authorize, however, as I understand it, where money is appropriated for the improvement or maintenance of a project, if the necessity requires more money for maintenance than we have appropriated, and there is more money for the carrying on of the improvement of the project, a part of the money may be used for the necessary maintenance.

The Senator will understand that in making these provisions where we specify the items in the bill, the amount for maintenance, for instance, is an estimated amount.

It is the amount estimated by the engineers that may be necessary to maintain the project. They may be mistaken. It may not be sufficient. This may occur from various reasons. Some unexpected storm or disturbance of some kind may come up that will require a larger sum for maintenance. If there is money appropriated for the improvement, it seems to me that it is economical and wise that part of the money could be used to take care of such an emergency. That is the purpose of this appropriation. It has been carried in almost all river and harbor bills for many years. Col. Taylor stated in his testimony that it was carried so frequently that he thought it was permanent law, and urged that before the House committee; but when they got to looking it up they found that it was not, but that it was carried in each river and harbor bill, and therefore only applied for the year. That is the purpose of the amendment. I think myself it is a wise one, and in the interest of economy and efficient conduct of these works.

Mr. SMOOT. Mr. President——

Mr. KING. I yield to my colleague.

Mr. SMOOT. I think the Senator from Washington is mistaken when he says that the provision applies only to each particular project. The wording, I think, is in the plural all the way through, and I think it covers all projects, and can be used in any way that the Secretary of War may designate. It reads:

That appropriations heretofore, herein, or hereafter made for works on river and harbor improvements, or so much thereof as shall be necessary, may, in the discretion of the Secretary of War, be used for maintenance and for the repair and restoration of certain works whenever from any cause they may have become seriously impaired, as well as for the further improvement of said works.

I think that means that in an appropriation bill such as this, where a certain amount is appropriated for improvements on the rivers and harbors, and a certain amount is appropriated for maintenance of the rivers and harbors, that if it is found through any cause that any project is seriously impaired, then the part of the money that was appropriated for improvements can be expended upon the project so impaired for maintenance and for the repair and restoration of such work. I do not believe that it applies to the appropriation made for the particular project.

Mr. JONES of Washington. Of course, I did not mean that it applies only to one project. It applies to all projects, but I did not understand, for instance, that if we have appropriated money for the repair and improvement of harbors on the Atlantic and we have also appropriated money for maintenance and repair of harbors on the Pacific, and there should be a serious disturbance in some harbor on the Atlantic that required more money for repairs than they had there, that they could take, for instance, money from the improvement on the Pacific to that harbor on the Atlantic to repair it. However, if there is money appropriated for that harbor for improvement, a part of that money can be taken for maintenance.

Even if the construction that the Senator makes is correct, that they could take from money appropriated for improvements anywhere for repairs at a particular place, I see no serious objection to that in view of the language. The language is:

So much thereof as shall be necessary, may * * * be used for maintenance and for the repair and restoration of said works whenever from any cause they may have become seriously impaired.

It might be very important that those repairs should be done promptly. All this work must be done upon the estimate of the engineers. We take their judgment in the matter; we have to do it. So even from the standpoint that the Senator presents I do not see any serious objection to it, although I did not understand that the language went that far and I hardly think it will be construed that way now.

Mr. SMOOT. This does not apply only to this appropriation bill. It applies to appropriations heretofore, herein, or hereafter made. Appropriations heretofore have been made so much for improvement upon each project and so much for maintenance and for repairs. Under this amendment they can take money from the appropriation that was made originally for improvement of a particular project and use it for the restoration of an impairment of any project.

Mr. JONES of Washington. If it has been seriously impaired, what objection does the Senator see to that? Does not the Senator think the repairs should be made?

Mr. SMOOT. Certainly they ought to be made.

Mr. JONES of Washington. If they are not made, then the whole of the money that we have spent for improvements is lost or may be lost.

Mr. SMOOT. I did not rise to discuss the question whether it ought not or ought to be made. I simply wanted to call attention to the construction of the paragraph, as I understood it.

Mr. JONES of Washington. I understand.

Mr. SMOOT. I recognize the fact that if there is a serious impairment to any project, it must be repaired, and there is no question about that. I recognize the fact that former projects have been appropriated for, so much for improvement and so much for maintenance, and the appropriations for improvements have not been all spent and the maintenance appropriation has been expended, and if serious impairment came to the project the only way it could be remedied would be to come to Congress and ask for additional appropriation for maintenance.

According to the manner in which river and harbor appropriation bills have been framed and enacted in the past—I mean prior to about three years ago—specific amounts were appropriated for improvement and specific amounts for maintenance.

Mr. EDGE. Will the Senator from Washington yield to me?

Mr. SMOOT. I will conclude in just a moment. In the reports now submitted by the Engineers we find that they show

the amount of money expended for improvement and the amount expended for maintenance. I think, however, Mr. President, the amendment of the committee goes a little too far by putting in the words "hereafter made." I think Congress ought to have the right to say how appropriations shall be hereafter made without repealing a law. I therefore think the Senator ought to modify the amendment by striking out the words "or hereafter made," so that it would read:

That appropriations heretofore or herein made for works of river and harbor improvements.

Mr. JONES of Washington. I have no objection to such an amendment. It would necessitate, however, in the event we pass a subsequent bill, the insertion of a specific provision similar to that in the committee amendment; but of course that would not be difficult.

Mr. SMOOT. The reason for my making the suggestion is that we do not know whether the next river and harbor appropriation bill will be a lump-sum appropriation or on the old plan of making separate appropriations for improvements and maintenance.

Mr. JONES of Washington. That is true.

Mr. SMOOT. And I think that if a provision were now inserted in this bill to apply to appropriations hereafter it would hardly be wise.

Mr. JONES of Washington. I have no objection to the amendment proposed by the Senator from Utah.

Mr. KING. Mr. President——

Mr. SMOOT. If the Senator has no objection to my amendment, I hope he will allow it to be acted upon.

Mr. KING. I have no objection; I approve of the amendment; but as soon as it is disposed of I shall resume the floor.

The PRESIDING OFFICER. The amendment proposed by the Senator from Utah to the amendment of the committee will be stated.

The SECRETARY. In section 8, on page 17, line 23, in the committee amendment, after the word "heretofore," it is proposed to insert the word "or"; and, in the same line, after the word "herein," to strike out the words "or hereafter," so as to read:

That appropriations heretofore or herein made for works of river and harbor improvements.

The PRESIDING OFFICER. Without objection, the amendment to the amendment is agreed to.

Mr. EDGE. Mr. President, I have a suggestion——

Mr. KING. If the Senator will permit me to conclude my observations, I shall then be glad to yield.

Mr. President, I have listened very attentively to the reply which has been made by the Senator from Washington [Mr. JONES], and I do not think he has quite met the suggestion which I made a moment ago. I repeat that, in my opinion, it is very unwise to give this unlimited authority to the Secretary of War. I do not think that an appropriation that is made for a specific purpose, for instance, for the deepening of a channel or of a harbor, should be used for the purpose of improving it in some other particular. It seems to me that this section, if it is to be carried in the bill, ought to be modified. I repeat that many appropriations are made for a specific purpose. The sum of $100,000, for instance, may be appropriated for the deepening of a harbor or a channel, upon which other improvements have been authorized, and which perhaps are being made, and it seems to me it would be wholly improper, if all of that fund were not used in the deepening or widening of the channel or the harbor, to use it for other improvements which had been authorized in and about the harbor or in or about the channel; and yet this language, as I interpret it, would be sufficiently broad to permit the diversion of funds which had been appropriated for a specific purpose for use for some other purpose.

Mr. JONES of Washington. Mr. President, the Senator from Utah is mistaken as to that. The department has no authority to use the money which we appropriate except for the projects which we approve. Whenever the Congress approves a project, that project and its limits are fully described in the reports of the engineers, which are referred to in the provision making the appropriation. Under no circumstances could they take any of the money thus appropriated and inaugurate a new project or use it for any purpose that Congress had not passed upon and authorized. I do not think there is any question about that. They can only use the money—and the section so provides—"for maintenance and for the repair and restoration of said works." That means works that the Congress has authorized and provided for. They can not expend it upon new works and new projects that have never been submitted to Congress.

Mr. KING. Mr. President, I respectfully dissent from the view of the Senator, if I interpret him correctly. From the language of the section, where an appropriation has been made for the construction of a harbor and $100,000, say, has been provided for deepening and $100,000 for widening the channel in the harbor, I have no doubt that if only $75,000 of it were used for deepening it, under this language, the other $25,000, in the discretion of the Secretary, might be appropriated for some other purpose in connection with the general project which had been authorized by Congress.

Mr. JONES of Washington. It could not be used for any purpose, except repairs, where the work has been seriously injured and where repairs are needed.

Mr. KING. It could be used for repairs on the general improvement; not on the specific one but on the general one, of which the specific improvement may be a part. This amendment will permit the utilization of funds appropriated for a specific purpose, which constitutes a part of the general plan, for the improvement of the general plan, where all of the appropriation is not used for the specific part of the general plan.

Mr. JONES of Washington. Let me suggest to the Senator that the language in this clause will not bear that construction. The money can not be used except for repairs, where the work has been seriously impaired; that is, for maintenance.

Mr. KING. I beg the Senator's pardon. If the Senator will indulge me, in the last line and fraction of the section these words appear:

As well as for the further improvement of said works.

Mr. JONES of Washington. That means the work that Congress has adopted.

Mr. KING. Exactly.

Mr. JONES of Washington. Well, if Congress has adopted a project, has authorized and appropriated for it, if there is money available for carrying it on, why should it not be done?

Mr. EDGE. Mr. President, I have a suggestion——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from New Jersey?

Mr. KING. I yield to the Senator from New Jersey.

Mr. EDGE. I simply have a suggestion to make in connection with the argument presented by the Senator from Utah. Would there be any objection to adding at the end of the section, after the words "as well as for the further improvement of said works," language similar to this:

Provided, however, That no appropriation shall be diverted from one project to another.

I think that really makes clear the intent of the Senator from Washington, as he, I think, correctly interprets the section; but there is certainly a question as to the meaning of the language as it now stands, and what I have suggested, it seems to me, would entirely clear it.

Mr. JONES of Washington. I should have no objection to such an amendment.

Mr. KING. That, in part, meets the criticism which I have suggested.

Mr. EDGE. I offer that amendment, Mr. President.

Mr. KING. But let me say to the Senator from New Jersey that if the word "project" could be interpreted in the proper way perhaps that would cover most of the criticism which I have offered; but the word "project," I am afraid, could be construed as the entire plan of improvement and not a particular part of the plan of improvement.

Mr. EDGE. Mr. President, I think the Senator is a little too technical. In my opinion the word "project" has generally been considered to mean a scheme of improvement. Whatever it may be, it covers the whole question of a particular improvement.

Mr. KING. There may be a project within a project, as the Senator knows.

Mr. EDGE. Then I very frankly say that money may be used for a project within a project when maintenance is necessary.

Mr. KING. I object to that. I think that would be very unwise, because a portion of a project, constituting a project in itself, might be destroyed, and the appropriation made for that particular project, which is a portion of a project or a project within a project, might be diverted to the general project; and Congress might not be willing, with the destruction of that specific project, that the money should be diverted to the use of the general project.

Mr. JONES of Washington. Let me suggest to the Senator that when we use the term "project" in referring to an improvement authorized by Congress all that it embraces or includes is what Congress has provided for. I will cite an example to illustrate that to the Senator. The Senator from New York [Mr. CALDER] and the people of his State in the particular locality were extremely anxious to secure an appropriation in this bill for the Jamaica Bay project. When that improvement was reported upon several years ago by the Engineers they

recommended a certain project embracing certain improvements and ultimately providing for a depth of 30 feet, but they suggested that the first step should be a channel of 18 feet.

The Chief of Engineers approved the project generally but stated that, in his judgment, no improvement should be authorized by Congress to start with except for the 18-foot channel, and that nothing beyond that should be done without further authorization of Congress. The engineers hold that that project—and that is the rule of Congress—embraces only the 18-foot depth and not the 30-foot depth. That is what the appropriation was made for, and none of that money, under the language of section 8, could be used for anything outside of an 18-foot depth. The engineers so hold, and the Secretary of War so construes the law, that they can not expend any money to secure anything except the 18-foot channel until Congress authorizes something different; so that while there is a general big project looking to a depth of 30 feet, the only project within the contemplation of the law is the 18-foot project.

Mr. SMOOT. Mr. President, I wish to express the hope that the amendment offered by the Senator from New Jersey [Mr. EDGE] will be agreed to, because I think that that amendment clears up the section and makes it plain that if an appropriation is made for a certain project it can only be diverted from the improvement of the project to the maintenance of the identical project. Perhaps objection could be raised even to that, because that is not what Congress intended the money to be expended for, but with the amendment of the Senator from New Jersey I am quite positive that the money can not be diverted any further than as suggested by me.

Mr. KING. I am quite in accord with the views announced by my colleague, and I hope that the amendment offered by the Senator from New Jersey will be accepted.

Mr. EDGE. I offer this amendment to the amendment, namely, in section 8, on line 5, page 18, after the word "works," to add the words "*Provided, however*, That no appropriation shall be diverted from one project to another."

The PRESIDING OFFICER. Without objection, the amendment to the amendment is agreed to.

Mr. TOWNSEND. Mr. President, may I interrupt the Senator for a moment?

Mr. KING. I yield.

Mr. TOWNSEND. As I understand, this is a provision which has been carried in river and harbor bills for years; in fact, it has been carried so long that the department considers it as existing law rather than a year-to-year provision. I do not understand that there has ever been any construction placed upon it otherwise than that proposed by the amendment offered by the Senator from New Jersey; I believe there has been no abuse of this proposition, and, therefore, it seems to me that the provision is absolutely innocuous in so far as any danger is concerned such as that to which the Senator from Utah has called attention.

Mr. KING. I hope the Senator is right, but I do not share the optimism which the Senator has expressed in reference to the manner in which these laws are administered.

I desire to call the attention of the Senator having this bill in charge to the last line of section 8 and ask whether he will accept as an amendment the following: After the word "further" and before the word "improvement," in line 5, page 18, add the word "authorized," so that it will read "as well as for the further authorized improvement of said works."

Mr. JONES of Washington. I have no objection to that.

Mr. KING. That will eliminate some of the objection which I have to the provision.

The PRESIDING OFFICER. Without objection, the amendment of the Senator from Utah to the amendment reported by the committee is adopted. The question now is upon the amendment offered by the committee as amended.

The amendment as amended was agreed to.

Mr. KING. I wish to give notice to the Senator from Washington that I shall, perhaps, offer a further amendment to section 8, and I ask that I may do so when the bill gets into the Senate. I do not wish to defer the action upon this section now.

Mr. SMOOT. Mr. President, do I understand that the amendment offered by the Senator from New Jersey has been agreed to?

The PRESIDING OFFICER. The amendment offered by the Senator from New Jersey has been adopted, as has the amendment offered by the Senator from Utah, and the committee amendment as amended has been agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 18, after line 5, to insert:

SEC. 9. That the Secretary of War be, and he is hereby, authorized and empowered, in his discretion, to transfer, free of charge, to the Chief of Engineers, United States Army, for use in the execution, under his direction, of any civil work or works authorized by Congress, such material, supplies, instruments, vehicles, machinery, or other equipment pertaining to the Military Establishment as are or may hereafter be found to be surplus and no longer required for military purposes.

Mr. KING. Mr. President, I want to ask the Senator if he has made inquiry of the Military Affairs Committee as to whether or not there are any supplies available for the purposes indicated?

Mr. JONES of Washington. I have not.

Mr. KING. We have been appropriating now in four or five bills, as I supposed, all of this paraphernalia not used by the Secretary of War to various other committees and instrumentalities of the Government.

Mr. JONES of Washington. I will state that Col. Taylor, representing the War Department, appeared before the committee and urged this provision very strongly, and it seems to me that it speaks for itself. If the War Department has material and machinery that could be profitably used in connection with this work, why is it not an economical thing to allow it to use it?

Mr. KING. I want to say to the Senator that in my opinion legislation of this kind is very unwise, and it has been demonstrated with respect to automobiles and a large amount of the surplus products that were the aftermath of the war. As the Senator knows, at the conclusion of the war there were thousands and tens of thousands of automobiles, and millions and tens of millions of dollars' worth of equipment, which were not needed any longer by the Army. We authorized the disposition by the Secretary of War to the Public Roads Department and to the Post Office Department, as well as to other departments, of some of these surplus automobiles. I am informed that some of the agencies of the Government to which allocations were made made exorbitant requests. They said: "The Government has these supplies on hand. Let us get as many of them as we need, and as we may need"; and the result was that their demands were very extravagant.

I think legislation of that kind is improper. The property ought to be sold, or a committee ought to be authorized to make a survey, and upon that survey and a determination of the imperative needs of any agency of the Government, then to make an appropriate allocation; but to make the general distribution which we have been making without limitation I submit is unwise, and leads to extravagance and waste.

Mr. WARREN. Mr. President, will the Senator yield?

Mr. KING. I yield.

Mr. WARREN. I agree with the Senator in many respects as to what he has said about extravagant use; but in other bills we have opened the door for that, and departments that have not been in the habit of using such material may have been, and doubtless have been, extravagant.

In this matter, with the engineers for rivers and harbors, I think that it is the safest place and the safest department where we could permit the use of those things; and, having done what we have, I think the move is all right. In addition to whether it is right or not, I assume that that department, as well as some others, is already in possession of and using material borrowed from the War Department, because, as a matter of fact, river and harbor work is itself within the War Department under the Engineer Corps.

Mr. JONES of Washington. Mr. President, I want to suggest to the Senator that this does not transfer the property to a new department. It is now under the Secretary of War, and the Engineers are under the Secretary of War; and it seemed to me that this was in the interest of economy, the interest of making proper use of what the Government might have, if it has anything. If the Senator can suggest any way in which better use can be made of any supplies that they have, I would welcome it.

Mr. KING. Mr. President, it is needless to invite attention to the fact that if there are quantities of automobiles—and I use the word "automobiles" because we are familiar with the large number which the Government has—if the Government is in the habit of transferring to departments and to agencies and to executive instrumentalities supplies upon their request upon the theory that those supplies are not needed by the Government those instrumentalities and agencies will make exactions far beyond their needs. The men who make them may think that they are acting prudently, but the very fact that there is an understanding that the Government has supplies that are available, that will not be used, will lead to extravagant exactions. I have understood that we have made distribution of the automobiles and other articles that are called for here to

various other departments, and that is the reason why I inquired of the Senator whether he had made inquiry to ascertain whether there were any supplies left available for distribution, as provided in this bill.

Mr. JONES of Washington. I take it that it would not be automobiles that would be used here. This is a supply of things that would be of special use in connection with carrying on river and harbor improvements. It struck me as such a wise provision in the statement of the engineers, and such a wise use of the supplies, that I did not inquire any further.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Commerce was, on page 18, after line 14, to insert:

SEC. 10. That section 4 of the river and harbor appropriation act, approved June 25, 1910, be, and the same is hereby, amended so as to read as follows:

"SEC. 4. That whenever any vessel belonging to or employed by the United States engaged upon river and harbor works collides with and damages another vessels, pier, or other legal structure belonging to any person or corporation, and whenever, in the prosecution of river and harbor works an accident occurs damaging or destroying property belonging to any person or corporation, and whenever personal property of employees of the United States, who are employed on or in connection with river and harbor works is damaged or destroyed in connection with the loss, threatened loss, or damage to United States property, or through efforts to save life or to preserve United States property, the Chief of Engineers shall cause an immediate examination to be made, and if, in his judgment, the facts and circumstances are such as to make the whole or any part of the damages or destruction a proper charge against the United States, the Chief of Engineers, subject to the approval of the Secretary of War, shall have authority to adjust and settle all claims for damages or destruction caused by the above designated collisions, accidents, etc., in cases where the damage or expense does not exceed $500, and pay the same from the appropriation directly involved, and to report such as exceed $500 to Congress for its consideration."

Mr. SMOOT. Mr. President, in my opinion there ought to be general legislation covering all such cases, not only in connection with rivers and harbors, but in connection with the Navy and Army. Within the last 30 days at least 12 or 14 bills have been passed by Congress for the purpose of allowing certain claimants to go to court. I think we ought to have a general bill covering this whole subject. As this is general legislation changing existing law, I make a point of order against the amendment.

Mr. JONES of Washington. Mr. President, I hope the Senator will withhold that point for just a moment. This amendment was urged very strongly by Col. Taylor. I can not lay my hand upon his statement just at this moment, however.

Mr. SMOOT. If the Senator desires, I will ask that the amendment go over.

Mr. JONES of Washington. I will ask the Senator to let it go over so that I can look up the statement of Col. Taylor.

The PRESIDING OFFICER. If there is no objection, the amendment will be passed over.

Mr. KING. Mr. President, does my colleague withdraw the point of order?

Mr. SMOOT. No.

Mr. KING. I shall raise it if he does not.

Mr. NELSON. Mr. President, I desire to call the attention of the Senator from Utah to the fact that this amendment is strictly limited to cases where the damage is done by vessels or craft employed in river and harbor improvements, that it does not cover anything else, and that no case can be passed upon where the damages are more than $500. I want to say to the Senator further that Congress has passed a law allowing suits to be brought against the United States in all cases of collision except in the case of warships or naval vessels—all merchant vessels. The act approved March 9, 1920, covers all cases of merchant vessels, allowing suits to be brought against the United States.

Mr. SMOOT. Some 14 special bills dealing with this subject have been passed by Congress within the last 30 days.

Mr. NELSON. I can not help that. There is a general law by which they can go to court in all cases of merchant vessels. We have a general law covering them, and I will give the Senator a copy of it, so that he can see what it provides.

Mr. SMOOT. I wish the Senator would; but I will ask that the amendment go over.

Mr. JONES of Washington. Mr. President, I have found what I was looking for awhile ago, and I want to call it to the attention of the senior Senator from Utah and to the attention of the junior Senator from Utah also. I should like to have the junior Senator from Utah notice this, and then, after I make this statement, if the point of order is insisted upon, very well.

We have a law now, section 10 of the river and harbor act referred to here, which provides:

That whenever any vessel belonging to or employed by the United States engaged upon river and harbor works collides with and damages another vessel, pier, or other legal structure belonging to any person or corporation—

The Chief of Engineers can cause an immediate survey to be made, and he can settle the claim if it does not exceed $500. The only addition we make by this section is this:

And whenever personal property of employees of the United States, who are employed on or in connection with river and harbor works, is damaged or destroyed in connection with the loss, threatened loss, or damage to United States property, or through efforts to save life or to preserve United States property—

Then they can settle the claim, if it does not exceed $500.

If the Senate prefers to allow this law to stand as it is, under which they can settle a claim resulting from a collision where it does not exceed $500, and is not willing that they should settle the claim of a poor laborer or a man who is employed upon these works whose personal property is destroyed in his attempt to save life or save property of the United States, very well. That appealed to the committee, however, as a change that we could well afford to make in this legislation; and Col. Taylor submits, and there is included in the report, a list of the claims that have been pending. They are small claims; and, as the Senator from Utah says, we have passed legislation of this kind. During this session of Congress we have passed legislation of this kind for the Coast and Geodetic Survey, allowing them to settle such claims; and Col. Taylor called the committee's attention to the fact that we have a law to authorize the settlement of claims growing out of collisions between vessels, and things of that kind, but that we did not have a law allowing the settlement and adjustment of claims for the destruction of the personal effects of any man employed on river and harbor work, and so forth, and we felt that that ought to be put in.

Mr. TOWNSEND. Mr. President, may I interrupt the Senator?

Mr. JONES of Washington. I yield.

Mr. TOWNSEND. In other words, we have an existing law which provides for the settlement of claims of corporations or large concerns to the extent of $500, but we are not willing to allow that same right to the poorer people, the employees and others, who may have been engaged in rendering very valuable services to the Government.

Mr. JONES of Washington. The committee thought that that was the purpose.

Mr. SMOOT. Mr. President, I still say that claims of this kind come up in the War Department and the Navy Department, and many others are referred to the Claims Committee, and there is hardly a deficiency appropriation bill passed by Congress that does not include a list of them.

Mr. NELSON. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Minnesota?

Mr. SMOOT. Yes.

Mr. NELSON. Do you want to say to these poor laborers on river and harbor work, who have their property destroyed or injured, that they must go into the Court of Claims for a little claim that does not amount to over $50 or $100? Is that what you want?

Mr. SMOOT. If the Senator had waited I would have told him what I want. I want the employees on river and harbor work to be treated exactly the same as employees of other departments of our Government and no differently. If there is to be a law passed providing that any employees of the Government shall have their claims adjudicated by the head of the department or by some individual in that department, and the amount paid, it ought to apply to all the employees of the Government. We ought to have a general law covering the whole question. There is no difference between the poor man working on rivers and harbors and the poor man working for the Navy or Army or any other department of the Government. When we talk about a law, if we are going to have it let us have a general law so that all these claims for the destruction of personal property can be settled by some one in the department, just as this amendment provides. It is general legislation, Mr. President, and I make the point of order against it.

Mr. WARREN. Will the Senator withhold his point of order for just a moment?

Mr. SMOOT. Yes.

Mr. WARREN. This is a somewhat new departure. For years the departments could not settle for a penny, except as it was sent up to Congress in the way of an estimate or audited claim. This is more open and wider than anything I have seen, because, in the first place, it says the Chief of Engineers. It

does not say there shall be a board of survey, and that report should be sent up. Besides, it makes the limit very large and leaves the claims out of the reckoning of matters of appropriation entirely. I think all these matters should be passed upon by a board of survey and be sent up in the regular way, and should be promptly paid; but I do not like to see $500 as a limit that can be paid in the manner in which they propose to pay it.

Mr. JONES of Washington. The Senator from Wyoming says this is a new thing. The section amended was in the act of June 25, 1910—10 years ago.

Mr. WARREN. That is for vessels.

Mr. JONES of Washington. Certainly; for vessels.

Mr. WARREN. I am speaking of it as a new thing so far as it is incompatible with other departments. I do not know any reason why a river and harbor bill should be in all respects entirely lawless, as compared with other appropriation bills and matters. Perhaps I should not use the term "lawless," but I do not know why it should have such a privilege over any other measures.

Mr. JONES of Washington. We are not asking for any special privilege in the river and harbor bill. We are asking for some consideration, however, for men working on river and harbor improvements, where their property is destroyed, and if we can not get that special legislation and can get it on the river and harbor appropriation bill, we want to do it.

Mr. NELSON. My recollection is that the Navy Department has the same power to settle small claims for collisions.

Mr. WARREN. That provision is only for the settlement of small claims.

Mr. NELSON. Up to $500, according to my recollection.

Mr. JONES of Washington. I do not know whether that is true or not, but whether the Navy Department has the authority or not has but very little weight with me, if it is a just proposition. If there is an opportunity to provide for the men on one class of work, I do not see why we should hold off and continue to do injustice to them because we are not covering everything in the Government service. I would like to see a general law, covering everybody. I think that would be very wise. But we have not done it, we are not doing it, and we will not do it. However, we have provided for claims of this kind, as well as other claims, with reference to various departments of the Government. As I said awhile ago, we provided for the Coast and Geodetic Survey just a short time ago, and we did it largely upon the basis that another branch of the Commerce Department had authority to settle claims, I forget now what it was, but it was shown in the report and shown in the RECORD here, and the Senate passed the bill.

Mr. President, I have not had an opportunity to look the matter up, but my recollection is that the House of Representatives, at any rate, has held the river and harbor bill to be different from the ordinary appropriation bill. It has held matters to be in order that would not be in order upon a regular appropriation bill. But I am not going to make any particular contention because of that.

I know this appeals to the Senator from Utah [Mr. SMOOT]. I know he is just as anxious to do justice to these people as I am, but it does seem to me that he ought not to insist, in a case like this, upon the point that it is general legislation.

The Senator from Wyoming suggests that there are large claims of this character. At the same time he refers to collision of vessels, damage to property, and destruction to property. If the engineers can safely settle those claims, and nobody can point out where they have not properly settled them, why can they not settle claims of this character?

Mr. SWANSON. In the Navy Department there were a great many small claims accumulated for damage by aircraft and damage of various kinds arising from collision of vessels. After looking at those claims and taking the time of Congress, we authorized the Secretary of the Navy to settle claims not exceeding $500.

Mr. SMOOT. For collision.

Mr. SWANSON. It is for damage by aircraft, and is not confined to collision. As I understand the law, take the aircraft, a man may injure somebody's farm or house. All those little things accumulated, and in France there were many of them, and we authorized the Navy Department to settle claims not exceeding $500. We saved time by it, we saved money by it, and we saved worry by it; and it seems to me it is a pretty good policy where the amount does not exceed $500.

Mr. WARREN. Does the Senator remember what appropriation is made? What amount per annum is appropriated for that purpose?

Mr. SWANSON. We did not make an appropriation per annum. These reports have to come in, and appropriations are made subsequently for them. But I do not think it is very much. We made no general appropriation for it.

Mr. WARREN. How much per annum? Perhaps $5,000?

Mr. SWANSON. I could not tell. I have no idea, except that I know in France, having airplanes, and at the navy yards, vessels going everywhere, trouble coming, little burnings, and so on, the claims accumulated, and it was nearly impossible to settle them in Congress. We thought it was better to let them settle claims not exceeding $500. Some wanted to make it more, but we refused, because we felt satisfied that these little claims could be satisfied that way better than by litigation.

Mr. LODGE. I am sure that in the Army there is a fund for settling such claims as damages arising from firing big guns in the neighborhood of houses, where they shatter windows, and that sort of thing.

Mr. WARREN. I suggested that for years there was nothing of that kind, and finally a small amount was allowed in our regular annual appropriation bill.

Mr. LODGE. We authorized it. I think a fund was given to the War Department and they settled the claims.

Mr. SWANSON. If you were to repeal that provision as applying to claims of $5, $10, $25, or $50, requiring them to be settled in the Court of Claims, it would cost any amount of money.

Mr. LODGE. I know the War Department settle such claims themselves.

Mr. JONES of Washington. I want to call the attention of the Senator from Utah to these facts, which, I think, will appeal to him: During the last 10 years they have settled under the authority they had claims amounting to $7,240.13, or an average of $814.14 a year.

Mr. SMOOT. That is for collisions?

Mr. JONES of Washington. That is right. They have settled, for instance, claims of the Norfolk & Southern Railway Co., the Virginia-Carolina Chemical Co., the Tucker Stevedoring Co., the Morse Dry Dock & Repair Co., the Columbia River Packers' Association, and a long list of others. That is the general character of the claims they have settled. What about these other claims? The engineers say:

> The desirability of additional relief legislation is shown by the fact that there have accumulated during the past 10 or 15 years under the Engineer Department a total of about 25 claims, which have been carefully investigated and found to be just, all but 5 of which have been submitted to Congress with recommendations that appropriations be made to authorize payment. No appropriations have been made in response to the recommendations. The five which have not been recommended have likewise been investigated and found to be just and reasonable, but have not been recommended because their adjustment has been only recently completed. The total of these claims is $9,960.58, or an average of less than $1,000 per annum.

What is the character of these claims?

Here is a list of the claims:

> Reimbursement for value of personal effects destroyed as result of explosion on ship *Alum Chine*.

That is for the ordinary individual, no company being involved there.

> Reimbursement for value of personal effects lost by burning on U. S. dredge *General C. B. Comstock*; 22 civilian employees of the Engineer Department at large.

They are the ones who suffered from that loss.

> Reimbursement for windows broken by concussion from blasts; Mr. P. C. Grimm, Lincoln, Wash.
>
> Reimburse crew of dredge *Captain C. W. Howell* for private property lost when dredge sank, September 14, 1911; 16 men, composing the crew of the U. S. dredge *Captain C. W. Howell*.

That is the character of claims the engineers want to settle. They have adjusted these claims. They have decided what is due. They have sent their recommendations down to Congress, and we have not provided for them, and these men must go without their money. They can not afford to hire an attorney and go into the Court of Claims. It would cost much more than their claims, and it does seem to me that we ought to make this provision, and that we can safely make it. If we are not going to do it, we ought to repeal the legislation for the settlement of claims of great companies with reference to collisions, where we have provided for their settlement. It seems to me that ought to appeal to the Senator from Utah, and that we ought not to hold these things off because we have not a general proposition. I appeal to the Senator to allow this to stand.

Mr. SMOOT. Mr. President, these claims from the department have come to the Appropriations Committee, not 5 or 10 or 25 claims, but hundreds of claims. This is the first time I have heard that there has been a refusal of such claims when submitted, and submitted in the regular way. The Secretary of the Treasury may have refused to submit them to the committee; I do not know; but I do know that hundreds of claims have

been paid. They are in almost every deficiency appropriation, as the Senator from Wyoming [Mr. WARREN] has already stated.

As far as general legislation is concerned, I am perfectly willing to support such legislation; but I want it to be a general law, and not apply to any particular employees of the Government. If it is fair for one employee, it is fair for another. I still insist upon the point of order.

Mr. JONES of Washington. I ask that it may go over.

Mr. SMOOT. I have no objection to its going over.

Mr. JONES of Washington. I have a question as to whether or not it is out of order, and I hope the Chair will see fit to submit it to the Senate when it comes up.

The PRESIDING OFFICER. The amendment goes over with the point of order pending. The Secretary will state the next amendment of the committee.

The ASSISTANT SECRETARY. The committee also recommends, on page 19, after line 15, to insert a new section, as follows:

SEC. 11. Specifications for work authorized in this or previous or subsequent river and harbor appropriation acts may be printed locally, in the discretion of the Chief of Engineers, anything in the law to the contrary notwithstanding.

Mr. SMOOT. I make a point of order that that is general legislation upon an appropriation bill and changes existing law.

Mr. JONES of Washington. The Senator from Utah has spoken to me with reference to that provision. The sole purpose of the committee in putting that provision in was in the interest of economy. Col. Taylor told the committee that the present practice or method resulted in not only a great deal of delay but also in considerable expense. The committee took his word for it. The chairman of the committee, at any rate, knows very little about these printing regulations. The Senator from Utah has assured me that it is in fact cheaper to have it done under the Joint Committee on Printing. That committee, as I recollect, has already issued an order under which the Engineer Department can have these things printed at their district offices—for instance, at the district office on the Pacific coast—so as to cause little delay, and the Senator from Utah calls my attention to a copy of the order. If that is the case, I am perfectly willing to withdraw the amendment, or rather ask that it be rejected independently of the point of order.

Mr. SMOOT. I do not care how it goes out of the bill.

Mr. JONES of Washington. Still the purpose of the amendment was economy and efficiency and quick service.

Mr. SMOOT. I want to say in answer to Col. Taylor that there are certain forms and publications that have been printed in private printing shops in different parts of the country for the Government. When the Government Printing Office is asked to bid upon them they have to set up all the type, they have to get the form in shape, and they have all the expense attached to the first order, whereas the private printing company already has the form set up, and perhaps there are not more than two words to change in the form, and all of that original expense is not taken into consideration by them, and therefore they can, in the particular order, do it more cheaply, perhaps, than the Government Printing Office can. But after the Government Printing Office gets a form set up and in the same position as those private printing offices throughout the United States, then the testimony shows that their bids run from 2 per cent to 400 per cent less than the outside bids.

I will assure the Senate that the Joint Committee on Printing had no other idea, and never will have, than to save money for the Government of the United States. When it can not be saved at the Government Printing Office, as in the case of the printing of facing slips by the million for the Post Office Department, the committee readily issues an order to the Postmaster General or to any other department whereby they could be printed in different parts of the country.

When this very matter was up before the Joint Committee on Printing—for it has been there—the question arose then as to the question of time; but we found that the great bulk of such printing was done in Baltimore; and I could not see how time was saved by having a letter come from San Francisco to Baltimore or having it come from San Francisco to Washington.

Mr. JONES of Washington. I should like to ask the Senator this: This relates only to specifications, as I recollect it.

Mr. SMOOT. Yes.

Mr. JONES of Washington. The specifications for one project will be entirely different, probably, from the specifications for another project. They are not general blanks.

Mr. SMOOT. The general terms are the same, but particular items and locality are different. If the Senator has seen them, he will know that a large part of the specifications are similar.

Mr. JONES of Washington. As I said a while ago, the action of the committee was based entirely upon a matter of economy. We took the statements of Col. Taylor with reference to their procedure and what they had to do.

I recognize the fact that the Senator from Utah is more familiar, as I said, with printing matters than any other Senator and probably than almost anyone else in the country, and I am willing to take his judgment on matters of that kind, just as I am willing to take the judgment of the engineers upon matters within their line of work or within their province. So I am perfectly willing for the Senate to reject the amendment, and I ask that it be done that way instead of on the point of order.

The PRESIDING OFFICER. Does the Senator from Utah withdraw his point of order?

Mr. SMOOT. Yes, with that understanding.

The PRESIDING OFFICER. The question is on the amendment proposed by the committee.

The amendment was rejected.

The next amendment of the Committee on Commerce was, on page 19, after line 20, to insert:

SEC. 12. That the agreement entered into by the Secretary of War on behalf of the United States with the Groton Iron Works, a corporation organized and existing under the laws of the State of Maine, and others, on the 1st day of December, 1917, and recorded in deed book 66, page 381, of the land records of Alexandria, Va., granting to said Groton Iron Works, its successors or assigns, an option to purchase 46.57 acres, more or less, of land located below high-water mark, and made in the course of river improvement upon the submerged soil of the Potomac River in what is known as Battery Cove, on the western bank of the Potomac River, in or near the city of Alexandria, Va., "subject to the approval of the Congress of the United States, and upon the express condition precedent that authority to that effect be first conferred upon him by statute," for the sum of $70,000, and which said agreement was by said Groton Iron Works assigned to the Virginia Shipbuilding Corporation, a corporation organized and existing under the laws of the State of Virginia by an indenture dated April 15, 1918, and recorded in deed book 67, at page 515 of the said land records of Alexandria, Va., be, and the same is hereby, ratified and approved; and whenever title to the whole of said reclaimed area, comprising 46.57 acres, shall be vested and confirmed in the United States either by final judgment in the action of ejectment now pending in the courts of the District of Columbia, entitled The United States of America, plaintiff, against Marine Railway & Coal Co. (Inc.), a corporation, defendant at law, being case No. 54872 on the docket of the Supreme Court of the District of Columbia, or by concession of the party or parties now claiming title adverse to the United States, the Secretary of War shall, on behalf of the United States, execute, acknowledge, and deliver to the Groton Iron Works, its successors or assigns, a deed in fee simple to the said tract of land known as Battery Cove, being the whole of said reclaimed area, comprising 46.57 acres, which adjoins the upland and is claimed by the Marine Railway & Coal Co. (Inc.), Michael B. Harlow, and the estate of Park Agnew, deceased, the estate of Cecelia L. Carne, the Southern Railway Co., and their grantees, for the sum of $70,000 therefor, which sum shall be credited to the proper fund as provided under existing law.

Mr. JONES of Washington. I think before it is read I should say a word with reference to the amendment inserting section 12. This amendment was not really submitted to the committee. I intended to submit it to the committee and had it prepared and had the report from the department and expected to do it, but we were rushed and we came to a conclusion upon another amendment, I think, just when the bells rang for a roll call in the Senate. The committee authorized me to put in an amendment with reference to surveys, and so forth, and this amendment was inserted.

I feel that I ought to say that strictly it is not really a committee amendment. With that statement, if any member of the committee should prefer that it be not treated as a committee amendment, I will withdraw it, but I thought I ought to make that statement in fairness to them and to the Senate.

I will say that I have a letter from the Secretary of War giving all the facts with reference to the amendment and giving all the facts that I have in regard to it. He recommends it very strongly. He made this contract, I think, about the time we got into the war and in the hope of hastening shipbuilding construction. It is for the purpose of carrying out contracts actually made and entered into by the Secretary of War, of course subject to approval by Congress, and I present it in that way.

Mr. RANSDELL. I should like to ask the chairman to give a very brief explanation of it.

Mr. JONES of Washington. I can not do it better than by reading the letter from the Secretary of War:

WAR DEPARTMENT,
Washington, April 7, 1920.

Hon. W. L. JONES,
Chairman Committee on Commerce,
United States Senate.

MY DEAR SENATOR: I have the honor to reply to your letter of the 6th instant, inclosing for my consideration a copy of an amendment intended to be proposed by Senator SWANSON to the pending river and harbor appropriation bill (H. R. 11892). The purpose of the proposed amendment is to sanction an agreement made by me for the sale of a tract of reclaimed land in the Potomac River and to authorize the sale of the said land in accordance with the terms of the agreement.

The pertinent facts are as follows:

The river and harbor act of June 25, 1910, made provision for the improvement of Potomac River at Alexandria, Va., and in the prosecution of this work it became necessary to select a place for the convenient deposit of the material dredged from the channel. It was decided to use for this purpose a certain submerged area known as "Battery Cove," a shallow indentation in the shore line of the river just below Alexandria. A riprap wall was built along the river edge of the cove and dredged material was deposited behind the wall and between it and high-water mark on the Virginia shore, thus converting into fast land an area of approximately 46.57 acres. The surface was built up to about the line of ordinary high water, and being the proprietor of the bed and banks of the Potomac River within the District of Columbia through cession of the State of Maryland, the Government claimed ownership of the filled-in area. This claim was disputed by the owners of the adjacent upland, who asserted ownership and possession; but as a result of negotiations an agreement was reached to let the question of title remain in abeyance until judicially decided. Thereupon the United States brought an action in ejectment in the Supreme Court of the District of Columbia against one of the upland owners to recover a part of the land, and the final judgment in that action will settle the disputed question of title to the whole of the reclaimed area.

In November, 1917, the Groton Iron Works, a corporation having a contract with the United States Emergency Fleet Corporation for building vessels in Alexandria for Government use, submitted to the department an offer to purchase this land, with a view to its improvement and utilization as a site for a shipbuilding plant. As immediate possession was desired, and under exsting conditions a sale could not be effected, it was also requested that a temporary lease be given. In considering the proposition the department, after carefully estimating the value of the property, decided that $1,500 per acre was a fair and reasonable price, if disposed of in its entirety, and that 6 per cent on this valuation would be a fair annual rental charge.

It was well understood that the Secretary of War could not lease the property, as it was not in the possession of the Government, and that, if in its possession, he could not sell it without the authorization of Congress. Consideration of all the facts and elements in the case resulted in a formal agreement being entered into December 1, 1917, between the Secretary of War and the several parties in interest embodying the following terms:

1. That the persons in possession of the property and claiming title thereto adverse to the United States might lease it to the Groton Iron Works for a period not exceeding five years at an annual rental of $4,200.

2. That the lease shall be subject to the action in ejectment pending in the Supreme Court of the District of Columbia and to any right of title and possession which may be affirmed in the United States by said action.

3. That the rent accruing under the lease shall be deposited in an approved depository for safe keeping until the action in ejectment is decided, and then paid to the United States if successful, otherwise to the lessors.

4. That, subject to the approval of Congress, and upon the express condition precedent that authority to that effect be first conferrred on the Secretary of War by statutes, the Groton Iron Works shall have the option to purchase the property for the sum of $70,000 in case the title of the United States shall be established or conceded.

In pursuance of this agreement the owners of the adjacent upland who were in possession of the disputed area made a lease by virtue of which the Groton Iron Works entered into possession and constructed its plant. The proposed amendment, if adopted by Congress, will authorize the Secretary of War to consummate the agreement to sell the property, and I recommend its favorable consideration.

Very respectfully,

NEWTON D. BAKER,
Secretary of War.

There are the facts with reference to the amendment. It seemed to me that it presented a case where we could very properly and should very properly give our consent to it. I overlooked calling it up in the committee. It was printed by mistake as a committee amendment. If any Senator thinks we ought not to consider it as a committee amendment, I will gladly withdraw it. Those are the facts, and if no Senator makes any objection it can properly be considered at this time.

Mr. POMERENE. May I ask what is to be gained by having this matter disposed of at the present time and on the pending bill?

Mr. JONES of Washington. I do not know that there is anything special to be gained. It has been nearly three years since the option was given. I do not know of anything special to be gained, except I suppose the people who have built their shipbuilding plant on the property would like to have assurance, if the title is to be held by the courts to be vested in the United States, that the title will be passed on. But I do not see any special loss or advantage.

Mr. POMERENE. How can we by legislative act confirm that title so long as it is in the courts?

Mr. JONES of Washington. It is expressly understood, of course, that the title does depend upon the decision of the courts. If the Senator thinks the amendment should be omitted, I will gladly withdraw it under the circumstances.

Mr. POMERENE. I see nothing to be gained by it. It seems to me it is a question that is to be disposed of by the courts, and we can not by any legislative act deprive the riparian owner of rights to which he is entitled.

Mr. JONES of Washington. If the Senator will permit me, the only thing I see is that if the supreme court should decide that the land belongs to the United States, the title can not pass until legislation of this character is enacted; and, of course, they would have to come in and wait until we could get the legislation considered. Of course this does not pretend to divest anyone of his rights, except if the court should hold that it is land of the United States, then it authorizes the Secretary of War to make the transfer that he agreed to make.

Mr. POMERENE. The entire legislation is based upon the game of "if." I think I shall object to it.

Mr. JONES of Washington. I feel under the circumstances that I should withdraw the amendment.

Mr. SWANSON. Mr. President, it seems to me it is only a question of good faith of the Government in an emergency of war. These people in Alexandria went to great expense to put up this great plant on the property under an agreement made by the Secretary of War on the part of the Government so far as the Government was concerned. It is a very doubtful question whether the Government can obtain riparian rights. So far as the Government is concerned, it said, "If you will put your plant there when it is necessary for the prosecution of the war, we will agree to recommend to Congress that you shall be given an option to purchase the land." I think the amount involved was $70,000.

It seems to me that for the Government to repudiate the contract which was made in an emergency by the Secretary of War, after hundreds of thousands of dollars have been expended in buildings, on the assumption that Congress would carry out the promise made by the Secretary of War, would be very harsh on these people. There is involved simply a question of good faith.

It is a litigated question. It was very urgent that the ships should be built and they could not be built without the construction of the plant on this land. So the Government said, "If you will build the plant on this land and go ahead with the construction of the ships, we are satisfied Congress will consent to our agreement, but we can not say it will do so." It was agreed that if the Government should win the suit and obtain title to the 46 acres of land, the shipbuilding company would be allowed to have it for $70,000 and take the chances with the riparian owners. Suppose the Government should win the suit and obtain title to the land, do you think it would be honorable for the Government to require them under this agreement, when they have put a million dollars' worth of buildings on this land, to pay a hundred thousand dollars? They are at the mercy of the Government.

Mr. POMERENE. Mr. President, I shall be ready to pass upon that question when it arises. I suspect the riparian owners claim title to this made land.

Mr. SWANSON. This does not interfere with the riparian owners.

Mr. POMERENE. I object to the amendment at the present time.

Mr. JONES of Washington. I withdraw the amendment. I think I have the right to do that, for it really is not a formal committee amendment. Then, of course, later the Senator from Virginia can offer the amendment in connection with the bill, if he desires to do so.

The PRESIDING OFFICER. If there is no objection, the amendment is withdrawn.

Mr. HARRISON. Mr. President, has the Senator from Washington more committee amendments to present?

Mr. JONES of Washington. I have another committee amendment which I desire to offer, on page 3, line 24. I send the amendment to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from Washington will be stated.

The ASSISTANT SECRETARY. On page 3, after line 24, it is proposed to insert:

Camden Harbor, Me.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. JONES of Washington. On page 10 there is a provision mbraced in lines 10 and 11 which really belongs on page 4. I do not desire to change the language, but simply desire to transpose it to where it properly belongs. I send an amendment to the desk to that effect.

The PRESIDING OFFICER. The amendment proposed by the Senator from Washington will be stated.

The ASSISTANT SECRETARY. It is proposed to transfer to page 4, between lines 7 and 8, the item found on page 10, which is embraced in lines 10 and 11, as follows:

Twelve-foot channel from Peconic Bay to Jamaica Bay, N. Y.

The PRESIDING OFFICER. If there is no objection, the amendment is agreed to.

Mr. JONES of Washington. On page 7, after line 17, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from Washington will be stated.

The ASSISTANT SECRETARY. On page 7, after line 17, it is proposed to insert:

Gulfport Harbor and Ship Island Pass, Miss.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. JONES of Washington. Mr. President, those are all the committee amendments, except the amendments which have been passed over.

Mr. HARRISON. Mr. President, I desire to offer an amendment.

The PRESIDING OFFICER. The amendment proposed by the Senator from Mississippi will be stated.

Mr. JONES of Washington. Mr. President, the amendment proposed by the Senator from Mississippi properly, under the unanimous-consent agreement, can not be taken up until the other committee amendments shall have been disposed of.

Mr. HARRISON. I understood that all committee amendments had been disposed of.

Mr. JONES of Washington. There were some committee amendments which were passed over.

Mr. HARRISON. Some committee amendments have been passed over; but I understood the agreement was that any committee amendments which would cause discussion or require a roll call would not be taken up.

Mr. JONES of Washington. That they would not be taken up to-day.

Mr. HARRISON. This is not a committee amendment.

Mr. JONES of Washington. Under the unanimous-consent agreement reached when I asked for the consideration of the bill, the Senator would really have to wait until we dispose of the committee amendments.

Mr. HARRISON. I will wait. I thought all the other matters had gone over.

Mr. JONES of Washington. I think some Senators would prefer that the course as originally agreed upon should be followed, though I myself would have no objection to the Senator from Mississippi offering his amendment at this time.

Mr. HARRISON. Very well.

Mr. JONES of Washington. That disposes of the committee amendments, and we shall not proceed further with the bill to-night.

Mr. POMERENE. Mr. President, I desire to inquire of the Senator from Washington what has been done with section 6 of the pending bill, the section relating to throwing of acids, and so forth, into any navigable water?

Mr. JONES of Washington. That section has been passed over.

Mr. POMERENE. I simply want to suggest a question to the chairman of the committee. The language reads, in part, thus:

SEC. 6. That, within areas to be prescribed by the Secretary of War, it shall not be lawful to throw, discharge, or deposit, or cause, suffer, or procure to be thrown, discharged, or deposited from any source whatever, any free acid or acid waste, or oil, in any form, either directly or indirectly, into any navigable water.

Let us assume, for the sake of the argument, that a steel plant is on a small nonnavigable creek which flows into a navigable stream, would such a stream be included under the language of the section?

Mr. JONES of Washington. I am inclined to think that, probably, it would, although I have not thought about any case of that kind.

Mr. POMERENE. I am not entirely clear about it; but it must be borne in mind that this is a criminal statute, and it would be strictly construed. I simply want to suggest to the Senator that I have some uncertainty about the point I have mentioned, and, as it is a criminal statute, it ought to be made perfectly clear as to what is the intention of Congress.

Mr. LODGE. If the Senator will allow me, I have not looked up the decisions, but I understand that the Supreme Court has held that in the case of a navigable stream the tributaries also are navigable.

Mr. POMERENE. There has been some holding to that effect; but I wanted this to be made perfectly clear, in view of the fact that it was a statute of a criminal character.

Mr. JONES of Washington. The Supreme Court has held that a stream is navigable if it can, in fact, be navigated in its ordinary and natural condition. I desire, however, to call the attention of the Senator to what is attempted to be met by the provision.

There is now a law, I understand, substantially the same as this, which applies only to the harbor of New York. It is a very important matter. The supervisor of the port of New York has been seeking additional appropriations in order to secure further assistance to take care of and enforce the law. Col. Taylor told us of one instance not very long ago where some one threw a cigarette, I think it was, over the side of a ship in the harbor close to one of the piers. It set fire to the oil that was on the surface of the water and burned up the pier and placed several ships in very great danger of destruction. The law at present applies apparently only to the harbor of New York. At Norfolk, Boston, Baltimore, and other ports there is a similar provision, which is attempted to be met by this provision. That is its purpose. I desired it to go over, because some Senators are rather concerned as to whether we should incorporate the word "willfully" in the section.

Mr. POMERENE. I rather assumed that one of the purposes of the section was to preserve the fish in the streams and rivers. I know that many of the States have statutes controlling that situation.

Mr. JONES of Washington. This amendment is really intended to apply to harbors?

Mr. POMERENE. I simply wanted to suggest the difficulty that was in my own mind for the consideration of the Senator.

Mr. JONES of Washington. We will carefully look into that phase of the matter.

Mr. EDGE. Mr. President, I did not intend to discuss, and will not do so at this time—because I have already discussed it with the chairman of the committee—the question of inserting the word "willfully" before the word "violate" in the section. I really think the section as it appears is rather broad. As I have advised the chairman of the committee, I do not want to make a point of order against it, for I think it has some merit, but I think that innocent violators of the provision should be protected in some way; and when the section is before the Senate I will discuss the matter a little further.

Mr. JONES of Washington. That phase of it will be very carefully considered. We do not want to work any hardships that can be avoided upon anyone.

ARMY REORGANIZATION.

Mr. NELSON. Mr. President, I submit the amendments which I send to the desk to the Army reorganization bill, being Senate bill 3792. The amendments are for the purpose of carrying out the views which I expressed in my remarks some three days ago, to wit, that instead of the proposed college training, even though it be voluntary, we shall have one-third of our Regular Army enlisted for one year and two-thirds for three years, to the end that the one-year men at the end of the year may be released from service and put into the reserves, their places to be taken by new men for the next year, and so on, until we secured an Army of a half million men, instead of the system provided in the Army reorganization bill. My amendments involve a good many changes in the pending bill, and I will ask to have the bill printed with the amendments in it which I have offered.

The PRESIDING OFFICER. Without objection, the amendments will be received, printed as requested, and lie on the table.

Mr. JONES of Washington. Mr. President, if there is nothing further, I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 25 minutes p. m.) the Senate adjourned until Monday, April 19, 1920, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *April 17, 1920.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Out of the deeps we cry unto Thee, our Father in heaven, a very present help in trouble. We find ourselves with the rest of the world confronting grave and stupendous problems which affect seriously the individual and every home throughout the land.

Our prayer is that we may follow Thee in our relations with mankind through that subtle and mysterious quality we call conscience, which points the way to truth with the same accuracy as the needle points the mariner over the trackless sea; that we may move forward to larger life, liberty, and justice; under the spiritual leadership of Thy son Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATIONS—CONFERENCE REPORT.

Mr. WOOD of Indiana. Mr. Speaker, I desire to call up the conference report on the legislative, executive, and judicial appropriation bill, H. R. 12610.

The SPEAKER. The gentleman from Indiana calls up the conference report on the legislative, executive, and judicial appropriation bill, which the Clerk will read.

The Clerk read the conference report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12610) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1921, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 40, 42, 43, 56, 57, 58, 59, 60, 61, 67, 68, 76, 80, 84, 92, 93, 94, 95, 96, 97, 100, 102, 112, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 145, 154, 158, 159, 160, 167, 168, 174, and 185.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 41, 45, 46, 47, 48, 49, 50, 51, 52, 54, 63, 64, 65, 66, 70, 71, 72, 73, 74, 75, 77, 82, 87, 88, 89, 90, 98, 99, 101, 103, 104, 105, 106, 107, 108, 109, 110, 111, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 141, 142, 143, 144, 146, 147, 148, 149, 150, 151, 152, 153, 155, 157, 161, 162, 163, 164, 165, 166, 169, 170, 171, 172, 173, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 186, 187, 188, and 189, and agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$24,060"; and the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows:

"The duty placed upon the Secretary of the Interior by section 4 of an act entitled 'An act to regulate and improve the civil service of the United States,' approved January 16, 1883, shall be performed on and after July 1, 1920, by the Civil Service Commission.

"For contingent and miscellaneous expenses of the Civil Service Commission, including furniture and other equipment and repairs thereto; supplies; telegraph and telephone service; freight and express charges; fuel, heat, light and power; window washing; street car fares not to exceed $100; stationery; law books, books of reference, directories, newspapers, and periodicals, not to exceed $350; charts; purchase, exchange, maintenance and repair of motor trucks, motor cycles and bicycles; maintenance and repair of electric conduit; postage stamps to prepay postage on matter addressed to postal-union countries; and special-delivery stamps; in all, $50,000.

"For rent of building for the Civil Service Commission, $16,875."

And the Senate agree to the same.

Amendment numbered 62: That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: Restore the sum stricken out by said amendment and strike out lines 15 to 20, inclusive, on page 32 of the bill, and insert in lieu thereof the following: "For temporary employees in the Department of State, $402,500: *Provided*, That no person shall be employed hereunder at a rate of compensation exceeding $5,000 per annum and not more than 8 persons shall be employed hereunder at a rate of compensation exceeding $1,800 per annum except the following: Four at $4,500 each, 3 at $4,000 each, 10 at $3,500 each, and 5 at $2,500 each"; and the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$30,060"; and the Senate agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows:

"Section 3595 of the Revised Statutes of the United States, as amended, providing for the appointment of an Assistant Treasurer of the United States at Boston, New York, Philadelphia, Baltimore, New Orleans, St. Louis, San Francisco, Cincinnati, and Chicago, and all laws or parts of laws so far as they authorize the establishment or maintenance of offices of such assistant treasurers or of Subtreasuries of the United States are hereby repealed from and after July 1, 1921; and the Secretary of the Treasury is authorized and directed to discontinue from and after such date or at such earlier date or dates as he may deem advisable, such Subtreasuries and the exercise of all duties and functions by such assistant treasurers or their offices. The office of each assistant treasurer specified above and the services of any officers or other employees assigned to duty at his office shall terminate upon the discontinuance of the functions of that office by the Secretary of the Treasury.

"The Secretary of the Treasury is hereby authorized, in his discretion, to transfer any or all of the duties and functions performed or authorized to be performed by the assistant treasurers above enumerated, or their offices, to the Treasurer of the United States or the mints or assay offices of the United States, under such rules and regulations as he may prescribe, or to utilize any of the Federal reserve banks acting as depositaries or fiscal agents of the United States, for the purpose of performing any or all of such duties and functions, notwithstanding the limitations of section 15 of the Federal reserve act, as amended, or any other provisions of law: *Provided*, That if any moneys or bullion, constituting part of the trust funds or other special funds heretofore required by law to be kept in Treasury offices, shall be deposited with any Federal reserve bank, then such moneys or bullion shall by such bank be kept separate and distinct from the assets, funds, and securities of the Federal reserve bank and be held in the joint custody of the Federal reserve agent and the Federal reserve bank: *Provided further*, That nothing in this section shall be construed to deny the right of the Secretary of the Treasury to use member banks as depositaries as heretofore authorized by law.

"The Secretary of the Treasury is hereby authorized to assign any or all the rooms, vaults, equipment, and safes or space in the buildings used by the Subtreasuries to any Federal reserve bank acting as fiscal agent of the United States.

"All employees in the Subtreasuries in the classified civil service of the United States, who may so desire, shall be eligible for transfer to classified civil-service positions under the control of the Treasury Department, or if their services are not required in such department they may be transferred to fill vacancies in any other executive department with the consent of such department. To the extent that such employees possess required qualifications, they shall be given preference over new appointments in the classified civil service under the control of the Treasury Department in the cities in which they are now employed."

And the Senate agree to the same.

Amendment numbered 79: That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,000,000"; and the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,000,000"; and the Senate agree to the same.

Amendment numbered 83: That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: In lieu of the

matter proposed by said amendment insert the following: "two at $2,200 each, one at $2,000"; and the Senate agree to the same.

Amendment numbered 85: That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,750"; and the Senate agree to the same.

Amendment numbered 86: That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment, as follows:

In lieu of the sum proposed insert "$852,790"; and the Senate agree to the same.

Amendment numbered 91: That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment, as follows:

On page 83 of the bill in line 23 strike out "$68,290," and insert in lieu thereof "$68,400"; and the Senate agree to the same.

Amendment numbered 156: That the House recede from its disagreement to the amendment of the Senate numbered 156, and agree to the same with an amendment, as follows:

In lieu of the sum proposed insert "$171,000"; and the Senate agree to the same.

On amendment numbered 53 the committee of conference have been unable to agree.

WILL R. WOOD,
T. U. SISSON,
Managers on the part of the House.
F. E. WARREN,
REED SMOOT,
L. S. OVERMAN,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12610) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1921, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of said amendments, namely:

On Nos. 1 to 35, inclusive, relating to the Senate: Appropriates for the compensation of employees and expenses of the Senate in the manner and the amounts proposed by the Senate amendments.

On Nos. 36, 37, 38, and 39, relating to the Joint Committee on Printing: Increases the compensation of employees of the Joint Committee on Printing, as proposed by the Senate, as follows: Clerk from $3,000 to $4,000, inspector from $2,000 to $2,250, and a stenographer from $1,000 to $1,500.

On Nos. 40 to 52, inclusive, relating to the Library of Congress: Appropriates $7,500 for the salary of the Librarian, as proposed by the House, instead of $7,000, as proposed by the Senate; increases the compensation of the Assistant Librarian from $4,000 to $4,500, as proposed by the Senate; strikes out an assistant chief clerk at $1,800 and a stenographer and typewriter to the chief assistant librarian at $1,600; authorizes the employment of one person at a compensation not to exceed $3,000 per annum in the legislative reference service; makes $500 of the appropriation for "temporary services" immediately available; makes $625 of the appropriation for "Sunday opening" immediately available; increases the amount for the purchase of books and other additions to the library from $80,000 to $90,000; increases the amount for contingent expenses from $8,500 to $9,000; and provides an additional telephone switchboard operator at $720.

On No. 53, relating to the Bureau of Efficiency: The committee of conference have been unable to agree.

On Nos. 54 and 55, relating to the Civil Service Commission: Inserts the language, proposed by the Senate, permitting the detail of clerks or other employees to the Civil Service Commission from the executive departments in the District of Columbia for duty in the fourth civil-service district; inserts the language, stricken out by the Senate, placing the appropriations for contingent expenses and rent for the commission directly under its jurisdiction, and modifies the language of the appropriation for contingent expenses so that it will include the items of expenditure now permitted under the current appropriations for contingent expenses.

On Nos. 56 to 63, inclusive, relating to the State Department: Strikes out the change proposed in the designation of a "law clerk" and provides for the following additional employees on the temporary roll, as proposed by the House, instead of on the statutory roll, as proposed by the Senate: Two drafting officers at $4,500 each, 3 drafting officers at $4,000 each, 5 drafting officers at $3,500 each, 2 assistant solicitors at $4,500 each, 5 assistant solicitors at $3,500 each, 5 law clerks at $2,500 each, and reduces the appropriation for miscellaneous expenses from $20,000 to $15,000.

On Nos. 64 and 65: Provides for a mechanical superintendent at $2,250 in the office of the chief clerk of the Treasury Department.

On Nos. 66 to 70, inclusive, relating to the General Supply Committee: Provides an additional clerk of class 3 at $1,600; strikes out the additional clerk at $1,400 and the additional clerk at $1,200, proposed by the Senate; and increases the sum for expenses of handling surplus material, supplies, and equipment from $80,000 to $100,000, as proposed by the Senate.

On Nos. 71 and 72: Reduces the appropriation for salaries in the Bureau of War Risk Insurance from $9,000,000 to $8,500,000, as proposed by the Senate.

On No. 73: Authorizes the use of not to exceed $1,200,000 of the appropriation "Expenses of loans" for temporary employees in the office of the Register of the Treasury, as proposed by the Senate, instead of $550,000 for that purpose, as proposed by the House.

On Nos. 74 and 75: Provides for a principal clerk at $2,000 in the office of the Comptroller of Currency, as proposed by the Senate.

On No. 76: Restores the paragraph, stricken out by the Senate, prohibiting the detail of enlisted personnel of the Coast Guard for duty in the office of the Coast Guard in the District of Columbia.

On No. 77: Strikes out, as proposed by the Senate, the authority for the expenditure of $4,020 for rent of a branch office in the District of Columbia for use of the collector of internal revenue for the district of Maryland.

On No. 78, relating to the Independent Treasury: Restores the language stricken out by the Senate abolishing the Subtreasuries, and so modified it as to make clear the manner in which the funds now required by law to be kept in the Treasury or in the Subtreasuries may be hereafter deposited or kept in the Federal reserve banks.

On Nos. 79 and 84, inclusive, relating to the appropriation for temporary employees in the War Department: Appropriates $3,000,000 instead of $2,500,000, as proposed by the House, and $4,000,000, as proposed by the Senate; provides an allotment of $1,850,000 for The Adjutant General's Office, as proposed by the House, instead of $2,000,000 as proposed by the Senate; authorizes the employment from the appropriation of three additional employees—one at $2,500, one at $2,200, and one at $2,000 in the office of the Secretary of War; and strikes out the authority for the employment of an additional employee at $2,400, and one at $2,000 in the office of the Surgeon General.

On Nos. 85 and 86: Appropriates for the pay of the chief clerk in The Adjutant General's office, at $2,750, instead of $2,500, as proposed by the House, and $3,000 as proposed by the Senate; and increases the compensation of the chief clerk in the office of the Chief of Ordnance from $2,250 to $2,500, as proposed by the Senate.

On Nos. 89, 90, and 91, relating to public buildings and grounds: Provides an additional sergeant of the park police at $1,580 in lieu of a private at $1,360, and readjusts the proportion of the total appropriation to be paid from the revenues of the District of Columbia.

On Nos. 92 to 98, inclusive, relating to the State, War, and Navy Department buildings: Strikes out the appropriations for "sign writers" in the various office buildings and inserts the paragraph, proposed by the Senate, authorizing the removal of any of the temporary office buildings erected on private property if the consent of the owners can not be obtained to a continuance of the lease and the occupancy thereof by the United States.

On Nos. 99 and 100, relating to the appropriation for temporary employees in the office of the Secretary of the Navy: Authorizes the employment of an additional person at $3,000, as proposed by the Senate, and strikes out the employment of two additional persons at $2,000.

On No. 101: Authorizes the employment of an additional person, at $3,000, from the appropriation for temporary employees in the office of the Solicitor for the Navy Department.

On No. 102: Strikes out the authority, proposed by the Senate, for the employment of one person, at $4,000, from the appropriation, "Naval records of the war with the Central Powers of Europe."

On No. 103: Provides for two temporary employees, at $3,000 each, in the office of the Judge Advocate General of the Navy.

On No. 104: Provides for two employees, at $2,000 each, to be paid from the appropriation for temporary employees in the office of the Chief of Naval Operations.

On Nos. 105 to 108, inclusive, relating to the Naval Observatory: Provides for an additional astronomer, at $3,200, and a chief clerk, at $2,000, as proposed by the Senate, and reduces the appropriation for temporary employees from $10,000 to $5,000.

On Nos. 109, 110, and 111, relating to the Nautical Almanac Office: Provides for an assistant, at $2,500, as proposed by the Senate, and reduces the appropriation for pay of computers on piecework from $3,000 to $1,500.

On No. 112, relating to the Bureau of Supplies and Accounts: Strikes out the authority proposed by the Senate for the employment of additional persons above the rate of $1,800 per annum under the appropriation for temporary employees.

On Nos. 113 and 114: Provides for a clerk, at $840, in the office of the Secretary of the Interior, as proposed by the Senate.

On Nos. 115 to 120, inclusive, relating to the Indian Office: Appropriates for additional employees in the Indian Office, as proposed by the Senate, as follows: Two clerks, at $1,800 each; 6 clerks, at $1,600 each; 2 clerks, at $1,500 each; 8 clerks, at $1,400 each; and 8 clerks, at $1,200 each.

On Nos. 121 and 122: Provides for six additional clerks, at $1,000 each, in the Patent Office, as proposed by the Senate.

On No. 123: Increases the appropriation for investigation of kindergarten education by the Bureau of Education from $5,000 to $6,000, as proposed by the Senate.

On Nos. 124 to 140, inclusive: Appropriates for the offices of surveyors general in Alaska and the various States in the amounts proposed by the House, instead of in the amounts proposed by the Senate. The total amount restored to the bill by the Senate's recessions on these items is $4,920.

On Nos. 141 to 146, inclusive, relating to the Post Office Department: Appropriates $4,500 for an additional assistant attorney, as proposed by the Senate; appropriates $76,000, as proposed by the Senate, for the transfer to the statutory roll of certain clerical employees now paid from the appropriation for railroad transportation; strikes out the appropriation of $2,000, proposed by the Senate, for painting and increases the appropriation for publication of the Postal Guide from $40,000 to $43,000, as proposed by the Senate.

On Nos. 147–153, inclusive, relating to the Department of Justice: Increases the compensations of the chief clerk from $3,000 to $3,500, the private secretary and assistant to the Attorney General from $3,000 to $3,600, the pardon attorney from $3,000 to $3,600, as proposed by the Senate; strikes out the appropriation of $2,000 for an assistant chief clerk; increases the appropriation for official transportation from $2,500 to $3,000; and inserts the paragraph, proposed by the Senate, authorizing the Secretary of War to transfer to the Department of Justice a 1-ton motor truck.

On Nos. 154–157, inclusive, relating to the Bureau of Foreign and Domestic Commerce: Increases the compensation of clerks to commercial attachés from $1,500 to $2,000 each and strikes out the provision for two additional clerks to commercial attachés, at $2,000 each; appropriates $171,000, instead of $165,000, as proposed by the House, and $200,000, as proposed by the Senate, for the commercial attaché service; and increases from $63,000 to $75,000 the amount of the appropriation for "promotion of commerce" which may be expended for branch offices in the United States.

On Nos. 158, 159, and 160, relating to the Steamboat-Inspection Service: Strikes out the two assistant inspectors at $1,100 each proposed for Mobile, Ala.

On Nos. 161–166, inclusive, relating to the Bureau of Navigation in the Department of Commerce: Provides for shipping commissioners at Bath, Me., at $1,000; Rockland, Me., $1,200; Charleston, S. C., $1,200; and increases the compensation of the commissioner at Galveston from $1,500 to $1,800 and the commissioner at San Francisco from $3,000 to $4,000; and increases the appropriation for operation of vessels in the enforcement of navigation laws from $60,000 to $75,400, as proposed by the Senate.

On Nos. 167 and 168: Strikes out the appropriation of $2,000, inserted by the Senate, for an expert optician in the Bureau of Standards.

On Nos. 169, 170, and 171: Provides, as proposed by the Senate, for the expenditure of $6,000 for stationery for the commercial attaché service in the Bureau of Foreign and Domestic Commerce.

On Nos. 172, 173, and 174, relating to the Department of Labor: Provides for a carpenter, at $1,200, in the office of the Secretary of Labor, as proposed by the Senate, and appropriates $100,000, as proposed by the House, instead of $150,000, as proposed by the Senate, for commissioners of conciliation in labor disputes.

On Nos. 175 and 176: Provides, as proposed by the Senate, for nine law clerks, one for the chief justice and one for each associate justice of the Supreme Court, at not exceeding $3,600 each.

On Nos. 177 and 178: Increases the compensation of nine clerks of United States circuit courts of appeals from $3,500 to $4,500 each.

On No. 179: Inserts the paragraph, proposed by the Senate, making the total appropriation for compensation of district judges available for the salaries of all district judges who may lawfully be entitled to compensation during the fiscal year 1921.

On Nos. 180, 181, and 182, relating to the Court of Appeals of the District of Columbia: Increases the compensation of the chief justice from $8,500 to $9,000 and the compensation of the clerk from $3,500 to $4,500.

On Nos. 183 and 184: Increases the compensation of the chief justice of the Supreme Court of the District of Columbia from $7,500 to $8,000.

On Nos. 185 and 186, concerning the paragraph relating to the purchase of typewriting machines: Strikes out the language, proposed by the Senate, prohibiting the purchase of a machine through exchange if it is of a different make than the machine given in exchange, and inserts the language, proposed by the Senate, prohibiting the sale or exchange of any typewriting machines that have been used less than three years.

On No. 187: Inserts the paragraph, proposed by the Senate, granting increased compensation at the rate of $240 per annum to certain civilian employees of the Government of the United States and the District of Columbia during the fiscal year 1921. The section inserted by the Senate is in the exact terms of a similar section of the bill as it was reported to the House.

On No. 188: Corrects a section number in the bill.

On No. 189: Inserts the section, proposed by the Senate, extending the jurisdiction of the Joint Committee on Printing to mimeographing, multigraphing, and other processes used for the duplication of typewritten and printed matter.

WILL R. WOOD,
T. U. SISSON,
Managers on the part of the House.

Mr. WOOD of Indiana. Mr. Speaker, I desire to make a brief statement showing the net results of the conference, the report upon which has just been read.

The amount of this bill as it originally passed the House was $104,368,671.11.

The amount of the bill as it passed the Senate was $105,761,081.11.

The net increase added by the Senate was $1,392,410.

The Senate receded as to items amounting in the net to $1,025,355.

The House receded as to items amounting in the net to $367,055.

The amount of the bill as agreed upon in conference is $104,735,726.11.

The amount of the legislative, executive, and judicial appropriation bill for 1920 was $127,165,683.63.

This bill as agreed upon is less than the appropriations for 1920 by $22,429,957.52.

The amount of the estimates for this bill for 1921 was $122,453,685.52.

The bill as finally agreed upon is less than the amount of the estimates by $17,717,959.41.

I wish to say that I feel indebted to, and I know that the Members of the House, all of whom appreciate his high-grade service, will be pleased that I shall make public acknowledgment of the splendid service rendered on this conference committee by my coconferee, the gentleman from Mississippi [Mr. SISSON]. [Applause.] By reason of his long experience upon conference committees, by reason of his thorough knowledge of the appropriations as they are considered by the committee and as they pass the House, he has become peculiarly competent to render service of the most valuable character. From first to last, in the committee room, in the House, and in the conference, he has been actuated by but one purpose and one desire, and that to serve his country well through conscientious endeavor to save the taxpayers some money in this appropriation bill. I therefore feel that this public acknowledgment is due to him, and I am more than pleased to make it. [Applause.]

The important changes made in this bill are very few in number. One of them is with reference to the lump-sum appropriation made for clerk hire in the War Department. The bill as it passed the House carried an appropriation of $2,500,000.

The Senate restored the amount of the estimates, $4,000,000. In conference the Senate receded to the amount of $1,000,000, and the House receded to the amount of $500,000, making the total appropriation as finally agreed upon $3,000,000, $1,850,000 of which was allotted to The Adjutant General's office for the purpose of getting out the lists and records of ex-service men for the adjutant generals throughout the United States, and for the purpose of aiding The Adjutant General's office to furnish the information required from that office to the finance section of the War Department, the War Risk Bureau, and others who have to do with making final settlement of the claims of ex-service men.

Another item was that abolishing the Subtreasuries. That item carried in the House bill was stricken out by the Senate and restored in conference, so that as the bill now stands the Subtreasuries of the United States will be abolished at the end of a year.

Mr. MILLER. Will the gentleman yield for a short question?

Mr. WOOD of Indiana. Yes.

Mr. MILLER. In that connection I should like the gentleman to explain just how the abolition of those offices affects the mints and assay offices in the United States?

Mr. GOOD. Not at all.

Mr. WOOD of Indiana. It does not affect them at all?

Mr. MILLER. I ask my question because of the phraseology in the second paragraph on page 3 of the report.

Mr. WOOD of Indiana. The only way in which they might possibly be affected is that the language abolishing the Subtreasuries provides that the United States Treasurer may use the vaults of the mints for the storage of bullion.

Mr. MILLER. There is nothing in the bill affecting the running of those institutions?

Mr. WOOD of Indiana. Not at all as far as their operation is concerned.

Mr. DYER. Will the gentleman yield?

Mr. WOOD of Indiana. I yield to the gentleman from Missouri.

Mr. DYER. The saving to the Government by the abolishing of the Subtreasuries will amount to about $500,000 a year.

Mr. WOOD of Indiana. Yes; a little over half a million dollars a year.

Mr. DYER. Can the gentleman state why it was that the date fixed was July 1, 1921, instead of July 1, 1920?

Mr. WOOD of Indiana. The Committee on Appropriations and the conference committee were of the opinion that possibly the time fixed here would be required, for the Secretary of the Treasury must make provision for taking over the various activities or whatever is left of these Subtreasuries, and it was done in order to meet the convenience of the Treasurer's office.

Mr. DYER. You thought all that time would be necessary, up until July 1, 1921?

Mr. WOOD of Indiana. Yes; but they may be abolished before that time. They must be abolished within that time. Some of them will no doubt be abolished before the end of that time. It will be easier to get rid of some of them than others.

Mr. DYER. Who has that discretion?

Mr. WOOD of Indiana. The Secretary of the Treasury.

Mr. DYER. He has the authority to do that?

Mr. WOOD of Indiana. Yes; and in addition to the saving of $500,000 to which the gentleman refers, the estimate of the Secretary of the Treasury is that there will be a saving to the United States Government of more than $2,000,000 a year in interest.

Mr. DYER. I think this is one of the greatest accomplishments of the present Committee on Appropriations, and I want to congratulate them that they have finally overcome the partisan desire to keep a lot of fellows in public office purely for politics, and that we now at least are getting down to some evidence of a desire of the Congress to have its way on behalf of the people and save them a lot of money that has been spent on these Subtreasuries in the last six or seven years, or since the Federal Reserve System was established, uselessly and, in my judgment, purely to keep people in public office for partisan reasons.

Mr. WOOD of Indiana. I thank the gentleman for the commendation, not only for myself but on behalf of the Appropriation Committee and the conferees, because we have received much condemnation, and this will tend to offset much of it. [Laughter.]

Mr. LONGWORTH. Will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. LONGWORTH. Under the conference report is the appropriation continued for Subtreasuries during the fiscal year of 1921?

Mr. WOOD of Indiana. Yes.

Mr. LONGWORTH. And thereafter they are abolished.

Mr. WOOD of Indiana. Yes.

Mr. CLARK of Missouri. Will the gentleman yield?

Mr. WOOD of Indiana. I will.

Mr. CLARK of Missouri. What is the net increase in this conference report over the bill as it left the House?

Mr. WOOD of Indiana. Three hundred and sixty-seven thousand and fifty-five dollars.

Mr. CLARK of Missouri. I think the conferees have done very well to come out of it with that. [Applause.]

Mr. WALSH. Will the gentleman yield?

Mr. WOOD of Indiana. I will.

Mr. WALSH. Will the gentleman state what consideration apparently overwhelmed the House conferees resulting in the increase of the salary of the Chief Justice of the Court of Appeals and the Supreme Court of the District of Columbia?

Mr. WOOD of Indiana. I do not know that we were entirely overwhelmed, but we yielded to the amendment made by the Senate increasing the salary of the chief justice by reason of the fact that he is the chief justice and is entitled to a little more compensation in recognition of his exalted station in comparison with the associate judges.

Mr. WALSH. If the gentleman will permit, that is the method taken to increase salaries all along the line. It is something like the increase in the cost of living and increase in wages, one follows the other. The proper place for the increase of salaries of justices, as the gentleman will recognize, is within the jurisdiction of another committee. I am not criticizing the House conferees or the House committee. I think they have done a splendid work on this particular bill and are entitled to a great deal of commendation. But I wish to point out to the gentleman that there is a great movement organized apparently on foot trying to secure an increase of the salary of judges within the District of Columbia, and not only that, but to get more judges. I trust the gentleman will have that in mind when the next bill comes up before his committee.

Now, I want to ask the gentleman a further question, and that is in reference to the amendment shifting the Bureau of Efficiency. Did the House conferees have any proposition to make in reference to it?

Mr. WOOD of Indiana. I will state that the House conferees did not spend a great amount of time in the consideration of the Senate amendment for the reason that the House conferees announced to the Senate conferees immediately that we were instructed to report this item back to the House for consideration.

There was this consideration, however, with reference to that portion of the Senate amendment which provides the manner in which the Director of the Bureau of Efficiency may be removed. It was agreed that in the event that this item stayed in the bill an amendment should be had that the same authority that appoints the head of the bureau, the Speaker of the House and the President of the Senate, should have the power to remove him.

Further than that there was no considerable consideration of the amendment, except that the conferees, I think, were unanimous in the opinion that the Bureau of Efficiency should report in some way or other to the Congress of the United States; that as long as it continued to operate as it does now it could not be the Bureau of Efficiency that it was the intention of Congress it should be, because of the opposition it received in every executive department of this Government with two or three exceptions.

Mr. WALSH. The gentleman intends to make no recommendation with reference to it?

Mr. WOOD of Indiana. No; we brought it back for the deliberation of the House, as we agreed to in the outset. There is another item I wish to call the attention of the House to of some importance. The House appropriated $9,000,000 for the clerical hire in the War Risk Bureau. The Senate reduced that to $8,500,000, making a reduction of $500,000. The House conferees acceded to that amendment on the belief that the clerical force can be reduced within the year so that those who wish to work can have plenty of opportunity to work, and I am confident they can be fully compensated by the sum allotted.

Mr. WALSH. Will the gentleman permit another question?

Mr. WOOD of Indiana. Yes.

Mr. WALSH. With reference to the bonus provision, does that include the clerks in the War Risk Bureau?

Mr. WOOD of Indiana. It does not, except to the extent of $120. The bonus provision as it now appears in the bill is the exact provision that appeared in the House bill which went out on a point of order. The Senate made no amendment to it and no amendment was made to it in conference for that

reason. Under the bonus provision those who are now employed in the War Risk Bureau receive $120. It will be recalled that it was fixed at that amount as compared with $240 for clerks doing like service in other branches of the Government a year ago. That was for the reason that under the classification adopted for the employees of the War Risk Bureau they were receiving more pay proportionately than those doing like work in other departments.

After consideration of this item and the passage of this bill in the House we were informed by the Bureau of War Risk Insurance that it was the intention of the War Risk Bureau for the next fiscal year to reduce the classification, so that they would operate on the same basis as the clerks in other departments now operate. But whether that classification has been completed seems not to be entirely clear, and under the operation of the War Risk Bureau their present classification may be continued as it is now, without reduction; and if so, the employees in the War Risk Bureau will get substantially the same increase that the other clerks now get by reason of the fact that their basic pay is larger than that of clerks in other departments doing similar service.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. GREEN of Iowa. What is the word used in the bill? You do not use the word "bonus."

Mr. WOOD of Indiana. "Increased compensation."

Mr. GREEN of Iowa. It is in fact a temporary increase of salary.

Mr. WOOD of Indiana. It is an additional compensation.

Mr. GREEN of Iowa. But only temporary in character.

Mr. WOOD of Indiana. That is all.

Mr. GREEN of Iowa. The reason I asked is that we often hear of the Federal clerks having been given a bonus similar to something now asked by the soldiers. In the hearings before the Ways and Means Committee various witnesses referred to the fact that the employees had been given a "bonus," but as a matter of fact they were given a temporary increase of salary. Is not that correct?

Mr. WOOD of Indiana. That is correct.

Mr. GARD. Will the gentleman yield for a question?

Mr. WOOD of Indiana. I yield.

Mr. GARD. In taking up the matter of the bonus and other matters in connection with compensation to employees, did the committee take into consideration the report of the Commission on Reclassification of Salaries that has been filed in this House?

Mr. WOOD of Indiana. The House bill was made up and this bonus provision inserted and the bill was passed by the House before the report of the Reclassification Commission was submitted.

Mr. GARD. I know that; but it was submitted after the bill passed the House and before the bonus was added to it in the Senate.

Mr. WOOD of Indiana. That is correct, and I would state that the conferees did not take into consideration the reclassification report.

Mr. GARD. They gave it no consideration whatever?

Mr. WOOD of Indiana. They did not. We had no jurisdiction over it, and in consequence our considering it would heve produced no possible result.

Mr. DYER. Mr. Speaker, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. DYER. Does this increase of pay for employees of the Federal Government include the employees of the Federal Board for Vocational Education?

Mr. WOOD of Indiana. It does not.

Mr. DYER. Will the gentleman state why they have been left out, as usual?

Mr. WOOD of Indiana. They were left out originally under the limitation in respect to those institutions that were established after a certain date—January 1, 1916—and because of the fact that they receive lump-sum appropriations, and the heads of the department graduate their salaries; also because, in fact, they are paid higher salaries than are the clerks operating under the salaries fixed by the statute in the old established departments. The committee left the matter exactly as it was. It became an original Senate provision by reason of its going out of the House bill on a point of order.

Mr. DYER. I have examined the salaries of the employees of the Federal Board for Vocational Education in comparison with the pay of the employees in other departments to which this increase is granted, and to all intents the pay is substantially the same, with the exception that the other employees get an increase in the way of this $240 extra compensation. It is not fair to the employees of the board that they should be left out.

Mr. WOOD of Indiana. That is a matter that the heads of that department will have to solve for themselves. Their appropriation is a lump-sum appropriation, and they fix their own salaries, as I am informed.

Mr. DYER. Does the gentleman recall whether or not they asked to be included?

Mr. WOOD of Indiana. Yes. No one appeared for them before the House committee, and no one appeared for them before the Senate committee, but certain members of the committee received letters from them, and after the Senate had passed the bill some representatives of the Vocational Education Board came to see some members of the committee. It was absolutely impossible for us to give them any relief in conference, because of the fact that the conference committee can not raise the amount of the appropriation or increase the salaries of those who are benefited by it.

Mr. DYER. I suppose the gentleman feels as we all hope, that before the next appropriation bill for the next fiscal year, following the one under consideration now, the salaries of the various employees will be adjusted under the advice of this great Reclassification Commission.

Mr. WOOD of Indiana. I do not know whether it will be done as a result of the work of that commission or not, but there is no doubt of the necessity for a reclassification and a refixing of the salaries.

Mr. DYER. The gentleman thinks that will be done within the next fiscal year?

Mr. WOOD of Indiana. I hope it will, because of the patchwork by which the classification and fixing of salaries has been built up here. It is absolutely inconsistent. You find in many departments where there are variations of three or four hundred dollars in the pay of clerks who are doing exactly the same thing.

Mr. GREEN of Iowa. Mr. Speaker, will the gentleman yield?

Mr. WOOD of Indiana. I yield.

Mr. GREEN of Iowa. Do I understand the gentleman to say that the heads of the department just referred to receive a lump-sum appropriation and fix the salaries themselves?

Mr. WOOD of Indiana. That is my understanding. That is true with reference to the War Risk Bureau. The original bonus provision carried $120 for the war-risk people as against $240 for like employees in the other departments.

Mr. GREEN of Iowa. Under those circumstances I do not see how the committee of conference could have done anything else than it did do.

Mr. WOOD of Indiana. It could not do anything else.

Mr. GREEN of Iowa. As long as that system prevails whereby they fix the salaries.

Mr. WOOD of Indiana. In fairness to those who are in charge of the Vocational Education Board and the War Risk Bureau, I would suggest that they might save considerable trouble to themselves and avoid complaint about the disparity of pay by putting their employees under the same classification as the employees of the other departments, so that they would receive the same amount of bonus received by the clerks in other departments, and personally I regret that this could not be done.

Mr. MILLER. Mr. Speaker, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. MILLER. I see that amendment No. 158, on page 138, provides two assistant inspectors of hulls and boilers to be assigned to Mobile at a salary of $2,100 each. Was there any discussion in the conference regarding the equalization of these salaries of assistant inspectors of hulls and boilers on the Lakes and the Atlantic and the Pacific seaboards?

Mr. WOOD of Indiana. The item to which the gentleman has called my attention went out in conference, so that it does not appear in the bill. There was no discussion with reference to the equalization of these salaries. We could not equalize them in conference, and consequently any discussion that might have been had there would have been of no avail.

Mr. MILLER. The gentleman appreciates the inequalities in these salaries?

Mr. WOOD of Indiana. There is no doubt about that. That is only one of many inequalities in the pay of officers and servants of the United States Government.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. MONDELL. Mr. Speaker, I move that the House still further insist upon its disagreement to Senate amendment No. 53, relative to the Bureau of Efficiency.

The SPEAKER. The gentleman from Wyoming moves that the House insist upon its disagreement to Senate amendment No. 53.

Mr. MONDELL. Mr. Speaker, I am of the opinion that ultimately the activities and jurisdiction of the Bureau of Effi-

ciency should be in the control of the Congress, and ultimately I have no doubt but what that will be, but I have very grave doubt of the wisdom of making the transfer now for these reasons: The House some months ago passed a bill providing for a budget. The House is very insistent that there shall be budget legislation this session of Congress. [Applause.] The House is equally insistent that the budget legislation shall be thoroughgoing and effective and not a makeshift or a camouflage. I do not say—I am not justified in saying, because I do not know—that this amendment was placed on this bill by those not friendly to a thoroughgoing, effective budget system, but I do know, or at least I believe, that the adoption of this amendment would make it much easier to avoid and defeat the adoption of a budget system at this session.

Mr. WALSH. Will the gentleman yield?

Mr. MONDELL. And if the provision was not put in the bill for that purpose, I can not imagine what the purpose could have been. I will yield to the gentleman from Massachusetts.

Mr. WALSH. Has the gentleman considered the contingency that possibly this very provision will have to be considered in conference again if budget legislation ever gets to conference?

Mr. MONDELL. I have considered that, and that is one of the very reasons why this should not be considered at this time and in connection with this legislation and in this form. It should not be, because it confuses the situation. It interjects into the legislative situation a condition tending to make it easier to defeat an effective budget bill; it affords an excuse for not providing a thoroughgoing and effective budget bill in the due course of time.

Mr. GARNER. Will the gentleman yield?

Mr. MONDELL. In just a moment. In the due course of time and in connection with the general question of the budget this matter should be considered, and it will be then logical to consider it. It can then be considered on its merits in connection with the other important propositions of which it would be a part. I now yield to the gentleman from Texas.

Mr. GARNER. The budget bill which we passed in the House and went over to the Senate contained two propositions. One was an executive budget and the other a legislative budget and an independent audit system. Now, this would tend to take the place of an independent audit system, and if we adopt both we would have a duplication of work which, I think, is wholly unnecessary, and I can not conceive of this legislation being proposed for any other purpose except to defeat the budget bill which we sent to the Senate.

Mr. MONDELL. Whether that be the purpose or not that will be the effect, and I can not think of anything more illogical than having started to develop a budget system, a thoroughgoing and effective budget system, we shall, in the midst of the prosecution of that essential work, turn aside and pick up a makeshift or partial substitute for some features of a budget. Now, Mr. Speaker, that is about all I care to say about the matter. I feel very earnestly about this matter. I think the House is called upon again to say whether it stands squarely, unequivocally, honestly, and with determination for budget legislation.

Mr. GARNER. Will the gentleman yield?

Mr. MONDELL. I do.

Mr. GARNER. I think the gentleman ought to say in that connection, in order that we may get a parliamentary situation so we can get a budget system, that unless something develops between the time we pass the sundry civil bill or the deficiency bill or some other bill that must become a law before this Congress adjourns which will make the parliamentary situation such as to make it possible for us to consider some kind of budget legislation—one gentleman remarks that we put it through, but the Senate has not put it through, and the Senate may not consider and may not pass the legislation—we should put it on some appropriation bill. Then they will be compelled to consider it, and this House will have an opportunity to force legislation of that character.

Mr. CLARK of Missouri. Will the gentleman yield?

Mr. MONDELL. In just a moment. I think I have sufficiently evidenced my earnestness in the matter, and while I think we ought to proceed along the usual legislative lines, if it becomes necessary to do otherwise that is a matter that certainly ought to be considered. I will now yield to the gentleman from Missouri.

Mr. CLARK of Missouri. I will ask the gentleman if the House did not pass the budget bill by an almost unanimous vote?

Mr. MONDELL. It did.

Mr. CLARK of Missouri. Where does the opposition come from?

Mr. MONDELL. Well, I do not know, I will say to my friend, definitely; but I do not like to see a provision of this kind that, to my eye, has the complexion of the proverbial African in the woodpile. It may not be, but it has that appearance to me.

Mr. CLARK of Missouri. I will state to the gentleman that I heard this morning, which looked to me to be straight, that one of the most powerful Republican Senators over in the Senate was fixing to kick the slats out of this whole budget business.

Mr. MONDELL. I am sure that the Senate, as the House, is practically unanimously in favor of a budget, but I think it is always our duty to make the way easy to those who desire to pursue the path of righteousness.

Mr. CLARK of Missouri. If the gentleman will yield for another question. What brought about the suggestion that if we pass this thing now and then pass a budget bill that we will have another case of duplication? Can not we bring in a bill one day legislating this efficiency concern out of existence?

Mr. MONDELL. Well, that might be done. Does the gentleman from Iowa desire some time?

Mr. HASTINGS. Will the gentleman yield a minute to me?

Mr. MONDELL. I yield.

Mr. HASTINGS. I want to invite the majority leader's attention to a proposed amendment to the Constitution, which would permit the President to veto items in an appropriation bill. Now, if the majority leader is really in earnest about economizing, I think the giving of the President the power to veto separate items in an appropriation bill will do more to bring about economy, or as much to bring about economy, as anything else that could be done. I have taken occasion—and I hope to have the opportunity of addressing the House on the subject in the near future—to write to the governor of every State in the Union, and I have collected a great deal of data concerning this matter. A great many of the States of the Union have similar provisions, and this provision is not criticized by the governor of any State, but most of them commend it, and say it has done a great deal of good in the various States where they have such a provision. And I can not see any argument against such an amendment to the Constitution of the United States.

Mr. MONDELL. Does the gentleman from Mississippi [Mr. SISSON] desire some time in opposition?

Mr. SISSON. Yes.

Mr. MONDELL. How much? Five minutes?

Mr. SISSON. I would like to take a little longer time than that. I would rather not be limited for the present. I am not going to talk very long, but will talk directly on this item.

Mr. MONDELL. Ten minutes?

Mr. SISSON. Yes.

Mr. MONDELL. I yield to the gentleman 10 minutes.

Mr. SISSON. Mr. Speaker, in my judgment the gentleman from Wyoming is unnecessarily alarmed about this item. If I may get the attention of the House, I believe I can convince it that this item has nothing to do with the budget. If you have a budget and you make the allotment to the various departments of the Government and follow the budget to the letter, this Bureau of Efficiency has to do with the money after it has been allotted or appropriated to the departments. They have made a great many recommendations which have been carried out by the various departments of the Government, and in one instance, in the Treasury Department, the Treasurer was able to dispense with the services of 400 men by adopting the method suggested by the efficiency committee. This Bureau of Efficiency will have nothing to do with the budget and can have nothing to do with it. They simply go through the various departments, and under the present arrangements they have been going only into the departments where they have been invited to go. Your Committee on Appropriations have repeatedly aided and assisted them in getting into the departments by making the request themselves. Now, unless you have some influence outside of the bureau chiefs, outside of the chief clerks, outside of those men who have been operating the departments for quite a while and who imagine that the bureaus which they themselves are conducting are just exactly as they should be, you will never be able to get any reform in an accounting system, in the method of doing business in the departments, in adopting modern methods of keeping books, in adopting labor-saving devices, and all those instrumentalities which the commercial world is now using, and you will have to force them into the departments. If this Bureau of Efficiency could be under the control of Congress and not appointed by the executive department, they then would have room to make the investigations and make reports without fear of losing their heads.

Now, I do not believe there is a single Member of Congress who would vote to do any department an injustice, but if our

professions on this floor and on the stump mean anything they mean that we want efficient service, and more efficient service, in the future than we have had in the past and more efficient service than we have now. Therefore when your conferees were confronted with this proposition they found some features of the amendment which the Senate put on, but they yielded to the House in reference to these items, and we could have agreed in conference, but the chairman of the committee had agreed that this item should come back to the House.

Now, we did not like the method of dispensing with services as provided in the Senate; because under that language they were afraid that it would be absolutely necessary to bring impeachment proceedings to remove those who were appointed under the language of the Senate bill. But eliminating that language, they are to be removed by the Speaker of the House and by the President of the Senate. So when you take into consideration the budget bill as it passed the House, even the legislative feature referred to by the gentleman from Texas [Mr. GARNER], this can in no wise affect that. This in no wise conflicts with it, this in no wise gives any man an excuse who favors the budget system. And I do favor it. And I say that your conferees, so far as I am informed—and I think the gentleman from Tennessee [Mr. BYRNS] will agree—that not a single member on the Appropriations Committee, so far as I know, objects to the budget bill that was presented here by the gentleman from Iowa [Mr. GOOD]. Therefore, as a friend of the budget system, I do not believe, nor do your conferees believe, that this bill will be a duplication of work, because the administration of the budget system can not in any wise go into the departments, can in no wise investigate the methods used in the departments, and your budget system is going to be, in my judgment, a failure to a certain extent unless you can adopt economical methods in these departments and can bring about efficiency.

I mentioned the Treasurer's office. I could mention The Adjutant General's department, and while there is some little difference between The Adjutant General and one member of this Efficiency Bureau, the General testified before us that, with the exception of this one gentleman, they were all men who were willing to help him, and The Adjutant General admits that in nearly all of the recommendations of this Bureau of Efficiency their suggestions have been met, and that he has adopted nearly all the suggestions which they made.

I believe the present Adjutant General to be an accomplished Army officer and a man earnest in the performance of his duty. That is Gen. Harris. His testimony will show that this Bureau of Efficiency has accomplished good things in his department. So in the Post Office Department. Gen. Burleson, day before yesterday, when I was in his office, said that he had the Bureau of Efficiency there and had invited them to come into the Post Office Department.

Mr. GALLIVAN. Will the gentleman tell the House something about the work of the Bureau of Efficiency in the War Risk Bureau?

Mr. SISSON. In the War Risk Bureau?

Mr. GALLIVAN. Yes.

Mr. SISSON. They have accomplished some good there, but I can not tell you the details of what they accomplished. But I do know that a great many clerks have been dismissed.

Mr. GALLIVAN. The gentleman would not agree with me that this Bureau of Efficiency came near wrecking the War Risk Bureau?

Mr. SISSON. I do not think so. On the contrary, I believe their recommendations are reasonable. But the Postmaster General said the Bureau of Efficiency had gone into his department on his invitation, and although since he has been Postmaster General the business of his department has increased 70 per cent throughout the country, as the records will show, yet by the adoption of modern methods and by cooperation with the bureau he has been able to reduce the expenses about 5½ per cent below what they were before the increase of business. He said, "We should have been, and would have been, justified, and could have come to Congress and could legitimately have said, 'The business throughout the country has increased 70 per cent, and, the business having increased 70 per cent, that is my reason for increasing my force in the city of Washington 70 per cent.'" But he did not do it. He adopted business methods, and the Post Office Department is doing 70 per cent extra business, and it is costing the people 5½ per cent less than the service cost the people before he adopted these methods. So that the Committee on Appropriations, coming in close contact with this situation, is able to say that while the Bureau of Efficiency has not accomplished all it endeavored to accomplish, because in many instances every recommendation it made was resisted, yet it is fair to say that while all their recommendations have not always been wise—because they do not claim to be all-wise—where it has been able to get the cooperation of the departments that bureau has done much good.

Now, we feel that under this method of direction that bureau will be the agency of the House and the Senate; the agency of the body that raises the money; and that they would then be free to make recommendations to the various committees as our agency, and would accomplish infinitely more good than if they were responsible for their places and appointments to the Executive, where they would feel that where they should overstep any bounds they might be subject to removal by the Executive.

Now, under the Parliamentary Audit of England, they do all the auditing, and I wish we could get that system here, because under that system the English Government absolutely not only has control of the appropriations and the purse strings when they take the money from the people in the form of taxes, but they absolutely control and follow up the expenditure of that money, follow it up to its legitimate purposes, for which it is expended, and see not only that the money has not been unlawfully expended, but see that it has been wisely and economically expended. That is the purpose of your conferees in agreeing to this amendment, that this Bureau of Efficiency may go into these departments after the money has been allotted to them, so that these gentlemen can report to Congress whether the money has been wisely or unwisely expended, and in case it is extravagantly expended, ascertain what is necessary to bring about economy.

I do not believe there are half a dozen Members of Congress who would fail to vote for this if they were convinced that it would be accomplished.

The SPEAKER. The time of the gentleman from Mississippi has expired.

Mr. SISSON. I would like to have two minutes more.

The SPEAKER. Does the gentleman from Wyoming yield the gentleman time?

Mr. MONDELL. I yield two minutes to the gentleman.

The SPEAKER. The gentleman from Mississippi is recognized for two minutes more.

Mr. SISSON. How many of you gentlemen can rise in your seats and say that any particular department is not efficiently run? And how many of you could explain to the Members of this House exactly what is needed to remedy the situation there? How many Members of the Senate could do that? You have to have an agency to go into the departments and make recommendations, so that we can act intelligently upon the matter. I do not believe it is always the mental attitude of Members of Congress in failing to economize so much as it is their failure to know just how to economize, to know just how to reduce expenditures without reducing the efficiency of the Government; and if this arm of the House and the Senate is agreed to in this conference report, we can at least make that effort, and with a small expenditure of money ascertain whether or not, under our direction, this Bureau of Efficiency will result in any good.

Entertaining these ideas, your conferees agreed to it. We feel that the House ought to agree to it. We feel that the Senate acted wisely in insisting on its amendment, and with the suggested changes it would be absolutely in the power of the House and Senate to change the personnel of this bureau at any time if it did not suit them. For that reason we believe that the Bureau of Efficiency will be worth infinitely more to us than it has been in the past, and it has been worth a good deal to us in the past, according to the testimony of the bureaus where this Bureau of Efficiency has made its investigations and recommendations.

I do not know that many of you gentlemen have had your attention called to this matter, but I do believe that if you had served on the Committee on Appropriations, where we patiently made the effort, especially the subcommittees that have directly to do with the departments, you would realize that we need this information, this concrete information, so that we can make appropriations in amounts sufficient to efficiently do the business of the Government. Without some information of this kind I am at an utter loss to know how you are going to be able to reduce expenditures. [Applause.]

Mr. MONDELL. Mr. Speaker, I yield 10 minutes to the gentleman from Massachusetts [Mr. GALLIVAN].

The SPEAKER. The gentleman from Massachusetts is recognized for 10 minutes.

Mr. GALLIVAN. Mr. Speaker, I must disagree with my friend and colleague on the Committee on Appropriations, the gentleman from Mississippi [Mr. SISSON]. I am in favor of the motion made by the distinguished majority leader [Mr. MONDELL] that the House disagree to this amendment, and that a further conference be asked for.

I do not know that I would have taken the floor to discuss this proposition but for the speech of the gentleman from Mississippi. Because I know the facts, I differ with what he had to say, and I feel it incumbent on me to call to the attention of the House, particularly to the attention of some Congressmen who may not in other days have known of the activities of the Bureau of Efficiency, some of the efforts made by the chief of that bureau to foist himself upon the executive departments where he was not needed.

Now, let it be said that this chief originally came into office in 1914, when the Committee on Appropriations gave him an appropriation that year, which was to take care of all of his efficiency work and his work of economy, of $15,000. In 1915 he jumped 100 per cent, to $30,000. In 1916 he went along with $30,000 and got a deficiency of $1,200 more. In 1917 he jumped to $69,0000. In 1918 he went up to $98,000. In 1919 he went up to $115,000; this year to $125,000, and next year more.

Here, in a nutshell, is the remarkable progress of the Chief of the Bureau of Efficiency, who has made a wonderful showing in these economies that the gentleman from Mississippi [Mr. SISSON] refers to.

Mr. CALDWELL. Mr. Speaker, will the gentleman yield?

Mr. GALLIVAN. Yes.

Mr. CALDWELL. He apparently is very efficient in getting money out of the Treasury. [Laughter.]

Mr. GALLIVAN. Yes; much more so than appears on the surface to the men of this House who have not been familiar with what Mr. Herbert D. Brown, chief of the bureau, has been doing.

Beginning some six years ago Brown spent three noisy and contentious years with the United States Civil Service Commission. Two more years were wasted fumbling and fiddling with his corps of efficiency experts and his train of efficiency devices in the United States Treasury until finally kicked out of that department by the Secretary of the Treasury. Later he broke into the War Department with his efficiency systems and disorganized methods. Quite recently he was engaged in a bitter warfare with The Adjutant General over the practicability of certain visionary schemes he is trying to force upon that department. The Secretary of the Interior, Mr. Lane, saw him first, and despite his protests of injured innocence he was prevented from putting his efficiency devices in operation in that department.

Something more than a year ago, while the country was in the midst of war and at at time when capable men were hard to secure, Brown was named director pro tempore of the War Risk Bureau and for some nine months the operation of this bureau was under his absolute direction. If there is any doubt in the minds of any Member regarding the impracticability of the efficiency schemes of this man or of the utter incompetency of the man himself, I want such a Member to recall to memory the unsavory record of this same War Risk Bureau. On the floor of this House we have heard a number of Members testify regarding conditions prevailing in this bureau while under the management of this man Brown.

The gentleman from Missouri [Mr. RUCKER] stated that in one day there were 300,000 letters received which lay scattered on the floor of this bureau in an aimless pile unopened and unanswered. From every nook and corner of the country dependents and wives of our soldiers complained to Congress that they were neither getting subsistence checks nor, in fact, able to receive an answer to their correspondence. On numerous occasions the gentleman from Illinois [Mr. MADDEN] drew the attention of this House to the utter inefficiency of this man Brown and the hopeless condition of the War Risk Bureau under his management.

In fact, conditions there became ultimately so intolerable that with one voice the people of the United States arose in protest against its miserable administration, for which the director pro tempore, Mr. Brown, and his efficiency devices were chiefly responsible, nor was order restored until he was driven from further participation in its affairs. I have been reliably informed, Mr. Chairman, that during these nine months Director Pro Tempore Brown was generally known among the officials and the employees of this bureau as "Inefficiency Brown," and it was reported that he tried to administer this largest insurance business in the world from his own bureau by telephone. Had he given one-tenth the attention to this War Risk Bureau that he has devoted to his private penchant for lobbying and interfering with legislation there would not be this sorry record to set down. Among his contributions in the shape of efficiency devices in the administration of the War Risk Bureau was one extraordinary mechanical time-saving experiment for handling claims. In reality it was nothing more than a half-baked idea of some visionary inventor. More than a year has elapsed since Brown tried to introduce this device, but it is still in the blue-print stages, although I am reliably informed over $200,000 has been wasted on this experimental machine.

In the face of these utter failures, it would seem that Mr. Brown and his ideas would quietly disappear or that this imposing list of blunders would, at least, chill his effrontery. Instead his bureau has grown in influence and power. More money is required for its upkeep. Brown keeps on lobbying. He gets the money. Some two years ago he was directed by the United States Senate to prepare statistical data regarding the prospective cost of several plans for the retirement of civil-service employees. Practically two years and $100,000 of the people's money was used up in making this investigation, and the sum total of all these efforts is a compilation of figures that, in so far as their value to Congress or to anyone else is concerned, are worse than worthless. Quite recently, when Senate bill 1699 was up for consideration in the United States Senate, this very tabulation was the subject of long and heated controversy. Now there is a general agreement of opinion among both the friends and the opponents of this bill that Brown's retirement compilation possesses no value whatever.

On the contrary, Government Actuary Joseph S. McCoy, acting under orders of Secretary of the Treasury CARTER GLASS, compiled within a three-week period, at no cost to the Government save his own salary, a tabulation relative to the cost of the various retirement plans which is infinitely superior and infinitely more reliable than the figures presented by Efficiency Expert Brown. In this connection I will include here, as part of my remarks, an editorial from the Washington Times under the caption, "What a retirement bill will cost the Government":

WHAT A RETIREMENT BILL WILL COST THE GOVERNMENT.

(By Bill Price.)

Senator CARTER GLASS, when Secretary of the Treasury, submitted to Joseph S. McCoy, actuary of the Treasury, a request for full information as to what the proposed bill will cost the Government. This was done at the request of Senator STERLING, chairman of the Senate Committee on Civil Service and Retrenchment, who is strongly supporting the measure.

Mr. McCoy is regarded in Washington as the most wonderful mathematician the Government ever had in its service. His aid has been invoked for years by the House Committee on Ways and Means and the Senate Committee on Finance in the preparation of revenue bills for which there was no precedent in Government taxation. How much revenue will a tax on so-and-so bring in is a question put by Congress to Mr. McCoy. He has for years come within a few dollars each year of informing the committee just what the Government could expect in revenues from a given item of taxation.

In his reply to the Treasury request for detailed information as to the cost of the bill this wizard of figures definitely states:

"While the plan will eventually cost the Government some $9,000,000 per year, it is very evident that the efficiency of the service will be increased at least 5 per cent, which is equivalent to over $18,000,000 (saved to the Government) per year."

Mr. McCoy substantiates his conclusions by tables of various kinds. The first year's cost to the Government would be only $6,000,000. He doubted whether the maximum contribution of the Government would ever exceed $15,000,000.

Mr. Speaker, this editorial gives further confirmation to my statement regarding the worthlessness of Chief Brown's figures and the merit of those submitted by Government Actuary Joseph S. McCoy. And I would have you remember that Brown's misleading figures represent an expenditure of some $100,000, while those of Government Actuary McCoy cost comparatively nothing.

In failing to attain even a measurable success as in this instance Brown is simply running true to form, but this will not check his ambitious designs. Brown is still lobbying. He is still busy with Senators and Congressmen. He is still nursing dreams of expanding power. He is still following the policy of paying little attention to efficiency and devoting much of his thoughts to the enactment of legislation that better suits his purposes.

In this connection I wish to especially direct your attention to Senate bill 3612, introduced by Senator KING, of Utah, which makes provisions for such a further wide extension of the powers of the Bureau of Efficiency as to almost stagger the imagination. Were this bureau a fit institution of proven capacity, these projects for greater power to be delegated to its charge would be highly extravagant, but in the light of the record of Brown and his bureau the proposal is unthinkable and absurd. Note the terms of this bill that promises so much power to the Bureau of Efficiency.

It provides that Brown, as chief of the bureau, shall have almost unlimited and unrestricted authority over all other Government departments. In its practical application it would put a club in his hands that would even bring Cabinet Members to their knees when wielded by an ambitious and designing man. This bill provides that in the matter of appointments, transfers, promotions, dismissals, personnel of the departments, allotments of employees to each department, and practically everything else, Efficiency Expert Brown will have the unrestrained right to pass

judgment, issue edicts, see that his will is obeyed, and by the stopping of salary vouchers and otherwise enforcing his ideas of efficiency and discipline every departmental bureau and section chief of the District, or in the entire Government for that matter, will be subject to his whims and wishes. Think of this autocratic power being vested in one man, an individual who has won distinction, not by worthy service but by planning and plotting and by hollow promises and vain pretensions misleading Members of Congress. This power is now to be vested in a man claiming an unselfish concern for the public welfare and who has won influential converts to his scientific management philosophy. When his activities have been brought to book these friends have been quick and ready to take the floor in his defense and to excitedly proclaim his pretended virtues. Chief Herbert D. Brown, of the Bureau of Efficiency, is a lobbyist before everything else. That is his art. That is his craft. In that he has won distinction. As an efficiency expert or as a useful adjunct to the public service he is of no useful service whatever, but rather have his efficiency schemes disrupted orderly administrative processes wherever installed and their operation has been a constant drain upon the Public Treasury.

No matter how pure the motives, it is a questionable practice for any bureau chief to be continually lobbying around the Capitol, attempting to influence legislation and boasting of his prestige with the lawmakers. His business is in his office. He should be ready to respond to the call of Congress. No public official whose time is spent chiefly in lobbying is fit to hold public office or worthy of the confidence of the people. Steps should be taken at once to rid the service of this man Brown, and if needs be a congressional investigation should be ordered to see whether this Bureau of Efficiency performs any useful service or discharges any worthy functions in the public service.

Mr. Speaker, I ask the House to support the motion of the majority leader and send this bill back to where it came from with this objectionable amendment. I am confident that the House will do this practically unanimously.

Mr. GALLIVAN was given leave to revise and extend his remarks.

Mr. MONDELL. I yield 10 minutes to the gentleman from Tennessee [Mr. BYRNS].

Mr. BYRNS of Tennessee. Mr. Speaker, it is very rarely that I find myself in a position of disagreement with the gentleman from Mississippi [Mr. SISSON] on matters relating to appropriations, and I regret that on this occasion I can not agree with him with reference to this Senate amendment. I hope the motion made by the majority leader [Mr. MONDELL] that the House further insist upon its disagreement to the Senate amendment with respect to the Bureau of Efficiency will prevail. And I wish to say, gentlemen of the House, that in this position I am not influenced by any opposition, personal or otherwise, to the Bureau of Efficiency. I have had occasion heretofore, as a member of the Committee on Appropriations, and upon the floor of this House, to comment on the splendid service performed by the Bureau of Efficiency. It has rendered in many instances which could be pointed out a very valuable service to Congress in the matter of the expenditures made in the various departments. But I look upon this amendment, Mr. Speaker, as one which will endanger the chance of securing budget legislation if it is adopted. We can not have a successful and a proper form of budget legislation unless we go further than merely giving to some central authority in the executive branch of the Government the right and the power to revise the estimates before they are submitted to Congress. We not only must have some one connected with the executive branch of the Government whose duty it shall be to revise these estimates and to reduce them, cut out duplications, and so forth, before they are transmitted to Congress for its consideration, but after the appropriations are made we must have some authority under Congress that will see to it that the appropriations which have been made by Congress are expended as the Congress intended they should be expended. In other words, you can not have a successful and a proper form of budget legislation unless Congress has the control of expenditures after the expenditures are made.

The gentleman from Mississippi [Mr. SISSON] says that the adoption of this amendment will not interfere with the budget legislation. Let us see. I want the gentleman to examine the bill which was passed by the House last fall, as the gentleman from Missouri [Mr. CLARK] said, by practically a unanimous vote.

You will find that it not only provides that the President shall have the authority, but it shall be his duty to revise the estimates before they are submitted to Congress, but it also provides that a controller general shall be appointed, who will be under the control of Congress and who is given charge of a sufficient force for the purpose of doing, among other things, just what this amendment provides. In other words, it will be his duty with that force placed under his jurisdiction to investigate the various departments and to say whether or not those expenditures are properly and efficiently made, and render his report to Congress. I can not view this amendment in any other light than an effort to defeat the budget legislation which the country is demanding of Congress and which is favored on both sides of this Chamber. Both political parties favor budget legislation. The Democratic convention of four years ago declared for budget legislation in its national platform. Gentlemen almost unanimously on both sides of the Chamber, both Republicans and Democrats, are in favor of budget legislation. If you adopt this legislation, I want to serve notice on you now, as the gentleman from Wyoming said, you are placing in the hands of those who may oppose budget legislation a club to defeat it in the end.

Mr. ANDREWS of Nebraska. Will the gentleman yield?

Mr. BYRNS of Tennessee. I will.

Mr. ANDREWS of Nebraska. What does the Bureau of Efficiency have to do in regard to the expenditure of appropriations?

Mr. BYRNS of Tennessee. Absolutely nothing as far as the expenditures are concerned. The Bureau of Efficiency was created by a provision on an appropriation bill to establish standards of efficiency in the various departments by consent of the head of the department.

Mr. ANDREWS of Nebraska. May I ask what interference the Bureau of Efficiency have in the budget matter in the expenditures of money covered by the budget?

Mr. BYRNS of Tennessee. It will have this effect: It will result in positive and emphatic duplication of work. The gentleman from Nebraska is thoroughly familiar with the budget bill as it passed the House. If the bill becomes a law, it provides for a comptroller general with the force provided for in the bill, and his duties are prescribed in that bill, and I say with the Bureau of Efficiency under the control of Congress as the comptroller general will be, there will be a positive duplication of work on the part of the two bureaus. One principal reason why budget legislation should be adopted is to cut out duplication of work, and this Congress does not want to place itself in the position of actually providing for additional duplication while adopting legislation to prevent it in the various departments of the Government.

Mr. ANDREWS of Nebraska. This is a very important matter, and I desire to get at the gentleman's thought. As I understand it, the law of the accounting system would have to be materially modified in order to give the comptroller general any authority over the appointment of clerks, their grades, or their reduction or demotion.

Mr. BYRNS of Tennessee. Undoubtedly. I do not mean to contend that the comptroller general would have any such authority if the budget bill passes as it passed the House. That is a matter for Congress. The comptroller general under the terms of that bill, if directed by Congress, or any proper committee of Congress, can go into any department, investigate the manner in which expenditures are being made, the efficiency of the clerks, and whether they have too many or too few, and make his report to Congress, and Congress can take such action as it sees fit on the report.

Mr. MAGEE. Will the gentleman yield?

Mr. BYRNS of Tennessee. Certainly.

Mr. MAGEE. I would like to know how you are going to get a budget system that amounts to anything without amendment of the rules of the House providing for the concentration of appropriations in one committee?

Mr. BYRNS of Tennessee. That proposition is now pending.

Mr. MAGEE. Is it not well enough to admit frankly, at least to ourselves, that if the Senate does pass the bill that is pending over there, and it becomes a law, we shall have nothing except an empty shell?

Mr. BYRNS of Tennessee. I would not say that it was an empty shell, because I think that much good will result from the passage of the budget legislation. In my opinion the legislation that passed the House is of much more importance than the amendment to the rules, but I think, as the gentleman does, that they do go hand in hand.

Now, this is legislation on an appropriation bill. There is a budget bill pending in the Senate, and I understand it is to be shortly reported and discussed in the Senate. Everyone in the House hopes it will quickly pass the Senate, so that it can be enacted into law in time for the transmission of the estimates next fall. I think that rather than adopt this amendment put on an appropriation bill by the Senate we ought to reject it, and insist on the disagreement, and let it be regularly consid-

ered by the Senate with the legislation now under consideration, because they are similar and identical in many respects. [Applause.]

Mr. MONDELL. Mr. Speaker, I yield 10 minutes to the gentleman from Indiana [Mr. WOOD].

Mr. WOOD of Indiana. Mr. Speaker and gentlemen of the House, in what I may say I do not want anyone to think for one moment that I have any desire to throw an obstacle in the way of the passage of the budget bill. I have been advocating it ever since I have been in Congress, and the longer I am here the more necessity I see for such a system.

I hold no brief for the present head of the Bureau of Efficiency, but I do know that we need a Bureau of Efficiency, and need it to operate in such a way that in itself it can be of efficient service to the Government. Under the present plan it is absolutely or very nearly nil. It can not go into any executive department without the invitation of the head of that department, and they never receive that invitation. Whenever a proposal is made to make an investigation for securing efficiency it is resented; and one of the greatest pieces of impertinence that I ever saw thrown in the face of Members of Congress and Congress itself is the letter written by the Secretary of War in opposition to this provision, criticizing us for daring to assume that we should be the ones who should say when, where, and how the Bureau of Efficiency shall operate. To my mind the opposition of the War Department to having the Bureau of Efficiency report direct to Congress and to its being under the direction and control of Congress affords the best reason why this scheme should be adopted. One of the striking accomplishments of the Bureau of Efficiency as now constituted, and hampered as it is, was in demonstrating that $5,000,000 a year could be saved to the Government in the Quartermaster General's office by consolidating the various divisions of that department into one businesslike department. The report of this bureau confirmed the opinion of the Quartermaster General, who said the saving could be made by this consolidation, and result in the rendition of far more efficient service. The Quartermaster General undertook to make it, and cut 72 officers from the pay roll, and was preparing to release 500 civilian employees when the Secretary of War, at the suggestion of the General Staff, countermanded the order and directed that all these officers and men be put back on the pay roll, that they might continue this wasteful extravagance. Efficiency is one of the last things the War Department desires. Furthermore, the Secretary of War has the nerve to submit in his letter the kind of a provision he would have inserted in this bill, absolutely nullifying and making inefficient this Bureau of Efficiency, demonstrating, if you please, the necessity for an independent Bureau of Efficiency that will respond to the Congress of the United States, that is entitled to receive information which may be of service to it.

What is the situation? Take the various appropriating committees that are desirous of having information in formulating their several appropriation bills. All of the information that they get is the information that comes from heads of these departments. The committee hears only one side of the case, and they have no means of ascertaining the truth of their statements or of their bureaus' necessity as the law now is.

If we had a Bureau of Efficiency responsible to Congress to make an investigation in obedience to the committee that is desirous of knowing and that is entitled to know what the existing conditions are, there would be quite a different question presented. At this very time we know there are thousands and thousands of employees in these departments who should go home and who should be released from the civil-service rolls. Yet every one of these bureaus coming before these committees insist that their particular bureau shall be kept up at its present strength, and many of them even ask for increases, and why? Because they think they are being humiliated if their bureaus are decreased in number. If we had a Bureau of Efficiency that could go and make a survey of the work being done in these offices, that bureau could give information of value to the various committees of Congress. The only way we have now is just to blindly shut our eyes and reduce the appropriations, hoping that these gentlemen will conform to the reductions made. It is unscientific and utterly impractical the way it is now. I am not here for the purpose of interfering in any way with the creation or operation of a budget system. If I were assured, or if I can be assured, that a budget system will be passed by this Congress in which the machinery that is provided for in this proposed amendment will be inserted, then I say well and good, we should not have any duplication even in a Bureau of Efficiency system. But there is the most important urgency that this Congress before it adjourns shall make it impossible for the autocratic head of any of these departments to say to the Chief of the Bureau of Efficiency or to the heads of these committees, "We are running this establishment of ours and we will give you the information that you desire, and that is the only information that you can get." That is what they are saying to us now, and they are even coming here and demanding that we pass legislation which will permit them to continue in this slipshod way of doing business. Every Member of Congress knows, and he has repeated it time and again on this floor and has written it to his constituents time and again, that these departments are reeking with inefficiency. We all know that there is not a business concern in the United States that would last a year if it conducted its business the way the business is conducted in these departments. We all know that the clerical force in Washington could be reduced one-half, if not two-thirds, if there was a business way of doing things, and that more satisfactory work could be done, with a reduction of expense amounting to at least one-half or two-thirds of what it now is. So that nothing can be said in favor of the defeat of a Bureau of Efficiency responsive to Congress. The only thing that can be said is the manner in which it shall be created, whether by the adoption of this amendment, or whether it shall be included in a budget system.

Everyone who has had anything to do with the investigation of these departments for the purpose of making appropriations knows that we are imposed upon every day and every hour, and that by reason of that imposition the Government is made to pay millions and millions of dollars each year. Something must be done, and it is our duty to do something, and to do it now, to remedy this situation. [Applause.]

Mr. MONDELL. Mr. Speaker, I yield 10 minutes to the gentleman from Iowa [Mr. GOOD].

Mr. GOOD. Mr. Speaker, for a number of years the gentleman from Tennessee [Mr. BYRNS] was chairman of the subcommittee having in charge the legislative, executive, and judicial appropriation bill. I served with him on that subcommittee. On numerous occasions we were called upon to defend the action of the Bureau of Efficiency. I can not agree with my friend from Massachusetts [Mr. GALLIVAN] with regard to the work of the bureau. It may have made mistakes—all of us have—but it has done a great deal of good. I do, however, think that the amendment contained in this bill is destructive of budgetary legislation, and hence I can not support it; it is offered as a substitute for budgetary legislation. If there is one thing which the people of the country are demanding, it is budgetary legislation by this Congress. Almost six months ago to a day the House passed a bill for a budget system by a practically unanimous vote, only three votes being registered against it; yet not until six months after that did the Senate committee on the budget report out a bill. I realize there is a strong feeling in the House that the Senate is trying to kill this legislation. I know there is widespread feeling of distrust that we are not going to have a budget system. So many Members of the House have come to me personally and asked that the budget bill, which the House passed, be placed on the sundry civil appropriation bill, and, if necessary, a rule be brought out and adopted making it in order, thus assuring budget legislation, that I am constrained to believe that unless something is done at the other end of the Capitol some action of that kind will have to be taken by the House, because we are going to have budgetary legislation at this session of Congress, and such legislation will take care of this. [Applause.]

Let us see what has been the history of the Bureau of Efficiency. The Bureau of Efficiency has done some good work, but it has never done the work that Congress authorized it to do in the act creating it. In the legislative appropriation bill approved August 23, 1912, the Bureau of Efficiency was established, to create efficient ratings, and it was made a division in the Civil Service Commission. They had not worked there very long until the officers of the bureau got into a quarrel with Mr. McIlhenny, the president of the Civil Service Commission, and then by the next bill it was taken out and made a bureau of the President to assist him in trying to bring about efficiency in the various executive departments. Now, what does our budget bill provide? It goes a great deal further than the gentleman from Mississippi [Mr. SISSON] would have you believe. It provides for a comptroller general, and I wish to remind the House that the comptroller general is to be the arm of Congress, and that if that bill becomes a law he can be removed only by a joint resolution of Congress. The bill provides:

SEC. 13. That the comptroller general shall investigate, at the seat of government or elsewhere, all matters relating to the receipt and disbursement of public funds, and shall make to Congress, at the beginning of each regular session, a report in writing of the work of the accounting department, containing recommendations concerning the legislation he may deem necessary to facilitate the prompt and accurate rendition and settlement of accounts and concerning such other matters relating to the receipt and disbursement of public funds as he may think

advisable. In such regular report, or in special reports at any time when Congress is in session, he shall make recommendations looking to greater economy or efficiency in public expenditures. He shall make such investigations and reports as shall be ordered by either House of Congress or by any committee of either House having jurisdiction over revenue, appropriations, or expenditures. The comptroller general shall also, at the request of any such committee, direct assistants from his office to furnish the committee such aid and information as the committee may request. The comptroller general shall specially report to the Congress every expenditure or contract made by any head of a department in any year in excess of the appropriation to such department and in violation of law.

He becomes the efficiency expert of the Government, and under him we will have a Bureau of Efficiency. What does this amendment provide? It is certainly an amendment offered by those who are not in sympathy with budget legislation at all. It will kill real budget legislation.

What does this bill provide? The Bureau of Efficiency which we turn loose upon Congress without anybody to guide, without anybody to control, with an appropriation of $125,000 a year, is authorized to investigate any matter relating to organized activities or methods of business of the several administrative services of the Government and shall from time to time submit reports of its investigations to Congress. On its own initiative we turn loose here one man not answerable to anybody and say to him that he shall go out whenever he wishes and submit his reports to Congress. In the budget bill passed by the House we have provided for a semijudicial officer, the comptroller general of the United States, who will have under him hundreds of employees, all the accounting officers and employees under the six auditors who are now employed. It will be their duty to examine every account of every dollar that is expended out of the Public Treasury. When these accountants come back to the comptroller general he will learn from them where inefficiency exists. He will get the information in regard to overlapping of work, of everything of that kind, and it is made his duty to report them to Congress.

Mr. WOOD of Indiana. Will the gentleman yield?

Mr. GOOD. I do.

Mr. WOOD of Indiana. Suppose in a given case under the language provided by the budget system bill that a committee of this Congress was satisfied that there was not only inefficiency in the amount of work done by a given department but the manner in which it was being done. By what authority would we get a report in a case of that kind?

Mr. GOOD. The bill we passed provides that the comptroller general also—

shall make such investigations and reports as shall be ordered by either House of Congress or by any committee of either House having jurisdiction over revenue, appropriations, or expenditures.

We have given him very full instructions in this regard. Now, mind you, the budget bill was put in; for what purpose? To stop duplications in the Government service. What does the Senate amendment do? It simply creates another branch, another agency to do the same work that we have provided for in the budget bill to be performed by the comptroller general. Now, let us be consistent. These matters are going to be in conference. Let us not put legislation on an appropriation today and take it back to-morrow. That is not good legislation. We are going to have a real efficient prompt action by the comptroller general and those who will be employed under him, and let us not confuse the matter. Let us not throw dust in our own faces and defeat budget legislation by this kind of camouflage. I do not agree with the Secretary of War in the conclusion he reaches that no efficiency experts shall go into his department. I think Congress has that right, and we must exercise that right if we are to bring about real economy, and let us do it in a sensible way. Let us leave to the committee that has jurisdiction of this legislation full and complete authority to exercise that jurisdiction, and I assure you it will be exercised in a manner satisfactory to any man who is in favor of a most rigid and strict investigation of every executive department. [Applause.]

Mr. MONDELL. Mr. Speaker, how much time have I remaining?

The SPEAKER. Two minutes.

Mr. MONDELL. Mr. Speaker, let me repeat that it is our hope and expectation that the class of activities that naturally and properly are within the jurisdiction of a bureau of efficiency shall be undertaken and carried on under the budget plan that is proposed. We have no hostility to the Bureau of Efficiency. We are all of us in favor of having an efficiency bureau or efficiency agency responsible to the Congress, but to adopt this amendment now with budget legislation pending would be to confuse the entire issue, and if we are heartily in favor of a budget system, and an efficient one, we should vote to disagree to this Senate amendment in order that these matters may all be considered in connection with the consideration of the budget system generally. I hope the House will vote unanimously against the adoption of this amendment and insist upon a disagreement.

The SPEAKER. The question is on the motion of the gentleman from Wyoming that the House insist on its disagreement to Senate amendment 53 and agree to a conference.

The question was taken.

Mr. GOOD. Mr. Speaker, I ask for a rising vote.

The question was taken; and there were—ayes 104, noes none.

The SPEAKER. The Clerk will report the conferees.

The Clerk read as follows:

Mr. WOOD of Indiana, Mr. WASON, and Mr. SISSON.

BRIDGE ACROSS THE MISSOURI RIVER NEAR KANSAS CITY.

Mr. ANTHONY. Mr. Speaker, I ask unanimous consent that Senate bill 4073 be taken from the Speaker's table and considered, a bill of similar import having been reported from the House committee and now being on the calendar.

The SPEAKER. The gentleman from Kansas calls up from the Speaker's table the Senate bill which the Clerk will report.

The Clerk read as follows:

A bill (S. 4073) to authorize the construction of a bridge across the Missouri River near Kansas City.

Be it enacted, etc., That the Missouri Valley Bridge & Iron Co., a corporation organized under the laws of the State of Kansas, its successors and assigns, be, and are hereby, authorized to construct, maintain, and operate a highway, trolley, and railroad bridge and approaches thereto across the Missouri River at a point suitable to the interests of navigation between the Chicago, Milwaukee & St. Paul Railway Bridge and the mouth of the Big Blue River, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. WALSH. Will the gentleman from Kansas yield?

Mr. ANTHONY. I will yield.

Mr. WALSH. I understand the Senate bill came over after the House bill was reported?

Mr. ANTHONY. It is my understanding that is the case; in fact, I know that is the case. Mr. Speaker, the Senate bill differs very slightly from the House bill. The House bill struck out the words "highway, trolley, and railroad" from the bill, and I have spoken with the gentleman from Wisconsin [Mr. ESCH], chairman of the Committee on Interstate and Foreign Commerce, which reported the bill, and he says he has no material objection to the change. I move the previous question on the passage of the Senate bill.

The previous question was ordered.

The bill was ordered to be read the third time, was read the third time, and passed.

VOCATIONAL REHABILITATION.

Mr. CAMPBELL of Kansas. Mr. Speaker, I submit a privileged report from the Committee on Rules.

The SPEAKER. The gentleman from Kansas submits a privileged report from the Committee on Rules, which the Clerk will report.

The Clerk read as follows:

House resolution 512.

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 12266) to amend an act entitled "An act to provide for vocational rehabilitation and return to civil employment of disabled persons discharged from the military or naval forces of the United States, and for other purposes," approved June 27, 1918; and, after general debate, which shall be confined to the bill, and shall continue not to exceed two hours, to be equally divided between those for and against the bill, the bill shall be read for amendment under the five-minute rule; that at the conclusion of the consideration of the bill for amendment the committee shall rise and report the bill to the House, with such amendments as may have been agreed to, when the previous question shall be considered as ordered on the bill and amendments to final passage without intervening motion, except one motion to recommit.

Mr. CAMPBELL of Kansas. Mr. Speaker, the rule makes in order the consideration at this time of a bill increasing the amount of the pay to soldier students $20 per month, increasing the pay or allowance from $80 to $100 a month for single men and from $100 to $120 per month for married men. As soon as the necessity for this was called to the attention of the proper committees of the House this action was readily taken by the Congress. It is but another evidence of the willingness of Congress to do everything that is necessary or that it can do to enable young men who fought in the World War for the United States to prepare, in so far as it is possible to do so, to take the places they formerly occupied in the world's activities and to pursue their usual course in life in the future in the performance of their duties as citizens.

May I say in this connection that during the war and since the close of the war Congress, that controls the purse strings, has been in no sense niggardly or backward with appropriations for any purposes that had for their object the betterment of the condition of those who served in the war? If there are cases where there is ground for dissatisfaction, they do not arise from want of action on the part of Congress. Congress has in every instance made the necessary provisions. If there is failure—and there is—it is in the execution of the law rather than in the law itself. Rules and regulations are made for students who are being rehabilitated, for others who are in hospitals, for others who are otherwise provided for by the Congress, that make it practically impossible for those for whom benefits were intended, to get just what Congress intended they should get.

Mr. McKEOWN. Will the gentleman yield?

Mr. CAMPBELL of Kansas. In just a moment.

I venture there is not a Member here who has not had his attention called to cases of serious failure on the part of the Government to do its duty properly to the soldier, whether in the hospital or in the school, or wherever he may be, because of failure by those who are executing the laws and applying the appropriations that have been made by Congress. We appropriate millions for hospitals. Young men in them are treated brutally.

Mr. CALDWELL. Where?

Mr. CAMPBELL of Kansas. In Chicago, to be specific. These cases could not have been anticipated by Congress. And there is nothing that Congress can do to avoid these things. I make these statements so that it may be known that the Congress, that appropriates the money, could not follow the appropriations to those for whose benefit they were made, and see that they were used in the manner in which it was intended by Congress they should be used. Congress makes appropriations and enacts laws; it can not execute or enforce laws.

Mr. CALDWELL. Will the gentleman yield?

Mr. CAMPBELL of Kansas. I will.

Mr. CALDWELL. I was very much interested in the statement that young men in the hospitals were treated brutally and the gentleman's reply to my question that it was in Chicago. I hope the gentleman will be kind enough to give the House the details of that, because I do not believe a person who is responsible for the brutal treatment of any man who is in the Army should stay in the Army or in the Government service. And I should like to put him out.

Mr. CAMPBELL of Kansas. The matter was discussed on another occasion. The facts were all clearly brought out in that discussion; the names of the soldiers and the names of the officers and the very dates and the hour of the day on which the brutality was inflicted upon the soldiers.

Mr. McKEOWN. Will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. McKEOWN. I want to ask the gentleman, in addition to the amount that is provided for the soldier in this, what does the soldier have to pay out of this money to maintain himself? Does he just have to pay his board?

Mr. CAMPBELL of Kansas. I understand the soldier pays merely his board and necessary personal expenses.

Mr. McKEOWN. And the tuition is provided for in addition?

Mr. CAMPBELL of Kansas. I am not prepared to answer that question specifically, but I understand many of the manual-training schools and other schools are open to these students without tuition.

Does the gentleman from Tennessee [Mr. GARRETT] desire some time?

Mr. GARRETT. I wanted to ask the gentleman a question. This rule provides for two hours' debate on the main proposition?

Mr. CAMPBELL of Kansas. Yes.

Mr. GARRETT. There is no objection to the rule, of course. It is a unanimous report from the Committee on Rules, and I understand there is no objection to the bill. I was wondering if it would not be agreeable to the gentleman from Ohio [Mr. FESS], if I might have his attention, to amend the rule by unanimous consent and let there be one hour of debate? Let me say, if the gentleman will permit——

Mr. CAMPBELL of Kansas. I yield to the gentleman.

Mr. GARRETT. There is a bill introduced by the gentleman from Iowa [Mr. GREEN] and unanimously reported from the Committee on Ways and Means, in which I am very much interested and which is urgently important to certain interests. The urgency can be explained to the satisfaction of all the Members of the House, and I should be very glad if it could be considered this afternoon. The gentleman from Iowa [Mr. GREEN], whom I do not happen to see present just at this moment, understands the urgency of the matter, and I would be very glad if we could arrange for that bill to be considered. I understood from the gentleman from Ohio [Mr. FESS], privately, that he doubted whether they needed two hours of general debate on this bill. If some arrangement could be made whereby the debate could be limited to an hour instead of two hours it might give the opportunity I have asked for.

Mr. CAMPBELL of Kansas. What does the gentleman from Ohio [Mr. FESS] say about amending the rule?

Mr. FESS. So far as I am concerned, it would be agreeable to me, but I have not consulted with the members of the Committee on Education.

Mr. BLANTON. I do not see why on earth we can not get through with this bill in an hour. The debate is limited to the bill, and there is no opposition to it.

Mr. CAMPBELL of Kansas. To settle the matter, Mr. Speaker, I will ask unanimous consent to amend the rule, making the general debate one hour instead of two.

The SPEAKER. The gentleman from Kansas asks unanimous consent to amend the rule by substituting one hour for general debate for two hours. Is there objection?

Mr. ROBSION of Kentucky. Will that interfere with the time that has been allotted to the various persons, I would like to inquire?

Mr. FESS. I have been asked by only three persons for time, who wanted 10 minutes apiece. That will be 30 minutes. I was expecting to take 7 or 8 minutes myself in explaining the bill.

Mr. ROBSION of Kentucky. I desire 10 minutes. If I get 10 minutes, I shall have no objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the amendment is agreed to.

Mr. CAMPBELL of Kansas. Mr. Speaker, if no one desires to discuss the rule further, I shall move the previous question on the adoption of the rule.

The SPEAKER. The gentleman from Kansas moves the previous question on the adoption of the rule.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. FESS. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 12266) to amend an act entitled "An act to provide for vocational rehabilitation and return to civil employment of disabled persons discharged from the military or naval forces of the United States, and for other purposes," approved June 27, 1918.

The SPEAKER. The gentleman from Ohio moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 12266. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The gentleman from West Virginia [Mr. GOODYKOONTZ] will please take the chair.

Thereupon the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 12266, with Mr. GOODYKOONTZ in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 12266. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 12266) to amend an act entitled "An act to provide for vocational rehabilitation and return to civil employment of disabled persons discharged from the military or naval forces of the United States, and for other purposes," approved June 27, 1918.

Be it enacted, etc., That section 2 of the act entitled "An act to provide for vocational rehabilitation and return to civil employment of disabled persons discharged from the military or naval forces of the United States, and for other purposes," approved June 27, 1918, be hereby amended to read as follows:

"SEC. 2. That every person enlisted, enrolled, drafted, inducted, or appointed in the military or naval forces of the United States, including members of training camps authorized by law, who, since April 7, 1917, has resigned or has been discharged or furloughed therefrom under honorable conditions, having a disability incurred, increased, or aggravated while a member of such forces, or later developing a disability traceable, in the opinion of the board, to service with such forces, and who, in the opinion of the Federal Board for Vocational Education, is in need of vocational rehabilitation to overcome the handicap of such disability shall be furnished by the said board, where vocational rehabilitation is feasible, such course of vocational rehabilitation as the board shall prescribe and provide.

"The board shall have the power, and it shall be its duty, to furnish the persons included in this section suitable courses of vocational rehabilitation, to be prescribed and provided by the board; and every person electing to follow such a course of vocational rehabilitation shall, while following the same, be paid monthly by the said board from the appropriation hereinafter provided such sum as in the judgment of the said board is necessary for his maintenance and support and for the maintenance and support of persons depending upon him, if any: *Provided, however*, That in no event the sum so paid such person while pursuing such course shall be more than $100 per month for a single

man without dependents, or for a man with dependents $120 per month, plus the several sums prescribed as family allowances under section 204 of article 2 of the war-risk insurance act."

The CHAIRMAN. Under the rule as amended, the debate is limited to one hour. The Chair recognizes the gentleman from Ohio [Mr. FESS].

Mr. FESS. Mr. Chairman, the first bill passed by Congress looking to the relief of the disabled soldier was the war-risk insurance bill, which became a law October 6, 1917. That bill included a provision for a survey looking into the possibility of rehabilitation work. Following that bill an effort was set afoot that resulted in the rehabilitation bill proper, which became a law June 27, 1918. That bill afterwards was amended in a slight degree on July 11, 1919. The amendment was to transfer the question of the eligibility of a soldier making application for training from the war-risk insurance to the Federal board. It also had another amendment which was designed to simplify the eligibility item. For example, the original law provided that after the discharge of the soldier, if in the opinion of the board he is unable to carry on a gainful occupation—that is rather general—or being unable to resume his former occupation or to enter some other occupation, "or having resumed or entered upon such occupation, is unable to continue the same successfully, he shall be furnished by said board, where vocational rehabilitation is feasible, such vocational rehabilitation as the board shall prescribe and provide."

That is a very general provision of the original law, which was modified by the law of July 11, giving more latitude to the Federal board to determine the eligibility for vocational training. In that case it goes to the soldier discharged or furloughed, "having a disability incurred, increased, or aggravated while a member of such forces, or later developing a disability traceable, in the opinion of the board, to service with such forces, and who, in the opinion of the Federal Board for Vocational Education, is in need of vocational rehabilitation to overcome the handicap of such disability, shall be furnished by the said board," with so and so.

That is quite broadening in its character as compared with the original law. Under the old law the monthly allowance to the soldier was his enlisted pay, which was $30, which was paid by the War Risk Insurance Bureau, and the Federal board added to that $30 such amount as in the judgment of the Federal board was necessary. So up to May 1, 1919, that addition was $35, making $65 to the soldier in rehabilitation work. On May 1 they added $10, which ran it up to $75, and that continued until the amendment of July 11, 1919, when the House changed the $75 to $80, which is the present law.

There was an effort to put that at $100. The Committee on Education thought it unwise and refused to recommend it. The Committee of the Whole House on the state of the Union agreed with the Committee on Education. Recently a bill was introduced by the gentleman from Pennsylvania [Mr. DARROW], the author of the former amendment, increasing the amount from $75 to $80, providing that the increase should be made for the single man $100 a month and for the married man $120 a month.

Mr. McKEOWN. Why was it that only $20 additional was given to the married soldier over the single soldier? Was it because the family allowance goes along just the same?

Mr. FESS. Yes; they are not interrupted.

The committee opened hearings upon this increase. Personally I was rather unfavorable to it, thinking it might not be necessary. But when the evidence was brought in and very carefully sorted, and the witnesses subjected to a pretty discriminating cross-questioning, and after they had submitted their budgets, that were printed in the hearings on the request of the committee, there seemed to me to be little argument against allowing the increase.

There were 10 disabled men before the committee. Those 10 men represented 63 wounds in their bodies. There were all sorts of disabilities. We had them to submit to us an itemized cost bill of what they had to pay out, and then we brought before the committee people on the outside who had served as assistants to these people in finding places for them, and it impressed the whole committee that here was a case where, unless we made this increase, the Government was permitting these men to be subjects of charity.

Mr. McKEOWN. Will the gentleman tell us what items the soldiers are expected to pay out of these amounts?

Mr. FESS. If my friend will consult the hearings, he will find that the hearings contain, I think, 10 individual cases of budgets, and they are in a printed form which will serve the gentleman's purpose better than for me to repeat them.

This is what I would like to say to the committee at this moment: An association known as the "Carry On Club," which was a sort of auxiliary to this rehabilitation work, testified through its chairman that they had busied themselves for months in placing disabled soldiers in quarters in the endeavor to find quarters within the range of cost which the Government gives them. These people said that was impossible to do, that they had supplied funds in a charitable way to carry on the education of these boys. The requirement for subsistance is not the same for a disabled man in training that it is for the average man. The same diet will not answer. The same clothing is not possible. The amount as well as kind differs. In the case of disabled men, the item of drugs and medicines is quite important. The place of location is also important. If $80 per month for subsistance is sufficient for the average man in school in New York, it does not argue that it is sufficient for disabled men.

Mr. PLATT. Will the gentleman yield right there?

Mr. FESS. I yield to the gentleman from New York.

Mr. PLATT. I am a member of the committee, and I agree fully with what the gentleman is saying, but, as I recollect the hearings, there was no testimony, or very little testimony, from any other place than New York City.

Mr. FESS. That is true.

Mr. PLATT. So we do not know that the same conditions as to expenses of living apply to other places than New York or some other large city.

Mr. FESS. That is true. That was one objection that the committee had raised originally, and yet I do not know how we can legislate here and pass a law applying to one district that does not apply to the 13 other districts.

Mr. PLATT. Of course, the board has the power under this amendment to give less in places where it is not needed.

Mr. FESS. Certainly the board has the power to pay less than the maximum. They can pay less than that if, in their judgment, it is not needed.

Mr. PLATT. As a matter of fact, though, did not the testimony, so far as we had any from outside or from the board, show that the board is actually paying $80 everywhere now?

Mr. FESS. I think that is the rule also.

Mr. PLATT. It may not be absolutely true everywhere, but so far as we had any testimony it seemed that they were paying $80, whether it was needed or not, and there were some places where that sum was more than students generally were receiving for living expenses from their parents.

Mr. FESS. I think that is the rule of procedure.

Mr. PLATT. When the limit was $75, was that supposed to be equivalent to all that the soldier got in the service?

Mr. FESS. Yes. The law provides when the soldier enters upon training he is to receive compensation under article 111 or allowance under the vocational act, whichever is the greater.

Mr. PLATT. I asked the War Department a while ago for a statement of just what a soldier's pay was, including subsistence, shelter, and so forth, and the answer was that the enlisted man got on an average $75.05 a month, but of course subsistence, clothing, and so forth, were included at Government cost. If the soldiers when in the service had been compelled to buy their clothing, their uniforms, and so forth, and their food, and so forth, outside, the cost to them would have been much more than $45, and if they had been given $75 a month, with the requirement that they should buy for themselves the things that were furnished them, they would not have had $30 or $15 in cash left over. At present, in cities like New York, their testimony before our committee was to the effect that $80 a month hardly provided the barest necessities, with no margin whatever, and often with a deficit, made up by charity or by private means. Hence, the necessity for the increase to $100.

Mr. FESS. I am very much obliged to the gentleman.

Mr. CANNON. Will the gentleman yield?

Mr. FESS. I yield to the gentleman from Illinois.

Mr. CANNON. For how long can this vocational training last to one individual? Suppose he enters to-day. How many years can he continue?

Mr. FESS. That will have to be determined by the judgment of the board that has the administration of the law. They tell me that they have entered a few men for a four-year course, but the average course is 10 months.

Mr. CANNON. That is by regulation of the board?

Mr. FESS. Yes.

Mr. CANNON. Suppose a man enters to learn one trade and fails. Can he come in again?

Mr. FESS. That depends entirely on what the board will do. We need wise administration on it.

Mr. CANNON. What will a married man with five children get while he is taking vocational training?

Mr. FESS. He gets the same as his compensation under the war-risk insurance, and as I remember that is $5 per child.

Mr. CANNON. I think it increases, does it not?

Mr. PLATT. It is increased to the amount of $5 per child.

Mr. DARROW. Fifteen dollars for the wife.

Mr. FESS. I have it here.

Mr. CANNON. That is, $15 for the wife, and I think it increases as the number of children increases.

Mr. FESS. That is in section 3. I have it here.

Mr. McKEOWN. Ten for the first child and $5 for each additional child.

Mr. FESS. I have it here. If there is no wife but one child, $5. If there is no wife but two children, $12.50. If there is no wife, but three children, $20. If there is no wife but four children, $30, and $5 per month additional for each additional child.

Mr. CANNON. Then the success or failure of this whole matter depends upon the Vocational Board, which has plenary power?

Mr. FESS. The gentleman has stated it correctly.

Mr. CANNON. How many people are receiving vocational training?

Mr. FESS. The report to-day is that there are 32,166 in training, something like 60,000 approved ready for training, and 136,000, in round numbers, supposed to be eligible in the entire list who will some day become beneficiaries of the law.

Mr. CANNON. The gentleman states in his report that this will cost $5,000,000. Does that mean $5,000,000 a year?

Mr. FESS. Five million dollars for the year.

Mr. CANNON. This increases the present law by $5,000,000 a year?

Mr. FESS. I think so. That is the nearest estimate I could get. Now, if my friend will allow me, there is some dispute whether we ought not to give training with compensation to every person who has a disability of whatever per cent. I asked the Federal board the other day, in this investigation, what would be the estimated cost if we should do that, and I was staggered when I was told that it would amount to something like $450,000,000 for the four years.

Mr. CANNON. While they are taking vocational training is this all they get? Or do they get compensation?

Mr. FESS. Their compensation is not reduced.

Mr. CANNON. Then they get full compensation for all injuries that they receive, and $100 a month for a single man, $130 a month for a married man, with an allowance for the children. Has the gentleman made a calculation as to what the average would be?

Mr. FESS. Let me yield to my friend, the gentleman from Kentucky [Mr. ROBSION].

Mr. ROBSION of Kentucky. I feel that my colleague did not get the question of the gentleman from Illinois when he answered that they did draw the compensation.

Mr. FESS. They draw whichever is the larger.

Mr. ROBSION of Kentucky. Under the law the vocational pay would be the larger, and they would not get any war-risk compensation.

Mr. CANNON. They can not get both?

Mr. ROBSION of Kentucky. They can not get both.

Mr. FESS. I misunderstood the question of the gentleman from Illinois.

Mr. CANNON. They can choose whichever is the larger?

Mr. FESS. Yes; that is the law.

Mr. CANNON. I believe the gentleman has stated how much it will take to carry out this law.

Mr. FESS. Yes; I think it will not be less than $5,000,000 a year.

Mr. CANNON. And that will run for a period of five years?

Mr. FESS. I can not see how it could run for five years. The most of them have entered for three, and some have entered for four years.

Mr. CANNON. But they can enter for five or six years?

Mr. FESS. No; I do not know any course that would allow five years.

Mr. CANNON. The total number of people in and people that have come in is what?

Mr. FESS. One hundred and thirty-six thousand all told.

Mr. CANNON. Those in and those who have been passed?

Mr. FESS. Yes.

Mr. CANNON. And others are eligible for admittance?

Mr. FESS. One hundred and thirty-six thousand is the estimate, and if it is a correct estimate there are not any others.

Mr. BRIGGS. Will the gentleman yield?

Mr. FESS. I will.

Mr. BRIGGS. Is that under the law as it reads now?

Mr. FESS. Yes.

Mr. BRIGGS. And not under the proposed 10 per cent disability provision.

Mr. FESS. No; if you include that it would run away up. I think Members will catch this distinction. Under the war-risk insurance act they are classified in section 2 and section 3. The administration of the law does not allow compensation in the form of allowances to those taking section 3. If you remove that and say that everybody that gets training shall be paid compensation, you are going into a big field.

Mr. BRIGGS. Why is it at this time in 1920 there are 60,000 approved applicants and no action apparently in giving the men the needed training?

Mr. FESS. There are several explanations for that. One is that the industrial situation is so inviting to people looking for work that they do not take the training. I am told that there are 28,000 not in training, not the fault of not being able to place them, but they are not making applications to enter; they are in something else.

Mr. BRIGGS. Already employed in profitable employment?

Mr. FESS. Yes. Now, Mr. Chairman, it will be necessary for me to reserve the balance of my time.

Mr. BLANTON. Mr. Chairman, I ask recognition for 30 minutes in my own right for the minority of the committee, unless some one is opposed to the bill. If so, he would be entitled to be recognized. If there is no one, I ask to be recognized.

The CHAIRMAN. The Chair recognizes the gentleman from Texas.

Mr. BLANTON. Mr. Chairman, I yield five minutes to the gentleman from Iowa [Mr. TOWNER], a member of the committee.

Mr. TOWNER. Mr. Chairman and gentlemen of the committee, I presume members of the committee will regret that it is necessary to increase the allowance provided in this amendment. Not because they would not desire to help the wounded soldiers but because of the fact that we have a depleted Treasury, and any further encroachment upon it is of course to be deplored.

However, it is not a theory that confronts us but a condition. From practical experience and from the knowledge that has been gained by the conditions that exist, with these boys in training, it is found that it is absolutely necessary unless we throw these men over to charity. It is unfortunately true that thousands of these boys who have been placed in training have been receiving charitable contributions in order to carry them through their training period. The Elks Association, with a splendid feeling of generosity, in the first place set aside $100,000 for the purpose of making a revolving fund that might be loaned to these soldiers. Afterwards it was found that it should be and was increased to $200,000. It was found that a great many of these boys who were receiving training could not maintain themselves and their families with the utmost scrupulous economy unless they received assistance from others.

The Red Cross loans money to them. They have received loans from other generous societies and individuals in order to help them through the training period. So we are obliged in common decency to put these boys in at least a fair and reasonable condition of independence regarding the time that they are in training or else abandon the proposition entirely.

Mr. LONGWORTH. Will the gentleman yield?

Mr. TOWNER. Certainly.

Mr. LONGWORTH. Will the gentleman state how the amounts proposed by the bill compare with those in Great Britain for similar vocational training?

Mr. TOWNER. No; I can not. In Great Britain the efforts of the Government are very largely supplemented and probably more than doubled by private contributions. They receive the help necessary to carry them through the period of training. In fact, they are taken care of in Great Britain very largely by private associations, patriotic associations that do not call themselves charitable associations, but, nevertheless, it is charity.

So we have brought in this amendment for a fair and reasonable increase in the allowance to these young men during the period when they are in training. We have increased the allowance $20 a month. The average length of time which these boys occupy in training and which will require this compensation is about 10 months. Of course, during that period of time they are practically withdrawn from all power to assist themselves or to earn any money themselves. There is an exception to that where they receive training in factories with those engaged in mechanical business. As they are able to do some work along with their training, they receive some pay for it.

It is a fine thing to note the support which this bill is receiving from Congress. It was unanimously reported from our committee and it will be unanimously passed by the House. We

all feel that no matter what it may cost, no matter what effort may be required, the representatives of the people will do everything that can be done to rehabilitate the wounded soldier and make him a self-supporting, independent American citizen, honored because of his service, and still more greatly honored because of his sacrifice.

Mr. BLANTON. Mr. Chairman, in view of the history of this legislation and of the present necessity for bringing in this amendment, it is very interesting to note what the President of the United States said in his veto message sent to Congress on July 11, 1919. I want to read that veto message, because it throws a good deal of light upon the present situation. I read from page 2493 of the RECORD of July 12, 1919:

SUNDRY CIVIL APPROPRIATION BILL—VETO MESSAGE.

The SPEAKER laid before the House the following message from the President of the United States, which was read:

To the House of Representatives:

I find myself obliged to return H. R. 6176, "An act making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1920, and for other purposes," without my signature, because of certain items of the bill which seem to me likely to be of the most serious consequences. Under the vocational rehabilitation bill, which became law June 27, 1918, the Congress has sought to fulfill the expectations of the country that their soldier, sailor, and marine disabled in the recent war should be given an opportunity to secure at the expense and under the fostering care of the Federal Government such training as he needs to overcome the handicap of his disability and to resume his place as a civilian able to earn a living upon something like equal footing with those with whom he was associated before he made his great sacrifice for the honor and defense of the country.

The work of rehabilitation under this admirable law is now at its height, and was to have been given greater speed and certainty by the amendment to section 2 of the vocational rehabilitation bill, which I have to-day signed, and which places the whole responsibility for vocational training in a single agency, virtually transferring from the War Risk Insurance Bureau to the Federal Board for Vocational Education $6,000,000 with which to support disabled men in training at the generous figure of $80 a month for a single man and $100 a month for a man and his wife.

It is a matter of very grave concern, therefore, that at the very moment when these disabled men are coming in constantly increasing numbers to the Government to avail themselves of this generous plan that there should appear in the sundry civil appropriation bill, which I now return, limiting clauses which will do much more than seriously cripple and retard the beneficial work of restoring these men to useful and contented lives. Those clauses would probably, in fact, if put into effect, nullify the whole purpose of the act and render its administration practically impossible. The section of the bill which I now return, which governs the appropriation for this work, provides the sum of $6,000,000 for all the expenses of rehabilitation, including the support of the disabled men in training, and this sum is stated to be "in lieu of the appropriation contained in the act approved July —, 1919, amending section 2 of the act approved June 27, 1918." Inasmuch as there are already over 4,000 disabled soldiers, sailors, and marines in training, and inasmuch as another 4,000 will be put into training now that the amendment to section 2 has become law, it is clear that even at the rate of only $80 a month a sum approximating $8,000,000 will be required for the mere support of these men, and that under the present appropriation nothing will be available for their tuition and travel or for placing them where they can earn a living, and it will be impossible to meet the needs of the new thousands who are every week seeking the benefits of the rehabilitation act. In the offices of the board in the District of Columbia and in 14 great centers of the United States immediate help is being given to men in need of these services, and these offices are used for the essential purpose of keeping accurate records, of providing proper medical survey of the men, of caring for them in their illnesses, and for various administrative costs inseparable from difficult work of this kind, which must, in the present circumstances, reach to every corner of the United States.

Furthermore, the same section of the sundry civil bill places such limitations upon the salaries which the Federal Board for Vocational Education is permitted to pay that it will inevitably result in the loss by the Vocational Board of a very large number of men who have made themselves especially valuable, and, indeed, indispensable, in this new work by reason of their native ability, their proven general experience, and their special training, and to whose advice the disabled men must look as well as for superintendence in the matter of training and employment. Among these are the vocational advisers, whose special duty it is to study the men in the hospitals, confer with them, and lay out their vocational plans. These hospital cases must, if these men are to be dismissed or allowed to resign, get along entirely without such advice and supervision until they have been able, after their discharge, to make their way on their own initiative to the distant offices of the Federal board.

These serious limitations upon the amount of money available and the uses to which it is to be put involves, therefore, an actual disruption of a carefully built up service at the very moment when the disabled soldiers, sailors, and marines now in the country or returning to it are most immediately in need of help. This is a matter of the gravest consequence. It can not but have far-reaching and disastrous effects upon the plan so carefully thought out for the immediate and thorough rehabilitation of men in the service of the country.

I want my good friends on the other side now to note the admonition that the President gave to Congress on July 11, 1919:

I therefore return the bill with the hope that the Congress will reconsider this section of the law, restore the six millions appropriated under the act amending section 2, and most liberally revise the salary limitations, so that this beneficent work may go on and go on at once. I am convinced that in this matter I speak the sentiments and the hopes of those who have most carefully studied the needs of the returning soldiers and who are best qualified to carry out a purpose which I am sure the country has very much at heart.

WOODROW WILSON.

THE WHITE HOUSE,
11 July, 1919.

Mr. Chairman, I am not going to engage in anything which even smacks of partisanship, but if there has been any want of efficiency for lack of funds or suffering for lack of proper allowances, what would there have been had this bill been signed by the President and had he not vetoed it and returned it to the Congress in order that proper appropriation could be made for the work which he outlined? Did not the President have vision at that time which took into consideration the very obstacles which have appeared in the hearings before our Committee on Education, which have been going on for several weeks? What would have happened to our disabled men had they been denied the money which was absolutely necessary, and which the President himself caused to be provided by Congress by vetoing and sending back to this House and to the Senate the entire sundry civil appropriation bill, with all of its many appropriations, in order that this one single item might be corrected and increased? I merely call that to the attenton of my partisan friends on the other side of the aisle, hoping that in consideration of the peculiar circumstances of this case in the future they will leave out of their many arguments on the floor so much partisanship with respect to the Democratic administration and especially the action of the President of the United States.

I am glad that there is no opposition to this bill. The hearings before our committee show that the men can not exist on the present allowance that has heretofore been allowed them in cities like New York and elsewhere. They could not get the actual necessities of life in such places. I am glad that this bill will go through without opposition. No opposition has appeared on the floor up to this time.

I yield five minutes to the gentleman from Pennsylvania [Mr. DARROW], the author of the bill.

Mr. DARROW. Mr. Chairman, I do not think there is any necessity for argument on this bill. A plain statement of fact is all that is required to insure its unanimous passage by this House, for I assume that every Member of the House is sincerely solicitous of the welfare of the wounded and disabled soldiers, sailors, and marines who have taken part in the recent war. I assume that everyone wants to see them rehabilitated so that they can return to civil life and become self-sustaining and self-respecting members of society, and I also assume that everyone familiar with present living conditions—and I think we have had some personal experience—knows that the present amount allowed by the Government under the act of July 11, 1919, is not sufficient to meet the high cost of food, clothing, lodging, and other necessary expenses they may have to meet, particularly in the large centers of population, like New York, Philadelphia, Washington, Chicago, and other cities, where most of this training is carried on.

Mr. BRIGGS. Mr. Chairman, will the gentleman yield?

Mr. DARROW. Yes.

Mr. BRIGGS. The gentleman from New York a few moments ago asked if the board was not allowing the full maximum amount of $80, which is provided under the present law for a single person and $100 for a married person. Is it not the gentleman's observation that the full amount allowed is necessary?

Mr. DARROW. I should imagine that the full allowance would be necessary in any place where these boys are undergoing this training. Whether the increased allowance will be I do not know.

I introduced this bill at the request of the American Legion. It was framed in accordance with the provisions of a resolution passed at their convention in Minneapolis. It is the first official request that has come to Congress from that body. It has been approved by the veterans of foreign wars and by nearly everyone, so far as I know, who knows anything about this situation. The Committee on Education, which granted us a hearing, came to a unanimous conclusion that we had proven our case and reported it out of committee without a dissenting vote and recommended its passage. The Committee on Rules was also unanimous in reporting a rule for its prompt consideration, because they thought it was urgent, if we want these men to continue the training they are now taking, to have this bill immediately enacted into law.

Mr. BRIGGS. Does not the evidence before the Committee on Education absolutely establish the fact that it is necessary?

Mr. DARROW. Absolutely. The question was asked a few moments ago what other countries are paying. My recollection is that in Canada men who are receiving this rehabilitation training are receiving $165.83 per month, made up, of course, in various ways. That was brought out before the Committee of the Whole when we had the former bill under consideration.

I tried then to have an amendment adopted to it which would grant approximately the amount which we are now

seeking to establish in this bill. This is none too much to meet the requirements of these men. I want to direct your attention to the budgets submitted to the committee by the young men who are taking courses of training; some of them are printed in the hearings. It is true that they apply to conditions prevailing in Philadelphia and New York, but like conditions are found in most of our cities. In these budgets they have shown only their unavoidable expenses down to the penny, and had they not received outside aid from such splendid organizations as the Carry On Association, the Rocky Mountain Club, the Red Cross, and other benevolent institutions they would have been forced to give up long ago.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. DARROW. Can the gentleman from Ohio yield me a little more time?

Mr. FESS. Mr. Chairman, I regret very much to say that I have no time to yield.

Mr. BLANTON. Mr. Chairman, I yield the gentleman one minute more.

Mr. DARROW. Mr. Chairman, I thank the gentleman from Texas very much, but I can not make much further statement in one minute. I wanted to say that this had been confirmed by the testimony of Mrs. Wendell Phillips, president of the Carry On Association, and Mr. John Hays Hammond, president of the Rocky Mountain Club, representatives of the American Legion, and the Veterans of Foreign Wars. The evidence showed that the Carry On Association was furnishing food and lodging at wholesale cost without any overhead charges, and then the expense per man was $100.33 per month.

I have received many appealing letters from all over the country, letters that touch the heart and excite the sympathy of every appreciative American. These letters often tell a pathetic story of wounds that prevent their return to their old vocation. These brave men who have suffered so much do not want to be wards of charity; they simply ask to be placed where they can again be an asset to their country in civil life. But, gentlemen, it is not necessary for me to appeal to your sympathy; your good judgment and sense of right will impel everyone present to vote for the passage of this bill, and everyone absent would also vote for it if present. These men have suffered much, and it is our patriotic and solemn duty to bind up their wounds and replace the scars of battle by opening the door of new opportunity.

By unanimous consent Mr. DARROW was granted leave to revise and extend his remarks in the RECORD.

Mr. BLANTON. Mr. Chairman, I yield two minutes to the gentleman from New York [Mr. O'CONNELL].

Mr. O'CONNELL. Mr. Chairman, I want to thank my colleague from Texas [Mr. BLANTON], who, despite the limited time at his disposal, has very courteously allowed me a few moments in which to be heard on this bill. The bill seeks to increase the amount of pay to soldiers who are students under the Government from $80 to $100 for single men and from $100 to $120 for married men, as follows:

A bill (H. R. 12266) to amend an act entitled "An act to provide for vocational rehabilitation and return to civil employment of disabled persons discharged from the military or naval forces of the United States, and for other purposes," approved June 27, 1918.

Be it enacted, etc., That section 2 of the act entitled "An act to provide for vocational rehabilitation and return to civil employment of disabled persons discharged from the military or naval forces of the United States, and for other purposes," approved June 27, 1918, be hereby amended to read as follows:

"SEC. 2. That every person enlisted, enrolled, drafted, inducted, or appointed in the military or naval forces of the United States, including members of training camps authorized by law, who, since April 7, 1917, has resigned or has been discharged or furloughed therefrom under honorable conditions, having a disability incurred, increased, or aggravated while a member of such forces, or later developing a disability traceable, in the opinion of the board, to service with such forces, and who, in the opinion of the Federal Board for Vocational Education, is in need of vocational rehabilitation to overcome the handicap of such disability shall be furnished by the said board, where vocational rehabilitation is feasible, such course of vocational rehabilitation as the board shall prescribe and provide.

"The board shall have the power, and it shall be its duty, to furnish the persons included in this section suitable courses of vocational rehabilitation, to be prescribed and provided by the board; and every person electing to follow such a course of vocational rehabilitation shall, while following the same, be paid monthly by the said board from the appropriation hereinafter provided such sum as in the judgment of the said board is necessary for his maintenance and support and for the maintenance and support of persons depending upon him, if any: *Provided, however*, That in no event the sum so paid such person while pursuing such course shall be more than $100 per month for a single man without dependents, or for a man with dependents $120 per month, plus the several sums prescribed as family allowances under section 204 of article 2 of the war-risk insurance act."

It is a most commendable piece of legislation, one that is certain to enlist the support of the Congress, regardless of party, and one that will bring the greatest good to the greatest number. It is gratifying to note a disposition on the part of this body to help the disabled soldier of the World War to help himself. Every Member of this House remembers that on July 12, 1919, the President of the United States returned to Congress the sundry civil bill with his veto, predicated upon the fact that it did not provide adequafely for the vocational rehabilitation of the soldiers of the World War. I quote, in part, from that veto message:

It is a matter of very grave concern, therefore, that at the very moment when these disabled men are coming in constantly increasing numbers to the Government to avail themselves of this generous plan that there should appear in the sundry civil appropriation bill, which I now return, limiting clauses which will do much more than seriously cripple and retard the beneficial work of restoring these men to useful and contented lives.

I rejoice that we are all now in accord in our efforts to adequately provide for these men; that we recognize the debt we owe for the inestimable work they did and the sacrifices they made for the benefit of mankind. So far as I am able to ascertain, there is no opposition to the bill on either side of the House. I do not see how there could be after listening to the statements made on the floor to-day, to the effect that many of these disabled heroes pleaded their own cause before the Committee on Education, and that as a result that committee unanimously voted to report the bill now before us bearing the name of my distinguished friend and colleague, the gentleman from Pennsylvania [Mr. DARROW], who possesses to an exceptional extent the esteem and admiration of this House. As one who believes that there is no gift within the ability of the Nation sufficiently adequate to compensate these men for their service to their country, I earnestly hope and trust that this bill will pass by acclamation. [Applause.]

Mr. BLANTON. Mr. Chairman, I yield two minutes to the gentleman from Kentucky [Mr. ROBSION].

Mr. FESS. I will yield the gentleman five minutes.

Mr. ROBSION of Kentucky. Mr. Chairman, the first bill passed by Congress looking to the relief of disabled soldiers was the war-risk insurance bill, which became a law October 6, 1917. That bill included a provision which contemplated vocational rehabilitation for our disabled soldiers and sailors.

Under the original act, no disabled soldier or sailor could receive more than $65 per month with which to pay his expenses while taking training. The new Republican Congress met in May, 1919, and in July, 1919, the original act was amended, which provided that single men could receive as much as $80 per month and married men $100 per month, with allowances for their wife and children, while taking this training—that is, $15 per month for the wife, $10 for the first child, and $5 per month for each additional child. If there is no wife, but two children, $12.50 per month. If there is no wife, but three children, $20 per month. If there is no wife, but four children, $30 per month, and $5 per month additional for each additional child.

INCREASE OF $20 PER MONTH.

This bill proposes to increase the allowance for each single man and married man $20 per month, so that the single man may receive as much as $100 per month and the married man as much as $120 per month, with the allowances for wife and children heretofore spoken of, to pay his expenses while taking training. The Vocational Board may limit them to the actual amount necessary to meet their expenses while taking this training. Is this increase necessary? Our Committee on Education, which reported this bill to the House and is now urging its passage, took a great deal of testimony from persons who were competent to speak on this subject. We had the representatives of soldiers who are taking the training in 53 colleges and training schools. They produced itemized budgets showing their necessary expenses. There also appeared before our committee national representatives of the American Legion, World War Veterans; Mrs. Wendell Phillips, president of the Carry On Association for World War Soldiers; Hon. John Hays Hammond, representing the Rocky Mountain Club; Mr. E. H. Hale, representing the Veterans of Foreign Wars; representatives of the Elks Lodge and other charitable and welfare associations. All of these organizations have been actively engaged in this vocational work in behalf of the disabled soldiers. All of them have made a careful study of this question. They prove conclusively the necessity for this increase. They all indorsed this bill and urged its immediate passage.

It was proved beyond doubt that a great many disabled soldiers and sailors were forced to give up their training because the sum allowed under the present law was inadequate to pay their expenses while taking training. In many other instances the Elks Lodge, the Carry On Association, the Rocky Mountain Club, and other fraternal and charitable organizations had to loan money or contribute money to our disabled soldiers and sailors in order that they might meet their expenses while taking this training.

OUR DISABLED HEROES SHOULD NOT HAVE TO DEPEND UPON CHARITY.

While I greatly appreciate these efforts and contributions and applaud the purpose of the Elks Lodge, the Carry On Association, the Red Cross, the Rocky Mountain Club, and other charitable and patriotic organizations for and in behalf of the disabled soldiers and sailors of the World War, yet since these boys became disabled in defense of our common country this great, rich Government of ours should so generously provide for these disabled heroes that it will not be necessary for them to depend upon the generosity or charity of any organization or association. [Applause.]

OUR DUTY—A GREAT PURPOSE.

Hundreds of thousands of men crippled and broken in health in defense of the Union returned to their homes in the Civil War and were forced to drag their lives out in that disabled condition without training and without being able to return to civil employment and earn support for themselves. This same condition prevailed after the Spanish-American War and other wars of our country. One of the very greatest thoughts of the century is the purpose of the American people to retrain, rebuild, and rehabilitate the men who became crippled and disabled in the defense of our country. An enlightened humanity throughout the ages must applaud this great purpose. It must be approved, and will be approved, as a sound economical policy of the Government. These boys have not only returned to us broken in body but greatly depressed in mind and spirit. They can not return to their usual vocations and professions. Everything looks dark to them. Let us give to them this training. Let us point the way to them whereby through this training they can earn more money and be more useful to the Nation than they were before they entered the service. Let us develop to the fullest their minds and hearts, that part of their being which is divine and which is in the image of God himself. Let us fire them with a new ambition and inspire them with a new hope and courage. Let us prepare them to win victories in peace for our Nation equally as glorious as they won across the sea. Something has been said on the floor of the House to-day about the depleted condition of our Treasury. This is a matter of deep concern to every thoughtful Member of this House. If our soldier boys can gather enough courage to begin the struggle of life over again under their great handicaps, the American people should not think about the money or labor necessary to retrain these disabled boys. We owe to them a debt of gratitude which we can not fully repay, let us do ever so much. Our duty is the first and highest consideration. It should be a labor of love to every true American to reward to the fullest those who gave so much and sacrificed so much and triumphed so gloriously in the defense of our country. [Applause.]

IS THIS TRAINING NECESSARY AND WILL IT BE A SUCCESS?

We must look at this question from the viewpoint of the disabled boy. Our soldiers and sailors were the pick of the Nation, both physically and mentally. Nearly all of them were trained for certain work. They were taken from the farm, the factory, the mine, the office, the store, the school, and every other walk of life. They went forth full of ambition and hope, but the young man who was splendidly fitted for farming has given a leg, an arm, or both legs and arms to his country. He has a good mind, but he can no longer be a farmer. The purpose of this law is to allow him a sufficient sum to pay his expenses while he is learning to be a bookkeeper, teacher, or learning some other trade or profession suited to his present condition.

Here is a young man who had fitted himself for teaching or office work. He was gassed. His lungs are affected. He has a touch of tuberculosis. He must have the open air. He is not able to return to his indoor employment. He must now be trained to be a farmer, forester, gardener, civil engineer, or some other work that will enable him to make his living in the open air.

Here is another young man that has been disabled in some way, but if he were trained he would make a fine wireless operator. Here is another young man that would make a fine automobile mechanic, another a machinist, a draftsman, a druggist, or a factory foreman, mine foreman, or timekeeper, if he had the training.

There are about 130,000 of our soldier boys that were so crippled or whose health has been so much impaired that they can not return to their usual vocations, trades, or professions, and they must be trained for some other trade or profession suitable to their physical condition and for which they appear to be best fitted. Now, the purpose of this law is to provide the necessary expenses for these disabled boys while they are taking this training. The average time required for these boys will be about 12 months, and the average cost per man will be something like $1,800, and, altogether, it will cost the Government something like $250,000,000 if all of these boys take the training. This money will be well spent. It will make these splendid boys self-sustaining and self-respected American citizens. It will inspire them with new hope and courage, and, above all, we shall in a small measure repay a part of the great debt of gratitude which our country and we owe to the proudest, best, and bravest army that fought on either side in the recent World War. Not a single vote should be, and I feel not one vote will be, cast against this bill.

Mr. FESS. We have only one more speech.

Mr. BLANTON. I yield such time as the gentleman from New York [Mr. DONOVAN] wants to use.

The CHAIRMAN. The gentleman from New York is recognized for seven minutes.

Mr. DONOVAN. Mr. Chairman and gentlemen of the committee, I think that the necessity for this legislation is epitomized in the statement of Mr. Crampton, a wounded soldier, who appeared before the Committee on Education, and which statement is on page 31 of the hearings, under date of February 17, 1920.

I read therefrom:

> I feel that we are all very, very thankful to the Carry On Association for all they have done for us, but we feel that the Government has fallen down; that is our feeling, and that it should not be necessary for us to have money advanced to us by the Carry On Association, or anyone; the Government should do that.

What is the situation here, gentlemen? It is this: Here is this young disabled soldier, who lived under the auspices of the Carry On Association, of New York, which is an association incorporated under the laws of New York, and runs its business not for a profit but alone for the benefit of the disabled soldier. Its sole and entire object is to furnish a suitable place for the maintenance, housing, and furnishing laundry needs for the crippled man.

Who else is doing this work that the Government should do? It is the Red Cross and kindred organizations. The Benevolent and Protective Order of Elks has done its full share. What has it done? Why, gentlemen, if you needed any argument to clearly show you the necessity for this legislation, you need but read the hearings to learn what we of the committee know, that that great order has made advancements amounting to over $300,000 to these crippled boys, to house, and maintain them during the period of their rehabilitation training, simply because these boys were unable to support themselves under the Government maintenance allowance.

The gentleman from Kentucky [Mr. ROBSION], in reply to the gentleman from Texas [Mr. BLANTON], said in substance that at the time the President sent in his message, giving his reasons for vetoing the sundry civil bill, that the message did not disclose the degree of benefit for the crippled soldier which the gentleman from Texas claimed for it.

In reply I would say that the words of the President used at that time, giving the reason for his veto, to me, now seem almost prophetic.

Let me read from pages 2493–2494 of the CONGRESSIONAL RECORD of July 12, 1919:

> Inasmuch as there are already over 4,000 disabled soldiers, sailors, and marines in training, and inasmuch as another 4,000 will be put into training now that the amendment of section 2 has become law, it is clear that even at the rate of only $80 a month a sum approximating $8,000,000 will be required for the mere support of these men, and that under the present appropriation nothing will be available for their tuition and travel or for placing them where they can earn a living, and it will be impossible to meet the needs of the new thousands who are every week seeking the benefits of the rehabilitation act.
>
> Furthermore, the same section of the sundry civil bill places such limitations upon the salaries which the Federal Board for Vocational Education is permitted to pay that it will inevitably result in the loss by the Vocational Board of a very large number of men who have made themselves especially valuable, and, indeed, indispensable, in this new work by reason of their native ability, their proven general experience, and their special training, and to whose advice the disabled men must look as well as for superintendence in the matter of training and employment. Among these are the vocational advisers, whose special duty it is to study the men in the hospitals, confer with them, and lay out their vocational plans. These hospital cases must, if these men are to be dismissed or allowed to resign, get along entirely without such advice and supervision until they have been able, after their discharge, to make their way on their own initiative to the distant offices of the Federal board.

We are to-day confronted with this condition. The Committee on Education is holding hearings on the alleged or real falling down in the administration of the law by the Federal Board for Vocational Education. The reason, in my opinion, why the hearings are held is that because of the shortsightedness of the Congress in limiting the appropriation, as referred to in the message of the President, that the trained men who were then administering the law soon thereafter severed their connection with this work, and this is largely responsible for the condition of which we to-day are hearing great complaint.

The Carry On Association, of the city of New York, spent over $150,000 in its great work in dealing and caring for over 2,000 wounded service men; has conclusively demonstrated that under its management, buying all its supplies at wholesale, with no overhead charge, with the employment of one of the best business systems imaginable, that it costs to feed, house, and care for a crippled man while in training, without a cent for clothing or pocket money, $67.38 a month.

It will be readily seen that $80 a month is wholly inadequate when maintenance is to be supplied at the retail price in such cities as New York, Chicago, Boston, and Philadelphia.

It is a most commendable work, in which these great volunteer organizations are engaged, but the words of our young friend Crampton are potent with meaning when he says, "We feel that the Government has fallen down."

This condition should not prevail, and yet if it were not for these great organizations which have stepped into the breach these boys who have given the best they had to save the country, and have come through the crucible of war crippled and maimed, would have been practically destitute, and should have been provided for by the Congress representing the grateful American people.

We can now, however, retrieve to some extent what faults may exist by insufficient legislation to date by the passage of this proposed amendment, which gives both the single and the married man a $20 maintenance increase. [Applause.]

Mr. BLANTON. Mr. Chairman, I have two minutes remaining. I want to remind the gentleman from Kentucky [Mr. ROBSION] of the record. What was known as the Buchanan motion when this bill came back to the House under the President's veto would have provided $12,000,000 for this work. The gentleman from Wyoming [Mr. MONDELL] offered a substitute to make it $8,000,000 instead of $12,000,000, and the vote came on a roll call on the Mondell substitute for the Buchanan motion. Let us see what the vote was in that respect. The question was whether there should be $8,000,000 or $12,000,000, and I find my distinguished friend from Kentucky [Mr. ROBSION] voting, on page 2773 of the RECORD, for the Mondell substitute, which was adroitly framed so as to make it appear that it was giving $8,000,000 instead of only $6,000,000, when, as a matter of fact, the proposition of Mr. BUCHANAN would have given $12,000,000 instead of $8,000,000, as proposed by the gentleman from Wyoming. Here is the vote. There were 202 in the affirmative for the Mondell substitute and 184 against. This will be found on page 2773 of the RECORD of July 17, 1919. It was a partisan vote on that measure. My good friends, the Republicans, voted for the $8,000,000 proposition, and my Democratic colleagues on this side of the aisle, who unfortunately were in the minority, to the detriment of the disabled soldiers, sailors, and marines of this country, were for the $12,000,000. There are the facts. You can not disguise or change the RECORD, regardless of the adroitness with which the Mondell substitute was worded and framed.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. FESS. I yield the balance of my time to the gentleman from Massachusetts [Mr. DALLINGER].

Mr. DALLINGER. Mr. Chairman, I am very much surprised at the attempt of the gentleman from Texas [Mr. BLANTON] to bring partisanship into this debate. Now, what are the facts as to what happened at the time to which the gentleman from Texas refers? With the passage of the Mondell amendment this House gave to the Vocational Board, for the purpose of taking care of all of these disabled soldiers, $14,000,000, when the largest amount that had ever been asked for by the Vocational Board itself—a Democratic board, which had charge of the administration of this law—was $10,000,000. [Applause on the Republican side.] Those are the facts. And if there is any complaint or any trouble with the administration of this law in regard to disabled soldiers, the fault lies with the Democratic administration of the law. Mr. Griffin, who comes from the city so ably represented by the gentleman from New York [Mr. DONOVAN], resigned from his post as district vocational officer of the New York district because, as he testified recently before our committee, he was dissatisfied with the way in which the Vocational Board was administering the law. Among other things, he said that he had prepared a budget showing that the Vocational Board needed $50,000,000 for this important work, and yet the board itself and the administrative officers of the board here at Washington told the Committee on Appropriations and Congress that they needed only $10,000,000.

Mr. RAYBURN. Will the gentleman yield?

Mr. DALLINGER. I regret that I have not the time.

And right here, Mr. Chairman, in behalf of all the Members of this House, Democrats as well as Republicans, I desire to state most emphatically that this Congress has always been willing to vote every cent that has been asked for by the Vocational Board for carrying on the all-important work of caring for our disabled soldiers. If the board has not asked for enough money, or if the members of the board or the director have ignored the recommendations of their own subordinates and the work has been handicapped, then the fault is with the administration of the law and not with Congress.

Mr. Chairman, I desire further to make it clear that there has been no delay on the part of the Committee on Education in regard to this bill. It will be remembered that last July the President of the United States in his veto message, which has been read by the gentleman from Texas [Mr. BLANTON], said that $80 a month was a liberal amount. The gentleman from Pennsylvania [Mr. DARROW] introduced this bill and a hearing was held by the committee in February. At that hearing a number of disabled soldiers appeared and satisfied the committee that $80 per month was inadequate and that they ought to have $100 a month instead of $80. On that very day, at the close of the hearing, the committee unanimously voted to report the Darrow bill, which has now come before this House under a special rule. As one who believes that we can not do too much for these men who were disabled in the service of their country I sincerely trust and expect that it will receive the unanimous approval of this body. [Applause.]

Mr. FESS. Mr. Chairman, I ask for the reading of the bill.

The CHAIRMAN. The Clerk will read.

The bill was read in full for amendment.

Mr. FESS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. FESS: Page 1, line 8, after the figures "1918," insert the following: "as amended by the act of July 11, 1919."

Mr. FESS. Mr. Chairman, that is simply to complete the record. This law of July 27, 1918, was amended on July 11, 1919, and in order to make it complete we do not amend the original act but we amend the act as amended.

Mr. WALSH. Will the gentleman yield?

Mr. FESS. I yield.

Mr. WALSH. The act of July 11, 1919, has a title. Should not that be incorporated in the amendment? There might be three or four acts of July 11, 1919.

Mr. FESS. The title is simply in the form of an amendment and——

Mr. WALSH. What I am getting at is, was the act of July 11, 1919, simply an act to amend the law of July 27, 1918?

Mr. FESS. It was. It was simply an amendment.

Mr. RAYBURN. Will the gentleman from Ohio yield?

Mr. FESS. I yield to the gentleman from Texas.

Mr. RAYBURN. I would just like to make a suggestion about an amendment that I think would be very proper to put in this bill. We had the same trouble with every amendment to the war-risk insurance act until we added an amendment that the act should be cited as the war-risk insurance act. Does not the gentleman think it would be a good idea to cite each amendment by a numeral and a letter, and have it stated that "This bill shall be cited as the vocational-rehabilitation act," and then the amendment of that date? I feel quite certain it is not the last amendment we are going to have to this act. It is just a question of procedure.

Mr. FESS. My own opinion is that it is a very good suggestion.

Mr. RAYBURN. We have had various amendments to the war-risk insurance act, and we would have come very soon to the point where the caption of the bill would have taken up the whole page, but since that time all we have to write in an amendment is that "the war-risk insurance act is hereby amended to read as follows."

I was thinking that probably it would be a good thing for this bill.

Mr. FESS. I will say to my friend from Texas that the war-risk insurance act is a permanent affair and will run on for years. I doubt very seriously whether this work for the disabled soldier will not all be completed within four years and further work discontinued.

Mr. RAYBURN. I know. It is just a question of easy enactment.

Mr. FESS. If the gentleman will offer that amendment, so far as I am concerned I would be very glad to accept it.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. FESS. I yield.

Mr. BLANTON. For the purpose of keeping the record straight, I know the gentleman from Ohio is always fair, and I want to ask him if it is not a fact that in the final passage

of this bill there was an effort on this side of the aisle to give to this work $4,000,000 more than the gentleman's side of the aisle finally agreed to. Is not that a fact?

Mr. FESS. I think that my friend is entirely in error.

Mr. BLANTON. The gentleman does not admit that?

Mr. FESS. No.

Mr. BLANTON. The gentleman does not admit that the purpose of the motion of the gentleman from Texas [Mr. BUCHANAN] was to make this appropriation $12,000,000 instead of $8,000,000?

Mr. FESS. I think that statement is correct. Some one did offer an amendment to make it $12,000,000.

Mr. BLANTON. Then the gentleman admits that the amendment of the gentleman from Texas [Mr. BUCHANAN] would give $12,000,000 instead of $8,000,000?

Mr. FESS. The amendment was to give $12,000,000, or $4,000,000 more than was asked for. This side of the House is not dealing with public funds in that way.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. McKEOWN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Oklahoma moves to strike out the last word.

Mr. McKEOWN. I want to ask a question. Does the gentleman from Ohio know whether there is any rule by which this allowance is discontinued? Suppose the soldier refuses to continue his studies.

Mr. FESS. That is in the law.

Mr. McKEOWN. I have had some complaint about soldiers who went in and started their studies, and then, without any apparent excuse at all, quit. Then they could not get paid.

Mr. FESS. The law requires the compensation to be cut out. In other words, that is the penalty for their not taking the vocational training.

Mr. McKEOWN. Then what takes place? Does such a man take his regular allowance under the war-risk insurance?

Mr. FESS. He does not lose his allowance under the war-risk insurance.

Mr. McKEOWN. That continues?

Mr. FESS. That continues.

Mr. PARRISH. Mr. Chairman, will the gentleman yield?

Mr. FESS. Yes.

Mr. PARRISH. The allowance does not continue while he is drawing his vocational-training money.

Mr. FESS. What do you mean by his "allowance"?

Mr. PARRISH. I mean his compensation. The law provides $30.

Mr. FESS. The law provides that he shall receive the amount that is greater. If it is the compensation, it shall be that; if it is vocational aid, it shall be that.

Mr. PARRISH. But it is only one?

Mr. FESS. Only one.

There is one question that has been raised frequently, and I think it ought to be cleared up, because there has been some misconception about it. If a man in vocational training, receiving an allowance from the Government, spends part of it while working for wages, he is not penalized by having cut off the amount he receives in wages from his allowance. That question has come up, and I understand the board does not do that.

Mr. NEWTON of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. FESS. Yes.

Mr. NEWTON of Minnesota. Assume this sort of a case: That a man was injured in the service to such an extent that he was given a 50 per cent permanent disability, entitling him to a certain specified allowance in the war-risk insurance. Now, in the event he takes up vocational training he gets the $80 a month while he is in training?

Mr. FESS. That is just for his keep.

Mr. NEWTON of Minnesota. But does he not at the same time get his allowance from the War Risk?

Mr. FESS. No.

Mr. NEWTON of Minnesota. His disability allowance?

Mr. FESS. No; not unless the allowance that he gets from the Vocational Board is less than the other. He gets whichever is greater.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. FESS. Yes.

Mr. BLANTON. His family would get the regular allowance from the War Risk?

Mr. FESS. Yes; if it is in the form of an allotment under section 2.

Mr. RAYBURN. The gentleman is talking about compensation, and the gentleman from Texas is talking about an allotment allowance.

Mr. FESS. He gets the compensation if it is larger than the aid from the board. He gets whichever is the larger.

Mr. NEWTON of Minnesota. That was my impression. But in reading the latter part of page 2 and page 3 I got the impression hurriedly that this changes that.

Mr. FESS. No; this amendment does not change the ruling of the board.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. FESS. Yes; I yield to the gentleman from Massachusetts.

Mr. WALSH. This training is only given to discharged soldiers, is it not?

Mr. FESS. Yes.

Mr. WALSH. Do I understand that the families of men who have been discharged from the military or naval service get an allowance from the Government?

Mr. FESS. Only in case they are beneficiaries under section 2 of the war-risk insurance act.

Mr. WALSH. That is compensation.

Mr. FESS. Section 3 is compensation. Section 2 is the allowance and allotment.

Mr. WALSH. The allowance and allotment are only continued while the soldier is in the service?

Mr. FESS. We have a provision that when a person goes into the training, if he happens to have a dependent there will be an allowance made to continue for the family while he is taking the training.

Mr. WALSH. That will be the same as provided in section 2, which was operative while he was in the service?

Mr. FESS. Yes.

Mr. WALSH. Now, then, assuming a case where a discharged soldier undertakes vocational training and then decides to give it up, and the pay while under training is greater than the allowance, when he gives up the training does the compensation automatically decrease?

Mr. FESS. I understand so. The allowance for the family stops, but the compensation continues.

Mr. WALSH. I was not quite clear on that from what the gentleman said in answer to the inquiry of the gentleman from Minnesota [Mr. NEWTON].

Mr. NEWTON of Minnesota. Mr. Chairman, will the gentleman yield again?

Mr. FESS. Yes.

Mr. NEWTON of Minnesota. In the event a man starts training and receives this $80 a month allowance, and then for some reason or other drops out of the training, he ceases then to have the $80 allowance?

Mr. FESS. Yes. That is the penalty. The law does not compel anyone to take training. If he enters and later gives it up his allowance is cut off, and rightly so.

Mr. NEWTON of Minnesota. Yes; but he is then entitled to disability compensation, to which he would be entitled previous to taking the vocational training?

Mr. FESS. He is.

Mr. NEWTON of Minnesota. Will the gentleman tell me just what method is used to notify the War Risk Bureau that this man is again entitled to compensatory allowance?

Mr. FESS. There is the very closest correlation between the two bureaus, the Vocational Board and the War Risk Insurance Bureau, and when a person drops out notice of discontinuance of the allowance to him is given whenever that penalty is announced. The board announces to the War Risk Bureau that they have discontinued. Or they apply to the board for compensation and get it that way. We find that there are persons who had taken up the work and discontinued it and then have not been receiving compensation, seemingly because they have missed connection somewhere.

Mr. NEWTON of Minnesota. I have run across those cases.

Mr. FESS. Yes; we have several of them disclosed in the present investigation now in progress.

Mr. NEWTON of Minnesota. I wondered what the reason for it was.

Mr. FESS. Evidently this is an interruption in the orderly process.

Mr. Chairman, if the committee will permit, I will say that in the investigations we have been conducting evidence has come in showing some lapses and some irregularities, just as was suggested a moment ago, but this is largely due to a clerical matter, I think not at all due to the law, and I take the time to state that I regret that my friend Mr. DONOVAN intimated that the board was breaking down due to a lack of congres-

sional support. I am sure if he would think a little longer on this matter he would be cautious about making that statement.

Mr. DONOVAN. Will the gentleman yield?

Mr. FESS. I yield.

Mr. DONOVAN. What I intended to say was that in the President's message as it was read and as I quoted it he stated that lots of good men were going to be cut off from the service on account of the limitation of salaries, and I think the gentleman will agree with me that that fact is brought out by the evidence in the hearings, that the amount of the pay was limited and therefore these men left it.

Mr. FESS. I can not agree with my friend on that.

Mr. DONOVAN. I can show it in the hearings.

Mr. FESS. And also I regret that a note of that sort should be injected here at this stage of the investigation, for the simple reason that we are making a desperate effort to make that investigation not only absolutely nonpartisan but also entirely thorough and exhaustive, and there ought not to be any statement of that sort at this stage. We have only heard one side of the story.

Mr. DONOVAN. Will the gentleman yield?

Mr. FESS. I yield to my friend.

Mr. DONOVAN. If the gentleman will recall, I did not make that statement until after the gentleman from Kentucky [Mr. ROBSION] had made some reference of a partisan character, in reference to President's message explaining his veto.

Mr. FESS. I am sorry that this element was injected.

Mr. DONOVAN. I am myself, but the gentleman from Kentucky [Mr. ROBSION] invited it.

Mr. BLANTON. Will the gentleman yield?

Mr. FESS. I yield to my friend.

Mr. BLANTON. I am sure the chairman of the committee has been so busy with other matters that he has not had time to review the many questions injected into the hearing from time to time by the distinguished gentleman from Kentucky [Mr. ROBSION].

Mr. FESS. The chairman of the committee will state that he has been in attendance upon the hearings every minute of the time and has heard all the questions. I have not reviewed them, but I heard them.

Mr. BLANTON. Did they not appear to the gentleman to be rather partisan?

Mr. FESS. That depends entirely on the angle from which you look at it.

Mr. ROBSION of Kentucky. Will the gentleman yield?

Mr. FESS. I yield to my friend from Kentucky.

Mr. ROBSION of Kentucky. I want to say that the gentleman from Kentucky refrained from referring to the investigation now being made of the Vocational Board because we had heard only one side, and in a few days we will begin hearing the other side. I want to say that I made no reference to that investigation on the floor of the House here and do not intend to make any reference to it.

Mr. FESS. I thank the gentleman for that. I think there ought not to be anything of that kind injected into the debate at this time.

Mr. Chairman, I move that the committee do now rise and report the bill to the House as amended, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GOODYKOONTZ, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 12266) to amend an act entitled "An act to provide for vocational rehabilitation and return to civil employment of disabled persons discharged from the military or naval forces of the United States, and for other purposes," approved June 27, 1918, had directed him to report the same back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Mr. FESS. The previous question is ordered under the rule.

The SPEAKER. Under the rule the previous question is ordered. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time.

The SPEAKER. The question is on the passage of the bill.

The question being taken, the Speaker announced that the ayes appeared to have it.

Mr. BLANTON. Mr. Speaker, would it be out of place to let the RECORD show that the bill passed unanimously?

The SPEAKER. Any gentleman can demand a division.

Mr. FESS. I ask for a division.

The House divided; and there were—ayes 83, noes none.

Accordingly the bill was passed.

On motion of Mr. FESS, a motion to reconsider the vote by which the bill was passed was laid on the table.

SPEAKER PRO TEMPORE AT SUNDAY SESSION.

The SPEAKER. The Chair will designate the gentleman from Oklahoma [Mr. CARTER] to preside over the House tomorrow during the memorial exercises for the late Mr. THOMPSON, of Oklahoma.

TO REGULATE DEALING IN LEAF TOBACCO.

Mr. GREEN of Iowa. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 13432.

Mr. WALSH. Is that a privileged motion?

Mr. GREEN of Iowa. Yes; it is a revenue measure. Pending the motion, I should like to arrange for a division of time. We have all the afternoon before us anyway.

Mr. HULL of Tennessee. I have not heard of requests for more than about half an hour on this side.

Mr. GREEN of Iowa. Then, pending the motion, I ask unanimous consent that there be one hour for general debate; and if there is no objection, I should like to control three-quarters of an hour, with 15 minutes on the other side.

Mr. HULL of Tennessee. The gentleman from Tennessee [Mr. GARRETT] wanted 25 or 30 minutes.

Mr. GREEN of Iowa. Then I ask unanimous consent that the time be equally divided, one-half to be controlled by myself and one-half by the gentleman from Tennessee [Mr. HULL].

The SPEAKER. The gentleman from Iowa asks unanimous consent that general debate be limited to one hour, half the time to be controlled by himself and half by the gentleman from Tennessee [Mr. HULL]. Is there objection?

There was no objection.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 13432) to regulate dealing in leaf tobacco, with Mr. DOWELL in the chair.

Mr. GREEN of Iowa. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to dispense with the first reading of the bill. Is there objection?

There was no objection.

Mr. GREEN of Iowa. Mr. Chairman, this bill to regulate dealing in leaf tobacco is made necessary by a situation which arises under the revenue law of 1918.

Under the revenue law of 1909, commonly known as the Payne bill, retail dealing in leaf tobacco was permitted without any tax, but there were regulations, as there are in the present bill, with reference to such dealers, requiring them to conform to certain rules prescribed in the law and other rules made by the Treasury for their regulation.

The last revenue bill was so framed that retail dealing in leaf tobacco was not permitted by anyone except the farmer or producer. He could sell it, but nobody else could sell leaf tobacco at retail. Now a situation has arisen so that the farmers who formerly dealt in leaf tobacco are unable to dispose of their product. I shall not go into the situation extensively, because it will be more fully explained by the gentleman from Tennessee [Mr. GARRETT], who comes from a tobacco district and can fully describe it.

This situation having arisen, the gentleman from Tennessee [Mr. GARRETT] introduced a bill, which was in effect the provision of the Payne bill, which permits retail dealing in leaf tobacco without any tax. The Ways and Means Committee, however, thought this kind of dealing ought not to be permitted without some tax being imposed thereon. This bill of the gentleman from Tennessee was framed to permit retail dealing in leaf tobacco by others than the farmers.

The committee will understand that the farmer and grower was always permitted to sell it at retail, and he is now. But when it passes into the hands of some other party than the farmer or the grower, then the retail dealing in leaf tobacco is not permitted. This bill so modifies the present law that this leaf tobacco may be sold at retail by the dealers by paying a tax of 7 cents a pound. This tax may seem very light, but from the testimony before the committee it developed that the trade would have to be carried on largely by parcel post, which would add a further tax amounting to from 4 to 6 cents a pound, and that very little of it would be sold in the immediate tobacco zone, almost all of it being sold at a distance. How much revenue this bill will provide no one can tell, because we have no data upon which to base any figures. But that it will produce

some revenue and permit the farmers who now have tobacco on hand to have an outlet whereby they can dispose of their product is beyond question.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from Tennessee [Mr. HULL] is recognized for 30 minutes.

Mr. HULL of Tennessee. Mr. Chairman, I yield 20 minutes to the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT. Mr. Chairman, the gentleman from Iowa [Mr. GREEN] has explained quite clearly the purpose of this measure, but perhaps it will not be amiss to add a few words to what he has so well said. Along the northern border of Tennessee and the southern border of Kentucky, through the western and central parts of those States, there are about 25 counties in which there is produced a type of tobacco which differs from the tobacco grown in any other part of the United States or of the world. It is a course, heavy, dark, tobacco, and that section composed of these 25 counties is known as the black patch, as distinct from the Kentucky and Tennessee Burley and other tobacco sections or districts.

It had been my impression, and I so stated in the hearings before the Committee on Ways and Means, that not over 5 per cent of this tobacco found a market among domestic manufacturers. That was my impression, but I find upon inquiry that there is a somewhat larger amount than that which finds its way into domestic manufacture—into snuff and wrappers for a certain quality of cigar. But it is safe to say that from 75 to 80 per cent of this tobacco grown in the black patch finds no market except in European countries, principally in Italy, Austria, and France. It is a tobacco which will bear ocean shipment and which meets the taste of the population of those countries. The market for it is found there. I think I am correct in saying that 75 per cent of that which is exported goes to Italy.

Now, by reason of the depreciation in the currency of those foreign countries, by reason of the difference in exchange with which we are all familiar, it has resulted that the foreign market has been absolutely demoralized. These Governments that I have named themselves purchase this tobacco. It is a Government monopoly. The Government buys the tobacco and resells it to the consumers, deriving a large amount of Government revenue from that business. We get much of our revenue by a tax on tobacco. They do not impose a tax but have it as a Government monopoly, buy it in this country, manufacture it, and resell it to consumers in foreign countries.

Now, with not over 25 per cent at the outside for which there can be any market in manufacture found in this country, and with the foreign market demoralized on account of the condition of the currency of these countries, it results that our local market in the black patch is absolutely demoralized. To-day such little tobacco as is being sold throughout these 25 counties is being sold in the main at less than cost of production. However, there is a demand among many of the people in the United States for this tobacco in its natural state without having been manufactured or having anything done to it beyond the condition that you see in this package which I hold in my hand. And, by the way, this is known as a "hand" of tobacco.

But in order to create a demand for it a certain amount of advertising is essential, and it requires money to do that. It requires capital to be invested in order to find a market among the consumers for this natural leaf tobacco.

In the act of 1909, commonly called the Payne Act, a provision was inserted—and, by the way, Members who were here prior to that time will recall that we had a long fight in the House of Representatives—that was when I first became a Member of the House—to secure the privilege of dealing in the natural unstemmed leaf tobacco. We passed the measure, as I remember it, through the House two or three times prior to 1909, but did not succeed in securing its passage through the other body until the Payne bill was under consideration, at which time there was inserted in it a provision which admitted of this loose-leaf retail dealing without the payment of any tax whatever. In other words, an individual could go out and buy the farmer's tobacco and could advertise this tobacco and could resell it to the consumer without the payment of any tax so long as it remained in its natural condition, stripped but unstemmed.

When the revenue act of 1918 was under consideration, and during the very last days of its consideration in the Senate, an amendment was inserted which none of us discovered in the House until it was too late to remedy the situation, which absolutely destroyed the possibility of engaging in this business, except that the producer, the grower of tobacco, could himself sell his own production without the payment of any tax. This act did not impose a tax on this dealing. It simply provided in effect that this character of dealing should not be carried on, and even though one qualified as a manufacturer he could not sell in excess of 1 pound and had to pay a tax of 18 cents per pound on that, the same as upon the manufactured product. So soon as the special session of the Congress convened in May last a number of us from the tobacco sections introduced bills designed to remedy this situation. I do not recall all of the bills that were introduced. I know that my colleagues from Tennessee [Mr. SIMS and Mr. BYRNS] and the gentlemen from Kentucky [Mr. BARKLEY and Mr. KINCHELOE] and doubtless others from the tobacco section, as well as myself, introduced measures, all of them designed to restore the law as it stood under the Payne Act of 1909 and permit this dealing to be resumed without the payment of any tax. Recently the Committee on Ways and Means kindly gave a hearing upon my bill and after considering it the committee concluded that it was equitable and proper that dealing in this character of tobacco should be permitted, but that it was legitimate that a tax should be levied and that the Government should derive some revenues from it. We, of course, are not prepared to contest the equity of that conclusion. So long as we are raising revenues upon tobacco sales I should say that much as we might desire that this dealing be permitted without the payment of any tax, yet logically and correctly a tax may be levied. Therefore the bill introduced by the gentleman from Iowa [Mr. GREEN] in lieu of the several bills pending before the committee will restore the right to one qualifying as a manufacturer to engage in this dealing and sell in packages of 3, 6, 9, 12, 15, and 18 pounds upon the payment of a tax of 7 cents per pound. That seems to be an equitable tax. The tax upon manufactured tobacco is 18 cents per pound.

The tax that it is proposed to levy on this is 7 cents per pound. There will be added to that the postage upon the packages, because the great bulk of this will be shipped by parcel post, and the postage which will be paid upon it, plus the tax that is levied, will probably just about equal or it may exceed slightly the tax of 18 cents per pound.

Mr. TILSON. Mr. Chairman, will the gentleman yield?

Mr. GARRETT. Certainly.

Mr. TILSON. Will the gentleman state what will be the use of that tobacco? Will it be manufactured by the consumer into twist or plug, or something of that kind, and used for chewing purposes, or will it be made up into smoking tobacco? What is the market for it?

Mr. GARRETT. It will be, of course, sold to the consumer, and this bill contemplates sales to the consumers. It will be used for smoking, and chewing tobacco by those who desire to chew it. That is all that will be done with these small parcels authorized to be sold under this bill.

Mr. CANDLER. Mr. Chairman, will the gentleman yield?

Mr. GARRETT. With pleasure.

Mr. CANDLER. This tax of 7 cents a pound is only levied on those dealing in the tobacco?

Mr. GARRETT. That is all. It will not affect the farmer.

Mr. CANDLER. Nor affect the producer of the article himself. He may sell it in such quantities as he sees proper to supply the trade he may have.

Mr. GARRETT. Yes. It does not interfere in any way with the present right of the farmer to sell without the payment of any tax the product of his own growth.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. GARRETT. Surely.

Mr. WALSH. Will the gentleman state why it is shipped by parcel post? What is there about this tobacco that makes its shipment different than others? The gentleman said a large bulk will be shipped by parcel post.

Mr. GARRETT. By parcel post or by express. The way the business is done is this: These gentlemen who deal in it advertise extensively through the newspapers, and small quantities will be ordered, 3 pounds by this consumer, 6 pounds by this, and so on, and most frequently he will send a post-office money order to pay for it, and the dealer simply wraps it in a package and mails it by parcel post for convenience. Of course, he can send it by express or in any other way in which it can be transported.

Mr. WALSH. Then, it is not purchased by the large manufacturers in large quantities.

Mr. GARRETT. No. This bill is simply to enable sales to consumers. The gentleman from Massachusetts will understand that the relief that will be given by this is not very large, because the great bulk of the crop is purchased by those who obtain contracts from these foreign Governments for its purchase. This form of dealing will probably not be engaged in by the manufacturers; that is, those who intend to manufacture it at all.

Mr. MILLER. Mr. Chairman, will the gentleman yield?

Mr. GARRETT. Gladly.

Mr. MILLER. If I understand the bill, the growers of this tobacco have the privilege of selling it without the payment of a tax.

Mr. GARRETT. That is true now.

Mr. MILLER. If the growers of this peculiar form of tobacco form a sales agency among themselves and thereby market their tobacco from this sales agency, this entire agency, then, will be disposed of and this entire output of tobacco will be disposed of without any revenue to the United States Government.

Mr. GARRETT. Not at all. They may, and do now, pool their crops and employ an agent to make sales.

Mr. MILLER. That is what I understand.

Mr. GARRETT. But they must pay that agent a salary. The agent can not work, under the rulings of the Treasury Department, in any other way. Construing the act of 1918, an agent of any group of farmers can not work on a commission basis; he has to receive a fixed, stipulated, definite, well-determined salary before he can represent them, and he must keep all sales separate. That can be done now, and this does not change that law in any respect; but here will be a result of this, I think. There are men scattered throughout the black patch, who are quite anxious to engage in this dealing, and they will organize a business if they feel that they can be on something like a permanent basis, with a revenue laid, and not be apprehensive about the future, and they will immediately proceed to buy out of this year's crop, if we can get this bill passed in time, a supply sufficient to carry them over until the next year's crop will be ready.

And they having a certainty will invest their capital and advertise and pay this tax. As the situation now stands gentlemen can readily understand that it is not practicable for the farmers in any very great degree to organize their pools and employ an agent and pay him a fixed salary when they have no idea how much business he will do and thus dispose of their crops, but under no circumstances, either under the pooling and individual producer's sales, or under the operation of sales by the purchasers, as this bill will allow, or under both combined, will there be anything like half of the crop ordinarily raised in the black patch disposed of to consumers in the United States. It will continue to find its chief market in European countries, and, of course, we derive no revenue from that. This year's crop in the 25 counties is estimated to be about 175,000,000 pounds.

Mr. MILLER. Will the gentleman yield for another short question?

Mr. GARRETT. I do.

Mr. MILLER. Is it impossible under the regulations of the Treasury Department for the producer to be that sales agent?

Mr. GARRETT. A producer can be the sales agent of other producers, but he must for his services for his neighbors, if there be a group of neighbors, receive not a commission but a fixed stipulated salary, and he must keep records of his sales of the different crops separate and a record of his receipts separate in every way.

Mr. HAWLEY. Will the gentleman yield?

Mr. GARRETT. I will.

Mr. HAWLEY. If I am correctly informed, this tobacco is grown principally by tenant farmers?

Mr. GARRETT. Well, yes; that is a fair statement.

Mr. HAWLEY. And there are some 80,000 heads of families, or families, involved in this?

Mr. GARRETT. Quite that many.

Mr. HAWLEY. And about the average amount they receive for their crop is $700 to the family?

Mr. GARRETT. I doubt if it is that much.

Mr. HAWLEY. This is their principal means of livelihood?

Mr. GARRETT. It depends, of course, on the price at which the tobacco is sold.

Mr. HAWLEY. Take the price sold about December last.

Mr. GARRETT. Let me say this: It is the principal money crop in the 25 counties.

Mr. HAWLEY. And those tenant farmers have already borrowed money in advance to make this last crop and will owe the money, and they can not sell their crop——

Mr. GARRETT. Precisely.

Mr. HAWLEY. This will afford a means of getting a small part of their necessary living.

Mr. GARRETT. It will, and it will afford some competition, too, to these foreign buyers. If time permitted I could tell this House a story that would——

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARRETT. Will the gentleman yield me five minutes additional.

Mr. HULL of Tennessee. I yield the gentleman five minutes additional.

Mr. GARRETT. I could tell this House a story that would perhaps surprise you. Briefly, by reason of the fact that the selling market for this is found abroad and that there is what is known as the French type and what is known as the Italian type and what is known as the Austrian type, there really exists no competition at all, and buyers—that was true in the past and so far as I know may be true now—in some sections of the black patch who held the contracts to purchase for the foreign Governments will go out riding the country and purchase it, because a great deal is bought from the buyer going out from the town and going to the farmers' barn, as it is called, and making his purchases there, and it has happened again and again in my own county, so I have been informed, and throughout the various sections of the black patch, that the territory was so divided that a tobacco buyer would go to a barn upon one side of the road, look at the tobacco and make an offer upon it, and decline to cross the road and see another barn belonging to the same farmer and probably raised in the same field. So that the thing called competition in the purchase of this black tobacco is practically an unknown thing, and by the passage of this measure, if we can have reasonable assurance that it will be permanent law, dealers will build up a business, because there are innumerable persons who prefer the tobacco in just this shape for their use in their pipes and for chewing purposes, and dealers will advertise and build up a market in the United States for very considerable quantities, and the Government will be deriving a revenue which it does not now derive from sales of this character, and there will be competition.

Mr. KINCHELOE. Will the gentleman yield?

Mr. GARRETT. Yes, indeed.

Mr. KINCHELOE. As a matter of fact the gentleman knows the relief given by reason of the passage of the bill in comparison with the proportion of the great crop is infinitesimal.

Mr. GARRETT. Yes; so far as the immediate future is concerned.

Mr. KINCHELOE. But where the farmer will be benefited is by reason of the fact that the dealers work up specially this trade and can afford to pay the farmers a better price because of the special type that the consumers want.

Mr. GARRETT. There is in one town in the county in which I live a dealer who at the time of the passage of the act of 1918 had an immense quantity of tobacco on hand. He had a trade which he had built up for a number of years, and his postage bill for parcel-post packages alone amounted to more than $100 a day on account of the quantity he was sending. That same condition was true in the district of my friend from Kentucky [Mr. KINCHELOE], and my other friend from Kentucky [Mr. BARKLEY], and the surrounding counties in my State.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARRETT. I very much hope this bill will pass, and I ask unanimous consent to extend and revise my remarks.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. GARRETT. The bill in effect simply means that persons by qualifying under the manufacturing provisions of the internal-revenue laws shall be permitted to sell unstemmed loose-leaf tobacco in packages of 3, 6, 9, 12, 15, and 18 pounds by the payment of a tax of 7 cents per pound.

Mr. HULL of Tennessee. Mr. Chairman, I yield two minutes to the gentleman from Georgia [Mr. UPSHAW]. [Applause.]

Mr. UPSHAW. Mr. Chairman and gentlemen of the committee, the man in overalls has always been my hero. I received a telegram from John W. Ham, a great friend of humanity in my home city of Atlanta, telling me that under the leadership of John A. Manget, a great humanitarian, the fair-price commissioner of Georgia, that they will organize to-morrow in the Baptist Tabernacle a club of something like 4,000, who agree simply to join hands to try to combat the high cost of living.

They ask me to wire an indorsement. Naturally I could not indorse it without practicing what I preach. So I went down town and spent $4 for this good suit of overalls, which I am now wearing, and have wired them that I am going to urge Congress that I think it would be an eminently sensible thing and set a far-reaching example if the Members of Congress would either join the overall club or the old-clothes club, as I have done.

Mr. GALLIVAN. I wanted to ask the gentleman if he thinks that Members of Congress have $4 apiece to spend as he has? [Laughter.]

Mr. UPSHAW. I want to say to the gentleman that if he has not the $4, I will go on his note. [Laughter.]

Seriously—nothing sensational about this—all over the land this thing is going to be done. Let us set a good example and help still the tempest of unrest and bring a speedy return of peace to the land we love so well. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CANNON having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Dudley, its enrolling clerk, announced that the Senate had passed without amendment the bill (H. R. 12260) to amend section 600 of the act approved September 8, 1916, entitled "An act to increase the revenue, and for other purposes."

The message also announced that the Senate had passed with amendment the bill (H. R. 9629) for the relief of the Merritt & Chapman Derrick & Wrecking Co., in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had passed the following concurrent resolution:

Senate concurrent resolution 26.

Resolved by the Senate (the House of Representatives concurring), That the Speaker of the House of Representatives be requested to cancel his signature to the enrolled bills:

S. 1005. An act for the relief of the owners of the steamship *Matoa*; and

S. 1222. An act for the relief of the owners of the schooner *Henry O. Barrett*.

That upon the cancellation of such signature the Secretary of the Senate be directed to reenroll said bill S. 1005 with an amendment as follows: Strike out of section 2 the following words: "That should damages found to be due from the United States to the owner of said steamship *Matoa*, the amount of the final decree or decrees therefor shall be paid out of any money in the United States Treasury not otherwise appropriated: *Provided*,"

And further, That the Secretary of the Senate be directed to reenroll the said bill S. 1222 with an amendment as follows: Strike out of section 2 the following words: "That should damages be found to be due from the United States to the owners of said schooner *Henry O. Barrett*, the amount of the final decree or decrees therefor shall be paid out of any money in the United States Treasury not otherwise appropriated: *Provided*."

TO REGULATE DEALING IN LEAF TOBACCO.

The committee resumed its session.

Mr. GREEN of Iowa. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio [Mr. RICKETTS].

Mr. RICKETTS. Mr. Chairman and gentlemen of the House, the charge has been openly made on the floor of this Chamber many times during this session of Congress and the previous special session, which convened on the 19th day of May last year, that the Republican majority of the House was responsible for the great army of unnecessary employees in the various departments of Government, and that owing to the failure of the majority to enact proper legislation and to reduce appropriations this vast number of unnecessary employees had not been reduced. In short, the charge is made that the Republican majority is, and has been, responsible for the gross extravagance and the unnecessarily large army of countless and inefficient employees in the various departments of Government. No claim could possibly be further from the fact. Such contention is absolutely erroneous and without the slightest foundation. I can not remain silent longer and allow this false assumption and erroneous claim to go unchallenged.

The membership of this House and the country are entitled to know the truth, and it is my purpose to give a clear statement of the actual facts and to recite the law in the short time allotted to me in which to address the House.

THE LAW.

Provisions applicable to all executive departments: Section 158 of the Revised Statutes of the United States, second edition, 1878, contains the following provisions:

The provisions of this title shall apply to the following executive departments:

"First, the Department of State; second, the Department of War; third, the Department of the Treasury; fourth, the Department of Justice; fifth, the Post Office Department; sixth, the Department of the Navy; seventh, the Department of the Interior."

It will be understood, of course, that there are now a great number of commissions and bureaus and subdivisions of these various departments. I am particularly concerned in calling attention of the House to the fact that section 169 provides as follows:

Each head of a department is authorized to employ in his department such number of clerks of the several classes recognized by law, and such messengers, assistant messengers, copyists, watchmen, laborers, and other employees, and at such rates of compensation, respectively, as may be appropriated for by Congress from year to year.

Section 194 of the same statute provides:

The head of each department shall make an annual report to Congress of the names of the clerks and other persons that have been employed in his department and the officers thereof, stating the time that each clerk or other person was actually employed, and the sums paid each; also whether they have been usefully employed, whether the services of any of them can be dispensed with without detriment to the public service, and whether the removal of any individuals and the appointment of others in their stead is required for the better dispatch of business.

Section 198 of the same statute provides:

The head of each department shall, as soon as practicable, after the last day in September of each year in which a new Congress is assembled, cause to be filed in the Department of the Interior a full and complete list of all officers, agents, clerks, and employees employed in his department, or in any other of the offices or bureaus connected therewith. He shall include in such list all the statistics peculiar to his department required to enable the Secretary of the Interior to prepare the biennial register.

The last paragraph of section 4, of chapter 3514, of the first session of the Fifty-ninth Congress, 1906, reads in part as follows:

Hereafter the heads of the several executive departments, and all other officers authorized or required to make estimates for the public service, shall include, in their annual estimates furnished the Secretary of the Treasury for inclusion in the Book of Estimates, all estimates of appropriations required for the service of the fiscal year for which they are prepared and submitted.

It occurs to me that the above provisions of the law are clear and convincing. There is nothing in any of the above sections or anywhere in the law that requires Congress to determine the personnel of any department; that duty is lodged with the head of the department. Neither is Congress required to estimate the amount of money that should be appropriated for any department. That duty also rests with the head of the department, to determine what is needed in order to carry on the work of his department in an efficient manner. It is also the duty of each head of a department to state what number of employees in his department are necessary. No one else has the authority or the ability to determine just what employees should be retained in any department in order that the work of that department may be faithfully and efficiently performed. This duty is clearly defined by the statute, and it is incumbent upon the head of each department to carry out its provisions. Under the present system of making appropriations, there is only one way by which the appropriations committee or other committees having to do with appropriations can determine what amount of money should be appropriated for any department of Government, and that is through the recommendation of the head of that department. By law it is made the plain duty of the head of the department to report to the various committees of Congress, which have the authority and power to make appropriations, the amount of the appropriations that should be made in order that his department may pay the employees therein the salaries to which they are justly and legally entitled for the services which they render. Every Member of Congress knows full well that it has been the policy of the Republican majority from the time Congress convened in special session on the 19th of May, 1919, to economize as far as possible in making appropriations, but not to reduce appropriations so as to destroy or impair in any manner the efficiency of any department.

Congress has no way of determining just what appropriation should be made except through the recommendations made by the various heads of departments to the Secretary of the Treasury, who in turn submits the claims of the various departments in a book known as the Book of Estimates. Now, it is true that Congress could refuse to make appropriations necessary to continue the personnel of the department, but in doing so Congress might easily destroy the efficiency of the personnel of that department, which would result in a great injury to governmental service; and by reason of that fact the various committees of Congress called upon to make appropriations for these various departments must, as a matter of fact, depend upon the recommendations of the head of the department as to the needs of a department.

Prior to the war there were 39,000 employees in the various departments of government. At the time of the signing of the armistice on November 11, 1918, there were 117,000 employees in the various departments of government. Inasmuch as the war was over it was generally understood throughout the country, and especially among the taxpayers of the country, that the personnel of these departments would be reduced by the heads of the respective departments, but 17 long months have elapsed since the armistice was signed and since the war was actually over and yet these various heads of departments have not reduced the personnel of their respective departments, as they should have done, under all the circumstances, which fact is known to every Member of Congress, the administration, and to the country as well. However, this has not been done. Instead of decreasing the personnel in several of the departments, the personnel has been increased; for example, on November 11, 1918, the Treasury Department had on its rolls in Washington 29,000 employees; to-day it has 37,000 employees. This is only one of many instances that I could recite as examples.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GREEN of Iowa. Mr. Chairman, I yield five minutes more to the gentleman.

Mr. RICKETTS. I have heard it repeatedly asserted on the floor of the House by our friends on the other side of the aisle since Congress convened on the 19th day of May, 1919, that it was up to the Republican majority to reduce the personnel of the various departments of the Government. It has been most ingeniously urged—no doubt for political purposes—that the Republican majority has been derelict in the performance of its duty; that it has neglected to enact legislation tending to reduce the great army of employees in the various departments, bureaus, and commissions of the Government under the present administration. I can not understand why our friends on the other side of the aisle do not address themselves with the same zeal to the various heads of the departments of the Government, who represent their party in the present administration. It strikes me it would have been very much more relevant for them to have urged upon the various heads of departments that they were a part of the present administration, and that it was necessary for them to reduce the personnel of their departments, because the taxpayers of the country were groaning under the great burden of taxation; that a deficit in the Treasury of the United States, under the present administration, amounting to something like $3,650,000,000, is staring the taxpayers of the country in the face, and will have to be met in the year 1921, either through the sale of bonds or by an increase of taxes, which will add greatly to the burden that the taxpayers of the country are already bearing.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. RICKETTS. I yield.

Mr. GREEN of Iowa. As I understand it, the gentleman holds that the law explicitly states that these heads of the departments shall themselves make up the list of employees that are not necessary?

Mr. RICKETTS. That is exactly true.

Mr. GREEN of Iowa. And the reduction in the number of employees must come through the administration?

Mr. RICKETTS. Certainly. The heads of the departments have the right to increase or decrease the personnel of their departments according to the requirements of their departments.

Mr. CONNALLY. I would like to ask the gentleman from Ohio if Congress does not now have the right to limit the amount of money that can be appropriated for these employees? Could not the Congress cut off the appropriations for all the employees, irrespective of what the departments want?

Mr. RICKETTS. That is true. The gentleman is correct about that. The Congress has the right to do that, but the law requires the heads of the departments of the Government to determine the number of employees that are necessary to carry the work of their departments and requires that the heads of the departments make a recommendation to Congress as to how much money is necessary in order to carry on the work of the departments. It further requires the heads of the departments to certify to Congress whether or not any of the employees in their departments can be released or discharged, and that has not been done. [Applause.]

Mr. CONNALLY. I would like to ask the gentleman if there is any law binding Congress to accept the recommendations of these heads of the departments?

Mr. RICKETTS. Most assuredly. That is the spirit and intent of the law. That is why Congress 38 years ago passed this law. And let me say to the gentleman, if the law of 1878 was good for 38 years before the late war broke out and kept the personnel of these various departments down to 37,000, why would not that same law be sufficient after the war was over and why would not the same law cause the heads of the departments to reduce the personnel of their departments? [Applause.]

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

Mr. GREEN of Iowa. Mr. Chairman, I yield five minutes more to the gentleman.

Mr. RICKETTS. I do not mean to criticize my friends, for they have rendered a very valuable service in this House in many instances during the sessions of the Sixty-sixth Congress, but I believe they are entirely mistaken in the deductions that they have made with reference to the method to be employed in order that the great army of employees in the various departments of Government might be reduced. They have evidently overlooked the fact that their party and the present administration are absolutely responsible for the unnecessary employees that are now being retained in the various departments of Government without just cause or excuse. I am sure that they want to be fair, and I know that I have no disposition to be unfair, but I do want the people of the country to know the truth so that they can place the blame for the increase in taxation, which is sure to come in order to make up the deficit, where it really belongs.

The extravagant expenditure of the people's money by these departments in retaining this vast, useless, and unnecessary personnel is appalling and astounding. It is a colossal waste of money that must be and should be charged up to those who are responsible for the unlawful expenditure.

This Republican Congress has reduced each and every estimate for appropriations that has come before it during this session, and I defy anyone to deny it, be he Democrat or Republican, as the following statements and comparisons will clearly show:

Comparison of the amounts of the appropriation bills as agreed upon with amounts asked for and considered during the Sixty-sixth Congress.

FIRST SESSION.

Title of act.	Amounts as agreed upon, Sixty-sixth Congress, first session.	Amounts asked for and considered, Sixty-sixth Congress, first session.	Decrease of amounts agreed upon, Sixty-sixth Congress, first session, under amounts asked for and considered.
Agriculture	$33,999,761.00	$34,993,686.00	$1,003,925.00
Army	772,324,877.50	1,268,322,269.04	495,997,391.54
District of Columbia	15,364,421.00	15,635,701.00	271,280.00
Indian	11,131,307.03	11,939,813.89	808,416.86
Navy	616,099,838.88	975,903,621.28	359,803,782.40
Sundry civil	605,160,207.95	964,591,556.25	359,431,348.30
Railroad deficiency	750,000,000.00	1,200,000,000.00	450,000,000.00
Third deficiency	24,305,929.40	[1] 42,764,678.94	18,458,749.54
War Risk Insurance and pension deficiency	45,044,500.00	45,044,500.00	
Expenses incident to first session of the Sixty-sixth Congress	385,720.00	385,720.00	
Total	2,873,713,652.76	4,559,581,546.40	1,685,867,893.64

[1] This amount does not include $45,044,500, estimated in connection with the bill making urgent deficiency appropriations for the Bureau of War Risk Insurance and for the payment of pensions. Of this sum, $42,615,000 was not estimated at the third session of the Sixty-fifth Congress, and therefore not included in the total of $42,764,678.94, which sum does include $2,429,500 for above-mentioned purposes.

SECOND SESSION.

Title of act.	Estimate.	Appropriation.	Saving.
Agriculture	$42,098,238.00	$30,540,034.00	$11,558,204.00
Army	982,800,020.00	377,246,944.00	605,553,076.00
District of Columbia	20,329,428.87	18,190,487.87	2,138,941.00
Fortification	117,793,330.00	18,833,442.00	98,959,888.00
Indian	17,471,763.39	13,139,013.39	4,335,750.00
Legislative, executive, and judicial	122,453,685.52	103,650,016.11	18,803,669.41
Military Academy	6,778,637.20	2,141,712.70	4,636,924.50
Naval	647,631,254.80	425,289,574.00	222,341,680.80
Post Office	467,497,573.00	461,728,368.03	5,769,205.00
Rivers and harbors	48,841,565.00	12,000,000.00	36,841,565.00
Second deficiency	117,002,511.87	88,684,342.14	28,978,169.73
Total	2,591,358,007.65	1,551,440,934.21	1,039,917,073.44

It will be understood, of course, that the above tables are not official, as the official figures are not available until the close of the session. [Applause.]

The above tables and comparisons show clearly that estimates for appropriations have been slashed materially. The difference between the estimates submitted by the heads of departments to the Secretary of the Treasury and appropriations actually made shows a saving to the taxpayers of the country of $2,725,784,967.08.

Why have the departments submitted estimates for such claims of appropriations at this critical time of financial distress? What is the purpose or the end to be attained? The answer is simple. The heads of the various departments are determined to maintain the war-time personnel of their respective departments, regardless of the tax burden upon the people. Will any fair-minded man claim or contend for a minute that the present Republican majority in Congress is responsible in the slightest degree for this condition or state of affairs? Is the Republican majority to function only when it assumes the rôle of conducting the affairs of the various heads of departments of this administration? Certainly not. Then let the responsibility rest where it belongs, with the present administration; let the heads of departments carry out the provisions and requirements of the law and further discussion of

this subject will be unnecessary, and the taxpayers of this country will be greatly relieved of an unnecessary burden that is thrown upon them by the failure of these departments to comply with the requirements of the law. The fault is not with the law. The law is ample. The fault is with the heads of the respective departments.

I hope it will be borne in mind that the present law was adequate in every respect to control the heads of departments as to the number of employees in each department before the late World War. Then why should not the same be adequate to control them in this matter since the war has ended? If this law was wholesome and effective for 38 years before the late war, why is it not just as wholesome and effective under similar conditions since the war?

Mr. FIELDS. Will the gentleman yield?

Mr. RICKETTS. I respectfully decline to yield, Mr. Chairman. I have only a short time in which to complete my address. I regret that I can not yield.

No Member of this House has the right to camouflage on so serious a matter as this to the taxpayers of this country. We must face this matter in the light of the law as it is, not as we would prefer to have it for political purposes. This law has been supplemented from time to time, but the above provisions remain the same.

During my service here I have stood out stoutly for economy, because I felt that I knew the necessity for economy, arising out of the fact that gross extravagance has been practiced in the management of the affairs of this Nation during the past two and one-half years, and especially since the armistice was signed on the 11th day of November, 1918. This is a time in our national history when every American should be at his best; when every official of the Government, including Members of Congress, should subscribe strictly to a policy of economy and perform his full duty to his country; when a substantial business policy should be pursued not only by the Government but by all men as well in order that normal conditions may be reestablished and our country again made whole. [Applause.]

Mr. GREEN of Iowa. Mr. Chairman, how does the time stand?

The CHAIRMAN. The time of the gentleman from Iowa has been exhausted. The gentleman from Tennessee has two minutes remaining.

Mr. HENRY T. RAINEY. Mr. Chairman, I yield to the gentleman from Texas [Mr. BLANTON].

The CHAIRMAN. The gentleman from Texas is recognized for two minutes.

Mr. BLANTON. Mr. Chairman, for the information of the gentleman from Pennsylvania [Mr. FOCHT], I read the following from the chief of the Capitol police:

WASHINGTON, D. C., *April 17, 1920.*

The undersigned is captain of the United States Capitol police and has been employed in and around the Capitol for the past 28 years, having once been Doorkeeper of the Senate.

Both the flag on the east end of the Capitol and the flag on the west end of the Capitol Building are lowered each evening at sunset and are raised each morning at sunrise. The statement that same are never lowered and raised each day is incorrect.

JAMES A. ABBOTT,
Captain United States Capitol Police.

Now, Mr. Chairman, I want to answer the gentleman from Ohio [Mr. RICKETTS]. In the discussion of the Agricultural appropriation bill and in the legislative, executive, and judicial appropriation bill I called attention to the fact that our Republican committee provided in the Agricultural bill for 754 messengers and for 76 watchmen for one department, and in the legislative bill for 1,076 messengers and 515 watchmen, and I offered amendment after amendment from the floor to cut them down, a thing which this Congress had a right to do, and each time my friend's side of the House, with only a handful of Members present here in charge of these two bills, voted to keep that big bunch in, because they were afraid of the organizations to which they belonged. Most of these heads of departments are Republicans anyway, there for years under the civil service.

Why should he now get up here and camouflage to the public that he and his party are not responsible? You let us Democrats get in here once more [laughter on the Republican side] and I am going to help to get them out, and we are going to get in power after the next election. [Laughter and applause.]

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That section 701 (a) of the revenue act of 1918 be, and the same is hereby, amended so as to read as follows:

"SEC. 701 (a). That upon all tobacco and snuff manufactured in or imported into the United States, and hereafter sold by the manufacturer or importer, or removed for consumption or sale, there shall be levied, collected, and paid, in lieu of the internal-revenue taxes now imposed thereon by law, a tax of 18 cents per pound, to be paid by the manufacturer or importer thereof; and upon all unstemmed leaf tobacco sold or removed for sale to the consumer, except by growers thereof, on and after the date of the passage of this act, a tax of 7 cents per pound to be paid by the person so selling or removing such leaf tobacco."

Mr. FIELDS. Mr. Chairman, I move to strike out the last word.

Mr. GREEN of Iowa. Mr. Chairman, there is only one section of the bill.

The CHAIRMAN. The gentleman from Kentucky is recognized.

Mr. FIELDS. Mr. Chairman, I made the pro forma motion for the purpose of referring to one of the alleged savings to which the gentleman from Ohio [Mr. RICKETTS] referred awhile ago, and that was on the Army bill.

It is true that the Army bill, as it passed the House yesterday, carried $600,000,000 less than was estimated for in October. Attention was called yesterday to the fact that the estimate was made in October, the time required by law, when the country had no settled policy as to what the size of the Army should be or would be. It was the idea of the Chief of Staff at that time and those advocating military training that we should have an Army of 500,000, and in order to have universal military training about 25,000 officers. The Congress did not accept that proposition. The Army was reduced to 175,000 men instead of 500,000, as contemplated, and compulsory universal military training was killed by the action of the respective parties in this House.

But let me call the attention of the gentleman to the fact that the first action to accomplish that result was taken by the Democratic Party when we met in caucus in this Chamber and went on record against the proposition of compulsory universal military training by a vote of 106 to 17. [Applause on the Democratic side.]

Mr. SUMMERS of Washington. Mr. Chairman, will the gentleman yield?

Mr. FIELDS. Yes.

Mr. SUMMERS of Washington. Did not the Secretary of War recommend an Army of 575,000? And did he not make a recommendation for an appropriation to support an Army of that size? If the department had had its way, would we not have such an Army, and would it not be necessary to make an appropriation for such an Army?

Mr. FIELDS. I am calling the gentleman's attention to the action taken by the Democratic Members of Congress on this proposition.

Mr. SUMMERS of Washington. Was not that the action of the Secretary of War?

Mr. FIELDS. As I now recall, the Secretary of War did after some delay indorse the recommendations of the Chief of Staff for an Army of 500,000 men, giving as his reason for his action that, in his opinion, the unsettled condition of affairs in the country warranted the maintenance of an Army of that size until the restoration of normal conditions, at least; but that was not a partisan proposition, for while the Secretary of War is a Democrat the Chief of Staff is a Republican. But since you gentlemen of the Republican side inject politics into every question relating to the Military Establishment, I will ask you this question: If your champion of universal military training, Gen. Leonard Wood, should be nominated for the Presidency by your party, what are you gentlemen going to do? [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. SUMMERS of Washington. In answer to the gentleman's question I will say we are going to elect him, if nominated. [Applause on the Republican side.]

Mr. FOCHT. Mr. Chairman, I rise in opposition.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. FOCHT] is recognized.

Mr. FOCHT. Mr. Chairman, my young friend from Texas [Mr. BLANTON], with something more than his ordinary composure, and yet with a struggle and a rather hurried effort, a moment ago attempted to escape from the tight place in which he found himself under the fence yesterday by calling in a policeman to verify his erroneous statement.

I will not take up much time, but notwithstanding the message the gentleman received from the policeman, as a matter of fact the statement was made yesterday—and I thought I was making a friendly correction of an error made by two distinguished gentlemen from Texas about the raising and lowering of the flag from the dome of the Capitol in the morning and evening. I undertook to say that the flag on the front of the Capitol and at the rear of the Capitol was never lowered, but that it floated

there continuously, and was always there, to be seen day and night. The gentleman has read a statement from the chief of the Capitol police, who had previously called me on the telephone. I do not know the policeman. I never saw him. I do not know how much he knows about the history of the flag nor about this particular duty as a Capitol policeman, but I do know that the gentleman from New York [Mr. HICKS] is an authority on this question of the flag. I will give the gentleman the information as to where I got the authority for my statement and what I predicated my remarks on. I call the gentleman's attention to the celebrated, really marvelous lecture on the American flag delivered on the floor of this House by the gentleman from New York [Mr. HICKS]. If he will turn to page 36 of the pamphlet edition of that speech he will find there a paragraph which reads:

Officially over only three buildings does the flag fly continuously, day and night—the National Capitol at Washington (east and west fronts) and over the adjacent office buildings of the Senate and House of Representatives.

With all respect for the policeman, whoever he may be, whether he is performing his duty or not, or whether he has not been apprised of his duty with regard to keeping the flag up, if he does not know it I would recommend him to see Mr. HICKS and find by what authority he made this statement in one of the greatest public documents ever issued in the history of this country, and learn to do his duty; and then if the Member from Texas will do likewise in the future he may not be so far misled as to charge the gentleman from Pennsylvania with being unaware of this official form as it pertains to the display of the flag over the Capitol.

Mr. BLANTON. Mr. Chairman, I move to strike out the last two words.

Mr. GREEN of Iowa. This is wholly out of order.

Mr. BLANTON. It will take only two minutes.

The CHAIRMAN. Without objection, the gentleman from Texas will be recognized.

Mr. FOCHT. I will not object.

Mr. BLANTON. I want to say that the gentleman from Pennsylvania [Mr. FOCHT] butted into the colloquy between myself and the gentleman from Texas yesterday ostensibly to give us some information, and I presumed that his information was correct; but the gentleman from New York [Mr. HICKS] made his speech under a Democratic régime. Then possibly the flag never ceased to wave over the Capitol. The present régime in the Capitol is Republican. Whatever is done with the flag now is done under a Republican régime. This chief of the Capitol police is under a Republican régime. He tells us in this written statement that, regardless of what used to occur under a Democratic régime, when Mr. HICKS made that speech, the flag is now raised every morning at sunrise on the east and west fronts of the Capitol and every evening the flag is lowered. It is like the case of the lawyer who said to his client, "Why, they can't put you in jail for that"; and the fellow said, "Faith, and don't ye see me lookin' at ye through the bars?" The flag is raised and lowered now, regardless of what the gentleman from New York [Mr. HICKS] said; and if the procedure described by the gentleman from New York [Mr. HICKS] is the correct one, then my friend ought to get his Republican régime to work and have the flag fly all night, as the gentleman asserts is proper according to what he asserts was stated by the gentleman from New York [Mr. HICKS]. But the gentleman from Pennsylvania should not attempt to give information by asserting that the flag is not raised and lowered every day when, as a matter of fact, it is so done, according to the employee who has it in charge.

The Clerk resumed and completed the reading of the bill.

Mr. FIELDS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

On motion of Mr. GREEN of Iowa the committee rose; and the Speaker having resumed the chair, Mr. DOWELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 13432) to regulate dealing in leaf tobacco, had directed him to report the same back to the House without amendment, with the recommendation that the same do pass.

Mr. GREEN of Iowa. I move the previous question on the bill to the final passage.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. GREEN of Iowa a motion to reconsider the last vote was laid on the table.

VOCATIONAL REHABILITATION.

Mr. FESS. Mr. Speaker, I ask unanimous consent that the title of H. R. 12266 be amended in accordance with the text. That was overlooked.

The SPEAKER. The gentleman asks unanimous consent that the title of H. R. 12266 be amended in accordance with the text. Is there objection?

There was no objection.

Mr. DONOVAN. I ask unanimous consent to revise and extend my remarks on that bill, on which I spoke this afternoon.

The SPEAKER. The gentleman from New York asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 9065. An act to amend certain sections of the Federal farm-loan act, approved July 17, 1916;

H. R. 11877. An act granting the consent of Congress to Madison and Rankin Counties, in the State of Mississippi, to construct a bridge across the Pearl River between Madison and Rankin Counties;

H. R. 12889. An act granting the consent of Congress to the city of Youngstown, Ohio, to construct a bridge across the Mahoning River, at or near Division Street, in the city of Youngstown, Ohio;

H. R. 795. An act for the relief of Arthur Wendle Englert; and

H. R. 6025. An act to amend the act entitled "An act to establish a code of law for the District of Columbia, approved March 3, 1901," and the acts amendatory thereof and supplementary thereto.

CORRECTION OF POST-OFFICE BILL.

Mr. STEENERSON. Mr. Speaker, I ask unanimous consent for the present consideration of the following concurrent resolution.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H. R. 11578) entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1921, and for other purposes," the Clerk be, and he is hereby, authorized and directed to number the sections consecutively.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to.

ADJOURNMENT.

Mr. GREEN of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 48 minutes p. m.) the House adjourned until to-morrow, Sunday, April 18, 1920, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting a proposed paragraph of legislation required by the United States Coast Guard for the fiscal year 1920 (H. Doc. No. 730); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Navy, transmitting request that section 34 of the proposed bill providing for the personnel of the Navy and Marine Corps be eliminated; to the Committee on Naval Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. JOHNSON of Washington, from the Committee on Immigration and Naturalization, to which was referred the bill (H. R. 13646) to amend the act entitled "An act to establish a Bureau

of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States," approved June 29, 1906, as amended, and for other purposes, reported the same without amendment, accompanied by a report (No. 846), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Idaho, from the Committee on the Public Lands, to which was referred the bill (H. R. 10434) to add certain lands to the Targhee National Forest, reported the same with an amendment, accompanied by a report (No. 849), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. WHITE of Kansas, from the Committee on the Public Lands, to which was referred the bill (H. R. 11917) for the relief of Gustavus F. Gallagher, reported the same with an amendment, accompanied by a report (No. 848), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HASTINGS: A bill (H. R. 13665) granting the consent of Congress to Muskogee County, Okla., to construct a bridge across the Arkansas River between sections 16 and 21, township 15 north, range 19 east, in the State of Oklahoma; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 13666) granting the consent of Congress to Muskogee County, Okla., to construct a bridge across the Arkansas River in section 18, township 12 north, range 21 east, in the State of Oklahoma; to the Committee on Interstate and Foreign Commerce.

By Mr. MONAHAN of Wisconsin: A bill (H. R. 13667) to revise and amend section 853 of the Revised Statutes of the United States of 1878; to the Committee on the Judiciary.

By Mr. RHODES: A bill (H. R. 13668) providing pensions for needy mothers having the custody of dependent children under the age of 16 years; to the Committee on Labor.

By Mr. RAINEY of Alabama: A bill (H. R. 13669) to declare Short Creek, in Marshall County, Ala., a nonnavigable stream; to the Committee on Interstate and Foreign Commerce.

By Mr. REAVIS: A joint resolution (H. J. Res. 339) to create a joint committee on the reorganization of the administrative branch of the Government; to the Committee on the Judiciary.

By Mr. VOIGT: A joint resolution (H. J. Res. 340) providing for recommendation for amnesty and pardon for political prisoners; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 13670) granting an increase of pension to Morgan Thomas; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13671) granting an increase of pension to John W. Bowman; to the Committee on Invalid Pensions.

By Mr. FOSTER: A bill (H. R. 13672) granting a pension to John W. Hughes; to the Committee on Pensions.

By Mr. HOEY: A bill (H. R. 13673) granting an increase of pension to M. A. Anderson; to the Committee on Pensions.

Also, a bill (H. R. 13674) granting an increase of pension to Andrew S. Hicks; to the Committee on Pensions.

By Mr. MANN of Illinois: A bill (H. R. 13675) granting a pension to Mary Wantz; to the Committee on Pensions.

By Mr. RUBEY: A bill (H. R. 13676) granting an increase of pension to David Misenar; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3032. By the SPEAKER: Petition of sundry citizens of the city of Watervliet, N. Y., requesting the immediate recognition of the Republic of Ireland and favoring the passage of the Mason bill; to the Committee on Foreign Affairs.

3033. By Mr. ESCH: Petition of William H. Sommers, secretary Racine Trades and Labor Council, Racine, Wis., relative to the political offenders in the American civil and military prisons, etc.; to the Committee on the Judiciary.

3034. By Mr. FOCHT: Evidence in support of House bill 13236, granting a pension to Harry M. Owens; to the Committee on Pensions.

3035. By Mr. GALLIVAN: Petition of M. I. Conner, of Northampton, Mass., urging the passage of House bill 13390; to the Committee on Naval Affairs.

3036. Also, petition of Rousmaniere, Williams & Co., of Boston, Mass., urging the defeat of House bills 12379 and 12646; to the Committee on Banking and Currency.

3037. Also, petition of St. Brendan Society, urging that Congress abrogate all treaties with England until the army of occupation is withdrawn from Ireland, etc.; to the Committee on Foreign Affairs.

3038. Also, petition of T. M. McGrath and Michael McAter, of Boston, Mass., relative to adjusted compensation for the ex-service men of the World War; to the Committee on Ways and Means.

3039. Also, petition of Charles T. Mackay and 95 other members of the Michael J. Perkins Post, No. 67, American Legion, Boston, Mass., favoring the cash bonus for the ex-service men of the World War; to the Committee on Ways and Means.

3040. Also, petition of George A. Lapham, of Boston, Mass., opposing the passage of House bills 12379 and 12646; to the Committee on Banking and Currency.

3041. Also, petition of William H. Burns & Co., of Worcester, Mass., favoring the passage of House bill 11729; to the Committee on Ways and Means.

3042. Also, petition of George W. Sias, of Boston, Mass., favoring the passage of the House bill for the promotion of the production of gold and silver metals; to the Committee on Coinage, Weights, and Measures.

3043. Also, petition of Boston Varnish Co., of Boston, Mass., opposing the passage of House bill 12976; to the Committee on Ways and Means.

3044. Also, petition of G. W. Bent Co., of Boston, Mass., opposing the passage of House bills 12379 and 12646; to the Committee on Banking and Currency.

3045. Also, petition of Charles A. Hammond Post, No. 78, American Legion, of Boston, regarding bonus for soldiers; to the Committee on Ways and Means.

3046. Also, petition of the American Legion, Department of Massachusetts, Boston, favoring the passage of H. R. 10365; to the Committee on Interstate and Foreign Commerce.

3047. By Mr. GREEN of Iowa: Petition of Jens Hansen and 71 others, of Elk Horn, Iowa, opposing proposal to restrict second-class mail to newspapers printed in English; to the Committee on the Post Office and Post Roads.

3048. By Mr. HILL: Petition of residents of New York City for the enactment of H. R. 10518 to create a Federal urban mortgage bank; to the Committee on Banking and Currency.

3049. By Mr. LUCE: Petition of residents of Brookline, Mass., favoring the passage of H. R. 1112, providing for the parole of Federal prisoners; to the Committee on the Judiciary.

3050. By Mr. McCLINTIC: Petition of delegates to the Major County (Okla.) Farmers' Union, regarding financial, taxation, and military legislation; to the Committee on Banking and Currency.

3051. By Mr. TAGUE: Petition of United Indian War Veterans, urging legislation in behalf of Indian war veterans; to the Committee on Pensions.

3052. Also, petition of Boston Chamber of Commerce, urging an amendment to the recent railroad act; to the Committee on Interstate and Foreign Commerce.

3053. By Mr. TEMPLE: Petition of the Blue Triangle Club of the Young Women's Christian Association, of New Castle, Pa., favoring the passage of the Towner maternity bill (H. R. 10925); to the Committee on Interstate and Foreign Commerce.

3054. Also, petition of the Civic Club of Allegheny County, Pittsburgh, Pa., urging postponement of action on H. R. 12466; to the Committee on the Public Lands.

3055. By Mr. TIMBERLAKE: Petition of the J. Hunter Wickersham Post, No. 51, American Legion; Leo Leyden Post, No. 1, American Legion, Denver, Colo.; the Phillip Wade Post, No. 46, American Legion, Brighton, Colo.; and the Watonga Post, No. 125, American Legion, of Watonga, Okla., favoring adjusted compensation for the ex-service men of the World War; to the Committee on Ways and Means.

3056. By Mr. VARE: Petition of the Employers' Association of Pittsburgh, Pa., relative to railroad strikes; to the Committee on Interstate and Foreign Commerce.

HOUSE OF REPRESENTATIVES.

SUNDAY, *April 18, 1920.*

The House met at 12 o'clock noon, and was called to order by Mr. CARTER as Speaker pro tempore.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in Heaven, incline Thine ear, attend our prayer. We are here on this holy day to fulfill a sacred duty. Cleanse our minds, purify our hearts, and fit us for the service.

A faithful Member of this House has fallen asleep, and we mourn his going. Wise of judgment, strong of will, with ever a laudable purpose in view, he was a servant of the people and gave his best thoughts and acts to their interests in State and Nation.

Comfort the hearts of his many friends, his loving wife and children, with faith, hope, love, which are ever coming down from heaven into the heart of man.

He was a consistent member of the Methodist Church. His faith therefore was unbounded, his hope buoyant. His body is still, but his soul goes marching on to larger life and greater attainments.

Help us to look forward to a blessed reunion beyond the stars in Thine own good time; and everlasting praise be Thine, through Jesus Christ our Lord. Amen.

THE JOURNAL.

Mr. McCLINTIC. Mr. Speaker, I ask unanimous consent that the reading of the Journal be deferred until to-morrow.

The SPEAKER pro tempore. The gentleman from Oklahoma asks unanimous consent that the reading of the Journal be deferred until to-morrow. Without objection it will be so ordered.

There was no objection.

THE LATE REPRESENTATIVE THOMPSON, OF OKLAHOMA.

The SPEAKER pro tempore. This Sabbath day has been, by special order, set apart for appropriate exercises in commemoration of the life, character, and public service of the late Hon. JOSEPH B. THOMPSON, a Member of Congress from the State of Oklahoma, and the House is now in session for that purpose. The Clerk will read the special order for the day.

The Clerk read as follows:

On motion of Mr. McCLINTIC, by unanimous consent,
Ordered, That Sunday, April 18, 1920, be set aside for memorial services in memory of the late Hon. JOSEPH B. THOMPSON, a Representative from the State of Oklahoma.

Mr. McCLINTIC. Mr. Speaker, I offer the following resolution.

The SPEAKER pro tempore. The gentleman from Oklahoma offers a resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 525.

Resolved, That the business of the House be now suspended, that opportunity may be given for tributes to the memory of Hon. JOSEPH B. THOMPSON, late a Member of this House from the State of Oklahoma.
Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of these exercises, shall stand adjourned.
Resolved, That the Clerk communicate these resolutions to the Senate.
Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. FERRIS. Mr. Speaker, the late JOSEPH B. THOMPSON, of Pauls Valley, Okla., was born in Texas on April 29, 1871, and died on the 18th of September, 1919, on a Baltimore & Ohio train en route from Washington City to his home in Oklahoma.

He was a lawyer by profession and was a practicing attorney for 28 years in Indian Territory, which after admission into the Union became a part of Oklahoma. He was a successful practitioner of the law—honest, honored, and just.

He was always a Democrat—not a Democrat in name only, but in truth and in fact a Democrat, and all the term implies—always active in party councils, both State and National; was chairman of the State Democratic committee, delegate to the national convention, State senator, Congressman at large, district Congressman, always faithful, always capable, always devoted to duty. He was a man.

Oklahoma was admitted into the Union in November, 1907, and this is the first time the death angel has called one of our delegation to that realm from which no traveler returns. This was our first great loss; we felt it keenly then, we have felt it keenly every day since it occurred. His going was a distinct loss to the Oklahoma delegation in Congress—a distinct loss to the citizenship of the State and to the Nation.

My long acquaintance with Congressman THOMPSON makes me feel free to embrace the opportunity to bear witness to his devotion to duty, to friendship, and to the common man.

In my service here, aggregating almost 14 years, I have seen many Congressmen come and go; I have seen four-fifths of them sworn in and retired to private life. Still, as my mind runs back over the long list of friends made and friends departed, I can not recall a single instance of a member more devoted to the aches and pains of mankind than he. Never a vote, a bill, or a speech that was not in their interest, for their welfare and for their advancement.

Chosen to this high calling, and it is a high calling to sit in this historic Hall as a Member of Congress in a great Republic like this one, he was never too busy to minister to the aches and pains of the humblest constituent who sought his encouragement, counsel, and advice. Others less considerate than he would allow themselves to be engrossed in the larger things and let the aches and the pains of the meek and the lowly go unattended and untouched. How refreshing it is to observe in this busy, thriving, teeming, selfish world a character who thus stands out, it seems to me, quite alone—who was always willing to care for little things and worry about the humble things, to aid and comfort the heartache, the cares, and lighten the load of the everyday man.

It was a known fact among our delegation for many months that Congressman THOMPSON needed rest—needed to absent himself from his cares and worry of the great office he, with devotion, held. Those of us who knew him best had observed his loss in weight, his deterioration of body—still he toiled on, still he labored on, in the interest of his constituents, his State, his Nation. It may well be said that he fell a sacrifice to his work, to this all-controlling desire of devotion to duty. He died in the harness in the midday of life, enjoying a splendid career, rendering a noble service; all this makes his going the more abrupt, the more consuming.

In my long service here I have seen many of my colleagues fall from this lofty position to honored graves; but few have gone on before or will go in the future who leave behind them a longer train of friends, both in and out of Congress.

Death always comes too soon, but when we meet it face to face it seems the more unbearable, the more abrupt; and when we observe it in our friends and when they are called in the zenith of their powers, it makes the problem of the human life more difficult and hard to understand.

I repeat, his death was a loss to his delegation, to his family, consisting of a brilliant, devoted wife and two sons fashioned in his very image, a loss to his State where his friends are everywhere in abundance, a loss to his Nation that to-day needs good, true men fully as much as they did in the days of yore.

The grave, whose ponderous jaws are ever open to envelop us has enveloped our friend; still the grave is not the end, everything about us is but a solemn testimonial of a life beyond the grave and the sweet assurance of the Book of Books which has ministered to the sorrowing hearts of men for more than six thousand years gives us the sweet assurance of a better life, a fairer day, where there is no sorrow, heartaches, disappointments, and deaths.

As we view the House of Representatives from a circumscribed area—many come here, many go. But when we view it from the broader arc of the circle of a Nation, but few are called to stand at the head of this Government in the Halls of Congress to serve a great, growing, thriving Nation, teeming with this great constituency who believe in free government and the liberties of mankind. Two thousand years ago Cicero, sobbing above the dead body of his daughter, Tulia, exclaimed: "Is there no meeting place for the dead?" Well may we of this generation ask, What is to become of the seven and one-half million soldier boys who died on the threshold of life that free government and a better world might live? What are to become of these young men with genius, who in the morningtide of life gave their life that free government might live? What became of the Carpenter of Nazareth dead at 30 years of age? There can be but one answer—there is but one answer—the Book of Books tells us, and it has never been supplanted and never will be, that there is life beyond the grave; and who is there who either in logic, truth, or reason will attempt to sup-

plant the blessed assurance this book affords. No, to me I prefer to believe that those who have passed through that incident of nature called death have but passed through the black waters that reach the summerland beyond—that they will be ushered into the glories of those who have gone beyond. To me they have gone to a land unstained by the smoke and din of battle, where they may write their books, invent their tools, fashion their songs, and guide the tramping, treading multitude to a better way—a fairer day in that land of perfect knowledge—in that land of love and peace. To such a destiny I would commit my friend—to such a destiny his footsteps will travel.

Mr. Speaker, while no one of right mind ever welcomes death, still its rigor loses strength as the years pass by. In the language of the poet, and thus the poet sings—

All are scattered now and fled,
Some are married, some are dead;
And when I ask, with throbs of pain:
"Ah! when shall they all meet again,
As in the days long since gone by?"
The ancient timepiece made reply;
"Forever—never;
Never—forever."

Never here, forever there,
Where all parting, pain, and care,
And death and time shall disappear
Forever there, but never here;
The horologue of eternity
Sayeth this incessantly:
"Forever—never;
Never—forever."

Mr. MORGAN. Mr. Speaker, we have met to-day to conduct memorial services in honor or our departed friend and colleague, Hon. JOSEPH B. THOMPSON, late a Member of the House of Representatives from the State of Oklahoma.

Mr. THOMPSON was born in Grayson County, Tex., on the 29th day of April, 1871, and departed this life on the 18th day of September, 1919. He passed away before he had attained the age of 50 years. His life was short but it was full of honorable achievement. His death came suddenly and unexpectedly. The sad news brought deep sorrow and great regret to all who knew him. I recall very vividly the time, place, and manner in which the sad news was conveyed to me. About 9 o'clock on the evening of September 18, 1919, I was called to the telephone. It was a message from the Hon. CHAMP CLARK, the former Speaker of the House of Representatives, informing me that he had received a telegram stating that Congressman THOMPSON of Oklahoma had died on the train about 6 o'clock that evening, while on his way to visit his home at Pauls Valley, Okla. The unwelcome message came as a great shock to me and brought pain and sorrow to my heart.

When the House of Representatives met the following day, it so happened that the other Members of the Oklahoma delegation had been called away from Washington on a matter of public interest to the State of Oklahoma and that I was the only Representative of the State present. It became my sad and painful duty to rise in the House and announce the death of my colleague, JOSEPH B. THOMPSON. I offered an appropriate resolution at that time in which the House of Representatives expressed its profound sorrow at his death. On the same day the United States Senate passed a similar resolution. The Senate and House of Representatives appointed committees to attend the funeral. As a Member of the House committee, I accompanied the remains of our departed friend to Pauls Valley, Okla. I witnessed the beautiful and impressive funeral services, at which large numbers of constituents, friends, neighbors, and relatives assembled to pay respect to their distinguished fellow citizen and Representative in Congress.

Mr. THOMPSON was elected to the Sixty-third, Sixty-fourth, Sixty-fifth, and Sixty-sixth Congresses of the United States. Prior to his election to Congress, he had demonstrated his ability as a lawyer and his leadership in the public affairs of the State. He had served as a member of the State senate of Oklahoma; he had been chairman of the State Democratic committee; and he had been a delegate to three Democratic national conventions. Those of us who are familiar with the fierce conflict in the political arena know that such honors do not come to one by mere chance or accident. The high recognition which Mr. THOMPSON received from his fellow citizens in Oklahoma were the natural result of his intellectual force, his personal popularity, his integrity of character, and his laudable aspirations to be of service to his State and Nation, and to accomplish in life things that were worth while.

My acquaintance with Mr. THOMPSON was very slight prior to the time he entered the Sixty-third Congress. In politics he was a staunch Democrat. I was a Republican. Whatever may have been our impressions of each other at the beginning of our association in the House of Representatives, it was not long until our personal relations became exceedingly cordial. Later we became close friends. He would often come over to the Republican side of the House, take his seat beside me, and talk with me. In like manner, I would frequently go over to the Democratic side of the House and visit with him. When important questions were to be voted upon we consulted with each other about the question involved and the proper vote to be cast.

No one would question Mr. THOMPSON'S democracy, or his devotion to the principles of his party, or doubt the sincerity of his belief that the supremacy of those principles would contribute to the general welfare of the country. With all this, he was independent in his character. He reached his own conclusions as to what constituted democratic measures and always had the courage to vote as he thought was right regardless of the Democratic leadership in the House.

Mr. THOMPSON was born and reared on a farm. Within his congressional district was the largest city in the State. The large majority of his constituents were farmers. He was never unmindful of the welfare of his city constituents, but his farmer constituents were his favorites. He was always loyal to them and their industry. He sought to render agriculture the best service of which he was capable. He took a deep interest in every proposition and measure that would promote agricultural development or contribute to the prosperity of the farmers.

He possessed superior intellectual endowments. His mind grasped political questions quickly and easily. With almost unerring precision he reached correct conclusions. Once settled in his opinions, he was not easily changed. He was a conscientious legislator. He voted as he thought was right. He liked to be in harmony with his party; he respected leadership; he had due regard for the opinions of others. But he would follow no one in a course which to his mind ran counter to the good of his constituents or the welfare of his country. He had courage in a high degree. He was fearless in defending what he deemed right. He was honest, sincere, and upright. He was kind and generous in his disposition, cordial and companionable in his relations with others, and his life was full of good works and unselfish deeds. He was called from the conflict of this life in the prime of manhood. Measured by the years he lived, his life was short. But a man's life is not measured by the number of years he lives. The true measure of a man's life is what he has done. Measured by this standard, his was not a short life. He rose from a comparatively humble position in life to prominence in the legal profession, to a position of great influence in politics in his State, and for more than six years rendered highly useful and eminently honorable service in the greatest legislative body in the world.

He was not a man of narrow views. Primarily he thought first of his own home, his neighbors and friends to whom he felt most deeply indebted. In passing upon a legislative proposition, he thought first about how it would affect the people of his own congressional district who had commissioned him to come to the National Capital and participate in directing the affairs of the greatest Nation on the earth. But he was broad enough to recognize that in part he was legislating for more than a hundred million people. He loved devoutly his home people, he was deeply attached to the State of Oklahoma and all her citizens, but with all this he was intensely patriotic and supremely loyal to the Nation. In the enactment of war legislation, he did his part well. The record of his votes will show that the honor of our country was safe in his hands. He believed in protecting the rights of American citizens at all hazards. Regardless of how his votes might affect his political future, he voted for every measure that would facilitate the vigorous prosecution of the war, that would aid in its successful and victorious conclusion, or that would contribute to the safety and welfare of the brave and heroic soldiers, seamen, and marines who constituted the American Army and Navy in the war with Germany.

So closed the life book of JOSEPH B. THOMPSON. In this life volume is revealed the coming and the passing away of the hard-working farmer boy, the dilligent student in college, the successful lawyer, the influential politician, the skillful legislator, and the eminent statesman.

We cherish and honor his memory. We deeply regret his untimely passing away, and we gladly pay this tribute of praise to our departed friend, colleague, and fellow citizen.

Mr. McKINLEY. Mr. Speaker, we are met here this beautiful spring morning to pay respect to the memory of our friend, JOSEPH B. THOMPSON. I want to say just one word or two of appreciation.

My acquaintance with Mr. THOMPSON was in connection with the Committee on Agriculture. I found him to be a courteous, generous friend, an agreeable companion, a conscientious Congressman, a hard-working legislator, who knew before he came to the committee meetings about the various matters that were to come up. He would treat with courtesy a Member who differed with him. On the other hand, if he thought he was right he would fully maintain his position. If he was convinced that he was wrong he would concur with the majority in what they decided upon.

In the death of Mr. THOMPSON the Congress of the United States has lost a hard-working, conscientious Congressman, and the country a good, upright citizen.

Mr. CLARK of Missouri. Mr. Speaker, of the many things I have done in my 26 years of service in the House, there are many upon which I look back with pride and pleasure. One of these is that for years I did my utmost to bestow the boon of statehood upon Oklahoma. Two of the most pleasant weeks of my life were spent in that beautiful land, hunting and fishing. I drove over a large part of it in a spring wagon and "viewed the landscape o'er" with ever-increasing delight. Anybody could tell that it would some day be a great agricultural State, but the chances are that in that faraway day even the most imaginative and enthusiastic of boomers never dreamed what a rich and mighty Commonwealth she would become within two decades, with fair prospects of becoming one of the greatest and wealthiest States of the Union. Neither Jules Verne nor any other novelist ever wrote a tale so fetching as the history of Oklahoma.

Her population is composed of the very cream of the peoples of the older States—the young, the vigorous, the adventurous, the daring.

From the beginning she has sent a strong delegation to the councils of the Nation, where they have taken high rank. Most of them have been and are young men in the very prime of life. No man past middle life has yet represented her in House or Senate. She has been very fortunate in the fact that until now death has never broken into her delegation.

Everybody at all acquainted with JOSEPH B. THOMPSON sincerely mourned his departure. He was my friend, true as steel, faithful as the needle to the pole. In fact, he was absolutely true in all the multiplied relations of life. He was a fine Representative, honest, industrious, honorable, level-headed, positive and kind, firm in his convictions, and unafraid.

To discharge his duty faithfully and well was his one idea in public life. This he did courageously and intelligently.

His death came suddenly and to most of us unexpectedly. He sleeps in his home city of Pauls Valley, one of the loviest spots on earth, among the people who loved him so well and whom he served so faithfully. In his death Oklahoma and the Nation lost one of the most dependable of all American public men.

Mr. HOWARD. Mr. Speaker, we are gathered together to-day to pay tribute to the memory of a departed friend. This tribute is prompted by our affectionate regard for him as representative of the people and as our friend.

In the death of JOSEPH B. THOMPSON Oklahoma lost a close friend and patriot who had done much for its upbuilding, and the National Government lost a Representative in the House of Congress whose courageous stand at all times for right and progress was of great benefit to this Nation.

JOSEPH B. THOMPSON was a commanding figure among the leaders in the construction and upbuilding of the State of Oklahoma. It was a great accomplishment to have been of real service, such as he was, to his State and his Nation. It was a great accomplishment to have won, as he did, the confidence and love of all them who knew him and his work.

Mr. THOMPSON was one of the most indefatigable Members of this body in looking after the interests of his constituents, whether those interests took the form of legislation or of some detail requiring attention at the departments. It was this indefatigable industry in all matters large and small, his rugged integrity, his power of speech, his devotion to the interests of his constituents, his high ideals, and his upright life that explains his remarkable hold upon his constituents. No district ever had a more faithful Representative in Congress or one serving them with an eye more single to their interests. He was a valued friend, a kindly neighbor, a delightful host, a dutiful and affectionate son, a true and faithful husband, and a generous and loving father. He truly met all of the near and tender relations of life, and I mourn his loss, feeling that Oklahoma and all who were bound to him by the tie that binds are poorer by his death.

Mr. TILLMAN. Mr. Speaker, it is an old custom of this House and one much honored in the observance to devote one day in commemoration of the life and services of the men who die while serving in this body. This good day has been set apart for the purpose of paying tribute to our departed friend and former colleague, Hon. JOSEPH B. THOMPSON, of Oklahoma. His associates called him by his given name when addressing him and in this way testified to the tender regard in which he was held.

His family and mine lived at the same hotel and occupied rooms in the same apartment house for considerable periods. Our offices were not far separated and on the same floor. Together we visited the Allied fronts in the spring of 1918, each of us having a son at that time with the combat troops in France. We were, therefore, closely associated during all of my service here, and I came to know him and the members of his devoted family intimately and well.

Mr. THOMPSON was born in Texas and spent the greater part of his life in the virile young State of Oklahoma. He was brought up in a school where the sterner virtues are cultivated, where the fittest survive, and where men of high purpose and strong character alone are selected to lead.

He was a man of infinite courage, big hearted, courteous, possessed of a vigorous personality, willing and ready at all times to lend to the unfortunate and to the lowly his loyal help and friendship. He therefore counted among his followers the large majority of the big hearted plain people. The unpretentious, the great middle class, among his constituents, whose support can not be purchased by money, proclaimed him their idol and their champion. He was the stalwart friend of the farmer and the man who labors with his hands, and he was their generous advocate at all times. He literally lived up to the philosophy of Jefferson, who taught the equality of all men. Indeed and in truth the meek and the lowly and the helpless were first in his thoughts, and he regarded them with more favor than he did men of wealth and prominence. He mingled with his constituents freely and was never so happy as he was when going from place to place in his district greeting his friends with the spirit of genuine friendship which characterized his intercourse with his people. He never forgot the fact that he came from the plain people; he never ceased to love them and they never lost their faithful love for him. He seemed always especially eager to be doing something for the soldier, for the soldier's family, and devoted a great deal of his time writing, phoning, and visiting the various departments in their interests.

Mr. THOMPSON was a man of indomitable energy. Few Members devoted more hours to the dull drudgery of congressional life. His capacity for hard mental and physical labor was phenomenal. This accounts in a large measure for his rapid rise to a position of influence. Drudgery is the grey angel of success, and our friend was a distinct success as a citizen and as a public official. His splendid State has upon the floor of this House a strong delegation, but he was the peer of any of his colleagues in point of ability, in popularity, and in influence.

He was not a noisy Member, yet he spoke and discussed with vigor and rare intelligence many of the big questions that engaged the attention of the House during his membership therein. He never indulged in frivolous nonsense and his speeches abounded in forceful argument, devoid of drivel. He wielded a keen blade in debate and always had a respectful hearing when he engaged in discussion on this floor.

In the days that are passing swiftly as the swallows fly the membership of this House is ever changing. Month after month our hearts are made heavy by the death of colleague after colleague. During the last few years a large number of our associates have answered the last call. Our friend died suddenly while on the train, accompanied by his son, as they were speeding westward toward the land he loved. A sudden death is rather to be desired. How much better it is for the grim warrior who conquers all men to hurl his sable spear full at the heart and strike down his victim at high noon when he is surrounded by his fellows, than to sap his strength by slow degrees while he lies bedridden within the four walls of a dreary sick room.

I am sure that all is well with our departed friend. It makes us sad, of course, when we think of this loss to his district, to his friends, and especially to his excellent family,

but sooner or later we must all enter the land of shadows, and yet we believe as he did that the soul is immortal and will live forever. We have missed and will continue to miss his genial companionship, but one by one, year by year, we shall follow him.

Life's shores are shifting,
Every year.
And we are seaward drifting
Every year.
Old places, changing, fret us,
The living more forget us,
There are fewer to regret us
Every year.
But the truer life grows nigher,
Every year;
Earth's hold on us grows slighter,
And the heavy burdens lighter,
And the dawn immortal brighter
Every year.

Mr. YOUNG of Texas. Mr. Speaker, Mr. THOMPSON was a native of my State, born and reared in Grayson County, one of the splendid counties of the State of Texas, whose population, in intelligence and in good citizenship, is equal to that of any county that I know. In his earlier youth Mr. THOMPSON had his struggles. He had to fight his battles in order to educate himself. That education was attained in our common schools and our institutions of higher learning in the great State of Texas.

In his early manhood Mr. THOMPSON saw fit to cast his lot with the people of the State of Oklahoma, and he began as a leader in that State, and had the respect and esteem of the entire citizenship of that Commonwealth, because it was recognized that his leadership was wise.

My intimate acquaintance with him began after he came to Congress. We both served on the Committee on Agriculture. His birthplace and my birthplace were not far removed, and when I met him and knew him personally, as I did in service on that great committee, I could see from day to day, in his counsel and advice on pending legislation, that his earlier training had impressed itself upon him, that he knew the problems which confronted the great agricultural masses of our Nation, and that he was responding to those problems in aiding to write legislation that might serve the people who produce to feed the world.

The loss of such a man from this body is not alone a loss to the body itself but it is a loss to the people of the Nation. When the Representative of a constituency is a man born and living among the people whose problems he has known from childhood, that type of man knows how to become a real Representative. He is a part of the people whom the Good Book describes as the great common people. And when a man of that type is sent here, breathing the same air, thinking the same thoughts, having the same experiences, his acts are an aid to the great citizenship that he represents.

I recall one incident in our service on the Committee on Agriculture when we had under consideration some of the war legislation. As all of us know, we had some difficult legislation, the one supreme thought being so to mobilize our people and all the power and resources they had that we could win the war. But in passing these various war statutes there was no precedent to guide us. Many times we had to leap in the dark. Probably one of the most far-reaching pieces of legislation that this Congress passed was what was known as the food-control law.

In the bill as originally drafted its far-reaching powers extended to every farm in the land. One of those powers was that of fixing prices on agricultural products. As the bill was then drafted, it was a general power giving authority to those appointed by the President of the United States to exercise that power at discretion. I remember very distinctly the discussion of that important proposition in which my friend JOE THOMPSON participated. It was an amendment offered by him that saved the situation. That amendment was adopted by the committee to this effect: That if this power to fix prices on agricultural products were to be exercised it must be done "seasonably and in advance of seeding time." It was a remarkable amendment, a far-reaching amendment, and back of it lay the fact that if you were going to take the products of the great agricultural people by some agency of the Government, exercising an extraordinary war power to fix the price of the product of their toil, that fairness to the people, the producers, demanded that the President of the Nation should by proclamation state in advance of seeding time that the price would be fixed, and that the product and price should be named before crops were planted. Mr. THOMPSON was the author of that amendment. It became a part of the law. It helped to save a bad situation. The fact that he had been reared on a farm, had received the hard knocks that go with the labor on the farm, enabled him to understand the situation, and so that provision was written into the war law.

He had a great heart; his heart responded to the people. He knew their troubles and faithfully represented their views. He was a wise leader, a devoted husband, a patriotic father, giving to the service his son, who went to the front. He was kind to his friends and loved by everybody who knew him. His going is only too soon. His family, his State, and the country has suffered an irreparable loss. Peace to his ashes.

Mr. McCLINTIC. Mr. Speaker, in the death of our distinguished citizen, friend, and colleague, the late Hon. JOSEPH B. THOMPSON, of Oklahoma, the Nation has lost one of its most patriotic citizens, the State of Oklahoma one of its hardest workers, the fifth congressional district a loyal Representative, the Democratic Party one of its most devoted supporters, and the wife and family a loving husband and father whose greatest pleasure in life was looking after their every comfort.

His death came as a sudden flash of lightning out of a clear sky. No one ever dreamed that the grim reaper of death was soon to mow him down. It is rather a strange coincident, as my distinguished colleague, Mr. MORGAN, has called attention to, that most of the Members of the Oklahoma delegation were away, out on the ocean speeding for Norfolk, Va., for the purpose of delivering a silver service set to that great battleship which bears the name of *Oklahoma*. Mr. THOMPSON'S death cast a sad gloom over that party.

Congressman THOMPSON, like myself, was born in Texas. In his early days he suffered some privations, but he was possessed of a sufficient amount of determination and energy to keep striving for an education, and he never stopped until he was successful in being admitted to practice his chosen profession—that of the law. Everywhere he lived his honesty, his uprightness, and fair dealing with his fellow man caused him to be loved and to be respected by all who knew him.

Congressman THOMPSON was a Democrat. He held a high position in the estimation of all of those who affiliated with his party. On many occasions he was honored by being selected to high positions of trust. On two occasions he was sent as a delegate to the national convention. Twice he was selected as chairman of the Democratic Party of Oklahoma. In 1910 he was elected as a member of the Oklahoma State Senate. It was during this period that the citizenship of the new State was confronted with many intricate questions to solve. The section of the State formerly known as Indian Territory was originally governed by the Territory laws, the rules and regulations of the Five Civilized Tribes, and the laws of the United States Government for the protection of the Indians. Likewise, in that part of the State formerly known as the Oklahoma Territory the Government maintained certain supervision over the Indian tribes residing in same. It was necessary for the early sessions of the legislature to iron out the many wrinkles and put into effect legislation that would be acceptable to all of the people.

Congressman THOMPSON, being a State senator at the time, played a most conspicuous part in performing this work in a satisfactory manner. He was a member of the famous extraordinary session called for the purpose of ratifying the act of the governor when the capital of the State was moved from Guthrie to Oklahoma City between suns. He was a member of the extraordinary session of the senate that was called for the purpose of ironing out the difficulties that existed among the members of the educational board having jurisdiction over the various educational institutions of the State. He was selected as chairman of the committee on senatorial, representative, and judicial redistricting. It was my privilege to be elected chairman of the corresponding committee in the house. While serving in this capacity I first became intimately acquainted with him. In all of the joint sessions held by these committees he always conducted himself in such a way as to merit the confidence and respect of all present. Under his leadership the bill dividing the State into senatorial and district judge judicial districts was passed. He probably introduced more bills than any other member of that body. It was during this service that I learned to admire him, and it is a great pleasure to say that the friendship formed at that time continued until his death.

Oklahoma was admitted as a State a little over 12 years ago. Our late distinguished colleague is the first Representative from our State to go to his grave. In the House of Representatives he was loved and respected by every one. He was a member of the great Agricultural Committee, which has jurisdiction over all matters pertaining to the farm. He believed that in the consideration of every question the interest of the farmers should be properly considered, and it can be truly said

that the agricultural class had in him a loyal and staunch friend.

In addition to the thousands of friends who mourn his loss he left a loving wife and two splendid, manly young sons. I think it is appropriate for me to say that when this country went to war and it was necessary that we join the Allies in opposing the great military tyrant who sought to conquer the world that his only son of age laid aside his domestic pursuits and volunteered for service. He was willing to make the supreme sacrifice in order that our posterity might forever be free. The hand of fate was kind in dealing with the destiny of that son. He was spared to be returned to take up the responsibilities of his father, and it is my hope he will continue the humanitarian work that was so interesting to our late distinguished colleague and that he will meet with success in all of his undertakings.

Congressman THOMPSON was faithful to every trust imposed in him. He was never too busy but what he could find time to help a friend. No State ever had a more loyal Representative than he. He was universally loved and respected by all of his associates, and his loss has not only been keenly felt by the Nation but by the thousands of his home people whom he loved so well. Such a record as his should be an inspiration to everyone, and while we all regret he has had to be taken away so soon, yet I am pleased that I can stand here to-day and concur in all that has been said by the Members of the Oklahoma delegation and my other distinguished colleagues who have testified as to their high regard for him.

Mr. HASTINGS. Mr. Speaker, to-day has been set apart to pay a tribute of respect to the memory of our late Representative and colleague, JOSEPH B. THOMPSON. I want to briefly participate in these exercises to the extent of bringing a wreath to lay upon his memory and to say a word about him.

He was a resident of Pauls Valley, Garvin County, Okla. He came to Oklahoma from the State of Texas many years ago. He was always active in local, State, and national affairs. When interest was being aroused in the movement for statehood, he was an earnest advocate of it. It was at these meetings, where organizations were perfected in the Indian Territory and the Territory of Oklahoma asking for statehood, that I first met him. He was always a central figure in them. A forceful speaker and a ready debater, he took an active part in the politics of our State, during territorial days and after the two Territories were admitted into the Union as one State.

He was a strong believer in the principles of the party to which he belonged, and there was no better organizer in the State. He contributed much time to the support of his party and his views were always given expression in its interest. He had an extensive acquaintance through the State, where he was known and loved by all men. He was immensely popular.

He served his senatorial district in the State legislature and was elected to the Sixty-third Congress as a representative at large, and was afterwards reelected from the fifth congressional district to the Sixty-fourth, Sixty-fifth, and Sixty-sixth Congresses. No man had a more extensive acquaintance in the State than our lamented friend. He died suddenly on September 18, 1919, while on his way from Washington to Oklahoma. The news of his death was a great shock not only to the members of the delegation but to innumerable friends and admirers in the State.

Upon entering Congress, he devoted himself diligently to the service of the people of his district and State. I doubt if any man in Congress was in more intimate touch with the voters. He was prompt in answering every letter received and had the reputation of looking after details for his constituents who had matters pending in the various departments. He was an active champion of the rights of the plain people of the country. Without regard to party, they loved and trusted him. He grew up under adverse circumstances and never got out of touch with men and women that fortune had not favored.

He served on the Committee on Agriculture and was delighted with the work of the committee. He was intensely interested in farming and made the needs of farmers a special study. He was perhaps as well posted on subjects pertaining to the needs of the farmer as any other man in the House. He seldom made speeches on the floor of the House, but when he spoke, it was with a knowledge of his subject and with great eloquence.

He left a wife and two sons to mourn his loss, but their sorrow is lightened in a large measure by the fact that their grief is shared by thousands of friends and admirers throughout the State he served so faithfully and loved so well. He was a splendid public servant, a loyal friend, a devoted husband and father, and above all an honest man.

The people of his district and State miss him and mourn his loss. It is fitting that these exercises should be held in the House to-day, in order that his services may be recounted and his friends given an opportunity to say a word of regret at his early passing, as well as drop a tear upon a grave that was made only too soon.

Were a star quenched on high—
For ages would its light,
Still traveling downward from the sky,
Shine on our mortal sight.
So when a great man dies,
For years beyond our ken,
The light he leaves behind him lies
Upon the paths of men.

Mr. TINCHER. Mr. Speaker, on behalf of the entire delegation of the neighboring State of Kansas, I desire to join with other neighbors and friends in the sentiment that in the death of the Hon. JOSEPH B. THOMPSON the State and Nation lost an energetic, honest, valuable lawmaker and statesman.

Mr. McKEOWN. Mr. Speaker, it was the early spring of 1901 that I first met JOSEPH B. THOMPSON. It was on the occasion of an important murder trial in the United States court then setting at Pauls Valley. It was amid one of the scenes that is familiar to every man who attended a session of the United States court in those days in the Indian Territory. My admiration was won by the vigorous and courageous manner he exhibited as one of the trial lawyers in the case. Our acquaintance soon ripened into friendship which grew stronger as the years went by.

Until the arrival of statehood we met frequently at the session of court in the old southern district. After the admission of the State into the Union he was selected as chairman of the State Democratic Committee, and in this position he led the party with great distinction and success, and his opinion was always given great weight in the council of his party. Afterwards he was elected to the State senate, where his influence was felt in the enactment of many wholesome laws. Before the expiration of his term as State senator he was elected to Congress at large from the State of Oklahoma, and upon the redistricting of the State he was elected as Congressman from the fifth district. His broad experience in the affairs of men, together with his ability, immediately attracted the favorable attention of his colleagues in the House of Representatives. He had the courage of his convictions and was always ready to fight for the rights of the American people. He aspired to a place on the great Agricultural Committee of the House and his aspirations were rewarded in the Sixty-fifth Congress. He served on this committee during the War Congress, and no man in Congress ever worked more earnestly for the farmers of the country than JOSEPH B. THOMPSON.

He came to Congress at a trying period of the country's history and performed his part well in the enactment of the constructive legislation which marks the epoch as one of the most important in the history of the Republic. On account of his wide experience and universal sympathy for others he was enabled to understand the minds and hearts of the people and foretell the effect of legislation upon their welfare.

He was always modest and unassuming in character; he was an ardent Democrat and at times intensely partisan, but never tainted with bitterness. The intenseness of his convictions convinced him that his country's welfare depended upon the success of his party. He believed in the rights of the masses of the people and was always a foe to special privilege. Honor, sympathy, and duty were conspicuous traits of his character and were among the chief agencies in the development of his splendid manhood. His unusual capacity for winning the affection of men was due to his deep human sympathy, and "Joe," as he was familiarly called by his friends, was a successful man, and his success was not achieved by birth, rank, or fortune, but through his irresistible energy and patient plodding. He was a true American, an ideal citizen in his domestic life, and by his devotion to his home and family won the deep respect of all of his acquaintances. I would fail to pay him proper tribute if I did not call attention to those traits of his character exhibited by him as a loving husband, devoted father, and faithful friend. He was all of these, and his devotion to his family and friends was like flowers blossoming along his pathway through life.

While active and busy he was stricken suddenly in the prime of life and left us to sorrow over his demise. We will miss his cordial greeting, his hearty handshake, and his earnest solicitation of our welfare. His bark slipped its mooring and without a signal of his going he passed over the bar. He has answered the summons we all must obey. We will linger, some for a few

days, others for years, but let us hope that our crafts, like his, reach the haven where weary ships may rest.

We carried him back to sunny Oklahoma to the scenes of his activities. At the capital city, where his body lay in state, we witnessed homage paid his memory by his sorrowing constituents, the poor as well as the rich came and stood side by side to drop a tear upon his bier. At Pauls Valley, his home city, his neighbors and friends turned out by the thousands to pay their last tribute to their foremost citizen. In Pauls Valley we laid him to rest in God's acre, and returned with heavy hearts sighing:

Oh, for a touch of a vanished hand and for the sound of a voice that is still.

Mr. HARRELD. Mr. Speaker, when I located in the Indian Territory, which is now a part of the great State of Oklahoma, 15 years ago, JOE THOMPSON, as he was familiarly called, was already prominent in politics and eminent in the profession of the law. He was, upon the advent of statehood, made chairman of his party committee for the new State and had much to do with the shaping of its laws and political tendencies. For awhile he contented himself with being the power behind the throne, then he asked to come to Congress as a member at large from that State. He was elected by the people of the State as a whole and had continuously served in this body thereafter as the Member from the fifth district until his untimely death in 1919. I became well acquainted with him soon after I located at Ardmore, 40 miles from his home at Pauls Valley.

We were personal friends from that time to the time of his death. During a part of that time I presided over the bankruptcy court for a large district in southern Oklahoma as referee in bankruptcy, and THOMPSON being a lawyer of large and varied practice, often had business of importance in the bankruptcy court. This and the fact that we often met at the bar of the other courts gave me a favorable opportunity to know him both personally and professionally. He was a man of true friendships! His loyalty to his friends knew no bounds. As a lawyer he was not only able but possessed those traits which made him a dangerous adversary before judge or jury, at the same time his strict adherence to the ethics of the profession and his uniform courtesy to opposing counsel and opposing litigants never failed to keep for him the respect and good will of both. That was largely the reason he was so invincible in the political field. His Chesterfieldian courtesy served him well in the field of political endeavor.

Of his record in Congress others here present, who served with him, are better prepared to speak, and I will leave that for them. This I know, that while making my canvass to succeed him last fall, I found that he had served in this body to the satisfaction of his constituency. He had established for himself among his constituency a reputation for constructive ability and faithful service, and that reputation was not alone established in the hearts and minds of those of his own party, but it was shared in large part by those of opposite political faith. That is undeniably shown by the fact that notwithstanding Payne County, one of the counties in his district, invariably elects as its county officials the Republican candidates by majorities ranging from 300 to 900, yet THOMPSON never failed to carry it as the Democratic nominee for Congress by from 300 to 700 majority over his Republican opponent.

After all, the measure of a public man's success is not to be determined by what this man or that says nor by the one act or the other performed by him during his career, but it is to be measured by the impression he makes upon the general public and by his record taken as a whole, and, judged by these standards, I do not hesitate to say that JOE THOMPSON'S record as a public servant was one of which his family and constituency may well be proud—one which makes it hard for his successor or successors to duplicate and one which will ever cause him to be remembered gratefully by those whom he so well served in the Halls of Congress.

EXTENSION OF REMARKS.

Mr. McCLINTIC. Mr. Speaker, I ask unanimous consent that all members may have leave to extend their remarks in the RECORD upon the life and character of our late colleague.

The SPEAKER pro tempore. Is there objection?

There was no objection.

ADJOURNMENT.

The SPEAKER pro tempore. Under the order heretofore adopted, the House will now stand adjourned.

Accordingly (at 1 o'clock and 15 minutes p. m.) the House adjourned until to-morrow, Monday, April 19, 1920, at 12 o'clock noon.

SENATE.

MONDAY, *April 19, 1920.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we desire to hold our place with honor among all the nations of the earth and fulfill our mission as God has given to us a mission, and we turn to Thee for the inspiration of our life work. Grant us discernment, farseeing vision, and understanding of the divine import of every element of our national life, every incident of our national history, that we may interpret these in the light of Thy revelation to us. Grant us Thy blessing in the service and labor of this day. We ask it for Christ's sake. Amen.

The VICE PRESIDENT resumed the chair.

The Reading Clerk proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. SMOOT and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the bill (S. 4073) to authorize the construction of a bridge across the Missouri River near Kansas City.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12610) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1921, and for other purposes, further insists upon its disagreement to the amendment of the Senate No. 53 to the bill, agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WOOD of Indiana, Mr. WASON, and Mr. SISSON managers at the further conference on the part of the House.

The message further announced that the House had agreed to a concurrent resolution authorizing and directing the Clerk of the House in the enrollment of the bill (H. R. 11578) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1921, and for other purposes, to number the sections consecutively, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 12266. An act to amend an act entitled "An act to provide for vocational rehabilitation and return to civil employment of disabled persons discharged from the military or naval forces of the United States, and for other purposes," approved June 27, 1918, as amended by the act of July 11, 1919;

H. R. 13432. An act to regulate dealing in leaf tobacco; and

H. R. 13587. An act making appropriations for the support of the Army for the fiscal year ending June 30, 1921, and for other purposes.

The message further transmitted to the Senate resolutions on the life, character, and public services of Hon. JOSEPH B. THOMPSON, late a Representative from the State of Oklahoma.

The message also announced that the Speaker of the House had signed the following enrolled bill and joint resolution, and they were thereupon signed by the Vice President:

H. R. 12581. An act granting the consent of Congress to the village and township of Shelly, Norman County, Minn., and the township of Caledonia, Traill County, N. Dak., and their successors and assigns, to construct a bridge across the Red River of the North on the boundary line between the said States; and

S. J. Res. 180. Joint resolution authorizing the Secretary of War to turn over to agricultural fertilizer distributors or users a supply of nitrate of soda.

PETITIONS AND MEMORIALS.

Mr. PHELAN presented a petition of the Greek Community, of Los Angeles, Calif., praying for the recognition of the rightful and just demands of Greece, which was referred to the Committee on Foreign Relations.

He also presented a memorial of the Woman's Irish Education League, of San Francisco, Calif., remonstrating against the treatment of Irish political prisoners, which was referred to the Committee on Foreign Relations.

Mr. CAPPER presented a petition of the Chamber of Commerce of Salina, Kans., praying for an increase in the salaries of postal employees, which was ordered to lie on the table.

THE JUDICIAL CODE.

Mr. KING, from the Committee on the Judiciary, to which was referred the bill (H. R. 7629) to amend the penal laws of the United States, reported it with amendments, and submitted a report (No. 528) thereon.

THE ROOSEVELT MEMORIAL ASSOCIATION.

Mr. KELLOGG. From the Committee on the Judiciary I report back favorably without amendment the bill (S. 4163) to incorporate the Roosevelt Memorial Association, and I ask unanimous consent for its immediate consideration.

There being no objection, the bill was considered as in Committee of the Whole, and it was read, as follows:

Be it enacted, etc., That Lawrence F. Abbott, Lyman Abbott, Carl E. Akeley, Earl Akers, Henry J. Allen, Joseph W. Alsop, Charles W. Anderson, Jacob L. Babler, Charles S. Barrett, John Barrett, E. C. Bartlett, R. Livingston Beeckman, Albert J. Beveridge, William C. Bobbs, Charles J. Bonaparte, Evangeline Booth, Desha Breckenridge, Henri Brown, J. A. A. Burnquist, John Burroughs, Marion LeRoy Burton, Kenyon L. Butterfield, William P. Bynum, Thomas E. Campbell, Robert D. Carey, Irving A. Caswell, Thomas L. Chadbourne, Robert R. Church, jr., Ernest F. Cochran, William W. Cocks, Henry Waldo Coe, Russell J. Coles, Austen Colgate, Frederick L. Collins, E. C. Converse, Willis C. Cook, George B. Cortelyou, O. W. Coursey, William H. Cowles, John S. Cravens, Thomas J. Crittenden, H. P. Cross, Walter Damrosch, S. C. Dell, Cleveland H. Dodge, T. Coleman du Pont, Milton H. Esberg, Albert B. Fall, Sylvanus M. Ferris, Simeon D. Fess, John H. Finley, William S. Fleming, Charles W. Folds, Rufus E. Foster, Lyman J. Gage, Thomas Frank Gailor, James A. Gallivan, Halbert P. Gardner, James R. Garfield, Arthur L. Garford, Nelson H. Gay, James W. Gerard, James Gibbons, Mary A. Gibson, Will H. Gibson, William Ball Gilbert, William A. Glasgow, jr., Martin H. Glynn, George W. Goethals, Frank R. Gooding, James P. Goodrich, Theodore F. Green, John C. Greenway, Lloyd C. Griscom, Frank W. Gunsaulus, Hermann Hagedorn, Grant P. Hall, Edward J. Hanna, Ole Hanson, Chester Harding, Judson Harmon, R. F. Harris, Albert Bushnell Hart, George Harvey, James H. Hawley, Will H. Hays, George C. Hazelett, A. T. Hert, Frederick C. Hicks, Frank J. Hogan, Elon H. Hooker, O. K. Houck, Clark Howell, R. B. Howell, William Dean Howells, Charles E. Hughes, Arthur M. Hyde, Harold L. Ickes, William P. Jackson, Alfred J. Johnson, Hiram W. Johnson, Lewis Y. Johnson, Otto H. Kahn, Frank B. Kellogg, George N. Keniston, William S. Kenyon, Henry W. Kiel, John T. King, Paul H. King, Earle S. Kinsley, Irwin R. Kirkwood, Frank Knox, Philander C. Knox, Florence Bayard La Farge, Alexander Lambert, Franklin K. Lane, Albert D. Lasker, John N. Lightbourn, Curtis H. Lindley, Henry D. Lindsley, Colin H. Livingstone, Henry Cabot Lodge, William Loeb, jr., Pierre Lorillard, jr., S. H. Love, Frank O. Lowden, A. Lawrence Lowell, Anna Maud Lyon, William McAdoo, C. N. McArthur, Charles Wylie McClure, J. M. McCormick, Ruth Hanna McCormick, Henry B. McCoy, W. N. McGill, James J. McGraw, Gavin McNab, C. H. McNider, Henry F. MacGregor, Norman E. Mack, Clarence H. Mackey, William T. Manning, T. Frank Manville, Thomas A. Marlow, Victor H. Metcalf, Herman A. Metz, Charles R. Miller, C. P. J. Mooney, J. H. Morron, Dwight W. Morrow, Robert R. Moton, Guy Murchie, Michael J. Murray, Truman H. Newberry, Samuel D. Nicholson, Lewis Nixon, John I. Nolan, Peter Norbeck, Alton B. Parker, John M. Parker, Thomas Patterson, F. S. Peabody, George Wharton Pepper, Leroy Percy, George W. Perkins, Gifford Pinchot, Samuel Platt, Miles Poindexter, Jeter C. Pritchard, Mason F. Prosser, William H. Putnam, R. Lansing Ray, C. F. Reavis, Elisabeth Mills Reid, H. L. Remmel, Rush Rhees, Raymond Robins, Prescott W. Robinson, Elihu Root, John C. Rose, Julius Rosenwald, Erskine M. Ross, John A. Sargent, Charles Scribner, Mary Frances Severance, William W. Sewall, John C. Shaffer, Leslie M. Shaw, Louis P. Sheldon, Harry F. Sinclair, Thomas F. Smith, M. P. Snyder, William C. Sproul, William Spry, Frank C. Steinhart, William D. Stephens, Percy S. Stephenson, Philip B. Stewart, Henry L. Stimson, Marshall Stimson, Warren S. Stone, Oscar S. Straus, Mark Sullivan, Patrick Sullivan, J. T. Swift, William Howard Taft, Joseph O. Thompson, William Boyce Thompson, John W. Towle, Wallace Townsend, William J. Tully, George Turner, R. E. Twitchell, Grace Vanderbilt, George H. Vincent, Harriet E. Vittum, Aug. H. Vogel, Henry C. Wallace, Zeb V. Walser, T. H. Wannamaker, David Warfield, Charles B. Warren, Henry Watterson, Benjamin Ide Wheeler, Henry J. Whigham, Wallace H. White, jr., Albert H. Wiggin, James Wilson, Leonard Wood, Luke E. Wright, William Wrigley, jr., and Robert J. Wynne, their associates and successors, are hereby created a body corporate and politic in the District of Columbia.

SEC. 2. That the name of this corporation shall be Roosevelt Memorial Association, and by that name it shall have perpetual succession, with power to sue and be sued in courts of law and equity within the jurisdiction of the United States; to hold such real and personal estate as shall be necessary for its corporate purposes and to receive real and personal property by gift, devise, or bequest; to give and dedicate such property to public agencies and purposes; to adopt a seal and the same to alter at pleasure; to hold its corporate meetings within or without the District of Columbia, as the board of trustees of the corporation shall determine; to have offices and conduct its business affairs within or without the District of Columbia, and in the several States, Territories, and possessions of the United States; to make and adopt a constitution, by-laws, rules, and regulations not inconsistent with the laws of the United States of America, or any State thereof, and generally to do all such acts and things as may be necessary to carry into effect the provisions of this act and promote the purposes of said corporation.

SEC. 3. That the purpose of this corporation shall be to perpetuate the memory of Theodore Roosevelt for the benefit of the people of the United States of America and of the world, and to that end, but without restriction to the objects enumerated below, to solicit, receive, hold, and maintain a fund or funds, and to apply the principal thereof and income therefrom to any one or more of the following objects:

(1) The erection and maintenance of a suitable and adequate monumental memorial in the city of Washington, D. C., to the memory of Theodore Roosevelt;

(2) The acquisition, development, and maintenance of a public park in memory of Theodore Roosevelt in the town of Oyster Bay, N. Y.; and

(3) The establishment and maintenance of an endowment fund to promote the development and application of the policies and ideals of Theodore Roosevelt for the benefit of the American people.

SEC. 4. That the property and affairs of the corporation shall be managed and directed by a self-perpetuating board of trustees. The following-named persons shall constitute the first board of trustees: Lawrence Abbott, Henry J. Allen, Joseph W. Alsop, Charles W. Anderson, R. Livingston Beeckman, Austen Colgate, E. C. Converse, John S. Cravens, T. Coleman du Pont, John H. Finley, James R. Garfield, Mrs. Frank A. Gibson, James P. Goodrich, Lloyd C. Griscom, Hermann Hagedorn, Judson Harmon, George Harvey, Will H. Hays, A. T. Hert, Frederick C. Hicks, Elon H. Hooker, Charles E. Hughes, Hiram W. Johnson, Otto H. Kahn, Frank B. Kellogg, Irwin R. Kirkwood, Mrs. C. Grant La Farge, Franklin K. Lane, Henry D. Lindsley, Henry Cabot Lodge, William Loeb, jr., Mrs. Medill McCormick, James J. McGraw, Clarence H. Mackay, Dwight W. Morrow, George W. Perkins, Gifford Pinchot, Mrs. Whitelaw Reid, Raymond Robins, Elihu Root, Julius Rosenwald, Mrs. C. A. Severance, Harry F. Sinclair, Philip B. Stewart, Henry L. Stimson, Warren S. Stone, Oscar S. Straus, Mark Sullivan, William Boyce Thompson, Henry C. Wallace, Albert H. Wiggin, Luke E. Wright, William Wrigley, jr., and Leonard Wood.

The board of trustees shall have the power to adopt from time to time a constitution, by-laws, rules, and regulations for the selection of their successors, for the admission to membership in the corporation, for the election of officers of the corporation, and in general for the conduct of the affairs of the corporation, and may alter, amend, or repeal the same.

SEC. 5. That said corporation will have no power to issue certificates of stock or to declare or pay dividends, but it is organized and shall be operated exclusively for educational purposes, and no part of its earnings, income, or funds will inure to the benefit of any member or individual.

SEC. 6. That Congress shall have the right to repeal, alter, or amend this act at any time.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CALLING THE ROLL.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Harris	McCumber	Smith, Md.
Brandegee	Harrison	McNary	Smith, S. C.
Capper	Jones, N. Mex.	Moses	Smoot
Chamberlain	Jones, Wash.	Nelson	Spencer
Colt	Kellogg	New	Sterling
Culberson	Kendrick	Nugent	Sutherland
Cummins	Kenyon	Overman	Swanson
Curtis	Keyes	Page	Thomas
Dial	King	Phelan	Townsend
Dillingham	Kirby	Phipps	Trammell
Frelinghuysen	Knox	Pomerene	Wadsworth
Gerry	Lenroot	Ransdell	Walsh, Mass.
Glass	Lodge	Sheppard	Watson
Gronna	McCormick	Smith, Ariz.	Wolcott

Mr. SMOOT. I wish to announce the absence of the Senator from Maine [Mr. HALE] and the Senator from Nevada [Mr. PITTMAN], who are detained in the Committee on Naval Affairs.

Mr. GERRY. The Senator from Tennessee [Mr. MCKELLAR] and the Senator from Alabama [Mr. COMER] are absent on official business.

The VICE PRESIDENT. Fifty-six Senators have answered to their names. There is a quorum present.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. PHELAN:

A bill (S. 4248) for the purchase of land occupied by experiment vineyards near Fresno and Oakville, Calif.; to the Committee on Agriculture and Forestry.

A bill (S. 4249) for the relief of Patrick McNamee; to the Committee on Naval Affairs.

A bill (S. 4250) for the relief of John B. Elliott (with accompanying papers); to the Committee on Claims.

By Mr. MOSES:

A bill (S. 4251) to correct the military record of Samuel C. Rowe; to the Committee on Military Affairs.

By Mr. DILLINGHAM:

A bill (S. 4252) granting an increase of pension to William R. Elliott (with accompanying papers); to the Committee on Pensions.

By Mr. WOLCOTT:

A bill (S. 4253) granting a pension to Amelia Xandry; to the Committee on Pensions.

PAY OF ARMY, NAVY, MARINE CORPS, ETC.

The VICE PRESIDENT. In the absence of the Senator from Washington [Mr. POINDEXTER], the Chair appoints the Senator from New Hampshire [Mr. KEYES] as one of the conferees on the part of the Senate on what is commonly known as the Army and Navy pay bill.

POST OFFICE APPROPRIATIONS.

The VICE PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives, which was read:

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H. R. 11578) entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1921, and for other purposes," the Clerk be, and he is hereby, authorized and directed to number the sections consecutively.

Mr. TOWNSEND. I move that the Senate concur in the resolution of the House.

The motion was agreed to.

HOUSE BILLS REFERRED.

H. R. 12266. An act to amend an act entitled "An act to provide for vocational rehabilitation and return to civil employment of disabled persons discharged from the military or naval forces of the United States, and for other purposes," approved June 27, 1918, as amended by the act of July 11, 1919, was read twice by its title and referred to the Committee on Education and Labor.

H. R. 13432. An act to regulate dealing in leaf tobacco was read twice by its title and referred to the Committee on Finance.

H. R. 13587. An act making appropriations for the support of the Army for the fiscal year ending June 30, 1921, and for other purposes, was read twice by its title and referred to the Committee on Military Affairs.

DISTRICT STREET RAILWAYS.

Mr. JONES of Washington. I ask unanimous consent that the resolution which I submitted a few days ago, being Senate resolution No. 351, relating to District street railways, may go over without being ordered to the calendar or referred to a committee. I also ask that it may lie on the table until I desire to call it up for consideration.

The VICE PRESIDENT. Without objection, it is so ordered.

CONDITIONS IN VIRGIN ISLANDS (H. DOC. NO. 734).

Mr. KENYON. Mr. President, I present the report of the joint commission appointed under authority of House concurrent resolution of January 20, 1920, to report on conditions in the Virgin Islands. I ask that the report be printed as a public document. The Joint Committee on Printing can consider the question of ordering additional copies if so desired.

Mr. SMOOT. Will the Senator not have it referred to the Committee on Printing of the Senate? The Joint Committee does not have such questions referred direct to it from the Senate. It should go to the Committee on Printing of the Senate.

Mr. KENYON. The report is made both to the Senate and to the House, and it is being presented to the House now. My understanding was that both Houses would ask to have it referred to the Joint Committee on Printing.

Mr. SMOOT. I think the Senator is wrong. It ought to go to the Committee on Printing of the House and the Committee on Printing of the Senate.

Mr. KENYON. And then those committees can confer as to the number to be printed?

Mr. SMOOT. If the number decided upon is more than the law would allow without a concurrent resolution, then a concurrent resolution would have to be submitted in the Senate.

Mr. KENYON. I am inclined to think that the number printed as a public document by the Senate and by the House will be ample; but I want to leave the question open in case there should be a further demand.

Mr. SMOOT. Let it be referred to the Committee on Printing of the Senate.

Mr. KENYON. I ask unanimous consent to have the report printed as a public document and then the Joint Committee on Printing can take up the question of additional copies.

The PRESIDING OFFICER (Mr. SHEPPARD in the chair). Is there objection? The Chair hears none, and it is so ordered.

HIGH COST OF LIVING.

Mr. DIAL. Mr. President, I desire to consume a few moments of the Senate's time in presenting some thoughts on the high cost of living.

At times we, the representatives of the people, become discouraged. Since the armistice the demands have been so great upon us, and the clamoring so loud, discontent is so widespread, until we almost despair of conditions again becoming normal. I am glad, however, that in the last few days we are beginning to see signs of the people's mind turning in the right direction. It is to the credit of the faithful railroad employees who declined to follow the proposals of the outlaws—the I. W. W. and the bolshevistic crowd—that many of them remained at their posts, and many of those who left voluntarily returned. A board has now been appointed to adjust the differences between employer and employee, and while I did not advocate this legislation I feel that everyone should suspend judgment and let it have a fair trial. Furthermore, the right spirit is being engendered in the minds of the people at large. It made me proud to read in the papers that ladies of Washington volunteered to unload cars before they would sit idly by and see perishable foodstuffs go to waste. I want to say that if it had become necessary for them to have undertaken that task, I would have absented myself from the Senate and joined their ranks. When outlaws realize that the public is against them they will cease their unreasonable and exorbitant demands and untimely strikes. Let them know that the public can also organize. If this strike had continued a few days longer, many of my constituents would have lost their entire truck crops, and perhaps would have been ruined financially.

One of the troubles of the times is that too many people are looking to Washington and depending upon the National Government to enact laws appropriating money unnecessarily for their wants. While at home the other day I was told that a young soldier went into a store and purchased shirts at $15 each and at the same time was clamoring for a bonus. We fought this war to establish right principle in the minds of mankind, and I was in hope that after it was over our actions and ideals would be upon a higher plane; that we could see how much service we could be to our country and to the Government instead of seeing how much we could take out of the Treasury; that we would take an interest in our brother's welfare and see how we could best help mankind to become prosperous and happy. We are told that we organized the largest Army in the shortest space of time known to history; we are further told that this was the easiest trained Army the world ever saw; that they already knew how to advance; and that the word "retreat" was obsolete in their dictionary. Our troops had not been long in France until they caught the spirit of the motto of Pershing, which was, "Let us get to where we are going." It was the first army in history which never lost an inch of ground. We should generously take care of the wounded and incapacitated soldiers, but at the same time not be unmindful of the object for which those brave boys fought who are now sleeping under the poppies in Flanders fields. While they were over there, the rest of us—that is, all good and true people—did all within our power to improve conditions in this country and make it a better place in which to live.

We now have the greatest country in the world and the most desirable place in which to live, and people from every corner of the globe are looking with longing eyes upon our magnificent soil, splendid climates, and prosperous fields, and desire to cast their lots in our midst. Perhaps we have allowed our gates to be opened too wide in the past and permitted undesirables to locate among us. We have been so busy endeavoring to accumulate wealth that we have not guarded well the millions who came; but, indeed, the time is now upon us when we should see that no one should be allowed to stay among us who does not respect our traditions and who will not support our Constitution and adapt himself to our methods, support our Government, and respect our flag. We should not hesitate one moment to put all of the machinery of our Government into motion to place undesirables on ships and send them back to the shores whence they came. If there are any men in public positions who sympathize with these outlaws, they should be immediately turned out of office and sent thither with them.

Now, Mr. President, we have also been encouraged recently by reading in the papers that the people over the country, and especially in the South, have rebelled against the high cost of clothing and that they are daily establishing "overall clubs" and "calico brigades." This is a spirit that should be encouraged by everyone, whether he be rich or poor. I have as little use for the profiteer as I have for the slacker. I am delighted to know that the people are beginning to realize that it is not the province of the Government to set styles and prescribe what one should wear or eat. There has been too much looking to Washington and the people have been too prone to complain to and of their representatives. They ought to begin to recognize, and I hope they will all see that their prosperity, like their salvation, is in their own hands. There is no disgrace in being poor nor is there disgrace in honorable work, and one should not be censured for the garments that he wears, provided they are neat and suitable. The trouble is that everyone tries to live in the style of the richest, irrespective of his own means or income. The price of men's clothes has gone all out of proportion. It is an encouraging thought to see the school and college boys falling so readily into line. Sometimes the young are too inexperienced and too self-centered to consider the pocketbooks of their elders; but not so now. I have great

faith in the American people and great hope in the young people of this country. I have no love for dudes and little respect for misers. I know men in high places and who are well off who are wearing $6 shoes and $2 shirts. They appear neat and comfortable. In this connection we could recall and follow the advice of a former Secretary of the Treasury, who said, "Bring out your old shoes, have them half-soled; at the same time, do not overlook having your last year's trousers treated in a similar manner."

If I may be excused a personal reference, in order to encourage the young, I will tell of a young man who once worked for me. It was at a time when men were idle and employment scarce. This young man was our timekeeper by day and bookkeeper at night. I have no recollection that he ever mentioned hours or salary. He was totally without means, but was in love with his work. To-day he is drawing the same salary United States Senators are receiving, and no doubt he will be rapidly promoted. A man never gets anywhere watching a clock. Do away with restriction and let people work as long as they want.

I desire to say further, Mr. President, that I have noticed with very keen interest that the dear women of this country are rebelling against the high cost of fabrics they use. They look charming, from their graceful heads to their dainty feet, clad in any uniform they may select.

A few years ago a representative of the Department of Agriculture addressed a school in Kentucky and urged raising of sheep. At that time there was but one in the district. A club was organized and within a very short time there were over 6,000 sheep in that neighborhood. These and similar live-stock and poultry clubs should be organized all over the United States, and especially in the South, where we have hundreds of thousands of acres of pasture land unoccupied and ungrazed. The Government is encouraging the raising of more live stock. The banks of the country should join in this movement.

Another element that enters into the high cost of living is the foodstuffs that we buy. It was my province to serve for some time on a subcommittee of the Committee of the District of Columbia. The testimony was overwhelming that people would not buy the cheaper cuts of beef. It further developed that everyone wanted his packages delivered immediately. There ought to be but one delivery each day, or, better still, carry your own packages home with you.

If we do not stop the tide to the cities, and if we do not devise better marketing facilities whereby the farmers of this country can get just returns for their products, they will raise their own supplies and nothing to sell, and will say to us who live in the cities what the young fellow said to his girl in Georgia.

This young man promenaded into an ice-cream parlor with his best girl, took a seat, and ordered one saucer of cream and began to eat. Looking into the eyes of his sweetheart, he said, "This is mighty good; you'd better buy you some."

To summarize: The troubles of to-day, Mr. President, as I see them, are inflation, extravagance, false pride, and indolence. There are too many $150 suits and too little use of the sewing machine; there are too many automobiles and not enough cornfields and hog ranches; there are too many $25 hats and not enough Liberty bonds. The old French maxim was a good one, "If you can not get what you like, like what you have." The Government is acting very liberally toward the public in offering for sale its surplus food, clothing, and other articles which it purchased during the war. I have noticed with pride that the Secretary of the Navy is offering denims to civilian employees; moreover, Maj. Graham has at the Liberty Hut samples of articles in food and remnants for sale at greatly reduced prices. All Government restrictions as to dress should be modified. Furthermore, Mr. President, the people of this country are long suffering, but they will not stand for every outrage. For instance, I noticed the other day that the plumbers of Birmingham, Ala., have organized for $12 a day and require to be driven to their work in automobiles and will not allow the drivers to be helpers. This is autocracy run mad. They and all such should be looked upon as public enemies.

Some time ago it was said we were too proud to fight. This has been refuted. We are not too proud to take care of ourselves against enemies, be they foreign or domestic; neither are we too proud to work and economize. Let us wear old clothes and refrain from purchasing everything we can do without and the country will soon get in joint again.

ARMY REORGANIZATION.

The VICE PRESIDENT (at 12 o'clock and 22 minutes p. m.). The morning business is closed. The calendar under Rule VIII is in order.

Mr. WADSWORTH. I ask unanimous consent that the Senate proceed to the consideration of Senate bill 3792, known as the Army reorganization bill.

The VICE PRESIDENT. Is there objection to dispensing with the call of the calendar and proceeding to the consideration of the bill named by the Senator from New York?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3792) to reorganize and increase the efficiency of the United States Army, and for other purposes.

The VICE PRESIDENT. The pending amendment will be stated.

The ASSISTANT SECRETARY. The pending amendment is the amendment offered by the Senator from Idaho [Mr. NUGENT] on page 20, line 2, after the word "purposes" to insert the following:

Provided, That for the protection of the forest areas of the United States against destruction by fire, the Secretary of War is hereby authorized and directed to organize, maintain, and operate such aeronautical units as may be necessary for the maintenance of an aerial patrol of such areas for the period ending June 30, 1921: *Provided further*, That the areas to be covered by the aerial patrol herein authorized shall be designated by the Secretary of War upon request of the Secretary of Agriculture: *And provided further*, That for this purpose the strength of the permanent personnel of the Air Corps and of the Army as otherwise authorized by this act is hereby increased 160 officers and 660 enlisted men in such appropriate grades as the President may prescribe.

Mr. WADSWORTH. Mr. President, I have no objection to the object sought to be attained by this amendment, but I desire to call the attention of the Senator from Idaho [Mr. NUGENT] to this feature of it. The amendment, in addition to authorizing the Secretary of War to organize an aeronautical patrol to help out the Forest Service for the next year, provides that the Army shall be increased by 160 officers and 660 enlisted men for that purpose. The strength of the Army, including the officers, is fixed in section 12 of the bill, and the number of officers to be commissioned in each grade is also fixed in that section. Now, if we say in section 12 that there shall be so many colonels in the entire Army and so many majors in the entire Army and so many captains and first lieutenants and second lieutenants in the entire Army, and then later on in the bill say that that number shall be increased by 160 officers without mentioning their grades at all, and without amending section 12, we shall be in a peculiar situation.

Furthermore, the amendment as now proposed provides that the proposed aerial patrol shall be furnished by the Army up to June 30, 1921. If the Secretary of War commissions 160 officers in order that the patrol work may be carried on and the patrol work is finished on June 30, 1921, there will be 160 additional officers in the Army who can not be discharged or removed except by resignation or court-martial. So I ask the Senator from Idaho to eliminate the last proviso, and permit the Secretary of War under the terms of the amendment to detail from the Army both officers and enlisted men to take care of the patrol work.

Mr. NUGENT. Mr. President, the end that I am particularly anxious to accomplish is that there shall be a direction by law to the Secretary of War to organize, maintain, and operate aeronautical units for the purpose of patrolling our forest areas. It is a matter of no particular consequence, so far as I am concerned, how or in what manner that is brought about so long as the result is accomplished.

I have been given to understand that, in order properly to officer and otherwise organize five squadrons for airplane patrol work, it will be necessary to employ 160 officers and 660 enlisted men. We desire it distinctly understood that that force of men shall be engaged in that particular work, and for that reason it is desired to have a direct provision of law to that effect, because I am somewhat fearful that, unless the law provides for the organization and the operation of those units the commandants of certain Army camps in Texas, for instance, or at some other place along the Mexican border or the commandants of certain camps, say, for the sake of illustration, connected with the Coast Guard artillery schools, will at some time insistently assert that they have not a sufficient number of airmen properly to perform the military duties that should be performed in connection with those camps, and that under those circumstances it is within the range of possibility that the squadrons that are organized for the purpose of airplane patrol of the forests will be disorganized, and the men connected with them will be assigned to other duties. If the Senator from New York will suggest how my amendment can be so amended as to meet with his approval and at the same time accomplish the result that I desire, I have no objection to such an amendment, provided, however, that the Secretary is directed to or-

ganize and operate and maintain these units that we deem necessary for the protection of the forests.

I will say in this connection, Mr. President, that in my view of the matter there is no more important duty that can be performed by airmen than the protection of the property belonging to the Government in the shape of standing timber. While I discussed this matter somewhat in detail when the Agricultural appropriation bill was being considered by the Senate, and shall not take up the time of the Senate by entering into a particularly detailed statement at this juncture, I desire to call the attention of Senators to certain outstanding facts in connection with it.

Mr. President, more than one-half of all the standing merchantable timber in the United States is now in the States of California, Oregon, Washington, Montana, and Idaho, and about 80 per cent of all the standing merchantable timber still in Government ownership—that is, that belongs to the people of the entire country—is in the States mentioned. The value of all of this timber is estimated at $1,500,000,000, and the value of the timber in Government ownership at this time is estimated at more than $400,000,000. There is a tremendous loss each year in those States because of destruction by fire, and there is no question in the world that these airplane patrols can very materially decrease the danger of further destruction by fire. An airplane patrol was established last year on a small scale in the States of California and Oregon, and, according to the report of the forester, that airplane patrol discovered 570 forest fires; and it is my judgment that the activities of the men engaged in that work last year alone saved to the Government and to the people of the country hundreds of thousands of dollars' worth of timber, because it is quite a simple matter, with their telephonic devices and wireless devices, to advise men on the ground where a fire has been located and to determine whether it is a wild fire or whether it is a fire of some camper or the fire of a sheep herder. In other words, it saves a great amount of time in getting to the fire; the fighting of the fire can be directed with precision, and as a consequence it can not extend over any very great area of timberlands if it is discovered in time.

So that this matter is one of tremendous importance not only to the people of the western country but to the people of the entire country, and it should be properly cared for; and it is only necessary, according to the estimates that have been presented to me by Army officers—by the head of the Air Service, and concurred in, according to my understanding, by the Secretary of War—that 820 officers and men be assigned to that particular duty, and there is no reason in the world why they should not be so assigned.

Mr. President, this Army reorganization bill as it now stands before the Senate provides for an Army, in round numbers, of 297,000 officers and men. That force, as a matter of course, will be maintained by the people of the country, at a cost, if my recollection serves me right, in the neighborhood of $700,000,000 annually. All that we are asking is that out of an Army of 297,000 or 298,000 officers and men 820 officers and men be detailed for service with these airplane patrols of the western forests in order that they may assist in the protection of hundreds of millions of dollars' worth of Government property.

We are primarily interested in bringing about the establishment of these patrols. It is a matter of no particular consequence to me how or in what manner it is brought about, so long as it is done; and I shall be very glad to receive any suggestions in respect to it that the Senator from New York may have in mind or may deem it advisable to make.

Mr. CHAMBERLAIN. Mr. President, if I may interrupt the Senator a moment, I believe that if the War Department sees fit to establish an air patrol with the commissioned personnel and the enlisted personnel of the aviation section as they now exist it can do it. It may be uncharitable to express the view, but I do express it, that in my opinion the War Department is not, or has not, been particularly friendly to the Aviation Corps. It opposed the creation of it as a separate corps. It has been maintained, however, and, I think, largely because of the efforts of the Military Affairs Committees of the House and the Senate.

I believe that if the chairman of this committee will accept an amendment by way of a direction to the Secretary of War to require a suitable number of squadrons to go from places where they are only in training to places where their services can be readily utilized in the protection of property at certain seasons of the year they will be sent all right. They have the men; they have the officers. They are down on the border and in other fields, but they are not being utilized now, except for training. They are in training places like Mather Field and March Field, training for war purposes, probably; but there is no better place in the world to train these men than in protecting the forests of the country during two or three months in each year—that is, the fire season.

So, with all due deference to my friend the Senator from Idaho, I believe it will not be necessary to increase the permanent strength. I think that proviso might be eliminated if the chairman will consent to put a direction in this bill to the Secretary of War—not a request, not mere authority, he has that now, but to put a direction in the bill—so that he will understand without any question of a doubt what Congress meant that he should do.

Mr. NUGENT. Mr. President, my suggestion in that connection was made in view of what I believe to be the understanding of the Committee on Military Affairs, which reported this bill, and that is that the number of officers and men for which the bill provides in connection with the Air Service is absolutely necessary for the performance of strictly military duties. Of course, if that contention is, as a matter of fact, entirely correct, then some difficulty might be encountered in having a sufficient number of officers and men detailed by the Secretary of War to properly patrol forests, that not being a strictly military matter.

Mr. WADSWORTH. Mr. President, as I said before, I have no objection to a provision being inserted in the bill which will direct the Secretary of War to organize and maintain this patrol, but I do object to this indirect method of increasing the Army of the United States. It is out of accord with the entire bill. The amendment as offered does not say in what grades these several officers shall be commissioned. It does not say what is going to happen to them when this work is over on June 30, 1921. So I suggest an amendment, which I will read for the information of the Senator from Idaho, that instead of the last proviso as printed in his amendment he insert a proviso of this sort:

Provided further, That for this purpose the requisite number of officers and men shall be detailed from the permanent or reserve personnel of the Air Corps.

Mr. NUGENT. Mr. President, in that connection, permit me to call the Senator's attention to this fact: According to my understanding, under existing law the officers now in the Reserve Corps can only be called to the colors in the emergency of war, and unless it may be considered that the Senator's proposed amendment repeals by implication the statute as it now exists I doubt very much that it would be operative.

Mr. WADSWORTH. Mr. President, I do not think the Senator heard the language:

The requisite number of officers and men shall be detailed from the permanent or reserve personnel of the Air Corps.

Under the terms of this bill any reserve officer may be assigned to any kind of duty in his branch, with his consent. By putting in the words "or reserve personnel" it makes them eligible for duty with this patrol. Also, the permanent personnel, who are the Regulars, can be assigned to it at the discretion of the Secretary of War.

Mr. NUGENT. In view of that statement on the part of the chairman of the committee having the bill in charge, I accept the amendment to my amendment.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The ASSISTANT SECRETARY. In the proposed amendment of the Senator from Idaho, beginning at line 10 with the word "strength," it is proposed to strike out all down to the period and insert:

Requisite number of officers and men shall be detailed from the permanent or reserve personnel of the Air Corps.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. CAPPER. Mr. President, the amendment of the Senator from Idaho having been disposed of, I would like to call up the amendments pertaining to the National Guard provisions of the bill which I offered a few days ago.

I have great regard for the judgment of the chairman of the Committee on Military Affairs on legislation pertaining to military matters, and no one has a higher appreciation of his faithful services in the preparation of this bill than I. But I differed with him on two important features of the bill. The first was that pertaining to compulsory military training, which I regarded as un-American, undemocratic, and unnecessary, and not in line with the needs of the country at this time. We have disposed of that question.

I differ with the Senator from New York also as to the National Guard features of this bill because I believe they are out of line with the best interests of the National Guard. I have had some interest in the National Guard for several years. During four years' service in the executive office of my State

I was ex officio commander in chief of the National Guard of Kansas.

I think we will all admit at this time, Mr. President, that the National Guard of the country is in a more or less disorganized and demoralized condition, as shown by the fact that we have now a strength of only 44,000 in the National Guard, as compared with about 379,000 at one time. I think the National Guard reached its height in August, 1917, when we had a strength of something like 380,000. Previous to the war its normal strength was about 182,000. There is no doubt but that the unfriendly attitude of the Regular Army toward the National Guard during the war resulted in putting the National Guard practically out of existence.

This bill, in my judgment, will not help matters at all. I am for an adequate national defense, which should include a well-equipped Army, an up-to-date Air Service, and, more important than all, I think it should include an efficient, strong, vigorous National Guard. I believe it will be the most important factor in the national defense of the future. But I do not think we can ever build up a National Guard organization under this bill.

I want to read a memorial to the Senate prepared just a few days ago by the adjutant general of the State of Missouri, representing the views of the National Guard of that State. I know it is in line with the sentiments of the National Guard of my own State and I think of the great majority of the National Guard of the country. This memorial reads:

At a meeting of the Missouri National Guard Association held at Jefferson City April 3, 1920, attended by officers of all the units of the Missouri National Guard which served in France during the war with Germany, and of officers of the units organized since the induction of Missouri troops into Federal service, the membership of the convention being composed of officers of those National Guard units now recognized by the Militia Bureau and of those units serving in France which have not fully reorganized and received Federal recognition again, upon motion the following-named committee was appointed to consider the several bills now pending in Congress affecting the National Guard and to recommend such action as was thought proper by the officers of the Missouri National Guard.

Then follows a list of a committee made up of the leading National Guardsmen of that State. Then the memorial goes on:

Such committee composed of representatives of the Missouri units which served in France and of representatives from the newly organized National Guard units, the Seventh Missouri Infantry stationed at Kansas City, and the First Battalion, First Regiment, stationed at St. Louis, by unanimous vote recommended to the association the adoption of the following resolutions, which resolutions were by unanimous vote of the convention adopted:

"The committee appointed to consider legislation pending in Congress affecting the National Guard beg leave to submit the following recommendations:

"It is the view of the members of the committee, based upon their service in the National Guard extending over a period of many years, that it will never be possible to enlist and maintain the interest of those who have heretofore served and who are now willing to serve in the National Guard, unless the status of the federalized State troops be definitely fixed and the rights, obligations, duties, and responsibilities of the citizen soldier be so clearly defined that it will be impossible by arbitrary rulings, regulations, and interpretations to nullify the terms and misinterpret the spirit of the laws passed by Congress intended to make possible the organization and maintenance of an efficient National Guard in the several States.

"To this end we strongly recommend legislation which will make of the National Guard a separate corps organized, armed, equipped, and trained on the same plan as the Regular Army, but not under the control of the General Staff. We point to the wonderful efficiency of the Marine Corps, which sustained the same general relation to the Navy which we believe the National Guard should sustain to the Army.

"We regard it as of the most vital importance that the Militia Bureau or National Guard Division be a separate and distinct bureau or division, wholly without the jurisdiction or control of the General Staff, or of any other bureau, office, or department, and responsible only to and functioning directly under the Secretary of War. We believe the personnel of such bureau or division should be made up of experienced National Guardsmen.

"We have closely studied the National Guard provisions of the Wadsworth bill and we unhesitatingly affirm our opinion that the passage of this bill in its present form would have the effect of destroying the National Guard. Should this bill pass we recommend to the governor the disbandment of all existing units and the abandonment of any effort to revive the old units. The powers given the General Staff under this bill are as sweeping as those exercised by the German General Staff, and it would be impossible, in our judgment, to organize and maintain civilian troops under this law in time of peace without resort to the draft."

Mr. POMERENE. Mr. President, there is so much confusion in the Chamber that we are not able to hear one-half of what the Senator says at this distance. I would like to ask him whose opinion it is he is reading.

Mr. CAPPER. The memorial is signed by H. C. Clark, adjutant general of the State of Missouri, speaking for the entire National Guard of the State of Missouri, as he was directed by a meeting held two weeks ago at the State capital of Missouri for the purpose of considering the Wadsworth bill, and especially its National Guard features.

The memorial proceeds:

We call attention to the fact that the defense act has never been given an honest trial by a sympathetic and sincere effort on the part of the War Department to build up the National Guard under its provisions. We believe with certain necessary amendments this act will accomplish the purpose for which it was intended, and we strongly urge the incorporation of the amendments to this law attached to this report.

We recommend that a copy of this recommendation be furnished the representatives of this State in the Senate and the House of Representatives and that a committee of three be appointed by the president of the association to cooperate with the adjutant general in advocating legislation in accordance with the views herein expressed.

Mr. President, the amendments I offered here a few days ago and which I call up to-day are the amendments which are recommended in this memorial to Congress. I might add that the Adjutant Generals' Association of the United States held a meeting here the past week, carefully considered all of the provisions of this bill, and the amendments proposed by me meet with their entire approval. In fact, they were prepared and submitted to me by the Adjutant Generals' Association.

Mr. WADSWORTH. Mr. President, will the Senator state how many adjutant generals were here?

Mr. CAPPER. I do not know just how many, but I know that the president of the association, Gen. Charles I. Martin, of my State, who is one of the strongest, most capable, and best-known National Guardsmen in the West, was here throughout the week and was very much interested in this matter, and he represented to me that these amendments reflected the wishes of at least nine-tenths of the National Guard organizations of the country, and I think he is correct.

Mr. POMERENE. Mr. President, perhaps the statement read by the Senator from Kansas explained what I am about to ask. If so, I do not care to have him repeat what is stated in the memorial. But as I gather from the statement, the writer was content to give conclusions merely, rather than to discuss the respective principles of the bill. I would like to have the Senator briefly explain the basic differences between the pending bill and his proposed amendments.

Mr. CAPPER. I shall be glad to do that. I will say to the Senator from Ohio, I shall be glad indeed to make a statement that will, I hope, give a better understanding of the amendments which are asked by the National Guard associations. I believe that these amendments are desired by the National Guard organizations of practically every State in the West.

Mr. President, under Senate bill 3792, now before the Senate, the National Guard is brought under the Army clause of the Constitution. The purpose of sections 1 and 15 of these amendments which I have offered is to strike from Senate bill 3792 those provisions which bring the National Guard under the Army clause of the Constitution and reestablish the provisions of the national defense act, which provides for the organization of the National Guard under the militia clause of the Constitution. There are but two provisions in the Constitution that give the National Government power to organize its land forces, one of which confers powers to raise and support armies and the other which deals with the militia. If the people of the United States are ready to subject their sons to military service in time of peace for a term of years, during which they will be entirely withdrawn from civil life, then the military forces of the country may be organized and trained by the Federal Government under the Army clause, for an army is a body of men whose business is war; but if the other scheme is adopted, by which our young manhood shall be organized into a body of men composed of citizens ordinarily occupied in the pursuits of civil life but organized for discipline and drill and called into the field for temporary military service when the exigencies of the country require it, then such an organization will be legalized militia and will be able to exist only under the militia clause of the Constitution. Civilians who are engaged in the civil pursuits and who are willing to give up a portion of their time to military training will not enter a Federal force which is controlled by a central federalized authority, but they will join the National Guard, which is a State force, officered by men selected by the governors of the States; a force for which the Federal Government prescribes and provides for the arming, organizing, and disciplining, as provided by the Federal Constitution. The other amendments propose to amend the sections of the national defense act.

Mr. President, another change reduces the size of National Guard units. Under existing laws National Guard units are required to comply with the tables of organizations established for the regular service. At the present time these tables require that a company of Infantry must have 100 enlisted men. It has been found impracticable and impossible in many cases to maintain organizations of this strength, either in the Army or National Guard. Especially is this true in the smaller cities. It is important that the National Guard be reorganized as promptly as possible. It has been found impossible to reorganize the National Guard with companies with a strength of 100 men. The House has recognized this fact and in their

bill have provided for the reorganization of the National Guard units at a minimum enlisted strength of 50 men until July 1, 1921, and thereafter with a minimum strength of 65 men. This amendment is the same as the provision of the House bill and along the lines suggested by Gen. Pershing in his hearing before the joint Military Committees of the House and Senate.

Other changes proposed are as follows: Section 3 amends section 69 of the national defense act, which provided for an enlistment in the National Guard of three years' active service and three years in the reserve. This amendment provides for a three years' enlistment. It also provides that persons who have served in the Army for not less than six months and who have been honorably discharged therefrom may within two years after the passage of this act enlist in the National Guard for a period of one year and reenlist for a like period. Men who have served during the war feel that they have done their bit and do not care to take on a three years' enlistment, but many of them would like to assist in the reorganization of the National Guard and are willing to enlist for one year. This gives them an opportunity to help out in the reorganization of the National Guard and the training of the new National Guard.

Section 4 amends section 70 of the national-defense act by making the enlistment oath conform to the new term of enlistment.

I think that change has already been made.

Section 5 permits discharges from service in the National Guard under regulations prescribed by the President, except when the National Guard is drafted into the service of the United States under section 111 of the defense act.

Section 6 amends section 74 of the national-defense act by adding to eligible list for appointment as National Guard officers and enlisted men who served during the World War.

The language of section 7 as amended will permit the enlistment of those who served during the war with Germany and are willing to answer a Federal call in an emergency, but who do not care to obligate themselves to attend routine drills, and so forth. These are veteran soldiers and hence should not be required to undergo the training required of the active National Guard. They are required to report at the annual inspection and may elect to go on the active list, participate in encampments, and so forth. Included also in such reserve will be National Guardsmen who, after enlistment in a unit, have so changed their residence or occupation as to be no longer available for active duty. This will give the Federal Government the advantage of a very large trained reserve which would not otherwise be available.

Section 8 amends section 76 of the defense act by striking out the words "as far as practicable." Section 111 of the defense act provides that commissioned officers of such organizations shall be appointed from among the members thereof. This made these sections inconsistent with each other and permitted the War Department to ignore the provisions of section 111 of the defense act and appoint officers outside of National Guard organizations to National Guard organizations, permitting the War Department to fill vacancies in the National Guard from other sources than the National Guard, thus defeating the intent of Congress in providing that officers of the National Guard should be selected from organizations of the National Guard.

Mr. President, the Militia Bureau should have a fixed status and certain and definite functions. Members of the National Guard contend that it should be a separate bureau, functioning directly under the Secretary of War and not through the Chief of Staff. They feel that it should be composed in part of National Guardsmen who are familiar with National Guard conditions. They believe that the Chief of the Militia Bureau should be free to formulate policies for the increased efficiency of the National Guard and that militia affairs should be administered by the Militia Bureau without interference from other organizations in the War Department. The Secretary of War is, of course, in supreme charge, but the Chief of the Militia Bureau should be free to take matters up with him direct. Both the Wadsworth bill and the pending amendment provide that the chief of the bureau or division shall be a National Guardsman, and this is seemingly the consensus of opinion in both House and Senate committees. The Senate bill provides for a personnel composed in equal parts of officers of the Regular Establishment and civilians and obviously the Chief of the Militia Bureau should have the assistance of officers from both services.

Section 12 amends section 109 of the defense act. This section provides for the pay of officers of the National Guard and fixes the pay on a basis of a day's pay for drill and requires the officers of an organization to have 60 per cent of the enlisted strength and 50 per cent of the officers present at drill before the officers are entitled to draw pay. This change in the pay for officers is intended to fix the responsibility for the attendance of the organization on the officers and punishment for failure to secure the attendance of the enlisted men is placed upon the officers and not upon the enlisted man, as heretofore. This change was recommended by the Militia Bureau and was made in the House as a provision of the House bill.

Section 13 amends section 110 of the defense act. It provides for drill pay of enlisted men; also amends the law so as to provide for monthly pay instead of semiannual. The incentive which drill pay gives is lost in a large part when payments are so long deferred. It is thought that this will add greatly to the feature of the law and will not be burdensome on the supply department of the Army, because provision is made for the payment of troops by the State property and disbursing officers, if the Secretary of War so desires. Payment of troops attending camps of instruction is at present made by State property and disbursing officers from funds allotted by the War Department, and it is thought that monthly payments could be handled in the same way. Members of no other organization in the world are required to wait six months for their pay.

Section 14 is an amendment to section 111 of the defense act. The purpose of the changes in this section from those in the defense act is to prevent the disorganization of the National Guard when it has been drafted into the service of the United States, as it was during the World War, when these organizations returned to their home States. By mustering out the National Guard units when they returned from the war the State and Federal Governments lost this force when it had reached its highest state of efficiency and left the States without any troops and the Federal Government without this valuable asset for defense purposes.

Mr. President, in the Great War the War Department virtually wiped out our National Guard by breaking up its organization when merging it with the Federal forces and resorted temporarily to a conscription to raise a big army. I think it was a very great mistake to wipe out the National Guard organization. But, notwithstanding this great injustice, it is conceded that no troops fought better in the World War than did the National Guardsmen. Let me add that under this system there is no need of a large Regular Army or of compulsory military training, if we can put in the field a well-trained guard recruited in 48 States, for the most part from the young men of the towns and cities and rural communities.

Mr. President, every State needs such a military police force as the National Guard. Without it the States would be compelled to adopt some form of State constabulary to take its place. Consequently we can hardly improve on such a citizen army as the Constitution under the militia clause has provided in the National Guard, and it is equally available for a national emergency. But I believe the plan set forth in the bill now before us would result in putting the National Guard out of business and greatly weaken our national defense.

The amendments I have offered, I might say, are very much in line with the House military bill, and they are, I believe, approved and indorsed by at least nine-tenths of the National Guard organizations of the country to-day.

Mr. WADSWORTH. Mr. President, the matter brought up by the Senator from Kansas [Mr. CAPPER] affects one of the fundamentals of the entire bill. Senators may remember that in my opening remarks describing the work of the Senate Military Affairs Committee and the kind of bill it had proposed, I used the expression "one army." I said then, as has been said often since, that we endeavored to establish a military system which would be adequate and automatic, and that we should have one Army of the United States for the defense of the country.

The amendments to the bill offered by the Senator from Kansas destroy entirely the idea of one army, and if adopted will continue the situation which has existed for many, many years, in which the country, under the strict definition of the status of the several parts of our military defense, will have 49 armies, one Regular Army and one from each State, 48 in number, making a total of 49.

The question of the treatment of the National Guard has been an exceedingly difficult one. The subcommittee had upon it Senators who are in deep sympathy with the Guard. The Senator from Indiana [Mr. NEW] is an old National Guardsman. The Senator from New Jersey [Mr. FRELINGHUYSEN] was a National Guardsman. I myself have been associated with the National Guard and have kept in very intimate touch with hundreds of its officers and men. The Senator from Oregon [Mr. CHAMBERLAIN] is an old National Guardsman in the State of Oregon.

The assertion was made upon the floor of the Senate the other day that the bill ruins the National Guard, and that it was done at the instance of the Regular Army. That statement was made by the Senator from Missouri [Mr. REED]. The truth is that the bill does not ruin the National Guard, and the provisions of the bill that have to do with the National Guard did not emanate from the Regular Army in any degree whatsoever. They emanated from National Guardsmen, officers whose names I shall recite, and from whom I shall quote in part.

I have had a deep sympathy for many years with the guard and its unfortunate status with respect to the Regular Army. Those who have not studied the situation find it very difficult to understand the handicaps which the guardsman has encountered. During most of his attempts at training himself to be a soldier to defend his country he has been neither fish nor fowl. He has not belonged to the Army of the United States. The Army of the United States, consisting entirely of Regulars, has, through some of its officers at least, let him understand that pretty frequently. He has been referred to, as is proper under the present status, as a militiaman. He has been unavailable for duty with the Regular Army in time of peace. His status is such that by the very nature of the case he can not be consulted in an official capacity in those matters which affect the National Guard. In other words, he does not "belong to the club," if I may use that expression.

The subcommittee which drafted the bill consulted with a great many guard officers. It consulted especially with guard officers who served in the American Expeditionary Forces, who have been through the mill, who have encountered the handicaps not only in time of peace but in time of war, to which the guardsman is subjected under the present situation. Every one of those officers whom we have consulted is in favor of the bill—and we have consulted a great many.

Now, just a word as to how this thing originated. The Senate may remember that the American Legion held a national convention at Minneapolis last year which was composed of citizen soldiers——

Mr. CHAMBERLAIN. Before the Senator takes that up, may I ask him whether the National Guardsmen who were consulted by the subcommittee were confined to any particular section of the country?

Mr. WADSWORTH. They were not.

Mr. CHAMBERLAIN. Or did they represent the National Guards in different States?

Mr. WADSWORTH. They did, in several different States. They are all fighting men, too.

The American Legion held its national convention at Minneapolis last year. That convention was made up, as I said a moment ago, of citizen soldiers, former officers and men of the National Army and the National Guard who had served in the Federal service. The former enlisted men were in the majority at that convention. In fact, no distinction is made in the Legion between former officers and former enlisted men. All rank and title is dropped. That convention, after an extended debate, adopted a set of resolutions on the question of the military policy of the United States.

Mr. CHAMBERLAIN. May I ask the Senator to what convention he is calling attention?

Mr. WADSWORTH. The Minneapolis convention of the American Legion. There were over a thousand delegates there.

I will read only a few paragraphs from that resolution.

1. That a large standing army is uneconomic and un-American; national safety with freedom from militarism is best assured by a national citizen army and navy based on the democratic and American principles of the equality of obligation and opportunity for all.

2—

It may be useless for me to read this, for the Senate has already passed upon it.

2. We favor a policy of universal military training, and that the administration of such policy shall be removed from the complete control of any exclusively military organization or caste.

The last part of that paragraph is significant. I shall discuss that particular suggestion in connection with the National Guard provision which we arrived at under the bill.

4. We have had a bitter experience in the cost of unpreparedness for national defense and the lack of proper training on the part of officers and men, and we realize the necessity of an immediate revision of our military and naval system and a thorough house cleaning of the inefficient officers and methods of our entire Military Establishment.

* * * * * * *

5. The national citizen army, which should and must be the chief reliance of this country in time of war, should be officered by men from its own ranks and administered by a general staff on which citizen-soldier officers and Regular Army officers shall serve in equal number.

You will notice, Mr. President, that the legion uses the term "national citizen army" as the reliance of the country. The convention at Minneapolis appointed a committee to come to Washington and consult with the Military Committees of the House and Senate and to interpret to the committees of the House and Senate the ideas contained in this resolution adopted by the convention. That committee came before the Committee on Military Affairs of the Senate. On it were the former Secretary of War, Mr. Stimson, a former National Guard officer; on it was Mr. F. W. Galbraith, a colonel in the Ohio National Guard, who served in the Thirty-seventh Division; on it was Mr. Foreman, a colonel in the Illinois National Guard, who formerly commanded the First Illinois Cavalry and during the war commanded a regiment of Field Artillery of the Thirty-third Division, the Illinois National Guard division. There was one other officer, who was a National Guard officer, who did not attend the meeting, as he had too far to come; but half of the officers who appeared before our committee representing the legion were guard officers. They prepared a statement, a portion of which I want to read for the information of those Senators who take an interest in the National Guard.

They—

Meaning the members of the legion—

believe that this citizens' army should be trained so far as possible by citizen officers, and its units localized in the territory from which they come, but that it must be trained solely as a national army under the authority of the National Government for use only in time of war.

Mr. Galbraith presented a statement on behalf of the committee. He said in explaining it:

One observation, which is referred to indirectly, is this: That any military organization, any army, should be an army, one army, the United States Army. It may be composed, and would have to be composed, of professional soldiers and citizen soldiers, but that should be the only distinction.

The CHAIRMAN. I assume from that that you would assume such an army being raised and maintained under the so-called Army clause of the Constitution?

Mr. GALBRAITH. Yes, sir.

That was the conclusion of the American Legion. We went on and discussed with those men the status of the National Guard. They sat with us hour after hour, not only in open hearings but in executive session upon several occasions. They were unanimous in the belief that the National Guard should be brought under the Army clause of the Constitution; that it would prosper under that Army clause; that not only would it be organized upon a more efficient basis, but that its officers and men would stand upon a better plane with respect to the Regulars. The bill was drawn with their assistance.

Later another series of conferences was called, and to those conferences came some additional National Guard officers. Among them I remember Maj. Gen. John F. O'Ryan, who commanded the National Guard division, the Twenty-seventh Division, from the State of New York. I think it fair to say that Gen. O'Ryan has contributed more to this bill, in its National Guard features, than has any other officer with whom we consulted.

Mr. POMERENE. May I ask does he approve the bill in its present form?

Mr. WADSWORTH. Absolutely.

Mr. POMERENE. And may I also ask did Col. Galbraith, of Ohio, approve it?

Mr. WADSWORTH. Col. Galbraith, of Ohio, also approved it, as also did Col. Foreman.

Mr. POMERENE. I asked that question especially because I know that Col. Galbraith is an officer who stands high in the National Guard service.

Mr. WADSWORTH. He has a most excellent standing.

Gen. O'Ryan has studied this question for years. He has occupied every grade in the National Guard from private to major general; he has been through the mill. In adddition to that, he is a graduate of the Army War College, having made a special request that he be permitted to study there. His record abroad—he was the only non-Regular who commanded a combat division in the recent war—speaks for itself. For years he has been urging that the National Guard be given the same privileges and the same status as the Regulars; that its officers, with their consent, be made available and eligible for any kind of duty in time of peace. He, in common with many other lawyers, believes that that can not be done so long as National Guardsmen are militiamen. The function of the militiaman is prescribed by the Constitution. The President, pursuant to act of Congress, may use the militia solely for the purpose of repelling invasion, suppressing insurrection, and executing the laws. Militiamen can be used for nothing else at any time, in peace or in war. That has placed them, it may surprise some Senators to know, in a very difficult position and has kept them there all these years.

Under the present situation when war breaks out the President summons the Organized Militia, or National Guard. They are then mustered into the Federal service.

There is a vast amount of paper work to be done; the officers and men all have to be examined; and guardsmen have complained—and perhaps with some degree of justification—that it is at that very point when the officers and men of the National Guard, being militiamen, being mustered into the Federal service, that they are subjected to injustice; that in examining the officers and men some efficient officers and some good men are eliminated by the Federal mustering officers, and that units of the National Guard are disturbed and disrupted.

Mr. POMERENE. They are eliminated for what reason? Because of a difference between the State law and the National law?

Mr. WADSWORTH. Because of alleged differences in standards of efficiency.

Mr. SMITH of South Carolina. Mr. President, I should like to ask the Senator from New York, carrying out still further the idea suggested by the Senator from Ohio, would it not be possible to frame the present bill so as to obviate that very injustice, so that without incorporating the National Guard as a part and parcel of the Regular Army they could be left under the control of the General Staff?

Mr. WADSWORTH. No, Mr. President; it is impossible to do that, because the Federal Government has no control over the training of the militia, and it is only by reason of the control over training that the efficiency of officers and men can be ascertained. The States have control of the training of the militia. It is for that reason that the Federal Government, when it musters the militia into the active Federal service, insists and always will insist—and you can not deny it—upon the right of combing out these men who they say are inefficient and have not been trained. They have had no control over that training prior to the moment when the men are mustered in; but, in any event, at that point commences the disruption of the guard units of which we hear so much complaint. Even with war declared and the National Guard in its present status mustered into the Federal service, it can then only be used to repel invasion, and, therefore, it is not a truly national force; its mission is limited; it can not take part in any war involving the sending of troops outside the United States. That was admitted in 1916 when the national defense act was drawn. The National Guard officers themselves admitted that they did not like to be put in that category; they wanted to be soldiers of the United States, available for any kind of duty in time of need when war is declared by Congress. So a provision was put in the national defense act in 1916 authorizing the President when war breaks out to draft into the Federal service the officers and men of the National Guard; to draft them, mind you, as individuals, not to draft them as units, not to take whole regiments or whole batteries or whole brigades or divisions, but to draft them as individuals. That is the only way that a draft can be imposed. That provision was put in the national defense act in order to make the National Guard a national force available for any kind of military duty in time of war. That provision met the approval of the National Guard. They wanted to be known as Federal soldiers primarily, with the State obligation secondary.

That provision was in effect when we went into war with Germany, and all the National Guardsmen, officers and men, were drafted into the Federal service.

Mr. SMITH of South Carolina. Mr. President, is it not in the power of Congress to recognize the units as well as the individuals? Why would it not be possible for the National Guard in the States, who secondarily would serve the State as is provided in this very bill, to become a part and parcel of the national force of the National Army, and at the same time hold their distinct State units? Why would it not be possible for us so to legislate that in the event of war and a resort to the draft National Guard units as unified and perfected organizations instead of as individuals could be drafted into the Army?

Mr. WADSWORTH. Mr. President, you can not draft the unit without drafting the individuals.

Mr. SMITH of South Carolina. I understand that; but here is a military unit already perfected, already organized and officered. Why is it not within the province of Congress to provide certain standards which they shall observe, and then when war shall break out, without disorganizing and disrupting the units and incorporating them into what is technically known as the Regular Army, allow them to go in as their organizations have been perfected?

Mr. WADSWORTH. A great many difficulties will be encountered in attempting any such thing. If all the units of the National Guard in every State enjoyed a uniform degree of efficiency, yes; but they do not do so, and can not do so, so long as they are under the militia clause, because there is no authority to govern the training in a uniform manner.

Now, let me say to the Senator that what he desires to be brought about, which is the recognition of existing units of the National Guard, is just what our bill accomplishes.

We avoid that very thing, which has been such a handicap to the Guard, and which in this last war tore it all to pieces, and scattered its personnel throughout the entire Army. We do not want that done again, and we propose to put the Guard upon a status in which it will not be done.

Mr. SMITH of South Carolina. But, if the Senator will allow me, that necessitates their being under the control and direction of the General Staff of the Regular Army.

Mr. WADSWORTH. And we give them representation on the General Staff, which you can not do effectively and efficiently if they are militiamen. They never have had it before, and they can not get it. I want to make a National Guard officer just as good as the Regular in his rights and privileges and his opportunities to serve, and he can not have those things so long as he is merely a militiaman in time of peace. He "does not belong," and they let him know that he "does not belong," too.

Mr. SMITH of South Carolina. But while their units would be kept intact and their officers would receive recognition, in that certain officers designated by the Regular Army would be nominally chosen by the governor, they would still be under the control and direction of the Regular Army without any compensation whatever so far as their State organization is concerned. In other words, they would be subject entirely to the control of the General Staff whenever they saw fit to have certain rules and regulations by which they were to be governed, to the total destruction of anything like a State militia.

Mr. WADSWORTH. Why, Mr. President, that is the trouble to-day. They are subject to the rules and regulations of the Regular Army General Staff in all matters of organization, in all matters of discipline. They have no representation. Their voice is never heard. They are never brought into council. They have no authority, and they can not be heard. They can not have authority, they can not be brought into council, while they are militiamen. They "do not belong." We propose that they shall belong, and shall be eligible to any kind of service in time of peace with their consent. This bill of ours establishes but one Army of the United States, divided into two categories—the permanent or professional personnel and the reserve or citizen personnel. The National Guard of the United States is to be a part of the reserve or citizen personnel.

Its officers are to be officers of the Army of the United States. They are also to be officers of the State troops of the States in which they live, commissioned by the governor, but that State commission is to be a secondary commission. The primary commission, the fundamental commission, is the commission as an officer of the United States Army reserve. But this bill provides that reserve officers—and that would include National Guard officers—are available for any kind of duty with their consent, and the bill further provides that one of them, a reserve officer who is at the same time a National Guard officer, shall be at the head of the National Guard Bureau in the War Department, and that 25 of them shall be on the General Staff and distributed in every committee of the General Staff, so they will be heard in everything that comes up with respect to the plans, preparations, and regulations of the Army.

Mr. CHAMBERLAIN. Mr. President, may I interrupt the Senator?

Mr. WADSWORTH. Certainly.

Mr. CHAMBERLAIN. The Senator from South Carolina [Mr. SMITH] speaks of the national-defense act of 1916, and its protection of the National Guard. I will ask the Senator if it is not a fact that when the National Guard were drafted into the service under the act of 1916 they went in individually, with the result that the National Guard units were broken up entirely in many cases, not in all, because they were kept together in some; but members of the National Guard of one State drifted into divisions composed of National Guards of other States, and sometimes of Regular Army officers.

Mr. WADSWORTH. Certainly.

Mr. CHAMBERLAIN. In other words, young men have come to me and have written to me advising me that they were sent forward as replacement troops from their home unit, and never saw their unit again until after the armistice was signed.

Mr. WADSWORTH. That is the whole trouble.

Mr. CHAMBERLAIN. The proposition involved here is to unify the National Guard, in a measure, because they may be created into units which can be maintained as State organizations.

Mr. WADSWORTH. They can be maintained as State troops, doing the same kind of service that they do to-day in the protection of the State against internal disorder. There is no

difference whatsoever in the kind of service which National Guardsmen will perform under our bill as contrasted with the service which they perform under the national-defense act, the existing law. They will be the same men, they will be the some regiments, located in the same places; but instead of being organized under the militia clause they are going to be organized under the Army clause; and when you get them under the Army clause you put them on an equal footing with the men who draw the regulations here in Washington; and until you get them on an equal footing with the men who draw the regulations they will never be consulted; at least, there can be no assurance that they will be consulted.

Mr. SIMMONS. Mr. President, I understood the Senator to say that these officers would be appointed by the governors of the States, but that the commissions issued by the governors of the States would be secondary to the commissions issued by the United States. That fact, however, does not disturb the primary right of the governor to select the officers, as I understand. Am I correct about that?

Mr. WADSWORTH. His selection is restricted in this way: He must select the officers of the National Guard of his State from the reserve officers residing in his State. In other words, the way it will work will be just this:

You have a National Guard in North Carolina. If this bill should pass the duties of those officers and men would not change in the slightest degree; but those officers of the National Guard of North Carolina, under the terms of this bill, are made immediately eligible for reserve commissions in the Army of the United States. They can take those reserve commissions and they become the basic commissions, and the governor of North Carolina gives them State commissions; that is all.

Mr. SMITH of South Carolina. Mr. President——

The PRESIDING OFFICER (Mr. KENYON in the chair). Does the Senator from New York yield to the Senator from South Carolina?

Mr. WADSWORTH. Certainly.

Mr. SMITH of South Carolina. I want to get that clear. The Senator means that the present officers of the National Guard residing in North Carolina, under this bill, if it shall pass, will be the source from which will be drawn by the governor the officers that will officer the guard?

Mr. WADSWORTH. So long as they consent. It is all with their consent. The whole thing is voluntary, of course.

Mr. SIMMONS. That applies, as I understand, to the present officers; but suppose other officers are to be appointed?

Mr. WADSWORTH. They must be reserve officers, in the first instance, and the governor of the State is to recommend them; and without his recommendation they can not be appointed officers of the National Guard.

Mr. SIMMONS. So that the only limitation upon the power of the governor is that the appointee must be a reserve officer?

Mr. WADSWORTH. A reserve officer.

Mr. SIMMONS. I wish to ask the Senator just one other question. Unfortunately I have not been able to be in the Chamber during the discussion upon this bill, and I have not examined it very carefully; but I should be very glad, and I think it would be helpful to a number of us if the Senator would explain exactly what is the jurisdiction of the State authorities over the National Guard units located in the States and to what extent these powers that have heretofore been exercised by the State authorities over the control and direction of the militia, so to speak, differ from the powers that will hereafter be vested in the State authorities over this reorganized National Guard.

Mr. WADSWORTH. Yes, Mr. President; it is very clear in the bill. On page 84, section 68, will be found the provision which protects the States and makes this force available for State use. It is found in this proviso, commencing on line 4:

Provided, That the States and Territories in time of peace, and subject to such regulations as to expense, property accountability, and other matters as may be prescribed by the President, shall be entitled to use as State or Territorial troops, under the direct orders of the governor of the State or Territory, so much of the National Guard of the United States as is within their respective borders and not at the time in active service under a call by the President.

Practically what they do to-day.

Mr. SIMMONS. There is no change so far as concerns the right of the governor to call them into action at any time he may see fit for purposes of State protection, or police duty, or any other purpose for which the old militia can be used?

Mr. WADSWORTH. None at all. He may use them for any purpose. Mr. President—this is a rather interesting legal question—it took the committee a long time to arrive at a conclusion which would permit the National Guard to belong to the Army of the United States and still make them available for State use. Clearly, you can not do both under the militia clause. We believed it could be done under the Army clause, but what puzzled us for a long time was what their status would be when under the command of the governor. Then we encountered that provision in the Constitution which says that no State shall maintain troops without the consent of Congress. This bill, in effect, gives the consent of Congress for the States to maintain troops in the way laid down by the bill—that is, the National Guard—and while under the orders of the governor, performing State duty, they will be acting as State troops under that clause of the Constitution which says, by implication at least, that States may maintain troops when Congress consents. They will not be organized militia. They will be organized State troops under the command of the governor, but their obligation to the governor and to the State is secondary to their obligation to the Nation. They can not be used by the governor if they are in the active service of the United States, nor can the militia to-day. The National Guard of North Carolina or the National Guard of New York to-day, although they are militiamen, are not available to the use of North Carolina or of New York when they are in the Federal service by call of the President. For instance, when the President summoned the guard in 1916 to go to the border, he did it under that provision of the Constitution which provides that the militia may be used for the repelling of invasion, and he took the guard away from New York and he took the guard away from North Carolina, and for that period of time those soldiers were not available for the uses of those two States. So there is no difference in actual effect between the present situation and the one we propose. We have to amend the oath which they are to take, and I want to read that to the Senator.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Ohio?

Mr. WADSWORTH. Certainly.

Mr. POMERENE. The Senator has said that there is no real difference between the present situation and the one that the committee proposes.

Mr. WADSWORTH. Yes; except that the guard, we believe, gets a much more advantageous status.

Mr. POMERENE. I was going to ask the Senator to pursue that thought a little further, and point out what the difference would be between the committee bill and the amendment proposed by the Senator from Kansas [Mr. CAPPER].

Mr. WADSWORTH. The amendment proposed by the Senator from Kansas would merely result in the continuation of the present situation; that is all. That is its intention. The opposition to this thing comes very largely from State adjutant generals. I differ with the Senator from Kansas about the officers and men of the guard being opposed to this thing. I do not think they are. Everyone to whom I have had it explained is heartily for it, and they have expressed to me a good deal of restlessness and resentment at some of the adjutant generals who dislike to surrender a little power. Only nine of the adjutant generals came here the other day, according to my best information. Two of them agreed with the bill, told their Senators so, and went home, the adjutant general of New York, and the adjutant general of Maryland.

Mr. BRANDEGEE. Mr. President, before the Senator proceeds to read the oath of which he has spoken, did I understand him to say that, in his opinion, where the Constitution prohibits the use or maintenance of troops by the States without the consent of Congress, it means the same thing when it speaks of troops that it does when it speaks of the militia of the States?

Mr. WADSWORTH. No; I think most decidedly the meaning of the word "troops" is different from that of the word "militia."

Mr. BRANDEGEE. I rather thought so. I am not at all up to date on this subject by any recent reading, but it lingered in my mind that in the preparation of the selective-service law there was some distinction claimed, and that "troops" meant something different from what "militia" meant.

Mr. WADSWORTH. The word "troops" does not have the same meaning as the word "militia."

Here is the oath which is to be taken by the National Guard officers. This is now in the bill:

Provided further, That all officers of the National Guard who have taken and subscribed to the oath prescribed for officers in the act of Congress approved June 3, 1916—

In other words, those are the present-day National Guard officers—

may be commissioned as reserve officers in the several grades now held by them with original date of rank and be recognized as officers of the National Guard of the United States.

That takes care of the present-day National Guard officer of the State of North Carolina or any other State.

All officers of the Organized Militia of the several States and Territories and the District of Columbia, and all persons hereafter to be commissioned as officers in the National Guard of the United States shall, upon being commissioned under the provisions of this act, take and subscribe to the following oath:

"I, ——— ———, having been appointed a ——— in the National Guard of the United States, do hereby solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the United States; that I will obey the orders of the President of the United States; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office of ——— in the National Guard of the United States upon which I am about to enter. I do further solemnly swear to bear true faith and allegiance to the State of ——— and to obey the orders of the governor thereof, subject to the Constitution and laws of the United States. So help me God."

The proposed law says that these men can only be used by the Federal Government in time of war, and that they shall be available and under the orders of the governor in time of peace for the purpose of maintaining order within the State.

Mr. SIMMONS. Mr. President, I wish to ask the Senator a question. He has studied this question, and I think he has mastered it as no other Senator has. Under the plan of his bill, does the Senator think that on account of the superior authority of the United States there would likely arise situations during times of peace which might bring about a conflict of authority between the States and the Federal Government?

To illustrate what I mean: Suppose during times of peace the governor of the State should desire to use the National Guard in his State in a certain way, and the officers of the Federal Government having superior authority should demur, and should interdict such order as the governor might make in the premises. Does not the Senator think that that might be possible, and might breed trouble?

Mr. WADSWORTH. Mr. President, I believe it is impossible. Under this provision the authority as between the two is well defined. With the guard brought under the Army clause, I have already described the commissioning of the officers. The training would then be under the control of the Federal Government, as it should be. You can not have 48 different kinds of training. I do not mean to say there have been 48 different kinds of training, but there has been a lack of uniformity in the training of the National Guard of the several States. The training would be under the control of the Federal Government. That is all the Federal Government gains by the change, but it is an important change for the National Guard.

Mr. SIMMONS. It is not training that I have in mind; it is what happens after the period of training has been completed.

Mr. WADSWORTH. The training is continuous. The drill is part of the training.

Mr. SMITH of South Carolina. The interpretation of the bill by the Senator is that in times of peace the National Guard within a given State is subject entirely to the command and control of the governor, so far as use in an emergency is concerned?

Mr. WADSWORTH. That is true inside of the State.

Mr. SMITH of South Carolina. And only in time of war is it subject to the control of the Commander in Chief of the Army of the United States?

Mr. WADSWORTH. In time of war or threatened war.

Mr. SMITH of South Carolina. That is what I mean; in time of national disturbance, which necessitates the mobilization of officers and men.

Mr. SIMMONS. Then, if I understand the Senator, he holds that in time of peace the practical authority and control are in the governor of the State and not in the Federal Government?

Mr. WADSWORTH. Not for its internal management; no. It is made available to the governor and the State for specific use at any time when it is needed. But all that has to do with the training, with the regulations which govern them, providing, for example, how many sergeants there shall be in a company, how many machine guns to a regiment, and things of that sort, emanates from Washington, practically as it does to-day. The military command runs through a channel finally reaching Washington, but whenever the governor wants the services of the guard all he has to do is to call them.

Mr. SIMMONS. That is to say, in all matters in which the governor, under the bill, has the right to their services and to their control, his authority is supreme?

Mr. WADSWORTH. It is supreme, unless they happen to be in the active service of the United States. Then he can not have them.

Mr. CHAMBERLAIN. Mr. President——

The PRESIDING OFFICER. Does the Senator yield; and if so, to whom?

Mr. WADSWORTH. I yield to the Senator from Oregon.

Mr. CHAMBERLAIN. Then they could only be in the active service under a call of the President?

Mr. WADSWORTH. Under a call of the President and in accordance with the provisions of this bill.

Mr. McKELLAR. Did any amendment which the Senator offered the other day change the method of securing the officers?

Mr. WADSWORTH. Oh, no.

Mr. McKELLAR. Will the Senator state just how the officers are appointed under this bill?

Mr. WADSWORTH. I have just done that at some length, but I will do it again.

Mr. McKELLAR. I have just come into the Chamber. I am sorry I was not here.

Mr. WADSWORTH. The bill merely provides that National Guard officers in the future shall also be reserve officers, and the reserve commission is the basic commission. The bill provides that a present-day National Guard officer shall be eligible, immediately on the passage of this act, to take out a commission as a reserve officer, and having taken out a commission as a reserve officer he is an officer of the Army of the United States. Then he has a secondary commission from the governor of his State, and under that he promises to obey the orders of the governor in the matter of the use of troops by governors for the protection of States against disorder. The personnel would be the same as now in the National Guard. Every National Guard officer will be eligible under this bill to a reserve commission. All he has to do is to take out a commission as a National Guard officer of the United States, and his reserve commission entitles him to be regarded as an officer in the Army of the United States, and he can be assigned to any kind of duty with the Regulars, or away from them, with his consent, in time of peace.

Mr. McKELLAR. Does the Senator think that conforms to the constitutional provision?

Mr. WADSWORTH. Absolutely.

Mr. McKELLAR. I do not know whether the constitutional provision has been discussed by the Senator or not. It provides that the governors of the several States shall appoint the officers of the militia, but as I understand this provision the governor merely approves; they are appointed by the War Department. Substantially that is what it means.

Mr. WADSWORTH. That is true under the militia clause, but we are taking the guard out from the militia clause and putting them under the Army clause.

Mr. McKELLAR. Then they are no longer State militia.

Mr. WADSWORTH. They are not State militia; they are State troops, available for the use of the State.

Mr. McKELLAR. Under what provision of the Constitution do you organize them?

Mr. WADSWORTH. We organize them under that provision of the Constitution which authorizes Congress to raise and support armies.

Mr. McKELLAR. If that is done, they are a part of the Regular Army, and not a part of the National Guard, and the term "National Guard" is a misnomer.

I was not here when the Senator argued the provision. I recall that four years ago—June 3, 1916—when the National Guard act which is now in force was passed, the question of how far the United States could go in assuming control over the National Guard was investigated very thoroughly, and the provisions we put in the act at that time were passed upon by the Department of Justice, as I recall, and the Attorney General held that they were constitutional. The provision of the Constitution to raise and support armies, in my judgment, does not provide for the establishment of a National Guard to be under the control of the States. I do not think that authority is broad enough to give to the governor of a State or the State authorities control over the National Guard, even if the United States wanted to give them control, because it is not provided for, and under well-established rules of interpretation of our Constitution there must be authority for the passage of a law before that law is constitutional under the Constitution of the United States. I have very grave doubts about this question. I do not believe that it can be maintained. If it is purely a United States force, I do not think the United States has any authority to give it to any other sovereignty or quasi sovereignty. That is my judgment.

Mr. WADSWORTH. The committee has consulted the very best legal authority on this question. Every lawyer of repute with whom we have consulted says that there is no doubt that we are well within the meaning of the Constitution. I do not know whether I am authorized to quote him, because he has made no official announcement about it, but when I discussed with Gen.

Crowder the question of the use of a portion of the Army of the United States as State troops, he said there was no doubt whatsoever that the Federal Government could assign any portion of its Army for any kind of duty at any time.

Under the Army clause of the Constitution the Federal Government can raise and support any kind of army it wants. It can say, if it wants to, that no one shall be in it unless he has red hair; that no officer in it shall be over 25 years of age; that no portion of it shall serve beyond a certain geographical area. It can say that a certain portion of it shall do one kind of duty and another portion of it shall do another kind of duty. There is no limitation whatsoever as to the use of the Army of the United States. Congress can prescribe any rule and raise any kind of an army. Under the Army clause of the Constitution, Congress can say, "Here is the Army of the United States, and we will divide it up into three different categories and assign to each class a different military mission. First, we will have a permanent personnel or the so-called Regulars, and we will keep them on duty 365 days in the year and pay them. They shall be liable to any kind of service in time of peace or in time of war." Then the Congress can say, "Here is another class or subdivision of the Army of the United States, and these men shall be part-time soldiers. They shall not do military service in time of peace except a certain number of drills, we will say, per year. They shall not be subject to service except under certain conditions, like a declaration of war by Congress." Then Congress can go further and say, "Here is our third group of the Army of the United States. Of that group we will permit the officers and men, according to rules laid down by us, the Congress, to serve the States in a certain way under certain conditions at certain times when the Federal Government does not need them."

It is clearly within the power of Congress, under the power to raise and support armies, to assign any kind of mission to the soldiers of that army, to divide it into groups and say this part of the Army shall serve only in Alaska, that part of the Army shall serve only in Panama, this other part of the Army shall serve only in the State of New York, and to make any rules it wants.

Under the bill we organize one Army for the United States. We divide it into two classes, first, of permanent or professional soldiers; and, second, of reserve or citizen soldiers. The permanent soldiers are full-time soldiers; the citizen soldiers are part-time soldiers. Then we can further subdivide the citizen soldiers into classes, if we want to, and say one shall be the organized reserves, and they shall be subject only to duty in time of war. The second subdivision shall be the National Guard of the United States. They shall be subject to duty when the Federal Government needs them in time of war or threatened war, and they shall also be subject, under certain rules and conditions, to the orders of the governor of the State in which they happen to be located or stationed. There is no limit to the authority of Congress in raising and supporting an army. They can have any kind of an army that they want.

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER (Mr. DIAL in the chair). Does the Senator from New York yield to the Senator from North Dakota?

Mr. WADSWORTH. Certainly.

Mr. GRONNA. I may be very obtuse, but I am still unable to understand how the Senator from New York will be able to harmonize the provisions of the bill with the Constitution, where in the latter part of section 10 of Article I it is provided that no State shall in time of peace keep troops.

Mr. WADSWORTH. "Without the consent of Congress."

Mr. GRONNA. "Without the consent of Congress." Does the Senator mean to say that by indirection, as I will call it, we are now giving that authority, or are we attempting changing the Constitution of the United States?

Mr. WADSWORTH. We are not changing the Constitution. We are following the mandate and provision of the Constitution.

Mr. GRONNA. If I understand the Senator correctly, the provisions of the bill will really do away with all militia and there will be no National Guard, but we will simply have troops within the States.

Mr. WADSWORTH. No; the States would still have authority to organize their militia, as much as they pleased. That power can not be taken away from them. They have it under the Constitution.

Mr. GRONNA. The militia, or National Guard, as I understand it, are organized by the executives in the various States and in accordance with law, based upon the Constitution, of course. If we have just one army, will that army be known as the State militia or as Federal troops?

Mr. WADSWORTH. No; the militia will not be a part of the Army under the terms of the bill, but there is nothing to prevent the organization of militia.

Mr. GRONNA. What power would the executive of a State have in the matter of the selection of the militia? The Senator concedes that we will still have members of the militia. What authority, then, has the executive of a State in the selection of the militia?

Mr. WADSWORTH. He has complete authority. We do not touch the militia in this bill. We do not attempt to disturb the right and authority of the States to organize their militia. We are dealing with the National Guard, or the former Organized Militia. We bring it under the Army clause of the Constitution, but at the same time we give the governor the right to call upon it whenever he needs it in his State, and also the exclusive right of recommending the officers.

Mr. GRONNA. In other words, there will be no National Guard; there will be just one Army, as the Senator said.

Mr. WADSWORTH. One Army for Federal purposes and the National Guards for the several States.

Mr. GRONNA. As I understand the provision of the amendment offered by the Senator from Kansas [Mr. CAPPER], it is the purpose to change the present law.

Mr. WADSWORTH. In some respects we have already changed it.

Mr. GRONNA. For instance, I have only read section 6 very hurriedly and have not had time to study it, but section 6 explains the qualifications of the men to be appointed as officers and members of the Army. I will read a part of that section. It is very short:

> Persons hereafter commissioned as officers of the National Guard shall not be recognized as such under any of the provisions of this act unless they shall have been selected from the following classes.

Then it goes on and describes those classes. That gives the Federal Government the power to say what the requirements shall be. It will, as a matter of fact, place the National Guard under one general rule, not only for one State but for all States. The Senator stated a moment ago that we would have 49 different rules of training, which, of course, would be true under the old order of things; but if we adopt the amendments offered by the Senator from Kansas I doubt if that would be true.

Mr. WADSWORTH. I said we would have 49 different kinds of training. I did not say 49 different kinds of standards for officers.

Mr. GRONNA. Would that apply if we adopt the amendments proposed by the Senator from Kansas?

Mr. WADSWORTH. Yes; it still applies, because the amendments of the Senator from Kansas are to strike out of this bill several sections and to substitute for those sections the provisions of existing law slightly amended. The existing law treats the National Guard in the militia status. Our bill organizes the National Guard under the Army clause of the Constitution.

The amendments of the Senator from Kansas, in so far as they change existing law, are not pertinent to the bill at all. Some of the amendments which he suggests to existing law are carried in the bill as applied to the new National Guard; for instance, the amendment for the pay of officers and men is carried in this bill. We pay the officers and men of the National Guard under the bill just as they will be paid under the national-defense act.

Mr. GRONNA. So that if we adopt some of the amendments proposed by the Senator from Kansas there would be no necessity of adopting all of them, because some of the provisions have already been taken care of.

Mr. WADSWORTH. Some of the minor provisions are already taken care of. Some of the things against which the National Guard is complaining—in the matter of pay, for example—have been taken care of in the bill, but the character of the Guard, in so far as its basic obligation is concerned, is changed by our bill as compared with the national-defense act, and its position is greatly advanced by it.

Mr. GRONNA. Is it not true that there would be a more uniform rule under the provisions of the amendment proposed by the Senator from Kansas than there is at the present time?

Mr. WADSWORTH. That is true, and there would be a still more uniform rule under our bill than at present.

Mr. GRONNA. Of course, under the Senator's bill there would be just one army; there would practically be no National Guard.

Mr. WADSWORTH. There would be a National Guard. The National Guard is merely a name given arbitrarily to the forces in existence to-day, and can be given arbitrarily to the forces proposed under the bill. Of course, the true name for it is the

"Organized Militia." But it may interest the Senator to know that so anxious are the officers and men of the Organized Militia to be known primarily as Federal citizen soldiers that the term "National Guard" was assigned to them by an act of Congress. They like the word "national." They wanted to be known as national citizen soldiers. They do not want to be known primarily as State soldiers or Organized Militiamen of the States. The thing that has stood in their way all these years and caused them a lot of handicaps and a lot of heartburnings is the fact that so long as they are militiamen they are not national soldiers in the way they like to be. We propose to cease having them as militiamen and to make them national citizen soldiers, available for the use of the States under certain conditions.

Mr. GRONNA. I thank the Senator for the information he has given me, and if he will permit me I want to say a word with reference to the indorsement of the bill or the plan proposed in the pending bill.

I do not want to say that the State which I have the honor in part to represent is opposed to the provisions with reference to the National Guard. I will say, however, that I have in my office a great many petitions and a great many resolutions adopted at various meetings throughout the States by ex-service men and by various associations of different names. I do not know how well the meeting at Minneapolis was attended. I am not here to say anything against what transpired at that meeting. I do not say that the reports which were conveyed to the chairman of the committee are not the correct ones, and I do not wish to say that they misrepresent the views of the National Guard of Minnesota or the Dakotas. But I do say that there is a divided opinion with reference to the question.

Mr. WADSWORTH. With reference to the question of the National Guard?

Mr. GRONNA. Yes. I have letters from some very prominent men, men who served in the late war, men who have been identified with and who have been officers of the National Guard for more than 30 years. I have often thought that I should present those resolutions to the Senate and ask to have them printed in the RECORD, but we all know that a streak of economy has come over the Senate all of a sudden, practically prohibiting us from having these resolutions inserted in the RECORD without reading them, and so I have refrained from presenting the resolutions, believing that the Senator from New York, who I know is very diligent and very efficient in his work, together with the other members of the Committee on Military Affairs, would adopt a plan which would be satisfactory to the officers of the National Guard.

I am not at all sure that the provisions as they now stand in the pending bill are satisfactory to the officers of the National Guard of my State or of the neighboring States, who I know are greatly interested in military work, and who, I may be pardoned for saying, I believe, are authorities. I have no particular protest, I will say to the Senator, against the proposed plan other than the petitions and resolutions passed by various organizations throughout the western country, and I have more petitions against the proposed plan of the Senator than I have for it.

Mr. WADSWORTH. Against the National Guard plan?

Mr. GRONNA. Yes; against the National Guard plan.

Mr. WADSWORTH. I will guarantee that they never read the bill. I know where they got their ideas. They got them from the adjutant general, who passes the word that there is a bill of this kind pending in Congress to kill the National Guard. Some guard officers have come to me in my office, may I state to the Senator, and asked, "Is it true that the National Guard is going to be put out of existence by the committee bill?" I have asked, "Who told you it is going to be put out of existence?" "Well, the word has gone out from the adjutant general of our State that that is the case." When you sit down with such a man and show him the provision of the bill, he will say, "That is the very thing we want." Many of them would like to get away from some of the adjutant generals—not from all, for there are some good ones.

Mr. GRONNA. Mr. President, I am old-fashioned enough to believe that the States ought to have some authority in this matter.

Mr. WADSWORTH. We give it to them in this bill.

Mr. GRONNA. I believe that the National Guard has in the past been a great factor for good. I realize, although I know very little about military affairs, that there is need for improvement with reference to the National Guard; but there is a radical change wrought by the provisions of the pending bill, and I am unable to believe that the National Guard—the militia, we will call it—will function in the future as it has in the past even under the laws which we have now, imperfect as they may be.

Mr. WADSWORTH. Of course, I think that they will function a great deal better. I should like to read to the Senator——

Mr. McKELLAR. Mr. President——

Mr. WADSWORTH. I think I have the floor.

The PRESIDING OFFICER. The Senator from New York has the floor.

Mr. McKELLAR. Will the Senator from New York yield for a question?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Tennessee?

Mr. WADSWORTH. Yes.

Mr. McKELLAR. The Senator from New York spoke of the adjutant generals of the States. Does not this bill take care of the adjutant generals of the several States?

Mr. WADSWORTH. Yes; under certain circumstances.

Mr. McKELLAR. Does it not make them brigadier generals in the reserve force?

Mr. WADSWORTH. In the discretion of the President, for certain purposes having to do with registration.

Mr. McKELLAR. Yes.

Mr. WADSWORTH. But they would not command the guard; and that is a power which some of them do not like to lose.

Mr. CAPPER. Mr. President——

Mr. WADSWORTH. I yield to the Senator from Kansas.

Mr. CAPPER. I wish to say—and I say it without the slightest hesitation—that, so far as Kansas is concerned, the adjutant general of that State undoubtedly speaks for the entire National Guard of the State. Kansas had a very strong National Guard organization when we entered the war; I think we had one of the most efficient brigades to be found in the entire country, and that was due to the very fine work of the adjutant general, Gen. Martin, who is now the president of the Adjutant Generals' Association of the country. He tells me that he voices the wishes of the entire National Guard of our section of the country. I know he speaks for the National Guard of Oklahoma, because the adjutant general of that State was here the other day, and he gave me the same assurance, as did also the adjutant general of the State of Missouri.

Mr. WADSWORTH. Mr. President, I do not mean to cast any reflection upon the adjutant general of Kansas, but I have seen a letter from the adjutant general of Kansas—it is true it was some time since—in which that officer attempted to describe the pending bill, and he had an absolute misconception of the whole measure. He criticized it for omissions; and the Senator from Kansas himself will probably remember that when I was shown the criticism of the bill prepared by the adjutant general of Kansas I myself wired him, pointing out specific provisions in the bill providing for the very things which he had said the bill omits.

The adjutant general of a State can go out and tell all the guardsmen of the State that such and such a thing is not in the bill, that the Senate committee bill omits to do a certain thing which is important or that the Senate committee bill inflicts something upon the guard which would be very unfortunate, but before I can have confidence in the opinion of National Guard officers on this question I want to know if they have been told the whole story, and I have yet to meet a guard officer who has been told the whole story who is not enthusiastic for the bill. I know that in many instances those officers have not been told the whole story; that they have never been shown a copy of the bill; that only half the story has been told them.

There is, however, one group of guard officers who have had this story told them, and that is the National Guard Association of the State of New York. That is the biggest and most powerful association of its kind in the United States, just as the National Guard of the State of New York is the largest National Guard.

Mr. GRONNA. Mr. President, will the Senator from New York suffer one more interruption?

Mr. WADSWORTH. I should like to read first what the New York National Guard Association say.

Mr. GRONNA. Very well.

Mr. WADSWORTH. They held an annual meeting at Albany, N. Y., about a month ago, at which there were over 400 officers present, all of whom were national guardsmen. A great number of them were veterans of the recent war who went abroad with their troops. They discussed this bill, they discussed the treatment of the National Guard as proposed in the bill, and they prepared a statement in the form of a resolution. They indorsed our provision from beginning to end. It may interest the Senator from North Dakota to hear why they are for the bill. They say:

The National Guard Association of the State of New York, assembled in convention in the city of Albany this 20th day of March, 1920, having considered at length the problems affecting the reorganization of

the National Guard of the United States, believes and declares, its conviction to be that the National Guard as a national body of citizen soldiery can not be organized under the militia provisions of the Federal Constitution so as to perform adequately and constitutionally the national functions which should be performed by the citizen soldiery of the Nation, and therefore urges upon the Congress that it provide for the reorganization of the National Guard under the Army clause of the Constitution, providing in connection therewith a subordinate State status sufficient to meet the military needs of the States.

The National Guard Association has been moved to adopt this recommendation because the recent history of the country shows that the national emergencies which have required the use of troops in excess of the Regular Army have not been among those prescribed by the Constitution as occasions when the militia may be called for and used by the President. Because, further, it is apparent that the future will present similar occasions when the President in need of troops to meet a national emergency can not, under the Constitution, employ any force of citizen soldiery which suffers the limitations imposed by the militia status.

The National Guard Association of the State of New York concurs in the recommendation of the National Guard Association of the United States that the future efficiency of the National Guard demands that it have its own representation overhead in Washington as a part of the War Department, and believes that such overhead can not constitutionally be appointed by the President nor constitutionally be given authority and jurisdiction to perform their functions in time of peace if the National Guard is continued under the militia provisions of the Constitution which deny the President the authority to appoint officers of the militia in time of peace—

The very thing the guard wants can not be done adequately so long as they are militiamen—

The National Guard Association invites the attention of the Congress to the fact that in the Spanish War the National Guard could not constitutionally be employed as such because of its militia status, and so it became necessary to create a volunteer army and, although the National Guard constituted the mass of such army, they were compelled to enter it as individuals, and the esprit and morale of their units were dissipated in the process of reorganization.

That when the Philippine insurrection necessitated the use of troops in excess of the Regular Army so obvious was it that the National Guard could not be employed as such by reason of their militia status that the War Department was compelled to organize regiments of United States Volunteers to meet that emergency.

That upon the occasion of the Mexican border disturbances, although the Federal Government employed the National Guard as such for the purpose of repelling invasion, nevertheless, even for such purpose, the experience conclusively showed the confusion and delay inseparable from the transfer of men, property, and organization from a State status to an active Federal status, and that in any event before the National Guard could have been employed for the purpose of entering Mexico its officers and men would have had to be drafted as individuals so as to be relieved of their militia status.

I will interject here, Mr. President, that the Congress incorporated such a provision in the national-defense act of June 3, 1916, two weeks before the guard went to the border—a provision authorizing the President to draft them as individuals into the Army of the United States. That constituted an admission on the part of Congress that so long as the guard was in the militia status it suffered that handicap. That provision was put in with the full consent of the guardsmen, who wanted to be eligible to be officers and soldiers of the National Army, the Army of the United States.

That the experience of the World War showed that the National Guard could not be employed therein as a national force until its officers and men were divested of the militia status by being drafted into the Federal Army and discharged from the militia, and that process resulted in delay, confusion, and the impairment of the efficiency of units at a time when their efficiency should have been at the best.

That the termination of the Federal service of the National Guard in the World War necessitated the absolute discharge without any military status and this at a time when its units were at the zenith of their efficiency and esprit as a result of their magnificent battle service abroad.

That in the opinion of the National Guard Association of New York a repetition of this experience in the future can not be prevented by recourse to an amendment of the national defense act—

The very amendment offered by the Senator from Kansas—

providing for a reinvestment of the militia status immediately upon discharge from the Army for the reason that a voluntary militia status from which men have been released by discharge can not constitutionally be recreated and arbitrarily imposed by statute upon men without their consent and voluntary action given anew.

That only by reorganizing the National Guard under the Army clause of the Constitution can Congress invest in the Federal Government in time of peace the power to train the National Guard, which is essential if the National Guard is to be something more than an aggregation of State forces and is to assume the rôle of a national body of citizen soldiery.

National Guard officers drew that document. They want to be members of a national body of citizen soldiery. They are perfectly willing to serve their States as State troops whenever the governor calls upon them, but they want to be made national soldiers; they want to have representation in the General Staff here in Washington and in the National Guard Bureau of the War Department. And they know that they can not secure adequate representation on the General Staff or in the War Department unless they can stand upon an equal plane with the Regular officer. So long as they are militia officers they can exercise no authority; the best they can hope to do is to do something in the name of somebody else who has authority. The committee bill provides that they shall have their representation in the overhead at Washington. We are enabled to give it to them because we make them, primarily, officers of the Army of the United States, national soldiers, and, secondarily, officers of the State troops. Until you do this for the guard, upon the outbreak of every difficulty and trouble, upon the outbreak of war or the threat of war it will go through the same experiences it has gone through in the last three instances. Its units will be torn to pieces, the esprit of those old regiments will be dissipated and destroyed and lost, its men scattered, many of its officers rejected and sent back home, and when the Federal Government releases them from the Federal service they will find themselves in the condition in which they found themselves when they were released from this last war—thrown out on the world, belonging to nothing, all their military connections severed; they were not even members of the militia.

Our committee has studied this thing for months. We have consulted with every guard officer we could get hold of. We have consulted with the best lawyers we can find, from the Judge Advocate General's Department, in the War Department, to adjutant generals of the States; and many of the guard officers themselves are lawyers. The Secretary of War says this is the best solution of this problem ever proposed. He said it before the committee when the bill had been finished. Let me just say to the Senator from North Dakota that this meeting in New York of the New York Association of National Guard officers was attended by approximately 400 officers, and when they put this thing to a vote there were only three officers against it.

Mr. GRONNA. But, Mr. President, regardless of whether the bill proposed by the committee is enacted into law or whether the amendment of the Senator from Kansas [Mr. CAPPER] is adopted, there necessarily will have to be rules and regulations promulgated by the War Department here in Washington, and some of the men in the States will have to carry out those orders.

Mr. WADSWORTH. They do now. That is the trouble; they do now; but the National Guard to-day has no representation at Washington, and it never can get adequate representation so long as the National Guard officer is a militiaman. That has been the complaint of the guard. The complaint of the guard has been that the rules and regulations governing the guard are not drawn with the help of guard officers. They are drawn by the General Staff in the first instance, and are passed up through the committees of the General Staff to the Chief of Staff, and thence to the Secretary of War. No citizen soldier has been consulted in that process; and in some instances the General Staff officers, not being acquainted with the peculiar problems of the National Guard, make mistakes in those regulations, and impose impossible things upon the guard. When the regulations reach the Secretary of War, and meet his approval, he hands them over to the chief of the Militia Division, and he is a Regular officer, and he promulgates the regulations through all the States. Now, we propose to have National Guard officers on the General Staff, and a National Guard officer at the head of the National Guard Bureau.

Mr. GRONNA. I fully agree with the Senator from New York that there were a good many disappointments among officers of the National Guard and of the militia during the late war, and for the reasons which the Senator has so well stated; but there is another phase to be considered with reference to this question. We have been talking simply about the officers. I wanted the Senator's opinion as to the possibility and the probability of the men who are not officers entering the National Guard under these new conditions. The Senator, of course, knows that the compulsory training provision has been stricken from the bill, and we now have a voluntary provision in place of it. The National Guard has been a very popular institution with the young men of the States. They have always desired to belong to the National Guard or to the militia. In the judgment of the Senator, will that same sentiment prevail when it is known that they belong to the Regular Army?

Mr. WADSWORTH. They will not belong to the Regular Army.

Mr. GRONNA. Well, it is in fact belonging to the Regular Army.

Mr. WADSWORTH. No, Mr. President; they will not.

Mr. GRONNA. They will be at the command of the Chief Executive of the Nation at any time if the bill which is before us now is enacted into law.

Mr. WADSWORTH. Mr. President, they are not at the command at any time of the Chief Executive of the Nation—only for specific purposes; and they are in that situation to-day, only they are called out as militiamen by the President.

Mr. GRONNA. Then why not continue the plan, and simply improve upon it, making universal regulations to be followed by all the officers of the National Guards throughout all the States?

Mr. WADSWORTH. But, Mr. President, the trouble is that you can make regulations uniform and universal all you want, but the guardsman can not take part in making up those regulations until you give him the requisite status which will enable him to sit down with authority with the Regular officers.

Mr. GRONNA. Let me see if the Senator and I can agree on one thing. These men who go into the Army will be recognized as troops if this bill is passed, will they not? In all respects they will be recognized as troops?

Mr. WADSWORTH. As part of the reserve Army of the United States, yes—as soldiers, not as troops.

Mr. GRONNA. Does the Senator believe that the institution will be as popular among the young men throughout the various States as the National Guard has been?

Mr. WADSWORTH. Yes, sir; more so.

Mr. GRONNA. Of course, if the Senator believes that, and that under our scheme of voluntary training there will be no difficulty in getting all the young men we want to enter the service, the Senator knows so much more about military affairs than I do that I certainly shall not set up my judgment against his. I was of the opinion that from the very fact that from now on every soldier, regardless of whether he is an officer or what we call an enlisted man, will belong to the national troops, it might not be as popular, he might not take to it as well as he would if it were a State institution affiliated with the Regular Army, he might not be as willing to enter the service, because, as the Senator has explained, the militia for certain specific purposes can be recognized and ordered as a body doing national work. I fear, Mr. President, that from the very fact that the men will know that they are regarded as Federal troops, that in times of peace as well as in times of war from now on we will have stationed within the borders of every State in the Union troops of the Regular Army, the service may not be as popular as it has been in the past.

Mr. WADSWORTH. If that were true, Mr. President, I would tear up this bill and throw it out of the window. It does not do that thing at all, however. The obligation of the soldier of the National Guard of the United States, as provided for in this bill, is in the aggregate exactly what a militiaman's obligation is to-day; but he performs that obligation upon a different status; that is all.

Mr. GRONNA. But the Senator wants to be fair. The Senator has just stated that this bill, in compliance with the Constitution, permits troops in times of peace within each and every State. The Senator has just made that statement.

Mr. WADSWORTH. Yes; but if the Senator will examine the bill, he will find that the obligations imposed upon the National Guard of the United States are limited. They can not be called out at any time by the President for any purpose. They can only be called out to suppress insurrection and to repel invasion; and when war is declared by Congress they can then be called out for any purpose. Surely there is nothing objectionable in that.

The Senator has stated that they are to be a part of the Regulars. They will not be a part of the Regulars. The Regular is a man who is a soldier 365 days in the year, who lives in barracks, or who is patrolling the border, or in the Philippines, or in Panama. These guardsmen are to live the life of civilians, just as the present National Guardsman does. The term of enlistment is exactly the same as that of the present National Guard. The number per congressional district is exactly the same as under existing law. The drill pay is exactly the same as is provided by the House bill. Everything is exactly the same, except that his primary obligation is that of a Federal soldier, and his secondary obligation is that of a State soldier. To-day it is the other way around. It makes no difference to the enlisted man which oath he takes first if his obligations are the same and if his term of enlistment is the same. The kind of duty he has to perform is the same. The officers over him are the same. There is no difference whatsoever; but by changing the status we have given these officers and enlisted men an opportunity to take part in the management of their own affairs here at Washington, and until you give them that new status they never can have it.

That is what they want. They believe they have been discriminated against. They believe they have been exploited. They believe they have been ignored by certain Regular Army officers. If that is true, it is because the regulations drawn here in Washington governing the guard itself in its present status are drawn without consulting guard officers.

We propose to put the guard on its feet and to preserve it to the use of the States. It will not change the numbers of the regiments. It will not change their locality. It will not change their general composition. The Sixty-ninth New York will still be the Sixty-ninth New York, and whatever is the famous organization in North Dakota will remain the same organization, with the same men, the same officers; no change at all from any of the things which from the practical side affect the feeling of the soldier or the feeling of the locality. The National Guard of the United States will not be stationed among the States in the way that the Senator suggested a moment ago. It will be composed of the citizens of the States, just as it is to-day. We make no change.

Mr. GRONNA. They will belong to the Regular Army, however.

Mr. WADSWORTH. No; they will not belong to the Regular Army. They will be subject to none of the obligations of the Regular Army. They can not be commanded by the Regular Army. The terms of this bill provide that no Regular officer can be placed in command of National Guard troops without the consent of the governor of the State. We have protected them from the Regular Army. If they have been subject to abuse and exploitation in the past, we have protected them for the future.

Mr. GRONNA. So that in reality the only officer who will be shorn of his power will be the adjutant general of the State?

Mr. WADSWORTH. The only officers in the whole military scheme of America that lose anything by this change in the status of the National Guard are the adjutants general of the States. The guard officers acquire increased power. They are enabled by this bill to get representation at Washington, and the Federal Government can not send a Regular to your State and put him in command of one of your National Guard units under the terms of this bill unless the governor of North Dakota gives his consent.

Mr. CHAMBERLAIN. They can do that now.

Mr. WADSWORTH. With the consent of the governor. The President, under this bill, can not name the officers of the National Guard in the State of Mississippi unless the governor of Mississippi recommends those officers to the President. So we are not "regularizing" the National Guard. We are putting it on a sound basis, where it will become an even more valuable part of the national defense, and at the same time we protect the States in their needs for police protection at home.

Mr. CAPPER. Mr. President, I ask for the reading of the amendments offered by me.

The PRESIDING OFFICER (Mr. SHEPPARD in the chair). The Secretary will read the amendments.

The READING CLERK. Strike out sections 58 to 64 and 66 to 73, both inclusive, as amended, and section 7 as amended. Also in section 2, line 8, the words "The National Guard of the United States," and insert in lieu thereof the following:

SEC. 2. Until July 1, 1921, companies and corresponding units of the National Guard may be recognized at a minimum enlisted strength of 50 and thereafter the minimum enlisted strength necessary for the recognition of a company of infantry shall be sixty-five: *Provided*, That the National Guard of any State, Territory, and the District of Columbia may include such detachments or parts of units as may be necessary in order to form complete tactical units when combined with troops of other States.

SEC. 3. Original enlistments in the National Guard shall be for a period of three years and subsequent enlistments for periods of one year each: *Provided*, That persons who have served in the Army for not less than six months, and have been honorably discharged therefrom, may, within two years after the passage of this act, enlist in the National Guard for a period of one year and reenlist for like periods.

SEC. 4. Men enlisting in the National Guard of the several States, Territories, and the District of Columbia shall sign an enlistment contract and subscribe to the following oath of enlistment: "I do hereby acknowledge to have voluntarily enlisted this ——— day of ———, 19—, as a soldier in the National Guard of the United States and of the State of ———, for the period of three (or one) year—, under the conditions prescribed by law, unless sooner discharged by proper authority. And I do solemnly swear that I will bear true faith and allegiance to the United States of America and to the State of ———, and that I will serve them honestly and faithfully against all their enemies whomsoever, and that I will obey the orders of the President of the United States and of the governor of the State of ———, and of the officers appointed over me according to law and the rules and Articles of War."

SEC. 5. Discharge of enlisted men from the National Guard: An enlisted man discharged from service in the National Guard, except when drafted into the military service of the United States under the provisions of section 111 of this act, shall receive a discharge in writing in such form and with such classification as is or shall be prescribed for the Regular Army, and in time of peace discharges may be given prior to the expiration of terms of enlistment under such regulations as the President may prescribe.

SEC. 6. Qualifications for National Guard officers: Persons hereafter commissioned as officers of the National Guard shall not be recognized as such under any of the provisions of this act unless they shall have been selected from the following classes and shall have taken and subscribed to the oath of office prescribed in the preceding section of this act: Officers or enlisted men of the National Guard; officers, active or retired, reserve officers, and former officers of the Army, Navy, or Marine Corps, enlisted men and former enlisted men of the Army, Navy, or Marine Corps who have received an honorable discharge therefrom; graduates of the United States Military and Naval Acad-

emies; and graduates of schools, colleges, universities, and officers' training camps, where they have received military instruction under the supervision of an officer of the Regular Army who certifies their fitness for appointment as commissioned officers; and for the technical branches or Staff Corps and departments, such other civilians as may be specially qualified for duty therein.

SEC. 7. That hereafter men duly qualified under regulations prescribed by the Secretary of War may enlist in the National Guard Reserve for a period of one or three years, under such regulations as the Secretary of War shall prescribe, and on so enlisting they shall subscribe to the following enlistment contract and take the oath therein specified: "I do hereby acknowledge to have voluntarily enlisted this ——— day of ———, 19—, as a soldier in the National Guard Reserve of the United States and of the State of ———, for the period of one (or three) year—, unless sooner discharged by proper authority, and I do solemnly swear that I will bear true faith and allegiance to the United States of America and to the State of ———, and that I will serve them honestly and faithfully against all their enemies whomsoever, and that I will obey the orders of the President of the United States and the governor of the State of ———, and of the officers appointed over me according to law and the rules and Articles of War": *Provided*, That members of said reserve, officers and enlisted men, when engaged in field or coast-defense training with the active National Guard, shall receive the same Federal pay and allowances as those occupying like grades on the active list of said guard when likewise engaged: *Provided further*, That, except as otherwise specifically provided in this act, no commissioned or enlisted reservist shall receive any pay or allowances out of any appropriation made by Congress for National Guard purposes.

SEC. 8. All vacancies occurring in any grade of commissioned officers in any organization in the military service of the United States and composed of persons drafted from the National Guard under the provision of this act shall be filled by the President by the appointment of persons similarly taken from said guard, and in the manner prescribed by law for filling similar vacancies occurring in the volunteer forces.

SEC. 9. The National Guard Division of the War Department is hereby established. Such division shall be under the direct supervision of the Secretary of War and shall not form a part of any other division, bureau, office, or other organization of the War Department. The chief of the same shall report direct to the Secretary of War and shall be responsible only to the Secretary of War. The National Guard Division shall consist of one Chief of the National Guard Division and such officers and enlisted men of the Regular Army and the National Guard as the President may direct. The Chief of the National Guard Division shall be appointed by the President, by and with the advice and consent of the Senate, from among officers of the National Guard who have had 10 or more years' commissioned service in the National Guard, at least 5 of which has been in the line. He shall hold office for 4 years unless sooner removed and shall have the rank, pay, and allowances of a major general of the Regular Army during his tenure of office, but shall not be entitled to retirement or retired pay. Details of officers to the National Guard Division by the President shall be upon the recommendation of the Chief of the Militia Bureau. One-half of the officers detailed to the National Guard Division shall be selected from the officers of the National Guard who have served therein for not less than 1 year subsequent to June 3, 1916. No retired officer and no officer with a rank exceeding that of colonel shall be detailed to the National Guard Division. National Guard officers detailed under this section shall be entitled to the pay and allowances of officers of the Regular Army of like grade and service. The National Guard Division under the supervision of the Secretary of War shall have charge and supervision of all National Guard affairs. The chief of such division shall have charge of the organization, supply, and instruction of the National Guard of the several States, and shall submit estimates for the necessary appropriations to provide for the equipment and maintenance of the same.

The President may also assign, with their consent, and within the limits of the appropriations previously made for this specific purpose, not exceeding 500 officers of the National Guard to duty with the Regular Army, in addition to those attending service schools; and while so assigned they shall receive the same pay and allowances as Regular Army officers of like grades, to be paid out of the whole fund appropriated for the support of the militia.

SEC. 10. Animals for National Guard: Funds allotted by the Secretary of War for the support of the National Guard shall be available for the purchase, under such regulations as the Secretary of War may prescribe, of animals conforming to the Regular Army standards for the training of the National Guard, said animals to remain the property of the United States and to be used solely for military purposes.

The number of animals so issued shall not exceed 32 for each battery of Field Artillery or troop of Cavalry, and a proportionate number for other mounted organizations, under such regulations as the Secretary of War may prescribe; and the Secretary of War is further authorized to issue, in lieu of purchase, for the training of such organizations, condemned Army animals which are no longer fit for service, but which may be suitable for the purposes of instruction, such animals to be sold as now provided by law when said purposes shall have been served.

SEC. 11. Funds allotted by the Secretary of War for the support of the National Guard shall be available for the purchase and issue of forage, bedding, shoeing, and veterinary services, and supplies for the Government animals issued to any organization, and for the compensation of competent help for the care of the material, animals, and equipment thereof, under such regulations as the Secretary of War may prescribe: *Provided*, That the men to be compensated, not to exceed five for each organization, shall be duly enlisted therein and shall be detailed by the organization commander, under such regulations as the Secretary of War may prescribe, and shall be paid by the United States disbursing officer in each State, Territory, and the District of Columbia.

SEC. 12. Pay for National Guard officers: Captains and lieutenants belonging to organizations of the National Guard shall receive compensation at the rate of one-thirtieth of the monthly base pay of their grades as prescribed for the Regular Army for each regular drill or other period of instruction authorized by the Secretary of War, not exceeding five in any one calendar month, at which they shall have been officially present for the entire required period, and at which at least 50 per cent of the commissioned strength and 60 per cent of the enlisted strength attend and participate for not less than one and one-half hours. Captains commanding organizations shall receive $240 a year in addition to any other pay herein prescribed. Officers above the grade of captain shall receive $300 a year, and officers below the grade of major, not belonging to organizations, shall receive four-thirtieths of the monthly base pay of their grades for satisfactory performance of their appropriate duties under such regulations as the Secretary of War may prescribe. Drill pay under the provisions of this section shall not accrue to any officer during a period when he shall be lawfully entitled to the same pay as an officer of corresponding grade in the Regular Army: *Provided*, That section 9 of an act amending the act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917, approved August 31, 1918, shall also apply to the purchase of uniforms, accouterments, and equipment for cash by officers of the National Guard and National Guard Reserve, whether in State or Federal service, on proper identification and under such rules and regulations as the Secretary of War may prescribe.

SEC. 13. Pay for National Guard enlisted men: Each enlisted man belonging to an organization of the National Guard shall receive compensation at the rate of one-thirtieth of the initial monthly pay of his grade in the Regular Army for each drill ordered for his organization where he is officially present and in which he participates for not less than 1½ hours, not exceeding 8 in any one calendar month, and not exceeding 60 drills in 1 year: *Provided*, That no enlisted man shall receive any pay under the provisions of this section for any month in which he shall have attended less than 60 per cent of the drills or other exercises prescribed for his organization: *Provided further*, That the proviso contained in section 92 of this act shall not operate to prevent the payment of enlisted men actually present at any duly ordered drill or other exercise: *And provided further*, That periods of any actual military duty equivalent to the drills herein prescribed (except those periods of service for which members of the National Guard may become lawfully entitled to the same pay as officers and enlisted men of the corresponding grades in the Regular Army) may be accepted as service in lieu of such drills when so provided by the Secretary of War. Payments for services rendered under sections 109 and 110 shall be made during the month following that in which such compensation was earned, upon pay rolls prepared and authenticated in the manner prescribed by the Secretary of War. All amounts appropriated for the purpose of the two preceding sections shall be disbursed and accounted for by the officers and agents of the Quartermaster Corps of the Army or by the State property and disbursing officer, as the Secretary of War may direct. The Secretary of War may, in his discretion, cause to be deposited such sum as may be necessary to pay the troops of a State, Territory, or District under this section with the State property and disbursing officer, who shall disburse and account for the same under regulations to be prescribed by the Secretary of War. Stoppages may be made against the compensation payable to any officer or enlisted man hereunder to cover the cost of public property lost, damaged, or destroyed by and chargeable to such officer or enlisted man.

SEC. 14. National Guard when drafted into Federal service: When Congress shall have authorized the use of armed land forces of the United States for any purpose requiring the use of troops in excess of those of the Regular Army, the President may, under such regulations, including such physical examination, as he may prescribe, draft into the military service of the United States, to serve therein for the period of the war or emergency, unless sooner discharged, any or all members of the National Guard and of the National Guard Reserve. The status of all persons so drafted shall be changed automatically on the date such draft takes effect from service under the dual oath to an exclusive United States service. On the termination of the emergency all former National Guard officers and men shall be relieved from service under the draft, and upon being relieved shall revert automatically to their previous National Guard status, and shall be credited on their National Guard service for all time served in the Army of the United States. They shall from said date of draft be subject to such laws and regulations for the government of the Army of the United States as may be applicable to members of the Army, and shall be organized into units corresponding as far as practicable to those of the Regular Army or shall be otherwise assigned as the President may direct. The commissioned officers of said organizations shall be appointed from among the members thereof; officers with rank not above that of colonel to be appointed by the President alone, and all other officers to be appointed by the President by and with the advice and consent of the Senate. Officers and enlisted men while in the service of the United States under the terms of this section shall have the same pay and allowances as officers and enlisted men of the Regular Army of the same grades and the same prior service: *Provided, however*, That when any member of the National Guard becomes entitled, for a continuous period of less than one month, to Federal pay at the rates fixed for the Regular Army, whether by virtue of a call by the President, of attendance at school or maneuvers, or of any other cause, he shall receive such pay for each day of such period, and the thirty-first day of a calendar month shall not be excluded from the computation.

SEC. 15. That section 89 be amended by striking out the figures 57, 58, and 59, in line 18, and all of lines 19, 20, 21, and 22.

Mr. CAPPER. I ask for the adoption of the amendments just read.

The PRESIDING OFFICER. The question is on agreeing to the amendments of the Senator from Kansas.

The amendments were rejected.

Mr. CHAMBERLAIN. Mr. President, I desire to offer as an amendment to the bill what was originally known as Senate bill 64.

Mr. CHAMBERLAIN'S amendment was, on page 101 of the bill, after line 3, to insert:

CHAPTER II.

Articles of War.

SEC. 1. The articles included in this section shall be known as the Articles of War, and shall at all times and in all places govern the armies of the United States.

I. PRELIMINARY PROVISIONS.

ART. 1. Definitions: The following words when used in these articles shall be construed in the sense indicated in this article, unless the context shows that a different sense is intended, namely:

(a) The word "officer" shall be construed to refer to a commissioned officer;

(b) The word "soldier" shall be construed as including a noncommissioned officer, a private, or any enlisted man;
(c) The word "company" shall be understood as including a troop or battery; and
(d) The word "battalion" shall be understood as including a squadron.

ART. 2. Persons subject to military law: The following persons are subject to these articles and shall be understood as included in the term "any person subject to military law," or "persons subject to military law," whenever used in these articles: *Provided*, That nothing contained in this act, except as specifically provided in article 2, subparagraph (c), shall be construed to apply to any person under the United States naval jurisdiction unless otherwise specifically provided by law.

(a) All officers and soldiers belonging to the Regular Army of the United States: All volunteers, from the dates of their muster or acceptance into the military service of the United States; and all other persons lawfully called, drafted, or ordered into, or to duty or for training in, the said service, from the dates they are required by the terms of the call, draft, or order to obey the same;
(b) Cadets;
(c) Officers and soldiers of the Marine Corps when detached for service with the armies of the United States by order of the President: *Provided*, That an officer or soldier of the Marine Corps, when so detached, may be tried by military court-martial for an offense committed against the laws for the government of the naval service prior to his detachment, and for an offense committed against these articles he may be tried by a naval court-martial after such detachment ceases;
(d) All retainers to the camp and all persons accompanying or serving with the armies of the United States without the territorial jurisdiction of the United States, and in time of war all such retainers and persons accompanying or serving with the armies of the United States in the field, both within and without the territorial jurisdiction of the United States, though not otherwise subject to these articles;
(e) All persons under sentence adjudged by courts-martial;
(f) All persons admitted into the Regular Army Soldiers' Home at Washington, D. C.

II. COURTS-MARTIAL.

ART. 3. Courts-martial classified: Courts-martial shall be of three kinds, namely:
First, general courts-martial;
Second, special courts-martial; and
Third, summary courts-martial.

A. COMPOSITION.

ART. 4. Who may serve on courts-martial: All officers in the military service of the United States, and officers of the Marine Corps when detached for service with the Army by order of the President, shall be competent to serve on courts-martial for the trial of any persons who may lawfully be brought before such courts for trial. When appointing courts-martial the appointing authority shall detail as members thereof those officers of the command who, in his opinion, are best qualified for the duty by reason of age, training, experience, and judicial temperament; and officers having less than two years' service shall not, if it can be avoided without manifest injury to the service, be appointed as members of courts-martial in excess of the minority membership thereof.

ART. 5. General courts-martial: General courts-martial may consist of any number of officers not less than five.

ART. 6. Special courts-martial: Special courts-martial may consist of any number of officers not less than three.

ART. 7. Summary courts-martial: A summary court-martial shall consist of one officer.

B. BY WHOM APPOINTED.

ART. 8. General courts-martial: The President of the United States, the commanding officer of a territorial division or department, the Superintendent of the Military Academy, the commanding officer of an army, an army corps, a division, or a separate brigade, and, when empowered by the President, the commanding officer of any district or of any force or body of troops may appoint general courts-martial; but when any such commander is the accuser or the prosecutor of the person or persons to be tried, the court shall be appointed by superior competent authority, and no officer shall be eligible to sit as a member of such court when he is the accuser or a witness for the prosecution.

The authority appointing a general court-martial shall detail as one of the members thereof a law member, who shall be an officer of the Judge Advocate General's Department, except that when an officer of that department is not available for the purpose the appointing authority shall detail instead an officer of some other branch of the service selected by the appointing authority as specially qualified to perform the duties of law member. The law member, in addition to his duties as a member, shall perform such other duties as the President may by regulations prescribe.

ART. 9. Special courts-martial: The commanding officer of a district, garrison, fort, camp, or other place where troops are on duty, and the commanding officer of a brigade, regiment, detached battalion, or other detached command may appoint special courts-martial; but when any such commanding officer is the accuser or the prosecutor of the person or persons to be tried, the court shall be appointed by superior authority, and may in any case be appointed by superior authority when by the latter deemed desirable; and no officer shall be eligible to sit as a member of such court when he is the accuser or a witness for the prosecution.

ART. 10. Summary courts-martial: The commanding officer of a garrison, fort, camp, or other place where troops are on duty, and the commanding officer of a regiment, detached battalion, detached company, or other detachment may appoint summary courts-martial; but such summary courts-martial may in any case be appointed by superior authority when by the latter deemed desirable: *Provided*, That when but one officer is present with a command he shall be the summary court-martial of that command and shall hear and determine cases brought before him.

ART. 11. Appointment of trial judge advocates and counsel: For each general or special court-martial the authority appointing the court shall appoint a trial judge advocate and defense counsel, and for each general court-martial one or more assistant trial judge advocates and one or more assistant defense counsel when necessary: *Provided, however*, That no officer who has acted as a member, trial judge advocate, assistant trial judge advocate, defense counsel, or assistant defense counsel in any case shall subsequently act as staff judge advocate to the reviewing or confirming authority upon the same case.

C. JURISDICTION.

ART. 12. General courts-martial: General courts-martial shall have power to try any person subject to military law for any crime or offense made punishable by these articles, and any other person who by the law of war is subject to trial by military tribunals: *Provided*, That no officer shall be brought to trial before a general court-martial appointed by the Superintendent of the Military Academy: *Provided further*, That the officer competent to appoint a general court-martial for the trial of any particular case may, when in his judgment the interest of the service shall so require, cause any case to be tried by a special court-martial notwithstanding the limitations upon the jurisdiction of the special court-martial as to offenses set out in article 13; but the limitations upon jurisdiction as to persons and upon punishing power set out in said article shall be observed.

ART. 13. Special courts-martial: Special courts-martial shall have power to try any person subject to military law for any crime or offense not capital made punishable by these articles: *Provided*, That the President may, by regulations, except from the jurisdiction of special courts-martial any class or classes of persons subject to military law.

Special courts-martial shall not have power to adjudge confinement in excess of six months, nor to adjudge forfeiture of more than two-thirds pay per month for a period of not exceeding six months.

ART. 14. Summary courts-martial: Summary courts-martial shall have power to try any person subject to military law, except an officer, a cadet, or a soldier holding the privileges of a certificate of eligibility to promotion, for any crime or offense not capital made punishable by these articles: *Provided*, That noncommissioned officers shall not, if they object thereto, be brought to trial before a summary court-martial without the authority of the officer competent to bring them to trial before a general court-martial: *Provided further*, That the President may, by regulations, except from the jurisdiction of summary courts-martial any class or classes of persons subject to military law.

Summary courts shall have power to adjudge one or more of the following punishments: Confinement for not more than one month, restriction to limits for not more than three months, forfeiture or detention of two-thirds of one month's pay, and reduction in grade of noncommissioned officers and privates of the line of the Army: *Provided*, That the President may, by regulations which he may modify from time to time, except from the jurisdiction of summary courts-martial any class or classes of persons subject to military law.

ART. 15. Jurisdiction not exclusive. The provisions of these articles conferring jurisdiction upon courts-martial shall not be construed as depriving military commissions, provost courts, or other military tribunals of concurrent jurisdiction in respect of offenders or offenses that by statute or by the law of war may be triable by such military commissions, provost courts, or other military tribunals.

ART. 16. Officers—how triable: Officers shall be triable only by general and special courts-martial, and in no case shall an officer, when it can be avoided, be tried by officers inferior to him in rank.

D. PROCEDURE.

ART. 17. Trial judge advocate to prosecute—counsel to defend: The trial judge advocate of a general or special court-martial shall prosecute in the name of the United States, and shall, under the direction of the court, prepare the record of its proceedings. The accused shall have the right to be represented in his defense before the court by counsel of his own selection, civil counsel if he so provides, or military if such counsel be reasonably available, otherwise by the defense counsel duly appointed for the court pursuant to article 11. Should the accused have counsel for his own selection, the defense counsel and assistant defense counsel, if any, of the court, shall, if the accused so desires, act as his associate counsel.

ART. 18. Challenges: Members of a general or special court-martial may be challenged by the accused or judge advocate for cause stated to the court. The court shall determine the relevancy and validity thereof, and shall not receive a challenge to more than one member at a time. Challenges by the judge advocate shall ordinarily be presented and decided before those by the accused are offered. Each side shall be entitled to one peremptory challenge.

ART. 19. Oaths: The trial judge advocate of a general or special court-martial shall administer to the members of the court, before they proceed upon any trial, the following oath or affirmation: "You, A. B., do swear (or affirm) that you will well and truly try and determine, according to the evidence, the matter now before you, between the United States of America and the person to be tried, and that you will duly administer justice, without partiality, favor, or affection, according to the provisions of the rules and articles for the government of the armies of the United States, and if any doubt should arise, not explained by said articles, then according to your conscience, the best of your understanding, and the custom of war in like cases; and you do further swear (or affirm) that you will not divulge the findings or sentence of the court until they shall be published by the proper authority or duly announced by the court, except to the trial judge advocate and assistant trial judge advocate; neither will you disclose or discover the vote or opinion of any particular member of the court-martial upon a challenge or upon the findings or sentence, unless required to give evidence thereof as a witness by a court of justice in due course of law. So help you God."

When the oath or affirmation has been administered to the members of a general or special court-martial, the president of the court shall administer to the trial judge advocate and to each assistant trial judge advocate, if any, an oath or affirmation in the following form: "You, A. B., do swear (or affirm) that you will faithfully and impartially perform the duties of a trial judge advocate, and will not divulge the findings or sentence of the court to any but the proper authority until they shall be duly disclosed. So help you God."

All persons who give evidence before a court-martial shall be examined on oath or affirmation in the following form: "You swear (or affirm) that the evidence you shall give in the case now in hearing shall be the truth, the whole truth, and nothing but the truth. So help you God."

Every reporter of the proceedings of a court-martial shall, before entering upon his duties, make oath or affirmation in the following form: "You swear (or affirm) that you will faithfully perform the duties of reporter to this court. So help you God."

Every interpreter in the trial of any case before a court-martial shall, before entering upon his duties, make oath or affirmation in the following form: "You swear (or affirm) that you will truly interpret in the case now in hearing. So help you God."

In the case of affirmation the closing sentence of adjuration will be omitted.

ART. 20. Continuances: A court-martial may, for reasonable cause, grant a continuance to either party for such time and as often as may appear to be just.

ART. 21. Refusal or failure to plead: When an accused arraigned before a court-martial fails or refuses to plead or answers foreign to the purpose, or after a plea of guilty makes a statement inconsistent with the plea, or makes a plea of guilty improvidently or through lack of understanding of its meaning and effect, the court shall enter a plea of not guilty and shall thereupon proceed accordingly.

ART. 22. Process to obtain witnesses: Every trial judge advocate of a general or special court-martial and every summary court-martial shall have power to issue the like process to compel witnesses to appear and testify which courts of the United States, having criminal jurisdiction, may lawfully issue; but such process shall run to any part of the United States, its Territories, and possessions.

ART. 23. Refusal to appear or testify: Every person not subject to military law who, being duly subpœnaed to appear as a witness before any military court, commission, court of inquiry, or board, or before any officer, military or civil, designated to take a deposition to be read in evidence before such court, commission, court of inquiry, or board, willfully neglects or refuses to appear, or refuses to qualify as a witness, or to testify, or to produce documentary evidence which such person may have been legally subpœnaed to produce, shall be deemed guilty of a misdemeanor, for which such person shall be punished on information in the district court of the United States or in a court of original criminal jurisdiction in any of the Territorial possessions of the United States, jurisdiction being hereby conferred upon such courts for such purpose; and it shall be the duty of the United States district attorney or the officer prosecuting for the Government in any such court of original criminal jurisdiction, on the certification of the facts to him by the military court, commission, court of inquiry, or board, to file an information against and prosecute the person so offending, and the punishment of such person, on conviction, shall be a fine of not more than $500 or imprisonment not to exceed six months, or both, at the discretion of the court: *Provided*, That the fees of such witness and his mileage, at the rates allowed to witnesses attending the courts of the United States, shall be duly paid or tendered said witness, such amounts to be paid out of the appropriation for the compensation of witnesses.

ART. 24. Compulsory self-incrimination prohibited: No witness before a military court, commission, court of inquiry, or board, or before any officer conducting an investigation, or before any officer, military or civil, designated to take a deposition to be read in evidence before a military court, commission, court of inquiry, or board, or before an officer conducting an investigation, shall be compelled to incriminate himself or to answer any question the answer to which may tend to incriminate him, or to answer any question not material to the issue when such answer might tend to degrade him.

ART. 25. Depositions—when admissible: A duly authenticated deposition taken upon reasonable notice to the opposite party may be read in evidence before any military court or commission in any case not capital, or in any proceeding before a court of inquiry or a military board, if such deposition be taken when the witness resides, is found, or is about to go beyond the State, Territory, or District in which the court, commission, or board is ordered to sit, or beyond the distance of 100 miles from the place of trial or hearing, or when it appears to the satisfaction of the court, commission, board, or appointing authority that the witness, by reason of age, sickness, bodily infirmity, imprisonment, or other reasonable cause, is unable to appear and testify in person at the place of trial or hearing: *Provided*, That testimony by deposition may be adduced for the defense in capital cases.

ART. 26. Depositions—before whom taken: Depositions to be read in evidence before military courts, commissions, courts of inquiry, or military boards, or for other use in military administration, may be taken before and authenticated by any officer, military or civil, authorized by the laws of the United States or by the laws of the place where the deposition is taken to administer oaths.

ART. 27. Courts of inquiry—records of, when admissible: The record of the proceedings of a court of inquiry may, with the consent of the defendant, be read in evidence before any court-martial or military commission in any case not capital nor extending to the dismissal of an officer, and may also be read in evidence in any proceeding before a court of inquiry or a military board: *Provided*, That such evidence may be adduced by the defense in capital cases or cases extending to the dismissal of an officer.

ART. 28. Certain acts to constitute desertion: Any officer who, having tendered his resignation and prior to due notice of the acceptance of the same, quits his post or proper duties without leave and with intent to absent himself permanently therefrom shall be deemed a deserter.

Any soldier who, without having first received a regular discharge, again enlists in the Army, or in the militia when in the service of the United States, or in the Navy or Marine Corps of the United States, or in any foreign army, shall be deemed to have deserted the service of the United States; and, where the enlistment is in one of the forces of the United States mentioned above, to have fraudulently enlisted therein.

Any person subject to military law who quits his organization or place of duty with the intent to avoid hazardous duty or to shirk important service shall be deemed a deserter.

ART. 29. Court to announce action: Whenever the court has acquitted the accused upon all specifications and charges, the court shall at once announce such result in open court. Under such regulations as the President may prescribe, the findings and sentence in other cases may be similarly announced.

ART. 30. Closed sessions: Whenever a general or special court-martial shall sit in closed session, the trial judge advocate and the assistant trial judge advocate, if any, shall withdraw; and when their legal advice or their assistance in referring to the recorded evidence is required, it shall be obtained in open court, and in the presence of the accused and of his counsel, if there be any.

ART. 31. Method of voting: Voting by members of a general or special court-martial upon questions of challenge, on the findings, and on the sentence shall be by secret written ballot. The junior member of the court shall in each case count the votes, which count shall be checked by the president, who will forthwith announce the result of the ballot to the members of the court. The law member of the court, if any, or if there be no law member of the court, then the president, may rule in open court upon interlocutory questions, other than challenges, arising during the proceedings.

ART. 32. Contempts: A military tribunal may punish as for contempt any person who uses any menacing words, signs, or gestures in its presence, or who disturbs its proceedings by any riot or disorder: *Provided*, That such punishment shall in no case exceed one month's confinement or a fine of $100, or both.

ART. 33. Records—general courts-martial: Each general court-martial shall keep a separate record of its proceedings in the trial of each case brought before it, and such record shall be authenticated by the signatures of the president and the trial judge advocate; but in case the record can not be authenticated by the president and trial judge advocate, by reason of the death, disability, or absence of either or both of them, it shall be signed by a member in lieu of the president and by an assistant trial judge advocate, if there be one, in lieu of the trial judge advocate; otherwise by another member of the court.

ART. 34. Records—special and summary courts-martial: Each special court-martial and each summary court-martial shall keep a record of its proceedings, separate for each case, which record shall contain such matter and be authenticated in such manner as may be required by regulations which the President may from time to time prescribe.

ART. 35. Disposition of records—general courts-martial: The judge advocate of each general court-martial shall, with such expedition as circumstances may permit, forward to the appointing authority or to his successor in command the original record of the proceedings of such court in the trial of each case. All records of such proceedings shall, after having been finally acted upon, be transmitted to the Judge Advocate General of the Army.

ART. 36. Disposition of records—special and summary courts-martial: After having been acted upon by the officer appointing the court, or by the officer commanding for the time being, the record of each trial by special court-martial and a report of each trial by summary court-martial shall be transmitted to such general headquarters as the President may designate in regulations, there to be filed in the office of the judge advocate. When no longer of use, records of summary courts-martial may be destroyed.

ART. 37. Irregularities—effects of: The proceedings of a court-martial shall not be held invalid, nor the findings or sentence disapproved, in any case on the ground of improper admission or rejection of evidence or for any error as to any matter of pleading or procedure unless, in the opinion of the reviewing or confirming authority, after an examination of the entire proceedings, it shall appear that the error complained of has injuriously affected the substantial rights of an accused: *Provided*, That the act or omission upon which the accused has been tried constitutes an offense denounced and made punishable by one or more of these articles: *Provided further*, That the omission of the words "hard labor" in any sentence of a court-martial adjudging imprisonment or confinement shall not be construed as depriving the authorities executing such sentence of imprisonment or confinement of the power to require hard labor as a part of the punishment in any case where it is authorized by the Executive order prescribing maximum punishments.

ART. 38. President may prescribe rules: The President may, by regulations, which he may modify from time to time, prescribe the procedure, including modes of proof, in cases before courts-martial, courts of inquiry, military commissions, and other military tribunals, which regulations shall, in so far as he shall deem practicable, apply the rules of evidence generally recognized in the trial of criminal cases in the district courts of the United States: *Provided*, That nothing contrary to or inconsistent with these articles shall be so prescribed: *Provided further*, That all rules made in pursuance of this article shall be laid before the Congress annually.

E. LIMITATIONS UPON PROSECUTIONS.

ART. 39. As to time: Except for desertion committed in time of war, or for mutiny or murder, no person subject to military law shall be liable to be tried or punished by a court-martial for any crime or offense committed more than two years before the arraignment of such person: *Provided*, That for desertion in time of peace or for any crime or offense punishable under articles 93 and 94 of this code the period of limitations upon trial and punishment by court-martial shall be three years: *Provided further*, That the period of any absence of the accused from the jurisdiction of the United States, and also any period during which by reason of some manifest impediment the accused shall not have been amenable to military justice, shall be excluded in computing the aforesaid periods of limitation: *And provided further*, That this article shall not have the effect to authorize the trial or punishment for any crime or offense barred by the provisions of existing law.

ART. 40. As to number: No person shall, without his consent, be tried a second time for the same offense; but no proceeding in which an accused has been found guilty by a court-martial upon any charge or specification shall be held to be a trial in the sense of this article until the reviewing and, if there be one, the confirming authority shall have taken final action upon the case.

No authority shall return a record of trial to any court-martial for reconsideration of—

(a) An acquittal; or

(b) A finding of not guilty of any specification; or

(c) A finding of not guilty of any charge, unless the record shows a finding of guilty under a specification laid under that charge, which sufficiently alleges a violation of some article of war; or

(d) The sentence originally imposed, with a view to increasing its severity, unless such sentence is less than the mandatory sentence fixed by law for the offense or offenses upon which a conviction has been had.

And no court-martial, in any proceedings on revision, shall reconsider its finding or sentence in any particular in which a return of the record of trial for such reconsideration is hereinbefore prohibited.

F. PUNISHMENTS.

ART. 41. Cruel and unusual punishments prohibited: Cruel and unusual punishments of every kind, including flogging, branding, marking, or tattooing on the body, are prohibited.

ART. 42. Places of confinement—when lawful: Except for desertion in time of war, repeated desertion in time of peace, and mutiny, no person shall, under the sentence of a court-martial, be punished by confinement in a penitentiary unless an act or omission of which he is convicted is recognized as an offense of a civil nature and so punishable by penitentiary confinement for more than one year by some statute of the United States of general application within the continental United States, excepting section 289, Penal Code of the United States, 1910, or by the law of the District of Columbia, or by way of commutation of a death sentence, and unless also the period of confinement authorized and adjudged by such court-martial is more than one year: *Provided*, That when a sentence of confinement is adjudged by a court-martial upon conviction of two or more acts or omissions any one of which is punishable under these articles by confinement in a penitentiary, the entire sentence of confinement may be executed in a penitentiary: *Provided further*, That penitentiary confinement hereby au-

thorized may be served in any penitentiary directly or indirectly under the jurisdiction of the United States: *Provided further*, That persons sentenced to dishonorable discharge and to confinement not in a penitentiary shall be confined in the United States Disciplinary Barracks or elsewhere as the Secretary of War or the reviewing authority may direct, but not in a penitentiary.

ART. 43. Death sentence—when lawful: No person shall, by general court-martial, be convicted of an offense for which the death penalty is made mandatory by law, nor sentenced to suffer death, except by the concurrence of all the members of said court-martial, and for an offense in these articles expressly made punishable by death: *Provided, however*, That any penalty other than death may be imposed by three-fourths of the members of said court-martial. All other convictions and sentences, whether by general or special court-martial, may be determined by a two-thirds vote of those members present at the time the vote is taken. All other questions shall be determined by a majority vote.

ART. 44. Cowardice; fraud—accessory penalty: When an officer is dismissed from the service for cowardice or fraud, the crime, punishment, name, and place of abode of the delinquent shall be published in the newspapers in and about the camp and in the State from which the offender came or where he usually resides; and after such publication it shall be scandalous for an officer to associate with him.

ART. 45. Maximum limits: Whenever the punishment for a crime or offense made punishable by these articles is left to the discretion of the court-martial, the punishment shall not exceed such limit or limits as the President may from time to time prescribe: *Provided*, That in time of peace the period of confinement in a penitentiary shall in no case exceed the maximum period prescribed in law which, under article 42 of these articles, permits confinement in a penitentiary, unless in addition to the offense so punishable under such law the accused shall have been convicted at the same time of one or more purely military offenses.

G. ACTION BY APPOINTING OR SUPERIOR AUTHORITY.

ART. 46. Action by convening authority: Under such regulations as may be prescribed by the President, every record of trial by general court-martial or military commission, received by a reviewing or confirming authority, shall be referred by him before he acts thereon to his staff judge advocate or to the Judge Advocate General. No sentence of a court-martial shall be carried into execution until the same shall have been approved by the officer appointing the court or by the officer commanding for the time being.

ART. 47. Powers incident to power to approve: The power to approve the sentence of a court-martial shall be held to include:

(a) The power to approve or disapprove a finding and to approve only so much of a finding of guilty of a particular offense as involves a finding of guilty of a lesser included offense when, in the opinion of the authority having power to approve, the evidence of record requires a finding of only the lesser degree of guilt; and

(b) The power to approve or disapprove the whole or any part of the sentence.

ART. 48. Confirmation—when required: In addition to the approval required by article 46, confirmation by the President is required in the following cases before the sentence of a court-martial is carried into execution, namely:

(a) Any sentence respecting a general officer;

(b) Any sentence extending to the dismissal of an officer, except that in time of war a sentence extending to the dismissal of an officer below the grade of brigadier general may be carried into execution upon confirmation by the commanding general of the Army in the field or by the commanding general of the territorial department or division;

(c) Any sentence extending to the suspension or dismissal of a cadet; and

(d) Any sentence of death, except in the cases of persons convicted in time of war of murder, rape, mutiny, desertion, or as spies; and in such excepted cases a sentence of death may be carried into execution, subject to the provisions of article 50½, upon confirmation by the commanding general of the Army in the field or by the commanding general of the territorial department or division.

When the authority competent to confirm the sentence has already acted as the approving authority no additional confirmation by him is necessary.

ART. 49. Powers incident to power to confirm: The power to confirm the sentence of a court-martial shall be held to include:

(a) The power to confirm or disapprove a finding, and to confirm so much only of a finding of guilty of a particular offense as involves a finding of guilty of a lesser included offense when, in the opinion of the authority having power to confirm, the evidence of record requires a finding of only the lesser degree of guilt; and

(b) The power to confirm or disapprove the whole or any part of the sentence.

ART. 50. Mitigation or remission of sentences: The power to order the execution of the sentence adjudged by a court-martial shall be held to include, inter alia, the power to mitigate or remit the whole or any part of the sentence.

Any unexecuted portion of a sentence adjudged by a court-martial may be mitigated or remitted by the military authority competent to appoint, for the command, exclusive of penitentiaries and the United States Disciplinary Barracks, in which the person under sentence is held, a court of the kind that imposed the sentence, and the same power may be exercised by superior military authority; but no sentence approved or confirmed by the President shall be remitted or mitigated by any other authority, and no approved sentence of loss of files by an officer shall be remitted or mitigated by any authority inferior to the President, except as provided in the fifty-second article.

When empowered by the President so to do, the commanding general of the Army in the field or the commanding general of the territorial department or division may approve or confirm and commute (but not approve or confirm without commuting), mitigate, or remit and then order executed as commuted, mitigated, or remitted any sentence which under these articles requires the confirmation of the President before the same may be executed.

The power of remission or mitigation shall extend to all uncollected forfeitures adjudged by sentence of court-martial.

ART. 50½. Review; rehearing: The Judge Advocate General shall constitute, in his office, a board of review consisting of not less than three officers by the Judge Advocate General's Department.

Before any record of trial in which there has been adjudged a sentence requiring approval or confirmation by the President under the provisions of article 46 or article 48 is submitted to the President such record shall be examined by the board of review. The board shall submit its opinion, in writing, to the Judge Advocate General, who shall transmit the record and the board's opinion, with his recommendations, directly to the Secretary of War for the action of the President.

No authority shall order the execution of a sentence of a general court-martial involving the penalty of death, dismissal not suspended, dishonorable discharge not suspended, or confinement in a penitentiary, unless and until the board of review shall, with the approval of the Judge Advocate General, have held the record of trial upon which such sentence is based legally sufficient to support the sentence, except that the proper reviewing or confirming authority may upon his approval of a sentence involving dishonorable discharge or confinement in a penitentiary order its execution if it is based solely upon findings of guilty of a charge or charges and a specification or specifications to which the accused has pleaded guilty. When the board of review, with the approval of the Judge Advocate General, holds the record in a case in which the order of execution has been withheld under the provisions of this paragraph legally sufficient to support the findings and sentence, the Judge Advocate General shall so advise the reviewing or confirming authority from whom the record was received, who may thereupon order the execution of the sentence. When, in a case in which the order of execution has been withheld under the provisions of this paragraph, the board of review holds the record of trial legally insufficient to support the findings or sentence, either in whole or in part, or errors of law have been committed substantially affecting the rights of the accused, and the Judge Advocate General concurs in such holding of the board of review, such findings and sentence shall be vacated and the record shall be transmitted through the proper channels to the convening authority for a rehearing or such other action as may be proper. In the event that the Judge Advocate General shall not concur in the holding of the board of review, or if the board of review shall confirm the findings or sentence, the Judge Advocate General shall forward all the papers in the case, including the opinion of the board of review and his own concurrence therein or dissent therefrom, directly to the Secretary of War for the action of the President, who may confirm the action of the reviewing authority or confirming authority below, in whole or in part, with or without remission, mitigation, or commutation, or may disapprove, in whole or in part, any finding of guilty, and may disapprove or vacate the sentence, in whole or in part.

When the President or any reviewing or confirming authority disapproves or vacates a sentence the execution of which has not theretofore been duly ordered, he may authorize or direct a rehearing. Such rehearing shall take place before a court composed of officers not members of the court which first heard the case. Upon such rehearing the accused shall not be tried for any offense of which he was found not guilty by the first court, and no sentence in excess of or more severe than the original sentence shall be enforced unless the sentence be based upon a finding of guilty of an offense not considered upon the merits in the original proceeding: *Provided*, That such rehearing shall be had in all cases where a finding and sentence have been vacated by reason of the action of the board of review approved by the Judge Advocate General holding the record of trial legally insufficient to support the findings or sentence or that errors of law have been committed substantially affecting the rights of the accused, unless the case is dismissed by order of the confirming authority.

Every record of trial by general court-martial examination of which by the board of review is not hereinbefore in this article provided for shall nevertheless be examined in the Judge Advocate General's Office, and if found legally insufficient to support the findings and sentence, in whole or in part, shall be examined by the board of review, and the board, if it also finds that such record is legally insufficient to support the findings and sentence, in whole or in part, shall, in writing, submit its opinion to the Judge Advocate General, who shall transmit the record and the board's opinion, with his recommendations, directly to the Secretary of War for the action of the President. In any such case the President may approve, disapprove, or vacate, in whole or in part, any findings of guilty, or confirm, mitigate, commute, remit, or vacate any sentence, in whole or in part, and direct the execution of the sentence as confirmed or modified, and he may restore the accused to all rights affected by the findings and sentence, or part thereof, held to be invalid; and the President's necessary orders to this end shall be binding upon all departments and officers of the Government.

Whenever necessary, the Judge Advocate General may constitute two or more boards of review in his office, with equal powers and duties.

Whenever the President deems such action necessary, he may direct the Judge Advocate General to establish a branch of his office, under an Assistant Judge Advocate General, with any distant command, and to establish in such branch office a board of review, or more than one. Such Assistant Judge Advocate General and such board or boards of review shall be empowered to perform for that command, under the general supervision of the Judge Advocate General the duties which the Judge Advocate General and the board or boards of review in his office would otherwise be required to perform in respect of all cases involving sentences not requiring approval or confirmation by the President.

ART. 51. Suspension of sentence of dismissal or death: The authority competent to order the execution of a sentence of dismissal of an officer or a sentence of death may suspend such sentence until the pleasure of the President be known, and in case of such suspension a copy of the order of suspension, together with a copy of the record of trial, shall immediately be transmitted to the President.

ART. 52. Suspension of sentences: The authority competent to order the execution of the sentence of a court-martial may, at the time of the approval of such sentence, suspend the execution, in whole or in part, of any such sentence as does not extend to death, and may restore the person under sentence to duty during such suspension; and the Secretary of War or the commanding officer holding general court-martial jurisdiction over any such offender, may at any time thereafter, while the sentence is being served, suspend the execution, in whole or in part, of the balance of such sentence and restore the person under sentence to duty during such suspension. A sentence, or any part thereof, which has been so suspended may be remitted, in whole or in part, except in cases of persons confined in the United States Disciplinary Barracks or its branches, by the officer who suspended the same, by his successor in office, or by any officer exercising appropriate court-martial jurisdiction over the command in which the person under sentence may be serving at the time, and, subject to the foregoing exceptions, the same authority may vacate the order of suspension at any time and order the execution of the sentence or the suspended part thereof in so far as the same shall not have been previously remitted, subject to like power of suspension. The death or dishonorable discharge of a person under a suspended sentence shall operate as a complete remission of any unexecuted or unremitted part of such sentence.

ART. 53. Execution or remission—confinement in disciplinary barracks: When a sentence of dishonorable discharge has been suspended until the soldier's release from confinement, the execution or remission of any part of his sentence shall, if the soldier be confined in the United States Disciplinary Barracks, or any branch thereof, be directed by the Secretary of War.

III. PUNITIVE ARTICLES.

A. ENLISTMENT; MUSTER; RETURNS.

ART. 54. Fraudulent enlistment: Any person who shall procure himself to be enlisted in the military service of the United States by means of willful misrepresentation or concealment as to his qualifications for enlistment, and shall receive pay or allowances under such enlistment, shall be punished as a court-martial may direct.

ART. 55. Officer making unlawful enlistment: Any officer who knowingly enlists or musters into the military service any person whose enlistment or muster in is prohibited by law, regulations, or orders shall be dismissed from the service or suffer such other punishment as a court-martial may direct.

ART. 56. Muster rolls—false muster: At every muster of a regiment, troop, battery, or company the commanding officer thereof shall give to the mustering officer certificates, signed by himself, stating how long absent officers have been absent and the reasons of their absence. And the commanding officer of every troop, battery, or company shall give like certificates, stating how long absent noncommissioned officers and private soldiers have been absent and the reasons of their absence. Such reasons and time of absence shall be inserted in the muster rolls opposite the names of the respective absent officers and soldiers, and the certificates, together with the muster rolls, shall be transmitted by the mustering officer to the Department of War as speedily as the distance of the place and muster will admit. Any officer who knowingly makes a false muster of man or animal, or who signs or directs or allows the signing of any muster roll knowing the same to contain a false muster or false statement as to the absence or pay of an officer or soldier, or who wrongfully takes money or other consideration on mustering in a regiment, company, or other organization, or on signing muster rolls, or who knowingly musters as an officer or soldier a person who is not such officer or soldier, shall be dismissed from the service and suffer such other punishment as a court-martial may direct.

ART. 57. False returns—Omission to render returns: Every officer commanding a regiment, an independent troop, battery, or company, or a garrison, shall, in the beginning of every month, transmit through the proper channels to the Department of War an exact return of the same. Every officer whose duty it is to render to the War Department or other superior authority a return of the state of the troops under his command, or of the arms, ammunition, clothing, funds, or other property thereunto belonging, who knowingly makes a false return thereof shall be dismissed from the service and suffer such other punishment as a court-martial may direct. And any officer who, through neglect or design, omits to render such return shall be punished as a court-martial may direct.

B. DESERTION; ABSENCE WITHOUT LEAVE.

ART. 58. Desertion: Any person subject to military law who deserts or attempts to desert the service of the United States, shall, if the offense be committed in time of war, suffer death or such other punishment as a court-martial may direct; and if the offense be committed at any other time, any punishment, excepting death, that a court-martial may direct.

ART. 59. Advising or aiding another to desert: Any person subject to military law who advises or persuades or knowingly assists another to desert the service of the United States shall, if the offense be committed in time of war, suffer death or such other punishment as a court-martial may direct, and, if the offense be committed at any other time, any punishment, excepting death, that a court-martial may direct.

ART. 60. Entertaining a deserter: Any officer who, after having discovered that a soldier in his command is a deserter from the military or naval service or from the Marine Corps, retains such deserter in his command without informing superior authority or the commander of the organization to which the deserter belongs, shall be punished as a court-martial may direct.

ART. 61. Absence without leave: Any person subject to military law who fails to repair at the fixed time to the properly appointed place of duty, or goes from the same without proper leave, or absents himself from his command, guard, quarters, station, or camp without proper leave, shall be punished as a court-martial may direct.

C. DISRESPECT; INSUBORDINATION; MUTINY.

ART. 62. Disrespect toward the President, Vice President, Congress, Secretary of War, governors, legislatures: Any officer who uses contemptuous or disrespectful words against the President, Vice President, the Congress of the United States, the Secretary of War, or the governor or legislature of any State, Territory, or other possession of the United States in which he is quartered shall be dismissed from the service or suffer such other punishment as a court-martial may direct. Any other person subject to military law who so offends shall be punished as a court-martial may direct.

ART. 63. Disrespect toward superior officer: Any person subject to military law who behaves himself with disrespect toward his superior officer shall be punished as a court-martial may direct.

ART. 64. Assaulting or willfully disobeying superior officer: Any person subject to military law who, on any pretense whatsoever, strikes his superior officer or draws or lifts up any weapon or offers any violence against him, being in the execution of his office, or willfully disobeys any lawful command of his superior officer, shall suffer death or such other punishment as a court-martial may direct.

ART. 65. Insubordinate conduct toward noncommissioned officer: Any soldier who strikes or assaults, or who attempts or threatens to strike or assault, or willfully disobeys the lawful order of a noncommissioned officer while in the execution of his office, or uses threatening or insulting language, or behaves in an insubordinate or disrespectful manner toward a noncommissioned officer while in the execution of his office, shall be punished as a court-martial may direct.

ART. 66. Mutiny or sedition: Any person subject to military law who attempts to create or who begins, excites, causes, or joins in any mutiny or sedition in any company, party, post, camp, detachment, guard, or other command shall suffer death or such other punishment as a court-martial may direct.

ART. 67. Failure to suppress mutiny or sedition: Any officer or soldier who, being present at any mutiny or sedition, does not use his utmost endeavor to suppress the same, or knowing or having reason to believe that a mutiny or sedition is to take place, does not without delay give information thereof to his commanding officer, shall suffer death or such other punishment as a court-martial may direct.

ART. 68. Quarrels; frays; disorders: All officers and noncommissioned officers have power to part and quell all quarrels, frays, and disorders among persons subject to military law and to order officers who take part in the same into arrest, and other persons subject to military law who take part in the same into arrest or confinement, as circumstances may require, until their proper superior officer is acquainted therewith. And whosoever, being so ordered, refuses to obey such officer or noncommissioned officer or draws a weapon upon or otherwise threatens or does violence to him shall be punished as a court-martial may direct.

D. ARREST; CONFINEMENT.

ART. 69. Arrest or confinement: Any person subject to military law charged with crime or with a serious offense under these articles shall be placed in confinement or in arrest, as circumstances may require; but when charged with a minor offense only such person shall not ordinarily be placed in confinement. Any person placed in arrest under the provisions of this article shall thereby be restricted to his barracks, quarters, or tent, unless such limits shall be enlarged by proper authority. Any officer or cadet who breaks his arrest or who escapes from confinement, whether before or after trial or sentence and before he is set at liberty by proper authority, shall be dismissed from the service or suffer such other punishment as a court-martial may direct; and any other person subject to military law who escapes from confinement or who breaks his arrest, whether before or after trial or sentence and before he is set at liberty by proper authority, shall be punished as a court-martial may direct.

ART. 70. Charges—action upon: Charges and specifications must be signed by a person subject to military law, and under oath either that he has personal knowledge of, or has investigated, the matters set forth therein, and that the same are true in fact, to the best of his knowledge and belief.

No charge will be referred for trial until after a thorough and impartial investigation thereof shall have been made. This investigation will include inquiries as to the truth of the matter set forth in said charges, form of charges, and what disposition of the case should be made in the interest of justice and discipline. At such investigation full opportunity shall be given to the accused to cross-examine witnesses against him and to present anything he may desire in his own behalf either in defense or mitigation, and the investigating officer shall examine available witnesses requested by the accused. If the charges are forwarded after such investigation, they shall be accompanied by a statement of the substance of the testimony taken on both sides.

Before directing the trial of any charge by general court-martial, the appointing authority will refer it to his staff judge advocate for consideration and advice.

When any person subject to military law is placed in arrest or confinement, immediate steps will be taken to try the person accused or to dismiss the charge and release him. Any officer who is responsible for unnecessary delay in investigating or carrying the case to a final conclusion shall be punished as a court-martial may direct. When a person is held for trial by general court-martial the commanding officer will, within eight days after the accused is arrested or confined, if practicable, forward the charges to the officer exercising general court-martial jurisdiction and furnish the accused a copy of such charges. If the same be not practicable, he will report to superior authority the reasons for delay. The trial judge advocate will cause to be served upon the accused a copy of the charges upon which trial is to be had, and a failure so to serve such charges will be ground for a continuance unless the trial be had on the charges furnished the accused as hereinbefore provided. In time of peace no person shall, against his objection, be brought to trial before a general court-martial within a period of five days subsequent to the service of charges upon him.

ART. 71. Refusal to receive and keep prisoners: No provost marshal or commander of a guard shall refuse to receive or keep any prisoner committed to his charge by an officer belonging to the forces of the United States, provided the officer committing shall at the time deliver an account in writing, signed by himself, of the crime or offense charged against the prisoner. Any officer or soldier so refusing shall be punished as a court-martial may direct.

ART. 72. Report of prisoners received: Every commander of a guard to whose charge a prisoner is committed shall, within 24 hours after such confinement, or as soon as he is relieved from his guard, report in writing to the commanding officer the name of such prisoner, the offense charged against him, and the name of the officer committing him; and if he fails to make such report he shall be punished as a court-martial may direct.

ART. 73. Releasing prisoner without proper authority: Any person subject to military law who, without proper authority, releases any prisoner duly committed to his charge, or who, through neglect or design, suffers any prisoner so committed to escape, shall be punished as a court-martial may direct.

ART. 74. Delivery of offenders to civil authorities: When any person subject to military law, except one who is held by the military authorities to answer, or who is awaiting trial or result of trial, or who is undergoing sentence for a crime or offense punishable under these articles, is accused of a crime or offense committed within the geographical limits of the States of the Union and the District of Columbia, and punishable by the laws of the land, the commanding officer is required, except in time of war, upon application duly made, to use his utmost endeavor to deliver over such accused person to the civil authorities, or to aid the officers of justice in apprehending and securing him in order that he may be brought to trial. Any commanding officer who upon such application refuses or willfully neglects, except in time of war, to deliver over such accused person to the civil authorities or to aid the officers of justice in apprehending and securing him shall be dismissed from the service or suffer such other punishment as a court-martial may direct.

When, under the provisions of this article, delivery is made to the civil authorities of an offender undergoing sentence of a court-martial, such delivery, if followed by conviction, shall be held to interrupt the execution of the sentence of the court-martial, and the offender shall be returned to military custody, after having answered to the civil authorities for his offense, for the completion of the said court-martial sentence.

E. WAR OFFENSES.

ART. 75. Misbehavior before the enemy: Any officer or soldier who, before the enemy, misbehaves himself, runs away, or shamefully abandons or delivers up or by any misconduct, disobedience, or neglect endangers the safety of any fort, post, camp, guard, or other command which it is his duty to defend, or speaks words inducing others to do the like, or casts away his arms or ammunition, or quits his post or colors to plunder or pillage, or by any means whatsoever occasions false alarms in camp, garrison, or quarters, shall suffer death or such other punishment as a court-martial may direct.

ART. 76. Subordinates compelling commander to surrender: Any person subject to military law who compels or attempts to compel any commander of any garrison, fort, post, camp, guard, or other command,

to give it up to the enemy or to abandon it shall be punishable with death or such other punishment as a court-martial may direct.

ART. 77. Improper use of countersign: Any person subject to military law who makes known the parole or countersign to any person not entitled to receive it according to the rules and discipline of war, or gives a parole or countersign different from that which he received, shall, if the offense be committed in time of war, suffer death or such other punishment as a court-martial may direct.

ART. 78. Forcing a safeguard: Any person subject to military law who, in time of war, forces a safeguard shall suffer death or such other punishment as a court-martial may direct.

ART. 79. Captured property to be secured for public service: All public property taken from the enemy is the property of the United States and shall be secured for the service of the United States, and any person subject to military law who neglects to secure such property or is guilty of wrongful appropriation thereof shall be punished as a court-martial may direct.

ART. 80. Dealing in captured or abandoned property: Any person subject to military law who buys, sells, trades, or in any way deals in or disposes of captured or abandoned property, whereby he shall receive or expect any profit, benefit, or advantage to himself or to any other person directly or indirectly connected with himself, or who fails whenever such property comes into his possession or custody or within his control to give notice thereof to the proper authority and to turn over such property to the proper authority without delay, shall, on conviction thereof, be punished by fine or imprisonment, or by such other punishment as a court-martial, military commission, or other military tribunal may adjudge, or by any or all of said penalties.

ART. 81. Relieving, corresponding with, or aiding the enemy: Whosoever relieves or attempts to relieve the enemy with arms, ammunition, supplies, money, or other thing, or knowingly harbors or protects or holds correspondence with or gives intelligence to the enemy, either directly or indirectly, shall suffer death or such other punishment as a court-martial or military commission may direct.

ART. 82. Spies: Any person who in time of war shall be found lurking or acting as a spy in or about any of the fortifications, posts, quarters, or encampments of any of the armies of the United States, or elsewhere, shall be tried by a general court-martial or by a military commission, and shall, on conviction thereof, suffer death.

F. MISCELLANEOUS CRIMES AND OFFENSES.

ART. 83. Military property—willful or negligent loss, damage, or wrongful disposition: Any person subject to military law who willfully, or through neglect, suffers to be lost, spoiled, damaged, or wrongfully disposed of, any military property belonging to the United States shall make good the loss or damage and suffer such punishment as a court-martial may direct.

ART. 84. Waste or unlawful disposition of military property issued to soldiers: Any soldier who sells or wrongfully disposes of or willfully or through neglect injures or loses any horse, arms, ammunition, accouterments, equipment, clothing, or other property issued for use in the military service, shall be punished as a court-martial may direct.

ART. 85. Drunk on duty: Any officer who is found drunk on duty shall, if the offense be committed in time of war, be dismissed from the service and suffer such other punishment as a court-martial may direct; and if the offense be committed in time of peace, he shall be punished as a court-martial may direct. Any person subject to military law, except an officer, who is found drunk on duty shall be punished as a court-martial may direct.

ART. 86. Misbehavior of sentinel: Any sentinel who is found drunk or sleeping upon his post, or who leaves it before he is regularly relieved, shall, if the offense be committed in time of war, suffer death or such other punishment as a court-martial may direct; and if the offense be committed in time of peace, he shall suffer any punishment, except death, that a court-martial may direct.

ART. 87. Personal interest in sale of provisions: Any officer commanding in any garrison, fort, barracks, camp, or other place where troops of the United States may be serving who, for his private advantage, lays any duty or imposition upon or is interested in the sale of any victuals or other necessaries of life brought into such garrison, fort, barracks, camp, or other place for the use of the troops, shall be dismissed from the service and suffer such other punishment as a court-martial may direct.

ART. 88. Intimidation of persons bringing provisions: Any person subject to military law who abuses, intimidates, does violence to, or wrongfully interferes with any persons bringing provisions, supplies, or other necessaries to the camp, garrison, or quarters of the forces of the United States shall suffer such punishment as a court-martial may direct.

ART. 89. Good order to be maintained and wrongs redressed: All persons subject to military law are to behave themselves orderly in quarters, garrison, camp, and on the march; and any person subject to military law who commits any waste or spoil, or willfully destroys any property whatsoever (unless by order of his commanding officer), or commits any kind of depredation or riot, shall be punished as a court-martial may direct. Any commanding officer who, upon complaint made to him, refuses or omits to see reparation made to the party injured, in so far as the offender's pay shall go toward such reparation, as provided for in article 105, shall be dismissed from the service, or otherwise punished, as the court-martial may direct.

ART. 90. Provoking speeches or gestures: No person subject to military law shall use any reproachful or provoking speeches or gestures to another; and any person subject to military law who offends against the provisions of this article shall be punished as a court-martial may direct.

ART. 91. Dueling: Any person subject to military law who fights or promotes or is concerned in or connives at fighting a duel, or who, having knowledge of a challenge sent or about to be sent, fails to report the fact promptly to the proper authority shall, if an officer, be dismissed from the service or suffer such other punishment as a court-martial may direct; and if any other person subject to military law, shall suffer such punishment as a court-martial may direct.

ART. 92. Murder—rape: Any person subject to military law who commits murder or rape shall suffer death or imprisonment for life, as a court-martial may direct; but no person shall be tried by court-martial for murder or rape committed within the geographical limits of the States of the Union and the District of Columbia in time of peace.

ART. 93. Various crimes: Any person subject to military law who commits manslaughter, mayhem, arson, burglary, housebreaking, robbery, larceny, embezzlement, perjury, forgery, sodomy, assault with intent to commit any felony, assault with intent to do bodily harm with a dangerous weapon, instrument, or other thing, or assault with intent to do bodily harm, shall be punished as a court-martial may direct.

ART. 94. Frauds against the Government: Any person subject to military law who makes or causes to be made any claim against the United States or any officer thereof, knowing such claim to be false or fraudulent; or

Who presents or causes to be presented to any person in the civil or military service thereof, for approval or payment, any claim against the United States, or any officer thereof, knowing such claim to be false or fraudulent; or

Who enters into any agreement or conspiracy to defraud the United States by obtaining, or aiding others to obtain, the allowance or payment of any false or fraudulent claim; or

Who, for the purpose of obtaining, or aiding others to obtain, the approval, allowance, or payment of any claim against the United States or against any officer thereof, makes or uses, or procures, or advises the making or use of, any writing or other paper knowing the same to contain any false or fraudulent statements; or

Who, for the purpose of obtaining, or aiding others to obtain, the approval, allowance, or payment of any claim against the United States or any officer thereof, makes, or procures, or advises the making of, any oath to any fact or to any writing or other paper knowing such oath to be false; or

Who, for the purpose of obtaining, or aiding others to obtain, the approval, allowance, or payment of any claim against the United States or any officer thereof, forges or counterfeits, or procures, or advises the forging or counterfeiting of any signature upon any writing or other paper, or uses, or procures, or advises the use of any such signature, knowing the same to be forged or counterfeited; or

Who, having charge, possession, custody, or control of any money or other property of the United States, furnished or intended for the military service thereof, knowingly delivers, or causes to be delivered, to any person having authority to receive the same, any amount thereof less than that for which he receives a certificate or receipt; or

Who, being authorized to make or deliver any paper certifying the receipt of any property of the United States furnished or intended for the military service thereof, makes or delivers to any person such writing, without having full knowledge of the truth of the statements therein contained and with intent to defraud the United States; or

Who steals, embezzles, knowingly and willfully misappropriates, applies to his own use or benefit, or wrongfully or knowingly sells or disposes of any ordnance, arms, equipments, ammunition, clothing, subsistence, stores, money, or other property of the United States furnished or intended for the military service thereof; or

Who knowingly purchases or receives in pledge for any obligation or indebtedness from any soldier, officer, or other person who is a part of or employed in said forces or service, any ordnance, arms, equipment, ammunition, clothing, subsistence stores, or other property of the United States, such soldier, officer, or other person not having lawful right to sell or pledge the same;

Shall, on conviction thereof, be punished by fine or imprisonement, or by such other punishment as a court-martial may adjudge, or by any or all of said penalties. And if any person, being guilty of any of the offenses aforesaid while in the military service of the United States, receives his discharge or is dismissed from the service, he shall continue to be liable to be arrested and held for trial and sentence by a court-martial in the same manner and to the same extent as if he had not received such discharge nor been dismissed.

ART. 95. Conduct unbecoming an officer and gentleman: Any officer or cadet who is convicted of conduct unbecoming an officer and a gentleman shall be dismissed from the service.

ART. 96. General article: Though not mentioned in these articles, all disorders and neglects to the prejudice of good order and military discipline, all conduct of a nature to bring discredit upon the military service, and all crimes or offenses not capital, of which persons subject to military law may be guilty, shall be taken cognizance of by a general or special or summary court-martial, according to the nature and degree of the offense, and punished at the discretion of such court.

IV. COURTS OF INQUIRY.

ART. 97. When and by whom ordered: A court of inquiry to examine into the nature of any transaction of or accusation or imputation against any officer or soldier may be ordered by the President or by any commanding officer; but a court of inquiry shall not be ordered by any commanding officer except upon the request of the officer or soldier whose conduct is to be inquired into.

ART. 98. Composition: A court of inquiry shall consist of three or more officers. For each court of inquiry the authority appointing the court shall appoint a recorder.

ART. 99. Challenges: Members of a court of inquiry may be challenged by the party whose conduct is to be inquired into, but only for cause stated to the court. The court shall determine the relevancy and validity of any challenge, and shall not receive a challenge to more than one member at a time. The party whose conduct is being inquired into shall have the right to be represented before the court by counsel of his own selection, if such counsel be reasonably available.

ART. 100. Oath of members and recorders: The recorder of a court of inquiry shall administer to the members the following oath: "You, A B, do swear (or affirm) that you will well and truly examine and inquire, according to the evidence, into the matter now before you without partiality, favor, affection, prejudice, or hope of reward. So help you God." After which the president of the court shall administer to the recorder the following oath: "You, A B, do swear (or affirm) that you will, according to your best abilities, accurately and impartially record the proceedings of the court and the evidence to be given in the case in hearing. So help you God."

In case of affirmation the closing sentence of adjuration will be omitted.

ART. 101. Powers; procedure: A court of inquiry and the recorder thereof shall have the same power to summon and examine witnesses as is given to courts-martial and the trial judge advocate thereof. Such witnesses shall take the same oath or affirmation that is taken by witnesses before courts-martial. A reporter or an interpreter for a court of inquiry shall, before entering upon his duties, take the oath or affirmation required of a reporter or an interpreter for a court-martial. The party whose conduct is being inquired into or his counsel, if any, shall be permitted to examine and cross-examine witnesses so as fully to investigate the circumstances in question.

ART. 102. Opinion on merits of case: A court of inquiry shall not give an opinion on the merits of the case inquired into unless specially ordered to do so.

ART. 103. Record of proceedings—How authenticated: Each court of inquiry shall keep a record of its proceedings, which shall be authenticated by the signature of the president and the recorder thereof, and

be forwarded to the convening authority. In case the record can not be authenticated by the recorder, by reason of his death, disability, or absence, it shall be signed by the president and by one other member of the court.

V. MISCELLANEOUS PROVISIONS.

ART. 104. Disciplinary powers of commanding officers: Under such regulations as the President may prescribe, the commanding officer of any detachment, company, or higher command may, for minor offenses, impose disciplinary punishments upon persons of his command without the intervention of a court-martial, unless the accused demands trial by court-martial.

The disciplinary punishments authorized by this article may include admonition, reprimand, withholding of privileges for not exceeding one week, extra fatigue for not exceeding one week, restriction to certain specified limits for not exceeding one week, and hard labor without confinement for not exceeding one week, but shall not include forfeiture of pay or confinement under guard; except that in time of war or grave public emergency a commanding officer of the grade of brigadier general or of higher grade may, under the provisions of this article also impose upon an officer of his command below the grade of major a forfeiture of not more than one-half of such officer's monthly pay for one month. A person punished under authority of this article, who deems his punishment unjust or disproportionate to the offense, may, through the proper channel, appeal to the next superior authority, but may in the meantime be required to undergo the punishment adjudged. The commanding officer who imposes the punishment, his successor in command, and superior authority shall have power to mitigate or remit any unexecuted portion of the punishment. The imposition and enforcement of disciplinary punishment under authority of this article for any act or omission shall not be a bar to trial by court-martial for a crime or offense growing out of the same act or omission; but the fact that a disciplinary punishment has been enforced may be shown by the accused upon trial, and when so shown shall be considered in determining the measure of punishment to be adjudged in the event of a finding of guilty.

ART. 105. Injuries to property—redress of: Whenever complaint is made to any commanding officer that damage has been done to the property of any person or that his property has been wrongfully taken by persons subject to military law, such complaint shall be investigated by a board consisting of any number of officers from one to three, which board shall be convened by the commanding officer and shall have, for the purpose of such investigation, power to summon witnesses and examine them upon oath or affirmation, to receive depositions or other documentary evidence, and to assess the damages sustained against the responsible parties. The assessment of damages made by such board shall be subject to the approval of the commanding officer, and in the amount approved by him shall be stopped against the pay of the offenders, and the order of such commanding officer directing stoppages herein authorized shall be conclusive on any disbursing officer for the payment by him to the injured parties of the stoppages so ordered.

Where the offenders can not be ascertained, but the organization or detachment to which they belong is known, stoppages to the amount of damages inflicted may be made and assessed in such proportion as may be deemed just upon the individual members thereof who are shown to have been present with such organization or detachment at the time the damages complained of were inflicted as determined by the approved findings of the board.

ART. 106. Arrest of deserters by civil officials: It shall be lawful for any civil officer having authority under the laws of the United States, or of any State, Territory, District, or possession of the United States, to arrest offenders, summarily to arrest a deserter from the military service of the United States and deliver him into the custody of the military authorities of the United States.

ART. 107. Soldiers to make good time lost: Every soldier who, in an existing or subsequent enlistment, deserts the service of the United States, or without proper authority absents himself from his organization, station, or duty for more than one day, or who is confined for more than one day under sentence, or while awaiting trial and disposition of his case, if the trial results in conviction, or through the intemperate use of drugs or alcoholic liquor, or through disease or injury the result of his own misconduct, renders himself unable, for more than one day, to perform duty, shall be liable to serve, after his return to a full-duty status, for such period as shall, with the time he may have served prior to such desertion, unauthorized absence, confinement, or inability to perform duty, amount to the full term of that part of his enlistment period which he is required to serve with his organization before being furloughed to the Army reserve.

ART. 108. Soldiers—separation from the service: No enlisted man, lawfully inducted into the military service of the United States, shall be discharged from said service without a certificate of discharge, signed by a field officer of the regiment or other organization to which the enlisted man belongs or by the commanding officer when no such field officer is present; and no enlisted man shall be discharged from said service before his term of service has expired, except by order of the President, the Secretary of War, the commanding officer of a department, or by sentence of a general court-martial.

ART. 109. Oath of enlistment: At the time of his enlistment every soldier shall take the following oath or affirmation: "I ——— ———, do solemnly swear (or affirm) that I will bear true faith and allegiance to the United States of America; that I will serve them honestly and faithfully against all their enemies whomsoever; and that I will obey the orders of the President of the United States and the orders of the officers appointed over me, according to the Rules and Articles of War." This oath or affirmation may be taken before any officer.

ART. 110. Certain articles to be read and explained: Articles 1, 2, and 29, 54 to 96 inclusive, and 104 to 109, inclusive, shall be read and explained to every soldier at the time of his enlistment or muster in, or within six days thereafter, and shall be read and explained once every six months to the soldiers of every garrison, regiment, or company in the service of the United States.

ART. 111. Copy of record of trial: Every person tried by a general court-martial shall, on demand therefor, made by himself or by any person in his behalf, be entitled to a copy of the record of the trial.

ART. 112. Effects of deceased persons—disposition of: In case of the death of any person subject to military law the commanding officer of the place of command will permit the legal representative or widow of the deceased, if present, to take possession of all his effects then in camp or quarters; and if no legal representative or widow be present, the commanding officer shall direct a summary court to secure all such effects; and said summary court shall have authority to collect and receive any debts due decedent's estate by local debtors and to pay the undisputed local creditors of decedent, in so far as any money belonging to the deceased which may come into said summary court's possession under this article will permit, taking receipts therefor for file with said court's final report upon its transactions to the War Department; and as soon as practicable after the collection of such effects said summary court shall transmit such effects, and any money collected, through the Quartermaster Department, at Government expense, to the widow or legal representative of the deceased, if such be found by said court, or to the son, daughter, father, provided the father has not abandoned the support of his family, mother, brother, sister, or the next of kin in the order named, if such be found by said court, or the beneficiary named in the will of the deceased, if such be found by said court, and said court shall thereupon make to the War Department a full report of its transactions; but if there be none of the persons hereinabove named, or such persons or their addresses are not known to or readily ascertainable by said court, and the said court shall so find, said summary court shall have authority to convert into cash, by public or private sale, not earlier than 30 days after the death of the deceased, all effects of deceased, except sabers, insignia, decorations, medals, watches, trinkets, manuscripts, and other articles valuable chiefly as keepsakes; and as soon as practicable after converting such effects into cash said summary court shall deposit with the proper officer, to be designated in regulations, any cash belonging to decedent's estate, and shall transmit a receipt for such deposits, any will or other papers of value belonging to the deceased, any sabers, insignia, decorations, medals, watches, trinkets, manuscripts, and other articles valuable chiefly as keepsakes, together with an inventory of the effects secured by said summary court, and a full account of its transactions to the War Department for transmission to the Auditor for the War Department for action as authorized by law in the settlement of accounts of deceased officers and enlisted men of the Army.

The provisions of this article shall be applicable to inmates of the United States Soldiers' Home who die in any United States military hospital outside of the District of Columbia where sent from the home for treatment.

ART. 113. Inquests: When at any post, fort, camp, or other place garrisoned by the military forces of the United States and under the exclusive jurisdiction of the United States, any person shall have been found dead under circumstances which appear to require investigation, the commanding officer will designate and direct a summary court-martial to investigate the circumstances attending the death; and for this purpose such summary court-martial shall have power to summon witnesses and examine them upon oath or affirmation. He shall promptly transmit to the post or other commander a report of his investigation and of his findings as to the cause of the death.

ART. 114. Authority to administer oaths: Any judge advocate or acting judge advocate, the president of a general or special court-martial, any summary court-martial, the trial judge advocate or any assistant trial judge advocate of a general or special court-martial, the president or the recorder of a court of inquiry or of a military board, any officer designated to take a deposition, any officer detailed to conduct an investigation, and the adjutant of any command shall have power to administer oaths for the purposes of the administration of military justice and for other purposes of military administration; and in foreign places where the Army may be serving shall have the general powers of a notary public or of a consul of the United States in the administration of oaths, the execution and acknowledgment of legal instruments, the attestation of documents, and all other forms of notarial acts to be executed by persons subject to military law.

ART. 115. Appointment of reporters and interpreters: Under such regulations as the Secretary of War may from time to time prescribe, the president of a court-martial or military commission or a court of inquiry shall have power to appoint a reporter, who shall record the proceedings of and testimony taken before such court or commission and may set down the same in the first instance in shorthand. Under like regulations the president of a court-martial or military commission, or court of inquiry, or a summary court may appoint an interpreter who shall interpret for the court or commission.

ART. 116. Powers of assistant trial judge advocate and of assistant defense counsel: An assistant trial judge advocate of a general court-martial shall be competent to perform any duty devolved by law, regulation, or the custom of the service upon the trial judge advocate of the court. An assistant defense counsel shall be competent likewise to perform any duty devolved by law, regulation, or the custom of the service upon counsel for the accused.

ART. 117. Removal of civil suits: When any civil or criminal prosecution is commenced in any court of a State against any officer, soldier, or other person in the military service of the United States on account of any act done under color of his office or status, or in respect to which he claims any right, title, or authority under any law of the United States respecting the military forces thereof, or under the law of war, such suit or prosecution may at any time before the trial or final hearing thereof be removed for trial into the district court of the United States in the district where the same is pending in the manner prescribed in section 33 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, and the cause shall thereupon be entered on the docket of said district court and shall proceed therein as if the cause had been originally commenced in said district court and the same proceedings had been taken in such suit or prosecution in said district court as shall have been had therein in said State court prior to its removal, and said district court shall have full power to hear and determine said cause.

ART. 118. Officers, separation from service: No officer shall be discharged or dismissed from the service except by order of the President or by sentence of a general court-martial; and in time of peace no officer shall be dismissed except in pursuance of the sentence of a court-martial or in mitigation thereof; but the President may at any time drop from the rolls of the Army any officer who has been absent from duty three months without leave or who has been absent in confinement in a prison or penitentiary for three months after final conviction by a court of competent jurisdiction.

ART. 119. Rank and precedence among Regulars, Militia, and Volunteers: That in time of war or public danger, when two or more officers of the same grade are on duty in the same field, department, or command, or of organizations thereof, the President may assign the command of the forces of such field department, or command, or of any organization thereof, without regard to seniority of rank in the same grade.

ART. 120. Command when different corps or commands happen to join: When different corps or commands of the military forces of the United States happen to join or do duty together the officer highest in rank of the line of the Regular Army, Marine Corps, forces drafted or called into the service of the United States, or Volunteers, there on duty, shall, subject to the provisions of the last preceding article, com-

mand the whole and give orders for what is needful in the service, unless otherwise directed by the President.

ART. 121. Complaints of wrongs: Any officer or soldier who believes himself wronged by his commanding officer, and, upon due application to such commander, is refused redress, may complain to the general commanding in the locality where the officer against whom the complaint is made is stationed. The general shall examine into said complaint and take proper measures for redressing the wrong complained of; and he shall, as soon as possible, transmit to the Department of War a true statement of such complaint, with the proceedings had thereon.

"SEC. 2. That the provisions of Chapter II of this act shall take effect and be in force six months after the approval of this act.

SEC. 3. That all offenses committed and all penalties, forfeitures, fines, or liabilities incurred prior to the taking effect of Chapter II of this act, under any law embraced in or modified, changed, or repealed by Chapter II of this act, may be prosecuted, punished, and enforced in the same manner and with the same effect as if Chapter II of this act had not been passed.

SEC. 4. That section 1342 of the Revised Statutes of the United States be, and the same is hereby, repealed and all laws and parts of laws in so far as they are inconsistent with the provisions of Chapter II of this act are hereby repealed.

Mr. CHAMBERLAIN. The title of the bill when it was first introduced and referred to the Committee on Military Affairs was "A bill to establish military justice."

The Committee on Military Affairs referred it to a subcommittee consisting of Senators WARREN, LENROOT, and myself. After extensive hearings we reported back to the committee the bill which was known as Senate bill 64, with amendments, and the report of the subcommittee was adopted by the full committee, and the bill as reported to the committee by the subcommittee and adopted has been reported to the Senate. The committee agreed that the bill might be offered as an amendment to the Army reorganization bill, so called, and I now offer it as an amendment to the pending bill. I do not know of any objections to it. If there are any and any explanation is desired as to the purpose of the amendment, I shall be very glad to make it.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Oregon.

Mr. WADSWORTH. The Committee on Military Affairs authorized me to accept that as an amendment to the bill, and I take this opportunity of saying that this legislation, prepared by the Senator from Oregon [Mr. CHAMBERLAIN], the Senator from Wyoming [Mr. WARREN], and the Senator from Wisconsin [Mr. LENROOT], is exceedingly important. It is the result of months of study, reports from two or three committees and commissions of lawyers and officers in the Army, and accomplishes, we believe, a very healthy and much-desired reform in the system of military justice. I do not know what the Senator's intention is, but I think it would be rather a pity if the Senator from Oregon did not tell the Senate something about it, although he may decide to say nothing.

Mr. POMERENE. I am very much impressed with the title of the bill, "To establish military justice," and for one would very much like to have the Senator from Oregon explain his amendment.

Mr. CHAMBERLAIN. I shall be very glad to do it. It is really a reenactment of the Articles of War with certain changes which the World War has suggested, and changes which have been suggested by the subcommittee of the Committee on Military Affairs.

The Senator may remember that on December 30, 1918, I delivered an address in the Senate attacking the court-martial system as it had been in force up to that time. Early in 1919, or possibly the latter part of 1918, I prepared an amendment to the Articles of War which I thought would correct the inequalities and injustices in the enforcement of military law. The Senate Committee on Military Affairs, beginning in February, 1919, held quite extensive hearings upon that bill, which was then pending. Amongst other witnesses who were called was Gen. Ansell, who entertained one view with reference to the power conferred upon the Judge Advocate General by the Articles of War, and Gen. Crowder, the Judge Advocate General, who entertained an opposite view. Quite a number of other witnesses were called in reference to the measure.

The whole controversy revolved about and hinged upon the construction to be given to section 1199 of the Revised Statutes, which vested in the Judge Advocate General of the Army the power—

to receive, revise, and cause to be recorded the proceedings of all courts-martial, courts of inquiry, military commissions, and perform such other duties as have been performed heretofore by the Judge Advocate General of the Army.

It was insisted by Gen. Ansell in substance upon the one side that that provision gave power to revise and to modify and, if necessary, to reverse sentences given by courts-martial and to send them back to the approving authority with instructions to make whatever disposition thereof the Judge Advocate General might see fit to make.

On the other hand, Gen. Crowder's construction of that provision of the statutes was that he had no power to modify or to change or to reverse the decision of courts-martial, provided only that the proceedings were regular; that he had no power, even if there were such irregularities in the trial as worked prejudicial error to the accused, if the proceedings were regular, to reverse or change or modify the sentence that was imposed by the court-martial. I am not going into that because it is a long, long story.

Mr. POMERENE. Do I understand from the statement just made by the Senator that the judgment of the court-martial then was final as to the facts?

Mr. CHAMBERLAIN. Practically final.

Mr. POMERENE. And as to the law as well?

Mr. CHAMBERLAIN. Yes. This controversy came up as early as November 10, 1917, when Gen. Ansell, who was Acting Judge Advocate General, wrote a memorandum and brief to the Secretary of War for his personal consideration, taking the position that, under the act to which I have just referred and which I have read, the Judge Advocate General had the power to examine the record, revise it, and practically to reverse the decision of the court-martial. In other words, that he had practically supervisory appellate jurisdiction and power.

If the Senator from Ohio is interested in the subject, he will find this memorandum in the hearings reported by the subcommittee quite at length. That brief of Gen. Ansell was referred by the Secretary of War to Gen. Crowder, who, on his part, rendered quite a lengthy opinion taking issue with Gen. Ansell as to the power that the Judge Advocate General had and as to the revisory power of the Judge Advocate General. It led to quite a controversy in the Judge Advocate General's Department, the Judge Advocate and some of those associated with him adhering to his view, while there were a number of those associated in the Judge Advocate General's Department who stood with Gen. Ansell.

The Secretary of War, on the 27th of November, 1917, made this note after he had received the memorandum of Judge Crowder:

As a convenient mode of doing justice exists in the instant cases, I shall be glad to act in reliance upon a usual power and leave this larger question for future consideration, informed by the further study which the Judge Advocate General is giving it. Ordinarily, however, the extraction of new and large grants of power by reinterpreting familiar statutes with settled practical construction is unwise. A frank appeal to the Legislature for added power is wiser.

That was in November, 1917, and while the war was yet upon us. The Secretary of War lined himself up at once with the advocates of those who adhered to the view of Gen. Crowder, and from that time to this moment if there has been any change of heart in the Secretary of War I do not know it.

In any event, while these hearings were being had before the Committee on Military Affairs in 1918, the committee asked Gen. Ansell, a very distinguished lawyer and a patriotic soldier, and one absolutely without fear, as his subsequent conduct proved, to prepare amended articles of war and present them to the Military Affairs Committee in the form of a bill to meet the difficulties which had grown out of the different constructions which had been placed upon the law. He did prepare, and I introduced in the Senate, what is known as Senate bill No. 64. That was the bill which was referred to the Committee on Military Affairs, and by that committee referred to a subcommittee, as has been stated heretofore.

In addition to the appointment of the subcommittee to investigate the whole subject, and while the investigation was pending, the Secretary of War, for some reason best known to himself, appointed a committee of the American Bar Association, or some one in the War Department did so in conjunction with the president of the association, to investigate the matter. The committee so appointed consisted of the following gentlemen: Mr. Andrew A. Bruce, Mr. Martin Conboy, Mr. John Hinkley, Mr. S. S. Gregory, and Mr. William P. Bynum, all distinguished lawyers and members of the American Bar Association. That committee investigated the whole subject and in due course reported to the American Bar Association its conclusions and findings as to the Articles of War. This report was filed with the secretary of the executive committee of the association in July, 1919. It is a most interesting report, and I hope the Senator from Ohio will, at his leisure, read it.

Mr. POMERENE. Am I to understand, if the Senator please, that this report indorses the bill which was prepared by Gen. Ansell and to which the Senator has referred?

Mr. CHAMBERLAIN. No; it did not. That committee did not approve any bill. It made some recommendations, some of which were consonant with the provisions of the so-called Ansell bill and some were not; but while that committee was investigating the Secretary of War evidently feared to trust either the

Military Affairs Committee or the committee of the American Bar Association and proceeded to appoint another committee, a military committee, consisting of Maj. Gen. F. D. Kernan, Maj. Gen. John F. O'Ryan, Lieut. Col. Hugh B. Ogden, and Lieut. Col. F. M. Barrett. That committee also went into an examination of the whole subject and reported to the Secretary of War, I think, on July 17, 1919. That committee reported a set of amended articles of war, amending the then existing Articles of War in very many essential particulars.

Later on, after all of these reports were before the War Department, there came a reoprt from the War Department itself suggesting amended Articles of War to meet the conditions and troubles which had been suggested in the original construction of the law.

We have, then, for consideration here to-day the existing Articles of War, the so-called Kernan report, which is the report of the War Department committee that was appointed by the Secretary of War, and the articles which were proposed by the War Department itself.

The Kernan report adopted very many of the suggestions that are contained in Senate bill 64, the bill introduced by me. The bill proposed by the War Department contained many suggestions made by the Kernan board and many suggestions contained in Senate bill 64, and these constitute the basis of the pending amendment.

I am going to call the attention of the Senate to only a few of the provisions of the amendment, the purpose of which is to give a greater revisory and appellate power to the Judge Advocate General and to the board of review sitting in his office.

The most radical change made in the Articles of War is to be found in a new article known as 50½. That article was proposed by the War Department, but some important amendments were made to it by the subcommittee of the Committee on Military Affairs, and as amended the Military Affairs Committee approved it, and it is part of the amendment which I am now offering. I am going to read that. It is a little long, but Senators can get from a reading of it just exactly what a wide change was made in the Articles of War:

ART. 50½. Review; rehearing: The Judge Advocate General shall constitute in his office a board of review consisting of not less than three officers of the Judge Advocate General's Department.

Before any record of trial in which there has been adjudged a sentence requiring approval or confirmation by the President under the provisions of article 46 or article 48 is submitted to the President such record shall be examined by the board of review.

The board shall submit its opinion, in writing, to the Judge Advocate General, who shall transmit the record and the board's opinion, with his recommendations, directly to the Secretary of War for the action of the President.

No authority shall order the execution of a sentence of a general court-martial involving the penalty of death, dismissal not suspended, dishonorable discharge not suspended, or confinement in a penitentiary, unless and until the board of review shall, with the approval of the Judge Advocate General, have held the record of trial upon which such sentence is based legally sufficient to support the sentence, except that the proper reviewing or confirming authority may upon his approval of a sentence involving dishonorable discharge or confinement in a penitentiary order its execution if it is based solely upon findings of guilty of a charge or charges and a specification or specifications to which the accused has pleaded guilty. When the board of review, with the approval of the Judge Advocate General, holds the record in a case in which the order of execution has been withheld under the provisions of this paragraph legally sufficient to support the findings and sentence, the Judge Advocate General shall so advise the reviewing or confirming authority from whom the record was received, who may thereupon order the execution of the sentence. When, in a case in which the order of execution has been withheld under the provisions of this paragraph, the board of review holds the record of trial legally insufficient to support the findings or sentence, either in whole or in part, or errors of law have been committed substantially affecting the rights of the accused, and the Judge Advocate General concurs in such holding of the board of review, such findings and sentence shall be vacated and the record shall be transmitted through the proper channels to the convening authority for a rehearing or such other action as may be proper.

That is a power that Ansell always claimed the Judge Advocate General possessed, but the Judge Advocate General claimed that he had no such power. Now, that power is expressly conferred by the provision which I am now reading:

In the event that the Judge Advocate General shall not concur in the holding of the board of review, or if the board of review shall confirm the findings or sentence, the Judge Advocate General shall forward all the papers in the case, including the opinion of the board of review and his own concurrence therein or dissent therefrom, directly to the Secretary of War for the action of the President, who may confirm the action of the reviewing authority or confirming authority below, in whole or in part, with or without remission, mitigation, or commutation, or may disapprove, in whole or in part, any finding of guilty, and may disapprove or vacate the sentence, in whole or in part.

When the President or any reviewing or confirming authority disapproves or vacates a sentence the execution of which has not theretofore been duly ordered, he may authorize or direct a rehearing. Such rehearing shall take place before a court composed of officers not members of the court which first heard the case. Upon such rehearing the accused shall not be tried for any offense of which he was found not guilty by the first court, and no sentence in excess of or more severe than the original sentence shall be enforced unless the sentence be based upon a finding of guilty of an offense not considered upon the merits in the original proceeding: *Provided*, That such rehearing shall be had in all cases where a finding and sentence have been vacated by reason of the action of the board of review approved by the Judge Advocate General holding the record of trial legally insufficient to support the findings or sentence or that errors of law have been committed substantially affecting the rights of the accused, unless the case is dismissed by order of the confirming authority.

Every record of trial by general court-martial examination of which by the board of review is not hereinbefore in this article provided for shall nevertheless be examined in the Judge Advocate General's Office, and if found legally insufficient to support the findings and sentence, in whole or in part, shall be examined by the board of review, and the board, if it also finds that such record is legally insufficient to support the findings and sentence, in whole or in part, shall, in writing, submit its opinion to the Judge Advocate General, who shall transmit the record and the board's opinion, with his recommendations, directly to the Secretary of War for the action of the President. In any such case the President may approve, disapprove, or vacate, in whole or in part, any findings of guilty, or confirm, mitigate, commute, remit, or vacate any sentence, in whole or in part, and direct the execution of the sentence as confirmed or modified, and he may restore the accused to all rights affected by the findings and sentence, or part thereof, held to be invalid; and the President's necessary orders to this end shall be binding upon all departments and officers of the Government.

Whenever necessary, the Judge Advocate General may constitute two or more boards of review in his office, with equal powers and duties.

Whenever the President deems such action necessary, he may direct the Judge Advocate General to establish a branch of his office, under an assistant judge advocate general, with any distant command, and to establish in such branch office a board of review, or more than one. Such assistant judge advocate general and such board or boards of review shall be empowered to perform for that command, under the general supervision of the Judge Advocate General the duties which the Judge Advocate General and the board or boards of review in his office would otherwise be required to perform in respect of all cases involving sentences not requiring approval or confirmation by the President.

I have read that in full because I wanted it in the RECORD as a part of this brief statement. It is the gist of the whole proposed amended Articles of War, because it gives to the proposed board of review and to the Judge Advocate General powers which the Judge Advocate General claims he has not heretofore had and which, it seemed to me and seemed to the committee, are absolutely essential to do full justice to men convicted by courts-martial.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER (Mr. HARRIS in the chair). Does the Senator from Oregon yield to the Senator from Ohio?

Mr. CHAMBERLAIN. I yield.

Mr. POMERENE. I have knowledge of a number of instances where, although there have been convictions and commitments, the person committed was later released. How has that been done—by what process?

Mr. CHAMBERLAIN. The Senator refers to what is being done now?

Mr. POMERENE. Yes.

Mr. CHAMBERLAIN. I do not know by what authority much of it is being done, but I assume that it is because the authorities still have control of a man until his sentence has been executed.

Mr. POMERENE. If the Senator will pardon me, such a case came to my attention from my own State some months ago. A young man was fighting in the trenches at a place to which no drinking water could be brought, and he became almost famished for water. Finding a little pool in the bottom of the trench, he drank from it, and in a short time was seized with pains to such a degree that he became delirious. In his delirium he wandered from the trench and went to the rear. He was arrested, tried, convicted of desertion, and sentenced to Leavenworth Penitentiary. He protested his innocence all the while, but no opportunity was afforded him to have his fellow soldiers come to testify in his behalf. After the armistice was signed and the troops were demobilized and the soldiers of his company returned—this soldier was from Delaware, Ohio—the matter was taken up by his neighbors. Affidavits were secured from his fellow soldiers corroborating in every particular the story of this soldier, who was then paying the penalty in Leavenworth Penitentiary. Through my office this matter was brought to the attention of the War Department. They saw that a mistake had been made, and, be it said to the credit of the War Department, the soldier was released, and be it also said to the discredit of the court-martial that that man was ever convicted.

That young man was one of the flower of his community; everybody had unlimited confidence in him and an utter lack of confidence in the court-martial. A grave injustice was done. I am sure not many cases of that kind occur, but I became convinced by the experience I had with that case that it was very necessary that there should be a complete opportunity for a full review of court-martial proceedings, and I am, therefore, in entire sympathy with the provision of the Senator's amendment.

Mr. CHAMBERLAIN. I will say to the Senator that it is the purpose of the amendment we have undertaken to make to

the Articles of War to provide relief in such cases. We may not have gone as far as we ought to have gone, but we have certainly taken a vast stride in the right direction. If I were to undertake to tell the Senator of instances within my knowledge similar to the one he has cited I could spend the whole day relating them; but I have purposely avoided doing so. I promised that I would at some time call attention to them; but the war is over and I do not deem it necessary in view of the evident attitude of the Senate with respect to the pending amendment. Gen. Crowder promised at the hearing in February, 1919, that within 60 days there would be practically a jail delivery of the young men who had been sent up for long terms for breaches of military discipline.

The promise was not entirely complied with; there was not a complete jail delivery in 60 days; but I believe that practically every young man who during the World War was sent to prison for long terms for breaches of military discipline has been let out. Many of them, too, who were guilty of higher grades of crime have been permitted to restore themselves to the colors by being transferrred to the disciplinary battalion and then winning their way back into the esteem of their fellows and wiping out the stigma of conviction.

I really do not know where the authority comes from that is exercised to bring about all of these results, but I do know that no man will ever question the authority which has been exercised to relieve these young men from the sentences imposed upon them.

I have some feeling about this matter, I will say to the Senator, and it is hard for me to discuss the subject without showing that feeling. It was just as easy for the Judge Advocate General, if he had seen fit to do so, to have placed a construction upon section 1189 of the Federal statutes that would have enabled him to do all the things that this bill does now, but to have done so would not have been in conformity with the wishes of a military autocrat, who did not want the military command to be interfered with by anybody anywhere. So that, taking the case the Senator has cited, there might have been a complete miscarriage of justice by the court-martial, evidence might have been admitted there that was prejudicial to a substantial right of the accused; there might have been other irregularities that affected his substantial rights, and yet if the record had been regular on its face there was, according to the Crowder construction of the statute, no relief.

All in the world that the Judge Advocate could do under his construction of the law was to send that record back to the approving authority—that is, the commanding officer of that young man, the authority that appointed the court, and advise them—not direct them to set aside the judgment—but merely advise them, which advice could be entirely ignored by the approving authority. It frequently happened that the approving authority, namely, the commanding officer who appointed the court, set aside the judgment of the court and ordered a retrial, and sometimes a man who had been acquitted in the first instance was convicted or sentenced for a higher grade of crime than he was sentenced for in the first instance. That may be all right in the autocratic military sense, but it is un-American, particularly in a time of war, when the flower and chivalry of American youth was serving in the Army. It might be all right to the military mind to treat a lot of hoboes in that way and not give them the right of appeal anywhere, but here were the sons, the husbands, and the brothers of the best people in America, and, as in the illustration the Senator has cited—and I could give hundreds of further illustrations—to arbitrarily send the young man to the penitentiary without giving him a chance of review was outrageous to every sense of public justice. It was for that reason that I took this matter up as soon as the war was over; in fact, I commenced it while the war was on. It has been an uphill fight ever since.

I am not going to discuss it again, but I refer to the fact that in order to carry out the views of Gen. Crowder in this matter the Secretary of War allowed to be constituted in the War Department a propaganda bureau that, at Government expense, sent out letters prepared by a man or men in the Judge Advocate General's office espousing his theory. Such letters were sent to lawyers and people generally throughout the country to prejudice the case that was being made to Congress in behalf of the young men in the Army.

Another thing that is included in this amendment is to give these young men the right to employ civil counsel, and it requires the court-martial to appoint civilian counsel at the request of a soldier. It requires the appointing authority to appoint military counsel as well for the man who is on trial, part of which right he never had until these articles proposed to give him the right of counsel of his own selection. In many instances the soldier was not defended at all. Now he has that right. It is an American right. Whether he chooses to exercise it or not is for him to determine, but he has the right to do it if he sees fit.

Mr. President, there are many, many provisions here which tend to mitigate the condition of a man tried by a military court. I may say that many of the provisions of Senate bill 64 are embodied in this amendment. Many of the provisions of the Kernan Board's recommendations are embodied in it, as well as many provisions proposed by the War Department. In other words, we have taken the best of it all, and after extensive hearings and after testimony of distinguished men from all parts of the country—military and civilian lawyers, professors in universities, and other men—we have formulated Articles of War which may hereafter need amendment, but which are the best we could prepare at this time; and in the last analysis, I think, they will go a long way to protect the officers and enlisted men of our Army in future.

Mr. POMERENE. Mr. President, was this bill approved unanimously by the full committee?

Mr. CHAMBERLAIN. The full committee was not there, but a quorum of the committee was there. It was approved by those who were there.

Mr. POMERENE. By a quorum?

Mr. CHAMBERLAIN. Yes.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Oregon.

The amendment was agreed to.

Mr. CHAMBERLAIN. Mr. President, I ask that I may agree with the chairman of the Military Affairs Committee just where this amendment shall go in, so as to make the bill a consistent whole.

The PRESIDING OFFICER. Without objection, that permission is granted.

Mr. CHAMBERLAIN. I can agree with the chairman as to that. There will not be any change in the form of the amendment, except the numbering of the sections so as not to interfere with the other provisions of the bill.

Mr. HARRISON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Gronna	Knox	Smith, Ariz.
Brandegee	Hale	Lenroot	Smith, Ga.
Capper	Harris	Lodge	Smith, Md.
Chamberlain	Harrison	McKellar	Smith, S. C.
Curtis	Jones, N. Mex.	New	Sutherland
Dial	Jones, Wash.	Nugent	Thomas
Dillingham	Kellogg	Overman	Trammell
France	Kendrick	Page	Walsh, Mass.
Frelinghuysen	Kenyon	Pomerene	Wolcott
Gerry	Keyes	Ransdell	
Glass	Kirby	Sheppard	

Mr. JONES of Washington. I desire to announce that the senior Senator from Virginia [Mr. SWANSON] is necessarily absent on account of the illness of his wife.

Mr. GRONNA. I desire to announce that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is absent due to illness.

Mr. CURTIS. I wish to announce that the Senator from Colorado [Mr. PHIPPS], the Senator from South Dakota [Mr. STERLING], and the Senator from New Hampshire [Mr. MOSES] are absent on official business.

The VICE PRESIDENT. Forty-two Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Reading Clerk called the names of the absent Senators, and Mr. SMOOT answered to his name when called.

Mr. MCCORMICK and Mr. WARREN entered the Chamber and answered to their names.

The VICE PRESIDENT. Forty-five Senators have answered to the roll call. There is not a quorum present.

Mr. WADSWORTH. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant at Arms will carry out the instructions of the Senate.

Mr. KING, Mr. PITTMAN, Mr. MCNARY, Mr. WATSON, and Mr. MCCUMBER entered the Chamber and answered to their names.

The VICE PRESIDENT. Fifty Senators have answered to their names. There is a quorum present.

Mr. HARRISON. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The Secretary will read the amendment proposed by the Senator from Mississippi.

The READING CLERK. On page 52, lines 3 and 4, strike out the words "lineal list of his own branch" and insert the words

"relative list of the Regular Army"; and, on page 53, line 2, after the word "service," insert the following proviso:

Provided, That no officer shall be placed on the list below any officer to whom he is at present senior on the relative list of the Regular Army.

The VICE PRESIDENT. The question is on the amendment of the Senator from Mississippi.

Mr. WADSWORTH. Did the Senator from Mississippi want the floor?

Mr. HARRISON (to Mr. WADSWORTH). You can go ahead.

Mr. WADSWORTH. Mr. President, I merely wish to say that I hope this amendment will not be adopted. It is one that was discussed somewhat the other afternoon in a colloquy between the Senator from Mississippi and myself. It will make a most profound change in the arrangement of the single list as provided in the bill.

From time to time in the past Congress, by provisions inserted in appropriation bills and other acts of legislation, has expanded one branch or another of the Army, and, as promotions have been running within the several branches, the expansion of a branch resulted in the rapid promotion of officers serving in that branch, so that the several groups of officers serving in the several branches have profited tremendously by these expansions. The Field Artillery, the Engineers, and the Coast Artillery, as I recollect, have been expanded from time to time by Congress, with the result that officers in those branches have moved up in grade.

The single-list provision, as we have it drawn in the pending bill, will result in those officers who have profited by that kind of promotion, which I shall always insist was promotion which was not earned, pausing or waiting, as it were, upon the single list for promotion until officers with equal length of service have caught up with them. We do not take away from an officer, under the provisions of the bill, anything he now has in the way of rank. It may be said, however, that we take away from him the profits which he expected to get when he made the transfer to a branch which was expanding.

If the amendment offered by the Senator from Mississippi is adopted, those Coast Artillery and Field Artillery and Engineer officers who have gone far ahead of their contemporaries on account of the vicious system which has prevailed will be assured for the rest of their Army careers of staying ahead of their contemporaries until they reach the age of retirement.

In other words, where an officer happened to be in a branch which was expanding, and was promoted as the result of that expansion, the amendment of the Senator from Mississippi would crystallize into law every promotion so received, which I always insisted would give the officer something he did not really earn.

It may be said that if we had no single list for promotion at all officers of the Infantry, the Cavalry, the Signal Corps, and some others, might have some chance of catching up in years to come with some of their contemporaries who have been advanced so tremendously by reason of expansions and transfers, because at least they might come to Congress later on and persuade Congress, if they could, to expand their branches so that they could catch up with their fellows. They would at least have that chance. But now that we are going to adopt the single list—and that seems to be assured, as the House has passed a provision exactly like ours—we are going to write into law that the law of promotion in the future shall run along with the single list. But by adopting the amendment of the Senator from Mississippi we would write into the law a confirmation of all these inequalities which have been created prior to this time, so that in the future the officers of like ability, of like initiative, of like force, who by accident have been left behind because their branches have not been expanded, will never be able to catch up. In other words, we make it permanent if the amendment of the Senator from Mississippi is agreed to.

I think myself that in the interest of fair play to all the officers of the Army the single list for promotion should remain as it is in the bill. Otherwise the men who managed to persuade Congress in years past to expand their branches and have thereby secured promotion will remain all the time ahead of their fellows, and there will be left away back in the rear the officers of the Infantry and the Cavalry, who did not get such lucky treatment in years past, with a hopeless handicap against ever catching up with men who graduated from West Point on the very same day.

It may interest Senators, Mr. President, to know that the committee has been assisted in drafting the section for the single list promotion by two officers of the Regular Army. They graduated from West Point on the same day. One of them joined the Coast Artillery; the other one, as I recollect, joined the Infantry. A little later on during their careers the Coast Artillery was expanded, and the Coast Artillery officer jumped four years ahead of his classmate. Those two officers helped draw this provision of the pending bill, and the Coast Artillery officer says that in fairness he ought to be required to wait until his classmate overtakes him. I find that to be the spirit amongst the majority of the officers of the Army with whom I have discussed the matter.

Mr. HARRISON. Mr. President, I am glad the Senator from New York gave to the Senate that information as an excuse why the provision was put into the bill. I judge from the closing part of his remarks that it was done at the instigation of two Army officers, who were being used as experts before the Military Affairs Committee of the Senate, one of whom was in the Coast Artillery and the other in the Infantry. Both those branches of the military service will greatly gain by what the Senate Military Affairs Committee proposes to do by the single list. Both men will be greatly promoted, far beyond their deserts, by the action of the Senate Military Affairs Committee.

The branches of the service in which the officers will be retarded in their promotion will not be the Coast Artillery and the Infantry, but will be the Artillery field service, the Engineers, the Ordnance, and similar branches of the military service, and I wonder not that those men who appeared before the Senate Military Affairs Committee or acted as advisers to the committee, whether they be captains, majors, or lieutenant colonels, were in favor of a provision that would greatly promote them and hold back other men in the various branches of the military service.

Mr. WADSWORTH. If the Senator will yield, I will state that I used it as an illustration.

Mr. HARRISON. It was a beautiful illustration; a most apt one.

Mr. WADSWORTH. But the Senator has placed a wrong interpretation upon it. The Coast Artillery officer to whom I referred will be held back under the provisions of our bill, and he thinks it fair that he should be.

Mr. HARRISON. Is the Senator sure, and can he tell the Senate that the Coast Artillery officer will be promoted by the passage of the single list?

Mr. WADSWORTH. No; he will not be; not by our provision for the single list.

Mr. HARRISON. Has the Senator investigated that proposition?

Mr. WADSWORTH. I have.

Mr. HARRISON. He is sure of that?

Mr. WADSWORTH. Yes.

Mr. HARRISON. I am reliably informed, by military experts who have studied it, that officers in both the Coast Artillery and the Infantry will be greatly promoted, and it will be officers in other branches of the service, namely, ordnance, the Engineers, and the Artillery field service, who will be delayed in future promotions if the bill should pass in its present form.

Mr. WADSWORTH. The three branches of the service which have secured advantage in the past by reason of special treatment from Congress have been the Engineers, the Field Artillery, and the Coast Artillery. The committee provision requires those men to wait until their contemporaries catch up with them.

Mr. HARRISON. That is afield of the question. Of course, the Infantrymen and the Coast Artillerymen would naturally be in favor of the provision. The Senator conscientiously believes that the provision for the single list is in the interest of fair play; that it will promote better feeling and a better spirit in the Army. I take a different view. I think it is not in the interest of fair play, and that it will create demoralization in the Army. If the Senator will bear with me, I will try to tell him why I so believe.

These men went into certain branches of the service not solely by election, but partly because they won the right to go into those branches. The Engineer Corps is reckoned to be a service which needs the very best officers in the Army. It demands men of the highest order of intelligence and special technical training. That is proven by the fact that when men graduate from West Point only those who make the highest grades, who graduate at the very top, are permitted to go into the Engineers. The next in order are assigned to the Artillery, and so on down the line. The Infantry, I believe, is the last in order. So these men when they go to West Point study hard, they train themselves, they prepare themselves in order to make the highest grade, so that they can go into the particular branch of the military service where promotion is naturally the fastest. So these men did not get into the Engineer Corps simply by election, but they won their places, and that over very hard competi-

tion. They have studied and worked hard in order to get into that particular branch. So it is with the Artillery.

These men have traveled faster, as the Senator from New York says, than those in the Infantry branch or some other branches of the service. Now, while the bill does not absolutely demote anyone, if that provision is adopted it will indirectly demote some, and it is for that reason that I do not believe it is in the interest of fair play, and it will demoralize those branches of the service which have been expecting promotion.

I have placed in the RECORD how many numbers the Engineers would lose by virtue of this single list. It will affect the Field Artillery in about the same proportion. An engineer who graduated in the class of 1903, if he was a major at the outbreak of the war, reasonably expected, because of the enlargement of the Army and the increased number of officers created, that he would find greater promotion. Ordinarily, without the adoption of this legislation, the men in those particular classes would be promoted, say, to the rank of lieutenant colonel in six weeks. With the bill passing, those men can not be promoted for five or six years. It operates as a stop watch, so to speak, and it is indirectly a demotion.

Mr. WADSWORTH. I want to ask the Senator if I understood him to say that there was an officer who within six weeks would be a colonel?

Mr. HARRISON. Not a colonel, but who would be a lieutenant colonel in six weeks, promoted from the grade of major, if the bill did not pass with the single-list provision.

Mr. WADSWORTH. Mr. President, let me remind the Senator that he will be a lieutenant colonel whether this passes or not, because the bill is to result in the expansion of the whole Army so much that every man who is close to the top in the list of majors in the Regular Army to-day can not help being a lieutenant colonel shortly after the enactment of this law.

Mr. HARRISON. Oh, yes; that is the way it ought to work, and that is the way one would expect it to work; but that is not the way it does work.

Mr. WADSWORTH. He would have his lieutenant colonelcy in any event.

Mr. HARRISON. Let me ask the Senator from New York——

Mr. WADSWORTH. But he would not be so close to a colonelcy.

Mr. HARRISON. No; a lieutenant colonelcy.

Mr. WADSWORTH. He would not go clear up through and land at the top of the lieutenant colonels, close to a colonelcy, but he would have to wait as lieutenant colonel until other majors of equal length of service caught up with him.

Mr. HARRISON. Suppose a major should have to wait two years or one year before he would become a lieutenant colonel under the operations of the present law, if the single list is adopted he might have to wait six or seven or eight years to be a lieutenant colonel. Is not that true?

Mr. WADSWORTH. Under any such case he would not wait that long. The provisions of the bill would force him up to a lieutenant colonelcy.

Mr. HARRISON. Is it the contention of the Senator that he would not have to wait at all, that he would not be retarded until all the other officers in the various branches caught up with him?

Mr. WADSWORTH. That particular officer would not have to. If he is up close to a lieutenant colonelcy now, the operation of the single list that we provide in the bill will not prevent him from becoming a lieutenant colonel in the future. He will go into it as a result of the increased numbers of officers in the Regular Army. We are doubling the number of officers.

Mr. HARRISON. I understand. It would appear to anyone that these officers would be promoted because you are doubling the number of officers, but in particular branches of the service you are holding them back until all the officers in every other branch catch up with them. That is what the Senator said in his remarks on last Saturday.

Mr. WARREN. Will the Senator yield to me?

Mr. HARRISON. I will ask the Senator from Wyoming a question before he asks me anything, because he was on the subcommittee, I believe. Did the subcommittee that drafted this provision in the bill have any military expert before them except one out of the Coast Artillery and one out of the Infantry? Did they have a single Engineer officer to testify before the committee and give his views?

Mr. WARREN. First, I did not serve on the subcommittee.

Mr. HARRISON. Then I withdraw the question.

Mr. WARREN. I was there incidentally as an outsider, and I was there often enough to know, with the great abundance of evidence that we had, that there were very many who gave their opinions as to the list who might be called experts.

As to the Artillery which the Senator mentioned, it is this way: The Artillery formerly was but 4,000, 5,000, or 6,000 at the outside, all told, and Coast and Field Artillery were all in one branch. Coast and Field have been since separated and enlarged three or four or more times as fast and as much, especially the Field Artillery, as the other branches. We attempted, but it did not seem to bear the fruit that it ought to have done, to take into the Field Artillery, for instance, some of the officers from the other lines, such as Infantry and Cavalry, but that attempt was not successful, and the result was that the Artillery officers went up from second lieutenants to majors, while officers in the Infantry, equally good, equally patriotic, by reason of their nonincrease, remained as first lieutenants or possibly captains.

Speaking of the men whom the Senator mentioned as being held back, look where other men have been held back in other branches of the service. If they had increased the Infantry as fast as the Artillery it would have been just the same all along, of course; but with the legislation that we had, great hardship has been placed upon those men in the service. In the Cavalry, for instance, it was even worse.

Mr. HARRISON. May I ask the Senator in that connection, was he not chairman of the Committee on Military Affairs at that time?

Mr. WARREN. I was not chairman at that time.

Mr. HARRISON. Then was he not one of the most influential members of the committee when they made it possible for these men in these particular branches to obtain this promotion? And if it is such an outrage now, why did not the Senator see it as an outrage then?

Mr. WARREN. The Senator in the first place is rather hasty in that conclusion. At one time, a long time ago, I was chairman of that committee. I think one small advance in the Artillery was made then, and we expected that other branches would soon be raised comparatively with that, and so it drifted along until the years have passed, and that, like a good many other things, got moss-grown; but the fact remains, just the same, that it is an unjust thing to take one branch of the Army and leave it where it stands and take other branches and move them up and not consider the rank of those officers attached to the various branches.

Mr. HARRISON. Does not the Senator's committee here do that same thing with the Medical Corps and the chaplains, and was it not done by the chairman of the Senate committee last Saturday when he had five colonels added to the Judge Advocate General's office and made it retroactive?

Mr. WARREN. The Senator speaks of the Medical Corps. The Senator knows, of course, that it is entirely apart in many ways from the balance of the Army in that promotion there is according to years of service. That is another plan that has been presented heretofore to committees of Congress, to see whether all Army promotions, line and staff, should not be made in that way. It has been made in that way only in the Medical Corps, and it has been that way for a great many years in the Medical Corps.

Mr. HARRISON. I understand.

Mr. WARREN. They require there additional education in medicine, chemistry, and surgery. As to the chaplains, it has been and is yet a sort of prerogative for the Executive to appoint men from civil life, and it was only very lately that there was any promotion there at all. They went in as captains, remained as captains, and went out of the service as captains; but of late years there has been some promotion provided for them.

Mr. HARRISON. By an amendment adopted at the instance of the Senator from New York [Mr. WADSWORTH] last Saturday provision was made for five new colonels in the Judge Advocate General's office, and the first part of that amendment reads:

> Immediately upon the passage of this act the number of colonels in the Judge Advocate General's office shall be increased by five, and the vacancies thus created shall be filled by promotion as heretofore provided by law.

Mr. WARREN. That is another branch. In the Ordnance branch it has been provided that preferment could be permitted in the lower grades because of the superior education they must have in that technical line.

Mr. HARRISON. Ordnance is taken up and put on the single list here.

Mr. WARREN. The Senator is a lawyer and he knows now whether it would be well to put in too many second lieutenants in law or whether to draw from civilians men who have that good abundance of experience and knowledge which can be made useful to the Army.

Mr. HARRISON. If the Senator suggests a question to me like that I will state to him that I would see no objection in the world to the single list. I can understand how in years to come it might bring about a better feeling in the Army, but I am not in favor of passing a retroactive law; I am not in favor any more of that than I am in favor of passing an ex post facto law. If you are going to have a single list, I think you ought to apply it from the passage of the act, and then list your men and let them start in the various branches from the day the bill becomes a law, making no exceptions, not in the Judge Advocate General's office, not in the medical branch, nor among the chaplains of the Army. If you are going to have a single list, have one, but put them all there, but do not go back and affect men who have worked for 20 years in their particular branch in order to get these promotions and then retard them—hold them back—until everyone else in every other branch catches up.

Mr. WARREN. I will ask the Senator if he happened to be in the Chamber on Friday when I read a letter here?

Mr. HARRISON. Yes; I read that letter; and I can read two dozen on the other side.

Mr. WARREN. I have not only a dozen, but many dozen, in the last two or three years, even before this matter came up in the shape it does now; and there are 10 to 1 who write to me in that way, a great many of whom have suffered severely and suspected what was coming; and they know where the penalty—if you term it such—is going to fall if a single list prevails.

Mr. HARRISON. If one who is going to be adversely affected by it, as in the Engineers, or in the Field Artillery, or in the ordnance, should write the Senator and say he is in favor of the single list because of its effect on these men, he is a curiosity, and I should like to see such a letter as that.

Mr. WARREN. I will say to the Senator that the Army as a class is perhaps no different from any other class of people. Everyone in it would like the law so that it would benefit him particularly, but, of course, it is not possible to fix things so that all of them may have exactly what they want, because if they had, the man with the advantage of this minute would be given a further advantage, while the one who suffers a disadvantage at present falls back further and is more dissatisfied.

Mr. HARRISON. The Senator understands my position. All my amendment does is to provide, if they fix a single list, that it shall be done from the passage of the bill, and then made to apply from that time. What the Senator proposes to do is to go back, and every man that is affected in his climb for promotion is retained until all the other fellows in relative rank catch up. That is the main difference.

Mr. McKELLAR. There is one exception. There are 150 Spanish War veteran officers who were discriminated against then, and they are not provided for in the bill.

Mr. HARRISON. They ought to be.

Mr. McKELLAR. The discrimination still exists under present laws.

Mr. HARRISON. They ought to be provided for.

Mr. WARREN. Of course, the Senator remembers what happened after the Civil War. Men who had been major generals went into the Regular Army as captains and below that rank. It was not considered any backward step or any discouragement particularly, as they had been volunteers and liked the Army life; but they were not put in, because they had been major generals, over men of the Regular Army. They went to the foot of the list. These Artillery officers have had an advantage—I will not say unfair advantage, because they did not make that advantage themselves. Nevertheless it would be unfair if now, when we have the opportunity to arrange a reorganization, we did not adjust what resulted somewhat as an unfairness to these other men in other branches; and to continue this promotion straight from to-day would leave a greatly preferred class, affecting unfavorably other officers who have fought just as valiantly and were just as good soldiers.

Mr. HARRISON. I understand the Senator from Wyoming to think that this will be unfair to certain men in the Army—the adoption of the single list with its retroactive features.

Mr. WARREN. I believe the Senator must agree with me that in legislation we must consider the greatest good to the greatest number. I contend that there is no way known yet to the members of the Military Committee of long service whereby we can start on a general reorganization that some officer from his standpoint does not think that he has been legislated against. I was like the Senator when the matter first came before the committee in early times, and it took me some time to study the situation and become convinced that the one list was the way; and ever since then, in a further study of it without prejudice at all, because I have no interest in anyone who could possibly be affected by it, I have decided in my own mind that this is the nearest of all propositions to absolute equity and fairness to the officers.

Mr. HARRISON. Does not the Senator think that in putting this legislation upon the statute books it would be fairer for us to date the application of the single list from the passage of the act, so that these unfair practices or unfair promotions in various branches might then be eliminated; that it would cause much less demoralization and would help the situation very greatly? The other policy compels you to go back and take away from a very deserving class those things that they have very rightly earned.

Mr. WARREN. We take away nothing. On the other hand, if we do what the Senator suggests, if we take away anything now we would take away dozens where one is taken out otherwise, but in neither case are we taking anything away.

Mr. HARRISON. The Senator and myself just disagree on that. I think when a man has worked his way for 20 years in the Army, and chosen one particular branch of the Army and was admitted in that branch because of his peculiar qualification and singular fitness, because of his training and the high marks he made at West Point, where before the war started he knew in a certain time he would be promoted to the rank above, we should not now go ahead and clip his wings and destroy his hope and break the promise we have held out to him, and say that he must hold that same rank for years yet to come. It looks to me as if it is the same as if a merchant should employ a man in his store and say, "I will give you for the first year $100 a month, the second year $150 a month, the third year and each year thereafter a $50 a month increase," and at the end of three years, when the man knew and expected that his salary should be increased, the merchant should say, "No; you can not get any more increase; I am going to hold you back until all the other men in my employ catch up with you in salary."

Taking not into consideration the peculiar qualifications he has or the kind of service that he is rendering, he is held back merely in order to let the other officers catch up. That is what is proposed in the bill. Certain opportunities were given to the Engineer Corps; certain requirements were laid down for them, and they were told that they would be promoted within a certain time. The Senator from New York shakes his head; but throughout the country, I dare say, there are officers in the Engineer Corps who before the war, around their firesides at night, talking to their wives, were laying plans to build some home or to make some investment, on the theory that at a certain time they would be promoted and get an increased salary. They laid their plans; they made their investments, and they expected the Government of the United States to keep its promises. Here, however, at this time there is brought in an Army reorganization bill in which the promise made to them is broken; they are held at the same rank, and, of course, they may not meet their obligations. When you let the single list apply from the passage of the act then you take away from the men in the Infantry or the other branches not something that they did not have, but, if it is made retroactive, there will be taken away from the artillerymen and the engineers those things that they expected and which under the law they acquired.

This is the first time in the history of the country that such legislation has ever been attempted to be passed which is retroactive in its features. In the nineties a provision was enacted somewhat along this line, but it was made to apply from the passage of the act; there was not put into it retroactive features that took away from men those things which they had acquired from their Government.

Instead of bringing about a better spirit in the Army, as the committee no doubt expects it will, as no doubt was stated by officers in the Infantry and the Coast Artillery, on whose advice and suggestions the Senate Military Affairs Committee relied, it seems to me that it will create demoralization in the Army. It is all wrong.

How can an officer in the Engineer Corps or in the Artillery who, under the promotion plan that has been approved by the Government in the past and which he expected to be permanent, has built his hopes have very much enthusiam for the service when you stop him by the passage of this bill and say, "Hold on, old boy, wait until everybody else in the Army in your rank catches up with you"? A better feeling would be created, it seems to me, if the single list were applied from the passage of the act and its retroactive features were eliminated.

Recently I read in one of the Army and Navy journals that an officer in the Marine Corps was tried by a court-martial and was reduced in rank 10 numbers. In the Marine Corps that is, perhaps, thought to be very severe punishment; and yet the tabulation which I presented to the Senate on Friday last, and

which is in the RECORD, shows that while officers who are now majors will not actually be reduced in rank, they will be retarded from advancement until indirectly the result will be in some instances a demotion not of ten numbers but of eleven hundred numbers.

It seems to me, Mr. President and Senators, that in passing this bill we sit here as a court-martial. Officers are on trial to-day in the Engineer branch of the service and in the Artillery branch of the service, and they are not even allowed to be heard.

The committee had none of them before it in order to get their viewpoint, but they had the General Staff, perhaps, to send some one down; and there came infantrymen and coast artillerymen, but no Engineer officer presented his claims to the committee; and yet by the passage of the bill we practically court-martial these officers and cause their demotion by a thousand numbers. You are passing sentence on them, and you are not allowing them even to file a plea or be heard.

If it is desired to promote the morale of the Army, if a better spirit and more enthusiasm are desired, let us apply the single list, but make it prospective, not retroactive. My amendment will accomplish that end and nothing more than that, so that from the passage of the bill a single list will be provided for without the retroactive feature.

Mr. WADSWORTH. Mr. President, I can not agree with the Senator from Mississippi about the injustice which he contends is going to be done by this legislation to some officers in the service. Take the very cases to which he refers. He says that those officers have worked their way to their present rank. That I can not concede. They have not worked their way to their present rank. Their present rank has not been earned; it has come about by reason of the fact that Congress, with no regard whatsoever to promotion or its problems, has created vacancies in the branch of the service in which these officers were serving, and they have automatically moved up into those vacancies. It can not, therefore, be said that they have worked their way to the rank which they now hold.

The committee wants that condition stopped. That practice has kept the Army divided into cliques for years and years. Each branch would come to Congress and try to get itself expanded. As Gen. Pershing said in his testimony, the average Army officer goes around with a reorganization Army bill in his pocket, generally for the purpose of reorganizing his own branch of the service and in such way that he will get promotion. That is just what has been done in the past, and the officers to whom the Senator from Mississippi refers are the very officers who have profited by that system.

The Senator from Mississippi constantly refers to the Coast Artillery officer who advised us on some of the technical details of the single list. That officer suffers by it in the same way as is described by the Senator from Mississippi, but he is man enough to say that he has had an unfair advantage over his colleagues; that there is no reason why he should reach his colonelcy so far ahead of officers of equal merit and of equal length of service, and that he can get to the grade of brigadier general before they will have a chance even to be colonel.

Mr. HARRISON. What is he now, a colonel or a major?

Mr. WADSWORTH. He is a captain now.

Mr. HARRISON. On the General Staff?

Mr. WADSWORTH. No.

Mr. HARRISON. Is he not working under the General Staff?

Mr. WADSWORTH. No; he did not come from the General Staff to us at all.

Mr. HARRISON. Then I misunderstood the Senator.

Mr. WADSWORTH. I never said he came from the General Staff.

Mr. WARREN. Mr. President, if the Senator will yield for a moment, regarding the Coast Artillery——

Mr. WADSWORTH. They have had the same expansion that the Engineers have had.

Mr. WARREN. Yes; and the letter which I read here on Friday last was from a Coast Artillery officer who has had no staff promotion but has simply been in the field at all times. He loses many files, but still asks us to keep the line and the staff on a general list.

Mr. WADSWORTH. As I recall, the Field Artillery is the branch which has received the best treatment of all.

Mr. WARREN. It has.

Mr. WADSWORTH. There are men serving to-day as majors of Field Artillery whose contemporaries are at the foot of the list of captains of Infantry; there is a spread of nine years between them. Those Field Artillery officers have not earned, they have done nothing to merit, that promotion, but it is because the Field Artillery was expanded by Congress, so that vacancies were created and they moved up.

The House committee has a provision in its bill identical with that in the Senate committee bill without the amendment of the Senator from Mississippi; and the Chief of Field Artillery, Gen. Snow, who certainly has the good of his branch of the service in mind, appears before the House Committee on Military Affairs and says that he is in favor of the single list as provided in the pending bill, even though the Field Artillery officers will have to pause for a while and let their colleagues catch up with them.

The trouble with the amendment of the Senator from Mississippi is that it will not do away with the discontent in the Army to-day, but it will perpetuate for 20 years by act of Congress the inequalities that exist to-day.

The Congress has never before legislated on this matter of promotion for the Army at large. Prior to this time, and at this time, promotion has run and it is now running inside the branches of the Army. Infantry officers are promoted inside the Infantry branch, and the Cavalry and the Field Artillery and all the other branches are promoted in the same way. If we establish by law a single list governing promotions and provide the initial single list from which it will all start, as we propose to do, and then put in the amendment of the Senator from Mississippi, we are going to put officers of the Field Artillery, of the Engineers, and of the Coast Artillery forever ahead of their colleagues by act of Congress, and their colleagues of equal service and of equal age will never be able to catch up with them; in other words, we shall have crystallized the abuse in the statutes.

The Senator from Mississippi talks about the morale and contentment in the service. I leave it to the common sense of Senators what effect such a provision would have. It would mean that it would be perfectly hopeless for an officer to secure promotion whose branch has not been influential enough in years gone by to get expansion by acts of Congress; it would destroy the whole thing and we would not have a single list for 20 years.

Mr. LODGE. Mr. President, may I ask the Senator a question?

Mr. WADSWORTH. I will be glad to yield.

Mr. LODGE. I ask the question to ascertain if I understand the situation. Did the expansion acts of which the Senator has been speaking give anything resembling a guaranty as to what should be done in the year 1920?

Mr. WADSWORTH. Not at all; nothing has been guaranteed these officers.

Mr. LODGE. Precisely. Then, as I understand, all they lose is something in the future.

Mr. WADSWORTH. Undivided profits.

Mr. LODGE. No; not undivided profits, for profits that are undivided have been made.

Mr. WADSWORTH. Prospective profits.

Mr. LODGE. Yes, prospective profits; that is what they are losing; they are losing a hope, an expectation in the future.

Mr. WADSWORTH. Yes.

Mr. LODGE. Is it possible that a law can be called retroactive because it deprives a man of a hope in the future?

Mr. WADSWORTH. I do not think so.

Mr. LODGE. I wanted to see if I had the matter clearly in my mind.

Mr. WADSWORTH. I think the Senator has hit the nail exactly on the head.

Mr. LODGE. For in that case, then, all laws similar to the one now proposed would become ex post facto laws, so that after a corps had once been expanded the law could never be altered, because hope would be taken away, and by the establishment of a single list ultimately these officers would lose their prospective profits.

Mr. WADSWORTH. Exactly. My hope and prayer is, let me say to the Senator from Massachusetts, that we will provide for a single list, place it on the statute books, and stop the lobbying that has been going on. Congress will never be free from lobbying on the part of the different branches of the Army until we put all the officers in the Army on one single list for promotion. If we provide for it in such a way as to perpetuate the injustices of to-day, we shall have caused more damage than good.

Mr. LODGE. I agree with the Senator. In the past I have served on the Committee on Military Affairs, and it seemed to me then, as it seems to me now, that a single list was very needful. At every session of Congress almost there is some group of officers lobbying to enlarge their particular branch, so that they may secure promotion ahead of their fellows. They have succeeded in one or two instances—perhaps in two or three—because of the fact that an enlargement of a particular corps became necessary. The result is that injustice has permeated the

entire Army, so that we have officers of different length of service with conflicting promotions, with conflicting rank, and officers who ought to have the same rank are separated, perhaps as the Senator has said, as I recall, by as many as nine years——

Mr. WADSWORTH. Nine years.

Mr. LODGE. By the accident of legislation or by lobbying. If anyone wants to know concerning the lobby on this bill, he has nothing to do but to look at the corridors of the Capitol when this bill is up.

Mr. WADSWORTH. Mr. President, speaking about justice, these men in the Field Artillery and the Engineers and the Coast Artillery have had this advanced rank coming to them not by competitive examinations, not by competing with other officers of the same age and the same length of service—they have had it coming to them by accident. They have had increased pay all these years over their fellows; they have had better quarters in the Army posts; they have outranked their fellows and enjoyed all the privileges of higher rank. They have had no moral right to it; it has simply come to them in this accidental way. Now, it is contended that it will be an act of injustice to ask them to wait a while until their colleagues can enjoy the same advantages, to have an equitable arrangement by which men can go up through those grades and overtake their classmates who graduated on the same day from West Point and then go on along with them.

This bill, as a matter of fact, is going to expand the commissioned personnel of the Regular Army so greatly anyway that, regardless of this single-list promotion, none of these officers to whom the Senator from Mississippi has referred are going to be retarded very long. All of them will reach higher grades at an earlier age than they ever expected when they went into the Army originally.

Mr. PITTMAN. Mr. President——

Mr. WADSWORTH. I yield to the Senator from Nevada.

Mr. PITTMAN. I do not know whether I understand the statement of the Senator—I doubt it—but I am asking the question simply for information. I understand that each branch of the service is supposed to have a certain force for efficiency and to balance the Army, and that to that force, for the purpose of efficiency, are allotted so many officers of various ranks. Take the Engineers, for instance. I do not know how many colonels they now have in the Engineers. Possibly the Senator can suggest the number, approximately.

Mr. WADSWORTH. I can not remember. There is no limit to the number they may have under this bill.

Mr. PITTMAN. We will assume, however, just as a hypothetical case, that a vacancy should come about in the Engineers by reason of resignation or death or otherwise of all of the colonels, or a sufficient number so that it would be necessary, for the efficiency of the Engineers, to replace them with colonels. From what source would they be provided under your bill?

Mr. WADSWORTH. From the rest of the Army or the detached officers' list.

Mr. PITTMAN. Where would you get your Engineers from? Would you take an Infantry officer and place him as a colonel of Engineers?

Mr. WADSWORTH. Undoubtedly, throughout the whole body of the Army it would be possible—there is no question about it—to find an officer who was competent to do engineer duty.

Mr. PITTMAN. That is the theory?

Mr. WADSWORTH. That argument never has been used by Engineers in discussing the single list.

Mr. PITTMAN. I am not using it as an argument. I was just wondering whether, in this peculiarly technical service of the Engineers, if it became necessary for the good of the service to find colonels, instead of promoting a lieutenant colonel or major, you would go into the Coast Artillery or the Infantry for that purpose, and, if you could not find competent men there, still under this law you would not be able to promote competent men in that particular branch.

Mr. WADSWORTH. I think that is a state of affairs that never can come about. That was all discussed by the committee. We studied that just as thoroughly as we could, with charts and illustrative diagrams, and the study showed that in the event of a vacancy occurring, we will say, in the grade of lieutenant colonel, by reason of the death of a lieutenant colonel of Engineers, if the next Engineer officer in the corps was not of sufficient rank on the promotion list to step into the shoes of the lieutenant colonel who had died, without the slightest doubt an officer from one of the other branches or the detached officers' list who stood next on the general single list for promotion could be promoted into the grade of colonel, and a transfer made from another branch to take the place of the man who died in the Engineer Corps.

Remember, we have 17,000 officers from whom to find one man to fill such a place, and it is inconceivable that you could not do it. Of course, as a matter of fact, officers are to-day transferring back and forth among the branches. Many officers transfer from Infantry to Ordnance, and from Ordnance to Cavalry, and from Field Artillery to Coast Artillery. There never has been any trouble, with the limited number of transfers that we have, in finding men to fit into the right niche, and I do not think we have anything to fear of not being able to fill places in the Engineer Corps or any other corps.

Mr. SMITH of South Carolina. Mr. President, I should like to ask the Senator a question. He said a moment ago that if the proposed amendment of the Senator from Mississippi [Mr. HARRISON] were to become law, it would retard the practical working of the single list for 20 years.

Mr. WADSWORTH. Yes.

Mr. SMITH of South Carolina. The Senator means to say that the number that are now engaged—let us say, for instance, in the Engineer Corps—are sufficiently in line of promotion that if this were not retroactive they would still continue to act under the practical effect of the present law for 20 years?

Mr. WADSWORTH. Yes. The injustices would not terminate until about 20 years, because a lot of these men have a considerable length of time to serve before they become 64 and are retired, and they would hold that advantageous place upon the promotion list of the entire Army until they retired. They would be on top of everybody else, and they would be there by act of Congress legislating directly on the promotion problem.

Mr. SMITH of South Carolina. So that the effect of the bill, unamended, is to arrest all promotion except along the single line, so that those that are eligible for promotion from every branch of the service may be promoted to a higher rank regardless of the division of the Army in which they are?

Mr. WADSWORTH. Absolutely.

Mr. HARRISON. Mr. President, will the Senator from New York yield?

Mr. WADSWORTH. Yes.

Mr. HARRISON. The Senator says that these injustices will play a part for 20 years to come, and that it will be by an act of Congress. That is what I understood him to say.

Mr. WADSWORTH. That is, if the amendment is adopted.

Mr. HARRISON. These men occupy their advanced places by acts of the Congress, do they not?

Mr. WADSWORTH. Not an act of Congress affecting promotion directly.

Mr. HARRISON. Well, by act of Congress that created the branch or enlarged the branch and made it possible for them to be promoted?

Mr. WADSWORTH. The promotion system at the time the branches were expanded was vicious in itself. There never should have been that kind of a promotion system—promotion by a lineal list inside of a branch—and its viciousness was simply accentuated and illustrated by the effect on promotion of the acts of Congress increasing the number of officers and men in the Field Artillery, or the Coast Artillery, or the Engineers. Those acts were not acts changing in any way the system of promotion, but this bill is an act changing the system of promotion; and if we insert the Senator's amendment in this act, which is to establish a new system of promotion, we will have perpetuated the injustices of the old system for several years to come.

Mr. HARRISON. May I ask the Senator whether he would change the rule at West Point touching those men who are highest on the list for graduation, that they shall enter a certain branch of the service—the Engineers, for instance, and the next on the list the Artillery, and so on?

Mr. WADSWORTH. No.

Mr. HARRISON. What incentive will there be for these young men who attend West Point to strive and study and train themselves in order to make the highest place, if there is no particular inducement held out to them; in other words, if the single list applies?

Mr. WADSWORTH. My opinion is that the legitimate inducement of the cadet at West Point is to join that branch of the Army where he can render the best service to his country.

Mr. HARRISON. Yes.

Mr. WADSWORTH. But not try to join the branch where they can get the most money in the shortest time.

Mr. HARRISON. They join the Engineers, because their authorities thought they would be more proficient there than in any other branch.

Mr. WADSWORTH. Very well; I have no objection to that; but I do not think they should join the Engineers on the theory that that is the place where they are going to get the biggest pay. On that theory, no one would join the Infantry under the old system.

Mr. HARRISON. Has that been the theory?
Mr. WADSWORTH. I hope not. I think not.
Mr. HARRISON. I think not, too.
Mr. WADSWORTH. I want to make promotion in the Engineers and in the Artillery and in every other branch of the service run along in a uniform manner, with no discriminations between them.
Mr. HARRISON. I think that is perfectly all right if you will make it apply from the passage of this bill, so that it will not go back and affect these people in the past.
The VICE PRESIDENT. The question is on the amendment of the Senator from Mississippi [Mr. HARRISON].
Mr. HARRISON. I suggest the absence of a quorum.
The VICE PRESIDENT. The Secretary will call the roll.
The roll was called, and the following Senators answered to their names:

Brandegee	Jones, Wash.	Nugent	Smoot
Chamberlain	Kendrick	Overman	Sutherland
Curtis	Kenyon	Pittman	Townsend
Dial	Keyes	Pomerene	Trammell
Frelinghuysen	Kirby	Ransdell	Wadsworth
Glass	Lenroot	Sheppard	Warren
Harris	Lodge	Smith, Ariz.	Wolcott
Harrison	McNary	Smith, Md.	
Jones, N. Mex.	New	Smith, S. C.	

The VICE PRESIDENT. Thirty-four Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.
The Reading Clerk called the names of the absent Senators, and Mr. DILLINGHAM, Mr. THOMAS, and Mr. WATSON answered to their names when called.
Mr. KELLOGG, Mr. KING, Mr. MCKELLAR, and Mr. HALE entered the Chamber and answered to their names.
The VICE PRESIDENT. Forty-two Senators have answered to the roll call. There is not a quorum present.
Mr. WADSWORTH. Mr. President, I doubt our ability to get a quorum at this hour, and I move that the Senate adjourn.
The motion was agreed to; and (at 4 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, April 20, 1920, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *April 19, 1920.*

The House met at 12 o'clock noon.
The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We would abide with Thee, our Heavenly Father, in the sacred attitude of prayer before entering upon the duties of the hour, that we may receive new inspiration and strength to sustain us.
I am come, said the Master, that ye might have life and that ye might have it more abundantly.
To live, to think, to will, to do things worth while, is the larger life; and so we pray for that life, that we may be with Thee, live with Thee, for Thee. In the spirit of the Master. Amen.

The Journal of the proceedings of Saturday, April 17, 1920, and of Sunday, April 18, 1920, was read and approved.

COTTON.

Mr. LAZARO. Mr. Speaker, I ask unanimous consent to insert in the RECORD a letter from Gov. Elect John M. Parker, of Louisiana, on the Comer amendment to the Agriculture bill. Gov. Parker is an experienced planter and merchant, and I regard his opinion as of value.
The SPEAKER. The gentleman from Louisiana asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?
There was no objection.
The letter referred to is as follows:

NEW ORLEANS, *April 13, 1920.*

Hon. L LAZARO,
House of Representatives, Washington, D. C.

DEAR DR. LAZARO: From what I understand of the Comer amendment, it provides that at least 50 per cent of any cotton tendered for delivery on contract in the New York or New Orleans markets shall be middling or above, the remainder to be of any other of the standard grades, at option of deliverer. This would tend to restrict the quality and character of cotton that is tenderable on contract, and would naturally handicap the deliverer and benefit the receiver. The result would be a contract more favorable to the spinner and possibly less favorable to the producer. It would probably enhance the value of the contract as compared with the spot basis.
Any further restriction as to the kind of cotton that may be delivered on contract will naturally make that much less ready outlet for the producer.
Owing to the wide margin between the raw material and the finished product, and also labor conditions, spinners have found it to their advantage during the past few years to use only the better grades of cotton and have neglected the lower grades. The higher grades no doubt permit them to obtain a greater production in a given time and is more profitable to them. The discount on the lower grades—for instance, 3 cents below middling for strict low middling and about 8 cents below middling for low middling—seems rather excessive. In the crop of 1919–20 there is a great quantity of low-grade cotton, which spinners show little inclination to use, notwithstanding the big discounts at which such qualities are offering, and the greatest assistance that could possibly come to the cotton producer would be some means of stimulating a demand for the low grades. The contract market at the present time represents the value only of good grade white cotton, and so far as the contract market is concerned the lower grades of good sound cotton, say good ordinary and strict good ordinary, fair color, as well as low and strict low middling, spotted, off-colored, and light tinged, all of good spinnable value, might just as well not exist.
Thanking you for your kindly letter and with kind regards, I am,
Very truly, yours,

JNO. M. PARKER.

APPOINTMENT OF A SPEAKER PRO TEMPORE.

Mr. GARRETT. Mr. Speaker, I do not know that what I have to say is exactly a correction of the RECORD, but if I may be indulged for a moment I desire to call attention to the fact that on Friday last a resolution reported from the Committee on Rules amending the rules of the House was adopted which I fear, by implication, might go further than was intended. Section 7 of Rule I reads as follows:

He shall have the right to name any Member to perform the duties of the Chair, but such substitution shall not extend beyond an adjournment: *Provided, however*, That in case of his illness he may make such appointment for a period not exceeding 10 days, with the approval of the House at the time the same is made; and in his absence and omission to make such appointment the House shall proceed to elect a Speaker pro tempore to act during his absence.

There was reported from the Committee on Rules a proposition which amended the first part of the rule, and in the RECORD of Friday, April 16, 1920, it reads:

Resolved, That section 7 of Rule I be amended so as to read:
"He shall have the right to name any Member to perform the duties of the Chair, but such substitution shall not extend beyond three legislative days."

It ends there and does not contain the proviso. By implication that might repeal the proviso in the rule. That, of course, was not desired or intended. I therefore ask unanimous consent that section 7 of Rule I may be so amended as that it will read:

He shall have the right to name any Member to perform the duties of the Chair, but such substitution shall not extend beyond three legislative days: *Provided, however*, That in case of his illness he may make such appointment for a period not exceeding 10 days, with the approval of the House at the time the same is made; and in his absence and omission to make such appointment the House shall proceed to elect a Speaker pro tempore to act during his absence.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to amend the rule in the manner suggested. Is there objection?
Mr. CAMPBELL of Kansas. Mr. Speaker, I have no objection and, indeed, that was the intention of the Committee on Rules. It was not intended that any modification should be made except that the first clause should be amended substituting three days for one. I am very glad to have the gentleman from Tennessee call attention to it.
Mr. GARRETT. I trust the gentleman from Kansas will pardon me for injecting myself into the matter at this time. I looked for the gentleman from Kansas, but did not see him on the floor, and thought that this should be corrected at once.
The SPEAKER. Is there objection?
Mr. BLANTON. Mr. Speaker, reserving the right to object—and I shall not object—I just want to mention the fact that it takes Democratic assistance to carry out Republican intention.
Mr. CAMPBELL of Kansas. It is very clear that it was intended that this first clause only should be amended, and this is merely an interpretation of that intention.
The SPEAKER. Without objection, the amendment will be agreed to.
There was no objection.

OKLAHOMA.

Mr. HOWARD. Mr. Speaker, April 22 is the anniversary of the beginning of the construction of the great State of Oklahoma. I ask unanimous consent to address the House on that day, immediately after the reading of the Journal, for 20 minutes, on the subject of Oklahoma, its agricultural resources and prospects.
The SPEAKER. The gentleman from Oklahoma asks unanimous consent that on April 22, immediately after the reading of the Journal and the disposition of business on the Speaker's table, he be permitted to address the House for 20 minutes on the subject of Oklahoma. Is there objection?
Mr. LITTLE. Mr. Speaker, reserving the right to object, is that the day when the governor was originally inaugurated for the Territory?

Mr. HOWARD. No; that is the anniversary of April 22, 1889, the opening of the first part of Oklahoma's white settlement.

The SPEAKER. Is there objection?

There was no objection.

BILLS RESPECTING A BONUS FOR EX-SERVICE MEN.

Mr. LITTLE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LITTLE. Do I understand the rule correctly, that all legislation proposing bonuses to soldiers shall go to the Committee on Ways and Means?

The SPEAKER. That is the rule.

Mr. LITTLE. I introduced some legislation of that kind some time ago, which was inadvertently sent to the Committee on Rules. I am offering some more legislation now, and I hope that rule will be followed in its reference. I wanted to be sure that I was not mistaken.

CALENDAR FOR UNANIMOUS CONSENT.

The SPEAKER. The Calendar for Unanimous Consent is in order to-day, and the Clerk will call the first bill.

AQUEDUCT BRIDGE, POTOMAC RIVER.

The first business on the Calendar for Unanimous Consent was the bill (H. R. 10328) to amend an act approved May 18, 1916, entitled "An act to provide for the removal of what is known as the Aqueduct Bridge, across the Potomac River, and for the building of a bridge in the place thereof."

The SPEAKER. Is there objection?

Mr. ESCH. Mr. Speaker, in the absence of the gentleman from Virginia [Mr. MOORE] I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

MILITARY PARK, PLAINS OF CHALMETTE.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 5918) in reference to a national military park on the Plains of Chalmette, below the city of New Orleans.

The SPEAKER. Is there objection?

Mr. SNELL. Mr. Speaker, I reserve the right to object.

Mr. O'CONNOR. Mr. Speaker, when this bill came up several weeks ago it was objected to, and in accordance with the rules controlling or governing the Unanimous Consent Calendar it was stricken therefrom, but was restored in hopes of a happier fate on a better day. I thought, in view of the sentiment that is inseparately associated with the Plains of Chalmette and the magnificent victory achieved by American arms down there on January 8, 1815, that I would again place it before the House, in the hope that I might be as successful as the old woman in the beautiful story of appealing to Philip. I dare say that you know it, but I will tell it again, for sometimes a story carries more conviction than all of the logic in the world, and a good story like this immortal classic may be told any number of times.

I know you all remember it. It is the story of the old woman who said, when Philip turned her down curtly, "I will appeal, sir, from that decision," and he said in a very ironical tone, "Appeal, madam; to whom?" Her reply was, "I will appeal from Philip drunk to Philip sober." I do not mean that any of the gentlemen who objected to this bill were intoxicated with passion or otherwise, but I thought I would appeal to them in a more generous mood to-day and get them to consider the splendid sentimentalities and all that lies behind this really magnificent work of the Colonial Dames and other great historical societies down there in Louisiana who are endeavoring to perpetuate the glories of a conflict which I thought would never fade away from America's mind. I say with all the feeling I am capable of, Mr. Speaker, that when I introduced this bill and saw it come to the floor with a favorable report, I thought that every Member of this House would gladly approve of it, for you know that that was the one great conflict that redeemed the War of 1812 from unparalleled calamities and catastrophies, which terminated in a national miserere—the burning of this Capitol. That battle down by the levees of the Mississippi gave joy to every child in the United States of America after gloom had hung over this country. It brought again renewed hope into the minds of our men and women. It is inseparably associated with all that is great in the martial chapters of this country and inseparably connected with the fame of the men who left Kentucky, Tennessee, and what is known now as Mississippi, and went down 1,200 miles and arrived in New Orleans, ragged and in their bare feet, and fought the most memorable contest in that section of the country, and, according to the best historians, maintained the Louisiana Purchase forever, and freed it from legal and diplomatic dispute, kept all of that part of America west of the Mississippi for future admission into this Union, and made possible, of course, that which lies beyond the west of it. [Applause.] My friends, that battle brings you back to the early pioneer days, before the "Days of old"; "Days of gold"; "Days of forty-nine." It carries you back to the days of the raft, when there were only one or two steamboats on the Potomac and Hudson and none on the Mississippi. When there were no railroads and no highways, when men came down largely by their instincts than by compass, and fought out that great and splendid battle which shall be written across the hearts and minds of all Americans, under circumstances and conditions that ought to thrill the heart of America until the last chapter is written in her history.

Mr. DYER. Will the gentleman yield?

Mr. O'CONNOR. Yes, sir.

Mr. DYER. I do not think there is any question as to the historical aspect nor what a splendid thing it would be to establish such a park, but will the gentleman tell us what amount of money will probably be involved in the enactment into law of this bill?

Mr. O'CONNOR. There will be no money involved in the enactment of this bill.

Mr. DYER. Section 4 says——

Mr. O'CONNOR. If the gentleman will pardon me, I intend to propose an amendment striking out all after the period in line 10, which would leave it a direction, pure and simple, to the Army engineers who are already in New Orleans, engineers on the Mississippi River Commission to make a survey of the field on which was fought the Battle of New Orleans, and report back to the Congress. The House has ordered, I understand, the survey of rivers, one of which the gentleman from Texas [Mr. BLANTON] said he could jump across. I submit, fellow Members, that sentiment should not be lost sight of altogether, even in this prosaic age. [Applause.] I dare say, with all the feeling I can summon to my aid that Jackson and Chalmette, the Leonidas and Thermopylas of our country, should be in mind of the Members in the consideration of this bill.

Mr. BEE. Will the gentleman yield?

Mr. O'CONNOR. I will.

Mr. BEE. Let me ask the gentleman, and in response to the suggestion of the gentleman from Missouri, is it not true that the Engineer Corps of the United States Army is so thoroughly equipped and organized with its present organization that they can make this examination and report back in the near future the necessary facts without really any expense to the Government?

Mr. O'CONNOR. The expense would be absolutely negligible. I say, gentlemen, that it would not do anything other than to give to the Congress the necessary information upon which it may at some time in the future act. As a matter of fact, the bill carries with it or the apparent disposition of the House is a Kathleen Mavourneen suggestion, "It may be for years, and it may be forever." No one can tell when Congress will act upon the information conveyed. It must have the information sought before any other legislation can be considered. There is no way of telling or declaring when such a bill will come before the House.

Mr. SNELL. Will the gentleman yield?

Mr. O'CONNOR. I do.

Mr. SNELL. Of course, if these engineers should make a report and it was favorable, the gentleman would expect to come back and ask Congress to act upon that favorable report?

Mr. O'CONNOR. I would say to the gentleman from New York, who has been so courteous in reference to this whole matter, to me, that I sincerely trust that I may have the privilege of coming back here to do noble things for the people whom I now represent; but not knowing whether I will come back or not, I must answer I do not know what I will do. If I thought the exigencies required it, that there was a great demand for economy, even if there were a favorable report, I would bow in submission to the demands of the time. I would not press any further legislation. That is my answer.

Mr. SNELL. Would the gentleman think it was a good time now to enter upon such a proposition of establishing parks throughout the country that eventually will cost at least $500,000 apiece?

Mr. O'CONNOR. I do not believe we should embark upon that program at the present time; but this bill does not contemplate any such expenditure. It merely calls for a survey, the expense of which would be insignificant. It merely lays a foundation on which Congress may or may not build or construct a park.

Mr. SNELL. That has been my objection in considering this bill at this time. I appreciate the statement that the gentleman has made, and I agree with him up to a certain extent, but it does not seem to me that under the present condition of the Treasury it is right for this Government at this time to go on record as recognizing the possibility of establishing national parks at such a great expense as this will eventually cost.

If we take the initial step, then the next man, whether it is yourself or some one else in that district, would say, "Congress has already recognized this; they have made the report and now you should do the rest and appropriate the money." That is my feeling in the matter, and that is the reason why I have taken the stand that I have, and I say that I feel the same about any expense of any kind in any estimate in any part of the country, and I think that we should not enter upon it at this time.

Mr. O'CONNOR. I thoroughly understand and appreciate the position assumed by the gentleman from New York. I have no question about his sincerity, and I know that his opposition would be manifested whether this battle field were located in the North, East, or West. I will answer him by quoting a sentence from "Lead Kindly Light":

I do not ask to see the distant scene.
One step enough for me.

It probably is sentimental to the extent of being tearful, but in my opinion it covers the question propounded by the gentleman very succinctly and well. I do not know what the future will produce. As a matter of fact, I would not want to look into it. I honestly believe, though, and I say it now, that I hope in the years to come, when this country does find itself in a position to do so financially, that all of these great and splendid battle fields, that ought to be entwined with the most beautiful memories in American history, will be made a trust by the people of this country and guarded in such a way as to suggest to all generations that we are not unmindful of the havoc and the suffering and the tears and the trials of the people who made this country great and splendid. I want these magnificent victories of the days when our Republic was young to be kept alive. I want them and their glories maintained lest we forget the days when our country was a vast wilderness from the Mississippi to the Pacific Ocean, the days when even the eastern bank of the Father of Waters was barely known, when Kentucky was the dark and bloody ground, and Tennessee and Mississippi, whose sons marched with Old Hickory over what is to-day a great highway to repel an invader, were yet in the making; the day of romance and adventure when the brave hearts in the bosoms of women and the breasts of men beat down the difficulties of the wilderness and made a land that to-day is a justification of the apothegm: The desert shall rejoice and blossom as the rose.

I hope that somebody will come after me when this country is in a position to afford it financially—if we are going to rest even for a time upon dollars and throttle sentiment—I hope some one will come after me and press such a measure, not only for Chalmette, but for other great and splendid places in this country, where American arms vindicated all that the people struggled and fought for during the memorable epochs that led to the greatness and glory of this country. [Applause.]

The Battle Abbey is a shrine to the people of England. The field of Waterloo speaks to all of Europe that which the written word can never convey. Chalmette should be as dear to Americans.

Mr. DYER. Will the gentleman yield?

Mr. O'CONNOR. I will be glad to yield to the gentleman.

Mr. DYER. I see from this report that this bill was submitted to the Secretary of War, and he submitted it to the United States Engineers' office for report, and that a report has been made.

I do not see what could be accomplished now by limiting the bill simply to making another report when a report has been made and submitted and recommended.

Mr. O'CONNOR. You will see that that was purely tentative, and was not carried out in the detail that they promised in the report.

Mr. DYER. I doubt if any other report is necessary unless we want to pass the whole bill as written. I move to strike out——

Mr. O'CONNOR. I move to strike out——

Mr. DYER. I think we had better find out if there is going to be any objection, Mr. Speaker.

Mr. O'CONNOR. I am appealing to you not to make an objection.

Mr. DYER. I ask for the regular order in order to find out if there is objection.

Mr. SNELL. Mr. Speaker, purely in the interest of economy I feel obliged to object to the further consideration of this bill.

Mr. O'CONNOR. Mr. Speaker, may I have unanimous consent to revise and extend my remarks?

The SPEAKER. The gentleman from Louisiana asks unanimous consent to revise and extend his remarks. Is there objection? [After a pause.] The Chair hears none. [Applause.]

CLAIMS OF KLAMATH TRIBE OF INDIANS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 5163) authorizing the Klamath Tribe of Indians to submit claims to the Court of Claims.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DYER. Mr. Speaker, I reserve the right to object. The bill should be reported, or it should be explained by some one.

Mr. SINNOTT. Mr. Speaker, this is a bill that was up about a month ago on unanimous-consent day; its main purpose is to authorize the Klamath, Moadac, and Yahooskin Tribes of Indians to take into the Court of Claims a controverted matter concerning their reservation boundaries. It authorizes the Court of Claims to investigate the merits of their claim that they have lost some 400,000 acres of land from the land which they reserved to themselves when they ceded a much larger area to the United States. And if the Court of Claims finds that their claim is a just one, they will not be paid any more than the value of the land at the time of the loss, and that would be something under a dollar an acre.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 5163) authorizing the Klamath Tribe of Indians to submit Claims to the Court of Claims.

Be it enacted, etc., That all claims of whatsoever nature which the Klamath Tribe of Indians may have against the United States, which have not heretofore been determined by the Court of Claims, may be submitted to the Court of Claims, with the right of appeal to the Supreme Court of the United States by either party, for determination of the amount, if any, due said tribe from the United States under any treaties, agreements, or laws of Congress, or for the misappropriation of any of the funds of said tribe, or for the failure of the United States to pay said tribe any money or other property due; and jurisdiction is hereby conferred upon the Court of Claims, with the right of either party to appeal to the Supreme Court of the United States, to hear and determine all legal and equitable claims, if any, of said tribe against the United States and to enter judgment thereon.

SEC. 2. That if any claim or claims be submitted to said courts they shall settle the rights therein, both legal and equitable, of each and all the parties thereto notwithstanding lapse of time or statutes of limitation, and any payment which may have been made upon any claim so submitted shall not be pleaded as an estoppel, but may be pleaded as an offset in such suits or actions, and the United States shall be allowed credit for all sums, including gratuities, heretofore paid or expended for the benefit of said tribe or any band thereof. The claim or claims of the tribe, or band or bands thereof, may be presented separately or jointly by petition, subject, however, to amendment; suit to be filed within five years after the passage of this act, and such action shall make the petitioner or petitioners party plaintiff or plaintiffs and the United States party defendant; and any band or bands of said tribe, or any other tribe or band of Indians the court may deem necessary to a final determination of such suit or suits, may be joined therein as the court may order. Such petition, which shall be verified by the attorney or attorneys employed by said Klamath Tribe, or any bands thereof, shall set forth all the facts on which the claims for recovery are based, and said petition shall be signed by the attorney or attorneys employed, and no other verification shall be necessary. Official letters, papers, documents, and public records, or certified copies thereof, may be used in evidence, and the departments of the Government shall give access to the attorney or attorneys of said tribe or bands thereof to such treaties, papers, correspondence, or records as may be needed by the attorney or attorneys for said tribe or bands of Indians.

SEC. 3. That if it be determined by the Court of Claims in the said suit herein authorized that the United States Government has wrongfully appropriated any lands belonging to the said Klamath Tribe of Indians, damages therefor shall be confined to the value of the said land at the time of said appropriation, together with interest at 3 per cent per annum, and the decree of the Court of Claims with reference thereto, when satified, shall annul and cancel all claim and title of the said Klamath Tribe or any other tribe or band of Indians in and to said lands, as well as all damages for all wrongs and injuries, if any, committed by the Government of the United States with reference thereto.

SEC. 4. That upon the final determination of such suit, cause, or action, the Court of Claims shall decree such fees as it shall find reasonable to be paid the attorney or attorneys employed therein by said tribe or bands of Indians, under contracts negotiated and approved by existing law, and in no case shall the fee decreed by said Court of Claims be in excess of the amounts stipulated in the contracts approved by the Commissioner of Indian Affairs and the Secretary of the Interior, and no attorney shall have a right to represent the said tribe or any band thereof in any suit, cause, or action under the provisions of this act until his contract shall have been approved as herein provided. The fees decreed by the court to the attorney or attorneys of record shall be paid out of any sum or sums recovered in such suits or actions, and no part of such fee shall be taken from any money in the Treasury of the United States belonging to such

tribe or bands of Indians in whose behalf the suit is brought unless specifically authorized in the contract approved by the Commissioner of Indian Affairs and the Secretary of the Interior as herein provided: *Provided*, That in no case shall the fees decreed by said court amount to more than 10 per cent of the amount of the judgment recovered in such cause.

The following committee amendments were severally read and agreed to:

Page 1, line 3, after the word "Klamath," insert "and Moadac."
Line 4, strike out the word "Tribe" and insert in lieu thereof the word "Tribes," and after the word "Indians" insert "and the Yahooskin Band of Snake Indians, parties to the treaty with the United States, concluded October 14, 1864 (16 Stat. L., p. 707)."
Page 2, line 2, strike out the word "tribe" and insert the word "Indians."
Page 2, line 4, strike out the word "tribe" and insert the word "Indians."
Page 2, line 5, strike out the word "tribe" and insert the word "Indians."
Page 2, line 10, strike out the word "tribe" and insert the word "Indians."
Page 2, line 21, strike out the word "tribe" and insert the word "Indians."
Page 2, line 22, strike out the word "tribe" and insert the word "Indians."
Page 3, line 2, strike out the word "tribe" and insert the word "Indians."
Page 3, line 7, strike out the words "Klamath Tribe" and insert the word "Indians."
Page 3, line 14, after the word "tribe," insert the word "Indians."
Page 3, line 17, strike out the word "tribe" and insert the word "Indians."
Page 3, line 21, strike out the words "Klamath Tribe of."
Page 4, line 1, strike out the words "Klamath Tribe" and insert the word "Indians."
Page 4, line 8, strike out the word "tribe" and insert the word "Indians."
Page 4, line 14, strike out the word "tribe" and insert the word "Indians."
Page 4, line 21, strike out the word "tribe" and insert the word "Indians."

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. DYER. Mr. Speaker, I ask for a division.

The SPEAKER. A division is called for.

The House divided; and there were—ayes 58, noes 0.

So the bill was passed.

On motion of Mr. SINNOTT, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

IOWA TRIBE OF INDIANS.

The next business on the Calendar for Unanimous Consent was the bill (S. 806) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Iowa Tribe of Indians against the United States.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That jurisdiction is hereby conferred upon the Court of Claims to hear, determine, and render judgment on principles of justice and equity and as upon a full and fair arbitration of the claims of the Iowa Tribe of Indians, of Oklahoma, against the United States, with the right of appeal by either party to the Supreme Court of the United States, for the determination of the amount, if any, which may be legally or equitably due said tribe of Indians under any treaties or laws of Congress or under any stipulations or agreements, whether written or oral, entered into between said tribe of Indians and the United States or its authorized representatives, or for the failure of the United States to pay any money which may be legally or equitably due said tribe of Indians: *Provided*, That the court shall also consider and determine any legal or equitable defenses, set-offs, or counter claims which the United States may have against the said Iowa Tribe of Indians. A petition in behalf of said Indians shall be filed in the Court of Claims within one year after the passage of this act, and the Iowa Tribe of Indians shall be the party plaintiff and the United States the party defendant, and the petition may be verified by the attorney employed by the said Iowa Tribe of Indians to prosecute their claim under this act, under contract to be approved by the Commissioner of Indian Affairs and the Secretary of the Interior, as provided by law, upon information and belief as to the facts alleged in said petition. Upon the final determination of the cause the Court of Claims shall decree such fees and expenses as the court shall find to be reasonably due to be paid to the attorney or attorneys employed by said Iowa Tribe of Indians, and the same shall be paid out of any sum or sums of money found due said Iowa Tribe of Indians: *Provided*, That in no case shall the fees and expenses decreed by said court be in excess of 10 per cent of the amount of the judgment.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. HERNANDEZ, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

ROOSEVELT NATIONAL PARK.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 5006) to add certain lands to the Sequoia National Park, Calif., and to change the name of said park to Roosevelt National Park.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ANDREWS of Nebraska. Reserving the right to object——

Mr. JOHNSON of Washington. Mr. Speaker, I reserve the right to object.

The SPEAKER. The gentleman from Washington reserves the right to object.

Mr. JOHNSON of Washington. Before we proceed to consider this bill, Mr. Speaker, I think we ought to know what it is that is proposed to be done in this great park, where a million acres are to be added to it. There are to be no monopolies. Why should this national park be different from the other national parks in that respect?

Mr. ELSTON. The reason why an area of a million acres is included would be very easily understood if the gentleman had an appreciation of the topography of the country that will be taken in. I do not believe that there is any part of the territory that is on an average below 7,000 or 8,000 feet elevation. The whole of this area comprises what might be called an Alpine country. It is under a deep mantle of snow during eight months of the year. During three or four months of the year it is one of the grandest scenic places in the world. It comprises some of the most wonderful scenic features aggregated in any one locality in the United States or in America.

Mr. JOHNSON of Washington. That being so, the land would still have all these scenic features, even if it remains as it is, as a part of a forest reserve. But if it is made into a park a man can not go in there with a fishhook or with a gun with out becoming subject to the park regulations.

Mr. ELSTON. The gentleman has no doubt examined the bill?

Mr. JOHNSON of Washington. Yes.

Mr. ELSTON. I think I can assure him that those points have been pretty well covered in regard to the free entrance into the park and a reasonable use of their private holdings by settlers, mineral claimants, and all other kind of entrymen inside the park.

Mr. JOHNSON of Washington. Is not this bill simply extending the park provisions to a gigantic area, even though the gentleman says the bill is liberal in its provisions? As a matter of fact, all the regulations that now exist with regard to national parks will apply to this million acres added to it; and one reason for that, as I understand it, is that the mountain climbers from Los Angeles and San Francisco, in previous trips into the Sequoia National Park and then on in to northern California, have come upon valleys where they found sheep grazing. The sheep annoyed and interferred with the mountain climbers. Is not that one of the reasons?

Mr. ELSTON. That is decidedly not the reason.

Mr. JOHNSON of Washington. Not a reason, but, perhaps, a cause of complaint.

Mr. ELSTON. If the gentleman will allow me to proceed a moment, I think I can disabuse his mind as to those points. Whatever objections the gentleman may have with regard to the application of the national-park act to other parks, there has been a particular set of rules inserted in this bill with respect to this park. These rules and regulations are very liberal, and they are intended to cover some of the objections that the gentleman has just made. I do not believe——

Mr. JOHNSON of Washington. That is just the point. You have a national-park system, very big, very large, and very good, but with lots of rules and regulations which are necessary, whether they are oppressive to some of the people or not; but here you propose to greatly enlarge a fine national park—to make it six or seven times as large as any other, and eliminate it from the application of the rules that apply to other national parks.

Mr. ELSTON. There might be good reason for that, which I can point out to the gentleman if he will wait a moment. This country is not a grazing country or a cattle country. I am speaking now in a general sense. It is merely a wild range of mountain country with extraordinary scenery. Running through this park are the great Kings and Kern Rivers. Their canyons are comparable to the Yosemite, except that they are grander in their proportions; they are wilder, and in some respects they outdo the Yosemite. As to the Yosemite, the falls and other scenic features are more concentrated, whereas in these canyons

of the Kern and Kings Rivers they are more distributed. The whole country is one mass of great giant mountain peaks, rugged upland, and deep canyons.

Mr. JOHNSON of Washington. It is all under the control of the Forest Service, with rangers and everything else provided by the Government. Now, the proposed park control would be a more intensive control by the United States, with a rim of forest-reserve territory all around it still controlled by the Federal Government.

Mr. ELSTON. As I said, for eight or nine months of the year this whole country is covered by snow. In this area there are no settlements; there is not one person who can live in this region eight months in the year. There are no settlements except temporary settlements for three months in the year by cattlemen, who drive their herds up into the high mountain meadows. Compared with the great area involved the grazing values are almost negligible.

Mr. BARBOUR. Mr. Speaker, will the gentleman yield?

Mr. ELSTON. Yes.

Mr. BARBOUR. Has it not been stated by people who are in a position to know that the scenic features of this park exceed even those of the Alps?

Mr. ELSTON. That statement has been made by John Muir, the great naturalist, and it has been made by other people of like authority, and I do not think it can be controverted.

Mr. JOHNSON of Washington. But if the people are not in there nine months in the year and there are no inhabitants, as the gentlemen say, why can it not go along as it is, as a forest reserve, rather than be placed under a more intensive administration as a national park? The bill is entitled to an objection.

Mr. BARBOUR. I have an answer that will meet that.

Mr. ELSTON. I hope the gentleman will withhold objection for a moment.

Mr. JOHNSON of Washington. I will withhold my objection.

Mr. BARBOUR. Will the gentleman yield?

Mr. ELSTON. Yes.

Mr. BARBOUR. Did not Col. Graves, who was then the United States Forester, testify before the Committee on Public Lands that a large portion of this area—not all of it, but a large part of it—was suitable only for park purposes, or in words to that effect?

Mr. ELSTON. That was the testimony of the Chief Forester, and this bill has the approval of the Department of Agriculture and of Col. Graves himself.

The only question related to the elimination of certain areas which were thought to be better for grazing or for timber culture, and those objections have been substantially met by committee amendments.

Mr. FRENCH. Will the gentleman yield for another question?

Mr. ELSTON. I yield to the gentleman from Idaho.

Mr. FRENCH. I was wondering if it would be possible for waters to be stored in this proposed park for irrigation purposes?

Mr. ELSTON. Application of that kind could be entertained, and uses of that kind could be permitted in the discretion of the Secretary of the Interior.

Mr FRENCH. As I understand it, under the general law a right of way could be granted through a national forest reserve; but I do not understand that that could be done under the Secretary of the Interior through a national park, under a recent decision of the Secretary. I was wondering if the gentleman had taken that into consideration in framing the language of the bill?

Mr. ELSTON. This bill has been examined by all persons or associations in California that might be interested in the irrigation aspects of the case.

The fact is that the rivers and streams that come out of this territory come out at such an elevation and from such narrow canyons that it would be impossible to make any storage inside the lines of this proposed park. I have just stated that the western boundary line of this park on an average has an elevation of 7,000 or 8,000 feet. This territory is in the main range of the Sierra Nevada, reaching up to an elevation of 15,000 feet. So far as I know, there is practically no area inside of this proposed park that is suitable for the storage of water.

Mr. FRENCH. What I have in mind is this: I am in sympathy with the purposes of the bill, but it had been assumed with respect to some of the national parks that the Secretary of the Interior has authority to assist in the utilization of the water for economic uses, and then when a case was presented to him he felt that the law is actually not broad enough to give him that authority, and it seems to me that if there is any possible question of any future use covering the impounding of water, or the utilization of a right of way across a part of this proposed national park for the diverting of water, we ought specifically to set it forth in the bill that the Secretary of the Interior shall have that authority, so that no question about it will ever arise in the future.

Mr. ELSTON. That matter has never been urged by any persons whose interests might be affected.

Mr. FRENCH. I make the suggestion so that if it is necessary at all it can be inserted, because the gentleman is the one whose people are interested in this proposition, and we ought not to overlook it if there is any possible chance of it ever being needed in the future.

Mr. BARBOUR. If the gentleman will yield to me on that point, I will state that I have never heard any suggestion of impounding waters in this area that it is proposed to include in the park, but I believe that in the forest areas farther down there are plenty of places to impound water, if it is necessary for irrigation, without going into this proposed park area.

Mr. McLAUGHLIN of Michigan. Mr. Speaker, reserving the right to object, the gentleman from California [Mr. ELSTON] evidently overlooks a portion of the letter of the Secretary of Agriculture when he says this bill has the approval of the Secretary and of the forester. The Secretary of Agriculture expressly withholds his approval and says this legislation ought not to be enacted. He gives his reasons. He tells about the number of settlers on lands proposed by this bill to be included within the park. His words are:

> The effect of the exclusion of cattle would be detrimental to many small ranches. There are within the area of the proposed park approximately 6,500 cattle and horses grazing under permit. A large part of the permittees are small men who have been undertaking to build up ranches in the foothills. In the majority of instances the privilege of grazing cattle in the national forest is essential to the success of maintaining these foothill homes; and the exclusion of these privileges will mean in a large number of cases not only great injury to these small ranchers but probably failure. It happens that most of the lands needed for the grazing of cattle are not of a scenic character that justifies their transfer to the status of a national park.
>
> The net result of the investigations is to convince the department that the measure has not given sufficient consideration to broad economic interests of the region. Lands long withdrawn and established as national forests, which are chiefly valuable and urgently needed for timber production and forestry and for range utilization, should be maintained and administered as national forests unless some urgent public reason makes their transfer to another jurisdiction for some other use necessary. No such urgency or necessity is known to exist in this case.

The Secretary points out also that efforts have been made by himself and the Secretary of the Interior to reach an agreement, but that no agreement has been reached as to definite or satisfactory boundaries, and that until these boundaries be agreed upon and defined in such a way as not to affect injuriously these settlers or interfere with the proper administration of adjacent land in charge of the Forest Service, this legislation ought not to be adopted. Mr. Speaker, I object.

Mr. ELSTON. Will the gentleman withhold the objection for a moment until I can set him straight on one item?

Mr. McLAUGHLIN of Michigan. I will reserve the objection.

Mr. ELSTON. The letter of the Secretary of Agriculture, or at least the portion that the gentleman has read here, refers entirely to the boundaries. Col. Graves, who testified before the committee for the Secretary of Agriculture, had the following to say, and this was after the letter which the gentleman has read was presented to the committee. Col. Graves testified as follows, as appears on page 34 of the hearings:

> The proposed park, I would like to say, in the first place, is one in which I am personally interested. I am in favor of a park which will include the great scenic features of the Mount Whitney region and the region of Kings and Kern Rivers. It seems to me also that it is very appropriate that this park should be named after Theodore Roosevelt.

Col. Graves and the Department of Agriculture objected only to the boundaries. These boundaries have been adjusted down to a point where they substantially agree with the suggestions made by Col. Graves. We eliminated nearly 200,000 acres after the introduction of this bill, to comply with the suggestions of Col. Graves.

The gentleman has referred to the settlers in the area of the park. The settlers mentioned in the letter of the Secretary of Agriculture refer to settlers in the San Joaquin Valley outside the proposed park. They have been in the habit of sending small herds up into the mountain for the summer forage.

Mr. JOHNSON of Washington. There are private holders of land, and the minute this becomes a park up will come the demand that the Government buy them out.

Mr. ELSTON. There were large timber holdings, but we have eliminated them. There are no private holdings in there that the Government would want. There are some mineral holdings, but they have been properly safeguarded.

Mr. JOHNSON of Washington. But sooner or later they will have to be sold to the Government.

Mr. ELSTON. If the gentleman will look at the hearings and report he will find that the idea of this park has been indorsed quite universally.

I would refer to the gentleman from California [Mr. BARBOUR], who represents the district in which this park is located. He represents the settlers which the Secretary of Agriculture has mentioned in his letter. If the gentleman wants any assurance as to the fact that these settlers are safeguarded, the gentleman from California [Mr. BARBOUR] would be able to advise how far this bill impinges on their rights. I think the gentleman from California [Mr. BARBOUR] will say that the bill is meritorious and the rights of his constituents are protected.

Mr. BARBOUR. It is on that point that I asked if the gentleman would yield for a moment. The Secretary of Agriculture wrote the letter which the gentleman from Michigan has read when the bill was first submitted and when the original bill was being considered by the Committee on Public Lands. In order to take care of the stockmen whom he mentioned, I offered this amendment, which is the proviso on page 12.

Mr. JOHNSON of Washington. That is my objection to the bill. It proposes to create a hybrid, neither a park nor a forest reserve. It wants all of the benefits and none of the responsibilities.

Mr. BARBOUR. It is proposed to take in a large area of land, but it will not be developed for park purposes for several years to come.

Mr. JOHNSON of Washington. If there are no people in there except for the little grazing that goes on there, why put so many of the regulations of the national-park system into effect?

Mr. BARBOUR. Because it is necessary, if you are ever to make it a park, to start sometime. The proposition has been before Congress for six years. If the gentleman objects to the liberality of the provisions of the bill——

Mr. JOHNSON of Washington. I do not. But I do believe that some of the great beauty spots of the West should be left so that a man may bait a fishhook or shoot a gun without violating some park regulation.

Mr. BARBOUR. I agree with the gentleman on that proposition, and it was with that idea of taking care of the grazing interests that I offered the amendment before the Committee on the Public Lands which permits grazing on this land at the same fees as is charged by the Secretary of Agriculture.

Mr. McLAUGHLIN of Michigan. Mr. Speaker, there seems to be some serious disagreement as to the boundaries of this park and forest reserve. The gentleman from California [Mr. ELSTON] says there are to be further conferences and that they are to submit further amendments. Under these circumstances this bill ought not to be passed by unanimous consent, and I object.

The SPEAKER. The gentleman from Michigan objects, and the Clerk will report the next bill.

IRRIGATION EASEMENTS IN YELLOWSTONE NATIONAL PARK.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 12466) authorizing the granting of certain irrigation easements in the Yellowstone National Park, and for other purposes.

The SPEAKER. Is there objection?

Mr. TINKHAM. Mr. Speaker, I object.

Mr. SMITH of Idaho. Mr. Speaker, will the gentleman withhold his objection for a short time?

Mr. TINKHAM. I withhold my objection until the gentleman can make a statement.

Mr. SMITH of Idaho. Mr. Speaker, I wish the opportunity of explaining to the Members of the House the importance of enacting this legislation. We have just been considering a bill which proposes to add to a national park in California over a million acres of land. This bill is one to permit the use of 8,000 acres of land in the southwestern corner of the Yellowstone National Park, which, according to engineers' reports and the topographical maps of the United States Geological Survey, are near the center of a swamp, covering possibly 100,000 acres. This [pointing] is an enlarged map of the southwestern corner of the Yellowstone National Park. In the eastern section of the State of Idaho, adjoining, there are 200,000 acres of land that are partially irrigated from the reservoir sites at the heads of the streams, as will be observed by the map. Because of the lack of snow in the mountains a year ago there was such a shortage of water for irrigation purposes that over $10,000,000 worth of crops were lost last season. At the present time, on account of the lack of hay, resulting from a shortage of water for irrigation, the cattle are starving in that section of the country, as is evidenced by a newspaper item in the daily Idaho Statesman of April 13. Hay dealers are sending into that country hundreds of carloads of hay from the western part of Idaho to feed the starving cattle in the eastern portion, the shortage in hay, as stated, being caused by the lack of water for irrigation purposes last season. This map shows the relative size of the two reservoirs it is proposed to construct. It also shows the roads leading into and through Yellowstone National Park and their remoteness from the sites of the proposed reservoirs. There are three entrances, one from the west, one from the north, and one from the east. The proposed reservoirs are not within 40 miles of the entrance on the west and is removed from the eastern entrance and northern entrance the whole width of the park. The general right-of-way law which applies to the public lands does not apply to the Yellowstone National Park or to other national parks, and special legislation is necessary.

It is just a question of whether the Congress is willing to allow the farmers living in eastern Idaho to build reservoirs at their own expense to save for irrigation purposes the snow and rain which God Almighty sends for all of us or whether a few splendid but overly esthetic people, so far as the western country is concerned, who are living in luxury in Boston, New York, Philadelphia, and other eastern cities, and who apparently have little interest or sympathy for those of limited means who are trying to build homes for themselves and families on the arid lands, are to be permitted to make it possible by defeating this legislation for these hardy pioneers who are reclaiming the desert to lose ten or fifteen million dollars worth of crops each year. These worthy people are just as much entitled to the use of this water as they are to the air and sunshine. If we enact this legislation, the farmers will construct the reservoirs without cost to the Government to store sufficient water for irrigation purposes to insure a bountiful crop, the food supply will be increased for all the people, and the country generally will be benefited.

The only site available for such storage is in the extreme southwestern corner of the Yellowstone National Park, a section which is marshy in its character and which is never visited by tourists because of the lack of roads or trails. Application was made to the Secretary of the Interior for a right of way for a reservoir under the general law affecting easements on the public domain, and after careful consideration the Secretary stated he was in doubt in regard to his authority to grant such a permit of easement under the general law and submitted proposed legislation, which is embodied in the bill under consideration, which gives the Secretary of the Interior authority to grant the necessary right of way in the extreme southwestern corner of the Yellowstone National Park for the construction of a reservoir, canals, and so forth, for the purpose of storing water for the purpose of irrigation.

It is specifically provided that the road to be constructed from the park boundary to the site of the reservoir shall be maintained at the expense of the grantees, who shall also permit the use of any telephone or telegraph lines which may be constructed. Also that timber within the limits of the reservoir shall be cut and removed so as not to mar the attractiveness of the reservoir, and that all plans and specifications shall be submitted and approved by the Secretary of the Interior before construction. Also that the Secretary of the Interior shall make and enforce rules and regulations necessary to carry into force and effect the purposes of the act, and to protect and preserve, in so far as consistent therewith, the beauty of said park.

The proposed legislation simply confers upon the Secretary of the Interior authority to approve the application for a right of way if, in his judgment, such action should be taken.

The approval of the Acting Secretary of the Interior of the proposed legislation is set forth in the following letter addressed to the chairman of the Committee on the Public Lands:

DEPARTMENT OF THE INTERIOR,
Washington, March 6, 1920.

Hon. N. J. SINNOTT,
Chairman Committee on the Public Lands,
House of Representatives.

MY DEAR MR. SINNOTT: I have your request of February 13 for a report on H. R. 12466, entitled "A bill authorizing the granting of certain irrigation easements in Yellowstone National Park, and for other purposes."

I have carefully examined this measure in the light of the policies of this department with respect to the protection of the natural conditions of the national parks, and I have reached the conclusion that no objection to the passage of the bill should be interposed by me, for the reason that no easements for irrigation purposes in the Fall River Basin, Yellowstone National Park, must be granted by the Secretary of the Interior under the provisions of this legislation unless he first finds that such easements will not bring detriment to or interference with the uses of the land involved for park purposes.

Cordially, yours,

ALEXANDER T. VOGELSANG,
Acting Secretary.

The reasons upon which the importance of the proposed legislation is based are as follows:

1. There are about 30,000 people residing on farms, which are now in a high state of development and cultivation and in need of additional water supply in order to secure the maximum crops. The area affected is about 200,000 acres, situated in Fremont and Madison Counties, Idaho.

Except during dry years, these lands are fairly well supplied with water, but during the periods of drought a great shortage of crops are experienced.

2. A careful examination of the watershed has been made by the officials of the State of Idaho and the engineers, which examinations disclose the fact that this reservoir site in the Yellowstone National Park on Fall River is the only site which can be utilized in providing an additional water supply for the land in question.

3. On account of the peculiar conditions surrounding this site, its location, etc., the reservoir can be constructed and operated without any interferences whatever with the park.

The area intended to be used by this reservoir is of a swampy character and contains nothing whatever of interest. When this reservoir is constructed, this swamp will be converted into a beautiful mountain lake.

4. There is absolutely nothing in the way of unusual scenery or other interesting features in this part of the park, but the entire area contains only the ordinary western mountain landscape scenes, such as may be seen along the lines of travel for many miles by any tourist approaching the park from any direction.

This part of the park is not on the line of tourist travel and is never visited by the tourists on account of the topographic conditions; none of the tourist routes through the park ever reach this territory, as there is nothing of unusual interest to induce the tourist travel to visit this section.

During recent years, particularly 1919, a considerable menace existed to the entire Yellowstone National Park from forest fires. One of the fires most difficult to control occurred at the headwaters of Fall River and was only extinguished with great difficulty owing to a lack of roads and a means of access. When this easement is granted, a highway will be constructed from the railroad station at Ashton or Marysville to this part of the park, in order that they may gain access to their work. This highway will serve as a means of access to the park for fire protection and other purposes for all time to come.

5. Like many of the other Western States, Idaho is dependent entirely on the development of its agricultural resources by irrigation for further growth and prosperity. This development can only progress by the conservation of our water resources through the construction of storage reservoirs. Such reservoirs obviously can only be constructed where favorable sites exist and where adequate water supply is available.

6. Little need be said concerning the necessity of increasing the food production of the Nation and the world, but the following brief summary covers the crop production from this territory: Sugar beets, wheat, oats, and barley, peas, and other seeds, together with large quantities of forage for cattle and sheep, and potatoes and other vegetables are grown in large quantities.

The aggregate loss in crop failures, due to the shortage of water during 1919 on the lands which it is intended to irrigate from this reservoir, not including the loss in cattle, sheep, and other live stock, aggregated more than $15,000,000.

The growing of sugar beets as an industry in this part of the country is one of the most important, and owing to the shortage of water, all of which would have been avoided had this reservoir been in existence, this crop was not more than 40 per cent of the normal during 1919. The estimated loss of sugar beets in this territory during that year is about $5,000,000.

7. This reservoir site is not desired by any corporate interest for corporate profit, but by the farmers, who are organized and will furnish all the money to construct the necessary works, and its use will be entirely devoted to the creation of happy farm life and prosperity. At this particular time when extreme congestion occurs in our cities and congested centers of population, it is highly important that special inducement be offered to increase the rural population and relieve these congested centers.

8. At a time when the world is largely filled with unrest, due to the radical activities in Russia and elsewhere, to say nothing of our own Nation, it is well to remember that the owners of farm property and the people who are tilling their own soil are not radicals, but really constitute our most loyal and patriotic American citizens. In this respect it is, therefore, important to further increase our farm areas and build up our rural communities.

When this reservoir is constructed, the adequate water supply provided thereby and the increased production resulting therefrom will permit of material reduction in the present farm units in this territory and thus build up additional homes for many people.

Mr. Arthur P. Davis, Director of the Reclamation Service, who has visited this section of the park, stated to the committee that this section is of a marshy character, and that it is of the greatest importance that the water be conserved as proposed for irrigation purposes. The director has also submitted the following letter:

DEPARTMENT OF THE INTERIOR,
UNITED STATES RECLAMATION SERVICE,
Washington, D. C., March 18, 1920.

Hon. ADDISON T. SMITH,
Acting Chairman Committee on the Public Lands,
House of Representatives.

MY DEAR MR. SMITH: In accordance with your request over the telephone this morning, I am submitting the following information concerning the reservoir site known as Fall River Meadows or Bechler Swamp in the southwestern corner of Yellowstone Park.

This site is desired for the storage of water for irrigation by farmers along the North Fork of Snake River in Idaho, and it is well adapted to the purpose. The region is partly covered with timber of little value and is, in general, swampy. A low range of hills passes through the swampy area, and by closing the gaps in these hills it is possible to store a large quantity of water for irrigation. The land that would be submerged by the lake thus formed is mostly of a swampy nature and is unsightly and without any scenic value or economic value that is comparable to its value as a reservoir.

The lake that would be formed would be more pleasing to the eye than the natural swamp and would eliminate a considerable area of mosquito-breeding territory. If the embankments proposed to form this reservoir are built in a workmanlike manner and the construction camps and equipments properly cleaned up, the proposed work will be a distinct improvement in the appearance of the region and the roads that will be necessary to construct and operate this reservoir will increase the accessibility of the southwestern portion of the park.

I know of no valid objection, either of a scenic or economic nature, to the proposed construction, and think by all means it should be allowed and encouraged by Congress.

Very truly, yours,

A. P. DAVIS, *Director.*

Mr. Stephen T. Mather, Director of the National Park Service, also addressed the committee and recommended the passage of the bill, with the statement that before the Secretary acted upon the application for a right of way, he and the superintendent of the national park would visit the Fall River Basin country and furnish the Secretary of the Interior full information, which would enable him to take appropriate action on the application.

Many statements have been furnished the committee from farmers and others as to the value of crops lost last season because of the shortage of water supply, which would have been saved had the proposed reservoir been constructed and water conserved for such an emergency in the way of the shortage of water as existed last summer, a few of which are as follows:

STATEMENT OF DROUGHT CONDITIONS DURING THE SEASON OF 1919 IN THE UPPER SNAKE RIVER VALLEY.

ASHTON, IDAHO, *November 1, 1919.*

I am farming 640 acres just south of Ashton; 300 acres sown to wheat, which with irrigation water available would have yielded not less than 12,000 bushels, brought 1,761 bushels; 250 acres sown to seed peas, which should have brought not less than 9,000 bushels, yielded 327 bushels, or considerably less than half the amount of seed planted; 20 acres of barley yielded 28 bushels, less than the amount of seed used; 32 acres of alfalfa hay, which with the ordinary amount of irrigation water available should have brought not less than 160 tons, brought 30 tons of very inferior hay.

The season of 1919, with its abundance of sunshine and warm weather, should have been a record-breaking year, if farmers of this section could have only enjoyed the usual amount of water for irrigating their crops. The above estimates of yields are based on what my experience of 20 years of farming here leads me to expect and are low. Any season, when the farmers here are compelled to allow the waters in the rivers to go by and supply older rights, the same crop failure will virtually recur.

To reasonably safeguard future farming operations in this section, it is absolutely necessary to augment the present supply of irrigation water. The only location that is left would be the reservoir site in Fall River meadows.

G. HARRIGFELD.

STATE OF IDAHO,
County of Madison, ss:

We, the undersigned, president and secretary of the Teton Island Canal Co., an irrigation corporation existing and operating in Madison County, State of Idaho, do hereby certify as follows:

That our losses on account of shortage of water during the year 1919 have at least been one-half of our entire crop and that we are badly in need of stored water for irrigation purposes, and we must have stored water to properly irrigate all tillable land under present irrigation system, and unless we provide stored waters our losses will continue to be great hereafter. And we will be short of water the years that our snowfall is light.

We, the president and secretary of the above corporation, certify that the above statement is true and correct.

ALFRED RICKS, *President.*
JAMES A. BERRY, *Secretary.*

Subscribed and sworn to before me this 5th day of November, 1919.

[SEAL.] W. E. GEE,
Notary Public, Rexburg, Idaho.

My commission expires January 16, 1922.

STATE OF IDAHO,
County of Madison, ss:

Ross J. Comstock, being first duly sworn, deposes and says:

That he is the president of the First National Bank of Rexburg, Madison County, State of Idaho, and has for the past 19 years lived continuously in the said Madison County.

That during all the said time he has been identified with said bank and its predecessors, and that in the managing of said business he is personally and well acquainted with the irrigation conditions of said county.

The affiant further states that located in Madison County are 80,000 acres of irrigated lands which are capable of being irrigated from the water supply of the North Fork of Snake and Teton Rivers; that during the said time, on numerous occasions, more or less of said lands have suffered from lack of irrigation water, and the farmers have sustained material losses through failure to secure necessary water for irrigation purposes.

The affiant further states that this has been especially the condition during the irrigation of 1919 and that all of said lands have suffered from lack of water for irrigation, and he would estimate that said loss would exceed $25 to $100 per acre, with a probable general average of $35 to $40 per acre.

The affiant further states that in the development of said Madison County that the more scientific farming and the diversification of crops requires that a greater amount of water be provided than in former years and that it is apparent that the only manner in which said water can be provided and due protection given to the irrigation districts of Madison County is through the storage of water at the heads of the water supply that flow through the valley, and released during the time that the regular flow of the rivers will not supply a sufficient amount of water for irrigation purposes.

The affiant further states that the irrigated portions of Madison County being subirrigated, that by reason of filling the ground to raise the water table to properly subirrigate said lands, creates a reservoir or storage of water and the return flow to the river is immeasurably valuable to the irrigation districts below.

R. J. COMSTOCK.

Subscribed and sworn to before me this 5th day of November, 1919.
[SEAL.] FAY ABBOTT.

I, Joseph E. Romrell, hereby depose and say that I am president of the Wilford Irrigation & Manufacturing Co., of Wilford, Fremont County, Idaho. That said company is a cooperative and nonspeculative corporation operated solely for the purpose of irrigating the lands owned by the members of the company. That there are over 2,000 acres of cultivated land under the company's canal owned and operated by the stockholders of the corporation. That the value of the land of said tract ranges from $125 to $200 per acre. That due to scarcity of water during the present year of 1919 the farmers comprising this company have lost $150,500 worth of crops, as follows:

Wheat	$68,000
Oats	6,500
Seed peas	50,000
Alfalfa hay	15,000
Grain straw and pea straw	3,000
Miscellaneous crops	8,000
Total	150,500

That we suffer yearly a shortage of water and extremely so such years as 1898, 1913, 1914, 1915, 1918, and the present year.

That we have joined in the formation of the Fremont-Madison Reservoir Co., subscribing $20,000 stock therein, or 5,000 shares at $4 per share, applying for 5,000 acre-feet of water annually, through said reservoir company.

Witness my hand and seal at Wilford (St. Anthony, R. F. D. No. 1), Fremont County, Idaho, this the 12th day of November, 1919.

JOSEPH E. ROMRELL.

STATE OF IDAHO,
County of Fremont, ss:

On this 13th day of November, in the year 1919, before me, Walter Riggs, a notary public in and for the State of Idaho, personally appeared Joseph E. Romrell, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same.

In witness whereof I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written at Teton, Idaho.

[SEAL.] WALTER RIGGS, *Notary Public.*

STATE OF IDAHO,
County of Fremont, ss:

I, E. Cunningham, being duly sworn, say that I am a resident of Ashton, Idaho; that I have lived here since 1906. I am a farmer by occupation and know the conditions existing in this country relative to the aridity and need of irrigation water.

During the years 1910, 1916, 1917, 1919, it was extremely dry in this section of the country and the crops were very short in the three first-named years, and practically a failure in the last-named year for the lack of irrigation water. The crops grown here are very small grains, hay, peas, beets, and vegetables. It is impossible to successfully grow hay, peas, beets, or any vegetables in almost any year without irrigation. This section of country, being among the last to be settled in the Snake River Valley, found the water all appropriated before it was settled, leaving us nothing but flood water. In order to overcome this shortage of water it is absolutely necessary that we be enabled to secure storage facilities to hold the flood water in order that we may be able to get the necessary water for irrigation.

E. CUNNINGHAM.

Subscribed and sworn to before me this 3d day of November, 1919.
[SEAL.] HIRAM G. FULLER, *Notary Public.*

ST. ANTHONY, IDAHO, *October 30, 1919.*

To whom it may concern:

We affirm that G. A. Fitzpatrick has been the manager of the St. Anthony Flour Mills, of St. Anthony, Idaho, and has resided at St. Anthony, Idaho, for the past six years, and that, as such manager, he has had occasion, due to the nature and interests of the grain business, to observe, more or less, the shortage of irrigation water at St. Anthony and in the surrounding vicinity. We further affirm that during the growing season of 1919 there was such a shortage of irrigating water in this part of Idaho that only about 15 per cent of a normal crop was grown, which could have been avoided if proper reservoir facilities were provided to take care of the flood waters in the spring of the year.

This is not the only year that this has occurred, as two years ago the same condition existed, but not nearly as severe as during the year 1919, as there were not as many acres under crop then as during the present year. This also was true in the year 1913, but the shortage was not as severe as in the years 1917 and 1919. This is due also to the fact that there was not nearly as large an acreage planted as during the war period, when each farmer exerted every effort to plant every available acre that was possible. It is true, however, that the irrigation water is not sufficient to grow successfully crops throughout this district without reservoir reservation of water, and for St. Anthony and surrounding territory to be successful there must, in the very near future, be obtained reservoir facilities large enough to store the flood waters in the spring to take care of this later demand, as it is the late water that matures the crops and makes the country successful.

Very truly, yours,

ST. ANTHONY FLOUR MILLS,
By G. A. FITZPATRICK, *Manager.*

EVERETT B. CLARK SEED CO.,
St. Anthony, Idaho, October 29, 1919.

John B. Davis, manager of the Everett B. Clark Seed Co., St. Anthony, Idaho, being first duly sworn deposes and says:

Following is a summary of our books of seed sown and crops grown from same during the past six years:

Year.	Pounds seed sown.	Pounds crop harvested.	Average fold.
1914	780,660	3,602,371	4.613
1915	606,162	3,447,395	5.685
1916	773,304	2,750,160	3.556
1917	786,520	2,138,808	2.708
1918	813,176	3,064,688	3.646
1919	761,226	1,645,865	2.162

The pea-growing sections in the United States as I know it are as follows: Parts of Wisconsin, Michigan, Montana, Washington, and Idaho. The two former are strictly dry-farm propositions, Washington partly, Montana and Idaho under irrigation, and without it very few, if any, peas can be successfully grown.

The Snake River Valley in Idaho has an ideal climate for pea growing, and with plenty of water it has no equal in the pea-growing game. Have been interested in pea growing in Canada, New York, Wisconsin, and Idaho, and have visited other sections during growing seasons.

Just to show what the scarcity of water did to some crops in this section this year: One of our growers, John F. Johnson, of St. Anthony, had two crops of peas for us, one crop that he had some water for—not enough, but enough to water parts of the field once. We paid him $1,057.85 for that, and for the other that he had no water at all for he owed us $108.94 for seed furnished him. In both cases land was the same. Cause: Shortage of water.

Others who had partial water:

J. S. Rudd, Parker, Idaho—from 60 acres we paid him $5,547.69.

Frank Fujimoto, St. Anthony—from 35 acres we paid him $2,907.10.

C. W. Brown, St. Anthony—from 20 acres we paid him $1,742.32.

Others with just as good land and farmers:

Paul Allan Parker—17 acres; did not get seed back.

T. W. Barger, Newdale—16 acres; total failure.

Seth Beam, Newdale—40 acres; total failure on as good land as ever lay outdoors.

Could go on and cite dozens of others in the same boat, but this will show conditions. At Ashton, Idaho, normally without best producing sections, this year almost a total failure.

We are unable to give actual loss to the farmers or ourselves owing to water shortage this year, but it runs into the thousands of dollars. Our own loss is extremely large, not only in dollars but in the loss of seed stocks that we have been years in breeding up and perhaps we may never be able to replace.

Respectfully submitted.

JNO. B. DAVIS, *Manager.*

STATE OF IDAHO,
County of Fremont, ss:

Daniel Thomas, being first duly sworn, deposes and says:

That he is a resident of Fremont County, State of Idaho, and a citizen of the United States, over the age of 21 years. That he has resided at Ashton, Idaho, since November, 1916, and is one of the copartners of the firm of Thomas Bros., grain buyers, with elevators at Ashton, Grainville, Driggs, Felt, and Hetonia, Idaho; that he has been engaged in the buying of grain for years, prior to 1916, in the State of Kansas. That during the year of 1917 the firm of Thomas Bros. purchased at their elevators approximately 600,000 bushels of small grain, of the approximate value of $1,000,000; that during the year of 1918 they purchased approximately the same amount, and of the same approximate value; that in the year 1919 they will be able to purchase, due to the fact that there is no more in the country, not to exceed 30,000 bushels, of the approximate value of $45,000. The great difference in the amount purchased is due to the fact that in the year 1919 the shortage of water was so great that the canals of this section were shut off for the benefit of prior appropriators early in July of 1919; that this shortage of water has each year become more acute, due to the fact that sections with prior water right have become more highly developed, have used more intensive farming methods, entered industries requiring more water, and have become more densely populated.

That at the points where the firm of Thomas Bros., have elevators, other firms have elevators, whose purchases this affiant has no means of determining definitely but would judge ran about the same in volume and value as that of Thomas Bros.; that from his experience in the buying and handling of grain in other sections of the country your affiant is able to state that from his experience the section around Ashton is unsurpassed for the raising of small grain by any other section, either in quantity of yield per acre or in quality.

That the soil of this section is very fertile and productive, adapted to the raising of various products, for which markets are being established, and is susceptible of being easily irrigated; that due to the establish-

ment of markets for various products, which are being raised, and which will require irrigation more extensively than small grain has heretofore, more water than formerly is going to be required for the proper development of the country, so that instead of the present supply of water becoming more adequate by the change to production other than the raising of grain, such supply will become further inadequate; that to insure the future development of this section, or even to maintain its present development, the waters that pass by in winter months will be required to be stored, and your affiant verily believes that the only solution to the problem is the construction of the proposed reservoir for storage water in Fall River Meadows, in Yellowstone Park; that by such construction, the future development of Upper Snake River Valley is assured, but that without such construction, this section must become of no great importance in production.

DANIEL W. THOMAS.

Subscribed and sworn to before me this 1st day of November, 1919.
[SEAL.] THOS. B. HARGIS, *Notary Public.*

—

STATE OF IDAHO,
County of Fremont, ss:

W. L. Miller, being first duly sworn, deposes and says:

That he is the president and general manager of Miller Bros. Co., a corporation of the State of Idaho, engaged in the business of buying and selling grain.

That he has been engaged in the grain business in the city of St. Anthony continuously since the year 1900, and during all that time has bought and sold grain, and at times potatoes, hay, and feed. That during a large portion of the time he has been engaged in business the concern has operated and now are operating at seven different points on the branch of the Oregon Short Line Railroad, running from Idaho Falls, Idaho, to Yellowstone, Wyo., and to Victor, Idaho, all of which points, with the exception of one, are in the irrigated section of the Upper Snake River Valley and in the territory irrigated by the waters of Fall River and the North and South Forks of Snake River and tributaries.

That in the early period of the time that he has been engaged in said business the territory tributary to the points at which they operate produced largely grain, but of recent years the crops produced in this territory become very much diversified, and since more and difficult kinds of crops have been raised, such as sugar beets, potatoes, seed peas, etc., and the grain crops have steadily declined in acreage.

That the crops last above mentioned require irrigation later in the year than do the grain crops, and several years have occurred in which the crops of beets, potatoes, peas, and other late crops have not properly matured because of the lack of sufficient water in the latter part of the season, and particularly in the years 1916 and 1919, during which years the crops of grain and also the later maturing crops suffered extensively from want of irrigation, the crop of 1916 being estimated as 50 per cent short and the crop of 1919 being estimated as no more than 15 per cent of the normal yield for the territory embraced in the operations of his company. That the shortage of crop was due to no other apparent cause than the shortage of water, as is evidenced by the fact that the crops on the heads of the canals, where it was possible to obtain a sufficient supply of water and before any great loss had occurred by evaporation and seepage, were normally good, while the crops on the lower end of the same canals were, in some instances, particularly in the year 1915, a total failure.

W. L. MILLER.

Subscribed and sworn to before me, a notary public, residing at St. Anthony, Idaho, this 29th day of October, 1919.
[SEAL.] NORA E. CARROLL.

Mr. RAKER. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Idaho. Yes.

Mr. RAKER. In addition to what the gentleman has said, from the settled community to the boundary line of the park and then into the park, at quite an enormous expense, these people are to build and maintain roads and telephone lines?

Mr. SMITH of Idaho. That is provided in the bill, and the Government is to have the use of these roads and telephone lines without any expense whatever to it.

Mr. RAKER. In addition to that, the entire surrounding territory where the reservoirs are is to be kept in proper shape?

Mr. SMITH of Idaho. Yes.

Mr. RAKER. To harmonize with the park and to be kept up at the expense of the reservoir people?

Mr. SMITH of Idaho. Yes. In the southwestern section of the park there are no roads or trails. No white man goes into that section of the country. It is a mountainous section, except in the southwestern corner, where there are nothing but swamps. The farmers propose to put a reservoir in the swamp section to conserve the water to augment the water supply to irrigate 200,000 acres in the eastern part of Idaho.

Mr. SINNOTT. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Idaho. Yes.

Mr. SINNOTT. Will this project interfere in any way with the scenic beauties of that part of the park, or with the accessibility of that part of it?

Mr. SMITH of Idaho. It could not possibly interfere with the scenic features. A lake is certainly more attractive than a swamp. A fine wagon road will be built in from the railroad to this section over which to transport material to construct the reservoir, and under the provisions of the bill the organized farmers must keep the roads in good condition. Eventually the Park Service could build roads to connect with other roads in the park.

Mr. TREADWAY. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Idaho. Yes.

Mr. TREADWAY. Has there been at any other time any effort to commercialize any part of the Yellowstone Park?

Mr. SMITH of Idaho. Not to my knowledge, except that about 20 years ago there was introduced a bill to build a railroad into the park. This is legislation intended to save the crops of 6,000 farmers situated on 200,000 acres of land, where now about 30,000 people live.

Mr. TREADWAY. I want to ask the gentleman further, whether or not this could not be used a little later on as a precedent for other efforts along the same or a similar line that might gradually take a slice here and there off of the beauty and attractions of the park?

Mr. SMITH of Idaho. That same argument might apply to any legislation or anything that we do. If we do something that is wise, we should do it because it appeals to our judgment, even if it establishes a precedent. Each proposition must stand or fall on its own merits.

Mr. FRENCH. I would like to ask the gentleman if it was not supposed the Secretary of the Interior had discretionary power to do this particular thing; in fact, the Secretary of the Interior about 1895 made a ruling practically on the same proposition applied to another park, holding that he did have that authority.

Mr. SMITH of Idaho. The general right-of-way law was supposed to apply to the parks as well as to the public domain, but recently the Secretary concluded it did not.

Mr. TREADWAY. It is very fortunate that there is no such discretion given any official so far as the Yellowstone Park is concerned.

Mr. SMITH of Idaho. May I ask the gentleman from Massachusetts a question? Is it more important that this swampy portion of the park should be preserved as sacred than that 200,000 acres of land should be put under complete and intensive cultivation and support 30,000 people who are there now and the 100,000 who will be there within the next few years?

Mr. TREADWAY. Answering the gentleman's question, I call his attention to his own report wherein he says that ordinarily there is ample water there, "Except during dry years these lands are fairly well supplied with water, but during the period of drought a great shortage of crops is experienced." It does not seem to me the gentleman there makes out a very strong case.

Mr. SMITH of Idaho. Possibly a drought may come next year, which will result in another loss of $10,000,000 worth of foodstuffs and bring discouragement and possibly bankruptcy to thousands of people who are on these lands.

Mr. RAKER. Will the gentleman yield?

Mr. SMITH of Idaho. I do.

Mr. RAKER. Now, the grant in this bill of the right of way is protected in the bill and is under the control of the Secretary of the Interior.

Mr. SMITH of Idaho. The interests of the Government are protected just as specifically as the language could possibly be made.

Mr. RAKER. And the roads are to be built under the direction of the Secretary of the Interior.

Mr. SMITH of Idaho. Yes.

Mr. RAKER. And the telephone lines the same.

Mr. SMITH of Idaho. Yes, sir.

Mr. RAKER. The dam and structures are to be built to harmonize with the rest of the park as nearly as it is possible to be done.

Mr. SMITH of Idaho. Certainly.

Mr. RAKER. And at the expense of these farmers below?

Mr. SMITH of Idaho. Entirely. It will not cost the Government a cent.

Mr. RAKER. Is there a foot of land which by virtue of its being thus taken will detract from the park?

Mr. SMITH of Idaho. Absolutely not. The proposed improvement will be a benefit to the park and result in saving the water which is necessary to use on this desert land during the hot, long summer to raise crops.

Mr. RAKER. And this is just a swamp and mosquito pond at the present time? It will be transformed into a beautiful lake in the park, where these people and others may go to visit?

Mr. SMITH of Idaho. Yes, sir.

Mr. SNELL. I understand there are 100,000 acres of swamp.

Mr. SMITH of Idaho. Yes, approximately.

Mr. SNELL. How can you make a reservoir of 9,000 acres on 100,000 acres of swamp?

Mr. SMITH of Idaho. We expect to build the dam between the hills and back the water up over this swamp.

Mr. SNELL. How much do they expect to back up the water?

Mr. SMITH of Idaho. On 8,000 acres.

Mr. SNELL. How many feet high—how high?

Mr. SMITH of Idaho. On an average of 10 or 15 feet.

Mr. SNELL. What kind of timber is on the land?

Mr. SMITH of Idaho. Director Davis, of the Reclamation Service, who has recommended the enactment of this bill strongly, states that there is no merchantable timber there. The bill provides that any timber there shall be removed from the reservoir site so there will not be any tree tops sticking up out of the water to mar the beauty of the lakes to be created.

It is proposed that roads shall be constructed in an artistic way, and great effort will be made to make the reservoirs attractive to the people who may possibly come into this section of the country when the roads are connected up in the park.

Mr. SNELL. What is the attraction for people to go into a section of country where they can not live?

Mr. SMITH of Idaho. There is no attraction there.

Mr. SNELL. That seems to be the situation almost with all parts of Idaho.

Mr. SMITH of Idaho. There are many scenic beauties in the Yellowstone National Park which are now reached by roads without going into this remote section consisting of swamps.

Mr. BARBOUR. Will the gentleman yield?

Mr. SMITH of Idaho. Yes.

Mr. BARBOUR. Is it not a fact now that there are no roads going into that area?

Mr. SMITH of Idaho. No; and no trails by which tourists might go in there. Occasionally white men may go in there to hunt.

Mr. BARBOUR. Is it not a further fact that this could be made an asset to the park, whereas it is now a liability?

Mr. SMITH of Idaho. Yes, sir.

Mr. RAKER. Will the gentleman please point out where the agricultural land is?

Mr. SMITH of Idaho (indicating on map). This land in eastern Idaho is the agricultural land to be supplied from that reservoir.

Mr. RAKER. That is south and west of the proposed dam?

Mr. SMITH of Idaho. Yes.

Mr. RAKER. There is no road leading through this section up to the proposed reservoir?

Mr. SMITH of Idaho. No; it is difficult to get in there. There is a trail up which possibly a wagon could go.

Mr. RAKER. But no automobile road?

Mr. SMITH of Idaho. No.

Mr. RAKER. How many people approximately live in this section who could be expected, if this road is built in there, to get the benefit of the park as well as everybody else that comes into that country?

Mr. SMITH of Idaho. Of course there are thousands of people living in eastern Idaho who might take advantage of it, but the people I am especially interested in are those who have homes and farms on this land, who are entitled to have this water, which the Almighty has placed there for their use, and which now runs unused to the Pacific Ocean.

Mr. RAKER. And this would help in the development of the park itself?

Mr. SMITH of Idaho. Absolutely so.

Mr. McLAUGHLIN of Michigan. Will the gentleman yield?

Mr. SMITH of Idaho. I will yield.

Mr. McLAUGHLIN of Michigan. It seems to me that any canal or ditch company or association or corporation formed there who acquires the right to build and the use of that property, practically acquires title in fee of the area covered by the water that is collected there?

Mr. SMITH of Idaho. They would have the same sort of fee that a railroad has when it is granted a right of way across the public domain.

Mr. McLAUGHLIN of Michigan. A private corporation is permitted practically to carry on business just as they please as far as the use of water by themselves and others are concerned, and they have that perpetual right against everybody else. Is that the idea?

Mr. SMITH of Idaho. There is nobody else who could utilize the water other than the people living on the land below.

Mr. McLAUGHLIN of Michigan. Somebody else might make use of it.

Mr. SMITH of Idaho. In any event, the laws provide that those who first utilize the water are entitled to it, and it is a question, as I say, whether or not this Congress is going to permit these farmers to save the rain and snow, which is supposed to be free to everybody, or deprive them of the opportunity of storing it for use as it is needed.

Mr. McLAUGHLIN of Michigan. I think everyone wishes them to have permission to use that and to have assistance in using it, but it seems to me a serious proposition to give the first one there the right for all time over that area.

Mr. SMITH of Idaho. Nobody else could use it but those living in that area.

Mr. McLAUGHLIN of Michigan. The one who gets there first can control it and direct how everybody else can use it for all time.

Mr. SMITH of Idaho. Nobody else could use it except the farmers who are located there.

Mr. TIMBERLAKE. Will the gentleman yield?

Mr. SMITH of Idaho. I yield.

Mr. TIMBERLAKE. In reply to the gentleman from Michigan [Mr. McLAUGHLIN], I would like to ask the gentleman from Idaho [Mr. SMITH] if the lands sought to be watered by the waters of that reservoir indicated are organized under the laws of the State of Idaho into an irrigation district?

Mr. SMITH of Idaho. Yes, sir; there are several districts organized, and they have a central organization and are raising the money among themselves to make the proposed improvements.

Mr. TIMBERLAKE. Then it involves all the people who belong in that district, and no individual would suffer or have any special rights such as suggested by the gentleman from Michigan.

Mr. SMITH of Idaho. It is for the benefit of the people who are now on the land and who, because of these shortages in snowfall, occasionally find that they have not sufficient water to save their crops.

Mr. ELSTON. Will the gentleman from Idaho yield for a unanimous-consent request?

Mr. SMITH of Idaho. Yes.

Mr. ELSTON. Mr. Speaker, I ask unanimous consent that the bill H. R. 5006 retain its place on the Unanimous Consent Calendar according to the regular procedure.

The SPEAKER. The gentleman from California asks unanimous consent——

Mr. McLAUGHLIN of Michigan. Not to be brought up again to-day?

Mr. ELSTON. Not to be brought up again to-day.

Mr. McLAUGHLIN of Michigan. With that understanding, I will not object.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. TINKHAM. Will the honorable Representative from Idaho yield?

Mr. SMITH of Idaho. I yield to the gentleman from Massachusetts.

Mr. TINKHAM. Mr. Speaker, I have received the following communication from the American Civic Association, and it was upon their communication and also one from Frederick Law Olmstead that I make objection. I think the honorable Representative from Idaho is entitled to hear what those communications contain, as is the committee. Referring to the bill now before the committee, the communication from the American Civic Association says:

The act in question seems to us who are interested in the preservation of the Yellowstone National Park in accordance with the purpose manifested in the act of March 1, 1872, when it was set aside, to be a very unfortunate and improper attempt to exploit for the benefit of a comparatively few persons the precious and unreplaceable property of the whole Nation.

We also believe that it is an erroneous and indefensible procedure to refer the determination of this matter to the Secretary of the Interior, for if Congress knew its own mind when it set aside the Yellowstone National Park as such, it certainly ought to have the opportunity to change the ideals concerning that park without depending upon an administrative official.

I also draw your attention to the report accompanying Mr. SMITH'S bill, in which the claim is made that the consummation of the park destruction aimed at would largely increase the product of certain agricultural operators in the lower and contiguous portions of Idaho. On page 7 of that report there is a sworn statement of a seed-producing concern which gives the actual situation in respect to six successive crops in the valley to be benefited, ranging from 1914 to 1919. By this statement it is shown that of the six years five were abundantly successful, and the sixth year, 1919, by no means a failure. It would seem to any reasonable man that the farmer who can secure five successful crops out of six scarcely needs relief at the hands of the Federal Government, or, rather, at the expense of the people of the Nation, unless at the same time it is proposed to afford relief to the business man who after five successful years finds himself lacking a profit in the sixth.

There is reason to believe that the introduction of this measure is merely the entering wedge toward a wholesale exploitation of the water resources of the Yellowstone National Park. In fact, the engineer of the Fremont-Madison Reservoir Co., the applicant for this special privilege, has admitted that under the permission given by the Secretary of the Interior to investigate the possibilities in the Betcher Valley Basin, those investigations were pursued so that the ultimate design includes the use of the Yellowstone Lake as an irrigation reservoir.

If such a diversion from the original purpose manifested by Congress in the act of March 1, 1872, is to occur, it ought to be a diversion by Congress, and not indirectly through the Secretary of the Interior or any other official.

Information has just reached me to the effect that the section of the Yellowstone National Park which is to be changed into a reservoir is the haunt of certain sadly diminished wild animals, which, of course, will perish if the design to maintain Yellowstone National Park in its original primitive wildness is interfered with by those who feel that losing one crop in six is too much of a risk.

I venture to urge on behalf of a large and influential membership, including able men and women in every State in the Union, that you interpose every objection to the passage of this bill. I am informed that it is now on the Unanimous Consent Calendar, and may come up every Monday, with the opportunity to slip through the House, as a similar enactment has slipped through the Senate. At least such action should be taken as would force the proponents of this scheme to argue their case fairly and squarely before a committee of Congress, with an opportunity to come back on behalf of the public.

Very truly, yours,

ELEANOR E. MARSHALL, *Secretary.*

Mr. SMITH of Idaho. Mr. Speaker, evidently Mr. Olmstead does not know much about——

Mr. TINKHAM. That is the American Civic Association.

Mr. SMITH of Idaho. Oh, yes; I know about this organization; but they do not know very much about farming in irrigated countries. If an irrigation farmer loses a crop once in six years, he is practically forced into bankruptcy, because he has had to spend so much money to keep up the water systems and pay the water-right assessments, maintenance fees, and so forth; and if he does not have a crop every year he is conducting a losing proposition, whereas in the eastern country, where you do not depend upon irrigation, you do not have to incur so much expense to maintain your land and to put in your crop, and as a result you can afford to lose a crop once in three years or four years and not be particularly harmed.

Mr. McLAUGHLIN of Michigan. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is, is there objection?

Mr. TINKHAM. I object.

Mr. SMITH of Idaho. Mr. Speaker, I ask that the bill remain on the calendar.

The SPEAKER. The gentleman from Idaho asks unanimous consent that the bill be passed without prejudice. Is there objection? [After a pause.] The Chair hears none.

NATIONAL EDUCATION ASSOCIATION.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10917) to amend an act entitled "An act to incorporate the National Education Association of the United States" by adding thereto an additional section.

The SPEAKER. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That an act entitled "An act to incorporate the National Education Association of the United States," approved June 30, 1906, be amended by adding an additional section to said act, which section shall be designated section 12 and shall read as follows:

"SEC. 12. That said corporation may provide, by amendment to its by-laws, that the powers of the active members exercised at the annual meeting in the election of officers and the transaction of business shall be vested in and exercised by a representative assembly composed of delegates apportioned, elected, and governed in accordance with the provisions of the by-laws adopted by said corporation."

The SPEAKER. Is there——

Mr. BEE. Mr. Speaker, is this bill for the National Education Association?

The SPEAKER. It is.

Mr. BEE. Reserving the right to object——

The SPEAKER. Consent has already been given. The question is on the engrossment and third reading of the bill.

Mr. BEE. Mr. Speaker——

Mr. FESS. Would the gentleman like to discuss the bill?

Mr. BEE. I would like to ask the gentleman from Iowa some questions about it. I want to say very frankly to the gentleman from Iowa [Mr. TOWNER], because I believe he knows it, that my interest in matters of education has been a very large one always. I have discussed the matter with the gentleman from Iowa upon other occasions. I am not familiar with the provisions of this particular act; but is the effect of this law to concentrate in the Federal Government eventually—not, perhaps, by the provisions of the law itself—control and supervision of the education in this country? In other words, not talking now about the rights of the States—but education has been getting along very well with the States—what good is to be accomplished by this association in the cause of education that will not impinge or infringe upon the control of education by the States themselves? I am not familiar with the provisions, and I am asking the gentleman from Iowa for information.

Mr. TOWNER. Mr. Speaker, this bill has nothing to do with the proposition that the gentleman is asking about. The National Education Association is a voluntary association of the educators of the United States. The association was founded in 1857. It at first received a charter from the District of Columbia and later received a charter from Congress. According to the provisions of that charter the officers are to be elected and the business of the corporation transacted by the active members of the association. Now, the association has grown to be between 40,000 and 50,000 in active membership, so that it is impracticable to have a meeting of the active members. This bill provides that this association can amend its by-laws so as to have a representative meeting. In other words, it changes the form from a general democracy to a representative assembly. That is all that there is in the bill.

Mr. BEE. Mr. Speaker, will the gentleman yield?

Mr. TOWNER. Yes.

Mr. BEE. Has this association heretofore been incorporated?

Mr. TOWNER. Oh, yes.

Mr. BEE. It is now incorporated?

Mr. TOWNER. Yes. It was first incorporated by the District of Columbia and afterwards by an act of Congress in 1906.

Mr. BEE. It is an association of educators, and the only object of this bill would be to give them the authority to amend their by-laws so as to provide for a representative meeting instead of a meeting of all the active members?

Mr. TOWNER. That is exactly it.

Mr. BEE. And it does not contemplate interference and has no power, of course, according to the gentleman's statement, of interference or reaching out and seeking control of the education in the United States?

Mr. TOWNER. Oh, no; I will say it has no such power.

Mr. BEE. And no such authority?

Mr. TOWNER. No.

Mr. CANNON. What function does it perform?

Mr. TOWNER. It is a voluntary association of the teachers and educators of the United States in the colleges and county and State superintendents and teachers of the United States. It has been in operation since 1857.

Mr. CANNON. But what does it do?

Mr. TOWNER. It has its annual meetings and it publishes its proceedings. Its proceedings are sent all over the world, I will say to the gentleman, and form perhaps a body of educational discussion as valuable as anything else that we have in that line.

Mr. CANNON. Who pays the expenses?

Mr. TOWNER. They do themselves. They have their dues, just the same as any other voluntary association.

Mr. FESS. Mr. Speaker, does the gentleman yield?

Mr. TOWNER. I yield to the gentleman from Ohio.

Mr. FESS. The association is made up of two classes, active membership and associate membership. The active membership fee annually is more than the associate membership fee, but with the membership fee as the only source of revenue, some years ago this association had over $100,000 in its treasury, so that it is not a matter that depends upon any outside support to assist it financially.

The only object, I will say to my friend from Illinois, is, as suggested by the gentleman from Iowa [Mr. TOWNER], an annual meeting in the summer of the entire membership, or at least it is open to the entire membership, and a second meeting in the spring, usually in February, of those identified with the superintendents, known as the superintendents' section, and of these two meetings all of the proceedings, including all of the addresses, are printed in an annual report.

I want to supplement what the gentleman from Iowa [Mr. TOWNER] has said, that these reports, extending back before the Civil War, form the most expert body of information on educational democracy that is extant anywhere to-day in the world, and the association is not dependent upon benefits in the form of contributions from either State, county, or Federal governments, but it is a matter purely dependent upon its own membership.

Mr. CANNON. Is it an organization for propaganda and controlling legislation or asking legislation, or is it a grand powwow and a banquet?

Mr. FESS. I have never known it to have the grand powwow or the banquet, and I have never known it to be offensive in legislative matters.

Mr. BEE. Mr. Speaker, will the gentleman permit a question?

Mr. FESS. Yes.

Mr. BEE. In answer to the question of propaganda, I suppose that there is hardly any organization at this day and time that does not indulge in propaganda. As to the grand powwow, I will say to the gentleman from Illinois that a great deal of interest in these grand banquets has been removed by a recent amendment to the Constitution.

Mr. FESS. I am not interested in the banquet or the powwow, but I have had some correspondence from some of the officers now and then about some proposed legislation. I think that my friend from Illinois is not more offended than I am at unnecessary propaganda, and I believe that the National Education Association is pretty free from that charge. So far as I know it is as much so as the chamber of commerce.

Mr. CANNON. I am very glad to hear it.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. TOWNER, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

BRIDGE ACROSS THE BAYOU BARTHOLOMEW, ARK.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 12956) extending the time for constructing a bridge across the Bayou Bartholomew, in the State of Arkansas.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge authorized by act of Congress approved January 15, 1914, to be built across the Bayou Bartholomew, in the State af Arkansas, by Ashley County, are hereby extended one and three years, respectively, from the date of the approval hereof.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ESCH, a motion to reconsider the vote whereby the bill was passed was laid on the table.

MILITARY RESERVATION OF FORT LOGAN H. ROOTS, ARK.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13274) to convey to the Big Rock Stone & Construction Co. a portion of the military reservation of Fort Logan H. Roots, in the State of Arkansas.

The title of the bill was read.

The SPEAKER. Is there objection to the consideration of this bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed, upon the payment by the Big Rock Stone & Construction Co., a corporation existing under the laws of the State of Arkansas, of such sum as he may determine to be the reasonable value of the premises (but not less than $150 per acre), to convey to the said company the following-described portion of the military reservation of Fort Logan H. Roots, near the city of Little Rock, State of Arkansas, to wit:

Beginning at the southeast corner of a 2-acre tract purchased from the United States by the Big Rock Stone & Construction Co., approved by act of Congress August 14, 1912; thence north 1° 18' east 437 feet to the southeast corner of an 18.75-acre tract purchased from the United States by the Big Rock Stone & Construction Co., approved by act of Congress August 14, 1912; thence south 54° 30' west along boundary line 250 feet to the southwest corner of said 18.75-acre tract, this point being also the northeast corner of the 2-acre tract above mentioned; thence south 33° 34' east 350 feet along boundary of said 2-acre tract to point of beginning, same being a triangular parcel of ground located in the southwest quarter of section 28, township 2 north, range 12 west, containing 1 acre.

SEC. 2. That the Secretary of War be, and he is hereby, authorized and directed to enter into a revocable lease with the Big Rock Stone & Construction Co., a corporation as aforesaid, on the following-described portion of the military reservation of Fort Logan H. Roots, near the city of Little Rock, State of Arkansas, to wit:

From cut-stone monument in boundary line of military reservation of Fort Logan H. Roots, approximately 150 feet southeast of brick pumping station, run north 37° 52' west 624 feet from point of beginning; thence south 54° 30' west approximately 240 feet to bank of Arkansas River; thence in a northwesterly direction, following up the left bank of river, approximately 1,300 feet to boundary line of a 2-acre tract purchased from the United States by the Big Rock Stone & Construction Co., approved by act of Congress August 14, 1912; thence north 54° 30' east along boundary line of said 2-acre tract to the southeast corner of said tract; thence south 33° 34' east alongside of bluff 1,300 feet to point of beginning, same being a strip of ground lying along the east bank of Arkansas River in the southwest quarter of section 28, township 2 north, range 12 west, containing 7.21 acres, at a rental value to be determined by the War Department.

SEC. 3. That this act shall take effect and be in force from and after its passage and approval.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. JACOWAY, a motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. JACOWAY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

Mr. JACOWAY. Mr. Speaker, this bill authorizes the Secretary of War to convey to the Big Rock Stone & Construction Co., a corporation existing under the laws of the State of Arkansas, a portion of the military reservation at Fort Logan H. Roots, in the State of Arkansas. This company has numerous large contracts with the road commissioners of many of the special road districts of Arkansas for furnishing crushed stone for road-building purposes. In support of this bill I desire to read a letter from Hon. William B. Owen, commissioner of State lands, highways, and improvements, as follows:

The Big Rock Stone & Construction Co., of this city, have contracts for several hundred thousand tons of stone for good roads which are building and are to be built in this State. We know that there has been a great shortage of cars for shipment, and they have explained to us that if they could secure a certain tract of land along the base of the Fort Logan H. Roots Reservation, paralleling the spur track which leads into their plant, that this would enable them to store a large quantity of stone during the time that cars were not furnished. If you can secure the tract of land for them, I feel that it will be of inestimable value to the State in facilitating the increased storage and delivery of stone to the road districts of the State.

It is the intention of this company to use this land for storage purposes. They will run their crusher steadily and place the crushed stone on this space, so that when cars are received they can be loaded promptly and shipped. The passage of this bill will therefore greatly facilitate the road-building work throughout the State of Arkansas. This bill has the approval of the War Department.

The SPEAKER. The Clerk will report the next bill.

LESSEES AT CAMP FUNSTON, KANS.

The next business on the Calendar for Unanimous Consent was the bill (S. 3706) authorizing the Secretary of War to make settlement with the lessees who erected buildings on a five-year lease on the zone at Camp Funston, Kans., and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SNELL. Mr. Speaker, I reserve the right to object for the present.

The SPEAKER. The gentleman from New York reserves the right to object.

Mr. ANTHONY. Mr. Speaker, this bill, which has passed the Senate, is to authorize the Secretary of War to settle with the lessees who erected buildings on a five-year lease on the zone at Camp Funston, Kans.

These people erected buildings on a Government reservation for the purpose of supplying amusements and merchandise to the soldiers in that camp. They also contributed toward the construction of certain utilities in the camp. They paid to the Government 10 per cent of their gross receipts, which went into the fund for camp activities, and after three years had elapsed of their five-year lease, which provided that the Government should have the right to cancel the lease whenever it needed the land for military purposes or upon any military exigency, the Government ordered these men out of their property.

It occurred to the committee which considered the bill that the claimants had an equity, and we felt that it would be adjusted more quickly and to the best interests of the Government by conferring power upon the Secretary of War to make a proper adjudication of these claims, if upon investigation it was found that they had an equity, and that is the shape in which the bill is reported to the House.

Mr. SNELL. Will the gentleman yield two minutes to me?

Mr. ANTHONY. I yield to the gentleman.

Mr. SNELL. Mr. Speaker, this bill has been considered for some time by the Committee on War Claims. I feel that perhaps there are some of these men at Camp Funston who have a legitimate claim against the Government. In our deliberations we thought that if anything was done, it should be confined entirely to the people who sustained an actual loss on account of the Government having taken away their buildings and that perhaps the best way would be to let the people who had actually sustained the loss present their claim to the Court of Claims.

When the proposition was first brought to the attention of the War Claims Committee it was understood that there were only three different parties who had sustained actual loss, but later on, as the testimony was received, we found that there were several who thought perhaps they had sustained a loss.

I think that first we ought to find out the total amount of the claims made against the Government before any legislation is proposed, and I should like to ask the gentleman from Kansas if he knows anything about the total amount of these claims.

Mr. ANTHONY. I do not. I have never seen any figures, and I do not believe they have been put in concrete shape.

Mr. SNELL. The original statement made before the committee was that perhaps they would not exceed more than $150,000. Then afterwards there were several others that they did not know about.

Now, it seems to me this is opening up an entirely new field. These people had a definite contract with the Government. Of course, as everyone knows, when a man went there as a concessionnaire he went there for the purpose of making money, at least the majority of them did. If the war had lasted longer, of course they would have made more money; but it turned out that there were three or four or perhaps more who did not. I think it is a matter that should be considered very carefully and all the safeguards possible put around it; but I am not opposed to the people receiving the pay who have sustained actual losses from the fact that the Government took the property away from them.

Mr. ANTHONY. Will the gentleman yield?

Mr. SNELL. I yield.

Mr. ANTHONY. Some of the gentlemen who are interested in these claims have suggested the propriety of amending this bill by authorizing the claimants to go to the Court of Claims, the court to find only for those who sustained losses in their business enterprises there. Does not the gentleman think that would open up a rather dangerous precedent, to promote the idea that the Government ought to recoup people who sustained losses?

Mr. SNELL. It would not seem like that to me. It seems to me only a plain proposition. There is no legal obligation, as far as the Government is concerned, but, on the other hand, perhaps there may be some moral obligation from the fact that the Government has taken away buildings which they have built there and they have not had an opportunity to carry on their business long enough to get back the original cost. That may be the foundation for some moral obligation, but, of course, that is rather an uncertain proposition, and for this reason I think we should be pretty careful about any general and far-reaching powers we give anyone for settling these claims. We certainly can not be too careful in these matters.

Mr. ANTHONY. If the gentleman will yield again, I will say that it occurred to some members of our committee who considered the bill that it would be better to confine the questions involved simply to those involved in the adjudication of the contract itself and of any equity that might lie in their claim, rather than to go into the question of those who had sustained loss, because that would open up a dangerous line of precedents and might involve the Government in considerable expense; and if these people have no valid or legal claim, the law officers of the War Department would certainly protect the interests of the Government.

Mr. SNELL. The Government complied absolutely with the contract that it made with each one of these people, and those who appeared before our committee did not claim that there was any legal obligation on the part of the Government.

Mr. ANTHONY. But would not the gentleman take the position that if the Government had complied with all the requirements of the contract no claim exists, and that the Secretary would so find?

Mr. SNELL. I would not want to take that position after the Secretary of War has said that he thinks they ought to be paid something.

Mr. EVANS of Nebraska. As I understand the situation it is this, that if we assume the position taken by the gentleman from Kansas [Mr. ANTHONY] we then enter into the field of speculation, because there is no way to tell what they would have made if the war had continued, and they were not entitled to anything except such as they would earn in the occupancy of their building; and Gen. Wood, in his testimony, states positively and definitely that there was no representation made as to the continued use of the camp for other purposes than for the preparation of men for war.

Mr. SNELL. I would like to offer this amendment for information.

The Clerk read as follows:

Strike out lines 3 and 4, page 1, and insert in lieu thereof the following: "that jurisdiction is hereby conferred upon the Court of Claims to hear and determine and render judgment for the amount it shall find and determine to be the net loss."

Strike out the period in line 2, page 2, and insert a colon, and add the following: "*Provided*, The claimant shall file his petition within one year after the approval of this act. In arriving at its findings the said court shall allow no profit to any claimant, nor shall the claimant be allowed interest in excess of 5 per cent per annum. The right of appeal is hereby granted to the claimant from judgment rendered by the Court of Claims."

Mr. ANTHONY. Mr. Speaker, it has been suggested that the bill be passed without prejudice until next Monday, and in the meantime the several gentlemen who have studied the matter may come to some agreement about the proper procedure.

The SPEAKER. The gentleman from Kansas asks unanimous consent that the bill be passed without prejudice. Is there objection?

There was no objection.

FEDERAL TRADE COMMISSION.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 9982) a bill authorizing the Federal Trade Commission to accept and administer for the benefit of the public and the encouragement of industry inventions, patents, and patent rights, and for other purposes.

Mr. MacCRATE. Mr. Speaker, I ask that this bill be passed without prejudice.

The SPEAKER. The gentleman from New York asks unanimous consent that this bill be passed without prejudice. Is there objection?

There was no objection.

BRIDGE ACROSS THE MISSOURI RIVER NEAR KANSAS CITY, MO.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 12891) to authorize the construction of a bridge across the Missouri River near Kansas City.

Mr. ESCH. Mr. Speaker, in view of the fact that on April 17 the House passed the bill S. 4073, identical with this bill, I ask unanimous consent that this bill be stricken from the calendar and laid on the table.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that this bill be laid on the table. Is there objection?

There was no objection.

TO ESTABLISH A WOMEN'S BUREAU.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13229) to establish in the Department of Labor a bureau to be known as the women's bureau.

The SPEAKER. Is there objection?

Mr. MERRITT. I reserve the right to object.

Mr. CAMPBELL of Kansas. Mr. Speaker, this bill simply establishes under permanent law what has been carried on in the Department of Labor for more than two years. As it is, it leaves appropriations for it subject to a point of order by any Member of the House, and it is a very unsatisfactory way to carry on an activity of the Government.

Mr. McLAUGHLIN of Michigan. Will the gentleman yield?

Mr. CAMPBELL of Kansas. For a question.

Mr. McLAUGHLIN of Michigan. I find on lines 8 and 9, page 1 of the bill, the words "it shall be the duty of said bureau to formulate standards and policies." What is meant by those words?

Mr. CAMPBELL of Kansas. The general acceptation of the words as used so far as the activities of that bureau of the Government will be concerned.

Mr. McLAUGHLIN of Michigan. If they are as broad as that, they must embrace so many things that the gentleman from Kansas would be able to state some of them.

Mr. CAMPBELL of Kansas. They refer to standards——

Mr. McLAUGHLIN of Michigan. Standards of what—wages?

Mr. CAMPBELL of Kansas. No; standards of utilities and standards for the conduct of laborers, as they are now maintained in the department for both women and men.

Mr. McLAUGHLIN of Michigan. That is certainly general enough.

Mr. CAMPBELL of Kansas. Yes; it should be general. All of the activities of this department are now being carried on and have been ever since 1918. The activities of women in industry are greater now than they were then. There are more women engaged in industry in the country than there were the first year of the war.

Mr. McLAUGHLIN of Michigan. I have no objection whatever to the idea involved in the bill, but inasmuch as they are given some duty and some power and authority I would like to know just what power and duty and authority the bill does permit.

Mr. CAMPBELL of Kansas. They are the duties that are usually exercised in a matter of that kind. The duties that the Labor Bureau exercises with respect to men in industry we are prescribing for the bureau for women in industry.

Mr. McLAUGHLIN of Michigan. I did not know that the Bureau of Labor prescribed any kind of a standard. What kind of a standard does it prescribe—how much work a man must do or the hours he must work and under what conditions?

Mr. MERRITT. How little he must do.

Mr. CAMPBELL of Kansas. That is not the intention of it. The standard for women, for instance, who work in a store—whether women shall stand up or sit down when off duty. That is a matter that comes within the scope of this bureau.

Mr. McLAUGHLIN of Michigan. Would this bureau have authority to make regulations in respect to the matter the gentleman is speaking of and enforce them?

Mr. CAMPBELL of Kansas. No; not to enforce them, but to suggest them, as it is doing to-day. A committee of women came to Congress some years ago and suggested that the women clerks in Washington were not permitted to sit down from the time they entered the store until they left it. A committee of Congress brought in a bill requiring merchants in this city to put in stools to permit their clerks to sit down when they were not engaged in work. That is one of the things that would come within the scope of this bureau.

Mr. McLAUGHLIN of Michigan. That was a proper piece of legislation.

Mr. CAMPBELL of Kansas. It is for the purpose of suggesting such things as that that this bureau will have to do. They have no power to say to an industry you shall do this or you shall do that; they simply have the same power to make suggestions that the Bureau of Labor has with respect to the employment of men. The women entering industry in this country bring in new features, and there is no man who knows anything at all about the employment of women but knows that there should be different standards with respect to the utilities, the conveniences, the rest places that are provided by the employers in this industry for women.

Mr. McLAUGHLIN of Michigan. Mr. Speaker, having listened to the gentleman's very lucid explanation, I have no objection whatever to the passage of the bill.

The SPEAKER. Is there objection?

Mr. MERRITT. Mr. Speaker, I reserve the right to object. The reason I think this bill is objectionable is that it makes into permanent law a war-time expedient. I think before we do that we ought to let the war get by, we ought to let this presidential year get by, and consider the Department of Labor and all other departments, with the idea of consolidating their activities and, if possible, economizing and making more efficient their operation.

Mr. CAMPBELL of Kansas. Mr. Speaker, will the gentleman yield?

Mr. MERRITT. I yield for a question.

Mr. CAMPBELL of Kansas. So far as economy is concerned, we shall not spend any more money in this matter than we are spending to-day and, probably, will not spend so much.

Mr. MERRITT. We do not want to spend as much. Mr. Speaker, I think the women who have given this matter most attention believe that when women get all of their rights, as they have so many of them now—the same rights that men have—we ought not to differentiate as between men and women. Of course, in many respects, as the gentleman has pointed out, women must be treated differently from men, but I think to have a man's department and a woman's department in the Department of Labor is entirely wrong. I hope certainly that at all times there will be a certain number of women in that department, but I do not believe that now is the time to fasten onto that department a war-time expedient. Therefore at the proper time I shall object.

Mr. MONDELL. Mr. Speaker, I trust the gentleman will not object. We are carrying in the current sundry civil appropriation act an appropriation of $40,000 for the character of work which would be carried on under this bill. I think there is no doubt but that the Committee on Appropriations will make an appropriation for this work in the sundry civil appropriation bill, to be reported in a few days. I am rather inclined to think, if asked to do it, the Committee on Rules would be disposed to grant a rule to make that appropriation in order. The bill before us puts in proper legislative form, and in a very conservative legislative form, the direction of this work which is now being carried on without specific authority of law. I have no doubt but that it will be carried on—at least I hope it will—and I think it would be better to carry it on under conservative, constructive, specific legislation rather than as we are carrying it on now.

Mr. MERRITT. Mr. Speaker, it seems to me that this is not a constructive or conservative way to make this into permanent law, and therefore I object.

BRIDGE ACROSS ST. LOUIS RIVER, MINN. AND WIS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13387) to extend the time for the construction of a bridge across the St. Louis River between the States of Minnesota and Wisconsin.

The SPEAKER pro tempore (Mr. SNELL). Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the time for completing the construction of a bridge, authorized by act of Congress, approved August 7, 1916, to be built across the St. Louis River at a point suitable to the interests of navigation between the States of Minnesota and Wisconsin, from the village of Fond du Lac, a suburb of Duluth, Minn., to a point on the Wisconsin shore about 100 feet westerly from the mouth of Dubrey Creek, is hereby extended one year from the date of approval hereof.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

Page 1, line 9, strike out "Dubrey" and insert in lieu thereof "Dubray."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. CARSS, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS RED RIVER, OKLA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13253) to grant the consent of Congress to the Elmer Red River Bridge Co. to construct a bridge across the Red River.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Elmer Red River Bridge Co., to be composed of the following members, namely: B. F. Flowers and C. H. Harp, of Elmer, Jackson County, Okla., and W. T. Gibbons, of Odell, Wilbarger County, Tex., and their successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Red River at a point near the southeast corner of section 24, township 1 south, range 21 west of Indian meridian, Jackson County, Okla., to a point south in Wilbarger County, Tex.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 1, line 9, after the word "point" insert the words "suitable to the interests of navigation."

Page 2, line 2, after the word "Texas" insert "in accordance with the provisions of the act entitled 'An act to regulate the construction of bridges over navigable waters,' approved March 23, 1906."

The SPEAKER pro tempore. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. MCCLINTIC, a motion to reconsider the vote by which the bill was passed was laid on the table.

PILGRIM TERCENTENARY CELEBRATION.

The next business on the Calendar for Unanimous Consent was House joint resolution 302, authorizing an appropriation for the participation of the United States in the observance of the three hundredth anniversary of the landing of the Pilgrims at Provincetown and Plymouth, Mass.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

Mr. McKEOWN. Mr. Speaker, reserving the right to object, how much appropriation does this carry?

Mr. LUCE. It carries $400,000, $300,000 for Plymouth and $100,000 for Provincetown, as recommended by the special committee of the House and Senate and further recommended by the Committee on the Library.

Mr. JOHNSON of Mississippi. Mr. Speaker, in the interest of economy, I am compelled to object.

Mr. LUCE. Will the gentleman reserve his objection for a moment?

Mr. JOHNSON of Mississippi. Mr. Speaker, I withdraw the objection.

The SPEAKER pro tempore. Is there objection?

Mr. McKEOWN. Mr. Speaker, this bill is on the Union Calendar.

The SPEAKER pro tempore. This is true, but it is considered automatically in the House as in the Committee of the Whole House.

Mr. McKEOWN. Mr. Speaker, we ought to have this resolution reported.

The SPEAKER pro tempore. Does the gentleman reserve the right to object?

Mr. McKEOWN. I reserve the right to object for the purpose of having the resolution reported.

The SPEAKER pro tempore. The Clerk will report the joint resolution.

The Clerk read as follows:

Joint resolution (H. J. Res. 302) authorizing an appropriation for the participation of the United States in the observance of the three hundredth anniversary of the landing of the Pilgrims at Provincetown and Plymouth, Mass.

Whereas on December 21 next will occur the three hundredth anniversary of the landing of the Pilgrims at Provincetown and Plymouth, Mass.; and

Whereas the Commonwealth of Massachusetts and the town of Plymouth have appointed a commission and a special committee to arrange plans for a proper and fitting observance of this historic anniversary; and

Whereas the plans contemplate the improvement and restoration of Plymouth Rock and the shore line where such landing was made, the improvement and protection of the burial grounds on Coles Hill and Burial Hill in Plymouth, where are buried the remains of those who succumbed to the rigors of the first winter and of those who died later, respectively, the erection of a memorial building, the placing of tablets at certain historic spots in the old Colony, and the undertaking of certain other improvements; and

Whereas the plans further contemplate the holding of certain appropriate exercises in December of the current year and also during the summer of 1921, for all of which matters there have been appropriated the sums of $275,000 by the Commonwealth of Massachusetts and $320,000 by the town of Plymouth, and in addition thereto assurances have been given that the expense of certain features of the celebration will be borne in whole or in part by certain patriotic or fraternal societies or organizations; and

Whereas the Commonwealth of Massachusetts has further created by legislation a commission to prepare plans for the participation in the celebration by the town of Provincetown, on Cape Cod, in the harbor of which the *Mayflower* first came to anchor, and has appropriated $50,000 to carry out the plans adopted by the commission; and

Whereas it is contemplated making certain improvements adjacent to the Pilgrim Monument in Provincetown, which was erected several years ago, the cost thereof having been borne from funds provided by the Legislature of the Commonwealth of Massachusetts, by the Congress, by the town of Provincetown, and by contributions of individuals, and it is now desired to provide a dignified and safe approach to the monument, to erect tablets or markers at certain points in Provincetown and the adjacent towns of Truro, Wellfleet, and Eastham, on Cape Cod, commemorating certain events associated with the landing of the Pilgrims at Provincetown, and to hold appropriate exercises in connection therewith and in conjunction with the observance of the landing of the Pilgrims at Plymouth and the establishment of their Colony there; and

Whereas a joint special committee of this Congress has considered the matter of the participation of the United States in the observance of this historic tercentenary and has filed its report and recommendations: Therefore be it

Resolved, etc., That there is hereby established a commission to be known as the United States Pilgrim Tercentenary Commission (hereinafter referred to as the commission) and to be composed of nine commissioners, as follows: Three persons to be appointed by the President of the United States, two Senators by the President of the Senate, and four Representatives by the Speaker of the House of Representatives. The commissioners shall serve without compensation and shall select a chairman from among their number.

SEC. 2. (a) That there is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated the sum of $400,000, to be expended by the commission in accordance with the provisions of this resolution.

(b) One hundred thousand dollars of such appropriation may be expended under the direction of the commission and in cooperation with the Provincetown Tercentenary Commission, the town of Provincetown, Mass., and such other agencies, public or private, as the commission may determine, for the purpose of completing and improving the approaches to and the grounds of the Pilgrim Monument at Provincetown, Mass.; of erecting suitably inscribed tablets or markers in the towns of Provincetown, Truro, Wellfleet, and Eastham, and for other work in connection therewith, in accordance with plans adopted by the Provincetown Tercentenary Commission.

(c) Three hundred thousand dollars of such appropriation may be expended under the direction of the commission and in cooperation with the Pilgrim Tercentenary Commission, the town of Plymouth, Mass., and such other agencies, public or private, as the commission may determine, for the purpose of restoring and improving Plymouth Rock and the shore line of the locality adjacent thereto, of protecting and improving the burial grounds upon Coles Hill and Burial Hill in Plymouth, Mass.; of erecting tablets or markers at appropriate places in the Old Colony, and for other work in connection therewith, in accordance with plans adopted by the Pilgrim Tercentenary Commission.

SEC. 3. That no expenditure shall be made or authorized by the commission until the Commonwealth of Massachusetts has, as determined by the commission, expended or contracted to expend the sum of $300,000 for the same purposes for which the commission may under the provisions of this resolution make expenditures. The United States shall not be held liable for any cost, expense, obligation, or indebtedness on account of the maintenance or upkeep of any property in respect to which any expenditure is made by the commission under the provisions of this resolution, nor for any obligation or indebtedness incurred by the Commonwealth of Massachusetts, the Provincetown Tercentenary Commission, the Pilgrim Tercentenary Commission, or any other agency or officer, employee, or agent thereof, for any purpose for which the commission may under the provisions of this resolution make expenditures. All expenditures of the commission shall be allowed and paid upon the presentation of itemized vouchers therefor approved by the chairman of the commission, but no expenditure shall be made or authorized by the commission except with the approval of a majority of the commissioners.

SEC. 4. That the Postmaster General is hereby authorized and directed to issue a special series of postage stamps, in such denominations and of such design as he may determine, commemorative of the three hundredth anniversary of the landing of the Pilgrims at Provincetown and Plymouth, Mass.

SEC. 5. That the provisions of sections 1 and 2 of this resolution shall expire December 31, 1921.

With the following committee amendments:

Page 3, line 7, strike out the word "two" and insert the word "four."

Mr. McKEOWN. Mr. Speaker, reserving the right to object, inasmuch as this carries such a large appropriation, I think we ought to have some explanation of the resolution.

Mr. LUCE. Mr. Speaker, it is a fortunate coincidence that this resolution comes before the House upon the 19th day of April, which in our State is celebrated as Patriots Day. Some years ago we joined two holidays, forming Patriots Days, out of the celebration of the Battles of Lexington and Concord, and out of Fast Day, a day that for more than 200 years had been a day of fasting provided by our Puritan forefathers as one of the two great holidays which they gave to this country, the other being Thanksgiving Day.

So it is not inappropriate that the House, if it sees fit, should to-day decide to share, not alone with Massachusetts, but, indeed, with all the English-speaking world, in the commemoration of the landing of the Pilgrims. The three hundredth anniversary of this epoch-making occurrence will come in December, a time of year when only indoor exercises will be possible. The main celebration is to follow in the succeeding summer. The commission appointed by the Commonwealth to determine what sort of a celebration would be most fitting, reached the conclusion that it would not advise an exposition or anything costly in the way of a temporary and passing observance of the day. It seemed to them more in harmony with the purposes of the commemoration, the solemn purposes, that we should show our recollection of this episode out of which sprang so much of our history, by some permanent memorial. The special committee appointed by the House and Senate, which visited the spot last year, agreed with the Massachusetts commission that this was the form that the commemoration should take, and the Committee on the Library, for whom I am speaking, also accepted that view. The result, therefore, of these three separate studies of the problem is an agreement that there shall be a permanent expenditure at Plymouth and at Provincetown. To take the matter chronologically——

Mr. McKEOWN. Will the gentleman yield?

Mr. LUCE. Certainly.

Mr. McKEOWN. As I understand this bill it carries $300,000 for Plymouth and $100,000 for Provincetown. Now, how much money does the Commonwealth of Massachusetts appropriate for that purpose?

Mr. LUCE. I was about to explain that at Provincetown, where a stately monument has been erected in part by the help of the Government, the State will expend $50,000, and if this bill prevails the Nation will expend $100,000 in furnishing suitable approaches to the monument. It is now almost inaccessible for vehicles and its surroundings are undignified and unworthy the monument itself.

Mr. HARDY of Colorado. Will the gentleman yield?

Mr. LUCE. I will.

Mr. HARDY of Colorado. Is this money to be used in buying up property around the monument?

Mr. LUCE. Only so far, I understand, as the approach may be cut through a parcel of land leading up the hill to the monument; but there is only a very small taking of property.

Mr. HARDY of Colorado. Is the larger part of this money to be spent in the buying up of property around there?

Mr. LUCE. Only a small part, I understand. The chief expenditure at Provincetown is the grading of the hill and the erecting of some sort of an approach, such as is found here at the Washington Monument.

Mr. HARDY of Colorado. Provincetown is going to get $100,000 out of this appropriation?

Mr. LUCE. Yes; and $50,000 from the State.

Mr. HARDY of Colorado. Does not Provincetown think it can get along with about half of that amount if we could not give the whole amount?

Mr. LUCE. On the contrary, they have urgently pleaded with the Massachusetts Members asking them to secure more. They do not think they can do the work adequately; but in the judgment of the commission which visited the spot, the Senators and Representatives who went there and with their eyes saw what ought to be done, this would be a reasonable amount to appropriate.

Mr. HARDY of Colorado. Does the gentleman think, in view of the financial condition of the country at this time, with the many necessary things demanded from other sources, considering the large bonus bill we are going to vote out in a week or two, that we should apppropriate $400,000 for a monument right now?

Mr. LUCE. That phase of the question received the most earnest consideration from your committee. The only answer to it is that the terceteunial observance of a great historical

happening is a matter that can no more be postponed than could be postponed the World's Fair at Chicago, which, the gentleman will recollect, came in the very middle of the disastrous panic of 1893. Time and tide wait for no man. A celebration of this sort can not be materially delayed. Therefore it seemed to your committees, both the special committee and the Committee on the Library, that action now is justifiable. However, with precisely the point in mind to which the gentleman has brought attention, they recommended an appropriation less than one-sixth of what the Government spent for the celebration of the settlement of Jamestown. At that time there was an expenditure by the Federal Government of $2,650,000 to commemorate the landing and settlement of the Cavaliers. We ask but $100,000 to commemorate the landing and settlement of the Puritans. At the St. Louis Exposition there was an expenditure by the Government of $11,000,000 and more, something like twenty-five times as much as is here contemplated. In view of present conditions, we felt we would not be justified in asking anything like—I do not think it ought to be called the generosity, but anything like the liberality of Congress on those previous occasions of kindred nature. It was thought if we could in a general way match what was being expended locally it would be a fitting and justifiable procedure.

Mr. WELLING. Will the gentleman yield?

Mr. LUCE. I will.

Mr. WELLING. If this money is appropriated, will the monument be erected by the date of the centennial exposition?

Mr. LUCE Permit me to say that the monument at Provincetown is already erected.

Mr. WELLING. I mean the monument provided for in the bill?

Mr. LUCE. No monument is provided for in the bill itself.

Mr. WELLING. The bill has reference to certain markers——

Mr. LUCE. Those markers are very simple and can be very easily provided. They are simply tablets such as historical societies have placed in so many places. The money at Plymouth is to be almost wholly expended on Plymouth Rock itself and its surroundings.

Mr. WELLING. And the bay?

Mr. LUCE. And the bay.

Mr. WELLING. Will that money be expended by the date of the centennial or go over for another year or two afterwards?

Mr. LUCE. The hope is that it will be expended on these approaches and surroundings by the time of the general celebration which comes in the summer of the year 1921. The celebration in December, 1920, must take place indoors. Whether the outdoor work can be completed this summer or not, I would not undertake to guarantee.

Mr. JOHNSON of Mississippi. Mr. Speaker, I renew my objection.

The SPEAKER pro tempore. The gentleman from Mississippi objects. The Clerk will report the next bill on the calendar.

YANKTON AGENCY PRESBYTERIAN CHURCH.

The next business on the Calendar for Unanimous Consent was the bill (S. 2442) authorizing and directing the Secretary of the Interior to convey to the trustees of the Yankton Agency Presbyterian Church, by patent in fee, certain land within the Yankton Indian Reservation.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to convey to the trustees of the Yankton Agency Presbyterian Church, by patent in fee, the following-described premises situate within the Yankton Indian Reservation, county of Charles Mix, State of South Dakota: Beginning at the northwest corner of lot 9, section 27, township 94 north, range 64 west of fifth principal meridian; thence south 25° 4', west five and fifty-hundredths chains to the southwest corner of lot 2, section 34; thence north 64° 56', west one and forty-hundredths chains, more or less, to the east boundary of the Presbyterian Church and school reserve; thence north 25° 4', east five and fifty-hundredths chains, more or less, along the east boundary of the said Presbyterian Church and school reserve to the northeast corner thereof; thence south 64° 56', east one and fifty-hundredths chains, more or less, to the place of beginning; containing seventy-seven hundredths acres, more or less; for the uses of said church upon the payment by said trustees to the Secretary of the Interior of the sum of $75, the value of said premises as heretofore found by due appraisal thereof.

The SPEAKER pro tempore. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

Mr. SINNOTT. Mr. Speaker, I ask unanimous consent that the title of the bill H. R. 5163 be amended to correspond with the text.

The SPEAKER pro tempore. The gentleman from Oregon asks unanimous consent to change the title of H. R. 5163 to correspond with the text. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the next bill on the calendar.

COAST GUARD STATION, COOK COUNTY, MINN.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 9228) to authorize the establishment of a Coast Guard station on the coast of Lake Superior, in Cook County, Minn.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CANNON. Let the bill be read.

The SPEAKER pro tempore. The Clerk will read the bill for information.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to establish a Coast Guard station on the coast of Lake Superior, in Cook County, Minn., in such locality as the captain commandant of the Coast Guard may recommend.

The SPEAKER pro tempore. Is there objection?

Mr. CANNON. I do not know whether I shall object or not. I would like to know something about it. Who stands for the bill?

Mr. CARSS. Mr. Speaker and gentlemen of the House, this Coast Guard station that is recommended to be established by this bill will protect about 200 miles of rocky coast on the north shore of Lake Superior. From the Canadian line to the port of Duluth there is absolutely no protection to commerce, and a good many accidents have occurred there, many fishermen having been driven out to sea and lost; in some cases were lost in full sight of their families and friends, who were powerless to render aid. The captain commandant of the Coast Guard recommends that this station be established at a place called Grand Marais, where there is a safe harbor, and there they have wireless radio and telephone connection and a lighthouse. The committee reported the bill unanimously, and the captain commandant of the Coast Guard recommended that in the interest of humanity and for the protection of navigation this bill for the establishment of this Coast Guard station be passed.

Mr. CANNON. What is to be the cost of it?

Mr. CARSS. About $60,000.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. ESCH. Mr. Speaker, this bill is on the Union Calendar.

The SPEAKER. The Chair will state to the gentleman that the Chair ruled several weeks ago that as to bills on the Unanimous Consent Calendar, when unanimous consent was given to their consideration, could be considered in the House as in the Committee of the Whole. The Clerk will read the bill.

The bill was again read.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. CARSS, a motion to reconsider the vote by which the bill was passed was laid on the table.

FORT DOUGLAS MILITARY RESERVATION.

The next business on the Calendar for Unanimous Consent was House joint resolution 301, to authorize the Secretary of War to grant revocable licenses for the removal of sand and gravel from the Fort Douglas Military Reservation for industrial purposes.

The SPEAKER. Is there objection to the present consideration of this resolution?

Mr. McKEOWN. Mr. Speaker, I would like to ask that the resolution be reported.

The Clerk read as follows:

Resolved, etc., That the Secretary of War is hereby authorized to grant revocable licenses for the removal of sand and gravel from the Fort Douglas Military Reservation, Utah, to persons and corporations within said State, to be used for industrial and manufacturing purposes.

Also the following committee amendment was read:

Committee amendment: Page 1, line 7, after the word "purposes," insert "at such reasonable prices as may be fixed by the Secretary of War."

The SPEAKER. Is there objection to the consideration of the bill?

Mr. GARRETT. May I ask the gentleman in charge of the bill why it is necessary to have an act of Congress? Does not the power now exist in the War Department?

Mr. OLNEY. In the absence of Mr. MAYS, who had this bill directly in charge, I will submit a letter in support of this measure from the Secretary of War. He says:

WAR DEPARTMENT, *March 25, 1920.*

To the CHAIRMAN COMMITTEE ON MILITARY AFFAIRS,
House of Representatives.

SIR: With reference to your letter of March 20, 1920, requesting a report on House joint resolution 301, which authorizes the Secretary of War to grant revocable licenses for the removal of sand and gravel from the Fort Douglas Military Reservation for industrial purposes, I have the honor to advise you that the War Department recommends the passage of this resolution.

It has been ascertained that the removal of this sand will not be harmful to the reservation and that the Government will receive remuneration for the same.

Respectfully, yours,
NEWTON D. BAKER,
Secretary of War.

Mr. GARRETT. I will say that I have no objection to the bill. I wish to inquire, though, in regard to the legal situation.

Mr. OLNEY. I think probably a resolution of this kind is necessary, as it involves an expenditure of money, or perhaps rather a financial transaction—that is, the purchase of sand and gravel by residents near this reservation who would pay reasonable prices for sand and gravel obtained on the reservation.

Mr. GARRETT. I had occasion recently to make an inquiry about a matter of taking sand and gravel from a navigable stream, and I learned that the department now had authority, without any act of Congress, to permit that in so far as the Government's interest was concerned. Of course, they would have to arrange with the riparian owners about the rights to it. I wondered if we did not have a general law to cover military reservations. I assume, however, that this is necessary, or else it would not be offered.

Mr. McKEOWN. I would like to ask the gentleman if it is anticipated that persons may take this sand and gravel and speculate on it, instead of using it for their own buildings?

Mr. OLNEY. No. It is absolutely under the discretion of the War Department, who would protect both Government and the public, and the price is to be fixed within reason.

Mr. McKEOWN. I withdraw the reservation.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the resolution.

The resolution was again reported.

The SPEAKER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The resolution as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. OLNEY, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

The SPEAKER. The Clerk will report the next bill.

COMMUTATION OF HOMESTEAD ENTRIES BY WORLD WAR VETERANS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13592) to authorize certain homestead settlers or entrymen who entered the military or naval service of the United States during the war with Germany to commute their entries.

The title of the bill was read.

The SPEAKER. Is there objection?

Mr. McKEOWN. Reserving the right to object, Mr. Speaker, what is the necessity for this bill?

Mr. SINNOTT. Mr. Speaker, the present law giving soldiers of the war with Germany a credit for the time that they served in the war compels them to live at least a year on the homestead. If they had served two years in the war they have to reside at least one year upon their homestead entries. Now, it has developed since the war that a number of soldiers were so severely wounded and incapacitated that they are unable to return to their homesteads.

Mr. RAKER. Mr. Speaker, will the gentleman yield right there?

Mr. SINNOTT. Yes.

Mr. RAKER. This only applies to wounded and disabled soldiers?

Mr. SINNOTT. It only applies to wounded or disabled soldiers or sailors; those who were incapacitated during the war and are unable to return to their homesteads. It allows them to commute, and under the commutation laws one has to live 14 months on his homestead entry, less the absent period. This gives the incapacitated soldier an opportunity to purchase his homestead the same as a civilian may do to-day.

Mr. CANNON. How do you mean? He takes title without purchase, does he not?

Mr. SINNOTT. No; he takes title by paying $1.25 an acre. That is a privilege given to the civilian homesteader to-day.

Mr. JOHNSON of Washington. Mr. Speaker, will the gentleman yield?

Mr. SINNOTT. Yes.

Mr. JOHNSON of Washington. I notice in the State of Oregon to-day a large number of soldiers are applying now, having a preferential right. Do they have the right to commute?

Mr. SINNOTT. This bill relates only to those who were disabled or incapacitated during the war.

Mr. JOHNSON of Washington. I wanted to know for information how the application was made. It seems soldiers have a preference right. They are going on the old California-Oregon line now.

Mr. SINNOTT. That is covered by a special act.

Mr. JOHNSON of Washington. They have a right to pay for the land later at $1.25?

Mr. SINNOTT. No. They pay $2.50 an acre, because the Supreme Court has held that the railroad was entitled to $2.50 an acre out of that grant.

Mr. JOHNSON of Washington. He gets the preferential right?

Mr. SINNOTT. I think perhaps he would get credit for the time he was in the service.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That any settler or entryman under the homestead laws of the United States, who, after settlement, application, or entry and prior to November 11, 1918, enlisted or was actually engaged in the United States Army, Navy, or Marine Corps during the war with Germany, who has been honorably discharged and because of physical incapacities due to service is unable to return to the land may make proof, without further residence or cultivation, at such time and place as may be authorized by the Secretary of the Interior, and receive patent to the land by him so entered or settled upon by making payment for the land at the price fixed by law as in case of commutation: *Provided*, That no such patent shall issue prior to the survey of the land.

Mr. GANDY. Mr. Speaker, I want to offer an amendment to this bill.

The SPEAKER pro tempore (Mr. SNELL). The gentleman from South Dakota offers an amendment, which the Clerk will report.

Mr. GANDY. In line 10, after the word "residence" insert the word "improvement," so that it shall read, "without further residence, improvement, or cultivation."

The SPEAKER pro tempore. The gentleman from South Dakota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GANDY: On page 1, line 10, after the word "residence" insert the word "improvement."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. GANDY. On page 2, line 2, I move to amend by striking out all of line 2 down to the semicolon in line 3.

The SPEAKER. The gentleman from South Dakota offers another amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GANDY: Page 2, line 2, strike out all of line 2 and down to the semicolon in line 3—

Mr. CANNON. What are those lines?

The SPEAKER. The Clerk will read.

The Clerk read as follows:

by making payment for the land at the price fixed by law as in case of commutation.

Mr. CANNON. I understood this was to affect the boys that were wounded and unable to go on the land. We are taking awfully good care of those boys now. It runs up into many hundreds of millions of dollars. This is to give them a homestead besides?

Mr. GANDY. Will the gentleman yield at that point?

Mr. CANNON. Yes.

Mr. GANDY. I want to say that my thought is that after having provided that there first should be a finding by the Secretary of the Interior that the man, because of his service in the war, is physically incapacitated from going on the land, he ought not to be required to pay for it; or, in other words, he ought not to start out on this land with a mortgage on it.

Mr. CANNON. If a man is physically incapacitated, if he is armless or legless or sightless or otherwise physically incapacitated, he is wonderfully cared for, with hospital treatment, and his dependents are cared for, and he gets his $100 or $120 a month, and so on. Now, the question in my mind is whether this be in point of fact in the interest of the men that I have described or whether the very moment it becomes a law they will be encouraged by speculators and agents, and so on, to pay them so much for their services.

Mr. SINNOTT. Mr. Speaker, will the gentleman yield?

Mr. CANNON. Yes.

Mr. SINNOTT. This relates only to the soldiers who made their application for entry prior to November 11, 1918. It does not apply to soldiers returning from the war and thereafter making an entry.

Mr. CANNON. But it does apply, if they are not able to go on and get their $120 a month? Would it be apt to cut out soldiers who are not disabled and who are not receiving this money? Would it be so extensive that it would prevent them from getting the homestead?

Mr. SINNOTT. The amendment of the gentleman from South Dakota would give the soldier the land without any further payment. That is the effect of the gentleman's amendment. I think it should be adopted.

Mr. SMITH of Idaho. It would have the same effect as if he introduced a provision that the soldier would not be required to live upon the land the balance of the residence period. It simply excuses him from residence and allows him to make final proof.

Mr. SINNOTT. It also excuses him from making the payment of $1.25 an acre.

Mr. SMITH of Idaho. If he went there and lived six months more on the land, he would get the land anyway.

Mr. SINNOTT. Not many of them have made application.

Mr. CANNON. I am anticipating that it will not be for the benefit of the soldier but for the speculator, you know, who never was in the war.

Mr. SINNOTT. It could not be taken advantage of by anyone else applying for the land.

Mr. CANNON. I understand that; but they can hunt up this man, if the land is valuable, and charge him so much for their services.

Mr. SINNOTT. He would have to be a soldier who made the homestead entry prior to going into the war, and then became so disabled that he could not return to the land.

Mr. CANNON. I shall not object.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from South Dakota.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. SINNOTT, by unanimous consent, the title of the bill was amended to correspond with the text.

On motion of Mr. SINNOTT, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE TO EXTEND REMARKS.

Mr. SMITH of Idaho. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Yellowstone Park bill.

The SPEAKER. The gentleman from Idaho asks unanimous consent to extend his remarks in the RECORD on the Yellowstone Park bill. Is there objection?

There was no objection.

Mr. LUCE. Mr. Speaker, I ask unanimous consent that my colleague [Mr. WALSH] may extend his remarks in the RECORD on the Pilgrim memorial bill.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that his colleague [Mr. WALSH] may extend his remarks in the RECORD on the Pilgrim memorial bill. Is there objection?

There was no objection.

CLAIMS OF INDIANS IN CALIFORNIA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 12788) authorizing any tribes or bands of Indians in California to submit claims to the Court of Claims.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill.

Mr. CANNON. Let us have the bill read.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That all claims of whatsoever nature which any tribes or bands of Indians of California may have against the United States may be submitted to the Court of Claims for determination of the amount, if any, due said tribes or bands from the United States for lands formerly occupied and claimed by them in the said State, which lands are alleged to have been taken from them without compensation; and jurisdiction is hereby conferred on the Court of Claims, with the right of either party to appeal to the Supreme Court of the United States, to hear and determine all legal and equitable claims, if any, of said tribes or bands against the United States, and to enter judgment thereon.

SEC. 2. That if any claim or claims be submitted to said court, they shall settle the rights therein, both legal and equitable, of each and all the parties thereto, notwithstanding lapse of time or statutes of limitation, and any payment which may have been made upon any claim so submitted shall not be pleaded as an estoppel, but may be pleaded as an offset in such suits or actions, and the United States shall be allowed credit for all sums heretofore paid or expended for the benefit of said tribes or any band thereof. The claim or claims of the said tribe or any band thereof may be presented separately or jointly by petition, subject, however, to amendment, suit to be filed within five years after the passage of this act; and such action shall make the petitioner or petitioners party plaintiff or plaintiffs and the United States shall be the party defendant, and any band or bands of said tribes the court may deem necessary to a final determination of such suit or suits may be joined therein as the court may order. Such petition, which shall be verified by the attorney or attorneys employed by the aforesaid tribes or bands of Indians of California, shall set forth all the facts on which the claims for recovery are based, and said petition shall be signed by the attorney or attorneys employed, and no other verification shall be necessary; official letters, papers, documents, and public records, or certified copies thereof, may be used in evidence, and the departments of the Government shall give access to the attorney or attorneys of said tribes or bands thereof to such treaties, papers, correspondence, or records as may be needed by the attorney or attorneys for said tribes or bands of Indians.

SEC. 3. That upon the final determination of such suit, cause, or action, the Court of Claims shall decree such fees as it shall find reasonable to be paid the attorney or attorneys employed therein by said tribes, subject to approval by the Secretary of the Interior and the Commissioner of Indian Affairs and under contracts negotiated and approved as provided by existing law, and in no case shall the fees decreed by said court be more than 10 per cent of the amount of the judgment recovered by such cause, such fee to be paid from said judgment.

With the following committee amendments:

After the word "equitable," in line 6, page 2, insert the following phrase: "which shall be based upon the fair value of any such lands at the time the treaties were ratified by the several tribes or bands of Indians, not to exceed $1.25 per acre."

After the word "thereof." in line 15, page 2, insert the words "including gratuities."

Line 18, page 2, strike out the word "five" and insert in lieu thereof the word "two."

Mr. CANNON. Mr. Speaker, in my judgment, this bill ought not to be considered with a handful of Members present, and therefore I object.

Mr. RAKER. Will the gentleman yield?

Mr. CANNON. I yield; but I am going to object.

Mr. RAKER. I should like to call the gentleman's attention to the fact that this morning already two bills on this calendar which are practically identical in form with this bill have passed the House—H. R. 5163 and S. 806.

Mr. CANNON. If those two ought not to have been passed, is that any reason why a third one should pass?

Mr. RAKER. They ought to have passed. This bill ought to pass, and I am satisfied that if the gentleman will permit me, I can call his attention to the extreme justice of it, and that he will not urge his objection.

This bill simply allows the Indians of California to present their claims to the Court of Claims to determine whether or not they have any rights against the Government; and it provides that all funds, gratuities, or otherwise that have already been paid them shall be charged up against the Indians and the Government given credit for such payments.

Full hearing was had on this bill by the committee when all the members of the committee were present. Representatives of the Department of the Interior and of the Indian Bureau were present, and I will say to the gentleman that the chairman of the committee said this seemed to be one of the clearest and plainest cases that had been presented since he had been chairman of the committee. It simply authorizes them to go into the courts and present their rights.

Mr. CANNON. What will happen then?

Mr. RAKER. Then, if they establish a valid right, the court may adjudicate what that is, deducting the amount already paid to the Indians by gratuities or otherwise.

Mr. CANNON. Yes. I call the gentleman's attention to section 3, which provides for the payment of the attorneys. We all understand about the attorneys in Washington, D. C., and we have a court that is already burdened, world without end. I object.

Mr. RAKER. Will the gentleman yield right there again?

Mr. CANNON. Yes; I yield.

Mr. RAKER. In the bill H. R. 1563 is this provision:

Provided, That in no case shall the fees decreed by said court amount to more than 10 per cent of the amount of the judgment recovered in such cause.

In the other bill, which passed this morning, S. 806, is this provision:

Provided, That in no case shall the fees and expenses decreed by said court be in excess of 10 per cent of the amount of the judgment.

That identical provision has been contained in all these bills in the past during this Congress.

Mr. CANNON. They would not have passed by unanimous consent with a handful of Members present if I had been in the House.

Mr. RAKER. The same gentlemen are here who were here when those bills passed, and I want to say to the gentleman this——

Mr. CANNON. Well, I object. I do not want to be discourteous. I will withhold the objection if the gentleman wants to talk further. The objection is not personal to him at all.

Mr. RAKER. I want to appeal to the distinguished gentleman from Illinois on this particular claim. There have been 10 or 12 bills reported out by the Committee on Indian Affairs that contain practically the same provision as this bill. This bill goes further than any of them in protecting the Government. In allowing credits to the Government for moneys advanced to the Indians it includes the words "gratuities," so that whatever the Government may have given these Indians it will get credit for and the Indians will be charged with the amounts which they have received.

Mr. CANNON. This reservation has been sold, has it not?

Mr. RAKER. Yes.

Mr. CANNON. Disposed of?

Mr. RAKER. Long ago.

Mr. CANNON. Under legislation?

Mr. RAKER. No; that is the trouble.

Mr. CANNON. Then it is not disposed of unless it is disposed of legally.

Mr. RAKER. It has been sold and disposed of. I know the gentleman will listen to this and will not object when he hears the facts.

Mr. CANNON. All right. Go ahead.

Mr. RAKER. In 1851 and 1852 there were tribes of Indians in California who entered into 18 treaties with the authorized agents of the Federal Government. The Indians then claimed under the treaty of Guadeloupe-Hidalgo between the United States and Mexico great tracts of land in California, and under the Mexican law and under that treaty it was theirs as of right, just as you and I own our property to-day. The Government entered into these treaties and the Indians reduced their claims altogether to 7,500,000 acres.

The Government agreed to give them that land in reservations. It also agreed to give them $1,500,000 in money. The Indians thought the Government would carry out its contract. They were to be faithful, were to abide by the law, were to assist the Government, which they did. Then the Federal Government went to work and took every acre of this land, and has sold it, and the Indians have not received 1 acre in return under these 18 treaties which they solemnly entered into with the Federal Government.

These Indians are now about 20,000 in number. All they ask is the opportunity to go into the Court of Claims and present their claims there to see whether or not they have any rights, whether or not the Federal Government took these 7,500,000 acres of theirs from them without just cause.

Mr. CANNON. There was a treaty with them?

Mr. RAKER. I had not quite finished. The Government took the land and the Indians got nothing.

Mr. CANNON. Then the Government has no right to take the land.

Mr. RAKER. But it took the land; the Indians are there and unprovided for. I appeal to the gentleman from Illinois to give these unfortunate Indians the permission to go into the Court of Claims and establish their rights.

Mr. CANNON. All this happened way back in 1852?

Mr. RAKER. Yes. I hope the gentleman will not object.

Mr. CANNON. I will object, for I think this begets a lot of lawsuits for speculators to work up claims. It has all the earmarks of a bill for the benefit of speculators, and I do not think it ought to pass.

Mr. RAKER. It has no connection with speculators; it has to be approved by the Secretary of the Interior and the Commissioner of Indian Affairs.

Mr. CANNON. That is an easy job.

Mr. RAKER. I hope the gentleman, under the circumstances, will not object. Two similar bills have passed to-day with the same Members of the House here present now. I want to say that the Indians of California have had poorer treatment than any other Indians in the United States.

Mr. CANNON. I want to understand the gentleman a little further. As I understand it, these Indians claim to own this land. The treaty was made with them in which they relinquished all their rights and the Government paid them as it agreed to.

Mr. RAKER. No; it did not. That is the trouble; the Government has not paid them a cent, but took over this land.

Mr. CANNON. Then the Indians have not parted with their title?

Mr. RAKER. The Government took it under the Mexican title. They claimed it all, and if they found an Indian that they did not like on the land they moved him off and sold it. These Indians were without any counsel, without any adviser, and without anybody to protect them. They have been pushed from pillar to post and thousands have starved to death for want of protection. The Department of the Interior has thoroughly investigated the case and says that the Indians deserve better treatment; they have had poorer treatment than any other Indians in the United States. Now, I think we ought to give them a chance to present their claims to the Court of Claims.

Mr. CANNON. Well, Mr. Speaker, I will look into the matter further. It looks to me like there was an African in the woodpile. The Indians are all dead.

Mr. RAKER. No; there are 20,000 of them living.

Mr. CANNON. But they are the descendants of the original Indians.

Mr. RAKER. I know they are living, because I know where they live—all over the State of California.

Mr. CANNON. For the present, Mr. Speaker, I will object.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that the bill may retain its place on the calendar.

The SPEAKER. The gentleman from California asks unanimous consent that the bill retain its place on the calendar. Is there objection?

Mr. McLAUGHLIN of Michigan. Reserving the right to object, how often has this request been made with respect to this bill?

Mr. RAKER. This is the first and only time.

The SPEAKER. Is there objection?

There was no objection.

Mr. LUCE. Mr. Speaker, I ask unanimous consent that the resolution (H. J. Res. 302) with reference to the observance of the three hundredth anniversary of the landing of the Pilgrims retain its place on the calendar.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

RAILROAD DEFICIENCY BILL.

Mr. GOOD, chairman of the Committee on Appropriations, by direction of that committee reported the bill (H. R. 13677) making appropriations to supply a deficiency in the appropriations for the Federal control of transportation systems and to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1920, and for other purposes, which was referred to the Committee of the Whole House on the state of the Union.

Mr. GARRETT reserved all points of order.

RELIEF OF CERTAIN HOMESTEAD ENTRYMEN.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 8690) for the relief of certain homestead entrymen.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. EVANS of Nebraska. Reserving the right to object, Mr. Speaker, I would like to have some explanation of the bill.

Mr. TAYLOR of Colorado. Mr. Speaker, some time ago we passed some homestead laws providing that where a man has settled on less than 320 acres of what is known as arid, nonirrigable, dry-farming land, under the enlarged-homestead law, he may take an additional homestead entry of a sufficient amount of the same character of land, if he can find any vacant, to make up the 320 acres. There is a 20-mile provision in one law. In other words, Congress decided that every settler is entitled to 320 acres of arid, dry-farming land, and that that amount of that kind of land is necessary to make a living upon.

Mr. GANDY. If the gentleman will yield, I hope the gentleman does not want that statement to go into the RECORD. The permission is not limited to 20 miles; he may go to any place in the United States under the section law and get the additional land.

Mr. TAYLOR of Colorado. There was a 20-mile provision as to residence in one act, as I recollect it. The same kind of provision—as to allowing an additional entry of a sufficient amount of land to make up 640 acres—was passed in regard to the 640-acre stock-raising homestead. The Congress passed a law that every settler on the public domain was entitled to 640 acres of dry, arid, nonirrigable grazing land for stock-raising purposes as a stock-raising homestead. Since that time we have passed laws providing that where a man had made a settlement upon that character of land, and did not have the

full 640 acres of such grazing, stock-raising ground, he might take additional entry of such an amount as was necessary to make up the 640 acres. But that did not and does not apply to people who are settled in any of the forest reserves. A good many people all over the West took some dry pieces of land within the forest reserves to try to make a living. Some took 40, some 80, and some 160 acres. They could not, and can not now, take more than 160 acres in any forest reserve. So that all settlers within the forest reserves have 160 acres or less. Some of them have good land and have it, or parts of it, irrigated, and have good homes, and are quite prosperous. But many of them have dry and arid and barren land, and their limited amount is not enough upon which to support a family, and they can not get any more within the forest reserves, principally because the Forest Service will not let them; so they must get some more land outside of the reserves if they can or practically starve out.

The Interior Department says that it is not fair to limit a man that happens to have 160 acres or less of that character of land in the forest reserve and not limit the man on the outside. So this bill has the hearty approval of the Interior Department to put the two classes of settlers as near as possible on an equality. That is all there is to this bill. The gentleman from South Dakota [Mr. GANDY] has a suggestion which he desires to make in the form of an amendment, and I have no objection to it. The bill as I wrote it requires a settler to take land only within 20 miles of his original claim. He calls my attention to the fact that in some cases settlers can not get outside of the forest reserve within 20 miles. In other words, we should extend the distance or remove the 20-mile limit and let the man take it any place on the outside of the forest reserve wherever he can find any such land vacant.

Mr. BRIGGS. Is this land in detached portions? In other words, if he has a location of 75 acres he can get the other 245 acres?

Mr. TAYLOR of Colorado. Yes; outside of the forest reserve, the same as the present law is now, as applied to settlers outside of the reserves.

Mr. EVANS of Nebraska. And it must be of the same general character of land?

Mr. TAYLOR of Colorado. Yes.

Mr. EVANS of Nebraska. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That any homestead entryman of 160 acres or less of lands of the character described as subject to entry under the provisions of the enlarged-homestead act of February 19, 1909, and June 17, 1910, who has not submitted final proof upon his existing entry, and any homestead entryman who has submitted final proof, or received patent, for such an amount of lands that are of the character described in said act, and who owns and resides upon the said homestead entry, where said lands are within a national forest, may make an additional entry for and obtain patent to such an amount of land, of that same character, not in a national forest, and within a radius of 20 miles from said homestead entry, as, when the area thereof is added to the area of the original entry, will not exceed 320 acres, and residence upon the original entry shall be credited on both entries; but improvements must be made on the additional entry as required by said act.

SEC. 2. That any homestead entryman of 160 acres or less of lands of the character described as subject to entry under the provisions of the stock-raising homestead act of December 29, 1916, who has not submitted final proof upon his existing entry, and also any homestead entryman who has submitted final proof or received patent, for such an amount of lands that are of the character described as subject to entry under the provisions of the said stock-raising homestead act, and who owns and resides upon the said homestead entry, where said lands are within a national forest, may make an additional entry for and obtain patent to such an amount of land of that same character, not in a national forest and within a radius of 20 miles from said homestead entry, as, when the area thereof is added to the area of the original entry, will not exceed 640 acres, and residence upon the original entry shall be credited on both entries; but improvements must be made on the additional entry equal to $1.25 for each acre thereof.

SEC. 3. That any person otherwise qualified who has obtained title under the homestead laws to less than one-quarter section of land may make an original entry and obtain title under the provisions of the enlarged-homestead act of February 19, 1909, and the act of June 17, 1910, for such an area of public lands designated thereunder, as will, when added to the area of the prior perfected entry, not exceed 320 acres, even though the former entry shall not have been designated, or be of the character subject to entry under the provisions of the said enlarged-homestead act.

SEC. 4. That any person otherwise qualified who has obtained title under the homestead laws to less than one-quarter section of land may make an original entry and obtain title under the provisions of the stock-raising homestead act of December 29, 1916, for such an area of public land designated thereunder, as will, when added to the area of their prior perfected entry, not exceed 640 acres, even though the former entry shall not have been designated, or be of the character subject to entry under the said stock-raising homestead act.

During the reading of the bill,

Mr. JOHNSON of Washington. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. JOHNSON of Washington. This bill is subject to debate?

The SPEAKER. Yes.

Mr. JOHNSON of Washington. I desire to strike out the last word.

The SPEAKER. This is a Union Calendar bill, and should be read by sections. The Chair recognizes the gentleman.

Mr. JOHNSON of Washington. Mr. Speaker, I desire to interrupt the passage of the bill merely to call attention to the fact that here is another land law that hops back and forth between the Department of Agriculture and the Department of the Interior. In this bill we are trying to relieve men who homesteaded within forest reserves, the forest reserves being under the control of the Agriculture Department. They are, however, to find lands which have been or may hereafter be designated or classified by the Secretary of the Interior.

Mr. TAYLOR of Colorado. Outside of the forest reserves.

Mr. JOHNSON of Washington. Yes.

Mr. TAYLOR of Colorado. All this does is to allow a settler in the forest reserves to get another piece of arid land outside of the forest reserve sufficient in amount to make up, with what he has, the amount of 320 acres of dry-farming land or 640 acres of stock-raising land.

Mr. JOHNSON of Washington. Yes; and that is all very well for a homesteader in a dry, treeless forest reserve, who is up against it.

Mr. TAYLOR of Colorado. I know he is. I have some of them in my State.

Mr. JOHNSON of Washington. He has 160 acres and can not do much of anything except scratch for a livelihood.

Mr. TAYLOR of Colorado. Yes; and the poor fellow can not scratch hard enough on that kind of land to raise a family.

Mr. JOHNSON of Washington. But he can hop outside of the control of the Agriculture Department and into the control of the Interior Department and get another 150 acres of land, but you do nothing for the forest reserve fellow who is in a real forest reserve.

Mr. TAYLOR of Colorado. God knows I would like to do something for him if it were possible. I am as much in favor of doing that as is the gentleman.

Mr. JOHNSON of Washington. He is inside a real forest reserve. He went there and went right through the timber to get agricultural land.

Mr. TAYLOR of Colorado. That is true in the gentleman's State of Washington, but in my State and most of its intermountains the settler I refer to in this bill is not in or near any timber and did not pass through any to get to where he has settled.

Mr. JOHNSON of Washington. But this fellow that I am talking about is on a timber homestead in a forest reserve, where he has cleared 20 acres or so and is making a precarious living. He can not sell the timber.

Mr. TAYLOR of Colorado. I do not think his land would be designated as of this character. This bill will not apply to a settler on good land, or in timberland, only to dry land or rough or arid grazing land.

Mr. JOHNSON of Washington. Absolutely not. That is it. He can not move. He can not get another piece of land outside.

Mr. TAYLOR of Colorado. No. The settler the gentleman refers to is in dead hard luck.

Mr. JOHNSON of Washington. He is surrounded by a forest reserve and until the Government wants to buy his timber or authorizes him to sell it he can not dispose of it.

Mr. TAYLOR of Colorado. That is true; I fully realize that, and I would like to help him, but we can not do so in this bill. I am trying to relieve some settlers in my State.

Mr. JOHNSON of Washington. And the laws prohibit him from burning it, so he has an elephant on his hands. But nobody gives him any sympathy, because he is supposed to have some potential value in timberland that in thirty, fifty, or a hundred years from now may be sold.

Mr. TAYLOR of Colorado. But just because some of those settlers in his State are up against it the gentleman does not want to deprive many others of relief, does he?

Mr. JOHNSON of Washington. No; but I want to point out that the effort is always to relieve the fellow in the dry-grass country, but that the fellow in the timber is supposed by somebody to have stung the Government, which is not the case. I withdraw the pro forma amendment.

The Clerk concluded the reading of the bill.

The following committee amendments were severally reported and severally agreed to:

Page 1, line 4, strike out the words "of the character described" and insert "which have been or may hereafter be designated or classified by the Secretary of the Interior."

Page 1, line 11, after the word "lands," strike out the words "that are" and insert "which have been or may hereafter be designated or classified by the Secretary of the Interior as."

Page 2, line 10, after the word "but," strike out the word "improvements" and insert "cultivation."

Page 2, line 12, after the word "act," insert:

"For the purposes of this act the Secretary of the Interior is authorized to designate as subject to the enlarged homestead acts lands within national forests."

Mr. GANDY. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 1, line 8, strike out "June 17, 1910," and insert "acts amendatory thereof and supplemental thereto."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. GANDY. Also the following amendment, which I send to the desk.

The Clerk read as follows:

Page 2, line 6, after the comma, strike out the words "and within a radius of 20 miles from said homestead entry" and insert, after the word "entries," in line 10, the following: "if the additional entry is not more than 20 miles from the original entry, otherwise the residence requirements of the homestead laws must be complied with."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 2, line 16, after the word "lands," strike out the words "of the character described" and insert "which have been or may hereafter be designated or classified by the Secretary of the Interior."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Page 3, line 9, after the word "thereof," insert:

"For the purposes of this act the Secretary of the Interior is authorized to designate under the stock-raising homestead act lands within national forests."

Mr. JOHNSON of Washington. Mr. Speaker, I move to strike out the last word for the purpose of calling attention to the fact that the amendment comes to the very nub of the matter I discussed a moment ago. The amendment reads:

For the purpose of this act the Secretary of the Interior is authorized to designate under the stock-raising homestead acts lands within national forests.

The Secretary of the Interior does not look after lands within the national forests.

Mr. TAYLOR of Colorado. Let me call attention to the fact that this language says "for the purposes of this act." Now, the purposes of this act are to allow a man who has some dry-farming land or stock-raising land in a forest reserve to take the same character of land outside, but it started out by saying, "*Provided*," virtually, "That the land has been now so designated." I call attention to the fact that the land has never been so designated yet, and we give authority to the Interior Department to designate before getting the benefit of that act, so that clause was put in there merely for the purpose of allowing the Interior Department to designate a piece of land that a man now has. It does not let him get any more land, it designates no more land, but if Mr. Jones has got now a 160-acre homestead in the forest reserve or dry-farming land which never has been designated as such the Interior Department will have the right to designate that man Jones's land as dry-farming land for the purpose of letting him get the benefit of this act. It does not encroach any on the forest reserves at all——

Mr. JOHNSON of Washington. I wish it did encroach a little.

Mr. TAYLOR of Colorado. The trouble is we can not do that.

Mr. JOHNSON of Washington. Does the gentleman think now that the Interior Department fellow is to do some "designating" that he will go around with his surveying instruments and map-making devices?

Mr. TAYLOR of Colorado. No. It will only be on application. If a man applies to him and says, "I have been living here for 10 years on a piece of dry land; I can not irrigate it, it is arid land," he will ask to have the agent of the Interior Department, and they are the only ones who do that kind of work—ask to have one of those look at that land and report if it is the character of either an enlarged homestead or a stock-raising homestead, and if the agent of the Interior Department makes that report on that man's homestead then he will have the right to select outside.

Mr. JOHNSON of Washington. I hope it will work that way, but I am afraid that it will result in duplications between the two departments, who will cross each other and be engaged at the same time in doing the same work, all to the cost of the Government and to the confusion and detriment of the settler.

Mr. TAYLOR of Colorado. No; the forest reserves we do not encroach upon at all.

Mr. JOHNSON of Washington. I withdraw the reservation.

Mr. McLAUGHLIN of Michigan. Will the gentleman yield?

Mr. TAYLOR of Colorado. I will.

Mr. McLAUGHLIN of Michigan. The Secretary of the Interior does not designate areas within the national forests which should be withdrawn from forest reserves and devoted to agriculture?

Mr. TAYLOR of Colorado. No, not at all; and this bill does not give him any such authority.

Mr. McLAUGHLIN of Michigan. The gentleman says that if any question arises whether or not these designated lands should be withdrawn the authority to designate is with the Secretary of the Interior.

Mr. TAYLOR of Colorado. The gentleman misunderstood me. I said the Interior Department is the only department that ever designates any land as dry-farming land subject to entry under the enlarged homestead act, or as stock-raising homestead land subject to entry under the 640-acre stock-raising homestead act, and if a man now has a homestead within a forest reserve—and there are thousands of them who have these arid dry-farming lands, which they can not irrigate, and they can not get more than 160 acres within a forest reserve under the present law—what the settler would have to do would be to apply to the Interior Department and ask them to send an agent to look at his homestead, and if the agent of the Interior Department reports that his homestead is of a character of land that is now designated, generally speaking, as dry-farming, enlarged homestead land, or as grazing, stock-raising homestead land, then he can make application for an additional tract of land outside the forest reserve. Now, the Forest Service has got nothing to do with that at all. That transaction does not affect the Forest Service at all.

Mr. McLAUGHLIN of Michigan. I understand this amendment suggested by the committee—I will read it:

For the purposes of this act the Secretary of the Interior is authorized to designate under the stock-raising homestead act lands within national forests.

Now, pardon me just a moment. It seems to me that authorizes the Secretary of the Interior to invade the jurisdiction of the Secretary of Agriculture and go into the national forest and designate lands that thereafter shall not be under the jurisdiction of the Secretary of Agriculture.

Mr. TAYLOR of Colorado. No; the gentleman is mistaken. The lands now occupied by those homestead settlers are entered now under the homestead laws. They are not a part of the forest reserves and are not subject to the jurisdiction of the Agricultural Department. They are within the exterior boundaries of the forest reserves, but they are not a part of them; and until they make final proof and obtain a patent to their claims they are under the jurisdiction of the Interior Department.

Mr. GANDY. Will the gentleman yield?

Mr. McLAUGHLIN of Michigan. I will.

Mr. GANDY. Now, all this proposed measure does is to provide that one within a forest reserve who has land of the character described in the enlarged homestead act or land of the character described in the section act may take such amount of that kind of land as will bring the total up to the total provided for either the enlarged homestead or the section act.

Mr. McLAUGHLIN of Michigan. This amendment authorizes the Secretary of the Interior to designate land within a forest reserve——

Mr. TAYLOR of Colorado. For the purposes of this act only.

Mr. McLAUGHLIN of Michigan. For such and such a purpose, whereas now he has not such authority. The only authority for designated lands within the national forests which shall be withdrawn from the national forests and devoted to any other purpose is placed under the jurisdiction of the Secretary of Agriculture, and he must pursue the exact method pointed out by the law.

Mr. TAYLOR of Colorado. Will the gentleman yield to me?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. TAYLOR of Colorado. When a man now has a homestead claim within a forest reserve, why he is already outside of the forest reserve, so far as jurisdiction is concerned, notwithstanding his land is within the reserve. He is not under the Agricultural Department at all; he is under the Interior Department.

Mr. McLAUGHLIN of Michigan. Yes.

Mr. TAYLOR of Colorado. This bill does not let the Interior Department go one inch outside of its homestead claim.

Mr. McLAUGHLIN of Michigan. But this authorizes it to designate land for certain purposes within national forests.

Mr. TAYLOR of Colorado. No. It authorizes the Interior Department to designate the settlers' homestead claims only as to the character of its land.

Mr. McLAUGHLIN of Michigan. That is what the language means.

Mr. TAYLOR of Colorado. No. It says, "For the purposes of this act." What are the purposes of this act? To allow the homesteader who is now in the forest reserve and has got a valid existing homestead entry, and who is now under the jurisdiction of the Interior Department to-day—it allows the Interior Department to say whether or not that homestead is dry arid land, but not a foot outside of his own ground can the Secretary designate.

If the settler was outside of the reserve, he has a right to have 320 or 640 acres of it, owing to its character. My good friend from Oregon [Mr. SINNOTT] will tell you, and anybody from the West will tell you, that this bill does not encroach one inch upon the forest reserves or upon the Agricultural Department or its jurisdiction.

Mr. SINNOTT. Will the gentleman yield there?

Mr. TAYLOR of Colorado. Yes.

Mr. McLAUGHLIN of Michigan. Of course, I listen to the gentleman from Oregon when he talks about these matters, and he knows a great deal more about them than I do, but I know the meaning of plain words, and in my judgment it authorizes the Secretary of the Interior to exercise authority over lands within the national forests.

Mr. TAYLOR of Colorado. No. He is exercising authority only over lands now under his jurisdiction.

Mr. McLAUGHLIN of Michigan. It does not say so, and it is not safeguarded at all, in my judgment.

Mr. SINNOTT. All this amendment means is to authorize the Secretary of the Interior to examine the lands within the national forests to ascertain whether or not the present holding of the homesteader is of that character as to entitle him to take additional lands outside the forest. That is all this means.

Mr. TAYLOR of Colorado. And that has nothing to do with the Agricultural Department or with the Forest Service.

Mr. McLAUGHLIN of Michigan. That is, in case the regular procedure has been taken, the Secretary of Agriculture having set aside this land within the national forests, and it having been located as a homestead, the Secretary of the Interior has the right to examine and determine the character of it, and determine whether the man has some other rights at some other place?

Mr. SINNOTT. That is right. Outside of the forest.

Mr. McLAUGHLIN of Michigan. It may be properly drawn for that purpose, but it did not occur to me that that was its meaning. I like to see legislation drawn in such a way that it has only one meaning, and the head of a department can do only one thing—that is, what the Congress intended.

Mr. SINNOTT. Under this act there is no right given in any forest reserve, and this designation is made for the purposes of this act.

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. GANDY. Mr. Speaker, in line 20, page 2, after the figures "1916" and the comma, I move to amend by adding "and acts supplemental thereto and amendatory thereof."

The SPEAKER. The gentleman from South Dakota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. GANDY: Page 2, line 20, after the figures "1916," insert "and acts supplemental thereto and amendatory thereof."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Page 3, line 13, strike out all of section 3.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Also the following committee amendment was read:

Page 3, line 24, strike out all of section 4.

The amendment was agreed to.

Mr. GANDY. Mr. Speaker, I offer an amendment to section 2, which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 3, after the word "forest," strike out the words "and within a radius of 20 miles from said homestead entry" and insert, after the word "entries," the following: "if the additional entry is not more than 20 miles from the original entry, otherwise the residence requirements of the homestead laws must be complied with."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. BLANTON. Division, Mr. Speaker.

The House divided; and there were—ayes 37, noes 1.

So the bill was passed.

On motion of Mr. TAYLOR of Colorado, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. JOHNSON of Washington. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. JOHNSON of Washington. I notice that there are some other bills reported April 13 that are on this Calendar for Unanimous Consent. How does that happen?

The SPEAKER. The attention of the Chair has already been called to that. The Chair was going to state that he thinks those bills, while they are on the calendar, could not be considered to-day unless by special recognition of the Chair. Not having been considered will not injure their status.

THE VIRGIN ISLANDS.

Mr. TOWNER. Mr. Speaker, I ask the indulgence of the House to prefer a unanimous-consent request.

The commission that was appointed to visit the Virgin Islands and make report are filing their report to-day, and I ask unanimous consent that it may be printed as a public document of the House.

The SPEAKER. The gentleman asks that the report referred to be printed as a public document. Is there objection? [After a pause.] The Chair hears none.

Mr. GARRETT. Mr. Speaker, I would like to be indulged for one moment to make a statement concerning this matter.

The SPEAKER. The gentleman from Tennessee is recognized.

Mr. GARRETT. This report of the commission, of which I had the honor to be a member, is a unanimous report, and I think a most excellent one. I had nothing to do with drawing it, but I congratulate the gentleman who did draw it. I think it proper to say for the RECORD this, namely, that the commission reports that it is not deemed advisable at this time to undertake to change the plan of government now in operation. It suggests that there are some very vital and fundamental changes necessary in the system now in force, but proceeds upon the theory, and doubtless a correct one, that those now operating the government should first develop these new plans and processes. I think that is a correct idea.

I simply wish to say, Mr. Speaker, that in my opinion, under the act of Congress—the date of which I have forgotten, but it was the act providing for the temporary government and our taking over the islands under the terms of the treaty—under that act, in my opinion, before the present government of the Virgin Islands can change their laws it will be necessary to have an enabling act by Congress. I think that should be said in order that those charged with responsibility in the Virgin Islands may clearly understand in the development of their laws and their new system that it will require an enabling act on the part of Congress. That enabling act, I have no doubt, Congress will be glad to give if the changes they make meet with the approval of Congress.

Mr. TOWNER. Mr. Speaker, the question that is suggested by the gentleman from Tennessee [Mr. GARRETT] is an open question. The act by which we established the government in the Virgin Islands provided that the existing laws should be in effect until Congress changed them. However, the existing laws provide that the councils, which still continue in the islands, being the legislative assembly, should have the power to modify or to amend their laws whenever they so desire, so that there is a question as to just exactly how much power may be exercised by the existing councils.

Now, these councils have made, and are now making, a complete Americanization or recodification of the old Danish laws that have existed for many years in the islands. It was thought best by the commission that that work should be completed and that, in fact, it was best that they should be enacted by their local councils. It is always best that the local authori-

ties should pass their own laws, and then if they require any approval by act of Congress we may give them such approval as may be necessary. So I think it would be the unanimous idea of the commission that they should go on with their amendment and recodification of the laws, and that if any act of Congress is necessary to make them effective we can give it to them.

THE WOMEN'S BUREAU.

Mr. CAMPBELL of Kansas. Mr. Speaker, I move to suspend the rules and pass the bill that I am sending to the Clerk's desk.

The SPEAKER. The gentleman from Kansas moves to suspend the rules and pass the bill, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 13229) to establish in the Department of Labor a bureau to be known as the wome..'s bureau.

Be it enacted, etc., That there shall be established in the Department of Labor a bureau to be known as the women's bureau.

SEC. 2. That the said bureau shall be in charge of a director, a woman, to be appointed by the President, by and with the advice and consent of the Senate, who shall receive an annual compensation of $5,000. It shall be the duty of said bureau to formulate standards and policies which shall promote the welfare of wage-earning women, improve their working conditions, increase their efficiency, and advance their opportunities for profitable employment. The said bureau shall investigate and report to the said department upon all matters pertaining to the welfare of women in industry. The director of said bureau may from time to time publish the results of these investigations in such a manner and to such extent as the Secretary of Labor may prescribe.

SEC. 3. That there shall be in said bureau an assistant director, to be appointed by the Secretary of Labor, who shall receive an annual compensation of $3,500 and shall perform such duties as shall be prescribed by the Secretary of Labor.

SEC. 4. That there is hereby authorized to be employed by said bureau a chief clerk and such special agents, assistants, clerks, and other employees at such rates of compensation and in such numbers as Congress may from time to time provide by appropriations.

SEC. 5. That the Secretary of Labor is hereby directed to furnish sufficient quarters, office furniture and equipment, etc., for the work of this bureau.

SEC. 6. That this act shall take effect and be in force from and after its passage.

Mr. BLANTON. Mr. Speaker, I demand a second.

The SPEAKER. The gentleman from Texas demands a second.

Mr. CAMPBELL of Kansas. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Kansas asks unanimous consent that a second be considered as ordered.

Mr. CANNON. I do not know about that. Why should it be? There is just a handful of people here.

Mr. CAMPBELL of Kansas. We can get them here.

Mr. CANNON. I guess you had better get them.

The SPEAKER. Is there objection?

Mr. CANNON. I object.

The SPEAKER. The gentleman from Kansas [Mr. CAMPBELL] and the gentleman from Texas [Mr. BLANTON] will take their places as tellers. As many as are in favor of a second will pass between the tellers and be counted.

The House divided; and the tellers reported—ayes 31, noes 0.

The SPEAKER. A second is ordered by tellers.

Mr. CANNON. I think a quorum is not present. I make the point of no quorum.

The SPEAKER. The gentleman from Illinois makes the point that there is no quorum present. It is clear that there is no quorum present.

Mr. CAMPBELL of Kansas. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The SPEAKER. The Doorkeeper will close the doors, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Andrews, Md.	Clark, Fla.	Fuller, Mass.	Kelley, Mich.
Baer	Collier	Gallagher	Kennedy, Iowa
Bankhead	Costello	Ganly	Kennedy, R. I.
Barkley	Crago	Gard	King
Begg	Cramton	Goldfogle	Kitchin
Bell	Cullen	Goodwin, Ark.	Kreider
Benson	Currie, Mich.	Goodykoontz	Lampert
Black	Curry, Calif.	Gould	Langley
Blackmon	Darrow	Graham, Pa.	Layton
Bland, Ind.	Davey	Greene, Vt.	Longworth
Bland, Va.	Davis, Tenn.	Hamill	McAndrews
Boies	Dempsey	Hamilton	McArthur
Booher	Denison	Harrison	McFadden
Brand	Dent	Hayden	McKenzie
Brinson	Dewalt	Heflin	McKinley
Britten	Dominick	Hicks	McLane
Browne	Dooling	Hill	McPherson
Brumbaugh	Doughton	Hudspeth	Madden
Burke	Drane	Hulings	Mann, Ill.
Campbell, Pa.	Dupré	Humphreys	Mansfield
Cantrill	Eagle	Hutchinson	Mason
Caraway	Edmonds	Igoe	Montague
Carew	Ellsworth	Johnston, N. Y.	Moon
Carter	Evans, Nev.	Jones, Pa.	Mooney
Casey	Flood	Jones, Tex.	Moore, Va.
Chindblom	Freeman	Juul	Moores, Ind.
Morin	Reber	Small	Tague
Mott	Reed, N. Y.	Smith, Ill.	Taylor, Ark.
Neely	Rogers	Smith, N. Y.	Taylor, Tenn.
Newton, Minn.	Rose	Smithwick	Temple
Newton, Mo.	Rowan	Snell	Vaile
Nolan	Rowe	Snyder	Vare
O'Connell	Rubey	Steagall	Walsh
Paige	Rucker	Stedman	Ward
Pell	Sabath	Steele	Welty
Phelan	Schall	Steenerson	Wheeler
Porter	Scully	Stephens, Miss.	Williams
Radcliffe	Sears	Stevenson	Wilson, Pa.
Rainey, J. W.	Sells	Stoll	
Rayburn	Shreve	Strong, Pa.	
Reavis	Siegel	Sullivan	

The SPEAKER. On this vote 266 Members have answered to their names. A quorum is present.

Mr. CAMPBELL of Kansas. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The gentleman from Kansas [Mr. CAMPBELL] has 20 minutes, and the gentleman from Texas [Mr. BLANTON] has 20 minutes.

Mr. CAMPBELL of Kansas. Mr. Speaker, I desire that the gavel may fall when I have consumed as much as five minutes.

The SPEAKER. The Chair will notify the gentleman.

Mr. CAMPBELL of Kansas. This bill provides for the establishment under provisions of law in the Bureau of Labor of a woman's bureau. That bureau was created in the summer of 1918 and has been provided for by the Committee on Appropriations up until this time. The matter will undoubtedly be provided for in the appropriation bill this year, and it was thought to be the gracious and proper thing to do to pass a law under which that bureau should have an authorized existence in the Department of Labor.

Whatever else may be said, we may as well understand that from this time on women will have a greater part in the industries of the country in the future than they have had in the past. The war taught the women that they could perform useful labor in the industries of the country, and it also taught those engaged in industry that the women made good employees in many of the industries of the country. There is now no question about the necessity of providing for some regulatory measures for the proper employment of women. It is idle to say that their interests can be taken care of just as well by the Bureau of Labor under the control of men as under the control of women. If anyone will stop to consider for a moment, he will know that there are physical differences that the women understand, which make it important that provision be made in all the industries of the country for the methods under which the women work and for their accommodations while employed, which make it not only wise but humane that women shall have charge of this sort of thing.

I recall that a few years ago women employed in this city were not provided with the accommodations that humankind need. We passed a law making it necessary for those employing women to provide these human necessities for the women employed in those places. One of the men who strenuously opposed the measure providing for these necessities in his industry came back in six months and said that it was the best investment he had made in connection with his enterprise. He would not to-day be without the conveniences, the places for the women to rest, and so forth, that were provided for under that law. He would not dispense with them under any conditions.

The SPEAKER. The gentleman has consumed five minutes.

Mr. CAMPBELL of Kansas. I reserve the remainder of my time.

Mr. BLANTON. Mr. Speaker, if the proper conditions prevailed in our Department of Labor, which will have the appointment of some and the supervision of all of the employees in this woman's bureau, to be provided under this proposed legislation, I would be heartily in favor of this bill. I heartily favor a woman's bureau such as planned, although I am against establishing new bureaus, as the Government is already overridden with bureaus now. But I would vote for this woman's bureau were it not for the awful conditions now existing in the Department of Labor.

Mr. CAMPBELL of Kansas. May I make a suggestion to the gentleman?

Mr. BLANTON. In just a moment. I do not wish just yet to be interrupted in the remarks I am making just now. But I call the attention of my colleague to the dreadful conditions which prevail in the Department of Labor at this moment. Let me read some excerpts of speeches from the RECORD. I read from the CONGRESSIONAL RECORD of April 12, 1920, pages 5551–5552, excerpts from the speech of Hon. ALBERT JOHNSON of Washington, the distinguished chairman of the Committee on Immigration:

Mr. JOHNSON of Washington. Mr. Speaker, I desire to call the attention of the House to the present situation concerning certain depor-

tation cases. I wish to call attention to the fact that this morning, if the Nickle Plate train from Chicago was on time, there arrived in New York from New Orleans one Paul Bosco, who is, in my opinion, a dangerous alien, an anarchist, and an enemy of this country. The evidence against this man was such that in New Orleans his application for release on bond was denied. Appeals were made to let him out on $500 bond and denied. These appeals were made by New York attorneys who devote much time to the interests of Socialists, I. W. W.'s, and anarchists. Next the appeal was made to have the bond fixed at $1,000, and to have the alien transferred to New York. Weinberger, who continuously represents anarchists, got this fellow's bond reduced to $1,000, the bond to be placed at Ellis Island, New York, the man to be transferred from New Orleans to New York at Government expense, and there to be released on that bond, there to connive and bring about proceedings that will keep him in the country, even though he said at his hearing that he did not care to have an attorney; that he was perfectly willing to be deported; even though he stood up in the court room at Morgantown, W. Va., after he had been convicted, and said that he hoped the red flag would replace the Stars and Stripes in the United States at an early date.

Thus in no uncertain terms our chairman of the Immigration Committee, who has had one branch of the Department of Labor under investigation for some time, charges Louis F. Post, Assistant Secretary of the Department of Labor, with collusion with anarchists against the interests of this Government.

But let me quote further from the speech of this distinguished chairman of the Committee on Immigration:

Mr. JOHNSON of Washington. This alien Bosco believes in force against the Government. He wants the red flag in place of the Stars and Stripes. And yet, Mr. Speaker, I say that it is more than an even bet that he will never be deported from the United States.

Mr. BLANTON. That is what I have been telling the gentleman for months.

Mr. JOHNSON of Washington. We have plenty of law. Something is the matter with the execution of it. When there is doubt, the decision is against the Government.

According to the newspapers on Saturday morning, the Assistant Secretary of Labor, in the case of Thomas Truss, of Baltimore, arrested as a communist and ordered deported, has ordered Truss released. He referred to this case at length as typical of the thousands which he will be called upon to decide, and will, I suppose, release ninety-five out of every one hundred thereof.

And, Mr. Speaker, this chairman of the Immigration Committee on April 12, 1920, placed in the RECORD data concerning anarchist cases evidencing that numerous anarchist enemies of this Government have been protected, favored, and released from deserved deportation by Louis F. Post, the Assistant Secretary of Labor.

But let me quote further from the gentleman's speech:

Mr. JOHNSON of Washington. Let me explain the situation: Here is the Department of Justice making a number of arrests, 2,700 or more, for deportation. The cases are turned over to the Department of Labor. The Commissioner of Immigration recommends deportation. The Assistant Secretary of Labor cancels the warrant. The Department of Justice can not make a charge against another department of the Government, or does not want to. But, if it answers the gentleman, here is the Department of Labor, through the Assistant Secretary, Mr. Post, resolving in favor of the alien wherever he can. The net result is that the large amount of money authorized by this Congress to be placed in the Department of Justice for arrest of radical and revolutionary persons has gone for little, and the further great amount placed in the hands of the Department of Labor for the deportation of such undesirable aliens has likewise gone for little. The law says the decision of the Secretary shall be final.

Now, Mr. Speaker and colleagues, the foregoing comes from the chairman of one of our committees which has had this matter under investigation and should know whereof he speaks. It is just what I have been telling you on the floor of this House during the past year or more, that the Department of Labor is turning loose dangerous anarchists faster than the Department of Justice can apprehend them, and when they are tried and convicted of anarchy and ordered deported they appeal their cases, and this Assistant Secretary of Labor, Louis F. Post, sets aside their deportation judgments and releases them to further prey upon this Government.

Now, let me read to you an excerpt from a recent speech of the distinguished gentleman from Ohio [Mr. DAVEY]. I read from page 5671 of the CONGRESSIONAL RECORD for April 14, 1920, as follows:

Mr. DAVEY. Right here I want to bring out one of the saddest things in the history of the last few months of our Government. That is the action of one Louis F. Post in the Department of Labor. He serves in a Democratic administration, in a Democratic department, but what I am going to say is not an indictment of the Democratic Party, and I hope that no thought of politics will be injected into this. If it were an indictment of my party, I would mighty soon get out of it, but it is not. We have down there in the Department of Labor a man whose sympathies evidently are with the enemies of our Government. [Applause.] Just a little while ago this same man Post, after the warrant for the deportation of Ludwig Martens had been issued, withdrew this warrant and held up the deportation. Under our laws he has the power to do that. Furthermore, although Martens is the avowed enemy of our country, the avowed representative of Bolshevik Russia, and comes here to spread his damnable doctrines, yet this man Post allowed Martens to go free without bail on the recognizance of his attorney, ex-Senator Hardwick, and he assured Mr. Hardwick that he would take no action without consulting him.

Mr. CAMPBELL of Kansas. Now, will the gentleman yield?

Mr. BLANTON. Just one moment, and then I will yield to the distinguished gentleman from Kansas. Here is the Department of Labor, with an Assistant Secretary who has final say in all deportation cases affecting anarchists, concerning whom numerous Members of this House have already expressed an absolute want of confidence. Numerous Members of this House have charged this Assistant Secretary of Labor with malfeasance in office, friendly to criminals, and with favoring the anarchist enemies of this Government by preventing their deportation; and there is a resolution pending right now in this House to impeach him, and I understand that it has met with such favorable approval from the steering committee that it will be brought up here within a day or two under a rule from the Rules Committee, which now brings in this rule seeking to make this legislation in order. Why do you not go higher up? Do you believe that for 14 long months an Assistant Secretary of Labor has protected dangerous anarchists in this country and prevented their deportation and released them, not one or two or three but hundreds of them, without the knowledge of his superior officer?

Do you not believe that after it was brought to the attention of the Secretary of Labor through the various speeches and resolutions here in the House, and he has taken no action whatever in removing Mr. Post, that the Secretary of Labor himself condones and approves of his action? What other conclusion can you reach? It is the only conclusion that a reasonable man can reach. Has not Secretary Wilson been trying to free the anarchist Mooney? Yet you now want to put another department in his hands for maladministration. If they understood present conditions, our good women would vote against this measure just now, until we clean up this department.

Mr. CAMPBELL of Kansas. Will the gentleman yield now?

Mr. BLANTON. In one moment; I have not quite finished. I have before me volume 1, No. 1, April, 1920, issue of the Knot-Hole, a magazine just out, published in Washington. It has for its front-page salutation the following:

Conceived in sin and brought forth in Washington. We have no high moral purpose in publishing this paper. The Knot-Hole is simply a two-faced undertaking without manners or morals.

And on its editorial page 4 we find that Hugh Reid is editor and the following admission:

The Knot-Hole is sometimes scurrilous.

On page 286 of the Congressional Directory for February, 1920, we find that this Hugh Reid is private secretary to this same Louis F. Post, Assistant Secretary of the Department of Labor; and on page 1044 of the Official Register we find that this Hugh Reid is drawing from this Government a salary of $2,100, which, with his $240 bonus, makes $2,340 per annum. That is the salary he is drawing from the United States Government as secretary to Assistant Secretary Louis F. Post, of the Department of Labor, and at the same time he is editing a scurrilous magazine of this character. What does it do? It attacks Congressmen in a vicious way. It does not stop there. It attacks members of the Cabinet, and even the President himself—my President and your President. And yet you want to add another bureau to and put more employees in this Department of Labor. Here is a letter that I wrote Mr. Post on March 31 asking him whether or not Hugh Reid was one of his employees, and to this good day he has never answered it. Have I not the right to an answer as a Member of Congress? Not getting his answer, I had to find out some other way, by looking up the matter in the Directory and Official Register, that he was his private secretary, because I knew that Hugh Reid must be an employee of the Department of Labor as soon as I saw the scurrilous magazine edited by him and then found articles therefrom immediately reproduced in the Olden Advance, published in my district.

I am so glad that there is one man out of that Department of Labor that I do not know what to do. John B. Densmore is at last off the Government pay rolls to-day, thank God.

Mr. CAMPBELL of Kansas. Will the gentleman yield now?

Mr. BLANTON. In just a moment; I have not quite gotten through. You remember a year and a half ago when I began the fight against Densmore's $10,000,000 bureau in the Department of Labor some of you could not quite agree with me at that time. Here is a list of those highly paid officers in his department that by my fight we have at last gotten practically all of them off the Government pay roll. Now, my good colleagues, you can see the purpose I had through an investigation that I made by hard work at night when some of you were asleep. Mr. Speaker, I ask unanimous consent to put in the RECORD this list showing the employees that were on the pay roll of this department here in Washington on February 5, 1919, and the most of which now we have succeeded in cutting off the pay roll, and thank God that we have at last gotten rid of John B. Densmore and much of his crowd.

The SPEAKER. The gentleman from Texas asks unanimous consent to insert in the RECORD a list which he referred to. Is there objection?

There was no objection.

The list is as follows:

United States Employment Service—Salaries, administrative office, Feb. 5, 1919.

Title.	Number.	Rate.	Total.
Director general	1	$6,000	$6,000
Assistant director general	1	5,000	5,000
Assistant to director general	1	5,000	5,000
Do	2	3,500	7,000
Special assistant to director general	1	3,500	3,500
Assistant to director general	2	4,000	8,000
Do	1	3,500	3,500
Do	5	3,500	17,500
Special representative	2	3,000	6,000
Do	3	2,500	7,500
Do	1	4,000	4,000
Special agent	1	3,650	3,650
Do	4	3,500	14,000
Do	10	3,000	30,000
Do	10	2,500	25,000
Do	4	2,400	9,600
Do	5	2,250	11,250
Do	2	2,000	4,000
Director of division	4	4,000	16,000
Assistant director of division	1	3,500	3,500
Do	1	3,000	3,000
Assistant to director of division	1	3,600	3,600
Do	2	2,500	5,000
Do	1	2,250	2,250
Do	1	2,100	2,100
Do	1	2,000	2,000
Chief of section	1	4,500	4,500
Do	1	4,000	4,000
Do	1	3,500	3,500
Do	5	3,000	15,000
Do	2	2,700	5,400
Do	2	2,750	5,500
Do	3	2,500	7,500
Do	1	2,400	2,400
Assistant chief of section	2	3,000	6,000
Do	1	2,750	2,750
Do	1	2,500	2,500
Do	1	2,400	2,400
Do	1	1,800	1,800
Disbursing agent	1	2,750	2,750
Secretary (war labor policy board)	1	4,500	4,500
Secretary	1	3,500	3,500
Do	2	3,000	6,000
Do	2	2,000	4,000
Do	1	1,800	1,800
Do	1	1,740	1,740
Do	1	1,500	1,500
Do	1	1,440	1,440
Clerk (senior)	1	2,750	2,750
Do	1	2,620	2,620
Do	8	2,500	20,000
Do	1	2,400	2,400
Do	4	2,250	9,000
Do	1	2,220	2,220
Do	5	2,100	10,500
Do	5	2,000	10,000
Do	2	1,980	3,960
Do	10	1,800	18,000
Do	16	1,800	28,800
Clerk	1	1,740	1,740
Do	1	1,728	1,728
Do	1	1,720	1,720
Do	2	1,680	3,360
Do	14	1,620	22,680
Do	1	1,600	1,600
Do	2	1,560	3,120
Do	36	1,500	54,000
Do	1	1,440	1,440
Do	10	1,400	14,000
Do	23	1,380	31,740
Clerk (junior)	61	1,320	80,520
Do	4	1,260	5,040
Do	65	1,200	78,000
Clerk (under)	15	1,100	16,500
Do	12	1,080	12,960
Do	5	1,020	5,100
Do	1	1,000	1,000
Do	1	990	990
Do	1	960	960
Do	4	900	3,600
Do	1	780	780
Do	1	720	720
Do	1	600	600
Do	2	600	1,200
Telegrapher	2	1,600	3,200
Engineer	1	1,440	1,440
Electrician	1	1,320	1,320
Fireman	3	900	2,880
Messenger	2	1,320	2,640
Do	2	1,200	2,400
Do	1	1,080	1,080
Do	1	900	900
Do	6	900	5,400
Do	2	840	1,680
Do	1	780	780
Messenger (junior)	10	720	7,200
Do	7	600	4,200

United States Employment Service—Salaries, administrative office, Feb. 5, 1919—Continued.

Title.	Number.	Rate.	Total
Messenger (junior)	7	$480	$3,360
Watchman	1	1,200	1,200
Do	5	900	4,500
Elevator operator	2	900	1,800
Do	1	720	720
Skilled laborer	1	1,320	1,320
Do	1	1,140	1,140
Do	9	900	8,100
Do	1	780	780
Janitress	1	840	840
Charwoman	8	312	2,496
SPECIAL.			
Adviser on industrial relations	1	5,000	5,000
Special examiner	1	4,000	4,000
Special camp organizer	1	4,000	4,000
National field organizer	2	3,000	6,000
Do	1	2,400	2,400
Assistant to chairman (war labor policy board)	1	2,750	2,750
Associate director, boys' working reserve	1	2,750	2,750
National director, boys' working reserve	1	2,500	2,500
Assistant to Federal director (in charge of farm labor)	1	2,100	2,100
National director, women's land army	1	2,000	2,000
Assistant Federal State director (public service reserve)	1	1,800	1,800
Director, negro economics	1	4,380	4,380
Assistant director, negro economics	1	1,740	1,750
Supervisor of negro economics	2	1,740	3,480
Total	513		861,214

Mr. BLANTON. Practically all the foregoing long list of useless employees have at last been gotten off of the pay roll, and no Government business has suffered, for there are more jobs now with good pay than there are men willing to work to fill them.

You will remember that during the debate on the sundry civil appropriation bill on Friday, February 28, 1919, I took the position that the balance of the previous appropriation made still available of $1,543,400, supplemented by the $1,800,000 provided for in H. R. 16187, passed that day, was amply sufficient to carry on the Employment Service, and I opposed the extra $10,000,000 demanded by Director Densmore. And when Mr. WATKINS offered his amendment to grant this department the additional sum of $10,033,808.10, I made a point of order against it, and the Chair sustained my point of order. Then the gentleman from Massachusetts [Mr. GALLIVAN] offered his amendment to grant this sum of $10,033,808.10 to this department, and again I made a point of order against it, which was sustained by the Chair. Then the renowned Socialist Member from New York, Mr. London, offered an amendment to grant it the sum of $10,000,000, and I again made a point of order against it, which was sustained by the Chair. Then the gentleman from Missouri, Mr. Decker, offered his amendment to grant the department $10,000,000, and again I made a point of order against it, which the Chair sustained. And thus this $10,000,000 was saved and not wasted, and now at last we have gotten most of these high-salaried, useless employees off of the pay roll.

Now, let me ask you one thing. Have you gentlemen an abiding confidence in this Assistant Secretary of Labor, Louis F. Post, who manages most of the business down there? He is the First Assistant Secretary of that Department of Labor, and has final say in anarchist cases. I am in favor of this legislation, and I would vote for it if that department could be cleaned out. But I will not vote for it now. It would have been cleaned out before this if unfortunately the President had not been taken sick. If he had not lost his health he would have cleaned it up so quick that it would have made their heads swim, but unfortunately he has not been able to look into these matters.

Are you willing to put this new bureau in the Department of Labor on the eve of passing upon impeachment proceedings against this Assistant Secretary? You may be willing, but I want to tell you that the people of this country are not willing that you shall do it. The people of the country are getting their eyes open on this question. Now I will yield to the distinguished gentleman from Kansas, chairman of the Committee on Rules.

Mr. CAMPBELL of Kansas. I want to say to the gentleman from Texas that at most the Assistant Secretary of Labor can remain in office only 10 months and 11 days longer. Fortunately, the gentleman from Texas has not assailed the Woman's Bureau that has existed in the Department of Labor for two years or more. [Applause.]

Mr. BLANTON. Oh, no; and I do not oppose this legislation, but most of the employees will be controlled absolutely by the

Assistant Secretary, and my friend from Kansas knows it, and I am not willing for Mr. Post to have this responsibility. Now, I do not want him to take my time any further, because I want to yield to the gentleman from Illinois. I yield to the gentleman from Illinois [Mr. CANNON] the balance of my time.

The SPEAKER. The gentleman has four minutes remaining.

Mr. CANNON. Mr. Speaker, I would like to have more time. The gentleman from Texas is for this bill on its merits and has consumed all of the time except four minutes in repeating his labor arguments, which we have heard before. I am not lecturing him, but I ask unanimous consent of the House that the time may be extended 15 minutes for the gentleman from Kansas and 15 minutes for myself.

Mr. CAMPBELL of Kansas. Mr. Speaker, may I modify that request and ask unanimous consent that the time be extended for 10 minutes, giving the gentleman from Illinois 14 minutes and I ask for no additional time? Will that be satisfactory to the gentleman from Illinois?

Mr. CANNON. It will.

The SPEAKER. The gentleman from Kansas asks unanimous consent that the time be extended 10 minutes. Is there objection?

There was no objection.

Mr. CANNON. Mr. Speaker, I voted to submit the amendment to amend the Constitution of the United States giving women suffrage. I have advocated woman suffrage in my own State, where, so far as the State constitution would allow, she has the right to vote. The constitutional convention, I have no doubt, will give her full rights. I am not opposed to the women. My mother was a woman, my wife was a woman, my two daughters living are women, and the great-great-granddaughter will be a woman. She is a mighty handsome kid right now. [Applause.]

This appropriation was made last year for $40,000, which includes $5,000 for the lady who is employed as the head of the bureau, and it was done as a war measure. Then there is in addition to her the assistant and also the chief clerk provided for. I think very likely this bureau ought to be continued. I heartily agree that the Children's Bureau, established long before the war, is headed by one of the most competent women in the United States. I was very glad when she was appointed and that she has retained her position. Women know better about children than we men do and have more to do with forming their character.

This appropriation is estimated for and has been considered by the Committee on Appropriations, of which I am a member, and I am informed is to be carried for the coming fiscal year in the sundry civil appropriation bill. I oppose this motion to suspend the rules and make this bureau permanent law, because I would like to see it tried out for another year, until we can get that much further along in unscrambling the eggs. I have favored it heretofore. I shall vote for the appropriation, whether this legislation is had or not. No doubt the head of the bureau will be continued with the same salary. But how wonderful it all is, and does it not beat all how men fall over themselves? My good friend from Texas [Mr. BLANTON] performs about this Department of Labor and attacks it all along the line. It is not perfect, and I hold no brief to defend much of its action. There are many good employees down there—I do not know how many—but I think we would better wait a little bit. Let us bide a wee before we rush in and move to suspend the rules and create this bureau permanently in the Department of Labor.

There are many of these departments that to some extent will need to be upset. It is all on a war basis now. Let us get our heads and see whether it ought to continue entirely along the line on this war basis. "Oh," said a friend to me, "CANNON, you can not afford to vote against this proposition, for women are voting now." I said, "I was once challenged years ago about the women voting," and I laughed and said it satisfied my woman audience when I said to them, "You women are as good politicians as we men; you bear the children, you nurture them, you form their character, and when politics comes up you take your share. You control your husbands more than they control you, and you mold the children; and what is to become of us poor men when, added to all of that, you vote?"

I say again that I have no objection to their voting. Oh, how gentlemen fall over themselves when they are assured that the House will have a chance when we report the sundry civil appropriation bill to continue this bureau! They tell us that the women will be angry unless they pass this legislation. The women not only bear the children and nurture them and control their husbands more than their husbands control them, but we are told that they must go to work. God grant that they will not have to work any more in any munition factories; that they will not have to work as the men return and pick up the burden of doing the work. I want the women to become mothers who will build homes. I have no objection to their voting. That is all right; but how we do fall over ourselves! Being assured that this appropriation will be reported, gentlemen fall over themselves and move to suspend the rules and make this a permanent act of legislation.

Oh, I do not agree with Madam Roland. It is said that she said away back in the French Revolution, "The more I see of men, the better I like dogs." I suppose that was correct away back there in that great revolution, but it does not apply at present in its full force. But the more I see men just turning double somersaults, the more I hear them say that this is a good political move and that we ought not to turn it down, the more I am inclined to say to you that I do not think, whether this passes or does not pass, that it is going to affect 10 votes in the United States. [Applause.] If the time comes for me to determine what my course shall be in the future, I want to get rid of the fever heat that is all over the country; I want to see how much the general expenditures can be properly reduced. I do not want to reduce them in passion. I do not want to do it hurriedly; but propositions of this kind and many other kinds can well wait until we do get down to normal. That is all I have to say. I reserve the remainder of my time.

Mr. CAMPBELL of Kansas. Mr. Speaker, if I understand the gentleman from Illinois [Mr. CANNON], it is very bad policy for the Congress to pass a law providing for this bureau and a very wise thing for the Committee on Appropriations to have appropriated for it. I do not quite get the logic of that sort of a situation. I yield five minutes——

Mr. CANNON. Oh, I thought the gentleman said he was not going to use any additional time.

Mr. CAMPBELL of Kansas. I yield two minutes——

Mr. CANNON. Oh, I have no objection to the five minutes, but I am going to ask to be recognized for the remainder of my time.

Mr. CAMPBELL of Kansas. How does the time stand?

The SPEAKER. The gentleman from Illinois has six minutes and the gentleman from Kansas 15 minutes.

Mr. CAMPBELL of Kansas. I yield two minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, I do not quite understand why there should be any opposition to this measure. All of us who take the kindly and sympathetic view of the gentleman from Illinois would be happy if it were not necessary for women to engage in gainful occupations, if they were not required, as many of them are, to become wage earners.

But the fact is that a great many women are compelled to become wage earners, to go into the industries; and that being the case, I think it is not only proper, but right, just, and equitable, that special provision should be made in the Department of Labor for an organization that shall have their welfare in charge. We have such an organization now in temporary form in the Department of Labor, but it is best that that activity shall be carried on under definite legislation. The bill before us provides that legislation, and I am very much in hope that the vote for the legislation will be well-nigh unanimous. [Applause.]

Mr. CAMPBELL of Kansas. How many speeches has the gentleman from Illinois?

Mr. CANNON. I propose to yield the gentleman from Connecticut [Mr. MERRITT] the remainder of my time.

Mr. CAMPBELL of Kansas. I yield three minutes to the gentleman from California [Mr. RAKER].

Mr. RAKER. Mr. Speaker, I was somewhat disappointed to hear the speech of the distinguished ex-Speaker, the gentleman from Illinois [Mr. CANNON]. That speech was made a good many years ago, but it is too late now. The women of this country have been deprived of their rights for years. They are getting them now. This is not a question of expense, it is a question of absolute necessity. The women by virtue of the change in economical conditions of this country are no longer able to remain at home and do the work. They must go out in the field of actual activity and earn their living. The purpose of this bill is that the Government through this agency creates a women's bureau with a woman at the head, appointed by the President, by and with the advice and consent of the Senate, "to investigate and formulate standards and policies which shall promote the welfare of wage-earning women." Can anybody object to that? "Improve their working conditions." Can the people generally or any Member of this House object to "improving the working conditions of women"? No. "Increase their efficiency." Can there be any objection to increasing their efficiency? Clearly not. "And advance their opportunities for profitable employment." Everybody ought to be for that. We ought to be ready and willing to expend money for the purpose

of making that effective. "The said bureau shall investigate and report to the said department upon all matters pertaining to the welfare of women in industry." Anyone who has given this subject any thought or consideration realizes that while you may speak of the father and the son representing the wife, mother, or sister that day has passed. They want and are entitled to represent themselves. On May 20, 1919, I introduced H. R. 1134, referred to in the committee's report on this bill. I am for this legislation. It is right.

The sundry civil bill for the fiscal year 1919 carried as one of the war emergency items an appropriation of $40,000 to enable the Secretary of Labor to carry on investigations touching women in industry, and this appropriation is carried in the current law. The purpose of the legislation now proposed is to make statutory provision for the work which is being carried on under the above-mentioned title and to provide for its enlargement as appropriations may be made for that purpose.

During the war hundreds of thousands of women took the places of men who had joined the Army and did men's work. Their efficiency and competency were proven in every branch of industry. There are still hundreds of thousands occupying important places and positions of trust and in manufacture and in trade.

The purpose of this bill is to create a permanent women's bureau in the Department of Labor and give it a legal status.

In the introductory part of the first annual report of the Director of the Woman in Industry Service for the fiscal year ending June 30, 1919, we find the following:

The Woman in Industry Service was organized in July, 1918, a year and three months after the entrance of the United States into the war. It was confronted at once with the problems involved in a rapidly increasing reliance upon the work of women, as the sole reserve force of labor to be called upon to measure up to the demands of an augmented program of production for the war in the face of the withdrawal of men for military service at the rate of a quarter of a million a month. It was clear that for the sake of production and for the good of the Nation the Federal Government must provide not only for the recruiting of women workers, but for the safeguarding of the health and efficiency of these women who were meeting in many instances the requirements of new and unaccustomed tasks. Because they were new for women—at least, in such large numbers—standards for their employment had not been established in the customs of industry.

On page 5 of such report we find the following specific statement of the purpose of this service:

1. To consider all general policies with respect to women in industry and to advise the Secretary of Labor as to the policies which should be pursued.
2. To keep informed of the work of the several divisions of the department in so far as they relate to women in industry and to advise with the divisions on all such work.
3. To secure information on all matters relating to women in industry and to collate such information into useful form.
4. To establish useful connections with all governmental departments and divisions on this subject and with voluntary agencies and societies.

In the hearings before your committee the following letter of the Secretary of Labor appears:

MARCH 4, 1920.

GENTLEMEN: As I am unable to be present at your joint hearing to-day for consideration of H. R. 12679 and S. 4002, to establish on a statutory basis the Women's Bureau of the United States Department of Labor, I am sending you this letter to urge a favorable report by the committees.

This bill does not propose a new bureau. The present Women's Bureau was made possible by the appropriation for the War Labor Administration in July, 1918, and so proved the necessity for it that it was continued by a special appropriation in 1919. It is common knowledge that during the war the number of women in industry increased greatly and the range of the occupations open to them was extended. It is even more important than before the war, therefore, that there should be a bureau in the Federal Government concerned with the special problems of women in industry.

The enlarged appropriation is made necessary in order to meet the many demands for the services of the bureau which comes from State departments of labor and citizens throughout the Nation who realize the importance of improving the conditions of the employment of women in industrial occupations.

Very truly, yours, W. B. WILSON.

III. INDUSTRIES, TOTAL NUMBER OF EMPLOYEES, AND NUMBER OF WOMEN EMPLOYEES INVESTIGATED.

In the course of two general State surveys of working conditions for women, and of several studies of conditions involving groups of women in special industries, the Women's Bureau has secured information on the actual working conditions of approximately 34,000 women employed in industries where the total number of employees amounted to approximately 75,000. The two largest groups of women, 12,000 and 18,000, were covered by State surveys made in Indiana and Virginia. In these two surveys conditions in the representative industries of the State where women were employed were the subject of investigation. The establishments covered included those manufacturing boots and shoes, caskets, clothing, drugs, food products, hosiery and knit goods, leather goods, metal products, paper and paper products, peanuts, pottery and glassware, ruber goods, textiles, tobacco, wood products, printing establishments, and laundries.

The bureau sought to be established is not an experiment or a new adventure. It has proven its worth, and now that the right of self-government has been extended to women their demands are entitled to favorable consideration.

The SPEAKER. The time of the gentleman has expired.

Mr. RAKER. I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from California? [After a pause.] The Chair hears none.

Mr. CANNON. Mr. Speaker, I believe I have six minutes left. I yield two minutes to the gentleman from Connecticut [Mr. MERRITT].

Mr. MERRITT. Mr. Speaker, what I object to about this bill has nothing to do with the merits of the employment of women in industry. It is admitted that these very women whose positions in the Bureau of Labor are provided for by this bill are now employed and will be employed and will do exactly the same work that the bill calls for for the next two years whether this bill passes or not. What I object to is putting into permanent law a temporary war expedient just at a time when everybody knows that every department of the Government, including the Department of Labor—I do not agree with all the criticism by the gentleman from Texas, although probably there is a good deal of basis for it—when every department, now that the war is over, and when the general election is over should be investigated with the idea of reorganizing it along new lines, along efficient lines, along economical lines, and therefore we should as business men look at this proposition in a businesslike way. What is the sense of putting this bureau into permanent law which will make any reorganization of it more difficult. It will not help the women one iota. I acknowledge that women in industry ought to be taken care of and I am in favor of doing anything necessary to that end, but this bill does not give them any additional care, and all it does is to confuse the operation of the Government. It is a bill to increase the confusion and not to help the women. [Applause.]

Mr. CANNON. I yield two minutes to the gentleman from Minnesota [Mr. CARSS].

Mr. CARSS. Mr. Speaker and gentlemen, I favored the passage of this bill in the committee, and I am in favor of it now. As much as many of us deplore that women have to give up homemaking and go out in the world to make a living we find that condition existing to-day and we have to meet it.

There are about 13,000,000 women wage earners in the United States to-day. They are in industry, and they are going to remain in industry, and if we are to retain the health of the coming generation and raise a rugged, virile race of people, we have got to provide for those women in industry, and we have got to establish a bureau that will make inspection and report the conditions, and see that those women are protected from anything that might tend to injure their potential motherhood. We might as well face the facts in this case. I hope this bill will be passed. I am very much in favor of it, and I would like to see it become a permanent law so that it can not be knocked out on a point of order.

Mr. CANNON. Mr. Speaker, I believe I have two minutes remaining. I had supposed that the gentleman from Minnesota [Mr. CARSS], holding the views that he does, would have gotten his time from the other side. But that is all right. It does not make much difference one way or another. Now, in my two minutes I do not know that I can add anything to what I have already said. I think there is more little peanut politics in this motion to suspend the rules than there is merit. [Applause.]

Mr. CAMPBELL of Kansas. Mr. Speaker, I yield two minutes to the gentleman from New York [Mr. MACCRATE].

Mr. MACCRATE. Mr. Speaker, I can not understand just what the gentleman from Illinois meant by "peanut politics" so far as this particular measure is concerned. Surely it is no small matter to legislate for 13,000,000 women who are members of our families. The Committee on Labor considered several proposals for the establishment of a women's bureau, one of which carried an appropriation of $100,000 and another more than $50,000 and another about $40,000. By this bill we provide for a chief and keep control of the bureau in the hands of our Appropriations Committee. We held extended hearings and heard many witnesses. The committee insistently inquired what purpose the bureau would serve not now served by an existing governmental department. With a majority of this Congress we feel that new ventures should not be undertaken unless absolutely justifiable, and in determining to report this bill in its present shape we were greatly influenced by the testimony of the head of the Bureau of Labor Statistics, Mr. Meeker. He was asked if he believed the bureau should be established, and he emphatically replied that it should be. He was asked why his department could not do the work, and he answered there was a different point of view taken by a woman when she went to investigate industries. He was asked if his appropria-

tion was increased could he do the work as well as a separate bureau would do it, and he said he could not. We asked him if a woman was made associate with him would that serve the purpose, and he said it would not. We inquired if he had had more money in the past could he have done the work of the proposed bureau as well as it could, and he said it is not a question of money, it is a question of human differences. A man can not see as well as a woman what effect a given industry will have on women, and although Mr. Meeker must have realized that the creation of this bureau would not increase his authority, he advocated its creation with a woman at its head. [Applause.]

Men may deeply regret the entrance of women into the commercial, industrial, and professional fields, and long for the days when the spinning wheel helped to make the family income meet the family's needs. But modern mechanical genius has made machinery respond to the touch of a woman's hand or foot. Commerce has taken many forms, and women are seen in all sorts of positions. It might have been better for society had the home industries been maintained, but we are face to face with a fact of life and not a social theory. Women, young and old, daily go to the office, shop, farm, and factory to earn their bread in the sweat of their brow. By this bill we seek to know what effect womanhood has on industry and industry has on womanhood. We are providing a means whereby knowledge of modern methods may be distributed to all the employers of the country and whereby both the woman and her employer may know where she can be employed for her own good as well as the good of her employer. We are to furnish a means by which those who toil and those who employ the toiler will gain the information which will make for mutual understanding.

The necessity for meeting the increased cost of existence is driving more and more women from the home into the industrial and commercial world. Men would prefer that their daughters should not be forced to stand amid the roar of belting and machinery, but they find themselves unable to meet unending rental and food price raises. Within the past year not only have daughters been forced to help their fathers, but countless wives have found that, save and stint as they might, the end of the week found them in debt, and they, too, have been obliged to work.

We have listened to men discuss the burden resting upon officials who administer the financial affairs of the city, State, and Nation, and we have wondered what these governmental experts would do were they limited to incomes as are the women of our homes. Governmental officials are continually exceeding the amount allotted to their departments and Congress, too frequently without condemnation, appropriates more. Did the average housewife of America spend what comes to her from the family with the open-handed carelessness of some departmental heads the unrest which we see about us would be multiplied a thousandfold. It is utterly impossible to calculate what the women of America are doing to-day toward keeping down riot and revolution. On pay day they get a definite amount which must cover a definite period. There are no sources from which it can be increased before the next pay day. Yet somehow or other, in spite of many demands unforeseen, the average American home-keeper keeps the family free from debt. If our efficiency experts in the field of government could make a little go as long a way and could adjust expenditures to income as well as do the women of our household, this Nation would soon see its indebtedness reduced. With prices outstepping wages the task of keeping contentment in our homes has been tremendously increased, but our womanhood are meeting the task heroically.

It may be that multitudes of the women who work will never become housewives and mothers. Nevertheless, the great majority of them will not keep at out-of-home tasks all their lives, but will become the joint makers of American homes. Industry may or may not affect women, so far as home making is concerned, but can we do the future a greater service than establish this bureau which will gather the facts from which we can accurately say just what effect industry does have on our womanhood? It may be America has other foundations but we are certain it has none more sure than its families kept contented by the tact and skill and love of its womanhood.

Mr. CARSS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. CAMPBELL of Kansas. Mr. Speaker, I yield five minutes to the gentleman from Maine, Judge HERSEY.

Mr. HERSEY. Mr. Speaker, I thank the gentleman from Kansas for added honor.

As a member of the Committee on Labor I wish to add this: The committee had exhaustive hearings upon this bill. We heard all sides, and the committee made a unanimous report in favor of the legislation, amending, of course, the many claims and reducing it to a simple matter of business. Gentlemen, there is no woman suffrage in this bill. Gentlemen, there is no attempt in this bill to impeach any member of the Cabinet. There is no attempt in this bill to examine into the work of an Assistant Secretary of Labor. We had no jurisdiction to do that. But we simply recommend to you, gentlemen, as a matter of business, that the Woman's Bureau in the Department of Labor, that did such efficient work during the war, on a temporary, as we might say, war emergency should be continued in times of peace for the next fiscal year. And for this reason: Nobody who has examined the question for one moment would claim but that the bureau is needed and is efficient. Anyone who has examined it must admit that. It should be continued. But we know this, that should the matter come up for permanent law there would be some one in this House, and you can mention the name, who would rise up and say, "I will make a point of order against that," and out it would go, and the bureau must expire for want of appropriations. Let it become a law. All that there is to it is to take this matter which has been temporary and make it permanent law for the next fiscal year. Why? Because you can make the bureau more efficient thereby. You place a woman in authority, with assistants under her to gather information, and that is all it is, of the 13,000,000 women in industry, as to the hours of labor, the conditions under which they labor, and what can be done to improve their condition. The economy of this measure demands this legislation and it should have a unanimous passage.

The SPEAKER pro tempore. The question is on suspending the rules and passing the bill.

Mr. BLANTON. Mr. Speaker, I ask for a division.

The SPEAKER resumed the chair.

The SPEAKER. The gentleman from Texas demands a division.

The House divided; and there were—ayes 109, noes 7.

Mr. BLANTON. Mr. Speaker, the House having divided, I make the point of no quorum.

The SPEAKER. The Chair thinks no quorum is present. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees. Those in favor of suspending the rules and passing the bill will, as their names are called, answer "yea" and those opposed will answer "nay," and the Clerk will call the roll.

The question was taken; and there were—yeas 256, nays 9, not voting 162, as follows:

YEAS—256.

Ackerman	Crowther	Hastings	McDuffie
Almon	Dale	Hawley	McGlennon
Anderson	Dallinger	Hayden	McKeown
Andrews, Nebr.	Davis, Minn.	Hays	McKinley
Ashbrook	Dickinson, Mo.	Hernandez	McLaughlin, Mich.
Aswell	Dickinson, Iowa	Hersey	McLaughlin, Nebr.
Ayres	Donovan	Hersman	MacCrate
Babka	Dowell	Hickey	MacGregor
Bacharach	Dunbar	Hoch	Magee
Baer	Dupré	Holland	Maher
Barbour	Dyer	Houghton	Major
Barkley	Eagan	Howard	Mann, S. C.
Bee	Echols	Huddleston	Mansfield
Benham	Elliott	Hudspeth	Mapes
Bland, Ind.	Emerson	Hull, Iowa	Martin
Bland, Mo.	Esch	Hull, Tenn.	Mason
Boies	Evans, Mont.	Ireland	Mays
Bowers	Evans, Nebr.	Jacoway	Mead
Box	Evans, Nev.	James	Michener
Briggs	Fairfield	Johnson, Ky.	Miller
Britten	Ferris	Johnson, Miss.	Milligan
Brooks, Ill.	Fess	Johnson, S. Dak.	Mlnahan, N. J.
Brooks, Pa.	Fields	Johnson, Wash.	Monahan, Wis.
Browne	Fisher	Kahn	Mondell
Buchanan	Focht	Keller	Moore, Ohio
Burdick	Fordney	Kelly, Pa.	Morgan
Burroughs	Foster	Kendall	Mott
Butler	Frear	Kiess	Murphy
Byrnes, S. C.	French	Kincheloe	Nelson, Mo.
Byrns, Tenn.	Fuller, Ill.	Kinkaid	Nelson, Wis.
Caldwell	Gallivan	Kleczka	Newton, Minn.
Campbell, Kans.	Gandy	Knutson	Nichols, Mich.
Campbell, Pa.	Garrett	Kraus	O'Connor
Candler	Glynn	Lanham	Ogden
Carss	Godwin, N. C.	Lankford	Oldfield
Carter	Good	Larsen	Oliver
Casey	Goodall	Lazaro	Olney
Christopherson	Goodykoontz	Lea, Calif.	Osborne
Clark, Mo.	Graham, Ill.	Lee, Ga.	Overstreet
Classon	Greene, Mass.	Lehlbach	Padgett
Cleary	Griest	Lesher	Park
Connally	Griffin	Little	Parker
Cooper	Hadley	Lonergan	Parrish
Copley	Hardy, Colo.	Luce	Peters
Crago	Hardy, Tex.	Luhring	Platt
Crisp	Harreld	McClintic	Purnell

Quin	Sanders, La.	Taylor, Ark.	Watson
Rainey, Ala.	Sanders, N. Y.	Taylor, Colo.	Weaver
Rainey, H. T.	Sanford	Thomas	Webster
Rainey, J. W.	Scott	Thompson	Welling
Raker	Sherwood	Tillman	Whaley
Randall, Calif.	Sims	Timberlake	Wheeler
Randall, Wis.	Sinclair	Tincher	White, Kans.
Reed, W. Va.	Sinnott	Tinkham	White, Me.
Rhodes	Slemp	Towner	Wilson, La.
Ricketts	Smith, Idaho	Treadway	Wingo
Riddick	Smith, Ill.	Upshaw	Winslow
Riordan	Stephens, Ohio	Vestal	Wood, Ind.
Robinson, N. C.	Stiness	Vinson	Woods, Va.
Robsion, Ky.	Strong, Kans.	Voigt	Woodyard
Romjue	Summers, Wash.	Volstead	Wright
Rouse	Sumners, Tex.	Walters	Yates
Rucker	Sweet	Wason	Young, N. Dak.
Sanders, Ind.	Swope	Watkins	Zihlman

NAYS—9.

Blanton	Garner	Venable	Young, Tex.
Cannon	Merritt	Wise	
Coady	Sisson		

NOT VOTING—162.

Andrews, Md.	Ellsworth	Lampert	Rogers
Anthony	Elston	Langley	Rose
Bankhead	Flood	Layton	Rowan
Begg	Freeman	Linthicum	Rowe
Bell	Fuller, Mass.	Longworth	Rubey
Benson	Gallagher	Lufkin	Sabath
Black	Ganly	McAndrews	Schall
Blackmon	Gard	McArthur	Scully
Bland, Va.	Garland	McCulloch	Sears
Booher	Goldfogle	McFadden	Sells
Brand	Goodwin, Ark.	McKenzie	Shreve
Brinson	Gould	McKinley	Siegel
Brumbaugh	Graham, Pa.	McLane	Small
Burke	Green, Iowa	McPherson	Smith, Mich.
Cantrill	Greene, Vt.	Madden	Smith, N. Y.
Caraway	Hamill	Mann, Ill.	Smithwick
Carew	Hamilton	Montague	Snell
Chindblom	Harrison	Moon	Snyder
Clark, Fla.	Haugen	Mooney	Steagall
Cole	Heflin	Moore, Va.	Stedman
Collier	Hicks	Moores, Ind.	Steele
Costello	Hill	Morin	Steenerson
Cramton	Hoey	Mudd	Stephens, Miss.
Cullen	Hulings	Neely	Stevenson
Currie, Mich.	Humphreys	Newton, Mo.	Stoll
Curry, Calif.	Husted	Nicholls, S. C.	Strong, Pa.
Darrow	Hutchinson	Nolan	Sullivan
Davey	Igoe	O'Connell	Tague
Davis, Tenn.	Jefferis	Paige	Taylor, Tenn.
Dempsey	Johnston, N. Y.	Pell	Temple
Denison	Jones, Pa.	Phelan	Tilson
Dent	Jones, Tex.	Porter	Vaile
Dewalt	Juul	Pou	Vare
Dominick	Kearns	Radcliffe	Walsh
Dooling	Kelley, Mich.	Ramsey	Ward
Doremus	Kennedy, Iowa	Ramseyer	Welty
Doughton	Kennedy, R. I.	Rayburn	Williams
Drane	Kettner	Reavis	Wilson, Ill.
Dunn	King	Reber	Wilson, Pa.
Eagle	Kitchin	Reed, N. Y.	
Edmonds	Kreider	Rodenberg	

So, two-thirds having voted in the affirmative, the bill was passed.

The Clerk announced the following pairs:

Mr. McPHERSON with Mr. WELTY.
Mr. KREIDER with Mr. GANLY.
Mr. HAMILTON with Mr. BOOHER.
Mr. HULINGS with Mr. PELL.
Mr. TEMPLE with Mr. POU.
Mr. MORIN with Mr. WILSON of Pennsylvania.
Mr. McKINLEY with Mr. BRAND.
Mr. HUTCHINSON with Mr. McLANE.
Mr. BURKE with Mr. COLLIER.
Mr. GOULD with Mr. JONES of Texas.
Mr. LAYTON with Mr. IGOE.
Mr. MUDD with Mr. TAGUE.
Mr. TAYLOR of Tennessee with Mr. MOORE of Virginia.
Mr. FREEMAN with Mr. BRINSON.
Mr. McKENZIE with Mr. DOOLING.
Mr. CHINDBLOM with Mr. HUMPHREYS.
Mr. McCULLOCH with Mr. STOLL.
Mr. DEMPSEY with Mr. BRUMBAUGH.
Mr. BEGG with Mr. DAVEY.
Mr. KELLEY of Michigan with Mr. HOEY.
Mr. LUFKIN with Mr. STEVENSON.
Mr. ANTHONY with Mr. SISSON.
Mr. COSTELLO with Mr. KETTNER.
Mr. JUUL with Mr. GOLDFOGLE.
Mr. RADCLIFFE with Mr. NEELY.
Mr. CURRIE of Michigan with Mr. LINTHICUM.
Mr. KENNEDY of Rhode Island with Mr. HAMILL.

Until further notice:

Mr. LONGWORTH with Mr. KITCHIN.
Mr. MANN of Illinois with Mr. DEWALT.
Mr. RODENBERG with Mr. BELL.
Mr. GRAHAM of Pennsylvania with Mr. STEELE.
Mr. NEWTON of Missouri with Mr. SMALL.
Mr. WILLIAMS with Mr. STEAGALL.
Mr. DENISON with Mr. BANKHEAD.
Mr. SHREVE with Mr. CARAWAY.
Mr. WARD with Mr. GALLAGHER.
Mr. CURRY of California with Mr. DRANE.
Mr. KENNEDY of Iowa with Mr. SCULLY.
Mr. WILSON of Illinois with Mr. BENSON.
Mr. WALSH with Mr. FLOOD.
Mr. EDMONDS with Mr. HARRISON.
Mr. LANGLEY with Mr. CLARK of Florida.
Mr. GREENE of Vermont with Mr. DENT.
Mr. HICKS with Mr. MONTAGUE.
Mr. MOORES of Indiana with Mr. PHELAN.
Mr. VARE with Mr. BLACK.
Mr. TILSON with Mr. CANTRILL.
Mr. DARROW with Mr. O'CONNELL.
Mr. MADDEN with Mr. HEFLIN.
Mr. DUNN with Mr. GARD.
Mr. GARLAND with Mr. BLAND of Virginia.
Mr. McARTHUR with Mr. STEDMAN.
Mr. HAUGEN with Mr. MOON.
Mr. ROWE with Mr. GOODWIN of Arkansas.
Mr. COLE with Mr. DOMINICK.
Mr. LAMPERT with Mr. MOONEY.
Mr. ELLSWORTH with Mr. McANDREWS.
Mr. JONES of Pennsylvania with Mr. DOREMUS.
Mr. REBER with Mr. CULLEN.
Mr. ROGERS with Mr. CAREW.
Mr. ROSE with Mr. NICHOLLS of South Carolina.
Mr. SNYDER with Mr. JOHNSTON of New York.
Mr. KEARNS with Mr. SULLIVAN.
Mr. STRONG of Pennsylvania with Mr. RUBEY.
Mr. HUSTED with Mr. ROWAN.
Mr. SMITH of Michigan with Mr. SMITH of New York.
Mr. RAMSEY with Mr. STEPHENS of Mississippi.
Mr. STEENERSON with Mr. DOUGHTON.
Mr. REAVIS with Mr. DAVIS of Tennessee.
Mr. PAIGE with Mr. SMITHWICK.
Mr. SNELL with Mr. RAYBURN.
Mr. SELLS with Mr. EAGLE.
Mr. SIEGEL with Mr. BLACKMON.
Mr. PORTER with Mr. SEARS.
Mr. REED of New York with Mr. SABATH.

The result of the vote was announced as above recorded.

LEAVE TO EXTEND REMARKS.

Mr. MACCRATE, by unanimous consent, obtained leave to revise and extend his remarks in the RECORD on the bill just passed.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATIONS.

Mr. WOOD of Indiana presented the following conference report and statement of the House conferees for printing under the rule.

The Clerk read the conference report and statement, as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on a certain amendment of the Senate to the bill (H. R. 12610) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1921, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"The Bureau of Efficiency, together with its books, papers, and records, furniture, equipment, and supplies, is hereby transferred to the jurisdiction of Congress; and its officers and employees are transferred in their present status without reappointment. The Chief of the Bureau of Efficiency shall hereafter be appointed jointly by the President of the Senate and the Speaker of the House of Representatives and may be removed from office by them. All other employees of the bureau, including a disbursing officer for the payment of the salaries and expenses of the bureau, shall be appointed in accordance with the civil-service laws and regulations. The Bureau of Efficiency is authorized to investigate any matters relating to the organization, activities, or methods of business of the several administrative services of the Government whenever directed by either House of Congress or requested by the heads

of such services and shall from time to time submit to Congress reports of its investigations with recommendations looking to greater efficiency and economy in the conduct of the public business. It shall make such special investigations and reports as may be required by either House of Congress or by any committee or subcommittee thereof of either House having jurisdiction over appropriations and expenditures. Administrative officers and employees of the executive departments and other establishments shall furnish authorized representatives of the Bureau of Efficiency with all information that the bureau may require for the performance of its duties, and shall give such representatives access to all records and papers that may be needed for that purpose."

And the Senate agree to the same.

WM. R. WOOD,
EDWARD H. WASON,
T. U. SISSON,
Managers on the part of the House.
F. E. WARREN,
REED SMOOT,
LEE S. OVERMAN,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on Senate amendment No. 53 to the bill (H. R. 12610) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1921, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon by the conferees as to the said amendment:

On No. 53: Inserts the paragraph, proposed by the Senate, transferring the Bureau of Efficiency from the executive branch of the Government to the jurisdiction of Congress and modifies the Senate amendment in the following manner: Provides that the chief of the bureau may be removed from office by joint action of the President of the Senate and the Speaker of the House instead of by concurrent resolution; limits the investigations of the bureau relating to the organization, activities, or methods of business of the administrative services of the Government to those which may be directed by either House of Congress or those which may be requested by the heads of such administrative services; limits the special investigations and reports which may be required by either House or any committee thereof to those requested by committees having jurisdiction over appropriations or expenditures and extends the authority for requesting such investigations to any subcommittee of either House having jurisdiction of appropriations and expenditures.

WM. R. WOOD,
E. H. WASON,
T. U. SISSON,
Managers on the part of the House.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 3238. An act relating to detached service of officers of the Regular Army; to the Committee on Military Affairs.

S. 3895. An act authorizing the granting of certain irrigation easements in the Yellowstone National Park, and for other purposes; to the Committee on the Public Lands.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 12581. An act granting the consent of Congress to the village and township of Shelly, Norman County, Minn., and the township of Caledonia, Traill County, N. Dak., and their successors and assigns, to construct a bridge across the Red River of the North on the boundary line between the said States; and

H. R. 12260. An act to amend section 600 of the act approved September 8, 1916, entitled "An act to increase the revenue, and for other purposes."

The SPEAKER announced his signature to enrolled joint resolution of the following title:

S. J. Res. 180. Joint resolution authorizing the Secretary of War to turn over to agricultural fertilizer distributors or users a supply of nitrate of soda.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. MOORES of Indiana, for 15 days, on account of important business.

ADJOURNMENT.

Mr. CAMPBELL of Kansas. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 7 minutes p. m.) the House adjourned until Tuesday, April 20, 1920, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Postmaster General, submitting a supplemental estimate of appropriation required by the Post Office Department for inland transportation by star routes, payable from postal revenues, fiscal year 1920 (H. Doc. No. 731); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of Agriculture, submitting a proposed paragraph of legislation authorizing payment from existing appropriations to Hon. J. W. Harrold, being unpaid rent due him by the Department of Agriculture, but withheld under section 114 of the Penal Code (H. Doc. No. 732); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting copy of private act No. 37, Sixty-sixth Congress, "An act for the relief of the estate of John M. Lea, deceased," approved April 7, 1920, and to state that the said act does not provide an appropriation for payment of the same, as defined in the act of June 30, 1906 (H. Doc. No. 733); to the Committee on Appropriations and ordered to be printed.

4. A report from the joint commission appointed under authority of House concurrent resolution 46, of the Sixty-sixth Congress, on conditions in Virgin Islands (H. Doc. No. 734); to the Committee on Insular Affairs and ordered to be printed.

5. A letter from the Secretary of the Treasury, transmitting two paragraphs of legislation for inclusion in the pending sundry civil appropriation bill required for the Public Health Service (H. Doc. No. 735); to the Committees on Interstate and Foreign Commerce and Printing and ordered to be printed.

6. A letter from the Secretary of War, transmitting draft of a proposed bill to amend sections 8 and 9 of the Panama Canal act and to authorize a blended system of practice and procedure in the district court of the Canal Zone; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. GANDY, from the Committee on the Public Lands, to which was referred the bill (H. R. 9899) to provide for the disposition of abandoned portions of rights of way granted to railroad companies, reported the same with amendments, accompanied by a report (No. 851), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. VESTAL, from the Committee on Coinage, Weights, and Measures, to which was referred the bill (H. R. 12350) to fix standards for hampers, round-stave baskets, and splint baskets for fruits and vegetables, to establish a standard box for apples, and for other purposes, reported the same with amendments, accompanied by a report (No. 852), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LANGLEY, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 9044), authorizing the Secretary of the Treasury to accept on behalf of the United States the donation by Sedgwick Post, No. 10, Grand Army of the Republic, of its memorial hall property in Bedford, Taylor County, Iowa, for Federal building purposes, reported the same without amendment, accompanied by a report (No. 854), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GOOD, from the Committee on Appropriations, to which was referred the bill (H. R. 13677) making appropriations to supply a deficiency in the appropriations for the Federal control of transportation systems and to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1920, and for other purposes, reported the same without amendment, accompanied by a report (No. 853), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. JOHNSON of Mississippi, from the Committee on the Public Lands, to which was referred the bill (H. R. 10002) authorizing the Secretary of the Interior to issue patent to R. L. Credille, mayor of the village of Bonita, La., in trust, for certain purposes, reported the same with amendments, accompanied by a report (No. 850), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. GOOD: A bill (H. R. 13677) making appropriations to supply a deficiency in the appropriations for the Federal control of transportation systems and to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1920, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. SINCLAIR: A bill (H. R. 13678) to amend the war-finance corporation act; to the Committee on Ways and Means.

By Mr. MILLER: A bill (H. R. 13679) granting a certain right of way with authority to improve the same across the old canal right of way between Lakes Union and Washington, King County, Wash.; to the Committee on Military Affairs.

By Mr. DICKINSON of Missouri: A bill (H. R. 13680) to amend the Federal reserve act as amended; to the Committee on Banking and Currency.

By Mr. NOLAN: A bill (H. R. 13681) to extend temporarily the time for filing applications for letters patent, for taking actions in the United States Patent Office with respect thereto, for the reviving and reinstatement of applications for letters patent, and for other purposes; to the Committee on Patents.

By Mr. BAER: A bill (H. R. 13682) to prevent gambling in the necessaries of life and speculation in stocks and bonds; to the Committee on Interstate and Foreign Commerce.

By Mr. MASON: Concurrent resolution (H. Con. Res. 55) to withdraw our troops from Europe; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CRAGO: A bill (H. R. 13683) granting an increase of pension to Henry C. McKinley; to the Committee on Invalid Pensions.

By Mr. DRANE: A bill (H. R. 13684) granting an increase of pension to Joseph W. Anderson; to the Committee on Invalid Pensions.

By Mr. FESS: A bill (H. R. 13685) granting an increase of pension to Benjamin C. Moffett; to the Committee on Invalid Pensions.

By Mr. GOOD: A bill (H. R. 13686) granting a pension to William McCall; to the Committee on Pensions.

By Mr. HUSTED: A bill (H. R. 13687) granting a pension to Martin Hunt; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 13688) granting a pension to Samuel C. Shattler; to the Committee on Invalid Pensions.

By Mr. KIESS: A bill (H. R. 13689) granting a pension to Alexander Yagle; to the Committee on Pensions.

By Mr. MacGREGOR: A bill (H. R. 13690) granting an increase of pension to Charles Hammelmann; to the Committee on Invalid Pensions.

By Mr. MAHER: A bill (H. R. 13691) granting a pension to James Flanagan; to the Committee on Invalid Pensions.

By Mr. MUDD: A bill (H. R. 13692) granting a pension to Samuel L. Hannon; to the Committee on Pensions.

By Mr. PADGETT: A bill (H. R. 13693) granting an increase of pension to William Gilbert; to the Committee on Invalid Pensions.

By Mr. SANFORD: A bill (H. R. 13694) granting a pension to Agnes Crawford; to the Committee on Invalid Pensions.

By Mr. WILSON of Pennsylvania: A bill (H. R. 13695) granting a pension to Hannah B. Kesler; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3057. By the SPEAKER: Petition of Rotary Club of Mount Vernon, N. Y., regarding the welfare of the Nation; to the Committee on the Judiciary.

3058. Also (by request), petition of I. W. Person Post, No. 14, American Legion, Brooklyn, N. Y., urging increased pay for enlisted and commissioned personnel of the Army and Navy; to the Committee on Naval Affairs.

3059. Also (by request), petition of William H. Dexter and other citizens of Springfield, Mass., asking legislation to provide new site and building in that city for post office, customhouse, and other Federal activities; to the Committee on Public Buildings and Grounds.

3060. Also (by request), petition of Federal Council of the Churches of Christ in America, urging the acceptance of an American mandate in the near east; to the Committee on Foreign Affairs.

3061. Also (by request), petition of Stuffed Toy and Doll Makers' Union of Greater New York and the Conqueror Club of Greater New York, asking release of Eugene V. Debs and other political prisoners; to the Committee on the Judiciary.

3062. By Mr. DYER: Petition of citizens of St. Louis, Mo., under the auspices of St. Louis Council of the Friends of Irish Freedom, urging the passage of the Mason bill, etc.; to the Committee on Foreign Affairs.

3063. By Mr. FULLER of Illinois: Petition of the National Association of Box Manufacturers of Chicago, urging the repeal of the excess-profits tax and a substitute of a tax on sales; to the Committee on Ways and Means.

3064. By Mr. GALLIVAN: Petition of John J. Hartigan, commander Michael J. Perkins Post, No. 67, American Legion, and 75 other members of this post, favoring cash bonus for all World War veterans; to the Committee on Ways and Means.

3065. Also, petition of American War Veterans Association, Alfred A. Shea, A. J. Fernald, Daniel J. Curran, Samuel M. Rachlin, all of the city of Boston, Mass.; John J. Murphy and William R. Powers, of Dorchester, Mass; Representative Vernon W. Evans, Saugus, Mass.; and Daniel J. Welsh, Portland, Oreg., relative to the bonus for the ex-service men of the World War; to the Committee on Ways and Means.

3066. By Mr. JOHNSTON of New York: Petition of executive board of the Cap and Millinery Cutters' Union, Local No. 2, U. C. H. and C. M. of North America, New York, relative to the American civil and military prisoners; to the Committee on the Judiciary.

3067. By Mr. KEARNS: Petition of the Peebles Paving Brick Co. and the Stockham Co., both of Portsmouth, Ohio, and the J. & H. Classgens Co., New Richmond, Ohio, relative to House bills 12379 and 12646; to the Committee on Banking and Currency.

3068. Also, petition of Winn Farmer, of Piketon, Ohio, urging the passage of the MacGregor bill relative to an import duty on canaries; to the Committee on Ways and Means.

3069. By Mr. KENNEDY of Rhode Island: Resolution adopted by citizens of Newport, R. I., favoring passage of House resolution 3404, the Mason resolution; to the Committee on Foreign Affairs.

3070. By Mr. McLAUGHLIN of Nebraska: Petition of sundry citizens of Osceola, Nebr., requesting the adoption of resolution now pending in the Senate, providing that America shall assist in protecting Armenia; to the Committee on Foreign Affairs.

3071. By Mr. O'CONNELL: Petition of Henry Hegwer, commander in chief and corresponding secretary of the United Indian War Veterans, urging the passage of House bill 13052 and Senate bill 4101; to the Committee on the Public Lands.

3072. Also, petition of Walter F. Ballinger, of Philadelphia, Pa., urging the United States to enter the League of Nations with or without reservations; to the Committee on Foreign Affairs.

3073. Also, petition of the National Association of Box Manufacturers, Chicago, Ill., relative to the excess-profits tax; to the Committee on Ways and Means.

3074. By Mr. RAKER: Petition of the home economics department of the Vallejo High School, urging the passage of the Fess bill, House bill 12078; to the Committee on Education.

3075. Also, petition of H. D. Loveland, of San Francisco, Calif., urging the passage of House bill 11729; to the Committee on Ways and Means.

3076. By Mr. ROWAN: Petition of Ballinger & Perrot, of New York, favoring ratification of the League of Nations; to the Committee on Foreign Affairs.

3077. Also, petition of Wooden Box Manufacturers' Association, of New York, against class legislation; to the Committee on the Judiciary.

3078. Also, petition of Cap and Millinery Cutters' Union, Local No. 2, New York, favoring amnesty for political prisoners; to the Committee on the Judiciary.

3079. Also, petition of Gray Silver, Charles A. Lyman, and T. C. Atkeson, favoring early passage of the Capper-Hersman

bill, permitting cooperative buying and selling; to the Committee on the Judiciary.

3080. Also, petition of National Association of Box Manufacturers, of Chicago, favoring the repeal of the excess-profits tax law and the substitution of a flat tax on sales; to the Committee on Ways and Means.

3081. Also, petition of operating and marine engineer service, protesting against report of the Joint Committee on Reclassification of Salaries; to the Committee on Reform in the Civil Service.

3082. By Mr. SANDERS of New York: Petition of the Botts-Fiorito Post, No. 576, the American Legion, of Le Roy, N. Y., urging the passage of legislation providing for the payment in cash of additional compensation to ex-service men based on the number of days' service; to the Committee on Ways and Means.

3083. By Mr. SINCLAIR: Petition of residents of Cooperstown and Bowman and vicinity, N. Dak., protesting against compulsory military training; to the Committee on Military Affairs.

3084. Also, petition of the Central Labor Union of Williston, N. Dak., protesting against the deportation of citizens without proper process of law; to the Committee on the Judiciary.

3085. Also, petition of the Association of American State Geologists, approving of plan for a survey of the power requirements of the Washington-Boston industrial area; to the Committee on Water Power.

3086. By Mr. TILSON: Petition of the New Haven Real Estate Board of New Haven, Conn., opposing House bill No. 12397; to the Committee on Ways and Means.

SENATE.

TUESDAY, *April 20, 1920.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we bring to Thee the high motives of this place and office with a resolve to do our best to uplift the world and to glorify Thy name. We open our hearts to the impression of Thy truth as we start upon the duties of a new day, and pray Thee to guide us in all our deliberations. May our conclusions have Thy favor resting upon them. For Christ's sake. Amen.

NAMING A PRESIDING OFFICER.

The Secretary (George A. Sanderson) read the following communication:

UNITED STATES SENATE,
PRESIDENT PRO TEMPORE,
Washington, D. C., April 20, 1920.

To the SENATE:

Being temporarily absent from the Senate, I appoint Hon. REED SMOOT, a Senator from the State of Utah, to perform the duties of the Chair during my absence.

ALBERT B. CUMMINS,
President pro tempore.

M. SMOOT thereupon took the chair as Presiding Officer for the day.

The Reading Clerk proceeded to read the Journal of yesterday's proceedings when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the following bills:

S. 806. An act conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Iowa Tribe of Indians against the United States; and

S. 2442. An act authorizing and directing the Secretary of the Interior to convey to the trustees of the Yankton Agency Presbyterian Church, by patent in fee, certain land within the Yankton Indian Reservation.

The message also announced that the House had passed the following bills and joint resolution:

H. R. 5163. An act authorizing certain tribes of Indians to submit claims to the Court of Claims, and for other purposes;

H. R. 8690. An act for the relief of certain homestead entrymen;

H. R. 9228. An act to authorize the establishment of a Coast Guard station on the coast of Lake Superior, in Cook County, Minn.;

H. R. 10917. An act to amend an act entitled "An act to incorporate the National Education Association of the United States" by adding thereto an additional section;

H. R. 12956. An act extending the time for constructing a bridge across the Bayou Bartholomew, in the State of Arkansas;

H. R. 13229. An act to establish in the Department of Labor a bureau to be known as the women's bureau;

H. R. 13253. An act to grant the consent of Congress to the Elmer Red River Bridge Co. to construct a bridge across the Red River;

H. R. 13274. An act to convey to the Big Rock Stone & Construction Co. a portion of the military reservation of Fort Logan H. Roots, in the State of Arkansas;

H. R. 13387. An act to extend the time for the construction of a bridge across the St. Louis River between the States of Minnesota and Wisconsin;

H. R. 13592. An act to authorize certain homestead settlers or entrymen who entered the military or naval service of the United States during the war with Germany to make final proof of their entries; and

H. J. Res. 301. Joint resolution to authorize the Secretary of War to grant revocable licenses for the removal of sand and gravel from the Fort Douglas Military Reservation for industrial purposes.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 12260) to amend section 600 of the act approved September 8, 1916, entitled "An act to increase the revenue, and for other purposes," and it was thereupon signed by the Presiding Officer.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Commerce:

H. R. 9228. An act to authorize the establishment of a Coast Guard station on the coast of Lake Superior, in Cook County, Minn.;

H. R. 12956. An act extending the time for constructing a bridge across the Bayou Bartholomew, in the State of Arkansas;

H. R. 13253. An act to grant the consent of Congress to the Elmer Red River Bridge Co. to construct a bridge across the Red River; and

H. R. 13387. An act to extend the time for the construction of a bridge across the St. Louis River between the States of Minnesota and Wisconsin.

The following bills were each read twice by their titles and referred to the Committee on Public Lands:

H. R. 8690. An act for the relief of certain homestead entrymen; and

H. R. 13592. An act to authorize certain homestead settlers or entrymen who entered the military or naval service of the United States during the war with Germany to make final proof of their entries.

The following bill and joint resolution were each read twice by their titles and referred to the Committee on Military Affairs:

H. R. 13274. An act to convey to the Big Rock Stone & Construction Co. a portion of the military reservation of Fort Logan H. Roots, in the State of Arkansas; and

H. J. Res. 301. Joint resolution to authorize the Secretary of War to grant revocable licenses for the removal of sand and gravel from the Fort Douglas Military Reservation for industrial purposes.

H. R. 5163. An act authorizing certain tribes of Indians to submit claims to the Court of Claims, and for other purposes, was read twice by its title and referred to the Committee on Indian Affairs.

H. R. 13229. An act to establish in the Department of Labor a bureau to be known as the women's bureau was read twice by its title and referred to the Committee on Education and Labor.

NATIONAL EDUCATION ASSOCIATION.

H. R. 10917. An act to amend an act entitled "An act to incorporate the National Education Association of the United States by adding thereto an additional section was read twice by its title.

Mr. KING. I did not hear the suggestion which the Secretary made to the Chair.

The PRESIDING OFFICER. The Senator from Iowa [Mr. KENYON] has asked that the bill go to the Committee on Education and Labor.

Mr. KING. I think it should go to the Committee on the Judiciary. All such measures which provide for Federal charters go to the Committee on the Judiciary, and that matter is receiving consideration there now. I ask that no reference be made of the bill until the Senator from Iowa is here, as I would not want to make any motion in his absence.

The PRESIDING OFFICER. The bill will lie on the table for the present.

PETITIONS AND MEMORIALS.

Mr. LODGE presented resolutions adopted by Boston Lodge No. 264, International Association of Machinists, of Boston, Mass., favoring the release of certain Federal prisoners; which were referred to the Committee on the Judiciary.

Mr. PHELAN presented a petition of Hamilton S. Hawkins, Camp No. 43, Department of California, United Spanish War Veterans, of Soldiers Home, Calif., praying for the enactment of legislation granting pensions to veterans of the Spanish-American War, the Philippine insurrection, and the China relief expedition; which was ordered to lie on the table.

NATIONAL DEFENSE.

Mr. WADSWORTH, from the Committee on Military Affairs, to which was referred the bill (H. R. 12775) to amend an act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, reported it with an amendment.

ST. LOUIS RIVER BRIDGE.

Mr. CALDER. I report back favorably without amendment, from the Committee on Commerce, the bill (H. R. 13387) to extend the time for the construction of a bridge across the St. Louis River between the States of Minnesota and Wisconsin, and I submit a report (No. 529) thereon. I ask unanimous consent for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole, and it was read, as follows:

Be it enacted, etc., That the time for completing the construction of a bridge, authorized by act of Congress approved August 7, 1916, to be built across the St. Louis River at a point suitable to the interests of navigation between the States of Minnesota and Wisconsin, from the village of Fond du Lac, a suburb of Duluth, Minn., to a point on the Wisconsin shore about 100 feet westerly from the mouth of Dubray Creek, is hereby extended one year from the date of approval hereof.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CALDER:

A bill (S. 4255) establishing the liability of hotel proprietors and innkeepers in the District of Columbia; to the Committee on the District of Columbia.

By Mr. WADSWORTH:

A bill (S. 4256) to amend sections 3 and 6 of the act of July 11, 1916, entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," as amended by sections 5 and 6 of the act of February 28, 1919, entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1920, and for other purposes"; to the Committee on Agriculture and Forestry.

By Mr. CALDER:

A bill (S. 4257) granting a pension to Leonora Forney; to the Committee on Pensions.

AMENDMENT TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. MYERS (for Mr. WALSH of Montana) submitted an amendment authorizing the Secretary of the Interior to sell at public auction lots 1, 2, and 3, block 120, with any improvements, of the original town site of Billings, Mont., used as a United States mine rescue station, etc., intended to be proposed to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

RIVER AND HARBOR APPROPRIATIONS.

Mr. SWANSON submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was ordered to lie on the table and be printed.

AMENDMENT OF PANAMA CANAL ACT.

Mr. KELLOGG. Mr. President, I introduce a bill to amend section 5 of the act entitled "An act to regulate commerce," known as the Panama Canal provision, and I introduce the bill by request under circumstances which I ask leave to state to the Senate.

When the railroad bill was pending before the conferees the bill from the House contained a clause modifying the Panama Canal act and permitting the railroad companies to own steamships with which they compete on the Great Lakes and on the other inland waters, except the Mississippi River and the Panama Canal. I opposed this measure in conference, and it was rejected by the conferees, with an understanding, however, that I would introduce it by request as a separate bill, and that the Committee on Interstate Commerce would give the communities mostly interested along the Great Lakes and the New England coast a hearing upon the bill. The New England Representatives were very anxious to clarify the railroad situation between New York and Boston and various intermediate towns where the New Haven road owns certain steamship lines.

Pursuant to that understanding, I introduce this bill. I did not favor it as a member of the conference committee, and I do not think I shall favor it now; but certainly the communities interested are entitled to a hearing, and there are Senators who desire to have the bill become a law.

Mr. CHAMBERLAIN. May I interrupt the Senator? Probably the Senator is going to have the bill read, and in that case I can ascertain what I rose to ask, and that is the purpose of the measure.

Mr. KELLOGG. I will state the purpose of the bill. The Senator will recollect that the Panama Canal act prohibits any railroad company from owning and controlling ships through the Panama Canal or any of the inland waters or coastwise waters of the United States where the railroad competes with those steamship lines. This provision, which has been adopted by the House, is intended to empower the Interstate Commerce Commission, if it thought it was in the interest of the public and not unduly restrictive of competition, to permit railroad companies to own ships on the Great Lakes and the inland waters and the coastwise waters, although they were competitors. I thought that the Panama Canal act had been passed, after years of agitation and public discussion, as a policy, and that certainly it ought not to be amended by a mere provision adopted in a railroad bill of which the public seemed to have no knowledge whatever. So I agreed that I would introduce this bill and ask the Committee on Interstate Commerce to grant hearings to interested parties. Personally I have not changed my opinion at all.

The bill (S. 4254) to amend section 5 of the act entitled "An act to regulate commerce," approved February 4, 1887, as amended, was read twice by its title and referred to the Committee on Interstate Commerce.

CALLING THE ROLL.

The PRESIDING OFFICER. The morning business is closed.

Mr. WADSWORTH. Mr. President——

Mr. HARRISON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The Reading Clerk called the roll, and the following Senators answered to their names:

Ashurst	Jones, N. Mex.	Moses	Smoot
Brandegee	Jones, Wash.	New	Spencer
Calder	Kellogg	Nugent	Sterling
Chamberlain	King	Overman	Thomas
Culberson	Kirby	Page	Townsend
Curtis	Knox	Phelan	Underwood
Dial	Lenroot	Phipps	Wadsworth
Gerry	Lodge	Pittman	Warren
Glass	McCormick	Reed	Wolcott
Harris	McCumber	Sheppard	
Harrison	McKellar	Smith, Ariz.	
Henderson	McNary	Smith, Md.	

Mr. CURTIS. I wish to announce that the Senator from Maine [Mr. HALE] is detained at a meeting of the subcommittee of the Committee on Naval Affairs.

Mr. GERRY. The Senator from Massachusetts [Mr. WALSH] is absent on official business.

I desire to announce the unavoidable absence of the Senator from North Dakota [Mr. GRONNA], the Senator from South Carolina [Mr. SMITH], the Senator from Louisiana [Mr. RANSDELL], and the Senator from Wyoming [Mr. KENDRICK] in attendance at a meeting of the Committee on Agriculture and Forestry.

The PRESIDING OFFICER. Forty-five Senators have answered to their names. There is not a quorum present. The Secretary will call the names of absent Senators.

The Reading Clerk called the names of the absent Senators, and Mr. SWANSON answered to his name when called.

Mr. POMERENE, Mr. SUTHERLAND, Mr. KEYES, Mr. SIMMONS, Mr. FRELINGHUYSEN, and Mr. TRAMMELL entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty-two Senators have answered to their names. There is a quorum present. The calendar under Rule VIII is in order.

M'CLINTIC-MARSHALL CONSTRUCTION CO.

Mr. KNOX. I ask unanimous consent for the present consideration of the bill (S. 1353) for the relief of the McClintic-Marshall Construction Co. This is a bill that was reached on the calendar about two weeks ago. There is no objection to it, except that the Senator from Ohio [Mr. POMERENE] asked to have an opportunity to make some investigation as to an objection

that had been made to him by a constituent. I understand the Senator from Ohio does not desire to pursue that any further and has no objection to the consideration of the measure. Am I correct?

Mr. POMERENE. Mr. President, as stated by the Senator from Pennsylvania, I did make objection to the consideration of the bill, and in a very general way I stated the ground of my objection. My objection was based upon some correspondence that I had with an Ohio manufacturing firm that I understood bid upon the same work in which the company named in the bill was concerned. I am frank to say that I have not been able to get my files in the matter, and I do not know the name of the firm; it escapes my memory. The Senator from Pennsylvania, however, assured me the other day that this claim was based upon other elements than those which I had in mind. Am I correct in that statement?

Mr. KNOX. That is correct.

Mr. POMERENE. That being so, I have no disposition to interpose my objection further. I do not feel that it would be quite just under the circumstances to the claimant.

The PRESIDING OFFICER. The Senator from Pennsylvania asks unanimous consent that the Senate proceed to the consideration of the bill named by him.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1353) for the relief of the McClintic-Marshall Construction Co., which is as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the McClintic-Marshall Construction Co. the sum of $714,007.39, as recommended in the report made to Congress under date of February 11, 1916, by the commission appointed under the act of June 24, 1914, and approved by the Governor of the Panama Canal (H. Doc. No. 906, 64th Cong., 1st sess.), the said act being as follows:

"*Be it enacted, etc.*, That George W. Goethals, Governor of the Canal Zone and formerly chairman and chief engineer of the Isthmian Canal Commission, is hereby authorized and directed to investigate the claim of the McClintic-Marshall Construction Co., a corporation of the State of Pennsylvania, having its principal office in the city of Pittsburgh, in said State, and to ascertain what amount, if any, is in justice, equity, and fairness due and owing to said McClintic-Marshall Construction Co. from the Isthmian Canal Commission for work and labor done and material furnished in connection with the construction and erection of lock gates and appurtenances for the Panama Canal and in connection with and incidental to the doing of the work and furnishing of the materials provided for in a certain contract between the Isthmian Canal Commission and the McClintic-Marshall Construction Co., dated June 21, 1910, taking into consideration the claim of the contractors that the work was done under requirements as to character and finish not fairly within the meaning of the specifications.

"The said Col. George W. Goethals, Governor of the Canal Zone, is further authorized and empowered, either personally or through such commissions as he may appoint, to investigate such claims and the various items thereof in such manner as to him may seem best, and, either personally or through such commission, is hereby empowered to administer oaths and affirmations to witnesses and to issue subpœnas and to compel the attendance of witnesses. He shall report in detail to the Congress of the United States his findings."

The amount herein appropriated shall be chargeable as part of the construction of the Panama Canal and reimbursed to the Treasury of the United States out of the proceeds of the sale of the bonds authorized by section 8 of the act approved June 28, 1902, and section 39 of the tariff act approved August 5, 1909.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ARMY REORGANIZATION.

Mr. WADSWORTH. I ask unanimous consent that the Senate proceed to the consideration of the bill (S. 3792) to reorganize and increase the efficiency of the United States Army, and for other purposes.

The PRESIDING OFFICER. The Senator from New York asks unanimous consent that the Senate proceed to the consideration of the bill named by him.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3792) to reorganize and increase the efficiency of the United States Army, and for other purposes.

The PRESIDING OFFICER. The pending question is on the amendment proposed by the Senator from Mississippi [Mr. HARRISON].

PAY OF NAVY AND COAST GUARD.

Mr. GERRY. Mr. President, for a long time past the attention of the public has been called to the unfortunate condition of the officers and men of the Army, Navy, and Coast Guard, owing to the increased cost of living, but I do not believe that the true seriousness of the situation is realized, for not only is injury being done to the men and their families but all of these branches of the service are being crippled, and the Navy certainly placed in a position where it will take some years to put it in the condition that it was in before the war. I intend to confine my remarks to the Navy and Coast Guard, because, as a member of the Committee on Naval Affairs, I am familiar with their condition, and the chairman of the Military Affairs Committee has already explained on the floor of the Senate very fully the situation that exists in the Army.

The responsibility for this retrogression of our fighting forces rests upon Congress. It was called to the attention of the chairman of the Committee on Naval Affairs of the Senate by the Secretary of the Navy last August, and to that of the chairman of the House committee, I believe, in September. In November it was again called to the notice of the latter committee, and in December a letter was written to the Speaker of the House urging action. The Senator from New York [Mr. WADSWORTH] introduced an increased-pay bill for the Army and Navy in November, which was referred to the Committee on Military Affairs and reported out from that committee in December. In January a bill for partial relief was introduced in the House by Mr. KELLEY of Michigan. That bill granted an increase in pay to the enlisted men only. In February a bill increasing the pay of the officers and men of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service was passed by the Senate, and a conference with the House was asked for. In the middle of March the House granted the conference. I am informed this morning that the conferees have again disagreed, and that therefore more delay must ensue. It is only fair to say that the responsibility in refusing to grant these increases does not rest with the Senate.

I desire to call attention to some statistics which, I believe, are convincing as to the actual situation, and shall refer principally to the testimony of Admiral Washington before a subcommittee of the Senate Naval Affairs Committee.

The most deplorable feature about this whole delay is that had this bill increasing the pay been passed last October, between 70,000 and 80,000 ex-service men would have returned to the Navy. It is not believed now that one-fourth of this number will go back, even if this measure is enacted into law. The older men who have returned to civil life and taken up work on shore are each week less likely to desire to renew their naval service. At the beginning of the winter, at Bay Ridge, N. Y., there were about 1,200 to 1,400 men whose terms of enlistment had expired or was about to expire. These men had been 8, 12, or 16 years in the Navy, and were thoroughly trained and efficient. They held over with the hope that Congress would pass an increased-pay bill, and when Congress adjourned in December without any action several hundred of them immediately asked for their discharge, and it had to be given to them. Others stayed on until early in January, and finally practically all of them left.

Fifty-five per cent of the present total strength of the Navy is made up of men who first enlisted since December 4, 1918, and it is estimated that 66 per cent of the first enlistments, from December 4, 1918, to January, 1920, were boys under 19 years of age.

The petty officers and chief petty officers are leaving the service in alarming numbers, and they are the leaven that is so vital to the training of the new recruits. There is nothing that could do more harm to the service than the loss of this part of the personnel. The men, however, can not be blamed for wanting to leave when a sailor, who gets $32.60 a month in the Navy, can go with the American Transport Service or with the Shipping Board and immediately get $75 per month; and, besides this, receive $1.50 or $2 additional for subsistence and other expenses. A seaman, second class, getting $35 in the Navy, gets $100 with the Shipping Board, and so on right up the line.

The Shipping Board and the American Transport Service pay men two to three and one-half times the amount the Navy pays. They are able to do this because their appropriations, I understand, are made in lump sums, which allow them to use discretion as to wages and meet conditions in any part of the world.

Under those circumstances, is it unnatural that requests for discharges are being received at the average of 28 per day? About 7 of such requests are approved each day, and with a few exceptions the older men are those making the applications for release, not only because of the advantages that they can obtain by seeking employment in civil life, but also because the present pay of the Navy is not sufficient for them to maintain their families with, and they feel, and I think quite properly, that the United States Government is doing injustice to those who have been its faithful public servants.

During the last six months of 1919 the desertions among the enlisted men have become appallingly large, and affected a class that has practically never been touched by this before, namely, the petty officers and chief petty officers. There were 4,666 desertions, which included 1,057 petty officers and senior rated men—seamen and firemen, first class—of whom 00 were

chief petty officers. In January last 898 men deserted, and in February 765. The number was less in February probably because the fleet was in southern waters, where it was more difficult for men to reach home should they leave their ships. Of the number who deserted in February, there were 60 rated petty officers and 7 chief petty officers. Admiral Washington stated that it was practically impossible to recover any considerable number of these deserters, owing to their going to sea, and so forth, and that they were therefore lost entirely to the service.

The Navy enlisted personnel allowed by law up to July 1, 1920, is 170,000. In the service on March 1, 1920, there were about one hundred and one thousand and some odd men—in other words, a shortage of about 68,000 men. Of this 101,000, roughly, 79,400 are first enlistments and 22,000 reenlistments. At the present time recruits have been withdrawn from the training stations after one month to six weeks' training, instead of three or four months, as is usual, therefore, of course, increasing the need of the desirability of a nucleus of trained seamen. Our battleship fleet to-day is manned by about 70 per cent of its normal crew.

If we take the condition on one of our great dreadnoughts, the situation shows up even more clearly. The *Pennsylvania* by August, 1920, will lose over 300 experienced men who remained from last year. One out of every six of the electricians will be gone, and out of the engineers' complement one out of three, and similar percentages in other departments.

Turning to the officers, the condition is just as bad. At the present time we are short of regulars in the line to the number of 2,638. Afloat on the different ships in the dreadnought class there are 954 officers, but there ought to be 1,500. On the pre-dreadnoughts, they have 444, where they also ought to have about 1,500. On the armored cruisers, they have 200, where they need 1,200. On the gunboats, they have 60, where they should have 150; on the destroyers, 875, instead of 1,800, and on the submarines, 269, instead of 400. The staff shrinkage is proportionate to that of the line. The officers are seeking to leave because they, too, are unable to support their families and keep out of debt. Many of them have been forced to make great personal sacrifices in order to remain in the service, and I am sure that nearly every Senator, from the seacoast States at least, has had facts called to his attention that make him indignant that splendid men should be placed in such an unfair position, and that their families should have to suffer because of their serving their country.

There are now pending 88 resignations of line officers. The Secretary is holding up all applications of those who have been less than eight years in the service. If resignations were easier to obtain, it is the feeling of the department that many more would be asked for. The Naval Academy will not fill up the line of the Navy for 10 years under the present circumstances, and during that period all our ships will be short of necessary line officers.

In the Coast Guard the situation is equally bad. Probably the clearest way to show the situation is to call attention to some statistics from a district with which I am familiar. The quota of this district is 146. The number of men discharged at their own request in January was something like 50 men, which is practically a third. These men represent some of our best American stock, the tribe of old-fashioned sailor, a gallant worker in all weathers. There is probably no finer body of men in the world. They have done magnificently in peace and did equally well in the war, but they can not be expected to continue in the service if they do not receive enough to support their families.

The Coast and Geodetic Survey, I understand, has also been so crippled by resignations that it will be difficult for them to carry on their chartings, a very serious condition for the Navy and merchant marine.

Mr. President, I believe the above data can not fail to impress anyone with the serious condition that we have to meet. The greatest thing for any fighting service is its morale, and we can not have a high morale when officers and men feel that they are being treated with injustice, and are continually worried by the fact that their families are not being adequately supported and are suffering privations. When this is aggravated by the knowledge that men in similar occupations are being adequately compensated, it is human nature that they will desire to change their condition, if possible, if not for their own sake, at least for that of those who are dependent upon them; and if they are unable to do this, there will be great dissatisfaction.

Apart from the psychological aspect, efficiency in such a highly centralized service as the Navy means years of experience and training. This training can not be properly carried out unless there are a large number of teachers, and the teachers are the trained men of the service. The statistics I have quoted show that they are leaving in appalling numbers, and unless something is done very soon, if it is not already too late, the Navy will not be in a high state of efficiency for some years to come. The seriousness of a condition like this can not be questioned by anyone.

The Senate has refused to ratify the treaty of Versailles and enter into the League of Nations. If we are to go back to the old conditions that existed previous to our entry into the war and continue our policy of isolation there can be no question that we shall need a great and efficient Navy. The paramount importance of sea power has again been clearly demonstrated by this war, and I believe that a great and efficient Navy as a first line of defense is essential to America. From the earliest history of the Republic our Navy's record has been our pride, and this war was no exception to the rule. What it accomplished during the year and a half of hostilities is, I believe, something that the country will always point to as showing what America can do.

Hindsight is, of course, always better than foresight, and perhaps one thing or another might have been better done if it had been done differently, but that can never be proven. The fact remains, however, that the objects set out for were obtained and that no branch of the service failed in doing its duty, but did that duty splendidly and to the credit of its officers and its men.

The Senate to-day is conducting an investigation of what was done, and perhaps this may develop in the future in some sound suggestions for the improvement of the service. Up to date, however, there is only one thing that stands out as absolutely essential for the future welfare of our Navy, and that is that the officers and men should receive adequate compensation to meet the unparalleled living conditions. It is idle to criticize the Navy for this and that, or to talk of improving it by doing this or that, until Congress has passed an increased pay bill.

Mr. PHELAN. Mr. President, may I ask the Senator from Rhode Island to repeat his first statement concerning the disagreement of the conferees? I did not quite understand what has been done with a view to ameliorating this condition.

Mr. GERRY. I will say to the Senator from California that I was informed this morning by one of the members of the conference committee that the conferees had again disagreed. I think the Senator from New York [Mr. WADSWORTH] probably can answer that question better, as he is a member of the conference committee.

Mr. PHELAN. Then I address my inquiry to the Senator from New York, if he will answer. The Senator from Rhode Island has just made an alarming statement as to the condition of the Navy, due to disagreement, as I understand, concerning pay, by the conferees on the subject of the Navy and Army pay bill; and I rise to inquire what is the condition in the conference, and whether there is likelihood of an agreement?

Mr. WADSWORTH. Mr. President, to-day the conferees adjourned until to-morrow morning. It is true that to-day they did not reach an agreement. The committee, however, has not decided to report a disagreement as yet. I feel as deeply about the question as does the Senator from Rhode Island.

Mr. REED. Mr. President, without undertaking to criticize or reply to the address of the Senator from Rhode Island, I desire to call attention very briefly to one or two matters.

It is true that men were paid by the Shipping Board wages vastly in excess of the wages paid in the Navy, and it is undoubtedly true that the effect upon the Navy has not been good.

Mr. GERRY. Mr. President, will the Senator yield?

Mr. REED. Yes.

Mr. GERRY. I will say to the Senator that it is not only the Shipping Board that are paying very large wages; it is all the employers of sailormen.

Mr. REED. I desire to address myself to the single proposition. Months ago the Shipping Board obtained lists of the American sailors and employees on ships of the Navy. Months ago they learned what the wages of these men were, and when they arrived at American ports they were greeted with letters from the Shipping Board stating, and stating with accuracy, in substance, "Under your present employment you get so much per month; the Shipping Board will pay you so much more." So we had the spectacle of one branch of the Government service deliberately trying to rob the naval branch of the service of its men. I have that fact from a naval officer, who complained to me bitterly about it months ago, and stated that the Navy was losing men every day. It is only another proof of the fact that there ought to be some kind of a system of coordination between the different branches of the Government service.

Mr. GERRY. Mr. President, will the Senator yield?

Mr. REED. I yield.

Mr. GERRY. I know nothing about the conditions to which the Senator refers, but I simply want to call his attention to the fact that no matter what the Shipping Board did, the situation of the Navy will be very serious unless the men are granted an increase of pay, and the crucial question is the increase of pay. That is a point that we must not forget.

Mr. REED. Mr. President, I am not discussing that phase of the question.

Mr. LODGE. Mr. President——

Mr. REED. I yield to the Senator.

Mr. LODGE. I have heard from naval officers in whom I have entire confidence precisely the same statement which the Senator from Missouri has just quoted. There is no doubt but that the Shipping Board are paying a great deal more than private firms, and are drawing men directly away from the Navy, and it has a good deal to do with the necessity, which is very great, of raising the pay. But it also shows, as the Senator from Missouri said, the bidding of one branch of the Government against another in the matter of wages.

Mr. GERRY. Mr. President, will the Senator from Missouri yield again?

Mr. REED. I yield to the Senator.

Mr. GERRY. I would like to ask the Senator from Massachusetts if he has any doubt of the absolute necessity of granting increases in pay?

Mr. LODGE. It is absolutely necessary if we are going to have any Navy at all.

Mr. GERRY. There is no question about it.

Mr. LODGE. There is no question about it whatever. But the great sinner in this thing has been the Shipping Board, spending Government money and offering unlimited pay, far higher than private yards, high as the pay is in those yards.

Mr. GERRY. Does not the Senator know that the private concerns are also offering a good deal higher pay than is paid by the Navy?

Mr. LODGE. The pay at private concerns, of course, is higher than that of the Navy.

Mr. GERRY. They would be drawing them away anyway, then.

Mr. LODGE. It is higher than the pay in private concerns, and it is the Government bidding against itself.

Mr. REED. Mr. President, I do not rise to oppose a reasonable increase in pay for the Navy. But the Senator calls attention to the fact that greater pay is being given not only by private concerns but by the Shipping Board. I am calling attention to the fact that the Shipping Board, representing the Government, pursued the tactics and methods I have already described. The truth is that whoever was responsible for it in the Shipping Board ought to have been incontinently kicked out of his job within 10 minutes after the fact was discovered. It would be quite one thing for the Shipping Board to send to the employees at private concerns and tell them they would offer a better wage; but for the Shipping Board to get the pay roll of the employees of the American Navy, and then write each employee as he came into port that they would raise his wages, is about as intolerable, as impudent, and as senseless a thing as I have heard of in my life. We not only have done that, but similar occurrences have been frequent in other branches of the public service.

Mr. JONES of New Mexico. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from New Mexico?

Mr. REED. I do.

Mr. JONES of New Mexico. The Senator from Missouri intimates, at least, that the men in the Navy should not be advised what other branches of the Government are paying for a given service. Does the Senator believe that because a man has enlisted in the Navy from patriotic motives he should be prevented from knowing what wages he could obtain in other branches of the service, and that he should be kept in ignorance of those facts?

Mr. REED. The Senator has the most peculiar mind of any man I ever knew. I think if he were to run the Lord's Prayer through his intellect he would be able to bring it out covered with suspicion and bearing evidence of artifice and fraud calculated to deceive even the Almighty. What I said was that that branch of the service got the pay roll of the Navy and sent to the men who came in a statement that they were receiving a certain amount of pay, and if they would quit the service of the Navy, "this patriotic service" the Senator talks about, and come over to another branch of the Government service not quite so patriotic, they would get more money. Thus the Government was bidding against itself. I did not talk about keeping men in ignorance or anything of that sort. That is all the reply I care to make to that kind of a question. It was not a good-faith question.

Mr. JONES of New Mexico. Mr. President, I resent the latter statement made by the Senator, that the question was not asked in good faith. I insist that the Senator's argument was based upon the assumption that these enlisted men should not have information as to what was being paid in other branches of the service. While it may be true that the Shipping Board was bidding against some other branch of the service, yet what I sought to do was to get the views of the Senator as to whether the remedy which he suggested was the proper remedy or not, whether you should keep these men in ignorance or whether you should devise some plan for rectifying this evil, which we all admit.

There is no one in this Chamber who realizes more than I do that we ought not to have the different branches of the Government bidding against each other, but the remedy is not to keep people in ignorance; it is to bring about some arrangement whereby there shall be equal pay for equal service in all branches of the Government. The question I asked the Senator was asked in good faith for the purpose of developing that idea.

Mr. REED. The Senator speaks of the remedy I suggested and makes a speech about it. I had not suggested any remedy nor said a single word about a remedy. It is only another one of those peculiar intellectual quirks of the gentleman in which he so frequently indulges. I simply stated a fact, that the Shipping Board was bidding against the Government itself, and was trying to rob the Navy of its men at a time when the Navy needed its men, and I had not gotten along to the point of discussing the question of remedy at all.

I do not think any special pleader for the Shipping Board can in any manner mitigate the infamy of their conduct by claiming that they were engaged in the delectable business of merely disseminating information. They were not disseminating information; they were robbing the Navy of its men, and it was an outrageous piece of business.

Other branches of the service have done the same thing. One of the great evils we have had to contend with during this entire war has been the bidding by one branch of the Government against another branch of the Government. That has nothing to do with the question as to what are fair and just wages. It is a good deal on the level of two women who are friends, or supposed to be friends, each trying to get the other woman's servant away from her, although it is a good deal more foolish than that.

Mr. President, just one other thing the Senator from Rhode Island said to which I want to call attention. He declared that if we are going back to the old order, having rejected the treaty of peace, we must have a strong Navy. I wonder if the question of our having a strong Navy depends upon the rejection of the treaty of Versailles, the treaty of treason, the treaty of surrender, the treaty of peace, or whatever you want to call it.

Unfortunately for the Senator the record is written on that question, and it was written before the rejection of the treaty. It was written at a time when the administration expected the treaty to be affirmed out of hand. It was written at a time when the distinguished leader upon this side of the Chamber announced every morning that the treaty would be ratified the next morning, or thereabouts. That record is that the Secretary of the Navy had demanded $913,000,000 for more fighting ships and a personnel for the Navy of 250,000 men.

Mr. GERRY. Mr. President, will the Senator yield?

Mr. REED. I yield.

Mr. GERRY. That was to carry out a program which was laid down in 1916.

Mr. REED. If it was to carry out a program laid down in 1916, which I deny, if we had determined to supplant the old order of affairs with the new millennium and the millennium was regarded as assured, what was the sense of going on and carrying out the old war program?

Mr. LODGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Massachusetts?

Mr. REED. I do.

Mr. LODGE. I may remind the Senator that it was not to carry out the old program; it was to add very largely to it; and it was done under the statement, made publicly by the Secretary of the Navy, that it was necessary to coerce England and have the greatest fleet in the world. We are carrying out the 1916 program now.

Mr. REED. The Senator from Massachusetts, with his usual clarity, has stated the case better than I could have stated it. I was going to make a somewhat similar statement.

You can not fool anybody by that sort of talk. The Secretary of the Navy is on record and the Secretary of War is on record and the Chief of Staff is on record that after the millennium is inaugurated, after the white doves of peace have become so numerous as to envelop the skies and shut out the light of the sun, it will still be necessary to have a standing Army nearly six times as great as we ever had, 576,000 men, to police the millennium, and 250,000 men in the Navy, and both the Secretary of War and the Chief of Staff testified that the military program was necessary in order to redeem our obligations under the League of Nations.

Besides that they said we had to have universal military training—that is to say, universal military servitude—the forced draft of every boy of 19, which would have given us approximately 200,000 constantly in the Army, training, so we would have had over a million men as the permanent military and naval personnel of this country; and this was to be the condition after Christ had come to reign, with Japan and the British Empire as his vicegerents on earth.

More than that, since it has become certain that the treaty is about as dead as Julius Cæsar, Congress has cut down the size of the Army program immensely. The first fruits that we have of going back to the old policy of Washington and Jefferson is that we are not to have as large an Army; we are not to have the forced draft of every boy of 19 under the euphonious and sweet-sounding name of military training. My only regret is that the military bill can not be modified so that we shall not have an Army of over 200,000 men. That is all we need.

I have said several times on the floor of the Senate, and I repeat, that I want some one to tell me who is coming here to whip the United States. The only countries that have any excuse to regard us with enmity are prostrate, either disarmed or dismembered. Are the countries with which we did propose to go into partnership in order to regenerate the world, and to which we recently rendered great service in the war, coming here to conquer us? If they are, the sooner you quit talking the miserable nonsense of a partnership with them the better for this country. I want no partnership with a man who stands ready to cut my throat; I want no partnership with a nation that I have just helped save—and I am speaking now of the country and not of myself—if it is ready to turn and put its knife at the throat of my country.

Mr. President, I have been led aside from what I rose to say. I only wanted to call attention to these two facts. So far as the Navy pay is concerned, I am willing to sit down with the other Senators and do whatever is just and right in that matter, and whatever is necessary. I believe that we ought to have the personnel of our Navy at a high standard of efficiency, and I believe that we ought to have a good Navy, for while I have never indulged in any of the dreams which have disturbed other people, and while I have never indulged in the fear that we are to be immediately attacked by any other country, nevertheless I recognize the fact that the building of a Navy is a matter of slow progress and of development; that no nation can afford to allow itself to be helpless—League of Nations or no League of Nations; that power is always respected; that as long as we are able to defend ourselves we may be sure that our rights will be taken care of; that as long as this country is a great, powerful country we will not be molested by other countries.

I am confidently of the opinion that if at the time the European war broke out we had begun taking some radical steps for preparation we might never have been dragged into that war. Germany twisted Uncle Sam's nose because it thought Uncle Sam could not or would not fight. Germany would not have made that mistake if we had been in a better state of preparation. Whatever you may say of the Army, it is true that a Navy is a matter of slow growth and of development, and I am in favor of the United States being in a position so that if she is ever challenged by any nation her war fleet will not be obliged to duplicate the performance of the German war fleet, run for protection under the guns of forts.

So I am in accord with the Senator's purpose to see that the pay of the Navy is adequate, always having due regard, of course, for economy, but I am not going to support any such measure because the Shipping Board bid against the Navy, neither am I going to support it on the theory that we have gone back to old conditions. We never got away from old conditions. Before they sat down at the peace table at Versailles, Great Britain served notice that she would not take a single vessel from her fleet, that she would not consider the question of the freedom of the seas. Her statesmen said they had the freedom of the seas and they intended to keep it. I am in favor of the United States of America being able to say the same thing.

ARMY REORGANIZATION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3792) to reorganize and increase the efficiency of the United States Army, and for other purposes, the pending question being on the amendment of Mr. HARRISON, which was, on page 52, lines 3 and 4, to strike out the words "lineal list of his own branch" and insert the words "relative list of the Regular Army"; and, on page 53, line 2, after the word "service," insert the following proviso:

Provided, That no officer shall be placed on the list below any officer to whom he is at present senior on the relative list of the Regular Army.

Mr. HARRIS. Mr. President, I regret exceedingly to have to oppose the amendment offered by the able Senator from Mississippi [Mr. HARRISON], for whom I have such a high regard. I have talked to a number of officers in the different branches of the service, some of whom will lose by the single-list promotion, and there is not one of them who does not approve of it and say it is the fairest plan by which the promotion of officers can be made.

There is one injustice that the bill will work, and that is with reference to the class which graduated at West Point in 1917 ahead of its time. I have discussed the matter with the chairman of the Committee on Military Affairs, and had expected to offer an amendment, but I know he feels that to make an exception would be unwise. I hope, however, that when the bill gets into conference the conferees will take up the wonderful record of the class of 1918.

I am heartily in favor of the single list for promotion in the Regular Army. To my mind Congress could enact no legislation that would be more conducive to contentment among the officers than to require promotion to be made according to the length of commissioned service. This places all officers on the same basis, and no arm or department can feel that it is being discriminated against in the matter of promotions.

While I realize the danger of making any exceptions to the rule laid down in the bill, this rule works such injustice to one class of officers that I feel it is my duty to call it to the attention of the Senate.

The class of 1918 of the United States Military Academy was graduated August 30, 1917, and I believe it is recognized by all those familiar with their record that no class or group of officers rendered more distinguished service on the field of battle or made greater sacrifices than the class of 1918. As I previously stated, the class of 1918 was graduated August 30, 1917.

Of the 148 graduates, 111, or 75 per cent, served overseas prior to the signing of the armistice.

Ten members of the class were killed in action or died of wounds received in action, and 2 died of disease as a result of exposure in the campaign, a total of 12 deaths, this being 10.8 per cent of those who served overseas, or 8.1 per cent of the entire class.

Ten members of the class were wounded in action, making a total of 22 casualties overseas, this being 19.8 per cent of those who served overseas, or 14.8 per cent of the entire class.

Ten members, 9 per cent of those who served overseas, or 6.76 per cent of the entire class, were awarded the distinguished service cross.

Thirty-three graduates of the Military Academy were killed in action or died of wounds received in action. Of this number, 10, or 30.3 per cent, were members of the class of 1918.

The percentage of graduates of the class of 1918 with service overseas—75 per cent—is 26 per cent greater than the percentage—59.49 per cent—of all officers of the Regular Army with service overseas.

The percentage of the graduates of the class of 1918 that were killed in action or died of wounds received in action—6.8 per cent—is six and a half times as large as the percentage—1.065 per cent—of all officers of the entire Army who were killed in action or who died of wounds.

The percentage of graduates of the class of 1918 awarded the distinguished service cross—6.76 per cent—is nine and two-thirds times as large as the percentage—0.7 per cent—of officers of the entire Army awarded the distinguished service cross.

Fifteen days before the graduation of the class of 1918 of the United States Military Academy more than 27,000 young men were graduated from the first of the series of officers' training camps and commissioned in the Officers' Reserve Corps. Later, and subsequent to the graduation of the class of 1918, a number of these men were commissioned in the Regular Army, and there are now 893 of them in the Regular Army, all of whom are junior to the graduates of the class of 1918 of the United States Military Academy. If the bill as it now stands becomes a law, all of these 893 graduates of the first training camps will jump over and become senior to the graduates of the class of

1918 of the United States Military Academy. In addition to this, unless some provision is made, every one of the 27,000 graduates of the first training camp that is appointed to the Regular Army under this reorganization bill could and probably would be made senior in rank to the graduates of the class of 1918 of the United States Military Academy, who had been trained for more than three years, while those jumped over them were in training only three months.

While I do not underrate the work of the graduates of the training camps, I am sure no one would claim that the three months' military training they received in camp was equivalent to more than three years' training at the United States Military Academy. Because they happened to complete their course at the training camps 15 days before the graduation of the class of the Military Academy would not seem sufficient to justify their being jumped over these Military Academy graduates, who are now senior to them.

I would not take from the graduates of the training camps any of the rights or privileges they enjoy under the existing law. Eight hundred and ninety-three officers are nearly 11 per cent of the total number of commissioned officers on the active list of the Regular Army to-day. To jump such a large per cent of all the officers of the Regular Army over the members of the class of 1918 would very seriously retard their future promotion and would be most discouraging and disheartening to these young men who have rendered such arduous and distinguished service in defense of their country and in the cause of humanity on the field of battle. To take from these young men the rights and privileges they now enjoy under the law would, to my mind, be ungrateful, to say the least. I believe in rewarding those who have done the hardest fighting, regardless of their branch of the service or anything else, and certainly the record of this class of 1918 should be a pride to the Army and the people of our country.

Mr. President, I have opposed the provisions of this bill relative to the National Guard, and I think it is unjust to deprive the National Guard of the States of the rights that have heretofore been given them. The adjutant general of my State, many other National Guardsmen, and members of the Georgia State Militia, who rendered brilliant service in Cuba, Mexico, and France, have protested against the passage of this part of the measure.

Mr. HARRISON. Mr. President, I probably would not have said anything further touching this question had it not been for the remarks of the Senator from Georgia [Mr. HARRIS].

I have no interest in the world in the amendment which I have offered. I want to see a good spirit in the Army. I voted for increased pay for the officers as well as for the enlisted men in the Army, and for increased pay for officers in the Navy. I offered a resolution in the Senate, and the Senate adopted it, calling on the Secretary of War to know why such gross unfairness was practiced by the General Staff in the demotion of officers. Everything I have done has been with an eye single to adding to the spirit and the morale of the Army.

I have offered this amendment with the same purpose. I believe the effect of it will be to bring about that result. I believe it, and believe conscientiously, that if the provision is adopted as embodied in the bill it will cause demoralization among the officers in the Engineer branch as well as the Artillery and perhaps the Ordnance. That is the sole object of offering the amendment. The issue is clearly joined. If a majority of the Senate want to adopt the plan of the single list and let it be retroactive, as is provided in the bill, then that is all right.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Mississippi [Mr. HARRISON].

Mr. HARRISON. On that question I call for the yeas and nays.

The yeas and nays were not ordered.

Mr. HARRISON. I call for a division.

The PRESIDING OFFICER. The Senator from Mississippi calls for a division on agreeing to the amendment.

Mr. HARRISON. I am asking for division on the question whether the yeas and nays shall be ordered.

The PRESIDING OFFICER. The Chair will state to the Senator from Mississippi that one-fifth of the Senators present did not second the demand for the yeas and nays.

Mr. HARRISON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Ashurst	Comer	Frelinghuysen	Gronna
Brandegee	Curtis	Gerry	Hale
Chamberlain	Dial	Glass	Harris
Harrison	Lodge	Pittman	Sterling
Henderson	McCumber	Pomerene	Sutherland
Jones, N. Mex.	McKellar	Ransdell	Swanson
Jones, Wash.	McNary	Reed	Thomas
Kellogg	Myers	Sheppard	Trammell
Kendrick	New	Simmons	Underwood
Keyes	Nugent	Smith, Ariz.	Wadsworth
King	Page	Smith, S. C.	Warren
Kirby	Phelan	Smoot	Wolcott
Lenroot	Phipps	Spencer	

Mr. GERRY. I wish to announce that the Senator from Massachusetts [Mr. WALSH] is detained on official business.

Mr. GRONNA. I am requested to announce that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is absent, due to illness.

The PRESIDING OFFICER. Fifty-one Senators have answered to their names. There is a quorum present. The question is upon the amendment offered by the Senator from Mississippi [Mr. HARRISON], upon which he asks for a division.

On a division, the amendment was rejected.

Mr. RANSDELL. I offer an amendment, which I have previously presented. It comes in on page 20. I will ask that it be read.

The PRESIDING OFFICER. The Senator from Louisiana offers an amendment, which will be stated.

The ASSISTANT SECRETARY. On page 20, line 5, after the words "major general," it is proposed to insert the words "2 assistant chiefs of engineers with the rank of brigadier general," so that the section will read as follows:

SEC. 22. Corps of Engineers: The permanent personnel of the Corps of Engineers shall consist of 1 Chief of Engineers with the rank of major general, 2 Assistant Chiefs of Engineers with the rank of brigadier general, and 900 officers and 16,000 enlisted men, in their appropriate grades, all of whom shall be detailed or assigned from the permanent personnel as provided for in this act. The reserve personnel shall consist of all reserve officers and reservists of the organized reserve and National Guard of the United States assigned to Engineer Corps units as provided for in this act.

Mr. RANSDELL. Mr. President, the purpose of this amendment is to add two general officers in the Corps of Engineers of the Army. There is one Chief of Engineers at the present time with the rank of major general, and I should like to add two brigadier generals.

I have had prepared a statement in regard to this amendment to which I will ask the attention of the Senate, as it is a matter of considerable importance.

The amendment will not increase the number of brigadier generals, which is fixed at 50 by section 12, page 9, line 22 of the pending bill, and hence it will not increase the cost of the Army. The purpose is to recognize by law the need for two Assistant Chiefs of Engineers and to insure that these officers shall be available for duty in the office of the Chief of Engineers irrespective of changes of policy due to changes of personnel in the General Staff or in the War Department. The Secretary of War in his hearings before the congressional Committees on Military Affairs has advocated legislation authorizing two such assistants.

The need for these two assistants has existed for a great many years, but it has been greatly intensified in recent times. The diagram hereto attached indicates the functions of the Corps of Engineers and the great number and variety of duties devolving upon the Chief of Engineers. It indicates also the proper functional organization of the office of the Chief of Engineers and the duties to be performed by his two principal assistants, who should have the title of Assistant Chiefs of Engineers with the rank and pay of brigadier general.

It is to be noted that there are a great number of administrative duties to which, in compliance with law, the Chief of Engineers must devote his personal attention. These are connected with works, activities, and institutions of a miscellaneous, civil, and military nature. They are indicated in the diagram in the upper left corner. These duties render the position of the Chief of Engineers quite different from that of the chiefs of other combatant arms and staff services of the Army; they require for their performance a large part of the time of the Chief of Engineers.

I will read from the diagram referred to the duties of this officer, so that they may be clearly before the Senate.

Duties requiring personal attention of the Chief of Engineers: He is a member of the Rock Creek Park Commission; of the Board of Control of Rock Creek Park; of the committee on suburban highways of the District of Columbia; a member of the Board of Ordnance and Fortifications; a member of the board of commissioners, Soldiers' Home; of the board of commissioners, United States military prison at Fort Leavenworth; of the board of review, a war activity which has been terminated; of the subcommittee of the committee on engineering and education, Council of National Defense, a war activity which has also been terminated; chairman of the advisory board, Port and Harbors Facilities Commission, United States

Shipping Board, another war activity which has been terminated; of the board for fireproof laboratories, and so forth, of the Bureau of Mines, Pittsburgh, Pa.

He is obliged to make recommendations in connection with the following matters: The establishment of anchorage grounds; bridges, dams, dikes, and causeways in navigable rivers; permits for structures in navigable waters; occupation of Federal structures in connection with navigable waters; allotment of various indefinite appropriations for operating canals, snag boats, and so forth; charges for benefits arising from storage dams; modifications in plans for construction of canals; and adjustments arising from collisions.

Those are his purely civil duties. In addition, the military duties requiring the personal attention of the Chief of Engineers are as follows: He is in charge of the whole Engineer Corps, which, according to the bill under consideration—Senate bill 3792—will number 900 officers and 16,000 enlisted men, and under the House bill—No. 12775—600 officers and 12,000 enlisted men. The Chief of Engineers is technical adviser to the Chief of Staff and the General Staff on (1) all matters of engineer policy for the Army; (2) training and employment of Engineer troops and engineering duties of other troops.

He has to look after the assignment of the Engineer personnel, the field equipment for the Engineer troops and the Engineer equipment of all troops; to see to the training (a) of officers, including special service schools; (b) enlisted men, including schools and troops in the field; (c) training in appropriate engineering duties of all officers and troops; and also has duties to perform in connection with officers furnished to the Panama Canal and the District of Columbia.

There are a great many duties which under my amendment would be performed by one or the other of these brigadier generals. One of them would be assigned to civil duties and the other to military duties.

The civil duties to be performed by one of the brigadier generals would be as follows:

River and harbor works:
Ten territorial divisions.
Fifty-three territorial districts.
Examination, surveys, and reports.
Estimates.
Execution of works.
Maintenance and operation of works.
Board for Rivers and Harbors.
California Débris Commission.
Mississippi River Commission.
Flood control.
Operating snagboats.

Under the miscellaneous civil works to be performed by the brigadier general in charge of civil works are the following:

Leases of water powers on Government dams.
Establishment and regulation of harbor lines.
Recommendations for and supervision of operation of bridges over navigable waters.
Recommendations for and enforcement of rules for the navigation of navigable waters.
Recommendation for and supervision of removal of wrecks.
Supervision of Alaska Road Commission.
Supervision of supervisor, New York Harbor.
Supervision and operation, Lake Survey.
Erection of the new Aqueduct Bridge in the District of Columbia.
Erection of various memorials.
Preservation of Niagara Falls.
Washington Aqueduct, District of Columbia.
Conduit Road in the District of Columbia.
Public buildings and grounds in the District of Columbia.
Supervision of anchorage grounds.
Supervision of the erection of dams, dikes, bridges, and causeways in navigable waters.
Supervision of erection of structures in navigable waters (concurrent authority).
Supervision of the occupation of Federal structures and lands on navigable waters.

Those are some of the civil duties that would be performed by one of the brigadiers under my amendment. Now, I come to the military duties to be performed by the other brigadier general.

Supply staff service:
Estimates for engineer supplies.
Development of equipment for construction, engineer equipment for fortifications, field searchlights, ranging, and so forth.
Procurement, production, and accounting for engineer supplies; railroad equipment, except railroad artillery mounts; electrical equipment in fortifications, field searchlights, tugs, barges, lighters, and so forth; cranes, rails, and accessories; power generating sets; field construction manchinery, ranging equipment, and spare parts for above.
Technical adviser on specifications for all types of engineering equipment.

Under the operating staff service, he would advise in regard to 9 territorial departments, 6 territorial divisions, 22 territorial districts.

Separate engineer staff functions in corps and larger units.

Under fortifications, he would advise in regard to sites, plans, estimates, construction and maintenance, power plant and electric installation, and location of buildings.

In military mapping, he would advise in regard to estimates for field work, reproduction, distribution, membership on board of surveys and maps, Federal Government.

In connection with military roads, railroads, and bridges, he would advise in regard to examination, estimates, construction, repair, and maintenance, and various items of military construction.

A vast variety of duties come under the Chief of Engineers, and many of them would be performed by these two assistants.

Aside from these duties, the Chief of Engineers is:

First. The chief of a combatant arm of the service consisting of 16,000 enlisted men under the terms of the bill—over 300,000 men during the World War.

Second. The chief of a military staff service, which in turn comprises two major activities: (a) A supply service—analogous to the ordnance service—which procures, stores, and issues supplies of a technical nature for its own use and for the Army as a whole; and (b) an operating service charged with the construction, repair, and maintenance of seacoast fortifications and frontier defenses, when required, the construction of military railways and military roads, the conduct of military mapping operations, and in time of war construction of all sorts within the theater of operations.

Third. The execution of river and harbor improvements throughout the United States and its island possessions, including enforcement of laws for the protection of navigation.

In the bill as drawn the Chief of Engineers has been recognized as the chief of a combatant arm only and he has been placed on a parity with the chiefs of Infantry, Cavalry, Coast Artillery, and other combatant services, each of which is provided with a chief with the rank of major general.

I call attention to the fact that the Chief of Engineers, who is charged with so many and such important civil duties, is treated in this bill solely as the head of a combatant arm of the service and placed on a parity with the other combatant arms of the service.

The bill, however, takes no cognizance whatever of the other multifarious duties of the Corps of Engineers, either as a supply staff service or as an operating staff service, nor does it take any cognizance of the river and harbor work and other miscellaneous civil duties of the Corps of Engineers.

If it be granted that the Chief of Engineers can personally perform the duties of a chief of a combatant force of 16,000 enlisted men, he will, nevertheless, require assistants with proper rank and experience to perform the technical staff duties which devolve upon his office and also to administer the river and harbor activities under his jurisdiction.

These military staff duties involve the supervision of an annual expenditure of millions of dollars for purchase of technical supplies, for construction and maintenance of fortifications and military railways, the conduct of military mapping and engineer operations in the field. These duties are greatly increased in time of war, and the office of the Chief of Engineers must always be so organized and administered as to permit of ready expansion in an emergency.

The Corps of Engineers differs from all other branches of the Army in that it has charge of river and harbor improvements. This work is provided for by the annual river and harbor appropriation acts, and its present magnitude is indicated by the expenditures made during the past 20 years, as follows:

Average annual expenditure (1900–1919)	$29,567,681.82
Maximum annual expenditure (1914)	49,320,425.55
Minimum annual expenditure (1902)	14,902,980.74
Total for 20 years (1900–1919)	591,353,636.40

The above figures do not include expenditures on account of the following activities, viz: United States lake survey; preservation of Niagara Falls; Alaska Road Commission; public buildings and grounds, District of Columbia; Washington Aqueduct; Anacostia Park improvement; Potomac River bridges (Key Bridge, Aqueduct Bridge, and Highway Bridge); monuments and memorials outside the District of Columbia, national parks.

The river and harbor act of October 2, 1914, and that for March 4, 1915, made lump-sum appropriations of $20,000,000 and $25,000,000, respectively, and the pending river and harbor bill as it passed the House carries a lump-sum appropriation of $12,400,000, to which the Senate has added about $8,000,000, the bill pending before us carrying something over $20,000,000. These lump-sum appropriations involve additional work and responsibility for the Chief of Engineers and for his assistants, owing to the fact that they must prepare estimates of the amount to be allotted by the Secretary of War to the various localities needing improvement. This task demands intimate knowledge of the requirements of each locality, of the relative urgency of the respective projects, and the Chief of Engineers must be able to controvert with sound argument the vast number of claims presented by local interests seeking larger allotments for their respective localities.

Mr. President, I can testify personally how important the work of the Engineer Corps is in connection with river and harbor expenditures. I have had more or less connection with that work ever since I entered Congress 21 years ago. I know it has been done in a most faithful, efficient, and able way. It is growing more and more all the time, and certainly there should be a brigadier general in charge of this work under the Chief of Engineers, who has so many other duties to perform, and who can not possibly perform all these river and harbor functions himself.

This work connected with rivers and harbors is administered by a section in the office of the Chief of Engineers with a field organization covering the entire United States and island possessions. The territory is divided into engineer districts which, in turn, are grouped into territorial divisions, each under the administration of a colonel or other higher officer of the Corps of Engineers. There is, in addition, a large civilian personnel averaging 23,000 to 25,000 employees and a tremendous amount of equipment. Although the administration is decentralized to the greatest possible extent, the work devolving upon the office of the Chief of Engineers is nevertheless very great.

I suppose we will be told by the chairman of the committee that we do not need two brigadier generals to assist in handling a force of only 16,000 men.

Mr. President, there are fully 25,000 civilian employees, many of them of high rank, magnificent men, of the highest order of intellect among the civilian engineers of this country, who are engaged in work on rivers and harbors under the Engineer Corps of the Army. So you can add to the 16,000 men given regularly to the Engineer Corps in this bill 25,000 civilian employees engaged in river and harbor work, making a total under the Engineer Corps of fully 40,000 men.

It includes the preparation of the annual estimates for river and harbor improvements, the presentation of data required by Congress, the allotment of funds, the examination and review of projects for improvements, the supervision of all contracts and agreements for work, the issue of permits for bridges and other miscellaneous civil activities connected with the Alaska Road Commission, the Mississippi River Commission, the California Débris Commission, the Washington Aqueduct, Public Buildings and Grounds in the District of Columbia, and other miscellaneous duties.

With the increase in population and wealth of the United States the magnitude and the number of duties of the Chief of Engineers have steadily increased until now it is humanly impossible for one officer to discharge all of these duties and give to each a careful and conscientious study which it requires. Assistants must be provided upon whom the Chief of Engineers can rely. These must be men of mature judgment and extended experience. They must, in fact, be the best men to be had. They should have pay commensurate with their responsibilities and should have rank which will place them in the proper relation to the officers coming under their jurisdiction in the field.

It has always seemed strange to me, Mr. President, to have a colonel here in Washington directing a number of colonels throughout the country engaged in river and harbor work. Men with the rank of colonel throughout the country engaged in these important works should have as their immediate chief and director in Washington a man certainly with the rank of brigadier general. Their duties are very onerous, involve great responsibility, and the supervision over a large number of officers. These duties exceed in magnitude and importance the duties of any ordinary brigade commander, either in peace or in war. Civilians occupying analogous positions in the industrial world now receive anywhere from $20,000 to $100,000 per annum.

As a matter of comparison it may be noted that the bill provides the Quartermaster Corps, which is a purely supply service, with one chief with the rank of major general and two assistants with the rank of brigadier general.

I hope Senators will pay attention to this branch of the bill and my comments thereon. The Quartermaster Corps, I repeat, has one major general and two assistants with the rank of brigadier general.

It provides for the Ordnance Service—another purely supply service, the duties of which, in my humble opinion, do not compare in importance with those of the Chief of Engineers—one chief with the rank of major general and two assistant chiefs with the rank of brigadier general. It provides for the Medical Service, which is a combined supply and operating staff service, one chief with the rank of major general and two assistant chiefs with the rank of brigadier general.

Mr. President, I have no criticism whatsoever to make of the wisdom of the committee in giving a major general and two assistants with the rank of brigadier to these three great branches of the service—the Quartermaster Corps, the Ordnance Service, and the Medical Corps—but I insist that the Engineer Corps of the Army, with its large number of civilian employees, 25,000 of them scattered throughout the land, is surely as important as any one of these three, and if they are to be given two brigadier generals, the Engineer Corps should be given two brigadier generals.

The duties of the Corps of Engineers, including its combatant functions, its supply functions, its fortification, mapping, and miscellaneous construction functions, and its river and harbor functions are certainly no less in importance and magnitude than the duties of the three staff bureaus above mentioned, and it should be provided with the officers necessary to discharge its responsibilities.

In view of the foregoing, which is believed to be a conservative statement of facts, it is submitted that the bill should provide at least two Assistant Chiefs of Engineers with the rank of brigadier general. The duties of these two assistant chiefs are indicated in the diagram hereto attached but may be verbally presented as follows: (a) First Assistant Chief of Engineers (brigadier general) in charge of river and harbor improvements and miscellaneous activities devolving upon the Corps of Engineers, including the enforcement of laws for the protection of navigation. (b) Second Assistant Chief of Engineers (brigadier general) in charge of duties connected with the development, procuring, storage, and issuing of technical supplies required for the Army, and in charge of the construction and maintenance of coast fortifications and frontier defenses, the supervision of military mapping, the construction and operation of military railways, and miscellaneous engineer staff duties.

Even with these two assistants, the Chief of Engineers himself will be fully occupied with the general supervision of the activities devolving upon the Corps of Enginers as a combatant service consisting of 16,000 troops in time of peace—over 300,000 during the World War—and with the discharge of duties of a special nature which are now devolved upon him in his own person by law, by regulations, or by orders of the Secretary of War, as well as the general supervision of the entire Corps of Engineers and the Engineer Department at large.

Aside from the important duties requiring these two Assistant Chiefs of Engineers, there enters the question of incentive and reward and its bearing on the contentment and morale of the officers commissioned in the Corps of Engineers. The bill provides for 900 officers of Engineers, with one general officer only at the head of the corps. The ratio between general officers and officers of less rank within the Corps of Engineers is thus 1 to 900.

I call the attention of Senators to this proposition; the ratio of general officers to the other officers in this corps is 1 to 900. This condition should be contrasted with that obtaining in the other staff services provided for in the bill, viz:

In the Quartermaster Service the ratio is 1 to 117, in the Ordnance Service it is also 1 to 117, and in the Chemical Warfare Service it is 1 to 125. In the Army as a whole it is about 1 to 217, and 1 to 900 in the Corps of Engineers. Why this discrimination, Mr. President? I can not understand it. Thus, with three general officers in the Corps of Engineers, which will be the result of the amendment I have proposed, the ratio for Engineer officers will be 1 to 300; that is to say, conditions will be even more disproportionate in the Corps of Engineers than in the other staff services even if my amendment be agreed to, and the grossest discrimination against the Engineer Corps will exist in the Army if my amendment be not agreed to.

From this point of view there is thus a penalty attached to service in the Corps of Engineers as compared with service in the other branches of the Army, and this notwithstanding that for the discharge of its duties the Corps of Engineers requires men of the very best intellectual capacity. For over 117 years, since the inception of the United States Military Academy, it has been the practice to take into the Corps of Engineers only

those graduates of that institution who have stood at the top of their respective classes. The few additional officers who in recent years have been drawn from civil life are not only graduates of the very best technical schools of the country but have been obliged to pass severe examinations prior to receiving a commission in the Army. It is feared that if the discrimination against the Corps of Engineers which the bill now carries is not removed we shall not be able to attract to that corps the graduates of the Military Academy, nor graduates of other technical institutions of the quality necessary to maintain the high standards of the Engineer service, or, in fact, to carry on the duties of the Corps of Engineers in a satisfactory manner. It will not be to the personal interest of such a graduate to enter the Corps of Engineers nor to remain in the Corps for any great length of time, even if he should enter, for there is a premium attached to duty in other arms of the service, the average being, as I have said, one general officer to 215 officers throughout the Army as a whole, and in the Engineer Corps, as now proposed to be constituted by this bill, 1 to 900. What incentive will there be for men to enter the Engineer Corps? This incentive will operate as a strong inducement to officers of the Corps of Engineers to seek service by detail in such other arms and to neglect their own development as engineers.

Mr. President, I do not wish to take up more of the time of the Senate in discussing this measure. It seems to me that the amendment I have proposed is of the utmost importance, it is eminently fair to this great branch of the Army, and I sincerely hope that the chairman of the committee will not oppose it, but will accept it.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Louisiana.

Mr. WADSWORTH. Mr. President, I think a proper understanding of the status of the Engineer Corps, as provided in the bill, will do very much toward relieving the Senator of the impression that that corps is discriminated against by the failure of the committee to allow two brigadier generals as assistant chiefs.

Under the terms of the bill the Engineer Corps are made combat troops, placed upon the same basis as the Infantry, the Cavalry, the Field Artillery, the Coast Artillery, the Signal Corps, and the Air Corps. Being made combat troops, an officer of the Engineers is eligible for a brigadier generalship of the line, just as an Infantry officer, a cavalryman, a field artilleryman, or a coast artilleryman. There is no limit to the number of officers from the Engineer Corps who may be promoted to the grade of brigadier general of the line.

The incentive under the terms of the bill for officers to join the Engineer Corps and serve in it, in my humble judgment, is greater than at any former time; for, whether they could contend before that they were combat troops and their men eligible for brigadier generalships of the line and major generalships in the line, the matter was not entirely clear, and many members of the corps labored under the impression that when it came to the matter of promotion to the grade of brigadier general in the line, an Engineer officer was apt to be discriminated against. The bill places the Engineers upon exactly the same basis as the Infantry, Cavalry, and other combat branches. So the Engineers will have the same opportunity for promotion to the higher grades as every other combat branch.

Mr. RANSDELL. Does the Senator think it would be at all probable that an Engineer officer could be given an increased rank in any combat forces, except possibly in time of war, when their very great ability, as has been demonstrated in past wars, has brought about their promotion?

Mr. WADSWORTH. Oh, yes; in time of peace it is entirely possible. In fact, the President only the other day sent to the Senate the nomination of Col. Jervey to be brigadier general in the line. He is an Engineer officer.

Mr. RANSDELL. Can the Senator give any other illustration besides that one?

Mr. WADSWORTH. I think Gen. W. B. Connor is an Engineer. I know there are others, but I can not recollect their names offhand. That is the new idea in the service, and the bill is intended to perpetuate it. They are combat troops.

May I call attention to the proportions which the Senator has mentioned as existing under the bill between general officers of the different services and the other services? In the first place, the Senator probably has forgotten that we have amended the bill so that the Engineer Corps now, instead of having 900 officers, has 600. So the ratio of one general officer to 900 officers is a little inaccurate. It ought to be one general officer to 600 officers.

We will turn to the Air Corps, which is also not only a combat service, but in part a supply service. It supervises the manufacture of aeroplanes and motors. In that corps we have one chief of corps, with the rank of major general, and 1,550 officers, a much higher proportion of officers below the grade of general. In that corps the proportion is 1 to 1,550. In the Cavalry it is 1 to 950. In the Coast Artillery it is 1 to 1,200. In the Field Artillery it is 1 to 1,900. In the Infantry it is 1 to 4,500. In the Engineers it is 1 to 600. The smallest proportion of all is in the Engineers.

The committee considered the matter of assistant chief of this service, especially in connection with our consideration of the Engineer Corps, with the greatest care, and we have done the very best we can to lay out a workable plan by which each and every service will be able to function efficiently. The House bill carries one brigadier general as assistant chief in the Corps of Engineers. This bill carries none.

The Senator from Louisiana [Mr. RANSDELL] offers to amend the bill by adding two brigadier generals. My own impression is that the corps does not need two brigadier generals inside of its own organization, especially when we consider the fact that the incentive for promotion under the bill is as high as that in any other branch of the service. The committee gave this subject its special attention, and I think that the amendment should not be agreed to.

My secretary has just handed me a list of some Engineer officers who have been promoted and who have served as officers in the line.

Mr. RANSDELL. In time of peace?

Mr. WADSWORTH. Yes; Gen. Biddle, Gen. Kuhn, Gen. Sibert, Gen. Hodges, and Gen. McArthur, now superintendent of the West Point Military Academy, confirmed by the Senate a little while ago, and who is an Engineer officer. So it is not unusual, and it is going to be very frequent in the future.

Mr. RANSDELL. Will the Senator yield?

Mr. WADSWORTH. Certainly.

Mr. RANSDELL. Will the Senator kindly tell us what civil service Gen. Sibert and Gen. Hodges performed as generals except in connection with the Panama Canal? They were not generals when they went there. I remember their service very well. They were sent from the Engineer Corps of the Army because they were very fine engineers, to assist in building the Panama Canal.

Mr. WADSWORTH. That is very true, but since that——

Mr. RANSDELL. The Senator might have mentioned Gen. Goethals, who was there.

Mr. WADSWORTH. But he is not in the same category. He has never been a major general of the line that I can recollect, though he may have been. Gen. Sibert is a major general of the line of the Army.

Mr. RANSDELL. He was appointed a general because of his eminent service upon the Panama Canal.

Mr. WADSWORTH. Whatever the reason for his appointment, he was nominated and confirmed as a major general of the line and is serving as such now.

Mr. RANSDELL. I think the Senator will find upon an investigation that Gen. Sibert was given that high rank, and I believe some others were also given it, because of eminent civilian service as engineers.

Mr. WADSWORTH. Certainly; I do not deny that, but that is still possible.

Mr. RANSDELL. It was not a purely military service. The Senator is basing his argument, as I understand it, upon the fact that the other combat arms of the service have the same number of ranking officers as the Engineers. He treats this purely as a combat service, and my contention is that it is a very important civil service, that the civil service is just as important as the military service, and a very large number of men are engaged in the civil service. I showed in my remarks that we have fully 25,000 men in that service, and the very men to whom the Senator has alluded made a wonderful record as civilians on the Panama Canal work. I know particularly about Gen. Sibert and Gen. Hodges.

Mr. WADSWORTH. My recollection is not entirely clear. I think Gen. Goethals is a major general of the line. I am quite sure that he is. So the incentive is just as strong in the Engineer Corps as in any other branch of the Army. We have several instances of Engineer officers being promoted to the position of brigadier general or major general as a reward, of course, for distinguished service. That is why every officer gets promotion to that rank; it is for distinguished service in whatever branch he serves in.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Louisiana [Mr. RANSDELL].

The amendment was rejected.

Mr. SMITH of South Carolina. I move to reconsider the vote whereby the committee amendment on page 70 beginning at line 5 down to and including line 14 was agreed to.

Mr. WADSWORTH. After consultation with the Senator from South Carolina I will say that I have no objection to a reconsideration of the vote by which that amendment was agreed to, and then disagreeing to it.

The PRESIDING OFFICER. The Senator from South Carolina asks unanimous consent for a reconsideration of the vote by which the amendment on page 70 beginning with line 5 of the bill was agreed to. Without objection the vote is reconsidered.

Mr. SMITH of South Carolina. I now ask that the amendment be rejected.

The amendment was rejected.

Mr. JONES of Washington. I wish to ask the Senator from New York with reference to the provisions on page 66 about aliens entering into the training service. I spoke to him about it the other day. No action has been taken, and I think we should really strike out beginning with line 18.

Mr. WADSWORTH. That matter has been discussed since the bill was changed from one involving universal military training to that of voluntary training. I have discussed it with several Senators and there seems to be a disposition to agree that it should be taken out. I rather imagine that it would be taken out in conference, but I am perfectly willing to have it disposed of here.

Mr. JONES of Washington. Then I move to amend by striking out the paragraph on page 66, beginning in line 18 with the words "any male alien" and extending down to and including line 15 on page 67.

The amendment was agreed to.

Mr. McKELLAR. I offer the amendment which I send to the desk. I ask to have it read.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. On page 52, lines 2, 3, and 4, strike out the words "without changing the present position of any officer on the lineal list of his own branch, but otherwise as nearly as practicable"; on page 52, line 5, before the word "length," insert the word "total"; and on page 52, line 5, after the word "service," insert the words "in the United States service."

Mr. McKELLAR. Mr. President, in the discussion of the single list this matter has already been pretty fully discussed. I believe the single list for promotion is undoubtedly the best method of promoting officers in the Army, and I think the provision for a single list is a proper one; but I believe it ought to be based entirely upon the length of commissioned service. If the words are stricken out that I have moved to strike out, it will make the single list based entirely upon the length of commissioned service.

It is claimed that this happened a long time ago, and the inequity that these Spanish War officers have suffered has been suffered so long that it ought not now to be corrected. It is one of the purposes of the bill to correct inequalities of promotion that have heretofore existed in the Army, and I believe that when you correct one you should correct all.

It has been stated here that no complaint has ever been made. I find that a bill was introduced as far back as 1903 to make this correction. The truth is that young men who graduated from the Military Academy were placed ahead of young men who had volunteered in the Spanish War and had fought for their country at that time. That discrimination ought not to have been made at the time, and now is the best time in the world to correct it.

As was developed in the argument over the amendment offered by the Senator from Mississippi [Mr. HARRISON], the bill undertakes to iron out the inequalities that have heretofore existed, and we ought to iron them all out and base the matter wholly upon the length of commissioned service. The lineal list, in order to be fair, must have a basis that is fixed and determined, and not leave it to some one to arrange. I hardly know who would have the right to arrange the list. The wording of the bill is as follows:

shall be placed on the list without changing the present position of any officer on the lineal list of his own branch.

That gives to the War Department the right to continue this discrimination. I do not think it ought to be allowed. I am not going to discuss it further. I think all Senators know exactly what it is. It is a question of doing justice to these young men who fought for their country from 1898 to 1901. If we are going to do justice by the other Army officers and make the promotion equal and uniform throughout the Army, we ought to make it so for these officers who fought in that war.

Surely if there is any class of officers who are entitled to fair treatment in the method of promotion, it is the men who have actually fought during time of war. I submit that we should correct existing inequalities all at one time. The only way whereby we shall ever have an agreement that the adjustment is fair, is to make it absolutely fair from beginning to end, and to base rank entirely upon commissioned service. Then we shall have no more trouble about promotions, and no more special bills to promote men in the Army.

Mr. President, if there is nothing more to be said on the matter, I ask for a vote by yeas and nays.

Mr. WADSWORTH. Mr. President, just a word on this matter, which was debated to some extent a day or so ago. It is a question to which the committee has given a good deal of attention in making up the initial single list for promotion. As I said the other day, this situation arose back in 1901. It seems that at that time the Congress authorized the admission into the Regular service as officers of a group of officers who had served as volunteer officers during the Spanish-American War. It is to be assumed that at that time the Congress took into consideration the places which those officers were to occupy in their several grades in relation to the Regular officers with whom they were merged. Congress in that day inserted a provision apparently that these volunteer officers should not be credited for their service as such volunteer officers, but should in effect go de novo into the Regular service.

Is it fair to assume that that was an expression on the part of Congress which was expected to stand? It was a legislative act; it was an act of discretion, and the officers took their places under that provision of law. Since then there has been no disturbance of that provision of which I am aware. Neither am I aware that there has been any concerted move to have that old law of 1901 changed. Since 1901 down to the present year, 1920—practically 19 years—these officers have gone along in their original status as provided by that act of Congress in 1901. They have had their promotions from time to time, and most of those who went in as second lieutenants or first lieutenants at that day are undoubtedly majors and lieutenant colonels to-day.

The matter has been long settled, and apparently, in view of the fact that there has been no concerted action in all this time to change that law of 1901, the situation has been accepted by the majority of them.

Now we come to write a promotion list, and it is proposed by the Senator from Tennessee, in effect, to repeal the act of 1901 and to put this little group of officers upon the promotion list in the places which they would occupy upon that list if Congress had not expressed its desire and its preference in the act of 1901. The impression of the committee is that that is going too far back; that the situation has been accepted for too long a time; and that were we to do what the Senator from Tennessee suggests we would disrupt a settled state of affairs. In fact, my own information is that some of these officers—perhaps not many of them—by reason of the amendment of the Senator from Tennessee would be jumped 300 numbers over the heads of men under whom they have been rated for 19 years. I think the disruption would be too great to warrant attempting to repeal that old act.

Mr. SMITH of South Carolina. If the Senator will permit me to ask him a question, I desire to say that I did not catch the explanation as to the law of 1901, which provided for the status of the Regular officers who served as volunteer officers in the war with Spain.

Mr. WADSWORTH. The act of 1901 in providing for admission into the Regular Army of a certain number of volunteer officers who served in the Spanish-American War provided at the same time that in assigning those men to the Regular service in their respective grades no credit should be given for the length of time during which they had served as volunteer officers. They came into the service and took their places without that credit. Now it is proposed, 19 years later, to give them that credit in the arrangement of the single list, though the situation has been accepted for 19 years.

Mr. SMITH of South Carolina. It is proposed to give them all credit for the time that they served as volunteers in the Spanish-American War?

Mr. WADSWORTH. Yes. They came into the Army knowing full well that they were not going to have that credit, because the Congress of that day said they should not have it. Now the Senator from Tennessee asks that they be given that credit.

Mr. SMITH of South Carolina. But these officers having been incorporated into the Regular Army will get their promotion necessarily under this provision as their length of service justifies.

Mr. WADSWORTH. Oh, yes; except that their volunteer service in the Spanish-American War will not count.

Mr. McKELLAR. That part of their service during which they were fighting for their country in the Spanish-American War will be excepted; that will be entirely left out.

Mr. SMITH of South Carolina. As I understand the Senator from New York, under the act of 1901, the officers referred to went into the Regular Army with a full understanding of the law and knowing that they would not get that credit.

Mr. McKELLAR. Yes; and they have ever since been complaining of the inequalities of the law. If we are to put all officers on the single list, why should we discriminate against these young men who started their careers by fighting for their country? Because Congress has discriminated against them heretofore is no reason why we should now discriminate against them. If we are going to put them all on the basis of length of commissioned service—and that is the only way it ought to be done—why not make the rule apply to all those who have been in the service of the United States as commissioned officers for the whole length of such service?

Mr. WARREN. Will the Senator yield to me at that point?

Mr. McKELLAR. I have not the floor, but I will gladly yield.

Mr. WARREN. Mr. President, I happen to recall the circumstances surrounding the admission of these volunteer officers into the commissioned personnel of the Regular Army. As the Senator from Tennessee will remember, the Spanish-American War was not an extended war, so a great many of the officers did not get into action and had next to no military training. The argument, which was irrefutable, then was that these officers should not be put in along with those who had spent years in acquiring a military education, for they would have to be educated along military lines after they came in, which was a fact. They were admitted, and then were sent to Army service schools for one, two, three, or four years, which, so far as their actual service was concerned, was lost time to the Government of the United States. They received the Regular Army pay and allowances while they were obtaining the training which was requisite to put them on an equal footing with other officers. For that reason the law to which the chairman of the committee, the Senator from New York [Mr. WADSWORTH], has referred was enacted.

Mr. McKELLAR. Mr. President, assuming that the Senator from Wyoming is correct as to that, the same thing exactly is true of graduates from West Point. Their service is counted from the time they enter the academy and not when they leave it, and yet it is proposed to put them ahead of the young men who were commissioned following their service in the Spanish-American War.

Mr. WADSWORTH. Will the Senator yield there?

Mr. McKELLAR. I yield to the Senator from New York.

Mr. WADSWORTH. West Point service is not credited on the single list.

Mr. McKELLAR. It has been, as I understand, in the case of those who have heretofore graduated from West Point. Their service has been counted from the time they entered the academy, including their service at West Point.

Mr. WADSWORTH. Not under the single-list provision. We are now discussing the single-list provision.

Mr. McKELLAR. It will have that effect. Length of service has been computed from the time they entered the academy, and now it is proposed to give them the benefit of that and to exclude from consideration the service rendered by officers who were fighting for the country at the time of the Spanish-American War. The provision is not at all fair to those officers. All ought to be treated alike, and especially officers who served as volunteers in time of war ought to have as much credit for the service they actually rendered in war as other officers have for the time they spent in the academy.

I ask for the yeas and nays on the question.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Tennessee, on which he asks for the yeas and nays.

The yeas and nays were ordered, and the Reading Clerk proceeded to call the roll.

Mr. FRELINGHUYSEN (when his name was called). I have a general pair with the junior Senator from Montana [Mr. WALSH]. I transfer that pair to the junior Senator from Washington [Mr. POINDEXTER] and vote "nay."

Mr. KENDRICK (when his name was called). I have a general pair with the Senator from New Mexico [Mr. FALL]. As I am unable to secure a transfer I will withhold my vote. If permitted to vote, I should vote "nay."

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the senior Senator from South Dakota [Mr. STERLING]. In his absence, I withhold my vote.

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. McCUMBER]. In his absence, I withhold my vote. I ask to be counted for a quorum.

Mr. TRAMMELL (when his name was called). I have a pair with the Senator from Rhode Island [Mr. COLT]. I transfer that pair to the Senator from Nebraska [Mr. HITCHCOCK] and vote "yea."

Mr. UNDERWOOD (when his name was called). I transfer my general pair with the junior Senator from Ohio [Mr. HARDING] to the senior Senator from Tennessee [Mr. SHIELDS] and vote "yea."

Mr. WOLCOTT (when his name was called). I have a general pair with the Senator from Indiana [Mr. WATSON]. In his absence I am not at liberty to vote, and can not secure a transfer of the pair. If at liberty to vote, I should vote "yea."

The roll call was concluded.

Mr. JONES of New Mexico. I desire to announce the absence of the junior Senator from Utah [Mr. KING] on official business.

Mr. GLASS. I transfer my general pair with the senior Senator from Illinois [Mr. SHERMAN] to the junior Senator from Kentucky [Mr. STANLEY] and will vote. I vote "yea."

Mr. KELLOGG. I transfer my pair with the senior Senator from North Carolina [Mr. SIMMONS] to the senior Senator from Iowa [Mr. CUMMINS] and vote "nay."

Mr. LODGE. I have a general pair with the senior Senator from Georgia [Mr. SMITH]. I transfer that pair to the junior Senator from California [Mr. JOHNSON] and vote "nay."

Mr. WOLCOTT. I transfer my general pair with the senior Senator from Indiana [Mr. WATSON] to the senior Senator from Texas [Mr. CULBERSON] and vote "yea."

Mr. KIRBY. I have a pair with the senior Senator from Wisconsin [Mr. LA FOLLETTE], who is absent on account of illness. I transfer that pair to the junior Senator from Utah [Mr. KING] and vote "nay."

Mr. SMITH of South Carolina. I transfer my pair with the Senator from South Dakota [Mr. STERLING] to the Senator from California [Mr. PHELAN] and vote "yea."

Mr. SUTHERLAND (after having voted in the negative). I have a general pair with the senior Senator from Kentucky [Mr. BECKHAM]. I transfer that pair to the junior Senator from Kansas [Mr. CAPPER], and will allow my vote to stand.

Mr. MOSES. I have a general pair with the junior Senator from Louisiana [Mr. GAY]. In his absence I transfer that pair to the junior Senator from Colorado [Mr. PHIPPS] and vote "nay."

Mr. MYERS. I have a general pair with the junior Senator from Connecticut [Mr. McLEAN], who is absent. I transfer that pair to the senior Senator from Missouri [Mr. REED] and vote "nay."

Mr. McKELLAR. The Senator from Rhode Island [Mr. GERRY] and the Senator from Virginia [Mr. SWANSON] are absent on official business.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Delaware [Mr. BALL] with the Senator from Florida [Mr. FLETCHER];

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN];

The Senator from West Virginia [Mr. ELKINS] with the Senator from Oklahoma [Mr. GORE];

The Senator from Maine [Mr. FERNALD] with the Senator from South Dakota [Mr. JOHNSON];

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS]; and

The Senator from Michigan [Mr. TOWNSEND] with the Senator from Arkansas [Mr. ROBINSON].

The roll call resulted—yeas 20, nays 27, as follows:

YEAS—20.

Ashurst	Gronna	Overman	Smith, S. C.
Chamberlain	Harris	Pittman	Trammell
Comer	Jones, N. Mex.	Ransdell	Underwood
Dial	McKellar	Sheppard	Walsh, Mass.
Glass	Nugent	Smith, Ariz.	Wolcott

NAYS—27.

Brandegee	Henderson	Lodge	Pomerene
Calder	Jones, Wash.	McCormick	Smoot
Curtis	Kellogg	McNary	Spencer
Dillingham	Keyes	Moses	Sutherland
France	Kirby	Myers	Wadsworth
Frelinghuysen	Knox	New	Warren
Hale	Lenroot	Page	

NOT VOTING—49.

Ball	Fall	Johnson, Calif.	Newberry
Beckham	Fernald	Johnson, S. Dak.	Norris
Borah	Fletcher	Kendrick	Owen
Capper	Gay	Kenyon	Penrose
Colt	Gerry	King	Phelan
Culberson	Gore	La Follette	Phipps
Cummins	Harding	McCumber	Poindexter
Edge	Harrison	McLean	Reed
Elkins	Hitchcock	Nelson	Robinson

Sherman	Smith, Md.	Thomas	Williams
Shields	Stanley	Townsend	
Simmons	Sterling	Walsh, Mont.	
Smith, Ga.	Swanson	Watson	

The PRESIDING OFFICER. On the amendment of the Senator from Tennessee [Mr. MCKELLAR] the yeas are 20 and the nays are 27, Senators KENDRICK and THOMAS being present and not voting, thus constituting a quorum. The amendment is rejected. The bill is still before the Senate as in Committee of the Whole and open to amendment.

Mr. HARRISON. Mr. President, if there is no other amendment pending I should like to ask the Senator from New York a question. On last Monday, I believe, he offered an amendment, which was adopted without discussion, reducing the number of officers in the Corps of Engineers from 900 to 600. That was a much larger proportion of decrease than in the other branches of the service. I have some data here that show that they now need at least 623 officers in the Engineer Corps. Before the war, I believe, there were 502 officers in the Engineer branch of the service. Very frequently it has been the case—I know I have experienced it myself—that in doing river and harbor work the War Department was not able to make any new districts or even to place officers in the old districts because of the lack of officers in the Engineer branch. In view of all these circumstances, does not the Senator from New York think it would be better to amend his amendment by making the number, say, 700 instead of 600, so that there will be no question about it?

I understand that the General Staff or the President can either reduce or increase the various branches under the reorganization bill; but that procedure involves red tape, and it seems to me that in view of these circumstances we ought not to make such a great decrease in the Engineer branch.

Mr. WADSWORTH. Mr. President, the redistribution of personnel which was made necessary by the adoption of volunteer training as contrasted with universal military training was worked out as practically, and I may say as scientifically, as we could do it. It is a distribution which is not fixed, as the Senator has said. It is an allotment. The number of officers in any branch can be increased. Of course, it must be done, however, by taking that increase either from the detached officers' list or from some other branch of the service, whichever has the need for officers. We believed that the number of 600 was very close to what the Engineer Corps actually need. If they need 643 I think there will be no trouble about their getting them. All they have to do is to prove their case to the Secretary of War, who, of course, acts for the President. It does not really mean the President.

Mr. HARRISON. They would have to go through that formality, and the Secretary of War can say that the Military Affairs Committee of the Senate weighed this matter and gave great consideration to it and put the number in the Engineer Corps at 600, and that might have great weight with him. In view of the fact that the number of officers was decreased on the motion of the Senator from New York after the bill had been prepared and had been under discussion here for days, when the total number of officers was decreased from 18,000 to 17,000, I believe, in all of the branches, it seems to me that it is a little too much of a decrease to go from 900 to 600 in the Engineers alone.

Mr. WADSWORTH. Mr. President, there is one other thought that I have in mind. The Senator from Wisconsin [Mr. LENROOT] has reserved his amendment that has to do with the construction division. The Senator will renew his amendment as soon as the bill comes into the Senate. Should he be successful in his effort to strike out the separate construction division, he will then offer an amendment, as I understand it, to place the construction work, with the exception of the utilities, under the Engineer Corps. That, ordinarily, would require an addition to the Engineer officers. The number of officers that the Engineer Corps have said they would require if they were given the construction work is 130. I have discussed this matter with the Senator from Wisconsin in the hope that in the event his amendment should succeed—and I hope it will not—we would not have to indulge in redistribution and reallotment of the personnel under this bill, but would rather rely upon the elastic features and the detached officers' list.

We now have under this bill approximately 1,100 officers available on the detached list. The bill says that the maximum on the detached list shall be 1,500; but our allotments here, and the needs of the service as prescribed in the bill, actually reduce that number to 1,100 available officers. Now, we might from that number of 1,100 available officers use some of those detached officers to reinforce the Engineer Corps. It can be done by the War Department itself. I do not know what the intention of the Senator from Wisconsin is as to whether, in the event that he succeeds in striking out the separate construction division and putting the construction under the Engineers, he then intends to offer another amendment increasing the number of Engineer officers.

Mr. LENROOT. I will say to the Senator that I do intend to do so.

Mr. WADSWORTH. You see, then, that adds 130. I have grave doubt that we ought to go any further. That would make it 730.

Mr. HARRISON. Yes; but the chances are that the amendment of the Senator from Wisconsin may not prevail, even though I hope it will prevail.

Mr. WADSWORTH. If it does not prevail, I for one have no objection to making it——

Mr. HARRISON. I suggest making it 650. They say they require 643.

Mr. WADSWORTH. Give them 650, then.

Mr. HARRISON. I do not want to see that particular branch suffer, because it is doing an important work. As I understand the Senator, then, if the amendment of the Senator from Wisconsin should be defeated, he will not oppose an amendment to the bill making it 650?

Mr. WADSWORTH. I would accept that amendment under that set of circumstances.

Mr. LENROOT. Mr. President, if the Senator will yield, of course, if my amendment should be successful, it would require a larger number than that—650 plus 130.

Mr. WADSWORTH. That is where I begin to have my doubts.

Mr. LENROOT. Of course, if he is correct, they require 643 now, and if I shall be successful in my amendment they will require 130 more, because the separate construction division provides for 200.

Mr. WADSWORTH. One hundred and fifty.

Mr. LENROOT. One hundred and fifty.

The PRESIDING OFFICER. The bill is still before the Senate as in Committee of the Whole and open to amendment. If there be no further amendment to be proposed——

Mr. HARRISON. Has the Senator from Wisconsin [Mr. LENROOT] reserved his amendment for a separate vote in the Senate?

The PRESIDING OFFICER. He has given notice that he will reoffer it in the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The PRESIDING OFFICER. The bill is in the Senate and still open to amendment.

Mr. LENROOT. I now move to strike out section 37 of the bill.

Mr. KIRBY. Does that relate to the separate construction division?

Mr. LENROOT. It does.

The PRESIDING OFFICER. The Senator from Wisconsin moves to strike out section 37 of the bill.

Mr. LENROOT. Mr. President, I shall say only a word regarding this amendment. It is the same proposition which was defeated in the Committee of the Whole by one vote. I propose to strike out the provision for a separate construction division, and if the amendment shall be successful I shall follow it up with an amendment placing all new construction the estimated cost of which exceeds $25,000 under the Engineer Corps, and another amendment placing the operation and maintenance of these utilities in the Quartermaster Corps. I ask for the yeas and nays on agreeing to my amendment.

The yeas and nays were ordered, and the Reading Clerk proceeded to call the roll.

Mr. FRELINGHUYSEN (when his name was called). Making the same announcement that I made before, I vote "nay."

Mr. KELLOGG (when his name was called). I have a general pair with the Senator from North Carolina [Mr. SIMMONS], and in his absence I withhold my vote.

Mr. KENDRICK (when his name was called). I have a general pair with the Senator from New Mexico [Mr. FALL]. I have been given to understand that if he were present he would vote as I shall vote on this amendment. I vote "nay."

Mr. KIRBY (when his name was called). I have a general pair with the senior Senator from Wisconsin [Mr. LA FOLLETTE], who is absent on account of illness. I transfer that pair to the Senator from Utah [Mr. KING] and vote "yea."

Mr. LODGE (when his name was called). Making the same announcement as before as to my pair and its transfer, I vote "nay."

Mr. MOSES (when his name was called). I have a general pair with the Senator from Louisiana [Mr. GAY]. In his absense I transfer my pair to the junior Senator from Iowa [Mr. KENYON] and vote "nay."

Mr. SUTHERLAND (when his name was called). Making the same announcement as before with reference to my pair and its transfer, I vote "nay."

Mr. UNDERWOOD (when his name was called). I transfer my general pair with the junior Senator from Ohio [Mr. HARDING] to the senior Senator from Tennessee [Mr. SHIELDS] and vote "yea."

Mr. WOLCOTT (when his name was called). I have a general pair with the Senator from Indiana [Mr. WATSON]. He is not present, and I am therefore not at liberty to vote.

The roll call having been concluded,

Mr. GLASS. I have a general pair with the senior Senator from Illinois [Mr. SHERMAN]. In his absence I withhold my vote.

Mr. DILLINGHAM (after having voted in the negative). I observe that the Senator from Maryland [Mr. SMITH], with whom I have a general pair, is absent. I transfer my pair to the Senator from Iowa [Mr. CUMMINS] and allow my vote to stand.

Mr. TRAMMELL. I have a general pair with the Senator from Rhode Island [Mr. COLT]. In his absence I transfer my pair to the Senator from Nebraska [Mr. HITCHCOCK] and vote "yea."

Mr. MYERS. I make the same transfer of my pair as on the last vote, and vote "nay."

Mr. MCKELLAR. The Senator from California [Mr. PHELAN] and the Senator from Utah [Mr. KING] are absent on official business.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Delaware [Mr. BALL] with the Senator from Florida [Mr. FLETCHER];

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN];

The Senator from West Virginia [Mr. ELKINS] with the Senator from Oklahoma [Mr. GORE];

The Senator from Maine [Mr. FERNALD] with the Senator from South Dakota [Mr. JOHNSON];

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS]; and

The Senator from Michigan [Mr. TOWNSEND] with the Senator from Arkansas [Mr. ROBINSON].

The result was announced—yeas 18, nays 33, not voting 45, as follows:

YEAS—18.

Dial	Jones, Wash.	Nugent	Smoot
Gerry	Kirby	Overman	Trammell
Gronna	Lenroot	Pomerene	Underwood
Harris	McKellar	Ransdell	
Harrison	McNary	Smith, S. C.	

NAYS—33.

Ashurst	Henderson	Myers	Sutherland
Brandegee	Jones, N. Mex.	New	Swanson
Calder	Kendrick	Page	Thomas
Chamberlain	Keyes	Phipps	Wadsworth
Curtis	Knox	Pittman	Walsh, Mass.
Dillingham	Lodge	Sheppard	Warren
France	McCormick	Smith, Ariz.	
Frelinghuysen	McCumber	Spencer	
Hale	Moses	Sterling	

NOT VOTING—45.

Ball	Fletcher	McLean	Simmons
Beckham	Gay	Nelson	Smith, Ga.
Borah	Glass	Newberry	Smith, Md.
Capper	Gore	Norris	Stanley
Colt	Harding	Owen	Townsend
Comer	Hitchcock	Penrose	Walsh, Mont.
Culberson	Johnson, Calif.	Phelan	Watson
Cummins	Johnson, S. Dak.	Poindexter	Williams
Edge	Kellogg	Reed	Wolcott
Elkins	Kenyon	Robinson	
Fall	King	Sherman	
Fernald	La Follette	Shields	

So Mr. LENROOT's amendment was rejected.

Mr. HARRISON. In view of the suggestion of the Senator from New York [Mr. WADSWORTH] a few moments ago when the bill was in the Committee of the Whole, I ask unanimous consent that the vote on the amendment on page 20, lines 5 and 6, by which the number of officers in the Engineer Corps was reduced from 900 to 600, be reconsidered, and that the bill be amended on page 20, line 6, by striking out before the word "officers" the words "nine hundred" and inserting the words "six hundred and fifty."

The PRESIDING OFFICER. The Senator from Mississippi asks unanimous consent that the vote by which the number of officers in the Engineer Corps was reduced shall be reconsidered. Is there objection? The Chair hears none. The Secretary will report the amendment.

The READING CLERK. On page 20, line 6, before the word "officers" strike out the words "nine hundred" and insert the words "six hundred and fifty."

The amendment was agreed to.

Mr. WADSWORTH. Mr. President, as there seems to be no further amendment to be offered, I ask unanimous consent to take up House bill 12775, which is the House Army reorganization bill, reported from the Committee on Military Affairs this morning.

The PRESIDING OFFICER. The Senator from New York asks unanimous consent that the Senate proceed to the consideration of the bill (H. R. 12775) to amend an act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 12775) to amend an act entitled "An act making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916.

Mr. WADSWORTH. I move to amend House bill 12775 by striking out everything after the enacting clause and substituting the perfected text of Senate bill 3792 as amended.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from New York.

Mr. REED. There was a little confusion in the Chamber, and I could not hear what the proposition was.

The PRESIDING OFFICER. The Senator from New York has moved to strike out all after the enacting clause of H. R. 12775, now before the Senate for consideration, and insert in lieu thereof the perfected text of Senate bill 3792, the bill which has been under consideration by the Senate.

Mr. REED. Would that cut off all further amendments?

The PRESIDING OFFICER. It will not cut off any amendment by way of perfecting the text of either one of the bills, but if the Senate is going to vote upon the question now it will have to vote upon the bill as perfected in the Senate as a substitute for the House bill.

Mr. REED. Mr. President, I desire very much to see the size of this Army of 300,000 reduced to not more than 200,000 troops. I had intended offering an amendment to that effect, but I never want to do anything that is utterly useless or attempt to do a thing utterly impossible of accomplishment. Taking into consideration the votes which have already been cast upon kindred propositions, and which unmistakably manifest the set purpose of the Senate, I am certain that an amendment such as I have authored would be overwhelmingly defeated. The spirit of militarism seems to possess the Senate. Accordingly all I can do is to register my protest against a bill which will burden the country unnecessarily, and this at a time when the country is carrying a load so enormous that the people are staggering beneath it.

I realize that it is useless to offer such an amendment, and I shall not offer it, but I am going to venture the prediction that it will not be very many months before it will be discovered that the sentiment of the country is against this step toward Prussianization.

A standing Army of 300,000 men in the United States, 250,000 men in the Navy, and a National Guard, which the Senator from New York [Mr. WADSWORTH] insists can thrive and prosper under this bill, is a Military Establishment larger than we need and larger than can be justified by any kind of logic or by the citation of any reason. The Army is three times that of any Army we have ever had in a time of peace.

There never has been a period—in recent years, at least—when we were in so little need of a great Army as now. As the country has grown I am willing to see an increase proportionate to the growth of the country, but an Army in excess of 200,000 men at this time can not be justified.

I repeat what I have said before, Whom are we going to fight? If it is Mexico, we do not need a standing Army of 300,000 for that purpose. It certainly is not Germany or Austria; they are helpless. It is not our allies in the late war, I hope. But this Army is nevertheless to be fastened upon us. All I can do is to utter my protest. I shall utter it elsewhere. I think the whole of the country is returning to a normal condition. I think the country in that respect is far in advance of the Congress, particularly of the Senate. I believe an appeal to the people will demonstrate the accuracy of my expressed judgment.

Bear in mind that this Army is to cost, man for man, probably three times what any army has heretofore cost; that the pay has been increased; that the cost of subsistence has been increased; and that the burden will be grievously felt. The new Army—not including the Navy—will cost $600,000,000 per annum. That is a fixed charge, to go on year after year. It is three times the cost of the German army in time of peace. It is a tax of $6 for every man, woman, and child in the United States. It is a tax of $30 per year on the head of a family of five persons.

I warn the Senate that we will not always have "Flush times in Alabama," by which I, of course, mean flush times in the United States. There is every probability that there will be a default, temporary or permanent, in many of our foreign loans. Indeed, a temporary default is a certainty; it has already occurred. The taxpayers of America must go into their pockets and keep up the interest on our bonds, the proceeds of which we loaned to foreign countries, now in default. We have shoveled out American dollars to foreign countries since the armistice to the tune of nearly two thousand millions of dollars, and I believe the major part of it has gone to absolutely bankrupt countries. Pay day is coming, and the only way to get ready for pay day is to cut down our expenses and, if possible, keep up our income.

The idea that the United States can endure anything, any amount of bloodletting, is one of many errors into which our egotism too often has led us. A single poor crop in the United States and we will confront a condition that will be very hard to meet. This Government can not afford to default in the interest on our obligations, even though the proceeds thereof went to other countries that have defaulted to this Government. We must reduce expenses, and one of the safest places in the world to reduce is by a reasonable reduction in the size of our standing Army.

Why is it that we are even thinking about an army of 300,000 men? Let me answer my own question. It is because the military spirit seized the executive department of the Government, because they sent down a bill here demanding 576,000 Regular soldiers. I suppose that the Committee on Military Affairs thought they were doing very well when they pared that down to 300,000. But no such bill should have been sent here in the first place.

Of course, if you leave it to the officers of the Army they will say exactly what they have always said, that they want "a large and efficient Army." I do not blame the officer of the Army; he looks at it from his own peculiar standpoint. He was born somewhere on a farm or in some village or city, and at the age of 16 or 17 was sent down to West Point and put in a military strait-jacket and taught the art of fighting, and he has done mighty well at it. I am not here to reflect for a single instant upon him, but he lives that life and he looks at all conditions from the standpoint and through the atmosphere of the professional soldier. If you let him have his way we will have an Army of a million men. But the Congress ought to take a view that embraces the whole country and all of its interests.

I have never been a pacifist; I have never been in favor of national disarmament. I think disarmament as taught by some is the idlest dream that ever filled the brain of man. If you disarmed the white race to-morrow the yellow race would control the world the day after to-morrow. The thing that has made possible white civilization has been the ability of the white man to defend himself against all comers, and he could only do that because he had arms in his hands superior to those possessed by barbarians. I am perfectly willing to agree to a limitation of armament, but to talk about disarmament is an idle thing. I say that so that my other remarks will not be misunderstood.

Striking a balance between the foolishness of disarmament and the extreme view of a great army, I am unable to find any necessity or justification for 300,000 professional soldiers in a time of profound peace in this country. It would be a good deal better if the most of them were engaged in useful occupations, helping to produce and to fill the gap that is now existing between production and consumption. That gap is, after all, the chief reason for the high cost of living. If you make 10 per cent more shoes than the people of the country need to wear, the price of shoes will come down. If you have 10 per cent less shoes than the people need to wear, the price of shoes will go up. That is true of every other thing we use. The gap between production and consumption was caused by the withdrawal of a vast number of men from the avocations of peace and the productive occupations and putting them upon the field of battle where, of course, they had to go, and where they did magnificent work; but the loss of their labor and their products is nevertheless upon us.

I have asked the question, Why this Army? I have asked it a half dozen times on the floor of the Senate, and I have received nothing but the silence of a cynical smile from Senators who are proponents of the bill. I have inquired whether we are creating this Army because of imaginary internal troubles. One Senator made an argument of that kind, but I think he afterwards recanted it, or explained it away.

We have some strikes, and we will have some. We have some lockouts, and we will have some. There has not been a strike yet requiring any such body of troops as this, and I surely think some means can be devised by which the strike as a permanent institution in our country can be abolished and an equitable way provided for the settlement of disputes between labor and capital.

I am not in favor of creating this sort of an army because there may be some possible strikes. I am not in favor of doing so upon the theory that the American people are disloyal. They are not disloyal. Let any community in the United States be convinced that it has a really disloyal man in its midst and it will run him out or hang him before the posse comitatus can get there to protect him. Lurid headlines in the papers about some slight disturbance, picturing it as though it were a war, help to keep the public mind excited over dangers that are largely of the imagination. I ask Senators—I ask the people of the country—to examine the conditions of the communities where they live, where they know the people. Inquire whether they are law-abiding, loyal, or disloyal. Speaking of my own State, I could find a horse thief a good deal easier than I could an anarchist or a traitor, and we have not any superabundance of horse thieves; besides we have some associations that would attend to them if the officers were to prove inefficient.

We ought to get the blood out of our heads. We should know that the war is over and that America is out of it. Some of you ought to realize that you can not put her back into it. Try to pass a bill to raise an army to send over to Russia now! Try to pass a bill to raise an army to send over to Japan or China on account of Japan's seizure of Shantung; try to pass a bill to send our Army over to make war on Italy over Fiume or any other question; try to pass a bill to send another American soldier across the water; approach the question from that angle, and see how far you will get. If you vote for it, go back home and see what your people have to say about it. The American people will not tolerate it.

Another thing they will not tolerate is the use by armies of moneys appropriated to feed starving women and children.

Mr. President, I have entered my protest. I am powerless to change the existing situation. I say that an army of more than 200,000 men in this country at this time is a crime against the taxpayers; that it is unnecessary; and that it ought not to be imposed upon the American people.

Mr. McKELLAR. Mr. President, just a moment before the final vote is taken and the bill is passed. The highest amount, according to the records that I have been able to find, that was ever paid out by any nation in time of peace for its army was paid out by Germany in the year preceding the late World War, and the highest amount that Germany ever paid for its army up until 1913 was $200,000,000. The provisions of the pending bill can not be enforced at an expense of less than $600,000,000. Senators are going to make this bill the law, and they are going to tax the American people at least $600,000,000 for a peace-time military organization. The burden is going to be on those of you who vote for it. I do not propose to do so.

In addition to that, you are fixing the power and control of the Army in the hands of a military caste in this country, which, in my humble judgment, ought not to be done. We ought to have a democratic army in this country, and not a militaristic régime patterned after Germany. We have defeated the German army with the young men of this country; and yet after they won the war we are by this bill deliberately turning our backs on our own military traditions and institutions of the past and accepting the German military system that has brought nothing but ruin to Germany, and which came very near bringing ruin to the world.

Remember, Senators, that when you pass this bill you are voting for an army three times as expensive as any nation ever had in time of peace. I protest against its passage. I believe the bill is un-American; I believe it is unfair to the American people at this time to tax them in any such way. I do not think the bill ought to pass.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New York.

Mr. REED. I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from Missouri asks for the yeas and nays.

Mr. WADSWORTH. Does the Senator from Missouri desire the yeas and nays on the substitution or on the final passage of the bill?

Mr. REED. I desire the yeas and nays on the passage of the bill.

Mr. WADSWORTH. The pending question is on the substitution of the Senate bill for the House bill.

Mr. REED. I withdraw the request for the yeas and nays on that.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from New York.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is before the Senate, as in Committee of the Whole, and open to amendment. If there be no further amendments to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended and the amendment was concurred in.

Mr. STERLING. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The Senator from South Dakota offers an amendment, which will be stated.

The READING CLERK. It is proposed to amend section 42 of the bill by striking out the last two words on line 8 and all of lines 9 to 11, inclusive, and all of line 12, page 50, to and including the word "major," and by inserting in lieu thereof the following:

Provided, That from among such persons there shall be appointed not less than 12 colonels, 150 lieutenant colonels, and 750 majors, such appointments to be made upon the recommendation of the chief of the arm, branch, service, bureau, or department in which the officer has served or is serving, and the concurrence of the board of general officers herein provided. No such person below the age of 48 years shall be appointed to the grade of colonel or below the age of 42 years to the grade of lieutenant colonel, or below the age of 32 years to the grade of major.

Mr. STERLING. Mr. President, I hope the chairman of the committee will be willing to accept the amendment and let the matter go to conference. I had not anticipated discussing the question at any length, but I will say that the main purpose of the amendment is to allow the appointment of emergency officers, those outside of the Regular Army, to the grades of colonel, lieutenant colonel, and major, and to give emergency officers, or those on the list of emergency officers, fair representation in these appointments. That is the main purpose of the amendment. It has one further object, and that is to reduce slightly the age so that persons of 32 years of age may hold the position of major. I had occasion to comment on that aspect of the matter a few days ago, and referred to the fact that great wrong would be done certain majors, especially in the Judge Advocate General's Department, by fixing the age at 34 years, as proposed by the bill. This amendment fixes definitely the number of these officers as determined by Congress, and it is not left absolutely to the determination or recommendation of officers of the Regular Army and as they may be influenced by personal relationship or feeling.

I think it a most meritorious amendment. It simply gives to those outside of the Regular Army, and who have ably served their country, the recognition to which they are justly entitled. I trust at least that the amendment may be accepted by the chairman of the committee and may go to conference.

Mr. KING. Mr. President, will the Senator permit an inquiry?

Mr. STERLING. I yield to the Senator.

Mr. KING. I ask the question for information, because I do not apprehend quite clearly the purpose or the effect of the Senator's amendment. As I understand, the Senator suggests that this amendment is to take care of an emergency and to permit, automatically, the transfer to the Regular Army, or, at least, to invest with the powers of Army officers a large number of persons who are now upon the reserve list.

Mr. STERLING. Yes; I so understand. They are upon the reserve list and not a part of the Regular Establishment.

Mr. KING. The emergency which the Senator has in mind obviously must be a war or the enlargement of the Army.

Mr. STERLING. No; the Senator is under a misapprehension. These are termed "emergency men or emergency officers." That, I think, is a general term given those who do not belong to the Regular Army or the Regular Establishment, who served in the war, who enlisted voluntarily, or who were conscripted and brought into the service in that way, and the idea is that they may have recognition and a fair chance for promotion with the men of the Regular force.

Mr. WADSWORTH. Mr. President, just a word upon this amendment. I shall not delay the Senate.

Let me say for the information of the Senator from Utah that the bill provides that half of all the vacancies created in the commissioned personnel of the Regular Army by the terms of this bill must be filled by the appointment of men who have been officers in the recent war—that is, emergency or citizen officers in the recent war—and a certain series of age limitations is placed upon those men in the several grades. Under the terms of the bill no man who is below the age of 34 can be appointed a major in the Regular Army from civil life or from among these emergency officers. While we provide that half of all the officers that are to be appointed in the Regular Army must be these veteran citizen officers, we do not attempt to say how many of them shall be colonels, or how many lieutenant colonels, or how many majors. The amendment of the Senator from South Dakota makes it mandatory upon the President to appoint at least 12 of them as colonels, 150 of them as lieutenant colonels, and 750 of them as majors, whether they are fit for it or not.

Mr. STERLING. Oh, no, Mr. President.

Mr. WADSWORTH. It says "not less."

Mr. STERLING. I do not think any question can arise as to the fitness of the men that may be selected and that will be recommended for appointment to these various places, nor do I think the Senator from New York believes that any question will arise as to their fitness. They will be recommended, of course, by the chief of their particular branch of the service, which recommendation must be concurred in by a board of competent general officers, as provided by the amendment itself, Mr. President.

I think in all fairness that the amendment should be adopted.

Mr. WADSWORTH. Mr. President, the amendment reads that not less than this number must be appointed.

The PRESIDING OFFICER. The question is on the amendment of the Senator from South Dakota [Mr. STERLING].

The amendment was rejected.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The question is, Shall the bill pass?

Mr. REED and Mr. McKELLAR called for the yeas and nays, and they were ordered.

The PRESIDING OFFICER. The Secretary will call the roll.

The Reading Clerk proceeded to call the roll.

Mr. FRELINGHUYSEN (when his name was called). Making the same announcement that I made before, I vote "yea."

Mr. KENDRICK (when his name was called). I have a general pair with the Senator from New Mexico [Mr. FALL], but I am informed that he would vote with the committee on this bill, so I feel at liberty to vote. I vote "yea."

Mr. KIRBY (when his name was called). I have a pair with the senior Senator from Wisconsin [Mr. LA FOLLETTE]. Not knowing how he would vote on this bill, I transfer that pair to the senior Senator from Texas [Mr. CULBERSON] and will vote. I vote "yea."

Mr. GRONNA (when Mr. LA FOLLETTE's name was called). The senior Senator from Wisconsin [Mr. LA FOLLETTE] is necessarily absent and is paired with the Senator from Arkansas [Mr. KIRBY]. If present, the Senator from Wisconsin would vote "nay."

Mr. LODGE (when his name was called). Making the same announcement as before, I vote "yea."

Mr. GRONNA (when Mr. NORRIS's name was called). The junior Senator from Nebraska [Mr. NORRIS] is unavoidably absent from the city. If he were present and at liberty to vote, he would vote "nay."

Mr. SUTHERLAND (when his name was called). Making the same announcement as before with reference to my pair and its transfer, I vote "yea."

Mr. TRAMMELL (when his name was called). I have a general pair with the Senator from Rhode Island [Mr. COLT]. In his absence I transfer that pair to the Senator from Nebraska [Mr. HITCHCOCK] and vote "nay."

Mr. UNDERWOOD (when his name was called). I have a general pair with the Senator from Ohio [Mr. HARDING]. I transfer that pair to the Senator from Tennessee [Mr. SHIELDS] and vote "yea."

The roll call was concluded.

Mr. GLASS. Transferring my pair with the senior Senator from Illinois [Mr. SHERMAN] to the junior Senator from Kentucky [Mr. STANLEY], I vote "yea."

Mr. MOSES. I have a general pair with the junior Senator from Louisiana [Mr. GAY], who is absent. I transfer that pair to the senior Senator from New Mexico [Mr. FALL] and vote "yea."

Mr. WOLCOTT. I transfer the general pair I have with the Senator from Indiana [Mr. WATSON] to the Senator from New Mexico [Mr. JONES] and vote "yea."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Delaware [Mr. BALL] with the Senator from Florida [Mr. FLETCHER];

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN];

The Senator from West Virginia [Mr. ELKINS] with the Senator from Oklahoma [Mr. GORE];

The Senator from Maine [Mr. FERNALD] with the Senator from South Dakota [Mr. JOHNSON];

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS];

The Senator from Michigan [Mr. TOWNSEND] with the Senator from Arkansas [Mr. ROBINSON]; and

The Senator from Connecticut [Mr. MCLEAN] with the Senator from Montana [Mr. MYERS].

The result was announced—yeas 46, nays 10, as follows:

YEAS—46.

Ashurst	Henderson	McNary	Smoot
Brandegee	Jones, Wash.	Moses	Spencer
Calder	Kellogg	New	Sterling
Chamberlain	Kendrick	Nugent	Sutherland
Comer	Keyes	Page	Thomas
Curtis	King	Phelan	Underwood
Dillingham	Kirby	Phipps	Wadsworth
Frelinghuysen	Knox	Pittman	Walsh, Mass.
Gerry	Lenroot	Pomerene	Warren
Glass	Lodge	Ransdell	Wolcott
Hale	McCormick	Smith, Ariz.	
Harris	McCumber	Smith, Md.	

NAYS—10.

Dial	McKellar	Sheppard	Trammell
Gronna	Overman	Simmons	
Harrison	Reed	Smith, S. C.	

NOT VOTING—40.

Ball	Fernald	Kenyon	Robinson
Beckham	Fletcher	La Follette	Sherman
Borah	France	McLean	Shields
Capper	Gay	Myers	Smith, Ga.
Colt	Gore	Nelson	Stanley
Culberson	Harding	Newberry	Swanson
Cummins	Hitchcock	Norris	Townsend
Edge	Johnson, Calif.	Owen	Walsh, Mont.
Elkins	Johnson, S. Dak.	Penrose	Watson
Fall	Jones, N. Mex.	Poindexter	Williams

So the bill was passed.

The title was amended so as to read: "A bill to reorganize and increase the efficiency of the United States Army, to establish military justice, and for other purposes."

Mr. FRANCE subsequently said: Mr. President, I desire to make an announcement. I was delayed in reaching the Senate from my office in time to vote upon the passage of the Army reorganization bill. If I had been able to reach here in time, I would have voted in the affirmative.

Mr. WADSWORTH. I move that the Senate request a conference with the House of Representatives upon the bill and amendment, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. WADSWORTH, Mr. SUTHERLAND, Mr. NEW, Mr. CHAMBERLAIN, and Mr. THOMAS conferees on the part of the Senate.

Mr. WADSWORTH. I ask unanimous consent that House bill 12775, as reported from the committee to-day, be printed, showing the bill as amended and passed by the Senate. My information from the printing clerk of the Senate is that such a procedure will save one print of the bill, which is important in view of the scarcity of paper.

The PRESIDING OFFICER. Is there objection to the request made by the Senator from New York? The Chair hears none, and it is so ordered.

Mr. WADSWORTH. I move that Senate bill 3792 be indefinitely postponed.

The motion was agreed to.

PENSIONS AND INCREASE OF PENSIONS.

Mr. MCCUMBER. Mr. President, I wish to give notice that immediately after the river and harbor appropriation bill has been disposed of I shall ask the Senate to proceed to the consideration of the Fuller pension bill. In case the river and harbor bill should not be disposed of to-day I shall ask the Senate to-morrow, after the close of the routine morning business, to take up the Fuller pension bill for consideration.

RIVER AND HARBOR APPROPRIATIONS.

Mr. JONES of Washington. Mr. President, I move that the Senate proceed to the consideration of H. R. 11892, the river and harbor appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11892) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. JONES of Washington. As I understand, the Senate has passed through the bill and the procedure now will be to begin at the first amendment passed over.

The PRESIDING OFFICER (Mr. SUTHERLAND in the chair). The Secretary will state the first amendment passed over.

The ASSISTANT SECRETARY. The first amendment passed over will be found on page 1, line 3, where the Senate committee proposes to strike out "$12,000,000" as the sum appropriated and to insert in lieu thereof "$20,000,000."

Mr. HARRISON. Mr. President, would the Senator object if we should take up another amendment or two at this time? I think the amendment just stated by the Secretary will bring about quite a good deal of discussion.

Mr. JONES of Washington. I have no objection to passing over that amendment temporarily, with the idea that when we dispose of the other amendments we will take it up again.

Mr. HARRISON. Mr. President, I offer an amendment as a new section. I think it will be section 6.

Mr. JONES of Washington. Mr. President, I will suggest to the Senator that under the unanimous-consent agreement with which we began the consideration of the bill the Senator can not offer that amendment until all the committee amendments have been disposed of.

Mr. HARRISON. That was the idea I had in suggesting that the first committee amendment be laid aside temporarily—that these individual amendments might be passed on and then we might return to that one.

Mr. SMOOT. Under the unanimous-consent agreement the committee amendments are to be disposed of first.

Mr. HARRISON. I have no objection to taking up the first committee amendment.

Mr. JONES of Washington. I understand the Senator from Mississippi [Mr. HARRISON] offered an amendment to raise the amount proposed by the committee. Is that amendment pending, or does the Senator desire to present it?

Mr. HARRISON. I desire to say something about that amendment.

Mr. JONES of Washington. I suggest that the Senator offer his amendment to the amendment.

Mr. HARRISON. Very well; I offer the amendment now.

The PRESIDING OFFICER. The Secretary will report the amendment to the amendment.

The ASSISTANT SECRETARY. In the committee amendment, on page 1, line 3, strike out "$20,000,000" and insert in lieu thereof "$24,000,000."

Mr. HARRISON. Mr. President, $24,000,000 is the amount recommended by the Board of Engineers as necessary to do the river and harbor work for the coming year. The first estimate submitted by the Board of Engineers was, I think, approximately $43,000,000, but after consultation with the House committee, and I think with the Senate Committee on Commerce, at their request to cut down their estimates to the lowest point to which they could be cut and yet provide enough for the prosecution of work on the rivers and harbors during the coming year, they brought in the last estimate for $24,000,000. I notice in the report filed by the chairman of the Committee on Commerce, the Senator from Washington [Mr. JONES], it is stated:

> Your committee hoped that it might feel justified in approving the amount as it came from the House.

In the House the amount of $12,000,000 was carried for this work for the coming year. The report proceeds:

> We are in hearty accord with the desire to meet the need for economy. The Engineers were told to go over the revised list of projects very carefully with a view to giving us the very lowest sum that they could get along with without detriment to existing commercial needs. They went over the projects carefully and insisted that $24,000,000 ($5,000,000 for maintenance and $19,000,000 for improvement) was the lowest sum they felt they could get along with.

Notwithstanding that last report, with all the economy that it was possible to conceive of upon the part of the Board of Engineers to carry on the work for the coming year, namely, $24,000,000, the Senate Commerce Committee cut it still further to $20,000,000. Necessarily, in view of the suggestion of the Board of Army Engineers, each project will be hampered to a more or less extent by an inadequate appropriation.

Mr. JONES of Washington. May I interrupt the Senator for just a moment?

Mr. HARRISON. Certainly.

Mr. JONES of Washington. I understand that the junior Senator from Iowa [Mr. KENYON] does not desire to have this amendment voted on until he is here, and he expects to be here to-morrow. Therefore, since I suppose the Senator would prefer to have the discussion of the amendment at the time it is to be acted upon, I suggest that we take up the other committee amendments which have been passed over, and then I will ask unanimous consent to vacate our former order, so that the Senator from Mississippi will have an opportunity then to offer the amendment he desires to offer, and any other Senator can offer any amendment he wishes.

Mr. HARRISON. That is thoroughly agreeable to me, and I shall say nothing further on this particular amendment until it comes up to-morrow.

Mr. JONES of Washington. I thought the Senator would prefer to make his argument on the same day the amendment is acted upon. I ask that the first amendment of the committee may be passed over until to-morrow.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. JONES of Washington. I also ask that the amendment on page 2 may be passed over, because that is to be considered in connection with the one just passed over.

The PRESIDING OFFICER. It will also be passed over. The Secretary will state the next amendment passed over.

The ASSISTANT SECRETARY. The next amendment passed over is on page 7, where the committee proposes to insert the following item relative to the Mississippi River, La., in the following words:

Mississippi River, La., with a view to securing an outlet to deep water in the Gulf of Mexico by the most practicable route for a permanent channel of a depth not exceeding 35 feet, and in investigating this matter consideration shall be given to the question of utilizing the Industrial Canal, New Orleans.

The Senator from Utah [Mr. SMOOT] proposes to amend the amendment beginning on line 21, after the words "35 feet," by striking out the comma and the words "and in investigating this matter consideration shall be given to the question of utilizing the Industrial Canal, New Orleans."

Mr. RANSDELL. Does the Senator from Utah wish to say anything on that now, or will he permit me to make a statement first, as I was not present when the matter came up before?

Mr. SMOOT. The Senator may proceed now.

Mr. RANSDELL. This amendment, Mr. President and Senators, was inserted by the committee at my request, and it provides for a most important service. I doubt if Senators realize how important the measure is which is provided for by the amendment.

I was talking the other day with Gen. Beach, Chief of Engineers, and he told me that he did not believe there was any engineering project on earth comparable in importance with the plans for deep water at the mouth of the Mississippi River. That mighty stream drains nearly two-thirds of this Republic. All the water falling between the Alleghenies and the Rockies must pass to the Gulf through the Mississippi River, which is well called the Nation's sewer. It is thought by geologists that in comparatively recent times the delta lands of the Mississippi River were formed by the gradual filling in of sediment on both banks and that a great gulf extended up the valley above the present site of the city of Cairo, Ill. Beyond question the Mississippi River in its onward march to the sea carries in solution a very large quantity of earth and sand. It is constantly making additions to our continent, constantly extending the land into the Gulf of Mexico. I have not a map before me, but anyone who will look at a map of the United States will find a narrow strip or neck of land on both banks of the lower Mississippi River extending far out into the Gulf. That is caused by the deposit of sediment when the onrushing waters of the river, going down with considerable flow, strike the placid, quiet waters of the Gulf. As soon as the current ceases to move the sand and sediment settle to the bottom. Vast quantities of it are deposited, especially during times of high water, such as there is in the river now.

The papers in the last two days have published accounts of two breaks in the Mississippi River levees—one near Fort Jackson, only a few miles above its mouth, and the other at the little city of Bayou Sara, in the upper part of my State. Neither one is very disastrous, but they indicate that the great stream is not in peaceful mood; that it is rushing down rapidly with its colossal volume of water, accumulated from 31 States, carrying a giant load to the ocean. It is making land at this moment and making it rapidly.

Many years ago the engineers attempted to secure a proper channel from the city of New Orleans to the Gulf. New Orleans is to-day easily the second city on the continent in foreign trade, and its commercial importance is of the highest rank. In the volume and value of its imports and exports it is exceeded only by the city of New York. There is a rapidly growing commerce from New Orleans to the whole world. As our relation with the West Indies and Central and South America grow more and more intimate, and trade with the Orient through the Panama Canal assumes great proportions, the importance of New Orleans is much enhanced. A number of shipping lines have recently been established from the city to various lands.

The great engineer, James B. Eads, about 40 years ago suggested a plan to give a depth of 30 feet of water across the shallow bar at the mouth of the Mississippi River by contracting the channel between artificial dikes made of willow mats and stone, reducing it to a width of about 600 feet on the surface and 300 feet on the bottom. He was allowed to experiment only with the South Pass of the river, which carried about one-tenth of the volume of the water. His efforts were successful, and in pursuance of his plans a channel depth of 30 feet has since been maintained.

But there has been a constant expense, and fear that this narrow channel might some day be blocked by a ship sinking in the midst of it. It is only 600 feet wide at the surface, Senators; it is only 300 feet wide on the bottom. It is about 30 feet deep. One ship, and not a big one at that, sinking in South Pass, would completely block the commerce of the second port in America.

With that possible calamity constantly before us, the foresighted people of the Mississippi Valley some 20 years ago appealed to Congress to give them another channel to the sea, and a project was adopted providing for 35 feet through Southwest Pass, which carried, if I recollect correctly, about seven-tenths of the volume of the river. The engineers have been working faithfully on this Southwest Pass Channel for 15 or 16 years and have never yet gotten it anything like the depth of South Pass. They hope to get it that depth and deeper. They expect by drawing the banks closer together along the same general plans pursued by Eads to secure a depth of 35 feet. In the meantime the land is constantly building out on both sides into the Gulf, and no one can predict with reasonable certainty what the result will be.

In view of that fact, in view, too, of the further fact that the Atchafalaya River practically takes its source in the Mississippi 250 miles above its mouth and seeks an outlet in the Gulf for the waters of Red River and a large portion of the Mississippi by a route 150 miles nearer to tide level than by going down the Mississippi, the problem is uncertain and serious. The Mississippi may seek a new channel to the sea through the Atchafalaya, leaving New Orleans an interior town, as the Yellow River of China did several centuries ago when during a great flood it made an outlet to the sea 500 miles from its former mouth. There was and perhaps still is real danger of the Mississippi doing likewise. It was checked years ago by placing in the river several sills, composed of willow mattresses, stretching across the Atchafalaya at its head, thereby checking the flow of water from the Mississippi and preventing a great volume from going out.

It is a wonderful engineering problem, worrying us all the time. We never know what is going to happen to the river.

So that with all these things in view, Mr. President and Senators, the people of the valley, again looking to the future, decided to ask Congress to have the engineers make comprehensive surveys for another outlet, if one be possible, from the vicinity of the city of New Orleans to deep water in the Gulf of Mexico.

That is what is contemplated by my amendment. I have not the slightest objection to the change which the senior Senator from Utah [Mr. SMOOT] seeks to make in it. As a matter of fact, it would be more comprehensive with his amendment. What the people of the valley wish is to arm the engineers with the authority to make a comprehensive investigation on both sides of the river in the vicinity of New Orleans, so that if it be feasible to start out on the west bank and go to the Gulf via Barataria Bayou or from the Lake Pontchartrain end of the Industrial Canal, as indicated in my amendment, they can do so. All facts can be secured and reported to Congress.

The Senator from Utah is mistaken, however, in suggesting that it ever entered my mind or the minds of the people of New Orleans to have Congress purchase or pay for the Industrial Canal. We are spending $20,000,000 of our own money to improve the interior harbor of the city of New Orleans and make of the canal a splendid basin where ships can anchor alongside great manufactories and commercial houses—something that will furnish us vast additional harbor facilities—purely a local commercial proposition but one of the greatest magnitude and importance. The only reason for referring to the canal in my amendment was to let the engineers know that, if it be feasible, Congress would like for them to see if an outlet to deep water in the Gulf may not be secured from the Lake Ponchartrain end of the canal; and of course I expected every other practical outlet to be examined and reported upon.

I make this explanation simply that the Senate may understand what the Commerce Committee had in mind in adopting my amendment. I wish it distinctly understood that I am not opposing the amendment offered by the senior Senator from Utah; I consent to it, but want the Senate to know that if it should remain as it was reported the people of that section have no idea, certainly not at this time—I do not know what they may wish to do in the future, but certainly no idea at this time—of asking any appropriation for the purchase of the canal.

They would be very happy if the engineers could find an additional outlet to the sea from the great seaport of New Orleans. It would please them immensely if an outlet to the sea could be found where there is not a constant volume of sand pouring in and filling up again and again any channel that is dug, and that is what happens to-day. We want a sure and safe outlet, if possible, for our marvelous commerce, but we have not the faintest idea of abandoning the present project. The business of New Orleans is too important to the Republic and the world to be jeopardized by any contingency, and we must be foresighted enough to guard against all possibilities.

Since we started work on the southwest pass of the Mississippi River the 35-foot project for Boston Harbor was adopted and carried to completion, and the 35-foot project for Baltimore was adopted and completed. I am not complaining that Congress has not made liberal appropriations for the mouth of the Mississippi, but merely state a fact in saying that the money which has been appropriated has not yet secured the desired results, and we do not know that those results can be secured by present methods. I say it is wise to have another outlet if it be possible to secure one within reasonable cost, and that is all my amendment provides.

I am entirely willing to agree to the amendment suggested by the Senator from Utah.

Mr. SMOOT obtained the floor.

Mr. KING. Before my colleague proceeds, I would like to ask the Senator from Louisiana a question.

Mr. SMOOT. Very well.

Mr. RANSDELL. I shall be glad if I can answer the Senator's question.

Mr. KING. I am not familiar with the subject which has been discussed, neither do I understand the relation of the Industrial Canal of New Orleans, which is referred to in the amendment, to the contemplated plan of improvement or development suggested by the Senator. I would like to ask the Senator what is the relation of the Industrial Canal to his proposed permanent channel of a depth not exceeding 35 feet, and further, if there is a possibility of the utilization of the Industrial Canal, why has not the State utilized and improved it so as to afford another outlet, instead of limiting the outlet for commercial purposes to one channel, which I understand the Senator to say now exists?

Mr. RANSDELL. In answer to the Senator I should like to point to him on the map which he has here the site of the Industrial Canal. It begins on the Mississippi River in the limits of the city of New Orleans and runs about 6 miles across the city and through its outskirts to Lake Pontchartrain. It is a big canal, constructed by the city under the engineering auspices of Gen. George W. Goethals, who is, I believe, considered the best canal expert on earth. Connecting it with the river is a very large lock and dam, so that boats and ships coming out of the river cross from the river into the canal and then into the waters of Lake Pontchartrain. So much for that part of the answer.

The proposition now is to secure, if possible, an outlet to the Gulf from the vicinity of New Orleans, either through that canal, which, if the Senator will follow the pencil, he will see would lead through Lake Pontchartrain and possibly down through Lake Borgne, or what we know as the Rigolets, over to Mississippi Sound, and then into the Gulf of Mexico, and on to the east by a very much shorter route than to follow down the Mississippi River to its mouth. It would be a very great saving in distance. The waters through Lake Pontchartrain, Lake Borgne, and the upper part of Mississippi Sound are very shallow. I am not at all sure that we can get a feasible 35-foot channel through there.

The Senator will notice that my amendment provides for securing the most practicable route for a permanent channel of a depth not exceeding 35 feet from the Mississippi River, La., out to the Gulf of Mexico. I do not say where it shall start. I simply say:

And in investigating this matter, consideration shall be given to the question of utilising the Industrial Canal.

If the engineers should find that the Industrial Canal is the best and most feasible route from the Mississippi to the Gulf, there surely could be no objection to its being used. I will show the Senator where it is possible that another canal might be constructed. It is on the west bank of the river down from Lake Salvador and Barrataria Bayou and Barrataria Bay past Grand Isle at a point designated on the map here [indicating]. That would be a very much shorter distance from the Gulf than by way of the Mississippi proper; but when you reached the Gulf you would be considerably west of the mouth of the Mississippi. You would then be obliged to go south for some distance and go around the neck of land formed by this constant building of a new continent, which I have described, and then on to the eastward. It is one or the other of these routes which we contemplate.

Now, in further answer to the Senator's question I will say that the State of Louisiana, as one of our American Commonwealths, surely is not especially concerned with this outlet to the sea for the entire Mississippi Valley. It is concerned with its own industrial enterprises. It has built this canal at a cost of between $18,000,000 and $20,000,000 in order to increase its harbor facilities, but it is not asking one cent from the Federal Government. If a better route can be found to the Gulf, it wants the better route. I think I have answered the question.

Mr. KING. Fully.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Utah [Mr. SMOOT].

Mr. SMOOT. Mr. President, inasmuch as the Senator from Louisiana is willing to accept the amendment which I have offered, perhaps it would be useless to take any time in discussing the question further, but I shall do so just for a moment or two by way of explanation.

I have failed to learn of a single canal in the United States a survey of which has been ordered by Congress for which in the end an appropriation for its purchase was not made. I have a number of times noticed in connection with items directing that a survey should be made of a canal owned by individuals or by corporations that at the time the survey was authorized those who were instrumental in having the provision for the survey inserted in the river and harbor bill have assured us beyond the shadow of a doubt that it carried no appropriation nor none would be asked, unless it should prove to be of great importance to the commerce of the United States, and yet there have been a number of unprofitable propositions put over on the Government as the result of such legislation. So I am always suspicious when an item for the survey of a particular canal is asked for.

Mr. RANSDELL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Louisiana?

Mr. SMOOT. I yield.

Mr. RANSDELL. I was merely going to ask the Senator from Utah if he would mind naming some of those canals?

Mr. SMOOT. If the Senator will wait until I reach that point I shall do so.

Mr. RANSDELL. Very well.

Mr. SMOOT. I have thought that if we were going to have a survey "with a view to securing an outlet into deep water in the Gulf of Mexico by the most practicable route for a permanent channel of a depth not exceeding 35 feet"—and that is as far as the provision ought to go—then the engineers would make a survey of the whole situation.

Mr. RANSDELL. I will assure the Senator from Utah that was the intention I had.

Mr. SMOOT. I do not think very much of an engineer who would make a survey and not consider the Industrial Canal at New Orleans. It may be that that would be the cheapest route; it may be it is the only feasible route; or the engineers may be able to find a half dozen better routes; but why by legislation direct the engineers to consider the question of utilizing the Industrial Canal at New Orleans?

I take it, Mr. President, the effect of such a provision would be that the engineer assigned to make the survey would take it for granted that Congress was interested in his making a favorable report upon that canal because it is specifically mentioned. I take it for granted that what the Senator from Louisiana says is true, that the people of New Orleans will be perfectly satisfied with a survey; and if there were commerce enough to justify a 35-foot canal between the Mississippi River and the Gulf of Mexico, for one I would support not only the survey but an appropriation for its purchase. I am in favor not only of developing and maintaining harbors, but also the carrying out of projects upon rivers wherever the commerce to be benefited will justify the outlay.

So far as the Mississippi River is concerned, I think that unless some plan of improvement can be devised by engineers other than those known to-day it would be cheaper for the United States to build a double-track railroad on both sides of the Mississippi River, from St. Louis to New Orleans, maintain such roads, and haul the freight for a tenth of what it costs to-day than for the Government to put that river into condition whereby a profitable commerce can be developed upon it. From the standpoint of an investment, if it is finally decided that the Government of the United States is to improve the Mississippi River to that end, and maintain it, as no doubt it will do if the project is undertaken, I think the best thing in the world

for us to consider now is which is the cheaper thing to do—build railroads, maintain them, and carry the freight at a nominal figure, or go to the extent of spending the millions and tens of millions and, no doubt, the hundreds of millions of dollars which will be necessary in order to put the Mississippi River in condition whereby the great vessels of the country can go up and down it and carry the commerce of the country as I should like to see it carried.

Mr. RANSDELL. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Louisiana?

Mr. SMOOT. Certainly; I yield.

Mr. RANSDELL. Suppose the suggestion of the Senator were adopted and we were to build a great double-track railway on each bank of the Mississippi River, making, I presume, four tracks in all, from the northern portion of the United States to the southern portion. Where would the Senator have the southern terminus of those railroads? How would he get the commerce from the southern terminus into ships?

Mr. SMOOT. Mr. President, I take it for granted that that can be done very easily. I think there is plenty of room for the building of any kind of terminals that are necessary for the transfer of commerce.

Mr. RANSDELL. Would New Orleans suit the Senator as the southern terminus?

Mr. SMOOT. I do not care where it would be located; I would want it located at the best possible place for the commerce of the South.

Mr. RANSDELL. I will say to the Senator that there are six or eight railroads already running into New Orleans as their southern terminus, and they carry an immense commerce down there. We are not now considering any question except how to get that commerce from the terminus to the ocean. That is the point, and that is the only purpose of the proposed survey, namely, to get to deep water.

Mr. SMOOT. I am perfectly aware of that; I understand the effect of the proposition now pending before the Senate; but I was speaking upon the broader question of river and harbor improvements.

Mr. RANSDELL. I will meet the Senator on that point when we come to it; but I was trying to confine myself to the particular question under consideration at this time.

Mr. SMOOT. I am sorry that I have intruded upon the time of the Senate or of the Senator.

Mr. RANSDELL. The Senator has not intruded.

Mr. SMOOT. If that was all I had in view, I would have accepted the Senator's proposition and simply allowed the amendment to have been agreed to and let it pass. I expect to speak upon the bill at some length before it is finally passed, and I was just thinking aloud, as it were——

Mr. RANSDELL. I do not want to interrupt the Senator at all.

Mr. SMOOT. As to what it would cost the Government of the United States if the Government should undertake to do what the Senator would like it to do.

Mr. RANSDELL. I am not asking that it do anything now except to give us this survey.

Mr. SMOOT. No; not now. I am aware of that; but there is not a Senator here and there is no one else in the United States who does not know that the Senator from Louisiana would not destroy quite the credit of the United States; but I want to say that he would go a long way to stretch the credit of the United States by appropriations to be spent upon the Mississippi River. Of course, the Senator is interested in that subject, greatly so, and perhaps rightly so, but it becomes the duty of every Senator, in my opinion, first to consider the amount of the appropriation to be made and then what is to come by way of return from the expenditure of the money. I am not now going into that question any further. As I have said to the Senator, I was merely thinking aloud.

I have traveled on the Mississippi River and I have watched the development of that river and tried to arrive at some conclusion in my own mind as to what the duty of the Government of the United States was toward making that mighty highway a great avenue of commerce. I am rather in sympathy with the expenditure of money if such a result can be accomplished, but so far I have not seen any result from the improvements made upon the Mississippi notwithstanding the amount of money we have spent. If the Senator from Louisiana or any engineer in the United States can arrive at some solution of that great problem and can demonstrate beyond a question of doubt that the ultimate result will be success I shall be for that proposition; but in our river and harbor bills, Mr. President, we appropriate a little money this year, a little money next year, and we pull out a few snags in this creek and a few roots and trees in another one, and by the time the subsequent river and harbor appropriation bill is under consideration it becomes necessary to make the same appropriations over again, and no practical result comes from the expenditure of the money.

I am going to undertake at this time to say that this whole policy is going to be changed at some time or other. So far as I am concerned, whenever there is a project undertaken by the Government of the United States and it can be shown that it will develop the commerce of the country and be of advantage to the people, I want then the appropriations made for it and to have it completed as quickly as possible.

The everlasting dragging out of appropriations upon projects which the Government has made up its mind to complete is a wicked waste of public money, and I say that no business man on earth would follow the example set by the Government in this regard.

Mr. RANSDELL. Mr. President, will the Senator yield for a question on that point?

Mr. SMOOT. I will.

Mr. RANSDELL. I agree with the Senator that we have pursued a very wickedly wasteful policy in regard to improving a great many of our rivers. I should like to call the Senator's attention to the fact that we started to improve the Ohio River in 1876, so as to get 6 feet of water, and in 1910 we changed the project so as to get 9 feet. We have carried it along in the most unbusinesslike way; but whose fault is it? It is the fault of men who, like the Senator from Utah, oppose every river and harbor bill; oppose it so strenuously that it is absolutely impossible to secure proper appropriations.

Now, I wish to ask the Senator this question: Will he join the Commerce Committee and Senators who favor the businesslike improvement in putting the Ohio River—I am referring now to one concrete proposition, to one great river, where there is an immense commerce—under a continuing contract, so that it can be finished within the next five years?

I wish to say to the Senator that if the project is carried forward, as it has been carried forward in the past and as it is being carried forward now, it will not be finished within the next 10 or 15 years. Now, will the Senator join us in putting it on a continuing contract basis and finishing it just as we completed the Panama Canal?

Mr. SMOOT. In answer to the Senator I wish to say I do not want to appropriate another dollar of money for any kind of a project that will cost for the carrying of commerce over it an amount per ton or per hundred pounds that never can be justified. The Senator speaks of the Ohio River. I called the attention of the Senate once before to the estimated cost to the Government for furnishing waterways to float the actual commerce on a few of the projects mentioned in the bill which was pending at the time I made these remarks. Among them is the Ohio River, on which the cost is a little over $5 a ton, excluding soft coal, when you take into consideration the interest upon the money and the amount of money expended.

On the upper Mississippi River the cost was $12 a ton.
On the lower Mississippi, $35 a ton.
On the Arkansas, $20 a ton.
On the Hennepin, $36.75 a ton.
On the Missouri, a little over $40 a ton.
Muscle Shoals, $41 a ton.
Aransas Pass Canal, $80 a ton.
The Brazos, $80 a ton.
The Red River, $100 a ton.
The proposed Muscle Shoals project, $100 a ton.
The Big Sandy, Ky., $350 a ton.

Mr. RANSDELL. Mr. President, may I ask the Senator how many of those rivers were finished, how many of them were in condition to carry commerce? The Ohio every summer, as the Senator knows, shallows down to not over 2 or 3 feet. You can wade it at the city of Cincinnati. We ought to have finished it.

Mr. SMOOT. That is the wicked thing about the whole proposition. You can wade these streams a part of the year, and part of the year they are dry, and we are trying to make rivers of creeks and call them navigable streams.

Mr. RANSDELL. The Senator would not call the Ohio River a creek, I hope.

Mr. SMOOT. I do not say that the Ohio is of that description. We all know that it is not, but I am calling attention to the facts as they exist to-day; and I will say further to the Senate of the United States that if that can be avoided by making appropriations to complete the river, and if it can be demonstrated that it will be to the interest of the commerce of the United States I would want to appropriate money for it, and do it as quickly as possible.

Mr. RANSDELL. A great engineering commission, composed of five of the ablest men in this country, investigated the Ohio River project, looked into the question of its cost, and said that it could be improved at a cost of about $63,000,000, and that when improved it would carry an immense commerce at a rate a very little higher than that at which the commerce on the Great Lakes is carried, which is about one-tenth the average railroad freight rate. It could be carried on the Ohio River in just the same way.

The Ohio River is in the center of the greatest commerce-producing section in this country. There is nothing comparable to the Pittsburgh section and the section 50 miles around there, and much of that commerce would go to the sea in boats if we had a completed channel. Of course, it can not go in boats now any more than a railroad with a gap of 50 or 100 miles could carry commerce.

Mr. SMOOT. Mr. President, I am perfectly aware that this Ohio River project is not a success to-day. There are few projects that the Government of the United States has started of late years that will be.

I do not know that I ought to take any more of the time of the Senate to-night. If my amendment is agreed to, as I think it will be, I have no objection to the amended amendment.

Mr. RANSDELL. I will say that I have accepted the Senator's amendment, as far as that goes.

Mr. SMOOT. I think myself that the authorization for this survey has more merit in it than a good many other surveys in this bill.

Mr. RANSDELL. I am glad the Senator feels that way.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Utah [Mr. SMOOT] to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. HARRIS. Mr. President, I offer the amendment which I send to the desk.

Mr. REED. Mr. President, if the Senator from Georgia will pardon me, I should like to make an inquiry of the chairman of the committee.

Mr. HARRIS. Certainly.

Mr. REED. Does the chairman of the committee propose to go on with this bill this evening?

Mr. JONES of Washington. There are just one or two other amendments of the committee which I think will only take a minute or two, and there are one or two Senators who have amendments that they would like to offer that I think will take but very little time. I should like to dispose of those to-night. I will say to the Senator that I do not expect to have the amendment relating to the amount passed on to-night.

Mr. REED. Mr. President, I am unwilling that this bill shall be considered in the absence of the Senate. We have had two very interesting speeches here this afternoon—very illuminating to those who heard the speeches. They were not illuminating to the rest of the Senate, of course; and there are now by actual count in the Senate Chamber 9 Senators, or, counting the Presiding Officer, 10.

Mr. HARRIS. Mr. President——

Mr. REED. I made the inquiry because I do not want anything further done to-night unless we have a quorum.

I thank the Senator from Georgia for yielding to me.

Mr. HARRIS. Mr. President, I think the Senator will not object to the amendment that I have offered.

Mr. JONES of Washington. I want to get through with the committee amendments first.

The PRESIDING OFFICER. Under the unanimous-consent agreement the committee amendments are to be first considered.

Mr. JONES of Washington. I think the next committee amendment is known as section 6, on page 16, and I am going to withdraw that amendment for the reason that I think the proposition is fully covered by existing law. It is the purpose of that amendment to authorize the Secretary of War to prescribe areas within which oil, acid, and so forth, can not be deposited. Section 13 of the river and harbor act of 1899 reads as follows:

> That it shall not be lawful to throw, discharge, or deposit, or cause, suffer, or procure to be thrown, discharged, or deposited, either from or out of any ship, barge, or other floating craft of any kind, or from the shore, wharf, manufacturing establishment, or mill of any kind, any refuse matter of any kind or description whatever other than that flowing from streets and sewers and passing therefrom in a liquid state into any navigable water of the United States or into any tributary of any navigable water from which the same shall float or be washed into such navigable water.

It seems to me that that language is just about as broad as language can be toward preventing the deposit of refuse matter, oil, and so forth, from ships in navigable waters; and I think that enables them, so far as it can be enforced, to protect the waters of a harbor against the deposit of oils, and so forth, from ships.

That is all of that provision of the section. There is a semicolon there, and then it begins as follows:

> And it shall not be lawful to deposit, or cause, suffer, or procure to be deposited, material of any kind in any place on the bank of any navigable water or on the bank of any tributary of any navigable water where the same shall be liable to be washed into such navigable water either by ordinary or high tides or by storms or floods or otherwise whereby navigation shall or may be impeded or obstructed.

The department informs me that their officers construe the last clause there——

> Whereby navigation shall or may be impeded or obstructed—

To affect both parts of that act. I do not think there is any justification at all for any such construction as that. The language of the act to the first semicolon is clear and definite and certain, and beginning after the semicolon it is an entirely new prohibition, and I think the last clause refers only to the last part of the section.

For that reason, therefore—namely, that I think the subject matter is fully covered, even much more broadly covered than by the language of the section that is proposed by the department—I ask that that amendment may be rejected. I will say that they advise me that no court has passed upon the proposition or construed it, but it is simply construed by some of the officers of the department, so I ask that that amendment may be rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was rejected.

Mr. JONES of Washington. Now, Mr. President, in regard to section 10 of the bill, if the Senator from Utah [Mr. SMOOT] desires to make a point of order, I shall ask that that may go over and be disposed of to-morrow with the other amendments.

Mr. SMOOT. Yes; I shall.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JONES of Washington. That leaves three committee amendments undisposed of. There are two or three Senators here who have some amendments they would like to propose, and on which I think there will be no discussion. I therefore ask unanimous consent that the rule that we adopted requiring committee amendments to be disposed of first be vacated just for that purpose.

Mr. SMOOT. That is all right, Mr. President; but before granting consent I want to ask the Senator if he has examined the amendments that are going to be presented, and if he is willing to accept them?

Mr. JONES of Washington. The amendment of the Senator from Mississippi [Mr. HARRISON] is an amendment that was adopted once before in the Senate. I can not say that I am willing to accept it. I am willing to have the Senate pass upon it.

Mr. SMOOT. I would not want the Senate to pass upon it with the number of Senators that are here to-night, and I think we had better adjourn.

Mr. JONES of Washington. I have not seen the amendment of the Senator from Georgia. I do not know what it is.

Mr. HARRIS. The Senator has forgotten it. I submitted it to the Senator from Utah. I should like to have it read, and I think there will be no objection to it.

Mr. JONES of Washington. Probably, when I hear it read, I will remember it.

The PRESIDING OFFICER. The amendment offered by the Senator from Georgia will be stated.

The ASSISTANT SECRETARY. On page 7, after line 16, it is proposed to insert:

> Brunswick Harbor, Ga.: The Secretary of War is hereby directed to report to the next session of Congress whether or not the project adopted by the act of March 2, 1919, provides sufficient depths to enable the deepest-draft ships of all regular lines using this port to reach their docks or the sea, when fully laden, without being delayed by the necessity of awaiting high water or using two tides to enter or leave the harbor; and, if adequate depths are not provided by the existing project, whether sufficient depths would be provided by the larger of the two projects reported by the Chief of Engineers in House Document No. 393, Sixty-fourth Congress, first session.

Mr. HARRIS. Mr. President, I will state that additional steamship lines have been established at Brunswick in the past few years, and this is simply to have the engineers ascertain which of the two projects reported on by the Army Engineers is necessary to enable the vessels, when heavily laden, to reach the docks.

Brunswick Harbor is conceded by all familiar with it to be one of the best on the Atlantic coast. Brunswick has more than doubled in its inhabitants in the past four years, and is one of the thriving cities of Georgia, with a brilliant future.

Mr. JONES of Washington. The amendment does not commit Congress to any proposition, but simply furnishes us information?

Mr. HARRIS. That is all there is to it.

Mr. SMOOT. With a view of committing Congress later.

The PRESIDING OFFICER. The question is upon agreeing to the amendment offered by the Senator from Georgia [Mr. HARRIS].

The amendment was agreed to.

ADJOURNMENT.

Mr. JONES of Washington. Mr. President, I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, April 21, 1920, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *April 20, 1920.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Infinite Spirit, Father Soul, life giving, life sustaining Potentate, direct our thoughts, control our ways, that we may be willing instruments in Thy hands for the furtherance of good.

We thank Thee that out of the terrible war through which we have just passed Thou hast inspired us to greater life and nobler activities, especially in economy and brotherly love.

Through common sense and reason we are defeating greed and profiteering by living the simple life, and we pray that out of the unrest and unreasonable demands a wholesome lesson may come to all. In the spirit of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS.

Mr. MARTIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the legislative, judicial, and executive appropriation bill.

The SPEAKER. The gentleman from Louisiana asks unanimous consent to extend his remarks in the RECORD on the legislative, executive, and judicial appropriation bill. Is there objection?

There was no objection.

RAILROAD DEFICIENCY BILL.

Mr. GOOD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 13677) making appropriations to supply a deficiency in the appropriations for the Federal control of transportation systems and to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1920, and for other purposes.

The SPEAKER. The gentleman from Iowa moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the deficiency appropriation bill.

Mr. GOOD. Pending that, Mr. Speaker, I desire to see if we can agree on a time for general debate and a division of that time.

Mr. BYRNES of South Carolina. What time does the gentleman suggest?

Mr. GOOD. I suppose, because of the amount carried in the bill and the questions that may come up in explanation of the bill, it will take a half or three-quarters of an hour, and I have requests for an equal amount of time. It seems to me that we would require an hour and a half on this side.

Mr. BYRNES of South Carolina. We can get along on this side with less time if the gentleman cares to do so. Any time less than that will be agreeable to us.

Mr. GOOD. Will the gentleman agree to an hour and a half on this side and one hour on that side?

Mr. BYRNES of South Carolina. No; if the gentleman is going to take an hour and a half, we will take an hour and a half on this side, but we are willing to take one hour on each side. If the gentleman can not do that, we will agree to an hour and a half on a side.

Mr. GOOD. Mr. Speaker, I ask unanimous consent that general debate be limited to three hours, one half to be controlled by the gentleman from South Carolina [Mr. BYRNES] and the other half by myself.

Mr. GARNER. Will the gentleman yield?

Mr. GOOD. Yes.

Mr. GARNER. Is it the intention of the chairman to pass this bill to-day?

Mr. GOOD. I would like to pass it to-day.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

Mr. BARKLEY. Reserving the right to object, does the gentleman propose to confine the general debate to the bill?

Mr. GOOD. No; I think the gentleman from Connecticut [Mr. TILSON] wants to make a speech on some historical matter. But as I understand there is to be no political discussion on this side.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Iowa that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the deficiency bill.

Mr. CANNON. Mr. Speaker, I make the point that there is no quorum present.

The SPEAKER. Evidently there is no quorum present. The doorkeepers will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 293, nays 4, answered "present" 1, not voting 129, as follows:

YEAS—293.

Anderson	Ferris	Lea, Calif.	Robsion, Ky.
Andrews, Nebr.	Fields	Lee, Ga.	Romjue
Anthony	Focht	Lehlbach	Rouse
Ashbrook	Fordney	Lesher	Rowe
Aswell	Foster	Linthicum	Rubey
Ayres	Frear	Little	Rucker
Babka	French	Lonergan	Sanders, Ind.
Bacharach	Fuller, Ill.	Luce	Sanders, La.
Barbour	Gallivan	Luhring	Sanders, N. Y.
Barkley	Gandy	McAndrews	Sanford
Bee	Garland	McArthur	Scott
Begg	Garner	McClintic	Sherwood
Benham	Garrett	McCulloch	Siegel
Benson	Glynn	McDuffie	Sims
Bland, Ind.	Good	McGlennon	Sinnott
Bland, Mo.	Goodall	McKenzie	Slemp
Bland, Va.	Goodwin, Ark.	McKeown	Smith, Idaho
Blanton	Goodykoontz	McKinley	Smith, Ill.
Boles	Graham, Ill.	McLaughlin, Mich.	Smith, Mich.
Bowers	Green, Iowa	McLaughlin, Nebr.	Snell
Box	Greene, Mass.	MacCrate	Steenerson
Briggs	Greene, Vt.	MacGregor	Stephens, Miss.
Britten	Griest	Magee	Stephens, Ohio
Brooks, Ill.	Griffin	Maher	Stevenson
Brooks, Pa.	Hadley	Major	Stiness
Buchanan	Hardy, Colo.	Mann, S. C.	Strong, Kans.
Burdick	Hardy, Tex.	Mansfield	Summers, Wash.
Burroughs	Harrison	Mapes	Sumners, Tex.
Butler	Hastings	Martin	Sweet
Byrnes, S. C.	Hawley	Mason	Swope
Byrns, Tenn.	Hayden	Mays	Taylor, Ark.
Caldwell	Hays	Mead	Taylor, Colo.
Campbell, Kans.	Hernandez	Merritt	Thompson
Candler	Hersey	Michener	Tillman
Cannon	Hersman	Miller	Tilson
Carss	Hickey	Milligan	Timberlake
Carter	Hoch	Minahan, N. J.	Tincher
Casey	Hoey	Monahan, Wis.	Tinkham
Christopherson	Holland	Mondell	Towner
Clark, Fla.	Houghton	Montague	Treadway
Clark, Mo.	Howard	Moon	Upshaw
Classon	Hull, Iowa	Moore, Ohio	Vaile
Cleary	Hull, Tenn.	Moore, Va.	Venable
Coady	Humphreys	Morgan	Vestal
Cole	Husted	Mott	Vinson
Connally	Hutchinson	Mudd	Voigt
Cooper	Ireland	Murphy	Volstead
Copley	Jacoway	Nelson, Mo.	Walsh
Crago	James	Ogden	Walters
Crisp	Jefferis	Oldfield	Wason
Crowther	Johnson, Ky.	Oliver	Watkins
Cullen	Johnson, Miss.	Olney	Watson
Dale	Johnson, S. Dak.	Osborne	Weaver
Dallinger	Johnson, Wash.	Overstreet	Webster
Davis, Minn.	Johnston, N. Y.	Padgett	Welling
Davis, Tenn.	Jones, Tex.	Park	Whaley
Dent	Juul	Parker	Wheeler
Dickinson, Mo.	Kahn	Parrish	White, Kans.
Dickinson, Iowa	Kearns	Peters	White, Me.
Donovan	Kelley, Mich.	Platt	Wilson, Ill.
Dowell	Kettner	Pou	Wilson, La.
Dunbar	Kiess	Purnell	Wingo
Dunn	Kincheloe	Quin	Wise
Dupré	King	Rainey, H. T.	Wood, Ind.
Dyer	Kinkaid	Rainey, J. W.	Woods, Va.
Eagan	Kleczka	Raker	Woodyard
Elliott	Knutson	Randall, Calif.	Wright
Elston	Kraus	Randall, Wis.	Yates
Emerson	Lampert	Reavis	Young, N. Dak.
Esch	Langley	Reber	Young, Tex.
Evans, Mont.	Lanham	Reed, W. Va.	Zihlman
Evans, Nebr.	Lankford	Rhodes	
Evans, Nev.	Larsen	Ricketts	
Fairfield	Lazaro	Robinson, N. C.	

NAYS—4.

Huddleston	Keller	Sinclair	Thomas

ANSWERED "PRESENT"—1.
Rodenberg

NOT VOTING—120.

Ackerman	Drane	Kreider	Riordan
Almon	Eagle	Layton	Rogers
Andrews, Md.	Echols	Longworth	Rose
Baer	Edmonds	Lufkin	Rowan
Bankhead	Ellsworth	McFadden	Sabath
Bell	Fess	McKinley	Schall
Black	Fisher	McLane	Scully
Blackmon	Flood	McPherson	Sears
Booher	Freeman	Madden	Sells
Brand	Fuller, Mass.	Mann, Ill.	Shreve
Brinson	Gallagher	Mooney	Sisson
Browne	Ganly	Moores, Ind.	Small
Brumbaugh	Gard	Morin	Smith, N. Y.
Burke	Godwin, N. C.	Neely	Smithwick
Campbell, Pa.	Goldfogle	Nelson, Wis.	Snyder
Cantrill	Gould	Newton, Minn.	Steagall
Caraway	Graham, Pa.	Newton, Mo.	Stedman
Carew	Hamill	Nicholls, S. C.	Steele
Chindblom	Hamilton	Nichols, Mich.	Stoll
Collier	Harreld	Nolan	Strong, Pa.
Costello	Haugen	O'Connell	Sullivan
Cramton	Heflin	O'Connor	Tague
Currie, Mich.	Hicks	Paige	Taylor, Tenn.
Curry, Calif.	Hill	Pell	Temple
Darrow	Hudspeth	Phelan	Vare
Davey	Hulings	Porter	Ward
Dempsey	Igoe	Radcliffe	Welty
Denison	Jones, Pa.	Rainey, Ala.	Williams
Dewalt	Kelly, Pa.	Ramsey	Wilson, Pa.
Dominick	Kendall	Ramseyer	Winslow
Dooling	Kennedy, Iowa	Rayburn	
Doremus	Kennedy, R. I.	Reed, N. Y.	
Doughton	Kitchin	Riddick	

So the motion was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. LONGWORTH with Mr. KITCHIN.
Mr. MANN of Illinois with Mr. DEWALT.
Mr. RODENBERG with Mr. BELL.
Mr. NEWTON of Missouri with Mr. SMALL.
Mr. GRAHAM of Pennsylvania with Mr. STEELE.
Mr. CURRY of California with Mr. DRANE.
Mr. WARD with Mr. GALLAGHER.
Mr. SHREVE with Mr. CARAWAY.
Mr. DENISON with Mr. BANKHEAD.
Mr. WILLIAMS with Mr. STEAGALL.
Mr. EDMONDS with Mr. FLOOD.
Mr. STRONG of Pennsylvania with Mr. O'CONNELL.
Mr. NEWTON of Minnesota with Mr. DOMINICK.
Mr. CURRIE of Michigan with Mr. BOOHER.
Mr. HICKS with Mr. GARD.
Mr. LAYTON with Mr. HEFLIN.
Mr. ROSE with Mr. STOLL.
Mr. KENNEDY of Rhode Island with Mr. TAGUE.
Mr. ELLSWORTH with Mr. DAVEY.
Mr. RADCLIFFE with Mr. SEARS.
Mr. MCPHERSON with Mr. SCULLY.
Mr. LUFKIN with Mr. PELL.
Mr. DEMPSEY with Mr. BRAND.
Mr. CHINDBLOM with Mr. RAINEY of Alabama.
Mr. MCKINLEY with Mr. IGOE.
Mr. MOORES of Indiana with Mr. SULLIVAN.
Mr. HILL with Mr. DOOLING.
Mr. BURKE with Mr. ROWAN.
Mr. PAIGE with Mr. RIORDAN.
Mr. NELSON of Wisconsin with Mr. SISSON.
Mr. MORIN with Mr. MCLANE.
Mr. JONES of Pennsylvania with Mr. PHELAN.
Mr. WINSLOW with Mr. STEDMAN.
Mr. HAUGEN with Mr. FISHER.
Mr. FULLER of Massachusetts with Mr. COLLIER.
Mr. FESS with Mr. O'CONNOR.
Mr. VARE with Mr. BLACK.
Mr. HARRELD with Mr. EAGLE.
Mr. RAMSEY with Mr. NEELY.
Mr. SNYDER with Mr. BRINSON.
Mr. ACKERMAN with Mr. MOONEY.
Mr. TAYLOR of Tennessee with Mr. WILSON of Pennsylvania.
Mr. HULINGS with Mr. GODWIN of North Carolina.
Mr. PORTER with Mr. HUDSPETH.
Mr. ROGERS with Mr. SMITH of New York.
Mr. HAMILTON with Mr. GANLY.
Mr. BROWNE with Mr. SABATH.
Mr. TEMPLE with Mr. RAYBURN.
Mr. KREIDER with Mr. CAMPBELL of Pennsylvania.
Mr. DARROW with Mr. CAREW.
Mr. BAER with Mr. HAMILL.
Mr. KELLY of Pennsylvania with Mr. WELTY.
Mr. RIDDICK with Mr. SMITHWICK.
Mr. GOULD with Mr. BLACKMON.
Mr. COSTELLO with Mr. BRUMBAUGH.
Mr. FREEMAN with Mr. GOLDFOGLE.
Mr. KENDALL with Mr. CANTRILL.
Mr. CRAMTON with Mr. DOREMUS.
Mr. MADDEN with Mr. DOUGHTON.
Mr. REED of New York with Mr. NICHOLLS of South Carolina.

Mr. RODENBERG. Mr. Speaker, has the gentleman from Georgia, Mr. BELL, voted?

The SPEAKER. He has not.

Mr. RODENBERG. Then I withdraw my vote of "yea" and answer "present."

The name of Mr. RODENBERG was called, and he answered "Present."

The result of the vote was announced as above recorded.

A quorum being present, the doors were opened.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 13677, the railroad deficiency appropriation bill, with Mr. HUSTED in the chair.

The Clerk reported the title of the bill.

Mr. GOOD. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GOOD. I desire to speak briefly but frankly upon the subject of paying a cash bonus to the soldiers of the late war. An erroneous impression prevails throughout the country, and even upon the floor of this House, with regard to the appropriations that have been made during this Congress for the soldiers of that war.

One frequently hears that we are doing little or nothing for the soldiers of this war. Nothing could be further from the actual facts. What I shall say upon this subject should not be construed as a lack of appreciation upon my part of the splendid and heroic service performed by the more than 2,000,000 American soldiers whom we sent to the other side to fight our battles; nor do I want anything that I shall say construed as a lack of appreciation of the heroic sacrifice made by all of the 4,800,000 men who were enlisted in the Army and Navy during that war. America can never pay its debt of gratitude to the brave boys who performed that heroic service. [Applause.] Their place in history is secure. We can not add to or detract from the glory of their achievements. What I desire to call to the attention of the House, to-day is the fact that at present we are confronted with a condition and not a theory. On the 30th day of last June there was a deficit in the Treasury of the United States of about $3,634,000,000. That deficit was evidenced by short-time United States Treasury certificates. Economical as we have tried to be, without appropriations for bonuses to the soldiers, there will be a deficit in the Treasury on the 30th of June next of approximately $4,000,000,000. I am not unmindful of the demand for bonus legislation for our soldiers. America has always been mindful of the splendid service of her soldiers. She has taken better care of her soldiers than any other country in all the world. She has paid them as high, if not higher, pay when they were in the service than any of the countries of Europe, and with one exception, that of Australia, higher pay than any other country in all the world has paid its soldiers, and I am glad to have played a part in securing the increase in their pay.

During the Civil War there were engaged on the Union side a total of 2,800,000 men.

The second year after the close of that war, a period corresponding to the time we now occupy with regard to the close of this war, we paid out for all purposes in pensions and hospital treatment and in administration $21,000,000 for the soldiers of that war. In the twenty-fourth year after that war was over we paid out $92,000,000 during the year in pensions, hospital treatment, and the administration of soldier legislation. Last year, the first time we had reached the mark of more than $200,000,000, our total appropriations for the year ending June 30, 1919, for the soldiers and sailors exclusive of the Civil War and the Spanish-American War, including administration, was $223,000,000. That is the history of the magnificent way in which America has taken care of her soldiers and sailors. With the same sympathies and generous treatment will she care for the soldiers of the war with Germany.

What have we done with respect to the soldiers of the late war?

Is it true that we are unmindful of the sacrifices of the brave men who fought the war in 1917? Is it true that we have done nothing for them? No; very far from it. We carry in this bill $7,666,000 for hospital treatment for these soldiers for the re-

maining three months of this year. We will have paid out by the 30th of June, 1920, for the soldiers of this war, for the 12 months' period, $263,968,963. That excludes all payments for the soldiers of the Spanish-American War, all payments for soldiers of the Civil War, and is confined to the soldiers and sailors of the war of 1917 alone. That is $40,000,000 more than the high-water mark reached more than 50 years after the close of the Civil War in the payment of pensions and hospital treatment of the soldiers and sailors of that war. But that is not all. We have placed on the statute books of the United States laws that will call for more money as the years go by. What are the estimates of the various departments for the relief of the soldiers of the war of 1917 for the next year? I shall put into the RECORD the details of the expenditures so that he who runs may read the magnificent treatment provided in legislation already enacted for the soldiers of this war.

The Government will expend for the year ending June 30, 1920, on account of the soldiers and sailors of the recent war for compensation for death and disability, hospital treatment, appliances, care of the insane, and miscellaneous items, $135,000,000; for the allowances to the families of men in the military and naval services, $48,000,000; for administrative expenses of the Bureau of War Risk Insurance, $15,852,806; for vocational training and rehabilitation of soldiers and sailors by the Federal Board for Vocational Education, $38,000,000; for the construction of hospital buildings for the Public Health Service, $9,950,000; and for the care of patients in hospitals, $17,166,187, making a total of all items of $263,968,993. The estimated or requested expenditures for the next fiscal year, which will end June 30, 1921, are as follows: For compensation for death and disability, hospital treatment, appliances, care of the insane, and miscellaneous items, $197,865,600; for administrative expenses of the Bureau of War Risk Insurance, $10,324,400; for regional offices and for expenses of advertising for the Bureau of War Risk Insurance under legislation pending in the Committee on Interstate and Foreign Commerce, $1,250,000; for vocational training and rehabilitation of soldiers and sailors by the Federal Board for Vocational Education, $125,000,000; for the care and maintenance of patients in hospitals of the Public Health Service, $40,000,000; and for the construction of additional hospitals and hospital facilities under a request for legislation pending in the Committee on Public Buildings and Grounds, $84,000,000, making a total of all items for the next year of $458,440,000.

The details of the payments for this fiscal year and the estimates of expenditures for the soldiers and sailors of the war of 1917 next year are as follows:

	Fiscal year 1920. Appropriations in all acts and pending deficiencies.	Fiscal year 1921. Appropriations in pending bills or estimates of appropriations or authorizations for appropriations.
Bureau of War Risk Insurance:		
Compensation for death and disability, hospital care, appliances, etc	$135,000,000	$197,865,000
Military and naval family allowances	48,000,000	
Regional offices, advertising (Wason bill)		[1] 1,250,000
Administrative expenses of the bureau	15,852,806	10,324,400
Federal Board for Vocational Education, vocational training	38,000,000	125,000,000
Public Health Service:		
Hospital construction	9,950,000	[1] 84,000,000
Care and maintenance of patients in hospitals	17,166,187	40,000,000
Total	263,968,993	458,440,000

[1] Requests for legislation pending, respectively, in the Committee on Interstate and Foreign Commerce and the Committee on Public Buildings and Grounds.

My friends, these figures speak for themselves. Is it a record for which we need to apologize? You and I are receiving letters from the people we represent on the subject of granting a bonus. Personally I have received one or two letters only in favor of a bonus, but many against it. Most of the demands I receive are for relief from other burdens. Men and women everywhere are asking that the taxes be reduced. They are asking that the appropriations be reduced. They recognize that a reduction in appropriations must precede a reduction in taxation, that a reduction in taxation must precede a reduction in the cost of living. The Committee on Appropriations during the past week has been working night, day, and Sundays trying to pare down a bill so that it will meet with the sentiment of the people you represent. The estimate for sundry civil expenses, aggregating over a billion and thirty-six million dollars, is being pared so that it will hurt, and that committee hopes to report that bill cutting out between $500,000,000 and $600,000,000 of estimates of appropriations. [Applause.] You applauded; but, gentlemen, I want to say it is folly to pare appropriations to the bone because we do not have the money and then turn around and make appropriations of $1,000,000,000 or $2,000,000,000 not estimated for. I fail to see constructive economy in such a course.

I have a few letters here from ex-service men with regard to what the bonus legislation will mean. These boys are splendid fellows, for no country had a better soldiery than the United States in the war. In fact, we think no country had soldiers that compared with the soldiers of the United States in that war. [Applause.] Now, what is the argument in favor of the bonus? We say that during the war men remained at home and received good salaries while these boys went to war and made great sacrifices. That is true. Some of those who remained behind were made millionaires; others have the stamp upon them of profiteers; and now, to equalize that condition, it is proposed that we should take out of an empty Treasury money to pay a bonus to those who went to war. My friends, the greatest badge that the American soldier will ever wear will be the badge of sacrifice, and not the badge of a bonus. [Applause.] I am not sure but we do him an injustice even if we had the money to place him along with the men who received unjust and unfair profits out of war contracts, so far as financial consideration is concerned. I would send the profiteer to jail; I would place the other on a pinnacle of glory because of his wonderful sacrifice and service from which no Congress now or in the future could ever remove him. [Applause.]

About 500,000 colored men entered the war, and they made good soldiers. And you gentlemen representing the Southern States, from which they largely went, are complaining and your constituents are complaining now because of a lack of men in your cotton fields and your factories. You are complaining now because of a lack of employment. You are complaining now because men are not taking up the regular avocations of life and there is an underproduction. I ask you in all seriousness what effect the payment of such a bonus will have on your cotton and other production? What will you say when you turn over the $500 to every one of these soldiers who served in that war and witness the withdrawal of this class of labor, so sorely needed, from active participation in the productive walks of life? Are we to act blindly now and after the damage is done consider the results of ill-advised legislation? Let us seriously consider first and act afterwards. We must consider that a great many of the boys who engaged in that war were mere boys from the fields and factories, from the schools and the colleges. They had not yet formed habits of thrift and industry. They had not yet learned in the stern school of experience that work is the only true manhood, the only true nobility. Turn over to young boys who have not yet established these well-grounded principles of life and its activities the sum of $500 and a great many of them will not work until that money is expended. Would their parents turn over such a sum to them? Should we take from the pockets of an overtaxed people one or two billion dollars and distribute it in many cases among young, inexperienced boys whose parents would not sanction such an act? Our factories demand more men every day. Will the bonus aid in stimulating production? No. We will have a lot of boys who will not work until the bonus is gone, not because they are bad boys but because their habits of life have not yet been fixed and firmly established. And when the bonus is spent some of these boys will be worse off than before. Here is a letter that I received from the county chairman of the American Legion in a county in my district. He says:

> The bulk of a cash bonus would immediately go back into circulation by its investment in automobiles, clothes, jewelry, and other luxuries, and a portion of this bulk not thus invested would very soon find its way back into circulation due to the principal being used as funds to provide a long vacation.
>
> When the scarcity of labor is so acute and that of competent and efficient help is more so, it seems that we should not encourage further the utter lack of initiative and desire to better conditions for themselves that is so prevalent to-day by paying this class a compensation which will only make them the more independent.

Mr. HARDY of Texas. Will the gentleman yield for a brief question?

Mr. GOOD. Yes.

Mr. HARDY of Texas. In referring to the 500,000 colored troops the gentleman meant that that number went from both the northern and southern sections of the country——

Mr. GOOD. I meant all told.

Mr. HARDY of Texas. And not from the South alone, but the whole country.

Mr. GOOD. My recollection is that the total of the colored troops was 500,000.

Mr. HARDY of Texas. I know we did not send that many from the South.

Mr. GOOD. Now, the gentleman has brought up another question. A few months ago we had trouble in America by race riots. I want to ask the gentleman, and I will ask him to answer it in his own time——

Mr. HARDY of Texas. The gentleman is mistaken, I did not intend——

Mr. GOOD. I want to say we have in cities like Washington, Boston, Philadelphia, Baltimore, Chicago, and these large centers a mixed population. Are you not afraid when you do what is contemplated that you will simply add to the problem of race disturbances and riots in these large centers? [Applause.] We must talk frankly upon this question, because what is under consideration is fraught with such terrible consequences that we must realize now what the probable result of our act may be. The things I am saying now are things I do not like to say, but they are things that you and I have got to think about and talk about if we would act as we should act. We have got to stand up and be counted now when there is so much unrest and when America is looking to the Congress of the United States to steady the ship. We must be sure that our action is wise and constructive and not destructive. [Applause.]

Mr. HARDY of Texas. I want to say that I am in hearty accord with what the gentleman is saying, and I did not rise a moment ago to criticize at all.

Mr. GOOD. I am sure the gentleman is. Now, I have another letter from the adjutant of the American Legion in another county in my district, in which he states:

> Some time ago the local legion post, of which I am at present adjutant, took up the question of a bonus, or rather adjusted compensation, and it was decided at that time that it was not practicable for the Federal Government to attempt to pass a bonus bill and that whatever adjusted compensation might be asked should come from the State rather than the Federal Government.
>
> In the past few days I have taken the matter up with a number of the members of the local legion and others who were in the World War, and you will undoubtedly hear from them in the near future.
>
> There is no question in my mind but what it would be a foolish move to make such a drain on the Treasury as would be necessary to successfully carry out the bonus bill.

I am not permitted to give the names of the writers of these letters, but if any Member wishes to see these letters they are open to him. They are from splendid, patriotic boys, who might not object to the publicity, and these letters indicate how some of the ex-service men are thinking.

Now, another thing. Prices are high, they are burdensome; people are complaining because of high prices. The Committee on Appropriations, when estimates were presented to them for an investigation that would bring down prices, while believing that little could be done in that direction by investigation, in practically all cases, where any plan was offered that even intimated that a decrease in the price of necessaries might result, reported out the appropriations. Especially is this so with regard to the office of the Attorney General. The committee wanted to uphold his hands in trying to bring down the high prices of the necessaries of life, and especially when those prices had been increased by profiteers.

There is going over the country now a propaganda for people to quit buying, except the things that are actually necessary. I believe that policy ought to be followed and practiced by everybody. It appeals to our good judgment. [Applause.] We ought to economize. We ought not to buy a thing that is not absolutely necessary at these high prices. We ought to try to bring about a condition so that the 105,000,000 of men, women, and children who did not go to the World War, as well as the 4,800,000 who were called, can live under a more normal condition and enjoy some of the benefits of life. If you appropriate $1,000,000,000 or $2,000,000,000, how are you going to raise it? Some one says by consumption tax, but there is objection to that on the part of some one, and that person says, "Oh, no; let us not lay the tax on the poor; let us put a tax on corporations and on the rich." Unless I have misjudged the temper and have misunderstood the statements of the men who came before the Committee on Appropriations asking for appropriations to reduce the high cost of living, their contention without exception was that the taxes levied to carry on the war and pay the obligations of the war, taxes that were laid largely on the corporations and men of large incomes, are, in the main, passed on to the ultimate consumer. That is the claim of the Federal Trade Commission and other executive departments. You say that you do not want to put a tax on consumption, because that will be paid by all, but the departments that have investigated it say that it does not make any difference where you put it, in the main it is paid by the man who eats food and wears clothes. [Applause.] Do you really want to bring down the high cost of living? If we do, we will say to the ex-service men, who have performed a wonderful service, that their bravery and devotion and self-sacrifice will ever be held in grateful remembrance by all our people, that that service is above price, and that to commercialize it will degrade. To raise such huge sums now will cause hardship out of all proportion to the benefits that will be derived, and will do more to decrease production than any legislation we can possibly pass. By the same determination and sacrifice by which the American soldier was a contributing factor in the winning of the war can he now assist in placing the standard of the American soldier a little higher than it was ever placed before. [Applause.]

The danger from foes from without has passed. Is the danger from the spirit of unrest from within behind us? We are passing through a time when every man and every woman and child in America must sacrifice. We are face to face with an abnormal condition. If you and I vote one billion or two billion dollars, I do not care how you raise it, that money is going to be spent in the markets of the United States. By that expenditure and in that amount you are going to increase the cost of living to every man, woman, and child in the United States. [Applause.] And those of you who think you are catering to a demand of 4,800,000 men will, before you know it, face the wrath of 100,000,000 Americans who are compelled to pay higher prices because of your act. Because America will not stand for this. One thing that is creating unrest in America to-day, the one thing that is causing the spread of bolshevism and all sorts of kindred "isms," is the fact that the cost of living is too high. I want to see it reduced, and I seriously question the wisdom of the proposed action, for it can only result in decreasing production and increasing prices of the necessities of life.

I am going to do all that I can to try to bring down the cost of living, and I am going to say to the American soldier who was in this war, "I am willing by my vote to appropriate every dollar necessary to heal the sick, to give him the best hospital treatment available in the world, to take those who are wounded or who suffer from disease and bring healing to them, and place them in the vocational schools and make them useful citizens of the Republic. I am willing to appropriate the $20,000,000 or more asked for to bring back the bodies of those 80,000 of our brave boys who died and are buried on the other side, but let us leave to the action of the several States the question of providing a bonus for their soldiers. The States have sources of taxation we do not have. All the States would not act at once, and hence the evil resulting would not be so critical." [Applause.]

This has been in my mind for some time. I have felt I should say it. It seems to me that we must meet this proposition in a brave and fearless way, not in a partisan way, and I think when you meet it that way and by your determination shall have brought down the cost of living to 110,000,000 of Americans, you will find more contentment, you will find property more secure, and find human life better protected than will be possible by this large appropriation which is proposed.

As was said by Horace Greeley in his great work, "The American Conflict," of the soldiers of the Civil War, so let us all say of the soldiers of this war:

> Thus rapidly, as well as peacefully and joyously, were the mightiest hosts ever called to the field by a republic restored to the tranquil paths of industry and thrift, melting back by regiments into quiet citizenship, with nothing to distinguish them from others but the proud consciousness of having served and saved their country.

[Applause.]

I shall put in the RECORD a statement showing that this year we are appropriating $263,000,000 for these soldiers, and that next year, including $84,000,000 for building new hospitals, there is an estimate of $458,000,000 for the soldiers of this war without putting another line upon the statute books of our country.

Mr. Chairman, the bill also carries an appropriation of $300,000,000 for the railroads, to pay the balance of the losses due to the Federal control and operation of them. On the 1st day of January, 1918, by an act of Congress the systems of transportation were turned over to the President to operate during the war as a war emergency. In pursuance of that act the President took control and operated something like 300 railroads, having an aggregate mileage of 250,000 miles, with a property value ranging somewhere between $15,000,000,000 and $20,000,000,000, and employing in the aggregate almost 2,000,000 men. The President, under the Director General of the Railroads, continued to operate them for a period of 26 months. By virtue of the transportation act these roads were turned back to their owners on the 1st day of March. A great deal of inquiry has been made as to the net results of Federal control and operation of the railroads. The Director General states that at the

present time there is a deficit or a loss due to the Federal control and operation of these roads of $900,000,000 and that it will be necessary to pay out during the year about $4,000,000 in administrative expenses in winding up the affairs, making the net loss as estimated by the Director General of Railroads $904,000,000 for 26 months of operation. Of course, that is not all the loss that the Government will sustain by reason of the operation of the railroads. When the railroads were taken over 26 months ago, we appropriated $500,000,000 as a revolving fund, and we have been paying interest on that amount ever since. Last June we appropriated $750,000,000 for railroad operations, and we have been paying interest on that ever since. And then the transportation act carried $200,000,000 to pay on this loss, and an additional sum of $300,000,000 that would be used in making loans to the railroads in the future when certified by the Interstate Commerce Commission.

That $300,000,000 also includes, according to the terms of the transportation act, a provision which requires the Interstate Commerce Commission to certify to the Secretary of the Treasury all final judgments growing out of Federal control and operation of the railroads. Mr. Sherley and Mr. Hines roughly estimated that those judgments would probably amount to $30,000,000 or $40,000,000.

It is also to be remembered that with this appropriation the Government of the United States will hold a great many railroad securities. It will hold about $15,000,000, or a little less, of investment in inland waterways, and it will hold approximately $950,000,000 of an investment in railroad securities alone. Some of these securities—many of them—could not be sold now. To throw on the market railroad securities totaling over $900,000,000 would cause such a panic in the United States that stocks would hardly be worth anything. But if the sales thereof were spread over a year I venture to say that from these investments in railroads, if sold and converted into cash before the end of the year, the loss to the Government on such sales and conversion would not fall below $250,000,000. Of course, it is fortunate that we are not compelled to bring about such a disaster even to the security holdings of the United States or to the Government itself. It is proposed that some of these securities will be carried for a long period of time. For example, when the Director General took over the railroads he let contracts for a thousand freight cars, for a large number of locomotives, and other equipment, totaling around $400,000,000, and Congress has appropriated and is carrying in this bill the remainder to pay for that equipment.

That equipment was allocated to the several railroads of the United States, and the railroads have now accepted their allocation, but they have not the money with which to pay for this equipment. A railroad company as a usual thing never has the money to finance its growth in equipment, but usually issues securities known as equipment trusts. In this case the Director General of Railroads sold this equipment to the railroad companies and took their notes and a mortgage on the equipment, the notes falling due in 15 annual payments with interest at 6 per cent.

If you will turn to page 83 of the hearings you will find the basis upon which Mr. Sherley, as director of finance of the railroads, expects to make settlements. It is estimated that the railroads owe the Government of the United States, outside of these equipment securities, $765,000,000; that the Government owes the railroads on compensation approximately $490,000,000, which the Director General and the director of finance feel that they can apply as an offset to this large debt that the railroads owe to the United States, so that after applying the offset there will still be due to the Government of the United States from the various railroads in the United States in the aggregate approximately $270,000,000. That is in addition to the allocated equipment.

Now, during the war there were certain roads that were very weak. The New England roads especially were not strong financially. For a number of years prior to the outbreak of the war some of those roads had engaged in all kinds of financing. They had been engaged not only in railroading but in running electric light plants and gas plants and street cars, and everything of that kind. The result was that it was necessary to make large loans to roads like the New York, New Haven & Hartford and the Boston & Maine to prevent those roads from going into the hands of receivers.

I do not believe that anyone who has studied the situation carefully will ever criticize or be successful in maintaining a constructive criticism against the Railroad Administration in stabilizing the transportation system by keeping the railroads out of the hands of receivers. It is estimated by those who have made these large loans that eventually this money will come back in the main. They do say, however, that there will be losses on some of those investments; there will be losses on some of the equipment. What those losses will actually amount to no one will know for years and years to come. My own estimate is that if we were to settle with the railroads at the end of this fiscal year, giving them a whole year in which to pay their debts and obligations to the Government, the total loss to the Government would not fall far short of $1,400,000,000.

In saying that I am not criticizing in the least the taking over of the railroads; I am not criticizing in the main the management of the roads. I think the Government was fortunate in having had at the head of the Railroad Administration Mr. Walker D. Hines and, during the past nine months, our former colleague, Mr. Sherley, as head of the finance division. [Applause.] They and those who have been with them have had but one purpose, and that was to give the Government of the United States an efficient transportation service, and it was realized that some of this loss—a great deal of it, perhaps—is chargeable to the war.

There is one thing, however, in respect to which I have never quite brought myself in agreement with the Railroad Administration, and that is not only because of the condition we were in during the war but also because of the condition in which we found ourselves when we turned the roads back to their original owners. The revenue act levied a tax of 3 per cent upon freight bills, 5 per cent upon express bills, and 8 per cent upon passenger traffic.

The total tax was estimated during the present year at $234,000,000, which was intended to pay the ordinary expenses of the war.

Now, I have said that there were about 2,000,000 men engaged in operating the railroads. It is the statement of Mr. Hines that during the 26 months of Federal control there was an increase in wages—a great deal of it I think was necessary; some of it was unnecessary—an increase in wages since 1916 of 106 per cent. There was an increase in freight and passenger traffic of a little over 25 per cent. Now, it must have been evident to any man that to increase the wages of 2,000,000 men 106 per cent it would have been necessary, if this service was to pay for itself, to increase the freight and passenger traffic throughout the United States. It is the statement of Mr. Hines that if the rate of freight had been fixed in July, 1918, when the first general increase in wages was agreed to, it would take something over 14 per cent additional on all the freight in the United States. Now, my contention is—and I know that in arriving at his conclusion Mr. Hines was actuated by the same motive that I am actuated by—my contention is that the Director General, when he raised the wages, should have raised the price of the service which the railroads were performing, so that when the roads should be turned back into the hands of their original owners they would not be confronted with the condition that now confronts them, of high wages that they can not get away from and of a freight rate that they can not raise. The business thing to have done would have been to have left the bill as it passed the House, and Congress covering into the Treasury $254,000,000 a year to carry on the Government and the war, and then an increase of freight rates so that the freight and passenger rates and express rates would bring in enough money to pay all the transportation charges, including the amount paid to the carriers.

Now, take Federal control, and this touches briefly upon the question of Government ownership of railroads. There was a great deal of contention out in my part of the country by the small roads that were not taken over, because of the big increase in wages on the roads that were taken over as to just what effect it had upon the industry. What is the argument? Because the Shipping Board increased the wages of mechanics in the shipyards, because munition plants increased the wages of mechanics all over the country, that it was necessary to increase the wages in these large centers of men engaged in transportation. A blanket order was issued to satisfy those men, and I think that was necessary, perhaps, in a way. When you raise the pay of conductors or engineers in one locality you practically have to do the same in other localities. I wanted to find out, and I took four roads in my own State, two of them under Federal control and two under private control during the war. I want to put in the RECORD a statement as to the results of the increase of wages. For example, the small station attendant of a road in private ownership got $90 per month. On the roads under Federal control they were paid $120 a month. The motorman under private control got 50 cents an hour; under Government control they got 75 cents an hour. The superintendent of substations under private control got $165 a month, and under public control $530 a month.

It was increases in some localities like these, roads running right along together, where the superintendent of substations on one road under private control got $165 a month and lived

next door to a man performing a like service on a road under Government control receiving $530 per month. If we are going to have in America in the future a system by which all of the transportation systems are to be owned and controlled by the Government, the thing that we are doing to-day—appropriating $300,000,000 more to cover the loss of 26 months of Federal control and Government operation—will be the thing that we will have to repeat year after year, and out of the taxes of the American people there will have to be paid yearly millions of dollars to pay such discriminatory wages as I have called attention to and other matters of that kind due to Government control and operation.

Mr. MONDELL. Will the gentleman yield at this point for an inquiry?

Mr. GOOD. I yield to the gentleman from Wyoming.

Mr. MONDELL. Will the gentleman be good enough to inform us from what sources the Railroad Administration secured the bonds of the United States, of the Liberty and Victory loans referred to in the second paragraph on page 2, and to what extent they hold those bonds?

Mr. GOOD. There is a table in the hearing showing the exact amount that the Railroad Administration holds of each issue. These bonds were acquired in this way: When the Liberty loans were floated, the director general, Mr. McAdoo, arranged with the railroad employees to purchase for them the full amount of the bonds which they would subscribe for, and to carry them. Unfortunately there was some agreement with regard to the Railroad Administration taking back such bonds as the employee was not able to pay for. Unfortunately also there were more bonds subscribed for by the Railroad Administration than the railroad employees purchased. Under the Victory loan, Mr. Sherley directed all of the regional directors to cut the subscription 10 per cent, believing that subscriptions would fall that amount. Now, his estimate as to the amount that would be taken was too large, and we have a large number of them. There are, I believe, something like $88,000,000 of Liberty bonds and Victory bonds that are owned by the Railroad Administration that were acquired in this way. The gentleman can well understand that in some cases it happened that where a person had purchased a bond with an agreement that if he could not pay for it he could turn it back to the Railroad Adminstration and get the par value for it, some men would throw their bonds back onto the Railroad Administration because of that understanding.

Mr. MONDELL. Do I understand that at this time an employee of the Railroad Administration may turn back his bonds under that understanding and receive par?

Mr. GOOD. I think, if I remember the hearings correctly, that where a railroad employee had purchased his bond and paid for it and accepted delivery there is no agreement whereby he can turn it back; but if he has not paid for his bond and still owes the Railroad Administration for it, then he can turn it back if he can not pay for it, and get the money that he has already paid.

Now, the bill carries $120,000,000 less than the estimate, and that is made up in this way: We have directed that about $90,000,000 of these bonds held by the Railroad Administration shall be transferred to the War Finance Corporation, which is purely a governmental agency that has about $600,000,000 of assets, including in its assets about $130,000,000 of short-time Treasury certificates, and I think something over $70,000,000 of loans to the railroad companies. Now, it was the opinion of the committee that these Liberty and Victory bonds held by the Railroad Administration should be turned over to the War Finance Corporation, and that the War Finance Corporation should take them over at par, so as to permit the Railroad Administration to discharge its obligations.

Then the transportation act, as I have before stated, carries a provision that all final judgments and claims that are reduced to judgment against the Railroad Administration shall be paid by the Secretary of the Treasury out of the $300,000,000 appropriation in that act for making loans, and it is estimated that at least $30,000,000 of that appropriation will be used for that purpose.

Therefore, inasmuch as the Director General had included in his item of $120,000,000 for lap-over expenses a sum to pay these claims, the committee felt that it would not be wise to appropriate for it in the transportation act and then appropriate for it in this act. [Applause.]

Mr. MASON. Mr. Chairman, I do not wish to interrupt the course of the discussion, but I ask unanimous consent to extend my remarks in the RECORD on this bill.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD on this bill. Is there objection?

There was no objection.

Mr. BYRNES of South Carolina. Mr. Chairman, it is now more than a year since by the fortune of politics the responsibility for legislation in this House and the organization of the House shifted to the Republican side. Without reflecting in any way upon the attainments of any member of the majority, I think the House will agree with me that during the past year no man on that side of the House has developed more than has the chairman of the Appropriations Committee, the gentleman from Iowa [Mr. GOOD]. [Applause.] When responsibility came to him he showed that he had a clear conception of the duties of the chairman of that great committee, and he has won the respect of every Member of this House by his courageous and fearless efforts to protect the Treasury of the United States, regardless of the effect upon his own political fortunes.

In the presentation of this bill he demonstrated again his wonderful energy. I know that he participated in the consideration of the fortifications bill, the most technical of all bills submitted to the House, and at the same time he has been conducting hearings on the sundry civil bill, covering all activities of the Government from Alaska to Panama. While contributing daily to the framing of these two important bills, the chairman of the Appropriations Committee has conducted hearings upon this deficiency bill, and that he has mastered the intricate details of this great railroad problem is conclusively demonstrated by his clear presentation of the reasons why it is now necessary for us to make the appropriation carried in the pending bill. [Applause.]

I differ with him only as to one paragraph of his report and as to some of his comments to-day upon the administration of the railroads during the period of Government control. In the report accompanying this bill the gentleman from Iowa states that the loss to the Government by Federal control will total $1,375,000,000. In arriving at this conclusion he states that if all securities of the railroads now held by the Government were thrown upon the market the Government would suffer a loss of $250,000,000. Of course, this is mere speculation. It is undoubtedly true that if the Government was so lacking in business judgment that it should now throw upon the market the securities of the railroads, amounting to $862,000,000, we would incur a loss of a considerable amount, and the Government that so recklessly threw upon the financial market this amount of railroad securities would not only cause a loss to that Government but it would seriously affect the financial market and cause serious loss to its citizens. No one has suggested, nor will any man suggest such action by the Government. The securities of the railroads now held by the Government will not be thrown upon the market at this time. Wisely, they will be held, and as conditions improve they will be realized upon, and while it is mere speculation, those most familiar with the character of the securities held by the Government see no reason why there should be any loss at all, and are confident in their belief that the loss to the Government, if any, will be negligible.

The report of the committee also charges against Government control of the railroads $25,000,000, which it is estimated it will take to carry out the provisions of the recent transportation act, providing for the payment to the short-line railroads of the country of such amounts as they claim they are entitled to because of Federal control, even though their lines were not operated by the Government. I do not believe that it is fair to charge up against the Government operation of railroads this amount which it is alleged was lost by railroads that were never under the control of the Government. That was a gratuity on the part of the Congress and can never justifiably be charged up as a loss incident to the Government's operation of the railroads.

The fact is that the chairman of the committee does only that which many who oppose Government operation of railroads do—that is, seek to make Government operation more unpopular by exaggerating the loss during Federal control. I am fundamentally opposed to the Government's operation of the railroads, but in order to justify my position I do not find it necessary to exaggerate the loss during Federal control or criticize the administration of the railroads while they were under the control of the Government.

Every Member of Congress was responsible for the taking over of the railroads. The Congress gave to the President the power to take over the railroads, and lest we forget, let me recall the conditions existing in December, 1917. The railroad employees were notoriously underpaid. They were demanding increased wages. A nation-wide strike was threatened, to take effect as of January 1. We had floated one bond issue, and the railroads of the country found themselves unable to borrow money to finance their operations. With the continued bond issues of the Government it was clear to every business man in this country that bankruptcy faced them, when the bank-

ruptcy of the railroads meant that we could no longer successfully prosecute the war. The people of this country from one end to the other approved the action of the President in taking over the roads as of January 1, 1918.

Now, what has taken place since then? There are but two questions: First, has the Government economically and wisely administered the railroads, and, second, should the Government have increased the rates as contended by the gentleman from Iowa [Mr. GOOD]?

As to the management of the railroads it became popular to criticize the efficiency of the railroads during the first year of the operation by the Government. The fact is that in 1918 the railroads of the country faced conditions never before faced by the transportation systems in this country. The war made a draft on every industry taking their skilled employees, and they took them also from the railroads of the country. The munition plants under the cost plus system offered greater compensation to labor, and the railroads' skilled employees left day after day in order to better their condition in life. In 1918 the worst winter in the memory of man came to us. With efficient, skilled, and experienced employees in control of the railroads the railroads would have experienced great difficulties in operation, but with inefficient employees, with efficient men leaving every day, and with the drafting of men by the shipbuilding industry and munition plants, the conditions became chaotic in the extreme during the winter months of 1918. And yet, notwithstanding that, they transported successfully the unusually heavy increase of freight and transported more passengers than had ever been transported in a single year in the history of this country.

When we come to consider whether or not the railroads were economically managed we hear reference to the increased compensation to employees under Federal control and we never stop to think that there was not an industry in this country that was not at the same time increasing wages for employees by leaps and bounds.

What are the facts? Take the steel industry, a basic industry, the one industry in any way comparable to the transportation system of this country. You will find that while the wages of the employees of the railroads under Government administration increased about 104 to 106 per cent in 1919 over 1914, yet during the same period there was an increase of 144 per cent in the wages paid the employees of the steel industry in this country.

Take any other industry in any way fairly comparable with the transportation business of this country and you will find that there was a greater increase in wages paid to its employees than was paid to the railroad employees of the country. What could our people expect? Could we expect that the railroad employees, confronted as they daily were with offers of increased compensation in every other line of industry, would continue to work for the United States Government for less than they could earn in other industries? Manifestly it was impossible, and the best proof of it is that to-day, as the railroads are returned to private ownership, the railroads under private ownership are preparing to again increase the compensation of the railroad employees of this country. They have to do it, because, to start with, the railroad employees prior to the war were notoriously an underpaid class of employees. The original increase granted them was as a result of a commission appointed in 1918, and the increased compensation was made to date back to January 1, 1918. Since that time, from month to month, there have been adjustments of compensation which have increased the total compensation paid to the railroad employees.

Mr. BARKLEY. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. BARKLEY. The gentleman does not mean to state that the increase in wages to railroad employees since the Government took the roads over amounted to 104 to 106 per cent on the whole?

Mr. BYRNES of South Carolina. No. The statement made by the director, which has been quoted by the gentleman from Iowa [Mr. GOOD], and which I have again quoted, is that the increased compensation of employees in 1919, as compared with 1914, represented between 104 and 106 per cent.

Mr. BARKLEY. The increases made by the Railroad Administration amount to less than 50 per cent, as compared with the wages when the roads were taken over by the Government.

Mr. BYRNES of South Carolina. In considering the question of the management by the Railway Administration, in addition to the increased compensation paid to labor, which every man must admit was essential, the Railroad Administration had to pay an increased amount for supplies and material, for just because the railroads happened to be under the control of the Government, the industries of this country were not going to sell their supplies and materials for less than they could sell them in the open market. When the gentleman from Kentucky [Mr. BARKLEY] interrupted me, however, I was going to call attention to this fact, that to-day, as the roads return to private control, they realize that they will have to pay additional compensation to their employees, and certainly that can not be charged to any action of the Railroad Administration. I call the attention of the House to it right now. According to the press the railroads of this country will ask for a 25 per cent increase in rates. The freight revenues this past year amounted to $4,000,000,000. That means that the railroads are asking for $1,000,000,000 additional, to be paid by the shippers and finally by the consumers of this country. How do they figure it? They say in the first place that the Government has not been paying the railroads a sufficient rental. This Congress has in the transportation act authorized a policy of 6 per cent upon invested capital. The value of the roads will necessarily be taken from the valution upon their books. That 6 per cent means that they will receive as rental $1,100,000,000. The Government while in control has paid to them as rental only about $900,000,000. So that to-day the railroads of the country claim that they have not been paid all that they ought to have been paid by the Government for rental, and want $200,000,000 more. Yet some who say they are entitled to this at the same time charge the Railway Administration with extravagance. They claim that they need a 25 per cent increase. That will give them $1,000,000,000 extra revenue, and when they take $200,000,000 more for rental, which they say they are entitled to, that leaves them $800,000,000 to cover increased operating expenses under private control. Last year under Government control the deficit was less than $400,000,000, and if they are granted a 25 per cent increase, we are going to give them $800,000,000 additional revenue to operate the roads when $400,000,000 was sufficient under Government control and also give them $200,000,000 additional rental. That is clearly the result and shows that while some railroad officials have criticized the Railroad Administration, and many people in this country have criticized it, for extravagant administration, the fact is that the railroads under private control are preparing to expend $400,000,000 for operating expenses more than was spent by the Government last year, and claim they are entitled to $200,000,000 additional for themselves in place of what we have paid them as rental.

Mr. SIMS. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. SIMS. Does the gentleman know why it is that they do not propose any increase on passenger rates but want to confine it all to freight?

Mr. BYRNES of South Carolina. I do not.

Mr. SIMS. I think I can give the gentleman the information. The passengers vote and have political influence, and they attend conventions. Freight rates are absorbed by the consumer, just like tariff rates, and they do not know anything about it.

Mr. BYRNES of South Carolina. That brings me to the discussion of rates, because I do not intend to talk for any great length of time. The gentleman from Iowa [Mr. GOOD] says that the rates should have been increased by the director general. As I said originally, there are two questions—whether or not the business of the railroads was extravagantly conducted and whether or not the director general should have increased the rates. I think anyone can read the testimony before this committee of the director general, and he will become convinced that, so far as the increased operating expenses due to labor and material are concerned, it would have been absolutely impossible for the roads under private ownership to have been conducted for one cent less, and the fact that now, when they are returned to private ownership, they propose to increase the cost of their operating expenses indicates that they could not have conducted them as cheaply as did the Railroad Administration.

Mr. GOOD. Mr. Chairman, I did not intend to give the impression that I thought the roads, on the whole or in any particular, were extravagantly operated. I think, as a general rule, they were very efficiently operated and economically operated. I wanted to commend the men who were in charge of the roads in that respect.

Mr. BYRNES of South Carolina. I did not quote the gentleman from Iowa as saying that. I quoted him only as to the rate question. I recall even now when we last had a deficiency appropriation in the House there was much criticism from some gentlemen on the Republican side of the House about another thing, and that is the increased number of employees. Of course we have an increased number of employees. This Congress was responsible for that. When the Congress enacted the Adamson law to establish the eight-hour day in this

country, it was manifest that we had to increase the number of employees, and to-day we have 200,000 more employees than we had back in 1916. But there is an interesting thing in connection with that increased number of employees.

While we have 200,000 more employees the average number of hours of work of the railroad employees per month in 1916 was 263 hours, while in 1919 it is only 226 hours. The railroad compensation is based on so much per hour. There were 5,126,000,000 hours of work by railroad employees in 1919, as against 5,189,000,000 in 1916. So notwithstanding the increase of 200,000 employees, the number of hours that the railroad employees actually worked in 1919 was less than in 1916, the difference being due to the change from a 10-hour day to an 8-hour day. The Director General made this statement when he was last before the committee, that he had not arrived at a definite conclusion as to the effect of this 8-hour day upon the total production of railroad employees, but now he says in 1919 it is shown that while the total number of employees worked for a less number of hours than in 1916, that they handled a greater amount of traffic than they did in 1916, when the number of hours worked was in excess of that which it was in 1919. The amount of freight handled was about the same, but the passenger traffic was 33 per cent greater, so that the total was in excess of 1916.

Mr. BARKLEY. Will the gentleman yield for a question there?

Mr. BYRNES of South Carolina. Yes.

Mr. BARKLEY. The gentleman from Iowa a little while ago referred to a certain increase in the pay of supervisors or superintendents, giving the increase as $530 compared to $165 under private operation. Is the gentleman able to give the committee any information as to the number of these isolated instances that are cited usually as generalities?

Mr. BYRNES of South Carolina. No; the Director General, in response to a question of the gentleman from Iowa, said this: That he had no knowledge of the particular case. He said that, of course, there were isolated instances that could always be cited, and he afterwards put into the record the following statement:

Note by Mr. Hines: While an investigation is being conducted into the details of the salaries and wages mentioned, a report received by the Director General, Mr. Hines, from Mr. C. D. Cass, general manager of the Waterloo, Cedar Falls & Northern Railroad, the property mentioned as having been under Federal control, is to the effect that during 1919 there was no superintendent of substation on the property drawing $530 per month, and, in fact, that there was no official or employee on the property drawing that amount, the highest salary of any officer or employee having been paid to Mr. Cass as general manager, and that salary being $6,000 per annum. Prior to Federal control Mr. Cass received $12,000 per annum. If possible a communication will be sent by the Director General to the chairman later concerning the details of the other wages given in the table presented by the chairman.

In referring to the standardization of wages the director general stated it was undoubtedly true in some sections of the country, where the prevailing wage scale was lower than the average, that the establishment of a standard wage for the entire country had worked a hardship, but that the result, looking at it from a broad viewpoint, had not been injurious to the country. He stated that the Railway Administration through its wage boards were able to say to the representatives of the employees, "You want a standard wage. That standard wage can not be the wage which exists in close proximity to a shipbuilding industry. Nor should it be the wage that prevails in the agricultural section of the South, where the wage is low. It should be an average wage. It resulted in securing an average which, while higher than the prevailing wage in some sections and lower in others, still makes it possible for us to show without fear of successful contradiction that the increase was not greater than the increase in wages of employees of other industries." I again refer to the steel industry. While we increased only 102 per cent over 1914, the steel industry, in order to retain its employees, had to increase 144 per cent over 1914. Reduced to units, in 1919 the cost of the Steel Corporation was 81.5 per cent more per ton than in 1914, while in 1919 the increased cost to the railroads was only 61.2 per cent more per unit of service rendered than in 1914.

But to go back to the subject of rates. It was on that subject that I referred to the speech of the gentleman from Iowa. I recognize there is much to be said upon the question. In 1918 we made retroactive the increase of wages to the employees, making it date back to January 1. We established an increased rate for freight and passengers, which did not take effect until June 21, so that for six months the railroad paid the increased wage to the employees and received no increased revenues from passenger or freight traffic. The result was that we incurred a great deficit. But the director general states that if the increased rate could have been made retroactive, as the increased wage was, and had dated back to January 1, then for 22 out of the 26 months of Federal control the revenues would have paid the operating expenses of the railroads of this country. We would have incurred no deficit until November, 1919, when the coal strike came and caused us to lose in November and December $114,000,000. This was a loss no one could have anticipated and would have wrecked the railroads under private control.

Mr. MOORE of Virginia. May I say this to the gentleman?

Mr. BYRNES of South Carolina. I will yield.

Mr. MOORE of Virginia. It would have been simply impossible to have made the freight rate retroactive.

Mr. BYRNES of South Carolina. Of course it would. Neither freight nor passenger rates could be made retroactive.

Mr. MOORE of Virginia. Another thing. When the gentleman suggests the expediency of freight rates having been made sufficiently high to take care of all liabilities outstanding, everyone will recall the difficulty that was had in reconciling the shipping interests of the country with the advance of 25 per cent in freight rates and a corresponding advance in passenger fares.

Mr. BYRNES of South Carolina. Of course, the gentleman is correct. When the increased wage was granted they undertook to establish an increased rate to meet these increased expenses. But this was not done until the Railway Administration had called into consultation all the traffic experts of this country; all the talent that would be available to the railroads under private control. They labored for a long time in order to establish an increased rate which would be equitably distributed over the entire country and work no hardship to any section or any industry, and yet even after the traffic experts of the railroads of the country had been called in and had assisted in framing the increased freight schedules, so many appeals were made that they have had about 35 traffic committees at work over the country removing inequalities in the rates, and they are still working at it.

Mr. SANDERS of Indiana. Will the gentleman yield?

Mr. BYRNES of South Carolina. I will yield.

Mr. SANDERS of Indiana. I rose for the purpose of making the same point the gentleman has touched upon in response to the statement made by the gentleman from Virginia.

The objection throughout the country was not so much that the rates had been increased, because everyone realized that rates must be increased, but the objection that arose throughout the country was in reference to the inequality and inequities of the increase that was made throughout the country.

Mr. BYRNES of South Carolina. Of course, that was inevitable.

Mr. MOORE of Virginia. Will the gentleman allow me one word in response to that observation?

Mr. BYRNES of South Carolina. I will.

Mr. MOORE of Virginia. I was in position to know that the objections were not only of the character he indicates but of the other character, and they were expressed with a great deal of vehemence and persistence.

Mr. BYRNES of South Carolina. There is no doubt about the difficulties incident to the revision of freight rates. A man not acquainted with the complexity of the problem may think that with the stroke of a pen a freight-rate increase can be established that would do justice to all sections and all industries of this country, but as far back as October last the Director General of Railroads suggested to the executives of the railroads the necessity for preparing a schedule of rate increases for the consideration of the Interstate Commerce Commission when the roads were returned to private control, and from October, 1919, to this day the railroads, with all their experts, have been unable to frame a plan of rate increases to suggest to the Interstate Commerce Commission to govern their operation under private ownership. Gentlemen who carelessly state that with the increase in wages to employees on a given day the director general should have announced an increase in freight rates that would have made the revenues commensurate with the expenditures, either have not investigated the subject, or wish to deceive the public into believing that the Railroad Administration has been derelict in the performance of a plain duty.

Let us see the absurdity of the argument. What conditions existed in 1918? The wages of the employees had been increased as of January 1, 1918. In the fall of that year the employees, complaining of the ever-increasing cost of living, demanded a further increase, and we had to adjust the wage of certain classes from time to time. We saw that there should be some increase in revenue. What should we have done after November 11, when the armistice came?

There was great unrest in the country, uncertainty as to the future of business and hesitancy everywhere. Traffic upon the railways slumped until they had the worst three months in the

history of railroading. Should we have ordered an increase in the freight rates, based upon the lean months of January, February, and March, 1919? If we had we would have fixed the rate so high that every man in this country would to-day be complaining of the abuse of power by the Director General of Railroads. The Director General knew that it was an abnormal condition prevailing. He predicted better times for the railroads. Those better times came, and during May, June, July, August, September, and October, the business of the railroads picked up, and if an increase had been granted based upon the business of the railroads during June, July, August, September, and October of the same year, an increased freight rate of only 2 per cent would have been sufficient to take care of it, whereas, if you had gone to work and granted an increase in the early part of the year, the Lord only knows how much would have been necessary. It only goes to show that during such abnormal times it would have been exceedingly difficult to intelligently frame an increased freight schedule.

Then, the Director General had an additional reason. There is not a man who does not believe that it would have affected wage conditions. The men demanded a further increase in wages. The railroads refused to pay the further increase. They went to the President. The President urged them to wait. He said that there was an extraordinary condition prevailing; that there would likely be a reduction in the cost of living, and as it was reduced the men would be relieved.

The men waived their demands and agreed that they would not call a nation-wide strike.

We can recall the condition prevailing at that time. If in the face of telling the employees of the railroads that the high cost of living was going to be reduced and we could not increase wages because it would increase the high cost of living, we had gone ahead and increased the revenues by increasing the freight rates, that would have taken away every argument the Government ever had for trying to keep stationary the compensation of the employees. They would have said, "If you have increased the rates 20 or 30 per cent, you have got the money, and we want the increase." And there is another reason. An increase in freight rates would have been reflected not only in wage conditions but it would have been reflected in the increased cost of living, because the increase of freight rates would have offered a reason or a pretext to manufacturers of the country to increase the price of their products, and in the end the amount paid by the people of America would have been greatly in excess of anything ever paid out of the Treasury to make up these deficits.

Mr. SANDERS of Indiana. The gentleman has not forgotten, however, that the President recommended that a commission be appointed to determine the wages, and that that determination of the commission should be certified as a basis for increase of rates?

Mr. BYRNES of South Carolina. I remember the appointment of the commission, and the railway employees then, notwithstanding their wages had not been increased over the year before, went back to work. But I will give the gentleman a conclusive reason why the director general should not have done what the gentleman from Iowa [Mr. GOOD] contends.

In 1919 hostilities had ceased. The President had power under the law to increase the freight rates, but hostilities had ceased. And the position of the Congress was that this power should not be exercised by the President. When we passed a deficiency bill here in the closing days of the last Congress appropriating money for the Railway Administration and sent it over to the Senate, the Interstate Commerce Committee of the Senate told the Director General of Railroads that any exercise of power by the President increasing the freight rates would be an arbitrary and autocratic exercise of that power, and that that deficiency appropriation would never go through the Senate unless there was tacked upon it the provision that the Interstate Commerce Commission would have the power to suspend any increase of rates that was announced by the President of the United States or by his agent, the Director General of Railroads. So the Director General of Railroads knew that the congressional policy was opposed to doing that which some gentlemen now claim he ought to have done.

And not only did the Senate Interstate and Foreign Commerce Committee do that, but the Senate passed a bill placing this restriction upon the exercise of such power by the President. It came over here, and this House, in September of that year, knowing that we had had a deficit for the first four or five months of the year, proceeded to pass the bill, which provided that not only could the Interstate Commerce Commission suspend any rate that was announced by the President or by the Director General, but, so far as intrastate rates were concerned, the State commission of every State must consent before they could become effective in that State. So that if he had wanted to increase the freight rates, under the act of Congress the director general could not have done so except by what amounted to unanimous consent.

Mr. SIMS. And the bill passed and was vetoed.

Mr. BYRNES of South Carolina. Yes; it was vetoed. But Congress had spoken, and I pay tribute to the director general for obeying the policy of Congress, as expressed by both House and Senate, and declining to exercise a power which, had he exercised it, some Members of this House would to-day declare to have been a most autocratic abuse of power.

Mr. SIMS. But we did not have the nerve to pass it over his veto.

Mr. HARDY of Texas. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. HARDY of Texas. As I understand it, the gentleman makes the point that if the Director General had increased the rate as indicated by the gentleman from Iowa [Mr. GOOD] beyond the amount he did, while there might not have been a deficit, the people of the United States, in increased cost of living and in the increased cost of freight, would have had to pay many times the amount of that deficit?

Mr. BYRNES of South Carolina. Undoubtedly. And it was a loss due primarily to war conditions. In the one case by a freight rate the loss would have been directly shifted to the shipper; in the other, it is borne by all of the people. As has been referred to heretofore, the rate structure of the country is most complex, and when any man attempts at a stroke of a pen to increase the freight rates he threatens disaster to the industries of this country. If in 1919 the Director General had started an investigation as to a possible increase, with the business of the country at that time unsettled, it would have been further affected by the uncertainty of the result of the investigation—the effect would have been disastrous to the business interests of the country.

Mr. SANDERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of South Carolina. Yes; I yield to the gentleman.

Mr. SANDERS of Indiana. With reference to the suggestion that the gentleman made as to the purpose of the bill that was passed giving the Interstate Commerce Commission the power to suspend rates, if the gentleman will permit, I do not believe that his statement is accurate. The purpose of that bill—and I want to make just a short statement about it—the purpose of that bill was to give the Interstate Commerce Commission the power to suspend rates, to suspend the rates in the event that they were inequitable; and the Director General stated that he had no difficulty with the Interstate Commerce Commission, that they were working together in these matters, and the interstate rates are 85 per cent of our rates. It was my understanding that the President vetoed the bill in order that he might have the unhampered power to control the situation of the rates since he was responsible absolutely for the revenues and the expenses.

Mr. BYRNES of South Carolina. I have now forgotten what the language of the President was in his veto message, but I do not think he declared or intimated any purpose to increase the rates. Congress did not attempt to pass the bill over his veto. What I contend is this, that the Director General of Railroads did absolutely right in complying with the expressed policy of the Congress, and if he had not done it Members of the House on that side of the aisle would have visited upon him the severest criticism.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. MONDELL. The gentleman is not justified in interpreting that legislation for this side of the House. He may interpret it for his side of the House if he so desires, but there was, so far as the support of that legislation on this side of the House was concerned, nobody who ever dreamed that it was intended to prevent the increase of rates, and I have never heard that suggested anywhere until this moment.

Mr. BYRNES of South Carolina. I would like to know what the purpose was in giving to the Interstate Commerce Commission, then, the power to suspend any increased rate that was announced by the President of the United States or the Director General of Railroads.

Mr. SANDERS of Indiana. If the gentleman will yield, I will tell him.

Mr. BYRNES of South Carolina. All right.

Mr. SANDERS of Indiana. In a short sentence I may say the purpose was not to prevent increase of rates at all, but the purpose was to prevent the great inequities that have arisen from the fact that the Director General had not had the long experience that the Interstate Commerce Commission has had with respect to these rates and that when he established an increase of rates an outcry from the country was inevitably forthcoming.

Mr. BYRNES of South Carolina. As I said before, the only increase of rates that was granted was granted only after the traffic experts of the railroads of the country themselves had considered it, and it was on their advice that that increase was granted; and the inequities that the gentleman speaks of are inseparable, as he knows, from any revision of freight rates. And because that is true the railroads of the country to-day, though they have been considering the matter since last October, are unable to frame a plan for an increase of rates to take care of the situation as it now stands. There never was any reason for the passage of the bill in question except that this Congress wanted to prevent any increase of rates by the Director General. I care not what the gentleman from Wyoming [Mr. MONDELL] says. I do not seek to interpret that legislation for him. I am satisfied he knew nothing about it and accepted the interpretation of the gentleman who was in charge of the bill. But the debate will show that the purpose of that restriction upon the action of the Director General was to prevent any increase of rate by the Director General at the time. What else could have been its purpose? Does not the gentleman know that any change necessarily must have been an increase? Does he not believe that every increase granted would have been questioned by some shipper as being inequitable and unfair to him, and the result would have been that you could not have made the increase?

The man engaged in any industry who saw another industry asking for a suspension of rates because of an inequity and would not ask to have his rate suspended would be showing lack of business judgment. That would necessarily have been the result. It was contended in the House and Senate that the hostilities having ceased, the country having returned to peace conditions, the President should not exercise this arbitrary power. Nobody wants to pay increased freight or passenger rates any more than anybody wants to pay increased taxes. We hate to pay them. That is the reason why some people have criticized the Railroad Administration, forgetting all the time that they pay three or four times more for shoes and every other commodity than they did seven years ago. Yet they seemingly thought the railroad men should not receive an increase of wages, and that the railroads should not increase freight or passenger rates.

An additional reason why the rates should not have been increased during the latter part of 1919 is the fact that all men knew the roads were about to be returned to private ownership. The President announced that they were to be turned back January 1. Afterwards a 60-day extension of time was granted, but we knew the railroads were going to be returned to private control. And if in the face of that announcement the President of the United States or the Director General had gone ahead and issued an arbitrary increase of rates, despite the fact that in all justice it ought to be left until the roads were returned to private control, when a fair and adequate increase of compensation could be granted after a full investigation by the Interstate Commerce Commission, they would have been properly subjected to criticism, and I would have criticized them as much as any other man in this House. Having some regard for the best interest of the people of America they refrained from doing it.

Mr. Chairman, I think when the history of the war is written and partisanship has disappeared the fair man of another day will say that in the history of this country there is nothing of which we can be more justly proud than the handling of our transportation system during the war, and the thanks of America must ever be due to William G. McAdoo, Walker Hines, and their associates who labored so zealously and intelligently in administering the gigantic business of the railroads of the Nation and made possible their wonderful contribution to the successful prosecution of the war. [Applause.]

Mr. GOOD. I yield 15 minutes to the gentleman from Connecticut [Mr. TILSON]. [Applause.]

Mr. TILSON. Mr. Chairman, to-day is the second anniversary of the Battle of Seicheprey. It was not a large battle as measured by the numbers engaged or the ground gained and lost. It had, however, an importance at the time and a historical significance to which I shall allude later. For me there is a special interest connected with the personnel of the troops engaged on the American side. They belonged to the Twenty-sixth, or Yankee, Division and to the One hundred and second Infantry Regiment of that division, which was made up by combining the First and Second Regiments of Connecticut, the latter of which was my old National Guard regiment. I was a member of this organization as enlisted man and officer for nearly 20 years. The two companies principally engaged in this fight were Companies C and D. When I was a captain, I commanded Company D, and when I was a major Company C belonged to my battalion. Another Member of this House, the gentleman from New York [Mr. DONOVAN], commanded Company C when he resided in my city. Many of the young men who were members of these two companies were and are personal friends of mine. In many instances I knew their fathers and mothers.

The Twenty-sixth Division, known as the Yankee Division, was the first of the National Guard divisions to go to France. Some of its elements were delayed in getting over, so that the entire division with all its units complete did not arrive in France until very late in the year 1917.

In order to help make clear what I have to say, I have here three maps, one a 1 over 200,000 map, showing the entire western front from the North Sea to Switzerland, another the battle map of the Battle of Seicheprey, showing the entire division sector, which on the larger map is at the point which I indicate, and the third is a greatly enlarged copy of the small rectangular area near the center of the battle map [indicating].

Early in February, 1918, the Yankee Division went into the line northeast of Soissons and began its preliminary training by battalions and companies with the French troops.

On March 19 this division had finished their training with the French, and went by rail to Bar-sur-Aube. From this point they were to march overland by a divisional march and execute maneuvers which would bring them finally to their billets northeast of Chaumont. After they had arrived at their billets they were to consume the entire month of April in further perfecting themselves in the lessons they had learned with the French, so that it was probably calculated that by the 1st of May they would be sufficiently trained to go into the line.

On March 21 occurred the great German drive into Picardy, and this changed all plans. It now became necessary, in order to save a desperate situation, that all American troops available, whether well trained or not, should go into the line. Therefore it was decided to move the First Division of Regulars, which was the first one over to France, from their position at Seicheprey, in the Toul sector, and send them into the Montdidier sector, near the extreme west, in order to help stem the German flood there. On April 1 the Yankee Division, without rest and without any training whatever by division, were sent into this sector to relieve the First Division.

Mr. DONOVAN. Will the gentleman yield?

Mr. TILSON. I yield to the gentleman from New York.

Mr. DONOVAN. Will the gentleman please state the relative time when the One hundred and second Regiment, or the Yankee Division, arrived in France, as compared to the arrival of some of the other emergency divisions? I mean by that as against the Regular divisions.

Mr. TILSON. I do not remember the order in which they arrived, but the First Division went over first of all. I do not know whether or not there were any other Regular divisions complete before the Yankee Division began to arrive overseas. On account of a breakdown of one of the boats some elements of the division were delayed and did not arrive promptly, possibly not before the Second Regulars or the Rainbow Division arrived completely. As I now recall, the latter arrived about as soon as the last elements of the Twenty-sixth Division arrived.

The sector as held by the First Division at Seicheprey was a 12-kilometer sector, but in order to hold the line by as few troops as possible the sector was extended when the Twenty-sixth Division took it over, so that they took the entire sector of the First Division and part of the sector of the French division on their right. Therefore the Twenty-sixth Division held a 17½-kilometer sector, including the portion of the line where the First Division had held only a 12-kilometer front.

The Twenty-sixth Division had been reduced considerably and had not received replacements, so that the 12 rifle companies of the One hundred and second Regiment had on the average only 186 men to a company, instead of the 250 men allowed by the organization tables. The result was that at the time of the Battle of Seicheprey the front was being held by 35 rifles to the 100 yards, instead of 60 rifles to the 100 yards, which had been regarded as about the right number on a "quiet" front. The

French required 50 rifles to the 100 yards, while with the English troops sometimes as high as 160 rifles were used to the 100 yards. Therefore in considering the events of April 20 it is important to bear in mind that the One hundred and second Infantry, in doing its part to meet the crisis brought about by the great German attack of March 21, was called upon to defend a front only one-half of which would, under normal circumstances, have been placed upon a single regiment.

On the night of April 19–20 the First Battalion, One hundred and second Infantry, relieved the Third Battalion in what was known as "Center F." As shown by the map, "Center F" included the towns of Seicheprey and Beaumont, and its area—rectangular in shape—was about 2 kilometers by 3 kilometers. The plan of defense divided this area into two positions—one in advance of and including Seicheprey, known as position 1, and the other along and to the north of the Beaumont-Metz highway, known as position 1–bis. It was not considered possible to hold position 1 in the face of a determined attack.

Upon completion of the relief Company C and Company D, less one platoon, were in position 1, while Companies A and B, plus one platoon of Company D, were in position 1–bis. Battalion headquarters were in the southern portion of the town of Seicheprey. To the west of the First Battalion was the Second Battalion with Company E in the front line, or outpost position.

Mr. DONOVAN. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. DONOVAN. What is the distance between the blue line and the red line?

Mr. TILSON. The blue line represents the German front wire, while the red line represents the American front wire. The distance between them varies very widely. The gentleman will see that these large squares, which are a foot or more, represent a kilometer. The entire map is only about 4½ kilometers in height. Gentlemen will notice that the front-line trench here is the Sibille trench, which lies almost parallel with the front wire in front of the village of Seicheprey.

The First Battalion had hardly completed taking over its positions, as indicated above, when, at about 3 o'clock on the morning of April 20, the enemy put down an exceedingly heavy artillery fire on the entire zone of the One hundred and second Infantry. Within a few minutes all telephone communication had been cut, and such communication as could be had with the smaller units was by runner. At 5 o'clock, under cover of a dense fog and protected by the heaviest kind of an artillery barrage, the enemy attacked the entire front held by the First Battalion of the One hundred and second Infantry, that part of the front immediately west of Seicheprey held by Company E of the Second Battalion, and with artillery the remainder of the front held by the One hundred and second Infantry.

The number of German infantry in the attack has been estimated at 1,800 picked troops, while the minimum estimate is that the German attackers numbered about 1,200 men. This strength and the determination shown by the enemy would indicate that the attack was more than an ordinary raid for the purpose of securing information. The exact purpose of the attack is not definitely known. One impression, shared by the French as well as our own officers, was that the Germans intended to seize and hold the Beaumont-Metz highway in the vicinity of Beaumont. Another view is that the enemy's intention was to seize and hold all ground gained in the vicinity of Seicheprey, and especially the Sibille trench, just to the north of Seicheprey.

Whatever the enemy's intention, his terrific artillery fire, and the picked men, enormously outnumbering our weak elements in position 1, with which he followed his artillery barrage, soon overcame our small outposts in the front-line positions and the enemy succeeded in penetrating the northern outskirts of Seicheprey; but Maj. Rau and a few remaining men of Companies C and D held on to the southern edge of Seicheprey and were never driven therefrom. Reenforcements from Companies A and B in position 1–bis were brought up and the Germans were soon driven out of Seicheprey and back to the Sibille trench. Later on in the day and during the night the Germans were driven from the Sibille trench, and on the morning of the 21st the Americans were again in full position of the ground which the Germans had been enabled to occupy for only a few hours as a result of their overwhelming attack of the day before.

More than 40 Germans were buried by the Americans, and doubtless many were carried away by their comrades. The quantity and character of the matériel left in the Sibille trench indicated that the enemy had made a hasty retreat. The saddest and most unfortunate part of the affair was that there were 58 Americans killed, 145 wounded, and 226 missing. Most of the missing were captured and carried away to German prisons, where most of them lived through the war and have since returned to their homes.

I said in the beginning that this was not a great battle. It has been called a raid in force, although I think it was too large for that. While not rising to the dignity of an offensive, perhaps it might properly be called a small local offensive. Nevertheless the Battle of Seicheprey was historically important. It was the first powerful attack by the Germans directed against an all-American sector. In the next place, it was the first try out of National Guard troops. It has been thought by some that the Germans upon learning that a National Guard division had come into the line seized this opportunity to demonstrate that they were not dependable. If this were the purpose, it proved a failure from the German point of view. So far as the number of casualties inflicted was concerned, it was a German success, for the American losses were heavy in proportion to the number of troops engaged. The weakened elements in the front line were simply overwhelmed. The attack utterly failed to hold any ground gained, and it never reached the line of resistance even of the first battalion.

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. TILSON. Mr. Chairman, could I have just about a minute more?

Mr. BYRNES of South Carolina. Mr. Chairman, I yield the gentleman two minutes more.

Mr. TILSON. Mr. Chairman, so far as the Americans were concerned, there were doubtless many lessons to be learned from the attack at Seicheprey. These lessons, however, concerned the combined operations of large bodies of troops, and no criticism can be made of the conduct of the small units of the One hundred and second Infantry, which bore the brunt of the attack. The consensus of all reports concerning the action of individuals and small units is that their conduct was admirable in every respect. The commanding officer of the One hundred and second Infantry, Col. John H. Parker, characterized the conduct of individuals and units of his regiment as being "beyond praise, heroic, and sublime." Brig. Gen. Fox Conner, chief of operations on Gen. Pershing's staff, in commenting upon the affair at Seicheprey, says: "Notwithstanding the heavy losses of the First Battalion, One hundred and second Infantry, its morale was not only unbroken but it remained ready and willing to undergo any sacrifices which it might be called upon to make. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. MACCRATE having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Dudley, its enrolling clerk, announced that the Senate had passed the bill (S. 4163) to incorporate the Roosevelt Memorial Association, in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had passed without amendment the following House concurrent resolution:

House concurrent resolution 54.

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H. R. 11578) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1921, and for other purposes, the Clerk be, and he is hereby, authorized and directed to number the sections consecutively.

The message also announced that Mr. POINDEXTER was excused, at his own request, from further service as a conferee on the bill (H. R. 11927) to increase the efficiency of the personnel of the Navy and Coast Guard through the temporary provision of bonuses or increased compensation, and Mr. KEYES was appointed in his place.

RAILROAD DEFICIENCY APPROPRIATION.

The committee resumed its session.

Mr. BYRNES of South Carolina. Mr. Chairman, I yield 10 minutes to the gentleman from Tennessee [Mr. SIMS].

Mr. SIMS. Mr. Chairman, I well remember when the bill was pending in the House to give the Interstate Commerce Commission the power to suspend rates made by the President. I opposed it. I insisted then that it was an absurdity to require the President, who is not an expert on rates, to initiate rates for an expert body to immediately suspend. I offered an amendment on the floor of the House authorizing the carriers to file rate increases subject to suspension by the Interstate Commerce Commission instead of the President, because the carriers knew better what rates they wanted, they knew better what rates they needed. My amendment was voted down with a dull, sickening thud. The reason for it was that if the carriers suggested increases of rates, and they were suspended by the commission, it did not deprive the State commissions of the power to pass

upon State-made rates, and the covert and camouflaged purpose of having the President initiate rates was that the Interstate Commerce Commission might suspend them so far as they applied to interstate rates, but that the State commissions would have no power in so far as intrastate rates were concerned. Those are the facts, and when the President vetoed the bill, I saw in a newspaper—I do not know whether it was true or not—that the leader on that side, Mr. MONDELL, said that the President did right, and that the bill ought never to have been passed. As I recall, Mr. MONDELL advocated the passage of the bill.

I want to refer to another matter. The gentleman from South Carolina [Mr. BYRNES] says it is proposed now by the railroads to increase the rates on freight over and above the Government war-made rates 25 per cent. The Director General increased passenger fares at the same time, relatively in proportion to the increase of freight rates. Why do not the carriers now ask to increase the passenger rates 25 per cent? I can tell you why, and you know it without being told. I am not blaming the railroads. It is because the passengers vote and run for offices and hold offices and can talk, abuse, and denounce the railroads, and if they increase passenger rates the railroads know that there would be a howl go up from every man who bought a ticket.

Mr. GOOD. Mr. Chairman, will the gentleman yield?

Mr. SIMS. Yes.

Mr. GOOD. Was that the reason that Mr. McAdoo as the Director General took off the extra fares that he had put on for the privilege of riding in a Pullman or chair car?

Mr. SIMS. I was going to refer to that; I thought the gentleman himself would, but he did not. Why do they not ask for an increase in passenger rates? I have given you the reason, and it is a good one. They want to put it on freight, so that it is charged up to the ultimate consumer, with profits added every time it takes a turnover, and in that way they get their money without the man who pays it knowing how much he pays. I do not blame the railroads; they know how selfish human beings are, and when a man can see in advance the rate he has to pay he will howl, but when the poor and also the rich have to pay an increased price for meat, for bread, for flour, for coal, for sugar, for lumber, they do not see just how much of it is caused by the increase in freight. That is the reason for it. The gentleman from Iowa [Mr. GOOD] refers to the fact that the director general, Mr. McAdoo, in making the passenger rates, had added one-half a cent a car-mile for the privilege of traveling upon a Pullman car instead of in a day coach. The Director General never did a more righteous or just thing when he did that very thing, but a howl went up in protest by the well-to-do who could travel in Pullmans, and it was charged that the poor widow, or the soldier's wife or mother, would have to sit up all night in a day coach in order to save that half cent a mile extra fare, and Mr. McAdoo—it was he and not Mr. Hines who was then Director General—and he, being tender-hearted like Members of Congress, took off the half cent on all Pullman passengers rather than force the wives and mothers of soldiers who were not able to pay the extra fare to sit up all night in day coaches.

Mr. MASON. The gentleman says that Mr. McAdoo had a tender heart. Was that a tender heart on his part or a sensitive ear?

Mr. SIMS. It was a tender heart. He had been traveling through the South at that time advocating the purchase of Liberty bonds, as I am told—I did not talk to him about it—and saw the poor widows and the wives and mothers of the soldiers were the sufferers, which broke down his adamantine intention to continue the extra charge. Why do not the railroads ask for it now? It is nothing but just and right. The war is over and no soldiers' wives and mothers are forced to pay it while husbands and sons were dying in battle. A Pullman car weighs nearly twice as much as a day coach, and costs much more money to build. It takes more motive power to haul it. Why should not a gentleman who is able to travel in a Pullman car pay an increased fare? Why not increase his fare over the fare of those who are not able to travel in Pullman cars, who have to sit up all night, and why not reduce the fare of such people by half a cent or even a quarter of a cent per mile? But I predict that you will see nothing of that sort done. Private ownership means operation for profit. That being its object and purpose, it will never do anything that does not promise the greatest amount of profit. That is all that people invest in it for, and that is the only reason that you and I would invest in it—nothing else on earth but profit on investment. Without such a motive not another private dollar will ever be invested in a share of railroad stock.

What else do carriers do? Their roads have always carried, and to-day are carrying more than they ever did before, a large volume of traffic free of charge. That is the free transportation of baggage. Now, trunks do not vote, but the men and women who own them, and to which personal service is more expensive to the railroads to render than to the passengers, do vote, and therefore their trunks get free passes. Why not let you and I who carry a trunk pay a just and reasonable charge for the carrying of them? Mr. Cass, from the State of Iowa, told me, when I inquired of him in a hearing, that the baggage carried free was equal to at least 15 per cent of the whole cost of passenger traffic. Now, why do it? I traveled with a gentleman who is the business partner of the gentleman from Utah [Mr. MAYS]. I was going from here to San Francisco and he was going from here to Ogden. I had a trunk that weighed about 125 pounds, and my trunk was carried to San Francisco for nothing. It had to be changed from car to car—personal attention, personal service.

The partner of the gentleman from Utah [Mr. MAYS] had no trunk, but he had to pay just as much as I did from here to Ogden and received less service and cost the railroad less to carry him without baggage than it did to carry me. Why do not the rail carriers put on a reasonable charge for carrying baggage, a rate that would at least pay the carrier out of pocket cost? Why should not the railroads in the name of common honesty and common sense get the actual cost of the service to them? I offered such an amendment in the subcommittee of the Committee on Interstate and Foreign Commerce and they voted it down. I then offered it in the full committee—I am giving away no committee secrets, because I am not going to tell who voted for it and who voted against it—but it failed to pass, and it will not do so here; you will not vote for it. Now, you know there are thousands of commercial travelers who are traveling as a matter of business and profit to their employers. They carry baggage containing samples for business purposes. They are carried free up to 150 pounds per passenger all over this country. These sample trunks are not used to carry the personal wearing apparel of the drummers, but are used exclusively for business purposes.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FIELDS. Will the gentleman yield?

Mr. SIMS. If I can get more time I will be glad to answer questions.

Mr. GARRETT. The gentleman from South Carolina was called away from the Chamber and asked me to control the time, there being no member of the Committee on Appropriations present, and I yield three minutes additional to the gentleman.

Mr. FIELDS. Will the gentleman yield?

The CHAIRMAN. The gentleman is recognized for three additional minutes.

Mr. SIMS. I yield.

Mr. FIELDS. Do I understand the gentleman to say that the baggage of commercial travelers, the entire baggage, is carried free?

Mr. SIMS. Only up to 150 pounds, like anybody else's.

Mr. FIELDS. One might infer from the gentleman's remarks that all baggage was carried free.

Mr. SIMS. It is the same as anybody else's.

Mr. FIELDS. That is, he is entitled to 150 pounds free?

Mr. SIMS. Yes; and they are traveling every day as a matter of business.

Mr. FIELDS. I have been a commercial traveler and carried four, five, and seven trunks, and I agree with the gentleman from Tennessee that they ought to pay for the baggage that they carry.

Mr. SIMS. Pay all alike; but the railroads will not make the charge. Trunks do not vote, but their owners do, and this whole scheme of private ownership for profit involves such uneconomical practices, which the railroad can not well prevent. Now, what should the railroads do? They might put on a reasonable graduated charge for baggage of all kinds, increasing it when it goes up, charging less for the first 150 pounds. And now we have a United States Express Co. that operates all over the United States, everywhere that a rail line is operated. It will send to your house wherever you live and take your trunk and deliver it at your hotel or wherever you are going at the end of your journey for a reasonable charge. Now, why should we want an increased freight paid on wheat, corn, cotton, cattle, eggs, and butter and at the same time have our trunks that carry our wearing apparel carried free? I think that, as the railroads now are trying to increase freight rates from 25 to 30 per cent, they should at least charge for carrying baggage a sufficient amount to pay them all actual expenses which they incur by reason of such baggage transportation service.

Mr. JONES of Texas. Will the gentleman yield?

Mr. SIMS. I will.

Mr. JONES of Texas. If the railroads were under Government ownership, would not there be the same inducement to let the trunk owners carry their trunks free by those who control it, just the same as under private ownership?

Mr. SIMS. I rather think if the Government was carrying baggage free to the passenger, but at a public expense, that the gentleman would hardly vote against a reasonable charge upon his trunk for the service rendered by the carrier. I hardly think he would want the Government to incur a deficit and take it out of the taxpayers on account of this free service thus given.

Mr. JONES of Texas. I am not saying that would not be true, but I am asking the gentleman if the same inducement would not exist?

Mr. SIMS. The same temptation always exists not to pay what a service is worth, if we can get it for less or for nothing.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. GOOD. Mr. Chairman, I yield 17 minutes to the gentleman from Washington [Mr. SUMMERS].

Mr. SUMMERS of Washington. Mr. Chairman, while the House of Representatives was considering an item in the District of Columbia appropriation bill a few days ago I indicated that a certain teacher in the Central High School of this city had been teaching that which in my opinion would tend to undermine the Government.

The principal of that school, Prof. Maurer, was quoted by the daily press as stating that the charge was "not serious."

In a report to Supt. Thurston, dated April 1, Prof. Maurer finds in favor of the teacher but says, in part, in regard to this case:

> Almost all of her pupils express themselves as never having left her classes with a feeling that any reflections had been cast upon our country or its Government in comparison with any other nation or upon its public men.

You will note he says "almost all" of her pupils, and so forth. My contention is that this teacher nor any other teacher has the right to send any pupil from her classes "with a feeling that any reflections had been cast upon our country or its Government in comparison with any other nation."

Mr. Chairman, teachers should Americanize foreigners, not foreignize Americans.

The report states further:

> I find that those pupils who do recall criticism recollect a very few at most of such occasions—

Which again indicates such criticisms were made and on several occasions.

The report further states:

> It is, of course, true that the courses Miss ——— is now teaching are yet incomplete and not fully developed. The true index of her teaching is in the influence left by her finished work with the class, and the fact should be stated that our students of history do not get the full understanding or appreciation of the American Constitution until their senior year, following the study of the European countries.

From this I conclude a freshman, sophomore, or junior may gain wrong impressions, but that these will all be corrected in their senior year. This is dangerous business, Mr. Chairman.

This report was based largely, so I am informed, on anonymous answers to questions furnished the pupils. While I have been three times refused an examination of these answers, the principal stated to me over the phone that a number of the answers bore testimony to the facts substantially as I stated to the House on a previous occasion.

Now, Mr. Chairman, I have neither time nor disposition to enter the secret service, and neither am I going to embarrass any child nor any parent, but a little information from parents throws interesting sidelight on this whole question.

One parent says:

> As a parent whose son has been compelled to listen to her vicious teachings for almost a year, I am bitterly opposed to seeing her get off without being taught a severe lesson.
>
> Myself and other parents have been greatly incensed during the entire year to think that she has been allowed to pursue the tactics she has employed. Please continue your good work.

And so forth.

Another parent, a cool, calm, sensible business man, tells me he has been incensed at the reports brought to him by his daughter on numerous occasions.

He has repeatedly found it advisable to go over the points at issue with his daughter—who declares she likes this teacher—and thus modify or change her viewpoint.

He tells me he finally concluded the teacher was a citizen of another country and was prejudiced in her teaching in favor of that country.

Another parent, a highly intellectual gentleman, who has resided in this city for many years, states that he removed his daughter from another school in this city some time ago because of the bolshevistic, socialistic, and other teachings she was receiving.

He states that one socialist teacher, who is not now in the schools, used to invite the children to see her after school if they wanted further information along the same line.

I am informed there is a socialist organization, with a high-sounding, beguiling title, with headquarters in New York, whose whole object is to openly or secretly teach socialism and Bolshevism in our schools and colleges.

I am informed that a group of students in one of our great universities is doing personal work among other students and signing them up as members and supporters of the New York organization. It is presumed the same slimy work is being done in other colleges and universities.

Under recent date a patriotic young friend of mine writes me as follows:

> I have made a casual investigation of the magazine put into the hands of college students by the Intercolliegiate Socialist Society of New York, and find it impregnated with articles by such dubious characters as Berger. There are also lavish eulogiums on Debs. I have not had the time to read searchingly into the contents of the articles and can not accordingly adduce positive incriminating evidence, unless the panegyrics on Debs and the contributions of Berger be considered illicit.
>
> An examination on your part will bring the truth of the situation. My knowledge of Berger leads me to form the opinion that if he was not worthy enough to be a Member of Congress, he is not sufficiently estimable to be allowed to exert this influence on the minds of college students. The absorption of these ideas must necessarily find expression for the worst in manhood. It is for you to judge whether his teachings are destructive or stimulating. Certainly a man who has been condemned by the courts of the country is not a model for emulation or an incentive for popular applause.
>
> In college I have already formed the belief that if while here one does not absorb a profound veneration for his country, then the educational system of the country will only be placing power in the hands of those who would jeopardize our national existence. Americanization is too slow in operation. I see no efforts about me. There are no monthly talks on this subject, not even yearly, unless I have been sound asleep. Progressive ideas should be encouraged, but there should be a differentiation between those that have the interest of the country in mind and those that would encourage fanaticism for mistaken martyrdom, oblivious to its unsoundness and only animated by a feverish desire to renovate.
>
> Recently there was issued to college boys who are members of the Intercollegiate Socialist Society invitations to attend a "civic club meeting" on April 15 in New York City. Following this was a brazen line beginning, "A round up of the free for the benefit of the bound," and even worse, by Red Doran. You will recall that this person has connections with the I. W. W.'s and has been indicted about three times, being now on bail. To continue: Under this was a line to the effect that Red Doran would conduct a Dutch auction. This is enigmatical, but it was not meant in levity. It closed with an appeal to those who were coming to bring money, the proceeds of which would be split up between the Centralia and the Intercollegiate Society. The Centralia is an effort to free indicted I. W. W.'s. I do not know how many have contemplated accepting the invitation, but this, I think, may be implicitly assumed that all college members of this society received a request to attend. * * *
>
> This is but a compendium but I think the danger is plain. Of course I may be mislead as to the real significance of this and I advise you to look the ground over for yourself. It is the deep conviction that this is but an example of the protean anarchy that is rife in the country that induces me to protest against this organization. A suppression of baleful propaganda is not a suppression of public opinion because this is not public opinion. The great conservative masses do not sanction it, but a few ingenuous and determined bellowers can often overcome a tremendous majority.
>
> An attack on the college that I am attending with evidence furnished by me would be matricidal on my part and with my respect for the greatness and traditions of the college would be a severe blow to me.
>
> This is not only here, it is prevalent. I write to you as a man very interested in Americanization and hope that this letter may be of service to you in the great work of safeguarding the future by indoctrinating the youth with sound principles.
>
> Very sincerely, ——— ———

For the protection of this student I can not reveal his name nor the name of the college, which he attends, but it is one of the largest and best known educational institutions in the United States.

Mr. Chairman, this interests every educator in America. The letter from this young man, in my judgment, should be read to the general assembly of every high school and every college in the country with appropriate comments by the president or principal. To be forewarned is to be forearmed against this treacherous organization.

Now, Mr. Chairman and gentlemen, if the seeds of disrespect and disloyalty are sown, whether maliciously or thoughtlessly, in our free public schools, and are further cultivated in our colleges and universities, I declare we are sowing the wind and shall reap the whirlwind.

No Member has a higher regard for teachers and for the teaching profession than I. In the main they are well equipped for their duties by years of hard study at great expense, but are shamefully underpaid.

I am in favor of raising the salaries of all competent, loyal teachers and of dropping the others. The child's mind is en-

titled to the very best. Poor teachers are too dear and too dangerous at any price. But so long as they do teach, I insist that they teach good, old-fashioned Americanism, and if they do not, then cancel their certificates and create an everlasting vacancy so far as that teacher is concerned.

Mr. Chairman, while I am making an honest effort to have the American's creed drilled into the minds and into the hearts of every school boy and girl in my State of Washington, I am unwilling that any teacher in the National Capital shall be planting the seeds of national destruction under the very shadow of this dome.

Through the public schools of America lies the path to national preservation, and there is no other.

The quality of patriotism that springs from our schools must grade 100 per cent, and nothing less will meet the demands of the hour. A faith in our country and its institutions that is broad and deep must be instilled into the heart of every boy and girl.

I am not concerned with any passing criticism of Congress. The Constitutional Convention, composed of the intellectual giants of the centuries, and every deliberative and legislative body that ever met before or since, has been criticized, but I do object to any teacher, in her capacity as a teacher, criticizing one of the organic branches of this Government.

But perhaps my notions of patriotism are old-fashioned and out of date. I believe in the United States of America. I know it is the best Government on earth, and I can not and I will not sit idly by when any school or teacher repeatedly derides before her pupils the lawmaking body of this Government, nor when she leaves a lingering thought in any pupil's mind that some other Government is superior to his own.

Mr. Chairman, I am interested in schools and school-teachers, but over and above all I am interested in the children.

While the Senate committee investigates the school situation I trust they will inspect the answers to the questionnaires as made by all the children, to the end that all the facts may be known and full justice may be done the teacher and this question.

The schools of Washington, D. C., should lead the Nation, and if the school turmoil that has been aired by the city press three times daily for months can be settled in no other way, then I hope the Senate committee may recommend that we wipe out the contentious factions and disturbing factors and give to the children of this city the wholesome, patriotic instruction to which they are entitled.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. SUMMERS of Washington. I will.

Mr. BLANTON. The gentleman, I am sure, will agree that it would be unfair to all the teachers of this District not to give the name of this particular teacher. It casts an aspersion upon the character of every teacher in the section, and I think the gentleman ought to name the teacher.

Mr. SUMMERS of Washington. I will say to the gentleman that even the school children at the Central High School, after the remarks I made here some two or three weeks ago, said that they thought that is Miss So-and-so, and I hesitate to give the name. I think this will all be brought out, probably, in the Senate committee hearings within the next two or three days.

Mr. BLANTON. Will the gentleman answer this question: Is it or is it not Miss Ditto?

Mr. SUMMERS of Washington. Well, I called no names, if the gentleman will pardon me, in connection with this.

Mr. BLANTON. If the gentleman will say it is not, I do not care to ask him.

Mr. SUMMERS of Washington. I will say this, Mr. Chairman and gentlemen, that I have answered the question for the principal of that school and for the superintendent of the city schools, and it is up to them to make the investigation. There is no secret about that. [Applause.]

Mr. SIMS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. BYRNES of South Carolina. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman, there is no man in the United States who hates disloyalty more than I do. There is no man in the United States who would do more to free not only our schools but our whole Government of all socialism, of Bolshevism, and of anarchy than I would. I have taught my children to hate it and have taught them to love their flag, their Government, and its principles. I would not be doing my duty to my children or to myself or to my country, however, did I not rise at this time in defense of the absent teacher whose reputation has been attacked here by my esteemed friend the gentleman from Washington [Mr. SUMMERS]. I asked him to give the name of this teacher, and he refused. He thus leaves every teacher in Washington under this cloud. When he made his former remarks some time ago on the floor concerning this particular teacher I made inquiry and found that his charges were directed against Miss Ditto, who teaches history in the Central High School. I happen to know well the superintendent of the public schools of this District, Mr. Thurston. He is an excellent gentleman and an able executive. It was my pleasure and privilege to have a conference with him at a time during the war when he was arranging intensive courses for the boys in the high schools in this District in order that they might graduate before time, in order to enter the service of their country. I am also acquainted with the principal of the Central High School, Mr. Maurer, and other teachers there—Mr. Jones and Mr. Burroughs and others—who are men of high standing and high intelligence and high patriotism. I happen to have three children who have been in attendance at this Central High School, and most, if not all, have been in the classes of this particular Miss Ditto. It is my good fortunate to be intimately acquainted with a big bunch of the splendid young men up there in the Central High School, of the two thousand five hundred and odd pupils who attend there daily. So interested was I to know if my children were attending the class of a teacher who was teaching anything but true Americanism in this District that I went to boy after boy who has been in her class, and every single one of them told me that there is no finer teacher in Washington than this particular Miss Ditto. I asked my own boys, who hate Bolshevism like I hate a rattlesnake, if there was anything wrong with this particular Miss Ditto, and they said they had never been under a teacher in their whole life whom they liked better and who taught them better the principles of this Government and loyalty to their country and their flag. My little daughter tells me the same thing. Why, I learned upon investigation that this Miss Ditto has spent the very best part of her life here in the District of Columbia teaching the young men and the young women of Washington.

Is her reputation, with so little investigation as this, to be wiped away on the floor of the House in a moment by such indirect accusations? Why, my distinguished friend from Washington tells us in the same breath in which he makes his charges that the principal of this school gave this matter investigation and exonerated the teacher. If he did that, why can not my friend from Washington be fair enough to this poor woman, who works hard day after day on a small salary, teaching the youth of this land, to drop his charges, unless he can bring more foundation and more basis here, and give names when he is asked for names? I say it is unfair to her and it is unfair to the teachers of this District. I want to say that I do not believe there is a man who will claim that I will mince or whitewash matters when it comes to Bolshevism. I have said on this floor—and I have been one of the few men who have said on this floor—that that teacher who was caught and adjudged guilty of teaching Bolshevism and who was suspended for one week—Miss Woods—should have been dismissed immediately from the schools and not allowed to come back. That is what I have said; and any other teacher not absolutely loyal should be dismissed. There is not a man here who believes I will wink at anything of the kind. I am perfectly willing for my children to be taught by Miss Ditto, for I sincerely believe her to be an able, efficient, loyal, deserving, patriotic teacher.

Mr. SUMMERS of Washington. Will the gentleman yield?

Mr. BLANTON. I yield.

Mr. SUMMERS of Washington. May I repeat the few words from the report as given by the principals to the city superintendent?

Mr. BLANTON. Oh, the gentleman has had 17 minutes and I have only 10, and I asked him to give the name of this teacher and not leave all the teachers of the District under a cloud. I asked him to give us a little better idea of the charges. He leaves the matter up in innuendo. I would yield to him if he would put in names and facts, but I have only 10 minutes. I want to say I think the gentleman ought to be fair and withdraw these charges. I do not think he ought to be so unkind to this poor woman, who is absent and has no defense here. She can not come here and defend herself. She has been exonerated after proper investigation by the principal of the school, after the attention of the principal was directed to my friend's charges on the floor of the House some time ago. I think he ought to withdraw them, because I do not think it is fair to a teacher who has spent the best part of her life training the young men and young women of this Nation.

Mr. Chairman, I yield back the balance of my time.

Mr. BYRNES of South Carolina. Mr. Chairman, I yield 15 minutes to the gentleman from Iowa [Mr. GOOD].

Mr. GOOD. Mr. Chairman, I yield 20 minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. DUPRÉ. Mr. Chairman, there seems to be considerable of a swapping of time around here. Where is the gentleman from Wyoming?

Mr. MONDELL. Mr. Chairman, if I may, I yield a minute of my time to the gentleman from Washington [Mr. SUMMERS].

Mr. SUMMERS of Washington. Mr. Chairman, the report to which I referred a bit ago, and from which I quoted, is a report made by the principal of the Central High School to the superintendent of schools in this city. The report is based on answers to questions submitted to the pupils. From that report I quote this language:

That "almost all of her pupils expressed themselves as never having left her classes with a feeling that any reflections had been cast upon our country or its Government, in comparison with any other nation, or upon its public men."

And my contention is that no child should leave her classes with the feeling that reflections have been cast upon his country, and that he should not have that sort of teaching. And the principal himself, basing his report on the answers made by the children, does not claim that it was unanimous in favor of the teacher.

He admits that there were observations of this kind and reports of this kind made by some of the children. I have no interest in the matter in any way, shape, or form other than as it concerns the welfare of this country and the children of the schools.

The CHAIRMAN. The time of the gentleman from Washington has expired. The gentleman from Wyoming [Mr. MONDELL] is recognized for 18 minutes.

Mr. MONDELL. Mr. Chairman, the bill before us carries an appropriation of $300,000,000 to pay a portion of the loss incurred through the operation of the railways by the Federal Government, and the chairman of the committee [Mr. GOOD], in presenting the report, figures the total loss to the Treasury as the result of the Federal operation of the railways at $1,375,000,000. I think the gentleman from Iowa would say, if interrogated on the subject, that that was a conservative estimate. Whatever may be our opinion of the necessity of the Federal control of the railways during the war, we should not forget that it cost the American people $1,375,000,000, and that during that period the service was of a character that would not have been tolerated by the people if the railroads had been under private control and management. As it was, the people put up with all sorts and kinds of curtailments of service, all sorts and kinds of inconvenience, all sorts and kinds of disarrangement of their affairs, in the patriotic belief that it was necessary for them to do that as good citizens. The roads had been taken over by the Government and were being operated by the Government, and as good citizens they felt they must bear with the poor service and pay the high rates of Government operation.

Mr. OLIVER. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. OLIVER. In what respect would that condition have been improved had the railroads remained under private control during the war?

Mr. MONDELL. It has always been my opinion that the condition would have been better in the long run if the roads had been left in private control. I think that, with legislation granting certain additional authority and removing certain restrictions, the roads would have been more cheaply and more satisfactorily operated if they had remained in private control. But I realize that is all a matter of opinion.

Mr. OLIVER. Did the gentleman make any suggestions looking to that end at the time the railroads were taken over?

Mr. MONDELL. I expressed the opinion that it was of doubtful wisdom and propriety at the time, and I have only made the statement that I have made now in answer to the inquiry of the gentleman because I admit, as we all must, that it is a matter of judgment and opinion, and I have no doubt but that those who believed in taking over the railroads and were instrumental in taking over the railroads were of the opinion that that was essential.

I still, however, adhere to my view that with certain modifications of law the roads would have been more satisfactorily handled under private control, and I think it is well that we should consider those matters and have an opinion upon them, because they have a bearing on the very large question involved as to whether or not the Government can advantageously, economically, and satisfactorily operate the railroads of the country. I do not believe that it can be done under our form of government, and it is perhaps worth while to have had this experience, as burdensome as it has been, as costly as it has been, as illustrating the difficulty of operating railroads through public agencies.

Gentlemen talk about running the Government on business principles. There never was a government run wholly and entirely on business principles, in my opinion. There may have been somewhere, sometime, an absolute autocracy which, under a very wise autocrat, was run on business principles for a very limited length of time. But under no other form can a government be run on what we are pleased to call business principles. I think everybody who has had anything to do with governmental affairs realizes that, and in some respects and in some regards it is more difficult to operate government affairs on purely business principles under a republic, under a republican form of government, than under an autocracy. That, however, is not an argument against a republican form of government. It is one of those things that go with and are attached to and belong to a government of the people, for the people, and by the people.

Mr. O'CONNOR. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. O'CONNOR. If the gentleman has the time, will he elaborate that idea? I am really interested to know why an autocracy could make cheaper purchases and sell to greater advantage than a democracy.

Mr. MONDELL. Well, an autocrat, if he was all-wise and all-powerful, could rule without regard to this or that or the other local, temporary, or political influence which sometimes has an ill effect upon management; and if autocracy were all-wise, then autocracy could manage things in the most businesslike way. As, however, there is no such thing as an all-wise or wholly benevolent autocracy we need not give that phase of the matter consideration.

Mr. O'CONNOR. I wish the gentleman would go into that a little further.

Mr. MONDELL. I could not go into a discussion of that question now. If I had many times 18 minutes I would be glad to talk about it.

Mr. CANNON. Mr. Chairman, will the gentleman yield for a question?

Mr. MONDELL. Yes.

Mr. CANNON. If the great Creator and Preserver of the Universe, with all power and wisdom, would come down and take charge, He would make a success, would He not?

Mr. MONDELL. Yes. That is the kind of an autocracy that would be a success. But we, unfortunately, do not have the benefit of the directing hand of the Infinite and All-Wise in our affairs. It is ordained that we must work out our own salvation, and we can work it out best under a government of the people, for the people, and by the people. And yet under that form, by reason of the limitations of the conditions established by that form, we can not do business, ordinary business, in what is generally known as a thorough business way, and for that reason we can not run railway systems, we can not carry on great business affairs of any sort in a satisfactory way, and the less of it we have the better for all concerned.

Now, Mr. Chairman, so much for that. The gentleman from Iowa [Mr. GOOD] a little while ago referred to the demands that have been made for soldiers' bonus legislation. He expressed himself as having very serious doubt of the wisdom and propriety of that sort of legislation. My opinion and my view with regard to those matters have been well known for a long time. And yet, notwithstanding what I or the gentleman from Iowa may think in regard to the matter, I think it is quite likely that we shall have legislation before this Congress adjourns probably along the lines of the suggestions made by the American Legion; possibly with some considerable modifications. If we are to have such legislation—and I am inclined to think that a majority of the Members of this House expect it to occur and desire it to occur—let us hope that at least we shall be conservative, even as the men and the committees of the legion have been conservative compared with some plans that have been proposed. Let us hope that at least we shall not embark upon wild enterprises involving many, many millions of dollars that the men of the legion have not asked us to embark upon.

And let us also remember in that connection that if we are to legislate, even though our legislation may not involve an ultimate expenditure of more than $1,000,000,000 or a billion and a half, which, while it is an enormous sum, is very small compared with the sums involved in some of the plans that have been suggested; if we are to legislate even along the most moderate lines we can not pick the money off of the bushes. It may be there are gentlemen—no one in this presence, I hope—who would be delighted to slap the soldier boys on the back, declare

that they have been instrumental in contributing a considerable sum to the income of every one of them, and not have taxed anybody to secure the money. One suggestion of gentlemen who prefer to escape responsibility for taxation, while willing to take the responsibility of voting for a bonus, is that we shall find somewhere malefactors of great wealth or those who have made large sums out of huge war profits, and take the money away from them, and thus meet this obligation. That would all be very lovely if one could invent some machinery whereby you might pick out the real profiteer, the men who have accumulated vast sums improperly, and tax their wealth and at the same time avoid confiscating the legitimate earnings of a very great many good people. I recollect when I was a boy a certain not very successful hunter, who had been unfortunate enough, through mistake, to shoot some of his neighbor's live stock, who is reported to have said he would give anything for a gun that was warranted to kill if it was a deer and miss if it was a calf. [Laughter.] Now, any gentleman who can invent that kind of a tax-raising gun would be warranted in going after alleged profits in raising the sums to pay the soldiers' bonuses; but there is not a man under the flag who has studied the subject who does not know that we have already gone to the limit and beyond in our so-called excess-profits taxes, and who does not know that now, in spite of the best efforts of those charged with the collection of these taxes to deal equitably, we are levying upon the capital of many of our citizens under the guise of profits taxes; that we are preventing the development of enterprise; that we are tying up, all over the country, legitimate development and putting a handicap on helpful enterprise by these high taxes which for the present we are not able to repeal because up to date we have not been able to bring our expenditures to a point where they can be repealed and still leave us an income sufficient to meet our outlay.

Mr. DUPRÉ. Will the gentleman yield?

Mr. MONDELL. I yield to the gentleman from Louisiana.

Mr. DUPRÉ. Does not the gentleman think he would better have deferred that speech until after the meeting of the Republican caucus on Thursday night?

Mr. MONDELL. The gentleman having asked that bright question, I will yield to him time enough to answer it.

Mr. DUPRÉ. Of course, the gentleman failing to answer it himself would naturally like to put it back to me, but after the meeting of the Republican caucus does not the gentleman think his speech would have been more timely and probably more appropriate and more in accord with the decision of the gentleman's party on that question?

Mr. MONDELL. Of course I must be the judge of the propriety and the timeliness of my remarks.

Mr. DUPRÉ. And therefore the gentleman has handed back to me the question that I propounded to him.

Mr. MONDELL. If the gentleman wants something to think about let him chew this cud: It has been currently reported—I hope without sufficient ground—that gentlemen on the Democratic side are awaiting an opportunity to raise the bonus bill to the sky limit and beyond, not because they desire to aid the soldiers in that way, but because they think that would be good politics; and, having done that, then to work out some weird, fantastic form of revenue raising that might appeal to the unthinking and uninformed. I hope that is not true, but that is the current rumor.

Now, Mr. Chairman, the American Legion has asked certain things. It has not demanded them, but has asked them of Congress. Personally, and as a Member from Wyoming, I have not believed in a cash bonus. But I have other responsibilities here than that of the Member from Wyoming, and one of them is to attempt to carry out the will and wish of the majority as I understand it, and I am inclined to think that there will be legislation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. I ask that I may have two minutes more.

Mr. BYRNES of South Carolina. I yield to the gentleman two minutes.

Mr. MONDELL. I hope whatever legislation is enacted will be conservative. I certainly hope we shall not do more for the ex-service men than they themselves have asked. We can hardly be expected to do more than they ask. We can not honestly do more in this House than they ask. Having drawn a conservative bill, if certain gentlemen of the minority can not join with us in passing it I hope at least they will not try to ditch the thing by making it grotesque in its extravagances.

Mr. FIELDS. Will the gentleman yield?

Mr. MONDELL. I yield. I have only two minutes.

Mr. FIELDS. Can the majority leader give us any information as to when the bonus bill will be presented to the House?

Mr. MONDELL. No, I can not, because it is a matter that requires a considerable amount of careful study in its details, but I am sure it will be presented within a reasonable time. And having presented a reasonable proposition, I hope that we shall also provide a reasonable method of raising the revenue; that we shall not attempt to camouflage, or interpose smoke screens, or propose legislation which, while it may appeal to people who have not taken the trouble to consider the situation, will not commend itself to the sound judgment of the American people.

Mr. GARNER. Will the gentleman yield?

Mr. MONDELL. I yield to my friend from Texas.

Mr. GARNER. The gentleman has referred to the program outlined by the American Legion. Does the gentleman propose to follow that program?

Mr. MONDELL. The gentleman now speaking has nothing whatever to do with the program, but I express the hope we shall follow the legion program.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. BYRNES of South Carolina. If I have any time left, I yield it to the gentleman from Wyoming.

The CHAIRMAN. The gentleman from Wyoming is recognized for seven additional minutes.

Mr. GARNER. I think that will be sufficient time to answer my question. [Laughter.] The gentleman has said that he hopes the minority will not undertake to make a grotesque proposition out of the desire to comply with the request of the American Legion for legislation on this subject. I want to ask the gentleman if he is willing to take the program outlined by the American Legion?

Mr. MONDELL. I am willing to take the program as outlined by the legion as it may be presented after careful consideration by the membership of the committee to which the House has referred the subject.

Mr. GARNER. In other words, if I understand the gentleman, he is going to support whatever proposition the Ways and Means Committee bring out on this subject. That is very nice. Now, may I ask the gentleman another question? Will he give the minority an opportunity to offer a system of taxation in lieu of what he proposes to offer in his bill? He spoke of our undertaking to collect the revenue in a very uneconomical method. I want to know if the gentleman and his side of the House will give this side of the House an opportunity to offer to the country a scheme by which we can collect this money?

Mr. MONDELL. The gentleman from Wyoming will not have the decision in that matter. Speaking for himself as one Member of Congress, he says frankly that so far as he is concerned he would want to be better assured of the absolute good faith of the minority before he gave the minority any too great an opportunity to "spill the beans" or "gum the cards." [Laughter and applause.]

Mr. DUPRÉ. That is the reason I asked the gentleman to postpone his remarks until after the Republican caucus. [Laughter.]

The CHAIRMAN. The gentleman from Wyoming yields back four minutes.

Mr. BYRNES of South Carolina. Mr. Chairman, I yield four minutes to the gentleman from Texas [Mr. GARNER].

Mr. GARNER. Mr. Chairman, I want to make a suggestion to the majority. I do not think probably it is necessary to make it to the minority. The gentleman from Wyoming has suggested to you gentlemen that, in anticipation of your conference, you had better not give us the opportunity to perfect your bill, for if you do give us the opportunity to perfect this piece of legislation you will be able to collect the money from a different source than he would have you collect it from. He would put it on the backs and bellies of the American people, and we would put it on the pockets of those best able to pay. [Laughter and applause on the Democratic side.]

Furthermore, he proposes to do an injustice to some soldiers, and we propose to treat them all alike. [Applause on the Democratic side.] That is the difference between the gentleman from Wyoming and the minority. He went on to warn you that if you trusted the minority with the opportunity to perfect this bill, there were enough honest men on your side, legislatively honest men on your side of the House, to join with the minority and put on the statute books a piece of legislation that will be a credit to the country and a service to the American soldiers. [Applause on the Democratic side.]

Mr. MONDELL. Will the gentleman yield?

Mr. GARNER. Yes.

Mr. MONDELL. The gentleman, without knowing what the views are of the gentleman from Wyoming, except that he said

he was in favor of a proposition submitted by the legion, now says that I am in favor of an unfair proposition. Does the gentleman intend to say that the legislation presented by the legion is unfair?

Mr. GARNER. Oh, no; the gentleman from Wyoming does not commit himself to the program of the legion; he modifies it.

Mr. MONDELL. Oh, no.

Mr. GARNER. The gentleman from Wyoming, if he will permit me to refer to current rumor, is well aware that the bill that he has prepared, or the bill that the Republican Ways and Means Committee has prepared under his direction, takes out of the bill some 1,200,000 soldiers when there was no testimony before the Ways and Means Committee that did not say that you should treat them all alike. [Applause on the Democratic side.] I ask the gentleman if he will in his conference, when he has it with his brethren on Thursday, submit a proposition to give the House an opportunity to vote upon the proposition to include all service men in this bill, an opportunity to substitute for your proposition of a consumption tax one to take it out of those who made money out of the war while the war was on? [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman from Texas has expired. The gentleman from Iowa has two minutes remaining.

Mr. GOOD. We have nothing more, Mr. Chairman; and I ask that the Clerk read the bill.

The Clerk, proceeding with the reading of the bill, read as follows:

The War Finance Corporation, as rapidly as funds become available, shall take over from the United States Railroad Administration, at par value and accrued interest, such of the bonds of the United States of the various Liberty loan issues and the Victory loan issue as are held by the said administration at the time of the approval of this act and which it does not desire to retain.

Mr. WALSH. Mr. Chairman, I reserve a point of order on the paragraph. I would like to ask the chairman of the committee if he has any information as to how long the Railroad Administration expects to continue functioning?

Mr. GOOD. It was the estimate of the Director General and also of the director of finance that the greater part of these settlements would be adjusted during the year, or, at any rate, settled by the 1st of next March. There is a good deal of question as to just how long it will take to settle the claims of the various carriers. There are a great many pending adjustments. There are claims made by the carriers for undermaintenance and claims made by the Railroad Administration for overmaintenance. The Director General is quite positive that these claims, as far as the Government is concerned, will balance and that they will not be called on to pay any additional sum. It is the intention of the director of finance to settle the claims as promptly as he can with the railroad companies. When it comes to the question of maintenance, the gentleman can well understand that that may involve a good many investigations. Settlements may be based on the amount expended during the Federal control as compared with the amount expended for the test period, or on some other basis.

The question is so big and involves so many roads, so much property, that personally I have no opinion in regard to it. I do think, however, that it is going to take longer than is estimated, much longer. But here are claims that must be paid; here are obligations of the Government that must be discharged. The Railroad Administration owes a great many bills. Some of the railroads are owing the Government. The only way these settlements can be made is for the Railroad Administration to have the money and be prepared to make settlements.

Mr. WALSH. From what source is the War Finance Corporation deriving its funds at present?

Mr. GOOD. The War Finance Corporation had at the last statement I have seen something over $600,000,000 of assets. The capital stock to start with was $500,000,000, all of which was appropriated out of the United States Treasury, and then the corporation was authorized to issue its notes. It has done that. I think it has retired some of its obligations. It has a large variety of investments. The hearings disclose the nature of those investments.

Incidentally, I may say to the gentleman they include $132,000,000 of time certificates issued by the Treasury Department which are drawing around 5 per cent. I assume they are investing in those because the interest on them will pay the interest on the 5 per cent notes that they have issued. More than that, they have loaned the railroads at one time something like $200,000,000. Those loans have been paid down to something between sixty and seventy million dollars. Out of this appropriation some of those roads will pay the War Finance Corporation. The gentleman is driving at the Liberty bond provision, I take it. The committee was up against the proposition of reporting out either this proposition or appropriating $90,000,000 more out of the Treasury and leaving the War Finance Corporation with its $600,000,000, $132,000,000 practically of cash, or an equivalent that it could invest in any way it saw fit under the law.

Mr. WALSH. Is not the War Finance Corporation a creature of Congress in one of the war acts which contained provisions as to its being terminated? This provision in this bill will continue that corporation as long as the Railroad Administration may think it necessary to continue its activities.

Mr. GOOD. No; the terms of the law creating the War Finance Corporation provide that it shall terminate one year after the President shall have issued a proclamation of peace.

Mr. WALSH. If the peace resolution which passed the House passes the Senate and receives the Executive signature—if one may indulge in such a violent presumption—it would terminate the War Finance Corporation one year after it was signed?

Mr. GOOD. One year after the proclamation of peace.

Mr. WALSH. That would undoubtedly be before the Railroad Administration was ready to terminate its activities.

Mr. GOOD. This provision only authorizes the War Finance Corporation as it gets the funds to purchase these bonds. These certificates are Treasury certificates, amounting in the aggregate to over $132,000,000, owned by the War Finance Corporation, are maturing every few days, and they will all mature long before a year has passed. Therefore it will be the duty of the War Finance Corporation, just as rapidly as it has the money from that source and other sources, to take up these Liberty and Victory bonds.

Mr. WALSH. Of course that eventually will revert to the Treasury and be under the jurisdiction of the Secretary of the Treasury, I assume. Why would it not be better and less complex to substitute for the War Finance Corporation the Secretary of the Treasury and let these bonds be taken over by the Secretary of the Treasury from time to time?

Mr. GOOD. That would require an appropriation.

Mr. WALSH. It may require an appropriation, but if we made available the funds of the War Finance Corporation for that purpose it would not.

Mr. GOOD. The War Finance Corporation in this respect is practically the agent of the Secretary of the Treasury. That was the purpose of the law.

Mr. WALSH. It is a pretty free agent.

Mr. GOOD. I agree with the gentleman. I think it is a dangerous thing to leave any agency of the Government handling Government funds, practically unlimited in amount, with power to invest in bonds, stocks, loans, and other enterprises. I would not object if by some means the War Finance Corporation was compelled right away to use all of its capital and purchase Liberty bonds. This is a step in that direction as far as we can go, and I think the gentleman will find that it is along the line of conserving our resources.

Mr. WALSH. Has the gentleman any information as to the amount which would be immediately available for the purchase of these bonds?

Mr. GOOD. I have not. The gentleman means so far as cash in the hands of the War Finance Corporation is concerned?

Mr. WALSH. Yes.

Mr. GOOD. The War Finance Corporation, if I understand the situation correctly, within the last week received something like $10,000,000 from the Illinois Central Railroad Co. It is receiving money in such large sums every day that a statement made to-day would not reveal what the condition was a few days ago.

Mr. WALSH. But this language would seek to encourage the War Finance Corporation to continue its activities and engage in enterprises or transactions which might be used as a basis for continuing this corporation long after it expires by the present legislation.

Mr. GOOD. The language was drawn in this way simply to get around any claim that might be made on the floor of the House or elsewhere that if we required them to purchase these bonds at once it might be urged that that would necessitate their throwing on the market some other securities. We did not want to do that, because we knew that within the next six months the War Finance Corporation would have much more money coming in by these certificates of indebtedness of the Treasury Department that are maturing, so that they could take them over in cash without selling a single security.

Mr. WALSH. But it says as rapidly as funds become available. They might go into all sorts of activities which would require the continuation of the War Finance Corporation for a number of years in order that funds might become available for this purpose.

Mr. GOOD. We have put in the provision here that as rapidly as funds become available, just as fast as the money comes into the War Finance Corporation, it shall be used to purchase these Liberty and Victory bonds, and hence such funds could not be used for other purposes. As I have explained to the gentleman, the $132,000,000 of short-time Treasury certificates in the vaults of the War Finance Corporation will soon mature, and within a short time it will have more money than will be necessary in cash to take over these bonds. It is likely to make collection on loans made to the railroads.

Mr. WALSH. That is true; but we are enlarging the jurisdiction or broadening the scope of the authority of the War Finance Corporation by this very paragraph.

Mr. GOOD. No.

Mr. WALSH. Then what is the necessity for it?

Mr. GOOD. Simply to compel it to use its funds to take over these bonds, to take this investment. They already have $372,000,000 of Victory and Liberty bonds.

Mr. WALSH. The War Finance Corporation?

Mr. GOOD. Yes; purchased under the original act, and they have the right to go out and lend money to banks and purchase securities. There are a whole lot of propositions now pending before Congress which if passed would encroach upon the funds of the War Finance Corporation. It was the thought of the Committee on Appropriations that by requiring them to use their money for the purchase of Victory and Liberty bonds now owned by the Railroad Administration, which have been purchased by the taxpayers' money, it was simply to transfer to one arm of the Government that needed money from another arm of the Government that had appropriations for investment.

Mr. WALSH. Well, Mr. Chairman, I am impressed by the explanation of the gentleman from Iowa. I fear, however, that this paragraph is likely to be cited as the reason for continuing the War Finance Corporation beyond what was originally intended. If the gentleman thinks it is not going to interfere with the winding up of that corporation, which was provided for by the Congress as a war authority to be exercised directly in connection with the financing of the war and stabilizing matters, that the adoption of this provision will not prevent its being wound up, I will withdraw the point of order.

Mr. GOOD. On the contrary, the gentleman from Iowa would not be in favor of it, would not have been in favor of reporting it, if he thought it would continue or extend the life of the War Finance Corporation. On the contrary, I believe it is going to shorten the life of the war-time finance corporation, and it will limit their activities, and I think, as the gentleman from Massachusetts has so well expressed it, this war agency ought to be terminated just as soon as possible to terminate it.

Mr. WALSH. I withdraw the point of order.

Mr. BLANTON. Mr. Chairman, I renew the point of order for the purpose of asking a question, or rather I reserve the point of order. This War Finance Board is purely a war measure?

Mr. GOOD. Yes.

Mr. BLANTON. I want to ask the distinguished chairman, should the so-called peace resolution upon which the House spent some two days' time a short time ago, if the Senate should ever take that up—by the way, could the chairman tell us whether or not the Senate has taken that up yet?

Mr. GOOD. No; I know nothing about it.

Mr. BLANTON. The purpose of our time here then has been met by passing it by the House. Is that the case?

Mr. GOOD. I know nothing about it.

Mr. BLANTON. Should the Senate some time in the future, this year or next year, decide to take that up and should pass it and it should become a law, would that do away with this Finance Corporation?

Mr. GOOD. The law creating the War Finance Corporation provides in specific terms that it shall continue until one year after the President shall have proclaimed that a state of peace exists, no matter whether that proclamation is arrived at by reason of the treaty or the resolution referred to by the gentleman. So the War Finance Corporation will continue, unless the Congress shall take some action, for a period of one year after that time.

Mr. BLANTON. Then the passing over of the point of order now would not prevent this provision, if it should be renewed on the appropriation bill later on, from being subject to the point of order later on?

Mr. GOOD. I do not quite understand the gentleman.

Mr. BLANTON. The mere fact that we passed it by here now would not prevent the point of order being good against such a provision in another bill of this kind?

Mr. GOOD. Oh, no; not at all, of course.

Mr. BLANTON. I will withdraw the reservation of the point of order.

Mr. McKEOWN. Mr. Chairman, I move to strike out the last word, for the purpose of asking the gentleman if any of the appropriation carried in this bill is to be used for the six months' guaranty under the transportation act; and if so, how much?

Mr. GOOD. No; there is an indefinite appropriation carried in the transportation act covering that very item. That act was approved February 28, and we have not carried anything in the bill for the railroads under private operation, not a dollar. The whole appropriation refers to Government control and operation during the 26 months that they were under Federal control.

Mr. McKEOWN. Now, is there any statement before the committee of the gentleman relative to what action the short-line companies were taking which were not under Federal control during the 26 months to recover against the Government? Was that matter before the gentleman's committee?

Mr. GOOD. There was some discussion of that matter by Mr. Sherley. We are carrying in the bill a provision authorizing the amounts they owe the Government to be deducted from this payment to them. The gentleman remembers that section 204 of the transportation act carried an indefinite appropriation, whereby the Secretary of the Treasury is directed to pay these losses of the short lines, or these roads called short lines, that suffered certain losses under Federal control or because of Federal operation. Now, those losses are to be determined by the Interstate Commerce Commission under the commerce act, and certified by the Interstate Commerce Commission to the Secretary of the Treasury, and on such certificate the Secretary of the Treasury is authorized to pay them.

Mr. McKEOWN. The Congress has no further control of the appropriations in settlement of those claims for the short lines?

Mr. GOOD. Nothing except an item carried in this bill, which permits a set-off.

Mr. McKEOWN. I will say to the gentleman that I have heard that some 200 of these companies now are coming up and filing suits against the United States for losses, although they were not under Federal control.

Mr. GOOD. Well, the transportation act makes some provision for the payment of those losses, and my recollection is that Mr. Sherley stated that those losses might aggregate as much as $25,000,000. There is an indefinite appropriation to pay them.

Mr. McKEOWN. The thing that struck me as rather strange was that we would permit those companies to come in without any restriction except passing on their claims and receiving a settlement; in other words, have the administration settle with these railroads without supervision of Congress. All other claimants against the Government are required to present their claims through the Court of Claims and have their claims satisfactorily established, and the mere fact that these railroads may have suffered some loss puts them in no worse condition than thousands of private citizens throughout the United States who have also suffered by reason of the war.

Mr. GOOD. I will say to the gentleman that the Committee on Appropriations did not go into that matter at all. It is a matter that Congress has just acted upon. There was no evidence before us, and we as a committee were only attempting to deal with the fiscal problems growing out of Federal control and problems growing out of——

Mr. McKEOWN. Was there any reason given why 15 years' payments were granted for allocation of rolling stock and equipment of railroads—why that length of time was given and why it was necessary?

Mr. GOOD. The committee went into that matter, and made inquiry as to why some cash payment was not made. Mr. Sherley has been working on the question of allocated equipment for several months. He had at one time thought that some arrangement had been about perfected whereby an equipment trust would be provided for and all of these bonds made to some equipment corporation and the bonds sold to the public. That fell through. Then the question came up as to how the railroads were going to pay for this equipment, amounting to almost $400,000,000.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McKEOWN. Mr. Chairman, I ask unanimous consent for two minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. GOOD. The opinion he finally arrived at was that it would be foolish to exact a cash payment and then turn around and loan the money to the railroad company that made the cash payment, taking, perhaps, some inferior security for an equipment lien, and that the better plan would be to sell the

equipment to the railroads and take the equipment trust, payable in 15 payments, and that seemed to be, as he felt, the most reasonable and about the best terms he could settle this whole equipment matter upon.

Mr. McKEOWN. Who will make these settlements now between the Government and these railroads as to what they are entitled to? Shall this Railroad Administration continue to have that power?

Mr. GOOD. They have that power.

Mr. McKEOWN. And these men who are in charge have formerly been in the employment of railroads?

Mr. GOOD. The whole power is still in the hands of the President. The President has full power to settle with all these railroads. Now, the President, under the practice, has delegated that power, first to Mr. McAdoo as Director General, and then to Mr. Hines and his associates.

Mr. McKEOWN. Has Congress any control over that settlement?

Mr. GOOD. Not at all.

Mr. McKEOWN. The power was left to the President in the transportation act?

Mr. GOOD. No. That was the power that was given the President when the roads were turned over to the President.

Mr. McKEOWN. To make the final settlement?

Mr. GOOD. To make the final settlement.

Mr. McKEOWN. I thought that provision to make final settlement was carried in the transportation act that was recently passed and that he did not have the power in the other act to make final settlement with the railroads.

Mr. GOOD. The President has that power, and this money is under his control and the administration agents, and settlements are to be made by them.

Mr. McKEOWN. And to be made out of the appropriation in this bill?

Mr. GOOD. This bill, and an appropriation of $500,000,000 that was made when the railroads were taken over and $750,000,000 made last year and $200,000,000 more carried in the transportation act.

Mr. WALSH. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Alabama, simply to direct the attention of the gentleman from Iowa [Mr. GOOD], the chairman of the Appropriations Committee, to what seems to be the practical effect of this language, namely, that it requires them to take over the bonds as rapidly as funds become available, but there is nothing there which would require the War Finance Corporation to make these funds available. They can decline to dispose of securities or other bonds or paper which they may have, and in that way entirely nullify the intent of this provision. Now, how, if the War Finance Corporation should not wish to do this thing, or if they felt that perhaps it would not be better to hold on to some securities they have, is this going to be of real effect?

Mr. GOOD. How can they refuse to accept money from the Secretary of the Treasury when the certificates of indebtedness which the War Finance Corporation holds mature?

Mr. WALSH. These certificates of indebtedness will be issued in the future, too.

Mr. GOOD. They will not have any power to take new certificates.

Mr. WALSH. Why not?

Mr. GOOD. Until they have taken these bonds. We worked over that with some care and with the thought in mind. The gentleman will read:

> The War Finance Corporation, as rapidly as funds become available, shall take over from the United States Railroad Administration, at par value and accrued interest, these bonds.

Now, when they get $10,000,000 of funds they can take over $10,000,000 of these bonds. They have no right to use this money that is coming in on these short-time certificates in the way of making new investments until every one of these bonds is taken over.

Mr. WALSH. Perhaps so, but suppose we get the $10,000,000 for the certificates, and the Railroad Administration says, "Why, yes; we have got $6,000,000 of Victory bonds, but we wish to retain them for a little while; we do not care to dispense with them just yet, as we may be able to use them in settling up with certain claimants"?

Mr. GOOD. The Railroad Administration?

Mr. WALSH. Yes.

Mr. GOOD. They are anxious to let go of these bonds.

Mr. WALSH. That is the impression the committee has got. But suppose they are not anxious?

Mr. GOOD. They have some Liberty bonds there that are selling on the market for only 86 or 87 to-day. They are going to get par for them. Do you think the Railroad Administration would want to part with them?

Mr. WALSH. Then what is the need of the language in the last line, "such issues as it does not desire to retain"?

Mr. GOOD. There will be some of those bonds that railroad employees are making payments on. Those employees should not be released from their obligation to take them where they are willing to take them, and it is only where the employee claims he can not pay for them, as I understand, that the administration has been taking those over. Now, then, that was put in there so as to permit the Railroad Administration to carry out its contract and deliver those bonds. Those bonds it is proposed to have the Director General to deliver to the employee who has purchased them. That is the reason for the language.

Mr. WALSH. So that the Railroad Administration, in the gentleman's opinion, will only seek to retain bonds which have been subscribed for by employees of the railroads and which they are purchasing but have not paid for fully?

Mr. GOOD. Yes; and are making payments upon. That is correct.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired. The Clerk will read.

The Clerk read as follows:

> The Interstate Commerce Commission, in certifying to the Secretary of the Treasury the amount payable to any carrier under paragraphs (f) and (g) of section 204 of the transportation act, 1920, also shall certify to the Secretary of the Treasury such sums, if any, as may be due from such carrier to the President (as operator of transportation systems under Federal control) on account of traffic balances or other indebtedness. The amount so certified to be due the President, upon his request, shall be deducted by the Secretary of the Treasury from the amount so certified to be due such carrier and thereupon shall be credited by him to the appropriation made in section 202 of the transportation act, 1920. Such deductions shall be considered as a payment pro tanto of such indebtedness to the Government.

Mr. OGDEN. Mr. Chairman, I have an amendment which I wish to offer.

The CHAIRMAN. The gentleman from Kentucky offers an amendment, which the Clerk will report.

The Clerk read as follows:

> Amendment offered by Mr. OGDEN: Page 3, after line 3, insert: "American Printing House for the Blind: To enable the American Printing House for the Blind more adequately to provide books and apparatus for the education of the blind, in accordance with the provisions of the act approved August 4, 1919, $10,000."

Mr. BLANTON. Mr. Chairman, I make the point of order against the amendment that it is not germane and is new legislation and not authorized by law.

The CHAIRMAN. The gentleman from Texas makes the point of order against the amendment.

Mr. BLANTON. It is not a deficiency, too, Mr. Chairman.

Mr. OGDEN. Mr. Chairman, it is a deficiency, however. This amendment, Mr. Chairman, carries the balance of the authorization provided for in the act approved August 4, 1919. The deficiency bill which was approved November 4, 1919, appropriated or carried $30,000 of that authorization. Now, the $30,000 has been expended on the program to replace obsolete and worn-out machinery with new machinery and to increase the supply of books for the blind. The amount so carried in the deficiency bill was not sufficient to complete this program or carry out the purpose set out in the act of August 4, 1919; hence the amount carried in this amendment is a deficiency in the sense that it carries out the purposes of that act. It therefore appears to me that the point of order is not well taken. A deficiency exists, and there is existing law authorizing the appropriation.

The CHAIRMAN. The Chair is ready to rule. The gentleman from Kentucky [Mr. OGDEN] offers an amendment to the bill "to enable the American Printing House for the Blind more adequately to provide books and apparatus for the education of the blind, in accordance with the provisions of the act of August 4, 1919, $10,000." To this amendment the gentleman from Texas [Mr. BLANTON] makes the point of order that it is not germane to the bill, or to any paragraph of the bill, and also that it is unauthorized by law.

Mr. BLANTON. It is not a deficiency, either, Mr. Chairman.

The CHAIRMAN. And that it is not a deficiency. The Chair has examined the bill, and there is no provision in the bill relating to the care of the blind, and therefore the Chair holds that the amendment is not germane to the bill or to any section or paragraph of the bill. For that reason the Chair sustains the point. The Clerk will read.

The Clerk read as follows:

IMPROVEMENTS AND REPAIRS.

> Repairs to suburban roads: For current work of repairs to suburban roads and suburban streets, including maintenance of motor vehicles, $35,000.

Mr. HARRELD and Mr. McKEOWN rose.

Mr. McKEOWN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Oklahoma moves to strike out the last word.

Mr. McKEOWN. I wish to make an inquiry. We have made an appropriation of something like $225,000 recently to improve the streets running out to the improved roads of Maryland. Does that item include this same amount?

Mr. GOOD. That, as I understand, was for repaving certain roads. This item is to supply a deficiency in an appropriation of $200,000 made last year for repair of the roads in the District of Columbia that are outside of what is known as the old city of Washington. There was a balance a couple of weeks ago of about $7,000 or $8,000. Some of the roads are in a deplorable condition. They asked for $75,000 and made the suggestion that if some of these roads were not repaired and damage should result, this Government might be liable. In other words, the roads are in a very bad condition, and ought to be put in a better state of repair.

Mr. BYRNES of South Carolina. Mr. Chairman, will the gentleman yield?

Mr. GOOD. Yes.

Mr. BYRNES of South Carolina. The appropriation which the gentleman refers to is for the next fiscal year?

Mr. GOOD. Yes, sir.

Mr. McKEOWN. I will say to the gentleman from Iowa that I agree with him that the roads are in bad shape, being evidently affected by the severe winter weather. They seem to have gone to pieces quite a good deal in the outlying districts.

Mr. GOOD. I think that is so.

Mr. McKEOWN. Mr. Chairman, I withdraw the pro forma amendment.

The CHAIRMAN. The pro forma amendment is withdrawn.

Mr. HARRELD. Mr. Chairman, will the gentleman yield? I wish to get some information about the item "including maintenance of motor vehicles." What is that for?

Mr. GOOD. What item does the gentleman refer to?

Mr. HARRELD. In that paragraph, line 21.

Mr. GOOD. That includes the motor trucks. It does not include passenger-carrying vehicles. It includes motor trucks and the equipment of the District of Columbia used in repairing roads.

Mr. HARRELD. Repairing roads?

Mr. GOOD. Yes, sir.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. GOOD. Certainly.

Mr. McLAUGHLIN of Michigan. I presume an appropriation was made before for this same work or similar work?

Mr. GOOD. There was an appropriation in last year's District of Columbia bill for $200,000.

Mr. McLAUGHLIN of Michigan. Did the bill name the streets on which the money was to be expended?

Mr. GOOD. No. That is a lump sum for repairs. It does not name the streets for repairs of this kind. If there is a permanent improvement it names the streets that are to be permanently improved.

Mr. McLAUGHLIN of Michigan. I ask the question because sometimes the department uses up all the money that has been appropriated for it, all that Congress thought it should have, and then comes in and asks for an additional appropriation under the heading of a deficiency, when, in fact, those additional appropriations are really not a deficiency at all.

Mr. GOOD. They claim the appropriation this year was insufficient, first, because of the increased cost of labor, and then the increased number of these roads that had to be repaired, because they had not been repaired during the war. They were getting in very bad condition. Now, I know nothing about the question as to whether any preference was made in repairing some roads, and spending more money on some roads than on others, but the committee were impressed with the fact that it was absolutely necessary to make some appropriation. We cut the estimate from $75,000 to $35,000 for that purpose.

Mr. McLAUGHLIN of Michigan. I asked the question because it has occurred to me that some appropriations made under the guise of deficiencies are not deficiencies but additional appropriations. I think it can not be denied that in many instances we find the departments asking for a certain amount of money. They are allowed less money than they ask. When they take up the work they start out on a plan so large that they know the amount of money appropriated will not enable them to carry the work to the end, and when they have used up their appropriation they come and ask for additional money and call it a deficiency.

Mr. CLARK of Missouri. Will the gentleman yield?

Mr. McLAUGHLIN of Michigan. I yield to the gentleman from Missouri.

Mr. CLARK of Missouri. Is it not true that if the heads of departments lived up to the law there could not be any such thing as a deficiency?

Mr. McLAUGHLIN of Michigan. There is a law against creating a deficiency.

Mr. CLARK of Missouri. Yes; but they do not pay any attention to it.

Mr. McLAUGHLIN of Michigan. That is my complaint, Mr. Chairman.

Mr. CLARK of Missouri. If they were compelled to live up to that law, a deficiency would be an utter impossibility. They will have to come to that some time.

Mr. McLAUGHLIN of Michigan. In many of these cases a deficiency does not actually occur, but the time when there will be a deficiency is approaching, and they come to the committee and ask for more money.

The CHAIRMAN. The time of the gentleman has expired. The Clerk will read.

The Clerk read as follows:

INTERSTATE COMMERCE COMMISSION.

For two additional members of the commission, at the rate of $12,000 per annum each, from April 16 to June 30, 1920, inclusive; and for the amount required to increase the compensation of nine members of the commission from $10,000 to $12,000 per annum each and the secretary of the commission from $5,000 to $7,500 per annum from February 28 to June 30, 1920, inclusive, $7,004.23.

Mr. GOOD. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The gentleman from Iowa offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment by Mr. GOOD: Page 4, line 22, after the word "inclusive," strike out the figures "$7,004.23" and insert the figures "$12,004.23."

Mr. BLANTON. Mr. Chairman, I should like to ask the chairman how he and his committee made a mistake of $5,000?

Mr. GOOD. It was simply an oversight. After the word "inclusive," in line 18, there should have been inserted "$5,000." That is the amount that it takes to pay the compensation of these two additional members of the commission. When we came to check up the total we found that sum had been inadvertently omitted.

Mr. BLANTON. Did not the gentleman and his committee have the benefit of the guidance of this million-dollar clerk to whom some time ago, not by my vote, the House gave $1,000 for saving the country so much money?

Mr. GOOD. The committee has the services and the advice of very, very efficient clerks. They work day and night; last night they worked until nearly midnight. Under that kind of stress oversights of this sort are bound to creep in, no matter how efficient the clerks are.

Mr. BLANTON. They happen in the best regulated families.

Mr. GOOD. It was a mistake, frankly admitted, and we want to correct it.

The CHAIRMAN. The question is on agreeing to the amendment proposed by the gentleman from Iowa.

The amendment was agreed to.

The Clerk read as follows:

LIBRARY OF CONGRESS.

Distribution of card indexes: For services of assistants at salaries less than $1,000 per annum and for piecework and work by the hour, $2,700.

Mr. IRELAND. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. IRELAND: Page 5, after line 15, insert: "For payment to Mrs. Fannie Lackland Washington, widow of Lawrence Washington, late attendant in the Representatives' reading room of the Library of Congress, $1,250."

Mr. IRELAND. Mr. Chairman, as every Member of the House is quite well aware, if this amendment receives the favorable action of the House, the recipient of the amount is the widow of the late attendant in the Representatives' room in the Library of Congress.

Lawrence Washington was the last of the male line of that name born in Mount Vernon, and he was born in the room in which the Father of his Country died. He began his employment in the Library of Congress in 1897 at a salary of $900 a year. Later that was increased to $1,200 and then to $1,500, and last year he finally reached the munificent compensation of $2,000 per annum for his services. I am told by all the Members who have employed the reference library under his direction and assistance that he was a wonderfully efficient man in the service and beloved by all who knew him.

Some days ago the gentleman from Ohio, Dr. FESS, sent to the Committee on Accounts a resolution to pay to the widow of the deceased the usual compensation granted by the House to its employees of six months' salary and $250 for funeral expenses.

The late Lawrence Washington was not technically in the employ of the House, and the Committee on Accounts, by whose direction and authority I act in offering this amendment, sought not to create a precedent in this regard; and I think it was the sentiment of the entire committee who were present that it should be offered on some appropriation bill, and that no objection would be made to it, but that they did not care to have it brought in as a report from the Committee on Accounts and thereby set a precedent of that sort. I am sure that our sense of chivalry, justice, and equity will not allow us to take any other than a favorable action on the amendment.

Mr. BLANTON. Mr. Chairman, ordinarily I would make the point of order against and oppose this amendment. But I can not find it in my heart to oppose this one. I am one of the Members who was intimately acquainted with Mr. Washington. I am one of the recipients of his many kind courtesies and helpful assistance. Mr. Washington had, on one occasion especially, stayed in that library over yonder until half past 3 a. m. assisting me in getting up some data. He has worked with me there several times until past midnight. An employee of the Government, working on a salary of $2,000, who showed that much interest in Government work—I think this is a very small tribute to him. He was a man who loved his work. He was a man who took pride in it. He was a man who felt honored to be efficient in his work and was there ready to serve any Member day and night when called. I can not oppose this amendment.

Mr. TILSON. Will the gentleman yield?

Mr. BLANTON. Certainly.

Mr. TILSON. While Mr. Washington was not technically an empolyee of this House, he was, in point of fact, an employee that served the membership of this House.

Mr. BLANTON. Yes; as a matter of fact and in spirit he was an employee in the service of the Members of this House. I do not believe there was a Member who ever asked assistance whose request he ever turned down. I hope the amendment will pass.

Mr. GOOD. Mr. Chairman, I move to strike out the last word. I think this amendment presents a very bad precedent, but I hope it never will be used as a precedent. There are so many circumstances surrounding the whole situation, so many Members of the House have felt the justice of it, in view of the fact that Mr. Washington in his lifetime received a salary altogether inadequate for the service he performed, in view of the fact that he was the only male descendant bearing the name of Washington, the first President of the Republic—there has been so much sentiment in favor of it and so many Members have seen me in regard to it, suggesting that I would not make a point of order, that I can not oppose it; but I hope it will never be used, and should never be used, as a precedent in asking Congress to make an appropriation in this manner for the family of an employee of the Government.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. IRELAND].

The amendment was agreed to.

The Clerk read as follows:

PUBLIC HEALTH SERVICE.

For medical, surgical, and hospital services and supplies for war-risk insurance patients and other beneficiaries of the Public Health Service, including necessary personnel, regular and reserve commissioned officers of the Public Health Service, clerical help in the District of Columbia and elsewhere, maintenance, equipment, leases, fuel, lights, water, printing, freight, transportation and travel, maintenance and operation of passenger motor vehicles, and reasonable burial expenses (not exceeding $100 for any patient dying in hospital), $7,666,187.14.

Mr. GOOD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 5, after line 19, insert the following: "Miscellaneous: For carrying out the provisions of the act entitled 'An act for the relief of the estate of John M. Lea, deceased,' approved April 7, 1920, $6,883.31."

Mr. GOOD. Mr. Chairman, the act approved April 7, 1920, reads as follows:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, in full settlement of the following claim, to the Nashville Trust Co., administrator de bonis non cum testamento annexo of the estate of John M. Lea, deceased, late of Nashville, Tenn., the sum of $6,883.31, that being the amount found due by the Court of Claims for rents collected by the Quartermaster's Department, United States Army, during the Civil War from the tenants of said John M. Lea, which rents were paid into the Treasury of the United States, as reported to Congress in Senate Document No. 48, Sixty-fourth Congress, first session.

Under the law the Comptroller of the Treasury has held that inasmuch as that language does not provide for an "appropriation out of money in the Treasury not otherwise appropriated," that it was not an appropriation. It was clearly the intention of Congress to appropriate the money. The act authorized and directed the Secretary of the Treasury to pay this sum. Now, this amendment is to correct the defect in that language in the act of April 7, 1920, and I am directed by the committee to offer the amendment.

The CHAIRMAN. The question is on the amendment.

The amendment was considered and agreed to.

The Clerk read as follows:

MINTS AND ASSAY OFFICES.

Denver, Colo., Mint: For wages of workmen and other employees, $16,500.

Mr. GOOD. Mr. Chairman, I offer the following amendment.

Mr. BLANTON. Mr. Chairman, I reserve a point of order on the section. I would like to ask the chairman of the committee whether or not the term "and elsewhere" with respect to clerical help is not a new clause.

Mr. GOOD. No; it is the same as the original appropriation.

Mr. BLANTON. The Health Department has an appropriation for clerical help elsewhere?

Mr. GOOD. A great deal of the clerical help is outside of the District of Columbia.

Mr. BLANTON. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Iowa.

The Clerk read as follows:

On page 6, after line 4, insert the following:

"Public buildings—Relief of contractors: For an additional amount for the payment of claims of contractors, etc., arising under the act entitled 'An act for the relief of contractors and subcontractors of the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes,' approved August 25, 1919, as amended, $500,000."

Mr. BLANTON. Mr. Chairman, I make the point of order against the amendment that it is not germane to the bill nor to any paragraph in it, that it is new legislation unauthorized by law.

Mr. GOOD. Mr. Chairman, will the gentleman reserve the point of order?

Mr. BLANTON. It was eliminated formerly on a point of order from another bill.

Mr. GOOD. No.

Mr. BLANTON. I made the point of order to this same provision in another bill.

Mr. GOOD. Mr. Chairman, will the gentleman reserve the point of order?

Mr. BLANTON. Mr. Chairman, I reserve the point of order.

Mr. GOOD. Mr. Chairman, the situation with regard to this appropriation is this: There is an appropriation this year of $500,000 to pay these contractors. An act was passed, approved August 25, 1919, providing that certain contractors who had contracts for Government buildings, if they sustained loss because of war conditions on contracts that were approved before we went into the war, but which had to be completed during the war, should be reimbursed for actual losses sustained because of war conditions. That is the law. We appropriated $500,000 for that purpose. I am placed in a rather embarrassing position with regard to this item. The item would have been put in the bill but for the fact that the committee desired to save the cost of printing. When it was brought up in the committee I was requested to bring it up on the floor of the House. The only way that it is subject to a point of order, under the ruling of the Chair, is that it is not germane.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. GOOD. Yes.

Mr. BLANTON. Another deficiency bill is to be brought in.

Mr. GOOD. Yes.

Mr. BLANTON. It may be incorporated in that bill.

Mr. GOOD. Let me explain the matter to the gentleman a little further. The estimates for the amount now pending before the sundry civil appropriation bill subcommittee are for $1,750,000. The amount that we appropriate here will be deducted from that appropriation. The mere fact that it should go out here will embarrass to a considerable extent certain firms that are now on the threshold of bankruptcy.

Mr. BLANTON. I would have no objection to the amendment if it did not provide for payment for contracts that were not finished in accordance with the terms of the contract, but the amendment, as I caught it, authorized payment for losses where the contractors failed to carry out their contracts, in finishing construction.

Mr. GOOD. Oh, no; they can not be paid anything except on those contracts that are completed in accordance with the terms of the act of Congress.

Mr. BLANTON. On reading the amendment, I see that is so, and I withdraw the point of order.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Iowa.

The amendment was agreed to.

Mr. BARBOUR. Mr. Chairman, I move to strike out the last word in order to ask the chairman of the committee if this appropriation of $7,566,000 is intended to cover the expenses of some of the service men who have been placed by the Health Service in private hospitals and institutions.

Mr. GOOD. Yes. This appropriation is available for the operation of Public Health Service hospitals, including marine hospitals, and also for men who are in contract hospitals.

Mr. BARBOUR. Is it possible out of this appropriation to construct hospitals for the men?

Mr. GOOD. It is not. This appropriation is merely a maintenance item.

Mr. BARBOUR. And it will take care of those who are placed in private institutions?

Mr. GOOD. That is correct.

The Clerk read as follows:

UNITED STATES HOUSING CORPORATION.

Washington, D. C., Government hotel for Government workers: For maintenance, operation, and management of the hotel and restaurant therein, including personal services, $275,000.

Mr. BLANTON. Mr. Chairman, I reserve the point of order. I want to ask the chairman if we are to expend $275,000 each quarter for the maintenance of this Government hotel for civilian workers?

Mr. GOOD. For the months of April, May, and June; yes.

Mr. BLANTON. And the chairman believes that where these hotel buildings are furnished by the Government, where the furniture in them and all the paraphernalia and everything else—the cooking department and everything—are furnished by the Government, we have to appropriate here every three months $275,000 to carry on the institution for the civilian workers of this Government? Is that his plan as an economist in this House?

Mr. GOOD. That is the plan of the Department of Labor in conducting the hotel.

Mr. BLANTON. Does not the gentleman think we ought to tear down those buildings and throw them into the Potomac River and save this money, rather than carry on an expense that costs us a million one hundred thousand dollars a year over and above the income from it?

Mr. GOOD. The Potomac is a very beautiful river, and I should hate to see its beauty interfered with by depositing those buildings in it. [Laughter.] I will say this to the gentleman from Texas: Congress, about eight months ago, provided by law that all the receipts from the operation of this hotel should be covered into the Treasury of the United States as miscellaneous receipts. Now, they pay all their receipts into the Treasury. According to the statement made before the committee in the operation of this hotel there will be during the year a profit of around $25,000. It was necessary to make an appropriation at the beginning of the year to carry on that hotel. There are about 1,700 Government clerks, young ladies, who are housed and furnished two meals a day in those buildings. We appropriated $700,000 for that purpose. They will run out of funds entirely the 1st of April, and this is to make an appropriation for their subsistence.

Mr. BLANTON. Does the chairman remember the statement put in the report on the bill by the distinguished gentleman from Kentucky [Mr. LANGLEY] some time ago, showing the enormous salaries the employees of this housing department were receiving, allowed them by the Secretary of Labor, and the legislation doing away with the housing department? The gentleman remembers that report, does he not?

Mr. GOOD. It has not become a law yet.

Mr. BLANTON. But it passed this House last December. Has the gentleman made any investigation to find out just what kind of salaries these people are drawing now in connection with this hotel business?

Mr. GOOD. Yes; we have had a full list of the salaries.

Mr. BLANTON. What are those salaries?

Mr. GOOD. They run all the way up to $5,000 a year.

Mr. BLANTON. Do the cooks and waiters get $5,000 a year?

Mr. GOOD. No; they do not.

Mr. BLANTON. Well, men performing service less valuable than cooks and waiters, in the report made by the distinguished gentleman from Kentucky [Mr. LANGLEY], were drawing even up to $10,000, allowed them by the Secretary of Labor. One of them, I think, drew as high as $10,000. I will ask the gentleman from Kentucky if I am mistaken?

Mr. LANGLEY. No; but the gentleman is mistaken in the statement that there are any now who are getting that much salary.

Mr. BLANTON. But it was in the gentleman's report.

Mr. LANGLEY. That is correct.

Mr. BLANTON. I think one lacked about $2.50 of getting $10,000.

Mr. LANGLEY. I do not at the moment recall the exact amounts, but they were too much, and I think some are now getting too much. I am in hearty accord with the gentleman's criticism, but I do not care to discuss the matter now because we are going to have a conference on that bill in the next two or three days.

Mr. BLANTON. Is the gentleman going to end this monkey business?

Mr. LANGLEY. I am going to try to help do it.

Mr. BLANTON. We should dispense with these high-salaried employees down there drawing that kind of a salary.

Mr. LANGLEY. I agree with the gentleman, and I am going to try to help secure the enactment of a law that will prevent the payment of salaries in excess of what the service rendered deserves.

Mr. GOOD. The committee has given less money than was asked for the rest of the year. There is a bill pending, as the gentleman knows, in conference for the purpose of turning this whole organization over to the Treasury Department.

Mr. BLANTON. And it has not been pigeonholed at the other end of the Capitol?

Mr. GOOD. I am not familiar with the history of that bill.

Mr. BLANTON. We passed it so long ago that most of us had forgotten all about it, but I withdraw the reservation of the point of order.

Mr. LANGLEY. There has been some delay, due to conditions that I shall be glad to explain when I bring the conference report up in the House.

Mr. BYRNES of South Carolina. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I do that only to say this in reply to what the gentleman from Texas has said, that I know very little as to the report to which the gentleman refers having been made by the gentleman from Kentucky [Mr. LANGLEY]; but the testimony before the Committee on Appropriations would indicate that the Government hotels under the present management are being economically conducted. There is no evidence of any excessive salary being paid at this time, and so far as the Government continuing in the hotel business, Miss James, who is now in control of it, stated she is personally opposed to the Government continuing in the business. The statement presented to the committee by Miss James justifies entirely the action of the House in appropriating this amount.

Mr. McKEOWN. Will the gentleman yield for a question?

Mr. BYRNES of South Carolina. Yes; I will yield for a question.

Mr. McKEOWN. Is it the purpose of the Government to abandon those buildings down there entirely, or just abandon the hotel part of it?

Mr. BYRNES of South Carolina. I regret I am not in position to answer the gentleman. That depends in great measure on the legislation which is pending and which has been referred to by the gentleman from Kentucky [Mr. LANGLEY].

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Botanic Garden.

Mr. GOOD. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Iowa offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment by Mr. GOOD: Page 6, strike out line 23 and insert in lieu thereof the following:

"LEGISLATIVE.

"HOUSE OF REPRESENTATIVES.

"To pay the widow of William J. Browning, late a Representative from the State of New Jersey, $7,500.

"BOTANIC GARDEN."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. GOOD].

The question was taken, and the amendment was agreed to.

The Clerk concluded the reading of the bill.

Mr. GOOD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HUSTED, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 13677, the deficiency appropriation bill, and had directed him to report

the same to the House with certain amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. GOOD. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en gross.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read the third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. BLANTON. On that I ask for a division.

The House divided; and there were—ayes 86, noes 0.

So the bill was passed.

On motion of Mr. GOOD, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. ALMON, for to-day, on account of illness.

To Mr. WELTY, for three days, on account of important business.

To Mr. LUHRING, for 10 days, on account of business.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS SIGNATURE.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 12260. An act to amend section 600 of the act approved September 8, 1916, entitled "An act to increase the revenue, and for other purposes"; and

H. R. 12581. An act granting the consent of Congress to the village and township of Shelly, Norman County, Minn., and the township of Caledonia, Traill County, N. Dak., and their successors and assigns, to construct a bridge across the Red River of the North on the boundary line between the said States.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 4163. An act to incorporate the Roosevelt Memorial Association; to the Committee on the District of Columbia.

ENROLLED BILLS SIGNED.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 11578. An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1921, and for other purposes.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 4073. An act to authorize the construction of a bridge across the Missouri River near Kansas City.

ADJOURNMENT.

Mr. GOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 1 minute p. m.) the House adjourned until Wednesday, April 21, 1920, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. ANDREWS of Nebraska, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 13627) to amend paragraph (e) of section 7 of the act approved March 3, 1919, entitled "An act to authorize the Secretary of the Treasury to provide hospital and sanatorium facilities for discharged sick and disabled soldiers, sailors, and marines," reported the same without amendment, accompanied by a report (No. 856), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LANGLEY, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 12437) to authorize the expenditure of the sum of $100,000, heretofore appropriated for the erection of a United States post office, courthouse, and jail at Cordova, Alaska, by the act approved March 4, 1913, for the erection of a United States courthouse and jail at Cordova, Alaska, reported the same without amendment, accompanied by a report (No. 857), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ZIHLMAN, from the Committee on the District of Columbia, to which was referred the bill (H. R. 13650) to amend "An act for the establishment of a probation system for the District of Columbia," approved January 25, 1910, as amended, reported the same without amendment, accompanied by a report (No. 858), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HAWLEY: A bill (H. R. 13696) to amend subsection 11 of section 231 of the war-revenue act of 1918; to the Committee on Ways and Means.

By Mr. EVANS of Nebraska: A bill (H. R. 13697) to amend an act entitled "An act to provide revenue, and for other purposes," approved February 24, 1919; to the Committee on Ways and Means.

By Mr. KIESS: A bill (H. R. 13698) to amend an act authorizing the Secretary of War and the Secretary of the Navy to make certain disposition of condemned ordnance, guns, and cannon balls in their respective departments; to the Committee on Military Affairs.

By Mr. GRIGSBY: A bill (H. R. 13699) to vacate a portion of the naval barracks tract reserve situated at Sitka, Alaska, and to vest the title thereto in the Territory of Alaska; to the Committee on the Public Lands.

By Mr. ZIHLMAN: A bill (H. R. 13700) increasing the pay of bookbinders and bookbinder machine operators employed in the Government Printing Office, and for other purposes; to the Committee on Printing.

By Mr. WILSON of Louisiana: A bill (H. R. 13701) authorizing the Secretary of the Interior to sell and patent to the Peoples Investment Co. (Inc.) certain lands in Louisiana; to the Committee on the Public Lands.

By Mr. PARRISH (by request): A bill (H. R. 13702) amending the Federal farm loan act, approved July 17, 1918, and for other purposes; to the Committee on Ways and Means.

By Mr. VOLSTEAD: A bill (H. R. 13703) to authorize association of producers of agricultural products; to the Committee on the Judiciary.

By Mr. WOOD of Indiana: A bill (H. R. 13704) to establish in the Treasury Department a bureau of supply, and for other purposes; to the Committee on Appropriations.

By Mr. UPSHAW: A bill (H. R. 13705) providing equal pay for equal service on street railways within the District of Columbia; to the Committee on the District of Columbia.

By Mr. BRITTEN: A bill (H. R. 13706) for the relief of contractors and subcontractors, including material men, for work under the Navy Department, and for other purposes; to the Committee on Naval Affairs.

By Mr. ANDREWS of Nebraska: A bill (H. R. 13707) to prevent desecration of the flag and insignia of the United States and to provide punishment therefor; to the Committee on the Judiciary.

By Mr. WOODS of Virginia: A bill (H. R. 13722) to further regulate certain public-service corporations operating within the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. HUSTED: Resolution (H. Res. 526) providing for certain employees and the payment of the expenses of the Judiciary Committee or a subcommittee thereof incurred pursuant to the provisions of House resolution 469, adopted March 4, 1920; to the Committee on Accounts.

By Mr. SMITH of Idaho: Resolution (H. Res. 527) for the immediate consideration of House bill 12466; to the Committee on Rules.

By Mr. RICKETTS: Joint resolution (H. J. Res. 341) authorizing the Secretary of War to loan to the city of Chillicothe, Ohio, tents and cots for use of Boy Scout organization of that city in their annual encampment during the month of July and August, 1920; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DUNBAR: A bill (H. R. 13708) granting an increase of pension to Charles Ingle; to the Committee on Pensions.

By Mr. FISHER: A bill (H. R. 13709) granting an increase of pension to Marion B. Patterson; to the Committee on Invalid Pensions.

By Mr. HARRELD: A bill (H. R. 13710) granting an increase of pension to Catherine F. Edsall; to the Committee on Invalid Pensions.

By Mr. HAYS: A bill (H. R. 13711) granting an increase of pension to John Wood; to the Committee on Invalid Pensions.

By Mr. LAMPERT: A bill (H. R. 13712) granting a pension to Margaret Williams; to the Committee on Pensions.

By Mr. McANDREWS: A bill (H. R. 13713) granting a pension to Anna Burke; to the Committee on Pensions.

By Mr. RANDALL of Wisconsin: A bill (H. R. 13714) to refund certain duties paid by the Nash Motors Co.; to the Committee on Claims.

Also, a bill (H. R. 13715) granting a pension to John Gust Pearson; to the Committee on Invalid Pensions.

By Mr. RICKETTS: A bill (H. R. 13716) granting an increase of pension to Louisa White Spurgeon; to the Committee on Pensions.

By Mr. ROWE: A bill (H. R. 13717) to reimburse the Midwood Park Property Owners' Association; to the Committee on Claims.

By Mr. SELLS: A bill (H. R. 13718) granting a pension to Ubert C. Ricker; to the Committee on Pensions.

By Mr. SUMNERS of Texas: A bill (H. R. 13719) for the appointment of William Edward Tidwell as first lieutenant in the United States Army; to the Committee on Military Affairs.

By Mr. TAGUE: A bill (H. R. 13720) granting a pension to Piere Reidt; to the Committee on Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 13721) granting a pension to Edward Ellis; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3087. By Mr. ASHBROOK: Petition of Raymond D. Austin Post, No. 115, American Legion, of Delaware, Ohio, urging favorable legislation on bonus for soldiers; to the Committee on Ways and Means.

3088. By Mr. DALLINGER: Petition of International Association of Machinists, Boston Lodge, No. 264, urging the necessity of granting immediate amnesty to all prisoners whose religious, political, or economic beliefs form the basis of their prosecution, trial, and imprisonment; to the Committee on the Judiciary.

3089. By Mr. DARROW: Petition of L. M. Passarello and 18 other residents of Philadelphia, Pa., in behalf of the Sterling-Lehlbach civil-service retirement bill; to the Committee on Reform in the Civil Service.

3090. Also, petition of Philadelphia Chamber of Commerce, in behalf of appropriations for the Weather Bureau; to the Committee on Appropriations.

3091. Also, petition of Prince-Forbes Post, No. 7, the American Legion, of Philadelphia, Pa., in support of the fourfold plan of bonus legislation; to the Committee on Ways and Means.

3092. By Mr. ESCH: Petition of the National Association of Box Manufacturers, Chicago, Ill., urging that the present excess-profits tax be abandoned, etc.; to the Committee on Ways and Means.

3093. By Mr. FULLER of Illinois: Petition of the National Lock Co. and the Fyrac Manufacturing Co., of Rockford, Ill., opposing House bill 12976; to the Committee on Ways and Means.

3094. Also, petition of J. D. Hollingshead & Co., Chicago, Ill., opposing House bills 12379 and 12646; to the Committee on Banking and Currency.

3095. Also, petition of the Boone Post, No. 77, American Legion, Belvidere, Ill., and the Illinois Department, No. 309, Mid-Nation Post, Chicago, Ill., relative to the bonus for the ex-service men of the World War; to the Committee on Ways and Means.

3096. Also, petition of the Wooden Box Manufacturers' Association, favoring a revision of the antitrust laws; to the Committee on Interstate and Foreign Commerce.

3097. Also, petition of the City Council of La Salle, Ill., favoring the Mason bill for recognition of the republic of Ireland; to the Committee on the Judiciary.

3098. By Mr. O'CONNELL: Petition of Wooden Box Manufacturers' Association, of New York City, favoring a revision of the antitrust act; to the Committee on the Judiciary.

3099. Also, petition of the Cap and Millinery Cutters' Union, Local No. 2, New York, favoring the passage of Senate joint resolution 171 and Senate bill 1233; to the Committee on the Judiciary.

3100. By Mr. ROWE: Petition of Dr. E. Florence Gaer and 45 residents of Brooklyn, N. Y., urging the passage of House bill 1112; to the Committee on the Judiciary.

3101. By Mr. TAGUE: Petition of Chelsea Post, No. 34, American Legion, Department of Massachusetts, urging the fourfold plan as a bonus for the ex-service men of the World War; to the Committee on Ways and Means.

3102. Also, petition of Paton MacGilvary, Boston, Mass., relative to House bill 10918; to the Committee on Ways and Means.

3103. Also, petition of the Federal Employees' Local Union, Boston, Mass., against the Smoot amendment to the legislative appropriation bill; to the Committee on Appropriations.

3104. Also, petition of Federal Employees' Local Union, of Boston, urging the passage of the civil service retirement bill, etc.; to the Committee on Reform in the Civil Service.

3105. Also, petition of American War Veterans' Association of City and County Employees, of Boston, Mass., against the passage of any bill that would exclude from its benefits any soldier, sailor, or marine who served in the World War; to the Committee on Ways and Means.

3106. Also, petition of American Felt Co., Boston, Mass., protesting against the passage of House bill 12379; to the Committee on Banking and Currency.

3107. Also, petition of National Federation of Post Office Clerks, Boston, Mass., urging the passage of the Fuller bill, House bill 13261; to the Committee on Expenditures in the Post Office Department.

3108. Also, petition of Gray Silver, Charles A. Lyman, and T. C. Atkeson, Washington, D. C., urging the passage of the Capper-Hersman bill; to the Committee on Agriculture.

3109. Also, petition of the Massachusetts Federation of Post Office Clerks, Springfield, Mass., urging reform in the Postal Service, compensation, etc.; to the Committee on the Post Office and Post Roads.

3110. Also, petition of American Legion, Department of Massachusetts, urging the passage of House bill 13407; to the Committee on Interstate and Foreign Commerce.

3111. By Mr. TIMBERLAKE: Petition of the Colorado Springs Post, No. 5, American Legion, urging the fourfold plan of compensation for the ex-service men of the World War; to the Committee on Ways and Means.

3112. By Mr. WEBSTER: Petition of H. C. Pearson and a number of other citizens of Spokane, Wash., indorsing House bill 1112, providing for the parole of Federal prisoners; to the Committee on the Judiciary.

SENATE.

WEDNESDAY, *April 21, 1920.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we thank Thee that we feel the weight of responsibility for that eternal vigilance which is the price of our liberties. We thank Thee that in addressing ourselves to the high office of this place we are doing so with a sense of our tremendous responsibility, and we seek the guidance of the changeless and unerring God that Thy law may be the law of our land and Thy will wrought out in all the work and labor of our hands. Bless us as a Nation and people and make us a blessing to the world. We ask for Christ's sake. Amen.

The VICE PRESIDENT resumed the chair.

The Reading Clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed a bill (H. R. 13677) making appropriations to supply a deficiency in the appropriations for the Federal control of transportation systems and to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1920, and for other purposes, in which it requested the concurrence of the Senate.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 4073. An act to authorize the construction of a bridge across the Missouri River near Kansas City; and

H. R. 11578. An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1921, and for other purposes.

PETITIONS AND MEMORIALS.

Mr. LODGE presented a petition of the County Sligo Benevolent and Protective Association, of Boston, Mass., praying for the good offices of the Senate of the United States in securing the release of political prisoners in Ireland, which was referred to the Committee on Foreign Relations.

Mr. TOWNSEND presented a petition of Holland Camp, No. 38, United Spanish War Veterans, Department of Michigan, of Holland, Mich., praying for the enactment of legislation to pension soldiers of the War with Spain, the Philippine insurrection, and the China relief expedition, which was ordered to lie on the table.

He also presented a petition of the City Commission of Kalamazoo, Mich., praying for an increase in salaries of postal employees, which was ordered to lie on the table.

He also presented a memorial of the Adcraft Club of Detroit, Mich., remonstrating against the enactment of legislation to impose certain specified taxes on advertising, which was referred to the Committee on Finance.

He also presented a petition of the Federation of Labor of Detroit, Mich., praying for an investigation of the activities of the Bureau of Immigration, which was referred to the Committee on Immigration.

He also presented petitions of Local Lodge No. 843, International Association of Machinists, of Detroit; of Local Lodge No. 82, International Association of Machinists, of Kalamazoo; and of the Federation of Labor of Detroit, all in the State of Michigan, praying for the enactment of legislation providing for the parole of Federal prisoners, which were referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. CURTIS, from the Committee on Appropriations, to which was referred the bill (H. R. 13266) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1921, and for other purposes, reported it with amendments and submitted a report (No. 530) thereon.

Mr. NELSON, from the Committee on the Judiciary, to which was referred the bill (S. 4205) to amend section 4, chapter 1, of Title I of an act entitled "An act making further provision for a civil government for Alaska, and for other purposes," approved June 6, 1900, as heretofore amended by section 2 of an act entitled "An act to amend section 86 of an act to provide a government for the Territory of Hawaii, to provide for additional judges, and for other judicial purposes," approved March 3, 1909, and for other purposes, reported it without amendment and submitted a report (No. 531) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. STERLING:

A bill (S. 4258) granting a pension to James Black (with accompanying papers); to the Committee on Pensions.

By Mr. STERLING (for Mr. POINDEXTER):

A bill (S. 4259) to provide further for the relief of war minerals producers, and to amend an act entitled "An act to provide relief in cases of contracts connected with the prosecution of the war, and for other purposes," approved March 2, 1919; to the Committee on Mines and Mining.

By Mr. CALDER:

A bill (S. 4260) for the relief of the Acme Die Casting Corporation, of New York City, N. Y.;

A bill (S. 4261) for the relief of the Sirio Match Co., of New York City, N. Y.;

A bill (S. 4262) for the relief of Fairbanks, Morse & Co., of New York City, N. Y.;

A bill (S. 4263) for the relief of the Thermal Syndicate (Ltd.), of New York City, N. Y.;

A bill (S. 4264) for the relief of the Drapery Hardware Co., of New York City, N. Y.;

A bill (S. 4265) for the relief of Charles B. Chrystal; and

A bill (S. 4266) for the relief of the William Wrigley, jr., Co. (Inc.), of New York City, N. Y.; to the Committee on Claims.

By Mr. SPENCER:

A bill (S. 4267) creating a commission on the racial question; to the Committee on the Judiciary.

A bill (S. 4268) granting a pension to Theodosia Benner (with accompanying papers); to the Committee on Pensions.

By Mr. NELSON:

A bill (S. 4269) for the relief of Orlando O. Allen (with accompanying papers); to the Committee on Military Affairs.

By Mr. CAPPER:

A bill (S. 4270) for the relief of J. H. Orr (with accompanying papers); to the Committee on Claims.

By Mr. UNDERWOOD:

A bill (S. 4271) to reimburse D. H. Carpenter, postmaster at Seddon, Ala., for money and stamps stolen from said post office at Seddon, Ala., and repaid by him to the Post Office Department; to the Committee on Claims.

By Mr. RANSDELL:

A bill (S. 4272) to confirm the right, title, and interest of the Peoples' Investment Co. (Inc.), of the State of Louisiana, in certain lands; to the Committee on Public Lands.

NAVAL APPROPRIATIONS.

Mr. CALDER submitted an amendment providing that immediately upon official notification of the death, from wounds or disease not the result of his own misconduct, of any officer or enlisted man of the regular Navy or regular Marine Corps the Paymaster General of the Navy shall pay to the widow, child or children, or other dependent relative an amount equal to six months' pay at the rate received by such officer or enlisted man at the date of his death, etc., intended to be proposed by him to the naval appropriation bill, which was ordered to lie on the table and be printed.

THE MERCHANT MARINE.

Mr. NEW submitted an amendment intended to be proposed by him to the bill (H. R. 10378) to provide for the promotion and maintenance of the American merchant marine, to repeal certain emergency legislation, and provide for the disposition, regulation, and use of property acquired thereunder, and for other purposes, which was referred to the Committee on Commerce and ordered to be printed.

PENSION APPROPRIATIONS.

Mr. WOLCOTT submitted an amendment intended to be proposed by him to the bill (S. 3219) extending the benefits of the general pension laws to members of the Eighth, Twentieth, Twenty-sixth, Twenty-seventh, Twenty-eighth, Twenty-ninth, Thirtieth, Thirty-first, Thirty-second, and Thirty-third Regiments, etc., which was referred to the Committee on Pensions and ordered to be printed.

THE AMERICAN CREED.

Mr. LODGE. Mr. President, I ask to have printed in the RECORD a statement in reference to the American creed, which has been made by the Senator from Missouri [Mr. SPENCER]. It is a very brief and terse statement.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

"Senator SPENCER, of Missouri, in response to a request from a prominent woman's club in St. Louis, Mo., as to his conception of the creed of America and what it meant to him, replied:

"'To me the creed of America is: A country founded upon absolute justice to all, with the door of opportunity open wide and with facilities for general education everywhere available; a place where the fullest liberty prevails and where every man and woman is equal before the law.

"'This creed means to me: A thrilling pride in the glorious history which has established it, and loyalty to the principles which it declares, and a determination, by every means in my power, that it shall be transmitted to the next generation untainted and unweakened.'"

HOUSE BILL REFERRED.

H. R. 13677. An act making appropriations to supply a deficiency in the appropriations for the Federal control of transportation systems and to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1920, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

PENSIONS AND INCREASE OF PENSIONS.

The VICE PRESIDENT. The morning business is closed.

Mr. McCUMBER. I move that the Senate proceed to the consideration of the bill (H. R. 9369) to revise and equalize rates of pension to certain soldiers, sailors, and marines of the Civil War, to certain widows, former widows, dependent parents, and children of such soldiers, sailors, and marines, and to certain Army nurses, and granting pensions and increase of pensions in certain cases.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with amendments.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Reading Clerk called the roll, and the following Senators answered to their names:

Ashurst	Glass	McNary	Spencer
Ball	Harris	Moses	Sterling
Calder	Jones, N. Mex.	Nelson	Swanson
Capper	Jones, Wash.	New	Thomas
Chamberlain	King	Nugent	Trammell
Comer	Knox	Phelan	Underwood
Culberson	Lenroot	Phipps	Warren
Curtis	McCormick	Pittman	Wolcott
Dial	McCumber	Reed	
France	McKellar	Sheppard	
Gerry	McLean	Smoot	

Mr. GERRY. The Senator from Wyoming [Mr. KENDRICK], the Senator from Arkansas [Mr. KIRBY], and the Senator from Massachusetts [Mr. WALSH] are absent on official business.

The VICE PRESIDENT. Forty-one Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Reading Clerk called the names of the absent Senators, and Mr. HARRISON, Mr. KELLOGG, and Mr. OVERMAN answered to their names when called.

Mr. HENDERSON, Mr. POMERENE, Mr. SUTHERLAND, Mr. SIMMONS, Mr. OWEN, Mr. DILLINGHAM, Mr. LODGE, Mr. SMITH of Maryland, Mr. PAGE, Mr. KEYES, Mr. WADSWORTH, Mr. KENDRICK, Mr. RANSDELL, and Mr. SMITH of South Carolina entered the Chamber and answered to their names.

The VICE PRESIDENT. Fifty-eight Senators have answered to the roll call. There is a quorum present.

Mr. McCUMBER. I ask unanimous consent that the formal reading of the bill may be dispensed with and that the committee amendments may be first considered.

The VICE PRESIDENT. The Senator from North Dakota asks that the formal reading of the bill be dispensed with.

Mr. KING. I ask that the bill may be read.

The VICE PRESIDENT. The Secretary will read the bill.

The bill was read.

Mr. McCUMBER. I now ask unanimous consent that the committee amendments may be first considered.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The first amendment of the Committee on Pensions was, in section 1, page 1, line 8, after the word "duty," to insert "and every person who served 60 days or more in the War with Mexico, or on the coasts or frontier thereof, or en route thereto, during the war with that nation, and was honorably discharged therefrom," so as to make the section read:

> That every person who served 90 days or more in the Army, Navy, or Marine Corps of the United States during the Civil War, and who has been honorably discharged therefrom, or who, having so served less than 90 days, was discharged for a disability incurred in the service and in the line of duty, and every person who served 60 days or more in the War with Mexico, or on the coasts or frontier thereof, or en route thereto, during the war with that nation, and was honorably discharged therefrom, and who is now in receipt of, or entitled to receive under existing law, a pension of less than $50 per month, shall, from and after the passage of this act, be entitled to and shall be paid a pension at the rate of $50 per month.

Mr. THOMAS. Mr. President, I should like to have some information from the Senator having charge of the bill regarding that amendment. It seems to be very comprehensive in its character. The bill, of course, was introduced to cover a certain class of pensioners.

Mr. McCUMBER. Mr. President, the purpose of the amendment is to include the veterans of the Mexican War—what few of them are left—and their widows. If there is a real reason for the increase of the pensions of the veterans of the Civil War, owing for the most part to the increase in the cost of living, which is due entirely to the action of the Government itself in the inflation of the currency and in the methods of providing for the recent war, then it would apply to the same extent to the few survivors of the Mexican War and their widows. This amendment is to include those within its provisions.

Mr. THOMAS. That, of course, accounts for the first phrase of the amendment; but I am particularly inquiring about the words "or on the coasts or frontier thereof, or en route thereto, during the war with that nation."

Mr. McCUMBER. That is exactly the way the law now reads, and has read for some time, and it has been the basis of the law providing for pensions to Mexican War veterans. So really the only change is the inclusion of those now drawing pensions under the pension laws relative to Mexican soldiers and their widows in the increase provided for in this bill.

Mr. KING. I am not sure that I understand the meaning of this amendment, and particularly the words to which the Senator from Colorado last invited the attention of the chairman of the committee. As I understand the Senator, the words "or on the coasts or frontier thereof, or en route thereto" are found in other enactments dealing with the subject of pensions.

Mr. McCUMBER. They are found in the pension laws relative to pensions for soldiers who served in the Mexican War. They are not written into the pension laws relative to any other class of pensioners. The rule indicated by those words has been followed with reference to Mexican War soldiers; in other words, they did not have to be in Mexico, provided they were serving on the coast of Mexico or on the frontier or on ships adjacent thereto, and were actually in the war. The number is so almost infinitesimal now that it seems to me that we ought not to attempt to change the old rule.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. McCUMBER. I yield.

Mr. LENROOT. Do I understand that the courts have ruled that unless a man was actually in Mexico he did not serve in the War with Mexico?

Mr. McCUMBER. No; I do not suppose the courts have so ruled at all, but the provision referred to has been the law enacted heretofore, and that portion is simply recopied into this bill.

Mr. LENROOT. Does the Senator think in connection with the recent World War, where we give relief to all those who served in the war with Germany, that under the ruling of the department only those would be entitled to relief who served in Germany?

Mr. McCUMBER. Oh, no; certainly not.

Mr. SMOOT. Mr. President, this question came up years ago, and I know that the auditor held that no pension could be paid to any Mexican War veteran under the law unless he had actually served in Mexico during the war. So the law was written as it appears in the pending amendment; and while I have always thought that the wording was rather strange, at least it is the wording that placed on the pension list veterans of the Mexican War who did not actually go into Mexico.

Mr. McCUMBER. In other words, the Senator thinks, as I do, that the words were unnecessary but, nevertheless, were put in the law on account, I think, of a ruling of the Pension Bureau.

Mr. SMOOT. There is no question about it.

Mr. THOMAS. The policy of Congress, then, is practically this, is it not, that in legislation a man is construed to be a veteran of the Mexican War whether he served in Mexico or not, if he served on the coast or the frontier or at home?

Mr. McCUMBER. No; if he was on his way, although the war ended before he reached Mexico, if he served 60 days, which is the limitation fixed for a pension as applied to the Mexican War veteran, he would receive his pension.

Mr. THOMAS. Yes; that is to say, the law has been broadened to such a degree that a man who was en route when the war ended is entitled to a pension in the same degree that the man who in the Mexican War bore the brunt of the fighting.

Mr. McCUMBER. Just exactly the same as the soldiers in the war of 1917 who never got an opportunity to get over, but were in camps in the United States or were on their way over, receive exactly the same treatment under all our pension laws as though they had been upon the battle front.

Mr. THOMAS. I know. They are the ones who are now clamoring loudest for a bonus.

Mr. McCUMBER. I do not think they are clamoring so much as a great many politicians think they are.

Mr. THOMAS. It may be that I am one of the politicians who think so. I can not think otherwise, in view of the mail which I get, some of which is personal and some of which is impersonal.

Mr. McCUMBER. The Senator must remember that he gets his mail only from the few who do wish it. There were nearly 5,000,000 altogether, and the most of them are not writing.

Mr. THOMAS. The few who do wish it make the most noise, if they are but few only, and it is those who make the noise who successfully influence legislation. I shall not oppose this amendment, although when the time comes I intend to say something about the bill; but I can not at present avoid the impulse of contrasting the compensation which we give to a man who has done virtually nothing with the compensation given to a man who has done everything. Blessed is the man who is on his way to fight, for he shall not be forgotten when pensions are distributed.

Mr. McCUMBER. Mr. President, last June there were, I think, 215 Mexican veterans left on the rolls. I assume that probably there are not 100 of them left to-day. Now, it may be that there are one or two or three or four of those old veterans of the Mexican War who came under this rule that was established in the law to which objection is now taken.

Mr. THOMAS. I am not objecting.

Mr. McCUMBER. Would the Senator withdraw from them their pensions at the present time?

Mr. THOMAS. Oh, no, Mr. President. I am not objecting, and I would not withdraw the pension if I could. Of course, I could not; but——

Mr. McCUMBER. Then would the Senator prevent their pensions being increased if there was a demand and real justice in the increase?

Mr. THOMAS. The difficulty with this sort of legislation is the precedent which it sets for millions who are to come. There is where the Treasury will be sensibly affected, and I criticize it because of that fact. It would be surprising to me if there were 500 men living who were engaged in the Mexican War, even to the extent of wishing that they might get into it. That generation is virtually gone. I do not intend to make any objection to it, among other reasons because the Senator informs me that he has used the phraseology of existing law, but it does supply ground for comment in the future regarding our manner of pension legislation.

Mr. SMOOT. Mr. President, the Mexican War was in 1846. That is 74 years ago, and if there was a soldier in that war 16 years old he must be 90 years old at the present time. I doubt whether there is a soldier of the Mexican War living who is less than 88 years old. Most of those that are left are over 90 years old, but there are so very few of them left that they are hardly to be considered, and they can not live more than a year or two longer at the most.

Mr. KING. Mr. President, I was about to ask my colleague a question, but I will address my inquiry to the chairman of the committee.

My colleague has stated, and the chairman has just stated, that this provision is to deal with "soldiers of the Mexican War," "veterans of the Mexican War." The phrases were used interchangeably. As I understand, this provision is to deal with men who were in the military or naval service of the Government at any time during the period covered by the War with Mexico, whether they rendered any military or naval service in and about Mexico or in connection with the war or not.

That is to say, if there were persons in the Army and the Navy, stationed in Maine or in California, or in the Territory of Montana, where there were Indian tribes, and who were not affected in the remotest degree by the progress of the war or the war itself, had nothing to do with it, rendered no service whatever, and were wholly disconnected from it, they would receive the benefits provided by this bill. If I am in error, I shall be very glad to be corrected.

Mr. McCUMBER. I think the amendment speaks for itself. It says:

> And every person who served 60 days or more in the War with Mexico.

That alone might have been construed as meaning only those who were actually on Mexican soil; and therefore it was amended to make it clear that those who had taken part and who had enlisted and become soldiers of the United States in the war against Mexico would be entitled to the pension, even though they may not have reached Mexico; and so it goes on to say, "or on the coasts." The man must have served in the war either on the coasts or frontier of Mexico or in the interior. He might have been stationed along the frontier in the United States to prevent raids; or, if he had enlisted and was in the Army of the United States and was en route to Mexico during the war with that nation, and then, because the war closed without his assistance, he did not get there, he would not be cut off from his pensionable status. It does not refer to those who stayed at home, because they were neither serving in Mexico, nor under the colors on the coasts of Mexico, nor protecting the borders of Mexico.

Mr. KING. As I understand the Senator, his construction of this language and the construction placed upon preceding legislation by the Pension Bureau is that, in order to obtain a pension under this bill or under preceding legislation, the beneficiary must have actually served in Mexico or have rendered military or naval service upon the coasts or frontier of Mexico.

Mr. McCUMBER. No; it is not limited to that. It applies also to the man who had started on his journey to perform such service.

Mr. KING. Does the Senator state that it will not be construed to include persons who were stationed—if I may be permitted to refer to the same illustration again—in Montana or in other parts of the United States guarding railroads or looking after the Indian tribes or doing mere garrison duty in Army camps?

Mr. McCUMBER. I do not think it has been so construed. Of course, that would be a construction that would include every one of the Regulars in the United States Army during that war. I do not understand that any such construction has ever been given to it, but, on the contrary, a very limited construction was given to it, so that unless the soldier was actually in Mexico he could not draw a pension, and the law was changed so that it would include those who were actually serving in that war, on the coasts of Mexico, on the frontier, or who had enlisted and were en route to the front. I do not understand that it has ever been applied outside of that.

Mr. SMOOT. Never.

Mr. KING. Mr. President, the policy of many of our statesmen, not to say politicians, has been and still is to give pensions to all who were in the military or naval service of the Government during the Civil War and all other wars, whether they were within a thousand miles of any battle field or not, whether they were exposed to any danger or not or suffered any disability by reason of such service. It does not seem to be the policy to reward men for valorous conduct upon the battle field or compensate them for injuries received or disabilities incurred while serving and defending their flag and country. The policy seems to have been—and the same thought seems to possess the minds of politicians and statesmen nowadays, if I accurately interpret the situation—to give pensions to every person who was in the military or naval service of the United States during the entire period of the Civil War, whether he was drafted or volunteered or took the place of another for a bounty or subsidy paid, whether he is rich or poor, whether he needs a pension or whether he does not require it.

The question of wounds or injuries or disabilities is wholly unimportant. Everyone who can make claim to a few days' connection with the military or naval branch of the Government is to be pensioned. The receipt of a pension is no badge of actual military or naval service; it is no evidence of struggle upon the battle field; it furnishes no presumption of wounds or injuries or disabilities received or incurred in defending our country.

That is a policy that undoubtedly commends itself to some people, but I have not been able to reconcile my views with the justice or wisdom or righteousness or patriotism of a policy of that character. Many soldiers of the Civil War have repeatedly declared in the past that pensions should not be paid merely because of a few days' service in the Army, but that the widows and the orphans of those brave men who gave their lives upon the battle field should be cared for and the wounded and disabled should receive pensions. No patriotic American differs with this view. Its justice and humanity appeal to all persons. Our country should bind up the wounds and care for those who have battled for its perpetuity. There is no disposition to evade this duty. But little by little this just and patriotic view has been abandoned, the question of service and sacrifice for country has been ignored, and the position taken that the Treasury was within the reach of all persons who were in any manner connected with the Army, whether they actually served in war or were wounded or suffered disabilities by reason of military or naval service. And the principle was further extended so that all manner of relatives and dependents of those who had been in the Army were to receive pensions.

Under the accepted policy the Government has been compelled to pay in pensions growing out of the Civil War alone more than $5,000,000,000. By the terms of this bill $65,000,000 will be added to the enormous annual budget provided for the beneficiaries tracing their claims for pensions to the Civil War. Last year Congress appropriated more than $220,000,000 for pension claims of Civil War beneficiaries. Millions were also paid to soldiers and sailors who served in the present Great War, and to their families and dependents.

The Senator will recall that a number of years ago President Garfield declared that $27,000,000 would be the greatest amount appropriated for any one year for Civil War pensions, and that when this peak was reached the amounts called for annually would rapidly diminish. Mr. President, that sum is a mere bagatelle. It now is insignificant measured by the demands and by the amounts actually appropriated. We passed the fifty-million mark, then seventy-five millions, one hundred millions, one hundred and fifty millions, two hundred millions, two hundred and twenty millions, and now this bill appropriates sixty or seventy millions more. Three hundred millions of dollars are demanded to be paid during the coming fiscal year as Civil War pensions, and this notwithstanding the fact that as the years have gone by the great Army of the Republic has diminished in number until there are comparatively few survivors.

As I now recall, the number of survivors is 270,000. But as stated, the fewer the soldiers living the greater the amount

appropriated. The country was startled when the Civil War pension list called for $50,000,000 annually. The surprise and indeed bewilderment increased when the amount demanded was $100,000,000. When it reached over $220,000,000 for the fiscal year ending June 30, 1919, the country could not credit the report.

Now we propose to add $65,000,000 additional; and, of course, this is not the end. There is no terminus in sight, and there will be excuses and pretexts for making appropriations which will augment the present huge sum.

Mr. President, as I have indicated, the American people are proud of the heroic services of the Civil War veterans. The battle fields of the Civil War will never be forgotten, and the brave men who then fought and died have an enduring fame. A grateful people will care for their widows, and there have been generous responses to the requests of the veterans who received wounds or incurred disabilities in the line of service. Pensions for these classes all Americans most earnestly approve of.

But there is a feeling that the pension laws have gone too far, that unworthy ones have been protected, and that the list of beneficiaries has been too greatly extended.

I have heard many criticisms of a system which pensioned men who rendered no service, who were exposed to no danger, who were absent from their homes but a few days and then under such circumstances and conditions as to constitute a recreation or, at least, an interesting journey.

And the criticisms have been more severe when they related to the hundreds of thousands of relatives, direct and remote, of some who were never wounded and never saw a battle field or rendered an hour of real military service.

But the criticisms and opposition failed to interfere with the growing demand for pensions. The greater the opposition the larger the appropriations. It might be pertinent to inquire whether the fact that there were hundreds of thousands of voters had anything to do with the appropriations, increasingly large, which were secured.

But it is idle, Mr. President, to oppose pension legislation. Organizations strong and insistent demand it. Many of the people are quiescent and do not understand the staggering demands made upon the Federal Treasury. Indeed, I sometimes think that the people like huge appropriations to be made. The advocates of economy receive but little encouragement and often much abuse. To obtain a great appropriation is to popularize the public servant who is thus successful. But there will be an awakening some day. The looting of the Treasury will not always be a popular pastime. We are now pension mad and bonus mad; we have got so into the habit of spending millions and billions that we seem to be laboring under a species of insanity. We refuse to economize, to practice the virtue of saving. We are prodigal to the limit of criminality. Spend and spend more is the slogan of the hour. We invent pretexts, if good reasons fail, for appropriating public moneys. We waste money in river and harbor bills, in legislation dealing with the Army and the Navy. If we can not expend it for the various departments of the Government, if we can not expend it by keeping in Washington 50,000 more clerks than the public service requires, if we can not expend it through the extravagance of executive agencies and instrumentalities of the Government, we can open the floodgates of the Treasury and pour out the little remaining, and then issue more bonds and tax the people for pensions and bounties and bonuses and largesses and various forms of gratuities.

Mr. President, bills are being introduced almost daily in either the House or the Senate, calling for hundreds of millions of dollars to meet pensions and demands for bonuses and compensation for millions who entered the military or naval service of the Government during the recent European war. It would seem that there is no regard for the public welfare in some quarters. It has been said by some that the high idealism of this war and the spiritual element that guided the American people during the mighty struggle have departed, leaving us to be carried by the tide of selfishness and materialism. I can not believe this indictment to be well founded. We will still fight for our ideals, and in these days of readjustment not forget the mission of our country and the obligations resting upon us. But it does look as though we had become hysterical upon some questions, and were pushing on toward danger lines. We follow too readily the fallacies of docirinaires and those who would transform this Republic into an oppressive bureaucracy or a decadent socialism. Some persons are preaching the destruction of the States, the assumption by the Federal Government of all authority, and the utilization of the same to build up a mighty, consolidated, socialistic Government. All persons who reach a certain age are to be pensioned by the Federal Government. And the socialistic forms are to be fitted over our political and economic conditions. During the un-American spasms which affect us at times, we become extremists and approve false principles. We are spending hundreds of millions for military and naval pensions; we are creating a formidable civil pension roll, and the demands will increase for still further pensions. Will we have millions of pensioners to be supported by the toiling masses? Will we increase the list of Government employees to the extent of millions and then pension them? It is time that we examined our course and repudiated the many dangers that will result from influences now exercised to control the policies of our country.

I realize that objection to this bill, and to retirement bills, and to pension bills, and to pork-barrel bills, and to extravagant appropriation bills will not avail at this time. We are distempered and suffering from ailments for which no specific is now sought. The demand is to get the money out of the Treasury and to put in more in order that it may be taken away. The stupendous deficits we are creating awaken no apprehensions, and we go on spending as if the Treasury was without a limit.

Since this bill was called up for consideration a moment ago, I picked up the RECORD of yesterday and my eyes fell upon a most admirable presentation of some cognate features of this legislation by the distinguished Representative from Iowa [Mr. GOOD], chairman of the Committee on Appropriations in the House. At the risk of wearying the chairman of the committe and Senators, I am going to read a few excerpts from that statement.

Mr. McCUMBER. If the Senator will allow me, of course, he does not wish the Senate to understand that Mr. GOOD's speech had reference to this bill? It was simply aimed at the bill which we will soon have before us, giving about $2,000,000,000 to the soldiers of 1917.

Mr. KING. If anything I said carried that impression, of course, I want to disclaim intending it.

Mr. McCUMBER. The Senator used the words "this legislation," and I wanted it to be clear that he did not intend to apply his remarks to this bill.

Mr. KING. I am very glad the Senator called my attention to that, because I disclaim intending to directly link these remarks of Mr. GOOD with this particular legislation, but his address is relevant and pertinent to the consideration of the measure now before us. His remarks were general in character, but referred to pension legislation. He said:

> The second year after the close of that war—
>
> Referring to the Civil War—
>
> a period corresponding to the time we now occupy with regard to the close of this war, we paid out for all purposes * * * $21,000,000 for the soldiers of that war.

I presume he included in that statement the sailors. He continued:

> In the twenty-fourth year after that war was over we paid out $92,000,000 during the year in pensions, hospital treatment, and the administration of soldier legislation. Last year, the first time we had reached the mark of more than $200,000,000, our total appropriations for the year ending June 30, 1919, for the soldiers and sailors exclusive of the late war and the Spanish-American War, including administration, was $223,000,000.

At that rate of progress in 25 years from now we may be paying three or four hundred millions of dollars for the survivors of the Civil War and their alleged dependents and progeny to the nth generation.

Mr. McCUMBER. Did I understand the Senator to say that in 25 years we would be paying out four or five hundred million dollars to survivors of the Civil War.

Mr. KING. That is not exactly what I said. This is what I stated: That at that rate of progress in 25 years we would be appropriating four or five hundred millions of dollars to the survivors of the Civil War and their alleged dependents and progeny.

Mr. McCUMBER. The average age of the present survivors of the Civil War is about 77 years, and I do not think there will be a great many of them left in 25 years.

Mr. KING. I grant that. But that will not deter men and women throughout the country from making demands upon Congress to grant bounties and pensions. I am informed that organizations are being effected, if they have not been completed, upon the part of the descendants of the Civil War veterans, and others who seek pensions through them, in order to secure appropriations and pensions and gratuities and bounties and largesses and bonuses from the United States.

Mr. SMOOT. The Senator has reference to civil pensions?

Mr. KING. I refer to pensions which will be demanded by persons who link themselves in some manner to persons whose names appear upon the rolls of the Army and Navy Departments.

Mr. SMOOT. The Senator has no idea that that will ever happen unless there is a general civil pension law?

Mr. KING. Mr. President, I believe that even now persons are receiving pensions because of alleged relationship to individuals who served in the Civil War, who in all good conscience should not take money from the Treasury of the United States. But it would be foolish to prophesy as to what the American Congress will do in the matter of creating a civil pension list.

I hope that the American people will not pervert this Government into a huge pension machine and lay burdens upon the producers which will be unbearable. As I have indicated, I hope there will be an awakening, that the true democratic spirit will control the people, and that they will not build up a class of pensioners who will eat out the substance of the people.

If the demand for socialistic legislation shall swell in volume during the next few years as it has these last few years, and if we go more and more to Germany for an example in government and in administrative law, I would not hesitate to say that we will be paying civil pensions to millions as well as to those who are the descendants of persons who rendered military service.

Mr. DIAL. Mr. President——

Mr. KING. I yield to the Senator from South Carolina.

Mr. DIAL. I would like to ask the Senator how many years the present law granting pensions has been in operation?

Mr. KING. I do not recall the first pension law which was passed following the Civil War, but it was immediately after. That law has been amended and supplemented upon numerous occasions since, and the last general pension law was enacted in June, 1918.

Mr. DIAL. Always increasing?

Mr. KING. Always increasing. And let me say to my friend from South Carolina that when the bill which became a law in June, 1918, was under consideration, both in the House and in the Senate, representatives of the Grand Army of the Republic, and, perhaps, those who were not members of that organization but who had been in the military service of the Government during some part of the Civil War, appeared before the committees and made strong and positive statements to the effect that that was the last time any increase would be demanded.

Let me call attention to the report made by the distinguished chairman of the committee, Senator McCUMBER, upon the present bill, in which he refers to the statements made before the committee. In the report the Senator states:

> The act of June 10, 1918, carried a most substantial increase of pension to all beneficiaries covered by its provisions, and with the continuation of the policy of special pension legislation to meet extreme cases not adequately covered by the general laws, it was believed that no further general legislation would be necessary to fulfill all governmental obligation toward the remaining veterans of the Civil War.

Here is the point to which I referred a moment ago, continuing from the report:

> In the hearings antedating the enactment of this law it was stated by officers of the Grand Army of the Republic that this would be the last call upon the generosity of the Government in behalf of these soldiers, their widows, and dependents. This statement has often been quoted and suggested as an estoppel by those who oppose a further increase in pension legislation. There might be some force to this argument had not the Government itself, by its financial and administrative policies, so decreased the normal purchasing value of the currency of the country as to leave the recipients of this increased pension in a far worse condition than they were when the legislation was enacted.
>
> Had the Government by a general law increased the pensions of these soldiers from a $20 to a $30 per month stipend, and in the same law provided that this $30 should be paid in Mexican dollars worth but 50 cents in American money, thus in effect reducing the pension to $15, this manifest wrong and injustice would have called for immediate correction. And yet this is exactly what has resulted indirectly through governmental action and policies.
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> * * * * * * *
>
> It may be said that all the people suffer alike from this deplorable condition.

Namely, the inflation, I suppose, to which the Senator refers—

> This, however, is not the case. Labor has increased in price about 300 per cent since war was declared—

And so forth.

The logic of my distinguished friend the Senator from North Dakota is somewhat striking and original.

Mr. THOMAS. Mr. President——

Mr. KING. I yield to the Senator from Colorado.

Mr. THOMAS. I suppose the Senator notices the assumption upon which that argument must be based, which is that the purpose of a pension is to support the beneficiary; that is to say, that it should be sufficiently large to meet the expenses of living and make him independent of work. Of course, if that is so, then the $50 a month proposed is a mere farce, and it ought to be four or five times that amount.

Mr. KING. It would seem that the contention of the Senator from Colorado is correct. The argument of the Senator from North Dakota seems to have been that there was a contractual relation between the Government and the pensioners and that the appropriation was made for the purpose of supporting those who were the beneficiaries of the pension system and made pursuant to the terms of a contract; but it is a rather remarkable suggestion that if the Government makes an appropriation or incurs an obligation to be carried out and executed in futuro or covering a long period of years, and there is any change in the fiscal affairs of the Government or in the ratio between the purchasing power of a dollar and the objects purchased, that a revision of the contract should be made. Under that view there would be no certitude in any legislation or in any relations between the Government and individuals. Every obligation of the Government calling for the payment of a certain sum in gold coin of the United States would have to be revised not only every year, but perhaps every 6 months or every 30 days or every day or every hour, depending upon the financial conditions of the country, the flexibility of the currency, the volume of credits, the productivity of the people, the savings of the country, the economic and industrial conditions obtaining, and a multitude of other matters which directly or indirectly affect prices and business.

It is rather a novel thought——

Mr. McCUMBER. Mr. President——

Mr. KING. I yield to the Senator from North Dakota.

Mr. McCUMBER. Is it a novel thought to the Senator that we have again and again raised the wages of labor on our railways and in our mines to meet the higher cost of living? Is it a novel thought to the Senator that the inflation of currency, whereby in four years we have doubled the amount of our currency, tends to raise the price of every commodity, and that we have acted upon that in raising salaries and in pensioning those connected with Government employment? In many ways we have indicated the necessity of adjusting salaries and wages to the inflated currency and to the consequent increase in the cost of living due to that inflation.

Now, if we do that in the matter of all our policies, can the Senator see any reason why we should not raise the pensions of those who can no longer earn a higher compensation because of their age or disability, and therefore can not meet the present situation which we by our laws or our administration create?

Mr. KING. It would not be proper to be diverted from the subject under consideration to enter into a discussion of the wage question, whether it relates to the employees of the Government or employees of private individuals and corporations in the United States. Of course, the thought is not that wages should be increased; indeed, there were many cases in which they should have been increased; justice demands that the wage earner be paid a fair and a living wage, and changing conditions call for a readjustment of wage scales and in many instances for an increase in wages. But I do not understand that these persons who were the beneficiaries of pensions from the Government occupy any sort of contractual relation to the Government. There is nothing which the Government has done which requires it to make further payments because of the high prices prevailing in the world.

If the logic of the Senator is correct, if it is just to legislate with reference to those conditions to which he has called attention, I submit that it would be the duty of the Government to call in the billions of dollars of bonds which were issued and give more bonds because of the inflation of credits which has occurred since, and bonds which were purchased have gone down, because the purchasing power of bonds since then has been lessened.

When the Government obligated itself for $100 which some man paid to it three years ago to pay him in 20 years $100 in gold coin of the United States, with interest payable semiannually at a certain per cent, the Government did not agree and there was no obligation, moral or legal, resting upon the Government to increase the face value of the bond or to call it in and give him a bond for $125 or $150 because of the shrinkage in the purchasing power of the dollar between the time that the bond was purchased and the present time.

The argument of the Senator would call for a readjustment of every obligation of the Government, and if it is a sound argument it would call for a readjustment of every contract entered into between individuals.

The Senator from North Dakota is exceedingly dextrous, facile, and successful in justifying this position. He says that the Government has done all these evils; that is, caused inflation; that the Government is to blame. The Government gave to these persons who were beneficiaries under the act of June 10, 1918, a certain increase in their pensions. Now, the Senator says that as a result of more recent legislation the purchasing

value of those dollars which are to be paid to veterans of the Civil War has been decreased 50 per cent; ergo, we must double the pensions. Of course, I deny either the premise or the conclusion. Is the Government to blame, morally or legally, for the depreciation to which the Senator refers?

Mr. President, the statement of the Senator embodied in the report is evidently intended by the Senator as an indictment of the financial legislation of the Government which raises the taxes. The Senator from North Dakota is one of the ablest Members of this body, and he has served with the highest ability and patriotism as a member of the Committee on Finance, where he rendered distinguished service.

The Senator from North Dakota helped to formulate the financial legislation enacted to carry on this greatest of all wars, and he materially aided in securing the passage of the great financial measures which the war demanded. Billions of dollars were required in the prosecution of the war, and the legislation enacted made provisions for the enormous demands of the Government. Does the Senator say that the bills which he helped to frame and which he helped to enact into law were improper and that the Government is to blame for those measures? Does the Senator——

Mr. McCUMBER. Does the Senator want an answer just now?

Mr. KING. Just one further question and then the Senator may answer both, if he desires. Does the Senator say the Government was to blame for issuing bonds in order to get money with which to prosecute the war?

The Senator voted against a number of amendments which were offered by the Senator from Wisconsin [Mr. LA FOLLETTE] and supported by some of us to make the taxes higher, to take more of the excess profits, a larger per cent of the incomes of individuals and of corporations. I think some of these amendments should have been adopted, but I am not criticizing the Senator for his vote. It may be that his position was sound and that the views of some of us were economically unsound. I appreciate that taxation may be so heavy as to destroy industries and the very sources upon which the Government must depend for its revenues to carry on war. I think it would have been unwise to have carried out the suggestion of some of our political economists, who urged that we should take all of the earnings of all of the people of the United States above that which they earned before the war. Such a policy as that would have destroyed business, dried up the fountains of productivity, and brought ruin and disaster not only in industry but to our country. In my opinion the financial measures coming from the Committee on Finance during the war will commend themselves to the judgment of historians and statesmen as the years go by. While not perfect, it was wholesome and statesmanlike. In some particulars it could have been improved, in my opinion, but it met in a fair way the needs of the hour.

I now yield to the Senator from North Dakota.

Mr. McCUMBER. Mr. President, if the Senator will allow me at this time, I will say I think the Senator has misconceived the meaning of the paragraph which he read, as I think he has misconceived the obligation that exists between the Government of the United States and the old soldiers who kept the flag flying during the four years of civil strife. I will now correct, however, only the Senator's first misconception.

The Senator from North Dakota will share in all of the responsibility for the financial legislation that was put upon our statute books to maintain the recent war. The Senator from Utah can not eulogize that too much. It was not perfect, but I think it was necessary under the circumstances. However, the Senator from North Dakota is not responsible for the banking law that was passed by the Congress of the United States in 1913, and the Senator from North Dakota not only voted against that bill but he gave his reason for doing so.

The reason was that when we were attempting to create a financial policy an expansive or elastic currency provision was incorporated in the bill at that time that there should be no taxes whatever upon the issue of paper money for six months. No provision was made that prevented any borrower or person who desired to use paper money borrowing for six months, putting up his collateral, having the United States notes issued upon it, and then, without the payment of a penny, at the end of the six months paying the loan up and borrowing it over. I said at that time that the elasticity would be only in one direction; that it would debase the currency of the United States—that that was inevitable—and that we ought not to pass any legislation that would put it in the hands of the speculators of the United States to destroy the value of the currency.

Every one of my prophecies became true long before the late war, and they have become true in such a startling degree of certainty that one can not read the record of our banking administration without being shocked at the enormous increase in the paper currency of the United States. It was to that I referred, and not to the financial policy in conducting the World War.

If the Senator will allow me, I will give him the figures to show just what we did under the law of 1913. The law did not go into effect until the next year and did not get fully under way until the latter part of 1915. What followed? Before the end of the year 1915 there was outstanding $84,000,000 worth of new Federal reserve bank notes. That was during a few months of the first year. The next year, in 1916, that $84,000,000 grew to $176,000,000. That was before we entered the war. In the next year, 1917, it again more than doubled, amounting to $547,000,000. In the next year that sum was increased to $1,847,000,000, and the next year, in 1919, it was increased to $3,565,000,000.

That, with the enormous importations of gold and with the heavy balance of trade in our favor before we ourselves got into the war, augmented by the cost-plus system, that was adopted by the administration, which allowed every profiteer from the laborer up to gouge the Government, is responsible for the condition and the high cost of living to-day.

Mr. KING. Mr. President, my distinguished friend has diverted attention from the question which is before us, and his position invites one into a digressive path. To discuss the financial policies of the party to which the Senator belongs and contrast it with the financial policies of the great party to which I have the honor to belong is a task calling for more time than is now at my disposal and leads too far afield from the pension measure now before us.

But his statements call for a few observations in reply. It is evident that the Senator is not in sympathy with the Federal reserve act and with the financial legislation which has been enacted by the Democratic Party, excluding, as I understood him, that legislation which was directly the product of the war. I do not want to do the Senator an injustice, but I want it to go into the RECORD accurately as I interpret him. The Senator approves of the financial legislation enacted by the Congress since the war began. That means the various measures imposing taxes and designed to obtain revenue and the various measures calling for bond issues.

I think that the overwhelming majority of the American people will assent to this position taken by the Senator.

Mr. President, the war was a tremendously expensive undertaking. War always has been and always will be expensive; and the costs of war will increase as we advance in civilization and in the methods of destruction. No one conceived when the World War began that it would cost the nations involved more than $200,000,000,000. It was alleged by many political writers that the entire wealth of the United States at the beginning of the war did not exceed $185,000,000,000, and yet the war cost was more than $200,000,000,000. That means, of course, that the policies adopted for the purpose of obtaining the sinews of war, which were the result of the experience of the past, would be entirely inadequate to deal with the questions and problems which the war presented. The war called for such vast expenditures that it seemed humanly impossible to realize, by any system of taxation or even of confiscation, wealth sufficient to conduct the war. All the gold and silver of the world was considerably less than one-half of what our Nation expended during the war.

France has been burdened with nearly $40,000,000,000 of indebtedness as the result of the war, and Great Britain's indebtedness is substantially the same. It is not necessary, nor have I the time, to recapitulate the cost to the various other belligerents in the mighty contest. So, as I have said, the Committee on Ways and Means and the Committee on Finance, of which the Senator is a member, devised legislation and passed it through Congress which met the situation, and met it in an admirable way. As I have said, I would have imposed heavier taxes upon excess profits and incomes and luxuries.

I would have taken more from those who profited at the expense of the United States. I offered an amendment to one of the revenue bills providing that every person who had a contract with the Government or was directly or indirectly interested in any dealings with the Government should file under oath every six months during the life of the contract a statement of its terms, setting it out textually, if it were in writing, what was done under the contract, what was received under the contract, what was paid to others under the contract, and what profits were realized, and when the work was completed to file a statement recapitulating in detail all of those elements. I had in mind the thought that many contractors and subcontractors and others dealing with the Government during the

war would make large profits. I felt that they should be heavily taxed, that full information should be furnished by them in order that taxation might not be evaded, and I further desired that the American people should know who were the profiteers, who were the men who made profits out of the war in war contracts with their own Government when it was fighting for its honor and for the cause of civilization.

The Senate adopted my amendment, but unfortunately it was emasculated in the committee of conference. The committee of conference struck out the essential and vital parts of the provision.

Mr. President, if that provision had been retained in the bill, I think we would have secured more taxes, and some of the men who have robbed the Government would not be enjoying the confidence of the communities in which they live, and would not wear the smile of complacency and superiority which now distinguishes them.

The Senator, however, attacks what I believe the American people regard as one of the most important financial measures that was ever enacted by the Congress of the United States. The party of the Senator from North Dakota was in power in the Nation when the Civil War was fought. With all of the wisdom of the great statesmen who were then in the Congress of the United States, guided by the almost supernatural wisdom of Abraham Lincoln, the Republican Party utterly failed to devise a system of taxation or revenue that met the demands of the hour. The issue of greenbacks under the stress of the war was a palliative and a very poor one; and, in order to effectuate that object, the Constitution of the United States was violated and the Supreme Court of the United States was so adjusted—some say packed—as to secure a decision that validated what great lawyers regarded as an illegal and unconstitutional enactment.

I do not want to indulge in invidious comparisons, but I assert that the legislation of this Congress under a Democratic administration was far superior, evinced higher statesmanship, than that produced by the Civil War. Moreover, the problems and difficulties were greater now than then. I do not want to be misunderstood. The Republicans in the House and in this body as patriotically supported the great legislative program occasioned by the war as did the Democrats, and their example is a testimony of powerful force, that in every hour of danger to our country we are not partisans but Americans.

Of course, the act which the Senator attacks has some defects, and I, in part, sympathize with the criticism which he makes respecting the features to which attention was directed, yet I venture to say that the vast majority of the people of the United States, including the business men, regard the Federal reserve act as the rock of salvation and pillar of safety during the war which we have just passed through.

Does the Senator advocate its repeal? Has he advocated its repeal? Has he offered measures here for the purpose of modifying it? I do not recall that my good friend or any other Republican has seriously attacked the Federal reserve act or has offered amendments of a vital or important character to that great constructive measure. I have wondered, as doubtless many men have, what would have been the result if the Federal reserve act had not been upon the statute books and if we had had upon the statute books only the financial legislation that we found there when the Democratic Party came into power under the first administration of Woodrow Wilson.

Why, Mr. President, if it had not been for the financial policies of the Democratic Party which have been crystallized into law under the splendid leadership of Woodrow Wilson our country would have been bankrupt, so far as credit and money were concerned, within the first six months of the war.

We could not have built up the great fighting machine that our money and our genius and our patriotism produced except for the preceding legislation enacted by the Democratic Party. The Republican Party had been in power for many years and its statesmanship was so bankrupt that it could not and did not devise a fiscal policy that could ride the storms of a little financial flurry in 1907 and 1908, when the Republican Party was in power. The Republican Party was in power when the devastating financial storm of 1873 to 1877 swept over the Nation. The Senator will remember that in the year 1873, when the Republicans were in power, when practically all of the financial legislation upon the statute books was Republican, with the limited number of industries that were then in the United States, there were more than 7,000 failures, and in 1877, under Republican legislation, there were more than 10,000 failures in the United States; and the Senator, if he will reflect for a moment, must confess the fact to be that the financial legislation placed upon the statute books by the Republican Party was an anachronism. It did not rise to the demands of modern civilization and the demands of business and of a progressive industrial Nation such as this.

Commissions had been created by the Republican Party from time to time to consider financial legislation, and they had utterly failed to function. Commissions had been created, too, for the purpose of providing tariff legislation, to the end that the tariff might be reduced and the burdens of taxation placed upon the people minimized; and notwithstanding a commission appointed by the Republican Party reported in 1883 in favor of a reduction of the tariff, a revision of the tariff in the interest of the consumer, the Republican Party, dominated by vested interests and the protected barons of the United States, increased the exactions that were wrung from the laboring men and the consuming public of the United States.

The Senator will remember, too, that later on, because of the failure of the Republican Party to deal with this great question as well as others in a proper way, his party was hurled from power. Great Republicans such as Senator Dolliver raised their voices in the Senate of the United States as well as elsewhere in our land, and denounced the Republican Party for its failure to meet the great issues of the hour and to enact legislation in the interest of the public weal.

The result was that patriotic Republicans, dissatisfied with the reactionary tendencies of their party, looked for leadership elsewhere, and hundreds of thousands of patriotic Americans gave their support to Woodrow Wilson and to the Democratic Party. Let me say that the wisdom of their course was vindicated in the legislation that was enacted by the Democratic Party when it came into power; and one of the great constructive measures of the party which is now criticized by my distinguished friend, known as the Federal reserve act, was passed over the bitter opposition of Republicans. That law commends itself to the judgment of the American people and the Republican Party dares not repeal it.

I challenge the Senator from North Dakota to offer a plank for insertion in the Republican platform, which is to be so varied in form and variegated in color and design, which is now being framed by Mr. Hays and his 171 varieties asking for the repeal of the Federal reserve act.

I should like that issue to be presented to the American people. The Senator dare not, nor dare any Republican, introduce a measure here for the repeal of the Federal reserve act. It carried us through this Great War. It furnished credit to the American people so that they might purchase the bonds issued by the Government, and which it was compelled to issue in order to raise the sinews of war. If it had not been for the credit afforded and provided by the Federal reserve act our bonds would have gone begging, and, if sold, sold only at a great discount.

Mr. President, I had not intended to discuss the Federal reserve act or to allude to it, but I was prompted by the question asked by the Senator from South Carolina [Mr. DIAL] to call attention to the report of the distinguished chairman of the committee, and I found in the report the words to which I referred, and which were a criticism of the Government of the United States, and a criticism which I construed to apply to the legislation which had been enacted to enable us to prosecute the war.

Mr. CURTIS. Mr. President——

Mr. KING. I yield.

Mr. CURTIS. I do not like to interrupt the Senator or to interfere with his remarks, but I wondered if he could not discuss the bill. We would like to get it through by 2 o'clock, if possible.

Mr. KING. To get what through by 2 o'clock?

Mr. CURTIS. The pension bill.

Mr. KING. The Senator from Kansas is exceedingly anxious to get certain legislation through. I wish the same anxiety had evinced itself upon the part of my distinguished friend when legislation important to the country was under consideration some time ago.

Mr. CURTIS. Mr. President, the Senator from Kansas has been here every day. The Senator from Kansas has voted on every question. The Senator from Kansas is ready to take up any kind of measure. The Senator from Kansas never made a speech to delay action upon any bill in this body, and never will.

Mr. KING. Mr. President, I am very glad to get the confession of faith of my good friend from Kansas. I did not mean to imply that the Senator from Kansas was an opponent of legislation, but I do assert that the Senator from Kansas and the party to which he belongs have upon many occasions, not this session—I am speaking purely impersonally and generally—opposed legislation which I conceived to be necessary for the welfare of the country, as I have opposed legislation which the Senator from Kansas and his party doubtless conceived to be necessary for the welfare of the country.

Mr. CURTIS. Mr. President, if the Senator will yield, the Senator from Kansas opposed many bills advocated on the other side and will continue to do so.

Mr. KING. I have no doubt about it.

Mr. CURTIS. But the Senator from Kansas never has risen on the floor of the Senate and attempted to talk a bill to death. The Senator from Kansas has always confined himself to the subject before the Senate.

Mr. KING. Mr. President, I am glad that the Senator from Kansas is such a shining light in the Republican Party.

I wish his colleagues would do the same thing. I wish the Senator from Illinois [Mr. SHERMAN], his colleague, had pursued that example when he aided other Senators in talking to death appropriation bills which were so indispensable for the welfare of the country. I wish the Senator from Kansas, who is so potential in the councils of the Republican Party and is the Republican whip of the Senate, had had sufficient influence with other distinguished Republican Senators to prevent them from defeating measures which carried millions of dollars needed for the welfare of the country, and the failure of which occasioned the calling of an extra session.

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER (Mr. SUTHERLAND in the chair). Does the Senator from Utah further yield to the Senator from Kansas?

Mr. KING. I yield.

Mr. CURTIS. It is true that six appropriation bills went over, but those appropriation bills were passed before the money was needed, and under Republican leadership they were passed carrying over a billion dollars less than was estimated by the departments and over $600,000,000 less than was reported by the party represented on the other side of the aisle.

Mr. KING. I have heard that statement——

Mr. CURTIS. It is absolutely true.

Mr. KING. I have heard that statement made at least three times by distinguished Republican Senators. The Senator from Kansas does not deny that the Republican Party filibustered and defeated needed appropriation bills. The Senator does not deny that Republicans have upon more than one occasion talked bills to death. I am not criticizing them for that. I confess that I would like to see many bills killed, killed by direct vote, killed by the intelligent action of Senators; but if they can not be killed that way, there is some legislation so vicious and so damnable and so un-American as that any parliamentary method is justified in encompassing its defeat.

Mr. President, I am not talking this bill to death. This bill is going to pass, and Senators need not worry. No Senator or combination of Senators can kill a pension bill. This bill will pass. Other pension bills will pass. We are going to pension everybody pretty soon, Mr. President. We are so altruistic, money flows so readily into the Treasury of the United States, that we feel it a solemn duty to get it out of the Treasury at the earliest possible moment. We should then congratulate ourselves upon our efficiency and economy. Of course, this bill will pass. It calls for only $65,000,000, and the Senator from Kansas objects to a discussion of it for an hour. It was brought up during the morning hour.

Mr. CURTIS. Mr. President——

Mr. KING. Let me complete my sentence.

We entered upon the consideration of this bill a few minutes after 12 o'clock. As I recall, the morning hour was not granted to us, and we entered upon the consideration of this bill calling for $65,000,000, and the Senator now, at a quarter of 2, asks if I am not through so that we can pass the bill by 2 o'clock, if I understood him correctly.

Mr. CURTIS. I have not objected to the Senator discussing the bill. The fact is, I asked him to discuss the bill. He has not been discussing the bill for three-quarters of an hour.

Mr. KING. Mr. President, the Senator from Kansas, unfortunately, was not here during all the time. I was discussing the bill. I was reading from the report of the chairman of the committee, the Senator from North Dakota [Mr. MCCUMBER], and the report purported to be a discussion of the bill, and the report stated:

> Had the Government by a general law increased the pensions of these soldiers from a $20 to a $30 per month stipend, and in the same law provided that this $30 should be paid in Mexican dollars worth but 50 cents in American money, thus in effect reducing the pension to $15, this manifest wrong and injustice would have called for immediate correction. And yet this is exactly what has resulted indirectly through governmental action and policies. Through governmental laws and administration the purchasing value of these dollars which are being paid to the veterans of the Civil War has been decreased more than 50 per cent.

The distinguished chairman made the statement which I have just read, and I am not complaining at his report, because it is legitimate argument. I called attention to that, and during a brief reference to it the chairman, the Senator from North Dakota [Mr. MCCUMBER], interrupted me and gave his views as to what he meant and what legislation he had reference to in the sentence which I have just read. The distinguished Senator submitted an argument lasting 10 or 15 minutes in regard to the Federal reserve act and what he conceived to be its imperfections. He called attention briefly, as I had done, to the legislation, in which he had participated, enacted during this Congress for the purpose of raising money to prosecute the war. That is legitimate argument.

The argument of the Senator about the unwise legislation, if such be the case, was legitimate argument. I am replying to that in a feeble way, and my distinguished friend from Kansas is dissatisfied with my argument; and perhaps others may be. I am not wholly satisfied with it myself. But it was the best I could make in an impromptu way as a reply to the presentations of my good friend, the Senator from North Dakota [Mr. MCCUMBER].

Now I beg of my friend from Kansas not to be too impatient. He is going to get this bill through. It is only $65,000,000. What is that between friends? What is that when an election is before us? The Senator from Kansas has in his State a large number of soldiers of the Civil War, and their relatives, their grandchildren, their great grandchildren, their uncles, their aunts, and their alleged dependents. An election is at hand; it will soon be here. The ides of November are before us. The specters of Republican defeat are rearing their ugly heads, perhaps not in Kansas, and yet I hope that the people of Kansas will see the light; but in other parts of the United States. This is an important election. The Republicans want control of the Presidency. They want to control the destinies of this Republic.

Of course, the appropriation of millions of dollars from the Federal Treasury and its distribution throughout the States of the Union will excite attention. It may provoke some little gratitude in the hearts of the beneficiaries. Some great grandchild of some man who was a thousand miles from the battle field, who never saw a cannon or performed military service, doubtless would feel profound gratitude to the Republican Party if he could receive a pension before election.

Of course, it is important, Mr. President, to get this $65,000,000 out of the Treasury as soon as possible, and then more. This is not all. This is just the beginning of the assaults which we are to make upon the taxpayers of the country. Let us open up the floodgates of the Treasury and pour out the money, but do not tell the people we have to tax them. Do not have a sales tax. Make the people believe we can appropriate money and not tax them in order to get the money into the Treasury for the purpose of taking it out of the Treasury for distribution throughout the United States.

There was a time when it was deemed proper for Senators to discuss appropriation bills which came before them for consideration. It is now highly improper. We have spent less than one and a half hours in considering a bill carrying $65,000,000, and yet the whip of the majority party is impatient and complains because we do not pass the bill before 2 o'clock.

I have not yet, nor has any Senator, discussed the various provisions of the bill. No time has been devoted to delaying action. There should be more and freer discussion of these appropriation bills which take millions and hundreds of millions of dollars from the Treasury.

I shall not attempt to prevent a vote on this bill. I know the temper of the Senate. But I shall not be deterred from fairly discussing this bill and any other measure that may come before this body. I shall when I deem it proper challenge attention to improper legislation and to extravagant appropriations.

Mr. President, when I was interrupted by the Senator from South Carolina I was reading a few excerpts from the admirable address made yesterday by the distinguished chairman of the Committee on Appropriations of the House, Mr. GOOD. He states that the Government will expend for the year ending June 30, 1920, on account of soldiers and sailors, $263,968,993. That means the soldiers and sailors of the present war. He further states that the estimates for the fiscal year ending June 30, 1921, for the same purposes are $458,440,000. Mr. President, add those sums—and those are only a small part of what doubtless will be appropriated—to the $223,000,000 carried now by existing law for the soldiers and sailors of the Civil War and their dependents, and those who come under the act, and the $65,000,000 which this act carries, and we have nearly a billion dollars, exclusive of the amounts which no doubt will soon be appropriated as bonuses or largesses or gifts, or what not, under legislation now pending in the other branch of Congress.

It looks as though we might be called upon, Mr. President, for appropriations for the coming year of at least $3,000,000,000 for the Army and the Navy and for the soldiers and for pensions for soldiers. It may be considerably more than that. Then we have the other expenses of the Government. So that when the entire budget is made up I doubt not but what our appropriations in the second year of peace after the war will approximate five or six billion dollars.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Tennessee?

Mr. KING. I yield.

Mr. McKELLAR. The statement the Senator is making is very interesting, and more interesting to me in view of the Senator's vote yesterday on a bill which will cost the American people over $600,000,000 per year. As compared to this bill, it is like a mountain as compared with a molehill. At one blow yesterday, on one vote, we passed a bill calling for the expenditure of over $600,000,000, when the greatest military nation on earth has never expended over $200,000,000 a year in a time of peace.

Mr. KING. Mr. President, I should like to say a few words in regard to the military bill that passed yesterday, but I shall not be diverted from the discussion which is now before us, particularly in view of the fact that the Senator from Kansas has rather chastised me for not sticking to my text. I will add, however, that I am opposed, as all Americans are, to militarism. The bill which passed the Senate yesterday did not meet my approval. It was defective in many, many ways, and contained provisions obnoxious to me.

I am not a member of the Military Affairs Committee, as is the Senator from Tennessee. But upon that committee are some of the ablest and most patriotic Members of this body. They have studied the military needs of this country for years. They submitted a bill as the result of months of constant labor. Those not members of the committee were compelled to rely, in part, upon those able and distinguished Senators. Some measure was necessary. Indeed, Congress can not adjourn without passing a military bill. Without full knowledge of the intricate and complex subject, I voted for the bill, as did all Senators, except 8 or 12, as I recall. Rather than have no bill, I voted for it.

I felt that in conference it will be materially modified and improved. We vote for bills frequently which are wholly distasteful, believing that in conference features which are obnoxious will be eliminated, and that there will emerge from the conference committee a measure which will meet our views.

But, Mr. President, the Senator from Tennessee claims too much. He contended during the discussion of the Army bill that it was a bad piece of legislation and denounced it then as a Prussian measure and as indefensible. His arguments were denied by able Senators. There are no Members of this body who favor a Prussian military system; those who championed the bill are as patriotic and as interested in the preservation of this Republic as is the Senator from Tennessee. They deny that the cost will be as great as the Senator contends. The bill itself proves that it creates no army such as Germany possessed.

But, Mr. President, we may have appropriated too much for the Military Establishment for the coming year. Concede it.

That is no suitable reply to the present bill or a justification for extravagance in the administration of the affairs of the Government.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER. Does the Senator yield further to the Senator from Tennessee?

Mr. KING. I yield.

Mr. McKELLAR. I merely wish to say that in 1916 Congress passed what, in my judgment, was the best preparedness bill that was ever passed by the Congress in its history. Every detail of the military situation was provided for in that law, and it has been effective for only four years. Under that law as a groundwork this Nation won the greatest military victory that had ever been won in its history, or in the history of any other nation, and there was no necessity at all for the repeal of that law and the passage of a bill providing for a great military system fashioned after the German military system. There was no necessity whatever for it; and I am frank to say, knowing the Senator's views on economy as I knew them and knowing his views about legislative matters generally as I knew them, I never was more surprised in my life than when I found the Senator voting for a bill of that kind, vicious as I believe it was.

Mr. KING. I am sorry the Senator from Tennessee was not able to impress his views a little more effectively upon his colleagues on the Military Affairs Committee. He is a member of that committee; unfortunately, or fortunately, I am not. He has been associating with the committee for three years. I regret that he was not a better proselyter, and that he did not accomplish more in impressing upon the committee the views which he entertains. Perhaps, after all, his colleagues are not as derelict as he would have us believe them to be. I was absent from the city when the Army bill was under discussion, but I am advised that the Senator's views were then fully presented. Replies were made by his colleagues upon the committee. Certainly these patriotic Senators would not have given support to the bill if it was as bad and vicious as the Senator asserts it to be. Moreover, the bill, as I understand, may be called an administration measure, as I believe it has the support of the Secretary of War.

RIVER AND HARBOR APPROPRIATIONS.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The READING CLERK. A bill (H. R. 11892) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. JONES of Washington. Mr. President, the Senator from Missouri [Mr. REED] is desirous of speaking on the river and harbor bill. He is not prepared to-day, but said that he would be ready to-morrow. Under those circumstances I take it that we will be unable to get a vote on the bill to-day, and so I ask unanimous consent that the unfinished business may be temporarily laid aside, in the hope that the Senator from North Dakota [Mr. McCUMBER] may proceed with his bill.

Mr. KING. Mr. President, the river and harbor bill is before us. It is very important, and I think we ought to dispose of it to-day.

Mr. JONES of Washington. I should like to dispose of it to-day, but from what I am told I do not think it is possible to do so. I should like to accommodate the Senator from Missouri [Mr. REED], who is very anxious to discuss a matter of very great importance in the bill, and he said he would not be ready until to-morrow. I do not desire to put the bill in the attitude of being held before the Senate when we can not get a vote on it to-day. So I think we might just as well go on with the pending pension bill. It can be disposed of to-day very likely, and then we can take up the river and harbor bill to-morrow.

Mr. THOMAS. May I ask the Senator why we could not complete the river and harbor bill save as to the feature to which the address of the Senator from Missouri will be directed?

Mr. JONES of Washington. The bill is practically completed except for the proposition which involves the sum that we are to appropriate, whether it is to be large or small.

The PRESIDING OFFICER. Is there objection to laying aside temporarily the unfinished business, as requested by the Senator from Washington? The Chair hears none, and it is so ordered.

PENSIONS AND INCREASE OF PENSIONS.

Mr. McCUMBER. I ask the Senate to continue the consideration of House bill 9369.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9369) to revise and equalize rates of pension to certain soldiers, sailors, and marines of the Civil War; to certain widows, former widows, dependent parents and children of such soldiers, sailors, and marines; and to certain Army nurses; and granting pensions and increase of pensions in certain cases.

Mr. McCUMBER. Mr. President, it had been my intention to open up the discussion of this subject by presenting some of the salient facts, but the Senator from Utah [Mr. KING] was so earnest in his desire to record his opposition to the bill that he interrupted me in my intended address at that time upon the general subject, and he took all the time until the expiration of the morning hour. I do not object to that at all. I am entirely satisfied that he shall present his views in the first instance. I think they can all be met.

The Senator and myself generally agree fairly well upon nearly all matters of legislation. There is little ground for even a partisan quarrel between us. I am not complaining of the Senator from Utah that he considers it necessary at all times to come to the defense of the Democratic administration. I think if I were a member of that party I would feel it incumbent upon me to spend most of my time in defending the administration during the last year or two, and therefore I certainly can not criticize the Senator from Utah.

I was rather surprised, however, that the Senator from Utah spent so much of his time in the defense of the Federal reserve banking laws when at the same time and almost in the beginning of his address he agreed with me that the criticism that I

urged against that law was a most valid criticism. If the Senator from Utah had followed his argument a little further, he would also have arrived at the conclusion that all the inflation of our currency results entirely from one great defect in the Federal banking law, a defect which was pointed out at that time and again and again asserted upon the floor, that it would result in a great inflation of the currency. I have reference to that provision, and that alone, of the Federal reserve act which allows expansion of the currency; in other words, the issuing of Federal reserve notes, without any interest, for a given length of time. I felt at that time and so stated on the floor that I feared the speculative tendency of the American people, their habit of carrying on business with borrowed money would always result in a large amount of this currency remaining outstanding and unredeemed. That result has followed.

It is the only criticism I have ever made of that banking law. I think that on the whole it is a very good law, and if we would so modify it as to make the elasticity work both ways, so as to compel a contraction as well as an expansion, we would have perhaps as nearly a perfect system as we could devise. So the criticism was not made with any spirit other than to present what I considered to be the cause of the present greatly inflated currency and with its natural consequence of inflated prices.

Mr. OWEN. Mr. President——

The PRESIDING OFFICER (Mr. SMOOT in the chair). Does the Senator from North Dakota yield to the Senator from Oklahoma?

Mr. McCUMBER. I yield.

Mr. OWEN. I wish to remind the Senator that the real inflation which has taken place in the country is the expansion of credit through the issuance of twenty-six billions of bonds, and because of the activities during the war the deposits of the country increased $20,000,000,000 also. That is the great inflation. But these Federal reserve notes have a provision by which whenever they leave their own districts they are immediately redeemed in gold, and they are going through a daily gold redemption. I happened to be in Nashville a few days ago, where we have a branch bank, and I went into the room where they were dividing out the Federal reserve notes which had come through their office. They had reserve notes from other districts all over the Union, which they were assorting for the purpose of sending in for immediate redemption. The notes, of course, are called for as actual currency by the different banks where they need currency, so that the issue goes out in response to the commercial demand.

There has been, because of the diminished purchasing power of the dollar, due to inflation of credit, a necessary expansion of actual currency, because the merchants of the country find it necessary to have twice as much currency as they had before, since the purchasing power of the currency has diminished because of the expansion of credit due to the war.

Mr. McCUMBER. I hope that we have reached about the end of excessive issues of Federal reserve currency. I hope that we have reached the high point, but there has been very little redemption within the last year. For instance, at the close of 1919 we had outstanding $3,565,000,000 in Federal reserve notes. April 19, two days ago, the amount was $3,519,133,000. So the Senator will see that there has been practically no contraction even during these times of peace. On the contrary, since we ceased to issue bonds it has grown greater than it was even when we were issuing bonds for the purpose of maintaining our war activities.

I am not particularly criticizing the law itself. I think that is a weakness. It is the position I took at the time. I can not agree with the Senator from Utah [Mr. KING] that this banking legislation was purely a Democratic measure. It really originated with the Republican Congress when we first provided for a commission to study the financial situation of the countries of the world.

Mr. OWEN. Mr. President——

Mr. McCUMBER. Just a moment. We then brought back the report. It was not a partisan question at that time, and I do not think it has ever been a partisan question. The only difference probably in the conclusions was that in the first report the general idea was that we should have one grand central bank instead of having 12, as was afterwards provided; but the principles were the same. I think the Senator from Oklahoma [Mr. OWEN] will agree with me that we have never regarded this enactment as a matter of partisan legislation. I now yield to the Senator from Oklahoma.

Mr. OWEN. I call the attention of the Senator from North Dakota, when he speaks of the legislation as originating with the Republican Party, to the fact that the real principle which lay underneath the Federal reserve act, which lay beneath the Vreeland-Aldrich Act, was quick currency against adequate security under an interest charge to prevent inflation. That is the principle of the Reichs Bank of Germany. It was first presented in the Senate of the United States in 1900 by James K. Jones, the leader of the Democrats at that time. He offered it as an amendment to the then pending Aldrich bill, and it was rejected by Mr. Aldrich as not germane. The principle afterwards was written into the so-called Vreeland-Aldrich Act, and that act served a useful purpose in what would have been a panic in August, 1914, by providing a means for quick expansion of currency under the safeguards which I have enumerated; that is, that it should be issued against adequate security under the penalty of an interest charge; but the principles were first presented in the Senate by James K. Jones, the leader of the Democrats in the Senate, in 1900.

Mr. McCUMBER. I do not think there is any disagreement between the Senator and myself on that point. I do not know that it is important to discuss what political party is entitled to the credit for the law or what political party is responsible for the criticism which I urge against it, and that is that there is not a sufficient penalty to force a contraction of currency after it has once been expanded.

The Senator from Oklahoma [Mr. OWEN], I know, did not agree with me at that time, but the fact remains, no matter what you may say the cause may be, that we have an enormous inflation and that, together with the balance of trade and the gold that we have brought into the United States, has so increased the circulating medium that our yardstick for measuring the prices of all commodities has greatly lengthened, and necessarily the prices of those commodities must come up to meet the increasing length of our yardstick.

Mr. OWEN. Mr. President, I desire, in the interest of truth as I understand it, to call the attention of the Senator from North Dakota to the difference between the expansion of currency and the expansion of credit. When the United States issues $26,000,000,000 of bonds, when bank deposits increase $20,000,000,000, as they have done during the last seven years evidently, regardless of the quantity of currency, men who have bank deposits or men who have United States bonds can easily avail themselves of them as a means of getting currency or getting credit, which is the same thing. Men ordinarily pay their debts by checks on banks rather than in currency. So I think the Senator is greatly mistaken in attributing the diminished purchasing power of the dollar to the excessive issues of Federal reserve notes. It is due to the unavoidable expansion of credits in the form of bonds and in the form of bank deposits which have grown out of the war.

There is a vast difference between the two. While the actual currency of the country was expanded, and it was expanded by $1,100,000,000 in gold, for that matter, which came into us in exchange for our excess commodity shipments abroad—and that had its effect, as the Senator argues, in diminishing the purchasing power of the dollar—yet the real or fundamental cause, the big cause, is the expansion of credit and the expansion of bank deposits. I think if the Senator will give that question his consideration he will be obliged to agree to my statement.

Mr. McCUMBER. Mr. President, I think all of those conditions enter as elements into the expansion. I can hardly agree with the Senator, however, that they are the principal cause. I think the principal cause, as shown on its face, is the enormous increase in Federal reserve notes which pass current throughout the country as money. But, Mr. President, I am afraid we are drifting from the bill itself, and I shall return to it.

The Senator from Utah [Mr. KING] has discussed the question of the obligation of the Government toward the soldiers of the Civil War and has declared that the Government has never entered into a contractual relation with Civil War pensioners to the effect that it would maintain the purchasing value of the pension dollar. That is certainly true; there is no contractual relation whatever between the Government and the old soldiers as such. It is simply a question of our gratitude toward the old soldiers.

I confess that I entertain a sentiment of gratitude toward the old soldiers of the Civil War stronger than that which I entertain toward those of any other war. I can not forget the fact that, when this Nation was on the brink of being torn asunder, there was a strong sentiment in the Northern States, as there was elsewhere, that the South ought to be allowed to go their own way, if they saw fit, so that no man enlisted in the northern Army that did not subject himself to a degree of animosity on the ground that he was attempting the coercion of a number of the great States of the Union. He knew that he was to battle against brothers of his own blood, against those of his own nationality. He was not brought into the conflict by any character of coercion; there was no selective-draft law; he enlisted

because he felt that the life of the Government was at stake, and he fought to save this Nation; he battled during those four years against his own kith and kin and race for the purpose of maintaining one United States of America. By his suffering he kept the flag of the Union in the skies; by reason of his courage and his patriotism we have one great, grand, strong country to-day. So I feel that there is a deeper obligation resting on the Government of the United States toward these old veterans of the Civil War, who saved us a Nation, than there is existing toward the soldiers of any other war in which we have ever been engaged. I want to treat all our soldiers justly and fairly and to show our appreciation of the services of all; but when these old men, the majority of whom have already passed beyond their seventy-seventh year, suddenly find confronting them a condition which, so far as they are concerned, amounts to a calamity, whereby the dollars upon which they are dependent to sustain them until they shall be carried to the grave, have been reduced to about 40 per cent of their ordinary purchasing value in a very few years, I feel that then it is incumbent upon us that there is an obligation resting upon our conscience to make good to them the difference between what those dollars would have purchased a few years ago and what they will purchase to-day.

It is immaterial what the cause, the fact remains that the $37.50, which is the average amount granted to these pensioners by the old law, will not to-day purchase more than one-half of what it did when the law was enacted; and if we owed a duty to them to increase their pension at that time, we owe a duty now again to increase it to meet present conditions, not because of a contractual obligation but because of our gratitude toward those men who saved us a country.

Mr. President, I have shown the fact of inflation and its effect. Inflation does not affect the ordinary individual; the laborer can command three times as much for his labor as he could 5 or 6 years ago; the merchant can mark up his goods over night 20 per cent, he can add another 20 per cent to-morrow, and another 20 per cent the next day in order to meet his necessities and the condition brought about by the expansion of the currency, but the old veteran, who can no longer toil, can not add 20 per cent to the purchasing value of the dollar which he must trade for those goods.

Mr. SIMMONS. Mr. President——

Mr. McCUMBER. I yield to the Senator from North Carolina.

Mr. SIMMONS. I wish to ask the Senator a question simply for information. The Senator is chairman of the Committee on Pensions; and I understand from his remarks that the pending bill proposes to increase certain pensions because of the reduced purchasing power of the dollar incident to the present extraordinary condition of affairs in this country?

Mr. McCUMBER. It can be based upon that ground or upon the further ground, which, of course, is more or less dependent upon the first, that it is necessary if we intend to prevent suffering among the old soldiers.

Mr. SIMMONS. The question I wish to ask the Senator is this: Is it proposed to make that increase permanent or only temporary; and, if temporary, what is the length of time contemplated during which the increase shall be effective?

Mr. McCUMBER. Mr. President, it is made permanent, of course.

Mr. SIMMONS. Does the Senator think it should be made permanent?

Mr. McCUMBER. The Senator and I will never live to see the day when conditions will return to what they were three or four years ago.

Mr. SIMMONS. I agree entirely as to that.

Mr. McCUMBER. I have not the slightest expectation of our ever getting back to the condition which existed then; and I do not think that there will be many of the old soldiers who will live long enough to see any particular reduction in the cost of commodities.

Mr. SIMMONS. Mr. President, while I agree with the general statement of the Senator that neither of us will live long enough to see prewar conditions prevail again with reference to prices, I hope that we shall both live long enough to see very materially reduced the high prices that now obtain by reason of the small purchasing power of the dollar. I do not expect to see prices as low as they were before the war; but I do expect, not in the immediate future but within a reasonable time, to see some abatement in the present high prices; in fact, unless some abatement can be effected we will go on climaxing and pyramiding until finally we shall have a disastrous collapse in this country which will of itself force a new and better condition.

It does seem to me that if the bill, of which the Senator is in charge, proposing to grant the large increase which he has been discussing is justified by existing conditions—and I am not advised as to the exact increase which the bill proposes to make, but I assume that to meet the condition of a 40-cent dollar which he has outlined, of course, the increase proposed must be large—then there ought to be some time limit placed upon that increase, and if conditions shall be the same when the time limit expires, as they are to-day, then we can continue the increase; otherwise I predict now—and I wish to impress this upon the Senator—that we will never, whatever the change in conditions may be, be able to reduce these pensions below the rate which it is now proposed to fix.

Mr. McCUMBER. Mr. President, if the Senator from North Carolina will fix a time limit for the high cost of living, I will agree to fix a time limit to correspond with it upon the pensions that will be granted to meet that condition. The Senator, of course, can not do that.

Mr. SIMMONS. Of course not.

Mr. McCUMBER. That is an impossibility. I do not look for any material change for many years; in fact, I expect to see the high cost of living increased very rapidly during the next year, due to several factors, for one of which Congress will be responsible, namely, the enormously increased expenses and taxation. The second factor is underproduction, due to the fact that we will grant so many favors to so many people that they will live upon gratuities without being compelled to work and add to the production of the country.

Mr. SIMMONS. Mr. President, of course, there is a difficulty about fixing a time limit, but we have met that difficulty with reference to the salaries of Federal employees by giving a temporary bonus instead of by increasing their salaries.

We gave them a bonus of $240 per year. We did that because we preferred to do that rather than to increase their salaries, and we preferred to do that rather than increase their salaries for the reason that if we increased their salaries we did not know how we would get those salaries back to normal when the unusual conditions and the emergency calling for this increase passed away. Now, rather than to grant this permanent increase I think it would be better public policy to give the soldiers an additional pension each year, just as we extend the bonus from year to year, or to put in effect some other plan that would avoid this permanent increase, which I fear if now made in the form that it is proposed will become permanent, whatever may be the change in conditions, permanent even if the conditions within a few years should return to those that obtained before the World War.

Mr. McCUMBER. Mr. President, I think we would have difficulty in adjusting a proposition of that kind to the situation either as it exists to-day or as it may exist to-morrow. If there is anything that the old soldier is entitled to to-day, it is enough to ease his way toward the end, and also a certainty that it will be forthcoming.

Mr. SIMMONS. I fully sympathize with the views of the Senator in that regard, and certainly I would do nothing or say nothing that would deprive these old veterans of the necessary comforts of life in their last days; but what I arose the second time to say was this: I do not mean, by what I have said with reference to a bonus, to make any suggestion of a plan. I simply wished to call the attention of the Senator to the fact that this increase made now, unless something is done to place a limitation upon it, will, in my judgment, become a permanent increase.

Mr. McCUMBER. It will become permanent, in my opinion, also so far as these soldiers are concerned, but that permanency can not last very long to men who are 70 or 80 years of age. It must, in the very nature of things, come to an end very soon, and in my opinion it will come to an end a great many years before there is any particular reduction in the present cost of living.

Mr. SIMMONS. Does not your increase apply to all the pensions that are now paid to the Civil War veterans and their dependents?

Mr. McCUMBER. The Civil War veterans and their widows and those dependents whose status is fixed by law.

Mr. SIMMONS. Then the increase that you make now, if it becomes permanent, will be a permanent increase in the pension indebtedness of this country until the last one of these old veterans and their pensionable dependents shall have died?

Mr. McCUMBER. Yes.

Mr. SIMMONS. Does not the Senator know that that will not be during his day, nor during my day, nor during the day of any other man in this Chamber?

Mr. McCUMBER. Oh, certainly; there will be some few widows who were rather young when they married some soldiers who were past middle life who undoubtedly will be living after I have passed out of this world. I expect that, and I want to say to the old soldier who leaves this widow: "Because of the gratitude which I have in my heart for your service, because

of what you have done for me and mine and this country, I am willing that not only I but my children and my children's children shall tax themselves this little amount to protect you and yours."

Mr. THOMAS. Mr. President——

Mr. SIMMONS. The amount of the present pension, of course, nobody thinks of disturbing now or at any future time; but the Senator is asking us to give them more now, because he says a condition has arisen in this country that has reduced the purchasing power of the dollar. The Senator would not want that increase to continue for any longer than that condition continues, would he?

Mr. McCUMBER. I would not wish it to continue any longer than the condition continues; but I know that the condition will continue. I feel certain that it will. I can not see any possibility even of a material change.

Mr. SIMMONS. Therefore the Senator, although he may be mistaken in that view, would fasten upon the country permanently a large additional pension indebtedness with no way of getting rid of it.

Mr. McCUMBER. Oh, there is a way of getting rid of it. The appropriating power of Congress will continue year after year, and if next year Congress thinks this is too much and that it should reduce the amount Congress has the power to do it.

Mr. SIMMONS. Has the Senator ever heard of Congress reducing a pension once fixed?

Mr. McCUMBER. No; and I do not want to hear of it.

Mr. SIMMONS. Does the Senator believe that Congress ever will do it?

Mr. McCUMBER. No; but the Senator brought that question up himself. I say the power of Congress to make the change exists at all times. I would rather make it permanent and leave it for Congress to determine whether or not it ought to make a change afterwards.

Mr. SIMMONS. I did not mean that the power would not exist, but I meant that once you increase the pension you will never reduce it.

Mr. McCUMBER. I think there will never be an occasion for decreasing this amount.

The Senator speaks about this being a large sum, a heavy burden. So it is. Sixty-five million dollars will probably be added to the pension cost during the year 1921; but let me ask those Senators who object to this added sum if they have considered it in connection with the vast sums that have been paid out and are being paid out to the soldiers of the war of 1917 and their dependents? I think when you stop to contemplate what you did for the soldiers of the Civil War and what you are asked to do for them to-day in comparison with what you did for the soldiers of 1917 and what you are doing for them to-day, you will not fail to draw the conclusion that your duty is to take care of these old soldiers with this additional sum.

Let me call your attention to the fact that we never passed a general pension law for the benefit of those who had not been injured in the Civil War until 25 years after the close of that conflict. We never took any steps to take care of that class of the soldiers of the Spanish War for 20 years after the close of the Spanish War. We began to look after the interests of the soldiers of 1917 within 25 minutes after we called them into the Army. Let us see what we have paid out for their benefit. I am not complaining of these sums, but I want to have the Senators view the two sides of this ledger dispassionately and fairly, and it may help them in arriving at some conclusion as to what their duty is if that duty is to be gauged in any respect by comparisons.

At the close of the present fiscal year there will have been paid out in allowances for the families of the soldiers of the late war $280,000,000. That is for the families alone. The payment of the $60 bonus to persons serving in the war of 1917 has not been completed, but the estimated amount is $256,239,900. The Federal Board for Vocational Education, which affects only the soldiers of the late war, calls for $125,000,000. The Bureau of War Risk Insurance calls for $197,865,600. The Public Health Service, for care of war-risk insurance, asks for $10,000,000. Now, here is a total which will be paid out, even without the bonus bill that is now before the other branch of Congress, to these soldiers of the present war up to 1921, of $869,105,500.

Now comes this other bonus bill, which will pass the House and in all probability will pass the Senate, that will carry about $2,000,000,000 more, and all this within less than two years after the close of the late war. That will take $2,869,105,500.

Why, Mr. President, we have paid out up to date for the soldiers of the last war, to their families, a sum that we did not equal in our appropriations for the Civil War veterans for a period of 40 years after the close of that war. While we are paying out these vast sums to young men who have the grandest opportunity that the world has ever known for earning money, we ought to take into consideration the distress that naturally comes to those old men who have long since passed their age of earning.

From all this, Mr. President, I can not fail to recognize the fact that in our enthusiasm we are rather overdoing the principle of generosity for the men of the late war and are liable to underdo our duty toward those old men of the war of 1861–1865.

I think, Mr. President, the bill as proposed to be amended by the Senate committee ought to pass. Senators think it is going to be a heavy drain upon the resources of the country. Let me give Senators but one little item which you can cut out of the appropriations for this year which will more than take care of this charge upon the Treasury. You will be asked to appropriate $75,000,000 for good roads to assist the States. It will take but $65,000,000 to take care of this added cost in pension legislation. There is no question but what the good roads would be a great benefit to autoists, not only of the present generation but possibly those who come after it, but has it ever occurred to you that these old soldiers are, most of them, even too old to take auto rides at the present time, and that they will receive practically no benefit from that source?

I think we could get along one year without adding to this expense for the good roads. I could pick items out of appropriation bills which would amount to at least $2,000,000,000 that you could easily dispense with and not load upon the American people at the present time. But my voice and sentiment in the matter will not carry very far. I know we are going to spend over $6,000,000,000 this year, and all the arguments we could make against it would not stop that appropriation.

I can not agree with the Senator from Utah that those who espouse this bill are influenced in the slightest degree by what effect it will have upon the votes of these old soldiers. I think the Senator from Utah did his own judgment an injustice when he suggested that in his colloquy with the Senator from Kansas [Mr. CURTIS]. These old men, as I said, are from 77 to 90 years of age. I think since the Civil War 99 per cent of them have every year voted the Republican ticket, and I do not believe that they would change in their affiliation with that party if we should fail to grant them this sum, and I do not think the few who are Democrats to-day will change in their affiliation because we shall grant them this little increase. I do not think it will have the slightest effect on them.

The Senator from Utah called attention to the fact that witnesses testified on behalf of the Grand Army of the Republic that they would not come back again to the United States Congress for a further pension. That is true; but that was when their dollar would purchase a dollar's worth of commodities. It will not purchase more than 50 per cent of the same commodities to-day, and therefore they are justified in asking for this raise.

Mr. President, I want to call the attention of the Senator from North Carolina [Mr. SIMMONS] to another feature which we ought to take into consideration. The total number of Civil War soldiers on the pension roll on June 30, 1919, was 271,391. In 1898 there were 745,822 upon the roll. There are only about one-third as many now as there were then. We know, when we take into consideration that they are, on the average, probably above 77 years of age to-day, that the death rate will be exceedingly rapid with them in the next 5 or 6 years. In 10 years the roll will be exhausted. This number will probably be reduced next year to about 240,000.

The total number of widows of Civil War veterans on the pension roll on June 30, 1919, was 293,244. Their greatest number was in 1912, when it was 304,373. As a rule, it may be said that 95 per cent of the widows of these old soldiers are but a few years younger than the soldiers themselves. I know there has been a great deal of talk about young women marrying old soldiers to get the benefit of the pension laws, but that does not apply to 1 in 25,000. It is not worth the slightest consideration. The widows will decrease in number almost as rapidly as the old soldiers themselves. The last two years have shown a decrease of nearly 20,000 a year, and there will probably be 40,000 less of the widows to be appropriated for for 1922 than there will be for the year 1921, and in five years the great bulk of all the ex-soldiers and their widows will have passed to the great beyond and we will be called upon for very little pension legislation to take care of their interests.

Coming to the War with Mexico, there were only 215 of those veterans on the roll on June 30, 1919. There are probably less than a hundred of them to-day. Probably in two years there will be less than 20 of them.

Mr. President, it is because we felt that these few widows of the veterans of the War with Mexico and the few soldiers of that war should be included in the benefits of this act that we amended the bill as passed by the House and added them. We also increase to some extent the pensions for those who have lost limbs or become blind.

I think that under the present situation we ought to pass the bill as it is now proposed to be amended by the committee and assist these old veterans in their few remaining years, and I think this will be really the last general bill which will be passed for their benefit. I disagreed with them when they thought a few years ago it would be the last one, but I think we can care for those who will not be sufficiently cared for in this bill by private pension legislation which we will still enact to meet special cases.

Mr. SIMMONS. I wish to ask the Senator what is the total amount carried by the bill?

Mr. McCUMBER. It is estimated that for the next year there will be $65,000,000 added. Of course, then it will immediately decrease very rapidly.

Mr. SIMMONS. What would have been the amount carried on the present basis?

Mr. McCUMBER. It was $222,000,000 last year, and I have just been informed that it would have been $214,000,000.

Mr. SIMMONS. On the present basis?

Mr. McCUMBER. Yes.

Mr. SIMMONS. With the increase it will be what?

Mr. McCUMBER. That would add sixty-five million. Mr. President, I ask now that the Senate proceed with the consideration of the committee amendments.

The PRESIDING OFFICER. The question is on agreeing to the first amendment reported by the Committee on Pensions.

The amendment was agreed to.

The next amendment was, in section 2, page 2, line 12, after the word "duty," to insert "and every person who served 60 days or more in the War with Mexico, or on the coasts or frontier thereof, or en route thereto, during the war with that nation, and was honorably discharged therefrom"; in line 17, after the word "physical," to insert "or mental"; in line 18, before the word "regular," to strike out "constant or"; and in line 19, before the word "aid," to insert "personal," so as to make the section read:

SEC. 2. That every person who served 90 days or more in the Army, Navy, or Marine Corps of the United States during the Civil War, and who has been honorably discharged therefrom, or who, having so served less than 90 days, was discharged for a disability incurred in the service and in the line of duty, and every person who served 60 days or more in the War with Mexico, or on the coasts or frontier thereof, or en route thereto, during the war with that nation, and was honorably discharged therefrom, and who is now, or hereafter may become, by reason of age and physical or mental disabilities, helpless or blind, or so nearly helpless or blind as to require the regular personal aid and attendance of another person, shall be entitled to and shall be paid a pension at the rate of $72 per month.

The amendment was agreed to.

The next amendment was, in section 3, page 3, line 2, after the word "same," to strike out "or shall have sustained a disability equivalent thereto"; in line 7, after the word "same," to strike out "or shall have sustained a disability equivalent thereto"; and in line 13, before the word "shall," to strike out "or shall have sustained a disability equivalent thereto"; and in line 17, after the word "same," to strike out "or shall have sustained a disability equivalent thereto," so as to make the section read:

SEC. 3. That from and after the approval of this act all persons whose names are on the pension roll, and who, while in the service of the United States in the Army, Navy, or Marine Corps during the Civil War, and in the line of duty, shall have lost one hand or one foot or been totally disabled in the same, shall receive a pension at the rate of $60 per month; that all persons who, in such service and in like manner, shall have lost an arm at or above the elbow, or a leg at or above the knee, or been totally disabled in the same, shall receive a pension at the rate of $65 per month; that all persons who, in such service and in like manner, shall have lost an arm at the shoulder joint or a leg at the hip joint, or so near the shoulder or hip joint or where the same is in such condition as to prevent the use of an artificial limb, shall receive a pension at the rate of $72 per month; and that all persons who, in such service and in like manner, shall have lost one hand and one foot, or been totally disabled in the same, shall receive a pension at the rate of $90 per month.

The amendment was agreed to.

The next amendment was, in section 4, page 3, line 23, after the word "for," to insert "or died in service of"; on page 4, line 1, after the word "Domini," to strike out "1915" and insert "1905," so as to read:

That the widow of any person who served in the Army, Navy, or Marine Corps of the United States during the Civil War for 90 days or more, and was honorably discharged from such service, or regardless of the length of service was discharged for or died in service of a disability incurred in the service and in the line of duty, such widow having been married to such soldier, sailor, or marine prior to the 27th day of June, A. D. 1905, shall be entitled to and shall be paid a pension at the rate of $30 per month.

Mr. CURTIS. Mr. President, I hope the Senator in charge of the bill will not insist upon the amendment inserting 1905. If the bill is made to apply to widows who married soldiers prior to 1915, that goes back five years, and it seems to me that it should not go back any further. In passing these bills heretofore a limit of five years, I think, has been fixed, and I hope the Senator will not insist upon that amendment reducing it to 1905.

Mr. McCUMBER. Mr. President, there has been so much criticism, though I admit it is uncalled for, of these bills because they included widows who were married after 1900, that the committee felt there would be less objection to the matter, and we could settle it in conference if we made this change. I would prefer to have the committee amendment agreed to and leave it for further consideration in conference.

Mr. CURTIS. I move to strike out the numerals "1905" and to insert in lieu thereof the numerals "1910." I am in favor of the House provision, but offer this amendment so that the conference may be limited to the years between 1910 and 1915.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas to the amendment of the committee.

Mr. DIAL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Reading Clerk called the roll, and the following Senators answered to their names:

Ball	Glass	McKellar	Smoot
Calder	Harris	McNary	Spencer
Capper	Harrison	New	Sutherland
Chamberlain	Jones, Wash.	Nugent	Thomas
Curtis	Keyes	Page	Townsend
Dial	Kirby	Pittman	Underwood
Dillingham	Lenroot	Sheppard	Wadsworth
France	Lodge	Simmons	Warren
Gerry	McCumber	Smith, Md.	

Mr. GERRY. I wish to announce that the Senator from South Carolina [Mr. SMITH], the Senator from Louisiana [Mr. RANSDELL], the Senator from Wyoming [Mr. KENDRICK], and the Senator from North Dakota [Mr. GRONNA] are absent on official business.

The PRESIDING OFFICER. Thirty-five Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Reading Clerk called the names of the absent Senators.

The PRESIDING OFFICER. Thirty-five Senators have answered to their names. There is not a quorum present.

Mr. CURTIS. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will carry out the order of the Senate.

Mr. NELSON, Mr. OVERMAN, Mr. MCCORMICK, Mr. POMERENE, Mr. SWANSON, and Mr. KNOX entered the Chamber and answered to their names.

After a little delay,

Mr. COMER, Mr. SMITH of South Carolina, Mr. RANSDELL, Mr. KENDRICK, and Mr. GRONNA entered the Chamber and answered to their names.

Mr. SMITH of South Carolina. Mr. President, I think it ought to be stated that, in conjunction with other Senators who have just entered the Chamber, I have been very busily engaged on an important matter in one of the committees.

Mr. MOSES, Mr. PHIPPS, Mr. STERLING, and Mr. WATSON entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty Senators have answered to the roll call. There is a quorum present. The question is on agreeing to the amendment offered by the Senator from Kansas [Mr. CURTIS] to the amendment reported by the committee.

Mr. THOMAS. Let the amendment be stated, Mr. President.

The PRESIDING OFFICER. The Secretary will state the amendment.

The ASSISTANT SECRETARY. On page 4, line 1, it is proposed to strike out the amendment of the Committee on Pensions changing the numerals "1915" to "1905" and to insert "1910."

Mr. THOMAS. Mr. President, I trust that this amendment will not prevail. As the bill stands the widow beneficiaries of this new appropriation are limited to those marrying old soldiers prior to 1905. The amendment proposes to extend that time to 1910, and the Senator from Kansas [Mr. CURTIS], after requesting the chairman of the committee to accept the House provision of 1915, proposes the amendment.

The question involved has been before the Senate, Mr. President, on more than one occasion, and thus far it has been deemed wise to limit widows' pensions to widows whose marriages antedated June of 1905. The purpose of that is obvious, and not

only obvious but it is wise and timely. It is designed to discourage the intermarriage of young women with very old men and then as survivors enjoy for many years the benefits of a pension granted by the Government to the widows of soldiers.

There are many features of the present law regarding widows' pensions that, in my judgment, are open to very serious criticism. This proposed law does not change them. It certainly should not be permitted to increase them. Under the law of 1916 provision was made for the revival of pensions to widows who, having married a second or third time, again became widows through no fault of their own; so that when the widow of a deceased soldier intermarries with an outsider and the marriage is afterwards terminated by death or divorce through no fault of hers, she can secure a revival of the pension, which attaches and remains to her until she dies or again marries. If she again marries and is again widowed through no fault of hers, the pension again automatically revives. That is carrying the pension system to the 'nth power of extreme. It virtually commits the Government of the United States to the payment of alimony or that which is analogous to alimony; and we may be sure that nice distinctions are not made under those circumstances when a newly made widow applies for the revival of her pension as to the extent to which the fault of her widowhood is her own.

Mr. President, I do not think that law should ever have been passed. I doubt if it would have been passed but for the fact that widows nowadays vote as do other women in many of the States of the Union, and therefore constitute a force to be reckoned with in the distribution of congressional favors. It is now proposed to extend the time so as to take in an additional class of widows marrying men who, according to the statement of the Senator having charge of the bill, and which I have no doubt is true, average 77 years of age. Such marriages must de dictated more by considerations of business than by sentiments of affection. I think it is fair to assume that the average woman marrying a man up to or beyond the age of 77 can scarcely be accused of that self-denial which is the offspring of an undivided affection. On the other hand, it is the most natural thing in the world that thrift should dictate a temporary inconvenience in order to secure the benefits bound to flow therefrom. I do not believe we should encourage that sort of thing. The mating of the young with the old is nearly always disastrous, but, notwithstanding that fact, such marriages frequently occur. Let us not put a governmental premium upon such unnatural alliances by offering rewards, virtually in the shape of alimony, to those who care to undergo the sacrifice.

Mr. President, I want to show my friend from North Dakota that I am not going to filibuster against this bill. I wish the rules of the Senate could be so changed as to make filibustering impossible. Sometimes I have taken advantage of conditions, but, so far as I remember, I have always acknowledged it. I shall say what I have to say upon this bill, I hope not at too great length, and then, as usual, take my seat, respond in the negative to the vote, and suspect that my opposition to the bill largely aided in securing its passage.

Mr. President, this bill proposes to add the sum of $65,000,000 to an already overburdened taxpaying people as a permanent national expenditure. It comes at a time when the chairman of the committee assures us that further enormous appropriations have been and will be made, as a result of which our expenditures for the coming fiscal year will aggregate at least $6,000,000,000; and, with the experience that comes from long service in the Senate, the Senator from North Dakota insists that these various proposed appropriations will in all probability pass through both Houses of Congress and become the law of the land. But it is because of these expenditures, if I understand the argument, that this comparatively small one is justified, the theory being, inasmuch as we are spending vast quantities of money, let everyone get some while the getting is good; also, that the contrast between $65,000,000 and $6,000,000,000 indicates the insignificant character of the amount carried by this bill, and the unwisdom, therefore, of opposing it.

Mr. President, it is an extremely small percentage of the aggregate appropriations with which the Senator says the country is threatened. When I was a young man, I was taught that real saving was comprised of the small items here and there reserved from the mass of expenditure and permitted to accumulate. I have read that the French were the richest nation in the world prior to the war, because the peasantry, no matter what their sacrifice might be, never failed to save something from the earnings of every week, nor to see that the savings were invested so that they would constantly increase. I believe that is true; and I think it would be well for Congress to heed the lesson, and, by saving at the spigot if they can not save at the bunghole, contribute to some extent toward the diminution of public expenditures.

I suppose it will not be long before the so-called bonus bill in some shape will be laid upon the Secretary's desk. I suppose that after due debate it will be accepted. I differ with the Senator having this bill in charge, if the remarks which I am about to refer to apply to this enormous proposed appropriation, in that I think politics and politics alone makes such a bill possible, and politics and politics alone will cause its enactment into law. I shall not occupy the time of the Senate this afternoon in discussing that bill. Sufficient unto the day is the evil thereof. I merely wish to say now that when that bill does come here, and when it has passed, the advocates of it will know that they have had a fight. I am concerned, therefore, more particularly with this bill and with the reasons which actuate the committee in favorably reporting it and asking for its passage. Those reasons are found in the report of the committee, a copy of which I have here, and I want to give the committee credit for stating all of the reasons that in my judgment could be stated in support of the bill.

They realized the force of the assurance of the Grand Army of the Republic in 1918 that if Congress would allow that proposed increase they would be satisfied; they would no longer imitate the daughters of the horseleech but would be satisfied with the increases of that bill. It reminds me a good deal of the dye people, who came here in 1916 and were permitted by a Democratic Congress to write their own schedules of rates, declaring that it was amply sufficient for their purpose, and who now want an increase by 50 per cent, plus an embargo; and the reasons which they give for the change, with all due respect to my distinguished friend, are quite as pertinent as those which are outlined here.

The committee say:

> There might be some force to this argument had not the Government itself, by its financial and administrative policies, so decreased the normal purchasing value of the currency of the country as to leave the recipients of this increased pension in a far worse condition than they were when the legislation was enacted.

In other words, their agreement was made upon the implied guaranty of the Government that the purchasing power of money at that time would not be disturbed. But the purchasing power of money, even had an actual promise been made that these payments should be in gold, has decreased since that time, there being no difference, as far as I know, in the character of the currency which is used as a medium of exchange.

The committee go on to say that the Government by its own conduct, through its own policies, has accomplished this decrease, and upon the assumption, I presume, that no man should be permitted to take advantage of his own wrong, the increase now asked should be conceded and the promise forgotten.

Mr. President, it is true that governmental policies have largely affected the value of money. It is equally true that the value of money was very much affected at the time that promise was made in 1918. Indeed, I think it may be safely said that at that good time the purchasing power of money was scarcely more than it is at present. No such condition was then placed to the promise. The committee in good faith acted upon it, Congress accepted the covenant, and within two years we are face to face with an enormously added increase as the basis of this bill, sought to be defended by the proposition that the Government itself has depreciated its currency.

If promises are so lightly set aside as that, it would be far better that they were not made at all.

The farmer has a good deal to do—not consciously or intentionally—with the high cost of living, in that production and consumption have been enormously disturbed by existing conditions. The wage earner has much to do with it through his constantly successful and successive demands for an increase of wages, which necessarily decreases the purchasing power of money and forces a continually rising increase in the cost of living.

These matters are so obvious that the statement of them is all that is essential. I have too much respect, both personally and officially, for the standing and the character of the members of the committee to say that this is a piece of special pleading; but I have seen cases of special pleading in the courts during my experience at the bar that addressed themselves, to my mind, with much more force than this contention.

The committee say:

> Had the Government by a general law increased the pensions of these soldiers from a $20 to a $30 per month stipend, and in the same law provided that this $30 should be paid in Mexican dollars, worth but 50 cents in American money, thus in effect reducing the pension to $15, this manifest wrong and injustice would have called for immediate correction. And yet this is exactly what has resulted indirectly through governmental action and policies.

Mr. President, if the Congress has done what is here assumed deliberately, in my judgment it would have been a part of that understanding. I do not see how you could have separated it if it were contemporaneous, or virtually so. It has taken no direct step to interfere with the value of money to be paid in pensions, or the value of money to be used in any other way. If the committee saw fit to say that because of this increase the Grand Army of the Republic should not be held to its promise, that it was a hard bargain, and that a generous Government ought to overlook it, I would be much more inclined to accept it; but they do not place it upon any such consideration.

The committee also say:

It may be said that all the people suffer alike from this deplorable condition. This, however, is not the case. Labor has increased in price about 300 per cent since war was declared. Profits in every line of business are greater to-day than ever before in the history of the country. Those who have youth on their side as an asset and those engaged in business are able to immediately adapt themselves to the excessively high price of commodities by demanding and receiving a wage that will meet the higher cost of living and an increased profit in business to meet both the heavier governmental taxes and the higher cost of living.

But these classes can not do so.

Mr. President, that explanation or defense of the bill presupposes an obligation upon the part of the Government of the United States to guarantee a good living to every man in the country who ever wore its uniform, and that the obligation should be respected in times like these by an increase of the amount granted. I do not wonder that the recipients of pensions in America should long ago have come to that conclusion, because the scientific and just theory of pensions limits the beneficiaries to certain classes having special claims, and in most instances the amount of the pension is less than the cost of living, the exceptions, of course, occurring in cases of complete disability or old-age pensions, if I may so term them, paid to officers of the Army and Navy who are compelled to retire after a long life devoted entirely to the public need.

The man who suffers a transient disability may yet be amply able to earn a good living, and the amount of the pension should be graduated to the extent of the disability. A man in perfectly good health, or fairly good health—and he who lives to be 77 and more may be said to have enjoyed good physical vigor for a good many years—ought to be earning a living on his own account if he is not; he ought to be self-supporting at that age if he is not; and if he is an old soldier he ought to avail himself of the generosity of the Government in the establishment of soldiers' homes all over the country, whether he does or not.

We have gone upon another theory. We have accepted the demands of the beneficiaries and the would-be beneficiaries of the pension system, and while I accept as absolutely correct the assurance of the Senator having charge of the bill that political considerations are not behind it, I am unable to accept it as applicable generally, for I assert without fear of successful contradiction that but for the potential influence and voting power of the Grand Army of the Republic, we never would have entered upon this mad career of indiscriminate pensions, much less made it an accepted institution of congressional procedure.

A great many years ago Grover Cleveland, during his first administration, saw fit to veto, and very properly so, an enormous number of private pension bills, giving in each instance the most potent reasons for his action, unanswerable in their character and taken from the record. It is not too much to say that he was defeated for reelection in 1888 largely on account of those veto messages. It was made an issue in that campaign, and the old-soldier vote was rallied against him because he had the courage to protect the Treasury of the United States against demands that seemed to him to be unfair and unjust.

In 1894, in the middle of President Cleveland's second administration, I had occasion to do some campaigning, though very little, in the State of Ohio. It was what is called an off election, but I saw in the city of Columbus, and in one of the other cities of Ohio during that year, processions of men wearing the uniform and carrying transparencies reciting that the President of the United States was an enemy of the old soldier, the legend being: "Vote against the administration; it opposes pensions." And those were no idle processions. The spirit was duplicated in every State in the Union.

The election was overwhelmingly against the administration. I do not know to what extent that movement contributed to the result. At that time I thought the administration was in for a good licking, and away down in my heart of hearts I was secretly glad it got it. But this feature of the campaign against the administration at that time seemed to me peculiarly unjust, and as very significant of the power of an organization that was being used for the purpose of getting money from the Treasury of the United States.

During the pendency of this bill in committee, Mr. President, I have received large numbers of letters from some of the beneficiaries of the bill reproaching me very bitterly for even seeming to oppose it. Some of them have sent me clippings of editorials and statements from the National Tribune, that highly disinterested and patriotic publication having nothing but the good of the country at heart, and animated by a sincere and lofty desire to perpetuate the institutions of America. In many of these letters my motive has been said to be to get even with the old soldiers because I was born and brought up in the South. One of them went so far as to say that he could hardly expect anything else from an old Confederate soldier. That paid me too much honor. I was drafted when I was 15 years old in the Georgia militia, as it was called. I was about as tall as I am now, but not so thickset nor so handsome. I was given an old Austrian musket, which I carried from Milledgeville, Ga., to the sea. I threw it away and walked back without any. That is my record. If I had done that in the Northern Army, I would have been a pensioner long ago, and no doubt would have been a shining light in the Grand Army of the Republic.

There is not any need whatever, it does a man no good, to disclaim a personal motive in opposition to a bill of this kind. He does not have to do it to his friends, and it is a waste of breath to try to do it with the beneficiaries of the bill. So I will try to outlive it, as I have outlived many things else, and do what I think I ought to do with regard to this, as with other schemes of legislation.

There is no such obligation, and if there were, Mr. President, this bill would not discharge it. The Senator having charge of the bill will not contend for a moment that $50 a month in these times will support a soldier, no matter how old he is, unless he is exceptionally fortunate. If the reasons given in this report, in other words, are good, the average pension should be from $250 to $300 per month—$200 at least. Fifty dollars is very little better than thirty, when it comes to a question of support.

No, Mr. President; that can not be the reason. It is simply typical of the progressive tendency of all schemes of appropriations for private benefit. It feeds the spirit of acquisition, and prompts greater and yet greater demands, and these will continue just so long as the Congress of the United States responds to them, and the Congress will respond to them just so long as there are two parties in existence, which are represented in both Houses of Congress, and that will be the case, in all probability, as long as the Government survives; and nobody knows it better than the beneficiaries. They are shrewd enough to play party against party, and I have no doubt they take sheer delight in seeing each trying to outstrip the other in benefactions at the public expense.

We are giving $50 now because we think that is enough for this present demand. It will be $75 a month next year, based upon the same reason, because the price of living, in my judgment, is not going down, certainly not while farms are being abandoned and farm labor is an unknown quantity. The $75 will specify the obligation, on the one hand, to take care of the men who have risked their lives for the country upon the other.

It will also be like this bill in that no discrimination is made whatever between the rich and the poor, the deserving and the undeserving, the just and the unjust, but all will be treated alike. The man who fought for four years during the war and the man who got his record for desertion corrected last week will be side by side. The discriminations that should be made in a bill of this kind are ignored completely.

There are one or two old veterans in my State whose excess-profits tax would make you or me independent for 20 years if we should live so long. They will get $50 a month under this bill. There are many others who are doing well, having a competence and having won that competence by honorable toil and effort in the business life of the country. They will get $50 a month. There are other old soldiers, Mr. President, who are destitute, or nearly so, just as other men who were never in the war are destitute, or nearly so, and the former will get $50 a month, and that notwithstanding the fact that there were 5,000 empty beds in the soldiers' homes of America last week, which we have made appropriations to support and which homes were built and are supported for the purpose of taking care of these men.

One man writes me asking that this bill be passed so that he will be spared the disgrace and humiliation of entering one of these homes. Where there is humiliation or what possible disgrace can flow from such a status is beyond me. I conclude that this gentleman prefers his $50 a month to ease and comfort for the rest of his life at the Nation's expense.

We are therefore supporting soldiers' homes costing millions of dollars per annum, costing nearly twice as much as before the war, on the one hand, while upon the other the accommodations which they extend are not accepted, and the War Department, as well as the Public Health Service, would be very glad to take over some of those places and thus, if possible, economize upon appropriations for new hospital buildings.

Mr. SMOOT. The Public Health Service wants $87,000,000.

Mr. THOMAS. Yes; I know the Public Health Service wants $87,000,000, and if the Senator can think of some institution that does not want some millions from the Government at present I would like to hear of it. It should be given honorable mention both on the floor and in the public press.

Their attention has been called to it, and perhaps the attention of the Senator from Utah [Mr. SMOOT] also, because he keeps abreast more than any man in the Chamber with everything that is going on that is of importance to the people and which we are likely to consider. That $87,000,000 can be saved, but it will not be saved, because the Public Health Service, like the pensioner, the good-roads man, the river and harbor man, and all the rest, are very anxious for economy at some one else's expense; hence, there is no economy, and there is not likely to be any.

Some of the old soldiers, I am glad to say, write in a different vein. I have selected one letter at random, written by an old gentleman in my State and addressed to me some days ago. He writes:

The National Tribune asks the old soldiers to write Senators right away. I will say, "Vote as you please." "We ain't hollering our heads off," says one; another says, "This old Government is awful good to us." So it goes with some.

He then is good enough to speak kindly of me and says:

Don't worry. You are O. K. on several things. Somebody has got to pay the bill. Now, I have written. Good-by. Yours, truly.

He adds:

Wounded in battle August, 1864. Hurt in runaway in 1908. Still a J. P. in Loveland and living comfortably. I know how to save.

That is a typical letter. Another sends me a communication which I will ask leave to place in the RECORD without reading, written by a veteran of the Civil War, 82 years old, from Troy, Ohio, on "Old age and activity."

The VICE PRESIDENT. Without objection, permission is granted.

The letter referred to is as follows:

OLD AGE AND ACTIVITY.

TROY, OHIO, *March 27.*

EDITOR OF THE JOURNAL:

DEAR SIR: I was much interested in your editorial of March 23 headed "Our young-old men and women," writing of four men who are still active, the youngest 86, the oldest 97, the combined age of the four being 367 years, and all still at work.

Nowadays, Mr. Editor, "mere years are no sign of either physical or mental diminution." There is living at the Dayton Military Home a veteran who will be 100 years old next June—Comrade W. E. Bayne, of Barracks No. 7. He is as active in body and mind as any man half his age; is commander of Veteran Post, No. 5, of the Grand Army of the Republic. Look at "Uncle JOE" CANNON, ex-Speaker of the House, over 85, hale and hearty; John Adams, when 80, found physical relaxation swimming in the Potomac. As some one has written, "The Almighty so arranged the vital forces in these bodies of ours that it is a matter of behavior, a matter of good living, a matter of vital force inherited from sound parents, and a proper husbanding of that vital force."

And lest we forget, Titian was 98 when he painted his famous "Battle of Lepanto," the most famous single picture in the world. "The Last Judgment" was painted by Michelangelo when 89; Von Moltke at 88 was chief of staff of the Prussian Army. At 88 John Wesley, with undiminished eloquence and power, was preaching daily. At 88 Bancroft was writing deathless history. Palmerston was prime minister of England at 81. At 83 Tennyson composed the tenderest song in our language, "Crossing the Bar." Gladstone conducted exciting campaigns at 80, and at 83 controlled the nation as its premier. Cato was 80 when he learned Greek. Socrates took up music at 80. It is related of Joseph Jefferson that he portrayed Rip Van Winkle with added effectiveness at 75. Whittier and Bryant issued new volumes at 79. Humboldt finished the best work of his life, his "Kosmos," at 90. Galileo was making new discoveries at 73. At 70 Commodore Vanderbilt owned but 120 miles of railroad, and at 88 he owned 10,000 miles of railroad and had added to his fortune $100,000,000. Henry Watterson, who is one of the greatest among editorial writers of the Nation, at 83 is still in the harness, and his editorials are as full of vim and power as ever.

This winter I attended a post meeting at Pleasant Hill, Ohio—Dan W. Williams Post, No. 369, Grand Army of the Republic—a live-wire post. There were 17 Grand Army men present, some of whom came 4 or 5 miles. The average age of the 17 was 81 years and 9 months. This post meets once a month, and the average attendance is 11. "Tell me no more that the old are not capable of high and useful achievements."

JOHN W. RILEY,
A veteran of the Civil War and 82 years of age.

Mr. THOMAS. This is so cheerful and gives so many evidences of vigor and old age in combination that it gives me some hope for myself after I shall have ceased to worry this honorable body and shall have retired to the shades of private life.

I have other letters, that I will not take the time to read, running in the same direction, and insisting that the Government, having done enough for them, ought not at this critical period in our financial history to be expected to give anything more.

I mention these not that they will do any good but because I think that the people should be informed, as far as I can inform them, that this demand at all times and on every propitious occasion for increasing pensions has here and there a very notable exception.

Now, Mr. President, up to and including 1917 this Government had appropriated and expended in pensions for soldiers of the Civil War $5,087,647,618.63. Add to that the appropriations for 1918 and 1919, and the five and one-quarter billion dollar limit has been reached and passed. We have, in other words, paid in pensions to the soldiers and sailors of the Civil War an aggregate sum more than the equivalent of the actual valuation of all the property in the Confederate States of America at the end of the war. That includes its railroads, its personal property, and its real estate. The compensation has been more than the equivalent of the monetary value of the territory and property forced back into the Union.

It may be replied that it is worth it, and that is true; but it is not worth it when we consider the effect of this pension system upon the patriotism of the country, upon the public spirit of men, upon the idea of devotion to public service, and upon the duties which every citizen owes to his country. It is this record more than anything else, in my judgment, that has promoted the pending onslaught on the Treasury by the soldiers of the war just ended. It has created, and to a large degree justified, the notion that the Government should pay for every service rendered it, whether required or not. It has smeared American public spirit, and particularly its military spirit, all over with the dollar mark, and while the man, thank God, can still be found, and found in large numbers in America, who perceives and recognizes his duty to his country and his obligation to serve it to the extent of giving up his life in its hour of need, I greatly fear that a majority no longer see that viewpoint, but demand monetary compensation in exchange for patriotic valor and military service.

That is the lowering of our standards of civic virtue, which, if pandered to, as we doubtless will, must inevitably destroy it, and the war which was fought to make the world safe for democracy will be known to posterity as the war followed by burdensome taxes, by appropriations for pensions and bounties and bonuses, crushing the spirit of the people, destroying its sense of enterprise, and bringing it ultimately to the verge of ruin and destruction, if indeed it does not pass that point.

But I promised not to discuss present conditions any more than is necessary, as ample opportunity in all probability will be given to do so.

The committee says:

It is no answer to say that this law adds $65,000,000 to the burdens of an already overtaxed country.

I thought it was. Doubtless I am mistaken. The reasons given, if I understand them, are that—

We are overtaxed to-day because of the continuance of extravagant expenditures initiated during the war and which so far we have scarcely made serious efforts to curtail.

That is true.

Prior to the war the Government was conducted with an annual expense of less than $1,000,000,000. To-day, nearly two years after the close of the war, we are calling and providing for more than $5,000,000,000 yearly to meet the running expenses of the Government in time of peace. Allowing $1,000,000,000 for interest on our war debt, and making liberal allowance for the greatly increased cost of operation in every branch of the service, an increase of about 400 per cent in the ordinary running expenses of the Government, exclusive of interest, can not but indicate that there are many projects calling for large appropriations which are not absolutely necessary and which might well await a return to normal and more favorable conditions.

I agree to that. They are just as necessary as, but no more necessary than, the bill we are considering, and yet the Senator knows just as well as I do that while they are not necessary they are going to be so considered.

I confess, Mr. President, that I have little patience with that partisan spirit of crimination and recrimination which charges each of the sides of this Chamber, and the parties to which they belong, with this extravagance and this untoward situation. We are both equally to blame. We take the burden of it now because ours is the administration. The other side of the aisle takes the burden of it after the 4th of March, 1921, if their rosy expectations are not dimmed by the current of future events. They will run the Government no more inexpensively than we do, simply because the influences which call for extravagance will shift as the balance of political power shifts.

We have never failed in our political conventions to condemn each other for riotous extravagance and an increase of the

burdens of the people, and as far as I know we have seldom made any effort, when fortune has rested upon the one or the other banner, to do more than give the other side the opportunity to make the same charge when the convention meets four years hence. So it goes, battledore and shuttlecock, Democratic extravagance and corruption, Republican extravagance and corruption.

We do it because we do not like to resist pressure, and particularly when there is a political or partisan side to it. John Smith, of Podunk, in my State, wants a public building at his crossroads, where there is a population of 350. Jimtown, in an adjoining county, and having the same population, has secured $50,000 for a public building under the Republican administration. If I do not bring home the goods, I am a much poorer statesman than my predecessor, and in all probability I will have upon my head the displeasure of the 350 inhabitants of Podunk. Hence I go before the committee, which is controlled by the members of my party, and I plead for a public building at Podunk. I tell my party associates why I must have it. "I am very fond of the Senate, and I do not like to be retired; $50,000 is not much in an overflowing Treasury; just let me have it, treat me as a good fellow, and I will show the people in Jimtown, in the other county, that I can do a thing or two myself when it comes to getting money from Uncle Sam."

So, Mr. President, we battledore and shuttlecock and spend hours here telling the people what extravagant and reckless wretches we are. We tell the truth about each other in that particular. The people, no doubt, believe both of us; but, unfortunately, they are very easy with our infirmities. The taxpayers do not organize; they simply sit around and swear, and inasmuch as they only do that we are not afraid of them. They have no political influence worth mentioning; they are not organized for plunder. So the good work goes on, and will continue to go on unless conditions change.

Pensions, of course, are one of the easiest appropriations to defend imaginable. I have heard many times the argument in behalf of the defenders of the country. How many times, Mr. President, you have probably heard drawn the picture of the soldier charging through the hail of bullets, with the battle flags tattered and torn, dead men everywhere, the enemy stubborn but finally routed by the heroic charge of heroic men. That appeals to people, and there is a great deal in it. There is everything in it, Mr. President, as to those who are physically disabled and who have a right to demand pensions; but the bounty of the Government is not limited to them under any circumstances. That is what is going to put the bonus through, mark my words. When that bill is discussed here all the battles from Belleau Woods to Sedan will be fought over again, and while they cost this Government directly about $25,000,000,000 the next generation will see added to it twenty-five billions, because the bonus now proposed is only a starter; it is an appetizer; the feast is coming later on; and the gorge will synchronize with every presidential election, with an occasional tidbit on the side, just before the intervening election. Why not? Charge it to the profiteer. We take out everything now on the profiteer.

I see Mr. Bryan in his last issue of the Commoner insists upon trade commissions in the States to cooperate with the Federal Trade Commission to swat the profiteer. He is also in favor of the bonus for service men, to be paid out of a tax on the war profiteers. Those who have been made rich by the war, he says, should be made to furnish the money to pay for the sacrifices made by those who served in the war. I am not surprised they got Mr. Bryan, particularly as the primaries were held yesterday. According to the last accounts, however, the appeal was not successful; but even Mr. Bryan, Mr. President, great commoner as he is and so successful in appealing to the emotions of men, ought not to overlook the fact that the profiteer will pass the taxes right on to the fathers of the boys who will receive the money. That, however, is an indirect and sort of secret process; it is bleeding a man to death with leeches instead of cutting the veins of his arm and letting him see the blood as it flows in torrents from the wound. The tax comes back to the producer every time. You can not avoid it any more than you can avoid the downward current of a stream in obedience to the law of gravitation. This $65,000,000, while it may come immediately from the man who has made excess profits, will inevitably place its burdens upon the producers of the country.

The Senator from North Dakota says we could easily set off this amount by omitting the appropriation of $75,000,000 for good roads; but the Senator knows that is impossible. Why, Mr. President, we could no more stay the appropriation of $75,000,000 for good roads than we could make a voyage to the moon. Every county in every State would be, both physically and metaphorically, upon our back. Good roads! That policy has been inaugurated, and you may remember that it was inaugurated immediately after the war in a Post Office appropriation bill presented, with great success, by our venerable and lamented friend, the late Senator Bankhead, of Alabama, who said, when asked by the Senator from Utah where the money was coming from, that that was no concern of his; that was the business of the Finance Committee. That is the answer that will be made, together with others, to any attempt to omit for one year the appropriation of $75,000,000 for good roads. Oh, no; it will not be done.

Why, there is a bill calling for an appropriation of $450,000,000 pending in the other House or in this body, I forget which; perhaps it is pending in both, for such bills are generally duplicated in the hope, perhaps, that they will get twice as much as one bill calls for. The bill has not been reported out of the committee as yet, and from what the chairman of the Committee on Post Offices and Post Roads said the other day, I do not suppose it will be reported at once, and I was very glad to hear it; but suppose the unexpected should happen and that this $75,000,000 should be eliminated from that particular appropriation bill, does that justify our turning around and appropriating it at once in another direction? If we can save it, let us do so; but I fail to perceive any economy in not cutting off a chew of tobacco from one end of the plug and then cutting a chew of similar size from the other end.

We can legislate until doomsday by that process and get nowhere. At the end the Treasury will be just as barren and just as empty as though no elimination were attempted. I should like to see both of these bills postponed. That would save about $150,000,000, in round numbers. But they will not be.

Next fall, when I take the stump in my State, I will tell my constituents that the Republican Party is in charge of the present Congress and that my party did its best to live up to its last pledge for economy, but it was powerless because it did not control the Senate or the House of Representatives, and it is upon their heads that the wrath of the people should be visited, because, forsooth, they saw our extravagance and went us one better. My friend, the Senator from North Dakota, if he takes part in the campaign, will call attention to the fact that the administration is still Democratic; that we had six years to set a good example, but did not do it, and inasmuch as they were exposed to our pernicious example for six years they became inoculated with the germ of the same habit, which they will get over slowly by degrees, but will need another lease of power in order to enable them to do so. There is nothing new about that; we have been doing that sort of thing for years, but the work of spending the people's money goes merrily on and the taxpayer pays the fiddler.

Five, six billion dollars for the next year! I wonder, Mr. President, if it is possible for the finite mind to grasp the magnitude of that sum. If the Wandering Jew had received $500,000 on the day of the crucifixion of the Savior and an equal amount every year thereafter, he would have to live 80 years longer before he would have a billion dollars, and he would have to live 10,000 years after that in order to get $6,000,000,000. But what does that amount to in the eyes of the Senate and the House in these times? We toss it off with the easy nonchalance of a Neapolitan beggar swallowing a yard of macaroni; it does not even gorge us; we mention it as a stupendous thing rather boastfully.

I do not know whether the people who pay the taxes intend to continue supine or not. My only comment is that if they do they deserve all they get. If they would only unite in a patriotic or some other sort of an association, send their representatives down here to shake their fists under our noses and say, "Either quit spending or you will lose your jobs," we would "sit up and take notice." Until they do that—

> On with the dance! Let joy be unconfined;
> No sleep till morn, when House and Senate meet.

Mr. President, I have said all that I care to say upon this bill. I have no doubt I have contributed, as the vote will show, very largely toward its summary passage; but I have delivered myself of views which I entertain upon it. I protest against its passage at this time, and shall, of course, vote against it.

I intend before the final vote is taken, however, to ask either for the elimination of the words "during the Civil War," on line 25 of page 2, or for the addition of the words "Mexican, Spanish, and," so that then disability pensions may be made available to those who became disabled in those other struggles. If disability is to be compensated—and it should be—then that disability is the same, and the need for recognizing it now is the same, whether it was incurred in the Civil War or in any other war.

Of course, I can not offer that amendment now, because another amendment is pending and undisposed of.

Mr. DIAL. Mr. President, coming from the South, perhaps it would be in better taste for me to have nothing to say on this bill, and if the amount were the same as provided in the law at the present time I would remain silent; but I feel that this increase in so short a time after another increase two years ago is unjustifiable and is an inexcusable raid upon the Public Treasury.

I can do no more than enter my protest against the bill. As I said, if it were the amount that was allowed in the former bill or in the law as it exists I would say nothing; but I do protest against the increase now. It is out of place, uncalled for, and unnecessary.

The VICE PRESIDENT. The question is on the amendment of the Senator from Kansas [Mr. CURTIS] to the amendment of the committee.

The amendment to the amendment was rejected.

The VICE PRESIDENT. The question now is on the amendment of the committee.

The amendment was agreed to.

The next amendment of the Committee on Pensions was, on page 4, line 3, after the words "apply to," to strike out "all former widows of persons" and insert "a former widow of any person"; in line 6, before the word "honorably," to strike out "were" and insert "was"; in line 8, after the word "for," to insert "or died in service of"; in line 20, after the word "widow," to strike out "having" and insert "leaving"; in line 25, before the word "helpless," to strike out "permanently" and insert "mentally or physically"; and on page 5, line 14, after the word "cease," to insert "*And provided further*, That the rate of pension for the widow of any person who served in the Army, Navy, or Marine Corps of the United States in the War of 1812, or for 60 days or more in the War with Mexico, on the coasts or frontier thereof, or en route thereto, during the war with that nation, and was honorably discharged therefrom, shall be $30 per month," so as to read:

And this section shall apply to a former widow of any person who served for 90 days or more in the Army, Navy, or Marine Corps of the United States during the Civil War and was honorably discharged from such service, or who, having so served for less than 90 days was discharged for or died in service of a disability incurred in the service and in the line of duty, such widow having remarried, either once or more than once after the death of the soldier, sailor, or marine, if it be shown that such subsequent or successive marriage has, or have been dissolved, either by the death of the husband or husbands, or by divorce without fault on the part of the wife; and any such former widow shall be entitled to and be paid a pension at the rate of $30 per month; and any widow, as mentioned in this section, shall also be paid $6 per month for each child of such officer or enlisted man under the age of 16 years, and in case of the death or remarriage of the widow leaving a child or children of such officer or enlisted man under the age of 16 years, such pension shall be paid such child or children until the age of 16 years: *Provided*, That in case a minor child is insane, idiotic, or otherwise mentally or physically helpless, the pension shall continue during the life of such child, or during the period of such disability, and this proviso shall apply to all pensions heretofore granted or hereafter to be granted under this or any former statute: *And provided further*, That in case of any widow whose name has been dropped from the pension roll because of her remarriage, if the pension has been granted to an insane, idiotic, or otherwise helpless child, or to a child or children under the age of 16 years, she shall not be entitled to renewal of pension under this act until that pension to such child or children terminates, unless such child or children be a member or members of her family and cared for by her, and upon the renewal of pension to such widow, payment of pension to such child or children shall cease: *And provided further*, That the rate of pension for the widow of any person who served in the Army, Navy, or Marine Corps of the United States in the War of 1812, or for 60 days or more in the War with Mexico, on the coasts or frontier thereof, or en route thereto, during the war with that nation, and was honorably discharged therefrom, shall be $30 per month.

The amendment was agreed to.

Mr. McCUMBER. Mr. President, there is just one more committee amendment that I will ask to have made, a mere correction of a word. On page 4, line 8, before the word "discharged," I move to strike out the word "were" and insert in lieu thereof the word "was."

The amendment was agreed to.

Mr. THOMAS. Mr. President, I think that is the last committee amendment. I move to amend, on line 25, page 2, by inserting between the words "the" and "Civil" the words "War with Mexico, Spanish-American War, or the."

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. On page 2, line 25, before the words "Civil War," it is proposed to insert "War with Mexico, Spanish-American War, or the," so that if amended it will read:

That from and after the approval of this act all persons whose names are on the pension roll, and who, while in the service of the United States in the Army, Navy, or Marine Corps during the War with Mexico, Spanish-American War, or the Civil War—

And so forth.

Mr. THOMAS. Mr. President, it will be observed that this section refers exclusively to disabilities, and I think its provisions should be made available to those who have been disabled in these other wars.

Mr. McCUMBER. Mr. President, the principal objection and the only reason why we did not consider them was that we have another bill before Congress which has passed the House and has been reported favorably to the Senate which deals with the Spanish War veterans alone, and, if I remember rightly, that is covered by the proposed law. The provisions are somewhat dissimilar.

Mr. THOMAS. Perhaps I can offset that by this amendment, and thus limit the appropriations that would otherwise be necessary.

Mr. SMOOT. I will assure the Senator that that will not be the case.

Mr. THOMAS. I have not the remotest idea that it will. I simply indulge the vain hope.

Mr. SMOOT. If the Senator will turn to the bill upon the calendar, he will find that it deals with the soldiers of the Spanish War.

Mr. THOMAS. Yes; I am aware of that fact.

Mr. SMOOT. While the rates under that bill are not as high as those in this bill, I wish to say to the Senator that they are satisfactory to the veterans of the Spanish War, and these rates for the disabled soldiers of the Civil War are the highest rates of the kind in any proposed legislation or pending bill; and I think the effect of the amendment of the Senator would be to increase the amount of the appropriation rather than to decrease it.

Mr. THOMAS. Oh, I think it would decrease it, but it would decrease it in the proper direction. I shall not argue the matter. I simply ask for a vote on the amendment.

The VICE PRESIDENT. The question is on the amendment of the Senator from Colorado. [Putting the question.] The "noes" seem to have it.

Mr. KING. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Curtis	McNary	Sheppard	Trammell
Dial	Nelson	Smith, Md.	Wadsworth
Glass	New	Smoot	Warren
Jones, Wash.	Nugent	Spencer	Watson
King	Overman	Swanson	
Lenroot	Page	Thomas	
McCumber	Pomerene	Townsend	

Mr. KING. I wish to announce that the Senator from Massachusetts [Mr. WALSH], the Senator from Georgia [Mr. HARRIS], the Senator from Tennessee [Mr. MCKELLAR], the Senator from Rhode Island [Mr. GERRY], the Senator from Mississippi [Mr. HARRISON], and the Senator from Alabama [Mr. UNDERWOOD] are absent on official business.

The VICE PRESIDENT. Twenty-five Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of the absentees.

The Reading Clerk called the names of the absent Senators, and Mr. CAPPER and Mr. SUTHERLAND answered to their names when called.

Mr. CALDER, Mr. LODGE, Mr. KNOX, Mr. GRONNA, Mr. KENDRICK, Mr. DILLINGHAM, Mr. KEYES, Mr. BALL, Mr. MCCORMICK, Mr. CHAMBERLAIN, and Mr. KIRBY entered the Chamber and answered to their names.

The VICE PRESIDENT. Thirty-eight Senators have answered to the roll call. There is not a quorum present.

Mr. KING. I move that the Senate adjourn.

The Senate refused to adjourn.

Mr. McCUMBER. Mr. President, I understand that there is a quorum present in the city and in the offices around the Capitol and in the cloakrooms, and so forth. I therefore move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant at Arms will carry out the instructions of the Senate.

Mr. SMITH of South Carolina, Mr. FRANCE, Mr. PHIPPS, Mr. STERLING, and Mr. MOSES entered the Chamber and answered to their names.

Mr. McCUMBER. May I inquire of the Chair the number yet required to make a quorum?

The VICE PRESIDENT. There are six needed.

Mr. McCUMBER. I am somewhat in doubt as to whether we could get that number without waiting considerably after the regular adjournment hour, and I therefore move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock p. m.) the Senate adjourned until to-morrow, Thursday, April 22, 1920, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April 21, 1920.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We lift up our hearts in gratitude to Thee, our Father in heaven, for the many disclosures Thou hast made of Thyself on land and sky and sea, the change of seasons, seed time and harvest, especially for the light Thou hast implanted in the soul of man which brings him in contact with Thee. To follow it is peace, joy, and contentment. To turn aside from it is discontent, sorrow, and disorder.

Inspire us by that light to walk humbly with Thee and do unto others as we would be done by. In the spirit of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

CALENDAR WEDNESDAY.

The SPEAKER. To-day is Calendar Wednesday. The Clerk will call the roll of committees.

Mr. PLATT rose.

The SPEAKER. For what purpose does the gentleman from New York rise?

Mr. PLATT. I ask unanimous consent to take up the bill (H. R. 13138) to amend section 8 of an act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, as amended May 15, 1916, on which the previous question had been moved on the last Calendar Wednesday, with the decision pending on the parliamentary question as to whether the previous question could be moved on a Calendar Wednesday bill.

The SPEAKER. The gentleman from New York asks unanimous consent that, despite the rule forbidding a committee to have more than two days, he may be permitted to call up the bill which was pending on the last Calendar Wednesday.

Mr. MORGAN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MORGAN. If the Chair rules or the House gives unanimous consent to take up this bill, does that give the Committee on Banking and Currency the right to call up any other bills to-day?

The SPEAKER. No. If the House gave permission to call up this bill, the committee's jurisdiction would end with that.

Mr. WALSH. Reserving the right to object, Mr. Speaker, if consent is not given, and the Speaker rules that the motion for the previous question is in order, and the previous question should be voted down, of course gentlemen opposed to the bill claiming recognition would be entitled to an hour's time under the rule. I doubt if we should take that chance on Calendar Wednesday, the committee already having occupied two full days with a question of that sort pending, and I object.

The SPEAKER. Objection is made. The Clerk will call the roll of committees.

PERMITTING PRIVATE BANKERS TO BE DIRECTORS IN TWO BANKING ASSOCIATIONS.

Mr. PLATT. Mr. Speaker, I move to take up the bill H. R. 13138.

The SPEAKER. The Chair thinks the gentleman is entitled to make that motion, but it will require a two-thirds vote.

Mr. WINGO. Mr. Speaker, if the Chair will indulge me a moment——

The SPEAKER. Certainly.

Mr. WINGO. The Chair's ruling involves this, that he will recognize on Calendar Wednesday a gentleman to move to suspend the rules.

The SPEAKER. The rule is—

Provided further, That whenever any committee shall have occupied two Wednesdays it shall not be in order, unless the House by a two-thirds vote shall otherwise determine, to consider any unfinished business previously called up by such committee, unless the previous question had been ordered thereon, upon any succeeding Wednesday until the other committees have been called in their turn under this rule.

Mr. WINGO. I see. I had lost sight of that. I was thinking of the general rule. I stand corrected.

The SPEAKER. It was intended that such a committee should have an opportunity.

Mr. WINGO. I see.

Mr. CLARK of Missouri. As to simply voting on this bill, I believe that the Chair has ruled that the motion is in order; but simply voting on that is not a fair test as to whether the House wants to dispense with Calendar Wednesday. The way that thing runs is, these men out here in the lobby, the Members, commence streaming in here, and some gentlemen out in the lobby suggest how to vote or what our vote is or what the Republican vote is, or something of the sort; and it is not a fair chance to do away with Calendar Wednesday.

Mr. PLATT. Mr. Speaker, if the Chair will permit, this bill was left over from the last Calendar Wednesday, and there is no opposition to it. Whichever way the Speaker rules, it will be passed in a few minutes.

Mr. GARD. Mr. Speaker, may I ask that the bill be reported?

The SPEAKER. The Chair will state for the information of the House that the Chair does not consider that this motion would dispense with Calendar Wednesday. This would simply allow the Committee on Banking and Currency to conclude one bill, concerning which the motion is made.

Mr. CLARK of Missouri. My recollection about that is that the gentleman from Illinois [Mr. CANNON] and myself and the present Speaker are the only ones that ever had anything to do with this Calendar Wednesday rule, and my recollection is, although I would not be positive about it, that Speaker CANNON and myself both ruled that in a situation like this you could go on and vote on a bill on a third Calendar Wednesday.

The SPEAKER. That is when the previous question has been ordered.

Mr. CLARK of Missouri. Yes; that is when the previous question has been ordered.

The SPEAKER. The previous question has not been ordered on this bill. The motion for the previous question is pending.

Mr. WALSH. Mr. Speaker, is not the situation substantially this, that the gentleman from New York [Mr. PLATT], on the second Wednesday which his committee occupied, called up a bill and after some discussion moved the previous question, and that the point of order was made against that motion, and before it was decided the House adjourned? Now, the gentleman from New York simply wishes to take up that bill where it was left, to ask for a decision on that motion, and conclude the consideration of that measure, when the call of the committees will proceed.

The SPEAKER. The Chair thinks that is a correct statement of the situation. The question is on the motion of the gentleman from New York [Mr. PLATT] to consider the unfinished business which was pending on the last Calendar Wednesday.

Mr. GARD. Mr. Speaker, I ask that the bill be reported.

The SPEAKER. The gentleman from Ohio asks that the bill be reported. The Chair thinks that is a reasonable request. Without objection, the bill will be reported.

The Clerk read as follows:

A bill (H. R. 13138) to amend section 8 of an act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, as amended May 15, 1916.

Be it enacted, etc., That section 8 of an act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, as amended by the act of May 15, 1916, be further amended by inserting in the proviso at the end of the second clause of said section, after the word "prohibit," the words "any private banker or," so that the proviso as amended shall read:

"*And provided further*, That nothing in this act shall prohibit any private banker or any officer, director, or employee of any member bank or class A director of a Federal reserve bank, who shall first procure the consent of the Federal Reserve Board, which board is hereby authorized, at its discretion, to grant, withhold, or revoke such consent, from being an officer, director, or employee of not more than two other banks, banking associations, or trust companies, whether organized under the laws of the United States or any State, if such other bank, banking association, or trust company is not in substantial competition with such banker or member bank.

"The consent of the Federal Reserve Board may be procured before the person applying therefor has been elected as a class A director of a Federal reserve bank or as a director of any member bank."

The SPEAKER. The question is on agreeing to the motion of the gentleman from New York to consider this bill.

The question was taken; and the Speaker announced that two-thirds having, in his opinion, voted in the affirmative, the motion was agreed to.

The SPEAKER. The bill that has just been reported is before the House for consideration.

Mr. WINGO. Mr. Speaker, may I refresh the memory of the Chair? A motion for the previous question had been made and a point of order was pending. The determination of that point of order would be the first thing, would it not?

The SPEAKER. The Chair thinks that is the first business. The determination of this point of order is not without difficulty. It is a puzzling question. What the Chair should determine is, of course, the intent of this new rule. It has never been interpreted. Under Speaker CLARK the question was once raised, but the Speaker reserved time for deliberation, and then the question did not come up again, just as it would not have come up to-day except for the two-thirds vote of the House, and so it is a novel question.

The purpose of the Chair will be to decide the question, both in accord with what he thinks was the purpose of those who framed the rule, and also in accord with what he thinks would be for the advantage of the House in carrying out that purpose.

The original intention of the Calendar Wednesday rule was to force the consideration upon one day of the week of a certain class of business. Experience showed, however, that the rule was not accomplishing what was hoped and planned, and accordingly the rule was changed and the clause inserted which gives rise to the question before us to-day.

The rule reads—

Not more than two hours of general debate shall be permitted on any measure called up on Calendar Wednesday, and all debate must be confined to the subject matter of the bill, the time to be equally divided between those for and against the bill.

The Chair is disposed to follow, in general, the line of reasoning made two weeks ago by the gentleman from Georgia [Mr. CRISP]. The phrase—

Not more than two hours of general debate shall be permitted—

has some uncertainty, for although the phrase "general debate" is usually used as applying to debate in Committee of the Whole, where it is not confined to the subject of the bill, yet it is also used as to debate on a bill in the House, the initial debate covering the whole subject of the bill, and the Chair does not think that phrase alone determines the question, although it might be ruled that "general debate" applied simply to debate in Committee of the Whole. The Chair thinks it tends in that direction.

Then the phrase—

All debate must be confined to the subject matter of the bill—

applies simply to debate in Committee of the Whole, because in the House without any such provision the debate must be confined to the subject matter of the bill. But although that phrase applies simply to the Committee of the Whole it does not necessarily follow that the whole sentence has the same application. Then comes the phrase—

the time to be equally divided between those for and against the bill.

That might apply as well to bills on the House Calendar as to bills on the Union Calendar. But the main purpose of this clause was to expedite the business of the House. The Calendar Wednesday rule had fallen short of accomplishing the end for which it was originally aimed, that of giving to relatively unimportant bills one day in the week when they would be considered and removed from the calendar. By tactics which might be called filibustering the purpose of that rule had been evaded, and this provision was inserted to prevent those delaying tactics. So the Chair thinks the main purpose of adopting this rule was speed and expedition in the transaction of the business of the House on Calendar Wednesday.

That being so, it seems to the Chair that that purpose will be best furthered by holding that this clause applies to bills on the Union Calendar only and that when bills on the House Calendar are brought up on Calendar Wednesday the previous question can be ordered at any time. The only way in which that would at all controvert this rule would be that it might interfere with the phrase—

the time to be equally divided between those for and against the bill—

because the man who had the bill in charge might use five minutes and then move the previous question. He might not give to those opposed to the bill any opportunity for debate. But the Chair does not think that argument has much practical force, for it is the custom for the man in charge of a bill to recognize the equal claim to debate of those opposed, and it is very rare that in debate the time is not fairly divided. On this very bill, for instance, the gentleman having it in charge, after having used 10 minutes himself, yielded 10 minutes to a gentleman opposed to the bill. The Chair might suggest that this very bill somewhat illustrates the fact that this ruling would not interfere with fair play, but would further the main purpose of the rule and prevent filibustering and hasten action, because the Chair has more than a suspicion that the time desired in opposition was not really because of antagonism to the bill, but was aimed at prolonging the consideration of this bill, so as to occupy the Calendar Wednesday and prevent the consideration of other bills which might follow it. So this very case is an illustration of the way in which the purpose of Calendar Wednesday is sometimes being obstructed and the rule availed of for filibustering purposes.

Therefore the Chair thinks that it would best be carrying out the intention of those who framed this provision and expediting the business of the House to rule that the previous question can be ordered. That leaves it all in the control of the House, because if the House desires debate the previous question can be voted down. Therefore the Chair rules that the previous question, which was moved by the gentleman from New York [Mr. PLATT], is in order.

Mr. WINGO. Mr. Speaker, there was some confusion on the floor and I did not hear all that the Chair said as to an equal division of the time. Does the Chair hold that under his decision, if the chairman of a committee wished to cut off debate, he could arbitrarily get up and debate the bill for one minute and then move the previous question, and if a majority of the House saw fit to deprive the opposition, which might consist of one man, of the provision of the rule which gives him an equal amount of time, the House could do that?

The SPEAKER. The Chair holds that the gentleman can move the previous question after one minute's debate if he so desires; that he has the same power in this case as to moving the previous question that he would have at any time in the House.

Mr. WINGO. Mr. Speaker, I appreciate the difficulty of the question, and, with all deference to the Chair, I believe I will appeal from the decision of the Chair.

The SPEAKER. The gentleman from Arkansas appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the House?

The question being taken, on a division (demanded by Mr. WINGO) there were—ayes 59, noes 8.

Mr. WINGO. Mr. Speaker, I make the point of no quorum present.

The SPEAKER. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members. As many as are in favor of the decision of the Chair standing as the judgment of the House will, as their names are called, vote "yea," those opposed "nay," and the Clerk will call the roll.

The question was taken; and there were—yeas 274, nays 15, answered "present" 5, not voting 133, as follows:

YEAS—274.

Anderson	Foster	Linthicum	Rubey
Andrews, Nebr.	Frear	Little	Sanders, Ind.
Ashbrook	Freeman	Lonergan	Sanders, La.
Aswell	French	Luce	Sanders, N. Y.
Ayres	Fuller, Ill.	McAndrews	Sanford
Babka	Gallivan	McClintic	Scott
Bacharach	Gandy	McCulloch	Sells
Barbour	Ganly	McDuffie	Sherwood
Barkley	Gard	McGlennon	Siegel
Bee	Garland	McKenzie	Sims
Begg	Garner	McLaughlin, Nebr.	Sinclair
Benham	Garrett	MacCrate	Sinnott
Bland, Mo.	Glynn	MacGregor	Sisson
Bland, Va.	Good	Magee	Slemp
Boies	Goodall	Maher	Smith, Idaho
Bowers	Goodykoontz	Major	Smith, Ill.
Box	Graham, Ill.	Mann, S. C.	Snell
Briggs	Green, Iowa	Mansfield	Steele
Brooks, Ill.	Griest	Mapes	Steenerson
Brooks, Pa.	Griffin	Mason	Stephens, Miss.
Burdick	Hadley	Mays	Stephens, Ohio
Burroughs	Hardy, Colo.	Mead	Stevenson
Byrnes, S. C.	Hardy, Tex.	Merritt	Stiness
Byrns, Tenn.	Harreld	Michener	Strong, Kans.
Caldwell	Hastings	Miller	Summers, Wash.
Campbell, Kans.	Hawley	Milligan	Sumners, Tex.
Candler	Hayden	Minahan, N. J.	Sweet
Carss	Hays	Monahan, Wis.	Swope
Carter	Hernandez	Mondell	Taylor, Colo.
Casey	Hersey	Montague	Taylor, Tenn.
Chindblom	Hickey	Moon	Thomas
Christopherson	Hoch	Moore, Ohio	Thompson
Clark, Fla.	Hoey	Moore, Va.	Tilson
Clark, Mo.	Holland	Morgan	Timberlake
Classon	Houghton	Mott	Tincher
Condy	Howard	Mudd	Tinkham
Cole	Hull, Tenn.	Murphy	Treadway
Connally	Humphreys	Nelson, Mo.	Upshaw
Cooper	Husted	Nelson, Wis.	Vaile
Copley	Hutchinson	O'Connor	Vare
Crisp	Ireland	Ogden	Venable
Crowther	Jefferis	Oldfield	Vestal
Dale	Johnson, Ky.	Oliver	Vinson
Dallinger	Johnson, Miss.	Olney	Voigt
Davis, Minn.	Johnson, S. Dak.	Osborne	Volstead
Davis, Tenn.	Johnson, Wash.	Overstreet	Walters
Dempsey	Johnston, N. Y.	Padgett	Wason
Dickinson, Mo.	Jones, Pa.	Park	Watkins
Dickinson, Iowa	Jones, Tex.	Parrish	Watson
Donovan	Juul	Peters	Weaver
Dowell	Kahn	Platt	Webster
Dunbar	Kearns	Pou	Welling
Dunn	Keller	Purnell	Whaley
Dupré	Kelly, Pa.	Quin	Wheeler
Dyer	Kettner	Radcliffe	White, Kans.
Eagan	Kincheloe	Rainey, Ala.	White, Me.
Echols	King	Rainey, H. T.	Wilson, Ill.
Elliott	Kinkaid	Rainey, J. W.	Wilson, La.
Elston	Kleczka	Randall, Calif.	Winslow
Emerson	Knutson	Randall, Wis.	Wood, Ind.
Esch	Kraus	Reber	Woods, Va.
Evans, Mont.	Lampert	Reed, W. Va.	Woodyard
Evans, Nev.	Langley	Rhodes	Wright
Fairfield	Lanham	Ricketts	Yates
Ferris	Larsen	Riddick	Young, N. Dak.
Fields	Layton	Robinson, N. C.	Young, Tex.
Flood	Lazaro	Robsion, Ky.	Zihlman
Focht	Lea, Calif.	Romjue	
Fordney	Lee, Ga.	Rowe	

NAYS—15.

Blanton	Jacoway	McKinley	Tillman
Cannon	James	Raker	Wingo
Cleary	Lesher	Rouse	Wise
Fisher	McKeown	Taylor, Ark.	

ANSWERED "PRESENT"—5.

Evans, Nebr.	Longworth	Rodenberg	Walsh
Huddleston			

NOT VOTING—133.

Ackerman	Dent	Kennedy, Iowa	Ramseyer
Almon	Dewalt	Kennedy, R. I.	Rayburn
Andrews, Md.	Dominick	Kiess	Reavis
Anthony	Dooling	Kitchin	Reed, N. Y.
Baer	Doremus	Kreider	Riordan
Bankhead	Doughton	Lankford	Rogers
Bell	Drane	Lehlbach	Rose
Benson	Eagle	Lufkin	Rowan
Black	Edmonds	Luhring	Rucker
Blackmon	Ellsworth	McArthur	Sabath
Bland, Ind.	Fess	McFadden	Schall
Booher	Fuller, Mass.	McKinley	Scully
Brand	Gallagher	McLane	Sears
Brinson	Godwin, N. C.	McLaughlin, Mich.	Shreve
Britten	Goldfogle	McPherson	Small
Browne	Goodwin, Ark.	Madden	Smith, Mich.
Brumbaugh	Gould	Mann, Ill.	Smith, N. Y.
Buchanan	Graham, Pa.	Martin	Smithwick
Burke	Greene, Mass.	Mooney	Snyder
Butler	Greene, Vt.	Moores, Ind.	Steagall
Campbell, Pa.	Hamill	Morin	Stedman
Cantrill	Hamilton	Neely	Stoll
Caraway	Harrison	Newton, Minn.	Strong, Pa.
Carew	Haugen	Newton, Mo.	Sullivan
Collier	Heflin	Nicholls, S. C.	Tague
Costello	Hersman	Nichols, Mich.	Temple
Crago	Hicks	Nolan	Towner
Cramton	Hill	O'Connell	Ward
Cullen	Hudspeth	Paige	Welty
Currie, Mich.	Hulings	Parker	Williams
Curry, Calif.	Hull, Iowa	Pell	Wilson, Pa.
Darrow	Igoe	Phelan	
Davey	Kelley, Mich.	Porter	
Denison	Kendall	Ramsey	

So the decision of the Chair was sustained as the judgment of the House.

The following pairs were announced:

Until further notice:

Mr. LONGWORTH with Mr. KITCHIN.

Mr. MANN of Illinois with Mr. DEWALT.

Mr. RODENBERG with Mr. BELL.

Mr. MCPHERSON with Mr. IGOE.

Mr. NEWTON of Missouri with Mr. SABATH.

Mr. CURRY of California with Mr. DRANE.

Mr. WARD with Mr. GALLAGHER.

Mr. SHREVE with Mr. CARAWAY.

Mr. DENISON with Mr. BANKHEAD.

Mr. WILLIAMS with Mr. STEAGALL.

Mr. ANTHONY with Mr. DENT.

Mr. DALLINGER with Mr. CAMPBELL of Pennsylvania.

Mr. BUTLER with Mr. MCLANE.

Mr. FESS with Mr. HEFLIN.

Mr. NEWTON of Minnesota with Mr. SABATH.

Mr. HICKS with Mr. SEARS.

Mr. EDMONDS with Mr. COLLIER.

Mr. GREENE of Massachusetts with Mr. DOREMUS.

Mr. LUFKIN with Mr. SMITH of New York.

Mr. HAUGEN with Mr. O'CONNELL.

Mr. SNYDER with Mr. HUDSPETH.

Mr. GOULD with Mr. MOONEY.

Mr. ROSE with Mr. STEDMAN.

Mr. KENNEDY of Rhode Island with Mr. TAGUE.

Mr. PORTER with Mr. RIORDAN.

Mr. GRAHAM of Pennsylvania with Mr. BRAND.

Mr. MCARTHUR with Mr. RUCKER.

Mr. TOWNER with Mr. BENSON.

Mr. ROGERS with Mr. RAYBURN.

Mr. STRONG of Pennsylvania with Mr. PELL.

Mr. MCKINLEY with Mr. WELTY.

Mr. MORIN with Mr. WILSON of Pennsylvania.

Mr. TEMPLE with Mr. BLACK.

Mr. GREENE of Vermont with Mr. ALMON.

Mr. RAMSEY with Mr. GODWIN of North Carolina.

Mr. KREIDER with Mr. MARTIN.

Mr. KENDALL with Mr. BRUMBAUGH.

Mr. ACKERMAN with Mr. STOLL.

Mr. SMITH of Michigan with Mr. NEELY.

Mr. HULL of Iowa with Mr. PHELAN.

Mr. MADDEN with Mr. SMITHWICK.

Mr. HAMILTON with Mr. HAMILL.

Mr. KELLEY of Michigan with Mr. BLACKMON.

Mr. BURKE with Mr. BOOHER.

Mr. PARKER with Mr. LANGFORD.

Mr. KIESS with Mr. EAGLE.

Mr. CRAGO with Mr. BRINSON.

Mr. LEHLBACH with Mr. SCULLY.

Mr. REAVIS with Mr. HERSMAN.

Mr. LUHRING with Mr. NICHOLLS of South Carolina.

Mr. MOORES of Indiana with Mr. ROWAN.

Mr. PAIGE with Mr. SULLIVAN.

Mr. ELLSWORTH with Mr. CULLEN.

Mr. HULINGS with Mr. GOODWIN of Arkansas.

Mr. DARROW with Mr. BUCHANAN.

Mr. CURRIE of Michigan with Mr. DAVEY.

Mr. BROWNE with Mr. HARRISON.

Mr. BLAND of Indiana with Mr. DOMINICK.

Mr. MCLAUGHLIN of Michigan with Mr. DOUGHTON.

Mr. BAER with Mr. GOLDFOGLE.

Mr. ANDREWS of Maryland with Mr. DOOLING.

Mr. KENNEDY of Iowa with Mr. CANTRILL.

Mr. COSTELLO with Mr. CAREW.

The result of the vote was announced as above recorded.

A quorum being present, the doors were opened.

The SPEAKER. The question now is on the motion of the gentleman from New York for the previous question on the bill.

The question was taken, and the previous question was ordered.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. WINGO) there were 143 ayes and 10 noes.

So the bill was passed.

On motion of Mr. PLATT, a motion to reconsider the vote whereby the bill was passed was laid on the table.

LEAVE OF ABSENCE.

Mr. COLLIER, by unanimous consent, was given leave of absense as of April 14 for an indefinite period on account of sickness in his family.

CELEBRATION OF ONE HUNDREDTH ANNIVERSARY OF ADMISSION OF STATE OF MAINE.

The SPEAKER. The Clerk will call the next committee.

The Clerk called the Committee on Coinage, Weights, and Measures.

Mr. VESTAL. Mr. Speaker, I call up the bill (H. R. 12460) to authorize the coinage of 50-cent pieces in commemoration of the one hundredth anniversary of the admission of the State of Maine into the Union, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That, as soon as practicable, and in commemoration of the one hundredth anniversary of the admission of the State of Maine into the Union as a State, there shall be coined at the mints of the United States silver 50-cent pieces to the number of 100,000, such 50-cent pieces to be of the standard troy weight, composition, diameter, device, and design as shall be fixed by the Director of the Mint, with the approval of the Secretary of the Treasury, and said 50-cent pieces shall be legal tender in any payment to the amount of their face value.

SEC. 2. That all laws now in force relating to the subsidiary silver coins of the United States and the coining or striking of the same, regulating and guarding the process of coinage, providing for the purchase of material, and for the transportation, distribution, and redemption of the coins, for the prevention of debasement or counterfeiting, for security of the coin, or for any other purpose, whether said laws are penal or otherwise, shall, so far as applicable, apply to the coinage herein authorized: *Provided*, That the Government shall not be subject to the expense of making the necessary dies and other preparations for this coinage.

Mr. VESTAL. Mr. Chairman, I yield five minutes to the gentleman from Maine [Mr. PETERS].

Mr. PETERS. Mr. Speaker, the proposition involved in this bill is to use a special design in the coinage of $50,000 worth of half dollars in commemoration of the one hundredth anniversary of the admission of the State of Maine into the Union. The bill is based exactly on the act passed in the Sixty-fifth Congress in a similar case, in the matter of the admission of the State of Illinois. The rights of the Government have been entirely protected, as we believe, in the bill. No expense is involved on the part of the Government of the United States, the expense of preparing dies and all other details being taken care of by the State of Maine. The design prepared by the State under the terms of the bill must be approved by the Director of the Mint. There is the same amount of silver in the proposed half dollar as in the ordinary coined half dollar.

Mr. TILSON. Mr. Speaker, will the gentleman yield?

Mr. PETERS. Yes.

Mr. TILSON. Is this to take the place of the coinage of any other half dollars during the next year?

Mr. PETERS. This does not change the regular business of coinage. It simply uses this design on $50,000 worth of 50-cent pieces. It has no other effect on the coinage.

Mr. TILSON. It is well known that silver at the present time is at a very high price as compared with the former price or with the price as measured by gold. Will there be any difficulty in securing the silver metal or the additional amount of silver metal to make into these coins?

Mr. PETERS. I understand there will not be. The Government is coining 50-cent pieces, of course, from time to time, and in the next $50,000 that is being coined, if this bill should become a law, this special design will be used. There is no expense whatever attached to the transaction on the part of the Government. We believe it to be a suitable and desirable way of recognizing an important historical event.

Mr. MILLER. Mr. Speaker, will the gentleman yield?

Mr. PETERS. Certainly.

Mr. MILLER. Who is bearing the expense of the dies?

Mr. PETERS. The State of Maine pays all of the expense of the dies.

Mr. MONTAGUE. Has this measure the approval of the Treasury Department?

Mr. PETERS. It has the approval of the Secretary of the Treasury and of the Director of the Mint. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. VESTAL. Mr. Speaker, I move the previous question on the bill to final passage.

Mr. GARD. Mr. Speaker, I trust the gentleman will not move the previous question until we can get some information in respect to the bill.

Mr. VESTAL. I withhold the motion, Mr. Speaker.

Mr. GARD. Mr. Speaker, I regret that I could not hear all of the explanation of the gentleman from Maine [Mr. PETERS]. Is it the purpose to have the $50,000 worth of these coins redeemed after the anniversary? I presume that when the anniversary is had the coins will be used in connection with the celebration. Then, naturally, after the celebration shall have ceased, outside of the sentimental or souvenir value, there will be no reason for the continuation of this particular design. Is there any provision in this bill for its discontinuance or for the redemption of the coins?

Mr. PETERS. Not at all; there could not be. The coins will be used exactly as any other 50-cent pieces are used. They will simply go into circulation with a special design upon them, as was the case in the State of Illinois some years ago.

Mr. GARD. I understand that, but what I am trying to get at is this: Some of the thrifty people in the State of Maine will take some of these 50-cent pieces and put them away where they will never see the light of day again, at least among people who circulate money by spending it. Is there going to be any power of redemption, or are these coins still to roam through our currency system?

Mr. PETERS. There is going to be no special power of redemption. They will continue to roam so long as they are in circulation. It can not be otherwise.

Mr. GARD. I see that section 2 provides for the transportation, distribution, and redemption of the coins in accordance with the laws now in force relating to subsidiary coinage.

Mr. PETERS. Certainly, so far as any coins are redeemed. These will have no special consideration and no special privilege. The general laws in respect to coinage apply to these 50-cent pieces just as to other 50-cent pieces.

Mr. GARD. I have in my hand Public, No. 163, which relates to the coinage of 50-cent pieces for the celebration of the anniversary of the admission of the State of Illinois into the Union. A hasty examination shows that the bill under consideration is the same as that contained in act No. 163.

Mr. PETERS. It is exactly the same, changing, of course, the United States?

Mr. GARD. Is there any provision about the dies, which shall not be made at Government expense, becoming the property of the United States?

Mr. PETERS. I think the law provides for that now. The law in force provides that all such dies shall be the property of the United States. They are made under the direction of the Director of the Mint.

Mr. GARD. Asking pardon for my crass ignorance on the matter, will the gentleman kindly advise me when this celebration is to be had?

Mr. PETERS. It is in progress now, and will be all of this year in the State of Maine.

Mr. GARD. There is no particular time at which a celebration will be had?

Mr. PETERS. Different towns and cities take up the matter during the summer and will have special celebrations, but it will be a general year of reunions and celebrations in the State of Maine in honor of our centennial.

Mr. VESTAL. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. VESTAL, a motion to reconsider the vote by which the bill was passed was laid on the table.

COINAGE IN COMMEMORATION OF ADMISSION OF STATE OF ALABAMA INTO THE UNION.

Mr. VESTAL. Mr. Speaker, I call up the bill H. R. 12824.

The SPEAKER. The gentleman calls up the bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 12824) to authorize the coinage of 25-cent pieces in commemoration of the one hundredth anniversary of the admission of the State of Alabama into the Union.

Be it enacted, etc., That as soon as practicable, and in commemoration of the one hundredth anniversary of the admission of the State of Alabama into the Union as a State, there shall be coined at the mints of the United States silver 25-cent pieces to the number of 100,000, such 25-cent pieces to be of the standard troy weight, composition, diameter, device, and design as shall be fixed by the Director of the Mint, with the approval of the Secretary of the Treasury, and said 25-cent pieces shall be legal tender in any payment to the amount of their face value.

SEC. 2. That all laws now in force relating to the subsidiary silver coins of the United States and the coining or striking of the same, regulating and guarding the process of coinage, providing for the purchase of material, and for the transportation, distribution, and redemption of the coins, for the prevention of debasement or counterfeiting, for security of the coin, or for any other purpose, whether said laws are penal or otherwise, shall, so far as applicable, apply to the coinage herein authorized: *Provided*, That the Government shall not be subject to the expense of making the necessary dies and other preparations for this coinage.

The committee amendments were read, as follows:

Page 1, line 6, strike out "25-cent" and insert in lieu thereof "50-cent."

Page 1, line 7, strike out "25-cent" and insert in lieu thereof "50-cent."

Page 2, line 2, strike out "25-cent" and insert in lieu thereof "50-cent."

Mr. VESTAL. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. RAINEY]. [Applause.]

Mr. RAINEY of Alabama. Mr. Speaker, the purpose of this bill is to commemorate the one hundredth anniversary of the admission of the State of Alabama into the Union, which occurred December 14, 1819. The Committee on Coinage, Weights, and Measures, of which I have the honor of being a member, unanimously reported the bill favorably to the House. The original bill provided for the coinage of one hundred thousand 25-cent pieces, while the present bill, as amended, provides for the coinage of one hundred thousand 50-cent pieces in commemoration of that important historical event, and I now ask your favorable consideration and support for the passage of the bill.

Alabama's history and her traditions occupy a distinguished chapter in the history of our great Republic. Her agricultural and mineral resources constitute vast wealth, and her contribution to the Republic in eminent statesmen, orators, soldiers, educators, and sterling citizenship surpasses her untold and inestimable material wealth.

Hernando De Soto, a Spanish cavalier, ambitious to surpass in glory the exploits of Cortez, another Spanish cavalier, applied for and received a commission from the Spanish King, Charles V, to invade and subject the region then known as Florida. He organized a troop of bold adventurers and, after long, weary marches and many bloody engagements with Indian tribes, eventually succeeded in traversing that territory now known as the States of Florida and Georgia, and crossed what is now the Alabama-Georgia State line and entered Cherokee County, Ala., July 2, 1540. This event marks the first entrance of the white man into the domains of Alabama. Crossing the Coosa River, De Soto marched to Tallassee, stopping en route on a hill where now stands the majestic capitol of the State. At Montgomery De Soto met the Indian chief Tuskaloosa, whose reign extended over the broad territories bordering the Alabama and Tombigbee Rivers. From Alabama De Soto found his way into Mississippi, then into Tennessee, and on April 25, 1541, at Chickasaw Bluff, he discovered the Mississippi River. De Soto, fired by ambition and lured on by two desires, that of transcending the achievements of Cortez and to find the vast wealth of gold and gems of which he had heard such glowing stories, utterly failed in the accomplishment, and with blighted hopes he passed away and was buried in the waters of the Mississippi.

For more than a century and a half, so far as history discloses, Alabama was not visited by a solitary white man. In the year 1682 the French Government, under Louis XIV, with designs of conquest and the building of a mighty empire in

the New World, commissioned La Salle to explore the Mississippi River and in the name of France possess all that vast territory drained by the great river. In 1699 the first French colonists anchored near Mobile Point, settled at Biloxi, Miss., and in 1709 settled Mobile under the direction of Iberville, after whose death Bienville governed the colony for 30 years. With varying fortunes Mobile passed into Spanish possession, then to British, and again, in 1780, following a victory by Galvez over the British, Mobile fell into the hands of the Spanish. For more than 32 years it remained under Spanish rule. On April 15, 1813, Mobile was acquired by the United States through conquest, and the Stars and Stripes waved above its fort.

Alabama as a Territory of the United States developed rapidly. Settlers came in from Georgia, Florida, South Carolina, and North Carolina. The early history of the Territory abounds in battles and adventures with the Indians. The most notable of all the battles with the red men is that of Horseshoe Bend, near my boyhood home, in Tallapoosa County. It was here that Gen. Jackson drove the Indians into the bend of the Tallapoosa River and, after desperate and bloody fighting, slaughtered them by the hundreds. Many Americans were killed, the Indians bravely fighting to the last, many of them refusing mercy. In this battle Maj. L. P. Montgomery, after whom Montgomery County is named, was slain. The renowned Sam Houston, famous in Texas as well as in Alabama, was wounded in the same battle.

The early history of Alabama is checkered with thrilling adventure and romance. It was here that De Soto ended his brilliant and romantic career; it was here that Aaron Burr, that brilliant though debased conspirator, was arrested and thence conveyed to Washington for trial as a traitor; it was here that the exiled friends of Napoleon landed following his defeat at Waterloo. Courtiers and statesmen, brave generals who had achieved fame upon the proudest battle fields of the Old World, beautiful women whose presence once graced the courts of Europe, came as exiles and outcasts. Near Demopolis, Ala., the colony settled and there lived until the Bourbons, relaxing their hatred, recalled many of them. Others settled in the cities of the West, and few remained in the State.

The political life of Alabama, until it was admitted in 1819 into the Union of States, comprises the history of the Spanish, French, British, and American government of that territory which is now the State of Alabama. Its control has been under the flags of four nations, and in the sixties the flag of the Southern Confederacy floated from her capitol, where now waves the Stars and Stripes—now and forever. Many were the eminent statesmen, orators, and educators who directed the growth and development of this great State from its birth. William R. King, statesman and orator, contributed his great talents and service to the State. He served in Congress, in the Constitutional Convention, United States Senate, was minister to France, and in 1852 was elected Vice President of the United States. Alexander B. Meek is the father of the public-school system in Alabama, and in 1853 introduced a bill to establish and maintain a system of free public schools in this State. The term of Gov. Thomas Bibb, 1820–21, marks an era of great prosperity. Settlers flocked to the State, newspapers were established, steamboat companies were organized, the University of Alabama was chartered, lands were opened for settlers, and schools were established. In 1825 Gov. Pickens received, in Montgomery, Gen. Lafayette, the bosom friend of George Washington, as the State's guest. The people greeted him with a continuous ovation in his journey from Montgomery to Mobile. The brilliant William L. Yancey entered politics in Alabama in 1841, served in Congress, became leader of southern Democrats, was commissioner to England, drew up the ordinance of secession and secured its passage. William L. Yancey, orator and statesman, has been rightly called the "Demosthenes of the South."

Among Alabama's great men I may justly mention Henry W. Hilliard, statesman, orator, and educator. He was minister to Belgium under Harrison and minister to Brazil under Hayes. Among the distinguished Alabamians who won the rank of general in the cause of the Southern Confederacy are James A. Longstreet, Josiah Gorgas, W. W. Allen, Daniel Leadbetter, Cullen A. Battle, James Cantey, J. T. Holtzclaw, James H. Clanton, Henry D. Clayton, and Sterling A. M. Wood. The daring exploits of Admiral Raphael Semmes are known to the world, and the Confederate cruiser *Alabama* is celebrated in the annals of naval history. Beside John Paul Jones, who sailed his ship under the cliffs of the English Channel, Raphael Semmes stands without a peer. During the trying days of the Civil War deeds of heroism and valor were not confined to the men of my State. There were deeds of heroism, brave sacrifice, and uncomplaining suffering on the part of the noble women of Alabama, whose virtues and deeds are not recorded on the pages of human history.

Of the many heroic women of that State there is one, at least, whose name lives in history, whose heroism is clothed in beautiful verse of many poets, and whose memory is perpetuated in marble and granite. In Gadsden, my home city, Emma Sansom lived as a girl. A monument to her memory stands on the banks of the Coosa River. Almost within the limits of the city, preserved by the State, is the old Sansom homestead, where the heroine spent her girlhood days. Gen. Forest, in his pursuit of Col. Streight, whose raiding force of 2,000 men were headed for Rock Run Furnace, in Cherokee County, to destroy it, together with connecting railway lines to Rome, Ga., when he reached the swollen waters of Black Creek he had almost overtaken Streight and needed a guide to conduct him to a ford of the creek. Emma Sansom volunteered and leaped on the horse behind the general. Soon shot and shell were striking about them, but bravely this 16-year-old girl piloted the general to a safe landing. He continued his pursuit of Streight, and, by strategy and skill, captured him and his 2,000 picked troops at Laurence, Cherokee County, with a force of barely 600 men.

Gen. Joseph Wheeler, a veteran of two wars, served for many years in this House. He rendered valiant service to the Confederacy, and in the War with Spain Gen. Wheeler donned the "blue," unsheathed his sword for his country, and carried the Stars and Stripes to victory at Santiago. As a reward for his gallantry President McKinley appointed him a major general. He served a short period in the Philippines, was retired as a major general, and died a few years thereafter. His remains now repose in beautiful Arlington Cemetery, on the banks of the Potomac, beneath the tallest monument adorning that great national burying ground. Alabama has furnished one Justice to the United States Supreme Court, Justice John A. Campbell. She has contributed many statesmen, soldiers, orators, and men and women of letters. Among the latter I recall the names of Mrs. Chaudron, Mrs. Octavia Le Vert, Mrs. Elizabeth Bellamy, Mrs. Augusta Evans Wilson, T. C. De Leon, Joseph Hamilton, Hannis Taylor, Abram J. Ryan, Dr. Thomas M. Owen, Albert A. Mullen, Samuel Mintern Peck, William Russell Smith, Mary Johnson, Dr. J. L. M. Curry, whose statue now adorns Statuary Hall in this Capitol, and many others whose names I can not now recall.

Alabama's dark days of reconstruction, like those of every other Southern State, are not matters of pleasant reminiscence, and I shall forego any further reference here. Suffice that it be said, Alabama and her people are true. In the War with Spain she cheerfully contributed her brave sons, and in the world's Great War the flower of the State, in the Rainbow Division, astonished the world, broke the Prussian Guard, and carried Old Glory to victory. The names of these brave men would fill a volume. Hundreds of them I know personally, many of whom now sleep amid the poppies in Flanders Field.

I should prove recreant to duty if I failed to mention Alabama's three grand old men—Gen. Pettus, John T. Morgan, and John Hollis Bankhead. John T. Morgan's great fight for the Nicaragua Canal ultimately resulted in opening the work at Panama, but it remained for another Alabamian to consummate the great plan—Gen. William L. Sibert, of Gadsden, Ala. The work of John Hollis Bankhead stands as a monument to the great material development of Alabama.

Of the mineral and agricultural wealth of Alabama and her material development I have not spoken. Her growth in population, her splendid cities, her vast resources, stand as monuments to the world and need no encomium from me. Recently $50,000,000 were voted in bonds to build highways in the State. Mobile Bay furnishes a splendid harbor; the Alabama is navigable; the Warrior has been made so with locks and dams; the Coosa, larger than the Warrior, by the maintenance of the storage or reservoir system will furnish a great artery of commerce to the Gulf.

Alabama has risen from the ashes of war and the desolation of reconstruction to its present exalted station. With you her citizenship rejoices in the prosperity and glory of the Republic. Her people, devoted and true, are ever ready to respond to duty's call in defense of flag, home, and country. In all that is good and great for the advancement of America, whether it be sacrifice in time of war or labor in days of peace, Alabama is ever ready to respond with all her resources and with all her strength. [Applause.]

Mr. GARD. Will the gentleman yield?

Mr. VESTAL. I will yield.

Mr. GARD. I was wondering whether the committee had taken into consideration this question. Of course, I do not

like to oppose, and hardly anyone here would oppose, and I favor the purpose of issuing these commemorative coins, but what I would like to know is how many of these constructive measure bills the Committee on Coinage, Weights, and Measures are now going to bring out, and I speak of that seriously for this reason: The integrity of money is maintained largely and more easily with the integrity of design. Now, where designs are made numerous and fantastic, as they may be for the purpose of a centennial or a memorial celebration, have the gentlemen on the Coinage, Weights, and Measures Committee borne in mind the difficulty as incident to coinage measures with respect to the increase of the possibility of counterfeiting? I speak of that because it would seem to me if we are going on with a number of these half dollars for Maine, Arkansas, Alabama, Ohio, Pennsylvania, and Massachusetts, and they are each to have State half dollars, because that is what it amounts to, are not we in danger of overdoing the proposition? Are not we getting away from the stability of design which makes people understand what it means, and are not we in danger of laying ourselves open to fantastic and frivolous currency which in the future must be redeemed by the issuance of stable coins representing 50 cents?

Mr. VESTAL. I will say to the gentleman that the point raised is a serious one. These bills were sent to the Secretary of the Treasury for his report, and I might say that there is only one other bill of this kind. His suggestion is along the same line of the gentleman from Ohio, that there ought not to be too many of these bills for that reason.

Mr. GARD. Well, his only suggestion I see in the report is in the letter—I have not the favor of the whole letter, but I speak from the part used by the committee—where he states that the department has no specific recommendation to make.

Mr. VESTAL. That is the report that is given to the committee, and a personal conversation with him after these three bills had been reported.

Mr. GARD. What is the other bill to be reported?

Mr. VESTAL. H. R. 13227.

Mr. GARD. What is it about?

Mr. VESTAL. It is a bill introduced by Mr. WALSH of Massachusetts to commemorate the landing of the Pilgrims.

Mr. GARD. Is there also to be a coin for the anniversary of the landing of the Pilgrims?

Mr. VESTAL. Yes; there is to be a coin.

Mr. GARD. A 50-cent coin, too?

Mr. VESTAL. A 50-cent coin.

Mr. GARD. That simply illustrates the drift of things I have been trying to explain. I am sure with everyone here I am in favor of having a big celebration wherever these State celebrations occur, because I think that makes for a better public spirit, but for the life of me I can not see what advantage there is for a State celebration to gather up a lot of coins with a particular stamp on them. It seems to me rather to cheapen the national coin, because it looks like an old-fashioned medal at a county fair rather than the half dollar of the daddies, to use the old expression. I think that these propositions are open to serious objection, which, of course, should be voiced by the Secretary of the Treasury, because if the Secretary of the Treasury and his executive officers are willing to take up the burden of maintaining these coins and seeing that they are not counterfeited, seeing that the dies are protected and they are not used except for the purposes authorized by the act, then surely there could not be much complaint from the legislative side, but I speak the way I do because it seems to me upon serious reflection that we are in actual danger of overdoing this commemoration coin stuff, and instead of making it an attribute which would inure to the benefit of the State or community, we are going beyond that and are cheapening our coin. I hope the gentleman and his committee will bear in mind in slight measure what I have said regarding it, at least for transmission to the Secretary of the Treasury.

Mr. VESTAL. Mr. Speaker, I will be glad to do that. Mr. Speaker, I move the previous question on the bill and all amendments.

The question was taken, and the previous question was ordered.

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to authorize the coinage of 50-cent pieces in commemoration of the one hundredth anniversary of the admission of the State of Alabama into the Union."

On motion of Mr. VESTAL, a motion to reconsider the vote by which the bill was passed was laid on the table.

COINAGE IN COMMEMORATION OF THE LANDING OF THE PILGRIMS.

Mr. VESTAL. Mr. Speaker, I call up the bill H. R. 13227.

The SPEAKER. The gentleman calls up the bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 13227) to authorize the coinage of a 50-cent piece in commemoration of the three hundredth anniversary of the landing of the Pilgrims.

Be it enacted, etc., That in commemoration of the three hundredth anniversary of the landing of the Pilgrims there shall be coined at the mints of the United States silver 50-cent pieces to the number of 500,000, such 50-cent pieces to be of the standard troy weight, composition, diameter, device, and design as shall be fixed by the Director of the Mint, with the approval of the Secretary of the Treasury, which said 50-cent pieces shall be legal tender in any payment to the amount of their face value.

SEC. 2. That all laws now in force relating to the subsidiary silver coins of the United States and the coining or striking of the same, regulating and guarding the process of coinage, providing for the purchase of material and for the transportation, distribution, and redemption of the coins, for the prevention of debasement or counterfeiting, for security of the coin, or for any other purposes, whether said laws are penal or otherwise, shall, so far as applicable, apply to the coinage herein authorized: *Provided*, That the United States shall not be subject to the expense of making the necessary dies and other preparations for this coinage.

Mr. VESTAL. I yield five minutes to the gentleman from Massachusetts [Mr. WALSH].

Mr. WALSH. Mr. Speaker, this measure is along the line of those previously passed. I want to say that I appreciate the suggestion made by the gentleman from Ohio [Mr. GARD], but I would direct his attention to the fact that the Congress is not establishing any new practice in authorizing these souvenir coins in commemoration of important historic events. At the time of the World's Fair in Chicago they authorized, I believe, the coinage of five million 50-cent pieces. We seldom see any of them in circulation now. I suppose they have either been lost or have gone into the hands of souvenir hunters, and are treasured mementoes of that great event.

Of course, there is no need to elaborate upon the importance of the great event which these coins are authorized to commemorate in part. If the gentleman from Ohio has any new questions in connection with these matters that have come up in his mind, I shall be very glad to attempt to answer them.

Mr. GARD. I would like to have information from the gentleman about the merits of the bill for which he stands sponsor. I know the bill provides for 500,000 of these 50-cent pieces, thus raising the limit over the State of Maine by some 400,000.

Mr. WALSH. Yes. This is a tercentenary instead of a centenary. It is a three hundredth anniversary instead of a one hundredth anniversary.

Mr. GARD. I understand. So the gentleman's idea is that if we could dig up a four hundredth anniversary, they would be entitled to still more?

Mr. WALSH. Yes, sir.

Mr. GARD. Has the gentleman in his general store of information knowledge as to how many half dollars there are in the United States?

Mr. WALSH. No; I have not. I will say to the gentleman I seldom see one, and it is a pretty difficult matter to keep track of them, but there are a very large number. I think if they were all placed to my credit I would be perfectly willing——

Mr. GARD. I ask the gentleman's indulgence for a moment to inquire of the chairman of the committee, the gentleman from Indiana [Mr. VESTAL], if he has any information, in the confusion of coins, as to how many 50-cent pieces there are issued?

Mr. WALSH. Does the gentleman mean how many different designs?

Mr. GARD. How many in bulk or amount?

Mr. VESTAL. I have not that information.

Mr. GARD. How large an amount of 50-cent pieces in money is the United States sponsor for now as issued from its mints?

Mr. VESTAL. I am not able to give the gentleman that information.

Mr. WALSH. Has the gentleman from Ohio any further question?

Mr. GARD. No; I have not any further question.

Mr. MILLER. Will the gentleman yield for a short question?

Mr. WALSH. I will.

Mr. MILLER. I see that this bill is in relation to the commemoration of the landing of the Pilgrims. At what place, Provincetown or Plymouth?

Mr. WALSH. In Massachusetts.

Mr. MILLER. That includes both the landing at Provincetown and at Plymouth?

Mr. WALSH. They made the first landing at Provincetown, and then made their settlement at Plymouth.

Mr. MILLER. With 9 or 10 days' difference.
Mr. WALSH. About a month.
Mr. DUNBAR. Mr. Speaker, these half dollars, as I understand, will contain more than 50 cents' worth of silver bullion?
Mr. VESTAL. These pieces authorized to be coined here will have the same amount of silver as the ordinary half dollar.
Mr. DUNBAR. The ordinary half dollar, as I understand it, is at a premium. If the silver dollar is melted into bullion, it will bring more than a dollar. Will these silver half dollars which are to be coined contain more than 50 cents' worth of silver bullion?
Mr. VESTAL. I can answer the gentleman by saying there will be no difference.
Mr. DUNBAR. I know there will be no difference. You stated that. What I want to know is how much silver will actually be in these half dollars, and if there is an expense to be incurred by reason of their coinage will the United States bear that expense?
Mr. VESTAL. Oh, no.
Mr. DUNBAR. Who will bear it?
Mr. VESTAL. The State of Massachusetts.
Mr. Speaker, I move to amend the bill, on line 6, page 1, by striking out the word "five" and inserting in lieu thereof the word "three."
The SPEAKER. The gentleman from Indiana offers an amendment, which the Clerk will report.
The Clerk read as follows:

Amendment by Mr. VESTAL: Page 1, line 6, strike out the word "five" and insert in lieu thereof the word "three."

Mr. GARD. What is the reason for that?
Mr. VESTAL. The committee in consideration of this measure reported 300,000 instead of 500,000, but in the printing of the bill——
Mr. GARD. The bill as it came out was for 500,000?
Mr. VESTAL. Yes; it was a mistake in the printing of the bill.
Mr. GARD. Is this a committee amendment?
Mr. VESTAL. It is.
Mr. GARD. For 300,000?
Mr. VESTAL. For 300,000 instead of 500,000.
Mr. GARD. Is there any thought in the mind of the gentleman from Indiana or in the mind of the gentleman from Massachusetts that there will be any increased purchasing power of these half dollars issued for the tercentenary celebration?
Mr. WALSH. Why, I think very likely, particularly on Cape Cod.
Mr. GARD. I trust that I may have an opportunity of spending a few days there.
Mr. WALSH. I think that each of the three States that are interested in these measures will be very glad to have the gentleman within its borders for the purpose of acquiring and assisting in circulating some of these special coins.
The SPEAKER. The question is on the amendment offered by the gentleman from Indiana [Mr. VESTAL].
The question was taken, and the amendment was agreed to.
The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.
Mr. VESTAL. Mr. Speaker, I want to move to amend the title by striking out "a 50-cent piece" and inserting in lieu thereof "50-cent pieces."
The SPEAKER. The gentleman offers an amendment, which the Clerk will report.
The Clerk read as follows:

Amend the title by striking out the words "a 50-cent piece" and insert in lieu thereof "50-cent pieces."

The SPEAKER. Without objection, the amendment is agreed to.
On motion of Mr. VESTAL, a motion to reconsider the vote by which the bill was passed was laid on the table.

STANDARDS OF MEASURES.

Mr. VESTAL. Mr. Speaker, I call up the bill H. R. 12350.
The SPEAKER. The Clerk will report the title of the bill.
The Clerk read as follows:

A bill (H. R. 12350) to fix standards for hampers, round-stave baskets, and splint baskets for fruits and vegetables, to establish a standard box for apples, and for other purposes.

The SPEAKER. This bill is on the Union Calendar. The House automatically resolves itself into Committee of the Whole House on the state of the Union for the consideration of the bill. The gentleman from Massachusetts [Mr. WALSH] will please take the chair.
Thereupon the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 12350, with Mr. WALSH in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 12350, which the Clerk will report.
The Clerk read as follows:

A bill (H. R. 12350) to fix standards for hampers, round-stave baskets, and splint baskets for fruits and vegetables, to establish a standard box for apples, and for other purposes.

Mr. VESTAL. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.
The CHAIRMAN. Is there objection to dispensing with the first reading of the bill?
There was no objection.
The CHAIRMAN. The gentleman from Indiana [Mr. VESTAL] is recognized.
Mr. VESTAL. Mr. Chairman, this bill seeks to standardize hampers, round-stave baskets, and splint baskets for fruits and vegetables and is along the line of the legislation that has heretofore been passed by Congress standardizing the Climax grape baskets and other fruit containers. The bill provides for five different sizes of hampers. At the present time there are something like 49 different styles or varieties of hampers and about 34 different sizes.
The photograph I have here [exhibiting same] will give the committee an idea of the different varieties and sizes of hampers that are now being used in the United States in the marketing of fruits and vegetables. This bill proposes to eliminate about 30 sizes and to standardize 5 different sizes of hampers.
The committee can readily see that with the hampers that are now being used, ranging all the way from the size of a quart to 50 quarts, in the use of a 27-quart hamper or a 28-quart hamper the ordinary consumer can not tell the difference between that and a bushel, and the styles and sizes are made in such a way that the ordinary layman could not tell the difference between a hamper containing 27 quarts and a hamper containing 32 quarts. So the bill proposes to standardize the peck hamper, the half-bushel hamper, the five-eighths-bushel hamper, the bushel, and the bushel and a half, eliminating all the other different sizes and styles of hampers.
The same thing applies to the round-stave basket. This photograph [indicating] shows the number of sizes and styles of the round-stave basket. The bottom row illustrates what the sizes of the baskets will be if standardized under this bill, except that we have included in the bill a five-eighths bushel round stave basket, making five sizes of the round stave basket and eliminating about 30.
This photograph [indicating] illustrates what was done by recent legislation in Congress in the way of standardizing the small fruit basket. The bottom photograph shows the number and sizes of baskets that were in use before the standardization bill was passed. At the top are shown the ones that are in use now.
Mr. JUUL. Mr. Chairman, will the gentleman yield for a question?
Mr. VESTAL. Yes.
Mr. JUUL. Is there anything in this legislation that shall settle the question whether the bottom of the basket shall be in the bottom or up in the middle? [Laughter.]
Mr. VESTAL. Yes.
Mr. GARD. Mr. Chairman, will the gentleman yield?
Mr. VESTAL. Yes.
Mr. GARD. By whom are these illustrations of obsolete and new designs prepared?
Mr. VESTAL. By the Bureau of Markets. This photograph shows at the top the number of splint baskets and sizes and styles that are now used. The bottom shows what would be the sizes under this bill—8 quarts, 12 quarts, 16 quarts, 20 quarts, and 24 quarts. The photograph that I showed a moment ago illustrates what the committee has included, the five-eighths bushel basket.
Mr. CASEY. Why a five-eighths basket?
Mr. VESTAL. The bill as originally drawn excluded the five-eighths bushel basket. Extensive hearings were had on this bill. It developed that in the marketing of tomatoes especially the five-eighths bushel basket was used in every State, practically, where they were marketing tomatoes. Especially in the States of New Jersey, Delaware, Maryland, Indiana, and Ohio they were using the five-eighths bushel baskets, and the evidence before the committee convinced the committee that it was a size that ought to be included. In fact, it is a large half bushel—five-eighths—so that there can be no mistaking it. You get a large half bushel instead of a small. There would be no deception there, and there would be no mistaking the five-eighths for a full-sized bushel.

Mr. EVANS of Nevada. Mr. Chairman, will the gentleman yield?

Mr. VESTAL. Yes.

Mr. EVANS of Nevada. Is that to be stamped by the Government?

Mr. VESTAL. No; these containers under the bill are not supposed to be stamped. We are fixing the dimensions and capacity of these baskets so that they must contain a half bushel, or bushel, or bushel and a half.

Mr. EVANS of Nevada. But they are plain, and no stamping is required?

Mr. VESTAL. No; but it is made unlawful to manufacture any other sizes.

Mr. KNUTSON. There is no necessity of stamping if it is made unlawful to use any other sizes.

Mr. BROOKS of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. VESTAL. Yes.

Mr. BROOKS of Pennsylvania. I want to inquire if there is anything in this bill that requires the contents of the container to be marked on the outside of it?

Mr. VESTAL. No.

Mr. BROOKS of Pennsylvania. I think the bill should be amended so that the capacity of the container should be marked on the outside, so that people purchasing any of these products in baskets may know just what they are getting. For instance, a woman or a general purchaser does not know the difference between the appearance of a five-eighths bushel or one-half bushel.

Mr. LAYTON. If the gentleman will allow me to explain, I may say that the five-eighths bushel basket will not be used in the marketing of general food products. Under the evolution of the tomato industry it has been found that for field work, for factory work, and for all work connected with the gathering, handling, and delivery of the tomato the five-eighths basket is the maximum amount of the vegetable that can go without crushing in the hamper, and is the one size that can best be used in the field for the ordinary boy or girl or man to carry. Anything under it is a loss of 20 per cent, and anything above it is too much to handle and results in loss of efficiency.

Mr. BROOKS of Pennsylvania. But in the regular marketing of fruits and vegetables I think that the basket should be marked to show just exactly what it contains, so that the purchaser going to the market or going to the store may know just what amount of fruit or vegetables he buys.

Mr. LAYTON. Does the gentleman suppose anybody would have any difficulty in seeing the difference between a peck measure and a half bushel, or between a half bushel and a bushel?

Mr. BROOKS of Pennsylvania. No; they would have no difficulty concerning that, but they could not tell the difference between a five-eighths bushel measure and a four-eighths bushel measure.

Mr. LAYTON. The five-eighths of a bushel does not enter into this matter at all for general purposes. It is only for tomatoes, and the experience of 30 years shows that a five-eighths basket is the evolution of utility for the handling of that one special product.

Mr. BROOKS of Pennsylvania. Take the case of peaches.

Mr. LAYTON. They are not put in five-eighths baskets.

Mr. BROOKS of Pennsylvania. They are put in all kinds of baskets.

Mr. GARD and Mr. JUUL rose.

Mr. JUUL. Will the gentleman yield?

Mr VESTAL. I want to yield to the gentleman from Ohio [Mr. GARD].

Mr. GARD. I am glad to yield to the gentleman from Illinois.

Mr. JUUL. What is the use of having a basket that, if it was full, would contain a bushel, if there is not in the law something compelling the seller of the merchandise to put a bushel of stuff into it? You are simply dealing with baskets here. I want to see it made compulsory that the basket shall contain its full capacity.

Mr. LAYTON. It must be full or it can not go into interstate commerce.

Mr. JUUL. Is there anything in the law which compels that?

Mr. LAYTON. Yes.

Mr. JUUL. The gentleman from Indiana [Mr. VESTAL] said no.

Mr. VESTAL. The committee have excluded the filling provision that was originally in the bill, for the reason that there is now pending in the House a bill reported from the Committee on Agriculture amending the pure food and drugs act which compels the filling of all these containers according to strict commercial practice. That is the reason why it was eliminated from this bill.

Mr. JUUL. Does not the gentleman think this would be a good place to have it?

Mr. VESTAL. I am not so sure about that. This bill seeks simply to provide certain containers, making it unlawful to manufacture, sell, or offer for sale, for instance, a 27-quart measure or a 28-quart measure. Those are all cut out. This is done so that if the ordinary person goes in to buy a bushel of potatoes the basket which holds those potatoes shall be a bushel basket.

Anybody can see whether or not the bushel container is full, but can not tell so much about the size of the container. For instance, this particular thing developed in the hearings, which satisfied my mind with reference to the justice of this sort of legislation: Gentlemen were before the committee asking for the retention of the 14-quart basket or hamper. They claimed that they needed that in their business, that it was absolutely necessary. I asked one of them, "Why do you desire to keep the 14-quart basket? Why not eliminate the 14-quart basket? We have the 16-quart or half-bushel basket. Why is not that sufficient?"

He immediately replied, unwittingly, I suppose, "The reason we want the 14-quart basket is because we get just as much money for 14 quarts as we do for 16 quarts."

That is, they were putting over on the public a 14-quart basket for a 16-quart basket.

Mr. BROOKS of Pennsylvania. That is the very reason why I shall insist that the container shall be marked so as to show just exactly what it contains, so that people will know exactly what they are buying.

Mr. VESTAL. I see the force of the gentleman's contention.

Mr. BROOKS of Pennsylvania. People go to markets and stores and buy fruits and vegetables by the basket, and many of them do not have any idea whether they are getting half a peck or three-quarters of a peck.

Mr. VESTAL. If there is no such thing as a 14-quart basket on the market, and if there is nothing but a 16-quart basket, the purchaser is bound to get 16 quarts whether it is marked on the outside of the basket or not.

Mr. KELLAR. Is there not a law now on the statute books, which was reported by the Committee on Agriculture, providing that containers must be marked to show how much they contain?

Mr. VESTAL. I think those are only State laws which compel the marking of the package. This bill does not provide for it.

Mr. STRONG of Kansas. What is the objection to providing in this law that they shall mark the baskets to show the sizes?

Mr. VESTAL. I do not know that there is any objection to it, but I do not believe it will help any.

Mr. GARD. Will the gentleman yield?

Mr. VESTAL. I yield to the gentleman from Ohio.

Mr. GARD. I want to get some information about the bill, and I ask the gentleman's indulgence. There is an existing law fixing the standard barrel for fruits, vegetables, and other dry commodities. That law was passed by the Sixty-third Congress. I take it that it relates exclusively to the barrel as a standard container, does it not? It seems to be a standard barrel for fruits, vegetables, and other dry commodities, other than cranberries.

Mr. VESTAL. That covers cases where the barrel is used.

Mr. GARD. Is it commercially necessary to follow the language of our present law, as you do here in part only? You say the standard hamper for fruits and vegetables shall be a one-peck hamper, one-half bushel hamper, and so forth. Is it necessary to say that this standard hamper for fruits and vegetables and other dry commodities other than cranberries shall be of a certain dimension? In other words, when we passed the standard-barrel bill there seemed to have been a different scale or standard applied to cranberries from the one applied to fruits, vegetables, and other dry commodities. Probably the gentleman from Delaware [Mr. LAYTON] can tell about cranberries. What I want to know is, first, whether this language should be included in the present bill?

Mr. VESTAL. I will say to the gentleman that I am not sure about that. We had Mr. Downey, of the Bureau of Markets, before the committee, and he went over the language very thoroughly. That did not occur to me, and I do not know whether that language should be included or not.

Mr. GARD. When we passed this bill I remember that there was quite a discussion about the cranberry barrel and the barrel provided for other than fruits and vegetables. There seemed to be a difference between barrels for the use of dry

commodities and wet commodities. Of course the wet commodities have largely ceased.

The CHAIRMAN. The gentleman from Indiana has consumed 20 minutes.

Mr. VESTAL. I will take five minutes more, Mr. Chairman.

Mr. GARD. I want to call the gentleman's attention further to this.

Mr. VESTAL. It seemed to me that in regard to the standard-barrel act, cranberries are packed in a different sort of a barrel from other commodities and is exempt.

Mr. GARD. Cranberries are exempt in the barrel act.

Mr. VESTAL. We are not seeking to standardize the barrel, but certain hampers that are not used in the marketing of cranberries.

Mr. GARD. I am referring to the additional phrase "other dry commodities."

Mr. LAYTON. Will the gentleman yield?

Mr. GARD. I will.

Mr. LAYTON. There is a difference between cranberry and other fruits for this reason: There is no one who would buy cranberries except from the retailer, and therefore a variety of kinds of packages for cranberries are not so necessary, because they will be distributed through the retailer, and the public is not going to be injured or cheated.

Mr. GARD. That argument is not conclusive, to my mind. If a man buys a barrel of cranberries he wants to know what the barrel contains. If he buys a barrel of cranberries he ought to have some standardized measure. I call the gentleman's attention to page 15 of his bill, which provides that this act shall not prohibit the manufacture of baskets or parts thereof to any foreign country in accordance with the specifications of a foreign consignee. The present law about the barrel is:

Provided, That no barrel shall be deemed below the standard within the meaning of this act when shipped to a foreign country and marketed according to specifications or directions of the foreign purchaser if not in conflict with the laws of the foreign country under which it is intended to be shipped.

Mr. VESTAL. The language in this act is not the same, but it means the same thing.

Mr. GARD. The gentleman thinks the language in his bill is practically the language in the barrel bill.

Mr. VESTAL. I think it will have the same effect.

Mr. GARD. I want to call attention to the additional exception which, I presume, is a committee amendment, as it appears on page 15, "nor shall this act prevent the manufacture of banana hampers of the shape and character now in commercial use as shipping containers for bananas." What is the object of that exception?

Mr. VESTAL. Bananas are not shipped in crates. There are different sizes of bunches of bananas. The crates that are around them are built over the bunch of bananas. One bunch may contain a certain number of dozen and another bunch contain a much larger number, and so the exception is made in favor of the covering of the bunch of bananas.

Mr. SINNOTT. Will the gentleman yield?

Mr. VESTAL. Certainly.

Mr. SINNOTT. How does this bill affect the small strawberry boxes as containers?

Mr. VESTAL. It does not affect them at all.

Mr. WELLING. Will the gentleman yield?

Mr. VESTAL. Yes.

Mr. WELLING. Does this bill change the size or the standard of the Northwest apple boxes?

Mr. VESTAL. It does not.

Mr. BLANTON. Will the gentleman yield?

Mr. VESTAL. Certainly.

Mr. BLANTON. Does this bill give any particular or exclusive right to any particular kind of container or patented container?

Mr. VESTAL. Not at all.

Mr. BLANTON. It leaves it absolutely open to any manufacturer?

Mr. VESTAL. Yes. Now, Mr. Chairman, I yield five minutes to the gentleman from Minnesota [Mr. KELLER].

Mr. KELLER. Mr. Chairman, the purpose of this measure, as you will note from its title, is to fix standards for hampers, round stave baskets, and splint baskets for fruits and vegetables. I view all standardization as a benefit to the consuming public, and, while there is no intention of placing any burden upon the middleman, it is a significant fact that the consumer invariably must foot the bill. The added expense caused by inefficiency in market produce is passed on to the consumer, thus increasing the cost of living.

The lack of uniformity in the sizes and dimensions of fruit and vegetable containers has stirred up a general demand for their standardization through Federal legislation. Individual States have taken it upon themselves to fix standards within their own jurisdictions, which, in turn, has complicated the situation to a greater extent. It is very clear that a Federal law is the only solution to this really national problem.

Mr. BLANTON. Will the gentleman yield?

Mr. KELLER. I will.

Mr. BLANTON. There was an attempt some time ago in the House to standardize the containers of flour and meal. After all of the time wasted in the passage of that bill, we have no standard barrel for flour. Is there any more definite good that will come from this legislation?

Mr. KELLER. Why have we not a standard barrel for flour now?

Mr. BLANTON. If the gentleman will look over the legislation which finally passed, he will see that we are without a standard barrel for flour.

Mr. KELLER. I believe that we have a standard barrel for flour. This bill is definite and positive.

Mr. BLANTON. Will this bill cause the manufacturers of containers that are not standardized to scrap their plants?

Mr. KELLER. No.

Mr. BLANTON. I mean whether they will have to get new machinery and remodel their whole business.

Mr. KELLER. No; the manufacturer that makes these kinds of containers can readjust his machinery to comply with this bill with little cost.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. KELLER. Yes.

Mr. MOORE of Virginia. Will the gentleman tell us whether, and to what extent, if at all, the shipment of apples will be affected by the provisions of this bill?

Mr. KELLER. Not at all, because the section covering apple boxes was taken out of the bill.

Mr. MOORE of Virginia. Then the matter of the containers in which apples are shipped is altogether excluded from this legislation?

Mr. KELLER. Yes. While there has been some opposition to this measure, it is, indeed, a source of gratification to know that the honest producer and grower, the honest commission merchant, the honest retail merchant, and the general public are heartily in favor of it. With the innumerable types, sizes, shapes, and forms of containers now in use throughout the country it is remarkable, indeed, that no greater protest has been registered by those concerned in the growth, distribution, and consumption of farm produce. Neither the buyer nor the seller can have even an accurate conception of the true contents of the basket or crate offered for sale. In purchasing vegetables at a market the ordinary consumer rarely, if ever, ascertains the weight or measure of the commodity he desires. He asks for 10 cents or 25 cents or 50 cents worth of a certain vegetable, and evidently assumes that he is getting value according to some standard measurement, when, as a matter of fact, he has trusted to the honesty of the dealer to see that he is getting value for his money. This simply paves the way for much misunderstanding, deception, and even fraud in the marketing of these commodities.

The continuance of such a system is unfair to the honest producer, it works an injustice on the straightforward middleman, it subjects the dealer to the condemnation of the general public, and indirectly adds to the high cost of living. With a standardized container in use throughout the country, protection is assured to every agency involved in the distribution of fruits and vegetables from the producer and grower down to the consumer.

As stated above, the demand for standardization is nation-wide. Differences exist only as to what containers shall be adopted as standards. Consideration has, of necessity, been given to certain shapes and sizes of containers used in certain sections of the country for local utility, but there would seem to be no valid reason for the great diversity of containers in use throughout the country when the same result can be had by reducing these containers to a certain standard and eliminating the confusion resulting from such diversity. The legitimate business man demands that his business and his integrity be protected, while the consumer demands a system whereby he may ascertain the true quantity of a certain commodity when purchasing it. No substantial reason can be given for the existence of two containers so nearly alike in volume as the 14-quart and the 16-quart peach basket or the seven-eighths bushel and the bushel bean hamper. The smaller container generally masquerades for the larger.

There are in common use to-day over 40 types of cabbage crates, 20 styles of celery crates, 30 lettuce crates or boxes, 50 types of hampers, 20 sizes of round-stave baskets, and 25 sizes

of splint or market baskets, where a few essential sizes would answer all the demands of the trade. This condition is most undesirable. Manufacturing costs are increased; losses to the shipper or carrier through breakage in transit are increased. The ultimate result is the tendency to increase wholesale and retail prices. The general public is called upon to pay for this inefficiency and lack of system in marketing.

A thorough canvass of the varied sections of the country has resulted in the conclusion that five sizes of hampers are ample to satisfy all the requirements of the trade. These sizes are the 1-peck hamper, one-half-bushel hamper, five-eighths-bushel hamper, 1-bushel hamper, and 1½-bushel hamper, the capacities and specifications for which are included in this measure.

The round-stave basket is perhaps more generally used as a shipping container than the hamper. This container can be used in shipping most varieties of fruits and vegetables. A confusing variety of this basket is also in use, to simplify which this measure reduces the number to five—one-half, five-eighths, 1, 1½, and 2 bushel basket, of a capacity and conforming to certain specifications.

Splint baskets are used quite generally in the marketing of fruits and vegetables. Like the hamper and the round-stave basket, the splint or market basket has an endless variation of size and shape, many of which are deliberately made for deception. When State or municipal agencies commence to doubt the contents of containers, the wily salesman sells his produce "by the basket," not mentioning the size. The only antidote for this evil is standardization, and I trust this House will readily appreciate the growing necessity for the enactment of the proposed legislation.

The original bill as introduced empowered the Secretary of Agriculture to prescribe tolerances in the quantities of fruits or vegetables to be packed in hampers, round-stave baskets, splint baskets, and so forth, but the committee in its final draft of this measure has seen fit to eliminate this provision, for the reason that it has already been provided for in the bill H. R. 10311, now pending on the calendar. Personally I strongly favor such a provision; it is another step forward in protecting the honest dealer and the consumer.

In conclusion I want to offer a few words of commendation to the Bureau of Standards for their whole-hearted and efficient assistance in connection with this progressive work. The untiring efforts of the employees of the bureau in compiling data and statistics and the thoroughness with which they have investigated every phase of marketing produce in all sorts of containers and in all parts of the country is worthy of note. Seldom is any good word spoken on the floor of this House for any of the Government bureaus, and I therefore take pleasure at this time in commending the Bureau of Standards for their efficiency. [Applause.]

Mr. GARD. Mr. Chairman, I ask for recognition in opposition to the bill.

Mr. VESTAL. Mr. Chairman, I reserve the remainder of my time.

The CHAIRMAN (Mr. DOWELL). The gentleman from Ohio is recognized for one hour.

Mr. GARD. Mr. Chairman, I yield five minutes to the gentleman from Massachusetts [Mr. WALSH].

Mr. WALSH. Mr. Chairman, this seems to be a very comprehensive measure, and was reported only on the 19th of April. It apparently makes some important changes and imposes some very new restrictions upon the use of containers for fruits and vegetables. I do not see in the bill any exception saved which would permit the operation of laws which have passed the Congress heretofore fixing definite standards for certain classes of commodities. We passed an apple-barrel bill, as I recall it, and if I am not mistaken a bill for cranberries and other dry commodities. As I read this bill rather hastily, the only exception that has been made is apple boxes. If this bill becomes a law, the previous act which we passed fixing the standard for apple barrels will be suspended, will it not?

Mr. VESTAL. I think not. We are only standardizing certain containers and only attempt to do it—hampers, round-stave baskets, and splint baskets for fruits and vegetables. Those are the only things standardized by this bill. It will not affect any standardization of a barrel. There is provision in the bill on page 13 that the act shall not apply to baskets or other containers having a capacity less than 4 quarts. I do not think this will in any way conflict with the apple barrel act.

Mr. WALSH. The question is, When does a container cease to be a hamper and become a barrel, or when does it cease to be a round-stave basket and become a barrel? Is there anything in the gentleman's hearings to show when it is classified as a barrel?

Mr. GARD. Is the gentleman asking about the barrel bill?

Mr. WALSH. I was asking whether or not this measure supersedes the standard barrel bill which was passed, I think, in the Sixty-fourth Congress and also in the Sixty-fifth.

Mr. BLANTON. Mr. Chairman, a point of order. I think the astute gentleman from Massachusetts is taking advantage of the steering committee and its bill when none of the steering committee is present to defend it.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. WALSH. Of course, the point of order prevented me from getting an answer to my question, and I shall wait until the five-minute rule.

Mr. GARD. Mr. Chairman, I yield 10 minutes to the gentleman from Mississippi [Mr. QUIN].

Mr. QUIN. Mr. Chairman, the fact that the committee has reported this measure for final passage by no means indicates that it is suitable for all kinds of fruits, vegetables, and truck for all the different sections of this country. They have inserted a five-eighths bushel hamper here as an amendment to the original bill. The committee report brings out a five-eighths bushel hamper for vegetables which is eminently correct and proper, but the same committee fails to place in its amended bill the seven-eighths bushel hamper. I represent a section of the country where I believe the finest tomatoes in the United States are grown—the Crystal Springs tomato. Mississippi is a great vegetable growing State. Those people throughout the State of Mississippi, and, I believe, the surrounding States—Alabama, Louisiana, Florida, Georgia, Tennessee, and Texas—are accustomed to a seven-eighths bushel hamper. The advantage of that is that they can get more of that size in the refrigerating cars, and with the least loss in space.

These vegetables raised away down in the South must be transported by railway trains to the distant markets of the East and the North. Those cars must be refrigerated, and in order to have it economically done the hampers must be of a size regulated so as to get the greatest number of hampers properly cooled inside the car. The trade in the South has found that the seven-eighths bushel hamper is best for another reason, and that is that the larger size, the bushel and the bushel and a half size, are too bulky, and the effect of the ice in the refrigeration of the cars prevents those large hampers from having cool air get into the center in order to protect the vegetables.

Mr. LAYTON and Mr. KNUTSON rose.

Mr. QUIN. Mr. Chairman, I will yield a little later on. All of the box factories that make these hampers for the farmers to put these vegetables in are making the sizes that the trade has agreed on. If this bill is passed here to cut out the seven-eighths hamper, it would work a great hardship upon the farmers in that section of the country. I have no objection to the bushel size, to the bushel and a half size, and the half-bushel size. We can make the seven-eighths bushel size a standard, just the same as we can make the five-eighths bushel size the standard. Over in New Jersey and in the territories close by the markets they want the five-eighths size instead of the seven-eighths size. I am for that. I want the particular section of the country to have what is most economical in point of shipment and what will be most advantageous not only to the producer but to the consumer. The bill provides, and the law regulates it, that the quantity that is in the box or hamper or container must be stamped on the outside of it, so that there can be no object whatever in the producer or the shipper attempting to deceive anybody. If he ships the produce in a five-eighths bushel hamper, the public knows that it is a five-eighths hamper instead of a six-eighths hamper; and if he ships it in a seven-eighths hamper, the public or the purchaser knows that it is a seven-eighths hamper instead of a bushel hamper.

So it is for a matter of absolute economy and protection to the grower, the producer of the vegetables, in order that his vegetables may arrive at the point of destination in a good and edible condition.

Mr. MOORE of Virginia. May I interrupt the gentleman?

Mr. QUIN. I will yield to my friend from Virginia.

Mr. MOORE of Virginia. May not this legislation lose sight of the fact that in shipping perishable vegetables from the gentleman's section the shippers often even place ice in the container? That may be a matter that has not but ought to receive consideration. In fact, I understand that frequently shipments are made, for instance, from Ponchatoula, La., or from Meridian, Miss., when it is necessary to place ice in conveyors containing vegetables or fruit.

Mr. QUIN. Why, certainly that is true.

Mr. MOORE of Virginia. That, it seems to me, is a practical matter to be taken into view in considering the expediency of the proposed standardization.

Mr. LAYTON. What kind of fruit would they pack ice with?
Mr. MOORE of Virginia. Why, a variety of vegetables——
Mr. QUIN. Strawberries.
Mr. LAYTON. Pack ice with strawberries?
Mr. MOORE of Virginia. They do pack ice with a variety of vegetables, and the gentleman only has to look over the reports of the Interstate Commerce Commission deciding cases with which that commission has dealt to see that I have stated a fact that nobody can dispute.
Mr. QUIN. Why, of course, that is true.
Mr. KNUTSON. Will the gentleman yield?
Mr. QUIN. I can not yield right now. I will yield to the gentleman after a little. I want to get the facts clear before the House. Now, I take it, this committee wants to do the right thing, but in this legislation they may work a great injury to a great industry in this country. Now, as the gentleman from Virginia in his statement to me pointed out, these vegetables must be iced. They can not say what size cars they shall be in. The Interstate Commerce Commission has the regulating of the size of the refrigerating cars. The producers and shippers ought to have the right to get as many of the vegetables in a car as the space will possible allow, and if you cut out the seven-eighths bushel hamper you are going to have a lot of waste space in the car and the ultimate consumer and the producer alike must be the loser. Now, as to the question of the icing of these vegetables, all are not familiar with that. These people who ship them, these truck growers who produce that truck, know that these cars must be iced at certain intervals along the railroads. For instance, in the city in which I live, McComb, is the icing point for all cars of vegetables that come between the city of New Orleans and McComb City, Miss. The McComb City ice factory refrigerates all of those cars. These vegetables then go on their way toward the east, north to another point along the road where they must be iced and refrigerated in order that the vegetables may be protected and wholesome, so as to be in good condition when they arrive at the point of destination in order that the ultimate consumer may have them in condition to place upon his table.
The CHAIRMAN. The time of the gentleman has expired.
Mr. GARD. I yield the gentleman five additional minutes.
Mr. SUMNERS of Texas. Will the gentleman yield?
Mr. QUIN. For a short question, please, sir.
Mr. SUMNERS of Texas. The ice that is put in is put inside the cars. It is not put in the containers, is it?
Mr. QUIN. It is put in the cars, but many of these vegetables must have ice around them. It depends upon the time of year, the condition of the weather, and the distance where they are being shipped.
Mr. MOORE of Virginia. If I may again interrupt the gentleman, I know, as I have said, that very often the containers themselves require icing. It has been shown in the shipment of lettuce at certain seasons that it is necessary to ice, and that ice can only be applied in that way.
Mr. QUIN. Of course, it is necessary to be done. This Congress, by passing this bill, can work a great injury to an important industry and at the same time work a great injury upon the consuming public.
Mr. McKEOWN. Will the gentleman yield?
Mr. QUIN. In one minute. According to this bill you cut out the seven-eighths-bushel hamper, and in doing that you are working a great injury to a great vegetable-growing section not only to the State of Mississippi but to Louisiana, Arkansas, Tennessee, and Texas, to those principal vegetable-growing sections in the seventh congressional district of Mississippi that send vegetables right here to this city, to New York City, to Philadelphia, to Baltimore, to Chicago, and everywhere else. From one town in my district, Crystal Springs, Miss., as many as 75 cars a day are going out, and all the other towns in Copiah County and other counties in the district ship in large quantities truck and vegetables to the needy households in the North.
Mr. McKEOWN. Is there any provision made in this bill to take care of the producers who have already on hand for their shipments the size hampers the gentleman is talking about? What is the condition of a shipper in that respect?
Mr. QUIN. They ought to do it. The chairman tells me that they are trying to do it, but I do not think it is safeguarded. He claims that this bill is not to go into effect for 12 months, but the best way to protect the vegetable growers of this country is to kill this bill. We have got the proper size hampers. Do you know there are 49 different size hampers in use in all the different sections of the United States? Forty-nine of them, and why should this committee come along with all these varieties and say, You can not have the seven-eighths-bushel hamper? Can you explain that? They have allowed the five-eighths; and I say they are right in allowing it, but in the name of equity and justice why can not they put in a provision for the seven-eighths-bushel hamper? There can not be any answer to that when the seven-eighths-bushel hamper takes more vegetables to the market from the South than all the other size hampers combined, and no one can be injured by it.
The public does not care anything about the size of the hamper. What the public wants is the greatest quantity of vegetables in the best possible condition and at the lowest price, and this bill you gentlemen are placing before this House will tend to injure the vegetables that are shipped from the South. It will make more expense in shipment, so that there will be less wholesome vegetables, and more vegetables in bad condition, at a higher price to the consumer in the northern and eastern cities and less profit to the truck grower than there ever have been before, and there can not be any other result if you cut out the seven-eighths hamper.
Mr. LAYTON. Will the gentleman yield for a moment?
The CHAIRMAN. The time of the gentleman has expired.
Mr. QUIN. May I have a few minutes more?
Mr. GARD. I yield five additional minutes to the gentleman.
Mr. LAYTON. I want to know if your logic does not imply that the Congress ought to abolish the Committee on Coinage, Weights, and Measures and do away with the standardization of everything in the country?
Mr. QUIN. Oh, no, my friend; I think that is a useful committee, indeed, and it has useful work, and that it has done good work before, except I believe it is mistaken in its ideas on this bill and in cutting out the seven-eighths bushel hamper.
Mr. McKENZIE. Will the gentleman yield for a brief question?
Mr. QUIN. Yes.
Mr. McKENZIE. I would like to ask the gentleman from Mississippi if he will explain these photographs in his time in connection with the bill?
Mr. QUIN. Oh, I have not the time. I have not looked at the photographs. I stated that there are 49 different sizes of containers, and I can not conceive why there was such a necessity to cut out the seven-eighths bushel hamper that the vegetables from the South are shipped in, and which I know the trade has decided is the best, because they have worked all these years for the special purpose of getting a container that would carry the vegetables in the best condition and at the least cost.
Mr. KNUTSON. I take it from the gentleman's remarks that he has made a deep study of the question of refrigeration. How much difference is there in the penetrating ability of cold air in its effect on a seven-eighths bushel container and a bushel container. Will the gentleman explain that to the committee?
Mr. QUIN. I could not give the scientific part of it, but these men who are engaged in the truck-growing business and shipping business, and have been engaged in it for 30 years, in Crystal Springs and Hazlehurst, Miss., know that the seven-eighths bushel hamper is the most practicable. They know the vegetables reach their destination in better condition when shipped in that size container. They know the bushel hamper does not allow cold air to get into the center to properly protect the vegetables there. They know that the five-eighths hamper is all right. They know that the seven-eighths bushel hamper is all right for that section—the South. And, as I stated, our friends in New Jersey know that the five-eighths bushel hamper is better for that country, because they do not have to ship the vegetables so far. But when you start a trainload of vegetables from Mississippi and run it clear up to New York City, you must consider the distance and the season of the year, and that the cold air must go to the center of the vegetables in order to keep that entire trainload of vegetables in good condition. And if those men who have their money invested in it—the thousands of people who make their livelihood in raising vegetables for shipment in interstate commerce—ask this Congress to keep the seven-eighths bushel hamper in force, it seems to me that appeal ought to fall on your ears in the right way.
Mr. GARD. I yield 10 minutes to the gentleman from Texas [Mr. BLANTON].
Mr. BLANTON. Mr. Chairman, as is usually the case under the present régime, we are considering an important measure, departing from the present business customs of this Nation, with about 35 or 40 Members present on the floor, most of whom have no knowledge whatever concerning this bill. Not long ago we spent most of a whole day and part of another on a measure to standardize containers for flour and meal, and when we got through and sent the bill to the Senate it then did not contain a standard barrel of flour. And we have no standard barrel of flour by law at this time. And God knows what we will have when we get through with the consideration of this bill and pass it.

In that connection let me call your attention to the conditions under the present régime. Here yesterday, when we had up the urgent deficiency bill, carrying one item alone of $300,000,000 for the railroads, when we got to a final vote on that bill let me show you what happened under the Republican régime. I quote from page 5925 of the RECORD:

The SPEAKER. The question is on the passage of the bill.

Now, remember, the bill carried one item alone of $300,000,000.

Mr. BLANTON. On that I ask for a division.
The House divided; and there were—ayes 86, noes 0.
So the bill was passed.

Eighty-six Members were on the floor in the House when a bill of that character and importance to the country was passed, and you know about how few were here throughout the day during the general debate on the bill.

Let me call your attention to the preceding day, when we had a new measure before this House, also departing from the usual business custom, creating another bureau in a Government already overridden with bureaus. This question came up: When it was moved to suspend the rules and pass that bill and a second was demanded, the old Nestor of the House said that he would not agree to a second being ordered with only a handful of people present. When the Speaker asked if there was objection to a second being considered as ordered, he said:

Mr. CANNON. I do not know about that. Why should it be? There is just a handful of people here.
Mr. CAMPBELL of Kansas. We can get them here.
Mr. CANNON. I guess you better get them.

Mr. CAMPBELL of Kansas called for tellers, and it developed that only 31 Members were present, when Mr. CANNON said:

I think a quorum is not present. I make the point of no quorum.

And that bill was passed in a short time, with no consideration by the House, or practically none by the membership of the House proper.

Mr. McKENZIE. Will the gentleman yield?

Mr. BLANTON. Yes; I yield.

Mr. McKENZIE. Does not the gentleman think that that rather argues for efficiency?

Mr. BLANTON. It shows that on every single day we take up legislation and pass it the great bulk of the membership of this House knows practically nothing whatever on earth about it, and I am going to show that your committee here does not know much about this bill. Here is a ridiculous provision. I am not complaining about the Republican whip of the House, who is now smiling at me, because he is efficient, although he and I have a little difference once in a while. However, he is efficient. But here is a bill to close up all the manufacturing plants of this country except one. The one that manufactures this particular kind of container can keep on running and manufacturing them.

Now, the originals of these photographs here had to be manufactured, did they not, or they would not be photographs of them? They had to be the actual manufactured containers in order to photograph them before you could have all these pictures?

Mr. KELLER. Will the gentleman yield?

Mr. BLANTON. I will.

Mr. KELLER. I wish to say that the manufacturers are all for this bill.

Mr. LAYTON. And the growers.

Mr. BLANTON. I am sure there is nobody against it at all. It is a bill that is going to pass unanimously here, because you do not know anything about it. Let me show you what a ridiculous idea there is in this bill. It is all right to have a standard and say that in a bushel there shall be so many cubic inches. That is all right. It is all right to say that in a half bushel there shall be so many cubic inches; that in a bushel and a bushel and a half container there shall be so many cubic inches. That is standardizing; that is all right. But you do not stop there. You go on and say how the bottom of it shall be made and how the middle of it shall be made, and how the next part, up toward the top, shall be made, and how the top of it shall be made, and out of what material it shall be made, and the size thereof, corresponding to the particular kind of container manufactured in some particular manufactory of this country. That is where the vice comes in, and you provide a penalty of $100 and 60 days in jail for anybody who shall violate the provisions of this bill.

Let me show you. Section 6, on page 13, provides—

That it shall be unlawful to manufacture for sale or shipment, sell, offer for sale, or ship, or to import or cause to be imported into the continental United States, hampers, round stave baskets, or splint baskets for fruits or vegetables, either filled or unfilled, or parts of such hampers, round stave baskets, or splint baskets, that do not comply with this act.

Then let me show you how ridiculous it is to provide a provision of this kind in a sensible law. I am reading section 7 now, on page 14, and I want you to notice it:

That any hamper, round-stave basket, or splint basket for fruits or vegetables, whether filled or unfilled—

That is, empty or full. All of you know what that means, whether a thing is empty or full. We are all empty now. [Laughter.]

Which shall be manufactured for sale or shipment, offered for sale, sold, shipped, or imported—

And now listen—

May be proceeded against in any district court of the United States within the district where the same shall be found.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. Mr. Chairman, I ask for two minutes more.

Mr. GARD. I yield to the gentleman 10 additional minutes.

The CHAIRMAN. The gentleman is recognized for 10 minutes more.

Mr. BLANTON. I thank the gentleman from Ohio.

I am reading the language of the committee's bill, word for word. I have not placed any construction on it. I am reading the English language for what it usually means. What does it say? That if you find a container here, or a splint basket here, or one of these hampers—and if it is empty or full it does not make any difference—the United States district attorney in the district court of the United States may proceed against that basket or hamper or container in a Federal court, and proceed against the same wherever he may find them. That is ridiculous, even to my good friend from Kansas [Mr. TINCHER]. It provides for a suit in the Federal court by a Federal district attorney, with all the expenses incident thereto, against an empty container or an empty basket. Is that foolish or not?

A MEMBER. That is done every day.

Mr. BLANTON. Well, it is just about as sensible as everything else the Republican Party has proposed in this House since May 19, 1919, when they took charge. Who violates the law? The innocent little container, full or empty? Does it violate the law? Why, the man who manufactures it, the man who sells it, the man who uses it against the laws of standardization—he is the malefactor. You do not proceed against the poor little basket or the poor little empty hamper wherever you find it in a district court by a great big district attorney, with a great big United States marshal present.

Mr. TINCHER. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. TINCHER. Is there anything in the law about proceeding against the violators of the law?

Mr. BLANTON. Yes. It says they shall be fined $100 or put in jail 60 days.

Mr. TINCHER. There is another question I want to ask. Are the containers patented? Is it the custom to have these containers patented?

Mr. BLANTON. I feel reasonably sure that every single article delineated on these pictures is patented. That is what I am getting to.

Mr. LAYTON. The gentleman is mistaken about that.

Mr. BLANTON. I think the gentleman from Delaware perhaps knows more about this than I do. The gentleman is older than I am. I have such a high regard for him that I will take his word for it.

Mr. LAYTON. Have you a basket factory in your town?

Mr. BLANTON. No.

Mr. LAYTON. I assumed not.

Mr. BLANTON. But I assume that the man who had sense enough to design and manufacture a basket which a big Republican committee would bring in here with photographs and try to get it fixed upon as a standard would have sense enough to patent it and protect it.

Mr. TINCHER. If it is not patented, according to the gentleman's premise, there would not be anything to hinder anybody from manufacturing it?

Mr. BLANTON. No; if it is not patented. But if it is patented my argument is good, because it would affect a particular manufacturer. That article is subject to patent. If it is not patented, the fellow who designed it and originated it slept on his rights and lost valuable property rights probably. But what I am getting at is simply this: As far as we ought to go in standardizing containers for fruits and vegetables is to say that they shall be put up in a peck measure container, or in a half bushel or bushel container, or in a bushel and a half container, and that those particular measures shall contain so many cubic inches of fruit and vegetables each; and then, when we have gone that far, we have provided complete standardization of the

container for fruits and vegetables, and we ought not to go any further.

Mr. O'CONNOR. Mr. Chairman, will the gentleman yield for a suggestion?

Mr. BLANTON. Yes.

Mr. O'CONNOR. May it not be pertinent to inquire of the gentlemen who are informed whether or not an application has been made for a patent?

Mr. BLANTON. You can find that out from this committee.

Mr. McKEOWN. Mr. Chairman, will the gentleman yield for a question?

Mr. BLANTON. Yes.

Mr. McKEOWN. What provision is made with reference to imported containers? Will they be barred by this bill?

Mr. BLANTON. Unless they are built according to the measurements provided for in this bill in a certain way at the bottom, in a certain way at the middle, and in a certain way at the top, and unless they conform to these particular measurements, bottom, middle, and top, according to this bill, they are absolutely thrown on the junk pile in this country. They are of no use whatever for fruit and vegetable shipments. You have got to do away with them. You have got either to change your machinery or do away with your machinery in all the various manufactories in this country.

Mr. JUUL. Mr. Chairman, will the gentleman from Texas yield for a question?

Mr. BLANTON. I yield.

Mr. JUUL. Is it not a fact that many of these baskets that are now being manufactured are made in the sizes that this law provides for, so that they will not have to change their machinery, because they already manufacture those identical sizes and styles?

Mr. BLANTON. One thing I do know, and I am sure the gentleman from Delaware will agree with me——

Mr. LAYTON. I do not know about that. [Laughter.]

Mr. BLANTON. I take it for granted that he will, because I assume that he is a sensible man. Why should we not stop when we prescribe the content in stated cubic inches of a standardized container? The gentleman will admit surely that when you provide that it shall be built just exactly like this picture, that every bushel basket shall be just like that, then the gentleman must admit that every other basket that is not in that shape and form is absolutely thrown in the junk pile.

Mr. LAYTON. Will the gentleman allow me to answer him?

Mr. BLANTON. I will allow the gentleman to answer me.

Mr. LAYTON. I will say that the gentleman's mind is not comprehensive and does not take into account other elements which enter into this question.

Mr. BLANTON. It takes into account things that the gentleman never dreamed of.

Mr. LAYTON. Wait a moment. If you have got a bushel basket of so many cubic inches, you can manufacture containers of a thousand different shapes and forms, which would not be suitable for truckage, would not be suitable for packing in cars, refrigerator cars, or any other way. A standardization of the size and shape of the container is necessary.

Mr. BLANTON. There is just one redeeming feature about this bill, gentlemen, and that is that it provides that it shall not go into effect until a year from next November. Before this bill goes into effect and these defects develop, we will have an opportunity to change it. I will promise the gentleman that.

Mr. LAYTON. Who?

Mr. BLANTON. The gentleman knows what I mean when I say "we." I am referring to our distinguished leader, the gentleman from Missouri [Mr. CLARK] and the party he represents, of which I am a humble member. [Applause.]

Mr. MOORE of Virginia. May I interrupt the gentleman? He may be sure that it is not an abusive question, but merely for information.

Mr. BLANTON. Whenever we get our Republican friends cornered over there, all they can do is to try to abuse us.

Mr. MOORE of Virginia. What I should like to suggest—not quite in the way of a question, perhaps—is this, that here we have a bill that may very seriously affect the agricultural and trucking interests. I do not assume that to be the fact, but it may. Now, is it a wise thing to pass such a bill hastily, which was reported from the committee only on the 19th of April, and not even printed until the 20th and possibly not printed until last night, with a very small membership of the committee on it who are now present, and without the opportunity for Members to be here who may be interested, no notice having been received that the bill would come up to-day, and no opportunity being given us to communicate with our constituents, many of whom are certainly interested one way or the other?

Mr. BLANTON. We have had more time than usual, because the notice that we have of the consideration of these freak bills usually consists of the production of a hip-pocket rule by the gentleman from Kansas [Mr. CAMPBELL]. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARD. I yield five minutes to the gentleman from Missouri [Mr. CLARK]. [Applause.]

Mr. CLARK of Missouri. Mr. Speaker, I think it is barely possible that I voted for the bill to authorize the standardization of things, but I was a good deal opposed to it at the time, and I interrogated the men who had it in charge, and they assured the House over and over that this authority to standardize everything did not mean anything except that they would establish an official yardstick, for instance, and put it up here in the Treasury, so that if all the other yardsticks on earth were destroyed by some calamity, you could go up there and get one, and the same way as to foot measures and quart measures and gallon measures, and so forth.

Now, this Committee on Coinage, Weights, and Measures and the department together have been usurping powers under that bill from the day it was passed until now. There is no question in the world about that. For instance, I had a set-to with Uncle Jimmie Wilson, Secretary of Agriculture, a man for whom I have always had very profound respect and great affection. It is sort of out of date to talk about it now, but the second largest winery in the world was in my district, and there is no place on earth where grapes grow in greater profusion than they do on the banks of the Missouri River. That is how that whole country came to be settled up by the Germans when they came in here after the revolution of 1848.

One day I got a clipping sent by that big winery. There are several smaller ones, but the big one sent to me a clipping stating that the Agricultural Department was going to establish a standard for wine, that they were going to mark it "pure wine" when it did not have any sugar and water added, and all the rest they were going to mark "adulterated." Now, it happens that there is only one small piece of land on the habitable globe, as far as anybody knows, where grapes grow with enough sugar in them so that you do not have to add sugar and water, and that is in a comparatively small part of California.

All the rest of our folks, in Missouri and on this side of the mountains and in most parts of California, have to add sugar and water to their grape juice. So I wrote a nice letter to Secretary Wilson and inclosed this clipping, asking him if he was going to try to do any such fool thing as that, and, if so, where he got any authority to do it? Well, I received a great, long letter signed by him, three pages, letter-paper size, explaining this, that, and the other, and finally giving me a good deal of a scolding for having the impudence to call in question the wisdom of the Department of Agriculture. So the next day I went down there and I walked into his room with this letter in my hand, and he began to grin and said, "Don't you quarrel with me about that letter. I never wrote it. I signed it." I said, "Who did write it?" He said, "Dr. Wiley." I said, "Who is Dr. Wiley?" He said, "He is the chief chemist." I said, "Where is he?" And he told me, and I went over there and Wiley and I had a fuss, and I explained to him that there was no earthly sense in what he was doing, and that in addition to that it was a great outrage. Well, finally I beat him out to change it from "pure wine" and "adulterated wine" to "natural wine" and "artificial wine." That was nearly as bad as the other. So one of the California brethern introduced a bill here to that effect, and I got hold of him and clubbed his bill to death. Now, that was clearly a usurpation of authority under this standardizing act, and so is this bill. The gentleman from Texas [Mr. BLANTON] was exactly right, except that he did not go far enough, because he did not know how far to go. [Applause.]

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. GARD. I yield five minutes to the gentleman from Mississippi [Mr. SISSON].

Mr. SISSON. Mr. Chairman, my objection to this bill is that you not only fix the size and shape of your container, which may be of considerable convenience in shipping, but you also prescribe the thickness of the staves. Down in my country we have a great deal of timber which we prepare to make these baskets, or the constituent parts of the baskets; for instance, if you want a basket like the hoop basket, they are put up in long strips, 100 in a bundle. They are sent to the place where these things are assembled. Therefore it is a cheap way to ship them in that manner. The trouble with the bill is that you prescribe the thickness of the staves or the thickness of the basket. Every man who manufactures this timber has bought his machinery

and it is fitted to cut rapidly and quickly the constituent parts of these containers.

If I could write your bill and I was a manufacturer of the machinery, or if I had a large number of establishments already at work and I could write your bill so as to conform directly to that particular machinery that I use, or if I was manufacturing the machinery that goes into these factories that manufacture the timber for the baskets, I do not know just what I would give Congress to write a bill so framed for a container in design, thickness, and shape as to conform to the particular machinery I was using in manufacturing. If I had my place established I do not know what I would give if you would give me a monopoly until they were able to establish their plants to make these containers. Just how many thousand or million dollars' worth of machinery you are virtually compelling them to discard in making provision for the cubical contents of the container and going into specific descriptions as to the thickness of the staves and length of the staves, and so on, I do not know.

You gentlemen are getting into pretty deep water, because I do not believe that any member of this committee would be guilty, knowingly, of passing a bill to have the stave of a certain thickness or shape because it was made by a certain character of machinery. But when you go this much into the details you may be making some people rich and you may be pauperizing others.

In other words, if I had a certain number of ships to sell, if I could put a bill through Congress saying that you should go into the market and buy ships of a certain type, of a certain beam, of certain depth, and of certain description, perhaps I would have the only ships in the world of that description.

A gentleman told me about a matter that happened some years ago where they were erecting a building of a certain type and wanted certain attachments put into the building. The bill that was passed described the kind of attachments they wanted. The result was that he was the only fellow in the world that manufactured attachments of that sort and type.

Mr. BLAND of Missouri. Will the gentleman yield?

Mr. SISSON. Yes.

Mr. BLAND of Missouri. I notice by section 7 it requires the destruction of all round stave baskets, splint baskets, and hampers that do not conform with the provisions of this bill. That would entail a destruction of considerable property, would it not?

Mr. SISSON. Yes; you would be amazed to go into the warehouses and see them filled with stuff of which not a single stick could be used in the making of one of these standard baskets.

That is my objection to this bill. I have no objection to your making standard sizes, and, by the way, you have arbitrarily in section 1, standardizing the sizes, eliminated the seven-eighths of a bushel, which is one of the standards. You go from a half a bushel and five-eighths of a bushel to a bushel, and leave out the seven-eighths of a bushel. That is the hamper used almost exclusively for light vegetables down in my country. Go into the district of the gentleman from Mississippi [Mr. QUIN], which is the largest vegetable district in that country, and see where they are shipping out vegetables not only by the carload but by the trainload. [Applause.]

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. GARD. Mr. Chairman, I yield five minutes to the gentleman from Arkansas [Mr. WINGO].

Mr. WINGO. Mr. Chairman, I used to think that there were some lawyers in the House. If there are any left that have any respect for the Constitution or the right of the legislature to delegate powers, I respectfully refer that lawyer to section 6, now changed to section 5, on page 12 of the bill, which reads as follows:

SEC. 6. That in order to provide for the more economical use of space in packing or transportation, or for the greater conservation of material or labor in manufacture or handling, or of the contents in course of shipment, of hampers, round stave baskets, and splint baskets for fruits or vegetables, or apple boxes, or parts thereof—

In other words, you give the purposes for which you delegate this legislative power—

the Secretary of Agriculture, whenever he finds necessary, may, in his regulations, prescribe specifications with respect to the material used, or the dimensions thereof, for such hampers, round stave baskets, splint baskets, or apple boxes, or parts thereof in addition to, differing from, or superseding those set forth in sections 1, 2, 3, or 4 of this act, but not departing from the respective capacities therein prescribed.

If there is any lawyer here who has any respect for the Constitution let him stand up here and tell me if we have any possible power to enact a statute like that. What does it do? It goes on in this bill and states what the dimension and number of the splints shall be, and then it says that the Secretary of Agriculture, if he wants to, can absolutely substitute another standard, another dimension, on giving six months' notice. These standards are to be fixed by him as he deems necessary; not if he finds certain facts exist then a certain standard shall obtain. We can delegate authority to the Secretary of Agriculture, or any administrative officer, to ascertain certain facts, and in the event that he finds a certain contingency exists or in the event of a certain contingency, then a certain provision shall be the law, but we can not authorize him, if he deems it necessary, to repeal our own standard. Truly this section "is a thing of beauty and a joy forever."

What else do you do? You not only give him the right to fix the dimensions of the hamper but he can fix the kind of material.

In other words, he may say that we can not make these hampers out of the material that we have in my section of the country and compel us to buy boxes made of another kind of wood from another part of the United States. He can say that these containers shall be made of paper, if he wants to, or that they shall be made of spruce, if he wants to, or that they shall be made of cedar, and he may do that without the consent of Congress.

Mr. Chairman, I knew, and it is beginning to dawn on the country, that the Republicans, who are in control of this Congress, are absolutely the greatest aggregation of incompetents ever gathered beneath the dome of the Capitol, but I never thought that they would absolutely admit it themselves and give an administration officer the right to fix the kind of material out of which they shall be constructed and the size of the fruit baskets and hampers to be used. If you want to violate the spirit of the Constitution, if you want, under the subterfuge of a standard of weights and measures, to undertake to pass a thing like this, then, for God's sake, save your face, at least. If you do not know what it ought to be test it out and change it yourselves, but do not leave it to a Secretary of Agriculture, who might not know anything about it at all, as we have had some in the past who would not know a hamper from a fruit basket. What does the chairman of the committee understand in law is a hamper?

Mr. VESTAL. Mr. Chairman, that is a very foolish question.

Mr. WINGO. If it is a foolish question, then the gentleman may expose my foolishness. Tell me what the courts have held a hamper is. Have the courts held what a hamper is?

Mr. VESTAL. Probably not.

Mr. WINGO. No. But you are writing a criminal statute, using the word, and you can not tell what it is. The gentleman does not know anything about the facts or the law. He says that it is a foolish question. It is a foolish question, because you have a foolish bill, brought out by a foolish committee, headed by a foolish chairman, who does not know any more about a hamper than he seems to know about the Constitution. [Laughter.]

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. VESTAL. Mr. Chairman, I yield five minutes to the gentleman from Minnesota [Mr. ANDERSON].

Mr. ANDERSON. Mr. Chairman, I do not intend to discuss the merits of the bill, but will confine my remarks in the main to sections 6 and 7, which are the penal provisions of the act. I do want to say in a preliminary way that the argument of the gentleman from Texas [Mr. BLANTON] is based entirely upon the proposition that these baskets are or might be patented. Of course, they are not patented, and if they are not patented now they can not be patented hereafter, so that that argument falls entirely to the ground.

The purpose of this bill is to prevent the use in commerce and shipments in commerce of baskets which do not conform to the standards set up in the bill. That prohibition is to be enforced in two ways: First, it is to be enforced by a penalty which is, in effect, upon the person who offers to sell articles in such a basket in commerce or offers such baskets for shipment in commerce. That is a penalty against the person, the penalty provided for in section 6. But the punishment of the person who offers these baskets for shipment in commerce does not do away with the baskets themselves. Section 7 proposes to outlaw the basket itself and provides the machinery whereby the outlawed baskets can be confiscated by the Government and destroyed. There is nothing unusual in such a proceeding. There are a number of United States statutes which declare articles or commodities outlawed, so far as they are used in interstate commerce, and those laws provide for the confiscation and destruction of the articles themselves. For instance, suppose an article which is misbranded is offered for shipment in interstate commerce. The pure-food act provides a method whereby the person who offers that article may be punished, and also a means whereby the article itself may be attached by a process of libel,

and after judgment destroyed. That is the whole purpose of section 7, which my good friend from Texas [Mr. BLANTON] so violently attacks. I am surprised that he should attack it. He has been the judge of a district court, I am informed, down in his native State. He ought to know, but he does not know, that that sort of process is a very common thing under Federal jurisdiction and that the purpose of it is to destroy the thing which the law outlaws. There is nothing new in it at all. It would be an entirely futile thing if all you could do under this act would be to punish the person who offered the baskets for shipment in commerce, but must still permit the baskets themselves to go freely in commerce. The only real remedy you have, the remedy that is effective, is not the remedy which punishes the individual who offers the basket for shipment, but it is the remedy which outlaws the basket itself in commerce and provides the method whereby the basket may be confiscated and destroyed.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. VESTAL. Mr. Chairman, I yield five minutes to the gentleman from Minnesota [Mr. KNUTSON].

Mr. KNUTSON. Mr. Chairman, it has been a long time since the members on the Democratic side of the aisle have been so worked up over a piece of legislation as they are over this, but when I reflect upon the fact that most of my good friends on the Democratic side represent that section of the country from which we get our early fruits and vegetables, and when I reflect further upon the fact that they have for years been selling us seven-eighths of a bushel for a bushel, I do not blame them for being worked up, because the passage of this bill is going to cut into their revenues quite a bit.

Mr. QUIN. Mr. Chairman, will the gentleman yield?

Mr. KNUTSON. No; I can not yield just now. All kinds of excuses have been given by gentlemen on the other side for opposing this legislation.

Mr. JUUL. Mr. Chairman, will the gentleman yield?

Mr. KNUTSON. No; I can not yield?

Mr. JUUL. Can not the gentleman yield for half a second?

Mr. KNUTSON. The expert on refrigeration from Mississippi [Mr. QUIN] says that you can cool and keep cool a seven-eighths bushel hamper, but that you can not cool and keep cool a bushel hamper, and that is the reason he opposes it. Another opposes it because it is unconstitutional, and so we have it all along down the line, every Member on that side who has spoken having a different excuse. I want to commend the Democratic Members from the Southern States for the fidelity with which they are representing their constituents' interests on the floor this afternoon.

Mr. BLAND of Missouri. Mr. Chairman, will the gentleman yield?

Mr. KNUTSON. I am sorry, but I can not yield. They have certainly displayed a zeal which is worthy of a better cause.

It is unfortunate that they are so situated geographically that they are compelled to get up on the floor of this House and condone and defend fraud and deceit.

Mr. QUIN. Mr. Speaker, I make the point of order that there is no quorum present. If the gentleman is going to talk this way, there should be a quorum to hear him, and I make the point of order of no quorum.

Mr. KNUTSON. I trust my friend will not do that. I paid very respectful attention to the gentleman while he talked, and I trust he will not press his point of no quorum, because I have only a few minutes remaining.

Mr. QUIN. I think there ought to be a quorum here.

Mr. KNUTSON. Mr. Chairman, I suggest the gentleman can not take me off my feet.

The CHAIRMAN. The Chair will count. [After counting.] Sixty-eight gentlemen are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ackerman	Brumbaugh	Darrow	Freeman
Almon	Burke	Davey	Fuller, Ill.
Andrews, Md.	Campbell, Kans.	Denison	Fuller, Mass.
Anthony	Campbell, Pa.	Dent	Gallagher
Baer	Cantrill	Dewalt	Gandy
Bankhead	Caraway	Dominick	Godwin, N. C.
Barkley	Carew	Dooling	Goldfogle
Bell	Clark, Fla.	Doughton	Goodall
Benson	Collier	Drane	Goodwin, Ark.
Black	Copley	Eagle	Gould
Blackmon	Costello	Edmonds	Graham, Pa.
Blanton	Crago	Ellsworth	Greene, Vt.
Boies	Cramton	Elston	Hamill
Booher	Cullen	Evans, Nev.	Hamilton
Brand	Currie, Mich.	Ferris	Harrison
Brinson	Curry, Calif.	Fess	Hayden
Heflin	McKenzie	Reavis	Smithwick
Hicks	McKinley	Reber	Snyder
Hill	McLane	Reed, N. Y.	Steagall
Hoey	McPherson	Riddick	Stedman
Hudspeth	Madden	Riordan	Steenerson
Hulings	Mann, Ill.	Rogers	Stoll
Igoe	Mansfield	Rose	Strong, Kans.
James	Mason	Rowan	Strong, Pa.
Johnson, Wash.	Mays	Rubey	Sullivan
Kelly, Pa.	Moon	Rucker	Swope
Kendall	Mooney	Sabath	Tague
Kennedy, Iowa	Moores, Ind.	Sanford	Taylor, Tenn.
Kennedy, R. I.	Morin	Schall	Temple
Kettner	Newton, Minn.	Scott	Towner
Kiess	Newton, Mo.	Scully	Vare
Kitchin	Nolan	Sears	Voigt
Kreider	O'Connell	Sells	Ward
Langley	Paige	Sherwood	Welty
Lehlbach	Phelan	Shreve	Williams
Lesher	Porter	Sims	Wilson, Pa.
Lufkin	Ramsey	Small	Woodyard
Lubring	Ramseyer	Smith, Mich.	Zihlman
McArthur	Rayburn	Smith, N. Y.	

The committee rose; and the Speaker having resumed the chair, Mr. DOWELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 12350, finding itself without a quorum, under the rule he caused the roll to be called, whereupon 272 Members answered to their names, and he reported herewith the list of absentees to be recorded in the Journal.

The SPEAKER. The committee will resume its session.

The CHAIRMAN. The gentleman from Minnesota is recognized for three minutes.

Mr. KNUTSON. Mr. Chairman, when I was taken off my feet by the point of no quorum made by the gentleman from Mississippi [Mr. QUIN], I was about to explain that the position taken by the Democratic side is not justified. As a matter of fact, when the shippers in the Southern States send a container of early fruit or vegetables to the North which holds but seven-eighths of a bushel they only get paid for seven-eighths of a bushel. It is the commission merchant, the middle man, who is able to make a bushel out of it. So there is absolutely no justification for the almost united opposition on the Democratic side against this legislation. We are trying by this bill to standardize the containers used in this country—that is, the containers for vegetables and fruits—so that the American people will be given full measure and a square deal. We contend that by doing that we will reduce the cost of living by just that much, and thereby enable the Democrats to make good in part their pledge made before the election of 1912 to reduce the high cost of living, something that they have not made any effort to do by themselves. [Applause on the Republican side.] Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman has consumed his time.

Mr. VESTAL. How much time have I remaining?

The CHAIRMAN. Fourteen minutes.

Mr. VESTAL. I yield five minutes to the gentleman from Michigan [Mr. MCLAUGHLIN].

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I doubt the wisdom of some of the provisions of this bill, and I doubt the right of the Congress to enact some of them. They have been referred to, so I will not take time to discuss them. I mean the provisions relating to the material out of which baskets shall be made, the number of staves, the thickness of them, and so forth. I doubt the wisdom of giving any officer of the Government authority to determine those matters; but I wish to speak of another matter. I find in section 4, the new section 4, page 11, that the Secretary of Agriculture shall in his regulations prescribe such tolerances as he may find necessary to allow in the capacities and specifications for hampers, and so forth. I think it is unwise to require that the Secretary of Agriculture shall in advance prescribe the variations and tolerances which shall be permitted. The Committee on Agriculture some time ago was considering what is known as the "slack-filled container bill." The committee found that in many lines of business and as to many commodities, containers are only partially filled by the manufacturer or dealer whose business it is to fill them, and thereby fraud was practiced on the purchaser. The bill contains a proviso to the effect that reasonable variations and tolerances "may" be established. Dealers and manufacturers who appeared before the committee, every one, insisted that the word "may" should be changed to "shall," requiring that the Secretary of Agriculture in advance of his efforts to enforce the act must establish variations and tolerances. The same principle is involved in the bill before us; this bill says the Secretary of Agriculture shall prescribe variations and tolerances. What is the effect of that? Just as soon as variations and tolerances are established containers with a

smaller capacity become standard. Every container would be made just as small as the law will permit, just as small as the Secretary will permit. That will be uniformly the practice. Whereas if the Secretary is permitted in his discretion to establish the variations and tolerances he may establish them or permit them as to some containers and not as to others, as he finds it wise to do so in the administration of the law. If the administration of the law is in the hands of a careful, wise man—that is the way it seemed to our committee, and we gave careful consideration to it—it is best that he should not be required in advance to determine and announce the character and extent of the tolerance permitted to a manufacturer; the Secretary should be permitted to consider each case as it arises. If it is found that there is a wide variation and it is evidently intentional it may be held to be a violation of the law, and if it is a small variation and there is no evidence of intention to violate the law, it can be overlooked. And, in the judgment of our committee, if we should make it mandatory on the Secretary of Agriculture to establish variations and tolerances, it would be necessary for him as to every one of these things to establish his variations, publish them, and have them known before he could enter upon the enforcement of the law.

The CHAIRMAN. The time of the gentleman has expired.

Mr. VESTAL. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. SUMNERS].

Mr. SUMNERS of Texas. Mr. Chairman and gentlemen of the committee, I believe it would be unfortunate if gentlemen on this side of the aisle should take an antagonistic attitude to the principle of this bill. There can be no legislation of this character which may be said to be in the interest of the producer or of the consumer alone. It must be of general interest or there is no interest at all. Now, those of us who live in producing districts and whose commodities must go far afield to find final consumption know nothing more important than to have our commodities standardized as to quality and container, when they go in containers, so that they may have a commercial status at the point of first concentration. There is not any question about that. In order to have economic distribution of agricultural commodities it must be possible to have them so standardized as to quality and container that the man who lives far away from the center of production and the man who lives at the point of production may discuss them and trade in them and each man have the identical mental picture that the other man has with regard to the thing that is being traded in.

Now, I think there are some provisions in this bill that ought not to be here, and I believe that we ought not to vote for the bill without amendment unless the chairman of the committee can explain to our satisfaction why it has been deemed essential to determine in advance the number of splits in the basket and the general detail of its construction.

I do believe, however, that the general shape of the basket is important in standardization. It is important, I believe, in the transportation of these commodities. And I take it for granted that the chairman of this committee and his associates upon the committee have determined in advance of bringing in this bill, by consultations with transportation men and producers, the kind of basket that will economize the transportation facilities of this country. Now, that is all there is to it. And I believe, gentlemen, we ought to approach the consideration of this bill in a kindly attiude toward its purpose, and endeavor if possible in good spirit among ourselves to so amend the bill that the objectionable features will be eliminated.

Mr. MOORE of Virginia. May I interrupt the gentleman?

Mr. SUMNERS of Texas. Yes.

Mr. MOORE of Virginia. I take it for granted that the gentleman agrees with me that there can not be any possible sectional or party question in the consideration of a matter of this character and that nobody on this side of the House for a minute dreams of putting the question in any such attitude?

Mr. SUMNERS of Texas. I do not imagine any man will be so foolish as to have such an attitude. There is nothing partisan or sectional in the bill. If we have a container that gives us a certain capacity, and that container is so fashioned that it brings a penalty upon the trade, that penalty is divided in most instances between production and consumption. And I do think that when we come to legislate with regard to these matters our purpose should be to legislate for honest commerce. [Applause.] And these variations in containers, gentlemen, not only make it difficult for men who live far apart to trade in these commodities, but they put a premium upon dishonesty.

The CHAIRMAN. The time of the gentleman has expired.

Mr. VESTAL. Mr. Chairman, I desire to say that all the fruit growers, so far as the committee knows anything about them, are absolutely in favor of this legislation. The manufacturers of baskets——

Mr. OSBORNE. Will the gentleman allow a question?

Mr. VESTAL. I have only four minutes.

Mr. OSBORNE. I know; but I have a very important question bearing upon what the gentleman has just said.

Mr. VESTAL. All right.

Mr. OSBORNE. I want to ask the gentleman if in the consideration of this bill the western-coast producers of fruits were heard?

Mr. VESTAL. They were heard before the committee through their representatives.

Mr. OSBORNE. I would like to ask further as to these restrictions upon containers. For instance, in my State we produce 50,000 carloads of oranges and grapefruit a year. Would that affect the containers that they already use and where they have millions of dollars invested in plants for the making of the containers?

Mr. VESTAL. I think not. We only seek by this bill to standardize hampers, round stave baskets, and splint baskets. It does not have anything to do with boxes or crates of any kind or character.

I wanted to say that no manufacturer—and they were represented before the committee—was opposed to this bill. It merely cuts out a lot of sizes, but it does not change the machinery of any factory. It simply reduces the number of sizes.

And I want to say in answer to the gentleman from Mississippi [Mr. QUIN] that I understand he is interested in the seven-eighths bushel, of course, because people in his community are using the seven-eighths bushel, and that the evidence before the committee is to the effect that in practically every State of the Union where tomatoes were grown they use the five-eighths bushel hamper. Now, the reason the committee deemed it wise to cut out the seven-eighths bushel hamper was the fact that it is so nearly a bushel. The whole purpose of this bill is to try to bring about honest commerce, so that there will be no discrimination and that the public will not be discriminated against. The figures show conclusively that this is being done all over the country to-day, and, as I said in the beginning of the argument on this bill, one circumstance illustrates the whole thing. A gentleman from Baltimore testified before the committee, and was seeking to have the 14-quart basket standardized—and this bill cuts out the 14-quart basket and makes it a 16-quart basket—and we asked him why, and he said, "Because we get from the consumer the same amount of money for 14 quarts as we get for 16 quarts."

Mr. KNUTSON. Will the gentleman yield?

Mr. VESTAL. I will.

Mr. KNUTSON. Is not that just exactly the intention of this bill, namely, to prevent such things as that?

Mr. VESTAL. That is the purpose of the bill, of course.

Mr. KNUTSON. Can the gentleman justify any opposition to this bill?

The CHAIRMAN. The time of the gentleman has expired. All time has expired, and the Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That the standard hampers for fruits and vegetables shall be 1-peck hamper, one-half bushel hamper, 1-bushel hamper, and 1½-bushel hamper, which, respectively, shall be of the capacity and conform to the specifications set forth in this section.

(a) The standard 1-peck hamper shall contain 537.6 cubic inches and conform to the following specifications: The inside diameter between staves at the upper edge of the top inside hoop shall be 10⅛ inches; the inside diameter of the bottom shall be 6½ inches; the inside length of the staves shall be 9⅛ inches; the inside top hoop shall be one-tenth of an inch thick and set with its upper edge even with the upper ends of the staves; each stave shall be not less than one-tenth of an inch thick and 10½ inches long; and the bottom piece shall be one-half of an inch thick.

(b) The standard one-half bushel hamper shall contain 1,075.21 cubic inches and conform to the following specifications: The inside diameter between staves at the upper edge of the top inside hoop shall be 13 inches; the inside diameter of the bottom shall be 8½ inches; the inside length of the staves shall be 12 inches; the inside top hoop shall be one-ninth of an inch thick and set with its upper edge even with the upper ends of the staves; each stave shall be not less than one-tenth of an inch thick and 12⅝ inches long; and the bottom piece shall be five-eighths of an inch thick.

Mr. GARD. Mr. Chairman, are we reading this bill for amendment by sections?

The CHAIRMAN. By sections.

Mr. GARD. I would suggest to the gentleman who has charge of the bill, representing the committee, that it might make for expedition and better work in the passage of the bill if we were to consider amendments as they would come by these lettered subdivisions. For instance, at the end of paragraph (a), that part of it, we can consider amendments to that, and then in the same way with the subdivisions following. If you wait until the end of the whole section, you will have a great accumulation of things, and it is difficult to understand them; so that if the gentleman will ask unanimous consent to consider amendments at the end of any subsection we would get along better.

Mr. VESTAL. I think in the interest of time it will be better to consider the bill by sections instead of by paragraphs.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

(c) The standard 1-bushel hamper shall contain 2,150.42 cubic inches and conform to the following specifications: The inside diameter between staves at the upper edge of the top inside hoop shall be 15¼ inches; the inside diameter of the bottom shall be 9 inches; the inside length of the staves to the upper edge of the top inside hoop shall be 19 inches; the inside hoop shall be one-eighth of an inch thick and set with its upper edge three-eighths of an inch below the upper ends of the staves; each stave shall be not less than one-eighth of an inch thick and 20 inches long; and the bottom piece shall be five-eighths of an inch thick.

(d) The standard 1¼-bushel hamper shall contain 3,225.63 cubic inches and conform to either of the following specifications:

(1) The inside diameter between staves at the upper edge of the top inside hoop shall be 16¾ inches; the inside diameter of the bottom shall be 9 inches; the inside length of the staves to the upper edge of the top inside hoop shall be 26 inches; the inside top hoop shall be one-eighth of an inch thick and set with its upper edge three-eighths of an inch below the upper ends of the staves; each stave shall be not less than one-sixth of an inch thick and 27 inches long; and the bottom piece shall be five-eighths of an inch thick.

(2) The inside diameter between staves at the upper edge of the top inside hoop shall be 16¾ inches; the inside diameter of the bottom shall be 10 inches; the inside length of the staves to the upper edge of the top inside hoop shall be 23 inches; the inside top hoop shall be one-eighth of an inch thick and set with its upper edge three-eighths of an inch below the upper ends of the staves; each stave shall be not less than one-eighth of an inch thick and 24 inches long; and the bottom piece shall be five-eighths of an inch thick.

With committee amendments, as follows:

Page 1, line 4, after the word "be," insert the word "the."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The Clerk read as follows:

Committee amendment: Page 1, line 4, after the word "hamper," insert the words "five-eighths bushel hamper."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The Clerk read as follows:

Committee amendment: Page 1, after line 7, insert:

"For the purposes of this act a quart standard dry measure has a capacity of 67⅕ cubic inches."

The CHAIRMAN. The question is on agreeing to the committee amendment.

Mr. WINGO. Mr. Chairman, just at the moment I have forgotten the dry-measure table. Will my genial friend from Indiana [Mr. VESTAL], the chairman of the committee, tell me what is a standard dry-measure quart now?

Mr. BROOKS of Illinois. It is one-fourth of a gallon, which is 268.8 cubic inches, which would be 67.2 cubic inches.

Mr. WINGO. How much do you change it from this?

Mr. BROOKS of Illinois. It does not change it.

Mr. WINGO. Then what is the object of the amendment? Is it to state the existing standard?

Mr. VESTAL. Yes.

Mr. WINGO. A quart is already standardized, is it not?

Mr. McLAUGHLIN of Michigan. It is not uniformly used all over the country.

Mr. WINGO. In other words, you have not any criminal penalty for not using the standard, and the idea is to put the standard in here? Now, if a man happens to use a quart that is 67⅕ cubic inches, that would give the consumer an advantage, but under this bill he would be a criminal unless you would let the Secretary of Agriculture fix the differential. Is not that true? Nobody seems to know, and that is generally true, I find, about all these socialistic bills.

Mr. McLAUGHLIN of Michigan. If the gentleman asks me, I am not in charge of the bill, nor am I a member of the committee.

Mr. WINGO. I did not refer to the gentleman. I said "socialistic bills." I did not intend that as an assault upon my friend from Michigan. But this bill is typical of socialism. This bill "damphoolishness gone to seed." You nowhere penalize a man and shut out of interstate commerce a basket that is not fully filled. You can go down here and buy articles in that way now, and if you standardize the container, unless you punish them for having a false measurement printed on it or unless you punish them for having it deceptively filled or packed, you are not going to protect the consumer. I am perfectly willing to punish the man who uses deceptive containers and make it unlawful to transport deceptive containers in interstate commerce, but under the Constitution we can only undertake to fix weights and measures. We can not determine the material. If we can provide the kind of material that must be used, we can say what color it shall be. We can not say how many staves there shall be. Under the provisions of this bill it absolutely puts out of business the basket that is used by the greatest peach orchard in the world. Do the Members of the House think that is necessary in order to protect the public?

Mr. KELLER. What size is that basket?

Mr. WINGO. I could not give it to you according to the description in this bill, because I can not find any two men who can give the same explanation of the sizes or measures used in the bill.

Mr. KELLER. What is the difference?

Mr. WINGO. In the first place, it has one less stave in it. Again, I know they use a seven-eighths-inch bottom in the basket. You provide here for a five-eighths-inch bottom. If a man uses the seven-eighths-inch bottom, he is a criminal. It is absurd to limit the thickness of the bottom board to five-eighths of an inch. The members of the committee may have had experts before them who know what a hamper is. Maybe some one knows what a "resaw" is, and it may be that some one knows how these bottoms are resawed. I challenge the gentleman to take a thousand of these bottoms that are resawed and find them anywhere near uniform. He will not find 30 per cent of them that are of the same thickness. You can not do it. When I was a boy I had some experience in a mill where that kind of work was turned out. If the board is wet it may "gum," and if it strikes a knot, that will make it wobble, and one side will be thick and the other side will be thin. One side may be five-eighths of an inch thick, and the other side three-eighths of an inch. Yet if a man happens to use the same bottom in a half-bushel basket that he uses in that 1 peck, he has committed a criminal offense.

It shows that you are not doing what you say you do. I am willing to help you to punish fraud, but this is to do what? It is to build up another great mass of inspectors who will go nosing around throughout the country. I am sick and tired, for one, of authorizing people to go out as Federal officials and nose about spying on citizens. I want to take the hand of the Federal Government off of business. Let us define and fix a penalty for crime. Let us fix a standard against fraud, but for God's sake do not go and say that if a farmer happens to use an old basket and it has one splint more than the standard splint basket, or if he has a basket where the bottom has been destroyed or damaged and he picks up a piece of pine wood to repair it and that piece is too thick, although it makes the basket stronger, he is thereby made a criminal. This bill, I repeat, is "damphoolishness gone to seed." [Applause.]

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. BLANTON. Mr. Chairman, I rise in opposition to the amendment.

I call attention to the fact that this proposed committee amendment provides that a quart measure shall contain so many cubic inches, and there it stops. It does not provide how the quart measure shall be built, what its shape shall be, or what kind of material shall go into it. But later on in the bill when you get up to the peck measure you not only provide how many cubic inches it shall contain, but then you go on and provide how it shall be made, what shall go into it, and how it shall look after it is made. And so with the other larger containers provided for in the bill, up to the bushel and the bushel and a half. If it is necessary to standardize containers by putting in all of these specifications named, then the quart container is just as much a container as the peck container, or the half bushel, or the bushel, or the bushel and a half. If it is necessary to provide the shape, and how it shall look, and the dimensions at the bottom and the middle and the top, and the material, and how much of it, for the peck and half bushel, and the bushel and the bushel and a half, why is it not equally necessary to provide it for the quart container? This is just like that ridiculous resolution that you Republican colleagues brought in here the other day, on which you had two days' debate, that you called a peace resolution, to provide for peace with Germany, and forgot all about the state of war with the royal Government of Austria-Hungary. The resolution left them out entirely, left us up in the air in a state of war with the dual Government of Austria-Hungary, and declared by the House resolution that we had ceased to be at war with Germany. Why can not our friends on the other side of the aisle be consistent in these measures? Why can they not make them complete, sensible, and symmetrical? Why do they not make the same provisions with reference to the quart container that they do as to the larger ones? If it is necessary as to the others, it is necessary as to the quart measure. I am in favor of standard measures to prevent fraud, but I take the position that in providing a standard container for fruits and vegetables, when you provide that such container shall contain so many specified cubic inches you have gone just as far as is necessary in the law, and all the balance is just monkey business that you have brought in here

on this floor—just one more piece of typical Republican chicken-feed legislation. [Applause.]

The CHAIRMAN. The question is on the adoption of the committee amendment.

Mr. GARD. I desire to speak in favor of the amendment. I think the amendment is founded on some legislation which appears in the act of August 31, 1916, wherein the same identical phraseology is used. I presume it was the intent of the committee who had this in charge to designate what a dry-quart standard should be in order that the pecks and the half pecks and the other measures should be determined by some standard. So the dry quart is established in this bill as the measuring standard, and in the act of August 31, 1916, we provide for dry half pints, dry pints, and dry quarts, and the same language is used concerning quarts as is used here, in that subdivision (b) of section 1 provides that the dry quart shall contain 67.2 cubic inches, which is the same language as is used here. It would seem to me that in writing this bill, providing what shall be the contents of certain measures, when we make the quart the unit of measurement it is well to define the contents of the quart, and that is all that is attempted to be done here.

The CHAIRMAN. The question is upon the adoption of the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will read the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 3 insert a new subsection as follows: "(c) The standard five-eighths-bushel hamper shall contain 1,344 cubic inches and conform to the following specifications: The inside diameter between staves at the upper edge of the top inside hoop shall be 14¼ inches; the inside diameter of the bottom shall be 9 inches; the inside length of the staves shall be 12½ inches; the inside top hoop shall be one-eighth of an inch thick and set with its upper edge even with the upper ends of the staves; each stave shall be not less than one-ninth of an inch long and 13¼ inches long; and the bottom piece shall be five-eighths of an inch thick."

The CHAIRMAN. The question is upon the adoption of the committee amendment.

Mr. QUIN. Mr. Chairman, I move to amend by striking out all after the first two lines of subsection (c).

The CHAIRMAN. It is not in the bill. That is the proposed amendment.

Mr. QUIN. Then I am opposed to the amendment for the reason that it specifies how the five-eighths bushel hamper shall be made. Gentlemen, you will understand that in California they make the five-eighths bushel hamper out of a kind of wood that is native to California and easy to obtain there. In Louisiana they make the hamper out of wood that is native there, and the same thing in Mississippi. This committee amendment would make the hamper costly and inconvenient and hard to get in some sections where they grow fruits and vegetables. I take it that the committee want a bill which, if it passes, will be practical and at the same time carry out the theory on which the committee are acting. If this amendment is agreed to, the producer and the ultimate consumer will pay an exorbitant price for this particular kind of container.

Mr. LAYTON. Will the gentleman answer a question?

Mr. QUIN. I yield to the gentleman from Delaware.

Mr. LAYTON. In view of the high cost of living, in view of the condition of the railroads of the country, in view of the shipper himself, suppose there was fixed by law a certain number of cubic inches in a package, but you did not fix the size and shape of it, you would have a tremendous loss by having a heterogeneous collection of containers, all with the same number of cubic inches, and of such different sizes that in the packing, handling, and transportation you would lose by the process.

Mr. QUIN. The people who are producing the vegetables are the ones who pay the freight. Now, the immediate community where they raise fruit and vegetables is going to furnish a hamper that will occupy the least room inside of the car and at the same time have the fruits and vegetables so packed that they will receive cool air. You can trust the people who are raising the truck. They are going to want a container of reasonable cost. Do you know that the cost of containers has quadrupled in the last six years? A container that cost 4 cents six years ago is costing 25 cents right now in my district. If you put this kind of a bill through and make it law, that container may cost 50 cents next year. So this committee ought to be careful in making specifications that will cost the ultimate consumer of these vegetables, the man who eats them, not only the difference in transportation but the difference in the cost of that container.

Mr. SUMMERS of Washington. Will the gentleman yield?

Mr. QUIN. Yes.

Mr. SUMMERS of Washington. Does the gentleman know that the more containers made of any one size the cheaper they are bound to be, cheaper than making them in various sizes?

Mr. QUIN. That depends on the particular section. They do not use the five-eighths of a bushel very much in my country, but where they do use it it would be cheaper. The seven-eighths bushel is used almost universally in Mississippi, and, of course it would be cheaper to the producer and shipper and finally to the ultimate consumer. But you are putting it on the theory that you are going to have a certain kind of wood, a certain kind of nails, a certain thickness to it, a certain number of strips, and that will necessarily make it cost more. How are you going to get around it? You can have your five-eighths of a bushel hamper and you ought to have it, but we ought not to have the restrictions on it that you put on here. I think it would be a costly experiment, and I hope the committee will not adopt these specifications as set forth in the subsection.

Mr. GARRETT. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Page 3, line 2, after the word "inches," strike out the remainder of the paragraph.

The CHAIRMAN. The question is on the amendment to the amendment offered by the gentleman from Tennessee.

Mr. GARRETT. Mr. Chairman, if this amendment shall prevail, it will leave in the bill a declaration of a standard for the five-eighths bushel hamper. It will not, however, undertake to define the thickness of the planks or the diameter between the staves or any of those other incidental propositions.

If this amendment in the Committee of the Whole indicates that it is favored by the committee, I think it will be followed by the committee, or some one else, offering amendments that would make the same provision as to the other paragraphs in this section.

I think, Mr. Chairman, that there is very great force in the argument which I heard made a few moments ago by the gentleman from Arkansas [Mr. WINGO]. There is no doubt of the constitutional power of the Congress to declare a standard. In my opinion—and I have thought something of it since the bill was up here not very long ago having a similar purpose—there is, to say the least, very grave doubt as to the constitutional right of Congress to go into the question of undertaking to define the size and the material that shall go into the making up of these containers. It seems to me that Congress ought to be content to rest upon its clear, unquestionable constitutional power of declaring a standard and leaving these nebulous or doubtful questions untouched by the Government.

I have not had the opportunity of studying this bill with sufficient care to know just what effect it is going to have upon the vegetable market and upon the shipments of vegetables and fruit by the growers. In the section of the country that I have the honor to represent vegetable growing is a great industry. It is a matter of vital importance to that section. They are required now in the shipment of berries, the shipment of potatoes, and the shipment of peas to stamp on the packages the amount that the package contains. There is no probability of the consumer or the purchaser being defrauded.

The law at present is sufficient for the protection of the consumer. This legislation, to my mind, is but another imposition by the Federal power upon the daily habits and commercial customs of the community and of citizens without any corresponding benefit to the consumers or to the public generally in the results that will be obtained therefrom. I repeat that it is proper to exercise that unquestioned power which Congress has to declare a standard, and when we shall have done that we have done all the Constitution gives us a clear right to do and all that the public needs or demands. [Applause.]

Mr. CONNALLY. Will the gentleman yield?

Mr. GARRETT. I will.

Mr. CONNALLY. I would like to ask the gentleman if under the interstate commerce clause we would have the power to make it unlawful to manufacture these crates in the sizes that are condemned by this bill.

Mr. GARRETT. I do not think so. Perhaps we might have the power to prevent a shipment in interstate commerce.

Mr. CONNALLY. I mean outside of the commerce power we would not have any power to prohibit the manufacture and sale?

Mr. GARRETT. I do not think so, not even under the interstate commerce clause. I think the whole thing must rest on the clause that Congress shall have the power to standardize weights and measures.

Mr. LAYTON. Will the gentleman yield?

Mr. GARRETT. Yes.

Mr. LAYTON. I do not undertake to interpret the meaning of the constitutional provision, but is not there a provision for regulating commerce?

Mr. GARRETT. Regulating commerce between the States, and so forth.

Mr. LAYTON. Congress has the power to regulate commerce.

Mr. GARRETT. Interstate commerce, certainly.

Mr. LAYTON. Might not it have the power of regulation on the ground of great benefit to the public by regulating the size of the packages as well as the contents for the purpose of benefiting the roads and the shippers?

Mr. GARRETT. I do not think so. At any rate the bill is not predicated upon the commerce clause of the Constitution, but on the other provision of which I spoke.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I doubt the advisability of this Congress undertaking to describe how these containers shall be built, except as Congress prescribes their capacity, as the two lines on this page describe the number of cubic inches which must constitute the five-eighths bushel hamper. It occurs to me, listening to what the gentleman from Delaware says, that Congress has the right to control interstate commerce, that this bill is not based on that portion of the Constitution at all. This is establishing standards to be applied all over the country, in every locality and community throughout this country, where it will be the law if this bill be passed. After the bill becomes law, the manufacturer and user will find that the inside top hoop must be one-eighth of an inch thick; they will find that each stave shall be not less than one-ninth of an inch thick; and that the bottom piece shall be not less than five-eighths of an inch thick. Aside from the advisability of enacting such legislation as that, I very much doubt the power of Congress to enact it. In that respect I believe with the gentleman from Tennessee [Mr. GARRETT], and if it seems adadvisable, if we have the power, to say anything about the material of which the container shall be built, if it seems advisable to say that some of these parts shall be so thick, we certainly ought to say that they shall be not less than so thick, because we are considering only the inside capacity, and if the inside capacity meets the requirements, I do not know why we should say that the walls should be only so thick. Supposing the bottom piece is found to be six-eighths of an inch thick, why should the law say that it should be only five-eighths of an inch thick and make it a crime if it is one-eighth of an inch thicker? It makes it stronger. The interior capacity is prescribed; therefore nobody can be deceived as to the quantity of food products it contains. The interior capacity is there; that requirement can not be evaded. It is the outside of the container, the outside mold, that is affected if the material is too thick.

Mr. ANDERSON. Mr. Chairman, I dislike very much to find myself in disagreement with the gentleman from Tennessee [Mr. GARRETT] and the gentleman from Michigan [Mr. McLAUGHLIN], because I have the highest opinion of the wisdom and sagacity of both of them, but it seems to me that if the amendment offered by the gentleman from Tennessee be adopted the purposes to be served by this bill will be entirely destroyed. The purpose of this bill is to prevent fraud, and fraud will not be prevented by simply providing that a five-eighths bushel basket shall contain a certain number of cubic inches. We recently had before the Committee on Agriculture, of which I have the honor to be a member, a bill which related to the use of packages which were made in a shape or form such as to deceive the purchaser. The testimony before that committee shows, I think, beyond any dispute whatever, that it is possible to take two bottles or two baskets or two boxes of exactly the same cubical content and make them in such form as to deceive the purchaser as to the quantity of the contents. You can take two baskets of different shapes, which may contain exactly the same number of apples or tomatoes of the same size, and yet to the purchaser one of them will seem very much larger than the other, and the purchaser will thereby be deceived. One of the purposes of this bill is to prevent that very thing.

Mr. GARRETT. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. GARRETT. Does not the law now require that the contents shall be stamped on each package?

Mr. ANDERSON. As to certain things I think that is so, but not as to everything.

Mr. GARRETT. I know that in the case of sweet potatoes—yams—that is the law, because people down in my country very innocently got into trouble because they did not stamp the contents.

Mr. ANDERSON. The gentleman is probably right about that, but the testimony before us indicated that notwithstanding the fact that as to those packages that were designated as containing 2 ounces or 4 ounces, or 6 pounds or 10 pounds, the shape of them nevertheless led the purchaser to believe that he was getting more than he actually got.

Mr. DEMPSEY. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. DEMPSEY. I just wanted to ask the gentleman one question which I think he ought to cover in his argument. Is there not this danger in prescribing the precise thickness, that you are going to add, in these days of exceedingly high-priced lumber, in all its varieties, very greatly to the enormous cost of the container to-day, and consequently will not this bill, if passed in the present form, absolutely limit you to a lumber container and exclude all composite boxes to which the trade is having recourse to-day in its efforts to economize?

Mr. ANDERSON. I do not think so myself, and if that were true some of the manufacturers of these boxes and users of these containers who were before the committee would undoubtedly have raised that question. Entirely aside from that particular phase of the proposition, there is a general provision in the bill which authorizes the Secretary of Agriculture to establish tolerances, and if he should find that it is desirable to permit the staves to be somewhat thicker or thinner than provided in this act, he would have that power under the permission to establish tolerances, in my judgment.

The gentleman from Tennessee raises the constitutional question with respect to this provision.

Mr. MONTAGUE. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. In a moment. I am inclined to think that the gentleman from Tennessee is correct in that position. That is to say, I think the establishment of the number of cubic inches in a five-eighths bushel basket is a matter of establishing a standard, but when you come to say that the staves shall be so thick, and the bottom so thick, and that the staves shall be so far apart, it seems to me that the only possible chance of sustaining that proposition is upon the theory of a regulation of commerce, and that this bill does not contain any provision which does limit the operation of this act to those baskets or containers which do go into interstate commerce. That is a matter, however, which can be corrected, and I hope will be corrected, when we reach the appropriate section. I yield to the gentleman from Virginia.

Mr. MONTAGUE. Mr. Chairman, I approve the general purposes of the bill, but its details I fear will not only confuse legislators but will be almost impossible of execution in the operation of commerce.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. ANDERSON. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MONTAGUE. For example, on page 2 of the bill, it is provided that the inside top hoop shall be one-tenth of an inch thick, and so forth. Why should Congress prescribe the thickness of an inside top hoop of a box, basket, or other container? This contemplates a wooden hoop, I take it.

Mr. ANDERSON. I imagine so.

Mr. MONTAGUE. Do we not know that a metal hoop, such as a wire hoop and an iron hoop, is now used, and I am told that one-sixteenth or one thirty-second of an inch of such material gives all the tensile strength necessary?

In addition, we do now know what will be the character of the materials out of which baskets and boxes must be made in the next two or three years, and therefore should Congress project such an iron-clad detail into the future? Should we not give some play to the ingenuity, the necessities, and inventions of the people who carry on the commerce of the country? Will not the exigencies of trade inexorably compel people who engage in it to adopt the proper materials out of which to manufacture these boxes and baskets?

Mr. ANDERSON. What the gentleman says may have some force, but the fact still remains that you can not protect the consumer of the articles which come in these boxes unless you do specify in great detail the character and the dimensions of the material which is to be used in the manufacture. You could take a basket with a one-half-inch bottom and put in a 2½-inch bottom, and make a one-half-bushel basket look like a five-eighths basket.

Mr. MONTAGUE. But I am addressing my remarks to the material out of which these containers must be made.

Mr. ANDERSON. There is nothing that specifies the material.

Mr. MONTAGUE. Why should we prescribe the material at all? And why should we prescribe a character of material to which perhaps you can not conform, or, if so, for only a few years?

Mr. ANDERSON. There is not anything that requires a basket to be made out of any particular material——

Mr. MONTAGUE. The bill requires that the top hoop shall be one-tenth of an inch thick.

Mr. ANDERSON. But that does not require it to be made of wood.

Mr. MONTAGUE. But why require a wood hoop to be one-tenth of an inch thick? And supposing there is no wood out of which to make it, what becomes of trade and commerce then? What does Congress know, in the very nature of things what can Congress know, of such mechanical details?

Mr. ANDERSON. The gentleman should not make such an assumption as that.

Mr. MONTAGUE. I am not making an assumption; I am reading the text of the bill.

Mr. ANDERSON. The gentleman is.

Mr. MONTAGUE. I am reading the mandate of the bill. Congress should confine its power to legislation and not extend it to administrative regulations. We should be cautious in our loading legislation with impracticable, if not impossible, requirements.

Mr. BROOKS of Pennsylvania. I would state that containers are on the market now made of metal.

Mr. ANDERSON. For the shipment of this class of articles?

Mr. WINGO. Certainly.

Mr. McLAUGHLIN of Michigan. We find in the bill that the Secretary may, if he finds it necessary in his regulations, prescribe specifically with respect to the material used.

Mr. ANDERSON. Well, I was not discussing that section.

Mr. McLAUGHLIN of Michigan. It arose in the colloquy with the gentleman from Virginia [Mr. MONTAGUE].

Mr. ANDERSON. That is very true, and when we get to that section we will discuss it, but I am discussing this section now. I rose to discuss the argument advanced by the gentleman from Tennessee and the gentleman from Michigan, and I hope I have done it successfully.

Mr. DEMPSEY. Mr. Chairman and gentlemen, western New York is a center for the production of food and vegetables, and in the past few years we have seen apple barrels go from 28 or 30 cents until to-day they are selling at a dollar and ten cents. I take it that this bill, while it does not say that this container shall be made of wood, really, from the specifications, restricts the material to wood, and the gentleman from Virginia very aptly asks, "Supposing we can not find the wood, what, then, is to become of the produce of the country?" That is not an impossible situation at all, since the enormous advance in the price of the barrel has grown out of the shortage of wood. There is not a single variety of lumber that has not gone up about four times the price it was even a year or 18 months ago, and we are now facing an actual famine. It is a practical condition that confronts us. As the gentleman from Virginia very well suggested, we sit down here, a body of men not experts in the making of these packages, and we attempt to prescribe to the manufacturers the material they shall use and precisely how they shall use it, and by doing that, first, we exclude from use all but one material, a material of which we are likely to have a shortage; and, second, we exclude the manufacturing community, as the gentleman from Virginia very aptly and very well said, from devising any better or simpler or cheaper or more expeditious way of making a basket or making a container, whatever it may be.

Mr. MacGREGOR. Will the gentleman yield?

Mr. DEMPSEY. I will.

Mr. MacGREGOR. For the information of the gentleman, who comes from the same district practically, I was informed by a man who was interested in baskets within a very short time we will not be able to secure baskets for the Niagara fruit district this fall because of the shortage of wood and wire.

Mr. DEMPSEY. I understand that same thing. I understand men have contracted some months ago for baskets and to-day the situation is that you can not find anybody who will give you a contract to deliver baskets made of wood. They are beginning in my district to make baskets of composite.

Mr. CONNALLY. I would like to ask the gentleman what becomes of all these baskets that do not conform to these sizes? Will not the passage of this bill further restrict the supply of baskets by outlawing all of the baskets now in the business that do not conform to this bill?

Mr. DEMPSEY. I think that objection is taken care of by a subsequent clause in the bill, where they say this shall not take effect until six months after November next. But we have the next fruit crop to deal with, and we should not bind down these fruit and vegetable growers to a basket which they may find it impossible to obtain. This may be a very, very serious thing. We are legislating here in an iron-clad way, and we may find that when the season comes we have passed a law which it is impossible to live up to in a practical way, and so it might become impossible to ship our fruits and vegetables.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. DEMPSEY. I yield.

Mr. MOORE of Virginia. I happen to know, from having been counsel in certain cases, that even before the war began there was a great shortage of material from which containers could be manufactured. Some had even gone to the extent of using the waste and scrap accumulated at the sawmills. I have not the slightest doubt that the point suggested by the gentleman is one that ought to be very gravely considered to determine whether or not we are legislating with complete information and with full appreciation of conditions as they actually exist.

Mr. DEMPSEY. I think the gentleman's suggestion is entirely right. Let me say a word. I have not any question but that the committee is animated by the very best and very highest purpose, and I sympathize with that purpose, and all I say is that they can reach their end, as the gentleman from Michigan [Mr. McLAUGHLIN] suggests, by specifying the number of cubic inches, and if it is not clear that such a law already exists provide for stamping the quantity on the outside of the container.

Mr. WOODS of Virginia. Will the gentleman yield?

Mr. DEMPSEY. I surely will.

Mr. WOODS of Virginia. If an amendment were added containing the words "if made of wood," so that it would not eliminate the baskets made of paper or wire, and would not confine it, as the committee evidently intended, to baskets manufactured exclusively out of wood, would not that answer your objection?

Mr. DEMPSEY. I do not think it would quite, because you would be in danger then of prescribing conditions that might be impossible.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. DEMPSEY. Mr. Chairman, I ask unanimous consent for two minutes more.

The CHAIRMAN. The gentleman from New York asks unanimous consent for two minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. DEMPSEY. As I said to the committee a moment ago, I am in entire sympathy with the purposes of this bill. I want to reach the same point that they desire to reach, and all that I suggest in relation to it is that we shall not pass legislation here that shall be so detailed, shall be so specific, shall go into such particulars, as to make the accomplishment of what we have in mind not alone impossible, but which would accomplish something we do not desire to do at all, and that is to make shipment of these products impossible. And it does seem to me, if the suggestion of the gentleman from Michigan is adopted, that we prescribe simply the cubic contents and have a provision that there shall be stamped upon each package its contents, we will have accomplished all that we can accomplish and all that it is safe to attempt to accomplish in regard to this legislation at this particular time.

Mr. LAYTON. Is the gentleman speaking by reason of protest on the part of manufacturers?

Mr. DEMPSEY. The only protests I have had, if the gentleman please, were not in regard to this bill, as to which I do not think my people are informed, but in regard to the apple-barrel bill, which passed some time ago.

Mr. LAYTON. I only wanted to bring out this fact——

Mr. DEMPSEY. But I am very familiar with this question of the manufacture of fruit packages, because I have been interested in the raising of fruit myself.

Mr. LAYTON. Mr. Chairman, I ask unanimous consent for a minute myself in order to make a statement. I am familiar with the fact that numbers—I imagine a hundred—of different manufacturers who are in this business and who manufacture millions of these containers are themselves anxious to have these standard containers.

Mr. DEMPSEY. I have no question about that. No doubt they want the standard container, but they do not want specifications as to the way of manufacturing it prescribed. [Applause.]

Mr. RAINEY of Alabama. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. GARD. Mr. Chairman, is it not the practice to make that request in the House instead of in the committee?

The CHAIRMAN. It is, unless there is no objection.

Mr. VESTAL. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. DOWELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 12350) to fix standards for hampers, round stave baskets, and splint baskets for fruits and vegetables, to establish a standard box for apples, and for other purposes, and had come to no resolution thereon.

Mr. BROOKS of Pennsylvania rose.

Mr. BLANTON. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. WALSH. Will the gentleman withhold that a moment, so that the gentleman from Pennsylvania may submit a request?

Mr. BLANTON. I will withhold it for a moment.

Mr. BROOKS of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

Mr. RADCLIFFE. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. BLANTON. Mr. Speaker, I renew my point of order that there is no quorum present.

The SPEAKER. The gentleman from Texas makes the point of order that there is no quorum present.

ADJOURNMENT.

Mr. VESTAL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 40 minutes p. m.) the House adjourned until to-morrow, Thursday, April 22, 1920, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SANFORD, from the Committee on Military Affairs, to which was referred the bill (H. R. 13234) to correct the military record of Joseph Donnelly, reported the same without amendment, accompanied by a report (No. 859), which said bill and report were referred to the Private Calendar.

Mr. BABKA, from the Committee on Claims, to which was referred the bill (H. R. 11066) for the relief of the Shipowners' & Merchants' Tugboat Co., reported the same without amendment, accompanied by a report (No. 860), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. TOWNER: A bill (H. R. 13723) providing for the loan of Army equipment to the Boy Scouts of America for their summer encampment at Creston, Iowa; to the Committee on Military Affairs.

By Mr. BOX: A bill (H. R. 13724) to authorize the construction of a bridge across the Sabine River at or near Orange, Tex.; to the Committee on Interstate and Foreign Commerce.

By Mr. COOPER: A bill (H. R. 13725) to provide for the appointment of a Federal coal commissioner, to define his powers and duties, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. TILSON (by request): A bill (H. R. 13726) to regulate the shipment in interstate commerce of milk and cream and for other purposes; to the Committee on Agriculture.

By Mr. POU: Resolution (H. Res. 528) providing suitable desks in the Hall of the House of Representatives for the Members of the Sixty-sixth Congress; to the Committee on Accounts.

By Mr. KELLY of Pennsylvania: Resolution (H. Res. 529) authorizing a special committee of the House to make an investigation regarding the distribution of sugar; to the Committee on Rules.

By Mr. JUUL: Joint resolution (H. J. Res. 342) to provide additional compensation for employees of the Postal Service and making appropriation therefor; to the Committee on the Post Office and Post Roads.

By Mr. HUMPHREYS: Joint resolution (H. J. Res. 343) proposing an amendment to the Constitution of the United States; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. TINKHAM: Memorial of the Legislature of Massachusetts relative to the action of the United States Government in respect to certain Italian boundaries; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 13727) granting an increase of pension to P. M. Gaskill; to the Committee on Invalid Pensions.

By Mr. FIELDS: A bill (H. R. 13728) for the relief of the legal representative of the estate of William H. Roper, deceased; to the Committee on Claims.

By Mr. GANLY: A bill (H. R. 13729) granting an increase of pension to William Riley; to the Committee on Invalid Pensions.

By Mr. HUSTED: A bill (H. R. 13730) granting a pension to Emily W. Johnson; to the Committee on Invalid Pensions.

By Mr. KENDALL: A bill (H. R. 13731) granting an increase of pension to John Hartzell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13732) granting a pension to Nathaniel Bittner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13733) granting a pension to Frederick Dupont; to the Committee on Pensions.

By Mr. LINTHICUM: A bill (H. R. 13734) granting a pension to Antonette Dierken; to the Committee on Pensions.

By Mr. RICKETTS: A bill (H. R. 13735) granting an increase of pension to Thomas C. Rodgers; to the Committee on Invalid Pensions.

By Mr. RUCKER: A bill (H. R. 13736) granting a pension to Susanna Spencer; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 13737) granting a pension to Taylor Hall; to the Committee on Invalid Pensions.

By Mr. STRONG of Pennsylvania: A bill (H. R. 13738) granting a pension to Sarah Sipes; to the Committee on Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 13739) granting a pension to George W. Jackson; to the Committee on Invalid Pension.

By Mr. WASON: A bill (H. R. 13740) granting an increase of pension to Rebecker G. Foot; to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 13741) granting an increase of pension to Warner M. Ellis; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3113. By the SPEAKER: Petition of Wooden Box Manufacturers' Association of New York, favoring a revision of the anti-trust laws; to the Committee on the Judiciary.

3114. Also, petition of H. H. Merrick, president Mississippi Valley Association, of St. Louis, opposing the Comer amendment to the Agricultural appropriation bill; to the Committee on Agriculture.

3115. By Mr. BOWERS: Petition of United Brethren Church, Burlington, W. Va., protesting against universal military training; to the Committee on Military Affairs.

3116. By Mr. DYER: Petition of Los Angeles (Calif.) post-office employees, favoring enactment of legislation for the revision of salaries in the Post Office Department; to the Committee on Reform in the Civil Service.

3117. Also, petition of National Printing & Engraving Co., of St. Louis, Mo., opposing the passage of House bill 12976; to the Committee on Ways and Means.

3118. Also, petition of Joseph T. Hague, of Elizabeth, N. J., favoring the passage of House bill 9029; to the Committee on the Judiciary.

3119. Also, petition of the United Construction Co. and Wimmer Contracting Co., of St. Louis, Mo., favoring the passage of House bill 13390; to the Committee on Naval Affairs.

3120. Also, petition of the Morey Mercantile Co., Denver, Colo.; Alton Mercantile Co., Enid, Okla.; the Jett & Wood Mercantile Co., Wichita, Kans.; A. H. Perfect & Co., Fort Wayne, Ind.; and the Austin-Taylor Grocery Co., Austin, Tex., favoring the passage of House bill 263; to the Committee on the Judiciary.

3121. Also, petition of Missouri State Dental Association, protesting against the proposed tariff on dental instruments; to the Committee on Ways and Means.

3122. Also, petition of Hawarth & Dewhurst (Ltd.), of Pittsburgh, Pa., favoring legislation making commercial bribery a crime; to the Committee on the Judiciary.

3123. Also, petition of Gray Silver, Charles A. Lyman, and T. C. Atkeson, of Washington, D. C., favoring the enactment of the Capper-Hersman bill; to the Committee on Agriculture.

3124. By Mr. EMERSON: Petition of transportation committee of the Cleveland Chamber of Commerce, in relation to the coal situation and car shortage; to the Committee on Interstate and Foreign Commerce.

3125. By Mr. FULLER of Illinois: Petition of Local Union No. 303, United Mine Workers of America, Orient, Ill., favoring amnesty for political prisoners and the repeal of the espionage law; to the Committee on the Judiciary.

3126. Also, petition of the Chicago Carton Co., favoring the repeal of the excess-profits tax, etc.; to the Committee on Ways and Means.

3127. Also, petition of the Women's Auxiliary of Walter Craig Post, American Legion, Rockford, Ill., relative to the bonus for the ex-service men and women of the World War; to the Committee on Ways and Means.

3128. Also, petition of the Business Men's Association of Peru, Ill., regarding the unsatisfactory postal service, etc.; to the Committee on the Post Office and Post Roads.

3129. Also, petition of the United Indian War Veterans, for increase of pension; to the Committee on Pensions.

3130. By Mr. GALLIVAN: Petition of Roger Casement Branch, Friends of Irish Freedom, of Boston, Mass., favoring the freedom of Ireland; to the Committee on Foreign Affairs.

3131. Also, petition of Howes Bros. Co. and Purity Oats Co., of Boston, Mass., regarding taxation; to the Committee on Ways and Means.

3132. Also, petition of Women's Educational and Industrial Union of Boston, Mass., regarding legislation for State censorship of motion pictures; to the Committee on Ways and Means.

3133. Also, petition of American Legion, Ludlow Post, No. 52, of Ludlow, Mass., and 10 other citizens of Boston, Mass., favoring cash bonus for soldiers; to the Committee on Ways and Means.

3134. Also, petition of Federal Employees' Local, of Boston, Mass., favoring retirement for civil-service employees; to the Committee on Reform in the Civil Service.

3135. Also, petition of F. L. & J. C. Codman Co., Joseph E. Sager, George Mortimer & Co. (Inc.), opposing the Steagall bill, H. R. 12379; to the Committee on Banking and Currency.

3136. By Mr. HILL: Petition of the city Council of Spokane, Wash., for the enactment of House bill 10518, to create a Federal urban mortgage bank; to the Committee on Banking and Currency.

3137. By Mr. JOHNSTON of New York: Petition of Wooden Box Manufacturers' Association of New York, favoring a revision of the antitrust laws; to the Committee on the Judiciary.

3138. By Mr. KELLEY of Michigan: Petition of Mrs. J. G. Rulison and 70 other residents of Lansing, Mich., in favor of legislation to provide maternity and infant-welfare aid; to the Committee on Interstate and Foreign Commerce.

3139. By Mr. LINTHICUM: Petition of Emory L. Stinchcomb, Baltimore, Md., relative to the claims against the United States Railroad Administration; to the Committee on Interstate and Foreign Commerce.

3140. Also, petition of Hynson, Westcott & Dunning, Baltimore, Md., relative to House bill 12976; to the Committee on Ways and Means.

3141. Also, petition of Morgan Millwork Co., Baltimore, Md., protesting against House bill 12379, also House bill 12646; to the Committee on Banking and Currency.

3142. Also, petition of Baltimore Chapter of the Southern Association of College Women, favoring legislation creating a Federal department of education; to the Committee on Education.

3143. Also, petition of Charles D. Jones, L. W. Passano, Montfaucon Post, American Legion, and Burton H. Erdman, all of Baltimore, Md., favoring enactment of legislation granting a bonus to ex-service men; to the Committee on Ways and Means.

3144. Also, petition of J. Arthur Nelson, Baltimore, Md., relative to the repeal of certain sections in the revenue act of 1918; to the Committee on Ways and Means.

3145. Also, petition of the Maryland League for National Defense, Baltimore, Md., urging universal military training, etc.; to the Committee on Military Affairs.

3146. By Mr. MERRITT: Petition of executive committee of the Connecticut Bankers' Association, opposing the passage of the Steagall bill, H. R. 12379; to the Committee on Banking and Currency.

3147. By Mr. O'CONNELL: Petition of Navy Legal Aid Association of New York, favoring immediate action by the House on the Wadsworth bill; to the Committee on Military Affairs.

3148. By Mr. RAKER: Petition of Fred S. Bebergall, department adjutant, American Legion, San Francisco, Calif., urging the passage of House bill 13293; also House bill 13291; to the Committee on Interstate and Foreign Commerce.

3149. Also, petition of Trinity Post, No. 163, Weaverville, Calif., urging the support of the bill giving bonus to the ex-service men of the World War; to the Committee on Ways and Means.

3150. Also, petition of Gray Silver, Charles A. Lyman, and T. C. Atkeson, of Washington, D. C., urging the support of the Capper-Hersman bill; to the Committee on Agriculture.

3151. By Mr. ROWAN: Petition of Navy Legal Aid Association of New York, favoring immediate action by the House on the Wadsworth bill; to the Committee on Military Affairs.

3152. By Mr. SINCLAIR: Petition of the Playground Club of Kenmare, N. Dak., indorsing the Sheppard-Towner maternity bill; to the Committee on Interstate and Foreign Commerce.

SENATE.

THURSDAY, *April 22, 1920.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come to our task to-day with thought of the splendid achievements of our fathers, who with brave hearts and unconquerable spirit and devotion to the high principles of justice and reverence toward Thy name laid strong and well the foundations of our national life. We pray that we may, emulating their example, follow on to accomplish that which they so well began. Give us Thy blessing to-day to this end. We ask for Christ's sake. Amen.

The Assistant Secretary proceeded to read the Journal of the proceedings of yesterday, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 12460. An act to authorize the coinage of 50-cent pieces in commemoration of the one hundredth anniversary of the admission of the State of Maine into the Union;

H. R. 12824. An act to authorize the coinage of 50-cent pieces in commemoration of the one hundredth anniversary of the admission of the State of Alabama into the Union;

H. R. 13138. An act to amend section 8 of an act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, as amended May 15, 1916; and

H. R. 13227. An act to authorize the coinage of 50-cent pieces in commemoration of the three hundredth anniversary of the landing of the Pilgrims.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H. R. 12775) to amend an act entitled "An act for making further and more effectual provisions for the national defense, and for other purposes," approved June 3, 1916, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. KAHN, Mr. ANTHONY, Mr. MCKENZIE, Mr. DENT, and Mr. FIELDS managers at the conference on the part of the House.

The message further announced that the House disagrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate numbered 53 to the bill (H. R. 12610) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1921, and for other purposes, further insists upon its disagreement to the amendment of the Senate numbered 53 to the bill, asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WOOD of Indiana, Mr. WASON, and Mr. SISSON managers at the further conference on the part of the House.

The message also announced that the Speaker of the House had signed the following enrolled bills:

S. 806. An act conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Iowa Tribe of Indians against the United States; and

S. 2442. An act authorizing and directing the Secretary of the Interior to convey to the trustees of the Yankton Agency Presbyterian Church, by patent in fee, certain land within the Yankton Indian Reservation.

PETITIONS AND MEMORIALS.

Mr. McLEAN presented a petition of sundry citizens of New Haven and Danbury, in the State of Connecticut, praying for the enactment of legislation to incorporate the International Association of Rotary Clubs, which was referred to the Committee on the Judiciary.

He also presented a memorial of the Connecticut Bankers' Association, of Hartford, Conn., remonstrating against the enactment of legislation permitting banks to make an exchange charge of 10 cents per $100 or fraction on checks drawn on themselves presented through the Federal reserve banks, which was referred to the Committee on Banking and Currency.

He also presented a petition of the United Irish Societies of Bridgeport, Conn., and a petition of the Ancient Order of Hibernians of America, of Willimantic, Conn., praying for the freedom of Ireland, which were referred to the Committee on Foreign Relations.

He also presented a petition of Local Union No. 123, American Flint Glass Workers, of Waterbury, Conn., praying for the protection of the glass industry, which was referred to the Committee on Finance.

He also presented a petition of Allan M. Osborn Camp, No. 1, United Spanish War Veterans, of New Haven, Conn., praying for the enactment of legislation granting pensions to Spanish War Veterans, which was ordered to lie on the table.

He also presented a petition of Mather Post, No. 25, Grand Army of the Republic, Department of Connecticut, of Deep River, Conn., praying for the enactment of legislation granting pensions to soldiers of the Civil War and their widows, which was ordered to lie on the table.

He also presented a memorial of the Chamber of Commerce of Hartford, Conn., remonstrating against any change in the present standards of weights and measures, which was referred to the Committee on Standards, Weights, and Measures.

He also presented a petition of the Chamber of Commerce of East Hartford, Conn., and a petition of the Employers' Association of Hartford County, Conn., praying for an increase in the salaries of postal employees, which were ordered to lie on the table.

He also presented petitions of the Kiwanis Club, the Business Men's Association, the Chamber of Commerce, and the Bridgeport Screw Co., all of Bridgeport; of the Chamber of Commerce of Middletown; and of sundry employees of the D. M. Reed Co., of Bridgeport, all in the State of Connecticut, praying for the enactment of a daylight-saving law, which were referred to the Committee on Interstate Commerce.

He also presented a memorial of the Fairfield County Farm Bureau, of Danbury, Conn., remonstrating against the enactment of a daylight-saving law, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Connecticut State Retail Jewelers' Association, praying for the repeal of the excise tax on jewelry, which was referred to the Committee on Finance.

He also presented a petition of Excelsior Lodge, International Association of Machinists, of Derby, Conn., praying for the repeal of the espionage law, which was referred to the Committee on the Judiciary.

He also presented petitions of Newton S. Manross Post, No. 57, Grand Army of the Republic, Department of Connecticut, of Forrestville; of Nathanial Lyon Post, No. 2, Grand Army of the Republic, Department of Connecticut, of Hartford; and of Robert O. Tyler Post, No. 50, Grand Army of the Republic, Department of Connecticut, of Hartford, all in the State of Connecticut, praying for the enactment of legislation granting pensions to Civil War veterans and their widows, which were ordered to lie on the table.

He also presented memorials of the Foreign Legions of New Haven, Hartford, Derby, Meriden, and Madison, all in the State of Connecticut, remonstrating against the granting of a bonus to ex-service men with the exception of those who are disabled and the dependents of soldiers killed in the war with Germany, which were referred to the Committee on Military Affairs.

DEFICIENCY APPROPRIATIONS.

Mr. WARREN. From the Committee on Appropriations I report back favorably with amendments the bill (H. R. 13677) making appropriations to supply a deficiency in the appropriations for the Federal control of transportation systems and to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1920, and for other purposes. I give notice that I shall take an early opportunity to call up the bill for consideration.

The VICE PRESIDENT. The bill will be placed on the calendar.

DUTIES ON IMPORTS.

Mr. THOMAS. I present the views of the minority—Report No. 510, part 2—on the bill (H. R. 10918) to provide revenue and encourage domestic industries by the elimination, through the assessment of special duties, of unfair foreign competition, and for other purposes. The report bears the signature of the Senator from Idaho [Mr. NUGENT] and myself, and I ask that it be received and printed.

The VICE PRESIDENT. Without objection, it is so ordered.

REPORTS OF COMMITTEE ON INDIAN AFFAIRS.

Mr. CURTIS, from the Committee on Indian Affairs, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

A bill (S. 1521) authorizing the Cowlitz Tribe of Indians residing in the State of Washington to submit claims to the Court of Claims (Rept. No. 532); and

A bill (S. 3716) conferring jurisdiction on the Court of Claims to determine and report upon the interest, title, ownership and right of possession of the Yankton Tribe of Indians to the Red Pipestone Quarries, S. Dak. (Rept. No. 533).

Mr. CURTIS, from the Committee on Indian Affairs, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 3164) authorizing the Northern Arapahoe Tribe and the Northern Cheyenne Tribe of Indians to submit claims to the Court of Claims (Rept. No. 534);

A bill (S. 3307) authorizing the Ottawa and Chippewa Tribes of Indians of Michigan to submit claims to the Court of Claims (Rept. No. 535);

A bill (S. 4046) to cancel an allotment made to Mary Crane, deceased, embracing lands on the Winnebago Reservation in Nebraska (Rept. No. 536);

A bill (S. 4047) authorizing and directing the Secretary of the Interior to make an allotment to Pessa, a member of the Comanche Tribe of Indians in Oklahoma (Rept. No. 537);

A bill (H. R. 9615) authorizing the Secretary of the Interior to correct an error in an Indian allotment (Rept. No. 538); and

A bill (H. R. 13139) for the sale of isolated tracts in the former Fort Berthold Indian Reservation, N. Dak. (Rept. No. 539).

Mr. CURTIS, from the Committee on Indian Affairs, to which were referred the following bills, reported them severally with amendments and submitted reports thereon:

A bill (S. 192) authorizing the Crow Tribe of Indians, residing in the State of Montana, to submit claims to the Court of Claims (Rept. No. 540);

A bill (S. 804) authorizing the Ponca Tribe of Indians, residing in the States of Oklahoma and Nebraska, to submit claims to the Court of Claims (Rept. No. 541);

A bill (S. 1023) for the relief of certain nations or tribes of Indians in Montana (Rept. No. 542);

A bill (S. 2298) for the relief of the Flathead Nation of Indians (Rept. No. 543); and

A bill (S. 2800) authorizing the Coos Bay, Umpqua, and Siuslaw Tribes of Indians, in the State of Oregon, to submit claims to the Court of Claims (Rept. No. 544).

ACTIVITIES OF FOURTH ASSISTANT POSTMASTER GENERAL.

Mr. KING. If I may have the attention of the Senator from Michigan [Mr. TOWNSEND] I should like to inquire whether he has reported from the Committee on Post Offices and Post Roads the resolution to which he called my attention yesterday?

Mr. TOWNSEND. I am obliged to the Senator for referring to the matter. I ask the privilege of making that report now. From the Committee on Post Offices and Post Roads, to which was referred the resolution (S. Res. 309) directing the Postmaster General to furnish information in regard to alleged circularization of agriculturists in the United States, I report it without amendment.

Mr. KING. I ask unanimous consent for the present consideration of the resolution.

The VICE PRESIDENT. Is there any objection?

Mr. JONES of Washington. I ask that the resolution may be read.

The resolution (S. Res. 309) was read, as follows:

Whereas it has been reported that the Fourth Assistant Postmaster General has circularized hundreds of thousands of agriculturists in the United States, and submitted questionnaires to them relating to divers subjects: Therefore be it

Resolved, That the Postmaster General be, and he is hereby, directed to inform the Senate what authority said Fourth Assistant Postmaster General had for his said action and what appropriation had theretofore been made to cover the expenses of such proceedings upon his part.

Mr. KING. Mr. President, just a word in explanation of this resolution. Complaints were made to me that the Fourth Assistant Postmaster General had sent out tens of thousands of circulars and questionnaires to the farmers of the United States. The statement was made that he was seeking to get information to enable him to engage in an experiment which I conceive to be outside of the domain or purview of the Post Office Department. My information is that there was no authority for his action, and no appropriation from which he could draw to carry on the circularization program upon which he had entered. If the information sought was desirable, then the Agricultural Department should have obtained it. There is a disposition upon the part of too many officials to indulge in fads and experiments, and to undertake matters not authorized by law. There should be a stop to this course. Executive officials are to execute the laws, not to make the laws. I desire to find out what authority the Post Office Department had to engage in the work referred to in the resolution. Let me say frankly it is my purpose to curb wherever possible the unauthorized activities of executive agencies. Many of the agencies and employees of the Government want to extend their authority and jurisdiction, and they use funds of the Government for improper purposes, and seek for information that they are not entitled to obtain or assume undertakings not authorized or desired.

Mr. DIAL. Mr. President, I will state to the Senator that I can furnish him with the information he desires. I have it in my office.

Mr. KING. Does the Senator object to my getting it from the department?

Mr. DIAL. I would request the Senator to let the resolution go over for the present, as I desire to secure further information.

Mr. KING. I want the information to come from the official himself, and I should like it to come to the Senate directly, and not indirectly from the Senator from South Carolina.

The VICE PRESIDENT. Is there any objection to the present consideration of the resolution?

Mr. DIAL. I object to the consideration of the resolution at this time.

The VICE PRESIDENT. Objection is made. The resolution will go over.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NELSON:

A bill (S. 4273) to amend an act entitled "An act to amend section 1, chapter 209, of the United States Statutes at Large, volume 27, entitled 'An act providing when plaintiff may sue as a poor person and when counsel shall be assigned by the court,' and to provide for the prosecution of writs of error and appeals in forma pauperis, and for other purposes," approved June 25, 1910 (36 Stat., 866); to the Committee on the Judiciary.

By Mr. HENDERSON:

A bill (S. 4274) to provide for the acquisition of a site and the erection thereon of a Federal building at Ely, Nev.; to the Committee on Public Buildings and Grounds.

A bill (S. 4275) to protect certain wild animals in Humboldt National Forest, in Nevada; to the Committee on Forest Reservations and the Protection of Game.

By Mr. GRONNA (for Mr. LA FOLLETTE):

A bill (S. 4276) for the relief of Poul Albert Jensen; to the Committee on Naval Affairs.

By Mr. LENROOT:

A bill (S. 4277) for the relief of the Wisconsin Band of Pottawatomie Indians, and for other purposes; to the Committee on Indian Affairs.

By Mr. FRELINGHUYSEN (by request):

A bill (S. 4278) to further amend the interstate-commerce act, as amended; to the Committee on Interstate Commerce.

By Mr. KING:

A bill (S. 4279) to regulate grazing conditions on national forests; to the Committee on Public Lands.

PENSIONS AND INCREASE OF PENSIONS.

Mr. SPENCER submitted an amendment intended to be proposed by him to the bill (H. R. 9369) to revise and equalize rates of pension to certain soldiers, sailors, and marines of the Civil War, to certain widows, former widows, dependent parents and children of such soldiers, sailors, and marines, and to certain Army nurses, and granting pensions and increase of pensions in certain cases, which was ordered to lie on the table and be printed.

RIVER AND HARBOR APPROPRIATIONS.

Mr. KING submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was ordered to lie on the table and be printed.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Banking and Currency:

H. R. 12460. An act to authorize the coinage of 50-cent pieces in commemoration of the one hundredth anniversary of the admission of the State of Maine into the Union;

H. R. 12824. An act to authorize the coinage of 50-cent pieces in commemoration of the one hundredth anniversary of the admission of the State of Alabama into the Union; and

H. R. 13227. An act to authorize the coinage of 50-cent pieces in commemoration of the three hundredth anniversary of the landing of the Pilgrims.

H. R. 13138. An act to amend section 8 of an act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, as amended May 15, 1916, was read twice by its title and referred to the Committee on the Judiciary.

FREDERIC J. HASKIN—GOVERNMENT PUBLICATIONS.

Mr. SMOOT. Mr. President, on Friday, April 2, 1920, I made a statement in relation to the distribution of certain public documents and referred to Mr. Frederic J. Haskin. Mr. Haskin, in order that the Senate and the country may know the character of his business, would like me to read a letter I received from him in explanation. The letter is dated April 9, 1920, and reads as follows:

APRIL 9, 1920.

My attention has been called to your remarks on the floor of the Senate concerning the conduct of my business and the charge that it leads to a waste of Government literature.

I feel that you would not have made this criticism if you had possessed a more complete understanding of my operations, and I wish to offer a statement explaining them.

In addition to my work as a correspondent, I am the director of an information bureau, which is supported by over 100 representative newspapers for the free use of the public.

The service I render as a free agent is quite varied. I make investigations for editors, answer questions to subscribers, and arrange for the free distribution of educational literature, a great deal of which is not governmental.

My use of Government bulletins is usually under some such conditions as the following: There may be an epidemic of influenza, and it may be obviously advisable that the latest bulletin of the Public Health Service be widely distributed. There may be a coal strike which threatens to freeze the country and a consequent necessity of getting to the people a bulletin such as the Bureau of Mines publishes on the economic use of fuel. The garden season may be opening, and it may be evident that vegetables are going to be scarce, necessitating a wide distribution of the garden bulletin issued by the Department of Agriculture.

In the case of any of these emergencies, or any similar one, I volunteer the services of my agency to help reach the public quickly. If a bulletin exists giving the necessary facts, I may offer to distribute it, or the governmental agency having it may ask me to distribute it.

You were in error when you informed the Senate that the advertising was done in my name, and that I offered for a 2-cent stamp to send any public document the reader might ask for. The advertising is done by the newspaper in its own name and at its own expense. Each advertisement refers only to the particular offering named therein. I never advertise any bulletin unless the supply is previously arranged for. The 2 cents is used to pay the return postage. If the inquirer sends too much postage, the excess is returned to him.

In this connection I will read what I stated:

Mr. Frederic J. Haskin, located on U Street, I think, is a newspaper correspondent and a representative of—I can not state how many papers in the United States. I suppose Senators have received a copy of their home paper and in the paper noticed inserted an advertisement of Mr. Frederic J. Haskin, in which it is stated that if the reader will clip the advertisement out of the paper and attach to it a 2-cent stamp and send it to Mr. Frederic J. Haskin he will send in return any public document that the sender may ask for.

I ask that this advertisement, taken from the paper just as it appeared, be printed in the RECORD to show who does the advertising and how.

The advertisement is as follows:

GARDEN BOOK FREE.

"I like to see 'em grow!"

That's what a man said when a friend asked him why he put in an hour every afternoon grubbing away in his back yard with a hoe. The man might also have truthfully replied that his garden gave him better vegetables for less money, and that chopping up the face of the earth with a hoe saves doctor's bills.

Grow a garden. Follow the directions in the official illustrated Garden Book, published by the United States Department of Agriculture. You can get this by writing the Detroit Journal Information Bureau, at Washington. Send for it to-day. It is free.

THE DETROIT JOURNAL INFORMATION BUREAU,
Frederic J. Haskin, Director, Washington, D. C.:

I inclose herewith two-cent stamp for return postage for a free copy of the Garden Book.

Name_____

Street address_____

City_____ State_____

Mr. SMOOT. The letter then proceeds:

No profit is made by anyone on any of my transactions. I receive no income except the salary paid me by the newspapers, and the newspapers have no return, except the good will of their subscribers and the satisfaction of promoting public welfare.

On this point I said:

I do not think Mr. Haskin charges anything for the documents. He requires, however, that a 2-cent stamp be sent to him before he will send any document. Of course, there are a lot of farm bulletins among them, which it never costs 2 cents to send, but I am not saying that Mr. Haskin is making money out of these documents, because I do not know it. However, I think it gives him a standing with a clientele of people in the United States by the free distribution of these documents, which he uses in order to secure the appointment as representative of newspapers from all parts of the country.

Then Mr. Haskin proceeds:

I note that you told the Senate that I procured 1,329,475 copies of Government publications in a little over a year, and that you found in the list as high as 82,715 copies of one document.

If you could have taken the time to have informed yourself more fully, you might have told the Senate that my participation in this distribution was usually at the request of a Cabinet officer or bureau chief, and that the assistance of the newspapers was invariably welcomed and appreciated by Government officials rather than opposed by them.

You might have told the Senate that the large quantity I used of one particular document was a bulletin on the treatment and prevention of influenza issued by the Public Health Service when the epidemic was raging. In this national emergency my newspapers responded to the request of Dr. Blue to advertise this bulletin.

Upon another occasion I sent out to my papers reproductions of letters from both Dr. Blue and Secretary Baker, asking for cooperation in the fight against the spread of venereal disease. In this instance, and in many others which might be cited, neither I nor my editors had any interest except to promote public welfare, there being many subjects more attractive in character, and not of governmental origin, which were at our disposal.

You are mistaken in the idea that my distribution of governmental literature is a trespass upon congressional privilege. On the contrary, it is an aid to it.

This is what I said in that regard:

Mr. President, these documents are printed for distribution by the departments and Senators and Representatives, and the intention originally was that they should be sent to the constituents of Senators and Representatives.

Mr. Haskin's letter proceeds:

Widespread publicity for a campaign for better babies or garden planting or fruit canning calls the attention of many people to the subject who otherwise would know nothing about it, or be so indifferent as not to act. Once these persons are made acquainted with the benefits they may receive from their Government, they are likely to remain in closer contact with it thereafter.

One certain outcome of the war, and the tremendous publicity given the various drives for financing, increased production, efficient management, etc., is that millions of citizens have learned how to cooperate more closely with their Government and benefit from its many activities. This condition naturally argues for an increased appropriation for the dissemination of educational literature, rather than a restriction of it such as you propose.

When the Government expends vast sums of public money for scientific research, which is of great practical value if its results can be put in the hands of people who can profit by it, surely that distribution by any agency that is proper and economical should not be restricted.

You have only to inquire to find that as a practitioner before the Government I am in good standing, and there is no question as to the economy of my service, because it is free.

My work does not interfere with the distribution of governmental literature by Members of Congress. They are recognized both by the departments and by me as the ones who have the first right to the distribution of this literature. But the Members of Congress have only limited facilities for advising the public what is available in the way of governmental literature. If several hundred thousand copies of a bulletin on corn culture have been printed, for example, because the Department of Agriculture believes that number should be distributed, and if only one-half of these are distributed through Members of Congress, it can scarcely be argued that any waste is involved in the distribution of the remainder through my service.

This is typical of my operations. I get my supplies, as a rule, only after all demands from Members of Congress have been satisfied. My work begins where theirs ends. I give circulation to an immense mass of printed matter which would otherwise not attain any circulation at all, and I put it in the hands of persons who would otherwise never have heard of it. Many Members of Congress have recognized the value of this work, and none, before you, has seen in it any trespass upon the routine methods of distribution, or has considered a free and widespread circulation of such valuable literature, in excess of what Congress can itself distribute, a waste of public money.

Very truly, yours,

FREDERIC J. HASKIN.

Mr. President, I now state that if I have the power I am going to stop the distribution of millions of Government publications that now go into the wastebaskets of the country. My mail of late has simply been clogged with letters sending to me samples of the waste of paper in the way of documents sent to them unsolicited, and the recipients had no interest whatever in the subject matter. In the future this practice will at least be curtailed, because now even the departments can not issue more than 50 copies to any individual or corporation without the consent of the Joint Committee on Printing.

I cast no reflection upon Mr. Haskin as a man or upon his business in any way. He has complied many times with direct requests of heads of the Government. All I want to do is to bring about, if possible, the saving of millions and hundreds of millions and billions of publications sent indiscriminately to the people of the United States who do not want them.

Mr. KING. Will my colleague yield?

Mr. SMOOT. Certainly.

Mr. KING. I should like to ask the Senator how this will be stopped so long as Congress makes appropriations to the various departments and bureaus and Federal agencies which they may expend in publishing all sorts of trash and misinformation, as well as many foolish and alleged scientific documents, which pour forth from executive departments in a perennial stream?

Mr. SMOOT. I will say to my colleague that one way this is going to be enforced is that we are going to enforce the law which is upon the statute books to-day limiting the number of publications that can be printed by any one department. In the past they have paid no more attention to the law than if it was the whistling of the wind. The limit is 5,000 copies, but I know of documents where they have printed over a million copies.

The Senator is correct when he speaks of appropriations made; but take almost any of the deficiency appropriation bills and you will find appropriations covering deficiencies for printing and binding.

Mr. PHELAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from California?

Mr. SMOOT. I yield to the Senator.

Mr. PHELAN. Mr. President, I have been in receipt of many requests for copies of the report of the Commission on Classification. That is a report which interests everybody in the service of the United States. I was informed that only one copy was allowed to each Member of the Senate. It occurred to me that a document for which there is so great a demand should be made available for the public even if it was necessary to require the payment of a certain price. I should like to ask the chairman of the Joint Committee on Printing what is the policy of the committee with respect to the distribution of the report of the Classification Commission?

Mr. SMOOT. I think the Senator has been wrongly informed, in the first place, that each Senator is entitled to only one copy. Whenever a document is printed each Senator is allowed two copies of the document.

Then, in the next place, the commission itself has authority to print them. I do not know whether they spent all their money in paying salaries or not and did not print the necessary number of the reclassification report. However, I will simply say to the Senator that wherever there is a legitimate demand—and this is the first I have heard of the question—the Joint Committee on Printing has no idea of restricting it except within limits. This is the first time I have heard the question mooted.

Mr. PHELAN. May I ask what was the size of the edition of the report printed?

Mr. SMOOT. The usual number was printed.

Mr. PHELAN. Five thousand?

Mr. SMOOT. No; 1,464.

Mr. PHELAN. Do I understand that the document is available to those who desire to purchase it from the Superintendent of Documents?

Mr. SMOOT. I do not think it will have to be purchased. Of course, we are not going to print copies sufficient to give to every boy and girl and man and woman in the employ of the United States. That would take 775,000 copies. It is true that before the war we had less than 300,000 employees, but to-day we have 775,000. Any reasonable call, I will say to the Senator, is going to be complied with.

Mr. PHELAN. I am obliged to the Senator for the information.

PURCHASE OF FABRICS BY BUREAU OF STANDARDS.

Mr. SMOOT. Mr. President, while I am on my feet I wish to call the attention of the Senate to another matter.

I have before me a letter from the Department of Commerce, Bureau of Standards, signed by E. M. Michelsen, textile section of the Bureau of Standards, dated April 10, 1920, and addressed to a manufacturer. I wish to read this letter to the Senate, and then I want to make just a few comments upon it.

DEPARTMENT OF COMMERCE,
BUREAU OF STANDARDS,
Washington, April 10, 1920.

GENTLEMEN: The textile section of this bureau would like to establish an organization enabling members of the bureau staff to purchase staple fabrics for their personal use, and would be pleased to have your cooperation.

Our plan is as follows: On receipt of sufficient requests to make up one or more bolts, prices and 1 square yard samples will be obtained and tested in our laboratories. Consideration of quality, price, and delivery will enable us to place our orders, terms being cash on delivery.

We will in no way mention the name of the selling agent or manufacturer in connection with the testing or selling of the fabrics, unless requested to do so by the seller.

We wish to purchase fabrics of good quality only, and would be pleased to have you send us samples and prices on white madras shirting. We understand that you have mill ends which you sell, but if possible we would like to obtain the full pieces.

Very truly, yours,

E. M. MICHELSEN,
Textile Section.

Mr. President, if the Government of the United States is going into the business of purchasing of goods to be furnished to all of its employees, there ought to be an establishment where all of the employees may be treated alike and which will furnish the goods they want. This is only a sample of the letters that I have received.

Mr. McCUMBER. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from North Dakota?

Mr. SMOOT. I yield.

Mr. McCUMBER. May I ask the Senator if the Government is going into that line of business, why should not the benefits be given to all the people in the United States? Why should they be limited to the employees of the Government?

Mr. SMOOT. Mr. President, there is wisdom in the question asked by the Senator from North Dakota, but what I want to do at this particular moment is to call the attention of the Senate to the fact that if all the bureaus and departments of the Government are going to undertake to purchase all kinds of goods from the manufacturers and distribute them at retail to the Government employees in the respective bureaus and departments it is going to cost the Government of the United States tens of millions of dollars.

In the first place, these letters are written upon the letterheads of the Department of Commerce. Not only is the time of the employees of the department taken up in writing the letters but in receiving the goods, in the examination of them, and, more than likely, in delivering the goods to each individual purchaser. It is going to cost the Government of the United States much more in dribbling these purchases out than it would if we had one place for all the employees to go and purchase the goods at cost.

Mr. McCUMBER. Mr. President——

Mr. KING. Will my colleague yield to me?

Mr. SMOOT. I yield, first, to the Senator from North Dakota, and then I will yield to my colleague.

Mr. McCUMBER. Mr. President, the Senator from Utah has suggested that he desired to call these facts to the attention of the Senate. Will the Senator now go just a little further and call to the attention of the Senate the law authorizing the bureaus of the Government to go into the retail clothing business?

Mr. SMOOT. Of course, Mr. E. M. Michelsen, of the textile section of the Bureau of Standards, will immediately answer and say that it is not the Bureau of Standards that is doing this, but that it is the employees of the Bureau of Standards. It is just such activities as this, however, that require the unusual number of employees in all of the departments. If they will attend to the business of the respective departments, we can, in a great number of instances, cut the number of employees in two and have the work done a great deal better than it is done to-day. Now I yield to my colleague.

Mr. KING. The letter that my colleague has just read would be construed by some as a proceeding somewhat smacking of blackmail. This is rather a harsh word; but, as I understand, the gentleman who writes this letter is at the head of a bureau or an agency of the Government that has to do with testing and examining textile fabrics produced in the United States.

Mr. SMOOT. It is engaged in testing them in Government laboratories.

Mr. KING. If I understand the communication just read, the Bureau of Standards is a Government agency, is supported by the Government, and persons employed therein paid by the Government. The Government furnishes laboratories and other instrumentalities for the purpose of testing fabrics as well as other products and commodities. The stamp of approval by the Bureau of Standards upon any product is important to the manufacturer and vendor. The relations between the producer and the Bureau of Standards in a sense brings the employees of the bureau and the manufacturers into an antagonistic position; that is to say, the manufacturer and producer are desirous of obtaining a certificate from the Government that their products are of a high and superior grade. The employees of the bureau are there for the purpose of serving the public and administering in a fair and just manner the rules and regulations promulgated for their guidance. In a sense they are judges, or courts, to pronounce judgment upon the work and labor and products of others. It seems to me that it is a gross impropriety for employees of the Bureau of Standards to have commercial dealings with those whose products are submitted to be tested and examined and passed upon. As I interpret the letter just read, it would seem that it is in a sense a species of intimidation and extortion. The letter clearly declares that the employees of this Government agency want to form a combination to obtain goods at a low price. They state to the persons to whom the letter is directed that they will send orders and pay cash, and that the products of the manufacturer will be tested "in our laboratories." Of course, these employees have no laboratory. It would seem that the clear purpose of the writer was to secure for himself and others manufactured products at a very low price, and that an important factor in determining the price resulted from the fact that the proposed purchasers and the Government organization with which they were connected could help or hurt the manufacturer to whom they communicated. Can anyone doubt that the reception by the ordinary manufacturer of a letter such as the one before us would impel him to name an exceedingly low price, far below the market, for articles proposed to be purchased? He could not deal at arm's length in an independent way with the writer of the letter, or, at any rate, he could not deal with that freedom that would characterize his procedure if the proposition to purchase emanated from some wholesale dealer or broker. If my interpretation of this letter is correct, the author of the letter is not only guilty of a grave indiscretion but his conduct calls for investigation, and, if the facts are as the letter seems to indicate, his dismissal from the service should follow.

Mr. SMOOT. Mr. President, there is another part of this letter which I do not like at all, and that is the part which reads:

We will in no way mention the name of the selling agent or manufacturer in connection with the testing or selling of the fabrics unless requested to do so by the seller.

What does that mean? It means, "If you will let us have these shirtings as requested, if you want us to advertise the fact, we will do so"; or, in other words, "If you will let us have these shirtings, perhaps at a price greatly below cost, you will get paid the price you quote us and receive in addition advertisement such as the Bureau of Standards will give you." That is wrong in principle; it is unjustifiable.

Mr. President, I hope that calling the attention of the Senate to this particular case will stop the practice in all of the departments of the Government engaged in this same class of work.

Mr. THOMAS. Mr. President, the Senator from Utah is quite an optimist this morning. I do not think it will stop it at all.

Mr. SMOOT. I only express the hope; but I will say to the Senator from Colorado that I am a little fearful that my hope will not be realized.

Mr. KING. If my colleague will yield to me, I desire to say that I do not think he will have done his full duty unless he communicates with the head of the organization from which this letter emanates and requests that an investigation be had. If the facts are as the letter indicates, the employee of the Government who wrote the letter ought to be summarily discharged from the service.

Mr. SMOOT. Mr. President, I have merely called attention to the letter which I have read. I have paid no particular attention to the others, for they were not so specific in their requests; yet I do know that a similar practice is going on in other departments of the Government; and I hope when it is called to the attention of the heads of the departments that the practice will cease.

PENSIONS AND INCREASE OF PENSIONS.

Mr. McCUMBER. I move that the Senate proceed to the consideration of House bill 9369, the Fuller pension bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9369) to revise and equalize rates of pension to certain soldiers, sailors, and marines of the Civil War, to certain widows, former widows, dependent parents and children of such soldiers, sailors, and marines, and to certain Army nurses, and granting pensions and increase of pensions in certain cases.

Mr. REED. Mr. President, I wish to inquire of the Senator from North Dakota whether he expects to keep the bill which he has just called up before the Senate only during the usual morning hour, or whether he intends to hold it here during the day?

Mr. McCUMBER. I hope we will get through with it during the morning hour to-day. If we do not, the river and harbor bill really has the right of way, and if the Senator having that bill in charge insists on it he would be entitled to proceed after 2 o'clock. If the pension bill is not completed before that time, I hope to make it the unfinished business following the river and harbor bill; but until the river and harbor bill is disposed of, if this bill is not disposed of sooner, I shall try to call it up each morning after the close of the routine morning business.

Mr. REED. I will say to the Senator that my reason for inquiring was that I expected to address the Senate this morning on the river and harbor bill. If the Senator is going on with this bill after 2 o'clock, of course I can make my remarks on the river and harbor bill at this time. I would prefer to do it, however, when the bill is formally before the Senate.

Mr. McCUMBER. I think the Senator would just as soon wait until 2 o'clock, would he not, and then discuss that matter when the river and harbor bill is really before the Senate?

Mr. REED. Very well.

The VICE PRESIDENT. The pending amendment is the amendment of the Senator from Colorado [Mr. THOMAS], which will be stated.

The ASSISTANT SECRETARY. On page 2, line 25, before the words "Civil War," it is proposed to insert the words "War with Mexico, the Spanish-American War, or the."

Mr. KING. Mr. President, how would it read then?

The ASSISTANT SECRETARY. So that section 3 will read:

That from and after the approval of this act all persons whose names are on the pension roll, and who, while in the service of the United States in the Army, Navy, or Marine Corps, during the War with Mexico, Spanish-American War, or the Civil War, and in the line of duty, shall have lost one hand or one foot or been totally disabled in the same, shall receive a pension at the rate of $60 per month; that all persons who, in such service and in like manner, shall have lost an arm at or above the elbow, or a leg at or above the knee, or been totally disabled in the same, shall receive a pension at the rate of $65 per month; that all persons who, in such service and in like manner, shall have lost an arm at the shoulder joint or a leg at the hip joint, or so near the shoulder or hip joint, or where the same is in such condition as to prevent the use of an artificial limb, shall receive a pension at the rate of $72 per month; and that all persons who, in such service and in like manner, shall have lost one hand and one foot, or been totally disabled in the same, shall receive a pension at the rate of $90 per month.

The VICE PRESIDENT. The question is on the amendment of the Senator from Colorado.

Mr. SMOOT. Mr. President, I understood that that amendment was voted on last evening.

The VICE PRESIDENT. The Chair was here, and it was not voted on.

Mr. THOMAS. I supposed it was.

Mr. SMOOT. So did I.

The VICE PRESIDENT. It was not voted on. The roll was called and failed to disclose the presence of a quorum.

Mr. McCUMBER. Mr. President, my information is that the RECORD shows that the Chair put the question, and the Chair announced that the "noes" seemed to have it, but went no further than that. Then the absence of a quorum was suggested.

The VICE PRESIDENT. Yes.

Mr. McCUMBER. And therefore I assume that the question is still open.

The VICE PRESIDENT. It is.

Mr. KING. Mr. President, I should like to ask the Senator having this bill in charge the reason why the provision suggested by the Senator from Colorado was not included in the original bill. I am asking for information.

Mr. McCUMBER. Mr. President, that is because we are including in this bill only those things which relate peculiarly to the soldiers of the Civil War. They are a much older class than the soldiers of the Spanish War and the soldiers of the late war. However, provision has been made for similar disabilities when incurred in service by the soldiers of the late war.

The Senator will easily understand, for instance, that the loss of an arm below the elbow in the case of a man 20 years of age will not be exactly the same impediment against his earning a living that it would be in the case of a man 80 years of age, because he can still earn a living. There is no question but that his earning capacity has been greatly reduced, but the man 80 years of age can not earn any living at all; and therefore we felt that it was better to deal with that question when the Spanish War veterans' bill should come before the Senate.

I call attention also to another matter—for instance, loss of leg at the hip joint. The first pension that was granted to soldiers of the Civil War for that disability was $15 a month, on June 6, 1866. That was increased to $24 from June 4, 1872, to $37.50 from March 3, 1879, to $45 from August 4, 1896, and to $55 from March 2, 1903. So it will be observed that we gave the soldiers of the Civil War nothing like this amount until they are given it in this bill at a very advanced age.

Of course, we will all agree that if they were all about the same age and in the same war, the same rules should apply without reference to their ages; but it was thought by the committee that we ought to deal with the soldiers of each war separately. At the present time the soldiers of the Spanish War are receiving the same amount for like injuries and loss of limb that soldiers of the Civil War, who are very much older, are receiving; but the committee felt that it was better to leave an increase for those of the Spanish War until the time when we should consider a bill relating to that war.

Mr. CHAMBERLAIN. Mr. President, I offered an amendment for the same purpose as the amendment proposed by the Senator from Colorado, but in a different way. It was to strike out the words "during the Civil War." That would make the bill applicable, if adopted, to those covered by and included in the amendment proposed by the Senator from Colorado; so that if the amendment which I propose and which is also pending is adopted, section 3 will read as follows:

SEC. 3. That from and after the approval of this act all persons whose names are on the pension roll, and who, while in the service of the United States in the Army, Navy, or Marine Corps, and in the line of duty, shall have lost one hand or one foot or been totally disabled in the same, shall receive a pension at the rate of $60 per month; that all persons who, in such service and in like manner, shall have lost an arm at or above the elbow, or a leg at or above the knee, or been totally disabled in the same, shall receive a pension at the rate of $65 per month; that all persons who, in such service and in like manner, shall have lost an arm at the shoulder joint or a leg at the hip joint, or so near the shoulder or hip joint, or where the same is in such condition as to prevent the use of an artificial limb, shall receive a pension at the rate of $72 per month; and that all persons who, in such service and in like manner, shall have lost one hand and one foot or been totally disabled in the same shall receive a pension at the rate of $90 per month.

I think the amendment of the Senator from Colorado or, better, that offered by me, ought to be adopted. I am going to ask the Secretary to read a copy of a letter which I received after I offered the amendment proposed by me. I do not give the name because I am sure the party who wrote it would prefer not to have his name submitted, but I will say for him that he is one of those who lost a leg in the Spanish-American War.

The VICE PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Assistant Secretary read as follows:

WASHINGTON, D. C., *April 17, 1920.*

Hon. GEORGE E. CHAMBERLAIN,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I want to congratulate you on the fairness of your amendment to H. R. 9369, as reported out by the Senate Committee on Pensions.

The brutal discrimination of this measure as it came from the committee, it seems to me, ought to be apparent to everyone who takes the trouble to examine it. Your amendment very properly takes notice of the fact that the bill as reported to the Senate seeks to discriminate between men of identical disabilities, making a preferred class of one and allowing the other to go limping along in the struggle of life, getting on as best they can because few in numbers and therefore handicapped in enforcing any demands for relief.

I would like to call your attention to one noteworthy fact, and that is that never to this time in the history of pension legislation has there been enacted by Congress a law which discriminated between men who had lost arms or legs in the military or naval service of the United States.

While this and that law has been enacted in behalf of the Civil War and the Mexican War veterans suffering from partial disabilities, ignoring the men who served in the Spanish-American War and the Regular Establishment (meaning the Regular Army of peace times), the laws have always dealt evenly with men who had suffered the loss of hands or feet.

The present bill now seeks to depart from that rule and to increase the pension of the Civil War veteran and of some other classes who have lost legs and arms and to leave out of its benefits men of identical disabilities sustained in the Spanish-American War or in the Regular Establishment. Frankly, I think you will have to agree with me that the proposed legislation is an affront to every man who suffered such an injury in the Spanish War or the Regular Service. These pensioners are now receiving equal treatment, drawing their pensions under the same act, regardless of the time or character of their service.

Can it be that the committee which reported this bill reasons that the crutch operates more soothingly in the armpits of men who lost their legs in the Spanish-American War or in the Regular Establishment, or that the stumps of their maimed legs and arms are less likely to chafe than those of veterans of other service?

In the report accompanying this bill the Senate committee justifies the proposed pension increases to certain classes of veterans on the ground that the cost of living has mounted skyward in the last few years. For example, they cite the increase in the cost of ham from 15 cents a pound in 1913 to 55 cents in 1920. Can it be that this committee imagines that injured veterans of the Spanish-American War or the Regular Army are still buying ham for 15 cents a pound? If so, it might have been well for them to summon some crippled Spanish War veteran or Regular before them before reporting this bill. In any case, I hope this letter will set the members of the committee right on these points.

It is a notorious fact that men who were injured in the Regular Service or in the smaller wars have been grudgingly recognized by Congress, and, certainly, it is unfortunate that there should be such a flagrant demonstration of this tendency just at a time when preparations are being made to build a larger standing army.

Can it be that with the Great War over, the public mind is again reverting to that common contempt for the man who wears a uniform in time of peace? No one will deny that it has always been true—true in this country as well as in others. The bill which has been reported to the Senate is but the first sign of return to that peace-time state of mind which regards the Regular soldier as a necessary evil.

When Rudyard Kipling wrote the poem entitled "Tommy Atkins" he most faithfully portrayed the radically diverse moods of the public

toward the regular soldier in peace and in war. He knew his subject when he wrote:

"Oh, it's Tommy this and Tommy that,
And Tommy go away;
But it's thank you, Mr. Atkins,
When the band begins to play."

The action of the Senate committee reflects a reversion, now that the war has been fought to a successful conclusion, to the spirit of the first two lines of the foregoing verse.

As one of the 600 or more veterans proscribed by this measure as unworthy, I thank you.

Very truly, yours, ——— ———.

Mr. CHAMBERLAIN. Mr. President, I favor the pension bill as reported out of the committee and will vote for it, whether the amendment suggested by the Senator from Colorado or that suggested by myself is adopted or not. I do not believe I have voted against any general pension legislation since I have been a Member of the Senate.

I do not agree at all with my distinguished friends from Colorado [Mr. THOMAS] and Utah [Mr. KING] and some others who so bitterly oppose these pension bills. I feel that the Government of the United States is doing only justice to the veterans of all wars when they vote to them pensions and increase the pensions as the years go by and the veterans become enfeebled and helpless.

This bill recognizes only the veterans of the Civil War. I favor that. Why not recognize them all, Mr. President? In the Civil War, as has been stated here, there were 2,151,789 men who were under 21 years of age and there were 628,516 men over that age. That was all of the 31,443,321 of population of the United States in 1860 who went to the war and preserved the Union. The men who were willing to do that—and most of them were volunteers—ought to have their services recognized in some substantial way, even if it is necessary to go down into the pockets of some of the men who stayed at home and profiteered during the time the war was waging. There were many of military age and fitness who declined to participate in that war, Mr. President, and finally the draft was resorted to by Congress, as it was by the Southern Confederacy, in order to compel all within the military age to go to the front and bare their breasts to the bayonets of the enemy.

Mr. KING. Mr. President, will the Senator yield?

Mr. CHAMBERLAIN. I yield to the Senator.

Mr. KING. I do not want to be captious at all. I do not think there is any objection particularly on the part of anybody to pensioning those who did bare their breasts to the enemy, who did actual military service, who were wounded or suffered disabilities or incurred disabilities which have incapacitated them for the duties of life. But the Senator certainly ought to distinguish between men of that character and the camp followers, and the thousands and tens of thousands and hundreds of thousands of men who came into the service during the Civil War who were not within 100 miles or 1,000 miles of any battle field, who never saw the smoke of battle, who were exposed to no danger. Many of them, indeed, had a delightful jaunt for 30 to 90 days or 4 months.

Mr. THOMAS. Some were substitutes.

Mr. KING. Some were substitutes, as the Senator says. Those men are not to be put in the same category with soldiers who fought upon the battle field, who lost legs and arms, who were wounded, who incurred disabilities, and who suffered. Those men ought to be distinguished, it seems to me, from the multitude of children and grandchildren and uncles and aunts and widows to the third and fourth generation and nth power, thousands and tens of thousands and hundreds of thousands of whom are now upon the pension rolls.

As a matter of fact, if the Senator will just pardon me one moment, the records show that upon the pension roll to-day there are more of the latter class than there are of men who were nominally and actually within the military and naval service of the Government. The figures are as follows:

The total number of survivors of the Civil War is 271,391; that is, those who were on the rolls February 6, 1920. I will modify that statement.

Mr. McCUMBER. Will the Senator correct that? I think that while the statement of the number is correct, that was the number on the rolls June 30, 1919.

Mr. KING. I stated that I would modify it. I will read the statement as I have received it from the Commissioner of Pensions. He states that the total on the Civil War pension rolls June 30, 1919, was 568,343; survivors, 271,391; widows, and so forth—"and so forth" will cover a large number of individuals and classes—296,952. Of course out of the survivors only a comparatively small number, my information is, actually were upon the battle field, actually bared their breasts to the bayonets of the enemy, to use the expression of the Senator.

I ask the Senator again, Does he not distinguish between those men who did serve their country upon the battle field, who were wounded, who did incur disabilities, and the aunts, the uncles, and the widows to the third and fourth degree, and the descendants and progeny and the alleged dependents in the ascending and the descending lines?

Mr. CHAMBERLAIN. Mr. President, I am in total disagreement with the Senator. This legislation must be general in its nature and character, and I stand for it. I care not whether it be popular or unpopular. If the Senator's view be taken as the correct one, it is an unpopular proposition, and I am on the unpopular side. If it is popular legislation and only advocated by politicians for selfish purposes, then I am fortunate in being on the popular side. That is immaterial to me, and I resent the imputation, no matter where it comes from, whether from this side of the Chamber or the other, that men who vote for these measures do it for political and selfish purposes. I do it as a matter of principle, and the men who are opposing these appropriations as a rule, Mr. President—I do not mean in the Senate, but I mean in the country at large—the men who are opposing such appropriations because it increases their taxation are not the men who have their little farms and homes with small incomes; they are not the men who earn moderate salaries, as we in the Senate do. They are the extremely rich and the men as a rule who profiteered during the civil and other wars, and who now object to large appropriations to pay to these men who saved and preserved the Union their just dues.

I stand for the pension policy, Mr. President, as a matter of principle. I am not only for this bill but I am going to vote for whatever is proper, reasonable, and right for the young men of this World War, whether they bared their breasts in conflict on the battle fields of France or whether they remained in the cantonments and camps of America, ready to go whenever their country said the time was appropriate for them to go. Let those pay for it who must. I am perfectly willing to give a part of my salary and income every year for this purpose, and so are the great mass of our people.

The same charge of political influence and motive is made, Mr. President, because some of us here in the Senate vote for appropriations to improve the rivers and harbors of this country. I have stood for those appropriations. My State has stood for them, and has shown its faith in work which goes to improve our country's waterways by contributing dollar for dollar for every cent that is appropriated to it by Congress for this purpose. My State will stand for this legislation, Mr. President, because the people of Oregon feel as I do, that we owe it to these old veterans of the Civil War to see that they shall not be in want in their old age. They stand, too, for paying the young men who were in this World War whatever is right and just.

The Senator says there were a lot of camp followers in the Civil War. Probably there were. If there were any camp followers, they were there for the purpose of making money, and they and their descendants, with millions pocketed by them and rung from the troops who were at the front, are now the men who kick, as a rule, against the payment of any taxes to meet the appropriations made by Congress.

There were killed and died of disease and wounds in the Civil War 400,000 men. The South had at least 1,500,000 men engaged, and their losses were proportionate to those of the North.

Mr. REED. Mr. President, does not the Senator think that the Pension Bureau is so organized now that practically every case of fraud has been eliminated and that a rigid examination has been had with reference to every case, so that mere camp followers and creatures of that kind are to all intents and purposes taken from the pension rolls?

Mr. CHAMBERLAIN. I do not think there is any question about that, and I am glad to have the Senator make the suggestion. The Senator served with me for a long time on the Military Affairs Committee, and the Senator knows there were many claims which came before the Military Affairs Committee where the committee felt that the War Department had been so strict in the enforcement of the law and in their investigations that they had excluded very many worthy men.

Mr. THOMAS. Mr. President——

Mr. CHAMBERLAIN. I yield to the Senator from Colorado.

Mr. THOMAS. The operation of the Pension Bureau may be, as the Senator suggests, but those whose claims are rejected seldom fail—there may be some exceptions—to come to the Congress of the United States and there, by special bill, secure the pension just the same.

Mr. CHAMBERLAIN. If the Senator will pardon me for differing from him, I will tell him now that as chairman of that committee I have gone over the record many, many times, and where one was allowed there were ten disallowed by the committee or not acted on at all.

Mr. THOMAS. I am not referring to the Committee on Military Affairs. That is the committee having to do with bills for correcting records of service. I know that the vetoes of President Cleveland first exposed that situation, but the practice long ago has been abandoned—in fact, it did not survive President Cleveland—and the special pension bill has been the salvation of the soldier whose claim for pension was turned down by the Pension Bureau.

Mr. CHAMBERLAIN. Does the Senator remember whether President Cleveland had a substitute in the service or not?

Mr. THOMAS. I think he had a substitute; but that is aside from the question. His substitute may have been pensioned. The other day I received a letter from a substitute asking me to introduce a special bill to secure a pension for him.

Mr. REED. Mr. President, if the Senator will pardon a further interruption, I suppose there is no doubt about the fact that at one time the pension business of the country was run pretty loosely. I suppose there is no doubt that attorneys, who were then paid fees for getting pensions through, were very active, and they got results that were unjustifiable in many instances. The character of the gentlemen who engaged in that business as attorneys was not of the highest for the most part, but I think, from my observation and experience, that the pension rolls have been pretty thoroughly purged.

But, now speaking of private pension bills, I have introduced, as has every other Senator, many private pension bills. I never introduced one that did not seem to me to have some merit, and it has been a rare thing to get one of those bills approved. I have known a number of instances where it seemed to me that every principle of equity called for the enactment of the bill, but where the committee, under some rigid rule, rejected it.

May I be permitted to have the time of the Senator to add that the Civil War army is getting pretty old and the ranks are getting pretty thin? They are marching on into the great beyond very fast, and I do not believe we will add anything to the patriotism of our country by a niggardly policy.

Mr. CHAMBERLAIN. Mr. President, I am thoroughly in accord with the Senator from Missouri in that regard. I do not know that I would have said anything to-day, except that it is continually insisted here by a few of my colleagues, whom I esteem most highly, that those of us who favor these pension bills are doing so for political purposes. I do it, Mr. President, as a matter of principle. I have always done it. In the 10 years I have been in the Senate I do not remember ever voting against a general pension measure, because, although I was born and reared in the South, and my brother and other relatives in the South fought under the flag of the Southern Confederacy, I still think that we owe a debt of gratitude to the men who fought under the Stars and Stripes for the preservation of the Union that we can never fully pay. The men outside of the Senate who are now objecting to the increase of taxes that will be necessary to meet these appropriations owe the very fact that they are able to pay taxes to those men who labored and sacrificed all, and whose widows and children in many instances became dependent because those men either lost their lives or became permanently disabled.

The only objection I have to the bill is that it does not go far enough to include the Regular soldier in the section under consideration. There is a disposition to hold in disrepute in large measure the man who wears the uniform of his country, and there is no better evidence of that than the fact that the Regular soldier is discriminated against in this bill.

There are a great many men in the Regular Army who, both before and since the Spanish-American War, have become permanently disabled in the service, and they are just as much entitled, where their injuries came in the line of duty, to a pension as the men who actually became disabled as a result of a saber cut or a bullet in the Civil War or in any of the wars of our country.

I have watched our boys returning from France, and it has distressed me greatly to see magnificent divisions of Regulars from overseas landing in New York with little show of rejoicing. There was practically no one to meet them and they marched down the streets unheralded and without acclaim. There was not a braver body of men in the world than those Regulars who came over from France, and if I recall—I tried to find it this morning, but I failed to do it—there was only one unit mentioned by special name in Gen. Pershing's report, and that was a unit of Regulars. Why not recognize the man in the Regular Army, whether in the Civil War or since, whether in the Spanish-American War or since, or at any time, who has lost a limb and has become incapacitated to earn his own support and the support of his family because he was injured in the line of duty?

Mr. President, there were, in round numbers, 4,000,000 troops raised for the overseas war. Many of these boys were volunteers; many of them went over under the selective-service act; many of them could have claimed exemption, but did not do it. In other words, there were practically 3½ per cent of the population of the United States that went over in defense of civilization and to make the world safe for democracy. Can not the 96.5 per cent of the people of the United States go down in their pockets and reward these young men—call it a bonus or whatever you please—who were willing to offer up their lives upon the altar of their country?

Can not that thing be done? Can we not advocate such a policy without being charged with playing politics in order to gain the good will and favor of those young men? I deny the charge. It is wholly unworthy of Members of this Senate. Because we happen to differ from some of our colleagues on the principle involved here we, forsooth, must be charged with playing politics, although it has been the policy of our lives, some of us, to stand for just such legislation.

The Senator from Michigan [Mr. TOWNSEND] will remember the fate of the retired volunteer officers' pay bill. The United States held out promises to those old men when they went into the service. Congress has never redeemed its promise to those men. We have reported the bill out from our committee more than once, but it always fails either here or in the House of Representatives. That debt ought to be recognized before the beneficiaries of it pass to the great beyond.

Mr. President, I have said more than I intended to say. Let some of the 95 per cent of the population who remained at home when the World War was being fought consent to do justice to the soldiers of that war. There were great fortunes made out of it. While our boys were reddening with their blood the plains of France and laying down their lives to preserve our institutions, the profiteer was at work here at home, and he ought to be compelled to pay something out of the fortune he made and achieved as a result of all the sacrifices that were made in order to make the present condition of the young soldiers better and happier.

I hope the Senator from North Dakota [Mr. MCCUMBER] will accept the amendment and let the Regular soldiers, if you please, share the benefits of the legislation. There are not very many of them. There have been in the Regular Establishment only 369 men who would come under that provision. There are only 167 of them who were engaged in the War with Spain, and only 11 of them in the war of 1917. Why not appropriate for them, and let Congress do justice to them all?

The strange thing about the present situation is that while we contribute to one class of our soldiers and sailors, we make the Regular pay his own way after he becomes incapacitated. The only institution in this Government that I know anything about that pays its way and asks nothing from Congress is the National Home for Soldiers here in Washington, to which the soldier contributes so much each month to take care of himself and his comrades when they become incapacitated. Even out of the small salary of $13 a month he received at one time, he used to have to turn a portion of it over for the purpose of maintaining an institution where he might some day go, but where he knew many of his old comrades must eventually find an asylum. Let us treat them all alike. I beg the Senator will accept these amendments, so that all may be treated justly and alike.

Mr. MCCUMBER. Mr. President, I wish to consider just briefly the amendment offered by the Senator from Colorado [Mr. THOMAS] and my reasons for saying that it should not be made a part of this particular bill. I listened with considerable interest to the letter which was read, written by a Spanish war veteran. This veteran seems to have a misconception entirely of the purpose of pension legislation. The main purpose of all pension legislation is to make good the loss occasioned by the service. In addition to this we grant a pension for the old and helpless, because of our gratitude for his war services.

This legislation is based, therefore, upon disability. The writer of the letter seems to fail to take into consideration that the bill now pending is based not only upon the loss of limb as a disability but advancing age as a disability. It will be admitted, of course, that if two soldiers in the Civil War lost a leg below the knee both should receive exactly the same pension.

That is true of the soldiers of the Spanish-American War and of the war of 1917; but the soldier who loses a portion of his leg, say, below the knee, and who is but 20 years of age, often can use an artificial limb, and can still partially earn his living; he is not totally disabled. There is no question but that the Government should deal most liberally with him in making good the loss, and even going beyond that, for a

thousand inconveniences and sufferings that can never be compensated for by any pension; but the man who is 80 years of age, who has suffered a like physical disability, and who can not earn one penny, is not exactly in the same position. We have provided for an addition to the pensions of the soldiers of the Civil War at this time more particularly because they have reached an age at which their earning capacity has long since been passed. That is why we make a rule relative to the soldiers of the Civil War which we have not yet applied to the soldiers of the war of 1898, because the soldiers of the Civil War are from 30 to 40 years older than the soldiers of the latter war, and because their condition requires greater assistance on the part of the Government.

I wish the Senate further to remember that we have also reported from the Committee on Pensions, favorably, the Sells bill, which deals with the Spanish-American War veterans. I hope that the Senator from Colorado [Mr. THOMAS] or the Senator from Oregon [Mr. CHAMBERLAIN] will offer the amendment to that particular bill, rather than press it on this bill, for there is where it belongs.

I am not certain that I would not agree with them that it ought to be made a part of that bill; but I want to weigh it in connection with the age and condition of the soldiers of that war just as exactly as I weigh a like loss in connection with the age and physical condition of the old soldiers of the Civil War. The Sells bill is on the calendar of the Senate, and will come up in due course; but I think it appropriate to make a little allowance for the age of the old veterans of the Civil War, and that it is proper that we should consider the soldiers of that war in a class by themselves. I propose, so far as my vote can go and so far as my voice can go, to see that justice, and full justice, is done the soldiers of the War with Spain and the World War. I think, Mr. President, that the amendment ought not to be pressed on this particular bill.

Mr. CHAMBERLAIN. May I ask the Senator from North Dakota what is the status of the bill to which he has just referred?

Mr. McCUMBER. It is on the calendar.

Mr. CHAMBERLAIN. Is that bill for the benefit of the Spanish-American War veterans?

Mr. McCUMBER. It is entirely for their benefit; it pertains exclusively to the soldiers of the Spanish-American War.

Mr. CHAMBERLAIN. I have not read that bill, but may I ask the Senator if it contains any provision relative to the loss of limbs by soldiers?

Mr. McCUMBER. No; there is no provision in the bill relating to the loss of limbs by soldiers, but an amendment can be applied to that particular bill just as well as it can be added to the pending bill.

Mr. CHAMBERLAIN. But in order to make an amendment apply to that bill there would have to be a whole section added to it, such as the one which is included in this bill.

Mr. McCUMBER. Of course, it is just as easy to add a whole section as it is to change a word. The only question is as to where the provision properly belongs, and I think it properly belongs to the bill relating to the Spanish War soldiers.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Colorado [Mr. THOMAS].

Mr. KING. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Ashurst	Harrison	McCumber	Smith, S. C.
Ball	Henderson	McKellar	Smoot
Calder	Hitchcock	McNary	Spencer
Capper	Jones, N. Mex.	Nelson	Sterling
Chamberlain	Jones, Wash.	New	Sutherland
Comer	Kellogg	Nugent	Swanson
Curtis	Kendrick	Overman	Thomas
Dial	Keyes	Page	Townsend
Dillingham	King	Phipps	Trammell
Frelinghuysen	Kirby	Reed	Underwood
Gerry	Knox	Sheppard	Wadsworth
Gronna	Lenroot	Simmons	Warren
Harris	Lodge	Smith, Ariz.	Wolcott

Mr. SWANSON. My colleague [Mr. GLASS] is unavoidably detained from the Senate. I ask that this announcement stand for the day.

Mr. GRONNA. I desire to announce that the Senator from Wisconsin [Mr. LA FOLLETTE] is absent, due to illness. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Fifty-two Senators have answered to the roll call. There is a quorum present. The question is on the amendment of the Senator from Colorado.

The amendment was rejected.

Mr. McCUMBER. I should like to ask if any other Senator wishes to speak on the pending bill at this time? One of the Senators has notified me that he desires to speak on the bill in the morning for a brief period, and if no other Senator wishes to speak on it this afternoon I will ask that the bill may go over until to-morrow, when I will call it up at the close of the morning business. In the meantime, the Senator from Washington can call up the river and harbor bill at this time.

The VICE PRESIDENT. Without objection, the pending bill, which has been under consideration, will be passed over.

Mr. McCUMBER. I suggest the absence of a quorum, unless the Chair holds that the presence of a quorum has already been determined.

The VICE PRESIDENT. The Chair is inclined to rule that within two minutes of the appearance of a quorum it is not in order to call the roll for a quorum, but after the lapse of any reasonable time the Chair holds it might be called.

Mr. McCUMBER. I withdraw the suggestion.

RIVER AND HARBOR APPROPRIATIONS.

Mr. CURTIS. I move that the Senate proceed to the consideration of the river and harbor appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11892) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. WOLCOTT. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The READING CLERK. On page 4, after line 21, it is proposed to insert:

St. Jones River, Del.: The provisos attached to the items making appropriation for the improvement of St. Jones River, Del., in the river and harbor acts of June 25, 1910, and February 27, 1911, are hereby modified to read as follows: "*Provided*, That no part of said amount shall be expended for the excavation of any cut-off until a satisfactory title to the land required for that cut-off shall have been transferred to the United States, free of cost."

Mr. KING. Mr. President, my recollection is that the Senator from Delaware was to have a conference with the senior Senator from Utah [Mr. SMOOT] with respect to the amendment. I should like to ask whether the matter of difference between the Senator from Delaware and the senior Senator from Utah [Mr. SMOOT] has been adjusted so that the amendment may be disposed of?

Mr. WOLCOTT. Mr. President, I have nothing to say on the amendment. I regret that the senior Senator from Utah is not present at this moment. I conversed with him for a little time this morning, and he said to me that he was obliged to leave to keep an engagement. I said I would see him later and discuss the question further, but he replied that in case I should not do so, he would make no objection, or something to that effect. So that I am quite sure, from the way he talked, that the senior Senator from Utah no longer has any objection to the amendment, although I wish he were here that he might state his position for himself.

Mr. KING. Let me suggest to the Senator that we take a vote on the amendment, and if upon the return to the Chamber of the senior Senator from Utah he desires to reconsider the action taken, a motion to reconsider may be accepted as a matter of course.

Mr. WOLCOTT. That is entirely agreeable to me.

Mr. JONES of Washington. I think there will be no trouble about that.

Mr. WOLCOTT. I ask that the question be put.

The PRESIDING OFFICER (Mr. CAPPER in the chair). The question is on the amendment offered by the Senator from Delaware.

The amendment was agreed to.

Mr. HARRISON. Mr. President, I offer an amendment to be known as section 6.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. It is proposed to add to the bill a new section, as follows:

SEC. 6. That as to the lands investigated, surveyed, or reported on under authority of a provision of the river and harbor act approved July 25, 1912, a full report of which is set out in House Document No. 1010, Sixty-second Congress, third session, and wherein the recommendation is made that the title to said lands be acquired by the United States for their use in river improvement, the owners thereof may institute suit against the United States in the Court of Claims to ascertain the value of said lands before their damage or destruction, and said court shall render judgment therefor: *Provided, however*, That in the trial of said suits said court shall permit any party who at any time since the damage or destruction of such lands owned or held title thereto or any interest therein, and who has become dispossessed thereof by reason of foreclosure proceedings, or otherwise compelled to sacrifice title thereto as a result of said injuries to appear as a party claimant by filing petition setting up their former interest therein, and said court shall consider the claims of all of said parties and render judgment for whatever amount said court considers equitably or justly due the respective parties.

Mr. JONES of Washington. Mr. President, this amendment was put on the river and harbor bill some years ago at the request of the Senator from Mississippi [Mr. WILLIAMS]. I think myself it is a very serious matter, and I am not willing to accept it. I am willing to have the Senator from Mississippi present the facts with reference to it, and let the Senate pass upon it.

I will say that so far as I have been able to look up the matter, it involves the adjudication of claims for lands which the engineers recommend should be taken in connection with the Mississippi River levee improvement, and so forth, that in 1912 I think it was estimated would cost something over $6,000,000. How much the cost will be at this time I do not know.

I am willing to have the Senator present the matter to the Senate, but I do not feel that I can accept the amendment.

Mr. HARRISON. Mr. President, this is an amendment, known as the Williams amendment, that was adopted by the Senate during the consideration of the river and harbor bill last year, and I am requested by my colleague to offer it in his absence.

Some years ago levees were constructed on the western side of the Mississippi River. On the eastern side there was a ridge practically in the form of a levee that protected the people behind that ridge; but along the route of the ridge on the eastern bank of the Mississippi there were openings where people had long lived and cultivated their crops. When the levee on the western side of the river was constructed, it threw the waters in times of overflow and high waters on the eastern side through these openings in this natural ridge and destroyed the property of these people.

It does not amount to a great deal, and so back some years ago, I think in 1912, this whole matter was referred by an act of Congress to the Army Board of Engineers to make an investigation, with their recommendations as to the damage and what Congress should do, and in their report they made their findings, with the suggestion that the matter go to the Court of Claims, and so forth. Therefore I have offered this amendment, which merely allows these people who have been damaged through the building of this levee on the western bank of the Mississippi River a day in court, so that they might file their claims with the Court of Claims and let the matter be heard there.

It seems to me that it is a very just matter. No opposition has been raised in the Senate before, I think, and I hope the amendment will be adopted.

Mr. LENROOT. Mr. President, as I recollect, this amendment was adopted at one time by the Senate, but was never recommended by the Commerce Committee. I do not think it was ever considered by the Commerce Committee. As I recollect, it was put upon the bill as an amendment very late one evening upon the floor. If I am wrong about that, I should be very glad to be corrected; but certainly a matter of this importance, involving several million dollars, particularly in view of the present condition of the Treasury, ought not to be put on this bill in this way. At least, the Committee on Commerce should fully consider it; and it was never even presented, I think, to the committee in connection with this bill.

Mr. KING. Mr. President, will the Senator yield?

Mr. LENROOT. Yes.

Mr. KING. I ask purely for information. Is there anything in the record that would imply either a legal or a moral obligation on the part of the Government?

Mr. LENROOT. Absolutely nothing that I know of. It is merely a recommendation, as I understand, upon the part of the engineers, that this property be acquired. Congress is under no obligation, as I understand, to acquire the property.

Mr. KING. Are there any paramount utilitarian reasons that would warrant the acquisition of these lands by the Government?

Mr. LENROOT. None that I am aware of; but I will say to the Senator that I am not aware that any committee of Congress has ever investigated the merits of this question.

Mr. HARRISON. Mr. President, here is the act of Congress which authorized this investigation. I find it in House Document No. 1010, Sixty-second Congress, third session:

> WAR DEPARTMENT,
> OFFICE OF THE CHIEF OF ENGINEERS,
> *Washington, November 30, 1912.*
>
> From: The Chief of Engineers.
> To: The Secretary of War.
> Subject: Mississippi River east bank surveys.
>
> 1. There is submitted herewith, for transmission to Congress, report dated October 26, 1912, by the Mississippi River Commission, made in pursuance of the following provision in the river and harbor act approved July 25, 1912:
>
> "The Mississippi River Commission is hereby authorized and directed to make an examination and survey of all the lands, subject to overflow from the Mississippi River, situate on the east bank of the river between Brunswick, Warren County, Miss., and Baton Rouge, La., and between Bessie, Lake County, Tenn., and Memphis, Tenn., for the purpose of ascertaining the location, quantity, character, and value of such lands, and for the purpose of ascertaining what portions of such lands, if any, it would be advisable to protect from overflow by levee construction, and the cost of such construction, and for the purpose of ascertaining the cost of acquiring such portions of said lands as it would not be advisable to protect from overflow by levee protection. The commission is further directed to prepare topographic maps of the lands so examined and surveyed, and to make its report on such examination and survey, with its recommendation thereon, to the Chief of Engineers before the 1st of November, 1912, and the Chief of Engineers shall transmit the said report to Congress on or before the first Monday of December, 1912. The sum of $30,000, or so much thereof as may be necessary, is hereby appropriated for the purpose of making and reporting the foregoing prescribed examination and survey."
>
> 2. Attention is invited to the provision requiring that this report should be submitted on or before the 1st Monday in December, 1912.
>
> H. TAYLOR,
> *Lieut. Col., Corps of Engineers,*
> *Acting Chief of Engineers.*

Then the report follows.

Mr. LENROOT. Mr. President——

Mr. HARRISON. I yield to the Senator from Wisconsin.

Mr. LENROOT. I wish to say that I did not mean to be understood as saying that Congress had never authorized the investigation.

Mr. HARRISON. I understand.

Mr. LENROOT. But that, so far as I was aware, no committee of Congress has ever acted upon that matter.

Mr. HARRISON. I think the Senator is right in saying that the committee had not acted on it. This matter was brought up during the consideration of the bill last time, as I stated, by my colleague [Mr. WILLIAMS], and there was some discussion at that time about it. He explained it briefly, as I have tried to explain it at this time. Although he had introduced his bill, and it was pending before the Commerce Committee of the Senate, I do not think they had had a hearing on the proposition.

These lands that are in dispute were overflowed by the Mississippi River, not at the instance of these individual owners at all. They had acquired them. They had lived there peacefully for years. They had not been overflowed by the Mississippi River. They could cultivate their crops, their children could go to school, they could have their schools and their churches there. They were not affected in the slightest by the overflow; but when it became necessary for the levee on the western bank to be constructed, naturally that raised the water and threw it back on these people.

It is not a large amount, and it would seem to me that since this happened away back yonder—this report has been filed since 1912—they should be permitted at least to go into the Court of Claims and present the matter, and let the court pass upon it. That is all that my amendment proposes.

Mr. JONES of Washington. Mr. President, this amendment apparently commits the Government to the payment of any judgment that the court may find. It says:

> The owners thereof may institute suit against the United States in the Court of Claims to ascertain the value of said lands before their damage or destruction, and said court shall render judgment therefor.

There does not seem to be any question left for the court to determine as to the liability of the United States, but simply the question of ascertaining the amount of damage, and rendering judgment therefor. It does not seem to me, even if Congress should do anything with reference to this matter, that we should pass a provision of that character. It does seem to me that there ought to be some determination as to the liability of the United States for this damage.

I have not had an opportunity to look over this report. I find, however, that it closes in this way:

> In view of recent sales of lands in the basins, and prices that have been quoted from time to time, it is the opinion of the commission that an estimated value of $10 per acre may be regarded as the average price at which the lands whose protection is impracticable can be acquired. The total cost of such acquisition on that basis would amount to $6,226,210.

In other words, there seem to be about 622,000 acres of land involved, whose value was estimated in 1912 at $10 an acre. We have no idea as to what it is estimated at now. It might be $20 or $30 an acre, so that the claim might amount to thirteen or eighteen or twenty million dollars. This seems to be for lands that can not be protected from overflow by reason of the erection of levees. These levees on the Mississippi River are constructed primarily for the purpose of protecting the lands from overflow. In other words, they are constructed primarily for the especial benefit of the people whose lands are adjacent to the river. Of course, navigation is important. My recollection is that where the Government has appropriated $1, the people there have been required to put up, I think, $2, showing that the main thing to be accomplished by these levees—I think

that is plain to everybody—is the protection of the lands from overflow.

It appears that here are some lands that can not be protected locally from overflow, and therefore, in the construction of these levees, the water is backed up over these lands. It seems to me that the Government ought not to have to stand all of the damage. The Government ought not to be liable for all of the damages, if damages are to be paid for. This damage should be taken care of, it strikes me, in proportion, at any rate, to the interests that are benefited by the construction of the levees. That is a matter that ought to be gone into, I think, very carefully before Congress passes a provision under which a court is to fix the judgment that is to bind the Government.

As the Senator from Wisconsin has suggested, this matter has not been considered by the committee. It was not presented to the committee, at any rate at this time, and I think it would be very unwise to force the provision on the bill, especially in the form in which it is now proposed.

Mr. HARRISON. If the Senator will permit me, he understands that the levees, when constructed, are not constructed at the instance of people who have been damaged, because these people were in Mississippi, and the levees were constructed in Louisiana, on the western side of the river.

Mr. JONES of Washington. That is probably true; but there ought to be some way by which the interests which were really protected by the construction of the levees should be responsible for a part of the damage. It does not seem to me that the United States ought to bear all of it, if it bears any part of it.

Mr. HARRISON. If this whole matter is referred to the Court of Claims, the Court of Claims will consider all those propositions, and any damage which the United States might be held liable for.

Mr. JONES of Washington. I think not; under the Senator's amendment, anyhow. The amendment reads:

That as to the lands investigated, surveyed, or reported on under authority of a provision of the river and harbor act approved July 25, 1912, a full report of which is set out in House Document No. 1010, Sixty-second Congress, third session, and wherein the recommendation is made that the title to said lands be acquired by the United States for their use in river improvement, the owners thereof may institute suit against the United States in the Court of Claims to ascertain the value of said lands before their damage or destruction, and said court shall render judgment therefor.

The only question to be submitted to the court is the value of the land.

Mr. HARRISON. These people have been held out of the money a long time. I do not know how they will ever get their money unless we can legislate in some way regarding the matter.

Mr. JONES of Washington. I do not know that anybody is to blame for not having the matter brought to the attention of the committee and giving the committee an opportunity to investigate it and get all of the facts, and see what form a provision should take, if it was deemed wise to have a provision inserted. But the matter was not called to the attention of the committee, and the committee has not given it any consideration at all, at least at this session.

Mr. HARRISON. I do not think the Commerce Committee had any hearings.

Mr. JONES of Washington. The Commerce Committee had no hearings with reference to the river and harbor bill, except the engineers.

Mr. HARRISON. I so understood, because there were several matters I wanted to bring to the attention of the committee if it held hearings. I very much hope the amendment will be agreed to, and that it may be allowed to go to conference.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Mississippi.

Mr. HARRISON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The Reading Clerk called the roll, and the following Senators answered to their names:

Ball	Jones, Wash.	Nelson	Sterling
Capper	Kellogg	New	Swanson
Chamberlain	Kendrick	Nugent	Thomas
Curtis	Keyes	Overman	Townsend
Dial	King	Ransdell	Trammell
Dillingham	Knox	Reed	Underwood
Gerry	Lenroot	Sheppard	Wadsworth
Gronna	Lodge	Simmons	Watson
Harris	McCumber	Smith, Ariz.	Wolcott
Harrison	McKellar	Smith, S. C.	
Henderson	McNary	Smoot	
Jones, N. Mex.	Moses	Spencer	

Mr. GERRY. I wish to announce that the Senator from Nevada [Mr. PITTMAN] is detained on official business.

The PRESIDING OFFICER. Forty-six Senators have answered to the roll call. There is not a quorum present. The Clerk will call the names of the absent Senators.

The Reading Clerk called the names of the absent Senators, and Mr. HALE and Mr. PITTMAN answered to their names when called.

Mr. MCCORMICK, Mr. PAGE, Mr. CALDER, Mr. PHELAN, Mr. POMERENE, Mr. SUTHERLAND, and Mr. WARREN entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty-five Senators have answered to the roll call. There is a quorum present. The question is on the amendment offered by the Senator from Mississippi.

Mr. GRONNA. I ask that the amendment be stated.

The PRESIDING OFFICER. The Secretary will read the amendment.

The READING CLERK. It is proposed to add a new section, as follows:

SEC. 6. That as to the lands investigated, surveyed, or reported on under authority of a provision of the river and harbor act approved July 25, 1912, a full report of which is set out in House Document No. 1010, Sixty-second Congress, third session, and wherein the recommendation is made that the title to said lands be acquired by the United States for their use in river improvement, the owners thereof may institute suit against the United States in the Court of Claims to ascertain the value of said lands before their damage or destruction, and said court shall render judgment therefor: *Provided, however*, That in the trial of said suits said court shall permit any party who at any time since the damage or destruction of such lands owned or held title thereto or any interest therein, and who has become dispossessed thereof by reason of foreclosure proceedings, or otherwise compelled to sacrifice title thereto as a result of said injuries to appear as a party claimant by filing petition setting up their former interest therein, and said court shall consider the claims of all of said parties and render judgment for whatever amount said court considers equitably or justly due the respective parties.

Mr. HARRISON. Mr. President, I have a modification to suggest, because of the criticism of the Senator from Washington [Mr. JONES]. Has the Senator any objection to letting the amendment go over, in the hope that we may be able to get together on something that will be agreeable to him?

Mr. JONES of Washington. Of course, the Senator can withdraw his amendment, and then offer it later.

Mr. HARRISON. Then I withdraw the amendment for the present.

The PRESIDING OFFICER. The amendment of the Senator from Mississippi is withdrawn. The bill is still in Committee of the Whole and open to further amendment.

Mr. JONES of Washington. There is a committee amendment which has not been acted upon.

Mr. REED. The first committee amendment?

Mr. JONES of Washington. Yes; the committee amendment to strike out $12,000,000" and to insert "$20,000,000." I understood the Senator from Mississippi [Mr. HARRISON] had offered an amendment to raise the amount to $24,000,000.

Mr. HARRISON. Yes; I have offered an amendment to the committee amendment to raise it to $24,000,000.

Mr. REED. I wish the Senator would make his amendment to the amendment read $27,000,000 instead of $24,000,000. I could offer such an amendment, but under the parliamentary situation the pending amendment is an amendment to an amendment, and I would be barred from the opportunity of offering such an amendment.

Mr. JONES of Washington. I suggest to the Senator that, of course, if the amendment of the Senator from Mississippi is defeated, then he could offer his amendment to the amendment.

Mr. REED. Oh, yes; but after you have defeated a $24,000,000 amendment there would be a good chance to pass a $27,000,000 amendment.

Mr. JONES of Washington. I just wanted to suggest that that course is possible.

Mr. REED. Will the Senator from Mississippi be willing to withdraw his amendment to the amendment?

Mr. HARRISON. It is perfectly agreeable to me, because of the parliamentary status, to withdraw my amendment.

Mr. REED. I thank the Senator from Mississippi, and I am much obliged to the chairman of the committee. I move to make it "$27,000,000" instead of "$24,000,000," as proposed by the Senator from Mississippi.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Missouri to the amendment of the committee.

[Mr. REED addressed the Senate. See Appendix.]

On the conclusion of his speech,

Mr. REED said: Mr. President, I decline, of course, to go on under these circumstances. There are actually in the Chamber

now five Senators. One of them is the chairman of the committee. Another is my colleague [Mr. SPENCER], and I know how he is going to vote. I refuse to be the chief actor in the prolongation of this particular farce, and I move that the Senate adjourn.

The PRESIDING OFFICER (Mr. ASHURST in the chair). The question is on the motion of the Senator from Missouri that the Senate adjourn.

On a division, the Senate refused to adjourn.

Mr. POMERENE. Mr. President, I will ask the Senator from Missouri whether he is going to proceed further to-night?

Mr. REED. Why, certainly I am not going to proceed further in the absence of the Senate. I do not think the chairman of the committee or anyone else has any right to ask the Senate to proceed under these circumstances. If the chairman is going to go on with this bill, he ought to get a quorum here, or he ought to allow us to adjourn.

Mr. POMERENE. Mr. President, I desire to say that I am not any more enamored of talking to empty benches on a proposition of this kind than is the Senator from Missouri. There are a few facts that I had intended to call to the attention of the Senate, but I would rather undertake to persuade Senators to my way of belief than empty seats. I had some experience along this line several weeks ago, when a bill was before the Senate which provided for the inauguration of a plan involving an expenditure of over a billion and a half of dollars. I do not like it myself.

Mr. JONES of Washington. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Washington?

Mr. POMERENE. Yes; I yield.

Mr. JONES of Washington. The Senator likes it just as much as I do.

Mr. POMERENE. I am not complaining of the Senator from Washington, because he is one of the Senators who conceives it to be his duty to stay on the job.

Mr. JONES of Washington. If there is any way by which we can get Senators here, I am perfectly willing to adopt it; and if the Senator will just make the suggestion we will do our best to get them here.

Mr. POMERENE. I have been informed that there is a greater attraction elsewhere this afternoon.

Mr. JONES of Washington. I am perfectly willing to have the Sergeant at Arms go to that attraction and bring the Senators here.

The PRESIDING OFFICER. Does the Senator make that as a motion?

Mr. JONES of Washington. No. If Senators desire to have a quorum here, it can be procured.

Mr. POMERENE. I think under the circumstances I shall renew my motion to adjourn.

The PRESIDING OFFICER. The Senator from Ohio moves that the Senate adjourn.

On a division, the Senate refused to adjourn.

Mr. REED. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Missouri suggests the absence of a quorum, and the Secretary will call the roll.

The Reading Clerk called the roll, and the following Senators answered to their names:

Ashurst	Jones, Wash.	Nelson	Spencer
Ball	Kellogg	New	Sterling
Brandegee	Kendrick	Overman	Swanson
Calder	Keyes	Page	Thomas
Capper	King	Phelan	Trammell
Chamberlain	Knox	Ransdell	Underwood
Comer	Lenroot	Reed	Warren
Curtis	Lodge	Sheppard	
Dillingham	McCumber	Smith, Ariz.	
Hale	McNary	Smoot	

Mr. UNDERWOOD. I desire to announce that the junior Senator from Mississippi [Mr. HARRISON] is absent on official business.

Mr. SHEPPARD. The Senator from Delaware [Mr. WOLCOTT] is absent on official business.

The PRESIDING OFFICER. Thirty-seven Senators having answered to the roll call, there is not a quorum present. The Secretary will call the roll of absent Senators.

The Reading Clerk called the names of the absent Senators, and Mr. MOSES, Mr. SIMMONS, and Mr. SMITH of South Carolina entered the Chamber and answered to their names when called.

Mr. KIRBY, Mr. SUTHERLAND, Mr. POMERENE, Mr. GRONNA, and Mr. MYERS entered the Chamber and answered to their names.

The PRESIDING OFFICER. Forty-five Senators only having answered to their names, a quorum of the Senate is not present.

Mr. JONES of Washington. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

Mr. WATSON, Mr. MCLEAN, Mr. FRELINGHUYSEN, and Mr. WOLCOTT entered the Chamber and answered to their names.

The PRESIDING OFFICER. Forty-nine Senators have answered to their names. A quorum of the Senate is present.

LEGISLATIVE, ETC., APPROPRIATIONS—CONFERENCE REPORT.

Mr. WARREN. I submit the conference report on the legislative, executive, and judicial appropriation bill, which I ask may lie on the table and be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on a certain amendment of the Senate to the bill (H. R. 12610) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1921, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"The Bureau of Efficiency, together with its books, papers, and records, furniture, equipment, and supplies, is hereby transferred to the jurisdiction of Congress; and its officers and employees are transferred in their present status without reappointment. The Chief of the Bureau of Efficiency shall hereafter be appointed jointly by the President of the Senate and the Speaker of the House of Representatives and may be removed from office by them. All other employees of the bureau, including a disbursing officer for the payment of the salaries and expenses of the bureau, shall be appointed in accordance with the civil-service laws and regulations. The Bureau of Efficiency is authorized to investigate any matters relating to the organization, activities, or methods of business of the several administrative services of the Government whenever directed by either House of Congress or requested by the heads of such services and shall from time to time submit to Congress reports of its investigations with recommendations looking to greater efficiency and economy in the conduct of the public business. It shall make such special investigations and reports as may be required by either House of Congress or by any committee or subcommittee thereof of either House having jurisdiction over appropriations, or expenditures. Administrative officers and employees of the executive departments and other establishments shall furnish authorized representatives of the Bureau of Efficiency with all information that the bureau may require for the performance of its duties, and shall give such representatives access to all records and papers that may be needed for that purpose."

And the Senate agree to the same.

F. E. WARREN,
REED SMOOT,
LEE S. OVERMAN,
Managers on the part of the Senate.

WM. R. WOOD,
EDWARD H. WASON,
T. U. SISSON,
Managers on the part of the House.

Mr. WARREN. I ask the Chair to lay before the Senate the action of the House of Representatives on the conference report on the legislative, executive, and judicial appropriation bill.

The PRESIDING OFFICER (Mr. ASHURST in the chair). The Chair lays before the Senate the action of the House of Representatives disagreeing to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12610) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1921, and for other purposes, further insisting upon its disagreement to the amendment of the Senate No. 53, and requesting a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WARREN. Mr. President, I move that the Senate recede from its amendment. There is but one amendment in controversy.

Mr. POMERENE. Let us know what that amendment proposes.

Mr. THOMAS. What is the amendment in controversy?

Mr. WARREN. It is the amendment relating to the Bureau of Efficiency. The House will not join us in caring for that as we wish to now, but expect us, and desire us for that matter, to cover it in some substantial way in the budget bill. The House Members seem to fear that to put it in the appropriation bill might leave us negligent in regard to the budget bill.

Mr. SMITH of South Carolina. What division is that?

Mr. SMOOT. When the legislative appropriation bill was before the Senate I offered an amendment transferring the Bureau of Efficiency to the jurisdiction of Congress, so that Congress could have some agency whereby it could investigate estimates made by the different departments as to whether they were really needed or not. The House objects to this amendment and gives as a reason why that the budget bill is to be acted upon by the Senate in a very few days, and they want this provision or a similar one incorporated in the budget bill and made even stronger than the Senate amendment in the legislative apppropriation bill.

I took the position that it was very easy, if such a provision was incorporated in the budget bill, to repeal that part of the appropriation bill transferring the Bureau of Efficiency to the jurisdiction of Congress, but I am quite sure there was a feeling in the House that the budget bill might not pass at this session of Congress, and felt if this amendment was taken out of the legislative appropriation bill it would be an incentive on the part of the Senate to pass the budget bill, including the amendment.

I make that statement with no hesitancy from statements that I have had made to me by Members of the House.

Mr. POMERENE. Mr. President, I very much regret that the Senate conferees have receded from this amendment. I do not know, of course, what influence this action will have upon the House, and I have no observation to make, but the defeat of the amendment will result in preventing some Senators from getting certain information which they may want.

Mr. SMOOT. I want to be perfectly frank and say that every one of the House conferees on the legislative appropriation bill wanted to retain the provision in that bill, but the vote in the House was to the effect that the House desired to have it eliminated.

To the Senator from Ohio I wish to say that the general practice in the past has been that wherever a legislative item is put in an appropriation bill by the Senate and there is a disagreement between the two Houses, and the House, in which the bill originated, positively refuses to agree to the Senate amendment, the Senate generally recedes.

Mr. WARREN. May I say that that is especially the case where it is a matter of distinct legislation? Of course, we had it in conference the second time, and the House in the meantime had voted very largely against it. There is but one way to arrive at the composing of differences on appropriation bills in conference, and that is to follow certain, perhaps unwritten rules, but good rules nevertheless; and those rules are that if the House transgresses in putting in new legislation and we will not submit to it, they must eventually take it out; and, on the other hand, if we add legislation of that kind, under similar circumstances, and the House will not consent, we must take it out in order to arrive at a final conclusion.

Mr. THOMAS. May I ask the Senator from Utah [Mr. SMOOT] if the House voted against the acceptance of the amendment before the conferees had acted, or if they instructed their members of the conference committee not to agree to the amendment?

Mr. SMOOT. The House members of the conference were virtually instructed not to agree to amendment No. 53 before a conference was held. Following that there was a vote taken upon it by the House, and it disagreed to the amendment and sent the conference report back for a further conference. A further conference was held, and at that conference the conferees on the part of the House reported back to the House the same provision, modified along the lines suggested by the Secretary of War, making but few changes in the wording of the provision agreed to by the Senate, and that was taken back to the House and the House disagreed to it.

Mr. THOMAS. It is a fact, is it not, that the budget bill, so called, has not yet been reported and placed on the calendar?

Mr. SMOOT. It is on the calendar now.

Mr. THOMAS. Is it also on the calendar of bills reported to the House?

Mr. SMOOT. It has passed the House.

Mr. WARREN. It passed the House some 10 days ago.

Mr. SMOOT. The Senate committee struck out all after the enacting clause and inserted a new budget plan. I think we can accomplish the same purpose by adding this provision to the budget bill.

I want to say frankly that my whole object in offering the amendment to the legislative appropriation bill was to save the Government of the United States not a million dollars, not $50,000,000, but hundreds of millions of dollars within the next few years. The fact is that estimates are made up by the departments of the Government and Congress is asked to appropriate money based upon those estimates, and when the Appropriation Committees of the House and Senate ask for any information as to why such estimates should be appropriated for, the same men who make up the estimates come before the committees and give them the only information obtainable.

Everybody knows that the members of the Appropriations Committee can not go into an investigation of all estimates submitted. The object of the provision in the legislative appropriation bill was to transfer the Bureau of Efficiency to the control of Congress, and let it direct the Bureau of Efficiency to make investigations as to whether the estimates for appropriations were too high. That was the object of the legislation. I am told by Members of the House that they are in favor of the plan, but thought if we included it in the legislative appropriation bill and then put a similar provision in the budget bill, it would appear like we were acting on legislation one day and repealing it the next day.

Mr. SMITH of South Carolina. If the Senator will permit me, I should like to ask if it is intended that the different departments are to report to the Efficiency Bureau, and they are to make an investigation?

Mr. SMOOT. No; the Efficiency Bureau has nothing whatever to do with any investigation unless the Commitee on Appropriations of the House or the Senate ask them to make investigation.

Mr. SMITH of South Carolina. Whenever the estimates are sent in from the department and there is any question, they are referred to the Bureau of Efficiency?

Mr. SMOOT. We ask the Bureau of Efficiency to make an investigation and report to Congress. They are responsible to Congress, and they are to report to Congress. Nobody can remove them unless they are removed by the President of the Senate and the Speaker of the House.

Mr. SMITH of South Carolina. Do I understand that the Bureau of Efficiency, during the session of Congress and during a recess, familiarize themselves with the workings of the different departments?

Mr. SMOOT. If the Congress directs them to do so. If the Congress of the United States asks them to make an investigation of the duplication of work in the different departments of the Government, they make that investigation and report to Congress.

Mr. SMITH of South Carolina. That is one of the objects I had in view, because there has been so much complaint of duplication of work, and there is doubtless a very wasteful duplication in the different departments. I was wondering if the Bureau of Efficiency would have jurisdiction over that question or, at least, a recommending power as to how we might iron out those difficulties.

Mr. SMOOT. The Congress had jurisdiction, and has it now, but they would use the agency of the Efficiency Board to get the information. That is all that was contemplated by the amendment.

Mr. KING. I would like to ask my colleague if he intends to support the motion to recede? So far as I am concerned, I think if the provision is so meritorious we ought not to recede.

Mr. SMOOT. I will say to my colleague that under the circumstances I think it is best to recede. I have not, and I do not think any Senator has, any pride in how the legislation is secured. If the House wants it upon the budget bill, well and good; let it go there.

Mr. OVERMAN. The House defeated it twice. Why send it back again? They will defeat it the third time. If we can put it on the budget bill, we can possibly get it through.

Mr. SMOOT. Yes; and we have to have this appropriation bill.

Mr. OVERMAN. Certainly.

Mr. WARREN. Mr. President, may I give in a few words the history of this matter, which was put in with, I think, the unanimous desire of the committee on the part of the Senate? The House rule is different from ours. In order to have a bill go to conference it has to be taken from the table by unanimous consent, and when that was asked for, in this case, some Members of the House expressed a desire that it might not be agreed to until it was brought back to the House for further examination and information. The House committee therefore felt

bound to take it back. They were not instructed, as they sometimes are regarding an item, to repudiate it entirely. But they were instructed to bring it back.

As my colleague on the committee has said, the conferees on the other side were willing, with the amendments that were offered and agreed to, to stand by it. I do not think the matter of the budget bill was discussed very much on the floor, but it had been discussed in committee and had been talked about in the lobbies, and the conferees who worked with us were full of the idea.

Mr. SMOOT. It was referred to on the floor also.

Mr. WARREN. Yes; to some extent.

My idea, from what I have seen, from what I have read of the discussion on the floor, which was not so very extensive, and from the spirit of these men—and I have talked also to the chairman of the House committee, who was not a member of the conference—is that they agree that something ought to be done; and, in case of the failure of the passage of a budget bill, which they do not contemplate, or if the matter is not cared for in such a measure, I believe it can be provided for at some later time. However, now does not appear to be the appropriate time to press this matter further; in fact, it would avail us nothing to do so. Therefore I ask that the Senate recede from the amendment.

Mr. KING. Mr. President, it is to be regretted that no legislation will be enacted during the present session of Congress to promote efficiency and economy in the executive branches of the Government. It has been obvious for a long time to those who are familiar with executive departments, bureaus, and agencies of the Government that radical changes and important reforms were imperatively needed. The departments as a rule are operating under laws enacted years ago. Changed conditions have not brought modifications and changes in the statutes and regulations controlling executive officials. There should be a complete overhauling of the executive departments of the Government. There should be numerous transfers of bureaus and executive activities from the departments now controlling them to other departments. Under some departments there are executive agencies whose duties are entirely inconsistent with the purpose of the department which controls them. Duplication of work is found in every executive department of the Government. Inefficiency, waste, and extravagance have characterized the executive departments for 50 years. Needed reforms, reforms recognized as desirable, have not been made. Within some of the departments there are reactionary forces and elements which oppose efficiency and progress. There is a devotion by many of the employees of the Government to obsolete, defective, and absurd regulations and policies for which no defense can be offered.

I have given some little attention to the work of the executive departments of the Government and have conferred with hundreds of the employees therein. A great many splendid and progressive men and women holding positions in the departments have voluntarily come to see me and to protest against the extravagance and waste and inefficiency and duplication which are found within these departments. I know of bright young men and women who have severed their relations with the Government service because of the improper administrative methods and the fact that for weeks and months they had but little to do. My attention has been repeatedly called to the jealousies and contentions upon the part of the officials within departments and the disinclination of heads of bureaus and executive branches to work economies and bring about proper and legitimate and authorized reforms. It is a matter of common knowledge that there has been a determination upon the part of many holding positions of trust and responsibility in the departments to keep as many employees as possible. The war more than doubled the number of Federal employees within the District and it materially increased the number of employees of the Government in all parts of the country. It was understood that thousands and tens of thousands of employees should be separated from the service when the war ended, because there would be no necessity of longer retaining them. But months have gone by and there are still thousands of employees retained in the Government service who should have been released and returned to their homes long ago. There are within the Government service thousands of the finest men and women that can be found in our country. They deplore the duplication of work, the incompetency of officials and employees, the waste and extravagance and inefficiency. They have pride in their work and are ambitious to effectuate reforms and are sincerely desirous of faithfully serving their country.

Many of this class have conferred with me and have detailed numerous instances of the indefensible methods employed and policies adhered to in executive branches of the Government. The civil-service law and its administration have proven a shield and protection to inefficients and defectives and to the unambitious and those who were satisfied if they only could hold their positions. I have conferred with a number of men and women employed in the departments who have declared that when they sought to perform an honest day's work they would be remonstrated with by employees and urged to slacken their efforts because if they carried out their purposes and did their full duty it would result in the dismissal from the service of unnecessary employees. Other employees have protested because promotions too often were the result of long years of service rather than efficiency. Many Senators and Representatives during the past few years have denounced the conditions existing in the executive departments of the Government and have insisted that administrative reforms should be initiated, consolidations of agencies and bureaus brought about, and needed changes for the good of the service and the welfare of the people made. But Congress only has debated and criticized, and has failed to enact needed legislation.

Some time ago a bill was introduced having for its object the promotion of efficiency in executive departments, bureaus, boards, commissions, and agencies of the Federal Government. This bill was denounced by some employees and their agents. There is no question but what there are some who hold positions in the Government who are opposed to reform, to efficiency, and to economies. The bill to which I have just referred provided that the chief of the bureau should be appointed by the Speaker of the House of Representatives, and that it should be the duty of the bureau over which the chief presided, in addition to the various duties imposed by law to "conduct a thorough and detailed examination of the personnel requirements of the various departments and department offices, to ascertain whether and to what extent any such department or department office has too large or too small a number of employees to enable it to perform its duties properly, and to determine what employees, if any, are so unfit or inefficient as to warrant their discharge or transfer to other duties."

It is not my purpose to discuss the bill or its provisions. The amendment which was offered to the measure now before us and which the conference committee has not accepted, was calculated, in my opinion, to promote efficiency, and it is to be regretted that the amendment or some other adequate provision was not accepted by the conferees. As I understand, the contention is that the Budget Committee, which is now considering important legislation, will deal with this subject.

Mr. President, members of the Appropriations Committee of the Senate as well as other Senators have repeatedly stated that there are thousands of Federal employees within the District of Columbia who should be separated from the service. I do not understand why, in view of the position of Senators, that they should continue to make appropriations providing for these unnecessary employees.

Mr. WARREN. Mr. President, the Senator from Utah [Mr. KING] was not present, I think, when the legislative bill was under consideration. That bill provides for many less clerks than have hitherto been provided for; in fact, it made a greater reduction than was ever known in a similar bill. We are moving in that direction. Of course, this bill does not do away with the work of the Bureau of Efficiency. The proposal was to place that bureau entirely in the hands of Congress.

Mr. KING. Mr. President, I appreciate the statement made by the Senator from Wyoming, and understand the matter in controversy. I submit most respectfully, however, that efficiency and economy will be promoted if legislation shall be enacted creating a bureau, board, or commission responsible to the legislative branch of the Government. The present Bureau of Efficiency is hampered and has been obstructed in some instances in its efforts. It is an executive agency, not a legislative one. It is inferior in power and strength and in the number of its employees to the departments and to many of the bureaus and executive agencies of the Government. Some bureau chiefs and other employees of the Government resent any investigation as to their work by this or other executive agencies. There should not be, however, any such mental attitude upon the part of executive boards or agencies. There should be a hearty cooperation in promoting the public welfare and in securing reforms and the highest degree of efficiency and economy.

Unfortunately there has grown up a spirit in some branches of executive departments that is intolerant of any control or direction by the legislative branch of the Government. It is the history of all executive departments of all governments that they tend to crystallization, to bureaucratic and autocratic methods, to stagnation, and deadly and destructive monotony. Senators and Congressmen are almost daily confronted with evidences of departmental tyranny. Bureaus and executive

agencies become static and immobile. They resist progressive measures and rational and needed reforms. There is a tendency to increase authority and to extend their powers and jurisdiction even to the extent of violating law and encroaching upon other branches of the Government. There are many executive officials who will resent any control by Congress of executive departments. They want to enact the laws, fix their own compensation, and determine their authority, jurisdiction, and power. Organized for a particular purpose, some executive agencies seek to expand and to usurp authority and power. It is not a question of partisanship that determines the conduct of those pursuing the course suggested. The party affiliations of employees, generally speaking, do not bring diversity of views in respect to authority and power and importance of executive officials and Federal executive agencies.

Mr. President, let me say in passing that in most countries of the world to-day the legislative branches of the government are the ones which speak the voice of the people. As liberalism and democracy spread throughout the world and legislative power is enlarged the executive authority is diminished. But it seems that in this Republic the executive agencies of the Government are assuming larger powers, usurping authority, encroaching upon the legislative branch of the Government, and attempting to establish a tyrannous and deadly bureaucracy and a dangerous and destructive paternalism. In Great Britain the executive power is shrinking and the authority of the House of Commons is increasing. As the people speak so Parliament acts, and its decrees bind the nation. Here executive departments and agencies seek to dominate Congress, dictate legislation, and control the functions and policies of the Republic. With the most brazen effrontery executive officers carry on extensive propaganda throughout the United States in the interests of legislation or policies which they think will promote their interests or aggrandize their organization.

Mr. President, I would condemn in my own party as I would in the Republican Party executive inefficiency or usurpation upon the part of executive officials. I might add, facetiously, that the Democratic Party knows better and it deserves more severe condemnation than would be bestowed upon the Republican Party. The Democratic Party is professedly the party of economy, the party of progress, of reform, of efficiency in its administrative policies; in a word, the Democratic Party calls for the highest efficiency and an economical administration of all public affairs. I believe, Mr. President, that if a law were passed creating an efficiency and economy bureau responsive to Congress its work would be productive of the highest good and result in an annual saving of tens of millions of dollars to the Government. I sincerely hope that at an early date this important subject will be considered by Congress and that suitable legislation will be enacted that will effectuate administrative reforms and coordinate and integrate Federal agencies of the Government and bring about economies in all branches of the public service.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Wyoming that the Senate recede from its amendment numbered 53.

The motion was agreed to.

RIVER AND HARBOR APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11892) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. SWANSON. The river and harbor bill being now under consideration, I desire to offer an amendment to it.

The PRESIDING OFFICER. The Chair will state that there is an amendment now pending.

Mr. SWANSON. Then I will ask that amendment may be considered after the pending amendment is disposed of.

The PRESIDING OFFICER. The Secretary will state the pending amendment.

The READING CLERK. In the committee amendment, on page 1, line 3, it is proposed to strike out "$20,000,000" and insert "$27,000,000."

Mr. KING. I rise to inquire is that the total, or is it proposed to add another section to the bill carrying the amount indicated.

The PRESIDING OFFICER. The total amount carried by the bill, the Chair is advised, is $20,000,000. The amendment to the amendment proposes to increase the total to the amount stated by the Secretary.

Mr. SMOOT. The committee amendment has not been acted upon by the Senate?

The PRESIDING OFFICER. No. The pending question is on agreeing to the amendment to the committee amendment.

Mr. KING. I suggest that it might be wise to defer voting on the total until we have passed upon all the amendments.

Mr. REED. As I understand, all the amendments have been passed upon.

Mr. KING. I understand the Senator from Virginia desires to offer an amendment.

Mr. LODGE. Mr. President, I ask unanimous consent to present at this time an amendment providing for a survey.

The PRESIDING OFFICER. The Senator from Massachusetts presents an amendment, which will lie on the table.

Mr. LODGE. It simply provides for a survey, and I ask unanimous consent that the amendment be considered now.

The PRESIDING OFFICER. The Senator from Massachusetts asks unanimous consent that the amendment presented by him be now considered. Is there objection? The Chair hears none. The Secretary will state the amendment.

The READING CLERK. On page 4, after line 1, it is proposed to insert:

Boston Harbor, Mass.: South Bay from point of Fort Point Channel, Federal Street Bridge, to Massachusetts Avenue.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Massachusetts.

The amendment was agreed to.

Mr. SWANSON. I ask unanimous consent for the consideration of the amendment which I send to the desk. It merely provides for the survey.

The PRESIDING OFFICER. The Senator from Virginia asks unanimous consent for the present consideration of an amendment similar in character to that just agreed to. Is there any objection?

Mr. POMERENE. I will reserve an objection until I hear what the amendment is.

The PRESIDING OFFICER. The Secretary will state the proposed amendment.

The SECRETARY. On page 5, between lines 22 and 23, it is proposed to insert "Warwick River, Va."

Mr. POMERENE. I object to that.

Mr. SWANSON. It merely provides for a survey.

Mr. POMERENE. I understand it merely provides for a survey, but there is a survey item on page 5, above where it is proposed that the amendment just offered shall come in, the action on which I desire to have reconsidered before we get through with this matter. I do not know anything about this proposition, but while I am on the subject I may say——

Mr. SMOOT. The river for which the Senator from Virginia desires a survey was discovered last week, was it not?

Mr. SWANSON. It is as important as any. Is the Senator from Ohio going to object to all survey items?

Mr. POMERENE. No, sir; but I am going to object to the one I have indicated until I know something more about it. I desire to make an observation in regard to one which was provided for here the other day, and I might just as well do so now. On page 5 there appears this amendment, proposed by the committee:

Northwest River, Va.-N. C.: With a view to securing a channel 6½ feet deep at mean low water, and 50 feet wide on the bottom on the bar at the mouth and over the shoal 2 miles above the mouth.

Do I understand that that amendment has been adopted?

Mr. JONES of Washington. It has been adopted.

Mr. POMERENE. I ask unanimous consent that the vote whereby the amendment was agreed to may be reconsidered.

Mr. SWANSON. I object.

Mr. SMOOT. I will suggest to the Senator from Ohio that when the bill gets into the Senate we can at least have a vote upon it.

Mr. POMERENE. There is a pending amendment, and, therefore, the motion to reconsider would probably not now be in order. I am going to ask, however, although I am afraid I may not be here, because of an engagement I have elsewhere, to reserve a vote upon this amendment in the Senate. Personally I have no information about this matter, but I have some information which I believe to be thoroughly reliable, and I think it is proper that I bring it to the attention of the Senate at the present time, so that if I am misinformed about it those who are interested will have a right to present that evidence to the Senate.

This on its face appears to be a survey for a navigable stream. My information about it is that it is not a navigable stream; that it never can be made a navigable stream; and that the project is one of private interest alone. If I am misinformed about that, those who were instrumental in having it brought here will have an opportunity to correct me; and I want to ask the Senator from Washington, at whose instance it was presented.

Mr. JONES of Washington. Mr. President——

Mr. SWANSON. Mr. President, I introduced the amendment, and I should like the Senator to furnish me the information to which he has referred, so that I can send it to the people at home in order that they may reply to it.

Mr. POMERENE. I am just about to do that, and I want to say in advance that I acquit the Senator from Virginia of having any improper purpose in mind when this amendment was presented; but if my information is correct he has been grossly deceived.

The other day a gentleman came to my office and asked to see me. I had met him once before. He is a business man. His name is Mr. John Seip, of Chillicothe, Ohio. He brought to me a map of conditions in Virginia in this locality, and this particular amendment relates to a tract of swamp land containing 25,000 acres. Mr. John Seip some years ago had a part interest in it. It is now owned in part, if not entirely owned, by a gentleman from Camden, N. J. The fall of this little streamlet—it is not a river—is such that it would be absolutely impossible to make it navigable by an ordinary scow. Mr. John Seip tells me that he has no interest whatsoever in this land. He owns to the south of it, and some distance from it, 10,000 acres of similar swamp land. He bought it as an investment. He is draining it, improving it, and selling it out as a private enterprise; but it is no more a private enterprise than is the 25,000-acre tract owned by this New Jersey gentleman.

I asked Mr. Seip if he would be willing to put in writing the facts as he presented them to me. He said he would, and I have his written statement here, signed by himself. He tells me that he has no interest whatsoever in this legislation, save and except such as any other public-spirited citizen would have. And now, for the information of the Senate, I send this statement to the desk and ask that it may be read.

The PRESIDING OFFICER. In the absence of objection, the Secretary will read as requested.

The reading clerk read as follows:

Mr. John Seip, of Chillicothe, Ohio, made the following statement:

The item on page 5 of H. R. 11892, Report No. 513, with reference to the dredging of Northwest River, in Virginia and North Carolina, to make a channel 6½ feet deep, 50-foot bottom, is intended altogether for the drainage of Pleasant Grove district in Norfolk County, Va., which is a private enterprise, and should be paid by private capital instead of at public expense.

The land in that district is a very rich black loam, and without drainage has no value, in fact, it is a liability as it lies. With the dredging out of Northwest River this land becomes exceedingly valuable for agricultural purposes.

The writer has no interest whatever in any land in that district, in fact, has no interest in any land in Virginia, but formerly owned a half interest in that portion of the land represented on the map as being owned by the Norva Land & Lumber Co. That land is now in the name of the Norfolk Farms Co., and is owned and controlled by David Baird, of Camden, N. J.

The river has no uses for navigation purposes; in fact, never has had and never can have. The river for the first 9 miles, running from west to east, has a fall too great ever to be used for navigation purposes.

Other property in that vicinity is being developed on a large scale at private expense, and all land embraced in the Pleasant Grove drainage district, amounting to about 25,000 acres, will be benefited by the dredging of the Northwest River and should be paid by the owners thereof.

JOHN SEIP.

APRIL 21, 1920.

Mr. POMERENE. Mr. President, this Northwest River, as I am informed, enters Tull Bay. It is due to those who are interested either to disprove these statements or to bring to the Senate such information as will justify this enterprise at public expense.

I want to repeat, I am satisfied that the Senator from Virginia knew nothing about these facts, if they are facts, and I believe them to be facts.

I think that is all I care to say on that subject at the present time.

Mr. SWANSON. Mr. President, I am not acquainted with this river. I ask the privilege of putting in the RECORD all the correspondence I had in connection with this matter.

The PRESIDING OFFICER (Mr. KENDRICK in the chair). Without objection, it is so ordered.

The matter referred to is as follows:

HICKORY, NORFOLK COUNTY, VA., *March 26, 1920.*

At a mass meeting held a Stewart's store, near Benefit, Norfolk County, at 10 a. m., March 26, 1920, the following resolution was unanimously adopted:

"Resolved, That the Hon. CLAUDE A. SWANSON, United States Senator from Virginia, is hereby requested to introduce an amendment to the rivers and harbors bill, if it is not too late, in effect as follows:

"SURVEY.

"Northwest River, Va.-N. C. From its mouth to as far upstream as the Norfolk Southern Railway bridge, so as to admit boats drawing 6½ feet of water and a width of not less than 45 feet.

"Resolved further, That Senators SIMMONS and OVERMAN of North Carolina be also requested to the same effect, and also that Hon. E. E. HOLLAND and JOHN H. SMALL be requested to look out for the matter in the House."

A. O. LYNCH, *Secretary.*

JNO. P. WALLACE, Jr., *Chairman.*

PORTSMOUTH, VA., *March 26, 1920.*

Hon. CLAUDE A. SWANSON,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I attended a meeting as noted in the attached paper to-day and I was requested to forward it to you.

You will find that Senator Martin had an amendment passed as to the Northwest River survey in Sixty-fifth Congress, first session, and also at second session, as to this stream a considerable distance up toward its source, but it was only recommended for approval as far upstream as the Norfolk Southern Railway bridge. While there has been two surveys and the Army Engineers' office has the data and could give an estimate of cost, the law requires, I am informed, that another survey will have to be authorized. I have before me House Document No. 198, Sixty-fifth Congress, first session, which will give you all the information desired. Also there is another House document at second session, but I do not remember the number. However, the last report of the engineer was during war times, and the people concerned did not push the matter. But now, if it is not too late, the people in the southern part of Norfolk County would appreciate it if you would make an effort to amend the river and harbor bill. Instead of wording the amendment as stated in the attached resolution, I suggest that it would be better to word it as noted in the recommendation of Col. Jervey, Army Engineer, as follows in substance:

"Northwest River, Va.-N. C. Survey of bar at the mouth and of the shoal 2 miles above its mouth in order to determine the cost of dredging channel 6½ feet deep at mean low water and 50 feet wide on the bottom at these points for navigation," as you will see by his report the removal of the points mentioned will give navigation for 6½ feet to Norfolk Southern bridge.

The mouth of the Northwest River and some distance upstream is in North Carolina, but up in the vicinity of Northwest Railway Station is in Virginia, therefore it is suggested that the Members of the Senate in North Carolina and Mr. SMALL should be interested. Also attention of Mr. HOLLAND is called to this. I think Senator EDGE, if called to his attention, would assist you, as a friend of his—ex-Senator Baird, formerly Senator from New Jersey—owns a considerable acreage of land near this river some distance upstream. Senator Martin, I understand, when he got through the survey before had both of the New Jersey Senators to assist him.

If you will give this matter your attention I will thank you very much.

I am glad to see by the papers that Mrs. Swanson has improved in health.

With best wishes and kindest regards, I am,

Very sincerely, yours,

R. E. B. STEWART.

You will note that Hon. John G. Wallace, jr., member of house of delegates from Norfolk County, presided at the meeting.

Mr. KING. Mr. President, I rise for information. Is an amendment pending, offered by the Senator from Virginia, to include this item in the bill?

The PRESIDING OFFICER. It is already in the bill.

Mr. POMERENE. It is already in the bill. I have reserved the right to take another vote upon that amendment when the bill comes into the Senate.

Is it the purpose of the Senator in charge of the bill to proceed further to-night? I intended to take up another subject.

Mr. JONES of Washington. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Friday, April 23, 1920, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, *April 22, 1920.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Father in heaven, life of our life, spirit of our spirit, author of all good, our hearts go out in profound sympathy for the stricken people in the cyclone districts. Many are dead. More are injured and maimed for life.

Homes are destroyed. Hearts are broken. Their land is desolate. We thank Thee that loving hearts and helping hands have gone to the rescue. For what hurts one ,hurts all; what helps one, helps all, for Thou hast so bound us together in ties of kinship.

Increase our faith and confidence in the overruling of Thy providence for the eternal good of all.

That nothing walks with aimless feet;
That not one life shall be destroyed,
Or cast as rubbish to the void,
When God hath made the pile complete.

In Christ Jesus our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

HON. CHAMP CLARK.

Mr. ASWELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an editorial from a New Orleans paper on Hon. CHAMP CLARK.

The SPEAKER. The gentleman from Louisiana asks unanimous consent to extend his remarks in the RECORD by printing

an editorial concerning the gentleman from Missouri [Mr. CLARK]. Is there objection?

There was no objection.

The editorial is as follows:

[From the New Orleans Item, Apr. 15, 1920.]

SPEAKER CHAMP CLARK THE STRONGEST NOMINEE FOR DEMOCRACY.

(By Marshall Ballard.)

Millions of Americans, regardless of party affiliation, felt at the time of the Baltimore convention that Speaker CHAMP CLARK was done a grave political injustice by being denied a nomination he had earned by his sweeping majorities in the primary voting and by his clear majorities in the convention itself.

The Speaker accepted the result of that convention as a philosopher, although political enemies, many of whom had betrayed both his friendship and their own pledges, immediately began trying to destroy any further public career for him. But he volunteered his immediate support to his victorious opponent, took the stump for him, and wrote letters to all Clark followers urging their loyal support of Wilson.

Ever a stanch and loyal party man, the Speaker accepted the situation with good grace, went about the work of building the party up, of holding it together, and of aiding in making it a proper vehicle for legislation on behalf of the people.

He differed openly from the administration on the Panama Canal tolls issue, a matter whereon he felt that the party's platform, mandate, and national intercsts dictated his course.

After the Baltimore convention friends had seriously urged on him that he accept a place on the Progressive ticket with Roosevelt, their idea being that as these two were personal friends, each with an immense personal following, they could therefore sweep the country.

Roosevelt had lost at Chicago and split his party. CLARK lost at Baltimore and loyally turned in to help save his party.

President Wilson was nominated on a one-term platform. As his first term neared its end Speaker CLARK'S friends wanted him to become a candidate for the nomination against Wilson. By that time many of the powerful politicians who had knifed or betrayed CLARK were at odds with Wilson. At a word of encouragement from Speaker CLARK, these men would have sought his nomination in the primaries.

The Speaker would not permit this. He felt that any such move would destroy any chance the President might have of reelection. Instead he pursued a course of loyal support of Wilson, sacrificed every possible moment of his time to the campaign, and aided as a factor in the reelection of the President.

War was impending when Mr. Wilson began his second term. The Democratic Party was in the minority in the House of Representatives. Such was the esteem in which the Speaker was held that he and his friends were able to muster a majority of the House in favor of a Democrat's candidacy and to organize the House for Democratic cooperation with the head of the Nation.

Following the declaration of war, the administration switched from a position against even the amount of military preparedness advocated by former Secretary of War Garrison to a position favoring conscription. Speaker CLARK took the view that armies could be gathered more quickly and organized more effectively on a volunteer basis. Many of his closest friends and advisers disagreed with this view, but the Speaker was convinced that he was right.

Having given his pledge to stand by his associates, he took the floor of the House and spoke against the pending conscription bill. He knew that in taking this stand he would concentrate violent and bitter criticism on himself.

His speech was suppressed, misrepresented, and garbled. Through these misquotations of the speech it was represented to the country as an attack on the President, on the war, and on the caliber of the armies which were to be formed under the universal service act. It is doubtful whether in the heat of war excitement one person in a hundred thousand who discussed the speech took the trouble to read its text.

The Speaker at the same time fought and helped kill the press-gag bill. No man ever led a fight for free speech under more trying circumstances.

Ambitious politicians, eager to curry favor with the administration by propaganda against the Speaker, later tried to defeat him for the minority leadership on the ground that they wanted House leadership that would be absolutely subservient to President Wilson. This move was made in the absence of the President from the country. It is not on record that it ever received encouragement from either the President or from anyone authorized to speak for him. For, contrary to propaganda constantly spread trying to make trouble between the President and the Democratic leader of the House, the relations between these two have been satisfactory. At any rate, Speaker CLARK'S friends cite the fact that the House and the Executive got along through these trying times equally as well as has the Senate and the Executive.

None of those friends maintain the theory that Congress should be without opinion and without expression or without difference with the Executive.

The function of a party leader in the House, whether his party is in the majority or the minority, is to keep the party together, to prevent needless friction with the executive branch of the Government, and to handle the legislation as effectively as possible in the interest of the country.

Strong men are not influenced unduly by patronage, politics, or friendship in the performance of their duties. Speaker CLARK, although the simplest and most unpretentious of men, has a high conception of the dignity and importance of the House of Representatives. He has been at all times unwilling to fall in with the conception that the duty of a party member is to vote, act, or follow blindly any influence other than that of his own conscience.

It is noteworthy that under his leadership the Democrats of the House have been largely harmonious and without bitter factions for the past 15 years.

In other words, with his lifetime of dealing with men, his long experience with legislation, and his own unquestioned reputation for judicial fair-mindedness, for conciliation and adjustment, he has been able to aid in the creation of real teamwork in his party in the House.

Although the Speaker despises the demagogue and demagoguery and is plain-spoken and blunt to a degree, and although he is without the small political and theatrical arts which are generally supposed to make for popularity, he has achieved an almost unique standing among the membership of the House with his own party; and although he is famed as a Democratic regular and party man, it is doubtful if any man who has occupied his position has been personally more highly respected and more popular with the Members of the opposition party.

That personal and political popularity extends in turn to the masses of the voters of the country.

Missouri, always a close State politically, has recently swung into the Republican column. Speaker CLARK'S district has been for years one of the closest politically in the State. Yet there, as everywhere he has contested for votes, the element of confidence exists among those who know him, who have followed his unremitting years of work, who know his record. In his own district he has pulled through many Republican landslides and shown strength enough to poll a safe majority of votes for over 20 years.

Just now Democratic political leaders are attempting to test the sentiment of the voters and to decide on a man who would make a successful campaign and who would satisfy the needs of the country as an executive.

There is a sober realization of the fact that in spite of the party's great and brilliant record in many particulars, there is a reaction against many things done and attempted. The most of these were rendered necessary by war. There is a desire for sane and substantial progress; there is a desire for economy running current with a desire for relief from many of the burdens and restrictions which war has placed on the business and life of the people.

Some Democrats diagnose the needs of the future as a need of a return to old-time Democratic simplicity in government. They do not feel that unknown and untried men, faddists, or innovators are desirable at the head of the Government during the next four years. They want a man who has performed long enough in the public service to be known. They want a candidate whose personality will harmonize with the party, add strength to it where it may be weak, and hold and consolidate the position it has gained through eight years of legislation, much of it radical and progressive. He must aid it in shaping up, pruning down, and improving that part of the legislation which has been created through the emergency of war. Much of this is no longer needed for the peace-time purposes of a peace-loving democracy.

Although it is customary for those who bring unknown or untried men out as candidates to surround them with an air of mystery and to attribute to them supernatural powers or qualifications, there are many to-day who believe that a known man would make the best appeal to the voters. Stunt doers, spectacular performers, and mystery men do not appeal as strongly as they did during the hysteria of war.

Contact with legislation and with legislators extending over a period of years enables a President to deal harmoniously with Congress. Many years of study of all the machinery employed by the Government and of all of its legislation enables a man to avoid mistakes and to accomplish results.

There is nothing theatrical or mysterious about Speaker CLARK. He is better known as a legislator and as a leader of a great element of his party than is any man in America. He has many friends and few enemies of a type who would do him harm before the voters of the country. As a candidate, as a vote getter for the Democratic Party, he is to-day the most logical choice for that party among those who seek its preferment and success at the polls.

The Newberry trial in Michigan was not needed to make the American people feel that enormous primary campaign expenditures are undesirable. Speaker CLARK in contesting for the Democratic nomination at Baltimore refused to allow his managers to seek campaign funds from those who might possibly seek legislation. Less than $50,000 in all was contributed to his campaign fund. The deficit he made up largely from his earnings as a writer and lecturer.

Over four times this amount was spent in behalf of President Wilson's campaign. All other candidates collected and spent far more than CLARK.

Had he been willing to leave his duties in Washington and the country, had he been willing to authorize his managers to seek the financial support of those moneyed men and great influences who furnish the material for campaigns, he would have been President of the United States for four if not eight years. No one can read the chapter on the Baltimore convention in his recently printed book without realizing this fact.

In spite of the many favorite sons' booms existing at present, and in spite of the great merits of many of those mentioned for the nomination, the cold fact remains that no one discussed to-day has the general eligibility for getting electoral votes for the party in November that ex-Speaker CLARK has.

The same qualities which made a great body of Democrats turn to him as their leader eight years ago have an even stronger appeal to-day, for he has shown in eight years of added party and patriotic service that he can serve as well as command and that he is neither elated in victory nor downcast in adversity.

Throughout these years the simple and rugged Americanism of the man has shown forth. The great interests which contribute gigantic campaign funds and propaganda bureaus in behalf of candidates have interests of an international character which is not common to the interests of the masses of the American people. In combination they can force nominations on political parties, but they can not force elections. As a rule they try to place a Republican President in office, but try to insure themselves by either nominating an impossible Democrat or by destroying the chances of nominating a Democrat of standing with the masses.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed the bill (S. 1353) for the relief of the McClintic-Marshall Construction Co., in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had passed without amendment the bill (H. R. 13387) to extend the time for the construction of a bridge across the St. Louis River between the States of Minnesota and Wisconsin.

The message also announced that the Senate had passed with amendment the bill (H. R. 12775) making further and more effectual provisions for the national defense, and for other purposes, had requested a conference with the House of Representatives on the bill and amendment, and had appointed Mr. WADSWORTH, Mr. SUTHERLAND, Mr. NEW, Mr. CHAMBERLAIN, and Mr. THOMAS as the conferees on the part of the Senate.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 2442. An act authorizing and directing the Secretary of the Interior to convey to the trustees of the Yankton Agency Presbyterian Church, by patent in fee, certain land within the Yankton Indian Reservation; and

S. 806. An act conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Iowa Tribe of Indians against the United States.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that April 21 they had presented to the President of the United States for his approval the following bill:

H. R. 11578. An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1921, and for other purposes.

THE LATE REPRESENTATIVE BROWNING.

Mr. HUTCHINSON. Mr. Speaker, I ask unanimous consent that the House set aside Sunday, May 16, 1920, for addresses on the life, character, and public services of the late Representative BROWNING.

The SPEAKER. The gentleman from New Jersey asks unanimous consent that Sunday, May 16, be set apart for memorial exercises for his late colleague, Mr. BROWNING. Is there objection?

There was no objection.

Mr. CLARK of Missouri. Mr. Speaker, I ask unanimous consent to address the House for one minute.

The SPEAKER. The gentleman from Missouri asks unanimous consent to address the House for one minute. Is there objection?

There was no objection.

Mr. CLARK of Missouri. Mr. Speaker, the time for these memorial services on Sundays ought to be fixed either at 10 o'clock in the morning or 2 o'clock in the afternoon, because when we meet at 12 o'clock it makes everybody late for dinner. If they began at 10 o'clock, we would be through before noon. I have nothing to present now on this subject, although I am going to introduce a rule, and I want to notify the House of that fact.

ORDER OF BUSINESS.

Mr. HENRY T. RAINEY. Mr. Speaker, I ask unanimous consent to address the House at this time for one hour on the subject of financing the soldiers' bonus.

Mr. WOOD of Indiana. I will ask the gentleman from Illinois to withhold that request until after I present a conference report on the legislative bill.

The SPEAKER. There is already a special order for to-day, that the gentleman from Oklahoma [Mr. HOWARD] may address the House for 20 minutes.

Mr. HENRY T. RAINEY. As soon as the business on the Speaker's table is disposed of?

The SPEAKER. Yes.

Mr. HENRY T. RAINEY. Then I ask that at the conclusion of his address I may address the House for one hour on the subject of financing the soldiers' bonus.

Mr. MONDELL. Mr. Speaker, I regret to have to object, but I shall have to do so. There is a rule coming in for the consideration of a bill that ought to be passed to-day, and that, together with the consideration of the conference report on the legislative bill, will consume most of the day. If the gentleman desires to address the House at the conclusion of the consideration of the Crow Indian bill under the special rule, there will be no objection, and I do not know but what he could secure half an hour in connection with the consideration of that bill. There is to be some general debate.

Mr. GARRETT. Mr. Speaker, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. GARRETT. The rule provides, as drawn, that that debate shall be confined to the bill; but I want to ask the gentleman if it is not a fact that that rule to which the gentleman refers was reported wholly because the leadership of the House found itself without anything else to present to the House to-day and that there is no great urgency for its passage?

Mr. MONDELL. That is not altogether true; but I will say to my friend if we have time to consider the Crow bill and also listen to the gentleman from Illinois for an hour I am sure we will be glad to do it, but if the gentleman from Illinois speaks immediately after the gentleman from Oklahoma speaks we will take up the Crow bill late in the afternoon.

Mr. GARNER. I presume it is the gentleman's purpose to go on with the Private Calendar to-morrow?

Mr. MONDELL. That was the intention.

Mr. GARNER. Have you got a program already arranged for Saturday?

Mr. MONDELL. A good many of the brethren seem to be quite desirous of wending their way homeward to primaries and other important occasions on Saturday.

Mr. GARNER. I merely asked the gentleman the question, anticipating his answer. I think it is evident on its face that the time can be had during this week to discuss almost any subject that the minority or the majority may want to discuss.

Mr. MONDELL. I think so.

Mr. GARNER. It would not keep gentlemen from going home Friday night if we merely wanted to come back here Saturday and have some general debate. I do not know whether the gentleman from Illinois desires to make that arrangement or not.

Mr. HENRY T. RAINEY. I would not like to do that.

Mr. MONDELL. I think that would hardly be fair to the gentleman from Illinois, to have it understood that all we would do Saturday would be to have some general debate, because while many gentlemen would no doubt be glad to listen to the gentleman from Illinois, if no vote is to come up on Saturday there are likely to be a good many gentlemen absent. It should not take a very considerable time to dispose of the Crow bill.

Mr. GARNER. Suppose you allow an hour before you start in on the Crow bill, because the rule on that bill provides that the debate must be confined to a discussion of the bill.

Mr. MONDELL. Is there objection on that side to modifying the Crow rule?

Mr. GARRETT. I think there will be none. That would restore it to what it was originally. As the proposition was first laid before the committee there was provision for two hours' debate, an hour on a side, to be confined to the bill, but upon the suggestion of the majority members of the Committee on Indian Affairs that time was cut down to an hour.

Mr. MONDELL. May I suggest to the gentleman from Tennessee that he modify the Crow rule so that the general debate shall occupy an hour and a half, and that an hour be given to the gentleman from Illinois [Mr. HENRY T. RAINEY], and then 15 minutes on a side in addition to that for general debate.

Mr. POU. The rule would also have to be modified in respect to the provision which requires the debate to be confined to the subject matter of the bill.

Mr. GARRETT. That can be done.

Mr. POU. With that amendment I do not think there would be any objection to it.

Mr. GARNER. There is really no controversy about the Crow bill, is there?

Mr. MONDELL. Not that I know of.

Mr. EVANS of Montana. None at all.

Mr. CAMPBELL of Kansas. I suggest, inasmuch as there seems to be a general consent, that the rule be modified as indicated.

Mr. GARRETT. I think that would be a satisfactory arrangement. Let there be an hour and a half of general debate, with the understanding that it shall not be confined to the bill, and with the understanding that one hour of that shall be given to the gentleman from Illinois [Mr. HENRY T. RAINEY]. The gentleman from North Carolina [Mr. POU], I believe, desires 10 minutes on the rule.

Mr. POU. That can be eliminated by asking unanimous consent of the House to address the House for eight minutes, which I do.

Mr. SNELL. Reserving the right to object, are we to have any debate on the rule?

Mr. POU. There will be no debate on the rule as far as I am concerned.

Mr. SNELL. Suppose we do not present the rule, but ask unanimous consent for consideration of the bill.

Mr. POU. There will be no objection on this side.

Mr. MONDELL. Mr. Speaker, I suggest that the gentleman in charge of the rule ask unanimous consent for the consideration of the Crow bill, with the arrangement for debate that has been suggested, to follow the consideration of the conference report on the legislative bill.

Mr. CLARK of Missouri. Mr. Speaker, we could have passed the Crow bill while they have been talking about this thing. Nobody is going to fight it.

Mr. SNELL. Mr. Speaker, I ask unanimous consent that immediately after the conference report on the legislative bill is disposed of it may be in order to go into Committee of the Whole House on the state of the Union to take up the Crow Indian bill, S. 2890; that there be an hour and a half general debate, of which the gentleman from Illinois [Mr. HENRY T. RAINEY] shall have 1 hour, the gentleman from North Carolina [Mr. POU] 10 minutes, and the balance for debate on the bill.

Mr. HASTINGS. That will not interfere with the remarks of my colleague, Mr. HOWARD?

Mr. SNELL. Oh, no.

The SPEAKER. The gentleman from New York asks unanimous consent that after the consideration of the report on the legislative bill it shall be in order to go into Committee of the Whole House on the state of the Union for the consideration of the Crow Indian bill; that there shall be 1 hour and 30 minutes of general debate, of which 1 hour shall be allotted to the gentleman from Illinois [Mr. HENRY T. RAINEY], 10 minutes to the gentleman from North Carolina [Mr. POU], and the other 20 minutes on the bill. Is there objection?

There was no objection.

DEVELOPMENT OF OKLAHOMA.

The SPEAKER. The gentleman from Oklahoma [Mr. HOWARD] is recognized under the special order for 20 minutes.

Mr. HOWARD. Mr. Speaker, 31 years ago to-day in the great Southwest several thousand sturdy pioneers were at this very moment of that day engaged in a mad race for homes in a most virgin part of this country. That, sir, marked the beginning of what is to-day one of the greatest States of this Union. That race for homes marked the start of the construction of the great State of Oklahoma. That fertile country which was inhabited in the morning by the occasional cowboy and the coyote at eventide of that same day boasted of cities of thousands and a total population running well-nigh to the hundred-thousand mark. The selection of "Oklahoma" for this great State's name could not be improved upon—Oklahoma being of Indian origin, and meaning "Happy home of the red man."

Recently in this House the Hon. CHAMP CLARK, in speaking of Oklahoma, said:

> Of the many things I have done in my 26 years of service in the House, there are many upon which I look back with pride and pleasure. One of these is that for years I did my best to bestow the boon of statehood upon Oklahoma. Two of the most pleasant weeks of my life were spent in that beautiful land hunting and fishing. I drove over it in a spring wagon and viewed the landscape o'er with ever-increasing delight. Anybody could tell that it would some day be a great agricultural State, but the chances are that in that far-away day even the most imaginative and enthusiastic of boomers never dreamed what a rich and mighty commonwealth she would become within two decades, with fair prospects of becoming one of the greatest and wealthiest States of the Union. Neither Jules Verne nor any other novelist ever wrote a tale so fetching as the history of Oklahoma. Her population is composed of the very cream of the peoples of the older States—the young, the vigorous, the adventurous, the daring.

In that statement the honored gentleman from Missouri stated a truth of development which is the marvel of the world and paid a compliment to our people which we Oklahomans appreciate very highly.

And it is to enlarge upon that statement and to tell more minutely of the development of that Commonwealth that I have sought to address you on this anniversary of the laying of its foundation. In the past to people who have not studied Oklahoma there has been some amazement expressed at her rapid development, but too many, I fear, have looked upon her as a nonimportant Commonwealth, located in an arid or semiarid region, rich in natural resources but barren to a great extent as to the greatest of all assets—that of agriculture and agricultural enterprise.

You have heard of our great oil wells, from which to-day there is being produced a large per cent of the crude petroleum of the world; you have been told of the great deposits of lead and zinc and other minerals produced within her borders; some of you probably know that during war time probably more of the lead used in the manufacture of ammunition was produced in the district I represent in this Congress than in any other part of the country. Some of you may have been told that within her borders are located the greatest deposits of rock asphalt in the entire country, and that to-day it is being developed and is to become a very important factor in the building of hard-surfaced roads throughout this country. But I dare say that few of you and few of your constituents realize that the agricultural development of Oklahoma has kept pace, and that last year she stood tenth among the States of the Union in the matter of the value of her agricultural production, and it is of this that I want to address my remarks for a few moments.

Recently the State board of agriculture of Oklahoma, through its president, took an invoice and made some comparisons relative to Oklahoma's agricultural possibilities and development which, even to Oklahomans, was amazing. This invoice disclosed the fact that Oklahoma's prosperity is not dependent chiefly on corn, wheat, and oats, as in the corn belt, nor on cotton, as in the far South, nor yet on hay and potatoes, as in the East. Corn is over 50 per cent of the total crop value in some States; wheat is over 50 per cent in still others. A failure in any one of these crops in these States is very disastrous. Oklahoma's leading crop is only 36 per cent of the total crop value of the State. Hence failure in one or two crops affects us less seriously. We not only grow the leading field crops of most sections, but for many of them our farmers get more dollars per acre than the average of either the United States or of the State that leads in production of the crop. The price of an acre of Oklahoma's average plowland is shown to be half that of the United States, although the acre income from crops exceeds the average of the whole United States. [Applause.] Thus the farmers of Oklahoma have made the remarkable record of producing more dollars an acre from the 12 leading crops than the estimated price of the land on which these crops grew.

WEALTH MADE ON CHEAP LANDS.

To illustrate and analyze by way of comparison, we find that the highest-priced plowland in America is throughout the State of Iowa, which State has an average price of $169 for average plowland, $129 for poor plowland, and $196 per acre for good plowland, showing an average price per acre for plowland for that State of $164.50, with an average production last year of $49.92 per acre. Oklahoma, with a plowland value of $38 per acre for average plowland, $24 per acre for poor plowland, and $51 per acre for good plowland, or an average for all plowland per acre of $38, showed an earning average in her 12 leading crops of $39.50 per acre.

Thus, Oklahoma farmers received last year from crops alone a gross income of $1.50 an acre more than the estimated price of the land. The average price of plowland for Oklahoma in 1907 was $22.49 an acre, while in 1919 it was $38 per acre. The increase has been 70 per cent in 10 years, or an annual increase of 7 per cent. This is showing splendid results on the investment, even though the profits from farm operations be not counted. Oklahoma farmers received from 12 field crops $3.65 an acre more than the average of the United States for the same crops. Yet the price of average plowland in Oklahoma is barely half that of the average value of plowland throughout the United States. Average plowland in Iowa is nearly four and one-half times that in Oklahoma, yet Iowa's leading field crops produced only $2.70 an acre, or 7 per cent more than Oklahoma's 12 leading crops. It may also be surprising to you to know that Oklahoma produced more broom corn than all other States combined during last year.

Likewise, a comparison of Oklahoma's agricultural record in 1919 with that of her neighbor, the great State of Missouri, is very favorable to the State of Oklahoma: The two States are practically the same size, and they grow practically the same crops. Missouri is 100 years old, while Oklahoma's first settlement was made 31 years ago. Missouri's average plowland is listed as nearly twice that of Oklahoma's. It devotes nearly one and one-half million acres more plowland to growing its 12 leading field crops than Oklahoma devotes to her 12 leading field crops. Yet Oklahoma farmers received $7.38 an acre more for these crops than did Missouri farmers receive for theirs. And on their large acreage in cultivation Missouri's total crop value, including cotton seed, was $551,056,000. Oklahoma's total was $547,758,000. These figures give Oklahoma tenth place among the States in total value of crops.

The farmers of Oklahoma have used every method and means at their command to bring out such successful results as I have pointed out. The average income to Oklahoma farmers last year from farm products was $3,600. In addition to this, their tables were supplied with home-grown fruit and vegetables, milk and butter, poultry and eggs, ham and bacon, and occasionally a tender steak or a roast from a fat yearling. These farmers paid no gas or light bills; no house rent; no street car fares; many bought no fuel; they have daily mail delivery. Many have rural phones and do their visiting and shopping in autos. They enjoy the year-around outdoor life, with the health-giving sunshine and pure air of Oklahoma.

STATE DEVELOPMENT CLEARLY SHOWN.

A comparison of crop production for 1919 with that of 1907, the year Oklahoma was made a State, indicates fairly well the development of the State. It happens that the two years were very similar in weather conditions, and the yield per acre of various crops differs but little. Even allowing for differences in prices for crops in the two years, a large balance in favor of 1919 remains. This indicates new land brought into cultivation, and there is yet a large amount of raw land to be brought under the plow. The value of the four leading crops in 1907 was $114,958,000. In 1919 these same crops sold for $424,923,000. In 1907 the live stock of Oklahoma brought, in round figures, $116,998,000, while the live stock in 1919 brought $214,181,000. Or, in other words, the four leading crops in 1919 have a value that is 370 per cent, or nearly four times that of 1907. The live-stock value for 1919 was 183 per cent, or nearly twice that of 1907.

Farm hands in Oklahoma were paid a monthly wage of $60.60 in 1919. This, according to the Government statistics, is $4.31 more than the average of the United States. It is more than is paid in the Corn Belt States and exceeds their average by $5.88. It is more than is paid in any other of the 16 States that comprise the South Atlantic and the South Central groups, and is $15.35, or 35 per cent more than the average wages paid in these States. Only seven States in the United States paid higher harvest wages than Oklahoma.

The question naturally arises, What has brought this about? To those who know the State intimately the record is not at all surprising. Oklahoma is over 400 miles long from east to west, extending from the foothills of the Rockies in Colorado to the Ozark Mountains of Arkansas. Its elevation slopes from 4,000 to 400 feet. It has many kinds of soils and the precipitation varies from 55 inches on the eastern border to 20 inches on the western border. It overlaps the grain and live-stock regions of the North and the cotton regions of the South. It is the meeting place and overlapping grounds of all crops, all conditions, all peoples. From each region have come pioneer men and women to seek homes in a new and growing country. Naturally time is required to succeed in farming where conditions are strange. Progress for some years is necessarily slow. Yet the interchanging of ideas as naturally results from such a condition is very beneficial, and under the stimulus of war production and high prices Oklahoma farmers exerted themselves to unusual efforts. Often one or more of the great variety of crops is a partial failure. It so happened that in 1919 every one of the many different field, orchard, or garden crops of the State produced a fair yield. Thus Oklahoma had the combination of an unusual incentive for every farmer to produce the greatest possible yield, with a season favorable to every crop grown in the State and high prices were obtained for everything.

While such a combination of favorable conditions can not be expected as a regular thing, yet it shows the latest possibilities for financial success in farming Oklahoma soil. Development in the future is very apt to continue even more rapidly than in the past.

A brief summary discloses the following facts:

Oklahoma crops for the year 1919 were worth $547,758,000.

Value of Oklahoma live stock for 1919 was $214,181,000.

Oklahoma now ranks tenth among the States in the value of all crops.

The average income of the 200,000 families on Oklahoma's farms for 1919 exceeded $3,600.

Last year's acre value of Oklahoma's 12 leading field crops exceeded the estimated acre price of its average plow land.

Last year's acre value of Oklahoma's 12 leading field crops exceeded the average of the United States for the same crops.

For each of nine leading field crops the acre income for Oklahoma last year exceeded the average of the United States for the same crops.

Oklahoma received more dollars per acre from each of nine leading field crops for 1919 than was received by the various States that lead in total production of these crops.

The crop value in 1919 was nearly four times the crop value in statehood year, 1907.

The live-stock value was nearly twice the live-stock value in statehood year, 1907.

Our farmers paid for farm help one-third more per month than the average paid in the 16 States comprising the South Atlantic and the South Central groups.

Half the farms are under oil lease, and from these leases last year landowners received $52,000,000.

Oklahoma landowners received last year from crops, royalties, and live stock the total sum of $840,939,000.

Mr. Speaker, this is only a brief and hurried outline of the developments of Oklahoma. Oklahoma has taken her place as one of the great States of the Union; her hills and valleys are dotted with schools and churches, where the children of these sturdy pioneers are being educated and where we worship God according to the dictates of our own beliefs. Her citizens are comprised of the very best blood from the East, from the West, from the North, and from the South, and to others who desire to make Oklahoma their home they extend a friendly and welcoming hand. [Applause.] They are not jealous of their blessings and prosperity, and those who journey there will find a wide field before them, where their efforts will be crowned with success if they but persevere. For does not the very name "Oklahoma" assure to them contentment and prosperity—Oklahoma, the land of "happy homes"? [Applause.]

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL—CONFERENCE REPORT.

Mr. WOOD of Indiana. Mr. Speaker, I call up conference report on the bill H. R. 12610, the legislative, executive, and judicial appropriation bill.

The Clerk read the conference report, as follows:

The committee of conference on the disagreeing votes of the two Houses on a certain amendment of the Senate to the bill (H. R. 12610) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1921, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"The Bureau of Efficiency, together with its books, papers, and records, furniture, equipment, and supplies, is hereby transferred to the jurisdiction of Congress; and its officers and employees are transferred in their present status without reappointment. The Chief of the Bureau of Efficiency shall hereafter be appointed jointly by the President of the Senate and the Speaker of the House of Representatives and may be removed from office by them. All other employees of the bureau, including a disbursing officer for the payment of the salaries and expenses of the bureau, shall be appointed in accordance with the civil-service laws and regulations. The Bureau of Efficiency is authorized to investigate any matters relating to the organization, activities, or methods of business of the several administrative services of the Government whenever directed by either House of Congress or requested by the heads of such services and shall from time to time submit to Congress reports of its investigations with recommendations looking to greater efficiency and economy in the conduct of the public business. It shall make such special investigations and reports as may be required by either House of Congress or by any committee or subcommittee thereof of either House having jurisdiction over appropriations and expenditures. Administrative officers and employees of the executive departments and other establishments shall furnish authorized representatives of the Bureau of Efficiency with all information that the bureau may require for the performance of its duties, and shall give such representatives access to all records and papers that may be needed for that purpose."

And the Senate agree to the same.

WM. R. WOOD,
EDWARD H. WASON,
T. U. SISSON,
Managers on the part of the House.

F. E. WARREN,
REED SMOOT,
LEE S. OVERMAN,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on Senate amendment No. 53 to the bill (H. R. 12610) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1921, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon by the conferees as to the said amendment:

On No. 53: Inserts the paragraph, proposed by the Senate, transferring the Bureau of Efficiency from the executive branch of the Government to the jurisdiction of Congress and modifies the Senate amendment in the following manner: Provides that the chief of the bureau may be removed from office by joint action of the President of the Senate and the Speaker of the House instead of by concurrent resolution; limits the investigations of the bureau relating to the organization, activities, or methods of business of the administrative services of the Government to those which may be directed by either House of Congress or those which may be requested by the heads of such administrative services; limits the special investigations and reports which may be required by either House or any committee thereof to those requested by committees having jurisdiction over appropriations or expenditures and extends the authority for requesting such investigations to any subcommittee of either House having jurisdiction of appropriations and expenditures.

WM. R. WOOD,
E. H. WASON,
T. U. SISSON,
Managers on the part of the House.

Mr. WOOD of Indiana. Mr. Speaker, on behalf of the conferees, I desire to make a brief statement with reference to our action. It is not the purpose or desire of the conferees to do anything contrary to the wishes of this House. We were instructed to further disagree to the proposal in the legislative bill by way of a Senate amendment for the transfer of the Bureau of Efficiency to the jurisdiction of Congress. We did that, and as a result of a further disagreement an amendment was proposed. That amendment has been reported by the Clerk. It is in substance the amendment that was suggested by the War Department. We took away from that amendment the manner in which the Chief of the Bureau of Efficiency might be removed. The amendment provides that he may be appointed by the joint action of the Speaker of the House of Representatives and the President of the Senate. In its original form he could only be removed by a joint resolution. That we amended, and now it reads "may be removed by the same authority that made the appointment."

It also provides that the Bureau of Efficiency may be put in motion by any of the activities of the Government, by direct action of Congress through its instruction, through the request of any committee on appropriations or expenditures, or through the request of any subcommittee of the committees I have mentioned.

Mr. BLANTON. Will the gentleman yield right there?

Mr. WOOD of Indiana. Yes.

Mr. BLANTON. Is the gentleman aware of the fight which is now and has been going on for some time made upon the Chief of the Bureau of Efficiency by Mr. Luther C. Stewart and his affiliated organization of Government employees?

Mr. WOOD of Indiana. Yes; I know something about that fight, but I desire in this connection to say that the very opposition that is being offered to this proposal ought to be the best possible argument why it should be adopted. I think we ought to have a bureau of efficiency independent of the claims or demands of any clique or class, men who are bound to do their duty as they understand it under their oaths, owing obedience to no one save the Congress of the United States, who will be responsible for their creation and continuance in office.

Mr. BLANTON. The gentleman did not permit me to finish my statement. The chief of the Bureau of Efficiency to amount to anything, as I am sure the gentleman from Indiana will agree, will incur the hostility of various parties from time to time. That is true, is it not?

Mr. WOOD of Indiana. Absolutely true.

Mr. BLANTON. Beyond any question he will incur the hostility and the animosity of employees; and does the gentleman think it wise to leave it to just two people to remove him?

Mr. WOOD of Indiana. I do not think there would be any danger in lodging this authority in the Speaker of the House and the President of the Senate. I have sufficient confidence in the President of the Senate and the Speaker of the House at the present moment to think that they would not yield to any influence that would be detrimental to the good of the service, and I have enough confidence in those who will occupy those offices in the future to feel the same way in respect to them. The way in which this proposal came to us it would take very nearly the same machinery and the same trouble to remove this officer as it would to impeach a public officer.

Mr. BLANTON. The gentleman has no more confidence in the Speaker of this House and the President of the Senate than I have, yet the gentleman would not leave it to those two officials to remove the heads of bureaus or Cabinet officers without any other hearing than their own initiative.

Mr. WOOD of Indiana. I would say in answer to that that the Director of the Bureau of Efficiency would be an officer of the House and he would be responsive to the House, and I think the agreement of the conferees on that proposition is very good.

Mr. HUDSPETH. Mr. Speaker, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. HUDSPETH. I understand that this is left to the Speaker of the House and the President of the Senate. Does that mean the Vice President of the United States?

Mr. WOOD of Indiana. It means the Vice President, if there be a Vice President.

Mr. MILLER. Can the gentleman state how many employees there are now employed in this Bureau of Efficiency?

Mr. WOOD of Indiana. I do not know exactly how many there are. There are quite a number. The fact is that the force is not sufficient at the present moment to meet the demands. I happen to be in a position to know that there are demands from some of these departments at this time for this Bureau of Efficiency, and that they can not comply with those demands because they have not sufficient force at the present to do all they are called upon to do.

Mr. MILLER. Is the status of each of these employees now fixed under the civil service?

Mr. WOOD of Indiana. No. As I understand it, they are not fixed by the civil service.

Mr. SISSON. Mr. Speaker, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. SISSON. In answer to the question, I would state that the employees of this department, aside from those men who actually do the work, the expert accountants, the employees used by this bureau are, many of them, in the departments which they are investigating. This is for the manifest purpose, first, of not having a permanent and unnecessary pay roll, and, second, because by working the employees in the departments they are able to impress upon them the forms and economies which they desire to have put in practice.

Mr. MILLER. We are taking on no new employees?

Mr. SISSON. No; no new employees, and no increase of salaries.

Mr. WOOD of Indiana. The amendment provides that the present employees shall be transferred to the jurisdiction of the Congress. I am informed, and I think I am not misstating the facts, that the vast majority of the membership of this House is in favor of this Bureau of Efficiency being responsive to the Congress, and that the Congress should have to do with putting it in motion and directing its course, so that the bureau may act as an independent agent. As has been suggested by the gentleman from Texas [Mr. BLANTON], the very activity of the Bureau of Efficiency incurs displeasure sometimes by reason of its going crosswise to the practices established in the various bureaus of the Government or with the ideas of those on the outside. We all know that there is necessity for efficiency; that there is room for very great improvement in every bureau in the city of Washington. The only objection I have heard offered, and I think the only tenable objection that may be made—and I can not see that that is well taken—is that if this Bureau of Efficiency is transferred to Congress, as is proposed, it will have a deterring effect on the possible passage of a budget system. As I stated the other day, I am heartily in favor of the establishment of a budget system. We all know how much it is needed. I do contend, however, that the establishment of this Bureau of Efficiency will in nowise interfere with the establishment of the budget system. It will all the more demonstrate the necessity of the budget system.

Mr. HUSTED. Mr. Speaker, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. HUSTED. Will the gentleman state the scope of the activities of this Bureau of Efficiency?

Mr. WOOD of Indiana. It was meant under its creation that this Bureau of Efficiency should be what it is called—a Bureau of Efficiency—and that they might go into these different departments at the solicitation of the heads of the bureaus and of the departments and assist them in getting greater efficiency, not only as to method but as to execution.

Mr. HUSTED. Where did the employees of this bureau get the training and experience that would enable them to go into the departments here and straighten them out?

Mr. WOOD of Indiana. They are selected by reason of their peculiar fitness for that character of work. This Bureau of Efficiency has been in existence in some form or other, as I understand it, since 1913, and they have in their employ now some very efficient men. They have done some very, very valuable service, which all will admit who know anything about the scope of their work, but the bureau is so handicapped by reason of obstacles thrown in its way that its work has been very much obstructed. We all know that our system of doing business here is archaic, that there is not a business establishment in the Nation that could last any time if it employed the same methods for the conduct of its business that are employed in the District of Columbia, but this course has been followed here so long, and they have become so used to it, that any suggested change or advice toward a change is bitterly resented by some of the departments. There are many exceptions to this, however. The Post Office Department is the best business department in the city of Washington to-day [applause], and it was made so by reason of Postmaster General Burleson inviting this Bureau of Efficiency into that department and having it make a complete revolution and renovation. Likewise, in the Treasury Department great reforms have been brought about by reason of the activity of this bureau, with the cooperation of the Secretary of the Treasury. They are now working there, and I am gratified to say to you that by reason of the establish-

ment of modern methods in the dispatch and conduct of the business of that department, since the close of the war, through this Bureau of Efficiency, in one division alone they have been able to reduce their clerical force by more than 500. If the same cooperation was had in all of these other branches of the Government, there might be no need of this proposition.

But unfortunately outside of the Government activity there is an activity that is bent on destroying efficiency, that has no sympathy whatever with the introduction of efficiency in any of these departments. They would like to destroy, if you please, not only the man who is at the head of the present Bureau of Efficiency, but they would like to destroy the entire system itself, preferring that all engaged in Government work serve the smallest period of time and get the greatest amount of return for it. Now, as I was stating a while ago, the only opposition we have heard to this proposal in this House is that it will have a bad effect upon the possibility of the passage of the so-called budget system. I am willing to agree, if the gentlemen who are friendly to the budget system will agree, that in the event that this proposal is adopted and a budget system is enacted into law during the present Congress or at any other Congress, embodying, if you please, the same machinery or in substance the same that will do the work—that is all we are after, the result—that there will be no objection made from any quarter to a clause repealing this law. Now, it strikes me that is a fair proposition, and I think that it would be proper for the reason that we do not want duplication of effort even in the efficiency business. We have duplication of effort in all these departments and we are trying to get rid of it through the instrumentality of this Bureau of Efficiency; so in the event a budget system is adopted, and I hope it will be before this Congress ends or even before we recess, there could be very easily inserted in that measure a clause repealing this law, and in the event that by reason of some unfortunate circumstances the passage of the budget system be delayed until the next session of Congress, why this activity can go on, and there is necessity for its going on every hour, for by reason of its not being permitted to operate fully there are thousands and millions of dollars of the taxpayers' money that is being needlessly and uselessly wasted. Now, I have said all I desire to say. I have brought to you all the information that your committee has on this subject with the recommendation that this report be adopted for the reasons I have tried to offer.

Mr. MONDELL. Mr. Speaker——

The SPEAKER. Does the gentleman from Indiana yield?

Mr. WOOD of Indiana. I yield. I yield 10 minutes to the gentleman from Wyoming.

The SPEAKER. The gentleman from Wyoming is recognized for 10 minutes.

Mr. MONDELL. Mr. Speaker, I very much regret to be compelled to oppose the conference report, but I do not believe that this conference report should be adopted, and for many very excellent reasons. The gentlemen will remember that when this committee brought in their conference report providing for an agreement on all of the items in controversy save this one their report was adopted and with regard to this particular item the House unanimously advised the conferees to disagree to the Senate amendment. The conferees have seen fit to agree to the Senate amendment somewhat modified. I do not desire to criticize the conferees for that action. They have, I am sure, exercised their best judgment by doing what in their opinion should be done. I am sorry I can not agree with them. Gentlemen may not believe that the fate of the budget and the budget system depends on our action relative to this matter, but I am firmly convinced that while the adoption of this amendment will not necessarily and of itself prevent the adoption of wise and proper budget legislation, I very greatly fear that the adoption of this amendment in any form will place a serious obstacle in the way of thoroughgoing budget legislation. Whether that was the intent of anyone interested in the matter I do not know, and I do not pretend to say, but that, in my opinion, will be its effect. It strikes me that at a time when the entire matter of the budget is still under consideration by the Congress and still in an unfinished state it is not logical that we shall adopt as an amendment on an appropriation bill partial legislation on that subject. What is proposed to do here, what would be done under the Bureau of Efficiency if this legislation were adopted, would, of course, be done under a budget system, or should be, but if we make this provision at this time for these efficiency examinations it is an excuse for not adopting a budget system or that we adopt a budget system that is not complete, rounded out, full-fledged, and workable along all lines. It may be that the gentlemen of the conference are of the opinion that they were justified in accepting the Senate amendment, notwithstanding the attitude of the House, with the changes and modifications that have been made.

In my opinion those changes have not helped the amendment, but have weakened it. If we are to have a thoroughgoing system of efficiency examinations under the control of the Congress in connection with a budget system, they should be provided for in connection with the budget law, and they should be broad and carry sufficient authority for all investigations proper to be made and necessary to be made.

Mr. WOOD of Indiana. Will the gentleman yield?

Mr. MONDELL. In just a moment. Now, the amendment as adopted will not render possible the regular continuous attention to the disbursements of the executive officers which there should be, and under the amendment as it has been modified these examinations could only be made when ordered by committees or subcommittees. They would have to do only with certain transactions of the departments. They would not give us those general, all-embracing, thoroughgoing examinations as to the character of expenditures that we should have. I yield to the gentleman.

Mr. WOOD of Indiana. I think if the gentleman will study the amendment we have made and the original proposal he will find that there is not any activity but what may be investigated, and that the functions of the Bureau of Efficiency when put in motion are so comprehensive that not only Congress but every committee and subcommittee, either on expenditures or appropriations, as well as the heads of all these various activities, can have those matters investigated.

Mr. MONDELL. I am sure the gentleman desires to have full investigation, but I do not believe the amendment as it is now before us would accomplish that result. It is not so satisfactory as the amendment which the House agreed unanimously to reject. I have been one of those who believe that one of the most important features of the budget system is the independent audit and the examination of expenditures by authority of Congress which would be carried on in connection with an independent audit. I think that is a more important feature of the budget system than the submitting of estimates by the Executive because if the Congress is at all times armed and fortified with information secured by its agents relative to the activities of the various bureaus and departments we then can meet all the arguments, meet all of the suggestions put forward by the departments, with arguments and suggestions coming from our own agents who are as fully informed or even better informed than the representatives of the departments who appear before the appropriating committees.

There is nothing we need so badly as to have at the elbow of the chairmen of appropriation committees men thoroughly informed with regard to the transactions, the activities, and expenditures of the departments, and that information can only be secured in connection with an independent audit and an efficiency system that will be part of it. And all of that should be and will be provided for in the budget. Now it is proposed, before the Senate has passed the budget bill, long before it has gone to conference, while it is still in a formative state, to adopt as a part of an appropriation bill, contrary to the usual rule, a provision that has to do with the general budget scheme. It is not wise. It is not sound legislation, and it is not safe. If we are really devoted to the adoption of a thoroughgoing budget system, the only way to meet the situation is, I regret to say, to vote down the conference report.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MONDELL. May I have two minutes more?

Mr. WOOD of Indiana. I yield two minutes more to the gentleman.

Mr. MONDELL. And if that is done, my purpose, if no one else does it, is to again make the motion to nonconcur in the Senate amendment. I realize the embarrassment of our conferees. They meet with Senate conferees who are very earnest about this matter, who may have some pride of authorship, who may be more insistent upon the legislation than they would otherwise be because they have been somewhat criticized here and elsewhere with regard to it. I have no doubt but that our conferees met with stern insistence upon the part of the gentlemen they conferred with in regard to this provision; and it was probably, as they saw it, rather essential in the maintenance of a proper spirit of compromise between the two bodies to agree temporarily and for the time being to this amendment as modified. It should not embarrass them if the House still adheres to the view it has once expressed. It may make it easier for gentlemen elsewhere to now agree to the view which the House has taken, a view which the House under legislative practice has the right to insist upon—the rule that the body

that proposes legislation on an appropriation bill must give way if the other House is insistent.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WOOD of Indiana. Mr. Speaker, I yield to the gentleman from Iowa [Mr. GOOD] if he desires some time.

Mr. GOOD. I am opposed to the conference report, but if there is no argument advanced more than has been advanced, I do not care for time. If there is additional argument, I shall be glad to use some time.

Mr. SISSON. Mr. Speaker, I have no choice as to when I shall speak. I imagine the membership of the House will not be carried away like a jury, with the last speech.

Mr. GOOD. I will say to the gentleman I was not present and did not hear all of the statement of the gentleman from Indiana [Mr. WOOD], and in order to answer all the argument I would like to know what the argument is in regard to it.

Mr. SISSON. Having agreed to this conference report, I agree with the gentleman from Indiana that we would be entitled technically to close the argument.

Mr. WOOD of Indiana. How much time does the gentleman want?

Mr. SISSON. Five or ten minutes.

Mr. WOOD of Indiana. I yield 10 minutes to the gentleman from Mississippi.

Mr. SISSON. Mr. Speaker, your conference committee brought this item back to the House, and at the time it was brought back to the House it did not suit the conferees of the House. But we amended it, as the gentleman from Indiana [Mr. WOOD] told you, so that this Bureau of Efficiency comes absolutely under the control of the Houses of Congress. I see no objection to that method of selection. Arguments have been made from various sources as to the activity of this bureau. Your committee agreed to these amendments, that this bureau should function when requested by either branch of Congress, by any committee of Congress, or any subcommittee of Congress having jurisdiction of the matter. The departments desired also that they may use this Bureau of Efficiency, and they asked that the amendment contain the language "and when requested by the head of a department," showing that the heads of the departments realize the good that this bureau has been doing.

I know there has been a good deal of criticism of this bureau. And let me tell my Democratic friends as well as my Republican friends if there was not some severe criticism of this Bureau of Efficiency I would be everlastingly against it. If this Bureau of Efficiency is efficient, if this Bureau of Efficiency is down in a department where the bureau chief and the chief clerk are not conducting the business of the bureau efficiently and this Bureau of Efficiency criticizes them and bring their report back to Congress, you naturally make the bureau chief and chief clerk angry with you. And I want to say that while the Bureau of Efficiency has not worked any miracles, those of you who have been on the legislative committee, those of you who have had to deal with these departments must admit, if you are fair, that they have done a great deal of good. Even the chairman of the committee will not say that they have not accomplished a great deal of good. But let me appeal to this House now, to the Agricultural Committee, the Military Affairs Committee, the Naval Affairs Committee, any of you gentlemen that have to make up these appropriation bills, are you not confined absolutely to such estimates as the department send up to you? You may send for certain gentlemen and they come before you, but you get only such information as those men holding these positions want to give you. Now, the subcommittee of which I am a member has to deal with more departments, has to deal with more bureau chiefs, with more clerks than all other committees of the House, and I know of the need of having some information other than that which comes directly from the bureau itself.

If I want to know how many clerks they need in The Adjutant General's office, I would like to have some expert investigation of that department. I would want that expert information obtainable at any time I needed it. Then when I sent for clerks or bureau chiefs in The Adjutant General's office I would want to be able to ask any one of them why he does not do the business in this particular way and save the services of so many clerks.

Let me give you a sample illustration of how a vast amount of money already could have been saved. It looks so simple that we wonder that anybody else had not thought of it. The Adjutant General was called upon to make a record of every soldier of the late war in the United States Army. As I said the other day, Gen. Harris is an accomplished officer, and all the members of this committee are his friends. We also required by law that he should make a complete record of the soldiers for the States. He put a lot of clerks to work on that record. This Bureau of Efficiency simply suggested to him, "Why have you not a machine to make both cards at the same time by using a carbon process?"

But by doing that, except for a little lost motion in putting in your carbons, you could save nearly 50 per cent on clerk hire alone. I might go into details to show many of the suggestions of this bureau that saved money, but I will refrain on this occasion for lack of sufficient time. I believe in efficiency. If you believe that Congress has the right to have accurate information, so that it can intelligently control these matters; if you believe that the Congress should have the information so that it can direct these activities, you will not deny that Mr. Taft did a good thing when he organized this Bureau of Efficiency, even though it has not done all that was expected. If that has proven advantageous heretofore, you will realize that it will be worth infinitely more if you have Congress to directly control the activities of these men. Your conference committee having agreed to this, we feel that we have done our duty by the House, because the Senate yielded to us on these matters where objections had been made.

The distinguished gentleman from Wyoming [Mr. MONDELL], the leader of the majority in this House, said in so many words that Congress needed this information. Where is he going to get it? Oh, he intimates we will get it from the bureau that is to be established in connection with this new budget system. In the first place, you do not know whether you are going to have a new budget system established or not; if you do not get the budget system, you certainly need this. Your conferees are assured that the Senate conferees favor the budget system. They so said; and they said, in order to meet the objections of the House, that they themselves would personally do everything they could in the Senate to put this arm of the service into the budget bill, so that there could be no conflict and no duplication.

Mr. GARNER. Mr. Speaker, will the gentleman yield for a question?

Mr. SISSON. Yes.

Mr. GARNER. The gentleman has probably investigated the work of the budget as it is outlined in the bill which passed the House and is familiar with it?

Mr. SISSON. Yes.

Mr. GARNER. That has a budget bureau in it?

Mr. SISSON. Yes.

Mr. GARNER. Would you put two in that?

Mr. SISSON. No; I certainly would not. But you do not know just in what shape your budget is going to be in. You know what budget the House has agreed to now, and if we get this now and the budget bill passes at this session of Congress, in the name of God will it not be easy to put this item in that bill? Then you will have done no harm. If you do not get your budget bill you are just where you started.

Now, I do know personally the great need for this sort of an item under our control and direction, and if you do not have it you can not get the information that you need. I would like to have the head of this bureau, as soon as this session of Congress adjourns, with the direction of the chairman of the subcommittee, to go and make an investigation of several of these departments, and I would like for the chairman of the committee, with the sanction of the subcommittee, to give him the order to do it, and have the head of the bureau come back to the committee in December and report, so that we might know what they needed and what work they are doing; and then if we had that information, if there is a great difference of opinion, we can do as we did with Gen. Harris, when we had Gen. Harris and his corps come and sit on one side and the Bureau of Efficiency sit on the other side of a table and let the matter be tried out before the committee. No harm can come from that. Only great good can come from it. I entertain no fears of it, because I believe that the Senators were telling the truth when they told us that we could inform the House that nothing was further from their intention than in any way to endanger or embarrass the budget legislation, and that is the only reason that anybody has assigned here as to why this provision should not become law.

Mr. MOORE of Virginia. Mr. Speaker, will the gentleman yield?

Mr. SISSON. Yes.

Mr. MOORE of Virginia. Assuming that the budget legislation is in the right direction, and assuming that the Bureau of Efficiency functions in the right direction, does not the gentleman concur in the view that we ought to widen out the work and correct the defects in departmental conditions that everybody admits exist?

Mr. SISSON. Yes. I agree with the gentleman; and in doing that, Congress can have some accurate information developed, so that when we do legislate we can legislate wisely and efficiently.

Mr. MOORE of Virginia. Another question. The gentleman will remember that last February that view was expressed on both sides of the House?

Mr. SISSON. Yes.

Mr. MOORE of Virginia. And the statement was made that a resolution would be brought in to provide for a survey of departmental conditions and such action as might be thought necessary. A resolution was introduced, but nothing has happened, although we had the promise that the resolution would be definitely supported.

Mr. SISSON. I do not recollect the details of it, but we did have a promise that a review of all the departments would be made with a view to bringing about more economy.

Mr. SMITH of Idaho. Mr. Speaker, will the gentleman yield?

Mr. SISSON. Yes.

Mr. SMITH of Idaho. To what bureau or Government establishment does this Bureau of Efficiency now make report as to the conduct of a department?

Mr. SISSON. They make a statement now, say, for the Treasury Department, in case they take up an investigation there. Suppose an investigation is made of the Treasurer's office. They make their report and recommendations to the Treasurer, who adopts it or not, as he sees proper. If Congress asked them to make an investigation of any department, they would make the investigation and report to us. So that I think the conferees have acted wisely in agreeing to the amendment. I hope the House will not vote down this whole conference report.

Mr. WOOD of Indiana. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has five minutes remaining.

Mr. WOOD of Indiana. Mr. Chairman, I yield five minutes to the gentleman from Tennessee [Mr. BYRNS].

The SPEAKER. The gentleman from Tennessee is recognized for five minutes.

Mr. BYRNS of Tennessee. Mr. Speaker, I had occasion a few days ago, when this amendment was before the House, to express my opinion in regard to it. I do not want to do anything more on this occasion than to emphasize what I had to say then. I regret very much, entertaining the views that I do and which I expressed on that occasion, that I can not support this conference report. I regret it because I hold the gentlemen who represented the House in the conference in high personal esteem, and I know that those gentlemen would not have reported it had they not felt that it was to the interest of the public service. But, Mr. Speaker, as I view this amendment, it threatens to interfere with the passage of the budget legislation, and for that reason I am opposed to it. There is no doubt in my mind but that if this amendment is adopted those who are opposed to budget legislation will use it as one of the arguments why a fully rounded budget measure should not be enacted, as was sought to be done in the bill which passed the House. We can not have complete and proper budget legislation unless Congress has the control of its expenditures, and that is what the bill which passed the House last October sought to do.

Mr. BLANTON. Mr. Speaker, will the gentleman yield for a question for information?

Mr. BYRNS of Tennessee. In a moment. Now, let me read to you just what was carried in that bill. It provided for a comptroller general, to be appointed by the President, by and with the advice and consent of the Senate, and that he should not be removed except by a vote of both Houses of Congress.

It provided, among other things—

That the comptroller general shall investigate, at the seat of government or elsewhere, all matters relating to the receipt and disbursement of public funds, and shall make to Congress, at the beginning of each regular session, a report in writing of the work of the accounting department, containing recommendations concerning the legislation he may deem necessary to facilitate the prompt and accurate rendition and settlement of accounts and concerning such other matters relating to the receipt and disbursement of public funds as he may think advisable. In such regular report, or in special reports at any time when Congress is in session, he shall make recommendations looking to greater economy or efficiency in public expenditures. He shall make such investigations and reports as shall be ordered by either House of Congress or by any committee of either House having jurisdiction over revenue, appropriations, or expenditures. The comptroller general shall also, at the request of any such committee, direct assistants from his office to furnish the committee such aid and information as the committee may request. The comptroller general shall specially report to the Congress every expenditure or contract made by any head of a department in any year in excess of the appropriation to such department and in violation of law.

Now, that bill went to the Senate last October, and very recently the Senate committee having jurisdiction over it has submitted a report recommending a different bill; but if you will examine it on page 31, section 27, you will find practically the same provision. So that we may be certain that if budget legislation passes at this session it will contain some such provision as I have read; and I submit, gentlemen, that this amendment relating to the Bureau of Efficiency covers substantially the same thing. Now, certainly if we are interested in a budget system, one of whose principal features is to cut out duplications in the service, we do not want to put ourselves in the attitude here at this moment of providing for duplication by enacting a law providing that the Bureau of Efficiency shall do something that the budget bill will require another agency to perform. I do not question the value of the work being performed by the Bureau of Efficiency. I would be glad to see it made a part of the organization created under the budget bill. But this amendment is legislation on an appropriation bill. It should be considered in connection with the budget legislation now pending in the Senate. For that reason I hope that this report will not be adopted.

Mr. WOOD of Indiana. I yield 10 minutes to the gentleman from Iowa.

Mr. GOOD. I do not think I want more than five minutes.

The SPEAKER. The gentleman from Iowa [Mr. GOOD] is recognized for five minutes.

Mr. GOOD. Mr. Speaker, it must be remembered that the conference report has been adopted. The only thing in dispute is this one item. The conferees were not able to agree to eliminate it in accordance with the expressed wish of the House.

I have a great deal of sympathy with House conferees on appropriation bills, and I do not want what I have to say to be considered in any way as a reflection upon the splendid work that the House conferees have done with regard to the legislative bill.

The gentleman from Mississippi [Mr. SISSON] speaks of the need of efficiency bureaus and an efficiency arm of the Government. I agree with him. I agree that the Bureau of Efficiency has done a great deal of good work. There is need for a bureau of efficiency that can be more independent than the present bureau can be without fear of removal. What the gentleman from Tennessee [Mr. BYRNS] has just said is the thing that is in my mind regarding efficiency. We rightly criticize the departments for duplication in the Government service. We have had pointed out to us numerous instances of such duplication. There is a public health service in almost every one of the executive departments. These duplications abound in the departments, and we are demanding that they be eliminated; and it was because of the demand in the Congress and in the country that there shall be an elimination of all the duplications that we have put the budget bill through the House. That budget bill provides for an efficiency bureau in the office of the comptroller general. We criticize the executive departments for duplication, and now by the proposed legislation here we seek to set up a duplication right in the Congress itself.

Mr. SISSON. Will my friend yield?

Mr. GOOD. Yes; I yield.

Mr. SISSON. I stated that the Senate conferees assured the House conferees that if that bill should become a law they would immediately repeal this provision in this bill.

Mr. GOOD. And in that connection let me remind the gentleman, who has been on a number of conferences, that when we go to the Senate on a conference and ask for a provision that changes existing law, the Senate conferees will never agree to it. Six months ago to-morrow we passed through the House a bill for a budget, and this amendment is the only action taken by the Senate of the United States on that subject except to appoint a committee which has only a few days ago made a report. You say you will not have budgetary legislation. If the demand of this House is, as I believe it is, for budgetary legislation at this session of Congress, you will have an opportunity to adopt the budget bill again as a part of the sundry civil appropriation bill, and there will be no appropriation bill without budgetary legislation. But let us not duplicate the service right here in the House. There is too much of that in the executive departments. Let us keep our skirts clear; and I will say to the gentleman from Indiana [Mr. WOOD] and to the gentleman from Mississippi [Mr. SISSON] that I am willing to go far enough to have the Bureau of Efficiency transferred over entirely as a bureau in the office of the comptroller general of the United States. The bill itself provides for an efficiency arm of the Congress, and I think goes far enough, but I have no objection to a transfer. It should have it. I shall work with the gentleman from Indiana [Mr. WOOD] and the gentleman from Mississippi [Mr. SISSON] to bring that about, but let us not lay at our doors the same criticism that we and the public have laid at the doors of the executive departments.

To vote down this conference report does not mean to defeat the conference report with regard to the appropriations. That has been adopted. The only thing now is whether the House, standing by its guns, will refuse to let three Senators of the United States dictate to the House what kind of budgetary legislation we shall have. [Applause.] I am not in favor of it.

Mr. WOOD of Indiana. I move the previous question on the adoption of the conference report.

The SPEAKER. The gentleman from Indiana moves the previous question on the adoption of the conference report.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The question being taken, the conference report was rejected.

Mr. GOOD. Mr. Speaker, I move that the House still further insist on its disagreement to Senate amendment numbered 53.

The SPEAKER. The gentleman from Iowa moves that the House still further insist on its disagreement to Senate amendment 53.

The motion was agreed to.

The SPEAKER. Does the gentleman from Indiana [Mr. WOOD] ask for a further conference?

Mr. WOOD of Indiana. Yes.

The SPEAKER. The gentleman from Indiana moves that the House ask for a further conference with the Senate.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. WALSH. I ask for a division, Mr. Speaker.

The House divided; and there were 46 ayes and 1 no.

So the motion was agreed to.

Mr. GOOD. Mr. Speaker, I move that the House further disagree to the entire language found in Senate amendment 53 or to any substitute that provides for the Bureau of Efficiency.

The SPEAKER. The gentleman from Iowa moves that the House be instructed to disagree to the entire language of Senate amendment 53 or to any language that provides for a Bureau of Efficiency.

Mr. WALSH. I reserve a point of order.

Mr. SISSON. Mr. Speaker, I really do not see any further object of a conference. This bill went back to conference and the conferees have done the very best they could with the Senate conferees who insisted on this amendment. We made an effort to eliminate these differences which have been argued on the floor. The House having voted the conference report down on account of this one item, there is not much necessity for any further conference. If the gentleman proposes to take it out of conference, there is one thing that he can do, and that is to make a motion to adhere. If the House has made up its mind to adhere, and if he makes the motion and the bill goes back to the Senate, they can let the bill fail.

Mr. GOOD. We have not reached that parliamentary stage of procedure when a motion to adhere is in order. The bill went back on a motion to insist. The next act is for the House to further insist, and after that action has been taken then the motion to adhere is in order.

Mr. SISSON. I do not agree with the gentleman that that is absolutely the rule. As a matter of courtesy it might be as the gentleman suggests, but the House would have a right to move to adhere in the first place.

Mr. BYRNS of Tennessee. Mr. Chairman, this is a question of legislation pure and simple. There has never been a conference, so far as I know, in which there was a disagreement on matters of legislation on an appropriation bill between the two Houses that the House proposing the legislation did not and was not compelled under the rule to yield to the other House. So I do not believe that the gentleman will have much trouble when we get back into conference.

Mr. GOOD. Mr. Speaker, on inquiry I think there will be no question but that the conferees will be able to bring back an agreement, and I therefore withdraw my motion.

The SPEAKER appointed as conferees on the part of the House Mr. WOOD of Indiana, Mr. WASON, and Mr. SISSON.

ARMY REORGANIZATION BILL.

Mr. KAHN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 12775, the Army reorganization bill, disagree to the Senate amendment, and agree to the conference asked for by the Senate.

The SPEAKER. The gentleman from California asks unanimous consent to take from the Speaker's table the Army reorganization bill, disagree to the Senate amendment, and agree to the conference asked for by the Senate. Is there objection?

Mr. WALSH. Reserving the right to object, has the bill been printed with the Senate amendment?

Mr. KAHN. I am so informed. There is but one Senate amendment.

Mr. WALSH. And that is an amendment striking out all after the enacting clause. Has it been printed in that form?

Mr. KAHN. It has been printed.

Mr. WALSH. I would like to ask the gentleman if he knows whether or not a part of that Senate amendment consists of a provision that aliens who have been in the country one year may upon taking four months' training become eligible for immediate naturalization?

Mr. KAHN. I am informed that there is some such provision in the bill. I want to say to the gentleman that there is also a similar bill pending on the House Calendar reported from the Committee on Military Affairs.

Mr. WALSH. Does the gentleman think that this is similar language to that bill?

Mr. KAHN. I have not been able to compare the two.

Mr. BEE. Will the gentleman yield?

Mr. KAHN. If I have the floor.

Mr. BEE. Has the Army reorganization bill attached to it a bill for the revision of the court-martial proceedings proposed by Senator CHAMBERLAIN?

Mr. KAHN. I am informed that that is attached to the bill.

Mr. BEE. That is in the reorganization bill that we are asked to send to the conference?

Mr. KAHN. Yes.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER appointed as conferees on the part of the House Mr. KAHN, Mr. ANTHONY, Mr. MCKENZIE, Mr. DENT, and Mr. FIELDS.

Mr. GARRETT. May I ask the gentleman from California if a conference on this bill was requested by the Senate?

Mr. KAHN. Yes.

Mr. GARRETT. So it will come back to the House first?

Mr. KAHN. Yes.

EXTENSION OF REMARKS.

Mr. KAHN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a letter I have received from The Adjutant General upon the question of the military rolls, which was considered when we had the Army appropriation bill before the House; also, a letter from the Acting Chief of Engineers regarding the clerks required by the respective bureaus, which clerks and employees were provided for in the Army appropriation bill.

Mr. CLARK of Missouri. Are you adding new clerks?

Mr. KAHN. No; I will say to the gentleman from Missouri that the gentleman from Indiana made a point of order on some language that was in the bill, which point of order was sustained, and these officers want to explain why they went to the Military Committee for this appropriation.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The letters referred to follow:

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
Washington, April 21, 1920.

Hon. JULIUS KAHN,
Chairman Committee on Military Affairs,
House of Representatives.

MY DEAR MR. KAHN: My attention has been called to the statement made on the floor of the House and printed in the CONGRESSIONAL RECORD of the 14th and 15th instant, pages 5676–5679 and 5688–5691, to the effect that I had requested the Committee on Military Affairs to appropriate or reappropriate money for work in The Adjutant General's office that was covered by the legislative, executive, and judicial bill now in conference. It was asserted that if the provision reported by the Committee on Military Affairs becomes a law, The Adjutant General's office would have for the fiscal year ending June 30, 1921, about $600,000 more than The Adjutant General stated he would require in his hearing on the legislative, executive, and judicial appropriation bill. There was a clear intimation, if not a direct accusation, that The Adjutant General had intentionally deceived the Committee on Military Affairs or the Appropriations Committee, or both.

The following is an extract from my statement before the subcommittee of the Appropriations Committee which is printed on pages 1751–1752 of the hearing on the legislative, executive, and judicial bill:

"The work of The Adjutant General's office may be divided into three broad classes—that connected with the existing Military Establishment, that connected with the demobilized Army, and that connected with the selective-service records and the furnishing of statements of service to adjutant generals of States. The work will be discussed on these lines:

CLASS A. EXISTING MILITARY ESTABLISHMENT.

"At the present time there are, in round numbers, 1,100 clerks in The Adjutant General's office engaged upon work connected with the present Military Establishment. This number will, it is hoped, be reduced during the next month or so to about 1,000, or 417 in addition to the number (583) provided for on the statutory roll. A further reduction in this force for the remainder of the fiscal year or for the fiscal year 1921 can not be made without causing an arrearage of work that will seriously interfere with the administration of the Army. * * *

* * * * * * * *

"One thousand may therefore be taken as the minimum number of clerks required for the active Army during the next fiscal year. This is less than twice the number of clerks (583) in The Adjutant General's Department during the fiscal year 1917, when the strength of the Regular Army was approximately 100,000.

CLASS B. DEMOBILIZED ARMY WORK.

"There are at present about 1,290 clerks on the additional roll engaged on work connected with the demobilized army, and it is not believed that any force less than that now engaged upon the work of reporting to the War Risk Bureau, the Auditor for the War Department, the Director of Finance, to other Government agencies, and the public generally would be sufficient to properly perform that work. * * *

* * * * * * *

"The work of that character is not likely to decrease, but, on the contrary, it will probably increase as legislative or other action affecting the former soldiers is taken.

CLASS C. SELECTIVE-SERVICE RECORDS AND FURNISHING OF STATEMENTS OF SERVICE TO ADJUTANT GENERALS OF STATES.

"There are at present about 1,500 clerks employed on work connected with the selective-service records and the furnishing of statements of service to the adjutant generals of the several States. These clerks are being paid from an appropriation of $3,500,000 provided by the act of Congress approved July 11, 1919. This appropriation is sufficient to complete the work specifically provided for in that act and no additional appropriation will be asked for this work. * * *."

With reference to the appropriation that will be required for The Adjutant General's office during the fiscal year 1921, I stated (p. 1758):

"The total appropriation for the additional roll necessary for The Adjutant General's office during the fiscal year ending June 30, 1921, is $2,094,970, or $355,301 less than the amount ($2,450,271) necessary to properly conduct the pressing public business during the current year. The statutory roll estimate is the same for both years."

The sum needed for the additional roll was arrived at in the following manner:

CLASS A. EXISTING MILITARY ESTABLISHMENT.

417 clerks	$444,100

(This is in addition to the 583 clerks on the statutory roll.)

CLASS B.—DEMOBILIZED ARMY—WORK CONNECTED WITH FURNISHING REPORTS TO THE WAR RISK BUREAU, AUDITOR FOR THE WAR DEPARTMENT, DIRECTOR OF FINANCE, AND OTHER CURRENT WORK CONNECTED WITH THE DEMOBILIZED ARMY.

1,290 clerks	$1,572,000
119 subclerical employees at	78,870
	2,094,970

This shows clearly that my estimate of $2,094,970 did not include funds for work connected with the selective-service records and the furnishing of statements of service to the adjutant generals of the several States.

With reference to the preparation of statements of service for the adjutant generals of States, I stated (p. 1752):

"* * * In order to complete this work before July 1, 1920, it will be necessary to increase our force by about 1,100 clerks. The chairman of your committee suggested at a hearing on January 2 that it would be far more economical and better in every way for Congress to make the unexpended balance of that appropriation available during the next fiscal year. I informed the Secretary of War of the suggestion and he heartily agreed with the chairman of the committee, and the Secretary directed me to confine my efforts in the future to increasing my force by the employment of only such clerks as may be released from other bureaus of the War Department or other departments in this city."

Having discontinued my efforts to complete the work during the fiscal year at the suggestion of the chairman of the Appropriation Committee, it did not occur to me that that committee would offer any objection to the reappropriation of the unexpended balance of the $3,500,000 appropriated for this specific work and the work connected with the draft records. As to whether this reappropriation should be made by the Committee on Appropriations or the Committee on Military Affairs it would be presumptuous on the part of a layman to express an opinion. The original appropriation was carried in the Army appropriation act, and for that reason I made my request for the reappropriation of this money to the Committee on Military Affairs.

In the discussions on the floor of the House a member of the Appropriations Committee quoted the following from my statement before the subcommittee on the legislative, executive, and judicial bill:

"The estimates for the office were revised by a War Department board convened for the purpose of considering the financial needs of the various bureaus of the department. That board allotted to this office $1,345,000 for the additional roll on the assumption that $750,000 of the $3,500,000 appropriated for the care and custody of the selective-service records and for the furnishing of statements of service to the adjutant generals of States would be made available for the payment of salaries of the additional roll during the fiscal year ending June 30, 1921. This sum will not be available for that purpose. But for this erroneous assumption it is presumed that the $2,094,970 needed by the office would have been approved by the board, as the sum of $1,345,000 tentatively allotted and the $750,000 before referred to is $2,094,970, the amount necessary to properly conduct the business of the office."

The purpose of that statement of mine was to show the committee why the estimate of the Secretary of War as to the needs of The Adjutant General's office for the next fiscal year was less than my own estimate. The War Department board referred to called upon me for a statement showing the amount that I would spend for the employment of clerks from the special appropriation, $3,500,000. From my reply that I would require $2,750,000 for that purpose the board erroneously assumed that there would be an unexpended balance of this appropriation of $750,000. This $750,000 was required for the payment of delayed claims from draft boards; employment of mechanics and laborers in the unpacking and setting up the filing cases; for the purchase of new filing cases and equipment; for the employment of engineers, firemen, watchmen, messengers, and other nonclerical help; and for repairs and alterations to the building containing the selective-service records.

The experience of the preceding year, and particularly the last three months, convinces me that the $1,859,000, carried in the legislative, executive, and judicial appropriation bill for the use of this office will be insufficient to properly conduct the work connected with the existing Military Establishment (previously designed class A work) and the work of reporting from the records of the demobilized Army (designated class B); and consequently there will be no money from this appropriation available for the care and custody of the selective-service records and the furnishing of statements of service to the adjutants general (designated class C work). Unless the unexpended balance of the $3,500,000 is reappropriated and made available it will be impossible to complete the work last mentioned.

Trusting that this explanation will convince you that I did not deceive intentionally or unintentionally either the Committee on Military Affairs or the Committee on Appropriations, I am,

Very truly, yours,

P. C. HARRIS,
The Adjutant General.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, April 20, 1920.

Hon. JULIUS KAHN,
Chairman Committee on Military Affairs,
House of Representatives.

MY DEAR MR. KAHN: 1. It has been brought to my attention that the proviso carried in last year's Army appropriation act authorizing the use of field funds carried under the various military appropriations for the employment of skilled draftsmen, civil engineers, etc., in the office of the Chief of Engineers was stricken from the Army appropriation act as passed by the House on a point of order made by Mr. WOOD.

2. Having noted the strong objections made to this action by yourself and Mr. ANTHONY, I wish to further substantiate your statements by correcting an impression Mr. WOOD had that these employees were provided for elsewhere in the legislative, executive, and judicial bill. Mr. WOOD also stated as follows:

"Mr. WOOD of Indiana. Mr. Chairman, the point of order is that it is legislation on an appropriation bill, and it is providing for an appropriation to pay expenses of skilled draftsmen and civil engineers and other services in the office of the Chief of Engineers, which is for the defraying of clerical expenses in the District of Columbia, the office of the Chief of Engineers being in the District of Columbia."

In the first place, Mr. WOOD was in error in stating that this proviso is new legislation, for it has been carried in Army appropriation bills heretofore. He is further in error in stating that it was in the nature of an appropriation of funds to pay expenses, for it is not in any sense an appropriation item, but merely an authorization to use field funds within the District of Columbia for the sole reason that the work to be done can only be done effectively within the District on account of the necessity of frequent conferences with the various heads of the Army bureaus on all matters of development work upon which these employees are engaged.

3. Mr. WOOD further stated as follows:

"Mr. WOOD of Indiana. Yes; and the legislative appropriation committee gave them a great amount of money for this same service. There is no question but that the point of order is well taken, because it is for clerical services."

Mr. WOOD was in error in this statement in that no funds have been appropriated in the legislative, executive, and judicial act to take care of this work, although representation was made before the Appropriations Committee that this should be done.

4. A letter has been written by me to Senator WADSWORTH calling attention to these facts and requesting that this item be restored to the bill, and I would be much obliged if a similar statement be furnished by you to Mr. WADSWORTH as to the necessity of this action, for under the restriction placed upon the Chief of Engineers by the omission of this proviso it will be absolutely impossible for him to effectively carry out the development work essential for the Army's welfare.

Very respectfully,

H. TAYLOR,
Colonel, Corps of Engineers, Acting Chief of Engineers.

ALLOTMENT OF LANDS OF CROW INDIANS.

Mr. RHODES. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RHODES. Mr. Speaker, in the absence of the chairman of the Committee on Indian Affairs, I was requested to take charge of the consideration of the bill S. 2890, and was informed that a special rule would be brought in under which to proceed. I am now advised that the rule will not be reported, but that by unanimous consent the bill is to be considered. Am I correct in that?

The SPEAKER. It was agreed by unanimous consent that it should be in order to move to go into Committee of the Whole House on the state of the Union to consider that bill, and the gentleman is recognized for that purpose.

Mr. RHODES. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (S. 2890) to provide for the allotment of lands of the Crow Tribe, for the distribution of tribal funds, and for other purposes.

Mr. WALSH. Mr. Speaker, pending that motion, what is the understanding with respect to the time for debate?

The SPEAKER. By unanimous consent, 1 hour and 40 minutes was allowed for general debate. The question is on the motion of the gentleman from Missouri.

The question was taken; and on a division, demanded by Mr. BLANTON, there were—ayes 102, noes 0.

Mr. BLANTON. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Texas makes the point of order that there is no quorum present. Evidently there is no quorum present. The question is on the motion of the gentleman from Missouri that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 2890. The Clerk will call the roll.

The Clerk called the roll; and there were—yeas 284, nays 0, answered "present" 2, not voting 141, as follows:

YEAS—284.

Anderson	Foster	Layton	Reed, N. Y.
Andrews, Nebr.	Frear	Lea, Calif.	Rhodes
Anthony	French	Lee, Ga.	Ricketts
Ashbrook	Fuller, Ill.	Lehlbach	Robsion, Ky.
Aswell	Gallagher	Linthicum	Romjue
Ayres	Gallivan	Little	Rouse
Babka	Gandy	Lonergan	Rowe
Bacharach	Ganly	Luce	Rubey
Barbour	Gard	McAndrews	Rucker
Bee	Garland	McArthur	Sanders, Ind.
Begg	Garner	McClintic	Sanders, N. Y.
Black	Garrett	McDuffie	Sanford
Bland, Mo.	Good	McFadden	Scott
Bland, Va.	Goodall	McGlennon	Sells
Blanton	Goodykoontz	McKenzie	Siegel
Boies	Graham, Ill.	McKeown	Sims
Bowers	Green, Iowa	McKinley	Sinclair
Box	Greene, Mass.	McKinley	Sinnott
Briggs	Greene, Vt.	McLaughlin, Mich.	Sisson
Brooks, Ill.	Griest	McLaughlin, Nebr.	Slemp
Brooks, Pa.	Griffin	MacCrate	Small
Buchanan	Hadley	MacGregor	Smith, Idaho
Burdick	Hardy, Colo.	Magee	Steenerson
Burroughs	Hardy, Tex.	Maher	Stephens, Miss.
Butler	Harreld	Major	Stephens, Ohio
Byrnes, S. C.	Harrison	Mann, S. C.	Stevenson
Byrns, Tenn.	Hastings	Mansfield	Stiness
Caldwell	Hawley	Mapes	Strong, Kans.
Campbell, Kans.	Hayden	Martin	Summers, Wash.
Candler	Hays	Mays	Sumners, Tex.
Cannon	Hernandez	Mead	Sweet
Carss	Hersey	Merritt	Tague
Carter	Herstman	Michener	Taylor, Ark.
Casey	Hickey	Miller	Taylor, Colo.
Chindblom	Hoch	Milligan	Taylor, Tenn.
Christopherson	Holland	Minahan, N. J.	Thomas
Clark, Mo.	Houghton	Monahan, Wis.	Thompson
Classon	Howard	Mondell	Tillman
Cleary	Huddleston	Montague	Tilson
Coady	Hudspeth	Moon	Tincher
Connally	Hull, Iowa	Mooney	Tinkham
Copley	Hull, Tenn.	Moore, Ohio	Towner
Crago	Humphreys	Moore, Va.	Treadway
Crisp	Husted	Morgan	Upshaw
Crowther	Hutchinson	Mudd	Vestal
Cullen	Ireland	Neely	Vinson
Dale	Jacoway	Nelson, Wis.	Voigt
Dallinger	James	Nicholls, S. C.	Volstead
Darrow	Jefferis	O'Connor	Walsh
Davey	Johnson, Ky.	Ogden	Walters
Davis, Minn.	Johnson, Miss.	Oldfield	Wason
Davis, Tenn.	Johnson, S. Dak.	Oliver	Watkins
Dickinson, Mo.	Johnson, Wash.	Osborne	Watson
Dickinson, Iowa	Johnston, N. Y.	Padgett	Weaver
Donovan	Jones, Pa.	Park	Webster
Doughton	Jones, Tex.	Parrish	Welling
Dowell	Juul	Pell	Welty
Dunbar	Kahn	Peters	Wheeler
Dupré	Kearns	Platt	White, Kans.
Dyer	Keller	Pou	White, Me.
Echols	Kelley, Mich.	Purnell	Wilson, Ill.
Edmonds	Kendall	Quin	Wilson, La.
Emerson	Kincheloe	Radcliffe	Wingo
Evans, Mont.	Kinkaid	Rainey, Ala.	Wise
Evans, Nebr.	Kleczka	Rainey, H. T.	Woods, Va.
Fairfield	Knutson	Rainey, J. W.	Woodyard
Ferris	Kraus	Raker	Wright
Fields	Lampert	Randall, Calif.	Yates
Fisher	Lanham	Randall, Wis.	Young, N. Dak.
Focht	Lankford	Rayburn	Young, Tex.
Fordney	Larsen	Reber	Zihlman

NAYS—0.

ANSWERED "PRESENT"—2.

Nelson, Mo. Robinson, N. C.

NOT VOTING—141.

Ackerman	Denison	Hoey	O'Connell
Almon	Dent	Hudings	Olney
Andrews, Md.	Dewalt	Igoe	Overstreet
Baer	Dominick	Kelly, Pa.	Paige
Bankhead	Dooling	Kennedy, Iowa	Parker
Barkley	Doremus	Kennedy, R. I.	Phelan
Bell	Drane	Kettner	Porter
Benham	Dunn	Kiess	Ramsey
Benson	Eagan	King	Ramseyer
Blackmon	Eagle	Kitchin	Reavis
Bland, Ind.	Elliott	Kreider	Reed, W. Va.
Booher	Ellsworth	Langley	Riddick
Brand	Elston	Lazaro	Riordan
Brinson	Esch	Lesher	Rodenberg
Britten	Evans, Nev.	Longworth	Rogers
Browne	Fess	Lufkin	Rose
Brumbaugh	Flood	Luhring	Rowan
Burke	Freeman	McCulloch	Sabath
Campbell, Pa.	Fuller, Mass.	McLane	Sanders, La.
Cantrill	Glynn	McPherson	Schall
Caraway	Godwin, N. C.	Madden	Scully
Carew	Goldfogle	Mann, Ill.	Sears
Clark, Fla.	Goodwin, Ark.	Mason	Sherwood
Cole	Gould	Moores, Ind.	Shreve
Collier	Graham, Pa.	Morin	Smith, Ill.
Cooper	Hamill	Mott	Smith, Mich.
Costello	Hamilton	Murphy	Smith, N. Y.
Cramton	Haugen	Newton, Minn.	Smithwick
Currie, Mich	Heflin	Newton, Mo.	Snell
Curry, Calif.	Hicks	Nichols, Mich.	Snyder
Dempsey	Hill	Nolan	Steagall
Stedman	Swope	Venable	Winslow
Steele	Temple	Ward	Wood, Ind.
Stoll	Timberlake	Whaley	
Strong, Pa.	Vaile	Williams	
Sullivan	Vare	Wilson, Pa.	

So the motion was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. LONGWORTH with Mr. KITCHIN.

Mr. MANN of Illinois with Mr. DEWALT.

Mr. SHREVE with Mr. CARAWAY.

Mr. CURRY of California with Mr. DRANE.

Mr. NEWTON of Missouri with Mr. BELL.

Mr. MCPHERSON with Mr. IGOE.

Mr. DENISON with Mr. BANKHEAD.

Mr. SNYDER with Mr. GODWIN of Arkansas.

Mr. ACKERMAN with Mr. DOOLING.

Mr. CRAMTON with Mr. BLACKMON.

Mr. ESCH with Mr. BRUMBAUGH.

Mr. FESS with Mr. DENT.

Mr. DEMPSEY with Mr. CAMPBELL of Pennsylvania.

Mr. COSTELLO with Mr. MCLANE.

Mr. BROWNE with Mr. LESHER.

Mr. CURRIE of Michigan with Mr. BRAND.

Mr. KENNEDY of Iowa with Mr. JONES of Texas.

Mr. ANDREWS with Mr. CANTRILL.

Mr. KIESS with Mr. O'CONNELL.

Mr. BENHAM with Mr. CAREW.

Mr. LANGLEY with Mr. HOEY.

Mr. BRITTEN with Mr. LAZARO.

Mr. KING with Mr. FLOOD.

Mr. BLAND of Indiana with Mr. ALMON.

Mr. KENNEDY of Rhode Island with Mr. HEFLIN.

Mr. LUFKIN with Mr. BENSON.

Mr. HULINGS with Mr. BRINSON.

Mr. GOULD with Mr. BARKLEY.

Mr. HAUGEN with Mr. CLARK of Florida.

Mr. GLYNN with Mr. COLLIER.

Mr. HILL with Mr. DOMINICK.

Mr. FREEMAN with Mr. EAGLE.

Mr. KREIDER with Mr. DOREMUS.

Mr. HAMILTON with Mr. BOOHER.

Mr. GRAHAM of Pennsylvania with Mr. EAGLE.

Mr. LUHRING with Mr. EVANS of Nevada.

Mr. MADDEN with Mr. GODWIN of North Carolina.

Mr. NICHOLS of Michigan with Mr. HAMILL.

Mr. MURPHY with Mr. GOLDFOGLE.

Mr. PARKER with Mr. OLNEY.

Mr. MOTT with Mr. OVERSTREET.

Mr. NOLAN with Mr. PHELAN.

Mr. RAMSEY with Mr. KETTNER.

Mr. MASON with Mr. RIORDAN.

Mr. MOORES of Indiana with Mr. SHERWOOD.

Mr. PORTER with Mr. ROWAN.

Mr. REAVIS with Mr. SABATH.

Mr. RODENBERG with Mr. VENABLE.

Mr. SCHALL with Mr. WHALEY.

Mr. TEMPLE with Mr. SANDERS of Louisiana.

Mr. WARD with Mr. STEDMAN.

Mr. VARE with Mr. WILSON of Pennsylvania.

Mr. WILLIAMS with Mr. SEARS.

Mr. SNELL with Mr. SCULLY.

Mr. WINSLOW with Mr. SMITH of New York.

Mr. SMITH of Michigan with Mr. STEELE.

Mr. WOOD of Indiana with Mr. SULLIVAN.

Mr. ROSE with Mr. STEAGALL.

Mr. MCCULLOCH with Mr. STOLL.

Mr. SMITH of Illinois with Mr. SMITHWICK.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors. The House resolves itself into the Committee of the Whole House on the state of the Union, and the gentleman from Pennsylvania [Mr. CRAGO] will take the chair. [Applause.]

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of bill S. 2890, with Mr. CRAGO in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill S. 2890, which the Clerk will report.

The Clerk read as follows:

S. 2890. An act to provide for the allotment of lands of the Crow Tribe, for the distribution of tribal funds, and for other purposes.

Mr. RHODES. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none. Under the unanimous-consent agreement there is to be 1 hour and 40 minutes of general debate.

Mr. RHODES. Mr. Chairman, I desire to say that under the unanimous-consent agreement the gentleman from Illinois [Mr. RAINEY] is entitled to the floor for one hour.

The CHAIRMAN. Under the unanimous-consent agreement, as stated, the gentleman from Illinois is entitled to one hour, and the gentleman is recognized. [Applause.]

Mr. HENRY T. RAINEY. Mr. Chairman, I will ask the Chair to advise me when I have consumed 45 minutes of my time. I ask unanimous consent that the Clerk read in my time the article from this morning's Washington Post which I now send to the Clerk's desk.

The CHAIRMAN. Without objection, the Clerk will read the article to which the gentleman refers.

The Clerk read as follows:

YANK RELIEF BILL UP FOR VOTE MAY 3—$1.25 FOR EACH DAY'S SERVICE, EXCLUDING TWO MONTHS, G. O. P. PLAN.

After a conference yesterday, Republican leaders in the House said soldier relief legislation would be taken up in the House May 3 under a suspension of the rules, with debate limited to 40 minutes, and permission refused for the offering of either amendments or substitutes.

Yesterday's conference was said by the leaders to have showed that the "insurgent" Republicans, who have called a party conference for to-night because of dissatisfaction over certain features of the proposed bill, could not block the original plan.

The Ways and Means Committee is expected to report a composite bill to the House next week providing for cash compensation at $1.25 for each day's service, excluding the first two months.

Telegrams were sent yesterday to all absent Republicans directing them to be present on May 3 and urging as many as possible to return for the conference to-night. Although much opposition is expected to develop in the conference over the proposal to raise necessary revenues through a gross sales tax, leaders expressed the belief that the plan would be approved.

Mr. HENRY T. RAINEY. Mr. Chairman, I ask unanimous consent to print without reading at this point in my speech the news item which appeared this morning in the Washington Herald in reference to the same subject.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to insert in the RECORD without reading the news item to which he referred. Is there objection? [After a pause.] The Chair hears none.

The article is as follows:

DEMAND BONUS TO INCLUDE ALL—DEMOCRATS WANT EVERY PERSON CONNECTED WITH SERVICE TO SHARE—MAY TAKE IN WOMEN—WOULD PAY REGULAR ARMY MEN, OFFICERS, AND EVEN THE YEOMEN (F).

Extension of the benefits of soldier-aid legislation to all men and women who served in the Army, Navy, or Marine Corps during the war will be demanded by Democrats in the House, Representative GARNER, of Texas, Democratic whip, declared yesterday.

The Democrats also will fight for the plan of raising the revenue by heavy levies on war profits, instead of a tax of one-half of 1 per cent on all sales, he said.

GARNER asserted that the Democrats are opposed unalterably to the program of Republicans on the House Ways and Means Committee which would limit aid to about 3,000,000 of the 4,800,000 service men.

Apparently the Democrats are virtually solid behind the plan of Representative HENRY T. RAINEY, of Illinois, to raise the bonus revenue by big taxes on war profiteers.

Republican leaders of the House have agreed to call up soldier-aid legislation on May 3. Plans are to push it through under a suspension of the rules, so as to prevent amendments to the Republican plan of raising the necessary funds by a sales tax.

Mr. HENRY T. RAINEY. Mr. Chairman, three years ago this great Republic mobilized for war. For the first time in the history of nations one of the world's great nations pledged all its resources for war. And then there came the call to arms, the tramp, tramp of the boys marching down to examining boards in the county seats of this land, 10,000,000 strong, while the world looked on and wondered. For the first time in the history of nations a nation of the white race had within its boundaries 10,000,000 men between the ages of 21 and 30—10,000,000 fighting men. We were without a merchant navy with which to transport our armies across the seas, but we built one; and to-day upon the seas of the world, as the result of the mobilization of our resources, the flag floats over a thousand merchant ships. We ranked third, they said, upon the seas in the number of our fighting ships. To-day, as the result of the quick mobilization of our resources, these great floating steel forts of ours constitute the greatest war Navy on the seven seas. We were without officers, but we educated them, and they headed our armies and rendered upon the field of battle the magnificent service that officers of American troops have rendered in all our wars. We were a peaceful Nation given over to commerce, but we mobilized our factories, we worked men in three shifts, and it was not long until the lighted windows in 10,000 factories across the land flashed back a greeting to the lights on the midnight express as it speeded across the continent. In the history of the world no nation ever mobilized as we did in order to take our position among the nations on the battle front in the war for civilization. And then the boys commenced to cross the seas. Experts on troop movement crossing the sea had said that 500,000 troops could not be transported across the Atlantic in three years of time. In less than two years we sent 2,000,000 trained soldiers to the battle front in France, and in less than two years there were 2,000,000 more under training in our great military training cities, which sprang up as if by magic over night. These boys were carried safely across the seas in great islands of ships, surrounded by the fighting ships of our own Nation and by the fighting ships of the allied nations, and they were carried safely—all of them. The god of battles seemed to be with us, and I can almost imagine that out on the danger line where our fighting ships sailed there floated through the air the pale ghosts of the heroes of all our wars. And I can imagine that as these armies of ours approached the shores of France there came out to meet them and to guarantee to them safe conduct through the danger zone the pale ghosts of the armies of Lafayette. They landed at the ports of France and marched rapidly toward the front.

While this troop movement was proceeding, on the farms of the West we were producing foodstuffs for our armies, foodstuffs for the demands of our allies, foodstuffs for the people of the countries which had been devastated by war. The god of battles fought on our side. It was not long until, if the planet Mars is inhabited, and if they have there telescopes no stronger than ours, and if they had looked down in this direction, they could have seen the color come and go in the wheat fields of Illinois, of Missouri, of Oklahoma, of Nebraska, and the other great wheat States of ours. We produced record crops in this period of the Nation's sacrifice and mobilization, crops in abundance, greater than we had ever produced before even on these fertile farms of ours. And then the boys commenced to reach the front, and as we feverishly read in the daily papers the news from the war zone of northern France, anxiously we looked for the death list of the boys who fought in the greatest battles ever staged in the history of the world. With boundless pride we heard from them at Belleau Wood, at Chateau-Thierry, and in the wood of the Marine brigade.

And then, in the month of October, 1918, there commenced the great Argonne offensive, and we knew where these boys of ours were. They were in the line, and the Germans knew where they were, and opposite them in the line they placed the shock troops of the German Empire, the trained veteran soldiers of the greatest military nation the world ever saw; they placed opposite these untrained boys of ours the Prussian Guard, devoted to all its traditions—the Prussian Guard, which in the century of its existence never retreated before an equal or even superior force. After the great shock came, the Germans commenced to move slowly back, and then with white, trembling lips they passed the word down the long German lines, "The Americans are in the line; the Americans are in the line. They have met the Prussian Guard. The Americans have defeated the Prussian Guard." [Applause.] And then the retreat of the great armies of the greatest military nation the world ever saw became a rout, which ended only with the armistice of November 11, 1918.

The boys are home again, back from the stirring incidents and scenes of awful battle. They have returned to their places in the great army of industry in this land. They are the anchor to windward of this Nation at the present hour, when it is threatened with new danger, when communism raises here in our midst its hideous head. We sent them to war without asking their consent. Members of this House sat here in their seats and voted for the measure which compelled these boys to go to war. A million of them volunteered. Many of them were rejected on account of physical defects. But at the request of the membership of both branches of the National Congress these boys participated in this awful war 3,000 miles away across the seas and saved the civilization of the world. [Applause.]

To-day they have formulated their requests, and they have submitted them to the membership of both branches of the National Congress. They have asked the men in the Congress of the United States, who gave them no option, who took them away from the peaceful pursuits in which they were engaged, not for a bonus—I deny that any brave soldier who ever wore the uniform of this country has asked this Nation for a gift—they have asked you to compensate them in a slight measure for the financial losses they sustained. [Applause.] They have asked you out of the abundance of the Nation's resources to give to them the mere pittance of $1 a day—or a little more than that if the money is to be used for the purchase of homes and for the purchase of farms or for procuring an education—for the number of days they served in the armies of their country. And during that period of time—they call our attention to the fact—

those who remained at home were making money; those who remained at home were receiving salaries greater than were ever paid before in industry in this land. Those who remained at home and pursued their ordinary business avocations made returns fabulous in amounts. During the period of this war we developed in this country 23,000 new war millionaires. During the period of this war we developed in this country 69,000 men whose income in 1914 exceeded $20,000 a year, and whose income during the war years had developed to such an extent that their income was $3,000,000,000 more than it was during the three prewar years. During this period, when these boys were at the front, the corporations of this country made during the years 1917, 1918, 1919, and during the year 1920, which was really a war year—corporations of this country made, and in their tax returns they admit they made, $3,800,000,000 more than they did in the same number of prewar years. In other words, the excess-war income of corporations—and they were making enough before then, making more than they ever made in the history of this Nation—the excess of the war incomes of the corporations of this land over an equal number of prewar years was $3,800,000,000.

Mr. ROBSION of Kentucky. Will the gentleman yield for a question?

Mr. HENRY T. RAINEY. For one question.

Mr. ROBSION of Kentucky. Is that net income of which you are speaking?

Mr. HENRY T. RAINEY. Yes, sir; in order that there may be no mistake about it, I quote the exact language of the Government actuary:

> Mr. McCoy estimates that the aggregate net income of all corporations for the years 1917, 1918, 1919, and 1920 in excess of four times the average net income for the prewar period plus the income, excess profits, and war profits taxes paid during 1917, 1918, 1919, and 1920, is $3,800,000,000. If you exclude from this computation corporations whose average net income for the years 1917, 1918, 1919, and 1920 do not exceed $100,000, the excess income is not more than $2,000,000,000.

During the three prewar years I have mentioned the corporations of this land whose average yearly income before the war exceeded $100,000, and that is a corporation which is not entitled to much sympathy, at the present time, when it comes to levying taxes, earned an excess war income aggregating $2,000,000,000.

I remember that after our declaration of war the great Ways and Means Committee of the House of Representatives, which is charged with the duty of preparing revenue bills, met, and during the awful months of that war the members of this committee were in continuous session, in session almost daily, and often they worked late in the night. With a feeling of pride I recall that in the hour of the Nation's danger, in the hour when our financial resources were strained as they had never been before, we forgot partisanship. The Democrats were in a majority, a sufficient working majority of this House, and could have carried through any of their propositions. But we discarded that kind of partisanship. For the first time in the history of the work of that great committee we invited the minority members—at that time the Republicans were in the minority in this House—we invited minority members to consult with us and to participate with us in the preparation of these great war bills. We had the benefit of their counsel and the benefit of their advice, many suggestions made by the Republican members of that committee found their way into the laws of the land—the laws which made it possible to win this war—and every one of these great war measures, the greatest ever reported out of this body, the greatest ever enacted into law in the history of the world, came out with the unanimous support and with the unanimous report of the members of that great committee.

There never was a dissenting vote in the committee on any one of these war measures. If any member of the minority objected to any of the features, and we never knew they did until we commence to hear from them now on the hustings in this land, they did not make it known there in the committee. They agreed with all the other members of the committee. And if they had made it known there, and if their objection was tenable, and if a majority of the committee had been able to agree with them, if a majority of the Republicans, even, had agreed with them, that item would never have gone into any one of those bills. I make that statement without the slightest fear of successful contradiction.

The war is not over yet. An armistice has merely been declared. In the nations of the world war still continues. No man can tell how soon we will be engulfed again in these world struggles with these new world issues. The membership of this House has changed. The majority sits on that side of the aisle, not where it sat during the years of the war. And already, with the approach of the campaign, the majority as represented on the great Ways and Means Committee, forgetting the generosity of the Democratic majority during the war, anxious only to seize a mean, small partisan advantage, have excluded from their deliberations the Democratic members of that committee, and are to-day engaged in framing the most important war bill, because that is what it is, that has ever been presented since this war started, since we became involved, a bill to comply with the request of 4,500,000 of our brave soldiers, and they propose now to say to these young men—and nearly all of them will be voting this fall—they propose to say to these young men, "A Democratic Congress sent you to the war, but a Republican Congress has framed this bill for your relief. A Republican Congress is giving you now the equalized pay that you have requested. The Democrats have had nothing to do with it. We have excluded them from our committee rooms."

So they proceeded to draft a bill, and Republican Members have been summoned from far and near to respond to the party whip and the party mandate and make it possible for the Republican Party to fool 4,500,000 young men, and to say to them, "We gave you this bonus."

On behalf of those young men I repudiate the insult tendered by the Republican majority in this House. [Applause on the Democratic side.] I deny that they can be fooled by any such mean, poor, little tactics as those on the part of the Republican majority. Oh, you can not help it. In these days of danger here, danger to our institutions and danger abroad, the cloven foot appears as it always has in the history of your party, and as it always will. [Applause on the Democratic side.] You are in a position to-day, after the meeting of your steering committee yesterday—the resuts of which were announced in the papers this morning—you are in the position, and unblushingly you occupy it, of saying to the 4,500,000 brave soldiers and sailors, brave boys who can see into these things as clearly as you can, "The Republican Party in the approaching elections are offering you $1.25 a day for your votes this fall."

Do you suppose when they find out the nature of that bribe, when they know that you who sit here——

Mr. CAMPBELL of Kansas. Mr. Chairman, I call the gentlemen from Illinois to order. It is an insult to the membership of the House on both sides. [Applause on the Republican side.] The Republican majority of the Committee on Ways and Means have not offered an insult to anybody, and the gentleman from Illinois well knows it. [Applause on the Republican side.]

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Kansas?

Mr. HENRY T. RAINEY. No; I do not.

Mr. CAMPBELL of Kansas. I call the gentleman to order.

Mr. HENRY T. RAINEY. I want to say to the gentleman that I do not want to offend the gentleman at all. I do not want to do it. I will only state the facts, then, and the country can draw its own conclusions. [Applause on the Democratic side.] I will not comment on them. [Applause on the Democratic side.] If it hurts the feelings of gentlemen on that side—and many of you are my friends—I may say that I hope many of you, perhaps the majority of you, do not agree with the conclusions reached by your steering committee and by the majority members of the Committee on Ways and Means. I say that when Democrats are not permitted to participate in these deliberations you can not expect, no matter if you subconsciously want to do it, to have the 4,500,000 brave boys fail to see through such a subterfuge as that as the elections approach.

Let me tell you what you have done: If we are to believe the statements you have given out to the morning papers, you propose to collect this tax, this bonus, by resorting to a general sales tax, the character of tax which has not been extensively imposed in the world since the feudal ages, the character of tax which no nation in the world attempts to any degree to impose at the present time except unfortunate, misgoverned Mexico and the small populations of the Philippine Islands.

It is here you find your precedents. I know you gentlemen; I understand your methods. You will put some cushions in this bill. You will put something in there that taxes to a slight degree, perhaps, tobacco, or the stock exchanges in our cities, or you may make a slight increase in some portion of the income tax. But you are going to yield to the demands of Wall Street. You are going to yield to the demands of the millionaire war profiteers of this country and impose the sales tax they want imposed, because they think that when imposed once we will never be able to get rid of it, because they want to escape some portion of the taxes on the immense incomes they are enjoying at the present time. A tax on sales means an increase in the cost of living. A tax on sales such as you propose, if it is a tax on turnovers, means an increase in the cost of living of 25 per cent. A tax on the ultimate retailers will be a resort

to the merchant sales taxes of the feudal ages, when armed soldiers of feudal thieves and barons were able to terrorize the merchants of those unfortunate countries and to impose the burden of taxes upon them and maintain in that way their great military establishments. It is the merchant tax you propose—condemned by Adam Smith, condemned by Roescher, condemned by every political economist who has ever written in the last hundred years—you, in your anxiety to protect the rich of this land, have resorted to the old merchant tax of the feudal ages.

At this point, Mr. Chairman, without reading, I ask permission to extend my remarks by printing in the RECORD the criticisms of the great economic writers of the world for the last 50 years on this character of a tax.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to insert in the RECORD the data he has mentioned. Is there objection?

Mr. CAMPBELL of Kansas. Mr. Chairman, reserving the right to object, what is it that the gentleman proposes to insert in the RECORD?

Mr. HENRY T. RAINEY. I intend to insert in the RECORD extracts from Roescher, Adam Smith, J. P. Hobson, and statistical writers of the present day in the magazines of Europe, discussing the kind of tax which the majority members of the Committee on Ways and Means expect to impose upon the citizens of this country.

Mr. CAMPBELL of Kansas. About how much space will it probably cover?

Mr. HENRY T. RAINEY. Perhaps less than a page of the RECORD.

The CHAIRMAN. Is there objection?

Mr. JOHNSON of South Dakota. Reserving the right to object, will the gentleman insert the page number of the magazines and the books for the benefit of the House?

Mr. HENRY T. RAINEY. Yes; I will be glad to do it.

At this point I desire to dwell briefly upon the constitutionality of the taxation plan I desire to submit to the House for its determination. The objection has been made that you can not tax incomes that have been already taxed under the Constitution of the United States; that the proposition I am suggesting is unconstitutional for the reason that it is retroactive. In reply to this I merely desire to call attention to the case of Stockdale *v.* Insurance Companies (20 Wall., 323, 331) and the language used by the Supreme Court of the United States in that case in passing on this very question. I read from the opinion:

> The right of Congress to have imposed this tax by a new statute, although the measure of it was governed by the income of the past year, can not be doubted; much less can it be doubted that it could impose such a tax on the income of the current year, though part of that year had elapsed when the statute was passed. The joint resolution of July 4, 1864, imposed a tax of 5 per cent upon all income of the previous year, although one tax on it had already been paid, and no one doubted the validity of the tax or attempted to resist it.

The above case is cited briefly and approvingly in the case of Brushaber *v.* United States Pacific Railroad (240 U. S., 2).

Income-tax laws are frequently retroactive. The income-tax profits of our tariff act of 1913 were retroactive. They imposed taxes from December, 1913, to December, 1914, and thereafter but they were also retroactive and covered the period from March 1, 1913, to December, 1913, and this bill became a law on October 3, 1913. The retroactive operation of this law was challenged in the case to which I have last called attention. The courts held that we could have made the taxes retroactive and extended them back to the time the sixteenth amendment became operative.

These statutes are constitutional. Murray's Lessee *v.* Hoboken L. & I. Co. (18 How., 272, 282); Nichols *v.* United States (7 Wall., 122); and other cases cited—page 5, Union Pacific Railroad case (240 U. S.).

The so-called retroactive feature is not objectionable. Previous statutes had like provisions; Twelfth Statute, pages 292, 473, 474; Thirteenth Statute, pages 223, 281, 283, 417; and other statutes cited page 8, Union Pacific Railroad case.

The text of the sixteenth amendment to the Constitution is this:

> The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

The statute was enacted October 3, 1913, and provided for a general yearly income tax from December to December of each year. Exceptionally, however, it fixed a first period embracing only the time from March 1 to December 31, 1913, and this limited retroactivity is assailed as repugnant to the due-process clause of the fifth amendment and as inconsistent with the sixteenth amendment itself. But the date of the retroactivity did not extend beyond the time when the amendment was operative, and there can be no dispute that there was power by virtue of the amendment during that period to levy the tax, without apportionment, and so far as the limitations of the Constitution in other respects are concerned, the contention is not open. Brushaber *v.* Union Pacific Railroad (240 U. S., p. 20).

Other nations in the world propose to levy war taxes more drastic than anything we expect to present to this House. I desire to call attention in this connection to the memoranda by the board of inland revenue in England, which in its studies suggested that taxes be levied not only on "war incomes" but on "war-created wealth," exempting $20,000.

Paragraph 57 of the report to which I am calling attention discusses this subject and presents the viewpoint of this important and conservative board. In paragraph 13 of the report this board calls attention particularly to war profits which favorably situated traders accumulated during the war by charging exorbitant prices for commodities sold to the Government or fellow citizens. They also suggest, in paragraph 15, that the increased wealth of individuals on account of the war should be taxed, not only the wealth which resulted from excessive profits but the increased money value of the assets which they owned prior to the war due to the anticipation of earning power in the future. In paragraph 26 the board of inland revenue announces that they view as practical a consideration of the aggregate wealth of individuals at the present time as compared with prewar wealth, and suggests a graduated levy upon the balance of the increase shown.

In paragraph 24 of this report they approvingly call attention to the propositions laid down by Mr. J. A. Hobson, the great English economist, in his new book on Taxation in the New State. This is the latest contribution on this important subject, and Mr. Hobson is one of the world's acknowledged conservative authorities. The proposition of Mr. Hobson, to which, in paragraph 24, the board of inland revenue approvingly calls attention, is a proposition to the effect that increases of wealth during the war have an exceptional "ability to pay," and that this ability increases as the ratio of the increase grows. In his book Mr. Hobson says "the increase has come into the hands of its owners as the result of fortuitous circumstances or even of culpable practices." He advocates the exemption of small proportionate increases.

In commenting upon this section of Mr. Hobson's book, they say that "it is upon such lines as these that a practicable duty would appear to be capable of construction."

I call attention also in this connection to what some of the leading writers on economic subjects are saying in the columns of conservative English magazines. Of course, in this country there are few magazines and newspapers which are not controlled by the interests, and no attention is given in the columns of these interest-controlled publications of ours to the discussion of the new methods of taxation which must come to the relief of a bankrupt world in the crisis which confronts all the nations, including our own.

The Statist of November 8, 1919, contains this frank statement: "Putting all hypocrisy and special pleading aside, it is absolutely necessary that a special taxation be laid upon the rich," and the statement I have just read is quoted approvingly in the English Review of December, 1919. In an article by A. Emil Davies, L. C. C., on "Capital levy and superlevy," in the English Review of December, 1919, page 542, Mr. Davies says (and I take the liberty of somewhat abridging his remarks):

> While a levy on accumulated war profits would not produce sufficient to extinguish the war debt, yet properly worked such a levy would produce a very large sum.
>
> It is proper to tax one man more than another because he happens to be cleverer or has better judgment, such judgment being based upon the belief that the war would benefit certain industries. (Id., p. 542.)
>
> It is folly to abuse people for making large profits. Anyone would do it. But a belated war profits levy would redress the economic evils of the present system, which have been accentuated by the war. (Id., p. 544.)
>
> I prophesy that the agitation against war fortunes, which is the root of the profound discontent operating in the minds of the industrial population in the country, will result sooner or later in a special levy upon accumulated war fortunes and in a general levy upon capital over a certain amount per head for the purpose of bringing about a drastic reduction of the national debt. (Id., p. 544.)
>
> If nothing of this nature is done I prophesy so serious a financial breakdown that the present governing class will give up their job in despair, leaving it to a labor or, possibly, a revolutionary government to tackle a situation that may well be almost irremediable. (Id., p. 551.)
>
> The recent labor disturbances are merely the first of a series of struggles whereby the rich on the one hand and the mass of the workers on the other are endeavoring to place the burden of the war upon each other. (Id., p. 551.)
>
> On paper, the wealth of the Nation has increased from round about fourteen thousand millions in 1913 to about twenty thousand millions. (Id., p. 552.)
>
> Most of that paper confers a lien over a great part of the labor of the workers of the country and is held by a comparatively small section of the community. Until at least one-half of that paper is wiped out, deflated, we shall have neither industrial peace nor increased production. (Id., p. 552.)

I studied political economy at Amherst College, Massachusetts, in a conservative New England town set down in a beautiful valley in the very center of that great industrial State, and I am sure that the professors in that institution, surrounded by the influences with which they were and are surrounded, presented to their students a textbook which was conservative. We were required to study the leading textbook in those days on political economy, and perhaps the leading textbook now, Roescher's Political Economy.

Without comment at this time, I desire to read some brief extracts from that distinguished author. I may comment on them hereafter in my speech. I read them now for the purpose of indicating how dangerous a proposition it is to adopt a system of taxes which makes more of the very rich and more of the very poor, and which destroys the great middle class in the Nation.

The element of danger and destruction is when "a whole nation falls into the hands of a few rich men and numberless proletarians." (Roescher's Political Economy.)
This most often happens as an "off-spring of a degenerated democracy." (Id.)
When this happens there comes a "disappearance of the great middle class." (Id.)
"Get rich," they cry to the famishing poor. (Id.)
In this sort of a democracy "capital takes the place of men and is valued more than men." (Id.)
All colossal fortunes are made at the expense of others—either with the assistance of the State powers or by speculation in the fluctuation of values. (Id.)
So great and one sided a difference is, for men too far removed from one another for real mutual love, doubtless one of the greatest of moral temptations. (Id.)
It is as easy a matter for the hopelessly poor to hate the law as it is for the overrich to despise it. (Id.)
At one time six men owned the entire Roman Provinces of Africa and Nero ruthlessly executed all of them, taking possession of their properties. (Id.)

I will not be making a mistake, I am sure, if at the present time I read from Adam Smith's book, entitled "Causes of the Wealth of Nations," inasmuch as the Republican majority of this House, if they follow the Republican members of the Ways and Means Committee, propose to return to the tax on merchants which was in force in the dark days of the Middle Ages. I read from Adam Smith:

During the barbarous times of feudal anarchy merchants, like all the other inhabitants of burghs, were considered a little better than emancipated boudsmen whose persons were despised and whose gains were envied. (P. 598.)
In those ignorant times it was not understood that the profits of merchants are a subject not taxable directly, or that the final payment of all such taxes must fall with a considerable overcharge upon the consumers. (Id., p. 598.)
Heavy taxes upon commodities which are real necessaries of life must increase the expense of the sober and industrious poor and must consequently raise more or less the wages of their labor. (Id., p. 694.)
It must always be remembered, however, that it is the luxurious and not the necessary expense of the inferior ranks of people that ought ever to be taxed. (Id., p. 706.)

Now, I want to tell you why they exclude the Democratic members of the Ways and Means Committee from the consideration of this bill. We stand for the fourfold propositions of the American Legion, just as they have expressed themselves before the committee. We are anxious to put those propositions into workable shape, to provide suitable administrative sections so that they can be carried into effect. There is no difference between the Republican members and the Democratic members of the committee in that, except that the Republican members of the committee, in violation of the wishes of the American Legion and these other soldiers' organizations, propose to exclude officers and nurses and yeomanettes and field clerks who occupied positions of danger from participation in this bonus. We are in favor of including them just as these soldiers' organizations have suggested. [Applause.]

In that particular we stand firmly upon the demands made by the boys, because we think the time has come for the boys to command in this land. They and their friends who are demanding this bonus would make up the enormous number of 25,000,000 citizens of the United States, if we could make a complete and careful inventory. This is their country. They have fought to save it. They have expressed to us their desires, and to the Democrats on that committee that expression from these boys comes now as a command.

The CHAIRMAN. The gentleman desired to be informed when he had used 45 minutes.

Mr. HENRY T. RAINEY. Thank you. I am sorry my time is so nearly up.

The CHAIRMAN. The Chair will state for the information of the gentleman that the gentleman from North Carolina [Mr. POU], who had been yielded 10 minutes under the unanimous-consent agreement, yields back that time and states that the gentleman from Illinois may use it if he cares to do so. [Applause.]

Mr. HENRY T. RAINEY. Yes; I will be glad to have it. [Applause.] We propose to tax war profits to meet this request of the boys. [Applause.] The request of the boys comes to us as a command. It does not impress you gentlemen in that way. As I express the views of the minority on that committee that this request comes to us as a command I notice that some of you gentlemen on the Republican side laugh and sneer. You are welcome to all you can get out of that. The tax you propose increases the cost of living. You propose to do that. The boys and their immediate families and friends will pay themselves one-fourth of the amount of their bonus. In other words, under this selfish desire manifested here in this House to protect war fortunes you propose to give them, you say, $1.25 a day with one hand, and then with the other hand you propose violently to take away from them 25 per cent of that amount. That is the proposition against which we rebel, because we insist on an opportunity for this House to vote upon the question as to whether or not you ought to finance this soldiers' adjusted compensation out of the poor of the land or out of those who built up colossal fortunes during the war. You refuse to permit that to come to a vote in this House.

Your plan is this: On suspension day, which is May 3 next, to obtain recognition from the Speaker—and you can do that—to move to consider this great bill under suspension of the rules. The people of the country ought to know that this plan means that there will be no opportunity to amend the bill in any part, which, in secret caucus, the Republican members of the Ways and Means Committee are this afternoon preparing. We agreed, before you excluded the Democrats, upon the essential provisions of the bill. You knew we would not agree with you on the character of the taxes you propose, and for over a week the Republican members of the Ways and Means Committee, behind locked doors, alone have been figuring out how to impose this obnoxious sales tax in such a manner that war profiteers, whether individuals or corporations, will escape entirely from its burdens. When the matter comes on for a vote, under that plan and under the rules of this House, the vote must be on the combined motion to suspend the rules and pass the bill. After those who are opposed to your methods of taxation and your plan to protect war millionaires have been permitted to do nothing but discuss the matter, and to discuss the matter only 20 minutes, but after discussing it, no matter how long they discuss it, they can not under the rules vote to strike out your obnoxious sales-tax proposition and to insert therein a proposition to tax war profiteers. The only way to defeat the discreditable program you have adopted is to defeat the entire bill and then in the sanity which follows attempt to try to present the bill again, giving those of us an opportunity, on both sides of this Chamber, who are opposed to your antiquated, out-of-date sales-tax method, to propose to substitute for it a tax on war profiteers, and perhaps other sane, proper, unoppressive, up-to-date methods of levying taxes.

Mr. JOHNSON of South Dakota. Will the gentleman yield for a question?

Mr. HENRY T. RAINEY. Yes; I will be glad to do so.

Mr. JOHNSON of South Dakota. Can the gentleman give the assurance that it will be possible for those of us on this side of the House who believe in taxing war profits to agree with the gentlemen on your side of the House who believe in taxing war profits—and there are many on your side who do not believe in it—can the gentleman give any assurance that we can agree on a motion to recommit, or to have a substitute that will tax war profits?

Mr. HENRY T. RAINEY. I will say that if the majority of the Ways and Means Committee will permit us to vote on that proposition, we will agree with those on that side who are courageous enough to do the right thing. [Applause.] I want to say to the gentleman from South Dakota [Mr. JOHNSON], who is my friend—I believe in handing flowers to men while they live—I want to say to him that he represents on this floor, as you and you and you do not, the real desires of the soldiers of this land [applause], because in the hour of danger he left his safe place here far from German guns and took his place among the boys of his State at the front. [Applause.] He bared his bosom to the bullets of the foe; and a young man who is courageous enough to do that, I predict, will not bow to a party mandate and assist in imposing upon the soldiers of this land and their friends the obligation of paying one-fourth of the bonus you are pretending to hand to them. [Applause.] And there are seven other men in this body if I remember correctly—they sit on both sides of this Hall—every one of whom left his safe place here and actively participated in the World War. They were all within military age, and they all wore the uniform of their country. They all crossed the seas and faced the bullets of the foe. I will be surprised if any of them, brave as all of them were, will yield to a party mandate and refuse to give this House the opportunity of determining one thing, and one thing

alone, and that is whether we will tax the wage earners of this land, and the soldiers of this land, to pay this soldiers' compensation, or whether we will tax these corporations of $100,000 profits and over, who made war profits of $2,000,000,000 during the last three years, or the 69,000 men, 23,000 of them new war millionaires, who made of war profits alone $3,000,000,000 during the years of this war.

Mr. JOHNSON of South Dakota. Will the gentleman yield?

Mr. HENRY T. RAINEY. Yes.

Mr. JOHNSON of South Dakota. The gentleman agrees with me that there is but one great question involved in this law?

Mr. HENRY T. RAINEY. I do.

Mr. JOHNSON of South Dakota. And that is the method that we shall use in raising the money.

Mr. HENRY T. RAINEY. Yes; that is my position.

Mr. JOHNSON of South Dakota. And the gentleman agrees that if there could be presented to this House just that one concrete thing, we could agree on both sides of the House that we could accept the judgment of the Ways and Means Committee with reference to the other features of the bill. Is that true?

Mr. HENRY T. RAINEY. On behalf of the minority of this House, I will say that is true. [Applause.] There may be men, of course, on both sides of the House who will vote against the entire proposition.

I want to say to those men in this House who fought in this war that the time has come for you to help the other soldiers, and that you ought to demand of this millionaire steering committee which controls the destinies of this House that they cease their efforts to protect the war profiteers of this land by tenderly avoiding the necessity of taking away from them for this purpose any war incomes. [Applause.] And in order that the country may know who these gentlemen are who have framed up this proposition, who have controlled the policies of that side until now—I do not know whether they will control them any more or not—these are their names: THOMAS B. DUNN, of New York. [Applause on Republican side.] I hope you gentlemen will all applaud as I read them, because I shall have something to say about them when I get through. [Laughter.] MARTIN B. MADDEN, of Illinois. I see you have quit applauding. SAMUEL E. WINSLOW, of Massachusetts. [Applause on Republican side.] Thank you. NICHOLAS LONGWORTH, of Ohio. [Applause on Republican side.] I am delighted to note the acclaim with which you gentlemen hail the very mention of the names of this millionaire steering committee who are carefully steering the affairs of this Congress [applause] so that these corporations which made $2,000,000,000 of excess war profits and these 69,000 men who made $3,000,000,000 of excess war profits will be tenderly cared for and will not be compelled by this House to give up any of their war earnings. [Applause.]

These gentlemen whose names I have read are reputed to be millionaires, every one of them, and they have never been heard to deny it. [Applause and laughter on the Democratic side.]

On this side we follow the leadership of a great man who came from the ranks. In spite of the adverse action of a prior Democratic national convention, he towers to-day high upon the horizon of the Nation. [Applause.] We follow the leadership of a man whose career in this House has been longer than the career of almost any other Member of this House. He is my nearest congressional neighbor; we live just 35 miles apart. I know something about him. I knew him when he was a young lawyer making more money than he makes now. I knew him when he owned broad acres of fertile land and had his share of this world's goods; but after all these years of honest service for his country, if he will sit down and inventory his effects, he will find that he has not as much as he had when he entered this House.

Mr. JOHNSON of South Dakota. Will the gentleman yield?

Mr. HENRY T. RAINEY. Yes.

Mr. JOHNSON of South Dakota. All of us on this side of the House agree to the things the gentleman has said with reference to the Democratic leader.

Mr. HENRY T. RAINEY. I do not know whether all of you do or not, but those do who have good judgment. [Laughter.]

Mr. JOHNSON of South Dakota. Can the gentleman assure us that the minority leader will agree to this proposition and join with us in the proposal of what should be taxed?

Mr. CLARK of Missouri. If the gentleman from Illinois will yield, I assure the gentleman from South Dakota that every Democrat will vote for the proposition just urged by the gentleman from Illinois [Mr. HENRY T. RAINEY]. We will all line up. [Applause on the Democratic side.]

Mr. CAMPBELL of Kansas. Will the gentleman yield?

Mr. HENRY T. RAINEY. Yes.

Mr. CAMPBELL of Kansas. The gentleman's committee and party were in the majority when these gentlemen were making these billions that he speaks of, and we needed billions then to run the Government. Why did he not take them when they were making it rather than to borrow the money?

Mr. HENRY T. RAINEY. We did, and you helped us make the bills; we took all the Republican members of the Ways and Means Committee would permit us to take. [Applause on the Democratic side.]

Mr. CAMPBELL of Kansas. But the gentleman states that they made an excess of two or three billions. Why not take it at the time they were making it?

Mr. HENRY T. RAINEY. I am attempting to put nothing in the RECORD that has not been corroborated by the actuaries.

Mr. PLATT. Will the gentleman yield?

Mr. HENRY T. RAINEY. Yes.

Mr. PLATT. Does the gentleman mean to say that they made $2,000,000,000 in excess, over and above the taxes that they paid?

Mr. HENRY T. RAINEY. No; I have read the exact language of the Government actuary; the figures are not my figures. Taxes heretofore paid are not included.

Mr. PLATT. Then it is all nonsense.

Mr. HENRY T. RAINEY. It is not nonsense, but it is nonsense to attempt to protect them from any further taxes. I would not leave anything of excess war profits if I had my way [applause on the Democratic side], and I would be in perfect harmony with what other nations of the world propose to do.

Of course, you would expect no other answer than what has just been made by the Democratic leader on this side. We follow also that other leader, poorer now than when he entered the House, who had enough courage to violate the advice of his physician and come to this House and speak in defense of the Constitution of the United States as forcefully as he always speaks, and who was carried from this building stricken by paralysis at the conclusion of his speech, carried on a stretcher, and who to-day is confined to his room in this city—the Hon. CLAUDE KITCHIN, of North Carolina. God speed his recovery, and may the time be not far distant when, completely restored to health, he will take his place again in this House. [Applause.] I am speaking to-day as the next ranking member on that committee in his place on this floor, but if he were here to-day he would rise in his place as our great leader has just risen and would agree with him on this proposition. You follow the leadership of this committee of distinguished gentlemen, gentlemen of high personal character, these gentlemen with millions of money to whom I have just called attention. You, or the majority of you, have so far followed them blindly.

I want to say to these four gentlemen who control you and your votes—and I make this challenge—if you gentlemen on this steering committee and you Republicans on the Ways and Means Committee—and there are three Republican millionaires on that committee, too—I make this challenge, that if you will tell what your income was in 1914 and will authorize a disinterested committee to investigate the returns up in the Treasury Department and will tell us what your income was during the war, we can tell whether you are war beneficiaries or not; and on behalf of myself, on behalf of the leader of this House, the gentleman from Missouri, on behalf of the gentleman from North Carolina [Mr. KITCHIN], and on behalf of the Democratic members of the Ways and Means Committee, I promise that if you accept this challenge we will do likewise. [Applause on the Democratic side.] And it may be when the results are compared and presented in the newspapers of this land, possibly then the soldiers and their friends will know why you propose on the 3d day of May to force the taxing features you have drafted down the throats of the people of this country if you can, without an opportunity to amend and after only 40 minutes' debate, and after we have only had 20 minutes on this side, and without an opportunity to lay any burdens, no matter how light they may be, on the war beneficiaries, on the war corporations who are so tenderly protected by the Republican leaders in this House. If you want to go into the approaching campaign with such a record as that, we accept the challenge. [Applause on the Democratic side.]

I charge that you know you can not get this bill through with these obnoxious provisions in it on the 3d day of May. You hope to be able to whip enough Republicans into line to show that more Republicans voted for it than Democrats, and then you intend to drop this bill until after the elections, so that you can go out and say, "These are the Democrats who voted against this proposition to protect the war beneficiaries of this land," except that you will not phrase it in that way, "and these are the few Republicans who voted that way." Therefore you

think the soldiers of this land can tell from that what they ought to do. You have hold of a proposition in your method of taxation which is so hot that you would like to let go of it, if you could, but you do not know how to do it, and in this manner you propose to kill the bill and you hope to escape the responsibility of killing it.

Mr. TINCHER. Mr. Chairman, will the gentleman yield?

Mr. HENRY T. RAINEY. For a very brief question.

Mr. TINCHER. I have in my hand H. R. 13156, introduced by the gentleman from Illinois [Mr. HENRY T. RAINEY]. I want to ask him if that is his idea of the way to raise the money to pay this bonus—his own bill introduced on March 19, 1920?

Mr. HENRY T. RAINEY. That is one of my ideas.

Mr. TINCHER. That is the plan that the gentleman is advocating now that the House should adopt?

Mr. HENRY T. RAINEY. I am not now advocating that plan in its entirety.

Mr. TINCHER. The gentleman introduced this bill.

Mr. HENRY T. RAINEY. I introduced that bill, and it is a better bill than any Republican Member of this House has introduced.

Mr. TINCHER. Does the gentleman know of anyone who has introduced the plan which he is advocating to-day?

Mr. HENRY T. RAINEY. Yes; part of it is included in that bill, and the proposition to tax also war corporations is in the bill introduced by the gentleman from South Dakota [Mr. JOHNSON], who is one of the Republican leaders of this House.

Mr. TINCHER. I want to study the gentleman's plan.

Mr. HENRY T. RAINEY. I will tell you what it is, and the gentleman can make a study of it with great profit to himself.

Mr. TINCHER. I have the gentleman's bill here.

Mr. HENRY T. RAINEY. My plan is to levy a tax upon those 69,000 war beneficiaries who received over $3,000,000,000 in war profits, and upon those corporations who received over $2,000,000,000 in war profits above their normal profits. I want to tax them. I want to be permitted by the majority of the Ways and Means Committee to have the opportunity upon the part of the Democrats of the House and the Republicans who are opposed to a sales tax to present here, if we can agree on it, and we can agree, a proposition compelling war beneficiaries among the corporations and the individuals of the land to contribute what they ought in good conscience to contribute to this great fund.

Mr. TINCHER. Mr. Chairman, will the gentleman yield again?

Mr. HENRY T. RAINEY. No; I can not yield further. I do not care if you put into your bill a tax upon certain luxuries, nor upon stock exchanges or things of that kind. You can put those in, if you want to; but what I want is the opportunity for free legislation in this House, the opportunity to present other suggestions than the proposition of tenderly protecting the war millionaires and the wealth of this country.

It is not necessary to disguise the situation. There is a contest on in this country to-day and throughout the world to find out who is going to bear the brunt of these stupendous war debts. Wealth, on the one hand, is seeking to avoid that burden, and through the sales tax of the Middle Ages and the merchant taxes of 700 years ago it is seeking to impose that burden upon the people of the land. They are endeavoring here to get through a scheme of taxes which will tax for this patriotic fund the man whose income is only $500 a year just as much as the man whose income is $1,000,000 a year. That is what you are proposing to do and that is what we want to prevent, if we can, and if we can pursuade enough of you gentlemen to be fair enough to desert these millionaire committees of yours and vote down these obnoxious propositions on the 3d day of May, when the Republican millionaire steering committee tries to cram them down the throats of the farmers and the laboring men of this land, then we will be able to meet again after that sort of a discipline these Republican members of the Committee on Ways and Means around the council board, and we will be able at least to get them to consent and to get this millionaire steering committee of yours to consent after they have been so disciplined to permit us to submit here to this House the opportunity of determining, as the makers of the Constitution thought you ought to determine in this House, the character of taxes you want.

There is not anything new about the tax proposed in my bill, I will say to the gentleman from Kansas [Mr. TINCHER], and I am sorry I could not yield to him longer, for I do not want to be discourteous to any gentleman. This fight that I have described is going on all over the world. There is a fight in this country now to increase the number of the rich, to increase the number of the very poor, and to wipe out of existence the great middle class, to make a nation of a few rich men and of a numberless proletarian class, and that is the condition which has confronted every great nation in the history of the world just before its dissolution. That is the condition this steering committee of yours is hurrying up in this country of ours by resorting to this method of taxation. They realize the danger now in England. In England in the month of October last the House of Commons appointed a special committee, which they called a committee to tax war wealth, and that special committee delegated at once to the board of inland revenue of England the task of making preliminary studies. The board of inland revenue made its preliminary study and made its report late in November. The board of inland revenue found in its report that war wealth can be taxed, and that war wealth should be taxed, and in that report, which you may now find at the bookstores in this country and at all of the bookstores in England, they make 48 suggestions as to methods of approaching this tax. They quote approvingly the work of F. A. Hobson, the greatest economic writer of the day, who has just issued from the press in London a new book on economic questions, which he calls "Taxation in the New State." He approves taxing war fortunes. In England they can do that; in this country we can not. In England, if they follow the suggestions contained in these preliminary studies, and they are still working on the proposition there and have not determined yet what to do, they will tax even war increases of wealth, reaching the increase in value of property on account of its supposed increased earning capacity due to the war.

In France they are still discussing not a tax on war incomes alone but they are discussing there a tax upon capital, and writers on economic subjects are insisting that if the problems of the present are to be solved they must be solved by resorting to a system of taxes new in the history of the world. You gentlemen are not up to the economic thought of the present day; you cling to the theories of long ago. You do not realize, so far are you behind the times, that you stand to-day in a new world, a world which faces bankruptcy, and we will follow the other nations rapidly along that course if your method of increasing millionaires and increasing the numberless proletarian class of this land is to prevail.

But the time has come in this body for constructive statesmanship——

Mr. JOHNSON of South Dakota. Will the gentleman yield?

Mr. HENRY T. RAINEY. I will.

Mr. JOHNSON of South Dakota. Would the gentleman from Illinois not agree with me that in order effectually to answer the argument put forth by the gentleman it will be necessary for anyone replying to him to show the relative merit of the consumption or sales tax?

Mr. HENRY T. RAINEY. Yes, indeed it would. [Applause on the Democratic side.] I am glad I am able to agree with my courageous young friend——

Mr. PLATT. Will the gentleman yield?

Mr. SMITH of Idaho. Will the gentleman yield?

Mr. HENRY T. RAINEY. I yield to the gentleman from Idaho.

Mr. SMITH of Idaho. I understand the gentleman is proposing——

Mr. HENRY T. RAINEY. I will say to the gentleman I would yield indefinitely if they would give me indefinite time.

Mr. SMITH of Idaho. Is it not true that these men who may have made great profits during the war have already paid into the Treasury 60 per cent of their income and have invested the remaining 40 per cent in enlarging their plants? Are we to understand that you propose to compel them to turn this property into money and pay it into the Treasury. Would this not be confiscation? In what other way can you get the money?

Mr. HENRY T. RAINEY. Not at all.

Mr. SMITH of Idaho. How are you going to get it? On the assumption they have already invested their excess profits, how are you going to get the money?

Mr. HENRY T. RAINEY. Those are war profits——

The CHAIRMAN. The time of the gentleman has expired.

Mr. HENRY T. RAINEY. I am very anxious to answer questions, and I will ask unanimous consent to proceed for 20 minutes longer, and I will agree to answer all questions.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed——

Mr. HENRY T. RAINEY. I will occupy that time in answering questions and will be glad to do so.

The CHAIRMAN. The time was fixed by unanimous consent at 1 hour and 40 minutes.

Mr. CAMPBELL of Kansas. The time was fixed in the House by unanimous consent.

The CHAIRMAN. The Chair supposes, however, it would be in order for a request for unanimous consent.

Mr. HENRY T. RAINEY. Certainly; there is no question about it, if gentlemen on the Republican side really want to hear my answers to their questions.

Mr. WALSH. Certainly it would not be in order.

The CHAIRMAN. The gentleman is correct.

Mr. HENRY T. RAINEY. I regret that I have no more time.

Mr. RHODES. Mr. Chairman, I desire to make an agreement with the gentleman from Oklahoma [Mr. HASTINGS] with regard to the use of the 30 minutes of time now remaining. I will ask the gentleman if he desires that he be yielded half of that time?

Mr. HASTINGS. That is entirely satisfactory.

Mr. RHODES. Then I will state, Mr. Chairman, that one-half of the 30 minutes is to be controlled by myself and the remaining 15 minutes by the gentleman from Oklahoma [Mr. HASTINGS].

The CHAIRMAN. The Chair so understands.

Mr. RHODES. I now yield five minutes to the gentleman from Kansas [Mr. TINCHER].

Mr. TINCHER. Mr. Chairman, I ask unanimous consent to proceed out of order for the five minutes yielded me.

The CHAIRMAN. That is unnecessary, unless some one objects.

Mr. TINCHER. Mr. Chairman and gentlemen of the committee, the thought occurred to me while the gentleman from Illinois was speaking, in whom I have the greatest confidence as a financier, that he has introduced a bill to raise this money to pay the bonus, and I sent to the document room and got a copy of the bill that the gentleman himself has introduced, and I supposed that he would say that was the measure he favored, as it was introduced March 19, after he had sat in the Ways and Means Committee personally, not with closed doors, and heard testimony of the soldier boys who, as he terms it, demand this legislation. I supposed that I could depend upon that as his idea of raising this revenue, but for some reason he will not accept it. Why? Because it is along the same line as the speech he has just delivered in this House. It was not made for a law; it was made to catch votes. It provides a system of taxation on the man who paid the income tax during the war that would bankrupt every retail merchant in America who paid an income tax during the war. I agree with the gentleman that we should reach these millionaires who made the $2,000,000,000. I condemn the administration that permitted them to filch from the American public during the war, and I will vote for a measure taking that money from them. We have hundreds of places to put it without paying it in a soldier bonus, but that will not afford an excuse for being against the soldiers that did not demand but asked for a bonus. We will still be in session and you can try out your 69,000 war profiteers fostered by your administration who were permitted to filch from the American public as they have done.

We can still pass laws to cover many deficiencies that exist now by reason of your mismanagement and still pass laws directing billions of dollars to pay those deficiencies. I say to the gentleman that he, as the now acting ranking minority member of the Ways and Means Committee, to a new Member of Congress stands in poor light in saying to me that I can not rely upon his plan which was introduced as late as March 19 for taxing the war profiteers. There is a lot of talk about this, and there is a lot of buncombe about your advocating a plan of taxes for war profiteers. Put your plan in writing. There is nothing in the world to hold the Democratic minority of the Ways and Means Committee from doing what you contemplated doing in March. Reduce your plan to writing for raising this or any other revenue and put it in the form of a bill.

Mr. HENRY T. RAINEY. Mr. Chairman, will the gentleman yield?

Mr. TINCHER. I have but five minutes, and I believe the gentleman declined to yield to me when he had 1 hour and 30 minutes.

Mr. HENRY T. RAINEY. I yielded to every gentleman, I think, on that side.

Mr. TINCHER. Here is a tax law introduced by the gentleman that proposes to go back and take the income tax returns of 1917, 1918, and 1919—take 50 per cent of the profits made by anyone in excess of $20,000 away from him; no exceptions, except those whose incomes were large in 1914.

Your bill would not reach the really rich man, but would catch the medium business man.

Your bill makes no provision for a man who lost as much in 1919 as he made in 1917 and 1918 combined.

Your bill makes no effort to care for the retail merchant that must stand a loss whenever the articles on his shelves go down in price, as we all know they must go down.

I want to make this suggestion: I studied this bill when it was introduced. Why? Because that bill as a law would bankrupt every man in the United States engaged in the enterprise of producing live stock, and who paid an income tax those years. In my district there is not a live-stock man but that piece of punk legislation, introduced for the purpose of catching flies, if enacted into law, would render bankrupt. I am just a little tired of hearing that kind of stuff and sitting still and not replying, and so I asked for this time of five minutes to refer to this bill offered by the gentleman, who took an hour and a half to defend his own plan, and then did not do it. [Applause on the Republican side.]

Mr. MONDELL. I think the gentleman ought to give the gentleman from Illinois [Mr. HENRY T. RAINEY] an opportunity to repudiate his bill.

Mr. TINCHER. He did practically repudiate it while speaking when I asked him about it.

Mr. RHODES. Mr. Chairman, I yield eight minutes to the gentleman from Montana [Mr. RIDDICK], the author of the bill.

Mr. RIDDICK. Mr. Chairman, S. 2890 as amended by the House Indian Committee is substantially the bill I introduced as H. R. 9709. It provides for the allotment of lands and other property belonging to the Crow Indian Tribe in Montana.

The Crow Indian Reservation is in the southeastern part of Montana. It is a small empire in extent, being nearly four times the size of the State of Rhode Island. It is a historic spot, the scene of Custer's last stand. It is a beautiful country with snow-capped mountains, picturesque valleys, and rolling plains. Its soil is fertile and it is well watered with mountain streams. Its grasses are so plentiful and so nutritious that the cattle which feed there are reported to be the finest grass-fed cattle that reach the Chicago market. This vast and rich territory, comprising nearly 2,000,000 acres, is occupied and owned in common by the 300 Indian families who reside there. There are about 1,700 of these Indians, all told, including adults and children.

In addition to owning this land in common there is also a tribal herd of cattle numbering more than 15,000 head. There is money in the bank belonging to this tribe of Indians amounting to over a quarter of a million dollars.

These Indians are held as wards of the United States Government, and their business is looked after for them under the direction of the Commissioner of Indian Affairs, in the Department of the Interior.

Although this tribe of Indians is possessed of great wealth, if one would visit this reservation one would see little evidence of prosperity or comfort. The Indians, most of them, live in poorly constructed shacks. They spend a great deal of their time in idleness or play, there being little individual incentive to go to work, and the population is decreasing.

A great many of these Indians are competent to look after their own personal and business affairs. They have had the privilege of years of schooling and of commingling with their white brothers in cities and towns and among neighboring ranches.

Some of these Indians have great wealth in their own right. Some are among the best-educated Indians in the country. The Indians are all dissatisfied with the present arrangement. For many years they have held frequent council meetings and have decided that they want to each own his own property in his own right. They do not want to longer be wards of the Government. They desire full citizenship and to stand on their own resources as soon as they are able to do so.

The simple purpose of this bill is to equitably divide this land and this other property, held in common by the tribe, and to give to each Indian his individual share, and to determine what Indians are fully capable of administering their own affairs. The bill provides that those who are competent shall be placed upon their own resources and be given all their property and all the rights and privileges of citizenship under proper safeguards. It also provides for those not yet fully competent, and that these may as rapidly as possible be made independent of the guardianship exercised over them by the United States Government, and be given that individual responsibility which is the ultimate achievement aimed at in the proper settlement of what is known as the Indian problem. This has been the wise and consistent policy of Congress in the past.

In the opinion of the Indian Committee, which recommends the passage of this bill, the Crow Indians have now reached a position where the ownership of their land and their property can be safely intrusted to them.

Exhaustive hearings have been given on this bill, both by the Senate Indian Committee and by the House Indian Committee.

Delegates of the Crow Indian tribe have been present at these committee meetings and are now here in Washington, and are unanimous in expressing the earnest desire that the Congress shall pass this bill in its present form as promptly as possible.

Ex-Secretary Lane, who was Secretary of the Interior when the hearings were begun upon this measure, asked that a cer-

tain amendment recommended by him should be incorporated in the bill, and with this change recommended its passage. This amendment recommended by Secretary Lane is one of the committee amendments now incorporated in the bill. Every member of the Indian Committee favors the passage of this bill. The Indian Department has cooperated with the Indian Committees of both the Senate and the House and the Crow delegates from the Crow council, and all have agreed upon the bill in its present form and recommend its passage.

Necessarily certain safeguards must be made for the mutual protection of the Indians of all degrees of competency, and to these provisions there has been given careful thought in the preparation of this bill. In the division of property which is now held in common ownership every individual Indian will receive more than a thousand acres of land. Each Indian family will receive an average of about 50 head of cattle, and each family will have an average credit in the bank of about $1,000.

Of the 1,000 or more acres that will be allotted to each Indian there is a provision that 320 acres of his land shall not be sold for a period of 25 years. With the additional money that will go to these Indians from the rental or sale of their surplus lands all competent Indians may undertake the management of their own affairs under the most favorable circumstances.

One interesting provision in the bill is that such inherited Indian land as is held in trust by the United States Government on this reservation shall be sold to ex-service men who will make their residence upon the land on payments extending over 20 years' time.

There are 18 sections in the bill.

Section 1 indicates what lands shall be allotted and the procedure of making the division. About 400,000 acres of mountainous grazing land is reserved from allotment for grazing land for the tribal herd. The balance is all to be allotted.

Section 2 provides for individual development in that no sale of lands by an Indian shall be approved by the Secretary of the Interior to any person who owns 640 acres or more. Any sale to such a person, either directly or indirectly, shall be void and the purchaser deemed guilty of a misdemeanor and subject to a fine or imprisonment, or both.

Sections 3 and 4 provide for the Secretary of the Interior to make a complete official roll of the members of the tribe and protect the Indians against fraudulent allotment.

Section 5 reserves unallotted lands now being used for agency, school, cemetery, religious, and recreation purposes.

Section 6 reserves all oil and mineral rights for the benefit of the tribe for 25 years, and provides for the leasing of such land.

Section 7 appropriates $50,000 of the Indians' money to cover the cost of making surveys and allotments and to meet other expenses.

Section 8 protects the Indian tribal funds, amounting to nearly $2,000,000, that have been expended for irrigation, by providing that the irrigation cost, which averages about $23 per acre, shall stand as a first lien against the 73,000 acres which are included in the several projects. This section also provides that no new irrigation projects shall be begun without the consent of the tribal council.

Section 9 provides that all laws of the United States prohibiting the sale of liquor in Indian territory shall continue operative in this territory.

Section 10 reserves unallotted the water-power sites for the benefit of the tribe. The committee amendment to this section, made by striking out the language in lines 5 and 6, on page 11, is made on the written request of ex-Secretary Franklin K. Lane, who wrote the chairman of the House Indian Committee, under date of October 24, 1919, that with this amendment he recommended the enactment of this bill.

Section 11 provides for an equitable division among the individual Indians of the tribal herd of cattle and for the protection and division of trust money belonging to the tribe. It also provides for the setting aside out of tribal funds of $100,000 for the support of the agency school, $50,000 for the permanent support of the agency hospital, and $50,000 to be placed in a revolving fund to be used to furnish seed, animals, machinery, and so forth, when needed by individual Indians.

Section 12 provides that the Secretary of the Interior shall appoint a commission of three members. Two of the members are to be Indians to be selected by the Indians themselves and one is to be a representative of the Interior Department.

Section 13 provides that every member of the Crow Tribe shall designate as a homestead 640 acres of his land, and 320 acres of this homestead, including that part of the land upon which his buildings are located, he can not sell for 25 years.

Section 14 provides for the grouping of allotments so that members of a family may own their land in one body.

Section 15 provides that ex-service men who will actually settle on this land may purchase inherited Indian land held in trust by the United States on annual payments covering a 20-year period.

Section 16 grants to the State of Montana sections 16 and 36 in every township for school purposes, and provides for an appropriation to pay the Indians $5 an acre for such land.

Section 17 provides for the establishment and sale of town sites within the reservation.

Section 18 provides for an appropriation of $10,000, or so much thereof as may be necessary, out of tribal funds to pay the expense of Indian councils in looking after the affairs of the tribe.

This bill is prepared and is recommended by the Indian Committee and by the Indian Department in the belief that it is in the best interests of the Indians themselves and fully protects their interests in every particular.

Frank Yarlott, an educated Indian, who was sent to Washington to speak for his tribe, makes the following statement regarding this measure:

As the bill now stands, it has the unqualified indorsement of the entire tribe.

To the educated Indians who have closely watched events this seems the best solution to the long vexed "Indian problem." This means the gradual influx of white settlers, with whom the Indians will become acquainted and gradually absorb their methods of farming and cattle raising. They will come to understand the white temperament gradually and be friends.

It is the hope and desire of the Indians that their white friends will support this bill, as there was perfect harmony between the Indian Committee, the Office of Indian Affairs, and the Crow delegation. They are also anxious for the development of the reservation and believe this plan is best for all concerned.

[Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. HASTINGS. Mr. Chairman, this bill has been very carefully considered by the Indian Committee of the Senate, where extensive hearings were had, where the Indians were represented and the department was represented, and it passed the Senate and was referred to the House Committee on Indian Affairs, where it has been very carefully considered. And with certain amendments recommended by the House committee, it is unanimous in recommending the passage of the bill. The details of it have been carefully explained by the gentleman from Montana [Mr. RIDDICK], and I shall not consume the time of the House in the further discusssion of it unless it be under the five-minute rule, when we take it up for consideration.

I will employ the remainder of my time in discussing another subject. I am going to discuss the proposed amendment to the Constitution empowering the President of the United States to veto separate items in an appropriation bill.

Mr. Chairman, the proposed amendment to the Constitution gives the President power to veto separate items of appropriation bills. Much consideration has been given to the reduction in public expenditures by this session of Congress. Estimates have been cut down and amendments lowering amounts appropriated in various items have been added. Everyone appreciates the necessity of reducing expenses wherever possible without crippling the public service. We must economize all along the line, beginning first with our personal expenditures and extending through town, county, State, and national affairs. I heartily approve the organization of every club that has for its purpose the reduction in the cost of living. Every cent spent unnecessarily and not for investment or production contributes to the high cost of living. The time has come when Congress must set the example for economizing.

The House passed a bill—H. R. 9783—on October 20, 1919, providing for a national budget system and an independent audit of Government accounts. That was six months ago. The country is demanding action upon this measure. The responsibility for inaction is upon the Senate and not upon the House. We have done our duty. I gave my hearty support to the bill when it was before the House for consideration. At the same time I invited the attention of the House to a proposed amendment to the Constitution, which would permit the President of the United States to veto separate items in any appropriation bill, that I had introduced and that had been referred to the House Judiciary Committee. I made some remarks upon this resolution at the time the budget bill was being considered. I have taken occasion to call it to the attention of the Members of the House at different times since.

Mr. BLANTON. Mr. Chairman, will the gentleman yield right there?

Mr. HASTINGS. I will.

Mr. BLANTON. The gentleman will remember the admonition given us by the chairman of the Appropriations Committee, that if we ever expected to have a budget passed at this

session we must put it on the next appropriation bill and insist on its going through on that measure?

Mr. HASTINGS. I heard some discussion of that, I believe, from the chairman of the Committee on Appropriations when some conference report on an appropriation bill was up for consideration some few days ago.

I think this proposed amendment is of the very greatest importance. I want to take up a little time of the House to impress upon you the necessity for passing this proposed amendment. It will not interfere with the budget system, but it will supplement it. There has been much criticism throughout the country against so-called "logrolling" among Members of Congress. It is frequently asserted that Members from various States secure places on committees for the purpose of getting appropriations for their particular districts or States, and that some appropriations are secured that are not justified or that could be postponed. We hear much of so-called "pork barrel" legislation. We have a good many omnibus appropriation bills. When a bill passes the House and the Senate and is sent to the President, he must either approve or disapprove the entire measure. He is not at liberty to veto any separate item. I am very much interested in public expenditures and want to do everything that will effectively limit them. Having that in view, I introduced the proposed amendment to the Constitution (H. J. Res. 238):

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following amendment to the Constitution be, and hereby is, proposed to the States, to become valid as a part of the Constitution when ratified by the legislatures of the several States, as provided by the Constitution:

Amend section 7, Article I, of the Constitution of the United States by adding the following paragraph at the end of said section:

"Every bill which shall have passed the House of Representatives and the Senate making appropriations of money embracing distinct items shall before it becomes a law be presented to the President of the United States; if he approves, he shall sign it, but if he disapproves the bill or any item or appropriation therein contained, he shall communicate such disapproval, with his reasons therefor, to the House in which the bill shall have originated. All items not disapproved shall have the force and effect of law according to the original provision of the bill. Any item or items so disapproved shall be void, unless repassed by a two-thirds vote, according to the rules and limitations prescribed in section 7, Article I, in reference to other bills."

We have a similar provision in the constitution of the State of Oklahoma. The governor is at liberty not only to veto but reduce the amount of any item in an appropriation bill. It has been suggested that this proposed amendment be changed so as to permit the President not only to veto any separate item but to reduce any item. I think that this suggestion should be followed.

Knowing that a number of the States have adopted new constitutions within the past few years, and desiring to get as much information as possible on the subject, since the introduction of the proposed amendment I wrote a letter to the governor of each State, advising that Congress was considering budget legislation. I inquired of them as to whether or not their State had a budget system and such an amendment authorizing the governor to veto separate items of appropriation bills, and whether it had been beneficial and had resulted in a saving. I found that quite a number of the States have such a provision in their constitution. Without exception, every governor replying, where there is such a provision in force, commended it.

This is a matter of such moment that I feel justified in putting into the RECORD some of the replies received from the various governors. All of them are short. They will be useful not only to Members of the House but to people throughout the country who are giving this subject serious consideration.

The reply from the governor of Arizona is a typical one. He is permitted to veto separate items in appropriation bills, but is not permitted to reduce any item, which emphasizes the suggestion heretofore made to amend the proposed constitutional amendment so as to permit the President to reduce as well as to veto items in appropriation bills. The governor's letter reads as follows:

STATE HOUSE, EXECUTIVE OFFICE,
Phoenix, Ariz., December 10, 1920.

Hon. W. W. HASTINGS, M. C.,
Washington, D. C.

MY DEAR MR. HASTINGS: Referring to your letter of the 4th instant in regard to the veto of items in the appropriation bills in Arizona, I cite you to Article V, section 7, of the constitution of the State of Arizona, which contains the authority similar to that in your proposed amendment to the Constitution of the United States.

It has been the experience of Arizona that this has tended toward the keeping down of expenditures by the State legislature where it is necessary to specify the appropriations by items. It is not unusual, however, to put through "lump" appropriations in a manner that makes it necessary for the executive to approve some expenditures against his will rather than to veto other items that are just and necessary.

At the last session of the legislature a budget bill was passed, copy of which is inclosed herewith, and under this law a detailed classification of all expenditures is necessary in requesting appropriations, and this will better enable the executive to exercise his judgment in passing on and either vetoing or approving the various items.

Sincerely, yours,

THOMAS E. CAMPBELL,
Governor of Arizona.

The State of Arizona has passed a bill providing for a budget system, and the governor indicates in his reply that the authority to veto separate items will be more helpful, now that the budget bill has been passed.

The State of Alabama has no such provision in its constitution, but recently a budget system has been provided, which is strongly commended by the governor, as follows:

STATE OF ALABAMA,
EXECUTIVE DEPARTMENT,
Montgomery, December 6, 1919.

Hon. W. W. HASTINGS,
House of Representatives, Washington, D. C.

MY DEAR MR. HASTINGS: Your letter of the 4th instant has been received. There are no provisions in the constitution of Alabama for a budget. However, the present legislature, at its January session, enacted a law creating a budget commission, copy of which I inclose herewith.

At the adjourned session in July the budget plan was put to a test, and it worked out to our entire satisfaction. In compliance with the terms of the law, a budget was prepared and presented to the legislature for its consideration at the adjourned session, with the result that no appropriations were made in excess of the amounts contained in the budgets, and with the further result, of course, that the appropriations were held within the income of the State as estimated by the budget commission. Provisions for a budget system will undoubtedly be incorporated by amendment to our constitution or in the writing of a new constitution at a not far distant date.

I believe the budget system is worth hundreds of thousands of dollars per year to the State of Alabama, and I believe a budget system for the United States would be worth hundreds of millions per year to the Government.

Very truly, yours,

THOS. E. KILBY,
Governor.

The State of Arkansas has such a provision in its constitution, but the governor has no authority to reduce any item.

EXECUTIVE CHAMBER, STATE OF ARKANSAS,
Little Rock, December 8, 1919.

Hon. W. W. HASTINGS,
National House of Representatives, Washington, D. C.

MY DEAR MR. HASTINGS: By reference to section 17, article 6, of the constitution of Arkansas, you will find the following language:

"The governor shall have power to disapprove any item or items of any bills making appropriations of money embracing distinct items; and the part or parts of the bills approved shall be the law, and the item or items of appropriations disapproved shall be void, unless repassed according to the rules and limitations prescribed by the passage of other bills over the executive veto."

Trusting that this is the part of the constitution that you have in mind and that it will serve your purpose, I am,

Yours, very cordially,

JNO. L. CARTER,
Private Secretary.

Mr. BLANTON. Right there, before the gentleman leaves that point, will he permit me to ask him a question in the nature of a suggestion?

Mr. HASTINGS. I would be glad to do so.

Mr. BLANTON. The gentleman's line of argument is good, and along that subject I want to call his attention to what we lawyers know as a remittitur. Where a judgment goes to an appellate court in a certain amount of money, and the appellate court thinks that judgment is too great, it says to the plaintiffs below that "if you will file a remittitur reducing the amount so much in a certain time we will affirm it; otherwise we will reverse it." Thus the President might require us to reduce appropriations.

Mr. WALSH. Does not the gentleman think that if it should be permitted the Executive to reduce the appropriations made by the legislative power, that would be practically conferring the power of legislation upon the Executive?

Mr. HASTINGS. No; and for this reason: It does not work that way. For instance, suppose an appropriation of $100,000 is made for a particular purpose, and the governor of the State, or, if this proposed amendment is adopted, the President of the United States, thought $75,000 was sufficient. He would veto the extra $25,000. That item would come back to the House, and if the House thought that the sum ought to be $100,000 instead of $75,000, we would pass that extra $25,000 over the President's veto.

Mr. WALSH. I did not understand the gentleman's statement at the outset. I thought he could reduce it without vetoing it. I see the distinction now.

Mr. HASTINGS. No. The action is to go back in every case either to the legislature, or, in this event, to the Congress of the United States.

Mr. STEVENSON. Mr. Chairman, will the gentleman yield to me?

Mr. HASTINGS. I will be glad to.

Mr. STEVENSON. I am interested in the gentleman's statement as to the different States. In my State since 1896 the governor of the State has had the right to veto any item in an appropriation bill, and frequently he does so, and they have run over his veto or it goes out. But two years ago they adopted the budget system there, and the result was that this past legislature, which was the first one since the budget system was adopted, took all that was included in the budget and passed a million dollars more, and the result was that while our appropriation was $5,000,000 before, it ran up to $6,000,000. Is there any way to get around that? They justified everything in the budget and then added $1,000,000 more. Is there any way to get around that kind of procedure?

Mr. HASTINGS. That is no answer to budget legislation. I remember seeing the statement that during Washington's administration the annual appropriation was only $3,000,000. Now it is about $4,000,000,000. Our Government expenditures—municipal, State, and national—of course are growing more and more each year, and doubtless in the good State of South Carolina the State expenditures were perhaps not one-fifth 20 years ago what they are now. We are spending money for more things. We are doing a great deal more for the masses of the people of the country, and I doubt not that the expenditures—the legitimate expenditures—are greater in the State of South Carolina to-day, as they are in every other State, than they were 25 years ago.

Mr. STEVENSON. This increase is in one year and contemporaneous with the putting into effect of the budget system. They justified the first appropriations by putting them all into the budget and reporting the other amounts later.

Mr. HASTINGS. I have here a letter from the governor of South Carolina, in which he makes comment on the power of the veto of an item in an appropriation bill.

Mr. STEVENSON. That has been a very splendid provision. It has been used to safeguard the funds of the State frequently.

Mr. HASTINGS. The State of Colorado not only has the budget system but also has a provision in the constitution similar to the one proposed, permitting the governor to veto any item in an appropriation bill. The letter from the budget commissioner favorably commenting upon it states:

This section has proved very efficacious in holding down of State expenditures, as the governor has often exercised his right to cut various items from appropriation bills.

THE STATE OF COLORADO,
EXECUTIVE CHAMBER,
Denver, December 20, 1919.

Hon. W. W. HASTINGS, M. C.,
Washington, D. C.

DEAR CONGRESSMAN HASTINGS: Your favor of December 4 addressed to the governor of Colorado was referred to the undersigned. In reply to your query permit me to quote section 12 of the constitution of Colorado, which answers your question:

"Governor may veto items in appropriation bills—reconsideration. The governor shall have power to disapprove of any item or items of any bill making appropriations of money, embracing distinct items, and the part or parts of the bill approved shall be law, and the item or items disapproved shall be void, unless enacted in manner following: If the general assembly be in session, he shall transmit to the house in which the bill originated a copy of the item or items thereof disapproved, together with his objections thereto, and the items objected to shall be separately reconsidered, and each item shall then take the same course as is prescribed for the passage of bills over the executive veto."

This section has proved very efficacious in holding down of State expenditures, as the governor has often exercised his right to cut various items from appropriation bills.

Yours, very truly,
C. A. LEMMERS,
Budget Commissioner.

Within the time allotted to me I can not take time to go through a great number of these letters, but as I stated a few minutes ago I have no letter from any governor unfavorably commenting upon it.

The letter from the governor of Connecticut states that there is no such provision in the constitution of that State, but heartily commends it in the following excerpt:

I am fully satisfied that he should have the power to express his disapproval of any particular item.

STATE OF CONNECTICUT,
EXECUTIVE CHAMBERS,
Hartford, December 9, 1919.

W. W. HASTINGS, M. C.,
Washington, D. C.

MY DEAR SIR: Your letter of the 4th instant is received. We have no provision in our constitution or statutes which permits the governor to veto any particular item in an appropriation bill; he must veto the whole bill or let it go. This is not as it should be. I am fully satisfied that he should have the power to express his disapproval of any particular item. I am,

Sincerely, yours, M. H. HOLCOMB.

The State of Florida does not have such a provision nor does it have any provision for a budget.

STATE OF FLORIDA,
EXECUTIVE CHAMBER,
Tallahassee, December 10, 1919.

Hon. W. W. HASTINGS,
House of Representatives, Washington, D. C.

DEAR SIR: Your letter of the 4th has been received, and in reply to same desire to advise that we have no budget bill in this State.

With best wishes, I am,
Yours, very truly,
SIDNEY J. CATTS,
Governor of Florida.

Section 11, article 4, of the constitution of Idaho gives the governor the power to disapprove any item or items of any bill making an appropriation of money that embraces distinct items, and the part or parts not disapproved duly become a law. The item or items disapproved are void unless passed over his veto. The governor of Idaho commends this provision of the State constitution, as well as a budget system, although the budget system has not been in force long enough to give it a fair trial.

STATE OF IDAHO,
OFFICE OF THE GOVERNOR,
Boise, December 26, 1919.

Hon. W. W. HASTINGS,
House of Representatives, Washington, D. C.

MY DEAR MR. HASTINGS: Replying to your inquiry concerning the establishment of a budget system, under separate cover I am sending you copy of the constitution of the State of Idaho and cite you to Chapter IV, sections 10 and 11, page 20. Am also inclosing copy of senate bill No. 173, passed by the legislature of 1919 and approved by the governor March 12, 1919. This bill provides for the creation of a budget system in the State of Idaho and this is now in operation under the direction of the commissioner of finance.

We feel that the preparation of a budget as embodied in this act, to be submitted to the legislature, will be a wonderful improvement over the present method of introducing appropriation bills and will save the State many thousands of dollars. After the budget is presented to the legislature for consideration and action it will then go to the governor in the form of an appropriation bill for his approval or disapproval, as set forth in sections 10 and 11 of the State constitution.

I sincerely hope you will find the Idaho method of handling appropriations of interest and assistance. Of course, our budget system has not yet been given a fair trial, but we are very hopeful that it will prove a great success.

Very truly, yours, D. W. DAVIS, *Governor.*

While the State of Iowa does not have such a provision in its constitution, the proposed amendment is strongly commended by the governor of that State.

COMMONWEALTH OF IOWA,
EXECUTIVE DEPARTMENT,
Des Moines, December 9, 1919.

Hon. W. W. HASTINGS,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: I regret that we do not have in our State constitution such a provision as outlined in your favor of the 4th instant.

I wish that we did, as it would be most helpful in keeping down expenditures.

Cordially, yours, W. L. HARDING.

The following very brief letter from the governor of Indiana shows that he is in favor of adopting the proposed amendment. He heartily commends it:

STATE OF INDIANA,
EXCUTIVE DEPARTMENT,
Indianapolis, December 6, 1919.

Mr. W. W. HASTINGS, M. C.,
Washington, D. C.

DEAR SIR: I have your letter of December 4. We have no such provision in our constitution, but upon my recommendation a proposed amendment almost identical with the one you propose passed our general assembly and will be submitted to the people for ratification.

I sincerely hope that the proposed amendment will pass Congress and be submitted to the general assembly.

Very truly, yours, J. P. GOODRICH, *Governor.*

The constitution of the State of Illinois has such an amendment, and is highly commended by the governor as being helpful in keeping down expenditures:

STATE OF ILLINOIS,
OFFICE OF THE GOVERNOR,
Springfield, December 9, 1919.

Hon. W. W. HASTINGS,
House of Representatives, Washington, D. C.

MY DEAR MR. HASTINGS: I beg to acknowledge the receipt of your letter of December 4. Our constitution contains such a provision as you mention, and it has been very helpful in keeping down expenditures.

Very sincerely, yours, FRANK O. LOWDEN.

The State of Kansas has such an amendment to its constitution, and is strongly commended in a letter received from the executive secretary, who states:

This provision of the constitution has been found to be effective in preventing pork-barrel appropriations. It also enables legislation to get through without being defeated by vicious riders.

STATE OF KANSAS,
Topeka, December 10, 1919.

Hon. W. W. HASTINGS,
House of Representatives, Washington, D. C.

MY DEAR SIR: Answering your letter of December 4, will say in 1904 our people passed a constitutional provision amending section 14 of article 2 of the constitution in these words:

"If any bill presented to the governor contains several items of appropriaton of money, he may object to one or more such items while approving the other portion of the bill; in such case he shall append to the bill at the time of signing it a statement of the item or items to which he objects and the reasons therefor, and shall transmit such statement, or a copy thereof, to the house of representatives, and any appropriations so objected to shall not take effect unless reconsidered and approved by a two-thirds vote of the members elected to each house, and, if so reconsidered and approved, shall take effect and become a part of the bill, in which case the presiding officers of each house shall certify on such bill such fact of such reconsideration and approval."

This provision of the constitution has been found to be effective in preventing "pork-barrel" appropriations. It also enables legislation to get through without being defeated by vicious riders.

Very truly, yours,

C. W. SMITH,
Executive Clerk.

The governor of Minnesota advised that the proposed amendment is in substance the same as the provision in his State constitution. He strongly commends it as being wise, and suggests that the governor should also have authority to reduce appropriation items.

STATE OF MINNESOTA,
EXECUTIVE DEPARTMENT,
St. Paul, December 8, 1919.

Hon. W. W. HASTINGS,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: Your letter of December 4 relative to the proposed amendment to the Constitution permitting the President to disapprove any item in an appropriation bill is received.

The proposed amendment is in substance the same as the provision in the Minnesota constitution. I think it is a very wise provision, but it would be still better if the Constitution provided that the Chief Executive might also reduce appropriation items.

There are a great many times when the executive feels that the amount allowed is too large, but he can not veto the item without stopping the work of an entire department or division of the government. Usually the appropriation bills are not presented to the governor until it is too late to send them back to the legislature for revision.

Very truly, yours,

J. A. A. BURNQUIST.

The State of Michigan has no provision of this kind in its constitution, but the legislature passed a budget bill last year.

STATE OF MICHIGAN,
EXECUTIVE OFFICE,
Lansing, December 6, 1919.

Hon. W. W. HASTINGS,
House of Representatives, Washington, D. C.

MY DEAR SIR: Gov. Sleeper directs me to say to you that we have no provision in our State constitution such as you quote in your letter to him of December 4.

The legislature of 1919, however, passed a budget bill, a copy of which I herewith inclose for your information. We have not yet had sufficient experience with the operation of this bill to make any very definite statement as to its value, but we are hopeful that it will mean a large saving to the State.

Very truly, yours,

ROLPH DUFF, *Secretary.*

Maine has no provision in its constitution permitting the governor to veto any item in an appropriation bill, but the governor is in favor of adopting such an amendment.

STATE OF MAINE,
OFFICE OF THE GOVERNOR,
Augusta, December 6, 1919.

Hon. W. W. HASTINGS,
House of Representatives, Washington, D. C.

DEAR MR. HASTINGS: I have read your letter of the 4th instant regarding the necessity for economizing in public expenditures with more than ordinary interest. Under the Maine constitution the governor has no power to veto an item in the appropriation bill passed by the legislature. I think that such a proposition is very essential and I am in favor of a constitutional amendment to that effect.

Very truly, yours,

CARL E. MILLIKEN.

In the absence of the governor of Mississippi from the capital, his private secretary wrote me that his State has no budget system, but that the governor has the right to veto any particular item in an appropriation bill:

MISSISSIPPI EXECUTIVE DEPARTMENT,
Jackson, December 6, 1919.

Hon. W. W. HASTINGS,
Chairman of Committee on
Expenditures in the Interior Department,
House of Representatives, Washington, D. C.

MY DEAR SIR: In the absence of Gov. Bilbo, who is absent from the State, and will not return for some days, I beg to acknowledge receipt of your inquiry of the 4th instant and beg to say:

Mississippi has no budget system as it is generally understood. However, the constitution, as I understand, gives the governor authority to affix a veto to any particular item of an appropriation bill, and he communicates to the house in which it originates his reasons for such disapproval, and the item disapproved or vetoed by him can only be given force and effect by a vote of two-thirds. The vetoed item stands in the same position that any act vetoed by him would. The parts of the appropriation bill not vetoed stand as passed.

If this does not answer your query sufficiently, let me know.

Yours, very truly,

W. J. BUCK,
Private Secretary.

Gov. Gardner, of Missouri, in his reply, stated that there is no provision in the State constitution for a budget, but that at the beginning of his administration he succeeded in getting through the legislature the tax-commission bill, a section of which provides that the commission must submit a budget to the legislature. He is in hearty sympathy with the movement to establish a national budget, and will do everything possible in aiding it.

EXECUTIVE OFFICES,
STATE OF MISSOURI,
City of Jefferson, December 12, 1919.

Hon. W. W. HASTINGS,
House of Representatives, Washington, D. C.

MY DEAR MR. HASTINGS: I have your letter in regard to the matter of a budget. Unfortunately, we have no provision in our constitution for a State budget. Our legislature has the power to appropriate any amount they please.

However, in the beginning of my administration I succeeded in getting through the legislature, in connection with the tax-commission bill, a section which provided that the tax commission should submit a budget to the legislature. This budget was submitted to the second legislature held during my administration, and was found to be of inestimable value. It set forth clearly the anticipated revenue and explained in detail where this money should be expended. It was of great value to the appropriation committee of the legislature and also to the governor in adjusting the appropriations to meet the income.

I am in hearty sympathy with the movement to establish a national budget, and believe Congress and the States should cooperate to that end. I will do everything I can to further the movement.

Sincerely, yours,

FREDERICK D. GARDNER.

Gov. Boyle, of Nevada, states that no provision of this kind is contained in the constitution. He can see everything in favor of the proposed amendment.

STATE OF NEVADA,
EXECUTIVE CHAMBER,
Carson City, December 8, 1919.

Hon. W. W. HASTINGS,
House of Representatives, Washington, D. C.

MY DEAR MR. CONGRESSMAN: I have your letter of December 4 advising me of suggested budget legislation giving to the President the power to veto items in appropriation bills.

Unfortunately, we have no such provision in our own constitution.

The general appropriation bills passed in the State legislatures and in Congress are no doubt the most widely used vehicles employed in carting off the public funds.

I can see everything in favor of the amendment to the Constitution introduced by you amending section 7, Article I, suggested in your letter.

Very truly, yours,

EMMET D. BOYLE,
Governor.

Hon. Philip F. Bross, secretary of finance, State of Nebraska, states that the constitution has a provision permitting the governor of Nebraska to veto any item in an appropriation bill, and that it is a check upon the legislature in placing items of expense in appropriation bills that are not meritorious.

STATE OF NEBRASKA,
DEPARTMENT OF FINANCE,
Lincoln, December 13, 1919.

Hon. W. W. HASTINGS,
House of Representatives, Washington, D. C.

DEAR MR. HASTINGS: Your letter of December 4, addressed to the governor, has been referred to me for reply.

I inclose herewith copy of our constitutional provision providing that the executive may veto any item of an appropriation bill.

I think the executive has only availed himself of this right one or two times within the last 8 or 10 years, but having a constitutional provision giving the executive this power is without doubt a check upon the legislature in placing items of expense in appropriation bills unless they are quite sure that they meet the approval of the chief executive.

I am inclosing herewith part of the civil administrative code which was passed at the last regular session of the Legislature of Nebraska, establishing the department of finance. You will note that the department of finance, by this law, is given complete control over the accounts and expenditures of the departments which have heretofore carried on their work as boards and commissions under the governor. It also provides for a central purchasing department for the State, and for the preparation of a budget. The budget that we expect to prepare will be a work-program, cost-data budget, which will start in with total estimates for appropriations for departments, bureaus, and divisions within the department, and will be supported by schedules showing the need for the total amount, as distributed according to standard expense account. The supporting schedules will give complete and full details to show how the total for the unit is established, but the supporting schedules will not be included in the appropriation bill. Through this combination of appropriations in summarized form, with supporting schedules furnishing detail under main functions, the legislature and the public will be furnished the same detailed report of expenditures and estimates for appropriations as is contained in a segregated budget, without limiting administrative functions. The appropriations will be for stated purposes of expenditure, rather than for items of expenditure.

There will also be an estimate of the available resources of the State, and the budget, in this respect, will embody the first essential features of any budgetary system—the balancing of revenues and expenditures.

Under the civil administrative code we have standardized our salaries, so that employees doing the same class of work will receive the same compensation throughout all of the departments. This salary standardization plan provides for increases at certain periods and promotions from the lower to the higher grades.

In establishing the department of finance the State of Nebraska has a department which has no other functional activity outside of bookkeeping, accounting and auditing, and the preparation of the budget, and this department is given complete control over the expenditures of all the departments, so that not only the legality of an expenditure can be questioned but the department has the power to question the wisdom of and necessity for an expenditure. You will note the departments must make a three months' estimate before they can make any expenditures, and all the bookkeeping has been taken away from the departments and is carried on in a uniform central bookkeeping department in the department of finance.

In your letter to the governor you ask whether he considers the provision in our State constitution is helpful in keeping down expenditures. As I have indicated above, while I think it has only been used

a few times in the history of our State, yet it has a tendency to keep the legislature from placing "riders" in appropriation bills which they have reason to think the executive might veto. However, under any republican form of government I think the executive and the legislative branches should have equal power and should not infringe upon each other. The legislature or Congress should be responsible to the people for both taxation and appropriations, and the executive should be responsible for the running of the executive government and for the expenditures in connection therewith. All appropriations for the legislative branch, for operating expense of the government, should be made from a work-program, cost-data budget submitted to the legislature by the chief executive, who will stand responsible for such budget. The expenditures from all appropriations made by the legislature should be under the control of the executive.

The budget submitted by the chief executive should be a business program, for which he would stand responsible to the legislature and to the people. The official under the executive who prepares the estimate should, with the executive's approval, have power to change the estimates as they come in from the various departments before the final budget is prepared and transmitted to the legislature. The executive budget when transmitted to the legislature should be handled by one committee in each house, where there are two houses of the legislature, and they should have before them all the information which the executive has when he prepares the budget, but they should depend for their information upon the executive rather than upon the heads of the departments. Final power should rest with the legislature to either increase or decrease any items contained in the budget. However, in order that the executive may be held actually responsible for his budget, the legislature should not have the power to increase estimates except by possibly a two-thirds vote. In establishing the budgetary system the power should not be taken from the legislature to make appropriations for new and special activities of the State that may not be contained in the executive budget. The legislature should be free to initiate legislation which would carry appropriations and for which no estimates were made by the executive. However, in such cases the legislature should provide at the same time for the raising of the revenue to meet each added appropriation.

In order to establish a correct budgetary system, a central bookkeeping and accounting department should be established. The system should be simple and yet complete and comprehensive enough so that it would be a complete check on all appropriations, and it should show at all times the financial condition of the unit of government. The central uniform accounting system is necessary in any executive budgetary system, as through this accounting system the executive has an eye on all expenditures day by day, and in that way secures the necessary information for the intelligent preparation of the budget. The final audit for all expenditures of the executive in a republican form of government should, to my mind, rest with the legislative branch, through a general auditor appointed by the legislature, who will be familiar with the intents and purposes of the appropriations made by the legislature, and whose activity would be confined simply to the legality of the expenditure.

This financial system for a republican form of government would embody these necessary features: The chief executive responsible for all expenditures and responsible for the work-program cost-data budget submitted to the legislative body, showing both estimated resources and estimated expenditures for the operation of the government; the legislative body responsible for the financial policy of the government, but limited in certain respects in increasing the executive budget, and responsible, through its auditor, for the final audit and the enforcement of the proper application of moneys appropriated by the legislative body.

If you should be interested any further in the accounting system which we have established in the department of finance, I would be very glad to answer any questions in regard to the same.

Very truly, yours, PHILIP F. BROSS,
Secretary of Finance.

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CONSTITUTION STATE OF NEBRASKA.

ART. 5, SEC. 15. (Bills—approval, veto): "Every bill passed by the legislature, before it becomes a law, and every order, resolution, or vote to which the concurrence of both houses may be necessary (except on questions of adjournment), shall be presented to the governor. If he approves, he shall sign it, and thereupon it shall become a law; but if he do not approve, he shall return it with his objections to the house in which it shall have originated, which house shall enter the objections at large upon its journal and proceed to reconsider the bill. If then three-fifths of the members elected agree to pass the same, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered; and if approved by three-fifths of the members elected to that house it shall become a law, notwithstanding the objections of the governor. In all such cases the vote of each house shall be determined by yeas and nays, to be entered upon the journal. Any bill which shall not be returned by the governor within five days (Sundays excepted) after it shall have been presented to him shall become a law in like manner as if he had signed it, unless the legislature by their adjournment prevent its return; in which case it shall be filed, with his objections, in the office of the secretary of state within five days after such adjournment, or become a law. The governor may disapprove any item or items of appropriation contained in bills passed by the legislature, and the item or items so disapproved shall be stricken therefrom, unless repassed in the manner herein prescribed in cases of disapproval of bills."

Gov. Runyon, of New Jersey, states that there is no provision in the Constitution like the proposed amendment to the National Constitution, but that the people of his State have come to the conclusion in recent years that such an amendment should be adopted.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
December 5, 1919.

Hon. W. W. HASTINGS,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN HASTINGS: I have your letter of the 4th instant setting forth the proposed amendment to the Constitution having to do with appropriations and asking as to any possible provision in our constitution covering the same matter.

In reply, I would say that there is no constitutional provision of such nature as you mention, but of recent years we have come to the budget idea in our State, and my feeling is that it is a very valuable adjunct to the State machinery and undoubtedly is tending to make State expenditures less in amount and better understood by the legislature and the public at large.

If there is anything further in which I may serve you, I shall be glad to do so, provided you make your wishes known.

Appreciating the work in which you are engaged and bespeaking for you great success therein, I am

Yours, very truly, WM. N. RUNYON, *Governor.*

The governor of North Carolina strongly commends the provision and states that in his judgment such a law should be enacted by Congress and every legislature, as follows:

"I heartily approve the law that you quote, and think that such law certainly ought to be enacted by Congress and by every legislature."

STATE OF NORTH CAROLINA,
GOVERNOR'S OFFICE,
Raleigh, December 6, 1919.

Hon. W. W. HASTINGS,
House of Representatives, Washington, D. C.

MY DEAR SIR: Replying to yours of December 4, I beg to say that the governor of North Carolina has no veto power of any kind. You will, of course, remember that North Carolina was the first colony to kick up the devil and declare its independence of Great Britain. The people looked upon the governor as the successor to the King, and they were dead against him. They took pains in their constitution to tie him hand and foot. The only power that he has is that of moral suasion.

I heartily approve the law that you quote, and think that such law certainly ought to be enacted by Congress and by every legislature.

Sincerely, yours,

T. W. BICKETT.

Gov. Cox, of Ohio, states that the constitution gives him authority to disapprove any item of an appropriation bill.

STATE OF OHIO,
EXECUTIVE DEPARTMENT,
Columbus, December 6, 1919.

Hon. W. W. HASTINGS,
House Office Building, Washington, D. C.

MY DEAR CONGRESSMAN: It gives me pleasure to send you under separate cover a copy of the constitution of Ohio, as amended September 3, 1912. I would call your attention to section 16, article 2, page 16, which gives the governor of the State authority to disapprove any item of an appropriation bill.

With kindest regards, I am,

Very truly, yours, JAMES M. COX.

Oklahoma has a provision in its constitution similar to the amendment proposed (sec. 12, art. 6), and the governor has exercised the power conferred upon him by withholding his approval from many items in various appropriation bills. Former Gov. Williams suggested that the proposed amendment should be so changed as to permit the President to reduce the amount of any item in any bill. The argument in favor of vetoing an item would, of course, favor the reduction of any item.

The letter of ex-Gov. Williams commending the proposed amendment reads as follows:

DEPARTMENT OF JUSTICE,
UNITED STATES DISTRICT COURT,
EASTERN DISTRICT OF OKLAHOMA,
JUDGE'S CHAMBERS,
Ardmore, Okla., October 24, 1919.

Hon. W. W. HASTINGS, M. C.,
Washington, D. C.

MY DEAR SIR: I notice that you have introduced a proposal to amend the Federal Constitution as to the vetoing of appropriations by the President. Press dispatches state that the proposal provides for the vetoing of separate items without affecting the entire bill.

Let me suggest that it should read this way:

"Every bill passed by Congress making appropriations of money embracing distinct items shall, before it becomes a law, be presented to the President. If he disapproves the bill or any item, or reduces any item or appropriation therein contained, he shall communicate such disapproval or reduction, with his reasons therefor, to the House in which the bill shall have originated; but all items not disapproved or reduced shall have the force and effect of law according to the original provisions of the bill. Any item reduced, unless repassed in the original amount by two-thirds vote, shall stand as reduced, and any item or items so disapproved shall be void unless repassed by two-thirds vote."

This is the rule in some of the States—I believe Pennsylvania. Whilst Pennsylvania has a constitutional provision similar to other States, yet under the construction given it by the Supreme Court the governor may reduce items, and such items as reduced will stand unless repassed by two-thirds majority. However, in the majority of States the courts hold that an item can not be reduced, but must be disapproved in the form in which it is passed. My experience as governor tells me this would be a wise provision.

Yours, truly, R. L. WILLIAMS.

Discussing the matter further in a subsequent letter, he gives certain citations. I wish to insert same in the RECORD, in order that they may be brought to the attention of the committee having the proposed amendment under consideration. Mr. Williams is at present judge of the eastern district of Oklahoma. In addition to being governor of my State, he was a member of the constitutional convention of Oklahoma:

DEPARTMENT OF JUSTICE,
UNITED STATES DISTRICT COURT,
EASTERN DISTRICT OF OKLAHOMA,
JUDGE'S CHAMBERS,
Muskogee, Okla., November 9, 1919.

Hon. W. W. HASTINGS, M. C.,
Washington, D. C.

MY DEAR SIR:

* * * * * * *

With reference to the constitutional amendment, let me refer you to the case of Regents of State University v. Trapp, State Auditor (28 Okla., 83; 113 Pac., 910).

As I stated to you in the former letter, the Supreme Court of Pennsylvania has held the governor may reduce items, and such items as reduced will stand unless repassed by two-thirds majority.

See also Fergus *v.* Russel (270 Ill., 304; 110 N. E.), at the bottom of page 147, wherein it is said:

"Under the contention of the governor the legislature is given a choice, upon receipt of the veto message, not contemplated by the constitution—that of passing the item partially disapproved over the veto of the governor or of accepting an appropriation it had not made and had not intended should be made. This would result in an invasion by the governor of the functions of the legislative department (State *v.* Holder, 76 Miss., 158; 23 South., 643). While it is true that in one sense the governor, when engaged in considering bills, is acting in a legislative capacity, and is for that purpose a part of the legislative department of the State (Fowler *v.* Peirce, 2 Calif., 172; Lukens *v.* Nye, 156 Calif., 498; 105 Pac., 593; 36 L. R. A. (N. S.), 244; 20 Ann. Cas., 158; People *v.* Bowen, 21 N. Y., 521), he is exercising only a qualified and destructive legislative function and not a creative legislative power (State *v.* Holder, supra). The governor, as one of the executive department, is forbidden to exercise any legislative function except that expressly provided by the constitution. Under the provisions of the constitution he can never exercise a creative legislative power. The contrary view is taken in Pennsylvania, where it is held in Commonwealth *v.* Barnett (199 Pa., 161; 48 Atl., 976; 55 L. R. A., 882) that the governor may disapprove a part of an item appropriated; but the holding is based upon a provision of the Constitution of Pennsylvania which is construed to use the words 'item' and 'part' interchangeably and in the same sense. As will be noted, our constitution permits of no such construction, as the words 'item' and 'sections' alone are used as signifying the portions of an appropriation bill which may be approved or disapproved."

I thought I would call your attention to these cases, as they might be of some service to you when you have the matter up before the committee.

Yours, very truly, R. L. WILLIAMS.

The governor of South Dakota has authority to disapprove any item or appropriation contained in appropriation bills.

EXECUTIVE DEPARTMENT,
STATE OF SOUTH DAKOTA,
Pierre, December 10, 1919.

Hon. W. W. HASTINGS,
House Office Building, Washington, D. C.

DEAR SIR: Acknowledging your letter of December 4, addressed to Gov. Norbeck, it is my pleasure to inform you that in South Dakota the governor has authority to disapprove of any item or appropriation contained in appropriation bills. Also those items not disapproved continue in force and effect according to the original provision of the bill.

Sincerely, yours,
KENNETH SELLERS, *Secretary.*

Gov. Cooper, of South Carolina, quotes a section of the State constitution showing that he has authority to veto any item or section in any bill.

STATE OF SOUTH CAROLINA,
EXECUTIVE CHAMBER,
Columbia, December 11, 1919.

Hon. W. W. HASTINGS, M. C.,
Washington, D. C.

MY DEAR MR. HASTINGS: In answer to your letter of December 4, I shall quote a provision of the South Carolina constitution:

"Section 23, Article IV.

"* * * Bills appropriating money out of the Treasury shall specify the objects and purposes for which the same are made and appropriate to them respectively their several amounts in distinct items and sections. If the governor shall not approve any one or more of the items or sections contained in any bill, but shall approve of the residue thereof, it shall become a law as to the residue in like manner as if he had signed it. The governor shall then return the bill with his objections to the items or sections of the same not approved by him to the house in which the bill originated, which house shall enter the objections at large upon its journal and proceed to reconsider so much of said bill as is not approved by the governor. The same proceedings shall be had in both houses in reconsidering the same as is provided in case of an entire bill returned by the governor with his objections; and if any item or section of said bill not approved by the governor shall be passed by two-thirds of each house of the general assembly it shall become a part of said law notwithstanding the objections of the governor. * * *."

I trust this will give you the information you desire.

Cordially, yours,
R. A. COOPER, *Governor.*

The governor of Utah quotes a part of the State constitution to the effect that he has authority to veto any item in an appropriation bill:

STATE OF UTAH,
EXECUTIVE OFFICE,
Salt Lake City, December 9, 1919.

Hon. W. W. HASTINGS,
House of Representatives, Washington, D. C.

DEAR SIR: Pursuant to the request in your letter of December 4, I am quoting that part of section 8, article 7, of the constitution of the State of Utah bearing upon legislation involving appropriations:

"If any bill presented to the governor contain several items of appropriations of money, he may object to one or more such items, while approving other portions of the bill; in such case he shall append to the bill at the time of signing it, a statement of the item or items which he declines to approve, together with his reasons therefor, and such item or items shall not take effect unless passed over the governor's objection as in this section provided."

Very truly, yours,
O. J. GRIMES,
Secretary.

Gov. Clement, of Vermont, states that the commission to propose amendments to the State constitution are giving consideration to an amendment giving him authority to veto items in an appropriation bill:

STATE OF VERMONT,
EXECUTIVE DEPARTMENT,
Montpelier, December 15, 1919.

W. W. HASTINGS,
Chairman Committee on Expenditures in the Interior Department, House of Representatives, Washington, D. C.

DEAR SIR: I am directed by Gov. Clement to reply to your letter relative to a proposed amendment to the constitution providing for a veto of items in an appropriation bill. In this State there is now no such provision, but the commission to propose amendments to the State constitution are giving consideration to such a provision to submit to the next Vermont Legislature, which meets in January, 1921.

Respectfully, yours,
HARVEY E. GOODELL.

The governor of Virginia has the power to veto any particular item or items of an appropriation bill.

COMMONWEALTH OF VIRGINIA,
GOVERNOR'S OFFICE,
Richmond, December 8, 1919.

Hon. W. W. HASTINGS,
House of Representatives, Washington, D. C.

MY DEAR MR. HASTINGS: Replying to your letter of December 4 addressed to Gov. Davis, I take pleasure in informing you that section 76 of the constitution of Virginia carries the following power:

"The governor shall have the power to veto any particular item or items of an appropriation bill, but the veto shall not affect the item or items to which he does not object. The item or items objected to shall not take effect except in the manner heretofore provided in this section as to bills returned to the general assembly without his approval."

Items of an appropriation bill and other bills may be passed over the governor's veto by a two-thirds vote of each house, including a majority of the members elected to each house.

I am inclosing a copy of the Virginia budget law, also a pamphlet discussing the advantages of our law, which I trust will give you the information desired. We are just in the midst of the preparation of the first biennial budget under the new law, which we hope to have ready for distribution by the 15th of January.

Yours, very truly,
LE ROY HODGES,
Aide to the Governor.

The governor of West Virginia states that there is a provision in the constitution for a budget system:

STATE OF WEST VIRGINIA,
EXECUTIVE DEPARTMENT,
Charleston, December 8, 1919.

Hon. W. W. HASTINGS,
House of Representatives, Washington, D. C.

DEAR SIR: Replying to your communication of December 4, in which you inquire as to whether there is a provision in the West Virginia constitution providing for a budget, I beg to answer in the affirmative and to inclose herewith amendment to the constitution submitted to the voters of the State by the legislature after I came into office and adopted by the electorate of this State in the November, 1918, election. It also affords me pleasure to inclose herewith copy of the 1919 budget and budget bill, the first submitted not only during my term of office but in the State following the adoption of the constitutional amendment in November, 1918.

Yours, very truly,
JOHN J. CORNWELL,
Governor.

The State of Wisconsin for six or eight years has enjoyed the benefits of a budget system and favors giving the governor the power to veto separate items:

EXECUTIVE CHAMBER,
Madison, Wis., December 12, 1919.

Hon. W. W. HASTINGS,
House of Representatives, Washington, D. C.

MY DEAR MR. HASTINGS: Gov. Philipp directs me to acknowledge receipt of your favor of the 4th instant, in which you call attention to the bill pending before Congress providing for a Federal budget.

The governor is greatly interested in this question and believes thoroughly in the plan which you outline. For a period of six or eight years Wisconsin has enjoyed the benefits of a budget system. While we have no provision that permits the governor to eliminate any particular item from the bill that may have passed the two houses, we endeavor to take care of this situation by separating all appropriations; that is, a separate bill is introduced to cover each and every appropriation called for. There are many arguments in favor of permitting the executive to eliminate items from the bill that may be presented to him.

The budget system in Wisconsin has proved very advantageous. Prior to the convening of the legislature the State board of public affairs prepares a budget which shows the expenditures by each department or institution covering a period of the past four years; the request of the department for the next biennium is included, together with the recommendation of the State board of public affairs upon the advisability of granting the appropriation requested.

The board of public affairs makes a thorough study of the requirements and needs of the departments and institutions, and is in a position to give valuable advice and suggestions to the legislature when the appropriations are being considered. The fact that a comparison of yearly expenditures can readily be made has proven to be most helpful. While Wisconsin's budget system may not be perfect in all its details, it is such a long step ahead of the old system that we would not think of abandoning it.

I look forward to the time when we shall have a Federal budget system.

Yours, truly,
L. C. WHITTET, *Secretary.*

Gov. Carey, of Wyoming, states that the constitution gives him the right to veto any item or items or part or parts of any bill making appropriations of money or property embracing dis-

tinct items. I invite attention to the last paragraph of his letter commending the veto provision:

THE STATE OF WYOMING,
EXECUTIVE DEPARTMENT,
Cheyenne, December 8, 1919.

Hon. WILLIAM W. HASTINGS,
House of Representatives, Washington, D. C.

DEAR SIR: Your letter of December 4 relative to the national budget received.

I note the amendment which you have made to section 7, article 1, authorizing the President to disapprove any item in the appropriation bill. I am much in favor of this amendment for the reason that I think it wrong to force the President of the United States to sign any bill which contains items which he can not approve, and also to cause him to perhaps veto an entire bill on account of some items of which he does not approve.

Article 4, section 9, of the Wyoming constitution gives the governor the right to veto items in appropriation bills. This section is as follows:

"The governor shall have power to disapprove of any item or items or part or parts of any bill making appropriations of money or property embracing distinct items, and the part or parts of the bill approved shall be the law, and the item or items and part or parts disapproved shall be void unless enacted in the following manner: If the legislature be in session, he shall transmit to the house in which the bill originated a copy of the item or items or part or parts thereof disapproved, together with his objections thereto, and the items or parts objected to shall be separately reconsidered, and each item or part shall then take the same course as is prescribed for the passage of bills over the executive veto."

I have made use of this section on a number of occasions, and believe by doing so I have been able to save unnecessary expenditures. Further, under the powers conferred by this section, I have cut down the amount of individual appropriations to what I thought was justified. I know of one other governor of the State, and there are perhaps others, who has pursued this same course.

Very truly, yours, ROBERT D. CAREY.

These letters are from governors of the States who have had experience with appropriations for expenditures. It will be seen without exception they commend the budget system and this proposed amendment to the national Constitution. Their opinions are entitled to every consideration by Members of the House and members of the Judiciary Committee.

Every item making an appropriation of public funds should be closely scrutinized and the officials asking for the money should be required to justify the same, beginning with the heads of bureaus, Cabinet officers, and the bureau of the budget. There is no reason why the President should not have the power proposed to be conferred upon him by this amendment. No item ought to be included in an appropriation bill that can not be justified upon its own merits. The very fact that the President has the power to veto separate items will have a splendid effect in keeping items of doubtful merit out of appropriation bills.

The people are rightfully demanding economy. We are trying to reduce the cost of living. We are reducing our personal expenditures in every way. Our municipal governments and our State legislatures are economizing in every possible way. The Congress of the United States should set an example to the people of the country and to the various States pointing the way by which expenditures can be reduced.

This proposed amendment, it seems to me, needs no argument in its behalf. It will commend itself favorably, I am sure, to everyone who gives it thoughtful consideration. That such a provision has reduced expenditures in the various States where this power is given the governor there is no question, and that it will have a beneficial effect in reducing Federal expenditures, if adopted, I do not have the slightest doubt.

I want to invite the attention of the chairman of the House Judiciary Committee [Mr. VOLSTEAD] to it, and to press upon him the importance of its early consideration by his committee. I also want to invite the attention of the chairman of the Appropriation Committee [Mr. GOOD] to it, because in the last few months he has made a number of speeches in the interest of economy and reduction of public expenditures. I feel sure that when he carefully considers this proposed amendment, I shall have his hearty cooperation.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. RHODES. Mr. Chairman, has the gentleman from Oklahoma used his entire 15 minutes?

The CHAIRMAN. Yes. Two minutes of the time remain.

Mr. RHODES. Mr. Chairman, if the committee will permit, I desire to make a brief statement during this two-minute period.

In the first place, I am a member of no committee that has devoted as much time to the consideration of any one bill of this character as has been devoted to the bill under consideration. In the first place, both the Senators from the State of Montana appeared before the committee last October urging this legislation. The bill had already passed the Senate, and the House Committee on Indian Affairs, after having listened to a number of Indians from the reservation, decided to report the bill with certain amendments. The bill went upon the calendar, and after remaining there some time objection arose to the bill on the part of certain Indians on the reservation. Those Indians sent a delegation to Washington, and the chairman of our committee accorded that delegation an additional hearing. As the result of that hearing, the chairman of the committee withdrew the bill. The committee again considered the bill and reported it unanimously with the amendments agreed upon, which have been printed as a part of the bill now before the committee.

I desire to say, too, Mr. Chairman, that this is a very important piece of legislation, because the bill, if the committee understands the true situation, has the approval of the Crow Indians, and these Indians have reached that condition of progress and development when they should have turned over to them their property and be allowed to administer their own affairs.

The CHAIRMAN. The time of the gentleman from Missouri has expired. All time has expired. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to cause to be allotted the surveyed lands and such unsurveyed lands as lie north of the line between townships 5 and 6 south, together with such unsurveyed lands contiguous to those now surveyed and within 2 miles therefrom as the commission hereinafter provided for may find to be suitable for allotment within the Crow Indian Reservation in Montana, not herein reserved as hereinafter provided, among the members of the Crow Tribe, as follows, namely, 160 acres to the heirs of every enrolled member, entitled to allotment, who died unallotted after December 31, 1905, and before the passage of this act; next, 160 acres to every allotted member living at the date of the passage of this act, who may then be the head of a family and has not received allotment as such head of a family; and thereafter to prorate the remaining unallotted allottable lands and allot them so that every enrolled member living on the date of the passage of this act and entitled to allotment shall receive in the aggregate an equal share of the allottable tribal lands for his total allotment of land of the Crow Tribe. Allotments made hereunder shall vest title in the allottee, subject only to existing tribal leases, which leases in no event shall be renewed or extended by the Secretary of the Interior after the passage of this act, and shall as hereinafter provided be evidenced by patents in fee to competent Indians, except as to homesteads as hereinafter provided, but by trust patent to minors and incompetent Indians, the force and legal effect of the trust patents to be as is prescribed by the general allotment act of February 8, 1887 (24 Stats., p. 388). Priority of selection, up to 325 acres, is hereby given to the members of the tribe who have as yet received no allotment on the Crow Reservation, and thereafter all members enrolled for allotment hereunder shall in all respects be entitled to equal rights and privileges, as far as possible, in regard to the time, manner, and amount of their respective selections: *Provided*, That Crow Indians who are found to be competent may elect, in writing, to have their allotments, except as herein provided, patented to them in fee. Otherwise trust patents shall be issued to them. No patent in fee shall be issued for lands of a husband unless the wife joins in the application, who shall be examined separately and apart from her husband and a certificate of the officer taking her acknowledgment shall fully set forth compliance with this requirement.

With committee amendments, as follows:

On page 1, after the word "lands," on line 5, strike out the words "as lie north of the line between townships 5 and 6 south, together with such unsurveyed lands contiguous to those now surveyed and within 2 miles therefrom."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. BLANTON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. Will the gentleman wait until we adopt the other committee amendments to the section?

Mr. BLANTON. Yes.

The Clerk read as follows:

Page 2, line 17, after the word "allottee," insert "at the time of making selection and reporting the selection to the agency office."

Mr. WALSH. Mr. Chairman, I desire to discuss the committee amendment.

The CHAIRMAN. The gentleman from Massachusetts is recognized.

Mr. WALSH. This will make the language read, "Allotments made hereunder shall vest title in the allottee at the time of making selection and reporting the selection to the agency office." Now, there may be a difference of time between those two events. You might make a selection one day and the report might not be made to the agency office for some little time thereafter. When would the title vest in such a case?

Mr. RHODES. Mr. Chairman, if I may be permitted to state, it was necessary to fix some time when the title was supposed to vest, and no better time was thought of than the time referred to in the amendment.

Mr. WALSH. There may be two different times. They may make a selection to-day, and it might not be reported for some days thereafter.

Mr. HASTINGS. If the gentleman will yield, when he goes to the office to select it he reports. He makes the selection and he makes the report.

Mr. WALSH. Then he can not make the selection at one office and the report at another?

Mr. HASTINGS. It is all done at one and the same office.

Mr. WALSH. He goes to that office?

Mr. HASTINGS. He goes to the agency office of that tribe.

Mr. RHODES. I think the gentleman misinterpreted the language, because the committee understood that there was no question but the proper time for the title to vest was the time when the selection was made—the date of the selection.

Mr. HASTINGS. He makes that selection through that particular agent.

Mr. WALSH. At that office?

Mr. HASTINGS. At that office.

Mr. WALSH. And not outside in the field?

Mr. HASTINGS. Not outside in the field. He makes it at that particular office of that agent, and the two things are done at one and the same time.

Mr. WALSH. There are two transactions, though, are there not?

Mr. HASTINGS. He has to make his selection, and to go to this office, where a record is made of it. He has not made any selection until it is recorded. He does the two things at the agency.

Mr. WALSH. I am satisfied with the gentleman's explanation, but I did not want any misapprehension about the language.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 3, line 13, after the word "for," insert the word "homestead."

The committee amendment was agreed to.

Mr. BLANTON. Mr. Chairman, I move to strike out the last word. For fear that some of our constituents might drop in this evening and go away with the wrong impression about the House of Representatives sitting in Committee of the Whole, I would like to remark for their benefit that there is a reason for only about 14 Congressmen being present here this evening. We usually have 20. We ought to have 8 more here than there are now, but I do not want any of our constituents to go away thinking that we have only about 14 here every day, because we do have 7 or 8 more. But there is a good reason for those 7 or 8 being away, because after my distinguished colleague, the gentleman from Illinois [Mr. HENRY T. RAINEY] threw such a bomb into the ranks of our friends over there on the Republican side, I do not blame them for congregating their men outside somewhere in consultation. You know it is a very important case they have got to pass on. They have been 11 long months trying to diagnose it, and they have not diagnosed it yet.

Mr. TILSON. Will the gentleman yield?

Mr. BLANTON. I yield to the gentleman from Connecticut.

Mr. TILSON. I remember that on one occasion the gentleman found fault with my arithmetic when I occupied the chair.

Mr. BLANTON. The gentleman's arithmetic is always correct except when he is counting a quorum.

Mr. TILSON. The gentleman refers to 14 Members present. I have not attempted to count the gentlemen on the Democratic side, but if my count is correct there are 19 gentlemen on the Republican side. I will leave the gentleman from Texas to count the number on the Democratic side.

Mr. BLANTON. Oh, well, the gentleman from Connecticut has pushed the button and brought them in from the cloakroom and the byways and the highways, and of course he has found a few more.

Mr. TILSON. The gentleman can easily count those on the Democratic side. There are just three.

Mr. BLANTON. They make up in quality what they lack in quantity. [Laughter.] There are enough Democrats here to take care of the Republicans who are present.

Mr. WHITE of Kansas. Will the gentleman yield for an interruption?

Mr. BLANTON. Yes. I expect now every gentleman who is here will stand up, so that his constituents may know that he is present, so that he will not be considered absent inferentially.

Mr. WHITE of Kansas. Will the gentleman yield?

Mr. BLANTON. I yield to the distinguished gentleman from Kansas.

Mr. WHITE of Kansas. It can not be that the gentleman feels that the Republicans appreciate his remarks more than the Democrats do, as a reason why there are so few Democrats here?

Mr. BLANTON. Oh, our Democratic friends are trying their best right now to solve problems that you gentlemen ought to have solved 11 long months ago, since you first met here—May 19, 1919—when you took charge of the reins of government in Congress. The people have been depending on you, and you Republicans have been weighed in the balance and found wanting.

The CHAIRMAN. The time of the gentleman from Texas has expired. The Clerk will read.

The Clerk read as follows:

Committee amendment: Page 3, line 18, after the word "of," insert "agricultural and irrigable."

The committee amendment was agreed to.

The Clerk read as follows:

Committee amendment: Page 3, line 20, after the word "person," insert "company, or corporation."

The committee amendment was agreed to.

The Clerk read as follows:

Committee amendment: Page 3, line 21, after the word "owns," strike out "at least" and insert "at the time of approval more than."

The committee amendment was agreed to.

The Clerk read as follows:

Committee amendment: Page 3, line 22, after the word "of," insert "agricultural or irrigated."

The committee amendment was agreed to.

The Clerk read as follows:

Committee amendment: Page 3, line 24, after the word "reservation," insert "nor shall any sale be made by any Indian to any person, company, or corporation of more than 640 acres of agricultural or irrigated land."

The committee amendment was agreed to.

The Clerk read as follows:

Committee amendment: Page 4, line 9, after the word "imprisonment," insert "and no land shall be sold or offered for sale by any Crow Indian upon which there is an unexpired lease. Any sale made in violation of this provision shall be void: *Provided*, That the limitation made as to agricultural and irrigable land shall not apply to grazing land."

Mr. WALSH. Mr. Chairman, I desire to discuss the committee amendment.

I should like to ask the gentleman in charge of the measure if there is any defined distinction of record in the Indian Office or elsewhere between grazing land, irrigable land, and agricultural land? Might not grazing land come within the classification of irrigable land?

Mr. RHODES. Mr. Chairman, I will state for the information of the gentleman that these lands have been classified, and there is a well-known classification and record of the same in the Indian Office. The lands upon that reservation, as well as those upon all the other larger reservations, have been classified into irrigable lands, grazing lands, and agricultural lands, which I assume are comprehended within this general classification. That was done for the purpose of carrying into effect the legislation provided for through irrigation schemes and projects on the reservation. This language was agreed upon as proper language to go into the bill under the facts and existing law, to which the Indian Office gave full assent.

Mr. WALSH. Is there also a definition and classification in the Indian Office of agricultural land?

Mr. RHODES. I am not prepared to say whether there is a legal definition of the term "agricultural lands," but I do know there is such a classification.

Mr. WALSH. In the Indian Office?

Mr. RHODES. In the Indian Office. Furthermore, more than 30,000 acres of agricultural land on this reservation has gone under long-term leases made in pursuance of a contract entered into by the Indian Office and one J. M. Campbell, representing large agricultural interests. These lands have been reduced to agriculture and are being used as such in conformity with the rules and regulations of the Indian Office and the contract.

Mr. WALSH. That being so, I would like to ask what the purpose is of taking grazing lands out of the limitation that applies to agricultural and irrigable lands.

Mr. RHODES. I do not know what particular purpose the gentleman anticipates in asking this question, but I do know that under existing law and under these long-term leases the agricultural lands are under 10-year leases in many cases, and the grazing lands are only under 5-year leases. I know, further, that there is a difference between the income which the agricultural lands are supposed to yield and the income which the grazing lands are supposed to yield. One carries a much

higher per acre rental than the other. I am sure there is sufficient justification for it.

Mr. WALSH. If I understand the language of the committee amendment, it will permit the conveyance of grazing lands held by the Crow Indians being conveyed to companies or corporations who own more than 640 acres within the present boundaries of the reservation.

Mr. RHODES. I see the situation that the gentleman has in mind. The reason for that is this: It is not practicable to lease small areas for grazing purposes. Therefore the only way an Indian or a lessee could use to good advantage grazing lands would be by being able to control a large acreage. Neither would a prospective buyer pay a reasonable price for grazing land unless he could obtain a large acreage. In other words, it is not practicable to put a large number of cattle on a small area, and for that reason it is necessary to have a larger acreage, and this amendment seeks to accomplish that purpose.

Mr. WALSH. Would not you therefore prevent the grazing land from being developed as agricultural or irrigable land?

Mr. RHODES. The experience of those who have made an effort to farm on that reservation and the experience of the Indian Office is such that it is not considered practicable to attempt agriculture upon these grazing lands because of the vast acreage that lies beyond the irrigable area. In other words, there is an irrigation project—I believe two such projects—installed on this reservation, but none of these lands to which the gentleman refers are within the irrigated or irrigable area, and consequently there would be no danger in the suggestion of the gentleman from Massachusetts.

Mr. WALSH. There might be no danger, but the mere fact that these lands could be conveyed in such large tracts would, of course, prevent anybody from attempting to use them for agricultural purposes, because they would be held in such large areas. I was wondering if it would be wise to permit such large areas of grazing land to be taken up by a company or a corporation and thereby discourage any attempt to establish irrigation projects.

Mr. RHODES. You can establish irrigation projects on any of these lands, but at a very excessive cost. It would probably cost $200 or $300 an acre to put water on them.

Mr. HERNANDEZ. You could put water on any of these lands, but it would not be feasible. In the first place, you have to have water rights in connection with the storage of water, and unless you can put the water to good use you would not be allowed to take water from the streams on the high hills and store it.

Mr. WALSH. Mr. Chairman, I doubt the wisdom of the last proviso, but I shall not contest it.

Mr. McKEOWN. Mr. Chairman, on page 4, line 5, there is evidently a misprint, and I move to amend by striking out the word "grant" and inserting the word "grantee."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. McKEOWN: Page 4, line 5, strike out the word "grant" and insert the word "grantee."

The amendment was agreed to.

Mr. WATSON. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee whether or not the language on line 20, page 3, should not read "to any person or persons"?

Mr. RHODES. Mr. Chairman, there would be no objection to that, but I assume the word "person" would be comprehensive enough.

Mr. WATSON. In all legal documents the language is usually written "person or persons." There is no reason why five persons should not assemble together and purchase the property.

Mr. RHODES. I have no objection to that.

Mr. WATSON. Then, Mr. Chairman, I move that on page 3, line 20, after the word "person," the words "or persons" be inserted.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. WATSON: Page 3, line 20, after the word "person," strike out the comma and insert the words "or persons."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WATSON. Mr. Chairman, also the following amendment: On page 3, line 25, after the word "person," insert the words "or persons."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. WATSON: Page 3, line 25, amend the committee amendment, after the word "person," by inserting the words "or persons."

Mr. EVANS of Montana. Mr. Chairman, before that amendment is agreed to permit me to make a suggestion. The amendment, if adopted, will make the text read so that the Secretary of the Interior may not sell to any person, persons, company, or corporation more than 640 acres of agricultural land. If there were enough people, they could not sell over 640 acres to "persons," and they could not sell any at all.

Mr. WATSON. But in all legal documents the phrase reads "to any person or persons." Under the language as it was in line 20, five or six persons could jointly purchase a property from the Indians specified and still have a legal title in accordance with the law.

Mr. EVANS of Montana. Possibly so. I do not particularly object to the amendment, but I am figuring that it might make some complications, so that the Secretary of the Interior might interpret it that if six people went together they could not buy, if they were interested as copartners, 640 acres of land.

Mr. WATSON. But the Indian is not permitted to sell to a company or corporation, and a company or corporation is composed of persons. The amendment is simply to prevent half a dozen persons purchasing land from the Crow Indians.

The CHAIRMAN. Does the gentleman from Pennsylvania offer the amendment?

Mr. WATSON. Mr. Chairman, I offer the amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 25, amend the committee amendment after the word "person" by inserting the words "or persons."

Mr. RHODES. Mr. Chairman, on reflection, and as a result of the suggestion by the gentleman from Montana [Mr. EVANS], I am inclined to think that this language in the bill should remain as it is. I think it a good reason; perhaps it is a matter to which the gentleman's attention has not been called. A very remarkable situation exists on that reservation. A large number of lessees are holding this land under long-term leases, and one of the objects of the committee in agreeing on this amendment was to preclude any lessee from obtaining any advantage as against any other prospective purchaser of these allotted lands after title passes to the allottee under the provisions of the act. Not only did your committee carefully consider the language, but the Assistant Commissioner of Indian Affairs was present and scrutinized every proposed amendment, and unless the gentleman insists upon urging his amendment, and can assign some additional reason, I should insist upon the committee allowing the language to remain in the bill as it is.

The CHAIRMAN. The Chair will call the gentleman's attention to the fact that the first amendment in line 20 has already been adopted, and he ventures the further suggestion that this is a limitation and perhaps the words "or persons" there would interfere with the meaning of the text and give it the opposite interpretation.

Mr. RHODES. Then I trust that the amendment will not be agreed to.

Mr. WATSON. Inasmuch as the first amendment has been agreed to, what procedure is necessary to restore the text as it was originally?

The CHAIRMAN. Without objection, the amendment just offered can be withdrawn.

Mr. WATSON. Then I ask unanimous consent to withdraw the amendment which I have just offered.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. Without objection, the proceedings had in respect to amendment to line 20, page 3, offered by the gentleman from Pennsylvania [Mr. WATSON], will be vacated.

There was no objection.

The Clerk read as follows:

SEC. 3. That the Secretary of the Interior shall, as speedily as possible, after the passage of this act, prepare a complete roll of the members of the Crow Tribe who died unallotted after December 31, 1905, and before the passage of this act; also, a complete roll of the allotted members of the tribe who at the date hereof are living and are heads of families but have not received full allotments as such; also, a complete roll of the unallotted members of the tribe living six months after the approval of this act who are entitled to allotments. Such rolls when completed shall be deemed the final allotment rolls of the Crow Tribe, on which allotment of all tribal lands and distribution of all tribal funds existing at said date shall be made. The rolls shall show the English, as well as the Indian, name of the allottee; the age, if living; the sex, whether declared competent or incompetent; the description or descriptions of the allotments; and any other fact deemed by the Secretary of the Interior necessary or proper. Said rolls shall be completed within one year after the approval of this act.

The following committee amendments were severally reported and severally agreed to:

Page 4, line 19, strike out the word "tribe" and insert in lieu thereof the words "Crow Tribe."

Page 4, line 19, strike out the word "at" and insert the words "six months after."

Page 5, line 8, after the word "act," insert the words "and allotments shall be completed within one year and six months from the date of the approval of this act."

Mr. McKEOWN. Mr. Chairman, I offer to amend, on page 5, line 5, after the word "allotments," by inserting the words "family relationship."

The CHAIRMAN. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 5, line 5, after the word "allotments," insert the words "family relationship."

Mr. McKEOWN. Mr. Chairman, a number of us have had experience in an effort to determine the heirship of deceased Indians. In another portion of the bill a very wise provision is made for the sale of inherited lands to returned soldiers who may seek to buy them or settle thereon.

Now, you are making a permanent roll of this Indian tribe, and you are requiring it to have on it the Indian names. Why not fix in the roll the relationship of these allottees by setting it out in the roll, so when you go to determine the heirship you have no trouble in having a permanent, definite rule?

Mr. FRENCH. Would not the amendment better follow the word "incompetent" in line 4 or the word "allottee" in line 3. It seems to me that it would work in better there.

Mr. McKEOWN. That is probably true as to being a better location, but the thing I had in view was to have the roll show the relationship.

Mr. FRENCH. I think it is really quite important and it should be in one place or the other because——

Mr. McKEOWN. I will ask to modify my amendment by having it follow the word "allottee" in line 3.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to modify his amendment. The Clerk will report the modified amendment.

The Clerk read as follows:

Modified amendment by Mr. McKEOWN: Page 5, line 3, after the word "allottee," insert the words "family relationship."

Mr. RHODES. Will the gentleman permit a question?

Mr. McKEOWN. Yes.

Mr. RHODES. What is the object the gentleman seeks by this amendment? What would he accomplish that is not accomplished in its present form?

Mr. McKEOWN. This is the purpose. The question of the title from the heirs of these Indians is quite important because they are allotted their lands in severalty, and when one is going to purchase lands from the heirs of deceased allottees there is going to be very much less difficulty by having a permanent record of the relationship before the question as to who is the heir to a piece of land arises. Now at the time of the enrolling, before death occurs and property rights come up to influence the testimony, is the best time to put down the relationship of these allottees, in my judgment.

Mr. HASTINGS. I was going to say, if my colleague will permit me, I believe after further consideration that he would not insist on that sort of an amendment being added. If he will notice, this bill only gives the Secretary of the Interior one year in which to make this roll. Now, of course, in nine-tenths of the cases persons in making the roll would determine the family relationships, would they not? I mean without any additional testimony or without any complicated testimony being taken, but in some of these cases where the allottees are off it may be a difficult question to determine the heirs. And another thing, if my colleague will remember, you are asking them here to determine the heirships and fix that without the heirs being heard. They might want to contest that. I never have known any Indian roll that has ever been made where the heirships have ever been determined in advance.

Mr. McKEOWN. That is not a determination of the heirship. I am simply asking that the family relationship be set out on the roll, because my colleague will remember that in the Indian territory one of the difficult things to do is to determine the question of heirships, because after the allottee is dead many heirs are encouraged by a hope to secure the estate, and the question of determining the true relationship is made very difficult. But this does not determine the heirship because——

Mr. HASTINGS. I do not understand what its purpose is, then, and I can not see any other object my colleague could have than to determine the question of heirship.

Mr. McKEOWN. Because there is nothing in this act that makes this roll at this time conclusive.

Mr. HASTINGS. Oh, yes; this is final.

Mr. McKEOWN. This is final, but not conclusive as to heirship.

Mr. HASTINGS. Then you have no need of putting the language in at all unless you make it conclusive.

Mr. McKEOWN. If you are going to sell these lands of deceased allottees to soldiers, sailors, and marines, which you propose over in section 15, the question of heirship is going to arise and ought to be determined easily by the man who is going to purchase, and he ought to have some place where he can go to find out whether the party proposing to convey the land has the right.

Mr. HASTINGS. But my colleague is too good a lawyer to believe you can determine that in advance without the heirs being heard. Now, you are going to determine the heirship of people without their being heard at all.

Mr. McKEOWN. I would not undertake to determine the heirship on this roll, but you have here something definite that the prospective purchaser can see and determine himself, and I will say to my colleague that the chances are that the relationship can be more easily and more accurately set out at the time this roll is made than at a later date.

Mr. HASTINGS. Well, I do not understand what my colleague means by the word "relationship." If he means to use that in the sense of determining the heirship——

Mr. McKEOWN. No.

Mr. HASTINGS. I do not believe it ought to be inserted in this bill.

Mr. McKEOWN. I want to say this: This amendment is offered to the bill at this time in the hope that it will be of some benefit to the people who are to buy these lands, and you will find in after years when this matter comes up that they will have the same difficulty that has confronted many of us who have had this same question to deal with.

Mr. RHODES. Mr. Chairman, with all due deference to the opinion of the gentleman from Oklahoma, I would remind him that under existing law ample opportunity is offered for the determination of heirs. As I remember, there are two distinct provisions of law relating to this particular matter, and, in my opinion, the amendment offered by the gentleman would have the effect of complicating existing law with regard to the determination of heirship rather than to help the matter. And for that reason I hope the amendment will not be adopted.

Mr. McKEOWN. Will the gentleman yield?

Mr. RHODES. I will.

Mr. McKEOWN. It has been decided by the Bureau of Indian Affairs that they can at any time set aside their findings, and they have done so, and men have purchased these Indian lands of deceased allottees, and 10 or 15 years after a man has gone in possession of it the department has found out it made a mistake and makes another adjudication and finds some other heir entitled to it. Now, if it became a final adjudication, and that method has become final, then it could be relied upon.

Mr. RHODES. Mr. Chairman, in response to that statement, I would insist that there is a definite method of determination and a method of adjudication. Therefore I can see no special object to be accomplished.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Oklahoma [Mr. McKEOWN].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 4. That any names found to be on the tribal rolls fraudulently, may, upon request of the tribal council, at any time within one year from the passage of this act, be stricken therefrom by the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, after giving all parties in interest a full opportunity to be heard in regard thereto; and any allotment made to such fraudulent allottee shall be canceled and shall then be subject to disposition under the provisions of this act: *Provided*, That nothing herein contained shall be construed to deprive any such persons of the protection in the premises provided under existing law.

Also the following committee amendment was read:

Page 5, line 12, after the word "may," strike out the words "upon request of the tribal council."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 5. That such of the unallotted lands as are now used for agency, school, cemetery, or religious purposes shall remain reserved from allotment so long as such agency, school, cemetery, or religious institutions, respectively, are maintained for the benefit of the tribe: *Provided*, That the Secretary of the Interior, upon the request of the tribal council, is hereby authorized and directed to cause to be issued a patent in fee to the duly authorized missionary board or other proper authority of any religious organization heretofore engaged in mission or school work on the reservation for such lands thereon as have been heretofore set aside and are now occupied by such organizations for missionary or school purposes: *Provided further*, That not more than 640 acres may be reserved for administrative purposes at the Crow Agency, and such land shall be definitely described and made a matter of record by the Indian Office.

Also, the following committee amendment was read:

On page 6, line 12, after the word "Agency," strike out the words "and such land" and insert in lieu thereof the following: "And six tracts of not exceeding 80 acres each, in different districts on the reser-

vation, may be reserved for recreation grounds for the common use of the tribe, or purchased from the tribal funds if no tribal lands are available, and all such lands."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WALSH. Mr. Chairman, in reference to this committee amendment, is it the intention that there shall be six tracts in different districts or one tract in six different districts?

Mr. RIDDICK. I will explain to the gentleman from Massachusetts that there are six big tribes and each has 80 acres in extent for recreation ground and park purposes.

Mr. WALSH. Would not this language permit six tracts of 80 acres each in each district?

Mr. RIDDICK. It provides for a tract of not exceeding 80 acres in each district. Each district will have a tract. That is the purpose of the bill.

Mr. WALSH. I think the language of the bill will permit a district to have six tracts.

Mr. RIDDICK. The Indian Committee and the Indian Department worked this out, Mr. Chairman, and it was the purpose to have one tract in each district.

Mr. WALSH. One tract not exceeding 80 acres in each of six different districts. That is the intention, I take it.

Mr. RIDDICK. Yes, sir.

Mr. WALSH. Well, that is the intention, but I think the language will permit a different construction.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 6. That any and all minerals, including oil and gas, on any of the lands to be allotted hereunder are reserved for the benefit of the members of the tribe in common and may be leased for mineral purposes, upon the request of the tribal council under such rules, regulations, and conditions as the Secretary of the Interior may prescribe, but no lease shall be made for a longer period than 10 years, but the lessees shall have the right to renewal thereof for a further period of 10 years upon such terms and conditions as the Secretary of the Interior may prescribe: *Provided, however,* That allotments hereunder may be made of lands classified as valuable chiefly for coal or other minerals which may be patented as herein provided with a reservation, set forth in the patent, of the coal, oil, gas, or other mineral deposits for the benefit of the Crow Tribe: *And provided further,* That at the expiration of 50 years from the date of approval of this act the coal, oil, gas, or other mineral deposits upon or beneath the surface of said allotted lands shall become the property of the individual allottee or his heirs.

Also the following committee amendment was read:

Page 6, line 21, strike out the word "mineral" and insert the word "mining."

The CHAIRMAN. The question is on agreeing to the amendment.

Also the following committee amendment was read:

Page 7, line 8, strike out the word "fifty" and insert in lieu thereof the word "twenty-five."

Mr. WALSH. Mr. Chairman, I do not know the reasons which prompted the committee in reducing this term to 25 years, but it seems to me it would be an unwise thing to do. I would like to hear from the gentleman in charge of the measure.

Mr. RHODES. Mr. Chairman, the intention, of course, of your committee was to throw around these lands proper restrictions in order to safeguard the interests of these Indians. It was the opinion of the committee, as well as of those representing the tribe, who appeared before the committee, with the advice and consent of the Indian Office, that 50 years is an unnecessarily long period of time. Therefore because of the advanced condition of these Indians, because of their intellectual attainments, and because of the progress they have made in industry and agriculture, your committee is of the opinion that it is not necessary to protect them beyond the period of 25 years, and for these reasons the period was reduced from 50 to 25 years. I concede, Mr. Chairman, that there are certain tribes that on account of their condition of progress, or, more properly speaking, lack of progress, and because of the physical condition of the property involved, where it might be necessary to throw around them such a safeguard as the gentleman has in mind. But your committee was of the opinion that 25 years is as long as is necessary to protect the rights of the Indians.

Mr. HASTINGS. If the gentleman from Missouri will permit me to remind him, I will state that also in this act of February 8, 1887, a trust patent issues in 25 years.

Mr. WALSH. Yes.

Mr. HASTINGS. And there is also a provision in this bill for a competency commission, and all minors will be of age then, and it was thought by the committee that in 25 years' time everybody would be of age and declared competent.

Mr. WALSH. Of course, the gentleman realizes that this is shortening the time when it goes to the individual Indian or his heirs. That reduction, it would seem to me, would bring it down within a limited time that might be considered unwise. I think that, granting all that the gentleman from Missouri has said about the improvement and advancement of these Indians, it is to be doubted if we ought to shorten the time at the expiration of which these valuable lands shall become their individual property. It seemed to me that the original draft of the bill was more proper.

Mr. RHODES. Mr. Chairman, will the gentleman permit this observation?

Mr. WALSH. Certainly.

Mr. RHODES. I desire to call the gentleman's attention to the further fact that the appearance of this delegation of Indians from the reservation before your committee caused us to change this 50-year provision to 25 years. These Indians made us believe that they are anxiously awaiting the day when they might come into full possession of their property, and that they are prepared to care for it.

Mr. WALSH. Oh, all Indians are doing that. There is no doubt about that. Take any Indians all over the country; they are anxiously awaiting the day when they can come into possession of their property.

Mr. RHODES. Is not that a laudable ambition?

Mr. WALSH. Oh, certainly; but the gentleman probably saw the most intelligent and the most industrious and the most advanced portion of these people. Now, there may be, and probably will be, a great many of these Indians that will not be as intelligent or as industrious as those that the gentleman has recently seen, and it is quite a valuable concession to say that in view of the great improvements that have been made and the wonderful discoveries along mineral lines——

Mr. RHODES. No minerals have been discovered on this reservation.

Mr. WALSH. Well, you could have said that about some of the oil fields in Texas five years ago. At that time no oil had been discovered there, but they became very valuable overnight.

Mr. RHODES. I will remind the gentleman also that those Indians who were present spoke for those who were not present as well as for themselves.

Mr. WALSH. Yes; I have no doubt about that.

Mr. RHODES. And they said they were instructed by their tribe to state the objects they were seeking; and it is not only the desire of the Indians present that is reflected in this legislation, but we believe the amendment reflects the will of the majority of the Indians on the reservation.

Mr. WALSH. Well, of course, the gentleman appreciates that if we legislated along those lines in all Indian matters, very often in following out what they ask and seek we would not be doing what ought to be done for the Indians, because sometimes they have been known to make requests and demands for legislation that have not been in their best interests, and we are here to protect, of course, the public interest and also the interest of these wards of the Nation.

Mr. RIDDICK. Mr. Chairman, will the gentleman yield?

Mr. WALSH. Certainly.

Mr. RIDDICK. I think the observations of the gentleman from Massachusetts would be well taken if it were not for the fact that when these patents are issued in 25 years they will be issued in trust for the Indians if the Indians are not fully competent. On page 3, line 12, there is a provision dividing the Indians into competent and incompetent Indians, and only the competent are given the right to look after their own property.

Mr. WALSH. This language is broader than that, and does not, I think, come within that requirement. It says "that at the expiration of 50 years from the date of approval of this act the coal, oil, gas, or other mineral deposits upon or beneath the surface of said allotted lands shall become the property of the individual allottee or his heirs." That means that at the expiration of that time whatever valuable deposits there are in that land shall belong to the individual Indians, irrespective of the issuance of any trust patents or by means of any trust patents.

Mr. RIDDICK. This land will belong to the Indians, but the incompetent Indians will be subject to the Indian Department, just as they are now.

Mr. McKEOWN. Mr. Chairman, will the gentleman yield?

Mr. WALSH. Yes.

Mr. McKEOWN. Would it help the situation if it were provided that "said period of time may be extended by Congress"?

Mr. WALSH. Congress could do that without the right being reserved. I am opposed to this committee amendment.

The CHAIRMAN. The question is on agreeing to the committee amendment.

Mr. FRENCH. Mr. Chairman, I desire to raise the question of the advisability of this last proviso being in the bill at all. It seems to me that the benefits arising from any coal, oil, gas,

or other mineral deposits should for all time go to the tribe and not to the individual Indian. I want to offer a motion to strike out——

Mr. WALSH. There is an amendment pending to perfect the text.

Mr. FRENCH. I will withhold my motion until the text is perfected.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The question being taken, on a division (demanded by Mr. WALSH) there were—ayes 9, noes 5.

Accordingly the committee amendment was agreed to.

Mr. FRENCH. Mr. Chairman, I move to strike out, on page 7, line 7, all the language following the word "tribe" and all of lines 8, 9, 10, and 11.

The CHAIRMAN. The gentleman from Idaho offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. FRENCH: Page 7, line 7, after the word "tribe," strike out the remainder of the paragraph.

Mr. FRENCH. Mr. Chairman, it seems to me very inadvisable that we permit language to remain in the bill under which the coal, oil, gas, or other mineral deposits could go to the particular allottee at the expiration of 25 years. Any valuable deposits which are now there undiscovered belong to the entire tribe. It is understood that there are no such deposits known at this time. Consequently it is a mere matter of luck or chance what particular Indian shall be the one favored by being allotted land that may have underneath it vast deposits of oil or gas or coal, and under the language of the bill it would be very possible, if there should be such deposits, to make certain Indians millionaires overnight, while the value of the allotments to other Indians would remain merely such as would apply to the allotments through their agricultural character. It seems to me that the advisable thing to do is to allot the land for the Indians, so that they may see what they are getting for agricultural purposes, and then as to these possible deposits, of which no one can know anything at the time the allotment is made, that they be held forever as the property of the tribe instead of the individual Indian.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Idaho [Mr. FRENCH].

The question being taken, the amendment was rejected.

The Clerk read as follows:

SEC. 8. That any allotment, or part of allotment, provided for under this act, irrigable from any irrigation system now existing or hereafter constructed by the Government on the said reservation, shall bear its pro rata share, computed on a per acre basis, of the cost of constructing such system: *Provided*, That no additional irrigation system shall be established or constructed on the Crow Reservation until the consent of the tribal council thereto has been duly obtained. All charges against allotments authorized by this section may be reimbursed in not less than 20 annual payments, and the Secretary of the Interior may fix such operation and maintenance charges against such allotments as may be reasonable and just, to be paid as provided in rules and regulations to be prescribed by him. Unless otherwise paid, these latter charges may be paid from or made a charge upon his individual share of the tribal fund, when said fund is available for distribution; and if any allottee shall receive patent in fee to his allotment before the amount so charged against his land has been paid, such unpaid amount shall become and be a lien upon his allotment, of which a record shall be kept in the office of the superintendent of the reservation at the agency; and should any Indian sell any part of his allotment, with the approval of the Secretary of the Interior, the amount of such unpaid charges against the land so sold shall remain a first lien thereon, and may be enforced by the Secretary of the Interior by foreclosure as a mortgage. All expenditures for irrigation work on the Crow Reservation, Mont., heretofore or hereafter made, are hereby declared to be reimbursable under such rules and regulations as the Secretary of the Interior may prescribe, and shall constitute a lien against the land benefited, regardless of ownership, and including all lands which have heretofore been sold or patented. All patents or other instruments of conveyance hereafter issued for lands under any irrigation project on the said Crow Indian Reservation, whether to individual Indians or to purchasers of Indian lands, shall recite a lien for repayment of the irrigation charges, if any, remaining unpaid at the time of issuance of such patent or other instrument of conveyance, and such lien may be enforced or, upon payment of the delinquent charges, may be released by the Secretary of the Interior. In the case of lands under any project purchased in the bona fide belief on the part of the purchaser that by his purchase he acquired a right to have water from the system for the irrigation of the land purchased by him in the same manner as the Indian owner, the Secretary may, after notice to the Indians interested, determine the value of the land at the time of the purchase from the Indian, and give to the purchaser or his assigns credit on the charge for construction against the land to the amount of the difference between the price paid and the value as so determined, and shall withhold for the benefit of the tribe from the Indian or Indians of whom the purchase was made, an equal amount from any funds which may be due or distributable to them hereunder. Delivery of water to such land may be refused, within the discretion of the Secretary of the Interior, until all dues are paid: *Provided*, That no right to water or to the use of any irrigation ditch or other structure on said reservation shall vest until the owner of the land to be irrigated shall comply with such rules and regulations as the Secretary of the Interior may prescribe, and he is hereby authorized to prescribe such rules and regulations as may be deemed reasonable and proper for making effective the foregoing provisions: *Provided, however*, That in no case shall any allottee be required to pay either construction, operation, or maintenance charges for such irrigation privileges, or any of them, until water has been actually delivered to his allotment: *Provided further*, That the Secretary of the Interior shall cause to be made immediately, if not already made, an itemized statement showing in detail the cost of the construction of the several irrigation systems now existing on the Crow Indian Reservation separately, the same to be placed at the Crow Agency, and with the Government farmers of each of the districts of the reservation, for the information of the Indians affected by section 7 of this act.

With the following committee amendment:

Page 7, line 24, after the word "constructed," insert "by the Government for the irrigation of Indian lands."

The amendment was agreed to.

The Clerk read as follows:

Committee amendment: Page 8, line 3, after the word "section," strike out the word "may" and insert the word "shall."

The amendment was agreed to.

The Clerk read as follows:

Committee amendment: Page 8, line 3, after the word "reimburse," insert "to the Crow Tribe of Indians."

The amendment was agreed to.

The Clerk read as follows:

Committee amendment: Page 8, line 23, after the word "reimbursable," insert "to the Crow Tribe."

The amendment was agreed to.

The Clerk read as follows:

Committee amendment: Page 10, line 20, after the word "by," insert the word "this."

The amendment was agreed to.

The Clerk read as follows:

Committee amendment: Page 10, line 20, after the word "section," insert "7 of this act."

The amendment was agreed to.

The Clerk read as follows:

SEC. 10. That any unallotted lands on the Crow Reservation chiefly valuable for the development of water power shall be reserved from allotment or other disposition hereunder, for the benefit of the Crow Tribe of Indians: *Provided*, That such lands shall not be leased or otherwise disposed of without the consent of the tribal council.

With the following committee amendment:

Page 11, line 4, after the word "Indians," strike out *"Provided*, That such lands shall not be leased or otherwise disposed of without the consent of the tribal council" and insert *"Provided*, That the Big Horn and Pryor Mountains shall be reserved from allotment."

The amendment was agreed to.

The Clerk read as follows:

SEC. 11. That so much of article 2 of the act of April 27, 1904, entitled "An act to ratify and amend an agreement with the Indians of the Crow Reservation in Montana, and making appropriations to carry the same into effect" (33 Stat., p. 353), as relates to the disposition of the trust funds of the tribe at the expiration of the 15-year period named in the act, to the purchase of cattle, to the distribution of cattle among the Indians of the reservation, to the purchase of jackasses, stallions, and ewes, to the building of fences, the erection of schoolhouses and hospitals, the purchase of additional cattle or sheep, the construction of ditches, dams, and canals, and to the establishment of a trust fund for the benefit of the Crow Indians thereunder, be, and the same is hereby, repealed: *Provided*, That all remaining trust funds arising under the terms of said agreement, or otherwise, with such interest thereon as may now be due, shall be set aside and draw interest at the rate of 4 per cent per annum until the same are distributed as provided by law: *Provided further*, That the Secretary of the Interior is hereby authorized to permit competent Indians who have received patents in fee and other Indians who have demonstrated their ability to properly care for live stock to withdraw their pro rata share of cattle out of the tribal herd within one year after the approval of this act, under such rules and regulations as the Secretary of the Interior may prescribe and on condition that said Indians shall execute a stipulation relinquishing all their right, title, and interest in said tribal herd thereafter: *Provided further*, That any Indian who has received his share of stock in accordance with the above provision and who has also demonstrated his ability to properly care for and handle live stock may also be permitted to withdraw the pro rata shares of his wife and minor children under the same rules and regulations as applied to the stock already issued to him and on condition that such cattle be branded with the individual brands of his wife and minor children, which shall be recorded in the names of the respective members of his family. It shall be the duty of the superintendent of the Crow Reservation to observe closely the manner in which such stock are handled and cared for, and in case of failure or neglect to properly care for the same the Secretary of the Interior is authorized to take charge of such shares and sell them for the benefit of the individual owners, to whose credit the proceeds of the sale shall be placed, or return them to the tribal herd or handle them with tribal cattle for the minor or incompetent owners and charge a fee to cover the cost of caring for them.

The following committee amendment was read:

Page 11, line 22, after the word "repealed," strike out the following language: "*Provided*, That all remaining trust funds arising under the terms of said agreement, or otherwise, with such interest thereon as may now be due, shall be set aside and draw interest at the rate of 4 per cent per annum until the same are distributed as provided by law" and insert the following: "effective from and after June 30, 1920: *Provided*, That all unexpended balances of trust funds arising under said agreement shall thereupon be consolidated into one fund to the credit of the tribe, the same to bear interest at the rate of 4 per cent

per annum: *Provided further*, That there shall be reserved and set aside from such consolidated fund, or any other funds to the credit of the tribe, a sufficient sum to pay the administrative expenses of the agency for a period of five years; $100,000 for the support of the agency boarding school; $50,000 for the support of the agency hospital, and not to exceed $4,000 of this amount shall be expended in any one year for the support of said hospital; and $50,000 for a revolving fund to be used for the purchase of seed, animals, machinery, tools, implements, and other equipment for sale to individual members of the tribe, under conditions to be prescribed by the Secretary of the Interior for its repayment to the tribe on or before June 30, 1925: *Provided further*, That the expenditure of the sums so reserved are hereby specifically authorized, except those for administrative expenses of the agency, which shall be subject to annual appropriations by Congress: *Provided further*, That after said sums have been reserved and set aside, together with a sufficient amount to pay all other expenses authorized by this act, the balance of such consolidated fund, and all other funds to the credit of the tribe or placed to its credit thereafter, shall be distributed per capita to the Indians entitled:"

The committee amendment was agreed to.

The Clerk read the following committee amendment:

Page 13, line 13, after the word "of," insert the word "live."

The committee amendment was agreed to.

The Clerk read the following committee amendment:

Page 13, line 18, after the word "the," insert the word "live."

The committee amendment was agreed to.

The Clerk read the following committee amendment:

Page 14, line 5, after the word "for," strike out the word "them" and insert the words "such live stock."

The committee amendment was agreed to.

The Clerk read as follows:

SEC. 12. That upon the approval of this act the Secretary of the Interior shall forthwith appoint a commission consisting of three persons to complete the enrollment of the members of the tribes as herein provided for and to divide them into two classes, competents and incompetents, said commission to be constituted as follows: Two of said commissioners shall be enrolled members of the Crow Indian Tribe and shall be selected by a majority vote of three delegates from each of the districts on the Crow Reservation; and one commissioner shall be a representative of the Department of the Interior, to be selected by the Secretary of the Interior. Said commission shall be governed by regulations prescribed by the Secretary of the Interior, and the classification of the members of the tribe hereunder shall be subject to his approval. That within 30 days after their appointment said commissioners shall meet at some point within the Crow Indian Reservation and organize by the election of one of their number as chairman. That said commissioners shall then proceed personally to classify the members as above indicated. They shall be paid a salary of not to exceed $10 per day each and necessary expenses while actually employed in the work of making this classification, exclusive of subsistence, to be approved by the Secretary of the Interior, such classification to be completed within six months from the date of organizing the commission.

Mr. McKEOWN. Mr. Chairman, I move to strike out the last word. I ask unanimous consent to extend my remarks in the RECORD on this section by printing a letter written by me to the Commissioner of Indian Affairs touching this matter.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The Clerk read as follows:

SEC. 17. That the Secretary of the Interior (with the approval of the Crow Tribal Council) is authorized to set aside for administrative purposes (at the Crow Agency and at Pryor subagency) such tracts for town-site purposes as in his opinion may be required for the public interests, not to exceed 80 acres at each town site, and he may cause the same to be surveyed into lots and blocks and disposed of under such regulations as he may prescribe; and he is authorized also to set apart and reserve for school, park, and other public purposes not more than 10 acres in said town sites; and patents shall be issued for the lands so set apart and reserved for school, park, and other purposes to the municipality or school district legally charged with the care and custody of lands donated for such purposes. The purchase price of all town lots sold in town sites shall be paid at such time and in such installments as the Secretary of the Interior may direct.

The Clerk read the following committee amendment:

Page 18, after the word "purposes," insert: "*Provided, however*, That the present park at Crow Agency shall not be included in such town sites or be subject to such disposition."

The committee amendment was agreed to.

The Clerk read the following committee amendment:

Page 18, line 11, strike out the words "and in such installments."

The committee amendment was agreed to.

The Clerk read the following committee amendment:

Page 18, line 12, after the word "direct," insert the words "and placed to the credit of the Crow Tribe of Indians."

The committee amendment was agreed to.

The Clerk read as follows:

SEC. 18. That the sum of $10,000, or so much thereof as may be necessary, of the tribal funds of the Crow Indians of the State of Montana is hereby appropriated to pay the expenses of the general council, or councils, or business committee, in looking after the affairs of said tribe, including the actual and necessary expenses and the per diems paid its legislative committee when visiting Washington on tribal business at the request of the Commissioner of Indian Affairs or a committee of Congress, said sum and the actual and necessary expenses to be approved by and certified by the Secretary of the Interior, and when so approved and certified to be paid.

The following committee amendment was read:

Page 18, line 19, after the word "expenses," strike out the words "and the per diems."

The committee amendment was agreed to.

The Clerk read the following committee amendment:

Page 19, line 1, after the word "paid," insert: "*Provided*, That not to exceed $2,500 shall be expended in any one fiscal year."

The CHAIRMAN. The question is on the committee amendment.

Mr. WALSH. Mr. Chairman, I reserve a point of order on that. What is this proviso based on that we are going to appropriate $10,000 each year for the visiting delegation to come to Washington?

Mr. RHODES. I think only so much of the $10,000 as may be necessary. I will state that under existing law and under the practice the Department of the Interior makes an allowance every year of a reasonable sum to these Indians coming here annually on departmental business.

Mr. WALSH. That is carried in the Indian appropriation bill. Why do we add another $10,000 for this particular tribe? It will last them about four years.

Mr. RHODES. That provision in the bill was very energetically urged by the delegation of Indians who appeared here.

Mr. WALSH. Of course, they like to come to Washington at the Government expense. However, Mr. Chairman, I will withdraw my reservation of a point of order.

Mr. RIDDICK. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amendment offered by Mr. RIDDICK: Page 19, after line 2, insert as a new section:

"SEC. 19. That the sum of $10,000, or so much thereof as may be necessary, is hereby appropriated out of the funds of the Crow Tribe of Indians to pay costs, expenses, and fees in suits that may be brought to recover the use and possession of any allotment, to which the allottee has been unlawfully dispossessed or denied the control of, and the United States District Court of Montana is hereby given jurisdiction to hear, try, and determine any such case with right of appeal as in other cases provided by law. The United States may be made a party to any such suit in the discretion of the court. An attorney or attorneys may be employed by the Crow Tribe of Indians, and the contract, fees, and expenses shall be approved by the said district court, and as so approved shall be paid out of said appropriation."

Mr. WALSH. Mr. Chairman, I make the point of order against the amendment.

Mr. RHODES. Mr. Chairman, will the gentleman withhold that for a moment?

Mr. WALSH. Certainly.

Mr. RHODES. Mr. Chairman, this amendment is offered at the request of the gentleman from Pennsylvania [Mr. KELLY]. While I am not going to argue the point of order, yet in deference to him the amendment has been submitted for such action as the committee may see fit to take.

Mr. WALSH. Mr. Chairman, the amendment is clearly subject to the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. RHODES. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CRAGO, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 2890) to provide for the allotment of lands of the Crow Tribe, for the distribution of tribal funds, and for other purposes, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

Mr. RHODES. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en grosse. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 28, noes 0.

So the bill was passed.

On motion of Mr. RHODES, a motion to reconsider the vote by which the bill was passed was laid on the table.

EXTENSION OF REMARKS.

Mr. THOMPSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the print-paper situation.

The SPEAKER. Is there objection?

There was no objection.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted, as follows:

To Mr. ALMON, indefinitely, on account of illness.

To Mr. BLAND of Indiana (at the request of Mr. PURNELL), for 10 days, on account of illness.

ANNIVERSARY OF LANDING OF PILGRIMS.

Mr. WALSH. Mr. Speaker, I ask unanimous consent that to-morrow, after the reading of the Journal and the disposition of business on the Speaker's table, it may be in order to consider House joint resolution 302, which makes provision for Federal participation in the observance of the three hundredth anniversary of the landing of the Pilgrims. This resolution came up the other day on the call of the Calendar for Unanimous Consent. Objection was made to it, but the gentleman who objected has assured me that he has no further objection to the resolution. I have conferred with the majority leader, Mr. MONDELL, and the distinguished leader of the minority, Mr. CLARK. They assure me there is no objection to the matter being considered to-morrow. I do not think it will take any great length of time.

The SPEAKER. Is there objection to the consideration of the resolution?

There was no objection.

ORDER OF BUSINESS.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that after the consideration of the resolution just referred to the House may take up for consideration bills on the Private Calendar not objected to.

Mr. CLARK of Missouri. Mr. Speaker, I would like to inquire of the gentleman if to-morrow is not the regular day for the consideration of private bills.

Mr. MONDELL. It is; but I am making my request in order that gentlemen may understand that only bills not objected to will be considered.

Mr. CLARK of Missouri. There is one man, to my certain knowledge, who has been waiting for six weeks in order to object to one bill that is on that calendar. I have no objection to the request.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that to-morrow bills on the Private Calendar not objected to may be taken up for consideration. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, my colleague, Mr. LANHAM, has a bill on that calendar that has the right to be called up under the regular Private Calendar day. He has been waiting for some time to have that bill called up.

Mr. MONDELL. Has it been objected to?

Mr. BLANTON. Yes; it was objected to. It is a case of a young girl who was thrown into a wire fence and injured very badly. He feels that, in view of the fact that other such cases have been passed on, his case ought to take its regular turn. He is not here right now.

Mr. MONDELL. My request is made for this reason: There are near the head of the calendar bills to which there is a very great deal of objection. I am afraid that if at this time we take up the bills in their regular order we will spend the entire day and accomplish nothing, and we would not reach the bill to which the gentleman has referred.

Mr. BLANTON. I was just trying to protect the interest of the gentleman from Texas in the matter.

Mr. CLARK of Missouri. Does the gentleman know who objected?

Mr. BLANTON. He is standing pretty close to the gentleman now.

Mr. WALSH. I did.

Mr. MONDELL. Just a little later I hope we will be able to take up the Private Calendar and pass upon the bills as we reach them.

Mr. BLANTON. Then, if this agreement is made, there will be no bills taken up to-morrow to which objection is lodged?

Mr. MONDELL. There will not.

Mr. BLANTON. Will there be another day on which bills will come up in their regular order during this session?

Mr. MONDELL. That is my purpose and expectation.

Mr. CLARK of Missouri. We will be here all summer, and there will be plenty of time.

Mr. MONDELL. I hope the gentleman from Missouri is not a prophet. I hope we will not be here after the 5th day of June.

The SPEAKER. Is there objection to the request of the gentleman from Wyoming? [After a pause.] The Chair hears none.

ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 14 minutes p. m.) the House adjourned to meet to-morrow, Friday, April 23, 1920, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting a report in connection with House bill 13500, to amend an act to provide a government for the Territory of Hawaii and to establish an Hawaiian homes commission, and for other purposes, was taken from the Speaker's table and referred to the Committee on the Territories.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. VOLSTEAD, from the Committee on the Judiciary, to which was referred the resolution (H. Res. 521) directing the Federal Trade Commission to investigate whether any corporation is violating the antitrust laws touching sugar, reported the same with an amendment, accompanied by a report (No. 861), which said resolution and report were referred to the House Calendar.

Mr. CALDWELL, from the Committee on Military Affairs, to which was referred the joint resolution (H. J. Res. 336) authorizing the Secretary of War to loan to the Albert Sidney Johnston Camp, United Confederate Veterans, No. 1820, Fort Worth, Tex., 100 cots and blankets for the use of Confederate veterans at the reunion of said camp, June 24 to 27, inclusive, 1920, reported the same without amendment, accompanied by a report (No. 862), which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SINNOTT, from the Committee on the Public Lands, to which was referred the bill (H. R. 10285) to authorize the purchase by the city of Myrtle Point, Oreg., of certain lands formerly embraced in the grant to the Oregon & California Railroad Co. and revested in the United States by the act approved June 9, 1916, reported the same with amendments, accompanied by a report (No. 863), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (H. R. 13389) to authorize the Secretary of the Interior to dispose of at public auction certain isolated and fractional tracts of lands formerly embraced in the grant to the Oregon & California Railroad Co., reported the same with amendments, accompanied by a report (No. 864), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (S. 2792) to enlarge the boundaries of the Oregon National Forest, reported the same without amendment, accompanied by a report (No. 865), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. IRELAND, from the Committee on Accounts, to which was referred the joint resolution (H. J. Res. 320) providing for pay to clerks to Members of Congress and Delegates, reported the same with amendments, accompanied by a report (No. 866), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 13621) granting a pension to Hiram L. Middlebrooks, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HICKS: A bill (H. R. 13742) to amend sections 3 and 6 of the act of July 11, 1916, entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," as amended by sections 5 and 6 of the act of February 28, 1919, entitled "An act making appropriations for the Post Office Department for the fiscal year ending June 30, 1920, and for other purposes"; to the Committee on Roads.

By Mr. SMITH of New York: A bill (H. R. 13743) to amend the bankruptcy act; to the Committee on the Judiciary.

By Mr. BABKA: A bill (H. R. 13744) amending Title II, section 1, of the national prohibition act by permitting the manufacture, production, use, sale, and transportation for beverage and other purposes, of beer, ale, and porter up to 4 per cent alcoholic content by volume, and wine up to 10 per cent by volume, in such States as shall so determine by referendum vote of the people; to the Committee on the Judiciary.

By Mr. GRIFFIN: A bill (H. R. 13745) to amend the revenue act of 1918 in regard to the computation of surtax on the income of individuals and the computation of war-profits and the excess-profits tax on the income of corporations; to the Committee on Ways and Means.

By Mr. MASON: Resolution (H. Res. 530) to investigate certain officers of the Department of Justice; to the Committee on Rules.

By Mr. EAGAN: Resolution (H. Res. 531) requesting the United States Government, in association with Governments of allied powers, to protect Armenia and to recognize its independence; to the Committee on Foreign Affairs.

By Mr. DALLINGER: Memorial of the Legislature of the Commonwealth of Massachusetts relative to the action of the United States Government in respect to certain Italian boundaries; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 13746) granting an increase of pension to William A. Hull; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13747) granting an increase of pension to Dayton P. Harrington; to the Committee on Pensions.

Also, a bill (H. R. 13748) granting an increase of pension to Cyrus B. Evans; to the Committee on Invalid Pensions.

By Mr. HAYS: A bill (H. R. 13749) granting a pension to Marie H. Dietz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13750) granting an increase of pension to Julia E. Sherrill; to the Committee on Pensions.

By Mr. HERSEY: A bill (H. R. 13751) granting a pension to Jennie S. Avery; to the Committee on Pensions.

By Mr. HERSMAN: A bill (H. R. 13752) for the relief of Genevieve Pfeffer; to the Committee on Patents.

By Mr. KAHN: A bill (H. R. 13753) for the relief of Lieut. Commander Edward R. Wilson; to the Committee on Claims.

Also, a bill (H. R. 13754) for the relief of James H. Riley; to the Committee on Claims.

Also, a bill (H. R. 13755) granting an increase of pension to Phoebe A. Rawles; to the Committee on Pensions.

By Mr. KEARNS: A bill (H. R. 13756) for the relief of William Thomas Matingley; to the Committee on Military Affairs.

Also, a bill (H. R. 13757) to remove the charge of desertion from the military record of David Davis; to the Committee on Military Affairs.

By Mr. McKINLEY: A bill (H. R. 13758) granting a pension to Francis M. Watrous; to the Committee on Invalid Pensions.

By Mr. PURNELL: A bill (H. R. 13759) granting a pension to Louisa E. Harrison; to the Committee on Invalid Pensions.

By Mr. REED of New York: A bill (H. R. 13760) for the relief of Milton M. Fenner; to the Committee on Naval Affairs.

By Mr. ROBSION of Kentucky: A bill (H. R. 13761) granting a pension to Leander Thomas; to the Committee on Pensions.

By Mr. SUMMERS of Washington: A bill (H. R. 13762) for the relief of Robert G. Whitfield; to the Committee on Claims.

By Mr. TAYLOR of Tennessee: A bill (H. R. 13763) granting an increase of pension to Minta Green; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13764) granting a pension to John W. Linkous; to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 13765) granting an increase of pension to Samuel J. Dearmond; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3153. By Mr. BABKA: Petition of the Cleveland Chamber of Commerce, against the moving of coal in the summer months, etc.; to the Committee on Interstate and Foreign Commerce.

3154. Also, petition of Adolph Solomon, president of the I. L. G. W. U. and the United Cloth Hat and Cap Makers, Local No. 18, both of Cleveland, Ohio, favoring Senate joint resolution 171 and Senate bill 1233; to the Committee on the Judiciary.

3155. By Mr. CURRIE of Michigan: Petition of J. W. Wilson and 45 others of the State of Michigan, favoring the passage of House bill 1112; to the Committee on the Judiciary.

3156. By Mr. FULLER of Illinois: Petition of the Illinois Lumber and Builders' Supply Dealers' Association, favoring the readjustment of the salaries of the postal employees; to the Committee on the Post Office and Post Roads.

3157. Also, petition of W. P. Davis, C. F. Hanson, and J. H. Marks, of Earlville, Ill., favoring the passage of the Capper-Hersman bill; to the Committee on Agriculture.

3158. Also, petition of W. A. Burdick and other citizens of Rockford, Ill., favoring the passage of the Raker bill, House bill 1112; to the Committee on Military Affairs.

3159. By Mr. GALLIVAN: Petition of the Massachusetts Federation of Post Office Clerks, Springfield, Mass., urging an increase of salary for post-office clerks; to the Committee on Expenditures in the Post Office Department.

3160. Also, petition of National Federation of Post Office Clerks, Local No. 100, Boston, Mass., James F. Daley, of Dorchester, Mass., and John R. Forsyth, of Boston, Mass., favoring weekly pay for postal clerks; to the Committee on Expenditures in the Post Office Department.

3161. Also, petition of Massachusetts State Grange, Leslie R. Smith, master, of Boston, Mass., favoring the passage of the Capper-Hersman bill; to the Committee on Agriculture.

3162. Also, petition of Chelsea Post, No. 34, American Legion, Department of Massachusetts, favoring legislation for benefit of ex-soldiers; to the Committee on Ways and Means.

3163. Also, petition of Union Twist Drill Co., of Athol, Mass., opposing the passage of the Steagall bill, House bill 12379; to the Committee on Banking and Currency.

3164. Also, petition of International Association of Machinists, Boston Lodge, No. 264, favoring a release of all political prisoners who were opposed to war; to the Committee on the Judiciary.

3165. By Mr. HUDSPETH: Petition of El Paso Local, No. 180, N. F. P. O. C., relative to the postal wage commission; to the Committee on Expenditures in the Post Office Department.

3166. By Mr. KEARNS: Petition of Bank of Manchester, of Manchester, Ohio, regarding assignments of bonds; to the Committee on Banking and Currency.

3167. By Mr. O'CONNELL: Petition of Cloak and Suit Operators' Union of New York, favoring amnesty for political prisoners; to the Committee on the Judiciary.

3168. Also, petition of the veterans committee on soldiers' home and vice president of American Legion of Kissimmee and St. Cloud, Fla., favoring establishment of a national soldiers' home in that place; to the Committee on Appropriations.

3169. Also, petition of United Neckwear Makers' Union, of New York, favoring amnesty for political prisoners; to the Committee on the Judiciary.

3170. Also, petition of National Automobile Manufacturers' Association, of St. Louis, Mo., favoring appropriation for and continuance of daily bulletin and service of the Weather Bureau in giving reports on the conditions of highways; to the Committee on Agriculture.

3171. By Mr. SCULLY: Petition of Wooden Box Manufacturers' Association, of New York, favoring a revision of the anti-trust laws; to the Committee on Ways and Means.

3172. Also, petition of Phoenix Lodge, No. 315; Silk City Lodge, No. 188; and district No. 94, International Association of Machinists, of Paterson, N. J., regarding the prosecution and imprisonment, of a political nature, of men and women; to the Committee on the Judiciary.

3173. By Mr. TILSON: Petition of Connecticut Bankers' Association, opposing the passage of the Steagall bill, House bill 12379; to the Committee on Banking and Currency.

3174. By Mr. TINKHAM: Petition of the County Sligo Benevolent Association, of Greater Boston, Mass., urging the release of the Federal prisoners, both political and civil; to the Committee on the Judiciary.

3175. Also, petition of Robert J. Dyer, president Local No. 264, International Association of Machinists, Boston, Mass., urging the parole of the American civil and military prisoners; to the Committee on the Judiciary.

SENATE.

FRIDAY, *April 23, 1920.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we lift our hearts to Thee at the beginning of this new day of work, and pray that we may have the joy that comes to us in contemplation of the fact that we are working to accomplish a divine plan. May we enjoy the rich inheritance, the realization of the dreams of our fathers in human government and society, and not only follow the personal pursuit of ideals but work out under the divine guidance a plan that shall last forever. Oh, grant us this joy this day, and companionship with the great Architect of government and life. We ask for Christ's sake. Amen.

The Reading Clerk proceeded to read the Journal of yesterday's proceedings, when on request of Mr. CURTIS, and by unanimous consent, the further reading was dispensed with and the Journal was approved.

ENROLLED BILLS SIGNED.

The VICE PRESIDENT announced his signature to the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

S. 806. An act conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Iowa Tribe of Indians against the United States; and

S. 2442. An act authorizing and directing the Secretary of the Interior to convey to the trustees of the Yankton Agency Presbyterian Church, by patent in fee, certain land within the Yankton Indian Reservation.

INTERNATIONAL HIGH COMMISSION.

Mr. DILLINGHAM. I am directed by the Committee on the Judiciary, to which was referred the bill (S. 3828) to amend the act approved February 7, 1916, entitled "An act providing for the maintenance of the United States section of the International High Commission," to report the same back to the Senate and ask to be discharged from its further consideration, with the suggestion that it be referred to the Committee on Foreign Relations.

The VICE PRESIDENT. Without objection, that action will be taken.

CLAIM OF JAMES K. HACKETT.

Mr. MOSES, from the Committee on Foreign Relations, to which was referred the bill (S. 1519) making appropriations for expenses incurred under the treaty of Washington, reported it without amendment and submitted a report (No. 545) thereon.

NATIONAL PROHIBITION.

Mr. MOSES. From the Committee on Printing I report an original resolution, and I ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. The Secretary will read the resolution.

The Assistant Secretary read the resolution (S. Res. 352), as follows:

Resolved, That the manuscript entitled, "Appellees' and Appellant's Briefs," in an appeal from the United States district court for the district of New Jersey, in the Supreme Court of the United States, on the validity of the so-called eighteenth amendment; and the briefs in the appeal from the Kentucky, Rhode Island, and Wisconsin district courts to the Supreme Court of the United States, relative to the enforcement of the prohibition amendment, be printed in one volume as a Senate document.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution? The Chair hears none. The question is on agreeing to the resolution. [Putting the question.] The resolution is not agreed to.

Mr. MOSES. Mr. President, the resolution provides for the printing of certain documents for which there is a great demand, and I ask for a division on the question.

On a division, the resolution was rejected.

Mr. BRANDEGEE subsequently said: Mr. President, a day or two ago I had referred to the Committee on Printing a request that the brief in the suit pending in the Supreme Court of the United States, known as No. 788, which is the appellant's brief on the validity of the so-called eighteenth amendment, might be printed. I did this because that suit, in my judgment, involved more as to our form of government and the rights of the States, as distinguished from the rights of the central Government, than any suit that has ever been tried in the Supreme Court, at least since the great questions of the Civil War. The Committee on Printing made a report recommending that that brief and the brief of the Government in that suit be printed as a public document, and also that the brief suggested by the Senator from Texas [Mr. SHEPPARD], the Government brief in that case, be printed; and the Senate rejected the committee's report. I have been assured by several Senators, when I told them that I was about to make this brief a part of my remarks, which probably would extend over quite a period of time, that they did not understand what the report of the committee was; and if they had understood it, they would have made no objection to the printing, but of course that mere statement to me does not change the action of the Senate, and so, with the consent of the Senate, I will read the brief.

Mr. SPENCER. Mr. President——

The PRESIDING OFFICER (Mr. MCNARY in the chair). Does the Senator from Connecticut yield to the Senator from Missouri?

Mr. BRANDEGEE. I yield to the Senator.

Mr. SPENCER. May I ask the Senator whether the printed brief carries out the remarks that he has intended to make upon the subject?

Mr. BRANDEGEE. Why, yes. I intended to read the brief, Mr. President.

Mr. SPENCER. I ask unanimous consent that permission be granted to print the brief without reading.

The PRESIDING OFFICER. If there is no objection, it is so ordered.

Mr. SHEPPARD. Mr. President, I have no objection, providing the briefs of counsel representing the other side can be published also.

Mr. BRANDEGEE. I think it is only fair that both sides of the case should appear in the RECORD; and while I dislike to have the Senator make consent to the printing of my brief contingent upon the printing of his, I certainly shall not object to his request. I think that the people of the country are entitled to the arguments of both sides, which are stated in the briefs much more understandably and at greater length than they were in the arguments of the counsel, necessarily. The arguments of counsel are not printed at all, and they embraced a very short period of time; but, in my opinion, the brief in this suit will be a lesson to the whole people of this country upon the great rival claims as to constitutional law presented by this case.

The PRESIDING OFFICER. If there is no objection, each brief will be printed.

The briefs are as follows:

"SUPREME COURT OF THE UNITED STATES.

"October Term, 1919, No. 788.

[Christian Feigenspan, a corporation, plaintiff-appellant, *v.* Joseph L. Bodine, United States attorney, and Charles V. Duffy, collector of internal revenue, defendants-appellees. Appeal from the United States district court for the district of New Jersey.]

"APPELLANT'S BRIEF ON THE VALIDITY OF THE SO-CALLED EIGHTEENTH AMENDMENT.

"The appeal in the case at bar presents for review a final decree of the United States district court for the district of New Jersey dismissing the plaintiff's bill of complaint and denying its motion for a preliminary injunction.

"It is deemed unnecessary to repeat the statement of facts here. In the following brief the validity of the so-called eighteenth article of amendment to the Constitution of the United States is discussed and the justiciability of the contentions upon that score are considered. In the appellant's separate brief on the construction of the eighteenth amendment and the constitutionality of title 2 of the national prohibition act will be found a full statement of the facts appearing from the bill of complaint and the supporting affidavits.

"The so-called eighteenth amendment reads as follows:

"'SECTION 1. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, and the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

"'SEC. 2. The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

"'SEC. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.'

"The plaintiff contends that this attempted amendment to the Constitution of the United States is invalid (1) because it constitutes mere legislation, and is, therefore, not authorized by Article V of the Constitution; (2) because it impairs the reserved police or governmental powers of the several States and

their right to local self-government; and (3) because it has not been ratified by three-fourths of the several States, since it has not been submitted to the electorate of the States in which the initiative or the referendum, or both, prevail (assignment of errors Nos. 1–5.) These questions are discussed in points II, III, and IV, respectively. In point I the prior amendments to the Constitution are considered with references to these contentions, and in point V the justiciability of the contentions is maintained.

"I.

"THE PRIOR AMENDMENTS TO THE CONSTITUTION CONSIDERED.

"A.

"An analysis of the prior amendments to the Federal Constitution will show that none of them directly invaded the police powers of the several States or impaired their right to local self-government. The first 10 amendments 'left the authority of the States just where they found it, and added nothing to the already existing powers of the United States.' (United States *v.* Cruikshank, 92 U. S., 542, 552; Spies *v.* Illinois, 123 U. S., 131, 166; Barron *v.* City of Baltimore, 7 Pet., 243, 250; Minn. & St. Louis R. R. *v.* Bombolis, 241 U. S., 211, 217.) They were but express declarations of the intent and effect of the unamended Constitution, and were adopted in order permanently to reassure the people of the States that no encroachments by the Federal Government upon their fundamental rights were being contemplated or authorized. (The preamble to the resolution proposing the first 10 amendments recited (1 Stat., 97) that 'the conventions of a number of the States having at the time of their adopting the Constitution expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added: And as extending the ground of public confidence in the Government will best insure the beneficent ends of its institution,' it was accordingly resolved to submit the amendments.) The eleventh amendment merely further restricted the judicial power of the United States; if anything, it added rather than subtracted from the powers of the several States. The twelfth amendment readjusted the procedure of the electoral college; it had no effect upon the States. The thirteenth, fourteenth, and fifteenth amendments are discussed below. The sixteenth amendment merely changed the method by which income taxes might be levied by the Federal Government, but it diminished or affected none of the powers of the States. The seventeenth amendment altered the manner in which United States Senators were thereafter to be chosen, but it did not detract in the slightest from the police powers or the sovereignty of the States.

"Nor did the thirteenth, fourteenth, and fifteenth amendments impair the right of local self-government, when read in the light of their history and primary purpose and correctly understood, as has been frequently held by this court. (Slaughter House Cases, 16 Wall., 36, 68, et seq.; Barbier *v.* Connolly, 113 U. S., 27, 31; Bartemeyer *v.* Iowa, 18 Wall., 129, 138; Civil Rights Cases, 109 U. S., 3, 11; Mugler *v.* Kansas, 123 U. S., 623, 663; In re Kemmler, 136 U. S., 436, 448, 449; In re Rahrer, 140 U. S., 545, 556; Guinn *v.* United States, 238 U. S., 347, 362.) In Barbier *v.* Connolly, supra, the court said that—

"'Neither the [fourteenth] amendment—broad and comprehensive as it is—nor any other amendment, was designed to interfere with the power of the State, sometimes termed its police power, to prescribe regulations, to promote the health, peace, morals, education, and good order of the people, and to legislate so as to increase the industries of the State, develop its resources, and add to its wealth and prosperity.'

"These three amendments grew out of the War of the Rebellion. The outbreak of that struggle, of course, laid the Federal Government under the duty of exercising its war powers to the utmost so as to suppress the insurrection. In the prosecution of that purpose Federal troops occupied some ,and eventually all, of the rebel territory, and, in the natural conduct of the war, seized all such enemy property as could be used against them. Included among this property were slaves, and as it directly tended to weaken the enemy to set free their slaves, the Federal forces did so. Finally, the President proclaimed their freedom. In so far as that proclamation related to the past, it merely declared an accomplished fact; and in so far as it related to the future, it constituted an order of the commander in chief to his military subordinates to be carried out in all the rebel territory within their power. The institution of slavery thus perished as a consequence of the exercise of the Federal war power. (Slaughter House Cases, 16 Wall., 36, 38; Texas *v.* White, 7 Wall., 700, 728.) This 'war power is not limited to victories in the field and the dispersion of the insurgent forces; it carries with it inherently the power to guard against the immediate renewal of the conflict, and to remedy the evils which have arisen from its rise and progress.' (Stewart *v.* Kahn, 11 Wall., 493, 507.) To effectuate the Federal war power, to perpetuate its necessary consequences, to prevent the recurrence of any such rebellion, and to remove the very cause thereof, the thirteenth amendment was adopted. It will be observed that its primary purpose and effect were wholly Federal.

"In this manner the compromise effected in the original Constitution, which had attempted to reconcile slavery with the republican form of government and to experiment with bondage in a land dedicated to freedom, finally failed, and it disappeared in the struggle of the Civil War. As a consequence, therefore, of the arbitrament of war, which all must accept, however revolutionary in character, it was settled politically in this country that slavery was inconsistent with any due form of republican government. When, therefore, Congress and the Executive undertook the reconstruction of the seceded States, they required them to set up a truly republican form of government, namely, one in which all men would thereafter be free.

"The termination of the actual struggle of the Civil War left the Federal Government with a constitutional duty to perform in the rebel territory, namely, the duty to restore and guarantee a republican form of government in those States, as required by section 4 of Article IV of the Constitution. (Texas *v.* White, 7 Wall., 700, 727, et seq.) But, as had long been contended and was then fully realized, no government could in fact be free or in truth republican in which the inalienable rights of man were not respected, in which *all* men might not live, be free, and hold their own without arbitrary interference by the Government and upon a footing of substantial equality. (Loan Association *v.* Topeka, 20 Wall., 655, 662; Calder *v.* Bull, 3 Dall., 386, 388; Wilkinson *v.* Leland, 2 Pet., 627, 647, 657.) Equality and justice to all freemen in the rebel States had, therefore, to be established and secured (United States *v.* Cruikshank, 92 U. S., 542, 555), and, to that end, an unambiguous determination had to be made of the status of former slaves, which cases like the Dred Scott case (19 How., 393) had left in confusion. It was for the accomplishment primarily of these Federal ends that the fourteenth and fifteenth amendments were made part of our fundamental law. (Slaughter House Cases, 16 Wall., 36, 70–1, 72–3.) (Senator Howard, who introduced the fourteenth amendment on behalf of the Reconstruction Committee, said (Cong. Globe, 39th Congress, 1st sess., pt. 3, p. 2766): 'Without this principle of equal justice to all men and equal protection under the shield of the law, there is no republican government and none that is really worth maintaining.' And Senator Poland said of the equal-protection clause of the fourteenth amendment (id., pt. 4, p. 2961): 'It is the very spirit and inspiration of our system of government, the absolute foundation upon which it was established. It is essentially declared in the Declaration of Independence and in all the provisions of the Constitution. * * * It certainly seems desirable that no doubt should be left existing as to the power of Congress to enforce principles lying at the very foundation of all republican government if they be denied or violated by the States, and I can not doubt but that every Senator will rejoice in aiding to remove all doubt upon this power of Congress.' Rhode Island in ratifying the Constitution declared (Elliot's Debates, p. 334): 'That there are certain natural rights of which men when they form a social contract can not deprive or divest their posterity, among which are the enjoyment of life and liberty, with the means of acquiring, possessing, and protecting property, and pursuing and obtaining happiness and safety.' In order, therefore, to assure a really republican form of government in every State, it became necessary to establish the essentials of republicanism in each State as an effective Federal right, so that they might be at all times available to the individual in judicial tribunals that were always open and could act promptly for his protection and with a due regard to the practical necessities of the particular case.

"The thirteenth, fourteenth, and fifteenth amendments, consequently, were intended to be corrective, and they added no new restriction upon the essential powers of the several States, to which their membership in a free republican government had not theretofore already subjected them. They merely made express and effective what was formerly implied in the guaranty of a republican form of government, and provided adequate machinery for the enforcement of those implied obligations. As Chief Justice Waite declared in United States *v.* Cruikshank (92 U. S., 542, 554):

"'The fourteenth amendment prohibits a State from denying to any person within its jurisdiction the equal protection of the laws; but this provision does not, any more than the one which precedes it, * * * add anything to the rights which one citizen has under the Constitution against another. *The equality of the rights of citizens is a principle of republicanism. Every republican government is in duty bound to protect all its citizens in the enjoyment of this principle, if within its power.*

That duty was originally assumed by the States; and it still remains there. The only obligation resting upon the United States is to see that the States do not deny the right. This the amendment guarantees, but no more. The power of the National Government is limited to the enforcement of this guaranty.'

"These amendments were, consequently, germane to the express guaranty of a republican form of government, and the effectuation of that guaranty was their primary purpose and direct effect. They were never intended to disturb the fundamental relation between the States and the Federal Government, nor in the smallest degree 'to fetter and degrade the State governments by subjecting them to the control of Congress in the exercise of powers heretofore universally conceded to them of the most ordinary and fundamental character,' nor to make any 'departure from the structure and spirit of our institutions' (Slaughter House cases, 16 Wall., 36, 67, 78). As emphatically declared in the authority last cited:

"'We are convinced that no such results were intended by the Congress which proposed these amendments, nor by the legislatures of the States which ratified them.'

"The conclusion to be deduced from the thirteenth, fourteenth, and fifteenth amendments is that constitutional amendments may be made which are chiefly and primarily intended to effectuate or fortify the guaranty to the States of a republican form of government or some other function already vested in the Federal Government, even if their incidental or secondary effect may be to restrict the liberty of the States and their power in a minor degree. But such amendments furnish no warrant for an amendment like the one now before the court, which directly and substantially invades the essential powers of the several States and is entirely unrelated to any original or fundamentally Federal purpose.

"B.

"The prior amendments were also not open to the objection that they were merely legislation directly affecting the conduct of life of the individual, as is the so-called eighteenth amendment. The thirteenth amendment, despite its superficial resemblance, is not in reality mere legislation. The right of one to hold another in bondage is not, under our system of law, a natural or inherent right. (Indeed, it was judicially held in Massachusetts in 1781 that slavery was contrary to the Massachusetts declaration of rights. Mass. Law Quarterly, Vol. II, pp. 437–444; Somerset v. Stewart, 20 State Trials, 1, 82 (1772).) Wherever, therefore, the institution of slavery had a foothold in this country it was by virtue of State laws permitting it to exist. Consequently the thirteenth amendment, although in form a prohibition of slavery, in legal effect amounted to a limitation upon the power of all governments within the United States to legalize and authorize slavery. In other words, it was equivalent to an amendment reading as follows:

"'Neither the United States nor any of the several States shall hereafter have power to make lawful slavery or involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted.'

"It is, therefore, apparent that this amendment primarily limits governmental power and is operative upon governments, and only incidentally, if at all, upon individuals. It is not a false-imprisonment statute.

"The so-called eighteenth amendment is, however, quite different in its nature. It deals with a subject matter that does not draw its right to exist from positive law. If there be no positive law within a State one way or the other, anyone may engage in trafficking liquor therein. Therefore, a direct prohibition upon the manufacture and sale of intoxicating liquor is primarily not a limitation upon the powers of government, but upon the rights and conduct of life of the individual. That is to say, it is mere legislation, and not that adjustment and apportionment of governmental powers with which alone a constitution is properly concerned.

"In this respect a constitutional amendment granting to the Government *power* to prohibit intoxicants would be quite different from an attempted amendment itself directly declaring the prohibition of intoxicants. The former would merely add to the powers of government and would, therefore, in this regard at least, be a proper form of constitutional amendment; while the latter in its essence neither would add nor withdraw powers of government, but would be direct legislation. The eighteenth amendment is, therefore, in substance and effect a statute, not a constitutional provision akin to any in the Federal Constitution.

"The distinction to which the foregoing is addressed is no mere formalism. It concerns itself with the vitals of free government. The existence of a *power* of government beyond the reach of the majority to alter does not carry with it any threat of oppression of the majority, because they can at all times control the exercise of that power. If the majority now existing had desired that the power to prohibit intoxicants, for example, should be exercised by Congress and had so worded the amendment, they could have accomplished their will from time to time by calling on their representatives in Congress to act accordingly. If thereafter the majority then existing no longer believed the exercise of the power necessary, they would have had it within their power to regulate and could have procured their congressional representatives to recall what had theretofore been done. But the rule of the majority can not be preserved, if the legislators of to-day can, under the guise or color of amending the Federal Constitution, enact ordinary legislation into the Constitution. If they can provide, not that Congress shall hereafter have *power* to prohibit intoxicants, but directly that intoxicants *are hereby prohibited*, then the policy of the Government, in its immediate relation to and effect upon the life of the individual, permanently passes out of the control of all subsequent majorities and permanently leaves the conduct of the life of all absolutely in the hands of *the minority*, for the rule of individual conduct thus written into the Constitution can not be withdrawn therefrom so long as more than one-third of both Houses of Congress or more than one-fourth of the legislatures of the States refuse their assent.

"Again, provisions affecting slavery and freedom are in their intrinsic nature of the essence of the framework or composition of government. A constitution is not a proper framework of government if it does not make clear, expressly or by implication, who are included within the governing class of the country and what their rights and obligations are. The unamended Constitution gave the powers of government to the freemen, but provided that these should be represented in the Congress, not merely in proportion to their own numbers, but in proportion as well to the number of their slaves (Art. I, sec. 2; see also sec. 9, and Art. IV, sec. 2). The thirteenth amendment, which prevented the Government of any State or of the United States from reestablishing the slavery which the Emancipation Proclamation of January, 1863, had destroyed, therefore operated not only on governments alone, as we have seen, but operated upon them in respect of the essential basis of free government in determining who constituted the free people from whom the Government derived its powers and who were the basis of taxation and representation. This provision, with the fourteenth and fifteenth amendments, dealt therefore with one of the most important subjects of the original Constitution. Together they settled the compromises which appeared in the second section of Article I regarding the apportionment of representatives and direct taxes, and in the provisions of the second section of Article IV regarding the conflict of laws relating to persons held to service in one State escaping into another. (Slaughter House Cases, 16 Wall., 36, 67, 68.) Consequently in this aspect also the thirteenth amendment was not a mere prohibitory law, but an essential provision affecting the composition and framework of our system of government.

"II.

"THE SO-CALLED EIGHTEENTH AMENDMENT WAS NOT WITHIN THE AUTHORITY VESTED IN CONGRESS AND THE LEGISLATURES OF THREE-FOURTHS OF THE STATES BY ARTICLE V OF THE CONSTITUTION, BUT WAS THE UNAUTHORIZED ENACTMENT OF AN ORDINARY LAW UNDER COLOR OF AMENDMENT.

"Article V of the Constitution of the United States provides as follows:

"'The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress: *Provided*, That no amendment which may be made prior to the year 1808 shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.'

"The operative part of the alleged eighteenth amendment reads as follows:

"'SECTION 1. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

"'SEC. 2. The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.'

"It is apparent that the prohibition contained in this so-called amendment is not what would ordinarily be considered a con-

stitutional provision. It does not relate to the powers or the organization of government. It is itself an exercise of the power of government through an ordinary act of legislation similar to laws passed by the legislatures of many States in the exercise of their police power. It is a command purporting to be issued by sovereign authority regulating the conduct of life by private individuals.

"The power granted in the second section is limited to the enforcement of the prohibition contained in the first section and depends upon it. There is no grant unless the prohibition was a valid exercise of the amending power.

"The following argument is in support of the contention that Congress and three-fourths of the legislatures of the States have no power to enact such a law under color of an alleged constitutional amendment, and that their act is a usurpation of authority. Such contention may be summarized as follows:

"(a) That the authority to amend the Constitution is a continuance of the constitution-making power and as such is a power quite different and altogether distinct from the law-making power under the Constitution.

"(b) That a grant of the one power does not include or imply a grant of the other.

"(c) That the natural and ordinary meaning of the words used in Article V of the Constitution limits the power granted to the function of constitution making as distinguished from ordinary law-making.

"(d) That the purposes of the grant imply the same limitation.

"(e) That other parts of the Constitution—notably Article I—express the same limitation.

"(f) That the existence of authority under Article V to enact ordinary laws regulating the conduct of private citizens under color of amendment, would be so in conflict with the fundamental principles and spirit of the Constitution that such a construction is not permissible.

"It is to be observed that this view is not in the slightest degree affected by the fact that Article V contains express exceptions to the grant of power to amend. The matters expressly excepted would clearly have come within the power granted, if not excepted.

"Our contention is not for a further exception to the power granted; it is that the grant itself does not include the power of ordinary legislation. This is no more affected by the fact that there are express exceptions to the power which was granted than would be the proposition that the grant of the fifth article does not include the judicial power or power to command the Army and Navy.

"1. *The authority to pass such a prohibitory law must be sustained, if at all, as an exercise of a special power granted to Congress and the State legislatures by the terms of Article V of the Constitution. It can not be supported by any idea that the alleged amendment is in any other sense the action of the people of the United States. It has never been submitted to the people of the United States, and they have never acted or had an opportunity to act upon it.*

"The Constitutional Convention of 1787 understood very well the difference between referring a question to the people and referring the same question to the State legislatures for their action. The Articles of Confederation had provided that no alteration should be made in them 'unless such alteration be agreed to in a Congress of the United States and be afterwards confirmed by the legislatures of every State.' Yet, by the resolutions of the convention adopted on the 13th of September, it was resolved 'that the preceding Constitution be laid before the United States in Congress assembled, and that it is the opinion of this convention that it should afterwards be submitted to a convention of delegates chosen in each State by the people thereof under the recommendation of its legislature for their assent and ratification.' (Journal, p. 370.) And Article VII of the Constitution then provided that 'the ratification of the *conventions* of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.'

"This was a clear departure from the terms of the Articles of Confederation governing the Union which the convention was attempting to make more perfect. It was revolutionary in character and it was the result of long consideration and debate.

"The Virginia plan, which was proposed by Mr. Randolph on the 29th of May, 1787, and which formed the basis of consideration by the convention, contained the following clause (Journal, p. 70):

"'*Resolved*, That the amendments which shall be offered to the confederation by the convention ought, at a proper time or times after the approbation of Congress, to be submitted to an assembly or assemblies of representatives recommended by the several legislatures to be expressly chosen by the people to consider and decide thereon.'

"On the 23d of July, this resolution having been agreed to in Committee of the Whole and being under consideration, Mr. Ellsworth moved to substitute a reference to the legislatures of the States for ratification. Upon that motion debate ensued. Apart from the considerations of convenience and the relative probabilities in favor of action in one way or the other, the substantial ground upon which the action finally taken was based, was that a reference to conventions expressly chosen by the people for the purpose of passing upon the Constitution was a reference to the people, and that a reference to the legislatures was not a reference to the people. Madison's notes tell us that (3 Documentary History of United States Constitution, pp. 405, 409, 410):

"'Col. Mason considered a reference of the plan to the authority of the people as one of the most important and essential of the resolutions. The legislatures had no power to ratify. They are the mere creatures of the State constitutions, and can not be greater than their creators, and he knew of no power in any of the constitutions; there was no power in some of them that could be competent to this object. Whither then must we resort? To the people with whom all power remains that has not been given up in the constitutions derived from them. It was of great moment, he observed, that this doctrine should be cherished as the basis of free government.'

"Mr. Gouverneur Morris said:

"'If the confederation is to be pursued, no alteration can be made without the unanimous consent of the legislatures. Legislative alterations not conformable to the Federal compact would clearly not be valid. The judges would consider them as null and void. Whereas in case of an appeal to the people of the United States, the supreme authority, the Federal compact may be altered by a majority of them in like manner as the constitution of a particular State may be altered by a majority of the people of the State.

"'Mr. Madison thought it clear that the legislatures were incompetent to the proposed changes. These changes would make essential inroads on the State constitutions, and it would be a novel and dangerous doctrine that a legislature could change the constitution under which it held its existence. There might indeed be some constitutions within the Union which had given the power to the legislature to concur in alterations of the Federal compact, but there were certainly some which had not; and, in case of these, a ratification must of necessity be obtained from the people. He considered the difference between a system founded on the legislatures only and one founded on the people to be the true difference between a league or treaty and a constitution. The former in point of moral obligation might be as inviolable as the latter. In point of political operation there were two important distinctions in favor of the latter: One, a law violating a treaty ratified by a preexisting law might be respected by the judges as a law, though an unwise and perfidious one; two, a law violating a constitution established by the people themselves would be considered by the judges as null and void.'

"And so the Constitution became the act of the people of the United States instead of the act of the legislatures of the several States. No decision entering into the Constitution of American Government has had more momentous consequences than this, for it is the chief corner stone upon which rests that great line of decisions of this court which have established and confirmed the Nation.

"This distinction was stated by Chief Justice Marshall in McCulloch *v.* Maryland (4 Wheat., 316, 403), in the following language:

"'The convention which framed the Constitution was, indeed, elected by the State legislatures. But the instrument, when it came from their hands, was a mere proposal, without obligation, or pretentions to it. It was reported to the then existing Congress of the United States, with a request that it might "be submitted to a convention of delegates, chosen in each State, by the people thereof, under the recommendation of its legislature, for their assent and ratification." This mode of proceeding was adopted; and by the convention, by Congress, and by the State legislatures the instrument was submitted to the people. They acted upon it, in the only manner in which they can act safely, effectively, and wisely, on such a subject, by assembling in convention. It is true, they assembled in their several States; and where else should they have assembled? No political dreamer was ever wild enough to think of breaking down the lines which separate the States and of compounding the American people into one common mass. Of consequence, when they act, they act in their States. But the measures they adopt do not on that

account cease to be the measures of the people themselves or become the measures of the State governments.

"'From these conventions the Constitution derives its whole authority. The Government proceeds directly from the people; is "ordained and established" in the name of the people; and is declared to be ordained "in order to form a more perfect Union, establish justice, insure domestic tranquillity, and secure the blessings of liberty to themselves and to their posterity." The assent of the States in their sovereign capacity is implied in calling a convention and thus submitting that instrument to the people. But the people were at perfect liberty to accept or reject it; and their act was final. It required not the affirmance, and could not be negatived, by the State governments. The Constitution, when thus adopted, was of complete obligation, and bound the State sovereignties.'

"And in Cohens *v.* Virginia (6 Wheat., 264, 389), Chief Justice Marshall added:

"'The people made the Constitution, and the people can unmake it. It is the creature of their will, and lives only by their will. But this supreme and irresistible power to make or unmake resides only in the whole body of the people; not in any subdivision of them. The attempt of any of the parts to exercise it is usurpation, and ought to be repelled by those to whom the people have delegated their power of repelling it.'

"Nor has the reference of proposed amendments to State legislatures under Article V in its practical working proved to be an opportunity for the people of the United States or of the several States to express their will regarding the proposed eighteenth amendment. Not only have the people of the several States had no opportunity to act upon this proposed amendment but they have been denied the opportunity, and the amendment has been ratified in entire disregard of the limitations which the people of a large number of the States have imposed upon their legislatures for the purpose of securing an opportunity to act themselves upon important subjects.

"No legislature of any State is now authorized by the people of the State to make changes in the constitution of the State. The constitutions of 28 States expressly reserve to the people themselves the right to make such changes. (Alabama, Colorado, Missouri, North Carolina, Montana, Arkansas, California, Connecticut, Florida, Indiana, Iowa, Kentucky, Maryland, Maine, Minnesota, Nebraska, Kansas, Nevada, New Jersey, Ohio, Oregon, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, North Dakota, and Wyoming.) The constitutions of 15 States require the action of two successive legislatures even to propose an amendment to their constitutions. (Indiana, Art. XVI, sec. 1; Iowa, Art. X, sec. 1; New Jersey, Art. IX; New York, Art. XIV, sec. 1; Rhode Island, Art. XIII; Virginia, Art. XV, sec. 196; Wisconsin, Art. XII, sec. 1; Massachusetts, Art. IX of amendments; Tennessee, Art. XI, sec. 3; Delaware, Art. IX; Pennsylvania, Art. XVIII, sec. 1; Vermont, Art. XXV, sec. 1 of amendments; Connecticut, Art. XI; Alabama, Art. XVI, sec. 1; North Dakota, Art. XV, sec. 202.)

"The constitutions of 21 States expressly reserve to the people the power to approve or reject at the polls upon referendum any act of the legislature (see infra under point IV), and provide that any act so referred shall take effect only upon an affirmative vote by the people themselves. There can, of course, be no doubt that the Constitution of the United States is a part of every State constitution. Nor can there be any doubt that the prohibitory law now under consideration and called an amendment to the Constitution of the United States diminishes the police power of every State and impairs every State constitution. (State ex rel. Mullen *v.* Howell, 181 Pac., 920, 922, Wash.) There can be no doubt that the referendum provision in the States where it exists is applicable to the enactment of just such a prohibitory law as this on the part of the State legislature. Those who assert the validity of these ratifications do not claim that at the time the so-called eighteenth amendment was proposed it was the will of the people of the United States to be represented in matters of constitutional change by the State legislatures. When the legislatures acted upon the proposal they did so, rightly or wrongly, not because the people of their State chose to speak through them or were in fact represented by them but solely in the alleged exercise of the agency or authority granted the State legislatures by Article V of the Constitution more than a century ago. In some States the action of the State legislature was in express violation of the commands of the people of the State. Thus, in Florida the State constitution prohibits any State legislature from acting upon a proposed amendment of the Constitution of the United States unless the legislature had been elected after the amendment was proposed. (Art. XVI, sec. 19.) Yet a legislature of Florida, one branch of which, at least, was elected in 1916, before the amendment was proposed, ratified the amendment and is counted in the list of ratifying States. And in Missouri the State constitution forbids any legislature from ratifying an amendment of the Constitution of the United States which may in anywise impair the right of local self-government belonging to the people of that State. (Art. II, sec. 3.) Yet the Legislature of Missouri ratified this amendment in direct violation of that command of the people.

"Moreover, in some States the action of the State legislature was directly contrary to recent popular votes. In some States—e. g., Ohio—elections have been held since a ratification, and the popular vote has been against such a law as the legislature had seen fit to enact by ratifying the amendment.

"This general disregard of any right of the people of the States to a voice in this matter is justified only upon the ground that the State legislatures are not legislating or acting at all under their State constitutions, but that they are executing a special power granted to them by Article V of the Constitution of the United States. (Opinion of the Justices, 107 Atl., 673, Sup. Ct., Maine.) The validity of their action in this aspect must, therefore, be determined by examining the terms of that power.

"2. *The document to be amended is the Constitution of the United States. A constitution is a special kind of instrument as certain in its character and definite in its limitations as are any written instruments known to the law. The full expression for which this word stands is 'the constitution of government.'* (See, e. g., The Federalist, No. 33 (Ford's ed.), pp. 260, 263; 2 Elliot's Debates, pp. 126, 128; 4 *id.*, p. 176.)

"'When we talk of a constitution of a State or nation we mean those of its rules or laws which determine the form of its government and the respective rights and duties of the government toward the citizens, and of the citizens toward the government.' (1 Bryce's American Commonwealth, p. 350.)

"'A constitution "is a permanent form of government."' (Story on the Constitution, 5th ed., sec. 352.)

"'A constitution is "that body of rules and maxims in accordance with which the powers of sovereignty are habitually exercised."' (Cooley on Constitutional Limitations, 7th ed., p. 4.)

"'By the constitution of a commonwealth is meant primarily its make-up as a political organization; that special adjustment of instrumentalities, powers, and functions by which its form and operation are determined.' (Jameson, 4th ed., sec. 63.)

"'It is the form of government delineated by the mighty hand of the people by which certain first principles of fundamental law are established.' (Vanhorne's Lessee *v.* Dorrance, 2 Dallas 304, 308.)

"'Constitution: A system of fundamental principles, maxims, laws, or rules embodied in written documents or established by prescriptive usage for the government of a nation, State, society, corporation, or association, as the Constitution of the United States, the British constitution, the constitution of the State of New York, the constitution of the social club, etc. In American legal usage the constitution is the organic law of a State or of the Nation, the adoption of which by the people constitutes the political organization as distinguished from the statutes made by the political organization acting under the order of things thus constituted.' (Century Dictionary.)

"'In its modern use *constitution* has been restricted to those rules which concern the political structure of society. If we take the accepted definition of a law as a command imposed by a sovereign on the subject, the constitution would consist of the rules which point out where the sovereign is to be found, the form in which his powers are exercised, and the relations of the different members of the sovereign body to each other where it consists of more persons than one. In every independent political society it is assumed by these definitions there will be found somewhere or other a sovereign, whether that sovereign be a single person or a body of persons, or several bodies of persons. The commands imposed by the sovereign persons or a body on the rest of the society are positive laws properly so called. The sovereign body not only makes laws, but has two other leading functions, viz, those of judicature and administration. Legislation is for the most part performed directly by the sovereign body itself. Judicature and administration for the most part by delegates. The constitution of a society accordingly would show how the sovereign body is composed and what are the relations of its members *inter se*, and how the sovereign functions of legislation, judicature, and administration are execised.' (Encyclopedia Britannica, 9th ed.)

"'A *constitution* is sometimes defined as the fundamental law of a State, containing the principles upon which the government is founded, regulating the division of the sovereign powers, and directing to what persons each of these powers is to be confided, and the manner in which it is to be exercised. Perhaps an equally complete and accurate definition would be that body of

rules and maxims in accordance with which the powers of sovereignty are habitually exercised.

"'In a much qualified and very imperfect sense every State may be said to possess a constitution; that is to say, some leading principle has prevailed in the administration of its government, until it has become an understood part of its system, to which obedience is expected and habitually yielded; like the hereditary principle in most monarchies, and the custom of choosing the chieftain by the body of the people, which prevails among some barbarous tribes. But the term *constitutional government* is applied only to those whose fundamental rules or maxims not only locate the sovereign power in individuals or bodies designated or chosen in some prescribed manner, but also define the limits of its exercise so as to protect individual rights, and shield them against the assumption of arbitrary power. The number of these is not great, and the protection they afford to individual rights is far from being uniform.

"'In American constitutional law the word *constitution* is used in a restricted sense, as implying the written instrument agreed upon by the people of the Union or of any of the States, as the absolute rule of action and decision for all departments and officers of the Government, in respect to all the points covered by it, until it shall be changed by the authority which established it, and in opposition to which any act or regulation of any such department or officer, or even of the people themselves, will be altogether void.' (Cooley on Constitutional Limitations, 7th ed., pp. 2, 3.)

"'The primary function of constitutional law is to ascertain the political center of gravity of any given State. It announces in what portion of the whole is to be found "internal sovereignty," "*supremata potesta*," "Staatsgewalt," * * *. In other words, it defines the form of government. * * *

"'The definition of the sovereign power in a State necessarily leads to the consideration of its component parts. * * * With reference to all these questions constitutional law enters into minute detail. It prescribes the order of succession to the throne; or, in a republic, the mode of electing a president. It provides for the continuity of the executive power. It enumerates the "prerogative" of the king, or other chief magistrate. It regulates the composition of the council of State, and of the upper and lower houses of the assembly, when the assembly is thus divided; the mode in which a seat is acquired in the upper house, whether by succession, nomination, election, or tenure of office; the mode of electing the members of the house of representatives; the powers and privileges of the assembly as a whole, and of the individuals who compose it; and the machinery of lawmaking. It deals also with the ministers, their responsibility, and their respective spheres of action; the government offices and their organization; the armed forces of the State, their control and the mode in which they are recruited; the relation, if any, between church and State; the judges and their immunities, their power, if any, of disallowing as unconstitutional the acts of nonsovereign legislative bodies; local self-government; the relations between the mother country and its colonies and dependencies. It describes the portions of the earth's surface over which the sovereignty of the State extends, and defines the persons who are subject to its authority. It comprises, therefore, rules for the ascertainment of nationality, and for regulating the acquisition of a new nationality by "naturalization." It declares the rights of the State over its subjects in respect of their liability to military conscription, to service as jurymen, and otherwise. It declares, on the other hand, the rights of the subjects to be assisted and protected by the State, and of that narrower class of subjects which enjoys full civic right to hold public offices and to elect their representatives to the assembly or parliament of the nation. * * *

"'A constitution has been well defined as *"l'ensemble des institutions et des lois fondamentales, destinées à régler l'action de l'administration et de tous les citoyens."* (Holland's Jurisprudence, 11th ed., p. 365.)

"'Before proceeding to the task indicated, however, it may be useful to ascertain with precision the distinction between a "constitution" or "fundamental ordinance" and an "ordinary municipal law." Both must be denominated laws, since they are equally "rules of action laid down or prescribed by a superior." (Worcester's Dictionary, in verb.) Ordinary laws are enactments and rules for the government of civil conduct, promulgated by the legislative authority of a State, or deduced from long-established usage. It is an important characteristic of such laws that they are tentatory, occasional, and in the nature of temporary expedients. Fundamental laws, on the other hand, in politics, are expressions of the sovereign will in relation to the structure of the government, the extent and distribution of its powers, the modes and principles of its operation, and the apparatus of checks and balances proper to insure its integrity and continued existence. Fundamental laws are primary, being the commands of the sovereign establishing the governmental machine and the most general rules for its operation. Ordinary laws are secondary, being commands of the sovereign, having reference to the exigencies of time and place, resulting from the ordinary working of the machine. Fundamental laws precede ordinary laws in point of time, and embrace the settled policy of the State. Ordinary laws are the creatures of the sovereign, acting through a body of functionaries existing only by virtue of the fundamental laws, and express, as we have said, the expedient or the right viewed as the expedient under the varying circumstances of time and place.' (Jameson, The Constitutional Convention, sec. 85.)

"Nor was there any misunderstanding among the people who sent the delegates to the convention of 1787 as to what a constitution was. (Madison Works, Vol. IX, p. 383: 'The constitution is a bill of powers.' See also The Federalist, No. 53 (Ford's ed.), pp. 354–355; id., No. 41, p. 260, and No. 45, p. 309.)

"At the very beginning of constitution making in the American States the Legislature of Massachusetts drafted a constitution and sent it to the towns for approval. It was considered in the town of Concord on the 21st of October, 1776, and the town records show that it was—

"'Voted unanimously that the present house of representatives is not a proper body to form a constitution for this State, and voted to choose a committee of five men to make answer to the question proposed by the house of representatives of this State and to give the reasons why the town thinks them not a suitable body for that purpose. * * * And the committee reported the following draft, which, being read several times over for consideration, it then was read resolve by resolve and accepted unanimously in a very full town meeting. The reasons are as follows:

"'*Resolved*, First, that this State being at present destitute of a properly established form of government, it is absolutely necessary that one should be immediately formed and established.

"'*Resolved*, Secondly, that the supreme legislative, either in their proper capacity or in joint committee, are by no means a body proper to form and establish a constitution or form of government, for reasons following, viz: First, because we conceive that constitution in its proper idea intends a system of principles established to secure the subject in the possession of and enjoyment of their rights and privileges against any encroachment of the governing part. Secondly, because the same body that forms a constitution have of consequence a power to alter it. Thirdly, because a constitution alterable by the supreme legislative is no security at all to the subject against the encroachment of the governing part on any or on all their rights and privileges.

"'*Resolved*, Thirdly, that it appears to this town highly expedient that a convention or congress be immediately chosen to form and establish a constitution by the inhabitants of the respective towns in this State being free and 21 years and upward, in proportion as the representatives of this State were formerly chosen; the convention or congress not to consist of a greater number than the house of assembly of this State heretofore might consist of, except that each town and district shall have liberty to send one representative, or otherwise, as shall appear meet to the inhabitants of this State in general.

"'*Resolved*, Fourthly, that when the convention or congress have formed a constitution they adjourn for a short time and publish their proposed constitution for the inspection and remarks of the inhabitants of this State.

"'*Resolved*, Fifthly, that the honorable house of assembly of this State be desired to recommend it to the inhabitants of this State to proceed to choose a convention or congress for the purpose above mentioned as soon as possible.' (Roger Sherman Hoar in The Constitutional Review, April, 1918, p. 97.)

"In the same year the people of western Massachusetts refused to permit the courts to sit until a constitution was established determining the powers of government. The ground of their action was set forth in a petition to the general court by the people of the town of Pittsfield in May, 1776. In this petition they said (Mass. Law Quarterly, May, 1918, p. 334):

"'That since the dissolution of the power of Great Britain over these Colonies they have fallen into a state of nature; that the first step to be taken by a people in such a state for the enjoyment or restoration of civil government among them is the formation of a fundamental constitution as the basis and groundwork of legislation; that the approbation by the majority of the people of this fundamental constitution is absolutely necessary to give life and being to it; that then and not till then is the foundation laid for legislation.

* * * * * * *

"'What is the fundamental constitution of this province? What are the unalienable rights of the people, the power of the rulers, how often to be elected by the people, etc.; have any of these things yet been ascertained? Let it not be said by future posterity that in this great, this noble, this glorious contest we made no provision against tyranny among ourselves.'

"See also McCulloch *v.* Maryland, 4 Wheat., 316, 407; Southern Pac. Co. *v.* Jensen, 244 U. S., 205, 227; Taylor *v.* Governor, 1 Ark., 21, 27; Commonwealth *v.* Collins, 8 Watts (Pa.), 331, 349.

"3. *The instrument framed by the Constitutional Convention of 1787 answered strictly to this conception of the nature of a constitution. It dealt solely with the powers of government.*

"It is needless to recount the familiar story of the Confederation of 1778, the complete failure of the Congress of the Confederation to govern through lack of power, the chaos which had resulted, and the imminent danger that the American experiment in self-government would end in anarchy. The Federalist, No. 15 (Ford's ed.), p. 87 et seq.

"The recommendation of the Annapolis convention of 1786, the act passed by the Confederate Congress on the 21st of February, 1787, recommending to the States to send delegates to the Philadelphia Convention, every act passed by the legislatures of the several States, and the credentials of every delegate to the convention, stated the purpose of the convention and the duties and powers of the delegates in terms addressed solely to such action as should 'render the Federal Constitution adequate to the "exigencies of government and the preservation of the Union."' The first in order of time were the credentials from the State of New Hampshire, and they illustate all the rest. They were as follows:

"'And whereas the limited powers which by the Articles of Confederation are vested in the Congress of the United States have been found far inadequate to the enlarged purposes which they were intended to produce, and whereas Congress hath by repeated and most urgent representations endeavored to awaken these and other States of the Union to a sense of the utterly critical and alarming situation in which they may inevitably be involved unless timely measures be taken to enlarge the powers of Congress that they may be thereby enabled to avert the dangers which threaten our existence as a free and independent people, * * * Be it therefore enacted * * * that John Langdon, etc., be and hereby are appointed commissioners * * * to confer with such deputies as are or may be appointed by the other States for similar purposes, and with them to discuss and decide upon the most effectual means to remedy the defects of our Federal Union and to procure and secure the enlarged purposes which it was intended to effect.'

"Accordingly, the Constitutional Convention that met in Philadelphia performed its proper task. The Constitution which was agreed upon and proposed granted enlarged powers to the Government of the Union. It distributed those powers and directed how they should be exercised. It imposed limitations on the powers granted and upon the powers reserved for the protection of those inalienable rights to secure which governments are instituted. Nowhere in any of the acts preliminary to the convention, or in any action taken by the convention, or in any proposal or argument made in the convention, was there any suggestion that the convention itself should exercise any legislative power of government, or should propose the exercise of such a power in connection with the Constitution by any legislature or convention or people acting upon the Constitution. The sole and exclusive function of the delegates, the convention, and the ratifying bodies, was the formation of a Government adequate to the exercise of all useful power, and never themselves to exercise powers in lieu of or under the Government so formed.

"Therefore, when the Constitution was formed, Justice Patterson could properly say of it:

"'What are legislatures? Creatures of the Constitution. They owe their existence to the Constitution. They derive their power from the Constitution. It is their commission; and therefore all their acts must be conformable to it, or else they will be void. The Constitution is the work or will of the people themselves in their original sovereign and unlimited capacity. Law is the work or will of the legislature in their derivative and subordinate capacity. The one is the work of the creator, and the other of the creature. The Constitution fixes limits to the exercise of the legislative authority, and prescribes the orbit within which it must move. In short, the Constitution is the sun of the political system, around which all legislative, executive, and judicial bodies must revolve.' (Vanhorne's Lessee *v.* Dorrance, 2 Dallas, 304, 308.)

"And so, Chief Justice Marshall could say in Marbury *v.* Madison (1 Cranch, 137, 176):

"'That the people have an original right to establish for their future government such principles as in their opinion shall most conduce to their own happiness is the basis on which the whole American fabric has been erected. The exercise of this original right is a very great exertion; nor can it nor ought it to be frequently repeated. The principles, therefore, so established are deemed fundamental. And as the authority from which they proceed is supreme, and can seldom act, they are designed to be permanent.

"'This original and supreme will organizes the Government, and assigns to different departments their respective powers. It may either stop here, or establish certain limits not to be transcended by those departments.

"'The Government of the United States is of the latter description. The powers of the legislature are defined and limited; and that those limits may not be mistaken, or forgotten, the Constitution is written.'

"It follows, therefore, that the thing to be amended under the terms of Article V of the Constitution of the United States would be the form of government, the distribution of the powers of government, and the regulation of the exercise thereof, which made up 'The Constitution of Civil Government' of the United States.

"4. *The authority to amend granted by Article V is necessarily limited to changes in this grant, distribution and regulation of powers which made up the Constitution, and it did not confer upon the amending authorities or agents the right themselves to exercise the legislative power of government.*

"*The word 'amend' has a necessary relation to some particular thing which is to be amended. The word has no meaning whatever except in relation to that thing. The change for better or worse which is called an amendment must be a change in the particular thing amended.*

"The necessary relation of amendment to the thing to be amended is ordinarily expressed by the rule that amendments must be germane. A legislative body may have power to legislate upon two different subjects and may incorporate its enactments upon both in the same bill or resolution, but the provisions relating to one subject may not be in any sense an amendment to the provisions relating to the other subject. There are, then, two separate exercises of legislative power, neither one depending upon the other.

"The function of an amendment was well stated in an opinion by the attorney general of Pennsylvania rendered in 1883, as follows:

"'To amend a thing, as defined by Webster, is to change it in any way for the better; to remove what is erroneous, superfluous, faulty, and the like, to supply deficiencies, to substitute something in place of what is removed. The word is synonymous with "correct," "reform," "rectify." An amendment, therefore, is a change or alteration for the better, a correction of faults or errors, an improvement, a reformation, an emendation. It necessarily implies something upon which the correction, alteration, improvement, or reformation can operate, something to be reformed, corrected, rectified, altered, or improved. In other words, that which is proposed as an amendment must be germane to or relate to the thing to be amended. In respect to the amendment of a charter of a corporation the amendment must relate to the charter as originally granted, and if it does not correct, improve, reform, rectify, or alter something in the original charter, it is not properly speaking an amendment to that charter.' (In re Pennsylvania Tel. Co., 2 Chester County Rep., 129. See also 2 Morawetz on Corporations (2d ed.), sec. 1096.)

"The rule that amendments must be germane to the thing amended was in force and well understood in the United States when the Constitution was adopted. Thus the Continental Congress had adopted the following rule as early as July 8, 1784:

"'No new motion or proposition shall be admitted under color of amendment as a substitute for the motion or proposition under debate until it is postponed or disagreed to.' (5 Hinds' Precedents, secs. 5753, 5767.)

"The First Congress, under the Constitution, on the 7th of April, 1789, readopted the rule above quoted, omitting the words 'until it is postponed or disagreed to,' and that rule was readopted in the revision of rules on the 3d of March, 1822, without substantial change, so as to read:

"'No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment'; and this rule remains as section 7 of the present House Rule No. 16, as follows:

"'No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.'

"Hinds' Digest and Manual, published in the second session of the Fifty-ninth Congress, contains at page 326 et seq., an enumeration of propositions offered as amendments to pending bills, but rejected because held not to be germane.

"It is to be observed that the form of this rule, established as far back as 1784, is decisive upon the question now under consideration, for it denies to any motion or proposition on a subject different from that under consideration, the quality of an amendment, and prohibits its admission 'under color of amendment.'

"There is curious and interesting evidence that the framers of the Constitution observed this rule. The reader of the Journal of the Federal Convention will find that on the 10th of September, 1787, the article relating to the amendment of the Constitution was under consideration, and various amendments to the provision were proposed and voted on, when a motion was made 'to postpone the consideration of the amendment in order to take up the following.' Then followed the provision regarding amendment which now appears in Article V of the Constitution. It appears by Madison's Notes (p. 712) that it was Mr. Madison himself who moved this postponement. The same thing occurs scores of times in the proceedings of the convention. The first motion, made on the 30th of May, was of this description. When a provision had been put into such shape that it was considered generally satisfactory, instead of moving it as an amendment or a substitute the motion was to postpone the consideration of whatever was before the convention and to take up the provision as new matter. This is a form of procedure quite unknown to modern parliamentary practice, and it is plain that it resulted from the rule of the Continental Congress above quoted forbidding the admission under color of amendment of matter different from that under consideration until that is 'postponed or disagreed to.' Thus the rule that amendments must be germane was followed by the convention that framed the Constitution and in the adoption of Article V itself. (In the Passenger Cases (7 How., 283, 477) Taney, C. J., said: 'The members of the convention unquestionably used the words they inserted in the Constitution in the same sense in which they used them in their debates.')

"Mr. Madison correctly stated the rule of relation between the amendment and the thing amended in the convention on the 13th day of August, 1787. The subject under consideration was the power of the Senate to amend money bills. Mr. Madison said (Madison's Notes, 3 Documentary History of the Constitution, p. 518):

"'The words amend or alter form an equal source of doubt and altercation. When an obnoxious paragraph shall be sent down from the Senate to the House of Representatives it will be called an origination under the name of an amendment. The Senate may actually couch extraneous matter under that name. In these cases the question will turn on the degree of connection between the matter and object of the bill and the alteration or amendment offered to it. Can there be a more fruitful source of dispute, or a kind of dispute more difficult to be settled? His apprehensions on this point were not conjectural. Disputes had actually flowed from this course in Virginia where the Senate can originate no bill.' Identical views were expressed in the constitutional conventions of the States where it was frequently charged that the proposed constitution was not in any sense an amendment of the Articles of Confederation, but an entirely new creation. (See 3 Elliot's Debates, pp. 61, 614.)

"The same conception of the character of amendments is followed in judicial procedure. The First Congress under the Constitution in the judiciary act of 1789 reproduced the English statute of amendment now appearing in the Revised Statutes, sections 899 to 901 and 954. The amendments authorized all follow strictly the rule of relevancy to the pleading or proceeding to be amended.

"Regarding this kind of amendment this court has said:

"'This power to amend, too, must not be confounded with the power to create. It presupposes an existing record, which is defective by reason of some clerical error or mistake, or the omission of some entry which should have been made during the progress of the case, or by the loss of some document originally filed therein. The difference between creating and amending a record is analogous to that between the construction and repair of a piece of personal property. If a house or vessel, for instance, be burned or otherwise lost, it can only be rebuilt, and the word "repair" is wholly inapplicable to its subsequent reconstruction. The word "repair," as the word "amend," contemplates an existing structure which has become imperfect by reason of the action of the elements or otherwise. In the cases of vessels particularly, this distinction is one which can not be ignored, as it lies at the basis of an important diversity of jurisdiction between the common law and maritime courts. (Gagnon v. United States, 193 U. S., 451, 457.)

"'Nor is a complainant at liberty to abandon the entire case made by his bill, and make a new and different case by way of amendment. We apprehend that the true rule on this subject is laid down by the vice chancellor in Verplanck v. The Mercantile Insurance Co. (1 Edwards Ch. R., 46). Under the privilege of amending, a party is not to be permitted to make a new bill. Amendments can only be allowed when the bill is found defective in proper parties, in its prayer for relief, or in the omission or mistake of some fact or circumstance connected with the substance of the case, but not forming the substance itself, or for putting in issue new matter to meet allegations in the answer. * * * To insert a wholly different case is not properly an amendment, and should not be considered within the rules on that subject.' (Shields v. Barrow, 17 How., 130, 144.)

"The argument in support of article 5 in the Federalist exhibits this same view of the character of an amendment. Mr. Madison said:

"'That useful alterations will be suggested by experience could not but be foreseen. It was requisite, therefore, that a mode for introducing them should be provided. The mode preferred by the convention seems to be stamped with every mark of propriety. It guards equally against that extreme facility which would render the Constitution too mutable, and that extreme difficulty which might perpetuate its discovered faults. It moreover equally enables the General and the State Governments to originate the amendment of errors, as they may be pointed out by the experience on one side or on the other.' (The Federalist, No. 43 (Ford's ed.), p. 291.)

"Mr. Hamilton said:

"'In opposition to the probability of subsequent amendments it has been urged that the persons delegated to the administration of the National Government will always be disinclined to yield up any portion of the authority of which they were once possessed. For my own part I acknowledge a thorough conviction that any amendments which may upon mature consideration be thought useful will be applicable to the organization of the Government, not to the mass of its powers; and on this account alone I think there is no weight in the observation just stated.' (The Federalist, No. 85 (Ford's ed.), p. 586.)

"John Marshall said:

"'He tells you that it is an absurdity to adopt before you amend. Is the object of your adoption to mend solely? The objects of your adoption are union, safety against foreign enemies, and a protection against faction—against what has been the destruction of all republics. These impel you to its adoption. If you adopt it, what shall restrain you from amending it, if in trying it, amendments shall be found necessary? The Government is not supported by force, but depending on our free will. When experience shall show us any inconveniences we can then correct it. But, until we have experience on the subject, amendments as well as the Constitution itself are to try. Let us try it and keep our hands free to change it when necessary. If it be necessary to change government, let us change that government which has been found to be defective. The difficulty we find in amending the Confederation will not be found in amending this Constitution. Any amendments in the system before you will not go to a radical change; a plain way is pointed out for the purpose; all will be interested to change it, and therefore all exert themselves in getting the change.' (In the Virginia Convention, 3 Elliot's Debates, 233–234.)

"The distinction between the amendment of a constitution and lawmaking under a constitution was well stated by the Supreme Court of Pennsylvania in passing upon the question whether the amendment provision in the constitution of that State called for submission to the governor of resolutions passed under it. The court said:

"'It is also necessary to bear in mind the character of the work for which it provides. It is constitution making; it is a concentration of all the power of the people in establishing organic law for the Commonwealth, for it is provided by the article that "if such amendment or amendments shall be approved by a majority of those voting thereon, such amendment or amendments shall be a part of the constitution." It is not lawmaking which is a distinct and separate function, but it is a specific exercise of the power of a people to make its constitution.' (Commonwealth v. Griest, 196 Pa. Stat., 396, 404.)

"And the Supreme Court of Maryland has said in a similar case, relating to an amendment of the Maryland constitution, that the amending clause has 'no relation whatever to legislation * * * the two subjects are widely disconnected in location and substance.' (Warfield v. Vandiver, 101 Md., 78.)

"The sound rule has been accurately stated by the Supreme Court of California, as follows:

"'The very term "constitution" implies an instrument of a permanent and abiding nature, and the provisions contained therein for its revision indicate the will of the people that the underlying principles upon which it rests, as well as the substantial entirety of the instrument, shall be of a like permanent and abiding nature. On the other hand, the significance of the term "amendment" implies such an addition or change within the lines of the original instrument as will effect an improvement or better carry out the purpose for which it was framed.' (Livermore *v.* Waite, 102 Calif., 113, 118, 119.)

"The Supreme Court of Missouri deciding that an ordinary law could not be made an amendment to the constitution by merely going through the forms of amendment said in State ex rel. *v.* Roach (230 Mo., 411, 433, 435):

"'The purpose of constitutional provisions and amendments to the constitution is to prescribe the permanent framework and a uniform system of government and to assign to the different departments thereof their respective powers and duties. * * * The mere calling it an amendment to the constitution, unless the subject matter verifies the correctness of that name, is not binding.'

"*5. It appears, therefore, that both the ordinary and natural meaning of the terms used in Article V, as well as the purpose to be accomplished, limit the authority granted by the article to changes in the system of government; that is, changes in the distribution and regulation of governmental powers.*

"The rule for the construction of the Constitution laid down in Gibbons *v.* Ogden (9 Wheat., 1, 188) is controlling in the construction of Article V, viz:

"'As men whose intentions require no concealment generally employ the words which most directly and aptly express the ideas they intend to convey, the enlightened patriots who framed our Constitution and the people who adopted it must be understood to have employed words in their natural sense and to have intended what they have said. If from the imperfection of human language there should be serious doubts respecting the extent of any given power, it is a well-settled rule that the objects for which it was given—especially when those objects are expressed in the instrument itself—should have great influence in the construction. We know of no reason for excluding this rule from the present case. The grant does not convey power which might be beneficial to the grantor if retained by himself or which can inure solely to the benefit of the grantee, but is an investment of power for the general advantage in the hands of agents selected for that purpose, which power can never be exercised by the people themselves, but must be placed in the hands of agents or lie dormant. We know of no rule for construing the extent of such powers other than is given by the language of the instrument which confers them, taken in connection with the purposes for which they were conferred.'

"This rule is of universal application. All grants of power are necessarily limited by the nature of the subject matter to which they relate. (Calder *v.* Bull, 3 Dall., 386, 388; Fletcher *v.* Peck, 6 Cranch, 87, 139; Loan Association *v.* Topeka, 20 Wall., 655, 663; Murphy *v.* Ramsey, 114 U. S., 15, 44.) That is what confines the exercise of the judicial power to questions which are in their nature justiciable, and that is what confines the exercise of the taxing power to things which in the nature of our dual government are subject to taxation. (The Collector *v.* Day, 11 Wall., 113, 127.)

"*6. That the power to amend the Constitution does not include the power of independent legislation by the amending agents is clearly indicated by the rulings, both in the National and State courts, that the proceedings of Congress and of the State legislatures are not ordinary legislation, and for that reason the resolutions on the one hand proposing amendments, and on the other ratifying them, do not require to be submitted to the President and to the governors under the general provisions which in terms apply to all bills, orders, resolutions, and votes.* (Hollingsworth *v.* Virginia, 3 Dallas, 378; and the State cases cited, supra.)

"The decisions above quoted in the main applied to constitutional amendments which were properly so called, but the decisions were based not upon the particular terms of the amendments but upon the character of the power. In denying to the exercise of the power the quality of ordinary legislation, they necessarily exclude authority to legislate under the power. As Hamilton said in the Federalist, No. 33 (Ford's edition), page 202:

"'What is a power but the ability or faculty of doing a thing? What is the ability to do a thing but the power of employing the means necessary to its execution? What is a legislative power but the power of making laws? What are the means to execute a legislative power but laws?'

"*7. That Article V granted to the donees of the power no authority to exercise legislative powers under the Constitution is conclusively established by Article I of the Constitution.*

"This provides in section 1 that—

"'All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives,'

"and the subsequent sections prescribe the manner in which that power shall be exercised.

"This grant of power is exclusive. It admits of no other power of legislation under the Constitution. It necessarily confines the exercise of the power of amendment to its natural and proper function of changing the framework of government and excludes it from the exercise of legislative powers under that government.

"By what authority, then, is a citizen of the State of New Jersey prohibited from carrying on his business? What sovereign issues the command? Is it the Government of the United States? This law is an exercise of police power not granted to the Government of the United States but reserved to the States or the people by the tenth amendment to the Constitution. Is it the State of New Jersey? The law of New Jersey permits the business. Is it the people of the United States? The people of the United States have not acted, except as they acted in the adoption of the original Constitution. Is it the people acting through their agents authorized by the Constitution? The Constitution itself expressly excludes those agents from the exercise of legislative power.

"*8. The exercise of the power of ordinary legislation through the forms of amendment under Article V would be inconsistent with the fundamental principles of the Constitution, because it would prevent the rule of the majority.*

"It would be inconsistent with what Hamilton in the twenty-second number of the Federalist (Ford's ed., p. 135) called—

"'the fundamental maxim of republican government, which requires that the sense of the majority should prevail.'

"Under the American constitutional system as it existed prior to the 16th day of January, 1920, the laws which have controlled the conduct of life and fulfilled the function of government to secure the inalienable rights of the individual in the United States have been always within the control of the majority, subject only to certain universal limitations upon governmental power in favor of individual liberty. Subject to these limitations, the sum total of legislative power under the Constitution was complete. Within the field of the enumerated powers the majority represented in the National Congress was always competent to act.. Within the field of the reserved powers of the States the majority in each State was always competent to act, even as to constitutional amendments. In this country of rapid development and growth, of constantly changing conditions, of education and new experience in the science of government, of experiment and change, success and failure in legislation, in every generation, in every Congress, at every stage, the people, who are the source of power, were competent to make their laws answer to their judgment from time to time upon the problems of their day. *This should continue true no matter how much the distribution of power may be changed by constitutional amendment.*

"If, however, Article V be now construed to confer upon the amending authorities the power to pass ordinary laws which would take effect as amendments of the Constitution, then those laws would be withdrawn from the control of the majority, both in the State and in the Nation. From the time such a law is passed it becomes practically irrepealable and unamendable by the majority.

"It can only be repealed or amended by a vote of two-thirds of both Houses of Congress and three-quarters of the States. In future years and in future generations the majority of the people of the United States would be helpless to change that law, for three-quarters of the States must unite in order that any change be made. This requirement has no relation to the will of the majority of States, or to the will of the majority of the citizens of the United States, for the one-quarter of the States refusing their consent to a change might be those of the least population, and the overwhelming majority of the people of the country might desire the change, but, nevertheless, would not be able to bring it about. Under the census of 1910 there were 13 States which altogether contained less than 5 per cent of the population of the United States, whilst 12 States contained 55 per cent of the population and much more of the wealth of the country.

"If a generation ago a law had been passed in the form prescribed by Article V imposing limitations upon the conduct of private life throughout the United States which more than

95 per cent of the people of the United States had now come to regard as unwise and injurious, the 95 per cent would be helpless as against the opposition of the other 5 per cent. If this prohibitory law 'under color of amendment' to the Constitution be a valid exercise of power under Article V, and the people of the United States 5 years, 10 years, 20 years, or more hence come to the conclusion that it was an unwise law, they will then be powerless, for upon that subject the majority will no longer control. Thus the construction claimed by the advocates of the power is that Article V empowers one generation to control all future generations and deprive them of the power of governing themselves according to the will of the majority.

"It is not difficult to conjecture that it was, in fact, for this purpose that the sponsors of the so-called eighteenth amendment determined to pass this law themselves instead of amending the Constitution by adding to the enumerated powers of the General Government the power to regulate the manufacture and sale of intoxicating liquors. The practical difference between the two is that if the present attempt succeed the law will be irrepealable by future majorities. (Cooley on Constitutional Limitations, 7th ed., p. 50.)

"9. *There is an essential difference in respect of the control of the majority between an amendment of the Constitution by a new transfer of power to the National Government and an alleged amendment of the Constitution by the exercise of legislative power on the part of the amending authorities.*

"All legislative bodies are but instruments for the making of laws. Whether the lawmaking power be vested in a National Congress or a State legislature, in one chamber or two, or in the people voting directly under a referendum or initiative, the object is to secure the enactment of such laws as the majority of the people wish to be governed by. That is the object, while the form and method of procedure of the legislative body are but the means.

"Whatever be the Constitution and method of procedure of the body exercising legislative power, all free, self-governing peoples see to it that they themselves are always able to control the exercise of the power in accordance with the will of the majority. There are strong reasons for making the form of government stable, for having the distribution of powers once agreed upon preserved, unless there be general consent to a change, and for having the powers and duties of particular officers and the limitations upon them well understood and determined by interpretation and usage, so long as the forms and methods agreed upon and prescribed still leave to the people themselves the power to say what laws shall govern them, whether they say it through direct vote themselves, or whether they say it by making their representatives responsive to their will by electing those who please them and turning out of office those who displease them. The provisions of Article V, therefore, which make the Constitution and any amendment of the Constitution unchangeable except by the consent of three-quarters of the State legislatures, if confined to the make-up of government, would not be in derogation of the control of a majority over their laws.

"The distinction between the form of government which is embodied in the Constitution, and the legislative product of government which must always be under the control of the majority if free government is to continue, is well illustrated by the development of free government in Great Britain, which, leaving the king in office, more than a generation ago deprived him of the veto power, and which recently, leaving the hereditary House of Lords in office, has deprived that house of the power to prevent the enactment of laws by the Commons, who are always responsive to the popular will.

"If the same limitations upon change, however, are to be applied, not to the form but to the product of government, so that the laws which issue from the governing power are to be permanently beyond the control of the majority, then the essential quality of free self-government will be destroyed. It is unreasonable to impute to the framers of the Constitution and to the conventions which ratified it a purpose to permit any such result by authorizing, under color of an amendment to the Constitution, the enactment of ordinary laws in such manner as to withdraw them from the control of the majority of the people. (This contention is substantiated by much that was said in the various conventions. Thus, for example, Hamilton said in the New York convention (2 Elliot's Debates, p. 364): 'Constitutions should consist only of general provisions: the reason is that they must necessarily be permanent and that they can not calculate for the possible change of things;' and Johnson said in the North Carolina convention (4 id., p. 188): 'Are laws as immutable as constitutions? Can anything be more absurd than assimilating the one to the other? The idea is not warranted by the Constitution, nor consistent with reason.' See also Iredell, 4 id., p. 144.)

"This is emphasized by the interesting circumstance that the clause providing for the passage of a bill over the veto of the President, as originally adopted by the convention of 1787, required a vote of three-quarters of each house, and that this was changed to two-thirds at the very close of the convention upon the avowed ground that to require a three-fourths vote would make it too difficult to repeal bad laws. (Madison's Notes of Sept. 12, 1787, p. 720 et seq.)

"10. *The impression prevailing in many quarters that the kind of legislation under color of amendment which is attempted by the alleged eighteenth amendment is permissible arises from the fact that many States have pursued the practice of including in their State constitutions ordinary legislative provisions.*

"There is, however, a radical difference. Subject to the great limitations which political liberty ever requires to be imposed upon all government, the people of a State can do whatever they please with their constitution, and all State constitutions are made by the people themselves, acting by majority vote. Every State constitution, however, is subject to alteration at will by the majority of the people of the State, so that the inclusion of an ordinary legislative provision in the same instrument which prescribes the form and regulates the powers of the State government does not withdraw any legislation from the control of the majority. It merely substitutes popular legislation for representative legislation. It is merely one form of expressing lack of confidence in the State legislature, and withdraws from them a certain measure of legislative power to be exercised and always controlled by the people. It is, in principle, the precise opposite to the action which is now attempted under Article V of the Constitutiton of the United States.

"The element of negotiation and agreement between the several States in the making of the Constitution involved methods, both in the original making and in the procedure for amendment, wholly inapplicable to the making of ordinary laws, and in this respect is sharply distinguished from constitution making in the States, where a popular majority always makes and alters at will both the constitution and the laws.

"It is indisputable that the Constitution of the United States created a Nation, perpetual and indissoluble, endowed with all the attributes of sovereignty within the field limited in the instrument itself. This instrument received its efficacy not from the State governments but from the people of the several States, and when that grant of power had been made the people of all the thirteen States theretofore united under the confederation became parts of the one people of the United States, constituting the new Nation and subject to the authority of the new Government. (Legal Tender Cases, 12 Wall., 125; Texas *v.* White, 7 Wall., 700, 720, 724; Sturges *v.* Crowninshield, 4 Wheat., 122, 192; McCulloch *v.* Maryland, 4 Wheat., 316, 403.)

"The process, however, by which this result was reached was a process of negotiation between the representatives of the separate States and of consent by the people in the several States. The consents were several and independent as to the people in each State. The new Government acquired no authority over the territory of the inhabitants of any particular State until the people of that State had given their assent. That followed necessarily from the independent sovereignty of each State as it existed on the 17th day of September, 1787. (Gibbons *v.* Ogden, 9 Wheat., 1, 187.) Accordingly, the Constitution provided that—

"'The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.'

"There was no idea of the exercise of any authority or coercion over the people of any State against their will. When New Hampshire on the 21st of June, 1788, became the ninth State ratifying the Constitution, the new Government of the new Nation came into being with no authority over the territory or the people of the remaining four States. The authority of the new Government in each of the other States began when that State gave its consent—in Virginia, June 26, 1788; in New York, July 26, 1788; in Rhode Island, May 29, 1789; and in North Carolina, November 21, 1789.

"The Constitution thus received its vitality, not from the vote of a majority of the people of the United States but from the consents of the people of the several States.

"The result of the process was the formation of an indissoluble Union. The consents given were irrevocable. The bond created was the bond not merely of contract but of allegiance. The method by which this result was obtained was the method not of coercive law, but of free consent. In that process no account whatever was taken of the will of a majority of the people of the United States as such. The sole question was as to the will of the majority of the people in each separate State to grant away a portion of their power within their own territory. The majority in Delaware counted just as much as the

majority in Virginia, because each carried the consent of a State, and the number of individuals had no weight whatever. The same method is continued in the provision for the ratification of amendments, except that while the original provisions proposed by the conventions of 1787 required unanimous consent by all the States, amendments require the consent only of three-fourths. The question is still the same. Will the several States consent to a change in the grant of power to the General Government or in the terms of the grant? In giving or withholding that consent the smallest State in population counts for as much as the greatest. No account whatever is taken of the will of the majority of the people of the United States.

"It is manifest that this process, while perfectly adapted to the purpose of correcting errors in the Constitution of Government, was never intended to be applied and can not be applied to the making of laws for the people of the United States.

"The liberty of citizens of New Jersey within the territory of that State may be controlled by laws enacted directly or indirectly by a majority of the people of that State, or it may be controlled by laws enacted directly or indirectly by a majority of the people of the United States. The distribution of powers in the Constitution determines by which of the two majorities the power of control shall be exercised in every field of possible lawmaking. No construction of the Constitution is permissible which would deliver over the people of any State to the control of a law which is not the command either of a majority of the people of the State or of a majority of the people of the United States. Such an intention would be inconsistent with the essential principles of free self-government, and it can not be imputed to the makers of the Constitution. It can not exist in a government which we boast is a 'Government of the people, by the people, and for the people.'

"11. *A construction of Article V which would give to the agents thereby authorized to amend the Constitution authority themselves to exercise the legislative power of government would be wholly inconsistent with the fundamental character of the National Government as a government of limited powers.*

"If such a power as this exists, then there are three legislative authorities under the Constitution—first, the Congress legislating with the cooperation of the President within the scope of the enumerated powers; secondly, the State legislatures legislating in the several States throughout the field of their reserved powers; and, thirdly, three-fourths of the State legislatures legislating upon the proposal of Congress upon any and all subjects whatever. Inasmuch as the legislative acts of the last-mentioned body, if valid, are to be deemed amendments of the Constitution, they are subject to none of the limitations of the Constitution, according to the defendants. If this present legislation be valid, then the people of the United States in adopting the Constitution created an authority competent, without further reference to them, to pass ex post facto laws and bills of attainder, to impose direct taxes without enumeration, to levy duties on articles exported from any State, to make discriminating regulations of commerce, to grant titles of nobility, to prohibit the free exercise of religion, to deprive of life, liberty, and property without due process of law—all under color of amendment to the Constitution.

"While the first amendment provides that—

"'Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assembly, and to petition the Government for a redress of grievances'—

"we must read instead that—

"'Congress shall make no law respecting the establishment of religion, etc., except with the consent of the legislatures of three-fourths of the States,'

"and three-fourths of the States, according to the estimated population of the United States in the year 1919, may contain much less than one-half of the population of the United States. The point is not that the Constitution may be amended to permit these things; it is that the power now exists to do these things without changing a word of the Constitution if the contention of the Government is now upheld.

"It is no answer to say that such abuses of power are not likely to happen and that all power is liable to abuse. The essential basis of every bill of rights is that abuses are likely to happen when fallible men are invested with the powers of government, and that they can be prevented only by express limitations of the power granted. Can it be supposed that in 1787, when every State was suspicious and jealous of possible combinations against it by other States, the people of any State intended that any governmental authority should have power to legislate without their consent in disregard of all those great limitations upon official power which they deemed so essential?

"The reason asserted by the men of Concord (supra) in 1776 against giving the legislature power to alter the Constitution applies to-day equally against giving ordinary legislative power to the governmental agency authorized to amend the Constitution, '*because a Constitution alterable by the Supreme Legislative is no security at all to the subject against the encroachment of the governing part on any or all their rights and privileges.*'

"This is the most fundamental, vital, and essential separation of powers under the American system. The limitations of the Constitution do not merely protect the States and the National Government against encroachment by each other; they protect all individual citizens against all authority of government in violation of those rules which the people of the United States deem to be essential to their liberty, 'against the encroachment of the governing part on any or all their rights and privileges.' It was to make that protection certain that the demand for the first 10 amendments was so insistent and irresistible. The people of the United States intended that there should be no legislative power in government to override these great rules established for their protection.

"The people of practically every State represented in the convention of 1787 had limited their own governments in their own States, composed of men elected by themselves, by the great rules of the Bill of Rights for the protection of their individual liberties. (See the argument of George Mason in the Virginia convention, 3 Elliot's Debates, pp. 446–447.) Are we now to suppose that they intended to empower the governments of other States to pass laws affecting their liberties without restraint from any of those limitations?

"12. *The power to change a rule imposing a limitation upon legislation is an entirely different thing from authority to disregard that rule while it remains unchanged.* (State ex rel. *v.* Roach, 230 Mo., supra.)

"It is improbable that the legislatures of three-fourths of the States, or of any considerable number of States, would consent to the abrogation of any of the great limitations of the Constitution, first, because every rule of limitation is supported by a variety of interests; and, secondly, because those rules are founded upon general considerations of justice and liberty and right conduct rather than upon the concrete and particular motives involved in a specific measure of legislation. The calendars of our courts are, however, crowded with cases involving attempts on the part of legislative bodies to avoid or evade limitations of the Constitution, which limitations those same bodies would not for a moment think of abrogating. The distinction between being governed by rules of right conduct and governed by the impulses of particular occasions is a vital characteristic of our constitutional system. Constitutional rules are made, principles of action are declared abstractly, dispassionately, free from the impulses and passions and warping influences of particular measures and particular times, in order that the impulses of the moment may not overcome the principles by which a right-minded people desire to be governed. The distinction was bred into the common thought and life of the people of the Colonies by their religion. To impute to the makers of the Constitution an intention to authorize any governmental agency whatever to adopt specific legislative measures in disregard of the general limitations prescribed, without any other change of the limitation than that resulting from the infraction of it, is to ignore the most vital part of the purpose which created a Government of limited powers.

"III.

"ARTICLE V OF THE CONSTITUTION OF THE UNITED STATES DOES NOT AUTHORIZE ANY AMENDMENT WHICH WOULD IMPAIR THE RESERVED POLICE OR GOVERNMENTAL POWERS OF THE SEVERAL STATES AND THEIR RIGHT TO LOCAL SELF-GOVERNMENT.

"Assuming, *arguendo*, that, nothwithstanding the previous arguments, the court shall hold that provisions essentially legislative in their nature and effect may be made the subject of an amendment to the Constitution of the United States, and thereby removed from the legislative power of the Congress and the several States, it is submitted that the so-called eighteenth amendment is, nevertheless, invalid because constituting an attempt to impair the reserved police or governmental power of the several States and their right to local self-government, and because any such amendment would be in conflict with implied limitations. As we have already seen above (see supra, where McCulloch *v.* Maryland, 4 Wheat., 316, 403, and Cohens *v.* Virginia, 6 Wheat., 264, 389, are cited), the Congress in proposing an amendment, and the several State legislatures in ratifying it, are acting solely as nominated agents of the people of the United States under a delegated power as the authorities appointed by the people to amend their Constitution 'whenever two-thirds of both Houses [of the Congress] shall deem it necessary.' But

the language vesting in such agents power to propose and ratify 'amendments to this Constitution' should not be construed as conferring unlimited power to amend and destroy the fundamental basis of the Federal system or dual form of government thereby created.

"There can be no reasonable doubt that it was contemplated by the framers, and is implied in the Constitution itself, that the several States, then existing or thereafter to be created, should be sovereign and autonomous in their spheres of local self-government. Hence any amendment which impairs or tends directly to destroy the right and power of the several States to local self-government should be held void as in conflict with the intent and spirit and implied limitations of the Federal Constitution adopted by the people of the United States. To repeat Chief Justice Marshall's declaration in McCulloch *v.* Maryland (4 Wheat., 403):

"'No political dreamer was ever wild enough to think of breaking down the lines which separate the States, and of compounding the American people into one common mass.'

"Half a century later Chief Justice Chase reiterated the same conviction in Texas *v.* White (7 Wall., 700, 725), saying:

"'*The perpetuity and indissolubility of the Union by no means implies the loss of distinct and individual existence, or of the right of self-government by the States.* * * * We have already had occasion to remark at this term (in Lane County *v.* Oregon, 7 Wall., 71, 76) that "the people of each State compose a State, having its own government, and endowed with all the functions essential to separate and independent existence," and that "without the States in union, there could be no such political body as the United States." Not only, therefore, can there be no loss of separate and independent autonomy to the States, through their union under the Constitution, but it may be not unreasonably said that the preservation of the States, and the maintenance of their governments, are as much within the design and care of the Constitution as the preservation of the Union and the maintenance of the National Government. The Constitution, in all its provisions, looks to an indestructible Union, composed of indestructible States.'

"And in the recent case of Hammer *v.* Dagenhart (247 U. S., 251, 275), Mr. Justice Day, speaking for the court, emphasized this fundamental constitutional principle in the following language:

"'The maintenance of the authority of the States over matters purely local is as essential to the preservation of our institutions as is the conservation of the supremacy of the Federal power in all matters intrusted to the Nation by the Federal Constitution.

"'*In interpreting the Constitution it must never be forgotten that the Nation is made up of States to which are intrusted the powers of local government.* And to them and to the people the powers not expressly delegated to the National Government are reserved. (Lane County *v.* Oregon, 7 Wall., 71, 76.) *The power of the States to regulate their purely internal affairs by such laws as seem wise to the local authority is inherent and has never been surrendered to the General Government.*' (See to the same effect, Gordon *v.* United States, 117 U. S., 697, 701, 705.)

"The validity of what is known as the eighteenth article of amendment to the Constitution of the United States is challenged upon the ground that it is not authorized by Article V of the Constitution, because it constitutes essentially a fundamental change in violation of the intent and spirit and implied limitations of the Constitution, and that, if enforceable, its provisions, and the reasoning upon which it would be upheld, would impair or tend to destroy the right of the States to local self-government and purposeful separate existence and overthrow the Federal principle upon which the Constitution was based.

"The point now suggested did not arise in connection with any other amendment to the Constitution of the United States, and, consequently, the precise question has not been considered or adjudicated, although controlling principles have been from time to time enunciated. As we have already seen, the prior amendments to the Federal Constitution were clearly, in their intrinsic nature, germane to provisions already contained in the Constitution and in harmony with the purpose and spirit of our system and dual form of government. The courts have therefore had no occasion to declare and define the limitations upon the power to amend the Constitution under Article V.

"The people of the United States who are, of course, the source of all constitutional and political power, may, by the same process which produced the present Constitution and terminated the government created and existing under the Articles of Confederation, make any alteration which they deem proper in their form or system of government. 'The people made the Constitution, and the people can unmake it.' (Cohens *v.* Virginia, 6 Wheat., 264, 389.) If fundamental changes become necessary, a convention may be called on the application of two-thirds of the States for that purpose. The Constitution does not limit the powers of the people of the United States. But it is plainly the measure of the powers of any agents appointed by the people thereunder. Indisputably 'a constitution is the measure of the rights delegated by the people to their governmental agents and not of the rights of the people.' (Rathbone *v.* Wirth, 150 N. Y., 459, 470.) In other words, the people themselves may rescind the 'social compact' (Calder *v.* Bull, 3 Dall., 386, 388) which is embodied in our Federal Constitution and enter into such new compact as they please. It does not, however, by any means follow that the same unrestrained power is vested in their governmental agents; that is, in two-thirds of the Houses of Congress and the legislatures of three-fourths of the States.

"The powers of the people of the United States are limited only by that which they may see fit to agree upon; but the powers of the legislatures of some of the States to impose their will upon the people themselves and the other States, even though the latter be but a minority, must have some limitation. As this court declared in Loan Association *v.* Topeka (20 Wall., 655, 663), 'the theory of our governments * * * is opposed to the deposit of unlimited power anywhere.' It is, therefore, submitted that an amendment tending to impair or destroy the rights of the States to local self-government or to change fundamentally our Federal form of republican government, however carefully such an amendment might provide that the Senate should be duly preserved and the equal suffrage of the several States therein respected, could not be validly and legally made to come to pass against the objection and protest of any State.

"Manifestly, the Constitution of the United States, like every other written instrument, must in many respects depend for its true construction upon plain implications to be derived from its nature and terms, the historical circumstances surrounding its origin, and, above all, the fundamental purposes of its creation. (Calder *v.* Bull, 3 Dall., 386, 388; Veazie Bank *v.* Fenno, 8 Wall., 533, 541; The Collector *v.* Day, 11 Wall., 113, 127; Loan Association *v.* Topeka, 20 Wall., 655, 663; Downes *v.* Bidwell, 182 U. S., 244, 290–291; Murphy *v.* Ramsey, 114 U. S., 15, 44; Rathbone *v.* Wirth, 150 N. Y., 459, 483–484; Matter of Fraser *v.* Brown, 203 N. Y., 136, 143.) And equally plainly these implications must affect and modify each of its terms and provisions, including the amending power granted in Article V. Nothing can, consequently, be made a part of the Constitution by the process of mere amendment by act of governmental agents which is primarily and directly in conflict with its implied limitations or spirit and purposes, or subversive of the Federal form of government it intended permanently to establish. As Chief Justice Chase said in Veazie Bank *v.* Fenno, supra, in reference to the apparently unlimited power of taxation:

"'There are, indeed, certain virtual limitations arising from the principles of the Constitution itself. It would undoubtedly be an abuse of the power if so exercised as to impair the separate existence and independent self-government of the States, or if exercised for ends inconsistent with the limited grants of power in the Constitution.'

"In order to test the validity of any proposed amendment to the Constitution of the United States, its essential nature, its primary purpose, and its direct tendency must be analyzed and determined. The adoption and validation of any amendment is, of course, authority for the adoption and validity of all others of a similar nature and purpose and having the same tendency, wherever they may lead; for it is too well settled to require argument that the test of the validity of a power is, not how it is probable that it will be exercised in particular cases, but what can properly be done under it. (Keller *v.* United States, 213 U. S., 138, 148; Colon *v.* Lisk, 153 N. Y., 188, 194.) 'Questions of power do not depend on the degree to which it may be exercised' (Brown *v.* Maryland, 12 Wheat., 419, 439).

"With these propositions in mind, the terms of the so-called eighteenth amendment to the Constitution of the United States should be considered. In section 1 it provides that—

"'The manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.'

"Quite indisputably this proposed amendment, if valid, would be self-executing (Civil Rights Cases, 109, U. S., 3, 20), and would withdraw from the several States all power and control over the manufacture, sale, and transportation in local or intrastate commerce of intoxicating liquors for beverage purposes—a field heretofore exclusively within their absolute and independent control. (In re Rahrer, 140 U. S., 545, 554–5; Matter of Heff, 197 U. S., 488, 505; South Carolina *v.* United States,

199 U. S., 437, 453-4; State ex rel. Mullen *v.* Howell, 181 Pac. 920, 922 (Wash.).) The plain object and purpose of the amendment are to destroy the police or governmental power of the several States in respect of a large and important subject matter, and to accomplish this substantial diminution of governmental power and local self-government not indirectly or as an incidental consequence of some due regulation or readjustment of the Federal powers bestowed in the original Constitution, but solely and primarily by a direct invasion of the reserved powers of the several States. (The provision for concurrent power in section 2 of the so-called eighteenth amendment does not change the essential nature of the amendment as an impairment of the police power of the several States. Section 1, of its own force, destroys *pro tanto* the police power of the States. Section 2 merely gives the States concurrent power to enforce the *prohibitions* of section 1, but confers upon them no power to alter or destroy those prohibitions. In respect of the latter, therefore, the governmental power of the States has been wiped out if the amendment be valid.)

"If this amendment be valid the principle which it embodies and the tendency which it establishes and legalizes would authorize the most far-reaching and revolutionary alterations in our governmental system. The right to manufacture, sell, and transport in local or intrastate commerce tobacco, condiments, coffee, grain, meat, cotton, or any other products, which three-fourths of the several States at any time deem objectionable, could then unquestionably be prohibited by constitutional amendment. The right of the States to establish and enforce social distinctions between the races and prevent their intermarriage, which a number of our States firmly believe vital to their peace, order, and happiness; the right of the States to regulate any other domestic relation; the right of the States to regulate strikes and lockouts; the right of the States to levy and collect their own taxes for their own purposes; the right of the States to forbid the use of child labor or regulate the hours of labor in the factories within their respective borders; the right of the States to enact employers' liability and workmen's compensation laws for the benefit of their inhabitants—in a word, the entire right of each of the States to regulate the life, conduct, and intrastate affairs and business of its citizens in accordance with its own needs and its own views may all be destroyed by the action of two-thirds of a quorum of both Houses of Congress and the concurrence of the three-fourths of the legislatures of the States, representing, it may be, a minority of the people of the United States.

"It is an inevitable conclusion that, if the so-called eighteenth amendment, which directly deprives the several States of a substantial portion of their respective police powers and revenues, be a constitutional exercise of power, then another amendment may constitutionally sweep away every remaining vestige of the police powers of the State, that is to say, 'the powers of government inherent in every sovereignty to the extent of its dominions, * * * the power to govern men and things within the limits of its dominions' (Taney, C. J., in the License Cases, 5 How., 504, 583. See also Noble State Bank *v.* Haskell, 219 U. S., 104, 111; Sligh *v.* Kirkwood, 237 U. S., 52, 59; and Ives *v.* South Buffalo R. Co., 201 N. Y., 271, 300). (It is immaterial that different amendments suggested from time to time in the past may have resembled the so-called eighteenth amendment in being similar invasions of the police powers of the several States. They were never adopted, and hence could interfere with no right and call for no challenge in court.)

"The case at bar, therefore, resolves itself into this most serious inquiry: May two-thirds of the Houses of Congress and the legislatures of three-fourths of the States validly amend the Constitution of the United States so as to deprive every State of local self-government—that is, of its right to regulate the conduct and welfare of its own citizens? In disposing of this question it should be borne in mind that in many instances neither two-thirds of a quorum of the House of Congress nor three-fourths of the several States may represent even a majority of the people of the country (indeed, there are 12 States of the Union which contain a majority of the population of the country); and it is of equal moment to lay out of mind the fortuitous circumstance that this grave and vital question of constitutional law is presented to the court in a cause which happens to concern liquor.

"In considering this aspect of our contention, it should be distinctly borne in mind that the fundamental reason for the existence of separate, independent, and sovereign States is the power of internal police and local self-government with which they have always been clothed. (Sligh *v.* Kirkwood, 237 U. S., 52, 59; Patterson *v.* Kentucky, 97 U. S., 501, 503; Fertilizer Co. *v.* Hyde Park, id., 659, 667; License Cases, 5 How., 504, 583.) As Mr. Justice Woodbury pointedly remarked in the License Cases (5 How., at p. 628):

"'How can they—that is, the States—be sovereign within their respective spheres without power to regulate all their internal commerce as well as police?'

"The right of a State to have and exercise its police power is the very breath of its being, and without that power it would be a mere name, a mere geographic unit, an empty shell. (Ex parte Rowe, 59 South., 69, 70 (Ala.).) Every other power of a State is directly dependent for vigor and usefulness upon the police power. The right to lay taxes exists only in order to defray the cost involved in exercising the police power; the right to create courts and appoint officials only in order to furnish the necessary machinery for the exercise of that power and the enforcement of its sanctions. In essence, therefore, as in practical effect, the police power of a State is the State itself; with it the State is a potent, sovereign, autonomous, self-governing being; without it the State is nothing but a name. (Stone *v.* Mississippi, 101 U. S., 814, 819-820; N. Y. & N. E. R. R. Co. *v.* Bristol, 151 U. S., 556, 567; South Carolina *v.* United States, 199 U. S., 437, 451; Atlantic Coast Line *v.* Goldsboro, 232 U. S. 548, 558; Hare on American Constitutional Law, Vol. II, p. 766.) As declared in the work last cited:

"'The police power may be justly said to be more general and pervading than any other. It embraces all the operations of society and government; all the constitutional provisions presuppose its existence, and none of them preclude its legitimate exercise. It is impliedly reserved in every public grant.'

"And Judge Cooley in his work on Constitutional Limitations (7th ed., pp. 243, 263) said:

"'The right of local self-government can not be taken away, because all our constitutions assume its continuance as the undoubted right of the people and as inseparable incident to republican government, * * * one which almost seems a part of the very nature of the race to which we belong.'

"There is much familiar historical matter that shows most convincingly the purpose of the framers of the Constitution and the original States which adopted it to establish an indestructible Union composed of indestructible States and a National Government of enumerated and limited powers, together with a series of State governments, sovereign and independent in the spheres of power not delegated to or vested in the Nation, and endowed with the same perpetuity which the Articles of Confederation had asserted for the central Government. Equally clear is the fact that the founders of our form of government intended that it should ever be a true Federal system, constituting a Union of free and independent States, each possessed of distinct and substantial autonomous and self-governing power as to its own people and its own local government and not a single, consolidated, centralized government in which the several States were to be but forms of municipal corporations of the central Government, or less—mere geographical divisions. (The following are but a few illustrations of the manner in which the States were regarded by the leading statesmen who shared in the delicate task of effecting the ratification of the Constitution by the several States: Hamilton in the New York convention, June 21, 1788 (Elliot's Debates, Vol. II, pp. 267-268): 'Were the laws of the Union to new model the internal police of any State, were they to alter or abrogate at a blow the whole of its civil and criminal institutions, were they to penetrate the recesses of domestic life and control in all respects the private conduct of individuals, there might be force in the objection [to the plan of the Constitution], and the same Constitution, which was happily calculated for one State might sacrifice the welfare of another. The blow aimed at the members must give a fatal wound to the head and the destruction of the States must be at once a political suicide. Can the National Government be guilty of this madness?' Oliver Wolcott in the Connecticut convention (Elliot's Debates, Vol. II, p. 202): 'The Constitution effectually secures the States in their several rights. It must secure them for its own sake, for they are the pillars which uphold the general system.' Pierce Butler to Weedon Butler, October 8, 1787 (Farrand's Records, Vol. III, p. 103): 'The powers of the General Government are so defined as not to destroy the sovereignty of the individual States.' Pelatiah Webster, often called 'the father of the Constitution,' in his pamphlet entitled 'The weakness of Brutus exposed' (Philadelphia, 1787): 'It appears, then, very plain that the natural effect and tendency of the supreme power of the Union is to give strength, establishment, and permanency to the internal police and jurisdiction of each of the particular States; not to melt down and destroy, but to support and confirm them all.' Jefferson to Madison, February 8, 1786: 'With respect to everything external, we be one Nation only, firmly hooked together. Internal government is what each State should keep to itself.'

Jefferson to William Johnson in 1823 (Ford's Writings of Jefferson, Vol. VII, p. 296): 'The capital and leading object of the Constitution was to leave with the States all authorities which respected their own citizens only and to transfer to the United States those which respected citizens of foreign or other States.' Jefferson's first inaugural address (Wayland, Political Opinions of Thomas Jefferson, p. 46): 'I deem as essential principles of our Government the support of the State governments in all their rights as the most competent administrations for our domestic concerns and the surest bulwarks against antirepublican tendencies; the preservation of the General Government in its whole constitutional vigor as the sheet anchor of our peace at home and safety abroad.' Jefferson to Cartwright, June 5, 1824 (id., pp. 42-46): 'They—that is, the State and Federal Governments—are coordinate departments of one simple, integral whole. To the State governments are reserved all legislation and administration in affairs which concern their citizens only, and to the Federal Government is given whatever concerns foreigners or the citizens of other States, these functions alone being Federal. The one is the domestic, the other the foreign, branch of the same Government, neither having control over the other, but within its own department.' (See to the same effect the Congressional Globe, 38th Cong., 1st sess., p. 2993.) Jefferson to Johnson, January 26, 1811 (Wayland, id.): 'The true barriers of our liberties in this country are our State governments. * * * Seventeen distinct States amalgamated into one as to their foreign concerns, but single and independent as to their internal administration.' Sherman and Ellsworth to the governor of Connecticut, September 26, 1797 (Farrand Records, Vol. III, p. 99): 'Some additional powers are vested in Congress. * * * These powers extend only to matters respecting the common interests of the Union and are specifically defined so that the particular States retain their sovereignty in all other matters.' Marshall, C. J., in Gibbons *v.* Ogden (9 Wheat., 1, 195): 'The genius and character of the whole Government seem to be that its action is to be applied to all the external concerns of the Nation and to those internal concerns which affect the States generally, but not to those which are completely within a particular State which do not affect other States and with which it is not necessary to interfere for the purpose of executing some of the general powers of the Government.' Article 1, section 1, of the constitution of Texas, adopted 1876: 'Texas is a free and independent State, subject only to the Constitution of the United States, and the maintenance of our free institutions and the perpetuity of the Union depend upon the preservation of the right of local self-government unimpaired to all the States.' (See also Art. II, sec. 3, of the Constitution of Missouri to the same effect. See also Freund on Police Power, secs. 54 and 68; Cooley on Constitutional Limitations, 7th ed., pp. 65, 243, 261, 263; House *v.* Mayes, 219 U. S., 270, 282; South Carolina *v.* United States, 199 U. S., 437, 448, 454; McCulloch *v.* Maryland, 4 Wheat., 316, 410; In re Rahrer, 140 U. S., 545, 555; Matter of Heff, 197 U. S., 488, 505; Dartmouth College *v.* Woodward, 4 Wheat., 518, 629; Lowenstein *v.* Evans, 69 Fed., 908, 911; Oklahoma, K. & M. I. Ry. Co. *v.* Bowling, 249 Fed., 592, 593-594; Chisholm *v.* Georgia, 2 Dall., 419, 435.)

"Chief Justice Marshall, who was a member of the constitutional convention of the State of Virginia and who participated in a large part of the anxious and difficult labor which led to its adoption therein, has left a clear and emphatic record upon this score. In Dartmouth College *v.* Woodward (4 Wheat. 518, 629), he declared:

"'That the framers of the Constitution did not intend to restrain the States in the regulation of their civil institutions, adopted for internal government, and that the instrument they have given us is not to be so construed, may be admitted.'

"Similar doctrine has been announced in a long line of decisions. In Lane County *v.* Oregon (7 Wall., 71, 76) Chief Justice Chase said:

"'Without the States in union there could be no such political body as the United States. * * * In many articles of the Constitution *the necessary existence of the States*, and, within their proper spheres, *the independent authority of the States*, is distinctly recognized. To them nearly the whole charge of interior regulation is committed or left; to them and to the people all powers not expressly delegated to the National Government are reserved.'

"But who can in reason assert that a State has a 'necessary existence' or any 'independent authority' under the Constitution, if the provisions of Article V permit its governmental powers to be reduced to a mere shadow and its authority over local self-government to nothing substantial? Is the existence of any State 'necessary' or its authority in the least 'independent,' when both subsist but at the sufferance of two-thirds of the Houses of Congress and three-fourths of the legislatures of the States? Can it be doubted that the Constitution would have been rejected if it had been seriously suggested in the State conventions which adopted it that Article V granted unlimited amending power and thus placed the minority of the States in peril of virtual extinction through deprivation of all their substantial powers? No one familiar with our history can for a moment believe that any of the States would have been party to such an agreement. On the contrary, they regarded the amending clause as authorizing merely correctional matters germane to the original instrument. John Marshall in the Virginia constitutional convention said (3 Elliot's Debates, p. 234): 'The difficulty we find in amending the Confederation will not be found in amending this Constitution. Any amendments, in the system before you, will not go to a *radical change;* a plain way is pointed out for the purpose.' Amendments to the Articles of Confederation had to be by unanimous consent of the State legislatures (art. 13), but, as under the Constitution, amendments were possible by the action of fewer than all, it is clear that they could not properly be 'radical changes.' They had, therefore, necessarily to be in harmony with, to be germane to, and 'within the lines of, the original instrument'; otherwise they were not properly amendments at all. (Livermore *v.* Waite, 102 Calif., 113, 118-119. See also Gagnon *v.* United States, 193 U. S., 451, 457. And if the so-called eighteenth amendment would have been regarded as repugnant to the Constitution when the Constitution was adopted—which it is submitted can not be doubted—it is so now, for the meaning and effect of the Constitution must at all times be the same. (Ex parte Bain, 121 U. S., 1, 12; South Carolina *v.* United States, 199 U. S., 437, 448; Story on the Constitution, sec. 1908.)

"It is impossible to reconcile with the decision of this court in Texas *v.* White (7 Wall., 700, 725), quoted above, the contention that the amending power contained in Article V of the Constitution is unlimited and may be exercised by some of the States, so as to take part or all of the police or governmental powers of an objecting State against its will. If that were true, if the so-called eighteenth amendment were valid, then, notwithstanding the solemn pronouncement of this court to the contrary in Texas *v.* White, the States by entering into the Union under the Constitution might suffer 'the loss of distinct and individual existence,' of 'the right of self-government,' and of their 'separate and independent autonomy,' and it can no longer be asserted, as Chief Justice Chase solemnly declared, that 'the preservation of the States and the maintenance of their governments are as much within the design and care of the Constitution as the preservation of the Union and the maintenance of the National Government,' since, under the theory of the defendants, the Constitution, in Article V, carries within itself the power to accomplish the virtual annihilation of the States and their debasement to impotent and all but meaningless geographic designations. The several States could then be constitutionally transmuted into mere municipal corporations of the central Government, or even into less, and the 'indestructible States,' which the court declared that 'the Constitution, in *all* its provisions, looks to' could be practically destroyed as effective governments under 'color of amendment.' How can it be said that 'the Constitution, *in all its provisions*, looks to * * * indestructible States,' when, if the defendants be right, one of those very provisions—namely, Article V—at all times had and has within itself the power to compass their practical destruction?

"A determined attempt was made in the Slaughter House Cases (16 Wall., 36, 77) to secure the approval of this court of an effort to impair the police power of the States under the pretext that that result necessarily followed from the terms and provisions of the fourteenth amendment to the Constitution, but the contentions to that effect were most emphatically repudiated by Mr. Justice Miller, speaking for the court, who said:

"'Was it the purpose of the fourteenth amendment, by the simple declaration that no State should make or enforce any law which shall abridge the privileges and immunities of *citizens of the United States*, to transfer the security and protection of all the civil rights which we have mentioned, from the States to the Federal Government? And where it is declared that Congress shall have the power to enforce that article, was it intended to bring within the power of Congress the entire domain of civil rights heretofore belonging exclusively to the States?

"'All this and more must follow if the proposition of the plaintiffs in error be sound. For not only are these rights subject to the control of Congress whenever in its discretion any of them are supposed to be abridged by State legislation, but that body may also pass laws in advance, limiting and restricting the exercise of legislative power by the States, in their most ordinary and usual functions, as in its judgment it may think

proper on all such subjects. * * * The argument we admit is not always the most conclusive which is drawn from the consequences urged against the adoption of a particular construction of an instrument. *But when, as in the case before us, these consequences are so serious, so far-reaching and pervading, so great a departure from the structure and spirit of our institutions; when the effect is to fetter and degrade the State governments by subjecting them to the control of Congress, in the exercise of powers heretofore universally conceded to them of the most ordinary and fundamental character; when, in fact, it radically changes the whole theory of the relations of the State and Federal Governments to each other and of both these governments to the people, the argument has a force that is irresistible, in the absence of language which expresses such a purpose too clearly to admit of doubt.*

"'We are convinced that no such results were intended by the Congress which proposed these amendments, nor by the legislatures of the States which ratified them.'

"See also the reasoning of Mr. Justice Bradley in the Civil Rights cases (109 U. S., 3, 11–15, 19.)

"In Northern Securities Co. *v.* United States (193 U. S., 197, 348), Mr. Justice Harlan, referring to the declarations of Chief Justice Chase in Texas against White, quoted above, said:

"'These doctrines are at the basis of our constitutional Government and can not be disregarded with safety.'

"And the present learned Chief Justice, on behalf of the dissenting justices, also called attention to—

"'The powers of the Federal and State Governments, the general nature of the one and the local character of the other, *which it was the purpose of the Constitution to create and perpetuate*' (id., p. 369).

"It is manifest, however, that if the views of the defendants be now accepted as sound and controlling, these essential underlying doctrines must be at last disregarded and that the Constitution has in fact failed in its purpose to perpetuate the powers of the States over matters of local self-government. In other words, so far as concerns one of its most clearly revealed purposes and intentions, the Constitution has proved a self-destructive instrument, because within Article V lies hidden the means of subverting the most fundamental characteristics of the system of government established by the Constitution.

"In Keller *v.* United States (213 U. S., 138, 148–149), the court held unconstitutional an act of Congress which, under the guise of a regulation of interstate commerce, attempted to interfere with the internal affairs of the States, and Mr. Justice Brewer, speaking for the court, used the following language:

"'If the contention of the Government be sound, whatever may have been done in the past, however little this field of legislation may have been entered upon, the power of Congress is broad enough to take cognizance of all dealings of citizens with aliens. That there is a moral consideration in the special facts of this case, that the act charged is within the scope of the police power, is immaterial, for, as stated, there is in the Constitution no grant to Congress of the police power. And the legislation must stand or fall according to the determination of the question of the power of Congress to control generally dealings of citizens with aliens. In other words, an immense body of legislation, which heretofore has been recognized as peculiarly within the jurisdiction of the States, may be taken by Congress away from them. Although Congress has not largely entered into this field of legislation, it may do so if it has the power. *Then we should be brought face to face with such a change in the internal conditions of this country as was never dreamed of by the framers of the Constitution.* While the acts of Congress are to be liberally construed in order to enable it to carry into effect the powers conferred, it is equally true that prohibitions and limitations upon those powers should also be fairly and reasonably enforced. (Fairbank *v.* United States, 181 U. S., 283.) To exaggerate in the one direction and restrict in the other will tend to substitute one consolidated government for the present Federal system. We should never forget the declaration in Texas *v.* White (7 Wall., 700, 725), that "the Constitution in all its provisions looks to an indestructible Union, composed of indestructible States."'

"(See likewise Hammer *v.* Dagenhart, 247 U. S., 251, 275, cited and quoted from above at pp. 66–67.)

"It will be observed that in both of these cases the indestructibility of the several States, which is implied in the Constitution, and, indeed, their indestructibility, not as mere geographic units, but as actual, autonomous, locally self-governing sovereignties, was deemed determinative for the purpose of restricting the clause of the Constitution granting to the Federal Government without any express limitation the right to regulate and control interstate commerce. Why, then, is not the same implication effectual to limit and qualify another part of the same Constitution, namely, the amending clause contained in Article V? Certainly it would be vain to urge, as does the court in the Hammer case (247 U. S., at p. 275), that 'the maintenance of the authority of the States over matters purely local is * * * essential to the preservation of our institutions' and 'the power of the States to regulate their purely internal affairs * * * inherent and * * * never surrendered to the General Government' if the States held that authority only temporarily and could be deprived of all of it whenever two-thirds of the Houses of Congress and three-fourths of the legislatures of the States saw fit to take advantage of the power conferred in Article V of the Constitution. (See also Kentucky *v.* Dennison, 24 How., 66, 107; Guinn *v.* United States, 238 U. S., 347, 362.)

"The right of the States to continue as effective local governments which is implied in the Constitution has been emphatically recognized and enforced as against an express and practically unqualified power sought to be exercised in conflict therewith in the cases which hold that it is unconstitutional for the Federal Government to attempt to tax the several States or their governmental instrumentalities. (The Collector *v.* Day, 11 Wall., 113, 124, 125, 127; United States *v.* Railroad Co., 17 Wall., 322, 327; Pollock *v.* Farmers' Loan & Trust Co., 157 U. S., 429, 584; South Carolina *v.* United States, 199 U. S., 437, 453.) The ratio decidendi of these authorities is not based upon any express limitation upon the Federal taxing power, for the grant of power is unlimited, but solely upon the 'necessary implication' which arises out of our dual and Federal system of government and 'the great law of self-preservation,' which the States are entitled to invoke against efforts tending to bring about their ultimate destruction. As Mr. Justice Nelson said in The Collector *v.* Day, supra:

"'The General Government and the States, although both exist within the same territorial limits, are separate and distinct sovereignties, acting separately and independently of each other, within their respective spheres. * * * Such being the separate and independent condition of the States in our complex system, as recognized by the Constitution, and *the existence of which is so indispensable, that, without them, the General Government itself would disappear from the family of nations*, it would seem to follow, as a reasonable if not a necessary consequence, that the means and instrumentalities employed for carrying on the operations of their governments, for preserving their existence, and fulfilling the high and responsible duties assigned to them in the Constitution, should be left free and unimpaired, should not be liable to be crippled, much less defeated by the taxing power of another government. * * *

"'If the means and instrumentalities employed by that government to carry into operation the powers granted to it are, necessarily, and, for the sake of self-preservation, exempt from taxation by the States, why are not those of the States depending upon their reserved powers, for like reasons, equally exempt from Federal taxation? Their unimpaired existence in the one case is as essential as in the other. It is admitted that there is no express provision in the Constitution that prohibits the General Government from taxing the means and instrumentalities of the States, nor is there any prohibiting the States from taxing the means and instrumentalities of that Government. *In both cases the exemption rests upon necessary implication, and is upheld by the great law of self-preservation; as any government, whose means employed in conducting its operations, if subject to the control of another and distinct government, can exist only at the mercy of that government.*'

"If, however, Article V of the Constitution authorizes amendments directly withdrawing police powers from the States, which their necessarily implied right of self-preservation may, nevertheless, not resist, it would be baseless to argue, as did the court in The Collector *v.* Day, that the existence of the States is indispensable under our constitutional system, for the States then would have their being 'only at the mercy of' the Congress and the legislatures of three-fourths of the States.

"Certainly until the present controversy arose no jurist or statesman would have conceived it possible that under our Government the several States of the Union constituted destructible sovereignties. Even during all the bitterness and high feeling preceding the Civil War, the independent sovereignty and indestructibility of the States were not challenged. In 1860 the Republican national convention which nominated Lincoln wrote the following declaration into its platform (Congressional Globe, 38th Cong., 1st sess., p. 2985):

"'*Resolved*, That the maintenance inviolate of the rights of the State, and especially the right of each State to order and control its own domestic institutions according to its own judgment exclusively, is essential to that balance of power on which the perfection and endurance of our political fabric depends.'

"And in his first inaugural address President Lincoln, referring to this declaration, said:

"'I now reiterate these sentiments. * * * I understand a proposed amendment to the Constitution has passed Congress to the effect that the Federal Government shall never interfere with the domestic institutions of the States, including that of persons held to service. * * * Holding such a provision to now be implied constitutional law, I have no objection to its being made express and irrevocable.'

"The preservation of the State governments was one of the chief concerns of the framers of the Constitution. In numerous instances during the debates in the various constitutional conventions this clearly appears. The following extracts from Elliot's Debates (vol. 2, pp. 304, 309; vol. 4, pp. 53, 58) illustrate the spirit of the conventions:

"'Mr. HAMILTON. The State governments are essentially necessary to the form and spirit of the general system. As long, therefore, as Congress have a full conviction of this necessity, they must, even upon principles purely national, have as firm an attachment to the one as to the other. This conviction can never leave them, unless they become madmen. *While the Constitution continues to be read, its principles known, the States must, by every rational man, be considered as essential, component parts of the Union; and therefore the idea of sacrificing the former to the latter is wholly inadmissible.* * * * The gentlemen are afraid that the State governments will be abolished. But, sir, their existence does not depend upon the laws of the United States. *Congress can no more abolish the State governments than they can dissolve the Union. The whole Constitution is repugnant to it.*

"'Mr. IREDELL. I heartily agree with the gentleman that *if anything in this Constitution tended to annihilation of the State government, instead of exciting the admiration of any man, it ought to excite the resentment and execration. No such wicked intention ought to be suffered. But the gentlemen who formed the Constitution had no such object;* nor do I think there is the least ground for that jealousy. The very existence of the General Government depends on that of the State governments.

"'Mr. DAVIE. Mr. Chairman, a consolidation of the States is said by some gentlemen to have been intended. * * * *If there were any seeds in this Constitution which might, one day, produce a consolidation, it would, sir, with me, be an insuperable objection.* I am so perfectly convinced that so extensive a country as this can never be managed by one consolidated government. The Federal Convention were as well convinced as the Members of this House that the State governments were absolutely necessary to the existence of the Federal Government.'

"Under the contention of the defendants, however, Article V of the Constitution does contain not only the 'seeds,' but the plain means to 'produce a consolidation,' the very outcome which all those responsible for the instrument so strongly denounced as impossible and not intended.

"A scholarly and exceptionally competent historian, George Ticknor Curtis, treating of this subject in his work on the Constitutional History of the United States (Vol. II, pp. 160, 161), expressed himself as follows:

"'The ninth and tenth amendments are in themselves express fundamental provisions, fixing *immutably* the reserved rights of the States. If three-fourths of the States were to undertake to repeal them or to remove them from their place in the foundations of the Union, it would be equivalent to a revolution. There would remain nothing but the dominant force of the three-fourths of the States, and this would soon end in a complete consolidation of the physical force of the Nation, to be followed by a different system of government of a despotic character.

"'It seems to me, therefore, that while it is within the amending power to change the framework of government in some respects, it is not within that power to deprive any State, without its own consent, of any rights of self-government which it did not cede to the United States by the Constitution or which the Constitution did not prohibit it from exercising.'

"It should, moreover, be remembered that the issue now before the court embraces within itself a menace or portend of mischief even more far-reaching than that which is involved in the attack upon the present right of local self-government of the States—the same principle which would uphold the amendment in suit is fraught with menace to the existence of the Federal Government itself. If the power to amend contained in Article V of the Constitution is unlimited, it would support an amendment practically destroying the Federal principle or empowering the States to tax the instrumentalities of the Federal Government, or an amendment to deprive the Congress of essential legislative powers, which might involve the practical extinction of the 'perpetual' and 'more perfect Union' which the people erected! It is inconceivable that both the Nation and the States may to all practical intents have their fundamental characters changed or destroyed whenever it pleases two-thirds of the Houses of Congress and three-fourths of the legislatures of the States, which latter may readily represent only a minority of all the people of the United States. The possibility of any such outcome should condemn any rule that would permit it.

"It is submitted that the establishment and recognition in the Constitution of the two Governments, Federal and State, plainly implies that neither shall be permitted to destroy the other, and that the State power shall not be exerted to overthrow the Federal Government, nor the Federal power to impair the existence of the States. (In his lectures on the Constitution of the United States, Mr. Justice Miller said (pp. 24, 412): 'While the pendulum of public opinion has swung with much force away from the extreme point of State rights doctrine, there may be danger of its reaching an extreme point on the other side. In my opinion, the just and equal observance of the rights of the States and of the General Government, as defined by the present Constitution, is as necessary to the permanent prosperity of our country and to its existence for another century as it has been for the one whose close we are now celebrating. * * * The necessity of the great powers conceded by the Constitution originally to the Federal Government, and the equal necessity of the autonomy of the States and their power to regulate their domestic affairs, remain as the great features of our complex Government.') (South Carolina *v.* United States, 199 U. S., 437, 451, 452.) That, consequently, the States must be preserved, not as mere electoral and administrative districts of a unified and consolidated National Government, but as true local, self-governing sovereignties, inviolate and indestructible members of a dual, and not a consolidated, system of government, and with a permanent and effectual reason for being, namely, the possession of the power and the right to exercise forever the functions of internal, local self-government.

"It is no answer to these contentions to urge that the consequences of destruction herein referred to are not reasonably to be apprehended; that the various governmental authorities must have confidence in each other; and that such mutual confidence will tend to bring about governmental harmony. If we indulge in any such idea, we shall be merely shutting our eyes to ordinary human motives and weaknesses and forget that the struggle for power is the natural law of existence. If once it be decreed that the reserved power of the States may be invaded and that how far the invasion shall proceed is merely a question of policy and discretion, the struggle will never end until the States have been stripped of the last vestige of their substantial powers of local self-government. Usurpation always commences with loud and plausible protestations of good intentions and large promises of moderation and assertions that the encroachment will be limited and go no further. This line of argument, however, was long ago refuted by Chief Justice Marshall in McCulloch *v.* Maryland (4 Wheat., 316, 327, 431). It was there also argued that unlimited hostile power on the part of the States need not be apprehended if the several States and the Nation would only have "confidence" in each other. But Chief Justice Marshall rejected the contention, saying:

"'But is this a case of confidence? Would the people of any one State trust those of another with a power to control the most insignificant operations of their State government? We know they would not. Why, then, should we suppose that the people of any one State should be willing to trust those of another with a power to control the operations of a government to which they have confided their most important and most valuable interests? * * * This, then, is not a case of confidence, and we must consider it as it really is.'

"Perusal of the Constitution itself will show that, as Chief Justice Chase declared in Texas *v.* White, supra (7 Wall., 700, 725), 'The Constitution in all its provisions looks to an indestructible Union, composed of indestructible States.' Every article contains at least one provision specifying some attribute of independent sovereignty as belonging to the several States.

"Section 2 of Article I contemplates an elective State legislature; section 4, a State legislature capable of regulating elections; section 8, a State militia with officers appointed by State authorities, and a State legislature empowered to consent to the sale of State lands to the Federal Government; section 9, a State government with discretion over the migration and importation of persons, and section 10, a State government which, but for the prohibitions in that section, would have power to make treaties, wage war, enact every species of legislation, and lay every conceivable kind of tax. Section 1 of Article II looks to a State and a State legislature able to appoint presidential electors, and section 2 refers to the 'militia

of the several States.' Article III deals with States capable of having controversies with each other and with third parties, of such a nature as to require judicial action, and also deals with States capable of having citizens of their own. Section 1 of Article IV has in view States having public acts, records, and judicial proceedings; section 2, States with systems of criminal justice, laws regulating the rights of persons, executive authorities and citizens possessed of privileges and immunities derived from their respective States; section 3, new States to be taken into 'this Union' in the future, and section 4, States having and maintaining under 'this Union a republican form of government,' with legislative and executive authorities charged with the duty of preserving order and safety within the States. Article VI speaks of State judges administering the law 'in every State,' and of legislative, judicial, and executive State officers.

"The second amendment refers to the militia of a free State; the tenth, to States with reserved powers; the eleventh, to States so sovereign that individuals may not even sue them without their consent; the fourteenth, to citizens of the States, to elective and appointive State officers of every kind and State debts and State moneys; the fifteenth, to the right to vote within the States, and the seventeenth, to elective State legislatures and to executive authority in such States.

"In Article V of the Constitution, State legislatures are specifically referred to as part of the machinery or agencies expressly erected by the Constitution for its amendment. But if the police power can be entirely withdrawn from the States by constitutional amendment, they will thereafter need no legislatures at all, since they may then no longer have anything to legislate about; and the machinery intended by the Constitution to be forever available for amending it might in that event no longer exist, and the Constitution thus thereafter cease to be amendable. The form may then remain but the substance will have vanished.

"Again, Article V in its proviso 'that no State, without its consent, shall be deprived of its equal suffrage in the Senate,' necessarily implies and requires the continued existence of the States, for otherwise their equal suffrage in the Senate could be destroyed with them; and further implies that the States shall at all times exist as bodies capable of consenting—in other words, as autonomous, self-governing sovereignties. The same views are expressed as follows in Tucker's work on the Constitution of the United States (Vol. I, pp. 323–324):

"'The provision which fixed irrevocably the equipollency of each State in the Senate, unless such State surrenders it by its separate consent, is clear evidence that no change in this respect can be made but by a new compact, to which each State, as a distinct factor, must be a party. It proves the continuing and perpetual independence of the State as a primordial political particle, in order to its own protection against the *vox majoritatis*, whether of population or of States. It proves more. If the State was not to be preserved as an equal in sovereignty, despite a difference in population, there is no assignable reason for thus shielding its equality in the Senate against all action but at its own will and at its own consent. * * *

"'From this review it is obvious that, without the continuing existence of States and State governments *de jure* and *de facto*, the Federal Government itself would cease to be. * * *

"'If the States in their full autonomy as independent bodies politic are pulled down the Federal Samson would be destroyed amid their ruins.'

"It is no answer to these contentions to urge that the tenth amendment, which expressly reserves the police powers to the States, is after all but an amendment and as such may be altered like any other provision or amendment. The tenth amendment stands upon its own peculiar ground. It is, in fact, but the expression of matters implied in the original Constitution, and it added no power to the States and subtracted none from the Federal Government. (United States *v.* Cruikshank, 92 U. S., 542, 552; Wilkinson *v.* Leland, 2 Pet., 627, 657; Loan Association *v.* Topeka, 20 Wall., 655, 662–3.) If it did not exist the contentions herein urged would, nevertheless, have the same force and effect, and its amendability is, therefore, to be determined not by the mere fact that it is termed an amendment but by its intrinsic nature. In other words, if the principle which one of the first 10 amendments announces is of the very essence of free republican government or of our dual form of government to such an extent that changing it would be subverting our governmental system, then it is not a proper subject of amendment by means of the agencies provided in Article V of the Constitution. (State *v.* Keith, 63 N. Car., 140, 144; Eason *v.* State, 11 Ark., 481, 491.) Thus, the provision guaranteeing due process of law is plainly so vital to free government that it may not be destroyed, but the provision against self-incrimination or indictment by a grand jury may well be regarded as standing on a different footing.

"The guaranty rendered express by the tenth amendment is of vital obligation and was necessarily recognized and approved by every State when it entered into the Union, which can only remain a true Federal union so long as the several States retain the powers which that amendment expressly reserves. With the subject matter of that amendment substantially altered or destroyed, 'we may remain a free people, but the Union will not be the Union of the Constitution.' (Coyle *v.* Oklahoma, 221 U. S., 559, 580.)

"It has been suggested that the proceedings in the Federal Constitutional Convention of 1787 afford support for the defendants' construction of Article V of the Constitution (see Madison's Notes, Farrand, vol. 2, pp. 629–631), but investigation will dispel whatever doubt these proceedings may tend to create. It is reported that (id.)—

"'Mr. Sherman expressed his fears that three-fourths of the States might be brought to do things fatal to particular States, as abolishing them altogether or depriving them of their equality in the Senate. He thought it reasonable that the proviso [in the amending clause of the proposed Constitution] in favor of the States importing slaves should be extended so as to provide that no State should be affected in its internal police or deprived of its equality in the Senate. * * *

"'Mr. Sherman moved, according to his idea above expressed, to annex to the end of the article a further proviso "that no State shall without its consent be affected in its internal police or deprived of its equal suffrage in the Senate."

"'Mr. MADISON. Begin with these special provisos, and every State will insist on them for their boundaries, exports, etc.'

"And thereupon the phrase concerning the internal police of the States was omitted, while the phrase concerning the equal suffrage of the States in the Senate was retained.

"Of course, if the latter provision had been stricken out the equality of the States in the Senate could have been changed whenever two-thirds of the Houses of Congress and three-fourths of the legislatures of the States so desired, because such an equality is not indispensable to a free or republican or federal form of government any more than is equality of representation in the House of Representatives. If Senators were apportioned to the States as are Representatives, neither the essence nor spirit nor the fundamental principles of our Government would be affected. To preserve equality in the Senate, therefore, it was absolutely necessary that the amending clause of the Constitution should be expressly qualified to that effect.

"But the police powers of the States, their right to exist and to be immune from the efforts of some of the other States 'to do things fatal to particular States, as abolishing them altogether,' were clearly implied in the Constitution, as Chief Justice Chase declared in Texas *v.* White (7 Wall., 700, 725). The power of amendment was plainly understood not to apply to them. It was, therefore, quite unnecessary to write these fundamental implications into Article V. As Madison pointed out, if once that course had been entered upon every implication would have had to be counteracted and set out in express terms in the article, and no useful purpose be served, but, on the contrary, the large risk would have been incurred of omitting some that were important. That was what he meant, and all that he meant, when he declared—

"'Begin with these special provisos, and every State will insist on them, for their boundaries, exports, etc.'

"It is reasonably certain that the Constitution would never have been adopted if any responsible member of the Federal Convention had so much as intimated that Article V was intended to authorize the debasement and ultimate destruction of the States at the will of some of them only. Consequently, even if Madison, at the secret sessions of the Federal Convention, had entertained ideas to the contrary, that would be immaterial. The people acted upon the plain meaning of the instrument, and intended no such result as is urged by the defendants in the case at bar; and as the people reasonably read the Constitution, so should it be enforced. (Cooley on Constitutional Limitations, 7th ed., pp. 101–102; Maxwell *v.* Dow, 176 U. S., 581, 601–602; State *v.* St. Louis & S. W. Ry. Co., 197 S. W., 1012, 1013 (Tex.); Alexander *v.* People, 7 Colo., 155, 167.)

"It is, however, perfectly clear that Madison himself believed that the sovereignty of the States was fully protected by the implications apparent upon the face of the Constitution—indeed, that it was inviolable. In No. 43 of the Federalist, which has long been attributed to him, he wrote the following concerning the amending clause of the Constitution (Ford's ed., pp. 291–292):

"'The exception in favor of the equality of suffrage in the Senate was probably meant as a palladium to the *residuary sovereignty of the States, implied and secured by that principle of representation* in one branch of the legislature.'

"And in the thirty-ninth number of the Federalist Madison again described the States under the Constitution (before there was any tenth amendment), as follows (id., p. 251):

"'Its jurisdiction—that is, that of the Federal Government—extends to certain enumerated objects only, and leaves to the several States a residuary and *inviolable sovereignty over all other objects.*'

"IV.

"THE SO-CALLED EIGHTEENTH AMENDMENT HAS NOT BEEN RATIFIED BY THREE-FOURTHS OF THE SEVERAL STATES.

"Article V of the Constitution provides that proposed amendments thereto 'shall be valid to all intents and purposes * * * when ratified by the legislatures of three-fourths of the several States or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by Congress.'

"Congress directed that the so-called eighteenth amendment proposed by it should be ratified by the action of the legislatures of the States, not only providing to that effect in the proposing resolution but expressly declaring in section 3 of the so-called amendment itself that it should be inoperative unless 'ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution,' within seven years. We are not, therefore, concerned with any question of ratification by conventions in the States, but solely with the validity of the alleged ratification of the proposed amendment by the legislatures of the several States.

"Three States—New Jersey, Rhode Island, and Connecticut—have not ratified the amendment. In the remaining States the legislative assemblies, called by various names, have given their approval to the amendment. In 19 of these States, however, the people in their respective State constitutions (the following are references to the apposite constitutional provisions in those States: South Dakota, art. 3, sec. 1, p. 1256; Oregon, art. 4, secs. 1 and 1a, p. 1154; Nevada, art. 19, secs. 1, 2, and 3, p. 809; Montana, art. 5, sec. 1, p. 819; Oklahoma, art. 5, secs. 1–8, p. 1097; Maine, art. 31, secs. 1, 16–20, p. 607; Missouri, art. 4, sec. 57, p. 785; Michigan, art. 5, sec. 1, p. 688; Arkansas, art. 5, sec. 1, p. 93; Colorado, art. 5, sec. 1, p. 195; Arizona, art. 4, sec. 1, p. 58; California, art. 4, sec. 1, p. 123; Ohio, art. 2, secs. 1–1g, p. 1060; Nebraska, art. 3, secs. 1–1d, p. 850; Washington, art. 2, sec. 1, p. 1443; North Dakota, art. 2, sec. 25, p. 1022; Mississippi, art. 4, sec. 33, Hemingway's Annotated Code, 1917, p. 151; Utah, art. 6, sec. 1, p. 1355; Massachusetts, art. 48, subd. 1, of amendments. The constitutions of Maryland, art. 16, p. 652, and New Mexico, art. 4, sec. 1, p. 939, provide only for the referendum and not for the initiative. The argument under this point, however, applies to those States as well as to the others mentioned. The foregoing page references are to Kettleborough on 'State Constitutions,' unless otherwise indicated. The constitutional provisions above referred to will be found in Appendix II to this brief) have reserved to themselves the right to enact practically every kind of legislation—with some minor exceptions—upon their own initiative, and also an equally comprehensive right to require the reference to themselves of almost all the enactments of their several legislative assemblies for rejection or approval at the polls. That is to say, in each of these States the initiative and referendum have left the electors of the State in effectual possession of continuous and permanent lawmaking power, not merely equal, but superior, to that of the houses of the legislative assemblies themselves. It is plain, therefore, that in the jurisdictions where the initiative and referendum prevail—and, indeed, even in the jurisdictions where the referendum alone obtains—the electors of the State are in truth and effect a branch of the legislative power, endowed with at least as much authority as the official legislative assembly itself, and yet in none of these States has there been any attempt to submit the eighteenth amendment to the electors of the State, except in Ohio, where the proposed amendment has been rejected at the polls. (Proceedings looking to a referendum upon the so-called eighteenth amendment have been taken in 12 States, viz., Arkansas, California, Colorado, Maine, Michigan, Missouri, Nebraska, Nevada, New Mexico, Oklahoma, Ohio, and Oregon.)

"A typical illustration of the manner in which the legislative power of the State is apportioned in the jurisdictions above referred to is contained in the following extract from section 1 of article 5 of the constitution of Michigan:

"'The legislative power of the State of Michigan is vested in a senate and house of representatives; but the people reserve to themselves the power to propose legislative measures, resolutions, and laws; to enact or reject the same at the polls independently of the legislature; and to approve or reject at the polls any act passed by the legislature, except acts making appropriations for State institutions and to meet deficiencies in State funds. * * *

"'The second power reserved to the people is the referendum. No act passed by the legislature shall go into effect until 90 days after the final adjournment of the session of the legislature which passed such act, except such acts making appropriations and such acts immediately necessary for the preservation of the public peace, health, or safety, as have been given immediate effect by action of the legislature.

"'Upon presentation to the secretary of state within 90 days after the final adjournment of the legislature of a petition certified to as herein provided, as having been signed by qualified electors equal in number to 5 per cent of the total vote cast for all candidates for governor at the last election at which a governor was elected, asking that any act, section, or part of any act of the legislature be submitted to the electors for approval or rejection, the secretary of state, after canvassing such petition as above required, and [if] the same is found to be signed by the requisite number of electors, shall submit to the electors for approval or rejection such act or section or part of any act at the next succeeding general election; and no such act shall go into effect until and unless approved by a majority of the qualified electors voting thereon.

"'Any act submitted to the people by either initiative or referendum petition and approved by a majority of the votes cast thereon at any election shall take effect 10 days after the date of the official declaration of the vote by the secretary of state. No act initiated or adopted by the people shall be subject to the veto power of the governor.'

"In States having constitutional provisions substantially as above, the legislative power conferred upon and possessed by the nominal State legislature is hardly more than tentative in character, and the electors of the State are in fact the legislature, or the only department thereof possessed of supreme and ultimate power. With inconsequential exceptions, no permanent legislation can have any force and effect in those States unless the electors thereof are willing to accept it or acquiesce in it, and practically nothing that has their approval can be kept off the statute books if they see fit to call into play their initiative power.

"There can be no doubt of the constitutionality of such a distribution of legislative power within a State. The Constitution does not prescribe any requirement for the internal structure of a State government other than that it shall be republican in form; and, under our system of government, the right to decide what is or is not a republican form of government is exclusively vested in the political branches of the National Government. (Luther *v.* Borden, 7 How., 1; Pacific Telephone Co. *v.* Oregon, 223 U. S., 118; Mountain Timber Co. *v.* Washington, 243 U. S., 219, 234.) Since Representatives and Senators from all the States in question have been duly received and seated in Congress and now constitute a part of it, it is patent that the legislative department of the National Government views those States as possessing republican forms of government; and since the executive department of the National Government is every day having dealings with them as duly constituted States, it must be equally apparent that that department of the Federal Government regards them as organized and functioning in accordance with the requirements of the Federal Constitution.

"So long as a republican form of government is maintained, it is obvious that it is immaterial to the Federal Government how the State arranges or distributes the machinery for its own local government. The right of a State to have whatever means or instrumentalities of local government it deems fit is, indeed, as clear as its right to enact measures of local self-government in accordance with its own peculiar wishes. Both of these powers are wholly reserved to the States in the tenth amendment. (State ex rel. Davis *v.* Hildebrant, 94 Ohio Stat. 154, 161–2, affirmed, 241 U. S. 565.) It is entirely competent—and it always has been—for a State to establish the commission form of government for itself and to vest in such commission all or any of the powers of government, or to provide for a legislature with one, two, three, or even more, houses or branches. It is the right of the people of a State to abolish the legislative assembly entirely and to enact all laws upon their own initiative; or to create a legislative assembly and require that the measures enacted by their representatives or agents shall only be tentatively laws and subject to final approval or rejection by the electorate at the polls. In such a case the electorate of the State is a part of the legislative power and of the legislature of the State in the truest sense, since it alone has general, supreme, and ulti-

mate legislative power. In such a jurisdiction it would be impossible for the legislative assembly to enact a prohibition statute or to repeal one, if the electorate were opposed. The latter alone could say finally and conclusively whether such a condition should prevail in their State as the law.

"These considerations make it imperative to determine whether in referendum and initiative States the legislative assemblies can do an act which necessarily must fundamentally and permanently affect and alter the law and public policy prevailing therein, without any recourse to or respect for the will of the respective electorates. That an amendment to the Federal Constitution affects the law prevailing within the States is too plain to warrant discussion. Article VI of the Constitution itself declares that the Constitution 'shall be the supreme law of the land,' and that 'the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding,' and, in the case of such an amendment as the eighteenth amendment, which is in and of itself mere sumptuary legislation directly aimed at the regulation of the conduct of life by every individual in the country, that aspect of the matter is peculiarly clear. We are thus necessarily led to the inquiry, What is the meaning of the term 'legislatures' in Article V of the Constitution, which requires a proposed constitutional amendment to be 'ratified by the legislatures of three-fourths of the several States'?

"Of course, the Constitution being a written instrument, meaning does not alter, and the word 'legislatures' used therein must now bear the same interpretation that would have been placed thereon by the framers. (Dred Scott *v.* Sandford, 19 How., 393, 426; South Carolina *v.* United States, 199 U. S., 437, 448.) As, however, the Constitution was not made for a day but was intended to embrace within its provisions the entire duration of our national existence, however long that might be (Martin *v.* Hunter's Lessee, 1 Wheat., 304, 326; McCulloch *v.* Maryland, 4 Wheat., 316, 415; Cohens *v.* Virginia, 6 Wheat., 264, 387), it is manifest that, 'as changes come in social and political life it embraces in its grasp all new conditions which are within the scope of the powers in terms conferred' therein (South Carolina *v.* United States, 199 U. S., 437, 448), and that it would certainly not be permissible 'to read into the [Constitution] a nolumus mutare as against the law-making power' of a State. (Noble State Bank *v.* Haskell, 219 U. S., 104, 110.) Yet it is all but inevitable that such a consequence of rigid inadaptability to new conditions should follow, if it be true that the legislatures, which may lawfully act upon proposed constitutional amendments, are only the bicameral legislative assemblies of the States, as the defendants claim. For it is manifest that a State which had deemed it proper to abolish its legislative assembly in its own interest would then be wholly incapacitated from either adopting or rejecting a proposed constitutional amendment which Congress, in its discretion under Article V, had seen fit to direct should be ratified by the legislatures and not by conventions in the several States. An outcome which would leave it within the uncontrollable power of Congress to prevent any State possessed of a lawful and constitutional form of government from having a voice in the decision of what shall be the supreme law of the land is certainly to be deprecated and avoided if possible. That it is possible to avoid any such conclusion is self-evident, since it is only necessary to construe the word 'legislatures' in Article V as not limited exclusively to the formal legislative assemblies of the several States, but as intended to refer to the repository of legislative power therein, whatever that may be and however called, and all the parts thereof.

"Such a construction of the Constitution but carries out its primary intention and is not inconsistent with what the framers may be deemed to have had in contemplation. The word 'legislature' could not have signified a bicameral body to them. They must have known that a legislative assembly of but one house existed, or had shortly before existed, in Connecticut, Rhode Island, and Pennsylvania. (Connecticut did not adopt a constitution until 1818, when for the first time its legislative department became bicameral. At the time of the formulation of the Federal Constitution it was operating under a charter granted in 1662 by Charles II, which it had converted into a constitution by an act of its assembly in October, 1776. (Johnston's Connecticut, ch. 16; Thorpe, Vol. I, p. 531.) Rhode Island did not adopt a constitution until 1842. In 1787 the legislative power was in a single house. (Charter of Rhode Island and Providence Plantation, 1663; Thorpe, Vol. VI, pp. 3211, 3215.) The constitution of Pennsylvania was adopted in September, 1776, and section 2 of its 'plan or frame of government' provided for but a single legislative body. (Thorpe, Vol. V, pp. 3082–3084.) In fact, the New Jersey plan for a Federal constitution provided, according to Madison, for but a single legislative body. (Larned, Vol. V, pp. 3297–3298.) The framers certainly looked upon the people of the States as the source of all governmental power in the several States and upon the legislative assemblies as merely their creatures or agents. (Cohens *v.* Virginia, 6 Wheat., 264, 389.) Indeed, most of the State constitutions of that day were explicit upon that score. (See, for example, Bill of Rights adopted by members of the Virginia House of Burgesses in 1776, sec. 2; constitution of Massachusetts, adopted 1780, arts. 4 and 5 (Thorpe, Vol. III, p. 1890); constitution of New Hampshire, effective 1784, arts. 7 and 8 (Thorpe, Vol. IV, p. 2454); constitution of New York, adopted 1777, art. 1 (Thorpe, Vol. V, p. 2628); constitution of Pennsylvania, adopted 1776, arts. 4 and 14 (Thorpe, Vol. V, pp. 3082–3084); constitution of Maryland, adopted 1776, arts. 1, 4, and 5 of 'declaration of rights' (Thorpe, Vol. III, pp. 1686–1687); constitution of North Carolina, adopted 1776, arts. 1, 2, and 18 of 'declaration of rights.' (Thorpe, Vol. V, pp. 2787–2788); constitution of Georgia, adopted 1777, art. 1 (Thorpe, Vol. II, p. 778). See also Ware *v.* Hylton, 3 Dall., 199, 223.) The founders of our Government could, therefore, have seen no legal impropriety or deterrent in a State creating for itself a legislature of three houses (Was not the council of revision provided for in the New York constitution of 1777 (art. 3, Thorpe, Vol. V, p. 2628), in effect the germ of a third house of the State legislature?) with the electorate constituting practically the third house.

"While, of course, it is improbable that they conceived of the fully developed machinery of the initiative and referendum, as we have them to-day, it is, nevertheless, true that the genesis of both of these legislative processes appears in the early history of our country. In several instances the royal charters granted to the Colonies provided that a legislative body in the Colonies should be empowered to make laws, but that such laws should be subject to be annulled by the source of the charter powers. (Article IV of the Ordinances of Virginia (1621) provided in part: 'That no law or ordinance, made in the said general assembly, shall be or continue in force or validity, unless the same shall be solemnly ratified and confirmed in a general quarter court of said company here in England and so ratified be returned to them under our seal.' The charter to the Massachusetts Colony granted by William and Mary in 1691 provided in part that: 'In case we, our heirs, or successors, shall not within the term of three years after the presenting of such orders, laws, statutes, or ordinances [enacted by the colonial legislature] signify our or their disallowance of the same, then the said orders, laws, statutes, or ordinances shall be and continue in full force and effect.' (Thorpe, Vol. III, p. 1883.) [The capitalization, spelling, and punctuation of the foregoing have been modernized herein.]) Here is clearly the precursor of the referendum. And in some of the early State constitutions the right of the people to assemble and consult together and to instruct their representatives was distinctly asserted. (The constitution of Pennsylvania (1776), art. 14, provided 'that the people have a right to assemble together to consult for their common good, to instruct their representatives,' etc. (Thorpe, Vol. V, pp. 3082–3084.) The constitution of Maryland (1776), art. 5, provided 'that the right of the people to participate in the legislature is the best security of liberty and the foundation of all free government.' (Thorpe, Vol. III, pp. 1686–1687.) The constitution of North Carolina (1776), art. 18, of the 'declaration of rights,' is the same as the Pennsylvania provision quoted above. (Thorpe, Vol. V, pp. 2787–2788.) In August, 1789, the House of Representatives of the First Congress debated the advisability of adding a clause similar to the one in the Pennsylvania constitution to the Constitution of the United States. (Annals of Congress, Gales & Seaton's ed., 733–747.) The proposition to this effect was, however, defeated.) Plainly these provisions foreshadowed the latter-day initiative.

"The founders indisputably realized that the people in the several States had the right and the power to circumscribe the functions of their respective State legislatures so as to subject any action of a legislature to popular vote, and that consequence naturally followed from the conviction, which all of them must have had, that the people of the States were the exclusive source of governmental power in their respective States. (Chisholm *v.* Georgia, 2 Dall., 419, 471; Van Horne's Lessee *v.* Dorrance, 2 Dall., 304, 308.) The New England town-meeting system of government prevailed when the Constitution was adopted, was familiar to virtually every enlightened citizen of the time, and was a perfect illustration of local government conducted under and by direct legislation. (People ex rel. Metropolitan St. Ry. Co. *v.* Tax Com'rs, 174 N. Y., 417, 432; In re Pfahler, 150 Calif., 71.) The makers of the Constitution may perhaps not have been able to envisage in full detail the highly complicated initiative and referendum systems of to-day; but, in the light of what then prevailed, no one can rea-

sonably assert that if those systems had been laid before them they would have declared them at variance with any of the fundamental conceptions of the republican or constitutional system they were creating. The framers had beheld legislatures with but a single house, as in Connecticut, and the prospect of beholding legislatures of three bodies—the third and supreme house of which would be the electorate itself—can not reasonably be declared to have been beyond their ken.

"The Federal Constitution did not define the nature, composition, authority, or function of the 'legislatures' of the States upon whom power was conferred in Article V. The Constitution left the State legislatures precisely where it found them—exclusively under the control of the people of the respective States. When, therefore, the framers used the term 'legislatures' in Article V, they were employing it in its broadest sense to denote the legislative instrumentalities by which the legislative power of a State might be expressed in the several States at any time during the future life of the Nation. The all-pervading purpose was to have the people of the State express their will as to changing the fundamental law of the Nation. It is *their* will that was intended to govern, and they are to express that will through the legislative department of the respective State governments which they have established. (Of course, if Congress provided that ratification should be by conventions in the several States, such specially chosen bodies would have a direct mandate from the people of the States, and thus presumably record their will in the action they took.) But how that department should be constituted, how it should act, when it should act, what conditions should be imposed before its action became effective—all these matters were left by the Constitution to the States to settle according to their pleasure.

There is a body of discriminating and carefully considered authority which supports these views. (State ex rel. Schrader *v.* Polley, 26 S. Dak., 5; State ex rel. Davis *v.* Hildebrant, 94 Oh. St., 154, affirmed, 241 U. S., 565; State ex rel. Mullen *v.* Howell, 181 Pac., 920 (Supreme Court of Washington); State ex rel. Hopkins *v.* Amsbury, district court Lancaster County, Nebr., Morning, judge, Aug. 18, 1919; Hawke *v.* Smith, Supreme Court of Ohio, Sept. 30, 1919, affirming court of common pleas, Franklin County, Dillon, judge, June 19, 1919; Carson *v.* Sullivan, circuit court, Cole County, Mo., Slate, judge, no opinion; article by Everett P. Wheeler, Central Law Journal, May 19, 1919; Law Notes, July, 1919, p. 62.) It would unduly extend the discussion to set forth here adequate extracts from the foregoing authorities; but the pertinent passages of some of them have been printed in Appendix I to this brief. The opinions quoted from are exhaustive, well reasoned, and learned to an exceptional degree.

"It may be urged that the correct construction of the referendum provisions in the States renders them inapplicable to a proposed amendment to the Federal Constitution. Even if that were true—and there is strong authority to the contrary (see, e. g., the cases referred to above)—it is beside the point. The primary question is not whether the State referendum provisions embrace Federal constitutional amendments within their terms, but whether those provisions (either with or without the initiative provisions in the particular State) render the electorate such a part of the legislative body of the State as to constitute them in effect a third house of the 'legislature' of the State within the meaning of Article V of the Constitution, and thus make their assent necessary to due and legal ratification by the State of a proposed amendment to the National Constitution. If the referendum provisions of a given State embrace proposed Federal constitutional amendments, that means that in the State in question there now exists adequate machinery for submitting the matter to the electorate. If, however, such referendum provisions do not in terms apply to proposed Federal constitutional amendments, that merely indicates a present want of due instrumentalities for procuring an expression of the will of the people on the question in hand, and renders it incumbent upon the State to enact such measures as may be requisite toward that end. Inasmuch as section 3 of the proposed amendment allows seven years for ratification by the several States, it is apparent that there is plenty of time for the creation of an orderly procedure in every initiative and referendum State for the purpose of enabling the respective electorates thereof to pronounce their judgment on the proposed Federal constitutional amendment in suit.

"Such cases as Herbring *v.* Brown (190 Pac., 328 (Oreg.)) are not in conflict with these contentions. It was held in the Herbring case that the existing provisions of the Oregon referendum laws were not applicable to a proposed amendment to the Federal Constitution. It was not held, however, that under the initiative and referendum provisions in force in that State the electorate was not the repository of at least as much legislative power as its legislative assembly; in other words, it was not denied that in truth and effect the electorate of Oregon was an essential part of the 'legislature' of the State within the intent and meaning of that term in Article V of the Constitution. No one can reasonably doubt that under the Oregon constitution the electorate of the State retains virtually all the legislative power as its legislative assembly; in other words, it was not denied that in truth and effect the electorate of Oregon was an essential part of the 'legislature' of the State within the intent and meaning of that term in Article V of the Constitution. No one can reasonably doubt that under the Oregon constitution the electorate of the State retains virtually all the legislative power in its own hands. The question herein is whether, under such circumstances, the electorate of the State is not a part of the 'legislature,' whose ratification Article V of the Constitution requires. If it is, its assent must be procured. It may be true, as the Oregon court has held, that the present machinery in the State is not adapted to that purpose. But that merely renders it the duty of the legislature in Oregon to erect adequate statutory processes for the purpose, unless it wishes to remain disabled from acting upon proposed amendments to the Federal Constitution.

"The controlling inquiry, therefore, under this head is as to what constitutes a 'legislature' within the meaning of Article V of the Federal Constitution. It has been asserted that it consists solely of the legislative assembly of the State and that no State can limit the authority of any such representative body. But it is submitted that in those States where the initiative or the referendum or both are in general use, the 'legislature' of the State embraces the electorate as well, since the electorate is indisputably vested with a substantial part of the legislative power of those States. Upon this contention the Oregon case above cited did not pass. Neither has any other authority held to the contrary of our views, except the advisory opinion of the justices in Maine.

"It would surely be illogical to argue, as was done in the court below, that amending the Federal Constitution is not legislating in any sense. The cases ordinarily cited for this proposition hold no such doctrine. All that is intended to be declared in those cases is that 'the general assembly in amending the constitution, does not act in the exercise of its ordinary legislative authority. (State *v.* Cox, 8 Ark., 436, 443; Hollingsworth *v.* Virginia, 3 Dall., 378, 381n.) Amending the Federal Constitution is certainly not ordinary legislation, and, consequently, it does not require many things generally required of the usual legislation, as, for example, the assent or veto of the Executive. But inasmuch as the process goes to the creation of the fundamental law in each State, it is necessarily lawmaking. Precisely because it is a legislative activity—although not ordinary legislation—it has been intrusted exclusively to those branches of the Federal and State Governments whose function it is to formulate the laws. The whole matter has been lucidly discussed in Hawke *v.* Smith, decided in the Supreme Court of Ohio on September 30, 1919, as yet unreported, as follows:

"'The functions conferred in different parts of the Federal Constitution upon the legislatures of the States are manifestly dual in their nature. For example, in the election of United States Senators by the legislatures of the several States, as provided by the Federal Constitution, until the recent amendment, the legislature acted as an electing power. It was not understood to be legislative and in States in which the governor had the veto power over legislation that power did not apply in the matter of electing Senators. The legislature represented the State in a manner similar to that in which the Electoral College represents it in the choice of President. On the other hand, the power conferred upon the legislatures in section 4 of Article I of the Federal Constitution, which confers power on the legislature of each State to prescribe the 'times, places, and manner of holding elections for Senators and Representatives,' is purely legislative, and, as already pointed out, in the exercise of that power all the legislative machinery of the State was called into action in the performance of that State legislative duty.

"It is true, as argued by counsel for plaintiff in error, that under Article V the State participates in an act which amends the Federal Constitution and in that sense performs a Federal function. But it does not follow that by the word 'legislature' in that section a *corpus designatus* is meant. It participates in the making of the fundamental law and its act is legislative in character. The making of the Constitution is the highest function of legislation. That being so, it follows that in the exercise of this legislative function of ratification, the makers of the Federal Constitution contemplated that all of the agencies provided by the State for legislation should be empowered to

act in accordance with the provisions made by the State at the time the action on the ratification should be taken; and that the word 'legislature' in Article V is used in that sense. (The suggestion of the Ohio Supreme Court that the word 'legislature' in Article V of the Constitution may not have the same meaning as the same word in a different context in other portions of the Constitution, is clearly correct. (See, e. g., Texas *v.* White, 7 Wall. 700, 721.) This consideration makes pointless the fact that the 'legislature' referred to in other parts of the Constitution connotes merely the legislative assembly of the State.)

"It has been suggested that this decision is distinguishable because the Ohio constitution expressly provides for referring proposed amendments to the Federal Constitution to the electorate. But no such distinction exists. If the 'legislature' which may ratify a proposed amendment is the legislative assembly alone, if only that body is intended by the word 'legislature' as used in Article V of the Constitution of the United States, then manifestly no action by the State or the Congress can change the force and effect of the Constitution of the United States. It is only because the word 'legislature' in Article V signifies, not solely the legislative assembly of a State, but the repository of legislative power therein, that the provision in the Ohio constitution can have any force and effect whatever.

"The impropriety of permitting the legislative assembly of a State, in which the initiative or referendum prevails, to act upon a proposed amendment to the Federal Constitution to the exclusion of the electorate of the State, is emphasized in the case of such a State as Missouri. By section 3 of Article II of its constitution it is expressly provided as follows:

"'As the preservation of the States and the maintenance of their governments are necessary to an indestructible Union, and were intended to coexist with it, *the legislature is not authorized to adopt, nor will the people of this State ever assent to any amendment or change of the Constitution of the United States which may in anywise impair the right of local self-government belonging to the people of this State.*'

"A clearer prohibition against ratification by the legislative assembly of any such amendment as the eighteenth amendment to the Federal Constitution, it would be difficult to express. Nevertheless, the legislature of Missouri saw fit to give its assent thereto, although it could, of course, not have been unaware of the fact that the 'change of the Constitution of the United States,' which the proposed amendment intended, would clearly 'impair the right of local self-government belonging to the people of the State.' See State ex rel. Mullen *v.* Howell, 181 Pac., 920, 922 (Wash.), quoted in Appendix (I), where the nature of the amendment is discussed.

"In another State, where, however, the referendum and initiative do not obtain, the plain will of the people, as expressed in the fundamental law, was likewise flouted by the legislative assembly. Section 19 of article 16 of the Florida constitution provides that—

"'No convention or legislature of this State shall act upon any amendment of the Constitution of the United States proposed by Congress to the several States, unless such convention or legislature shall have been elected after such amendment is submitted.' (Tennessee has a similar constitutional provision. It appears to have been complied with there.)

"But the Florida Legislature, although only in part elected after the so-called eighteenth amendment was proposed by Congress in December, 1917 (see Florida constitution, art. 3, secs. 2 and 3, and art. 7, sec. 2), nevertheless undertook to ratify the amendment on December 14, 1918, in clear violation and defiance of the constitution of the State.

"It follows from these premises that in 22 States of the Union (exclusive of the three which have not ratified the amendment) there has been only an apparent, but not in fact a valid, ratification of the so-called eighteenth amendment, and that, consequently, it can not yet be deemed to be a part of the Constitution of the United States and enforceable as such by the Congress and the several States.

"V.

"THE FOREGOING CONTENTIONS PRESENT JUSTICIABLE QUESTIONS.

"A.

"In final analysis, the decisive inquiries considered in this brief are whether or not the so-called eighteenth amendment is authorized by the Constitution, and whether or not it has been ratified in accordance with the express requirements of the Constitution. The court is called upon to determine whether there are not two implied limitations upon the right to amend the Constitution, namely, (1) that no amendment shall in its primary and essential nature constitute mere legislation as distinguished from a constitutional provision, and (2) that no amendment shall directly and substantially tend toward the destruction of the right of the several States to local self-government. The court is further called upon to determine whether the amendment has been duly ratified by the requisite number of 'legislatures' of the several States, in view of the fact that it was not submitted to the electorate in the States where the electorate has the initiative, or referendum, or both, in respect of State legislation. In other words, the questions raised call upon the court to construe and enforce *implied and express limitations* of the Constitution upon the power to amend under Article V. This is plainly a judicial function.

"It is argued that the inquiry concerning the invalidity of the so-called eighteenth amendment presents not a judicial, but solely a political question. A consideration of the nature of the plaintiff's contentions, however, should at once disclose that this objection is untenable. The plaintiff's claim is that the so-called amendment and the act of Congress enacted thereunder destroy its valuable business and property, and that they do so without constitutional authority or due process of law, inasmuch as the so-called amendment was adopted in violation of the limitations implied and inherent in Article V of the Constitution. Of course, what is implied in the Constitution is as effectually a part of it as what is expressed therein (Ex parte Yarbrough, 110 U. S., 651, 658); and if the limitations above contended for do in truth inhere in the Constitution and thus qualify and limit Article V, they must be accorded the same force and effect as if they were in express terms contained in that article. The court is, therefore, in the case at bar only called upon to construe Article V of the Constitution and to determine whether the plaintiff's rights have been unconstitutionally invaded. That is an ordinary judicial controversy involving a justiciable question over which the courts clearly have jurisdiction. (United States *v.* Lee, 106 U. S., 196, 208-9; Philadelphia Co. *v.* Stimson, 223 U. S., 605, 619; Koehler & Lange *v.* Hill, 60 Iowa, 543, 623-4; Hammond *v.* Clark, 136 Ga., 313; 12 Corpus Juris, p. 880 and cases cited.)

"It is, of course, plainly the duty of the courts 'to say what the law is.' Marbury *v.* Madison, 1 Cranch, 137, 176; The Federalist, No. 78 (Ford's ed.), p. 521. For that reason it is necessarily their duty to determine the constitutionality of a statute; and, for the same reason, it must be their duty to decide what is in law and in fact a part of the Constitution. Ellingham *v.* Dye, 19 N. E., 1, 21 (Ind.). How else can they know, declare, and enforce only what is the law and nothing else? In Cohens *v.* Virginia, 6 Wheat., 264, 384, Chief Justice Marshall declared that—

"'The judicial power of every well constituted government must be coextensive with the legislative and must be capable of deciding every judicial question which grows out of the Constitution and laws. If any proposition may be considered as a political axiom, this, we think, may be so considered.'

"And in Hollingsworth *v.* Virginia, 3 Dall., 378, 381, 382, this court actually considered and determined whether the eleventh amendment to the Constitution had been validly adopted.

"The argument in opposition to the so-called eighteenth amendment that it tends toward the destruction of the right of the several States to local self-government and distinctive existence does not change the otherwise justiciable nature of the controversy. The authorities sustaining the principle announced and enforced in The Collector *v.* Day (11 Wall., 113) conclusively dispose of this suggestion. That leading case held that a Federal taxing act was invalid because it purported to tax a governmental instrumentality of a State, and the ground of the decision was, not that there was any express constitutional provision to that effect, but solely the 'necessary implication' derived from the Constitution and 'upheld by the great law of self-preservation' (at pp. 125, 127). If the case at bar presents only a political controversy, then The Collector *v.* Day and the well-considered authorities following it were wrongly decided, because in them substantially the same contention as is here put forward was not only entertained as a justiciable question but approved and enforced.

"The case of Georgia *v.* Stanton (6 Wall., 50) does not in any wise conflict with the foregoing contention. It would, indeed, be curious if it did, since the opinion of the court in that case and in the later case of The Collector *v.* Day were both delivered by Mr. Justice Nelson. In Georgia *v.* Stanton the State sued to enjoin the carrying out by the defendants of the so-called 'reconstruction acts,' which Congress had passed after the Civil War in order to establish a republican form of government in the rebel States. The duty to secure to the States a republican form of government and the right to decide what

kind of State government is republican in form are exclusively vested in the political departments of the Federal Government. (Luther *v.* Borden, 7 How., 1; Pacific Telephone Co. *v.* Oregon, 223 U. S., 118; Mountain Timber Co. *v.* Washington, 243 U. S., 219, 234.) The validity of the reconstruction acts was consequently not open to question in the courts; and the defendants in Georgia *v.* Stanton were acting under laws which the legislative department of the Government had a right to pass and the courts no right to review; and the suit was, therefore, one not maintainable, not only as involving a political question but as in effect a suit against the United States itself. (Oregon *v.* Hitchcock, 202 U. S., 60, 68–69.) The present suit is against officers specially charged with the enforcement of an act of Congress which is alleged to be unconstitutional, and which the courts have the right and the power to declare to be unconstitutional. (Philadelphia Co. *v.* Stimson, 223 U. S., 605, 619.)

Nor is there anything novel in the nature of the questions discussed in the preceding points of this brief, for questions quite similar in character have been repeatedly before the courts and have been adjudicated as ordinary justiciable questions. Thus, for example, in Eason *v.* State (11 Ark., 481, 491) and State *v.* Keith (63 N. C., 140, 144) constitutional amendments purporting to nullify essential parts of the bill of rights were held invalid and unauthorized because of the necessary implications deemed by the court to arise out of the constitutions there under consideration operating to forbid amendments of such a nature; and in Knight *v.* Shelton (134 Fed., 423, 426) and Koehler & Lange *v.* Hill (60 Iowa, 543, 603) constitutional amendments were likewise held void by the courts for failure to comply with *express conditions* prescribed in constitutions for their amendment. As stated by a learned court after an exhaustive review of the point (McConaughy *v.* Secretary of State, 106 Minn., 392, 409):

"'The authorities are practically uniform in holding that whether a constitutional amendment has been properly adopted according to the requirements of an existing constitution is a judicial question.'

"The opposite view, as Chief Justice Day pointed out in Koehler & Lange *v.* Hill, supra, in effect amounts to a declaration—

"'That the provisions of the Constitution for its own amendment are simply directory and may be disregarded, with impunity; for it is idle to say that these requirements of the Constitution must be observed, if the departments charged with their observance are the sole judges as to whether or not they have been complied with.'

"See also the reasoning in Bott *v.* Secretary of State, 63 N. J. L., 289, and Oakland Paving Co. *v.* Hilton, 69 Calif., 479.

"It would certainly be vain for a constitution to declare or imply limitations upon the power to amend it, if those limitations could be transgressed at will by the very persons who were intended by the people to be restrained and confined within fixed or prescribed limits. Any such doctrine would empower agents of the Government or of the people to exceed their authority at pleasure. As the authorities cited disclose, the weight of judicial opinion has regarded the question whether an amendment to a State constitution has been duly adopted as involving an ordinary judicial inquiry. It would seem, therefore, necessarily to follow that the same conclusion is a fortiori correct in respect of an amendment to the Federal Constitution. Amendments to the Federal Constitution have so far been solely the work of delegated agents, namely, the Houses of Congress and the legislatures of the States; the people as such have not been consulted. It ought, consequently, to be a justiciable question whether these agents have or have not transcended their limited authority. Where State constitutions are amended the proposed amendment is in every instance submitted to the people to pass upon. In such cases it might be proper to view the limitations upon the power to amend State constitutions merely as directory and to regard the vote of the people as corrective and conclusive; but, nevertheless, as we have seen above, even amendments to State constitutions, directly voted upon by the people of the States, have been held null and void when they conflicted with any of the express or implied constitutional limitations upon the amending power.

"It should further be borne in mind that the question is not whether a *constitution* is valid. A court organized and holding office under a constitution is not to be considered authorized to decide whether that constitution exists. It owes its very existence and whatever authority it has to that constitution; it is sworn to uphold that very instrument; the case which would raise any question of the validity of the constitution could only come before it under the self-same constitution, and, therefore, both the court and the parties should not be heard to repudiate the existence of that constitution. A decree of a court that a constitution was illegal *in toto* might operate to leave no lawfully constituted authority in power and remit the people to a state of anarchy. None of these considerations, which might render wholly political and nonjusticiable the question whether the government and its constitution are lawful, is in any wise operative in the case at bar. The plaintiff is but seeking to uphold and enforce the Constitution of the United States and its limitations and provisions. There is, therefore, no vestige of similarity between such a case as this and those controversies illustrated by authorities like Luther *v.* Borden (7 How., 1), which involves questions essentially political and nonjusticiable in their character.

"An effort was made by counsel in the court below to distinguish the cases which had held void constitutional amendments not adopted in accordance with the procedure prescribed in a State constitution from a case in which it was objected that the attempted amendment was of such a nature as not to be a legitimate or authorized subject of a constitutional amendment. The former was conceded to present a justiciable controversy; the latter, it was contended, did not. The distinction, however, is quite untenable. It exalts requirements of a constitution having to do with matters of mere form over requirements in the same instrument governing the most serious matters of substance. If one essential limitation of a constitution may be regarded as more binding than another, it is manifest that one relating to substance should take precedence over one relating merely to procedure. But the argument in question attempts to reverse this obvious relation, and affords judicial protection to matters of form, while denying any right to the courts to protect even the most momentous requirements of substance. As might be expected, such a contention is without support in authority; and, indeed, as stated above, was ruled to the direct contrary in Eason *v.* State (11 Ark., 481, 491). See, also, Ellingham *v.* Dye (19 N. E., 1, 21), where it was said that—

"'The power to determine and declare the law covers the whole body of the law, fundamental and ordinary; the latter being those laws which apply to particulars and are tentative, occasional, and in the nature of temporary expedients. *Whether legislative action is void for want of power in that body*, or because the constitutional forms or conditions have not been followed or have been violated, may become a judicial question, and upon the courts the inevasible duty to determine it falls. And so the power resides in the courts, and they have, with practical uniformity, exercised the authority to determine the validity of proposal, submission, or ratification of changes in the organic law. Such is the rule in this State.'

"B.

"Equally untenable is the contention that the proclamation of the Acting Secretary of State of the United States, announcing the due ratification of the amendment, has rendered nonjusticiable in the courts the question of the validity and due adoption of the alleged eighteenth amendment.

"The foremost fact to bear in mind in connection with this contention is that the Constitution of the United States does not provide for any finding, determination, or even notice of an amendment by the Secretary of State or any other officer. Article V merely declares that an amendment which has been duly proposed 'shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several States.' By the express declaration of the Constitution, therefore, only an amendment which has actually become such in truth and in law is provided for, and not an amendment which some ministerial or legislative officer believes or declares to have validly become a part of the Constitution. Thus, an amendment which had been duly ratified by the legislatures of three-fourths of the States would automatically become part of the Constitution despite the fact that a Secretary of State might refuse to announce it because he erroneously believed the ratifications to be defective for some reason. No court would hesitate to disregard his error of law or fact under the circumstances supposed. Likewise, the action of a Secretary of State in proclaiming that an amendment was in effect, when it had not yet been ratified by the requisite number of States, or when it had not yet been ratified by all the houses of the legislature in the requisite number of States, would have to be regarded as a nullity. Any other result would mean that amendments could be made to the Constitution only if they won the approval of the Secretary of State. Such an interpretation of the fundamental law is plainly erroneous. To refuse an injured party the right to call the action of the Secretary of State into question in the courts would be, to all practical intents and purposes, refusing to uphold the Constitu-

tion and permitting it to be nullified at will by a mere ministerial officer.

"This very amendment and what has been done under it disclose the soundness of this view. The officers of the Federal Government have assumed or declared that the eighteenth amendment became law on January 16, 1919, when the requisite number of States are supposed to have ratified it, and thus became enforceable on January 16, 1920, according to its terms. But, as the court will perceive on reading the proclamation of the Acting Secretary of State, the only date mentioned therein is January 29, 1919. The Secretary does not so much as refer to January 16, 1919, and if his declaration or finding were necessary or could be effective for any purpose, it is plain that this amendment could not be properly regarded as law by anyone prior to January 29, 1919. The reason, however, why no one can logically argue for such an outcome is obvious. It is merely because the Constitution itself in Article V has in mandatory terms provided that an amendment 'shall be valid to all intents and purposes as part of this Constitution,' not when so found or declared by the Secretary of State or anyone else, but solely 'when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress.'

"The Constitution having provided the circumstances under which an amendment shall become effective, of course Congress may not add to or detract from them. Otherwise, Congress would have power to override or nullify the Constitution. It follows that even if there were a statute remitting to the Secretary of State the right conclusively to determine whether a proposed amendment was in force and effect, it would be a mere nullity. But there is in fact no such statute. Section 205 of the Revised Statutes does not even purport to vest any such authority. It merely provides that—

"'Whenever official notice is received at the Department of State that any amendment proposed to the Constitution of the United States has been adopted, according to the provisions of the Constitution, the Secretary of State shall forthwith cause the amendment to be published in the newspapers authorized to promulgate the laws, with his certificate, specifying the States by which the same may have been adopted, and that the same has become valid, to all intents and purposes, as a part of the Constitution of the United States.'

"Accordingly, the Secretary of State may give notice only when an amendment in fact 'has been adopted according to the provisions of the Constitution,' and not otherwise; and even then may only certify, not that he now finds or declares the amendment to be valid, but only that because theretofore duly adopted, 'the same has become valid,' etc. The Secretary of State, in acting under section 205 of the Revised Statutes, is performing a ministerial and not a judicial function, and if he errs, it must be manifest that his errors, whether of fact or law, are binding on no one and may be corrected by the courts.

"There is an unbroken current of authority which supports these views. (Hawke *v.* Smith, Court of Common Pleas, Franklin County, Dillon, J., June 19, 1919, affirmed by the Ohio Supreme Court, September 30, 1919; McConaughy *v.* Secretary of State, 106 Minn., 392, 408–414; Knight *v.* Shelton, 134 Fed., 423, 438–440; Bott *v.* Secretary of State, 63 N. J. L., 289.) In Hawke *v.* Smith, supra, the court dealt with the precise question herein involved, and held that the proclamation of the Acting Secretary of State 'of course, has no legal force or effect' upon the case. The same view has recently been expressed by District Judge Rudkin in the matter of Dillon, U. S. D. C., N. D., Calif., January 27, 1920, who said:

"'The promulgation of a constitutional amendment under section 205 is no more essential to its validity than is the promulgation of an act of Congress under the preceding section, and the former is no more the beginning of the amendment than the latter is the beginning of the law. For, notwithstanding the requirement for promulgation, it is universally recognized that an act of Congress takes effect and is in force from the date of its passage and approval, and a constitutional amendment is likewise in full force and effect from and after its ratification by the requisite number of States.'

"In the well-considered case of McConaughy *v.* Secretary of State, supra, the court, after an extensive review of the authorities, said:

"'The recent case of Rice *v.* Palmer, 78 Ark., 432, 440, presented the identical question which we have under consideration. In reference to the contention that the Constitution intended to delegate to the Speaker of the House of Representatives the power to determine whether an amendment had been adopted, and that the question was political, and not judicial, the court observed: "This argument has often been made in similar cases to the courts, and it is found in many dissenting opinions, but, with possibly a few exceptions, it is not found in the prevailing opinion."' * * *

"'There can be little doubt that the consensus of judicial opinion is to the effect that it is the absolute duty of the judiciary to determine whether the Constitution has been amended in the manner required by the Constitution, unless a special tribunal has been created to determine the question; and even then many of the courts hold that the tribunal can not be permitted to illegally amend the organic law. There is some authority for the view that *when the Constitution itself* creates a special tribunal, and confides to it the exclusive power to canvass votes and declare the results, and makes the amendment a part of the Constitution as a result of such declaration by proclamation or otherwise, the action of such tribunal is final and conclusive. It may be conceded that this is true when it clearly appears that such was the intention of the people when they adopted the Constitution. The right to provide a special tribunal is not open to question; but it is very certain that the people of Minnesota have not done so.'

"It must, therefore, be manifest that the Constitution of the United States does not make the Secretary of State or any other nonjudicial body a special tribunal to determine whether the Constitution has or has not been amended; and it is equally plain that section 205 of the Revised Statutes does not purport to do so. But even if it did, it would be of no effect; the Constitution can not be validly amended except in compliance with its own provisions, both those expressed and those implied. It is the duty of the courts to say what the Constitution means and requires, and it is elementary that Congress can not derogate from the judicial power and vest judicial duties in nonjudicial officers. If, consequently, Congress had attempted in section 205 to make the Secretary of State the sole judge of the question whether the Constitution had or had not been properly amended, its action would be void. So the court declared in Knight *v.* Shelton, 134 Fed., 423, 439, where the following language was used:

"'In neither of these acts did the legislature attempt to make the decision of the canvassing board conclusive, and for this reason it is unnecessary to determine whether it possessed such power, which, in view of the fact that the constitution established three departments—the legislative, executive, and judicial—and vested all judicial powers in the judicial department, except jurisdiction to determine contests for certain State officers hereinbefore mentioned, is at least doubtful. To hold, in the absence of any express provision in the constitution depriving the judicial department of the State of any of the functions which naturally belong to that department, that the legislature could take away that power would be violative of the spirit which pervades not only the constitution of this State, but that of every other State of this Union. It would, in effect, make that department an inferior, and not a coordinate, branch of the Government. The independence of the courts in unhesitatingly declaring acts in conflict with the constitution void, and thus reviewing the acts of the legislative department of the State, has done more to preserve the blessings of liberty which we now enjoy than any other act of any department of the Government.'

"It is vain to urge that because State ministerial officers have transmitted the alleged ratifications of the eighteenth amendment by their respective States, the validity and legal effect of the action of the States may not be inquired into. What is the 'legislature' of a State under Article V of the Constitution, or a proper amendment thereunder, are Federal questions, the decision of which this court, of course, can not abdicate because a ministerial State officer has attempted to decide them. Moreover, there is no statutory authority conferred upon such an officer by the States or the United States conclusively to pass upon the matter. The considerations above urged in respect of the Secretary of State apply with even greater force to the State functionaries transmitting alleged ratifications.

CONCLUSION.

"It is submitted that the destruction of the liquor traffic, even if desirable in some aspects, at the expense of ultimately subverting our Federal system and local self-government and turning our Constitution into a mere code of statutory enactments, of erecting a constitutional precedent which will afford legal justification for spoliation and the destruction of republican government, and of leaving every natural right, whether of life, liberty, or property, wholly at the mercy of future constitutional amendment, may be too high a price to pay for even the greatest reform, and such a misfortune should not be visited upon the people of the United States because a comparatively small minority of them are incapable of self-restraint in the use of liquor. It may be the duty of government to protect the

comparatively few weak and degenerate among the people, but it can not be its duty to remedy even an admitted evil if such remedy necessarily involves laying the foundation for the possible ultimate overthrow of our Federal system of government.

"It is, therefore, submitted that the alleged eighteenth amendment should be declared to be void, and that the decree of the court below should be reversed and the plaintiff's motion for an injunction *pendente lite* granted.

"ELIHU ROOT,
"WILLIAM D. GUTHRIE,
"ROBERT CRAIN,
"BERNARD HERSHKOPF,
"*Of Counsel for Appellant.*

"WASHINGTON, D. C., *March 29, 1920.*"

"IN THE SUPREME COURT OF THE UNITED STATES.

"*October Term, 1919.*

"[Christian Feigenspan, a corporation, appellant, *v.* Joseph L. Bodine, United States attorney for the district of New Jersey, and Charles V. Duffy, collector of internal revenue, of the fifth district of New Jersey, appellees. No. 788. On appeal from the District Court of the United States for the District of New Jersey.]

"BRIEF FOR THE APPELLEES.

"This is an appeal from a decree of the district court dismissing a bill filed by the appellant to enjoin a United States district attorney and a deputy collector of internal revenue from enforcing against it the provisions of the act of Congress of October 28, 1919 (41 Stat., c. 83, p. 305), known as the Volstead Act, and intended to enforce the eighteenth amendment to the Constitution.

"STATEMENT OF THE CASE.

"The appellant, a New Jersey corporation, for many years has been engaged in the manufacture and sale of beer. It alleges that it has on hand a large quantity of beer, containing not to exceed 2.75 per cent of alcohol, which was lawfully manufactured prior to the passage of the Volstead Act. This beer is alleged to be, in fact, nonintoxicating, and the right is asserted to continue to manufacture it. Indeed, the right is asserted to manufacture and sell intoxicating beer after the war prohibition act shall cease to be in effect, plaintiff contending that the eighteenth amendment is invalid, and that, when the war prohibition act ceases to be in effect Congress will be without authority to prohibit the sale or manufacture of intoxicating beverages within the State of New Jersey. If mistaken in this contention, appellant insists that the Volstead Act, in so far as it prohibits the sale of beer which is not, in fact, intoxicating, and in so far as it destroys the value of lawfully preexisting property, is unconstitutional.

"CONSTITUTIONAL PROVISIONS AND STATUTES INVOLVED.

"The provision of the Constitution relating to amendments is Article V, which is as follows:

"'The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes as part of this Constitution when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress: *Provided*, That no amendment which may be made prior to the year 1808 shall in any manner affect the first and fourth clauses in the ninth section of the first article, and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.'

"Section 205 of the Revised Statutes, taken from the act of April 20, 1818, is as follows:

"'Whenever official notice is received at the Department of State that any amendment proposed to the Constitution of the United States has been adopted according to the provisions of the Constitution, the Secretary of State shall forthwith cause the amendment to be published in the newspapers authorized to promulgate the laws, with his certificate, specifying the States by which the same may have been adopted, and that the same has become valid to all intents and purposes as a part of the Constitution of the United States.'

"In December, 1917, by a vote of two-thirds of each House, Congress passed a resolution proposing an amendment to the Constitution of the United States as follows (40 Stat., 1050):

"'*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein)*, That the following amendment to the Constitution be, and hereby is, proposed to the States, to become valid as a part of the Constitution when ratified by the legislatures of the several States as provided by the Constitution:

"ARTICLE —.

"'SECTION 1. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

"'SEC. 2. The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

"'SEC. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.'

"On January 29, 1919, the legislatures of 36 of the States having ratified the amendment thus proposed, the Secretary of State issued his proclamation declaring the same a part of the Constitution. Subsequently, the legislatures of nine other States ratified, leaving only the States of Rhode Island, Connecticut, and New Jersey not ratifying. On October 28, 1919, Congress passed the Volstead Act. Title I of that act was intended to secure a more efficient enforcement of the act known as the war prohibition act, and to this end provided, among other things, that thereafter the term 'intoxicating liquor,' as used in that act, should be deemed to include all beverages of the classes mentioned containing as much as one-half of 1 per cent of alcohol. Title II was to take effect upon the going into effect of the eighteenth amendment, and prohibited the sale, manufacture, and importation of intoxicating liquors for beverage purposes and prescribed penalties to be imposed upon offenders. Section 1 of Title II contains this provision:

"'The word "liquor" or the phrase "intoxicating liquor" shall be construed to include alcohol, brandy, whisky, rum, gin, beer, ale, porter, and wine, and in addition thereto any spirituous, vinous, malt, or fermented liquor, liquids, and compounds, whether medicated, proprietary, patented, or not, and by whatever name called, containing one-half of 1 per cent, or more, of alcohol by volume, which are fit for use for beverage purposes: *Provided*, That the foregoing definition shall not extend to dealcoholized wine nor to any beverage or liquid produced by the process by which beer, ale, porter, or wine is produced, if it contains less than one-half of 1 per cent of alcohol by volume, and is made as prescribed in section 37 of this title, and is otherwise denominated than as beer, ale, or porter, and is contained and sold in, or from, such sealed and labeled bottles, casks, or containers as the commissioner may by regulation prescribe.'

"THE CONTENTIONS OF APPELLANT.

"The bill assails the eighteenth amendment itself, the Volstead Act as a whole, and the section of that act defining intoxicating liquor. The specific contentions are as follows:

"1. The eighteenth amendment is not within the amending power, because it is mere legislation and not a proper amendment of the Constitution.

"2. Article V of the Constitution of the United States does not authorize an amendment which directly, or in principle, tends to impair and destroy the reserved police or governmental powers of the several States and their right to local self-government.

"3. It does not appear that two-thirds of both Houses of Congress deemed the eighteenth amendment necessary.

"4. The eighteenth amendment has not become a part of the Constitution because it has not been ratified by 36 of the States, since in some of the States the ratification of an amendment to the Constitution by the legislature is subject to the referendum features of the State constitution.

"5. The Volstead Act, if otherwise constitutional, is not in effect in New Jersey, because it has not been concurred in by the legislature of that State.

"6. Assuming the eighteenth amendment to be valid, and that Congress has the power without the concurrence of the several States to enact legislation for its enforcement, the definition of intoxicating liquor contained in the Volstead Act is not appropriate enforcement legislation and is unconstitutional.

"7. The Volstead Act, as applied to lawfully acquired preexisting property, is unconstitutional.

"THE CONTENTIONS OF THE GOVERNMENT.

"The Government challenges all of the above contentions and insists:

"1. The first four contentions present questions which are committed by the Constitution to the political branch of the Government for determination and are not justiciable questions.

"2. The eighteenth amendment establishes a fundamental rule of law and confers the power to legislate to enforce it, and

is clearly an amendment within the meaning of Article V of the Constitution.

"3. Article V of the Constitution provides the means by which powers which had previously been reserved to the States or the people thereof may be conferred upon the Federal Government, and confides to the proposing and ratifying bodies named therein the power to determine the nature and wisdom of and the method for adopting any amendment to the Constitution except as in said article otherwise provided.

"4. The passage, by the votes of two-thirds of both Houses, of a resolution proposing an amendment, and reciting that two-thirds of each House concur therein, establishes the fact that two-thirds of both Houses deem such proposal necessary within the meaning of Article V.

"5. The eighteenth amendment has been ratified by the legislatures of three-fourths of the States. In ratifying an amendment to the Federal Constitution the legislature of a State performs a function and exercises a power expressly conferred upon it by the people of the United States through the Constitution of the United States, and this power can not be abrogated, altered, restricted, or conditioned by any provisions of a State law or a State constitution.

"6. The second section of the eighteenth amendment confers upon Congress the power to legislate for the enforcement of section 1. The passage of an appropriate enforcement act by Congress makes the act a law, and no concurrence of the legislature of the State is necessary to render it effective throughout the entire United States.

"7. In order to effectively enforce the prohibition against intoxicating liquors Congress had ample power to adopt the definition contained in the Volstead Act as a means appropriate to such enforcement.

"8. The Volstead Act is an exercise of the police power, and whatever hardships may result from the destruction or impairment of the value of property or of beer heretofore lawfully manufactured, it can not be said that there has been such a taking of property or beer as requires compensation, or that the resulting impairment of values is unconstitutional.

"BRIEF.

"In other cases recently heard and still undecided, all the questions involved in this case have been submitted to the court for determination. Some of those cases have presented one question, and some others. The present case, however, has combined in one bill nearly all the questions which have been urged in the other cases. In each case heretofore heard the Government has contented itself with replying to the particular questions raised in that case. While this brief contains a repetition of arguments previously presented, it is thought that it may be helpful to collect in one brief the arguments in support of the Government's contentions on all of these questions and obviate the necessity of referring to separate briefs for some of them.

"I.—Nature and effect of the eighteenth amendment.

"Before taking up appellant's contentions specifically it may be well to examine for a moment in some detail the eighteenth amendment and consider just what it is and what its presence as a part of the Constitution will mean. Unquestionably, speaking in general terms, section 1 establishes a fundamental rule of governmental policy, and section 2 confers power to enforce this rule. It deals generally with the nation-wide subject of intoxicating liquors.

"Prior to the adoption of this amendment the several States had plenary power to deal with the subject of intoxicating liquors within their borders, except in such manner as the same interfered with powers which could be lawfully exercised by Congress. Congress had no power, except as an incident to its war powers, or some other express power, to prohibit either the manufacture, sale, or transportation of intoxicating liquors. Under its taxing power, and for the purpose of insuring the collection of taxes, it did have the right to regulate and impose conditions upon both such manufacture and sale. Under its power to regulate foreign commerce, it probably had the power to prohibit the importation or exportation of intoxicating liquor. Under its power to regulate interstate commerce, it could prohibit the transportation of intoxicating liquors therein. It had exercised this power in aid of the prohibition laws of the several States. By the Webb-Kenyon Act (37 Stat., c. 90, p. 699) it divested intoxicating liquors of their interstate character when intended to be received, possessed, sold, or in any manner used in violation of the law of any State into which they were shipped.

"In holding that act constitutional this court said that 'in view of the nature and character of intoxicants' Congress had the power to forbid their movement in interstate commerce, but that instead of so doing it had simply established a regulation making it impossible for one State to violate the prohibition laws of another through the channels of interstate commerce. The result was that after the passage of the Webb-Kenyon law a State could prohibit the transportation into it of intoxicating liquors from another State when they were to be used in violation of its own laws. (Clark Distilling Co. *v.* Western Maryland Ry. Co., 242 U. S., 311.) In other words, Congress had the power, if it saw fit, to absolutely prohibit the transportation into a State of intoxicating liquors. At the same time the State had the right to prohibit such transportation when the receipt or use of such liquors would be contrary to its own laws. Later, Congress, by the Reed amendment (39 Stat., c. 162, pp. 1058, 1069), imposed its own prohibition by making it unlawful to transport in interstate commerce intoxicating liquors into any State whose laws forbade the manufacture or sale of such liquors for beverage purposes. Thereafter a shipment of liquor into such a State would be a violation both of the Federal law and the State law. Congress, of course, had plenary power to prohibit or regulate the liquor traffic in the District of Columbia and the Territories.

"This was the state of the law when the eighteenth amendment was proposed. The first section simply provides that the manufacture, sale, transportation, importation, or exportation of intoxicating liquor for beverage purposes is prohibited throughout the United States. Standing alone, this merely establishes a fundamental rule of law to which all legislation, either by Congress or the legislatures of the States, shall be subject. It leaves the liquor traffic within a State subject to the police power of that State, but imposes upon the exercise of that power, in regulating the traffic, the condition that manufacture, sale, or transportation for beverage purposes shall not be made lawful. For the suppression of the traffic, the police powers of the States are left untouched.

"The fundamental rule of law thus established imposes a limitation upon the power of Congress to regulate interstate and foreign commerce. This power remains the same that it was before, with the exception that in regulating such commerce Congress has been forbidden to permit the transportation of intoxicating liquors for beverage purposes. The amendment says to Congress: 'You may regulate interstate commerce and foreign commerce as you see fit, except that you must recognize that intoxicating liquors intended for beverage purposes are no longer legitimate articles of interstate or foreign commerce.' In other words, by the Webb-Kenyon Act Congress had divested them of their interstate character in certain cases. The Constitution now makes this divestiture permanent and complete when they are intended for beverage purposes. The Reed amendment had prohibited the transportation of intoxicating liquors into prohibition States. The constitutional prohibition made all the States prohibition States and extended the principle of the Reed amendment to all interstate and foreign commerce.

"Section 1 of the eighteenth amendment may also be said to be a limitation upon the incidental powers which Congress exercises in enforcing its power of taxation. Heretofore it has had the power to tax both the manufacture and sale of intoxicating liquors. In order to secure the payment of taxes levied, it has had the incidental power to regulate and oversee both the manufacture and sale of such liquors. It has, in fact, permitted their manufacture only under governmental supervision. Regardless of the use for which they were intended, it still has the power to tax such liquors if they shall be manufactured; but section 1 of the eighteenth amendment forbids the Government to permit or supervise their manufacture if intended for beverage purposes.

"Section 1 thus confers no power. It effects, rather, a limitation upon powers which had previously been exercised both by Congress and the legislatures of the several States.

"Section 2, however, was intended to make the prohibition effective by legislation to give it activity and by securing the punishment of those who violate it. For this reason it was deemed necessary to confer addditional power upon Congress; but evidently it was not thought proper to curtail the continued exercise by the States of the power they already had to suppress the liquor traffic. A second section was therefore added, to the effect that 'the Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.'

"On the argument of one of the cases recently heard it was stated generally by counsel for the Government that this section could hardly be said to confer power upon the States to legislate for the suppression of the liquor traffic, since they already had plenary power on that subject; that is, it did not confer on the

States any power which they did not previously possess. But making prohibition a national policy and mandate might well have made the enforcement of the amendment solely a matter of Federal power. This section 2, therefore, does confer on the several States the power to enforce this mandate of the Federal law within their borders by such appropriate means as they see fit, while leaving the power of Congress to legislate to carry out its views by Federal statutes throughout the entire United States.

"The effect of section 2, therefore, was to confer upon Congress the same scope of power throughout the Union and territory subject to the United States that the States already had as to their respective areas and to declare that the powers of the two governments should be concurrent and the exercise by one should not interfere with the other.

"It would seem to be a fair summary of the eighteenth amendment as a whole to say that Congress and the several States shall concurrently have the power to deal with the subject of intoxicating beverages, but that the powers of both shall be subject to the limitation that the manufacture, sale, transportation, importation, or exportation of intoxicating liquors *for beverage purposes* shall be unlawful. Taking this fundamental rule as a starting point, each may legislate for the suppression of the traffic in such way as it deems necessary.

"*II. Questions committed by the Constitution to the political branch of the Government for determination.*

"It is said that the nature of this amendment is such that it is not within the amending power created by Article V of the Constitution. The contention is, first, that it is not in fact an amendment at all, but is merely legislation under the guise of an amendment. In the second place, it is asserted that the rights previously reserved to the States can not be taken away from them in the method provided by Article V for adopting amendments. It is also claimed that the ratification by the legislature is not final in those States whose constitutions provide for a referendum.

"It may be conceded that if there is anything in the Constitution which defines an amendment in such a way as to exclude one of the nature of that now in question or if it can be said that the Constitution of the United States reserves to the people of a State the right to control the legislature in the ratification of an amendment, the court could properly declare the eighteenth amendment invalid for a noncompliance with such restriction. But if the Constitution has not defined an amendment or has left it to the political branch of the Government to determine what amendments are necessary or proper, and if, under a true interpretation of the Constitution, the power to determine when an amendment has been ratified by the requisite number of legislatures, as provided in Article V, belongs to the political branch of the Government, then neither of these questions is justiciable, but both are political.

"The Constitution nowhere refers to the subject of amendments except in Article V. That article does not attempt a definition of the word 'amendment.' It places no limitation upon the character of amendments which may be made, except with respect to the equal suffrage of the States in the Senate and one temporary restriction, to be in effect only until 1808. With these exceptions it is expressly provided that any amendment may be proposed which two-thirds of the Members of both Houses of Congress deem it necessary to propose. In so many words, then, the constitutional test of whether a change shall be made in the Constitution, whether something shall be stricken from it or something added thereto, is whether two-thirds of the Members of both Houses of Congress deem it necessary to propose such amendment. When, in obedience to the Constitution, therefore, Congress has determined that a particular rule of law or of government is the proper subject matter of an amendment, and deems it necessary to propose such an amendment, by what authority can the courts review and reverse the deliberate judgment of Congress? The only limitation upon the power of Congress is that two-thirds of the Members of both Houses shall deem the proposed action necessary. The reviewing authority is the legislatures or conventions of the States. The required concurrence of three-fourths is the check on an improper proposal of the Congress.

"The question upon which the proposal of a particular amendment must depend is clearly, then, purely a question of policy. Authorities need not be cited to show the unbroken rule established by this court that the judgment of Congress on mere matters of policy committed to it is not open to review by the courts. The contrary contention in this case rests alone upon the fallacy that whenever there is a controversy arising out of any provision of the Constitution of the United States its final determination is committed to the judiciary. There is, however, nothing in the Constitution which gives color to so broad a contention. The only express grant of power to the courts is contained in the provision of Article III, that—

"'The judicial power of the United States shall be vested in one supreme court, and in such inferior courts as the Congress may from time to time ordain and establish.'

"Section 2 of the same article confines this judicial power to 'cases in law and equity.' The courts are authorized, therefore, only to decide such questions, whether growing out of the Constitution or not, as may properly arise in an actual case, either in law or equity. There is no intimation of an intention to make the judicial power any broader or more extensive than it had theretofore been understood to be. On the contrary, every express provision of the Constitution relating to this power is in the nature of a restriction rather than an enlargement—such as the provision for trial by jury and that criminal trials shall be held in the State where the crime has been committed and the rights secured to the accused by the fifth amendment. It can not be said that at the time the Constitution was adopted there was any feeling that the power to determine constitutional questions arising in the conduct of the Government could not be safely reposed elsewhere than in the courts. On the contrary, there was at that time a strong feeling that too much power in the courts would be a source of danger to the future Republic.

"It is undoubtedly true that the experience of nearly a century and a half has led to greater confidence in the wisdom of having the judiciary determine finally questions of a legal nature arising out of the Constitution. But the framers of the Constitution, impressed with the necessity of retaining as much power as possible in the people and their direct representatives, considered that there were many questions that would arise in the conduct of the Government which should not be committed to the courts, but which should be dealt with through other branches of the Government. Hence there are numerous constitutional questions which the Constitution has expressly committed to some other branch of the Government for decision and others which, this court has held, a fair interpretation of the Constitution likewise commits to other branches of the Government.

"The Constitution, in Article IV, section 4, provides that the United States shall guarantee to every State a republican form of government and shall protect each State against invasion and, on application of the legislature or of the executive, against domestic violence. There is no express provision declaring by what authority it shall be determined that a particular form of government is republican. But it is now thoroughly settled that this court can never be called on to determine whether a particular State government is republican in form. The same article also provides that the United States shall protect each of the States against invasion, and 'on application of the legislature, or of the executive (when the legislature can not be convened) against domestic violence.' Early in the history of the country these provisions of the Constitution were brought before this court in a case arising in Rhode Island. There were two governments, each claiming to be the real government of the State, and it was sought to have this court determine which, in fact, was the government of the State. The court, however, said that—

"'as the United States guarantee to each State a republican government, Congress must necessarily decide what government is established in the State before it can determine whether it is republican or not. * * * And its decision is binding on every other department of the Government, and could not be questioned in a judicial tribunal.' (Luther *v.* Borden, 7 How., 42.)

"It was also held:

"'It rested with Congress, too, to determine upon the means proper to be adopted to fulfill this guarantee. They might, if they had deemed it most advisable to do so, have placed it in the power of a court to decide when the contingency had happened which required the Federal Government to interfere. But Congress thought otherwise, and no doubt wisely; and by the act of February 28, 1795, provided

"that the President should determine.' (Id., 42–43.)

"And again:

"'By this act the power of deciding whether the exigency had arisen upon which the Government of the United States is bound to interfere is given to the President. He is to act upon the application of the legislature or of the executive, and consequently he must determine what body of men constitute the legislature, and who is the governor, before he can act.' (Id., 43.)

"Thus, none of the questions arising out of this article of the Constitution are committed to the courts for decision. And not being so committed, this court itself holds that they must be determined either by Congress or by such agency as Con-

gress may designate for that purpose. If an agency so designated by Congress makes a mistake, the remedy is stated in the case above referred to to be as follows:

"'Undoubtedly, if the President in exercising this power shall fall into error, or invade the rights of the people of the State, it would be in the power of Congress to apply the proper remedy. But the courts must administer the law as they find it.' (Id., 45.)

"These rules of law have never been departed from. They have been quite recently reiterated in Pacific Telephone Co. *v.* Oregon (223 U. S., 118). In the cases of State of Mississippi *v.* Johnson (4 Wall., 475) and State of Georgia *v.* Stanton (6 Wall., 50) certain acts of Congress establishing provisional governments for the States of Mississippi and Georgia following the Civil War were assailed upon the ground that their effect was to absolutely destroy the State governments of those States. In both cases, however, it was held that the court could not determine the questions raised, because they were not justiciable but were political and directly within the province of Congress to determine.

"Again, the Constitution prescribes the qualifications which shall be possessed by the Members of Congress but makes each House the judge of the qualifications and election of its own Members. A House of Congress may expel a Member on the ground that he is disqualified, and this conclusively determines that he does not possess the qualifications named in the Constitution. It may refuse to accept a Member for a reason which the Constitution does not make a disqualification. It may decide that one man has been elected a Member when the courts would hold that another has been elected. But no one would say that any court could review its action. The result of such action might be considered to deny a man a right given him by the Constitution, or to deny the people of a district or a State the right to be represented by the man of their choice. But whether there has been such a denial of rights must, of course, be determined by some authority, and that authority the Constitution has declared to be Congress and not the courts.

"Again, the Constitution provides, in effect, that the Congress shall count the votes cast for President and Vice President and determine the result. There is nothing in the Constitution which, in terms, says that this decision by Congress shall be final. But it would be scarcely claimed that the courts could be called on to assume jurisdiction and review that decision. Only once in the history of the country has it happened that there has been a serious controversy over the election of a President. In that instance Congress created a special tribunal, unknown to the Constitution, by which the disputed questions were determined, and on whose report Congress announced the result of the election. Whatever doubts may have existed as to the constitutionality of this procedure, it was never supposed that this question was one to be determined by the courts.

"The Constitution contains some very specific provisions as to the manner in which acts of Congress shall be passed. It does not, in terms, say that Congress shall be the judge of whether an act has been passed in accordance with these provisions. In the absence of such a declaration, some might suppose that before a court could interpret an act of Congress it might first be called upon to determine whether the act had been passed in the manner required by the Constitution. But this court has always decided otherwise, holding that Congress was the judge, and that its determination that an act had been passed is final and conclusive. The result is that when an act has been signed by the Speaker of the House, the Presiding Officer of the Senate, approved by the President, and deposited with the Secretary of State there is a final determination that it has been passed in accordance with the Constitution, and the courts can not look to the Journals or other documentary evidence and determine that it was not constitutionally passed, or even that, as signed by the presiding officers and the President, it was not, in fact, the bill that passed. (Field *v.* Clark, 143 U. S., 649, 680; Harwood *v.* Wentworth, 162 U. S., 547, 562; Flint *v.* Stone Tracy Co., 220 U. S., 108, 143.)

"Section 5 of Article I provides that a majority of each House of Congress shall constitute a quorum to do business. Less than a majority, therefore, of either House has no constitutional authority to transact business. Perhaps a majority of all acts passed by either House of Congress are passed without a roll call or a record showing the number of votes cast. It is known to everyone at all familiar with congressional procedure that very often each House proceeds to transact business and enact laws as to which a roll call is not necessary when very much less than a majority of Members are present. Such acts, however, are signed by the presiding officers, approved by the President, and deposited with the Secretary of State.

"In many cases it could doubtless be proved beyond a doubt that a quorum was not present when the act was passed. Yet no one would insist that a court could hear such evidence and from it determine that the act had not been passed as required by the Constitution. The reason is that, whether correctly or erroneously, the question has been decided by the branch of the Government to which, by necessary implication, the Constitution has committed it. Even where there has been a roll call on the passage of a bill, and even if we assume that the court could look to the Journal and, from the recorded roll call, determine that an act duly signed and deposited was not, in fact, passed, there might be a case in which the Journal, in fact, did not record the truth. It might be that enough Members who had voted against the act have been, either by mistake or intention, recorded as voting for it to change the result. In such cases it would be easy to prove by the Members themselves that the record did not speak the truth. No court, however, would receive such evidence, for the reason that Congress, in approving its Journal, has decided that question and its decision is binding on the courts.

"Many other instances could be cited of provision in the Constitution which give rise to questions the determination of which is committed wholly and finally to the political branch of the Government and which can never be the subject of judicial inquiry. When the right to determine a question is not, in express terms, conferred upon the political branch of the Government, there may always be some ground for the contention that it is intended to be left within the jurisdiction of the courts. Even in such cases, however, the jurisdiction does not exist when the right of the political branch is necessarily implied in the Constitution. But when the question is expressly committed to Congress there can scarcely be room for argument. The question of what amendments may be proposed by Congress and ratified by the legislatures of three-fourths of the States clearly falls within the latter class, because the right and power to propose amendments exist, according to the very letter of the Constitution, *whenever two-thirds of both Houses of Congress deem* it necessary to propose them. The proposal, by the required vote, of an amendment is a determination that the necessity exists, and is, therefore, a constitutional exertion of power which the courts are without authority to review. So far, then, as the objections to this amendment based upon its nature are concerned they present, in the strictest sense of the word, questions which are political and not justiciable.

"The question as to whether the ratification of an amendment by a legislature is subject to the referendum feature of a State constitution is not, in express terms, committed to the Congress. In practice, however, the political branch of the Government has always determined when an amendment has been ratified as required by the Constitution, and this court has never reviewed such a decision, although it was once urged to do so. (Myers *v.* Anderson, 238 U. S., 368, 373–374.)

"But, since the Constitution designates the legislatures of the several States as ratifying agents, the question, in the last analysis, is what body in a particular State constitutes the legislature of that State? This, as held in Luther against Borden, supra, is a question which Congress must determine, either acting itself or through such instrumentality as it may designate. If the question in a particular State was as to which of two bodies of representatives, each claiming to be elected, was the real legislature, there could be no doubt that the determination of that question by Congress would be conclusive. If an effort should be made to show that a majority of the members of a legislature in a particular State which had ratified an amendment were disqualified or not elected, no one would contend that this court would assume jurisdiction of the controversy. Likewise the question is political when it is whether the legislature of a State consists of two houses of representatives, or of those two houses plus all the people of the State. The ascertainment by Congress in the manner prescribed by it forecloses the question of whether ratification has been had by the proper body.

"The adoption of the original Constitution was purely a political act. No provision for a judicial ascertainment of the adoption was provided. The adoption of an amendment to that Constitution is equally a political act, and the courts have been given no part in the proceeding by which amendments may be adopted. The political branch of the Government must ascertain and determine when an amendment has been adopted. In this case Congress, by statute, has provided that when an amendment shall be proposed, and when the Secretary of State shall have received official notice that the legislatures of three-fourths of the States have ratified it, he shall, by his proclamation, declare such amendment to be a part of the Constitution. Recognizing that the determination of whether a proposed amendment had

been ratified belonged to the political branch of the Government, Congress has, by law, established this means of determining it. Under the rule laid down in Luther *v.* Borden, supra, the Secretary of State, having been directed to issue his proclamation when he has received official notice of ratification by the legislatures of three-fourths of the States, must necessarily determine what bodies constitute the legislatures of the ratifying States. And as said again in Luther *v.* Borden, supra, if he makes a mistake, that mistake may be corrected by Congress, but not by the courts.

"The Secretary of State received official notice that the legislatures of three-fourths of the States had ratified the eighteenth amendment. He thereupon issued his proclamation as required by the act of Congress. Thereafter Congress itself approved his decision by proceeding to legislate in accordance with the provisions of the new amendment. The political branch of the Government has therefore determined that this amendment is now a part of the Constitution. By what authority can the court call this determination into question?

"Ever since the case of Luther *v.* Borden (7 How., 1, 38–39) it has been the established rule of law that—

"'the political department has always determined whether the proposed constitution or amendment was ratified or not by the people of the State, and the judicial power has followed its decision.'

"In respect to determining questions of policy and adopting or altering constitutions, the American State and Federal Governments are molded upon the same plan. In each the distinction between political and judicial functions is the same. If the courts are to follow the determination by the political branch of the Government on the question as to whether a constitution or amendment has been ratified in the case of *State* constitutions, there would seem to be no reason why the same rule does not apply to amendments to the *Federal* Constitution. This has certainly been the practice with respect to other amendments. The question arose on the adoption of the fourteenth amendment. The Legislatures of New Jersey and Ohio at first ratified, and then, before the requisite number of States had ratified, attempted to withdraw their ratification. Both actions by these legislatures were certified to the Secretary of State. Apparently, he did not feel called upon to determine the effect of the attempt of these two States to withdraw their ratification. He therefore issued a proclamation stating the facts, and concluding with the statement that if the resolutions of the Legislatures of Ohio and New Jersey ratifying the amendment were to be deemed as remaining in full force and effect, notwithstanding the subsequent effort to revoke them, the amendment had become a part of the Constitution. (15 Stat., p. 707.)

"Of course, this proclamation could not be construed as a determination by the Secretary of State, for the political branch of the Government, that the amendment had been adopted, for it expressly left that question open. It does not seem to have occurred to anyone, however, that it was a proper question to be submitted to the courts for determination. It was treated as a reference back to Congress for determination. A few days later, Congress adopted a resolution declaring that the necessary number of States had ratified and that the amendment was effective. Thereupon, the Secretary of State issued another proclamation in accordance with the resolution of Congress. (15 Stat., pp. 708, 709, 710, 711.) Thus, the means previously adopted by the Congress for determining, through the political branch of the Government, whether an amendment had been adopted having failed, Congress itself, as the proper political branch of the Government, acted directly and determined the question.

"It may be true that, in order to determine what is the law, the courts must first determine what is the Constitution in the same sense that they determine what is a law enacted by Congress. In the latter case they, of course, inquire into the power of Congress to pass the act; but when that power is found to exist, no inquiry is made as to whether the particular measure is one which, as a matter of policy or judgment, Congress should have passed. It may be conceded that the same inquiry may be made in the case of a constitutional amendment. But when it is ascertained that there is no constitutional provision which prohibits the proposal of such an amendment, and the action of the political branches shows that it has been adopted in accordance with the procedure provided by the Constitution, the inquiry ends.

"The Constitution provides certain procedure both for the enactment of a statute and the adoption of an amendment to the Constitution. In both cases it is competent for the court to inquire whether this constitutional procedure has been resorted to. But in pursuing this inquiry the court comes to certain questions as to which it must accept, without further inquiry, the decision of the political branch of the Government. Thus, when Congress has decided that a constitutional majority has voted for a particular measure the courts are without power to review that decision. There are several other constitutional requirements as to the procedure under which an act may be passed by Congress. But when an act of Congress is signed by the presiding officers of both Houses, approved by the President, and deposited with the Secretary of State, its passage in a constitutional manner is conclusively established—at least, the courts can not inquire into that question. They can not be called on to determine from the Journals of the Houses or from other documentary evidence whether the statute as signed and deposited was, in fact, passed or that it was passed in the manner required, or even that, as signed, it contained provisions which were not in it when passed.

"In the same way the Constitution provides that an amendment proposed by Congress must be ratified by the legislatures of a given number of States. When an amendment has been, therefore, regularly proposed by Congress, and when the Secretary of State has received official notice that it has been ratified by the required number of legislatures and has proclaimed it to be a part of the Constitution, the political branch of the Government has recognized it as a validly adopted amendment and the courts must follow that decision. They can no more go behind it and undertake to determine for themselves whether the body which ratified it for the people of a particular State was, in fact, the legislature of that State than they can go behind an act regularly signed by the presiding officers of both Houses, approved by the President, and deposited with the Secretary of State, and decide for themselves whether the act, in fact, passed by a constitutional majority, or even whether it was altered after its passage and before being signed. In both cases the court takes the law or amendment as the political branch of the Government has certified it, and the judicial function then is merely one of interpretation and application.

"In other words, the political branch of the Government is the *lawmaking* branch. That branch of the Government makes the statute law. It likewise performs the functions necessary to make that part of the law which, by amendment, is engrafted upon the Constitution. In both cases the courts take the law as it comes from the lawmaking branch. That branch having determined that the eighteenth amendment has been ratified, the courts must accept its decision, and the judicial function is merely one of interpretation and application.

"It is respectfully submitted, therefore, that the contention that, under the constitution of any State, the act of its legislature in ratifying an amendment to the Constitution of the United States is subject to a referendum vote by the people presents no justiciable question.

"III.—The contentions against the validity of the eighteenth amendment are all unsound.

"Regardless of where the authority to decide them is vested, the contentions against the validity of the eighteenth amendment are without merit. The amendment is within the amending power. It was proposed because two-thirds of the Members of Congress deemed it necessary to do so, and has been ratified by the legislatures of three-fourths of the States.

"There is nothing in the nature of the eighteenth amendment which takes it out of the amending power conferred by Article V of the Constitution.

"The argument against the eighteenth amendment based upon its nature seems to be threefold:

"(1) It is not an amendment, but mere legislation.

"(2) If an amendment, it is not germane to anything in the Constitution.

"(3) It confers upon Congress certain powers previously reserved to the States, and this can not be done by an amendment in the manner provided in Article V.

"The eighteenth amendment, establishing a fundamental rule of law, is an amendment within the meaning of Article V.

"It is insisted that the eighteenth amendment is in no proper or constitutional sense an amendment, but that it is mere legislation enacted under the guise of an amendment. The contention is that a constitution, as the word was understood in 1789, is 'the form of government, the distribution of the powers of government, and the regulation of the exercise thereof which make up "the constitution of civil government" of the United States.' In describing what the Constitution did, counsel say:

"'The Constitution which was agreed upon and proposed granted enlarged powers to the Government of the Union. It distributed those powers and directed how they should be exercised. It imposed limitations upon the powers granted and upon the powers reserved for the protection of those inalienable rights to secure which governments are instituted.'

"So far as this particular objection is concerned, it is conceded that a constitutional amendment which merely conferred upon Congress the power to regulate or prohibit the liquor traffic would be an amendment. It is said, however, that because the amendment goes further and declares that the manufacture, sale, and transportation of intoxicating liquors shall be unlawful, it loses its character as an amendment and becomes merely an act of legislation. The second section of the eighteenth amendment, which merely conferred additional powers upon Congress, is not, therefore, subject to this objection. The objection is directed at the prohibition contained in the first section.

"The definition of the Constitution, as insisted on, is faulty, because the office of the Constitution is not only to provide the machinery of government but to establish fundamental rules of law which shall control all the agencies of the Government. But this amendment comes clearly within even the narrow definition suggested, as counsel say the original Constitution granted enlarged powers to the Government and distributed those powers and directed how they should be exercised, and imposed limitations both upon the powers granted to the Federal Government and the powers reserved to the States. In so far as this amendment confers additional powers of legislation upon Congress, it follows in the footsteps of the framers of the Constitution by granting enlarged powers to the Federal Government. In so far as the powers thus granted are taken from the States, it merely operates to change the original distribution of power. True, the first section of the amendment establishes a rule of law by which the liquor traffic for beverage purposes is made unlawful. But, as shown above, the effect of this is merely to place a limitation upon the powers of the States or of Congress to legislate with respect to that traffic. Prior to its adoption, within their respective spheres, Congress and the States had unlimited power over this traffic. The amendment simply says that hereafter all legislation on that subject shall be subject to the limitation that the traffic *for beverage purposes* is unlawful. The amendment, therefore, does nothing except what counsel themselves say the original Constitution did.

"The Constitution and the amendments heretofore adopted are full of rules of law by which the activities of the various agencies of government, both State and Federal, and the rights and duties of persons are fixed or regulated.

"Thus it defines the crime of treason in precisely the same language which might have been employed by Congress for the same purpose if the framers of the Constitution had not decided to legislate on that subject themselves. It adds legislation to the effect that 'no person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.' It provides that 'no attainder of treason shall work corruption of blood or forfeiture except during the life of the person attained,' and having itself legislated thus far, empowered Congress 'to declare the punishment of treason.' Here a rule of law governing the conduct of individuals is established. Certain acts are made unlawful and declared to constitute the crime of treason. The Constitution creates the offense and leaves to Congress only the power to fix the punishment, and that only within prescribed limitations. The eighteenth amendment creates another offense and gives Congress the power to fix the punishments. Treason is a crime against the Government. But so is any other violation of a criminal law. Both relate to the conduct of individuals. They differ only in the degree of heinousness. The declaration that 'full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State' establishes a rule of law just as does the first section of the eighteenth amendment. And the provision that 'the Congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof,' like the second section of the eighteenth amendment, confers the power of legislation to enforce. That 'the citizens of each State shall be entitled to all privileges and immunities of citizens in the several States' is merely a law which the framers of the Constitution might have empowered Congress to make, but decided to make themselves. The same is true of the provision that persons charged with crime in one State and fleeing into another shall be delivered up and removed to the State having jurisdiction of the crime. The Constitution also contains an explicit provision for the return to the owner of a fugitive slave.

"That the provisions referred to are acts of legislation in the sense that they establish rules of law can not be doubted. They and other provisions constitute a body of laws which the framers of the Constitution deemed of such importance that they should be enacted and placed beyond the control of any branch of the Government. Primarily the idea was that the purpose of the convention was not only to create the necessary machinery for a Government, but to make those fundamental laws which were deemed necessary if the Government in its operation was to serve the desired purpose. Whatever rule of law, therefore, was considered of sufficient importance, whether it related to the conduct of Government or to the conduct of citizens, was put in the Constitution, and, subject to these rules of law, the legislative power of the Government was vested in Congress. The Constitution, then, being an instrument providing the machinery of Government and the fundamental laws by which that Government should be controlled, is subject to amendment either for the purpose of changing the machinery of Government, the distribution of power, or the fundamental rules of law.

"It is difficult to see how any provision which, in accordance with what was done, might, with entire propriety, have been put in the original Constitution, can not now be put there by amendment. In connection with the privisions of the Constitution above referred to, there would have been nothing inappropriate or incongruous in a provision to the effect that the liquor traffic should be unlawful throughout the United States. The Constitution did, in effect, make the importation of slaves lawful for a fixed period, if permitted by any State. It can scarcely be doubted that if the framers of the Constitution had seen fit to insert what was afterwards put into the thirteenth amendment, and thus prohibit slavery, this would have been an entirely appropriate constitutional provision.

"What has been said is but a statement of the ideas that have prevailed in proposing and ratifying all the amendments which have been heretofore adopted. The first amendment is in form a limitation upon the power of Congress, but it establishes as a matter of right and law religious freedom, and the freedom of speech and the press, and makes it the law of the land that people may peaceably assemble and petition the Government for a redress of grievances. Nobody questions, of course, the validity of this amendment, but would it have been any more legislation if it had provided that the doctrines of the Methodist Church shall be the established religion, or that Congress should not abridge the freedom of speech *except in a certain specified class of cases*?

"The second amendment is simply an act of legislation to the effect that the people shall have the right to keep and bear arms. Its nature as an amendment would have been no different if it had provided that the people should not keep and bear arms except under specified conditions.

"The third amendment prohibits, in the time of peace, the quartering of soldiers in any house without the consent of the owner. While this prohibition is effective primarily against the Government, the prohibition of the eighteenth amendment operates practically to prohibit both the Federal and State Governments from legalizing the liquor traffic.

"The fourth amendment secures the people against unreasonable searches and seizures. It is couched in language entirely suitable to a legislative enactment.

"The fifth amendment, prescribing the rights to which an accused in a criminal case shall be entitled, operates, it is true, as a limitation upon the powers of the Government, but at the same time it makes general laws which every individual is entitled to invoke for his protection. The same is true of the sixth amendment.

"The seventh amendment prescribes the cases in which litigants shall be entitled to a trial by jury and makes the rules of the common law controlling in the reexamination by any court of the United States of a fact tried by a jury, precisely as Congress could have done in enacting a statute.

"The eighth amendment prohibits excessive bail, excessive fines, or cruel or unusual punishment. Congress, of course, had the power prior to this amendment to prescribe what bail should be required, what fines imposed, and what punishments inflicted in criminal cases. The effect of this amendment was merely to place a limitation upon that power, just as the effect of section 1 of the eighteenth amendment is to place a limitation upon the power of Congress and the States in dealing with the liquor traffic.

"When we come to the thirteenth amendment we have the exact prototype of the eighteenth amendment. It is that—

"'Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.'

"This is legislation in every sense in which the eighteenth amendment can be said to be legislation. It prohibits slavery or involuntary servitude throughout the United States just as the eighteenth amendment prohibits the liquor traffic. It placed a limitation upon the power of both Congress and the States to legislate on the subject of slavery or involuntary servitude just as the eighteenth amendment places a similar

restriction upon legislation on the subject of intoxicating liquor. It operates, however, just as the eighteenth amendment does, not only as a limitation upon the powers of government but equally as a rule of conduct governing individuals. It was directed primarily at African slavery; but is, by no means, confined to that subject. Any individual who holds any other individual in involuntary servitude violates the prohibition just as persons who sell or transport intoxicating liquors for beverage purposes violate the eighteenth amendment. The thirteenth amendment, like the eighteenth, confers upon Congress the power to legislate for its enforcement. Under this power Congress has enacted the peonage law, under which any individual, anywhere in the United States, who holds another in involuntary servitude is subject to be punished.

"Thus, in framing both the original Constitution and the various amendments thereto, there has always been kept in mind the purpose to include in the fundamental law those rules or principles of law for the conduct of the Government and for controlling the conduct of individuals which were deemed of sufficient importance to put beyond the power of Congress or legislatures to change. The eighteenth amendment is in accord with this purpose. If it is not an amendment, the thirteenth was equally not an amendment. If the liquor traffic can not be prohibited by a constitutional amendment, then slavery has not been prohibited, and the Government of the United States is without power to prohibit it.

"An amendment necessarily operates as a change, either by addition, subtraction, or substitution. If it is made, there is necessarily either something in the instrument amended which was not there before or something has been stricken out. It is said, however, that an amendment in the constitutional sense must be deemed to be for the purpose of correcting something which experience has shown should be corrected. This statement, however, throws but little light on the controversy. If the Constitution needs correction, it is because there is something in it which under existing conditions is not necessary, or because changed conditions have made something necessary which was omitted when it was adopted. An amendment which accomplishes either of these purposes serves to make a correction. It is said, however, that the amendment to be valid must be germane to something already in the Constitution. If this be assumed, as we have before shown, the Congress itself and the ratifying legislatures have been made the judges of whether a proposed amendment is germane, and their decision is final. Moreover, if the proposed amendment is something which might have been inserted in the original draft of the Constitution, although dealing with a subject not then thought necessary to be mentioned, it will be, of course, germane as an amendment.

"Counsel have quoted rules of various assemblies, going back to the time of the adoption of the Constitution, and soon thereafter, providing in effect that a pending motion or bill should not, under the guise of amendment, have substituted for it an entirely new motion or bill or one dealing with an entirely new subject. In other words, it is shown that legislative assemblies have found it necessary to limit the right of amendment to the making of such amendments as deal with matters germane to the subject of the original bill or motion. The inference, however, is against, rather than in favor of, the contention of the appellants. Clearly it is to be inferred that the word 'amendment,' as ordinarily understood, is broad enough to include any sort of alteration or change. For this reason, to secure the orderly consideration of business, legislative bodies find it necessary to limit the kind of amendments that may be considered. The Constitution, however, in providing for amendments imposes no such restriction and the word 'amendment' must be given its ordinary meaning.

"Anything added to a pending bill is, in the ordinary acceptation of the word, an *amendment*. Long ago one of the vices of American legislation came to be the practice of incorporating, by way of amendments, all sorts of unrelated matters in one act. In order to avoid this Congress found it necessary to adopt rules requiring amendments to be germane. And many States adopted constitutional provisions to the effect that no bill shall contain more than one subject; that subject to be stated in the title. In the absence, however, of a constitutional mandate prohibiting certain amendments, when a provision is passed as an amendment it can not be assailed as not germane.

"That Article V provided for the proposal of any amendment, with the two exceptions named, which two-thirds of the Members of both Houses should deem it necessary to propose, was the meaning which the Constitution was understood to have at the time of its adoption and during the period immediately following. This understanding was that any changes which experience should show to be desirable could thus be made in the Constitution. Washington in his first message to Congress, speaking of the subject of constitutional amendments, said:

"'Besides the ordinary objects submitted to your care, it will remain with your judgment to decide how far an exercise of the occasional power delegated by the fifth article of the Constitution is rendered expedient at the present juncture by the nature of objections which have been urged against the system, or by the degree of inquietude which has given birth to them.'

"And referring to the considerations which should control Congress in the matter of proposing amendments, he added:

"'For I assure myself that, whilst you carefully avoid every alteration which might endanger the benefits of a united and effective government or which ought to await the future lessons of experience, a reverence for the characteristic rights of freemen and a regard for the public harmony will sufficiently influence your deliberations on the question how far the former can be more impregnably fortified or the latter be safely and advantageously promoted.' (Washington's Writings, Vol. XII, pp. 4, 5.)

"And in his Farewell Address he said:

"'This Government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government.' (Id., p. 222.)

"Clearly his idea was that any alterations found necessary by the amending agency would be within the amending power.

"When the first 10 amendments were under consideration in Congress there was extended debate, but throughout all that was said there was no suggestion that there was any limitation upon the character of changes or additions which might be made under the authority of Article V, with the two exceptions named in that article. The prevailing idea was expressed by Mr. Gerry when he said:

"'It is said that the present form of the amendments is contrary to the fifth article. I will not undertake to define the etxent of the word amendment, as it stands in the fifth article; but I suppose if we proposed to change the division of the powers given to the three branches of the Government, and that proposition is accepted and ratified by three-fourths of the State legislatures, it will become as valid, to all intents and purposes, as any part of the Constitution; but if it is the opinion of gentlemen that the original is to be kept sacred, amendments will be of no use and had better be omitted.' (Seaton & Gale's Annals of Congress, Vol. I, p. 712.)

"The fact that the eighteenth amendment confers upon Congress a power which had previously belonged exclusively to the States does not prevent that amendment from being within the amending power conferred by Article V of the Constitution.

"It is next insisted that the eighteenth amendment is invalid because the amending power conferred by Article V can not be invoked to take from a State, without its consent, any of the powers previously reserved to the State by the Constitution. This argument rests upon the assumption that in some way the Constitution has placed what are termed the police powers, or powers of local economy of the State, beyond the reach of the amending power. No language can be found in the Constitution discriminating between amendments which withdraw from the States powers previously reserved to them and other amendments. In the absence of such language it is difficult to see how such a distinction can be inferred when we consider the nature of the Constitution and that which was accomplished by its adoption.

"The reason for forming the Union and adopting the Constitution was the necessity for a General Government which could, in the very nature of things, exercise certain powers of government for the benefit of all the people better than those powers could be exercised by the several States. It was essential that such a government should have the powers necessary to accomplish the purpose of its creation. The powers of sovereignty resting in the people were exercised through the agency of the various State governments. It was necessary in order to create an effective central government that some of the powers theretofore exercised through the State governments should be conferred upon the central government. This could not be accomplished except by a surrender on the part of the people of each State of the right to exercise those powers through the State governments. The Constitution of the United States, when adopted, was the creature not of the State gov-

ernments but of the people of the United States. Its adoption was the result of an agreement between the peoples of the several States, constituting the people of the United States, as to the distribution of the powers of government between the Federal Government and the several State governments. The new government was thus created by drawing on the several States for the necessary powers.

"After the adoption of the Constitution the States remained sovereign States, but they and their people had voluntarily denuded themselves of many of the powers of complete sovereignty. The exercise of some of these powers was in express terms, denied to the States. Many other powers were taken from the States because they were conferred upon the Federal Government. It was a matter of judgment as to what powers should be left to be exercised by State governments or reserved to the people, and what ought to be conferred upon the Federal Government. It may be assumed that the framers of the Constitution divided the powers of government between the States and the Federal Government in the manner they then believed to be necessary. They recognized, however, that, as time went on, experience might show that the Constitution would be improved by changing the distribution of powers as then made. For this reason they inserted Article V, providing for amendments. One of the chief subjects of consideration at that time was this question of the distribution of power. If it had been intended, therefore, that any of the powers then reserved should never be taken from the States without unanimous consent, language would undoubtedly have been used to express that intent. In the very nature of things almost any amendment that could be adopted would take either from the States or the Federal Government some of the powers belonging to them respectively.

"Under the original Constitution there is nothing to indicate an intention that amendments should be confined to one class. Maifestly the purpose was to provide for the making of amendments of either class, as experience might dictate. It is utterly inconceivable that it should have been intended that an amendment could be adopted which would take away from the Federal Government any of the powers then conferred, but that it should be impossible to amend the Constitution by conferring a power found by experience to be necessary. The people of the various States were secured against hasty amendments or amendments that might injuriously affect the powers of State governments by the provisions of Article V. No amendment could be proposed unless agreed to by two-thirds of the Members of Congress, the Members of both branches of which represented the peoples of the various States, and in one branch of which the representatives of each State had an equal suffrage. With the right of amendment thus hedged about, and with the power in the people of a small minority of the States to prevent any amendment, it was not deemed necessary to place any restrictions upon the amending power, except the two expressly stated, or to place any particular powers of the State governments beyond its reach. As said by Mr. Justice Brewer in Kansas *v.* Colorado (206 U. S., 46, 90):

"'The people who adopted the Constitution knew that in the nature of things they could not foresee all the questions which might arise in the future, all the circumstances which might call for the exercise of further national powers than those granted to the United States, and after making provision for an amendment to the Constitution by which any needed additional powers would be granted they reserved to themselves all powers not so delegated.'

"Article V makes two exceptions to the amending power, one temporary and one permanent. This enumeration of exceptions, under well-recognized rules of construction, excludes the idea that any other exception was intended. This alone would be a complete answer to the present contention, but the fallacy of the argument is put beyond peradventure when we find that at the time Article V was under consideration in the Constitutional Convention it was twice proposed to insert a provision that no State should without its consent 'be affected in its internal police,' and the proposition was twice rejected by the convention. (Vol. 1, Elliott's Debates, pp. 316–317; and Madison's Papers, pp. 531–532 and 551–552.) Judged, then, both by the language employed and that which was deliberately rejected, it would seem that the true intent of Article V has been accurately stated by a text writer, thus: 'In scope the amending power is now limited as to but one subject, namely, the equal representation of the States in the Senate.' (Willoughby on Constitution, sec. 227.)

"This conclusion is in accord with the practice since the beginning of the Government. That amendments to the Constitution have taken from the States power theretofore considered as relating to their internal affairs and constituting a part of their police powers is perfectly evident. It is true that at the time the Constitution was adopted there was in some quarters a feeling that too much power had been conferred upon the Federal Government or that the powers so conferred would be abused. It was therefore not unnatural that the first 10 amendments, proposed almost immediately after the adoption of the Constitution, should be not for the purpose of enlarging the Federal powers but for either placing restrictions upon them or clearly interpreting them. But when the time came that existing conditions required an extension of the powers of the Federal Government and a greater curtailment of the powers of the States, this end was, without question, accomplished through amendments made in accordance with Article V.

"At the time the Constitution was adopted it can not be doubted that, in those States in which slavery existed, the right to control that institution was a matter of chief concern to their people. Nobody doubted that it was a domestic matter subject to the police powers of the States as they then existed. The purpose to continue State control of it was so determined that Article V was adopted only when a provision was inserted, the effect of which was to preserve the safeguards of this control to the States until 1808 as against any amendment that could be made. Slavery, in fact, was the only matter of local concern which received special attention in the Constitution. But when the time came that the sentiment of the people of the United States demanded that slavery should no longer exist, the desired end was accomplished by the adoption of the thirteenth amendment. It is no answer to say that slavery had already been abolished by the emancipation proclamation of the President. As a war measure, it may be assumed that proclamation did free the slaves which were then held in the States whose people were in arms against the Government. It did not, however, emancipate any slaves, if there were any, held in States which were then loyal to the Union or which were not mentioned in the proclamation. It certainly would not have operated to prevent any form of involuntary servitude which any State might have seen fit to permit after the restoration of the Union. It may be that it would not have been practicable thereafter to reestablish, to any considerable extent, African slavery, but the right of the States to permit involuntary servitude had not been taken away. The thirteenth amendment was necessary to accomplish this, for, as stated above, the prohibition of that amendment is not confined to African slavery but applies to any form of involuntary servitude not penal. Certainly there is no difference between the reserved right of the States to regulate the subject of slavery and the reserved rights of the same States to regulate the liquor traffic. Both are domestic or internal matters in the same sense. An amendment to the Constitution applicable to one is on all fours with an amendment applicable to the other.

"The fourteenth amendment invaded the previously reserved governmental rights of the States with respect to a number of matters, including the right to provide for due process of law or to prescribe unequal protection of the laws. It fettered the States in the power to legislate or act in respect to individual rights of citizens or persons where before it had such power. It divested each State of powers which under the tenth amendment had been reserved to the State.

"When the Constitution was adopted, the right to prescribe who should be voters was exclusively a State matter. The qualifications of voters in the several States differed widely. (Minor *v.* Happersett, 21 Wall., 162, 172.) The fourteenth amendment, as construed by this Court, left each State still in control of the power to say who should be its voters. The fifteenth amendment, however, directly restrains the right of the States to regulate suffrage not only as to national elections but as to strictly internal elections.

"By the thirteenth, fourteenth, and fifteenth amendments it can not be doubted that the police and other powers previously belonging to the States were greatly curtailed. Yet, in each instance, there was no infringement of the rights of the States under the Constitution. By procedure had in accordance with the express authority given by the people, each State acting separately, either by the ratification of the Constitution or by later acceding to it, a change was made by which further power was delegated to the Federal Government. The mandate of the tenth amendment was not violated, but was observed. The only powers of which a State was in this way deprived were powers which are by the Constitution expressly conferred upon the United States. This is true because Article V expressly enacts that an amendment proposed and ratified as therein provided 'shall be valid to all intents and purposes as part of this Constitution.'

"It is respectfully submitted that unless the course previously pursued in securing amendments of the Constitution

can be said to be unconstitutional and void there is no valid objection to the eighteenth amendment upon the ground that it takes from the States any of their reserved powers.

"*IV.—No State, by any provision of its laws or its constitution, can make the ratification of an amendment to the Constitution of the United States by its legislature subject to a referendum vote of the people.*

"Some of the States whose legislatures ratified the eighteenth amendment have, in their constitutions, referendum features under which the acts of their legislatures are not final until after the lapse of a fixed time, during which, if a petition bearing the required number of names is presented, such acts are to be submitted to a vote of the people for approval or disapproval. In only one of the States (Ohio) is this provision of the Constitution, in express terms, made applicable to the ratification of amendments to the Federal Constitution. In some, the referendum is provided for in language concededly not broad enough to include such an act of ratification. In others, however, it is claimed that, though such amendments are not expressly mentioned, language sufficiently broad to include them has been used. It is not necessary to go into the details of these various State constitutions. It is admitted that the controversy exists with respect to enough of the ratifying States to at least *delay* the ratification of the amendment to a period some months later than the date for which we contend, if the appellant's contention should be sustained. The question, therefore, as to the effect of a State constitutional provision making the ratification of a Federal amendment subject to a referendum vote must now be determined, if not, as hereinabove contended, a question as to which the courts are bound by the decision of the political branch of the Government.

"We insist that appellant's position is unsound. Article V of the Constitution provides that amendments, when proposed, shall become effective when ratified by *the legislatures* of three-fourths of the States, or *by conventions* held in three-fourths of the States, if Congress shall see fit to propose the amendments to such conventions instead of the legislature. No reference is made to a vote of any kind by the people. The only method of ratification mentioned is through representatives assembled either in the legislature or in a convention called for that purpose. In other words, it is clearly contemplated that the action of the State in ratifying shall not be by direct vote of the people, but by their representatives; and the body, or bodies, who shall be recognized as acting for the States are specifically named. The sole part assigned to the people of a particular State in the ratification of an amendment is that they are to elect the representatives who shall be authorized to act for them. If Congress sees fit to propose an amendment to conventions to be called with authority to ratify, the people elect representatives authorized to act for them in that matter. Congress may, however, see fit to make the proposal to those in whom the people have had sufficient confidence to select to represent them in all matters of State legislation. When the people, therefore, elect members of the legislature, they do so with the full knowledge that those representatives will be authorized to act for them not only with respect to State legislation, but also with respect to the ratification of any amendment which Congress may propose to the legislature. Members of the legislature, therefore, are necessarily elected with a view to having them act on any Federal amendment proposed.

"The language used in Article V has been construed to express an explicit intention to exclude direct action of the people from participation in the ratification of an amendment. Thus in Dodge *v.* Woolsey (18 How., 331, 348), speaking of the Constitution, it was said:

"'It is supreme over the people of the United States, aggregately and in their separate sovereignties, because they have excluded themselves from any direct or immediate agency in making amendments to it, and have directed that amendments should be made representatively for them, by the Congress of the United States, when two-thirds of both Houses shall propose them; or where the legislatures of two-thirds of the several States shall call a convention for proposing amendments, which, in either case, become valid, to all intents and purposes, as a part of the Constitution, when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths of them, as one or the other mode of ratification may be proposed by Congress.'

"When the Constitution was adopted there was in every State a representative body to which the term 'legislature' was applicable. There was no misunderstanding or difference of opinion as to what was meant by a legislature. It was this representative lawmaking body in each State. Nothing has occurred since to give the word a different meaning. No State has abolished its representative lawmaking body. In every State in the Union to-day there is just such a body. The States which have adopted the referendum plan have not attempted to abolish their legislatures. Indeed, the very form of the referendum provisions of State constitutions retains the legislature as a separate and distinct body. Usually, these provisions provide that the legislative power of the State shall be vested in a legislature. They then, in effect, retain a veto power in the people by providing that the action of the *legislature* shall not be final, but shall be subject, under certain conditions, to be submitted to a vote of the people for approval or disapproval. Under this system, however, the *legislature*, as a distinct feature of State government, exists and functions precisely as it did at the time the Constitution was adopted. The only difference is that the people have reserved to themselves a means for undoing what the legislature has done. If this means is not resorted to, the action of the *legislature* becomes effective just as it has always done. True, a limitation has been placed upon its power, and, in a sense, it may be said that it is not now invested with all the *legislative power* of the State. This power may be said to be divided between the legislature and the people. From this it is argued that in the referendum States the people are now a part of the legislature.

"This, however, does violence to the very language of the referendum provisions of State constitutions, which, instead of changing *the nature of a legislature*, merely reserves to the people the right to nullify its action. No court, so far as we know, has ever said that, in such States, the people are *a part of the legislature* and, in effect, constitute a third house. To so say would be an anachronism, for a house or a legislature is, in the very essence of the term, a representative body and not a mass meeting. It is a body of men assembled for joint action as representatives and not an election held at the polls in each civil district. The expression that the people constitute a third house of the legislature, if its use is admissible at all, is merely a figurative expression, and merely means that the people, by their votes at the polls, have the power to render ineffective action taken by the legislature. The expression is used in the same sense that we sometimes speak of the trial judge as a thirteenth juror, because, in passing on a motion for a new trial, he considers the evidence previously submitted to the jury. No one means by this, however, that he is really a juror. It simply means that, in his capacity as judge, he must perform, with respect to the evidence in a case, much the same function which a juror performs in originally passing upon it. So it may be said that in the referendum States the people at the polls perform much the same function that the legislature has previously performed in enacting laws. No one, however, intending to speak accurately, would say that in performing this function the people of the State constituted either a legislature or a part of a legislature. The main idea of a legislature is a deliberative body acting collectively and under responsibility to the people. In a referendum the voters act separately, not as a deliberative body, and without any responsibility to any further power.

"So far as a legislature derives its power to act from the people of a State, it is not denied that the people may limit or restrict its powers by an initiative or referendum feature of the constitution, or otherwise as they see fit. But in ratifying an amendment to the Federal Constitution, the several legislatures exercise a power derived from the people of the United States through the Constitution of the United States. It can not be claimed that a State constitution could withhold from the legislature the power to ratify an amendment to the Constitution of the United States and provide that the people alone should pass on it. This power can not be abrogated, restricted, or altered in any way save by the authority of the people of the United States, from whom it was derived. It is wholly beyond the control, in any respect, of the people of a single State.

"The legislatures of the several States draw power, as such bodies, from the Federal Constitution in many instances which the States could not change or modify by local laws or constitutions.

"Prior to the recent amendment, the Senators for each State were to be chosen by the legislatures; the time, places, and manner of holding elections for Senators and Representatives are to be prescribed in each State by the legislature, subject, however, to the control of Congress. 'Each State shall appoint, in such manner as the legislatures thereof may direct,' presidential electors. New States can not be formed by the junction of two or more States, or parts of States, without the sanction of the legislatures of the States concerned. When performing any function above mentioned, the legislature derives its authority not from the constitution of the State but from the Con-

stitution of the United States. The source of this authority is not the people of a single State, but the whole people of the United States. It can be abrogated or modified only by the same authority. And, through the adoption of Article V, the people of the United States have determined that the only means of accomplishing such abrogation or modification shall be the adoption of an amendment to the Federal Constitution. That the result has been to place the legislature, in this respect, beyond any restrictions that can be imposed by the State constitutions and to exclude the people from any direct or immediate agency in making amendments unmistakably follows from what has been quoted above from Dodge *v.* Woolsey.

"In the multiplicity of assaults now being made on the eighteenth amendment it would be surprising to find all the assailants in harmony and not urging conflicting views. It is not strange, therefore, to find in the brief filed in behalf of the State of Rhode Island a clear refutation of the claim that a State constitution may limit the power of a legislature to ratify a Federal amendment. In that brief there is this emphatic disclaimer of any such power in the people of any State:

"'Congress in proposing, and the legislatures in ratifying, an amendment to the Constitution are Federal representatives. They derive all their power and authority from the Constitution. They derive no power from the laws or constitutions of the several States. Congress and the legislatures of the several States were made an amending branch of the Federal Government for the purposes expressed in Article V, and, like other branches of the Federal Government, must find their powers within the Constitution. They act as the representatives of the people of the United States.'

"If this be true, then the people of the several States, having denied themselves direct participation in the adoption of an amendment, and having agreed to act only representatively in that regard, have made the legislatures of the several States, for this purpose, separate and independent agencies of the Federal Government. If, in this regard, the power of the legislature is conferred by the Constitution of the United States, and in no way derived from the States, or, except through that Constitution, from the people of the States, it must be equally true that that power can be curtailed or limited only by the authority from which it was derived—that is, the Constitution of the United States or an amendment thereto.

"As stated above, the legislature is designated by the Constitution, in slightly differing language, to perform the same function in the selection of presidential electors and, before the recent amendment, in the selection of Senators that it performs in ratifying amendments to the Constitution. It is safe to say that, before the adoption of the amendment for the election of United States Senators by the people, it never occurred to anyone that it was within the power of the people of a State to control the legislature in electing a United States Senator by requiring that such election should be subject to a referendum vote. When the sentiment finally prevailed that the people of each State should have the right to control, at the polls, the election of United States Senators, this result was accomplished by the adoption of an amendment to the Constitution. If the same change shall ever be desired with respect to the ratification of Federal amendments, it can be accomplished only in the same way.

"In the case of McPherson *v.* Blacker (146 U. S., 1), this court had occasion to consider the power of the legislature with respect to the appointment of presidential electors, and the judicial and political history of the country touching the matter of presidential electors was exhaustively reviewed. The views expressed by statesmen and writers at the time of the adoption of the Constitution and since were recalled, and, summing up the result, the court quoted with approval from a report made by Senator Morton, as chairman of the Senate Committee on Privileges and Elections, in 1874, in which it was said:

"'The appointment of these electors is thus placed absolutely and wholly with the legislatures of the several States. They may be chosen by the legislature, or the legislature may provide that they shall be elected by the people of the State at large, or in districts, as are Members of Congress, which was the case formerly in many States; and it is, no doubt, competent for the legislature to authorize the governor, or the supreme court of the State, or any other agent of its will, to appoint these electors. This power is conferred upon the legislatures of the States by the Constitution of the United States, and can not be taken from them or modified by their State constitutions any more than can their power to elect Senators of the United States. Whatever provisions may be made by statute, or by the State constitution, to choose electors by the people, there is no doubt of the right of the legislature to resume the power at any time, for it can neither be taken away nor abdicated.' (Id., p. 34.)

"Obviously, when the people were adopting the Constitution it would have been competent for them to clothe the governor, the supreme court, or any other agency of a State with the power to ratify amendments for and in the name of the people of that State. However, they chose to thus designate the legislature. It follows that the action of the legislatures of three-fourths of the States becomes not alone the action of the people of their respective States, singly or together, but that of the people of the States whose legislatures decline to ratify—all of which people constitute the people of the United States as fully as the several States constitute in their Union the United States of America. That this was clearly understood at the time the first 10 amendments were under consideration by Congress is shown by the debates. Among many similar statements, Mr. Gerry said this:

"'The Constitution of the United States was proposed by a convention met at Philadelphia; but, with all its importance, it did not possess as high authority as the President, Senate, and House of Representatives of the Union. For that convention was not convened in consequence of any express will of the people, but an implied one, through their members in the State legislatures. The Constitution derived no authority from the first convention; it was concurred in by conventions of the people, and that concurrence armed it with power and invested it with dignity. Now, the Congress of the United States are expressly authorized by the sovereign and uncontrollable voice of the people to propose amendments whenever two-thirds of both Houses shall think fit. Now, if this is the fact, the propositions of amendment will be found to originate with a higher authority than the original system. The conventions of the States, respectively, have agreed for the people that the State legislatures shall be authorized to decide upon these amendments in the manner of a convention. If these acts of the State legislatures are not good, because they are not specifically instructed by their constituents, neither were the acts calling the first and subsequent conventions.' (Gales and Seaton's Annals of Congress, vol. 1, p. 716.)

"The case of Davis *v.* Ohio (241 U. S., 565) is in no way in conflict with what has been said. It involved that provision of the Constitution that—

"'The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof.'

"If this had been all of the provision, the authority of the legislature would have been as complete as it was in the election of Senators or electors and in the ratifying of amendments. This, however, is not all of the provision. It continues—

"'But the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.'

"It will thus be seen that the ultimate power in this matter is given to Congress, if it chooses to exert such power. The act of Congress in effect prior to 1911 was that the existing districts in a State should continue in force 'until the legislature of such State in the manner herein prescribed shall redistrict such State.' But a new act was passed by Congress in 1911, which provided that the redistricting should be made by a State 'in the manner provided by the laws thereof.' Since Congress had the ultimate power of control, it could itself make the redistricting or require it to be made in such way as it directed. The court therefore held that the language quoted from the act of 1911 was significant. Previously Congress had simply provided that the redistricting should be done by the legislature. But when this act was passed, various States had adopted referendum amendments, and the court was of the opinion that in using the language 'in the manner provided by the laws thereof' Congress had expressed an intention not to leave the matter absolutely to the legislature, but to place it within the legislative power of the State as determined by its own laws. In the absence of any act of Congress on the subject the legislature having been, in the first instance, designated by the Constitution, could have redistricted the State. And if it had been claimed that its action was subject to the referendum of the State constitution, it might have been a good answer to say that it had performed a function devolved upon it by the Constitution of the United States. But the Constitution gave Congress the power to take this matter out of the hands of the legislature. This court merely held that it had done this and by the language used had indicated an intention that the action of the legislature should be subject to all the restrictions which the constitution of the State imposed with respect to the passage of a law.

"V.—The resolution proposing the eighteenth amendment sufficiently showed that two-thirds of the Members of both Houses deemed its proposal necessary.

"The last objection to the validity of the eighteenth amendment is found in the contention that the resolution proposing and reciting that two-thirds of both Houses concurred is insufficient, because, it is insisted, that to comply with Article V, there must be some express declaration or finding by Congress not merely that two-thirds of the Members concurred, but that two-thirds of the Members of both Houses deem the amendment necessary. The argument in support of this highly technical and rather remarkable contention is based principally upon the claim that when the first 10 amendments were being considered by Congress, almost contemporaneously with the adoption of the Constitution, this was the construction put upon Article V by the statesmen of that day who had helped to frame the Constitution, as evidenced by the form used in proposing these first amendments. In making this argument, however, counsel were misled by Gales and Seaton's 'Annals of Congress,' published in 1834. This work (vol. 1, p. 778) published a resolution containing the recital 'having been agreed to by two-thirds of both Houses,' and, at page 779, that the resolution, as reported by a committee and adopted by the House of Representatives, had changed this language so as to read, 'two-thirds of both Houses deeming it necessary,' and that, at volume 1, page 88, it appeared that the resolution had been adopted by the Senate. From this it was assumed that Congress, in proposing the first 10 amendments, had used the language quoted, and for the reason that this was deemed necessary in order to comply with Article V.

"It is conceded that practically all, if not all, of the amendments subsequent to the tenth have been proposed in a resolution using the exact language used in proposing the eighteenth amendment. They say, however, that this doubtless resulted from the fact that when, in 1845, the first volume of the Statutes at Large of the United States was published, by Messrs. Little & Brown, the resolution proposing the first 10 amendments as there published used simply the expression 'two-thirds of both Houses concurring.' Counsel assumed that this was a mistake made by the publishers, and that this mistake led to what they termed 'the loose practice' which has since prevailed in proposing all amendments. The argument is that in this matter the construction placed upon Article V by those who proposed the first 10 amendments should be given controlling weight. The mistake, however, is in the conclusion drawn from what is found in Gales and Seaton's 'Annals of Congress,' and not in the resolution as published in First Statutes at Large, page 97. The original resolution, as adopted by Congress and signed by John Adams, as Vice President, and by the Speaker of the House of Representatives, is on file in the office of the Secretary of State, and a copy of it is printed as an appendix to this brief. It shows that it was correctly published in the First Statutes at Large. The elaborate argument made, therefore, in support of the contention that the form of the resolution thus adopted by a Congress composed in large part of men who were members of the Constitutional Convention ought to be treated as the only proper and constitutional form becomes an argument against the contention that the eighteenth amendment was not properly proposed.

The argument is based upon another fallacy. It is assumed that before an amendment can be proposed two-thirds of the Members of both Houses shall deem it necessary that such an amendment should become a part of the Constitution. Article V does not say this. It says:

"'The Congress, whenever two-thirds of both Houses shall deem *it* necessary, shall propose *amendments* to this Constitution.'

"If it had been intended that two-thirds of the members should deem the *adoption* of the amendment necessary, the language would have been: 'The Congress, whenever two-thirds of both Houses shall deem *them* necessary, shall propose amendments to this Constitution.' What is required is that they shall deem the *proposal* of amendments and not their *adoption* necessary. There may be many reasons why a Member of Congress may honestly deem it necessary to propose an amendment which he himself does not think necessary to be a part of the Constitution. It may be that he represents a constituency which, he is sure, favors and desires such an amendment. It may be that the agitation for an amendment has created such an unsettled condition in the public mind that he deems it necessary to propose an amendment in order that those conditions may be settled.

"Counsel have quoted from the debates in Congress when the eighteenth amendment was pending to show that, for these or similar reasons, Members of Congress voted to propose the amendment, although, as individuals, they were opposed to its adoption. But each Member of Congress is the judge of the reasons which led him to the conclusion that the proposal of a particular amendment is either necessary or unnecessary. The reasons assigned by the Members quoted in the brief do not, therefore, impeach their judgment that it was necessary to propose this amendment. Counsel are fond of appealing to the utterances of distinguished Members of the early Congresses of the United States for a proper interpretation of the Constitution. An examination of the debates in Congress when the first 10 amendments were pending, so far as the reasons leading Members to conclude that the proposal was necessary are concerned, is almost a counterpart of the debates on the eighteenth amendment quoted in the brief. Throughout these debates there was no suggestion that a Member might not, with entire propriety and in entire accord with the Constitution, deem it necessary to propose an amendment the adoption of which he himself did not regard as necessary. Mr. Madison is quoted in Gales and Seaton's 'Annals of Congress' (vol. 1, p. 704), as follows:

"'He would remind gentlemen that there were many who conceived amendments of some kind necessary and proper in themselves; while others who are not so well satisfied of the necessity and propriety may think they are rendered expedient from some other consideration. Is it desirable to keep up a division among the people of the United States on a point in which they consider their most essential rights are concerned? If this is an object worthy the attention of such a numerous part of our constituents, why should we decline taking it into our consideration, and thereby promote that spirit of urbanity and unanimity which the Government itself stands in need of for its more full support?'

"Mr. Clymer is reported, at page 710, as saying:

"'He made this distinction because he did not conceive any of the amendments essential, but as they were solicited by his fellow citizens, and for that reason they were acquiesced in by others, he therefore wished the motion for throwing them into a supplementary form might be carried.'

"The debates are full of similar statements.

"Some of the objections to the validity of the eighteenth amendment which we have previously considered in this brief, if sustained, would invalidate not only that amendment but several others, notably the thirteenth, fourteenth, and fifteenth. The present contention, based upon the theory that the language used by Congress in proposing amendments, from the beginning of the Government, does not comply with the provisions of Article V, will enjoy the distinction, if sustained, of destroying every amendment supposed heretofore to have been adopted and of restoring unaltered to its original form the Constitution as it came from the convention in 1789. This simple result is recognized by counsel, and is met by the suggestion that, since these amendments have never been challenged, they are now a part of the Constitution by prescription. This means that the Constitution may be amended either in the manner provided in Article V or as a result of the fact that, for an indefinite period, a proposed amendment has been supposed to be a part of the Constitution and nobody has challenged its validity.

"It is, of course, true that the people of the United States in adopting the Constitution could ordain that amendments adopted as therein provided should become a part of the Constitution. But we deny that the people of the United States, or of any State, can be bound by any amendment which is not adopted in the manner provided in Article V, no matter how long a time may elapse before some one questions its validity. It may be that, after a long lapse of time, general acquiescence in an amendment may have some weight as indicating the contemporaneous construction of the Constitution. If, however, anything can be established in this connection by anything akin to prescription, it would be that, through the long practice of the Government and the construction of Article V by those dealing with amendments, the propriety of the proposal in the manner adopted with respect to the eighteenth amendment has become the established construction of Article V. But the conclusive answer is that the Congress having, by a two-thirds vote of each House, proposed an amendment, it is indisputable and the highest evidence that they deemed it necessary to make such proposal. Why they reached this conclusion is immaterial. *Res ipsa loquitur.*

"VI.—The Volstead Act, if otherwise constitutional, is effective in the State of New Jersey without the concurrence of the legislature of that State.

"If the eighteenth amendment is a part of the Constitution, it is next insisted that the Volstead Act, even though otherwise constitutional, is not effective in the State of New Jersey, because the legislature of that State has not concurred in it. This

argument is based upon the second section of the amendment, which is that—

"'The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.'

"It is said that, by reason of this section, no law for the enforcement of the eighteenth amendment is valid unless it represents, in some way, the concurrent action of Congress and the legislature of the State. In other words, to be valid, a law must be the act of both Congress and the legislature of the State. The mandate of the amendment is made to read as though it was that the article shall be enforced by legislation in which the Congress and the several States concur.

"There is an express purpose, of course, that Congress shall have power to legislate for the enforcement of the amendment. The only qualification or limitation of the power so conferred is that instead of being exclusive it shall be concurrent with a like power in the several States. It is not required that there shall be joint action by Congress and the States, or that the legislation enacted by the one shall be concurred in by the other. A new rule of fundamental law was introduced into the Constitution. It was deemed necessary to give Congress the power to enforce it. Congress might have been given the exclusive power. The use of the word 'concurrent' conclusively negatives any such purpose.

"The contention of appellant is that concurrent power necessarily means a power in the exercise of which Congress and the States do not act separately and independently, but must act jointly, or, at least, in cooperation and by mutual consent and agreement. If this be correct, then the eighteenth amendment is a much more startling innovation than has heretofore been imagined by its stanchest opponents. In a few instances certain actions by the States are subject to the consent of Congress, but whenever the Constitution intended such a thing it provided it in express terms and did not use the phrase 'concurrent power.' In the matter of the enactment of general laws no such thing has ever been known in the history of this country as laws in the enactment of which both Congress and the legislatures of the several States participate. Each acts for a separate and distinct government, and it is wholly inconsistent with the governmental functions of each to require them to act in concert in the adoption of laws. Each enacts its own laws to be enforced by the courts of its own government, subject, however, to the jurisdiction of the Federal courts to determine whether State legislation conflicts with the Federal Constitution.

"It is true that the word 'concurrent' has various meanings, according to the connection in which it is used. It may undoubtedly be used to indicate that something is to be accomplished by two or more persons acting together. It is equally true that it means in other connections a right which two or more persons, acting separately and apart from each other, may exercise at the same time. It would be idle, however, to go into all the meanings which may attach to this word. In certain connections it has a well fixed and established meaning, which is controlling in this case. When we speak of the concurrent jurisdiction of courts, there is no room for misunderstanding the term. We never understand it to mean a jurisdiction, in the exercise of which both of the courts must have a part. Quite to the contrary, it means that the two courts have an equal right to exercise, each acting without the participation of the other, the same jurisdiction.

"It is to be noted that section 2 does not say that *legislation shall be concurrent*, but that the *concurrent power* to legislate shall exist. The concurrent power of the States and Congress to legislate is nothing new. And its meaning has been too long settled, historically and judicially, to now admit of question. The term has acquired a fixed meaning through its frequent use by this court and eminent statesmen and writers in referring to the concurrent power of Congress and the States to legislate. Practically all the powers of government before the Constitution were in the people of the several States. Such powers as were not delegated to the Federal Government remained in the people of the State. Where Congress was given the exclusive power to legislate on a certain subject, the power of the State over that subject was destroyed. If the power of Congress to legislate, however, was not made by the Constitution exclusive, the right of the State to legislate on that subject continued, and the Congress and the States were said to have concurrent power to legislate. There were numerous instances of this kind, and this is the meaning which the term 'concurrent power' in this connection has had from the beginning.

"In the thirty-second number of the Federalist, as quoted in the brief of counsel in Fox *v.* State of Ohio (5 How., 410, 418), it was said:

"'An entire consolidation of the States into one complete national sovereignty would imply an entire subordination of the parts, and whatever power might remain in them would be altogether dependent on the general will. But as the plan of the convention aims only at a partial union or consolidation, the State governments would clearly retain all the rights of sovereignty which they before had and which were not by that act exclusively delegated to Congress. This exclusive delegation, or rather this alienation of State sovereignty, would only exist in three cases: Where the Constitution in express terms granted an exclusive authority to the Union; where it granted, in one instance, an authority to the Union and in another prohibited the States from exercising the like authority; and where it granted an authority to the Union to which a similar authority in the States would be absolutely and totally contradictory and repugnant. I use these terms to distinguish this last case from another which might appear to resemble it, but which would, in fact, be essentially different; I mean, where the exercise of a concurrent jurisdiction might be productive of occasional interferences in the policy of any branch of administration, but would not imply any direct contradiction or repugnancy in point of constitutional authority.'

"Of course, as used here, the expression 'concurrent jurisdiction' can not refer to anything except separate, distinct, and independent action by the States and by Congress, respectively. It is power thus separately exercised by the two Governments that this court has from the beginning described as 'concurrent power.' The court has also kept in mind always the fact that many of the powers conferred upon Congress are similar to those already existing in the State government, and that, unless the intention to make the power of Congress exclusive was expressed or necessarily implied, the power of the State remained, subject only to the constitutional provision that in case of conflict the laws of Congress should be paramount. Thus, in Houston *v.* Moore (5 Wheat., 1, 47), Mr. Justice Story said:

"'The Constitution containing a grant of powers, in many instances, similar to those already existing in the State governments, and some of these being of vital importance also to State authority and State legislation, it is not to be admitted that a mere grant of such powers, in affirmative terms, to Congress does, per se, transfer an exclusive sovereignty on such subjects to the latter. On the contrary, a reasonable interpretation of that instrument necessarily leads to the conclusion that the powers so granted are never exclusive of similar powers existing in the States unless where the Constitution has expressly, in terms, given an exclusive power to Congress or the exercise of a like power is prohibited to the States or there is a direct repugnancy or incompatibility in the exercise of it by the States. The example of the first class is to be found in the exclusive legislation delegated to Congress over places purchased by the consent of the legislature of the State in which the same shall be for forts, arsenals, dockyards, etc.; of the second class, the prohibition of a State to coin money or emit bills of credit; of the third class, as this court have already held, the power to establish a uniform rule of naturalization (Chirac *v.* Chirac, 2 Wheat., 258, 269), and the delegation of admiralty and maritime jurisdiction. (Martin *v.* Hunter, 1 Wheat., 304, 337; and see The Federalist, No. 32.) In all other cases not falling within the classes already mentioned it seems unquestionable that the States retain concurrent authority with Congress not only upon the letter and spirit of the eleventh amendment of the Constitution but upon the soundest principles of general reasoning. There is this reserve, however, that in cases of concurrent authority, where the laws of the States and of the Union are in direct and manifest collision on the same subject, those of the Union, being "the supreme law of the land," are of paramount authority, and the State laws, so far, and so far only, as such incompatibility exists, must necessarily yield.'

"And in the same case, at page 54, it was said:

"'In considering this question it is always to be kept in view that the case is not of a new power granted to Congress where no similar power already existed in the States.'

"Here, in speaking of concurrent power and concurrent authority, it is impossible to say that anything was referred to except authority or power which the States and Congress could each exercise, acting separately and independently. Indeed, it is expressly said that where the granting of power to Congress is in general terms, and the power is not of such a nature as to be necessarily exclusive, it is to be exercised by Congress, with the States retaining a right to exercise it at the same time, subject only to the qualification that, in the case of a direct conflict between State and Federal laws the latter must prevail. It is true what has been quoted above was said in

the course of a dissenting opinion, but it is not in conflict with anything that was said in the opinion of the court and is an accurate statement of the rule which has always been recognized by this court.

In the case of Prigg *v.* Pennsylvania (16 Pet., 536) in considering a State statute, the court said, at page 621:

"'The remaining question is, whether the power of legislation upon this subject is exclusive in the National Government, or concurrent in the States, until it is exercised by Congress.'

"Here the court describes a power which may be exercised by Congress and which may also be exercised independently by the States as a *concurrent power* of the two.

"In Gibbons *v.* Ogden (9 Wheat., 1, 209) the expression 'concurrent power' was used in the sense which we attribute to it when the court said, speaking of the possibility that an act of Congress and an act of the legislature of the State might come into collision, that—

"'Should this collision exist, it will be immaterial whether those laws were passed in virtue of a concurrent power "to regulate commerce with foreign nations and among the several States," or in virtue of a power to regulate their domestic trade and police.'

"In Covington, etc., Bridge Co. *v.* Kentucky (154 U. S., 204) the court described the class of Federal and State statutes which may properly be said to have been enacted in the exercise of a concurrent power. It was said, at page 209:

"'The adjudications of this court with respect to the power of the States over the general subject of commerce are divisible into three classes: First, those in which the power of the State is exclusive; second, those in which the States may act in the absence of legislation by Congress; third, those in which the action of Congress is exclusive and the States can not interfere at all.'

"And at page 211, referring to the second class—that is, those in which the States may act in the absence of legislation by Congress—it was said:

"'Within the *second* class of cases—those of what may be termed concurrent jurisdiction—are embraced laws for the regulation of pilots.'

* * * * * * *

"In the Passenger Cases (7 How., 282, 396), in holding that the power of Congress over the subject of interstate commerce was necessarily exclusive, it was said:

"'A concurrent power in the States to regulate commerce is an anomaly not found in the Constitution. If such power exist, it may be exercised independently of the Federal authority.'

"This was said in connection with the proposition that the power to regulate is necessarily an exclusive power.

"It will thus be seen that in legal nomenclature the concurrent power of the States and of Congress is clearly and unmistakably defined. It simply means the right of each to act with respect to a particular subject matter separately and independently.

"Whether the intention of the Constitution, in conferring legislative power upon Congress, was to make that power exclusive may frequently be the subject of controversy. Undoubtedly the general power of taxation conferred upon Congress is not exclusive. The clearest example of concurrent power in Congress and the States is perhaps to be seen in the power of taxation. Congress may tax incomes. The States, acting separately and independently and for their own purposes, may tax the same incomes. In other words, they have the concurrent power by legislation to impose taxes. The power to coin money, if it depended alone upon the section of the Constitution which confers that power upon the Congress, would likewise not be exclusive. But another provision of the Constitution denies the right to coin money to the States, and thus the power of Congress becomes exclusive. The power to regulate interstate commerce is not declared by the Constitution to be exclusive, nor is it, in terms, prohibited to the States. But the power to *regulate* necessarily includes all that may be done for that purpose. It is incomplete unless it can be exerted to its full extent. This power of Congress, therefore, is of necessity and from its very nature exclusive. In other cases, however, where the concurrent power exists, in whatever way either Congress or the States choose to exert it, it is exerted by each independently of the other.

"From what has been said it is evident that if the eighteenth amendment had simply provided that Congress should have the power to regulate or prohibit the manufacture, sale, and transportation of intoxicating liquors throughout the United States, the power, like that to regulate interstate commerce, would have been exclusive. If the enforcement section had simply conferred power, as the thirteenth amendment did, upon Congress without mentioning the States, it is by no means certain that the States would not still have had the power which they have always had to prohibit the liquor traffic within their borders. Congress was given the power to enforce the thirteenth amendment, and it has enacted a statute prohibiting, throughout the United States, every form of slavery or involuntary servitude. Some of the States already had laws prohibiting slavery. It would hardly be said that these laws were nullified by the adoption of the amendment or that offenders against them could not be punished in the States. And if to-day a State should enact a law making it unlawful for one man to hold in involuntary servitude another, it is difficult to see upon what principle it could be said that such a law would be invalid and could not be enforced in the State courts. Certainly it would not conflict with the thirteenth amendment, and would be a valid law unless it could be said that the exclusive power to legislate on that subject had been given to Congress.

"There is nothing new in the proposition that a single act may be a violation of both State and Federal laws and punishable in the courts of the same Government. Indeed, one of the general provisions of the Revised Statutes under the Title of Crimes is section 5328, as follows:

"'Nothing in this title shall be held to take away or impair the jurisdiction of the courts of the several States under the laws thereof.'

"It is an offense against the laws of the United States to pass counterfeit money. (United States *v.* Marigold, 9 How. 559.) It has, nevertheless, been held that a State may make the passing of counterfeit money an offense against its laws and punishable in its courts. (Fox *v.* State of Ohio, 5 How. 410, 432.) It is true, in the case of the passing of counterfeit money, it may be said that the act of Congress is justified by the power of the Government to protect the money coined by it, and that the object of the State legislation is to protect its citizens against fraud. But the fact remains that a single act by the individual is an offense against both laws. This latter fact prevents a conviction or acquittal in the courts of one government from being a bar to a prosecution in the courts of the other. It is possible that the second section of the eighteenth amendment, as it expressly contemplates action by both governments, may be given such a meaning that a prosecution in the courts of one government may be held to bar a prosecution for the same offense in the courts of the other. This, however, is a question which can only be decided when it arises. The present contention is simply that the act of Congress is not valid until concurred in by the State. It is submitted that there is in the authorities no warrant for such a contention.

"It appears that since the eighteenth amendment went into effect the State of New Jersey has passed a prohibition law. It has not seen fit to make this law quite so rigid as the Volstead Act. The New Jersey act prohibits manufacture, sale, or transportation of intoxicating liquors. Congress in adopting the Volstead Act thought that, in order to effectively prohibit intoxicating liquors, it was necessary to prohibit all beverages containing as much as one-half of 1 per cent of alcohol. The Legislature of New Jersey thought the object in view could be accomplished without going so far, and hence confined its prohibition to beverages containing more than 3½ per cent of alcohol. Each is a valid law. The one is to be enforced through the courts of the United States, the other through the courts of the State of New Jersey. A man who sells whisky, for instance, violates both laws. He may be convicted in the courts of either. When he is so convicted in one the question may arise as to whether he can again be prosecuted in the other. On the other hand, if a man sells beer containing 2.75 per cent of alcohol he does not violate the New Jersey law, and therefore can not be prosecuted in the courts of that State. But whether such beer is actually intoxicating or not the Congress has deemed it necessary to include it in the prohibition in order to effectually prohibit intoxicating liquors. The seller of such beer in New Jersey, therefore, is subject to prosecution and punishment in the Federal courts, although not in the State courts.

"There is no actual conflict between the two laws. They both prohibit certain things. The act of Congress prohibits some other things which the State simply has not prohibited. Between these laws, then, it would hardly seem that any question can arise as to whether the one or the other controls—they are both valid laws. If, however, the State of New Jersey should pass a law expressly providing that 2¾ per cent beer should be lawful in that State there would be a conflict between that law and the Volstead Act. In the event of such a conflict it would doubtless be held that the law of New Jersey would be void because in conflict with a valid law of Congress.

"There is a striking analogy between this situation and that brought about by the passage of the Reed amendment. After the enactment of the Webb-Kenyon law many States prohibited

the shipment of liquor to points within their borders and thus created an offense punishable in their own courts. Later, the Reed amendment prohibited the transportation in interstate commerce of liquor for beverage purposes into a dry State. One who shipped liquor into such a State committed an offense against both the State and Federal law and was subject to prosecution in both the State and Federal courts. But the State and Federal prohibitions were not always coextensive. In West Virginia the law permitted one to personally bring in a limited quantity for his own use. But, though not subject to prosecution in the State courts, he could be prosecuted in the Federal court for a violation of the Reed amendment. (United States *v.* Dan Hill, 248 U. S., 420.)

"The debates in Congress at the time the amendment was proposed throw but little light on what was understood by concurrent power. In a recent speech in Congress Chairman Volstead has, however, given such a clear exposition of concurrent power that we venture to print, as an appendix to this brief, his remarks as published in the Appendix to the CONGRESSIONAL RECORD of March 23, 1920.

"It is respectfully submitted that the validity of the Volstead Act does not depend in any sense upon whether it has been concurred in by the State of New Jersey or not.

"*VII.—In order to enforce, with any degree of efficiency, the eighteenth amendment a definition of intoxicating liquor was essential—The definition provided by the Volstead Act includes nothing which Congress could not properly deem necessary to enforce the provisions of the amendment, and is therefore not arbitrary.*

"The specific prohibition of the eighteenth amendment is directed against the manufacture, transportation, importation, or exportation of *intoxicating liquors for beverage purposes.* Both by section 2 of the amendment and by the concluding paragraph of Article I, section 8, of the Constitution, Congress is given the power to enact legislation that may be appropriate to enforce the prohibition.

"Section 3 of Title II of the Volstead Act follows the eighteenth amendment and makes it unlawful to manufacture, transport, import, sell, or export *intoxicating liquors for beverage purposes.*

"Section 1 of Title II of the Volstead Act, as hereinbefore quoted, defines, for the purposes of the act, 'intoxicating liquor.'

"Section 37 provides for regulations under which the beverages mentioned in the proviso to that section may be manufactured and sold, the regulations being designed to prevent the evasions of the prohibitory law through such manufacture and sale.

"The definition above quoted is assailed as being beyond the power of Congress to enact. It is said that the amendment authorizes Congress to prohibit only *intoxicating liquor,* and that a beverage which does not contain largely more than one-half of 1 per cent of alcohol is not *intoxicating.* The contention is that Congress, being empowered only to prohibit intoxicating liquors, can not, by definition, make a beverage intoxicating which is not, in fact, intoxicating within the meaning of the language of the amendment. For this reason it is said that the definition adopted is untruthful and arbitrary, and therefore unconstitutional.

"It is true, of course, that Congress can not extend its powers by giving to the language used in conferring those powers an arbitrary meaning which does not belong to it. But so long as it has the constitutional power to do the thing which it does, it may use the words employed by it for that purpose in any sense which it chooses to give them. In other words, if in order to enforce the eighteenth amendment it has the power to prohibit the sale or manufacture of beverages containing less alcohol than is necessary to render them *per se* intoxicating, it is immaterial whether it provides separately for their prohibition or accomplishes the same thing by including them, for the purposes of the act, in the definition of intoxicating liquor. If, therefore, for any reason it is competent for Congress to prohibit such beverages as a means for securing the enforcement of the prohibition against *intoxicating liquors,* the definition adopted in the Volstead Act can not be successfully assailed.

"It is not denied that legislation, even if apparently an exertion of the police power, may be declared invalid because arbitrary and discriminatory; that such exertion of power may be so arbitrary and discriminatory as to amount to a taking of property; that legislation enacted for the ostensible purpose of putting into execution an express power may be invalid upon the ground that the thing enacted has no reasonable relation to the exertion of such a power; and that the nature of a legislative act is determined by what it, in effect, is and not necessarily by what the legislative body chooses to call it. There is, therefore, no quarrel with the authorities cited by those who assail this act, such as Interstate Commerce Commission *v.* Louisville & Nashville R. R. Co., 227 U. S., 88, 91; Dobbins *v.* Los Angeles, 195 U. S., 223, 241; Adair *v.* United States, 208 U. S., 161; McLean *v.* Arkansas, 211 U. S., 539; Adams *v.* Tanner, 244 U. S., 590; St. Louis, I. M. & S. *v.* Wynne, 224 U. S., 354; Cotting *v.* Kansas City, etc., 183 U. S., 79; Yick Wo *v.* Hopkins, 118 U. S., 356; Galveston, etc., *v.* Texas, 210 U. S., 217; Choctaw, etc., *v.* Harrison, 235 U. S., 292, 298; Western Union *v.* Kansas, 216 U. S., 1, 37; Monongahela *v.* United States, 148 U. S., 312, 327; United States *v.* Dewitt, 9 Wallace, 41, 44; Hodges *v.* United States, 203 U. S., 1; United States *v.* Reese, 92 U. S., 214; James *v.* Bowman, 190 U. S., 127; Civil Rights Cases, 109 U. S., 1. But wherever it can be said that a particular enactment has a reasonable relation to the accomplishment of that which Congress is empowered to do, and Congress has determined that such an enactment is necessary for that purpose, the courts do not inquire into the correctness of the judgment of Congress or the wisdom of the policy adopted by it. In the present case, then, the question is, Does the prohibition of an alcoholic liquor, even though not itself intoxicating, have any reasonable relation to the effective prohibition of intoxicating liquors? If so, there has been conferred upon Congress the express power to enact such a prohibition, and there is no constitutional ground upon which the definition in question can be successfully challenged.

"It is sought to bring the definition above quoted within the authority of the cases just cited, and by applying the rules there applied, to reach the conclusion that this definition is arbitrary, and has no reasonable relation to the enforcement of the eighteenth amendment. It is idle now, however, to speculate as to whether these rules might be construed as justifying the conclusion thus urged. This court has already too clearly defined the extent to which a legislative body may properly go for the purpose of enforcing such a prohibition in the case of both State and Federal legislation.

"Of course, it is conceded that Congress can not, for the purpose of exerting any power which is conferred upon it, legislate so as to abridge any of the privileges or immunities of citizens of the United States. But the right even to own or hold intoxicating liquors for personal use is not one of those fundamental privileges of a citizen which can not be abridged. As said by Mr. Justice McReynolds in Crane *v.* Campbell (245 U. S., 304, 308):

"'We further think it clearly follows from our numerous decisions upholding prohibition legislation that the right to hold intoxicating liquors for personal use is not one of those fundamental privileges of a citizen of the United States which no State may abridge. A contrary view would be incompatible with the undoubted power to prevent manufacture, gift, sale, purchase, or transportation of such articles, the only feasible ways of getting them. An assured right of possession would necessarily imply some adequate method to obtain not subject to destruction at the will of the State.'

"It had previously been said in the same case:

"'It must now be regarded as settled that, on account of their well-known noxious qualities and the extraordinary evils shown by experience commonly to be consequent upon their use, a State has power absolutely to prohibit manufacture, gift, purchase, sale, or transportation of intoxicating liquors within its borders without violating the guaranties of the fourteenth amendment.' (Id., 307.)

"The right of a State to prohibit the possession of intoxicating liquors was treated, however, as arising from and being implied in the right to prohibit the manufacture, purchase, sale, and transportation. Thus it was said:

"'As the State has the power above indicated to prohibit, it may adopt such measures as are reasonably appropriate or needful to render exercise of that power effective. (Booth *v.* Illinois, 184 U. S., 425; Silz *v.* Hesterberg, 211 U. S., 31; Murphy *v.* California, 225 U. S., 623; and Rast *v.* Van Deman & Lewis Co., 240 U. S., 342, 364.) And, considering the notorious difficulties always attendant upon efforts to suppress traffic in liquors, we are unable to say that the challenged inhibition of their possession was arbitrary and unreasonable or without proper relation to the legitimate legislative purpose.' (Id., 307–308.)

"In other words, entirely aside from the question as to whether a State has the independent power to prohibit the *possession* of intoxicating liquors, it has the power to enact such a prohibition if deemed necessary to make effective its prohibition against the *sale and manufacture* of intoxicating liquors. It will be said, however, that that case, in all its aspects, involved only *intoxicating liquors* which were expressly included in the conceded power to prohibit the sale and manu-

facture. It is then argued that, in order to make effective the prohibition of a noxious article, it is incompetent to also prohibit one which is not noxious in itself. This contention, however, was expressly and emphatically rejected in Purity Extract Co. *v.* Lynch (226 U. S., 192). In that case a conviction was sustained for a violation of the prohibitory law of the State of Mississippi, although it was stipulated that the malt beverage in question, which was included within the broad terms of the prohibition, contained no alcohol and was in no sense intoxicating. Speaking of the decision in that case this court, through Mr. Justice Brandeis, said in Ruppert *v.* Caffey, decided January 5, 1920:

"'Purity Extract Co. *v.* Lynch (226 U. S., 192) determined that State legislation of this character is valid and set forth with clearness the constitutional ground upon which it rests: "When a State exerting its recognized authority undertakes to suppress what it is free to regard as a public evil, it may adopt such measures having reasonable relation to that end as it may deem necessary in order to make its action effective. It does not follow that because a transaction separately considered is innocuous it may not be included in a prohibition the scope of which is regarded as essential in the legislative judgment to accomplish a purpose within the admitted power of the Government." (P. 201.) * * * "It was competent for the Legislature of Mississippi to recognize the difficulties besetting the administration of laws aimed at the prevention of traffic in intoxicants. It prohibited, among other things, the sale of 'malt liquors.' In thus dealing with a class of beverages which in general are regarded as intoxicating, it was not bound to resort to a discrimination with respect to ingredients and processes of manufacture which, in the endeavor to eliminate innocuous beverages from the condemnation, would facilitate subterfuges and frauds, and fetter the enforcement of the law. A contrary conclusion logically pressed would save the nominal power while preventing its effective exercise." (P. 204.) * * * "The State, within the limits we have stated, must decide upon the measures that are needful for the protection of its people, and having regard to the artifices which are used to promote the sale of intoxicants under the guise of innocent beverages, it would constitute an unwarranted departure from accepted principle to hold that the prohibition of the sale of all malt liquors, including the beverage in question, was beyond its reserved power."' (P. 205.)

"Here again the right of the legislature to prohibit a beverage not itself intoxicating and entirely harmless was not based on any independent right to do so. It was based alone upon the ground that it was necessary to prevent evasions of the law prohibiting intoxicating and harmful beverages. Undoubtedly, then, it is too well established to admit of controversy that a State has ample power to pass a prohibition measure in the exact terms of the Volstead Act. If Congress, therefore, has as broad a power as the States have always had to enforce the prohibition of intoxicating liquors, the provision or definition assailed in this case was a valid exertion of its constitutional power. That Congress, in the exercise of its war powers, has exactly the same power in this regard as the States have in the exercise of their police powers is settled. The war prohibition act of November 21, 1918 (40 Stat., ch. 212, pp. 1045, 1046), prohibited the manufacture or sale of certain beverages. Construing that act, however, this court held that, *by its own terms*, the prohibition was limited to *intoxicating liquor*. (Standard Brewery Co. *v.* United States, decided January 5, 1920.) In Title I of the Volstead Act, passed October 28, 1919, and intended to provide for the better enforcement of the act of November 21, 1918, however, it was provided in section 1 that *thereafter* the language used in the act of November 21, 1918, should be construed so as to include beverages of the class named which might not, in fact, be intoxicating. This was accomplished by the following provision:

"'The words "beer, wine, or other intoxicating malt or vinous liquors" in the war prohibition act shall be hereafter construed to mean any such beverages which contain one-half of 1 per cent or more of alcohol by volume: *Provided*, That the foregoing definition shall not extend to dealcoholized wine nor to any beverage or liquid produced by the process by which beer, ale, porter, or wine is produced, if it contains less than one-half of 1 per cent of alcohol by volume, and is made as prescribed in section 37 of Title II of this act, and is otherwise denominated than as beer, ale, or porter, and is contained and sold in or from such sealed and labeled bottles, casks, or containers as the commissioner may by regulation prescribe.'

"By this it will be seen the beverages prohibited by the war prohibition act were defined exactly as intoxicating liquors were defined in Title II of the Volstead Act, intended to enforce the eighteenth amendment. Precisely the same objection was made to the war prohibition act that is now made to the present act. The question was whether Congress, in the exercise of its war powers, could enact so broad a prohibition. This court in Ruppert *v.* Caffey, above, regarded the case as turning upon the question of whether, in the exercise of the war powers, Congress had as ample power over intoxicating liquors as the States had in the exercise of their police powers, and said:

"'If the war power of Congress to effectively prohibit the manufacture and sale of intoxicating liquors in order to promote the Nation's efficiency in men, munitions, and supplies, is as full and complete as the police power of the States to effectively enforce such prohibition in order to promote the health, safety, and morals of the community, it is clear that this provision of the Volstead Act is valid and has rendered immaterial the question whether plaintiff's beer is intoxicating. For the legislation and decisions of the highest courts of nearly all of the States establish that it is deemed impossible to effectively enforce either prohibitory laws or other laws merely regulating the manufacture and sale of intoxicating liquors if liability or inclusion within the law is made to depend upon the issuable fact whether or not a particular liquor made or sold as a beverage is intoxicating. In other words, it clearly appears that a liquor law, to be capable of effective enforcement must, in the opinion of the legislatures and courts of the several States, be made to apply either to all liquors of the species enumerated, like beer, ale, or wine, regardless of the presence or degree of alcoholic content; or if a more general description is used, such as distilled, rectified, spirituous, fermented, malt, or brewed liquors, to all liquors within that general description regardless of alcoholic content; or to such of these liquors as contain a named percentage of alcohol; and often several such standards are combined so that certain specific and generic liquors are altogether forbidden and such other liquors as contain a given percentage of alcohol.'

"And after referring to Purity Extract Co. *v.* Lynch, as quoted above, the court continued:

"'That the Federal Government would, in attempting to enforce a prohibitory law, be confronted with difficulties similar to those encountered by the States is obvious; and both this experience of the States and the need of the Federal Government of legislation defining intoxicating liquors as was done in the Volstead Act was clearly set forth in the reports of the House Committee on the Judiciary in reporting the bill to the Sixty-fifth Congress, third session, Report 1143, February 26, 1919, and to the Sixty-sixth Congress, first session, Report 91, June 30, 1919. Furthermore, recent experience of the military forces had shown the necessity of fixing a definite alcoholic test for the purpose of administering the limited prohibitory law included in the selective-service act of May 18, 1917, chapter 15, section 12, 40 Statutes, 76, 82. And the Attorney General, calling attention specifically to the claim made in respect to the 2.75 per cent beer, had pointed out to Congress that definition of intoxicating liquor by fixed standards was essential to effective enforcement of the prohibition law. It is therefore clear both that Congress might reasonably have considered some legislative definition of intoxicating liquor to be essential to effective enforcement of prohibition and also that the definition provided by the Volstead Act was not an arbitrary one.

"'Plaintiff's argument is equivalent to saying that the war power of Congress to prohibit the manufacture and sale of intoxicating liquors does not extend to the adoption of such means to this end as, in its judgment, are necessary to the effective administration of the law. * * * The police power of a State over the liquor traffic is not limited to the power to prohibit the sale of intoxicating liquors supported by a separate implied power to prohibit kindred nonintoxicating liquors so far as necessary to make the prohibition of intoxicants effective; it is a single broad power to make such laws, by way of prohibition, as may be required to effectively suppress the traffic in intoxicating liquors. Likewise the implied war power over intoxicating liquors extends to the enactment of laws which will not merely prohibit the sale of intoxicating liquors but will effectually prevent their sale.'

"It is thus beyond doubt that a State in the exercise of its police power may make such laws, by way of prohibition, as in the judgment of its legislature may be required to effectively suppress the traffic in intoxicating liquors. It is likewise decided that, in the exercise of its war powers, Congress has the same broad power to enact such measures as may be necessary to suppress the same traffic. In both cases it has been expressly held that, if deemed necessary by the legislative body, the means adopted may be the inclusion, in the definition of intoxicating liquors, of beverages containing no alcohol, or containing one-half of 1 per cent alcohol.

"When the national prohibition act was passed Congress had no independent police power over the liquor traffic. It was held, however, that, when necessary to the full and efficient exertion of its war powers, it had precisely the same power over this traffic that the States had. Now, by virtue of the eighteenth amendment, there has been conferred upon it the *express* power to enact such legislation as may be necessary to suppress the traffic in intoxicating liquors throughout the United States, and, to the extent necessary to do this, it is endowed with the police powers which have heretofore been exercised by the States alone. Certainly, if in the exertion of its war powers it had the right, when deemed necessary, to suppress the liquor traffic, and, in order to effectively accomplish that end, had the power to include, in its prohibition, liquors which, though not intoxicating, could be used as a means of evading the law, it can not be doubted that, since it has acquired the express power to prohibit, as a police measure, the liquor traffic, the power to enact legislation deemed necessary to accomplish that result can not be more limited than when it was merely exercising its war powers. In the latter case it was held to have the same power which the State had when legislating to promote the health, safety, and morals of the community.

"The regulation or suppression of the liquor traffic has long been recognized as a legitimate exercise of power to promote the safety, health, and morals of the community. When, therefore, Congress was empowered to suppress the liquor traffic throughout the United States it was in that regard clothed with the same power, acting for the whole country, which the several States had previously exerted acting for themselves. Such measures, therefore, as have been held to be appropriate enforcement measures when adopted by the States must now of necessity be held equally appropriate when enacted by Congress to enforce the eighteenth amendment.

"This rule, as shown above, has been applied when Congress had the power to suppress the liquor traffic only when it deemed such suppression necessary for the proper exertion of its war power. This forecloses any question as to the applicability of the rule when Congress is exerting police powers expressly and directly conferred for the purpose of suppressing the liquor traffic.

"Some question is made, based upon the fact that, under the Volstead Act (41 Stat., ch. 83, pp. 305 et seq.), a beverage made by the process by which beer is made, but containing less than one-half of 1 per cent alcohol, can not be sold at all if called beer, but may, under certain conditions, be sold under other names. As seen above, this identical provision was in the definition which Congress applied to the war prohibition act, and which this court held valid. This would seem to be a conclusive answer. It is, however, difficult to comprehend the force of the argument based on the fact above stated. Certainly it is not a matter of which the brewer can complain. The authorities cited show conclusively that Congress might, if it had seen fit, have prohibited all malt liquors containing as much as one-half of 1 per cent, or, indeed, whether they contained any alcohol or not. If all were, therefore, subject to valid prohibition, no just complaint can be made because Congress did not go as far as it might have gone.

"Obviously Congress recognized that there were a number of beverages, including whisky, brandy, beer, and wine, which, from time immemorial, have been known and understood by the public to be intoxicating liquor. It could be very well said, therefore, that any practical and efficient enforcement of the law would be very greatly impeded if any articles whatever were permitted to be sold under any of these well-known names, and that it was therefore necessary and important to avoid the necessity of showing, in any case, the quantity of alcohol contained in any beverage offered to the public as beer, wine, whisky, or brandy. On the other hand, it seems to have been recognized that there might be conditions under which beverages made by the same process and containing so little alcohol as to be entirely innocuous might be sold without serious interference with the enforcement of the law. Such sales, therefore, were not prohibited provided they were not made under one of the names which the public had so long been accustomed to associate exclusively with intoxicating drinks. If, therefore, the alleged discrimination was one of which those previously engaged in manufacturing beer could complain, instead of being a provision in their favor, as it is, there is ample ground for saying that there was nothing arbitrary in drawing a distinction between an article sold as beer and a somewhat similar article sold under another name.

"Clearly the contention now made against the definition in question has been unmistakably foreclosed by the recent decisions of this court.

"VIII.—The fact that by the passage of the Volstead Act on October 28, 1919, and the going into effect of the second title of that act and the eighteenth amendment on January 16, 1920, the sale of nonintoxicating beer containing as much as one-half of 1 per cent of alcohol was prohibited by the war prohibition act does not render Title II of the Volstead Act invalid, even as to the sale of such beer lawfully manufactured before October 28, 1919.

"Under the heading 'The destruction of lawfully preexisting property is unconstitutional,' an argument is made in support of the contention that Title II of the Volstead Act is invalid in so far as it prohibits the sale of nonintoxicating beer lawfully manufactured before the passage of that act on October 28, 1919. This is upon the theory that the result of that act is to destroy the value of such beer without making compensation.

"It can not now seriously be contended that to the extent that a financial loss results to individuals from the passage of a law in the rightful exercise of the police power there is a taking of property which requires compensation to be made to the owner. The manufacture and sale of liquor where it was once lawful can not be prohibited without a resulting loss to those engaged in the business, but this exercise of the police power is not a taking of property. (Mugler *v.* Kansas, 123 U. S., 623.) This is the clearly established rule both with respect to State and Federal legislation. In Hamilton *v.* Kentucky Distilleries & Warehouse Co., decided by this court December 15, 1919 (251 U. S., 146, 156–157), it was said:

"'If the nature and conditions of a restriction upon the use or disposition of property is such that a State could, under the police power, impose it consistently with the fourteenth amendment without making compensation, then the United States may for a permitted purpose impose a like restriction consistently with the fifth amendment without making compensation; * * *.'

"It is not understood that any claim is now asserted that a government enacting prohibition is bound to make compensation to those who thereby become losers. Indeed, the general rule to the contrary seems to be conceded, and the insistence is limited to a claim that with respect to lawfully preexisting property, even assuming that its sale or disposition may be prohibited when deemed necessary to accomplish some object within the legislative power, either compensation must be made for such property or a reasonable time allowed for its disposition after the passage of the act.

"Title II of the Volstead Act was enacted on October 28, 1919, and did not become effective until January 16, 1920. During the intervening time, however, the war prohibition act was in effect and, as amended by Title I of the Volstead Act, it prohibited the sale for beverage purposes in this country of the so-called nonintoxicating beer, the manufacture of which prior to October 28, 1919, had been lawful. It is therefore true that brewers who had on hand on October 28, 1919, a stock of these lawfully manufactured beverages had no opportunity, before the eighteenth amendment went into effect, to dispose of such beverages except for export purposes.

"In the case of Hamilton *v.* Kentucky Distilleries & Warehouse Co., supra, there was a contention that the *war prohibition act* was invalid because its result was to destroy without compensation the value of spirituous liquors previously manufactured. That act, however, did not take effect for seven months after its passage, and the court said:

"'We can not say that seven months and nine days was not a reasonable time within which to dispose of all liquors in bonded warehouses on November 21, 1918.' (Id., p. 158.)

"If the question of whether a reasonable time was allowed was important, Title II of the Volstead Act, which is now involved, allowed from October 28, 1919, to January 16, 1920, in which these nonintoxicating beverages could be disposed of. If this was all, that length of time would certainly be as reasonable in the case of beverages which are commonly manufactured for quick sale as seven months would be in the case of bonded liquors which require a long period of ripening before they are ready for sale. It is doubtless true that in passing the Volstead Act Congress assumed that the war would be terminated and the war prohibition act no longer effective before January 16, 1920, and that, therefore, there would be a period in which these nonintoxicating beverages could be disposed of. As it turned out, however, this was not the case, and there was no interval in which sales could lawfully be made. These circumstances give rise to the present question.

"As against the sale of nonintoxicating beverages manufactured prior to October 28, 1919, then the question is whether the Volstead Act is invalid because no opportunity was given to dispose of such beverages.

"If what has been quoted above from Hamilton v. Kentucky Distilleries & Warehouse Co. had been all that the court said, it might be regarded as implying that if the time allowed had not been reasonable there would have been ground for the contention made; but the court added this, after saying that the time allowed could not be regarded as unreasonable:

"'And if, as is suggested, the liquors remaining in bond November 21, 1918, were not yet sufficiently ripened or aged to permit them to be advantageously disposed of within the limited period of seven months and nine days thereafter, the resulting inconvenience to the owner, attributable to the inherent qualities of the property itself, can not be regarded as a taking of property in the constitutional sense.' (Id., p. 158.)

"This contains a clear intimation, if not an express holding, that a prohibition law is valid without regard to whether it takes effect immediately or whether its result is to destroy the value of property lawfully acquired previously.

"The questions suggested, however, were squarely before the court in Ruppert v. Caffey, supra. In that case a corporation which had on hand a stock of lawfully manufactured nonintoxicating beverages on October 28, 1919, complained of Title I of the Volstead Act because it went into effect at once, and gave no opportunities to dispose of such beverages. The court said this:

"'Does the fact that Title I of the Volstead Act took effect upon its passage render section 1 invalid as against the plaintiff? Prohibition of the manufacture of malt liquors with alcoholic content of one-half of 1 per cent or more is permissible only because, in the opinion of Congress, the war emergency demands it. If, in its opinion, the particular emergency demands the immediate discontinuance of the traffic, Congress must have the power to require such discontinuance. To limit the power of Congress so that it may require discontinuance only after the lapse of a reasonable time from the passage of the act would seriously restrict it in the exercise of the war powers. Hardship resulting from making an act take effect upon its passage is a frequent incident of permissible legislation; but whether it shall be imposed rests wholly in the discretion of the lawmaking body. That the prohibition of the manufacture of nonintoxicating beer, if permissible at all, may be made to take effect immediately follows necessarily from the principle acted upon in Mugler v. Kansas (123 U. S. 623, 669), since the incidents attending the exercise by Congress of the war power to prohibit the liquor traffic are the same as those that attend the State's prohibition under the police power. In the Mugler case, also, the breweries were erected at a time when the State did not forbid the manufacture of malt liquors; and there it was alleged that the prohibition, which became effective almost immediately, would reduce the value of one of the breweries by three-fourths and would render the other of little value. Here, as there, the loss resulting to the plaintiff from inability to use the property for brewery purposes is an incident of the peculiar nature of the property and of the war need which, we must assume, demanded that the discontinuance of use be immediate. Plaintiff can not complain, because a discontinuance later would have caused him a similar loss. This, indeed, appears to be conceded so far as concerns the brewery and appurtenances. The objection on the ground that the prohibition takes effect immediately is confined to the prohibition of the sale of the beer on hand at the time of the passage of the act. But as to that also we can not say that the action of Congress was unreasonable or arbitrary.'

"Thus it was held that that act was not invalid because it took effect immediately, and, it may be added, it is that act at last which deprived the brewers of an opportunity to sell their stock of beverages before the eighteenth amendment went into effect. Moreover, the court expressly held that whether legislation which is otherwise permissible shall take effect so promptly as to result in hardship is wholly in the discretion of the lawmaking power. This is because the losses resulting from such legislation do not constitute a taking of private property. As said in Ruppert v. Caffey, supra:

"'Here, as in Hamilton v. Kentucky Distilleries & Warehouse Co., supra, there was no appropriation of private property, but merely a lessening of value due to a permissible restriction imposed upon its use.'

"Since, therefore, the validity of an act of this kind is not adversely affected by the fact that it goes into immediate effect, the only question is the power of a Government authorized to enact prohibition legislation to apply the prohibition to liquors acquired before the enactment of the law. In Hamilton v. Kentucky Distilleries & Warehouse Co. this was strongly urged upon the court as one contention that had not been foreclosed by previous decisions, and the court proceeded to foreclose it, saying:

"'The question whether an absolute prohibition of sale could be applied by a State to liquor acquired before the enactment of the prohibitory law has been raised by this court but not answered, because unnecessary to a decision. (Bartemeyer v. Iowa, 18 Wall. 129, 133; Beer Co. v. Massachusetts, 97 U. S. 25, 32-33; Eberle v. Michigan, 232 U. S. 700, 706; Barbour v. Georgia, 249 U. S. 454, 459. See, however, Mugler v. Kansas, supra, pp. 623, 625, 657.) But no reason appears why a State statute which postpones its effective date long enough to enable those engaged in the business to dispose of stocks on hand at the date of its enactment should be obnoxious to the fourteenth amendment, or why such a Federal law should be obnoxious to the fifth amendment. (Id., pp. 157-158.)'

"The court was there dealing with a statute which it held would give a reasonable time, and dealing with such a statute held that the fact that it prohibited the sale of liquor lawfully acquired was of no importance. In Ruppert v. Caffey, supra, as above shown, however, the court held with equal distinctness that the question of allowing a reasonable time was equally unimportant. The two decisions necessarily established the proposition that the validity of a permissible prohibition statute is not affected by the fact that it takes immediate effect and prohibits the sale of liquors previously acquired.

"In conclusion, it is respectfully submitted that the decree of the court below is in all respects correct and should be affirmed.

"ALEX. C. KING,
"*Solicitor General.*
"WILLIAM L. FRIERSON,
"*Assistant Attorney General.*

"MARCH, 1920."

"APPENDIX A.

'[Congress of the United States, begun and held at the city of New York, on Wednesday, the 4th of March, 1798.]

"The conventions of a number of the States, having at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added, and as extending the ground of public confidence in the Government, will best insure the benificent ends of its institution:

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of both Houses concurring)*, That the following articles be proposed to the legislatures of the several States, as amendments to the Constitution of the United States, all or any of which articles, when ratified by three-fourths of the said legislatures, to be valid to all intents and purposes, as part of the said Constitution, viz:

"Articles in addition to and amendment of the Constitution of the United States of America proposed by Congress and ratified by the legislatures of the several States, pursuant to the fifth article of the original Constitution.

"Article the first. * * * After the first enumeration required by the first article of the Constitution there shall be one Representative for every 30,000, until the number shall amount to 100, after which the proportion shall be so regulated by Congress that there shall be not less than 100 Representatives nor less than 1 Representative for every 40,000 persons until the number of Representatives shall amount to 200, after which the proportion shall be so regulated by Congress that there shall not be less than 200 Representatives nor more than 1 Representative for every 50,000 persons.

"Article the second. * * * No law varying the compensation for the services of the Senators and Representatives shall take effect until an election of Representatives shall have intervened.

"Article the third. * * * Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and to petition the Government for a redress of grievances.

"Article the fourth. * * * A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

"Article the fifth. * * * No soldier shall in time of peace be quartered in any house without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

"Article the sixth. * * * The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

"Article the seventh. * * * No person shall be held to answer for a capital or otherwise infamous crime unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces or in the militia when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty, or property without due process of law; nor shall private property be taken for public use without just compensation.

"Article the eighth. * * * In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defense.

"Article the ninth. * * * In suits at common law, where the value in controversy shall exceed $20, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise reexamined in any court of the United States than according to the rules of the common law.

"Article the tenth. * * * Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

"Article the eleventh. * * * The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

"Article the twelfth. * * * The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people.

"FREDERICK AUGUSTUS MUHLENBERG,
"*Speaker of the House of Representatives.*
"JOHN ADAMS,
"*Vice President of the United States and*
"*President of the Senate.*

"Attest:

"JOHN BECKLEY,
"*Clerk of the House of Representatives.*
"SAM. A. OTIS,
"*Secretary of the Senate.*

"[NOTE.—The first two amendments here appearing were not adopted. The 10 following were ratified, and the ratifications were communicated by the President to Congress, from time to time, as the several States notified him of their action. They now stand as the first 10 amendments to the Constitution.]

"APPENDIX B.

"[Remarks of Chairman VOLSTEAD in the House of Representatives (Appendix to the CONGRESSIONAL RECORD of Mar. 23, 1920).]

"CONCURRENT POWER.

"As the CONGRESSIONAL RECORD contains very little, if any, of the story or purpose of the provision contained in the prohibition amendment giving Congress and the several States concurrent power to enforce it, I may be permitted to submit a few observations, as it is a subject on which I have been frequently asked for information. The resolution proposing this amendment originated in the Senate; when it reached the House it was referred to the Committee on the Judiciary, of which I was then a member. It was there discussed among the members, especially among those who favored its adoption. It was, among other things, pointed out that if the amendment should be adopted in the form in which it had passed the Senate its effect might be to repeal or enable Congress to suspend every prohibition statute in the country, and that it ought to be made the duty of the State as well as the National Government to enforce it, as the States have courts and police forces equipped to do that work. Attention was also called to the fact that States and the Federal Government exercised the power to punish the same act, each in its own courts and under its own laws. As this power has usually been spoken of by courts and law writers as concurrent jurisdiction, and as it was sought to confer the like power on Congress and the several States, the phrase 'concurrent power' was adopted as expressing that idea. I do not know who wrote the provision, but I know that was the idea sought to be written into the amendment. Because of this provision many difficulties are predicted, conflicts of all kinds are anticipated. If construed as intended by those who proposed it, there is no occasion for concern. There is very little chance for any conflict.

"The amendment can not be enforced by granting the right to do certain things; it must be enforced by forbidding the things forbidden by the amendment. Any act left unpunished by a State may, nevertheless, be punished by the National Government, if such punishment tends to enforce the amendment, and likewise, to accomplish the same purpose, an act left unpunished by the National Government may be punished by the States. If a State should illegally authorize a person to sell beer containing, say, 2¼ per cent of alcohol, it would not occasion any conflict with the national law prohibiting the sale of beer containing more than one-half of 1 per cent of alcohol. The person so authorized would simply be in the position of one who has to get authority from two masters. It is possible that a conflict might arise if you can imagine that a State could make it the duty of a citizen to sell liquor in violation of the national law, but in that event the law of Congress would be supreme, unless that law was itself in violation of this amendment. There is no reason why the provision of the Constitution making the law of Congress supreme does not apply to legislation under this amendment. The fact that the power of Congress and the States is concurrent does not mean that the power of Congress is not supreme in cases of conflict. The very purpose of the provision making the laws of Congress supreme is to deal with cases of concurrent power, power existing at the same time over the same subject. If the eighteenth amendment had been a part of the Constitution when that instrument was adopted, I venture the opinion that no one would ever have suggested that the rule making the law of Congress supreme would not apply to laws passed under it. The exercise of concurrent power by Congress and the several States is neither new nor unusual; it has been constantly exercised ever since the Government was founded. It is expressly authorized by section 5328 of the Revised Statutes of the United States. This section in some form has been in force since 1825, and has been repeatedly recognized by our courts as valid.

"As to many offenses subject to Federal punishment, the States would have no power to punish if this statute was repealed. This makes the power dependent upon the will of Congress. To avoid such dependence, the provision giving the States power to enforce the amendment was written into it. The object of making the power concurrent was to obviate the rule that where Congress acts under a granted power it has the effect of suspending or annulling State laws on the same subject. It was the intention that the power to enforce should concur in the sense that at the same time and to accomplish the same purpose Congress and the several States might make and enforce laws. The strange contention is sometimes urged that those that proposed and ratified the amendment intended that the law of Congress should not be valid unless the State affected by it concurred in it by agreeing to it. If that is true, it follows as a necessary corollary that the law of a State is not valid unless Congress so concurs in it, and that as there are no such laws liquor is no longer subject to any control. Such a construction would defeat the very purpose of this provision and make the adoption of the amendment not a prohibition but a free-whisky law. The States would not only be helpless as against a hostile Congress, but Congress would likewise be without power. Why not contend that Congress in creating the municipal court for this District intended by the grant of concurrent jurisdiction to the municipal and supreme court of all actions in which the amount in controversy does not exceed $500 that the municipal court must concur in all judgments rendered by the supreme court in suits involving less than that sum to make such judgments valid?

"Not only was the amendment with this provision for concurrent power written by the friends of prohibition, but they proposed it by a vote of more than two-thirds of both branches of Congress, and it was also the friends of prohibition who ratified it in the legislatures of the various States. No one can seriously argue that these men meant to perpetrate such a stupendous fraud upon the people of the country as they have done if that is not what they meant. I am sure the people nowhere so understood it. These men have clearly demonstrated by their action that they did not so understand it and had no such intention. Those who proposed the amendment in Congress stood stanchly behind the national prohibition act, though that act makes no provision for any such agreement, and the States that ratified the amendment are proceeding upon the theory that no such agreement is required. Utterly unconscious of any such requirement, many of the legislatures that ratified the amendment passed laws for its enforcement that contained no suggestion of the necessity for such an agreement. As these are the men who were authorized to and did act for the people in adopting this amendment, they must be presumed to have known what was intended, and we have a right to assume that their intention and the language they used to express it squares with their actions."

"APPENDIX C.

"Without encumbering the brief by republishing same, the court is respectfully referred to the following decisions of State supreme courts denying the applicability of the referendum to the adoption of an amendment to the Constitution of the United States:

"The Supreme Court of Maine, replying to questions certified to it according to the constitution of that State by the governor, requesting an opinion on his duty to call an election under a petition for referendum for ratification of the eighteenth amendment, held that the legislature, acting under Article V of the Constitution of the United States, was not subject to a referendum, and that provisions of the Maine constitution did not contemplate one. (In re Opinion of Justices (Maine), 105 Atl. Rep., 673.)

"A similar ruling has been made by the Supreme Court of New Mexico, under the provision of its constitution, on mandamus brought against its secretary of state to compel a referendum election submitting a resolution of the Legislature of New Mexico adopting the eighteenth amendment. (State of New Mexico ex rel. v. Martinez (not yet reported).)

"In sustaining a refusal of a mandamus to require the holding of such a referendum election in Oregon, the supreme court held that the constitution of that State for such referendum did not apply to a resolution ratifying an amendment to the Federal Constitution. (Herbring v. Brown, 180 Pac. Rep., 328.)

"Similar rulings upon like cases have been made by the Supreme Courts of Arkansas and Colorado. (Whittemore v. Terral, Ark. (not yet reported); Prior v. Noland, Colo. (not yet reported).)"

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMOOT:

A bill (S. 4280) for the relief of Adela White; to the Committee on Military Affairs.

By Mr. HALE:

A bill (S. 4281) granting a pension to William G. Webber (with accompanying papers); to the Committee on Pensions.

By Mr. CALDER:

A bill (S. 4282) to increase the pensions of certain persons who were disabled in the line of duty, and for other purposes; to the Committee on Pensions.

By Mr. KIRBY:

A bill (S. 4283) granting a pension to Mary C. Reeves (with accompanying papers); to the Committee on Pensions.

By Mr. McKELLAR:

A bill (S. 4284) to correct the military record of Alfred Clark; to the Committee on Military Affairs.

DISTRICT OF COLUMBIA APPROPRIATIONS.

Mr. CALDER submitted an amendment authorizing the Commissioners of the District of Columbia to institute and prosecute proceedings in the Supreme Court of the District of Columbia, holding a district court, for the condemnation of land necessary for the extension of Rittenhouse Street east to Sligo Mill Road, etc., intended to be proposed by him to the District of Columbia appropriation bill, which was ordered to lie on the table and be printed.

ACTIVITIES OF THE FOURTH ASSISTANT POSTMASTER GENERAL.

The VICE PRESIDENT. The morning business is closed.

Mr. McCUMBER. Mr. President——

Mr. KING. Will the Senator yield to me for a moment? There is a resolution lying on the table which was reported yesterday, and I ask unanimous consent for its present consideration. I think it will take only a moment. If it causes any debate, I shall withdraw the request. It is merely a resolution asking certain information from the Postmaster General.

Mr. McCUMBER. I yield for that purpose.

The VICE PRESIDENT. The resolution will be read.

The Reading Clerk read the resolution (S. Res. 309) submitted by Mr. KING February 17, 1920, and reported yesterday from the Committee on Post Offices and Post Roads, as follows:

Whereas it has been reported that the Fourth Assistant Postmaster General has circularized hundreds of thousands of agriculturists in the United States, and submitted questionnaires to them relating to divers subjects: Therefore be it

Resolved, That the Postmaster General be, and he is hereby, directed to inform the Senate what authority said Fourth Assistant Postmaster General had for his said action and what appropriation had theretofore been made to cover the expenses of such proceedings upon his part.

The VICE PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

PENSIONS AND INCREASE OF PENSIONS.

Mr. McCUMBER. I move that the Senate proceed to consideration of House bill 9369, the Fuller pension bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9369) to revise and equalize rates of pension to certain soldiers, sailors, and marines of the Civil War, to certain widows, former widows, dependent parents and children of such soldiers, sailors, and marines, and to certain Army nurses, and granting pensions and increase of pensions in certain cases.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The roll will be called.

The Reading Clerk called the roll, and the following Senators answered to their names:

Brandegee	Harris	McKellar	Smoot
Calder	Harrison	McLean	Spencer
Capper	Henderson	McNary	Sutherland
Chamberlain	Hitchcock	New	Swanson
Comer	Jones, N. Mex.	Nugent	Thomas
Culberson	Jones, Wash.	Overman	Townsend
Curtis	Kellogg	Page	Trammell
Dial	Kendrick	Pittman	Underwood
Dillingham	King	Pomerene	Wadsworth
Fernald	Kirby	Ransdell	Warren
Glass	McCormick	Sheppard	
Gronna	McCumber	Simmons	

Mr. GRONNA. I desire to announce that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is absent due to illness. I ask that this announcement may stand for the day.

Mr. CURTIS. The Senator from South Dakota [Mr. STERLING] and the Senator from Colorado [Mr. PHIPPS] are absent on official business.

Mr. McKELLAR. The Senator from Rhode Island [Mr. GERRY], the Senator from California [Mr. PHELAN], and the Senator from Arizona [Mr. ASHURST] are absent on official business.

The VICE PRESIDENT. Forty-seven Senators have answered to the roll call. The names of the absentees will be called.

The Reading Clerk called the names of the absent Senators, and Mr. REED and Mr. WATSON answered to their names when called.

Mr. BALL, Mr. KEYES, Mr. HALE, Mr. MOSES, Mr. LODGE, Mr. SMITH of South Carolina, and Mr. LENROOT entered the Chamber and answered to their names.

The VICE PRESIDENT. Fifty-seven Senators have answered to the roll call. There is a quorum present.

PAY OF ARMY AND NAVY AND MARINE CORPS.

Mr. PITTMAN. Mr. President, I should like to have the attention of the Senator from New York [Mr. WADSWORTH]. I notice by the morning press that there is a statement to the effect that the Senate conferees on the Army pay bill are to recede from the Senate provision with regard to pay. Is there any foundation for that statement?

Mr. WADSWORTH. No, Mr. President; there is not.

Mr. PITTMAN. I will state the reason why I made the inquiry. I think the Senate conferees should as far as possible know what the attitude of each Senator will be upon the conference report that may be brought into the Senate. I am very heartily in favor of the bill. I think it is absolutely necessary. I believe that the necessity for a stable Army and a stable Navy is far greater than ever before in the history of the country.

I do not agree with some Senators who feel that we can do without those two organizations, but I believe that all of the military legislation which we have recently been considering will be absolutely futile and will accomplish nothing toward the maintenance of the Navy and the Army unless the provisions of the Senate bill with regard to the pay of officers and men is substantially sustained in the conference report. If it is not substantially sustained, I, for one, am going to vote against the conference report, and I will continue to vote against it until there is sufficient pay provided for officers and men to prevent the disintegration of the Navy and the Army. I do not know so much about the conditions in the Army, but I do know with regard to conditions in the Navy, and the information is derived from the testimony of experts before the subcommittee of the Committee on Naval Affairs.

There is no doubt whatever that unless the pay of officers as well as of enlisted men in the Navy is increased in accordance with the provisions of the Senate bill, the Navy personnel will disintegrate. It is now disintegrating at such a rapid rate that the actual operation of our major fleet is threatened. The prevalence of desertion not only amongst the enlisted men but amongst the petty and sometimes the junior officers is startling; and yet the naval officers who testified before our committee

stated they could not in conscience blame these men for deserting if they can not obtain favorable action on their resignations, because the conditions are such that they can not sustain themselves where they have families to support.

On the 20th the Senator from Rhode Island [Mr. GERRY] delivered a convincing speech on this subject. The facts are marshaled and sustained with great force. I wish every Senator and Congressman would read his speech.

I take it that the pay provision is the very essential of the reorganization legislation. The other provisions are an advantage in the reorganization it brings about, but the pay provision is the essential of the whole legislation; and unless the Senate Members of the conference committee succeed in sustaining that provision, then, in my opinion, the whole bill falls; and we might as well vote against the conference report time and time again until that essential provision is sustained.

Mr. WADSWORTH. May I say to the Senator from Nevada that the pay bill is entirely separate from the reorganization bill?

Mr. PITTMAN. Yes.

Mr. WADSWORTH. The bill to which the Senator refers merely affects the pay of the Army and the Navy; it does not affect the reorganization of the Army or the Navy at all. The bill for that purpose is an entirely separate one and is in another conference. However, I am in entire sympathy with the Senator from Nevada. Both the Army and the Navy are in desperate straits, and if something is not done—and something substantial must be done—we shall not have an Army or a Navy worthy of the name.

Mr. PITTMAN. But the Army reorganization bill, in my opinion, will be absolutely inoperative unless the pay bill is passed substantially as the Senate has provided.

Mr. WADSWORTH. Unless that be done, it will, at least, be a most ineffective Army.

Mr. PITTMAN. And I think it would be very unfortunate to pass the Army bill, and allow it to go out of the control of Congress in any form that would be inoperative. It would be better to hold it here for months rather than have that occur. Therefore, as one, I will vote against any conference report on the Army reorganization bill until the provisions of the Senate bill with regard to the pay of the officers and enlisted men are substantially agreed to.

PENSIONS AND INCREASE OF PENSIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9369) to revise and equalize rates of pensions to certain soldiers, sailors, and marines of the Civil War, to certain widows, former widows, dependent parents and children of such soldiers, sailors, and marines, and to certain Army nurses, and granting pensions and increase of pensions in certain cases.

The VICE PRESIDENT. The bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. THOMAS. Mr. President, was the amendment of the Senator from Oregon [Mr. CHAMBERLAIN] voted on yesterday?

The VICE PRESIDENT. It was not presented after the amendment of the Senator from Colorado was defeated.

Mr. THOMAS. I understood that the Senator from Oregon had offered it.

The VICE PRESIDENT. There is a current opinion among Senators that when an amendment has been presented and printed that constitutes offering it to a bill. It does not. An amendment must be formally offered from the floor. The amendment of the Senator from Oregon is not now pending.

Mr. THOMAS. Mr. President, the Senator from Oregon yesterday stated that he had "offered an amendment for the same purpose as the amendment proposed by the Senator from Colorado, but in a different way." It was to strike out the words "during the Civil War," and on page 5971 of the RECORD the proposed amendment appears. My main purpose in taking the floor was to offer to withdraw my amendment in favor of that of the Senator from Oregon.

The VICE PRESIDENT. The amendment of the Senator from Colorado has been voted on and lost.

Mr. THOMAS. Then, Mr. President, inasmuch as that subject is disposed of, my purpose in taking the floor relates to something that has passed. While I am on my feet, however, I wish to submit a word by way of reply to some of the remarks of the Senator from Oregon on yesterday. The Senator then took vigorous exception to my assertion that political influence was behind and stimulated this and similar appropriation measures, and he asserted that he is supporting the bill and will support similar bills as a matter of principle. I accept the Senator's statement absolutely. He always has the courage of his convictions, and does not hesitate to express them, and I know from his statement that in the advocacy of measures like these he is proceeding according to the dictates of his own judgment and his own interpretation of the duty he owes to the public and to his constituents; but I am unable, Mr. President, to recede from the general assertion which I made. I do not think anyone who has paid much attention to the history of pension legislation since the close of the Civil War can come to any other conclusion, for all measures, or practically all measures of this character, have either had their origin with or have been supported by the organization known as the Grand Army of the Republic, whose legislative committee is interested and has for years been interested, with Congress and elsewhere, in the framework, support, and consummation of legislation of this character.

It was, Mr. President, the beneficiaries of this bill speaking through that organization who pledged themselves in 1918 that if the bill then offered was enacted into law it would make no further demands and ask no further favors from Congress. That being the case, and in view of the activities that have been apparent in the elections in the past against the opponents and in behalf of the proponents of pension legislation by those deriving benefits therefrom, it seems to me that it is a bold man, indeed, who can assert that politics is not largely controlling, if not entirely so, in legislation of this sort.

Mr. SMITH of South Carolina. Mr. President, will the Senator yield for a question?

Mr. THOMAS. Yes.

Mr. SMITH of South Carolina. Has the Senator any assurance that the organization known as the Grand Army of the Republic solicited this increase? Perhaps it was a donation on the part of those who had the legislation in hand out of their generosity and kindness.

Mr. THOMAS. Mr. President, I am not a member of the Pension Committee, but if my experience is any guide and my correspondence any aid in answering the question I think I can say without much fear of successful contradiction that the organization is behind this measure and doubtless asked for its consideration.

The Senator from Oregon yesterday made the charge that—

> the men who are opposing such appropriations because it increases their taxation are not the men who have their little farms and homes with small incomes; they are not the men who earn moderate salaries, as we in the Senate do. They are the extremely rich and the men as a rule who profiteered during the civil and other wars, and who now object to large appropriations to pay to these men who saved and preserved the Union their just dues.

Mr. President, I must confess to a little surprise that so learned and careful a debater as the Senator from Oregon generally is should have made that statement. The objection that is made to increased taxation is not confined to any particular class of taxpayers.

They include the rich and the poor, the just and the unjust, the millionaire and the man who receives a comparatively small income from his business. If it were possible to meet a demand of this sort by placing an assessment upon a certain class of society and then utilize for the purpose the funds so acquired, I could perceive some basis for the Senator's assertion; but, of course, no such system of taxation would for a moment stand the test of the courts. No such system of taxation is possible in a Government like ours. No such system of taxation can consist with equality before the law and with justice as we understand it. The fact is that all this talk about placing the burden of taxation upon the profiteer, however well meant, as a polity has and can have no foundation whatever, for taxes in their ultimate are passed on until they ultimately rest upon the shoulders of consumption. With the exception of inheritance taxes and some elements of income tax, that assertion is universally true, and always has been. It becomes a part of the cost of production and distribution; and instead of mulcting those who have in order to enrich those who have not, we merely drug the intelligence and the consciousness of the real taxpayer by a species of legalized robbery through indirection. Therefore the basis of the Senator's attitude, when subjected to the most superficial analysis, necessarily disappears.

Mr. CHAMBERLAIN. Mr. President, may I interrupt the Senator just a moment?

Mr. THOMAS. Certainly.

Mr. CHAMBERLAIN. What was the nature of the tax in Great Britain that fell so heavily upon the men who could pay and the men who ought to have paid to assist in the prosecution of the war that they were finally compelled, as a matter of fact, to dispose of the immense estates, and to put them into circulation, as it were, because of the taxes that were levied upon them? Those taxes did not reach the consumer in the last analysis.

Mr. THOMAS. Mr. President, an enormous tax was placed upon the landholders of Great Britain during the war. In

fact, that tax had appreciated very considerably prior to the war in order to meet the additional expenditures of the British Government after the establishment of old-age and similar pensions. That tax was passed on until it became so large that it could not be passed on. It absorbed all or practically all of the income of these huge estates, in consequence of which the owners have been compelled to sell them; but the men who have purchased them must continue to pay that land tax, and of course they have obtained the title to this property at largely reduced rates because of the increased burden. The British Government, like our own, imposed a heavy excess-profits tax, but that, of course, has been added to the cost of production, or the most of it; and there, as here, a very large percentage has been added to the excess-profits tax, whereby it is used as a basis for increased exactions from the average taxpayer.

Mr. CHAMBERLAIN. Mr. President——

Mr. THOMAS. I yield.

Mr. CHAMBERLAIN. It was my hope that some such tax as that might be imposed in this country that would dissipate the immense landed estates that exist here.

Mr. THOMAS. It can be done.

Mr. CHAMBERLAIN. It ought to be done; and it has had a beneficial effect in the last analysis in Great Britain, where these estates have been entailed for hundreds of years, nobody deriving any benefit from them except the landowners themselves, and imposing burdens upon the tenants. The dissipation of those immense estates, like the original taxes that were imposed under the Napoleonic régime in France, will redound to the benefit of the country itself in the last analysis, and it ought to be done here.

Mr. THOMAS. It can be done, Mr. President.

Mr. CHAMBERLAIN. It may be done.

Mr. THOMAS. It can be done, and it may be done; but whether it is done or not, the fact does not affect the proposition I am asserting. The only tax that can not be transferred, as far as my judgment and my reading have gone, is the inheritance tax, which is a tax upon capital and which is designed, of course, in addition to obtaining revenue, to put a limitation upon these enormous accumulations which are one of the serious menaces to our social and political future. The proposition I am attempting to discuss is not that the tax should not be imposed—that is another proposition—not that great benefit might not ultimately result from it, but it is not an answer to the expenditure of public money here for reasons which at present are not, in my humble judgment, controlling.

The Senator is very much to be commended for his solicitude for the old veterans of the Civil War, who should not want in their old age, and so am I. I yield to no man in my admiration of the Federal soldier. Like the Senator, I spent my youth in the South, and all of my convictions, my inclinations, and my traditions were for the Confederacy; but I long ago recognized the inestimable value to my own section of the country resulting from its defeat and the debt of obligation due to the soldiers of the United States. We have, however, made ample provision, more than ample provision, to see that not one of these men shall want in his old age.

As I stated day before yesterday, soldiers' homes have multiplied in this country. There are thousands of vacant beds there. Our appropriations for their support are constantly increasing. Sanitation, food, everything that money can accomplish for the accommodation and comfort of these men have been freely extended by the Government of the United States. The Senator by this bill proposes to give a horizontal increase to the millionaire and the pauper, to the man who wants and to the man who does not want; to the man who served 90 days, no matter where that service was; and to the man who served four years; to the man who is disabled, and to the man who is not disabled. We are following the most unfortunate precedent in the matter of pensions that was ever set, and which will soon come home to plague us in the so-called bonus bill, by whatever name it may be ultimately known, which the House at present is incubating.

The Senator expresses his desire to do everything, and more, for the last Army of the United States; and that, too, is commendable. I have no doubt that he saw in this morning's dispatches resolutions recently adopted—yesterday adopted, I think—by the American Legion, in which we are warned that we must not abandon the other three projects for their benefit by the acceptance of the bonus system. They say they must have all four, to wit, bonus, land, vocational training, and Federal aid in the shape of loans. So that the Senate in all probability will have ample opportunity in the course of a few days to consider a measure which in its ultimate scope will tax the resources of this country in my judgment beyond the ability of the people to respond. I do not think it ought to be done. However, I shall not discuss that subject until it is presented to the Senate for our consideration.

Mr. President, I thought it was due to myself, in view of the position which I took on day before yesterday upon this bill, to make this very short reply to my friend the Senator from Oregon, whose friendship I esteem beyond words, and for whose convictions I entertain at all times the utmost respect.

Mr. SMITH of South Carolina. Mr. President, as a matter of course I know that these pension bills heretofore have passed in spite of all criticism and opposition; but a new condition confronts us right now, and I want to call the attention of the Senate to that new condition.

I find in this bill, in the first paragraph, that there is a blanket provision of $50 per month for all those who participated in the wars the veterans of which are taken care of in this bill; but I find on page 4 the following language:

> This section shall apply to a former widow of any person who served for 90 days or more in the Army, Navy, or Marine Corps of the United States during the Civil War and was honorably discharged from such service, or who, having so served for less than 90 days, were discharged for or died in service of a disability incurred in the service and in the line of duty, such widow having remarried, either once or more than once after the death of the soldier, sailor, or marine, if it be shown that such subsequent or successive marriage has, or have been dissolved, either by the death of the husband or husbands, or by divorce without fault on the part of the wife; and any such former widow shall be entitled to and be paid a pension at the rate of $30 per month.

Mr. President, there is pending in the House now a measure to grant a bonus to the boys who actually were engaged in warfare for the salvation of this country. We stand aghast at the imposition of the additional tax that will be necessary to meet that temporary bonus.

If our system of pensioning is right, then preeminently those who were actively engaged in service are the ones who should be considered first. If we solemnly enact into law to-day or during this session of Congress a law granting to widows who are the third or fourth removed from their marital relations with men who served pensions at the the rate of $30 per month for the balance of their lives and to the children and grandchildren of those who served in wars that have been over for 50 years, what argument can any man on this floor who votes for it advance against granting to the boys who have just come back from saving the country a pension equal to or exceeding those granted the distantly removed beneficiaries of the veterans of wars that have been fought heretofore? The point I wish to emphasize here is that if we are going to grant pensions to the third and fourth generations of those who fought, to those who had no participation in those wars, it is admitting the principle.

I understand that some of those who were instrumental in framing this legislation have said that these widows are few and old. It does not make any difference, Mr. President, if there was but one; the granting of the pension admits the principle that we have committed ourselves to the granting of a pension to the widow of a soldier regardless of the fact that she has married three or four times or more, or has been divorced, perhaps, without any fault on her part. When you grant her, after all of her subsequent choices of marital relation to other than a soldier, $30 per month, what argument can you use to withhold a pension or bonus to the boy who stood in the mud of the trenches and subjected himself to the unprecedented dangers of modern warfare? There is not a Senator who votes for this measure who can in equity and justice vote against the proposed bonus which is being considered in the House.

It is not a question of the amount involved; it is a question of the principle upon which we have to legislate, and the plea I am making is not on account of the amount involved herein, but owing to the principle which we are establishing. If our principle, as legislators, with reference to the soldiers, is so profound, so far-reaching, as to take in the beneficiaries or the descendants of those who, by the accident of marriage, have been related to soldiers, what can this country expect to be the burden upon the American people in recognizing that principle for the millions who were engaged in this war?

This bill not only provides for a pension to the old soldiers who were actively engaged, but for anyone who was even in transit going to some isolated point to discharge whatever function it might be at the call of the Government; and not only that, but to the dependents, the widows, and orphans. What will be the burden if we carry that principle out in the coming years for the Army that went abroad and for those who were engaged in the military department at home? It seems to me, Mr. President, that if we are to meet the demands of the boys who have come back from France, we must set a standard right here and now.

I can understand how previous to this war we granted pensions. It was comparatively a small matter in that we were supposed to be legislating for those who, as the years ad-

vanced, would rapidly decrease in numbers. But politics entered, and on account of certain divisions in this country the burden did not fall alike everywhere, and therefore there was an added reason to lay it, perhaps. But it was negligible compared with the condition which now confronts us. If you are going to make this bill the standard of the policy of the Government toward its soldiers returned from Europe, the burden of taxation upon the American people can not be met; and what right have you to discriminate?

In what way can you say that those of the Civil War who preserved the Union are to be considered more than those who participated in the saving of the civilization of the world, America included? That bill to grant a bonus of a paltry sum for a temporary length of time will come over to the Senate. This bill establishes the policy of the Government to grant a pension to everyone directly and indirectly connected with the war, and to their descendants, to the third and fourth generation. I am not complaining of that, and I am not criticizing it.

Mr. McCUMBER. The Senator has so often referred to the granting of pensions to descendants of the first, second, third, and fourth generations, that I am led to ask him if he will point out to me where he finds any justification for that assertion either in laws that have been passed or in laws that in all likelihood will be passed. There never has been such a pension law, and there probably never will be such a pension law.

Mr. SMITH of South Carolina. Mr. President, in reply I want to say that if it does not extend to the third and fourth generations, the late lamented Roosevelt need not despair; there will be no race suicide in this country.

Mr. McCUMBER. That was not the question. I asked the Senator where he found any law as a basis for his reiterated assertion that we are granting pensions to the second and third and fourth generations. There has been no such law, let me tell the Senator, from the very beginning of our pension legislation. The crippled and the infirm, physically or mentally, who were in that condition prior to the age of 16 years, have been placed under the same rules of construction as those governing the granting of pensions to minor children. That is the first generation. It has never gone beyond that in any pension law.

Mr. SMITH of South Carolina. Mr. President, perhaps in saying to the third and fourth generations I was misled in my presentation of the principle applied to a widow four or five or six or seven or eight times removed from her marital relation with the hero of the war.

Mr. SMOOT. The Senator is wrong there, because if there is a second marriage under the law and under the ruling of the Pension Office the widow is not entitled to her pension.

Mr. SMITH of South Carolina. Yes; if her husband is still living.

Mr. SMOOT. If her husband is dead.

Mr. SMITH of South Carolina. No; the Senator is wrong. He has to be living. Here is what the proposed law says. Listen to the wording of it:

> And this section shall apply to a former widow of any person who served for 90 days or more in the Army, Navy, or Marine Corps of the United States during the Civil War and was honorably discharged from such service, or who, having so served for less than 90 days was discharged for or died in service of a disability incurred in the service and in the line of duty, such widow having remarried, either once or more than once after the death of the soldier, sailor, or marine, if it be shown that such subsequent or successive marriage has, or have been dissolved either by the death of the husband or husbands or by divorce without fault on the part of the wife.

Mr. SMOOT. I thought the Senator was speaking of existing law and not the pending bill.

Mr. SMITH of South Carolina. No; I am speaking of the provisions of this bill.

Mr. SMOOT. The Senator is correct as far as this bill is concerned as to remarried widows.

Mr. SMITH of South Carolina. This bill has become more liberal in the face of the splendid condition as to our income and revenue. I suppose it is a contribution to get rid of the burden of prosperity that is upon us. Is that your idea in providing that a widow three or four times removed or divorced shall be the beneficiary of $30 a month after she has had her chance to marry a fortune? I guess a good many of them try that, though I do not know. But when she has had her chance, even whether she got the fortune or did not, if the husband or husbands died she draws $30 a month.

I want to call the attention of the Senator from Utah to the fact, as he knows and I know, that there is face to face with us now a condition that is appalling as to the taxes the people of the country have to meet. Twenty-six billion dollars of bonds are outstanding, the interest on which has to be met. There will be a tremendous added burden perhaps on the American people by indirect taxation of a guaranty to our transportation system. There are other things which are piling up; and now, in addition to those things, we are establishing a policy in our relation to our soldiers of going to the extreme incorporated in this bill. How will the Senator from Utah, or I, or any other who may by any chance vote for this measure, refuse to grant a like measure to the boys who actually fought, who were denied two years in the productive period of their lives, and taken for the service of their country, carried over to Europe, and who did their work so splendidly and came back to pick up the lines of life where they left them?

Mr. SMOOT. That is a fair question which the Senator asks, and I think it ought to be answered, and if the Senator will yield now, I will try to answer his question.

Mr. SMITH of South Carolina. I would be very glad to hear the Senator answer it.

Mr. SMOOT. Mr. President, the Civil War veteran was not treated the same by the Government of the United States as the soldier in the recent war, and I thank God that the soldier in the recent war was not so treated. His pay was $13 per month. He was paid in currency of about 50 cents on the dollar. His family was never taken care of by the appropriation of a single dollar by the Government. When the first pension was granted him, years after the war, it was $6 a month. The total amount that has been paid in pensions up to date is a little less than $5,000,000,000 to all the Civil War veterans, and in a very few years nearly all of them will be in their graves.

Mr. SMITH of South Carolina. But the pension roll, if the Senator will allow me right there, is now 659,000.

Mr. SMOOT. Not for the Civil War, I will say to the Senator.

Mr. SMITH of South Carolina. Practically that.

Mr. SMOOT. I know the Senator wants to be perfectly fair. The pensions for Civil War veterans and all their widows, and all of the Spanish War veterans, and all the Mexican War veterans, and the widows left of the Revolutionary War, amount to $214,000,000. That is all it can possibly amount to, because that is all that has been required the past year. The widows are dying at the rate of about 2,500 a month, and the old soldiers will die at the rate of at least 4,000 a month for the next 12 months, and perhaps more than that.

Mr. SMITH of South Carolina. Let me ask the Senator this question. How many pensioners are on the pension roll to-day as beneficiaries of the Civil War?

Mr. SMOOT. I can tell the Senator in just a moment the exact number.

Mr. SMITH of South Carolina. Both veterans and their dependents.

Mr. SMOOT. Two hundred and seventy-one thousand three hundred and ninety-one survivors, and all other pensioners, 293,000.

Mr. McCUMBER. But the number was 293,000 nearly a year ago.

Mr. SMITH of South Carolina. This memorandum says total Civil War pensioners on the roll June 30, 1919.

Mr. SMOOT. That is nearly a year ago.

Mr. SMITH of South Carolina. Survivors, 271,391; widows, and so forth, 226,952.

Mr. SMOOT. That takes in all the others.

Mr. SMITH of South Carolina. The total is 508,343. That means that there are still on the rolls approximately what I said. I was taking the total. I just glanced at the figures. The number of pensioners on the rolls to-day is 568,343.

Mr. McCUMBER. The Senator must be corrected. That is not the number to-day, but nearly a year ago, and there is quite a little difference.

Mr. SMITH of South Carolina. Have you not added some beneficiaries in the bill that are not covered in this memorandum?

Mr. SMOOT. Only a few have been added on the report of the Committee on Military Affairs by correcting their military records and placing them on the pension rolls.

Mr. SMITH of South Carolina. I do not know anything about the vital statistics connected with this particular business, but it is fair to assume that at least 500,000 will be on the roll that this bill will be called upon to meet.

Mr. SMOOT. I did not think there was any question as to the number. I thought the question of the Senator was as to the amount being paid to them.

Mr. SMITH of South Carolina. Yes.

Mr. SMOOT. And the Senator said it was $655,000,000.

Mr. SMITH of South Carolina. No; I spoke of the number. I said that 659,000 are on the rolls.

Mr. SMOOT. I misunderstood the Senator. Then I will proceed.

When the Congress acted in 1917 in relation to the soldiers of the present war, it provided first that every soldier who

entered that war should have a family allowance; second, they increased his salary from $15 to $30 a month, with a 10 per cent increase for service while on foreign soil; third, they gave him insurance up to $10,000 in case of death at a rate one-sixth of what any private insurance company would give it to that same soldier. By the way, in passing I might say that that has cost the Government of the United States about a billion dollars.

Again, they provided a compensation for those who were killed or disabled greater than any amount that was ever paid to the Civil War veterans. I do not want it understood that I have complained about these provisions taking care of the soldier in the recent war. I was a member of the subcommittee that passed upon all that legislation. But when we compare the advantages and the benefits extended by the Government of the United States to the soldiers of the present war with those extended to the Civil War veterans, it becomes obvious that whatever is done for the Civil War veterans now, in the last few remaining years of their lives, never will place them upon the same footing with the soldiers of the great war. I think the Senator from South Carolina will admit that.

Another thing I want to say is with reference to the care that was taken of the soldier. His health was looked after and he was provided with all the modern conveniences that a soldier could secure anywhere in the world, whereas in the Civil War no one can read history who will not admit that they passed through trials and suffered even more than death itself, nearly from the beginning to the end of the war.

Mr. McCUMBER. They lived for weeks on hard-tack and water, as compared with confectionery under the present system.

Mr. SMITH of South Carolina. Let me call attention to the fact that that was the best the circumstances then would allow. Our soldiers to-day get no more. Civilization had moved up to a higher plane. It provided for the masses of the people anti-toxins and sanitary appliances, and, as a matter of course, our soldiers enjoyed an immunity from hardships that their predecessors suffered. But the soldiers of the Civil War got the best the Government could give them at that time, and the soldiers of this war got no more.

But Senators must not forget the fact that we were also new then in the question and in the policy of granting appropriations for patriotic services. We have also advanced along that line. So the demand is going to be not paralleling conditions of the Civil War veterans but taking up the question under conditions existing right now. The Senator says that we insured the soldier. Of course I knew, and we all knew, that that was an effort on the part of the Government to forestall and make impossible the flood tide that seemed to be inevitable in the way of pensions.

Mr. SMOOT. The Senator is perfectly right. Not only was the question of insurance with that in view but the compensation provided for was with that in view, and the allotments and allowances had that very thing in view. When the legislation was up before the Senate I do not remember of a single Senator upon either side of the Chamber who, in defending the provisions, did not say that it was done for the purpose of forever preventing the soldiers of this war from asking for pensions.

Mr. KING. But it has apparently encouraged the demands.

Mr. SMITH of South Carolina. And yet, if the Senator will allow me, the compensation given for the brief period of the war to the soldier's family while he was engaged abroad, if they were dependent, is a mere bagatelle compared to granting a like amount for the lifetime of those who were dependent.

Mr. SMOOT. I will say to the Senator that the family allowances of the soldiers of the present war will amount to many, many times more than the provisions of the bill will pay to the survivors of the Civil War as long as they live.

Mr. SMITH of South Carolina. Yes; but, taking the number of soldiers and persons engaged in this war and comparing it with the number who survived and came out of the Civil War, the Senator does not pretend to say that the amount paid to the dependents aggregates as much as has been paid since we began the pension system?

Mr. SMOOT. No.

Mr. SMITH of South Carolina. Exactly; and that is the point I am making.

Mr. SMOOT. I did not want to carry that inference, and I hope that I did not.

Mr. SMITH of South Carolina. The Senator is drawing a comparison between what this bill will pay and what we temporarily paid, but I am not. What I am arguing is that, though you temporarily supported or contributed to the support of a soldier's family while he was abroad, the Civil War pension roll supports them for a lifetime—that is, contributes to their support. Of course, it does not support them, but it contributes to their support. If that is the policy, we should know it, because these boys could come here and claim that, despite the fact that, they not being killed, their insurance goes on as ordinary life insurance; and in the case of a casualty in civil life they would get just what they would get under ordinary circumstances. Only in the cases of those who were killed the soldiers stood in somewhat of a better relation, perhaps, during this war than in the Civil War, but the temporary contribution to their dependents is not in that class, and should not be compared with the perpetual contribution to the dependents throughout all life.

We have established that as a policy here, and attempted to estop any further pension rolls by our process of insurance. Now, the boys who are carrying that insurance are paying premiums on the insurance. It was granted at a low rate during the war. As I understand, it has been convertible since the war.

The only thing that I am speaking of is that we have gone back to the old policy. We have brought in here an additional $65,000,000 or $75,000,000 and have incorporated into the bill, in my opinion, a ridiculous provision for a widow, having, perhaps, married three or four times and been divorced, getting a pension. If her unfortunate marital attempts have resulted in the death or desertion or divorce of her various husbands, she is still on the pension roll, and so is everyone remotely connected with the war.

One paragraph in the bill reads that if he was en route going to service he shall come under the $50 clause. The argument I am making is that if we establish that policy here we can not deny the boys who are fresh from battle, who have lost two years of their lives in the preparatory and productive part of it, and who are coming back to take up the burden of life with two whole years wiped out and gone, which, like the seed corn, will spell the difference between success and failure. Then we tell them to satisfy themselves with insurance against death and with $30 a month for the time they were in actual service, and they shall be forever thereafter estopped. That is the parallel I am drawing. And mark my prediction: This very bill and those like it are going to be the basis upon which our pension roll will be enlarged beyond the dream of any present to-day.

Mr. SPENCER. Mr. President, may I inquire whether an amendment is in order?

The VICE PRESIDENT. It is in order.

Mr. SPENCER. I offer the following amendment.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. Add after the word "duty," in line 8, page 1, the words "or is now upon the pension rolls as a Civil War veteran," so that it will read:

> That every person who served 90 days or more in the Army, Navy, or Marine Corps of the United States during the Civil War and who has been honorably discharged therefrom, or who, having so served less than 90 days, was discharged for a disability incurred in the service and in the line of duty, or is now upon the pension rolls as a Civil War veteran, etc.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Missouri.

Mr. SPENCER. Mr. President, the purpose of the amendment is to affect a comparatively few persons who did not serve the full 90 days in the Army, but who, by act of Congress from time to time, on account of their valor or services or some exceptional condition relating to them, have been placed upon the pension roll. Evidently pensioners in that category ought to be allowed to participate in the general pension increase proposed for Civil War veterans. That is the purpose of the amendment.

Mr. KING. Will the Senator yield?

Mr. SPENCER. I yield.

Mr. KING. If I understand the scope of the amendment, it would give a pensionable status under this bill to all those individuals who were deserters and against whom the charge of desertion by legislative enactment has been removed and who have been put upon the pension roll; it would permit them to enjoy the benefits of the pending bill.

Mr. SPENCER. The Senator refers to those who are now on the pension roll?

Mr. KING. Yes.

Mr. SPENCER. Undoubtedly, if a man is now on the pension roll, it would; but it would not open the door to a man who is not now on the pension roll.

Mr. McCUMBER. I will say to the Senator from Missouri that the amendment does not put them in; they are in now.

Mr. SPENCER. Yes; they are in now. The Senator from Utah evidently misconceives the purpose of the amendment. It is not to open the door an inch; it does not put upon the pen-

sion roll a man who is not already upon the roll, but it does do a manifest act of justice, for if the general pension is increased, all those who are on the roll ought to participate in that increase.

Mr. KING. Mr. President, then, as I understand, the purpose of the amendment is not merely to protect deserters against whom the charge of desertion has been removed, and who have thereby obtained a pensionable status—for, as I understand the chairman of the committee, those deserters will be benefited under this bill and will also get $50 a month—but it is to cover a different and another class who would not otherwise get this stipend of $600 per year?

Mr. McCUMBER. The Senator from Utah uses the word "deserters." May I say to the Senator that Congress, of course, in passing laws relative to such soldiers, has removed not desertion, but the charge of desertion; Congress has determined by its solemn enactment that those individuals were not deserters. If they were deserters, and Congress, nevertheless, removed the charge of desertion, the fault has been with the Members of Congress who allowed bills of such character to go through.

Mr. KING. Mr. President——

Mr. McCUMBER. Let me state to the Senator what the only purpose of the amendment is, though I think the Senator offering it has made it quite clear.

I think there have been a few cases—there may not have been a dozen—in which the soldier served less than the required 90 days; he may have served 89 days or 75 days; but there was that in his record by reason of which the Pension Committee, and the Congress acting on the recommendation of the committee, considered that he should be placed upon the pension roll, and he was placed upon the pension roll, for some meritorious conduct or for some other reason, although he served less than the 90 days and although he was not injured. There may be a few of those cases—I think there are—but I do not think there are a dozen of them that are upon the pension roll to-day. As the bill now reads, it refers only to those who have served 90 days or more; and the Senator from Missouri wishes it so amended that it will include in its benefits those who have been placed upon the roll who may have served a little less than the 90 days. I myself see no objection to that, Mr. President.

Mr. KING. Mr. President, of course any observations that may be submitted by any Senator—I beg pardon of the Senator from Missouri; I did not want to take him from the floor.

Mr. SPENCER. I yield to the Senator from Utah.

Mr. KING. I shall wait until the Senator concludes.

Mr. SPENCER. I have concluded, unless the Senator from Utah shall suggest some new line of thought, as he frequently does.

[Mr. KING addressed the Senate. See Appendix.]

The PRESIDING OFFICER (Mr. CALDER in the chair). The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The READING CLERK. A bill (H. R. 11892) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. JONES of Washington. I understand from the Senator from North Dakota [Mr. McCUMBER] that he thinks he can dispose of his bill in a very few minutes. If that is the case I think it would be in the interest of legislation and the saving of time to lay aside the river and harbor bill temporarily. I so ask unanimous consent that it may be temporarily laid aside.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Washington? Hearing none, the river and harbor bill is temporarily laid aside in order that the pending pension bill may be disposed of. The question is on the amendment offered by the junior Senator from Missouri [Mr. SPENCER].

The amendment was agreed to.

Mr. SPENCER. Mr .President, the same amendment ought also to be made after the word "duty," on line 12, page 2, in order to make the bill read correctly.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. On page 2, line 12, after the word "duty," insert the words "or is now upon the pension rolls as a Civil War veteran."

The amendment was agreed to.

Mr. SPENCER. I offer the following amendment and desire to say a word in regard to it.

The PRESIDING OFFICER. The proposed amendment will be read.

The READING CLERK. Add the following as additional sections at the end of the bill:

SEC. 9. That the provisions of the pension act of May 11, 1912, be, and they are hereby, extended to include the officers and enlisted men of the State militia and other organizations of the several States of the Union that participated and cooperated with the military forces of the United States, under the command of United States officers, during the Civil War, and who actually rendered a service of 90 days or more in any of the said military organizations during said war, and who were honorably discharged therefrom or otherwise honorably relieved from duty under the order of proper military authority.

SEC. 10. That the widows, minor children, and dependent parents of those provided for in section 9 of this act shall be entitled to the same pensions as are now provided by law for the widows, minor children, and dependent parents of the soldiers who were in the Regular service during the Civil War.

SEC. 11. That the Secretary of the Interior shall prescribe rules and regulations governing the character of evidence necessary to prove the service herein set forth: *Provided*, That a certificate of the adjutant general of the State to which the military organizations belonged, showing the date of honorable discharge therefrom, shall be accepted in lieu of the honorable discharge required by the provisions of the act referred to in section 9: *Provided further*, That the provisions of this act shall not extend to the case of any person wherein the evidence discloses any fact that would have barred him from an honorable discharge had he been in the military service of the United States.

SEC. 12. That title to pension under this act shall commence from the date of filing application therefor in the Bureau of Pensions after the passage and approval of this act.

Mr. SPENCER. Mr. President, the substance of the amendment has twice passed the House of Representatives and only within the last two or three weeks has been again favorably reported by the committee of the House to the House. It has to do with the militia in several States during the Civil War, mainly in Missouri, but also in Kansas, Kentucky, and a few in Pennsylvania. I think there were none in Ohio. The Senator from Wyoming [Mr. WARREN] suggests to me that there may have been some in Ohio.

The facts of the case are simply these: Missouri, where the larger number of militia were, was a border State. After the Civil War had commenced the presence of the militia in the State was the single element which safeguarded our States in the Union. These militia were enrolled as State troops, but they were called into the service of the United States by the Federal Government. They were officered by United States officers. Their pay, their clothing, and their subsistence came from the Federal Government. They served and fought. They in Missouri were in the Battle of Springfield. They repelled the invasion of Gen. Price into Missouri. They were engaged in a countless number of skirmishes and engagements against guerrilla bands and bushwhackers.

They were in every sense serving the Federal Government. All militia serving in the United States from the days of the Revolution to this day have been recognized and pensioned except the militia incident to the Civil War.

I desire to read a single sentence giving the testimony of Abraham Lincoln in connection with this militia service in Missouri. Writing in response to the demand that Gen. Schofield, who was the commander of the Department of the Missouri, be relieved and that the enrolled Missouri Militia be disbanded——

Mr. CURTIS. May I interrupt the Senator?

Mr. SPENCER. Certainly.

Mr. CURTIS. I simply wish to call attention to the fact that the general pension law applied to the State militia of the Civil War up to the year 1875.

Mr. SPENCER. I was about to refer to that. It is true that its discontinuance was owing to a technical ruling of the department.

When the demand for the relief of Gen. Schofield and the disbanding of the Missouri Militia was called to the attention of the President, Abraham Lincoln, he replied as follows:

> Few things have been so gratifying to my anxious feelings as when in June last the local force in Missouri aided Gen. Schofield to so promptly send so large a general force to the relief of Gen. Grant, then investing Vicksburg and menaced from without by Gen. Johnston. Was all this wrong? Should the enrolled militia then have been broken up and Gen. Herron detached from Grant to police Missouri? So far from finding cause to object I confess to a sympathy for whatever relieves our general force in Missouri and allows it to serve elsewhere. I therefore, as at present advised, can not attempt the destruction of the enrolled militia in Missouri. I may add that the force being under the national military control, it is also within the proclamation in regard to the habeas corpus.
>
> A. LINCOLN.

The committee of the House close their report with this sentence:

> These old militia soldiers, as have all the other soldiers of the Civil War, have died at such a rapid rate in recent years that it is not believed that the enactment of this bill will increase the pension roll more than from three to four thousand in number, and perhaps not that many; in other words, the amount involved is comparatively nominal in view of the enormous amount of money that is being justly paid for pensions now, and the committee is unanimous in its conviction that this act of simple justice to these old militiamen and their widows ought not to be longer delayed.

Mr. President, this body of men represent in Missouri, as I have no doubt they do in the other States, a company of Americans who volunteered for the defense of their country, and valiantly performed, in the hour of their country's need, every duty required. They saved Missouri to the Union. They are from every standpoint of justice Civil War veterans of the

Union. It is unfair—it is without reason, that now, in their declining years, when but few of them are left, when their needs are great, they should longer be denied the recognition which ought years ago to have been granted to them.

Mr. WARREN. Mr. President, I rise to oppose the amendment offered by the Senator from Missouri. Of course, the militia is paid in all States, throughout the United States, by special appropriations or otherwise, and their arms, and clothing, and so forth, are furnished by the United States in moderate quantity, and the State militia perform their service within the State where they are recruited; and as militia they are not called to the front, away from home, for long service in fighting the battles of the country, as are those who serve in the Regular and Volunteer service.

The matter is not a new one to me, because for a great many years there have occasionally come before the committees, and especially the Committee on Military Affairs, demands of different natures from different States regarding the militia; perhaps I might say more demands from Pennsylvania than from Missouri. I commenced my service on the Committee on Military Affairs very soon after I came to the Senate. At that time we relied probably more largely upon the venerable Senator from Missouri, Mr. Cockrell, than upon any other Senator or Member of either body of Congress, for knowledge and for wisdom and for advice as to what we should do. And I will say that I never saw a more liberal Senator, in reason, than was that Senator, who served, I believe, as brigadier general or major general in the Confederacy. I remember taking this subject up with him on several occasions, but he was never able to advise the Congress nor the Military Affairs Committee of the Senate that we should put the militia of these States on the same basis as the Volunteer and Regular Army soldiers who served directly in the war.

Of course, if this applies to Missouri—and I admit that Missouri was on the border and received more nearly the shock of battle than most States received—the demands will be just as importunate from other States; from Pennsylvania, where, of course, they were simply enlisted, recorded as to where they would be, and so forth, and that was their service, as we found it to be from evidence that was before us. I do not think they should participate in a service pension of this size. That matter should be treated as being on an entirely different base.

Mr. McCUMBER. Mr. President, from my viewpoint, this is not the time or place to discuss the merits of the proposed amendment. I do not think it belongs to this bill; I do not think that we should take it up at this time.

I have been a member of the Committee on Pensions ever since I have been in the Senate, and during all that time we have been confronted with the perplexing question as to what treatment the State militia, who rendered more or less service in connection with the Army of the United States and who were often engaged in protecting Government arsenals and Government railways, should receive at the hands of Congress. The committee has been charged by my genial friend from Utah [Mr. KING], I think, as being too liberal in the granting of special pensions. It may be that we are open to some criticism from that standpoint, but in all our liberality and during all of these years we have not been able to agree by a majority vote in the committee that we should open wide the door to all of those who rendered service as militia, either when they were under the direction of Federal officers or when they performed exactly the same kind of service and were not under Federal officers. I think that that matter will have to be settled at some time and brought to an end in the Committee on Pensions; but it may be, as the criticism is often urged, that at the rate of speed we are making in that direction the proposed beneficiaries will probably all be dead before we get around to it. That also may be a just criticism; but there are many sides to this question, many angles, and it affects many men connected with the militia of many States; for example, as has been indicated by the Senator from Wyoming [Mr. WARREN], the militia of the great State of Pennsylvania, also the Delaware militiamen, who guarded the du Pont Powder Works during the war. It is a serious question and a complex question as to what we should do with reference to these many and diverse organizations. I do not think, however, we ought to settle that question in a general pension bill of this character; and, therefore, I shall oppose the amendment, even though I might support the view of the Senator from Missouri before the Committee on Pensions.

The PRESIDING OFFICER (Mr. RANSDELL in the chair). The question is on the adoption of the amendment proposed by the junior Senator from Missouri [Mr. SPENCER].

The amendment was rejected.

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole and open to further amendment.

Mr. CHAMBERLAIN. Mr. President, on yesterday I discussed an amendment which had been offered to the bill by the Senator from Colorado [Mr. THOMAS] and an amendment offered by me along the same lines. The amendment of the Senator from Colorado was voted on, but the one I offered was not voted on. I should like now to have my amendment disposed of.

The PRESIDING OFFICER. The amendment proposed by the Senator from Oregon will be stated.

The ASSISTANT SECRETARY. In section 3, on page 2, line 25, after the words "Marine Corps," it is proposed to strike out the words "during the Civil War."

Mr. McCUMBER. Is not that exactly the same amendment that was voted on yesterday?

Mr. CHAMBERLAIN. It is not quite the same amendment. The amendment of the Senator from Colorado affected the Mexican War veterans and the Spanish War veterans, and the amendment which I now propose affects them and members of the Regular Army.

Mr. McCUMBER. I thought the amendment was exactly the same as that offered by the Senator from Colorado.

The PRESIDING OFFICER. The Chair will state to the Senator from North Daktota that he is informed by the Secretary that the amendment now proposed by the Senator from Oregon is not the same as that previously offered by the Senator from Colorado.

Mr. WARREN. Let the amendment again be stated, Mr. President.

The PRESIDING OFFICER. The Secretary will again state the amendment.

The ASSISTANT SECRETARY. On page 2, line 25, after the words "Marine Corps," it is proposed to strike out the words "during the Civil War."

Mr. TOWNSEND. How will it read if amended?

The ASSISTANT SECRETARY. So that, if amended as proposed, it would read:

SEC. 3. That from and after the approval of this act all persons whose names are on the pension roll, and who, while in the service of the United States in the Army, Navy, or Marine Corps, and in the line of duty, shall have lost one hand or one foot or been totally disabled in the same, shall receive a pension at the rate of $60 per month,

The PRESIDING OFFICER. The question is on the adoption of the amendment presented by the senior Senator from Oregon [Mr. CHAMBERLAIN].

The amendment was rejected.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

Mr. KING. Mr. President, I shall not ask for a yea-and-nay vote on the passage of the bill. There are a few Senators who would like to go on record in opposition to this bill, but there is no quorum here. So I shall not ask for a yea-and-nay vote.

The PRESIDING OFFICER. The bill having been read the third time, the question now is, Shall it pass?

The bill was passed.

The title was amended so as to read: "A bill to revise and equalize rates of pension to certain soldiers, sailors, and marines of the Civil War and the War with Mexico, to certain widows, including widows of the War of 1812, former widows, dependent parents, and children of such soldiers, sailors, and marines, and to certain Army nurses, and granting pensions and increase of pensions in certain cases."

RIVER AND HARBOR APPROPRIATIONS.

Mr. JONES of Washington. I ask that the unfinished business may be laid before the Senate and proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11892) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other puposes.

The PRESIDING OFFICER. The pending question is on the amendment offered by the senior Senator from Missouri [Mr. REED].

Mr. SPENCER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Brandegee	Curtis	Harris	King
Calder	Dial	Harrison	Kirby
Capper	Dillingham	Jones, Wash.	Lodge
Chamberlain	Glass	Kellogg	McCumber
Culberson	Gronna	Kendrick	McKellar

McNary	Pittman	Smith, S. C.	Underwood
Myers	Pomerene	Smoot	Wadsworth
Nelson	Ransdell	Spencer	Warren
New	Reed	Swanson	Watson
Nugent	Sheppard	Thomas	
Page	Simmons	Townsend	

The PRESIDING OFFICER. Forty-two Senators having answered to their names, there is not a quorum present. The Secretary will call the names of the absent Senators.

The names of the absent Senators were called, and Mr. HALE, Mr. KEYES, and Mr. SUTHERLAND answered to their names when called.

Mr. FRELINGHUYSEN, Mr. FERNALD, Mr. MCCORMICK, Mr. PHELAN, Mr. PHIPPS, and Mr. LENROOT entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty-one Senators having answered to their names, there is a quorum present.

Mr. SWANSON. Mr. President, when the Senate adjourned on yesterday it was considering a proposition in connection with Northwest River, Virginia-North Carolina, an amendment which had been adopted. The Senator from Ohio [Mr. POMERENE] asked unanimous consent that the vote whereby that amendment was adopted be reconsidered. At the time I did not know that he would be absent when the matter came into the Senate, and I objected. In his statement he said that possibly he would be absent when the amendment came into the Senate, and consequently he would like to make his statement at that time.

I do not wish the amendment to be passed on without his presence or without hearing all the objections that he desires to urge against its adoption; and I therefore ask unanimous consent that the vote on that amendment be reconsidered, so that the Senator from Ohio can be present at its disposition.

Mr. JONES of Washington. Mr. President, if that can be done with an amendment pending, I have no objection myself.

The PRESIDING OFFICER. It can be done by unanimous consent. Is there objection to the request of the Senator from Virginia? The Chair hears none, and the vote whereby the amendment was agreed to is reconsidered.

Mr. SWANSON. Mr. President, in the address of the Senator from Ohio on yesterday, based on a statement furnished him, he stated that this was not a navigable river; that this amendment was intended merely for drainage purposes; and that only a few people interested in draining the land would be benefited. He did not give himself as the authority for that statement, but he read a statement from Mr. John Seip, of Ohio. I sent a telegram to the parties in Norfolk County who were interested in this amendment, incorporating in it the full statement of Mr. Seip, and telegraphed them to telegraph me an answer to the statement he made, which I have received, and which I ask the Secretary to read.

The PRESIDING OFFICER. In the absence of objection, the Secretary will read as requested.

The Assistant Secretary read as follows:

PORTSMOUTH, VA., *April 22, 1920.*

Senator CLAUDE A. SWANSON,
United States Senate Chamber, Washington, D. C.:

John Seip's statement is misleading. He no doubt refers to that portion of Northwest River on upper profile toward its source, which has never been navigable. Of course this should be paid for by private interests, but your bill is another thing, simply to move bars at and near the mouth of the river, where it is now navigable, to admit deeper-draft boats, and this is badly needed and will not benefit drainage. See House Document No. 198, Sixty-fifth Congress, first session, with the map, which will give you full information as to the depth and character of the river.

R. E. B. STEWART.

Mr. SWANSON. Now I will ask the Secretary to read the amendment on page 5, commencing with line 4, to show that that statement is absolutely true.

The PRESIDING OFFICER. In the absence of objection, the Secretary will read as requested.

The ASSISTANT SECRETARY. The amendment proposed by the committee, on page 5, after line 3, is the following:

Northwest River, Va. and N. C.: With a view to securing a channel 6½ feet deep at mean low water and 50 feet wide on the bottom on the bar at the mouth and over the shoal 2 miles above the mouth.

Mr. SWANSON. Mr. President, I will state that this is a river 29 miles long. At the mouth of it there is a bar. Two miles from that there is another bar which limits navigation to 4 feet. After passing that bar at the mouth the river becomes 10 feet deep. Then another bar is reached, and if that can be passed I think the water is from 10 to 14 feet deep. This is a survey to ascertain what it will cost to cut a channel through these two bars, and I have had these things read to the Senate to show the character of the attacks that are so frequently made—and I desire to acquit the Senator from Ohio—upon these amendments, in this case to show that it is simply a private enterprise for the purpose of draining land.

On this river there is a bar at the mouth, as I say, and then 2 miles above that there is another bar; and I want to read the report of the engineers to show exactly what the situation is:

Northwest River, about 29 miles in length, rises in the Dismal Swamp of Virginia and North Carolina, flows in a southeasterly direction, and empties into Currituck Sound, N. C. Its slope is gentle and its current moderate. The adjacent territory is generally low and much of it swampy. The lower part is of good navigable width, but the upper part is quite narrow and crooked. A bar at the mouth limits the navigable depth to 4 feet. After crossing the bar a depth of 10 feet exists for a distance of 14 miles, except for one shoal 2 miles above the mouth, on which the depth is 6 feet. Above the 14-mile point both width and depth diminish.

The object of this amendment is simply to get a survey, not an appropriation, to ascertain from the Government engineers what it will cost to provide a 6½-foot depth at mean low water and a channel 50 feet wide on these two bars, where the navigation is now limited to 4 feet on account of the two bars.

The statement was made here yesterday, based on this misleading statement furnished to the Senator from Ohio, that this was an effort to drain that entire river of 29 miles at the expense of the Government to give drainage to swamp lands. What is the situation? In 1916 Senator MARTIN got through the Senate a provision for making a report and survey on Northwest River as far as practicable for navigation. The engineers made a report at that time. They did not think any appropriation should be made. That report was made by the local lieutenant colonel, J. B. Jervey, a distinguished officer, a great engineer with a splendid record, and a man of as high character as this Government can furnish. He reported that under those conditions they should not make any improvements, but in his report he made the recommendation which I am about to read, basing his report on the fact that there were two shoals on this river, one at the mouth limiting navigation to 4 feet, and 2 miles above it another shoal, and after you got across these two shoals you would have a depth of 10 to 15 feet in the river. He made a recommendation which is as follows:

It is, therefore, recommended that a survey of the bar at the mouth of Northwest River and of the shoal 2 miles above its mouth be authorized, in order to determine the cost of dredging channel 6½ feet deep at mean low water and 50 feet wide on the bottom at these points.

This amendment is in the exact language, word for word and letter for letter, that the district engineer reported. That report went to the chief of the board. He recommended that no appropriation should be made at that time, but he recommended that a survey should be made to ascertain whether the public interest and the commerce were sufficient to justify a channel between these two shoals, and what the cost was. That recommendation went to the general board. The general board sustained his report in connection with not making any improvements at that time, and said nothing about the survey. Gen. Black transmitted it, and I can see why he neither recommended the improvements nor the survey. During the war Senator Martin, who had charge of this matter and was on the committee, did not think it was proper or necessary to have this survey.

What is this proposition? Here is a river 29 miles long. People call these streams creeks or rivers. It has a large volume of water. It is in a populous section of the country. Boats go there now with a draft of 4 feet. What they ask is to have a channel cut through these two shoals 6½ feet deep, provided that on a survey of the river it is found that there are enough people interested and the cost is not too great.

That is a very different proposition, is it not, from dredging a river 29 miles to drain land? I should like to know how cutting a channel through two shoals 40 or 50 feet broad and 6 feet deep will drain anything. It can not lower the water at all. All that it will do is to take out the mud in the shoal and make it possible for boats drawing 6 feet to navigate the stream.

That is the proposition contained in this amendment. A large portion of the population of the county met in a mass meeting attended by officers of the county, members of the legislature, showing the great public interest, and asked to have a survey made, which had been recommended; and the amendment is in the language of the recommendation of the district engineer, merely asking to have this survey made. It is impossible to get the appropriation until the survey is made. The survey never has been made to find out what it would cost to remove these two shoals. Nobody knows whether it would cost $10,000, $20,000, $30,000, or $5,000, and the engineer recommended it.

There is not at the present time any very large business there. There is some lumber business and some farm business, but you can not have much business with a 4-foot channel. The record shows that the amount of business there was not sufficient to justify the improvement for the 29 miles, but the engi-

neer recommended that a survey should be made to ascertain what it would cost to have these shoals opened and a depth of 6½ feet provided. I do not believe there is in this bill a more reasonable proposition than this—to have this survey made with a view of determining whether the public interest would be subserved by opening up these shoals.

In addition to that, this is a great truck country all through Norfolk County. I do not know to what extent these farms are part of it. I suppose the greatest trucking community in the world is Norfolk County. They are compelled to depend on water transportation. It is nearly impossible to build roads in that country, with its water conditions, without its being almost impracticable on account of the cost. They rely on water transportation. You can not develop that until you get 6 or 6½ feet; and it seems to me that with the length of the river and the number of people interested it is but a reasonable proposition to carry out the recommendation of the local engineer that this survey should be permitted.

I hope, therefore, the Senate will allow the survey to be made to ascertain whether these two shoals, one at the mouth and the other 2 miles above the mouth, should be removed so that a 6½-foot channel can be obtained.

Mr. POMERENE. Mr. President, as I stated on yesterday, the only information I had was that gleaned from the statement which I introduced in the RECORD, as supplemented by some conversation which I had with Mr. Seip.

During the morning I took occasion to investigate the facts somewhat further. I think that when Mr. Seip made the statement that the stream was not at all navigable he overstated the situation a little; but the investigation which I have made demonstrates to my entire satisfaction that it is mighty poor business for the Government of the United States to embark in a proposition of this kind at this time.

The first investigation that was made of this alleged river, so far as I have been able to find out, was in 1890, and the report of the investigation which was made at that time is referred to in one of the later reports. I want to read a paragraph from Document 198, to which the Senator from Virginia [Mr. SWANSON] has referred. I read from page 4:

A preliminary examination of this stream was made in 1891 by Capt. (now Col.) G. J. Fiebeger, in accordance with a provision in the river and harbor act approved September 19, 1890. Capt. Fiebeger's report containing an unfavorable recommendation is printed in the annual report of the Chief of Engineers for 1891, part 2, page 1321.

So far as I have been able, in the short time at my disposal, to investigate this subject, I find that it again claimed the attention of Congress July 26, 1917, when this amendment was proposed and adopted:

From at or near Woodward's Bridge upstream, so flat lighters, etc., may ascend, with a width of channel of not less than 40 feet, as far as the Cornland Causeway Road or beyond that point as far as practicable, and to take into consideration any proposition for the cooperation on the part of local or State interests for the payment of one-half the expense of this project, and to report the possible utility of the whole river, from its mouth to its source, if adequately improved to meet the requirements of its connecting waters, for the national defense.

Evidently, in pursuance of this action by the Congress, this subject was again taken up in the War Department, and a report was made in the Sixty-fifth Congress, at the first session, in this document, No. 198. Under date of June 18, 1917, Brig. Gen. Black made a report, and I read a sentence or two from it:

The district officer states that the improvement of the part of the river above the Norfolk Southern Railroad bridge, 14.1 miles above the mouth, would be expensive and the cost would be out of proportion to the benefits to be derived, but he believes that the lower part of the river is worthy of improvement to the extent of dredging a channel 6½ feet deep at mean low water and 50 feet wide on the bottom, and he recommends a survey to determine the cost of this improvement. The division engineer is of opinion that the improvement of this river is not advisable at the present time.

Again the board says:

This report has been referred, as required by law, to the Board of Engineers for Rivers and Harbors, and attention is invited to its report herewith, dated May 15, 1917. The board states that the commerce on this waterway is not large, that it consists chiefly of floated logs and timber, that existing facilities are fairly adequate for this class of traffic, and that the desired improvement would not result in benefits commensurate with the cost.

Then they concur in this report. Col. Frederic V. Abbot, of the Corps of Engineers, and senior member of the board, under date of May 15, 1917, said this in describing the Northwest River:

The adjacent territory is generally low and much of it swampy. The lower part is of good navigable width, but the upper part is quite narrow and crooked. A bar at the mouth limits the navigable depth to 4 feet. After crossing the bar a depth of 10 feet exists for a distance of 14 miles, except for one shoal 2 miles above the mouth, on which the depth is 6 feet. Above the 14-mile point both width and depth diminish.

The principal traffic now on the river consists of rafts of logs and piling. There is also some barging of logs and occasionally a small boat load of fertilizer or building material. The commerce amounted to 44,051 tons in 1915 and 30,209 tons in nine and one-half months of 1916.

Now, note:

There is no apparent prospects of any material increase.

Then reading further, not reading the entire report:

The district officer believes that any improvement above the Norfolk Southern Railroad bridge would be unduly expensive, but that the commerce is sufficient to justify improvement below that point. He therefore recommends a survey and estimate. The division engineer is of opinion that the locality is not worthy of improvement at this time.

Then he adds:

The commerce on this waterway is not large and it consists chiefly of floated logs and timber. Existing facilities are fairly adequate for this class of traffic. The character of the country adjacent is such that no commercial development, which will tend to create a general commerce of importance, can reasonably be anticipated. It is not believed that the desired improvement would result in benefits commensurate with the cost. In view of these facts the board concurs with the division engineer in the opinion that it is not advisable for the United States to undertake the improvement of Northwest River, Va. and N. C., at this time.

On page 5 there is a repetition of a statement made by Col. Jervey, in which he says with regard to this river:

Occasionally a small boatload of fertilizer or building material is carried as far upstream as the Woodward Bridge.

Col. Judson, whom we know, formerly one of the District Commissioners here, a lieutenant colonel, Corps of Engineers, who was division engineer, said:

In my opinion it is at least doubtful whether the annual benefits to commerce would equal interest upon cost of improvement plus maintenance.

And here is a further statement of the amount of traffic. It is so inconsequentially small that I am a good deal surprised that an enterprise of this kind could be urged at this time.

It is said that there is a good deal of truck raised in that vicinity. There is not any evidence that it is transported on this river. One of these reports refers to the fact that there is a canal running from the Dismal Swamp to some destination down there, on which a good deal of the water traffic is carried; but it is not carried on this river. Then somebody is asked to give an estimate as to the amount which may be for distribution. A letter of the Richmond Cedar Works, under date of January 3, 1917, calls attention to the fact that there will probably be about 900,000 to 1,000,000 feet, Doyle's rule measure, of lumber per month if the improvements are put in. What would that amount to as a matter of traffic in a community?

Now, I want to call attention to the fact that these different reports were made under a river and harbor bill, which suggested that they inquire into the prospect of getting the State or the local authorities to pay a half of the cost. There is not anything here to indicate that they are interested in that part of it, and, in fact, as I shall call to your attention, there has not been anything done so far as getting the local authorities to pay this cost. They say again:

Below we beg to submit the best compilation of products shipped and received for distribution in section contiguous to Northwest River.

It does not say it will go down this river. I do not know how far back contiguity extends. There is one item of 60,000 bushels of corn, another of 25,000 bushels of Irish potatoes, another of 400 barrels of kale, another of 200 barrels of spinach, and a number of items of that kind.

Let me go further into the next report. A subsequent report was made, at the second session of the Sixty-fifth Congress. I read from Document No. 1137 of the House of Representatives, and here again Maj. Gen. Black, under date of May 23, 1918, makes the statement. This is just about two years ago. At that time, after making an investigation, he said—and I read only in part—under date of May 23, 1918:

The principal traffic now on the river consists of rafts of logs and piling, and occasionally a small boatload of fertilizer is carried as far upstream as Woodwards Bridge.

Now note this:

Property owners appear to regard the improvement for drainage of more importance than for navigation. No definite offer of cooperation on the part of local or State interests has been received. In the opinion of the district engineer the improvement of Northwest River above Woodwards Bridge for purposes of navigation would be far too expensive in comparison with the purely local benefits which would be derived therefrom. He believes that the whole river would have no value for the national defense if adequately improved to meet the requirements of its connecting waters, and he reaches the conclusion that the stream is not worthy of improvement by the United States at the present time.

* * * * * * *

After due consideration of the above-mentioned reports, I concur in the views of the district engineer, the division engineer, and the Board of Engineers for Rivers and Harbors, and therefore report that the improvement by the United States of Northwest River, Virginia-North Carolina, is not deemed advisable at the present time.

W. M. BLACK, *Major General.*

Mr. RANSDELL. What is the date?

Mr. POMERENE. It is dated May 23, 1918.

Attached to this is a report by William T. Rossell, brigadier general, United States Army, retired, senior member present, who says under date of April 9, 1918:

It appears that property owners regard the improvement for drainage of more importance than for navigation.

I submit that Mr. Seip was almost right when he made this statement that these people were interested in this subject more as a matter of private enterprise than they were for matters of transportation.

I do not care to take the time of the Senate to read very much further, but there are one or two of the paragraphs here that I wish to read. On page 6 there is this statement:

The portion of the river below the Norfolk Southern bridge is a very usable stream in its present condition, but its navigable depth is limited by the shoals at its mouth, mentioned in the preceding paragraph. Above the Norfolk Southern Railroad bridge the river divides into several channels, and the bends are so numerous and sharp that it is impossible to represent them on a small-scale map. In making the examination, it was possible to navigate a 16-foot launch up to within a half a mile of Bunch Walnut Bridge. A skiff was pushed up practically to the bridge by lifting it over the logs. Above this point it was so obstructed by logs and brush, and the adjacent banks were so swampy, that it was impossible to trace it farther.

On page 7 Peter C. Hains, major general, district engineer, said:

The improvement of Northwest River above Woodwards Bridge for purposes of navigation would be far too expensive to compensate for the benefits that would be derived therefrom, which would be purely local. The contiguous country is now served by the Dismal Swamp Canal—

That is what I referred to a moment ago—

which gives direct water transportation to Norfolk or Elizabeth City. It is therefore believed that this part of the waterway is not worthy of improvement at this time for purposes of navigation. The improvement of the part of the river covered by this report would be of no benefit to commerce unless the part of the river from Woodwards Bridge to the mouth were also improved.

It was determined from this examination that the prime reason that the property owners have in asking the Government to improve the Northwest River above Woodwards Bridge is to improve the drainage of their lands. This is considered a more important feature for present consideration than the question of navigation.

Mr. President, it may be that a few shallow boats may get up there, particularly if this shoal is dug out, but I take it from these three investigations, all of which have been adverse, that the Engineer Department must have information sufficient now to justify them in coming to a conclusion as to whether it is the policy at the present time, in view of many great projects which are pending uncompleted, in great river valleys where they do not have to wait for commerce to grow up, but where the commerce is waiting for the opportunities for transportation. I do not think it is wise to go into a matter of that kind. In these reports from which I have read, though the Congress said in 1917, "Inquire as to whether or not the people in that vicinity are willing to do anything looking toward a participation in the payment of the expense," not one word has been said on that subject.

I think you will find further, in investigation of this report, that nearly all of this land is swampy, with a little timber on either side of it, and there is a question in the minds of the engineers as to whether it should be cut off at once and floated down. One of the engineers makes the statement—I will not take the time to refer to his exact language, but investigation will bear out my statement—that so far as it is necessary to have water transporation for the logs, they have it now, and it is not necessary to deepen the channel for that purpose.

Mr. President, this is a matter of no personal interest to me at all; it came up to me yesterday for the first time; but I think it is projects of this kind that have helped to discredit in some measure the river and harbor bill. I think with the information they have they can tell what the cost is, if that becomes necessary, and in view of the statement that was made that there is not transportation enough there now to pay the interest on the cost plus the cost of maintenance, I can not see why we should go ahead with a proposition of this kind at the present time.

Mr. SWANSON. Mr. President, I have listened to the statement of the Senator from Ohio [Mr. POMERENE], and it is a remarkable statement. It is about as far from the issue in this case as any I ever heard. I tried to make it clear that in 1916 a proposition was before the Senate to improve the river 24 miles and to ascertain whether the commerce was sufficient to justify it and whether the public interest would be justified in doing that. That was reported adversely, as to the upper part of the river. As is said in the telegram which I read here, that would be largely for drainage purposes.

But the very engineers' report that the Senator has read recommended what?—just what this amendment provides for. The amendment proposed is not to improve the river 24 miles, but everything the Senator read would leave the impression in the Senate and elsewhere that the proposition was to improve the river 24 miles. The Senator never departed from that thought. He never read anything except against the proposition to improve the river 24 miles.

What did the engineers recommend in the very report from which the Senator read? They said that the commerce and the public interest did not justify improving the river for 24 miles, but what did they recommend? They said that at the mouth of the river there is a 4-foot bar and that nothing but a boat of 4-foot draft could go over it, and that 2 miles above that there is another bar 6 feet deep and for a 6-foot boat to go over it, it would have to be 6½ feet deep to give half a foot under the bottom of the boat. But the Senator knows full well, if boats are going over there, we can not have any commerce unless it is in a 6-foot boat. A 6½-foot boat can not go farther up there.

Mr. POMERENE. But as preliminary to the boat you must have a river.

Mr. SWANSON. They have a river, and I just want to say that in this case some people have more zeal than knowledge. If they had knowledge they would be all right. What is the Senator's zeal? It is regarding the improvement of the river for 24 miles. What did we ask? We asked exactly what was recommended by the very report from which the Senator read.

We have had a survey of the bar at the mouth of the river, over which the boats go in commerce, and we must make it 2 feet deeper. Two miles above there is another bar, 6 feet deep, and the proposition is to make that a half a foot deeper, so that a 6-foot boat could go over the 6½-foot bar. That is all that is involved there; and yet the Senator comes here and reads a report appearing that this was a proposition to improve 24 miles of river. That has been abandoned, and there is no effort to do that, but the engineers recommended that the commercial conditions were such as to justify a survey to ascertain what it would cost, and when that cost comes in, what then? That the very commerce itself that is already there, if the expense is not too great, may simply cross these two bars.

I would like to have the Senator explain how any drainage can come from crossing two bars. It is not reducing the level of the water at all, but simply taking out a portion of the bar to make the water 6½ feet deep at that point. He talks like this was a drainage proposition. The Senator knows that that can not occur. Why does he talk about drainage?

This is simply the proposition that has been recommended. We did not press the other because the war was on. Commerce is growing there, and that section of the country is developing; there has been a big development, and we are entitled to have the engineers say whether conditions justify digging 2 feet deeper on one bar and on the other bar a half a foot deeper and having an estimate made of the cost, and then to say whether the Government is justified in doing it.

Mr. TOWNSEND. May I ask the Senator a question?

Mr. SWANSON. Certainly.

Mr. TOWNSEND. What particular benefit does the Senator expect to get out of this improvement if he has his way about it and the channel is deepened for 4 miles up from the mouth of the river?

Mr. SWANSON. It is not 4 miles; it is 14 miles. At the mouth of the river there is a bar on which we only get 4 feet of water. When we cross that, for 14 miles we have 10 feet of water, and then another little bar, which is only 6 feet; and this is a proposition for a channel 6½ feet through those two bars; that is all.

Mr. TOWNSEND. Is there commerce along that distance to justify it?

Mr. SWANSON. They have commerce enough there now to justify what this little cost will involve. They make a report as to the extent private interests will contribute in dredging it out.

Mr. TOWNSEND. This is not a case of the camel getting his head under the tent?

Mr. SWANSON. Not at all. The engineers have reported against the river improvement, but they have reported that these two bars, that will cost very little money, justify a survey to see what they would cost. All that is asked is just for these two bars.

Mr. CALDER. Mr. President, coming from a part of the country where improvements of rivers and harbors are essential

to the commerce of the Nation, I am naturally very deeply interested in this measure. I am a member of the Committee on Commerce, which reported the bill, and before voting for the bill in its present form gave much thought and study to the whole subject.

I have always favored river and harbor improvements. I have differentiated between rivers and harbors and creeks and brooks and little streams in some parts of the country that really ought not to be improved. I have always believed that money properly spent in rivers and harbors is a good investment for the United States; and when this bill came from the other House with an authorization for the expenditure of $12,000,000 this year, I felt, with other members of the Committee on Commerce, that the sum was entirely too small to carry on the work essential for the needs of commerce and for the proper development and improvement of our rivers and harbors during the next year.

I know, Mr. President, that there has been a considerable amount of money in the unexpended balances; I know that it was something over $50,000,000 late last year, although the sum was materially reduced early this year, and, as I understand, on February 1 was approximately $30,000,000.

Mr. JONES of Washington. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Washington?

Mr. CALDER. I do.

Mr. JONES of Washington. I might state to the Senator that I have made inquiries in reference to this matter; in fact, we had Col. Taylor before the committee, and he stated that on the 1st of February the fifty-nine or sixty million dollars which was on hand the 1st of November last had been reduced to $36,000,000. It is being reduced at the rate of about $5,000,000 a month, and there is no reason to suppose that the expenditures during the next three or four or five months will be less than they have been during the last three or four or five months. In fact, the last four or five months included the winter months, and we may expect the expenditures, if anything, to be greater during the succeeding months. I wish to call the attention of the Senator to the fact that if the expenditure continues at the rate that it is now proceeding we shall have on hand on the 1st of July about $12,000,000 for all the projects throughout the entire country. If we should appropriate $20,000,000, that would make the total amount available $32,000,000, and at the same rate of expenditure on the 1st of January next we should have only $2,000,000 left to carry on the work of the improvement of rivers and harbors prior to the passage of the next river and harbor bill, which we expect to be by the 4th of next March. That, briefly, shows the present situation.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from North Carolina?

Mr. CALDER. I do.

Mr. SIMMONS. Mr. President, if the chairman of the committee will permit me, I should like to supplement the statement which he has made with reference to the amount that will be on hand available for improvement purposes at the time the money appropriated by the pending bill becomes available. It is true, as the Senator from Washington has said, that Col. Taylor, representing the Engineer Department, stated that when the money provided for in this bill became available there would only be between twelve and thirteen million dollars coming over from former appropriations which could be applied for all of the projects which have been approved by Congress and for which appropriations have been made by Congress.

Mr. JONES of Washington. Yes; that is correct.

Mr. SIMMONS. But Col. Taylor also stated that for the items contained in his last estimate of $19,000,000 there would be available from old appropriations when the money in this bill is available only about $7,000,000, so that for the items for which we are appropriating—and although the bill carries a lump sum, it is understood that we are appropriating for the items that were included in Col. Taylor's estimate—for those items there will only be available under old appropriations $7,000,000 when the money provided for in this bill becomes available.

Mr. HARRISON. Mr. President, will the Senator from New York yield?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Mississippi?

Mr. CALDER. I do.

Mr. HARRISON. I am not a member of the Commerce Committee, as are the Senator from North Carolina [Mr. SIMMONS] and the Senator from New York [Mr. CALDER]. The Senator from North Carolina says that the projects which have been recommended by Col. Taylor of the Board of Army Engineers are to be taken care of under the proposed lump-sum appropriation according to the estimate submitted. To which of the estimates does the Senator refer? There have been about three made, I think, by the Board of Engineers. One submitted to the House of Representatives recommended an appropriation of about $43,000,000, as I recall, and another one called for a somewhat smaller amount.

Mr. SIMMONS. If the Senator will pardon me, I was speaking about the revised estimate, which was for $19,000,000.

Mr. HARRISON. Yes; $19,000,000 for improvements and $5,000,000 for maintenance, making $24,000,000 in all.

Mr. SIMMONS. Yes.

Mr. HARRISON. But that eliminates a great many projects that the Board of Army Engineers stated in their report to the House Committee on Rivers and Harbors should be provided for. That is my impression about it.

Mr. SIMMONS. Col. Taylor, as I remember—and the chairman of the committee will correct me if I am in error—stated that the $19,000,000 which he had estimated for certain items contained in the bill was urgently needed, and that with that $19,000,000 the work could be done that the immediate requirements of commerce demanded.

Mr. HARRISON. The Senator said $19,000,000 was actually necessary. As I recall, Col. Taylor recommended $19,000,000 for improvements and $5,000,000 for maintenance, making a total of $24,000,000.

Mr. SIMMONS. I was confining my statement to the work of improvement, for which there was estimated $19,000,000.

Mr. HARRISON. Yes; and then $5,000,000 was estimated for maintenance.

Mr. SIMMONS. Yes.

Mr. JONES of Washington. Will the Senator from New York yield to me?

Mr. CALDER. Yes.

Mr. JONES of Washington. The first estimate, including some supplemental estimates that came down from the engineers, was that $44,000,000, in round numbers, was required for all the projects that had been authorized by Congress, and which had been undertaken. Then, practically upon the statement of fact as made on yesterday by the Senator from Missouri [Mr. REED], as to the attitude of the committee and its desire to hold down the appropriations as low as they could under the policy they believed they ought to follow, the engineer revised his estimates, and, leaving out certain appropriations that he thought could be left out, recommended $22,000,000 for improvements and $5,000,000 for maintenance, or $27,000,000 altogether. That was further revised as to the improvement items, so that the estimate as finally submitted stated that there would be required for improvements $19,000,000 and for maintenance $5,000,000, or a total of $24,000,000 for both.

Now, Mr. President, with reference to the statement which I made a moment ago relative to the money available for all projects all over the country, the Senator from North Carolina [Mr. SIMMONS] is correct, that for the particular projects in this revised list there will probably be available on the 1st of July, when the fiscal year begins, about $7,000,000; but for all the projects of the country which have been authorized, if the rate of expenditure goes on at the same rate that it now is, there will be about $12,000,000 available the 1st of July. If we should add $20,000,000, that will make $32,000,000. If the expenditure continues at the same rate as at present, then by the 1st of January for all projects, not only those on the revised list which were supposed to be taken care of by this bill, but for all other projects, there would be but $2,000,000 available.

Mr. SIMMONS. I think the Senator also ought to make it clear that money appropriated for one project can not be applied to another project.

Mr. JONES of Washington. Yes; money that has been heretofore appropriated for a particular project can not be diverted from that project to others.

Mr. REED. But is not this the case, if the Senator from New York will pardon me——

Mr. CALDER. Certainly.

Mr. REED. That the engineers reported $24,000,000 as a minimum, and then the committee of the House reduced that minimum to $12,000,000, and the Senate committee raised the $12,000,000 to $20,000,000; so that there is a hiatus of $4,000,000 or $4,500,000 between the amount recommended by the Senate committee and the amount recommended by the Board of Engineers?

Now, is not this the situation, that in using the money thus appropriated, the amount being four and a half million dollars short of the minimum appropriation required, the Board of En-

gineers in its discretion as to where the money is most necessary may, if it so desires, fail entirely to use any of the money on certain of the projects which have been heretofore approved? That board can do that if it wants to. Is not that the case?

Mr. JONES of Washington. That is true.

Mr. REED. And is not the board very likely to do that; in fact, is it not almost compelled to do it?

Mr. JONES of Washington. According to their estimates, the board will have to leave out some of the projects even on the revised list. There will have to be some of them left out; there is no question about that.

Mr. REED. So that the Mississippi River is liable to be left without anything except the money that is left over from former appropriations?

Mr. JONES of Washington. While that is possible, I do not think it will happen. The engineers in their revised list estimate $500,000 for the Mississippi River from the mouth of the Ohio to St. Louis; they estimate $1,200,000, I think—either that or $600,000, I am not sure about that, but I think it is $1,200,000—for the Mississippi River from St. Louis to St. Paul and $600,000 for the Missouri River. If we appropriate $20,000,000, the engineers may use—and I think very likely will use—of that amount $500,000 on the Mississippi River between the mouth of the Ohio and St. Louis, $1,200,000, or whatever the amount may be on the revised list, on the Mississippi River up to St. Paul, Minn., and $600,000 on the Missouri.

There is no attempt at concealment about this matter; I wish to be perfectly frank and perfectly fair, and I tried to set it out fully in the report so that everybody will have the facts, but with the $20,000,000 which we propose to appropriate there is not any reason, in my judgment, why the engineers should not use $600,000 on the Missouri River.

They say in their letter to me, in their final conclusion, that by leaving out other items, small items not referred to in their letter, they might get along with $18,000,000, and take care of the Ohio, of Savannah Harbor, I think, and of the other improvements referred to by them, including $1,000,000 on the East River at New York, $2,000,000 for the Delaware, and so on. We have allowed a further sum of $2,000,000, out of which they can take $600,000 for the Missouri and $1,400,000 for some other projects; but, as the Senator has said, they could go through the year without applying money to those projects. Col. Taylor said, however, that they would consider themselves to an extent morally bound to use whatever money we appropriated upon the projects mentioned in their revised list, but that if an emergency should arise in connection with any project outside of those on the list, requiring the expenditure of some money, they would feel justified, of course, in using, and would have the authority to use, some of this money for that purpose, although they would not use any of the money for any project not mentioned on their revised list except in case of emergency demanding it. That, in brief, is the situation, as I understand it.

Mr. REED. Mr. President, of course I do not want to press this matter to interfere with the Senator from New York.

Mr. JONES of Washington. The Senator from New York has the floor.

Mr. REED. But I wish to get it cleared up, and this is, perhaps, as good a time to do so as any other. The report of the minimum amount that the Army engineers were finally—I will not say coerced—induced to bring in in accordance with the plan, which meant, to use common language, cutting to the bone, was $24,500,000. Is that right?

Mr. JONES of Washington. Something like $24,000,000; I do not recall the exact figure.

Mr. REED. That included maintenance?

Mr. JONES of Washington. Yes; that included maintenance.

Mr. REED. That included maintenance of $5,000,000?

Mr. JONES of Washington. Yes.

Mr. REED. The House, with that report before it, cut the appropriation to $12,000,000. That is the amount carried in the bill as it came to the Senate. That is correct, is it not?

Mr. JONES of Washington. Yes.

Mr. REED. Then, the Senate committee took hold of it, and the result was that the Senator in charge of the bill wrote the letter to which I referred yesterday, which proposed a new estimate suggesting certain reductions in the bill. I want to put them into my question, because I desire this question to mean something in the RECORD.

East River and Hell Gate, reduce to $1,000,000—

It had been, I think, $3,000,000.

Mr. JONES of Washington. $3,200,000.

Mr. REED. The next recommendation was:

Shrewsbury River, omit entirely.

Delaware River, reduce to $1,000,000—

What had that estimate been?

Mr. JONES of Washington. Two million dollars.

Mr. REED. The next item was:

Chesapeake and Delaware Canal, omit entirely—

What had that estimate been?

Mr. JONES of Washington. Two million dollars, and the revised estimate was reduced to $1,000,000.

Mr. REED (reading):

Norfolk Harbor, omit entirely.

What had that been?

Mr. JONES of Washington. I think that was either three or four hundred thousand dollars. I will tell the Senator in just a moment.

Mr. CALDER. The original estimate was $1,000,000. The revised estimate was $400,000.

Mr. REED (reading):

Savannah Harbor, omit entirely.

Mr. JONES of Washington. The revised estimate was $300,000.

Mr. REED (reading):

Brunswick Harbor, omit entirely.

Mr. JONES of Washington. Both the original and revised estimates were $200,000.

Mr. REED (reading):

Hillsboro Bay, omit entirely.

Mr. JONES of Washington. The revised estimate in that case was $260,000.

Mr. REED. What was it before?

Mr. JONES of Washington. Four hundred and forty-six thousand five hundred dollars.

Mr. REED (reading):

Southwest Pass, reduce to $600,000.

Mr. JONES of Washington. That, I think, was $1,000,000.

Mr. REED (reading):

Mississippi River——

Mr. JONES of Washington. The Mississippi between the Ohio and the Missouri was $750,000; the revised estimate was $500,000.

Mr. REED. What was the rest of the Mississippi River?

Mr. JONES of Washington. In the case of the Mississippi River to St. Paul, the original estimate was $2,000,000 and the revised estimate was $1,200,000. In the case of the Missouri River, the original estimate was $1,800,000 and the revised estimate $600,000.

Mr. REED. Now, your proposition on those three items which you asked the board to consider was as follows:

Mississippi River, Missouri River to St. Paul.

The Missouri River does not run to St. Paul. It should have read—

Missouri River, and Mississippi River to St. Paul.

That would be the correct language.

Mr. JONES of Washington. It means the Mississippi River to St. Paul; yes. It says: "Mississippi and Missouri Rivers, $1,200,000," and then, "for the Missouri River, $600,000."

Mr. REED. Then, that means the Mississippi River, from St. Louis to St. Paul, $1,200,000, and the Missouri River, $600,000?

Mr. JONES of Washington. Yes.

Mr. REED. Now you propose, in the next item, to omit the Missouri altogether.

Mr. JONES of Washington. That was the suggestion that I said had been made in the committee.

Mr. REED. I am just trying to get the basis of their action. The item for the Mississippi River to St. Paul was to be reduced to $600,000. Then—

Cumberland River below Nashville, omit entirely.

How much was that?

Mr JONES of Washington. The revised estimate was $300,000.

Mr. REED. And what was it before that?

Mr. JONES of Washington. $460,000.

Mr. REED (reading):

Ohio River, locks and dams, omit entirely.

Mr. HARRISON. Mr. President, may I ask the Senator a question?

Mr. REED. Just let me finish this.

Mr. HARRISON. I simply want to know what the Senator from Washington is reading from. I have another estimate here which has a much larger sum than the Senator from Washington has given.

Mr. JONES of Washington. I am reading from a statement prepared by the chairman of the House committee and appearing in the report of the committee, and I will say that Col. Taylor stated that this was substantially correct. It may not

be exactly correct in every item, but he said that it was substantially correct. This was prepared by the chairman of the House committee.

In the case of the Ohio River, the original estimate was $5,000,000 and the revised estimate was $1,000,000.

Mr. REED. I want to get this in somewhat concrete form. Let me pursue this method—I am nearly through—and I will thank the Senator from Mississippi if he will put into the RECORD the figures to which he refers in a moment, after I have concluded these questions.

Mr. HARRISON. I expect to do so. I just wanted to know what estimate it was that the Senator from Washington was reading from.

Mr. REED (reading):

Ohio River, locks and dams, omit entirely.

What was the estimate?

Mr. JONES of Washington. The original estimate was $5,000,000 and the revised estimate $1,000,000.

Mr. REED (reading):

Milwaukee outer harbor, omit entirely.

How much was that?

Mr. JONES of Washington. One hundred and seventy-five thousand dollars.

Mr. REED. Rouge River?

Mr. JONES of Washington. Two hundred and seventy-three thousand dollars, I think. There was no original estimate for the Rouge River. That came down, however, as a supplemental estimate—$273,000.

Mr. REED. It is a little wearisome, but there are not very many people here but just us folks, and let me follow this for a moment. Will the Senator now give me the final revised estimate for the Missouri River?

Mr. JONES of Washington. The revised estimate for the Missouri River was $600,000.

Mr. REED. Now the estimate for the upper Mississippi?

Mr. JONES of Washington. One million two hundred thousand dollars.

Mr. REED. And for the lower Mississippi?

Mr. JONES of Washington. Five hundred thousand dollars.

Mr. REED. That is an aggregate of $2,200,000. Now, the proposition that you made was to reduce that entire amount to $600,000, and——

Mr. JONES of Washington. Oh, no, no! The Senator is mistaken about that, according to my recollection. We did not cut out $500,000 below St. Louis to the Ohio. This is what was proposed:

Mississippi River, Missouri River, to St. Paul, reduce to $600,000.

That was a reduction of $600,000.

Missouri River, omit entirely.

That was a further reduction of $600,000. That would be $1,200,000 reduction.

Mr. REED. Yes.

Mr. JONES of Washington. There was not any proposal or suggestion made to reduce the amount of the revised estimate from St. Louis down to the mouth of the Ohio.

Mr. REED. Now, the engineers reported on these various suggestions, and they said that they could not get along without the money required on all of these projects which you mentioned in your letter, as follows—let me call the attention of the Senator from Minnesota to this. I hope he will stay for a moment.

They said they could not get along without the appropriations for the Delaware River, Norfolk Harbor, Savannah Harbor, Southwest Pass, Cumberland River, and Ohio River. They must have that money. They had asked for a vastly larger sum than they were going to get; but when they came to the remaining item, which includes the upper Mississippi, they say:

The omission of the remaining items will delay the prosecution of important and worthy improvements, but will not have the serious consequences incident to the omission of the items on which the above statements have been made.

It is difficult to predicate the works that would be omitted were the total amount appropriated $18,000,000 or $15,000,000, respectively.

Mr. JONES of Washington. There is one other statement which the Senator might read:

By omitting those items indicated in your letter on which no comment is made herein, and by the omission of work on some of the smaller items of less importance to general commerce, the expenditures could be brought within the limit of $18,000,000.

Mr. REED. Now, I want to ask Senators representing Mississippi River States what they think they are going to get under these circumstances? Here are engineers who report that they have cut the appropriation absolutely to the bone. They have been required to do it by two separate demands. They have omitted all the items they can omit, and finally they are asked if they can not omit some 21 projects. They report that they can not omit certain of those projects at all, the ones whose names I have just read; they must have that money. As to the rest of them, they can not omit them without serious consequences, but they say they are not as serious as would be the consequences if they abandoned the others.

Now, we have cut them to the bone. We make no provision for emergencies. What chance has the Mississippi River under those circumstances? Just about as much chance as a man who owns a ninth mortgage on a stock of goods that has been seized by the sheriff on a first mortgage, a second mortgage, and a third mortgage, each of them for the total value of the entire stock.

I want Senators to know what they are doing here. They are killing, for the time being, the improvement of every one of these enterprises except the ones that have been specifically mentioned by the engineer, because the engineer now charged with the responsibility of carrying on this work has already said to us, "I need more money for these other enterprises." He has already said, "They are more important," and he has emergencies to look after and extra costs and charges to look after; and it is inevitable—almost as inevitable as fate—that, finding his funds running low, he will neglect these great inland streams.

Let me appeal to the Senator from New York, and then I am through—and, of course, I am greatly trenching upon his time, and I hope not too much on his patience. I have voted for and supported every proposition to improve every New York harbor, not because it was a harbor of New York, but because it was a harbor of the United States; and it is just as important to take care of the hinterland as it is to take care of the frontier of a country. Five or seven million dollars more will keep these projects going at a starvation point, and if we do not get that five or seven million dollars more all of these enterprises are liable to be crippled. Some of them are certain to be temporarily assassinated, if you can have such a thing as temporary assassination. They will be killed for the time being. They can be resuscitated. That is narrow business. It is cheap policy. It is a mistake. There will be wiped out in these rivers works that have been erected for many years, and at great expense, simply because the work has not been carried on, and the work already in has not been protected by further work which is necessary.

It seems to me the Senate at least should set a little example on this matter.

I thank the Senator from New York. I very seldom trespass in this way on a man's time.

Mr. CALDER. Mr. President, the remarks of the able Senators who have interpolated their views into my remarks have illuminated the subject, and, I know, have given the Senate and the country much information.

I have a great deal of sympathy with the position of the Senator from Missouri. He insists that it is a mistaken policy of the Government and of Congress to fail to appropriate sufficient money to properly improve our rivers and harbors, and in consideration of the subject in the committee I had the very things in mind the Senator has spoken of. We ought to keep our rivers and harbors, the water tracks of commerce, open for the business of the Nation.

But the committee had a number of things in mind, Mr. President. It had in mind the condition of the Treasury. The House had sent to us a bill appropriating $12,000,000. We could afford to reasonably increase that sum, but unless we gave up the whole policy laid out by the House, appropriating on a lump-sum basis, we could not afford to too largely increase the amount they appropriated.

There are other reasons, perhaps, that have not occurred to some Senators. This year it will cost for river and harbor improvements at least 120 per cent more than it did four or five years ago; so that this appropriation of $20,000,000 will pay for only about $8,000,000 worth of work five years ago. On first impulse that might prompt Senators to suggest that we ought to appropriate twice as much. I could hardly approve of that position if it were taken, because I think this year we are at the peak of high prices. I feel reasonably certain that after this year we can hope for a steadying of the labor market, we can hope for a steadying of the markets in materials that go into improvements on our rivers and harbors, and while this year we can very properly appropriate a sum not less than $20,000,000, next year I think we can fairly and sensibly go back to our old method of appropriating at least $40,000,000.

It is a fact that the sum of $20,000,000, with the unexpended balances, will, perhaps, carry us to about the first of the year, but not much beyond that. But I do believe—and I will say this in answer to the remarks of the chairman of the committee, giving the figures of unexpended balances each month—

that I doubt if it will be possible to get material and labor this summer to do the work laid out. I am engaged in several building operations in New York, and I know that in that city last Monday there was not a bag of cement in the material yards of the city of New York available for delivery for building purposes; and when the awarding of these contracts is actually taken up it will be found, I think, that an appropriation of $20,000,000, together with the unexpended balances, is about what we can fairly expend for this year.

I make this statement as one who is strongly in favor of liberal appropriations for this purpose. I know that the amounts to be awarded for improvements around New York Harbor have been reduced. I have analyzed these sums and the unexpended balances for these improvements, and I am quite convinced that we can carry them on as speedily as they ought to be carried on, in view of the conditions to which I have called attention in the few remarks I have made. But I do think, Mr. President, that in the long run it is a mistake to appropriate money for river and harbor improvements, as we have this year, on the lump-sum basis. It is better to go back to the old method and then have the courage here to refuse to appropriate for rivers and harbors that are unnecessary and where the appropriation of the money is a clear waste, but to appropriate for those where the money is actually needed, whether in the West or in the East or in the North or in the South.

But I wanted to say a word or two about a very necessary improvement in the harbor of New York. Ten years ago Congress authorized an improvement of Jamaica Bay, one of the great bodies of water within the city of New York. At that time the project authorized provided for the dredging of a channel 1,000 feet wide and 18 feet deep. The State of New York and the city of New York were to make certain contributions to the improvement. For various reasons that improvement has been carried on in a very moderate degree, but the demands of the commerce in New York upon our port facilities were so great during the war, and the business has so rapidly increased there, that there has come from that city a great demand for the improvement of this great bay.

Jamaica Bay is situated south of Brooklyn. It is formed by the southerly side of Brooklyn and Rockaway Peninsula and extends along Nassau County on Long Island. It has an area of about 40 square miles. It had a natural channel before this improvement about 10 feet deep. That affords facilities, when properly improved, for taking care of one-third of the commerce of the United States.

In appreciation of the value of the improvement, the Board of Estimate and Apportionment, of the city of New York, during these recent months has provided for the expenditure of $7,500,000 for the building of docks, piers, approaches, and terminals for this improvement, if authorized by Congress. So I have offered an amendment to this bill which provides that this project, authorized in 1910, should be further changed so that we would have a channel about 1,500 feet long, 1,000 feet wide, and 30 feet deep. The Committee on Commerce considered the amendment, and in view of the fact that we have here a lump-sum bill, they refused to approve a change in the project; and we will have to put off this important improvement for another year.

While I have the floor, Mr. President, I want to say just a word or two about the pier and dock and river and harbor improvements in New York. Through that harbor was carried 80 per cent of the war materials that went overseas during the recent World War. Through the harbor also went 60 per cent of the troops who sailed for overseas. I have had occasion to look up the records of the Bureau of Statistics, Department of Commerce, recently, and I find that in the year 1919 the business of New York Harbor, both in the matter of exports and imports, was at least 60 per cent of the total of the country; that in the calendar year 1919, in money value, the exports shipped through the harbor of New York were nearly $1,000,000,000 in excess of the total value of exports of the whole country in any year previous to 1914.

So I think those of us who live in New York can fairly come to Congress and insist that when we do ask for improvements for our harbor we are not presenting to the Congress something for ourselves locally. New York is the metropolis of the Nation. It is a city of which I am sure every Member of this body is justly proud. Of course, those of us who represent the city directly are interested in presenting its claims; but it is the great metropolis of the world to-day, and it seems to me that we can properly ask every consideration for it.

Mr. HARRISON. Will the Senator yield?

Mr. CALDER. Certainly.

Mr. HARRISON. I agree as to the necessity of those improvements in New York. I was interested in what the Senator said touching the value of the dollar now and the value of the dollar a few years ago. If I understood the Senator correctly, he said that the $20,000,000 appropriated now is equivalent to what about $8,000,000 would have been a few years ago.

Mr. CALDER. Yes; about five years ago, I said.

Mr. HARRISON. Then, if the appropriation of $12,000,000 which the House so generously appropriated for the rivers and harbors of the country should prevail in conference, and should be agreed upon by both the Senate and the House, it would be equivalent to about $5,000,000 five years ago, would it not?

Mr. CALDER. The Senator is correct, in my opinion.

Mr. HARRISON. And the appropriations some five years ago for river and harbor work were around approximately $40,000,000, in some instances going higher than $40,000,000, were they not?

Mr. CALDER. Yes; substantially that, as I remember.

Mr. HARRISON. I noticed in the original estimate of the Board of Army Engineers there were certain projects in New York State, which the Senator is so much interested in, and which I, as one Member of the Senate, would be very glad to vote for, because I realize the necessity of appropriations for the maintenance of those harbors. I notice under New York Harbor, under the estimate of $43,000,000 which was proposed by the engineers, for maintenance and improvement of main entrance channel, $200,000; for continuing improvement of Hudson River channel, $500,000; total for that improvement, $700,000. Reading further:

Channel on Flushing Bay, N. Y., $20,000; East River, N. Y., continuing improvement, $3,200,000.

That is approximately $4,000,000, is it not, for New York State as estimated?

Mr. CALDER. I have not figured it out.

Mr. HARRISON. Under this bill, appropriating $20,000,000, New York State would hardly get over $1,500,000, would they, for these improvements?

Mr. CALDER. I think something like that.

Mr. HARRISON. Then, the only way for these harbors and these improvements to be taken care of properly is for the Senate to act and appropriate sufficient money for it, namely, about $4,000,000, is it not?

Mr. CALDER. I would say to the Senator that the figures indicate that there is an unexpended balance of the amount appropriated for the East River of $4,700,000; for the Hudson River channel, about $684,000; and with the sums which are apparently proposed in the revised bill, it would seem to me this would be enough to carry these improvements through for this calendar year. On the East River we would have quite a balance next year.

Mr. HARRISON. Has it not been the case in every river and harbor bill that there was a balance left over? That is always true, is it not?

Mr. CALDER. Yes. I will say to the Senator, Mr. President, that I have not any quarrel with the position he takes; I have not any disagreement with the Senator. But there are many matters involved in this, and, as I said in my remarks a minute ago, it is a question in my mind this year, with these prices at the peak, with material costing 100 per cent more than last year, or at least 80 per cent more than last year, and with labor costing 50 per cent more than last year, for common labor, the kind we use in that sort of work, whether or not it is advisable this year for Congress to appropriate very large sums for these improvements. I am hopeful, and I see some evidence of it, too, that we are just going over the peak of the high prices.

Mr. HARRISON. The Senator does not know when these prices are coming down?

Mr. CALDER. No.

Mr. HARRISON. As a matter of fact, if we should appropriate this year $40,000,000 it would be a very economical bill, would it not, in view of the fact that when the prices were away down we appropriated larger sums than that?

Mr. CALDER. Yes; $40,000,000 would be equal in practical results to an appropriation of only sixteen or eighteen million dollars five years ago.

Mr. HARRISON. As to these amounts carried over, the amount that would be carried over from the 1st of July this year is no greater than the ordinary carrying over of appropriations year by year, is it?

Mr. CALDER. No.

Mr. HARRISON. About the same?

Mr. CALDER. I am not sure about that. I presume so.

Mr. HARRISON. My information is that it is about the same.

Mr. CALDER. I think it can fairly be said that we are spending the money faster now because things cost so much

more. A project that would ordinarily cost a hundred thousand will cost two hundred thousand, perhaps two hundred and fifty thousand with the utmost economy, and we are spending money faster now.

Mr. HARRISON. That is why it seems most strange to some of us, who recognize the great importance of river and harbor improvement, for the Senate to cut down the appropriation from $43,000,000 to $20,000,000, when they admit that the dollar will go only about 40 per cent as far as the dollar went five years ago.

Mr. CALDER. Mr. President, the only answer that can be made to that statement is that just now the Congress might very properly set an example of economy, although I doubt the wisdom of it in these improvements.

Mr. REED. Just now the Senator said "set an example of economy." All along the line or just on rivers? Are we setting any example of economy when we increase the standing Army of the United States three and one-half times what it has ever been under a peace establishment and when we quadruple the personnel of the Navy? We are doing that on the peak prices, and we are doing it at a time when the country is in greater safety than it has been in in the last 50 years. There is not any country in the world that can fight us now. All of them have to come here to get money to live on.

Mr. HARRISON. May I suggest that the same argument that is put forward now by the Senator from New York has been used for the last four years when the river and harbor bill has come before the Senate? We have appropriated lump sums for the last few years, every one of which was inadequate, and there is not a harbor in the United States that has not suffered by reason of the inadequacy of appropriations for improvements.

Mr. CALDER. We did not appropriate a lump sum last year, I will say to the Senator from Mississippi.

Mr. HARRISON. What was the amount appropriated last year?

Mr. CALDER. I am not sure as to the amount, but it was not a lump-sum appropriation, I know.

Mr. HARRISON. I have forgotten just the amount, but it was a very small sum and many projects were left out and the appropriations were cut down very much. My recollection is that for the last few years there have been lump-sum appropriations.

Mr. CALDER. No; I know that last year it was not a lump-sum appropriation.

Mr. HARRISON. What was the amount, may I ask?

Mr. CALDER. My impression is that it was about $25,000,000.

Mr. SPENCER. May I say to the Senator from Mississippi that the actual amount expended is given on page 3 of the report, but the amount of the appropriation, which is made up of many items, is not given. The amount expended is $21,245,177.

Mr. CALDER. I thank the Senator for this information.

Mr. JONES of Washington. I want to say that I agree with what the Senator says with reference to the improvement of the harbor in New York, and I have in times past supported liberal appropriations for that harbor. My recollection is that when the East River channel was really put on as an exception to the rule or policy that was being followed in framing the bill at that time, I supported the appropriation for the East River Channel because of the importance of the commerce of New York to the commerce of the country.

Mr. CALDER. I know the Senator has always followed that course.

Mr. JONES of Washington. I regret that it was not possible under the situation to put on a provision with reference to Jamaica Bay, to which the Senator has referred. The Senator has stated the circumstances controlling that, and he recognizes the situation as well as anybody.

But what I did want to refer to was this: I have had some representatives from New York call attention to the magnificent character of the piers which they have constructed there, and, while I know nothing about it personally, I was impressed with an editorial that I saw in the Scientific American just a short time ago, wherein they criticized very severely the piers of New York City.

I have not the editorial here; I do not think I would put it in the RECORD if I did have it; but I did call it to the attention of the Senator from New York. That criticizes the piers very severely, and if the Senator would like to give us some information with reference to that I would be very glad to have it.

Mr. REED. Mr. President——

Mr. CALDER. I want to answer the question of the Senator from Washington, if the Senator from Missouri will permit me.

Mr. REED. Certainly.

Mr. CALDER. I assume that the Senator from Washington [Mr. JONES] refers to an editorial in the Scientific American of last month. I believe he showed it to me himself. It spoke of some piers being erected on Staten Island, which is within New York City—10 big piers being erected at a cost of something like $6,000,000. The article criticized those piers severely.

I doubted the statements in the editorial and submitted it to the city authorities, and I have a letter from the dock commissioner of the city which goes into the whole matter of those piers. Without reading the letter, Mr. President, I ask permission to incorporate it in the RECORD. It is a full statement of the whole pier system of New York, and I am sure it will be interesting for the Senator from Washington to read, as chairman of the committee, and also other Senators who may wish to inquire about our docks in New York City.

The PRESIDING OFFICER (Mr. MCNARY in the chair). Without objection, permission is granted.

The letter referred to is as follows:

APRIL 5, 1920.

Hon. JOHN F. HYLAN,
Mayor of New York City,
City Hall, New York.

MY DEAR JUDGE: From time to time there have appeared in the public press and various magazines criticisms of the piers being constructed at Stapleton, Staten Island. I have been so busy that time has not permitted me to prepare and issue specific denials.

But, under date of March 24, 1920, I received a letter from Senator CALDER, in which he says:

> Senator JONES has called my attention to an article in the Scientific American, on page 96, of the March 20 issue, in criticism of your Staten Island piers. From your talk with me, it was an entirely different description than the one given in this article. If this is a misrepresentation, you ought to communicate with these people and have them retract it. I wish you would write me what you have done in the matter. An article of this kind appearing in such a publication has a bad effect upon the people here in Washington. We claim to be able to take care of these matters in New York, but according to this editorial when we build piers they are entirely unfit for the purpose for which they are constructed.

Upon receipt of this communication from Senator CALDER I immediately communicated with the Scientific American and requested them to have an engineer go over the plans and specifications of these piers, which up to the present time they have not done.

The article referred to is entitled "Archaic plans for New York City piers," and is so full of misstatements that I have determined to present a fair statement of the facts as they really exist, not so much with a desire to defend any action which the city administration has taken, after months of consultation with steamship interests and deliberation, but in a sense of fairness, so that those in authority in Washington, not being familiar with the conditions as they exist at the port of New York, may not be unduly prejudiced by an article of the character appearing in so reputable a paper as the Scientific American.

It is stated that the new Stapleton piers "will be hampered by the same lack of spaciousness which handicaps the majority of the existing piers in this city."

As an answer to this, let me state, in brief, the layout of the Stapleton piers:

Twelve piers are being laid down, ranging in length from 1,000 feet to 1,160 feet. Eight of these piers will be 125 feet wide with single-story steel freight sheds thereon; two piers will be 130 feet wide with double-decked steel freight sheds thereon; and two of these piers will be 209 feet wide with double-decked steel freight sheds thereon. At present there are in the city of New York approximately 400 commercial piers; that is to say, piers that are given over to the commerce of the port. Of these 400 piers, only 14 are of greater width than the piers of minimum width being constructed at Staten Island and only 1 is wider than the 2 piers of maximum width being constructed at Stapleton. In only one case in the whole port of New York is there any pier with a slip wider than the 300-foot slips adopted as the standard slip at Stapleton. There are 30 piers in the port of New York 125 feet in width or more, and of these 30 piers the average range of pier and slip together is only 396 feet, while the piers at Stapleton, with the half slips apportioned to them, will have a minimum range of pier and slip width of 425 feet and a maximum of 509 feet. This should prove conclusively that the same lack of spaciousness will not exist in the Stapleton development.

The piers erected by Gen. Goethals at the Army base are but 150 feet wide, and the intervening slips are only 250 feet. The 125-foot piers at Stapleton can be widened at any time to 175 feet by adding 25 feet on each side, and this will only reduce the slips to the same width as the recently constructed Army base piers.

The Scientific American article also states:

> No provision is made for running freight cars either alongside the ships or into the sheds.

Ten of the piers have provision for a double-track railroad with two crossovers each through the center of the piers, and on two of the piers a double-track railroad with two crossovers on the pier will be installed on each side of the pier.

The article further states:

> The proposed docks are not provided with the modern, labor-saving, freight-handling equipment which is to be found in the modern piers at rival ports such as Philadelphia, Montreal, and Halifax, and at the leading European ports like Liverpool, London, etc.

It must be stated that the city of New York, as far as its port is concerned, is sui generis. An inspection of the map will readily show that the port of New York is a series of isolated islands, with navigable streams of more than the average width separating them and the State of New Jersey. All of the main-line railroads, with the exception of two, have their terminals on the west bank of the Hudson, and in the absence of a comprehensive connecting belt-line railroad the lighterage system as developed by physical conditions constitutes the substitute. These same conditions do not exist at the ports enumerated by the Scientific American, and as all of the proposed Staten Island piers were leased for the accommodation of vessels operating to and from the ports mentioned in the Scientific American's article, it is probably assumed that the practical steamship people, in indicating their requirements, were fully cognizant of the conditions of handling freight existing at the ports mentioned, as well as other ports of the world, and chose the type of structure for their particular character of business as demanded by the conditions existing in the port of New York.

To this end, eight lessees, including the International Mercantile Marine Co. and the French Line, have chosen a 1-story shed structure on a pier 125 feet wide; two have chosen 2-story shed structures on piers 130 feet wide; and two have chosen 2-story shed structures on a pier 209 feet wide, with double-track railroad on either side and gantry cranes, besides the two truck elevators on each of the latter two piers, with a capacity of 20 tons each, together with the necessary truck scales and railroad scales. In other words, the two larger type piers at Staten Island will, in every sense, be far superior to anything that exists at any port in the world, and this department would have recommended gladly the construction of all the piers on the same general plan if it had been possible to lease them, but as the piers are being "built to order" to suit the requirements of the respective tenants we have been limited by the expression of their choice as to their individual needs.

It might, however, be well to call attention to the fact that taking the 1-story shed piers, 125 feet wide, as type No. 1 at 100 per cent, the 2-story shed on the 130-foot pier will cost relatively 152 per cent, and the 2-story shed on the 209-foot pier will cost relatively 210 per cent. Moreover, the 12 piers at Stapleton, combining, as they do, three distinct types of structures and all operated under similar conditions, will settle forever the type of structure that will be found to be most economically advantageous for the business of the port of New York, at least where there is rail-head connection. All of these piers will be equipped with such tractors, trailers, and ship cargo devices as may be deemed necessary for the conduct of their business by the respective lessees themselves.

The Scientific American article also states that "the other ports have displayed intelligence, vision, and foresight in providing means of access for motor vehicles as well as for the sorting and storing of the cargoes of modern steamers."

To the ordinary reader this would indicate that motor vehicles could not drive on those piers. This is so obviously false that the only answer to be given is that motor vehicles can and will drive on these piers, and in this respect it may be stated that the Stapleton piers will add 26,000 lineal feet of side wharfage and a floor area of 2,250,000 square feet of deck space.

At a conference recently held at the office of the dock commissioner representatives of all the railroads entering the port of New York were present, and a plan is now being formulated in connection with these railroad experts to devise and lay out an intelligent, coordinate system of track facilities, so that there can be no doubt that with tracks on all of the 12 piers and with an intelligent system of feed lines behind the piers the criticism of the Scientific American about railroad facilities is absolutely a misstatement of facts and would indicate that the writer of the article had not only never seen the plans but had not taken the trouble to inform himself of the facts, relying on the continued misstatements that have appeared in the public press as a part of what I believe to have been a misguided propaganda conducted by private interests for selfish purposes.

The Scientific American article also states that "the typical New York pier is a long and relatively narrow structure," and so forth, and calls attention to the fact that the marginal street outside the piers in the typical New York pier is crowded with teams, sometimes three and four deep, and so forth.

The writer of that article has apparently confused or rather taken as his standard the congested conditions existing on the lower North River, Manhattan, water front. This condition has been recognized by the present commissioner of docks, and on March 18, 1920, after many months of careful consideration of the subject, presented to the commissioners of the sinking fund of the city of New York, the duly authorized authority to pass on such matters, a new plan, which when completed will modernize the lower North River water front, and which, in the opinion of the writer, is the particular portion of the water front selected by all of the critics of the port of New York to condemn the entire port as a whole. In this proposed modernization it is intended to remove 32 existing piers, laid out and constructed substantially on a plan portraying conditions of 50 years ago, and build in place of these piers 18 new piers, 7 of which will be 150 feet wide, 9 of which will be 125 feet wide, and 2 of which will be 100 feet wide.

This improvement when completed will add more than 50 per cent to the available deck surface on the piers, which 50 per cent is equivalent to more than 70 per cent of the marginal street area adjacent to them. The commissioner of docks has realized that a proper selection of pier width, slip width, and street area is the proper solution of the "archaic" conditions existing on the lower North River water front, and if the energies of the Scientific American could be devoted to promoting this improvement, it would really be acting in a constructive way for the great good not alone of the city's and State's but of the Nation's commerce.

The Scientific American article also states that the Staten Island development has met with the "practically universal condemnation of the engineers, the shipping experts, and the technical press of the city."

I deny this.

It has met with the condemnation of an organization known as the Society of Terminal Engineers, who, at a meeting attended by a very small number of its members, passed a resolution to that effect. At the same time, one of the engineers most active in that organization was supervising the construction of a pier adjoining the Staten Island development, by no means more modern than the piers at Stapleton, projected by the city. But among the shipping experts must be classified the lessees of the Stapleton piers themselves; and again, at a meeting held October 8, 1919, the committee on harbor, docks, and terminals of the Merchants' Association of New York City adopted the following resolution:

> This committee has intimate knowledge through long experience of the methods now in use for handling cargoes upon the piers in this city and the reasons for and utility of such methods. The cargoes reaching the city are extremely divers in character. The packages vary widely in size and weight and are usually not adapted, therefore, to mechanical handling, which is suitable principally to packages of standard size or to cargoes of a uniform character. Most of the cargoes reaching New York are not suitable for direct rail reshipment, but must be warehoused, rehandled, and reassembled prior to reshipment. Few of the steamship companies find that lines of rails upon their piers present any advantage either in the cost or convenience of handling, but that, on the contrary, such rails are usually a direct obstruction.
>
> The committee, therefore, does not concur in the proposition that in the construction of new piers they should be of such type as to provide either for rails or for mechanical handling, for the reason that if such general policy were adopted it would require piers of heavier structure than at present, involve a material increase in the costs, and substantially interfere with tidal currents. It is the opinion of the committee that the city should, however, in advance of the construction of piers, make leases therefor whenever possible and should thereafter construct piers of such nature and fitted with such mechanical appliances for handling as may be desired by the lessees.

The Scientific American article further states that "the officials of the dock department have deliberately flouted the judgment of the men who have made a study of port facilities."

This is not borne out by fact. Public hearings were held in the office of the dock commissioner before and after the plans were drawn and no suggestion was ever made by the Society of Terminal Engineers. At these meetings were represented the steamship interests and agents of concerns selling mechanical equipment.

The writer offered to lease to the Material Handling Machinery Manufacturers' Association a pier, to be constructed in accordance with the advice of their own engineers, equipped with every modern, labor-saving, freight-handling device, which pier they might let out on daily wharfage for the purpose of demonstrating their facilities to the whole world, but they declined, and urged that the city ought to do the experimenting with its own money, irrespective of the wishes and desires of

the tenants who had applied for and subsequently leased these piers on a basis of 7½ per cent of the cost of acquiring the land and constructing the improvement.

The article calls attention to the fine, modern docks in France that so greatly facilitated the rushing of supplies to our Army; but were not 90 per cent of these supplies shipped and did not our valiant soldiers sail from these same "archaic" piers in the port of New York? And while the piers in France were given over entirely for military purposes, let me add that the piers in New York accommodated our normal commercial activities in addition to meeting the war-time demand.

In the sense of fairness, and in accordance with the expressed policy of the Scientific American "to record accurately and lucidly the latest scientific news of the day," I am still hopeful that the management of the Scientific American will avail themselves of my invitation to go over the plans of the Stapleton development and to hear from those in authority the reasons for each and every step that has been taken, so that from a sense of local pride the Scientific American, a New York publication founded 75 years ago, can and will publish an article representing the facts as they exist, so that no prejudice to the interests of the great port of New York at a time when all should combine to keep the supremacy preeminent may be suffered from the publication of such a misleading article as appeared in the issue of March 20, 1920.

Yours, very truly,

MURRAY HULBERT,
Commissioner of Docks.

Mr. CALDER. Mr. President, in connection with the building of docks in New York City, I wish to say that the city of New York has expended, out of its own treasury, over $350,000,000 to improve the dock facilities of the city. The city of New York owns practically all the water front; it owns all the water front on the Island of Manhattan and most of the water front in Brooklyn and the Queens, and to-day in the city of New York, except Jamaica Bay, there is not a particle of city-owned property available for the improvement of our docks, and thereby the extension of our commerce, excepting only that part of our park system which fronts on the rivers and the bay.

I know of nothing more important for the great metropolis of the Nation to-day than the improvement of this very same Jamaica Bay proposition to which I have referred. In the next river and harbor bill I shall submit an amendment to incorporate this project, unless it is provided in the House before the bill comes to the Senate. I know that if I offered it here at this time, in view of the attitude of the other members of the Committee on Commerce, it would fail of consideration, but next year I shall offer it.

I ask unanimous consent to insert in the RECORD a letter from the governor of New York in connection with the improvement of Jamaica Bay.

The PRESIDING OFFICER. If there is no objection, permission is granted.

The letter is as follows:

STATE OF NEW YORK,
EXECUTIVE CHAMBER,
Albany, April 7, 1920.

Hon. WILLIAM M. CALDER,
United States Senate, Washington, D. C.

DEAR SIR: In connection with the passage of the act of Congress approved June 24, 1910, and to the end that the city of New York might cooperate with the Federal Government in the creation of a new harbor in and about Jamaica Bay, including the making of channels, basins, slips, and other necessary adjuncts intended for the advancement of the commercial interests of the city, State, and Nation, the State of New York has, by chapter 568 of the Laws of 1909, granted to the city of New York such right, title, and interest as the State of New York had in and to the land under water in Jamaica Bay and Rockaway Inlet.

It is apparent that to create a harbor in Jamaica Bay for the accommodation of ocean-going vessels, there must be a greater depth than 18 feet. That this was contemplated is manifest by reference to the report of Col. Knight, who submitted estimates for the construction and maintenance of a 30-foot channel, with the suggestion that a channel only 18 feet deep be provided and extended to 30 feet when commercial necessity required.

With the improvements which the city of New York now has under way, practically all of the water front, except Park property, accessible to deep-draft vessels, has been or is being utilized, and it is quite natural that the city of New York—until a sufficient channel has been provided through Hell Gate—should turn toward the improvement of Jamaica Bay.

I most earnestly urge you to use every effort possible to secure authorization in the pending river and harbor bill to make the unexpended balance available toward a 30-foot channel through Rockaway Inlet up to Mill Basin, in order that the lands granted by the State, without compensation, may be utilized for the purposes intended.

Yours, very truly, ALFRED E. SMITH.

Mr. REED. Will the Senator from New York permit me, in order to clear up a little confusion about the record, to say that I have before me the river and harbor bill of last year. The Senator is correct in his statement that the appropriation was not a lump sum, but was an appropriation for specific items. But I call attention to the fact that that bill, which was passed on March 2, 1919, when we were just emerging from the war, carried $33,378,664. The bill that we passed in the very midst of the war, when the war was at its height, in the month of July, 1918, when we did not know yet what the result would be, except as every American citizen knew in his American heart that of course we were going to win—that is the way he felt and consequently that is the way he believed—appropriated $23,771,900.

By the way, the argument on both those bills was that prices were very high, but they were going to go down right soon, and also the argument on the bill which was passed in July, 1918, when we were in the midst of the Great War and straining every resource and using every man that we could and all the materials we could for the war.

The war is past. Two years have gone by since we cut to the bone in the midst of the war, and it is now proposed to go to a still lower point, to appropriate a little over one-half of the money we did six months after the war was over, and we are still talking about high prices. Does not the Senator think that it is a niggardly and mistaken policy—I will cut out the word "niggardly." Is it not a mistaken policy?

Mr. CALDER. Mr. President, I voted in the Committee on Commerce to increase the appropriation for this purpose from $12,000,000 to $20,000,000, because I believed the appropriation of $12,000,000 was a mistaken policy. Perhaps the Senator is right; possibly we might have given a little bit more; but it seemed to me and to others that in voting a 50 per cent increase in the House appropriation we were doing about all we could hope to bring about at this session of Congress.

Mr. REED. That is to say, we were not voting what we thought we ought to do, but because the House started at a ridiculous sum, based on no estimate of an engineer living or dead, that we were to fall in doing our duty here.

Mr. CALDER. Oh, no; not at all. I merely seek to show that the appropriation thought proper by the committee was considerably greater than provided in the House bill.

Mr. REED. Is it not about time that the Senate should quit trailing the House absolutely?

Mr. CALDER. When we increase an appropriation 50 per cent we are not trailing the House. It is a decided increase over the House estimate.

Mr. REED. Suppose the House estimated nothing?

Mr. CALDER. I never would have agreed to that.

Mr. REED. An increase of 50 per cent there would not have amounted to much. They just the same as appropriated nothing.

Mr. CALDER. Oh, no; I do not think that.

Mr. REED. Twelve million dollars is the equivalent of nothing on these harbors.

Mr. President, I want to say just a word, and then I will yield the floor. We hear about high prices and stopping public improvements of this character because of high prices. The Senator knows that the congestion in New York harbor during the war cost this country probably ten times the entire amount it would have cost to have made these improvements that are asked. I think the Senator certainly will agree with me in that statement.

Mr. CALDER. There is no doubt about it. If we had our rivers and harbors properly improved, we could have saved half a billion dollars.

Mr. REED. Yes; you could have saved half a billion dollars and nobody knows how much more.

Mr. Garfield stopped the manufacturing in this country in every mill east of the Ohio River for 14 days, and turned out of employment for that 14 days many millions of men and women, with a complete economic loss of their time. He closed the churches on Sunday and the moving pictures on Monday. The economic loss to the country from that one closing period has been estimated by reliable economists as running into the billions of dollars; and his sole charge was because the railroads were unable to handle the freight and that that congestion began at New York Harbor, and the congestion at New York Harbor is partially, at least, accounted for by the inade-

quacy of the harbor, which Congress ought to have removed long ago. It tells the story of this kind of economy.

The Senator from Ohio [Mr. POMERENE] knows that a few years ago his State suffered by flood, and that the economic losses of a single one of those floods would have harnessed those streams and taken care of them for the future. But a cheesparing and contemptible policy of saving a few cents had been pursued and projects had been half completed and the floods came and the waters fell and the country suffered.

Now, just one further thought in regard to high prices. I have been waiting for the effects of high prices for a good long time. I have seen every kind of experiment tried known to modern human ingenuity, but there is not any one of them that has not been tried off and on in the world's history for 2,000 years, and there has never been one of them proven anything but a disastrous mistake in all that long stretch of the centuries. We have tried to do it by law. When you pass a law that no man shall sell a horse for more than $150 you increase the price of every horse in the country, because everybody knows that horses are scarce and everybody who has one holds on to it.

I do not intend to follow that argument. I simply throw out the suggestion. The last experiment we had is for the Department of Justice to be chasing around the country making speeches to societies of ladies of all degrees of age, telling them to buy cheap things when there are no cheap things to buy; telling them how they can wear calico dresses and the men how they can wear overalls; and the sole result has been to put up the price of calico and overalls. It is not only foolish, but it is idiotic. It is a performance that is worthy of the best effort of the most finely organized lunatic asylum ever located upon this earth. It has just as much effect in reducing prices as a rain prayer meeting such as they used to have in drought times out in Kansas had on the weather.

Mr. JONES of Washington. Mr. President, does not the Senator from Missouri think that it really has a worse effect? As he suggested a while ago, the people who are buying and wearing overalls, and who really do not have to do so, are simply increasing the price of the overalls for men who have to have them to work in.

Mr. REED. The Senator did not quite get my sentence. I said that so far as reducing the prices was concerned it had that effect.

Mr. JONES of Washington. I agree with the Senator absolutely.

Mr. REED. By disturbing economic conditions you can put up prices, but I have never known of an instance whereby by disturbing economic conditions you could succeed in putting down prices.

We have every kind of foolish movement going on. We propose to regulate rents. Now, what is the trouble with the rent problem? The real trouble with the rent problem is that for about five years we almost entirely quit building houses in this country; but babies continued to be born, boys and girls continued to get married, new homes were necessary, and in a little while all the empty houses were taken up. Formerly there had always been a few more houses than there were tenants; the owners of houses were bidding against each other for tenants, and that kept rents down. Then we came to a period when population increased, but houses no longer increased. When all the houses were filled, the landlords said, "I can sell the occupancy of my house each month for more money"; and when he raised the rent the tenant had to pay because he had no other house to which to go.

What is the remedy? More houses. How are you going to get more houses? Is anybody, except a picturesque variety of idiot of some kind, going to build a house when he knows that some fellow who never owned a house in his life is going to fix the rent on that house after he has built it? Of course, he will not do so. The only houses that are being built are being put up by those men who are bold enough to feel that they can escape these conditions.

If, however, you will let things alone and rents become profitable, in a very short time the people will rush into the house-building business and you will have a surplus of houses. The minute you have got 5 per cent of surplusage of houses in the community, rents go down; when the landlord proposes to raise the rent, the tenant moves; and when the landlord will not reasonably reduce the rent the tenant moves. The man who has a vacant house wants to rent it, he bids for tenants.

The trouble with high prices—and I have wandered a little from what I wanted to say—is the gap between production and consumption. That was made by withdrawing 25,000,000 men from the constructive and productive vocations of the world and putting them on the field of war. You have got to fill that gap; and until you do fill that gap, labor will be very high, rents will be very high, provisions will be very high. The minute you have created more than the people need, all these things will drop and you will get down to a different level. How long is that going to take? Are we going to delay the public business of the country until that occurs? Who will say when it will occur? Why, sir, a moment's consideration will convince any sensible man that it will not occur for a long time, unless there comes some great world financial or industrial catastrophe that destroys business and we go through a panic and get down to a sort of starvation basis. We all hope to escape that.

Proceeding along natural lines, what must we confront; what do we confront?

First, the enormous shortage in the world of the commodities that are necessary; second, an inflation of money in the world which in itself has reduced the purchasing power of the dollar from 50 cents in this country to a much larger percentage in other countries. In the days of William J. Bryan, when he proposed the free and unlimited coinage of silver, we had $17.50 per capita circulating in this country. It was said that if there was free coinage of silver there would be from thirty to thirty-five dollars per capita; that that would make a 50-cent dollar; and that that was repudiation and dishonesty. I have not seen the figures for six weeks, but six weeks ago we had in circulation in this country $55.60 per capita. It is no wonder that the purchasing power of the dollar has decreased.

If you go to other countries, you will find a much more startling condition. In France every dollar of specie has long since gone into hiding, and they have a paper circulation of over $125 per capita. In England, where an 80 per cent and frequently a 100 per cent gold reserve used to be kept back of English bank notes, and generally back of English currency, that reserve dropped until a short while back it did not exceed 20 per cent, which means not a decrease in the amount of gold and silver they possess, but an increase of the amount of paper they have out. England has complained bitterly of the exchange rate between this country and herself, but the exchange rates exactly follow the difference in the actual values of the money. The same difference exists between the value of the English pound sterling and the value of French money, and of German money, and of Russian money, and Italian money, that is found to exist between the American dollar and the British pound sterling; that is, I do not mean the same in amount, but there is a corresponding and similar difference between the further depreciated money of other countries and the money of England, which is next to ours in soundness.

Now, with the money of the world in that condition, it must necessarily follow that apparent prices will be high until that money can be gradually drawn in, and for this inflated currency there shall be substituted a stable and a sound money in the countries of the world. How many years will it take? How long will it take? For my part, I do not propose to give my consent that the business of the United States shall stand still because we have to pay a particular price to-day when no man can guarantee that price will not go higher to-morrow. We might as well face these conditions as they are. The truth of the matter is, the world has moved up to a higher standard of prices. It is my opinion that we will stay at that standard. Perhaps we will go back to some extent, but never to the old values; and the man who looks for a $1-a-bushel wheat in the future is looking for something that in my judgment is not going to happen; the man who expects to hire an individual to work with a pick and a shovel on a railroad for 80 or 90 cents a day is looking for something that he will never see again in this country; and, in part, this is not altogether lacking in the quality of blessing.

The difficulty is that during the period of readjustment certain of the people get "pinched" because they have not been able to readjust themselves to meet conditions.

Now, I beg Senators that they will not throttle public improvements because dollars are cheap to-day. The same policy would lead to no improvement in anything in the country, and that would mean stagnation; it would mean a further gap between production and consumption; and it would mean in the end further hardships for what we ordinarily call, for want of a better name, the common people; that is, the people who have to depend upon their wages and their salaries and their very small incomes for sustenance.

Mr. BRANDEGEE. Mr. President, I desire to make a parliamentary inquiry. I ask what amendment is now pending?

The PRESIDING OFFICER. The Chair will state to the Senator from Connecticut that the pending amendment is that of the committee on line 4, page 5, the item relating to the Northwest River.

Mr. SIMMONS. I understand that the Senator from Virginia [Mr. SWANSON] desires the amendment acted upon to-night.

Mr. JONES of Washington. I was going to suggest that I know the Senator from Virginia is anxious to get away, and I think the Senator from Ohio is also anxious to leave. While I do not wish to encourage their going away, I suggest, as this amendment has come back for reconsideration, that we dispose of it, and then debate can proceed on the question as to the amount to be appropriated by this bill. I merely make that suggestion.

The PRESIDING OFFICER. The question is on the adoption of the committee amendment at the top of page 5, line 4, providing for a survey of Northwest River, Va. [Putting the question.] By the sound the "ayes" seem to have it.

Mr. POMERENE. I ask for a division.

On a division, the amendment was agreed to.

Mr. SIMMONS. Mr. President, a few days ago I offered an amendment on page 9 of the bill. Col. Taylor, of the Engineer Department, has suggested to me that the amendment be framed in different language. I have submitted the reformed language to the Senator from Washington, the chairman of the committee, and he does not object to it; and I should like to ask that the action of the Senate on that amendment be reconsidered. It is found at the end of line 4, page 9. The amendment reads:

Trent River, from New Bern to Trenton, N. C.: With a view to a channel depth of 12 feet to Pollocksville and 8 feet to Trenton.

I ask unanimous consent to reconsider the action of the Senate on that amendment.

The PRESIDING OFFICER. Is there any objection? The Chair hears none.

Mr. SIMMONS. I now offer the amendment which I send to the desk.

Mr. KING. Mr. President, I will ask the Senator what change it makes?

Mr. SIMMONS. It just connects the Neuse River with the Trent.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT SECRETARY. In lieu of the amendment offered and adopted regarding the Trent River, N. C., it is proposed to insert the following:

Neuse and Trent Rivers, N. C.: With a view to securing a channel depth of 12 feet in Neuse River up to New Bern; thence a depth of 12 feet in Trent River up to Pollocksville and 8 feet up to Trenton.

The PRESIDING OFFICER. The question is upon the amendment offered by the Senator from North Carolina.

The amendment was agreed to.

Mr. SPENCER. Mr. President, the pending bill has to do, according to its terms, with the preservation and maintenance of existing river and harbor works and the prosecution of such projects heretofore authorized as may be desirable in the interests of commerce and navigation. This has to do with the entire inland river and harbor waterway situation of the country. I understand that my colleague, the distinguished senior Senator from Missouri [Mr. REED], has introduced an amendment by which the amount of $20,000,000, which the committee has recommended, is increased to $27,000,000. May I ask the Chair whether that amount is correct, as to whether the pending amendment does increase the committee amendment from $20,000,000 to $27,000,000?

The PRESIDING OFFICER. That is the pending question.

Mr. SPENCER. I support that amendment increasing the appropriation from $20,000,000 to $27,000,000.

The question of transportation is not a mere abstract proposition in this country for some rate expert to consider and to solve. It is a vital, pressing, essential part of our national welfare.

Mr. Walter S. Dickey, of Missouri, a man many of the years of whose life have been given to the subject of the waterways, said not long ago in a paper which he prepared at the request of the Chamber of Commerce of the United States, "that 'moving things,' 'freighting,' next to subsistence itself, is the world's greatest enterprise," and when we have to do with the subject of transportation in these United States we are dealing with one of the fundamental elements of national welfare.

The disparity between the appropriations that we make—eight or nine hundred million dollars for the Army, between four and five hundred million dollars for the Navy, $105,000,000 for the legislative, executive, and judicial departments of the Government, $462,000,000 for the post offices, $214,000,000 for pensions—I do not say that any one of those is unnecessary, but I do say that the disparity between those amounts and $52,000,000 for agriculture and $20,000,000 for the inland waterways and harbors of these United States is ridiculous.

We are dependent upon the harbors and the waterways of this Nation. If we neglect their improvement, it is not an evidence of economy; it is an illustration of gross and unreasonable extravagance. We make a plan that will take care of a great inland waterway. We made such a plan in 1910, when, after a careful engineering examination of the projects of the Missouri and the Mississippi, Congress determined that they would expend $20,000,000 upon the Missouri River from Kansas City to the Mississippi, and that they would expend it at the rate of $2,000,000 a year, and that they would secure a permanent 6-foot channel from Kansas City to the Mississippi. That project had back of it the judgment and the skill of the Engineering Department of the Government. It was feasible. It would have accomplished its plan. Upon the strength of it residents of Kansas City invested a million dollars in steel barges and ran them upon the Missouri River and down the Mississippi; and for six months of every year during the nine years of their operation the barges were a success, except when the channel choked and sand bars formed, and the failure of the Government to do its part made inland water navigation upon that great river impossible, for instead of expending $2,000,000 a year, as Congress agreed that they would do, the expenditures of the years from 1910 to 1920 have aggregated only $8,000,000, and have been thrown in here and thrown in there, so that the resultant of all the appropriations has not been a deepened and established channel but only temporary improvement now and then, which, with the spring freshets and the change of channel, are largely lost year by year.

That is not economy—this is extravagance, and when we come to deal in this bill with the problem of transportation, I am pleading for an economical determination of the problem—that we spend enough money to insure that what we spend it for shall be completed and made permanent.

The commercial, industrial, and agricultural stability of our country directly depends upon transportation.

We are no stronger as a Nation than is our ability to provide and operate and coordinate the carriage of people and material.

Of what use are the great harvests of grain in the West and Middle West or the cotton crop of the South or the coal and mineral and oil of the country or the products of manufacturing industries without the ability to carry them to the places where they are needed?

They are, without the facilities of bringing them to market and to consumer, mere local dumps of commodities that have comparatively no value.

The factor that makes a nation strong in peace as well as in war is the ability to transport the things or the men that are needed to the place where the necessity for them exists.

This fundamental truth—too often neglected—lies at the very foundation of national prosperity.

It is the reason why 1 out of every 10 of our population is directly dependent for their living upon the wage or the salary incident to transportation agencies.

It is the question that affects the comfort and usefulness of every individual and regulates the quantity and quality and price of practically everything the individual eats or wears or uses.

What may be called primary transportation is not merely a question of local concern—it is a matter of national interest.

We are concerned as a people with the road from every farm to the highway, and from every separate mine and manufacturing plant to the highway or waterway, and from every home to the place of business or to the mart of trade.

It is a slogan worth repeating: "A hard road from every farm to the highway, and a broad highway to every city and town."

The direct loss from inadequate and inefficient primary transportation facilities is enough in itself to carry and eventually to pay the national debt. It is beyond computation in dollars and cents.

If every man had accessible transportation between home and place of business and place of trade; if every farmer could reach the highway, irrespective of weather, on roads capable of at all times carrying loads, and on these highways reach town or city, railroad or waterway, at any time of the year and any state of the weather, it would at once add 25 per cent to the wealth of the Nation.

When we pass from primary transportation to what may be called through transportation, and that includes both intrastate and interstate transportation, we have precisely the same general proposition, and that is the necessity of adequate economical carrying facilities of everything that is produced on farm or at the mine or in the factory from the place of production to the place of consumption, with the auxiliary problems of distribution.

In all of these questions the two main requirements are adequacy of facilities and reasonableness of cost, and the two great methods of such transportation are railway and waterway.

Railroads and waterways can not and must not be antagonistic; both are indispensable. The former are public utilities privately owned, but in the very nature of the case must be governmentally controlled. The latter are both governmentally owned and controlled, and the relation between these two great methods of transportation must be one of harmony, coordination, and cooperation.

This will be entirely voluntary if men are wise and recognize that in the last analysis the welfare of the people is the dominant factor to be considered in all transportation.

But if such cooperation and coordination is not voluntary, it will be compulsory by the people's mandate, for the people can be relied upon to see to it that the two mighty agencies of carriage—the one of which they own, i. e., waterways, and the other of which they control, i. e., the railroads—shall not unfairly compete against each other to the ultimate loss of the consumer.

Railroads, of course, run where man puts them. Waterways are in fixed valleys. The feeders of the permanent waterway routes are the man-built railroads. Every long haul that can be arranged by water is at approximately one-third the cost of the equivalent haul by rail, and, so far as such waterway transportation is available, every reason of economy suggests its use.

It is axiomatic to say that the railroads themselves can not carry the tonnage of the country. Again and again their inability has been demonstrated.

There are those here who vividly remember in the fall of 1906 and 1907 when grain lay for weeks in the open fields and at or near railroad stations in Missouri, Kansas, Arkansas, and Nebraska, waiting in vain for cars for transportation, and with a loss to the Nation difficult to compute.

This same situation is not unfamiliar, quite apart from any war emergency, in every section of our country.

E. H. Harriman, once speaking for a transcontinental line, gave it as his opinion that it would be worth the many billions it would cost to practically double the standard gauge of the railroad, so that the carrying capacity of the roads might be correspondingly increased, because the ability of the railroads of the country with their present gauge had about reached their maximum efficiency, and the products of mills and mines and farms can not be transported with any degree of promptness and efficiency. This means both immediate loss and decreased production, for neither mill nor mine nor farm will expand its products if uncertain of access to the markets when and where they are needed.

James J. Hill expressed substantially the same opinion, as follows:

> With traffic increasing at the rate of nearly 12 per cent per annum, the situation has become intolerable. The process—

Referring to the carrying capacity of the railroads—

> has reached a practical limit. Merely to accommodate existing traffic I assume that we would need to build 75,000 miles of new track, costing, with terminals, $5,500,000,000. A 15-foot canal or channel from St. Louis to New Orleans would go further to relieve the entire Middle West or Southwest than any other work that could be undertaken. With such a depth of water a single powerful towboat equipped with barges would carry from 30 to 40 trainloads.

If the railroad facilities are inadequate now, as we know they are, how increasingly great will that inadequacy multiply in the years of expanding trade and production that are immediately before us?

Increase as you may railroads, hard-surface roads, trolley lines, aerial traffic, you still have an immense quantity of material wealth to be transported, which loses its value in proportion as transportation is inadequate, and which is already far in excess of every land or air method of carriage in existence.

This brings us to the very subject we are met to consider.

Waterways are the natural method of transportation. They were in use before railroads were dreamed of. They are capable of development almost without limit.

They possess the advantage of gravity on the down trip.

Take the map of the United States and note the great waterway connections of the middle country: (a) St. Paul to New Orleans by way of the Mississippi; (b) Kansas City to the Gulf by way of the Missouri and the Mississippi; (c) Pittsburgh to the Gulf by way of the Ohio and the Mississippi; (d) Chicago to the Gulf through canal and the Illinois River.

These are illustrations of the possibility of the great Mississippi Valley, that valley which comprises approximately 2,000,000 square miles of fertile territory and which has been aptly described as "the greatest habitable estate in the world." It is ten times as great as France or Germany and is capable itself of practically accommodating and caring for the population of the world. It has been called the "Nation's bread basket," and potentially it is the greatest producer of freight of any equal area on earth. Nearly one-half of the productive area of our country and more than one-half of the rural population of the United States are within its borders. It contains three-fourths of America's improved farm lands, both in acreage and in value, and produces nearly one-half of all the Nation's lumber and more than one-half of the Nation's wool, and from 60 to 80 per cent of the Nation's live stock, cereals, bituminous coal, petroleum, and iron ore.

All this production must be transported, and much of it must be transported to the sea. If we had not been accustomed to the unreasonable fact it would be ridiculous to even think of carrying this great load of produce which is destined for the seacoast slowly and laboriously up the heavy grade of the Appalachian or Allegheny Mountains in order to reach a seaport, when by far the larger part of the tonnage could be made to practically slide by its own weight down the river to the seacoast at the Gulf.

This Nation has comparatively no raw material on our seacoast; grain, coal, lumber, ore, and oil must be carried to the factory and thence to the sea.

The rivers are the channels of trade for this purpose which God has made. There is no need of eminent domain to condemn at great cost the right of way. It is already there. It needs to have the channel deepened and protected to afford for nine months in the year in every place and for all year in many places a constant thoroughfare of limitless capacity.

It is a problem for the Nation and not for the individual, because the use of waterways can not, in the very nature of the case, be confined to any one company, individual, or association.

The people own the waterways, and a monopoly of the use of this highway is inconceivable.

If Congress were to grant to a private corporation the exclusive use, for example, of the Mississippi, it would be entirely practicable for such private corporation to dredge and preserve the channel of the river, and the financial return to such a corporation from its monopoly would be enormous, but it would be treason to the national welfare to allow such a monopoly, because the people own the waterways and because its use as a great national estate of immeasurable value is precisely the reason why the Nation, and the Nation alone, has both the privilege and the profit and the duty of improving and maintaining these national transportation facilities.

Private capital can not be expected to improve a waterway for the joint use of those who have no investment in its development any more than private capital can be expected to purchase a right of way and build a railroad for others to use as freely as those who have made its use possible.

The Nation must improve the waterways. The Nation must use them. The Nation must control them. The Nation will profit, for the gain from an adequate waterway transportation is distributed among every family who uses food or fuel or utensils of iron or steel and garments of cotton or wool.

Among the great blessings that have come to our country from the war—for there have accrued to us as a Nation great gains as well as great losses—we have developed:

(a) The recognition as never before that nothing is impossible for the American people to accomplish; that no task is beyond our resource and efficiency.

A nation that can, with practical unanimity, enroll 24,000,000 of its manhood, to say nothing of hundreds of thousands of volunteers, for war, the one matter about which we knew least and hated worst, and develop in a night an Army that proved to the world its superiority over trained veterans of autocracies who had made militarism the rule of their life for half a century, is a nation that can approach with confidence any problem that confronts it.

We have destroyed for at least a generation to come the possibility of world domination by military forces. We now have the duty as well as the opportunity of so building our national structure as to secure for ourselves the greatest capacity for world service in supplying out of our inexhaustible resources the needs of the nations of the world.

(b) We have learned the lesson of cooperation that national greatness is worth individual effort and individual sacrifice if necessary; that everything and anything that spells strength or glory or progress to our country is a call to every man to consider and to help.

No question, political or industrial, commercial or agricultural, will ever again be viewed by this country in the same light as it was before the war.

What we have done has solidified the Nation, changed indifference into intelligent interest, and substituted activity for lethargy.

Men have worked as they never thought they could work. Men have given of time and money as they never thought it was possible for them to do.

The reality of actual accomplishment concerning the great inland waterways of the Nation which we are planning and discussing to-day is bound to come, and what we are now framing is but the beginning of a far greater national waterway development.

There are those who see and see clearly through the difficulties of to-day a vision of a great overflowing waterway from Pennsylvania and Minnesota and Illinois and Missouri and through every intervening State, with a channel so deep and a bank so safe that upon its broad bosom is carried to the sea the products of the great agricultural and mineral basin of this country. It is lined on either side with mills and factories, producing food and clothing and manufactures from nature's raw materials, and these products are in turn increasing the mighty traffic upon America's improved inland waterway.

I quote the prophetic words of the first President of these United States, the great Father of this Republic, who rocked this country in the cradle of its national infancy, and who saw as no other man its needs and its possibilities:

I could not help taking a more contemplative and extensive view of the vast inland navigation of these United States and could not but be struck with the immense diffusion and importance of it; and with the goodness of that Providence which has dealt his favors to us with so profuse a hand. Would to God we may have wisdom enough to improve them.

Mr. McCUMBER. Mr. President, I do not understand that the Senator from Washington [Mr. JONES] desires to proceed further this afternoon with the pending bill, and I would like to have a brief executive session.

Mr. JONES of Washington. I understand that the Senator from Utah [Mr. KING] would like to take just a few minutes.

Mr. KING. Will the Senator from North Dakota yield?

Mr. McCUMBER. Certainly.

Mr. KING. Mr. President, I am compelled to be absent from the Senate to-morrow owing to an engagement which calls me from the city. I have an amendment to the pending bill, which is in the nature of a substitute. I was very anxious to present it to the Senate and to submit some reasons for its adoption. I sincerely hope that the pending measure will not be disposed of before Monday morning, as I shall return by that time, but if the bill makes such progress to-morrow the chairman of the committee has very courteously agreed to present the substitute which I have submitted and invite the attention of the Senate to its provisions, and I shall ask him to have a vote upon the substitute.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Swem, one of his clerks, announced that the President had on this day approved and signed the joint resolution (S. J. Res. 180) authorizing the Secretary of War to turn over to agricultural fertilizer distributors or users a supply of nitrate of soda.

THE ARMENIAN REPUBLIC.

Mr. KING. Mr. President, I desire to say just a few words upon the subject of Armenia. I believe the time has come when the executive department of the Government, by appropriate action, should recognize the Armenian Republic, if not de jure, at least de facto.

The Armenian Republic, as it is now constituted, has an area of about 25,000 to 30,000 square miles and a population of more than 2,000,000. This, of course, does not include that portion of the historic territory of Armenia which is within what was known as Turkish Armenia, but that portion of Armenia which has been within the Turkish territory belongs economically and ethnologically and in every way to Russian Armenia.

As soon as the peace negotiations have been completed and the peace treaty between the allied Governments and their enemies has been carried into execution it is to be hoped that Turkish Armenia shall be united to what is now known as Russian Armenia and that there shall be constituted a strong and progressive and independent government.

The present Government of Armenia, or the Republic of Armenia, is functioning as a national organism. It has its legislative and executive and judicial departments and branches. It has its schools and all the indicia of progress and of civilization. A great number of the powers of the earth have recognized that Government and are treating with it as an independent government.

I repeat, it is time that our Government should recognize the Republic of Armenia, and I sincerely hope that the executive arm of our Government will see its way clear to speedily accord recognition to the Republic of Armenia.

Some time ago I offered resolutions, three in number, dealing with this question, and with the Turkish question. The one offered on March 10, 1920, contains a resolution—

That it is the sense of the Senate that the Government of the United States recognize the independence of Armenia under the Government of the Armenian Republic, having its seat at Erivan, in Russian Armenia.

And further—

That it is the sense of the Senate that the allied powers and the United States forthwith furnish to the Armenian Republic adequate arms, munitions, equipage, and military stores to enable the Armenian Republic to raise and maintain an army for the defense of the liberty and independence of Armenia, the protection of the Armenian people, and the recovery and occupation of the territories from which the Armenians have been driven by the Turks.

Mr. President, it is a very tragic page in the history of our days which records the atrocities and assassinations and murders committed by the Turks upon the Armenian people. I do not know what the allied Governments will do in finally dealing with this problem. Unfortunately, we are given the impression that it is the intention of the allied Governments to maintain the Turks in Europe, to maintain Constantinople as a Turkish city under Turkish domination and control, and compel the Armenian people to submit to Turkish misrule. It looks as though it were the purpose of the allied Governments to compel that part of the Armenian people who reside in what is known as Turkish Armenia to submit longer to the control of the Ottoman Turks.

This procedure, Mr. President, in my opinion, is very unfortunate and very unjust. It is a denial of the right of the Armenian people, which can not commend itself to the judgment or the conscience of the Christian and civilized nations of the world. I hope it is not too late for the allied Governments to accord justice to the Armenian people, to give to them their historic territory, and permit them to erect a government that will take its place among the progressive and intelligent nations of the earth.

EXECUTIVE SESSION.

Mr. JONES of Washington. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS.

Mr. JONES of Washington. I move that the Senate take a recess until 12 o'clock noon to-morrow.

The motion was agreed to; and (at 5 o'clock and 20 minutes p. m.) the Senate took a recess until to-morrow, Saturday, April 24, 1920, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 23, 1920.

ASSISTANT COMMISSIONER OF MEDIATION AND CONCILIATION.

Whitehead Kluttz, of North Carolina, to be assistant commissioner of mediation and conciliation vice G. Wallace W. Hanger, resigned.

SUPREME COURT OF THE PHILIPPINE ISLANDS.

Ignacio Villamor, of the Philippine Islands, to be associate justice of the Supreme Court of the Philippine Islands, provided for in the act of Congress approved August 29, 1916, entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands," vice Florentino Torres, resigned.

PUBLIC HEALTH SERVICE.

Dr. Leo W. Tucker to be assistant surgeon in the Public Health Service, to take effect from date of oath.

Dr. Erward B. Faget to be assistant surgeon in the Public Health Service, to take effect from date of oath.

COMMISSIONER OF IMMIGRATION.

James L. Hughes, of Pennsylvania, to be commissioner of immigration at the port of Philadelphia, Pa.

UNITED STATES CIRCUIT JUDGE.

Nathan P. Bryan, of Jacksonville, Fla., to be United States circuit judge, fifth judicial circuit, vice Robert Lynn Batts, resigned.

UNITED STATES ATTORNEYS.

Dennis B. Lucey, of Utica, N. Y., to be United States attorney, northern district of New York. A reappointment, his term having expired.

Stephen T. Lockwood, of Buffalo, N. Y., to be United States attorney, western district of New York. A reappointment, his term having expired.

UNITED STATES MARSHAL.

Samuel W. Randolph, of Milwaukee, Wis., to be United States marshal, eastern district of Wisconsin. A reappointment, his term having expired.

PROMOTIONS IN THE ARMY.

CORPS OF ENGINEERS.

To be captains.

First Lieut. Hans Kramer, Corps of Engineers, from September 28, 1919.

First Lieut. Albert G. Matthews, Corps of Engineers, from October 1, 1919.

To be first lieutenants.

Second Lieut. Wilson G. Saville, Corps of Engineers, from May 21, 1919.

Second Lieut. Mark M. Boatner, jr., Corps of Engineers, from May 22, 1919.

Second Lieut. David A. D. Ogden, Corps of Engineers, from May 25, 1919.

Second Lieut. Frederick A. Platte, Corps of Engineers, from May 25, 1919.

Second Lieut. Karl B. Schilling, Corps of Engineers, from June 3, 1919.

Second Lieut. John H. Elleman, Corps of Engineers, from June 13, 1919.

Second Lieut. Elmer E. Barnes, Corps of Engineers, from June 13, 1919.

Second Lieut. William W. Wanamaker, Corps of Engineers, from June 25, 1919.

Second Lieut. Beverly C. Snow, Corps of Engineers, from June 25, 1919.

Second Lieut. Richard Lee, Corps of Engineers, from July 2, 1919.

Second Lieut. Howard L. Peckham, Corps of Engineers, from July 10, 1919.

Second Lieut. John S. Niles, Corps of Engineers, from July 12, 1919.

Second Lieut. Charles R. Bathurst, Corps of Engineers, from July 13, 1919.

Second Lieut. Wendell P. Trower, Corps of Engineers, from July 16, 1919.

Second Lieut. Robert G. Lovett, Corps of Engineers, from July 17, 1919.

Second Lieut. Cornman L. Hahn, Corps of Engineers, from July 22, 1919.

Second Lieut. Edwin P. Lock, jr., Corps of Engineers, from July 23, 1919.

Second Lieut. Morris W. Gilland, Corps of Engineers, from August 1, 1919.

Second Lieut. David T. Johnson, Corps of Engineers, from August 2, 1919.

Second Lieut. Edwin G. Shrader, Corps of Engineers, from August 2, 1919.

Second Lieut. Randolph P. Williams, Corps of Engineers, from August 2, 1919.

Second Lieut. Otto Praeger, jr., Corps of Engineers, from August 5, 1919.

Second Lieut. Allison Miller, Corps of Engineers, from August 9, 1919.

Second Lieut. Newell L. Hemenway, Corps of Engineers, from August 12, 1919.

Second Lieut. Archie T. Colwell, Corps of Engineers, from August 16, 1919.

Second Lieut. Arthur J. Sheridan, Corps of Engineers, from August 20, 1919.

Second Lieut. James G. Christiansen, Corps of Engineers, from August 22, 1919.

Second Lieut. Benjamin F. Chadwick, Corps of Engineers, from August 23, 1919.

Second Lieut. Charles D. Jewell, Corps of Engineers, from August 24, 1919.

Second Lieut. Heath Twichell, Corps of Engineers, from August 24, 1919.

Second Lieut. Joseph J. Twitty, Corps of Engineers, from August 27, 1919.

Second Lieut. Robert E. York, Corps of Engineers, from August 28, 1919.

Second Lieut. Chester K. Harding, Corps of Engineers, from September 5, 1919.

Second Lieut. William V. Hesp, Corps of Engineers, from September 10, 1919.

Second Lieut. William C. Bennett, jr., Corps of Engineers, from September 10, 1919.

Second Lieut. Claude H. Chorpening, Corps of Engineers, from September 14, 1919.

Second Lieut. Frank O. Bowman, Corps of Engineers, from September 15, 1919.

Second Lieut. James P. Jervey, jr., Corps of Engineers, from September 19, 1919.

Second Lieut. Joseph S. Gorlinski, Corps of Engineers, from September 20, 1919.

Second Lieut. George S. Witters, Corps of Engineers, from September 21, 1919.

Second Lieut. Albert Riani, Corps of Engineers, from September 21, 1919.

Second Lieut. Orville E. Walsh, Corps of Engineers, from September 21, 1919.

Second Lieut. Harvey D. Dana, Corps of Engineers, from September 23, 1919.

Second Lieut. Peter P. Goerz, Corps of Engineers, from September 23, 1919.

CHAPLAINS.

To be chaplains, with the rank of captain from March 3, 1920, after seven years' service.

Chaplain Alva J. Brasted, Infantry.

Chaplain William A. Aiken, Infantry.

Chaplain Ernest W. Wood, Coast Artillery Corps.

CAVALRY ARM.

Capt. Charles G. Harvey, Cavalry, to be major from April 13, 1920.

INFANTRY.

Lieut. Col. John F. Madden, Infantry, to be colonel from April 15, 1920.

Maj. Paul Giddings, Infantry, to be lieutenant colonel from April 15, 1920.

To be majors.

Capt. William H. Patterson, Infantry (Quartermaster Corps), from April 15, 1920.

Capt. Elliott M. Norton, Infantry, from April 15, 1920.

PORTO RICO REGIMENT OF INFANTRY.

First Lieut. Enrique de Orbeta, Porto Rico Regiment of Infantry, to be captain from April 11, 1920.

Second Lieut. Antonio A. Vazquez, Porto Rico Regiment of Infantry, to be first lieutenant from April 11, 1920.

APPOINTMENTS AND PROMOTIONS IN THE NAVY.

Capt. Nathan C. Twining to be a rear admiral in the Navy, for temporary service, from the 14th day of April, 1920.

Capt. Thomas P. Magruder, an additional number in grade, to be a rear admiral in the Navy, for temporary service, from the 14th day of April, 1920.

The following-named lieutenants to be lieutenant commanders in the Navy from the 1st day of July, 1919:

Richard S. Edwards and

Ernest D. McWhorter.

Ensign Sidney W. Kirtland to be a lieutenant (junior grade) in the Navy from the 3d day of June, 1919.

The following-named machinists to be chief machinists in the Navy from the 29th day of December, 1919:

Norman McL. McDonald,

Henry A. Reynolds, and

Henry H. Beck.

Machinist Sofus K. Sorenson to be a chief machinist in the Navy from the 8th day of January, 1920.

The following-named gunners to be chief gunners in the Navy from the 16th day of January, 1920:

Anthony Prastka,

William F. Schlegel,

William H. Stephenson,

Joseph O. Johnson,

Lee W. Drisco, and

Arthur E. Rice.

Asst. Surg. Russell J. Trout to be passed assistant surgeon in the Navy, with the rank of lieutenant, from the 30th day of July, 1918.

The following-named assistant surgeons to be passed assistant surgeons in the Navy, with the rank of lieutenant, from the 30th day of July, 1919:

Franklin F. Murdoch,

Ogden D. King,

Charles F. Glenn,
Louis H. Williams,
George P. Shields, and
Park M. Barrett.

Pay Inspector George G. Seibels to be a pay director in the Navy, with the rank of captain, from the 23d day of February, 1920.

Passed Assistant Paymaster Duette W. Rose to be a paymaster in the Navy, with the rank of lieutenant commander, from the 7th day of December, 1919.

Pay Clerk Leonard A. Klauer to be a chief pay clerk in the Navy, from the 25th day of July, 1919.

Lieut. (junior grade) Renwick J. Hartung (retired) to be a lieutenant on the retired list of the Navy, from the 24th day of February, 1920.

Brig. Gen. (temporary) Wendell C. Neville to be a brigadier general in the Marine Corps (subject to examination required by law) from the 28th day of March, 1920.

Brig. Gen. Wendell C. Neville to be a major general in the Marine Corps, for temporary service, from the 28th day of March, 1920.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 23, 1920.

UNITED STATES CIRCUIT JUDGE.

Nathan P. Bryan to be United States circuit judge for the fifth judicial circuit.

CHIEF JUSTICE OF THE SUPREME COURT OF THE PHILIPPINE ISLANDS.

Victorino Mapa to be chief justice of the Supreme Court of the Philippine Islands.

COLLECTOR OF INTERNAL REVENUE.

William E. Byerly to be collector of internal revenue for the district of North Dakota.

COMMISSIONER OF EDUCATION FOR PORTO RICO.

Paul G. Miller to be commissioner of education for Porto Rico.

POSTMASTERS.

COLORADO.

Hattie S. Carruthers, Estes Park.

IDAHO.

Charles J. Simmons, Grangeville.
Robert W. Molloy, Orofino.

MARYLAND.

Hessie E. Nowlin, Fort Washington.
Charles M. Newman, Mount Rainier.
Charles A. Whittle, jr., Odenton.
Donald E. Clark, Silver Spring.

NEW YORK.

Patrick T. Quigley, Auburn.
William W. Gettys, Champlain.
Lewis H. Cole, Cuba.
L. Frank Little, Endicott.
Mary A. Blazina, Harrison.
John F. Brennen, Hudson.
Catharine A. Cashman, Roslyn Heights.

NORTH DAKOTA.

Paul M. Bell, Elgin.
Jacob H. Isaak, Goldenvalley.
John E. Nelson, Litchville.
John E. Young, Marion.
Hugh Roan, Portal.
Henry Branderhorst, Ray.
Michael Coyne, Starkweather.
Andrew M. Hewson, Wimbledon.

PENNSYLVANIA.

Stanley M. Williams, Hop Bottom.
David F. Barr, Watsontown.

WITHDRAWAL.

Executive nomination withdrawn from the Senate April 23, 1920.

PROMOTION IN THE NAVY.

Asst. Surg. Russell J. Trout to be a passed assistant surgeon in the Navy, with the rank of lieutenant, from the 30th day of July, 1918.

HOUSE OF REPRESENTATIVES.

FRIDAY, *April 23, 1920.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou Infinite Spirit, Father of all souls, in whom we live and breathe and dwell, aspiring high, even to the throne of Thy divinity, help us to realize that it is deeds not creeds which make for righteousness in the soul.

"Every tub stands on its own bottom." To live honestly, purely, justly, with Thee and our fellow men, is the crucial test for the individual and the Nation. Hasten the day, we beseech Thee, when man's inhumanity to man shall be swallowed up in brotherly love.

"Love never faileth: but whether there be prophecies, they shall fail; whether there be tongues, they shall cease; whether there be knowledge, it shall vanish away.

"For we know in part, and we prophesy in part.

"But when that which is perfect is come, then that which is in part shall be done away.

"When I was a child, I spake as a child, I understood as a child, I thought as a child; but when I became a man, I put away childish things.

"For now we see through a glass darkly; but then face to face: now I know in part; but then shall I know even as also I am known.

"And now abideth faith, hope, love, these three; but the greatest of these is love."

Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States, by Mr. Swem, one of his secretaries, announced that the President had approved and signed bills and joint resolution of the following titles:

On April 17, 1920:

H. R. 1791. An act for the relief of O. W. Lindsley;

H. R. 6291. An act for the relief of E. Willard; and

H. J. Res. 222. Joint resolution authorizing the Secretary of War to dispose of surplus dental outfits.

On April 19, 1920:

H. R. 6025. An act to amend the act entitled "An act to establish a code of law for the District of Columbia, approved March 3, 1901," and the acts amendatory thereof and supplementary thereto.

On April 20, 1920:

H. R. 9065. An act to amend certain sections of the Federal farm-loan act, approved July 17, 1916.

On April 21, 1920:

H. R. 795. An act for the relief of Arthur Wendle Englert;

H. R. 11877. An act granting the consent of Congress to Madison and Rankin Counties, in the State of Mississippi, to construct a bridge across the Pearl River between Madison and Rankin Counties; and

H. R. 12889. An act granting the consent of Congress to the city of Youngstown, Ohio, to construct a bridge across the Mahoning River, at or near Division Street, in the city of Youngstown, Ohio.

On April 23, 1920:

H. R. 12260. An act to amend section 600 of the act approved September 8, 1916, entitled "An act to increase the revenue, and for other purposes."

SEATING ARRANGEMENTS IN THE HOUSE.

Mr. POU. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to address the House for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. POU. Mr. Speaker, I desire to discuss for a minute or so the question of order in the House of Representatives. I believe we all will admit that the order that is maintained in the House when we are transacting business at times is not creditable to a great deliberative body. I was a Member of this House in the days when each Member had his private desk, and I believe that a good deal of the confusion is due to the fact that we have no desks. A Member comes in and takes his seat; he can not write; he has not a place for stationery; and he has got to listen or talk. Now, if the talk is not very entertaining, a good

many of us indulge in conversation. Among 435 Members even a low whisper makes it almost impossible to be heard on this floor.

Now, I have introduced a resolution, Mr. Speaker, which provides that the Superintendent of the Capitol, under the supervision of the Committee on Accounts, shall provide a desk for each Member. [Applause.] Of course, if we restore those desks we ought also to restore the old way of drawing seats. I believe that it would greatly promote the transaction of business in this Hall and greatly improve the order that is maintained here if each Member had his desk and also had his own particular seat.

Now, I am informed by Mr. Woods that the expense will not be very great; that a drop-leaf desk can be provided in front of each seat. The seats will have to be arranged so that there will be an inkwell provided on the 4 or 5 inches of desk that the drop leaf is attached to. There ought to be a place for stationery, and also be room enough for the Rules of the House and a Directory.

Now, it seems to me that this is a matter that deserves attention. I will confess that there are times here when, for my part, I am not proud of the order that is maintained in the Hall, and I believe in admitting this I reflect the feeling of many of my colleagues. We are all more or less guilty. The truth is that each man should have his desk, and when he comes into this Hall he should keep as nearly silent as possible, and if he has a place to write of course that is going to be an incentive to silence.

Mr. WALSH. If only drop-leaf desks are provided, what would be the necessity of drawing for seats which, apparently, would not permit the keeping of any of the Members' individual documents and papers? Personally, I would prefer to see the old-fashioned desks restored. [Applause.]

Mr. POU. I was remarking a moment ago that the Superintendent of the Capitol, in explaining this proposed new desk, stated that there would be ample room to provide for a moderate amount of stationery and also for two books—the Rules of the House and for the Directory. It would seem to me, therefore, necessary that, if each Member is going to provide himself with a moderate amount of stationery, it would be necessary for the Member to know exactly where his seat is. Of course, we do not all use the same kind of stationery.

Mr. GARRETT. Will the gentleman yield?

Mr. POU. I yield.

Mr. GARRETT. In reference to the suggestion of the gentleman from Massachusetts as to the restoration of the old desks, I wish to say that that would be impossible—I mean the old desks that were here. One of the reasons that brought about this unfortunate change—unfortunate, in my opinion—was that the membership of the House had outgrown the desk capacity of the House, and there was not space unoccupied in the Chamber sufficient to add the number of desks to take care of the additional membership following the new representation after the last census.

Mr. WALSH. Will the gentleman yield?

Mr. GARRETT. I will.

Mr. WALSH. I did not mean the particular old desks that were here, but I meant individual desks.

Mr. GARRETT. They would have to be smaller.

Mr. WALSH. Smaller than the others; but I think there is plenty of room. If the gentleman will permit, that is not the only old, former custom or practice that I would like to see the House return to. [Applause.]

Mr. GARNER. If the gentleman will permit, I wish to say that there must be taken into consideration, in the passage of his resolution and the action of the Committee on Accounts, the possibility—I hope not—of the increase of the House under the present census; and if you should increase it materially, it would be impossible to put desks of any kind in the Hall.

Mr. POU. I will say to my friend that I believe there is ample room on the respective sides to increase this House by 40 or 50 additional Members and still maintain the desk system that has been suggested.

Mr. TAYLOR of Colorado. Will the gentleman yield?

Mr. POU. I will.

Mr. TAYLOR of Colorado. I will ask the gentleman whether or not he has conferred with the Superintendent of the Capitol as to the advisability and practicability of enlarging this room and cutting out the lobby in the front or south side of this room, and giving us some light and air and ventilation and making this room more sanitary and healthy, so there may be less sickness and death among the membership of this House, and also enlarging the galleries and making this a more commodious Hall? The gallery is not half large enough, and the ventilation is abominable. After every 10-year census this body is going to be increased, the chances are, for the next hundred years or more. This room may have been all right 50 years ago, but it is utterly inadequate, unhealthy, and insufficient for 435 Members of this House and the employees at this time.

The SPEAKER. The time of the gentleman from North Carolina has expired.

Mr. POU. I ask unanimous consent, Mr. Speaker, for two minutes more.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. TAYLOR of Colorado. I, and I think many others, would be glad to learn that there may now or some time soon be some systematic move taken to improve the conditions of this room as I have mentioned, so that we can get more light, and more fresh air, and more ventilation, and a more healthful room for the House of Representatives to transact the legislative business of this Government in. The gigantic amount of work that is nowadays heaped upon Congress requires the Members of this House to stay in this room, practically speaking, five hours a day for nearly 365 days in every year, and the Members are entitled to and the country would be greatly benefited by this room being made a more healthful place to live and work in.

Mr. CLARK of Missouri. Mr. Speaker, I can answer the gentleman's question.

Some æsthetic gentleman started in here 8 or 10 years ago to remodel this Hall.

The ex-governor of Massachusetts, Mr. McCall, was the head actor in it, and we passed a resolution, and here is the answer to the gentleman's question: We passed a resolution here to remodel this Hall. I was against it, and I am against it yet, except that I am in favor of tearing out that wall back of the Speaker's stand and running this room out to the other wall. The man that got up this Capitol Building ought to be digged up and hanged yet. [Laughter.] This Hall and the Senate Chamber are rooms inside of rooms. That is the reason why Members and Senators die here so frequently. There is an unhealthy atmosphere here.

I am in thorough accord with one idea of the gentleman from North Carolina. However, we passed that project, and I finally got tired fighting it, because I got tired of the whole thing. Then they appointed a commission—and I think I was one of that commission—to have the Hall rearranged. The plan was to cut off one-fourth of this Hall on the west and take in the reading and writing room and one-fourth on the east, and cut out the lobby and run the Hall back to the back windows, so as to get some fresh air in here. We consulted with Mr. Elliott Woods, who knows everything about the Capitol that a man can know, and the trouble about that proposition is that after the materials were assembled it would take seven months to do it. Now, ever since President Taft was elected President Congress has been in perpetual session, except in 1915, and even during that long vacation all of us expected to be called back here at any time on account of the war then going on in Europe; and so here we are at the end of five or six years without any change in the Hall.

Now, I have one or two ideas to express, without meaning to interrupt the gentleman from North Carolina——

Mr. POU. I am glad to have the gentleman speak.

The SPEAKER. The time of the gentleman from North Carolina has expired.

Mr. CLARK of Missouri. Mr. Speaker, I ask that the gentleman may have five minutes more.

The SPEAKER. Is there objection to the gentleman's request? There was no objection.

Mr. CLARK of Missouri. And after every decennial census since the Government was organized the membership of this House has been increased, except in 1830. Then they absolutely reduced it under that census.

Now, I do not have any doubt about what ought to be done about the size of this House. It is too big. There ought to be a constitutional amendment passed fixing the number of Members of the House at 300, or thereabouts, and keeping it there. [Applause.]

Mr. GARNER. Mr. Speaker, will the gentleman yield?

Mr. CLARK of Missouri. Yes.

Mr. GARNER. Will the gentleman from Missouri use his good offices and his influence and his vote in keeping it down to what it is now?

Mr. CLARK of Missouri. It will all depend upon the question of whether Missouri loses or gains. [Laughter.]

Mr. GARNER. That is what is the matter, and the gentleman owns up to it. [Laughter.]

Mr. CAMPBELL of Kansas. I have a very distinct recollection that I led off here 10 years ago trying to reduce the membership of the House to 225 Members, and the gentleman from Missouri [Mr. CLARK] was one of the strenuous advocates of increasing the membership. [Laughter.]

Mr. CLARK of Missouri. Well, a man ought to learn somethink in 10 years' time. [Laughter.] I have never had cause to complain about the acoustic properties of this Hall. I have a good strong voice and articulate properly [laughter] and people can hear me. But for the average Member with the average physique and the average voice this House is a pretty tough place in which to undertake to make a speech.

In regard to these desks, just as certain as the world stands the number of Members will be increased under the coming census; just how much it will be increased I do not know. The last time it was increased 44 Members, and one of the strangest facts in history was that the great agricultural States of Arkansas, Indiana, Iowa, Kentucky, Tennessee, Mississippi, Missouri, Kansas, and Nebraska never gained enough population under that census to get any of the new-coming and incoming 44 Members of the House, and that is a fact well worth the thought of the Congress, as to how the very heart of the continent is developing.

Mr. FESS. Mr. Speaker, will the gentleman yield there?

Mr. CLARK of Missouri. Yes.

Mr. FESS. And if we leave the apportionment as it is now—in other words, if we do not allow the States to increase—those States will likely lose in the next 10 years?

Mr. CLARK of Missouri. It may. That is the thing I do not understand. It is the heart of the continent.

Mr. FESS. But it does not grow in population.

Mr. CLARK of Missouri. I know. The agricultural portion of the country everywhere is falling off in population; the agricultural portion of the country is losing population everywhere. It may not be true out in Oklahoma. That is the latest agricultural State that has come in.

Mr. FESS. If my friend will yield further, I think that is the solution, if we fix the number in the Constitution. Otherwise, we will have it every 10 years, because there is more argument for than against it.

Mr. PADGETT. Mr. Speaker, will the gentleman yield?

Mr. CLARK of Missouri. Yes.

Mr. PADGETT. If I recollect correctly, the last apportionment bill contained a peculiar clause to the effect that the next census should not increase the membership of the next House.

Mr. CLARK of Missouri. One Congress can not bind another, of course.

Mr. PADGETT. It was a peculiar thing that one Congress should put it in; but nevertheless it was put in.

Mr. GARNER. The gentleman from Missouri suggests a change of the Constitution, and the gentleman from Ohio [Mr. FESS] agrees with him. Now, the gentleman from Ohio is a member of the Committee on Rules. Why should not he bring in a rule to submit the question to Congress and the country?

Mr. CLARK of Missouri. Oh, the gentleman from Ohio [Mr. FESS] devotes himself to politics too much for that. [Laughter.] It is a fact that while we have here more than we need to transact the business of the country, yet we have the smallest popular House in any enlightened nation on earth. For example, the House of Commons has 709 members in it, but it takes only 40 members to constitute a quorum in the House of Commons. But we can not change the number constituting a quorum except by constitutional amendment.

Mr. FESS. And the House of Commons has a seating capacity of only four hundred and some.

Mr. CLARK of Missouri. Yes. They never come in full force except on important occasions, like the disestablishment of the Welsh Church, or something of that kind. Then it is that the country squires stand up.

Now, as to the desks, I am in favor of restoring the desks and restoring the seats. The method of selection of seats was the fairest performance that ever took place anywhere. I remember that in my first Congress I drew first among Democrats and selected the best seat in the House and sat right opposite the venerable Judge Culberson, of Texas, and to commune with him for two years was in itself a liberal education.

The next three times I drew high enough up to get a good seat down here. The next time, coming up on the street car, I told my wife that on the doctrine of probabilities I ought to be the last man in the House to draw a seat, and sure enough, in the drawing I was the next to the last man. [Laughter.] Now, the great astronomer, Proctor, ciphered it out that under the law of probabilities a man would not hold a straight flush more than one time in a million hands.

Mr. WALSH. What is that? [Laughter.]

Mr. BLANTON. The idea of a Republican asking that. [Laughter.]

Mr. CLARK of Missouri. I drew good seats six times, and the seventh time I drew the next to the last, but there was a man here from St. Louis who knew he was going to be thrown out, because he was a Democrat [laughter], and he had drawn a seat right down where this table is. So he came to me and said, "They are not going to let me stay here. I have got no use for this seat, and I want you to take it." So I had that one. Now, that method of drawing seats is perfectly fair. Speaker Reed said once that the trouble about that system of drawing seats was that it was diabolically fair. We do not need as big desks as we had here before. They were as big as wagon beds. I wish that rear wall could be torn out and the House extended and the other wall brought up this way and a constitutional amendment adopted to fix the membership at 300.

Mr. LONGWORTH. Mr. Speaker, it seems to me one of the worst features about the desks was the old custom of every Member speaking from his desk. Often a gentleman would speak from over in one of the extreme corners and you could not hear him. I should hope that our present custom of speaking from the area down in front might be continued.

Mr. GARNER. That could be retained.

Mr. CLARK of Missouri. The truth is I started that habit of speaking down in the semicircle. I was always telling Members that was the best place to make a speech. They said I had never tried it, so one day when I was going to speak an hour—as a matter of fact, I spoke three hours—I went down here and borrowed a desk from a man sitting in the front row, on which to place books and papers, and I got down in front and made a speech, and other Members began to take it up, and then it became a quite general custom. That is the place to make a speech in this House, instead of the old way that the gentleman from Ohio [Mr. LONGWORTH] has referred to.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. CLARK of Missouri. Yes.

Mr. GREENE of Vermont. I should like to ask the gentleman from Missouri what his opinion is about the advantage we now enjoy in being able to assemble the committees in charge of bills around these tables in the center on each side?

Mr. CLARK of Missouri. That is a good idea, and there would not be any trouble about continuing that.

Mr. GARNER. Seats could be set aside for committees in charge of bills.

Mr. POU. I am informed by the architect that these tables can be retained as they are.

Mr. GREENE of Vermont. With seats reserved for committees?

Mr. POU. Yes.

The SPEAKER. The time of the gentleman from North Carolina has expired.

Mr. POU. Mr. Speaker, I ask for one minute more. I merely wanted to bring this matter to the attention of the House, so that Members would be thinking about it. I invite the attention of the Committee on Accounts to the resolution. I believe that by conference with the Superintendent of the Capitol the Committee on Accounts will ascertain that for a very moderate sum desks can be installed sufficient to accommodate the membership of this House, and that that can be done during the recess of Congress, so that when the next session meets in December the desks will be here.

LEAVE TO ADDRESS THE HOUSE.

Mr. GREEN of Iowa. Mr. Speaker, I ask unanimous consent that next Monday, immediately after the reading of the Journal and the disposition of business on the Speaker's table, I may be permitted to address the House for 30 minutes, and that thereafter the gentleman from Ohio [Mr. LONGWORTH] be permitted to address the House for 40 minutes.

The SPEAKER. The gentleman from Iowa asks unanimous consent that on Monday, immediately after the reading of the Journal and the disposition of business on the Speaker's table, he be permitted to address the House for 30 minutes and that thereafter the gentleman from Ohio [Mr. LONGWORTH] be permitted to address the House for 40 minutes. Is there objection?

Mr. GARNER. Mr. Speaker, reserving the right to object—and I do not intend to object—I hope that if that consent is given, it will include at least 20 or 30 minutes for this side.

Mr. LONGWORTH. May I suggest to the gentleman from Iowa that the gentleman from Texas [Mr. GARNER] have 20 minutes after he has spoken?

Mr. GARNER. I do not know that I will want the time for myself, but I will want it for this side of the House, say 30 minutes.

Mr. LONGWORTH. The gentleman realizes that his side has already had an hour and a half.

Mr. GARNER. I understand that. I am not complaining, and I am not going to object. You gentlemen can get all the time you desire, no matter whether it is two hours or four hours. I have no objection, but in case you develop any new thought I want time so that it may be replied to by somebody on this side.

Mr. GREEN of Iowa. Mr. Speaker, I modify my request, and put it in this form, that immediately after the reading of the Journal and the disposition of business on the Speaker's table on Monday I be permitted to address the House for 30 minutes, and that thereafter the gentleman from Texas, or such Members as he may see fit to yield to, have—how much?

Mr. GARNER. Forty minutes.

Mr. GREEN of Iowa. The other side have had an hour and a half.

Mr. GARNER. All right. Thirty minutes will do.

Mr. GREEN of Iowa. That the gentleman from Texas, or such Members as he may yield to, may have 30 minutes, and that then the gentleman from Ohio [Mr. LONGWORTH] may have 40 minutes.

The SPEAKER. Is there objection to the request as modified?

Mr. KINCHELOE. Reserving the right to object, is this to be on the bonus legislation? I imagine it is.

Mr. MAPES. Mr. Speaker, under the rules of the House next Monday is set aside for the consideration of business reported from the Committee on the District of Columbia. It has been a long time since that committee has had a day, and there is a good deal of important business on the calendar reported by the District Committee. It seems to me that the day set aside for that purpose should not be occupied by speeches.

The SPEAKER. Is there objection?

Mr. MAPES. I object for the present.

Mr. GREEN of Iowa. Then I modify my request by asking that the same order that I have requested heretofore for Monday be permitted for next Tuesday.

The SPEAKER. The gentleman modifies his request to make it apply to Tuesday. Is there objection?

Mr. DYER. Mr. Speaker, why not have it to-morrow? We will all be in town.

Mr. KNUTSON. We want Saturday.

The SPEAKER. Is there objection to the request for Tuesday?

There was no objection.

Mr. MONTAGUE. Mr. Speaker, I ask unanimous consent that I may proceed for five minutes. I want to say a word with respect to this desk business.

The SPEAKER. The gentleman from Virginia asks unanimous consent to address the House for five minutes on the desk question. Is there objection?

There was no objection.

Mr. MONTAGUE. Mr. Speaker, I did not get into the House until the gentleman from North Carolina had presented and developed his idea. Perhaps nothing I could say would convince the membership of the House, but I do desire to suggest one or two considerations. This is the most difficult body to address in the world. Few ever get attention except under extraordinary situations. A Member usually has to fight his way for a hearing.

The restoration of the desks will increase this disorder. Every revolving chair is a gatling gun of confusion and disorder. Every rustling paper, every lifting and lowering and falling desk top, is distraction and confusion of the public business. I do not know of a parliamentary body where its lower house has desks for its individual members.

Mr. RAYBURN. Will the gentleman yield?

Mr. MONTAGUE. For a question.

Mr. RAYBURN. I was in the house of representatives in Virginia, and they have desks there.

Mr. MONTAGUE. I was speaking of national assemblies. We do have them in some, if not all, of the State assemblies, and the suggestion of my good friend from Texas [Mr. RAYBURN] brings to my mind that I am speaking from experience. But it should be observed that the State legislatures do not provide offices for their members.

Desks present a very disorderly appearance from the gallery. It is a picture of disorder and confusion, and this disorderly arrangement is actually augmented by revolving chairs and by Members going back and forth to get behind and to sit down at their desks. As the gentleman suggested, it breaks up your committee plan of carrying on business in this House.

I hope the House does not misunderstand me as dogmatizing about the matter. My hope is that while we are thinking of this question some Member should express its inadvisability from fundamental reasons and for the reason that I do not see why we should at this time incur the expenditure incident to such a change.

Mr. BLACK. Will the gentleman yield?

Mr. MONTAGUE. Yes.

Mr. BLACK. It was suggested that in some State assemblies they have the desks, but in these States practically all of the members have no offices.

Mr. MONTAGUE. Yes; and I understand that one reason for the Office Building was that we might transact much of our business in the offices and not at the desks in the House.

In conclusion, may I express the hope that some time before I leave the House I may get the opportunity to present my views in keeping mainly with a committee report heretofore made for the completion of the Capitol? The old part of this building has never been completed. It is a patchwork of two marble wings and a painted stone structure in the middle. There are very essential architectural reasons, as well as of public convenience and necessity, that suggest the completion of the central portion of the Capitol. But, if I may repeat, I do not know of anything that would so enhance the reputation of this body in the opinion of the American people as better order in our procedure and deliberation. [Applause.]

ADJOURNMENT OVER.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn until Monday next.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that when the House adjourns to-day it adjourn until Monday next. Is there objection?

There was no objection.

THE PILGRIM TERCENTENARY CELEBRATION.

Mr. WALSH. Mr. Speaker, under the previous order of the House I call up House joint resolution 302 and ask unanimous consent to dispense with the reading of the preamble.

The SPEAKER. This is on the Union Calendar.

Mr. WALSH. Mr. Speaker, I ask unanimous consent that House joint resolution 302 be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. MORGAN. I object.

Mr. WALSH. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of House joint resolution 302.

The SPEAKER. The gentleman from Massachusetts moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the House joint resolution of which the Clerk will read the title.

The Clerk read as follows:

Joint resolution (H. J. Res. 302) authorizing an appropriation for the participation of the United States in the observance of the three hundredth anniversary of the landing of the Pilgrims at Provincetown and Plymouth, Mass.

Mr. WALSH. Pending that, Mr. Speaker, I ask unanimous consent that general debate on the resolution may be limited to one hour, one half to be controlled by the gentleman from Ohio [Mr. FESS] and the other half by the gentleman from Michigan [Mr. DOREMUS].

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts that general debate be limited to one hour, one-half to be controlled by the gentleman from Ohio [Mr. FESS] and one-half by the gentleman from Michigan [Mr. DOREMUS]?

There was no objection.

The motion of Mr. WALSH was then agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. LEHLBACH in the chair.

Mr. WALSH. Mr. Chairman, I ask unanimous consent that the reading of the preamble of the resolution be dispensed with.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to dispense with the reading of the preamble. Is there objection?

Mr. GARD. Mr. Chairman, reserving the right to object, why not read the preamble? It is the only informing part of the resolution.

Mr. WALSH. This has all been printed once and the preamble will probably be eliminated by way of amendment.

Mr. GARD. Is it the purpose to explain the resolution independently of the preamble?

Mr. WALSH. Yes.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, etc., That there is hereby established a commission to be known as the United States Pilgrim Tercentenary Commission, hereinafter referred to as the commission, and to be composed of nine commissioners as follows: Three persons to be appointed by the President of the United States; two Senators by the President of the Senate; and four Representatives by the Speaker of the House of Representatives. The commissioners shall serve without compensation and shall select a chairman from among their number.

SEC. 2. (a) That there is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated the sum of $400,000, to be expended by the commission in accordance with the provisions of this resolution.

(b) One hundred thousand dollars of such appropriation may be expended under the direction of the commission and in cooperation with the Provincetown Tercentenary Commission, the town of Provincetown, Mass., and such other agencies, public or private, as the commission may determine, for the purpose of completing and improving the approaches to and the grounds of the Pilgrim Monument at Provincetown, Mass.; of erecting suitably inscribed tablets or markers in the towns of Provincetown, Truro, Wellfleet, and Eastham, and for other work in connection therewith, in accordance with plans adopted by the Provincetown Tercentenary Commission.

(c) Three hundred thousand dollars of such appropriation may be expended under the direction of the commission and in cooperation with the Pilgrim Tercentenary Commission, the town of Plymouth, Mass., and such other agencies, public or private, as the commission may determine, for the purpose of restoring and improving Plymouth Rock and the shore line of the locality adjacent thereto, of protecting and improving the burial grounds upon Coles Hill and Burial Hill in Plymouth, Mass.; of erecting tablets or markers at appropriate places in the Old Colony, and for other work in connection therewith, in accordance with plans adopted by the Pilgrim Tercentenary Commission.

SEC. 3. That no expenditure shall be made or authorized by the commission until the Commonwealth of Massachusetts has, as determined by the commission, expended or contracted to expend the sum of $300,000 for the same purpose for which the commission may under the provisions of this resolution make expenditures. The United States shall not be held liable for any cost, expense, obligation, or indebtedness on account of the maintenance or upkeep of any property in respect to which any expenditure is made by the commission under the provisions of this resolution, nor for any obligation or indebtedness incurred by the Commonwealth of Massachusetts, the Provincetown Tercentenary Commission, the Pilgrim Tercentenary Commission, or any other agency or officer, employee, or agent thereof, for any purpose for which the commission may under the provisions of this resolution make expenditures. All expenditures of the commission shall be allowed and paid upon the presentation of itemized vouchers therefor approved by the chairman of the commission, but no expenditure shall be made or authorized by the commission except with the approval of a majority of the commissioners.

SEC. 4. That the Postmaster General is hereby authorized and directed to issue a special series of postage stamps, in such denominations and of such design as he may determine, commemorative of the three hundredth anniversary of the landing of the Pilgrims at Provincetown and Plymouth, Mass.

SEC. 5. That the provisions of sections 1 and 2 of this resolution shall expire December 31, 1921.

With the following committee amendment:

Page 3, line 7, strike out the word "two" and insert in lieu thereof the word "four."

The CHAIRMAN. The gentleman from Ohio [Mr. FESS] is recognized for 30 minutes.

Mr. FESS. Mr. Chairman, I yield 30 minutes to the gentleman from Massachusetts [Mr. LUCE], to be used as he may desire.

Mr. LUCE. Mr. Chairman, I yield five minutes to the gentleman from Massachusetts [Mr. WALSH].

Mr. WALSH. Mr. Chairman, this resolution provides for Federal participation in the observance of one of the very important events relating to our Nation's history. I do not desire to take up any time to call to the attention of the House the significance of this event, nor the wonderful happenings which have occurred since that hardy band landed on the shores of Massachusetts Bay. Heretofore the Nation has participated in commemorating these historical events by contributing a sum of money to States and associations which have conducted fairs and expositions, but in this instance the people of Massachusetts, through the appointment by their legislature of special commissions, have adopted a program which does not include any world's fair or exposition or any matter of such transitory nature, with the possible exception of some historical exercises which it is hoped will be held during the summer of 1921, but which is for the most part to be permanent in form. These exercises will consist probably of a pageant to be repeated upon certain days of the week running over possibly three or four weeks during that summer. Naturally one would expect that feature to occur this coming summer of 1920, preceding the three hundredth anniversary date, but because of the war and of the participation in the war by the Commonwealth of Massachusetts and our Nation plans could not be properly completed, and the funds were not deemed to be available for launching that feature for this summer.

The commissions have proposed plans of making certain public improvements. Plymouth Rock is to be restored to its original base. It now rests upon a bed of concrete, having been raised several feet above the former shore line. It is proposed to drop it back and restore the former shore line, to take away some unsightly buildings and fish piers, and to make of that portion of the harbor a public shrine which can be visited and made accessible both by water and by approach from street or highway. It is proposed in the vicinity of Provincetown to erect some tablets or markers in connection with the first visit of the Pilgrims at that place, and to improve and make safe the approach to the massive Pilgrim Monument which was erected there by State, Federal, and public subscription and contributions some years since. During the coming season it is hoped that this work of reconstruction and restoration may proceed.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. WALSH. Could the gentleman yield me five minutes more?

Mr LUCE. Mr. Chairman, I yield five minutes more to the gentleman from Massachusetts.

Mr. WALSH. Mr. Chairman, it is also proposed to protect the burying grounds at Plymouth, where rest the remains of those who died during the first winter and the years following. The town of Plymouth itself has appropriated $320,000 for the erection of a memorial building, where it is hoped the opening exercises on December 21 may be held this present year. I believe that while it has not been customary for the Government to indulge in assisting in making permanent improvements, we might well decide to assist in this project at this particular time in the way proposed.

Mr. GARD. Mr. Chairman, will the gentleman yield?

Mr. WALSH. Yes.

Mr. GARD. Does subsection (c) of section 2 on page 4 contemplate the financial cooperation by the United States with the town of Plymouth for the erection of a memorial hall?

Mr. WALSH. No. The appropriation by the Federal Government will be available only for cooperation with the funds made available for the State commission. The building to be erected by the town of Plymouth is to be erected under the jurisdiction of a committee of the town, and the money has already been appropriated and the site acquired. The work I understand is already under way. This participation by the Government will be only for the restoration of Plymouth Rock, the making of a public shrine of that particular part of the shore front, and restoring and improving the two burial grounds at Plymouth, together with the placing of some tablets at certain historic spots in Plymouth Colony and at Provincetown, and assisting in making the approach to the monument safe and more accessible.

Mr. SMALL. Mr. Chairman, will the gentleman yield?

Mr. WALSH. Yes.

Mr. SMALL. I notice in section 2, subsection (c), that $300,000 is appropriated, and that among other things authorized is the restoring and improving of Plymouth Rock and the shore line of the locality adjacent thereto. That necessarily will require the services of engineers. I do not want to suggest any amendment that would interfere with the plans that have been matured, but I suggest to the gentleman the advisability of so amending that section as to authorize the commission to call upon the Chief of Engineers for any services which the Corps of Engineers may render.

Mr. WALSH. Mr. Chairman, I am not positive, so that I do not wish to make the positive assertion, but I believe that has been done by the State commission. I think that the proposed restoration, which simply consists of taking away some filling of land which has been put into an embankment, will permit the rock to be restored to its original base, and the water will then come up around the rock.

But by filling that in and raising the rock of course they have changed the relative location of the rock to the original shore line.

Mr. SMALL. Have the plans already been made by competent engineers?

Mr. WALSH. They have under the jurisdiction of the State commission and I believe the waterways commission, whatever its title is, of the Commonwealth of Massachusetts.

Mr. SMALL. Then it will probably not contribute to the success of the enterprise or effect any economy by authorizing the commission to call upon the Chief of Engineers?

Mr. WALSH. I doubt if it would, although I have no objection. I believe that possibly the resolution in its present form would permit the Federal commission to call upon the Board of Engineers without direct authorization.

Mr. SMALL. I think it is doubtful.

The CHAIRMAN. The time of the gentleman has expired.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GREEN of Iowa having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Dudley, its enrolling clerk, announced that the Senate had receded from its amendment numbered 53 to the bill (H. R. 12610) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1921, and for other purposes.

THE PILGRIM TERCENTENARY CELEBRATION.

The committee resumed its session.

Mr. DOREMUS. Mr. Chairman, I yield five minutes to the gentleman from Missouri [Mr. CLARK.] [Applause.]

Mr. CLARK of Missouri. Mr. Chairman and gentlemen, I am very much in favor of this resolution. There are certain great events in our history that are a kind of series of milestones in our marvelous progress—the discovery of America; the settlement of Jamestown, Va.; the landing at Plymouth Rock; the Declaration of Independence; the adoption of the Constitution of the United States; the Louisiana Purchase; and the annexation of Texas. [Applause.] Those are the great historic events or markers in our march. Every one of them ought to be celebrated. The discovery of Columbus has been celebrated, the Jamestown landing or settlement has been celebrated, the Declaration of Independence has been celebrated, the adoption of the Constitution of the United States has been celebrated, the Louisiana Purchase—the greatest transaction in real estate that ever was suggested in the world since the devil took the Savior to the top of a high mountain and offered him the dominion of the world—was adequately celebrated, and whenever the hundredth anniversary of the Battle of San Jacinto comes around I am in favor of putting the big pot in the little one and celebrating that. [Applause.] Of course, the landing of the Pilgrims has been celebrated in history, in story, and in song, but it is a great event in the history of the world. When we celebrated the Louisiana Purchase the Congress gave them $5,000,000, and I believe really it was the greatest show of the sort that was ever held in the world. These are all matters of vast importance in their effect and they are all matters of which we can all be proud. The day has come when we are all the same sort of people anyway; we used to have differences but they are gone. If these people up in Massachusetts want to celebrate the three hundredth anniversary of the landing of the Pilgrims I hope they will do it in great shape, and I have no doubt they will. And because I believe these things and because Congress treated us so well when we celebrated the Louisiana Purchase, I think that we ought to adopt this resolution and give this money. [Applause.]

Mr. LUCE. Mr. Chairman, I yield myself eight minutes.

The CHAIRMAN. The gentleman from Massachusetts is recognized for eight minutes.

Mr. LUCE. Mr. Chairman, the program contemplated for the celebration has been adequately set forth by my colleague [Mr. WALSH], and the gentleman from Missouri [Mr. CLARK] has excellently stated the fundamental reasons why great historical occurrences should be commemorated. Let me dwell chiefly upon the especial reasons why, in spite of the conditions of the hour, it may well be the decision of the Congress to make an appropriation supplementing that of the State of Massachusetts in this particular matter. I would emphasize the value of the lessons to be drawn from the settlement at Plymouth in view of the present juncture in our national affairs. Nothing can be of more service than by pageant and parade, feast and festival, celebration and commemoration, to break into the routine life of the Nation long enough to recall the purpose of the Puritans in crossing what one of them aptly described as "the vast and furious ocean." We can hardly imagine the dread, the terror, that journey must have brought to the hundred or so of Pilgrims who made the voyage. Leaving everything dear behind them, facing the unknown wilderness, they had in mind chiefly their desire to worship God according to the dictates of conscience. They brought here the ideal of freedom and liberty. Surely at no time in the 300 years that have since passed has it been more important to pay tribute to that purpose. The tenacity with which they pursued it, their patience under misfortune, their refusal, after the loss of half their number in that first dreadful winter, to return whence they came, their forbearance with each other, their determination to give everything they had to accomplish their end—these are lessons worth spreading to-day.

We ought to pause long enough to recall that they were the men who first of all in the history of all mankind set their names to an agreement to form a civil body politic, the very first such agreement that history records, the germ of a constitution. Thereby they laid the foundation of the American system of self-government under liberty.

One feature of their first year or two here that is not commonly known would be of especial value to bring to the knowledge of all the people of the land by this commemoration. They attempted a communistic settlement. Communism, the cry of the hour by so many radicals—communism at the very outset of the foundation of New England had its full and fair test, and communism failed. Only when they had abandoned the communistic idea and secured an agreement that each should enjoy the fruits of his labors, that what each might wrench from the stubborn soil should be the reward of his efforts, that their fields and homes should no longer be held in common—only then was the colony put upon a basis of possible permanence.

Read the story in Bradford's manuscript, so happily restored to us through the efforts of that great Senator from Massachusetts, Senator Hoar. Gov. Bradford's record tells how these men tried to work out the experiment that to-day is held up as a solution of our problems, and how they failed, just as have failed every other group of men since then who have attempted to do without the spur of ambition, the spur of hope, and by throwing individualism in the common cauldron have hoped to make it boil for the common welfare.

Plymouth shared with Massachusetts Bay in developing what historians and students of political science have declared the greatest contribution that America has made to the science of government—the town meeting. In these two colonies men began to show the capacity to handle their local affairs without the control of superiors. Although after a fashion this was a repetition of the Swiss landsgemeinde, it was not a copy of the Swiss prototype, but the outgrowth of the Puritan spirit, the natural product of men who brought here the ideal of self-government.

Because of the inspiration of their lives, because of the institutions they developed, institutions that have spread the influence of their ideals to the farthermost corners of the land, because of the gratitude that all the people should show to the forefathers who landed 300 years ago on Plymouth Rock, we ought at this time to pay our national debt of gratitude by fitting commemoration. [Applause.]

Mr. LUCE. Mr. Chairman, I yield to the gentleman from Virginia [Mr. MONTAGUE].

Mr. MONTAGUE. Mr. Chairman, I wish to express my warm concurrence in the purposes of this resolution, and my sincere approval of the very modest, but at the same time effective, method of memorialization therein provided. I congratulate the Commonwealth of Massachusetts that it has divorced itself from the customary adjuncts of such celebrations, and that it lays hold of those more lasting monuments, physically and artistically expressive and preservative of a great structural event, and of the nourishing traditions and influences flowing therefrom.

The Commonwealth of Massachusetts has been modest in its requests, and this House should respond with very great alacrity, as I am sure it will. The Nation honors itself in honoring this mighty event.

Of the event I can not now speak. It could not be done in two or three minutes. I would, however, observe that perhaps at no period in American history could this celebration be quite so fortunate as at this time. With the disturbed condition of the American people, following in the wake of an immeasurable catastrophe, with dissolving confidence, with diminishing faith, with failing appreciation of dignity and faith in our institutions and in our civilization, the time is most fortunate and appropriate that we recall and celebrate, and that we make a lasting memorial of an event so full of powerful influences and nourishing traditions as the settlement at Plymouth and its consequent development through the governmental agency of a majestic Commonwealth, Massachusetts, whose influence, moral, economic, social, and political, has spread throughout the length and breadth of our Republic. [Applause.]

Mr. SMALL. Mr. Chairman, I ask unanimous consent to extend my remarks.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. DOREMUS. Mr. Chairman, I yield five minutes to the gentleman from Tennessee [Mr. GARRETT]. [Applause.]

Mr. GARRETT. Mr. Chairman, I have not given any particular attention to the details of this measure, but I understand in a general way that its purpose is to make a modest contribution on the part of the Republic to the celebration of the tercentennial anniversary of one of the great outstanding events of history. I think the Nation may very well contribute to honor the coming of the Pilgrims, because the Pilgrims and their descendants have contributed so much to the honor of the Nation. It would be an affectation unworthy the candid spirit and frank soul of the Pilgrims themselves if we did not say that the chapter of their history is something of a blend, that

there are some faults which are very, very human intertwined with those virtues which are divine. But the great outstanding thing is that the resolute courage, the immeasurable faith, which moved those dauntless souls to embark upon a strange ocean in order to settle in a strange, wild land has permeated the spirit of great commonwealths and thrust its roots deep into the very life of this Federal Union itself. Few influences in history since the Christ sent forth his group of 12 from down by the marshes of the mystic sea have more ramified peoples and nations than has the spirit of those plain and sturdy Pilgrim pioneers.

If there are times when, reading the literature produced by these people and that people whom they so profoundly influenced, we find indications of a disposition to emphasize their achievements without giving to some of our other sections all the credit that we should like to have, we can yet forgive it, because we consciously recognize that their achievements and their characters were profoundly great and their pride of tradition is legitimate. Through three spacious centuries the virtues of that people have permeated the life of the Nation and have joined with the virtues of the other sections of the Republic in keeping alive the spirit of freedom, in holding aloft the torch of liberty, and in preserving those institutions of government which we believe are best adapted to the everlasting maintenance of that freedom and that liberty; and for my own part it gives me pleasure to be able to join in paying this tribute of a Nation to one of the greatest of the influences that founded that Nation. [Applause.]

Mr. DOREMUS. Mr. Chairman, I yield 5 minutes to the gentleman from Louisiana [Mr. O'CONNOR].

The CHAIRMAN. The gentleman from Louisiana is recognized for 5 minutes.

Mr. O'CONNOR. Mr. Chairman, I do not flatter myself that I can add anything to the many beautiful things that have already been said with reference to the passage of this resolution. In all probability it would be like trying to gild refined gold, or add another color to the rainbow, or paint the lily, or give perfume to the rose. But some time since I had the privilege of addressing the Massachusetts Society, and on that occasion I promised myself the honor and the pleasure of saying a few words in connection with this resolution when it reached the floor for consideration.

I have often wondered why Robert Weir, the great artist, did not paint the "Landing of the Pilgrims," instead of the "Embarkation of the Pilgrims," one of the eight beautiful pictures under the dome of this Capitol; pictures that portray the romance, the glory, the martial greatness, and the thrill of American life in unforgetable colors; pictures that are viewed with emotion, patriotism, pride, and wonder by admiring men and women from every part of our broad land every day in the year by thousands.

I sometimes think that he wished to start a train of thought in the mind of the beholder that could not be accomplished in any other way than by the solemnity of that leave-taking of the Old World and its ideas by that historic band of God-fearing men and women. The landing follows in natural sequence and the wonders that the Puritans were to perform unfold themselves to us in clearness and chronological order.

Some one said long ago, very beautifully, that Venus sprang from the foam of the sea, and Minerva leaped, armed, cap-a-pie, from the brain of Jove. These classic stones suggest that the landing of the Pilgrims gave us New England and cradled that magnificent Commonwealth which is known by the name of Massachusetts—a name that is mentioned by Americans with a thrill of pride and emotion from ocean to ocean. As the gentleman from Missouri [Mr. CLARK] said some time since, here, very feelingly and eloquently, no one need set himself up as a painter of Massachusetts; no one need sing the song or the pean of her glory. As Webster said, with all the dignity of a great American from Massachusetts, "There she stands." That Commonwealth has given to this country poets and philosophers and sages, great and splendid men who have inseparably associated the name of Massachusetts with the glory and the greatness of the United States of America.

Why, my friends, when I think of the influence of that splendid band of men that landed at Plymouth Rock in 1620, I know the force and meaning of the expression, "Great oaks from little acorns grow." From that landing 300 years ago has come an influence which has never ceased to operate on American life; an influence that has affected every chapter in our history and given to America that resolute, dauntlesss attitude which results from a veneration of the Bible and a reverence for the ideals of Christianity. Down in Louisiana we have felt that inspiring "touch of a vanished hand and the sound of a voice that is still." We can never forget that it was Longfellow who wrote the beautiful, the immortal, Evangeline. The trials of Evangeline and Gabriel are the stories of southern Louisiana and are dear to our ears. The blood of the Pilgrims has come into our life and is abroad in the land. I have to acknowledge the magnificent things that the Puritan has done for American life. I not only acknowledge it; I glory in it. During my own recollection, Mr. Chairman—and that does not go much beyond 49 years—I can remember the time when, if a man lost his way in southern Louisiana and did not speak French, he would never find his way to the Mississippi River; and to-day, when that splendid and gallant people speak English as fluently as they do French, when they understand the history of their country and glory in its victories and magnificent achievements, if one is asked what has been the mighty influence that has worked that change during that period of, say, 45 years, the answer is, "The Puritan is abroad in the land." Verily, he has done noble things, and I thank God that he is abroad in the land.

The CHAIRMAN. The time of the gentleman has expired.

Mr. O'CONNOR. May I have a minute more?

Mr. DOREMUS. Yes; I yield to the gentleman one minute more.

The CHAIRMAN. The gentleman from Louisiana is recognized for one additional minute.

Mr. O'CONNOR. Their achievements need no orator, no rhetorician. They speak for themselves in every line of our national life and history. I mean that they need not be recited, so far as this House is concerned, because in every face that I see before me I read the realization of her majestic figure and her long and noble record. Massachusetts, Virginia, the discovery of the Mississippi River, Bunker Hill, and Yorktown, the Louisiana Purchase, the Battle of New Orleans, are unforgetable memories. May their glory never fade. May they live on in memory, to come back to chase the gloom of sad events away. My friends, may I recall to your minds that which I know will not fade away from it, and that is that your great monuments, your splendid victories, the romantic chapters written in the affairs of this country, should never be forgotten by the people in any generation? [Applause.] They are the dream and the glory of a country, the voice that comes from the long ago to keep alive the truths of human existence, to keep us mindful of the heartaches, the privations, the suffering of the men and women who toiled and molled to make this country the Republic it is, the greatest that ever history knew. They should be never lost sight of, and our children should know their value. Thrill, then, with its tang and its young and brave life. "Ye shall know the truth; and the truth shall make you free." [Applause.]

The CHAIRMAN. The time of the gentleman from Louisiana has again expired.

Mr. DOREMUS. Mr. Chairman, how much time have we remaining on this side?

The CHAIRMAN. Nine minutes.

Mr. DOREMUS. I yield seven minutes to the gentleman from Alabama.

The CHAIRMAN. The gentleman from Alabama is recognized for seven minutes.

Mr. HUDDLESTON. Mr. Chairman, I read these headlines from a Birmingham daily:

Labor is branded as time waster and extravagant.

These are the headlines over a statement made by one of the great employers of my district.

I have read many such headlines in the past few months, and many such interviews, coming from similar sources, and I am tempted to ask the great employers of America and the critics who repeat their charges against the men who toil, not merely against members of labor organizations but all men who toil in any capacity: What has been done for labor that it should be thrifty, prudent, and industrious? What has been done for the benefit of men who toil with their hands that they should keep production at the high-water mark?

THE LAW OF COMPENSATION.

And I would say to the great employers and to their echoes who repeat these charges, "The law of compensation is immutable. Men give in proportion to what they receive. Labor returns in service in fair proportion to the justice which is meted out to it. Deal with labor unjustly and you have either a total failure or a decrease in production. Force upon labor unjust wages and unfair conditions and you will have your strikes, either off the job or on the job." The world should understand that by now.

The fundamental fault of many of those who undertake to deal with labor is that they assume that men who work with their hands are a different sort of men from those who follow

other occupations. In their ignorance they start out with the assumption that because a man does manual work he is a different kind of man and has different emotions and mainsprings of action from men who work solely with their minds.

Of course, it is a commonplace to say that the men who work with their hands are our full brothers. They are exactly the same kind of men we are. They love justice just as much as we do. They have their faults just as we have. We must deal with them accordingly.

DEMOCRACY AND JUSTICE IN INDUSTRY.

What has been done for labor that it should hold to the maximum of production? Labor made its sacrifices during the war. It was carried on by a high tide of idealism. It was told, "We are fighting to make the world safe for democracy. We are going to bring democracy home to ourselves and take it into our workshops and make justice a living part of industry." That was what they heard during the war.

But at once when the armistice was signed labor was dismayed to find marshaling and organizing against it from one end of the country to the other the great employer classes in a way which indicated their firm resolve to go back to the old conditions—to the old fight between the man who toils and the man he works for; to go back to the old system of strikes and labor troubles and grinding and exploitation. Labor was dismayed, disheartened, and disgusted.

DEPARTMENT OF LABOR EMASCULATED.

The Department of Labor has been practically emasculated by this Congress; its employment service, intended to get men jobs, has been disbanded; every criticism that could be uttered has been cast at the Department of Labor and at every officer connected with it upon false charges of unfair partiality to the men who work and to their organizations. Was this encouraging? Did it tend to promote contentment or to increase production?

When Mr. Gary stood at the Industrial Conference, he held the industrial conditions of America in the hollow of his hand; he decided against the rule of harmony and fair consideration in labor disputes; decided in favor of the old and not a new and enlightened system, for the old state of economic warfare between the men who work and the men who employ. Because of him the Industrial Conference failed. Did that encourage labor? Did that tend to cause the toilers to work harder and spill their sweat more freely?

LABOR DID NOT PROFITEER.

I commend to the great employer interests of this country the text that "Whatsoever ye sow, that shall ye also reap." I ask them, in all kindness, and with an eye single to the public welfare, what have they sown that they should reap production from the men who toil?

As soon as the war was over a false and raucous cry went up from the employer interests that labor had profiteered during the war; that it had been unpatriotic. There was not a word of truth in it. Labor had made great sacrifices.

I made an investigation at the time, and I know whereof I speak. The facts are that labor had received from 1914 until the armistice was signed an average increase in wages for all callings of only 34½ per cent. But during that same period the cost of living had increased above 80 per cent. The workingman was receiving $1.34 for the same amount of work that he got $1 for before the war, but he was paying $1.82 for a dollar's worth of the necessaries of life to support his family.

Yet no publicity was given to the true facts through the great channels of publicity. The facts were suppressed, and the false charge that labor had profiteered and had been unpatriotic was echoed all over the country. It was done in the interest of the great employers for the vicious purpose of discrediting labor and preparing the way for the assault that has followed upon it. Ought that to increase production? Is that calculated to make the man who works to work harder and sweat a few drops more?

LABOR THE VICTIM OF THE PROFITEERS.

Labor is being shamelessly profiteered upon, but the profiteering interests have control of the channels of publicity. They suppress the fact that wages are not advancing in proportion to the cost of living. You do not hear much about that. You hear a lot of lies about workingmen buying silk shirts and riding in automobiles. The fact is that the cost of living is going up fast all the time. In February, 1920, the cost of living was 105 per cent more than in February, 1913. Those are the official figures. No one who knows anything about the situation will say that wage earners have received a proportionate increase.

Does the bloodthirsty rapacity of the profiteers, of which the masses are the peculiar victims, with no governmental hand raised for their effective protection, tend to increase production? Is that a reason why labor should be content, why men should work harder?

RAILROAD EMPLOYEES BETRAYED.

In August last the shop crafts of railroad employees were bitterly dissatisfied. They cried out for relief; they could endure it no longer. In my own city several thousands of them left their work. For several days work was suspended. Word came back from those in authority: "Be easy, go back to work; we will reduce the cost of living; be content with what you are receiving now, and we will bring the prices down." Those men went back to their jobs, back to their lathes, and took up their hammers. They went on with their work.

Prices did not come down and wages were not increased to meet them. The employees were quieted with these false promises until just before Congress turned the railroads back into private ownership—then, it was said, "We can not afford to raise wages now; we are just about to turn the roads back to the private owners; deal with them." You gentlemen know what happened as soon as the roads were turned back into private ownership. Do you think that the employees got a square deal? Do you think they will work harder because a fraud was practiced on them? Does that kind of treatment make for full production?

THE ESCH-CUMMINS BILL.

You gentlemen know how the railroad employees of this country opposed with all their power the passage of the iniquitous railroad legislation. You know how they exerted themselves to defeat it; you know how they told you they would accept your action upon that measure as the final test of the friendliness of Congress toward labor. You saw what followed, and yet gentlemen get up on the floor here and complain that labor is fighting them at home in their districts because they voted for that measure.

What do they expect? What do they think the railroad men ought to do? What did they expect the laboring men of this country to do? To lie down and forget? To increase production?

Oh, I told you then that there was nothing that could save a man who voted for that legislation except ignorance on the part of his constituents. I stick to that statement now. Labor has found out what was done to it, but the great public, not interested in labor questions, have not yet found out what was done. But, mark you, they are rapidly finding out, and woe unto those who voted for that measure if their constituents find out before November!

Was there anything to conciliate labor or to incite it to higher efforts in connection with the strong arm suppression of the coal strike? You gentlemen remember the resolution adopted by Congress, how although it pretended to be aimed at lawlessness, its real purpose was to strike down the men who were asking for better wages in the coal industry. Was there anything about that to encourage labor—to make it more productive?

The coal miners were harried; their funds were seized; their leaders were jailed; the action taken against them by the Government was unprecendented in legal history; it was based upon an interpretation of a war law never intended to have such application, a law which had been suspended in its application to the coal operators, but which was used to its fullest and most drastic effect against the miners. Federal troops were employed to awe them; the processes of courts were hung over their heads; deputy marshals were sent into the mining camps, not to execute process, not in pursuance of any lawful duty imposed upon them, but to intimidate the miners and drive them back to work.

The strike was broken, but did it leave the miners peaceful and contented? Did they feel that they had received justice? Did they believe that the Government was on the side of their employers? What was there about the way by which the strike was broken to produce more faithful and industrious workers?

RAIDS ON ALIENS.

You gentlemen have read in the newspapers about the raids upon aliens—unconstitutional raids, raids without process of law, raids in which American citizens, women as well as men, were arrested, beaten, dragged to jail and held without legal process. The charge against them—against all but very few of them—was not that they were revolutionists in real intent and purpose, not that they had any conscious desire or purpose to overthrow the Government of the United States or to subvert law and order, but that they were members of the Communist Labor Party, a political organization.

A well-informed editor of New York City said to me that a great many of those who were arrested did not so much as know the difference between "Bolshevism" and "rheumatism." They were illiterate, they were poor, they were friendless, aliens many of them, and far from home. They were not voters and they had no money; they had no voice, and so they had no champion.

That raid was made for punitive purposes. It was aimed at manual labor as a class; its purpose was to intimidate workers as a class. It was to strike terror into the heart of every foreigner in this country and to make him feel that he dare not claim higher wages or to take part in a strike for fear he would be sent back to some bloody land where his life would be forfeited.

Mr. BOX. Mr. Chairman, I merely wanted to know if the gentleman had read the evidence in those cases.

Mr. HUDDLESTON. I am familiar with the evidence in a great many of those cases and am able to say to the gentleman that in less than one out of four of them was there any evidence whatever that the man was consciously an enemy of the American Government.

Mr. BOX. I want to ask the question, If a man makes application for membership in an organization that is communistic and lawless in nature and pays his dues month after month, on what ground does the gentleman base the claim of innocent action in such a case?

Mr. HUDDLESTON. I would say to the gentleman that he is of the same erroneous impression as a great many other men. Very few of those arrested had paid dues, many did not know that they were members, very few had any fair idea of the principles of the Communist Party.

The gentleman assumes that the Communist Party is a lawless organization; it is perhaps doubtful that it can be so called. I read its manifesto in some newspaper at the time it was organized last fall. There was a lot of stuff in it about "direct action," "mass action," and economic "revolution." You could not tell what it really did mean. The Secretary of Labor, after puzzling his head over it for a long time, has decided that the manifesto calls for forcible revolution. Perhaps he is right. But the point I make is that only a few of those caught in the raid had any real knowledge that they belonged to a party which advocated force.

Numbers of those arrested were women. Numbers of the men arrested were American citizens. They were beaten and dragged off to jail. The citizens were subsequently weeded out and released, as were also a great many others who had been arrested and against whom no charges whatever were made. Many private homes were invaded without legal process, furniture was broken up, wives and children insulted, and husbands dragged away. Private papers were seized and carried off for evidence. There was no process of law for any of this, but the newspapers had been tipped off so as to get big stories. The parties arrested were denied bail, some of them for months, and cash bail in a large sum was the usual demand. Warrants were subsequently sworn out for such of the arrested parties as were held, and hearings are being had before the Secretary of Labor. Out of some 1,300 cases in which he has held hearings over 900, so I am reliably informed, have been discharged as innocent.

These raids on ignorant aliens no doubt had an effect, but what effect? Do they love America more? Is it yet their ideal as a place of refuge and justice? Will they make better citizens? Do they respect our Government more? Will they work harder? They may not strike, but will the output come from the factory where they are employed? Oh, a lawless people is bad enough, but a lawless government is infinitely worse.

We turned the railroad employees over to the mercy of the managers. You know how little comfort they got. Their wages are inadequate. No informed man will deny that. And when negotiations failed, the labor leaders were discredited. They had counseled quiet and patience, and in the hope of relief the workers had yielded, but the leaders' policy of patience and forbearance failed. The employer interest forced the leaders of labor into a position which destroyed their influence. Did that make for industry and increased production?

THE "OUTLAW" STRIKE.

No; for the employees broke away from their leaders. They started their "outlaw" strike. A plain strike, with the obvious cause of inadequate wages, aggravated by broken promises and the passage of the railroad legislation. The strike is lost, as, of course, all outlaw strikes must be, but it was not permitted to die its natural death. "The strikers were lead by Reds, Bolsheviks, and revolutionists." That is the charge. The strikers know this is not true. They stagger under a false charge. I wonder if those who made the charge think that these wronged workers will produce more because of it—will they work harder?

HARD TIMES AHEAD—GOOD SENSE NEEDED.

We are drifting; sane financiers look forward with apprehension. Hard times are ahead. Times are coming that will try men's souls—men will be out of work by thousands, prices will remain high, and there will be no wages to pay them. There will be suffering, great suffering, unless human foresight be vain. We have need in this country for patience and good fellowship. We need it now more than ever before. Yet the great employers drive on and on with their processes of force. What will be the outcome?

I am hoping for the dominant classes of the country a little of sound sense and good feeling. I beg of them to stay their hands. They may be driving for ruin. I beg of them the exercise of good sense if they have no will for the exercise of the principles of brotherhood and Christianity. They are likely to destroy that which they would most preserve. I call them again to the law of compensation. You can not get good work unless you give justice to the worker. You can not get good feeling out of those who consider themselves wronged. The way to get production in industry is for the employer to do justice in industry.

And I would say that the law of compensation applies as well to government as to industry. Just governments are always loved. Just governments never lack defenders. Governments, like employers, in the end receive what they deserve, whether of good or ill.

The CHAIRMAN. The gentleman from Michigan [Mr. DOREMUS] has two minutes remaining.

Mr. DOREMUS. I yield that two minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman, our Pilgrim forefathers diligently tilled the fertile soil of this country and forced therefrom a livelihood by the sweat of their brows. The distinguished leader of the minority [Mr. CLARK of Missouri] this morning called to our attention the fact that since the census of 1850 there has been a gradual and continuous decrease in the proportion of population in the agricultural centers of this Nation. What is it that is drawing the boys from the farms to the cities? During the last 50 years the farmer and his wife and children have arisen in the morning before day and worked continuously until after sundown, braving the elements, working in the hot sun and the cold weather, withstanding the ravages of the drought and grasshoppers, and the hail which destroys his crops when practically made, and likewise the destruction of the boll weevil, and the bollworm, and the corn borer, and the grain rust, and the floods, and everything so constantly appearing that the farmer has to contend with, causing frequent crop failures one year after another. Then after he finally makes a crop, who is it that clamors for the minimum price on everything he produces? It is the consuming man in the city, the city laborer, and the mechanic who gets from $8 to $11 a day in the city for working only a part of the hours that the farmer works, and suffering none of the hardships of the farm. That is what has brought the men from the farms to the cities. The farmers have found all these things out. I will say to my friend from Alabama [Mr. HUDDLESTON] that that is the question that confronts us and that we have to meet. Should the farmers refuse to produce, his people in Birmingham would starve to death.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LUCE. I yield the remainder of my time to the gentleman from Ohio [Mr. FESS].

The CHAIRMAN. The gentleman from Ohio [Mr. FESS] is recognized for seven minutes.

Mr. FESS. Mr. Chairman, I desire to call the attention of the committee to the character of the report that was written by a colleague of mine on the Committee on the Library [Mr. LUCE]. I think if the membership of the Committee of the Whole will examine this report they will find that it is not the usual report. It is rather a classic along the lines of committee reports. The celebration for which this is proposed is not the usual one. When the bill was presented to the committee, carrying the authorization of an appropriation of $400,000, there was a suggestion as to whether it was not rather large, unless there was going to be some world's fair celebration, which is the usual method of historic observance. It was looked into, and the committee unanimously believed that the plan proposed by the author of the bill was better than the usual world's fair celebration; that it would be less commercial, less material, and rather more in keeping with the spirit of the landing of the Pilgrim Fathers, whose glories are the chief attributes of our national greatness.

I want the committee to note one general error in history when the conduct of early New England is a matter of discussion: We usually speak of the persecution that was exercised in this part of the country, especially in Massachusetts, and we

identify it with this particular Massachusetts settlement. That is not accurate. That is not historic. The persecution that caused a good many persons to leave the Massachusetts colony was not by the Pilgrims. The Massachusetts colony of 1628 was not identical with the Pilgrims of 1620. The persecution was by the Puritans, and the historian will not make the mistake of confusing the Pilgrim with the Puritan, although the latter term was generally applied to all the people who landed. However, they were two entirely different people. The Pilgrim, chiefly actuated by religious impulses, politically represented what later the Puritan furthered—a distinctive idea in government that has also a religious phase—and while we usually emphasize the religious impulse in the settlement of Plymouth, it had a far-reaching political meaning beyond any religious meaning. In fact, the significance is political rather than religious. It was in this colony where was started what has come to be our distinctive local government institutions, and which served as the training ground for our present system. These settlements were made as church congregations. That became a government of itself. By the side of the church stood the schoolhouse, and they were both built upon the public square. They were a part of the government that was to be, the town-meeting government, the value of which was not so much the importance of each suggestion of those in attendance, but that self-respect which went with the right to make the suggestion; and, fellow members of the committee, I hope you will emphasize in your minds that these church congregations are the genesis, the very first step, of what we are proud of to-day in our system of local self-government that has distinguished America beyond any other Government in the world. By the time of the Federal Convention we had a body of citizens trained in self-government. Here was a church congregation as the unit of government. It was presided over by the pastor, who was preacher and teacher and general adviser in the community. A combination of the church congregation formed the township to which the congregation was subordinate. A combination of the townships formed the county. In like manner the township was subject to the county. A combination of the counties formed the State and a combination of the States formed the Nation. As the church congregation was the unit and a part of the township, it was subordinate to the township, the township being superior to the church congregation. So the township was subordinate to the county, and the county was subordinate to the State, and the State was subordinate to the Nation. Here was the natural and logical growth of the constitutional supremacy idea of government so prominent in our past history.

Consequently this constitutional idea that makes the national prerogative superior in all matters pertaining to all the Nation grew as naturally from the local government of Massachusetts, started by the Pilgrim fathers, as any plant grows in the garden under proper cultivation. There were two fundamental wings of government in America—one begun at Plymouth, which flowered into the theory of government most prominently set out by Daniel Webster in his debates in the Senate, and the other at Jamestown, most prominently dignified by State rights, as set out by Hayne and Calhoun in the Senate. State rights developed into a specific idea in government just as naturally as was developed in New England the former theory. The State rights theory grew on parallel lines with the one developed from the settlement of the Pilgrims. In the Southland climate and soil invited the larger estate—the plantation system—which did not give the township system. Instead, the county became the unit of representation. Likewise the State developed less subordination to the Nation, and State rights, rather than constitutional supremacy, became the ruling theory of that part of the country. These two theories—one on Plymouth Rock, the other in Jamestown—ultimately became Nation wide. They spread westward along parallel lines. The early persecution in Massachusetts acted as a stimulus to spread the Puritan idea of government. Roger Williams went to Providence to establish the Colony of Rhode Island on the principle of freedom of conscience; Hooker went to Hartford for greater religious freedom; while Davenport went to New Haven to establish his religious government, with the Bible as his constitution. Through this difference on these matters, the theory of government was thus extended over a wide field, that in time covered much of the northern section of the country.

On the other hand, the southern country, whose soil favored cotton growing, which invited the big plantation, also made profitable slave labor. This peculiar domestic institution thus became identified with cotton growing, and localized in the South, demanded State rights as a protection against Federal interference with slavery.

It is an interesting study in politics and government to note how tenacious these ideas have been until recently. To-day the State rights are not confined to the South, neither is constitutional supremacy theory confined to the North. There never has been a time when the centralizing influence of the Government was so strong as under the present administration, although its chief support is found in the South, the section where State rights grew normally.

The two plantings were wide in their meanings. Jamestown was celebrated in 1907. Plymouth we propose to celebrate this year, or rather in 1921. It is well for our people to do this, as no nation can afford to lose touch with its beginnings.

Mr. O'CONNOR. Mr. Chairman, I ask unanimous consent to extend my remarks on this resolution.

The CHAIRMAN. The gentleman from Louisiana asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The CHAIRMAN. All time has expired. The Clerk will read.

Mr. WALSH. I ask unanimous consent to dispense with the reading of the preamble.

The CHAIRMAN. The gentleman asks unanimous consent to dispense with the reading of the preamble. Is there objection?

Mr. GARD. Reserving the right to object, at what point is it proper to make a motion to strike out the preamble?

Mr. WALSH. After it has been ordered to a third reading and before it is read the third time.

Mr. GARD. I think the preamble should be stricken out; it has no place in the bill.

Mr. WALSH. It is not in order to strike it out until after it has been ordered to a third reading.

Mr. GARD. I understand that; but what I was asking was if there is to be any action toward striking it out.

Mr. WALSH. Yes.

The Clerk read as follows:

Be it resolved, etc., That there is hereby established a commission to be known as the United States Pilgrim tercentenary commission (hereinafter referred to as the commission) and to be composed of nine commissioners, as follows: Three persons to be appointed by the President of the United States; four Senators by the President of the Senate; and four Representatives by the Speaker of the House of Representatives. The commissioners shall serve without compensation and shall select a chairman from among their number.

The following committee amendment was read.

Page 3, line 7, strike out the word "two" and insert the word "four."

The committee amendment was agreed to.

Mr. LUCE. Mr. Chairman, I move to further amend, in line 6, by striking out the word "nine" and inserting the word "eleven," to make it correspond.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. LUCE: Page 3, line 6, strike out the word "nine" and insert the word "eleven."

The amendment was agreed to.

Mr. GARD. Mr. Chairman, I move to strike out the last word. I want to call the attention of those who have charge of the bill to what certainly would be better language in section 1 in this respect. In line 8 it says "and four Representatives" are to be appointed. It seems to me that this would be better expressed, in legislative language, to say four Members of the House of Representatives. I submit that for the consideration of gentlemen in charge of the bill.

Mr. WALSH. Will the gentleman yield?

Mr. GARD. Certainly.

Mr. WALSH. Of course, the official title or designation of Members of the House is Representative in Congress, notwithstanding he is very often referred to as a Congressman. This language follows some other resolutions that have been adopted in appointing commissions, but I have no objection if the gentleman desires to offer his amendment. I do not think the committee has any objection.

Mr. LUCE. The committee has no objection.

Mr. GARD. Then, Mr. Chairman, I offer the following amendment:

Page 8, after the word "four," strike out the word "Representatives" and insert in lieu thereof the words "Members of the House of Representatives."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 8, after the word "four" strike out the word "Representatives" and insert in lieu thereof "Members of the House of Representatives."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The amendment was agreed to.

Mr. HUDDLESTON. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to proceed for 10 minutes. Is there objection?

Mr. WALSH. Reserving the right to object, does the gentleman intend to speak on the bill?

Mr. HUDDLESTON. No.

Mr. BLANTON. Reserving the right to object, and ordinarily I would not object, but the gentleman from Alabama had seven minutes a little while ago. I would like to be heard on that proposition but we have not the time to-day. I only had two minutes while the gentleman had seven. He had permission to extend his remarks, and if he takes more time on that subject I want to answer him.

Mr. HUDDLESTON. I do not wish to argue with the gentleman from Texas or to have any discussion with him. I have some views that I want to present to the House.

Mr. LUCE. I find it necessary, Mr. Chairman, to object.

Mr. HUDDLESTON. Will the gentleman withhold his objection for a moment?

Mr. LUCE. Yes.

Mr. HUDDLESTON. I think that you will be saving time to give me a chance. We have plenty of time in front of us and it will save the time of the House. The gentleman realizes that it does save time. I have something important that I want to say. I am not speaking for my own pleasure.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

Mr. EDMONDS. Reserving the right to object, and I am not going to object, I want to say that to-day was set aside for the Private Calendar, and if there are any more requests made for time I am going to object.

Mr. BLANTON. Mr. Chairman, I move to strike out the paragraph. I am sure that the people of the country in considering what has just been said by the gentleman from Alabama [Mr. HUDDLESTON] must also consider the fact that in his home city of Birmingham, Ala., to-day the plumbers' organization, one of those that he has been defending on the floor here so zealously, is demanding of the public—not requesting or asking in the way of petition, but demanding by force of threatened strike, if you please—$12 a day. Not only that, but they are demanding that an automobile be furnished to carry them to and from their work. They do not stop there.

Mr. HUDDLESTON. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Not now. I have only 5 minutes and the gentleman has used 17. They demand not only that they be furnished automobiles, but they even stipulate that they must have a chauffeur who is not a plumber; a regular chauffeur to drive them to their work. In other words, they refuse to drive themselves. The gentleman from Birmingham, Ala., has forgotten to tell the people of this country that the loyal farmers during this same war took less than one-third for their wheat, the bread power of the country, less than one-third what they could have gotten in the open market. He has forgotten to tell the people of this country that the loyal woolgrowers took less during the war than one-third of what their wool would have brought in the open market. They took it because they were willing to sacrifice in order that our boys in the trenches of France could have warm clothes to cover their bodies.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. BLANTON. I am sorry I have not the time and can not yield, but I want to say that there is nothing on God's earth that will do more to produce socialists, anarchists, communists, and men who hate the flag than the kind of speech that the gentleman from Alabama has just made on the floor. [Applause.] I want to say that I am as good a friend to the man who labors as the gentleman from Birmingham. I want to say that I will go just as far to uplift the laboring man, because I am one myself, as the gentleman from Birmingham, but you can look at every word I have uttered since I have been in Congress and there is not a single word or a syllable or the dotting of an "i" or the crossing of a "t" that will incite or tend to make a Bolshevist out of an American citizen. Every word I utter here is to inculcate and bring forth the very best that there is in Americanism. It puts Americanism first; it puts the principles of that flag there for which that Father of his Country fought to uphold, and his picture there on that wall should inspire us to put 100 per cent Americanism first before everything else, and I hope that the gentleman will keep that speech out of the RECORD. [Applause.]

The Clerk read, as follows:

SEC. 2 (a) That there is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated the sum of $400,000, to be expended by the commission in accordance with the provisions of this resolution.

(b) One hundred thousand dollars of such appropriation may be expended under the direction of the commission and in cooperation with the Provincetown Tercentenary Commission, the town of Provincetown, Mass., and such other agencies, public or private, as the commission may determine, for the purpose of completing and improving the approaches to and the grounds of the Pilgrim Monument at Provincetown, Mass.; of erecting suitably inscribed tablets or markers in the towns of Provincetown, Truro, Wellfleet, and Eastham, and for other work in connection therewith, in accordance with plans adopted by the Provincetown Tercentenary Commission.

(c) Three hundred thousand dollars of such appropriation may be expended under the direction of the commission and in cooperation with the Pilgrim Tercentenary Commission, the town of Plymouth, Mass., and such other agencies, public or private, as the commission may determine, for the purpose of restoring and improving Plymouth Rock and the shore line of the locality adjacent thereto, of protecting and improving the burial grounds upon Coles Hill and Burial Hill in Plymouth, Mass.; of erecting tablets or markers at appropriate places in the Old Colony, and for other work in connection therewith, in accordance with plans adopted by the Pilgrim Tercentenary Commission.

Mr. MONDELL. Mr. Chairman, in view of the fact that we have been endeavoring since the beginning of this Congress, and quite successfully, to carry out a program of economy in expenditure, some gentlemen have suggested the thought that the enactment of legislation of the character now under consideration and the making of appropriations along the line proposed are hardly in harmony with the policy we are endeavoring to follow. Mr. Chairman, there is nothing more important at any time than the practice of economy, proper and reasonable economy. There is nothing more absolutely essential than that at this particular juncture, and yet, Mr. Chairman, at all times there are questions that lie outside of, that are beyond and transcend even as important problems as those of economy in the expenditures of a people. There are certain events in the history of mankind that have so far-reaching an effect on peoples and their development that it is a matter of duty to have and keep those events in mind in order that we may profit by the lessons they teach. I am not of the blood of the Pilgrims. I grew up, however, in a family who were descended from some of those good folks who came over in the *Mayflower*, and I had the opportunity in my early youth to know of the virtues of those folks as exemplified in their descendants. In the early days of American history many ships touched our shores, bringing colonists and adventurers to one part of the country and another. Some of those ships and some of those voyagings and those who made the voyages have had a very great influence on American history and none a greater or more beneficial influence than the Pilgrims who came in the *Mayflower*. The influence of those good people, possessed of stern virtues, standing for honesty, right, and justice, has been an influence that, perhaps, transcends that of any like number of people who have landed on the shores of America. In view of that fact, even in a day when we are seeking to economize, we may well appropriate, as we propose to do, in order properly to celebrate, in order properly to express our appreciation of the very great value to America and to all the world of the influence for good that came with the Pilgrims in the *Mayflower* and that spread throughout the land and throughout the world from the Rock at Plymouth. [Applause.]

Mr. GARD. Mr. Chairman, I rise to make a parliamentary inquiry as to recognition. Did the gentleman from Wyoming move to strike out anything?

The CHAIRMAN. The pro forma amendment is withdrawn. Does the gentleman rise in opposition to the pro forma amendment?

Mr. GARD. I did not know there was any amendment at all.

The CHAIRMAN. The gentleman is recognized for five minutes.

Mr. GARD. Mr. Chairman, I desire to call attention to section 2 of the bill in reference to securing a little additional information. Section 2 provides and authorizes an appropriation of $400,000 to be expended by a commission which is heretofore created in section 1 in accordance with the provisions of the resolution. Now, the provisions of the resolution as they appear in subdivisions B and C of section 2 are the commissions to Provincetown and Plymouth. My observation of commissions—and it has been rather limited owing to my limited service in the House of Representatives, but it has been coexistent with that—is that it is rather an expensive form of entertainment; so I would like to inquire whether this $400,000 is actually going down into Provincetown or Plymouth, as the resolution provides it should, or are we to have builded up here in the name of another commission a United States Pilgrims' tercentenary commission of nine persons, with possibly numerous adjuncts—secretaries, clerks, and stenographers—

who will require or need amounts of money either to be given in addition to this or taken from the $400,000? That is the first point of my inquiry.

Mr. WALSH. Will the gentleman permit?

Mr. GARD. I should be very glad to yield to my friend.

Mr. WALSH. The gentleman is one of the best-versed legislators upon the side of the House which he graces with his ability and dignity [applause], and I think the gentleman appreciates the fact that when the Congress authorizes a committee or a commission or a board that unless authority is conferred to employ services or assistants or otherwise no such authority can be exercised when an appropriation is made. There is no such authority carried in this joint resolution. The money to be appropriated is to be expended under the jurisdiction of the commission in cooperation with the official commission of the Commonwealth of Massachusetts to carry out the program which has been officially adopted by the legislature of that State.

Mr. GARD. I understand the legislative position thoroughly, as the gentleman has stated it correctly. But this is the proposition: There never has been a commission created which did not find it necessary, either in the authority of its authorization or authority immediately subsequent thereto, to take on a personnel clerical organization. Now, I do not know what the gentleman has in mind, but if these nine men are organized as a commission for the purpose of acting with the local commission in Plymouth and Provincetown, in the State of Massachusetts, it will be most unusual if there is not brought here an additional authority for the expenditure of money in the employment of necessary clerical aid, and, for one, I do not see, if this commission is going to do any work at all, how they are going to escape some clerical assistance. How are they going to get along without a secretary? How are they going to carry on their correspondence without secretaries and clerks?

And all these things are necessary and should be embodied in the bill, because otherwise the commission is simply a created commission of nine men, none of whom will do any of the actual clerical work, as the gentleman well knows. It is not my idea to say that such an appropriation is wrong, because I think it is right and necessary, but my inquiry is as to how much of an additional appropriation will reasonably be thought necessary?

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. GARRETT. Mr. Chairman, I ask unanimous consent for two additional minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. GARD. My inquiry is as to how much of an additional appropriation will reasonably be thought necessary to carry out the purposes for which the commission is created. In other words, the purpose of getting in communication and keeping in communication with these committees in Massachusetts, the purpose of giving the money, the purpose of adding their suggestions to the suggestions of the local committees—all of these things are a part of them. Another thing, in order for the commission to be there it will be necessary to have an additional appropriation to provide for the commission going to Massachusetts and for their maintenance while there and their travel. All these things enter into the life of every commission, and if this commission does not ask for it, it will be not only most unusual, but it will be most ineffective as a commission. Therefore I would ask the gentleman's advice upon these two points again, as to the necessity for clerical hire and necessity for travel and maintenance and appropriation on the part of the commission.

Mr. WALSH. Mr. Chairman, I move to strike out the last two words.

In reference to the inquiry of the gentleman from Ohio [Mr. GARD] I will state that eight members of this commission will be made up of Members of Congress and three members will be appointed by the President. And I will say that while I am here I should not favor making an appropriation for any personnel for the commission, such as secretaries and assistants. It may be possible that the commission might be authorized to have some money for traveling expenses, as the gentleman suggests. I think undoubtedly that it would be unfair to require the commission to attend the observances at Plymouth and Provincetown at their own expense, or to attend meetings there in connection with the carrying out of the program at their own expense, and, as far as that goes, the travel feature, I think the suggestion of the gentleman from Ohio is very well put. But as to having secretaries and clerks, I do not believe that would be necessary, and, in fact, I would personally think that the members of the commission could very well get along without them, inasmuch as at least eight members of it are furnished with official secretaries and clerks in connection with their duties as Members of the Congress.

There was no provision carried in the bill for traveling expenses, perhaps through inadvertence, but chiefly because the recommendation of the joint special committee, which consisted of the Senator from Alabama [Mr. UNDERWOOD], the Senator from Ohio [Mr. HARDING], the gentleman from Michigan [Mr. DOREMUS], the gentleman from South Carolina [Mr. WHALEY], and the gentleman from Oregon [Mr. MCARTHUR], and myself. We did not take that matter into consideration in making our recommendations, and the Committee on the Library did not have the matter brought to its attention.

Mr. BLACK. Will the gentleman yield?

Mr. WALSH. Certainly.

Mr. BLACK. I notice in section 3 the following language:

> All expenditures of the commission shall be allowed and paid upon the presentation of itemized vouchers therefor approved by the chairman of the commission.

Would not it likely require some clerical assistance in the examination of these itemized vouchers? Does the gentleman expect the commissioners to do the examination required in order to determine whether these vouchers are proper or not, and so on?

Mr. WALSH. I would expect them to do so; yes, sir; because the eight members will be Members of Congress, and I would think that they would be perfectly competent to attend to such clerical work as is necessary without cumbering up this commission with clerical assistants.

Mr. WELLING. Will the gentleman yield for a suggestion?

Mr. WALSH. Yes.

Mr. WELLING. It seems to me that section 3 provides that the clerical assistants—in fact, any agency, officer, or employee, as set up in the bill and provided—shall be paid by the Commonwealth of Massachusetts and not by the Government of the United States.

Mr. WALSH. No. That is in cooperation with those agencies.

Mr. GARD. Mr. Chairman, I desire to offer an amendment.

Mr. OLIVER. Would the gentleman from Massachusetts object to an amendment seeking to limit the amount that could be expended for clerical work or the expenses of the commission?

Mr. WALSH. I would not object, but under this language they could not expend a cent for clerical work.

Mr. OLIVER. I think that would be an implied authority.

Mr. WALSH. It is not an implied authority. If the gentleman will just recollect, when Congress creates any agency to expend its funds, unless the express authority is given for the employment or the establishment of a personnel, they can not set it up; and in case they do, they would find that it would not get by the comptroller.

The CHAIRMAN. The time of the gentleman has expired.

Mr. OLIVER. Mr. Chairman, I ask unanimous consent that the gentleman have two minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. OLIVER. This resolution confers upon the commission authority to do certain things, and in the doing of those things it will be found necessary to employ parties not only to keep accounts but to perform the certain work they are directed to do, and unquestionably they will have implied authority to employ parties to do that work, and clerical assistance is certainly incidental to the work they are required to do.

Mr. WALSH. Does the gentleman appreciate the fact that the Commonwealth of Massachusetts has an official commission with employees and clerks, which is to have charge of this, and that this commission will simply cooperate with that commission, and that the clerical work, if it is necessary, will be performed by the commissioners of the Commonwealth and referred to this commission directly for approval and signature?

Mr. OLIVER. I think that that is the contemplation of the gentleman from Massachusetts, and may be the course pursued by the commission. But under this resolution, as the gentleman stated in reply to a question a few minutes ago, it will certainly be necessary to employ clerical assistance, which may be charged to this fund.

Mr. WALSH. That would have to come out of a lump-sum appropriation, and I would not be in favor of making that available.

Mr. GARD. Mr. Chairman, I offer an amendment. On page 3, line 14, I move to strike out the figures "$400,000" and insert in lieu thereof the figures "$420,000," with the additional language following "of which $400,000 is."

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Ohio.

The Clerk read as follows:

Amendment offered by Mr. GARD: Page 3, line 14, strike out the figures "$400,000" and insert in lieu thereof the figures "$420,000, of which $400,000 is."

Mr. GARD. Mr. Chairman and gentlemen of the committee, the purpose of this amendment is to have the attention of the committee called to two questions which I think are very serious in the life and activities of this commission. One is that I believe that it is absolutely necessary to have some clerical organization. If you have eight Members of Congress, you have eight clerks and none of them will do any of the work. You have to have a central organization for the commission. The other idea is for a travel and maintenance allowance of the commission. They should be cared for. In fixing the amount at $20,000, I think I am fixing the amount very reasonably, both for clerical work and for the maintenance and traveling expenses of the commission; and I do it because if we fix it at $420,000 and then provide that $400,000 of it goes to these two towns for the purposes of the resolution, then the $20,000 may be used for clerical hire, help hire, and for maintenance and traveling allowance by this commission of nine commissioners; and surely that would be an ample allowance for the commissioners and an ample allowance for the clerical help.

Mr. DOWELL. Mr. Chairman, will the gentleman yield?

Mr. GARD. Yes; I will be glad to yield.

Mr. DOWELL. There is no provision, however, for the expenditure of this money for that purpose. First is the question whether or not the commission may legally spend it for clerical hire. Has not the comptroller ruled that unless there is a specific provision for the allowance for clerical hire it will not be paid? And should not the gentleman's amendment be followed by another amendment to make an appropriation for the expenditure of the $20,000?

Mr. GARD. I have no objection to that. But the fact I was endeavoring to get before the committee is that now is the time to establish what this commission is to be allowed, rather than come in two months or four months or six months from now, because these commissions grow apace with the days and weeks and months, and when we create a little commission with no personnel in a few months we find we have a large commission with an enormous personnel. It may be and probably is that the gentleman's contention is correct, that the amendment should be made more specific by itself, or that there should be a supplemental amendment offered. But when we find on our hands a large commission with an enormous personnel we are then called upon for divers and various and sundry appropriations, so that if we consider the matter now among ourselves and determine what amount is necessary for clerical hire—because some amount will be necessary—I think we are doing that which we should do at this time.

Mr. FESS. Will the gentleman yield?

Mr. GARD. Yes; I will be glad to.

Mr. FESS. I think there can be no objection to $400,000 for the purpose; but does not the gentleman think that there is objection to expressly stating that $20,000 is to be paid for clerical and traveling expenses for the purpose of this celebration? I think that is rather offensive.

Mr. GARD. Why? There must be something paid. These men will not go themselves, and their clerks will not do the work.

Mr. FESS. There is nothing of that sort; and more than that, this is a cooperative arrangement between the Government of the United States and the Commonwealth of Massachusetts, and the Commonwealth of Massachusetts will pay the expenses. That is the idea that the committee acted upon.

Mr. GARD. It is the gentleman's idea that there will not be any clerical help hired here, and that there will not be any appropriation for traveling and maintenance of the commission?

Mr. FESS. That is my idea; yes.

Mr. GARD. Well, that may be the gentleman's idea, and it may be that it is right. I myself do not think so. The gentleman from Massachusetts [Mr. WALSH] said but a moment ago that he thought some provision for traveling and maintenance allowance ought to be made. I do, too, because I think when we create a commission of the dignity which this commission will have we ought to provide it with maintenance and traveling expenses.

Mr. FESS. Mr. Chairman, will the gentleman yield again?

Mr. GARD. Surely.

Mr. FESS. This is simply an appropriation of $400,000.

Mr. GARD. An authorization.

Mr. FESS. Yes; I mean an authorization. Our committee did not have the power to appropriate. It is not to employ a great clerical force. The money is to be expended under the requirements of the resolution here, and we are not going to create a great group or organization here that will step over and take over the work that the Commonwealth of Massachusetts is going to do.

Mr. GARD. No; but when you expend $400,000——

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I trust that the amendment offered by the gentleman from Ohio [Mr. GARD] will not be agreed to. The bill carries authority to appropriate $400,000, and as the gentleman from Wyoming [Mr. MONDELL] has said, it is a large amount of money for these times. I agree with him that the cause is good, and that the Congress is justified in authorizing the appropriation. It is for a worthy purpose. But it is a lot of money, and the $400,000 is enough. It is all that is asked for, and the gentlemen from Massachusetts themselves tell us there will be no expense such as the gentleman from Ohio [Mr. GARD] wishes to take care of. Let us take them at their word. It is always good. We do not need the extra $20,000. Four hundred thousand dollars under these circumstances at this time for this purpose is enough. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Ohio [Mr. GARD].

The question was taken, and the amendment was rejected.

Mr. LITTLE. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Kansas moves to strike out the last word.

Mr. LITTLE. Mr. Chairman, some think this is a good deal of money to spend just now, but my impression is that people who do not have respect for their ancestors will not receive much respect from their descendants. I am very glad that the House takes the attitude that it takes, that even though it may be a good deal of money to expend, this thing itself is one of such importance in the annals of this country that now when it has come up, if it were not favorably acted upon it would show on the part of Congress that the people are lacking in respect for those whose example started a new world into action, and I think none of us are guilty of that.

Of course, I may be accused of speaking from the personal standpoint, because I learned the other day that I am a descendent of John Alden myself. So I rise to speak as one of those descendants, and on behalf of those people I wish to express our appreciation for your action. It is true we had a hard time getting over here, a struggle against great difficulties, but we made it and here you are.

Looking over the genealogy of the Waldo family of northeastern Connecticut, because Olive Waldo married David Taylor and was the mother of my mother's father, I found David and Olive were married at North Mansfield, Conn., in 1790, and I have seen the record of their marriage there at the old church half a mile or so from my great-grandfather Taylor's farm, and now on the grounds of the Connecticut Agricultural College. Waldo was the third or fourth in descent from John Waldo, who fought against King Philip at Quaboag, for which fight he got $20 and I think it was worth it.

One of the intervening Waldos married a Miss Alden of the Mayflower stock. So I naturally feel that the gentleman from Massachusetts [Mr. WALSH] is really our representative here, and I owe it to him to stand by him in this request. When I visited Plymouth a few months ago the first man I met and talked with was a Standish, a direct descendent of Capt. Miles Standish. The present Standish is engaged in the moving-picture business and is doing very well, he tells me. So I guess Miles made a good move when he came over and established a family there. My grandfather's great-grandfather, Jonathan Taylor, fought at Louisburg and David at Bunker Hill with the Connecticut troops.

My wife's first ancestor, John Steele, was the first member of the general court from Cambridge, Mass., and was the founder of Hartford, Conn. Her family furnished the boy who "beat up the tune of Yankee Doodle at the Battle of Bunker Hill," as he later testified when they tried to court-martial some of the officers. Col. Moses Little commanded the only troops that reinforced Prescott on Bunker Hill after the fight started, and won a promotion there. This is a good deal of money, but you can see, gentlemen, that I am simply compelled to stand by our representative, Mr. WALSH. And by the way, I have a further commission. John Alden, about the twelfth direct descendant from John and Priscilla, is a student in the high school of Kansas City, Kans., now, and we expect to have him at the celebration and I want it done right. A curious illustration of the growth and development of America, and of the fact that it has been a haven of liberty for those from all the world, is the fact that while this boy is a direct

descendant of this historic Pilgrim father, his mother is the daughter of Russian parents, her father having led a great colony of Russians who settled in central Kansas, where he added greatly to the ample competence he appears to have brought with him. Another illustration of the splendid achievements of the American institutions is the fact that both parents of this John Alden are graduates of the University of Kansas. So you see, gentlemen, that the cords which run from Plymouth Rock tinkle a bell that knocks at the heart of every American settlement, and colony, and State, and county, and town. This is perhaps more true of Kansas than any other State, for it is the direct descendant of the sons of Plymouth Rock. That State was the pivot on which liberty turned when its early settlers undertook to dedicate it to human freedom and establish forever on the prairies the principles for which those men and women stood at Plymouth 300 years ago. Those Kansans

> Crossed the prairie as of old
> Their fathers crossed the sea,
> To make the West as they the East
> The homestead of the free.

Kansas carried the Plymouth Rock to the plains and established its culture and its freedom in the great West. Sometimes her name was cried in the roar of battle when the Nation was shaken to its foundation stones. Sometimes that name was called in derision, the State that was the storm center of new thought that startled men grown old in ancient ways. Sometimes men viewed in astonished admiration the wealth that was piled up in her granaries and now gushes from the oil wells deep in her soil. And now I notice that when you go to the theater the play writers begin to crown her with the flowers of romance and to make of Kansas the enchanted land where the simpler life and the higher life and the life of adventure and of romance find their natural domicile. This new Kansas will be glad to help celebrate the anniversary of their first ancestors on this continent, by whose principles Kansas has ever stood—

> For she failed you not in the early day,
> And she failed you not in the late,
> Nor forgot you how the balance was poised on our youngest State,
> Nor how with the fate of Kansas was linked the Nation's fate.

How could any man have a prouder boast of honored ancestry than a string of generations of farmers and fighters, the first of whom landed at Plymouth Rock 300 years ago, and the last of whom to come fought with Dan Morgan's Virginia Brigade and Carvel Hall's Maryland Regiment in almost every battle from Saratoga to the Cowpens, and the last of whom lies buried in the soil of the most typically American of all the States.

So as the most obscure and unworthy of all the sons of that mighty breed, on behalf of the descendants of the Pilgrim Fathers, I venture this appreciation of your attitude. In view of the hard time that we had coming over and the immense good we have done this country, I want to thank the House for its appreciation of the achievements of our people. [Applause.]

Mr. HUDDLESTON. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Alabama is recognized.

Mr. HUDDLESTON. Mr. Chairman, the Pilgrim Fathers came to America to escape injustice. They fled from persecution. I have no doubt that they were called by the stupid, false, and selfish of that time the seventeenth-century equivalents of "reds," "radicals," and "bolshevists," and such other epithets of that kind as were in use. They were nonconformists. They did not conform to dominant opinion. It is a penalty that people always have to pay who do not conform—first, persecution; second, misrepresentation; and third, vilification.

Many people in this world even now are stupid enough to believe, as there were people stupid enough to think then, that rebels against established churches and princes—communists, socialists, and other noncomformists—are made by words. They think that if you speak some forbidden words to a man it makes a wild-eyed radical out of him. The idea of people of that stage of stupidity is that if you could just stop folks from talking all would be well. I can not deal with that kind of brain; I can not carry on any debate based on that kind of a theory. I am not willing to cast the little pearl or two I have in any such endeavor.

Now we have unrest in this country. We have a great deal of economic and industrial unrest. We have very little political unrest. But this industrial and economic unrest may be converted into political unrest by political measures which make men feel that they are being persecuted.

I have not the time now to say more than this: Communists are not made by words; socialists are not made by words. They are made by the overpowering eloquence of situations, of injustice, and of persecution.

No doubt the great employing interests of this country think they are doing the right thing. They think that to strong-arm the workingman and drive him into his corner will make him submit, and that he will go back and be just as docile as he used to be in the old times before he got so enlightened. But I would like to express in my modest, apologetic sort of way the thought that the people who are making Bolsheviks in this country are those who oppress others. It is the profiteers, it is the exploiters, it is those who grind the face of labor, it is those who make the men who work feel that they are being treated with injustice.

And I want to say again in my modest and apologetic way that the head of the Steel Corporation, in my judgment, did more to provoke discontent in the United States than all agitators in it put together could possibly do when he stood in the President's industrial conference and refused to agree to a measure which would have made for peace and harmony between the workers and their employers.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAYBURN. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Alabama.

Mr. HUDDLESTON. I withdraw the amendment.

Mr. RAYBURN I do not usually agree with the gentleman from Alabama, and therefore I want to oppose this amendment.

Mr. HUDDLESTON. The gentleman flatters me.

Mr. RAYBURN. Mr. Chairman, as this is to be an educational proposition, I hope, as well as one doing honor to those great people who came here under the circumstances that they did, I have a matter here that I wish to call to the attention of the House. I have here a report of a meeting that was held in Dallas, Tex., some days ago, headed "Freedom of speech is urged in forum."

I do not think there is anybody in the United States worthy of calling himself a citizen who does not believe in freedom of speech; but I rise to call attention to something that appears in this article, and I call the attention not only of the House but of the Bureau of Education to the author of this statement. I find that one Dr. Henry E. Jackson, of Washington, D. C., head of the Division of Community Organization of the United States Bureau of Education, spoke in Dallas on that occasion before what was known as the Dallas Open Forum. Most of his address was devoted to what he conceived to be freedom of speech. After his address was completed he submitted himself to questions, and one of the questions propounded to him was as follows:

> Should Eugene V. Debs be in prison or not?

Dr. Jackson answered in these words:

> It is a sad indication of the hysteria and unnecessary fear when a man like Debs, who is a gentleman, and who embodies the teachings of Jesus as Debs has done, is confined to prison. It is a thing which should humiliate us all.

Now, my friends, if we want the minds of the youth of America poisoned, we can allow them to take their inspiration from a poisoned source. If the Bureau of Education, in seeking to carry out the purposes for which it was formed, can not find better men than a man who will make a speech like that, then the law creating it ought to be repealed. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAYBURN. I ask for two minutes additional.

SEVERAL MEMBERS. Take five minutes.

Mr. RAYBURN. I ask for five minutes.

The CHAIRMAN. The gentleman from Texas asks unanimous consent for five minutes. Is there objection?

There was no objection.

Mr. FESS. Will the gentleman yield?

Mr. RAYBURN. I yield to the gentleman from Ohio.

Mr. FESS. Can the gentleman give me the initials of Dr. Jackson?

Mr. RAYBURN. Dr. Henry E. Jackson.

Mr. FESS. Is the gentleman sure that he is connected with the Bureau of Education here?

Mr. RAYBURN. A newspaper man called me this morning and told me that he had seen him yesterday; that he does have this connection with the Bureau of Education; and that he still justifies the statement reported of his remarks at Dallas.

Mr. FESS. I had some doubt as to whether a man who would make such a statement as that would be retained by the Bureau of Education, and this is what is in my mind: Some years ago, as my colleague will remember, we had a number of people connected with the Bureau of Education, and other bureaus, who had only a nominal attachment, and who were supported by funds contributed by other sources, and we found that those men were propagandists, going around the country expressing their peculiar views on the single tax. I remember a group who were supported by a fund. I think my friend will

remember that. They have been detached, as I understand. Now, I do not know Dr. Jackson.

Mr. RAYBURN. This meeting was held not more than two or three weeks ago, and it is reported in a paper that is always reliable—the Dallas News—and it makes this statement:

The address was delivered by Dr. Henry E. Jackson, of Washington, D. C., head of the Division of Community Organization, United States Bureau of Education.

Mr. FESS. If the gentleman will permit me, I appreciate what he says. I sympathize wholly with his angle, and what distresses me more than anything else is that there is more of that sort of rot found in the colleges of the country to-day, and in the universities, than is found elsewhere. [Applause.]

Mr. RAYBURN. I quite agree with the gentleman.

Mr. FESS. If it has gotten into our Bureau of Education, there ought to be a renovation of that bureau.

Mr. RAYBURN. I know nothing about this except what appeared in that newspaper article; but I say if there is a man in the employ of the United States Government, and especially in the Bureau of Education, who entertains such ideas as this, and who holds the Government of the United States and its laws up to ridicule and disfavor like this, he should not only be dismissed, but he should be kicked out of the bureau. [Applause.]

Mr. BLACK. Will my colleague yield?

Mr. RAYBURN. Yes.

Mr. BLACK. Speaking of Debs, it might be well to know that Debs has openly announced that he is in thorough sympathy with the bolshevists.

Mr. RAYBURN. And I think that Dr. Jackson is, too.

Mr. BLANTON. Two of a kind.

Mr. MACCRATE. Mr. Chairman, I move to strike out the last word. I came in just as the gentleman from Alabama was making some reference to the Pilgrims and what might have been said of them, and stated the terms now used concerning the "reds," the bolshevists, and the communists may have been applied to the Pilgrims.

I do not favor the repression of speech, but I think most of the men who now complain of the lack of freedom of speech are men whose vocabulary is limited; they say anything they please, and had they greater power of speech they would say more.

But that is not the purpose for which I rose. I saw an article where a minister said that the people who sailed back on the *Buford* in December last were real descendants of the people who came over in the *Mayflower*. Any man who has read the compact of government written in the cabin of the *Mayflower* on November 11 before the Pilgrims landed knows, if he knows anything, that there is a gap as wide as that between heaven and hell between the men who came over on the *Mayflower* and the men who sailed away on the *Buford*. [Applause.] The men who came over in the *Mayflower* were conscience controlled, and the people who went back on the *Buford* knew nothing of the control of conscience. [Applause.] The men who came in the *Mayflower* regarded labor as divinely given to man, and the people who went back on the *Buford* despise labor, but seek to live on the honest labor of others. [Applause.]

In explanation of why they adopted the compact of government in the cabin of the *Mayflower*, Bradford says: "Because of the mutterings of some strangers among us we did form this compact of government."

In the very beginning of our history, before even we had conceived of a national existence, the men who came here realized that government is impossible without obedience to law [applause], and these men before they landed on American shores said it is not possible for everybody to do anything he will, at any time he will, but as free men declared deliberately then and there that they would be governed by law. [Applause.] And when the bolshevists, the communists, and extremists of all kinds declare a willingness to abide by the Constitution and laws of the country they will take the first step to place themselves in the same category as the men who landed on the shores of New England. [Applause.]

Mr. TAGUE. Mr. Chairman, I move to strike out the paragraph. Mr. Chairman and gentlemen of the House, I had not intended to say a word on the passage of this resolution, but as one Member from Massachusetts I felt so very much pleased with the eloquent and spontaneous speeches made in behalf of the resolution by Members of this House from different parts of the country that I could not allow this opportunity to pass without expressing my appreciation.

After listening to the speeches just made I know of no better time for the people of the United States to rise and again teach the lessons of patriotic devotion to country than by passing a resolution like this by which we pay tribute to the Pilgrims who came here and laid the foundation of this great country of ours that we all so much love.

I want to say, Mr. Chairman, that as I read the history of the landing of the Pilgrims at Plymouth and read of their sufferings and sacrifices, knowing as I do the shores of Massachusetts, I can say that the sufferings they endured from the severe northeast weather and from a sea as dangerous and treacherous as any on our shores were not in vain.

The sufferings they endured served to unite them more strongly than ever and urged them on to attain the purpose of their mission here.

We in Massachusetts are proud of the blessings that have been handed down to us in the history of our State. Every man loves his State and its history, and we, of course, love ours. The people of Massachusetts have always tried to keep alive in the memory and minds not only of the citizens of Massachusetts and of the country, but of those who come to our shores, what is meant by patriotism, what is meant by love of country. Close to where Plymouth Rock stands there has stood for many years a monument erected by the people of Massachusetts, on which are inscribed the names of the Pilgrims and the story of their journey, standing high on a lofty hill that overlooks the bay, so that he who comes to our shores may ask the question, "What does it mean?" "What does it stand for?" and can be told.

Only last Monday in our State we celebrated another patriotic event—"the Battle of Lexington." The State has set aside this day, the 19th day of April, as a legal holiday, to be celebrated in honor of this event, and we call it Patriots' Day. On that day every year we call the attention of the world to the history and story of Lexington and of Concord. On the 17th of June each year we celebrate another day. We celebrate the anniversary of the Battle of Bunker Hill, a battle that has gone down in history as an example of the bravery of the patriots of that day, for whom although they suffered a defeat it was in reality a victory that meant more to them than anything up to that time, for it showed their pluck and courage and that they were not afraid to fight and die for their cause.

By these celebrations and many others we have tried to keep these historical events alive. We have marked the spots with monuments and memorials. We have tried to keep alive the love of country, the love of the flag, and teach the young as they grow up what it means to be a stalwart, earnest American. We want to teach the alien that without oppression, without trying to deprive him of his rights, this country has conferred upon him a wonderful privilege; that our institutions, free as they are, are open to him to enjoy them; that he can go into these institutions and by living up to the teachings of the Government can make of himself and those who follow him the same standard of American citizen that prompted the Pilgrims to come here and seek their independence and their liberty and their freedom. [Applause.]

Mr. SUMMERS of Washington. Mr. Chairman, I move to strike out the last word. When the gentleman from Texas [Mr. RAYBURN] was speaking, I called up over the telephone the Bureau of Education. I am informed by that bureau that Dr. Henry D. Jackson is regularly employed there, that he receives $10 per day, not to exceed $2,500 per annum, and that he has taken the oath of office the same as all others connected with that bureau.

Mr. BLANTON. Then he ought to be kicked out to-day.

Mr. GALLIVAN. Mr. Chairman, as a son of Massachusetts who has spent all of his life in the old Bay State, I join with my colleague who has just spoken in grateful appreciation of the tribute which has been paid to the early founders of the old Plymouth Colony by Members on both sides of the aisle. What has been said in this hour has made us who represent that Commonwealth here in the House of Representatives more proud than ever before that we come from Massachusetts, and more proud than ever before of our membership in this body. It is hardly necessary for any member of the Massachusetts delegation to rise to advocate the passage of this resolution when one reads even casually the splendid report which a Massachusetts Member of the House [Mr. LUCE], a member now of the Committee on the Library, has written in presenting the resolution to this body.

In referring to my colleague's classic, the thought occurs to me that, unfortunately and unhappily, too many of the reports which accompany resolutions and bills are never read by anybody anywhere. For that reason I want to read here and now a few extracts from Mr. LUCE's language for your intellectual enjoyment and for the benefit of those elsewhere who read the daily reports of our doings here in Congress as they are set forth in the CONGRESSIONAL RECORD. I quote Mr. LUCE:

This resolution contemplates that the Nation shall play a fitting part in the commemoration of an epoch-making voyage.

Three hundred years ago a small company of devout men and women, upheld by conscience and inspired by faith, braved the dangers of the sea in order that in a new world they might found a Christian commonwealth.

They landed first at the end of Cape Cod, where now is Provincetown. There in the cabin of the *Mayflower* they signed a compact that has taken its place among the momentous documents of history, for then Englishmen first joined by mutual covenant to form a civil body politic. Because this was the germ of the idea that was to grow into the Constitution of the United States every American owes gratitude to its authors and should honor the spot where it was conceived.

The search for a permanent abiding place ended with crossing the bay, December 21, to a harbor that was henceforward to be forever famous as the scene of the landing of the Pilgrims. There they reached the soil of their new home by setting foot on a bowlder to be known wherever the English language should be spoken as Plymouth Rock.

"The landing of the Pilgrims" symbolizes one of the world's great adventures. The hardships of the voyage, the perils of the wilderness, the ravages of that dreadful winter—these are but circumstances that frame the picture. Acting for the Nation, our concern to-day with the solemn story is that it rivets the imagination on the noblest phases of human nature—lofty purpose, dauntless courage, steadfast endurance, pious enthusiasm, holy faith.

To commemorate and glorify these virtues, out of which sprang the most precious institutions of America, is not only to inspire our people with fresh gratitude for their heritage but also to revive their respect for those institutions, spread understanding of what they mean, insure their safety, encourage their growth. Never has it been more important for us to teach the lesson of liberty through law, of sacrifice for common gain, of righteousness for its own sake.

We do not often in our doings here have the opportunity for the inspiration which prompted the lines I have just read, and yet it occurs to me that the resolution now before the House will revive your recollections of the story of the Pilgrims. It is an old, old story that you read in your childhood and that you have read over again in your maturing years. Historians have ofttimes narrated it; orators have made it the theme of their eloquence; artists have illustrated it; and poets have immortalized it in their song. Familiar as the narrative is our attention can not be directed to it too often. It should not be permitted to remain stored up in the silent chambers of forgetfulness, covered with the dust of years. It should be brought forth and brushed up, so that by contemplating it repeatedly we shall learn its many lessons and feel the thrill of its grand inspiration.

May I recall the beautiful words of John Boyle O'Reilly in his sweet poetic tribute to the Pilgrim Fathers?

> In every land wherever might holds sway
> The Pilgrims' leaven is at work to-day.
> The *Mayflower's* cabin was the chosen womb
> Of light predestined for the nations' gloom.
> God grant that those who tend the sacred flame
> May worthy prove of their forefathers' name.
>
> More light has come—more dangers, too, perplex;
> New prides, new greeds, our high condition vex.
> The fathers fled from feudal lords and made
> A freehold State; may we not retrograde
> To lucre lords and hierarchs of trade.
> May we, as they did, teach in court and school
> There must be classes, but no class shall rule.

[Applause.]

Mr. FESS. Mr. Chairman, I ask unanimous consent that all debate upon this section and all amendments thereto be now closed.

The CHAIRMAN. The gentlemen from Ohio asks unanimous consent that all debate upon this section and all amendments thereto be now closed. Is there objection?

There was no objection.

The Clerk read as follows:

SEC. 3. That no expenditure shall be made or authorized by the commission until the Commonwealth of Massachusetts has, as determined by the commission, expended or contracted to expend the sum of $300,000 for the same purposes for which the commission may under the provisions of this resolution make expenditures. The United States shall not be held liable for any cost, expense, obligation, or indebtedness on account of the maintenance or upkeep of any property in respect to which any expenditure is made by the commission under the provisions of this resolution, nor for any obligation or indebtedness incurred by the Commonwealth of Massachusetts, the Provincetown Tercentenary Commission, the Pilgrim Tercentenary Commission, or any other agency or officer, employee, or agent thereof, for any purpose for which the commission may under the provisions of this resolution make expenditures. All expenditures of the commission shall be allowed and paid upon the presentation of itemized vouchers therefor approved by the chairman of the commission, but no expenditure shall be made or authorized by the commission except with the approval of a majority of the commissioners.

Mr. GARD. Mr. Chairman, I move to strike out, on line 25, page 4, the figures "$300,000" and insert the figures "$400,000."

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. GARD: Page 4, line 25, strike out "$300,000" and insert in lieu thereof "$400,000."

Mr. GARD. Mr. Chairman, at the risk of appearing ungracious, without the slightest desire so to do, I am led to make certain observations concerning the resolution which I think will make for its betterment. I am sure that everyone will join in the thought that this patriotic spectacle is one which will be of immediate and lasting benefit to the people of the State, not alone where the celebration is held, and of those contiguous to it, but to all of the people of the United States. Therefore I am of those who believe that it is right, eminently fit, and proper, to have the United States join with the State in making the appropriations where the State and the United States jointly receive benefits, either immediate or remote. In this instance the report which is written by one of the gentlemen from Massachusetts [Mr. LUCE] recites:

> The contribution of the State of Massachusetts, already $275,000 in amount, and expected to be increased to $425,000, with whatever Congress gives, will be used wholly (barring small administrative expenses) for permanent improvement.

It seems to me that when the United States takes up with a State, as it does here, the matter of affording $400,000 of the money of the United States, it is only a fitting response from the State which receives the great immediate benefit to make an equal appropriation. Therefore I think it would be entirely the desire of the great State of Massachusetts to have it known that in this celebration, the principal features of which will be carried on at Provincetown and Plymouth, all within the limits of the old Bay State, it contributes at least as much toward the celebration as the Government of the United States of America. It is sometimes said that we are invading State rights, but for one I fear that the States very frequently seek to divest themselves of responsibilities, and in this instance I do not think the people of Massachusetts seek to divest themselves——

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. GARD. Mr. Chairman, I ask unanimous consent to proceed for one additional minute.

The CHAIRMAN. Is there objection?

Mr. EDMONDS. Mr. Chairman, I must object to all of the time being taken up this afternoon by this discussion, when the afternoon is supposed to be devoted to a consideration of the Private Calendar.

Mr. GARD. The gentleman can object, if he wants to, to my being granted an additional minute. I do not care.

Mr. EDMONDS. I withdraw my objection.

The CHAIRMAN. The gentleman from Ohio is recognized for one minute.

Mr. GARD. I just wanted to complete the thought by saying that I think it would be eminently fair to the State of Massachusetts and to the people of the United States as well if there were equal contributions by the General Government and the State of Massachusetts.

Mr. WALSH. Mr. Chairman, I might say to the gentleman from Ohio [Mr. GARD] that the appropriation by the State of Massachusetts has already been made, and it was found by the joint special committee that looked into these matters of all these historical celebrations that have heretofore been had and observed that the Federal appropriation always was many times larger than that of the particular State where the observance was held. We have appropriated for expositions and world's fairs at various points in the country many times more than the appropriations of the States. We have appropriated millions when the State in which the particular fair or exposition was held appropriated only up in the hundreds of thousands.

Mr. GARD. Will the gentleman yield for a question?

Mr. WALSH. Now, if we impose this additional requirement of an appropriation for Massachusetts it will require another act of their legislature and will probably require a rearrangement of the program already made.

Mr. GARD. Will the gentleman yield for a question?

Mr. WALSH. Yes.

Mr. GARD. I was led to offer the amendment I did because the report says that it is expected to be increased to $425,000.

Mr. WALSH. Yes; there has been——

Mr. GARD. If that be true, what is the objection to putting in $400,000 now?

Mr. WALSH. Because the recommendation of the governor might not be favorably acted upon by the legislature. The State of Massachusetts, I would say, has made an appropriation of $275,000 for Plymouth and $50,000 for Provincetown. Now, as the gentleman well knows, the State of Massachusetts has been under very heavy obligations on account of the war. It has paid a bonus to her soldiers of $100. It has contributed very liberally toward the dependents of those soldiers, and it might be that the legislature would feel that where the program has been already officially adopted it would not be wise to increase the appropriation, and I think that in view of the fact that the joint special committee has seen fit to recommend only $50,000 more than the Commonwealth did in each particular instance that the limit fixed is sufficiently large. I

hope the gentleman will not insist upon his amendment. Ordinarily I would say it might be a wise thing to insist upon equal contributions, but while the immediate benefit may go to the two localities, still the localities there are visited by people from all over the country and the lessons to be derived do not apply simply to Plymouth, Provincetown, and Massachusetts, but we hope to make this a shrine for the people of America and also visitors from other lands to our shores. I hope the amendment of the gentleman will not be agreed to.

Mr. FOCHT. Mr. Chairman, I move to strike out the last word. Mr. Chairman, much that is really beautiful, not only patriotic but even going beyond that, has been said here to-day about Massachusetts and of the Pilgrims and the early settlement of Virginia, and it calls to mind the inspiring and the thrilling story by Goldwin Smith of the colonial settlements. How remarkable it has all been that there could be gathered together in America from all quarters of the globe every tongue in creation, every custom, every religion, and ultimately the assimilation and amalgamation of it into a positive, cohesive force that stands together challenging the world to-day for liberty and human rights. [Applause.] That was brought about through one definite purpose. These Pilgrims as well as the Quakers and those who settled Virginia and Delaware and North Carolina had one thing in mind, and it was not only religion, because there was nothing said about religion in the Declaration of Independence nor in the Constitution. For 5,000 years men and women had wept and suffered and bled, countless thousands of men and women have died for that one thing, the most cherished emotions of the heart and soul—human liberty as we have it here and now enjoy it. Now I might tell, as equally applicable as that which has been said in regard to the Puritans, of what was done in the settlement of Pennsylvania by William Penn and his sons, and how they bought the land from the Indians and honestly paid for this land and whose titles are traced back to that time and held valid under the laws of the Great Commonwealth of Pennsylvania. But we pass that for to-day and dedicate this an hour of honor for Massachusetts. But let me submit something, gentlemen, since there is so much digression, that really applies to an important prevailing situation. I will ask the Clerk to read here a letter you will all be interested in.

The CHAIRMAN. The Clerk will read in the gentleman's time.

The Clerk read as follows:

LEWISBURG, PA., *April 21, 1920.*

Hon. B. K. FOCHT.

MY DEAR CONGRESSMAN: A short time ago I noticed a statement in the papers that the Grain Corporation, whose official life comes to a close the last of May, asks for an extension of time to enable it to dispose of its enormous stocks of flour and wheat. Since the farmers in general have sold their wheat and received the guaranteed price and more, they can not be benefited or hurt by any further action by the Grain Corporation on this crop. Consequently the one to be taken care of is the man that has to pay for the bread, and he can be helped to a slight degree if the Grain Corporation is compelled to sell all its wheat direct to millers and prohibited from turning it into the hands of speculators, grain dealers, elevator companies, or such concerns as could force the price to exorbitant figures. Limit the sale entirely to legitimate millers at the same price at which the Grain Corporation paid for the wheat plus storage, if necessary. Keep it out of the hands of exporters also, and let Europe buy our flour. Then our own people will be taken care of; all our mills will be running, so that the dairymen may have plenty of mill feeds at lower prices than at present. This in itself would have a tendency to keep down the prices of milk, butter, and cheese, and make us think that our Government was trying to do something real to help keep living expenses from advancing.

Can't you work this up among your friends and associates? The people need some relief, and I think this is a good place to start it.

Yours, very truly, WALTER MCCRACKEN.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOCHT. I believe the House fully realizes the pertinency and force of the letter, and I therefore ask that I may have the consent of the House to extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania? [After a pause.] The Chair hears none. The question is on the amendment offered by the gentleman from Ohio [Mr. GARD].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 4. That the Postmaster General is hereby authorized and directed to issue a special series of postage stamps, in such denominations and of such design as he may determine, commemorative of the three hundredth anniversary of the landing of the Pilgrims at Provincetown and Plymouth, Mass.

Mr. GARD. Mr. Chairman, I move to strike out the last word, for this porpose: Section 4 provides for the issuing of a special series of postage stamps without any designation as to the amount. It provides that they shall be issued in such denominations and such designs as may be determined by the Postmaster General. It seems to me that the amount should be likewise left in the discretion of the Postmaster General, as the amount, denomination, and design are all properly within the functions of the Postmaster General. Also it would seem to me that section 4 should be included in the operation of section 5, because clearly after December 31, 1921, there would be no use for the continued issue of a special series of postage stamps commemorative of this event. Section 5 provides that only sections 1 and 2 of this resolution, which are the appropriation sections, shall expire on December 31, 1921, and unless these curative amendments are offered we have, under section 4, the idea of the Postmaster General being authorized to issue a special series of stamps without regard to amount and without regard to time the stamps shall be issued. I submit the observation to those in charge of the bill. There being no observation in reply I offer an amendment. In line 20, page 5, after the word "such," insert the word "amount."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. GARD: Page 5, line 20, after the word "such," insert the word "amount."

The question was taken, and the amendment was rejected.

Mr. LITTLE. Mr. Chairman, I ask leave to revise and extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas? [After a pause.] The Chair hears none.

The Clerk read as follows:

SEC. 5. That the provisions of sections 1 and 2 of this resolution shall expire December 31, 1921.

Mr. GARD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. GARD: Page 5, line 24; strike out the word "and" after the figure "1," insert a comma after the figure "1," and after the figure "2" insert the word and figure "and 4," so that as amended it will read:

"SEC. 5. That the provisions of sections 1, 2, and 4 of this resolution shall expire December 31, 1921."

Mr. FESS. Mr. Chairman, we have no objection to that.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. GARD].

The amendment was agreed to.

Mr. FESS. Mr. Chairman, I move that the committee do now rise and report the resolution to the House with amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LEHLBACH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration House joint resolution 302, and had directed him to report the same to the House with sundry amendments, with the recommendation that the amendments be agreed to and the resolution as amended do pass.

Mr. FESS. Mr. Speaker, I move the previous question on the resolution and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en gross.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment of the resolution.

The resolution was ordered to be engrossed.

Mr. LUCE. Mr. Speaker, I move to strike out the preamble.

The SPEAKER. Without objection, it is so ordered.

The question is on the third reading of the resolution.

The resolution was ordered to be read a third time and was read the third time.

The SPEAKER. The question is on the passage of the resolution.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. BLACK and Mr. GARD demanded a division.

The House divided; and there were—ayes 59, noes 5.

So the resolution was agreed to.

On motion of Mr. LUCE, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

MERRITT & CHAPMAN DERRICK & WRECKING CO.

Mr. EDMONDS. Mr. Speaker, I move that the bill H. R. 9629 be taken from the Speaker's table. This bill has been passed by the Senate.

The SPEAKER. The gentleman from Pennsylvania calls up the bill H. R. 9629, which the Clerk will report.

The Clerk read as follows:

An act (H. R. 9629) for the relief of the Merritt & Chapman Derrick & Wrecking Co.

Mr. EDMONDS. Mr. Speaker, I move that the House agree to the Senate amendment striking out section 2 of the bill. This bill gives damages out of the Treasury of the United States, and it has been stricken out by the Senate. I move that the House concur in that amendment.

Mr. GARD. May we have the bill reported in full and as amended, so that we can understand what the amendment is?

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the claim of the owner of the derrick *Concord*, arising out of collision between said derrick and the U. S. S. *Robin* on January 10, 1919, at the north pier of the Merritt & Chapman Derrick & Wrecking Co.'s dock at the district salvage base, Stapleton, Staten Island, N. Y., for and on account of the losses alleged to have been suffered in said collision by the owner of said derrick *Concord* by reason of damages to said derrick, may be submitted to the United States court for the eastern district of New York under and in compliance with the rules of said court sitting as a court of admiralty; and that the said court shall have jurisdiction to hear and determine the whole controversy and to enter a judgment or decree for the amount of the legal damages sustained by reason of said collision, if any shall be found to be due either for or against the United States, upon the same principle and measure of liability, with costs, as in like cases in admiralty between private parties, with the same right of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

SEC. 2. That should damages be found to be due from the United States to the owner of said derrick *Concord*, the amount of the final decree or decrees therefor shall be paid out of any money in the United States Treasury not otherwise appropriated.

The Senate amendment was read as follows:

Page 2, strike out section 2.

The SPEAKER. The question is on agreeing to the Senate amendment.

The amendment was agreed to.

EXTENSION OF REMARKS.

Mr. GALLIVAN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks on House joint resolution 302.

The SPEAKER pro tempore (Mr. WALSH). The gentleman from Massachusetts asks unanimous consent to revise and extend his remarks on House joint resolution 302. Is there objection? [After a pause.] The Chair hears none.

THE PRIVATE CALENDAR.

Mr. EDMONDS. Mr. Speaker, I believe that the balance of the day was set aside for bills on the Private Calendar. I ask that the bills on the Private Calendar be taken up and considered in the House as in the Committee of the Whole.

The SPEAKER pro tempore. The Chair would state that the announcement that has been made by the Speaker is to the effect that when unobjected bills on the Private Calendar are in order, they are considered in the House as in the Committee of the Whole without a special order. The Clerk will report the first bill.

JOHN A. GAULEY.

The first business on the Private Calendar was the bill (H. R. 2396) for the relief of John A. Gauley.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. GARD. Reserving the right to object, the bill (H. R. 2396) for the relief of John A. Gauley, has been before the Congress for a number of years, for injuries sustained as long ago as December, 1907—something over 12 years ago. The bill when it was on the Calendar the last time was passed by request of the chairman. I desire to make the inquiry of those who speak for the committee concerning the merits of this particular bill with respect to any liability on the part of the United States. The report shows that this man was injured whilst in the act of oiling some of the gearing upon some machinery at the arsenal; that he had stepped upon a box; that, his duty being to oil certain parts of the machinery, when he stepped on the box he placed his hand upon a part of the gear that was not guarded. There was no necessity for the man placing his hand there, but he did that. The report of those who were immediately by at the time show, as I read the evidence, that there would be no liability in negligence on the part of the United States. I desire to call the attention to that idea, so that the gentleman may inform the committee of just what his investigation of the evidence has shown.

Mr. DALLINGER. Mr. Speaker, if the gentleman from Ohio [Mr. GARD] will read the first page of the report in this case, he will find that the committee found—and I want to state that this bill first came before the House with the unanimous report from the Committee on Claims in the Sixty-second Congress, about nine years ago—if the gentleman will read the first page of the report, I repeat, he will find that the Committee on Claims found at that time that the machinery where John Gauley was working at the time of the injury was not properly guarded. And I wish also to state to the gentleman that from the investigation that I made, from the investigation that former Congressman Mitchell, now collector of internal revenue for the State of Massachusetts, made, and from the investigation that was made by former Congressman Peters, afterwards Assistant Secretary of the Treasury, and now mayor of Boston, it was plainly evident that this was a case which, in our opinion, as members of the Massachusetts bar, would have been a case which, if this man had been employed by a private corporation, would have gone to the jury. Previous to the passage of the Federal compensation act by Congress there was, of course, no recovery possible in a case of this kind except by a special bill.

I desire also to say to the gentleman from Ohio that bills of similar character to this have been passed by Congress. Now, the War Department makes the statement at the present time that this man was hurt so many years ago—the injury occurring in 1907—that for that reason, and other reasons, it does not think that there is any merit in the claim. I want to say to the House that just as soon as possible after the accident occurred the matter was brought to the attention of the Congressman from the district. As the gentleman knows, it takes a long time to get the necessary affidavits. Any of the Members of the House who have had bills before the Committee on Claims knows that it takes a long time before one gets to the point where the committee is sufficiently convinced to bring in a favorable report. That is what happened in this case. There was no negligence on the part of this man or his friends. The reason why this bill has never passed, although it was recommended unanimously by the Committee on Claims in four successive Congresses, is because there has been no opportunity to bring the matter up except by unanimous consent, and there has always been some one who has objected to its consideration.

I sincerely trust that no Member will object to the consideration of this bill to-day and that this man will get relief. In regard to this claim Gen. Crozier, who was in charge of the Ordnance Department at the time, made the statement that $1,200 was not an unfair amount for Gauley to receive, and I hope that now, after all these years of waiting, this bill may pass.

The SPEAKER pro tempore. Is there objection to the consideration of this bill?

Mr. GARD. Still further reserving the right to object, Mr. Speaker, I do not desire to object and will not object to this man getting some compensation, but still I insist that there is no legal liability on the part of the United States.

Mr. DALLINGER. That is perfectly true, for the reason that this accident happened before the passage of the Federal employees' compensation act.

Mr. GARD. The gentleman does not contend that there is.

Mr. DALLINGER. I have tried to make it clear that until Congress passed the Federal employees' compensation act—under which this man, if this accident happened to-day, would be able to recover compensation—there was no legal liability against the Government of the United States in cases of this kind. Furthermore, I have already stated that in the opinion of three Members of Congress who are members of the legal profession, who looked into the matter, this would have been a case where, if the accident had happened in a factory belonging to a private corporation, the injured man could have gone into a court of law and recovered damages for the injury.

Mr. GARD. It is shown by the Chief of Ordnance that the gear was in plain view, and it was thought if he had exercised due caution the accident would not have occurred. Of course, the gentleman understands that in a damage case that is one of the elements of negligence. The jury could determine from the nature of the machine and the conduct of Gauley whether or not he had contributed by any negligence to his injury. But I never was keen about a strict adherence to the doctrine of contributory negligence unless gross negligence is shown. I am willing to see men paid who get hurt on machines, because I think they should be paid. A number of cases like this have been recognized. They are all recognized now under the conditions of the workmen's compensation act, which is a very good and helpful act. But so far as we have gone in cases like this we have paid, in cases of this kind, a year's compensation to the man who was injured, based upon a certain rate.

I trust that the gentleman will understand that when I even suggest this I do not do so in the interest of economy or cutting down a righteous claim. I suggest it only in the interest of fairness, considering the bills that have previously been enacted along the same line, and I make that suggestion now. The record shows that Mr. Gauley at that time was receiving $1.76

a day. The report also shows on page 1 that had he been allowed to remain in employment he would have received $2.72 per day. I make the suggestion to the gentleman, based on our previous action in regard to other bills of this kind and the idea that Congress previously had of paying a year's compensation, that possibly it would be well in the consideration of this bill, following the line of uniformity, to provide payment to Mr. Gauley for 365 days, the number of days in a year, at the rate of $2.72 per day.

Mr. DALLINGER. I would like to ask the gentleman a question.

Mr. GARD. Very well.

Mr. DALLINGER. Do I understand the gentleman to say that one year's compensation at the rate received at the time of the injury has been the basis for private bills in the case of permanent injury?

Mr. GARD. Yes. That has been the rule, where they do not come within the compensation act and there is no legal liability; and there is no liability here. It is a question of affording Mr. Gauley something for the injury he received. I am one of those who believe that cases of this kind ought to be cared for, and yet I contend that we should have some uniformity of approach in cases where there is no legal liability. There should be one standard, and the standard we have already adopted is the payment of a year's compensation. So far as I am concerned, I am willing to say that the man should be compensated, not at the old rate of $1.76 a day, but I am willing to see that he receives compensation at the rate of $2.72 for every day in the year, because I think this is an unfortunate case. The man is injured in his ability to make a living, and I would be willing as one Member of the House alone to accede to that proposition. I only suggest it, not to limit the recovery lower than $1,200. Of course, it does limit it; but I do not suggest it for that reason, but I do so because of the uniformity we have had heretofore in regard to other bills of this kind.

Mr. DALLINGER. Would the gentleman object to making it $1,000?

Mr. GARD. No; I would not object to it. I did not figure out what it is.

Mr. DALLINGER. It should also be understood that $2 a day then was equal to $4 now. I mean to say that if you want to come anywhere near compensating this man, I do not think you would do it by accepting the suggestion of the gentleman from Ohio as the basis of calculation.

Mr. GARD. But this would give him the difference between $2.72 and $1.76.

Mr. DALLINGER. The gentleman knows that a dollar would then buy much more than it would now.

Mr. PARRISH. Mr. Chairman, will the gentleman yield?

Mr. GARD. Yes.

Mr. PARRISH. I understand this man was injured in December, 1907, and that he continued in his position, receiving the same compensation that he received at the time of his injury, for quite a period of time.

Mr. DALLINGER. Yes; after he came out of the hospital.

Mr. PARRISH. And thereafter he received additional compensation ranging up to $2.72, and he was receiving that at the time he resigned in August, 1919, last year. Is not that true?

Mr. DALLINGER. Yes.

Mr. PARRISH. Then, as I understand it, this man has not suffered any injury or pecuniary loss but has continued in the service of the Government continuously from the time he was injured until last August. Therefore it seems to me that if any additional compensation is due him, it would necessarily be based on the rate that he was receiving and did receive for such a long period of time.

I would like to ask, if I may, while I am on my feet, this question of the gentleman from Massachusetts: How does it happen that there are two reports here? I notice that a report is made on August 1, 1919, on this bill, and I also notice that another report is made on October 8, 1919. The first report recommends favorable consideration of the bill, and the second report does not make any recommendation. Can the gentleman give us any information on that?

Mr. DALLINGER. I understand from the chairman of the Committee on Claims that the committee desired the House to have all the facts, and did not desire to conceal anything. It is a fact, as I stated in my opening remarks, that the present War Department is not in favor of this claim, and one of the reasons it gives is that this man was injured back in 1907, and now it is 1920.

It further contends that the claim does not have merit, but the fact appears in the report of the committee, and has appeared in the reports of the Committee on Claims in other Congresses, that Gen. Crozier, who at the time this matter happened was at the head of the Ordnance Bureau in charge of the Watertown Arsenal—who, by the way, never had the reputation of being an easy man in his dealings with Government employees—thoroughly investigated the matter, and repeated that he thought that $1,200 was a fair compensation, considering that the man was permanently injured by having had his fingers caught in this machine.

The officials of the War Department who have made the last investigation, on the basis of which the last report from the department is made—which report has not affected the action of the committee—do not know anything about the actual circumstances of the case. The accident occurred years ago. They were not there at the time, and I submit to the House that where the head of the Ordnance Department, who himself had been commandant of the Watertown Arsenal and who knew all the facts of the case, made a report that in his opinion $1,200 was a fair amount for this man to get, the House should be guided, as the Committee on Claims has been guided, by that recommendation from some one who knew about it, rather than by the opinion of some present official in the War Department who never knew John Gauley, or anything about his work, or anything connected with the case.

Mr. PARRISH. Will the gentleman yield further?

Mr. DALLINGER. Yes.

Mr. PARRISH. I notice that the report from Gen. William Crozier, dated December 13, 1913, says:

> Although this employee does not appear to have any legal claim for compensation for injuries received, this office is inclined, however, to take a more liberal view of the matter, and it is thought that he should receive some compensation for the decreased serviceability of his hand in the other uses which he has for it in addition to earning his living with it. It is therefore thought that the $1,200 carried by the inclosed bill is not too great for the injury received.

That was six years ago. Has he made any recent recommendation?

Mr. DALLINGER. He is not connected with the Watertown Arsenal now.

Mr. PARRISH. This is the last we have on that from him?

Mr. DALLINGER. Yes.

Mr. EDMONDS. Gen. Crozier is not connected with the department now.

Mr. GARD. Still reserving the right to object, if the gentleman will himself offer an amendment, to be based upon the idea that I suggested, I am willing to withdraw my objection. If this man worked 365 days in a year, and worked every day, his wages at $2.72 would be $992. I am willing to adopt the gentleman's suggestion and make it $1,000. I have no desire to deprive him of the $1,200, because I would like to see him get more than that; but I do this in order to be consistent with other cases.

Mr. DALLINGER. If the gentleman will withdraw his objection to the present consideration of the bill, I will offer such an amendment.

Mr. GARD. Yes; I will withdraw it.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

> *Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John A. Gauley, of Arlington, Mass., out of any money in the Treasury not otherwise appropriated, the sum of $1,200, and said sum is hereby appropriated as compensation for personal injuries suffered by said Gauley in the course of his duties as an employee of the War Department at the Watertown Arsenal, Watertown, Mass.

Mr. DALLINGER. Mr. Speaker, I move to amend the bill in line 6 by striking out "$1,200" and inserting in place thereof "$1,000."

The SPEAKER pro tempore. The gentleman from Massachusetts offers an amendment which the Clerk will report.

The Clerk read as follows:

> Amendment by Mr. DALLINGER: Page 1, line 6, strike out "$1,200" and insert in lieu thereof "$1,000."

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Mr. BLANTON. Mr. Speaker, I ask for a division, just to check up. I am with the gentleman on his bill.

The House divided; and there were—ayes 37, noes 0.

Accordingly the bill was passed.

On motion of Mr. EDMONDS, a motion to reconsider the vote by which the bill was passed was laid on the table.

MAJ. GEN. ENOCH H. CROWDER.

The next business on the Private Calendar was the bill (S. 2867) to authorize the President, when Maj. Gen. Crowder retires, to place him on the retired list of the Army as a lieutenant general.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. RUCKER. I object.

Mr. STRONG of Kansas. I object.

Mr. BLANTON. Will the gentlemen withhold their objections two minutes?

Mr. STRONG of Kansas. I will reserve the right to object.

Mr. RUCKER. I will reserve my objection.

The SPEAKER pro tempore. Is there objection?

Mr. RUCKER. I object. It is not based on his rulings in court-martial cases, either.

Mr. GARD. Should not these bills which are objected to be stricken from the calendar?

The SPEAKER pro tempore. The gentleman is in error. A bill on the Private Calendar retains its place on the calendar.

HEIRS OF LEWIS J. BLAIR.

The next business on the Private Calendar was the bill (H. R. 3791) to pay to the heirs of Lewis J. Blair, late lieutenant colonel of the Eighty-eighth Regiment Indiana Volunteer Infantry, amount found due him by the Court of Claims.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. GARD. I object.

Mr. HICKEY. Will the gentleman reserve his objection?

Mr. GARD. I will reserve the right to object.

Mr. HICKEY. Mr. Speaker, this bill has been pending for some time. It was referred to the Court of Claims and a finding made by that court. I wish to direct attention to the finding of the Court of Claims, especially the first, second, and third finding of facts.

It will be seen by these findings that this officer performed the services of a lieutenant colonel; that under the statute in force at that time the governor of the State of Indiana had the right to appoint him to this place; that he did appoint him; and that he rendered the service and is entitled to the amount asked for, which is the amount mentioned in this bill. I am sure the gentleman from Ohio does not want to defeat what is honestly due an officer who served as this man served during the war, and I sincerely hope he will not object to the consideration of this bill.

Mr. GARD. This was one of the incomplete commands, of which there were a number, where certain commissions were sought to be issued but never did issue, because there was no place to issue them.

Mr. BEE. Will the gentleman yield?

Mr. HICKEY. I will.

Mr. BEE. Did the Court of Claims find the amount?

Mr. HICKEY. No; the second finding of the Court of Claims was—

On October 30, 1863, the said Lewis J. Blair was major of Eighty-eighth Regiment Indiana Volunteer Infantry. On that date and until he was mustered out of the service, to wit, on June 14, 1865, the same was and continued to be below the minimum number prescribed by General Order No. 182 of the War Department of June 20, 1863, carrying into effect section 20 of the act of Congress approved March 3, 1863 (12 Stat. L., p. 734).

The lieutenant colonel of said Eighty-eighth Regiment Indiana Volunteer Infantry being then and thereafter out of service in said grade, the duties of lieutenant colonel devolved upon this claimant, who then and thereafter assumed and performed all the duties of lieutenant colonel of said Eighty-eighth Regiment Indiana Volunteer Infantry.

The governor of the State of Indiana also issued to this claimant a commission as lieutenant colonel, Eighty-eighth Regiment Indiana Volunteer Infantry.

The finding, No. 3, is as follows:

On the said October 30, 1863, the mustering officer then and thereafter refused to muster this claimant as lieutenant colonel of said Eighty-eighth Regiment Indiana Volunteer Infantry solely because his command was below its minimum strength, as aforesaid, although he continued to perform the duties of lieutenant colonel until he was mustered out of the service as major, June 14, 1865.

This man rendered the service and filed his claim in the regular way. It has been under consideration a long time; it is a just claim; it is as just as would be the claim of the gentleman from Ohio to his salary as a Member of this House, and I say that the claim ought to be paid.

Mr. GARD. My reading of the evidence shows that this man acted as a major and got the pay and allowances of a major, and the report made as late as 1919 shows that nothing has been found of record in the office of The Adjutant General that he was mustered into the office, or that he performed the duty of the grade, or was recognized by the military authorities as a lieutenant colonel prior to his discharge from the service. As a matter of fact, there was no place that he could get to as lieutenant colonel because it was an incomplete command and there was no necessity for a lieutenant colonel. Therefore I object.

RELIEF OF CERTAIN OFFICERS OF THE UNITED STATES ARMY.

The next business on the Private Calendar was the bill (S. 2448) for the relief of certain officers of the United States Army, and for other purposes.

The SPEAKER pro tempore. Is there objection?

Mr. GARD. Reserving the right to object, does this bill carry all the different provisions that were recommended in the Committee on Claims, including the Graham case, captain of Infantry?

Mr. CRAGO. If the gentleman will permit, in the case of Capt. Graham there was a misconception in regard to it the other day when the bill was called up. The bill was not prepared and the Graham case inserted in it with any purpose of overriding the President's veto of the private bill passed through both Houses for the relief of Capt. Graham. I think they were placed on the calendar practically at the same time. The bill was acted upon and reported out favorably by the Military Committee before definite action was taken on the private bill introduced for Maj. Graham. It was done, thinking that the omnibus bill would receive consideration first.

Now, rather than have an objection to the bill I would agree to an amendment leaving Maj. Graham out of it, although I would prefer to have the bill passed as it is.

Mr. GARD. I do not have any particular objection to the Graham item, except as I recall when the matter was up before there was a discussion about the Graham bill which was passed by the House and the Senate and which was vetoed by the President, and on the presidential veto there has been no action by the House save the action of referring it to the committee.

Mr. CRAGO. I will say that the Military Committee did not feel at liberty, or did not feel disposed, to bring the bill back with any recommendation that it be passed over the President's veto.

Mr. GARD. I want my position to be thoroughly understood, that if the Graham bill has merit in it, it should be submitted to the House as an affirmative proposition rather than be included in an omnibus bill. Therefore, if the Military Committee think that Graham should be restored to the rank provided in the bill which the Senate and the House passed, it seems to me the proper procedure would be to bring it out so as to test it in the House.

Mr. CRAGO. I would have no objection, because I think new facts might be developed on a rehearing.

I will say that if the bill is considered at this time I will not object to a motion eliminating the case of Maj. Graham if it meets the approval of the House.

Mr. GARD. There was also some question as to section 1 of the bill.

Mr. CRAGO. That is for the English officer, Capt. Barber.

Mr. GARD. Yes.

Mr. CRAGO. I will say that this is a case where an English officer was detailed in the beginning of the war as an expert instructor for our troops. That during some firing there was an explosion of some kind, and this man was rendered totally blind. He has no means of support, except the small pay allowed him as a disabled officer of the English Army. Rather than have him on our pay roll on the retired list as one of our officers who would be similarly disabled, we fixed this at a lump sum so that when we made the payment it would be in full of every obligation of this country in a pecuniary way for the care of this officer. Both the subcommittee and the full committee thought this was a better policy than it would be to have him on the list for compensation through all the years that he might live.

It is a very small sum, considering the sacrifice that the man made. It was early in the war, when we were needing such men.

Mr. GARD. There is no question that the man received serious injury?

Mr. CRAGO. He is totally blind.

Mr. GARD. And he received the injury while assisting in the training of troops. This is the situation, however: He was a member of an army of one of our allies at the time he was injured, and since he has been receiving compensation as provided by the laws of the country to which he belongs.

Mr. CRAGO. That is true, but the man is a married man and is dependent on the small pay which he gets as a disabled officer of the English Army. I will say that that pay is very small compared even with the pay that we give our officers.

Mr. GARD. Would there be any objection on the part of the British Government to our taking action of this kind in this particular case? While I recognize the merits of the particular case, I do not want to go too far without having a word from those who represent the executive branches of America and of England, whether a policy of this kind is thought to be desirable. In other words, if an American officer is injured in England and is incapacitated, either wholly, as this man is, or partly, is there any policy agreed upon and carried out by which the American officer would receive, in addition to his American compensation, a grant of money from the English Government? I want to be fair to the English soldier, but I want to be eminently fair also to the American soldier.

Mr. CRAGO. Mr. Speaker, if any case of that kind has occurred, it has not been brought to the attention of our committee. I doubt if such a case has occurred. We were too short of officers to be furnishing officers for the training of English troops, and, if the gentleman will notice the communication from the Acting Judge Advocate General, some objection was made along that line to the granting of an annuity, the placing of the man on the retired list, or giving him a yearly sum, and for that reason we thought it was a better policy for us to give this man what would be considered fair compensation had he received this injury in some accident in civil life, and have it wiped off our books as far as the financial side of the matter is concerned. We believe that to be the better policy.

Mr. GARD. Is there any recognition of this by the War Department, in so far as a recommendation is concerned?

Mr. CRAGO. Yes; the recommendation is from the Surgeon General of the Army, who knows about the matter.

Mr. GARD. Is there any recommendation from the Judge Advocate General of the Army?

Mr. CRAGO. The Judge Advocate General's recommendation is on page 3 of the report, and the recommendation of the Secretary of War will be found on the fourth page of the report, and in that I call the attention of the gentleman to the following language:

> I am told that Lieut. Barber is a married man, dependent upon his pay as a soldier, and that his disability pay under the army regulations of Great Britain would not be large. I earnestly recommend the passage of this bill, not only as a graceful act of international courtesy but as an act of justice to this excellent officer who has become disabled in our military service.

The Secretary accompanied that letter with a memorandum of the facts concerning the accident, which were laid before the committee. We felt that we should do something, and it was a question of policy as to what we should recommend. Finally, we unanimously recommended a lump-sum appropriation.

Mr. GARD. Instead of the participation in the benefits of any of the war-risk insurance acts?

Mr. CRAGO. Of course, we had no way of placing him under the benefits of the war-risk insurance act.

Mr. GARD. Except by special bill.

Mr. CRAGO. We could by special bill, or we could have placed him on the retired list of our Army.

Mr. GARD. This, of course, is a special bill in itself, which appropriates this lump sum?

Mr. CRAGO. Yes. This came to us in the way of paying him an annuity.

Mr. GARD. What was the amount of the annuity?

Mr. CRAGO. I see by reference to the bill that it was an attempt to make him subject to the provisions of the war-risk act. That was the bill which we considered. Rather than put an officer of the English Army in that class of persons, we thought it better to give him a lump-sum appropriation.

The SPEAKER pro tempore. Is there objection?

Mr. GARD. I presume the gentleman will offer his amendment.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. GARD. Mr. Speaker, still reserving the right to object——

The SPEAKER pro tempore. The regular order is, Is there objection?

Mr. GARD. Does the gentleman say there has been any different finding by the War Department in regard to the Graham case?

Mr. CRAGO. I am led to believe that there is a difference of opinion there from what there was when the veto was recommended; but I suggest to the gentleman that rather than have any objection made to this——

Mr. BLANTON. Mr. Speaker, will the gentleman from Pennsylvania yield?

Mr. CRAGO. Yes.

Mr. BLANTON. I will state to the gentleman from Ohio—and he will probably remember—that I objected to this case coming up on the last private bill day. After my objection was made I was informed that the former stand taken by the War Department, which led to the veto of this former Graham bill which passed both the House and the Senate, is at this time withdrawn.

Mr. GARD. That is what I have been trying to find out.

Mr. BLANTON. That led me to withdraw my opposition to it, and under the circumstances I hope the gentleman from Ohio will not object.

Mr. GARD. I am not objecting. I am putting it up to the chairman of this committee.

Mr. CRAGO. Nothing has come to us officially about that case.

Mr. BLANTON. And nothing has come to me officially, except what has come to the gentleman. The same information has come to me.

Mr. CRAGO. Information has been given that this is not now objectionable. Whether that is true or not I do not know.

Mr. GARD. If the gentleman will state that it is not now objectionable, I will state that I have no inclination to object to the case of Maj. Graham. On the other hand, if the gentleman wants to eliminate him, I simply offer this as a suggestion, that the bill be so amended.

Mr. CRAGO. I will say to the gentleman that I do not believe the bill will meet with objection if it goes to the War Department.

Mr. BLANTON. We have this safeguard if the War Department has any objection to it. There is still time to assert it, and it might be again vetoed.

Mr. CRAGO. I will say to the gentleman that this bill will go to conference, and I am frank to say to the gentleman that if the objection of the War Department is not removed as to Maj. Graham we will endeavor to eliminate that provision in conference.

Mr. GARD. I would prefer to have the matter acted on directly. If the gentleman will state that he has official information that this Graham bill is not now objectionable to the War Department and the President, notwithstanding the previous veto, which, of course, was made on information obtained from the War Department, I would have no objection, but it would seem to me to be better to leave out the case of Maj. Graham.

Mr. CRAGO. I will say to the gentleman that I can not say to him that I have official knowledge of anything of that kind. I am told by Maj. Graham that had the facts all been known at that time the recommendation would not have been made, and if the gentleman will recall, this is not a matter of putting a man back into the Army——

Mr. GARD. I know it is a question of restoring him to his grade.

Mr. CRAGO. That is all it is, and I would be very frank to say to the gentleman that rather than have this bill go to the President with that provision in it, if that objection is not removed, I would prefer to take it out in conference.

Mr. GARD. I think we would better take it out now.

Mr. CRAGO. I would prefer that it go through as it is.

Mr. GARD. Better take it out now.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none, and the Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, to Frank Barber, a first lieutenant of the Dorset Regiment of Infantry of the British Army, who lost the sight of both eyes and became totally blind by reason of a premature explosion on February 14, 1918, while acting as an instructor of the United States troops at Camp Wheeler, Ga., as compensation for disability resulting therefrom, such sums of money as by the act entitled "An act to amend an act entitled 'An act to authorize the establishment of a Bureau of War Risk Insurance in the Treasury Department,' approved September 2, 1914, and for other purposes," approved October 6, 1917, is provided to be paid as compensation for disability to an injured person who has lost both eyes or become totally blind from causes occurring in the line of duty in the service of the United States; and such compensation shall be payable and be paid as of and from the 14th day of February, 1918, and under and according to the terms, conditions, and basis of computation in said act provided, and such sum shall be in full of all claims, legal or equitable, of the said Frank Barber, his heirs, representatives, or assigns.

SEC. 2. Col. William A. Simpson: That the President of the United States, in his discretion, be, and he is hereby, authorized to appoint, by and with the consent of the Senate, Col. William A. Simpson, United States Army, retired, to the position and rank of brigadier general on the retired list.

SEC. 3. Maj. H. W. Daley: That the President of the United States, in his discretion, be, and he is hereby, authorized to appoint, by and with the consent of the Senate, Maj. H. W. Daley, National Army, to the position and rank of major on the retired list.

SEC. 4. Capt. Daniel W. Hand: That the name of Daniel W. Hand, now captain of Field Artillery, be placed on the lineal list of officers of Field Artillery in the position it would have occupied if he had not suffered the loss of rank announced in General Orders, No. 156, War Department, August 8, 1910; and the President of the United States, in his discretion, be, and he is hereby, authorized to appoint Capt. Hand, by and with the advice and consent of the Senate, to the grade which such restored position on the lineal list requires, to be an additional number in the grade until absorbed and no longer.

SEC. 5. Capt. Leonard F. Matlack: That the President of the United States, in his discretion, be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, Capt. Leonard F. Matlack, now serving with the Eighth Cavalry, to the position and rank of captain on the retired list.

SEC. 6. Credit in the accounts of Col. Jesse McI. Carter: The accounting officers of the Treasury are authorized and directed to allow and credit in the accounts of Col. Jesse McI. Carter, Cavalry, United States Army, the sum of $352.23, disallowed against him on the books of the Treasury.

SEC. 7. Capt. J. C. Garrett: That the President of the United States, in his discretion, be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, J. C. Garrett, formerly a captain of Cavalry, to take rank as if he had remained continuously in the service.

SEC. 8. Col. Samuel R. Jones: That the President of the United States, in his discretion, be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, Col. Samuel R. Jones, United States Army, retired, to the position and rank of brigadier general on the retired list.

The committee amendments were read, as follows:

Page 1, line 11, after the word "therefrom," strike out "such sums of money as by the act entitled 'An act to amend an act entitled "An act to authorize the establishment of a Bureau of War Risk Insurance in the Treasury Department," approved September 2, 1914, and for other purposes,' approved October 6, 1917, is provided to be paid as compensation for disability to an injured person who has lost both eyes or become totally blind from causes occurring in the line of duty in the service of the United States; and such compensation shall be payable and be paid as of and from the 14th day of February, 1918, and under and according to the terms, conditions, and basis of computation in said act provided," and insert in lieu thereof "the sum of $5,000."

The question was taken, and the amendment was agreed to.

Page 2, line 14, strike out all of section 2 and insert in lieu thereof the following:

SEC. 2. That Col. Robert H. Peck, Eleventh Infantry, Regular Army, who, under the authority of the act approved July 12, 1912, was, by the President, by and with the advice and consent of the Senate, appointed a captain of Infantry, United States Army, to take rank at the foot of the list of captains of Infantry, be, and he hereby is, restored to the position on the lineal list of majors of Infantry of the Regular Army which he would have held had he not been out of the service; that is to say, to a place on the lineal list of majors of Infantry just above that occupied by Maj. H. E. Yates. But nothing in this act contained shall entitle the said Robert H. Peck to back pay or allowances.

The question was taken, and the amendment was agreed to.

Page 3, line 7, strike out the word "Daley" and insert the word "Daly."

The question was taken, and the amendment was agreed to.

Same amendment, line 10, page 3.

The question was taken, and the amendment was agreed to.

Page 3, line 11, strike out the word "Major" and insert in lieu thereof the words "First Lieutenant."

The question was taken, and the amendment was agreed to.

Page 4, line 4, strike out all of section 6 and insert in lieu thereof:

"That the President be, and he is hereby, authorized to permit the reenlistment in the United States Army, at the grade held by him at the time of his dishonorable discharge from the service, of Omer Germain Paquet, formerly a quartermaster sergeant, and the said Omer Germain Paquet shall, for the purpose of computing continuous service, for ascertaining the rate at which he shall be paid, and for retirement, be considered to have served continuously from the date of his last enlistment."

The question was taken, and the amendment was agreed to.

Page 4, line 15, strike out all of sections 7 and 8 and insert in lieu thereof the following:

"SEC. 7. That in view of the conspicuous service in the Battle of Chateau-Thierry of John Elmer Wright, second lieutenant, Third Trench Mortar Battery, Third Division, United States Army, he having commanded a unit greater than the unit corresponding with his rank, and by reason of the serious wound he received in this engagement in line of duty, the President be, and he hereby is, authorized to appoint, by and with the advice and consent of the Senate, the said John Elmer Wright to the rank of first lieutenant and to grant him a commission in accordance with such rank: *Provided*, That immediately thereafter the said John Elmer Wright be placed on the retired list of the Army as a first lieutenant, with the pay and emoluments of a retired officer of that grade.

"SEC. 8. That the President of the United States be, and he is hereby, authorized to restore Harry Graham, captain of Infantry, to his former position on the lineal list of captains of Infantry immediately below that of Capt. John Randolph.

"SEC. 9. That the President of the United States, in his discretion, be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, William Shelby Barriger, who enlisted in the Regular Army on September 15, 1900, and who rose to be a first lieutenant of Cavalry, at present temporary major of Quartermaster Department, a captain of Cavalry, to take rank at the foot of the regular list of captains of Cavalry: *Provided*, That no back pay or allowances shall accrue as a result of the passage of this act: *Provided further*, That the total number of captains of Cavalry is increased by one for the purpose of this act."

Mr. GARD. Mr. Speaker, what is the final judgment of the committee now in reference to this Graham bill, as to whether it shall be included or not? We are up to it now.

Mr. CRAGO. Well, the gentleman did not understand that I was going to make the motion to exclude him from the bill. I said if the House, acting as the committee, thinks it better to leave him out, all right. Otherwise we will leave it as it is.

Mr. GARD. I understand the position of the gentleman is that he wants somebody else to make a motion to strike out.

Mr. CRAGO. No; I would like to have the bill passed, if the gentleman pleases, just as it is. That is what we want and that is what we have recommended. We still think that we are perfectly safe in going to conference on this bill and there ascertain if the objection to Graham has been removed.

Mr. GARD. It would seem to me to have been the better policy in regard to Graham's reinstatement, which is a very delicate matter, and I dislike to stand in the way of a man getting the position he is entitled to after the great service of Capt. Graham; but, on the other hand, we are faced with the proposition that we once passed a bill for the relief of Graham and the President vetoed it after a strong letter from the War Department. Nothing since then has transpired to show that the veto was made under circumstances which were not fully understood and different conditions now prevail, so why include the Graham bill in here?

Mr. CRAGO. I will say to the gentleman that while I think something has occurred, and before this bill is finally passed we will know officially whether it has or not, we will not risk sending this bill to the President with the Graham provision in it unless the War Department has changed its attitude with regard to Graham, because we do not want to risk a disapproval of this bill. But I will say to the gentleman one item in this bill is to correct a mistake made just exactly like this by the War Department, where there is a reenlistment provided for.

Mr. GARD. But that did not go as far as a presidential veto.

Mr. CRAGO. It went as far as a dishonorable discharge from the Army, which meant as much to that man as this did to Graham.

Mr. BLANTON. Mr. Speaker, I ask for recognition on the amendment.

The SPEAKER pro tempore. The gentleman from Texas.

Mr. BLANTON. Mr. Speaker, this Graham matter formerly passed this House without a dissenting vote. It also passed the Senate without a dissenting vote. But when it went to the President he vetoed it on the recommendation of the Secretary of War. It is merely a question of restoring to his proper seniority one of the officers of our Army. The whole trouble arose in an examination that this officer was forced to undergo. The board of examiners in passing upon this examination made the report that this officer had cheated, and he was brought before a court-martial and dishonorably discharged from the Army. The only proof on God's earth that was produced against this officer was the mere statement by one of the board of examiners that the map which he had made in the examination was so correctly drawn that in their opinion it was impossible for a man to have made it unless he cheated. Now, the matter was submitted to the Military Affairs Committee of this House, which exonerated this officer and favorably reported the bill for passage. The matter was considered by the Committee on Military Affairs in the Senate, which exonerated this officer, and it favorably reported the bill; and we passed the bill and the Senate passed the bill, and when it went to the President and the Secretary of War recommended that the bill be vetoed, as before stated, the President vetoed it. Now, there is the parliamentary status of this bill. When this amendment was called up on the last Private Calendar day I objected to this bill upon the ground that there was already a veto message from the President on this bill undisposed of, and that we ought to vote on the veto message, which seems to have been sidetracked by some committee. But after preventing this bill coming up by my objection, I was forced by the information brought to me to conclude, because several parties spoke to me about it, that the War Department had withdrawn their objection in this case, and I am like the distinguished gentleman from Pennsylvania, who says he has no official knowledge. I have no official knowledge except seemingly reliable information that is brought to me.

Mr. ANTHONY. If the gentleman will permit, is it not also correct that the veto of the President was not upon the question of fact, but merely upon the objection which was made to putting him back in his original place in the lineal line?

Mr. BLANTON. That is exactly the fact. The President in his message to this Congress stated that he vetoed the bill upon a letter from the Secretary of War, and he did not even tell us what the letter was.

Mr. CALDWELL. The letter was that it would be unfair to the men who were on the list——

Mr. BLANTON. But the question now with us is whether it is not unfair to this officer not to restore him to his proper seniority and not let a lot of new fellows come in and be ahead of him.

Mr. CALDWELL. The gentleman is entirely right. I voted in favor of reporting this bill out of the committee. And I will say in addition to the things the gentleman has already said about it that this officer has served in the war in a higher capacity than he is now asking.

Mr. BLANTON. Mr. Speaker, I withdraw my objection and I hope this will pass.

The SPEAKER pro tempore. The time of the gentleman from Texas has expired. The question is on the committee amendment.

Mr. GARD. Mr. Speaker, I move to amend the committee amendment by striking out the language included in section 8.

The SPEAKER pro tempore. The gentleman from Ohio offers an amendment to the committee amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. GARD to the committee amendment: On page 5, line 19, strike out all of section 8.

The SPEAKER pro tempore. The question is on the amendment to the committee amendment.

The question was taken, and the amendment to the committee amendment was rejected.

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. HUDSPETH. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HUDSPETH: Amend the bill by inserting "Section 8 (a)" between lines 23 and 24, on page 5, as follows:

"SEC. 8 (a). Capt. J. C. Garrett: That the President of the United States, in his discretion, be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, J. C. Garrett, formerly a captain of Cavalry, to take rank as if he had remained continuously in the service."

Mr. TILSON. Mr. Speaker, I reserve the point of order on that. Do I understand the gentleman is now amending the committee amendment?

Mr. HUDSPETH. That is what I am attempting to do, or to put an amendment on the bill. I am not versed in parliamentary procedure.

Mr. TILSON. The gentleman is offering it right now in the middle of an amendment already adopted. I am speaking of the parliamentary side of it only.

Mr. CRAGO. I suggest that the gentleman had best offer it to section 10 of the bill.

Mr. GARD. Mr. Speaker, the committee amendment has been adopted, and if this amendment is offered at all it should be offered to section 10 of the bill.

Mr. HUDSPETH. I ask, Mr. Speaker, to so offer the amendment.

The SPEAKER pro tempore. The gentleman asks unanimous consent to modify his amendment by substituting "section 10" for "section 10 (a)." Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. HUDSPETH: Page 6, after line 9, insert a new section:

"SEC. 10. Capt. J. C. Garrett: That the President of the United States, in his discretion, be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, J. C. Garrett, formerly a captain of Cavalry, to take rank as if he had remained continuously in the service."

Mr. HUDSPETH. Mr. Speaker and gentlemen of the House, I want to state to you that this bill, that I am offering now as an amendment, was passed by the Senate in the Sixty-fifth Congress and also by the present Senate.

The history of this case, briefly, is as follows: This officer, Capt. J. C. Garrett, was stationed at Fort Bliss, El Paso, Tex., and was in charge of the funds of Company A. He kept those funds part of the time in the bank and part of the time in his trunk, and he had $307, or about that amount, in his trunk that he intended to deposit in the bank, but on the day he intended to do so his company was called to the Big Bend, 200 miles distant. The Mexican commander at Ojinaga had been forced by Villa across the river into the State of Texas. Garrett's company was called there, and his trunk was shipped to Glen Springs, which was 100 miles farther on, where another raid had been made. I should have stated that he was expected to go to Glen Springs, but afterwards his company of Cavalry was called to the Big Bend, across from Presidio. This money remained in the trunk. Garrett went to the Big Bend in order to protect the lives of the Americans in that section. The money remained in his trunk that was shipped to Glen Springs for over two months. In the meantime Garrett was arrested for embezzling these funds. He refused to employ an attorney, and was sentenced to Leavenworth. The Secretary of War recommended that he be pardoned and restored to citizenship, and he was pardoned, and when his trunk was found at Glen Springs, under a mesquite tree, every dollar of the money was found in it; not a cent had been taken; but he was discharged from the Army. His history is that he is a young man from New York State, who enlisted in the Army at the age of 18, and in four years he was promoted to the rank of captain, and was personal bodyguard to Pershing when the general went into Mexico after Villa, and rendered valiant service by killing three insurrecto leaders down in Mexico. That is the history of this young man that they have attempted to disgrace.

Mr. CAMPBELL of Kansas. Will the gentleman state what court he was tried by?

Mr. HUDSPETH. He was tried by court-martial at El Paso. He refused to employ an attorney and said that he was innocent. Every dollar of the money was found in his trunk.

Mr. CAMPBELL of Kansas. Did he make a defense?

Mr. HUDSPETH. He did not make any defense at all, except that he pleaded not guilty, and said that the money was in the trunk. And they found every dollar of it. Yet this young man was discharged from the Army, his rank taken away from him that he had acquired in four years of splendid service in this country.

I believe, gentlemen, he ought to be restored to his former rank and reinstated in the Army. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Texas has expired.

Mr. GARD. Mr. Speaker, I desire to call attention to the parliamentary procedure in regard to this matter, assuming that this is the same Capt. J. C. Garrett who was included in section 7, on page 4. Section 7, when the bill was read heretofore, was stricken out as a committee amendment, and the committee amendment was approved, as I recall.

The SPEAKER pro tempore. The Chair is inclined to think that if the point of order had been made when the amendment was proposed it would have been sustained, but it is too late to raise a point of order now, the amendment having been offered and debated.

Mr. TILSON. Was it not also permitted to be inserted after section 9 by unanimous consent?

Mr. GARD. I do not make a point of order at all. I do not know anything about the merits of the case.

Mr. CRAGO. I will say to the gentleman that that is the same man who was mentioned in section 7 of the original bill. I do not recall exactly why the committee struck that out. It is rather a close question——

Mr. GARD. That is the trouble with a case of this kind. Here is a committee composed of able men——

Mr. CRAGO. I will say to the gentleman that, although it is almost six months since we considered this case, the testimony as recited by the gentleman from Texas [Mr. HUDSPETH], who introduced this amendment, is substantially the testimony that was before our committee at that time, and that it was stated that when the trunk of this man was found, the funds of which he is charged with being short were found in that trunk.

Mr. GARD. I do not know anything about the case. It may be exactly what the gentleman from Texas says it is. But what I am calling attention to is the fact that the committee is deliberately placing itself in a position where none of the bill can be sustained, because having stricken this out at one time and having that action approved, it now consents to having the same thing come in again.

Mr. CALDWELL. Mr. Speaker, will the gentleman yield?

Mr. GARD. Yes.

Mr. CALDWELL. I think I can explain why the item was stricken out. This case is covered by a bill that was passed twice by the Senate, and when we were considering the bill as it came before us we had no witnesses before us at that time. I presume we could have had them if we had taken the time to get them. We were trying to get this bill reported out.

Without passing upon the merits of the case, although in support of the bill there was filed a memorandum setting forth the facts substantially as stated by the gentleman from Texas [Mr. HUDSPETH], as to which I do not think there is any doubt, because the Senate report carries practically the same facts, it was thought we would be safe in letting this case stay

out of the bill unless some fight were made on the floor of the House, and if a fight were made it might be put back, and then if it were not when the bill went to conference no doubt a number of other such cases would be tacked on in conference, and it could then be considered in connection with them.

Mr. GARD. My idea is that, in fairness to the membership of the House, the Committee on Military Affairs having stricken this out after supposedly having heard the evidence, the committee should at least explain its action. Here is a case where a man makes no defense.

Mr. CALDWELL. I have plead guilty for the committee concerning that case. I think the matter was stricken out because we had not the evidence before us or the witnesses before us.

Mr. GARD. It makes a great deal of confusion.

Mr. HUDSPETH. Mr. Speaker, will the gentleman yield?

Mr. GARD. Surely.

Mr. HUDSPETH. I will say to the gentleman from Ohio that the gentleman from Pennsylvania [Mr. CRAGO] said he did not have this information and he would not oppose this if I should bring it up on the floor.

Mr. FESS. Mr. Speaker, will the gentleman yield?

Mr. GARD. I yield.

The SPEAKER pro tempore. The time of the gentleman from Ohio has expired. The question is on agreeing to the amendment offered by the gentleman from Texas [Mr. HUDSPETH].

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. CRAGO, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

BLANCHE UTLEY.

The next business in order on the Private Calendar was the bill (H. R. 10317) for the relief of Blanche Utley.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. GARD. Reserving the right to object, when this case was up before there was some controversy about it, largely in so far as it affected the extent of the injury and the amount of compensation, as I recall.

As I understand it this young girl was injured while occupying a lawful position on a public highway, the accident occurring by a Government airplane dragging a wire across her face. The case is one which appeals to me as a case which, in the absence of any other provision for payment, is proper for our consideration. Therefore I am not disposed to object to it, but I reserve the right to object for the purpose of having the gentleman from Texas inform the committee as to what the extent of the injury is. This bill carries an appropriation of $5,000, and the medical evidence is limited, I take it, as to the injury which was received and as to the permanency of the injury. Of course, if the injury is a permanent disfiguring of this young girl, $5,000 is an amount of money that will not compensate her. On the other hand, if it is an injury which can be remedied by medical science, then this sum may be too great.

In that connection I desire to say that the pertinent thing, it seems to me, is that there has never been any medical treatment of this girl except first-aid treatment of the whole family when they were scraped by this wire, for which $25 was paid.

Mr. LANHAM. Mr. Speaker, will the gentleman yield?

Mr. GARD. I made the reservation of objection for the purpose of having the gentleman explain the bill.

Mr. LANHAM. I will say to the gentleman and to the other Members present that the injuries to this little girl are not only severe, but they are permanent. They are outlined on page 11 of the report of the committee in a statment made by the medical officer of the Army, Capt. Arthur J. Boyd, at the post hospital at Taliaferro Field, Hicks, Tex., June 21, 1918, after an examination made on the day of the injury, in which he says:

> Blanche Utley, age 7 years: Transverse wound across face, involving both sides of face, complete severance of nose to malar, incised wound from center of forehead to bridge of nose 2 inches long meeting wound running transversely across face, sutured. Skin wound on body, left side, region of last rib, superficial, 3 inches long, sutured. Multiple lacerations about right elbow.

Mr. GARD. There is no injury in that which would be permanent except the facial injury.

Mr. LANHAM. I have not completed my statement.

Mr. GARD. I beg the gentleman's pardon.

Mr. LANHAM. When I was in Texas in November I saw this little girl and had an opportunity to investigate the extent of her injuries. They are not altogether facial. She has great scars upon her arms and upon one of her hips. A fair idea of the facial injury is indicated by a photograph here, as well as it can be shown pictorially. She is disfigured for the remainder of her life. A report made by another Army medical officer on December 29, 1919, subsequent to this examination which I made of her, reads as follows, this examination being made by Lieut. Lewis H. Long, Medical Corps, on duty at Taliaferro Field:

> Examination of this case shows the following conditions: Scar extending from left malar across face laterally to a point over the masseter muscle on right cheek, the lachrymal duct of left eye has been destroyed and tears flow over the cheek, also the injury at this point has contracted the tissue and pulls the lower lid slightly downward. No impairment of health. An unsightly scar is the only defect outside of the two mentioned. It is my opinion the scar will be permanent.
>
> Find inclosed photograph of the claimant Blanche Utley, which was taken about November 22, 1919.

This second examination and report was made a year and a half after the injury.

Mr. GARD. Is this statement in the committee report?

Mr. LANHAM. No, sir; this is in a letter dated December 29, 1919, to the chairman of the Committee on Claims from Maj. Gen. Henry Jervey, Assistant Chief of Staff and Director of Operations.

I will say to the gentleman that there was not very much that could be done except simply to sew up this poor girl's face, which was not a very expensive operation. Investigations were made with the Johns Hopkins people in Baltimore, who have had considerable success, it seems, in what they call cosmetic surgery, trying to repair injuries of this character, and the report from there is to the effect that it is not likely that any material improvement of the girl's condition could be made by further cutting these scars and sewing them together.

Mr. GARD. Has the girl been taken to Johns Hopkins?

Mr. LANHAM. She has not. I will say to the gentleman that I personally talked about this matter to a very distinguished physician and surgeon of my own city of Fort Worth, who is a graduate of the Johns Hopkins University. I talked to him in Washington. He frequently visits the Johns Hopkins Hospital, and is familiar with the work done there in this respect, and he assured me that nothing could be done to relieve materially that condition.

Friends of the family took the matter up with the Johns Hopkins Hospital people, sent photographs of the girl, and received a letter from them saying that they could offer no hope of a material improvement in what they termed cosmetic surgery.

The little girl's nose on one side was completely severed and is attached at the cheek at an unsightly angle; the face is badly scarred on both sides. She was a beautiful child originally, as the pictures taken before the injury will show, and, as indicated by the later photographs, is now absolutely disfigured in her personal appearance for the remainder of her life. The doctors who have examined her say that the condition is permanent. In addition to that, the inquiry made by myself and friends of the family in Fort Worth reveal the fact that her condition is permanent.

Mr. GARD. The difficulty is that there is no medical testimony here that this can not be remedied. My position is this: It may be at this time it is premature to take action in giving the girl this sum of money. It may be that she is entitled to more and it may be, on the other hand, that she would not be entitled to so much, depending on the medical testimony which so far is not at all accurate.

Mr. LANHAM. I think the medical testimony is sufficient. There is a medical examination made by Army authorities December 29, 1919, of the girl's condition, in which they say it is permanent. A prior medical examination was made the day of the injury. In addition to that, if the gentleman could see the little girl and thus realize her condition, which is minimized rather than aggravated in these pictures, he would know that the injury is permanent as to the restoration of the face, to say nothing of the arms and hips. So far as the amount of this claim is concerned, that was determined by an official investigation by a board of officers appointed for that purpose who heard all the witnesses and saw and examined the child.

Mr. GARD. The proper way, it seems to me, would be to have the child taken to some competent medical authority for treatment such as could be afforded where cosmetic surgery is used and determine what can be done.

Mr. LANHAM. I will say that has been done to the extent these people can afford it. They have the letter mentioned from the Johns Hopkins Hospital. I have the opinion of a most competent physician, who is a graduate of Johns Hopkins and is recognized as one of the ablest men in our part of the country, and the Johns Hopkins people themselves will tell you that he is entirely capable of passing judgment on the case.

Mr. BLANTON. Is the doctor the gentleman refers to Dr. Bacon Saunders?

Mr. LANHAM. No; though he is an eminent surgeon also. I am referring to Dr. K. H. Beall, whose father before him was a famous surgeon, as the gentleman from Texas knows.

Mr. GLYNN. Will the gentleman yield?

Mr. LANHAM. Yes.

Mr. GLYNN. This accident occurred June 20, 1918?

Mr. LANHAM. Yes.

Mr. GLYNN. A year and a half later you have the report of the Army surgeon of her condition at present.

Mr. LANHAM. Yes; and it was worse at that time than it was just after she was injured.

Mr. GARD. The report shows that the only medical treatment the girl had was embraced in the $25 received in March 28, 1919.

Mr. LANHAM. The report of the surgeon was that the injuries were sutured.

Mr. GARD. That simply means that they were sewed up.

Mr. LANHAM. Yes.

Mr. LAYTON. If the gentleman will yield, I want to say that I rode 900 miles, cut off a man's leg, treated him three months, and never got a penny.

Mr. GARD. Evidently the gentleman had no claim against Congress for that. [Laughter.]

Mr. LANHAM. Let me say to the gentleman from Ohio that the parents of this girl are poor people. The father is a man with only one leg, and thus hardly qualified for hard work.

Mr. GARD. Oh, the circumstances in the case unquestionably appeal to everyone.

Mr. LANHAM. What I mean to say is that a charge of $25 against this hard-working man might be equivalent to a charge of a great deal more to a person who is able to pay it.

Mr. GARD. It simply indicates that there was not very much done.

Mr. LANHAM. I do not think so, necessarily.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. GARD. Yes.

Mr. BLANTON. I am sure the distinguished jurist from Ohio has appointed attorneys in his court to represent parties probably in cases where, if they had been charged as a private client would, able to pay it, the fee would have amounted to several thousand dollars, when they got only a small amount because they had been appointed by the court.

Mr. GARD. Yes; and I have made some appointments where I did not think they earned what they did get.

Mr. SUMMERS of Washington. Mr. Speaker, will the gentleman yield?

Mr. GARD. Yes.

Mr. SUMMERS of Washington. I want to say that after a surgical operation frequently but one dressing of the wound is necessary. The injury had already been inflicted, and it is quite possible that only one or two dressings were made after the wounds were sutured. That is modern surgery.

Mr. GARD. But under modern surgery when persons have facial injuries cosmetic surgery has developed to such an extent that very remarkable things are done in the way of restoring noses and other parts of the face, and nobody seems to have done anything like that here.

Mr. LANHAM. Mr. Speaker, I took this matter up personally with Dr. Beall when he was here on his way to the Johns Hopkins Hospital—a man who is recognized in our section of the country and by the Johns Hopkins people as thoroughly qualified to speak in this matter—and he told me there was nothing in cosmetic surgery that would materially improve the condition of this child.

Mr. GARD. If the gentleman says that these injuries are permanent, I shall not object.

Mr. LANHAM. That is the report of the medical authorities in this case.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none, and the Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the legal guardian of the estate of Blanche Utley, a minor, of Fort Worth, Tarrant County, Tex., the sum of $5,000 in full compensation for injuries sustained by the said Blanche Utley due to an aeroplane owned by the United States Government while engaged in practice flying in Tarrant County, Tex., striking a barbed-wire fence near an automobile standing in a public road and in which said Blanche Utley was sitting, knocking said barbed wire loose from said fence and against the said occupant, Blanche Utley, of said automobile in such a manner and way as to injure and cut the said Blanche Utley, on the 20th day of June, A. D. 1918.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. LANHAM, a motion to reconsider the vote by which the bill was passed was laid on the table.

EXTENSION OF REMARKS.

Mr. MASON. Mr. Speaker, I ask unanimous consent to print in the RECORD my remarks, together with a brief statement of the law as I think it is, in support of a resolution which I have offered to withdraw our troops from Europe.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD by a brief statement of the law with reference to the withdrawal of troops from Europe. Is there objection?

There was no objection.

ORDER OF BUSINESS.

Mr. GRIFFIN. Mr. Speaker, I ask unanimous consent that on Tuesday next, after the reading of the Journal and the transaction of business upon the Speaker's table, at the conclusion of the remarks of Messrs. GARNER, LONGWORTH, and GREEN of Iowa, I be allowed to proceed for 30 minutes upon the matter of excess profits.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent that on Tuesday next, after the reading of the Journal and the disposition of business on the Speaker's table, at the conclusion of the remarks of Messrs. GARNER, LONGWORTH, and GREEN of Iowa, he be permitted to address the House for 30 minutes on the subject of excess profits. Is there objection?

There was no objection.

VAN DORN IRON WORKS CO.

The next business on the Private Calendar was the bill (H. R. 9257) for the relief of the Van Dorn Iron Works Co.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. GARD. Mr. Speaker, reserving the right to object, is there anyone here representing this matter?

Mr. EDMONDS. Mr. Speaker, the gentleman who is interested in this is absent, and if there be no objection I would be willing to have the matter go over.

Mr. GARD. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. The gentleman from Ohio asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

W. LOAIZA & CO.

The next business on the Private Calendar was the bill (H. R. 11067) to refund certain duties paid by W. Loaiza & Co.

Mr. GARD. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

BENJAMIN O. KERLEE.

The next business in order on the Private Calendar was the bill (S. 25) for the relief of Benjamin O. Kerlee.

The Clerk reported the bill by title.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, may we have the bill reported?

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Benjamin O. Kerlee the sum of $1,200 for injuries received while employed in the service of the Government as a workman in the Kaniksu National Forest, in the State of Idaho, during the year 1915.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. GARD. Mr. Speaker, reserving the right to object, the bill being one for an appropriation to one Benjamin O. Kerlee for injuries received while in the employment of the Government and working in the national forest, I would ask the gentleman who has charge of the bill to explain it to the House.

so that we may understand thoroughly the exact status of the matter.

Mr. EVANS of Montana. Mr. Speaker, the situation as far as I know is this: This man was an employee of the Government of the United States in the Forestry Service, and in the performance of his duty he was injured by a falling tree. His leg and ankle were broken, his ribs were broken, and he was otherwise injured. He remained, I think, in bed for about 14 months, and at the end of that time his services in the Forestry Service were rejected because he was crippled and could not perform the duties required of that position. He had been in the service of the department, I think, for some two years before he was injured. That is, in brief, the situation about him.

Mr. GARD. The record, as I read it, shows that after the injury he was paid at the rate of $2.50 per day and the value of subsistence of $1 per day for 366 days, and that the amount received by him was $1,281, and at the end of the compensation period, which was the payment of this $1,281, the forest supervisor reported that he complained of being temporarily incapacitated for performing the duties in which he was then engaged, and he changed his occupation to that of a barber, for which he would not be incapacitated. That which I desire to be informed about is—of course, this man was injured, and unfortunately injured, but having once been paid a sum of money for 366 days, that which we have heretofore allowed in many cases—upon what theory is predicated now the payment of $1,200?

Mr. EVANS of Montana. Mr. Speaker, I think this man did receive certain compensation. He was not paid a year's salary, and I think while the man was in the hospital or while ill and unable to perform his duties they permitted him to continue upon the Government roll. Now, it appears to me, Mr. Speaker, that we are rather rigid in our rule when we say that the instant a man is injured in the Government service that his pay must stop, and if for a month or two months he continues on the pay roll and gets pay that that should be deducted from his compensation that the Government of the United States would ordinarily allow a man. I think it was 10 months instead of 12, as I read the report. I may be in error about that.

Mr. PARRISH. Will the gentleman yield?

Mr. GARD. I will.

Mr. PARRISH. I notice in his sworn statement here he says that he paid out for doctors' bills and hospital bills $1,975 the first year following the injuries and the next year that he paid out $400 additional, making $2,375. The Government allowed him $1,300, and if we deduct the $1,300 from the amount that he paid out for hospital bills and doctors' bills it seems to me you have about the $1,200, and it seems to me a very meritorious claim.

Mr. EVANS of Montana. I thank the gentleman. This man is just like any other human being. He has a wife and three or four children, is a cripple and unable to care for himself, and it seems to me that the Government is rather niggardly that the instant he is injured and placed in that condition that he is to be thrown out upon the world and allowed to starve to death. I notice this, gentlemen, that when a Congressman of the United States gets sick they do not deduct his pay, and if he wants to run for the Senate and goes home and stays a month, and maybe a half a year, we do not deduct his pay, and when, unfortunately, he dies they give his heirs $7,500 and bury him and send a funeral train with him, but to some poor devil working in the service, who has a family that he can not support because of his crippled condition, the Government says, "I will give you a year's pay and you can move out." He might have spent every dollar of it in paying for getting his leg mended. I hope the gentleman will not object.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. GARD. Mr. Speaker, I reserved the right to object.

Mr. EDMONDS. I will say to the gentleman his statement is correct. The man was granted a year's pay. That has been the customary recompense the committee has given in cases of this kind.

Mr. GARD. I understand the committee has not gone beyond that.

Mr. EDMONDS. In one or two cases in seven or eight years we have gone beyond that. But the policy is to give a year's pay.

Mr. EVANS of Montana. Will the gentleman yield to me?

Mr. EDMONDS. Yes.

Mr. EVANS of Montana. As a matter of fact, is there any evidence in the record that he was given two years' pay? Is it not a fact that he continued on the roll for a year, and that that money was applied to the hospital charges and doctors' fees?

Mr. EDMONDS. Yes.

Mr. EVANS of Montana. Through the humanity of the people in the Forestry Service there, they let him stay on the roll.

Mr. EDMONDS. Mr. Speaker, the Senate passed this bill, giving him additional recompense of $1,200, and if you will notice in the Senate report there it says:

> The circumstances of the case are so pitiable that a larger sum might justly be awarded, but the committee does not deem it wise to go beyond its usual rule of an allowance of one year's salary. Therefore the committee recommends an appropriation of $1,200, and has recommended that the bill be so amended as to provide therefor.

They knew in the Senate he had been kept on the roll for one year.

Mr. GARD. After he got one year's salary, how could he get a year's salary again?

Mr. EDMONDS. It is one of those things that I presume are governed by the circumstances of the case. The man has been so injured that he has to undergo another operation, which will probably keep him for six months in the hospital and cost him considerable money, and the Senate thought as long as he had not been repaired properly we ought to give him a little more money.

Mr. GARD. My position is this, that if the Committee on Claims, which has these matters in charge, is going to bring in bills it should adhere to a policy. If we are going to have bills here that are presented in the light of a year's compensation, which has heretofore been granted, we should understand it. On the other hand, if cases are presented on their own merits, cases of particular injuries, because of the loss sustained by the man, a pitiable case, in other words, and these cases are to be brought in here and exceptions made all the time, we ought to understand that, too.

Mr. EDMONDS. The gentleman knows that there is no law that allows us to make any recompense whatever. These cases have to be more or less studied in view of the conditions. In this case it was so especially pitiable that the committee thought it would be only right to give him a little additional recompense as long as he would probably spend it all in having his legs fixed properly.

Mr. BLANTON. A point of order, Mr. Speaker. I think we have worked pretty hard to-day, and we ought to adjourn.

Mr. EDMONDS. The committee, as a general thing, does not like to go beyond the one year's allowance, and we have stuck to that very faithfully.

Mr. GARD. If the committee desires to stick to it, I will object to this.

The SPEAKER pro tempore. Is there objection?

Mr. GARD. I object.

LEAVE OF ABSENCE.

By unanimous consent, Mr. COOPER (at the request of Mr. MOORE of Ohio) was granted leave of absence for one week, on account of illness in his family.

EXTENSION OF REMARKS.

Mr. MACGREGOR. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of Italy in the war.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. DONOVAN. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman from New York rise?

Mr. DONOVAN. To prefer a unanimous-consent request that I be permitted to extend my remarks in the RECORD in a discussion of the public business of Congress for the session.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD.

Mr. EDMONDS. On what subject?

The SPEAKER pro tempore. On the discussion of public business of the Sixty-sixth Congress. Is there objection? [After a pause.] The Chair hears none.

REREFERENCE OF H. R. 13526—NATIONAL FOOD COMMISSION.

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent to have the bill H. R. 13526, to create a national food commission, and so forth, rereferred to the Committee on Agriculture. It is now in the Committee on the Judiciary.

The SPEAKER pro tempore. The gentleman from Iowa asks unanimous consent to rerefer the bill H. R. 13526 to the Committee on Agriculture.

Mr. HAUGEN. It is a bill introduced by Mr. BAER, and is to create a national food commission, to define its powers and

duties, and to stimulate the production, sale, and distribution of live stock and live-stock products, and for other purposes.

Mr. GARD. Where is it now?

Mr. HAUGEN. It is now in the Committee on the Judiciary, and we ask that it be rereferred to the Committee on Agriculture.

Mr. GARD. Has the gentleman consulted with the chairman of the Committee on the Judiciary?

Mr. HAUGEN. I have, and it is agreeable to him.

Mr. GARD. Is he willing to relinquish jurisdiction of the matter?

Mr. HAUGEN. He is.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

HOUSE BILL NO. 4438 REFERRED.

Under clause 2, Rule XXIV, House bill 4438, to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment; to the Committee on Education.

SUPREME LODGE OF THE ROYAL ORDER OF MOOSE.

Mr. GARLAND. Mr. Speaker, I ask unanimous consent that the bill H. R. 2660, a bill incorporating a Supreme Lodge of the Royal Order of Moose, be rereferred to the Committee on the District of Columbia. I have consulted the chairmen of both the Committee on the District of Columbia and the Committee on the Judiciary, and they agree to this.

Mr. WALSH. The chairmen of the committees have not consulted the members of the committees. The Committee on the Judiciary has had a hearing on that measure. I do not think the chairman of the committee ought to consent to transferring jurisdiction after the committee has had a hearing, unless the committee itself has taken action.

Mr. GARLAND. I will say that the chairman of the committee advised me to make the request.

Mr. WALSH. Even that is not sufficient.

Mr. GARD. Mr. Speaker, there seems to be an unfortunate confusion about these incorporation matters. Simply because they sometimes contain a clause to be incorporated in the District of Columbia some of them have been sent to the Committee on the District of Columbia. Surely that is no reason, to my mind at least, for sending these matters to the Committee on the District of Columbia. They are primarily matters of incorporation.

The SPEAKER. The Chair would suggest that the gentleman postpone the request.

Mr. GARLAND. Very well.

DESIGNATION OF THE SPEAKER PRO TEMPORE.

The SPEAKER. The Speaker is likely to be away Monday, Tuesday, and possibly Wednesday, and he designates Mr. CAMPBELL of Kansas to preside on those days until he returns.

ADJOURNMENT.

Mr. EDMONDS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 10 minutes p. m.), the House adjourned, pursuant to the order previously made, until Monday, April 26, 1920, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Attorney General, submitting a supplemental estimate of appropriation required by the Department of Justice for the fiscal year 1920 and 1919 (H. Doc. No. 736); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, transmitting estimate of appropriation required by the Treasury Department in the administration of the act of January 15, 1920, for the retirement of public-school teachers in the District of Columbia, being for the fiscal year 1921 (H. Doc. No. 737); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Acting Secretary of the Treasury, transmitting supplemental estimate of appropriation required by the Smithsonian Institution for administration of the National Gallery of Art, fiscal year 1921 (H. Doc. No. 738); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. HERNANDEZ, from the Committee on the Public Lands, to which was referred the bill (S. 2371) for the relief of Katheryn Walker, reported the same without amendment, accompanied by a report (No. 867), which said bill and report were referred to the Private Calendar.

Mr. SMITH of Idaho, from the Committee on the Public Lands, to which was referred the bill (H. R. 10806) to provide for the abolition of the 80-rod reserved shore spaces between claims on shore waters in Alaska, reported the same with an amendment, accompanied by a report (No. 868), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HARRELD: A bill (H. R. 13766) to amend section 6 of the act of March 3, 1919, entitled "An act to amend the Liberty-loan acts and the war-finance acts, and for other purposes"; to the Committee on Ways and Means.

By Mr. HARRISON: A bill (H. R. 13767) to establish and maintain a fish hatchery and fish-cultural station in the State of Virginia; to the Committee on the Merchant Marine and Fisheries.

By Mr. MAPES (by request of the Commissioners of the District of Columbia): A bill (H. R. 13768) to authorize the widening of First Street NE., and for other purposes; to the Committee on the District of Columbia.

By Mr. McKEOWN: A bill (H. R. 13769) authorizing and directing the Secretary of the Interior to sell certain lands of restricted allottees of the Five Civilized Tribes to the actual settlers on terms not to exceed 20 annual payments, and for other purposes; to the Committee on Indian Affairs.

By Mr. REAVIS: A bill (H. R. 13770) to amend certain sections of the corporation act of Congress of March 2, 1903 (32 Stat. L., 947–952), extended over American citizens in countries where the United States exercises extraterritorial jurisdiction by the provisions of section 4086, Revised Statutes, as interpreted by judicial decisions thereunder; to the Committee on the Territories.

By Mr. EVANS of Montana: A bill (H. R. 13771) to amend the revenue act of 1918 in regard to computation of surtax on the income of individuals and the computation of war profits and the excess-profits tax on the income of corporations; to the Committee on Ways and Means.

By Mr. MORIN: Joint resolution (H. J. Res. 344) authorizing the Secretary of War to sell to the city of Pittsburgh, Pa., a certain tract of land within the Allegheny Arsenal Reservation; to the Committee on Military Affairs.

By Mr. CHRISTOPHERSON: Resolution (H. Res. 532) authorizing and directing the Federal Trade Commission to investigate the distribution and sale of print paper and report to the House of Representatives; to the Committee on Interstate and Foreign Commerce.

By Mr. FIELDS: Resolution (H. Res. 533) requesting the Federal Trade Commission to make certain inquiries into the prices of loose-leaf tobacco; to the Committee on Interstate and Foreign Commerce.

By Mr. LEHLBACH: Resolution (H. Res. 534) to provide for the consideration of S. 1699; to the Committee on Rules.

By Mr. GALLIVAN: Memorial of the Legislature of the State of Massachusetts, urging the passage of a Federal daylight-saving law; to the committee on Interstate and Foreign Commerce.

Also, memorial of the Legislature of the State of Massachusetts, relative to the action of the United States Government in respect to certain Italian boundaries; to the Commitee on Foreign Affairs.

By Mr. TAGUE: Memorial of the Legislature of the State of Massachusetts, relative to the action of the United States Government in respect to certain Italian boundaries; to the Committee on Foreign Affairs.

Also, memorial from the Legislature of the State of Massachusetts, urging the passage of a Federal daylight-saving law; to the Committee on Interstate and Foreign Commerce.

By the SPEAKER: Memorial of the Legislature of the State of Massachusetts, relative to the action of the United States

Government in respect to certain Italian boundaries; to the Committee on Foreign Affairs.

Also, memorial of the Legislature of the State of Massachusetts, urging the passage of a Federal daylight-saving law; to the Committee on Interstate and Foreign Commerce.

By Mr. DALLINGER: Memorial of the Legislature of the State of Massachusetts, urging the passage of a Federal daylight-saving law; to the Committee on Interstate and Foreign Commerce.

By Mr. BURDICK: Memorial of the Legislature of the State of Rhode Island, recommending to Congress the passage of legislation providing for Federal inspection of inland barges; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 13772) granting an increase of pension to Moses Blackburn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13773) granting an increase of pension to William M. Hockensmith; to the Committee on Pensions.

By Mr. BEGG: A bill (H. R. 13774) granting a pension to Albert E. Aldrich; to the Committee on Pensions.

By Mr. BROOKS of Illinois: A bill (H. R. 13775) granting an increase of pension to John A. J. Hicks; to the Committee on Invalid Pensions.

By Mr. DICKINSON of Iowa: A bill (H. R. 13776) for the relief of Phil Livingston; to the Committee on Claims.

By Mr. FIELDS: A bill (H. R. 13777) for the relief of James R. McGuire; to the Committee on Military Affairs.

By Mr. GOULD: A bill (H. R. 13778) granting a pension to Corydon W. Clark; to the Committee on Pensions.

By Mr. HUSTED: A bill (H. R. 13779) for the relief of Settimio Scogona; to the Committee on Claims.

By Mr. KENNEDY of Rhode Island: A bill (H. R. 13780) granting an increase of pension to Annie A. Lewis; to the Committee on Invalid Pensions.

By Mr. NELSON of Wisconsin: A bill (H. R. 13781) granting an increase of pension to Marshall E. Crowther; to the Committee on Invalid Pensions.

By Mr. PURNELL: A bill (H. R. 13782) granting a pension to Ellen S. Palmer; to the Committee on Pensions.

By Mr. RICKETTS: A bill (H. R. 13783) granting an increase of pension to John S. Covanovan; to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 13784) granting an increase of pension to John Seidel; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3176. By the SPEAKER: Petition of the Presbytery of Washington City, urging a Federal amendment providing for uniform divorce laws, the regulation of motion-picture films, and prohibiting the transmission of betting and gambling odds from or into any State and the interstate transportation of gambling machines and devices; to the Committee on the Judiciary.

3177. Also, petition of the Presbytery of Washington City, urging strict observance of the Sabbath in the District of Columbia; to the Committee on the District of Columbia.

3178. Also, petition of citizens of Northampton, Hampshire County, Mass., urging the passage of the Lehlbach-Sterling bill, House bill 3149 and Senate bill 1699; to the Committee on Reform in the Civil Service.

3179. Also (by request), petition of the Child Welfare Association of Mamaroneck, N. Y., urging the passage of House bill 10925 and Senate bill 3259; to the Committee on Interstate and Foreign Commerce.

3180. By Mr. BLAND of Missouri: Petition of citizens of Kansas City, Jackson County, Mo., urging the passage of House bill 10925 and Senate bill 3259; to the Committee on Interstate and Foreign Commerce.

3181. By Mr. CARSS: Petition of the Federated Trades Assembly of Duluth, Minn., and the St. Paul (Minn.) Trades and Labor Assembly, demanding an investigation of the Bureau of Immigration; to the Committee on Immigration and Naturalization.

3182. By Mr. CULLEN: Petition of the National Association of Box Manufacturers, held at Chicago, Ill., favoring an abandonment of excess-profits tax, and that there be substituted a flat tax on sales; to the Committee on Ways and Means.

3183. By Mr. FULLER of Illinois: Petition of the Navy Legal Aid Association, favoring the Wadsworth bill for increase in pay for the Navy; to the Committee on Naval Affairs.

3184. Also, petition of the National Automobile Dealers' Association, for appropriation for the highway weather service; to the Committee on Appropriations.

3185. Also, petition of employees of the Los Angeles post office, for the adjustment of the salaries of the Postal Service; to the Committee on the Post Office and Post Roads.

3186. Also, petition of the Veterans' Committee on Soldiers' Home, St. Cloud, Fla., urging the passage of the Sears bill, House bill 3468; to the Committee on Military Affairs.

3187. Also, petition of the National Printing and Engraving Co., Chicago, Ill., opposing House bill 12976; to the Committee on Ways and Means.

3188. Also, petition of the Business Men's National Tax Committee, of New York, relative to the Federal taxation; to the Committee on Ways and Means.

3189. Also, petition of the Rockford (Ill.) Manufacturers and Shippers' Association, opposing House bill 12379; to the Committee on Banking and Currency.

3190. Also, petition of the Building Construction Employers' Association, opposing any measure that will further restrict immigration, etc.; to the Committee on Immigration and Naturalization.

3191. Also, petition of the Hostler Coal & Lumber Co., Chicago, Ill., for the repeal of the Lever Act; to the Committee on the Judiciary.

3192. Also, petition of the Private Soldiers and Sailors' Legion, relative to the bonus for the ex-service men of the World War; to the Committee on Ways and Means.

3193. By Mr. GALLIVAN: Petition of Clarence L. Baxter and 17 other residents of Massachusetts, favoring a cash bonus for veterans; to the Committee on Ways and Means.

3194. By Mr. MOONEY: Petition of the United Cloth Hat and Cap Makers, Local No. 18, and the Ladies' Garment Workers' Union, of Cleveland, Ohio, favoring the passage of S. J. Res. 171 and S. 1233; to the Committee on the Judiciary.

3195. Also, petition of the Cleveland (Ohio) Chamber of Commerce, regarding the shipment and price of coal during the summer; to the Committee on Interstate and Foreign Commerce.

3196. By Mr. O'CONNELL: Petition of the Robbins-Ripley Co., New York City, urging the passage of H. R. 13390; to the Committee on Naval Affairs.

3197. Also, petition of the White Goods Workers' Union, Local No. 62, and the Cloak and Shirt Makers' Union, Local No. 11, of New York, regarding the prosecution of certain political offenders in the United States; to the Committee on the Judiciary.

3198. Also, petition of the joint conference on retirement, Washington, D. C., favoring the passage of the Sterling-Lehlbach civil-service retirement bill; to the Committee on Reform in the Civil Service.

3199. By Mr. RAKER: Petition of the Leslie Jones Department Store, of Redding, Calif., protesting against the Steagall bill, H. R. 12379; to the Committee on Banking and Currency.

3200. Also, petition of the Northern California Milk Producers' Association, urging the passage of the Capper-Hersman bill; to the Committee on Agriculture.

3201. Also, petition of the Craft Post, No. 15, American Legion, Sisson, Calif., indorsing the "fourfold-plan bonus" for the ex-service men of the World War; to the Committee on Ways and Means.

3202. Also, petition of the committee of the Western Forestry and Conservation Association, indorsing the Sinnott bill, H. R. 9539; to the Committee on the Public Lands.

3203. Also, petition of the National Automobile Dealers' Association of America, urging appropriation to continue the highway weather service; to the Committee on Appropriations.

3204. Also, petition of the Moore Shipbuilding Co., of Oakland, Calif., urging the passage of H. R. 2692; to the Committee on Claims.

3205. By Mr. ROWAN: Petition of V. Vivandou, New York City, opposing H. R. 12976; to the Committee on Ways and Means.

3206. Also, petition of Molly Lifshitz, secretary-treasurer I. L. G. W. U., Local No. 62, New York, and the Ladies and Misses' I. L. G. W. U., Local No. 1, New York City, relative to the American civil and military prisoners, etc.; to the Committee on the Judiciary.

3207. Also, petition of Gilbert M. Smith, president Manhattan Brass Co., New York City, opposing any further restriction on immigration, etc.; to the Committee on Immigration and Naturalization.

3208. Also, petition of the Robbins-Ripley Co., New York City, urging the passage of H. R. 13390; to the Committee on Naval Affairs.

3209. Also, petition of the Three hundred and fifth Infantry Post, of New York, favoring further relief for disabled soldiers, etc.; to the Committee on Interstate and Foreign Commerce.

3210. Also, petition of the women's auxiliary of the Republican organization of the nineteenth assembly district of New York, favoring the Smith-Towner educational bill; to the Committee on Education.

3211. Also, petition of the National Automobile Dealers' Association, favoring maintenance of daily report on condition of highways in the United States by the Weather Bureau; to the Committee on Agriculture.

3212. Also, petition of H. Brodsky, of the Cloak and Skirt Makers' Union of Brooklyn, N. Y., favoring release of political prisoners; to the Committee on the Judiciary.

3213. Also, petition of the board of directors of the Rotary Club of New York, favoring passage of the Fess-Capper bill to promote physical training in the United States; to the Committee on Education.

3214. Also, petition of the Veterans' Committee on Soldiers' Home, St. Cloud, Fla., urging the passage of the Sears bill, H. R. 3468; to the Committee on Military Affairs.

3215. Also, petition of citizens of the State of Washington, urging the passage of House bill 1112; to the Committee on the Judiciary.

3216. By Mr. TAGUE: Petition of the Navy Legal Aid Association, urging the immediate enactment of the Wadsworth bill increasing pay of enlisted men; to the Committee on Naval Affairs.

SENATE.

SATURDAY, *April 24, 1920.*

(Legislative day of Friday, April 23, 1920.)

The Senate met at 12 o'clock noon, on the expiration of the recess.

Mr. HARRISON. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Reading Clerk called the roll, and the following Senators answered to their names:

Ball	Gronna	McLean	Spencer
Brandegee	Harris	McNary	Sterling
Capper	Harrison	Nelson	Swanson
Chamberlain	Henderson	New	Thomas
Comer	Jones, Wash.	Overman	Townsend
Curtis	Kellogg	Page	Trammell
Dial	Kendrick	Phipps	Warren
Dillingham	Kenyon	Sheppard	
Fernald	McCormick	Simmons	
Gerry	McCumber	Smith, Md.	

Mr. SIMMONS. I wish to announce the unavoidable absence of the senior Senator from South Carolina [Mr. SMITH].

Mr. CURTIS. I desire to announce that the senior Senator from Utah [Mr. SMOOT] is absent on account of illness in his family.

Mr. GRONNA. I wish to announce the absence of the senior Senator from Wisconsin [Mr. LA FOLLETTE], due to illness. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Thirty-seven Senators have answered to the roll call. There is not a quorum present. The roll of absentees will be called.

The Reading Clerk called the names of the absent Senators, and Mr. CULBERSON, Mr. GLASS, Mr. LENROOT, Mr. RANSDELL, and Mr. WADSWORTH answered to their names when called.

Mr. NUGENT, Mr. JONES of New Mexico, Mr. KEYES, Mr. LODGE, Mr. SMITH of Arizona, Mr. PITTMAN, Mr. UNDERWOOD, Mr. KIRBY, and Mr. MCKELLAR entered the Chamber and answered to their names.

Mr. GERRY. The Senator from Arizona [Mr. ASHURST], the Senator from Delaware [Mr. WOLCOTT], the Senator from California [Mr. PHELAN], and the Senator from Utah [Mr. KING] are absent on official business.

The VICE PRESIDENT. Fifty-one Senators have answered to the roll call. There is a quorum present.

NATIONAL EDUCATION ASSOCIATION.

Mr. STERLING. On Tuesday last, the bill (H. R. 10917) to amend an act entitled "An act to incorporate the National Education Association of the United States," was received from the House, and the Senator from Iowa [Mr. KENYON] asked that it be referred to the Committee on Education and Labor. To that there was some objection by the Senator from Utah [Mr. KING], who suggested that it should go to the Committee on the Judiciary. At the instance of the Senator from Utah the bill was ordered to lie upon the table. I understand that the Senator from Iowa is agreed that the bill may be referred to the Committee on the Judiciary, and I ask that that reference be made.

The VICE PRESIDENT. Without objection the bill will be so referred.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, one of its clerks, announced that the House agrees to the amendment of the Senate to the bill (H. R. 9629) for the relief of the Merritt & Chapman Derrick & Wrecking Co.

The message also announced that the House had passed the bill (S. 2448) for the relief of certain officers of the United States Army, and for other purposes, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 2890) to provide for the allotment of land of Crow Tribe, for the distribution of tribal funds, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 2396. An act for the relief of John A. Gauley;

H. R. 10317. An act for the relief of Blanche Utley; and

H. J. Res. 302. Joint resolution authorizing an appropriation for the participation of the United States in the observance of the three hundredth anniversary of the landing of the Pilgrims at Provincetown and Plymouth, Mass.

PETITIONS AND MEMORIALS.

Mr. LODGE. I present a series of resolutions adopted by the Legislature of the Commonwealth of Massachusetts favoring legislation for daylight saving, which I ask may be printed in the RECORD and referred to the Committee on Interstate Commerce.

The resolutions were referred to the Committee on Interstate Commerce and ordered to be printed in the RECORD, as follows:

THE COMMONWEALTH OF MASSACHUSETTS,
In the year one thousand nine hundred and twenty.

Resolutions urging the passage of a Federal daylight-saving law.

Whereas there is now pending in the Congress of the United States a daylight-saving bill, so called, which puts the clock forward during the summer season for the Eastern States, now under United States standard eastern time: Therefore be it

Resolved, That the General Court of Massachusetts, believing it to be established by the experience of the past two years that the daylight-saving law has contributed to the health and efficiency of the people of the United States and to economy in the various means of heating and lighting, hereby urges the enactment of the aforesaid bill into law; and be it further

Resolved, That copies of these resolutions be sent by the secretary of the Commonwealth to the presiding officers of both branches of Congress and to the Senators and Representatives in Congress from this Commonwealth.

In senate, adopted April 5, 1920.
In house of representatives, adopted, in concurrence, April 8, 1920.
A true copy.
Attest:

ALBERT T. LANGLEY,
Secretary of the Commonwealth.

Mr. SUTHERLAND presented a memorial of the congregation of the Church of the Brethren, of Beaver Run, W. Va., and a memorial of the Church of the Brethren, of Old Furnace, W. Va., remonstrating against compulsory military training, which were ordered to lie on the table.

Mr. SPENCER submitted an amendment providing that the United States park police be allowed increased compensation for the fiscal year 1921, in accordance with the provisions of section 6 of the legislative, executive, and judicial appropriation act for the fiscal year 1921, etc., intended to be proposed by him to the District of Columbia appropriation bill, which was ordered to lie on the table and be printed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanmous consent, the second time, and referred as follows:

By Mr. MCNARY:

A bill (S. 4285) requiring the branding of the manufacturers' selling price on shoes transported in interstate commerce, and for other purposes; to the Committee on Manufactures.

By Mr. NELSON:

A bill (S. 4286) to amend an act entitled "An act to authorize the incorporated town of Petersburg, Alaska, to issue bonds in any sum not exceeding $75,000 for the purpose of constructing and installing a municipal electric light and power plant, and for the construction of a public-school building," approved September 29, 1919; to the Committee on Territories.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Swem, one of his clerks, announced that the President had on this day approved and signed the act (S. 4073) to authorize the construction of a bridge across the Missouri River near Kansas City.

HOUSE BILLS AND JOINT RESOLUTION REFERRED.

The following bills were each read twice by their titles and referred to the Committee on Claims:

H. R. 2396. An act for the relief of John A. Gauley; and

H. R. 10317. An act for the relief of Blanche Utley.

H. J. Res. 302. Joint resolution authorizing an appropriation for the participation of the United States in the observance of the three hundredth anniversary of the landing of the Pilgrims at Provincetown and Plymouth, Mass., was read twice by its title and referred to the Committee on Appropriations.

RIVER AND HARBOR APPROPRIATIONS.

Mr. JONES of Washington. I ask that the unfinished business may be laid before the Senate and proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11892) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The VICE PRESIDENT. The pending amendment is the amendment of the Senator from Missouri [Mr. REED] to the committee amendment. It will be stated.

The ASSISTANT SECRETARY. On page 1, line 3, strike out "$20,000,000" and insert "$27,000,000," so as to read:

That the sum of $27,000,000 be, and the same hereby is, appropriated, out of any moneys in the Treasury not otherwise appropriated—

And so forth.

Mr. SIMMONS. Mr. President, it is not my purpose to engage in a detailed discussion of the proposed legislation. I, however, wish the indulgence of the Senate for a short time to present my views chiefly with reference to the policy upon which the pending bill was framed. The bill as it came from the House would make the most niggardly provision for river and harbor maintenance and improvement ever heretofore, so far as I recall, proposed by any committee of either branch of the Congress. As a matter of common knowledge, for many years an organized propaganda has been conducted in this country against expenditures by the Government for the improvement of inland waterways. It has been charged, and it is generally believed, that this propaganda was largely inspired and fostered by the railroads for selfish purposes. However that may be, the object of the propaganda was to arouse popular prejudice against river and, in some instances, harbor improvements. It has been one of the most active propagandas ever conducted in this country. By the dissemination of misleading and sometimes false information with respect to the manner in which river and harbor bills are prepared in committee and passed through Congress, by unfounded attacks upon the engineers of the Government who investigated and reported upon the feasibility in the interest of commerce, of the items of improvement embraced in these bills, and by minimizing in every way the benefits which have resulted from Government expenditures in these improvements, a public sentiment not only unfriendly but actually hostile to legislation of this character has been created.

River and harbor legislation has been labeled as "pork-barrel" legislation, and the money spent for this purpose as a reckless and wasteful use of public funds. Undoubtedly much prejudice against expenditures for these purposes has been aroused, and it is now charged that an effort is being made in the Congress to utilize this prejudice for partisan purposes. In these circumstances it is not difficult to understand the reasoning of those who think that the partisan economy pretense about which we now hear so much will be advanced more by cutting off a few millions from the estimate presented by the department than by lopping off a few hundred millions from departmental estimates for more popular purposes. Upon this theory it is said that the House committee at the dictation of a political steering committee to make a show of economy for campaign purposes cut the estimates of the Engineer Department for rivers and harbors in half. If any such considerations influenced the reduction in the estimates of the department to the insignificant sum carried in the House bill, I do not think it can be too severely condemned. Mr. President, I want to say on behalf of the Committee on Commerce, of which I am a member, that if there has been any attempt at dictation by a partisan committee, I know nothing of it and have seen no evidences of it. That committee has very substantially increased the appropriation proposed in the House bill. It has not raised it to the amount of the department estimate, but it has added $8,000,000 to the amount carried in the House bill.

While I am not satisfied with the amount which the bill as reported to the Commerce Committee carries and think it still wholly inadequate, my purpose in the further observations I shall make will be not so much to criticize the amount of the appropriations provided as to dissent from the policy that obtained in the making of the bill, not only in the committee of the House but of the Senate. The dominating feature of that policy is that no new schemes of river and harbor improvement should be adopted or undertaken. This policy of restriction in the improvement of our harbors utterly ignores the fact that our commerce has increased several fold in the past few years, and is still increasing, and it overlooks the fact that in this period our ships of commerce have increased and are still increasing in a much greater degree. Moreover, it ignores the fact that while these increases have been taking place our railroad mileage has not increased and is not likely to materially increase for a long time to come; that only a few congested harbors of the North Atlantic seaboard have been adequately developed, while the great harbors on the Pacific coast, the Gulf, and the South Atlantic are, in the main, unimproved and inadequately prepared to accommodate the traffic which the new policy of the Government, as forecast in the action of the Railroad Administration and the Shipping Board, and as further developed and declared in the shipping bill now pending in the Commerce Committee, is calculated to promote and develop. The policy implied in the attitude of the committee does not stop with a refusal to even so much as consider the adoption of any new program of improvement and development of our harbors.

It goes much further and proposes that where Congress has actually entered upon the improvement of a river or harbor, if the present needs of commerce do not require the immediate completion of that project it shall be abandoned temporarily and no expenditure made except to protect against deterioration. Because of the adoption of this policy many of the great projects upon which we have entered in the interest of commerce, which are only partially completed and, in many instances, which lack only a small additional expenditure to become available for the uses of commerce, are, for the present if not permanently, to be abandoned. Against such a line of policy I most earnestly protest and insist that now is the time of all times in our history calling for a forward-looking and not a backward-looking policy with respect to the develpment of our system of transportation by water as well as by rail, with a view to the development of our commerce, internal and external, to the full extent of its potentialities. I assert and strenuously insist that present conditions with respect to facilities for the movement and accommodation of our stupendous trade appeal for liberality rather than cheeseparing economy of expenditures in developing agencies for its transportation, and for the Congress to deliberately resolve in these conditions to enter upon no new projects of harbor and waterway improvements in order to save a few thousand dollars when millions and billions are involved is, to my mind, so shortsighted and so reckless in its disregard of the national interest as to be utterly incredible. If it is done to subserve party interest, it is criminal. If it is done through mistaken judgment, it is discreditable and is in itself an indictment against the capacity of the party in power to wisely legislate in the public interest. In short, we can not approve and adopt this policy without shutting our eyes to the outstanding facts of the present situation with respect to our world trade and the conditions, extent, and requirements of our land and ocean transportation facilities.

Mr. President, what is the condition with reference to our harbor and transportation facilities? On yesterday the able Senator from New York [Mr. CALDER] told the Senate that about 80 per cent of the entire foreign trade of the United States during the last year passed through the harbor of New York. The statement of the Senator from New York in this respect is, I think, approximately true, and it is a pity that it is true. Think of a great country like ours, 3,000 miles wide, over 2,000 miles long, every section of it engaged in the production and the consumption of articles that enter into foreign commerce, and yet 80 per cent of that commerce, amounting in the single month of March just passed to over a billion and a quarter of dollars, must be hauled hundreds and thousands of miles overland going from or coming to one congested outlet and inlet located on the North Atlantic coast. Will any Senator say that this situation is either healthy or economical? Will any Senator deny that it involves an indefensible, not to say intolerable, waste in time, in human energy, and in money? Does any Senator advocate the continuance of such a condition? And does not the situation thus presented—a situation which only recently

resulted in such widespread industrial congestion and demoralization—suggest the imperative necessity for the immediate utilization of the neglected and idle harbors of our Atlantic, Gulf, and Pacific coasts? This condition of port congestion arrests expansion, and while retarding adds enormously to the cost of distribution. The people may endure for a while conditions which restrict industrial development and impose burdens upon the distribution of their products, but they will not submit to it long.

Think of the condition of the South, a great industrial section, a great agricultural section, with its splendid natural ports from Jacksonville to Norfolk, producing many of the things that we sell to South and Central America, and buying and consuming many of the things that we buy from these countries, countries that may be described as next-door neighbors of this section. Think of transportation conditions which require this section to haul its products destined to South and Central American markets in many cases a thousand miles by rail up the Atlantic coast to New York, and thence shipping them on their way to their final destination a thousand miles down that coast right by the ocean gateways to the harbors of Wilmington, Charleston, Savannah, and Jacksonville. Think of the burden of cost involved in this process of distribution. What is true of the States of the South Atlantic seaboard is true of some of the States on the Pacific seaboard and the Gulf coast, and, to a lesser extent, true of that great region known as the Central West, which lies hundreds of miles nearer to these ports than to those of the North Atlantic, to which they have to go now. Think of what it would mean in relieving this waste in transportation and of what it would mean in relieving railroad congestion in certain sections if, instead of all this traffic having to be hauled by a few lines of railway to the seaboard, it could be divided among many lines, relieving congestion of the overburdened roads and increasing the revenue of the underfed roads leading to these neglected and idle ports. If this could be done, it would measurably solve the question of the adequacy of transportation in this country. Mr. President, I am glad to say that a promising beginning looking to this result has been made.

Two difficulties have been in the way of the utilization of these idle ports in the past. One of them was the lack of ships; the other was discrimination in export and import rates, both land and ocean rates, against these ports and in favor of ports of the North Atlantic. As a result of an energetic movement, not only on the part of shippers in the South Atlantic, but on the part of shippers in the Central West, this discrimination in rates, both ocean and inland, has been removed, and the Shipping Board has allocated ships for the establishment of lines between these ports and the islands of the West Indies and South and Central American Republics, and some of them are in operation, with a business already developed to promising proportions. The Committee of Commerce have now under consideration a broad and comprehensive scheme providing for the continued utilization of these harbors and the continuance of these newly established routes, even if it shall become necessary for the Government itself to operate them. But, Mr. President, these harbors, as I said, have been neglected; they have not in the past been improved to any very great extent because it was said that their developed commerce would not justify it. And now we are told that this is not the time for the Government to enter upon new projects of river and harbor improvement. How long will this policy be adhered to, and must we wait indefinitely before the Government will be permitted to improve and develop these harbors to meet these new conditions of trade, the development of which is so important in connection with our efforts to capture the great trade awaiting us in the countries just to the south of us?

Will anybody say, in the light of present conditions, that money spent to put these neglected harbors in a condition to subserve this great trade would be unwisely spent and that it is wise economy to postpone appropriations for this purpose? And yet, Mr. President, under the policy of this bill these improvements, however urgently needed as the result of present conditions and the development of new routes which have been ordered to be established by the Shipping Board and to which ships have been allocated, can have no appropriation made for their advancement unless it can be shown that the engineers have heretofore recommended the improvement and that Congress has, by making an initial appropriation, adopted the project. This blind and restrictive policy was adopted when the last river and harbor bill was framed and approved by the Congress. It was ill adapted to the conditions which then existed; it is less adapted to the conditions which now exist. But, Mr. President, I am talking too long and I am venturing into fields I had not intended to traverse. My purpose in the observations I have made has been to impress upon the Senate the importance and wisdom, in the conditions which now confront us, of liberal instead of niggardly appropriations, or no appropriations at all, to put our harbors in condition to accommodate the great foreign trade we have already developed and the still greater trade of the future, and of continuing to improve our rivers and harbors as the best means of supplementing our insufficient rail transportation. In the present condition of our rail transportation I can conceive of no more short-sighted policy than the neglect of our waterways, which at this time seem to furnish the only feasible means of adequately supplementing rail transportation and thereby protecting the industries of the country against the menace which now threatens to arrest their further development and expansion.

What, Mr. President, is the situation with respect to our rail transportation? For 8 or 10 years our railroad facilities have been admittedly inadequate, and yet during that period, industrially the most progressive period in our history, there has been practically no increase in the railroad mileage of the country. Railroad building has practically ceased, while the demands for transportation have almost doubled. Where is the money to be found to finance the building of the additional mileage required? If the railroads had all the money needed for this purpose, it would still require five or six years, possibly more, before the demands for additional transportation could be fully supplied. But the railroads have no surplus. They are overburdened with debt; they are behind, not ahead, in their finances. I repeat, they have no money for new construction and but slim, if any, chance of raising it. A policy which in these circumstances militates against the utilization of our waterways to supplement rail transportation is, to my mind, the height of folly and approaches the very verge of stupidity. Instead of curtailing our river and harbor improvement work in these conditions, every dollar that is necessary or that can be economically used for their improvement to supply the future as well as present needs of commerce should be appropriated. A policy with respect to the transportation requirements of a country like ours which fails to anticipate future needs and conditions and provide for those conditions before they overtake and overwhelm us is necessarily a short-sighted policy.

Mr. President, there is no vision in this bill; it is short-sighted and narrow. If it were left to me, I would pursue as liberal a policy toward improvement of our rivers and harbors as I would pursue in reference to our Army and our Navy or any other instrumentality of Government. The Army and Navy are necessary to our national defense and must be maintained, regardless of expense. So must our other necessary governmental activities, but the means for the support and maintenance of these necessary functions of government, greater to-day than ever before in the history of our country, greater than those of any other country in the world, must come from the commercial activities of our people. We hear much talk in these days of the enormous amounts the Government must of necessity expend for this and that public service. We hear much about our vast indebtedness. These obligations can not be avoided or escaped; they have got to be met and discharged, and they can not be met and discharged if we neglect to foster and develop in every way in our power the commerce and industries of the people. Mr. President, these considerations demand that we should not only develop and utilize the transportation potentiality of our rivers and harbors but that we should compel our railroads to cooperate with our waterways to the fullest extent in furnishing needed facilities to aid our great and growing commerce and trade, whether domestic or foreign.

For these reasons, in my judgment, no greater mistake has been made by the Congress during the past few years than in the niggardly, cheeseparing policy it has pursued and which it is proposed in this bill to continue with reference to the improvement and development of our rivers and harbors. It is a policy which fails to provide for the present or to anticipate the future in a way and to an extent that is discreditable to the lawmaking power of the Nation. I am going to vote for this bill, but I hope it may be amended so as to substantially increase the amount of the lump sum to be appropriated. I shall vote for amendments for this purpose. I shall vote for an amendment to increase it $4,000,000. I shall vote for an amendment to increase it $7,000,000. I would vote for an amendment, if offered, for a still greater increase. Before taking my seat I want to say, Mr. President, that I earnestly hope this is the last river and harbor bill that will have to run the gauntlet of manufactured prejudice and the exigencies of a political campaign. I protest against the injection of politics into purely

business legislation. If it is desired to make a record for economy there is ample opportunity to cut down expenses without injury but with benefit to the country. It is indefensible to attempt to make a record of economy at the expense of the business interests of the country, its development and its expansion.

Mr. CAPPER. Mr. President, the bill before us this afternoon has a direct bearing upon the high cost of Government, and the high cost of Government has a direct bearing on the high cost of living, which prompts me to submit a few observations on a subject in which I am very much interested.

Mr. President, while the Department of Justice is pursuing the profiteer with stenkless Thursdays and the Treasury Department is fortifying the people with preachments on thrift and economy, another epidemic of strikes and industrial disorder has come upon us as the result of rampant, long-continued, unrestricted profiteering and we go on increasing prices.

No country can adjust itself to constantly increasing prices. No country can be enriched by the gouge process. Our delusion of prosperity continues, but our volume of business is declining, as might be expected. Prices for American products have soared so high that both home consumption and what foreign demand there is are failing us. Between high profits and high taxes the people have been hit hard. As a source of wealth for business or for exploitation they are not inexhaustible. And the results we are getting are telling the story.

The extent to which the people have been bled by war and extortion is almost unbelievable. A recent statistical report relates that 79,642 American corporations, many of whose stockholders are now dodging their income taxes through stock dividends, averaged gross profits of more than $500,000,000 apiece in a single year. It is illuminating also to learn that in just one year during the war the gross income of American corporations rose from thirty-five and one-third billions to eighty-four and a half billions. In a single year the war gave us 10,173 new corporations, and they are few in number, indeed, who have not piled up enormous net profits and great wealth on the capital invested.

The proof of profiteering is the margin of profit. We know that margin has never been wider, nor greed more insatiable.

Do you suppose, Mr. President, that the people who pinch, skimp, and are being forced to do without many things they need, in order that we may continue to double the prewar number of our millionaires every twelvemonth, thrill with patriotic fervor whenever they read an unctious lesson on thrift and 100 per cent Americanism from one of these 1,000 per cent American tax-dodging grandstanders, or that it merely arouses their American dander and promotes wrath and profanity?

The same day a Texas cotton raiser wrote me he had to go to the public works in order to pay the grocery bill for which he went in debt while raising his 1919 crop. I read in a New York newspaper that the net profits of the Amoskeag spinning mills for 1919 were seven times greater than those it cleared in 1917, and that its 1918 profits were thirteen times greater than those it earned in the four years between 1912 and 1916.

All this, over and above deductions for taxes, high cost of labor and materials, and all the other things which we are commonly and repeatedly informed are responsible for the exorbitant prices this and other corporations are allowed to charge the American people for the actual necessities of life.

This cotton farmer wrote me:

> The profiteers have cleaned me up, and what is still more they will be on the job next year and the next, and so on until we all become reds, radicals, Bolsheviks, and devils. I am tired making millionaires of 2,000 popeyed parasites each year while reducing my family to pauperism. I don't want to blow up anybody or any institution, for I prefer to live like and act like a white man, but this profiteering all along the line will have to stop or I shan't be able to do either.

From a man in his circumstances I do not call that an intemperate letter. In fact, it shows great restraint.

The mill that took this man's cotton at a price which, because of the general prevalence of profiteering, impoverished him and his hard-working family, increased its margin of profit from 2¾ cents on every dollar of its sales in 1917 to 15½ cents in 1919. And this Government is supposed to be hunting for profiteers.

Mr. President, the speculation and profiteering in cotton and cotton goods has been open, flagrant, scandalous. The Associated Press, just a few days ago, carried the information where all the world might read, that the Belton Cotton Mills, at Belton, S. C., had declared a dividend of 100 per cent, and that the Easley Cotton Mills, of Easley, S. C., had declared a stock dividend of 300 per cent. It is equally well known that the Senate committee investigating the high cost of living was recently presented with visual and auricular proof that the spread between the farm price of cotton and the store price of cotton materials was about 1,800 per cent, and that the retail price of cotton goods is so high that ordinary persons can scarcely buy bedding, cottons, muslins, and ginghams. If this is not grand larceny in the daytime, I do not know what else we should call it.

A New York newspaper, the Evening World, recently published the profit records of big corporations like the Amoskeag Manufacturing Co., the American Hide & Leather Co., the Woolen Trust, the Cotton Trust, the Steel Trust, the United Fruit Co., the Standard Milling Co., the Tobacco Products Corporation, the Manhattan Shirt Co., the United Drug Co., the American Linseed Co., and others, and proved by their own reports that their earnings have far more than kept pace with their cost and taxes, exceeding them in not infrequent instances from 100 to several hundred per cent, and in some cases far exceeding 1,000 per cent. In each instance the attention of the Attorney General was directed to this easily accessible evidence. But nothing has come of it.

At this moment the most brazen challenge of the Government we have had in this long saturnalia of greed comes from the gamblers in sugar. We are told, Mr. President, the refineries are unable to provide for the enormous new stocks of sugar. But a corner in sugar has evidently been formed right under the eyes of the Department of Justice. As a consequence, no such wild scramble for sugar shares ever was known. Cuban-American at 580 rose 40 points in one day. Forty thousand shares of Punta Alegre were sold at a rise of 11 points. Tens of thousands of shares of other members of the sugar group were sold at advanced quotations, while sugar-refining stocks also boomed because of the increase of spread between the raw and the refined product.

Mr. President, this body and this Government are soon to hear very emphatically from the people in regard to the profiteering in sugar. The canning season raid is on. The price already is rising about a dollar a week wholesale in early anticipation of the canning season. For years the sugar interests have annually and shamelessly and openly robbed American housewives during the canning season. They have, with their extortionate charges, as regularly blighted the poor family's only hope of putting up and storing away a cheap and wholesome supply of fruits and vegetables for winter. Every principle of healthful living demands just these things in the family diet. But the Sugar Trust is allowed to prey on the health and welfare of this Nation every year in the canning season that it may enrich itself further by profits running high in the hundreds of millions. The people are helpless; there is no real substitute for sugar. It is piracy so colossal and so criminal that Capt. Kidd and all the famous pirates of history become Sunday-school characters by comparison. How long is this Government going to stand for it?

Sugar speculators blandly predict sugar will sell at 30 cents or more a pound retail when the canning season opens. Conservative wholesalers say the price to the consumer will reach or exceed 50 cents a pound before it closes. One billion pounds of sugar have recently been exported from these shores to Great Britain in addition to the millions of pounds shipped abroad during recent weeks or months, says a current news report. This Government owes it to itself and to the American people to declare at once an embargo on sugar and to seize immediately every stock of this commodity in the United States for distribution to the consumer at cost, because a Government that is sworn to protect its people permits this robbery and puts no curb upon it. This profit-taking campaign and canning-time hike of the speculators and profiteers in sugar now surpasses in barefaced, nation-wide grand larceny any brutal and impudent demand yet made on this long-suffering and outraged Nation. The American colonists went to war with George III for much less when they dumped his taxed tea in Boston Harbor and defied him. Are we now to permit a few score of reckless and greedy exploiters to victimize the American people at will?

These profiteers are known but they go unpunished. Wall Street's melon patches continue to be warmed by the sun of privilege, fertilized by the perspiration of labor, and watered by the tears of poverty, and this year will raise a record-breaking crop free from the blight of income taxes, while the people are being urged to buy their coal early and be robbed for less, to abstain from steak one day a week, and to purchase war savings stamps that Uncle Sam may live on in nine-billion style on a six-billion-a-year income.

Mr. President, if the law-enforcement officers of this Government can not enforce the laws they should resign and let men who can take their places. A Government that could whip the

Hun 4,000 miles from home and wreck the German spy system is strong enough to stop this wholesale pillage of the people at home and so remove the cause of strikes and unrest.

The Wall Street Journal publishes a list of 62 corporations which declared stock dividends aggregating $321,009,952 during 1916, 1917, and 1918, on which the Government will now have to refund income taxes. Stock dividends of millions of other surplus profits that the Supreme Court has ruled are principal, and therefore not taxable for income, are being made daily by other corporations. As further conclusive evidence of prolonged, unlimited, and unconscionable profiteering by great aggregations of capital I offer this list of corporations that have recently declared stock dividends ranging in amount from one-fifth of their total investment to double and triple their entire capital. Note the high percentages:

Continental Oil, 200 per cent; United Fuel Gas, 200 per cent; Ohio Fuel Supply, 100 per cent; Nonquit Spinning Co., 100 per cent; Amoskeag Cotton Manufacturing Co., 100 per cent; Stutz Motors, 100 per cent; Nashua Manufacturing Co., 100 per cent; American Tobacco Security Co., 75 per cent; Manomet Mills 55⅝ per cent; Hood Rubber Co., 66⅔ per cent; Crucible Steel, 50 per cent; Cleveland-Akron Bag, 50 per cent; Union Bag & Paper, 50 per cent; Auto-Car Co., 40 per cent; John R. Thompson Co., 33⅓ per cent; St. Maurice Paper Co., 30 per cent; F. W. Woolworth, 30 per cent; Electric Welding of Boston, 25 per cent; Delaware & Cleveland, 25 per cent; Hawaiian Pineapple Co., 25 per cent; Electric Welding Co., 25 per cent; General Chemical Co., 20 per cent; American Multigraph, 20 per cent; Truscan Steel, 20 per cent.

The Standard Oil Co. of Indiana has recently increased its capital from $1,000,000 to $30,000,000, giving its stockholders a stock dividend of 2,900 per cent.

Also it is instructive to learn that the National Candy Co.'s earnings last year showed an increase of 545 per cent over 1915; that Burns Bros., the largest retail coal dealers in the United States, made a net profit of 40 cents a ton, against 23½ cents in 1916; that the earnings of the United Drug Co., doing a business of $50,000,000 annually, were 242 per cent greater than 1916; that the American Ice Co., which cuts ice by the millions, but not profits, has in the last four years increased its earnings 283 per cent; that the International Cotton Co., doing nearly $8,000,000 worth of business last year, made 39 per cent more money, although it sold 20 per cent fewer goods; that the Pacific Mills' output of cotton and worsted dress goods produced 34 per cent more profit than in the year before the war; and that the excess-profit surplus of United States Steel—the surplus remaining after dividends—has aggregated nearly $500,000,000 in the last five years, although $315,000,000 was spent on improvements.

These patriotic melon raisers, who have made their millions and billions during and since the war, now are urging that the soldiers' bonus be raised by a 1 per cent tax on sales to be paid on every dollar spent by every man, woman, and child in the country, including the ex-service men themselves. Mr. President, I shall favor placing this tax right where it belongs—on war profits—and taking from these huge stock dividends, from excess war profits, and from the profiteers, all that is needful to compensate the men who sacrificed themselves instead of their country, or their countrymen, in time of war.

During the coal strike, while zero cold and privation threatened the people, the price of crude oil shot up nearly 300 per cent, and still is rising. The oil men have the same golden rule as the lumbermen and the sugar barons, namely, their price limit is all they can compel the consumer to pay, and they are scientific compellers. There is none more compelling. They have boosted oil from 40 cents, in 1915, to $3 a barrel and higher, a gain of more than 650 per cent; and while prices are being screwed up a notch or two more "to encourage production" their wives are importing $250,000 works of art from Europe and stopping at no extravagance at home.

The papers told yesterday of a Texas oil company that is expected soon to cut a 400 per cent stock-dividend melon. Each stockholder will be permitted to buy one new share at $100 for every share of old stock he holds. The old shares are now quoted at $850, having risen to that figure from a par value of $100.

It is said the poor man's luxury is tobacco. Its use is so general that it is even considered a necessity by many persons. It is interesting to note in this connection that the contribution to good government of the Tobacco Products Corporation is a dividend balance showing a rise of 1,547 per cent over its 1914 profits, which the smoker had to pay or go without this solace.

Smokers generally will be interested in learning that the General Cigar Co., which in 1906 acquired the property and business of the old United Cigar Co., amassed a net income of nearly 34 cents on each dollar of its sales in 1917, and in 1919 this had grown to almost 38 cents, notwithstanding nearly all 7-cent cigars in the market have recently been advanced to 8 cents retail.

Other upholders of government and befrienders of the poor are the American Hide & Leather Co., whose profits for 1919 were more than three and one-half times larger than those it gained in 1914; the Central Leather Co., whose 1919 profits more than double those of the same months in 1918; and the Endicott-Johnson Shoe Manufacturing Corporation, whose profits rose from $2,174,430 in 1915 to $9,791,580 in 1919.

In terms of dividends on its common stock, last year's profits of the American Hide & Leather Co. increased from 44 cents a share in 1915 to $15.52 a share in 1919, or thirty-five times the earnings it distributed in 1915, and they were ample.

During the first nine months of the same year, while the Government was hunting high and low for rampant profiteers, and the price of shoes was steadily going higher and the price of hides was as steadily going lower, the net earnings of the Central Leather Co. increased 55 per cent, or about 103 per cent over the average nine months of 1918. Its accumulated surplus rose from seven and three-fourths millions in 1914 to thirty and one-fourth millions in 1919. Yet despite these swollen profits the public is being warned that shoes are going to cost more instead of less.

Mr. President, for four years wheat farmers, as a whole, have little more than broken even. The size of the American loaf has been reduced for the first time in history, and the price has been nearly doubled. But the net profits of the 15 plants of the Standard Milling Co. have been increased 100 per cent, but not because of increased wages and taxes.

The National Enameling & Stamping Co. makes kitchen ware. Prior to the war it successfully met the severe competition of Germany and earned a fair return on its investment. In three recent years it has run up its net profits 326 per cent, because it could hold up American housewives and there was no one to say it nay. A Wall Street report says this company earned in the month of January alone enough to pay all its fixed charges and preferred dividends for the year. Here is a fine example of unmitigated, overreaching greed.

I have recently received a letter from Lakin C. Taylor, of the Pittsburgh Tin Plate & Steel Corporation. The Pittsburgh Tin Plate & Steel Corporation, with plants or offices in Pittsburgh, New York, Philadelphia, Chicago, Baltimore, Rochester, Cleveland, Buffalo, Cincinnati, Columbus, Albany, Newark, Toledo, and Syracuse, offers to sell me or my friends some of the Pittsburgh company's stock. It writes me under date of March 27 last that additions planned for its mills should increase present earnings over 300 per cent. And, as if this were not sufficiently inviting, it points out that "every operating tinplate and sheet-steel mill has made enormous fortunes for its stockholders, many of their common shares selling at 1,500 per cent premium."

A similar steel company—

So the letter relates—

organized by the head of this corporation earned 77 per cent last year, and the holders of the common stock made a profit of over 1,000 per cent.

Here is one profiteer who cheerfully admits it in writing on his own letterhead sent through the United States mails, which guarantees the facts in that letter are as stated, as the mails of the United States can not be used to defraud. I respectfully refer these facts to the Attorney General.

Profits of the American Sugar Refining Co. were confessedly $15,000,000 for 1919, compared with $12,000,000 for the preceding year, although this corporation's share of the business in the United States has dwindled from 60 per cent in 1900, when it had virtually a monopoly, down to 27 per cent.

During the last few years the sugar companies have declared stock dividends from surplus profits aggregating millions—on which Uncle Sam must now refund income taxes—besides regular and excessive cash dividends. Even the earnings of the American Beet Sugar Co. are expected to show profits of $15 a share for 1919, compared with $6 the preceding year. And sugar is taking another leap skyward, probably to increase the billion of dollars to be exacted in higher profits this year from the American people. Meanwhile sugar imports from Cuba exceed the capacity of the refineries.

Mr. President, the humble banana, controlled by the United Fruit Co., with its fleet of 23 ships, has become a kingly profiteer. The net earnings for 15 months, ending December last, equal 40 per cent on fifty millions of stock outstanding, rounding up a surplus for the last 51 months equal to nearly 122 per cent. If ten millions set aside as a war-risk reserve fund are added, the

total surplus that the United Fruit Co. has piled up within the last four years would amount to 141 per cent. I leave it to you to judge whether it is an unwarranted or a harsh use of words to call this corporation an unmitigated price pirate and profit gouger.

To be complete, a list of examples in profit extortion would include a great many other corporations in the United States. The few that have been cited and the situation of the people are sufficient to indicate the magnitude of this menace to our efforts to reach sounder and saner times.

We have more than 700,000 tons of meat in the United States, enormous oversupplies of butter, cheese, rice, and other grains and foods, and should be bending every effort to increase consumption, that this plenty be not followed by as great a shortage through slackened production. Speculators have reaped great profits through market inflation, prices are held so high that the people are reducing their standard of living, as reported by the Department of Agriculture, and tons of food held by profiteers until unfit to eat are condemned and destroyed by Government agents.

This is most sordid and wicked folly. For if consumption is not increased instead of lessened, if our wall of prices which compels the bulk of what foreign demand there is to seek South American markets is not lowered, then we may have no-steak weeks in reality instead of by proclamation at no distant day. Our greatest industry—agriculture—tied hand and foot has been made the helpless victim of speculators and profiteers until it must have untrammeled markets and economic freedom if the people of the United States are ever again to be fed on a live-and-let-live basis.

Mr. President, it is wrong to assume, because extravagance flaunts itself in our cities, that plenty exists in all the homes of the land. People who have never known want or privation are living to-day in tents instead of homes; small houses in the big industrial centers shelter two families instead of one; thousands of men, women, and children are compelled to do without necessary shoes and clothing, if not fuel, and certain articles of food—all because the exorbitant prices at which these things are held by those who control them are beyond their means.

The war period has developed several hundred brand-new millionaires in the lumber industry. Back of the car shortage and all other alibis behind which the outrageous profiteering in lumber seeks to mask its insatiable greed is the very strong suspicion that the mills and the supply are controlled and the regulated output doled out to the highest bidder at auction prices. Since July 1, 1919, lumber has advanced from 100 to 200 per cent.

City rent hogs are not satisfied with a 20 per cent return on capital invested, but hold up frantic bidders seeking shelter for all and more than they are able to pay.

Green hides sell at 15 cents a pound in the Southwest but sole leather at $2. First-class packer hides, salted and trimmed, which brought 56 cents a pound in October, now are a drug on the market. But a leading shoe manufacturer, quoted by the Associated Press, says shoes are to be no cheaper for a long, long time. It is still to take the best part, if not all, of the average man's weekly wage to buy a good pair.

When we know these facts, is it strange that we read of mayors, governors, and commissions pursuing rapacious landlords, largely because this Government of the people seems able to do little more for the people than to urge them to eat less and wear less and save their money and buy thrift stamps?

Mr. President, in the name of the peace, progress, prosperity, and welfare of the United States and every one of its people, we must not only demand but must bring about and enforce a nation-wide square deal. It is no one man's job, or nation's. The problem is not ours alone; it is world-wide. And this problem is the working out of a system by which big business may be controlled in such a way as will not impair its efficiency, initiative, and usefulness in serving the people, but which will effectually prevent any exploiting of those its true mission is to serve.

It is time 100 per cent Americanism were defined, so that a perplexed public will fully understand what is meant by the term. If it is 100 per cent Americanism to evade taxes, cheat the Government, and swindle the people, let this be fairly understood. But it would be instructive to be informed just what difference there is in principle between cheating the Government, or putting it in bad, and attempting to undermine and overthrow it in the rude manner of the Bolshevist. Both methods equal the same result, only one is merely more crafty than the other in attaining it.

Mr. President, it is not so much the individual but our present system which is to blame for the conscienceless squeezing of the people for huge profits. To say that this evil can not be controlled is to say that this Government could not make national banks safe when we all know that it has. The Old World found it necessary and has regulated, or relegated, most of its kings. We shall do so with the pirates of the business world. We can regulate profits as we have regulated usury, and in such regulation provision can be made for maintaining a sinking fund for the lean years. The working out of such a system should be the task of the Department of Justice and the Federal Trade Commission, and in performing that task they may well take into consideration all effective steps taken in foreign countries toward beneficially controlling business in the interest of all.

The need of drastic action by governmental agencies in the enforcement of the laws we now have has been increasingly evident for months. We already have laws against profiteering. If those charged with enforcement of these laws will see that the profit hogs are sent to jail, prices will soon tumble. The United States has become a robbers' roost. Greed has become morally and criminally lawless. In self-protection we must find the remedy and apply it.

Mr. LENROOT. Mr. President, I have listened with very great interest to the remarks just made by the Senator from Kansas [Mr. CAPPER], and I simply want to emphasize one thing that he has said.

We are all constantly receiving protests over nonaction of Congress relative to the cost of living. The fact is that Congress has passed laws that if properly enforced would stop this profiteering; and if one millionaire profiteer were sent to the penitentiary at Leavenworth for a term under the laws that now exist, it would do more to stop this profiteering than all the schemes and all the protests that have been made regarding it.

Why is not this administration enforcing the law that now exists? The fact is that our present Attorney General is setting a few mouse traps around the country where he ought to be setting some bear traps.

Just the other day we read of a little merchant in lower New York who was arrested for profiteering because he had sold an overcoat at 50 per cent profit, and the next morning we read in the New York papers that that little merchant had committed suicide; but we are not reading anything in the newspapers of any action by this administration looking toward the conviction of the big profiteers. Why, take the case of sugar, to which the Senator from Kansas referred. The President refused to exercise the power that he had, that would have controlled the sugar situation, when he might have secured the sugar crop last summer. Last December we passed additional legislation, due to the efforts of the Senator from Oregon [Mr. MCNARY] and the Senator from Mississippi [Mr. HARRISON], and the President refused to exercise the power conferred upon him by that legislation, and the result is that we have the sugar situation that exists to-day.

Mr. President, it seems impossible to have this administration even attempt to enforce the laws that would stop this profiteering; and perhaps we shall have to wait a few months longer, until a new administration comes into power that will enforce the laws to correct the conditions that now exist.

But, Mr. President, I intended to say a few words upon the pending question, which is the river and harbor bill.

Mr. President, I am in favor of liberal expenditures for the improvement of rivers and harbors; but those who undertake to say that the $20,000,000 that is provided by the committee in this bill does not take into consideration the needs of the rivers and harbors of this country are mistaken. The fact is that this $20,000,000, with the amount that is now on hand, will permit for the coming year twice the amount of the average expenditures for the past five years; and remember this river and harbor bill is not a bill running from the 1st of July of one year to the 1st of July of the next year. The money is available under this bill when the bill is enacted, and the next river and harbor bill must be enacted before the 4th of next March. So we are not providing for a full year's expenditure under this bill. We are providing for the expenditure only up to the 1st of next March, and this will permit the expenditure, with the unexpended balances, with the amount now on hand, as stated by the Senator from Washington yesterday, of $51,000,000 between now and the 1st of next March, while the average expenditure during the last five fiscal years has been only $26,229,000.

Mr. HARRISON. Will the Senator yield?

Mr. LENROOT. Certainly.

Mr. HARRISON. How does the Senator get the amount he stated—$51,000,000?

Mr. LENROOT. Thirty-one million dollars, the Senator from Washington stated yesterday, is now on hand in unexpended balances, and this bill carries $20,000,000.

Mr. HARRISON. But the Senator from Washington stated that on the 1st of July there would probably be about $12,000,000 on hand. That was as I understood the chairman of the committee.

Mr. LENROOT. No; on these projects, I think.

Mr. HARRISON. He stated that there would be a balance probably of about $12,000,000 at the end of this fiscal year.

Mr. JONES of Washington. Col. Taylor advised the committee that there was $36,000,000 on hand the 1st of February for all projects throughout the country. That is at a rate of expenditure of about five millions a month. So if we spend at that rate up until the 1st of July there will then be on hand out of the $36,000,000 about twelve or thirteen million, and adding twenty million more will make $32,000,000 or $33,000,000.

Mr. LENROOT. That will be $32,000,000 from the 1st of July to the 1st of the following March.

Mr. JONES of Washington. That is correct.

Mr. HARRISON. But the chairman of the committee and the Senator from Wisconsin, who is a member of the committee, will agree that the most of that $12,000,000 is contracted for certain specified projects and is to be used on those particular projects.

Mr. LENROOT. Certainly; but that does not affect the amount of money which is being expended for the purpose of river and harbor improvement this year, which I state will be approximately twice as much as the average for the past five years.

Mr. HARRISON. We have been very niggardly in the past five years.

Mr. LENROOT. That may be; but the fact is, Mr. President, that so far as finding the money is concerned to pay for the expenditures of the Government, there was no year during the past five years when the money was not easier found than it is this year. We have never had a time when we have faced so difficult and so desperate a situation with regard to the Treasury. There is a reason for that, and, to say nothing about the profligate extravagances through the war by the administrative officers of the Government, the reason is that there does not seem to be a single member of the administration in its executive side who seems to know that for all practical purposes the war is over, and they are asking for money in every department of the Government without the slightest regard for the interest of the taxpayer or the slightest regard for economy. They are asking, as is well known, in the various appropriation bills for this year more than a billion dollars in excess of what Congress is going to grant to them.

More than that, as is well known, under authority given for war purposes, which it never was dreamed would be exercised after the 11th day of November, 1918, departments of the Government, using that authority given to them for the purpose of prosecuting the war, and because Congress did not believe there would be any abuse of authority to use the power in time of peace, have obligated the Treasury to the extent of millions of dollars, which we have to find the money now to pay for.

Mr. REED. Will the Senator kindly specify what those obligations are?

Mr. LENROOT. Yes. I do not know what it would aggregate, but following the 11th day of November I say that the War Department had no moral right to go into the purchase of land and to make contracts for which the power was given them for the purpose of prosecuting the war.

Mr. REED. To what extent have they done that?

Mr. LENROOT. They have done it in regard to nearly every piece of real estate which the War Department was using during the war. That is a pretty strong statement, and I will modify it. They have done it in many cases where they made a valid contract, where if Congress had been free—and I happened to be a member of a subcommittee considering it—where if Congress had been free it never would have authorized the incurring of those expenditures. But they made valid contracts and we are compelled to find the money to pay for them.

Mr. REED. I am not asking these questions in a controversial spirit.

Mr. LENROOT. I understand.

Mr. REED. But I am interested, now that the Senator has mentioned the War Department. Does he know of other cases outside of the War Department?

Mr. LENROOT. I think there were, not lately but following the armistice, some contracts made by our Shipping Board and Housing Corporation which, in my judgment, ought not to have been made. I am very glad to say that I believe there has been nothing going on of that character by the Shipping Board for the past year.

But I have no doubt, Mr. President, that we are compelled to pay hundreds of millions of dollars out of the Treasury now for expenditures incurred by the various departments of the Government, through powers given them for the purpose of prosecuting the war, where Congress would not have approved the expenditures had it been free to act upon them after the armistice of November 11, 1918.

So we have this condition, Mr. President. The Treasury is in a desperate condition. Where are we going to get the money? It does not seem to occur to some Senators that that is a question which Congress has any concern with. A deficit in the Treasury will face us within the next 12 months, and it behooves every Senator to consider that in connection with these appropriation bills.

That being true, with the $20,000,000 provided by this bill, which will give an expenditure of twice as much as the average expenditure in the past five years, I do not see that those of us who are in favor of liberal appropriations for our rivers and harbors, where they are legitimately required, can have any ground for criticism.

I do not know of any other expenditure in any department of the Government where we are doubling by any appropriation bill the average expenditures during the previous five years. In fact, I think you will find that every other appropriation bill, except this river and harbor bill, has a reduction of expenditures, and this is the only one which provides an increase, when consideration is given to the unexpended balances on hand.

One word more, Mr. President. Much has been said concerning the fact that there are no new projects included in this bill. I agree with what the Senator from North Carolina [Mr. SIMMONS] said to-day and the Senator from New York [Mr. CALDER] said yesterday. I have no doubt whatever that we will spend the money under the $20,000,000 appropriation upon old projects, where there will be very much less benefit to commerce, where there is less urgency for their expenditure, than many new projects which are pending.

The Senator from New York referred to the project at Jamaica Bay. I have one for my own State—Wisconsin—Green Bay, where there is a very great urgency for immediate improvement, where it has been favorably recommended, where the commerce exceeds over a million dollars, and the city is very rapidly growing. But under the policy of the committee no new projects were included.

The fact is, Mr. President, if we would put this whole matter of river and harbor improvements upon a basis which will command the support of the country we must be more careful in the future concerning the merits of each of the particular projects. If we would have the country support Congress in the making of appropriations for river and harbor improvements, we must see to it that where we do spend money there is a reasonable prospect that, from a business standpoint, commerce will float upon the rivers and harbors to such a degree as to warrant the expenditure.

What has given the stigma to river and harbor bills in the past is the fact, and it is a fact, that we have improved little rivers and creeks in various parts of the country where there has never been and never will be any commerce upon them at all commensurate with the cost to the Government.

So, Mr. President, I hope this amendment to the amendment of the committee will be defeated. If the bill remains at $20,000,000 it will provide for all the money which can be safely expended this year in view of the present condition of the Treasury.

Mr. THOMAS. Mr. President, I am quite content with the amount of the total appropriations of the bill as reported from the committee. I would have been more content with the bill as passed by the House. I did not rise, however, to comment upon the measure so much as to submit one or two remarks suggested by the criticism of the Senator from Wisconsin [Mr. LENROOT] of the administration in the Department of Justice as affecting the very popular subject of profiteering.

The Senator informs the country that abundant legislation upon that subject exists upon the statute books, but because of its nonenforcement, or insufficient enforcement, the unfortunate industrial conditions of the time persist. If that is true, it is a very serious indictment. If it is not true, then it should not be permitted to go unchallenged.

There are a number of statutes enacted by Congress designed to punish profiteering, all of them based upon a generally accepted but totally fallacious theory that profiteering can be controlled by legislation and that the prices of commodities can be reduced by controlling the profiteers. I do not hesitate to say, Mr. President, that no more unfounded theory ever prevailed. It is a natural one. It is one which has been acted upon by generations of the past whenever profiteering existed.

The generations that are to come will, under similar conditions, occupy a similar attitude, all of which means that we are largely incapable of learning from history or by experience.

The profiteer is not the cause of high prices. He is a consequence of high prices, and he is so much an essential consequence that at no time in the past, if my reading of history is correct, has he been absent when the opportunity presented itself for his activity. The profiteer flourishes in Germany, England, France, Italy, Belgium, and even in Turkey, as well as in the United States, and an attempt to legislate him out of existence by the operation of punitive statutes has been as abortive there as it is and will be abortive here.

It is true that you can punish an occasional violator of the law; it is true that you can prosecute all of them, or rather the most conspicuous ones; but the profiteer will persist, and always has persisted nevertheless. The public conception of a profiteer is a large, stolid, well-dressed, diamond-bedizened individual, wearing a plug hat and smoking a cigar at an angle of 45 degrees. It is an ideal picture, in other words, of the plethoric millionaire. The profiteer in practice is about as numerous as the members of the American Legion. They differ in amount and in degree, but not in kind.

The association which strikes for inordinate wages, such, for example, as those engineering the strike at present in the city of Butte, Mont., are profiteers pure and simple. Those who demand an inordinate raise of wages or compensation, who take advantage of existing conditions for the purpose of enforcing demands, are profiteers, although the public does not so regard them. Those in the possession of raw material or of food who hold and wait the rise in the market are profiteers as well as those who corner the market and who by so doing commit a crime against the common law and against the statutes of their country.

It is a sort of infectious disease, and very little political capital can be made out of the proposition that one administration fails to enforce laws which, if enforced, would rid the Nation of the difficulty, as is the promise of their enforcement in the event of a change of administration. Nearly all the big so-called profiteers whom I know personally or know of personally are members of the Republican Party. That is no reflection upon them. In some quarters it may be regarded as an advantage, but I imagine, Mr. President, if the next election results in a change of administration and the Senator from Wisconsin [Mr. LENROOT] is returned to his seat by his constituency that at the end of that administration the assurance which he a few moments ago gave to the country of what would become of the profiteer in the event that such a happy situation, from his standpoint, will prove as miserable a failure as are the attempts, in the estimation of the Senator, of the present administration in that direction.

I do not believe in profiteering. I want to see the Government punish every man who makes inordinate profit at this time. He ought to be punished, and I care not in what station in life he may be found; I care not what the extent of his profiteering may be, whether it is $10 or $10,000,000; I would like to see it stopped, but surely we ought to reflect—we must ultimately perceive, if we do not reflect at this time—that we are fighting conditions instead of causes and acting very largely like a child who stumbles over a chair and turns around and kicks the chair in his impotent rage as the proximate cause of his injury.

In France during and after the revolution, in England during and after the end of the Napoleonic wars, in France and Germany at the end of the Franco-Prussian War, in America upon the close of the Civil War, these conditions existed. Attempts were made to regulate them in precisely the same way. They failed as these will fail, and we may for political or other reasons on both sides of the Chamber rage against these conditions, indulge in crimination and recrimination, but they will go on. There is but one way and only one way, a hard and rugged one, in which normal conditions will return to this country. It is everybody's business to see that they do return; and if all of the men and women of the country will begin to increase the productivity of the Nation, will by their labors and their exertions contribute to the sum of the results of plentifulness in all the necessaries of life on the one hand, and will live as closely as possible to the line of economy upon the other, automatically the so-called good times will return, and they never will return until we do it, legislation or no legislation, recrimination or no recrimination.

It is a plain, sensible proposition, one which nations in previous times have, sometimes consciously but nearly always unconsciously, recognized in their operations. The present overalls brigade is a beginning. It has some fantastic features, but it is a beginning. If it can only be continued in other lines of necessity, and if in our diet we will assume the same situation, then there will be a change of conditions.

The Senator from Wisconsin talks about the scarcity of sugar. That is deplorable, but the way to have an abundance of sugar is to eat less sugar during these times. Unfortunately the Government itself is and has been setting an example of extravagance that is not at all commendable. I do not agree with the Senator in his criticisms of the departments, who, he says, have been indulging in reckless expenditures since the armistice; that is to say, I do not accept all of his assertions.

The War Department has been compelled to carry out contracts made during the war for lands and for articles supposed to be necessary and which were necessary for war purposes and which contracts they have been unable to cancel upon rational and equitable terms since. They should not be blamed for that. In some instances the War Department has concluded to carry out enterprises which do not address themselves to my notions of expediency, and the same is true of the Navy.

But here again we are against a fact, a stubborn fact, that can not be overlooked. It is that the expenditures consequent upon war always continue in rising proportions for a long period after the war is ended. The Senator from Wisconsin can not name a great struggle in history in which that has not been true. I do not think we have yet reached that necessary peak of expenditures; I hope we have. That we must take into consideration.

But, Mr. President, we have not set the departments a very good example here. The Senator says we are face to face with a great deficiency, and that is true. There is nothing new about it. We knew it a year ago. The Senator from Utah [Mr. SMOOT] made the statement more than a year ago that July 1, 1920, would find us face to face with a deficiency of over $3,000,000,000, because he knew what our expenditures would be, and what the estimates of the receipts of the Government probably would be. That is true. It must be paid ultimately by taxation.

But in the face of those conditions we have been making unnecessary appropriations, and will continue to do so. Yesterday we passed a bill increasing pensions by $65,000,000, and it created so little interest that there were hardly as many Senators here during the discussion and when it passed as there are in the Chamber at the present time. Congress proposes to listen to the demands of the American Legion and to vote bonuses amounting in all probability to more than $2,000,000,000. Yet in the face of what we have done and what we propose to do, some of us inconsistently rail at the extravagance of other departments of the Government. I think it would be a most wholesome example which Congress ought to set if, recognizing these conditions, we would begin a little economy on our own account.

The PRESIDING OFFICER (Mr. BALL in the chair). The question is on agreeing to the amendment of the Senator from Missouri to the amendment of the committee.

Mr. HARRISON. The pending amendment is the Reed amendment?

The PRESIDING OFFICER. It is.

Mr. HARRISON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Reading Clerk called the roll, and the following Senators answered to their names:

Ball	Harrison	McNary	Smith, Ariz.
Borah	Hitchcock	Moses	Smith, Md.
Brandegee	Jones, N. Mex.	Nelson	Spencer
Capper	Jones, Wash.	New	Sutherland
Chamberlain	Kellogg	Nugent	Thomas
Curtis	Kendrick	Overman	Trammell
Fernald	Knox	Ransdell	Underwood
Gerry	Lenroot	Reed	Warren
Glass	McCumber	Sheppard	Watson
Harris	McKellar	Simmons	

Mr. GERRY. The Senator from Virginia [Mr. SWANSON], the Senator from Arkansas [Mr. KIRBY], the Senator from California [Mr. PHELAN], and the senior Senator from Nevada [Mr. PITTMAN] are absent on official business.

The PRESIDING OFFICER. Thirty-nine Senators have answered to their names. There is not a quorum present. The Secretary will call the names of the absent Senators.

The names of the absent Senators were called, and Mr. PAGE and Mr. STERLING answered to their names when called.

Mr. KEYES and Mr. ASHURST entered the Chamber and answered to their names.

The PRESIDING OFFICER. Forty-three Senators have answered to their names. There is not a quorum present. What is the pleasure of the Senate?

Mr. JONES of Washington. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will carry out the order of the Senate.

Mr. DIAL, Mr. WADSWORTH, Mr. FRANCE, Mr. DILLINGHAM, Mr. COMER, Mr. MCCORMICK, and Mr. HENDERSON entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty Senators have answered to their names. There is a quorum present. The question is on the amendment offered by the Senator from Missouri [Mr. REED].

Mr. CHAMBERLAIN. Mr. President, I should like to have the attention of the Senator from Washington [Mr. JONES] for a moment. In section 10 of the river and harbor act of March 2, 1919, the Secretary of War was empowered to ascertain whether any contracts for river and harbor improvements have become inequitable and unjust on account of increased cost of materials, labor, and other unforeseen conditions arising out of the war with Germany, and to ascertain and report to Congress for consideration what amounts, if any, in addition to those fixed by the terms of such contracts should in justice and equity be paid to such contractors.

Acting under that provision of the river and harbor act, the various Army engineers throughout the country were called upon by the Secretary of War to give the contracts that were made prior to our entry into the war, the name of the contractor, the subject matter of the contract, the quantities and money valuation at contract prices of the work remaining to be performed after April 6, 1917, a statement of the date of the completion of the work, if completed, and if completed after July 18, 1918, or if not yet completed, whether the contractor has presented any claim under section 8 of the river and harbor act of that date, giving the date of the claim, and, if known, the file number.

Reports covering those details have been made by the Government engineers to the Chief of Engineers and by him transmitted to the Secretary of War. There were quite a number of contracts which were reported as inequitable and unjust because of the increased cost of material and labor after we had entered into the war.

The claims so reported amount in all to $219,916.02. The payment of this amount has been recommended by the Secretary of War or possibly the matter has been submitted to Congress for its consideration.

Amongst other claimants whose contracts were deemed to be inequitable and unjust was Robert Wakefield, of my State, a reputable and honorable citizen, who has done a great deal of Government work. It is recommended that he be paid $11,322.07. I desire to ask the chairman of the committee if the committee has considered this question at all and whether, in his opinion, it ought to be included in the rivers and harbors bill?

Mr. JONES of Washington. Mr. President, I think that if the claims are ready for settlement and payment they should be referred to the regular Appropriations Committee of the Senate. Congress has passed legislation providing for their adjustment, and on a recommendation as to the amount to be paid being submitted to Congress, I think the proper committee for the matter to go to is the Appropriations Committee. That has been the general rule, I know, with reference to claims that may be considered as audited. I do not think that it would be proper to attach such claims on this bill, but, if they are in the shape indicated, they would be very proper items either upon the general deficiency bill or upon the sundry civil bill.

Mr. CHAMBERLAIN. The matter was considered to some extent, I think, by the Rivers and Harbors Committee of the House, but no action was taken.

These claims ought to be paid. They are large enough in some instances to impair the credit and probably to make bankrupt some of these people; and I want to say to the Senator now that while I do not want to encumber this bill with any suggested amendment which will retard its passage, I shall undertake to have an amendment put on the next rivers and harbors bill if we can not get action taken by the Appropriations Committee.

Mr. JONES of Washington. Mr. President, there is not any question in my mind but that the Appropriations Committee will give these matters its careful consideration when the appropriation bills come up; but if the claims are sent down in the proper way, I know of no reason why they should not be placed upon appropriation bills if they are found to be correct.

Mr. NEW. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Indiana?

Mr. CHAMBERLAIN. Just a moment. These estimates were sent down by the Secretary of War on the 29th of March, 1920, to the Speaker of the House of Representatives, itemized, and giving in detail just what the items were for, and I think the Speaker referred them to the Rivers and Harbors Committee on the other side of the Capitol.

I now yield to the Senator from Indiana.

Mr. NEW. Mr. President, if the Senator will permit me for a moment, I merely wish to say that there are at least two concerns in my State that are interested in claims coming exactly within the category described by the Senator from Oregon. They are firms with which I am well acquainted. They are reputable and competent. The conditions were changed for them by the acts of the Government after the time they made their contracts—conditions that were entirely beyond their control, for which they had no responsibility whatever. There is no question in my mind but that they have a just claim against the Government. It is a question, I suppose, of where and how that claim should be presented.

As I understand, the Senator from Washington does not contest the validity of the claims at all. As the Senator from Oregon has stated, they have gone to the Secretary of War after having passed the inspection of the Engineer Department and received their approval. The Secretary of War has approved them, and has given that approval in a formal way in a letter to the Speaker of the House of Representatives. Possibly a mistake has been made at some point along the line in presenting the claims in this bill; but, whether in this or some other bill, the claims ought to be adjudicated. I think they should be allowed; and if the Senator from Oregon has an amendment to propose, and will include in that amendment the companies of which I speak, and whose cases come exactly within the description he has given, I shall be very glad to support it, unless there can be some sort of understanding that they will have the consideration to which they are certainly entitled on some other bill.

I think myself it is possible that the proper place for them is on the general deficiency bill. I am not disposed to in any way interfere with the passage of this bill if this is not the proper place for these claims, but it is certainly true that they are entitled to consideration.

Mr. JONES of Washington. Mr. President, several Senators have spoken to me about claims of this character, and I suppose they are probably covered in the letter that the Senator from Oregon has—the Senator from Minnesota, the Senator from Michigan, Mr. TOWNSEND, I think the Senator from Tennessee, Mr. MCKELLAR, and probably other Senators. I have told them that in my judgment these claims should go to the Appropriations Committee to have their amount carried in an appropriation bill.

I will say to the Senator from Indiana and to the Senator from Oregon that if it is found that these claims are not in a position to be taken care of in an appropriation bill, if further legislation is necessary in order that they may be presented to Congress in the proper form, I shall be glad for the River and Harbor Committee—if that is the proper committee, and I think it would be—to look into the matter and to do it in the next bill; but I am very strongly of the opinion that if these estimates have come down in the proper form, in compliance with the law that we passed, under which, as I understand, these claims were to be audited and the amount due to be fixed, they can be properly taken care of in an appropriation bill.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. JONES of Washington. I yield.

Mr. LENROOT. The Senator is entirely correct, except in one particular—that it is not a finding of liability by the department. They recommend to Congress what in their judgment should be the amount to be paid.

Mr. JONES of Washington. That may be true. Then it would be for the Appropriations Committee, I take it, to pass upon that.

Mr. WARREN. Mr. President, I do not know the exact language of these claims; but the place for them, if they have reached the proper point, is on a deficiency bill, of course. I am very careful about promising beforehand what can go on a bill, because we sometimes have to meet very urgent opposition on the other side; but I do say that it is my desire always, as chairman of the Appropriations Committee, to take care in the deficiency bill of everything that has arrived at the proper stage and is in proper shape to go on that bill. I believe in sweeping up clean every time.

We have pending a deficiency bill which is right here on my desk, but that is of a special nature. It is only a matter of a very few items; but before the end of this session there will follow a general deficiency bill. Whether or not these matters offered by the Senator from Oregon are in shape to be submitted as audited claims I am unable to say; but I can give the assurance that it is my intention, as chairman of the Appro-

priations Committee, to clean up everything that confronts that committee to the day we report that is proper to be contained in a deficiency bill. These items seem to be in the nature of a deficiency, if they have passed the proper examination, and, of course, we will then have behind them, or should have, the further proof, if any is necessary.

Mr. CHAMBERLAIN. Mr. President, these claims always have my sympathy, because a man may have a claim of a few hundred dollars against the Government of the United States, and it may be accepted by the proper tribunals, but they play battledore and shuttlecock with it when it gets here, and it is sometimes a physical impossibility ever to get it through.

Take these claims. They all grow out of river and harbor construction. There is not any question about their validity or their justice. The distinguished chairman of the Appropriations Committee, as he intimated a while ago, has always been fair in the consideration of these matters, but I greatly fear that when this one comes up to the committee he will find quite a number of Senators on the committee who will say, "Oh, that ought to go in a claims bill," and the Claims Committee may not think it ought to consider it, with the result that, unless some committee will take it and fairly consider it as it deserves to be considered these claims will be hanging for a long while.

I have not undertaken to impede the progress of this river and harbor bill; in fact, I want it to go through; but I do express the hope as to all of these people, although each individual claim is small, that the Committee on Appropriations will take up the matter, because it has been reported in all respects as the act of 1919 provides.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. CHAMBERLAIN. I yield.

Mr. LENROOT. I merely want to say that I do not believe in any event there would be any possible warrant for saying that any of these matters should go to the Claims Committee. They are only claims against the Government by virtue of legislation we passed in the last river and harbor bill, and every one of them is audited and the amount fixed in the report made to Congress, so there can be nothing for the Committee on Claims to find.

Mr. CHAMBERLAIN. I hope the Senator is right, and I do not think myself that it ought to go there. I think the Committee on Appropriations can dispose of it finally.

Mr. LENROOT. I think so.

Mr. SWANSON. Mr. President, I should like to ask the Senator from Washington [Mr. JONES] a few questions about the pending amendment.

As I understand, the bill reported from the committee carries an appropriation of $20,000,000. The amendment offered by the Senator from Missouri increases that amount to $27,000,000. I am especially interested, not only as a citizen of Virginia but also as a great friend of the Navy, in the improvements at Norfolk Harbor.

Norfolk Harbor, with Hampton Roads, is becoming one of the industrial and commercial centers of this country. In recent years, next to New York, it is getting to be the greatest import and export port of the entire country.

The railroads that center there, I believe, will ultimately make Chesapeake Bay the industrial, commercial, and manufacturing center of this country. Baltimore is interested in it, and thousands and thousands of industries on Chesapeake Bay. The roads that center at Norfolk extend from the far West, Kansas City, St. Louis, and the Great Lakes. In addition to that, we have built at Norfolk, impelled by the necessities of the occasion, the greatest naval base and shipyard anywhere, in which we are now constructing the very largest ships. It requires a depth of 40 feet for ships to go to the dry docks, on which the Government has spent a great deal of money, and this 40-foot depth must have a certain breadth to enable these ships to come in.

I understand that the original recommendation was for the appropriation of $750,000 to complete that work satisfactorily, not only for the commerce of that port but also to enable the dry docks and battleships being constructed there to be properly utilized. I understand that that was reduced to $400,000, which is all that will be obtained unless this amendment prevails; and I understand that if this amendment prevails there will be money available to complete that great work at Norfolk. With an appropriation of $27,000,000, would there be available the $750,000 which they have been insisting is absolutely necessary for Norfolk Harbor?

Mr. JONES of Washington. They do not insist that $750,000 is absolutely necessary. The revised estimate of the engineers places the amount at $400,000. They have on hand for Norfolk Harbor $813,766. With the $400,000 they would have over a million two hundred thousand dollars, and the engineer placed in his revised estimate $400,000 for Norfolk Harbor.

Mr. SWANSON. I understand that.

Mr. JONES of Washington. He says in his letter, in answer to my letter, that they should have $400,000. That would be taken care of in the $20,000,000. Of course, if we appropriate $27,000,000, they could expend more there; or they might take that money and put it into other projects. They are not required to put it in any particular place.

Mr. SWANSON. I understood the estimate originally was for $750,000, and the Senator wrote a letter asking them if they could not reduce it to something less. As I understand, the money on hand now was for something that has already been appropriated for, and it will complete that work; but the channel must be made broader in order that ships, especially battleships, may come in and out, so they can be dry-docked.

Mr. JONES of Washington. That is what the engineers say in their letter in answer to my letter.

Mr. SWANSON. That the $400,000 might enable them to continue the work for a reasonable time, but that they certainly could not do that work for less than $750,000. That is based possibly on an idea that there might be a deficiency appropriation bill after the elections are over.

Mr. JONES of Washington. No, Mr. President. I regret such suggestions with reference to political expediency, and so forth. I know that has had nothing to do with the consideration of this bill in the Commerce Committee of the Senate, and I have not considered it for one moment. This is the idea, that we will have another river and harbor bill by the 4th of next March.

Mr. SWANSON. It will not be operative, though, until the 30th of June.

Mr. JONES of Washington. Yes; the appropriations in river and harbor bills are always immediately available. That is largely the basis upon which Col. Taylor acted in reducing a great many of these amounts. He expressly states in his testimony that we will have a river and harbor bill by the 4th of next March, because that is the time the present Congress ends. He says $400,000, with the $830,000 on hand, will take care of Norfolk Harbor.

Mr. SWANSON. Up until the 4th of March?

Mr. JONES of Washington. Yes.

Mr. SWANSON. But he admits that he could not do this work so that the battleships could go in the dry docks and be launched, after completion, unless he gets $750,000, does he not?

Mr. JONES of Washington. No; he does not say that.

Mr. SWANSON. That is the substance of what he has written, as I have gathered it.

Mr. JONES of Washington. No; he says in his letter to me——

Mr. SWANSON. That is, when you wrote asking him to reduce the amount from $750,000 to $400,000?

Mr. JONES of Washington. No; when I wrote him asking whether Norfolk Harbor could be omitted entirely. The appropriation recommended by Col. Taylor's memorandum is $750,000. The original estimates give it as a million dollars, but possibly that was wrong. He says:

> The entire omission of this item is suggested in your letter. The project for the improvement of this harbor provides in its main feature for a channel 40 feet in depth to the navy yard. The Navy Department has recently completed, it is understood, a dry dock at the head of this channel capable of receiving the largest ships, and the entire capacity of the project channel is necessary for the proper utilization of this dry dock. With the available funds and under existing contracts, it is expected to secure a channel 40 feet in depth, but the width of this channel is insufficient for its proper utilization. The vigorous prosecution of the work of enlarging the channel is considered highly essential. The funds on hand are insufficient to undertake this enlargement, and the omission of the item presented would be highly inadvisable.

The revised estimate, as I said, was placed at $400,000. Col. Taylor, according to my recollection, in his testimony before the House committee, just as he did with reference to several reductions which he had made, based it upon the idea that we would have another bill by the 1st of March; in other words, that the appropriation is not for a whole year, but for three-quarters of a year, and he expects the additional amount to be available, and with this $1,200,000 he can carry on the work. Of course, if the amount carried by the bill should be increased to $27,000,000, and that should become a law, then there would be more money available for Norfolk Harbor and more money available for other various harbors in the country. Of course, that is true. If we should raise it to $40,000,000 there would be more money for not only Norfolk Harbor but for many other harbors and rivers throughout the country. The same argu-

ment that has been used against the twenty million in this bill can be used also against the twenty-seven million; in other words, the amendment providing for $27,000,000, I take it, is proposed instead of one for forty or fifty million because it was thought that that was about the best that could be gotten. The $20,000,000 recommended by the Commerce Committee is not all that several of the members of the committee would like to have. It is more than some think we are really justified in appropriating for at this time, but it is the amount which the majority of the committee felt we really ought to have in order to meet imperative needs. I believe that that amount will pretty well take care of the situation.

Mr. SWANSON. Mr. President, the appropriation of $20,000,000 is conditioned on the idea that Congress must certainly pass a river and harbor bill before the 4th of March. Experience has taught me that at the short sessions very rarely do we get a river and harbor bill through, unless we make tremendous concessions. Senators can, if they wish, filibuster up to the 4th of March.

Mr. JONES of Washington. Will the Senator permit me?

Mr. SWANSON. Certainly.

Mr. JONES of Washington. The Senator will remember that some seven or eight years or more ago the policy was adopted of having a river and harbor bill at every regular session, and my recollection is that since that policy was adopted we have not failed to have a river and harbor bill at each session.

Mr. SWANSON. Mr. President, that is true; but on account of the shortness of the session, and owing to the fact that half a dozen or a dozen Senators can filibuster and prevent the passage of any bill unless we surrender everything to suit their demands, it is nearly impossible to get through a good, satisfactory bill suitable to the commerce of the country at a short session. If we were satisfied that we could get through a river and harbor bill at the short session of Congress to take care of this enterprise, which is absolutely necessary, not only for the country but acknowledged by the Army Engineers to be indispensable for the Navy to provide for the great battleships which are being constructed there, and for the docking of these immense ships, it would be well to let it go over, but I am satisfied that when we come here at the short session, if we get a bill through it will mean a surrender on all these appropriations, and it will be nearly impossible to take care of these enterprises. Having had experience in the House and the Senate, I am satisfied that when the chairman of the committee is here at the next session, about the 2d of March, when the appropriation bill comes up, and it is known that there will be a filibuster for two or three days, you will get nothing except something that five or six Senators who, very illiberal and ungenerous in promoting the commerce of this country, agree to; and we shall have to make concessions and surrender to them. In view of that condition I think it is wise at this time to increase the appropriation to $27,000,000.

There is not a man who will claim that it would be a waste. The very men who advocate $20,000,000 will admit that you can not do this work for 12 months unless you get a bill through before the 4th of March to carry on the work from the 4th of March to the 30th of June. I am not familiar with any of these projects except that in connection with Norfolk Harbor. I do know about that. I know it is a great port. I know it is the second port in the United States. I know its commerce is growing by leaps and bounds. I know it is crowded. I know it is the greatest naval base in the world. I know they have prepared it as a place for docking the great ships. The Army and Navy insisted upon it, and it seems to me it is wise at this time to make this appropriation of $27,000,000. I shall vote for the amendment to the amendment of the committee.

Mr. JONES of Washington. Mr. President, I wish to suggest that if we are not going to have a river and harbor bill at the next session, I doubt very much if Norfolk will get anything of the additional sum. There will be so many other projects throughout the country which will want it divided up that there will be nothing left for that harbor.

The PRESIDING OFFICER (Mr. STERLING in the chair). The question is on the amendment of the Senator from Missouri [Mr. REED] to the amendment.

Mr. JONES of Washington. I ask for the yeas and nays.

The yeas and nays were ordered, and the Reading Clerk proceeded to call the roll.

Mr. KENDRICK (when his name was called). I have a general pair with the Senator from New Mexico [Mr. FALL], which I transfer to the senior Senator from Ohio [Mr. POMERENE], and vote "yea."

Mr. MOSES (when his name was called). I have a general pair with the junior Senator from Louisiana [Mr. GAY]. I transfer that pair to the junior Senator from Washington [Mr. POINDEXTER] and vote "nay."

Mr. UNDERWOOD (when his name was called). I have a general pair with the junior Senator from Ohio [Mr. HARDING], which I transfer to the senior Senator from Tennessee [Mr. SHIELDS] and vote "yea."

Mr. WATSON (when his name was called). I have a general pair with the senior Senator from Delaware [Mr. WOLCOTT]. In his absence I withhold my vote.

The roll call was concluded.

Mr. KIRBY. I have a general pair with the senior Senator from Wisconsin [Mr. LA FOLLETTE], who is absent on account of illness. I transfer that pair to the Senator from California [Mr. PHELAN] and vote "yea."

Mr. GLASS (after having voted in the affirmative). I have a general pair with the senior Senator from Illinois [Mr. SHERMAN], which I transfer to the Senator from Kentucky [Mr. STANLEY] and permit my vote to stand.

Mr. BALL. I have a pair with the senior Senator from Florida [Mr. FLETCHER]. I transfer that pair to the senior Senator from Iowa [Mr. CUMMINS] and vote "nay."

Mr. SUTHERLAND. I have a general pair with the senior Senator from Kentucky [Mr. BECKHAM]. I transfer that pair to the Senator from Maine [Mr. HALE] and vote "nay."

Mr. STERLING (after having voted in the affirmative). I have a general pair with the Senator from South Carolina [Mr. SMITH]. I transfer that pair to the Senator from Utah [Mr. SMOOT] and allow my vote to stand.

Mr. DILLINGHAM (after having voted in the negative). May I inquire if the Senator from Maryland [Mr. SMITH] has voted?

The VICE PRESIDENT. That Senator has not voted.

Mr. DILLINGHAM. I transfer my general pair with the Senator from Maryland [Mr. SMITH] to the Senator from Colorado [Mr. PHIPPS] and allow my vote to stand.

Mr. TRAMMELL. I have a general pair with the senior Senator from Rhode Island [Mr. COLT]. I transfer the pair to the junior Senator from Massachusetts [Mr. WALSH] and vote "yea."

Mr. SIMMONS. I wish to announce that the Senator from South Carolina [Mr. SMITH] is unavoidably absent from the Senate. If he were present, he would vote "yea."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN];

The Senator from West Virginia [Mr. ELKINS] with the Senator from Oklahoma [Mr. GORE];

The Senator from New Jersey [Mr. FRELINGHUYSEN] with the Senator from Montana [Mr. WALSH];

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS];

The Senator from Michigan [Mr. TOWNSEND] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from Maine [Mr. FERNALD] with the Senator from South Dakota [Mr. JOHNSON];

The Senator from Connecticut [Mr. MCLEAN] with the Senator from Montana [Mr. MYERS]; and

The Senator from Illinois [Mr. MCCORMICK] with the Senator from Nevada [Mr. HENDERSON].

The yeas and nays resulted—yeas 24, nays 20, as follows:

YEAS—24.

Ashurst	Kendrick	Overman	Spencer
Chamberlain	Kirby	Ransdell	Sterling
Dial	Knox	Reed	Swanson
Glass	McKellar	Sheppard	Thomas
Harris	McNary	Simmons	Trammell
Harrison	Nugent	Smith, Ariz.	Underwood

NAYS—20.

Ball	France	Keyes	New
Brandegee	Gerry	Lenroot	Page
Capper	Jones, Wash.	McCumber	Sutherland
Curtis	Kellogg	Moses	Wadsworth
Dillingham	Kenyon	Nelson	Warren

NOT VOTING—52.

Beckham	Gay	McCormick	Sherman
Borah	Gore	McLean	Shields
Calder	Gronna	Myers	Smith, Ga.
Colt	Hale	Newberry	Smith, Md.
Comer	Harding	Norris	Smith, S. C.
Culberson	Henderson	Owen	Smoot
Cummins	Hitchcock	Penrose	Stanley
Edge	Johnson, Calif.	Phelan	Townsend
Elkins	Johnson, S. Dak.	Phipps	Walsh, Mass.
Fall	Jones, N. Mex.	Pittman	Walsh, Mont.
Fernald	King	Poindexter	Watson
Fletcher	La Follette	Pomerene	Williams
Frelinghuysen	Lodge	Robinson	Wolcott

The VICE PRESIDENT. On the amendment of the Senator from Missouri [Mr. REED] to the amendment of the committee, the yeas are 24 and the nays are 20. The Senator from Indiana [Mr. WATSON] is present and not voting. There is not a quorum present. The Secretary will call the roll.

The Reading Clerk called the roll, and the following Senators answered to their names:

Ashurst	Glass	McNary	Spencer
Ball	Harrison	Moses	Sterling
Brandegee	Jones, Wash.	Nelson	Sutherland
Capper	Kellogg	New	Swanson
Chamberlain	Kendrick	Nugent	Thomas
Comer	Kenyon	Overman	Trammell
Curtis	Keyes	Ransdell	Underwood
Dial	Kirby	Reed	Wadsworth
Dillingham	Lenroot	Sheppard	Warren
France	McCumber	Simmons	Watson
Gerry	McKellar	Smith, Ariz.	

The VICE PRESIDENT. Forty-three Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The names of the absent Senators were called and Mr. KNOX answered to his name when called.

The VICE PRESIDENT. Forty-four Senators have answered to the roll call. There is not a quorum present.

Mr. JONES of Washington. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant at Arms will carry out the instructions of the Senate.

Mr. GRONNA, Mr. PAGE, and Mr. HARRIS entered the Chamber and answered to their names.

Mr. OVERMAN. I move that the Senate adjourn.

On a division, the Senate refused to adjourn.

Mr. BORAH and Mr. SMITH of Maryland entered the Chamber and answered to their names.

The VICE PRESIDENT. Forty-nine Senators have answered to the roll call. A quorum is present. The question is on the amendment of the Senator from Missouri [Mr. REED]. The Secretary will call the roll.

The Reading Clerk proceeded to call the roll.

Mr. GLASS (when his name was called). Making the same announcement as to my pair and its transfer as on the last roll call, I vote "yea."

Mr. KENDRICK (when his name was called). I make the same announcement as to the transfer of my pair as on the last vote and vote "yea."

Mr. KIRBY (when his name was called). I have a general pair with the senior Senator from Wisconsin [Mr. LA FOLLETTE], which I transfer to the Senator from California [Mr. PHELAN], and vote "yea."

Mr. MOSES (when his name was called). Repeating the announcement of my pair and its transfer as on the previous vote, I vote "nay."

Mr. UNDERWOOD (when his name was called). I make the same announcement that I made a few moments ago with reference to the transfer of my pair and vote "yea."

Mr. WATSON (when his name was called). Announcing my pair as on the last vote, I withhold my vote.

The roll call was concluded.

Mr. BALL (after having voted in the negative). I have a general pair with the senior Senator from Florida [Mr. FLETCHER]. I transfer that pair to the senior Senator from Iowa [Mr. CUMMINS] and allow my vote to stand.

Mr. STERLING. Making the same transfer of my pair as on the previous vote, I vote "yea."

Mr. THOMAS. I inquire if the senior Senator from North Dakota [Mr. MCCUMBER] has voted?

The VICE PRESIDENT. The Chair is informed he has not voted.

Mr. THOMAS. I withhold my vote, as I have a pair with that Senator. I desire, however, to be counted to make a quorum.

Mr. TRAMMELL (after having voted in the affirmative). I desire to announce the same transfer of my pair as on the last vote and will allow my vote to stand.

The yeas and nays resulted as follows:

YEAS—25.

Ashurst	Kendrick	Ransdell	Sterling
Chamberlain	Kirby	Reed	Swanson
Comer	Knox	Sheppard	Trammell
Dial	McKellar	Simmons	Underwood
Glass	McNary	Smith, Ariz.	
Harris	Nugent	Smith, Md.	
Harrison	Overman	Spencer	

NAYS—21.

Ball	France	Keyes	Sutherland
Borah	Gerry	Lenroot	Wadsworth
Brandegee	Gronna	Moses	Warren
Capper	Jones, Wash.	Nelson	
Curtis	Kellogg	New	
Dillingham	Kenyon	Page	

NOT VOTING—50.

Beckham	Hale	Myers	Smith, Ga.
Calder	Harding	Newberry	Smith, S. C.
Colt	Henderson	Norris	Smoot
Culberson	Hitchcock	Owen	Stanley
Cummins	Johnson, Calif.	Penrose	Thomas
Edge	Johnson, S. Dak.	Phelan	Townsend
Elkins	Jones, N. Mex.	Phipps	Walsh, Mass.
Fall	King	Pittman	Walsh, Mont.
Fernald	La Follette	Poindexter	Watson
Fletcher	Lodge	Pomerene	Williams
Frelinghuysen	McCormick	Robinson	Wolcott
Gay	McCumber	Sherman	
Gore	McLean	Shields	

The VICE PRESIDENT. On the amendment of the Senator from Missouri the yeas are 25, the nays are 21. The Senator from Colorado [Mr. THOMAS] and the Senator from Indiana [Mr. WATSON] are present, but have not voted. There is not a quorum present. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Harrison	Nugent	Sterling
Ball	Jones, Wash.	Overman	Sutherland
Brandegee	Kellogg	Page	Swanson
Capper	Kendrick	Ransdell	Thomas
Comer	Keyes	Reed	Trammell
Curtis	Knox	Sheppard	Underwood
Dial	Lenroot	Simmons	Wadsworth
Dillingham	McKellar	Smith, Ariz.	Warren
Glass	McNary	Smith, Md.	Watson
Gronna	New	Spencer	

The VICE PRESIDENT. Thirty-seven Senators have answered to the roll call. There is not a quorum present. The Secretary will call the names of the absent Senators.

The Reading Clerk called the names of the absent Senators, and Mr. BORAH, Mr. CHAMBERLAIN, Mr. HARRIS, Mr. KENYON, Mr. MOSES, and Mr. NELSON answered to their names when called.

The VICE PRESIDENT. Forty-three Senators have answered to the roll call. There is not a quorum present.

Mr. JONES of Washington. Mr. President, it seems to be impossible to get a quorum this afternoon. I therefore move that the Senate adjourn.

The motion was agreed to; and (at 3 o'clock and 30 minutes p. m.) the Senate adjourned until Monday, April 26, 1920, at 12 o'clock meridian.

SENATE.

MONDAY, *April 26, 1920.*

Rev. John Paul Tyler, of the city of Washington, offered the following prayer:

Let us pray. Almighty God, father of life and of mercies, giver of every good and perfect gift, command upon us, we beseech Thee, Thy blessing as we enter upon the activities of another day and another week. Bless us in all that we shall do or say. Enlighten our minds with Thy wisdom, that with unselfish devotion to Thy righteousness in the earth through our lives and labors Thy kingdom may come. Forgive us our blindness and our selfishness. Help us to see and to do Thy will.

Let Thy blessing rest upon our native land, we pray, upon the President of our United States, upon all the Members of this Congress, upon the loved ones in homes, wherever they are. Keep them, protect, shield, and direct them. Guide us by Thy counsel, and afterwards receive us into glory. For we ask it in the name of our Lord and Savior, who taught us when we pray to say:

Our Father who art in heaven, hallowed be Thy name. Thy kingdom come, Thy will be done, on earth as it is in heaven. Give us this day our daily bread, and forgive us our trespasses as we forgive those who trespass against us. Lead us not into temptation, but deliver us from evil, for Thine is the kingdom, the power, and the glory forever. Amen.

The Reading Clerk proceeded to read the Journal of the proceedings of the legislative day of Friday, April 23, 1920, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with, and the Journal was approved.

CALLING THE ROLL.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The roll will be called.

The roll was called, and the following Senators answered to their names:

Ball	Harris	McKellar	Simmons
Borah	Harrison	McLean	Smith, Ariz.
Calder	Henderson	McNary	Smith, Md.
Capper	Hitchcock	Moses	Smoot
Chamberlain	Jones, N. Mex.	Nelson	Spencer
Comer	Jones, Wash.	New	Sutherland
Culberson	Kellogg	Nugent	Swanson
Curtis	Kendrick	Overman	Thomas
Dillingham	Keyes	Page	Townsend
Fernald	King	Phelan	Trammell
France	Knox	Phipps	Wadsworth
Gay	Lenroot	Pittman	Warren
Gerry	Lodge	Ransdell	
Glass	McCormick	Reed	
Gronna	McCumber	Sheppard	

Mr. GRONNA. I desire to announce that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is absent due to illness. I ask that this announcement may stand for the day.

Mr. CURTIS. I wish to announce that the Senator from Maine [Mr. HALE] is detained at a meeting of the subcommittee of the Committee on Naval Affairs.

Mr. GERRY. The Senator from Arizona [Mr. ASHURST], the junior Senator from South Carolina [Mr. DIAL], the senior Senator from South Carolina [Mr. SMITH], the Senator from Alabama [Mr. UNDERWOOD], and the Senator from Delaware [Mr. WOLCOTT] are absent on official business.

The VICE PRESIDENT. Fifty-seven Senators have answered to the roll call. There is a quorum present.

COMMISSIONED OFFICERS AS CIVILIAN EMPLOYEES (S. DOC. NO. 173, PT. 3).

The VICE PRESIDENT laid before the Senate a communication from the Acting Secretary of War, transmitting, in response to resolution of December 11, 1919, a statement showing the name, rank, and total compensation of all officers in the War Department who, at the time they were commissioned, were employed by the civil branch of the Government and the compensation such officers were receiving as civil employees at the time they were commissioned, which, with the accompanying paper, was referred to the Committee on Military Affairs and ordered to be printed.

ARMY REORGANIZATION.

Mr. LENROOT. Mr. President, during the debate upon the Army reorganization bill I made some remarks concerning the sending of untrained soldiers to the front. I have a letter from the Secretary of War in which he has taken exceptions to some of the statements that I made. I ask unanimous consent to have inserted in the RECORD this letter together with my reply to it.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

WAR DEPARTMENT,
Washington, April 15, 1920.

Hon. IRVINE L. LENROOT,
United States Senate, Washington, D. C.

MY DEAR SENATOR: On pages 5537 and 5538 of the CONGRESSIONAL RECORD of April 12, 1920, there appears the following extract from a speech delivered by you on that day:

"The murder of these boys—because it was murder—was not due to the failure to enact a policy of universal military training prior to our entry into the war. It was due wholly, as every officer who touched upon the subject has testified, to the fact that division commanders in the camps of this country, who had trained men in abundance, when they were called upon for replacements, instead of those commanders sending their trained men they sent from those camps men who had never received an hour's training, and kept their trained men in the camps in this country."

I realize that in the heat of debate upon the floor of the Senate there must inevitably occur statements which, in some cases, convey most undeserved censure of those who are unable to properly reply or defend themselves before the bar of public opinion. This realization is, I believe, shared by the public, as well as the Members of Congress, and for that reason no attempt is made in many cases to call attention to these unfair criticisms. The above remarks, however, reflect so seriously upon officers of high rank, who conscientiously did their best to forward the interests of the country at large, that I feel I should call the matter to your attention.

I do not question Col. Donovan's statement made before your committee, that at one time he unfortunately received a detachment of men who had not completed the prescribed course of training. In operations of the magnitude that we were conducting at that time, it is possible that through some miscarriage of plans such a situation might have arisen. This, however, I assure you, was not the case generally, and I feel certain that an occurrence of this nature was most rare.

As to how this particular situation arose, there seems to be no competent evidence. Col. Donovan himself, in explaining it, assumed a hypothetical reason which he thought might have existed, and clearly stated in this connection that he did not know this to be the case. In reality, this method of replacement was used at only one time, and involved but four divisions. The instructions governing this movement included the following:

"All men selected for Infantry, Field Artillery, and Cavalry will be men with the usual oversea qualifications, and, if possible, men who have had target practice and at least two months' training."

There is nothing in the records to indicate that these instructions were not carried out in the spirit in which they were issued. It would appear, therefore, that your general indictment of the division commanders of the camps in this country has not the foundation upon which such grave charges should have been based. I rely upon your sense of justice for a correction of the false impression, the perpetuation of which, I feel sure, you would not desire.

Cordially, yours,

NEWTON D. BAKER.
Secretary of War.

—

APRIL 21, 1920.

Hon. NEWTON D. BAKER,
Secretary of War, Washington, D. C.

MY DEAR MR. SECRETARY: I have yours of the 15th instant relative to remarks made by me in the Senate on April 12, 1920. In reply, I will say that in the language quoted by you I had no intention of charging that all division commanders adopted the practice of filling replacement quotas with untrained men, and I do not think the language would carry that idea. I, of course, had no intention of making any such sweeping charge. The fact remains, however, that there was testimony in abundance to the effect that untrained men were sent to the front, and this has been corroborated by many ex-service men in private conversation with me. I do not believe that all division commanders were guilty of this charge, but that some were guilty the testimony abundantly shows.

Permit me to say that in my opinion there was no time while we were engaged in war when there was the slightest excuse for sending any boy who had had no training whatever across the seas where he might be sent to the front to fight. The instructions quoted by you of themselves seem to leave some discretion in this regard with division commanders. You quote as follows:

"All men selected for Infantry, Field Artillery, and Cavalry will be men with the usual oversea qualifications and, if possible, men who have had target practice and at least two months' training."

I can not see why, so far as "two months' training" is concerned, there should have been any discretion whatever left with division commanders, but even with this discretion there could be no excuse for any division commander sending untrained men.

It seems to me a thorough investigation should be made by you of this matter; and if any division commander is found to have sent untrained men for replacement when he had trained men who might have been sent, he should be court-martialed.

I, of course, have no desire to cast any reflection upon division commanders who were not guilty of this practice, and I therefore shall be very glad to insert in the RECORD at the first opportunity your letter to me and this reply.

Very sincerely, yours,

I. L. LENROOT.

PETITIONS AND MEMORIALS.

Mr. GRONNA. I present a very brief letter and resolution from the Fargo (N. Dak.) Trades and Labor Assembly, which I ask to have printed in the RECORD and referred to the Committee on the Judiciary.

There being no objection, the matter referred to was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

FARGO, N. DAK., *April 21, 1920.*

Hon. A. J. GRONNA,
United States Senate, Washington, D. C.

DEAR SIR: The inclosed resolution was read and indorsed by the Fargo Trades and Labor Assembly at our meeting last Wednesday, and I am instructed to forward same to you and ask your support of the bills called for in the resolution.

Thanking you for past favors, and in the hope that your support will be forthcoming, we remain,

Sincerely,

FARGO TRADES AND LABOR ASSEMBLY,
By W. G. BESSERER, *Secretary*.

—

Whereas the signing of the peace treaty finds in American civil and military prisons, or under bail pending trial or appeal, large numbers of men and women whose offense or alleged offense is of a political nature; and

Whereas the sole justification for such prosecution and imprisonment, that of war-time necessity, no longer exists; and

Whereas in all democratic countries of Europe which have been associated with us in the prosecution of the war full amnesty has been granted to all political, industrial, and religious war opponents: Be it

Resolved, That it is the sense of our organization that further prosecution and imprisonment in the United States of a body of political offenders is contrary to the democratic idealism and the traditions of freedom to which our country is committed; and be it further

Resolved, That we accordingly urge upon the United States Senators and Congressmen of our State to do all in their power to support Senator FRANCE's joint resolution, S. J. Res. 171, for amnesty, and S. 1833, to repeal the espionage law. With all earnestness at our command we urge the necessity of granting an immediate amnesty to all prisoners whose religious, political, or economic beliefs formed the basis of their prosecution, trial, and imprisonment.

FARGO TRADES AND LABOR ASSEMBLY.

Mr. CAPPER presented a petition of the Chamber of Commerce of Eureka, Kans., and a petition of sundry postal employees of Independence, Kans., praying for an increase in the salaries of postal employees, which were ordered to lie on the table.

Mr. MOSES presented a memorial of the American Society of Landscape Architects, remonstrating against the enactment of legislation granting certain irrigation easements in the Yellowstone National Park, which was referred to the Committee on Public Lands.

Mr. PHELAN presented a petition of the Chamber of Commerce of Santa Rosa, Calif., praying for the enactment of legislation providing a more simplified method of collecting taxes, which was referred to the Committee on Finance.

Mr. SMITH of Maryland presented a petition of sundry citizens of Talbot County, Md., praying for the establishment of a Bureau of Education, which was referred to the Committee on Education and Labor.

Mr. TOWNSEND presented a memorial of the Federation of Labor, of Detroit, Mich., remonstrating against the deportation of aliens, which was referred to the Committee on Immigration.

He also presented a petition of Fred W. Beaudry Post, No. 126, American Legion, Department of Michigan, of Detroit, Mich., praying for the enactment of legislation authorizing the purchase of artificial limbs from the nearest representative of the Public Health Service instead of through the authorities at the city of Washington, which was referred to the Committee on Military Affairs.

He also presented petitions of the congregation of the Methodist Episcopal Church, of Wyandotte; of the Association of Commerce of Wyandotte; and of Local Lodge No. 199, Boiler Makers, Ship Builders, and Helpers of America, of Wyandotte, all in the State of Michigan, praying for an increase in the salaries of postal employees, which were ordered to lie on the table.

He also presented a petition of sundry citizens of Grand Rapids, Mich., praying for the parole of Federal prisoners, which was referred to the Committee on the Judiciary.

He also presented a petition of the Rotary Club of Sault Ste. Marie, Mich., praying for the enactment of legislation for nation-wide promotion of physical education in the United States, which was referred to the Committee on Education and Labor.

He also presented a memorial of the Ernest Kern Co., of Detroit, Mich., and a memorial of the Seelye & Brown Co., of Detroit, Mich., remonstrating against the proposed increase in the tax on all forms of advertising, which were referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. NELSON, from the Committee on the Judiciary, to which was referred the bill (H. R. 13138) to amend section 8 of an act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, as amended May 15, 1916, asked to be discharged from its further consideration, and that it be referred to the Committee on Banking and Currency, which was agreed to.

He also, from the same committee, to which was referred bill (S. 4273) to amend an act entitled "An act to amend section 1, chapter 209, of the United States Statutes at Large, volume 27, entitled 'An act providing when plaintiff may sue as a poor person and when counsel shall be assigned by the court,' and to provide for the prosecution of writs of error and appeals in forma pauperis, and for other purposes," approved June 25, 1910 (36 Stat., p. 866), reported it without amendment and submitted a report (No. 546) thereon.

Mr. SPENCER, from the Committee on Military Affairs, to which was referred the bill (S. 3251) granting longevity pay from and including August 5, 1917, to certain officers and enlisted men, reported it with amendments and submitted a report (No. 547) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CURTIS:

A bill (S. 4287) for the relief of James M. Kelly (with accompanying papers); to the Committee on Claims.

A bill (S. 4288) granting an increase of pension to Elevse Fightner (with accompanying papers);

A bill (S. 4289) granting a pension to Thomas George Maginnis (with accompanying papers);

A bill (S. 4290) granting an increase of pension to Joseph E. Burkhart (with accompanying papers); and

A bill (S. 4291) granting an increase of pension to Abram Robinson (with accompanying papers); to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 4292) granting a pension to Clint T. Littlefield; to the Committee on Pensions.

By Mr. SHIELDS:

A bill (S. 4293) granting a pension to Margaret Howell Butler;

A bill (S. 4294) granting an increase of pension to Robert O. Dunn (with accompanying papers); and

A bill (S. 4295) granting an increase of pension to Delia B. Zell (with accompanying papers); to the Committee on Pensions.

DUTIES ON IMPORTS.

Mr. DILLINGHAM submitted an amendment intended to be proposed by him to the bill (H. R. 10918) to provide revenue and encourage domestic industries by the elimination, through the assessment of special duties, of unfair foreign competition, and for other purposes, which was ordered to lie on the table and be printed.

HEIRS OF JOSHUA NICHOLLS.

Mr. DIAL submitted an amendment intended to be proposed by him to the joint resolution (S. J. Res. 190) for the relief of Elizabeth R. Nicholls and Joanna L. Nicholls, heirs of Joshua Nicholls, which was referred to the Committee on Claims and ordered to be printed.

RIVER AND HARBOR APPROPRIATIONS.

The VICE PRESIDENT (at 12 o'clock and 10 minutes p. m.). The morning business is closed, and the calendar under Rule VIII is in order.

Mr. JONES of Washington. I ask unanimous consent that the Senate proceed with the consideration of the bill (H. R. 11892) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The VICE PRESIDENT. The pending amendment is the amendment of the Senator from Missouri [Mr. REED] to the committee amendment. It will be stated.

The ASSISTANT SECRETARY. On page 1, line 3, strike out "$20,000,000" and insert "$27,000,000," so as to read:

That the sum of $27,000,000 be, and the same hereby is, appropriated, out of any moneys in the Treasury, not otherwise appropriated—

And so forth.

The VICE PRESIDENT. The Secretary will call the roll on agreeing to the amendment of the Senator from Missouri [Mr. REED] to the amendment of the committee.

The Reading Clerk called the roll.

Mr. TRAMMELL. I have a general pair with the Senator from Rhode Island [Mr. COLT]. I transfer that pair to the Senator from Massachusetts [Mr. WALSH] and vote "yea."

Mr. GLASS (after having voted in the affirmative). I have a general pair with the senior Senator from Illinois [Mr. SHERMAN], which I transfer to the Senator from Kentucky [Mr. STANLEY], and will permit my vote to stand.

Mr. KENDRICK. I have a general pair with the Senator from New Mexico [Mr. FALL], which I transfer to the Senator from Ohio [Mr. POMERENE], and vote "yea."

Mr. WATSON. I have a general pair with the senior Senator from Delaware [Mr. WOLCOTT], which I transfer to the Senator from Washington [Mr. POINDEXTER], and vote "nay."

Mr. BALL. I have a general pair with the senior Senator from Florida [Mr. FLETCHER]. I understand he has not voted, so I withhold my vote.

Mr. LODGE. I have a general pair with the Senator from Georgia [Mr. SMITH]. I transfer that pair to the Senator from Nebraska [Mr. NORRIS] and vote "nay."

Mr. FERNALD. I have a general pair with the junior Senator from South Dakota [Mr. JOHNSON]. I transfer that pair to the Senator from Connecticut [Mr. BRANDEGEE] and vote "nay."

Mr. SUTHERLAND (after having voted in the negative). I have a general pair with the senior Senator from Kentucky [Mr. BECKHAM]. That Senator being absent, I transfer my pair to the junior Senator from Iowa [Mr. KENYON] and will let my vote stand.

Mr. TOWNSEND (after having voted in the negative). I have a pair with the Senator from Arkansas [Mr. ROBINSON], which I transfer to the Senator from Iowa [Mr. CUMMINS], and will allow my vote to stand.

Mr. GERRY. The Senator from California [Mr. PHELAN], the Senator from Alabama [Mr. UNDERWOOD], the Senator from Arizona [Mr. ASHURST], and the Senator from Nevada [Mr. HENDERSON] are absent on official business.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN];

The Senator from West Virginia [Mr. ELKINS] with the Senator from Oklahoma [Mr. GORE];

The Senator from New Jersey [Mr. FRELINGHUYSEN] with the Senator from Montana [Mr. WALSH];

The Senator from Ohio [Mr. HARDING] with the Senator from Alabama [Mr. UNDERWOOD];

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS];

The Senator from South Dakota [Mr. STERLING] with the Senator from South Carolina [Mr. SMITH]; and

The Senator from Wisconsin [Mr. LA FOLLETTE] with the Senator from Arkansas [Mr. KIRBY].

The result was announced—yeas 26, nays 28, as follows:

YEAS—26.

Chamberlain	Jones, N. Mex.	Nugent	Smith, Ariz.
Comer	Kendrick	Overman	Smith, Md.
Culberson	Knox	Pittman	Spencer
Gay	McCormick	Ransdell	Swanson
Glass	McKellar	Reed	Trammell
Harris	McNary	Sheppard	
Harrison	Myers	Simmons	

NAYS—28.

Borah	Gerry	Lodge	Phipps
Calder	Gronna	McCumber	Smoot
Capper	Jones, Wash.	McLean	Sutherland
Curtis	Kellogg	Moses	Townsend
Dillingham	Keyes	Nelson	Wadsworth
Fernald	King	New	Warren
France	Lenroot	Page	Watson

NOT VOTING—42.

Ashurst	Frelinghuysen	Newberry	Smith, S. C.
Ball	Gore	Norris	Stanley
Beckham	Hale	Owen	Sterling
Brandegee	Harding	Penrose	Thomas
Colt	Henderson	Phelan	Underwood
Cummins	Hitchcock	Poindexter	Walsh, Mass.
Dial	Johnson, Calif.	Pomerene	Walsh, Mont.
Edge	Johnson, S. Dak.	Robinson	Williams
Elkins	Kenyon	Sherman	Wolcott
Fall	Kirby	Shields	
Fletcher	La Follette	Smith, Ga.	

So Mr. REED's amendment to the amendment was rejected.

Mr. HARRISON. Mr. President, on page 1, line 3, I move to amend the amendment reported by the committee by striking out "$20,000,000" and inserting "$24,000,000."

The VICE PRESIDENT. The amendment proposed by the Senator from Mississippi will be stated.

The ASSISTANT SECRETARY. On page 1, line 3, it is moved to strike out "$20,000,000," the sum which it is proposed to increase the appropriation by the Committee on Commerce, and to insert in lieu thereof "$24,000,000."

Mr. HARRISON. Mr. President, I have offered this amendment, in the first place, because the amount proposed is needed to carry on river and harbor improvements; and, in the second place, the Engineers' Department of the Government in their recommendations have stated that they can not with a less sum than that properly take care of the rivers and harbors of the country. I quote from the report of the Senate committee as follows:

> The Engineers were told to go over the revised list of projects very carefully with a view to giving us the very lowest sum that they could get along with without detriment to existing commercial needs—

This was after their first estimate of $43,000,000—

> They went over the projects carefully and insisted that $24,000,000 ($5,000,000 for maintenance and $19,000,000 for improvement) was the lowest sum they felt they could get along with.

In view of that recommendation of the Board of Army Engineers I can not understand how anyone who believes that the rivers and harbors of the country should be taken care of can vote against the amendment which I have proposed. In my opinion, the pending river and harbor bill is not only an indictment of the majority of the Senate and of the other House, but it is a confession of their incompetence and inability adequately to provide for the domestic needs of the country.

The Senator from Wisconsin [Mr. LENROOT], in his speech on Saturday last, among other things, stated:

> The fact is that this $20,000,000, with the amount that is now on hand, will permit for the coming year twice the amount of the average expenditures for the past five years.

That statement is misleading. It is not a fact that the $20,000,000 proposed to be appropriated, together with the amount which will be available on July 1, will equal the average of river and harbor expenditures for the last five years. As shown by the report of the Senate Committee on Commerce, the amounts that have been expended for the past five years on river and harbor improvements are as follows: In 1915, $36,682,913.27; in 1916, $28,779,995.40; in 1917, $23,829,265.46; in 1918, $20,613,905.46; and in 1919, $21,245,177.

Senators know that during the war we economized on the river and harbor bill and cut it to the bone more than any other appropriation bill passed by Congress. For the years immediately preceding the war the appropriations for river and harbor improvements were as follows: In 1914 we appropriated $51,000,000; in 1913, $41,000,000; in 1912, $30,883,000; in 1911, $49,000,000; and in 1908, $43,000,000.

It is stated by those who oppose adequate appropriations for rivers and harbors that $12,000,000 will be carried over as a surplus on the 30th of June of this year. I am told—and the chairman of the Committee on Commerce states it is a fact—that that is no more than the amount that has been carried over from prior river and harbor bills. I am told this morning by Col. Taylor, of the Engineer Corps, that it is probably less than the amount that was carried over during the five years immediately preceding the war. So those who oppose the increase of the appropriation in the river and harbor bill must oppose it because of the reasons advanced by the House Rivers and Harbors Committee. Here is the excuse that the Rivers and Harbors Committee of the House has given to the country for appropriating merely $12,000,000 this year. They say in their report:

> The plan adopted in this bill will allow the Secretary of War to allot funds to the different works when and as the maintenance work is needed, and it is expected that the annual amount appropriated under this plan in the future will be considerably below former appropriations in amount and that a sufficient unallotted fund will be available from this appropriation at all times to prosecute emergency work at any locality when it becomes necessary.

That was evidently why the House of Representatives supported the Rivers and Harbors Committee of the House in only providing an appropriation of $12,000,000 for river and harbor improvements. They arrived at that figure not on the theory that it would take care of the rivers and harbors of the country, that it would provide sufficient funds to dig out the channels so that commerce might flow into and depart from our ports at all times, but they based their action on the theory that it would be sufficient "at all times to prosecute emergency work at any locality when it becomes necessary."

When has it become necessary for Congress merely to appropriate a sufficient sum of money for rivers and harbors to take care of emergency work when the necessity arises? Our policy has been for years to appropriate a sufficient amount of money to take care of the needs of trade and commerce by the improvement of our rivers and harbors not in emergency times but at all times during the year.

Following the action of the House, the Senate Commerce Committee recommended an appropriation of only $20,000,000. They were not following the expert advice of the Board of Army Engineers; but they appropriated $20,000,000 simply because they did not think they would be able to get more money than

that. That is the reason for their recommendation. Those in the Senate Commerce Committee who opposed increasing the appropriation beyond $20,000,000 knew that more money was needed to take care of the rivers and harbors, but they were afraid they would never be able to compromise with the House, and that it might become necessary to agree to the House appropriation of $12,000,000 even if every river and every harbor in this country should suffer during the coming year as they have suffered during the past five years.

Some days ago the Senator from New York [Mr. CALDER] stated the question correctly when he said that a dollar to-day on river and harbor work will accomplish about 40 per cent of what a dollar would accomplish five years ago; in other words, the $20,000,000 appropriated by this bill will go no further than $8,000,000 would have gone five years ago. Taking those figures, if we should agree to the House appropriation of $12,000,000, in actual results accomplished it would be equal only to an appropriation of about $5,000,000 five years ago. I can not believe that the Senate of the United States desires to cripple the rivers and harbors of this country in any such fashion as that.

We have not economized on other bills. The Senator from Wisconsin [Mr. LENROOT], in his speech on Saturday, told us how we had cut down appropriations for this and that. The Senator forgot that the last year preceding the war, before we got into the war, for Army purposes we appropriated approximately only $100,000,000, and that for the Navy we appropriated approximately $150,000,000.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. HARRISON. Yes; I yield.

Mr. LENROOT. The Senator was comparing the appropriations for last year with the appropriations for this year, and the Senator stated that this was the only appropriation bill that was increased so far as he was advised.

Mr. HARRISON. Oh, yes; if the Senator wants to take as a comparison what we did during the war, when everyone knows and will concede that abnormal appropriations were made to take care of abnormal conditions; but I understood the Senator to say—and I am glad to receive the correction—that before the war we reduced the appropriations; that that was one of the achievements of the Republican Party; that it had reduced all appropriations for other purposes; and that this was only in line with that.

While we appropriated $101,000,000 for the Army before the war—in 1915, I believe—the Army bill this year will carry approximately $350,000,000; perhaps more, but certainly no less than that. I understand that the Naval Affairs Committee will bring in, or has brought in, a bill that will carry approximately $550,000,000 for the Navy. Before the war we had never appropriated over $160,000,000 at any time for the Navy; and so this species of Republican economy is the kind that increases the Army appropriations threefold, that increases the Navy appropriations fourfold, and reduces appropriations for the rivers and harbors of the country over one-half.

That is false economy. You are only trying to fool the American people about it; but I am wondering what the citizens of New York, who are interested in the commerce that flows from their harbor, think about it. I am wondering what the people in Connecticut, who are interested in their rivers and in their harbors, are thinking about it. I am wondering what the people in New Jersey, who ship and export millions of dollars' worth of products from their harbors, are going to think about the votes of their Senators in a measly appropriation that would destroy river and harbor improvement. I am wondering what the people in Michigan are going to think of the votes of their Senators when they see they are voting for $20,000,000, as against an increase to $27,000,000 or $24,000,000, when, as stated by the Senator from New York [Mr. CALDER], a dollar to-day will go no further than $2.50 would have gone practically five years ago. The Senator shakes his head, but I understood the Senator to say that $20,000,000 to-day for river and harbor improvement would go about as far as $8,000,000 would have gone five years ago.

Mr. CALDER. The Senator stated it the wrong way a moment ago; that is all.

Mr. HARRISON. Well, the Senator understands what I am getting at.

Mr. CALDER. Perfectly. The Senator is perfectly right in his last statement.

Mr. HARRISON. Absolutely. So, when the Rivers and Harbors Committee come in with an estimate of $43,000,000 for the rivers and harbors of the country and state that they have cut the amount to the bone, even then, I say, Senators who know that that amount will take care of only 40 per cent of what it would have taken care of five years ago vote to reduce it to $20,000,000.

So I am of the opinion that the people back home who are interested in their river improvement, who are interested in their harbors being improved, who for four or five years during the war have seen their dredge boats lying idle and rusting, who have seen expenditures of money made when no work was being done, because of the inadequate appropriations, are going to ask the reason why their particular Senator or Representative did not vote with us to appropriate a sufficient amount of money to do their work, so that the trade and commerce of the country might continue to grow.

The senior Senator from North Carolina [Mr. SIMMONS] in his very able and aggressive speech on last Saturday told the Senate how last month our exports had gone forward at a greater increase than ever before in the history of the country. If that is true—and it is true—and we want to see our exports continue to grow larger, we ought to make reasonable appropriations to take care of the harbors through which and in which the ships for which we have appropriated such large sums may come. I was looking at the appropriations for our merchant marine and I see that the startling figure of $3,000,000,000 was appropriated to obtain a merchant marine. Is it statesmanship, is it good common sense to spend $3,000,000,000 of the people's money in providing for a merchant marine and then refuse to appropriate a sufficient amount of money to dredge our harbors in order that these ships may come and go? That is a short-sighted policy, Senators, and yet that is what we have done in the past few years.

I saw the Senate pass a railroad bill. I voted against it. I am glad I voted against it. I am prouder now than ever before of the fact that I voted against it, because I saw in the consideration of that bill where the Treasury of the United States was being drained, millions and hundreds of millions of dollars handed over to the railroads, the people taxed proportionately, and then I saw the authority granted in that bill that the railroads might be guaranteed a certain percentage on their investment, and the power there granted that the people might be taxed in order that those railroads might obtain that particular percentage. I saw you take care of the railroads by burdening the tax bearers of this country in making possible higher freight rates. I see you now withholding this appropriation that will help the rivers and the harbors that they may compete with the same railroads that you befriended.

If you want to help the people, give them cheap transportation. You can not do it by allowing the rivers to fill up, by not having the harbors dredged, and at the same time giving subsidies to the railroads of the country.

This Congress has been liberal with the railroads. It has been liberal in providing money for the highways of the country. We appropriated, I think, $75,000,000 to be used in cooperation with the States for that purpose, but when it comes to following the suggestion of the Army Board of Engineers to improve the rivers and the harbors of the country—the natural highways—that boats may ply to and fro on them, that people may obtain cheaper freight rates, that competition may ensue between them and the railroads, then I see the Republican majority suddenly become very economical, very stingy, and try to follow the House majority in appropriating a measly $20,000,000 for this work.

Why, you do not believe that you will be able to get even that much in conference with the House, do you? You are figuring on cutting even that amount. That should be no concern of ours. Let the Representatives in the other body answer to their constituents for the inadequate appropriation of $12,000,000 that they made, but let us answer to our constituents. Let us try to take care of the needs of this country. Let us look at this new day in the proper light. Let us take advantage of the great opportunities that are now being offered to us. As we have been niggardly for the past five years in withholding adequate appropriations for our harbors and for our rivers, let us at least now, in this dawn of an industrial awakening, appropriate at least a reasonable amount in order that these harbors that have suffered so long may be adequately taken care of.

No one can charge you with extravagance when you vote for this amendment to raise the amount from $20,000,000 to $24,000,000, because the Board of Engineers say that they can not get along with less than that. They estimated for $43,000,000, and I can not understand the reasoning of the Committee on Commerce, in view of the recommendation of the Board of Army Engineers, in cutting the amount from $24,000,000 to $20,000,000.

It has been charged that this is a "pork-barrel" bill. I have heard that assertion ever since I came to Congress, and long before; but I lay it down as an indisputable proposition that no bill that passes Congress is subjected to such close scrutiny and given such consideration as are the river and harbor appropria-

tions. We come in with our bill for naval appropriations. Those appropriations are sometimes inserted in the bill at the instance of some individual member of the Naval Affairs Committee of the Senate. They come in with estimates at other times of the Secretary of the Navy; but there is no board, such as the Board of Army Engineers, composed of experts, studying nothing but that kind of work, a board which passes on it and must give their O. K. for it.

You pass your Army appropriation bill on estimates prepared by some man in the War Department. Often amendments or provisions are inserted at the instance of some Senator or Representative. They do not receive the same close scrutiny and careful consideration that is given to the provisions incorporated in the river and harbor appropriation bill.

No appropriation bills go through the same careful consideration and investigation which river and harbor appropriations receive. Not only do we rely on the work of the committee which drafts the bill, but we rely also on the O. K. of the Board of Army Engineers; aye, we go further than that, because before they put their O. K. on it each provision is O. K'd by the local engineer officer, by the district engineer officer, and while in the past there may have been some little project that would subject itself to criticism and should not have been incorporated in the bill, in the great majority of cases, the overwhelming majority of cases, have been those which showed wisdom upon the part of Congress in making the appropriation.

So, I submit that at this time, when the war is over and we are starting out in trying to obtain for this country our part of the trade and commerce of the world, when we have a merchant marine we are all proud of, let us not stint ourselves. Let us not play politics because some may live away back in a place where there is no river and no harbor, aye, not even a creek, and we can go back to that particular constituency and say that we cut down the river and harbor bill to $20,000,000.

I suggest to those Senators who come from localities where river and harbor improvement is needed and where it has been withheld throughout the war, to help us in securing the adoption of this amendment, which will insure us at least $24,000,000 for this year.

Mr. RANSDELL. Mr. President, I wish to say just a few words in support of the amendment of the Senator from Mississippi [Mr. HARRISON]. I voted for the amendment of the Senator from Missouri [Mr. REED], and am very sorry that it did not pass.

I wish to call the attention of Senators to the report of the very able and fair-minded chairman of the Committee on Commerce [Mr. JONES of Washington]. I am sure he has done everything a chairman in his very difficult position could do. I would like to have Senators look at the first page of his report. He shows, in the first place, that the estimates made for river and harbor improvements by the engineers amounted to $42,000,000. Who are these engineers, Senators? Are they interested parties? By no means. They were the honor men at West Point, the men who reached the highest position in their respective classes at West Point. They are high officers of the Army; men entitled to retire with good pay at the age of 64; men sent from one place in the country to another, rarely ever kept more than three years in one place, entirely free from entanglements and local interests of any kind. If there be a disinterested, able body of men in the public service, it is in the Corps of Engineers of the United States Army, who are charged, among other duties, with making recommendations for expenditures on works of river and harbor improvement and with using the money given to them.

That is the class of men who made the original estimate of $42,000,000 for carrying on, in a fairly reasonable manner, all the work on the rivers and harbors of the country, including Porto Rico, Alaska, and Hawaii. It is a small sum when one considers the vast interests involved. We understand that they were requested by the House of Representatives to cut their estimate to the bone, to cut it down to the irreducible minimum, the very last dollar with which they could get along; and, as shown by the report of the chairman of the Committee on Commerce of the Senate, page 1, the department was asked to reduce its estimates as much as possible. It submitted a revised estimate calling for about $22,000,000 for improvement and five million for maintenance; $27,000,000 in all; which they thought was the last dollar they could get along with, and that was the sum which the Senator from Missouri [Mr. REED] sought to have adopted by his amendment to raise the amount carried in the Senate committee's bill from $20,000,000 to $27,000,000.

That amendment was voted down by a majority of two. The present amendment proposes to give $24,000,000 for all these rivers and harbors, increasing the sum suggested by the Senate committee from $20,000,000 to $24,000,000, an addition of $4,000,000.

What does the chairman of the committee say about that? His report reads:

> Your committee hoped that it might feel justified in approving the amount as it came from the House. We are in hearty accord with the desire to meet the need for economy. The Engineers—

What engineers? The United States Army Engineers, not the local engineers at New York City, or Boston, or Philadelphia, or Norfolk, or New Orleans, or San Francisco, or Seattle, no men with local interests to subserve, but great Engineers of the Army, who are not tied to any locality, are not dependent for their living upon whether the amount appropriated is $20,000,000 or $24,000,000, who receive their salaries entirely regardless of what Congress does in the matter, and who are perfectly disinterested men.

Mr. SMITH of Arizona. Mr. President, may I ask the Senator about what proportion of the money appropriated in the bill goes to harbors as contradistinguished from river improvement?

Mr. RANSDELL. In answer to the Senator's question, I will state that the bill as framed does not provide how the money shall be expended. It is a lump-sum appropriation of $20,000,000, to be used by the engineers in whatever manner they deem best for promoting the commerce of the entire Nation on waterway projects which have already been formally adopted and approved by Congress, the work on which is now under way.

On page 2 of the report of the committee will be found a list of the active projects, with the estimates originally made by the engineers, aggregating $42,000,000, and then a revised estimate. I have gone over the latter, and, as well as I can estimate, would say that about three-fourths of the money which the engineers propose to expend out of whatever sum is given them will be used on the harbors of the country. Something like one-fourth will be used in improving the rivers. Far the greater portion will go on the harbors, and those harbors are in every part of the country.

Those harbors, Mr. President, are absolutely needed to develop the wonderful foreign and domestic commerce of the Nation, through the aid of the great merchant marine just alluded to by the Senator from Mississippi [Mr. HARRISON], on which we have appropriated about $3,000,000,000. It is absolutely necessary to improve those harbors and do so promptly.

Recently on the South Atlantic coast lines of ships have been started by the Shipping Board, sailing out of several harbors, and they are doing satisfactory business. At many harbors on the Great Lakes, at many harbors on the Atlantic, the Gulf, and the Pacific there is a rapidly growing commerce, and nearly all of them need improvement. If we do not give the engineers the $24,000,000, the irreducible minimum which they have asked, in my judgment they will be bound to neglect work on a great many of the big harbors.

Let me allude to one with which I am quite familiar—the Southwest Pass of the Mississippi River, in my own State. Making up estimates for the bill as the engineers do ordinarily, suggesting what they thought should be expended, they proposed in the original estimate that Congress should give $2,191,000 for carrying on the work at Southwest Pass. When they were told to cut the estimate down to the very last dollar, they suggested for the Southwest Pass $1,600,000. If you are going to further cut the total appropriation from $24,000,000 to $20,000,000, and then if the conferees, as I fear, are going to further yield to the House and make the appropriation $15,000,000 or $18,000,000, how is the Southwest Pass going to fare? It is not possible to give Southwest Pass $1,600,000 out of $20,000,000 unless a number of other projects are eliminated.

Mr. LENROOT. Mr. President——

Mr. RANSDELL. In one moment I will yield. The engineers may possibly do it, but, if so, they will have to completely eliminate several other important projects. I yield to the Senator from Wisconsin.

Mr. LENROOT. Has the Senator observed that in the letter from Col. Taylor, under date of April 5, upon a basis of $18,000,000—not $20,000,000—they propose to give to Southwest Pass the full amount of $1,600,000?

Mr. RANSDELL. I read that letter, and I believe I know something about human nature. As able as these engineers are, as sincere as they are, I believe I know what they are going to do when we give them $20,000,000 or $18,000,000 and tell them that out of that sum they must take care of every waterway in America, and the Senator from Wisconsin, the Senator from Missouri, and Senators from other States press before them in the strongest manner, insisting that they do something for the

projects in their respective States. It will be almost impossible to resist such appeals. Congress does not command them to spend $1,600,000 of this $20,000,000 on Southwest Pass. Congress, if the bill is passed as now before us, says, "Do the best you can with the total appropriation." They say, of course, that they would endeavor to expend $1,600,000 on Southwest Pass if they get but $18,000,000. It is one of the most important projects. But can I, as a Senator from the State of Louisiana, stand here asking for appropriations for the great harbor of my State and consent, even if it gets what it is entitled to, that the others shall be cut out? No; that will never be my position. I am willing to stand or fall with the other meritorious waterways, rivers, and harbors of the country. If the others which are included in this estimate, and the others which go to make up the irreducible minimum of the $27,000,000, can not receive what they are entitled to, then I am willing that my harbor shall not receive what it is entitled to.

There is nothing in that thought that is improper. Mind you, we are not approving any new projects in the bill. We are not saying that so much shall be expended in one place and so much in another. We are giving a lump sum to the engineers and telling them to do the very best they can with it. They tell us that they can not get along in anything like a reasonable manner with less than $27,000,000. Yet the House comes in first and says, "You know a great deal more about it than we do. We practically know nothing. You are the doctors, you are the men whose duty it is to give us the information. Yet after you prescribe at our request we are not going to give even one-half of the minimum that you need," because the $12,000,000 which the House gave is not one-half of $27,000,000.

Then the Senate comes along and, with the same information which the House had, raises the amount to $20,000,000. Why did we not raise it to $27,000,000, or at least to $24,000,000, because Col. Taylor in some testimony did indicate that possibly if the maintenance item and the prosecution of the work item were included in one lump sum, not dividing them as the House had done, he might be able to save between $2,000,000 and $3,000,000, and in that way it was finally gotten down to $24,000,000?

Why should we, Senators, cut down on such an important matter as that in a Congress which will appropriate, before we get through, between $3,500,000,000 and $4,000,000,000? We are doing this for transportation. We paid out of the Nation's money for railroad transportation, to help them along, and did it with my hearty approval, nearly a billion dollars. We are giving the railroads several hundred million dollars right now to help them along and I am willing to vote it. I am willing to vote every dollar which our Committees on Commerce and Interstate Commerce say is necessary to keep the transportation agencies of the country moving.

We do not stop at a paltry $20,000,000 or $24,000,000 to keep the railroads moving. The waterways are another branch of our mighty transportation system. We must do what is necessary to keep them in proper condition to do business. Do we want some of our great ports to be blockaded because the engineers have not the money to dredge out the channels? It seems to me it would be horrible if the splendid ships that have been built at such enormous cost should fail to enter any of our ports because the channels had filled up. We must keep everything going on in a reasonable and proper way.

I was one of those who were anxious to see a liberal river and harbor bill passed at this time. I was anxious to see some new projects taken on, put under way, and prosecuted vigorously, but I realize the needs of the Treasury. I do not wish to see one single dollar appropriated unless it is absolutely necessary. I do not ask you to take my judgment or the judgment of any Member of the Senate; I simply ask you to take the judgment of the Corps of Engineers, who for over 100 years have been in charge of all these works and who have told us as disinterested experts that the very least they can get along with is $24,000,000.

Mr. KELLOGG. Mr. President——

Mr. RANSDELL. I yield to the Senator from Minnesota.

Mr. KELLOGG. Will the Senator tell the Senate, even with the present taxes, where the Government is going to get the money to pay the estimated expenses for the next fiscal year?

Mr. RANSDELL. I will say to the Senator that I am not an expert on finances. That duty devolves, I take it, upon the Finance Committee of the Senate. But I will say to the Senator, as I have already said, that this Congress is appropriating well on to $4,000,000,000 for carrying on the affairs of the greatest Nation on earth. I will say further to the Senator that the appropriation carried in the bill is to make our colossal foreign commerce available—to make it successful.

What would happen to the Mississippi Valley, for instance—not only to the State of Louisiana but to the whole Mississippi Valley—if because of a failure to improve the mouth of the Mississippi River ships were unable to enter the port at New Orleans, a port which now, in the volume and the value of its exports and imports, is second only to New York? That would be a very serious calamity to the Nation—not to Louisiana alone—and it might readily happen. One ordinary-size ship sinking in South Pass would so block the channel that it would be months, probably, before ships could come in if the other entrance—the Southwest Pass—is not open. The work on Southwest Pass is being prosecuted. The engineers desire $2,192,000 to prosecute the work on Southwest Pass. They say they can get along somehow with $1,600,000. Suppose you give them but a million dollars for this purpose—suppose the bill is finally cut down to $15,000,000 or $16,000,000 and they can not possibly get more than $1,000,000 for Southwest Pass—what, then, is going to happen to the commerce of our Nation?

It would be a very serious matter, it seems to me, for the commercial interests of that great section of the upper Mississippi Valley which the Senator from Minnesota represents so ably if they are unable to ship their commerce, their manufactured articles of every kind and sort, through the port of New Orleans, thence through the Panama Canal to the Orient, and the western coast of South America, and the east and west coasts of North America, and to Central America, and the West Indies. It would be a very great calamity, I repeat, to the entire Mississippi Valley.

In a Congress, Mr. President, which is appropriating well on to $4,000,000,000, if not quite $4,000,000,000, I say that the item of $24,000,000 for improving the transportation facilities of the country is a mere bagatelle. I say it is unwise, unbusinesslike, to quibble on the small sum of $4,000,000, only one-tenth of 1 per cent of the appropriations of this Congress. That is all the amendment asks. I sincerely hope, sir, that the Senate will vote in favor of the amendment of the Senator from Mississippi [Mr. HARRISON] to the amendment of the committee.

Mr. KELLOGG. Mr. President, I am in favor of river and harbor appropriations to take care of the necessary commerce of the country. I voted with the committee because it seemed to me from the presentation made by the committee that the country would get along very well this year with $20,000,000. I shall not vote, of course, to reduce that sum. I believe the sum appropriated by the House was too small.

I realize the great importance of the waterways of the country reaching to the great interior fertile valley, but when I hear Senators appealing to the Senate to increase appropriations, as did the Senator from Mississippi [Mr. HARRISON], I think we would better pause and consider what is confronting the country. The Senator says we will appropriate $4,000,000,000 this year. Why, Mr. President, the entire income of the Government, under the present rate of taxation, is $6,000,000,000. The estimates of the departments for the operating expenses of the Government for the year 1921, from July 1, are about the same sum, $6,000,000,000; and the deficit from last year is $3,000,000,000. In addition to that, there are certain losses which have been reported by the Director General of the Railroad Administration, amounting to something like $400,000,000 or $500,000,000; and there are other items which I will not stop to designate, due to increase of salaries, wages, and so forth. The estimates will bring the Government expenditures for next year to $10,000,000,000.

The Senator talks about liberal appropriations to the railroads. They have been liberal to pay the losses of the last two years, which now the Director General admits are $1,000,000,000, and which I will assure the Senate will amount to $1,200,000,000 before the bills are paid.

We talk about losses, of course, due to the enormous expenses of the Shipping Corporation. Why charge a Republican Congress with them, as does the Senator from Mississippi? Who made the appropriations and who spent the money? Is it fair to say that a Republican Congress did it? Not at all.

The Senator speaks about the expenditures for the Army. The Secretary of War called upon the Congress with an estimate of $1,100,000,000 for the Army. I am informed that the Army bill as it passed the House and the Senate will carry an appropriation of about $375,000,000 to $425,000,000. I assure Senators that if they would stop and consider this subject, they are going to see that it is necessary to cut the expenditures of the Government somewhere, everywhere that it can be done.

Mr. REED. Mr. President——

Mr. KELLOGG. I yield to the Senator from Missouri.

Mr. REED. The Senator from Minnesota voted for the Army bill, I think.

Mr. KELLOGG. I did vote for the Army bill.

Mr. REED. And the Senator knows the estimates contained in that bill were about $600,000,000. Does not the Senator think that we had better take a little off the Army to carry on the internal commerce of the country?

Mr. KELLOGG. Possibly that might be done; but I voted for the Army bill because I believed that at this time it was not wise to reduce the Army below the estimate of the committee, which, I think, was for an Army of 280,000.

Mr. REED. I desire to ask the Senator another question, if he will permit me. Because of the congested condition at our eastern ports during the war, we had to, or, at least, whether we had to or not, we did, stop the operation of all factories east of the Ohio River for 14 days. The economic loss resulting from that action is estimated by some as high as $6,000,000,000. Does the Senator think that, if we are preparing for future possible war conditions, it would be well to have some additional means of transportation developed and some ports opened up to relieve conditions in this country in case of such a catastrophe as another war?

Mr. KELLOGG. Mr. President, I certainly wish to be liberal in the matter of river and harbor improvements. I will say, however, to the Senator that the stopping of the factories in this country, in my judgment, was the greatest piece of folly that ever a meddling fuel director or any other kind of a director perpetrated upon a country. It was in line with trying to run all the business with a director general in Washington, which can not be done. I think the Senator will agree with me as to that.

I read this morning in the newspapers a statement of Mr. McAdoo calling on Congress to reduce taxes. That is a very easy statement to make in a newspaper when one is a candidate for President and not responsible for the voting of the money which is necessary to pay the expenses of the Government; but most of the losses of the railroads were due to Mr. McAdoo and his system of administration, concentrated in Washington.

Mr. REED. Does not the Senator bear in mind the fact that Mr. McAdoo's letter was addressed to the farmers, and that he particularly proposed to reduce taxes to them and to put the burden on somebody else? Does not the Senator also know that political exigencies account for many curiosities in the way of ideas?

Mr. KELLOGG. I am quite aware of that, I will say to the Senator from Missouri, but such statements are not statesmanlike; they are political.

I wish to see the tax system changed and the taxes reduced as fast as possible; but, Mr. President, before taxes are reduced we have got to reduce expenditures; and the country should realize that fact. Taxes can not be reduced, as Mr. McAdoo the other day recommended, by borrowing money and continuing to sell bonds. We already have a bonded debt of $25,000,000,000, and Government bonds can not be sold to-day on a basis of less than 5 per cent.

Mr. McKELLAR. Will the Senator from Minnesota yield to me?

Mr. KELLOGG. I yield.

Mr. McKELLAR. Does the Senator think that we can reduce taxes by instituting in this country a military system three times as expensive as German militarism ever was?

Mr. KELLOGG. No; I do not think anything of the kind, Mr. President.

Mr. McKELLAR. I am glad to know it.

Mr. KELLOGG. I am anxious, of course, that the great commerce of the country shall be taken care of; I believe that the continuance of our export business, which last year amounted to more than $6,000,000,000, is necessary to the prosperity of this country, which is a large surplus-producing Nation; but, Mr. President, the Committee on Commerce has stated in its report that $20,000,000 will fairly take care of the rivers and harbors for the next year. In view of that fact, I voted with the committee, because I realize the absolute necessity for retrenchment in all branches of the Government.

Mr. REED. Mr. President, I hope the Senator from Minnesota will not go out of the Chamber for a minute. I want to talk about a matter in which I think he is particularly interested.

The commerce on the upper Mississippi River, by which I mean that stretch of the river from St. Louis to Minneapolis, has practically ceased to exist. It has ceased to exist chiefly because the railroads made the same kind of war upon boats on the river that they made on each other. It was a common thing for railroads in the old days—and I am not saying this to drag up old and unpleasant memories, but simply because it is a fact of history—it was a common thing for railroads in the old days to undertake to destroy each other. The Senator from Minnesota knows that, because he has had a wide experience in investigating some of those questions. Rates would be reduced for no other purpose than to destroy a weak rival, the stronger roads being able to stand a reduction and the weaker not, with the result that the weaker road would find its stocks and securities depreciated; it would be thrown into bankruptcy, and would be absorbed or controlled.

The same kind of war, as the Senator knows, was made upon river traffic. The result was that boat lines being owned by small companies could be easily crushed. A single season deprived of profitable business, and those boats were ready to be tied up to the wharves and sold or sent into other waters. In some instances the railroads even purchased the boats, so that river transportation was destroyed. The railroads would reduce rates during the summer months, for instance, when the boats were active, and then raise the rates during the winter months and make the loss back when the boats could not operate. That was a system which went or for many years. Finally the wharves were allowed to decay, the boats were gone, and the railroads had the field to themselves.

Mr. KELLOGG. Mr. President, will the Senator yield?

Mr. REED. Yes; although I am leading up to a matter to which I desire to call the Senator's attention.

Mr. KELLOGG. I merely wish to make the suggestion to the Senator that those conditions were taken into consideration in connection with the railroad bill recently enacted, and the Interstate Commerce Commission was given jurisdiction so that it may protect the water lines.

Mr. REED. Exactly; the Senator has anticipated what I was about to say.

We kept on with the foolish policy of permitting the railroads to operate in the manner of which I have spoken, killing off water transportation and then killing off their own rivals. The wharves disappeared; the facilities by which goods could be taken from a river, even if transported on a boat, ceased to exist; and if any boat happening to survive this warfare hauled goods no railroad would interchange rates with it or interchange freight with it. It was a condition where a part of the public transportation service of the country was destroying another part of the public transportation service of the country. That, everybody will agree, was unwise, improvident, and wasteful.

At last we arrived at a condition where public warfare on the railroads, conducted, I think, frequently without proper judgment, resulted in the railroads ceasing to improve themselves. Public warfare, plus financial buccaneering, plus bad railroad management, and plus all of the conditions to which I have referred, brought about a condition where it was stated by Mr. Hill, the great railroad builder, and by other eminent railroad authorities that the railroads were 10 years or more behind the necessities of the country. So when we entered the recent war we found that transportation, the most vital thing during a war except the mere matter of men at the front, was in a desperate condition. Without going into details, we know that the harbors of the East were congested, that the railroads were incapable of carrying the business of the country, and that the economic loss to the country was incalculable. A small percentage of that economic loss would have made every important stream in the United States navigable; it would have rebuilt the wharves in all the principal cities; it would have opened the ports of the South and have expanded the ports of the East and of the West. Capitalized, it would maintain those ports and rivers forever. On top of that, we have annually or semiannually flood losses, nearly any one of which far exceeds the total appropriation for rivers carried by this bill.

With these conditions confronting us during the war the Government undertook to put lines of boats upon the Mississippi River and upon the Warrior River. It also undertook to organize certain lines of transportation and to place boats upon certain canals. When it began that project the Government found itself confronted with the same shortage of materials that the business of the country had to contend with, so that while it started in with the expectation of having these boats completed within a few months, the Government was unable to accomplish the task. Nevertheless orders for boats of a character and of a power heretofore unprecedented were given. On the upper Mississippi River a line of boats was projected to carry freight from Minneapolis to St. Louis and from St. Louis on to the Gulf, where the freight that went as far as the Gulf could, if destined to the ports of the world, be loaded upon ocean-going craft.

The line of boats which was ordered for service upon the upper Mississippi directly concerns the great State of Minnesota; it is vital to the development of the two wonderful cities of the

Senator's State, a State that he loves and that he wants to see developed. I think I have here in a condensed statement the facts concerning that projected line of boats. Contracts were entered into for the construction of 19 steel barges and 4 steel-hull towboats for the upper Mississippi.

On April 1, 1920, 14 of these barges had been launched, 4 were under construction on the ways, and the material for the remaining 1 was being collected.

The average completion of all the barges was 88.64 per cent. While they had been launched, they had not been completed.

The barges will cost approximately $110,000 each, and will carry, fully loaded, on a draft of 7 feet, 2,000 tons each.

One of the barges constructed by the Marietta Manufacturing Co. and one by the Dubuque Boat & Boiler Works were delivered in the fall of 1919, and towed by a self-propelled river dredge from St. Paul to St. Louis, each loaded with 650 tons of ore. The boats on this trip drew approximately 4 feet of water and the towboat 4½ feet. The trip was made without special difficulty or incident.

I am reading from a report made to me by the War Department.

These are the barges, but they had not yet one of their towboats.

The towboats are being constructed under a joint contract entered into by the Marietta Manufacturing Co., the Minneapolis Steel & Machinery Co., and the St. Louis Boat & Engineering Co. The cost of these towboats, including the contract work, designs, drawings, and so forth, to be furnished by the United States, will be approximately $375,000 each. These boats have approximately 1,800 horsepower, and will draw 4½ feet of water when in service.

On April 1 the work on these boats was approximately 15 per cent completed. The contract calls for the delivery of the first boat April 27, 1920; the second June 6, 1920; the third July 16, 1920; and the fourth August 25, 1920. On account of the delays which have been experienced by severe winter conditions, inability to obtain materials, and difficulties with labor the contract work on these boats has been greatly delayed, and they will not be completed until nearly the end of the season of 1920, if, indeed, they are completed at all during the present season; but undoubtedly the entire fleet of 4 towboats and 19 barges will be available for service in the spring of 1921.

The towboats are modern, up-to-date boats of unusual power, and the barges have been especially designed for easy towing and handling in shallow channels; and the one experiment which has been made with the barges indicated that they were correctly designed to accomplish the purpose intended.

I am reading from Mr. Taylor's statement.

Here are the boats actually in process of construction to connect the Senator's great State, with its immense tonnage, with the lower Mississippi, to afford a cheap means of hauling the ores to steel factories located in the Mississippi Valley, to afford direct transportation for the wheat and flour and other products of the great State of Minnesota to southern ports, where they can be reshipped for European and other ports, especially for the oriental countries. I want to say to the Senator that I have examined this bill with the greatest care, and I give it to him as my deliberate judgment that if this bill is passed at less than $27,000,000 not one dollar of the money in addition to that which has been previously absolutely appropriated will be spent upon the upper Mississippi River.

Mr. KELLOGG. Mr. President——

The PRESIDING OFFICER (Mr. CURTIS in the chair). Does the Senator from Missouri yield to the Senator from Minnesota?

Mr. REED. I do.

Mr. KELLOGG. I understood from the chairman of the committee—it was publicly stated here—that with the $20,000,000 of appropriation there would be available for the upper Mississippi $1,200,000, for the lower Mississippi $500,000, and for the Missouri River $600,000, and that this would fairly take care of what it was necessary to do during the coming year.

Mr. REED. Mr. President, I have heard those figures, but I can not understand where the chairman of the committee gets them. The Board of Engineers made their estimate. They put in items for these rivers, and they made an aggregate estimate of $27,000,000 as the last reduction they could make.

Then the chairman of the committee wrote to the Chief of Engineers a letter, which the Senator from Minnesota will find on page 4 of the report, in which he asked him if they could not omit certain items. Among these items to be omitted or reduced was the Mississippi River and the Missouri River to St. Paul, reduced to $600,000.

I do not know what that means. There is some mistake in that term, "Mississippi River and Missouri River to St. Paul," for, of course, the Missouri River does not run to St. Paul.

Mr. JONES of Washington. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Washington?

Mr. REED. I do.

Mr. JONES of Washington. I see the engineers describe it that way in their estimate. It means, of course, the stretch of the Mississippi from St. Louis to St. Paul. I do not know myself why they include the word "Missouri" in it, but they do.

Mr. KELLOGG. It evidently means "Mississippi, Missouri River to St. Paul."

Mr. REED. It means, I think, the Mississippi River from the mouth of the Missouri to St. Paul, $600,000.

Mr. KELLOGG. It reads "$1,200,000."

Mr. REED. But I am reading from the Senator's letter.

Mr. KELLOGG. Oh!

Mr. REED. The Chief of Engineers reported back that certain of these items could not be cut at all, and that certain items could be cut a certain amount if they had to do it. The item of the Mississippi River from the mouth of the Mississippi to St. Paul is not in the items to which I have just referred, but must be covered by paragraph 14 of the letter, which reads:

> The omission of the remaining items will delay the prosecution of important and worthy improvements, but will not have the serious consequences incident to the omission of the items on which the above statements have been made.

So the best I can get out of the situation is that the engineers may hope to use $600,000 on the upper stretch of the Mississippi River.

I had a talk with Col. Taylor, who said to me that the increased cost of work, of labor, and of everything had made such a condition that he could not say that these projects could be carried on with the $20,000,000 that is proposed here; that, of course, the Board of Engineers would do the very best they could. So, as I look at it, these projects which the Board of Engineers have certified as the more important, as the imperative projects, will be taken care of. The projects which are covered by paragraph 14 of the answer to the letter of the chairman of the committee will be the ones to suffer. That means the Mississippi River, among others. It is against that that I protest, and I hope the Senator can be induced to join in the protest, and therefore I address him.

The Senator has said that the Interstate Commerce Commission is now empowered to protect river transportation. I hope it will exercise that power.

Recently those who were in charge of river transportation, either present or potential, have succeeded in getting joint water and rail rates established, and that was done at many points during governmental control. Wharves are being built all along this river by the cities which are located on the river. With the joint rates, with modern wharves being constructed, with a boat line in process of construction, we are now engaged in passing a bill which in all human probability will result in nothing of importance being done upon the Mississippi River. That work must and will languish.

I appreciate the Senator's argument in favor of economy. I am as much in favor of economy as others. But let us look at this question of economy. An army eats every day, and it produces nothing. It is necessary; it is not to be condemned; it is not to be starved; but it is that character of expense which when the money is once employed it is gone forever. The spending of money to open the Mississippi River probably means a benefit to the Senator's own State and to his own city in one year more than the entire cost of improving that stream. Yet we propose to throttle these improvements which, in their blessings to the people, bring back tenfold every dollar expended and at the same time, without a blush, we vote an army of 300,000 men, to cost $600,000,000.

You had better cut a regiment or two off that Army and fix up the highways of this country, even if you are dealing with the proposition as a war proposition, for if we ever engage in another war the fact that we have the great inland waterways of this country open to transportation is of more value than 100,000 men armed and ready for conflict, for you can not keep an army at the front unless you can feed them, and you can not feed an army unless you have transportation.

I wanted to offer those observations to the Senator from Minnesota. While we see men whose States border upon these great inland streams throwing dollars out with a scoop shovel for armies and navies and the payment of bonuses; when we decide that we can pay a thousand millions of dollars to the railroads, and, as the Senator states, $500,000,000 on top of that, that we can carry these enormous burdens, the water pouring out of the funnel, I find some modern economists busy holding their fingers on the spigot. It is not wise. Twice on Saturday my amendment

raising the amount of the bill to $27,000,000 received a majority vote, but was defeated because of the lack of a quorum.

Mr. President, there is not any use in my carrying on this discussion in the absence of Senators. I am not particularly anxious to have anybody hear me, but there are only four Senators present, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Reading Clerk called the roll, and the following Senators answered to their names:

Ball	Harris	Moses	Smith, Md.
Calder	Harrison	Nelson	Smoot
Capper	Henderson	New	Spencer
Chamberlain	Jones, N. Mex.	Nugent	Sterling
Curtis	Jones, Wash.	Phelan	Sutherland
Dial	Kellogg	Pittman	Thomas
Dillingham	Kendrick	Ransdell	Trammell
France	Keyes	Reed	Warren.
Gay	King	Sheppard	
Gronna	Lenroot	Simmons	
Hale	McKellar	Smith, Ariz.	

The PRESIDING OFFICER. Forty-one Senators have answered to their names. A quorum is not present. The names of the absent Senators will be called.

The Reading Clerk called the names of the absent Senators, and Mr. OVERMAN, Mr. PAGE, and Mr. WADSWORTH entered the Chamber and answered to their names when called.

Mr. KNOX, Mr. HITCHCOCK, Mr. SWANSON, Mr. FERNALD, Mr. GLASS, Mr. TOWNSEND, Mr. BORAH, Mr. LODGE, Mr. MCLEAN, Mr. MCNARY, and Mr. CULBERSON entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty-five Senators have answered to the roll call. A quorum is present.

Mr. REED. Mr. President, I want to say to the Senators from Kansas, from Iowa, from Minnesota, and other States of the interior of the country that under former rulings of the Interstate Commerce Commission potential water competition was used in the matter of rate making. The result was that the Missouri River was a basing point where the rates were made on the same basis as though there were actual water competition on that river and on the Mississippi River. The new railroad act, I understand, changes that rule, and the basing of rates now is upon actual water transportation. I would like to have the attention of the Senator from Kansas [Mr. CAPPER], for I want to know that he understands this point. Of course, when he has heard it stated he will form his own conclusion.

If I am correct in my construction of the new railroad act, and boats are not put on those rivers, the basing point for rates, with water transportation considered as an element, will no longer obtain at the Missouri River and the Mississippi River points, and the basing point will be at Chicago. If that is done, every farmer in Kansas will pay for it, every business man in Kansas will pay for it, and every laborer in Kansas will pay for it. What is true of Kansas will be true of Iowa and will be true of the Dakotas, and will be true of the vast country drained by the Mississippi and the Missouri Rivers. This is the year when river transportation will be saved or killed.

These boats, as I have shown, are in process of construction. When we come to another river and barbor bill, if transportation on the river has not been successful, it will be stated as conclusive evidence that river transportation is a failure. The question will never be asked, or if asked will be without effect, Why was the failure? Was it because there were bars across the streams or was it because they are really unnavigable? We will be met by the same old argument that we have confronted here for years, that there is no great amount of business done upon these waters, although every man who will stop to think knows that there can not be business done upon a water highway or a railway until the waterway has been so improved that boats can travel or the railroad has been so built that cars can run over it.

Now, at the very crucial time it is proposed to cut this appropriation bill to a point where it is perfectly certain that these rivers will receive no benefits, no improvement of consequence, and the boats which we are about to build and which have cost over $7,000,000 will be obliged to run over sand bars and through snags and over rapids and other obstructions to commerce. We sit here in the great interior of this country twiddling our thumbs and counting dollars on this proposition as though they were millions of dollars, and then shoveling out millions of dollars for a vast army that will cost $600,000,000 if it costs a cent, voting away money here for a civil pension list that will run into hundreds of millions or thousands of millions of dollars before we are through with it, and voting away money to the railroads.

Let me say there is not a railroad influence in the United States that is not being exerted now to kill off water transportation, and it is just as active to-day as it has ever been.

If Senators, with these facts before them, see fit to destroy the chance of their own section of the country—and I am referring to that vast section drained by the Mississippi and Missouri Rivers—let them do so, but let them do so with their eyes open and with full knowledge of the facts. The bill was designed in the House to be the end of river improvements of this land.

I see the Senator from Texas [Mr. SHEPPARD] standing here. I observe a clause in one of the reports, or in a letter which I have from the Engineering Department, that the engineers desired to make improvements so as to open certain waters in Texas, but that they do not get it, and can not get it, under this bill.

I say this final word to the Senators from the great central parts of the country, the most fertile domain there is in all the world of arable lands, a domain cut off from the sea and dependent upon railroads alone, unless these rivers are improved. You never had as good an opportunity to serve your country and your people as you have by seeing to it that these great rivers which the Lord created in our country are again made the carriers of mighty commerce.

Some gentlemen somewhere—of course, not here, for we never have any politics here; we are entirely above that—may think it is good politics. They may think they can go out into their States and say, "The Democrats appropriated $25,000,000 or $30,000,000 for the rivers and harbors of this country and, behold, we appropriated only $12,000,000." They may think that that will gain some votes in this campaign. I say to you that the issue will be so infinitesimal in this campaign, and the saving will be so small, compared with the vast aggregate of the appropriations, that your argument will have no more effect than a fly speck on the Pennsylvania Railroad track has upon the fast express that pushes on over it and does not know it is there.

But your people will awaken ultimately to the fact that they do not have water transportation. Your people will awaken ultimately to the fact that somebody sat down here in Congress and made it impossible to put boats on those streams, and that every farmer who ships grain or produce of any kind, everyone who is engaged in merchandising, the vast consuming public, has paid the freight and that the aggregate of that freight is a burden many times more than the taxes would have been.

Sooner or later in this country, instead of thinking of foreign lands and sending our dollars six or seven thousand miles from here to be expended by peoples centuries older than we are, yet slothful and retrograding and inefficient, incapable either of caring for themselves or caring for anybody else, the day will come when a policy will be inaugurated in this country to develop the country for the benefit of this people.

I showed the other day, from the figures of a great engineer—and they are backed by the Army engineers—that in the Mississippi Valley alone there are 20,000,000 acres of the most wonderful land ever created, subject to overflow, perpetually kept in a condition of swamp, and that all this land can be reclaimed.

We are talking about homes for soldiers. Where will we put them? Where will those homes be acquired? An empire of waste land or partially waste land is at our door; an empire, according to the estimates of great experts, that is capable of supporting a population five times as great as that which was supported in the Valley of the Nile in the days of the Pharaohs, and we allow this waste to go on, and call it economy to let it go on.

The day is coming in this country when political parties are going to be proud to carry out the pledges of the past, and both political parties are pledged to this policy. In platform after platform they have solemnly asserted to the public that they will carry out these improvements. I have the platforms here. Of course, they may not be binding upon anybody. I know the day has come when political platforms are treated as scraps of paper, but here is the Republican platform of 1912:

> The Mississippi River is the Nation's drainage ditch. Its flood waters, gathered from 31 States, constitute an overpowering force which breaks the levees and pours its torrents over many millions of acres of the richest land in the Union, stopping mails, impeding commerce, and causing great loss of life and property. These floods are national in scope and the disasters they produce affect the general welfare. The States unaided can not cope with this giant problem, hence we believe the Federal Government should assume a fair proportion of the burden of its control, so as to prevent the disasters from recurring floods.

The Progressive platform of 1912—I suppose that party does not exist to-day, but at least many of its adherents exist—declares:

It is a national obligation to develop our rivers, and especially the Mississippi, without delay under a comprehensive general plan. Under such a plan the destructive floods of the Mississippi would be controlled and land sufficient to support millions of people will be reclaimed.

What said the Democratic platform of 1912?

We hold the control of the Mississippi River is a national problem; the building of the levees to prevent overflow of the land and its consequent devastation resulting in the interruption of interstate commerce, the disorganization of the mail service, and the enormous loss of life and property impose an obligation which alone can be discharged by the General Government.

President Wilson said:

In the case of the Mississippi River, it is plain that the Federal Government must build and maintain the levees.

Ex-President Taft said—I quote from him for what it is worth:

I am strongly in favor of expending the whole $50,000,000 to save that part of the country from floods in a reasonable time and to provide a proper levee system.

Ex-President Roosevelt said:

The Nation must build the levees and build them better and more scientifically than ever before.

I could quote other great authorities by the hour to the same effect; but here we are with the war closed; with Europe pressing in every direction for trade and commerce and business; with the United States willing, it seems, to forego the interest on its money, and in some instances it has been suggested to forgive the principal of the bonds; and while we are doing that we are starving our internal improvements to death; while we are doing that, European countries are keeping their money and using it for the purpose of internal improvements and external expansion.

I am informed that when we requested $5,000,000,000 that was due us from the Argentine Republic that Government went to Great Britain and Great Britain promptly loaned her the money, at the same time being in default to us for her debt to us, with the result that a movement is on in Argentine to transfer her trade and commerce to Great Britain. What has that to do with this case? Just this much: It illustrates the fact that the other countries of the world are awake to improvement; they are awake to every question of commerce, while we sit here like sluggards sleeping in the sun, and all about us other nations are surging forward. They are not neglecting their streams; they are not neglecting their rivers; they are not neglecting their opportunities; we sit here and count dollars for improvements that will bring back the money and will develop our country and make it great, splendid, and prosperous. We are not even collecting the interest that is due us, with a very small portion of which we could make every improvement we desire.

Mr. President, ours is the shortest-sighted policy ever pursued by a great nation. What we need in this Nation, and what we will ultimately have, is some man great enough to turn his back to the ocean and his eyes to the country; to cease troubling himself about the intellectual, physical, and moral degenerates of other lands and begin to vision an empire of America for Americans; an empire in which every acre of land shall be employed; where the swamp will give way to the home and the croak of the frog will be drowned in the hum of industry; where every river will bear upon its bosom the commerce of mighty States and of princely cities; where we shall have created a system of transportation so that if our country is ever attacked we can mass our men and mass our materials in a day's time where now it takes weeks of time.

What other country has pursued such a policy as ours? Shall we turn to Germany? The German armies could not have moved and been provisioned in the late war save for the canals and rivers of Germany. In addition to that, the Germans had built their railroads for strategic purposes. We talk about providing for a great Army, but I say that if war were to occur 10 years from now I would rather have a great system of perfected transportation in this country than a hundred thousand, aye, 200,000 men or 500,000 men; for with water and rail transportation perfected we could mobilize our resources and we could be prepared to place along the borders of this country the mightiest army ever assembled, and do it in the shortest conceivable time, and feed them and keep the commerce and the business of the country moving while the war is carried on.

Only $5,000,000 stand between keeping these improvements moving and killing them, but yet before this Congress adjourns we shall vote away fifty millions or one hundred million dollars to some wildcat and chimerical enterprise that promises us nothing. The price of one battleship will equal the entire amount of money appropriated in this bill for all the rivers and harbors of our land, and yet in the event of war a single rock left in one of the harbors of our country might lose us a naval battle and send to their deaths thousands of gallant men.

It is as insane a policy as it would be for a farmer in the interest of economy to refuse to buy the necessary plows to turn over the sod of his fields and to allow them to remain waste lands; it is as foolish a policy as it would be to leave a hole in the roof of a building which was filled with valuable goods and say that you are economizing by not sending for a tinner; it is as foolish a policy as it would be to take a herd of young cattle and starve them through the winter instead of feeding them, and say that you have saved so much on hay when you have lost ten times as much on beef.

Mr. President, I have wearied the Senate talking of this matter and have said all I can say. I call for the yeas and nays on the question.

Mr. LENROOT rose.

Mr. REED. Of course, if any other Senator wishes to speak, I do not desire to shut him off.

Mr. LENROOT. I have no objection to the yeas and nays being ordered.

The yeas and nays were ordered.

Mr. LENROOT. Mr. President, the Senator from Missouri has made a very adroit appeal to the Senators from Minnesota and to those of us who represent States upon the Mississippi River. The State of Wisconsin borders the Mississippi River for more than 200 miles; but the mere fact that some money is proposed to be expended in his vicinity ought not to appeal to a Senator upon that ground alone.

Now, what is the situation with reference to the Mississippi River? I sincerely hope that the Mississippi River can be improved so that it will float a very great commerce, but the Senator from Missouri knows as well as I do that that is an experiment, an experiment which we hope will be successful; but we have no assurance of its success.

We now have a substantially completed project between St. Louis and New Orleans, and yet there is practically no commerce floating upon it to-day commensurate with the cost of the improvement.

Mr. REED. Mr. President——

The PRESIDING OFFICER (Mr. FERNALD in the chair). Does the Senator from Wisconsin yield to the Senator from Missouri?

Mr. LENROOT. Yes; I yield.

Mr. REED. The Senator is wrong about that. We do not have a completed project; that is the entire trouble. The lower Mississippi has sand bars across it——

Mr. LENROOT. What portion of it is not completed, may I ask the Senator?

Mr. REED. The portion below Cairo. As I was saying, there are sand bars across it that have made it impossible for any boat of any size to proceed up and down that river with safety. Everybody knows that the project is not completed, but we are trying to get it completed.

Mr. LENROOT. The project itself, as I recollect, is completed, and, if the enormous sums that we are expending annually for maintenance on the Mississippi River are not sufficient to prevent bars forming and to enable boats to pass up and down the river, we have a most hopeless outlook, indeed, for the future of that river.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield further to the Senator from Missouri?

Mr. LENROOT. I yield.

Mr. REED. The Senator ought not to say that. Here is a project two-thirds completed. The Senator knows that a boat can not run over a sand bar and that if you have a project two-thirds completed and then sand bars form in the middle of it you might as well have none of it completed.

Mr. LENROOT. I wish to ask the Senator what portion of the project from St. Louis to Cairo is not completed? There is a uniform depth of 8 feet for the entire distance, as I understand.

Mr. REED. Oh, no; the Senator is mistaken.

Mr. LENROOT. If I am mistaken it is because of the fact which I have stated, that although, as I recollect, we are spending nearly half a million dollars for maintenance, that sum is not sufficient for maintenance. That can be the only answer.

Mr. REED. Oh, the answer is that, of course, you have got to maintain a river. You have got to maintain a railroad, too——

Mr. LENROOT. Yes.

Mr. REED. You have got to maintain a horse and a wagon; anything you have you have got to maintain. But if you have a

river improvement that is not completed at all so that commerce can utilize the river you might as well have no river at all.

Mr. LENROOT. But it is completed, I beg to say to the Senator.

Mr. REED. Well, the Senator is gravely mistaken about it; that is all.

Mr. LENROOT. However that may be, Mr. President, I will say to the Senator that if the improvement is not completed to St. Louis it ought to be completed at the very earliest possible moment.

Mr. REED. Yes; that is why I want some money appropriated by this bill.

Mr. LENROOT. The Senator is getting it. Mr. President, if commerce can not be developed from St. Louis to New Orleans upon a completed project, it is idle to talk about any considerable commerce being developed from St. Paul and Minneapolis to New Orleans, because there is the great Southwest Territory that is naturally tributary to St. Louis that would furnish the commerce if, as an economic proposition, it could be advantageously carried by water.

I believe that the commerce can be developed upon the Mississippi River, but not any such commerce as the Senator from Missouri evidently has in mind. These are not like the old days, Mr. President, when the Mississippi River was the only means of communication for a great section of country.

The Senator says that the railroads, through low rates, have destroyed commerce upon the Mississippi River. I think that is true in part, but only in part. The fact is that commerce can not be developed upon any stream where the haul by water is only a portion, and a short portion, of the total haul; in other words, commerce can not be developed where it is necessary, in the first instance, to transport by rail to a river point, then ship by water a short distance to another point down the river, and then transfer to rail for shipment to the interior. It can not be done. It is not a matter of unreasonable rates at all; but it is not an economical proposition because of the terminal charges and the cost of loading and reloading. However, I do believe it is possible to establish a through commerce upon the Mississippi River to New Orleans and from New Orleans to foreign ports. I want to see that experiment tried; but, as I said a moment ago, unless such a commerce can be successfully developed from St. Louis to New Orleans it can not be expected that it will be developed further up the river.

Mr. KING. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Utah?

Mr. LENROOT. Yes.

Mr. KING. I ask purely for information. Many years ago, as we read, there was a considerable commerce carried upon the waters of the Mississippi River. Those who have had the pleasure of reading Mark Twain remember the boats which he describes that plied between various parts of the States and the mouth of the Mississippi River. What is the reason that there is so little commerce now? What is the reason that upon the waters of the Missouri River there is so little commerce now, measured by what was carried many, many years ago?

Mr. LENROOT. I am very glad to give the Senator my judgment as to the reason. I think, as the Senator from Missouri has said, that in part it is due to the unreasonably low rates made by railroads to destroy water competition, but that is only a part of it. As to the greater part of the commerce which no longer exists upon the river, it goes by rail because it is cheaper to transport it by rail at fair rates than it is by water, for the reason that I stated a moment ago. Commerce does not originate to any great extent upon a river point. It must come from the interior. It must come by rail to be unloaded at the initial point, then loaded on to boats, shipped a few hundred miles by water, unloaded there, reloaded on cars, and then shipped into the interior. Now, so far as that character of commerce is concerned, it would be cheaper to carry it at a very high rate by rail than to transport it by water, and we never can hope to restore upon the Mississippi River that character of commerce.

Mr. KING. Mr. President, will the Senator yield?

Mr. LENROOT. Yes.

Mr. KING. I should like to ask the Senator whether or not upon the Mississippi and Missouri Rivers, as well as upon many other streams upon which we are now spending millions of dollars, there are not adequate railroad facilities for the purpose of meeting all of the demands of commerce?

Mr. LENROOT. No; I would not say that. I doubt that very much.

Mr. KING. Is there any complaint now about there being an inadequate system of transportation to carry to the Gulf the commerce that could find an outlet there?

Mr. LENROOT. I think the shortage of cars upon the railroads is general, and affects all parts of our country. That is my judgment about it.

Mr. KING. Does the Senator contend that we ought to encourage the development of our rivers and harbors merely for the purpose of cheapening railroad transportation?

Mr. LENROOT. Not at all. I never have been in favor of that theory. We have control over rates, and if the railroads have been imposing a higher rate than is reasonable, it is not necessary to spend hundreds of millions of dollars to bring down rates, when we have an Interstate Commerce Commission here in Washington whose duty it is to see that only a reasonable rate is imposed.

Mr. KING. Then the Senator, as I understand, agrees with the soundness of the policy which was recommended by the Waterways Commission in their final report, wherein they discuss that feature, and state that—

> The United States must also adopt a definite policy regarding the relations between railways and waterways before any marked improvement in river transportation can be looked for. Such a policy must be based upon the idea that the purpose of improving waterways is to secure additional means of transportation and not to reduce or regulate railway rates. Experience has demonstrated that waterways can not be relied upon as the great cheapeners and regulators of railway rates which they once were supposed to be.

Mr. LENROOT. I am entirely in harmony with that view, but I do believe that there are possibilities of establishing on the Mississippi River through commerce, from South to North, and North to South, and thence to foreign ports. Whether it can be done or not, we do not know; but I want to see the experiment fully carried out. If it shall be successful from St. Louis to New Orleans, we can expect it to be successful from St. Paul and Minneapolis to New Orleans. If it shall be successful from St. Louis to New Orleans, we can expect that the improvement of the Missouri River from Kansas City to the mouth would be equally successful; but I do think that so long as it is an experiment, it is the height of folly to be conducting several experiments at one time, when one experiment will demonstrate the success or the failure of the project.

Now, Mr. President, with reference to the appropriations in this bill, the pending amendment is for $24,000,000; and the Senator from Missouri [Mr. REED], the Senator from Mississippi [Mr. HARRISON], and other Senators who have spoken upon the bill go upon the theory that if we should spend more than is provided for by the committee we would have an immediate resulting benefit to commerce. That is not the fact at all, under the report of the engineers themselves. If we spend the four million additional dollars that this amendment provides for, it will not carry an additional pound of commerce upon any of the projects upon which it will be spent; and remember that wherever we spend money upon a project that will not result in an immediate improvement to commerce, we are thereby increasing the cost of living to the people of this country instead of reducing it.

Mr. REED rose.

Mr. LENROOT. I will not yield for just a moment. I want to develop this.

Mr. President, why is that? Take this New York project; take the Delaware River project; take the Ohio River project—and that is where most of this additional four millions would be spent, under the estimates of the Board of Engineers. If you spend that four millions there, you will not add a ton of commerce by reason of the expenditure of those four millions, but you will have done this: Every man employed upon a project where there is no immediate benefit to commerce is taking just that much out of production of the necessaries which the country so sadly needs to-day. Every bag of cement that is used upon a project that will not result in immediate benefit to commerce will increase the cost of building operations everywhere in this country. So that where our trouble to-day is in the shortage of production, by increasing these appropriations for purposes that will not result in immediate benefit to commerce we will bring about just that much greater shortage of production next year.

Now I yield to the Senator from Missouri.

Mr. REED. Mr. President, what does the Senator mean by saying that these improvements will not be of immediate benefit to commerce?

Mr. LENROOT. Exactly what I said. I will proceed to demonstrate it, if the Senator would like to have me.

Mr. REED. I should be very glad if the Senator would demonstrate it.

Mr. LENROOT. Very well.

Mr. REED. If any of them has to be absolutely completed before we can get commerce through, then, unless the work is begun, the benefit never will come.

Mr. LENROOT. I said "resulting in immediate benefit to commerce."

Mr. REED. Oh, well, of course, throwing the rocks out of Hell Gate will not result in an immediate benefit, but there will be an immediate benefit as soon as the rocks are out.

Mr. LENROOT. Yes; when the project is completed, I agree.

Mr. REED. Exactly; and if it is necessary to do it, we ought to start to get them out; ought we not?

Mr. LENROOT. Not under these conditions; no. That is just the point I am making. Where there is no immediate benefit to commerce, in view of the necessity of men and in view of the necessity of supplies, where we need to have every ounce of our power directed to increase production, we ought not to take men and materials out of productive lines and put them into nonproductive lines.

Mr. REED. Does the Senator know of a single one of these projects that will not relieve commerce to some extent if there is money employed on it this year, although it is not completed this year?

Mr. LENROOT. Yes.

Mr. REED. I should like to have the Senator name them.

Mr. LENROOT. All right; I will start in with the East River. The testimony shows there will be no immediate resulting benefit to commerce, yet for that an estimate is made of $2,100,000, where they had on November 1, unexpended, $4,784,000.

Mr. REED. What is the Senator reading from?

Mr. LENROOT. The East River, from the report of the committee on page 2, where the average expenditure for the last five years was $234,000, and the expenditure last year was $566,000.

Mr. REED. Will the Senator read the clause which states that there will be no benefit to commerce?

Mr. LENROOT. That was in the testimony. It was not in the report.

Mr. REED. Who testified to that?

Mr. LENROOT. Well, it is there; and that is bound to be true, because this will not complete the project.

Now, we will go on to the next one, the Delaware River, where an estimate is made of $2,000,000. That is not going to be of any immediate benefit to commerce, because this improvement is for a 35-foot channel, and this will not complete it, and it is of no benefit to commerce to have a 35-foot channel half the way and a 30-foot channel the other half of the way. No greater draft of boats can move up the Delaware River after the expenditure of this $2,000,000 than moved up before the expenditure.

Mr. REED. Did the Senator vote for any money to go to the Delaware River?

Mr. LENROOT. Oh, yes.

Mr. REED. Why did he vote for it when it was not going to be of immediate benefit?

Mr. LENROOT. Because Col. Taylor stated that they had a plant there, and that great loss would result to the Government from the idleness of the plant unless they could move along at a certain rate.

Mr. REED. Exactly.

Mr. LENROOT. And I did it for the purpose of going on with that improvement, so that there would not be a loss to the Government, but not because there would be any immediate resulting benefit to commerce.

Then we come, next, to the Chesapeake & Delaware Canal, where the estimate is for a million dollars. Does the Senator from Missouri say that there will be any immediate benefit to commerce with the expenditure of that million dollars? I greatly question whether there will ever be any benefit to commerce commensurate with the cost of that commerce.

And so I could go on here, and it will more than cover the $4,000,000 for which the Senator from Missouri so eloquently pleads. There will be no immediate resulting benefit to commerce, but it will result in taking men out of production, where they are sorely needed, and taking building material where it is so sorely needed. What kind of business sense is it for Senators to think of making appropriations under those conditions, with this shortage in the Treasury, and with the shortage of production that exists to-day?

Mr. President, taking these items, they say that we are niggardly; that we should make larger appropriations. I observe on the other side of the aisle, in the roll calls that have been made, that it is very clear that the Democratic side of the Senate feel that they have no responsibility now for the expenditures of this Government.

Of course when they get upon the stump they will talk about the appropriations made by this Republican Congress and criticize us, when, as I recollect it, every Senator upon the other side of the aisle, with two or three exceptions, has voted for the $27,000,000 amendment increasing the appropriation in this bill.

Take the East River. The estimate is $2,100,000, and they had on hand November 1, $4,786,000, and expended last year the sum of only $506,000. Without this $2,000,000 at all it will permit an expenditure of eight times the amount which was expended upon that river last year.

On the Delaware River they expended last year $822,000, and they had on hand November 1, $1,136,000, and with the additional million it is proposed to give them instead of the two million they would have more than $2,000,000 to spend this year upon the Delaware River, a greater sum than has ever been expended upon the Delaware River in any single year.

I have spoken already of the Chesapeake & Delaware Canal. Does the Senator from Missouri defend that expenditure with the condition of the Treasury as it is to-day? If he does, I would begin to think that, contrary to the Senator's usual policy, he has forgotten the condition of the Treasury or the interests of the taxpayer.

Galveston Channel is to receive $600,000, according to the revised estimate. There was on hand November 1 the sum of $599,000, and last year there was expended only $190,000, and the average for five years was only $141,000.

For the Ohio River there was a balance unexpended on January 1, 1920, of $9,478,000, including contracts which had been made, and included in that sum of unallotted funds on November 1 there was unexpended $4,597,000. Is not that liberal to the Ohio River? When, in the history of the Congress, have we been more liberal or have there been greater expenditures upon the Ohio River than will be made under this bill, not with the $27,000,000, not with the $24,000,000, but with the $20,000,000 provided for by the committee?

No, Mr. President, they can not make out a case that we are not taking care of the rivers and harbors of this country as fully as the present condition of the Treasury warrants.

But more than that, Mr. President, I want to say to the proponents of these amendments, where they seek to secure greater sums than recommended by the committee, they are defeating their own ends in doing it, and I think I know whereof I speak. It may be that if we can hold this down to $20,000,000 a compromise may be made in conference on a sum somewhere between fifteen and eighteen million dollars, but if you had adopted the amendment making the appropriation $27,000,000, or if you shall adopt this amendment making it $24,000,000, it is my judgment that the conferees on the part of the House would give no consideration whatever to the judgment of the Senate in raising these sums, but if we hold it to the committee recommendation a fair case can be made.

In my judgment this bill when finally agreed upon by the conference committee, especially if this amendment is adopted, will not carry to exceed $15,000,000. When you are trying to get a larger sum than that you are running the danger not of $15,000,000 but of no bill at all.

So, in the interest of liberal expenditures properly made, in the interest of getting as much as possible in the river and harbor bill at this session, every friend of rivers and harbors ought to vote to hold this appropriation down to the amount recommended by the committee, namely, $20,000,000.

Mr. REED. Mr. President, here is a strange argument, that we should make no improvement unless immediately a benefit will result to commerce; that is to say, unless there is enough money appropriated now so that a project can be absolutely completed we should appropriate no money now to carry on the work.

Mr. LENROOT. Mr. President, the Senator does not mean to inaccurately quote me. I made no such statement. There are many projects which can result in immediate benefit to commerce without full completion of the project.

Mr. REED. I will state it the Senator's way, that no money ought to be appropriated to a project unless an immediate benefit to commerce would come; that is to say, if it is going to take this appropriation, plus one to be made next year, to complete a project, we should not begin it this year. That is to say, you should not lay the foundation for a house because the next morning you can not move in your kitchen furniture. Consequently, you would never have any house. Yet the Senator has sat here and voted for a bill the numerous items of which he himself says embraced projects which can not be completed this year, and which will not, therefore, result in any benefit to commerce this year.

The Senator cited two instances. Against the Senator's expert opinion as to the Delaware River I put the opinion of the Army engineers. His argument is that there should be nothing spent on that river because we can not get a benefit this year. We are so nearsighted we can not see three months ahead, or

six months ahead, or a year ahead. The engineers said as to the Delaware River:

The appropriation recommended in Col. Taylor's memorandum is $2,000,000. The reduction proposed is $1,000,000.

I will not read, but I will put in the RECORD the rest of the comment of the Chief of Engineers, which is found in paragraphs 3 and 4 of his letter, and is an absolute condemnation of all the Senator has said:

3. The project for the improvement of the Delaware River from Philadelphia to the sea provides for a channel 35 feet in depth at mean low water. The present controlling depth is 30 feet. The commerce of this port is approximately 25,000,000 tons per year, valued at over $2,000,000,000. An important navy yard is located near the head of the channel. The earliest possible completion of this project is regarded as of utmost importance to the great commerce. With a view to pressing the completion, a large amount of plant, including the dredge *Corozal* acquired from the Panama Canal, has recently been secured. To utilize this plant it will be necessary to purchase certain additional accessories, including a rehandling dredge for disposing of the material dredged by the *Corozal*. The cost of maintaining the plant in idleness would be a large sum.

4. The condition of the appropriations is now such that the department is seriously considering the rejection of a most advantageous bid for the execution of a large amount of necessary new work in Philadelphia Harbor. With the amount of $1,000,000 only, in addition to the amount which could be allotted from a lump-sum appropriation of $5,000,000 for the maintenance of all the harbors in the United States, it would be necessary to seriously curtail operations during the coming summer. The United States would suffer a considerable financial loss in the expenditures necessary for the care of idle plant, and the development of the commerce of the port would suffer great injury. The reduction proposed is considered most undesirable.

The Senator referred to the Ohio River project and told us how much money is on hand. He knows that nearly all of that money is contracted for or expended, and he knows that Col. Taylor reported in paragraphs 11 and 12 of his letter:

The project for the improvement of the Ohio River * * * is the largest comprehensive project of river and harbor improvement in this country.

Without reading, I ask leave to print the balance of the engineer's comment on that. He condemned the idea of cutting down that appropriation to the point named.

12. The project for the improvement of the Ohio River, to afford a navigable depth of 9 feet, is the largest comprehensive project of river and harbor improvement in this country. The work is now being actively prosecuted at 15 locks and dams, in part by contract and in part by United States plant and hired labor. The present appropriations have been reduced to such a low ebb that the reallotment of funds between the various works has been necessary to permit essential work to continue. The cessation of appropriations would disorganize the work and would be most disadvantageous to the United States. It is intended to apply a considerable portion of the sum recommended to the completion of the Emsworth Dam, which will replace the first two dams below Pittsburgh. The present structures, built many years ago, are in extremely bad repair and may break at any moment. The sum recommended is regarded as the minimum necessary for the economical prosecution of this project.

13. Commerce is endeavoring to utilize the Ohio River as rapidly as the work of the Government in building locks and dams will permit, and it is believed that this most important project, on which so many business interests of the central part of the country depend, should be pushed at as rapid a rate of progress as is possible. The million dollars requested in this bill is sufficient to keep the work of construction progressing at a proper rate, but if omitted would cause a cessation of work which would be not only most expensive to the United States on account of disorganization of forces and care of plant, but would also greatly interfere with important and large business interests which are making all preparations to utilize the improvement as it progresses. It is believed that this item should be retained, whatever else may be omitted.

Mr. President, there is just one remark of the Senator, aside from that, to which I want to reply. He tells us that river transportation can not succeed where there have to be shipments into the country. I have already explained that the railroads, under their old system, refused to interchange freight or to make joint rates. Joint rates are now being established and have been established at many points. Joint rates will be established at many other points if the Interstate Commerce Commission does its duty. Let me give just one illustration from the facts to show how badly the Senator is mistaken. Last fall, with an inefficient equipment, one boat carried 79,600 bags of sugar from New Orleans to St. Louis. Only 16,000 of those bags were used in St. Louis. The rest of them were shipped to interior points, far from the river, and that was done at a splendid saving in the matter of freight. That is just one example which shows how our theories can be erroneous.

That is all I desire to say, Mr. President, and I will ask for the yeas and nays on this question.

The PRESIDING OFFICER. The yeas and nays have been ordered on the amendment to the amendment.

PROPOSED WAR DEBT POOL.

Mr. LODGE. Mr. President, I desire to take a few minutes to call attention to another matter which I think it will be well for the Senate to bear in mind and which I shall ask to have printed in the RECORD.

During the meetings of the peace conference in Paris I heard from one of the delegates there that there was great pressure to get an arrangement or an agreement in the treaty or the league by which all the loans of the different countries could be merged and then all the countries engaged in war were to become jointly liable; it was to be a joint bond. Of course, that meant making the United States and Great Britain alone the guarantors, for most of the other guarantors would not have been of very great value for the debts of the world.

Now, that has been renewed. I read a dispatch yesterday, under the heading "League fight over finances coming in May." I do not want to take the time of the Senate in reading it all, but I should like to have it all printed:

Trouble is already foreseen in the renewed agitation by countries like France in favor of the old scheme for pooling war debts or for endowing the financial section of the league with power to negotiate an international bond issue of some kind. This suggestion, which was made repeatedly during the peace conference, always encountered disapproval by Americans, notable among whom were Thomas W. Lamont, Bernard M. Baruch, and Henry P. Davison, who regarded it as uneconomic and without a chance of obtaining American cooperation.

I did not know whether those gentlemen were opposing it at the time, but our delegation there certainly opposed it, and were a good deal disturbed about it at the time.

Now, some French publicists—

I am reading again—

Now, some French publicists are urging France to adopt this plan for her offensive at the Brussels meeting as against the idea advanced by J. M. Keynes, the British financial expert, author of The Economic Consequences of the Peace. The French fear the latter plan—

Which, I think, put the whole expense of rehabilitating Germany upon us, and the consequence is that—

The French fear the latter plan will have the support of the league body delegates.

Mr. President, that is coming up again, and either by giving power to the league by necessary amendment or as a separate proposition we shall be brought face to face with it. Of course, not being in the league, we shall not be rendered liable unless we voluntarily join in a treaty to pool all the debts. It is to my mind a very great danger, not that I think we are going to accede to it, but that if we should be drawn into such a treaty it would become a very serious danger to the whole American people, and would mean a burden of taxation which it would be difficult to estimate.

I call attention to it, and ask to have the whole article printed, of which I have read only a few paragraphs, because I think it is worth considering.

Mr. HITCHCOCK. Will the Senator state what the article is? I did not understand.

Mr. LODGE. It is a press dispatch from Paris.

Mr. HITCHCOCK. Whose proposal does it purport to contain?

Mr. LODGE. It is a matter to be brought before the meeting of the league.

Mr. HITCHCOCK. Who says so?

Mr. LODGE. The French say so. The Senator is always desirous to have authority. It states that M. Poincare, former President of the French Republic, chairman of the reparation commission, in an article in the Revue des Deux Mondes, said:

It can scarcely be concealed that if at the Brussels session, at which there will be present not only Government representatives but a large number of bankers and financiers, a program is not clearly defined and the discussion strictly limited in advance, we will wake up some fine day before the ruins of the peace treaty.

He thinks it is serious.

An article by Jacques Bardoux, in L'Opinion, insists that the French cabinet must be prepared for a fight in Brussels.

"Neutrals and allies will come to Brussels with a program which is already known," he says. "Keynes has drawn it up, Lord Robert Cecil and Mr. Asquith have adopted it, and now Premier Nitti has made it his own. This program aims at restoring German production at the expense of Franco-Belgian credit.

"OFFENSIVE ADVISED FOR FRANCE.

"Our defensive will be efficacious only in the measure wherein it becomes a concerted offensive which will have for its object the creation of an international organization to coordinate the liquidation of our war debt."

I think M. Poincare and these other writers of importance know what is coming. France desires a general pooling of the war debts. Mr. Keynes's plan or remedy was, as I understood it in his last chapter, that we should furnish all the money necessary to rehabilitate Germany, because his whole argument, as the Senator probably knows, is the necessity of rehabilitating Germany. His plan or remedy is very simple. It was that we should bear the expense. That is the difference between the two plans. That those plans are coming up there can not be any doubt.

Mr. HITCHCOCK. I understood the Senator to say something about a meeting of the League of Nations——

Mr. LODGE. That is precisely when it is coming up.

Mr. HITCHCOCK. As though the League of Nations, which is composed of 30 or 40 nations that had no part in the war, would have anything to say concerning the distribution or funding of the debt.

Mr. LODGE. M. Bardoux says:

Neutrals and allies will come to Brussels with a program which is already known. Keynes has drawn it up.

Mr. HITCHCOCK. The Senator, of course, does not credit any report that the League of Nations would have anything whatever to do with the distribution of the debts incurred as a result of the war?

Mr. LODGE. I do not know whether they have that power under the present draft or not. I think it is doubtful. My own belief is that what they intend is to amend the league. The French plan is evidently the one that was proposed and urged during the peace negotiations, which was that all the nations engaged in the war should pool their debts. That is coming up at the league meeting. It has been stated over and over again.

Mr. HITCHCOCK. A great many preposterous statements have been made.

Mr. LODGE. It is of no consequence to us what the league does?

Mr. HITCHCOCK. The Senator from Massachusetts would not credit for a moment any statement that 20 or 25 or 30 or 35 nations in the League of Nations would have anything to do concerning the distribution of the debts of the five or six nations who fought the war?

Mr. LODGE. Five or six nations? There were 32 signatories to the treaty.

Mr. HITCHCOCK. Certainly; but they were not engaged in the war; they did not incur debts in the war; and any such proposition as to pooling the debts of the war, preposterous as it is, could only be participated in by the nations interested.

Mr. LODGE. Even the greatest of foreign countries I do not think ever conceived the idea that the people who had no debts were going to pool them.

Mr. HITCHCOCK. So if the article indicates that the League of Nations is to take up this inquiry it is preposterous.

Mr. LODGE. It is not preposterous at all. The opinions of these Frenchmen and Englishmen are not preposterous. Mr. Keynes's is not preposterous.

Mr. HITCHCOCK. I understood this is a newspaper article from some unknown author.

Mr. LODGE. It is a press dispatch.

Mr. HITCHCOCK. But I do not quite understand the Senator's purpose in putting it in the RECORD.

Mr. LODGE. My purpose in putting it in the RECORD is that an effort is going to be made by them; and it is admitted by both French and English authorities that there is going to be an effort to so amend the league, if it needs amendment, as to form a combination for taking care of the war debts by a pool. That is what they are asking.

Mr. HITCHCOCK. Does the Senator think that the countries which had nothing to do with fighting the war would voluntarily assume a share of the indebtedness?

Mr. LODGE. I am not saying that they would assume it. The people who assume the debt would be the people who owe the debt, of course, and the object is to make it joint. But the neutrals will have no objection to having us pay the debts.

Mr. HITCHCOCK. The Senator credits the suggestion, then, that the 20 or 30 nations, outside of those who fought the war, intend to make a proposition that those who fought the war shall pool the debts——

Mr. LODGE. Who are the 20 or 30 nations outside the treaty?

Mr. HITCHCOCK. Not outside the treaty. I did not say that, but outside of the nations that fought the war. There were only six or seven nations that fought the war, and the League of Nations is composed already of something like 27, as I recall the number.

Mr. LODGE. Of course, the League of Nations was composed, to begin with, of the allied and associated powers, and they numbered 32, including Great Britain's dominions.

Mr. HITCHCOCK. But those in the league now are those that have ratified the treaty.

Mr. LODGE. They are; and there are some neutrals there, too.

Mr. HITCHCOCK. They number something like 27, as I recall it.

Mr. LODGE. There were 27, and if you include the five British dominions with subordinate votes, there were 32, as I recall it. I think now there are about 40.

Mr. HITCHCOCK. I want to ask the Senator from Massachusetts if he thinks it is worthy of any credence that those nations now composing the League of Nations are going to amend the constitution of the League of Nations so as to take over the jurisdiction and control of the debts of all the nations of the world?

Mr. LODGE. I think it is a most obvious thing in the world for them to do. Of course, those people who have no debt will not be in it, but those people who are in it will be very certain to vote that the people who do owe the debt should pay through the league. What is it to Holland or Spain whether we pay the debt or somebody else pays it? They do what European interests demand.

Mr. HITCHCOCK. Yet the Senator gives credence to the suggestion that the 20 or 30 nations that have not any interest in the debt, that did not fight the war, will presume to distribute the debt among the nations that did fight the war.

Mr. LODGE. They will furnish the votes to amend the constitution of the league, and that is all they have to do. Of course, the people who do not owe money will not be included in the agreement to pay money, but when Monsieur Poincare, who has been recently President of the French Republic, discusses in an elaborate article what will be done at this meeting of the league, I venture to say that he knows as much about it as the Senator from Nebraska.

Mr. HITCHCOCK. I am very much surprised that the Senator from Massachusetts, however much he criticizes the league, should seriously assert that the League of Nations' constitution could be so amended that the league could take over jurisdiction or control of the indebtedness of the nations of the world. It is such a preposterous suggestion that I am very much surprised that the Senator from Massachusetts indulges in it.

Mr. LODGE. Calling it preposterous is no argument at all. The facts are as I have stated them. The facts are given by men of undoubted authority, Mr. Asquith and the premier of Italy. They know what they are doing, and the point is, either through the league or outside by a separate agreement, to pool the debts of the world.

Mr. HITCHCOCK. There is no one in Great Britain who favors doing so.

Mr. LODGE. Mr. Keynes simply wants us to rehabilitate Germany, not to pay the debts of the world.

Mr. HITCHCOCK. The Senator knows that when the suggestion was made in Paris it was simply laughed out of the council; it was too preposterous to be considered. There is no more possibility of the United States assuming the indebtedness of other countries than of the Senator from Massachusetts assuming my indebtedness.

Mr. LODGE. It was seriously considered there.

Mr. HITCHCOCK. Not by any nations that had any of the debts to assume.

Mr. LODGE. It was seriously considered there, and opposed by the United States alone.

Mr. HITCHCOCK. It was not seriously considered, I assert. It was not a debatable question.

Mr. LODGE. I know it was seriously considered. I know they were alarmed by it. I had information from members of the conference.

Mr. REED. Mr. President, I should like to ask the Senator from Nebraska how he knows it was not seriously considered behind the locked doors over there and how he gets his inside information?

Mr. LODGE. I have no doubt the information of the Senator from Nebraska is excellent. I have been discussing simply what all the world knows is an attempt that is being made. That is commonplace; everybody knows it. They want to pool the debts. They failed to do it in the treaty. They are now going to make another effort. There are two views as to how it shall be done. One is that we should undertake to finance Germany. The other is the French idea, which was brought up before, the pooling of the debts, and that attempt will be made. I never heard of anyone before who doubted it. But if they are going to try to use the league for that purpose I think it adds to its charms.

There being no objection, the press dispatch was ordered to be printed in the RECORD, as follows:

LEAGUE FIGHT OVER FINANCES COMING IN MAY—WAR-DEBT POOL COMES UP—PARIS FEARS GERMANY WILL BE REHABILITATED AT EXPENSE OF FRENCH PEOPLE.

[Special cable dispatch to the Sun and New York Herald. Copyright, 1920, by the Sun and New York Herald.]

"PARIS, *April 24*.

"The interallied financial conference which has been called by the League of Nations to meet in Brussels at the end of May is expected to do more toward solving the world economic problem than did the peace conference. This is because the assembly will include all neutrals as well as former belligerents and, in addition to official representatives of the various Governments,

individual bankers and merchants of the greatest financial renown are expected to attend it.

"However, trouble is already foreseen in the renewed agitation by countries like France in favor of the old scheme for pooling war debts or for endowing the financial section of the league with power to negotiate an international bond issue of some kind. This suggestion, which was made repeatedly during the peace conference, always encountered disapproval by Americans, notable among whom were Thomas W. Lamont, Bernard M. Baruch, and Henry P. Davison, who regarded it as uneconomic and without a chance of obtaining American cooperation.

"Now some French publicists are urging France to adopt this plan for her offensive at the Brussels meeting, as against the idea advanced by J. M. Keynes, the British financial expert, author of The Economic Consequences of the Peace. The French fear the latter plan will have the support of the league body delegates.

"CULMINATION IN BRUSSELS.

"There is some reason to believe that the whole movement for treaty revision, in so far as economic terms will go, likely will culminate in Brussels and that the premiers are awaiting the results.

"Since France probably will be represented at the conference by Raymond Poincare, chairman of the reparation commission, there is considerable significance in an article by him in the Revue des Deux Mondes recently, in which he wurns:

"'It can scarcely be concealed that if at the Brussels session, at which there will be present not only Government representatives but a large number of bankers and financiers, a program is not clearly defined and the discussion strictly limited in advance, we will wake up some fine day before the ruins of the peace treaty.'

"An article by Jacques Bardoux, in L'Opinion, insists that the French cabinet must be prepared for a fight in Brussels.

"'Neutrals and allies will come to Brussels with a program which is already known,' he says. 'Keynes has drawn it up, Lord Robert Cecil and Mr. Asquith have adopted it, and now Premier Nitti has made it his own. This program aims at restoring German production at the expenses of Franco-Belgian credit.

"'OFFENSIVE ADVISED FOR FRANCE.

"'Our defensive will be efficacious only in the measure wherein it becomes a concerted offensive which will have for its object the creation of an international organization to coordinate the liquidation of our war debt.

"'Whether the financial section of the league gives more value to Germany's obligations; whether it liquidates the interallied loans, or assumes charge of any part of the war debt and damages, it can, at all events, in issuing its own bonds and in realizing an equal distribution of exchanges, permit France to improve the situation in her treasury while awaiting Germany's payments.'"

RIVER AND HARBOR APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11892) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Mississippi [Mr. HARRISON] proposing to increase the amount reported by the committee from $20,000,000 to $24,000,000.

Mr. JONES of Washington. Mr. President, the reasons given by Senators who favor the increase of the amount are very largely the reasons that influenced the committee in increasing the amount to be appropriated by the bill over that provided by the House. The reasons stated by the Senator from Wisconsin [Mr. LENROOT] as to why we determined upon the amount of $20,000,000 make it unnecessary for me to discuss the matter further.

Mr. LENROOT. Just one word, Mr. President.

The Senator from Missouri [Mr. REED] asked to have inserted in the RECORD the report of Col. Taylor, of the Engineers. The Senator said that report refuted every word I have said concerning the Delaware and Ohio Rivers. The Senator from Missouri did not read all of Col. Taylor's report. I merely wish to state to the Senator that I have read that report since he has had it inserted in the RECORD and that there is not one word in the report which even hints that the expenditure of this money will be of any immediate benefit to commerce, either in the case of the Delaware River or the Ohio River.

The PRESIDING OFFICER. The yeas and nays have been ordered on agreeing to the amendment of the Senator from Mississippi [Mr. HARRISON] to the amendment of the committee. The Secretary will call the roll.

The Reading Clerk proceeded to call the roll.

Mr. GLASS (when his name was called). I have a general pair with the senior Senator from Illinois [Mr. SHERMAN]. I transfer that pair to the Senator from Kentucky [Mr. STANLEY] and vote "yea."

Mr. LODGE (when his name was called). Making the same transfer of my pair as before, I vote "nay."

Mr. STERLING (when his name was called). I have a general pair with the Senator from South Carolina [Mr. SMITH]. I understand, however, that if that Senator were present he would vote as I shall vote. I therefore feel at liberty to vote "yea."

Mr. SUTHERLAND (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. BECKHAM]. I transfer that pair to the junior Senator from Iowa [Mr. KENYON] and vote "nay."

Mr. TOWNSEND (when his name was called). I am paired with the senior Senator from Arkansas [Mr. ROBINSON]. I transfer my pair to the senior Senator from Iowa [Mr. CUMMINS] and vote "nay."

Mr. TRAMMELL (when his name was called). I have a pair with the Senator from Rhode Island [Mr. COLT]. I transfer that pair to the Senator from Massachusetts [Mr. WALSH] and vote "yea."

Mr. UNDERWOOD (when his name was called). I transfer my general pair with the junior Senator from Ohio [Mr. HARDING] to the senior Senator from South Carolina [Mr. SMITH] and vote "yea."

The roll call was concluded.

Mr. McLEAN. I have a pair with the senior Senator from Montana [Mr. MYERS]. In his absence, I withhold my vote. If I were permitted to vote, I should vote "nay."

Mr. SIMMONS. I wish to announce that the senior Senator from South Carolina [Mr. SMITH] is unavoidably absent from the Senate. He is paired. If present he would vote "yea."

Mr. KING. Upon this vote I am paired with the senior Senator from Ohio [Mr. POMERENE]. If I were at liberty to vote, I should vote "nay."

Mr. KENDRICK. I have a general pair with the Senator from New Mexico [Mr. FALL]. I transfer that pair to the Senator from Rhode Island [Mr. GERRY] and vote "yea."

The PRESIDING OFFICER (Mr. FERNALD). The Chair transfers his pair with the Senator from South Dakota [Mr. JOHNSON] to the Senator from Connecticut [Mr. BRANDEGEE] and votes "nay."

Mr. SMITH of Maryland (after having voted in the affirmative). I notice that my pair, the Senator from Vermont [Mr. DILLINGHAM], has not voted. Therefore I shall have to withdraw my vote.

Mr. CHAMBERLAIN (after having voted in the affirmative). I understand that the junior Senator from Pennsylvania [Mr. KNOX], with whom I have a pair, voted for the amendment of the Senator from Missouri [Mr. REED], proposing a larger increase in the appropriation than that now proposed. I assume, therefore, that if present, he would now vote for the lesser appropriation, and I shall take the liberty of permitting my vote to stand.

Mr. OWEN (after having voted in the affirmative). I ask if the Senator from New Jersey [Mr. EDGE] has voted?

The PRESIDING OFFICER. He has not.

Mr. OWEN. I withdraw my vote, having a pair with that Senator.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Delaware [Mr. BALL] with the Senator from Florida [Mr. FLETCHER];

The Senator from West Virginia [Mr. ELKINS] with the Senator from Oklahoma [Mr. GORE];

The Senator from New Jersey [Mr. FRELINGHUYSEN] with the Senator from Montana [Mr. WALSH];

The Senator from Wisconsin [Mr. LA FOLLETTE] with the Senator from Arkansas [Mr. KIRBY];

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS]; and

The Senator from Indiana [Mr. WATSON] with the Senator from Delaware [Mr. WOLCOTT].

The result was announced—yeas 32, nays 22, as follows:

YEAS—32.

Ashurst	Harris	Nugent	Simmons
Chamberlain	Harrison	Overman	Smith, Ariz.
Comer	Henderson	Phelan	Spencer
Culberson	Hitchcock	Pittman	Sterling
Dial	Jones, N. Mex.	Ransdell	Swanson
France	Kendrick	Reed	Thomas
Gay	McKellar	Sheppard	Trammell
Glass	McNary	Shields	Underwood

NAYS—22.

Calder	Jones, Wash.	Moses	Sutherland
Capper	Kellogg	Nelson	Townsend
Curtis	Keyes	New	Wadsworth
Fernald	Lenroot	Page	Warren
Gronna	Lodge	Phipps	
Hale	McCumber	Smoot	

NOT VOTING—42.

Ball	Frelinghuysen	McCormick	Smith, Ga.
Beckham	Gerry	McLean	Smith, Md.
Borah	Gore	Myers	Smith, S. C.
Brandegee	Harding	Newberry	Stanley
Colt	Johnson, Calif.	Norris	Walsh, Mass.
Cummins	Johnson, S. Dak.	Owen	Walsh, Mont.
Dillingham	Kenyon	Penrose	Watson
Edge	King	Poindexter	Williams
Elkins	Kirby	Pomerene	Wolcott
Fall	Knox	Robinson	
Fletcher	La Follette	Sherman	

So Mr. HARRISON's amendment to the committee amendment was agreed to.

The PRESIDING OFFICER. The question now is on agreeing to the committee amendment as amended.

The amendment as amended was agreed to.

Mr. JONES of Washington. I ask now to have stated the next amendment which was passed over, being the amendment on page 2.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. On page 2, after the word "*Provided*," it is proposed to strike out:

That $5,000,000 of the sum herein appropriated may be allotted for the preservation and maintenance of existing river and harbor works, and $7,000,000 of the sum herein appropriated may be allotted for the prosecution of works of improvement heretofore authorized by Congress: *Provided further*,

Mr. JONES of Washington. I merely wish to say that I hope the amendment will be agreed to. It is proposed in the interest of economy. Col. Taylor has assured the committee that without the limitation he could accomplish far more with the amount of money which we propose to appropriate than to have it divided as proposed by the language recommended to be stricken out.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

Mr. JONES of Washington. The next amendment passed over, I think, is on page 18, being section 10.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. On page 18, after line 14, it is proposed to insert:

SEC. 10. That section 4 of the river and harbor appropriation act approved June 25, 1910, be, and the same is hereby, amended so as to read as follows:

"SEC. 4. That whenever any vessel belonging to or employed by the United States engaged upon river and harbor works collides with and damages another vessel, pier, or other legal structure belonging to any person or corporation, and whenever, in the prosecution of river and harbor works an accident occurs damaging or destroying property belonging to any person or corporation, and whenever personal property of employees of the United States, who are employed on or in connection with river and harbor works, is damaged or destroyed in connection with the loss, threatened loss, or damage to United States property, or through efforts to save life or to preserve United States property, the Chief of Engineers shall cause an immediate examination to be made, and if, in his judgment, the facts and circumstances are such as to make the whole or any part of the damages or destruction a proper charge against the United States, the Chief of Engineers, subject to the approval of the Secretary of War, shall have authority to adjust and settle all claims for damages or destruction caused by the above designated collisions, accidents, etc., in cases where the damage or expense does not exceed $500, and pay the same from the appropriation directly involved, and to report such as exceed $500 to Congress for its consideration."

The PRESIDING OFFICER. A point of order raised by the Senator from Utah [Mr. SMOOT] is pending to the amendment just stated.

Mr. MCNARY. Mr. President, I ask unanimous consent to reconsider the vote by which the Senate committee amendment on page 12, line 16, was adopted. The word "including" was stricken out, and the words "with a view of" inserted. As the provision was prepared by the House committee and as it passed the House the word "including" would permit a survey not only for the purpose of considering the methods to be employed in removing the submerged rock but also in deepening the channel. The Senate committee, however, in changing the wording, have restricted the provision so that it now only contemplates a survey for the purpose of removing the submerged rock. I desire it to remain as provided in the House bill, and therefore ask unanimous consent to reconsider the vote whereby the amendment was agreed to.

Mr. JONES of Washington. I have no objection to the request of the Senator from Oregon. I think it ought to be granted.

The PRESIDING OFFICER. Without objection, the vote whereby the amendment referred to was agreed to will be reconsidered. The question now is on agreeing to the amendment reported by the committee.

Mr. JONES of Washington. The committee amendment should be rejected.

The amendment was rejected.

Mr. SWANSON obtained the floor.

Mr. JONES of Washington. Mr. President, I hope the Senator will wait until we dispose of section 10. As I understand, a point of order has been raised against that section.

Mr. SWANSON. Very well, I yield to the Senator.

Mr. JONES of Washington. I simply desire to say that I do not believe the point of order, which is that it is general legislation upon an appropriation bill, is well taken. Assuming that the river and harbor appropriation bill is to be treated as any other general appropriation measure, I do not think that the amendment proposed is general legislation. It relates only to a particular subject, to a particular class of people, and applies only to a particular class of work.

The section amends section 4 of the river and harbor act of June 25, 1910, under which provision was made for the settlements of claims for damages growing out of collisions, and so on. The amendment leaves that section as it was, but adds to it certain language. I desire to call the attention of the Chair to the particular language in line 24:

and whenever personal property of employees of the United States—

That is a restriction; it applies only to employees of the United States; and it does not apply to all such employees, but only to those—

who are employed on or in connection with river and harbor works—

Particular ones employed on a particular work—

is damaged or destroyed in connection with the loss, threatened loss, or damage to United States property, or through efforts to save life or to preserve United States property—

It is restricted further; it does not apply to a general loss of property by even this class of employees, but is confined to the loss or damage of property in connection with a particular circumstance, and that is when the property—

Is damaged or destroyed in connection with the loss, threatened loss, or damage to United States property, or through efforts to save life or to preserve United States property.

Mr. President, it seems to me that that can not be construed as general legislation, for it is clearly special legislation.

Mr. KING. Mr. President, will the Senator permit an inquiry?

Mr. JONES of Washington. Yes.

Mr. KING. Does not the Senator know that the courts, including the Supreme Court of the United States, have held repeatedly that legislation is general even though it is limited to but one class; for instance, legislation dealing with insurance companies alone? In the Kansas insurance case such legislation was denominated general legislation, and was held not subject to the attack which was made upon it that it was special legislation, although it related to insurance companies alone.

Mr. JONES of Washington. Mr. President, we are not controlled in the construction of our rules by decisions of the Supreme Court of the United States. I give a great deal of weight and a great deal of credence to the rulings of the Supreme Court of the United States, but they have no control with reference to the construction of the rules of the United States Senate in governing itself in determining the conduct of its business. I do not believe that this would come in line with that case, anyhow.

I can not see anything that would lead to the conclusion that this is general legislation in the sense in which that term is used in the rules of the Senate, but I am perfectly willing to allow the Chair to pass on the matter.

Mr. SMOOT. Mr. President, I take it for granted that there is no question but that the river and harbor bill is an appropriation bill in every sense of the word, and I do not want to take the time of the Senate to point to the decisions bearing out that question.

As to the question of whether or not this amendment is general legislation, I call your attention to the precedents of general legislation on river and harbor bills. I am not going to take very much of the time of the Senate, but I think the Chair, if he will read them, will come to the conclusion that this and similar amendments is general legislation without a question of a doubt, and it has been so decided by the Senate time and time again.

On page 161, I find the following:

The Senate resumed, as in Committee of the Whole, the consideration of the bill (H. R. 28180) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

On the question to agree to the reported amendment, beginning on page 53, line 6, and extending down to and including line 6, page 55, as follows:

"The Secretary of War is hereby directed to make and enter into an agreement with the Municipal Electric Co., a public corporation, organized and existing under the laws of the State of Minnesota, for the purpose of utilizing the hydroelectric power developed by the surplus waters not needed for navigation by the dam described and provided for in House Document No. 741, Sixty-first Congress, second session, as adopted by Congress in the act entitled 'An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes,' approved June 25, 1910"—

And so forth.

That is one particular electric-light plant, and that was ruled and passed upon by the Senate as to whether it was general legislation on an appropriation bill on February 20, 1913.

Mr. JONES of Washington. Mr. President, may I interrupt the Senator? Do I understand that the Senator claims that what he read was general legislation?

Mr. SMOOT. The question was raised:

Mr. THOMAS raised a question of order, viz, that the amendment proposed is general legislation to an appropriation bill, and is therefore not in order under the rule.

The President pro tempore (Mr. Gallinger) submitted the question to the Senate, Is the amendment in order?

It was determined in the affirmative.

Mr. JONES of Washington. Yes; that is, that amendment was held in order on the river and harbor bill.

Mr. SMOOT. That it was not in order.

Mr. JONES of Washington. It was held in order. The Chair decided in the affirmative.

Mr. SMOOT. No; that it was general legislation, and that was the point that was made.

Mr. JONES of Washington. If the Senator is acting on that belief, all right.

Mr. SMOOT. There are three or four pages of decisions covering my contention. I do not know that it is really necessary to read them, as they are so plain.

Mr. JONES of Washington. Mr. President, will the Senator allow me to call his attention to this? The Senator has misread it. At the bottom of the page it says:

Mr. THOMAS raised a question of order, viz, that the amendment proposed is general legislation to an appropriation bill, and is therefore not in order under the rule.

The President pro tempore (Mr. Gallinger) submitted the question to the Senate, Is the amendment in order?

It was determined in the affirmative.

Mr. SMOOT. Yes; the Senator is right on that, but I know that it is not necessary for me to go on and read this long list of precedents holding amendments similar to the pending one is general legislation on a river and harbor bill, because they have all been held as general legislation and in cases more specific in terms than this particular one.

The Senator says that this applies only to all those employed on river and harbor works. Why, of course it applies to all those employed on river and harbor works, and that is general. It makes no difference where located, whether in New York or San Francisco or any river in the United States; it applies to every person employed on them. It is just as general as it could possibly be, because it takes in every employee that is engaged upon this class of work. It does not say the employees upon any particular class of work, but it is the whole of the employees, and in my opinion it could not be more general than the wording of this amendment, and under the previous rulings of the Senate it is general legislation.

I am willing that the Chair shall rule upon it.

Mr. LENROOT. Mr. President, if the Chair will turn to page 60 of the precedents, he will find a definition of general legislation that I think is the rule followed by the Senate. Citing from Bouvier's Law Dictionary:

General law (legislation), laws which apply to and operate uniformly upon all members of any class of persons, or places, or things, requiring legislation peculiar to themselves in the matters covered by the laws. Statutes which relate to persons and things as a class.

So I do not think the contention of the Senator from Washington can be sustained, that because this relates only to a class of persons it is not general. The precedent seems to be directly the opposite.

Mr. STERLING. Mr. President, I wondered, as I have listened to this discussion, whether another rule does not apply here, or at least a precedent that we have followed, I think, again and again in the Senate. Is this not a limitation upon an appropriation, and therefore not open to the objection that it is general legislation?

Mr. SMOOT. In what way would it be a limitation on an appropriation?

Mr. STERLING. Let me read a few of the lines here, beginning with line 8:

The Chief of Engineers, subject to the approval of the Secretary of War, shall have authority to adjust and settle all claims for damages or destruction caused by the above designated collisions, accidents, and so forth, in cases where the damage or expense does not exceed $500, and pay the same from the appropriation directly involved, and to report such as exceed $500 to Congress for its consideration.

It occurred to me that here, in any given case, where an appropriation is involved, and a collision, an accident, occurs, a claim for damages on that account is to be paid out of that appropriation which we have provided in this bill.

Mr. SMOOT. It is a privilege that that power is granted to the Secretary of War. That is exactly what the change of the law is, and it becomes general legislation. It does not apply to one accident; it applies to every accident that may happen. It does not apply to one person; it applies to all persons who may be engaged in that work.

If this is not general legislation, there never was general legislation.

Mr. STERLING. What does the Senator understand by the language "from the appropriation directly involved"? It means, does it not, that which is set apart for that particular project or enterprise? That is "the appropriation directly involved."

Mr. SMOOT. It changes the present law, as was said here the other day by the Senator from Minnesota. There is no doubt of that. If this is general legislation, then it has no business on an appropriation bill when a point of order is made against it, and I have made the point of order.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. STERLING. Yes.

Mr. LENROOT. I should like to call the attention of the Senator from South Dakota to the fact that, instead of this being a limitation, it is an extension. There is no limitation at all. There is no such authority at all now to pay money for these purposes, so it could not be a limitation. It is, in fact, an extension to the Secretary of War of authority that he does not have to-day.

Mr. STERLING. Mr. President, does not the Senator from Wisconsin understand, by the language "and pay the same from the appropriation directly involved," the part of a general appropriation—say twenty to twenty-four million dollars—that is set apart for that particular project? It comes out of the general appropriation, of course.

Mr. LENROOT. Yes; but no part of the $24,000,000 can be used for any such purpose now; and if that is so, how can the Senator say that this is a limitation?

Mr. STERLING. It can be used for the purpose of that particular project or enterprise at which the accident or collision occurs, where the damages arise.

Mr. LENROOT. Yes; but they could use it for this purpose, and so it could not be a limitation.

The PRESIDING OFFICER (Mr. FERNALD in the chair). The question under discussion is one upon which there may be a great divergence of opinion, as the Chair sees there is, by good lawyers of the Senate. The occupant of the chair, who is here temporarily, is not inclined to make a ruling on the matter but is disposed to leave it to the judgment of the Senate, and he will therefore put the question, Is the point of order well taken?

On a division, the Senate decided that the point of order was not well taken.

Mr. SMOOT. Mr. President, what does the Chair decide?

The PRESIDING OFFICER. That the point of order is not well taken. The Senate has so decided.

The question now is on the amendment of the committee.

The amendment was agreed to.

Mr. JONES of Washington. That completes the committee amendments.

Mr. SWANSON. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. On page 5, between lines 22 and 23, it is proposed to insert:

Warwick River, Va.

Mr. SWANSON. Mr. President, this is simply to provide for a survey. My attention was called to this matter by the Member of Congress from this district, who informs me that Gen. Taylor, of the Army Engineers, and Gen. Heywood, who is commander at Camp Eustis, desire that this survey be made in order to facilitate the means of getting supplies at Camp Eustis. They think they will save a great deal of money if this is allowed.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Virginia.

The amendment was agreed to.

Mr. NELSON. Mr. President, I offer the amendment which I send to the desk. It relates to a survey, and is to be inserted after line 2 on page 9.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. On page 9, after line 2, it is proposed to insert the following:

Outlet of Cass Lake, Minn., with a view of securing a navigable connection with the Mississippi River.

Mr. NELSON. This is simply to provide for a survey.

Mr. KING. Mr. President, I should like to ask the Senator from Minnesota whether that amendment was submitted to the committee for consideration?

Mr. NELSON. No; it has not been submitted to the committee for consideration.

Mr. KING. I inquire of the chairman whether it is his policy, and the policy of the committee, to permit to be added to appropriation bills of this character——

Mr. NELSON. This is simply asking for a survey. Cass Lake is one of the sources of the Mississippi River. It is desired to improve the channel from the lake, so that the farmers around that large lake who are raising a lot of potatoes can find an outlet by shipping them out on barges down the Mississippi River. That is the object of the amendment.

Mr. KING. I was about to put a question to the chairman of the committee——

Mr. NELSON. It is simply for a survey. If the Board of Engineers report against it, that is the end of it, and if they recommend it favorably, it has to go from the local engineer to the division engineer, and from him to the board of review, and from that to the Chief of Engineers, before it comes before the committee for consideration. It has to run through practically three tribunals.

Mr. KING. Mr. President, let me say to the Senator that I am entirely familiar with the modus operandi followed in respect to these matters. I have not read more than 25,000 pages of reports respecting rivers and harbors without getting some little information respecting their character and the methods employed to secure favorable reports upon little brooks and streams and creeks which can not be considered as arteries of commerce and upon which millions of dollars have been expended.

But if I may be permitted to return to the question which I have attempted to ask the chairman of the committee, is it the purpose and policy of the committee to permit, without any objection whatever, the placing upon bills of this character in the Senate any survey or any item or project which any Senator desires or cares to suggest?

Mr. JONES of Washington. Mr. President, so far as I am concerned I do not know about these propositions which are presented. I do not know of any way by which I can learn about them, except through a report from the engineers or the statements of a Senator. When a Senator comes and states that he thinks a survey ought to be made, and that one has not been made within very recent years, I am perfectly willing to let it go on and get the facts here. If the Senator from Utah were to come to me and state that he thought a survey ought to be made of a river or a harbor in his State, if there were rivers and harbors in that State, I would feel perfectly justified in giving my consent to such a provision going into this bill.

We must not forget the character of these provisions. They are simply provisions calling for information to be presented to the Senate with reference to different propositions. They entail but very little expenditure and do not add to the appropriation in the bill. They furnish information upon which Congress will determine its future action as to whether a project is to be taken up or not.

As was brought out the other day, the engineers do not take this as an instruction, or even a suggestion, to report favorably; but they understand that it is simply a proposition calling upon them for an impartial and unbiased statement with reference to the facts of the situation.

The records show that during the last few years only about 7 per cent of the surveys we have ordered have been favorably reported upon or recommended by the engineers. Under those circumstances, and from the fact that I know nothing about the situation, as I said, and can learn nothing about it except through these reports and statements of engineers, I have followed the course we have always followed with reference to surveys, that when a Senator asked for them I have made no serious objection to it.

Mr. KING. Mr. President, the present system does not permit that freedom and independence upon the part of the engineers and officials that are necessary to secure economy and a proper and serviceable river and harbor system. I do not have the confidence in the reports of the engineers and boards which act upon their reports that is manifested by the Senator from Minnesota and the chairman of this committee. Moreover, the records furnish numerous examples of the utter failure of scores of projects approved by the engineers, and upon which tens of millions of dollars have been expended, and there are examples showing that in the face of adverse recommendations by the engineers Congress has authorized the expenditure of large sums for the development of streams and rivulets which carry no commerce and never will be of advantage or service to the people. Indeed, there are hundreds of projects which have received the approval of the Engineers of the Army and the appellate board which passes upon their recommendations that had no merit, and for the development of which not a single dollar should have been appropriated. My belief is, after a careful examination of all the reported projects, that a majority of them were wholly unworthy and the money appropriated therein was wasted.

The Senator from Minnesota has just offered an amendment which calls for a survey of a local and unimportant project. In my opinion, it should not be a Federal charge. If the people residing in the vicinity of the lake referred to desire to improve the small stream flowing from the lake, they should undertake it themselves or the State should make the desired improvement.

I want to read a sentence or two from the proceedings of the Senate under date of February 20, 1913. The then Senator from Nevada, now deceased, Mr. Newlands, was discussing river and harbor bills, and the imperfect, inefficient, and wasteful system which had been employed by the Government in providing for the improvement of rivers and harbors. He was denouncing the policy of the Government, and that policy is the existing policy. Notwithstanding the criticisms of the Senator from Nevada, than whom there was no greater authority upon rivers and harbors and internal improvements in the United States, as well as the criticisms of Senator Burton, of Ohio, and other able men of the United States, including Mr. Roosevelt when President, Congress refused to adopt any reform and perpetuated the system which has been condemned by all persons who have intelligently and rationally and patriotically considered the subject of the development of water transportation and the improvement of rivers and harbors.

But let me recur to what was said by the distinguished Senator from Minnesota. There was a colloquy between the Senators from Minnesota and Nevada, and the Senator from Nevada then propounded a question to the Senator from Minnesota, who responded as follows:

Mr. President, in answer to the kindly question of the Senator from Nevada, I beg leave to say that in a general way the Senator has expressed my sentiments. I have come to the conclusion that we could do much better work and should squander—

Mark the word "squander"—the Senator's words were a condemnation of the system—

less money if we appropriated a gross sum and placed it in charge of a board of five or seven competent Army engineers with power to determine what improvements should be made, and where, in our rivers and harbors.

Proceeding, the Senator said:

While a great many of the improvements we are making are fully justified in the interests of navigation, yet my observation has led me to believe that in a great many instances we really squander money. It is wasted on improvements that never ought to have been made, but what can we do? Representatives and Senators are clamorous; they introduce their bills, and it is utterly impossible to resist them.

What an indictment of the present policy of the Government in dealing with its waterways! And yet we blindly follow it; it finds expression in the present bill before us. No Senator, so far as I remember, has during this debate demanded a change in the manner of dealing with rivers and harbors. All seem satisfied, or at least no improved plan is presented for our acceptance or rejection. I should add, though, that the chairman of the committee has indicated a purpose to strike down in the future some of the obnoxious features of the present plan.

In a humorous way, let me inquire at this point, having in mind the statement which I have just read "that Senators and Representatives are clamorous at the introduction of bills and it is utterly impossible to resist them": How is it possible for us to "resist" the amendment just offered by the Senator from Minnesota, whom we all love and esteem? What can we do when he asks that a survey be made? What can the chairman of the committee do when the great Senator from Minnesota asks for an appropriation for a survey? The chairman of the committee does not resist the request and no other Senator has offered objection. Under the existing system perhaps an objection would be improper. The plan contemplates that Senators and Represen-

tatives shall, when the rivers and harbors bills are before the Senate for consideration, request that surveys or projects be made with a view to having the projects adopted as governmental undertakings. The residents of the various communities quickly learn that the mere asking for a survey of some creek or stream or lake will bring the needed legislation, and they, of course, will importune Senators and Representatives to take affirmative action. Individuals living upon some little stream unquestionably might be benefited by the expenditure of several thousands of dollars in cleaning its bed and in repairing its banks. If the Government will assume control of the stream and keep it in repair and maintain its banks it will perhaps bring some local advantage and will result in placing in circulation in the section where the improvement is made thousands and tens of thousands and perhaps hundreds of thousands of the public treasure.

The Senator proceeded:

I think it would require almost supreme power to infuse a new spirit into Representatives and Senators, as well as into the American people, to bring about a reform.

I think the work should first be started through our great newspapers and the magazines, from the pulpit, and along educational lines to infuse people with a new spirit, with less of the spirit of Mammon, so that we would all come to look upon this question just as we would if it were our own business.

Mr. President, the Senator understood the Herculean task in securing a reform of the abuses attending river and harbor appropriations. It will require "almost supreme power" to "bring about a reform." But let me urge the Senator to join in the effort to secure a reform. Now is the time to begin. Now is the time to practice economy and to introduce greater efficiency in administrative methods. From every quarter demands are being made for appropriations from the Federal Treasury. We should possess sufficient courage to resist such demands and there should be enough wisdom to effectuate changes in existing laws and policies that will result in economies and conduce to the general welfare.

Following the statement made by the distinguished Senator from Minnesota, Senator Newlands continued:

I call attention to the remarks of the Senator from Minnesota, who has long served upon the Commerce Committee of the Senate, who has had a large experience in the development of our rivers, who has served on committees that have made investigations of the Mississippi, the Missouri, and other rivers, and whose experience has probably been as large as that of any Member of this body. He testifies to the ineffectiveness of the present system, and the Senator from Ohio [Mr. Burton] has also testified to it. * * * He said there has been lack of care in the selection of projects and lack of care in methods. He speaks of the ineffectiveness of expenditures already made, but he also speaks of the experimental side of this question as if we had to go through a further period of experiment before we could agree upon an effective system.

In this connection let me read just a word from Senator Burton. In 1913 he said:

For years we have been struggling under a vicious system of river and harbor improvements. For instance, the river and harbor bill of 1910 contained items favoring 296 out of the 391 congressional districts. This bill was a masterpiece of geographical distribution and a striking tribute to the cohesive power of legislative logrolling.

I would have some fear of a rebuke were I to employ language so cutting and so condemnatory of Congress. It might be denominated unparliamentary. But having come from a former distinguished Senator, one who has been in public life for many years and has served in the House as chairman of the Committee on Rivers and Harbors, and also upon the Commerce Committee of the Senate, I feel that I am warranted in calling attention to this language, strong and denunciatory though it be. He also said:

There are two ways of framing a river and harbor bill. The popular method of drawing a bill is to make such concessions to all the different States and localities that you will have an overwhelming support for the measure. The other method, and the right one, is to select those projects which would benefit the whole country and then finish them with promptness. The first method is irresistible. It will win every time—consult the wishes of the varied localities and projects of the country and they will all join together and pass a bill.

Mr. President, I stated a moment ago that I had examined thousands of pages of testimony relating to projects for which appropriations had been asked and obtained at the hands of Congress. I affirm again, as I have stated upon the floor of the Senate upon former occasions, that 50 per cent—and I think more—of the billion dollars which we have appropriated for rivers and harbors has been wasted. I think the criticism of the able Senator from Minnesota, that our system has been wasteful and inefficient, has been justified and warranted by the facts and by the records which have been presented to Congress and have been given to the public. Yet we are perpetuating the system. The experiences of the past, disappointing and nauseating though they have proven to be, fail to rouse us from our lethargy or stimulate us to higher resolves.

We listen to the criticisms of those who have studied the question in a scientific way. We obtain suggestions from them, and then we promptly pigeonhole their recommendations and proceed in the old, archaic, obsolete, destructive, wasteful, and extravagant way. Efforts have been made, Mr. President, to secure a system under which a competent board would function with full authority and power to select streams and projects for improvement, and to determine where the appropriations made by Congress shall be expended. Under this plan Congress would make an appropriation annually or whenever in its judgment it should be made, and the board or commission of scientific and trained men would expend the same at such places as in their judgment the needs of commerce demanded.

Mr. President, I submit that a perusal of the records, an examination of the little ditches and streams and rivulets that have received large appropriations at the hands of Congress, will fill with resentment and indignation any honest investigator. He will rise from a perusal of the record with an overwhelming conviction, an ineradicable one, that we have pursued a wasteful and vicious policy and have squandered between four and six hundred million dollars in so-called rivers and harbors improvements.

Of course, we all agree that the harbors of our country should receive adequate appropriations for their development. I think that it has been a mistaken policy that has led to the development of some of the harbors upon the Atlantic coast to the exclusion of harbors upon the Gulf coast. There is no reason why we should not have developed export centers in New Orleans and other points along the Gulf coast, but our railroad development and our appropriations have been all in the line of concentrating trade and traffic and commerce in the harbors of New York and one or two other eastern points.

The capitalists of New York, the interests of New York, the great railroad interests of the United States, apparently have determined that they would draw all of our export and import trade into the great metropolis of New York and a few other cities upon the eastern coast. We have ignored the southern ports. We have ignored the great port of Charleston, S. C., and we have trifled with the harbors upon the Gulf and the Pacific coast. It is time that we should adopt a rational, sane, and genuinely American policy, one that will increase our trade and commerce, develop all sections of our country, and tend to cheapen rates and promote prosperity in all sections of this Republic. Improvements must not be sectional. The welfare of all the people must be considered and a broad, liberal, and businesslike plan of procedure must be adopted and consistently followed.

I believe that the great waterways of our country should be improved and be made available for carrying the commerce of our country. The harbors upon our coasts should receive attention and rendered suitable for the ships that seek our shores. But I am opposed to this piecemeal, inefficient, wasteful, extravagant, vicious system of dealing with the great question of rivers and harbors improvements that has been followed by the American Congress for so many years.

I repeat that an examination of the records will show that a majority of the projects upon which appropriations have been expended ought never to have been surveyed and ought never to have received a dollar of appropriation. There are streams by the scores, if not by the hundreds, that never have borne commerce and never will be required for commercial uses. The reports furnish evidence of streams which have received large appropriations which carry but a few tons annually, some of them 20 tons, some of them 100 tons, and others a thousand tons or a few thousand tons.

One river, as I recall it, had an appropriation of more than $3,000,000; and yet, after years of development, the commerce upon that river for a given year was only 800 tons, and most of that consisted of underbrush and logs and waste timber.

I may say, in passing, that a majority of the streams for which appropriations have been made carry that sort of trade and commerce. Many are little creeks that have to be snagged out every year, streams so small that a few months will fill them with moss and underbrush. Some of the streams are so insignificant and unimportant that they are dry during a portion of the year; and yet they are "rivers, great arteries of commerce," demanding and receiving large sums from the Treasury of the United States.

Soberly and solemnly we declare that these little streams are necessary for the welfare of the people; that they are important in developing the commerce of the country. It is so ludicrous as to provoke laughter, if it were not for the serious aspect resulting from the waste of public money.

The Senator from Minnesota [Mr. NELSON] has just stated that a survey only is asked for and that there is no obligation to make an appropriation. Mr. President, the survey necessitates the expenditure of money. It calls for the serv-

ices of a corps of engineers and their assistants. No survey can be made without the expenditure of money, and these surveys must be paid for by the Government of the United States. Why should not the States or communities, which feel that they have a project that is worthy of consideration, make the survey themselves, ascertain the facts, prepare a brief in respect to the merits of the project, submit scientific and technical information bearing upon the project, its necessity, its cost, the engineering difficulties, and problems to be encountered in the execution of the scheme or project, and present the entire matter to the committee or to some official or board of the Government?

If that step were taken hundreds of these unworthy projects would not be knocking here at the doors of Congress. But as long as the people know that they can have an investigation made at the hands of the Government by merely having their Senator or their Representative make the request for a survey, when they know that that will be done and their demand will be acceded to, of course, they will not undertake the work or make contribution thereto; they will insist that it is a national matter, one which the Federal Government should alone undertake.

Uncle Sam is regarded as the Atlas of the people, and he must, upon his bowed shoulders, carry all individual burdens, community responsibilities, and the obligations of the States. The feeling is that there need be no further initiative, no local or State pride, no community spirit. The spirit is that Congress should be appealed to upon all matters, that the Federal Government should open its Treasury and pour out the money wrung by taxation from the people to aid in all sorts of private schemes and ventures and experiments.

Mr. President, every faddist and doctrinaire, every selfish and unscrupulous individual who thinks that he can work the Government, comes here and demands that committees recommend and that Congress make appropriations or exercise the power of the Federal Government to aid in the consummation of the plan or scheme or fantastic idea suggested. Be it said to the discredit of our Government and by way of criticism of public officials that too often these wild and fantastic demands are acceded to. The record of appropriations for rivers and harbors shows that Congress has acceded to unrighteous and visionary and unpatriotic demands made by communities, individuals, and sections.

I repeat, why should we not ask the State or the community to make appropriations for these rivers and harbors, at least appropriations amounting to 50 per cent of the amount asked of the parent Government? If it is a great harbor, national in its operations, relating to the entire country, I can understand that in a case of that kind the local community might perhaps be immune from contribution and no exaction should be made of it; but where a little stream is brought to the attention of Congress and an appropriation is asked for it, a stream which is local in character, the benefits of which are local, provincial, limited to the people who live along its banks or in close proximity to it, there is no reason in the world why the Federal Government should be called upon to bear the burden of developing that stream if it is to be developed at all.

I have been unable to comprehend the logic of those who justify appropriations for little streams, local in character, and yet deny an appropriation to build a highway into a farming community to aid the farmers in transporting their products to the markets. If I happen to live upon a little stream 50 or 100 miles in length, and other people reside upon its banks, why should the Government maintain that stream in a condition of repair to float down the products of my farm and the products of the farms abutting upon the stream and refuse to aid in constructing highways or other means of transportation for the purpose of carrying the products of other farms that may be farther inland? If it is the duty of the Federal Government to transport the products of every individual to market, then there can be no discrimination or distinction between individuals who reside upon little creeks and individuals who may reside some distance in the interior and remote from water connection.

But the idea seems to prevail, under the vicious system which controls us and binds us, that any little creek, no matter how few reside upon it or in its vicinity, regardless of whether it is or can become interstate in character, should be the subject of cognizance by the Federal Government and the object of appropriation through the Rivers and Harbors Committee. The policy is wrong.

Mr. President, many of the American people, and all who fully investigate, will be against the present method of appropriation for rivers and harbors, against this indiscriminate assault upon the Treasury for these little creeks and streams, as long as the present method is adhered to. When we create a scientific body of technical, impartial men, men of standing and ability in the community, men who have the confidence of all parts of the country, and commit to them the making of surveys of the streams and the harbors that should be the subjects of development by the Federal Government, and commit to them the expenditure of whatever sums Congress feels the Government can afford to appropriate annually, and permit them, unhampered and unembarrassed by local influences, to make the selections and to expend the appropriations made, then the American people will be satisfied with river and harbor legislation, and with the conduct of Congress and the appropriations which shall be made.

After the pending amendment is disposed of I shall offer an amendment in the nature of a substitute for the pending bill. It is not my purpose to enter into a discussion of its provisions, because I realize that nothing which I can say will prevent the passage of the pending measure or modify or change the old discredited and indefensible system followed in dealing with rivers and harbors. Upon a number of occasions during the past three years I have called attention to the extravagant and, indeed, vicious policy which has been fastened upon the Government in dealing with appropriations for rivers and harbors. I discussed the question somewhat extensively on the 17th of February, 1919, when a similar measure to that now before us was under consideration. I insisted then, as I insist now, that there should be a radical change in the policy of the Government with respect to appropriations for rivers and harbors. I offered upon that occasion a substitute for the measure that was then before the Senate. It was in harmony with the recommendations of Senator Newlands and President Roosevelt, former Senator Burton, and the National Waterways Commission, which, under authority from Congress, had studied the question and submitted their report for the enlightenment of Congress and the country. The substitute which I offered then is as applicable now as it was upon that occasion, and with slight modifications I shall submit it within a few moments for the action of the Senate.

While I have the floor let me submit a few observations in explanation of the substitute. The pending bill as it came from the House called for $12,000,000 to be expended for the fiscal year ending June 30, 1921, to be expended for various projects under the direction of the Engineers of the War Department. The substitute calls for $12,000,000, to be immediately available, and to be expended under the direction of the Waterways Commission created by the act of Congress approved August 8, 1917. Senators will recall that the act referred to was sometimes called the Newlands Act. It created a Waterways Commission consisting of seven members, to be appointed by the President, at least one of whom was to be chosen from the active list of the Engineer Corps of the Army, at least one to be a hydraulic engineer from civil life, and the others to be selected either from civil life or public service. The act further provided that this commission should act under such rules and regulations as the President might prescribe and subject to the approval of the heads of the several executive departments concerned.

The duty of the commission was to bring into coordination and cooperation the engineering, scientific, and constructive bureaus, boards, and commissions of the several departments of the United States, as well as commissions created by Congress that relate to the study, development, or control of waterways and water resources and subjects related thereto, and to the development and regulation of interstate and foreign commerce, with a view to uniting such services in investigating, with respect to all watersheds in the United States, questions relating to the development, improvement, regulation, and control of navigation as a part of interstate and foreign commerce, including therein the related questions of irrigation, drainage, forestry, arid and swamp land reclamation, clarification of streams, regulation of flow, control of floods, utilization of water power, prevention of soil erosion and waste, storage, and conservation of water for agricultural, industrial, municipal, and other purposes. The commission was further charged with the duty of submitting a comprehensive plan for the development of waterways and the water resources of the United States, and was to make recommendations or modifications for the dismissal of any projects adopted theretofore or thereafter.

It will be observed that the scope of the labors of this commission were very broad. It was believed that there would be selected men of the highest engineering and technical skill; men whose character and standing would commend them to the confidence of the people. Such a commission could safely be intrusted with the expenditure of such sums as Congress might from time to time appropriate for the improvement of rivers and harbors of our country. As I have stated, recommendations had repeatedly been made by those who had given the subject earnest consideration that a commission or board of scientific

and competent persons should be created and charged with the responsibility of making surveys and selecting such rivers and harbors as were necessary for the commerce of the country, and of expending upon the projects so selected the appropriations made by Congress. It is obvious that any plan that would commit to a commission of trained and competent persons the selection of projects for improvement and development and the completion of the same, uninfluenced by local or provincial considerations or local influences, would be a decided improvement over the present and past method of providing for the improvement of waterways and harbors.

A moment ago I read from a speech delivered by former Senator Burton in which he pointedly called attention to the present vicious system of selecting projects for Government development. He emphasized the fact that the "log-rolling" method had been the one adopted. We are all familiar with the methods by which millions of dollars have been drawn from the Public Treasury to erect public buildings in villages and towns of limited population. No one can defend the pork-barrel method under which appropriations have been obtained for rivers and harbors. No one can defend expenditures of millions and hundreds of millions of dollars upon so-called waterways in the United States. Of course, many projects were worthy. There are some waterways which should have been improved and upon which the expenditures were entirely proper. It is imperative that adequate harbors be provided for the commercial needs of our country. There will be no criticism of appropriations for the improvement of our harbors and inland rivers which will serve the people and conduce to their commercial and industrial prosperity. But as long as the present method is followed there will be resentment upon the part of millions of the American people and condemnation of the millions which will be called for and the greater part of which will be wasted.

The Senator from Minnesota and the Senator from Washington have stated that engineers passed upon the various projects referred to them by Congress, and that only a small percentage of the number of surveys authorized were finally adopted and received Federal appropriations. My recollection is that the number of projects which the engineers recommended exceeds the per cent suggested by the chairman of the committee. Whether that be true or not, the evidence is conclusive that a large proportion of the projects which do receive the approval of the engineering branches of the Government are wholly unworthy.

If I had time I could give to the Senate the names of scores and, indeed, hundreds of creeks and pools and streams and swamps and bayous upon which millions have been spent and which never have been and never will be of any benefit to the commerce of our country. The reports and records dealing with the subject under consideration are replete with illustrations of the methods employed in securing the approval of projects which call for millions and tens of millions of dollars and the construction of which can not be defended in any court of morals in the land. The present system makes for wastefulness and extravagance and is an invitation to localities to improperly extract money from the Public Treasury.

As long as the present system is perpetuated, under which waterway projects are approved, there will be waste and extravagance and inefficiency and the basis for charges of wrongdoing and misconduct, favoritism, and discrimination upon the part of the Government and its officials. Selfishness and human nature have cut a very important figure in the selection of projects in the past and in the huge appropriations made in behalf of many of the number. Streams that are purely local and upon which there never was and never will be any commerce carried have received immense sums for their development. Canals such as Hennepin, upon which $8,000,000 were expended, as well as other projects equally as bad, will be selected and developed and millions expended thereon if we adhere to the present condemned and improper system.

We have expended upon our internal waterways and harbors more than a billion of dollars. There is no question but what the commerce carried upon the waterways of our country is far less than it was many years ago. It would appear as though the commerce carried by our waterways decreased in proportion as the expenditures increased. I think I am within the bounds of truth in stating that there was more commerce carried upon the Mississippi River 50 years ago than at the present time.

Appropriations of a hundred millions of dollars have been expended for the improvement of the Mississippi River and yet its importance for commercial purposes has steadily declined. Writers who have investigated the appropriations made by the Government for our waterways have been filled with amazement upon examining projects for which appropriations have been made. They have not hesitated to charge that intrigues and misrepresentations and local and selfish interests have been instrumental in securing appropriations. It would seem that in the light of all the facts and the unimpeachable record that we have before us a reform would be inaugurated and a rational and scientific policy or system would be adopted for the improvement of our harbors and inland waterways. The time has come for the exercise in governmental affairs of the highest principles of morality and justice and sound business expediency. Too many of the public and too many of the public officials have been indifferent to the questions of efficiency and economy in public affairs. Local interests and local demands have too often influenced those who have had to do with governmental affairs. It is regrettable but it is nevertheless true that the American people have not learned the art of efficiency and economy in municipal or State or Federal affairs.

Persons of the highest integrity and morality have often, when they have been called upon to deal with public funds and public questions, applied a different rule from that which governed their conduct in their business dealings and relations with their fellow men. I have sometimes thought that public morality and public honesty and integrity were not as acute and as highly developed as that which found expression in the private dealings and relations between individuals.

What right have Congressmen or Senators to ask for appropriations for the improvement of some little creek or stream which never can be of importance as a carrier of commerce? A growing demand upon the Public Treasury calls for radical reforms in legislative action as well as in executive and ministerial conduct. The extravagance and inefficiency and wretched bungling and indefensible administration of public affairs have constituted an evil example for the people and have established precedents that are dangerous and destructive. I appeal to Senators to join in overturning the discredited and vicious system relating to the improvement of rivers and harbors which has fastened itself upon our Government.

I have suggested a broad and comprehensive plan which should be adopted for the improvement of the harbors and waterways of our country. In the execution of this plan the work should not be conducted in piecemeal fashion. Whenever any project has been approved it should be speedily completed and sufficient appropriation should be made for its completion. The policy which we have been pursuing, as I have stated, has been criminal and wasteful. Scores, if not hundreds, of projects were being contemporaneously developed. It is impossible with the machinery of the Government and the appropriations made to expeditiously complete all that were being developed. As a result we find even in projects upon which expenditures have been made for a long period of years that they are still incomplete. Much of the money expended has been wasted. The character of the project was such as to inevitably result in waste if the work were not speedily completed. Under the plan which I have suggested the board or commission would have full authority to complete the project. Indeed, it would be their duty to do so in the most expeditious manner.

The expenditure of the funds appropriated from time to time would be under their direction and they would have full authority, and it would be their duty to employ the same in order that projects commenced should not be carried along for indefinite periods in a haphazard, incompleted condition. As I have stated, we have expended nearly a hundred million of dollars in improving the Mississippi system. The improvements made extend over many years. If a comprehensive and scientific plan for the improvement of rivers and harbors had been adopted and the work for the execution of the plan prosecuted without interruption and in an expeditious manner millions of dollars would have been saved and lasting and permanent and valuable improvements would have been made, and the rivers as channels and instrumentalities for commerce would have measured up to the requirements and demands of the people of our country. The most vicious feature of the present system is that which calls for the appropriation for a small amount of work and dribbling expenditures upon a multitude of projects. Years elapse before they are completed, and indeed the work proceeds so slowly that the destructive processes countervail the expenditures and improvements made. If private enterprise were conducted along lines followed by the Government bankruptcy and ruin would attend the promoters of the same. It seems impossible to introduce sane and rational business methods into public affairs. Even where the personnel changes slightly and where civil service holds sway the same waste and extravagance and inefficiency rule.

Mr. President, most of the projects taken over by the Government possess peculiar local features and should be regarded in part as local enterprises. Projects of this kind should not be

constructed by the Federal Government alone. The States and communities to be benefited should make contribution. They should cooperate with the Federal Government in the development of the streams and waterways which in a peculiar and definite way are beneficial to them. This bill should be so amended as to require the local communities and States receiving special and peculiar advantages to aid in the improvement for which appropriations are carried. It is manifest that rivers like the Mississippi are to be distinguished from little streams that can scarcely be said to be interstate in character. There are scores of streams, many of them called rivers, which are but a few miles in length and which are used, if used at all, only by but a few persons who live upon the banks of the streams or in close proximity thereto. Of course, as I have insisted, most of the streams of this character ought not to be taken over by the Federal Government nor should appropriations be made thereon by Congress for their development, but if Congress shall go to such extreme lengths in expending the public funds upon these local waterways, then the States or local communities should be required to make contribution of at least 50 per cent of the cost involved in the plan of the improvement adopted.

Mr. President, the substitute which I shall offer strikes at the foundation of the discredited system under which we are now operating. I regret that the Senate evinces no enthusiasm for it or for any change in the plan for dealing with the harbors and waterways of our country, but I make the prediction that we shall soon be compelled to abandon the wasteful and unscientific and absurd policy which has cost our country hundreds of millions of dollars, and to adopt a broad, comprehensive, and rational system, one that will be adequate for the needs of the people and consistent with wise and statesmanlike policies.

I had hoped that the Republican Party when it came into power would profit by the mistakes of the party with which I am identified, and that they, with broader vision than that which we possessed, would submit a plan which would meet the needs of the hour and rise to the dignity of a rational American plan. I had such confidence in the distinguished Senator from Washington [Mr. JONES]—a man of the highest patriotism; a man who deserves well of his State and of the country because of his ability and devotion to duty—I had hoped that he, knowing the weakness of the old system, its imperfections—indeed, its viciousness—would present a plan that would remedy and indeed fully meet the requirements of the hour.

Mr. JONES of Washington rose.

Mr. KING. Let me complete the sentence. I grant that the bill which the Senator has reported has the germs of improvement, and I believe that those germs will fructify and bear fruit; but the Senator ought to have evolved a perfected system along the lines of recommendation so frequently made in the past, along the lines pointed out by Mr. Roosevelt, and by the commission which was appointed to investigate this subject, in the elaborate report found in Senate document, volume 15. I am sure if the Senator had presented a system along those lines and urged it with the ability and sincerity which characterize him in all things, he would have commanded a majority of the votes upon both sides of the Chamber.

Mr. JONES of Washington. Mr. President, if the Senator will permit me just a word——

Mr. KING. I yield. I have concluded.

Mr. JONES of Washington. I will merely take a moment.

I appreciate very much the kind words of the Senator from Utah, although I do not feel that they are entirely deserved. I simply wish to say that this bill is framed merely and solely for the purpose of carrying on works which are already under way; works that have been adopted by Congress and have been begun under appropriations heretofore made by Congress. Whether the action in these cases was wise or not it is not for me to say; but the work is under way, and the question is, which is the wisest course to follow—to let the work go down or to carry it on?

There is not any pork in this bill; no man can claim that there is. There is not a single new project in the bill. As I have said, it is simply to carry on work that has already begun and as to which the chances are that we would lose much more than we would save if we should stop our appropriations.

There is one provision in the bill of which I have been long in favor and of which many Senators on the floor have expressed themselves as being in favor. I refer to the provision that looks toward doing one of the things which the Senator from Utah has suggested, and that is to bring about the cooperation of communities, of localities, in carrying on projects and to require them to show their good faith in the project before it is undertaken by Congress. That is a very important matter, and it is one of the things which the Senator has urged.

I will state to the Senator my personal views with reference to one or two other matters, which I hope may be worked out in the next river and harbor bill, which will probably be a bill along constructive lines and not simply a bill to carry on work that is already under way. I am in accord with the principle of what the Senator has suggested. I doubt the necessity, however, of the creation of a new organization, but personally I am prepared to say that I am in favor of an appropriation by Congress of such sum as it thinks ought to be expended in the development of our rivers and harbors and the placing of that sum in the hands of the engineers of the Army, to be used in any way that they deem best and wisest for the commerce of the United States.

I believe that we shall get better results from such a system than in any other way. Of course, Congress will need to pass upon the projects that are to be taken up—that is, to pass upon the projects that we deem worthy of prosecution—and then give to the engineers sufficient money to carry on the projects that are most urgent and in the best and wisest and most economical manner, without any logrolling or anything of the sort; leaving it to their discretion and judgment from the knowledge they have as to what is the best and wisest thing to do.

I am also in favor, and have long been in favor—and I hope we may incorporate such a provision in the next rivers and harbors bill—when Congress provides for any project of any considerable size of not appropriating any money for it until we are prepared to carry it on to completion. For instance, take the Ohio River: If there is any river in this country upon which the wisdom of appropriating for the improvement of waterways can be demonstrated it ought to be the Ohio River, flowing, as it does, through a great beehive of industry and development. We ought to provide for the completion of that project and not have it dribble along from year to year, appropriating small sums of money, and in the end really doubling the cost of the improvement. As I have stated, I am in favor, when we undertake projects of that kind, of providing for their completion by the continuing-contract system, so that they may be carried on just as expeditiously as it is possible to do and get them finished. In the case of the Ohio River such a policy will demonstrate when the improvement is completed—and it can not be demonstrated before that time—the benefit of such an appropriation upon large rivers of that kind, which we hope may develop into great arteries of commerce, and which, I think, we can develop into great arteries of commerce.

Mr. President, that is all I propose to say at this time. That, in general, is what I hope to see worked out in the very near future.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Minnesota [Mr. NELSON].

The amendment was agreed to.

Mr. SWANSON. Mr. President, several days ago, when the pending bill was being read, section 12, which, through inadvertence, had been reported as a committee amendment, was reached and an objection was made to it by the Senator from Ohio [Mr. POMERENE]. It developed that not a quorum of the committee was present when the amendment was passed upon, and at the request of the Senator from Ohio it was withdrawn.

Mr. JONES of Washington. The Senator is somewhat mistaken in regard to the matter. It was not, in fact, reported as a committee amendment, but was printed as such by mistake.

Mr. SWANSON. It was, through a mistake, printed as a committee amendment, no quorum of the committee, as I understand, being present when it came up there, and it was, at the request of the Senator from Ohio, who wanted to look into the matter to see whether it was such an amendment as ought to be passed, withdrawn by the chairman of the committee. I saw the Senator from Ohio before he left the city and he advised me that he had seen the Secretary of War and that he did not wish the amendment to be delayed on account of his absence and did not care to urge any objection to its adoption.

I will state to the Senate what the amendment is. In dredging the harbor at Alexandria, Va., it became necessary for the Government to deposit the sand taken out of the bottom of the harbor on some submerged land near by, so it was deposited in Battery Cove, thereby making about 46 acres of land. The question arose as to whether the Government did not acquire the title to the made land on account of filling it in. The riparian owners insisted that the made land belonged to them, and I presume their contention is correct, because I do not think the Government can, by depositing material in front of a man's land and thus making additional land, deprive a man of his right to the land so made. When the war came on there happened to be some shipyards at Alexandria which could be enlarged and developed; and, in order to secure a plant there capable of building ships, an agreement was entered into between the Secretary of War and the shipbuilding company and the owners of the riparian rights that the title to this land—46 acres in extent—should be determined by a suit in court. That

suit is now pending. It was agreed that if the title should be determined to be in the riparian owners $70,000 should be paid to them, and that if the Government won the suit $70,000 should go to the Government.

In the meantime the land was rented. It was estimated that the land was worth $70,000, or about $1,500 an acre. The private owners agreed that that was a fair price, and the Government agreed that it was a fair price. Then the Government instituted a friendly suit to determine the title to the land, the rental in the meantime being fixed at $4,200 a year, or 6 per cent on the agreed price of the land. The Secretary of War rented it for five years. He also agreed that the shipbuilding plant should have the right to purchase it, so far as the Government was concerned, for $70,000, and the private owners, claiming the riparian rights, made a similar agreement in the event they obtained title. The shipbuilding company erected buildings on the land, but the Secretary of War had no authority to sell the land without an act of Congress. He has written a letter here asking Congress to approve that contract, and in case the Government should win the suit—which I think is a very remote probability—that the $70,000, which is held in trust, and the rental based on the $70,000, shall go to the Government, and that the shipbuilding company shall have the title to the land.

The necessity for the adoption of the amendment at this time is due to the following circumstances: The shipbuilding company expect to make this yard a private shipyard. They will soon complete the work they are doing for the Government, and they are desirous of floating a loan on this property. They erected on it under the agreement I have indicated about a million and a half dollars' worth of buildings, and they can not float the loan and develop the property unless the agreement with the Secretary of War is confirmed by the Congress. If there is any objection to it, I should like to have the letter of the Secretary of War read, although it has been read once. It states the matter clearly.

As to the Government getting a good price in case it obtains title, that is established by the report of the Army officers and by the fact that the private individuals agreed that in case their title was held superior to that of the Government they would take the amount agreed upon. It is a tripartite agreement between these parties, and under it the shipyard was constructed.

Mr. KING. Mr. President, will the Senator permit an inquiry?

Mr. SWANSON. Certainly.

Mr. KING. Should not this matter be referred to the Committee on Military Affairs?

Mr. SWANSON. No; it is a question of river and harbor improvement. It is the most remarkable proposition that I ever heard of, in a way—that the Government, by improving a river and depositing sand in front of a man's land, can deprive him of getting to the water; but there is some little question about it, on account of the District of Columbia and its cession. Consequently, to make the title clear, the Government has brought a suit to obtain possession of the land, which is in the possession of these private owners, and they have made an agreement that they would abide by the result.

It is simply a question of carrying out the agreement with the Government.

Mr. SMOOT. Mr. President, what river does this improve, or what harbor does it improve?

Mr. SWANSON. Alexandria City.

Mr. SMOOT. That is not a harbor.

Mr. SWANSON. Alexandria Harbor was improved in order to provide a certain depth, and it became necessary to deposit the sand in front of some land that jutted into the Potomac; and on that account the Government thought possibly they acquired title to that 46 acres, to the exclusion of the riparian owners.

Mr. SMOOT. It is just as clear as mud, Mr. President; and I will not make a point of order, because it would be overruled, anyhow.

Mr. SWANSON. The amendment does not propose general legislation. I do not suppose the Senator will claim that it does propose general legislation.

Mr. SMOOT. There is no need of making a point of order against general legislation if it is going to be immediately referred to the Senate to decide the question, because that has been done this afternoon.

Mr. SWANSON. By not listening to the discussions for about 15 or 20 minutes, Senators will sometimes destroy great enterprises. The enterprises of this country are entitled to some consideration. Here is a great shipyard, employing four or five thousand people. Its ability to continue is dependent upon this amendment. Here is the Government in good faith making an agreement with private parties during the war by which these people put their buildings on this land. Now, in order to float a loan, they simply ask that the Government shall keep faith with them. If the Senator will listen to the letter of the Secretary of War, it will not take 10 minutes to read it.

Mr. SMOOT. I do not want to take the time of the Senate even to listen to it, and I am not going to make the point of order upon it. I would not do so even though it were a claim upon an appropriation bill. I am not going to make any point of order. Anything can go on this bill. It does not make a particle of difference. I am not going to object.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Virginia.

The amendment was agreed to.

Mr. HARRISON. I offer as an amendment a new section to be known as section 6.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. It is proposed to add to the bill a new section to be known as section 6, and to read as follows:

That as to the lands surveyed, investigated, and reported on in accordance with a provisions of the river and harbor act approved July 25, 1912, a full report of which is set out in House Document 1010, Sixty-second Congress, third session, wherein the Mississippi River Commission recommends that the title to said lands be acquired by the Government for use in river improvement, the owner of any of said lands may file petition in the Court of Claims, and in the adjudication thereof said court shall ascertain and determine whether the Government is equitably liable or responsible, and if so, for what proportion and to what extent for damage to or destruction of such lands as a result of the construction of levees or other improvements of said river, and render judgment therefor. In the trial of said suits, said court shall permit any party who, at any time since 1890, owned or held title to said lands or any interest therein, and who has become dispossessed thereof by reason of foreclosure proceedings, or otherwise compelled to sacrifice title thereto as a result of said injuries, to appear as a party claimant by filing petition therein setting up their former interest therein, and said court shall consider the claims of all of said parties and render judgment for whatever amount said court considers equitably or justly due the respective parties, but in no case shall any judgment exceed the proportion fixed by said court, and the payment of such judgment shall thereafter release the United States from further liability for any damage to said lands as a result of constructing improvements along or adjacent to said river.

Mr. JONES of Washington. Mr. President, I feel that I must make the point of order against that amendment.

Mr. HARRISON. Mr. President, may I say to the Senator from Washington that I offered the other day the amendment known as the Williams amendment that was adopted by the Senate and placed on the river and harbor bill at the last session. That amendment sent these claims to the Court of Claims for adjudication. Objection was raised by the Senator from Washington that the court in that instance would not pass upon the question whether or not these people had a just claim, and he did not think it went far enough. I have modified the amendment so that I thought it might meet the objection raised by the Senator from Washington, and the Senator will note from reading it that the amendment I now propose says:

And in the adjudication thereof, said court shall ascertain and determine whether the Government is equitably liable or responsible—

That was not in the other amendment at all. The other amendment just assumed that the Government was liable, and we assumed that because there has been commission after commission, and the Army Engineers time and again since 1894 have held that the Government should do something for these people who have been aggrieved.

This amendment goes further:

Said court shall ascertain and determine whether the Government is equitably liable or responsible, and, if so, for what proportion and to what extent.

It does not even say that the Government shall be liable for the whole amount, but that the court may decide for what proportion and to what extent—

for damage to or destruction of such lands as a result of the construction of levees or other improvements of said river, and render judgment therefor.

May I say to the Senator from Washington, also, that here is a report that the Senator has before him, the report of the Mississippi River Commission. I want to read just a part of it:

The attention of Congress has been called in former reports, beginning as far back as 1894, to the situation of the narrow and irregular strip of land lying between the Mississippi River and the highlands east of it between Vicksburg and Baton Rouge, a distance of 234 miles by the river.

Then, farther down, it says:

The case is manifestly one for legislative rather than judicial treatment. Relief in some form ought in justice to come from Congress and the State legislature in cooperation. But such cooperation would be so difficult to attain that it is hardly worth the thought.

They are talking about getting some cooperation from the States.

Meanwhile the litigation drags its slow length along, the lives of the landowners are passing away, and hope deferred is making their hearts sick.

Even a cold-blooded Army engineer makes such a statement as that.

The situation is pathetic and distressing in the highest degree. That these people should be condemned to perpetual inundation without possibility of relief or redress for the sake of an improvement from which their fellow citizens are enjoying great benefits is intolerable to any man's sense of justice.

And then follows their recommendation.

I want also to call to the Senator's attention the fact that this is not the first time this has been done; but, as the Senator knows—and I have here the debates in that case, known as the Fox River proposition, up in Wisconsin—the Congress took care of the people who were hurt by virtue of the overflow of the river.

This matter has been investigated so much, and the reports have all been unanimous about it. It does not take any money out of the Treasury of the United States. It allows the matter to go to the Court of Claims, and have it say whether or not these people have any equities; and I hope the Senator will not make a point of order.

Mr. JONES of Washington. Mr. President, the only thing about this that is really embarrassing to me is the embarrassing situation to the Senator from Mississippi. I remember that his colleague [Mr. WILLIAMS] had substantially this amendment—at least, as he introduced it the other day—placed upon the river and harbor bill some little time ago. There was not any point of order made. There was not any special discussion. It went on in the Senate. Of course, it did not stay on the bill in conference.

I know that the Senator has given a great deal of attention to this matter, and that he has put forth every effort that a Senator could put forth to have this measure incorporated in this bill; but it involves so much that I do not feel that it should go on this bill, especially on the floor of the Senate. The whole proposition ought to be considered by a committee. It may involve the United States in an appropriation or an expenditure of several millions of dollars. The engineers, in their report, state that it would probably be something over $6,000,000, estimating the amount at $10 an acre.

Mr. HARRISON. If the Government should purchase it.

Mr. JONES of Washington. Yes; if the Government were to purchase it. Under those circumstances, I feel that it would be justice to the Senator for me to make the point of order against it. He has done everything he could do, so far as that is concerned. So I make the point of order that it is not only legislation upon an appropriation bill, but that it is in the nature of a claim that has not been estimated for and has not been recommended by any standing committee.

Mr. HARRISON. Mr. President, I am quite sure that the point of order is well taken. I had hoped, however, that the Senator would not make it.

The VICE PRESIDENT. The point of order is sustained.

Mr. KING. Mr. President, I offer the amendment which I send to the desk, and move its adoption as a substitute for the pending bill.

The VICE PRESIDENT. The amendment, in the nature of a substitute, will be stated.

The ASSISTANT SECRETARY. It is proposed, as a substitute, to insert the following:

That the sum $12,000,000 be, and is hereby, appropriated for the fiscal year 1921, out of any money in the Treasury not otherwise appropriated, to be immediately available, to be expended under the direction of the Waterways Commission created by the act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved August 8, 1917, for necessary and proper construction, completion, repair, preservation, and maintenance of harbors, river channels, canals, embankments, levees, wharves, and water terminals within the United States, its Territories and possessions.

SEC. 2. That the floating plant, consisting of dredges, barges, towboats, snagboats, and all other equipment under the control of the Mississippi River Commission and of the Chief of Engineers of the Army, is hereby placed within the control, use, and possession of said Waterways Commission to carry out the provisions of this act.

SEC. 3. That the Mississippi River Commission created by the act approved June 28, 1879, and the Board of Engineers created by section 3 of the act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved June 13, 1902, shall be abolished and terminated at the end of the present fiscal year, and that after the 30th day of June, 1919, said Waterways Commission shall become invested with all the powers and duties presently exercised by the Chief of Engineers of the Army, the Mississippi River Commission, and said Board of Engineers with respect to the maintenance and improvement of the harbors and waterways within the United States, its Territories, and possessions.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Utah.

The amendment was rejected.

The bill was reported to the Senate as amended and the amendments were concurred in.

Mr. REED. I move that the figures "$24,000,000" be stricken from the bill, and in lieu thereof that the figures "$27,000,000" be inserted.

Mr. JONES of Washington. Of course, Mr. President, I shall desire to have a yea and nay vote on that amendment. I hope the Senator will not insist upon the amendment. The Senate has already voted on the proposition in the Committee of the Whole.

Mr. REED. Will the Senator say to me that he believes it impossible to put it through Congress?

Mr. JONES of Washington. Absolutely.

Mr. REED. In view of that statement I will not insist on the amendment. I simply desire to say that I regard $24,000,000 as inadequate, but I am not going to insist upon the amendment, although I believe enough votes could possibly be mustered to pass it. I am not going to insist upon it, because if the chairman of the Committee on Commerce, who is to be chairman of the Senate branch of the conferees, is of the opinion that it can not be accomplished, I see nothing to be gained by putting the item in. I am particularly constrained to take this view because I fear that the chairman of the committee would not very vigorously contend for $27,000,000 if we got it in the bill.

Mr. JONES of Washington. I will say to the Senator that if the Senate should put it in I would contend strongly for it, and I would be perfectly willing, as far as I am concerned, to have those who have advocated the proposition go on the conference. But I really think we will get even more favorable results out of the conference by an appropriation of $24,000,000 than we would get with one of $27,000,000.

Mr. REED. I will not insist on the amendment. I feel that the sum allowed is inadequate, and I have expressed myself on that subject; but $24,000,000 is so much better than the amount carried in the bill as it came from the House that possibly it is the best we can do at this time.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

URGENT DEFICIENCY APPROPRIATIONS.

Mr. WARREN. Mr. President, I call up House bill 13677, making appropriations to supply a deficiency in the appropriations for the Federal control of transportation systems, and so forth.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 13677) making appropriations to supply a deficiency in appropriations for the Federal control of transportation systems, and to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1920, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

DEATH OF REPRESENTATIVE NICHOLS OF MICHIGAN.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, communicated to the Senate the intelligence of the death of Hon. CHARLES A. NICHOLS, late a Representative from the State of Michigan, and transmitted resolutions of the House thereon.

The VICE PRESIDENT laid before the Senate the following resolutions of the House of Representatives, which were read:

IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES,
April 26, 1920.

Resolved, That the House has heard with profound sorrow of the death of Hon. CHARLES A. NICHOLS, a Representative from the State of Michigan.

Resolved, That a committee of 18 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That, as a further mark of respect, this House do now adjourn.

Mr. TOWNSEND. Mr. President, I offer the following resolutions and ask for their adoption.

The resolutions (S. Res. 353) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. CHARLES A. NICHOLS, late a Representative from the State of Michigan.

Resolved, That a committee of six Senators be appointed by the Presiding Officer to join the committee appointed by the House of Representatives to take order for the superintending of the funeral of Mr. NICHOLS at Detroit, Mich.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives.

Under the second resolution, Mr. TOWNSEND, Mr. NEWBERRY, Mr. FERNALD, Mr. ASHURST, Mr. HARRISON, and Mr. KEYES were appointed as the committee on the part of the Senate.

Mr. TOWNSEND. Mr. President, as a further mark of respect to the memory of the deceased Representative, I move that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 4 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, April 27, 1920, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *April 26, 1920.*

The House met at 12 o'clock noon, and was called to order by Mr. CAMPBELL of Kansas as Speaker pro tempore.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou invisible Spirit, a living presence, ever working in and through the minds and hearts of Thy children to larger life and nobler achievements—Lord of life and Lord of death.

The ties of kinship and friendship are deep and abiding, hence our hearts are bowed in sorrow and grief because a faithful Member of this legislative body has been unexpectedly removed by death.

Come close to us and the precious mother in whose arms he expired. May the blessed hope of the immortality of life and love assuage her grief and our sorrows.

The sands of life run swiftly and we know not the hour when the summons may come. May the experiences of the now fit us for the experiences of the then, and may the faith, hope, and love inherent in our souls abide with us now and evermore.

No one is so accursed by fate,
No one so utterly desolate,
But some heart, though unknown,
Responds unto his own.

Responds, as if with unseen wings,
An angel touched its quivering strings,
And whispers, in its song,
"Where hast thou stayed so long!"

Thus in Christ the Lord we pray. Amen.

The Journal of the proceedings of Friday, April 23, 1920, was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Dudley, its enrolling clerk, announced that the Senate had passed with amendments the bill (H. R. 9369) to revise and equalize rates of pensions to certain soldiers, sailors, and marines of the Civil War, to certain widows, former widows, dependent parents, and children of such soldiers, sailors, and marines, and to certain Army nurses, and granting pensions and increase of pensions in certain cases, in which the concurrence of the House of Representatives was requested.

LOAN OF COTS AND BLANKETS TO CONFEDERATE VETERANS.

Mr. LANHAM. Mr. Speaker, I ask unanimous consent for the immediate consideration of H. J. Res. 336, authorizing the Secretary of War to loan to the Albert Sidney Johnston Camp, United Confederate Veterans, No. 1820, Fort Worth, Tex., 100 cots and blankets for the use of Confederate veterans at the reunion of said camp June 24 to 27, inclusive, 1920.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent for the present consideration of a joint resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, That the Secretary of War be, and he is hereby, authorized to loan, in his discretion, to the Albert Sidney Johnston Camp, United Confederate Veterans, No. 1820, Fort Worth, Tex., in their encampment to be held at Hodgkins Springs, near Fort Worth, Tex., from June 24 to June 27, inclusive, 1920, 100 cots and blankets: *Provided*, That no expense shall be caused the United States Government by the delivery and return of said property, the same to be delivered to the commander of said Albert Sidney Johnston Camp at such time prior to the holding of said encampment as may be agreed upon by the Secretary of War and the commander of said camp: *Provided further*, That the Secretary of War, before delivering said cots and blankets, shall take from the commander of said camp a good and sufficient security for the safe return of said property in good order and condition, and the whole to be without expense to the United States Government.

The SPEAKER pro tempore. Is there objection to the present consideration of the joint resolution?

There was no objection.

Mr. LANHAM. I understand this is on the Union Calendar. I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. Unanimous consent having been granted, it will be considered in the House as in Committee of the Whole.

Mr. LANHAM. Mr. Speaker and gentlemen, this resolution is in the usual form, simply authorizing the loan of 100 cots and blankets for the Confederate Reunion to be held at Hodgkins Springs, near Fort Worth, Tex., June 24 to June 27, inclusive, 1920. It is without expense of any character whatever to the Government, and the loan is to be made only upon the giving of satisfactory security by the commander of the camp.

Mr. KAHN. The resolution has a unanimously favorable report from the Committee on Military Affairs.

Mr. LANHAM. I thank the gentleman for making that statement.

Mr. LONGWORTH. May I ask the gentleman, is it the policy of the Committee on Military Affairs to limit the loan of such articles to the veterans of the Confederate and Union Armies?

Mr. KAHN. To those veterans, and also those of the Spanish-American War, and veterans of the World War.

Mr. LANHAM. Mr. Speaker, I ask for the passage of the resolution.

The joint resolution was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

On motion of Mr. LANHAM, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

REQUEST TO ADDRESS THE HOUSE.

Mr. SUMNERS of Texas. Mr. Speaker, to-morrow is the ninety-eighth anniversary of the birth of Gen. Grant. I ask unanimous consent that at the conclusion of the special order for to-morrow I be permitted to speak for 30 minutes on that occasion.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent that at the conclusion of the special order already agreed to for to-morrow he be permitted to address the House for 30 minutes on Gen. Grant. Is there objection?

Mr. GREEN of Iowa. Mr. Speaker, reserving the right to object, I infer from what the gentleman says that his speech will relate to Gen. Grant.

Mr. SUMNERS of Texas. Absolutely.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. MONDELL. I ask unanimous consent that at the conclusion of the remarks of the gentleman from Texas [Mr. SUMNERS] the gentleman from Wisconsin [Mr. FREAR] may be privileged to address the House for 30 minutes.

The SPEAKER pro tempore. The gentleman from Wyoming asks unanimous consent that at the conclusion of the special order just agreed to the gentleman from Wisconsin [Mr. FREAR] be permitted to address the House for 30 minutes. Is there objection?

Mr. DYER. Reserving the right to object, how many speeches have we already set for to-morrow?

The SPEAKER pro tempore. The Chair is informed that the special order for addresses provides for five speeches to-morrow.

Mr. DYER. Three from the Republican side and two from the Democratic side?

The SPEAKER pro tempore. That is the information of the Chair.

Mr. DYER. For the present I object to any more speeches to-morrow.

The SPEAKER pro tempore. The gentleman from Missouri objects.

COTTON.

Mr. SANDERS of Louisiana. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD to-day by inserting therein a short resolution adopted by the Mississippi Valley Association, in St. Louis, on April 20.

The SPEAKER pro tempore. The gentleman from Louisiana asks unanimous consent to insert in the RECORD the resolution referred to. Is there objection?

Mr. MANN of Illinois. What does it refer to?

Mr. SANDERS of Louisiana. It is a resolution adopted by the Mississippi Valley Association, in St. Louis, on April 20, relative to its views on a pending amendment to the agricultural bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The resolution is as follows:

Resolution No. 1.

Whereas there has been adopted by the Senate an amendment to the Agricultural appropriation bill, and which is now before the conference committee, and which, if adopted, will restrict the grades of cotton tenderable on contract, and on which amendment no opportunity for hearing has been provided: Therefore be it

Resolved, That the president of the Mississippi Valley Association be instructed to send the following telegram to the President of the Senate, the Speaker of the House of Representatives, and the chairman of the Agricultural Committees of both Houses:

"In view of its vital importance to the cotton producers and other cotton interests of the Mississippi Valley, and that of the Nation, we respectfully request and urge that no final action be taken on the Comer amendment to the Agricultural appropriation bill without a full and public hearing."

Adopted by the committee on resolutions.

HARRY A. BLACK,
Chairman, Galveston, Tex.
R. H. FAXON,
Secretary, Des Moines, Iowa.

Unanimously adopted by the convention April 20, 1920:

HARRY H. MERRICK,
President Mississippi Valley Association,
Chicago, Ill.
J. B. MORROW,
Executive Secretary Mississippi Valley Association,
Cincinnati, Ohio.

DEATH OF REPRESENTATIVE NICHOLS OF MICHIGAN.

Mr. DOREMUS. Mr. Speaker, it is my sad duty to announce the death of my colleague, Hon. CHARLES A. NICHOLS, of Michigan, in his home in this city last evening. On a subsequent occasion I shall ask that a day be set aside for proper services in memory of the deceased. For the present I present the following resolutions and move their adoption:

The Clerk read as follows:

House resolution 535.

Resolved, That the House has heard with profound sorrow of the death of Hon. CHARLES A. NICHOLS, a Representative from the State of Michigan.

Resolved, That a committee of 18 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The SPEAKER pro tempore. The question is on agreeing to the resolutions.

The resolutions were agreed to.

The SPEAKER pro tempore. Without objection, the Chair will appoint the following committee.

The Clerk read as follows:

Mr. DOREMUS, Mr. MICHENER, Mr. SMITH of Michigan, Mr. HAMILTON, Mr. MAPES, Mr. KELLEY of Michigan, Mr. CRAMTON, Mr. FORDNEY, Mr. MCLAUGHLIN of Michigan, Mr. CURRIE of Michigan, Mr. SCOTT, Mr. JAMES, Mr. MCFADDEN, Mr. IRELAND, Mr. MCARTHUR, Mr. WHITE of Kansas, Mr. TAYLOR of Colorado, and Mr. JOHNSON of Mississippi.

ADJOURNMENT.

Mr. DOREMUS. Mr. Speaker, as a further mark of respect to the memory of the deceased, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 20 minutes p. m.) the House adjourned until to-morrow, Tuesday, April 27, 1920, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting supplemental and deficiency estimates of appropriation required by the Lighthouse Service for the fiscal years 1919 and 1920 (H. Doc. No. 740); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, transmitting communication from the Secretary of the Navy submitting an estimate of appropriation to pay claims for damages by naval vessels adjusted by the Navy Department (H. Doc. No. 741); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Acting Secretary of the Treasury, transmitting copy of communication from the Secretary of the Interior submitting an amended estimate of appropriations required by the Bureau of Education for the support of reindeer stations in Alaska, fiscal year 1921 (H. Doc. No. 742); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Acting Secretary of the Treasury, transmitting supplemental estimates of appropriations required by the Department of State for the fiscal year 1920 (H. Doc. No. 743); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. MAYS, from the Committee on the Public Lands, to which was referred the bill (S. 430) to authorize the exchange of certain lands within the Fishlake National Forest, Utah, reported the same without amendment, accompanied by a report (No. 870), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the resolution (H. Res. 159) to direct the Secretary of the Interior to report upon the suitability, location, cost, if any, and advisability of securing a national redwood park, reported the same with an amendment, accompanied by a report (No. 871), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. MAYS, from the Committee on the Public Lands, to which was referred the bill (S. 429) to authorize an exchange of lands with Henry Blackburn, reported the same without amendment, accompanied by a report (No. 869), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SIMS: A bill (H. R. 13785) to amend sections 3 and 6 of the act of July 11, 1916, entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," as amended by sections 5 and 6 of the act of February 28, 1919, entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1920, and for other purposes"; to the Committee on Roads.

By Mr. EVANS of Montana: A bill (H. R. 13786) to amend the revenue act of 1918 in regard to the computation of surtax on the income of individuals and the computation of war profits and the excess-profits tax on the income of corporations; to the Committee on Ways and Means.

By Mr. McKEOWN: A bill (H. R. 13787) providing for the delivery of baggage and personal effects of deceased officers and enlisted men who died in foreign service, free of all charges for storage and transportation; to the Committee on Military Affairs.

By Mr. SANDERS of Louisiana: A bill (H. R. 13788) directing the Secretary of War to utilize the personnel of the Army for the purpose of planning, surveying, and laying out a system of national highways, creating a national highway commission, and for other purposes; to the Committee on Roads.

By Mr. LUFKIN: A bill (H. R. 13789) to improve the efficiency of the Naval Reserve Force; to the Committee on Naval Affairs.

Also, a bill (H. R. 13790) relative to the retirement of members of the Naval Reserve Force; to the Committee on Naval Affairs.

By Mr. HOWARD: A bill (H. R. 13791) amending section 22 of the act of May 2, 1890 (26 Stat., 81), authorizing the town of Ralston, Okla., successor of Riverside, Okla., to sell and convey certain lands set apart for park and school purposes; to the Committee on the Public Lands.

By Mr. LUFKIN: Memorial of the Legislature of the State of Massachusetts, urging the passage of a daylight-saving law; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURDICK: A bill (H. R. 13792) for the relief of John Healey; to the Committee on Military Affairs.

Also, a bill (H. R. 13793) granting a pension to Hattie Hjelmberg; to the Committee on Pensions.

By Mr. FORDNEY: A bill (H. R. 13794) granting a pension to Lottie Munger; to the Committee on Invalid Pensions.

By Mr. HOWARD: A bill (H. R. 13795) granting a pension to Fred E. Dixon; to the Committee on Pensions.

By Mr. LANGLEY: A bill (H. R. 13796) granting a pension to Patient Wilder; to the Committee on Invalid Pensions.

By Mr. WINGO: A bill (H. R. 13797) granting an increase of pension to Robert F. Rea; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3217. By Mr. CARSS: Petition of the United Brotherhood of Carpenters and Joiners of America, Austin Union, No. 1486, Austin, Minn., relative to the political prisoners in the American civil and military prisons; to the Committee on the Judiciary.

3218. By Mr. MAPES: Petition of sundry citizens of Michigan, urging the passage of H. R. 1112, providing for the parole of Federal prisoners; to the Committee on the Judiciary.

3219. By Mr. O'CONNELL: Petition of the Sterling Motor Truck Co., New York, relative to H. R. 12976; to the Committee on Ways and Means.

3220. Also, petition of the National Association of Supervisory Post Office Employees, Los Angeles, Calif., relative to the Joint Commission on Postal Salaries, etc.; to the Committee on the Post Office and Post Roads.

3221. Also, petition of G. C. Creehman, Washington, D. C., urging the passage of the Sterling-Lehlbach bill; to the Committee on Reform in the Civil Service.

3222. Also, petition of the headquarters, New York Division, National Guard Association of the State of New York, relative to the reorganization of the National Guard, etc.; to the Committee on Military Affairs.

3223. Also, petition of the Commission of Highways of the State of New York, relative to the Wadsworth-Hicks bill for the highways, etc.; to the Committee on Roads.

3224. Also, petition of Samuel L. Steinberg, secretary C. & A. L. W. Union, relative to the civil and military prisoners, etc.; to the Committee on the Judiciary.

3225. Also, petition of the Dairymen's League (Inc.), New York City, urging the passage of the Capper-Hersman bill, etc.; to the Committee on the Judiciary.

3226. Also, petition of the Chamber of Commerce of the State of New York, relative to a report of the Committee on a National Budget, etc.; to the Committee on Ways and Means.

3227. Also, petition of the annual convention of the National Association of Box Manufacturers, held in Chicago, Ill., relative to the Federal antitrust act, etc.; to the Committee on the Judiciary.

3228. By Mr. ROWAN: Petition of Dairymen's League (Inc.), 303 Fifth Avenue, New York City, urging that committee report out Capper-Hersman bill, designed to restore to farmers the right to market their products; to the Committee on the Judiciary.

3229. Also, petition of the National Association of Audubon Societies for the Protection of Wild Birds and Animals, opposing House bill 12446; to the Committee on the Public Lands.

3230. Also, petition of the National Association of Supervisory Post Office Employees, urging support of the report of the Joint Commission on Postal Salaries; to the Committee on the Post Office and Post Roads.

3231. By Mr. TIMBERLAKE: Petition of Hiram Burritt, adjutant Corbett-Welty Post, American Legion, urging the fourfold plan for the bonus for the ex-service men of the World War; to the Committee on Ways and Means.

3232. Also, petition of Marshall Foote Post, No. 18, American Legion, Greeley, Colo., and E. R. Myer, of Colorado, member national executive committee, relative to adjusted compensation for the ex-service men of the World War; to the Committee on Ways and Means.

SENATE.

TUESDAY, *April 27, 1920.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we thank Thee for all the forces and agencies that equip us for successful toil in this great day in which Thou hast given to us our lives. We thank Thee for the wealth, for the scholarship, for the progressive spirit of our age and Nation, and above all we thank Thee for those spiritual qualities that make us brothers in the highest sense, and that render us capable of facing the great spiritual problems of our age. Grant us to hold close to Thyself that we may perform our functions as in God's sight, with God's fear in our hearts, to work out the destinies of the Nation according to the will of God. We ask it for Christ's sake. Amen.

The Reading Clerk proceeded to read the Journal of yesterday's proceedings, when on request of Mr. CURTIS, and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed a joint resolution (H. J. Res. 336) authorizing the Secretary of War to loan to the Albert Sidney Johnston Camp, United Confederate Veterans, No. 1820, Fort Worth, Tex., 100 cots and blankets for the use of Confederate Veterans at the reunion of said camp June 24 to 27, inclusive, 1920; in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. PHELAN presented a telegram in the nature of a petition from Fred S. Bebergal, department adjutant, American Legion, of San Francisco, Calif., praying for the enactment of legislation granting additional bonus to ex-service men, which was referred to the Committee on Finance.

Mr. KNOX presented a petition of the Child Welfare League, of Waynesburg, Pa., praying for the enactment of legislation providing for the public protection of maternity and infancy, which was referred to the Committee on Public Health and National Quarantine.

He also presented a memorial of sundry citizens of Monessen, Pa., and a memorial of sundry citizens of New Castle, Pa., remonstrating against the enactment of legislation to exclude certain foreign publications from second-class mailing privileges, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Chamber of Commerce of Pittsburgh, Pa., praying for the enactment of a daylight-savings law, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Board of Trade of Easton, Pa., praying for the adoption of the units of the metric system as the exclusive standard of weights and measures, which was referred to the Committee on Standards, Weights, and Measures.

He also presented a petition of the Travelers' Club of Pittsburgh, Pa., and a petition of the Women's Auxiliary Unit of Sewickley Valley Post, No. 4, American Legion, of Sewickley, Pa., praying for the establishment of a Department of Education, which were referred to the Committee on Education and Labor.

REPORTS OF COMMITTEES.

Mr. CURTIS, from the Committee on Indian Affairs, to which was referred the bill (H. R. 5163) authorizing certain tribes of Indians to submit claims to the Court of Claims, and for other purposes, reported it with an amendment and submitted a report (No. 548) thereon.

He also, from the same committee, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 3998) authorizing any tribes or bands of Indians of California to submit claims to the Court of Claims (Rept. No. 549); and

A bill (H. R. 11024) to amend an act entitled "An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1914," approved June 30, 1913 (Rept. No. 550).

Mr. NEW, from the Committee on Military Affairs, to which was referred the joint resolution (S. J. Res. 174) authorizing the completion of the Liberty Theater at Camp Knox, Ky., submitted an adverse report thereon, which was agreed to, and the joint resolution was postponed indefinitely.

He also, from the same committee, to which was referred the bill (S. 3318) for the relief of Willis B. Cross, reported it with an amendment and submitted a report (No. 554) thereon.

Mr. WADSWORTH, from the Committee on Military Affairs, to which was referred the bill (H. R. 13274) to convey to the Big Rock Stone & Construction Co. a portion of the military reservation of Fort Logan H. Roots, in the State of Arkansas, reported it without amendment and submitted a report (No. 556) thereon.

Mr. CAPPER, from the Committee on Military Affairs, to which was referred the bill (S. 515) to correct the military record of Charles K. Bond, alias Kimball W. Rollins, reported it with an amendment and submitted a report (No. 557) thereon.

BAYOU BARTHOLOMEW BRIDGE.

Mr. CALDER. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 12956) extending the time for constructing a bridge across the Bayou Bartholomew, in the State of Arkansas, and I submit a report (No. 537) thereon. I ask unanimous consent for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole, and it was read, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge authorized by act of Congress approved January 15, 1914, to be built across the Bayou Bartholomew, in the State of Arkansas, by Ashley County, are hereby extended one and three years, respectively, from the date of the approval hereof.

That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RED RIVER BRIDGE.

Mr. CALDER. From the Committee on Commerce, I report back favorably without amendment the bill (H. R. 13253) to grant the consent of Congress to the Elmer Red River Bridge Co. to construct a bridge across the Red River, and I submit a report (No. 552) thereon. I ask unanimous consent for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole, and it was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Elmer Red River Bridge Co., to be composed of the following members, namely: B. F. Flowers and C. H. Harp, of Elmer, Jackson County, Okla., and W. T. Gibbons, of Odell, Wilbarger County, Tex., and their successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Red River at a point suitable to the interests of navigation, near the southeast corner of section 24, township 1 south, range 21 west of Indian meridian, Jackson County, Okla., to a point south in Wilbarger County, Tex., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NATIONAL EDUCATION ASSOCIATION.

Mr. STERLING. From the Committee on the Judiciary, I report back favorably without amendment the bill (H. R. 10917) to amend an act entitled "An act to incorporate the National Education Association of the United States," by adding thereto an additional section, and I submit a report (No. 553) thereon. I ask unanimous consent for the immediate consideration of the bill.

Mr. SMOOT. I wish to ask the Senator if it is the unanimous report of the committee?

Mr. STERLING. It is a unanimous report of the committee. There was no objection to it. It simply proposes to amend the act incorporating the National Education Association so as to permit of a representative body of delegates of this great association of over 40,000 members. When it comes to the election of officers or the transaction of any business at the annual meeting, the association is confronted with the difficulties incident to so great a membership scattered throughout the entire country.

The present system permits those who are near the place of meeting to control. There are sections of the country not represented, or at least not well represented, at those meetings. The national association have had this matter before them again and again, and have decided that the only practicable way out of the difficulty is to be empowered to amend their by-laws, so as to permit of meetings of representatives of the association to carry on and transact the business of the association.

Mr. THOMAS. Does not the Senator think this enormous membership might hold a referendum, and by that means avoid the necessity of amending the articles of incorporation

Mr. STERLING. I see no practicable objection to the bill as it is, which simply permits the association to amend their by-laws in this particular. I have a letter here from the field secretary of the association, Mr. Hugh S. McGill, and if the Senator will permit me, I should like to read a short extract from it. I will not read it all.

The only purpose of the bill—

Says Mr. McGill—

is to make possible the reorganization of the association as a representative body instead of a pure democracy, as it is to-day. Under the provision of the charter the officers are elected and the business transacted by the active members present at the annual meeting of the association. It is evident that since the association now has more than 40,000 active members it is impossible for all the members to meet for the transaction of business, and so the association is unanimous in seeking this amendment to its charter, which will make it possible for the association, by amendment to its by-laws, in the regular way to provide a representative form of government made up of delegates from all the States.

That is the purpose of the bill.

Mr. SMOOT. Let the bill be read.

The VICE PRESIDENT. The bill will be read.

The Assistant Secretary read the bill, as follows:

Be it enacted, etc., That an act entitled "An act to incorporate the National Education Association of the United States," approved June 30, 1906, be amended by adding an additional section to said act, which section shall be designated section 12 and shall read as follows:

"SEC. 12. That said corporation may provide, by amendments to its by-laws, that the powers of the active members exercised at the annual meeting in the election of officers and the transaction of business shall be vested in and exercised by a representative assembly composed of delegates apportioned, elected, and governed in accordance with the provisions of the by-laws adopted by said corporation."

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

Mr. BRANDEGEE. Mr. President, I do not rise to object to this particular amendment of the act, although I was not present at the meeting of the committee at which the measure was considered, and so perhaps am not entirely familiar with the circumstances necessitating it. It appears to be an amendment authorizing the corporation to amend its own by-laws. I had supposed that any corporation which had a right to make by-laws had a right themselves to amend them within the limits of the charter; but, as I said, not being familiar with the terms and limitations of this particular act of incorporation, I do not rise to object.

I do, however, wish to take this occasion to say that there is a body of opinion in the Judiciary Committee of the Senate—I can not say accurately how many members take the position—who doubt the authority of the Federal Government to pass acts of incorporation incorporating bodies as national corporations except for some governmental purpose. There is a statute existing which provides that men may associate themselves together in a corporate capacity for certain purposes specified in the statute along the line of education, philanthropy, and purposes of that kind, by being incorporated as corporations of the District of Columbia, and under that statute corporations so incorporated or a corporation incorporated by an act of Congress as a corporation of the District of Columbia has all the powers in the transaction of business within the scope of the powers given to it by its charter that any corporation has.

There seems to be an opinion among people who are engaged in a common purpose, and who are quite numerous and located all over the country, that in some way it adds to their potency or dignity or standing nationally or internationally to be incorporated as a national corporation by a special act of Congress.

I am moved to make this statement by the fact that this is the era of organizations, and it would seem that almost every purpose is sought to be accomplished by a numerous body of people desiring to be incorporated as a corporation of the United States of America, and the committee is being besieged by applications from all sorts of organizations for special acts of Congress for national incorporation.

The International Association of Rotarian Clubs is memorializing Congress and the members of the committee to incorporate them by special act of Congress as a national corporation. The purposes and activities and ideals of that organization are first-class and very commendable. Their objects are self-improvement and the education of their members along lines touching the great questions of the day as they arise, in a somewhat similar way to the activities which are evidenced by the work of the United States Chamber of Commerce, for instance, though perhaps in a less formal way.

Some policy must be adopted. If the National Education Association is worthy of a special act of Congress incorporating it as a national corporation, as the precedents show that we thought were the Carnegie Foundation and the National Academy of Sciences or Research Foundation, or whatever it was, and so forth, other organizations do not see any reason why they should be discriminated against, because if we had the power to incorporate the institutions referred to, by the same token we have the power to incorporate anything. Every society in this country—Masons, Odd Fellows, Knights of Columbus, and other organizations, very proper and meritorious—want the same privilege, and I can not blame them if they do.

Mr. OVERMAN. Mr. President, as the Senator from Connecticut is a great lawyer, I hope he will yield to me, as I should like to ask him a question. I desire to ask whether, in his opinion, we have any power under the Constitution to incorporate such an association? I know we have done so in a few instances, and in a few other instances we have refused to do so on the ground that we had no power to take such action. If we once open the door to granting such incorporations, where is it going to lead us?

Mr. THOMAS. Mr. President, I do not think the Senator from North Carolina understands the object of this bill. It is proposed to amend the articles of incorporation of a society which we have already incorporated.

Mr. OVERMAN. I am glad to be advised to that effect by the Senator from Colorado; but the Senator from Connecticut is speaking so learnedly on this subject that I desire to ask his opinion about it. I have a high regard for the opinion of the Senator from Connecticut; I myself know what his opinion is; but I should like to have the country know it. He is discussing a very important subject, and his opinion about this matter should go in the RECORD. I should like to ask the Senator from Connecticut whether, in his opinion, we have any power to grant charters to private organizations and societies? There is hardly a meeting of the Judiciary Committee when some request is not presented for a charter or for articles of incorporation. I should like to know where it is going to lead. If we have the power to incorporate one, we have the power to incorporate, and perhaps ought to incorporate, all. It seems from what the Senator from Colorado said that the society in this particular instance has already been incorporated, and inasmuch as that is the case, whether or not we should amend the articles of incorporation is another question.

Mr. BRANDEGEE. Mr. President, I must say that I have not given the matter that degree of consideration that would warrant me in expressing a final opinion about it; but I assume, this being a Government of specially delegated powers, and possessing only the powers granted to it under the Constitution and such powers as are necessary to be assumed from those specifically granted, unless the object of the incorporation can be shown to be necessary because of the exercise of some governmental power by the United States, that Congress has no authority to incorporate such a private organization or association. However, as the Senator from North Carolina [Mr. OVERMAN] has stated, we have done so in several instances. The instances in which that power has been assumed by Congress, at least those in which it has recently been assumed, were instances which would entirely warrant the exercise of that power, if anything could warrant it other than a governmental exercise of power. They were certainly most commendable and country wide in their objects; they were charitable enterprises and tremendously useful to civilization; but they depend for the legitimacy of their incorporation upon exactly the same principle upon which a society merely for the improvement of its members in social conversation would depend.

As I have said, I have not objected to the consideration of amendments to acts of incorporation heretofore granted, and as this is such a case, I shall not object; but I wanted to call the attention of the Senate to the fact that if we let it be known that it is the policy of the Judiciary Committee and of the Senate to continue to incorporate, as national corporations, societies and organizations which are merely for the improvement of the intellects and morals of their own members or for social intercourse, or for things of that kind, we shall have to incorporate every such organization in the United States of America, because it does not cost them anything to get an act of incorporation, and no such organization will be content to remain in what they will regard as an inferior position, that is, carrying on their activities under a State charter instead of a national charter.

They seem to think that if they get a special act of Congress incorporating them as a corporation of the United States of America in some way they have the protection of the Federal Government, and they think they would not have that if they were merely incorporated by the State. What intellectual processes they go through to arrive at that conclusion I do not know, because they are all equally to be protected by the powers of the Federal and the State Governments. They own property and they are citizens of the United States, and as such are entitled to all the protection that we can afford.

However, this thing must stop or it must proceed indefinitely. If it is to proceed indefinitely, the first duty of Congress, if it has the power, is to pass a general act of incorporation so that such institutions, if they are entitled to national incorporation, may obtain it as a matter of form upon complying with the conditions recited in the statute, just as most States have general incorporation acts. However, to have this body, that is supposed to be looking after the affairs of this country and its foreign relations and all the reconstruction questions that are pressing upon us in this crisis, wasting its time incorporating various kinds of concerns all over the country seems to me to be undignified and to be an imposition upon the Congress of the United States. That is all I care to say with reference to the matter.

The PRESIDING OFFICER (Mr. CURTIS in the chair). The bill is before the Senate as in Committee of the Whole and open to amendment. If there be no amendment, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment.

Mr. KING. Mr. President, I approve of the observations just made by the Senator from Connecticut [Mr. BRANDEGEE]. As a member of the Judiciary Committee, I have consistently opposed the granting of charters to private enterprises. I do not believe it is within the power of the Federal Government to grant charters for private concerns, for private enterprises.

The Federal Government may organize corporations for national purposes to aid in the fiscal affairs of the Nation. Congress may authorize the formation of corporations, but it is not within the power or authority of Congress to grant charters for private business, for charities, or business organizations.

Senators will recall that a number of years ago a charter was granted to the National German-American Alliance, but that organization became a menace to the country and after investigation we passed an act disincorporating it. A subcommittee has been appointed in the Committee on the Judiciary to consider the question of a broad general incorporation act for the District of Columbia. I believe it will improve the existing District of Columbia incorporation act and provide for the incorporation within the District of incorporations for all legitimate and proper purposes. In my opinion a provision should be inserted in the bill being proposed requiring all private organizations and corporations holding Federal charters to come in under the District of Columbia incorporation act or have their charters revoked. In my opinion Congress should refuse to grant any further private charters. The incorporation acts of the various States are liberal in their provisions and there is no reason why appeals should be made to Congress for a charter to engage as a corporation in matters not strictly of a governmental nature.

The bill was ordered to a third reading, read the third time, and passed.

DESERT LAND SALES.

Mr. PITTMAN. From the Committee on Public Lands I report back favorably, without amendment, the bill (S. 2977) to amend section 8 of an act to provide for the sale of desert lands in certain States and Territories, approved March 3, 1877, as amended by an act to repeal timber culture laws, and for other purposes, approved March 3, 1891, and I submit a report (No. 555) thereon.

I ask unanimous consent for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole, and it was read, as follows:

Be it enacted, etc., That section 8 of an act to provide for the sale of desert lands in certain States and Territories, approved March 3, 1877, as amended by an act to repeal timber culture laws, and for other purposes, approved March 3, 1891, be, and the same is hereby, amended so as to read as follows:

"SEC. 8. That the provisions of the act to which this is an amendment, and the amendments thereto, shall apply to and be in force in the State of Colorado, as well as the States named in the original act; and, excepting in the State of Nevada, no person shall be entitled to make entry of desert lands unless he be a resident citizen of the State or Territory in which the land sought to be entered is located."

The bill was reported to the Senate without amendment and ordered to be engrossed for a third reading, read the third time, and passed.

FORT DOUGLAS MILITARY RESERVATION.

Mr. WADSWORTH. From the Committee on Military Affairs I report back favorably without amendment the joint resolution (H. J. Res. 301) to authorize the Secretary of War to grant revocable licenses for the removal of sand and gravel from the Fort Douglas Military Reservation for industrial purposes.

Mr. SMOOT. Mr. President, I wish to call the attention of the Senator from New York to the fact that a Senate bill similar to the joint resolution just reported by him has heretofore passed the Senate.

Mr. WADSWORTH. The resolution reported by me is a House joint resolution.

Mr. SMOOT. Then it has passed the House?

Mr. WADSWORTH. Yes. In view of the observation of the Senator from Utah, I ask unanimous consent that the House joint resolution be considered now. It merely grants licenses to use sand and gravel from the Fort Douglas Military Reservation in accordance with regulations to be fixed by the Secretary of War; and, as has been stated, a similar measure has already passed the Senate.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole, and it was read, as follows:

Resolved, etc., That the Secretary of War is hereby authorized to grant revocable licenses for the removal of sand and gravel from the Fort Douglas Military Reservation, Utah, to persons and corporations within said State, to be used for industrial and manufacturing purposes, at such reasonable prices as may be fixed by the Secretary of War.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LANDING OF THE PILGRIMS.

Mr. LODGE. Mr. President, I ask to have a change of reference of the joint resolution (H. J. Res. 302) authorizing an appropriation for the participation of the United States in the observance of the three hundredth anniversary of the landing of the Pilgrims at Provincetown and Plymouth, Mass. This does not make an appropriation; it simply authorizes one. It was reported from the Committee on the Library in the House and ought to go to the Senate Committee on the Library, as those committees have charge of such matters.

The VICE PRESIDENT. Is there objection?

Mr. WARREN. I think it ought to go to the Committee on the Library for an authorization, and then it will be referred to the Committee on Appropriations.

The VICE PRESIDENT. The only reason why the Chair sent it to the Committee on Appropriations was that if it is authorized, an appropriation will have to be made.

Mr. LODGE. It will have to go to that committee eventually.

The VICE PRESIDENT. Without objection, the change of reference will be made.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SHEPPARD:

A bill (S. 4296) to confer upon the territorial courts of the Territory of Hawaii jurisdiction concurrent with the United States courts of that district of all offenses created by the act of October 28, 1919, known as the national prohibition enforcement act; to the Committee on the Judiciary.

By Mr. CAPPER:

A bill (S. 4297) granting a pension to Lydia Roach (with accompanying papers); to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 4298) granting a pension to John Thomas Snodgrass (with accompanying papers); and

A bill (S. 4299) granting a pension to Alice M. Petrie (with accompanying papers); to the Committee on Pensions.

By Mr. CALDER:

A bill (S. 4300) for the relief of P. Delany & Co.; to the Committee on Claims.

BONUS FOR EX-SERVICE MEN.

Mr. THOMAS. Mr. President, on Thursday next, after the close of the morning business, I shall, with the consent of the Senate, address myself to the taxpayers of the country in regard to their interest in the proposed bonus legislation for ex-service men.

BOLSHEVISM IN THE UNITED STATES AND RUSSIA.

Mr. MYERS. Mr. President, I desire to give notice that to-morrow, at the conclusion of the morning business, if I may be permitted, I shall submit some remarks to the Senate on the subject of Bolshevism in this country and Russia.

NATIONAL BUDGET SYSTEM.

Mr. McCORMICK. Mr. President, I wish to give notice that at the conclusion of the remarks of the Senator from Montana [Mr. MYERS] to-morrow I shall ask the Senate to proceed to the consideration of the bill to provide for a national budget system.

RELIEF OF CERTAIN ARMY OFFICERS.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 2448) for relief of certain officers of the United States Army, and for other purposes.

Mr. WADSWORTH. I move that the Senate disagree to the amendments of the House, request a conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. FRELINGHUYSEN, Mr. CAPPER and Mr. MYERS conferees on the part of the Senate.

HOUSE JOINT RESOLUTION REFERRED.

H. J. Res. 336. Joint resolution authorizing the Secretary of War to loan to the Albert Sidney Johnston Camp, United Confederate Veterans, No. 1820, Fort Worth, Tex., 100 cots and blankets for the use of Confederate veterans at the reunion of said camp June 24 to 27, inclusive, 1920, was read twice by its title and referred to the Committee on Military Affairs.

CALLING OF THE ROLL.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ball	Hale	McNary	Shields
Brandegee	Henderson	Myers	Smith, Md.
Calder	Jones, Wash.	Nelson	Smoot
Capper	Kellogg	New	Sterling
Chamberlain	Keyes	Nugent	Swanson
Culberson	King	Overman	Thomas
Curtis	Knox	Owen	Trammell
Dial	Lodge	Page	Underwood
Dillingham	McCormick	Phipps	Wadsworth
Gerry	McCumber	Reed	Warren
Glass	McLean	Sheppard	Watson

Mr. GERRY. The Senator from Mississippi [Mr. HARRISON], the junior Senator from Arizona [Mr. ASHURST], the Senator from Georgia [Mr. HARRIS], and the senior Senator from Arizona [Mr. SMITH] are absent on official business.

Mr. McNARY. I wish to announce the absence of the Senator from North Dakota [Mr. GRONNA], the Senator from Louisiana [Mr. RANSDELL], and the Senator from Wyoming [Mr. KENDRICK] on official business.

The PRESIDING OFFICER (Mr. CURTIS in the chair). Forty-four Senators have answered to their names, not a quorum. The Secretary will call the names of absentees.

The Reading Clerk called the names of the absent Senators, and Mr. HITCHCOCK, Mr. JONES of New Mexico, and Mr. McKELLAR answered to their names when called.

Mr. GAY, Mr. PITTMAN, Mr. COMER, Mr. SIMMONS, Mr. RANSDELL, Mr. PHELAN, and Mr. FRANCE entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty-four Senators have answered to their names. A quorum is present. The morning business is closed.

URGENT DEFICIENCY APPROPRIATIONS.

Mr. WARREN. I ask unanimous consent that the Senate proceed to the consideration of the urgent deficiency appropriation bill, H. R. 13677.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 13677) making appropriations to supply a deficiency in the appropriations for the Federal control of transportation systems and to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1920, and for other purposes, which had been reported from the Committee on Appropriations, with amendments.

Mr. WARREN. I ask unanimous consent that the formal reading of the bill be dispensed with, and that the bill be read in full for amendment, the committee amendments to be first considered.

The PRESIDING OFFICER. Without objection, it is so ordered.

SHORTAGE OF SUGAR.

Mr. OWEN. Mr. President, I have here a letter from a wholesale house in Oklahoma with regard to the speculation in sugar which I think is of particular interest, and I should like to have it printed in the RECORD.

Mr. SMOOT. Mr. President——

Mr. OWEN. I will read the letter.

Mr. SMOOT. Yes; that is all right.

Mr. OWEN. It is as follows:

McALESTER, OKLA., *April 21, 1920.*

Hon. ROBERT L. OWEN, U. S. S.,
Washington, D. C.

DEAR MR. OWEN: The increasing cost of sugar is much in the public mind at this time. Speculators are to-day quoting and selling sugar at more than 10 cents a pound over the average cane sugar refiners' price. True, the sugar refiners are selling their refined based on the cost of their raws, at least we presume they are, but the speculator ignores all this and even considering that raw sugar is at the highest price it has reached in more than 50 years, allowing double the profit fixed by the Government during the war period for sacking and refining, etc., refined granulated should not be selling at more than 23 cents by anyone. But Mr. Speculator cares nothing for that and he is asking from 28 cents to 30 cents, and is getting it in many cases, and of course in the long run the consumers of the country pay the penalty.

Sugar, in one form or another, we are told, comprises about 13 per cent of the foods consumed by the people of the United States. Therefore, the price of sugar very vitally affects every man, woman, and child in the United States, and we believe Congress should do something to curb this speculation, which is now running riot.

The writer does not pretend to be an expert or to be competent to advise you just what action should be taken by the Congress of the United States or the Executive department of the United States, but surely something should be done, and it just occurs to us that first legislation might be enacted prohibiting the buying and selling of sugars except by recognized dealers, and also prohibiting the sale of sugars by citizens of the United States to any person, firm, corporation, or Government outside of the United States except possibly under certain regulations. We are advised that dealers in lines in no way related to the production or distribution of foods are buying and selling sugars, and oftentimes a single car is sold a number of times before it is finally distributed by the wholesaler to the retailer and by the retailer to the consumer.

We believe even the introduction of some kind of a bill curbing speculation in sugar would result in breaking the present bull market, which, if uninterrupted, bids fair to be still higher and work further hardships and burdens on the people of the United States. True, there is a world-wide sugar shortage, but at that the speculator should not be permitted to get away with a profit of 5 cents or 6 cents a pound, and in some instances much more, at the expense of the general public.

We understand the British Government has at times, and possibly has at this time, imposed restrictions on dealers in sugar, although we are not familiar with the nature of these restrictions.

Fixing the margin of profits to be made by wholesale grocers and retail grocers will do little to correct the present situation, since if the speculators are allowed to continue their present policy they will continue to boost the price of both raws and refined, and the legitimate dealer in sugar will not be able to anything like supply his needs unless he does buy from sugar speculators, and will therefore be obliged to base his selling price largely on the price he is compelled to pay the speculator.

We should be pleased to have your views on this all-important subject, and also your advice as to whether or not you think anything can be, or will be, done in the matter.

Very respectfully,

GRIFFIN GROCERY CO.,
J. T. GRIFFIN.

I call attention to the fact that outside speculators are deliberately buying up sugar and hoarding it, according to the statements made in this letter.

Mr. SMOOT. Mr. Pesident, will the Senator yield?

Mr. OWEN. I yield.

Mr. SMOOT. If I were the Senator, I would write to his constituent and tell him that there is a law on the statute books now to prosecute just such offenses; and, if he will report any case to the Attorney General, I have no doubt but that the Attorney General will make an investigation of it, or at least I should think he would. I see no reason why he should not, because the law is plain enough, and it is now in force.

Mr. OWEN. The reason for putting this letter in the RECORD is to give publicity to this abuse, and to call the attention of the Federal Trade Commission to it, which I intend to do, as a matter of record in the Senate. I want it to be informed that the Senate has had this matter before it.

Mr. SWANSON. Mr. President, I have had a great many complaints from Virginia that grocers and dealers in sugar have not been able to get the quantity of sugar that they ought to. They have the idea that the refineries have entered into a contract to sell their output to speculators.

Mr. SMOOT. I will say to the Senator if they do, it would be the very worst piece of business they ever undertook, and it would virtually disrupt their regular line of trade. I can not see why they should do it, because they are selling within the limits of profits allowed them, I understand, under an agreement with the Department of Justice, and they could not sell at any higher rate to a speculator than to a wholesale grocer.

Mr. OWEN. This wholesale grocer says there are outside profiteers coming in and buying this product from the refiners, and then holding it, and because the ordinary trade can not get it from any other source, the refiners having sold their supply to the speculators, who hoard it, the wholesale grocers have to buy from these speculators, and they are acting as arbitrary, intervening middlemen, not in the ordinary business but jumping in for the purpose of extorting a profit from the sale of sugar in this country.

Mr. SMOOT. I think every case like that ought to be reported to the Attorney General, and it ought to be handled under the law.

Mr. SWANSON. I have received complaints from merchants in Virginia to the effect that they have given orders to the refiners for sugar and the refiners would notify them that the entire output had been disposed of and that it was impossible for their orders to be filled. If it is true that the sugar refiners of the country will not supply the regular distributing channels, but sell their output to speculators who hoard it and will not let the people have it now until it gets to an exorbitant price, something ought to be done.

Mr. SMOOT. Mr. President, I do not believe the report. The refiners are certainly business men, and they are going to take care of their regular line of customers. If they do not do it, I do not know what would happen to their business in the future. I have no doubt but that there are speculators in sugar who sell the sugar at an increased price. There is a shortage of sugar. I noticed in a London press report the other day that England has 50,000 tons of sugar lying at the wharf at Liverpool with no place to unload it.

Of course, there is a clamor for sugar all over the United States. The Government of the United States should have purchased the Cuban crop. But that was not done. It could have been done, and it ought to have been done when the purchase could have been made at 5½ cents per pound.

Mr. SWANSON. It certainly is a serious situation. If, when fruit, vegetables, and everything of that kind are in the hands of farmers for canning, if this scarcity of sugar continues into the summer months, it will be impossible to have any successful canning on the part of the farmers.

Mr. SMOOT. It is a very serious situation.

Mr. SWANSON. It seems to me that Congress or some department of the Government should take vigorous action to see that great industries like those which conserve food and take care of food which would otherwise waste should be supplied with sugar to take care of that situation.

Mr. SMOOT. If the speculators are held down to the price the sugar is purchased for in Cuba plus the expense of refining it in the United States and the selling of it at a reasonable profit, they are not going to get into the market. If the Senator from Oklahoma [Mr. OWEN] will simply tell his constituent to report the name of this speculator, or this profiteer, to the Attorney General, I have not any doubt but that the Attorney General will take steps to prosecute the man, and he ought to be prosecuted.

Mr. SWANSON. What is the situation in connection with the beet-sugar industry?

Mr. SMOOT. The East has drawn upon the beet-sugar crop to such an extent that to-day I doubt whether there is enough beet sugar left at the beet-sugar factories to carry them over until the next season.

Mr. SWANSON. What course has the beet-sugar industry pursued in connection with the price and distribution?

Mr. SMOOT. I think every price that has been made by the sugar-beet producers has been immediately reported to the Attorney General. The beet-sugar producers sold sugar at 10½ cents until nearly 53 per cent of their crop was disposed of. Then it was raised to 12 cents, and later to——

Mr. SWANSON. What is the difference between what the price at which the eastern producers sell sugar and what the producers of beet sugar get?

Mr. SMOOT. I think the beet-sugar producers in the West are selling for less than the Cuban producers are receiving for the raw sugar.

Mr. SWANSON. I am asking these questions of the Senator from Utah because he is an expert on the subject of sugar, and he is also a member of the Finance Committee.

Mr. SMOOT. Only the other day a gentleman who had returned from Cuba told me that there never was such a time, and never would be again, as exists to-day in the extravagant expenditure of money in Cuba. Instead of 3 cents a pound for their sugar, they are selling it all the way from 17 and 19 cents, and I heard of the sale of a cargo in Cuba the other day at 19¾ cents a pound; and that is not refined sugar; it is 96 per cent centrifugal sugar.

Mr. SWANSON. I would like to ask the Senator to what extent the tariff duty on sugar interferes with the ability to get sugar in this country?

Mr. SMOOT. None whatever.

Mr. SWANSON. I wish to make a suggestion to the Senator from Utah, as the chairman of the Finance Committee of the Senate is not here. With this situation in connection with sugar, and the confession on the part of the Senator from Utah that the conditions will get worse and worse during the summer months, and the canning industry of the country, especially among the farmers may be jeopardized, I would suggest that the Finance Committee of the Senate investigate this matter and report to the Senate a means by which these difficulties can be corrected.

Mr. WARREN. Mr. President, if the Senator will yield, may we not go on with the pending appropriation bill?

Mr. SWANSON. The appropriation bill is very urgent, but there are a million people in the country who have the hardship of a higher price of sugar staring them in the face.

Mr. WARREN. I do not understand that the Senator has placed any proposition before the Senate.

Mr. SWANSON. I have a proposition to make. It is that the Finance Committee of the Senate, or some other committee, investigate and recommend to the Senate some way of getting rid of this difficulty, and I would like to see the Senator from Utah a member of that investigating committee.

Mr. SMOOT. The Finance Committee can not prevent France and England from purchasing sugar. England was farsighted enough, so I have been informed by Cuban planters, to purchase sugar in time, and they have purchased it in quantities never purchased before. Of course, they have their canning season just the same as we have ours.

Mr. SWANSON. Does the Finance Committee contemplate any investigation of the subject whatever?

Mr. SMOOT. There was no thought of it.

Mr. SWANSON. It has had no purpose of ascertaining the cause of it, and providing a remedy?

Mr. SMOOT. There is an investigation going on at the present time in relation to the charges made that the refiners were charging too much for sugar. That is the only investigation I know of.

Mr. SWANSON. What is the present tariff on refined sugar?

Mr. SMOOT. About a cent a pound from Cuba.

Mr. SWANSON. What is it from the rest of the world?

Mr. SMOOT. From what countries?

Mr. SWANSON. Say, from Java, if any should come in.

Mr. SMOOT. That sugar does not come into the United States.

Mr. SWANSON. I know we have a reciprocity treaty with Cuba; but what is the duty on sugar?

Mr. SMOOT. It would be 20 per cent more; a dollar and twenty-five cents in round figures.

URGENT DEFICIENCY APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13677), making appropriations to supply a deficiency in the appropriations for the Federal control of transportation systems and to supply urgent deficiencies in

certain appropriations for the fiscal year ending June 30, 1920, and for other purposes.

The PRESIDING OFFICER (Mr. STERLING in the chair). The Secretary will proceed to read the bill.

The Assistant Secretary proceeded to read the bill, and read to line 4, page 3, the last paragraph read being as follows:

The Interstate Commerce Commission, in certifying to the Secretary of the Treasury the amount payable to any carrier under paragraphs (f) and (g) of section 204 of the transportation act, 1920, also shall certify to the Secretary of the Treasury such sums, if any, as may be due from such carrier to the President (as operator of transportation systems under Federal control) on account of traffic balances or other indebtedness. The amount so certified to be due the President, upon his request, shall be deducted by the Secretary of the Treasury from the amount so certified to be due such carrier and thereupon shall be credited by him to the appropriation made in section 202 of the transportation act, 1920. Such deductions shall be considered as a payment pro tanto of such indebtedness to the Government.

Mr. WARREN. I have a committee amendment to offer to come in at line 24, page 2.

The PRESIDING OFFICER. The Secretary will report the amendment.

The ASSISTANT SECRETARY. On page 2, line 24, after the word "amount," insert "of the deficit or decrease in its railway operating income," so as to make the clause read:

The amount so certified to be due the President, upon his request, shall be deducted by the Secretary of the Treasury from the amount of the deficit or decrease in its railway operating income so certified to be due such carrier.

And so forth.

Mr. KING. May I have the attention of the chairman of the committee? Is the $300,000,000 carried in the bill in addition to the very large amount heretofore appropriated?

Mr. WARREN. It is. We have appropriated five hundred million and seven hundred and fifty million, and this is in addition to that.

Mr. KING. Then we have heretofore appropriated $1,250,000,000 for the railroads?

Mr. WARREN. Yes.

Mr. KING. That is, to meet the cost of governmental operation for a few months. Then, in addition, this bill carries $300,000,000. It would then amount to about $1,801,000,000.

Mr. WARREN. The Senator will remember that five hundred million was appropriated, and then seven hundred and fifty million, and this estimate is for four hundred and twenty-one million and something. Those amounts added together are intended to cover entirely the cost of the Government in running the roads, and all that it will take, except in the matter of loans, to put the railroads back into running order. But the railroad act also carried an additional appropriation of $200,000,000, and I believe another one—I do not remember whether a hundred or one hundred and fifty million, but those are in the nature of loans. It is possible that of this $300,000,000 some may be returned. Probably there will be, say, thirty million more in the differences of undermaintenance and overmaintenance, which we will have to settle. That is, the Government will have to pay the roads in some cases, and the railroads will have to pay the Government in others.

Mr. KING. I should like to inquire of the Senator whether, with this $300,000,000, the amount appropriated, will cover all of the appropriations to be made by the Federal Government to the railroads because of the Government having taken them over during the war?

Mr. WARREN. Perhaps the Senator did not notice the next paragraph. It is not an expenditure in one sense, but it takes money in another. The War Finance Corporation must pay at par for the ninety millions of Liberty bonds which are in the Treasury, and that makes $390,000,000, and we leave the difference between that and the $420,000,000, expecting or hoping that the thirty millions may be made up in the adjustment of the balances which I have mentioned, of undermaintenance and overmaintenance. This is intended to be all that we shall be called upon to appropriate.

Mr. KING. Have the railroad representatives reported that this will wipe out the indebtedness of the Government?

Mr. WARREN. Not the railroads as such, but the Director General of Railroads, who is supreme in these matters, Mr. Hines, and his attorney, an ex-Member of the House, Mr. Sherley, say that they can probably go through with this amount. The $30,000,000 is in the air to some extent, but they expect now that they may be self-sustaining with the loans provided for in the railroad act. In fact, the entire amount it has taken to float this great railroad system while it was in the Government's hands and now to put it back where it is to be on its own feet amounts to over $1,800,000,000.

Mr. KING. In addition to those amounts will there not be many claims presented against the Government?

Mr. WARREN. There are claims both ways. It is believed that they will nearly balance each other.

Mr. KING. My information some months ago was that the claims would be presented against the Government for damages to the systems which the Government had taken charge of approximating some $400,000,000 or $500,000,000, and that it would take years to litigate those claims, and that the Congress would be called upon to make further appropriations, and that probably if we escape those contingent liabilities with the payment of $300,000,000 or $400,000,000 we would be very fortunate. Does the Senator know whether or not that information is accurate?

Mr. WARREN. Undoubtedly a great many claims will be presented which will be disallowed, and a great many more will be cut down very materially. I have much faith not only in Mr. Hines but in Mr. Sherley, who has given his entire time to the matter since leaving Congress, and without any certainty he gives me that assurance. As I said, there may be $30,000,000 yet, but he believes they can get through without it, and wants to try to do so.

Mr. KING. Then the experiment of running the railroads for a few months by the Government will have cost the Federal Government approximately $1,800,000,000 to $2,000,000,000?

Mr. WARREN. Yes.

Mr. SMOOT. There are claims yet, I will say to the Senator, for depreciation of roadbeds and rolling stock that are bound to come.

Mr. WARREN. Yes; I think they will come.

Mr. SMOOT. I was riding over the Pennsylvania Road the other day. Years ago it used to have the very finest roadbed in the United States, but I must say that to-day it is not in first-class condition.

The PRESIDING OFFICER. The question is on the amendment proposed by the committee.

The amendment was agreed to.

The first amendment of the Committee on Appropriations was, under the head of "Federal control of transportation systems," on page 2, line 25, after the words "shall be," to insert "transferred from the appropriation made in paragraph G of the said section 204 and," so as to make the clause read:

The Interstate Commerce Commission, in certifying to the Secretary of the Treasury the amount payable to any carrier under paragraphs (f) and (g) of section 204 of the transportation act, 1920, also shall certify to the Secretary of the Treasury such sums, if any, as may be due from such carrier to the President (as operator of transportation systems under Federal control) on account of traffic balances or other indebtedness. The amount so certified to be due the President, upon his request, shall be deducted by the Secretary of the Treasury from the amount of the deficit or decrease in its railway operating income so certified to be due such carrier and thereupon shall be transferred from the appropriation made in paragraph G of the said section 204 and credited by him to the appropriation made in section 202 of the transportation act, 1920. Such deductions shall be considered as a payment pro tanto of such indebtedness to the Government.

The amendment was agreed to.

The reading of the bill was continued to line 6 on page 4, the last paragraphs read being as follows:

IMPROVEMENTS AND REPAIRS.

Repairs to suburban roads: For current work of repairs to suburban roads and suburban streets, including maintenance of motor vehicles, $35,000.

SEWERS.

For operation and maintenance of the sewage pumping service, including repairs to boilers, machinery, and pumping stations, and employment of mechanics, laborers, and two watchmen, purchase of coal, oils, waste, and other supplies, and for maintenance of motor trucks, $15,000.

CHARITIES AND CORRECTIONS.

Hospital for the Insane: For support of indigent insane of the District of Columbia in St. Elizabeths Hospital, as provided by law, $350,000.

Mr. KING. Mr. President, I inquire of the chairman of the committee the occasion for these deficits in the District of Columbia?

Mr. WARREN. These deficits are caused in two or three ways. When the appropriations were first made, the war matters had not been sufficiently settled to give them the help that they wanted to come within the bounds of the prices they could pay; furthermore, as to the pavement and roads, the Army trucks and heavy business, not only Army trucks but the coal trucks and others, have been very disastrous in their effect upon the roads, and failing, as they did, to keep them up through the war season it requires now a large amount. Then to this must be added increased cost of material and labor. These deficiencies have been caused unavoidably, as it seems.

Mr. KING. My recollection was that when the appropriation bill for the District was under consideration a year ago, Congress was very liberal and anticipated these points. If the Senator from Kansas [Mr. CURTIS] will pardon me just a mo-

ment, I was going to direct attention to the $350,000 item which follows for the Hospital for the Insane. My recollection is that we were very liberal in making appropriation for that hospital, and I can not understand why there should be a deficit of $350,000 with respect to that item.

Mr. CURTIS. Mr. President, we were very liberal in the Senate, but all of our liberality did not stay in when the bill went to conference. I have looked over these deficiencies very carefully and I think all of them are justified. We tried to make pretty liberal provision, but we were in conference, the Senator will remember, many weeks, and we did not get all that was put in by the Senate. As to some of the hospitals for which we appropriated, the money has not been used. The roads were not all provided for. I think the deficiencies here are justifiable.

Mr. KING. It seems to me a deficiency of $350,000 for one hospital must be the result of some error.

Mr. CURTIS. For St. Elizabeths?

Mr. KING. St. Elizabeths.

Mr. CURTIS. That is brought about by the great increase in its charges. I have not the figures before me, but the increase in the number of inmates and in the cost of maintenance has been very great. I will not attempt to state it offhand, but the number was nearly doubled.

Mr. WARREN. The insane asylum has had to take care of a very great many returned soldiers temporarily, if not longer. Of course, there has been a great increase in the cost of maintenance, and so forth, but the numbers have so greatly increased that even this sum appropriated is a cut down from what really ought to be given that hospital. It seems to those who have greatly interested themselves in the poor insane that despite the fact that we have a most excellent man at the head of it, Dr. White, and a good corps of assistants, neglect has been found existing at various times, simply as a result of too little help to take care of those poor unfortunates.

Mr. CURTIS. May I call the attention of the Senator from Utah to the fact that the annual cost of patients increased from $299.20 to $532.90.

The reading of the bill was continued to line 22, page 4, the last paragraph read being as follows:

INTERSTATE COMMERCE COMMISSION.

For two additional members of the commission, at the rate of $12,000 per annum each, from April 16 to June 30, 1920, inclusive; and for the amount required to increase the compensation of nine members of the commission from $10,000 to $12,000 per annum each and the secretary of the commission from $5,000 to $7,500 per annum from February 28 to June 30, 1920, inclusive, $12,004.23.

Mr. KING. Mr. President, it seems to me there ought to be some amendment to the provision just read, found on page 4; otherwise it would be construed as a direct appropriation for additional members of the Interstate Commerce Commission of April 16, though they may not be appointed for some time yet.

Mr. WARREN. They will be paid only from the time they are appointed and take the oath of office. This was put in to cover the time, whether they are or are not appointed. I do not believe that they will get a penny more than their time of service calls for.

Mr. KING. I presume they will not, and yet this authorizes, indeed it directs, payment from April 16, notwithstanding they may not be appointed for several weeks or perhaps a month or so thereafter.

Mr. WARREN. That date is because of the legislation that provided for it. It is carrying out the law.

Mr. KING. It would be wise if there was a provision inserted, "*Provided*, That this appropriation shall be available only from the date of appointment."

Mr. WARREN. There is already such a law in existence.

The reading of the bill was continued to line 4, page 6.

Mr. WARREN. I have an amendment to insert at this point, which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT SECRETARY. Under the head "Miscellaneous," on page 6, after line 4, insert:

The Auditor of the Navy Department is authorized and directed to pay to the San Francisco Dredge Co., contractor for the dry dock at Pearl Harbor, the sum of $128,260.60, heretofore appropriated in the act approved March 6, 1920, upon Treasury estimates set forth in Senate Document numbered 210, Sixty-sixth Congress, second session, payment to be made as a liquidated settlement when said contractor executes and delivers a release of all claims and demands whatsoever connected with said contract and work.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Wyoming.

Mr. KING. Mr. President, I should like to ask the chairman of the committee why it is necessary to reenact this provision? If the former bill adequately covered the item, why should we deal with it again?

Mr. WARREN. The former bill did not perhaps adequately cover it. The amount was appropriated, but the Auditor of the Navy Department is properly very particular and notices in that appropriation that it did not contain what this contains, a provision compelling the people receiving the payment to receipt in full in liquidation of all damages. This is a limitation really upon the appropriation which we have already made and will relieve the situation.

The amendment was agreed to.

The reading of the bill was resumed, as follows:

PUBLIC HEALTH SERVICE.

For medical, surgical, and hospital services and supplies for war-risk insurance patients and other beneficiaries of the Public Health Service, including necessary personnel, regular and reserve commissioned officers of the Public Health Service, clerical help in the District of Columbia and elsewhere, maintenance, equipment, leases, fuel, lights, water, printing, freight, transportation and travel, maintenance and operation of passenger motor vehicles, and reasonable burial expenses (not exceeding $100 for any patient dying in hospital), $7,666,187.14.

Mr. KING. I should like to ask the chairman of the committee whether there are any restrictions or limitations upon the number of employees, doctors, and so-called experts that may be taken into this service, or is there any restriction as to the amount of compensation to be paid to the various employees, or is some one at the head of this organization, or some board connected with it, given full and unrestricted authority to employ whom they please, as many as they please, and pay what they please?

I know some of these executive agencies provided by Congress have no limitations, unfortunately, and waste and extravagance have characterized the administration of some of the organizations.

Mr. WARREN. This particular sum is to take care of the patients from the War Risk Bureau for the remainder of the year, and is, of course, appropriated in accordance with legislation previously enacted. I presume the Senator knows that during the war, as to the erection of some of these institutions, we did not, perhaps, take the pains which we ought to have taken in the matter of restrictions. The subject is now under very serious consideration, as it has been during the entire past winter, and I expect on the sundry civil bill, which is about to follow, that we shall be able very materially to relieve the situation. I know we shall have the approval of the Senator from Utah in attempting to do so. However, this legislation is all right. It provides for the appropriation of money which is necessary to take care of these people. The sum is smaller than the estimate which was made, but I think they will be able to get along with it.

Mr. KING. Mr. President, if the Senator will pardon me, I desire to say I think that there should be an investigation of the Public Health Service made by a joint committee of the Committee on Appropriations and the Committee on Military Affairs, not so much with a view of criticizing that service, for it has done admirable work, but with a view of developing and agreeing upon some plan of dealing with the great field upon which that service is now entering.

I have had a number of conferences with persons who have been connected with that organization, and from statements made by them and statements which have appeared in the press, doubtless emanating from some persons in the Public Health Service, it is apparent that demands are going to be made upon the Government aggregating millions, and exceeding, indeed, $100,000,000, for the Public Health Service within a very short time.

In view of such a great program, and in view of the great work which will be devolved and is being devolved upon this organization, it seems to me that there ought to be a well-matured plan agreed upon; that we ought to determine the number of hospitals that will be constructed; where they shall be constructed; whether the hospitals that were built by the War Department during the war may not be utilized or in part availed of for these purposes; and, generally, to agree upon a plan that will be rational, just, and fair, and that will conduce to the public welfare and also to economy.

Mr. WARREN. Mr. President, I appreciate the value of the suggestions of the Senator from Utah, but let me say to him that the work to which he refers is now going on vigorously. The House Appropriations Committee has taken the matter up and is still sifting it. The Committee on Appropriations on this side had a meeting, and adjourned only a few moments before we came into the Chamber this morning, to consider this very subject. We had with us also the chairman of the Committee on Military Affairs. I think the Senator from Utah will find that we shall make a very good start in reference to the matter before the sundry civil bill shall have been finally finished in this body.

The reading of the bill was resumed and continued to the end of line 15, on page 7, the last paragraph read being as follows:

DEPARTMENT OF LABOR.

UNITED STATES HOUSING CORPORATION.

Washington, D. C., Government hotel for Government workers: For maintenance, operation, and management of the hotel and restaurant therein, including personal services, $275,000.

Mr. KING. Mr. President, I desire to make an inquiry with reference to the item which has just been read, which relates to the Government hotel in Washington.

Mr. WARREN. Mr. President, I desire to say to the Senator from Utah that the money involved in that item has already been collected. The Senator will remember that a few months ago we provided that every penny taken in by all these places should go into the United States Treasury, and that we should, from time to time, appropriate such sums as were necessary to provide for their maintenance. In accordance with that action, the money here involved has already been collected, and this appropriation is being made to cover the expenses of the undertaking.

Mr. KING. Does the Senator from Wyoming know whether or not steps are being taken to wind up the affairs of that organization?

Mr. WARREN. Such steps have been taken. Of course, the Senator from Utah knows that the so-called Government Hotel has been taken out of the hands of the corporation that previously handled it, and it is now under the Treasury Department. When we get into the next fiscal year the appropriations for help for the various institutions carried in the legislative appropriation bill having been cut down, departments will be compelled to restrict their activities somewhat; and so we hope that this hotel institution will in time fade away as something no longer needed.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "Legislative," on page 7, after line 16, to insert:

SENATE.

To pay Tallulah J. Bankhead, widow of Hon. John H. Bankhead, late a Senator from the State of Alabama, $7,500.

The amendment was agreed to.

The next amendment was, on page 7, after line 20, to insert:

For repairs, improvements, equipment, and supplies for Senate kitchens and restaurants, Capitol Building and Senate Office Buildings, including personal and other services, to be expended by the Superintendent of the Capitol Building and Grounds, under the supervision of the Committee on Rules, United States Senate, $16,990.95.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. CHAMBERLAIN. Mr. President, the chairman of the Committee on Appropriations was present several days ago when I called attention to an item of $219,916.02, which was reported to Congress under the provisions of section 10 of the river and harbor act of 1919. That amount really constitutes a deficiency, and ought to be paid. The Senator at that time suggested that the proper place for it would be on a deficiency bill.

Mr. WARREN. Yes; but the bill now under consideration had at that time already been reported from the committee. There is, however, a general deficiency bill which will come up for consideration in 30 or 40 days or so, and if the Senator will take the pains to get the item in the form of an estimate I shall be glad to assist him in any way I can, and shall endeavor to provide for it. We can not, however, well add the item to this bill, because there is no estimate for it as yet, and the pending measure is really an urgent deficiency bill.

Mr. CHAMBERLAIN. I am not going to insist on the item going into the pending bill, but I wanted the Senator to know that I shall ask that it go on the general deficiency bill, and I am calling attention to it now so that the Senator will not forget it.

Mr. WARREN. I remember the Senator's remarks the other day, and I remember that I assured the Senator that if he could get the item in form so that we could carry it on one of the subsequent appropriation bills we would try to do so.

Mr. CHAMBERLAIN. The estimate has come from the Secretary of War to the Speaker of the House in formal shape, and I will see to it that a copy is furnished the committee.

Mr. WARREN. I suggest that the Senator have it come from the Treasury Department, which will make it more formal.

Mr. CHAMBERLAIN. I will ask that that be done.

Mr. SMOOT. Let me suggest to the Senator that he had better have the Committee on Appropriations of the House put it in the general deficiency bill over there.

Mr. CHAMBERLAIN. I can not look after the committee of the House. I might try to do that, but in any event I shall certainly make the effort here in the Senate.

Mr. SMOOT. The Senator can request the Representatives from his State in the House to look after the matter and induce them to have it put on over there.

Mr. CHAMBERLAIN. I do not know as to that.

Mr. WARREN. Of course, it would more certainly insure action upon the matter if it were put on in the House than if it were put on in the first instance in the Senate. If it were put on there, there would be very little chance of its being lost, whereas if we put it on here and any opposition should develop there might be some trouble in conference. I advise the Senator, along the line of the suggestion of my colleague on the committee, to see if he can have it placed on the bill in the other House, but the fact that they do not put it on there need not necessarily prevent us from putting it on in the Senate.

Mr. CHAMBERLAIN. Then the committee would not feel precluded from the consideration of the matter if there were no action taken on the other side?

Mr. WARREN. No.

Mr. CHAMBERLAIN. That is all I ask.

The bill was reported to the Senate as amended and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

DISTRICT OF COLUMBIA APPROPRIATIONS.

Mr. CURTIS. I ask unanimous consent that the Senate proceed to the consideration of House bill 13266, being the District of Columbia appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 13266) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1921, and for other purposes; which had been reported from the Committee on Appropriations with amendments.

Mr. CURTIS. I ask unanimous consent that the formal reading of the bill be dispensed with, that the bill be read for amendment, the committee amendments to be first considered.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kansas? The Chair hears none, and it is so ordered.

The reading clerk proceeded to read the bill.

The first amendment of the Committee on Appropriations was, on page 1, after the enacting clause, to strike out:

That the following sums are appropriated out of the revenues of the District of Columbia to the extent that they are sufficient therefor and the remainder out of any money in the Treasury not otherwise appropriated, but the amount to be paid from the Treasury of the United States shall in no event be as much as one-half of said expenses, in full for the following expenses of the government of the District of Columbia for the fiscal year ending June 30, 1921, except the amounts to pay the interest and sinking fund on the funded debt of said District, of which amounts one half is appropriated out of any money in the Treasury not otherwise appropriated and the other half out of the revenues of the District of Columbia, namely:

The rate of taxation on real estate in the District of Columbia, under the provisions of section 5 of the District of Columbia appropriation act approved July 1, 1902, is hereby increased from 1½ per cent to 2½ per cent, and the rate of taxation on tangible personal property in the District of Columbia, under the provisions of section 6 of the said act, is hereby increased from 1½ per cent to 2½ per cent.

And insert:

That one half of the following sums, respectively, is appropriated out of any money in the Treasury not otherwise appropriated, and the other half out of the revenues of the District of Columbia, in full for the following expenses of the government of the District of Columbia for the fiscal year ending June 30, 1921, namely:

Hereafter the estimates of the Commissioners of the District of Columbia for any fiscal year, submitted in accordance with the act of June 11, 1878, shall state the necessary expenses of the government of the District of Columbia for said year, and shall bear no arbitrary relation to the total estimated revenues of the District of Columbia for such fiscal year, and the Secretary of the Treasury is authorized and directed to advance, on the requisition of the Commissioners of the District of Columbia, made in the manner now prescribed by law, out of any moneys in the Treasury of the United States not otherwise appropriated, such sums as may be necessary from time to time to meet the general expenses of said District, as authorized by Congress, and to reimburse the Treasury for the portion of said advances payable by the District of Columbia out of the taxes and revenues collected for the support of the government thereof. If in any year the taxes and revenues of the District of Columbia shall be insufficient to reimburse the Treasury for the portion of said advance payable by the District of Columbia, such unpaid advance shall be reimbursed to said Treasury out of the revenues of the District of Columbia of the succeeding year or years. If in any year the taxes and revenues of the District of Columbia shall be more than sufficient to reimburse the Treasury for the portion of said advances payable by the District of Columbia, such surplus of revenue and all unexpended surpluses of District revenue shown by the reports of said commissioners to have been heretofore accumulated and deposited in the Treasury of the United States shall be held in the Treasury as a trust fund for the benefit of said District and be available as revenue of the District of Columbia for meeting the portion of appropriations payable by said District in the succeeding year or years, and all acts and parts of acts in conflict with any of the provisions herein contained are hereby repealed.

Hereafter the 50 per cent of approved estimates to be levied and assessed under the act of June 11, 1878, upon the taxable property and privileges in said District shall be raised by the imposition of such rate of taxation on realty and tangible and intangible personal property as the commissioners shall ascertain to be necessary to raise annually, in combination with other District tax revenues and unexpended tax surpluses of previous years, a sum sufficient to meet the proportion of expenses to be paid by the District of Columbia under said act of June 11, 1878: *Provided*, That the present tax rate shall continue in force until on formal report of the commissioners, as above provided, it shall be changed.

Mr. CURTIS. On behalf of the committee, I move to perfect the amendment by omitting the last proviso. It was left in by mistake.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The ASSISTANT SECRETARY. It is proposed to strike out the proviso, beginning on line 14, page 4, after the numerals "1878."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the head of "General expenses," on page 5, line 7, after "$1,800," to insert "one $1,600," so as to make the clause read:

Purchasing division: Purchasing officer, $3,000; deputy purchasing officer, $1,800; computer, $1,440; clerks—1 $1,800, 1 $1,600, 3 at $1,500 each, 12 at $1,200 each (5 of whom shall be stenographers and typewriters), 1 $1,100, 3 at $1,000 each; storekeeper, $1,200; messenger, $600; driver, $600; inspectors—1 of materials $1,400, 2 at $900 each; 2 property-yard keepers, at $1,000 each; temporary labor, $250.

The amendment was agreed to.

The next amendment was, on page 5, line 15, before the word "each," to strike out "$1,200" and insert "$1,360," so as to make the clause read:

Building inspection division: Inspector of buildings, $3,000; assistant inspectors of buildings—principal $2,000, 1 $1,500, 1 $1,400, 9 at $1,360 each; fire-escape inspector, $1,400; temporary employment of additional assistant inspectors for such time as their services may be necessary, $1,000; civil engineers or computers—1 $2,000, 1 $1,800, 1 $1,500; clerks—chief $1,800, 1 $1,050, 1 $1,000, 1 (who shall be a stenographer and typewriter) $1,000, 1 $900; messenger, $600; assistant inspector, $1,500.

The amendment was agreed to.

The next amendment was, on page 5, line 25, before the word "each," where it occurs the first time, to strike out "$1,200" and insert "$1,360," so as to make the clause read:

Plumbing inspection division: Inspector of plumbing, $2,000; assistant inspectors of plumbing—principal $1,550, 6 at $1,360 each; clerks—2 at $1,200 each, 1 $900; temporary employment of additional assistant inspectors of plumbing and laborers for such time as their services may be necessary, $3,000; draftsmen, $1,350; sewer tapper, $1,000; 3 members of plumbing board, at $150 each.

The amendment was agreed to.

The next amendment was, on page 6, line 5, after the word "office," to strike out "$124,670" and insert "$128,670," so as to make the clause read:

In all, executive office, $128,670.

The amendment was agreed to.

The next amendment was, on page 7, line 8, after the word "each," to insert "chief inspector of personal property, $1,800," and, in line 14, after the words "in all," to strike out "$30,000" and insert "$32,600," so as to make the clause read:

Personal tax board: Three assistant assessors of personal taxes, at $3,000 each; chief inspector of personal property, $1,800; appraiser of personal property, $1,800; clerk, $1,400; assistant clerk, $1,000; 2 inspectors, at $1,200 each; extra clerks hire, $2,000; intangible personal property—2 clerks at $1,500 each, 5 inspectors at $1,200 each, clerk to board of personal tax assessors, $1,800, 2 clerks at $1,200 each; in all, $32,600.

The amendment was agreed to.

The next amendment was, on page 7, line 18, before the words "at $1,400 each," to strike out "two" and insert "three"; in line 19, before the words "at $1,200 each," to strike out "two" and insert "three"; and in line 21, after the words "in all," to strike out "$13,100" and insert "$15,700," so as to make the clause read:

License bureau: Superintendent of licenses (who shall also be secretary to the automobile board without additional compensation), $2,000; clerks—3 at $1,400 each, 3 at $1,200 each, 1 $1,000, 1 $900; inspector, $1,200; inspector of licenses, $1,200; assistant inspector of licenses, $1,000; messenger, $600; in all, $15,700.

The amendment was agreed to.

The next amendment was, on page 8, line 9, after "$1,800," to insert "teachers' retirement section: Clerks—one $1,800, one $1,500," and in line 13, after the words "in all," to strike out "$51,576" and insert "$54,876," so as to make the clause read:

Auditor's office: Auditor, $4,000; chief clerk, $2,250; bookkeeper, $1,800; accountant, $1,500; clerks—3 at $1,600 each, 4 at $1,400 each, 1 $1,350, 4 at $1,200 each, 7 at $1,000 each, 1 $936, 2 at $900 each, 2 at $720 each; stenographer and typist, $1,400; messenger, $600; property survey officer, $1,800; teachers' retirement section: Clerks—1 $1,800, 1 $1,500; disbursing officer, $3,000; deputy disbursing officer, $1,600; clerks—2 at $1,200 each, 2 at $1,000 each, 1 $900; messenger, $600; in all, $54,876.

The amendment was agreed to.

The next amendment was, on page 10, line 1, before the words "at $1,200 each," to strike out "twelve" and insert "thirteen"; in line 2, before the words "at $900 each," to strike out "ten" and insert "eight"; and, in line 13, after the words "in all," to strike out "$186,630" and insert "$186,030"; so as to make the clause read:

Engineer commissioner's office: Engineer of highways, $3,000; engineer of bridges, $2,500; superintendents—1 of streets $2,000, 1 of suburban roads $2,250; sanitary engineer, $3,300; asphalts and cements—inspector $2,400, assistant inspector $1,500; trees and parkings—superintendent $2,000, assistant superintendent $1,350; assistant engineers—2 at $2,200 each, 4 at $1,800 each, 2 at $1,600 each, 4 at $1,500 each, 2 at $1,350 each, 1 $1,200; transitmen—3 at $1,200 each, 1 $1,050; rodmen—6 at $900 each, 4 at $780 each; chainmen—6 at $720 each, 6 at 650 each; draftsmen—1 $1,500, 2 at $1,200 each, 1 $1,050; general inspector of sewers, $1,300; inspector of sewers, $1,200; bridge inspector, $1,200; inspectors—2 at $1,500 each, 1 $1,400, 5 (including 2 of streets) at $1,200 each, 1 $1,000, 1 $900; foremen—13 at $1,200 each, 4 at $1,050 each, 8 at $900 each; bridge keepers—1 $650, 3 at $600 each; chief clerk, $2,250; permit clerk, $1,500; assistant permit clerk, $1,000; clerks—1 $1,800, 3 at $1,500 each, 1 $1,400, 2 at $1,350 each, 7 at $1,200 each, 2 at $1,000 each, 1 $900, 3 at $840 each, 1 $720, 1 $600; 7 messengers, at $600 each; skilled laborer, $625; laboratory assistant, $1,200; janitor, $720; steam engineers—principal, $2,090, 1 $1,800, 2 at $1,760 each, 3 assistants at $1,460 each; 6 oilers, at $960 each; 6 firemen, at $1,160 each; storekeeper, $900; superintendent of stables, $1,500; blacksmith, $975; 2 watchmen, at $630 each; 2 drivers, at $630 each; in all, $186,030.

The amendment was agreed to.

The next amendment was, on page 11, line 2, after "$3,000" where it occurs the second time, to strike out "2 assistant accountants at $2,000 each; statistical clerk, $1,800," and insert "assistant accountant, $2,000"; and in line 9, after the words "in all," to strike out "$34,640" and insert "$30,840," so as to make the clause read:

Public Utilities Commission: Executive secretary, $4,000; accountant, $3,000; traffic engineer, $3,000; assistant accountant, $2,000; chief clerk, $1,800; inspectors—1 $1,800, 1 $1,600, 1 $1,400; inspector of gas and meters, $2,000; inspector of electric meters, $1,800; assistant inspectors—1 $1,200, 2 at $900 each; clerks—2 at 1,400 each, 1 $1,200; 2 messengers, at $720 each; in all, $30,840.

The amendment was agreed to.

The next amendment was, on page 11, line 12, after the word "necessary," to strike out "$15,000" and insert "$10,000," so as to make the clause read:

For incidental and all other general necessary expenses authorized by law, including the employment of expert services where necessary, $10,000.

The amendment was agreed to.

The next amendment was, on page 11, line 13, after the word "Commission," to strike out "$40,640" and insert "$40,840," so as to make the clause read:

In all, Public Utilities Commission, $40,840.

The amendment was agreed to.

The next amendment was, on page 12, line 2, after the word "statistician," to strike out "$1,700" and insert "$1,800"; in line 3, after the word "at," to strike out "$900" and insert "$1,000"; in line 4, after the word "stenographer," to strike out "$840" and insert "$1,000"; and in line 5, after the words "in all," to strike out "$11,640" and insert "$12,100," so as to make the clause read:

Department of insurance: Superintendent of insurance, $3,500; deputy and examiner, $2,000; statistician, $1,800; clerks—1 $1,200, 2 at $1,000 each; stenographer, $1,000; temporary clerk hire, $600; in all, $12,100.

The amendment was agreed to.

The next amendment was, on page 12, line 19, after "$2,500," to insert "stenographer, $1,200," and in line 21, after the words "in all," to strike out "$5,000" and insert "$6,200," so as to make the clause read:

Minimum Wage Board: Secretary, $2,500; stenographer, $1,200; clerical, contingent, and miscellaneous expenses, $2,500; in all, $6,200, to be paid wholly out of the revenues of the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 13, line 9, after the word "work," to strike out "$1,500" and insert "$1,600"; in line 10, after the word "work," to strike out "$1,200" and insert "$1,260"; in line 11, after the word "secretary," to strike out "$1,000" and insert "$1,200"; and on page 14, line 2, after the words "in all," to strike out "$76,640" and insert "$77,000," so as to make the clause read:

Free public library, including Takoma Park branch: Librarian, $4,000; assistant librarian, $2,000; chief circulating department, $1,760; director of children's work, $1,600; director of reference work, $1,600; children's librarian, $1,200; supervisor of school work, $1,260; librarian's secretary, $1,200; Takoma Park branch librarian, $1,200; chiefs of divisions—order and accessions, $1,200; industrial, $1,200; reference librarian, $1,200; chief catalogue department, $1,400; assistants—1 $1,200; 1 in charge of periodicals $1,200, 8 at $1,000 each, 7 (including 1 for the Takoma Park branch) at $900 each, 6 (including 1 for Takoma Park branch) at $780 each; copyist, $780; classifier, $1,000; shelf lister, $1,120; cataloguers—1 $960, 1 $900, 2 at $780 each; stenographers and typewriters—1 $1,100, 1 $1,000; attendants—1 $900, 11 at $780 each; collator, $780; 4 messengers, at $720 each; 10 pages,

at $420 each; 4 janitors, at $720 each, 1 of whom shall act as night watchman; janitor of Takoma Park branch, $660; engineer, $1,300; fireman, $720; workman, $600; library guard, $720; 2 cloakroom attendants, at $360 each; 6 charwomen, at $240 each; in all, $77,000.

The amendment was agreed to.

The next amendment was, on page 14, line 5, after the word "librarian," to strike out "$3,000" and insert "$4,000," so as to make the clause read:

For substitutes and other special and temporary service, including the conducting of stations in public-school buildings, at the discretion of the librarian, $4,000.

The amendment was agreed to.

The next amendment was, under the head of "Contingent and miscellaneous expenses," on page 18, line 9, after the words "total of," to strike out "$5,000" and insert "$6,000," so as to make the clause read:

The commissioners are authorized, in their discretion, to furnish necessary transportation in connection with strictly official business of the District of Columbia by the purchase of car fares from appropriations contained in this act: *Provided*, That the expenditures herein authorized shall be so apportioned as not to exceed a total of $6,000: *Provided further*, That the provisions of this paragraph shall not include the appropriations herein made for the fire and police departments.

The amendment was agreed to.

The next amendment was, on page 19, line 11, after the word "advertised," to strike out "$4,000" and insert "$4,500," so as to make the clause read:

For advertising notice of taxes in arrears July 1, 1920, as required to be given by act of March 19, 1890, to be reimbursed by a charge of 50 cents for each lot or piece of property advertised, $4,500.

The amendment was agreed to.

The next amendment was, on page 19, after line 11, to insert:

For enforcement of game and fish laws, to be expended under the direction of the commissioners, $50.

The amendment was agreed to.

The next amendment was, on page 20, after line 3, to insert:

For rent of offices of the recorder of deeds, including services of cleaners as necessary, not to exceed 30 cents per hour, to be expended under the direction of the Superintendent of the Capitol Building and Grounds, $6,000.

Mr. CURTIS. I move to perfect that amendment by striking out "Superintendent of the Capitol Building and Grounds" and inserting "Commissioners of the District of Columbia."

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The READING CLERK. In the amendment of the committee, it is proposed to strike out the words "Superintendent of the Capitol Building and Grounds" and insert "Commissioners of the District of Columbia."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment was, on page 20, line 20, after the words "District of Columbia," to strike out "$15,000" and insert "$20,000," so as to make the clause read:

For purchase of metal identification number tags for horse-drawn vehicles used for business purposes and motor vehicles in the District of Columbia, $20,000.

The amendment was agreed to.

The next amendment was, on page 20, line 24, after the word "surgeon," to strike out "$500" and insert "$200," so as to make the clause read:

For medicines, surgical and hospital supplies for office of veterinary surgeon, $200.

The amendment was agreed to.

The next amendment was, on page 21, line 21, after the word "measure," to strike out "$200" and insert "$500," so as to make the clause read:

Office of superintendent of weights, measures, and markets: For purchase of small quantities of groceries, meats, provisions, etc., including personal services, in connection with investigation and detection of sales of short weight and measure, $500.

The amendment was agreed to.

The next amendment was, under the head of "Improvements and repairs," on page 23, after line 11, to strike out:

Northwest: For paving Girard Street, east of Fifteenth Street, 30 feet wide, $3,400.

The amendment was agreed to.

The next amendment was, on page 24, after line 15, to strike out:

Northwest: For grading Belmont Road, Massachusetts Avenue to Connecticut Avenue, and placing sidewalk on north side, $18,000.

The amendment was agreed to.

The next amendment was, at the top of page 25, to strike out:

Northwest: For paving Sixth Street, Newton Street to Otis Street, 24 feet wide, $3,800.

The amendment was agreed to.

The next amendment was, on page 25, after line 12, to strike out:

Northwest: For paving Upshur Street, New Hampshire Avenue to Fourth Street, 45 feet wide, $10,000.

The amendment was agreed to.

The next amendment was, on page 25, after line 20, to strike out:

Northwest: For paving Harvard Street, Georgia Avenue to Fifth Street, 24 feet wide, $8,400.

The amendment was agreed to.

The next amendment was, at the top of page 26, to insert:

Northwest: For paving east side of Connecticut Avenue, Chapel Road to Chevy Chase Circle, with a street width of 60 feet, $68,000.

The amendment was agreed to.

The next amendment was, on page 26, after line 3, to insert:

Southeast: For repaving the granite block roadway of G Street, Eighth Street to Ninth Street, 35 feet wide, $3,000.

The amendment was agreed to.

The next amendment was, on page 26, after line 6, to insert:

Northeast: For paving with bituminous macadam Bladensburg Road, Fifteenth and H Streets to the District line, two roadways each 15 feet wide, $51,000.

The amendment was agreed to.

The next amendment was, on page 26, after line 9, to insert:

Southeast: For paving with bituminous macadam Alabama Avenue, Pennsylvania Avenue to Ridge Road, and Bowen Road, Ridge Road to the District line, 18 feet wide, $21,000.

The amendment was agreed to.

The next amendment was, on page 26, after line 13, to insert:

Southeast: For placing a temporary gravel surface on Thirty-eighth Street, Bowen Road to Suitland Road, 20 feet wide, $9,000.

The amendment was agreed to.

The next amendment was, on page 26, line 17, after the words "In all," to strike out "$498,600" and insert "$607,000," so as to make the clause read:

In all, $607,000, to be disbursed and accounted for as "Street improvements" and for that purpose shall constitute one fund.

The amendment was agreed to.

The next amendment was, at the top of page 27, to insert:

The Commissioners of the District of Columbia are hereby authorized to close Upper Water Street, between Twenty-first and Twenty-second Streets NW., lying between Potomac Park and square 88: *Provided*, That the consent in writing of the owners of all private property in square 88 is first had and obtained; and upon the closing of said street between the limits named the Commissioners of the District of Columbia are authorized to transfer the land contained in the bed of said street to the Chief of Engineers, United States Army, as a part of the park system of the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 27, after line 11, to insert:

The Commissioners of the District of Columbia are hereby authorized to close that portion of Rock Creek Ford Road lying between Broad Branch Road and Rittenhouse Street upon the application in writing of the owner or owners of all of the property abutting on said road between the limits named, and upon the closing of said road the land embraced therein shall revert to the owners of the abutting property.

The amendment was agreed to.

The next amendment was, on page 27, after line 18, to insert:

McPherson Place NW., between I and K Streets, on the west side of McPherson Square, is hereby designated Fifteenth Street, and the surveyor of the District of Columbia is hereby directed to enter such change on the records of his office.

The amendment was agreed to.

The next amendment was, on page 28, after line 5, to insert:

Damages and payment for ground on account of condemnation proceedings: To pay Thomas W. and Alice N. Keiler for ground taken and damages on account of condemnation proceedings in square No. 2838, in the city of Washington, $3,820.

The amendment was agreed to.

The next amendment was, on page 28, line 17, after the word "Georgetown," to strike out "$50,000" and insert "there is appropriated such sum as is necessary," so as to make the clause read:

To carry out the provisions contained in the District of Columbia appropriation act for the fiscal year 1914 which authorizes the commissioners to open, extend, or widen any street, avenue, road, or highway to conform with the plan of the permanent system of highways in that portion of the District of Columbia outside of the cities of Washington and Georgetown, there is appropriated such sum as is necessary to be paid wholly out of the revenues of the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 29, line 21, after the word "buildings," to strike out "$25,000" and insert "$20,000," so as to make the clause read:

For construction and repair of sidewalks and curbs around public reservations and municipal and United States buildings, $20,000.

The amendment was agreed to.

The next amendment was, on page 30, line 2, after "$1,800," to strike out "and including repairs to Bladensburg Road from Fifteenth and H Streets NE. to the District line, at a total cost

not to exceed $51,000; and including Alabama Avenue from Pennsylvania Avenue to Ridge Road and Bowen Road, between Ridge Road and the District line, at a total cost not to exceed $21,000; and including Central Avenue from Bennings Road to the District line, at a total cost not to exceed $39,000; and including Thirty-eighth Street SE., between Bowen and Suitland Roads, at a total cost not to exceed $9,000, $370,000," and insert "$250,000," so as to make the clause read:

Repairs to suburban roads: For current work of repairs to suburban roads and suburban streets, including maintenance of motor vehicles and the purchase or exchange of three light motor vehicles with truck bodies, in lieu of three motor vehicles owned by the District of Columbia, at a total cost not to exceed $1,800, $250,000.

The amendment was agreed to.

The next amendment was, under the head of "Sewers," on page 32, line 5, after the word "trucks," to strike out "$90,000" and insert "$95,000," so as to make the clause read:

For operation and maintenance of the sewage pumping service, including repairs to boilers, machinery, and pumping stations, and employment of mechanics, laborers, and two watchmen, purchase of coal, oils, waste, and other supplies, and for maintenance of motor trucks, $95,000.

The amendment was agreed to.

The next amendment was, under the head of "Streets," on page 34, line 1, after the word "parts," to insert "*Provided further*, That section 9 of the act entitled 'An act to provide for the collection and disposal of garbage and miscellaneous refuse for the District of Columbia,' approved May 6, 1918, is repealed," so as to make the clause read:

Disposal of city refuse: To enable the commissioners to carry out the provisions of existing law governing the collection and disposal of garbage, dead animals, night soil, and miscellaneous refuse and ashes in the District of Columbia, including inspection and allowance to inspectors for maintenance of horses and vehicles or motor vehicles used in the performance of official duties, not to exceed $25 per month for each inspector for horse-drawn vehicles, $30 per month for automobiles, and 15 per month for motor cycles; fencing of public and private property designated by the commissioners as public dumps; and incidental expenses, $750,000: *Provided*, That any proceeds received from the disposal of city refuse or garbage shall be paid into the Treasury of the United States to the credit of the United States and the District of Columbia in equal parts: *Provided further*, That section 9 of the act entitled "An act to provide for the collection and disposal of garbage and miscellaneous refuse for the District of Columbia," approved May 6, 1918, is repealed: *Provided further*, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels, places of business, large apartment or boarding houses.

The amendment was agreed to.

The next amendment was, under the head of "Electrical Department," on page 36, line 19, before the word "each," to strike out "$1,200" and insert "$1,360," and in line 23, after the words "in all," to strike out "$55,015" and insert "$55,655," so as to make the clause read:

Electrical engineer, $2,750; assistant electrical engineer, $2,000; inspectors—1 $1,000, 4 at $900 each; electrician, $1,200; 2 draftsmen, at $1,000 each; 4 telegraph operators, at $1,000 each; repairmen—expert $1,200, 3 at $900 each, 1 $840; telephone operators—chief $900, 4 at $840 each, 1 $720, 10 at $600 each, 1 $540; electrical inspectors—1 $2,000, 1 $1,800, 1 $1,350, 4 at $1,360 each; assistant electrician, $1,200; clerks—1 $1,400, 1 $1,200, 2 at $1,125 each, 1 $1,050, 1 $750; assistant repairman, $620; laborers—2 at $600 each, 2 at $540 each; messenger, $630; storekeeper, $875; in all $55,655.

The amendment was agreed to.

The next amendment was, under the head of "Public schools," on page 38, line 12, after the word "one," to strike out "$4,000" and insert "$3,750," and in the same line, after the word "one," strike out "$3,500" and insert "$3,750," so as to make the clause read:

Officers: Superintendent, $6,000; assistant superintendents—1 $3,750, 1 $3,750; director of intermediate instruction, 13 supervising principals, supervisor of manual training, and director of primary instruction, 16 in all, at a minimum salary of $2,400 each; secretary, $2,000; financial clerk, $2,000; clerks—1 $1,600, 2 at $1,500 each, 1 $1,400, 3 at $1,200 each, 3 at $1,000 each, 1 (to carry out the provisions of the child-labor law) $900; 2 stenographers, at $1,000 each; messenger, $720; in all, $72,120.

The amendment was agreed to.

The next amendment was, on page 38, line 21, after the word "officers," to strike out "1 $900, 8 at $800 each; in all, $7,300" and insert "1 $1,200, 8 at $900 each; in all, $8,400," so as to make the clause read:

Attendance officers: Attendance officers—1 $1,200, 8 at $900 each; in all, $8,400.

Mr. CURTIS. I offer the following as a substitute for that amendment, to correct those figures.

The PRESIDING OFFICER. The Secretary will report the amendment to the amendment.

The READING CLERK. In the committee amendment, page 38, line 22, after the numerals "$1,200," insert "1 $960," and in the same line strike out the word "eight" and insert in lieu thereof the word "seven," and correct the total so as to read "$8,460."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 41, line 2, after the word "schools," to strike out "three hundred and fifty-nine" and insert "three hundred and eighty-four," so as to make the clause read:

Group A of class 6, including 7 principals of grade manual-training schools, 384, at $1,440 each.

The amendment was agreed to.

The next amendment was, on page 41, line 20, after the word "teachers," to strike out "$2,787,860" and insert "$2,823,860," so as to make the clause read:

In all, for teachers, $2,823,860.

The amendment was agreed to.

Mr. CURTIS. I ask that the clerks at the desk be authorized to correct all totals in the bill that have been changed by amendments.

The PRESIDING OFFICER. Without objection, that authority will be given.

The next amendment was, on page 42, after line 11, to insert:

No teacher, clerk, or librarian in classes 1 to 5, inclusive, heretofore promoted from one class to another shall receive for the fiscal year ending June 30, 1921, a less amount of longevity allowance than that which such employee was receiving at the time of his most recent promotion.

The amendment was agreed to.

The next amendment was, on page 43, line 9, after the word "penmanship," to insert "principal and teachers in Americanization work," so as to make the clause read:

Longevity pay: For longevity pay for director of intermediate instruction, supervising principals, supervisor and assistant supervisor of manual training, principals of normal, high, manual training high, and junior high schools, the assistant principals of the Central and McKinley Manual Training High Schools, the assistant principal (who shall be dean of girls) of the Central High School, the assistant principal (who shall be dean of girls) of the Dunbar High School, principals of grade manual training schools, heads of departments, director and assistant director of primary instruction, directors and assistant directors of drawing, physical culture, music, domestic science, domestic art, kindergartens, and penmanship, principal and teachers in Americanization work, teachers, clerks, librarians and clerks, and librarians to be paid in strict conformity with the provisions of the act entitled "An act to fix and regulate the salaries of teachers, school officers, and other employees of the board of education of the District of Columbia," approved June 20, 1906, as amended by the acts approved May 26, 1908, May 18, 1910, and June 26, 1912, $520,000: *Provided*, That no part of this sum shall be paid to any person who, in the opinion of the board of education and the superintendent of schools, has an unsatisfactory efficiency rating.

The amendment was agreed to.

The next amendment was, on page 44, after line 10, to insert:

Teachers' retirement fund: For payment of annuities, $60,000: *Provided*, That all the authority, duties, and discretion now vested in the Secretary of the Treasury under the provisions of the act of Congress approved January 15, 1920, entitled "An act for the retirement of public-school teachers in the District of Columbia" shall on and after July 1, 1920, vest in the Commissioners of the District of Columbia, except that the fund created by said act shall be paid to the Treasurer of the United States by the Commissioners of the District of Columbia and said funds shall be held and invested by him; and all records and other data in the custody of the Secretary of the Treasury relating to the retirement of teachers under said act shall, on or before July 1, 1920, be transferred to the Commissioners of the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 45, line 21, after the word "each," to strike out "coal passer, $600," and insert "two coal passers, at $600 each," and in line 24, after the words "in all," to strike out "$13,220" and insert "$13,820," so as to make the clause read:

Dunbar High School: Engineer, $1,200; assistant engineer, $1,000; 2 firemen, at $720 each; 2 coal passers, at $600 each; janitor, $1,000; assistant janitor, $900; 9 laborers, at $600 each; 2 charwomen, at $480 each; night watchman, $720; in all, $13,820.

The amendment was agreed to.

The next amendment was, on page 46, line 16, before the word "laborers," to strike out "two" and insert "three," and in the same line, after the words "in all," to strike out "$2,920" and insert "$3,520," so as to make the clause read:

Franklin School: Janitor, $1,000; skilled laborer, $720; 3 laborers, at $600 each; in all, $3,520.

The amendment was agreed to.

The next amendment was, on page 47, line 6, after the word "engineer," to strike out "$720" and insert "$900," and in line 8, after the words "in all," to strike out "$6,880" and insert "$7,060," so as to make the clause read:

Armstrong Manual Training School: Janitor, $1,000; assistant janitor, $720; engineer and instructor in steam engineering, $1,200; assistant engineer, $900; night watchman, $720; fireman, $720; three laborers, at $600 each; in all, $7,060.

The amendment was agreed to.

The next amendment was, on page 49, line 4, after the words "In all," to strike out "$219,270" and insert "$220,650," so as to make the clause read:

In all, $220,650.

The amendment was agreed to.

The reading of the bill was continued to line 3 on page 53.

Mr. CURTIS. Mr. President, on page 53, after line 3, I move to insert, after the word "purpose," the words "with the exception of rooms now occupied by grades 1, 2, 3, and 4," so as to read:

Hereafter the board of education is authorized to use all necessary floor and room space in the Franklin School Building for office purposes, with the exception of rooms now occupied by grades 1, 2, 3, and 4.

The amendment was agreed to.

The reading of the bill was continued. The next amendment was, on page 53, line 11, after the word "automobile," to strike out "$35,000" and insert "$25,000," so as to make the clause read:

For payment of necessary expenses connected with the organization and conducting of community forums and civic centers in school buildings, including equipment, fixtures, and supplies for lighting and equipping the buildings, payment of janitor service, secretaries, teachers, organizers, and clerks, and employees of the day schools may also be employees of the community forums and civic centers, including maintenance of automobile, $25,000: *Provided*, That not more than 60 per cent of this sum shall be expended for payment of secretaries, teachers, organizers, and clerks.

The amendment was agreed to.

The next amendment was, on page 53, after line 18, to insert:

Section 6 of the legislative, executive, and judicial appropriation act approved May 10, 1916, as amended, shall not apply from July 15 to September 15, 1920, to teachers of the public schools of the District of Columbia when employed by any of the executive departments or independent establishments of the United States Government.

Mr. CURTIS. Mr. President, on page 53, line 21, I move to amend the committee amendment by striking out, after the word "July," the numeral "15" and inserting in lieu there of the numeral "1."

The PRESIDING OFFICER. The Secretary will state the amendment to the amendment.

The READING CLERK. On page 53, amend the committee amendment by striking out, in line 21, after the word "July," the numeral "15" and inserting the numeral "1," so that it will read, "shall not apply from July 1 to September 15, 1920."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 54, line 2, after the word "Navy," to insert "and children of other employees of the United States," so as to make the clause read:

The children of officers and men of the United States Army and Navy and children of other employees of the United States stationed outside of the District of Columbia shall be admitted to the public schools without payment of tuition.

The amendment was agreed to.

The next amendment was, on page 54, line 11, after the word "addition," to strike out "including an assembly hall"; in line 12, after the words "Petworth School," to strike out "$85,000" and insert "$50,000"; and, in line 15, after the word "exceeding," to strike out "$192,000" and insert "$218,000," so as to make the clause read:

For additional amount required for an eight-room addition to the Petworth School, $50,000; and the commissioners are hereby authorized to enter into a contract or contracts for the construction of said building at a total cost not exceeding $218,000.

The amendment was agreed to.

The next amendment was, on page 54, line 18, to strike out "an eight-room" and insert "a four-room"; in the same line, after the words "Deanwood School," to strike out "$40,000" and insert "$25,000"; and, in line 21, after the word "exceed," to strike out "$190,000" and insert "$110,00," so as to make the clause read:

For additional amount required for a four-room addition to the Deanwood School, $25,000. And the commissioners are hereby authorized to enter into a contract or contracts for said building at a cost not to exceed $110,000.

The amendment was agreed to.

The next amendment was, on page 54, line 22, to strike out "an eight-room" and insert "a four-room"; in the same line, after the word "addition," to strike out "including assembly hall"; and, in line 24, after the word "School," to strike out "$10,000" and insert "$25,000"; and, on page 55, line 2, after the word "exceed," to strike out "$190,000" and insert "$110,000," so as to make the clause read:

For additional amount required for a four-room addition to the Burrville School, $25,000; and the commissioners are hereby authorized to enter into a contract or contracts for said building at a cost not to exceed $110,000.

The amendment was agreed to.

The next amendment was, on page 55, line 4, after the word "building," to strike out "including assembly hall"; in line 6, after the word "northeast," to strike out "$30,000" and insert "$20,000"; and in line 8, after the word "exceeding," to strike out "$190,000" and insert "$218,000," so as to make the clause read:

For additional amount required for the erection of an eight-room building, between Eighteenth and Twentieth Streets and Monroe and Newton Streets NE., $20,000; and the commissioners are hereby authorized to enter into a contract or contracts for said building at a cost not exceeding $218,000.

The amendment was agreed to.

The next amendment was, on page 55, to strike out lines 9 to 13, inclusive, in the following words:

For additional amount required for the erection of an addition to the Phelps School, including assembly hall and gymnasium, $30,000; and the commissioners are hereby authorized to enter into a contract or contracts for said building at a cost not to exceed $120,000.

And in lieu thereof to insert:

For the necessary remodeling of the Phelps School for use as a grade manual training center, $20,000.

The amendment was agreed to.

The next amendment was, on page 55, line 16, after the word "addition," to strike out "including assembly hall"; in line 17, after the word "School," to strike out "$100,000" and insert "$110,000"; and in line 19, after the word "exceed," to strike out "$190,000" and insert "$218,000," so as to make the clause read:

For the erection of an eight-room addition to the J. R. West School, $110,000; and the commissioners are authorized to enter into a contract or contracts for said building at a cost not to exceed $218,000.

The amendment was agreed to.

The next amendment was, on page 55, after line 20, to insert:

For additional amount required for an eight-room addition to Takoma School, $15,000. And the Commissioners of the District of Columbia are hereby authorized to enter into contract or contracts for said building at a cost not to exceed $218,000.

The amendment was agreed to.

The next amendment was, beginning in line 1, page 56, to insert:

The Commissioners of the District of Columbia are authorized and empowered to sell to the highest bidder at public auction the following-named property belonging to the said District of Columbia, in the District of Columbia: Lots 821 and 822 in square 3064, together with all improvements thereon: *Provided*, That if in the opinion of the said commissioners the highest bid made at said sale for any or all of said lots and improvements thereon is not a full and fair price for the same, the said commissioners shall have the right to reject such bid or bids and shall have the right to sell said property, after due advertisement, to the highest bidder under competitive proposals for the purchase of said property; and that the proceeds of the sale of said lots and improvements thereon shall be applied to the purchase of a site for a new school building to be located north of U Street and east of Fourteenth Street NW.: *Provided further*, That upon recommendation of the board of education provision shall be made for library accommodations in the buildings or additions to buildings herein provided when the funds available are sufficient to make such provision.

The amendment was agreed to.

The next amendment was, under the head of "Metropolitan police," on page 62, line 21, after "$1,200," to strike out "2 at $1,000 each; 1 $900, 1 $800" and insert "4 at $1,080 each"; on page 63, line 2, after the word "expenses," to strike out "$14,940" and insert "$17,500"; and in the same line, after the words "in all," to strike out "$25,000" and insert "$27,560," so as to make the clause read:

House of detention: To enable the commissioners to provide transportation, including purchase and maintenance of necessary horses, wagons, and harness, and a suitable place for the reception, transportation, and detention of children under 17 years of age, and, in the discretion of the commissioners, of girls and women over 17 years of age, arrested by the police on charge of offense against any law in force in the District of Columbia, or held as witnesses, or held pending final investigation or examination, or otherwise, including 2 clerks, at $1,000 each; 2 drivers, at $780 each; attendants—1 $1,200, 4 at $1,080 each; cook, $500; laundress, $500; janitor, $600; miscellaneous expenses, including clinic supplies, food, upkeep and repair of building, fuel, gas, ice, laundry, supplies, and equipment, electricity, maintenance of motor station vehicle, and other necessary expenses, $17,500; in all $27,560, or so much thereof as may be necessary.

Mr. SMOOT. On page 63, line 2, I move to amend the committee amendment by striking out "$17,500" and inserting "$33,500."

Mr. CURTIS. I suggest that we make it "$34,940."

Mr. SMOOT. That is the amount of the estimate?

Mr. CURTIS. It is.

Mr. SMOOT. Very well. In other words, if they undertake to remodel the old Emergency Hospital, for which this item is to be used, it ought to be done all at once, and not at two different times.

Mr. CURTIS. I send to the desk an amendment to the amendment, which corrects the situation.

The PRESIDING OFFICER. The Secretary will report the amendment to the amendment.

The READING CLERK. On page 63, line 2, strike out the figures "$17,500," as proposed by the committee, and insert in lieu thereof the figures "$34,940," and make the total $45,620.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, in the items under harbor patrol, on page 63, line 7, after the word "incidentals," to strike out "$3,500" and insert "$4,000," so as to make the clause read:

For fuel, construction, maintenance, repairs, and incidentals, $4,000.

And in line 9, after the words "In all," to strike out "$8,800" and insert "$9,300."

The amendment was agreed to.

The next amendment was, under the head of "Health Department," on page 67, line 19, after the word "harness," to strike out "$7,000" and insert "$8,000," so as to make the clause read:

For maintenance of disinfecting service, including salaries or compensation for personal services when ordered in writing by the commissioners and necessary for maintenance of said service, and for purchase and maintenance of necessary horses, wagons, and harness, $8,000.

The amendment was agreed to.

The reading of the bill was continued to line 6, page 68, the last paragraph read being as follows:

Bacteriological laboratory: For maintaining and keeping in good order, and for the purpose of reference books and scientific periodicals, $1,000.

Mr. CURTIS. On page 68, line 5, I offer the following committee amendment, to correct a misprint.

The PRESIDING OFFICER. The Secretary will report the amendment.

The READING CLERK. On page 68, line 5, strike out the word "purpose" and insert in lieu thereof the word "purchase."

The amendment was agreed to.

The reading of the bill was continued to line 14, page 70, the last paragraph read being as follows:

For clinical examination, advice, care, and maintenance of children under 6 years of age, under a contract to be made with the Washington Diet Kitchen by the health officer of the District of Columbia, $15,000.

Mr. CURTIS. On page 70, line 13, I move to amend by striking out the words "Washington Diet Kitchen" and inserting in lieu thereof the words "Child Welfare Society."

The amendment was agreed to.

The reading of the bill was continued.

The next amendment was, under the head of "Courts," on page 70, line 21, after the word "officer," to strike out "$2,400" and insert "$2,000"; and, on page 71, line 2, after the words "in all," to strike out "$5,385" and insert "$4,985," so as to make the clause read:

Probation system, supreme court: Probation officer, $2,000; assistant probation officer, $1,400; stenographer and typewriter and assistant, $900; contingent expenses, $325; maintenance of motor vehicle used in performance of official duties, at not to exceed $30 per month, $360; in all, $4,985.

Mr. CURTIS. On page 70, line 22, the Senator from Virginia [Mr. GLASS] desires to have the amendment amended so as to make the salary of the probation officer $2,200 instead of $2,000.

The PRESIDING OFFICER. The Secretary will report the amendment to the amendment.

The READING CLERK. On page 70, line 22, after the words "probation officer," strike out "$2,400" and insert "$2,200."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, in the items for juvenile court, on page 71, line 9, after the words "probation officers—chief," to strike out "$1,800" and insert "$2,000."

The amendment was agreed to.

The next amendment was, on page 71, line 11, to reduce the salary of the assistant chief probation officer from "$1,500" to "$1,400."

Mr. CURTIS. That amendment I hope will be disagreed to. That officer has been receiving $1,500 since 1918, and I think his salary should remain the same. When we changed it in committee we thought it was an increase of salary.

The amendment was rejected.

The next amendment was, on page 71, in line 11, after the words "two at," to strike out "$1,200" and insert "$1,260," and in line 16, after the words "in all," to strike out "$28,480" and insert "$28,700," so as to make the paragraph read:

Juvenile court: Judge, $3,600; clerk, $2,000; deputy clerk, who is authorized to act as clerk in the absence of that officer, $1,480; financial clerk, who is authorized to act as deputy clerk, $1,200; stenographer and typewriter, who is authorized to act as a deputy clerk, $1,080; stenographer and typewriter for judge's work and to aid in keeping records in clerk's office, $1,080; probation officers—chief, $2,000; assistant chief (who shall also be investigating officer for children's cases), $1,500, 2 at $1,260 each, 1 for adult cases $1,200, 4 at $1,000 each; investigating officer for adult cases, $1,200; record and information clerk for probation office, $1,200; clerk for probation office, $900; 2 bailiffs, at $900 each; telephone operator, $600; messenger, $600; janitor, $600; charwoman, $240; in all, $28,700.

The amendment was agreed to.

The next amendment was, under the head of "Courts and prisons," on page 75, line 23, before the word "charwomen," to strike out "6" and insert "8," and in line 24, after the words "in all," to strike out "$16,920" and insert "$17,400," so as to make the clause read:

Courthouse, District of Columbia: For care and protection, under the direction of the United States marshal of the District of Columbia: Engineer, $1,200; electrician, $900; 4 watchmen, at $720 each; 5 laborers, at $600 each; 6 messengers, at $720 each; 2 elevator conductors, at $720 each; clerk to jury commissioner, $720; telephone operator, $720; attendant in ladies' waiting room, $300; 8 charwomen, at $240 each; in all $17,400, to be expended under the direction of the Attorney General.

The amendment was agreed to.

The next amendment was, under the head of "Charities and corrections," on page 77, line 9, after the word "stenographer," to strike out "$1,200" and insert "$1,400"; in line 11, after the word "each," to strike out "1 $840" and insert "2 at $840 each"; and in line 14, after the words "in all," to strike out "$20,340" and insert "$21,380," so as to make the clause read:

Board of Charities: Secretary, $3,500; assistant secretary and stenographer, $1,600; clerk, $1,400; clerk and stenographer, $1,400; messenger, $600; inspectors—2 at $1,200 each, 3 at $1,000 each, 2 at $900 each, 2 at $840 each; drivers—1 (who shall also act as foreman of stables) $900, 3 at $720 each; hostler, $540; traveling expenses, including attendance on conventions, $400; in all, $21,380.

The amendment was agreed to.

The next amendment was, on page 77, line 17, after the word "ambulances," to strike out "$1,800" and insert "$2,400," so as to make the clause read:

For the maintenance of three motor ambulances, $2,400.

The amendment was agreed to.

The next amendment was, under the head of "Reformatories and correction institutions," on page 81, after line 9, to insert:

Hereafter the commissioners are authorized, under such regulations as they may prescribe, to sell the surplus products of the Home for the Aged and Infirm, and all moneys derived from such sales shall be paid into the Treasury, one-half to the credit of the United States and one-half to the credit of the District of Columbia: *Provided*, That a report of the amount derived from such sales shall be made annually in the Book of Estimates.

The amendment was agreed to.

The next amendment was, on page 81, line 25, before the word "matron," to insert "treasurer," and on page 82, line 4, after the words "in all," to strike out "$11,880" and insert "$12,480," so as to make the clause read:

National Training School for Girls: Superintendent, $1,200; treasurer, matron, and 4 teachers, at $600 each; overseer, $720; 2 parole officers, at $600 each; 7 teachers of industries, at $480 each; engineer, $720; assistant engineer, $600; night watchman, $480; 2 laborers, at $300 each; in all, $12,480.

The amendment was agreed to.

The next amendment was, on page 82, line 18, after the words "School for Girls," to strike out "$56,880" and insert "$57,480," so as to make the clause read:

In all, National Training School for Girls, $57,480.

The amendment was agreed to.

The next amendment was, on page 82, after line 19, to insert:

On and after July 1, 1920, appropriations made for the National Training School for Girls shall be disbursed by the disbursing officer of the District of Columbia in the manner now provided by law for expenditure from appropriations for general expenses of the government of said District.

The amendment was agreed to.

The next amendment was, under the subhead "Medical Charities," on page 83, line 9, after the word "Hospital," to strike out "$15,000" and insert "$12,000," so as to make the clause read:

Children's Hospital, $12,000.

The amendment was agreed to.

The next amendment was, on page 83, line 10, after the word "Hospital," to strike out "$15,000" and insert "$14,000," so as to make the clause read:

Providence Hospital, $14,000.

The amendment was agreed to.

The next amendment was, on page 83, line 11, after the word "Hospital," to strike out "$15,000" and insert "$14,000," so as to make the clause read:

Garfield Memorial Hospital, $14,000.

The amendment was agreed to.

The next amendment was, on page 83, line 12, after the word "Hospital," to strike out "$25,000" and insert "$22,000," so as to make the clause read:

Central Dispensary and Emergency Hospital, $22,000.

The amendment was agreed to.

The next amendment was, on page 83, line 14, after the word "Hospital," to strike out "$20,000" and insert "$15,000," so as to make the clause read:

Eastern Dispensary and Casualty Hospital, $15,000.

The amendment was agreed to.

The next amendment was, on page 84, after line 13, to strike out:

Gallinger Municipal Hospital: For continuing the construction of the Gallinger Municipal Hospital, $100,000.

And insert:

Gallinger Municipal Hospital: The Commissioners of the District of Columbia are authorized to enter into a contract or contracts for the construction of the Gallinger Municipal Hospital and accessory buildings in accordance with approved plans at a limit of cost not to exceed $1,500,000.

The amendment was agreed to.

The next amendment was, under the subhead "Child-caring institutions," on page 85, line 1, after "$1,800," to insert "assistant agent, $1,200"; in line 3, before the words "at $1,200 each," to strike out "2" and insert "3"; and in line 5, after the words "in all," to strike out "$18,200," and insert "$20,660," so as to make the clause read:

Salaries: Agent, $1,800; assistant agent, $1,200; clerks—1 $1,200, 1 $900; stenographer, $900; placing and investigating officers—3 at $1,200 each, 1 $1,000; 9 at $900 each; record clerk, $900; messenger, $500; laborer, $500; in all, $20,660.

The amendment was agreed to.

The next amendment was, on page 85, line 15, after the word "Guardians," to strike out "$217,200" and insert "$219,660," so as to make the clause read:

In all, Board of Children's Guardians, $219,660.

The amendment was agreed to.

The next amendment was, on page 85, after line 16, to insert:

The disbursing officer of the District of Columbia is authorized to advance to the agent of the Board of Children's Guardians, upon requisitions previously approved by the Auditor of the District of Columbia and upon such security as may be required of said agent by the commissioners, sums of money not to exceed $400 at any one time, to be used for expenses in placing and visiting children, traveling on official business of the board, and for office and sundry expenses, all such expenditures to be accounted for to the accounting officers of the District of Columbia within one month on itemized vouchers properly approved.

The amendment was agreed to.

The next amendment was, on page 86, after line 19, to insert:

All moneys received at said school, as income from sale of products and from payment of board of instruction, or otherwise, shall be paid over to the commissioners to be expended by them in the support of the school during the fiscal year 1921.

The amendment was agreed to.

The next amendment was, under the subhead "Temporary Homes," on page 88, after line 19, to insert:

National Library for the Blind: For aid and support of the National Library for the Blind, located at 1729 H Street NW., to be expended under the direction of the Commissioners of the District of Columbia, $5,000.

The amendment was agreed to.

The next amendment was, at the top of page 89, to insert:

Columbia Polytechnic Institute: To aid the Columbia Polytechnic Institute for the Blind, located at 1808 H Street NW., to be expended under the direction of the Commissioners of the District of Columbia, $1,500.

The amendment was agreed to.

The next amendment was, on page 90, line 5, after the word "Superintendent," to strike out "$4,000" and insert "$3,600," and in line 8, after the words "in all," to strike out "$9,160" and insert "$8,760," so as to make the clause read:

Workhouse and reformatory: Superintendent, $3,600; physician, $1,680; chief engineer, $1,200; electrician, $1,200; superintendent of commissary, $1,080; in all, $8,760.

The amendment was agreed to.

The next amendment was, on page 92, line 10, in the items for the reformatory, after the word "maintenance," to strike out "$10,000" and insert "$8,000," so as to make the clause read:

For fuel for maintenance, $8,000.

The amendment was agreed to.

The next amendment was, on page 92, line 11, after the words "In all," to strike out "$145,700" and insert "$143,700," so as to make the clause read:

In all, $143,700, which sum shall be expended under the direction of the commissioners.

The amendment was agreed to.

The next amendment was, on page 92, after line 12, to insert:

Hereafter the commissioners are authorized, under such regulations as they may prescribe, to sell the surplus products of the said workhouse and the said reformatory, and all moneys derived from such sales shall be paid into the Treasury, one-half to the credit of the United States and one-half to the credit of the District of Columbia: *Provided*, That a report of the amounts derived from such sales shall be made annually in the Book of Estimates.

The amendment was agreed to.

The next amendment was, under the head of "Militia," on page 93, line 16, after the word "stables," to strike out "$10,000" and insert "$8,000," so as to make the clause read:

For rent of armories, offices, storehouses, and stables, $8,000.

The amendment was agreed to.

The next amendment was, under the head of "Water service," on page 95, after line 5, to strike out:

The Commissioners of the District of Columbia are directed to increase the scale of water rates in effect in the District of Columbia by not less than 25 per cent per annum for the fiscal year ending June 30, 1921: *Provided*, That such increase shall remain in effect until otherwise provided by law.

The amendment was agreed to.

The next amendment was, under the subhead "Water department," on page 96, line 23, after the word "mechanic," to strike out "$2,200" and insert "$2,500," and on page 97, line 7, after the words "in all," to strike out "$96,110" and insert "$96,350," so as to make the clause read:

For distribution branch: Superintendent, $3,300; engineer, $2,400; assistant engineers—1 $1,800, 1 $1,700; master mechanic, $2,500; foreman, $1,800; assistant foremen—1 $1,275, 1 $1,200, 1 $1,125, 1 $900; steam engineers—chief $1,800, 2 at $1,780 each, 3 assistants at $1,460 each; chief inspector of valves, $1,600; leveler, $1,200; inspector, $1,200; draftsman, $1,050; clerks—1 $1,800, 1 $1,500, 3 at $1,200 each; stores clerk—1 $1,500, 2 at $1,000 each; timekeeper, $900; 2 rodmen at $900 each; 2 chainmen at $675 each; 4 oilers at $960 each; 3 firemen at $1,160 each; janitor, $900; drivers—1 $700, 1 $630; 2 messengers, at $600 each; in all, $96,350.

The amendment was agreed to.

The next amendment was, at the top of page 98, to insert:

For 20-inch water main in Illinois Avenue and Grant Circle to Georgia Avenue and Military Road NW., $70,000.

The amendment was agreed to.

The next amendment was, on page 98, after line 3, to insert:

For 12-inch water main in F Street between Sixth and Fourteenth Streets NW., $20,000.

The amendment was agreed to.

The next amendment was, on page 98, after line 8, to strike out:

The rates of assessment for laying or constructing water mains and service sewers in the District of Columbia under the provisions of the act entitled "An act authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes," approved April 22, 1904, are hereby increased from $1.25 to $2.50 and $1 to $2, respectively, per linear front foot for any water mains and service sewers hereafter constructed or laid.

The amendment was agreed to.

The next amendment was, on page 104, after line 2, to insert:

SEC. 7. That hereafter all per diem employees and day laborers of the District of Columbia who have been regularly employed for 15 working days next preceding such days as are legal holidays in the District of Columbia, and whose employment continues through and beyond said legal holidays, shall be granted such leave of absence with pay as is granted the regular annual employees of the District of Columbia for said legal holidays.

The amendment was agreed to.

The next amendment was, on page 104, after line 10, to insert:

SEC. 8. Officers and members of the Metropolitan police and the fire department of the District of Columbia shall be allowed increased compensation for the fiscal year 1921 in accordance with the provisions of section 6 of the legislative, executive, and judicial appropriation act for the fiscal year 1921 at one-half the rate allowed to other employees in said section.

Mr. CURTIS. I offer an amendment to the amendment. In line 12, after the words "District of Columbia," I move to insert the words "and the United States park police."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. CHAMBERLAIN. Mr. President, I offered an amendment to the bill some time ago for the relief of Edith D. Macon, daughter and sole heir at law of Davis W. and Elizabeth L. W. Bailey, deceased, proposing to pay the sum of $3,127.85 in full settlement of the award for $10,519.20 made to the estate of Davis W. Bailey, July 18, 1892, for extra work under his contract for laying asphalt pavement in the District of Columbia. I proposed the amendment to the pending bill because it had heretofore more than once been offered as an amendment to the District of Columbia appropriation bill. A bill for this purpose, as a matter of fact, passed the Senate in the days gone by, so long ago that the memory of man runneth not to the contrary, but for some reason or other the sum has never been finally paid.

I have talked with the Senator who has the bill in charge and he tells me that the amendment was given consideration by the committee and that the committee thought it ought to be included in a deficiency appropriation bill. I wonder if I may have the assurance of the Senator having the bill in charge that he will insist on having the claim put on that appropriation bill.

Mr. CURTIS. Mr. President, I wish to state that the subcommittee gave this claim very careful consideration. We went so far as to send for the Commissioners of the District of Columbia to get their judgment with reference to the claim. After very careful consideration the subcommittee came to the conclusion that it was a claim which it would be unwise to place on the District appropriation bill. When the matter came up later in

full committee the question was discussed and it was generally understood that the claim should go on a deficiency appropriation bill.

I will state that, so far as I am concerned, having given the matter the consideration I have as chairman of the subcommittee, that if the Senator offers it as an amendment on the general deficiency bill I shall do all I can to help him have it incorporated in that measure.

Mr. CHAMBERLAIN. Mr. President, I certainly will appreciate that. This relief bill has been playing battledore and shuttlecock in the Senate for years. As far back as March 10, 1902, the then distinguished chairman of the District Committee, Senator Gallinger, now deceased, recommended its payment. Again in 1912, 10 years afterwards, the same distinguished Senator reported the bill again with a recommendation that it pass. It did pass in the Fifty-seventh Congress, but still the money is not paid.

It does seem to me sometimes that the poorest paymaster in the world is the United States Government, and that the poorer the claimant the more difficult it is to get a bill through for his relief. I do not know why it is, but it is so. The original claimants are dead, all of them have passed beyond, and this unfortunate woman has a claim that ought to have been paid to her ancestors, but she is still here knocking at the door of the United States and asking for the payment of the claim.

I shall ask that the amendment be added to the general deficiency appropriation bill when it comes up, and I do hope that the claim may be paid.

Mr. CALDER. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The READING CLERK. Add to the bill a new section, as follows:

Upon the filing by the owners in the surveyor's office of the District of Columbia a dedication of the land necessary to extend Rittenhouse Street from the Metropolitan Branch of the Baltimore & Ohio Railroad Co. east to Sligo Mill Road, through parcels or tracts of land known as 115/51 and 115/52, the Commissioners of the District of Columbia are hereby authorized and directed, within 30 days thereafter, to institute and prosecute proceedings in the Supreme Court of the District of Columbia holding a district court, for the condemnation of the land necessary for the remainder of said street, so as to extend same from its present terminus at Blair Road east to Sligo Mill Road.

Such proceedings shall be governed as to assessment of damages and benefits under the laws of said District provided for the condemnation and extension of streets and avenues. And when the land for said street is so dedicated and condemned, the said street shall be taken and used with its present grade at said railroad tracks with the same intent and meaning as any other street so situated, any law or regulation to the contrary notwithstanding.

Mr. CURTIS. May I ask the Senator a question?

Mr. CALDER. Certainly.

Mr. CURTIS. Does this amendment in any way involve an appropriation of money?

Mr. CALDER. It does not. It is simply a street-opening matter that is very much desired by the Order of the Eastern Star Hospital here in town.

Mr. CURTIS. I have no objection to the amendment. I understand the property is to be dedicated by the property owners on each side. If no other Senator objects to the amendment it may be inserted in the bill.

Mr. SMOOT. I wish to ask who is going to pay for the improvement of the street after it is opened?

Mr. CALDER. I understand the original improvement of streets in this city is done by assessing the abutting property owners.

Mr. SMOOT. Half of it, and only half.

Mr. CALDER. Of course, the Senator from Utah knows more about it than I do, but it was my impression that the original improvement was entirely paid for by assessing the abutting property owners.

Mr. SMOOT. One-half of the amount is paid by the owners of the abutting property.

Mr. CALDER. I am not interested in it except that I was asked to introduce the amendment, and it seemed to me to be a matter to which there could be no objection. It is very much desired, and if there is any objection urged to it in conference, I shall have no complaint if the conferees throw it out.

Mr. SMOOT. If there is nothing in the amendment guaranteeing that the abutting property owners shall pay the expense of the improvement of the street, the Senate may just as well know now as later that if the road is improved the Government of the United States and the District of Columbia will have to pay one-half of the cost of the improvement.

Mr. CURTIS. Mr. President, the amendment was brought to my attention only this morning, and I was advised that it called for no appropriation. I understand now that it does, and, as it has not been estimated for by the department, I make the point of order against the amendment.

Mr. CALDER. There is nothing in the amendment providing for the paving of the street at all. It only proposes to initiate proceedings to permit its opening. There is nothing in it at all which requires subsequent legislation to pave the street.

Mr. SMOOT. But does not the Senator think that if Congress authorizes the opening of the street in the very next District bill which will be before Congress an appropriation will be asked to improve the street? If not, they had better not do anything with it.

Mr. CALDER. When that time comes we can take the matter up.

Mr. SMOOT. We are virtually obligating ourselves to go on with the road and improve it. Of course, if the Senator from Kansas [Mr. CURTIS] wants to allow it to go into the bill for further investigation with a view, if he finds that to improve the road the Government of the United States will have to provide the money, that it shall go out in conference, I have not any objection.

Mr. CURTIS. I will state to the Senator from Utah that that was my object. I was told that there would be no appropriation carried in this item. I have not had time to look into it, and, in order to save discussion, I make the point of order that the item was not estimated for by the District Commissioners.

The VICE PRESIDENT. The point of order is sustained.

Mr. CALDER. Mr. President, I submit another amendment, which I send to the Secretary's desk.

The VICE PRESIDENT. The amendment proposed by the Senator from New York will be stated.

The READING CLERK. On page 60, at the beginning of line 16, it is proposed to strike out the word "nineteen" and to insert the word "twenty," and at the end of the same line, following the word "one," to insert "including one driver heretofore paid from the appropriation for transportation of prisoners."

Mr. CURTIS. I ask the Senator from New York if the driver involved is a member of the police force of the District of Columbia?

Mr. CALDER. This man has been a driver of the van that takes the prisoners from the courts to the house of detention and the prison. He was overlooked, I will say, when we passed the police bill early in this session, at which time we put all the patrol drivers in the uniformed police service. This amendment affects one man, a man who has been a van driver here for 45 years, and it seems to me is meritorious.

Mr. CURTIS. So far as I am concerned, I shall not object to the amendment.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. CALDER. I offer another amendment, which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from New York will be stated.

The READING CLERK. It is also proposed, on page 80, line 5, after the word "Jail," to strike out the words "including salary of driver, not to exceed $1,000"; and in line 8, to strike out "$5,200" and to insert "$4,200."

The VICE PRESIDENT. The amendment is agreed to without objection.

Mr. CALDER. I submit another amendment, which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from New York will be stated.

The READING CLERK. On page 49, line 21, it is proposed to strike out "$1,200" and insert in lieu thereof "$1,500," so as to read:

For 10 graduate nurses, 3 of whom shall be colored, who shall act as public-school nurses, at $1,500 each.

Mr. CURTIS. I make the point of order against that amendment that it has not been estimated for by the District Commissioners.

The VICE PRESIDENT. The point of order is sustained. The bill is before the Senate as in Committee of the Whole and open to further amendment. If there be no further amendments, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. CURTIS. I ask unanimous consent that the Secretary may be authorized to correct all totals requiring correction.

The VICE PRESIDENT. In the absence of objection, it will be so ordered.

CALLING THE ROLL.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Hale	McKellar	Smith, Md.
Ball	Harris	McNary	Smoot
Calder	Henderson	Nelson	Sterling
Capper	Jones, N. Mex.	New	Sutherland
Chamberlain	Jones, Wash.	Nugent	Swanson
Comer	Kellogg	Overman	Thomas
Culberson	Kendrick	Page	Trammell
Curtis	Keyes	Phelan	Underwood
Dial	King	Phipps	Wadsworth
Dillingham	Knox	Pittman	Warren
France	Lenroot	Ransdell	
Gay	Lodge	Sheppard	
Glass	McCumber	Shields	

The VICE PRESIDENT. Forty-nine Senators have answered to the roll call. There is a quorum present.

NAVAL APPROPRIATIONS.

Mr. PAGE. I move that the Senate proceed to the consideration of House bill 13108, being the naval appropriation bill.

The motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 13108) making appropriations for the naval service for the fiscal year ending June 30, 1921, and for other purposes, which had been reported from the Committee on Naval Affairs with amendments.

Mr. PAGE. I ask unanimous consent that the formal reading of the bill be dispensed with; that it be read at this time for amendments, and that in the consideration of amendments the committee amendments be first considered.

The VICE PRESIDENT. Is there any objection?

Mr. KING. May I inquire of the Senator from Vermont does that mean to dispense with the entire reading of the bill?

Mr. PAGE. No; it will be read, but the committee amendments will be considered as the reading proceeds.

Mr. KING. Very well; I have no objection.

The VICE PRESIDENT. The Chair hears no objection, and it is so ordered. The bill will be read for action upon the amendments of the committee.

The Assistant Secretary proceeded to read the bill.

The first amendment of the Committee on Naval Affairs was, under the head of "Pay, miscellaneous," on page 4, line 2, after the word "jurisdiction," to insert "and for payment of"; and, in line 3, after the words "in all," to strike out "$3,550,000" and insert "$5,332,000," so as to make the clause read:

For commissions and interest; transportation of funds; exchange; mileage to officers of the Navy and Naval Reserve Force while traveling under orders in the United States, and for actual personal expenses of officers of the Navy and Naval Reserve Force while traveling abroad under orders, and for traveling expenses of civilian employees, and for mileage, at 5 cents per mile, to midshipmen entering the Naval Academy while proceeding from their homes to the Naval Academy for examination and appointment as midshipmen; for actual traveling expenses of female nurses; actual expenses of officers while on shore patrol duty; hire of launches or other small boats in Asiatic waters; for rent of buildings and offices not in navy yards; expenses of courts-martial, prisoners and prisons, and courts of inquiry, boards of inspection, examining boards, with clerks, and witnesses' fees, and traveling expenses and costs; expenses of naval defense districts; stationery and recording; religious books; newspapers and periodicals for the naval service; all advertising for the Navy Department and its bureaus (except advertising for recruits for the Bureau of Navigation); copying; ferriage; tolls; costs of suits; commissions, warrants, diplomas, and discharges; relief of vessels in distress; recovery of valuables from shipwrecks; quarantine expenses; reports; professional investigation; cost of special instruction at home and abroad, including maintenance of students and attachés: *Provided*, That this appropriation and the appropriation "Pay, Marine Corps," shall be available for special allowances for maintenance to officers and enlisted men of the Navy and Marine Corps serving under unusual conditions; information from abroad, and the collection and classification thereof; all charges pertaining to the Navy Department and its bureaus for ice for the cooling of drinking water on shore (except at naval hospitals), telephone rentals and tolls, telegrams, cablegrams, and postage, foreign and domestic, and post-office box rentals; and other necessary and incidental expenses: *Provided further*, That the sum to be paid out of this appropriation, under the direction of the Secretary of the Navy, for clerical, inspection, and messenger service in navy yards, naval stations, for the fiscal year ending June 30, 1921, shall not exceed $1,000,000 and for necessary expenses for the interned persons and prisoners of war under the jurisdiction of the Navy Department, including funeral expenses for such interned persons or prisoners of war as may die while under such jurisdiction, and for payment of claims for damages under naval act approved July 11, 1919; in all, $5,332,000.

The amendment was agreed to.

The next amendment was, on page 4, line 19, after the word "oil," to insert "and other fuel"; in line 20, after the word "oil," to strike out "and"; in the same line, after the word "gasoline," to insert "and other fuel"; and on page 5, line 5, before the word "employment," to strike out "temporary," so as to read:

Investigation of fuel oil and other fuel: For an investigation of fuel oil, gasoline, and other fuel adapted to naval requirements, including the question of supply and storage and the availability economically and otherwise of such supply as may be allowed by the naval reserves on the public domain, and for such other expenses for transportation and hire of vehicles in connection with naval petroleum reserves, as the Secretary of the Navy may deem appropriate, for the purchase of necessary instruments and appliances, for the extension of the naval fuel-oil testing plant at the navy yard, Philadelphia, Pa., and the employment of civilian experts and assistants.

The amendment was agreed to.

The next amendment was, on page 5, in line 6, after the word "assistants," to insert "at Washington, D. C., and elsewhere," and in line 7, after the word "elsewhere," to strike out "$30,000" and insert "$50,000: *Provided*, That the Secretary of the Navy is directed to take possession of all properties within the naval petroleum reserves as are or may become vested in the United States; to conserve, develop, use and operate the same in his discretion, directly or by contract, lease or otherwise, and to use, store, exchange, refine, sell, or otherwise dispose of the oil and gas products thereof, and those from all royalty oil, for the benefit of the United States: *And provided further*, That such sums as have been or may be turned into the Treasury of the United States from royalties on lands within the naval petroleum reserves prior to July 1, 1921, not to exceed $500,000, are hereby made available for this purpose until July 1, 1922: *Provided further*, That this appropriation shall be reimbursed from the proper appropriations on account of the oil and gas products from said properties used by the United States at such rate, not in excess of the market value of the oil, as the Secretary of the Navy may direct."

Mr. LODGE. Mr. President, I ask the chairman of the committee if he will not pass over that amendment.

Mr. PAGE. Certainly.

Mr. LODGE. It is one which the committee has not finally decided upon with regard to form, and I think we had better pass it over.

Mr. PAGE. I shall be very glad to have it passed over.

The VICE PRESIDENT. The amendment will be passed over.

Mr. SMOOT. Mr. President, there is an amendment on page 5, beginning at line 7, providing that "the Secretary of the Navy is directed to take possession of all property within the naval petroleum reserves," and so forth.

Mr. LODGE. That is what I had passed over.

Mr. SMOOT. That went over?

Mr. LODGE. That went over. It is all one amendment.

Mr. SMOOT. All right.

Mr. LODGE. If the Senator will read it, he will see that it is all one amendment. You have to take out the amount appropriated, because it connects with the other. Of course, there is no objection to the words "Washington, D. C., and elsewhere, $50,000."

Mr. SMOOT. No.

Mr. LODGE. It is the proviso that I want to have go over, and it has all gone over.

Mr. SMOOT. I want to make a point of order on it as soon as I can.

Mr. LODGE. I will say to the Senator that that amendment will be modified and I think may meet his objection.

The reading of the bill was resumed.

The next amendment of the Committee on Naval Affairs was, on page 6, line 11, after the word "purposes," to strike out "$15,876,000" and insert "$25,000,000," so as to read:

Aviation, Navy: For aviation, to be expended under the direction of the Secretary of the Navy for procuring, producing, constructing, operating, preserving, storing, and handling aircraft, establishment and maintenance of aircraft stations, for experimental work in development of aviation for naval purposes, and for the purchase or manufacture and issue of special clothing, wearing apparel, and similar equipment for aviation purposes, $25,000,000, to be expended as follows.

Mr. KING. Mr. President, I ask that that item may be passed over until we dispose of the various items which together aggregate that amount.

Mr. LODGE. Mr. President, all those items are for one purpose, and that is to increase the appropriations for aviation. If one goes, they will all go.

Mr. KING. If the Senator will pardon me, I desire, when we reach one or two of the amendments farther on, to make some inquiry concerning them. If there should be a reduction in those items, it would necessitate some little change in the total.

Mr. LODGE. Oh, of course the total should be corrected, as it always is.

Mr. KING. I have no objection, with that understanding.

Mr. LODGE. But as far as this question of aviation goes, we might as well discuss it now as at any time, I think.

Mr. KING. I do not know that I shall have any discussion. I simply want to ask a question when we come to one or two of the items farther on.

Mr. LODGE. All of those items ought to be considered together. They are all part of the same thing.

Mr. SMITH of Maryland. Mr. President, I understood the Senator to say that he had no objection, provided the total was looked after.

Mr. LODGE. The totals will be looked after by the clerks.

Mr. KING. I have no objection to agreeing upon the total, providing that if there is any diminution in any of these items we will not have to go back and move to reconsider.

Mr. LODGE. Certainly not. The total will be changed, of course.

The VICE PRESIDENT. Without objection, the total is agreed to.

Mr. LODGE. But those aviation appropriations have not yet been read.

The ASSISTANT SECRETARY. The committee proposes, on page 6, line 11, to strike out "$15,876,000" and in lieu thereof to insert "$25,000,000."

The VICE PRESIDENT. The Chair understands that that amendment is agreed to, with the understanding that if, in the consideration of the subsequent items, the amounts are changed the clerks will change the total to correspond to them.

The reading of the bill was resumed.

The next amendment of the Committee on Naval Affairs was, on page 6, line 12, after the word "aircraft," to strike out "$3,464,400" and insert "$6,500,000," so as to read:

For necessary aircraft, $6,500,000.

Mr. KING. Mr. President, I owe an apology to the chairman of the committee for not being familiar with these items. I was unable to attend the sessions of the committee when it was considering this bill, being absent. With the information which I now possess, I am not satisfied with these appropriations. It seems to me that they are entirely too much—the item of $6,500,000 for necessary aircraft; the item of $5,400,000 for new construction at stations; the item of $7,075,000 for maintenance and operation of aircraft factory, helium plant, air stations, fleet activities, and conversion of tenders, testing laboratories, and overhauling planes; and the item of $3,700,000 for continuing experiments and development work on all types of aircraft.

Mr. President, I do not believe that the situation now calls for the large expenditures for these purposes that are provided for here. It seems to me that there is a duplication, too, with respect to a number of the items. For instance, for necessary aircraft $6,500,000 is appropriated, and then, for new construction at stations, $5,400,000. I am not sure whether that $5,400,000 relates to buildings or relates to aircraft proper. If it relates to buildings, it seems to me the appropriation is entirely too much, because we know that during the war we spent a great many millions in the construction of buildings, and it would seem to me that we have sufficient, as the aftermath of the war, to avoid expending this large sum now for that purpose.

Mr. PAGE. Mr. President, if the Senator desires I can give him the items making up the $5,400,000.

Mr. KING. I should be glad to get any information the Senator cares to give.

Mr. PAGE. The items are as follows:

Air station at Rockaway, nothing.
Station at Cape May, $30,000.
Station at Hampton Roads, $20,000.
Station at San Diego, $180,000.
Station at Pensacola, $270,000.
Existing activities:
At Yorktown, nothing.
At Quantico, $155,000.
At Paris Island, $87,000.
At Great Lakes, $100,000.
At Charleston, $50,000.
At Lakehurst, $459,000.
At New London, nothing.
The proposed activities cover the following:
Rigid Station, Fla., $100,000.
Rigid Station, West Coast, $2,775,000.
Dutch Flats, $65,000.
Boston, nothing.
Narragansett Bay, $81,000.
Philadelphia, nothing.
Annapolis, nothing.
Guantanamo, $97,000.
Culebra, nothing.
Portsmouth, N. H., nothing.
San Pedro, Calif., $81,000.
Hawaiian Islands, $930,000.
Astoria, nothing.
Port Angeles, nothing.
West Coast storage, nothing.

Those are the items. If the Senator desires to go into further details we can refer to the Book of Estimates, and, I think, can go still deeper; but those are the items that are reported upon which this estimate of $5,480,000 has been suggested.

Mr. KING. Mr. President, may I inquire of the Senator whether those various amounts are required for the construction of buildings?

Mr. PAGE. This is all new construction, I believe, at stations.

Mr. KING. Did the committee believe that $900,000 was required at Pearl Harbor for the construction of buildings for naval airplanes?

Mr. PAGE. I should like to correct myself. The footings are not given for each item here, but they are under the head of "Stations," "Existing activities," and "Proposed activities." The $930,000 is the amount which the department say is necessary for this work.

Mr. KING. At Hawaii?

Mr. PAGE. At Hawaii; yes, sir.

Mr. KING. For buildings?

Mr. PAGE. For all work connected with the whole matter of aviation.

Mr. KING. Mr. President, I am not sufficiently advised as to these various items, but I confess that they do not strike me as being proper or needed.

Mr. PAGE. Mr. President, as I understand the matter, the whole question of aviation may be considered here as well as anywhere. The House recommended $15,876,000. The Senate committee took up this matter with a good deal of care, and decided that we had not made as large appropriations for aviation as we ought. The Senator will remember that last year we appropriated $25,000,000, and after full consideration we were unanimously of the opinion that that sum ought to be appropriated for the fiscal year ending June 30, 1921.

Mr. KING. Without desiring to be critical, Mr. President, I confess that after making some little investigation I have been unable to ascertain what became of the $25,000,000; that is to say, I do not think the results justified the expenditures.

Mr. PAGE. I have this memorandum, which I think touches upon this point pretty well:

The effect of this amendment is to increase the appropriation for aviation in the sum of $9,124,000. War experience is so recent that the vital importance of aviation to all military operations ashore and afloat is still a matter of common knowledge. Money judiciously spent now for attacking the problem will save considerable wastage later. It was agreed that this matter is urgent. The development of the aviation branch of the Navy of the United States should not be permitted to lag behind that of the naval services of other Governments. It is believed that adequate funds for aviation purposes should be made available by this Congress. The Senate committee were unanimous in their opinion that the importance of aviation warranted this additional expenditure.

The sum of $25,000,000, as recommended by the committee, has been itemized in accordance with a statement furnished by the officer in charge of naval aviation.

That I have read.

The various amounts are those compiled by the proper officials of the department based on the proposed program of aviation activities for the next fiscal year.

Mr. LODGE. Mr. President, I desire to say only a few words. The full committee gave very careful attention to this important addition to the appropriations. We were not fortunate enough to have the Senator from Utah [Mr. KING] with us; he was absent from the Senate at the time; but all the items were considered with great care, and the report of the committee was unanimous.

There lies at the bottom of this appropriation the policy we are going to pursue with regard to naval aviation. There can be no doubt that the naval flying machine, the hydroairplane, is now and will be one of the most important branches of naval defense. To deprive the Navy under modern conditions of an air service would be like cutting off an arm—it would be almost a deadly blow. It can not be done, in the opinion of the committee, for the sum appropriated by the House. It all turns on the total appropriation.

The defense of the Nation is not a subject for economy. It is false economy to cut down the appropriations which are necessary for the Navy as a naval military force. I am as adverse to wasting money or to the careless and heedless expenditure of money as anyone can possibly be.

This does not come even under the head of those appropriations which can wait, which need not be made at this time. It is for the immediate protection of the country, and to cut and pare such appropriations is not economy; it is wanton extravagance; it is inviting danger.

The Hawaiian station, Pearl Harbor, to which the Senator particularly alluded, is perhaps the most important single item, although it is but a small part of the total appropriation, because that is our outpost in the Pacific. The Pacific coast needs naval defense more than the Atlantic coast at this time, and it needs it now, and everything must be done to strengthen that defense

not merely in the fleet, but in all the appurtenances of the fleet and all that is necessary to give it its highest efficiency.

Pearl Harbor is very important to the Aviation Service. It is an integral part of the defense of the Pacific coast. If we are going to make the appropriation which the committee of the Senate regards as absolutely essential, then all these allotments ought to go as they have been arranged not only by the care of the department but by the care of the committee.

The question, and the only real question, is whether we are going to make an appropriation sufficient to maintain the naval aviation, and that depends on the addition of ten millions, which the committee proposes. There is nothing in the bill, in my judgment, so important to the safety of the United States as this item.

Mr. SMITH of Maryland. I suggest to the Senator that the probabilities are that one-half of our Navy will be on the Pacific coast, and therefore the great importance of supplying this arm for the protection of that portion of the Navy.

Mr. LODGE. I thank the Senator for the suggestion. That is absolutely true. It is one of the most important arguments for it. We not only must have the Navy, we must have a capable independent fleet on the Pacific coast, and the sooner we meet that the better. If danger is coming, it is coming there.

Mr. KING. Mr. President, just a word. I do not disagree with my distinguished friend, the Senator from Massachusetts [Mr. LODGE], generally speaking. It has been the policy of our Government for many years to build up an adequate Navy. It has been felt that the defense of this country rested upon the Navy rather than upon a large standing Army. With that policy I do not think any patriotic American can complain.

It does seem to me, however, that in these days of peace to expend approximately $1,000,000,000 for military and naval purposes for one year is imposing too great a burden on the taxpayers and upon the people. I am afraid that there is not sufficient economy in the administration of the War and Navy Departments, if we are to spend approximately $1,000,000,000 this coming year for the Military and Naval establishments.

Mr. President, I do not know what the bill of Great Britain will be for the coming year for her navy, but I believe it will be less than this; and when we remember the expenditures of the Government before entering the war, and when we take into account the tremendous burdens we will have to bear for the coming year, it occurs to me that approximately a billion dollars is too much for the Army and the Navy.

I appreciate the fact that to attack this bill successfully there must be an adequate knowledge of each particular item. I do not have a sufficient knowledge respecting these items to challenge attention particularly to any one as being extravagant. But remembering the appropriation we made last year for naval aviation, and counting the results of that appropriation, I have not any hesitancy in saying that the amount which is called for in this bill is entirely too much. I think the aggregate amount of the bill is too much.

The House passed a bill appropriating $425,289,574. The Senate committee has added to that more than $40,000,000, and the report of the committee bearing upon it states that the amount appropriated by the bill for purely naval purposes is $466,236,574. It is interesting to note that the estimates submitted in November, 1919, for the support of the Naval Establishment for the fiscal year 1921 totals $573,131,254.80, and then there were formal supplemental estimates aggregating $9,500,000, then a supplemental recommendation of the Secretary of the Navy for new ship construction, to cost $195,000,000, one-half of which was recommended to be made available in the next fiscal year, which would be $98,000,000. So the total amount requested for the Naval Establishment for the next fiscal year was $680,681,254.80.

Yet this is a Republic and we are two years removed from the war. We are now asked to appropriate the stupendous sum of more than half a billion dollars for the current year. It is entirely too much, and in my judgment it will not meet with the approval of the American people.

The amendment was agreed to.

The next amendment was, on page 6, in line 14, after the word "aircraft," to strike out "$300,000" and insert "$400,000"; in line 16, after the word "stations," to strike out "$1,257,000"; in line 17, after the word "training," to strike out "$100,000" and insert "$150,000"; in line 18, after the word "plant," to strike out "aircraft" and insert "air"; in line 19, after the word "activities," to insert "and conversion of tenders"; in line 20, after the word "planes," to strike out "$6,044,600" and insert "$7,075,000"; in line 21, after the word "work," to strike out "for"; in line 22, after the word "aircraft," to strike out "$2,935,000" and insert "$3,700,000"; and on page 7, line 15, before "continental," to insert "the"; so as to read:

Aviation, Navy: For aviation, to be expended under the direction of the Secretary of the Navy, for procuring, producing, constructing, operating, preserving, storing, and handling aircraft, establishment and maintenance of aircraft stations, for experimental work in development of aviation for naval purposes, and for the purchase or manufacture and issue of special clothing, wearing apparel, and similar equipment for aviation purposes, $25,000,000, to be expended as follows: For necessary aircraft, $6,500,000; for necessary equipment for heavier-than-air and lighter-than-air craft, $400,000; to continue authorized construction of one rigid airship, $1,500,000; for new construction at stations, $5,400,000; for new equipment for training, $150,000; for maintenance and operation of aircraft factory, helium plant, air stations, fleet activities, and conversion of tenders, testing laboratories, and for overhauling of planes, $7,075,000; for continuing experiments and development work on all types of aircraft, $3,700,000; for pay of classified force, $275,000; and the money herein specifically appropriated for "Aviation" shall be disbursed and accounted for in accordance with existing law as "Aviation" and for that purpose shall constitute one fund: *Provided*, That the sum to be paid out of this appropriation, under the direction of the Secretary of the Navy, for drafting, clerical, inspection, and messenger service for aircraft stations shall not exceed $275,000: *Provided further*, That the Secretary of the Navy is hereby authorized to consider, ascertain, adjust, determine, and pay out of this appropriation the amounts due on claims for damages which have occurred or may occur to private property growing out of the operations of naval aircraft, where such claim does not exceed the sum of $500: *Provided further*, That all claims adjusted under this authority during any fiscal year shall be reported in detail to the Congress by the Secretary of the Navy: *Provided further*, That no part of this appropriation shall be expended for maintenance of more than six heavier-than-air stations on the coasts of the continental United States: *Provided further*, That no part of this appropriation shall be used for the construction of a factory for the manufacture of aeroplanes.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Navigation," on page 8, line 23, after the word "service," to insert "rental, maintenance, operation, exchange, and repair of motor-propelled passenger-carrying vehicles for official use," so as to make the clause read:

Transportation and recruiting: For travel allowance of enlisted men discharged on account of expiration of enlistment; transportation of enlisted men and apprentice seamen and applicants for enlistment at home and abroad, with subsistence and transfers en route, or cash in lieu thereof; transportation to their homes, if residents of the United States, of enlisted men and apprentice seamen discharged on medical survey, with subsistence and transfers en route, or cash in lieu thereof; transportation of sick or insane enlisted men and apprentice seamen to hospitals, with subsistence and transfers en route, or cash in lieu thereof; transportation of enlisted men of the Naval Reserve Force to and from duty, with subsistence and transfers en route, or cash in lieu thereof; transportation of civilian officers and crews of naval auxiliaries; apprehension and delivery of deserters and stragglers, and for railway guides and other expenses incident to transportation; expenses of recruiting for the naval service; rental, maintenance, operation, exchange, and repair of motor-propelled passenger-carrying vehicles for official use; rent of rendezvous and expenses of maintaining the same; advertising for and obtaining men and apprentice seamen; actual and necessary expenses in lieu of mileage to officers on duty with traveling recruiting parties, $3,500,000.

The amendment was agreed to.

The reading of the bill was continued to line 12, page 9, the last paragraph read being as follows:

Recreation for enlisted men: For the recreation, amusement, comfort, contentment, and health of the Navy, and for such other purposes of like character as the Secretary of the Navy may deem advisable, to be expended in the discretion of the Secretary of the Navy, under such regulations as he may prescribe: *Provided*, That not more than one person shall be employed hereunder at a rate of compensation exceeding $1,800 per annum, $800,000.

Mr. PAGE. I have been asked to allow this paragraph to be passed over until a later time.

The VICE PRESIDENT. It will be passed over.

The reading of the bill was resumed.

The next amendment was, on page 10, line 9, after the word "ranges," to strike out "$100,000" and insert "$150,000," so as to make the clause read:

Gunnery and engineering exercises: Prizes, trophies, and badges for excellence in gunnery, target practice, engineering exercises, and for economy in fuel consumption, to be awarded under such rules as the Secretary of the Navy may formulate; for the purpose of printing, recording, classifying, compiling, and publishing the rules and results; for the establishment and maintenance of shooting galleries, target houses, targets, and ranges; for hiring established ranges, and for transporting equipment to and from ranges, $150,000.

The amendment was agreed to.

The next amendment was, on page 10, line 18, after the words "paid to," to strike out "officers" and insert "members," and in line 19, after the word "Force," to insert "which shall not exceed $100 for the first enrollment or $30 for any subsequent enrollment of enrolled (enlisted) men," so as to make the clause read:

Outfits on first enlistment: During the fiscal year ending June 30, 1921, the clothing and small stores fund shall be charged with the value of all issues of clothing and small stores made to enlisted men and apprentice seamen required as outfits on first enlistment, not to exceed $100 each, and for civilian clothing not to exceed $15 per man to men given discharges for bad conduct, undesirability, or inaptitude, and the

uniform gratuity paid to members of the Naval Reserve Force, which shall not exceed $100 for the first enrollment or $30 for any subsequent enrollment of enrolled (enlisted) men.

The amendment was agreed to.

The next amendment was, on page 11, line 14, after the word "inspection," to strike out "$500,000" and insert "$1,200,000," so as to make the clause read:

Instruments and supplies: Supplies for seamen's quarters; and for the purchase of all other articles of equipage at home and abroad; and for the payment of labor in equipping vessels therewith and manufacture of such articles in the several navy yards; all pilotage and towage of ships of war; canal tolls, wharfage, dock and port charges, and other necessary incidental expenses of a similar nature; services and materials in repairing, correcting, adjusting, and testing compasses on shore and on board ship; nautical and astronomical instruments and repairs to same; libraries for ships of war, professional books, schoolbooks, and papers; maintenance of gunnery and other training classes; compasses, compass fittings, including binnacles, tripods, and other appendages of ship's compasses; logs and other appliances for measuring the ship's way, and leads and other appliances for sounding; photographs, photographic instruments and materials, printing outfit and materials; and for the necessary civilian electricians for gyrocompass testing and inspection, $1,200,000.

The amendment was agreed to.

The next amendment was, on page 12, line 12, after the words "in all," to strike out "$125,000" and insert "$250,000," so as to make the clause read:

Naval training station, California: Maintenance of naval training station, Yerba Buena Island, Calif.: Labor and material; buildings and wharves; general care, repairs, and improvements of grounds, buildings, and wharves; wharfage, ferriage, and street car fare; purchase and maintenance of live stock, and attendance on same; wagons, carts, implements, tools, and repairs to same; fire engines and extinguishers, gymnastic implements, models, and other articles needed in instruction of apprentice seamen; printing outfit and materials, and maintenance of same; heating and lighting; stationery, books, schoolbooks, and periodicals; fresh water and washing; packing boxes and materials; and all other contingent expenses; maintenance of dispensary building; lectures and suitable entertainments for apprentice seamen; in all, $250,000.

The amendment was agreed to.

The next amendment was, on page 13, line 5, after the words "in all," to strike out "$250,000" and insert "$300,000," so as to make the clause read:

Naval training station, Rhode Island: Maintenance of naval training station, Rhode Island: Labor and material, buildings and wharves; dredging channels; extending sea walls; repairs to causeway and sea wall; general care, repairs, and improvements of grounds, buildings, and wharves; wharfage, ferriage, and street car fare; purchase and maintenance of live stock and attendance on same; wagons, carts, implements, and tools, and repairs to same, including the maintenance, repair, and operation of two horse-drawn passenger-carrying vehicles to be used only for official purposes; fire engines and extinguishers; gymnastic implements; models and other articles needed in instruction of apprentice seamen; printing outfit and materials and maintenance of same; heating and lighting; stationery, books, schoolbooks, and periodicals; fresh water and washing; packing boxes and materials; and all other contingent expenses; lectures and suitable entertainments for apprentice seamen; in all, $300,000: *Provided*, That the sum to be paid out of this appropriation under the direction of the Secretary of the Navy for clerical, drafting, inspection, and messenger service for the fiscal year ending June 30, 1921, shall not exceed $15,701.60.

The amendment was agreed to.

The next amendment was, on page 14, line 5, after the words "Great Lakes," to strike out "$500,000" and insert "$600,000," so as to make the clause read:

Naval training station, Great Lakes: Maintenance of naval training station: Labor and material; general care, repairs, and improvements of grounds, buildings, and piers; street car fare; purchase and maintenance of live stock and attendance on same; wagons, carts, implements, and tools, and repairs to same, including the maintenance, repair, and operation of one horse-drawn passenger-carrying vehicle to be used only for official purposes; fire apparatus and extinguishers; gymnastic implements; models and other articles needed in instruction of apprentice seamen; printing outfit and material and maintenance of same; heating and lighting and repairs to power-plant equipment, distributing mains, tunnel, and conduits; stationery, books, schoolbooks, and periodicals; washing; packing boxes and materials; lectures and suitable entertainments for apprentice seamen; and all other contingent expenses: *Provided*, That the sum to be paid out of this appropriation under the direction of the Secretary of the Navy for clerical, drafting, inspection, and messenger service for the fiscal year ending June 30, 1921, shall not exceed $45,000; in all, naval training station, Great Lakes, $600,000.

The amendment was agreed to.

The next amendment was, on page 14, line 14, after the words "in all," to strike out "$300,000" and insert "$500,000," so as to make the clause read:

Naval training station, naval operating base, Hampton Roads, Va.: Maintenance of naval training station at naval operating base, Virginia, labor and material, general care, repairs, and improvements; schoolbooks; and all other incidental expenses: *Provided*, That the sum to be paid out of this appropriation under the direction of the Secretary of the Navy for clerical, drafting, inspection, and messenger service for the fiscal year ending June 30, 1921, shall not exceed $25,000; in all, $500,000.

The amendment was agreed to.

Mr. PAGE. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The READING CLERK. On page 14, after line 14, insert the following:

The Secretary of the Navy is hereby authorized, in his discretion, to establish at each of the permanent naval training stations summer schools for boys between the ages of 16 and 20 years. For this purpose he is authorized to use such buildings, or other accommodations, at such training stations; to loan any naval equipment necessary for such purposes, and to give instructions which will fit them for service in the Navy of the United States. He is empowered to establish and enforce such rules within the camp as may be necessary and to detail such members of the naval personnel as may be required in order to encourage and execute the spirit of this act.

The Secretary of the Navy is further authorized to loan the necessary naval uniforms during the period of training and to furnish subsistence, medical attendance, and other necessary incidental expenses for those attending these schools: *Provided*, That those under instruction, with the consent of their parents or their guardians, shall enroll in the Naval Reserve Force for not less than three months, and no person not so enrolled shall be admitted to said training school. For carrying out the provisions of this paragraph the sum of $375,000 is appropriated.

Mr. KING. I should like to ask the chairman of the committee, not quite understanding the first part of the amendment tendered, whether the purpose is to take into these schools civilians?

Mr. PAGE. Yes; any boy who wants to serve and receive the education to fit him for naval life may enroll in the Naval Reserve and obtain the benefits of this legislation.

Mr. KING. Does the Senator think that schools conducted under those circumstances would be calculated to obtain recruits for the Navy? Is that the purpose of the provision?

Mr. PAGE. The purpose of the provision is to give boys between 16 and 20 years of age an opportunity to receive an education that will fit them for naval life.

Mr. KING. No one could disagree with any proposition that would provide for properly training those who have enlisted in the Navy, but I am not quite clear as to the advisability of the Navy Department establishing schools wherever it sees fit for the purpose of educating civilians.

Mr. PAGE. I will say to the Senator that we had this matter under advisement for some time, and finally cut the appropriations from $750,000 to $375,000. These are the items:

Subsistence for two months	$105,000
Clothing, partial outfits, at $50 each	250,000
Overhead expenses	20,000

We have cut it down to the minimum, if we are to carry out the provision which seeks to educate boys in naval affairs.

Mr. SWANSON. If the Senator will permit me, I will state that in the Army reorganization bill we incorporated a provision for voluntary military training in the Army.

It is impossible to get recruits for the Navy unless an opportunity is afforded to educate boys who have naval proclivities. We have made a very restricted provision here. Under it about 5,000 boys a year can be called into the naval service. We go further and do better than we did with the Army. They go into these schools and receive instruction, say, 5,000 of them a year, and they are enrolled in the Naval Reserve Force for three months, and they enter the Naval Reserve. When they are in the Naval Reserve, if an emergency should arise or war should come on, the Government could call out all these men, so educated for these two or three months in the Naval Reserve, and have men efficient for some service, without paying them and keeping them in the service all during the interim.

To my mind it is one of the most efficient schemes for providing an efficient Naval Reserve and having a supply of men ready in case of war. I think it is one of the best provisions in the bill. The Senator from Utah will later realize that when he understands it. If each year we can take 5,000 boys and equip them for naval service and teach them to be expert seamen and put them in the Naval Reserve, where they must be retained for four years, subject to the orders of the Government, and pay them nothing, except during the time of instruction, and then be able to call on them in case of war, we have provided a very prompt and efficient way to have a Naval Reserve in time of emergency.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Vermont.

The amendment was agreed to.

The next amendment was, on page 14, line 16, after the word "Force," to insert "and Naval Militia"; in line 18, after the word "wharfage," to strike out "$50,000" and insert "$500,000"; and, in line 19, after the word "That," to insert "except in case of emergency," so as to make the clause read:

Naval Reserve Force: For expenses of organizing, administering, and recruiting the Naval Reserve Force and Naval Militia; for the maintenance and rental of armories, including the pay of necessary janitors, and for wharfage, $500,000: *Provided*, That except in case of emergency no part of the money appropriated in this act shall be used for the training of any member of the Naval Reserve Force except with his own consent.

The amendment was agreed to.

The next amendment was, on page 14, after line 22, to insert:

Receiving barracks: Maintenance of receiving barracks, $200,000.

Mr. PAGE. At this point, on page 14, line 22, I wish to offer the following amendment, which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The READING CLERK. On page 14, at the end of line 22, after the word "consent," insert the following additional proviso:

Provided further, That of the Organized Militia as provided by law, such part of the same as may be duly prescribed in any State, Territory, or the District of Columbia shall constitute a Naval Militia; and such Naval Militia as organized and prescribed by the Secretary of the Navy in General Order No. 158, dated July 10, 1915, by authority of the act of Congress which became a law February 16, 1914, shall be a part of the Naval Reserve Force; the Secretary of the Navy is authorized to maintain and provide for said Naval Militia as provided in said act of February 16, 1914: *And provided further*, That the members of said Naval Militia to secure the benefits of this act must enroll in the Naval Reserve Force and shall have all the benefits, gratuities, privileges, and emoluments as provided by law for other members of said Naval Reserve Force; and all duty performed in the Naval Militia shall, with the approval of the Secretary of the Navy, be counted as active service for maintenance of efficiency as provided by law for members of the Naval Reserve Force. All moneys appropriated for the Naval Reserve Force shall be, and hereby are, made available for the Naval Militia: *And provided further*, That all parts of acts inconsistent with this act are hereby repealed as far as they affect the Naval Militia.

Mr. KING. May I inquire of the chairman of the committee whether this Naval Militia is confined to a few States or whether it applies to all the States?

Mr. PAGE. It may apply to all the States, as I understand it. I should like to read for the benefit of the Senator just a few sentences from a letter of the Secretary of the Navy:

The Naval Militia of New York, which is a very splendid body of men and did excellent work in the war, is in this position: That unless we restore the status which was prepared by a body of officers of the Navy of 1915, it is not permissible for the department to furnish arms, equipment, and vessels for training at the discretion of the Secretary of the Navy to the Naval Militia. Under the present laws, while the Naval Militia is ready and willing, I have not the authority to furnish them arms even in the greatest emergency, and therefore I am writing to suggest that you incorporate in the bill the inclosed amendment after the word "consent," on line 22, page 14. This will give substantially to the Naval Militia the same status as the Naval Militia had before the war and will preserve them as part of the Naval Reserve Force.

The amendment was agreed to.

The next amendment was, on page 15, line 16, after the word "secretary," to strike out "$1,800" and insert "$2,200"; in line 17, after the word "mechanic," to strike out "$1,800" and insert "$2,200"; in the same line, after the word "at," to strike out "$900" and insert "$1,080"; in line 18, after the word "at," to strike out "$900" and insert "$1,200"; in line 22, before the word "laundresses," to strike out "two" and insert "five"; in line 23, after the word "each," to strike out "3 laundresses, at $300 each"; in line 25, before the word "waitresses," to strike out "4" and insert "10"; in the same line, after the word "each," to strike out "4 waitresses, at $300 each"; on page 16, line 2, before the word "laborers," to strike out "7" and insert "5"; in line 7, after the word "each," to strike out "3" and insert "2"; in line 8, after the word "at" where it occurs the first time, to strike out "$600" and insert "$660"; in line 13, before the word "total," to insert "1 electrician, $1,400; 2 stenographers and typewriters, at $1,400 each; 1 stenographer and typewriter, $1,200; 1 stenographer and typewriter, $1,000; 1 telephone operator, $900"; and in the same line, after the word "employees," to strike out "$39,540" and insert "$47,280," so as to make the clause read:

Naval Home, Philadelphia, Pa., pay of employees: One secretary, $2,200; 1 foreman mechanic, $2,200; 1 superintendent of grounds, at $1,080; 1 steward, at $1,200; 1 store laborer, at $660; 1 matron and office assistant, at $720; 1 beneficiaries' attendant, at $480; 1 chief cook, at $660; 1 assistant cook, at $540; 1 assistant cook, at $480; 1 chief laundress, at $420; 5 laundresses, at $360 each; 1 chief scrubber, at $420; 3 scrubbers, at $360 each; 1 head waitress, at $480; 10 waitresses, at $360 each; 1 kitchen attendant, at $540; 5 laborers, at $660 each; 5 laborers, at $540 each; one stable keeper and driver, at $660; 1 master at arms, at $900; 2 house corporals, at $600 each; 1 barber, at $600; 1 carpenter, at $1,200; 1 painter, at $1,200; 1 painter, at $1,020; 1 engineer, $1,080; 4 laborers, at $720 each; 2 laborers, at $840 each; 1 laborer, at $660; 1 chauffeur, coal truck, at $960; 1 chauffeur, small truck, at $840; 1 chauffeur, governor's car, $840; 1 electrician, $1,400; 2 stenographers and typewriters, at $1,400 each; 1 stenographer and typewriter, $1,200; 1 stenographer and typewriter, $1,000; 1 telephone operator, $900; total for employees, $47,280.

The amendment was agreed to.

The next amendment was, on page 17, line 6, after the word "purposes," to strike out "$105,366" and insert "$110,366," and in line 7, after the word "Home," to strike out "$144,906" and insert "$157,646," so as to make the clause read:

Maintenance: Water rent, heating, and lighting; cemetery, burial expenses, and headstones; general care and improvements of grounds, buildings, walls, and fences; repairs to power-plant equipment, implements, tools, and furniture, and purchase of the same; music in chapel and entertainments for beneficiaries; stationery, books, and periodicals; transportation of indigent and destitute beneficiaries to the Naval Home, and of sick and insane beneficiaries, their attendants, and necessary subsistence for both, to and from other Government hospitals; employment of such beneficiaries in and about the Naval Home, as may be authorized by the Secretary of the Navy, on the recommendation of the governor; support of beneficiaries, and all other contingent expenses, including the maintenance, repair, and operation of one horse-drawn passenger-carrying vehicle, two motor-propelled vehicles, and one motor-propelled passenger-carrying vehicle, to be used only for official purposes, $110,366; in all, Naval Home, $157,646, which sum shall be paid out of the income from the naval pension fund.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Ordnance," on page 18, line 9, after "$2,000,000," to insert "of which $100,000 is authorized for drafting and technical force to be employed in the Bureau of Ordnance, Navy Department at Washington, District of Columbia," so as to make the clause read:

Ordnance and ordnance stores: For procuring, producing, preserving, and handling ordnance material; for the armament of ships, for fuel, material, and labor to be used in the general work of the Ordnance Department; for furniture at naval ammunition depots, torpedo stations, naval ordnance plants, and proving grounds; for maintenance of proving grounds, powder factory, torpedo stations, gun factory, ammunition depots, and naval ordnance plants, and for target practice; for the maintenance, repair, or operation of horse-drawn and motor-propelled freight and passenger-carrying vehicles, to be used only for official purposes at naval ammunition depots, naval proving grounds, naval ordnance plants, and naval torpedo stations, and for the pay of chemists, clerical, drafting, inspection, and messenger service in navy yards, naval stations, naval ordnance plants, and naval ammunition depots: *Provided*, That quarterly reports on all gasoline passenger and freight automobiles shall be made on form No. 124, and one copy of each report shall be filed in the Bureau of Yards and Docks: *Provided further*, That the sum to be paid out of this appropriation under the direction of the Secretary of the Navy for chemists, clerical, drafting, inspection, watchmen, and messenger service in navy yards, naval stations, naval ordnance plants, and naval ammunition depots for the fiscal year ending June 30, 1921, shall not exceed $2,000,000, of which $100,000 is authorized for drafting and technical force to be employed in the Bureau of Ordnance, Navy Department at Washington, District of Columbia; in all, $17,500,000.

The amendment was agreed to.

The next amendment was, on page 18, after line 14, to insert:

Torpedo station, Newport, R. I.: For labor and material; general care of and repairs to grounds, buildings, and wharves; boats, instruction, instruments, tools, experiments, and general torpedo outfits, $200,000.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Yards and Docks," on page 20, line 3, after the word "leave," to strike out "$6,500,000" and insert "$9,000,000," so as to make the clause read:

Maintenance, Bureau of Yards and Docks: For general maintenance of yards and docks, namely, for books, maps, models, and drawings; purchase and repair of fire engines; fire apparatus and plants; machinery; operation, repair, purchase, maintenance of horses and driving teams, carts, timber wheels, and all vehicles, including motor-propelled and horse-drawn passenger-carrying vehicles to be used only for official purposes, and including motor-propelled vehicles for freight-carrying puposes only for use in all navy yards and naval stations; tools and repair of the same; stationery; furniture for Government houses and offices in navy yards and naval stations; coal and other fuel; candles, oil, and gas; attendance on light and power plants; cleaning and clearing up yards and care of buildings; attendance on fires, lights, fire engines, and fire apparatus and plants; incidental labor at navy yards; water tax, tolls, and ferriage; pay of watchmen in navy yards; awnings and packing boxes; and pay for employees on leave, $9,000,000.

The amendment was agreed to.

The next amendment was, on page 20, after line 22, to insert:

Navy yard, Boston, Mass.: Dry dock, South Boston, accessories and equipment, $300,000.

The amendment was agreed to.

The next amendment was, on page 21, line 5, after "$200,000," to insert "two cranes for building slips, $100,000," and in line 6, after the words "in all," to strike out "$297,000" and insert "$397,000," so as to make the clause read:

Navy yard, New York, N. Y.: Storage facilities for gasoline and turpentine, $6,000; additional wood block paving, $50,000; extension, distributing system, $41,000; steel storage crane runway and electric traveling cranes, $200,000; two cranes for building slips, $100,000; in all, $397,000.

The amendment was agreed to.

The next amendment was, on page 21, line 13, after "$100,000," to insert "two cranes for building slips, $100,000," and in line 14, after the words "in all," to strike out "$1,100,000" and insert "$1,200,000," so as to make the clause read:

Navy yard, Philadelphia, Pa.: Dry dock, to complete, and the limit of cost is increased to $6,300,000, $1,000,000; general dredging, $100,000; two cranes for building slips, $100,000; in all, $1,200,000.

The amendment was agreed to.

The next amendment was, on page 21, line 23, after "$220,000," to insert "crane for building slip, $50,000; water-front improvements to continue, $250,000; in all, $520,000," so as to make the clause read:

Navy yard, Norfolk, Va.: Steel storage, to complete, $220,000; crane for building slip, $50,000; water-front improvements to continue, $250,000; in all, $520,000.

The amendment was agreed to.

Mr. PAGE. I suggest on page 22, after line 2, to insert the amendment which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from Vermont will be stated.

The READING CLERK. On page 22, after line 2, it is proposed to insert the following:

Naval Station, Key West, Fla.: Distilling plant, $75,000.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Vermont.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Naval Affairs was, on page 22, after line 4, to insert:

Docking and repair plant, San Francisco Bay: Toward the establishment of a docking and repair plant for capital ships on San Francisco Bay, including the development thereof with necessary facilities, $1,000,000: *Provided*, That the Secretary of the Navy shall appoint a naval board to advise and report to Congress as to which of the two sites, Alameda, Calif., or Hunters Point, Calif., shall be most advantageous for the Government and the estimated cost of each, said report to be made not later than October 1, 1920.

The Secretary of the Navy is hereby authorized to exchange a tract of land containing 10.427 acres, more or less, owned by the United States, comprising a portion of the naval radio station, South San Francisco, Calif., for a tract of land containing 10.427 acres, more or less, owned by the South San Francisco Land & Improvement Co., to execute the necessary instruments to effect such an exchange, and to make just compensation to said company for dismantling radio mast and terminating existing lease, and the sum of $6,000, or so much thereof as may be required, is hereby appropriated for the foregoing purposes.

Mr. PAGE. In the committee amendment, on page 22, line 10, after the word "the," I move to strike out "2" and to insert in lieu thereof "3"; in line 11, after the comma, following the word "California," to insert the words "or Carquinez, Calif."; and in line 14, to strike out "October 1" and insert in lieu thereof "November 15." That is practically all one amendment.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Vermont to the amendment reported by the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Naval Affairs was, on page 23, after line 14, to insert:

The Secretary of the Navy is hereby authorized to accept from King County, Wash., free from any encumbrances and conditions, without cost to the United States Government, a certain tract of land containing 250 acres, more or less, at Sand Point, for use as an aviation base.

The amendment was agreed to.

The next amendment was, on page 24, line 9, after "$200,000," to insert "joint Army and Navy water-supply system for Fort Kamehameha and Ford Island, $190.000," and, in line 11, after the words "in all," to strike out "$890,000" and insert "$1,080,000," so as to make the clause read:

Naval station, Pearl Harbor, Hawaii: Electric connections to dry dock, $15,000; central power plant extensions, $200,000; quay wall connecting dry dock and wharf, $330,000; machine shop, to continue, $100,000; electric-system extensions, $30,000; oxy-acetylene building, $15,000; marine railway, to complete, $200,000; joint Army and Navy water-supply system for Fort Kamehameha and Ford Island, $190,000; in all, $1,080,000.

The amendment was agreed to.

The next amendment was, on page 24, after line 11, to insert:

The Secretary of the Navy is hereby authorized to exchange a tract of land containing 81.7 acres, more or less, being a part of Puuloa Rifle Range Reservation, located at the entrance to Pearl Harbor, Hawaii, forming the northeasterly portion of said reservation, for an equal acreage of land free from encumbrances and located adjoining the northwesterly portion of said reservation.

The amendment was agreed to.

The next amendment was, on page 24, after line 19, to insert:

The Secretary of the Navy is hereby authorized to exchange certain land now a part of the naval station property at Honolulu, Hawaii, necessary for the extension of Punchbowl Street, city of Honolulu, through the naval station, for certain land now owned or to be acquired by the Territory of Hawaii, lying to the northeast of the naval station, Pearl Harbor, Hawaii, and containing 132 acres, more or less, required for naval purposes.

The amendment was agreed to.

The next amendment was, on page 25, after line 5, to insert:

Naval station, Olongapo, Philippine Islands: Pontoon for 20-ton floating derrick, $50,000.

The amendment was agreed to.

Mr. PAGE. I submit an amendment, to come in on page 25, between lines 7 and 8, inserting a new paragraph.

The VICE PRESIDENT. The amendment proposed by the Senator from Vermont will be stated.

The READING CLERK. On page 25, after line 7, it is proposed to insert the following:

The Secretary of the Navy is hereby authorized to construct a hospital building at Olongapo, P. I., at a cost not exceeding $75,000: *Provided*, That the proceeds derived from the sale of the U. S. S. *Repose* are hereby made available, in an amount not to exceed $75,000, for the construction of said building.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Naval Affairs was, on page 25, line 16, after the word "fuel," to insert "Fuel-oil storage at Puget Sound, Wash., $1,050,000; fuel-oil storage at Pearl Harbor, Hawaii, $1,000,000"; and in line 21, after the words "in all," to strike out "$85,000" and insert "$2,135,000," so as to make the clause read:

Depots for coal: For depots for coal and other fuel: Fuel-oil storage at Puget Sound, Wash., $1,050,000; fuel-oil storage at Pearl Harbor, Hawaii, $1,000,000; contingent, $50,000; care and custody of naval petroleum reserves, $10,000; water system at Yorktown, Va., $25,000; in all, $2,135,000.

The amendment was agreed to.

The next amendment was, on page 25, line 25, after "$10,000," to insert "which sum is hereby made immediately available for the control of malaria and mosquito breeding," so as to make the clause read:

Naval operating base, Hampton Roads, Va.: Hot-water returns to boiler house, $100,000; additional railroad track, $25,000; comfort stations, $36,000; sanitation, $10,000, which sum is hereby made immediately available for the control of malaria and mosquito breeding; in all, $171,000.

The amendment was agreed to.

The next amendment was, on page 26, after line 15, to insert:

Submarine base, San Pedro, Calif.: Toward the development of a submarine base, $500,000: *Provided*, That the Secretary of the Navy is hereby authorized to accept from the city of Los Angeles, Calif., free from encumbrances, and without cost to the United States Government, a certain tract of land in the harbor of Los Angeles, Calif., for use as a site for a naval submarine base, and containing 223 acres, more or less.

Mr. PAGE. In the committee amendment on page 26, line 16, after the word "base," I move to strike out the words "San Pedro" and insert in lieu thereof the words "Los Angeles Harbor (San Pedro)." The amendment to the amendment is offered simply for the purpose of identifying San Pedro as a part of Los Angeles.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. PAGE. Also, in the committee amendment, on page 26, line 20, after the word "encumbrances," I move to insert the words "and conditions"; and in line 23, after the word "containing," to strike out the remainder of the paragraph and in lieu thereof to insert "50 acres, more or less, of hard land and 173 acres, more or less, of submerged land."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Naval Affairs was, on page 27, after line 10, to insert:

Submarine, destroyer, and aviation base, Port Angeles, Wash.: Toward the development of a submarine, destroyer, and aviation base, on land owned by the United States, $100,000.

The amendment was agreed to.

The next amendment was, on page 27, line 20, after the word "stations," to strike out "$3,000,000" and insert "$4,000,000," so as to make the clause read:

Repairs and preservation at navy yards: For repairs and preservation at navy yards, fuel depots, fuel plants, and stations, $4,000,000.

The amendment was agreed to.

The next amendment was, on page 27, line 21, after the word "works," to strike out "$10,070,950" and insert "$15,766,950," so as to make the clause read:

Total public works, $15,766,950, and the amounts herein appropriated therefor, except for repairs and preservation at navy yards and stations, shall be available until expended.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Supplies and Accounts," in the item of appropriation for pay of the Navy, on page 32, line 12, before the word "fails," to strike out "declines and," so as to make the proviso read:

Provided, That retainer pay provided by existing law shall not be paid to any member of the Naval Reserve Force who fails to train as provided by law during the year for which he declines to train.

The amendment was agreed to.

Mr. PAGE. I offer an amendment to come in on page 32, after line 13. I send the amendment to the desk and ask the Secretary to read it.

The VICE PRESIDENT. The Secretary will read as requested.

The READING CLERK. On page 32, after line 13, it is proposed to insert a new paragraph, as follows:

That hereafter, immediately upon official notification of the death from wounds or disease, not the result of his own misconduct, of any officer or enlisted man on the active list of the Regular Navy or Regular Marine Corps, or on the retired list when on active duty, the Paymaster

General of the Navy shall cause to be paid to the widow, and if there be no widow to the child or children, and if there be no widow or child to any other dependent relative of such officer or enlisted man previously designated by him, an amount equal to six months' pay at the rate received by such officer or enlisted man at the date of his death. The Secretary of the Navy shall establish regulations requiring each officer and enlisted man having no wife or child to designate the proper dependent relative to whom this amount shall be paid in case of his death. Said amount shall be paid from funds appropriated for the pay of the Navy and Marine Corps: *Provided*, That nothing in this section or in other existing legislation shall be construed as making the provisions of this section applicable to officers or enlisted men of any forces of the Navy of the United States other than those of the Regular Navy and Marine Corps, and nothing in this section shall be construed to apply in commissioned grades to any officers except those holding permanent or provisional appointments in the Regular Navy or Marine Corps.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Naval Affairs was, on page 33, line 6, after the word "service," to insert "expenses in handling provisions," so as to make the clause read:

Provisions, Navy: For provisions and commuted rations for the seamen and marines, which commuted rations may be paid to caterers of messes, in case of death or desertion, upon orders of the commanding officers, commuted rations for officers on sea duty (other than commissioned officers of the line, Medical and Supply Corps, chaplains, chief boatswains, chief gunners, chief carpenters, chief machinists, chief pay clerks, and chief sailmakers) at 68 cents per diem, and midshipmen at $1.08 per diem, and commuted rations stopped on account of sick in hospital and credited at the rate of 68 cents per ration to the naval hospital fund; subsistence of officers and men unavoidably detained or absent from vessels to which attached under orders (during which subsistence rations to be stopped on board ship and no credit for commutation therefor to be given); subsistence of men on detached duty; subsistence of officers and men of the naval auxiliary service; subsistence of members of the Naval Reserve Force during period of active service; expenses in handling provisions and for subsistence of female nurses and Navy and Marine Corps general courts-martial prisoners undergoing imprisonment with sentences of dishonorable discharge from the service at the expiration of such confinement: *Provided*, That the Secretary of the Navy is authorized to commute rations for such general courts-martial prisoners in such amounts as seem to him proper, which may vary in accordance with the location of the naval prison, but which shall in no case exceed 30 cents per diem for each ration so commuted; and for the purchase of United States Army emergency rations as required; in all, $26,000,000, to be available until the close of the fiscal year ending June 30, 1922.

The amendment was agreed to.

The next amendment was, on page 35, line 1, after the word "inspection," to strike out "storemen, store labor"; in line 5, after "$3,500,000," to insert "*Provided further*, That not to exceed $95,000 from 'Proceeds of sales' may be used for necessary employees in the Navy Department in connection with salvage and disposition of excess stocks"; and in line 8, after the words "in all," to strike out "$10,500,000" and insert "$12,500,000," so as to make the clause read:

Maintenance, Bureau of Supplies and Accounts: For fuel; the removal and transportation of ashes and garbage from ships of war; books, blanks, and stationery, including stationery for commanding and navigating officers of ships, chaplains on shore and afloat, and for the use of courts-martial on board ships; purchase, repair, and exchange of typewriters for ships; packing boxes and materials; interior fittings for general storehouses, pay offices, and accounting offices in navy yards; expenses of disbursing officers; coffee mills and repair thereto; expenses of naval clothing factory and machinery for the same; laboratory equipment; purchase of articles of equipage at home and abroad under the cognizance of the Bureau of Supplies and Accounts, and for the payment of labor in equipping vessels therewith, and the manufacture of such articles in the several navy yards; musical instruments and music; mess outfits; soap on board naval vessels; athletic outfits; tolls, ferriages, yeomen's stores, safes, and other incidental expenses; labor in general storehouses, paymasters' offices, and accounting offices in navy yards and naval stations, including naval stations maintained in island possessions under the control of the United States, and expenses in handling stores purchased and manufactured under "General account of advances," and the accounting officers of the Treasury are authorized and directed to credit "General account of advances" with the amount of the net losses which may be certified by the Paymaster General of the Navy as having been incurred in disposing of excess stocks in the naval supply account; and reimbursement to appropriations of the Department of Agriculture of cost of inspection of meats and meat food products for the Navy Department: *Provided*, That the sum to be paid out of this appropriation, under the direction of the Secretary of the Navy, for chemists and for clerical, inspection, and messenger service in the supply and accounting departments of the navy yards and naval stations and disbursing offices for the fiscal year ending June 30, 1921, shall not exceed $3,500,000: *Provided further*, That not to exceed $95,000 from "Proceeds of sales" may be used for necessary employees in the Navy Department in connection with salvage and disposition of excess stocks; in all, $12,500,000.

The amendment was agreed to.

The next amendment was, on page 36, line 6, after the word "therewith," to insert "including necessary technical and clerical assistance in the District of Columbia and elsewhere, not to exceed $75,000," so as to make the clause read:

Fuel and transportation: Coal and other fuel for steamers' and ships' use, including expenses of transportation, storage, and handling the same; maintenance and general operation of machinery of naval fuel depots and fuel plants; water for all purposes on board naval vessels; and ice for the cooling of water, including the expense of transportation and storage of both, $10,000,000: *Provided*, That the United States Shipping Board shall not require payment from the Navy Department for the charter hire of vessels furnished or to be furnished from July 1, 1918, to June 30, 1921, inclusive, for the use of that department when such vessels are owned by the United States Government: *Provided further*, That $1,000,000 of this appropriation shall be available for use, in the discretion of the Secretary of the Navy, in mining coal or contracting for the same in Alaska, the transportation of the same, and the construction of coal bunkers and the necessary docks for use in supplying ships therewith, including necessary technical and clerical assistance in the District of Columbia and elsewhere, not to exceed $75,000; and the Secretary of the Navy is hereby authorized to select from the public coal lands in Alaska such areas as may be necessary for use by him for the purposes stated herein.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Construction and Repair," in the item of appropriation for construction and repair of vessels, on page 37, line 19, after the word "vessels," to strike out "$30,000,000" and insert "$31,000,000."

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Steam Engineering," on page 39, line 12, after the word "service," to insert "including the purchase of land as necessary for radio shore stations"; on page 40, line 6, after the word "exceed," to strike out "$2,250,000" and insert "$2,500,000"; and in line 7, after the word "engineering," to strike out "$28,000,000" and insert "$29,050,000, so as to make the clause read:

Engineering: For repairs, preservation, and renewal of machinery, auxiliary machinery, and boilers of naval vessels, yard craft, and ships' boats, distilling and refrigerating apparatus; repairs, preservation, and renewals of electric interior and exterior signal communications and all electrical appliances of whatsoever nature on board naval vessels, except range finders, battle order and range transmitters and indicators, and motors and their controlling apparatus used to operate machinery belonging to other bureaus; searchlights and fire-control equipments for antiaircraft defense at shore stations; maintenance and operation of coast-signal service, including the purchase of land as necessary for radio shore stations; equipage, supplies, and materials under the cognizance of the bureau required for the maintenance and operation of naval vessels, yard craft, and ships' boats; purchase, installation, repair, and preservation of machinery, tools, and appliances in navy yards and stations, pay of classified force under the bureau; incidental expenses for naval vessels, navy yards, and stations, inspectors' offices, the engineering experiment station, such as photographing, technical books and periodicals, stationery, and instruments; instruments and apparatus, supplies, and technical books and periodicals necessary to carry on experimental and research work in radiotelegraphy at the naval radio laboratory: *Provided*, That the sum to be paid out of this appropriation, under the direction of the Secretary of the Navy, for clerical, drafting, inspection, and messenger service in navy yards, naval stations, and offices of United States inspectors of machinery and engineering material for the fiscal year ending June 30, 1921, shall not exceed $2,500,000, in all, engineering $29,050,000, and the Bureau of Steam Engineering hereafter shall be designated the "Bureau of Engineering."

The amendment was agreed to.

The reading of the bill was continued to line 20, page 40, the last paragraph read being as follows:

NAVAL ACADEMY.

Pay, Naval Academy: Pay of professors and others, Naval Academy: Pay of professors and instructors, including one professor as librarian, $275,000.

Mr. PAGE. Mr. President, on page 40, line 20, after the word "librarian," I move to strike out "$275,000" and to insert in lieu thereof "$385,000."

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Naval Affairs was, under the head of "Marine Corps," on page 45, after line 18, to strike out:

The number of enlisted men in the Marine Corps appropriated for by this act is authorized at 27,400.

The amendment was agreed to.

The next amendment was, on page 45, after line 21, to insert:

The authorized enlisted strength of the active list of the Marine Corps is hereby permanently established at 27,400, distribution in the various grades to be made in the same proportion as provided under existing law.

The amendment was agreed to.

Mr. PAGE. On page 46, after line 2, I move the amendment which I send to the desk and ask to have stated.

The VICE PRESIDENT. The amendment will be stated.

The READING CLERK. On page 46, line 2, after the word "law" and before the period, it is proposed to insert a colon and the following proviso:

Provided, That all officers serving temporarily in the grades of captain and below upon the date of the passage of this act shall be eligible to fill existing vacancies and those hereby created in the permanent authorized strength in said grades by transfer to or reappointment in the permanent Marine Corps in the grades not above that of captain. Transfers so made shall be without regard to age, and if found not qualified for transfer to the same grade as that held by them on the date of transfer then to lower grades after qualification. All officers so transferred shall establish to the satisfaction of the Secretary of the Navy, under such rules as he may prescribe, their mental, moral, professional, and physical qualifications to perform the duties of the grade to which transferred or reappointed and shall take precedence with each other and with other officers of the Marine Corps in such order as may be recommended by a board of marine officers and approved by the Secretary of the Navy: *Provided*, That all persons who served honorably as officers in the Marine Corps or Marine Corps Reserve on active duty at any time between April 6, 1917, and the date of the passage of this act and who have been honorably discharged or assigned to inactive duty shall be eligible for permanent appointment in the same or a

lower rank than that held on discharge or assignment to inactive duty, but not above the rank of captain, to fill vacancies existing or hereby created in the permanent authorized strength of the Marine Corps under the same conditions as those above prescribed for officers now in the service: *Provided further*, That all transfers and appointments made in accordance with the provisions of this section shall be accomplished by June 30, 1921.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Naval Affairs was, under the head of "Maintenance, Quartermaster's Department," subhead "Marine Corps," in the item of appropriation for "Contingent, Marine Corps," on page 52, line 19, after "$2,740,322," to insert "*Provided*, That not to exceed $318,000 of the unexpended balance on June 30, 1920, of the appropriation 'Maintenance, Quartermaster's Department, Marine Corps,' contained in the naval appropriation act for 1920, approved July 11, 1919, is reappropriated and made immediately available until used, for replacing the present wooden-stave water pipe with cast-iron pipe at the marine barracks, Quantico, Va.," so as to read:

For the construction, operation, and maintenance of laundries; and for all emergencies and extraordinary expenses arising at home and abroad, but impossible to anticipate or classify, $2,740,322: *Provided*, That not to exceed $318,000 of the unexpended balance on June 30, 1920, of the appropriation "Maintenance, Quartermaster's Department, Marine Corps," contained in the naval appropriation act for 1920, approved July 11, 1919, is reappropriated and made immediately available until used, for replacing the present wooden-stave water pipe with cast-iron pipe at the marine barracks, Quantico, Va.

The amendment was agreed to.

The next amendment was, under the subhead "Increase of the Navy," on page 53, line 16, after the word "expended," to strike out "$48,000,000" and insert "$52,000,000," so as to make the clause read:

Increase of the Navy, construction and machinery: On account of hulls and outfits of vessels and machinery of vessels heretofore authorized, to be available until expended, $52,000,000.

The amendment was agreed to.

The next amendment was, on page 53, after line 16, to insert:

On account of completion and fitting out of seven type "B" vessels as aviation and destroyer tenders, to be available until expended, $11,700,000: *Provided*, That these vessels shall be completed at the Hog Island plant of the United States Shipping Board Emergency Fleet Corporation, from fabricated material now on hand at that plant, and that for the fabrication of these vessels and for their completion up to the point when, in common agreement between the chairman of the Shipping Board and the Secretary of the Navy, these vessels are far enough advanced in their construction to be taken over and completed by the Secretary of the Navy as he may direct, and for this purpose the United States Emergency Fleet Corporation is authorized to continue the Hog Island plant in operation.

The amendment was agreed to.

The next amendment was, on page 54, line 12, after the word "authorized," to strike out "$104,000,000" and insert "$108,000,000," so as to make the clause read:

Total increase of the Navy heretofore authorized, $108,000,000.

The amendment was agreed to.

Mr. PAGE. After line 17, on page 54, I move to insert the following:

Hospital ship *No. 1*, from $3,250,000 to $4,355,000.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Naval Affairs was, on page 54, line 21, after the word "Submarine," to inclose the letter "S" in brackets.

The amendment was agreed to.

The next amendment was, on page 54, line 23, after the word "Submarines," to inclose the letter "R" in brackets.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. PAGE. Mr. President, I have two amendments that I should like to suggest as coming from the committee.

On page 3, line 7, after the word "instruction," the words "at home and" should be in italics. This is simply a clerical error, and the change is made so that it will appear properly on the books of the Secretary.

The VICE PRESIDENT. The amendment will be stated.

The READING CLERK. On page 3, line 7, after the word "instruction," the words "at home and" should appear in italics as a committee amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. PAGE. On page 9, after line 4, I move the insertion of an amendment which I send to the desk and ask to have stated.

The VICE PRESIDENT. The amendment will be stated.

The READING CLERK. On page 9, after line 4, it is proposed to insert the following:

The Bureau of Navigation, Navy Department, is hereby directed to furnish to the proper officers in the several States, Territories, insular possessions, and the District of Columbia of the United States, statements of the services of all persons from those several places who entered the naval service during the war with Germany, and for that purpose a sum not to exceed $300,000 is hereby appropriated for obtaining the necessary material and the employment of the necessary clerical force.

The amendment was agreed to.

Mr. PAGE. On page 9, lines 7 and 8, I move to strike out, commencing on line 7, the words "and for such other purposes of like character as the Secretary of the Navy may deem advisable."

The amendment was agreed to.

Mr. PAGE. On page 9, line 10, after the word "than," I move to strike out "one person" and insert "five persons."

The amendment was agreed to.

Mr. PAGE. On page 17, line 19, the words "freight and" are printed in roman, and they should be in italics. I move that the change be made in order to constitute a committee amendment.

The VICE PRESIDENT. The amendment will be stated.

The READING CLERK. On page 17, line 19, after the words "motor-propelled," it is proposed to insert the words "freight and."

The amendment was agreed to.

Mr. PAGE. On page 26, between lines 6 and 7, I move to insert:

Naval Hospital, Las Animas, Colo.: Railroad connection with Arkansas Valley Railroad, $60,000.

The amendment was agreed to.

Mr. PAGE. On page 32, after the word "he," in line 13, I move to strike out the word "declines" and in lieu thereof to insert the word "fails."

The amendment was agreed to.

Mr. PAGE. On page 47, line 12, after the word "posts," I move to strike out "$100,000" and to insert in lieu thereof "$145,852."

The amendment was agreed to.

Mr. JONES of Washington. Mr. President, the Senator from Utah [Mr. SMOOT] desired me to call for a quorum when we got through with the bill. I understand that there is a committee amendment passed over.

The VICE PRESIDENT. There is.

Mr. JONES of Washington. The Senator from Utah wished to be heard on that amendment.

Mr. LODGE. There is an amendment passed over. There is another one that the committee is not yet ready to go on with. So I should think it would be better to adjourn until to-morrow.

Mr. JONES of Washington. I will not make the point of no quorum if an adjournment is to be taken. The Senator just asked that I do it——

Mr. LODGE. Of course, we can consider any individual amendments which may be offered.

Mr. JONES of Washington. I think that amendment is all the Senator from Utah is interested in.

Mr. LODGE. That is all; I know that.

Mr. CALDER. Mr. President, I submit the following amendment.

The VICE PRESIDENT. The Secretary will report the amendment offered by the Senator from New York.

The READING CLERK. On page 32, under "Pay of the Navy," following line 13, insert the following:

Hereafter any officer or enlisted man on the retired list may, on his own application, in the discretion of the Secretary of the Navy, be ordered to active duty, and while employed on active duty shall receive the full pay and allowances of his rank or rating.

Mr. CALDER. Mr. President, that puts a retired officer who is in the service at this time exactly on the same footing that he is on in war time. In peace time, when a retired officer comes back to the service, he receives no pay or allowances higher than the pay and allowances given to a lieutenant commander, even if he is an admiral. It seems to me to be just that a man who comes back in peace time should receive the compensation of his rank.

Mr. PAGE. Mr. President, I feel constrained to raise a point of order on that amendment, as much as I dislike to do so.

The VICE PRESIDENT. The Chair overrules the point of order.

The amendment was agreed to.

The VICE PRESIDENT. The Secretary will report the first amendment passed over.

The READING CLERK. The first amendment passed over is, on page 5, line 6, in the item for an investigation of fuel oil and other fuel.

Mr. LODGE. I hope that amendment will not be taken up to-night. There is another amendment which also must be completed before we pass the bill. That can not be done to-night.

So, unless the chairman of the committee has other amendments to offer, I shall move to adjourn.

Mr. PAGE. I believe that every matter has been attended to except one or two which it has been agreed may go over for further consideration.

Mr. LODGE. I move that the Senate adjourn.

The motion was agreed to; and (at 3 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, April 28, 1920, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *April 27, 1920.*

The House met at 12 o'clock noon, and was called to order by Mr. CAMPBELL of Kansas as Speaker pro tempore.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We thank Thee, our Father in heaven, that Thou didst create man a progressive being and didst place within his reach the means and opportunities for the betterment of life and its conditions.

It is a far reach from savagery to civilization, but man has proved himself worthy of the trust bestowed upon him. Yet we realize that perfection is still far away but the ideals are beckoning on.

The room for improvement, it is said, is the largest room in the world; but the light is dawning. The longings, hopes, and aspirations within us are the spurs which move us onward and upward to the goal reached by the Master ages ago.

Under the inspiration of His life, example, and precepts, grant that we may push forward with undaunted hope and courage until we all come unto the measure of the stature of the fullness of Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

ORDER OF BUSINESS.

Mr. FREAR. Mr. Speaker, I ask for two minutes in which to prefer a request for unanimous consent.

The SPEAKER pro tempore. The gentleman will state his request.

Mr. FREAR. Mr. Speaker, I desire to address the House either this afternoon or to-morrow, immediately after the regular order, upon the soldiers' compensation act, and I desire to do this for this purpose, if I may explain: I have been in consultation with the Treasury officials for some time and have prepared what I believe is an important and a very interesting proposition to place before the House. It includes tables which I think we all ought to have, whether we adopt the plan or not. There is no politics or partisanship in what I desire to say, and in view of the billion and a half dollars it is proposed to appropriate for the soldiers, I desire very much to present these facts to the House.

Mr. GARNER. Mr. Speaker, reserving the right to object, if I understand the gentleman correctly, he proposes to discuss the method by which we shall raise this money?

Mr. FREAR. Practically so.

Mr. GARNER. To meet whatever legislation we pass. I shall not object, but I shall ask that this side of the House have 10 or 15 minutes in order to meet any suggestion——

Mr. CLARK of Missouri. Why not take as much time as the gentleman from Wisconsin does?

Mr. GARNER. Then 30 minutes on this side of the House.

Mr. CLARK of Missouri. Mr. Speaker, I desire to ask the gentleman a question.

Mr. MONDELL. Mr. Speaker, if I may be allowed, the Democratic side of the House has already had an hour and 10 minutes more than the Republican side in the discussion of these very matters.

Mr. CLARK of Missouri. The Democratic side of the House obtained the hour and a half in general debate upon an appropriation bill.

Mr. MONDELL. But the Democratic side of the House received an hour and 10 minutes more than the Republican side on the debate.

Mr. GARNER. But that was under general debate on a bill before the House in Committee of the Whole.

Mr. MONDELL. I understand that it was under general debate, but it was with a clear understanding of what was going to be discussed. I have no objection to it and was very glad to accede to it, but having done that it does not seem to me there should be undue quibbling now over a division of time.

Mr. CLARK of Missouri. If the gentleman will yield, the gentleman from Iowa [Mr. GOOD] made a speech of an hour and a half, which was the first one that I know of that was made on this subject, so that if you are going to count the Rainey speech in this timekeeping business the Republicans are still 40 minutes ahead.

Mr. MONDELL. We had no advantage in the time. At the time Mr. GOOD made his speech the time was evenly divided, and the Rainey speech, with the 10 minutes additional that were allotted to him, was extra time without a division upon this side and without any corresponding time on this side.

Mr. GARNER. I think the gentleman is mistaken about that.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

Mr. GARD. Mr. Speaker, reserving the right to object——

Mr. MADDEN. Mr. Speaker, I demand the regular order.

The SPEAKER pro tempore. The gentleman from Illinois demands the regular order.

Mr. GARD. Mr. Speaker, a parliamentary inquiry.

Mr. MADDEN. But the gentleman can not cut me off with a parliamentary inquiry.

Mr. GARD. I desire to know whether the gentleman from Wisconsin makes his request to speak this afternoon or to-morrow?

Mr. FREAR. This afternoon, preferably, or to-morrow, if that is the wish of the leaders on either side of the House.

Mr. CLARK of Missouri. Which one does the gentleman want?

Mr. FREAR. I asked this for this afternoon.

Mr. GARD. I have no objection if the gentleman desires to make it this afternoon.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent that at the conclusion of the special order to-day he may be permitted to address the House—for how long?

Mr. FREAR. For half an hour.

The SPEAKER pro tempore. Thirty minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. GARNER. Mr. Speaker, I ask unanimous consent that at the conclusion of the remarks of the gentleman from Wisconsin the gentleman from Missouri [Mr. CLARK] may control 30 minutes for the purpose of discussing the bonus.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent that at the conclusion of the remarks of the gentleman from Wisconsin [Mr. FREAR] the gentleman from Missouri may control 30 minutes, to be disposed of as he sees fit. Is there objection?

Mr. DYER. Mr. Speaker, reserving the right to object, and I do not intend to object, might we not know from the chairman of the Committee on Ways and Means, or from the leader on the Democratic side of the House, just when this proposed legislation is coming up and how much debate there is going to be on the matter when it does come up? Some seven or eight Members have secured the privilege to speak on this proposition, and it is impossible for an ordinary Member, like myself, of course, to secure any time when there are so many distinguished Members seeking the opportunity to give information. I would like to know when the bill is coming up and whether or not there will be an opportunity to get two or three minutes when it does come up. I think we are entitled to know.

Mr. CRISP. Mr. Speaker, will the gentleman yield?

Mr. DYER. Yes.

Mr. CRISP. The gentleman addressed his inquiry to this side of the House as well as to the other. I am a member of the Committee on Ways and Means. The Democratic members are not permitted to meet with the majority members of that committee when making up this bonus legislation, so we do not know on this side of the House when it will come up.

Mr. GREEN of Iowa. Will the gentleman yield?

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. DYER. Mr. Speaker, I am making an ihquiry, and I trust no one will ask for the regular order, and we may get some information on this, which certainly would be of benefit to all Members of the House. I will yield to the gentleman from Iowa.

Mr. GREEN of Iowa. The gentleman from Georgia and other gentlemen on the Democratic side have been called in conference and have sat in conference. The objection, as I understand it, is because there are some Republican conferences around this House in which they have not been called in.

Mr. CRISP. I do not know of any very important conference. We have been called into committee to consider this cash bonus proposition, and we had a number of hearings on that.

Mr. GREEN of Iowa. When the entire bill is ready the gentleman will be called into conference.

Mr. BLANTON. After it is cut and dried.

Mr. GREEN of Iowa. Just the same way I was called in before when the Democrats had the House.

Mr. DYER. Will not the gentleman from Wyoming state when this bill is to come up and how much discussion there will be, as far as he is able to inform us at this time?

Mr. MONDELL. Mr. Speaker, there is absolutely nothing definite and settled finally in regard to the matter. I think the proposition is that the matter will be called up on the 3d day of May, Monday, if there be no objection, and the matter should be discussed the legislative day.

Mr. LONGWORTH. Will the gentleman yield?

Mr. MONDELL. I do not think I have the floor.

Mr. DYER. Still reserving the right to object, I will yield to the gentleman.

Mr. LONGWORTH. While I do not undertake to speak for the chairman of the committee, I think I can safely say to the gentleman we hope that the full committee may meet on Friday and discuss the bill, and then as speedily as possible thereafter we hope to bring it to the attention of the House.

Mr. GARNER. May I ask the gentleman from Ohio a question? The gentleman from Ohio and those who are acting with him hope to bring it up on Monday, the 3d of May, providing the insurgents do not show sufficient strength to cause them to change their plans?

Mr. LONGWORTH. I would be glad to state to the gentleman that so far as I am able to tell there is no such thing as insurgents on this side of the House. [Laughter on the Democratic side of the House.]

The SPEAKER pro tempore. Is there objection?

Mr. MANN of Illinois. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MANN of Illinois. If this request is granted, can the speeches not made to-day come into to-morrow, Calendar Wednesday?

The SPEAKER pro tempore. If the House should adjourn the special order would carry over until the next day on which they would be in order.

Mr. MANN of Illinois. That is the inquiry I made, whether they would be in order to-morrow.

Mr. MONDELL. These requests, I understand, are for the day.

Mr. MANN of Illinois. That is not the way the request was made.

Mr. MONDELL. The special orders so far made have related to this legislative day.

Mr. MANN of Illinois. That is not the request submitted by the gentleman from Texas. I have no objection to it, but I desire to know whether——

The SPEAKER pro tempore. Will the gentleman from Texas give attention?

Mr. GARNER. I beg the gentleman's pardon. Mr. Speaker, I merely wanted to reserve 30 minutes to the gentleman from Missouri [Mr. CLARK], because you can not tell the position of gentlemen——

Mr. MANN of Illinois. I am not making objection to it, but making an inquiry whether it would go over until to-morrow if it is not reached to-day?

Mr. GARNER. I refer that to the gentleman from Missouri, whether he wants to use it to-day or——

Mr. MONDELL. But I understand these requests all relate to this legislative day.

Mr. CLARK of Missouri. How much time has been promised?

The SPEAKER pro tempore. Three hours and ten minutes.

Mr. CLARK of Missouri. We have plenty of time to take it up to-day.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas that at the conclusion of the remarks of the gentleman from Wisconsin the gentleman from Missouri [Mr. CLARK] shall have 30 minutes? [After a pause.] The Chair hears none.

Mr. JOHNSON of South Dakota. Mr. Speaker, I ask unanimous consent that on Thursday after the reading of the Journal and disposition of matters on the Speaker's table I be allowed to address the House for 30 minutes on the subject of adjusted compensation of soldiers and the method that shall be used to secure money to pay the bill.

The SPEAKER pro tempore. The gentleman from South Dakota [Mr. JOHNSON] asks unanimous consent that at the conclusion of the reading of the Journal and disposition of matters on the Speaker's table on Thursday that he be permitted to address the House for 30 minutes on the adjustment of soldiers' pay. Is there objection?

Mr. MONDELL. Mr. Speaker, reserving the right to object, it is planned to bring in on Thursday a rule for the consideration of the bill for the retirement of civil-service employees. We should have the entire day for the discussion of that matter. It would take that time, I am sure, and I do not believe it would be wise to have any special provision for speeches on that day, and I shall have to object.

Mr. DYER. Mr. Speaker, I trust the gentleman will not object——

The SPEAKER pro tempore. Objection is heard.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Dudley, its enrolling clerk, announced that the Senate had passed with amendments the bill (H. R. 11892) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had passed the following resolution:

Senate resolution 353.

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. CHARLES A. NICHOLS, late a Representative from the State of Michigan.

Resolved, That a committee of six Senators be appointed by the Presiding Officer to join the committee appointed by the House of Representatives to take order for the superintending of the funeral of Mr. NICHOLS at Detroit, Mich.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

And that under the second resolution the Presiding Officer had appointed Mr. TOWNSEND, Mr. NEWBERRY, Mr. FERNALD, Mr. ASHURST, Mr. HARRISON, and Mr. KEYES as said committee on the part of the Senate.

EQUALIZATION OF THE RATES OF PENSIONS, ETC.

Mr. FULLER of Illinois. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 9369, for the purpose of moving to agree to the Senate amendments.

Mr. JOHNSON of South Dakota. Reserving the right to object, will the gentleman withhold that a moment——

The SPEAKER pro tempore. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 9369) to revise and equalize rates of pensions to certain soldiers, sailors, and marines of the Civil War, to certain widows, former widows, dependent parents and children of such soldiers, sailors, and marines, and to certain Army nurses, and granting pensions and increase of pensions in certain cases.

The SPEAKER pro tempore. Is there objection?

Mr. GARD. Mr. Speaker, reserving the right to object, is this the bill providing for an increase of Civil War pensions to soldiers and widows of soldiers?

Mr. FULLER of Illinois. It is.

Mr. GARD. I have no objection.

Mr. DYER. Will the gentleman yield?

Mr. FULLER of Illinois. I will.

Mr. DYER. What increase do the Senate amendments provide?

Mr. FULLER of Illinois. The Senate amendments give the benefit of the provisions of the act to the surviving soldiers of the Mexican War, the Mexican War widows, and the widows of the War of 1812.

Mr. DYER. And it does not make any increase in the bill as the House passed it?

Mr. FULLER of Illinois. It does not.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois [Mr. FULLER]?

Mr. MANN of Illinois. Mr. Speaker, reserving the right to object, does my colleague have any objection to having the Senate amendments reported now?

Mr. FULLER of Illinois. No.

The SPEAKER pro tempore. The Clerk will report the Senate amendments.

The Senate amendments were read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

Mr. RAYBURN. Reserving the right to object, I did not have the bill before me, and I could not, therefore, understand what was meant by striking out "1915" and inserting "1905."

Mr. FULLER of Illinois. Under the present law the limitation as to date of marriage, in order to give the widow a pensionable status, is June 27, 1905. Under the bill as it passed the House it was proposed to extend the time 10 years, or until

June 27, 1915. The Senate has stricken out that provision and leaves the date as it is in the existing law, which is June 27, 1905.

Mr. RAYBURN. Under this bill, if a woman married a soldier in 1905 and he has since died, what is her pension under this Senate bill?

Mr. FULLER of Illinois. Thirty dollars, if she was married prior to June 27, 1905.

Mr. RAYBURN. Under this Senate bill. What was her pension under the House bill?

Mr. FULLER of Illinois. There is no change except as to date.

Mr. RAYBURN. How much does this increase the bill as it passed the House? How much do the additions that the Senate has made increase the amount carried in the bill?

Mr. FULLER of Illinois. In leaving the limitation as to date of marriage at June 27, 1905, it reduces the cost of the bill, of course, by the number of cases that would come in during those 10 years.

Mr. RAYBURN. I know; but the Senate materially increased the amount.

Mr. FULLER of Illinois. It was stated in the debate in the Senate that the expense of the bill would be just about the same as when it came from the House, and that the added cost incurred by the addition of the Mexican soldiers, and the widows of Mexican soldiers, and of the War of 1812, would not amount to more than what the bill would be reduced by leaving the date of marriage as in the existing law. So the expense would be about the same, although, in my opinion, the expense of the bill for the first year would not be anything nearly as much as was estimated, because that estimate was made on the number on the roll on the 30th day of June last. It was then estimated that the cost of the bill would be about $65,000,000. Since that time the pension roll has been reduced, I think, by more than 50,000 pensioners who have died. In the last month, the month of March, of the soldiers and widows of the Civil War an average of 200 died each day.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois [Mr. FULLER]?

Mr. ASHBROOK. Mr. Speaker, reserving the right to object—and I certainly do not intend to object, because I know there is no Member of this House more pleased and rejoiced than I am that this bill is so near a law—I rise for the purpose first of congratulating the gentleman from Illinois [Mr. FULLER], the able chairman of the Invalid Pensions Committee, upon the very great honor that is about to become his, because I believe no greater honor has ever come to him or ever will come to him than to be the father of the most generous pension bill that Congress has ever passed. [Applause.] He is no fuller of joy than I am, and I congratulate him from the bottom of my heart in the name and in behalf of nearly a half million pensioners of the Civil War.

I know, Mr. Speaker, that I prize above every honor that has come to me the proud fact that the act of September 8, 1916, increasing the pensions of Civil War widows and extending the marriage limitations 15 years bears my name as its author. And so I measure well my words when I say no greater honor will ever come to the author of this splendid and generous bill. I am happy that I am a member of the committee with my gallant old colleague, Gen. SHERWOOD, and others which reported this bill, and for the opportunity it gave me to have some small part in securing the enactment of this bill into law. The beneficiaries of this bill will soon all be gone. They are near or beyond the fourscore and nearly all greatly in need of this increase in their pension to have the bare necessities of life. That a man who risked his life in the defense of his country or the good wife who cared for the old veteran during his declining days should want for food, clothing, and shelter is a disgrace to any nation. But I have no desire at this time to eulogize the soldier. I have done that many times in the past and this House and the old veterans know my estimate of the man who shoulders the gun and bares his breast in the defense of the Stars and Stripes and liberty and freedom. I speak not alone of the Civil War soldier but of the soldier of all wars.

I wish briefly, Mr. Speaker, to explain some of the provisions of this bill, believing that it will be helpful. Section 1 provides that every person who served 90 days or more in the Army, Navy, or Marine Corps of the United States during the Civil War and who was honorably discharged, or who served less than 90 days and was discharged for disability incurred in the service, and any person who served 60 days or more in the War with Mexico and who received an honorable discharge shall be entitled to $50 per month. All such whose names are now on the pension rolls under existing law or by special act of Congress will be increased automatically and no application will be required.

Section 2 provides an increase to $72 per month for all those who have title under section 1, who are now or who may become by reason of age and physical or mental weakness helpless or blind or so nearly so as to require the regular personal aid and attendance of another person. Proper evidence will be required from all who believe they are entitled to the $72 per month pension before it will be granted, but the $50 per month will be promptly allowed without evidence or application from those now on the roll.

Section 3 relates to those who in the line of duty lost a hand or foot or limb, and is intended to care for the maimed soldiers. The rating is $60, $65, $72, and $90, according to the disability. The number of soldiers benefited by this act are so few that I will not go into greater detail.

Section 4 provides that the widow of any person who may have had title under section 1, or who died in the service, who was married to such person prior to June 27, 1905, shall be entitled to a pension of $30 per month, which is an increase of $5. I regret very much that the Senate cut out of the House bill the extension of 10 years in the marriage limitations and restored it to the limit fixed in the Ashbrook law. And but for the fact that it is now nearly four months since the House passed this bill, and more than 20,000 beneficiaries have died while the bill was held up in the Senate, I would insist that the bill be sent to conference and an effort made to restore the date to June 27, 1915. Rather than risk another long delay, the committee thought best to accept the bill as it came from the Senate.

Section 5 gives Army nurses a pension of $30 per month, the same as soldiers' widows.

Section 6 undertakes to cure the defect in the Ashbrook law and give a pension to a widow who contracted more than one marriage, providing, of course, each marriage was dissolved by death or by divorce without fault on the part of the wife. Many claims were allowed to widows who had contracted more than one marriage before this ruling was made, which I have always contended was unwarranted and unfair, and certainly in conflict with the intent of Congress. It is to be hoped, however, the law is clear at last.

The Senate amended the House bill to include Mexican War soldiers and widows and dependents and also of the War of 1812. But very few are on the rolls of these wars. It is to be regretted that the Spanish War soldiers were not also included in this bill. In my judgment the Spanish War veterans have been treated very inconsiderately, and it is to be hoped the Sells bill, which passed the House on March 1, will become a law before Congress adjourns.

I have referred briefly to the main features of this bill and, I hope, made plain its provisions. I know that the Commissioner of Pensions, Gaylord M. Saltzgaber, who is a veteran of the Civil War and the most popular commissioner ever in that office, will expedite the increases just as rapidly as possible, and that many, if not all, who are paid on June 4 will get their increase then. It is a regrettable fact that the passage of this bill has been so long delayed. If I had had my way about it, the bill would have been a law long ago.

Mr. Speaker, I have been criticized some, both here and at home, because I have given so much of my time to pension legislation. Perhaps I have, and yet I have always felt that it was as little as I could do to do all that I can for those who saved the Union and fought for the preservation of our rights and liberty. I include all soldiers of all wars when I make this statement. I feel that I have only done by plain duty as I see it in looking well after those who in times of need looked well after us and our great Nation. And may I say that in doing so I have found the greatest pleasure in my service here. Nowhere have I ever found such gratitude and appreciation as in the hearts of these old soldiers and their widows. May I quote a line from two letters in my mail this morning? In one letter the faithful wife of an old soldier writes:

> Mr. B. is lying at the point of death and can live but a few days. He has begged me to write you and to thank you for being so good to him, and says God bless you and good-by.

In another letter a son writes:

> My mother died on April 7. A short time before she passed away she was talking to herself, and I asked her what she was talking about. She said, "I am talking to ASHBROOK about my pension. Thank him for me."

To have the confidence, esteem, and love of the tens of thousands of old soldiers and soldiers' widows who have appealed to me and to be conscious of the fact that I have tried to do all that I could to brighten their last days is rich reward for all that I have been able to do for them. If ever I get a crown and there are any stars in it, it will be due largely to the prayers of these good old souls, who are falling by the thousands, like autumn leaves, and who are surely entitled to the most generous consideration of a grateful people and Nation.

In conclusion I wish to append to my remarks the bill which becomes a law in 10 days if not sooner signed by the President. The bill is, to wit:

An act (H. R. 9369) to revise and equalize rates of pension to certain soldiers, sailors, and marines of the Civil War, to certain widows, former widows, dependent parents and children of such soldiers, sailors, and marines, and to certain Army nurses, and granting pensions and increase of pensions in certain cases.

Be it enacted, etc., That every person who served 90 days or more in the Army, Navy, or Marine Corps of the United States during the Civil War, and who has been honorably discharged therefrom, or who, having so served less than 90 days, was discharged for a disability incurred in the service and in the line of duty, or is now upon the pension rolls as a Civil War veteran, and every person who served 60 days or more in the War with Mexico, or on the coasts or frontier thereof, or en route thereto, during the war with that nation, and was honorably discharged therefrom, and who is now in receipt of, or entitled to receive under existing law, a pension of less than $50 per month, shall, from and after the passage of this act, be entitled to and shall be paid a pension at the rate of $50 per month.

SEC. 2. That every person who served 90 days or more in the Army, Navy, or Marine Corps of the United States during the Civil War, and who has been honorably discharged therefrom, or who, having so served less than 90 days, was discharged for a disability incurred in the service and in the line of duty, or is now upon the pension rolls as a Civil War veteran, and every person who served 60 days or more in the War with Mexico, or on the coasts or frontier thereof, or en route thereto, during the war with that nation, and was honorably discharged therefrom, and who is now, or hereafter may become, by reason of age and physical or mental disabilities, helpless or blind, or so nearly helpless or blind as to require the regular personal aid and attendance of another person, shall be entitled to and shall be paid a pension at the rate of $72 per month.

SEC. 3. That from and after the approval of this act all persons whose names are on the pension roll, and who, while in the service of the United States in the Army, Navy, or Marine Corps during the Civil War, and in the line of duty, shall have lost one hand or one foot or been totally disabled in the same, shall receive a pension at the rate of $60 per month; that all persons who, in such service and in like manner, shall have lost an arm at or above the elbow, or a leg at or above the knee, or been totally disabled in the same, shall receive a pension at the rate of $65 per month; that all persons who, in such service and in like manner, shall have lost an arm at the shoulder joint or a leg at the hip joint, or so near the shoulder or hip joint, or where the same is in such condition as to prevent the use of an artificial limb, shall receive a pension at the rate of $72 per month; and that all persons who, in such service and in like manner, shall have lost one hand and one foot, or been totally disabled in the same, shall receive a pension at the rate of $90 per month.

SEC. 4. That the widow of any person who served in the Army, Navy, or Marine Corps of the United States during the Civil War for 90 days or more, and was honorably discharged from such service, or regardless of the length of service was discharged for or died in service of a disability incurred in the service and in the line of duty, such widow having been married to such soldier, sailor, or marine prior to the 27th day of June, A. D. 1905, shall be entitled to and shall be paid a pension at the rate of $30 per month. And this section shall apply to a former widow of any person who served for 90 days or more in the Army, Navy, or Marine Corps of the United States during the Civil War and was honorably discharged from such service, or who, having so served for less than 90 days was discharged for or died in service of a disability incurred in the service and in the line of duty, such widow having remarried, either once or more than once after the death of the soldier, sailor, or marine, if it be shown that such subsequent or successive marriage has, or have been dissolved, either by the death of the husband or husbands, or by divorce without fault on the part of the wife; and any such former widow shall be entitled to and be paid a pension at the rate of $30 per month; and any widow as mentioned in this section shall also be paid $6 per month for each child of such officer or enlisted man under the age of 16 years, and in case of the death or remarriage of the widow leaving a child or children of such officer or enlisted man under the age of 16 years, such pension shall be paid such child or children until the age of 16 years: *Provided*, That in case a minor child is insane, idiotic, or otherwise mentally or physically helpless, the pension shall continue during the life of such child, or during the period of such disability, and this proviso shall apply to all pensions heretofore granted or hereafter to be granted under this or any former statute: *And provided further*, That in case of any widow whose name has been dropped from the pension roll because of her remarriage, if the pension has been granted to an insane, idiotic, or otherwise helpless child, or to a child or children under the age of 16 years, she shall not be entitled to renewal of pension under this act until that pension to such child or children terminates, unless such child or children be a member or members of her family and cared for by her, and upon the renewal of pension to such widow, payment of pension to such child or children shall cease: *And provided further*, That the rate of pension for the widow of any person who served in the Army, Navy, or Marine Corps of the United States in the War of 1812, or for 60 days or more in the War with Mexico, on the coasts or frontier thereof, or en route thereto, during the war with that nation, and was honorably discharged therefrom, shall be $30 per month.

SEC. 5. That all Army nurses of the Civil War, and all dependent parents of any officer or enlisted man who served in the Civil War whose names are now on the pension roll, or who are now entitled to pension under any existing law, shall be entitled to and shall be paid a pension at the rate of $30 per month.

SEC. 6. That the pension or increase of pension herein provided for, as to all persons whose names are now on the pension roll, or who are now in receipt of a pension under existing law, shall commence at the rates herein provided, from the date of the approval of this act, or under section 2 hereof, when the requisite condition is shown to exist after the approval of this act; and as to persons whose names are not now on the pension roll, or who are not now in receipt of a pension under existing law, but who may be entitled to pension under the provisions of this act, such pensions shall commence from the date of filing application therefor in the Bureau of Pensions in such form as may be prescribed by the Secretary of the Interior: *Provided*, That as to any former widow as mentioned in section 4 hereof, who since the death of her soldier, sailor, or marine husband has remarried either once or more than once, and such subsequent or successive marriage has been dissolved, either by the death of the husband or husbands, or by divorce without fault on the part of the wife, and who filed her application for pension under the act of September 8, 1916, her pension shall commence from the date when her original application was filed under that act in the Bureau of Pensions, and shall be at the rate in that act provided, with increase at the rate or rates subsequently provided for the widows of Civil War soldiers, sailors, and marines, and by this act from the date or dates when any such subsequent act or acts took effect or may hereafter take effect, it being the intent and purpose to give to any such widow the same status as other widows of Civil War soldiers, sailors, and marines who have not remarried, and from the date of said act of September 8, 1916.

SEC. 7. That nothing in this act contained shall be held to affect or diminish the additional pension to those on the roll designated as "The Army and Navy medal of honor roll," as provided in the act of April 27, 1916, but any increase herein provided for shall be in addition thereto; and no pension heretofore granted under any act, public or private, shall be reduced by anything contained in this act.

SEC. 8. That no claim agent or attorney or other person shall be recognized in the adjustment of claims under this act, except in claims for original pension, and in such cases no more than the sum of $10 shall be allowed for services in preparing, presenting, or prosecuting any such claim, which sum shall be payable only on the order of the Commissioner of Pensions; and any person who shall violate any of the provisions of this section, or shall wrongfully withhold from the pensioner or claimant the whole or any part of a pension allowed or due to such pensioner or claimant under this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each and every offense, be fined not exceeding $500 or be imprisoned not exceeding one year, or both, in the discretion of the court.

Amend the title so as to read: "An act to revise and equalize rates of pension to certain soldiers, sailors, and marines of the Civil War and the War with Mexico, to certain widows, including widows of the War of 1812, former widows, dependent parents, and children of such soldiers, sailors, and marines, and to certain Army nurses, and granting pensions and increase of pensions in certain cases."

Mr. REAVIS. Mr. Speaker, I notice in one of the Senate amendments with reference to the veterans of the Mexican War, it states, "to those who served in Mexico and on the borders thereof." What was the necessity for that language?

Mr. FULLER of Illinois. That is the language of the present law. The Senate simply incorporated the language of the present law. Originally, as I understand it, under the first bill that gave pensions to Mexican War soldiers, it was held by the Pension Bureau that they must have been actually in Mexico. Afterwards Congress amended that by adding these words "on the coasts or frontier thereof or en route thereto."

Mr. BLACK. Mr. Speaker, reserving the right to object, do I understand the gentleman from Illinois to state that this bill provides that the widows of the soldiers of the Civil War will receive hereafter pensions to the amount of $30 a month?

Mr. FULLER of Illinois. That is the provision of the bill.

Mr. BLACK. Under the war-risk insurance bill, in the compensation section, if I recollect correctly, the widow receives $25 per month from the Government. What better right, I will ask the gentleman from Illinois, has the committee found to pension the Civil War widows at $30 a month than to pension the widows of the World War veterans at $25?

Mr. FULLER of Illinois. That is very easy to answer.

Mr. BLACK. I would like to have an answer.

Mr. FULLER of Illinois. The widows of the soldiers of the late war are young women and able to earn their living. The widows of the old Civil War veterans are now past being able to perform any labor by which they could earn a living. The committee took into consideration the age of the old soldiers and the old widows.

Mr. BLACK. Well, that might be a good reason, and it might not be. There are many of the widows of the World War veterans who might not be able to perform any labor. I do not think there should be any difference whatever. And I object to the unanimous agreement.

Mr. FULLER of Illinois. Why does the gentleman object?

Mr. BLACK. For the reason I said, that I do not think there ought to be any difference whatever in the pensions.

Mr. FULLER of Illinois. But this bill has passed the House and the Senate, and the rate of a widow's pension is not affected by any Senate amendment. The rate is not now in controversy.

Mr. SMITH of Idaho. Will the gentleman yield to me a moment?

Mr. FULLER of Illinois. I will.

Mr. SMITH of Idaho. Under the administration of the proposed law, will it be necessary for the pensioners to make a formal application for the benefits of it?

Mr. FULLER of Illinois. Not as to those who are on the roll. As to them the increase will be automatic.

Mr. Speaker, I move that the House agree to the amendments of the Senate.

Mr. BLACK. Mr. Chairman, I have objected to the consideration of the conference report at this time.

Mr. FULLER of Illinois. There is no conference report here. The bill is on the Speaker's table.

Mr. DYER. The bill is on the Speaker's table, and the gentleman moves to concur in the Senate amendments, which is perfectly in order.

Mr. BLACK. I make the point of order, Mr. Speaker, that the gentleman's motion could not be in order at this time.

Mr. FULLER of Illinois. Well, Mr. Speaker, the bill is before the House. The Chair has laid the bill before the House.

The SPEAKER pro tempore. Unanimous consent to take the bill from the Speaker's table was refused on the objection of the gentleman from Texas [Mr. BLACK].

Mr. FULLER of Illinois. But what would become of the bill? It is on the Speaker's table, and some disposition must be made of it.

The SPEAKER pro tempore. It would be referred to the Committee on Invalid Pensions.

Mr. FULLER of Illinois. I hope that will not be done. I do not see what the gentleman would accomplish by having that done. It would simply be reported back here with the recommendation that the amendments be concurred in. The provision to which the gentleman objects has passed both the House and the Senate.

Mr. GARNER. Mr. Speaker, may I suggest to the gentleman that he let the matter go over until Thursday, and then perhaps the matter can be arranged without further friction or contest?

Mr. MANN of Illinois. Mr. Speaker, may I get the attention of the gentleman from Texas [Mr. BLACK]? I voted against this bill when it passed the House, as the gentleman from Texas did. The question that the gentleman from Texas raises is not involved in the Senate amendments. If it were, I think it would be very proper for him to make an objection; but that is not involved in the Senate amendments.

Mr. BLACK. I will request that the gentleman let it go over until the morning. In the meantime I will look into the bill.

Mr. GARNER. Let it go over until Thursday.

Mr. FULLER of Illinois. Then, Mr. Speaker, I ask unanimous consent that the bill be left on the Speaker's table without being referred.

Mr. GARNER. The Speaker can control that. Mr. Speaker, in order that the record may be kept straight, I think the gentleman from Illinois [Mr. FULLER] ought to withdraw his request. The Speaker will control the bill, and, I imagine, keep it on the desk.

Mr. FULLER of Illinois. Very well. I will withdraw my request for the present, with the understanding that the bill remain on the Speaker's table until to-morrow.

The SPEAKER pro tempore. The gentleman from Illinois withdraws his motion for the present.

Under the special order heretofore entered, the gentleman from Iowa [Mr. GREEN] is recognized for 30 minutes.

SOLDIERS' COMPENSATION ACT.

Mr. GREEN of Iowa. Mr. Speaker, this is the day of the demagogue. The spirit of unrest is abroad in the land. The greatest war that the world has ever known has absorbed more capital and consumed more of the products of human labor than has been taken in the last 200 years before. This war has passed, but its debts still hang over us a gigantic and staggering burden. The waste of this great conflict has made material scarce, has reduced production, and sent the price of necessities soaring. Inevitably with this reaction hardships have followed and everyone desires to escape from these conditions. In these times it is easy to inflame the public mind and to make people believe that all of these hardships can be remedied by a redistribution of property. All sorts of quack remedies are proposed, the most common of which is to take, under the guise of taxation, property wherever it can be found if its possessor has more than the average of this world's goods, or in other words for the Government to confiscate whatever it needs. These doctrines have been tried before and are being tried now in Russia. They have always brought ruin to all classes and they always will.

Yet there are many that preach the doctrine of revolution, that say that our present form of government is wholly wrong, that our system of business ought to be overturned, that property ought to be no longer recognized, that no man should be allowed to enjoy the fruits of his toil which he had saved by economy, that even the wage earner should not be permitted to have a home of his own, but only a place to live which belonged to the Government. Mr. Speaker, the most dangerous man in these days is not the socialist, is not the Bolshevist, is not even the anarchist. The people of this country have too much good sense, are too well educated, too thoughtful, too industrious, to be deeply moved by the ranting of the outspoken revolutionist.

The most dangerous man in these days is one who, occupying a position more or less high in the council of this Government, and consequently speaking with some authority, instead of attempting to apply to the evils from which we suffer some sober thought and practical judgment which will enable us to lessen the burdens under which we labor, for the purpose of political advantage raises his voice to proclaim throughout the land perverted statements of our condition, which add to the fires of discontent, inflame class against class, fan the smoldering embers of revolution, and in the end threaten the very existence of the institutions upon which this Nation was founded. [Applause.]

If the gentleman from Illinois who indulged in this kind of talk in his speech of last week had deliberately intended to revolutionize this Government, the language of his speech could not have been better calculated. With others following his example, he may yet see the time when the torch will be applied to his own stately mansion and ruin spread over its broad acres, with its luxurious deer park, to the same extent as now exists in those countries where anarchy prevails.

Mr. Speaker, I have not often made political speeches in this House. I have never indulged in personalities, except when they were in the first instance directed toward myself. Under no circumstances have I ever in any of my previous remarks in this House impugned the good faith, the honesty, or integrity of any Member. But the gentleman from Illinois has seen fit to make charges and insinuation which, if well founded, would lead the public to believe that the great body of the Republican Members of this House were little better than a gang of thieves seeking to loot the masses of the people in the interest of the multimillionaires, and that the arch conspirators among them were the Republican members of the Ways and Means Committee, including myself, while he posed as a friend of the soldiers, and one who proposed to satisfy their claims by taxing only those who had still in their hands enormous fortunes made out of the war.

But, Mr. Speaker, never did a man so overreach himself and fall so far into the pit which he himself had dug to entrap as did the gentleman from Illinois. In his attempt to formulate charges against the Republican Members of the House and the members of the Ways and Means Committee, he in fact constructed merely a damning indictment against his own party and against himself. The substance of his accusation is that while the European war prevailed, and particularly while we were engaged in it, an enormous amount of high profits accumulated in the hands of war profiteers from which the Government failed to obtain for its support its proper share. To support this charge he asserted we developed in this country 23,000 millionaires during the period of the war, that there were 69,000 men whose income during the war years was $3,000,000,000 more than it was in the three prewar years, and that during the war years the corporations of this country made $3,800,000,000 more than they did in the same number of prewar years.

If these charges are true, and if those who made these enormous sums were not fairly taxed, whose fault was it? I assert beyond all possibility of controversy that it was not the fault of the Republican Party nor of the Republican members of the Ways and Means Committee, nor, in particular, of myself; for I have always voted for the highest taxation proposed upon the swollen fortunes of multimillionaires. What party, in fact, was in power during all of these years? Does not everyone know that it was the Democratic Party? Does not everyone know that during these years the administration formulated plans of taxation and presented them to a Congress controlled by the Democratic Party and a Ways and Means Committee upon which there then were two Democrats to one Republican? On this Ways and Means Committee the gentleman from Illinois, as a prominent and influential member, sat with a Treasury expert in attendance to tell him just exactly how much these laws would take out of the profits which he now talks about.

Did he claim, then, that these taxes were not high enough? Oh, no. I remember quite well when the last revenue bill came back from conference with the Senate, in which, in accordance with the recommendation of a Democratic President and a Democratic Secretary of the Treasury, its tax provisions had been greatly reduced. What was the gentleman's record then and what did he favor in the speech he then made? To increase the taxes on big incomes? No; he wanted to lower exemptions and would take more from those whose incomes were so small that they were not taxed under the bill. Did he approve of a higher excess-profits tax rate upon the corporations? No; he wanted to abolish all such taxes upon business no matter how extortionate the profits of any business might be. Was he objecting to a sales tax then? No; the sales tax which he now so vigorously denounces, even a turnover sales tax, which will not be carried in the bill under discussion, met the approval of the gentleman at that time. He did not have a word of objection against the bill because it left too much in the hands of the profiteers. On the contrary, at that time if he had had his way they would have been left more. Yet if it left them too much, he knew it just as

well then as he knows it now. Mr. Speaker, if the gentleman from Illinois was honest and fair then is he honest and fair now; or, if he is honest and fair now, in Heaven's name what was he then when he deliberately permitted these profiteers to escape? [Applause on the Republican side.]

But this is not all. The gentleman from Illinois, possessing all of this information along with the other Democratic members of the Ways and Means Committee, went out to the country during the war and told the people that the Government had raised all the money by taxation of incomes and excess profits that it could without injuring business, and he, with the others who must have known these facts if they existed, asked the people to make sacrifices in order to subscribe for Liberty bonds. Yet he now says, in effect, that the necessity of purchasing these Liberty bonds arose from the fact that he and his party had permitted great profiteers to escape from taxation. Was he telling the truth then; if so, did he tell it in his speech of last Thursday?

I assume that the gentleman has an intelligent constituency. If he should go out on the stump this fall and repeat these charges that the profiteers had escaped taxation during the war under a Democratic administration, and should ask his audience who was responsible therefor, they would point at the gentleman from Illinois and say: "You and your party." [Applause on the Republican side.]

Now, let us see how the gentleman from Illinois has exemplified his friendship for the soldier and his desire to support this bonus legislation, which, when the hearings thereon opened, all his remarks would indicate he in fact opposed. He has presented a bill to go back five years and take for each year 50 per cent of the income of those whom he calls war profiteers. I can readily see how a person who has not made a special study of the problems of taxation, which never were so difficult as in these days when taxes are mounting so high, can at first blush look upon the gentleman's plan as a plausible one. But how anyone who has made a study of taxation, and especially one who claims, like the gentleman from Illinois, to have made some study of political economy, can in good faith advocate any such proposition is more than I can understand. I propose to tear the mask from this bill, turn the light upon it, and show it for the sham and fraud that it is, for it is not a bill which will seriously tax the multimillionaire, but it is a bill that will bankrupt thousands of men of moderate incomes, and would in any event produce but a small part of the money necessary to adjust the compensation of the soldiers of the late war. How does the gentleman arrive at the comparisons he makes, and how does he determine who is a war profiteer? He says that the term "war profiteer" or "war beneficiary," as used in his bill, means any person who during any of the years 1915 to 1919, inclusive, had an income of over $20,000, and who made more than he did in the year 1914. But why does he take the year 1914? Nineteen hundred and fourteen is a year of unhappy memories. Nineteen hundred and fourteen is the year in which Democratic policies were applied to normal times, with the inevitable result of stagnation in business everywhere and utter prostration for the most part. [Applause on the Republican side.] Nineteen hundred and fourteen was a year in which the farmers of the West sold in the spring and summer their wheat at from 60 cents to 65 cents a bushel. In the iron and steel trade alone, in June of 1914, there were a million men out of employment, and in the country at large from 3,000,000 to 5,000,000. In the first six months of 1914, 5,300 business houses failed with a staggering total of $135,000,000 in liabilities, exceeding by more than $50,000,000 that of any other period in our history.

Prices of farm products rose when the war broke out in August, but business in the East, as a rule, suffered only the more greatly, for the recovery did not come until the next year. Thousands upon thousands of individuals, firms, and corporations never made a dollar in 1914, and yet the gentleman from Illinois proposes to tax them for the crime of not having made money under a Democratic administration in normal times. And who, in fact, would his proposition strike hardest? Not the Rockefellers or the Morgans, not the great bankers or the great speculators. These men had already paid a tax of over 70 per cent, and a tax of over 30 per cent upon them would not only be unconstitutional as to them in going beyond the income and taking property itself, but would probably make the bill unconstitutional as to all. On the other hand, if the bill could be applied at all, it would reach the man with a moderate income from 1915 to 1919, who was unable to make anything in 1914 by reason of the application of Democratic principles and now would be called upon to pay 50 per cent of this income for each of five years in addition to the taxes he has already paid, or 250 per cent of an average income for a single year. Could a more preposterous scheme possibly have been invented? Since 1914 there has been a great increase in the smaller incomes. Some of them are five or six times as large as they were in 1914. The big incomes have not increased so rapidly. On the contrary, since 1917, they have fallen off. Nineteen hundred and seventeen is the only year that would take anything from the big incomes under the gentleman's plan. Perhaps he intends to levy taxes on taxes. It would be no more absurd than the rest of his plan. The gentleman says that 23,000 new millionaires were made by the war. The only way that anyone can tell anything about how many millionaires there are in the country is by the income-tax returns. Assuming that the millionaire makes 5 per cent on his money, there are only about 20,000 millionaires in the country now, and if these millionaires have been making a higher percentage, as the gentleman seems to claim—and I am talking about the percentage before their taxes are taken out—then there would not be even 20,000 of them, according to the income-tax returns. He talks about $3,000,000,000 profits made by the corporations during the war in excess of the prewar years. How fair the gentleman is in this comparison also and his talk about the amount that 69,000 people made, you can judge when I tell you that these figures are made up without deducting the taxes paid by these parties.

I do not say that all of these parties were taxed enough. I only say that the gentleman's figures amount to nothing, show nothing, and are worth nothing except to deceive the uninformed, because they are made up without deducting the taxes paid. For 1918 alone we took from the corporations $3,275,000,000 in taxes and in the three years of 1917, 1918, and 1919 over $7,000,000,000 in taxes. Now, if anyone could figure out what they had left would it mean anything, because a great corporation might have many millions of dollars left and yet not make 4 per cent on its capital? The railways of the country made over a billion of dollars in these three years and yet were unable to pay an average of 5 per cent in dividends. It is only the profit that each individual corporation had left that tells the story of whether there were any of them that ought to have paid more taxes. Did the corporations have more left after paying taxes in these years than they had in 1915, which was a year when we were not engaged in war? They did not. Did the individual taxpayers in high incomes have as much after deducting their taxes in 1919 as they had in 1915? They did not. They did not have as much as they had in 1914, as I shall show by a table prepared by a Treasury expert, and yet the gentleman claims that he is going to raise by his bill the money to pay added compensation to the soldiers by added taxes on the big incomes. If when we took 80 per cent of the profits of corporations which had been making more than before we got into the war and, in addition, if they had war contracts, took 10 per cent of the profits on them, and then after their dividends had got into the hands of the individual taxpayer took from the men having great incomes up to 77 per cent more—if this was not high enough, why did not the gentleman raise his voice in complaint against these rates? Whatever these men and these corporations made under a system of taxation which the gentleman helped to frame, but now declares to be unjust, is water gone over the dam, and the Republican Party and no other party can go back for five years and gather it up. Some of these men are dead, some spent all their incomes after taxes had been paid as they went along, others have it in investments where it could not be withdrawn, and the gentleman now prepares a bill which would call upon them to pay anywhere from 100 to 250 per cent from what they would receive as income in a single year. No country has undertaken any such proposition.

The English statesmen examined into it, found that it could not be carried out, and have given it up. Every Treasury expert says that the bill which the gentleman proposes is impossible of execution and will produce little. It would not raise one-quarter of the sum that is required, if it produced anything, and would spread bankruptcy and disaster throughout the land. Is the gentleman really wanting to assist bonus legislation when he offers such a proposition as this? Is he not, in fact, trying to defeat it under the pretext of favoring it? I leave it for the fair-minded hearer to decide.

Mr. Speaker, I have never advocated the repeal of the excess-profits tax, as the gentleman has. I have never favored a sales tax, as he has, although the country levied heavy sales taxes on necessities in the time of the Civil War; but we have already taxed practically everything but sales, and I know of no way to raise a part of the money needed which would so little affect the prosperity of business, upon which the welfare of the working classes depends, as a small and almost insignificant tax of 1 per cent on final sales. Instead of increasing the cost of living 25 per cent, as the gentleman declared, it would not increase it 1 per cent, for it does not include rents and other large items. If everyone is going to object to any trifling tax which

he may be compelled to pay, we might as well give up this legislation now. On the other hand, I shall favor getting as much of the balance by increasing the tax on big incomes as we can without forcing their money into tax-exempt securities, and thereby decreasing instead of increasing the revenue.

Mr. Speaker, in addition to his other charges, the gentleman from Illinois saw fit to insult the Republican Members of this House by charging that they sought to buy the votes of the soldiers with this compensation legislation. The unmistakable inference from this charge is that the soldiers who want this legislation were trying to sell their votes. The Republican Party can stand the insult of the gentleman from Illinois unmoved. The soldiers can also endure it, but they will not forget it. Upon our side we have sought to keep this matter entirely out of politics, but certain gentlemen on the other side, including the gentleman from Illinois, have insisted upon forcing partisan politics upon it.

At the very start, when this legislation was first suggested, it was charged on the other side that the Republican Members wanted to do nothing for the soldiers. Next, it was charged that when it was referred to the Ways and Means Committee the purpose was to bury it. At every step we have met with similar partisan proceedings until it culminated in the speech of the gentleman from Illinois on last Friday. The gentleman complains that he was not taken into all the Republican conferences, yet he has sat repeatedly as a member of a subcommittee considering the provisions of the bill when all he had to offer was the proposition which I have analyzed. Do you wonder that conferences with him ceased? I was a member of the Ways and Means Committee for more than two years before I was called on to consider any measure of any importance in the presence of the Democratic majority. The gentleman has been accorded more opportunity than I ever had during peace times when his party was in control.

Mr. Speaker, this bill ought not to be a political issue. The sacrifices made by the men to which it applies were too great, their services too noble, their cause too high and holy, to drag the matter of their compensation into the mire of partisan politics; but if it is done it will not be our doing, and we will look with confidence to the verdict of the people upon the issue thus made. [Long applause on the Republican side.]

The SPEAKER pro tempore. The Chair desires to make this observation at this time: It is the duty of the Chair to see that the rules are observed. For a number of years the membership of the House have fallen into the habit of addressing their colleagues in the second person in heated debate on the floor. This is in direct violation of the rules of the House, and it is the duty of the presiding officer to call the attention of the membership of the House to this rule and the proper practice in debate.

The gentleman from Ohio [Mr. LONGWORTH] is recognized for 40 minutes.

Mr. LONGWORTH. Mr. Speaker, I find that my task is a little more difficult than I thought it was at the outset, and I am going to ask the indulgence of the House to permit me to proceed for 20 minutes additional, so that I may be recognized for an hour.

The SPEAKER pro tempore. The gentleman from Ohio asks unanimous consent to proceed for an additional 20 minutes.

Mr. HENRY T. RAINEY. Mr. Speaker, I was going to make that request. I ask unanimous consent that the gentleman may have such time as he would like to have.

Mr. LONGWORTH. The gentleman is very kind.

The SPEAKER pro tempore. The gentleman from Ohio asks unanimous consent that he may have 20 minutes additional. Is there objection?

There was no objection.

The SPEAKER pro tempore. The gentleman from Ohio is recognized for one hour.

Mr. LONGWORTH. Mr. Speaker, I desire at the outset to congratulate my friends upon the Democratic side upon their new leader. I have had a shrewd suspicion for some years that the real leadership upon that side centered in my friend from Texas [Mr. GARNER], but this is the first time I have seen him assume the active direction of his party on the floor. I congratulate my friends of the Democracy upon the wisdom of their choice, because I know that the gentleman from Texas is one of the ablest, shrewdest, most resourceful men in either House of Congress. [Applause.] But there is one feature about it, I fear, that may prejudice his leadership. I doubt whether he can successfully pass the test laid down by the gentleman from Illinois [Mr. HENRY T. RAINEY]. I hear rumors—very definite rumors—that the gentleman from Texas is a millionaire. [Laughter.] I hear further that he acquired most of his fortune in the rearing of long-haired goats. [Laughter.] I can imagine no more insidious type of millionaire than that. [Laughter.] And it is a surprise to me to see the gentleman from Illinois [Mr. HENRY T. RAINEY] supinely permitting a millionaire to dictate the policies which he is about to follow. [Laughter.]

In the CONGRESSIONAL RECORD of last Thursday, April 22, at page 5993, there appears a speech delivered by the gentleman from Illinois. I understand that it was delivered to practically empty benches. Certainly I did not hear it, because I was engaged at that time in assisting in the final draft of legislation for the benefit of the soldier that we on this side intend to see passed through this House [applause on the Republican side] in spite of any obstructions that the gentleman from Texas [Mr. GARNER] or the gentleman from Illinois [Mr. HENRY T. RAINEY] or the gentleman from Missouri [Mr. CLARK] and those associated with them may seek to put in our path.

I am glad I did not hear that speech, because I deplore the injection in the discussion of any great vital American question of narrow and offensive partisanship. Under ordinary circumstances I would not hold such an utterance as worthy of attention or reply. It would be better, I think, to commit it to a state of unhonored burial in the RECORD. But coming, as it does, from one whom the inscrutable ways of Providence, together with the operation of the seniority rule, has put temporarily, we trust, in a position of at least apparent power and influence upon that side of the House, the insinuations and false statements contained in it can not be lightly passed over. Since I first read and as I have reread the speech of the gentleman from Illinois I have become more and more impressed with the seriousness of the loss we have suffered—Democrats and Republicans alike—in the removal from our midst of my distinguished friend from North Carolina [Mr. KITCHIN]. [Applause.] No man upon that side has hit us upon this harder than he, but the harder he hit the more we liked him and respected him, because he always played fair and he fought fair. He has been a two-fisted fighter for the cause of his party. His trenchant wit cut deep sometimes, but he always observed the rules of the game.

I gave myself the pleasure last Sunday afternoon to call upon my friend from North Carolina [Mr. KITCHIN]. I did not see him, but I heard mighty good news. His physician informed me that he was resting after a motor drive of two hours [applause], and that he had almost entirely recovered the use of his arm and leg [applause], that his enunciation was absolutely clear. I was assured that we might expect to see the gentleman from North Carolina back here in this House within 10 days. [Applause.] That was good news, because if he were here to-day speaking for his party we know that he would not stoop, as he never has stooped, to employ the methods of a swashbuckling demagogue. [Applause.]

The gentleman from Illinois [Mr. HENRY T. RAINEY] began his speech with a really eloquent laudation of the service to their country of the soldiers of the late war and made a fervent appeal for their substantial reward. To one not familiar with the record of the gentleman it might have appeared that he was the special champion of the soldier and the father of legislation in his behalf. Let us pause for a moment and consult the record to test the sincerity of the gentleman from Illinois and ascertain whether he has the right to pose here as the friend and champion of the American soldier.

Only as lately as the 12th of March, barely five weeks ago, he said, and I quote from page 851 of the hearings:

> Mr. RAINEY. Personally I am not committed to any kind of soldiers' relief at all, or the question of whether there ought to be any legislation along these lines.
>
> [Laughter.]

Any legislation along these lines! Not one particular kind of legislation, not adjusted compensation, not land grants or anything of that sort, but any legislation whatever. Five weeks ago the gentleman was uncertain whether we ought to have any soldier legislation at this session of Congress; at a time when every man on this side of the aisle was avowedly in favor of at least some sort of soldier legislation. [Applause.] Since then, neither in the committee nor anywhere else, have I heard the gentleman from Illinois suggest directly or indirectly that he had changed his mind. Is it to be wondered at, Mr. Speaker, that those of us on the Ways and Means Committee who have been from the beginning in favor of soldier legislation should have placed no very high value upon the services of the gentleman from Illinois [Mr. HENRY T. RAINEY] might render in that regard? [Applause.]

The gentleman stridently complains of the fact, as he alleges, that members of his party upon the Ways and Means Committee were excluded from the consideration of this legislation. Upon this point I propose to state the exact facts, both because I think they should be made known to this House and to the country,

and because I have some personal ambition that my speech shall be in marked contrast to that of the gentleman from Illinois [Mr. HENRY T. RAINEY] in that particular regard. [Applause.]

This is not the first time, Mr. Speaker, that the gentleman from Illinois [Mr. HENRY T. RAINEY] has offended by making wild statements and reckless charges without any foundation of fact upon which to base them. He began early in his career. In a speech upon the floor of this House as far back as January of 1909 he made a violent attack upon a number of very prominent gentlemen in the country, alleging that they had feloniously acquired large profits in some way or other from the taking over by this country of the Panama Canal Zone. Among the accused was a very prominent constituent of my own, a former Member of this House, Charles P. Taft, brother of the then President elect, than whom no purer or more high-minded man lives.

When called upon by Mr. Taft to back up his assertions the gentleman from Illinois [Mr. HENRY T. RAINEY] wilted. He was compelled to eat his words and did it with no very good grace. A few days later Mr. Theodore E. Burton, of Ohio, then Senator-elect, made a few remarks concerning the speech of the gentleman from Illinois [Mr. HENRY T. RAINEY]. He said, and I well remember the occasion:

> Mr. Chairman, I regard the speeches made by the gentleman from Illinois last month and this month as most unfortunate, not only for himself but as regards the relations between this House and the country. In a somewhat extended service here I have never known of such a nonchalant disregard for accuracy and for the reputation of men at home and abroad. [Loud applause.] (RECORD, 1909.)

And further he said:

> The gentleman from Illinois seems to be honored because he is placed in the Ananias club. The Ananias club has never taken out articles of incorporation. It does not hold annual banquets. A census of the membership would be exceedingly difficult, but I am afraid the number of eligibles would be extremely large. As the gentleman from Illinois has spoken as if it were an honor to be named as a member, some unkind persons outside will say that he is a paragon among eligibles for the first presidency of the Ananias club.

[Laughter.]

At the outset—and I am giving you the actual facts as to the drafting of this legislation—the prime difficulty of considering and formulating soldiers' legislation lay in the fact that a very large number of different committees of this House had jurisdiction of the subject matter of the various bills that had been introduced. The situation was chaotic, and it soon became evident that the only way effective action could be had was to refer all the bills to one committee. Of the fifty or sixty-odd bills introduced the great bulk of them were before the Ways and Means Committee, because that committee alone has jurisdiction to provide for the financing of the legislation, without which it would, of course, be of no force or value.

Accordingly it was decided upon this side of the House to refer all the soldiers' relief measures to the Ways and Means Committee, and a rule was accordingly brought in for that purpose. It was proposed by the leadership on that side that a special committee should be created to consider this legislation, and practically every Democrat, including the gentleman from Illinois [Mr. HENRY T. RAINEY] voted for that proposal. When that proposal was defeated, upon the question of sending this legislation to the Ways and Means Committee, the gentleman from Illinois [Mr. HENRY T. RAINEY] declined to vote at all. Now, it can not help striking one as a rather unusual and peculiar circumstance that a gentleman sincerely in favor of any sort of legislation should vote against its being referred to a committee of which he is a member. I do not understand that process of reasoning, and so shall await with anxiety the record vote upon the bill before I am convinced that the gentleman from Illinois [Mr. HENRY T. RAINEY] is or ever has been in favor of legislation for the benefit of soldiers of the late war.

To proceed with the history of this legislation: A few days after, the House, on the 5th of February, voted to commit this legislation to the Ways and Means Committee, and on the 2d of March the hearings were begun. All sorts and conditions of men were heard, and every shade of opinion was expressed. Various proposals were submitted, some running high into the billions. It is safe to say, Mr. Speaker, that the aggregate of the various proposals submitted would have totaled more than our entire national debt.

It was not until the 24th of March that a definite, concrete, intelligible plan was submitted by the executive committee of the American Legion. They presented a draft of a bill, very crudely drawn, as they admitted, but which at least constituted a basis on which the committee might act and upon which some reasonably accurate estimate of the cost might be made. It was that bill that the committee took as a basis for the work.

It was estimated that the cost would involve, roughly, about two and one-half billion dollars. Of course, the first question was to decide how the necessary funds could be provided. Should we raise them by increasing the outstanding indebtedness through loans or raise them by taxation? In view of the fact that our outstanding bonded indebtedness at that time amounted to more than $25,000,000,000, and that the deficit represented by short-time certificates amounted to more than $3,000,000,000, it was obvious that a bond issue of $2,000,000,000 would not only be unwise but in all probability disastrous to the credit of the Government. We were informed by the Secretary of the Treasury and other responsible financial authorities that a new issue of bonds could not be floated at less than 6 per cent, if at all; and that if floated it would cause a loss of not less than 10 per cent in our outstanding Government obligations.

In view of these conditions the committee voted by a very large majority that no increase either in our bonded or floating indebtedness could be thought of.

It having been definitely and finally settled that the amount necessary to finance any plan for the benefit of the soldiers that we might agree upon should be raised by taxation, the committee proceeded to consider the various plans proposed and especially that suggested by the American Legion. This consisted of four definite propositions. First, a land-settlement scheme modeled substantially upon the bill introduced by the gentleman from Wyoming [Mr. MONDELL] and favorably reported by the Committee on the Public Lands; second, a plan to assist the soldiers in purchasing homes; third, a plan for vocational training; and, fourth, a payment of adjusted compensation.

For the purpose of considering and speeding up the legislation the committee subdivided into five subcommittees, three for the consideration of the first three plans proposed by the legion, a fourth to consider various other plans proposed, and a fifth to consider the adjusted-compensation proposal, together with the financing of the entire scheme. This committee consisted of the gentleman from Michigan [Mr. FORDNEY], the gentleman from Iowa [Mr. GREEN], and myself, representing the majority; the gentleman from North Carolina [Mr. KITCHIN] and the gentleman from Illinois [Mr. HENRY T. RAINEY] representing the minority.

Far from being excluded the Democratic members of the Ways and Means Committee were invited and did participate in the consideration and formulation of these various pieces of legislation. It speedily became evident, however, that instead of assisting the Democratic members were doing all they could to put stumblingblocks and obstacles in our way. It was frankly admitted by some that they proposed, if possible, to make the legislation so obnoxious as to prevent its passage. None of us expected or intended that soldiers' legislation should be made a partisan question, and if it has become so it is because it was forced upon us by the obstructive tactics of the minority.

Mr. GARNER. Will the gentleman yield?

Mr. LONGWORTH. I will yield to my friend.

Mr. GARNER. The gentleman is now referring to the subcommittee. I hope the gentleman will correct that with reference to the committee of which the gentleman from Illinois [Mr. COPLEY] was chairman, and the committee of which the gentleman from Oregon was chairman, as to having any obstructions thrown in the way.

Mr. LONGWORTH. Undoubtedly I understand the gentleman from Texas participated in the draft of that entire portion of the bill.

Mr. GARNER. That is true.

Mr. LONGWORTH. He was given fair treatment and sat with the committee, and is as much responsible as anybody.

Mr. GARNER. Will the gentleman yield, so that the record may be clear?

Mr. LONGWORTH. Certainly.

Mr. GARNER. At the conclusion of the consideration of the bill, and the gentleman from Ohio knows how it was performed, if the gentleman from Illinois would tell us, we were advised that they had been fixed.

Mr. LONGWORTH. On the contrary, and I imagine the gentleman can not deny it, he was at the meeting when the final draft was made, and he will be at the final meeting when it is passed on. He is entitled to as much credit as Mr. COPLEY or anybody else for the drafting of that wise piece of legislation.

In our subcommittee three general taxation schemes were proposed as a basis for financing the bill. One, a tax on general sales, which was agreed upon by the three members of the majority; second, a proposal by the gentleman from North Carolina to reimpose the taxes on incomes and excess profits carried in the revenue bill of 1918; in other words, to put back the automatic 25 per cent decreases upon the incomes and profits which was made to apply to the year of 1919. The other plan

proposed came from the gentleman from Illinois, to make a retroactive tax upon so-called war profits for the past three years.

The plan of the gentleman from North Carolina was seriously considered and seriously discussed. To my mind it had very many meritorious features. Personally, I have always felt that the last Congress made a great mistake in following the advice given by the late Secretary of the Treasury, Mr. McAdoo, a few days before his retirement, to automatically reduce taxes before we had any accurate knowledge of what our next year's expenses were going to be, and I think that view is justified by the fact that he underestimated by nearly 50 per cent what our expenses in fact turned out to be. Had these taxes remained as they were in the original revenue act we would not have found ourselves in the gravely serious financial condition which now confronts us. [Applause.] The only serious objection to the proposal of the gentleman from North Carolina was that to increase at this time the excess-profits tax 25 per cent would undoubtedly greatly and at once increase the cost of living. To my mind the outrageously high cost of the necessaries of life to-day is due primarily and principally to two causes, one the 10 per cent cost-plus contract system used by this administration in connection with most of the war activities; and, second, the excess-profits tax. The cost-plus system necessarily tremendously increased costs because the higher the cost the greater profit to the contractor, and brought about the most iniquitous riot of profiteering that this country has ever known. It was argued at the beginning that the excess-profits tax was not a tax which could be passed to the consumer, and perhaps that was true at the very outset, but it soon developed that this tax in most cases was entirely passed, often in multiplied form, to the consumer. To increase it now would inevitably result in an immediate and very great increase of the cost of living.

A general sales tax of 1 per cent on the final sale only would, on the contrary, not affect the cost of living at all. It is too small to be passed on, and even if so passed could not be multiplied. The tax on a sale of $10,000 worth of goods, for instance, would only be $100, and to my mind could not be passed on by the seller. Nobody is going to charge a dollar and one cent for an article that he has been selling for a dollar. That is not the way business is done.

Mr. KNUTSON. The gentleman from Illinois said $1.25.

Mr. LONGWORTH. The gentleman from Illinois said $1.25, but he was speaking under misapprehension. The proposed tax is not on turnover sales; it is a tax only on the final retail sale. It can not be more than one cent on every dollar.

Mr. MOORE of Virginia. Mr. Speaker, would it interrupt the gentleman if he were to yield to me at this point?

Mr. LONGWORTH. I would be very glad to yield to the gentleman.

Mr. MOORE of Virginia. Mr. Speaker, simply because thus far we have only some information through the newspapers as to what the bill may possibly be, is the gentleman in a position to outline to us the bill that we will be called upon to consider?

Mr. LONGWORTH. I would be very glad to do so if I had a little more time. If the gentleman can secure me 10 minutes additional, I shall be glad to tell him the substantial features, and I think I would be justified in doing so, though he must realize that all the details have not been finally agreed upon.

Mr. MOORE of Virginia. I quite understand; but I mean in the main. The gentleman would be able to state the features of the bill in the main? I think the Members on this side would be very willing to grant an extension of time, and, Mr. Speaker, I now ask that the gentleman's time be extended for 10 minutes.

The SPEAKER pro tempore. The gentleman from Virginia asks unanimous consent that the time of the gentleman from Ohio be extended for 10 minutes. Is there objection?

There was no objection.

Mr. KNUTSON. Have the details been finally decided upon?

Mr. LONGWORTH. No. I would feel justified in stating only what I know of the main features. There are some features that have not been finally determined.

Mr. GREEN of Iowa. Mr. Speaker, will the gentleman yield?

Mr. LONGWORTH. Yes.

Mr. GREEN of Iowa. All of the matters, of course, are subject to change?

Mr. LONGWORTH. Oh, absolutely; and the only reason that I should feel justified at all would be because so many gentlemen have founded their objections to this legislation upon newspaper articles which do not give the exact facts, and I think it might be well to remove at least some of those misapprehensions.

Mr. GARNER. Mr. Speaker, will the gentleman yield?

Mr. LONGWORTH. Yes.

Mr. GARNER. This bill you have attempted to prepare, of course, would last only until Friday night, as I understand it, and then probably you will consider the matter of changing it after you have had your conference?

Mr. LONGWORTH. Oh, certainly. We are going to present it to the full committee.

Mr. GARNER. It is tentatively prepared until you get to your conference on Friday night?

Mr. KNUTSON. We are operating on the principles of a democracy.

Mr. KEARNS. Mr. Speaker, will the gentleman yield?

Mr. LONGWORTH. Yes.

Mr. KEARNS. Is this tax to be put on each individual sale or upon monthly sales of a merchant, if it happens to be a merchant?

Mr. LONGWORTH. I think it would be fair—and that is perhaps as far as I could go—to state to the gentleman what our taxation scheme is, roughly. The total amount, as near as we can figure it, of the cost of the plan we have in mind would be about $1,800,000,000. That we propose to raise in two years. We are proposing a tax which in two years will raise that amount of money. We propose to put the tax into effect on the 1st of December. In the case of a sales tax the tax would be paid monthly for all those who do a business of more than $500 a month.

Mr. KEARNS. In the case of a retail business, we will say, it is not a tax on each sale individually; it is on the business done per month by the hotel or the business house, or whatever the business is.

Mr. LONGWORTH. Oh, yes. We do not propose a tax for service pure and simple, but it is principally for furnishing material and commodities.

Mr. KEARNS. Is there a tax on the hotel business in the way of furnishing meals?

Mr. LONGWORTH. There would not be a tax on a separate meal.

Mr. KEARNS. Would there be on the collective business of the month done by the hotel?

Mr. LONGWORTH. I have not thought particularly with reference to a hotel, but in my judgment it would not be paid more than once a month.

Mr. KEARNS. Those are matters which came into my mind in hearing the gentleman discuss the proposition. Now, I have not any opportunity to see the bill, of course——

Mr. LONGWORTH. No; the bill is not completed, and, as I said, it is impossible to give full and final accurate details.

Mr. KEARNS. As the bill is drawn so far would it include business of that character? I am not interested in the hotel business, but it just occurred to my mind. Would it take in business of that character?

Mr. LONGWORTH. In my judgment it would not include the hotel business.

Mr. KEARNS. It would take in the merchandise sold in various stores throughout the country?

Mr. LONGWORTH. It would take in merchandise upon its final sale.

Mr. GARNER. Will the gentleman yield?

Mr. LONGWORTH. I will.

Mr. GARNER. The gentleman says, I understand, that the sales tax is to begin on December 1. I congratulate the gentlemen of the committee. Of course, the election comes in November, and it will not be put on until it is over. I think that is very wise. [Applause on the Democratic side.]

Mr. LONGWORTH. I think the gentleman undoubtedly will give us wise advice on that subject. [Laughter on the Republican side.] Now, this tax on final sales is not a large tax. At the outside it is estimated that it would not raise more than about $400,000,000 a year. I do not think, therefore, that there are the same objections to it as to most consumption taxes. Furthermore, we advocate it only as a temporary measure to remain in force for only two years as a means of raising about half the amount necessary for a given purpose, to wit, to recompense the ex-service men. Roughly speaking, if every soldier of the late war should avail himself of one of the alternative propositions carried in our proposed bill the cost would be about $1,800,000,000, of which the proposed sales tax would raise in two years about $850,000,000. The remainder of the amount necessary we propose to raise by taxes on tobacco, real estate transfers, stock exchange transactions and a small increase of the higher incomes. To my mind it is a safe and sane program, and if carried out will not injuriously affect business, damage the Government credit, or affect the cost of living. It is the one and only program that has been suggested or to my mind can be suggested to finance a soldiers' relief measure which possesses these three qualifications.

The plan suggested by the gentleman fom Illinois was never seriously discussed even by himself in the committee. The only bill which he has introduced upon the subject is so crudely drawn that he himself has practically repudiated it. I have been unable to secure a copy of the bill introduced by him to-day or that introduced by the gentleman from South Dakota. The gentleman from Illinois will correct me if I am wrong. I understand that his new bill increases the tax from 50 to 80 per cent?

Mr. HENRY T. RAINEY. The gentleman is wrong.

Mr. LONGWORTH. I am rather glad I am. [Laughter on the Republican side.] Well, in the former bill he proposed vaguely to impose a tax of 50 per cent on so-called war profits for the past five years, ignoring the fact that most of those war profits—ignoring the fact, as the gentleman from Iowa has pointed out, that these profits have already paid a tax of 50 per cent or more.

He seemed to think, as do some backwoods financiers, that profits are hoarded and kept in cash. Financiers of this type have a vague idea that profits are kept in a treasure chest in stacks of gold coin and that all the Government has to do is to open the chest and take out the coin and that business and industry will go on just the same. Whereas every sane man knows that the profits made two or three or four years ago are to-day in land or bricks or mortar or machinery, and that the imposition of such taxes as he proposes upon what has in effect become capital would ruin the industries of the country.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. LONGWORTH. Yes.

Mr. GREEN of Iowa. I suggest one thing that I omitted to state, that the gentleman from Illinois [Mr. HENRY T. RAINEY] intended evidently to levy taxes on taxes, as otherwise he would never get any money.

Mr. LONGWORTH. Of course. I do not propose to argue the constitutionality of such a proposition, except to say that it would mean confiscation pure and simple and that the laws of the United States do not permit confiscation. Of course, the gentleman from Illinois does not seriously think—no man seriously thinks—that such a silly scheme could be enacted into law, even if we in Congress were idiots enough to pass it. Everyone knows that it would be vetoed. The President of the United States has never been accused even by his most vigorous opponents of ultraconservatism, yet he said in his message to Congress on December 2, 1919:

> There is a point at which in peace times high rates of income and profits taxes discourage energy, remove incentive to new enterprise, encourage extravagant expenditures, and produce industrial stagnation with consequent unemployment and other attendant evils.

The President has been known to change his mind upon occasion, but no human being could seriously think for a moment that a man who wrote those words could advocate a proposition which on its face would go further than any other measure suggested in this or any other Congress to bring about the evils he seeks to avoid. Reduced to its lowest terms the scheme advocated by the gentleman from Illinois simply means this: If you accept it you will have no soldiers' legislation of any kind. Little more than a month ago, according to the RECORD, he was doubtful whether we ought to have any soldiers' legislation. Evidently he has now resolved his doubts against it, for he proposes a measure which everybody here knows will kill it beyond hope of resurrection.

I warn you, my colleagues on this side, to fear the Greeks bearing gifts. Distrust all proposals coming from the other side to "popularize" the measure upon which you will soon be called to vote. They are made with a design not of helping it, but of ruining it. Some say that a sales tax would not be popular. No tax is popular, but the true test of any tax is not its popularity, but its justice. To my mind any one who would object to this infinitesimally small tax for the one purpose of payment of adjusted compensation to the men who fought our battles in the World War would be a pretty poor sort. I am bound to confess that as an individual a proposition to make Henry Ford and the gallant Edsall pay the cost of soldiers' benefit legislation would not be without its attractive side [applause], but as a Member of Congress I know that we can not do it, and even if we did he would get it back by increasing the cost of flivvers. [Laughter.]

The Republican members of the Ways and Means Committee have labored long and earnestly, sometimes with and sometimes without the collaboration of the Democratic members, and we have unanimously agreed upon a measure in all its essential details which will be satisfactory to the soldiers and, we think, satisfactory to the country, and we have agreed upon a method of raising the funds which will do the work with the least disturbance of the country's business or of our Government's credit. The bill which we shall bring to you will not be perfect. There will be in it some features which you will not like. There are in it many features which I do not like, but that is true of every great piece of constructive legislation which comes before this body. I urge you, my colleagues, to accept it as the most practical solution of one of the gravest problems that has ever confronted Congress by voting for it as it is. You may not get everything you want, but if you accept the other horn of the dilemma and vote against it you are practically sure to get nothing.

Mr. GARRETT. Will the gentleman yield there?

Mr. LONGWORTH. Yes.

Mr. GARRETT. I would like to ask the gentleman about the beneficiaries of the proposed plan. It may be that newspaper reports have been incorrect in that as well as other phases of the bill. Are officers excluded? How has that been determined?

Mr. LONGWORTH. I will be glad to answer the gentleman. Officers are included up to and including the rank of captain.

Mr. GARRETT. And those who were members of the military forces prior to the beginning of the war?

Mr. LONGWORTH. Those men who were enlisted before the breaking out of the war will be entitled to the same credit as the other soldiers up to the date of the armistice.

Mr. HARDY of Colorado. How about the boys working in the spruce camps and getting high wages?

Mr. GRIFFIN. Will the National Guard also be included?

Mr. LONGWORTH. They were as much soldiers as any others. They were all members of the National Army.

Mr. MOORE of Virginia. In that connection, may I ask the gentleman one question?

Mr. LONGWORTH. Yes.

Mr. MOORE of Virginia. Is the gentleman able to state approximately about what the payment per capita would average?

Mr. LONGWORTH. The payment to the——

Mr. MOORE of Virginia. The payment to soldiers per man. What would be the average bonus payment? How many hundred dollars?

Mr. LONGWORTH. We had a great deal of difficulty in determining what the average service is. At the beginning of our investigation we were informed by the War Department the average service was about 10 months. But it developed later that the average service ran considerably more than a year. I should say that probably the average service was about 400 days. That answers the gentleman's question?

Mr. MOORE of Virginia. And it is $1.25 per day?

Mr. LONGWORTH. Yes; for adjusted compensation.

Mr. OLIVER. Did the gentleman provide compensation for the widows of those who served and were killed?

Mr. MADDEN. That is being taken care of, anyhow.

Mr. LONGWORTH. That is being taken care of now. I thought the gentleman meant those who died since——

Mr. OLIVER. I had reference to the widows of those who were killed during the war.

Mr. LONGWORTH. They are not covered by this bill. They are provided for otherwise.

Mr. HUMPHREYS. I wanted to ask the gentleman a question. I did not catch exactly the answer to the gentleman from Tennessee about the enlisted men in the Regular Army. Are they provided for?

Mr. LONGWORTH. For the actual war period.

Mr. HUMPHREYS. That is, those who enlisted in the Regular Army from the declaration of war to the armistice?

Mr. LONGWORTH. To the armistice.

Mr. TREADWAY. As a matter of information for the Members, would it not be advisable for the gentleman to add that when he describes the officers that are included, it includes the rank in the Navy corresponding to that of captain in the Army?

Mr. LONGWORTH. Of course, the same would be true of the Navy, those of similar rank in the Navy.

Mr. DICKINSON of Missouri. Mr. Speaker, will the gentleman yield?

Mr. LONGWORTH. Yes.

Mr. DICKINSON of Missouri. Do I understand the gentleman to say that under the provisions of his proposed measure it includes not only ex-service men, but also Regulars who are now in the service?

Mr. LONGWORTH. Those who are now in the service, of course, would not receive any compensation except for the period during the war, if they were in the war.

Mr. DICKINSON of Missouri. But those who are now Regulars in the service for the period of the war would be entitled?

Mr. LONGWORTH. Yes; for the period of actual warfare.

Mr. CONNALLY. Mr. Speaker, will the gentleman yield?

Mr. LONGWORTH. Yes.

Mr CONNALLY. I will ask the gentleman this: In some of the States the National Guard were mobilized under the State laws and were designated by the Federal Government for the draft at some future date but never were actually drafted into the Federal service. Is there any provision in this bill whereby those men who were in camp and who were drilling would be compensated?

Mr. LONGWORTH. As to that the details are not finally determined upon. They will not be until they are submitted to the minority.

Now, Mr. Speaker, I come to a more personal side of this controversy. I regret intensely that occasion should have arisen to discuss personalities, least of all my own. The gentleman from Illinois [Mr. HENRY T. RAINEY] has seen fit to charge that I, together with three others, Members of this House, am influenced in my attitude upon this legislation by my own personal possessions. I find myself almost at a loss to make fitting retort. My mind happily, as I think, seems to be constructed upon an entirely different plane from that of the gentleman from Illinois. If a thought or suspicion of any one of my colleagues so mean, so contemptible, so base, should find lodgment there, I would have fears of my sanity. I do not form my judgments of the integrity or ability of my colleagues by what they have or what they have not. My high estimate of the intellectual integrity of the gentleman from Illinois has been formed without any knowledge of his financial solvency. That he is mentally and morally solvent is my only concern. I do not go snooping around the Treasury to see what income taxes my colleagues pay. I have no idea whether the tax of the gentleman from Illinois was large or small. All I am sure of is that he made a correct return. Had he the wealth of a Rockefeller I am entirely confident that it would not influence him one iota in his conception and performance of a public duty. My retort, then, to my friend from Illinois is not the time-honored one, "You're another." On the contrary, it is an admission—and I make it here publicly—that if there is a flaw in the intellectual integrity of every other Member of this House, his at least is flawless and utterly pure. [Applause.]

A word now about the much maligned steering committee. I am, as the gentleman from Illinois [Mr. HENRY T. RAINEY] and the gentleman from Texas [Mr. GARNER] have said, a member of it. I am also a member of the Committee on Ways and Means, which is drafting this soldiers' legislation, and a member of the committee on committees, which created them both. I ought to be competent, therefore, to know just what the steering committee has had to do with the taxation and any other features of this bill.

Now, first, let me correct the misapprehension that the steering committee is a boss on this side of the House. On the contrary, we are the mere legislative agents and servants of the majority. We were elected unanimously in the conference, not the caucus—because we have no caucuses on this side. [Laughter.] We were elected unanimously, and we can be removed to-morrow if we fail to be representative of the mind of the majority. That we are still here is proof of the fact that, so far at least, we have done fairly well in crystallizing the thought of the majority into legislation.

I will candidly admit, if it affords any satisfaction to the gentleman from Texas, that I had some doubt when the steering committee was first formed as to whether it was sufficiently representative. When it came time to organize this House I made just as hard a fight as I knew how upon two propositions: First, to enlarge the steering committee; and, second, to modify in some respects the seniority rule.

My thought in regard to the steering committee was that it should consist of nine rather than of five members, so that it might be more representative, geographically, and in cleavage of thought, of the body of the majority. My friends and I suggested the names of four gentlemen for the consideration of the Republican conference. They were the gentleman from Nebraska, Mr. REAVIS, the gentleman from Minnesota, Mr. ANDERSON, the gentleman from Virginia, Mr. SLEMP, and the gentleman from California, Mr. NOLAN. We did not go to the Treasury to ascertain whether they were millionaires. We only knew that they were good men. The majority of the conference, however, without questioning the ability or the integrity of these gentlemen, thought that inasmuch as the committee was apt to be called together at any time, practically, of the day or night, a committee of nine would be unwieldy, and they defeated our proposal, so that the committee was left at five. To-day it is but four, because the gentleman from Pennsylvania, Mr. Moore—and I do not know whether he is classed as a millionaire or not—resigned to accept the mayoralty of the city of Philadelphia. The gentleman from Wyoming [Mr. MONDELL]—I have no idea as to what his personal fortune may be—is the chairman of that committee, and we meet in regular consultation with the Speaker.

Now, I speak by the book, gentlemen of this House, when I say that the steering committee as such has had absolutely nothing whatever to do with the taxation or any other features of this bill. Except myself, no one knows any more about them than any other Member of the House. Neither the steering committee as such nor any Member except myself has made any suggestion, directly or indirectly, as to the manner or method of taxation. The responsibility for the soldiers' relief bill, which we are about to offer you, rests solely upon the Republican members of the Committee on Ways and Means, and we accept it gladly. We would have greatly preferred that there should have been unanimous action, but the Democratic minority have made that impossible. They have not sought to help us. On the contrary, they have deliberately sought to hinder us in the formulation of soldiers' relief legislation.

They have made it apparent that they have intended, and still intend, to load up this bill with such foolish and destructive propositions as to make its final passage impossible.

A word in closing, Mr. Speaker. In all the years that I have been in Congress this is the first time I have ever known a Member to refer to the personal possessions of another, much less to intimate that those possessions might have any influence upon his conception or performance of his public duty. I believe—and this one unpleasant episode will not shake my belief—that this House of Representatives is the greatest leveler of any body on the face of the earth. I have seen men come here with great reputations and lose themselves. I have seen men come here with no reputations and find themselves. It does not take the membership of this House long to size a man up, and I have found its judgment to be invariably accurate. That judgment, thank heaven, has been based upon what a man is, not upon what he has. [Applause.] That is what makes us the most truly democratic assembly on the face of this earth. If after a reasonable period you gain the respect and confidence of this House you have gained what no accident of birth or wealth or influence can give you. You have won a prize which it is beyond the power of any other man or any set of men to bestow. Let us see to it that that prize remains pure and untarnished. Let us not diminish it by criticizing or calling into question each other's motives. No matter how widely we may differ upon questions of national policy, let us not even hint that our opinions are not honestly arrived at. [Applause.] Thus we shall preserve our self-respect, without which we can not hope to hold the respect and confidence of the country. [Applause.]

The SPEAKER pro tempore. Under the previous order of the House, the gentleman from New York [Mr. GRIFFIN] is recognized for 30 minutes.

Mr. GRIFFIN. Mr. Speaker and gentlemen, one of the most inspiring and delightful recollections associated with my membership in this body was the splendid spirit of patriotism and cooperation which prevailed on both sides of this aisle when the country was passing through the crisis of war. The spirit of this House on both sides was to submerge individual opinions, to banish partisan convictions, and to unite for the one purpose of carrying our flag to victory.

THE WAR NOT OVER.

They say the war is over. Yes; hostilities have ceased. Men no longer stand in battle array; but the economic conditions which were caused by the war are still potent—weighing just as hard, just as intolerably, upon the shoulders of the people as when we were in the midst of war. Profiteering, incited by the war, goes on apace. The devastation of war remains unrepaired, the wounds of our soldiers are still not healed, and the economic confusion into which our affairs have been thrown present problems of the gravest nature. To settle these will take all the resolution, all the thought, and all the cooperation which we may be able to summon or command.

These problems are, if anything, more serious and more vital to our future welfare than any of those which arose during the progress of the war. It was easy when the drums beat the alarm of war to get men to fight. It was easy to commandeer the wealth, the brains, and the brawn of the land when the honor and prestige of our flag were at stake. The spirit of our fathers filled our hearts, sanctified our efforts, and guided our arms to victory. The holiest traditions were then aroused. War without brought peace within. The barriers of party, race, and creed were swept aside and we became one people united in thought, word, and deed.

Mr. Speaker, the most that I desire to do is to urge upon the Members of this body, independent of party, to recognize the fact that there is a great, predominating issue before the people

of this country, and that they will not suffer or endure petty politics. This Congress must get down to brass tacks and do something, and it will not avail either on that side or on this, my friends, to say to the people that we alone as party men have done this, that, or the other. Neither side should try to take the credit to themselves for the solution of the problems which confront us. Those issues bear equally on both sides of this aisle, and as we won the war hand in hand it behooves us to solve the problems of the hour hand in hand.

The people have almost reached the limit of endurance. The high cost of living is the specter that sits at every table in every home in the land. With wages higher than ever before in our history, the clerk, the bookkeeper, the teacher, the mechanic, the farmer, and the laborer all alike feel the presence of an unseen but all-pervading oppression. In their bitterness they blame one another. The farmer blames the middleman. The mechanic blames the butcher, the baker, and the grocer, and these shift the burden back to the farmer, the stock raiser, and the dairyman. When the pinch first came we were in the midst of war and conditions which were believed to be the result of war were borne with patriotic spirit—with patience and submission.

But the war is over for nearly 18 months. Yet prices still advance. The cost of living has nearly doubled since the armistice. Since November 11, 1918, food has advanced in price 17 per cent; rents, 29 per cent; clothing, 84 per cent; fuel, light, and heat, 9 per cent; and there has been a general advance in all other items entering into the cost of maintenance of over 30 per cent. While the war lasted the people, patriotic to the core, expected, and were willing, to bear the sacrifice; but, with the war over, they find conditions aggravated, without apparent reason; the wage earners are disappointed and discontented. And while the condition of the masses is in this intolerable plight, they see vast fortunes accumulated, and accumulating, in almost every branch of industry. They note that over 4,000 millionaires were created by the war. They note that big corporations are declaring dividends of 100 per cent out of those very things in which the prices have mounted highest and which make the largest draft upon their earnings.

THE BONUS QUESTION.

But why are we so much concerned here to-day over the problem of increasing taxation at a time when all our thoughts should be directed toward the alleviation of the country's burdens? I am told that it is because the soldiers of the great World War are hammering at the gates of the Capitol and demanding a bonus. They claim, I am informed, that while they were toiling in the camps or facing death in the trenches many unscrupulous men got fat on rich contracts; others profiteered on the necessities of life, and still others, who should have worn the khaki, took refuge on the farm, in the shops, in the shipping plants, and in the various war industries, drawing exceptionally high pay, while the managers of these industries reaped unconscionable war profits and piled up immense fortunes. All of this is true. But let me digress a moment and consider war profits.

WAR PROFITS.

Of all economic fallacies the idea that special enhanced profits in time of war are inevitable and allowable ranks as about the meanest and most ignoble that ever found entry in the human mind. To think that men should be so base as to claim monetary compensation in order to stimulate them to produce the things essential for the conduct of the war surpasses sane comprehension. The boys of our land were besought by spellbinders to answer to the call to arms, and while they were patriotically responding, other men, with too much money to risk their precious lives in battle, were clamoring here in Washington to be allowed to set war prices on their products and to mulct the Government and the people out of millions.

And the unfortunate thing is that they had their way. They fixed war prices, but they also fixed a halter around the neck of the consumer. This step having been once taken, a precedent was set for all to follow. The Government allowed big margins of profit on steel, coal, and lumber. The pretense was that these patriots needed this stimulation in order to encourage production—a most vicious, dangerous principle. Then their turpitude became manifest. The ordinary, time-honored, but yet revered spirit of patriotism was to be sufficient to stimulate the mechanic, the farmer, the clerk, the teacher, and the laborer. These must skimp themselves out of meager salaries to buy Liberty bonds; but the great masters of industry, the financiers and big producers, must, forsooth, have the encouragement of war profits. With this example before them of paternalistic governmental indulgence, was it any wonder that all others, neglected in the beginning, should strive to come under the patriarchal cloak? When all were safely sheltered under this vicious precedent, then labor asserted itself and claimed the right to enhanced compensation. Nor can they be blamed for that. When they were compelled to pay 16 and 18 cents a bottle for milk to keep life in their babies, 10 cents for a 5-cent loaf of bread, and double prices all along the line for meats and vegetables, clothing, and the necessities of life, were they far astray from the equities when they demanded only a proportional increase in wages? When the corporate gougers found that the payment of increased wages cut deeply into their profits, their next step was to increase their profits.

Then followed other increases in the prices of the simple necessities of life, and the high cost of living iniquity became firmly intrenched in the Nation's habit. A wild orgy of waste, extravagance, and self-indulgence set in, but the most pathetic feature of it all was the gradual breaking down of the fiber of our national sense of integrity and fair play. And thus it came to pass that while the youth of our country were volunteering and being drafted to the camps and battle fields, involving the sacrifice of their homes, their families, their trades and different callings, and their life opportunities, other men were conniving to get into war industries where they would be exempt from military duty and at the same time draw better pay than they ever earned before. This is the situation which has aroused the ire of the returning soldiers and stirred within them the deepest feelings of resentment. On the other hand, those who honestly served in the war industries and "did their bit" to win the war should not be the victims of this resentment. While some may have sought this work to evade military duty, the great bulk of them did their duty conscientiously. While their pay was high, they usually had families dependent on them, and the apparently large wages they received were soon neutralized and all benefit lost to them by the unscrupulous exactions of the profiteers. Therefore neither the man who went across to nobly fight nor the man who stayed at home to nobly work should be arrayed against each other. They are both the victims of a situation in which they should both unite to save themselves and the Nation from impending ruin.

In the task before us we should not be misled by false sentiment and we should neither, at the same time, be too much influenced by resentment. We should direct our spleen against those who overstepped the latitude that was given them and who now, after the war is over, continue to manipulate the machinery devised for a patriotic purpose for their own ever-increasing aggrandizement.

It is not fair to the faithful to repay them for their efforts by imposing a new tax on everything they need in their daily lives. Likewise you will hurt them equally if you put an increased tax on the profiteers, which will be immediately shifted over upon the shoulders of the innocent.

IS NEW TAXATION NECESSARY?

On the other hand, is new taxation necessary? The first principle of sound taxation is to avoid the occasion of taxation. If we can get along, therefore, without the cumbersome and irritating cash-sales tax, and if we can carry on the Government and supply the needs of the hour without putting more fodder into the hopper of the moneyed interests by sharing further in their excess-profits pilfering, ought we not to do so?

SOMETHING SHOULD BE DONE FOR THE SOLDIERS.

Something should be done for the soldiers, but it ought to be done at once. Without encouraging them at all in the notion that they have a grievance against their fellow workers in the Great War, we ought to do that which is manifestly just. I worked out a plan for their relief which will enable the Government to help them immediately, without the tedious delays incident to raising new revenues.

HOUSE BILL 13333.

My bill is House bill 13333. Under its provisions all war-risk insurance premiums deducted from the pay of both officers and men are returned to them. This is urged on the ground that it was inherently wrong for the Government to make its soldiers pay for the hazards of their calling. They were the Government's risk as well as their own, and this money was improperly deducted from their pay. I also propose to return to the enlisted personnel all allotments deducted from their pay for the support of their families and dependents. They were fighting in their country's cause, and the least that the Nation could and should do is to make up the deductions from their pay used for the support of their dependents.

Mr. SWOPE. Has the gentleman obtained any estimate as to the cost of the proposition that he is advocating?

Mr. GRIFFIN. Six hundred and sixty-seven million—since this figure was arrived at the War Risk Insurance Bureau has reduced its estimate of the number of soldiers making allot-

ments to 1,661,933; consequently the cost of returning the insurance premiums and allotments will be $517,963,595 instead of $667,000,000, as above given—as against two billion five hundred and fifty-five million for the American Legion bill.

Take the case of the average soldier in the service: He received $30 a month. If he was insured for $5,000, and if his youth was in his favor, he would pay $3.25 as premium and, besides, would make an allotment to his family of $15. That was $18.25 out of the $30. Then, as he was a good patriot, he would subscribe for Liberty bonds. Some of the boys told me that they only had a few dollars left for spending money when they got their pay. It is these boys who, doubtless, feel that they have been unjustly treated. I believe they were unjustly treated, and we ought to be just to them.

Mr. CONNALLY. Will the gentleman yield?

Mr. GRIFFIN. Yes.

Mr. CONNALLY. I understand the gentleman is charging Congress with the enactment of legislation that dealt unjustly with these men. I want to suggest to the gentleman that statements of that kind are the cause of the widespread criticism of Congress.

Mr. KING. If the gentleman will pardon me, I do not think the gentleman from New York made any such statement.

Mr. CONNALLY. He said a moment ago that Congress had treated the boys unjustly.

Mr. KING. But the gentleman is trying to place him in the attitude of laying the blame on Congress. He has not done that.

Mr. CONNALLY. He said that Congress passed this legislation.

Mr. GRIFFIN. I do not know what may happen if the gentlemen go any further in the colloquy. It was not my intention to reflect on Congress. I may say, however, that it is perfectly possible for Congress to do an unjust act. Congress very frequently has done so in the past, and it has done so in the exercise of its deliberate judgment. The determination of the justice or injustice of an act is a matter of argumentation. Of course, it is only my opinion, and my say so does not make it so. Since I have been here some measures have been passed that, in my judgment, impose unduly on certain classes of people and give advantage to others. But that is only a matter of opinion. I do not imagine any of the boys in the Army or Navy, from anything I might say or have said, would weaken in their patriotism in the slightest degree.

I believe that the war-risk insurance premiums and the allotments should be returned, and I maintain it was wrong to deduct them in the beginning. If the allotments for 11 months, which was the average service, were returned it would amount to $165. This together with the average insurance premium of $55 will make a rather tidy sum, which will undoubtedly relieve their present distress and put them on their feet. It will also relieve us of the anxiety and the need of quibbling as to how the money should be raised. It could be raised in the regular course, by certificates of indebtedness and short-time notes. The boys would get their money immediately and not have to wait, as under the American Legion bill, for over a year before they could receive a fraction of its benefit.

THE AMERICAN LEGION BILL.

Under the American Legion bill it is proposed to limit the soldiers to only one of fourfold features. If he takes the cash bonus, he will be denied the rest. This is unjust to him and unjust to the country. You are not encouraging him to found a farm, establish a ranch, or make a home. You are simply giving him a few dollars and casting him adrift. This is wrong. He will soon spend the money and be no better off than before. Some of my colleagues say, in answer to my argument, "Well, if they want it, give it to them and let them take the responsibility." That, I submit, is not sound policy. It is unkind to the men and unjust to the Nation.

Under the narrow and limited beneficence of this bill the present necessities of the veterans will doubtless tempt the vast majority to accept the alluring prospect of a few hundred dollars in hand, and thus cut themselves off from the more substantial benefits of land settlement, home building, and self-improvement. On the other hand, even in these directions the bill is more glittering in promises than substantial in benefits.

An examination of the appropriations provided for the other benefits under the other titles of the bill will startlingly reveal its utter inadequacy to meet the gigantic problem before us. The $500,000,000 for the farm and ranch settlement scheme is only a drop in the bucket. It will only provide farms and ranches for a little over 60,000 out of the 4,500,000 soldiers who are fondly centering their hopes on this bill. It is true that those who get the bonus can not receive the benefit of this land settlement provision; but even those who avail themselves of it must wait 10 years for the gratification of their ambition, for the appropriation is spread out over that period.

I believe that land settlements and city and suburban home loans and vocational education should be made the subject of separate legislation.

Under my plan the veterans would receive back their war-risk insurance premiums and the allotments deducted from their pay. It would not be a very large sum, but the average would be $210 each. But the advantage is that they would receive it at once and would not have to await the deliberations of subsequent Congresses. They would get it immediately, without any string, and when they receive it they need not feel that they are the recipients of any bounty or gratuity. Neither need they feel that their necessities have obliged them to sell their rights for a mess of pottage, or that they had estopped themselves from receiving the other advantages of land grants, home building loans, and vocational education which a grateful country will no doubt be willing to accord to them.

SHALL WE TAX CASH SALES?

The American Legion bill will involve an immediate expenditure of $2,555,000,000. Do you expect the people to be patient at the suggestion of raising this revenue for the Government by taxes upon cash sales? Taxes which are added visibly to everything they buy—the suit of clothes they wear, the food they eat, and the bottle of medicine they must buy when dread sickness or disease enters the threshold? Will they stand for this when they know that the trusts which oppress them are still permitted to pile up excess profits without let or hindrance? No, Mr. Speaker, such an attempt would be dangerous. It must not be attempted at this time.

A RETROACTIVE TAX IMPRACTICABLE.

Another suggestion is made that we raise the amount required by a retroactive tax upon war profits. Well, war profits are odious and it is not through sympathy that we should spare them; but it would be like trying to go after water that has gone through the mill and passed down the stream to the sea. They have paid their quota of the tax levied upon them and the balance has been divided among the stockholders and spent, or otherwise distributed beyond the reach of taxation. That proposal, therefore, is impracticable.

OR INCREASE THE TAX ON EXCESS PROFITS?

"But," you ask, "what shall we do?" Some of my colleagues on this side of the chamber answer: "We will correct that; we will increase the tax on excess profits." Pause, gentlemen! Not so fast! Do you know that every increase in excess-profits tax will be shifted right back to the consumer? Are you so blind as not to see that the entire tax is added to the cost of the product and paid by the last purchaser in the chain of exchange—the ultimate consumer? If you do not, you ought to know. The profiteer himself admits that and his immense earnings testify to the truth of his confession.

You know that at this very moment the big interests are fomenting and fostering a vigorous propaganda to entirely abolish the excess-profits tax. Every mail brings to our desks heart-rending appeals showing how iniquitous the excess-profits tax is; how it is added directly to the cost of their production and is paid, in the long run, by the consumer. Influential papers, big bankers, and chambers of commerce, controlled by the financial and industrial leaders in their respective communities, all join in the chorus. They all sing the same song. Their interest in the common people is marvelously strange, as well as pathetic. And, then, to appeal to the Government side of the question, they tell us how intricate and irritable these taxes are, how difficult they are to compute, and how expensive they are to the Government to collect.

All very plausible, indeed, Mr. Speaker; but if we repeal the excess-profits tax, what guaranty have we that they will cease piling up their excess profits? Ah, gentlemen, there is the rub. What guaranty can they give the people that prices will come down? None whatever. On the contrary, the excess-profits will go on as before, and what they save in taxes will be added to their already overswollen capital. Have you any doubt of that? Then what do you think of this confession, contained in the report of the New York Chamber of Commerce?

This confession is found on page 15 of the supplement to the March Bulletin of the New York Chamber of Commerce and reads as follows:

> The detrimental and deadening effect of the heavy taxes on incomes and the profit taxes is now generally recognized. Such exactions from the larger incomes, both individual and corporate, result in the absorption by Government of that portion of the income of the country's industry *which would naturally be annually added to capital.*

Of course, we did not need this to learn what the corporations will do with the margin of excess profits left to them after the repeal of the excess-profits tax. We know they will

add this margin to their capital, because that is what they have been doing right along.

For instance, the Standard Oil of Indiana has just increased its capital from $1,000,000 to $30,000,000. Many of the branches of the Standard Oil Co. throughout the United States have surpluses far in excess of their permitted capital waiting for the opportunity—the propitious moment—to increase their capitalization. The Atlantic Refining Co. has increased its capital from $5,000,000 to $50,000,000. The Continental Oil Co. has raised its capital from $3,000,000 to $18,000,000.

Of course, all these increases in capital simply mean turning the surplus and excess profits into the capitalization, followed by a general distribution of the increased stock among the conspirators.

For instance, the Standard Oil Co. of New Jersey has a capital of $98,338,382 and a surplus of about $500,000,000.

STOP THE EXCESS PROFITS.

What, then, are we to do? Obviously there is only one thing to do, and that is to put a stop to the making of excess profits. It is not the tax that hurts. That only adds a little more to the burden of the consumers. The thing that really oppresses is the excess profit itself. For what the Government has got out of it by taxation or what the Government may get out of it by increasing the rate of taxation has been and will be very small indeed in proportion to the gross sums exacted from the people by this vicious system of profiteering which has now become a confirmed habit.

The excess-profits tax was not devised primarily as a means of raising revenue. It was intended only as a stabilizer to equalize the profits or, rather, proportion them commensurate to the expense of production in the various war industries. Another example of a worthy weapon turned to a wicked use.

Note the figures, which speak for themselves:

In the last published report of the Internal Revenue Bureau of the Treasury Department, that of 1917—the figures for 1918 and 1919 are not yet tabulated—we find this startling situation:

GROWTH OF MILLIONAIRES.

In 1914 there were 2,348 millionaires in the United States. In 1917, the last date for which the figures are collected and summarized, there were 6,664—an increase of 4,316 in three years. I have divided them into classes, according to occupation. (See Table I.) There were of manufacturers 920 new millionaires made during the war. There were of farmers and stock raisers 120; of corporation officials, 716, and much to my astonishment I found that there were lawyers and judges to the number of 206 who seem to have become war millionaires. There were 27 doctors. There were 452 women in the list.

In one of President Wilson's utterances he said that a man who would make a profit out of this war would be eternally disgraced. Then, according to that, there are 4,316 men in the United States to-day who are eternally disgraced.

Another interesting table of figures is that in respect to incomes of over $5,000,000 per annum. There was one single man in the United States who earned last year a net income of $34,936,604. There was one man who earned $5,794,559.

Mr. SIMS. The gentleman means net income?

Mr. GRIFFIN. Yes, net income after the allowance of deductions. There were two others whose net income was $16,511,216. Mr. Speaker, I have these figures arranged in tables, and will print them in detail in my remarks. I therefore ask unanimous consent to extend and revise my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. GRIFFIN. There were 8 whose net incomes were over $4,000,000, and their aggregate net income was $7,000,000; there were 5 whose net incomes were over $3,000,000, and their aggregate net income was over $16,000,000; there were 24 whose net income was over $2,000,000, and whose aggregate net income was $58,000,000; there were 33 whose net incomes were between $1,500,000 and $2,000,000; and there were 67 people in the United States whose aggregate net income was $80,413,549, who had net incomes between $1,000,000 and $1,500,000 each. Those having net incomes between $500,000 and $1,000,000 were 315, and their aggregate net income was $214,000,000. In other words, there are 460 persons, less than a battalion of fighting men, in the United States whose aggregate net income was $520,835,914.

CORPORATION PROFITS.

There were 232,079 corporations in the United States which reported gross incomes of $79,540,004,981.

From this they claimed deductions of $68,809,644,680, and only paid taxes on a net income of $10,730,360,211. (This is an example of how the staggering war profits of the profiteers "disappeared" when the taxgatherer came around.)

On this amount they only paid war taxes and excess-profits taxes of $2,142,445,769, or less than 20 per cent of their net income. (See Table IV.)

If you will kindly glance at Table V you will note that manufacturing corporations led the procession in gross incomes. The Treasury report shows that this class of corporations reported a gross income of $40,437,716,989. Their net income was about one-sixth (or so they reported), and they paid a total tax of $1,326,960,480.

Wholesale and retail trade corporations came next in the gross amount of income reported. For them the figures show $19,804,255,613, but after making the deductions claimed their total net income was only $1,481,060,780, and on this they paid taxes aggregating $324,847,386.

Another interesting feature of this table is that most of the corporations paid an average tax amounting to about 20 per cent of their net income. Transportation and utilities corporations, finance corporations, and foreign corporations only paid an average of .09 per cent of their net incomes as taxes.

One of the gentlemen at the other end of the Capitol on Saturday made a speech upon the question of profiteering, and much of what might be offered in the way of statistics as to the extent of profiteering is covered quite fully in his speech. I sincerely hope that if the Members are interested enough to pursue what I have to say on this subject they will refer to Senator CAPPER's speech, where the facts and figures are given showing the outrageous extent of profiteering and gouging of the public.

Mr. SWOPE. Mr. Speaker, will the gentleman yield?

Mr. GRIFFIN. Yes.

Mr. SWOPE. I believe that Senator CAPPER placed the responsibility for that condition upon the Attorney General, did he not?

Mr. GRIFFIN. No; I do not think he did. I think it was Senator LENROOT who undertook to say that the conditions were as they were pictured because the Attorney General did not enforce the laws. He said: "The Attorney General is setting a few mousetraps around the country where he ought to be setting some bear traps."

Mr. SWOPE. Mr. Speaker, will the gentleman yield further?

Mr. GRIFFIN. No.

Mr. SWOPE. I will read the statement to the gentleman.

Mr. KNUTSON. Mr. Speaker, will the gentleman yield?

Mr. GRIFFIN. I yield to my friend from Minnesota.

Mr. KNUTSON. Does not the gentleman think that a large part of the great cost of the war was due to the cost-plus plan adopted by the War Department?

Mr. GRIFFIN. Yes; I do.

Mr. KNUTSON. I know that the gentleman is always fair and at least he is willing to place the responsibility where it belongs.

Mr. GRIFFIN. I will go the full length with the gentleman on that proposition. There were a great many crimes committed during the war in the name of liberty, and many a scoundrel took shelter at the altar in the sanctuary of patriotism who ought to be in jail. [Applause.]

In addition to the figures to which I have referred, I have this further interesting information.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. GRIFFIN. Mr. Speaker, I ask unanimous consent that my time be extended for 10 minutes.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent for an additional 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. DUNBAR. Will the gentleman yield?

Mr. GRIFFIN. Yes, sir.

Mr. DUNBAR. Will the gentleman kindly inform the House how much taxes were paid by these persons whose incomes amounted to between four and five hundred thousand dollars?

Mr. GRIFFIN. There were 179 whose net incomes were between $400,000 and $500,000, aggregating $79,155,111, which paid taxes aggregating $21,010,023. Under the leave which I have I shall fully answer the gentleman's inquiry. I have it all in a separate tabulation. (See Table VI.)

These startling figures recall Goldsmith's famous lines:

> Ill fares the land, to hastening ills a prey,
> Where wealth accumulates and men decay.

We have in this country to-day all of the conditions which are embodied in Goldsmith's prophecy. He asserted an economic truth. You have a vast accumulation of wealth beyond the dreams of avarice, and you have an utter disregard of the elementary principles of human ethics. Charity and kindness and sweetness are taken out of human life. Everybody is racing to get ahead of everybody else and "the devil take the hindmost."

HOW TO STOP IT.

How, then, shall we stop the wild orgy? Simply discourage profiteering enterprise by increasing the rate of taxation on annual net incomes in excess of $100,000 by graded steps, making the tax 100 per cent on all incomes in excess of $500,000. This is the plan I propose in H. R. 13745, for which I respectfully ask your careful study and consideration.

On net incomes between $100,000 and $150,000 I would increase the rate of taxation to 55 per cent; between $150,000 and $200,000, I would make the tax 60 per cent; between $200,000 and $300,000, 70 per cent; between $300,000 and $400,000, 80 per cent; between $400,000 and $500,000, 90 per cent; and on all net annual incomes above $500,000, I would place the tax at 100 per cent.

I do not believe that the Government should collect any taxes on incomes of individuals of over $500,000 per annum. There should be no such income. [Applause.] Their accumulation should be discouraged, and the way to discourage them is to seize them. This may seem like a paradox, but the point of my assertion is this, that if we establish a graded excess-profits tax culminating at incomes of $500,000 per annum the ambition to profiteer will be discouraged and eliminated. Under our present system of excess-profits taxation we practically abdicate the right of taxation to corporate wealth; for they confess in all their propaganda that the consumer bears ultimately the burden of such taxation. Therefore, why should we longer permit them to usurp a function of Government and practically levy taxes?

Mr. KNUTSON. Will the gentleman yield?

Mr. GRIFFIN. I will.

Mr. KNUTSON. Is it not also true that where extreme accumulated wealth is found that it is followed by extreme poverty, that they go hand in hand?

Mr. GRIFFIN. Inevitably. The total wealth of the country is only so much, and if a few men absorb more than their share there must be less to go around among the rest.

Our present system is practically a revival of the old tithe system whereby the Government let out contracts to taxgatherers, allowing them to keep a percentage of their collections. That is practically what we are doing with the corporations of this country to-day, we are allowing them to keep 40 per cent of their exactions. We let them profiteer as much as they like, accumulate vast incomes, and Uncle Sam says to them, "You let us have 40 per cent, and you can have the rest." So in that respect they become the agents of Uncle Sam to gouge the people.

Mr. KING. Will the gentleman yield?

Mr. GRIFFIN. Yes, sir.

Mr. KING. I wonder if it would not be better to stop the graft, if it can be done?

Mr. GRIFFIN. That is what I propose by this bill.

Mr. KING. Has the gentleman ever studied the effect upon graft which is practically caused by the methods adopted by the Federal reserve banks in financing speculators and inflating the currency?

Mr. GRIFFIN. Well, of course, this is a broad subject. It has its labyrinths and its ramifications, which all, however, lead toward one end. I am emphasizing now only one branch—one ramification. I am trying to do something to stop the partnership between the profiteers and the United States Government. I want the United States Government to say to these men, "You may make a reasonable income upon your capital invested up to $500,000, but when you exceed $500,000 per annum, then Uncle Sam takes the rest in the form of taxation." My proposition will apply to corporations as well as individuals.

Of course, I do not expect the Government to obtain any revenue out of incomes in excess of $500,000. The Government does not want a revenue out of profiteering, and net incomes in excess of $500,000 per annum are clearly unconscionable and unjust.

A CRITIC ANSWERED.

The criticism of the combined New York Sun and Herald, in a leading editorial in last Sunday's issue, is therefore decidedly amusing. The editor states that millions of dollars of revenue which now flow into the United States Treasury from the existing tax schedules applying to incomes in excess of $500,000 a year would be wiped out. It may astonish this editorial wiseacre to learn that that is precisely its object. He then proceeds to say:

Mr. GRIFFIN'S bill therefore should be officially designated on its title page as a measure to take away from the United States Government a great part of the revenue it now enjoys and to prevent it from getting millions more it seeks to obtain.

That is correct. That is not quite so evil a result as my profound critic seems to think; nor is it the unconscious effort of blind and thoughtless bill drafting. Let me emphasize, for the benefit of this gentleman who stands aghast at this measure, that it was deliberately and knowingly drawn with that very intention. And for this reason: The United States Government ought not to encourage profiteering by sharing in the excess profits of individuals or corporations beyond a certain limit, and it is thought that excess profits up to $500,000 constitute a fair and reasonable limit.

The fact that the Sun and Herald is advocating the entire abolition of the excess-profits tax makes its solicitude over the Government's interest in such taxes particularly amusing. The editor says that this measure "to a dead certainty would not produce one penny of revenue for the United States Treasury." Of course not. Our friend can gamble on that.

But listen to the reason he gives and observe his barefaced, shameless confession of corporation methods. He says:

The corporation with an income in excess of $500,000 a year would plow in, distribute in pumped-up expenses, waste, or in various ways fail to earn anything that otherwise would carry the income figures beyond the $500,000. The individual would shift, allocate, or give away sufficient of his principal to keep the income of the remainder below the dead line of confiscation.

Well, the Sun and the Herald, now combined, were always favorable to corporate wealth. The present editor evidently wears the old mantle and doubtless speaks with authority.

Uncle Sam is willing to forego his share of their pilfering; but he will insist that, instead of stealing and then wasting their income, so as to avoid the tax, as the editor so naively suggests, they will have to reduce their unconscionable profits by lowering their prices to the consumers. Such a thought never even penetrated the ponderous mind of Mr. Editor. But if he did not think of it, I think his friends will pretty soon become alive to the fact that the decentest and most honorable way to avoid the excess-profits tax is to share their profits with their customers.

THIS IS NO RADICAL ATTACK ON CAPITAL.

You will observe that I am not making any attack on capital. Capital and capitalists have their place in the economy of nature. I would not disturb a dollar of invested capital. I would even, for the sake of peace, let them get away quietly with what they have already accumulated; but I would put an end to the tyranny of money. I would not permit it to be longer used as an instrument of profiteering and oppression. I would destroy the insatiable appetite for accumulation. I think you will promptly agree with me that it is no great hardship to say to a man like Mr. X, whose annual net income in 1917, after all deductions were allowed, was $34,000,000:

"Here, sir, you take a back seat—take your fabulous capital, do what you like with it; but you must so arrange your investments that they shall not net you in excess of $500,000 a year. That is enough for any man to live on. With your power your money is an instrument of oppression. If you are allowed to use it further to pile up profits the consumers throughout this land who pay your profits are the ones who suffer, and their burden is not made lighter, I might say, by the benefactions you dispense. The people want you to take your foot off their neck. They do not want your charities—they want you to remove the blight of your hand from the industries of this land. As a matter of public policy, as a matter of self-defense, the people of the United States of America demand that your pernicious activities shall cease. You can not justly complain of their resolution. Public acts have been passed by legislative bodies limiting the amount of interest charged by pawnbrokers; laws have been passed against usury. The widow who takes the $5,000 obtained as damages for the death of her husband and invests it in a mortgage or a piece of property can not obtain more than 6 per cent interest per annum. You are not entitled to better treatment than they. Why should you be permitted to have your investments yield you percentages running into thousands and money running into millions? Public policy restrains the one, why should it not be invoked to restrain you and others like you? Usury is no longer a mere matter of percentages. It is a matter of whether great masses of capital shall, in a land abounding in wealth and natural resources, be longer permitted to absorb in the hands of a few the pitiful earnings of men, women, and children."

The responsibility is on this Congress to stop profiteering. There may be other ways; but there are none suggested which will receive the approval of the people of this country, who are naturally conservative. They bear, however, a special grudge against the profiteer. They despise him because he is merciless. During the coal strike, when the snow was on the ground and while women and children, chilled to the marrow, huddled together in squalid homes, these heartless vampires tripled the price of fuel oil, the only substitute for coal, and reaped unconscionable profits out of the misery and tears of humanity!

Pray, sir, tell me does not this House, does not mankind, owe something to them?

The old parties must hereafter exercise themselves with new issues and stop dallying with the old. They may fool each other, but they can not fool the people. Either side must take up this issue of profiteering and solve the riddle of the high cost of living or the people will rise in their wrath and solve it themselves.

UNJUST TAXATION THE ROOT OF REBELLION.

Unjust taxation is the root of rebellion. Consult your histories and you will note that it was the cause of many a struggle in ancient Greece. It revived in Rome and reechoed through the Middle Ages. It cost Charles I and Louis XVI their heads. It lost the Thirteen Colonies to Great Britain, and unless this Congress proves itself competent to meet the issue, the threat of Bolshevism, now pointing its gaunt finger at us across the seas, may prove to be a menace more substantial than a shadowy form.

The greatest problem therefore before us to-day is how to lessen the burden of taxation. Under the system we have followed in the past, it has inevitably fallen upon the consumer. To completely abolish the old and establish a new system of taxation would disorganize our finances, hamper industry, delay the process of economic readjustment. Without tearing down the old structure, we must gradually remove it stone by stone and construct on a sensible plan the new edifice.

WE MUST NOT REPEAL THE EXCESS-PROFITS TAX.

It is for this reason that I believe we ought to begin with the excess-profits tax. We dare not repeal it altogether, so long as capital is habituated to the process of making excess profits. We must stop that process; we must check the vicious, baleful fermentation and hammer the thought into the brain of capital that speculation in the necessities of life and taking advantage of the direst needs of mankind is not a permissible form of profiteering.

INCREASING THE TAX WITHOUT LIMITING THE PROFITS WOULD BE IN VAIN.

We dare not increase the rates of taxation while putting no limit on the profits. If we should, we would simply throw the reins on the backs of the horses and tempt them to gallop away to perdition. The precipice only is the limit—then the crash.

A CASH-SALES TAX DANGEROUS.

We dare not impose a cash-sales tax, for that will only add to the burden and irritation of the consumer. And least of all should this be done while profiteering goes on unchecked. Obviously, Mr. Speaker, the thing first to be done is to check the making of and to put a limit on the amount of excess profits. Only then will the people be satisfied to bear the irritation of stamp taxes and taxes on cash sales. Doubtless if the cost of food, raiment, and shelter should go down a half, or even a third, I have no doubt the people would gladly submit to a direct tax on their purchases. But at this moment it would break the camel's back—it would be undesirable and perilous.

APPENDIX.

TABLE I.—*Millionaires, 1917.*

1914	2,348
1915	3,824
1916	6,633
1917	6,664
(Increase of 4,316 in three years.)	
Divided as follows:	
Manufacturers	920
Farmers and stock raisers	120
Corporations officials	716
Lawyers and judges	206
Doctors	27
Women	452
Miscellaneous	4,223
	6,664

TABLE II.—*Personal incomes, according to classes, of those returned in reports for 1917 having incomes over $100,000.*

	Each.
5 architects:	
1 earned	$200,000
2 earned	150,000
2 earned	100,000
1 artist earned	250,000
15 authors, editors, and reporters:	
1 earned	500,000
1 earned	300,000
1 earned	250,000
2 earned	200,000
2 earned	150,000
8 earned	100,000
206 lawyers and judges:	
2 earned	1,500,000
2 earned	1,000,000
10 earned	500,000
4 earned	400,000
8 earned	300,000
10 earned	250,000
18 earned	200,000
44 earned	150,000
108 earned	100,000
9 actors and actresses:	
1 earned	$300,000
2 earned	250,000
2 earned	200,000
4 earned	150,000
1 teacher earned	100,000
16 insurance agents:	
7 earned	150,000
9 earned	100,000
17 theatrical managers:	
2 earned	300,000
3 earned	250,000
1 earned	200,000
5 earned	150,000
6 earned	100,000
120 farmers and stock raisers:	
2 earned	500,000
7 earned	400,000
4 earned	300,000
2 earned	250,000
9 earned	200,000
13 earned	150,000
83 earned	100,000
4 clergymen:	
1 earned	150,000
3 earned	100,000
27 doctors:	
1 earned	500,000
1 earned	400,000
4 earned	300,000
1 earned	250,000
4 earned	200,000
6 earned	150,000
10 earned	100,000
2 commercial travelers:	
1 earned	150,000
1 earned	100,000

TABLE III.—*Personal incomes for the year ending Dec. 31, 1917.*

[Compiled from United States Treasury Reports. Arranged according to amount of incomes.]

Net incomes over $5,000,000 per annum:	
1 single man earned	$34,936,604
1 single woman earned	5,794,559
2 others together earned	16,511,216
4	57,242,379
Net incomes over $4,000,000 per annum:	
2 single men earned	8,462,620
6 joint returns earned (husband and wife)	28,806,973
8	37,269,593
Net incomes over $3,000,000 per annum:	
3 single men earned	10,245,144
2 heads of families	6,653,841
5	16,898,985
Net incomes over $2,000,000 per annum:	
5 single men earned	11,636,167
2 single men earned (heads of families)	5,354,139
1 single woman	2,384,274
16 heads of families	39,349,884
24	58,724,464
Net incomes between $1,500,000 and $2,000,000:	
2 single women earned	3,096,162
7 single men earned	12,023,324
21 heads of families	36,296,339
3 married women	4,871,119
33	56,286,944
Net incomes between $1,000,000 and $1,500,000:	
7 single women earned	8,827,740
6 single men earned	7,214,600
1 single man earned (head of family)	1,044,400
46 heads of families	55,278,708
7 married women	8,048,101
67	80,413,549
Net incomes between $500,000 and $1,000,000:	
315 persons earned	214,631,270

RECAPITULATION.

456 persons in the United States reported net incomes in excess of $500,000 per annum, aggregating	$521,467,184
Total taxes paid	168,774,186
Incomes after deducting taxes	352,692,998

TABLE IV.—*Corporations reporting net incomes, 1917,[1] showing gross incomes, deductions, net income, and amount of taxes paid.*

Total number of corporations in United States	351,426
Corporations reporting no net income	119,347
Corporations reporting net income	232,079
Gross income of corporations reporting net income	$79,540,004,891
Total deductions claimed	68,809,644,680
Total net income	10,730,360,211
And on this amount only were taxes paid, as follows:	
Income tax	503,698,029
War excess profits tax	1,638,747,740
Total tax (under 20 per cent)	2,142,445,769

[1] Figures for 1918 or 1919 not collated.

TABLE V.—*Comparison of classes of corporations showing gross income, deductions, net income, and taxes paid by each class respectively in 1917.*

[Compiled from Treasury reports.]

	Number reporting net income.	Total gross income.	Total deductions.	Total net income.	Income tax.	War excess-profits tax.	Total tax	Per cent of net income (approximate).
Agriculture and related industries	5,633	$673,441,024	$575,576,398	$97,864,626	$1,494,220	$16,382,345	$20,876,565	.21
Mining and quarrying	6,371	3,686,300,228	2,737,883,616	948,416,612	43,791,458	168,573,561	212,365,019	.22
Manufacturing	58,788	40,437,716,898	34,701,711,263	5,736,005,635	263,058,008	1,063,902,472	1,326,960,480	.23
Construction	7,073	1,252,798,052	1,127,981,867	124,816,185	5,334,965	24,390,255	29,725,220	.24
Transportation and other public utilities [1]	18,673	8,111,268,317	6,807,444,313	[1] 1,303,824,004	60,597,817	60,450,199	127,018,016	.09
Trade, wholesale and retail	72,947	19,804,255,613	18,323,194,833	1,481,060,780	68,695,143	256,152,243	324,847,386	.24
Personal service	12,160	957,612,542	887,831,894	69,780,648	3,507,091	6,962,977	10,470,071	.11
Finance [1]	49,165	4,597,751,999	3,634,891,806	962,860,193	47,913,264	41,766,797	89,680,061	.09
Foreign corporations (Table 21 of report) [1]	706	376,121,781	313,429,399	[1] 62,692,382			[1] 5,692,224	.01

[1] Note that these corporations paid less than 10 per cent of their net income in taxes.

TABLE VI.—*Personal returns according to income, year ending Dec. 31, 1917.*

Income class.	Number of returns.	Total net income. [2]	Contributions.	Dividends.			Normal tax. [3]	Surtax. [4]	War excess-profits tax, 8 per cent.	War excess-profits tax, invested capital.	Total tax.	Average amount of tax per individual.	Average per cent on tax.
				1913-1916	1917	Total.							
$2,000 to $2,500 [1]	168,961	$378,780,244	$6,746,440		$19,687,125	$19,687,125							
$2,000 to $2,500	311,525	707,210,583	9,283,057	$109,537	9,505,458	9,614,995	$3,530,511		$10,915	$142	$3,541,568	$11.37	$0.50
$2,500 to $3,000 [1]	45,260	121,511,478	1,517,574		18,963,900	18,963,900							
$2,500 to $3,000	312,961	857,475,023	9,782,426	382,993	14,350,411	14,733,404	5,515,755		35,809	4,246	5,555,810	17.75	.65
$3,000 to $4,000 [1]	18,521	62,120,641	1,146,753		27,096,680	27,096,680							
$3,000 to $4,000	356,437	1,225,167,248	18,841,481	3,796,039	37,343,064	41,139,103	9,644,000		145,305	12,951	9,802,256	27.50	.80
$4,000 to $5,000 [1]	6,939	30,890,846	639,844		22,089,790	22,089,790							
$4,000 to $5,000	178,866	797,685,896	10,205,714	6,039,324	41,323,256	47,362,580	8,063,266		285,999	131,936	8,481,201	47.42	1.06
$5,000 to $6,000 [1]	933	4,955,806	222,950		3,426,522	3,426,522							
$5,000 to $6,000	105,055	573,807,914	8,008,263	8,741,688	49,997,477	58,739,165	7,319,427	$521,930	381,666	165,695	8,418,718	79.49	1.47
$6,000 to $7,000	64,010	414,507,386	6,773,596	9,229,484	48,540,347	57,769,831	6,149,175	866,341	1,323,011	750,208	9,088,735	141.99	2.20
$7,000 to $8,000	44,363	333,309,938	5,601,267	9,481,286	46,015,392	55,496,588	5,279,327	1,054,636	2,579,507	1,106,350	10,019,820	226.85	3.00
$8,000 to $9,000	31,769	269,674,124	4,654,372	10,619,572	42,585,109	53,204,681	5,156,224	1,373,275	2,115,564	179,146	8,824,209	277.76	3.27
$9,000 to $10,000	24,536	231,752,806	3,600,271	11,210,199	39,687,059	50,897,258	3,928,119	1,363,991	2,209,924	212,873	7,714,907	314.43	3.33
$10,000 to $11,000	19,221	201,554,224	3,219,382	11,233,527	36,943,835	48,177,363	3,687,505	1,449,014	1,879,465	271,621	7,287,605	379.13	3.62
$11,000 to $12,000	15,035	172,895,924	3,781,852	10,551,546	33,602,610	44,154,156	3,083,584	1,627,654	1,574,948	303,549	6,889,735	458.25	3.98
$12,000 to $13,000	12,328	153,830,339	2,728,473	10,158,188	31,892,610	42,050,798	2,842,078	1,502,202	1,688,170	316,544	6,348,994	513.38	4.11
$13,000 to $14,000	10,427	140,692,242	2,870,941	9,889,244	30,566,928	40,456,172	2,754,745	1,544,880	1,608,869	293,486	6,201,980	594.80	4.41
$14,000 to $15,000	8,789	127,352,013	2,257,897	10,452,447	27,625,664	38,078,111	2,527,817	1,574,716	1,613,676	255,938	5,972,147	679.50	4.69
$15,000 to $20,000	29,896	515,967,240	10,085,079	47,606,164	121,461,348	169,067,512	9,170,584	8,240,991	7,033,834	1,378,991	25,824,400	863.81	5.01
$20,000 to $25,000	16,906	374,873,137	8,444,315	44,515,681	96,270,796	140,786,477	6,935,621	8,380,448	5,452,050	1,522,180	22,190,308	1,320.07	5.92
$25,000 to $30,000	10,571	288,485,260	6,191,111	34,777,512	77,506,725	112,284,237	5,195,232	8,521,246	4,309,427	1,208,435	19,234,340	1,819.54	6.67
$30,000 to $40,000	12,733	438,534,809	10,155,382	58,923,009	125,247,979	184,170,979	7,447,957	15,764,590	6,711,760	1 941,536	31,865,843	2,502.62	7.27
$40,000 to $50,000	7,087	315,300,014	7,436,303	48,374,877	94,837,901	143,212,778	5,176,414	13,541,856	4,773,939	2,000,952	25,493,161	3,597.17	8.09
$50,000 to $60,000	4,541	248,475,042	6,928,412	41,333,081	77,984,513	119,317,594	4,245,373	12,621,489	3,627,844	1,414,201	21,908,907	4,824.69	8.82
$60,000 to $70,000	2,954	190,304,946	5,068,992	33,035,496	60,239,595	93,275,091	3,217,164	10,986,500	2,799,898	1,658,260	18,661,822	6,317.48	9.81
$70,000 to $80,000	2,222	165,350,717	4,691,661	29,468,419	56,010,132	85,478,551	2,769,410	10,640,542	2,224,021	981,375	16,612,348	7,476.30	10.05
$80,000 to $90,000	1,539	131,133,311	3,763,806	23,905,747	42,470,962	66,376,709	2,263,516	9,464,108	1,849,705	795,561	14,375,890	9,341.06	10.95
$90,000 to $100,000	1,183	111,630,319	3,421,047	19,686,197	38,699,988	58,376,185	1,863,435	9,758,807	1,374,113	472,233	13,468,589	11,385.11	12.05
$100,000 to $150,000	3,302	400,492,040	14,672,702	75,074,034	137,818,469	212,892,503	7,376,329	40,733,295	4,878,402	2,778,210	55,766,236	16,888.62	13.92
$150,000 to $200,000	1,302	223,982,310	7,888,039	46,726,909	74,543,308	121,270,217	3,556,888	28,977,103	2,614,793	2,110,365	37,259,152	28,616.96	16.63
$200,000 to $250,000	703	157,131,393	6,094,157	31,421,475	56,343,084	87,764,559	2,423,186	24,098,193	2,476,067	1,010,823	30,008,269	42,686.02	19.10
$250,000 to $300,000	342	93,538,347	4,153,254	19,153,854	37,625,266	56,779,120	1,375,048	16,799,997	720,823	554,868	19,450,736	56,873.50	20.79
$300,000 to $400,000	380	130,749,858	5,478,434	30,282,220	47,331,568	77,613,788	1 857,412	25,360,239	1,077,157	922,767	29,217,575	76,888.35	22.34
$400,000 to $500,000	179	79,155,111	3,243,190	16,845,615	25,375,016	42,220,631	1,344,783	18,345,596	852,402	467,242	21,010,023	117,374.43	26.54
$500,000 to $750,000	225	136,690,441	7,318,542	34,781,878	55,283,124	90,065,002	1,608,096	32,818,876	1,004,320	1,422,548	36,853,840	163,794.84	26.96
$750,000 to $1,000,000	90	77,940,829	5,559,741	20,493,020	34,368,387	54,861,407	728,884	20,572,129	328,969	865,465	22,495,347	249,948.30	28.86
$1,000,000 to $1,500,000	67	80,413,549	4,631,468	25,239,625	36,339,590	61,579,215	684,968	23,041,512	234,502	209,804	24,170,786	360,758.00	30.03
$1,500,000 to $2,000,000	33	56,286,944	3,835,730	16,957,611	20,684,409	37,642,020	1,170,584	17,997,124	315,608	807,754	20,291,070	614,880.91	36.05
$2,000,000 to $3,000,000	24	58,724,464	2,717,635	11,773,117	26,851,757	38,624,874	656,772	22,689,495	286,773		23,633,040	984,710.00	40.24
$3,000,000 to $4,000,000	5	16,898,985	1,176,714	2,986,597	9,632,853	12,619,450	133,967	7,352,090	9,066		7,495,093	1,499,018.60	44.35
$4,000,000 to $5,000,000	8	37,269,593	3,646,294	10,819,227	26,410,013	37,229,240	19,360	14,031,409	33,316		14,084,085	1,760,510.63	37.79
$5,000,000 and over	4	57,242,379	6,585,512	21,133,720	31,062,418	52,196,138	21,420	19,729,505			19,750,925	4,937,731.25	34.50
Grand total	1,832,132	11,191,246,207	245,080,088	857,210,150	1,991,632,349	2,848,842,499	140,653,937	433,345,732	72,721,526	28,528,255	675,249,450	368.56	6.03

[1] Nontaxable. Exemptions and dividends exceed net income.

[2] Total net income comprises the aggregate amount of net income, including dividends, returned by individuals reporting net income of $2,000 and over before deducting taxes and contributions.

[3] Normal tax is assessed on the net income after deducting contributions, dividends, war excess profits tax, and personal exemptions.

[4] Surtax is assessed on the net income in excess of $5,000 including dividends, but excluding contributions and war excess profits taxes.

NINETY-EIGHTH ANNIVERSARY OF THE BIRTH OF GEN. U. S. GRANT.

The SPEAKER pro tempore. The gentleman from Texas [Mr. SUMNERS] is recognized for 30 minutes. [Applause.]

Mr. SUMNERS of Texas. Mr. Speaker, ninety-eight years ago to-day Ulysses S. Grant, commander in chief of the Union Army during the decisive battles of the Civil War and eighteenth President of the United States, was born.

My colleagues may be curious as to what impulse should have prompted me, a southern man, true to the traditions of his people, the son of a Confederate soldier, proud of his father's service and sacrifice, to offer now words of commendation for the service and in commemoration of this leader of the military forces arrayed against my own people, this chieftain who forced the surrender of the immortal Lee at Appomattox.

A few months ago by the merest accident I came across the records of Gen. Grant's testimony before the Judiciary Committee of the House in 1867. This testimony gave to me a new insight into Gen. Grant's attitude toward the southern people and a clearer understanding of the peril in which he placed himself in order to protect them at a time when he alone could do it and of the service which he rendered the Nation by that protection.

I realize fully that I am on dangerous ground to-day, but I would despise myself utterly if danger of being misunderstood should cause me, in silence, to permit this day to pass while every sentiment of gratitude and of justice bids me speak, especially as there is no legislative program to-day. [Applause.]

I speak because I am a southern man, because I love my people of the South and am grateful to those who served them in the hour of their distress. In the darkest hour which ever hung its shadows over the Southland Gen. Grant was the friend of my people and the servant of the highest interest of my Nation. [Applause.] I speak because I love my Nation and its unity, my Nation and its people everywhere. I speak the gratitude of

a southern man, and in behalf of my Nation I speak the profound appreciation of one who believes himself to be a patriot, through whose patriotism there runs no line of sectional cleavage. I honor the memory of Grant not only for the magnanimity shown Lee and his army at Appomattox, but for the fact when Lincoln had fallen Gen. Grant was the only man in the Nation with the power to defend who had also the purpose and the courage to defend those who had been the military leaders of the South, those whom the South, bleeding and exhausted, could no longer defend. Gen. Grant stood between them in that terrible crisis and that breed of human jackals, not peculiar to the North, not peculiar to any time or to any people, which always follow in the footsteps of brave men in conflict. They were demanding that Lee and Johnston and others of Confederate service and fame be delivered up for humiliation and punishment. There would have been no danger if Lincoln had lived. When Richmond was captured Lincoln's attitude was epitomized in a story which he told, the point of which was expressed in the words, "Let 'em up light." Lincoln understood, but Lincoln was gone.

The South was helpless. There were many noble, generous men of position and influence in the North, but there was but one man left in all the broad confines of the Nation who both willed to protect and who had the power to protect my people and preserve for my Nation that thing of inestimable value, the possibility of that to which we have attained to-day—a Union; not of States held together by words and force merely, but a Union of people, of people so united in purpose, in interest, in love for each other, and in loyalty to a common flag that no discord can penetrate their solidarity even to test the strength of the Federal compact. [Applause.] This might have come in some other age, but Grant made that possibility for this generation.

He made it possible for us to do that which the framers of the Constitution, if they could have taken all the words of all the languages of all the ages and from them extracted all the elements of their strength and fashioned it into a declaration of perpetual, indissoluble unity, could not have done. He made it possible for us to put the cement into the sand, to supply that which among a free people must constitute the real cohesive element in government.

We southern people recognize Grant as a great general, but it was not in military conflict that he was greatest. Gen. Grant was a great military leader at Appomattox, but he was greater when the battle was over. [Applause.]

This is the picture: Sheridan was in front of Lee's decimated, hungry, exhausted army. Meade was on his rear and right flank, and Ord on the south. Grant knew that the end had come. On April 7, 1865, he opened negotiations with Lee with this remarkable communication. I quote:

GENERAL: The result of the last week must convince you of the hopelessness of further resistance on the part of the Army of Northern Virginia in this struggle. I feel that it is so, and regard it as my duty to shift from myself the responsibility of any further effusion of blood by asking of you the surrender of that portion of the Confederate States Army known as the Army of Northern Virginia.

Lee replied with the request for "the terms you will offer on condition of its surrender," on the same date. On April 8 Grant replied:

I would say that, peace being my great desire, there is but one condition I would insist upon, namely, that the men and officers surrendered shall be disqualified for taking up arms against the Government of the United States until properly exchanged. I will meet you, or will designate officers to meet any officers you may name for the same purpose, at any point agreeable to you, for the purpose of arranging definitely the terms upon which the surrender of the Army of Northern Virginia will be received.

In reply Lee declined to meet Gen. Grant solely "with a view to surrender the Army of Northern Virginia."

On April 9 Gen. Grant replied that he had no authority to treat on the subject of peace.

At sunrise on the 9th Gordon had found himself unable to open up the way for the retreating army, and Gen. Lee dispatched the following note to Gen. Grant:

GENERAL: I received your note this morning on the picket line, whither I had come to meet you and ascertain definitely what terms were embraced in your proposition of yesterday with reference to the surrender of this army. I now request an interview in accordance with the offer contained in your letter of yesterday for that purpose.

The desired interview was given by Gen. Grant. The two commanders met in the village of Appomattox Court House.

It is probable that no scene like that was ever before witnessed. In order to appreciate how remarkable it was we must bear in mind that not only was the army of Gen. Lee about to be surrendered, together with its general, one of the greatest military geniuses of all times, but the South had reached the end of its resources. Grant was the absolute master of the situation. His hands were free, his will was supreme. He could have driven the dagger of humiliation into the heart of his defenseless foe, but instead he voluntarily stipulated, I quote:

The officers to give their individual paroles not to take up arms against the United States until properly exchanged, and each company or regimental commander to give a like parole for the men of his command. The officers to retain their side arms, private horses, and baggage. This done, each officer and man will be allowed to return to his home (note this language), not to be disturbed by United States authority so long as they observe their parole and the laws in force where they may reside.

These terms were made with Lincoln's approval. In addition to these terms Grant instructed his commissioners designated to receive the surrender of Lee's army to permit the private soldiers to take away the horses to reestablish themselves on their farms and directed that the hungry men being paroled should receive the rations which Lee requested for them.

During the whole of the negotiations those who were present tell us, and so does Gen. Grant himself, that Lee was compelled more than once to direct the attention of Gen. Grant to the business which had called them together. On that occasion this rugged man of many battles demonstrated a tender deference and a profound respect and sympathy for Gen. Lee which appeals to the gratitude and to the affectionate regard for Grant of every true southern man [applause]; and not only do I feel that gratitude as a southern man, but as a citizen of this Republic who has never felt estranged from it, I realize that Gen. Grant's conduct on that occasion, and especially during the two fateful years which followed, more than anything else has made it possible for the hearts of the southern people to thrill, as now they do, with real vital love for the selfsame flag which waved in final victory that day over Appomattox's bloody field. The facts permit not a shadow of doubt. [Applause.]

That day, when the battle was ended, and the Stars and Bars, the proud emblem of the Confederacy, was furled forever above the broken fragments of the lost cause—that was the day and the occasion which challenged Grant in magnitude of possibility of service, not merely to the distressed, helpless people of the South, but to our common country, as no given battle had challenged him. He arose to the full limit of the possibilities of that day, and in so doing reached a height sublime among the servants of his country which no man since his day has had the opportunity to measure up to. [Applause.]

I am not unmindful of the fact that no true soldier unnecessarily could have humiliated Lee at Appomattox or failed in consideration for the brave men who surrendered with him there. Lee challenged, his character and military genius compelled, respect and sympathy from every brave man, and no man unafraid to die for what he believed to be right could have failed in honor to the hungry, naked, brave-hearted men who were with Lee at the last. But Grant's treatment of Lee and his men at Appomattox was more than that. Only the bravest of the brave, inspired by true nobility of soul, could have done all that Grant did that day. I know of no parallel in the military history of the world. [Applause.]

But Grant's service to my people, and his defense of them did not end there; time will not permit the tracing of this heroic figure through the maze of the two terrible years—terrible for my people and dangerous for the Nation—when Grant practically alone, with his prestige and power and at the peril of their loss, defended the men who had surrendered to him. [Applause.]

But I can not close without giving you another glimpse of Grant. A scene which properly to portray would challenge the greatest genius of a Shakespeare. This is the setting:

The conflict between Congress and President Johnson had reached a crisis. Hot burned the flame of public passion. The Judiciary Committee of the House, laying the predicate for the President's impeachment, called Gen. Grant as a witness. He faced a committee of northern men. To the North were the victors; to the South the vanquished. All that Grant had ever received had come from the North. From the northern viewpoint the South had been in rebellion and its people traitors.

President Johnson from many sources had been criticized for not having brought the southern leaders to trial and to punishment. That had become a definite subissue in the general controversy. I shall ask to be printed in connection with these remarks excerpts from Gen. Grant's testimony on that occasion, and as you read, if you will, having in mind the temper of those times and Gen. Grant's peculiar circumstances, you will see him before that committee, and as he was during those times, standing out in colossal proportions, as heroic a figure as the history of any age has produced, and you will all see clearly how great a debt the South owes, and now, since the smoke of conflict has rolled away, and we can see the truth,

you will see how great a debt a reunited people owe to this man whose natal day we celebrate.

In properly estimating Gen. Grant's service, not to the sections—North and South—but to a Nation reunited and conscious of the value of its national solidarity, it is necessary to bear in mind that the southern people at the time they seceded from the Union and at the time of the surrender believed they had a constitutional right to secede. They were conscious that in responding to the call of their respective States they had responded to the impulse of patriotism and not of treason. They believed their invaders and not themselves guilty of wrong.

Regardless of opinions on the point, it matters not such a people so believing, if ever to become dependable, helpful allies of those against whom such belief is held, must have something around which to build their allegiance. Suppression can not make a people dependable; coercion is ineffective in that regard. Love alone can do it, and love is not a thing which can be put on and taken off at will, like a coat. It must be inspired by the object toward which it is directed. Patriotism is not of the head; it is of the heart. [Applause.]

When the poor, hungry Confederate soldiers rode to homes where death and desolation reigned they were on old horses and mules, some of them were, which Gen. Grant had allowed them to take. They told the people that Gen. Grant had permitted them to have these animals. That fact, at that time, balanced with mighty weight against the load of bitterness and hatred with which the heart of the country was laden. We can not estimate the possibility of that act for the future good understanding between the sections. And when they learned in the South that Gen. Grant seemed sad and depressed, as Grant himself states when he was receiving Lee's surrender, and the soldiers told the people at home that Grant stopped the firing of the cannon in celebration of Lee's surrender, and then when Grant with his mighty influence and unconquerable purpose defended their leaders against the violation of the terms of their parole there was put into the bitterness of the souls of the southern people which they felt against the North, at an hour when it would be most effective, this antidote of magnanimity from Gen. Grant, the military chieftain of the North. [Applause.]

I am glad, and so are the southern people glad, that the institution of slavery is gone. The price for its riddance was terrible; that it had to be paid is a reflection upon the leadership of that time, but that price, if nothing else would have sufficed, was not too great to rid ourselves of that thing which was destroying the superstructure and the very foundation of our civilization. [Applause.]

I will not apologize for the Confederate service of my father nor the act of secession on the part of the Southern States. Neither will the southern people apologize, nor need they apologize, but I am glad beyond words to express, and the southern people are glad, that the Union is not divided. [Applause.]

Wonderful history of a wonderful people. Here I, the son of a Confederate soldier, stand in my place in the Federal Congress. About me there are my colleagues from the South, practically all of whom, except the grand old man of North Carolina, Maj. STEDMAN, who himself wore the gray, are sons of Confederate soldiers, and now, in very truth and in fact, without reservation or qualification, we hold all we have, every drop of our blood, dedicated to that flag, glorious emblem of a united people. We, my brethren, North and South, by this achievement write a new chapter in the history of the world. [Applause.]

During the Great War just ended, in so far as I know, no suspicion of disloyalty in a single instance attached itself to a Confederate soldier or to the son or daughter of a Confederate soldier. I am proud of that fact, and I challenge the history of the world for its parallel. How much Grant helped only a southern man can appreciate.

I saw these old men, with the fire of patriotism shining through their age-dimmed eyes, bring their sons and their grandsons to the flag of this Nation and sending them forth to die in its defense. I claim for my people no superior merit. My father taught me profound respect for the brave soldiers who came down from the North. My own association has taught me the worth and the sense of justice of northern people.

Ours is not to forget but to understand, not to forgive but to measure by the correct standards. One of the most remarkable spectacles in human history—one of the most difficult for an outsider to understand—is that of these old soldiers of the South, kindling the enthusiasm, and leading the procession of the sons of the South, marching to the defense of the same flag which Grant had carried at Appomattox. I would not detract from their glory. I am proud of them beyond words to express. [Applause.] The Nation ought to be proud of them. But I know how much Grant helped; I wonder if the North realizes what difficulties lay about the Confederate soldiers, unheeded, and what appeals to prejudice, involved in their experiences, fell on unresponsive ears, in that hour when the Nation called. Will you not go back through the intervening years to that day when the politicians of the two sections had wrought their work of disunion and view the situation from the viewpoint of the Southern soldier. Then you can realize what Grant did. The Southern soldiers faced then the choice and only the choice of fighting with their States to repel invasion or of joining the invaders of their homes. They had not originated the idea of secession. It was declared in this Chamber first in 1811 by Mr. Quincy, of Massachusetts. These statements are not made either in criticism or apology. They are just facts—facts which constitute the historical background and make understandable the psychology of the South and the importance of what Grant did. The first representative assembly to declare the right of a State to judge of the Constitution and to act upon its independent, sovereign judgment was the Hartford convention, held in 1814.

Mr. Winthrop, of Massachusetts, whom the people of that State sent to the seat of the great Webster, redeclared this right just 16 years before the Southern States seceded.

In 1843 it was declared by a group of northern statesmen—I quote:

> We hesitate not to say that annexation (of Texas) effected by any act or proceedings of the Federal Government or any of its departments would be identical with dissolution. * * * Not only inevitably result in dissolution of the Union but fully to justify it, and we not only assert that the people of the free States ought not to submit to this but we say with confidence they would not submit to it—

Note the language would justify a dissolution of the Union, and—

> the people of the free States ought not and would not submit.

In other words, they ought to and would secede.

The States represented by these gentlemen did not secede, probably because it was beginning to become evident then that the section of which they were a part was coming into control of the Federal Government. But they did declare the identical doctrine of the southern secessionists, for the putting into execution of which Southern States 17 years later were invaded and ravaged by the States which these gentlemen represented at the time they signed this declaration. That is not merely a southern contention; that is a fact. This address was signed by John Quincy Adams, ex-President of the United States; Seth M. Gates, of New York; William Slade, of Vermont; William Calhoun, of Massachusetts; Joshua R. Giddings, of Ohio; Sherlock J. Andrews, of Ohio; Nathaniel B. Borden, of Massachusetts; Thomas C. Chittenden, of New York; John Mattocks, of Vermont; Christopher Morgan, of New York; Joshua M. Howard—probably J. M. Howard—of Michigan; Victory Birdseye, of New York; Hiland Hall, of Vermont, all Members of the National Congress at the time they signed the address. This was the historical background.

The SPEAKER pro tempore. The time of the gentleman from Texas has expired.

Mr. HUDSPETH. Mr. Speaker, I ask unanimous consent that my colleague be given 10 mintues more.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent that his colleague may have an additional 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. SUMNERS of Texas. Mr. Speaker, the Confederate soldiers were conscious of the fact that they sought no conquest nor the exercise of coercion. They sought only to withdraw from the Northern States, between which and themselves there had developed unending bitterness and controversy, only the right of self-determination and self-government. They sought only to exercise a right which northern men had often declared to exist, and for which declaration no northern statesman had ever been repudiated by his constituency. I mean no offense. These things may be observed not only from the southern but from the general viewpoint.

Down upon the South came the host of the North with the sword in one hand and the torch in the other, for such are the instruments of war. The flag of this host was the flag of the Nation, the selfsame flag to which in the late war these old soldiers made the supreme contribution. When they made it there were upon their bodies the scars inflicted in the name of that flag. In its name as fair a land as ever the sun shone on, their own, their native land, had been made desolate.

When the fortunes of war had written its decree against them, that flag waved over their country the emblem of conquest and suppression. Beneath that flag the "carpetbagger," the agent and representative of the National Government, pillaged this people in safe protection. No commission of restoration had

ever borne to them the spirit of helpful human sympathy to build again in the ravaged theater of war.

The hand of the Federal Government when extended in their direction held no bounty, it was the hand of the tax gatherer, by the authority and power of that flag enforcing contributions from their poverty for those who had brought to them a visitation of death and a judgment of subjugation.

In a sense they had been ostracized, and for years after the Civil War traitor and treason had been the characterisation which many of those who presumed to speak the Nation's voice uttered with reference to them; and yet, when the Nation called, I saw these old soldiers fight their way through these barriers, bringing with them all they had, their money and their young men, bone of their bone and blood of their blood, to lay upon the altar of the National Government. I want to emphasize that I claim for them no merit which I am not willing to concede to the Union soldier; and in that statement, which I make without reservation, I pay to the Union soldier the highest compliment which lies within the possibility of my command of words. The very qualities which made it possible for them to do this would have made it impossible if Grant, instead of doing as he did at Appomattox, had reversed his conduct, and if he had failed in his protection of Lee in that tragic hour in the Nation's life when passion sat in the seat of justice and Lee, the idol of the South, had been judicially murdered.

I do not want to speak extravagantly of Gen. Grant on this occasion. It would be absurd to claim for him the major part of the credit for the attitude which the South sustains toward the National Government. The Southern people and the Northern people have wrought the situation; but I do not exaggerate when I declare that Gen. Grant preserved for us the possibility of doing that in this generation. Nobody will charge me with being sectional or intensely partisan, but as I search my own heart I declare it to be my deliberate judgment that if, in addition to what has been done to the South in the name of the National Government, Grant had not in its name done as he did at the time of the "surrender" and the things had been done which Grant prevented, the great-grandsons of the Confederate soldiers would have been in the Nation, but not of it. That is my deliberate judgment.

I am grateful to Gen. Grant not only for what he did for my people of the South, but I am grateful to him for preserving for me and my people the possibility of feeling toward our Nation as we feel to-day. That was his great service. He preserved that possibility. I want my people of the South to see him, and I want the Nation to see him in the great crisis, sublimely magnificent in his humanity, in his understanding, in his sense of justice, and in his dauntless courage.

And may I not be pardoned if I confess gratification that incidentally we are brought to where a close-up view of the old soldiers of the South may be had, where, from their viewpoint, the vision may run back through the years of conflict and reconstruction, and we may see them when the Nation called breaking through the entanglements of wrongs inflicted and wrongs imagined, of conflicting sentiments and dark uncertainty, into the clear light of a newborn national patriotism, bringing in their hands the resources of the South and about them the fighting men of the South. [Applause.]

Some day some man on that side of the aisle who comes from the Northland, with the spirit of Lincoln and the courage of Grant, will stand in his place here and will tell the world of the obscured facts of history which place the soldiers of the Southern Confederacy, as such, high among the world's patriots and heroes. We of both sections have too long hidden the clarifying and prejudice-eradicating facts behind the curtain of sectionalism. One people we were, one people we are and ever shall be, led at one time by circumstances into a great tragedy and placed in that conflict by the accident of environment upon the sides which we respectively occupied. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. LONGWORTH. Mr. Speaker, I ask unanimous consent that the gentleman may proceed for two minutes.

The SPEAKER pro tempore. The gentleman from Ohio asks unanimous consent that the gentleman may proceed for two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. SUMNERS of Texas. How different might have been the story, gentlemen, if Gen. Grant at Appomattox, instead of applying the balm of sympathy, a sort of first-aid to the terrible wounds of mind and soul, more terrible in some respects than their wounds of body, had driven the dagger of humiliation into the souls of those men who felt then that they had sought to act within their rights and had been invaded and pillaged and coerced by the North for exercising a right which many of the northern leaders had often asserted and threatened to resort to.

How differently might have been the story if Gen. Grant had not held back the hands of President Johnson from the person of Lee, Joseph E. Johnston, and others of Confederate service and fame until the sense of justice of the North could break away from the grip of prejudice which the war had fastened upon both sections.

Grant was not a great President. He had no training and no fitness for the service. As President he was the victim of evil times and of evil men, but as Commander in Chief of the Federal Army he saved the States from political disunion, and then by his magnanimity and courage he made it possible for us, for you, the sons of Union soldiers, and for us, sons of Confederate soldiers, and for our fathers, to form now so solid a Union among ourselves, in purpose, in sympathy, in mutual interest, in common love for a common country and a common flag that no sectional discord can ever again reach through even to test the strength of the Federal compact. This is glory enough and service enough for any man.

As the son of a Confederate soldier, proud of the service and the sacrifice of his father, as one who believes himself to be a patriot through whose patriotism there runs no line of sectional cleavage, with gratitude for the service which Gen. Grant rendered to our common country, with gratitude for his magnanimity to my people of the South in the hour of their darkest distress, and for his protection of them in the hour of their utter helplessness, I have asked the privilege of making this statement on this anniversary of the birth of Gen. Grant. [Loud applause, the Members rising.]

[Excerpts from Gen. Grant's testimony before the House Judiciary, July 18, 1867.]

* * * * * * * *

Q. * * *.—A. * * * I frequently had to intercede for Gen. Lee and other paroled officers, on the ground that their parole, so long as they obeyed the laws of the United States, protected them from arrest and trial. The President at that time occupied exactly the reverse grounds, viz, that they should be tried and punished. He wanted to know when the time would come that they should be punished. I told him not so long as they obeyed the laws and complied with the stipulation. That was the ground I took.

Q. Did you not also insist that that applied as well to the common soldiers?—A. Of course it applied to everyone who took the parole. * * *

Q. You looked on that in the nature of a parole and held that they could only be tried when they violated that parole?—A. Yes; that was the view I took of the question.

Q. That is your view still?—A. Yes, sir; unquestionably.

Q. Did you understand that to apply to Gen. Lee?—A. Certainly.

Q. That was your understanding of the arrangement which you made with Gen. Lee?—A. That was my understanding of an arrangement which I gave voluntarily. * * *

Q. You considered that the like terms were given by Gen. Sherman to the armies which surrendered to him?—A. Yes, sir; to all the armies that surrendered after that.

Q. And you held that so long as they kept their parole of honor and obeyed the laws they were not subject to be tried by courts?—A. That was my opinion. I will state here that I am not quite certain whether I am being tried or who is being tried by the questions asked.

Q. Did the President insist that Gen. Lee should be tried for treason?—A. He contended for it.

Q. And you claimed to him that the parole which Gen. Lee had given would be violated in such trial?—A. I did. I insisted on it that Gen. Lee would not have surrendered his army and given up all their arms if he had supposed that after surrender he was going to be tried for treason and hanged. * * *

Q. Did the President argue that question with you?—A. There was not much argument about it; it was merely assertion.

Q. After you had expressed your opinion upon it, did he coincide with you?—A. No, sir; not then. He afterwards got to agreeing with me on that subject. * * *

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A. The conversations were frequent after the inauguration of Mr. Johnson. I can not give the time. He seemed to be anxious to get at the leaders to punish them. He would say that the leaders of the rebellion must be punished, and that treason must be made odious. He cared nothing for the men in the ranks—the common men. He would let them go, for they were led into it by the leaders.

Q. Did you not give your opinion at all that amnesty ought to be granted to those people to any extent?—A. I know that I was in favor of some proclamation of the sort, and perhaps I may have said so. It was necessary to do something to establish governments and civil law there. I wanted to see that done, but I do not think I ever pretended to dictate what ought to be done.

Q. Did you not advise?—A. I do not think I ever did. I have given my opinions, perhaps as to what has been done, but I do not think I advised any course myself any more than that I was very anxious to see something done to restore civil government in those States.

Q. Did you recommend certain generals of the Confederate Army to the President for pardon who fell within the exemptions?—A. Yes, sir. I recommended Gen. Longstreet, I think, a year and a half ago; and, although I can not recollect the names of anybody else, I think I recommended several others.

Q. Do you recollect recommending J. G. French, a graduate of West Point?—A. Yes, sir.

Q. What part did he take in the rebellion?—A. He was a brigadier general.

Q. Was he a graduate of West Point?—A. He was; and a classmate of mine.

Q. Do you recollect recommending the pardon of George H. Stuart?—A. Yes, sir.

Q. What part did he take in the Confederate service?—A. He was a general, and commanded a brigade or division. He took no very conspicuous part.

A. Was he a graduate of West Point?—A. I think so.

Q. He was not a classmate of yours?—A. No, sir; he came along after me.

Q. Do you recollect P. D. Roddy, said to be a rebel brigadier general?—A. Yes, sir; I do not recollect what my indorsement was in Roddy's case, but I know that if I had it to do over again I would recommend his pardon very quickly, and I presume I did so. If he is not pardoned yet, I would be very glad to sign a recommendation for him now.

Q. Did you ever advise the pardon of Gen. Lee?—A. Yes, sir.

Q. Were you ever consulted on that question by the President?—A. I do not recollect having had any conversation with him on the subject. I think it probable that I recommended verbally the pardon of Gen. Johnston immediately after the surrender of his army, on account of the address he delivered to his army. I thought it in such good tone and spirit that we should distinguish between him and others who did not appear so well. I recollect speaking of that and saying that I should be glad if Gen. Johnston received his pardon on account of the manly manner in which he addressed his troops.

Q. By the Chairman: You supposed his pardon would have a good effect?—A. Yes; I thought it would have a good effect. I am not sure whether I spoke on the subject to the Secretary of War or to the President.

Q. By Mr. Woodbridge: What did you mean by saying that the President's views afterwards changed?—A. I meant to say that while I was contending for the rights which those rebel paroled soldiers had, he was insisting on it that they should be punished. My remark was confined to that particular subject.

Q. By Mr. Thomas: You have stated your opinion as to the rights and privileges of Gen. Lee and his soldiers; did you mean that to include any political rights?—A. I have explained that I did not.

Q. Was there any difference of opinion on that point between yourself and President Johnson at any time?—A. On that point there was no difference of opinion; but there was as to whether the parole gave him any privileges or rights.

Q. By Mr. Eldridge: He claiming that it did not and you claiming that it did?—A. He claiming that the time must come when they could be tried and punished, and I claiming that the time could not come except by a violation of their parole. I claimed that I gave them no political privileges, but that I had a right, as military commander, to arrange terms of surrender which should protect the lives of those prisoners. I believe it is conceded by everybody that I had that right. I know that Mr. Lincoln conceded it at that time.

The SPEAKER pro tempore. The gentleman from Wisconsin [Mr. FREAR] is recognized for 30 minutes under the order of the House.

SOLDIERS' COMPENSATION ACT.

Mr. FREAR. Mr. Speaker and gentlemen of the House, I believe I may fairly present the grateful thanks of those on this side of the aisle for the splendid eulogy on Gen. Grant on this his birthday to which we have just listened from the gentleman from Texas [Mr. SUMNERS]. He did not emphasize, however, one proposition which entered so strongly into Gen. Grant's action, I believe. And that was Grant and Lee had their training in the same school, knew each other as only two men can who are close colleagues, found themselves at arms with each other, and yet knew each other intimately and trusted each other. That may have been the reason why Grant was willing and was ready to give what he did to Lee and his army at Appomattox. Two great men, men of equally high standing, two great soldiers, they equally reflected credit upon their common country. [Applause.]

The gentleman from Texas, who has just spoken so eloquently, spoke to you as the representative of the South, as the son of a Confederate soldier. Let me speak as one whose father spent three years and a half in the Union Army trying to bring about the result at Appomattox. More to the point, my boys went to your State—Texas—with our Wisconsin troops, and at Waco camp our northern soldiers spent months to fit themselves for the fighting they did on the Marne and at Chateau-Thierry, fighting at the side of your boys, and thereby cementing for all time the link between the South and the North for a common flag. [Applause.] And these sentiments come fortunately to us, I believe, at this hour.

Mr. Speaker, we have had some very interesting discussions this afternoon by the gentlemen from Iowa [Mr. GREEN], from Ohio [Mr. LONGWORTH], from Mr. GARNER, of Texas, and others on one of the most important bills that has ever been before this Congress, with the exception of those passed during the war, a bill that appropriates approximately $1,500,000,000 to carry to the boys who did the fighting over there, your boys and ours, some little evidence of the gratitude which our people feel toward them.

In addition, there has been a disposition—I do not think a serious one—on the part of gentlemen in the House, possibly on both sides of the aisle, to make political capital, shall I say? No; but to drag partisanship into the question, and we can not afford either on one side of the aisle or the other at this time to allow that to happen. The question is too large, and I desire in the few remarks that I have to make to confine myself almost entirely to the economic side of this proposition. I do not intend anything to be said by myself that shall reflect upon anyone, either of the Committee on Ways and Means, of which I am a member, or upon any other Member of the House. I am going to take it for granted that every man, like Lee and Grant in sixty-five, is now acting for the best interests of the country and that we propose at this time, so far as we can do so, to get a bill that will meet the best judgment of the House and of the country.

Now, Mr. Speaker, I would like to have those who are interested in this subject examine the tables of comparative taxation in Great Britain and in this country, and other tables that I have gone to the trouble to prepare with the aid of the best experts in the country, that are recognized authorities from the Treasury, who aided in the preparation of tables submitted. I believe they are illuminating, and bear out the fairness of the proposition which I wish briefly to present to you.

May I first speak of another matter? Reflection has been made in the House occasionally on the efforts toward economy of the majority leader of the House. I trust the reflection has not been intentional. Let me say that his task has been a very difficult problem, as you gentlemen well know, because the burden has been on your shoulders in the past. He filled a difficult position to begin with; and I think you will all admit, as we must on our side, that he is doing more than we could ever have hoped for. He has undoubtedly tried as best he could to perform his difficult duty. I say this without suggestion from anyone on this side. He has tried to bring about better economic conditions in this Congress; and it is difficult, of course, as we all know, because we have been in an atmosphere of extravagance brought about by the war. He has compelled a sentiment to develop here in behalf of economy, and he has tried to persuade us to meet the necessities of the Treasury.

Again, take the steering committee, which in like manner has not escaped criticism. I know, as a matter of fact, that that committee has in every way possible worked to that same end—a prevention of unnecessary public expenditures. That committee embraces men of the very highest standing in this House, and they have tried in every way possible to prevent extravagance in government while they are in the position they now occupy; and the benefit of their judgment—of men who have made a success in life—is worth more than we can appreciate. In all frankness, there is not a Member on the floor of this House who would not willingly receive as his compensation what the largest business man among them receives to-day. No one can justly cast aspersions on a single one of those Members, and I think the House and the country are fortunate in having them where they are to-day. [Applause.]

Mr. Speaker, the situation that confronts us is this: A bill is now in the making—it has not yet been made. That bill is being formed in committee. At first we were charged on this Republican side of the aisle with a purpose to smother the bill. I do not believe that was the intention of any Member on the Republican side, and to-day I do not believe it is the purpose of any Member on the Democratic side. We differ as to the method of taxation in raising the money. And let me say that the aisle does not stand between us on that. There are Members on both sides of the aisle who believe that this money should be raised largely by income taxes, and there are those on the Republican side of the aisle who believe that if the measure that has been urged here as a substitute is put through, which provides for a large retroactive income tax, it would not only ditch the bill but it would bankrupt many interests in this country. I am speaking with perfect frankness, and that idea also comes from men who are financiers not on this floor.

Mr. TREADWAY. Mr. Speaker, will the gentleman yield?

Mr. FREAR. Yes; I yield to the gentleman from Massachusetts.

Mr. TREADWAY. Will the gentleman please particularize a little more as to which bill he refers to as being likely to ditch the bill if enacted as a substitute?

Mr. FREAR. I refer to the opinion of reputable men regarding the substitute which will be offered on a motion to recommit. I am opposed to any proposition that includes what is called the "sales tax." That, in my judgment, is a dangerous proposition. I am sincere in that. The members of my committee know my attitude, and when Members say what was the unanimous disposition of the committee, they will all be free to say that I reserved the right in committee and reserve it now to differ on the sales-tax plan, because it is not a political proposition in any way. The Republican members of the committee have been honest and faithful, and I want to bear testimony to that, because they have worked hard in perfecting the details of this soldiers' compensation bill; they have worked faithfully during both morning and afternoon sessions, and I

have no doubt the Republican Members will, if it is deemed desirable, take the Democratic Members into their confidence in securing as strong a bill as possible, although I do not know exactly what the parliamentary situation will be.

Mr. GARNER. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman yield?

Mr. FREAR. Yes; I yield to the gentleman from Texas.

Mr. GARNER. Before the gentleman gets away from that I wish to ask him a question. Does he believe that next Friday, when we take this matter up for consideration, there is going to be a real discussion as to the various provisions of the bill, with a view to meeting objections and adjusting differences of opinion?

Mr. FREAR. Mr. Speaker, the gentleman asks me a question which, of course, I, as a member of the committee, have no power to decide. The possibility of failing to have harmony at that time causes me to speak at this time in the hope that some portion of what I have proposed may be placed in the bill, which is only tentatively prepared at this time. I have no desire to express opinions in a personal way at this time on the parliamentary situation, and it is only in the hope that part of my proposal may be adopted that I now refer to it.

Mr. GARNER. What I referred to is the prospect that on next Thursday the committee will be called together to consider the soldiers' bill. Does not the gentleman know that when that meeting takes place that bill will already have been prepared, and the Members will be called in simply to report it?

Mr. FREAR. The gentleman from Texas, who I think is one of the very able Members of this House, will pardon me for a personal remark. I shall be very glad in replying to his query to state a conversation which I overheard between the chairman of the commitee, the gentleman from Michigan [Mr. FORDNEY], and the gentleman from Texas [Mr. GARNER], in which the gentleman from Texas said, "I know what you are going to do, and you will put it over; and if we had the handling of it we would do the same thing." [Laughter and applause.]

Mr. GARNER. I want to say to the gentleman that I do not recall that exact conversation. [Laughter.]

Mr. FREAR. I am going to say by way of apology that I do not know how apt a pupil the gentleman from Michigan [Mr. FORDNEY] may be, so I can not answer in advance as to what the course of procedure may be; but I desire at this time to present briefly what I wish to have you gentlemen consider, on both sides of the aisle, when the bill comes up for framing, because it has not been completed yet.

I will be glad to be interrupted in regard to this after I have finished reading the suggestions I have to make, which have come through discussion with some of the ablest tax experts in the Treasury Department, who have aided me, and I feel that their judgment is of especial value at this time. Some of them think the proposition that has been offered as a substitute here will be a very serious business proposition for the country, while others among these experts fear that this sales tax, so called, is a very doubtful economic proposition for the country. We must determine the policy in view of that fact. I desire to offer a solution. I do not know how far it will go in the final framing of the bill, but, gentlemen, I will be very glad to have you listen to it:

"First. Increase the normal personal income tax for the years 1919, 1920, and 1921 to rates imposed and collected for the year 1918; that is, increase the present rates of 4 to 8 per cent to 6 to 12 per cent. This will produce approximately $170,000,000 a year, or $500,000,000 for the three years. It will produce nearly five times as much as the proposed committee increase."

No good reason can be offered why the law should not be enacted.

If there is any question about that, let me suggest this: The gentleman from Illinois [Mr. RAINEY] presented the authority of the Supreme Court to the effect that that court in a specific ruling held to be constitutional the retroactive act which reached to a prior year. I am speaking of the years 1919, 1920, and 1921 contained in this first proposition. And let me say that by raising the tax to the 1918 rate it will then be far below the British rate, as I propose to show.

Mr. GREEN of Iowa. I think the gentleman made an inadvertent statement when he said this would produce five times as much income as the tax that was proposed by the bill. That would produce $130,000,000, we are informed by the experts. If so, his provision would produce $650,000,000.

Mr. FREAR. The Treasury experts stated yesterday in my presence, and in the presence of the gentleman, that the income-tax proposals here would raise $110,000,000, according to the memorandum I hold. Now, this will raise $500,000,000. However, that may have been for one year; and if so, the total to be raised by the committee plan in the income-tax increase would be $220,000,000 for the two years, or less than one-half of my plan.

I think it is of interest to say with regard to the British rates that the American rates are not one-half what the British rates are up to $100,000 a year. The point where the rates cross and where the heavy rates begin under our extra tax comes at $250,000 income a year.

Mr. MONDELL. Will the gentleman yield?

Mr. FREAR. Certainly; I yield to the gentleman from Wyoming.

Mr. MONDELL. As I understand it, the estimate of $500,000,000 to be raised under his plan is an estimate of the amount that would be raised in the three years?

Mr. FREAR. In the three years of 1919, 1920, and 1921.

Mr. MONDELL. Now, the estimate of $110,000,000 under the plan that the committee had under consideration—was that a three-year estimate also, or only a one-year estimate?

Mr. FREAR. I have the amount here, and I believe it is for one year. If so, the committee plan will raise $200,000,000 in the two years proposed by the committee at this rate. In other words, the plan I propose would raise two and one-half times as much.

Mr. GREEN of Iowa. There is really no controversy between the gentleman and myself, except that the gentleman was considering a three-year program and I a one-year program.

Mr. FREAR. That is right. In any event, this proposition which I have brings a much larger return. But it is not mine. It is the proposition that the Congress of the United States adopted, and you put it in force in 1918, and I am only asking you to reenact it, because it is reasonable and just as a part of this bill.

As I said, if you will study the comparison of rates between Great Britain and ourselves, taking, for instance, incomes of $20,000 annually, our rate to-day is 9.95 per cent. In Great Britain it is 34.06 per cent. On $50,000 annual income our rate to-day is 18.38 per cent. In Great Britain the rate is 41.88 per cent; and, as the expert stated to us, the taxing conditions are comparatively the same. Although the difference in taxation rates exists, he says conditions are substantially the same in effect.

Mr. GREEN of Iowa. The gentleman is aware that our rates on the higher incomes are far higher than those in Great Britain?

Mr. FREAR. Yes. Our rates on the higher incomes pass at the $250,000 annual income figure. And let me say this, gentlemen: Taking the basis of those who have talked before here to-day, that $50,000 a year is the income of the average millionaire in the country, when we get up to $250,000 a year income that represents a fortune of five millions, and it will not be a great hardship if we do take a good deal of that annual income of $250,000, because he has got $5,000,000 capital left.

Mr. GRIFFIN. Will the gentleman yield?

Mr. FREAR. Let me speak first of this, which must appeal to every Member, if he uses his ordinary gray matter: When it is said that a man has not got the money to pay a retroactive tax of one year, that he has spent the money or invested it, of course that is true; but is not it true that the average Member has to make preparation in advance for the payment of his taxes every year? We propose to allow the 1919 and 1920 tax to be cumulative. If you can not make provision to pay taxes on your house, the State sells your house. The tax official comes right into the market and offers your house for sale at auction, and he makes a sale if you do not have the money. You can put a mortgage on your house if you want to, or you can raise it in any way you choose, but you must raise the money. That is the situation with small householders all over the country to-day. So, after you have made your income, if you have invested the surplus to be taxed, if you have put it into capital, I care not how you have used it, you have had it, and why should you not pay it back in 1920, the same as you paid it in 1918? Now I yield to the gentleman from New York.

Mr. GRIFFIN. I wanted to ask the gentleman whether he has the figures of the English income tax on £100,000, or $500,000 per annum?

Mr. FREAR. I have that before me. On an annual income of $500,000 our rate is 66.63 per cent, and the tax rate of Great Britain is 51.44 per cent. However, I desire to offer a further statement on that point. Let me read from an Associated Press dispatch:

LONDON, *April 19.*

The feature of the budget statement delivered in the House of Commons to-day by J. Austin Chamberlain, chancellor of the exchequer, was the revelation of the country's bounding revenue and a surprise

by the chancellor in his announcement of the purpose to raise the excess-profits tax 60 per cent, when it had been expected this tax would be abolished and a substitute tax proposed.

There is much more of it in regard to other increases in taxes, and I will put it in the RECORD.

Let me come to the second proposition I have to offer:

"Second. Extend the normal tax to dividends received by individuals from corporations for the years 1920 and 1921. This will produce about $240,000,000 a year and $480,000,000 for the two years."

The objection offered to that is you have taxed them once. Yes; so you tax the house, and when you take the rent you tax the rent as a part of the income. The Treasury experts asked why that was not put into the original law, and I can not answer why. That is the second proposition and ought to be adopted now.

The third proposition is:

"Tax stock dividends for the three years 1919, 1920, and 1921 at 25 per cent—approximately the rate that would be imposed had not the Supreme Court ruled that the tax on such dividends in the 1918 revenue act was unconstitutional. This tax would produce approximately $150,000,000, principally from the dividends declared during the year 1920."

It has been suggested that there may be a question as to the constitutionality of that provision. There are various methods by which it can be reached by taxing the corporations direct which have been declaring such tremendous stock dividends as were mentioned by the gentleman from New York [Mr. GRIFFIN], and by Senator CAPPER in the Senate. Are we going to be blind to this method of avoiding the income-tax law? I think we ought to make an effort to tax these corporations, and it ought to be done now, and that will bring $150,000,000 for the years of 1919, 1920, and 1921.

Mr. TREADWAY. Will the gentleman yield?

Mr. FREAR. Yes; certainly.

Mr. TREADWAY. Is not that proposition before the Ways and Means Committee now?

Mr. FREAR. It has been before the Ways and Means Committee for months, and I say that we ought to put it through without delay in this bill at this session.

Mr. TREADWAY. The gentleman does not mean months, for the decision of the Supreme Court was rendered not long ago.

Mr. FREAR. It has been before the Ways and Means Committee since the decision, which was rendered early in March—several weeks instead of months. It seems to me that it should be put through this session. There is not a ghost of a chance of this stock dividend tax getting through the Senate this session unless we add it to this bill, and I think we ought to show that it is our honest purpose to tax stock dividends. Again, my position, based on Treasury expert opinion, is that these dividends should be taxed at 25 per cent, whereas the bill that is slumbering in the committee only provides for 15 per cent tax.

The fourth proposition is:

"Fourth. Double the tax on automobiles of over $1,000, trucks, parts, and accessories. This will produce $200,000,000 for two years, 1920 and 1921. The present rate of taxes is 2 per cent on trucks and 5 per cent on automobiles and accessories, including tires."

If you are going to raise this money, you have got to take it from somewhere and why not take a small amount from those who are able to purchase automobiles costing over $1,000. A man that is going to buy an automobile does not hesitate in his purchase over a small tax that would be added, and it is certainly for a worthy purpose.

"Fifth. Increase the tax on admissions from 1 cent to 2 cents for each 10 cents of admission for 25 cents or under, and from 1 cent to 3 cents on admission from over 25 cents for the two years 1920 and 1921. This tax will produce about $200,000,000."

Mr. Speaker, a gentleman from New York sitting by me a few moments ago said to me that it would be the most reckless thing in the world to issue bonds of any kind. I asked him then why did New York last Friday pass an act providing $45,000,000 issue of bonds for a soldiers' bonus? He said he had forgotten about it. Now, I have offered you a plan of raising $2,000,000,000, taken with the tobacco and land tax already tentatively agreed upon in committee, that can be raised to finance this bill without going into the sales-tax problem that has as many problems and plagues in store for the American people, if once adopted, as Pandora's box.

Mr. GARNER. Mr. Speaker, will the gentleman yield?

Mr. FREAR. Yes; certainly.

Mr. GARNER. I want to ask the gentleman this question: I agree with some of the suggestions that he makes with reference to the method of raising this revenue in preference to the sales tax. Let us suppose that the gentleman can not get an opportunity to offer his proposition instead of the sales tax, what is the gentleman going to do?

Mr. FREAR. I do not know. If the gentleman brings me up against that proposition, I do not know what I can do unless it is to go and confer with the gentleman from Texas [Mr. GARNER], who has had experience in these matters.

Mr. GARNER. I will say to the gentleman that if he can get enough of his side to confer with the gentleman from Texas and follow him, we will put a different tax on than a sales tax.

Mr. FREAR. Let me say this to the gentleman: I have always stood with my own side in political matters that are of a strictly party character, because without party organization it is practically impossible to secure much needed legislation, and parties are a necessary part of our governmental system; but it seems to me this ought not to be of a partisan nature. I feel that Members on both sides of the aisle ought to reach a proper solution. I am in hopes that at this time our party is going to try to take up some of these other matters, and I sincerely hope that we will get away from this consumption tax, this sales tax, because, apart from its unjust character, I believe it is going to be a very serious thing for some people this fall; and I say that without partisanship, no matter whether my Republican friends stand with me or not. I am willing to vote for any proposition that will take care of the soldiers at this time, because I believe they are entitled to it. May I have a few minutes more, Mr. Speaker?

The SPEAKER pro tempore. Without objection, the gentleman's time is extended.

There was no objection.

Mr. FREAR. Mr. Speaker, in my State of Wisconsin last summer we passed a bill that gave $20,000,000 to our soldiers. The bill had educational provisions in it, and other options. The money is to be raised mostly by direct taxation. I have a full belief that this Government ought to be as generous proportionately as our State. Our whole Wisconsin delegation in the House have instructed me, and they stand behind it, to say that they are opposed to a consumption tax in this bill, because our people are opposed to it. I am in hopes that the Members on this side of the aisle, the members of the Committee on Ways and Means, will get together with members of the Committee on Ways and Means on the Democratic side of the aisle and pass a bill that will put through a soldiers' compensation act which will be generous to the soldiers and at the same time will not place a direct burden on every individual who buys a pound of sugar or a suit of clothes or a pair of shoes.

Mr. GRIFFIN. Mr. Speaker, will the gentleman yield?

Mr. FREAR. Yes; I yield to the gentleman from New York.

Mr. GRIFFIN. How much will the bonus passed by the gentleman's legislature yield to each soldier?

Mr. FREAR. The cash bonus so-called yields only $10 a month.

Mr. GRIFFIN. That is for the length of the service?

Mr. FREAR. Yes; but there are some educational provisions in the bill passed by Wisconsin which cover far more generous treatment, and for a State we have shown grateful appreciation of our boys who were in the war.

Mr. GRIFFIN. Then, if we pass this bonus bill here the soldiers of Wisconsin will get a double bonus?

Mr. FREAR. They will get whatever we give them here just like New York soldiers who are to be cared for under your law passed last week.

GOVERNMENT LOANS AND STATE LOANS.

Mr. Speaker, the New York Legislature voted a bond issue last week of $45,000,000 for a soldiers' compensation act, and yet New York financiers have kept the Washington wires busy with dire predictions of what will happen to business if the American Congress permits any part of the proposed Government compensation plan to be paid by a public loan.

Ex-Secretary of the Treasury McAdoo recently declared that a billion-and-a-half-dollar loan could be floated without disarranging finances, but powerful interests insist that any fund to meet the soldiers' relief act must be raised by a consumption tax, so that every citizen may know what taxes mean and incidentally those who since the beginning of the European war have been grabbing on to all the loose wealth of the world will be relieved.

On September 2, 1919, by a State-wide vote of 165,762 to 57,324, or three to one, Wisconsin took the initiative in soldiers' aid and adopted a twenty-million-dollar compensation act for her soldiers, previously passed by the legislature, which gave options of cash, vocational training, and other aid. The people of my State did not forget that immediately after the declaration of

war we furnished, together with Michigan, the Thirty-second Division of National Guard soldiers, whose deaths in battle reached 2,915, or more than the Forty-second, Rainbow Division, to which Wisconsin also contributed. These two divisions stood next to the Regulars and marines in heavy death losses and also in casualties, which in each division exceeded 13,000. Their record during the hard fighting on the Marne will never be forgotten.

No distinction exists among American soldiers for heroism, because all State organizations were absorbed in the one great Army that shed luster on America's fame, but if the Congress that sent our boys to war does not give recognition of their sacrifices, whether through bonds or income taxes or other means, then it is time we have a new birth of patriotism from among the Members, uninfluenced by interests on the outside whose sole god here below appears to be personal profit.

When Congress declared war against Germany it called on every able-bodied man in the country between certain ages to fight for the remaining hundred million people. Our young men everywhere were taken from schools and farms, from shops and offices, and thrown against the professional soldiers of Europe, and against modern machine guns, poisoned gas, and all other weapons of warfare. The rest of our people remained home amid the comforts and even the luxuries of life, enjoying comparatively peaceful surroundings. Fictitious prosperity reigned, millionaires multiplied two hundred fold, and an orgy of profiteering ensued among certain interests in this country that will ever remain a blot on the pages of that war.

WHAT COMPENSATION THIS BILL AFFORDS.

Our boys came back victorious. They did the job this American Congress sent them to do and did it well. They did it at a dollar a day or slightly more in the case of enlisted men. They did it uncomplainingly; they broke up countless homes when they left, some of them for all time to come; they sacrificed comforts that we continued to enjoy, and they did all this for their country and for us. Nothing we can do here will pay for that service and sacrifice. We can only imperfectly express our appreciation, and that we offer in this bill which gives to the soldiers and to army nurses who served over 60 days a dollar and a quarter a day for army service with an option to pursue a vocational education, or to receive life insurance based on the days of army service, or a preferential right to Government farms when reclaimed with an extra allowance on the three options reaching $1.75 per day for every day over the 60 days for which an allowance has heretofore been made by law. I wish the bill covered all soldiers and sailors of the war and gave better opportunities for home making.

Our country's financial situation, national indebtedness, and heavy living expenses that affect every household have been urged upon the committee as reasons why any relief measure should be extremely limited in its scope and even why no soldiers' compensation bill should pass. Many great financial interests that profited most by the war have opposed any relief bill. Organizations that preach patriotism from the housetops, like the so-called Security League of New York that selfishly capitalized loyalty during the war and since; that now demand Congress shall inaugurate an expensive, burdensome, compulsory military service which proved the downfall of Prussia; that have no sympathy or sentiment for what they term the "subcaliber" man—these are against the soldiers' compensation bill. Thank God we have proportionately few supermen of the Menken, Orth, "Security League" type.

Mr. Speaker, profiteering corporations and men of vast wealth have sent their protests to the committee objecting to any soldiers' compensation bill.

A WEST POINTER WHO OBJECTS TO ANY COMPENSATION BILL.

Keech, a New York banker, a witness from 7 Wall Street, testified before our committee that he paid an income tax indicating profits of several hundred thousand dollars annually, which placed him in the multimillionaire class. Keech vigorously opposed the passage of any bill to help those who did the real fighting while he was profiting at home, and he said to our committee that the army experience was sufficient compensation for every soldier, yet Keech, a West Point graduate, strangely missed that compensation by staying at home. There are many Keeches in the land who did not have to wear the soldiers' overcoats throughout last winter because of the high cost of living.

In order to pay the allowance provided for in the bill, it is now proposed, as I have said, to have a tax on sales of 1 per cent, and it has been urged on the committee that the tax is so slight it will not be felt, but why levy a general sales tax? Why not take further profits from those who profiteered during the war and from those who are profiteering to-day? I am opposed to any sales tax and hope the American Congress will never put any such burden on the people to meet the needs of this bill. The committee bill should be modified by laying taxes on those best able to pay.

If the war has brought one lesson, it is that in order to preserve our Government the constant shifting of public burdens to the shoulders of those already heavy laden will be challenged by the many who make possible the excessive profits of the few. This bill should compel those best able to pay to contribute now in proportion to their means, and any failure to provide such method of taxing will be economically and radically wrong and will return to plague those who try to shift the burden to those who now pay the profits.

LEGITIMATE REVENUE MEANS V. AN INIQUITOUS SALES TAX.

I have offered a substitute proposition that will raise every dollar needed. It has been rejected by the committee, but I trust the House will accept it in whole or in part. I have presented it to you in argument, but briefly summarized it is as follows:

First. Increase the normal personal income tax for the years 1919, 1920, and 1921 to rates imposed and collected for the year 1918—that is, increase the present rates of 4 to 8 per cent to 6 to 12 per cent. This will produce approximately $170,000,000 a year, or $500,000,000 for the three years. It will produce nearly five times as much as the proposed committee increase.

Second. Extend the normal tax to dividends received by individuals from corporations for the years 1920 and 1921. This will produce about $240,000,000 a year and $480,000,000 for the two years.

Third. Tax stock dividends for the three years 1919, 1920, and 1921 at 25 per cent—approximately the rate that would be imposed had not the Supreme Court ruled that the tax on such dividends in the 1918 revenue act were unconstitutional. This tax would produce approximately $150,000,000, principally from the dividends declared during the year 1920.

This will reinstate the tax that was set aside by a vote of 5 to 4 in the Supreme Court, and this Congress will be justly condemned if it fails to do so.

Fourth. Double the tax on automobiles of over $1,000, trucks, parts, and accessories. This will produce for two years—1920 and 1921—$200,000,000. The present rate of taxes is 3 per cent on trucks and 5 per cent on automobiles and accessories, including tires.

This increase in whole or in part will help to curb extravagance, conserve the vanishing gasoline supply, and bring needed aid to the Treasury.

Fifth. Increase the tax on admissions from 1 cent to 2 cents for each 10 cents on admissions for 25 cents or under, and from 1 cent to 3 cents on admissions of over 25 cents for the two years 1920 and 1921. This tax will produce about $200,000,000.

New York producers propose to charge $5 for theater tickets. In this age of profiteering and reckless extravagance the tax will be of value in helping a soldiers' compensation bill.

Sixth. A tax of 1 per cent on sales of real estate. This tax will produce about $100,000,000 annually, or $200,000,000 for the years 1920 and 1921.

This tax has been adopted by the committee, but only at half rates.

The total of the above additional taxes for two years would be $1,730,000,000, according to estimates furnished me by Treasury experts.

The foregoing taxing methods will raise more than is required by the bill. If further income is needed, however, the tobacco-increase tax of $150,000,000, brokerage-sales tax reaching $200,000,000, and many other plans, or a short-time loan for part of the fund can be adopted in preference to a consumption tax, which is a vicious and unnecessary tax. The foregoing methods would raise $2,000,000,000, or a larger amount than can possibly be needed.

Why should not an increased income tax equal to the 1918 tax be adopted? Why not reenact the law of 1918 as above suggested? Why not approach a more just and equitable tax as evidenced by the tax law now in force in Great Britain?

I speak especially of this proper increase in income tax, because it will raise over twice as much as the feeble committee effort and is justified in every way.

In reply to many random statements, I present here a comparison of English and American tax rates on the different personal incomes to show how far below the English rates our taxes now are to those possessing a million dollars or less of this world's goods:

OUR INCOME-TAX RATE FAR BELOW GREAT BRITAIN.

Comparison of tax on incomes.

Amount.	United States law.		Rate per cent.	
	Normal tax.	Total tax.	United States.	Great Britain.
$2,000	$0	$0	0	0
$3,000	40	40	1.3	8.44
$5,000	120	120	2.4	15.00
$10,000	480	590	5.9	18.75
$12,500	680	895	7.16	26.25
$15,000	880	1,230	8.2	32.06
$20,000	1,280	1,790	9.95	34.06
$30,000	2,080	3,890	12.96⅔	37.29
$40,000	2,880	6,290	15.72½	39.84
$50,000	3,680	9,190	18.38	41.88
$60,000	4,480	12,590	20.98⅓	43.65
$80,000	6,080	20,890	26.11¼	45.90
$100,000	7,680	31,190	31.19	47.19
$150,000	11,680	61,190	40.59⅓	48.96
$200,000	15,680	93,190	[1] 46.59½	[1] 49.84
$300,000	23,680	161,190	[1] 53.73	[1] 50.73
$500,000	39,680	303,190	60.63⅘	51.44
$1,000,000	79,680	663,190	66.31⅔	51.97
$5,000,000	399,680	3,583,190	71.66⅖	52.39

[1] These income-tax rates now pass each other at $250,000 annual income. Under the plan I propose to reinstate, the 1918 rates, 4 per cent will be added to above rates, so that our rate would pass that of Great Britain at $200,000, but will average far below the English rates on incomes under that amount.

The foregoing statement of comparative income tax rates in the United States and Great Britain, prepared by Treasury officials, discloses the following:

At $3,000 the rate in Great Britain now is ten times that of the United States.

At $5,000 the rate in Great Britain now is over six times that of the United States.

At $20,000 the rate in Great Britain now is over three and one-half times that of the United States.

At $50,000 the rate in Great Britain now is about two and one-fourth times that of the United States.

At $100,000 the rate in Great Britain now is about one and one-half times that of the United States.

At $200,000 the rate in Great Britain now is 5 per cent greater than our tax.

At $250,000 the rate in Great Britain now is about the same as ours.

At $1,000,000 annual income our tax is 16 per cent greater than that of Great Britain.

In other words, either Great Britain is grossly overtaxing incomes from $3,000 to $50,000 or else we are undertaxing them. In estimating wealth based on income it is customary to use $50,000 annual income as a conservative average for entrance into the millionaire class. Of that income, under our laws, less than 20 per cent is deducted, whereas Great Britain takes over 40 per cent of the income, or more than double our rate.

On incomes of $100,000 annually, indicating $2,000,000 in wealth, 31 per cent is deducted under our law and 47.19 per cent, or nearly one-half more, is taken under the English law.

On incomes over $250,000 annually, indicating approximately $5,000,000 in wealth, our taxes begin to run higher than Great Britain's until they finally reach two-thirds of $1,000,000 annual income, which indicates $20,000,000 in wealth. Those who have such enormous wealth do not require great incomes to keep the wolf from the door. In other words, outside of a handful of enormously wealthy men, our income taxes are far below those of Great Britain, and our millionaires, who increased 200 per cent during the war, and now reach anywhere from 10,000 to 20,000, depending on the basis of estimates, have not been compelled to wear overalls or cut out their meat diet due to the high cost of living. Why should they not pay higher taxes?

ANOTHER TAX BOOST THIS MONTH FOR GREAT BRITAIN.

Mr. Speaker, the following cablegram to the Washington Post of April 20, to which I have briefly referred, is illuminating when comparing English finances with our own:

DRASTIC TAXATION OF BRITISH PROFITS—WILL RAISE LEVY TO 60 PER CENT, SAYS CHANCELLOR, INTRODUCING NEW BUDGET—POSTAL RATES GOING UP.

LONDON, *April 19.*

The feature of the budget statement delivered in the House of Commons to-day by J. Austen Chamberlain, chancellor of the exchequer, was the revelation of the country's bounding revenue and a surprise by the chancellor in his announcement of a purpose to raise the excess-profits tax to 60 per cent when it had been expected this tax would be abolished and a substitute tax proposed.

In closing his speech Mr. Chamberlain, referring to the gigantic sacrifices that had been endured throughout the war, described the nation's position as "one of unexampled and unequaled strength." He made no proposal, such as had been forecast, to institute a sinking fund to redeem the national debt within 50 years, but he announced that there would be no more borrowing to balance revenue and expenditures, and estimated that the new tax proposals would enable the redemption of £234,000,000 of the debt this year and £300,000,000 next year.

The new taxation proposal included increases in postal and telegraph rates, a 50 per cent ad valorem tax on imported cigars, a number of additional stamp duties on commercial and stock-exchange transactions, and a new tax of a shilling in the pound on limited-liability profits. The income tax was not changed, except for an additional supertax of 6 pence in the pound on incomes exceeding £30,000 per year.

Two questions were left over for special bills, namely, taxation or levy on war wealth and changes incident to the income tax in accordance with the recommendations of the royal commission, under which the exemption list for married couples will be £250 and for unmarried persons £150.

BUDGET DEBATE POSTPONED.

The present taxes on motor cars and petrol are to continue in force until the end of the year, when they will be superseded by new taxes.

Dealing with excess profits, the chancellor said the yield had greatly exceeded any forecast he should have dared to make, and had he foreseen the present situation no such reduction by 40 per cent would have been made last year.

The foregoing indicates Great Britain proposes to raise the existing rates, which I have used for purposes of comparison.

While the British taxation laws are different from our own in several respects, I am informed by a high Treasury authority that, considering local methods of taxation, which in Great Britain covers a multitude of specifically taxed articles, and also taxes for different municipalities, the foregoing tables give a fair comparison of rates of taxation in the two countries.

COMPARATIVE ABILITY TO PAY.

Estimates of comparative national wealth and of national indebtedness are also of interest. The only basis of comparison exists for the year 1917.

	United States.	Great Britain.	France.
Wealth	$220,000,000,000	$80,000,000,000	$60,000,000,000
Indebtedness	26,000,000,000	37,000,000,000	34,000,000,000

From the foregoing it appears that the indebtedness of the United States, after deducting the probable repayment of allied loans, is less than 10 per cent of our wealth. The debt of the United Kingdom, reaching $37,000,000,000, can not be accurately charged against Great Britain alone, but conservatively estimated it will reach over one-third of Great Britain's wealth, while France struggles under a debt burden of approximately 50 per cent of its wealth.

Considering that of the three countries compared England and France have lost in national wealth since 1917 and that our crop of war profiteers have enormously increased their individual wealth at the expense of our own and other countries, it is fair and just to require those who have to pay liberally toward a cause that grants some small relief to the soldiers, who made profiteering possible.

OTHER PLANS HAVE PROVOKED SERIOUS CRITICISM.

Mr. Speaker, I have not carefully examined the present plan for raising funds advocated by Representative RAINEY. His original plan would have resulted in bankruptcy to many solvent individuals, according to Government financial experts with whom I consulted, because in making the tax retroactive from 1915 it lays a burden on men that is five times the ordinary war-tax burden. Few companies could withstand this assault on their credit and the probability is it would result in the defeat of the soldiers' bill in the Senate, rather than to invite financial catastrophe. His present bill I can not pass upon, but I do say that the plan I propose makes a retroactive tax only in the one year of 1919 and then only to the same extent that the tax was paid in 1918. This income tax, which is the war income tax reenacted, for three years will produce $500,000,000 without injuring any legitimate business, according to the best Government Treasury experts, and will provide one-third of the entire fund to be raised.

The remaining tax distributed over stock dividends and other plans I have suggested will raise more than enough to finance the bill according to the same high authority. I agree that those best able to pay should bear the largest part of the burden and that they are amply able to do so is evidenced by the official reports of their enormous profits since the European war began.

EXCESS PROFITS THAT SHOULD HELP FINANCE THE GOVERNMENT.

I quote briefly a table of corporation profits which I placed in the RECORD in April, 1918. They indicate the enormous profiteering that has continued down to this date.

War profits of a few concerns out of thousands reported.

	Average net income, pre-war period (1911-12-13).	War profits, 1916.	Net war profits, 1916.
COPPER.			
American Smelting & Refining Co	$9,069,396	$22,152,250	$13,091,854
Anaconda Copper Mining Co	11,741,185	58,892,980	47,151,795
Butte & Sup. Mining Co	942,988	8,873,446	7,930,458
California & Arizona Copper Co	2,966,934	11,155,004	8,188,070
Greene Can. Copper Co	1,407,902	3,435,879	2,027,977
Miami Copper Co	1,296,602	7,759,784	6,463,182
Nevada Consolidated Copper Co	3,419,266	15,419,266	11,582,785
Phelps-Dodge Corporation	7,442,390	21,974,263	14,531,864
Ray Consolidated Co	1,634,665	11,716,428	10,082,063
Utah Copper Co	7,723,435	39,738,675	32,005,240
Total, 10 companies	47,635,772	200,709,763	153,055,288
LEATHER.			
American Hide & Leather Co	334,198	1,643,280	1,309,082
Central Leather Co	3,473,804	15,489,202	12,016,398
Total, 2 companies	3,808,002	17,132,482	13,325,480
MEAT.			
Armour & Co	4,746,642	20,100,000	15,352,368
Morris & Co	1,588,799	3,632,213	2,043,414
Swift & Co	7,879,167	20,465,000	12,585,833
Wilson & Co	1,344,926	4,915,872	3,568,947
Total, 4 companies	15,559,534	49,113,085	33,550,562
OIL.			
Standard Oil:			
California	9,877,964	17,605,304	7,727,340
Indiana	14,687,696	30,043,614	15,355,918
Kentucky	1,002,458	2,068,598	1,066,140
New York	16,212,985	36,638,495	20,425,510
Total Standard Oil (4)	41,781,103	86,356,011	44,574,908
Texas Co. (The)	3,856,667	13,898,862	10,042,195
Total, 5 companies	45,637,770	100,254,873	54,617,103
POWDER.			
Du Pont Powder Co	5,525,964	82,107,493	76,581,529
Hercules Powder Co	1,017,212	16,658,873	15,641,661
Atlas Powder Co	322,837	2,939,889	2,616,952
Total, 3 companies	6,866,013	101,706,405	94,840,342
PAPER.			
American Writing Paper	128,430	2,524,378	2,397,948
International Paper Co	1,105,913	4,629,727	3,514,814
Total, 2 companies	1,234,343	7,145,105	5,911,762
RUBBER.			
Ajax Rubber Co	348,196	1,268,311	920,115
Goodrich Rubber Co	3,040,745	9,447,299	6,406,554
United States Rubber Co	6,661,777	11,226,208	4,564,431
Total, 3 companies	10,050,718	21,941,818	11,891,100
STEEL.			
Allis-Chalmers Co	755,125	3,165,020	2,409,895
American Locomotive Co	3,872,807	10,769,429	6,896,622
Bethlehem Steel Corporation	3,075,108	43,593,568	40,518,460
Crucible Steel Co	3,629,467	13,223,656	9,594,189
Lackawanna Steel Co	1,282,500	12,218,234	10,935,734
Republic Iron & Steel Co	2,265,694	14,789,162	12,523,468
United States Steel Corporation	63,585,777	271,531,730	207,945,953
Total, 7 companies	78,466,478	369,290,799	290,824,721
SUGAR.			
American Beet Sugar Co	1,246,650	6,126,677	4,880,027
American Sugar Refining Co	5,751,688	8,319,882	2,568,194
Cuban American Sugar Co	409,988	8,235,112	7,825,124
Total, 3 companies	7,408,326	22,681,671	15,273,345
WOOL.			
American Woolen Co	1,754,792	5,681,671	4,169,628
Total, 40 companies	218,418,748	895,830,819	677,298,729

Many thousands of corporations necessarily are omitted from the list. The profits of many individuals and corporations have increased over anything appearing in the above lists.

I believe that a full understanding of the stock-dividend tax and increased income tax, whereby $650,000,000 can be raised, will appeal to every advocate of a just taxing system, and so I present other interesting data on the subject.

On March 8, 1920, the Supreme Court, in a suit then pending, by a 5 to 4 hair-trigger vote, decided that undistributed profits turned into a business in the form of stock dividends are not subject to income taxes, which decision places a premium on large capitalization on which abnormal profits may hereafter be demanded and collected. Standard Oil, in sympathy with other securities on the market affected by the decision, jumped 50 points the next day. Under my proposal these dividends will bring in $150,000,000 with which to meet the needs of this bill granting compensation to soldiers.

SOME MORE PROFITEERING.

On February 28, 1920, Mr. TILSON, of our committee, specifically charged that the cotton mills of the country averaged profits during the 1914–1919 period of 125 to 600 per cent, and urged an investigation in order to determine who was responsible for profiteering and what relief could be accorded. In his statement of increased prices appears three grades of cotton yarns, quoted as follows:

	1914		1918		1919	
	June.	December.	June.	December.	June.	December.
2-40 s	$0.43	$0.38	$1.00	$0.95	$1.20	$2.50
2-60 s	.55	.50	1.25	1.20	1.55	3.50
2-80 s	.75	.70	1.55	1.50	2.00	4.75

An increase of from $1.50 in December, 1918, to $4.75 in December, 1919, discloses a fever of present-day profiteering. Many cotton mills declared quarterly dividends of 10 per cent.

The National Garment Retailers' Association is quoted as authority for a statement that many woolen mills recently declared a quarterly dividend of 10 per cent.

According to the Public Ledger, a Providence, R. I., shoe firm has profiteered to the extent of 800 per cent on its products. According to Judge Brandeis's decision on March 8, 1920, Standard Oil's annual dividends in 1914, 1915, and 1916 reached from 60 per cent to 80 per cent annually.

On April 20, 1920, Sears, Roebuck declared a 40 per cent dividend on its $75,000,000 of stock, and the most startling evidence of the riotous spirit of profiteering is contained in a press statement that this stock, which sold for $20 a share in 1907, now has a market value of $690, exclusive of dividends that have been regularly paid by this concern.

Practically every product entering into commercial industry for which the consumer eventually pays has increased in price during the past five years to percentages reaching hundreds, and in some cases a thousand per cent and over.

OUR GENEROUS CROP OF MILLIONAIRES SHOULD GENEROUSLY PAY PROPORTIONATELY.

According to the collector of internal revenue this epidemic of profiteering and legalized robbery of the helpless public has resulted in the following increase in annual incomes:

	1914	1917
Incomes over $25,000		49,794
Incomes over $50,000	7,509	19,103
Incomes over $100,000	2,348	6,664

Based on 10 per cent of $1,000,000, the millionaires in number jumped from 2,348 in 1914 to 6,664 in 1917.

Based on 5 per cent of $1,000,000, used by other authorities, the millionaires jumped from 7,509 in 1914 to 19,103 in 1917, while 50,000 people, in round numbers, now possess a half million dollars or over in this country, according to the same basis of estimates.

An astounding recital of enormous profits squeezed from the helpless public was exposed last week by a distinguished Senator. I briefly quote a few of his illustrations of profiteering gone mad, which exists throughout our land, where might makes right, while the needy culprit who steals a loaf of bread or pair of shoes finds quick lodging behind the bars. The statement made in another body last Saturday shows the following stock dividends to have been recently declared, dividends on which I propose to raise $150,000,000 with which to help finance the soldiers' compensation bill:

RECENT STOCK DIVIDENDS—NAMES AND EARNINGS PRESENTED.

Continental Oil, 200 per cent; United Fuel Gas, 200 per cent; Ohio Fuel Supply, 100 per cent; Nonquit Spinning Co., 100 per cent; Amoskeag Cotton Manufacturing Co., 100 per cent; Stutz Motors, 100 per cent; Nashua Manufacturing Co., 100 per cent; American Tobacco Securities Co., 75 per cent; Manomet Mills, 66⅔ per cent; Hood Rubber, 66⅔ per cent; Crucible Steel, 50 per cent; Cleveland-Akron Bag, 50 per cent; Union Bag & Paper, 50 per cent; Auto Car Co., 40 per cent; John R. Thompson Co., 33⅓ per cent; St. Maurice Paper Co., 30 per cent; F. W. Woolworth, 30 per cent; Electric Welding of Boston, 25

per cent; Delaware & Cleveland, 25 per cent; Hawaiian Pineapple Co., 25 per cent; Electric Welding Co., 25 per cent; General Chemical, 20 per cent; American Multigraph, 20 per cent; Truscon Steel, 20 per cent.

"The Standard Oil Co. of Indiana," the Senator continued, "has recently increased its capital from $1,000,000 to $30,000,000, giving its stockholders a stock dividend of 2,900 per cent.

CANDY AND CRUDE OIL PROFITS.

"The National Candy Co.'s earnings last year showed an increase of 545 per cent over 1915; Burns Bros., the largest retail coal dealers in the United States, made a net profit of 40 cents a ton, against 23½ cents in 1916; the earnings of the United Drug Co., doing a business of $50,000,000 annually, were 242 per cent greater than 1916; the American Ice Co., which cuts ice by the millions, but not profits, has in the last four years increased its earnings 283 per cent; the International Cotton Co., doing nearly $8,000,000 worth of business last year, made 39 per cent more money, although it sold 20 per cent fewer goods; the Pacific mills output of cotton and worsted dress goods produced 34 per cent more profit than in the year before the war; and the excess-profits surplus of United States Steel—the surplus remaining after dividends—has aggregated nearly $500,000,000 in the last five years, although $315,000,000 was spent on improvements."

"These patriotic melon raisers, who have made their millions and billions during and since the war, now are urging that the soldier bonus be raised by a 1 per cent tax on sales to be paid on every dollar spent by every man, woman, and child in the country, including the ex-service men themselves.

"During the coal strike, while zero cold and privation threatened the people, the price of crude oil shot up nearly 300 per cent, and still is rising.

"It is said the poor man's luxury is tobacco. The contribution to good government of the Tobacco Products Corporation is a dividend balance showing a rise of 1,547 per cent over its 1914 profits, which the smoker had to pay or go without this solace.

"The General Cigar Co., which in 1906 acquired the property and business of the old United Cigar Co., amassed a net income of nearly 34 cents on each dollar of its sales in 1917, and in 1919 this had grown to almost 38 cents.

NAMES GAIN IN PROFITS.

"Other upholders of government and befrienders of the poor are the American Hide & Leather Co., whose profits for 1919 were more than three and one-half times larger than those it gained in 1914; the Central Leather Co., whose 1919 profits more than double those of the same months in 1918; and the Endicott-Johnson Shoe Manufacturing Corporation, whose profits rose from $2,174,430, in 1915, to $9,791,580, in 1919.

"In terms of dividends on its common stock, last year's profits of the American Hide & Leather Co. increased from 44 cents a share, in 1915, to $15.52 a share, in 1919, or thirty-five times the earnings it distributed in 1915."

It is significant that these facts presented in the Senate were offered under an amendment to the rivers and harbors bill, proposing to raise the $12,000,000 appropriation by the House to $27,000,000 in another legislative body, thereby presenting an old-fashioned, well-rounded pork barrel.

Between an extravagant pork-barrel burden and a consumption tax, in these days of heavy tax burdens, the public is between the devil and the deep sea. In the words of the litany, "Good Lord, deliver us."

MORE PROFITS THAT WANT THE EXCESS-PROFITS TAX REPEALED.

An illustration of where we are tending and the reign of profiteering that seems to have control of every avenue of industry and to which the humble consumer contributes is afforded by the following telegram taken from to-day's paper:

FIFTEEN MILLION FIVE HUNDRED AND THIRTEEN THOUSAND FOUR HUNDRED AND FIFTEEN DOLLARS NET PROFITS FOR AMERICAN WOOLEN—REPORT FOR 1919 SHOWS SURPLUS OF $12,029,804 AND TOTAL WITH THAT OF 1918 OF $31,754,426.

NEW YORK, *April 27*.

Net profits of the American Woolen Co. for 1919 amounted to $15,513,415, less reserves for taxes and contingencies, according to the annual report issued to-day.

Payment of dividends of $2,800,000 of preferred stock and $3,200,000 of common and depreciation of $3,733,611 left a balance of profit for the year of $5,779,850.

Surplus for 1919 amounted to $12,029,804, which, added to that of 1918, brings the total surplus to $31,754,426.

These earnings by the company show that for the year ending December 31, 1919, the surplus, after all charges and the Federal tax of $10,779,804 has been paid, was equal to a dividend of $38.89 a share on the $20,000,000 of outstanding common stock against the earnings of $5,572,527, or $13.86 on the common stock in 1918.

Reviewing the activities of the company for 1919, President William M. Wood said, in part:

"One of the features of the year has been the great demand for fine wool and cloth made of fine stock. This unprecedented demand for fine wools has resulted in tremendous increase in prices of fine stock. Since February, 1919, prices of these wools have risen 30 per cent to 40 per cent, and at the close of the year were still advancing."

THE CHAMBER OF COMMERCE OPPOSES A SOLDIERS' COMPENSATION BILL.

Mr. Speaker, confirmation of the organized effort to repeal the excess-profits tax and to vigorously oppose soldiers' compensation bill comes from the United States Chamber of Commerce, which is holding its annual convention at Atlantic City this very day, April 27. The press dispatches I have received say that this chamber of commerce has resolved that Congress must revise the excess-profits tax law, but need not necessarily increase the $10,000,000,000 already made to European Governments. Further, it states that we are expected "not to consume so much at home if we expect to grant further credits abroad," and further, that there must be a revision of our system of income taxation.

This organization further resolved that Congress must not pass a soldiers' bonus bill, because it will invite an "orgy" of spending, but they considerately tell us, "The United States should participate largely in foreign finances."

These orders come to the American Congress from the world's greatest summer resort, from gentlemen, some of whom, presumably, have been engaged during the years of the war in an "orgy" of profiteering, who propose to finance Europe with their surplus capital, not one out of a hundred of whom, presumably, carried a musket during the war or received only a dollar a day, from which they were obliged to make allotments to their dependents. These distinguished gentlemen, basking in the delightful surroundings at Atlantic City, have issued their orders that the boys we drafted into the service shall receive no further compensation, and ought to be satisfied with the knowledge that they as patriots in France enabled thousands of profiteers to speculate in perfect security at home during the war.

Having duly received its instructions, the American Congress is expected to act in conformity with such orders, and there will, presumably, come to us from now on an organized propaganda of hundreds of telegrams and stereotyped resolutions sent from various boards of trade throughout the country, which will spontaneously give their instructions to us on how to proceed in the matters determined upon by this overly modest chamber of commerce. In the face of the fact that Great Britain has increased its excess-profits tax 60 per cent, according to the cablegram I have presented to the House, we are advised by this distinguished body at Atlantic City in the following telegram, which has just been received:

ATLANTIC CITY, N. J., *April 27*.

The United States Chamber of Commerce would go on record as opposed to the granting of a bonus to soldiers who served in the World War by adoption of a resolution submitted for action by the resolutions committee at the initial session of its eighth annual convention here to-day.

VIEW OF EXCESS-PROFITS TAX.

Revision of the excess-profits and income taxes "so that large investors can afford to put their funds in other than tax-free securities," is urged in the report, the point being made that only by the freeing of large capital can any appreciable progress toward meeting Europe's needs be made.

Discussing the need for a fixed governmental policy of sanction and cooperation, the report said there was no thought of suggesting that the Government alter its policy of not increasing the $10,000,000,000 it already has advanced to European countries.

FURTHER CREDIT TO FOREIGN NATIONS.

"A most immediate and important problem for this country," the report continues, "is how to extend further credit to foreign nations without bringing about added inflation at home. It is generally conceded that further inflation of our credit structure must be checked if commodity prices are to decline or even to remain stationary. Advancing commodity prices would more than offset any gain to European purchasers through better exchange rates.

"In the United States it is quite clear that at least two things must happen to improve our domestic situation before we can safely grant further large credits abroad: (a) The first is diminished home consumption and the saving resulting therefrom, and, if possible, increased production; (b) second, there must be a revision of our system of income taxation.

FOREIGN TRADE DISCUSSED.

"The matter of foreign investment has been referred to as not a matter of sentiment, but of arithmetic. It is inevitable that the United States, as a great unit in the world's economic affairs, should participate largely in foreign trade and in foreign financing.

"But, from the standpoint of Europe, the worst possible result at this time would be to hold out hopes of assistance which can not be realized. From the standpoint of America, the worst result conceivable at this time would be to attempt to set in operation machinery for the extension of foreign credits which would not, in fact, operate."

THE INIQUITY OF A GENERAL CONSUMPTION TAX.

Mr. Speaker, a general sales tax proposed by the committee bill will serve to increase the profits of the small army of profiteers, because for every cent of tax levied by law, five to ten times the actual tax will be collected from the paying public while the profiteer keeps the surplus.

In other words, if we had adopted the plan first given out to the press from the subcommittee, of financing the billion and a half of dollars needed by this bill, through a general consumption tax, a burden of several billion dollars would have been placed uniformly on the financier and farmer alike, irrespective of their comparative ability to pay.

I am not permitted to suggest what may have influenced a reduction that now limits the proposed consumption tax to $800,000,000, but bearing in mind this tax will mean a direct burden of from two to four billion dollars on the ex-soldier, the merchant and mechanic, the salaried clerk and shopworker, the iniquity of the whole scheme serves as a reminder of the utter selfishness of big business and of conscienceless profiteering influences that demand this tax.

Any party that puts this scheme of financing into law, that closes its eyes to the enormous profits taken to-day from the helpless public, will compel its candidates from Maine to California

to explain why a bill was passed by this Congress which taxes the consumer in order to protect profiteers. I am firm in my belief that the vast majority of Republicans of the country will resent such action if taken by Congress, and the same is probably true of those of the opposite political faith.

A large majority of the House Republicans and Democrats are for a soldiers' compensation bill, and the only reason why a sales tax will be accepted, if at all, is in order to pass the bill, but every Representative who is to become a candidate for reelection must be prepared to face the fact that the purpose of passing this consumption tax is not alone to place the burden on those who are least able to pay. A tax on everything we eat, drink, and wear is vicious in itself, but it may be intended to prepare us for a next move by the great financial interests of the country.

A vigorous propaganda is being pushed on the Ways and Means Committee by commercial bodies throughout the land fostered by large business interests and those affected by the present excess-profits tax on corporate earnings which now reaches the enormous profits of corporations. This pressure is to have that tax law repealed on the theory that in some unexplainable manner such action will moderate the cupidity of the profiteer and through some psychological surgical operation reach his conscience, so as to cause a voluntary reduction in prices and lower the high cost of living. By repealing the excess-profits tax and shifting tax burdens from the shoulders of those who reap the profits to the backs of those who pay the price we are told we will reduce the cost to the man that eventually pays all profits. This consumption tax is an entering wedge toward a repeal of the excess-profits tax. It is brought out under the cloak of helping the soldiers' bill in a belief that the public will not resent it for that reason. While Great Britain is increasing their tax we are asked to repeal ours.

I do not know what the parliamentary situation will be when this bill comes up for passage. I will support the bill because I have been with Chairman FORDNEY for its passage from the beginning; but if opportunity is afforded I shall vote against the iniquitous sales tax, and I hope if it passes the House that the Senate will not jeopardize the election of many able Members of this body in close districts by permitting the sales tax to remain in the bill.

THE COMMITTEE HAS WORKED HARD AND FAITHFULLY—DO NOT MAKE A MISTAKE NOW.

I have no criticism to make against my colleagues on the committee, however widely I differ from them on this tax. The members of the Ways and Means Committee have worked hard and honestly to give a good bill to the soldiers, and no committee could work harder or more conscientiously to that end; but if we retain the sales tax we will make a political and economic blunder that will rise to plague us long after the coming campaign has recorded its list of political deaths and burials.

I have offered a plan that will raise far more money than the bill will require. It places income tax where it was in 1918, and then it is less than one-half the tax of Great Britain at $20,000 and slightly over one-half at $50,000, which will reach the millionaire class. It immediately compels stock dividends to pay their fair share of revenue, and I am informed by Treasury experts that it is not only easily workable in all its parts but it is eminently fair and proper. I hope the House will accept this substitute.

OUR SOLDIERS DESERVE ALL THAT WE CAN GIVE.

Mr. Speaker, I shall not discuss the several options offered under the bill beyond a mere statement of their effect. An enormous national debt of $25,000,000,000 prevents us from more adequately measuring the claims for compensation that never can be fairly adjusted by our country. Patriotism is not merely a matter of lip service, and when we told our soldier boys "God-speed; we are with you; the country needs you and we will never forget," we meant it or else we were arrant hypocrites; and this bill to the extent of one billion and a half dollars says we have not forgotten them. We promised to bring home to America all those who fell in France and whose relatives asked for the return of their bodies; we promised to provide for those who returned maimed or broken in body and health; we promised to remember the sacrifices of all who were called to the colors, whether they fought in France or not. As we keep such promises we will grow in strength as a Nation worthy of the sacrifice made in all wars, whether past or yet to come.

Patriotism is inborn, and no compensation can reward patriotism; but let us not delude ourselves into believing we can share the mantle of patriotism by lip service alone. This bill, imperfect though it is, should be passed unanimously, as we passed every war measure, without a suspicion of partisanship or sectionalism.

Let us say to those who carried our flag to victory on the fields of France, even as the men of America have met every test in other wars, that we are a grateful people, that we cherish those who did our fighting, and that we are proud of the citizen soldier, for in him will ever be found the safeguard of the Republic. We owe him a debt that can never be paid. [Applause.]

The SPEAKER pro tempore. The gentleman from Missouri [Mr. CLARK] is recognized for 30 minutes. [Applause.]

Mr. CLARK of Missouri. The House gave me 30 minutes, and I would like to have 40 minutes.

The SPEAKER pro tempore. The gentleman from Missouri asks unanimous consent that he may speak for 40 minutes instead of 30 minutes. Is there objection? [After a pause.] The Chair hears none. [Applause.]

Mr. CLARK of Missouri. Mr. Speaker, my situation here late in the evening to make a speech reminds me of the tale that Amos Cummings used to tell. He said that some Member from Pennsylvania who was making a campaign speech here one night with a slight attendance was reading his speech in a low voice and some wag kept asking him to raise his voice so that they could hear, and after a while he got tired of it and he said, "I do not care whether you men hear me or not; the people down in the Cumberland Valley of Pennsylvania will hear me [applause and laughter], and I am speaking to them." Now, I am going to make a speech here for the man in the street, the man at the cross roads, the ordinary citizen who does not know a thing in the world about parliamentary procedure here. I am going to make it so plain that he can not misunderstand what this Ways and Means Committee and Rules Committee are up to. I am in favor of a bonus or compensation of the soldiers during the Great War. [Applause.] Always have been in favor of it. In my judgment, there is nothing too good for our soldiers. No greater love hath any man than he should die or offer to die for his country, as these soldiers did. I have never failed to vote for a pension bill since I have been here and I am going to keep up that policy until the end. The reason underlying my action is that we are never going to have a big standing army until the Republic is on its last legs, and therefore we have got to take good care of the men who volunteer, and in this case the men who were drafted, too. It is the only way the Republic can get soldiers. There have been all sorts of propositions brought here as to this bonus, ranging from $180 that Mr. POU advocated—and, by the way, he made one of the best speeches made in this Congress when he did it—that was the difference between this $240 bonus paid to the clerks and this $60 that we paid the soldiers when the war was over. From that proposition bonuses ranged up to $500. Then we had the Lane-Mondell bill, which seems to have gone glimmering. I have not heard anything of that for a long time, although I have tried to exact information both from the gentleman who is presiding [Mr. CAMPBELL of Kansas], chairman of the great Committee on Rules, and the gentleman from Wyoming [Mr. MONDELL] himself. I took part in the first consultation that was held about that bill. Secretary Lane called it and, among others, invited me to be present. Finally the Members, a great many of them, got it in their heads that if that bill ever passed it would amount to nothing on earth except an irrigation scheme. That arid country out West is a good place for human habitation, but everybody does not want to go out there. There was a good deal of talk, especially over on our side, about what come to be known as the Morgan bill. The Morgan bill, as I understand it, proposes to lend $5,000, on easy terms, to a soldier to buy a home anywhere he pleases, and it appealed to me with more force than did the so-called Mondell bill. But out of all these various propositions this House ought to have sense enough to extract something that is practicable and feasible and just.

Of course, you can not pay these soldiers this compensation or bonus without getting the money somewhere, and the only way we know to get money for the Government is by way of taxes. No human being ever liked to pay taxes. I will give a hundred dollars to see the color of a man's hair and the cut of his eye that will make an affidavit that he enjoys paying taxes like he used to enjoy going to see his sweetheart. There is no such man. [Laughter.] Legislators do not like to levy new taxes. It is an unpleasant job, and Brother FREAR gave the real reason for it, or one of them, and that is that it might affect you at the coming election.

What the Democrats want, and a good many Republicans, as I understand it—and I am not going to talk any politics—is an opportunity to debate the bill in here and amend it and get it to suit.

I was talking to one of the bigwigs a night or two ago, and I told him we ought to have a chance to amend this bill. He said, "If you let them amend it, the House will go wild." Suppose

it does go wild. We have a right to go wild if we want to, and we have a right to express an opinion on as important a bill as this is, that is estimated, any way you fix it, will take $1,500,000,000, and maybe more. Of course, you gentlemen are all expert parliamentarians, but the people outside do not know the modus operandi of this House. I want them to understand—and when they read this speech they will understand it—that the ordinary way of getting a bill up here and passing it is under the general rules of the House. You get it up and debate and amend it until you get through with it, and then vote on it. That is the general plan. Then there are two other ways, popular here, of getting bills up so that you can limit the proceedings in the House. One of them is for the Rules Committee to bring in a special rule providing that bills shall be read a third time and passed, and so forth, without any intervening motion except one motion to recommit. If it was not that the general rule of the House compels the motion to recommit to be entered, a whole lot of bills would be rushed through here without doing that. The second way is under the plan of suspending the rules and passing the bill. That is what you are going to try to do next Monday. And I am against it. Under the suspension of the rules—and some of you Members had better be turning this over in your head, too—you can not amend it; you can not offer a motion to recommit. It does not apply. And whatever is read from the desk here is the thing you have got to vote on. I think the man down the street can understand that.

I understand the Rules Committee here considered for a while bringing in a rule nearly as severe as suspension of the rules, but they got afraid that they could not pass the rule. I do not believe they can pass it. [Applause.] If they bring in a rule here to do that, they will have the hardest scuffle they have had for a long time to get it through. Under this suspension of the rules you have got to have two-thirds. You can not amend it; you can not discuss it beyond 40 minutes; and can not offer this motion to recommit; and you are absolutely at the mercy of the men who are running the affairs over on the Republican side of the House.

I want to refresh the memories of some of you newer Members here, and I do not want to say anything unkind, and I am not going to do so. We had a great parliamentary revolution here on the 19th day of March, 1910. We took two heats at it. We tried it on the 15th of March, 1909, and got a bloody licking, but on the 19th of March, 1910, we upset the machine here. We could not have done that without some reason for upsetting it, and sending you people wandering in the wilderness for eight years. One of the things that upset it was the continual iteration and reiteration—and to some people it appeared a damnable iteration, no doubt—that the Rules Committee abused its powers continuously and constantly by bringing in these rules here that did not permit of amendment. That was one of the main things they did. I am not going to say anything unkind about men that are on the other side over here, but that is one of the things that did it. Now, I will give you a general warning. People do not forget. Human nature has not changed one particle since Adam and Eve were driven with flaming swords from Paradise, and never will change until the great Judgment Day, when the earth perishes with fervent heat. You are entering on identically the same course of conduct that enabled me and my colleagues to upset the machine on the 19th day of March, 1910. [Applause on the Democratic side.] Three-fourths of the rules brought in here now do not permit any amendment except that one motion to recommit, and you can not do away with it because the general rules of the House forbid the Rules Committee to report a rule trying to cut out that motion to recommit. You are going back to your old bad habit of bringing in rules to cut off amendments.

I have been consistent about this thing. When I could, when I was Speaker, I prevented the Committee on Rules in the Democratic House from bringing in any such rule.

When they brought in the principal one of that sort which they ever did bring in without permitting amendment I took the floor and fought it. I went to the chairman, the man who was managing the bill, and told him that I would not stultify myself by insisting on one line of conduct while I was in the minority and following another line of conduct when I was in the majority. [Applause on the Democratic side.] That was on the proposition to repeal the Panama Canal tolls law, and in order to make the fight for the right of amendment I had to fight the administration that I had done more than any other living man to place in power. [Applause.] We got beat. I did not want to make the fight. It was exceedingly unpleasant, and I spent three or four nights turning the question over in my head whether it was possible for me to vote for that rule and at the same time keep the pledges that I had made individually and the pledges that the Democrats had made; and I concluded that it could not be done, and so I fought it, and received a good deal of abuse in consequence. But I look back on that speech as one of the best performances of my life, and on that day as one of the greatest days of my career. [Applause.]

I am warning you. The breakers are ahead of you, and you will get trounced on account of these rules that the present temporary majority of the House Rules Committee is continually bringing in here. [Applause on the Democratic side.] Napoleon said: "The Bourbons learn nothing and forget nothing." The great Emperor's saying applies to the Republican leaders in this House.

All that we want is a chance to offer amendments. I do not think that the House is in the habit of running wild. The only time I ever saw it get thoroughly wild was one evening when the Agricultural appropriation bill was up in the Senate and there were seven Senators over there, with one in the chair and three of them asleep, and Senator McCUMBER got his land-bank bill hitched onto the Agricultural bill as an amendment, and they sent it over here, consisting of 26 pages, which nobody had ever read. Many times I have seen a dozen men on the floor here trying to get recognition at once, but this time it looked as if half the membership got up; it was like Roderick Dhu's men rising out of the heather. I picked out one man from the multitude who moved to send it to committee; I recognized him, and that was done. I was in favor of the land bank, but not in favor of legislating in that way.

If this question has not been made plain enough in these remarks, I will see to it that they are made plain enough to-night when I come to revise my speech. [Laughter.] I want people to know how you Republican leaders are trying to play politics with this bill. I am dead against this proposition in this bill that they are cooking up—to put on a sales tax.

Let me say that Congress never ought to pass a bill that has in it more irritation than revenue, or one that will produce more irritation than revenue. [Laughter and applause on the Democratic side.] The irritation will surely come. I had an experience about this thing not long ago. I wanted a dress shirt, so I went down to Parker & Bridget's and got me a dress shirt for $2.50, and there was not any of this luxury tax on that. I gave the clerk who sold it to me a $10 bill and told him to get the change out. While he was getting the change I looked into a showcase and I found there a fine shirt with small red stripes, and I like to wear that kind. During the war you could not get a shirt with red stripes in it that would not fade out. I said to the clerk, "What is the price of that shirt?" He said, "Three dollars." I said, "Give me one and take it out of that $10." When he came back with the change the boy did not have change enough. I said, "You are gouging me out of 30 cents. What is that for?" He said, "That is because of the sales tax that you damned fools enacted up there in Congress." [Laughter.] Now, that is the tax that every man kicks about when he pays it.

Mr. GARNER. Mr. Speaker, will the gentleman yield?

Mr. CLARK of Missouri. Certainly.

Mr. GARNER. The gentleman will remember that the Democratic Congress passed a bill imposing during the war a luxury tax, and the Republican Committee on Ways and Means reported a bill repealing that.

Mr. CLARK of Missouri. Yes. That showed a lack of sense. Nobody of any sense has any prejudice against a man because he has money or because he is a millionaire. Every sensible man in this House, I think, will agree to that. But while the soldiers were over there on the other side dying in the trenches or on the battle field these people were here making money out of the dead. They have got it, and it is estimated that you can get this billion and a half of dollars out of them pretty easily, and I am in favor of getting it out of them. [Applause.]

Perhaps some fool will rise up somewhere in some place and say, "You are advocating this bonus bill because your son was over there." Of course, my son was over there. He was the youngest colonel over there in the American Army, but he does not get any of this bonus, because he had the rank of colonel. So I feel absolutely free to talk about it. [Applause.] It is a poor privilege that we ask, to amend this bill, and you know about what amendments we are going to offer, something like the bill that the gentleman from Illinois, Mr. HENRY T. RAINEY, has offered, or that proposed by the gentleman from South Dakota, Mr. ROYAL C. JOHNSON, to take this billion and a half or two billion dollars, or whatever it is, out of those who are ablest to pay it. That is the whole bill in a nutshell, and it is of no use to waste more words on it. I yield the remainder of my time to the gentleman from Illinois [Mr. HENRY T. RAINEY]. [Applause.]

Mr. HENRY T. RAINEY. Mr. Speaker, how much time have I?

The SPEAKER pro tempore. The gentleman has 20 minutes.

Mr. HENRY T. RAINEY. Mr. Speaker, I may not occupy even 20 minutes, and I would not take the time of the House at this hour to make any replies to the personal assaults which have been made upon me by my Republican colleagues on the Ways and Means Committee, if it were not for the fact that the gentleman from Iowa [Mr. GREEN] and the gentleman from Ohio [Mr. LONGWORTH] are now in their seats and can hear what I say.

In the early portion of my career I practiced law, but for many years farming has been my only occupation. When I was a very young lawyer I practiced in the less important courts. I soon was able to abandon that character of practice; but while I practiced in the inferior courts, if I had a bad case I abused the lawyer on the other side. That is what these gentlemen did this afternoon.

Now, I want to say to you gentlemen, both of you, and I have been closely connected with you for many years and you know me, and you will not be surprised when I say what I am going to say now—I have appeared on this floor for many years in debate, and I want to say to both of you gentlemen that you need not be afraid. I have declined in the past and I now again decline to descend to the level of debate that you occupied with such enthusiasm here this afternoon. [Applause.] I have nothing but the kindest things to say for these two gentlemen. They are men of the highest integrity. They are prompted by honest motives, both of them, from their viewpoint, but their viewpoint is not my viewpoint. The only thing I said about the gentleman from Ohio [Mr. LONGWORTH] to which he now pretends to take exception—and I am glad he is here, so that he can deny what I say now if he wants to deny it—the only thing I said about him was that he was in the millionaire class. That was all, and the very next morning, just a few hours afterwards, the gentleman told me he considered that a compliment, and very kindly and very pleasantly thanked me for it. [Laughter.] Perhaps the gentleman wants to deny that now? I see the gentleman does not want to deny it.

For some months, and for even longer than that, in this country the representatives of the great financial interests have been demanding a tax upon sales, and they have been demanding it frankly. I recall now that Mr. Otto Kahn, in a carefully prepared pamphlet, which he distributed and sent perhaps to every Member of this House, called attention to the fact that if we could embark upon this method of taxation and get it thoroughly fixed upon the country, we would soon be able to collect from this source the enormous sum of $4,000,000,000 a year.

Now, I have nothing unkind to say about Mr. Otto Kahn. He is looking at things from his viewpoint—the viewpoint of men of great wealth. He and others like him frankly admit that if this kind of a tax is ever imposed in this country it will relieve the great income-tax payers from a large portion of the amount of taxes which they now pay. I am in receipt of communications from men who look at matters from that viewpoint and who insist that ultimately, if this tax is ever started in this country, it will be possible to abandon entirely our income system of levying taxes. Now, that is the viewpoint of the very rich and it is the viewpoint of the very wealthy Members of this House, who are in a position to control, and who do control the policy of the Republican majority. It is not the viewpoint from which I look at things. I believe in taxing the rich. I believe in placing a large part of this burden upon the rich, and upon those of the rich who profited by this war. It is the only way to carry through to their logical conclusion the theories of adjusted compensation.

In passing I want to say that the gentleman from Ohio, after having exhausted his own vituperative powers in personally assailing me, went back through the RECORD for over a decade and tried to find something unpleasant that somebody had said about me. He found something said by one who was properly retired from public life years ago, who is now at the head of a great trust company in New York City, and who, of course, has the viewpoint of the gentleman from Ohio [Mr. LONGWORTH]. Having found it, he proudly read it into the RECORD to-day.

Now, in connection with that episode, as many of you were not here at the time I want to say briefly this: I appeared on the floor and denounced five or six men who were trying to steal the forests of Panama, and I named the five or six and challenged them to deny it. They all admitted it but one, and I put their admissions in the RECORD. One of them denied it, and I put his denial, in all fairness, in the RECORD. As the result of that speech and that denunciation of this attempted theft from our ward on the Isthmus word was sent from the administration—although the administration was at that time exceedingly unfriendly to me—to the President and the Parliament of Panama to make no more extravagant grants of that kind. They had not even made it then; they had only in caucus determined to do it. But they rescinded their action and did not do it, and the Lumber Trust did not get the forests of Panama, and have not succeeded in getting them yet. [Applause.] They never will get them while I have the right to appear here on the floor and denounce their efforts. [Applause.]

Now, while these gentlemen are here I want to say something else and see whether they deny it or not. With wild acclaim they assert that if we wanted to take these great profits away from the men who made them, why did not we do it while the war was in progress. I want to hear either gentleman deny the statement I am now going to make.

We tried to make the rates on the larger incomes, individual and corporate, higher than we did, but we were compelled to abandon the effort because certain Republican members announced that they proposed to leave the committee and fight the bill on the floor. In the hour of peril to our country we had to abandon it; it required great effort and tact on the part of the Democratic members to even keep them in the committee room.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. HENRY T. RAINEY. Yes.

Mr. GREEN of Iowa. I voted for the very highest rates.

Mr. HENRY T. RAINEY. I am not charging the gentleman from Iowa with this, although I do not recall any strenuous support of our propositions on his part. I said certain Republican members. It was impossible to make the rate higher because there were certain Republican members on the committee who announced that they would leave the committee if that was done and would fight the bill on the floor, and we were compelled to abandon the effort. I do not hear any denial from either of the gentlemen who think they have answered my speech this afternoon.

Mr. MONDELL. Will the gentleman yield?

Mr. HENRY T. RAINEY. Yes.

Mr. MONDELL. Was not there a Democratic majority in that committee, and could not the majority have written any kind of a bill it desired to write?

Mr. HENRY T. RAINEY. Certainly, they could; but it was necessary to pass the bill through the House.

Mr. MONDELL. Why did they not do it?

Mr. HENRY T. RAINEY. Because it was an hour of danger for the country and we wanted the support of all the members of the committee.

Mr. CARTER. Will the gentleman yield?

Mr. HENRY T. RAINEY. Yes.

Mr. CARTER. Is it not a fact that there was not a Democratic majority of that House?

Mr. HENRY T. RAINEY. I think there was a very small Democratic majority, but not a majority upon which we could depend. There were some independents who voted with the Democrats at times.

Mr. CARTER. The Democrats had no majority in this House at that time.

Mr. HENRY T. RAINEY. I think the gentleman is right about it. Our control of the House was very slight indeed.

Mr. CLARK of Missouri. There were 215 Republicans and 215 Democrats and 5 unattached.

Mr. HENRY T. RAINEY. I thank the gentleman from Missouri. Those were the facts and that was the reason why we had to appease Republicans as much as we could.

Now, all that I said in my speech was this: We want an opportunity on this floor to try to substitute a different tax from the sales tax. That is all, but you denounced that in unsparing terms to-day. I charged that the Republican steering committee, consisting of men of large wealth, controls the policy of that side of the House, and you have a sufficient majority to control the policy of this House, and you have not denied it and you can not deny it.

I charged that there are three Republican Members, also of large wealth, on the Ways and Means Committee, every one of them advocating this sales tax, and you have not denied that this afternoon, and you can not deny it.

I want to deny the statement made by the gentleman from Iowa [Mr. GREEN] that ever since he has been a member of that committee have the Democrats met and considered a bill in his absence. He had an opportunity to be present if he wanted to be there, always in full committee.

Mr. MONDELL. Will the gentleman yield?

Mr. HENRY T. RAINEY. Yes.

Mr. MONDELL. Was there any time during that period when a Member of the majority heard a Member of the minority say that it was their purpose to so influence legislation as to defeat it if possible?

Mr. HENRY T. RAINEY. Not that I know of.

Mr. MONDELL. The gentleman knows that the majority members of the Ways and Means Committee have had that statement made to them by minority members with regard to the legislation now under consideration.

Mr. HENRY T. RAINEY. I never heard of it.

Mr. MONDELL. I have.

Mr. HENRY T. RAINEY. Then why not give us an opportunity to vote on it? I can not understand what that has to do with the matter. There may be majority members——

Mr. MONDELL. Does the gentleman make a practice of leaving the perfecting of that matter to those who have declared their opposition to the measure and their hope of dodging it?

Mr. HENRY T. RAINEY. The gentleman knows my position on the matter. I expressed it plainly the other day. I am for the propositions of the American Legion. The only thing I am asking is that this House be given an opportunity to vote on the question as to whether it wants to tax war profits or not to any extent. That is our position, and you can not sidetrack it, and that is all there is to it.

Mr. RAYBURN. Mr. Speaker, will the gentleman yield?

Mr. HENRY T. RAINEY. Yes.

Mr. RAYBURN. I would ask the gentleman this question: If the only possibility that he has heard of voting against the bill has not been because the Republicans will make it so bad with this sales tax that they can not vote for it?

Mr. HENRY T. RAINEY. I have heard that also.

Mr. MONDELL. If the gentleman will yield, I will say to my friend from Texas that that is not what I have heard at all.

Mr. HENRY T. RAINEY. I do not yield to the gentleman who desires to have a controversy with the gentleman from Texas. I have charged that your conduct on this soldiers' bill is partisan all the way through. I am not going to make the charge again, but I am just going to tell you what has happened. You gentlemen this afternoon have said that during the time I was permitted to meet with you this matter of taxing war profiteers was not seriously urged. All of you gentlemen know that I urged it from the start, and as soon as you found that I stood for that proposition, you quit inviting me to your conferences, and you excluded all of the rest of the Democratic members of the committee from your conferences and made the consideration of the most important part of your bill, the method of getting the money, a partisan matter. I want to say that the gentleman from North Carolina [Mr. KITCHIN] stands with me on this question in spite of what the gentleman from Ohio [Mr. LONGWORTH] has said here to-day. You say that it is insulting to say that you have been partisan in the matter. We have not had any meeting of the Democrats, we do not propose to have any caucus on this bill, we do not advocate any proposition that puts into effect objectionable rates that will make trouble through this country. Here is what you do and what you propose to do: The Republican members of the Ways and Means Committee meet alone behind locked doors with the experts of this Government to figure out these methods of sales taxes. In addition to that, you call a Republican caucus to meet this week in this room to force through, if you can, the bill you have prepared. In addition to all that, knowing the offensive, objectionable character of a sales tax, you frankly admit here this afternoon that you do not propose to put it into effect until December, and December is after the elections, and you refuse to give even your own side an opportunity to vote on this question as to whether or not war profiteers are to be compelled to contribute anything toward this fund. [Applause on Democratic side.] If that is not partisanship of the grossest and the most brazen kind, I would like to have somebody more gifted than I am tell me what it is.

I have introduced another bill. The gentleman from South Dakota [Mr. JOHNSON] introduced this afternoon the same identical bill. I propose to print it in connection with my speech. It proposes a method of taxation that will reach the great corporations of the country, that will give them credit for all of the taxes they have paid during this war period, that will enable them to equalize their losses if there are any and yet will yield, if we want to make it yield that much, nearly $2,000,000,000—more than enough, you say, to meet the bill which in secret Republican caucus of the Ways and Means Committee are preparing.

Mr. RAMSEYER. Is that $2,000,000,000 in one year or two years?

Mr. HENRY T. RAINEY. It depends upon the rate we impose and the length of time we conclude to try to extend it over.

Mr. RAMSEYER. Does not the bill provide for that?

Mr. HENRY T. RAINEY. Our position as to that will depend upon the character of the bill that these Republicans of the Ways and Means Committee in their secret caucus finally prepare. I am charged with discussing this matter from a partisan standpoint, when the only thing I did was to insist upon taxing great wealth. You say that is partisan. If that is partisan, thank God, I belong to no party which does not favor that proposition. You say there are officials closely connected with the Treasury Department who are opposed to the proposition to compel great corporations and individuals of large wealth, who made also tremendous profits out of the war, to pay the portion they ought to pay of taxes in this country. Then I want to say that upon that question I stand as independent as the leader on this side. I follow no leader, I care not to what party he may belong, who is opposed to levying a tax upon the war wealth of this country—upon the war profiteers. [Applause on the Democratic side.]

Both gentlemen, who think they answered my arguments this afternoon, prepared carefully written statements. They read their speeches on the floor. The gentleman from Iowa [Mr. GREEN] read every word of his speech from a manuscript which he had previously given out to the public press. He very wisely announced before he commenced to read it that he would permit no interruptions. With reference to his statements and his misrepresentations of my speech on the floor, I desire to say that I have never before heard as many misstatements and misrepresentations condensed in a written speech no longer than the speech he delivered this afternoon. I am accustomed to these sort of tactics. Heretofore in this House I have been violently and personally assailed by Members who had not the facts or the ability to answer my arguments, and this has always occurred whenever I have assaulted entrenched privilege. There are always representatives of the interests on the floor on an occasion of that kind to indulge in personal abuse. I have experienced it before. It does not surprise me now.

Vehemently these gentlemen demand why I refused to vote to refer the soldiers' compensation bills to the Ways and Means Committee, the committee to which I belong. I refused to do it because I know the Republican members of the committee. I refused to do it because I knew it would result on their part in an effort to obtain a partisan advantage, and I was absolutely correct in my conclusions. These bills do not properly belong to the Ways and Means Committee. Seventy-five or eighty of them had been referred to other committes by the Speaker. They were assembled and taken away from the other committees and turned over to the Ways and Means Committee. It was a part of the Republican policy of this House. It was part of the policy of the millionaire Republican steering committee to turn over to the millionaire Republican members of the Ways and Means Committee and those other Republican members who follow them these bills. These gentlemen, every one of them responsible for this policy, are in that class who have the viewpoint of Otto Kahn and his asssociates. A man is not to be condemned because he has been successful in business in this country and has accumulated a large fortune. I congratulate those gentlemen who by their ability have been able to assemble large sums of money, and I congratulate the one gentleman on the Ways and Means Committee who is a millionaire and who answered me this afternoon not because he made himself his large fortune; he could not help it; he inherited it. I congratulate him upon his good fortune. The only thing I am calling attention to in these speeches is that these gentlemen look at matters of taxation from the standpoint of the very rich, and there never yet was a man, rich or poor, who willingly and enthusiastically submitted to be taxed. They all prefer to have the other fellow pay the taxes, and at the present time the very rich in this country are trying to establish a sales tax and to place the burden of paying this soldiers' compensation upon the great mass of the people of the United States, so that the man with the small income will pay as much of it as the man whose income is very large.

The gentleman from Ohio [Mr. LONGWORTH] called attention to the fact that in the hearings, and late during the hearings, I stated that I had not formed or expressed an opinion as to the character of tax that should be levied to pay this adjusted compensation, or as to whether or not there should be any adjusted compensation. I thank the gentleman for reading that extract from the hearings. I had forgotten it myself. We were sitting as a court to pass upon all questions involved in this controversy, and my conscience did not permit me to form or express any opinion as to the merits until the case was closed, and if I did not do it I am particularly proud of that record. Without intending to compliment me, the gentleman from Ohio [Mr. LONGWORTH] has paid me the very highest compliment he could pay me. And I want to say to the gentleman from Ohio that while he did not so state during the hearings, he certainly did not openly express while the hearings were in progress, any opinion as to the merits of any element in the controversy.

When the hearings were closed I was in a position to state my opinion, and I did so in no uncertain terms, and expressed myself in favor of the soldiers' adjusted compensation according to the lines suggested by the American Legion, and I have endeavored to the very best of my ability to compel the rich to pay a part at least of this bonus. Every representative of a soldiers' organization who appeared before our committee and was questioned upon this point announced that he preferred that the adjusted compensation be paid out of the war profits of the rich.

You propose next Monday, without opportunity to amend, relying upon the popularity of the soldiers' adjusted compensation proposition to put through, after 40 minutes of debate, a bill which will involve a charge on the Treasury of $2,000,000,000, and the distribution of this immense sum, and which will involve other proposals which may cost still more money than this. I defy any Member of this House to find in all the precedents any attempt like this. This bill contemplates the collection of the largest amount of taxes ever imposed in one bill by any country in the history of the world, except one or two of the war bills which we passed while the war was in actual progress. And every one of those great war appropriation bills gave an opportunity for amendments. Never before in the history of legislative bodies in this country, or in any other country in the civilized world, has it ever been proposed to levy approximately $2,000,000,000 in taxes by various methods, without giving an opportunity to amend in any particular. I challenge the production of any precedent for this procedure. Strong-arm methods like this were never resorted to even in the days of Cannonism in this House.

The gentleman from Iowa [Mr. GREEN] announced that my attempt to tax the great corporations and the rich war profiteers to pay any portion of this bonus is preposterous. Let me call attention merely to the fact that in 1917 the corporations then in existence in the United States were capitalized at $25,000,000,000. At the present time those identical corporations have passed over to surplus and increased their capital by the enormous sum of $10,000,000,000, and since that time new corporations have been formed which are capitalized at $5,000,000,000. In other words, in spite of the large dividends distributed, the capitalization of the corporations of the United States has increased in less than three years from $25,000,000,000 to the enormous sum of $40,000,000,000, and this enormous increase of $15,000,000,000 is due entirely to the war. Their war profiteering amounts to that enormous sum, and the gentleman from Iowa [Mr. GREEN] insists that they should be tenderly dealt with, and that it is preposterous now to think of taxing them further for this purpose. Last year one individual in the United States reported an income of $34,000,000. How much his capital amounts to I will not even pretend to say. I know what his income was.

It was $34,000,000 last year. There are two men in the United States whose income last year was over $16,000,000. There are five men in the United States whose income last year was over $5,000,000 apiece. And the gentleman from Iowa [Mr. GREEN] thinks it is preposterous to tax them. In 1914, before the war started, there were 60 men in the United States whose annual incomes were over $1,000,000 apiece. Last year there were 248 men in the United States whose incomes were over $1,000,000 apiece. In 1914 there were 114 men in the United States whose incomes were between $500,000 and $1,000,000 apiece. Last year there were 405 men in the United States whose incomes reached this immense sum. In 1914 there were 147 men in the United States whose incomes were between $300,000 and $400,000 apiece. To-day there are 400 men who enjoy that large income. In 1914 there were 130 men whose incomes exceeded $250,000 and was under $300,000. Now there are 350 who enjoy that income. In 1914 there were 233 men with an income between $200,000 and $250,000. Now there are 750 men who enjoy that income. In 1914 there were 406 men whose incomes exceeded $150,000 and was under $200,000. Now there are 1,300 men who enjoy that income; and I might go further showing the enormous increase in the number of men during the war who enjoyed these enormous incomes, whom the gentleman from Iowa [Mr. GREEN] says it is preposterous to talk of taxing any further or taking away from them for the purpose of meeting these soldiers' just claims any part of their war-earned profits, and the millionaire steering committee of this House evidently thinks so, too, and the gentleman from Ohio [Mr. LONGWORTH] agrees most thoroughly with that proposition. And the gentleman from Iowa [Mr. GREEN], belonging, as he does, to an entirely different environment, yielding to the influences which surround him here in this House, agrees most thoroughly and enthusiastically with this method of protecting the rich. I do not mean that any man in this House, on either side, has been or could be influenced by improper methods, least of all the two gentlemen to whom I am replying in this speech, but the environment in which they are placed has developed in them those mental processes which had led them to the conclusions they now so strenuously defend.

The bill I introduced some time ago was prepared and introduced in order that it could be studied in committee, but the effect of it was to bring about the exclusion from the deliberations of the committee of every Democratic member on the committee. The gentleman from South Dakota [Mr. JOHNSON] and myself, in pursuance of the agreement reached on the floor during my speech of last Thursday, have prepared a bill which has been carefully examined by the experts of the Treasury Department and the legal authorities and which will subject, if enacted into law, to the taxes proposed therein purely war profits after the payment of all taxes of great corporations to the amount of $3,800,000,000, and this does not include corporations whose income is under $100,000 a year, and they have made out of the war during the war years of 1917, 1918, 1919, and 1920, after they have paid all the taxes imposed upon them, the enormous sum of $3,800,000,000. This is the amount which we are trying to subject to taxes. The rate suggested in the bill we have introduced is 80 per cent of this amount. This will yield more than is necessary under the statement of the gentleman from Ohio [Mr. LONGWORTH] to meet the soldiers' bill, but I want to suggest to the Republican steering committee and to the Republican members of the Ways and Means Committee that about 12 per cent of this amount would equal the amount of the obnoxious sales tax they say they propose to inflict upon the country, and I am challenging them to give their own side an opportunity to say whether they would not prefer to collect $400,000,000 from war-profiteering corporations than to collect it from the farmers and laborers of the land. I do not expect the bill we have introduced to result in the collection of any substantial amount from individuals for any of the war years except for the year 1917, when the war profits of individuals were particularly large. The bill we have introduced will stand the test of the courts. If you will give us an opportunity to do so, we will amend your bill, that portion of it which taxes merchants' sales, by substituting for the amount such a tax will yield an equal amount of the war earnings of corporations, and we are willing for this House to say whether or not they prefer that tax to the sales tax for which you stand.

APPENDIX.

[Copy of a bill introduced by Mr. ROYAL C. JOHNSON, of South Dakota, and Mr. HENRY T. RAINEY, of Illinois, on this the 27th day of April, suggesting a method of approaching war profits of corporations with an income of $100,000 a year and over, and of individuals with an income of $20,000 a year and over, which can by applying a less rate than is indicated be substituted for any proposition to tax merchants' sales.]

A bill to provide revenue for the payment of adjusted compensation to the veterans of the World War.

Be it enacted, etc., That in addition to all other taxes there shall be levied, assessed, collected, and paid upon the net income of every individual and corporation for the taxable year 1920 a tax equal to 80 per cent of the war profits of such individual or corporation: *Provided*, That the tax hereby imposed on the net income of any individual or corporation shall in no case be greater than an amount which together with the income, war profits, and excess-profits taxes imposed by the revenue act of 1918 upon the net income of such individual or corporation for the taxable year 1920 equals 80 per cent of such net income.

SEC. 2. The tax imposed by section 1 shall not apply to any individual whose average net income for the taxable years 1917, 1918, 1919, and 1920 does not exceed $20,000, nor to any corporation whose average net income for the taxable years 1917, 1918, 1919, and 1920 does not exceed $100,000.

SEC. 3. In the case of an individual the term "war profits" means the amount by which his average net income for the taxable years 1917, 1918, 1919, and 1920, less his average income, war-profits and excess-profits taxes for such years, exceeds his net income for the taxable year 1914.

SEC. 4. In the case of a corporation in existence during the prewar period the term "war profits" means the amount by which its average net income for the taxable years 1917, 1918, 1919, and 1920, less its average income, war-profits and excess-profits taxes for such years, exceeds its average net income for the prewar period plus or minus, as the case may be, 10 per cent of the difference between its average invested capital for the prewar period and its average invested capital for the taxable years 1917, 1918, 1919, and 1920.

SEC. 5. In the case of a corporation not in existence during the whole of any one year during the prewar period the term "war profits" means the amount by which its average net income for the taxable years 1917, 1918, 1919, and 1920, less its average income, war profits, and excess-profits taxes for such years, exceeds 10 per cent of its average invested capital for the taxable years 1917, 1918, 1919, and 1920.

SEC. 6. The tax imposed by this act shall be returned, assessed, collected, and paid upon the same basis, in the same manner, and subject to the same provisions of law, including penalties, as the taxes imposed by Titles II and III of the revenue act of 1918, and at the same time as therein provided for the return and payment of income taxes for the taxable year 1920.

SEC. 7. The Commissioner of Internal Revenue may grant a reasonable extension of time for the payment of the tax imposed by this act whenever in his judgment good cause exists and shall keep a record of every such extension and the reason therefor. No such extension shall be for more than 12 months. In case an extension of time is granted the taxpayer shall pay, in addition to the tax due, interest at the rate of one-

half of 1 per cent per month on the amount of each installment not paid from the time the installment was due.

SEC. 8. As used in this act—

The term "corporation" includes associations, joint-stock companies, and insurance companies;

The term "taxable year" means the calendar year, or the fiscal year ending during such calendar year, upon the basis of which the net income is computed;

The term "fiscal year" means an accounting period of 12 months ending on the last day of any month other than December;

The term "prewar period" means the calendar years 1911, 1912, and 1913, or, if a corporation was not in existence during the whole of such period, then as many of such years during the whole of which the corporation was in existence; and

The net income of a corporation for the calendar years 1911, 1912, and 1913 and the average net income for the prewar period shall be determined in the manner provided in section 320 of the revenue act of 1918.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to extend his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. CARTER. Mr. Speaker, I ask unanimous consent to extend my remarks.

Mr. HASTINGS. Mr. Speaker, I ask the same privilege.

Mr. BLANTON. Mr. Speaker, I ask permission to extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of these gentlemen?

Mr. MONDELL. On what subject, Mr. Speaker?

Mr. CARTER. On bonuses and the bonus bill.

Mr. BLANTON. I ask to extend my remarks on the question of politics.

Mr. MONDELL. Is it the gentleman's own remarks?

Mr. CARTER. My own remarks.

Mr. PARRISH. Mr. Speaker, I ask unanimous consent to extend my remarks.

Mr. ROUSE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a synopsis of current legislation.

The SPEAKER pro tempore. The gentleman from Oklahoma and the gentleman from Texas asks unanimous consent to extend their remarks on the bonus bill. Is there objection?

Mr. MONDELL. I did not understand the request of the gentleman from Kentucky.

Mr. ROUSE. I ask unanimous consent to extend my remarks by printing in the RECORD a synopsis of certain legislation that has been passed by the Congress.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky? [After a pause.] The Chair hears none. Is there objection to the other requests? [After a pause.] The Chair hears none.

Mr. SIMS. Mr. Speaker, I wish to extend my remarks in the RECORD for the purpose of printing therein a list of such railroad companies as have accepted the guaranty and such railroads as have not done so. I think it is useful information to the House.

The SPEAKER pro tempore. The gentleman from Tennessee asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection? [After a pause.] The Chair hears none.

Mr. HARDY of Colorado. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on bolshevism.

The SPEAKER pro tempore. The gentleman from Colorado asks unanimous consent to extend his remarks on bolshevism. Is there objection?

Mr. BLANTON. Knowing the position of the gentleman, I will not object.

The SPEAKER pro tempore. The Chair hears none.

Mr. O'CONNOR. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bonus bill.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. GREEN of Iowa. Mr. Speaker, I ask unanimous consent to extend my remarks I made this day by inserting in the RECORD the table to which I referred, made by the Treasury experts.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. PORTER. Mr. Speaker, I present the conference report on the bill (H. R. 11960) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1921, for printing under the rule.

The SPEAKER pro tempore. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 11960) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1921.

The SPEAKER pro tempore. Ordered printed under the rule.

EXTENSION OF REMARKS.

Mr. CANDLER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the improvement of the Tombigbee River. [Applause.]

The SPEAKER pro tempore. The gentleman from Mississippi asks unanimous consent to extend his remarks in the RECORD on the improvement of the Tombigbee River. Is there objection? [After a pause.] The Chair hears none.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. TILSON, for one day, on account of death in family.

To Mr. FIELDS, indefinitely, on account of illness of his father.

ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 24 minutes p. m.) the House adjourned to meet to-morrow, Wednesday, April 28, 1920, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. REED of West Virginia, from the Committee on the District of Columbia, to which was referred the bill (H. R. 11334) to amend an act incorporating Prospect Hill Cemetery, and for other purposes, reported the same with amendments, accompanied by a report (No. 872), which said bill and report were referred to the House Calendar.

Mr. SIMS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 13665) granting the consent of Congress to Muskogee County, Okla., to construct a bridge across the Arkansas River, between sections 16 and 21, township 15 north, range 19 east, in the State of Oklahoma, reported the same with an amendment, accompanied by a report (No. 873), which said bill and report were referred to the House Calendar.

Mr. STINESS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 13666) granting the consent of Congress to Muskogee County, Okla., to construct a bridge across the Arkansas River in section 18, township 12 north, range 21 east, in the State of Oklahoma, reported the same with an amendment, accompanied by a report (No. 890), which said bill and report were referred to the House Calendar.

Mr. SWEET, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 13558) for the purpose of improving the facilities and service of the Bureau of War Risk Insurance, and for further amending and modifying the war-risk insurance act, as amended, reported the same without amendment, accompanied by a report (No. 891), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SINCLAIR, from the Committee on Indian Affairs, to which was referred the bill (H. R. 13225) providing for the allotment of lands within the Fort Belknap Indian Reservation, Mont., and for other purposes, reported the same with amendment, accompanied by a report (No. 894), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SANFORD, from the Committee on Military Affairs, to which was referred the bill (H. R. 9299) to remove the charge of desertion from the military record of John F. Kelly reported the same with amendments, accompanied by a report (No. 874), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 13777) for the relief of James R. McGuire, reported the same with an amendment, accompanied by a report (No. 875), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 788) for the relief of John Minahan, alias John Bagley, reported the same without amendment, accompanied

by a report (No. 876), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 13319) to remove the charge of desertion against Wilson Certain, reported the same with amendments, accompanied by a report (No. 877), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 1300) for the relief of Alfred E. Lewis, reported the same without amendment, accompanied by a report (No. 878), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 11377) for the relief of Warren V. Howard, reported the same with an amendment, accompanied by a report (No. 879), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 11695) for the relief of Thomas E. Philips, reported the same with an amendment, accompanied by a report (No. 880), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 740) for the relief of John W. Baggott, reported the same with amendments, accompanied by a report (No. 881), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 1949) to correct the military record of George F. Reid, reported the same with amendments, accompanied by a report (No. 882), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 5194) to correct the military record of Alfred Rebsamen, reported the same with amendments, accompanied by a report (No. 883), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 1299) for the relief of George Le Clear, reported the same without amendment, accompanied by a report (No. 884), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 6301) for the relief of Nathan Manzer, reported the same with amendments, accompanied by a report (No. 885), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 567) for the relief of John Chick, reported the same without amendment, accompanied by a report (No. 886), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 742) for the relief of J. W. La Bare, reported the same with an amendment, accompanied by a report (No. 887), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 1030) to correct the military record of John R. Smith, deceased, reported the same with amendments, accompanied by a report (No. 888), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 2278) for the relief of John Healy, reported the same without amendment, accompanied by a report (No. 889), which said bill and report were referred to the Private Calendar.

Mr. O'CONNOR, from the Committee on Claims, to which was referred the bill (H. R. 12441) for the appropriation of $25 to reimburse the Duluth, Winnipeg & Pacific Railroad for customs fine No. 368, erroneously imposed by the collector of customs at Duluth, Minn., reported the same with an amendment, accompanied by a report (No. 892), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 11416) for the relief of Orville M. Myers, reported the same without amendment, accompanied by a report (No. 893), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 12471) for the relief of Andrew Spence; Committee on Claims discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 13715) granting a pension to John Gust Pearson; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11942) granting a pension to Teresa S. Fisher; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 11860) granting an increase of pension to Philip Dieter; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 13637) granting a pension to Jacob Kuhn; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. JOHNSON of South Dakota: A bill (H. R. 13798) to provide revenue for the payment of compensation for veterans of the World War; to the Committee on Ways and Means.

By Mr. HENRY T. RAINEY: A bill (H. R. 13799) to provide revenue for the payment of adjusted compensation to the veterans of the World War; to the Committee on Ways and Means.

By Mr. CASEY: A bill (H. R. 13800) authorizing the Secretary of War to donate to the Third Pennsylvania National Guard one German cannon or fieldpiece, No. 6561; to the Committee on Military Affairs.

Also, a bill (H. R. 13801) authorizing the Secretary of War to donate to the Third Pennsylvania National Guard one German cannon or fieldpiece, No. 6541; to the Committee on Military Affairs.

By Mr. RIDDICK: A bill (H. R. 13802) to restore the homestead right to persons who served in the Army, Navy, or Marine Corps of the United States during the war with Germany; to the Committee on Ways and Means.

By Mr. KAHN: A bill (H. R. 13803) to make more effectual provision for the aerial defense of the United States and to provide for the concentration of the national air strength; to the Committee on Military Affairs.

By Mr. RAINEY of Alabama: A bill (H. R. 13804) to amend section 70 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved February 28, 1913; to the Committee on the Judiciary.

By Mr. PLATT: A bill (H. R. 13805) authorizing the construction of a post-office building at Goshen, N. Y.; to the Committee on Public Buildings and Grounds.

By Mr. LANGLEY: Resolution (H. Res. 536) for the immediate consideration of House bill 13627; to the Committee on Rules.

By Mr. MAHER: Memorial of the Senate of the State of New York, urging the conferees on the water-power bill to make their report, so as to enable the said bill to become a law; to the Committee on Water Power.

By Mr. JOHNSTON of New York: Memorial of the Senate of the State of New York, urging the conferees on the water-power bill to make their report, so as to enable the said bill to become a law; to the Committee on Water Power.

By Mr. O'CONNELL: Memorial of the Senate of the State of New York, urging the conferees on the water-power bill to make their report, so as to enable the said bill to become a law; to the Committee on Water Power.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOX: A bill (H. R. 13806) for the relief of T. J. Ball; to the Committee on Claims.

By Mr. FERRIS: A bill (H. R. 13807) for the relief of Charles R. Powell; to the Committee on the Public Lands.

By Mr. FESS: A bill (H. R. 13808) granting a pension to Julia V. Burkhead; to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 13809) granting an increase of pension to Charles E. Pollock; to the Committee on Pensions.

By Mr. GREEN of Iowa: A bill (H. R. 13810) granting an increase of pension to Thomas H. Crocker; to the Committee on Pensions.

By Mr. HAYS: A bill (H. R. 13811) granting an increase of pension to Wilson Wightman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13812) granting an increase of pension to Walter L. Todd; to the Committee on Invalid Pensions.

By Mr. HICKS: A bill (H. R. 13813) for the relief of Nellie Berman; to the Committee on Claims.

By Mr. HUDSPETH: A bill (H. R. 13814) for the relief of Ike T. Boyles; to the Committee on Claims.

By Mr. JOHNSON of Kentucky: A bill (H. R. 13815) granting a pension to Alice Cooke; to the Committee on Pensions.

By Mr. KEARNS: A bill (H. R. 13816) granting an increase of pension to James E. Utman; to the Committee on Pensions.

By Mr. KETTNER: A bill (H. R. 13817) granting an increase of pension to Joseph E. Hayden; to the Committee on Pensions.

By Mr. KIESS: A bill (H. R. 13818) granting a pension to Annie S. Miller; to the Committee on Invalid Pensions.

By Mr. McLAUGHLIN of Nebraska: A bill (H. R. 13819) granting a pension to William H. Knowles; to the Committee on Invalid Pensions.

By Mr. NOLAN: A bill (H. R. 13820) granting a pension to Catherine Burke; to the Committee on Pensions.

By Mr. STRONG of Kansas: A bill (H. R. 13821) for the relief of J. H. Orr; to the Committee on Claims.

By Mr. TAYLOR of Tennessee: A bill (H. R. 13822) granting a pension to Susan E. Strevel; to the Committee on Pensions.

By Mr. WEBSTER: A bill (H. R. 13823) granting a pension to Charles V. Everett; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3233. By Mr. BABKA: Petition of International Association of Machinists, of Middleport, Ohio, favoring amnesty for political prisoners; to the Committee on the Judiciary.

3234. Also, petition of residents of Cleveland, Ohio, favoring duty of $5 on each imported canary bird; to the Committee on Ways and Means.

3235. Also, petition of noncitizens and citizens of the United States, residents of Cleveland, Ohio, protesting against the passage of Senate bill 3718; to the Committee on the Post Office and Post Roads.

3236. By Mr. BURROUGHS: Petition signed by John Leary, chairman Irish Liberty Loan Committee; W. J. Colbert, member National Council, Friends of Irish Freedom; Patrick J. Connors, president Padriac H. Pearse Branch Friends of Irish Freedom; D. J. Leahy, president Division No. 2, A. O. A.; N. Hennessey, president Division No. 1; L. A. A. O. H., and M. P. Morrissey, president Clan Na Gael, all of Portsmouth, N. H., advocating speedy enactment of the Mason resolution; to the Committee on Foreign Affairs.

3237. Also, resolution of Laconia (N. H.) Chamber of Commerce, urging Congress to inaugurate a single small percentage tax on business transactions in the place of the present cumbersome luxury and excess-profits tax, etc.: to the Committee on Ways and Means.

3238. By Mr. CAREW: Petition of chamber of commerce of the State of New York, relative to bonus for the ex-service men of the World War; to the Committee on Ways and Means.

3239. By Mr. EVANS of Nebraska: Petition of the Omaha Tribe of Indians of Nebraska, urging the defeat of the Johnson bill (S. 3910); to the Committee on Claims.

3240. By Mr. FULLER of Illinois: Petition of the Kinmundy (Ill.) Post, No. 519, American Legion, relative to the bonus for the ex-service men of the World War; to the Committee on Ways and Means.

3241. Also, petition of the Riverside Grange, No. 1755, of Rockford, Ill., favoring the Capper-Hersman bill; to the Committee on Agriculture.

3242. Also, petition of Mrs. H. E. Chubbuck, State regent of the Daughters of the American Revolution, Peoria, Ill., favoring the passage of the Vestal bill (H. R. 10710); to the Committee on Education.

3243. Also, petition of board of directors of the Chicago Board of Trade, opposing the passage of House bills 12379 and 12646, for a charge on collection of bank checks; to the Committee on Banking and Currency.

3244. Also, petition of the Merchants' Association of Joliet, Ill., favoring 1-cent drop-letter postage; to the Committee on the Post Office and Post Roads.

3245. By Mr. GOLDFOGLE: Petition of executive board of the Cap and Millinery Cutters' Union, Local No. 2; the Ladies and Misses Cloak and Suit Operators' Union, Local No. 1; and the United Neckwear Makers' Union, Local No. 11016, all of New York City, relative to the American political and civil prisoners, etc.; to the Committee on the Judiciary.

3246. Also, petition of the board of directors of the Rotary Club of New York City, urging the passage of the Fess-Capper bill (H. R. 12652); to the Committee on Military Affairs.

3247. Also, petition of the National Automobile Dealers' Association, St. Louis, Mo., urging the appropriation for the highway weather service; to the Committee on Agriculture.

3248. By Mr. JOHNSTON of New York: Petition of the Chamber of Commerce of the State of New York, relative to the national budget system; to the Committee on Appropriations.

3249. Also, petition of the Chamber of Commerce of the State of New York, relative to the bonus for the ex-service men of the World War; to the Committee on Ways and Means.

3250. By Mr. KEARNS: Petition of the Reliable Tractor & Engine Co., of Portsmouth, Ohio, protesting against the Steagall and McFadden bills (H. R. 12379 and 12646); to the Committee on Banking and Currency.

3251. Also, petition of American Canary Breeders' Association, Cincinnati, Ohio, favoring a tax of $3 on each canary imported from Germany or Austria; to the Committee on Ways and Means.

3252. By Mr. KENNEDY of Iowa: Petition of citizens of Letts, Iowa, protesting against universal military training, etc.; to the Committee on Military Affairs.

3253. By Mr. KIESS: Petition of citizens of Williamsport, Pa., favoring passage of House resolution 522; to the Committee on Rules.

3254. By Mr. McDUFFIE: Petition of Birmingham Post, No. 1, American Legion, Birmingham, Ala., urging Congress to immediately rescind all action heretofore taken that in any way expresses sympathy for the so-called Irish Republic, and that it refrain from intermeddling in the domestic affairs of a great and friendly nation; to the Committee on Foreign Affairs.

3255. Also, petition of Birmingham Post, No. 1, American Legion, Birmingham, Ala., favoring immediate action on the soldiers' bonus legislation; to the Committee on Ways and Means.

3256. Also, petition of J. Lloyd Abbot, secretary of the Gulf Coast Produce Exchange, of Mobile, Ala., urging legislation which will prevent interference with interstate commerce, and for other purposes; to the Committee on Interstate and Foreign Commerce.

3257. Also, petition of National Association of Supervisory Post Office Employees, of Los Angeles, Calif., urging favorable action on the report of the Joint Commission on Postal Salaries; to the Committee on the Post Office and Post Roads.

3258. By Mr. McLAUGHLIN of Nebraska: Petition of Armstrong Post, No. 231, American Legion, of Odell, Nebr., favoring adjusted compensation for ex-service men; to the Committee on Ways and Means.

3259. By Mr. MOON: Papers to accompany House bill 12496, for the relief of J. C. Shadden; to the Committee on Pensions.

3260. By Mr. O'CONNELL: Petition of A. Berkowitz, president C. C. and R. M., Local Union No. 17, New York, relative to the American political and civil prisoners, etc.; to the Committee on the Judiciary.

3261. By Mr. RAKER: Six petitions from numerous citizens of the United States, favoring passage of House bill 1112; to the Committee on the Judiciary.

3262. Also, petition of star-route mail contractors of north California, urging extra compensation of 50 per cent on the amount of their present contracts for all star-route mail contractors, increase to date from July 1, 1914; to the Committee on the Post Office and Post Roads.

3263. Also, petition of Downtown Association of San Francisco, transmitting resolution adopted by that body indorsing the Crago bill for increased compensation for the Army and Navy and urging its passage; to the Committee on Naval Affairs.

3264. Also, petition of California Manufacturers' Association, of Oakland, Calif., urging that legislation be passed allowing litigation up to the limit of $250,000 in the United States district courts, amending the present law giving the Court of Claims exclusive jurisdiction of all claims against the Government of $10,000 or more; to the Committee on the Judiciary.

3265. By Mr. SINCLAIR: Petition of Arthur Thrams, Skaar; Joe Friestad, Fertile; Nels K. Nelson, Cartwright; and A. J. Granum, Ryder, all star-route mail contractors in the State of North Dakota, asking for an increase in compensation; to the Committee on the Post Office and Post Roads.

3266. Also, petition of Book and Thimble Club, of Williston, N. Dak., favoring the passage of the Smith-Towner educational bill; to the Committee on Education.

3267. Also, petition by the Evangelical Churches of Morton County, N. Dak., to prohibit for the purpose of canning and export from Alaska fishing of salmon in the Yukon River, its tributaries, or adjacent waters; to the Committee on the Merchant Marine and Fisheries.

3268. Also, petition of Fortnightly Study Club of Crosby, N. Dak., favoring the passage of the Smith-Towner educational bill; to the Committee on Education.

3269. Also, petition of the Fortnightly Study Club of Crosby, N. Dak., favoring the passage of House bill 10925; to the Committee on Interstate and Foreign Commerce.

3270. By Mr. SNYDER: Petition of the Rome (N. Y.) Chamber of Commerce, with reference to inefficient employees in the

Government service; to the Committee on Reform in the Civil Service.

3271. By Mr. TAYLOR of Arkansas: Petition of James W. Morris and F. M. Edwards, of Donaldson and Ico, Ark., favoring extra compensation for star route mail carriers; to the Committee on the Post Office and Post Roads.

3272. By Mr. TAYLOR of Tennessee: Petition of the Fulton Co., of Knoxville, Tenn., regarding the delay in C. O. D. parcel-post shipments; to the Committee on the Post Office and Post Roads.

3273. Also, petition of Bank of Loudon, Loudon, Tenn., protesting against the Federal reserve checking system; to the Committee on Banking and Currency.

3274. By Mr. YATES: Petition of O. C. Smith and 15 other officers of Benton, Ill., urging that officers be included in any bonus legislation as well as enlisted men; to the Committee on Ways and Means.

3275. Also, petition of American Legion, Post No. 14, Flora, Ill., urging the passage of fourfold plan for the benefit of ex-service men; to the Committee on Ways and Means.

3276. Also, petition of M. Sykes, of Chicago, Ill., favoring the passage of House bill 13334; to the Committee on the Merchant Marine and Fisheries.

3277. Also, petition of Illinois Lumber and Builders Supply Dealers Association, of Chicago, urging reclassification of salaries of postal employees; to the Committee on the Post Office and Post Roads.

3278. Also, petition of Association of American State Geologists, urging an appropriation for superpower survey; to the Committee on Appropriations.

3279. Also, petition of C. F. Baum & Co., of Chicago, protesting against the great delay now existing in the mail service; to the Committee on the Post Office and Post Roads.

3280. Also, petition of Building Construction Employers' Association of Chicago, protesting against the passage of House bill 12320 regarding immigration; to the Committee on Immigration and Naturalization.

SENATE.

WEDNESDAY, *April 28, 1920.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we lift our hearts in reverent devotion and worship to Thee, the author of every good and perfect gift. We thank Thee for the marvelous resources Thou hast put at our command, and we seek Thy divine guidance in their use. We remember that our freedom is the worst of slavery if we do not use it aright, and our resources but lower and degrade unless they are dedicated to the highest possible uses. Grant us this day the constant vision of Thy face that we may work as in the presence of God and do the things that are pleasing in Thy sight. We ask it for Christ's sake. Amen.

The Assistant Secretary proceeded to read the Journal of yesterday's proceedings, when on request of Mr. CURTIS, and by unanimous consent, the further reading was dispensed with and the Journal was approved.

PETITIONS AND MEMORIALS.

Mr. JONES of Washington presented a telegram in the nature of a petition from the Washington Coal Operators' Association, praying for the passage of the so-called anti-dumping bill, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Tacoma, Wash., praying for the enactment of legislation for the relief of the gold-mining industry, which was referred to the Committee on Mines and Mining.

Mr. TOWNSEND (for Mr. NEWBERRY) presented a memorial of the Seelye & Brown Co., of Detroit, Mich., remonstrating against the proposed increase in the tax on all forms of advertising, which was referred to the Committee on Finance.

He also (for Mr. NEWBERRY) presented a memorial of the Federation of Labor, of Detroit, Mich., remonstrating against the deportation of aliens, which was referred to the Committee on Immigration.

He also (for Mr. NEWBERRY) presented a petition of the Federation of Labor, of Detroit, Mich., praying for an investigation of the activities of the Bureau of Immigration, which was referred to the Committee on Immigration.

He also (for Mr. NEWBERRY) presented a petition of Local Lodge No. 849, International Association of Machinists, of Kalamazoo, Mich., praying for the enactment of legislation providing for the parole of Federal prisoners, which was referred to the Committee on the Judiciary.

He also (for Mr. NEWBERRY) presented a petition of the Kent County (Michigan) Farm Bureau, praying for the enactment of legislation providing for collective bargaining, which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEE ON BANKING AND CURRENCY.

Mr. McLEAN, from the Committee on Banking and Currency, to which was referred the bill (H. R. 8038) to amend section 4 of the act approved July 17, 1916, known as the Federal farm loan act, extending its provisions to Porto Rico, reported it with amendments and submitted a report (No. 558) thereon.

He also, from the same committee, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 12460. An act to authorize the coinage of 50-cent pieces in commemoration of the one hundredth anniversary of the admission of the State of Maine into the Union (Rept. No. 559);

H. R. 12824. An act to authorize the coinage of 50-cent pieces in commemoration of the one hundredth anniversary of the admission of the State of Alabama into the Union (Rept. No. 560); and

H. R. 13227. An act to authorize the coinage of 50-cent pieces in commemoration of the three hundredth anniversary of the landing of the Pilgrims (Rept. No. 561).

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CURTIS:

A bill (S. 4302) to extend the provisions of the act of February 8, 1887, as amended, to lands purchased for Indians; to the Committee on Indian Affairs.

By Mr. CAPPER:

A bill (S. 4303) to provide for the storage of certain grain under Federal custody, the issue of receipts therefor, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. TRAMMELL (for Mr. FLETCHER):

A bill (S. 4304) for the relief of W. H. Overocker; to the Committee on Post Offices and Post Roads.

A bill (S. 4305) to increase the pensions of widows of soldiers of the various Indian wars; to the Committee on Pensions.

By Mr. LENROOT:

A bill (S. 4306) for the relief of the Wisconsin Ice & Coal Co., a Wisconsin corporation, for losses sustained by it through the erroneous ruling of the Federal Fuel Administrator; to the Committee on Claims.

By Mr. FRANCE:

A bill (S. 4307) to release and remove the lien in favor of the United States, and of any officer or official thereof, on any distillery, still, vessel, fixture, and tool contained in any distillery, and the lot or tract of land on which any distillery may be situated, and any building thereon; to the Committee on Finance.

A bill (S. 4308) granting an increase of pension to John H. Edge; and

A bill (S. 4309) granting an increase of pension to Ellen M. Leary; to the Committee on Pensions.

A joint resolution (S. J. Res. 192) providing for the recommendation of amnesty and pardon for political prisoners in the United States; to the Committee on the Judiciary.

DUTY ON GLASSWARE.

Mr. KNOX submitted an amendment intended to be proposed by him to the bill (H. R. 7785) to provide revenue for the Government, to establish and maintain in the United States the manufacture of laboratory glassware, laboratory porcelain ware, optical glass, scientific and surgical instruments, which was ordered to lie on the table and be printed.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had on this day approved and signed the act (S. 806) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Iowa Tribe of Indians against the United States.

THE SUBMARINE CABLE SITUATION.

Mr. KELLOGG obtained the floor.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Brandegee	Hale	McLean	Smith, Md.
Calder	Harris	McNary	Smoot
Capper	Henderson	Myers	Sutherland
Chamberlain	Hitchcock	Nelson	Swanson
Comer	Jones, N. Mex.	New	Thomas
Culberson	Jones, Wash.	Nugent	Townsend
Curtis	Kellogg	Overman	Trammell
Dial	Kendrick	Page	Underwood
Dillingham	King	Phelan	Wadsworth
Edge	Knox	Phipps	Walsh, Mass.
France	Lenroot	Pittman	Warren
Frelinghuysen	Lodge	Pomerene	Watson
Gay	McCormick	Reed	
Gerry	McCumber	Sheppard	
Glass	McKellar	Smith, Ariz.	

Mr. GERRY. The Senator from Mississippi [Mr. HARRISON], the Senator from Arizona [Mr. ASHURST], the Senator from North Carolina [Mr. SIMMONS]; and the Senator from Louisiana [Mr. RANSDELL] are absent on official business.

The VICE PRESIDENT. Fifty-seven Senators have answered to the roll call. There is a quorum present.

Mr. KELLOGG. Mr. President, I send to the desk a bill to prevent the unauthorized landing of submarine cables in the United States, and I ask the privilege of making a few remarks explaining the measure.

I introduce the bill by request. I am not prepared to say that I indorse it or will support it, but I do think the circumstances surrounding the cable situation in South America should receive the attention of the Senate, and that the Committee on Interstate Commerce ought to have a hearing and carefully consider this subject.

The bill proposes to give the Secretary of State the power to issue licenses for cable landings. This power has been exercised, but some question has been raised as to the right of the Secretary of State to grant such licenses upon conditions which will protect the United States. That is all the bill proposes to do.

But, Mr. President, there is a situation in South America which is the cause of this bill being prepared and introduced which I think the Senate should understand. The All-American Cable Co. is an American line. It owns a line of cables from New York to Cuba, from Cuba to Panama, and down the west coast of South America to Valparaiso, across from Valparaiso to Montevideo, and two lines from Montevideo to places in Brazil, Rio Janeiro, and Santos. It also owns the cable line up the coast of Mexico and to Galveston. This is the only all-American cable line to South America.

An English company, known as the British Co., has practically a monopoly of the Brazilian cable business. The All-American Cable Co. has two lines to places in Brazil; but in 1873 the Brazilian Government granted to the British Co. the exclusive privilege of laying cables between points in Brazil for a period of 60 years. Subsequently, however, it was claimed that this monopoly only extended to points reached by the British Co., and the All-American Co. was allowed to lay two cables from Montevideo, one to Rio de Janeiro and the other to Santos, but they had to lay two cables; they could not go to Santos and from Santos to Rio de Janeiro. To-day this British Co. has practically a monopoly in Brazil, and the Brazilian Government has placed against the All-American Cable Co. a discriminatory tariff, whereby a tax of 3 francs a word is imposed against cables going from Brazil to the United States by the Pacific coast, so that the British Co. under this system will have an absolute monopoly of the Brazilian cable business.

Mr. KING. Will the Senator permit me a question right there?

Mr. KELLOGG. Yes.

Mr. KING. Have representations been made to the Brazilian Government by our Government or by any of our diplomatic representatives in respect to that discrimination? Have they made any protest against it or have they made any request for relief?

Mr. KELLOGG. I think so, but I am not familiar with the correspondence. I think, however, when the Brazilian Government granted the right to build these two cable lines they did so at the request of the American Government. I am not familiar, however, with the diplomatic correspondence on the subject and have not had time to look it up.

It is now proposed that the British Co. shall extend a line from Brazil to the Barbados—British islands—and that the American Western Union Co. shall extend to the Barbados to meet the British Co. lines, and that they will have together a monopoly of the business to Brazil, which would practically shut out the All-American line. The All-American line objects to this. I am not stating whether it is wise or unwise; it may be that it is the only way that the Western Union Co. can get into Brazil, but it seems to me unfortunate that the American cable business to Brazil must be handled over a British line, and that all our diplomatic and commercial business must necessarily go over a British line.

Mr. McCORMICK. Will the Senator yield for a question?

Mr. KELLOGG. Yes.

Mr. McCORMICK. Is it not true that American enterprise is ready to lay a cable from the United States to Brazil if not estopped by the Brazilian Government under the alleged terms of existing concession?

Mr. KELLOGG. Yes. I understand that both the Western Union and the All-American Co. are anxious to lay cables to Brazil and to all other South American points.

The line to be built by the Western Union proposes to run from Barbados to Miami, Fla., and it is a question whether the Secretary of State has authority to place conditions upon the landing rights of the Western Union Co.

Mr. President, this country controls direct cables to Europe and direct cables to the Orient.

Mr. McCORMICK. One of them.

Mr. KELLOGG. All of them.

Mr. McCORMICK. The Senator does not mean that it controls the Canadian oriental cable?

Mr. KELLOGG. No; I mean the cables from the United States. South America is a continent in which we must look for the greatest expansion of American trade, and if we are going to carry on that trade we must have not only ships and banking facilities but cable facilities as well. We ought to be able to reach South American ports over our own lines, not over any foreign lines. I am, however, simply introducing this bill so that the subject may come before the Senate.

I do not vouch for the statement that the British company is willing to make a contract which will give the Western Union all of the business from Brazil and practically shut out the All-American Co. It may be that the Western Union is powerless. However, it would be unfortunate if any of the American cable lines should be shut out of any South American country.

Mr. McCORMICK. Mr. President, if the Senator will permit me, it is alleged that the materials necessary for the laying of the cables, and which are controlled by British manufacturers, will be withheld from the Western Union unless they agree to this proposed juncture of the lines at the Barbados.

Mr. KELLOGG. That may be true; I am not advised as to that. I presume it is somewhat difficult to get such materials. We are now, I understand, in this country ourselves preparing to manufacture cables. Heretofore we have been dependent upon British manufacturers.

Mr. President, when the first all-American cable line went to South America the rates for cabling were over $7 a word, as I recall; I think the rate was about $7.50 a word. The rates have gradually been reduced until to-day they are 50 cents a word, and since the All-American cables were built to two points in Brazil the New York rate has been reduced from 85 cents to 65 cents. It may be that the most economical and the only way is to make a joint arrangement with the British cable line; but it seems to me the subject should be investigated by the Interstate Commerce Committee and that if legislation is necessary it should be passed.

Mr. McCORMICK. Does the Senator mean the Interstate Commerce Committee?

Mr. KELLOGG. I mean the Committee on Interstate Commerce of the Senate.

Mr. McCORMICK. Does not the Senator mean the Committee on Commerce?

Mr. KELLOGG. No; I mean the Committee on Interstate Commerce.

Mr. JONES of Washington. Mr. President, may I ask the Senator a question?

Mr. KELLOGG. Certainly.

Mr. JONES of Washington. Has the Senator made any inquiries or obtained any information from the State Department with reference to the exclusive concessions granted by South American countries to British or other foreign interests?

Mr. KELLOGG. Yes; I have with me, I think, the grant made by the Brazilian Government to the British company in 1873, which is an exclusive grant.

Mr. JONES of Washington. I have understood that there were several exclusive grants not only in South America but in China and other oriental countries. It has seemed to me that if our State Department is not taking active steps toward trying to influence South American countries not to grant these exclusive privileges to other nations it ought to do so. It seems to me that it ought to be able to accomplish a great deal in that

direction and possibly might make arrangements under which landing privileges could be secured.

I will say that the Committee on Commerce of the Senate has held quite extensive hearings with reference to the trans-Pacific cable possibilities in connection with a bill which has been introduced looking toward Government construction of a cable across the Pacific. It has been disclosed that we may have some difficulty in getting landing rights over there. I do not know just what the State Department has done, but it has seemed to me that the State Department ought to get active along those lines and that it might be able to be of very great service in connection with this very important matter, because, as the Senator has said, the expansion of our commerce, especially in the Pacific and in the Orient, at any rate, is very largely dependent upon our soon getting additional cable communication.

Mr. KELLOGG. I quite agree with the Senator. I looked into the subject to some extent when the Government took over the cable lines, but I have not had time thoroughly to investigate the question of landing rights in other countries.

The bill (S. 4301) to prevent the unauthorized landing of submarine cables in the United States was read twice by its title and referred to the Committee on Interstate Commerce.

NAVAL APPROPRIATIONS.

The VICE PRESIDENT (at 12 o'clock and 28 minutes p. m.). The morning business is closed. The calendar under Rule VIII is in order.

Mr. LODGE. I move that the Senate proceed to the consideration of the naval appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13108) making appropriations for the naval service for the fiscal year ending June 30, 1921, and for other purposes.

Mr. LODGE. Mr. President, on yesterday afternoon I asked to have the naval appropriation bill go over in order to dispose of two amendments which the committee had not fully prepared. I now desire to offer an amendment which appears in printed form, but I wish slightly to modify the amendment before it is read. On page 4, in line 10, after the word "Medical," I desire to strike out the word "or," and after the word "Dental" to strike out the word "Corps" and insert "or Civil Engineering Corps," so as to read:

Appointed to the Medical, Dental, or Civil Engineering Corps.

With that slight change in phraseology, I now submit the amendment and move its adoption.

I ought to say by way of explanation that it carries no appropriation, but is designed to cover the relations of temporary appointees in the Navy to the permanent Navy. It is very essential that the amendment should be acted upon at this time. I may add that the proposed reservations were first brought to us by the House, who are very anxious to have this amendment put on, and it is also recommended by the department.

Mr. KING. I ask to have the amendment read.

Mr. THOMAS. Before the amendment is read, I desire to give notice that at the appropriate time I shall move to strike out all beginning with the word "That," on line 3 of page 55, down to and including the word "and" on line 15.

The VICE PRESIDENT. The Secretary will state the amendment submitted by the Senator from Massachusetts.

The ASSISTANT SECRETARY. It is proposed to add as a new section, at the end of the bill, the following:

SEC. —. That the Secretary of the Navy is hereby authorized to employ on active duty, with their own consent, members of the Naval Reserve Force in enlisted ratings, the number so employed not to exceed during any fiscal year the average of 20,000 men: *Provided*, That the number of naval reservists so employed on active duty, together with the total number of enlisted men in the Regular Navy, shall not exceed the total enlisted strength of the Navy as authorized by law: *Provided further*, That such members of the Naval Reserve Force so employed shall serve on active duty for not less than 12 nor more than 18 months unless sooner released: *And provided further*, That the number of commissioned officers of the line, permanent, temporary, and reserve on active duty, shall not exceed 4 per cent of the total authorized enlisted strength of the Regular Navy, and the number of staff officers shall be in the same proportions as authorized by existing law: *Provided further*, That 500 reserve officers are also authorized to be employed in the aviation and auxiliary service: *And provided further*, That temporary appointments may be continued or hereafter made, in the discretion of the President, not to exceed the number allowed in any grade or rank based upon the total permanent and temporary commissioned strength of the line or any staff corps: *And provided further*, That nothing herein shall be construed as reducing the permanent, commissioned or enlisted, strength of the Regular Navy as authorized by existing law.

SEC. —. That officers holding temporary commissioned and warrant ranks in the Navy and members of the Naval Reserve Force of commissioned and warrant ranks shall be eligible for transfer to and appointment in the permanent grades or ranks in the Navy for which they may be found qualified not above that held by them on the date of transfer, but not to exceed a total of 1,200 commissioned officers in the line, of which number 500 may be appointed from the Naval Flying Corps, with proportionate number in all staff corps as now authorized by law, except that the Medical, Dental, and Supply Corps shall be entitled to such additional numbers as are necessary to make up the full quota of officers in those corps, as now authorized by law: *Provided*, That officers so appointed shall take rank in accordance with their precedence while holding temporary rank, and members of the Naval Reserve Force of commissioned and warrant ranks found qualified for a given rank shall be arranged according to their precedence among themselves and commissioned in the permanent service next after the lowest temporary officer who qualifies for the same rank and is appointed in accordance with the provisions of this act.

SEC. —. That in addition to the number of transfers and appointments hereinbefore allowed, commissioned warrant officers of more than 15 years' service since date of warrant or date of first appointment as paymaster's clerk or mate, who have creditably served in the war with the German Government in temporary commissioned ranks or grades in the Regular Navy, may be appointed to a permanent rank or grade for which they may be qualified not above the temporary rank or grade held by them at the time of transfer and shall take rank therein in accordance with their precedence while holding temporary rank: *Provided*, That no transfers or appointments made in accordance with the foregoing provisions of this act shall be to a higher grade or rank than lieutenant in the Navy.

SEC. —. That officers appointed under any of the foregoing provisions shall be not more than 35 years of age when so appointed to the line of the Navy, Construction Corps, Civil Engineering Corps, or Supply Corps, and not more than 38 years of age when so appointed to the Corps of Chaplains, or 40 years of age when so appointed to the Medical, Dental, or Civil Engineering Corps: *Provided*, That said age limits shall be increased in the cases of officers who have rendered prior service as paymaster's clerks, or as mates, or as warrant or commissioned officers in the naval service to the extent of such prior service: *Provided further*, That officers originally appointed to the Dental Corps above the said age limits shall be eligible for appointment and promotion under this act irrespective of age: *And provided further*, That officers of the line of the Navy who are appointed thereto pursuant to this act from sources other than the Naval Academy shall not be ineligible for promotion by reason of age as prescribed by the act of August 29, 1916 (39 Stats., p. 579), until they have rendered 10 years' service in the grade of lieutenant commander, 6 years' service in the grade of commander, or 8 years' service in the grade of captain, respectively, upon the completion of which service such officers, if then ineligible for promotion by reason of age, shall be retired in accordance with said act: *And provided further*, That until June 30, 1923, promotions to lieutenant (junior grade) and lieutenant may be made without regard to length of service: *And provided further*, That until June 30, 1923, officers of the permanent Navy who have served satisfactorily during the war with the German Government in a temporary grade or rank shall be eligible under the provisions of existing law for selection for promotion or for promotion to the same permanent grade or rank without regard to statutory requirements other than age and professional and physical examination: *And provided further*, That in making reductions in rank as may be required by this act officers holding temporary appointments may be given temporary appointments in lower grades, and officers so appointed shall take precedence from the dates of their original appointments in such lower grades.

SEC. —. That in case any enlisted man or enrolled man who, since the 11th day of November, 1918, has been or hereafter shall be discharged from any branch or class of the naval service for the purpose of reenlisting in the Navy, or heretofore has extended or hereafter shall extend his enlistment therein, he shall be entitled to the payment of the $60 bonus provided in section 1406 of the act entitled "An act to provide revenue, and for other purposes," approved February 24, 1919, and to travel pay as authorized in section 3 of the act entitled "An act permitting any person who has served in the United States Army, Navy, or Marine Corps in the present war to retain his uniform and personal equipment and to wear the same under certain conditions," approved February 28, 1919: *Provided*, That only one bonus shall be paid to the same person.

SEC. —. That that part of the act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1920, and for other purposes," approved July 11, 1919, which reads as follows: "Until June 30, 1920, enlistments in the Navy may be for terms of two, three, or four years, and all laws now applicable to four-year enlistments shall apply, under such regulations as may be prescribed by the Secretary of the Navy, to enlistments for a shorter period with proportionate benefits upon discharge and reenlistment," be, and hereby is, amended by striking out the words "until June 30, 1920," and adding the words "and the Marine Corps."

SEC. —. That section 125 of the act entitled "An act for making further and more effectual provisions for the national defense, and for other purposes," approved June 3, 1916, shall hereafter be in full force and effect as originally enacted, notwithstanding anything contained in the act entitled "An act permitting any person who has served in the United States Army, Navy, or Marine Corps in the present war to retain his uniform and personal equipment and to wear the same under certain conditions," approved February 28, 1918: *Provided*, That the words "or the Secretary of the Navy" shall be inserted immediately after the words "the Secretary of War" wherever those words appear in section 125 of the act approved June 3, 1916, hereinbefore referred to.

SEC. —. That hereafter the Secretary of the Navy may, in his discretion, withhold any part or all of the retainer pay which may be due a member of the Naval Reserve Force where such members fail to perform such duty as may be prescribed by law for the maintenance of the efficiency of the Naval Reserve Force: *Provided*, That any money so withheld shall be credited to the appropriation for organizing and administering the Naval Reserve Force to be used for any purpose that the Secretary of the Navy may consider proper to increase the efficiency of the Naval Reserve Force: *Provided further*, That hereafter the minimum amount of active service required for the maintenance of the efficiency of the Fleet Naval Reserve shall be the same as for the Naval Reserve.

SEC. —. That the age limits for promotion by selection, which, under existing law, will become effective on June 30, 1920, are hereby deferred until June 30, 1921.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Massachusetts [Mr. LODGE].

Mr. KING. Mr. President, I should like to have some explanation of this amendment. It seems so far-reaching in its effects that I think we are entitled to have an explanation of it.

Mr. LODGE. Mr. President, if we had had the good fortune to have had the Senator from Utah with us in the committee he would appreciate that it is not so far-reaching as it appears. The main object is to settle the relations of the temporary appointments, and that is something which must be done at once. For instance, there is a law now on the statute books which extended their service. It has been twice extended, and it was extended the last time to the 30th of June. If it is not further extended we shall lose 1,200 reserve officers at this time whose places will be impossible to fill now. We must keep those reserve officers to carry on the Navy.

There are other provisions relating to the temporary appointment which it is necessary to make to establish their relations with the permanent Navy. What I first spoke of, the last section, is the one covering that feature, and there is another in the body of the bill covering it, allowing them to be continued temporarily for a year.

There is a clause in the amendment in regard to wearing the uniform. They now have the right under certain conditions to wear the uniform of the United States after they are discharged, and there are unworthy persons who take advantage of that privilege. There is a provision of law by which the Secretary of War has control over that matter in the Army, that it shall not be permitted unless it has the approval of the Secretary. This is simply putting the Navy on the same basis as the Army.

I think all the other provisions relate to establishing the relations between the temporary appointments made by the act of 1917 and the acts subsequent thereto. It establishes them on a proper basis now, in relation to the permanent fleet in peace time, and it is absolutely essential that this should be done.

We have modified this amendment somewhat. In its original form it was brought to us by the House committee after the bill had practically gone through the Senate. It was also strongly recommended by the Navy Department and the Bureau of Navigation, and I can assure the Senator that the Senator from Virginia [Mr. SWANSON] and I have given many hours to trying to get it in proper shape, and we have left out a good many things which we thought had better go over.

Except by going into it in very great detail, there really is nothing more to be said about the amendment. The Senator from Virginia, who knows the amendment even better than I do, I am sure can make a statement in regard to it, if the Senator from Utah desires it.

Mr. KING. I will be satisfied with the explanation of the Senator from Massachusetts if I can direct his attention to just one thought. A number of persons have been to see me, as a member of the committee, with reference to this proposed amendment. The criticism they made was that they were apprehensive it would prevent, or at least delay, the bringing into the Navy of officers and men for the regular service in contradistinction to temporary service.

Mr. LODGE. It has no effect on that whatever.

Mr. KING. If I may be permitted to continue, they were afraid that preferences would be given to these temporary officers, so that it would discourage the enlistment of men who would be inclined to go into the Navy for life.

Mr. LODGE. I can assure the Senator that there is nothing in that objection. This leaves the regular force just where it is. The regular force is far below the necessities at the present time, and we must have temporary men. But no injustice is done the regular service.

Mr. SWANSON rose.

Mr. LODGE. I am sure the Senator from Virginia will say the same thing.

Mr. SWANSON. Mr. President, the first section of this amendment authorizes the Secretary of the Navy to take 20,000 of the naval reserves and put them in the Regular Navy. The enlistments have been so poor in the Regular Navy that it authorizes the Secretary to transfer 20,000 men to make up the authorized strength of the Regular Navy, which is now 137,800 men. This amendment does not change the number at all which was fixed last year. We have refused to change that this year, although there are more battleships which will come into commission. We think that some of these ships can be supplied with a smaller quota of men and some of them can be retired and put out of commission, but in case an emergency comes, with a naval reserve force of 250,000 men we will be equipped for any war which may arise anywhere in the near future.

So the first provision authorizes the Secretary of the Navy to take 20,000 of the naval reserves and enlist them for a limited time to make up the deficiency, where they have not been able to get the required enlistments in the Navy.

As everybody knows, there has been a general complaint that enlistments have not been large enough to keep the Navy up to proper strength. That is very important. In doing that we do not increase the number of officers.

Some Senators seem to have the idea that this means an increase in the number of officers. The number of officers for the Navy was fixed in the law of 1916, when the Navy was entirely reorganized. Under the law approved August 18, 1916, the number of officers in the Navy of all classes—admirals, lieutenants, ensigns, and all—is fixed at 4 per cent of the enlisted strength of the Navy. That was thought to be the least number of officers they could get along with. So, with an authorized strength of 137,800, there could be 4,512 officers. During the war there were about 450,000 men in the Navy. The number has been reduced now to 137,000. Before 1917 the strength of the Navy was 54,000 men. That has been increased now on account of the increased number of ships and various lines of work to 137,000.

There is a deficiency in officers. That is, we have not been able to get graduates from the Naval Academy to make up the 4 per cent, and we passed a law permitting those of the Naval Reserve who can stand the examination to be appointed as officers in the Navy to make up that deficiency.

Young men went to Annapolis and went to these training schools and made up the deficiency caused by the increase in the number of men to 450,000. When we reduced the Navy to 137,000 we still were deficient in graduates from the Naval Academy. We lacked nearly 2,000 graduates from the Naval Academy to fill up the requirements of the Navy in the matter of officers.

To cure that, last year we enacted a law permitting the Secretary of the Navy to make up the deficiency by making temporary appointments, after examination and selection. That law will expire on the 30th of June, the number not yet exceeding the 4 per cent fixed by the law of 1916. Unless that law is continued, on the 30th of June, when it will expire, there will be a deficiency of 2,000 officers in the Navy and it will be utterly impossible to man the Navy with a deficiency of 2,000 officers. This amendment is designed to continue these temporary appointments. A great many of the best temporary men are disposed to resign because they can not become permanent in the Navy—in the Paymaster General's Department, in the Engineering Department, and in other branches. Some of the officers have shown themselves to be good officers; some of them are good seamen, who came from the shipping service. So, in order to keep the best men, the Navy has insisted that these temporary men should have an opportunity to stand qualified examinations and that there be authority to transfer 1,200 into the Regular Navy to make up this deficiency, which number the department has not been able to obtain from the Naval Academy.

There is a deficiency now in the Navy. There is no change in the law as to the number of officers and no change in the pay of the officers by this amendment. There is no change in the percentage of admirals, captains, commanders, and lieutenant commanders.

It had been hoped that this matter could be taken care of by a separate bill passed through the House and the Senate, and not have it taken care of by an amendment to the appropriation bill; but those in the House in touch with the situation have informed us that they will not be able to get through a bill in time, if Congress shall adjourn early in June, to permit that legislation to be passed at this session, and if that legislation is not passed at this session the Navy will be absolutely demoralized by losing 2,000 of these officers.

That is all this amendment will do. Last year we extended the law for one year. This will extend it, with the other provisions, to let the best temporary men come into the Navy permanently, as they do in the Army. It is such a provision as there is with regard to the Army, where officers proved themselves worthy in France or have proved themselves worthy in the service. It is as is provided in the Marine Corps. After proper examination they can be transferred into the Navy, but we do not allow any of them to be transferred to a higher rank than they have. None of them can be transferred, I believe, to a rank higher than that of commander; at any rate, it is not a very high rank, and they can be transferred only after examination.

With that situation before us, I hope no Senator will make a point of order against the amendment. If any Senator should make a point of order, he will take the responsibility for the Navy being entirely demoralized on account of an insufficient number of officers after the 30th of June.

Mr. KING. Will the Senator yield? I am quite satisfied with this provision; but, as I stated to the Senator from Massachusetts [Mr. LODGE], several persons of naval experience have complained to me that they were afraid this provision would be used for the purpose of elevating into positions men who are now in the Reserve Corps, and that that would deter men from entering who would like to come into the service and make it a life work.

Mr. SWANSON. No; that is not the case.

Mr. KING. They were apprehensive that it would be converted to that purpose.

Mr. SWANSON. The provision on page 3 takes care of that. The bill as originally introduced did not, but if the Senator will look on page 3 of the amendment he will find this provision, which takes care of that situation, a provision which we put in yesterday:

Provided, That officers so appointed shall take rank in accordance with their precedence while holding temporary rank, and members of the Naval Reserve Force of commissioned and warrant ranks found qualified for a given rank shall be arranged according to their precedence among themselves and commissioned in the permanent service next after the lowest temporary officer who qualifies for the same rank and is appointed in accordance with the provisions of this act.

Under that provision a graduate of the Naval Academy who went into the Navy permanently can never be preceded by one of these temporary officers. We put that provision in because we thought it was but justice to those who had qualified themselves and held rank in the permanent Navy that they should have that privilege and that right, which is accorded by the provision on page 3, lines 6 to 14. That obviates the objection alluded to by the Senator.

BOLSHEVISM IN THE UNITED STATES AND RUSSIA.

Mr. MYERS. Mr. President, again there has been a strike in the mines at Butte, Mont., that nesting place of I. W. W., Bolshevists, and other anarchists, where they appear to flourish with impunity and immunity, and, unless countermanded since the latest news from there, it is still more or less in force. I assume it is. It is one of the numerous miners' strikes that have afflicted that long-suffering community at frequent intervals for a number of years. It is the second miners' strike there in less than a year. It was ordered by the I. W. W., Bolshevists, and other anarchists, who are bent upon destroying all industry and all government.

This strike was ordered and put in force, too, notwithstanding the fact that last fall the miners' unions of Butte, through their duly authorized officials and leaders, whose actions were duly ratified by the unions, entered into a contract with the mine operators, and a complete agreement and understanding, duly signed and executed, as to wages and working conditions, with which the unions expressed satisfaction. At the time the contract was executed the representatives of the unions congratulated the miners upon the liberal terms and fair provisions of their contract and complimented the mine operators upon their liberality and upon their fair, square dealing. Mutual satisfaction was expressed, and it was believed there would be no more trouble, a long strike having just ended.

By the terms of the contract the very lowest wage paid to any person working in a mine was to be, I believe, $5.75 per day. Wages provided for ranged from that sum up to a much higher figure. The eight-hour day was retained. The contract, I know, was to continue in force for at least one year from last fall, and maybe longer; perhaps two or three years; I know not less than one year.

Only about six months have elapsed. The contract is in force. It has at least six months yet to continue in force. Yet there occurs another strike. No demands have been made on the operators. It is reported that the strikers say they want a minimum wage of $7 per day and a workday of six hours and the discharge of all so-called "political" prisoners anywhere imprisoned in this country. I fail to see any reason for making wage contracts if they are to be thus ruthlessly broken.

Undoubtedly the great majority of the miners did not and do not want a strike. Undoubtedly the great majority of them are satisfied and want to work. The strike was ordered and put in force and effect by a small minority of the miners who are reds, radicals, and I. W. W.'s, and are criminals at heart. Not satisfied with quitting work, they took possession of the city, the largest mining camp in the United States, and inaugurated a reign of lawlessness, force, and terror. They would not work nor permit any work by others who wanted to work. There are thousands of miners who are peaceable and law-abiding who wanted to continue work, but the thugs, sluggers, desperadoes, and criminals among the strikers, by assaulting and slugging all miners who reported for work and by force, violence, and terror, completely closed down the mines; and this in boasted free America!

The local authorities appeared to be helpless. Butte, a city of 100,000 population, was for several days in the hands of a mob. The mob roamed the city at will. Street cars loaded with peaceful miners who wanted to work and were en route to mines were stopped, assaulted, and turned back. Street car traffic was suspended. Miners in street cars going to work were compelled to alight and go back. For several days the mines were picketed by the lawless and none allowed to work. The picketers did not resort to moral suasion; they used slugging and force as their arguments. There were violent clashes followed by bloodshed. Firearms were used. Strikers were armed. Twelve or fourteen thousand men were thrown out of work, forcibly kept from working.

For several days this reign of terror prevailed in Butte. Federal troops have been sent to Butte, and I assume order will now be preserved and lawlessness in large measure stopped. I assume those miners who want to work will now be given some protection. The strikers declare, however, that the strike is still in force and will continue.

What the Government will do beyond keeping temporary order by the use of troops, what it will do to go to the bottom of this nest of anarchy and root out the moving forces of it, I do not know; judging by the past, not much, I fear. There is one thing that the Government appears to be extremely reluctant to do, and that is to measure strength to a final test with any organized body of persons affiliated with organized labor or calling themselves a branch of organized labor.

The Government may promise to do so, may threaten to do so, may start to do so, but when the time for the actual test comes it seems there is almost certain to be by the Government compromise, concession, promise of investigation, yielding, or some other way found of avoiding the test. There will continue to be trouble in Butte until there is a clean-out there.

This strike fever all over the country will continue until employers adopt the policy of filling strikers' places, and when the strikers tire of striking and return to work, telling them there is no employment for them. So long as men may strike when they please and return to work when they please this hysteria of striking will continue. Of course, the policy of refusing work to returning strikers would be followed by violence, but in that event the Government should protect employers and those who take the places of strikers. I believe many employers would adopt this policy if they thought the Government would protect them and those whom they might put to work, but they will not do it, because they feel the Government would not back them.

I am sure the motive of the strikers in Butte is to bedevil and pester the operators and prevent any from working in the mines until the operators are compelled to close the mines. Then the reds and radicals would expect a complacent and tolerant Government to take over the mines and turn them over to the Bolshevists to operate and loot for their own benefit. I have no doubt that is their object.

I am satisfied this lawless strike in Butte is only part and parcel of a widespread plan to keep up strike after strike until there is a universal, country-wide strike, followed by the taking over of all industries and the sovietization of this country. I am sure the majority of the workmen do not want it, but a lot of reds, radicals, and agitators are working for it, and, I think, in many instances are using the strike and are misleading thousands of deluded workingmen as a means to their end. Already there is in this country a widespread movement to have the Government take over the railroads and turn them over to the employees to operate for their benefit. I am sure reds and radicals are taking advantage of this movement to get in their mischievous work.

The Attorney General of the United States says that the recent railroad strike, which covered almost the entire country, and which is still hanging on and showing symptoms of revival, was instigated by radicals, reds, and Bolshevists, who aim at the overthrow of our Government, and I have no doubt he knows whereof he speaks. The Department of Justice has an adequate force of agents and detectives, and a goodly number of them are at all times in the field. It has every facility for discovering the schemes of enemies of the Government and trailing their work. During the strike handbills, addressed to "Railway men and port workers," were distributed among the strikers and those railway men and port workers who remained at work in the chief transportation centers. They were signed by the "Central Revolutionary Council of America." They were worded as follows:

Strike to put an end to the whole capitalist system! Strike to take over the industries and the country for the benefit of the workers, and the workers alone! * * * Your workers' councils and your one big revolutionary union must get ready to fight the United States Government. Prepare to take over the Government and run it for the benefit of the workers alone.

While it is probable most of the men who engaged in that strike had no knowledge of the sinister influences behind it, I have no doubt the leaders of it and those who were responsible for it were working in conjunction with enemies of the Government. In fact, I believe a great many of the frequent strikes with which the country has been afflicted of recent months are, so far as concern those who instigate them, in line with the general policy and purpose of the Bolshevists and other anarchists of the country to disrupt industry, upset the country, and

delude workingmen, and to lead up to the formation of the one big union, which is the shibboleth of enemies of the Government, and to the universal strike, which is constantly kept in mind and aimed at by all who would overturn all government and bring conditions of anarchy and chaos. I have no doubt there are at least a million and perhaps three or four million people in this country who want to see our Government overthrown and who are engaged more or less actively in scheming to that end or encouraging those who are doing such scheming. I have no doubt there are in this country at least a million foreign-born people, mostly aliens, who want to see our Government overthrown, and most of whom belong to some society or organization having that object.

It has been estimated that in New York City there are 500,000 people who are opposed to our form of government and want to see it overthrown, and that each week there are as many as two or three dozen meetings in that city, having for their purpose the arousing of opposition to our form of government. Much of this estimate is based on the investigations of the Lusk investigating committee, a committee of the New York Legislature, which spent weeks in the investigation of disloyal conditions and sentiments in that city. The widespread sympathy or semi-sympathy in this country with the Soviet Government of Russia is alarming. It appears to pervade all classes of people and all ranks of society. It appears to have some hold in colleges and schools. It has adherents in the ranks of fashion. It has some adherents among the well-to-do and intelligent. It is astounding that some people who appear to be educated, intelligent, native Americans will express more or less sympathy with the Soviet Government of Russia. I have encountered some of it which has amazed me.

When Alexander Berkman and Emma Goldman, with a lot of other anarchists, were deported from this country an indignation meeting in protest against their deportation was held at Boston, and seated on the stage, giving the meeting the support of their presence and sympathy, the prestige of their participation, and joining in the applause, were some wealthy and fashionably dressed women of Boston, who hesitated not to parade themselves before the public as being in sympathy with Berkman and Goldman and their fellow anarchists and to make known their protest against the deportation of such scoundrels.

Sympathy with bolshevism seems to be getting a hold in the public-school system of parts of the country. There are sporadic instances of it which should serve as a warning of what may be found more extensively under cover. It is reported that about a year ago a teacher in one of the public schools of Washington, in talking on current topics to her pupils, expressed a tolerant feeling for bolshevism, and undertook to give "the other side," the pleasing side, of bolshevism, and instead of unsparingly condemning it, warned her pupils that they should not be too quick to condemn bolshevism. To my mind this is horrible, shocking. So far as I know, this charge has never been denied. The school board of the District of Columbia took cognizance of it and undertook to discipline that teacher for her shockingly indiscreet expressions.

It is understood that she acknowledged making them, and the infliction of discipline followed by order of the board. A great furore about the infliction of the discipline was aroused by many of the teachers of the District. The cause of the disciplined teacher was taken up by the teachers' unions of the District and by the labor unions of the District. A great protest was made, and soon thereafter two of the members of the board, who were chiefly instrumental in disciplining the offending teacher, resigned. Apparently their positions were made uncomfortable for them. That teacher is still teaching in the public schools of the District. I understand the president of the school board defends her.

There are hundreds of publications in the United States which are openly praising the Soviet Government of Russia or advocating the overthrow of our Government, or doing both. Many of them are printed in foreign languages and circulate among the ignorant, prejudiced, easily misled class of foreigners, most of whom can read no language other than their own and rely upon their foreign-language papers for all of their information and guidance. It is impossible to know what these foreign-language periodicals are publishing unless their articles are translated into English. To keep track of their publications and translate their every utterance is a tremendous task. Department of Justice officials, I believe, undertake it, but it imposes an undue burden on them. The publishers should be required to print their publications in English or suspend. There is in my State a daily paper which, I am informed, continually praises the Soviet Government of Russia and holds it up as a model.

I believe there are many people who express feelings of leniency for or sympathy with the Soviet Government of Russia who do not know anything about it, do not know what it is. I believe there are millions of people in this country who are indifferent to it, who have no knowledge whatever of the character of that Government.

All the while emissaries in this country of that Government are "boring from within" and injecting the insidious poison of their virus into the veins of our body politic, misleading credulous people and doing incalculable harm. I think the American people need to be aroused. The people appear to be asleep to the dangers that are in their very midst and which are daily growing. I think the people of the United States should be awakened from their lethargy and made to know something of the Government which is daily being loudly praised in this country as superior to our own time-tried and tested Government. Let us see what kind of a Government it is they have in Russia which we are being daily advised is the model Government.

Something more than a year ago, by authority of the United States Senate, a subcommittee of the Senate Committee on the Judiciary conducted an exhaustive, searching, far-reaching, thoroughgoing investigation of bolshevik prapaganda in this country, and the scheming of alien Bolshevists to poison and corrupt this country, and at the same time conducted a thorough investigation of the character and nature of the Soviet Government of Russia. The hearings held as a result of this investigation lasted for months. Authentic information of the character, nature, practices, and laws of the Soviet Government of Russia was obtained. Witnesses were sworn and testimony under oath was had. The subcommittee examined and heard as witnesses many people of intelligence who had spent months in Russia since the establishment there of the Lenin and Trotski government. Some of them had spent years in Russia. They testified to many things of their own knowledge. They produced voluminous documents, duly authenticated, which showed the decrees, laws, and rulings of the Soviet Government of Russia and the facts about it.

The proceedings of these hearings were published. A summary of them was set forth in a report made by the subcommittee. The announcements and conclusions of the subcommittee are authenticated and vouched for by it. They are based upon sworn testimony. They are based upon duly proven facts. The conclusions arrived at by the subcommittee and the announcements made by it are therefore duly accredited and well established. They are official. Not a great deal of publicity was given to these hearings, the testimony had thereat, or the conclusions of the subcommitee.

Inasmuch as the activities of the enemies of our Government which were then investigated appear to have increased instead of diminished, and as this danger appears to be growing and bearing fresh fruit, and as the people seem to be but poorly informed or indifferent in regard thereto, I shall undertake to give here some of the facts about the Russian Soviet Government brought out by these hearings and duly authenticated and accredited by the subcommittee which conducted them, in order that I may assist in making better known what sort of government exists in Russia and what sort of government it is that great numbers of people in this country are advocating and upholding as better than our Government and contending we should have.

It appears that the Government of Russia, under the general supervision of those criminal despots and anarchists, Lenin and Trotski, is divided into different jurisdictions, much as this country is divided into the different jurisdictions of the several States of the Union. Instead of being called States there they are called soviets. The proletarians of each city of any considerable size, together with the surrounding country, more or less extensive, tributary to the city and controlled by its forces, constitute a soviet or local government. Those within that jurisdiction who are permitted to take part issue the decrees which constitute the laws of that soviet or jurisdiction. Thus the laws of different soviets differ to some extent. Some are worse than others, although all are bad enough. Let us see what some of them are. Vladimir is the capital of the Province of the same name, 75 miles from Moscow. A decree issued by the soviet of the city of Vladimir follows:

Any girl having reached her eighteenth year and not having married is obliged, subject to the most severe penalty, to register at the bureau of free love of the commissariat of surveilliance.

Having registered at the bureau of free love, she has the right to choose from among the men between the ages of 19 and 50 a cohabitant husband.

Remarks—(1) The consent of the man in the said choice is unnecessary. (2) The man on whom such a choice falls has no right to make any protest whatsoever against the infringement.

The right to choose from a number of girls who have reached their eighteenth year is also given to men.

The opportunity to choose a husband or wife is to be presented once a month.

The bureau of free love is autonomous.

Men between the ages of 19 and 50 have the right to choose from among the registered women, even without the consent of the latter, in the interests of the State.

Children who are the issue of these unions are to become the property of the State.

It appears that in the jurisdiction of that soviet "marriage," such as it is, is contracted to last but a month, and that at the end of a month either party may dissolve it at will, without cause or formality, by contracting another "marriage" for a month with another partner, and that this performance may be repeated ad infinitum once a month. Children resulting from such cohabitant state become the property of the State.

The decree states further that it has been based on the "Excellent example of similar decrees already issued at Luga, Kolpin, and other places." A similar proclamation of provisional rights in connection with the socialization of women in the city of Hvelinsk and vicinity has been published in the Local Gazette of the workers' and soldiers' deputies of Hvelinsk. That may be considered bad enough, but note the decree or code governing the soviet of Saratov! The Bolshevists of Vladimir, Luga, Kolpin, Hvelinsk, and so forth, are conservatives as compared with those of the city of Saratov. Saratov is the tenth largest city in Russia, with a population of 217,000. A decree, dated March 15, 1918, issued by the anarchists' soviet of Saratov, which was charged by Lenin and Trotski with the government of the city of Saratov and surrounding country, follows:

I ask that the extract be printed in the RECORD as a part of my remarks without reading. It is not fit to read in public.

The PRESIDING OFFICER (Mr. GERRY in the chair). Without objection, permission is granted.

The matter referred to is as follows:

This decree is proclaimed by the free association of anarchists in the town of Saratov. In compliance with the decision of the soviet of peasants and soldiers and workmen's deputies of Kronstadt, the abolition of the private possession of women.

Social inequalities and legitimate marriage having been a condition in the past which served as an instrument in the hands of the bourgeoisie, thanks to which all the best species of all the beautiful women have been the property of the bourgeoisie, have prevented the proper continuation of the human race. Such ponderous arguments have induced the present organization to edict the following decree:

1. From March 1 the right to possess women having reached the ages 17 to 32 is abolished.

2. The age of women shall be determined by birth certificate or passports or by the testimony of witnesses, and on failure to produce documents their age shall be determined by the black committee, who shall judge them according to appearance.

3. This decree does not affect women having five children.

4. The former owners may retain the right of using their wives without awaiting their turn.

5. In case of resistance of the husband he shall forfeit the right of the former paragraph.

6. All women according to this decree are exempted from private ownership and are proclaimed the property of the whole nation.

7. The distribution and management of the appropriated women in compliance with the decision of the above said organization are transferred to the Anarchist Saratov Club. In three days from the publication of this decree all women given by it to the use of the nation are obliged to present themselves to the given address and give the required information.

8. Before the black committee is formed for the realization of this decree, the citizens themselves shall be charged with such control. Remarks: Each citizen knowing a woman not submitting herself to the address under this decree is obliged to let it be known to the anarchist's club, giving the full address, full name, and father's name of the offending woman.

9. Male citizens have the right to use one woman not oftener than three times a week, for three hours, observing the rules specified below.

10. Each man wishing to use a piece of public property should be a bearer of certificate from the factories committee, professional union, or workmen's, soldiers', and peasants' council, certifying that he belongs to the working family class.

11. Every working member is obliged to discount 2 per cent from his earnings to the fund of general public action. Remarks: This committee in charge will put these discounting funds with the specifications of the names and lists into the State banks and other institutions, handing down these funds to the popular generation.

12. Male citizens not belonging to the working class in order to have the right equally with the proletariat are obliged to pay 100 rubles monthly into the public funds.

13. The local branch of the State bank is obliged to begin to reserve the payments to the national generation funds.

14. All women proclaimed by this decree to be national property will receive from the funds an allowance of 238 rubles a month.

15. All women who are pregnant are released of the direct State duties for four months, up to three months before and one month after childbirth.

16. Children born are given to an institution for training after they are 1 month old, where they are trained and educated until they are 17 years of age at the cost of the public funds.

17. In case of a birth of twins the mother is to receive a prize of 200 rubles.

18. All citizens, men and women, are obliged to watch carefully their health and to make each week an examination of urine and blood. Remark: The examinations are to be made daily at the laboratories of the popular generation health.

19. Those who are guilty of spreading venereal disease will be held responsible and severely punished.

20. Women having lost their health may apply to the Soviet for a pension.

21. The chief of anarchists will be in charge of perfecting the temporary arrangements and technical measures concerning the realization of this decree.

22. All those refusing to recognize and support this decree will be proclaimed sabotage, enemies of the people, and counter anarchists, and will be held to the severest responsibilities.

(Signed) COUNCIL OF THE CITY OF SARATOV, RUSSIA.

Mr. MYERS. Mr. President, could anything be more horrible and shocking? It is astounding and beyond comprehension that such a state of affairs can exist in the world of to-day, in any country which has ever claimed to be even semicivilized. It is shocking beyond expression to every sense of decency. It is worse than the practices of the most barbarous tribes of darkest Africa. Even among them a sort of mating of the sexes, a crude form of matrimony, is recognized and upheld. This beats the heathen. This is recognized, legalized, universal prostitution. It sinks to a lower depth than dumb brutes. Russia is a disgrace to the world. It is astounding that there are women in this country who uphold bolshevism and speak tolerantly of the Soviet Government of Russia. What are we to think of them?

As a result of this promiscuous intercourse of the sexes without pretense of mating or matrimony, commanded and sanctioned by law, no child is to know its parents. The identity of its father can never be known. At the tender age of 1 month all children are to be taken from their mothers and put in State foundling nurseries. They are to be kept there and supported by the State until 17 years of age, and then they are to be turned loose to shift for themselves—the boys to hunt jobs, the girls to fall into prostitution. In proof of this, I quote from an official decree, as follows:

The children born are given to an institution for training after they are 1 month old, where they are trained and educated until they are 17 years of age at the cost of the public funds.

Children thus torn from their mothers before they know the mothers are entered in State foundling nurseries and registered merely by numbers. They are to have no names. Even the names of the mothers are not to attach to them or be known. No child will ever know who was its father or mother.

They have utterly destroyed marriage, the home, the fireside, the family, the corner stones of all civilization, all society. They have undertaken to destroy what God created and ordained. They defy alike the will of God, the precepts of Christianity, the decrees of civilization, the customs of society. It is hard to realize that such things exist and are tolerated by the civilized world.

How the Soviet Government of Russia was established, after Lenin and Trotski and their hellish coconspirators had overthrown the very respectable Kerensky government and obtained control of Russia, is disclosed by the hearings of the subcommittee to which I have referred. I quote therefrom:

The dictatorship, utilizing Lettish troops and Chinese laborers, as well as to some extent German and Austrian prisoners and criminals discharged from the jails as its so-called Red Guard to enforce its decrees, promptly secured possession and control of:

(a) All arms and ammunition.

(b) Practically all foodstuffs and commodities essential to the maintenance of life.

(c) All clothing and household goods necessary for warmth and health.

(d) All gold, silver, and specie, including jewelry, ornaments, gold and silver plate.

This was accomplished by means of confiscation followed by the nationalization and monopolizing by the State of all commercial, industrial, and financial enterprises. Having secured possession of all of these instruments of physical and economic power and domination, this dictatorship was enabled to enforce the submission of most of the population to its will. The rank and file of the people of Russia had no other choice. They could not resist or oppose the Bolsheviki with force, as they were without firearms and without ammunition. They could not refuse to obey its dictates else they would be starved to death. They could not defy the dictators, as they would be left without raiment. They could not sustain life with money possessing an intrinsic value, for they had none, and thousands have been starved to death and murdered as a result of this régime.

Possessing, therefore, every instrument necessary for the exercise of the forcible persuasion of the populace, it became expedient to reinforce the dictatorship with an increased man power. Recognizing the state of the public mind, it was necessary to guard against betrayal by those who were drafted into the service of the State, and the most effective weapons selected to secure the faithful execution of the will of the dictators were fear, terrorism, and a system of hostages. By this system of hostages the relatives, family, and loved ones of the drafted subject were held as prisoners, their food supply, their clothing, even their lives depending upon the fidelity with which the dictatorship was supported and its orders executed.

Disfranchisement on a wholesale scale is practiced by the villains who are in control of Russia. Practically everybody who is not part and parcel of their devilish schemes is disfranchised from any participation or voice in the government under which they have to live. On that score I quote further from the hearings to which I have referred:

Having professed an adherence to the democratic form of government to assist in securing control of Russia, the Bolsheviki, in establishing its paper government, sought to maintain its dictatorship under color of a representative political system. A recognition of the democratic principle that all men are created equal, however, would have necessitated the equal participation of all citizens in the affairs of government. Such universal participation in political affairs would have made impossible a dictatorship of the minority, but would inherently have been a rule of the majority and have accomplished just what the dissolution of the constituent assembly was intended to prevent. The following of the bolshevik government being more numerous in the cities, and these by reason of their concentration within more restricted territorial limits being more readily led and dominated, it was prescribed by constitutional direction that representation from cities in the government should be five times as great as the representation from the provincial districts. In other words, representation from cities is in the ratio of 1 to every 25,000 of the population, while from the rural districts and the territory of the peasants, who constitute a large percentage of the Russian population, representation is 1 to every 125,000 of the population. Even this discrimination did not adequately safeguard the domination of the bolshevik minority. Disfranchisement of large groups of the population was necessary. By constitutional provision they denied the right to participate in the government and disfranchised the following classes:

(a) All persons employing others in connection with the conduct of their business.

(b) All persons receiving interest, rents, dividends, or an income from financial or industrial enterprises.

(c) All merchants, traders, and dealers.

(d) All clergymen, priests, and employees of churches and religious bodies.

(e) Certain persons connected with the Czar's government, persons mentally afflicted, and persons convicted of certain crimes against the bolshevik government.

Even with these restrictions upon suffrage, the bolshevik government has refused to undertake the election of a constituent assembly. The elections that are permitted are conducted under supervision of the Red Guard.

Local bodies or soviets that are not satisfactory to the dictatorship are removed, and in some instances so-called commissars or officials of unquestioned loyalty to the government are imported from the cities to govern the affairs of the political unit (the local soviet) sought to be dominated according to the bolshevik faith.

Confiscation, nothing more nor less than wholesale robbery by the robbers who constitute the Russian Government, has been practiced on a wholesale plan. On that score I quote further from the hearings:

Confiscation on a wholesale scale has been used as a means of undertaking to create and maintain tangible assets that could be used as the economic foundation upon which could be built the industrial and financial superstructure of the bolshevik State. By constitutional edict and by a series of decrees issued by the dictatorship all land, forests, and natural resources of Russia have been confiscated by the government in order that the bolshevik government may become the landlord of the entire population and exercise the control incident thereto. Where a man shall live and toil and till the soil is determined by the State and the right to determine the nature and extent of each man's domicile, and the power to compel the migration of the peasant from the locality of his birth or adoption, even to the extent of separating families as the population of the various communities expands or contracts, is exercised by the bolshevik government through the laws which it has decreed for the control of the people.

The alleged purpose of the seizure of land by the government was that the right to the land might be transferred to the rank and file of the people of Russia in order that the individual Russian peasant might become the unrestrained and unrestricted architect of his own future economic development, but the methods adopted by the Bolsheviki have merely transferred the landlordship from the large landowners, and in many instances from the peasant groups themselves, to the bolshevik government, and the present control by that government is not confined to the land itself, as was the control of the landowners under the old regime, but extends as well to the persons and even the tools, implements, and products of the peasants. The aged and infirm are deprived of all right to utilize and enjoy during their declining years the soil their efforts may have enriched, because their physical strength makes them powerless to perform all of the labor incident to its full cultivation. They thereupon become mere pensioners of the State. This system guarantees to the peasant only the present enjoyment of a given piece of land, and consequently only warrants him in so utilizing the beneficence of the State in according him the right to use the same as to insure the maximum present production to the exclusion of a scientific development that will inure to future advantage. In other words, an uncertain tenure is naturally accompanied by an exploitation rather than by a systematic development of the leasehold interest. Under this system the peasant can never become the owner of the land he tills or of any other land. To aid in the system and to establish a larger control of peasant activities by the government the principle of confiscation has also been invoked in the case of all live stock and all agricultural implements, and as a consequence these essential instruments of land cultivation, these chattels necessary to the production of both meat and vegetable foodstuffs, have become, without regard to the rights of former owners or the advantage to the individual of future ownership thereon, the property of the bolshevik government, and the only right thereto that the peasant can in the future acquire is a use upon such terms and conditions as the government may prescribe.

As may well be expected, there seems to be much difficulty in determining the manner in which this policy is being carried into actual operation, and it is apparent that only by the application of arbitrary methods can the already existing articles in these categories be made useful to any portion of the peasant population or be adequately protected and maintained so as to preserve their value. It is also interesting to contemplate, but dubious to predict, how meat-food products can under this system be maintained at a sufficient quantity to sustain life.

The thrift, industry, perseverance, and intelligence which has enabled a portion of the Russian people in the past to acquire and save money has also been penalized by the confiscation of all banks and banking institutions and their transformation into a state monopoly.

Confiscation under the milder term of nationalization has eliminated from all industrial establishments, such as factories, mills, and mines, the business acumen and scientific methods necessary to successful operation and competitive methods. The absolute control of their operation and management is placed in the hands of the employees. This has been followed by the stagnation of the industrial life of the country, and even those nationalized industries which have been able to operate under Government control have operated at an enormous percentage of loss, the deficiencies being met from the unlimited issue of fiat paper money printed by the Government. The nationalization of the enterprises essential to the production and delivery of raw materials has so handicapped their production as to restrict the quantity of raw materials available for the maintenance of industrial enterprises, and the whole economic condition of Russia has made it impossible to secure relief from foreign sources. These industrial conditions can only continue so long as the Government can succeed in monopolizing the means of subsistence, maintain an adequate military force to enforce the decrees of the dictatorship, and force the recognition of worthless fiat paper money as the basis of its financial system.

As the economic formula of the Bolsheviki prescribes the confiscation of the property rights of others, likewise it proclaims the doctrine of the repudiation of financial obligations, and the debts of Russia have been renounced. Repudiation is also invoked to secure the government against the incumbrances upon and liabilities of the property and assets of enterprises, land, and chattels seized by it under its confiscation program. This repudiation also aided materially in suppressing and exterminating the creditor class, which naturally constitutes a part of the element that the Bolsheviki are pleased to call the bourgeoisie, or capitalistic class, by depriving them of the right and ability to recover and utilize the earnings, savings, and accumulations of the past. As it affected them it was a form of confiscation. Repudiation is therefore a consistent accompaniment of confiscation and an essential element in the process of destruction. The financial condition of the dictatorship, however, required the adoption of some constructive policy that would finance it. It was necessary to maintain at least a color of legitimacy, an appearance of honest business methods, in supporting its so-called red army and in securing control of the articles necessary to sustain life. Further than that it was desirable to devise ways and means by which service in the red army and employment in nationalized enterprises might appear sufficiently attractive and at the same time give an appearance of prosperity to the government itself, in order that hope as well as fear might assist in maintaining the Bolshevik government. The policy adopted was the printing of unlimited amounts of fiat paper money unsecured by any reserve. This naturally furnished to the government a cash capital limited only by the capacity of the printing presses of the government, which in turn had been confiscated and nationalized. Already it is estimated that a sum in excess of 30,000,000,000 rubles has been put into circulation. This has created a ridiculously inflated circulating medium of no material value to the public, but of enforced value to the government.

Compulsory military service is ruthlessly enforced. I quote further:

Repudiating the doctrine of all radical revolutionary groups throughout the world that have claimed for the individual of all lands the right of conscientious objection for religious or other reason against the bearing of arms and the participation in armed conflicts, the Bolsheviki have adopted as the essential safeguard of their political fabric compulsory military service. As Prussianism found it essential to world domination by the autocracy of the Hohenzollerns, so bolshevism seized upon it as the mainstay that would weather its autocracy of the dictatorship through its campaign of confiscation and repudiation.

Courts of law have been abolished. On that score I quote:

All of the established courts and judicial institutions have been abolished and in their place have been created revolutionary tribunals. Under the dictatorship these new judicial tribunals disregard all laws that "contradict the revolutionary conception of right." In actual operation these revolutionary tribunals have tried and condemned men in their absence. No right to bail is recognized and the penalty imposed depends largely upon the caprice of the court. The death penalty, the reestablishment of which under the provisional government was vociferously denounced by the Bolsheviki, has been invoked for all sorts of crimes and misdemeanors. In fact, the procedure in the courts is a mere travesty on justice and most summary in its nature.

The existence of God is denied and religion has been banned. On that score I quote:

Every activity of the bolshevik government indicates clearly the antipathy of the Bolsheviki toward Christianity and the Christian religion. Its program is a direct challenge to that religion. The Christian church and bolshevism can not both survive the program that is being developed by the Russian dictatorship and which it is undertaking to extend throughout the world. Not only have they confiscated all church property, real and personal, but they have established the right of antireligious propaganda as a constitutionally recognized institution. Church and school have been divorced even to the extent of suppressing the Sunday school, and the teaching of all religious doctrines in public, either in schools or educational institutions of any kind, is expressly forbidden. Religion can only be taught or studied privately. All church and religious organizations are prohibited from owning property of any kind. All recognition of a Supreme Being in both governmental and judicial oaths is abolished. The clergy and all servants or employees of church bodies are expressly disfranchised and deprived of all right to hold public positions. The full significance of the attitude of the Bolsheviki toward Christianity is most fully manifested in the fact that, though by Russian custom and decree under the old régime every newspaper or periodical published on Easter Sunday in the Russian Empire was required to carry the headline, "Christ is risen," on Easter Sunday in 1918 all bolshevik papers substituted for this sacred sentiment the headline and slogan, "One hundred years ago to-day Karl Marx was born." Thus the issue has been framed between the gospel of Karl Marx and the teachings of Christ. We reiterate, therefore, that bolshevism and the Christian religion can not both survive.

All freedom of speech and freedom of the press has been abolished. I quote further:

The freedom of the press and of speech, though heralded by the advocates of bolshevism as necessary to the intelligent participation of the people in popular government, has been abrogated in Russia, and by the usual confiscatory method of the accepted formula all of the mechanical devices and materials necessary for the publication of periodicals and all places of meeting and public assemblage have been seized by the bolshevik government.

To make the control more complete and effective, the publication of all advertisements, whether in regularly published periodicals or on handbills or programs, is made a monopoly of the government. As a consequence the people of Russia are deprived of all facts, literature,

and public expression through the medium of the press or public meetings, except such as is approved by the dictatorship and has been passed by its censorship.

In summary the subcommittee in its report says of the character of the Russian Government:

The salient features which constitute the program of bolshevism as it exists to-day in Russia and is presented to the rest of the world as a panacea for all ills may be summarized as follows:

(1) The repudiation of democracy and the establishment of a dictatorship.
(2) The confiscation of all land and the improvements thereon.
(3) The confiscation of all forests and natural resources.
(4) The confiscation of all live stock and all agricultural implements.
(5) The confiscation of all banks and banking institutions and the establishment of a State monopoly of the banking business.
(6) The confiscation of all factories, mills, mines, and industrial institutions and the delivery of the control and operation thereof to the employees therein.
(7) The confiscation of all churches and all church property, real and personal.
(8) The confiscation of all newspapers and periodicals and all mechanical facilities and machinery used in the publication thereof.
(9) The seizure and confiscation of all public meeting places and assembly halls.
(10) The confiscation of all transportation and communication systems.
(11) The confiscation of the entire estate of all decedents.
(12) The monopolizing by the State of all advertisements of every nature, whether in newspapers, periodicals, handbills, or programs.
(13) The repudiation of all debts against the government and all obligation due the nonbolshevik elements of the population.
(14) The establishment of universal compulsory military service, regardless of religious scruples and conscientious objections.
(15) The establishment of universal compulsory labor.
(16) The abolition of the Sunday school and all other schools and institutions that teach religion.
(17) The absolute separation of churches and schools.
(18) The establishment through marriage and divorce laws of a method for the legalization of prostitution.
(19) The refusal to recognize the existence of God in its governmental and judicial proceedings.
(20) The conferring of the rights of citizenship on aliens without regard to length of residence or intelligence.
(21) The arming of all so-called "toilers," and the disarming of all persons that had succeeded in acquiring property.
(22) The discrimination in favor of residence of cities and against residents of the rural districts through giving residents of cities five times as much voting power as is accorded to residents of rural districts in such elections as are permitted.
(23) The disfranchisement of all persons employing any other person in connection with their business.
(24) The disfranchisement of all persons receiving rent, interest, or dividends.
(25) The disfranchisement of all merchants, traders, and commercial agents.
(26) The disfranchisement of all priests, clergymen, or employees of churches and religious bodies.
(27) The denial of the existence of any inalienable rights in the individual citizen.
(28) The establishment of a judicial system exercising autocratic power, convicting persons and imposing penalties in their absence, and without opportunity to be heard, and even adopting the death penalty for numerous crimes and misdemeanors.
(29) The inauguration of a reign of fear, terrorism, and violence.

This is the program that the revolutionary elements and the so-called "parlor Bolshevists" would have this country accept as a substitute for the Government of the United States, which recognizes that "all men are created equal," and that "life, liberty, and the pursuit of happiness" are the inalienable rights of all its citizens. This is the formula they would have adopted to supersede the Government which was established by all the people of the United States "in order to form a more perfect union, establish justice, insure domestic tranquillity," and "promote the general welfare." The mere recital of the program is a sufficient denunciation of it and of the individuals and groups which advocate and defend it.

Upon other phases of the Russian Government I quote further from the report of the subcommittee:

The apparent purpose of the bolshevik government is to make the Russian citizen, and especially the women and children, the wards and dependents of that government. Not satisfied with the degree of dependency incurred by the economic and industrial control assumed by its functionaries, it has destroyed the natural ambition and made impossible of accomplishment the moral obligation of the father to provide, care for, and adequately protect the child of his blood and the mother of that child against the misfortunes of orphanhood and widowhood. To accomplish this it has by decree expressly abolished and prohibited all right of inheritance, either by law or will. Upon death all of the decedent's estate is confiscated by the State, and all heirs who are physically incapable of working become pensioners of the State to the extent that the assets confiscated by the government make such pensions possible.

Insurance of all kinds has been nationalized, the assets of insurance companies confiscated, and the business of insuring life, property, accident, old age, and unemployment made a State monopoly. In the attempted liquidation of existing companies and associations the liquidating representatives of the government seem only concerned in securing possession and record of all of their assets and fail to recognize the propriety of accurately adjusting their liabilities. As a consequence, those insured and the beneficiaries under existing policies find themselves without the protection for which they have been paying premiums.

During modern times the effort of civilization has been directed to lifting mankind to the highest possible level of intelligence and social and material well-being in order to attain the highest degree of social equality between man and man. For the first time since the Dark Ages has an organized government undertaken to invoke a process of equalization by establishing as the basis of social equality the minimum rather than the maximum degree of existing educational, industrial, social, and moral efficiency, yet such is the policy of the bolshevik government. It recognizes that the psychology of even the most illiterate elements of the Russian people is such that it can not perpetuate this doctrine in practice unless the same reactionary methods of equalization are simultaneously destroying the social fabric, the efficiency, the individual initiative, the ambition, and the material prosperity of the people of all other nations, whose competition and accomplishments would necessarily result in odious and destructive comparisons. Not content, therefore, in fathering in Russia this retrograde method of establishing the equality of mankind on the basis of the lowest strata of society, it has undertaken to arouse in the United States and in all other countries resentment, rancor, and hatred against those elements of society which have, by reason of their aptitude, perseverance, industry, and thrift, attained that superior degree of intelligence and prosperity that has made possible the accomplishment of twentieth century civilization. The effort of progressing civilization has always been the uplifting of man to a higher and higher plane of living and a loftier place in society.

The activities of the Bolsheviki constitute a complete repudiation of modern civilization and the promulgation of the doctrine that the best attainment of the most backward member of society shall be the level at which mankind shall find its final and victorious goal. The pulling down of the progressive rather than the lifting up of the retrogressive is presented as the doctrine of their new kind of civilization. To carry this message to the uttermost parts of the earth they have appropriated enormous sums of money, and, incidentally, their process of equalization in Russia was promoted by the starvation which the funds thus expended might have been utilized to alleviate. Their messengers and their friends have afflicted this country and their new civilization has been represented as Utopian in its nature. Many well-disposed persons have been deceived into the belief that they were promoting a social welfare movement in advocating it. They have even given their substance that it might be perpetuated and extended. Yet, while these people who have been popularly called "parlor Bolshevists" are contributing to these bolshevik agents, these same agents are appealing to the hatred and the lowest instincts of the more ignorant elements of the population, reinforced by the criminally inclined, to whom the doctrine of confiscation furnished a form of legalized robbery and a means of livelihood without physical or mental effort, to rise en masse and destroy our civilization and the so-called bourgeoise, with whom, of course, must be classed these same "parlor Bolshevists" who are assisting by lending funds and respectability to the movement in bringing the temple down upon their own heads.

The report of the subcommittee is extensive and exhaustive and contains much more startling information and sheds much more light upon conditions in Russia and the activities of Bolshevists in this country, but I will not quote further from it.

As a result of these shocking conditions in Russia, the rule of the Soviet Government, a reign of terror exists there, accompanied by wholesale murder, robbery, arson, pillage, loot, rape, licentiousness, and every other form of lawlessness. Dr. George L. Simon, a very intelligent witness who had been in Russia, testified before the subcommittee, and being asked to estimate the number of persons who had been murdered by the Bolshevists, he replied that it was in the thousands, but that no man could even approximate the number of the victims. "The Bolsheviki never investigate; they kill on the spot, as a rule," he said. More people were killed in Petrograd in one week than were killed during the entire French Revolution.

As a result of this reign of terror and crime the people of Russia are starving by hundreds of thousands. Starvation and disease are rampant in all parts of Russia. The people are not producing enough to live on and want stalks everywhere. The population of Petrograd was formerly 2,000,000. It is now reported to be 700,000. The boasted Soviet Government, the rule of the "workers," is worse than a failure.

Much valuable information about the Soviet Government of Russia, based upon the hearings conducted by the subcommittee of the Senate Judiciary Committee and its report and upon other authentic sources of information, is contained in a valuable work, in pamphlet form, compiled by Mr. T. H. B. Patterson, of Toledo, and entitled "The White Slaver of the World." It is published by the Rights of Labor Association, at 409 Victoria Place, Toledo, Ohio, and sold at a nominal price. I am indebted to it for much information.

The time has come when we should use plain, unvarnished language, when naked facts should be stated. The time has come when the men and women of this country who are loyal should be told the plain truth about the Soviet Government of Russia, which is being eulogized and defended in this country and declared to be a better government than ours, even though the telling cause decency to falter and bring the blush of shame to those who tell and to those who hear or read.

This, in brief, is a description of the government which is daily being held up in this country as an example for us, and which is declared by some to be superior to our form of government. This is the character of government which some people in our midst would have established in this country. This is the government toward which some fairly respectable people in this country exhibit a lenient and tolerant feeling. This is the government of which there is some talk of recognition by this country. There are people in this country who declare our Government should recognize the Lenin and Trotski government of Russia as a reputable government, and that we should appoint an ambassador to it and receive an ambassador from it and with which we should, they say, conduct generally diplomatic negotiations and business, and to which we should extend full diplomatic recognition. That has been suggested by high authority in this country.

A year ago last December a public meeting was held at Poli's Theater, in this city, the Capital of this Nation, on a Sunday afternoon, at which speakers eulogized the Soviet Government of Russia and declared it a better government than our Government. A Member of Congress was present at that meeting and apparently in sympathy with its objects.

Recently at a largely attended public gathering, in a city some distance from here, I delivered an address on this theme, and in the course of my address I quoted extensively from the report of the aforementioned subcommittee of the Judiciary Committee of the United States Senate, about these things, as I have here, showing conclusively the nature of the Soviet Government of Russia. I stated then, as I have now, that the report was based on authentic proof, on the sworn testimony of witnesses who had been in Russia, and on duly certified documentary evidence; that it was, as it is, authentic, official, and duly accredited. I was followed by a distinguished speaker of widespread note, who began his address by saying:

I do wish we could learn the truth about Russia; some say one thing about it and others say differently; we get one report and it is contradicted; we get another report and it is contradicted; maybe some day we will get the truth.

To my mind it was apparent where his sympathies were.

A man named Martens has been in this country for many months representing this horrible government of Russia. His professed objects are to open negotiations with our Government, to create sympathy in this country for the Russian Soviet Government, to carry on propaganda for it. His suspected object, of which there is much evidence, is to scatter in this country the poisonous seeds of sedition and disloyalty, to raise all sorts of trouble, and to cause an uprising in this country. By order of the United States Senate his activities were recently investigated by a subcommittee of the Senate Committee on Foreign Relations.

At the hearing, which was conducted by the subcommittee in the course of its investigation, Martens testified or, more properly speaking, I would say he squirmed and adroitly endeavored to keep from giving any testimony. Apparently it was hard for the subcommittee to elicit much from him. He did, however, make many damaging admissions. He admitted that he was in close touch with and had attended and addressed secret meetings of the Communist Party of this country, known to be an anarchistic organization, having for its object the overthrow of this Government. There is plenty of evidence that Martens is and has been conducting extensive bolshevistic propaganda in this country, plotting and scheming with those who desire the overthrow of this Government, associating with anarchists, and generally scattering in this country seeds of sedition, disloyalty, and bolshevism.

I consider it an outrage that Martens has been allowed to remain in this country as long as he has. His presence here is an act of effrontery, an insult to the people of this country. In my opinion, he should have been long ago deported, and I think he should now be deported without delay or ado. If I had my way he would be given punishment much more severe than deportation. I think the least he merits is imprisonment at hard labor for life. Such creatures should be made to work instead of being allowed to scatter broadcast insidious poison. The Department of Justice started deportation proceedings against him, but I understand they are held up by the Department of Labor, and that meantime Martens has been by the last-named department released on his own recognizance.

I am not satisfied with the handling of the matter by the Department of Labor, but know of no remedy. I think it flagrant. I do not believe, however, Martens will be deported. I think the Department of Labor will permit him to remain here and brazenly continue his nefarious work. The despots of Russia are doing their best to spread their vile system of anarchy to the entire world. They boast of it. Their minions have invaded this fair country and their seed sown here is bearing fruit.

In the last few months 3,000 arrests of radical Reds, agitators, and undesirable aliens have been made by agents of the Department of Justice, with a view to their deportation. I have no doubt all of them are highly undesirable and are guilty of disloyal activities. I have no doubt this country would be better off if all of them were deported to the countries from which they came or tied in bags and dumped into the middle of the ocean. The Department of Justice claims to have adequate evidence against all of them and claims all of them are just subjects of deportation. A recent statement issued by the Department of Labor, which by an anomalous arrangement of law is given the power of passing judgment in deportation cases, shows that of the 3,000 persons arrested only 390 have been ordered deported, while 933 have been dismissed. The remainder doubtless are out on bail or have had their cases otherwise disposed of without any penalty. That less than 400 of 3,000 have been ordered deported, after months of investigation and resistance of the processes of the law, it seems to me is an unsatisfactory condition of affairs. That the Department of Justice would cause to be arrested twenty-six hundred people in a few months, with a view to their deportation, with no adequate evidence against them, is to me unbelievable. The Department of Justice gets the evidence before making arrests. There appears to be in the Department of Labor a marked reluctance to deport these disturbers of the Government which I think lamentable and alarming.

The activities of those who would undermine and overturn our Government are undoubtedly increasing. They appear to go on with little check or hindrance. In my opinion the country is honeycombed underneath the surface with the vicious activities of hydraheaded monsters and cunning plotters, who are scattering the poison of their malignant virus and working day and night for the overthrow of the best Government which the world has ever seen, where more liberty is given to the masses, more freedom to its citizens, more rights to its workingmen, more privileges to the whole populace than in any other Government under the sun. In my opinion this country is reeking and seething with the machinations of disloyalty, sedition, and bolshevism. Their proponents are becoming bold. They have defenders and sympathizers in high places.

What is the remedy? The Attorney General of the United States says there is not sufficient law to combat these conditions, to prevent their growth, to punish such deadly malefactors. He says the country is in need of more efficient and drastic laws to enable the Government to fight its insidious foes and preserve its safety. Very well; I say, then, let us enact more law. Let us have laws that are adequate and sufficiently drastic. Self-preservation is the first law of nature as applied to nations as well as individuals. Months ago the Senate passed a bill known as the Sterling sedition bill, to give the officials of the Government more power in suppressing and punishing sedition and disloyality, intended to save us from those in our midst who are, with safety to themselves, "boring from within." The House of Representatives has not yet passed that bill nor any other of its kind. I hope it may yet do so, but time is fleeting and the danger grows. What the Congress of the United States needs is some of the backbone evinced by the New York Legislature when it expelled from its membership five men who had been proven to the satisfaction of the legislature disloyal to their country. I honor the New York Legislature for its brave and patriotic act.

There is very much opposition to the enactment by Congress of the additional legislation upon this subject asked for by the Attorney General of the United States. It is opposed from many quarters. Some college professors, journalists, theorists, and exponents of the liberty which is license to say or do anything short of outright treason oppose it. High-brow Socialists and parlor Bolshevists oppose it. Some German-Americans and other hyphenated Americans oppose it. Colonies and bodies of foreign-born voters oppose it.

Unfortunately the leaders of organized labor generally oppose it. Why they should do so is beyond my comprehension. The proposed legislation is only aimed at those who advocate the overthrow of our Government by violence or force. It is not intended to suppress the opinions of peaceful, law-abiding citizens, be they workingmen or anybody else. Nevertheless Samuel Gompers has said this proposed legislation must not be enacted, nor anything like it, and I believe that probably ends it.

Mr. JONES of Washington. Mr. President——

The PRESIDING OFFICER (Mr. DIAL in the chair). Does the Senator from Montana yield to the Senator from Washington?

Mr. MYERS. I yield with pleasure.

Mr. JONES of Washington. Is the Senator aware of the fact that the Attorney General, before the House committee, opposed the bill which the Senate passed?

Mr. MYERS. I understand that the Attorney General opposed the Sterling sedition bill and favored the Davey sedition bill introduced in the House by Representative DAVEY, of Ohio. I understand the Attorney General says he thinks some of the provisions of the Sterling bill are rather too drastic and are objectionable, but that the Davey bill will furnish all the instrumentality of law which he needs to enforce the law in the matters upon which I have been speaking.

But the House has not passed either bill, and I do not believe it will pass either one, or any like bill on the subject. I would be satisfied with either the Davey bill or the Sterling bill. I want some law on the subject which will give the Attorney General the power which he says is needed, and I am not particular who is the author of it, nor what it is, so long as it betters the deplorable condition in which we now find ourselves.

It is said by some who oppose the proposed legislation that it would be a blow at liberty; that it would invade the right of free speech and the right of freedom of the press. I believe in liberty

and in freedom of speech and press, but I do not believe in that liberty or that freedom of speech or press which is license to advocate the overthrow by force or violence, plotting or scheming, of the best and freest Government ever established by man.

However, with this combined class opposition, with the very pronounced opposition of leaders of organized labor, and with the great masses of the American people lethargic and indifferent, I regard it exceedingly doubtful if the Attorney General of the United States will be given the power and the legislation which he says is necessary to protect this Government from its enemies within. The Congress of the United States is too subservient to the decrees of organized labor. Some people say we should placate these enemies of our Government, these disturbers of the peace, these radical agitators, and reds by giving them what they want and removing the cause of their unrest. Some people in high places advocate this. Well, that is one way of removing unrest. Of course, if a man is going to rob a bank you can keep him from robbing it by giving him all the money there is in the bank. That would temporarily remove the unrest of the would-be robber, but it would not give a very restful feeling to the depositors and stockholders of the bank. If a man wants possession of my house and home and threatens to burn it down and kill me unless he gets it, I can placate him by moving out and letting him move in. I suppose that would temporarily remove his unrest, but it would be paying a pretty high price for the cure. It would be pretty hard on me and my family. There has been too much yielding to the demands of this element. It was largely instrumental in procuring commutation of the death sentence of Tom Mooney, one of its number.

The truth is, for Bolshevism there is neither cause nor justification. It can not be remedied by human agencies. Bolshevism is simply hell in the hearts of men and women; it is hell in the hearts of people who are natural criminals. It can not be removed from their hearts by human means. The only effective eradicator of the seeds of Bolshevism in the hearts of people there can be is by act of God. What this country needs and what the world needs more than anything else is a great revival of religion. If men and women everywhere had in their hearts the spirit of the Savior of mankind, there would be no Bolshevism.

That, though, can not be brought about by legislation. However, legislation can, by gripping the situation and providing drastic laws for prevention and punishment, deter people from acts of Bolshevism, disloyalty, and sedition, and from teaching their vile doctrines, or punish them after committing such acts or teaching such doctrines, and thereby keep within the bounds of safety this criminal spirit. Many people are kept good only through fear of the law. Many a man would commit acts of robbery or other lawlessness if not deterred by fear of punishment at the hands of the law. Nobody but God can take out of a wicked man's heart the criminal instinct, but the law can prevent him from exercising it, or, as a deterrent to others, punish him if he does exercise it.

Congress should take hold of this situation firmly, without fear or favor. It can remedy it. The conditions of which I speak will continue and will increase unless our Government takes hold of them with a firm hand and adopts stern repressive measures for its own protection, especially the legislative branch of the Government. We whipped the redskins to obtain possession of this country, we whipped the Red Coats to achieve its independence, and we must not let the red-hearted and red-handed overthrow it. "Down the reds" has been our practice. It should now be our motto. These red malefactors and enemies of good government should be made to feel the stripes and see the stars—the stripes and stars of the glorious American flag.

Some of these insidious foes have wormed their way into the ranks of organized labor and are attempting to use labor as a means to their nefarious ends. Some of them are "boring from within" the ranks of organized labor. Undoubtedly some of them who profess to be friends of labor are continually endeavoring to foment strikes and all manner of industrial disturbances. They are using every specious pretext to mislead and prey upon the minds of workingmen. They are mingling among factory hands, miners, smelter men, and other industrial workers and poisoning their minds. They are doing everything they can to bring about continual increases of wages, shorter hours of labor, and curtailment of production, in the hope that that course may bring about industrial ruin and enable them to seize the industries of the country. Their object undoubtedly is to place on industry greater burdens than it can bear and cause a breakdown of industry, with resultant chaos, hoping at the time of such a crisis to seize the industries of the country and ultimately the Government. Seeds of dissatisfaction are continually sown among workingmen. Strikes, with or without cause, are encouraged.

According to the old common law of England, there was a criminal punishment known as peine et forte. It consisted of putting the victim in prison and placing him on his back, upon a stone floor, and then putting upon his breast, by means of iron or stones, all the weight he could bear and a little more, and keeping it there. The aim of some radical agitators, some of the red element, seems to be to put upon industry and upon the people of the country all the weight that can be borne and a little more, in hope of bringing about chaos and anarchy and thereby an opportunity to seize everything. Designing men seem to have spread everywhere the spirit of demand for exorbitant wages. I am told that last fall farmers in Virginia had to pay negro men $12 a day to cut corn. A friend of mine, who is a farmer in Missouri, recently told me that last summer he had to pay boys $6.50 a day to pile bundles of wheat for shocking. Recently I read an article in a newspaper which stated that two coal miners in Pennsylvania, in a workday of eight hours, had each earned $23.40. In my State farm laborers are getting $100 a month and board. Most farmers can not afford to pay it and are putting in only such crops as they can attend to without hired help, resulting in greatly decreased acreage.

This sort of thing can not go on without disaster. The farm production of the country will be greatly curtailed this year. This will inevitably increase still further the already high cost of living. Every strike curtails production some and increases a little the high cost of living. Every day workers are out on a strike helps to curtail production and increase the high cost of living. I know the greatly inflated condition of our currency and credits, which the Government appears to be making no effort to reduce, has much to do with the high cost of living and with our industrial unrest, and is a just cause of complaint, but the prevailing orgy of strikes and curtailment of production only makes matters worse, and, I think, is encouraged by some designing agitators for the purpose of making matters worse.

I know that many well-meaning and law-abiding workingmen are demanding increases of wages. Perhaps some of them should have some increase, when overly high wages paid to others are considered, but I believe that some of the demands, under cover, are instigated by designing men who are taking advantage of conditions and who have ulterior purposes, not good for workingmen, which would destroy government and society and benefit none save criminals such as now rule Russia. The avowed object of these men is to foment strike after strike until there is the one big union and the universal strike, resulting in the seizure of industry and the annihilation of all government.

One of these is William Z. Foster. He boasts of his object. Recently there was a country-wide strike of the steel workers of the country. Undoubtedly it was, in its origin, largely instigated by Foster and his coconspirators. Foster quickly appeared upon the surface as a leader and director of the strike. He had wormed himself into it in such a manner as to be one of its principal factors. This man Foster has written and published a book entitled "Syndicalism." In it he boldly sets forth his aims and his defiance of government and society. He tells what he is aiming at in all his agitation and promotion of strikes and industrial disturbance. I quote some passages from it:

> The wages system of robbery is responsible for the great extremes of poverty and wealth to be found in modern society. It has existed ever since the very beginning of industrialism and its effects grow worse daily. Every invention of a labor-saving device, by increasing the army of the unemployed and making the competition for jobs keener, enables the owners of the industries to more thoroughly exploit their slaves. Thus the wages system has the effect of making inventions of labor-saving devices curses to the bulk of society, instead of blessings as they should be.
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> The wages system is the most brazen and gigantic robbery ever perpetrated since the world began. So disastrous are its consequences on the vast armies of slaves within its toils that it is threatening the very existence of society. If society is even to be perpetuated—to say nothing of being organized upon an equitable basis—the wages system must be abolished. The thieves at present in control of the industries must be stripped of their booty, and society so reorganized that every individual shall have free access to the social means of production. This social reorganization will be a revolution. Only after such a revolution will the great inequalities of modern society disappear.
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> For years progressive workers have realized the necessity for this revolution. They have also realized that it must be brought about by the workers themselves.
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> The wages system has divided the immense bulk of society into two classes—the capitalist class and the working class. The interests of these two classes are radically opposed to each other. It is the interest of the capitalist class to rob the workers of as much of their product as possible and the interest of the workers to prevent this robbery as far as they can. A guerrilla warfare—known as the class struggle and evidenced by the many strikes, working class political eruptions, and the many acts of oppression committed by capitalists upon their workers—constantly goes on between these opposing classes. The capitalists, who are heartlessness and cupidity personified, being the dominant class of society and the shapers of its institutions, have organized the whole fabric of society with a view to keeping the working class in slavery. It is, therefore, evident that if the workers are to become free it must be through their own efforts and directly against those of the capitalists.
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> The syndicalist movement is a labor-union movement, which, in addition to fighting the every-day battles of the working class, intends to

overthrow capitalism and reorganize society in such a manner that exploitation of man by man through the wages system shall cease. The latter phase of this triple task—the establishment of a society worthy of the human race—is the real goal of syndicalism and the end for which all its efforts are finally spent. Consequently, an understanding of the manner in which the new society shall be organized is a matter of first importance to syndicalists and they have given it much thought.

At this early date, though many of the minor details of the organization plan of the new society can only be guessed at, many of its larger outlines are fairly clear. One of these is that there will be no State. The syndicalist sees in the State only an instrument of oppression and a bungling administrator of industry, and proposes to exclude it from the future society. He sees no need for any general supervising governmental body, and intends that the workers in each industry shall manage the affairs of their particular industry; the miners shall manage the mines; the railroaders manage the railroads, and so on through all the lines of human activity.

Just how the workers shall be organized to manage their industries has been a matter of much speculation. The current syndicalist theory is that the labor unions in the various industries will each take over the management of their particular industry; that "the fighting groups of to-day will be the producing and distributing groups of to-morrow."

In the future society the shop organizations will be perfectly autonomous—each automatically regulating its own affairs and requiring no interference from without. The producing force of society will be composed of autonomous units, each industry constituting a unit. The beginnings of this industrial autonomy are seen in the more highly monopolized industries of to-day. These industries are becoming automatic in their operation. Chance and arbitrary industrial dictatorship are being eliminated from them. The whole industrial process is becoming a matter of obeying facts and figures. In a monopolized industry the national demand for its product flows inevitably to it, and it regulates its production automatically to conform to this demand. In the future society all industries will be monopolized, and each will regulate its production according to the demands placed upon it by the rest of society. Their relations between the various industries will be simply the filling of each other's orders for commodities.

As the activities of the autonomous shop organizations will extend over all social production, including education, medicine, criminology, etc., there will be no need for a general supervising body to administer industry—be it the State or the labor unions. And as there will be no slave class in society and no ownership in the social means of livelihood, the State will have lost the only other reasons for its existence—the keeping of the working class in subjection and the regulation of the quarrels between the owners of the industries.

The question of the system for the division of the social product in the new society has not been the subject of much discussion by syndicalists. However, they very generally accept the anarchist formula: "From each according to his ability; to each according to his needs." They will abolish all ownership in the social means of livelihood and make them free for each to take what he needs.

They believe that when all are free to help themselves from the all-sufficing products of society they will no more misuse their opportunity than people now misuse the many enterprises under capitalism—streets, roads, bridges, libraries, parks, etc.—which are managed according to the anarchistic principle of each taking what he needs. The prevailing code of ethics will prevent would-be idlers from taking advantage of this system.

The syndicalist is characterized by the harmony that exists between his theories and his tactics. He realizes that the capitalist class is his mortal enemy; that it must be overthrown, the wages system abolished, and the new society he has outlined established if he is to live; and he is proceeding to the accomplishment of these tasks with unparalleled directness. He allows nothing to swerve him from his course and lead him in an indirection.

The syndicalist knows that capitalism is organized robbery, and he consistently considers and treats capitalists as thieves plying their trade. He knows they have no more "right" to the wealth they have amassed than a burglar has to his loot, and the idea of expropriating them without remuneration seems as natural to him as for the footpad's victim to take back his stolen property without paying the footpad for it. From long experience he has learned that the so-called legal and inalienable "rights" of man are but pretenses with which to deceive workingmen; that in reality "rights" are only enjoyed by those capable of enforcing them. He knows that in modern society, as in all ages, might is right, and that the capitalists hold the industries they have stolen and daily perpetrate the robbery of the wages system simply because they have the economic power to do so. He has fathomed the current system of ethics and morals, and knows them to be just so many auxiliaries to the capitalist class. Consequently, he has cast them aside and has placed his relations with the capitalists upon a basis of naked power.

In his choice of weapons to fight his capitalist enemies the syndicalist is no more careful to select those that are "fair," "just," or "civilized" than is a householder attacked in the night by a burglar. He knows he is engaged in a life and death struggle with an absolutely lawless and unscrupulous enemy, and considers his tactics only from the standpoint of their effectiveness. With him the end justifies the means. Whether his tactics be "legal" and "moral" or not does not concern him, so long as they are effective. He knows that the laws, as well as the current code of morals, are made by his mortal enemies, and considers himself about as much bound by them as a householder would himself by regulations regarding burglary adopted by an association of housebreakers. Consequently, he ignores them in so far as he is able and it suits his purposes. He proposes to develop, regardless of capitalist conceptions of "legality," "fairness," "right," etc., a greater power than his capitalist enemies have, and then to wrest from them by force the industries they have stolen from him by force and duplicity, and to put an end forever to the wages system. He proposes to bring about the revolution by the general strike.

By the term "general strike," used in a revolutionary sense, is meant the period of more or less general cessation of labor by the workers, during which period the workers, by disorganizing the mechanism of capitalist society, will expose its weakness and their own strength; whereupon, perceiving themselves possessed of the power to do so, they will seize control of the social means of production and proceed to operate them in their own interest, instead of in the interest of a handful of parasites, as heretofore. The general strike is the first stage of the revolution proper.

There is nothing strained or abnormal in the general strike theory, neither in the supposition that the workers can so disorganize capitalist society as to be able to seize the industries, nor in the supposition that they will do so once they realize they have the power. Both conclusions flow naturally from the everyday experiences of the workers.

The everyday tactics of the workers strongly indicate the truth of the conclusion that they will expropriate the capitalists as soon as they learn they have the power to do so. In their daily strikes they pit their strength against that of their employers and wring from them whatever concessions they can. They don't remain long content with these concessions, and as soon as they are able they proceed to win more. They are insatiable, and, when the general strike proves their ability to do so, they will have no scruples against expropriating the capitalists. This expropriation will seem the more natural to them then, as they will be fortified by the syndicalist conception that the capitalists are thieves and have no "right" to their property.

The partial strike of to-day, in which a comparatively few workers disorganize an industry and force concessions from their employers, is but a miniature of the general strike of the future, in which the whole working class will disorganize all the industries and force the whole capitalist class to give up its ownership of them.

Once the general strike is in active operation, the greatest obstacle to its success will be the armed forces of capitalism—soldiers, police, detectives, etc. This formidable force will be used energetically by the capitalists to break the general strike. The syndicalists have given much study to the problem presented by this force and have found the solution for it. Their proposed tactics are very different from those used by rebels in former revolutions. They are not going to mass themselves and allow themselves to be slaughtered by capitalism's trained murderers in the orthodox way. Theirs is a safer, more effective, and more modern method. They are going to defeat the armed forces by disorganizing and demoralizing them.

A fruitful source of this disorganization will be the extreme difficulty the armed forces will experience in securing supplies and transportation. Modern armies, to be effective, must have immense arsenals, powder works, and other industrial establishments behind them to furnish them their supplies of ammunition, arms, food, and clothing. They also must have the railroads constantly at their disposal for transportation. When the general strike has halted these industries the army will be stricken with paralysis.

Syndicalists in every country are already actively preparing this disorganization of the armed forces by carrying on a double educational campaign amongst the workers. On the one hand they are destroying their illusions about the sacredness of capitalist property and encouraging them to seize this property wherever they have the opportunity. On the other they are teaching working-class soldiers not to shoot their brothers and sisters who are in revolt, but, if need be, to shoot their own officers and to desert the army when the crucial moment arrives. This double propaganda of contempt for capitalist property "rights" and antimilitarism are inseparable from the propagation of the general strike.

In all probability the general strike, at least in its incipient stages, will follow the course that any number of modern great strikes have taken. Only a small part of the workers will be organized; this organized fraction, under some strong stimulus, will provoke a great strike; vast masses of unorganized workers, seeing an opportunity to better their conditions and caught in the general contagion of revolt, will join the strike, organizing themselves meanwhile; the strike will spread; society will be paralyzed; and the revolutionary workers, perceiving their power, will proceed to put an end to capitalism.

The success of the general strike does not necessitate the voluntary striking of every worker. Modern industry is so delicately adjusted and the division of labor so complete that if the bulk of the workers in a few of the so-called strategic industries—transportation, coal mining, steel making, etc.—quit work, the rest of the workers would be forced to do likewise through lack of materials and markets for their products. No doubt the workers forced to quit thus, who would be mostly unorganized, unskilled, and the oppressed of the oppressed, would readily fall in with the program of the revolutionists once the general strike was well under way.

The objection that universal preliminary organization is necessary to the success of the general strike is a shallow one. It serves as a convenient excuse for designing politicians and labor leaders to keep labor unions from striking.

The general strike will not be broken by the workers being starved into submission, as is often objected. The general strike will be so devastating in its effects that it can last only a few days, during which period, if need be, the workers, accustomed as they are to starvation, and sustained by the enthusiasm of the revolution, could live on the most meager rations. To get these rations, the syndicalists intend to confiscate, as far as possible, all provisions found in the cities. They will also encourage the numerous poor farmers, tenants, and agricultural wage workers to cast their fortunes with them, to revolt against the State, their landlords, and employers, and to seize the land they occupy. Until production is normally resumed, the syndicalists will trade to these farmers the amassed wealth of the cities for their foodstuffs. More than one revolution has been starved out by the farmers refusing to part with their products in exchange for worthless paper money. The syndicalists have learned this lesson well, and intend to give the farmers the substantial commodities they desire in exchange for their products. The Army will be so busy protecting capitalist property and so permeated with rebellion that it will be at once incapable and unwilling to prevent this method of provisioning the revolution.

The syndicalist is a possibilist. While attending the time he will be strong enough to dispossess his masters by the general strike, he carries on a continual guerrilla warfare with them, winning whatever concessions he can from them. In this daily warfare he uses a variety of tactics—chosen solely because of their effectiveness. Of these, the one most commonly used is the partial strike.

The syndicalist is opposed, on principle, to the partial strike, as he would much rather settle with capitalism by the general strike. But realizing the impossibility of accomplishing the general strike at present, owing to the uneducated and unorganized state of the working class, and knowing also that strikes offer the workers the best opportunities to secure this education and organization, he does the next best thing by provoking strikes wherever they have a reasonable chance for success. He makes these strikes as large, as revolutionary, and as nearly approaching his general strike idea as possible.

The result of this policy is that in countries where the syndicalist movement is strong strikes are taking on an extent and revolutionary character, and achieving a success unknown in countries with conservative labor movements.

A large portion of the syndicalists' success in their strikes is due to their energetic treatment of the strike breaker. According to syndicalist ethics, a poverty-stricken workingman, in his predicament, can do any-

thing save scab. He may beg, borrow, steal, starve, or commit suicide, and still retain the friendship and esteem of his fellow workers, but let him take the place of a striker and be immediately outlaws himself. He becomes so much vermin, to be ruthlessly exterminated. The French syndicalists are especially merciless toward scabs. They are making strike breaking such a dangerous profession that scabs are becoming pleasingly scarce and expensive. They literally hunt scabs as they would wild animals. This war on scabs is popularly known as "la chasse aux renards" (the fox chase).

The syndicalist is as "unscrupulous" in his choice of weapons to fight his everyday battles as for his final struggle with capitalism. He allows no considerations of "legality," religion, patriotism, "honor," "duty," etc., to stand in the way of his adoption of effective tactics. The only sentiment he knows is loyalty to the interests of the working class. He is in utter revolt against capitalism in all its phases. His lawless course often lands him in jail, but he is so fired by revolutionary enthusiasm that jails, or even death, have no terrors for him. He glories in martyrdom, consoling himself with the knowledge that he is a terror to his enemies, and that his movement, to-day sending chills along the spine of international capitalism, to-morrow will put an end to this monstrosity.

The syndicalist takes no cognizance of society. He is interested only in the welfare of the working class and consistently defends it. He leaves the rag-tag mass of parasites that make up the nonworking class part of society to look after their own interests. It is immaterial to him what becomes of them so long as the working class advances. He is not afraid of "turning the wheels of progress backward" in thus constantly confining himself to the interests of the working class, as he knows that by freeing the working class entirely he will give social development the greatest stimulus it has ever known.

The syndicalist is strictly an antistatist. He considers the State a meddling capitalist institution. He resists its tyrannical interference in his affairs as much as possible and proposes to exclude it from the future society. He is a radical opponent of "law and order," as he knows that for his unions to be "legal" in their tactics would be for them to become impotent. He recognizes no rights of the capitalists to their property, and is going to strip them of it, law or no law.

The syndicalist is a radical antipatriot. He is a true internationalist, knowing no country. He opposes patriotism because it creates feelings of nationalism among the workers of the various countries and prevents cooperation between them, and also because of the militarism it inevitably breeds. He views all forms of militarism with a deadly hatred, because he knows from bitter experience that the chief function of modern armies is to break strikes, and that wars of any kind are fatal to the labor movement. He depends solely on his labor unions for protection from foreign and domestic foes alike and proposes to put an end to war between the nations by having the workers in the belligerent countries go on a general strike and thus make it impossible to conduct wars.

The anarchist is an individualist. He is an antidemocrat, having a supreme contempt for majority rule. He opposes authoritarianism in all its manifestations. He is an inveterate enemy of the State and its laws, and would establish a society in which they will not exist. In his tactics he is a direct actionist.

Syndicalism has placed the anarchist movement upon a practical, effective basis. It has at once given it a clear-cut aim—the emancipation of the working class—and the most powerful organizations in modern society—the labor unions—to achieve this aim. Before the advent of syndicalism the anarchist movement confusedly and ineffectively appealed to all society and was destitute of organization. Like the socialist movement, the anarchist movement has also become possibilist.

I will not quote further from this seditious and dangerous publication. There is much more of it, but this is enough to show the character of it. This stuff is admitted to the United States mail and scattered broadcast over the country. The book is widely circulated. The harm it does among the ignorant and prejudiced is incalculable.

People who advocate this sort of thing should be dealt with by law, and if there is no law for it one should be supplied. It is a sad spectacle to see such a man as this man leading and directing a great strike. Foster was defeated in the steel strike, but he will plan and cause further strikes. He will come back. If allowed his liberty, he will continue his nefarious work. This man should be imprisoned at hard labor for life. If there be no law for it, one should be enacted. Unless the honest leaders of honest labor can be separated from the influence of such men, and unless such men can be dealt with as they deserve to be dealt with, the whole social and industrial fabric of this country is in grave danger.

I know the disposition of many excellent people and true Americans is to pooh-pooh at these things and at such warnings as I am giving. I see it almost daily. I hear people say: "Oh, the great majority of the American people are all right; the great body of our citizenship is loyal and truly American; the American people will take care of themselves; they will not permit anything of that kind to prevail; they will take hold of it when they get ready and throttle it; you can depend on the good sense of the American people; this will pass away; there is no danger; American institutions are not in danger; trust the people." That is what some people said about secession in 1861 and preceding years. That is what some people said about the threats of Germany to torpedo neutral vessels. That is what was said by people who opposed preparedness on our part when Germany threatened to defy us and to draw us into the great World War. Well-meaning people thus discourage action. They would lull the people into a sense of security when the world is afire with incendiarism and sparks have long been falling in this country and starting sporadic fires. The fire is amongst us. The danger is here. We should not be lulled into a false sense of security. When one is aroused from his slumber in the middle of the night by the sound of the fire gong, he might as well say, "Oh, the firemen will put out the fire; it will be attended to; there is no danger," and turn over and resume his slumber.

The people are asleep. They need to be aroused to action. There is need of preparedness and action. The trouble is that people who oppose preparedness and action in this grave danger are organized and have votes, and the one thing of which Congress most stands in awe is organized votes. Congress will quail before organizations controlling votes. The great masses of the people are not organized.

They divide their votes along political lines. Those who are Republicans generally vote the Republican ticket. Those who are Democrats generally vote the Democratic ticket. They are not organized and drilled to cast their votes in a block, regardless of party. Hence, who cares for them? They will vote according to party. They receive little consideration. In this respect both of the great political parties are alike. The chief end of each appears to be to get votes. "Get votes" seems to be their motto. In such matters as this, where threats are made by large bodies of organized voters, I would not give a pinch of snuff for the difference between the Democratic and Republican Parties. Each party bids for the organized vote, and so long as that unwholesome condition may prevail the people of the country will have no chance to register their judgment in such matters as that I am discussing. The people will have to awaken and by concerted action hold political parties and public men of both parties responsible to their concerted will before there can be any improvement.

Unless there is a marvelous awakening of the people I fear that in a very few years the industries of this country will be sovietized and then the next step would be to sovietize the Government, and then we would have in this country what there is to-day in Russia. There is in this country a wave of radicalism, encouraged by many well-meaning people, which is giving the reds and radical agitators a golden opportunity. If I can say or do anything to arouse the people I deem it my duty to do it, and shall do it regardless of consequences. I hope the people may take heed. I hope the Government in all of its branches may take heed and that there may be adequate and efficient action before it is too late to avert a great catastrophe.

Some may say I am an alarmist. Paul Revere was an alarmist. Patrick Henry was an alarmist. I am not a Paul Revere nor a Patrick Henry, but when there is danger some one must be an alarmist to prevent a catastrophe. The danger is here; it is around us, upon us. I hope some one may be sufficient of an alarmist to arouse the people and to arouse the Government to action and thus avert dire consequence. It is time for all good citizens of this country to stand together. If they do not stand together, undoubtedly they shall fall separately!

NAVAL APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13108) making appropriations for the naval service for the fiscal year ending June 30, 1921, and for other purposes.

The PRESIDING OFFICER (Mr. SHEPPARD in the chair). The question is on agreeing to the amendment proposed by the Senator from Massachusetts [Mr. LODGE].

The amendment was agreed to.

The PRESIDING OFFICER. The amendment of the committee, on page 5, which was passed over, will be stated.

The ASSISTANT SECRETARY. On page 5, in line 7, after "$30,000," insert:

Provided, That the Secretary of the Navy is directed to take possession of all properties within the naval petroleum reserves as are or may become vested in the United States; to conserve, develop, use, and operate the same in his discretion, directly or by contract, lease or otherwise, and to use, store, exchange, refine, sell, or otherwise dispose of the oil and gas products thereof, and those from all royalty oil, for the benefit of the United States: *And provided further*, That such sums as have been or may be turned into the Treasury of the United States from royalties on lands within the naval petroleum reserves prior to July 1, 1921, not to exceed $500,000, are hereby made available for this purpose until July 1, 1922: *Provided further*, That this appropriation shall be reimbursed from the proper appropriations on account of the oil and gas products from said properties used by the United States at such rate, not in excess of the market value of the oil, as the Secretary of the Navy may direct.

Mr. SMOOT. To that amendment I desire to offer the following amendment: On page 5, line 10, strike out the words "vested in the United States" and insert the following:

Subject to the control and use by the United States for naval purposes, and on which there are no pending claims or applications for permits or leases under the provisions of an act of Congress approved February 25, 1920, entitled "An act to provide for the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," or pending applications for United States patent under any law.

The words "vested in the United States" would take in all of the withdrawn lands not only within the naval reserves but the withdrawn lands of every kind and character. I am quite sure there is no objection to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. SMOOT. I also offer the following amendment to the amendment. On page 5, line 14, after the words "United States," insert the following additional proviso:

And provided further, That the rights of any claimant under said act of February 25, 1920, are not affected adversely thereby.

The amendment to the amendment was agreed to.

Mr. SMOOT. I offer a further amendment. On page 5, in the committee amendment, line 12, after the word "exchange," I move to insert the word "or," and strike out the word "refine," and in the same line to strike out the words "or otherwise disposed of," so that it would read:

To conserve, develop, use, and operate the same in his discretion, directly or by contract, lease or otherwise, and to use, store, exchange, or sell the oil and gas products thereof.

And so forth.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee as amended.

Mr. JONES of Washington. Before the amendment is agreed to, I want to just emphasize what has already been called to the attention of the Senate from time to time with reference to the oil situation. I remember that the Senator from California [Mr. PHELAN] quite a little while ago called very clearly to the attention of the Senate and of the country the very serious situation, especially concerning this country, in connection with the oil supply.

We hope to have developed an American merchant marine which will be commensurate with out wealth, our power, and our interest in the world trade. The success of that merchant marine and its maintenance depend very largely upon our fuel supply, and especially our oil supply. The Senator from California called attention to the control which is being secured over the oil supply of the world by the citizens of other nations, and I simply want to emphasize that at this time, in the hope that our administrative officers will look into the matter very carefully, and do anything and everything they possibly can to encourage our people to secure concessions and rights along these lines. They may be doing that now; I hope they are. If they are not, they ought to be doing it, and they ought to be looking at the situation with the idea of calling on Congress for any help or aid they think they ought to have through legislation.

I know that Congress is blamed for a great many sins of omission, as well as commission, but there are some things which must be initiated by the administration. There are facts which administrative officers must gather and acquaint themselves with in the administration of their duties, which Congress could not get except through the administrative officers, and legislation ought to be had many times which can be had only upon the suggestion or recommendation of the administrative officers. I trust that the administrative officers who are brought in contact with this situation will give it their very careful consideration, with a view to ascertaining whether there is any legislation they need in order to protect, so far as possible, the rights and interests of the country, not only in the present but in the future.

Mr. KING. Mr. President, will the Senator permit an inquiry?

Mr. JONES of Washington. Certainly.

Mr. KING. I did not hear all the Senator's statement. Does it carry the implication that the Government of the United States should encourage American citizens to secure oil concessions and the acquisition of oil properties in other countries, as Great Britain has encouraged her citizens? If so, then, of course, the duty would rest upon the Government to protect them where they have acquired, honestly and legitimately, oil lands. In Mexico some American citizens are the owners of oil lands; they have paid for them; they have developed them and made them productive. Nevertheless, in some instances such citizens have been assaulted, their representatives have been killed, they have been robbed, some of their property has been expropriated, and for many years there has been no disposition, apparently, upon the part of some executive officials to properly protect Americans who honestly and legitimately have acquired property in Mexico.

Diaz, as the Senator recalls, invited Americans to invest in Mexico. They went there; they spent their time, their energy, and millions and tens of millions of dollars of American capital, not for the purpose of exploiting Mexico or the Mexicans, but for the purpose of developing Mexico and advancing her interests and improving the condition of the Mexican people themselves.

Notwithstanding that fact, that they went there pursuant to the invitation of Mexico and in good faith spent their money, developed property, built smelters, opened mines, and plantations, built railroads, and did much for the material development of the country, their property, both real and personal, has been damaged or destroyed. Their mines and smelters have been closed down, their employees have been murdered, and thousands of them have been driven from Mexico.

I might say in passing that this condition has existed for many years—indeed, for more than 60 years. As a matter of fact, in the time of Andrew Jackson Americans who went there in good faith and tried to develop the country, under treaties existing between our country and Mexico, having a right to go there, were subjected to similar depredations and wrongs, perhaps not to the same extent, not differing perhaps in kind, but only in degree. The Mexican Governments and the Mexican people for more than three-quarters of a century have failed to respect at times American rights, rights secured by treaty but in behalf of American citizens as well as the Government of the United States itself.

If we expect American trade and commerce to be extended and American citizens to acquire oil concessions and oil properties in other countries, the United States must protect them and see that they are not despoiled of their property, that they are not murdered, and that their employees are not driven from the work in which they are engaged.

Mr. JONES of Washington. Mr. President, I agree fully with the Senator from Utah. We ought to see to it that Americans are protected in their rights in other countries, just as other Governments see that their citizens are protected and preserved in their rights and are treated fairly and justly under the laws of the country in which they are. As the Senator said, until we do that, of course we can not expect American citizens to go into other countries, initiate rights there, and put in their money and efforts to develop resources which may be of great benefit to our own country. They must feel assured that this Government will see that they are protected in their rights under the laws of the country to which they go.

Of course, I do not think we should make the laws for the country to which our citizens go, and our citizens should take into account, of course, the conditions in those various countries, but they should understand that behind them there is the Government of the United States to protect them in their rights wherever they may go. If we will just take a leaf out of Great Britain's book in that respect, we will not only protect our citizens in their rights, but we will gain the respect of the people of other nations.

Mr. PHELAN. Mr. President——

The PRESIDING OFFICER. Does the Senator yield to the Senator from California?

Mr. JONES of Washington. I yield to the Senator.

Mr. PHELAN. The Senator from Washington, in his position as chairman of the Committee on Commerce, has particular facilities for ascertaining the importance of oil for our merchant marine, and he doubtless agrees with me that it is vital for the success of the merchant marine that this country shall be in a position to command the necessary fuel oil.

But what are the conditions? To-day the United States, as the Senator is well aware, is consuming a great deal more oil than it is producing, and therefore it must look to other lands. As the Senator has observed, Great Britain has shown a great deal of foresight in looking after oil supplies in other lands. In the allotment of territory after the war she was very careful to make arrangements with Persia, and assumed, I believe, a mandate for Mesopotamia, where there are extensive oil properties. In other words, she is perhaps as much concerned in the production of oil as in the protection of the inhabitants.

The United States, as the Senator from Utah [Mr. KING] has just observed, has not given protection to the men of this country who have gone into foreign lands for the purposes of exploitation and development. A remedy or a way out has occurred to me, and I want to submit it to the Senator from Washington, the chairman of the Committee on Commerce, for his judgment.

For a long time the merchant marine was without support from the Government, and it languished. It was a constant political cry to restore the merchant marine, and it was not accomplished until, due to the exigencies of the war, the Government organized a corporation known as the Emergency Fleet Corporation, appropriating for its use large sums of money. Ships were constructed and put upon the seven seas, and the success has been phenominal. I will not say how much more

than $100,000,000 were earned last year by the Shipping Corporation. Our trade has been restored to the sea, and we are the dominant commercial power to-day.

As the Government did not in the past support the merchant marine by giving subsidies or otherwise to the ships, as it has not given aid and encouragement to the men who go to foreign lands, as Mexico, instanced by the Senator from Utah, why would it not be good policy to organize an oil-development corporation, incorporated by Congress, and provide it with funds? It has proved no loss to the Government in providing a fund for the Shipping Board, which is really a revolving fund, neither would it involve any loss to the Government should a corporation be formed for the purpose of going into other lands and developing oil and acquiring property. That is the alternative.

If the Government does not give charter and protection to individuals to successfully engage in such enterprises, why should it engage in the enterprise itself? There is no reason, because of the precedent of the Shipping Board, why we should not do such a thing. We can not, because gentlemen do not like municipal trading, as it is called, or the Government engage in business, see our merchant marine fail by reason of inability to get oil, and, furthermore, see our Navy fail in competition with the navies of the world by reason of its inability to get oil.

It may be distasteful to gentlemen to put the Government in business, but put it in another way. Great Britain does not act in the name of Great Britain. When she goes into Colombia, Mexico, and Mesopotamia she goes in the name of the Royal Dutch Shell Corporation. It is a perfect camouflage; it is Great Britain masquerading in the name of the Dutch. I am not criticizing Great Britain. I admire the foresight of the men who, at the helm of State, are steering the State so that her ships and her navy will be always provided with the essential fuel. But if Great Britain for some reason enters into the field under the name of the Royal Dutch Shell, why should not the United States enter into the field as long as individuals are apparently disqualified and lack equipment or protection? Why should not the United States, under an anonymous name, under a company, such as the Shipping Board, undertake this?

The French always call their corporations anonymous associations. It is more particularly, I suppose, to conceal the names of the men behind it, but here there is nothing to conceal. We would organize what would be a public corporation, as the Shipping Board is a public corporation, and the Government of the United States would be the sole owner of the stock, and in the name of that corporation it could sue and be sued, and enjoy such flexibility that it could manage its business. That is the reason why we have not created a department, that we have organized a fleet corporation where it could freely buy and sell without let or hindrance, giving it discretion, power, and means.

I have interrupted the Senator already too long, but I want to say that I submitted such a plan to the Secretary of the Interior within the week, and he politely replied that he would be very glad to cooperate. What he means by that I do not know. He said he would be very glad to cooperate in the suggestion of organizing a corporation to meet what I believe to be a vital and critical need for the welfare of this country, its Navy, and its merchant marine.

With the permission of the Senator from Washington, I ask unanimous consent to have printed in the RECORD my letter of April 21 to the Secretary of the Interior on the subject of the organization of a United States public corporation to take care of the oil interests of the country abroad and his answer thereto.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

A Federal oil corporation.

APRIL 21, 1920.

Hon. JOHN BARTON PAYNE,
Secretary of the Interior.

MY DEAR MR. SECRETARY: The oil situation to-day is substantially as follows:

That while the United States is the greatest producer of oil, it is consuming more than it produces. Its stocks are being diminished rapidly. In the State of California foreigners can organize corporations and acquire the oil lands and properties of the State without let or hindrance.

The Royal Dutch Shell, and other agents, have already acquired valuable holdings there, and, I understand, in Texas and Oklahoma. Now, the Royal Dutch Shell is, I am credibly informed, controlled by the British Government. That is to say, the British Government is for its uses, naval and maritime, acquiring the control of the oil lands and production of the world.

I beg to call your attention to the report of Mr. Van Manning, Director of the Bureau of Mines.

American and other foreigners are barred by England, for instance, in her possessions and protectorates, and furthermore our Government has never encouraged exploitation and exploration in foreign territory which, in view of the facts, is probably a mistaken policy.

If we are not prepared to back up our nationals in the world field, it has occurred to me that there is but one thing to do, and that is to organize a corporation on the lines of the Shipping Board and properly finance it so that this Government can secure, by or through exploration and exploitation, purchase, or lease, oil properties outside the territory of the United States.

I have in mind the preparation of a bill of this kind and desire by this letter to advise you of it in advance, seeking at the same time, in the public interest, your valuable suggestions and, perhaps, cooperation. Your experience in the Emergency Fleet Corporation will doubtless confirm my view that such a corporation as I propose is practicable. The serious situation which confronts the country is my justification for trespassing upon your time.

Yours, very truly, JAMES D. PHELAN.

THE SECRETARY OF THE INTERIOR,
Washington, April 22, 1920.

Hon. JAMES D. PHELAN,
United States Senate.

MY DEAR SENATOR PHELAN: Acknowledging your kind letter of the 21st re the oil situation, I will be glad, indeed, to cooperate with you along the line of your suggestions.

My kindest personal regards.

Cordially, yours, JOHN BARTON PAYNE.

Mr. JONES of Washington. Mr. President, I am not prepared at this time to pass upon the merits of the suggestion of the Senator from California, but I am prepared to say that I have reached a point where I am willing to support any proposition that will insure or tend to insure an adequate merchant marine for this country. I believe that the matter of oil for fuel is extremely important, almost vital, as the Senator said. If it is necessary that the Government, through a corporation or otherwise, should put forth activities toward the securing of oil concessions and the development of oil lands, I will support it.

It is my judgment that Great Britain is not acting so much through governmental agencies, either camouflaged or otherwise, as she is through her private citizens. I think possibly largely, as the Senator from Utah [Mr. KING] suggested, when the British subject goes to a foreign country to live there and to invest in property and engage in business, he knows that his Government is behind him for the protection of his rights, and he has no hesitation in investing his money and in developing industries under that condition.

Furthermore, there may be this difference between our country and Great Britain. There is no serious question made in Great Britain as to an official of the Government engaging in private activities with which he may be officially connected; and yet in this country we think it heinous for a shipping man for instance to be interested in the Shipping Board or connected officially with the Shipping Board. We put an express provision in our statute that a man interested in the shipping industry should not be a member of the board. We seem to want to get men to run it who are just as little informed about the business as we possibly can find.

What is the British policy in that respect? As an example, it was shown in the testimony taken before the committee investigating the merchant marine situation that many of the officials of the great shipping syndicates of Great Britain are members of Parliament, who have to do with legislation under which they operate and work. Why? I think it is because they made shipping one of the great national essentials, and they are willing to do whatever is necessary to maintain it and upbuild it. So it is with reference to the oil development and oil concessions and the acquirement of oil properties throughout the country.

I have not any doubt, and I am going to read a statement about it directly, that possibly the British Government, as a Government, is behind some of the oil companies. It will not hesitate a moment to get behind those companies if they deem it necessary in order to secure ample oil for the future. It probably has not done it in many cases, because it was not necessary, and yet it is true that it gives to its private people every possible encouragement and every possible incentive to develop along these lines.

I simply rose to emphasize the situation as it is developed throughout the world, and especially with reference to Great Britain. As the Senator said, I am not finding fault with Great

Britain; I admire Great Britain for what she is doing, how she stands behind her citizens, how she stands behind her industries, and I would like, as I said awhile ago, to take a leaf out of her book. Let us stand behind our people as she stands behind hers. Let us encourage our people as she encourages hers. Let us do what is necessary for our interests as she does whatever is necessary for her interests.

I have here a clipping from the Public Ledger of Philadelphia under date of April 9, dated at London, a special cable dispatch:

Writing in the Times, Sir E. Mackay Edgar, in explaining Great Britain's control of the oil resources of the world, says that within a few years the United States will be paying British oil interests $1,000,000,000 annually for oil for the American Navy and for American home consumption.

With the exception of Mexico and to a lesser extent of Central America, the outer world is securely barricaded against an American invasion in force, he said. There may be small, isolated sallies, but there can never by a massed attack. The British position is impregnable.

If our administrative officers, if our State Department, who should know more about this situation than we can know or than anyone else in the country can know, are satisfied that the only way we can protect our interests in the acquirement of oil concessions and in securing oil to meet our future needs, is through a corporation or company, as suggested by the Senator from California, it seems to me that it is the duty of those administrative officers to say so, and to recommend to Congress legislation along those lines. If they will come to Congress and do that, I, for one, will stand by them.

Mr. KING. Will the Senator permit an interruption right there?

Mr. JONES of Washington. Yes; although I had not expected to take so much time.

Mr. KING. I will wait until the Senator concludes the article and then I will propound the question.

Mr. JONES of Washington. It is rather lengthy, and the Senator can proceed.

Mr. KING. Very well. I have thought for some time, particularly in view of the information which the Senator from California [Mr. PHELAN] furnished to the Senate several months ago, that it is the duty of the Navy Department of the Government to acquire oil lands for naval purposes and uses in remote parts of the earth where our fleet will be called, and I should be glad to see an appropriation made, to be placed in the hands of the President, for the purpose of acquiring oil lands in those countries to which our fleet may go and when oil might be needed for our Navy.

I should be very glad if the Committee on Naval Affairs would consider that question, or if some other committee of the Senate would take up the matter. If it is not done I shall offer an amendment to the pending bill or introduce an independent bill, so that the whole subject may be considered by the Senate.

Mr. JONES of Washington. I would welcome something along that line, but I want to emphasize the statement I made. I am not criticizing the administration or the department, but it seems to me that, they being more familiar with the details of the needs and the difficulties that they face, it is their duty to recommend to Congress what they think ought to be done. We can not know these facts and the details except as we get them in a general way. They run right up against them in the conduct of their affairs.

Just as the Senator from Utah [Mr. KING] has said, the Secretary of the Navy and the officials of the Navy know exactly what are the needs of the Navy; they know the difficulties that they have in supplying those needs; they know the facts at the different points of the compass in the world that we do not know, and about the only way that we can get the information is that they call them to our attention and make recommendations to us, based upon their knowledge of the situation and the facts.

Reading further from this article:

Sir Mackay declares that all known oil fields and all likely or probable oil fields outside the United States are in British hands or under British management or control or financed by British capital.

"We shall have to wait a few years before the full advantages of the situation shall begin to be reaped," he said, "but that that harvest eventually will be a great one there can be no manner of doubt. To the tune of many millions of pounds a year America before very long will have to purchase from British companies and to pay for in dollar currency in progressively increasing proportion the oil she can not do without and is no longer able to furnish from her own store. I estimate that, if their present curve of consumption, especially of high-grade products, is maintained, Americans in 10 years will be under the necessity of importing 500,000,000 barrels of oil yearly at $2 a barrel, a very low figure, and that means an annual payment of $1,000,000,000 per annum, most, if not all, of which will find its way into British pockets. If there are pessimists left in the United Kingdom, I confidently invite them to put that in their pipes and smoke it."

And, Mr. President, in this connection I desire to suggest that now is the time for us to begin to lay our plans to meet any such situation as that. There are different ways by which we can meet it.

Mr. WATSON. Mr. President, does the Senator understand that the Mexican oil fields are in control of the British?

Mr. JONES of Washington. No; I do not understand that they are entirely so.

Mr. WATSON. The all-sweeping declaration the Senator has read would lead one to conclude that such was the case.

Mr. JONES of Washington. No; just preceding that statement—probably the Senator from Indiana did not notice it—I think he says that, outside of Mexico and one other field, the British practically control the oil of all the world.

However, what I want to suggest is this: This is the time for us to unshackle ourselves so that we can do whatever we think along different lines will be for the protection of our interests. We may in a few years be dependent upon the British Empire for oil, as Sir Mackay Edgar says; but, Mr. President, they are dependent upon us in this country for many things, and we ought to prepare ourselves so that we can use their needs to secure just treatment in the satisfaction of our needs. There ought to be some reciprocity in these matters to our advantage as well as to theirs. Concessions ought not to go always from this country to other people; and we are in a position, in my judgment, to insist that when we make concessions along certain lines or when our needs must be supplied from other countries we shall also get concessions because of needs of theirs which we must meet.

There are treaties now that prevent us from doing what we ought to do for ourselves and for our own interests. Those treaties ought to be abrogated, so that we shall be in a position to look after our own interests. Our administrative officers—and I am not saying that they are not doing it—ought to see to it when advantages and concessions are secured by other countries, especially along commercial lines, that we also get concessions and advantages for our benefit.

Mr. PHELAN. Mr. President, will the Senator allow me to interrupt him?

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from California.

Mr. JONES of Washington. I yield.

Mr. PHELAN. The Senator has observed that the United States has been asked to take the mandate for Armenia?

Mr. JONES of Washington. I hope we shall not get the League of Nations up to-day.

Mr. PHELAN. I will spare the Senator, because I was about to observe that if we had a representative in that body we might make terms, but now——

Mr. JONES of Washington. We do not have to have such a representative. I can not yield to the Senator for that, because I do not want to go into its discussion. However, Mr. President, we have administrative representatives and diplomatic agents abroad who can look after the interests of this country, and it is not necessary to make the excuse that we need some representative on the council of the League of Nations to deal with mandatories or anything like that to look after the interests of this country, and the Senator from California knows that as well as I do.

UNITED STATES GOVERNMENT ON QUI VIVE.

That this view is not exaggerated is indicated by the fact that four departments of the American Government—War, Navy, State, and Commerce—have instructed their representatives throughout the world to watch all oil developments with the greatest care and report to Washington fully.

Mr. President, I am glad that that has been done. What use is being made of these reports? This is right in line with what I suggested a while ago, that they get information which we can not get unless they give it to us. If there is information which they have secured or that they shall secure, that shows the need of action by Congress, it is their duty to come to Congress and tell us what they want and then ask us to enact the legislation.

Mr. SMOOT. We are locking the stable door after the horse is stolen.

Mr. JONES of Washington. The quotation continues:

During the last week several important conferences have taken place both in Paris and London, between American officials, when the oil situation was discussed because of the persistent reports that British interests are about to close big oil deals in Mexico and Peru with companies now operating there or owning concessions.

Mr. President, if there are companies and corporations, for instance, in Peru, that hold great oil concessions there, why is not our Government trying to get similar concessions or to get an interest in them? If they need authority, if they need legislation that is important to enable them to do so, let them ask Congress and the authority will be granted.

If this deal goes through, Britain's control of the oil resources of the world will be equal to a strangle hold.

"Apart from Mexico," Sir Mackay Edgar continues, "it is almost a case of the British first and the rest of the world nowhere. I should say that two-thirds of the improved fields of Central and South America are in British hands. In Guatemala, Honduras, Nicaragua, Costa Rica, Panama, Colombia, Venezuela, and Ecuador a decisive and really overwhelming majority of the petroleum concessions are held by British subjects. They will be developed by British capital."

Why is it, Mr. President, that American citizens can not get oil concessions in South American countries? In my judgment, they can if our Government will take the proper steps, diplomatic and otherwise, with those countries. Quoting further:

EXTENT OF BRITISH CONTROL.

The Alves group, whose holdings encircle practically two-thirds of the Caribbean Sea, is wholly British, working under arrangements which insure that perpetual control of its undertakings shall remain in British hands. No American citizen and no American group has acquired or ever could acquire any such position in Central America as that which enterprise and personality have secured for Mr. Alves.

I believe, Mr. President, that we have men in this country who have just as fine personality and just as much enterprise as has any British subject or citizen, and, with the encouragement that our Government ought to give them, I believe we could accomplish just as much as the British citizens have accomplished.

Or, take again that greatest of all oil organizations, the Shell group. It owns exclusive or controls interests in every important oil field in the world, including the United States, Russia, Mexico, the Dutch East Indies, Roumania, Egypt, Venezuela, Trinidad, India, Ceylon, the Malay States, North and South China, Siam, the Straits Settlements, and the Philippines.

It looks to me as though we ought to be able to have some little control at least over the Philippines and the interests of the United States there.

Mr. PHELAN. Mr. President, as the Senator knows, there is to-day no law which prevents a foreigner from acquiring all the oil lands in Texas, Oklahoma, and California. The Shell oil interests have actually purchased valuable property in California, known as Coalinga, and other properties, and are acquiring our own oil as well as the oil of the world.

Mr. JONES of Washington. Certainly; that is what Sir Edgar says.

Mr. PHELAN. There is no power in Congress to stop it; it must be done by the States.

Mr. JONES of Washington. Then, the States ought to act.

Mr. PHELAN. I have urged in my State that action be taken to limit the power of foreigners to organize corporations and acquire lands and mineral properties. The legislature will not meet, however, for eight months, and in the meantime our entire oil investment in California may pass into foreign hands.

Mr. JONES of Washington. I have not looked into this phase of the subject to any considerable extent, but I am inclined to believe that in a matter of this kind, which is of such vital importance to the Nation as a nation, the Government could, at any rate, control the sending out from this country of this vital necessity. We could, if necessary, condemn it, as the Senator from Pennsylvania [Mr. KNOX] suggests. I am satisfied that we could do that. I have some other facts here which I wish to lay before the Senate in a moment, but I desired to call attention to or suggest the consideration of the question, at any rate, of an embargo upon the exportation of oil from this country, in order to preserve and maintain for the future our supply of that which is so necessary in national undertakings.

Mr. PHELAN. Mr. President, the Senator will recall that I introduced an amendment to the oil-leasing bill when it was before this body giving the President the power to impose an embargo upon the exportation of all oil. It was considered at that time dangerous because it might excite retaliation; but I could not see then, nor do I see now, why there is any danger of that kind, and, if there is, it is insignificant in the face of the greater danger of losing all our oil.

Mr. SMOOT. Mr. President, will the Senator from Washington allow me to interrupt him for a moment?

Mr. JONES of Washington. I yield.

Mr. SMOOT. In answer to the Senator from California, I wish to say that the mere suggestion upon the part of Congress to place an embargo on the exportation of American oil did bring retaliation. The question has been discussed many times in Congress, and, outside of the war power, I take it for granted many Congressmen have already decided that such action would be unconstitutional; that there is no power granted by the Constitution for Congress to place an embargo upon the exportation of the products of the different States.

Mr. PHELAN. Except as a war power?

Mr. SMOOT. Except as a war power.

Now, Mr. President, I wish to say to the Senator that the Senate did put in the oil-leasing bill a provision giving the President of the United States certain control over oil produced upon the public domain—that is, upon public lands and reservations in the United States—but it was impossible to affect the privately owned lands. The great bulk, however, of the oil lands in the United States are on lands within reservations. We did put what I consider a power in the hands of the President that would have acted as a deterrent, at least, to foreign investors controlling the oil produced in this country, for, as the Senator will remember, we struck out the House provision and put in the provision to which I have referred. When, however, the bill reached conference, the Senate conferees had to yield and agree to the House provision, and the provision I am about to read is what resulted from our endeavors:

And provided further, That citizens of another country, the laws, customs, or regulations of which deny similar or like privileges to citizens or corporations of this country, shall not, by stock ownership, stock holding, or stock control, own any interest in any lease acquired under the provisions of this act.

That is what we obtained in the effort to control the oil of this country. That provision, however, does not affect England; she is exempt from its provisions, because she does not impose restriction upon citizens of the United States owning stock in companies in British possessions.

Mr. PHELAN. Mr. President, I think the Senator is in error in that respect. I do not think that any foreigner can own more than one-fourth of the shares of a British corporation operating in foreign lands.

Mr. SMOOT. I think in the case of one of the British dependencies there is a provision of law to that effect, but the laws of Great Britain, and the laws of most of her dependencies, make no mention of the subject at all. We recognized that, in order to accomplish anything whatever, we had to prevent the English oil interests from obtaining a foothold in the United States, for if such a foothold were acquired, and British interests should grow in the future as they have grown elsewhere in the last few years, they would control a great percentage of the oil produced in this country.

Mr. PHELAN. Mr. President, for the Senator's information, I am also informed—in fact, I know from a communication I have received from the State Department in answer to one of my own—that in the Orient, where English law controls, as in Hongkong, all foreigners have been eliminated from the British service in any capacity where there is superintendency or control. No longer can a foreigner serve a British corporation in any such capacity. A great many Americans have complained that, without fault of their own or complaint by their employers as to their efficiency or honesty or capability, they are summarily dismissed because they are Americans; and so Great Britain is going into the world now to protect her interests, or the interests of her nationals, even in matters of employment.

Mr. SMOOT. The American people ought to realize the fact that a British subject has every advantage in the world over an American citizen in investing in foreign lands. Wherever a Britisher goes, no matter in what part of the earth he invests, the British Government stands back of him and protects him in that investment, just as it has done with investors in Mexico in the past four years. Britishers were not murdered in Mexico, as Americans have been. Their interests were protected, as far as it was possible for what government there was in Mexico to protect them; and whenever any outrage was committed against a British subject or his interest in Mexico an apology was immediately made and the matter was righted. Not so with the American citizen; and it seems to me that that is one reason why a British subject to-day is willing to risk his money in hunting for oil anywhere in the world; because he feels that his investment is safe, for when an Englishman invests his money in a foreign land the British Government is back of him, and sees that his money is protected and all the interests that he may have in a foreign land.

Mr. PHELAN. Mr. President, one word. The Senator, then, will agree with me that he is in error when he says that Great Britain does not discriminate against foreigners.

Mr. SMOOT. That is not a discrimination against foreigners. That is just protecting her own citizens, which America ought to do.

Mr. PHELAN. If they deny Americans, for instance, the right to own stock in their corporations, and look to their dismissal from service in which they have distinguished themselves for British corporations, it is certainly a discrimination against Americans, as it is a discrimination against all foreigners.

Mr. SMOOT. Then, if that is the case, the provision in the oil-leasing bill would apply to England.

Mr. PHELAN. It certainly does, I think.

Mr. SMOOT. Then British subjects, in the language of that act, could not—

By stock ownership, stock holding, or stock control own any interest in any lease acquired under the provisions of this act.

I recognize the fact, as I said before, that that applies only to oil produced on reservations and upon Government-owned lands. As to privately owned lands, of course, there is no law and, in my opinion, there could be no law that would prevent it.

Mr. PHELAN. Lest there be confusion, it is understood that the law the Senator has just read applies only to acquisitions on the public domain?

Mr. SMOOT. Yes.

Mr. JONES of Washington. Mr. President, with reference to the suggestion about an embargo, I looked into this matter somewhat in connection with the merchant marine bill that our committee is preparing. I felt very much like trying to have inserted in that bill a provision authorizing the President to issue an embargo, in case he deemed it necessary, with reference to oil. We were rather forced, however, to the conclusion which the Senator from Utah has just stated, that probably in time of peace that would be unconstitutional; that we could not invest him with that power. I am not absolutely sure of that. It does seem to me that where the interests of the Nation are so vitally concerned, where the very life of the Government itself is at stake, as well as the interests of individuals, we can find the power somewhere, even along that line; but I do not think we need to be driven to an embargo proposition.

Mr. SMOOT. Mr. President, at the time when the potash situation was so threatened, when Germany undertook to control the potash fields of this country, I thought it was proper to introduce a bill placing an embargo upon the shipment of all potash from this country. I had that bill referred to the Department of Justice for an opinion, and the opinion that was given at that time was that under the Constitution it could not be done.

Mr. EDGE. Mr. President——

Mr. JONES of Washington. Of course, the Department of Justice sometimes is in error on legal propositions, just as other legal experts sometimes commit errors.

Mr. EDGE. Mr. President, I was going to ask the Senator from Washington if he does not think perhaps it would be more conducive to proper protection if we would not consider so much placing an embargo on exportation in this trade, but rather prepare in every possible way to protect American interests in other countries in order to increase the supply there, particularly in Mexico, where American interests for many years have had no protection, with the result that the oil supply from Mexico has been greatly reduced.

Mr. JONES of Washington. I have affirmed that two or three times during the discussion to-day, and other Senators have taken the same position; and I think there is hardly anybody on the floor who does not stand for a position of that kind.

I do believe, Mr. President, that it will not be very long until we have a tariff bill passed by Congress under which provision will be made for the proper protection of the interests of this Government, and a method provided under which, when we make certain concessions, we will also receive concessions that are of benefit to us; and I believe that in that way we can pretty well take care of the oil situation, if it is not cared for in any other way.

But, continuing with this interview:

Sir Mackay stated that the most important development of the week was the Washington report that the United States Government was alarmed by the oil situation.

"That is not a new discovery," he writes. "Oil men of the United States have been aware of the situation for a good deal more than a year, but Congress and the country have slumbered. The average man was vaguely aware that America was a huge oil tank, and never being troubled by any scarcity of motor spirits, has taken it for granted that oil was as inexhaustible a product as apples. Unhappily for him, but happily for us, his eyes have been opened too late."

It may be too late for us to get direct possession of oil resources or of a supply of oil throughout the country, but Great Britain and the other nations of the world are not absolutely independent of the United States. They must have many things that we alone can furnish them, and that is—well, call it a club if you want to—that is a club that we have in our hands, and I am in favor of using it.

Now, Mr. President, I want to call attention to the production of oil in the country since 1913.

The crude petroleum production in 1913 was, in round numbers, 248,000,000 barrels.

In 1914 it was 265,000,000 barrels.

In 1915, 281,000,000 barrels.

In 1916, 300,000,000 barrels.

In 1917, 335,000,000 barrels, of a value of $522,000,000.

But, Mr. President, in 1918 we exported from this country, sent abroad to other countries, took from our own supply for the future and preserved for the future supply of their country, refined oil of the value of $289,000,000, or one-half the total value of all the crude petroleum produced in this country in 1917.

Mr. President, it seems to me that those simple facts should make us study and see what we can do with reference to keeping at home the supply we have for the future. It is something, of course, to have this product in the world trade at the present time; but, Mr. President, we must look to the future as well as the present, and if we exhaust our own supply now it will cost us far more in the future to make it up.

Mr. President, in this morning's Post I find an article headed:

French fear grip of oil combines. Nation's serious situation is revealed in warm debate by deputies. Seek to control imports—

And so forth. I shall not take the time to read this article, but I ask that it may be printed in the RECORD as a part of my remarks.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

[From the Washington Post of Wednesday, Apr. 28, 1920.]

FRENCH FEAR GRIP OF OIL COMBINES—NATION'S SERIOUS SITUATION IS REVEALED IN WARM DEBATE BY DEPUTIES—SEEK TO CONTROL IMPORTS—SPEECHES REVEAL VIRTUAL ULTIMATUM TO UNITED STATES DURING THE WAR—DEAL WITH STANDARD CO. ASSAILED.

(By Laurence Hills. Special cable to the Washington Post and New York Sun-Herald.)

PARIS, *April 27.*

Developments in the San Remo conference and elsewhere showing that oil is steadily becoming an increasingly important factor in world politics provoked a debate in the French Chamber of Deputies regarding France's position in the face of this new weapon.

The charge was made by several deputies that France, without her own supply of oil, is at the mercy of a private oil pool of 10 French firms affiliated with two "oil mastodons" which control the world's oil supply—the Standard Oil Co. and the Royal Dutch Co., the latter being controlled by the English trust, in which it has been reported the British Government is buying an interest.

BROUGHT UP IN BUDGET.

The oil question is brought up in an article of the new budget which would give the Government control of the sale and distribution of oil in France, but not its importation, which it was charged, would be again in the hands of the oil pool.

A demand by Socialist deputies for Government control of importation, as well, led to the declaration by the Government that if this were adopted the trusts would refuse to deliver their products. The Government announced, however, that its experts would start immediately studying ways to "free the nation from the grip of foreign oil companies," and added that oil is now being sought in the French colonial possessions of Algeria, Madagascar, and Indo-China, and a little had been found already at some places.

The debate brought out that oil was becoming more important than coal and that the French supply was only a tenth of the nation's needs. The gravity of France's situation was emphasized in heated debate when it was disclosed that Clemenceau in December, 1917, cabled a virtual ultimatum to President Wilson demanding that America send oil to France immediately. The appeal had to be renewed two weeks later, it was charged, after Andre Tardieu, then French high commissioner to the United States, who had been negotiating with the Standard and Royal Dutch companies, complained of secret maneuvers to prevent him from buying oil.

ACCUSES FRENCH POOL.

M. Barthe charged that the French oil pool had inspired these maneuvers and that their profits a year ago were 50 per cent of their capitalization. M. Tardieu confirmed the fact that he had met with resistance from the refiners.

M. Barthe charged that the budget proposed by M. Francois-Marsal, minister of finance, would deliver France to the American oil trust. In answer to the direct question whether it was impossible for the Government to buy oil from the Standard and Royal Dutch companies and fix the price, the finance minister said it was not utterly impossible but that one of these two companies would probably refuse the Government oil. It was intimated that the Government had information which it could not make public concerning this situation, and at its request this article in the budget was postponed.

WAR PROFIT REALIZED.

During the war the Government did the importing under the allied economic pool arrangement and realized a profit despite the attempt to sell at cost, which is now adduced as showing how the oil trusts are again to profit through the control of oil importation.

Commenting on the debate, Humanite, the Socialist organ, credits the socialists with having exposed the Standard Oil trick and prevented the adoption of the Government's proposal, which now goes over for further debate.

Mr. JONES of Washington. I just want to call attention, however, to this statement, which refers to the debate in the French Chamber of Deputies:

The debate brought out that oil was becoming more important than coal and that the French supply was only a tenth of the nation's needs. The gravity of France's situation was emphasized in heated debate when it was disclosed that Clemenceau in December, 1917, cabled a virtual ultimatum to President Wilson demanding that America send oil to France immediately. The appeal had to be renewed two weeks later, it was charged, after Andre Tardieu, then French high commissioner to the United States, who had been negotiating with the Standard and Royal Dutch companies, complained of secret maneuvers to prevent him from buying oil.

Mr. President, if we can not control these great corporations, that would really endanger the safety of the world in order to promote their own welfare and their own interests, then, indeed, have we come to a dangerous pass. I believe that the Government has the power, somewhere and somehow, to do it.

Mr. KING. Mr. President, I am compelled to leave the Chamber for a few moments on official business. I have an amendment which I intended to offer to the bill. It authorizes the President of the United States to make an investigation with a view to acquiring oil lands in other countries for the use of the Navy. Upon further consideration I have determined not to offer that amendment, but I offer the following resolution and ask that it be read and lie upon the table. To-morrow morning I shall invite the attention of the Senate to it and ask for its adoption.

The VICE PRESIDENT. The Secretary will read the resolution.

The resolution (S. Res. 354) was read, as follows:

Resolved, That the Secretary of the Navy be directed to report to the Senate whether or not it is necessary or would be advantageous for the United States to acquire oil lands in foreign countries for naval purposes; and if so, what steps should be taken to acquire such lands.

The VICE PRESIDENT. The resolution will lie on the table. The question is on the committee amendment on page 5 as amended.

The amendment as amended was agreed to.

The VICE PRESIDENT. The Secretary will state the next amendment passed over.

The ASSISTANT SECRETARY. On page 5, line 6, after the word "assistants," insert the words "at Washington, D. C., and elsewhere."

The amendment was agreed to.

The ASSISTANT SECRETARY. On the same page, line 7, strike out "$30,000" and insert in lieu thereof "$50,000."

The amendment was agreed to.

The VICE PRESIDENT. The bill is in Committee of the Whole and open to further amendment.

Mr. SWANSON. Mr. President, I desire to offer an amendment to an amendment which was adopted yesterday. Yesterday there was offered and adopted an amendment to give officers and enlisted men in the Navy six months' pay as a gratuity, as is provided for in the Army, in cases of death from wounds, and so forth, in the military service, not the result of their own misconduct. We left out the word "nurses." The Army act included nurses, and it seems to me that the nurses in the Navy should have the same privilege as the enlisted men. The department called my attention to it.

Mr. SMOOT. Let the amendment be stated, Mr. President.

Mr. SWANSON. In the amendment we adopted yesterday there is given to the estate of a man who dies from wounds in the naval service six months' pay, the same as is given in the Army. The word "nurse" was left out. I ask unanimous consent that the word "nurse" be inserted. It was an oversight when the department sent it in.

Mr. LODGE. It should go in.

The VICE PRESIDENT. If there is no objection, the vote whereby the amendment was agreed to will be reconsidered. The Secretary will state the amendment of the Senator from Virginia to the amendment.

The ASSISTANT SECRETARY. On page 32, in the amendment to follow line 13, insert the words "or nurse" after the words "enlisted man," so as to make the amendment read:

That hereafter, immediately upon official notification of the death from wounds or disease, not the result of his own misconduct, of any officer, enlisted man, or nurse on the active list of the Regular Navy or Regular Marine Corps, or on the retired list when on active duty, the Paymaster General of the Navy shall cause to be paid to the widow, and if there be no widow to the child or children, and if there be no widow or child to any other dependent relative of such officer, enlisted man, or nurse previously designated by him, an amount equal to six months' pay at the rate received by such officer, enlisted man, or nurse at the date of his or her death. The Secretary of the Navy shall establish regulations requiring each officer and enlisted man or nurse having no wife or child to designate the proper dependent relative to whom this amount shall be paid in case of his death. Said amount shall be paid from funds appropriated for the pay of the Navy and Marine Corps: *Provided*, That nothing in this section or in other existing legislation shall be construed as making the provisions of this section applicable to officers or enlisted men of any forces of the Navy of the United States other than those of the Regular Navy and Marine Corps, and nothing in this section shall be construed to apply in commissioned grades to any officers except those holding permanent or provisional appointments in the Regular Navy or Marine Corps.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. SWANSON. Mr. President, I offer the following amendment.

The VICE PRESIDENT. The Secretary will state the amendment.

The ASSISTANT SECRETARY. Under "Pay of the Navy," on page 32, insert the following proviso:

Provided, That the Superintendent of the Coast and Geodetic Survey shall have the rank, pay, and emoluments of a captain in the Navy, and that hereafter he shall be appointed by the President, by and with the advice and consent of the Senate, from the list of commissioned officers of the Coast and Geodetic Survey not below the rank of commander for a term of four years, and he may be reappointed for further periods of four years each.

The amendment was agreed to.

Mr. CALDER. Mr. President, a moment ago the Senator from Virginia [Mr. SWANSON] offered an amendment to include nurses in the amendment adopted by the Senate yesterday in relation to the six months' allowance for enlisted men and officers who die in service. The same provision is carried for the enlisted men in the Army, and I have an amendment adding a proviso to the amendment adopted yesterday, to include enlisted men in the Coast Guard Service. If it is in order, I offer it as a proviso to the amendment adopted yesterday.

The VICE PRESIDENT. The vote by which the amendment was agreed to will have to be reconsidered.

Mr. CALDER. I move that the vote be reconsidered for the purpose of adding the proviso which I send to the desk.

The motion to reconsider was agreed to.

The VICE PRESIDENT. The Secretary will state the amendment to the amendment.

The ASSISTANT SECRETARY. Add at the end of the amendment the following proviso:

Provided, That the provision of this section shall apply to the officers and enlisted men of the Coast Guard, and the Secretary of the Treasury will cause payment to be made accordingly.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. KING. I offer the following amendment, Mr. President.

The VICE PRESIDENT. The Secretary will state the amendment.

The ASSISTANT SECRETARY. Add a new section at the end of the bill, as follows:

SEC. —. The President may, in his discretion, direct the sale in such manner, at such price, not less than the original cost price, and upon such terms as he may deem proper, of torpedo-boat destroyers, built for the prosecution of the war, not to exceed 50 in number. All moneys received from the sale of said vessels shall be deposited by the Secretary of the Navy in the Treasury.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Utah.

Mr. THOMAS. I should like to have some explanation of the amendment.

Mr. KING. Mr. President, as I understand the facts, we have more than 250 of the boats of the character described in the amendment. The greater portion of them are unnecessary. They are in the docks, unmanned and unneeded, many of them rusting and suffering material deterioration. There is a market for some of these boats. England is selling some of hers of the same character, I am advised. There was talk a few weeks ago of the United States selling some of the boats of this type, and it is alleged that there was objection made, or intimation of objection, by some of the South American Republics to a disposition by the United States of these boats. But thereupon Great Britain began disposing of the same type boats to South American Republics.

Mr. McCORMICK. Will the Senator yield for a question?

Mr. KING. Certainly.

Mr. McCORMICK. To what sale by Great Britain to South American Republics does the Senator allude?

Mr. KING. My information is that sales were made to Argentina, if not to Brazil, of a number of torpedo-boat destroyers.

Mr. McCORMICK. Does not the Senator refer to the transfer of a number of ships under the British flag to Chile?

Mr. KING. No; I do not have that in mind, although I am familiar with the statements respecting that matter. But, Mr. President, my information is that the United States have a large number of these torpedo-boat destroyers which are not necessary. They are rapidly becoming unfit for service and will within a comparatively short time be junked. The announcement merely authorizes the President to make disposition of not exceeding 50 in number of these unnecessary boats. Of course, he would not dispose of them unless it met with the approval of the naval authorities, the naval strategists, and those who are familiar with the subject and charged with the naval defense of our country.

This amendment is in the interest of the Navy. We are advised that the only way to maintain a navy in proper form, to keep it up to the highest standard of efficiency, is to get rid of all obsolete types of boats and any not required, to keep a proper balance and relation. England has scrapped hundreds of war vessels. It has been said that the German ships sunk at Scapa Flow were of no particular value, though they cost millions. The types of war vessels rapidly change. We should dispose of the old types—those not necessary for a properly balanced war fleet. My information is that we have absolutely no use for

many of the torpedo-boat destroyers and that they can be sold for cost, if we will act promptly. I might add that under continuing contracts made during the war we are receiving torpedo-boat destroyers, several being added to the Navy each month.

Mr. LODGE. Mr. President, we have had no recommendation from the department whatever, no suggestion of it from the department, so far as I know, and it seems to me that with almost no knowledge of the situation—except that we have a very large number of torpedo-boat destroyers, owing to that being the ship chiefly demanded in the war—to enter on it by a general provision at the end of the bill is not the way to deal with a matter of such importance. If it is thought well for the Secretary to do it, he is certain to let us know, and then he could get the authority very easily. This, of course, is a change in general law, because the Secretary has no authority to sell the ships of the United States, and I think it had better go over. I make the point of order that the amendment is general legislation.

Mr. KING. Will the Senator withhold his point of order just a moment?

Mr. LODGE. I will withhold it.

Mr. KING. I am entirely willing, if it meets the approval of the chairman of the committee, to have the amendment agreed to with the understanding that in conference, if the Secretary of the Navy or other naval authorities do not deem it wise, proper, and necessary, the conferees may disagree.

Mr. LODGE. I do not see how we can make an agreement of that sort with the House conferees. We can not possibly bind them, and it seems to me wiser to let the amendment go over. We shall have another bill in December, and I think it is much wiser to let it go over until we get the recommendation of the department.

Mr. KING. I appreciate that it is subject to a point of order. Of course, if the Senator insists upon it, I have nothing further to say; but I am sure that an investigation will reveal the fact that we have more of these boats than are necessary, and that we ought to dispose of them, and dispose of them now.

The VICE PRESIDENT. The point of order is sustained.

Mr. THOMAS. Mr. President, I move to strike out that part of the bill beginning with line 3, on page 55, down to and including the word "and," in line 15, and upon that I ask for the yeas and nays.

The VICE PRESIDENT. The Secretary will state the amendment.

The ASSISTANT SECRETARY. On page 55, line 3, strike out that line and all down to and including the word "and" in line 15 in the following words:

That no part of the appropriations made in this act shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person having charge of the work of any employee of the United States Government while making or causing to be made with a stop watch or other time-measuring device a time study of any job of any such employee between the starting and completion thereof, or of the movements of any such employee while engaged upon such work; nor shall any part of the appropriations made in this act be available to pay any premiums or bonus or cash reward to any employee in addition to his regular wages, except for suggestions resulting in improvements or economy in the operation of any Government plant and

The VICE PRESIDENT. On this amendment the Senator from Colorado asks for the yeas and nays.

The yeas and nays were ordered, and the Reading Clerk proceeded to call the roll.

Mr. EDGE (when his name was called). I have a pair with the Senator from Oklahoma [Mr. OWEN], and in his absence I withhold my vote. If permitted to vote, I would vote "yea."

Mr. MYERS (when his name was called). I observe that the Senator from Connecticut [Mr. MCLEAN], with whom I have a pair, is not present. I transfer my pair to the Senator from Tennessee [Mr. SHIELDS] and vote "yea."

Mr. NEW (when his name was called). I am paired with the Senator from Arizona [Mr. SMITH]. Not knowing how he would vote on this proposition, I withhold my vote.

Mr. SIMMONS (when his name was called). I have a general pair with the junior Senator from Minnesota [Mr. KELLOGG]. I transfer my pair to the Senator from Kentucky [Mr. STANLEY] and vote "nay."

While I am on my feet I wish to announce that the senior Senator from South Carolina [Mr. SMITH] is detained from the Senate on official business.

Mr. THOMAS (when his name was called). I transfer my general pair with the senior Senator from North Dakota [Mr. MCCUMBER] to the junior Senator from Utah [Mr. KING] and vote "yea."

Mr. TRAMMELL (when his name was called). I have a general pair with the Senator from Rhode Island [Mr. COLT]. I transfer that pair to the Senator from Texas [Mr. CULBERSON] and vote "nay."

Mr. UNDERWOOD (when his name was called). I transfer my general pair with the junior Senator from Ohio [Mr. HARDING] to the junior Senator from Mississippi [Mr. HARRISON] and vote "yea."

The roll call was concluded.

Mr. KENDRICK. I have a general pair with the Senator from New Mexico [Mr. FALL], which I transfer to the Senator from Nebraska [Mr. HITCHCOCK] and vote "nay."

Mr. MCCORMICK (after having voted in the negative). I ask if the junior Senator from Nevada [Mr. HENDERSON] has voted?

The VICE PRESIDENT. He has not.

Mr. MCCORMICK. I have a standing pair with the junior Senator from Nevada and therefore withdraw my vote.

Mr. GLASS. I have a general pair with the senior Senator from Illinois [Mr. SHERMAN], which I transfer to the Senator from Missouri [Mr. REED] and vote "nay."

Mr. LODGE (after having voted in the negative). I observe that my pair, the Senator from Georgia [Mr. SMITH], is not present. I transfer my pair with that Senator to the Senator from Washington [Mr. POINDEXTER] and allow my vote to stand.

Mr. NEW. I transfer my pair with the senior Senator from Arizona [Mr. SMITH] to the senior Senator from Kansas [Mr. CURTIS] and vote "yea."

Mr. SUTHERLAND (after having voted in the negative). I have a general pair with the senior Senator from Kentucky [Mr. BECKHAM]. He is absent and I therefore withdraw my vote. If permitted to vote, I would vote "nay."

Mr. ASHURST. I rise to announce that my colleague, the junior Senator from Arizona [Mr. SMITH], is unavoidably detained, and if present he would vote "nay."

The roll call resulted—yeas 8, nays 33, as follows:

YEAS—8.

Brandegee	New	Thomas	Wadsworth
Myers	Phipps	Underwood	Warren

NAYS—33.

Ashurst	Hale	McNary	Sheppard
Calder	Harris	Nelson	Simmons
Capper	Jones, Wash.	Nugent	Smith, Md.
Chamberlain	Kendrick	Overman	Swanson
Dial	Keyes	Page	Trammell
Dillingham	Knox	Phelan	Walsh, Mass.
France	Lenroot	Pittman	
Gerry	Lodge	Pomerene	
Glass	McKellar	Ransdell	

NOT VOTING—55.

Ball	Gay	La Follette	Smith, Ariz.
Beckham	Gore	McCormick	Smith, Ga.
Borah	Gronna	McCumber	Smith, S. C.
Colt	Harding	McLean	Smoot
Comer	Harrison	Moses	Spencer
Culberson	Henderson	Newberry	Stanley
Cummins	Hitchcock	Norris	Sterling
Curtis	Johnson, Calif.	Owen	Sutherland
Edge	Johnson, S. Dak.	Penrose	Townsend
Elkins	Jones, N. Mex.	Poindexter	Walsh, Mont.
Fall	Kellogg	Reed	Watson
Fernald	Kenyon	Robinson	Williams
Fletcher	King	Sherman	Wolcott
Frelinghuysen	Kirby	Shields	

The VICE PRESIDENT. On the amendment of the Senator from Colorado [Mr. THOMAS], the yeas are 8 and the nays are 33. There is not a quorum voting. Let the roll be called for a quorum.

The Reading Clerk called the roll, and the following Senators answered to their names:

Ashurst	Harris	Nelson	Smith, Ga.
Brandegee	Jones, Wash.	New	Smith, Md.
Capper	Kendrick	Nugent	Smoot
Chamberlain	Keyes	Overman	Sterling
Curtis	Knox	Page	Sutherland
Dial	Lenroot	Phelan	Swanson
Dillingham	Lodge	Phipps	Thomas
Edge	McCormick	Pittman	Trammell
Gerry	McKellar	Pomerene	Underwood
Glass	McNary	Sheppard	Walsh, Mass.
Hale	Myers	Simmons	Warren

The VICE PRESIDENT. Forty-four Senators have answered to the roll call. There is not a quorum present. The roll of absentees will be called.

The Reading Clerk called the names of the absent Senators.

Mr. COMER, Mr. CALDER, Mr. GRONNA, Mr. GAY, and Mr. WADSWORTH entered the Chamber and answered to their names.

The VICE PRESIDENT. Forty-nine Senators have answered to the roll call. There is a quorum present. The Secretary will call the roll on the amendment of the Senator from Colorado [Mr. THOMAS].

The Reading Clerk proceeded to call the roll.

Mr. EDGE (when his name was called). Making the same announcement as previously, I withhold my vote.

Mr. KENDRICK (when his name was called). Making the same announcement as to the transfer of my pair which I previously made, I vote "nay."

Mr. MYERS (when his name was called). Making the same announcement of the transfer of my pair as I did on the last vote, I vote "yea."

Mr. NEW (when his name was called). I am paired for the day with the senior Senator from Arizona [Mr. SMITH]. Being unable to obtain a transfer of my pair, and not knowing how that Senator if present would vote, I withhold my vote.

Mr. STERLING (when his name was called). I have a general pair with the Senator from South Carolina [Mr. SMITH]. In his absence, I withhold my vote.

Mr. SUTHERLAND (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. BECKHAM]. He being absent, I am unable to vote. If permitted to vote, I should vote "nay."

Mr. THOMAS (when his name was called). Making the same announcement concerning my pair and its transfer as heretofore, I vote "yea."

Mr. TRAMMELL (when his name was called). I transfer my pair with the senior Senator from Rhode Island [Mr. COLT] to the senior Senator from Texas [Mr. CULBERSON] and vote "nay."

Mr. UNDERWOOD (when his name was called). Making the same announcement with reference to my pair that I made a few moments ago, I vote "yea."

The roll call was concluded.

Mr. McCORMICK. In the absence of the junior Senator from Nevada [Mr. HENDERSON], with whom I have a general pair, I withhold my vote.

Mr. GAY. I have a general pair with the senior Senator from New Hampshire [Mr. MOSES], and therefore withhold my vote. If permitted to vote, I should vote "nay."

Mr. FRELINGHUYSEN. I have a general pair with the junior Senator from Montana [Mr. WALSH]. I am unable to obtain a transfer, and therefore withhold my vote. If permitted to vote, I should vote "nay."

Mr. KNOX (after having voted in the negative). I notice on this roll call that the senior Senator from Oregon [Mr. CHAMBERLAIN] has not voted. I am paired with that Senator, and therefore withdraw my vote.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Delaware [Mr. BALL] with the Senator from Florida [Mr. FLETCHER];

The Senator from West Virginia [Mr. ELKINS] with the Senator from Oklahoma [Mr. GORE];

The Senator from New Mexico [Mr. FALL] with the Senator from Wyoming [Mr. KENDRICK];

The Senator from Maine [Mr. FERNALD] with the Senator from South Dakota [Mr. JOHNSON];

The Senator from Wisconsin [Mr. LA FOLLETTE] with the Senator from Arkansas [Mr. KIRBY];

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS];

The Senator from Missouri [Mr. SPENCER] with the Senator from New Mexico [Mr. JONES];

The Senator from Indiana [Mr. WATSON] with the Senator from Delaware [Mr. WOLCOTT];

The Senator from Illinois [Mr. SHERMAN] with the Senator from Virginia [Mr. GLASS]; and

The Senator from Michigan [Mr. TOWNSEND] with the Senator from Arkansas [Mr. Robinson].

The roll call resulted—yeas 9, nays 32, as follows:

YEAS—9.

Brandegee	Myers	Thomas	Wadsworth
Comer	Phipps	Underwood	Warren
Dial			

NAYS—32.

Ashurst	Hale	McNary	Ransdell
Calder	Harris	Nelson	Sheppard
Capper	Jones, Wash.	Nugent	Smith, Ga.
Curtis	Kendrick	Overman	Smith, Md.
Dillingham	Keyes	Page	Smoot
France	Lenroot	Phelan	Swanson
Gerry	Lodge	Pittman	Trammell
Gronna	McKellar	Pomerene	Walsh, Mass.

NOT VOTING—55.

Ball	Glass	La Follette	Shields
Beckham	Gore	McCormick	Simmons
Borah	Harding	McCumber	Smith, Ariz.
Chamberlain	Harrison	McLean	Smith, S. C.
Colt	Henderson	Moses	Spencer
Culberson	Hitchcock	New	Stanley
Cummins	Johnson, Calif.	Newberry	Sterling
Edge	Johnson, S. Dak.	Norris	Sutherland
Elkins	Jones, N. Mex.	Owen	Townsend
Fall	Kellogg	Penrose	Walsh, Mont.
Fernald	Kenyon	Poindexter	Watson
Fletcher	King	Reed	Williams
Frelinghuysen	Kirby	Robinson	Wolcott
Gay	Knox	Sherman	

The VICE PRESIDENT. On the amendment of the Senator from Colorado [Mr. THOMAS] the yeas are 9 and the nays are 32. The junior Senator from New Jersey [Mr. EDGE], the Senator from South Dakota [Mr. STERLING], the Senator from West Virginia [Mr. SUTHERLAND], the Senator from Illinois [Mr. McCORMICK], the Senator from Indiana [Mr. NEW], the Senator from Louisiana [Mr. GAY], the senior Senator from New Jersey [Mr. FRELINGHUYSEN], and the Senator from Pennsylvania [Mr. KNOX] being present and not voting, but making a quorum, the amendment is rejected.

Mr. DIAL. Mr. President, when the motion of the Senator from Colorado was first made I voted against striking the provision out of the bill and to sustain it, and on the second roll call I voted to strike it out. I misunderstood the purport of the amendment at the time I cast my first vote.

I think this legislation is ill advised. I can see no reason why the Government should not be allowed to test the skill, the efficiency, and the competency of its employees in any way it sees proper. Neither can I see any reason why it should not be allowed to give a bonus to a faithful and a more efficient employee.

Mr. BRANDEGEE. Mr. President, I notice that there is no provision in this bill for the completion of submarine stations. There is at my home city in Connecticut a station known as the New London Submarine Station. It is one of the most important in the country, and the Government has heretofore appropriated large sums of money for that station. It is not, however, completed. As I am informed by members of the committee, the department made no estimate for the completion of that station; but I do not know why an estimate for its completion was not submitted. The Representative from the district where the station is located inquired of the department and was informed by the Secretary that he did not intend to make any recommendation for the completion of the New London station, although I understand from constituents at home that it can not be completed without an additional appropriation.

Of course, I know it would be useless to present an amendment providing for its completion, because the amount has not been estimated for, and such an amendment would, therefore, be subject to a point of order; but I wish to say in this connection that when the next appropriation bill comes up in December—and the Senator from Massachusetts has just stated that there will be another appropriation bill at about that time—if the department can not give some reason why the appropriation which is needed for the completion of the station is not recommended, I shall urge the committee to make an appropriation on its own motion for that purpose.

There appears in the hearings just shown by one of the clerks of the committee a list of the contracts outstanding for that station; but, as I understand, there are many things needed which are not provided by the contracts, such as roads and walks, and other improvements necessary to make the station available.

I simply want to say, the station having been perfected to its present state and being of such vital necessity, that I shall insist that a proper appropriation be made for it in the next naval appropriation bill.

Mr. SWANSON. Mr. President, I do not know to what extent the Senator desires an appropriation to complete the submarine station to which he has referred. During the war appropriations were made for that station to make it effective—and it is a very effective station—and in the appropriation for ordnance and maintenance and repair there is carried an item of $30,000 to keep that station in repair. It is not so stated in specific language, but the Ordnance Department in submitting the items covering the entire sum needed for the different stations, submarine stations and others, made an estimate of $30,000 for repairs and to take care of the station at New London during the coming year.

I do not know to what the Senator from Connecticut refers when he speaks of his desire to secure an appropriation for the completion of the station. We made appropriations during the war—and they are continuing appropriations—and contracts were let to complete it in accordance with what was asked at that time; and the appropriations made in the pending bill for repairs, and so forth, will, I think, be sufficient to keep it in a good condition during the coming year.

Mr. BRANDEGEE. Mr. President, I have no doubt that a proper estimate has been made for keeping the station in repair, but I doubt very much if an appropriation for maintenance could be used for the construction of new roads and sidewalks, which are a necessary part of the equipment of the station. While I can not speak authoritatively, I have been informed by the chamber of commerce of my home city that the station, which is of considerable extent, needs for the purpose of moving mate-

rial from one part to another some roads, sidewalks, and so forth.

Mr. President, I find myself in a more or less embarrassing position on this question. Although the naval station is located in my home city and I have had representations made to me by the board of trade of that city that some appropriation is needed, I can not definitely state how much is required for the building of the roads and walks. So I shall ask the Senator from Vermont, the chairman of the committee, and the Senator from Virginia, if, for the purpose of getting information from the Secretary—for I have had no opportunity to procure it—they will consent to let the amendment I am about to suggest go to conference, and then eliminate it if the Secretary of the Navy is opposed to it or if the House does not agree to it?

Mr. SWANSON. What is the amendment?

Mr. BRANDEGEE. On page 26, line 16, there is a provision, beginning:

Submarine base, San Pedro, Calif.: Toward the development of a submarine base, $500,000.

I suggest that after line 24, at the bottom of page 26, the following be added:

Submarine base, New London, Conn.: Toward the completion of a submarine base at New London, Conn., $50,000.

I suggest that merely for the purpose of bringing it before the conference committee.

Mr. SWANSON. I have no objection to such an amendment going to conference, because it is one of the most important bases on the coast—it is the main base for submarines, which have proven a great factor in the recent war—with the assurance that if upon investigation we find that it is not needed the Senator would not feel that it should be insisted upon.

Mr. BRANDEGEE. Oh, I shall have no complaint at all. I simply want it given some consideration.

Mr. SWANSON. I have no objection to its going into conference, so far as I am concerned.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Connecticut.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

Mr. PAGE. I ask unanimous consent that the Secretary be authorized to correct all totals requiring correction.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. PAGE. I move that the Senate request a conference with the House of Representatives upon the bill and amendments, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. PAGE, Mr. BALL, Mr. MCCORMICK, Mr. SWANSON, and Mr. SMITH of Maryland conferees on the part of the Senate.

THE BUILDING SITUATION.

The VICE PRESIDENT. Under the provisions of Senate resolution 350, authorizing the appointment of a committee of five Senators, consisting of three members of the majority party and two members of the minority party, to inquire into the general building situation and to report to the Senate before December 1, 1920, such measures as may be deemed necessary to stimulate and foster the development of construction work in all its forms, the Chair appoints the Senator from New York [Mr. CALDER], the Senator from Iowa [Mr. KENYON], the Senator from New Jersey [Mr. EDGE], the Senator from Delaware [Mr. WOLCOTT], and the Senator from Louisiana [Mr. GAY].

NATIONAL BUDGET SYSTEM.

Mr. McCORMICK. Mr. President, in order that it may be the unfinished business of the Senate at the conclusion of the morning hour to-morrow, I move that the Senate proceed to the consideration of H. R. 9783, being the so-called budget bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9783) to provide a national budget system and an independent audit of Government accounts, and for other purposes, which had been reported from the Special Committee on the National Budget with an amendment.

Mr. LODGE. Mr. President, I should like to ask the Senator from Illinois if he desires to proceed with the bill at this time?

Mr. McCORMICK. I do not. I moved that the Senate proceed to the consideration of the bill merely in order that it might be the unfinished business to-morrow.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and (at 4 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Thursday, April 29, 1920, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 28, 1920.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

Peter Augustus Jay, of Rhode Island, now counselor of embassy at Rome, to be envoy extraordinary and minister plenipotentiary of the United States of America to Salvador.

CONSULAR SERVICE.

Homer Brett, of Mississippi, formerly a consul of class 7, now consular agent at Caracas, to be a consul of class 7 of the United States of America.

Robert W. Heingartner, of Canton, Ohio, to be a consul of class 6 of the United States of America.

REGISTERS OF LAND OFFICES.

William H. Canon to be register of land office at Roseburg, Oreg.; term expiring May 14, 1920. (Reappointment.)

Mack C. Warrington to be register of land office at Broken Bow, Nebr.; term expiring May 24, 1920. (Reappointment.)

John L. Heffernan to be register of land office at Marquette, Mich.; term expired December 16, 1919. (Reappointment.)

George A. C. Rochester to be register of land office at Seattle, Wash.; term expired December 16, 1919. (Reappointment.)

John L. Wiley to be register of land office at Spokane, Wash.; term expiring May 14, 1920. (Reappointment.)

Richard Strobach to be register of land office at Yakima, Wash.; term expired May 25, 1917. (Reappointment.)

RECEIVERS OF PUBLIC MONEYS.

Perry H. Ross to be receiver of public moneys at Marquette, Mich.; term expired December 16, 1919. (Reappointment.)

Sydney S. Beggs to be receiver of public moneys at Waterville, Wash.; term expired March 2, 1919. (Reappointment.)

Kurt A. Beyreis to be receiver of public moneys at Wausau, Wis.; term expired December 16, 1919. (Reappointment.)

PROMOTIONS IN THE ARMY.

CORPS OF ENGINEERS.

To be captains.

First Lieut. Amos B. Shattuck, jr., Corps of Engineers, from October 4, 1919, subject to examination required by law.

First Lieut. Leland H. Hewitt, Corps of Engineers, from October 21, 1919.

First Lieut. Michael C. Grenata, Corps of Engineers, from October 26, 1919.

First Lieut. Preston W. Smith, Corps of Engineers, from October 30, 1919.

First Lieut. Thomas F. Kern, Corps of Engineers, from November 7, 1919.

ORDNANCE DEPARTMENT.

To be colonels with rank from March 2, 1920.

Lieut. Col. David M. King, Ordnance Department.

Lieut. Col. Tracy C. Dickson, Ordnance Department.

CAVALRY ARM.

To be lieutenant colonel.

Maj. Ola W. Bell, Cavalry, from April 22, 1920.

To be majors.

Capt. George B. Rodney, Cavalry, from April 19, 1920.

Capt. Alexander H. Davidson, Cavalry, from April 22, 1920.

FIELD ARTILLERY ARM.

To be colonels.

Lieut. Col. Harrison Hall, Field Artillery (Adjutant General's Department), from April 20, 1920.

Lieut. Col. Wright Smith, Field Artillery, from April 20, 1920.

To be lieutenant colonel.

Maj. Augustine McIntyre, Field Artillery, from April 20, 1920.

To be major.

Capt. Walter S. Sturgill, Field Artillery, from April 20, 1920.

INFANTRY.

To be majors.

Capt. Roscoe H. Hearn, Infantry (General Staff), from April 20, 1920.

Capt. Morris M. Keck, Infantry, from April 20, 1920, subject to examination required by law.

PORTO RICO REGIMENT OF INFANTRY.

To be captain.

First Lieut. Enrique Urrutia, jr., Porto Rico Regiment of Infantry, from April 21, 1920.

PROMOTIONS IN THE NAVY.

Lieut. Richard B. Coffman to be a lieutenant commander in the Navy from the 1st day of August, 1919.

Lieut. Emory F. Clement to be a lieutenant commander in the Navy from the 11th day of August, 1919.

Lieut. Louis C. Scheibla to be a lieutenant commander in the Navy from the 17th day of August, 1919.

Lieut. Patrick N. L. Bellinger to be a lieutenant commander in the Navy from the 25th day of September, 1919.

Lieut. William T. Mallison to be a lieutenant commander in the Navy from the 20th day of October, 1919.

Lieut. Newton H. White, jr., to be a lieutenant commander in the Navy from the 21st day of October, 1919.

Maj. William L. Redles to be a lieutenant colonel in the Marine Corps, for temporary service, from the 12th day of March, 1920.

Capt. Ralph E. Davis to be a major in the Marine Corps, for temporary service, from the 12th day of March, 1920.

Capt. Harry W. Weitzel to be a major in the Marine Corps, for temporary service, from the 10th day of April, 1920.

Capt. Sidney N. Raynor to be a major in the Marine Corps, for temporary service, from the 10th day of April, 1920.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 28, 1920.

CONSULAR SERVICE.

Charles L. Hoover to be consul of class 4.

APPOINTMENTS IN THE ARMY.

GENERAL OFFICERS.

Charles P. Summerall (emergency), to be major general.
Henry Jervey (emergency), to be brigadier general.

PROMOTIONS IN THE ARMY.

CORPS OF ENGINEERS.

To be captains.

Edward P. Morton.
George J. Nold.
John P. Dean.
Patrick H. Timothy, jr.
Hugh J. Casey.
Robert E. Hamilton.
Patrick H. Tansey.

To be first lieutenant.

Henry G. Lodge.

MEDICAL CORPS.

To be majors.

Allen R. Howard.
Benjamin B. Rowley.
Henry C. Bradford.
Harry H. Towler.
Oral B. Bolibaugh.
Harold E. Clark.
Roland A. Davison.

FIELD ARTILLERY ARM.

To be captains.

Joseph Kennedy.
George D. Shea.
John V. D. Hume.

COAST ARTILLERY CORPS.

To be first lieutenant.

Lee E. Gray.

CAVALRY ARM.

To be lieutenant colonel.

John P. Wade.

To be major.

George B. Comly.

INFANTRY.

To be colonel.

Harrison J. Price.

To be lieutenant colonel.

Henry E. Eames.

To be majors.

Robert H. Peck.
Ward Dabney.
Paul M. Goodrich.
William W. Taylor, jr.
George A. Herbst.
Thomas M. Hunter.
Elverton E. Fuller.
William S. Neely.
Frank H. Adams.
George Chase Lewis.

APPOINTMENTS AND PROMOTIONS IN THE NAVY.

To be rear admirals.

Nathan C. Twining.
Thomas P. Magruder.

To be naval constructors.

Julius A. Furer, with the rank of captain.
Walter W. Webster, with the rank of commander.

To be commanders.

John S. Graham.
Ralph M. Griswold.
Ralph P. Craft.
William L. Pryor.
James P. Lannon.
Walter G. Roper.
Otto C. Dowling.

To be lieutenant commanders.

Richard S. Edwards.
Ernest D. McWhorter.
James Parker, jr.

To be lieutenants.

Roy J. Wilson.
Walter Seibert.
John A. Brownell.
Paul Cassard.
George B. Junkin.
Charles N. Ingraham.
George L. Greene, jr.
Thomas Shine.
Eric F. Zemke.
Paulus P. Powell.
Alfred H. Donahue.

To be lieutenants (junior grade).

John E. Williams.
James K. Davis.
Sidney W. Kirtland.

Raymond Spear to be a medical director, with the rank of captain.

James E. Gill to be a medical inspector, with the rank of commander.

David C. Cather to be a medical inspector, with the rank of commander.

To be assistant surgeons with the rank of lieutenant (junior grade).

Francis Phillips Gardner,
Reuben Alvord Moffett, and
Leonard Otto Riggert.

William A. Dorney to be an assistant dental surgeon, with the rank of lieutenant (junior grade).

To be naval constructors with the rank of commander.

William McEntee and
Richard D. Gatewood.

To be naval constructors with the rank of lieutenant commander.

Jerome C. Hunsaker,
Edmund R. Norton, and
Andrew W. Carmichael.

Civil Engineer Greer A. Duncan to be a civil engineer, with the rank of lieutenant.

Charles H. Hastings to be a chaplain, with the rank of lieutenant (junior grade).

To be chief boatswains.

Stephen Ingham and
Nils Anderson.

To be passed assistant surgeons with the rank of lieutenant.

Russell J. Trout.
Franklin F. Murdoch.
Ogden D. King.
Charles F. Glenn.
Louis H. Williams.
George P. Shields.
Park M. Barrett.

To be a pay director with the rank of captain.

George G. Seibels.

To be a paymaster with the rank of lieutenant commander.

Duette W. Rose.

To be chief pay clerks.

Leonard A. Klauer.
Nathaniel E. Disbrow.
Jacques H. E. Everette.

To be a lieutenant on the retired list of the Navy.

Renwick J. Hartung (retired).

To be chief gunners.

Edmund D. Duckett.
Vincent Benedict.
Anthony Prastka.
William F. Schlegel.
William H. Stephenson.
Joseph O. Johnson.
Lee W. Drisco.
Arthur E. Rice.

To be chief machinists.

Frank E. Nelson.
John Reber.
Leon W. Knight.
Charles N. Koch.
Norman McL. McDonald.
Henry A. Reynolds.
Henry H. Beck.
Sofus K. Sorenson.

MARINE CORPS.

To be a brigadier general.

Wendell C. Neville.

To be a major general.

Wendell C. Neville.

POSTMASTERS.

ALABAMA.

Lucius K. Simmons, Demopolis.
Howard F. Little, Linden.

FLORIDA.

Lena M. T. Clarke, West Palm Beach.

IOWA.

Mary T. Jacobson, Blakesburg.
Claude M. Sullivan, Cherokee.
George A. Huffman, Des Moines.
Benjamine R. Mowery, Maquoketa.

PENNSYLVANIA.

Bess M. Driscoll, Clarendon.

VERMONT.

Alice E. Barrett, Milton.

TENNESSEE.

Robert A. Potter, Crossville.
Fred B. Harrington, Erwin.
Haggia M. Miller, Mountain City.
James Bond, National Soldiers' Home.
Hammond Fowler, Rockwood.
James A. Byrd, Tracy City.
Archer H. Jones, Trezevant.
Claude L. Boyd, Waynesboro.
Charles H. O'Meara, Westmoreland.

WITHDRAWAL.

Executive nomination withdrawn from the Senate April 28, 1920.

UNITED STATES TARIFF COMMISSION.

Theodore E. Burton to be a member of the United States Tariff Commission.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April 28, 1920.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, offered the following prayer:

Our Father in heaven, draw near to us, we beseech Thee, as we draw near to Thee, in faith, hope, and confidence in the overruling of Thy providence to the eternal good of Thy children.

The world is in sorrow and distress because of the waywardness of Thy children, and we pray that Thy spirit may dominate our hearts, that the lowering clouds which have settled down upon us may be dispersed by the light of heaven, and Thy kingdom come in all our hearts and Thy will be done in earth as in heaven through the glorious example of Thy son, Jesus Christ our Lord and Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS.

Mr. WHEELER. Mr. Speaker, I am in receipt of a letter from Mr. E. O. Perry, a very prominent business man of Springfield, Ill., in which he suggests a way by which we might raise money to pay bonuses to the soldier boys. I believe it is worthy of consideration, and I ask unanimous consent that it be inserted in the RECORD.

The SPEAKER. The gentleman from Illinois asks unanimous consent to insert in the RECORD the letter referred to. Is there objection?

Mr. GARD. Reserving the right to object, has the gentleman transmitted the letter to the Ways and Means Committee?

Mr. WHEELER. I have not.

Mr. GARD. Is not that the proper place for it to go?

Mr. WHEELER. That is probably true.

Mr. GARD. The Ways and Means Committee is the committee that passes on this matter of bonus legislation.

Mr. WHEELER. I do not think it has any jurisdiction over the proposition suggested in this letter.

Mr. GARD. I do not believe that we should cumber the RECORD with a lot of letters, especially when the Ways and Means Committee is here and the gentleman who represents the steering committee.

Mr. WHEELER. It should go before another committee if it comes up at all.

The SPEAKER. Objection is made.

Mr. McARTHUR. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing the text of an address I delivered before the Advertising Club of the city of Baltimore last Wednesday.

The SPEAKER. The gentleman from Oregon asks unanimous consent to extend his remarks in the RECORD by inserting an address which he delivered before the Advertising Club in the city of Baltimore last Wednesday. Is there objection? [After a pause.] The Chair hears none.

DISTRICT OF COLUMBIA APPROPRIATIONS.

Mr. DAVIS of Minnesota. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 13266, being the District appropriation bill, disagree to all the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to take from the Speaker's table the District appropriation bill, disagree to all the Senate amendments, and asks for a conference. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, I want to ask the gentleman whether or not if, by action in another body for about the fifth time the almost unanimous action of this House on various occasions has been set aside and ignored and done away with, we are going to have the right to vote in this House on the half-and-half proposition before the Senate action is agreed to by the conferees?

Mr. DAVIS of Minnesota. I will state to the gentleman this, that I agree with all he has said. There have been a very great number of votes on this proposition. And I now, as a conferee, will state, furthermore, that before I consent to the restoration of the half-and-half this House will have to direct me by a vote to do so.

Mr. GARNER. Reserving the right to object, may I ask the gentleman if he has consulted with the probable conferee on this side of the House as to his action in this matter?

Mr. DAVIS of Minnesota. I presume the gentleman refers to Mr. BUCHANAN?

Mr. GARNER. Yes, sir.

Mr. DAVIS of Minnesota. I have not since this bill came from the Senate, but I think our previous conferences warrant me in saying that Mr. BUCHANAN and myself are virtually in accord on most of the items in this bill.

Mr. GARNER. It ought to be the custom, I think, in the House of Representatives, where a gentleman gets up and asks unanimous consent to take certain action in reference to bills that go to conference, to consult the minority side of the House, especially the man who is likely to be his conferee, in order that there might be some unanimity of action. We do not know—at least I do not know—but what the gentleman from Texas [Mr. BUCHANAN] might have some motion that he would want to make, or some suggestion, or some agreement, or something of that kind before he would wish to let this go to conference.

Mr. DAVIS of Minnesota. I can not say positively, but I am quite certain that Mr. BUCHANAN, if he were present, would give unanimous consent to a conference on this bill. However, if the gentleman wishes to make objection until the gentleman from Texas comes in, I will withdraw my request for the present.

Mr. GARNER. I wish you would.

Mr. DAVIS of Minnesota. I will.

EQUALIZATION OF PENSIONS.

Mr. FULLER of Illinois. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 9369, with Senate amendments, and ask that the House agree to all the amendments of the Senate.

The SPEAKER. The gentleman from Illinois asks unanimous consent to take from the Speaker's table and agree to the Senate amendments to a bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 9369) to revise and equalize rates of pensions to certain soldiers, sailors, and marines of the Civil War, to certain widows, former widows, dependent parents and children of such soldiers, sailors, and marines, and to certain Army nurses, and granting pensions and increase of pensions in certain cases.

The SPEAKER. Is there objection?

Mr. GARNER. Mr. Speaker, I recall that my colleague [Mr. BLACK] raised some objection to the consideration of this agreement the other day, and I do not see him at the moment on the floor of the House. I wonder if Mr. BLACK has withdrawn his objection?

Mr. FULLER of Illinois. I supposed he understood that the matter simply went over until this morning. The objection he made was to a matter that is not involved in the amendments at all.

Mr. GARNER. But he did not withdraw his objection yesterday.

Mr. ASHBROOK. Mr. Speaker, I would like to say as to his colleague from Texas that he suggested that this bill go over until this morning.

Mr. GARNER. He did, and I thought the gentleman from Illinois [Mr. FULLER] and the gentleman from Ohio [Mr. ASHBROOK] would have sufficient interest in the bill to consult with the gentleman from Texas [Mr. BLACK] in order to get him to withdraw his objection. Whether they did that or not I do not know.

Mr. ASHBROOK. I had a short conference with the gentleman from Texas [Mr. BLACK] yesterday, and he said he would look into this bill. He did not say whether he would withdraw his objection or not. I want to say while I am on my feet that I think the objections he raised to this bill were very ill founded. He contended that the widows of the soldiers of the late war ought to have the same pension as the widows of the soldiers of the Civil War, while the widows of the late war are 18 or 20 year old girls and the widows of the Civil War are 75 to 80 years old. There is no justice in such a contention.

Mr. GARNER. Mr. Speaker, that is simply a mere matter of opinion, and I am sure the gentleman from Texas [Mr. BLACK] and the gentleman from Ohio [Mr. ASHBROOK] will never get together on the question or the policy of pensions. I shall object until they see the gentleman from Texas.

The SPEAKER. Objection is made.

CALENDAR WEDNESDAY.

The SPEAKER. To-day is Calendar Wednesday.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that it may be in order to-morrow to call up Senate bill 1699, providing for the retirement of employees in the classified civil service and to consider the same.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that to-morrow it may in order to call up the Senate retirement bill and consider it.

Mr. CLARK of Missouri. Are you going to consider it under the general rules of the House?

Mr. MONDELL. My request was simply to bring it up for consideration.

Mr. GARNER. That will enable you to have an hour's debate and then move the previous question.

Mr. CAMPBELL of Kansas. It is a Union Calendar bill, and the House will have to go into Committee of the Whole.

Mr. MONDELL. At that time I suppose there will be some arrangement made satisfactory to both sides as to the time of general debate. My request saves the necessity of getting a rule and taking up time on the rule.

Mr. BLANTON. Reserving the right to object, Mr. Speaker, the chairman of the committee, Mr. LEHLBACH, who has this matter in charge, stated to me yesterday morning that he was going to have a rule brought in that was going to prescribe the amount of debate and limit it, and that it was going to be limited entirely to the bill, and so forth. Probably that rule is now resting peacefully in the hip pocket of the gentleman from Kansas [Mr. CAMPBELL] and this is merely a preliminary.

Mr. MONDELL. No. There is no necessity for having a rule, providing unanimous consent is given to take up the matter in the usual way, and when that is determined the House can determine as to the general debate.

Mr. GARRETT rose.

Mr. McARTHUR. Reserving the right to object, Mr. Speaker——

Mr. MONDELL. I yield to the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT. I have an impression, obtained from somewhere, somehow, that there has been a ruling by the Chair that when a bill is taken up by unanimous consent it is considered in the House as in Committee of the Whole. Have I the correct impression about that? Does that apply only to private bills?

Mr. MONDELL. Mr. Speaker, I assumed in making my request that the bill would be considered in the ordinary way. Unless unanimous consent is given at the time by the House, it will be necessary to go into Committee of the Whole on the bill.

The SPEAKER. The Chair will so interpret it.

Mr. GARRETT. While I am on my feet, may I make an inquiry of the Chair?

Mr. MONDELL. Mr. Speaker, it has been suggested that perhaps gentlemen will understand the request better if I put it in the form of a request that it may be in order to move to go into Committee of the Whole for the consideration of this bill to-morrow morning.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that it may be in order to move to go into Committee of the Whole to-morrow morning for the consideration of the retirement bill. Is there objection?

Mr. McARTHUR. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman if his intention or plan is to dispose of this bill to-morrow? Does he consider it reasonable and possible?

Mr. MONDELL. I think we probably will be able to dispose of it to-morrow, although I do not know. No one can tell.

Mr. SIMS. May I suggest to the gentleman that I think his request is absolutely for the benefit of the legislation itself?

Mr. MONDELL. I think so.

Mr. SIMS. I had the honor of reporting such a bill the last time, and I know it will be better to report it under the general rules of the House than to abrogate or set aside those general rules. I hope there will be no objection to the gentleman's request.

Mr. MANN of Illinois. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN of Illinois. The request being that it shall be in order to-morrow to move to go into Committee of the Whole for the consideration of this bill, if the bill should not be passed to-morrow will this order continue?

Mr. MONDELL. I assume that the bill would be the unfinished business if it were not disposed of to-morrow.

The SPEAKER. The Chair would think that would depend upon whether the previous question had been ordered or not. If the previous question were not ordered, it would not be considered as unfinished business.

Mr. MANN of Illinois. I think the gentleman should make the request that the bill should have a privileged status, so that it would be in order to take it up at any time, and give notice that it will be taken up to-morrow.

Mr. MONDELL. That is what I had in mind. That is my view of the rule.

Mr. MANN of Illinois. There have been rulings to the contrary.

Mr. MONDELL. If there is any question about it, it should be understood that we would take the bill up and it would be unfinished business until it was disposed of.

Mr. CLARK of Missouri. It seems to me if that bill is taken up to-morrow, it ought to be finished to-morrow. There is nothing in it that is difficult to understand, whether you are for it or against it. If everybody talked about that who wants to talk about it, they would be talking about it next week. I do hope it will be finished to-morrow.

Mr. MANN of Illinois. You can never tell about it.

Mr. CLARK of Missouri. The gentleman knows as well as I do that 50 men will want to speak about this simply in order to get their names in the newspapers.

Mr. MANN of Illinois. That would be a good reason, then, for not finishing it to-morrow, in the event we take it up to-morrow.

The SPEAKER. Is there objection to the request of the gentleman from Wyoming?

There was no objection.

HOUR OF MEETING TO-MORROW—11 O'CLOCK A. M.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that when the House adjourns to-night it adjourn until 11 o'clock to-morrow morning.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that when the House adjourns to-night it adjourn until 11 o'clock to-morrow morning.

Mr. MONDELL. I make that request in order that there may be that much more time for the consideration of the bill. If we get through, we can adjourn early.

The SPEAKER. Is there objection?

Mr. CLARK of Missouri. Mr. Speaker, I object; and I will tell you about this 11 o'clock business. If the House would go to work and clean up the business in this House that ought to be cleaned up, I am willing to agree to meet at 11 o'clock every day until we get through with it, and when we get through with it go home. [Applause.]

Mr. MANN of Illinois. May I make a suggestion to the gentleman from Missouri?

Mr. CLARK of Missouri. Yes.

Mr. MANN of Illinois. It was a very frequent practice while the gentleman from Missouri was occupying the position of Speaker for the majority leader, Mr. UNDERWOOD, and afterwards the majority leader, Mr. KITCHIN, to ask that the House meet at 11 o'clock. I never objected——

Mr. CLARK of Missouri. Well, you were very kind——

Mr. MANN of Illinois. I never objected on this side of the House, although frequently it was very inconvenient, and I refrained from objecting on the theory that the majority of the House ought to have the right to say without compulsion when the House should meet in order to get through with the business of the House.

Mr. MONDELL. Mr. Speaker, if the gentleman will yield, I have no criticism to make of the gentleman's objection. It is more or less inconvenient to meet at 11 o'clock; I realize that, and I will not quarrel with the gentleman if he persists in his view of the matter. But I think we are, all of us, anxious to dispose of this bill, if possible, to-morrow.

Mr. CLARK of Missouri. If you will agree to dispose of this bill to-morrow, I will withdraw the objection.

Mr. MONDELL. I can not promise the gentleman that. I hope that that is what will happen.

Mr. QUIN. I will not agree to it at all. For that reason I will object.

The SPEAKER. Is there objection?

Mr. BLACK. I object, Mr. Speaker.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had approved and signed bills of the following titles:

On April 24, 1920:

H. R. 11578. An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1921, and for other purposes; and

H. R. 12581. An act granting the consent of Congress to the village and township of Shelly, Norman County, Minn., and the township of Caledonia, Traill County, N. Dak., and their successors and assigns, to construct a bridge across the Red River of the North on the boundary line between the said States.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 12956. An act extending the time for constructing a bridge across the Bayou Bartholomew, in the State of Arkansas;

H. R. 13253. An act to grant the consent of Congress to the Elmer Red River Bridge Co. to construct a bridge across the Red River;

H. R. 10917. An act to amend an act entitled "An act to incorporate the National Education Association of the United States"; and

H. J. Res. 301. Joint resolution to authorize the Secretary of War to grant revocable licenses for the removal of sand and gravel from Fort Douglas Military Reservation for industrial purposes.

The message also announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 13677. An act making appropriations to supply a deficiency in the appropriations for the Federal control of transportation systems and to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1920, and for other purposes; and

H. R. 13266. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1921, and for other purposes.

The message also announced that the Senate had disagreed to the amendments of the House to the bill (S. 2448) for relief of certain officers of the United States Army, and for other purposes, had requested a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. FRELINGHUYSEN, Mr. CAPPER, and Mr. MYERS as the conferees on the part of the Senate.

EQUALIZATION OF PENSIONS.

Mr. ASHBROOK. Mr. Speaker, the gentleman from Texas [Mr. BLACK] is present, and he informs me that he will not object to the consideration of the Fuller pension bill.

Mr. FULLER of Illinois. Mr. Speaker, I renew my request to take from the Speaker's table H. R. 9369, with Senate amendments, and that the House agree to all of the amendments of the Senate.

The SPEAKER. The gentleman asks unanimous consent to take from the Speaker's table a House bill with Senate amendments, which the Clerk will report.

The Clerk read the title of the bill (H. R. 9369) to revise and equalize rates of pension to certain soldiers, sailors, and marines of the Civil War, to certain widows, former widows, dependent parents and children of such soldiers, sailors, and marines, and to certain Army nurses, and granting pensions and increase of pensions in certain cases.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLACK. Reserving the right to object, Mr. Speaker, I want it made clear that I am opposed to this bill, but I withdraw my objection to the request for present consideration, because I realize that I can not by my opposition to the bill prevent its passage and consideration at a later date. I realize that no substantial gain could be made by delaying the vote.

Mr. FULLER of Illinois. I thank the gentleman.

The SPEAKER. The request of the gentleman from Illinois [Mr. FULLER] included the proposition that the House agree to the amendments of the Senate. Is there objection?

Mr. GARD. Let the amendments be reported.

Mr. GARNER. Mr. Speaker, the Journal ought not to show that unanimous consent was given to agree to these amendments. Why not let the Journal and RECORD show that the gentleman moved to concur in the Senate amendments?

Mr. FULLER of Illinois. Mr. Speaker, I think that is the proper course, and I move to agree to the Senate amendments.

The SPEAKER. The Chair thinks the amendments ought to be reported. The Clerk will report the amendments.

The amendments of the Senate were read.

The SPEAKER. The question is on agreeing to the Senate amendments.

The motion was agreed to.

On motion of Mr. FULLER of Illinois, a motion to reconsider the vote by which the Senate amendments were agreed to was laid on the table.

BILLS ON THE UNION CALENDAR.

Mr. GARRETT. Mr. Speaker, I want to submit a parliamentary inquiry. I have gotten the impression that there has been a ruling that where unanimous consent is given for the consideration of a bill on the Union Calendar it will be considered in the House as in Committee of the Whole. Am I correct about that?

The SPEAKER. The Chair, on unanimous-consent day, or else on Private Calendar day, made that ruling. It reverted to a practice that was formerly prevalent in the House, the Chair thinking that it saved the time that it took to make one motion.

Mr. GARRETT. I am not quarreling with the decision of the Chair, but it was made at a time when I was necessarily away, and I simply desired to get clear in my own mind the scope of the ruling for future guidance. Do I understand that the rule goes no further than bills upon the Unanimous Consent Calendar and the Private Calendar?

The SPEAKER. The Chair had that in mind. It was on one of those days when the Chair made the ruling, and he had that exclusively in mind. Whether to extend it to any such request as was made this morning, the Chair will reflect on that.

CALENDAR WEDNESDAY.

The SPEAKER. To-day is Calendar Wednesday, and the call rests with the Committee on Coinage, Weights, and Measures. When the House adjourned on last Calendar Wednesday there was pending a bill which the Clerk will report.

STANDARDS FOR HAMPERS, ETC.

The Clerk read the title of the bill (H. R. 12350) to fix standards for hampers, round stave baskets, and splint baskets for fruits and vegetables, to establish a standard box for apples, and for other purposes.

The SPEAKER. This bill is on the Union Calendar, and the House automatically resolves itself into the Committee of the Whole House on the state of the Union, and the gentleman from Iowa [Mr. DOWELL] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 12350) to fix standards for hampers, round stave baskets, and splint baskets for fruits and vegetables, to establish a standard box for apples, and for other purposes, with Mr. DOWELL in the chair.

Mr. QUIN. Mr. Chairman, we ought to have a quorum here to consider this bill, and I make the point of no quorum present.

The CHAIRMAN. The gentleman makes the point of no quorum present. The Chair will count. [After counting.] One hundred and twelve Members present, a quorum.

Mr. VESTAL. Mr. Chairman, at the time the House adjourned on last Calendar Wednesday I think there was pending an amendment offered by the gentleman from Tennessee [Mr. GARRETT].

The CHAIRMAN. When the House adjourned on last Calendar Wednesday the pending question was on the adoption of the committee amendment at the top of page 3, with an amendment offered by the gentleman from Tennessee [Mr. GARRETT].

Mr. VESTAL. Mr. Chairman, I desire to offer a substitute to the amendment offered by the gentleman from Tennessee.

The CHAIRMAN. The gentleman from Indiana offers a substitute, which the Clerk will report.

Mr. GARRETT. Mr. Chairman, I suggest that the amendment offered by myself be again reported, so that Members can understand what it was.

The CHAIRMAN. If there is no objection, the Clerk will report the amendment of the gentleman from Tennessee.

The Clerk read as follows:

Amendment offered by Mr. GARRETT to the committee amendment: Page 3, line 2, after the word "inches," strike out the remainder of the paragraph.

The CHAIRMAN. The Clerk will now report the substitute offered by the gentleman from Indiana [Mr. VESTAL].

The Clerk read as follows:

Amendment offered by Mr. VESTAL as a substitute to the amendment offered by Mr. GARRETT: Page 3, line 7, after the word "inches," strike out the remainder of the line, and all of lines 8, 9, 10, 11, and 12.

Mr. VESTAL. Mr. Chairman, I offer this substitute for the amendment offered by the gentleman from Tennessee [Mr. GARRETT] because I believe we ought to keep the general contour or style of the baskets or hampers sought to be standardized. The amendment of the gentleman from Tennessee [Mr. GARRETT] simply strikes out the remainder of the paragraph after line 2 and leaves in the paragraph the standardization of the capacity of the hamper or basket. I think it is well not only to do that, but that the style of the hamper should also be included in this paragraph. The evidence before the committee was to the effect that in the Bureau of Markets an investigation has been going on for a year and a half or two years with the manufacturers and with the transportation lines, and that it was practically agreed between them that it was necessary really to have uniformity in the shape of these baskets so as to be more economically transported. It is for that reason that I believe a uniformity ought to be established in the style of these baskets because it is worth something to keep that as well as to keep the size down in number.

Mr. GARRETT. Will the gentleman yield?

Mr. VESTAL. Yes.

Mr. GARRETT. The objection which I undertook to suggest to the House was predicated very largely on whether we had the legal power under the Constitution to do what is sought to be done. I do not know that there is any particular objection, assuming that we have the power, to retaining the provision about the diameter. I do not know whether we have the power or not. I do not know that there is any objection if the other parts of the bill, as I assume they do, properly safeguard the ordinary everyday use of these things in the homes and local markets.

But there were gentlemen whose objection went further than any objection that I suggested, and that was that the effect of this would be to determine the material out of which the receptacles were made. The gentleman's amendment proposes to strike that out. But may I call the attention of the gentleman and ask his opinion about the language that does remain in, namely, "the inside diameter between the staves at the upper edge of the top inside hoop," and so on? Will not the effect of that be to in a way restrict the material out of which the receptacles are made? In other words, would it not virtually compel wood? I think it was the gentleman from New York [Mr. MACGREGOR] who stated that there were now in use receptacles made of a composition of some kind.

Mr. VESTAL. It was the purpose of my substitute, I will say, to try to correct that very proposition. I thought that this substitute would take care of that.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. VESTAL. Yes.

Mr. MOORE of Virginia. If the measure is left in the way the gentleman proposes, would not the construction of the container be confined to wood? Is it not entirely possible that containers may be made hereafter otherwise than from wood? Possibly they may be made of wire or of some other substance than wood, such as hard, corrugated strawboard capable of carrying vegetables. One criticism I have is that the basket or hamper, if the gentleman's idea is carried out, must be constructed of wood, and that to use anything else would be penalized by section 7.

Mr. VESTAL. I will say that that is not the purpose.

Mr. MOORE of Virginia. But I submit to my friend that that would be the construction if the bill was adopted with the section under consideration as it now stands.

Mr. GARRETT. It has occurred to me from a hasty reading that if the gentleman would further agree to strike out the words, in line 4, "between staves," and also the words "inside hoop," that the situation he desires to create will have been reached.

Mr. VESTAL. Mr. Chairman, I will agree to that further amendment. I think that would be all right.

Mr. MONTAGUE. If you agree to that amendment, the gentleman will realize that a similar correction should be made in other portions of the bill.

Mr. VESTAL. Yes.

The CHAIRMAN. The Clerk will report the amendment as modified by the gentleman from Indiana.

The Clerk read as follows:

Amendment offered by Mr. VESTAL as a substitute for the amendment offered by Mr. GARRETT: Page 3, line 4, after the word "diameter," strike out the words "between staves," and in line 4, after the word "top," strike out the words "inside hoop." And after the word "inches," in line 7, strike out the remainder of the paragraph.

Mr. STEVENSON. Mr. Chairman, the amendment does not obviate the objection that instead of prescribing a standard of measure you are prescribing a style of container. I think that when you look at the justification for this in the Constitution you will see that you are without power to enact it in that form. It says that they shall have the right to fix the standard of weights and measures. You fix that by saying how many cubic inches there shall be in five-eighths of a bushel hamper. When you have done that you have exhausted your power; you can not go on and say that that hamper shall be of a certain shape, so many inches in diameter on the bottom and so many at the top. You are probably doing something that may be desirable, but something that the Constitution has not conferred upon Congress the power to do. It is a matter that will certainly be questioned.

I know of a gentleman who manufactures his own crates for shipping peaches. He has enough manufactured already to last for two years. Now, you say to him you have got to have so many inches at the bottom and so many at the top. That means that he has got to throw away everything he has on hand. Not only that, but hereafter he has got to manufacture in a certain way, and if his mechanics—who are not supposed to be skilled mechanics—should make a mistake he is penalized for using it. Not only that, but you might just as well, and it would be just as desirable, to put a clause in that they have got to be honestly and faithfully filled—no holes in the packing; that they have to be filled to the top; and everybody realizes that you can not do that. I submit that the whole proposition is beyond the power of Congress, and that it is going to cause a

great deal of confusion. I am opposed to the substitute, and I think the Garrett amendment ought to be adopted.

The CHAIRMAN. Is there objection to the modification of the amendment by the gentleman from Indiana [Mr. VESTAL]? [After a pause.] The Chair hears none. The question now is upon the substitute of the gentleman from Indiana to the amendment of the gentleman from Tennessee.

Mr. HUDSPETH. Mr. Chairman, may we have the amendment reported?

The CHAIRMAN. If there is no objection, the amendment will be again reported as modified.

Mr. PARRISH. Mr. Chairman, at the same time may we not have the Garrett amendment reported?

The CHAIRMAN. Without objection, the Clerk will report the Garrett amendment and the Vestal amendment as modified.

There was no objection, and the Clerk again reported the Garrett amendment and the Vestal amendment.

Mr. MOORE of Virginia. Mr. Chairman, I desire to make a practical suggestion before the vote is taken. If this measure is adopted, then the containers will have to be used for the transportation of the commodities named. That I suppose is conceded. Has the committee taken into consideration the fact that transportation is very different under different conditions? The distinction I now have in mind is between the movement by freight and the movement by express. Looking at the thing from a practical point of view, one sort of container might be necessary or desirable in shipping by freight and another kind of container might be desirable in shipping by express. The Interstate Commerce Commission has stressed that point. In considering this matter of standardization, I submit that fact to the consideration of the gentleman from Indiana.

The CHAIRMAN. The question is on the adoption of the substitute.

The question was taken; and on a division (demanded by Mr. TILLMAN) there were—ayes 35, noes 40.

Mr. MANN of Illinois. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Illinois makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and seven Members present; a quorum.

Mr. VESTAL. Mr. Chairman, I demand tellers on the vote.

Mr. BLANTON. Mr. Chairman, I make the point of order that the request for tellers comes too late.

The CHAIRMAN. It does not come too late. Those in favor of ordering tellers will rise and stand until counted. [After counting.] Forty-three gentlemen have risen, a sufficient number.

The Chair appointed Mr. VESTAL and Mr. GARRETT to act as tellers.

The committee again divided; and the tellers reported—ayes 67, noes 59.

So the substitute was agreed to.

The CHAIRMAN. The question now is on the amendment as amended.

The amendment was agreed to.

The CHAIRMAN. The question now is on the committee amendment as amended.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 3, line 13, within the parentheses, strike out the letter "c" and insert the letter "d."

The CHAIRMAN. The question is on the adoption of the amendment.

Mr. WINGO. Mr. Chairman, this bill as reported by the committee is as follows:

Be it enacted, etc., That the standard hampers for fruits and vegetables shall be 1-peck hamper, ½-bushel hamper, 1-bushel hamper, and 1½-bushel hamper, which, respectively, shall be of the capacity and conform to the specifications set forth in this section.

(a) The standard 1-peck hamper shall contain 537.6 cubic inches, and conform to the following specifications: The inside diameter between staves at the upper edge of the top inside hoop shall be 10⅞ inches; the inside diameter of the bottom shall be 6¼ inches; the inside length of the staves shall be 9⅛ inches; the inside top hoop shall be one-tenth of an inch thick and set with its upper edge even with the upper ends of the staves; each stave shall be not less than one-tenth of an inch thick and 10½ inches long; and the bottom piece shall be one-half of an inch thick.

(b) The standard one-half bushel hamper shall contain 1,075.21 cubic inches, and conform to the following specifications: The inside diameter between staves at the upper edge of the top inside hoop shall be 13 inches; the inside diameter of the bottom shall be 8½ inches; the inside length of the staves shall be 12 inches; the inside top hoop shall be one-ninth of an inch thick and set with its upper edge even with the upper ends of the staves; each stave shall be not less than one-tenth of an inch thick and 12⅝ inches long; and the bottom piece shall be five-eighths of an inch thick.

(c) The standard 1-bushel hamper shall contain 2,150.42 cubic inches, and conform to the following specifications: The inside diameter between staves at the upper edge of the top inside hoop shall be 15½ inches; the inside diameter of the bottom shall be 9 inches; the inside length of the staves to the upper edge of the top inside hoop shall be 19 inches; the inside hoop shall be one-eighth of an inch thick and set with its upper edge three-eighths of an inch below the upper ends of the staves; each stave shall be not less than one-sixth of an inch thick and 20 inches long; and the bottom piece shall be five-eighths of an inch thick.

(d) The standard 1½-bushel hamper shall contain 3,225.63 cubic inches and conform to either of the following specifications:

(1) The inside diameter between staves at the upper edge of the top inside hoop shall be 16½ inches; the inside diameter of the bottom shall be 9 inches; the inside length of the staves to the upper edge of the top inside hoop shall be 26 inches; the inside top hoop shall be one-eighth of an inch thick and set with its upper edge three-eighths of an inch below the upper ends of the staves; each stave shall be not less than one-sixth of an inch thick and 27 inches long; and the bottom piece shall be five-eighths of an inch thick.

(2) The inside diameter between staves at the upper edge of the top inside hoop shall be 16⅜ inches; the inside diameter of the bottom shall be 10 inches; the inside length of the staves to the upper edge of the top inside hoop shall be 23 inches; the inside top hoop shall be one-eighth of an inch thick and set with its upper edge three-eighths of an inch below the upper ends of the staves; each stave shall be not less than one-eighth of an inch thick and 24 inches long; and the bottom piece shall be five-eighths of an inch thick.

SEC. 2. That the standard round stave basket for fruits and vegetables shall be the one-half bushel basket, 1-bushel basket, 1½-bushel basket, and 2-bushel basket, which, respectively, shall be of the capacity and conform to the specifications set forth in this section.

(a) The one-half bushel round stave basket shall contain 1,075.21 cubic inches and conform to the following specifications: The inside diameter at the upper inner edge of the top inside hoop shall be 13½ inches; the average inside depth shall be not less than 8½ inches; the web shall consist of 20 intersecting staves, each not less than one-eighteenth of an inch thick and of such length that they will form the sides and bottom of a basket which shall contain 16 quarts, standard dry measure.

(b) The 1-bushel round stave basket shall contain 2,150.42 cubic inches and conform to the following specifications: The inside diameter at the upper inner edge of the top inside hoop shall be 17 inches; the average inside depth shall be not less than 10⅝ inches; the web shall consist of 20 intersecting staves, each not less than one-eighteenth of an inch thick and of such length that they will form the sides and bottom of a basket which shall contain 32 quarts, standard dry measure.

(c) The 1½-bushel round stave basket shall contain 3,225.63 cubic inches and conform to the following specifications: The inside diameter at the upper inner edge of the top inside hoop shall be 19⅜ inches; the average inside depth shall be not less than 12¾ inches; the web shall consist of 24 intersecting staves, each not less than one-sixteenth of an inch thick and of such length that they will form the sides and bottom of a basket which shall contain 48 quarts, standard dry measure.

(d) The 2-bushel round stave basket shall contain 4,300.84 cubic inches and conform to the following specifications: The inside diameter at the upper inner edge of the top inside hoop shall be 21 inches; the average inside depth shall be not less than 14 inches; the web shall consist of 24 intersecting staves, each not less than one-sixteenth of an inch thick and of such length that they will form the sides and bottom of a basket which shall contain 64 quarts, standard dry measure.

SEC. 3. That the standard splint baskets for fruits and vegetables shall be the 4-quart basket, 8-quart basket, 12-quart basket, 16-quart basket, and 24-quart basket, standard dry measure.

(a) The 4-quart splint basket shall contain 268.8 cubic inches and conform to the specifications in one of the two following numbered subdivisions:

(1) The approximate inside dimensions of the top across the center shall be 7 inches by 12 inches. The approximate inside dimensions of the bottom at the corners shall be 5¾ inches by 10½ inches. The inside depth at the corners shall be 4 inches.

(2) The inside dimensions of the square-cornered splint basket at the top shall be 6 inches by 12 inches. The inside dimensions of the bottom shall be 5¼ inches by 11¼ inches. The inside depth at the corners shall be 4 inches.

(b) The 8-quart splint basket shall contain 537.6 cubic inches and conform to the specifications in one of the three following numbered subdivisions:

(1) The approximate inside dimensions of the top across the center shall be 8 inches by 14 inches. The approximate inside dimensions of the bottom at the corners shall be 7 inches by 12 inches. The inside depth at the corners shall be 5 inches.

(2) The approximate inside dimensions of the top across the center shall be 9¼ inches by 16½ inches. The approximate inside dimensions of the bottom at the corners shall be 7½ inches by 14¼ inches. The inside depth at the corners shall be 4 inches.

(3) The inside dimensions of the square-cornered splint basket at the top shall be 7⅞ inches by 15½ inches. The inside dimensions of the bottom shall be 7 inches by 14¼ inches. The inside depth at the corners shall be 5 inches.

(c) The 12-quart splint basket shall contain 806.4 cubic inches and conform to the specifications in one of the three following numbered subdivisions:

(1) The approximate inside dimensions of the top across the center shall be 9½ inches by 16 inches. The approximate inside dimensions of the bottom at the corners shall be 8½ inches by 14 inches. The inside depth at the corners shall be 5½ inches.

(2) The approximate inside dimensions of the top across the center shall be 11⅛ inches by 17½ inches. The approximate inside dimensions of the bottom at the corners shall be 8½ inches by 14½ inches. The inside depth of the basket at the corners shall be 5 inches.

(3) The inside dimensions of the square-cornered splint basket at the top shall be 8⅞ inches by 17½ inches. The inside dimensions of the bottom shall be 8 inches by 16⅜ inches. The inside depth at the corners shall be 5½ inches.

(d) The 16-quart splint basket shall contain 1,075.21 cubic inches, and conform to the specifications in one of the three following numbered subdivisions:

(1) The approximate inside dimensons of the top across the center shall be 10½ inches by 18⅛ inches. The approximate inside dimensions of the bottom at the corners shall be 8½ inches by 16 inches. The inside depth at the corners shall be 6¼ inches.

(2) The approximate inside dimensions of the top across the center shall be 11½ inches by 19½ inches. The approximate inside dimensions

of the bottom at the corners shall be 8¼ inches by 16½ inches. The inside depth at the corners shall be 6 inches.

(3) The inside dimensions of the square-cornered splint basket at the top shall be 9 inches by 19 inches. The inside dimensions of the bottom shall be 8½ inches by 18 inches. The inside depth at the corners shall be 6⅝ inches.

(e) The 24-quart splint basket shall contain 1,612.8 cubic inches, and conform to the specifications in the three following numbered subdivisions:

(1) The approximate inside dimensions of the top across the center shall be 12 inches by 20 inches. The approximate inside dimensions of the bottom at the corners shall be 10 inches by 17½ inches. The inside depth of the basket at the corners shall be 7½ inches.

(2) The approximate inside dimensions of the top across the center shall be 12 inches by 23 inches. The approximate inside dimensions of the bottom at the corners shall be 9 inches by 19 inches. The inside depth of the basket at the corners shall be 7 inches.

(3) The inside dimensions of the square-cornered splint basket at the top shall be 10⅝ inches by 22¼ inches. The inside dimensions of the bottom shall be 9⅝ inches by 20½ inches. The inside depth of the basket at the corners shall be 7½ inches.

SEC. 4. That the standard box for apples shall contain 2,173.5 cubic inches when measured without distention of its parts, and conform to the following dimensions: The length of the box shall be 18 inches, its width shall be 11¼ inches, and its depth shall be 10½ inches, all inside measurements.

SEC. 5. That the Secretary of Agriculture shall in his regulations under this act prescribe such tolerances as he may find necessary to allow in the capacities and specifications for hampers, round-stave baskets, splint baskets, and the standard apple box, and parts thereof set forth in sections 1, 2, 3, and 4 of this act, in order to provide for reasonable variations occurring in the course of manufacture and handling, and shall also prescribe such tolerances as he may find necessary to allow for the purposes of section 7 of this act in the quantities of fruits or vegetables in hampers, round-stave baskets, splint baskets, and the standard apple box, in order to provide for the natural shrinkage of such contents after packing. If a cover be used upon any hamper, basket, or box mentioned in said section, it shall be securely fastened or attached in such a manner, subject to the regulations of the Secretary of Agriculture, as not to reduce the capacity of such hamper, basket, or box below that prescribed therefor.

SEC. 6. That in order to provide for the more economical use of space in packing or transportation, or for the greater conservation of material or labor in manufacture or handling, or of the contents in course of shipment, of hampers, round-stave baskets, and splint baskets for fruits or vegetables, or apple boxes, or parts thereof, the Secretary of Agriculture, whenever he finds necessary, may, in his regulations, prescribe specifications with respect to the material used, or the dimensions thereof, for such hampers, round-stave baskets, splint baskets, or apple boxes, or parts thereof in addition to, differing from, or superseding those set forth in sections 1, 2, 3, or 4 of this act, but not departing from the respective capacities therein prescribed. Such specifications shall not supersede any specifications set forth in this act until a period of at least six months shall have elapsed after public notice shall have been given following an opportunity afforded the interested public for a hearing.

SEC. 7. That it shall be unlawful to manufacture for sale or shipment, offer for sale, or ship, or to import or cause to be imported into the continental United States, hampers, round stave baskets, or splint baskets for fruits or vegetables, or apple boxes, either filled or unfilled, or parts of such hampers, round stave baskets, splint baskets, apple boxes that do not comply with this act; or fruits or vegetables not sold or offered for sale by standard net weight or by numerical count, in hampers, round stave baskets, splint baskets, or apple boxes that at the time of such offer for sale, shipment, or importation are not filled to the full capacity thereof, stricken measure, subject to such tolerances as may be prescribed in the regulations under this act: *Provided*, That this act shall not apply to baskets or other containers having capacities less than 4 quarts which comply with the provisions of the act approved August 31, 1916, entitled "An act to fix standards for Climax baskets for grapes and other fruits and vegetables, and to fix standards for baskets and other containers for small fruits, berries, and vegetables, and for other purposes" (39 U. S. Stat. L., p. 673), and the regulations thereunder. Any individual, partnership, association, or corporation that willfully violates this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding $100 or imprisonment not exceeding 60 days, or both.

SEC. 8. That any hamper, round stave basket, or splint basket for fruits or vegetables, or any apple box, whether filled or unfilled, or parts of such hampers, round stave baskets, splint baskets, or apple boxes, not complying with this act, which shall be manufactured for sale or shipment, offered for sale, sold, shipped, or imported, may be proceeded against in any district court of the United States within the district where the same shall be found and may be seized for confiscation by a process of libel for condemnation. Upon request, the person entitled shall be permitted to retain or take possession of the contents of such hampers, baskets, or boxes, but, in the absence of such request or when the perishable nature of such contents makes such action immediately necessary, the same shall be disposed of by destruction or sale as the court or a judge thereof may direct. If such hampers, round stave baskets, splint baskets, or apple boxes, or parts thereof be found in such proceeding to be contrary to this act, the same shall be disposed of by destruction, except that the court may by order direct that such hampers, baskets, or boxes, or parts be returned to the owner thereof, or sold, upon the payment of the costs of such proceeding and the execution and delivery of a good and sufficient bond to the effect that such hampers, baskets, or boxes, or parts shall not be sold or otherwise disposed of or used contrary to law. The proceeds of any sale under this section, less legal costs and charges, shall be paid over to the person entitled thereto. The proceedings in such seizure cases shall conform as near as may be to the proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in such cases and all such proceedings shall be at the suit and in the name of the United States.

SEC. 9. That this act shall not prohibit the manufacture for sale or shipment, offer for sale, sale, or shipment of hampers, round stave baskets, splint baskets, apple boxes, or parts thereof to any foreign country in accordance with the specifications of a foreign consignee or customer not contrary to the law of such foreign country; nor shall this act apply to hampers having a capacity of 1½ bushels or more, or to hampers for bananas of the shape now in commercial use having less than such capacity, if any, or to round stave baskets having a capacity of 2½ bushels or more, or to apple boxes having a capacity of 1½ bushels or more.

SEC. 10. That this act shall not be understood or construed as in any way repealing the act of July 28, 1866 (Rev. Stats. U. S., secs. 3569, 3570), legalizing the use of the weights and measures of the metric system.

SEC. 11. That it shall be the duty of each United States district attorney to whom satisfactory evidence of any violation of this act is presented to cause appropriate proceedings to be commenced and prosecuted in the proper courts of the United States in his district for the enforcement of the provisions of this act.

SEC. 12. That the Secretary of Agriculture is authorized to prescribe such regulations as he may find necessary for carrying into effect the provisions of this act, and to cause such examinations and tests to be made as may be necessary in order to determine whether hampers, round stave baskets, splint baskets, and apple boxes, or parts thereof, subject to this act, meet its requirements. For said purpose the authorized officers and agents of the Department of Agriculture may visit factories, stock rooms, and other places of business where such hampers, baskets, and boxes, or parts thereof, are manufactured or held for sale or shipment or offered for sale, may enter cars, vessels, other vehicles, and places under the control of carriers engaged in the transportation of such hampers, baskets, and boxes, or parts thereof, and may take samples of such hampers, baskets, and boxes, or parts, the cost of which samples, upon request, shall be paid to the person entitled.

SEC. 13. That for carrying out the purposes of this act the Secretary of Agriculture is authorized to cooperate with State, county, and municipal authorities, manufacturers, dealers, and shippers, to employ such persons and means, and to pay such expenses, including rent, printing, publications, and the purchase of supplies and equipment, in the District of Columbia and elsewhere, as he shall find to be necessary, for which purposes the sum of $10,000 is appropriated out of any money in the Treasury not otherwise appropriated, available immediately and until expended.

SEC. 14. That sections 7 and 8 of this act shall become effective, at but not before the expiration of one year following the 1st day of November next succeeding the passage of this act.

By reference to lines 4 and 5 on page 3, even with the committee amendment adopted, gentlemen will see that the standard container must be 14½ inches across the top. Of course, that means a measurement which they have taken of a certain kind of basket manufactured out of a certain kind of material. It is true, and I concede it for the sake of argument, that the measurement of most of the baskets manufactured out of a certain material will be very properly so fixed, if you are going to go that far and if you think you have the constitutional authority to go that far. It would be very proper under such circumstances to fix that as the top measurement, but you will immediately outlaw the use of other materials which are thinner and which tests show are as strong or stronger than the material you figured on when you established this particular standard.

Here is another thing which has been overlooked: I have had certain tests made during the last week since this bill was taken up for consideration. I desire to state that I have no basket factory in my district that I know of. We import our baskets from elsewhere. I have the largest peach orchard in the world in my district. I do not know whether Mr. Johnson, the peach king, is for or against this measure, and it makes no difference, because, although he is one of the closest friends I have in the world, if he were to favor it I would oppose it, because it is vicious in principle. These baskets, I would state for the benefit of those who are not familiar with the subject, are put up in "nests" at the factory. They are manufactured not only out of "green" material but out of damp material. They are jammed together and stacked up, and by actual tests of a nest of baskets that was carried over from last season, in a warehouse in my district, the bottom basket of the nest into which all of the other baskets are crushed down was nearly 1 inch wider on the top measurement than the top basket. It was more nearly three-quarters of an inch than anything else. The gentleman from Indiana says that we are going to provide for differentials by authorizing the Secretary of Agriculture to provide tolerances. Of course, you have to do that. You recognize the silliness of undertaking to say that if a basket happens to be a quarter of an inch or half an inch out of line, the man who used it would be a criminal. Therefore you must provide for differentials. What do you do? You refer that matter to an administrative officer. What differential is he going to establish? If he establishes three-quarters of an inch, so as to make allowance for the "crush" of the "nest," then you defeat the very object you have in mind, because it would be possible then for manufacturers to make the differential in the beginning and insist, if one of their baskets is found beyond the differential, that it was correct at the time of manufacture when it left him in the "green" material. If you are going to pass this bill, you ought to say when that measurement shall be fixed, and I suggest to the committee in all seriousness that it would be best to fix it at the time of manufacture. If you do not do that, you will have confusion. That calls attention to the real viciousness of the bill. Aside from the constitutional question, the American people submitted very willingly during the war to all kinds of supervision and all kinds of control of their business,

They are very rightfully sick and disgusted with Federal interference with their business. If you pass a bill like this you affect the small fruit grower, and there are many of them scattered over this whole country, who puts up a small amount of his produce, not for interstate shipment, but maybe he is selling to some local merchant, or he may be sending it to some local canning factory, or something or another. He knows—and he knows it because you will have your Federal inspector snooping around—if he makes a mistake in the size of his basket or hamper he is to be haled into a Federal court to establish the bona fides of his intent and defend a basket which he did not manufacture, and I venture the assertion that there are not a half dozen men in this House who can take the dimensions of a basket 1 inch off one way from its standard dimensions and figure out the cubic contents of a basket that is circular at the top and has a curve at the bottom. It takes a skillful mathematician to do that. I can not do it.

Mr. KELLER. Will the gentleman yield?

Mr. WINGO. I will.

Mr. KELLER. Does the gentleman know that the small fruit growers are in favor of this bill?

The CHAIRMAN. The time of the gentleman has expired.

Mr. WINGO. I will ask for five minutes additional.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas? [After a pause.] The Chair hears none.

Mr. KELLER. And they want to furnish the public honest measurement, and the reason for this bill is because the big man does not want to furnish an honest bushel, but the small growers, the small fruit growers, are for this bill.

Mr. WINGO. Well, I do not think the large fruit growers or the small fruit growers want to furnish a dishonest measure.

Mr. KELLER. There are certain men——

Mr. WINGO. I deny it—I challenge it.

The gentleman could not make that statement in any fruit growers' association in the United States. Bert Johnson is the largest fruit grower in the world, he is the peach king, and as his personal friend I resent the imputation placed upon his integrity. He is as honest as the gentleman. I will take Bert Johnson's word as against the gentleman's solemn oath. No man who has had any dealings with him or any of the other large growers can say that they are trying to furnish a dishonest basket. Here is what the public is protesting against. It is against the retailer, the commission merchant selling them something for a bushel or two bushels that are not that. That is what they are protesting against. They are protesting against partially filled and deceptively packed containers. They are not protesting against the size of the container. Why should any fruit grower undertake to defraud the ultimate consumer when he gets no benefit out of it?

It is the commission man who gets the benefit. It is he who suggests to the fruit grower that he fill his basket of peaches a little less; do not fill them quite so full. He is the man who suggests it to the fruit grower; the peach grower does not do it. He undertakes to comply with the requirements of the trade. The packers undertake to comply with the standard requirements recognized by the market, and if you want to prevent fraud I am with you. Under the interstate-commerce clause of the Constitution you can bar from interstate commerce a fraudulent package; but you can have a container, one of these baskets, and comply with the standard under this bill, and what can he do? He can fill the contents of the container three-fourths, or leave 2 inches off the top if he wants to, or by packing it in such a manner, and any gentleman who has consulted an expert packer knows that if you pack peaches one way you can reduce the cubic contents of the basket about 13 or 14 per cent. But that is regarded as dishonest packing, and the larger fruit orchard growers refuse to pack that way. Yet if you had even your standard basket, if you wanted to pack fraudulently so as to deceive the public, you could still do it. But to go back to the proposition. You will depress the small fruit grower. He will say, "I am afraid of this Federal interference, this new governmental inspection agency." Every Member of this House—and this is serious—knows you have men every week writing in complaining that some Federal inspector is inspecting their business and interfering. Why, gentlemen, I have had a man who carried one load of passengers over a mountain road in an automobile have a Federal inspector representing the Revenue Department call him to account and scare him nearly to death and force him to pay a Federal tax. It was over one of the highest mountains between the Appalachian Mountains and the Rocky Mountains, and the only way to get passengers over was to go around by rail, a 24-hour trip. Of course, when it was called to the attention of the department they made a refund.

Mr. MADDEN. What did the man want with the revenue?

Mr. WINGO. Wanted to make a showing as a revenue officer. If the citizen had been a standard carrier in competition with the railroads, he would be liable. But what did they care; they wanted to make a good showing. Now, when an inspection starts—and you have started out with $10,000—before you get through you will have another inspection service "snooping around" the small orchard not alone in my district but in every district of the United States with this kind of a bill, and very soon you will have men afraid to kiss their wives, because it will, they fear, violate some Federal regulation. I called attention once before on this floor that there were some men advocating a thermometer that will deceive people in the wintertime by registering 70 when, as a matter of fact, it was only 60. I called attention at that time that the first thing you know you will have some bill regulating the period of gestation. I made that remark as a piece of wit, and much to my surprise I received communications from several people that they were in favor of it, and that the Grecian people proved by practice such a thing feasible.

Mr. MADDEN. Col. Sellers used to do that with a tallow candle and a stove.

The CHAIRMAN. The time of the gentleman has expired. The question is on agreeing to the committee amendment.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 4, line 1, strike out the letter "d" and insert in lieu thereof the letter "e."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. VESTAL. Mr. Chairman, I offer the following amendment: On page 2, line 4, after the word "diameter," strike out the words "between staves," and after the word "top," in the same line, strike out the words "inside hoop," and after the word "inches," in line 7, strike out the remainder of the paragraph.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. VESTAL: Page 2, line 4, after the word "diameter," strike out the words "between staves," and in the same line, after the word "top," strike out the words "inside hoop." And in line 7, after the word "inches," strike out the remainder of the paragraph.

Mr. QUIN. Mr. Chairman, I would like to have the gentleman from Indiana explain the meaning of the amendment.

Mr. VESTAL. It is to make the bill conform to the amendment passed a few moments ago, on page 3, under section "c."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. WINGO. Mr. Chairman, I offer an amendment as a substitute to strike out all of the paragraph after the word "inches," in line 7.

The CHAIRMAN. The gentleman from Arkansas offers an amendment as a substitute, which the Clerk will report.

The Clerk read as follows:

Substitute offered by Mr. WINGO for the amendment offered by Mr. VESTAL: Page 2, line 7, after the word "inches," strike out the remainder of the paragraph.

Mr. MANN of Illinois. That is not a substitute.

Mr. WINGO. I may be in error as to where the gentleman's amendment comes in.

Mr. MADDEN. It came in after "staves" and "inside hoop."

Mr. WINGO. No; you have knocked the staves and hoops out, though that is all there is to a basket. Where was the gentleman's amendment offered?

The CHAIRMAN. The Clerk will read the original amendment offered by the gentleman from Indiana.

The amendment was again reported.

Mr. WINGO. My amendment was, on page 2, after the word "inches," to cut out the rest of the paragraph. What I am trying to do is to offer the Garrett amendment that was agreed to on the other paragraph, in line 2, page 2, and strike out all after the word "inches."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Modified amendment by Mr. WINGO to the amendment offered by Mr. VESTAL: Page 2, line 2, after the word "inches," strike out the remainder of the paragraph.

The CHAIRMAN. Is there objection to the modification of the amendment as indicated? [After a pause.] The Chair hears none.

Mr. WINGO. Mr. Chairman, so that the House may understand, I wish to say that this is the same proposition that was involved in the Garrett amendment. In other words, it is proposed for the provision to read as follows, if my amendment is adopted:

The standard 1-peck hamper shall contain 537.6 cubic inches.

Mr. MONTAGUE. Your amendment is identical with the amendment offered by Mr. GARRETT?

Mr. WINGO. Yes; identical. I deny that you have the authority to go that far. I think every lawyer in the House will recognize certainly that you have no right to go further than to say that the standard measure shall be pecks, half bushels, and so forth, and give the cubic contents of each. Now, there is some practical reason back of that, but the gentleman says, and the explanation of the chairman of the committee—which is the only justification he has—is this: If you do not undertake to standardize the style of the basket, then you will not economize in the space in shipping. I think if you want to do that, and if you think the situation has arisen where you should do it, you should not do it by penal statute under the constitutional provision authorizing you to fix the standard of weights and measures. You should undertake to regulate shipments in interstate commerce if you want to bar and penalize those who do not conform to the most economical shape of container. You would have perfect constitutional authority to do that, and then the question would be as to the wisdom of doing it. But you would not have the right to come under the "standard of weights and measures" clause of the Constitution and undertake to say that the shape of a basket or the material of a basket should be so and so. You would have no more authority to do that than to say it shall be ringed, streaked, and speckled, or that one should be blue and another should be yellow. Now, if you want to really standardize these containers all you want to say is that the standard for peach hampers shall be a peck, a half bushel, or a bushel, or a bushel and a half, and so forth, and each one containing so many cubic contents. There is some common sense in that.

If you want to go that far, then adopt my amendment. I will be frank and say that even with the adoption of my amendment I am against the bill. But I am trying to bring it down approximately to a basis of reason. I do not believe there is a gentleman that believes that you can ever get a bill through Congress unless you do that, or, if you did, that the Supreme Court would uphold it.

Mr. SUMNERS of Texas. If the gentleman will permit, I would like to ask a question for information. I wondered if we have ever adopted any general standard of measures. If we have, would it not be just as well to strike out the entire section?

Mr. WINGO. I see the gentleman's point, and I thank him. If the cubic contents you give here are the present cubic contents of a standard dry peck, then this language is nothing but a statement of the present existing law. If you are going to change the dry measure, what reason will they give for changing the standard peck? You remember the other day the gentleman from Illinois [Mr. BROOKS], when I asked him what was the object, and if it was a statement of the present existing standard, said it was, and I am assuming that it is. Now, it would simply mean this: You say that the standard contents shall be half pecks, pecks, five-eighths bushel, one bushel, and so forth.

Mr. PLATT. Do I understand the gentleman to say that this depended on the interstate-commerce clause of the Constitution?

Mr. WINGO. No. I say that they justify it on the ground of the constitutional provision in regard to weights and measures. If we do not make some such provision as I have suggested, I believe it would certainly be an abuse of power.

Mr. PLATT. I misunderstood the gentleman.

Mr. WINGO. Oh, no. I understand what the Constitution provides as to standards of weights and measures.

Mr. PLATT. The gentleman says it would be a difficult mathematical problem to calculate the contents of one of these baskets. The gentleman does not mean to say there is any difficulty in finding the cubic contents?

Mr. WINGO. During the past week I have had seven university graduates working on the problem. I gave them the shape of a basket that was sent to me from one orchard in my district, and I got seven different answers as to the cubic contents of that basket. I challenge any gentleman in this House, except the gentleman from Illinois, to tell me the actual contents of a basket such as is described in this bill. In my State the standard basket has 21 staves. The basket prescribed in this bill is to have 20 staves.

What is the differential? It requires an intricate mathematical calculation to determine the difference between a 20-stave basket and a 21-stave basket. I am not a sufficient mathematician to do that, and I had seven university graduates, as I say, figure on it, and I got seven different answers, and I fancy that if you were to submit the question to the Members of the House you would get 435 different answers. A peach raiser is not necessarily supposed to be a graduate of a university, and he may have never heard of a truncated cone. I venture to say that few men here could give you a correct statement of what a truncated cone is. I challenge the chairman of the committee to tell me that. [Laughter.]

Mr. PLATT. It is simply a peach basket turned upside down. [Laughter.]

Mr. WINGO. What kind of a peach basket?

Mr. PLATT. Any one that has a surface at the top and at the bottom.

Mr. WINGO. You talk about determining the size and shape and pattern of a farmer's peach basket, and yet you go out and accuse the Socialists of wishing to have meddlesome, paternalistic legislation enacted. I would have to apologize to Meyer London and even to Victor Berger if I were to vote for this legislation. If you want to penalize fraud, I am with you. Provide what the measure shall be, and say it shall be fraudulent to expose for sale a half-filled container or a deceptively filled basket, and I am with you on that. Base it on the interstate-commerce clause of the Constitution. But it is monstrous to come along here and say that if a farmer does not happen to use the right kind or shape of container or the right kind of basket you will have him haled before a Federal judge. Some people have a great and inordinate fear of a Federal judge; they fear him worse than they fear judgment day. I have had some dealings with some of them, and I understand their viewpoint. Gentlemen, I ask you to adopt this amendment. It is identical with the amendment offered by the gentleman from Tennessee [Mr. GARRETT].

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Arkansas [Mr. WINGO] to the amendment offered by the gentleman from Indiana [Mr. VESTAL].

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. WINGO. Mr. Chairman, I ask for a division.

The CHAIRMAN. A division is called for.

The committee divided; and there were—ayes 30, noes 45.

So the amendment was rejected.

Mr. QUIN. Mr. Chairman, I make the point of no quorum. The vote just taken shows that we have not got a quorum here to consider this important bill.

The CHAIRMAN. The gentleman from Mississippi makes the point that there is no quorum present. The Chair will count. [After counting.] One hundred and eight Members are present, a quorum. The question now is on agreeing to the amendment offered by the gentleman from Indiana [Mr. VESTAL].

The amendment was agreed to.

Mr. VESTAL. Mr. Chairman, I offer the following amendment: Page 2, line 16, after the word "diameter," strike out the words "between staves"; and, on line 17, after the word "top," strike out the words "inside hoop"; and strike out all of lines 20, 21, 22, 23, and 24.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Indiana.

The Clerk read as follows:

Amendment offered by Mr. VESTAL: Page 2, line 16, after the word "diameter," strike out the words "between staves." On line 17, page 2, after the word "top," strike out the words "inside hoop." On page 2, line 20, strike out all of lines 20 to 24, inclusive.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. VESTAL. Mr. Chairman, I offer another amendment. On page 3, line 16, after the word "diameter," strike out the words "between staves"; and on line 17, after the word "top," strike out the words "inside hoop"; and on line 20, after the word "inches," strike out the remainder of the paragraph.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. VESTAL: Page 3, line 16, after the word "diameter," strike out the words "between staves." On page 2, line 17, after the word "top," strike out the words "inside hoop." On page 2, line 20, after the word "inches," strike out the remainder of the paragraph.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. QUIN. Mr. Chairman, does the gentleman intend to revert to section 1?

Mr. VESTAL. We are still on section 1, I will say to the gentleman from Mississippi. These are all subdivisions of section 1.

Mr. QUIN. Oh, yes; I understand. Then we shall have a chance after the committee amendments are offered?

Mr. VESTAL. Yes. On page 4, line 5, Mr. Chairman, I move to strike out, after the word "diameter," the words "between staves"; and on line 6, after the word "top," strike out the words "inside hoop"; and on line 9, after the word "inches," strike out the remainder of the paragraph.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. VESTAL: Page 4, line 5, after the word "diameter," strike out the words "between staves"; page 4, line 6, after the word "top," strike out the words "inside hoop"; page 4, line 9, after the word "inches," strike out the remainder of the paragraph.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. VESTAL. On page 4, line 15, I offer the following amendment: After the word "diameter" strike out the words "between staves." In line 16, after the word "top," strike out the words "inside hoop"; and in line 19, after the word "inches," strike out the remainder of the paragraph.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Indiana.

The Clerk read as follows:

Page 4, line 15, after the word "diameter," strike out the words "between staves"; in line 16, after the word "top," strike out the words "inside hoop"; in line 19, after the word "inches," strike out the remainder of the paragraph.

The CHAIRMAN. The question is upon the adoption of the amendment.

The amendment was agreed to.

Mr. GARD. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GARD: Page 1, line 7, after the word "section," insert "each of the above standard hampers shall be marked with its true capacity content in legible letters and figures."

Mr. QUIN. Mr. Chairman, I wish the gentleman would withhold his amendment until I can offer one specifying the different sizes of these things.

Mr. GARD. That can come in later.

Mr. QUIN. All right.

Mr. GARD. The purpose of the amendment which I have offered is to make as sure as reasonably can be made sure what would be the beneficial effect of this act to the consumer. The amendment which I have offered provides in terms that upon each of these standard hampers there shall be placed in legible figures and letters the true capacity content, so that one who buys this hamper of 1 peck or one-half bushel or five-eighths, or whatever it is, shall have on the outside of it a statement of its true capacity content.

Mr. MANN of Illinois. Will the gentleman yield?

Mr. GARD. Yes; very gladly.

Mr. MANN of Illinois. May we have the amendment reported again?

Mr. GARD. Yes; I shall be very glad to have it reported again.

The CHAIRMAN. If there is no objection, the Clerk will again report the amendment of the gentleman from Ohio.

The amendment of Mr. GARD was again read.

Mr. MANN of Illinois. The gentleman says it shall be marked "with its true capacity content."

Mr. GARD. Yes.

Mr. MANN of Illinois. Does that mean that it shall be marked "1 peck," or "one-half bushel"?

Mr. GARD. Yes; that is the idea I tried to convey, that a 1-peck hamper should be marked "1 peck," that a one-half-bushel hamper should be marked "one-half bushel," so that when these hampers come in with their contents, the individual who buys a peck of peaches in the market will be advised of what the hamper carries, what its true content is.

Mr. MANN of Illinois. And it will be sufficient to state "1 peck," or "one-half bushel," and so forth, and will not be necessary to use the language in the bill describing the size of the hamper in cubic inches, or anything of that sort?

Mr. GARD. No; the bill provides what number of cubic inches shall constitute a standard 1-peck hamper or a half-bushel or bushel hamper, and all that, but I do not think it is necessary to state that on the outside of the hamper.

Mr. MANN of Illinois. That is not what the gentleman wants to accomplish?

Mr. GARD. No; it is important in the manufacture of the hamper, but to the man who is a consumer, who buys in the market, it is important, I take it, that when he pays for a half bushel he shall know whether it is a half-bushel hamper or not.

Mr. LAYTON. Does the gentleman mean to say that it will make it clearer that it is a half bushel and not a bushel?

Mr. GARD. Yes; to give its true content capacity. If you buy a peck hamper, it should state on the outside that its contents are 1 peck. If you buy a half-bushel hamper, it should state that.

Mr. DEMPSEY. I am afraid the amendment drawn by the gentleman might be susceptible of the meaning suggested by the gentleman from Illinois [Mr. MANN]. It occurs to me that it might mean a statement of the cubic inches, instead of a statement of the kind of hampers designated and described by this bill.

Mr. MANN of Illinois. I asked the question knowing what the gentleman's answer would be, so that the RECORD would show that the author of the amendment had in his mind a simple statement and not an involved statement of the capacity.

Mr. GARD. No; the intent of my amendment is to have marked upon each of these hamper packages exactly what its capacity is—peck, half bushel, bushel, and so forth.

Mr. MANN of Illinois. I understand.

Mr. MOORE of Virginia. But does not the gentleman propose to go a step beyond that, and have the marking really certify or guarantee that the contents are as described; that is to say, if it is a bushel hamper, that the marking shall state that it contains one bushel of fruit or vegetables.

Mr. GARD. No; I do not do that.

Mr. MOORE of Virginia. Would not that be the result?

Mr. GARD. It should be the result.

Mr. MOORE of Virginia. Now, should it be the result? Let us see how undesirable that is from a practical point of view. Here is a bushel hamper, shipped, we will say, from Louisiana or Mississippi. Very often it is necessary to put a quantity of ice in that hamper. I was called in question the other day for saying that is done, but the Interstate Commerce Commission recognizes that it is in fact done and necessary to be done. There may be, for instance, a bushel basket containing lettuce or cabbage shipped from some point in Louisiana. There are several pounds of ice in that container. If a certificate of actual content is required it can not be complied with when the ice is taken into account. I submit, if my friend will allow me further, that the result of the enactment of the bill will be to put in a strait-jacket a large part of an important business of the country, in which not alone fruit growers are interested but the more numerous vegetable growers.

Mr. MANN of Illinois. Will the gentleman yield?

Mr. MOORE of Virginia. Yes; certainly.

Mr. MANN of Illinois. The gentleman recognizes that the amendment says "capacity content" not "contents."

Mr. MOORE of Virginia. I am uncertain as to what the amendment would accomplish if adopted.

Mr. MANN of Illinois. It seemed to me very clear after the amendment was again reported. The amendment says capacity content; that is not a guaranty of how much it contains. Anybody can see whether it is full or not. It is supposed to be a guaranty of what the size of the container is.

Mr. MOORE of Virginia. I can see no objection if that is clearly what is meant; that is, if it is a peck, half bushel, five-eighths of a bushel, or a bushel to so state on the container. That is all right, but we ought not to go beyond that by expression or implication.

Mr. MANN of Illinois. I agree with the gentleman from Virginia, and that is all that this amendment does.

Mr. DEMPSEY. Mr. Chairman, I offer an amendment to the amendment as follows: Add to the amendment, "to wit, 1 peck, one-half bushel, five-eighths bushel, or 1½ bushels, as the case may be."

Mr. BEE. What is the difference?

Mr. DEMPSEY. It makes it susceptible of the exact meaning. I think the amendment as originally offered is susceptible of meaning that it should state the cubical contents instead of the size of the package as defined by the act.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York.

The Clerk read as follows:

Amendment offered by Mr. DEMPSEY to the amendment offered by Mr. GARD: At the end of the Gard amendment add the following: "to wit, 1 peck, one-half bushel, five-eighths bushel, 1 bushel, or 1½ bushels, as the case may be."

Mr. GARD. I have no objection to that, Mr. Chairman; it may tend to clarify it.

Mr. HERSMAN. Will the gentleman yield for a question?

Mr. GARD. Certainly.

Mr. HERSMAN. Is it your suggestion that the cubic contents be stamped on the container?

Mr. GARD. Not the cubic contents. If it is a peck hamper, it will so state; if it is a half-bushel hamper, it will state a half bushel, and so on.

Mr. HERSMAN. It seems to me that this additional operation will add very materially to the cost of these hampers. The idea of this bill is to standardize containers and not increase the cost to the consumer. Any stamp that you put on will not last for any length of time. That was the testimony before the committee. The department was not in favor of putting any stamp on the outside of the package. It seems to me that anyone accustomed to buying in the market knows the difference between a half bushel and a bushel, or between five-eighths of a bushel and a bushel. Of course the difference between a five-eighths bushel and a half bushel is not so apparent; if a five-eighths bushel is sold for a half bushel, that will be beneficial to the buyer and it is not often used as a retail container. It seems to me that the whole idea of standardization is to protect the public. There is no probability of making a mistake to anyone accustomed to buying in the market. Any housewife knows the difference between a half bushel and a bushel, or between a peck and a half bushel.

Mr. GARD. The point I have in mind is this: Everybody knows the difference between a peck and a half bushel, but here you have a five-eighths bushel, and there will be an amendment providing for seven-eighths of a bushel, so that there will be all these different capacity containing hampers which one looking at not skilled in the trade, as the gentleman is, the ordinary buyer in the market, could not tell whether it was five-eighths of a bushel or a half bushel or seven-eighths of a bushel or a bushel. This amendment provides that when he buys, the capacity content shall be marked on the package. In other words, if he wants five-eighths of a bushel it is so marked, and if he wants seven-eighths of a bushel it is so marked. The whole idea is to protect the public. California has adopted standardized containers not only as to size but the packing. We have got to have an honest measure and we have got to have honest packing.

Mr. DEMPSEY. The gentleman suggests that there might be people who would know the difference between these packages, but there might also be people who do not know, and those who do not know should be protected as well as those who do. Second, the gentleman says that they might make a mistake between five-eighths of a bushel and a half bushel; why not make a mistake in buying a half bushel for five-eighths?

Mr. HERSMAN. I will tell the gentleman the reason why.

Mr. DEMPSEY. There can be no reason why.

Mr. HERSMAN. The testimony before the committee was that the five-eighths bushel was not used in marketing to any extent. It was used as a shipping basket and a picking basket. It is used mainly for tomatoes, but not for selling them in the market.

Mr. DEMPSEY. The gentleman has said that the stamp or marking might be erased. That may be so, but in the vast majority of cases you would have the protection of the mark which would last. I think we should protect everybody and not simply those who know. I think there is liable to be a mistake one way as much as the other. I think also the fact that you might lose the protection of the marking through erasure there is no reason why you should not give the protection which you would get in ninety-nine cases out of one hundred.

Mr. LAYTON. Mr. Chairman, if there is anybody likely to go to market in the United States who can not tell the difference between a peck measure and a half bushel or between a bushel and a bushel and a half, he needs a guardian and ought to be in some kind of an asylum. There is no need of marking these baskets in this way, because the fact is the baskets speak for themselves. If this bill passes they are bound to have a certain number of cubic inches in their contents. The eye can tell the difference between a peck measure and a half bushel or a half bushel and a bushel. It does not need any mark.

The idea is presented here that there is some confusion about the five-eighths basket. That is not to be considered at all in the contemplation of this bill. It is a basket that is not used for general shipping purposes. Nobody uses it for general shipping purposes, and if it is used for general shipping purposes, then the consumer will get the benefit of it, because it is in excess of the standard half bushel. You can not hurt the public by a five-eighths basket. It is used in the field, because the picker of tomatoes finds that to be the sized basket that will enable him to handle it better, and it is the sized basket in which the fruit will not crush. There is a 20 per cent loss if you make it a half-bushel basket in the fields, and if you make it more than seven-eighths, the fruit is liable to crush when put into the wagons and transported.

Another thought that I have is this: If you adopt the amendment of the gentleman from Ohio [Mr. GARD], you are simply putting on another increased cost to the consumer. If anybody thinks that with the millions of baskets that are being made, millions in my territory, you have not got to have additional hands, and additional stamps, and additional ink, and additional time to put on the unnecessary designation proposed in the amendment, then he is mistaken. The eye alone ought to guide anyone, if he has a good pair of eyes. It costs money to do these things.

Mr. MOORE of Virginia. Mr. Chairman, may I suggest this further to the gentleman, that we are asked to adopt a very fine theory which it may not be possible to apply. There may be such narrow slats used in the construction of the containers as to make it almost impossible to do the marking provided by this amendment.

Mr. LAYTON. That is true.

Mr. MOORE of Virginia. And we are getting to the point now when other material than wood is perhaps going to be used in the construction of baskets and hampers. Gentlemen who are much more experienced than I will tell you that it is entirely probable that there will come into common use containers for the shipment of vegetables and fruit that are constructed of wire. How are you going to mark those? The containers may be covered with bagging and there will be no place elsewhere for the desired marking.

Mr. LAYTON. Does not the gentleman think that leaving out, for the sake of argument, the five-eighths basket, a standardization in pecks, half bushels, bushels, and bushel and a half will mark the contents of each basket?

Mr. MOORE of Virginia. I have not the slightest doubt about that.

Mr. BRIGGS. Mr. Chairman, I am not favorably inclined to this measure, but I think that the amendment offered by the gentleman from Ohio [Mr. GARD] is one of the best amendments that have been suggested. The purpose of the bill is to protect the public in fair measures, and one of the ways to do it is to have these packages properly marked. One of the objections urged against the indiscriminate use of different sizes of baskets is the confusion produced, it is alleged, in the minds of the public, and that enable unscrupulous dealers to sell for certain quantities packages which do not contain those quantities. It is urged here that there can be no discrimination and no advantage taken of the public by the five-eighths basket not being marked, because if the public thinks they are getting a half bushel basket when really getting a five-eighths bushel basket, then that is so much to their advantage. But the other question may be considered. They may be buying a five-eighths bushel basket and be handed out a half-bushel basket, and that is very much more likely to be the case than that the public will get a five-eighths basket for a one-half bushel basket.

It seems to me that to-day we are seeking to bring upon the people an endless amount of regulation. This bill just teems with details of regulations prohibiting the use of different character of boxes or baskets which may be particularly suited to these different communities and not suited to other communities. That fact is no better illustrated than in the arguments before the Committee on Coinage, Weights, and Measures. The original bill made no provision for a five-eighths-bushel basket. In fact, the Bureau of Markets in the Department of Agriculture condemned the use of any such basket, but it was urged upon them by growers in New Jersey, Pennsylvania, and Delaware that that basket was in such common use, that it was used in such immense volume, that it was so costly to require them to change, and so necessary in shipment, that the bill ought to be amended so as to allow the use of the five-eighths-bushel basket; and it was even urged, according to the testimony before the committee, that trucks were built to accommodate themselves to the five-eighths basket and that other sizes could not be used with economy. Therefore, the committee permitted that amendment to be engrafted on the bill. I want to read in this connection the statement of Mr. Downing, of the Bureau of Markets, one of the strongest advocates of the passage of this measure. He said:

> Now, we understand that the five-eighths basket is not a short package. It is a large package, but there is the danger of dishonest parties passing off a 16-quart for a 20-quart basket if it is standardized, just the same as the seven-eighths bushel masquerades as a bushel. There is 4 quarts difference in both instances.
>
> If we let down the bars and admit the five-eighths basket, there are dozens of other baskets of nonstandard size that the trade may ask you to standardize that are used very extensively in certain sections. Mississippi will say, "Give us the seven-eighths bushel bean basket." Norfolk will say, "We want the 5-pecks hamper." New York will say, "The 14-quart peach basket ought to be included." For the above reasons we think if you include the five-eighths hamper that you are open-

ing up the whole question of what shall or shall not be the standard, and certainly if you include the five-eighths hamper in the bill, there ought to be a similar provision for a five-eighths bushel round stave basket. These are our reasons.

In other words, the admission into this bill of the five-eighths basket destroys the whole symmetry and purpose of the bill.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BRIGGS. Mr. Chairman, I ask unanimous consent that I may proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BRIGGS. Mr. Chairman, I want to say to the members of the committee that in many sections of the country they are using in great quantities the seven-eighths bushel basket, and the Bureau of Markets itself practically admits that if you make the concession of a five-eighths bushel basket you ought to allow a seven-eighths bushel basket. In my humble opinion we ought to allow any kind of basket that any farmer or shipper wants to use, provided it is properly marked and identified, so that the public may know what they are buying when they pay for certain commodities. It seems to me this bill reeks with paternalism, that it is going to mean a vast amount of inspectors, that it is going to mean a constantly increasing cost for that inspection, and that there is really no justification for any such measure. A simple statement of what certain measures or hampers or baskets shall contain to be regarded as standard, the stamping on those measures or containers in some form their capacity and contents, are all that we ought to be expected to provide, with a penalty attached for violation by misrepresentation or fraud, such as is provided in the pure-food act. This bill goes so far that if any man happens to use one of these baskets or a set of baskets sold to him by mistake for a certain size he loses all his commodity, because the Government seizes it under libel proceedings, condemns it, and may destroy it or sell it in the open market. I say that those provisions are unjust and that the purpose sought here could be easily obtained by simply providing and designating by marking in some way the standard content of any character of basket that may be used within certain limitations, and the amendment offered by the gentleman from Ohio [Mr. GARD] as to what the size of the container is seeks to do this. Unfortunately the bill contains so much restriction upon the rights of the people that it is beyond redemption. It even goes to the extent of permitting, in section 5, on page 12, the Secretary of Agriculture to set aside the law and substitute law of his own making. It provides that he shall have the power to even outlaw any materials that the people in my district might choose or ever have to use in order to make baskets or hampers at all. He could cut out the use of pine and substitute spruce. I am opposed to any such proposed legislation and believe that this measure is more in the interest of certain large hamper and basket manufacturers than it is in the interest of the shippers or the people.

Mr. MANN of Illinois. Mr. Chairman, if I may make an inquiry in reference to the amendment of the gentleman from Ohio about marking these packages, do some of the gentlemen who seem to be opposed to the amendment know whether the baskets are now required to be marked under the pure-food law? My impression is that the pure-food law requires the quantity of the contents to be marked on all containers of food. I heard a couple of gentlemen argue it would be a great imposition to require these baskets to be marked, and I just asked for information if they knew whether in fact they are now marked.

Mr. MOORE of Virginia. With the permission of the gentleman, who is very much more familiar with the pure-food law than I am——

Mr. MANN of Illinois. I ask for information.

Mr. MOORE of Virginia. My belief is that the question would have to be answered in the negative in view of the provisions of the law and decisions of the Supreme Court construing the law.

Mr. MANN of Illinois. There are no decisions of the Supreme Court or law against it. On the contrary, every little package I know you buy in the market containing food or medicine, except in the very minutest quantity, is marked with the quantity of the content, and that is in the law. Now, I do not recall, although I drew the provision, whether it would apply to containers of this kind. It is an easy matter to ascertain, and I thought some one knew.

Mr. MOORE of Virginia. I do not think it does.

Mr. MANN of Illinois. The Supreme Court has sustained every provision of the pure-food law.

Mr. HERSMAN. Will the gentleman yield?

Mr. MANN of Illinois. I will.

Mr. HERSMAN. The testimony before the committee by the officials of the Government at the time the hearings were had was against marking these containers. They thought it was not necessary at all. It was very plainly brought out that the public could easily recognize by the different sizes the actual contents.

Mr. MANN of Illinois. That is another question. These gentlemen were from the Bureau of Markets, I take it, and I do not know whether they knew anything about the pure-food law, because the Agricultural Department is very extensive. My own impression, although I am not at all sure, is that they not only have power but exercise it and require these packages to be marked in some way showing the contents.

Mr. BEE. Mr. Chairman, I have been impressed by the statement made by the gentleman from Texas [Mr. BRIGGS]. It impels me to make a brief observation on this bill. I have sat for some time and listened to its discussion, and I have been especially interested because it has been fathered by my distinguished friend from Indiana [Mr. VESTAL], but I just wondered when I read this bill how we lived for 100 years in this country and ever established a reasonable reputation for honesty and fair dealing. In other words, you take a bill of this character and it seems to me to reverse the presumption; in other words, every man is presumed to be guilty until he proves his honesty. They take and require the farmers of this country, the vegetable growers, the fruit growers, to comply with measurements that the average man has no more idea what it means than what is in the Koran, and put a penalty upon him in case he does not faithfully comply with all these things, and, going further than that, bring these governmental agencies throughout the country to enter into the business houses of people in search of the baskets that they are making and confiscate them, institute libel proceedings in admiralty—why you are going to have the farmers of this country so complicated that you are going to undo the good that is intended. I have the idea, let me say to the gentleman from Indiana—I may be mistaken—but I think we have a law in this country that where a party is guilty of theft by a pretext he is just as much guilty of theft as if it is specially defined. In other words, if any concern or business systematically is robbing the public by false measures you have got the right to prosecute him under the general law of theft by a false pretext or a false pretense without putting this burden upon every farmer or fruit grower or raiser in this country of acquainting himself with that which I venture the prediction, with due respect to my associates here, not two dozen of the men of this House can absolutely explain the provision of every section of this bill. I certainly could not do that, but I do not claim any special knowledge of these sorts of things.

Mr. VESTAL. Will the gentleman yield?

Mr. BEE. I will.

Mr. VESTAL. There is no manufacturer of baskets anywhere in this country who is opposing this bill. It does not change the machinery. It does cut out in the hampers at least 30 different sizes of baskets. If a manufacturer can cut out 30 different sizes of baskets, he certainly can manufacture baskets cheaper than with all these different sizes.

Mr. BEE. I will say to the gentleman——

Mr. VESTAL. Now, the ordinary small grower is not going to get into trouble, because, if the bill becomes a law, it makes it unlawful for the manufacturer to manufacture these baskets, and there will be only these certain sized baskets on the market to be sold.

Mr. BEE. I understand that.

Mr. VESTAL. It promotes honest commerce, and I can not see any objection to the bill.

Mr. BEE. I am sure it is intended to promote honest commerce, but the point I am just making is that we are enlarging offenses in this country with such rapidity that we are not going to get volumes big enough to contain them. Let me say to the gentleman from Indiana it is a very safe rule if you will go back 2,000 years ago there is written into the fundamental law of man the real offenses necessarily that enter into the policy of human conduct, and whenever you seek to enlarge them with these artificial ones we do not create a healthy spirit and you make lawbreakers out of men who are not lawbreakers; you fill your statutes with laws; you send out into every avenue of this country governmental agents, spies you may call them, who go into each place to investigate and see whether a man complies specifically and literally with everything in this law.

I believe that this country, as I said a minute ago, has survived for a hundred years, and we did have the reputation in the past of being an honest people, and I do not believe it is necessary, in order to get what the gentleman denominates as "honest commerce," to fill our statute books with oppressive laws like this, the effect of which is to interfere with individual agency. I have listened to the discussion, and the more I have

listened the more I have found myself involved in a maze of uncertainty as to what the law really contemplates or will do.

Mr. LAYTON. Will the gentleman pardon me?

Mr. BEE. Yes.

Mr. LAYTON. As a matter of fact, in the section of the country where I live and where baskets are manufactured by millions upon millions this bill meets the approval of the farmer, meets the approval of the manufacturer of the baskets, and meets the approval of the man who cans the fruit and who ships the fruit, and one of the most——

Mr. BEE. I will say to the gentleman from Delaware that that does not answer the argument that is in my mind. What I am seeking to convey by these few remarks is that we are establishing a system of repressive legislation and we are going upon the presumption that men are no longer honest in this world, but that they are dishonest.

Mr. LAYTON. Then, in order to be entirely and comprehensively complete in logic, let us repeal sweepingly every penal statute of the United States and reenact the Ten Commandments.

Mr. BEE. I want to say to the gentleman from Delaware that if this country would go back to the Ten Commandments and men and women would live up to their provisions we would come very near living, in the sight of God, correctly.

Mr. LAYTON. You would be in chaos.

Mr. QUIN. Mr. Chairman, I make the point of no quorum.

The CHAIRMAN. The gentleman from Mississippi makes the point that there is no quorum present. The Chair will count. [After counting.] One hundred and one gentlemen are present—a quorum.

Mr. STEVENSON. Mr. Chairman, I move to strike out the last two words.

The question was raised a while ago as to the marking and mismarking under the pure-food act. I will call the gentleman's attention, in the first place, to the fact that that is an act based upon the power of Congress under interstate commerce. There is no attempt here to invoke the power of interstate commerce, but the attempt is merely to walk in and regulate what is done entirely within the States. The attempt on the part of the pure-food people—and it is probably an exercise of interstate-commerce regulations—was to exclude from interstate commerce all those ingredients where they were denounced as impure, and to require honesty in dealing with those matters which go into interstate commerce. They provided that in case of food if any substance had been mixed or packed so as to reduce or lower or affect its quality or strength, it was excluded, and so on. And then they provided as to what misbranding is, and provided that a reasonable variation should be permitted or should be construed as to misbranding or mismarking. So the provision that is proposed by the gentleman from Ohio is already practically met as to such articles as go into interstate commerce.

But this bill is not confined to that or based upon that. This bill intends to regulate the size of every package of the kind denominated in the bill—intrastate and every other kind—and therefore it is necessary that this amendment go on if it is to have this effect. Now, the gentleman from Delaware [Mr. LAYTON] a little bit ago said that everybody—the farmer and the manufacturer and everybody else—was in favor of this proposition.

When this clause over here—section 12—begins to be enforced, with $10,000 being expended on inspectors to go around and look in every man's packing house and in every man's shop and in every farmer's smokehouse and bring him before the United States commissioner because he has not got his containers of the right size, because he happens to have some there that are a little under measurement or that are square instead of round, it will be time then to find out whether the farmers are in favor of this or not. So far as I am concerned, I have gotten to the point where I am tired of the inspector. He is increasing. This means the institution of a new bureau in the Department of Agriculture, with a lot of men who are of no account for anything else to go around and make trouble for the honest people of this country who are trying to market the products that they raise by their own toil. And I think the gentleman from Delaware and his people will be tired of it when the inspector begins to annoy them about their personal affairs.

Mr. SUMMERS of Washington. Mr. Chairman, I would like to bring to the very especial attention of the gentleman from Texas [Mr. BEE] what was said more than 4,000 years ago in regard to weights and measures. Moses introduced into Israel standard weights and measures, saying:

Thou shalt not have in thy bag divers weights, a great and a small. Thou shalt not have in thy house divers measures, a great and a small. But thou shalt have a perfect and a just weight, a perfect and a just measure shalt thou have that thy days may be lengthened in the land which the Lord thy God giveth thee. (Deuteronomy XXV, 13–15.)

Mr. Chairman, standards of value were established under this Government when the cent and the dollar were standardized.

The inch, the foot, the yard, and the mile have all been definitely fixed as standards of distance.

The avoirdupois ounce and pound are definite weights for all our produce.

We measure, judge, and weigh everything by standards.

The latest standard has been set by William Tyler Page, who has given to America a condensed standard declaration of our belief and our faith in and our duty to our country. The Congress has authoritatively recognized that American's creed, and for one I think so well of it and its standardizing, Americanizing influence on the youth of the land, that I do not hesitate to send it out as presented by Congressman JOHN W. SUMMERS.

Moses, the wise lawgiver of old, recognized the value and the necessity of definite weights and measures, and it will be to the benefit of the producer and the consumer and to the credit of this Congress if we follow his lead.

I think the chairman of the Committee on Coinage, Weights, and Measures is fully justified in all that he has undertaken, and that the committee should stand by him. [Applause.]

Mr. MOORE of Virginia. Mr. Chairman, I doubt, in looking at the pure-food law, whether it would apply to vegetables shipped in the ordinary course of commerce. The language of the law does not seem to warrant that construction, nor do the decisions of the Supreme Court in construing the law. I believe it may be deduced from the decisions that the law is to be taken as applying to the transportation of articles, such as drugs, that would be considered as being otherwise illicit; for example, the decision in the case of the Hippolite Co., Two hundred and twentieth United States. I will not dwell on the views expressed by the court. My idea is—and I say it in deference to the gentleman from Illinois [Mr. MANN], who has a first-hand knowledge of the subject that I do not possess—that such is the construction placed upon the law as expounded by the court. It may be that there is a great deal in this bill that is commendable, but it certainly deserves much consideration before we enact it in anything like its present form.

I rather agree with my friend from Texas [Mr. BEE] that here is a palpable effort to make people good by legislation. I think of what Chief Justice Fuller said on one occasion with reference to a friend of his in Chicago, that his friend's theory seemed to be that everybody ought to be made good by law, and that the courts of equity ought to be empowered to enforce the law. We can not do that sort of thing effectively, and I believe this to be the worst time in the history of this country to attempt legislation of this character. There is confusion in business and uncertainty as to what private individuals can and can not do, and we might well postpone until a better day arrives.

This further observation: Our constant inclination is to take over the authority which the States may exercise themselves. We have done that along various lines. We have done it until we are under universal criticism for doing it. Now, nobody denies that a State has authority by police regulation to bring about standardization. That has been done in California, and it may be done everywhere else. Why should we not leave the States to act and not go on hastily and devise legislation that may be most injurious to the business interests? My own district would perhaps not be much concerned about this matter, and I am without any motive except to place a good law, if we are to put any there, upon the statute books. But I can think of people all over this country, not simply the fruit growers and fruit shippers, but shippers of perishable vegetables here and there and everywhere, all through the South and all through the North and the West, who might find great additional expense and serious additional trouble in complying with the requirements contained in this bill.

Mr. BROOKS of Pennsylvania. Mr. Chairman, in the first place, I wish to state that I do not see any particular necessity for this legislation. It has been said that it is especially in the interest of the manufacturer of the containers and will also be to the advantage of the users of them. Now, they are a small percentage of our population. They number possibly thousands, while there are millions of people who will be affected by the enactment of this bill into law, and particularly they should be taken care of by marking the capacity on these containers. If the manufacturers and the users are so terribly afraid to have the capacity of these containers plainly stamped on the outside of them, I think that is the very reason why the quantity should be marked on them.

Mr. LAYTON. Mr. Chairman, will the gentleman yield for a question?

Mr. BROOKS of Pennsylvania. Yes; I will.

Mr. LAYTON. Why do you assume that the manufacturers are opposed to the marking of the capacity on the containers?

Mr. BROOKS of Pennsylvania. From the arguments that have been advanced.

Mr. LAYTON. There have been no facts presented at all.

Mr. BROOKS of Pennsylvania. There have been lots of statements made.

Mr. LAYTON. Oh, no.

Mr. BROOKS of Pennsylvania. Yes; the gentleman from Delaware himself made the statement that the manufacturers of containers in his own State are favorable to this bill, and he is opposing it.

Mr. LAYTON. Of course; but if the gentleman had paid attention to what I said he would have known that my objection to the marking was because there was no necessity for it. Anybody could tell the difference between a peck and a half bushel; and, in addition, it was a matter that affected the consumer.

Mr. BROOKS of Pennsylvania. I contend that the rank and file of the people can not tell the difference in the capacity of the container by looking at it. I know that that is a fact.

Mr. LAYTON. Between a peck and a half bushel, and between a bushel and a half bushel?

Mr. BROOKS of Pennsylvania. A great many people do not know the difference between five-eighths of a bushel and seven-eighths of a bushel and a bushel.

I want to make this statement, that when fruits and vegetables were originally sold by measure, by the bushel, the people knew how much they were getting. Later they began to sell fruits and vegetables by baskets. The people still thought they were getting a bushel, when very often they were only getting seven-eighths of a bushel or three-fourths of a bushel, and sometimes less than that, and still they thought they were getting a bushel. For that reason I insist, as I did last Wednesday when this bill was considered, that these containers should be marked as to the quantity that they contain.

Mr. STEVENSON. Mr. Chairman, will the gentleman yield?

Mr. BROOKS of Pennsylvania. Yes.

Mr. STEVENSON. If you have them to stamp it on there, there is no opportunity for the man who has sold it to deny, for instance, that he has sold five-eighths of a bushel for a bushel; and when you come to the contest the purchaser may swear he bought it for a bushel and the other man may say he sold it for seven-eighths of a bushel. If the contents were marked on the container there could be no such question as that.

Mr. BROOKS of Pennsylvania. I will make this statement: If the dealer is honest he will not object to having the container marked just what it contains. I hope this amendment will be adopted.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The amendment was agreed to.

The CHAIRMAN. The question recurs on the amendment as amended by the gentleman from Ohio.

The question was taken, and the amendment as amended was agreed to.

Mr. OSBORNE. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. OSBORNE: Page 4, at the end of line 24, add the following: "*Provided*, That nothing in this act contained shall apply to containers of fruits or vegetables sold by weight or numbers or by other measures than the quart, peck, one-half bushel, seven-eighths bushel, one bushel, and one and one-half bushel."

Mr. MANN of Illinois. Mr. Chairman, may we have that amendment reported again?

The CHAIRMAN. Without objection, the amendment will again be reported.

The amendment was again read.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. OSBORNE. If the gentleman from Texas will be brief, I will.

Mr. BLANTON. Just for a question.

Mr. OSBORNE. Very well.

Mr. BLANTON. Would not this, in a measure, do away with the whole purpose of the bill?

Mr. OSBORNE. I think not; and I will explain why: The bill as drawn fixes these standards and measurements. Now, in some portions of the country, notably the State which I in part represent, the fruits are not sold by these measurements that are provided in this bill. They are sold by the pound. The pound system of trade is universal there, and even citrus fruits are sold practically by numbers. The boxes are of a standard size, and they are sold by reference to the number of units of fruit in a box. It is 80, or 100, or 120, or whatever may be the size of the fruit. It is well understood, and it is perfectly fair. When this bill was up a week ago to-day my attention was attracted to this, and I wired to various people engaged in the fruit and vegetable business in California to ascertain their views in regard thereto. I received from the California Vegetable Union, which is a large cooperative organization of raisers of vegetables, a telegram to this effect:

LOS ANGELES, CALIF., *April 22, 1920.*

HENRY Z. OSBORNE, M. C.,
Washington, D. C.:

Answering yours of to-day to Mr. Hogan relative to House bill 12350, to fix standards for hampers, round stave baskets, and split baskets for fruits and vegetables, and to establish a standard box for apples and for other purposes. We approve of your position, especially in view of the shortage of material for containers. We believe that the proposed bill would add more difficulty to an already serious situation. We thank you for calling the matter to our attention.

CALIFORNIA VEGETABLE UNION.

Now, this amendment, Mr. Chairman, will exclude from the operations of the act those fruits and vegetables which are dealt in by the pound, and it is evident that the bill itself does not in any way provide for the sale of such things by the pound. I think under the terms of the bill it might be required of our California people, who, as you all know, raise an enormous amount of fruits and vegetables, probably more than those of any other State in the Union——

Mr. LAYTON. Will the gentleman state, for the information of the House, what vegetables are shipped east from California?

Mr. OSBORNE. Oh, an enormous quantity of vegetables, such as asparagus, and cabbages, and lettuce, and tomatoes, and almost every vegetable, in fact, that is grown, is shipped here. This is an enormous business, these vegetable shipments from California to the East. In fact, you can hardly go to a fruit or vegetable stand in this city where you will not find California fruits and vegetables that have been sold by the pound.

Now, Mr. Chairman, I think under the terms of this bill, unless this amendment should go in, you may compel these people who are selling by the pound to put that produce in a certain shape of basket, which, of course, would be nonsense.

Mr. MANN of Illinois. Mr. Chairman, will the gentleman yield?

Mr. OSBORNE. Surely.

Mr. MANN of Illinois. What provision is there in this bill which would affect the sale of any of these articles that are not sold in hampers or baskets?

Mr. OSBORNE. Section 1, I will state to the gentleman from Illinois; the first part of section 1 apparently makes the standard and fixes the measurement of a container from which all fruits and vegetables must be sold. Let me read it, if you please. It provides that "the standard hampers for fruits and vegetables shall be" so-and-so. That is, everyone must conform to those specified containers, no matter what the conditions are. They must conform to that particular standard of form and measurement. That is the way it reads.

Mr. MANN of Illinois. No. It says that the standard hamper shall be such and such a size. That does not affect barrels. It does not affect boxes or any other kind of container than the hamper.

Mr. OSBORNE. I notice that boxes have been cut out. Evidently the attention of the committee was called to the very thing to which I am calling attention now, and they cut out boxes.

Mr. MANN of Illinois. Boxes have been cut out of the bill, but there is nothing in the bill that excludes boxes from its scope. They have been cut out of the bill because there is a box bill that has been considered by itself; but, as I understand, the bill does not undertake to cover other kinds of containers. I ask for information if I am wrong. I understand it does not undertake to cover anything except hampers and baskets. Many things are put up in other containers than hampers and baskets. They are put up in bags. This bill does not affect the packing of fruits or vegetables in bags; but the gentleman's amendment, as it reads, would say that any other——

Mr. OSBORNE. I have only five minutes, and if the gentleman will allow me I call his attention to this fact, that this language of the bill does not preclude the idea that these fruits and vegetables must be sold in these particular hampers. Anyway, if my amendment is put in, it will make it absolutely impossible to hold to such a construction of the law, and I hope the amendment will be adopted.

Mr. DEMPSEY. Will the gentleman yield for a question?

Mr. OSBORNE. I will.

Mr. DEMPSEY. I suggest to the gentleman that he will accomplish all that he designs to accomplish if he stops with the word "numbers," in the second line of his amendment, instead of leaving in the words—

or by other measures than the quart, peck, one-half bushel, five-eighths bushel, one bushel, and one and one-half bushel.

If that part of his amendment prevails, it is wholly unnecessary to the purpose he wants to accomplish, and at the same time it will utterly destroy this bill.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. DEMPSEY. I ask that the gentleman be given an additional two minutes.

Mr. MONTAGUE. Make it five minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the time of the gentleman from California be extended two minutes. Is there objection?

There was no objection.

Mr. DEMPSEY. I suggest to the gentleman, as I said, that it is totally unnecessary to include anything after the word "numbers" to accomplish his purpose, and at the same time he will utterly destroy this bill by what follows that word.

Mr. OSBORNE. I do not agree that that is a fact, but I am willing to cut that out, if the chairman will accept the amendment in its curtailed form.

Mr. MANN of Illinois. That would make the assumption that it applied to other kinds of containers, but it does not.

Mr. DEMPSEY. Then I can see no harm in it.

Mr. OSBORNE. While I can see some benefit from this bill, I am very skeptical of its value as a whole.

There is another thing I want to speak of while I am on my feet. I asked the chairman of the committee on last Wednesday if the fruit growers of the Pacific States had been before the committee, and he thought that they had, or that they had been represented; but I find on looking over the hearings that those interests were not represented and did not appear before the committee, and the point that I am making was not brought up at all in the hearings before the committee. It is a very important point.

Mr. BLAND of Missouri. Suppose the gentleman's California oranges should be shipped in a round-shaped basket, and not of any of the dimensions specified in the bill, or in a splint basket not of any of the dimensions mentioned in the bill, then there would be clearly a violation of the terms of the bill, and the penalty would attach.

Mr. OSBORNE. It seems to be so. How about that, Mr. Chairman?

Mr. VESTAL. I wish the gentleman would have his amendment reported as he desires to correct it.

Mr. OSBORNE. Let the Clerk report it with the modification I have suggested.

The Clerk read as follows:

Amendment offered by Mr. OSBORNE: Page 4, after the end of line 24, add the folowing: "*Provided*, That nothing in this act contained shall apply to containers of fruits or vegetables sold by weight or numbers."

Mr. VESTAL. There is nothing in this bill that would apply to fruit or vegetables sold by numbers or by weight, and there would not be any need of this amendment, because this bill only proposes to establish the standards for certain hampers and certain baskets, and it will have no effect upon fruits and vegetables sold by weight or numbers.

Mr. BARBOUR. If you sell fruit or vegetables in hampers or baskets, you must have them of the kinds here prescribed.

Mr. OSBORNE. Certainly.

Mr. BARBOUR. But if you sell them by weight, what difference does it make?

Mr. STEVENSON. Mr. Chairman, replying to the suggestion just made by the chairman of the committee to the gentleman from California [Mr. OSBORNE] that there is no necessity for this, if you will look at section 6 as reported by the committee you will see that to ship or offer to ship or import anything in any other kind of package than this is a penal offense. Now, suppose the gentleman's constituents and mine desire to ship vegetables in a different sized package, and sell them by the pound or sell them by the dozen, for instance melons. They want to sell melons by the dozen. They would be penalized for offering to ship, because it says "whether filled or unfilled." It strikes me, therefore, that the reason for having this amendment put on is a very vital one.

Mr. DEMPSEY. Section 6, to which the gentleman refers, seems to me to confer what has been suggested by the chairman of the committee, instead of putting it in doubt. Section 6 says:

That it shall be unlawful to manufacture for sale or shipment, sell, offer for sale, or ship, or to import or cause to be imported into the continental United States, hampers, round stave baskets, or splint baskets for fruits or vegetables, or apple boxes, either filled or unfilled, or parts of such hampers, round stave baskets, or splint baskets, apple boxes that do not comply with this act.

Now, they do intend to limit hampers and baskets to the sizes prescribed by this act, but they do not intend to limit anything except hampers and baskets.

Mr. STEVENSON. If shipped in hampers and baskets, he has got to ship in these sizes, because it says "either filled or unfilled." Therefore, if a man undertakes to ship in hampers and baskets not of these sizes, filled with vegetables to be sold by the pound, he becomes liable to the penalties of this act.

Mr. DEMPSEY. There is no dispute between the gentleman and myself. I admit frankly that if they ship in any hamper or basket they must be of the size prescribed by this act.

Mr. STEVENSON. Well, we are at one on that. That being the case, here is a man, say, lives 25 miles from Washington. He has a contract to sell stuff to me by the pound. He ships it to me in any kind of a container that he has, in any kind of a basket; he ships in baskets not of the prescribed size, because he sells to me by the pound. Yet he becomes liable under the penalties of this act.

Mr. DEMPSEY. That is absolutely true, but if you have any act at all there must be an act of this kind.

Mr. HERSMAN. Will the gentleman yield?

Mr. STEVENSON. Yes.

Mr. HERSMAN. He will not be able to ship in any other basket or hamper than the size prescribed by this act, because the manufacturers will not manufacture any other kind of basket or hamper, so there will be no other size hampers for him to ship by.

Mr. STEVENSON. He may manufacture the baskets or hampers himself.

Mr. HERSMAN. Then he can manufacture them of the standard size prescribed by this act as well as he can of any other size.

Mr. MANN of Illinois. Mr. Chairman, some gentlemen have misinterpreted the scope of this bill. This bill only applies to hampers, round-stave baskets, and splint baskets. It does not affect the shipment of fruit or vegetables in any other kind of a container at all, notwithstanding the statement made by the gentleman from South Carolina, who hastily jumped at the conclusion that the first section required all fruit and vegetables to be shipped in containers named in this act.

Now, as a matter of fact, California people do not ship in hampers or baskets. At least, I never saw a hamper or basket coming from California; but if they do they can just as readily ship in hampers and baskets containing a peck, half bushel, bushel, or bushel and a half size as anybody else, whether they sell their products by weight or not.

There would be no objection, in my opinion, to the amendment offered by the gentleman from California except for this, which seems to me a vital objection. The amendment offered is to exclude a case not covered by the bill. If we say in the bill that it does not cover a certain thing which would not be covered, we imply that all other kinds of containers are covered by the bill. The bill does not cover boxes. A large share of the fruit of the country is shipped in boxes. They are not affected by the bill. A large share of fruits and vegetables is shipped in barrels; that is not affected by the bill. A considerable amount is shipped in bags. That is not affected by this bill. If we insert an amendment stating that certain other measures shall not be affected by the bill, that would seem to imply that the bill required all shipments of fruits and vegetables to be shipped under the terms of the bill. While that might not be binding on the court, and I hope it would not, it would be an indication that Congress was making the only exception that it wanted made. The bill does not affect California fruits or vegetables at all. I think it would involve the bill very much.

One word more. I have listened again to many very good speeches and arguments against the bill, which I listened to years ago when I had charge of the pure-food bill in the House. I sympathize with gentlemen who make those speeches, because I largely held the same views in reference to the proper policies of the Government, and largely held the same views concerning the pure-food legislation before I had thoroughly gone into that matter.

The pure-food legislation has been on the statute books now for a good many years. There is not a single man, in my judgment, in this House who would vote to repeal it. I doubt whether there is anyone in the country, except some who have been prosecuted, who would vote to repeal the pure-food law. And yet it goes into more homes, affects more in minute detail the manufacturers and shippers, producers and consumers in the country—four times more than this bill will. The great majority of shippers of fruits and vegetables are in favor of honest packing. All that is sought by a bill of this kind is to give the honest shippers protection against the occasional dishonest man who seeks to win out by putting in a smaller amount to deceive the purchaser and often to deceive the commission

merchant. Let us give fair protection to the great body of honorable producers as well as to the great body of honorable consumers against the occasional rascal. [Applause.]

The CHAIRMAN. The question is on the amendment of the gentleman from California.

The question was taken; and on a division (demanded by Mr. OSBORNE) there were 13 ayes and 26 noes.

Mr. OSBORNE. Mr. Chairman, I make the point that no quorum is present.

The CHAIRMAN. The gentleman from California makes the point of order that no quorum is present. The Chair will count. [After counting.] Eighty-three Members present, not a quorum, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Andrews, Md.	Dooling	Johnston, N. Y.	Reber
Anthony	Doremus	Kelley, Mich.	Rodenberg
Bacharach	Drane	Kennedy, Iowa	Rose
Baer	Dyer	Kettner	Rowan
Bankhead	Eagan	Kiess	Rucker
Bell	Eagle	Kitchin	Sabath
Benson	Edmonds	Kreider	Sanders, N. Y.
Blackmon	Elliott	Lazaro	Sanford
Bland, Ind.	Ellsworth	Lesher	Scott
Booher	Emerson	Lufkin	Scully
Brand	Fess	Luhring	Sears
Britten	Fields	McCulloch	Sherwood
Browne	Flood	McDuffie	Smith, Ill.
Brumbaugh	Fordney	McFadden	Smith, Mich.
Burke	Foster	McKenzie	Smithwick
Burroughs	Fuller, Mass.	McLane	Snell
Caldwell	Gallagher	McLaughlin, Mich.	Snyder
Cantrill	Gallivan	McPherson	Steagall
Caraway	Gandy	Maher	Steele
Carew	Garland	Mapes	Stephens, Miss.
Clark, Fla.	Goldfogle	Mays	Strong, Pa.
Cole	Good	Michener	Sullivan
Collier	Goodykoontz	Moore, Ohio	Tague
Cooper	Gould	Moores, Ind.	Taylor, Colo.
Copley	Graham, Pa.	Morin	Taylor, Tenn.
Costello	Greene, Vt.	Murphy	Thompson
Crago	Hamill	Newton, Minn.	Tilson
Cramton	Hamilton	Nicholls	Vaile
Crowther	Harrison	Nolan	Vare
Cullen	Heflin	Paige	Volgt
Currie, Mich.	Hoey	Parker	Walters
Curry, Calif.	Houghton	Pell	Ward
Dale	Hulings	Peters	Whaley
Dallinger	Husted	Porter	White, Kans.
Davey	Igoe	Purnell	White, Me.
Denison	Ireland	Rainey, H. T.	Williams
Dent	James	Raker	Wilson, Pa.
Dewalt	Johnson, Miss.	Ramsey	Winslow

The committee rose; and the Speaker having resumed the chair, Mr. DOWELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 12350) to fix standards for hampers, round stave baskets, and splint baskets for fruits and vegetables, to establish a standard box for apples, and for other purposes; and finding itself without a quorum, the roll was called, when 474 members responded to their names, a quorum, and he handed in the list of the absentees for printing in the RECORD.

The committee resumed its session.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

Mr. WALSH. Mr. Chairman, I ask unanimous consent that the amendment may be again reported.

There was no objection, and the Clerk again reported the amendment of Mr. OSBORNE.

The question was taken; and on a division (demanded by Mr. VESTAL) there were—ayes 53, noes 77.

So the amendment was rejected.

Mr. QUIN. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 1, line 5, after the word "hamper," being the second word on said line, insert "and seven-eighths bushel hampers."

Mr. QUIN. Mr. Chairman, I ask unanimous consent that the following telegrams and letter be read in my time.

Mr. WALSH. Mr. Chairman, what are they about?

Mr. QUIN. They are germane to the amendment which I have offered.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

[Telegram.]

CRYSTAL SPRINGS, MISS., *April 24, 1920.*

PERCY E. QUIN, M. C.,
Washington, D. C.:

Truck Growers' Association, Copiah County, Barron, Dees, and Egan, and others representing practically all shippers this section united with us in protesting against elimination of seven-eighths bushel hamper from container act, and request you to endeavor to induce Congress to include that size hamper in sizes permitted. The contention of some that this size hamper is used and is desired for the purpose of deceiving the buyer is utterly without foundation. Those who buy fruits and vegetables are entirely familiar with the relative contents of the various packages or containers in general use, and are not deceived and can not be deceived thereby. The real reason this package is in general use throughout the South is that nearly all southern fruits and vegetables are shipped to distant markets either under refrigeration or ventilation, and it is self-evident that the smaller the quantity or bulk contained in a package the more readily will it yield to refrigeration or ventilation with consequent reduction in the liability to become heated, damaged, or spoiled. The proposed 1-bushel hamper adds 4 inches to the height, and as warm air ascends the liability of the contents to become heated, damaged, or spoiled is greatly increased, and therefore if shippers are compelled to use 1-bushel hampers the risk incurred and liability of loss to the shipper or the carrier will be correspondingly increased. If the Congress decides that the public interest demands the elimination of the seven-eighths bushel hamper, then the use of hampers to contain three-fourths of a bushel should be permitted, and these should be 13¾ inches inside diameter at the top, 9 inches inside diameter at the bottom, and of a sufficient depth to make the contents equal three-fourths of a bushel, the diameters given being such that the hampers will properly load into standard refrigerator cars. No reasonable objection can be made to permitting the use of three-fourths bushel hampers, for a blind man could readily determine there was a marked difference between a three-fourths and a 1-bushel hamper. We respectfully submit that the best interests of not only the southern shippers but also of the northern consumers will be conserved by permitting the use of either seven-eighths or three-fourths bushel hampers, or both sizes.

LOTTERHOS & HUBER.

[Telegram.]

HAZLEHURST, MISS., *April 26, 1920.*

Hon. PERCY E. QUIN, M. C.,
Washington, D. C.:

Please use best efforts to secure amendment to House resolution No. 12350 to permit use of seven-eighths bushel hampers. Years of experience have proved this most suitable size for shipping beans, peas, carrots, and other light vegetables, and is in universal use by all growers and shippers in this section. Five-eighths bushel too small; full bushel too large to secure proper refrigeration.

ALFRED & MILLER.
WISE CO.
S. KEMP.
HAZLEHURST PRODUCE CO.

[Telegram.]

HAZLEHURST, MISS., *April 26, 1920.*

Hon. PERCY E. QUIN, M. C.,
Washington, D. C.:

House resolution No. 12350 should be amended to permit use of seven-eighths bushel hampers. After years of experience growers in this section of the South claim other sizes of hampers not suitable for shipment of beans, peas, carrots, and other light vegetables. Five-eighths bushel too small and bushel hamper does not properly refrigerate. Please use your best efforts to secure amendment.

HAZLEHURST BOX FACTORY.

TRUCK GROWERS' ASSOCIATION,
Crystal Springs, Miss., April 24, 1920.

Hon. PERCY E. QUIN, M. C.,
Washington, D. C.

DEAR SIR: Your wire of the 23d was duly received and in reply will say that we are most emphatically in favor of the 30-quart hampers. We do not believe that the bushel hampers would be as good for loading, since in going four high in the car, so as to get tonnage, that it would place the perishables too close to the top of the car, which in hot weather would be in danger of getting burned up or getting so very hot that it would cause them to be in bad order on arrival.

Then, too, the larger the bulk confined in one package the more risky it would be to begin heating and "nesting," as the saying goes; and when they do that they are almost worthless and very often have to be dumped at the other end.

Trusting that your honorable body will see fit to continue the so-called seven-eighths (but in reality only 30 quarts) hamper now in use, we are,

Yours, very truly,

TRUCK GROWERS' ASSOCIATION,
I. T. RISER, *Sales Manager.*

Mr. QUIN. Mr. Chairman, I have had these messages read because they come from men in the vegetable section who are vitally interested in this great industry. I do not believe this Congress wants to work an injury to any industry in the country. It strikes me that during the war, when the Democrats were in power, we did enough necessarily for the safety of our country in interference with the rights of our citizens, to make enough of them angry, and after the war is it possible the Republicans desire to keep the people mad?

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. QUIN. Mr. Chairman, I ask for additional time.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent for five minutes.

Mr. QUIN. Oh, give me 10 minutes, because I have a great deal I want to say.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that his time be extended for 10 minutes. Is there objection?

Mr. KNUTSON. Mr. Chairman, reserving the right to object, will the gentleman answer questions if he is given 10 minutes?

Mr. QUIN. Oh, yes; I will answer reasonable questions.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. QUIN. Mr. Chairman, it occurs to me that this country ought to restore itself to normal condition, and now that the Republicans are in power I think they ought to do what they can to get the people into a good humor, though they seem to be endeavoring to keep them mad. The idea of passing this bill that will hamstring a great industry in the United States! This is not only true of one section of the country, but this industry extends all the way from California to the Atlantic Ocean and from the Gulf of Mexico clear up to Canada. This one line of industry that I am speaking about, in the county that these telegrams are from, produces in actual cash about $2,000,000,000 a year. These people who cultivate the fields intensively work from daylight until dark, and lots of them into the night, and they ask that this bill be amended in a manner that I have indicated. This bill will provide Federal spies and inspectors, who will prowl around into their business. Already this Congress and the executive branches of the Government have hampered this business in such a way that every time that you jump out of the way of a tax collector you fall into the hands of a Federal spy, and now the Republican Party is endeavoring to add useless expense and a great horde of inspectors to go sticking their noses into the public business. [Applause.] The truck farmer is endeavoring to earn his living in the sweat of his brow, and in the early morning he goes to his field with his wife and his little children, after these vegetables are up, and works there from daylight until dark, and they work not only during the day, but they have torchlights in the gathering season to work in the fields at night to gather the vegetables and carry them into town, so that they may be put on the railway refrigerating trains to go to the markets of the North and the East. Who is it who is endeavoring to hamper them in their business? The American Congress, by placing on them extra burdens. They have a hamper now called the seven-eighths hamper, which fits four high into a refrigerating car that is refrigerated from ice or ventilated if the season is cool enough by being open at the top and the sides, so that the vegetables may be kept in proper condition until they reach the point of destination, where the people may buy them and eat wholesome vegetables.

Like it is, to change that hamper according to this bill to a 1-bushel hamper, you make it impossible for the beans, the English peas, and other like vegetables of the Southern States to reach their long destination to the North and East in a good condition. Is it possible that this Congress is endeavoring by this paternalistic, socialistic legislation to work hardships upon the producers and at the same time by such onerous legislation and increased burdens they have put on these producers and shippers to increase the price of these vegetables to the ultimate consumers in the North and East? Is it——

Mr. JUUL. Will the gentleman yield for a question?

Mr. QUIN. If the gentleman will be quick; I have not much time.

Mr. JUUL. I want to know if the gentleman will please not harden his heart against the great number of northerners who would like to get 30 quarts of sweet potatoes for a bushel instead of 28?

Mr. QUIN. All you have to do is to weigh your potatoes. Under the law as it is to-day, the Federal Government forces every container to have stamped thereon what it contains. If it is sold by the pound, the scales weigh it accurately; if it is sold by measure, it is accurately weighed and measured. You have your food commissions in every city in the United States now that are operating. This bill, instead of being a bill for the benefit of the public, is really for the detriment of the consuming public and a serious hindrance to the producers. It occurs to me that instead of hamstringing the people who are working in the fields of this country, endeavoring to produce food sufficient to feed a hungry Nation, that the American Congress should exert every influence you have now to a greater production instead of hampering it in the way this bill proposes to do. Do you believe that the farmer who packs his stuff and ships it to the market is endeavoring to defraud anybody? Do you think that the honest man with his wife and children working all day long, and I dare say that they receive less compensation for their year's work than do any other class of laborers in the United States—you can not conceive of a whole family, of the man, his wife, and his children who work and produce and have less at the end of 12 months' work than do these truck producers who are appealing to you through these telegrams and asking that this legislation be stayed, or that you insert in this bill this amendment allowing the seven-eighths hamper which I call on you to accept. Listen: Can the chairman of this committee or anybody else advance any reason, logical or otherwise, why the seven-eighths hamper shall not be included in this bill after they have placed the five-eighths hamper in? If the five-eighths hamper is all right, why should not the seven-eighths hamper be all right in this same bill?

Mr. KNUTSON. Will the gentleman yield?

Mr. QUIN. I yield.

Mr. KNUTSON. I would like to suggest to the gentleman there is nothing in this bill to provide for standard containers for hamstrings.

Mr. QUIN. Oh, my friend does not know what a hamstring is; he is not a farmer. [Laughter.] I did not say anything about hamstrings. I do not think the gentleman knows what a hamstring is. Why, do you know that it strikes me that the man who would favor this bill, if he really understands it, is the man who if he were riding a race on a speedy horse with a competitor, and he saw that his competitor's horse was going to outstrip him, he would be mean enough to lean over and cut the hamstring of his competitor's horse. What I meant by hamstringing is this muscle in the back of the leg here. [Laughter and applause.] You are proposing to hamstring every truck producer in the United States who goes out in the fields and toils from early morning until dewy eve endeavoring to put fresh vegetables on the tables of the people in the sections where they can not raise those vegetables. Do you object to the people of the cities——

The CHAIRMAN. The time of the gentleman has expired.

Mr. QUIN. Can the committee give me some more time?

SEVERAL MEMBERS. Give him five minutes more.

The CHAIRMAN. Without objection, the gentleman is recognized for five minutes.

Mr. QUIN. Can you object to the people in these cities who work in the factories, the people who work in these stores, the people who are unable to have gardens, getting fresh vegetables and having them properly cooked and put on their tables for their wives and their children to eat? Then, if you do not object to that I will say allow this seven-eighths hamper to go into this bill. Then if you do not want the seven-eighths of a bushel hamper in this bill put the three pecks or three-quarters of a bushel in this bill. You can not pretend to be honest and insert the five-eighths hamper for the benefit of those who are close to the market and cut out the seven-eighths hamper against the interest of those who live a thousand or more miles from the market.

Mr. STEVENSON. Will the gentleman yield?

Mr. QUIN. I will yield.

Mr. STEVENSON. I want to call the attention of the gentleman to the fact, too, that we have already adopted an amendment requiring them if they send the seven-eighths hamper to stamp on it "seven-eighths," so there is no danger of taking it for a bushel.

Mr. QUIN. Nobody ever believed there was any danger of any fraud being perpetrated. You know it is not the farmer who is endeavoring to put up fraud. My friends, I want to say to you that it is the fellow who toils not neither does he spin who is the one who is endeavoring to rob somebody. When you come down to the guts of this bill you will find some big box manufacturer up here in the East who is busy polyglotting around getting this bill through. You need not think it is the friend of the farmer who is trying to put this legislation through. You need not think it is any friend of the ultimate consumer who is trying to put this bill through.

It is the fellow who has got his million dollars invested in these box manufactures up here who wants a certain kind of standard box and to cut out everybody else in the United States and at the same time keep from having the overhead charges of carrying different kinds of containers and profiteer on the truck farmer who must ship his truck.

Mr. BEE. I think the gentleman from Mississippi heard the statement a while ago that the manufacturer of boxes was strongly in favor of this?

Mr. QUIN. Oh, yes; these fellows up here in the East—you know who they are—look at these hearings, all these pretended hearings here. They did not invite a single southern producer or shipper before them. You can look from one end of this hearing to the other, and you can not see where this great industry in the Southern States has even had the notice of a hearing. Would this Congress go, in the face of conditions of this kind, and do this injustice to that great wealth-producing class of this country that deserves consideration? At the same time such legislation, as every sensible man knows, would work a higher price upon those who consume these vegetables. Then, if I am stating the facts, and these telegrams are correct, can not this House accept these amendments? Can we, as representatives of all the people, sit down and say one little section of our country can have a five-eighths bushel hamper put in—and I say it is honest and it has a right to be in there—and by the same vote say we will not permit another section of this country

to have a seven-eighths bushel hamper, in order that all the vegetables that are produced there can reach the market in a good and eatable conditon? Is there a man or woman anywhere in this Republic that would come up with a straight face and say that any kind of fraud or deception could be perpetrated in a seven-eighths bushel hamper, with a law requiring it to be stamped on the outside, and in the same bill have the five-eighths bushel hamper under the same conditions and circumstances and exclude the seven-eighths hamper? If that is so, is there a man who can legitimately and in good conscience vote against a seven-eighths bushel hamper? These vegetables have to go in standard refrigerator cars that the Interstate Commerce Commission has specified in order to be shipped to the markets of the United States. We can not regulate the size of the car. It is the Interstate Commerce Commission that does that. All that these wealth producers have asked for is a hamper that will enable the greatest refrigeration in order that there will be less loss for the fruits of their toil in reaching the market and being placed on the tables of the city people. [Applause.]

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. VESTAL. Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi [Mr. QUIN].

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. QUIN. Division, Mr. Chairman.

The committee divided; and there were—ayes 57, noes 74.

So the amendment was rejected.

Mr. QUIN. Mr. Chairman, I offer an amendment for a three-fourths of a bushel hamper.

The CHAIRMAN. The gentleman from Mississippi submits an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. QUIN: Page 1, line 5, after the second word on line 5, insert "and three-fourths of a bushel hamper."

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. QUIN. Division, Mr. Chairman.

The committee divided; and there were—ayes 43, noes 68.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 2. That the standard round stave basket for fruits and vegetables shall be the one-half bushel basket, 1-bushel basket, 1½-bushel basket, and 2-bushel basket, which, respectively, shall be of the capacity and conform to the specifications set forth in this section.

(a) The one-half bushel round stave basket shall contain 1,075.21 cubic inches and conform to the following specifications: The inside diameter at the upper inner edge of the top inside hoop shall be 13½ inches; the average inside depth shall be not less than 8½ inches; the web shall consist of 20 intersecting staves, each not less than one-eighteenth of an inch thick and of such length that they will form the sides and bottom of a basket which shall contain 16 quarts, standard dry measure.

(b) The 1-bushel round stave basket shall contain 2,150.42 cubic inches and conform to the following specifications: The inside diameter at the upper inner edge of the top inside hoop shall be 17 inches; the average inside depth shall be not less than 10¾ inches; the web shall consist of 20 intersecting staves, each not less than one-eighteenth of an inch thick and of such length that they will form the sides and bottom of a basket which shall contain 32 quarts, standard dry measure.

(c) The 1½-bushel round stave basket shall contain 3,225.63 cubic inches and conform to the following specifications: The inside diameter at the upper inner edge of the top inside hoop shall be 19½ inches; the average inside depth shall be not less than 12½ inches; the web shall consist of 24 intersecting staves, each not less than one-sixteenth of an inch thick and of such length that they will form the sides and bottom of a basket which shall contain 48 quarts, standard dry measure.

(d) The 2-bushel round stave basket shall contain 4,300.84 cubic inches and conform to the following specifications: The inside diameter at the upper inner edge of the top inside hoop shall be 21 inches; the average inside depth shall be not less than 14 inches; the web shall consist of 24 intersecting staves, each not less than one-sixteenth of an inch thick and of such length that they will form the sides and bottom of a basket which shall contain 64 quarts, standard dry measure.

Also the following committee amendments were read:

Page 5, line 1, strike out the word "basket" and insert in lieu thereof the word "baskets."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Also the following committee amendment was read:

Page 5, line 3, insert the words at the beginning of the line "five-eighths bushel basket."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 5, after line 17, insert a new subsection, as follows:

(b) The five-eighths bushel round stave basket shall contain 1,344 cubic inches and conform to the following specifications: The inside diameter at the upper inner edge of the top inside hoop shall be 13½ inches; the average inside depth shall be not less than 10½ inches; the web shall consist of 20 intersecting staves, each not less than one-eighteenth of an inch thick and of such length that they will form the sides and bottom of a basket which shall contain 20 quarts, standard dry measure.

Mr. JUUL. Mr. Chairman, I rise to strike out the last word in order to ask the chairman of the committee a question. I would like to ask the gentleman from Indiana whence are the figures we are voting for derived?

Mr. VESTAL. They are made by the Bureau of Markets.

Mr. JUUL. Is the gentleman sure that all these figures are correct? They have been checked up and verified?

Mr. VESTAL. Yes.

Mr. JUUL. That is what I would like to know. I wanted to know whence they came.

Mr. STEVENSON. Mr. Chairman, I desire to direct the attention of the committee to the fact that their figures do not come out exactly. For instance, the figures on five-eighths bushel hamper do not conform to the figures on a half-bushel hamper. If you double the half bushel, you get a different fraction on a bushel than you get if you convert to the bushel from a five-eighths bushel hamper.

Mr. VESTAL. It is very close.

Mr. STEVENSON. The one is 2,150.40 inches, when you double the half bushel. When you get the bushel from figures that you have for the five-eighths you get only forty one-hundredths instead of forty-two one-hundredths.

If we are going into this it strikes me we ought to be accurate. I do not know which is right. It seems to me from the whole theory of the bill, when you are going to say what is in a peck hamper, a half-bushel hamper, or a bushel hamper, you are going beyond what is necessary. The thing to do is to declare how many cubic inches there are in a bushel. When you want to find out how much there is in a peck, you have got to divide the bushel by four, and all these others automatically fix themselves

Mr. JUUL. I think the gentleman's speech is a good argument for going into the decimal system.

Mr. STEVENSON. When we get into the decimal system and it is provided for in the weights and measures act, the decimal system ought to be no more in proportion in a half-bushel than in five-eighths bushel.

Mr. DEMPSEY. Does not the gentleman think his argument really goes further? If it is so difficult for a well organized bureau to get exact figures, does he not think on that question the general public would have more difficulty in solving it?

Mr. STEVENSON. Exactly.

Mr. DEMPSEY. Now, we solve it once for all.

Mr. STEVENSON. Exactly; and when you solve it once, everybody might sell a man freight who is absolutely unable to determine what it is, and can not measure it and calculate it. If the committee up here can not measure and calculate it, how could the man who provides the freight do it?

Mr. DEMPSEY. He does not have to do it. We prescribe it here.

Mr. STEVENSON. You must enforce it, and whoever enforces it must have the necessary information.

Mr. DEMPSEY. No. He enforces the law.

Mr. STEVENSON. I just call your attention to the fact that your arithmetic is not right, and you can not convict a man when he does not know that his vessel is undersize and can not make the calculation.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 6, line 3, strike out "b" and insert "c."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 6, line 13, strike out "c" and insert "d."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 6, line 24, strike out "d" and insert in lieu thereof "e."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 3. That the standard splint baskets for fruits and vegetables shall be the 4-quart basket, 8-quart basket, 12-quart basket, 16-quart basket, and 24-quart basket, standard dry measure.

(a) The 4-quart splint basket shall contain 268.8 cubic inches and conform to the specifications in one of the two following numbered subdivisions:

(1) The approximate inside dimensions of the top across the center shall be 7 inches by 12 inches. The approximate inside dimensions of the bottom at the corners shall be 5¾ inches by 10½ inches. The inside depth at the corners shall be 4 inches.

(2) The inside dimensions of the square-cornered splint basket at the top shall be 6 inches by 12 inches. The inside dimensions of the bottom shall be 5½ inches by 11½ inches. The inside depth at the corners shall be 4 inches.

(b) The 8-quart splint basket shall contain 537.6 cubic inches and conform to the specifications in one of the three following numbered subdivisions:

(1) The approximate inside dimensions of the top across the center shall be 8 inches by 14 inches. The approximate inside dimensions of the bottom at the corners shall be 7 inches by 12 inches. The inside depth at the corners shall be 5 inches.

(2) The approximate inside dimensions of the top across the center shall be 9½ inches by 16½ inches. The approximate inside dimensions of the bottom at the corners shall be 7½ inches by 14½ inches. The inside depth at the corners shall be 4 inches.

(3) The inside dimensions of the square-cornered splint basket at the top shall be 7¾ inches by 15½ inches. The inside dimensions of the bottom shall be 7 inches by 14½ inches. The inside depth at the corners shall be 5 inches.

(c) The 12-quart splint basket shall contain 806⅖ cubic inches and conform to the specifications in one of the three following numbered subdivisions:

(1) The approximate inside dimensions of the top across the center shall be 9½ inches by 16 inches. The approximate inside dimensions of the bottom at the corners shall be 8½ inches by 14 inches. The inside depth at the corners shall be 5½ inches.

(2) The approximate inside dimensions of the top across the center shall be 11½ inches by 17½ inches. The approximate inside dimensions of the bottom at the corners shall be 8½ inches by 14½ inches. The inside depth of the basket at the corners shall be 5 inches.

(3) The inside dimensions of the square-cornered splint basket at the top shall be 8¾ inches by 17½ inches. The inside dimensions of the bottom shall be 8 inches by 16½ inches. The inside depth at the corners shall be 5¾ inches.

(d) The 16-quart splint basket shall contain 1,075⅕ cubic inches, and conform to the specifications in one of the three following numbered subdivisions:

(1) The approximate inside dimensions of the top across the center shall be 10½ inches by 18½ inches. The approximate inside dimensions of the bottom at the corners shall be 8½ inches by 16 inches. The inside depth at the corners shall be 6½ inches.

(2) The approximate inside dimensions of the top across the center shall be 11½ inches by 19½ inches. The approximate inside dimensions of the bottom at the corners shall be 8½ inches by 16½ inches. The inside depth at the corners shall be 6 inches.

(3) The inside dimensions of the square-cornered splint basket at the top shall be 9 inches by 19 inches. The inside dimensions of the bottom shall be 8½ inches by 18 inches. The inside depth at the corners shall be 6¾ inches.

(e) The 24-quart splint basket shall contain 1,612⅘ cubic inches, and conform to the specifications in the three following numbered subdivisions:

(1) The approximate inside dimensions of the top across the center shall be 12 inches by 20 inches. The approximate inside dimensions of the bottom at the corners shall be 10 inches by 17½ inches. The inside depth of the basket at the corners shall be 7½ inches.

(2) The approximate inside dimensions of the top across the center shall be 12 inches by 23 inches. The approximate inside dimensions of the bottom at the corners shall be 9 inches by 19 inches. The inside depth of the basket at the corners shall be 7 inches.

(3) The inside dimensions of the square-cornered splint basket at the top shall be 10⅝ inches by 22½ inches. The inside dimensions of the bottom shall be 9⅝ inches by 20½ inches. The inside depth of the basket at the corners shall be 7½ inches.

With a committee amendment, as follows:

On page 10, line 20, after the word "in," insert the words "one of."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 4. That the standard box for apples shall contain 2,173.5 cubic inches when measured without distention of its parts, and conform to the following dimensions: The length of the box shall be 18 inches, its width shall be 11½ inches, and its depth shall be 10½ inches, all inside measurements.

With a committee amendment, as follows:

Strike out all of section 4.

The CHAIRMAN. The question is on agreeing to the committee amendment.

Mr. BLANTON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Texas moves to strike out the last word.

Mr. BLANTON. Why should you not have a standardized apple box, I will ask the chairman of the committee? Why should this be stricken out by committee amendment?

Mr. VESTAL. For the reason that there is pending before the committee now a separate bill for the standardization of apple boxes.

Mr. BLANTON. Well, if there is a bill here covering all kinds of vegetables and all kinds of fruits other than apples, would it not be much easier and less expensive to have covered the apple provision in this bill?

Mr. VESTAL. The committee thought there were a number of other things to be considered along with the apple box.

Mr. BLANTON. Did the apple producers raise an objection to this provision in the bill?

Mr. VESTAL. Oh, no.

Mr. DEMPSEY. Will the gentleman yield for a question?

Mr. BLANTON. That is all I wanted to know.

The CHAIRMAN. The question is on agreeing to the amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 5. That the Secretary of Agriculture shall in his regulations under this act prescribe such tolerances as he may find necessary to allow in the capacities and specifications for hampers, round stave baskets, splint baskets, and the standard apple box, and parts thereof set forth in sections 1, 2, 3, and 4 of this act, in order to provide for reasonable variations occurring in the course of manufacture and handling, and shall also prescribe such tolerances as he may find necessary to allow for the purposes of section 7 of this act in the quantities of fruits or vegetables in hampers, round stave baskets, splint baskets, and the standard apple box, in order to provide for the natural shrinkage of such contents after packing. If a cover be used upon any hamper, basket, or box mentioned in said section, it shall be securely fastened or attached in such a manner, subject to the regulations of the Secretary of Agriculture, as not to reduce the capacity of such hamper, basket, or box below that prescribed therefor.

With a committee amendment as follows:

On page 11, line 21, strike out "5" and insert "4."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will read the next committee amendment.

The Clerk read as follows:

Page 11, line 24, after the word "baskets," strike out "and the standard apple box."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will read the next committee amendments.

The Clerk read as follows:

On page 12, line 1, after the figure "2," insert the word "and," and, after the figure "3," strike out the comma, the word "and," and the figure "4."

The CHAIRMAN. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 12, line 3, after the word "handling," strike out the remainder of the section, down to and including the word "packing," in line 8.

The CHAIRMAN. The question is on agreeing to the committee amendment.

Mr. MANN of Illinois. Mr. Chairman, may I ask a question in reference to this?

Mr. VESTAL. Certainly.

Mr. MANN of Illinois. I should say to the gentleman that I have been away and have not examined this carefully in all of its aspects. I notice this provision: "The Secretary may provide tolerances in order to cover the shrinkage of vegetables and fruits." I believe there is nothing in the bill—I am not sure—that requires these containers to be full when they are shipped.

Mr. VESTAL. There is not.

Mr. MANN of Illinois. Is that the reason why this is stricken out?

Mr. VESTAL. That is the reason why it is stricken out. There is a bill now pending before this Congress, submitted by the Committee on Agriculture, to amend the pure-food act, which will cover the proposition of the filling of baskets and boxes.

Mr. MANN of Illinois. Of course, it is perfectly patent to anyone that there should be tolerances, either established by law or regulations prepared by the Secretary of Agriculture, in reference to the quantity of contents of fruits and vegetables which are packed as well as those which are refrigerated.

While I am on my feet I would like to say one other thing in reference to the form of this section, and I have no amend-

ment to propose. It provides that the Secretary of Agriculture shall prescribe such tolerances. I think the bill ought to have provided that tolerances shall be allowed, and that the Secretary of Agriculture shall by regulation fix the tolerances. That is a distinction which is, in my judgment, somewhat important. I know that the Department of Agriculture has drawn a number of these bills in recent years and simply said, "the Secretary of Agriculture shall prescribe the tolerances." The legislation itself ought to say that there shall be tolerances and only leave to the Secretary of Agriculture the power of determining the quantity of the tolerance, not as to whether there shall be a tolerance. That is a principle of good legislation. I am not offering an amendment.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 12, line 9, after the word "hamper," insert the word "or," and after the word "basket" strike out "or box," and after the word "in" strike out "said section" and insert "this act."

The CHAIRMAN. The question is upon the adoption of the committee amendment.

The amendment was agreed to.

The Clerk read as follows:

Committee amendment: Page 12, line 12, after the word "hamper," insert the word "or," and after the word "basket" strike out the words "or box."

The CHAIRMAN. The question is upon agreeing to the committee amendment.

The amendment was agreed to.

Mr. GARRETT. Mr. Chairman, I move to strike out the last word. The enforcement of this law is placed in the Department of Agriculture. Some time ago we passed one of these standardizing bills—I think the flour-barrel bill. Does the gentleman recall whether that was placed under the Department of Agriculture or the Bureau of Standards?

Mr. VESTAL. The gentleman from Tennessee himself made the motion changing it from the Bureau of Standards to the Department of Agriculture.

Mr. GARRETT. I knew I offered an amendment, but whether it was to change it from the Bureau of Standards to the Department of Agriculture or vice versa I did not recall.

Mr. VESTAL. That is correct.

Mr. GARRETT. I think it is highly desirable that all of these acts should be enforced under one department.

Mr. VESTAL. Yes.

Mr. PARRISH. Will the gentleman yield for a question?

Mr. VESTAL. Yes.

Mr. PARRISH. On pages 6 and 7 were paragraphs (c), (d), and (e) amended to conform with the amendment that the chairman of the committee offered to the other section?

Mr. VESTAL. There was no amendment to that.

Mr. PARRISH. The point is practically the same.

Mr. VESTAL. I do not think so. Paragraph (c) excludes the idea of any other basket than a stave basket.

Mr. MANN of Illinois. That applies only to the staye basket.

Mr. VESTAL. It applies only to the stave baskets.

Mr. PARRISH. The gentleman is right about that.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 6. That in order to provide for the more economical use of space in packing or transportation, or for the greater conservation of material or labor in manufacture or handling, or of the contents in course of shipment, of hampers, round stave baskets, and splint baskets for fruits or vegetables, or apple boxes, or parts thereof, the Secretary of Agriculture, whenever he finds necessary, may, in his regulations, prescribe specifications with respect to the material used, or the dimensions thereof, for such hampers, round stave baskets, splint baskets, or apple boxes, or parts thereof in addition to, differing from, or superseding those set forth in sections 1, 2, 3, or 4 of this act, but not departing from the respective capacities therein prescribed. Such specifications shall not supersede any specifications set forth in this act until a period of at least six months shall have elapsed after public notice shall have been given following an opportunity afforded the interested public for a hearing.

With the following committee amendment:

Page 12, after "SEC.," strike out "6" and insert "5."

Mr. MANN of Illinois. I suggest to the gentleman that he ask unanimous consent to strike out the section.

Mr. VESTAL. Mr. Chairman, in view of the fact that section 1 was amended, striking out the sources of material, I do not think that section 5 is pertinent to the bill, and I ask unanimous consent to strike out section 5 entirely.

Mr. WINGO. Does the gentleman mean the new section 5?

Mr. VESTAL. Section 5 under the new numbering.

Mr. WINGO. The last paragraph on page 12.

Mr. VESTAL. Yes.

Mr. WINGO. That which delegates to the Secretary of Agriculture the right to change specifications?

Mr. VESTAL. Yes.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana [Mr. VESTAL]?

Mr. WINGO. I suggest that the proper record would be to move to strike out that section.

Mr. VESTAL. I move to strike out the old section 6.

The amendment was agreed to.

The Clerk read as follows:

SEC. 7. That it shall be unlawful to manufacture for sale or shipment, offer for sale, or ship, or to import or cause to be imported into the continental United States, hampers, round stave baskets, or splint baskets for fruits or vegetables, or apple boxes, either filled or unfilled, or parts of such hampers, round stave baskets, splint baskets, apple boxes that do not comply with this act; or fruits or vegetables not sold or offered for sale by standard net weight or by numerical count, in hampers, round stave baskets, splint baskets, or apple boxes that at the time of such offer for sale, shipment, or importation are not filled to the full capacity thereof, stricken measure, subject to such tolerances as may be prescribed in the regulations under this act: *Provided*, That this act shall not apply to baskets or other containers having capacities less than 4 quarts which comply with the provisions of the act approved August 31, 1916, entitled "An act to fix standards for Climax baskets for grapes and other fruits and vegetables, and to fix standards for baskets and other containers for small fruits, berries, and vegetables, and for other purposes" (39 U. S. Stat. L., p. 673), and the regulations thereunder. Any individual, partnership, association, or corporation that willfully violates this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding $100 or imprisonment not exceeding 60 days, or both.

Mr. BLAND of Missouri. I suggest to the chairman of the committee that he ask unanimous consent to change the numbering of the subsequent sections, as one section has been dropped out.

Mr. WINGO. I suggest that that can be done at the end.

Mr. VESTAL. Yes.

The Clerk read as follows:

Committee amendment: Page 13, line 6, strike out the figure "7" and insert the figure "6."

Mr. MANN of Illinois. It should be section 5 now, as the other section has been dropped out. I ask unanimous consent that it be changed to section 5.

The CHAIRMAN. Without objection, it will be changed to section 5.

There was no objection.

The Clerk read as follows:

Page 13, line 7, after the word "shipment," insert the word "sell."

Mr. WINGO. Mr. Chairman, I am against the amendment, and on reflection I do not think the committee will believe that it is necessary to include the word "sell." To sell what? To sell these baskets and hampers. In other words, if some farmer were to put some fruit into one of these old baskets for the purpose of taking it to town to sell to a local dealer to be sold out at retail, then under the law that man would be guilty of a Federal offense. I suggest to the gentleman, as a practical proposition, that if he gets his law through, which will practically stop the manufacture of these baskets after November 1, 1921, when the law becomes effective, it certainly will not destroy the practical operation of the act if you fail to penalize some man who may happen to sell an old basket. Of course, I think there ought to be another amendment to restrict the provisions of this act to interstate commerce. If that is not offered by some one else, I shall offer it. That would meet the object you have in view. I do not believe that under the provision of the Constitution authorizing Congress to fix standards of weights and measures you can undertake to do this, but I do concede that under the commerce clause of the Constitution you may prohibit the shipment and the manufacture for shipment in interstate commerce of anything that you chose to. You are the judges of that.

Mr. DEMPSEY. Will the gentleman yield for a question?

Mr. WINGO. I yield.

Mr. DEMPSEY. On the gentleman's first question I do not think there is any danger at all to the farmers in leaving the act as it is, because of a condition with which the gentleman must be thoroughly familiar. There is a tremendous shortage of baskets. Every basket in existence in the United States is going to be used within the time prescribed by this act.

Mr. WINGO. Let me call attention to a practical proposition. I happen to know one little local corporation, a cooperative corporation, that last year carried over $1,500 worth of baskets. Their crop has been absolutely destroyed this year. They used thousands of dollars worth of baskets last year. They bought baskets abnormally cheap and have a great surplus. They are going to carry them over and they will have

more baskets than they have need for next year's crop. It is true that they could sell them at a profit, but when they go into the market next year they have no assurance at all how many they will need, because there might come a hailstorm the first few days of the harvest and destroy a part of the crop, or there might be extraordinary conditions existing where the marketable part of the crop would drop down and they would sell a great part of their product at a loss. They might be left next season if they had the same kind of a freeze next year as they had this year, and they would have to hold the surplus. I know small concerns have bought a great supply of baskets and keep them over from year to year, putting them back in the warehouse. They may have bought these baskets years ago. If you get the bill through, here is how it will be carried out: The large manufacturers will not manufacture any more nonstandard baskets; they will manufacture standards prescribed in this bill, and in course of time you will clean up and eliminate the nonstandard baskets. But if there be a small association that kept the old baskets and used them, not for the purpose that you are trying to prohibit, they will have a Federal inspector snooping around, and you know what their tendency is. This man will have to go before a commissioner and make an explanation, or go to the expense of going to the Federal court, which in some instances might be 150 miles away. I, for one, am trying to do all I can to get the people of my district, in the less productive cotton lands, into growing fruit, and I do not want them to get the impression that the Federal Government is interfering with that thing. You are going to pass this over my protest. You are going to get what you want. If you punish the manufacturer of the nonstandard baskets, you have got all that you want.

Mr. DEMPSEY. Does not the gentleman think that in nine cases out of ten in these high-priced times, when baskets have increased in price two or three times, that the vast majority of them will be used and consequently the baskets depreciated from being kept more than a reasonable time? They are not made in the most substantial way; they are made for practically present use, made of material that shrinks, and material where the shrinkage is such that it loosens the nails or whatever holds them together; and if the basket is not used within a reasonable time, everybody that deals in them and everybody who uses them knows that they deteriorate in their value.

Mr. WINGO. There is something in the statement of the gentleman from New York, but still they buy a great many of these baskets in advance.

Mr. DEMPSEY. I know, sometimes six months in advance.

Mr. WINGO. Several months ago when they ordered the baskets they thought they would have the greatest crop they ever had, and these baskets were bought by the carload lot. In a great many instances I noticed where the carload baskets came in they were carried and stored in the warehouses before the freeze, which was the coldest weather we have had since 1882. I admit that it is an abnormal year. Necessarily they buy more than they think they need. Next year they may not have more than a normal crop, so they will have to carry these baskets over until the spring or summer of 1921, after this law goes into effect in November. I am going to make the suggestion as a practical propositon, that you extend this over because of this abnormal condition of the weather.

Mr. MANN of Illinois. Will the gentleman yield?

Mr. WINGO. Yes.

Mr. MANN of Illinois. This does not prevent the use of baskets in shipping fruits and vegetables.

Mr. WINGO. It says specifically "sell, offer for sale, or ship," and further down it says "fruits and vegetables."

Mr. MANN of Illinois. This refers to shipping baskets and not to the sale of baskets.

Mr. WINGO. It says "manufacture, sale, or ship for fruits or vegetables, either filled or unfilled."

Mr. MANN of Illinois. That is descriptive of the basket. The gentleman was objecting to the word "sell."

Mr. WINGO. The gentleman from New York was asking me a question on another matter and I did make that statement, it is true. As I say, when the association finds that its crop is lighter than the normal year they are perfectly willing to sell their surplus baskets.

Mr. MANN of Illinois. They will have a year and a half in which to dispose of these matters. Whether that time is long enough I do not undertake to say.

Mr. WINGO. They will have one crop year.

Mr. MANN of Illinois. They have two crops.

Mr. WINGO. No; this year's crop is all destroyed. They have all bought their baskets for this year, and they are all in.

Mr. MANN of Illinois. Their crops may have been destroyed. I do not deny that. On the question of shipment practically about the only way the Government can regulate these things is where the manufacturer ships them.

Mr. WINGO. I agree with the gentleman. I think that is true. If you will cut out the word "sell" and put in the words "ship in interstate commerce," I think it will cure the difficulty. In other words, if you want to control the shipment of nonstandard baskets in interstate commerce, I concede the constitutional power to do it, and also that there is a good deal of wisdom back of the argument.

Mr. MANN of Illinois. There is no question about the constitutional power. We have just as much constitutional power here as we have to prevent putting out counterfeit money.

Mr. WINGO. I doubt very seriously if we have the same power to regulate the size of baskets as we have to punish the circulation of counterfeit money.

Mr. MANN of Illinois. We do it under exactly the same provision of the Constitution, and they are both implied powers.

Mr. WINGO. No; you are undertaking to enact this under the express power fixing the standard of weights and measures.

Mr. MANN of Illinois. That power implies the power to regulate, just as the power to coin money implies the power to forbid counterfeiting.

The CHAIRMAN. The time of the gentleman from Arkansas has again expired.

Mr. DEMPSEY. Mr. Chairman, I ask unanimous consent that his time be extended for two minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DEMPSEY. If the chairman would be willing to do this—and I do not know whether he will or not—I think the gentleman's objection could be met in this way: You can make it unlawful to manufacture for sale or shipment——

Mr. WINGO. In interstate commerce.

Mr. DEMPSEY. These baskets, and then you could limit it by saying "or to sell baskets manufactured after this act goes into effect."

Mr. WINGO. Of course, that would cure it some, but my proposition is this: If you control the shipment of this proposition, then you have control of the whole thing, for the purpose which you are really trying to reach in this bill.

Mr. DEMPSEY. The difficulty is in enforcing it.

Mr. MANN of Illinois. The difficulty is in making proof in any case. I think the objection of the gentleman from Arkansas is not practical. I can see the point. I do not believe in preventing the use of these baskets that they have. Whether the time ought to be extended a little bit over what it is in the bill, I do not undertake to say. Perhaps it might be. After all, if you pass a law, you have got to have a law that apparently can be enforced, so that people will voluntarily obey it.

Mr. WINGO. I agree with the gentleman on that. If you are going to have a law, it ought to be a law that can be enforced.

Mr. MANN of Illinois. I do not think the gentleman will find, as some gentlemen have remarked this afternoon, a whole lot of inspectors running around the country looking up these matters.

Mr. WINGO. I think they will.

Mr. MANN of Illinois. I am pretty sure they will not, because they will not get the money for that purpose.

Mr. WINGO. I hope the gentleman is correct about that.

Mr. MANN of Illinois. In the main, the laws now on the statute books regulating similar things are really enforced by the State officials who have to deal with them, the local authorities, who called the attention of the governmental authorities to these things. There is probably no large city that does not have some one watching weights and measures in all of the markets. I do not think inspectors will be going out except where they find men are manufacturing or attempting to manufacture in violation of the law. I agree with the gentleman that they will quit doing that when this becomes a law.

Mr. HERSMAN. Mr. Chairman, will the gentleman yield?

Mr. WINGO. Yes.

Mr. HERSMAN. It seems to me that the gentleman's contention that it will be hard to dispose of these baskets is not well taken, because everyone over the whole country recognizes the great shortage of shooks of any description, and any farmer or association that has any baskets on hand which they are not likely to use in two seasons can easily get rid of them at an advanced price; and, furthermore, any law that goes into effect is bound to affect some people adversely and to be hard upon them at first, but because it does affect one association or one farmer in the country who has a few baskets on hand is no reason why we should not pass the legislation, because in the two seasons he certainly will get rid of all of the baskets that he has on hand.

The CHAIRMAN. The time of the gentleman from Arkansas has again expired.

Mr. WINGO. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MANN of Illinois. As a matter of fact, are not the baskets to which the gentleman refers of the sizes named in the bill?

Mr. WINGO. No; I think not. I think they are of the present standard.

Mr. MANN of Illinois. The present standard is generally these sizes.

Mr. WINGO. The gentleman from Illinois makes the statement, and I hope he is right about it, that we will not have these Federal inspectors. He says that the enforcement will depend upon the State authorities. I know that every time the matter has come up we have had a difficulty about it. I remember upon the Federal explosives act that a majority of the Republicans voted against my contention to have the assistance of the State authorities to enforce the act. I hope the day will come when we can, instead of increasing the number of inspectors, reduce them. Since the armistice was signed I have voted to cut down Federal employees, and I am willing to vote at any time to cut down bureaus and inspectors and the number of Federal employees. I am opposed to creating more. The gentleman from California [Mr. HERSMAN] says that these people can dispose of any surplus baskets that they have. That might be true to-day, but the man who has those baskets to-day will say, "I might have more difficulty next year than now, and next year there might be an industrial situation arise when I will necessarily need this surplus."

The gentleman knows as a practical man that the practical shipper of fruit is never content to order just what he thinks he will need for the season. He orders several months in advance by the carload lots sufficient to be sure to give him enough, and every one of them carries over from 10 to 50 and sometimes 100 per cent surplus. That is true in my country, if it may not be in the gentleman's country. As I said to you a while ago, one little corporation of only 40 acres carried over and listed as part of their assets $1,500 in baskets. I think to make unlawful the sale of baskets is not right.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GOODYKOONTZ. Mr. Chairman, this bill presents another plain case of an undue effort upon the part of Congress to intrude itself into the private business affairs of the people of the country. Some one, I do not know who it was, has said that "the people who are the least governed are the best governed."

Government—State and National—has become too highly organized. Everything and everybody is being "regulated." The people, almost every time they turn around, commit a statutory misdemeanor. In their struggle for existence they are continually encountering some statute, penal in character, denouncing as criminal acts which from time immemorial until a date quite recent were entirely innocent.

In the States we have boards and commissions, bureaus and departments, and in the Federal Government all these are duplicated, with many thousands of unnecessary employees infesting the public—parasites upon the body politic, eating up the substance of the people. Business men lose their way in a labyrinth of law and stand bewildered in a great jungle of regulations.

Now comes this bill H. R. 12350, 17 pages in length, providing for the character of containers in which fruits and vegetables may be shipped and making it a crime, punishable by fine and imprisonment, to ship or sell such fruits or vegetables, if the container shall be different from the kinds specified in the bill. The specification for one of the kinds—I quote from the bill—reads thus:

(c) The standard five-eighths bushel hamper shall contain 1,344 cubic inches and conform to the following specifications: The inside diameter between the staves at the upper edge of the top inside hoop shall be 14½ inches; the inside diameter of the bottom shall be 9 inches; the inside length of the staves shall be 12⅞ inches; the inside top hoop shall be one-eighth of an inch thick and set with its upper edge even with the upper ends of the staves; each stave shall be not less than one-ninth of an inch thick and 13½ inches long; and the bottom piece shall be five-eighths of an inch thick.

If this bill becomes law, the average farmer would not ship, and the merchant would hardly undertake to sell, fruits and vegetables for fear of violating such most absurd but highly penal law.

Not long since a friend of mine was in a grocery store here in the city of Washington, and observing for sale a nice country ham informed the merchant he would take the ham, and requested the merchant to ship the same to his home, located in a near-by State. Whereupon the merchant informed my friend that he could not comply with his request unless the meat was inspected and stamped by an agent of the Meat Inspection Bureau.

As germane to the subject of regulating industry, may I direct your minds to a measure that may come before this body, known as Senate bill No. 4089, providing for the appointment of a Federal coal commissioner, charged with certain duties and clothed with sundry powers, and for the commissioner a nice fat salary. Relating to this proposition is a letter under date of the 25th instant to me from Mr. Samuel W. Patterson, president and general manager of the Bottom Creek Coal & Coke Co., of Vivian, in McDowell County, W. Va., operating in the celebrated Pocahontas coal field in my district. The letter reads in part as follows:

This morning's mail brings a copy of Senator FRELINGHUYSEN'S bill, S. 4089, providing for the appointment of a permanent Federal coal commissioner.

The idea that all the ills of the day can be cured by Washington seems to have a strong hold in these days, and I do hope there are enough men of good sound judgment in both the Senate and House of Representatives to realise the injustice of mischievous regulation of the business that some of your friends happen to be in, unless the plan is to upset our whole scheme of government and run the whole business life of the country in the same way—an inconceivable calamity.

It is true that with coal buyers bidding for an output curtailed in part by reason of various strikes, and more so by the vicious interference in the past with the transportation problems of the country, that coal is too high in price at this time, when the prices are reaching up to the level of other commodities.

The natural economic laws will bring about a proper adjustment and excessive prices now will bring about their own punishment, reflected later in too low prices.

This letter is self-explanatory and correctly states the situation. Mr. Patterson's views are sound and his judgment is in harmony with the conclusions arrived at by the intelligent and thinking people of the country.

The past effort of nonqualified and ill-advised Federal officials have stifled the production, retarded the transportation, and complicated the distribution of coal, to the disadvantage of the operator, whose fixed charges had to be borne by a diminished output, and to the great damage of the consumer, who suffered by reason of the reduced and irregular supply and in the increased cost of the coal.

If we allow the natural law of supply and demand freely to operate as to coal—if the legislative and executive branches of Government will cease from imposing artificial restraints upon the business—the volume of production will soon exceed the demand, and with a steady output and normal consumption the price to the consumer will fall to a lower level.

The Frelinghuysen bill I regard as most inopportune. The measure is not as radical as the socialist or syndicalist might desire it to be, yet it does contain the germ that would grow into the nationalization, not of coal alone, but of every American industry as well. If the measure be enacted into law, a precedent will have been thereby established, not likely to be overruled, but, on the other hand, consistently followed, expanded, and enlarged upon according to the changing will of future radical leaders.

Now is the time to go slow. Property rights were never more in peril, not necessarily from the specter of nationalism, which is the new name for socialism, but on account of oppressive taxation, which when carried to its limit operates a confiscation. Furthermore, business may be strangled and property rights may be destroyed and lost by the process of regulation.

The term "Federal coal commissioner" is merely a new name or alias for our late well-known friend, the "Government Fuel Administrator." Government regulation, no less than Government ownership, of a private industry in peace times is un-American and an expensive luxury that the people can ill afford. We tried out the theory during the war in relation to railroads and telephones and other industries and activities, and at what inconvenience and cost the country knows. Prof. Tousig, of the sugar board, advised the President not to buy the Cuban sugar crop when it was offered at the price of 6½ cents per pound.

What the people want and need is the repeal of the war laws; not the creation of new ones of the same tenor. The country also wants relief from the petty, but expensive, arrogances of many superfluous Government agencies, such as the Federal Trade Commission. The latter concern has arrogated to itself inquisitorial powers that could hardly have been permitted under a despotic government of the class of Prussia and Russia. Recently it became necessary for a Federal court to decree an injunction against their action upon the ground that such action was an usurped and assumed power never given them by law and was an invasion of the Constitution. The direct cost of operating the Federal Trade Commission, as shown

by appropriations for the fiscal year 1920, is $1,205,000, but the indirect cost to the country runs high up into the millions.

Concerns engaged in mining, manufacturing, and commerce that have to make monthly reports to this commission find it generally necessary to employ an extra clerk of special ability to collect the data and fill out the complicated forms which these inquisitive gentlemen require, and all to very little, if any, purpose, for these reports have no value, except to be sorted, tabulated, indexed, analyzed, and forgotten. But, of course, this business affords place for the job hunter.

Better had the commission and its staff, and its lawyers, and its battery of examiners, and its experts, and its detectives, and its vast army of employees be put upon an island of the sea and allowed to shovel sand, first this way and then that way. If this were done business would be happy as the result of avoiding the waste of millions of dollars and the people grateful for some relief along the line of the cost of living.

Congress should pass an act repealing the Federal Trade Commission act. If the President should veto the measure, then Congress should refuse to appropriate money for the commission, and thereby force it to discontinue its utterly useless business.

We find all these boards and agencies grasping for more power. The Federal Trade Commission has a bill before the Committee on the Judiciary, of which I am a member, seeking an extension of its powers, which, if granted, would make the Supreme Court in comparison look like a mere police court.

The centralization of power in Federal agencies in recent years—the great majority of which is chargeable to our former State rights friends, the Democrats—is enough to make Jefferson turn in his grave and to cause Hamilton to sit up in his coffin in wonder and astonishment. We should have less of the centripetal and more of the centrifugal in the legislative, executive, and judicial branches of the Federal Government.

How long will it be until officials awaken from the state of coma in which they now rest and by courageous action turn the prow of the old ship of state away from the rocks and reefs that endanger her into the peaceful channels of national safety and good will?

Mr. STEVENSON. Mr. Chairman, I move to strike out the last two words. Mr. Chairman, I was very much impressed by the splendid appeal for democracy just made in which the gentleman calls the spade a spade and says that he does not want any more officious interference with the private affairs of this country than is absolutely necessary for popular government. I was very much interested in his statement of the dire terrors of the inspectors who were being sent about all over the country to everybody, and then I was equally struck with the position that the gentleman takes, which is that he will probably vote for this bill when a provision is carried in the twelfth section to provide for inspectors for watching the farm baskets of this country. It will take an army nearly as big as it took to go to France, and yet he proposes to vote for it notwithstanding his protest against the multiplication of these instrumentalities.

Mr. GOODYKOONTZ. Will the gentleman yield to me?

Mr. STEVENSON. To be sure.

Mr. GOODYKOONTZ. I admit the gentleman's argument is pretty strong. I never said that I would vote for the bill. My decision remains in abeyance.

Mr. STEVENSON. I am glad the gentleman is on the border and that he is considering coming out on the Lord's side. He talks on the right side. If he would just vote that way, we would not pass this measure in the shape it is in here.

It is true that only $10,000 is appropriated now for these activities, but they provide that this shall be available immediately and until expended, and as soon as it is all expended there will be a provision in the deficiency appropriation bill here for three or four times that amount.

The gentleman from West Virginia [Mr. GOODYKOONTZ] spoke awhile ago about the Democratic Party being as centralized as Alexander Hamilton himself. I call his attention to the fact that it is the Republican Party that has brought this bill in, and it is worse than Hamilton conceived could be ever brought forth under the Constitution which he helped make and adopt.

Mr. Chairman, I am prepared to join my friend from West Virginia in stopping the raid upon the rights of the private citizens of this country to regulate and manage their own business in their own way. I conceive that this measure is the product of the brain of the manufacturers of baskets in this country, who have now to maintain a large stock in their warehouses and a large amount of material and cater to a large amount of different kinds of trade, and they want to standardize it so that the stock carried will not be so large and so that the machinery for manufacturing it can be standardized, and that there will be about three kinds to be manufactured instead of eight or ten kinds. I have heard the gentleman from Delaware [Mr. LAYTON] say here that the manufacturers were absolutely in favor of this, and I believe it. Many of them live in Delaware, too, and I am not surprised that the gentleman is advocating it. But I say that this is a raid upon the rights of the common people in this country, and therefore I am not in favor of it. I do not care whether it is Hamiltonian or Jeffersonian, and I join with the gentleman from West Virginia in opposition to it. [Applause.]

Mr. CONNALLY. Mr. Chairman, is there an amendment pending? I want to offer an amendment to this section.

The CHAIRMAN. The committee amendment is now pending.

The question is on the amendment of the committee, which the Clerk will now report.

The Clerk read as follows:

Page 13, line 7, after the word "shipment," insert the word "sell."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. STEVENSON. Mr. Chairman, I make the point that there is no quorum present.

The CHAIRMAN. The gentleman from South Carolina makes the point of no quorum. The Chair will count. [After counting.] Seventy-four Members are present, not a quorum. The Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

Andrews, Md.	Drane	Jefferis	Reed, N. Y.
Bacharach	Dunn	Johnson, Miss.	Riordan
Baer	Dyer	Johnston, N. Y.	Rodenberg
Bankhead	Eagan	Jones, Pa.	Rose
Bell	Eagle	Kelley, Mich.	Rowan
Benson	Edmonds	Kelly, Pa.	Rucker
Blackmon	Ellsworth	Kennedy, Iowa	Sabath
Bland, Ind.	Emerson	Kiess	Sanders, N. Y.
Booher	Evans, Nev.	Kitchin	Sanford
Bowers	Ferris	Kreider	Scott
Britten	Fess	Lesher	Scully
Brumbaugh	Fields	Lufkin	Sears
Burke	Flood	Luhring	Smith, Idaho
Burroughs	Fordney	McCulloch	Smith, Ill.
Butler	Foster	McFadden	Smith, Mich.
Caldwell	Frear	McKenzie	Smithwick
Cantrill	Freeman	McLane	Snell
Caraway	Fuller, Mass.	McLaughlin, Mich.	Snyder
Carew	Gallagher	McPherson	Steagall
Clark, Fla.	Gallivan	Magee	Steele
Cole	Gandy	Maher	Stephens, Miss.
Collier	Garland	Mapes	Stephens, Ohio
Cooper	Goldfogle	Martin	Strong, Pa.
Copley	Gould	Mason	Sullivan
Costello	Graham, Ill.	Michener	Sumners, Tex.
Crago	Graham, Pa.	Moore, Ohio	Taylor, Colo.
Cramton	Hamill	Moores, Ind.	Taylor, Tenn.
Crowther	Hamilton	Morin	Thompson
Cullen	Harrison	Murphy	Tilson
Currie, Mich.	Hayden	Newton, Minn.	Vaile
Curry, Calif.	Heflin	Nicholls	Vare
Dale	Hersey	Nolan	Ward
Dallinger	Hoey	Olney	Watkins
Davey	Houghton	Paige	Whaley
Denison	Hulings	Parker	White, Kans.
Dent	Husted	Purnell	White, Me.
Dewalt	Igoe	Ramsey	Williams
Dooling	Ireland	Reavis	Winslow
Doremus	James	Reber	Yates

Thereupon the committee rose; and the Speaker having resumed the chair, Mr. DOWELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 12350) to fix standards for hampers, round stave baskets, and splint baskets for fruits and vegetables, to establish a standard box for apples, and for other purposes, and finding itself without a quorum he had caused the roll to be called, whereupon 270 Members had responded to their names, a quorum, and he submitted a list of the absentees to be entered in the Journal and in the RECORD.

The SPEAKER. The committee will resume its session.

The committee resumed its session.

Mr. CONNALLY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas [Mr. CONNALLY] offers an amendment, which the Clerk will report.

Mr. VESTAL. Mr. Chairman, a committee amendment is pending.

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Page 13, line 9, after the word "basket," strike out the comma.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 13, line 10, strike out the words "or apple boxes."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 13, line 11, after the word "baskets," strike out the comma and insert the word "or."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next one.

The Clerk read as follows:

Page 13, line 11, after the word "baskets," strike out the comma and the words "apple boxes."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next one.

The Clerk read as follows:

Page 13, line 12, after the word "act," strike out the semicolon and all down to and including the word "act" in line 19.

Mr. STEVENSON. Mr. Chairman, I move as a substitute for the committee amendment that you strike out on line 15 the words "or apple boxes." I think the balance that is proposed to be stricken out is very beneficial to the bill.

The CHAIRMAN. The gentleman from South Carolina offers a preferential amendment, which the Clerk will report.

The Clerk read as follows:

Amendment to the committee amendment: Page 13, line 15, strike out the words "or apple boxes."

Mr. STEVENSON. Mr. Chairman, the amendment which I offer excludes any dealing with apple boxes, and seems to be in accordance with the policy of the committee. The amendment which I propose, instead of striking out all that is proposed to be stricken out there, merely strikes out that part which refers to the apple boxes, which has been stricken out all the way through.

Now, what does it leave which is beneficial? It leaves the provision "that fruits or vegetables not sold or offered for sale by standard net weight or by numerical count in hampers, round stave baskets, splint baskets," and so forth, must be contained in the standard containers. In other words, if my amendment is adopted, it provides that when they sell by the pound or by the number, they can put them in any kind of basket they see fit, and if they leave that in it is a very beneficial provision in the bill, in my judgment. In other words, in the bill as it stands, if a man undertakes to ship or deal in any kind of a basket he must do it in a basket of the kind here described. If you adopt this amendment that I propose, you allow him, when he sells by the pound or the dozen, to ship it in any kind of a hamper or basket that he sees fit. I think that is right.

Then there is another thing. You say you want to deal honestly in this matter; you say you want to enforce honesty. Now, the balance which they propose to strike out is a prohibition against selling improperly and not according to regulations. Do you propose to put the stamp of permission of dishonest filling by striking that out? I submit that that writes the word "hypocrisy" against the whole effort to pass the bill if you undertake to strike that out. [Applause.] The part to be stricken out is—

or fruits or vegetables not sold or offered for sale by standard net weight or by numerical count, in hampers, round stave baskets, splint baskets, or apple boxes that at the time of such offer for sale, shipment, or importation are not filled to the full capacity thereof, stricken measure, subject to such tolerances as may be prescribed in the regulations under this act.

Now, my motion is principally intended to preserve the right of anybody, when he is going to sell his potatoes by the pound or his melons by the dozen, to ship them in a hamper of any kind, make, or conformation that he chooses. The striking of this out prevents that, although it has been asserted on the floor that will not prevent it. I submit that that privilege should not be denied to the shippers and producers of this country, and that is the only reason I have for making the motion.

Mr. MANN of Illinois. Will the gentleman yield?

Mr. STEVENSON. Yes.

Mr. MANN of Illinois. If I understand correctly the language of the original section, it provides that it shall be unlawful to sell fruits or vegetables not offered for sale in hampers, round stave baskets, splint baskets, or apple boxes. That makes it unlawful to sell any of these articles in anything except the containers named in the bill.

Mr. STEVENSON. In anything except the sizes provided for in the bill.

Mr. MANN of Illinois. Does the gentleman want to provide that no fruit shall be sold in boxes or barrels, for instance, and leave it so that no fruit or vegetables can be sold except in hampers or stave baskets or splint baskets? I think the gentleman has the wrong conception.

Mr. STEVENSON. If the gentleman will read the balance of it he will see what I am driving at. It says that it shall apply to hampers, baskets, or apple boxes—

that at the time of such offer for sale, shipment, or importation are not filled to the full capacity thereof, stricken measure, subject to such tolerances as may be prescribed in the regulations under this act.

In other words, the bill as it originally was written provided that when they sold they had to sell in containers of this kind, and they had to sell a full basket. Now you propose to strike that out. You propose to strike out the provision that safeguards the public and provides that they must fill the baskets in an honest way, or come within the terms of this act; and you strike out that part that allows sale by weight and number without being in the containers prescribed.

Mr. WINGO. I move to strike out the last word. To illustrate the possible dangers of a bill like this I desire to call the attention of the committee to this fact, that many shippers of radishes ship them in bunches made up as we buy them in the market. They put them in containers of all kinds. In my town some of them will ship them in barrels with burlap over the top, or they will ship them in a splint hamper, or they will ship them in a peach basket, or in any kind of a basket or container that they want to use. I appreciate the force of the suggestion of the gentleman from Illinois, which is that this section makes it unlawful to sell the basket, and that the part which is proposed to be stricken out is the part that made it unlawful to sell fruits and vegetables in baskets other than the standard baskets. That really is the distinction.

Mr. DEMPSEY. In containers other than those prescribed?

Mr. WINGO. Yes. The language proposed to be stricken out by the amendment is this:

Or fruits or vegetables not sold or offered for sale by standard net weight or by numerical count, in hampers, round stave baskets, splint baskets, or apple boxes that at the time of such offer for sale, shipment, or importation are not filled to the full capacity thereof, stricken measure, subject to such tolerances as may be prescribed in the regulations under this act.

Of course, that language ought to be clarified. It is not very clear. The contention of the gentleman from Illinois is correct. It is this, that the language which precedes the language I have just read is the language which says it shall be unlawful to manufacture for sale or shipment, and so forth, hampers, round stave baskets, for fruits or vegetables, either filled or unfilled, or parts of such hampers, which do not comply with this act. I can see the force of the gentleman's objection that what they intended to do by striking out this provision was to restrict the unlawful condemnation to the basket itself and not to the fruit. I presume that is the intention of the committee.

Mr. MANN of Illinois. And if the gentleman will permit, the language of the original bill was that no fruit or vegetables should be offered for sale unless they were in a hamper, round stave basket, splint basket, or apple box filled full; but that would permit the offering for sale of any fruit or vegetables in a barrel or container of any other kind, and now we have cut out the apple boxes everywhere else, it would permit the sale of apples in boxes.

Mr. WINGO. It would also prevent the sale of fruit in any basket other than where it is by numerical count.

Mr. MANN of Illinois. We have the power, I think, under the Constitution to fix the measure or container we make, and I think we have, too, the incidental powers, but we do not have the power under the Constitution to forbid the sale of articles in other kinds of containers which we do not fix the size of.

Mr. WINGO. I agree with the gentleman, and I go further: I say that we have under the Constitution the power to fix the standard of the basket, but while we have the power to fix the standard we have no right to say that if the farmer puts his fruit in any other kind of a basket he is guilty, unless it is of a deceptive character where he offers seven-eighths of a bushel for a bushel, or a bushel and a half for two bushels. I say you have no right to restrict him unless he engages in fraudulent misrepresentation. In other words, we have the power to punish fraud and deception, but we have not the other power.

Mr. MANN of Illinois. Within a limited degree we have the power to punish fraud and deception. We could prevent its entering interstate commerce. But clearly we have not the

power to say that no one shall sell fruit or vegetables except in certain standard containers.

Mr. WINGO. I agree with the gentleman, and that is the real object of the bill as shown by the language which it is proposed to strike out.

Mr. MANN of Illinois. The object of this amendment is to strike out that provision.

Mr. WINGO. The intention of the proponents of the bill was to punish the sale of fruit in other than standard containers. That is shown by the language proposed to be stricken out and I am glad that the committee did not favor it. I think when you take the bill as a whole the effect on the shipper will be a depressing effect because he will not make the clear distinction that you and I are making. He will not see that the inhibition goes alone to the basket, but may think it goes to the sale of his fruit, because there are provisions for the Federal inspection going to the wagon of the farmer or his little Ford truck.

Mr. STEVENSON. Mr. Chairman, I think that the gentleman from Illinois and the gentleman from Arkansas practically overlook one of the questions that I maintain is raised here. It is unlawful to sell any fruit or vegetables unless sold or offered for sale under the standard net weight or numerical count. If we strike out the words proposed to be stricken out and leave that all in, it is not lawful to sell them in any other way unless they are sold by weight or count. That is the point I am directing my attention to.

Mr. WINGO. I agree with the gentleman, and I am perfectly willing to bar from interstate commerce the deceptively filled baskets of fruit. It is not fair to the consumer. The fruit growers are honest, and they do not want it. You will find a dishonest one here and there, as you will find a dishonest lawyer or preacher, but the major part of the fruit growers are honest and want to give good measure.

I am willing under the control of interstate commerce to bar from interstate commerce the deceptively filled basket or container of any kind, whether it be fruit, vegetables, cereals, or anything else. I would like to see some such provision put in the bill. I will vote for a bill that undertakes to say that the public shall not be deceived by the use of deceptive containers of any kind. I think it ought to be unlawful to put leaves or anything else in the bottom of the basket, making it appear to be full when it is not full. I think it ought to be unlawful to raise the bottom of the fruit container so as to make it appear to hold more than it actually does. Why? Because the person who is buying the fruit at a fruit stand can not see the false bottom, and that is a fraud, and we ought to control it in interstate commerce and see that that kind of a package shall be barred from interstate commerce.

Mr. DEMPSEY. Mr. Chairman, if the gentleman will yield, the question of the filling of the package is to be dealt with by another bill.

Mr. WINGO. Unless I am mistaken, I think that under present existing laws, in practically every State, it is unlawful to display these fraudulent packages, and as the prosecuting attorney of my district I can pick up any merchant who offers for sale these deceptive containers under the false pretense statutes.

Mr. VESTAL. Mr. Chairman, I move that all debate upon this section and all amendments thereto be now closed.

Mr. BRIGGS. Mr. Chairman, I have an amendment which I desire to offer.

Mr. VESTAL. Oh, the gentleman can offer his amendment.

Mr. BRIGGS. But I want to speak to my amendment.

Mr. VESTAL. Then I will modify my motion to make it five minutes.

Mr. CONNALLY. Mr. Chairman, I have an amendment which I desire to offer, and I want five minutes.

Mr. BROOKS of Pennsylvania. Mr. Chairman, I have an amendment to offer to section 6.

Mr. VESTAL. Mr. Chairman, then I ask unanimous consent to amend my motion by making it 15 minutes.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to modify his motion by making it 15 minutes. Is there objection?

There was no objection.

The CHAIRMAN. The question now is on the motion of the gentleman from Indiana that all debate upon this section and all amendments thereto close in 15 minutes.

The question was taken, and the motion was agreed to.

The CHAIRMAN. The question now is on the amendment of the gentleman from South Carolina [Mr. STEVENSON] as a substitute for the committee amendment.

Mr. MANN of Illinois. It is really to perfect the text.

The question was taken; and on a division (demanded by Mr. STEVENSON) there were—ayes 31, noes 63.

So the amendment was rejected.

The CHAIRMAN. The question now recurs upon the committee amendment.

The committee amendment was agreed to.

Mr. BRIGGS. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment by Mr. BRIGGS: Page 14, at the end of line 6, strike out the period, insert a semicolon, and add the following:

"*Provided*, That no person shall be prosecuted under the provisions of this act when he can establish a guaranty signed by the manufacturer, wholesaler, shipper, or other party residing within the United States from whom hampers, round stave baskets, splint baskets, or other containers as defined in this act were purchased to the effect that said hampers, round stave baskets, splint baskets, or other containers are correct within the meaning of this act. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of hampers, round stave baskets, splint baskets, or other containers to such person, and in such case such party or parties making such sale shall be amenable to prosecution, fines, and other penalties which would attach in due course to any person under the provisions of this act."

Mr. MANN of Illinois. Mr. Chairman, will the gentleman yield for a question?

Mr. BRIGGS. Yes.

Mr. MANN of Illinois. The gentleman defines the three kinds of containers named by the act. Does he think that his amendment ought to say "or other containers"?

Mr. BRIGGS. There are so many variations of those in the act——

Mr. MANN of Illinois. But they are all named by three names. It does not seem to me that we ought to endeavor to cover any other containers.

Mr. BRIGGS. Except as defined in the act. This provision that I have put in here is one that was added to or included in the standard-container act of 1916.

Mr. MANN of Illinois. I understand, and I think it is a good amendment.

Mr. BRIGGS. Then I ask unanimous consent to strike out the words "or other containers" wherever they occur in the amendment.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to modify his amendment as the Clerk will report.

The Clerk read as follows:

On the fifth line of the amendment strike out the words "or other containers," and strike out, also, the same words wherever they appear in the amendment.

The CHAIRMAN. Is there objection to the modification of the amendment?

There was no objection.

Mr. MANN of Illinois. Mr. Chairman, the gentleman's amendment also provided to insert a semicolon instead of a period. I think it should be a colon.

Mr. BRIGGS. I have no objection to that modification, and I ask unanimous consent to so modify the amendment as to make it a colon.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to modify his amendment further as indicated. Is there objection?

There was no objection.

Mr. VESTAL. Mr. Chairman, the committee will accept that amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas.

The amendment was agreed to.

Mr. BRIGGS. Mr. Chairman, I ask unanimous consent to extend and revise my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CONNALLY. Mr. Chairman, I have an amendment which I desire to offer.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 13, line 6, after the word "to," strike out "manufacture for sale or shipment," and in line 7 strike out the words "offer for sale," and after the word "ship," in line 7, insert the words "in interstate commerce."

Mr. CONNALLY. Mr. Chairman and gentlemen of the committee, the authority to pass the section of this measure now before us must be based either on the clause of the Constitution authorizing the Congress to fix the standard of weights and measures or on that clause authorizing the Congress to regulate commerce between the States. I notice that the gentleman from Iowa, by the movement of his head, indicates his dissent to that proposition. In view of the Republican attitude with reference to that document—the Constitution—now regarded by the majority as almost obsolete, I am not surprised that even so eminent a constitutional lawyer as the gentleman from Iowa should indicate his dissent to that proposition. Under this section, unless you adopt the amendment which I have offered, you make it unlawful within each State of this Union to manufacture a

hamper of any dimension other than that provided by this bill, and you make it unlawful to ship in intrastate commerce from one town to another wholly within the same State a hamper filled or unfilled not conforming to such measurements. You will send among the people of the individual States a horde of Federal inspectors, who have already been so accurately and amply described by the gentleman from Arkansas and the gentleman from West Virginia, who will go snooping around among the places of private business inquiring into and investigating private affairs. You would make it a crime punishable by prosecution in a Federal court for a citizen to make or offer for sale a hamper unless it fits this Procrustean standard you are setting up in this bill, irrespective of his innocent intent. The power to fix a standard of measurement does not embrace the power to prohibit the use of any character of container, and the only method by which it can be reached is through the interstate-commerce clause, to prohibit the shipment of the inhibited hampers in interstate commerce. If you are determined to adopt this bill, base your action upon some, at least, apparent authority of the Constitution. I want to congratulate the Republican Party on the product of this great measure. I wonder why this great party has waited for so many years without bringing forward this very urgent and very necessary legislation.

How the Republic has prospered and reached a state of development such as is enjoyed to-day without this great constructive measure I can hardly comprehend. I judge it must be in response to the President's message of last August, directing attention to reduction of the cost of living, that you have at last with your little miscroscope found the farmer and the truck grower and have now leveled your legislative artillery upon them to reduce the high cost of living by making criminal that which in itself may be harmless and innocent. Under this bill the farmer can not ship a hamper of tomatoes from one point to another unless that succulent and toothsome vegetable is in a hamper one-eighth of an inch thick, with 13 ribs to it, and so many staves, and with a top and bottom of prescribed diameter. That is your remedy for the high cost of living. You provide that the farmer can not ship his melons if he ships them in a hamper other than this particular kind of a hamper. You totally forget the melons that they are cutting in the stock exchanges and other places. In to-day's Star appears this notice about the Chapin-Sacks Co., that deals, so I am told, in foodstuffs in the city of Washington: "The Chapin-Sacks cuts a 200 per cent melon. Stockholders vote increase in stock and approve sale of company." I would adjure the Republican Party to pay a little more attention to melons of that kind, rather than by getting after the fellow who by the sweat of his face raises a few little melons down in a cotton patch and undertakes to ship to the local market to feed the people of the world. [Applause.] No; you have got to do something in order to consume time and create a belief that you are at work. This House has spent two days on this miserable measure; on this measly measure two Calendar Wednesdays have been spent because you have got nothing else on your legislative program of moment or importance that you care to consider. I want to say that not with my vote will this House adopt a measure of this kind, uselessly restricting the freedom of the people and adding to the burdens of the people by raising the cost of what they eat, because every time you put an additional restriction on the freedom of people to trade in commerce you add to the cost of the article in which they deal.

You are adding to the taxpayer's cost. You are providing for the appointment of a corps of inspectors under the direction of the Agricultural Department to go around the country to inspect the crates and boxes and hampers in which people may ship a few little articles of foodstuffs.

It is poor statesmanship to impose useless and irritating restrictive measures. It is only when some great evil can be removed that justification may be found for restrictive acts. It is claimed that this bill is designed to prevent fraud, but it goes much further than that. I daresay in every State there are now on the books laws making it a crime to sell false weights or measures.

You are undertaking to appoint guardians for the people who buy. You are saying that the people have not sense enough when they buy a bushel of potatoes or a bushel of any other food products to know when they are buying a bushel. [Applause.]

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. TOWNER. Mr. Chairman, I beg the pardon of the gentleman from Texas [Mr. CONNALLY] for my dissent when he said that the same clause that contained the provision with regard to weights and measures was the one that provided against the control of commerce generally.

Mr. CONNALLY. Will the gentleman yield?

Mr. TOWNER. Certainly.

Mr. CONNALLY. I will state to the gentleman that I did not say that. I said if this Congress enacted this measure it must be on one or the other of those clauses.

Mr. TOWNER. I beg the gentleman's pardon. I misunderstood him. The clause under which this act stands or falls is this provision of the Constitution giving power to Congress to coin money, to regulate the value thereof and the foreign coin, and fix the standard of weights and measures.

Gentlemen who are familiar with the debates, both in the constitutional convention and in the States, where the question was as to the adoption of the Constitution, are certainly aware of the fact that this provision was intended to take from the States the right to fix standards of weights and measures. It was urged as one of the objections to the Constitution that it did this. But, nevertheless, it is in the Constitution, and it has remained in the Constitution until this day. It was expected that Congress would take from the States the power to regulate weights and measures and establish standards for them. That we have not done so is merely because Congress has not exercised those powers. The reason that this power was given to Congress was because then, as now, different standards of weights and measures were adopted in different States of the Union. Then, as now, there were no uniform standards. Then, as now, whenever interstate commerce was affected it was impossible to know what was a bushel or what was any other measure, and so, for that reason, for the purpose of establishing uniformity, this provision of the Constitution was enacted.

Mr. STEVENSON. Will the gentleman yield?

Mr. TOWNER. I yield to the gentleman from South Carolina.

Mr. STEVENSON. Does the gentleman contend, however, that having fixed that a bushel hamper contains so many cubic inches, they can go on and provide a shape for that hamper? Is that fixing the standard or fixing the style of the carrier?

Mr. TOWNER. That, I will say to the gentleman, is entirely within the power of Congress. Whatever may be necessary in order to fix and establish standards of weights and measures is within the power of Congress under this provision of the Constitution.

Now, gentlemen, I can not see why gentlemen are so earnest in their opposition to this bill. It may be that some of the provisions of it are subject to criticism. That is within our power to correct by amendment. But for gentlemen to stand upon this floor arguing in opposition to the principle involved in this legislation I can not believe is justified. Gentlemen, it is not for the purpose, as suggested by men who have spoken in opposition to this bill, of aiding the manufacturers of these containers. That is an immaterial and an infinitesimal proposition. Gentlemen can hardly believe, I think, that this legislation is urged upon Congress at the instance of these manufacturers. But we now know that under existing circumstances, with the varying legislation in the different States of the Union, fraud is continually being perpetrated with regard to the sale of these articles. It is for the benefit of the producers who produce the things that are to be sold in these containers that they may know that they will not come in competition with a dishonest container and a dishonest statement of what may be a bushel or what may be any other measure under which articles may be sold and placed upon the market. It is for the benefit of the consumer that when he buys a bushel of potatoes he may know he is getting a bushel of potatoes and may know how much that may be, and not be deceived by a dishonest measure that may be foisted upon the market by some designing person. So I say, from every possible standpoint, both as to constitutional right and for the purpose of preventing fraud, both on those who produce and the ultimate consumer, I believe that this legislation is entirely justified. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. All time has expired. The question is on the amendment of the gentleman from Texas [Mr. CONNALLY].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. CONNALLY. Division, Mr. Chairman.

The committee divided; and there were—ayes 31, noes 64.

So the amendment was rejected.

The Clerk read as follows:

SEC. 8. That any hamper, round stave basket, or splint basket for fruits or vegetables, or any apple box, whether filled or unfilled, or parts of such hampers, round stave baskets, splint baskets, or apple boxes, not complying with this act, which shall be manufactured for sale or shipment, offered for sale, sold, shipped, or imported, may be proceeded against in any district court of the United States within the district where the same shall be found and may be seized for confiscation by a process of libel for condemnation. Upon request, the person entitled shall be permitted to retain or take possession of the contents of such hampers, baskets, or boxes, but, in the absence of such request or when the perishable nature of such contents makes such action immediately necessary, the same shall be disposed of by destruction or sale as the court or a judge thereof may direct. If such hampers, round

stave baskets, splint baskets, or apple boxes, or parts thereof be found in such proceeding to be contrary to this act, the same shall be disposed of by destruction, except that the court may by order direct that such hampers, baskets, or boxes, or parts be returned to the owner thereof, or sold, upon the payment of the costs of such proceeding and the execution and delivery of a good and sufficient bond to the effect that such hampers, baskets, or boxes, or parts shall not be sold or otherwise disposed of or used contrary to law. The proceeds of any sale under this section, less legal costs and charges, shall be paid over to the person entitled thereto. The proceedings in such seizure cases shall conform as near as may be to the proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in such cases and all such proceedings shall be at the suit and in the name of the United States.

The following committee amendments were severally read and agreed to:

Page 14, line 7, strike out the figure "8" and insert the figure "7."
Page 14, line 8, strike out the words "or any apple box."
Page 14, line 10, after the word "baskets," strike out the comma and the words "or apple boxes."
Page 14, line 10, after the word "baskets," insert the word "or."
Page 14, line 17, after the word "hampers," strike out the comma and insert the word "or," and after the word "baskets," in the same line, strike out the comma and the words "or boxes."
On page 14, line 22, strike out the words "or apple boxes."
On page 14, line 25, after the word "baskets," strike out the words "or boxes."
On page 15, line 4, after the word "baskets," insert the words "or boxes."
On page 15, in the same line, after the word "parts" insert the word "thereof."

Mr. QUIN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Mississippi offers an amendment, which the Clerk will report.

Mr. QUIN. Mr. Chairman, the amendment is at the end of line 8 of page 14, to strike out the word "whether," and at the beginning of line 9, strike out the words "filled or," and substitute the word "when," so that it will read "when unfilled."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Mississippi.

The Clerk read as follows:

Amendment offered by Mr. QUIN: Page 14, line 8, at the end of the line, strike out the word "whether," and at the beginning of line 9, strike out the words "filled or," and in place of the word "whether," in line 8, insert the word "when," so that the lines as amended will read: "That any hamper, round-stave basket, or splint basket for fruits or vegetables, when unfilled, or parts of such hampers," etc.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Mississippi.

Mr. QUIN. Wait one moment. I would like to explain that, Mr. Chairman.

You have put at the top of that page a section which imposes a penalty of $100 or imprisonment for 60 days, or both, for any violation of this act, and it applies to any individual, corporation, or partnership that willfully violates this section. Such violator of this law shall be deemed guilty of a misdemeanor, and so forth. Then you proceed below and provide another section, and if the bill passes with that language in it and a man is guilty of that offense of having any hamper, round-stave basket, or splint basket for fruits or vegetables, whether filled or unfilled, or parts of such hampers, round-stave baskets, or splint baskets not complying with this act, which shall be manufactured for sale or shipment, and so forth, offered for sale, sold, shipped, or imported, he may be proceeded against in any district court in the United States within the district where the same shall be found, and the basket or hamper may be seized for confiscation by a process of libel and condemnation. This language would apply to the basket whether it is filled or not. Surely Congress could not mean such a thing as that. The bill would be bad enough if it passes with all these amendments, but if you are going to pass a bill here so that you can go out and with a procedure in terrorem seize a man for an alleged offense of this kind and carry him before a Federal judge because he had such a hamper that was unfilled you will be enacting a monstrous thing.

What would the people think of such a Congress passing such an act as that? I want to say, my Republican friends, that I believe the people of this country have already got a bellyful of legislation of this kind. [Laughter.]

For my part I do not for one moment believe that the honest men engaged in the truck-farming business in the State of Mississippi should be oppressed with any such sumptuary legislation and such odious and oppressive stuff as you have placed in this bill here. You are not encouraging industry by this legislation. You are proposing to hamper the truck farmer who earns his living by the sweat of his brow——

Mr. MOORE of Virginia. They are proposing to hamper the man who has an illegal hamper. [Laughter.]

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. QUIN. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

Mr. VESTAL. I object.

The CHAIRMAN. Objection is made.

Mr. QUIN. Oh, yes; they do not want the farmer to have any defense here. [Applause.]

The CHAIRMAN. The question is on the amendment of the gentleman from Mississippi [Mr. QUIN].

The question being taken, on a division (demanded by Mr. QUIN) there were—ayes 38, noes 61.

Accordingly the amendment was rejected.

Mr. STEVENSON. Mr. Chairman, I offer to amend, on page 15, by striking out of lines 8 and 9 the following words:

The proceedings in such seizure cases shall conform as near as may be to the proceedings in admiralty except—

and change the first letter of the word "that," in line 10, to a capital "T."

The CHAIRMAN. The gentleman from South Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. STEVENSON: Page 15, line 8, after the word "thereto," strike out the words "the proceedings in such seizure cases shall conform as near as may be to the proceedings in admiralty, except"; and, in line 9, change the first letter of the word "that" to a capital "T."

Mr. STEVENSON. Mr. Chairman, this is simply to leave the process in the court of equity, which is the court of the United States in which all condemnation proceedings are taken, and where the rules are well defined. It leaves the right to a trial by jury to the man who has the property which it is proposed to condemn. But I should like to know what lawyer in Nevada would know how to practice law in admiralty? There are not a dozen lawyers in the State of South Carolina who know the difference between a proctor and a lictor. [Laughter.] I have practiced law 31 years, and I do not think I have ever been in a court of admiralty more than once. There are not 40 lawyers in South Carolina, where there are three great ports, who know how to proceed in admiralty. Why, out in the State of Arkansas where would a poor farmer who was yanked into court by the United States district attorney to condemn his stuff go to find a lawyer who would know how to proceed in admiralty? I submit that it ought to be left to the usual equity practice in the Federal court, with the provision that the man shall have the right to a jury trial.

I am not making this as a captious motion. I frankly admit I am opposed to the bill, but if you are going to enact this legislation make it at least so that the lawyers of the country will know how to protect the rights of their clients when they are haled into court by the officers of the United States. [Applause.]

Mr. MANN of Illinois. Mr. Chairman, there is no proceeding now known in equity which would cover a case where the Government seizes property for the purpose of destroying it. All of the laws which we have passed in recent years providing for the seizure of property in violation of law have provided that there should be a libel for condemnation, and that the proceedings should follow the proceedings in admiralty. Admiralty proceedings are the only proceedings known to the law originally which provided for the seizure of property in this way. A condemnation suit for the purpose of taking property for public use is an entirely different proposition. Here the proposition is to seize the property and dispose of it. Admiralty proceedings are the natural proceedings in such cases. That provision was put in the pure-food law. It has been copied in various laws which have been passed since, and no Member of this House has ever heard a single complaint of the operation of that provision of the pure-food law.

SEVERAL MEMBERS. Vote! Vote!

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina [Mr. STEVENSON].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 9. That this act shall not prohibit the manufacture for sale or shipment, offer for sale, sale, or shipment of hampers, round stave baskets, splint baskets, apple boxes, or parts thereof to any foreign country in accordance with the specifications of a foreign consignee or customer not contrary to the law of such foreign country; nor shall this act apply to hampers having a capacity of 1½ bushels or more, or to hampers for bananas of the shape now in commercial use having less than such capacity, if any, or to round stave baskets having a capacity of 2½ bushels or more, or to apple boxes having a capacity of 1½ bushels or more.

With the following committee amendment:

Page 15, line 13, strike out the figure "9" and insert "7."

The amendment was agreed to.

Also the following committee amendment:

Page 15, line 15, strike out the words "apple boxes."

The amendment was agreed to.

Also the following committee amendment:

Page 15, beginning with line 19, strike out all down to and including the word "more," in line 24, and insert in lieu thereof the following: "prevent the manufacture or use of banana hampers of the shape and character now in commercial use as shipping containers for bananas."

Mr. MOORE of Virginia. Mr. Chairman, may I ask the chairman of the committee a question? Will the gentleman explain the reason for the omission of the language in lines 19 to 24, inclusive? That seems to be an important provision, and I do not know that there is anything in the hearings that gives the explanation that I am now begging the chairman to furnish.

Mr. VESTAL. The reason for the amendment is that there was no evidence before the committee of any necessity for a hamper of 1¾ bushels, or a round-stave basket having a capacity of 2¼ bushels. The evidence before the committee was that the round-stave basket, the 2-bushel basket, was the largest basket that was used of that kind, and the 1¼-bushel hamper was the largest used.

Mr. MOORE of Virginia. With great deference to the chairman of the committee, I wish to say that the evidence that has been taken is rather meager on many points involved in the bill. I want to ask the gentleman whether there was sufficient evidence before the committee to bring the committee to the definite view that there is no need for the provision that has been eliminated?

Mr. VESTAL. The committee was satisfied with the testimony before it and the statement made by the chief of the Bureau of Markets that in the last year and a half or two years of his travels and investigations these baskets were not needed in the general trade.

Mr. MOORE of Virginia. I have great confidence in the sincerity of the beliefs the gentleman has expressed about this matter, but my difficulty is that they do not seem to be supported by evidence. All through the discussion it has been assumed that there is a sort of profiteering all over the country to which the farmer, the truck grower, and the commission merchant are parties. But this is a mere unproved assumption, and yet we are undertaking to make it the basis of this legislation. At the same time there is certainly the most flagrant profiteering in many directions which we have not touched up to this time and which there is no intimation we will touch. [Applause.]

Mr. SISSON. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee a question. This clause now to be amended, section 7, is for the purpose of excluding from this law the manufacture and sale of any hampers or baskets. I do not see why you should eliminate that language. If I understand the purpose of the clause at all, if that language is left out of the bill the hamper of the capacity of one and three-quarters of a bushel will be subject to the application of the other sections of the law, and it will be unlawful to manufacture it. For example, take the field basket that the farmer carries on his arm containing a bushel and a half or 2 bushels. I take it that that character of basket, although it might conform in appearance to a basket in which you might ship vegetables—I take it that there would be no intention on the part of this legislation to affect that sort of a hamper. Why not leave that language in the bill, because we specifically prevent any interference with the manufacture and sale of that kind of a basket. That would be specially true in view of the statement of the chairman that the Chief of the Bureau of Markets said it was not necessary to make any provision in reference to that basket. Therefore I would like to have that basket excluded from the operation of the law, and this language that is proposed to be stricken out does specifically exclude it.

Mr. VESTAL. If we needed a basket larger than a bushel and a half it should be a 2-bushel basket.

Mr. SISSON. I do not know that I make myself plain. What I want to do is not to make it a violation of law for the manufacturer to make such a basket. A man might be engaged in manufacturing baskets for sale for other purposes than shipping fruit and vegetables; and why not leave the language there? You do not want to cover anything in the bill except the hampers and baskets used for the purpose of shipping vegetables and fruits, tomatoes, and so forth. I do not know who originally prepared the bill.

Mr. VESTAL. This language is simply an elimination of the 1¾ bushels and the 2¼ bushels, and providing for the manufacture of banana hampers.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. SISSON. I ask for an additional two minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. VESTAL. The purpose is to strike out the 1¾-bushel hamper and the 2¼ bushel and the hampers for bananas.

Mr. SISSON. Let me make myself plain. Suppose a basket is manufactured for sale and the purpose of the manufacturer is to sell the basket not for the shipment of fruit or vegetables. But suppose it could be used for that purpose. Do you want to make it a violation of law for him to manufacture it, as it would be in the contemplation of the law if this language was stricken out?

Mr. REED of West Virginia. You could not manufacture a laundry basket.

Mr. SISSON. No; and I do not care for what purpose the basket was manufactured.

The CHAIRMAN. The time of the gentleman from Mississippi has again expired. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The Clerk read as follows:

SEC. 10. That this act shall not be understood or construed as in any way repealing the act of July 28, 1866 (Rev. Stats. U. S., secs. 3569 and 3570), legalizing the use of the weights and measures of the metric system.

With the following committee amendment:

Page 16, line 3, strike out the figures "10" and insert the figure "8."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The Clerk read as follows:

SEC. 11. That it shall be the duty of each United States district attorney to whom satisfactory evidence of any violation of this act is presented to cause appropriate proceedings to be commenced and prosecuted in the proper courts of the United States in his district for the enforcement of the provisions of this act.

With the following committee amendment:

Page 16, line 8, strike out the figures "11" and insert "9."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The Clerk read as follows:

SEC. 12. That the Secretary of Agriculture is authorized to prescribe such regulations as he may find necessary for carrying into effect the provisions of this act, and to cause such examinations and tests to be made as may be necessary in order to determine whether hampers, round stave baskets, splint baskets, and apple boxes, or parts thereof, subject to this act, meet its requirements. For said purpose the authorized officers and agents of the Department of Agriculture may visit factories, stock rooms, and other places of business where such hampers, baskets, and boxes, or parts thereof, are manufactured or held for sale or shipment or offered for sale, may enter cars, vessels, other vehicles, and places under the control of carries engaged in the transportation of such hampers, baskets, and boxes, or parts thereof, and may take samples of such hampers, baskets, and boxes, or parts, the cost of which samples, upon request, shall be paid to the person entitled.

With the following committee amendments, which were severally reported and severally agreed to:

Page 16, line 14, strike out the figures "12" and insert "10."

Page 16, line 14, after the word "Agriculture," strike out the words "is authorized to" and insert the word "shall."

Page 16, line 16, strike out the word "to" and insert the word "shall."

Page 16, line 19, after the word "baskets," strike out the words "and apple boxes."

Page 16, line 23, after the word "baskets," strike out the words "and boxes."

Page 17, line 1, strike out the word "carries" and insert the word "carriers."

Page 17, line 2, after the word "baskets," strike out the words "and boxes."

Page 17, line 3, after the word "baskets," strike out the words "and boxes."

The Clerk read as follows:

Page 17, after the word "parts," insert the word "thereof."

Mr. WALSH. Mr. Chairman, will the gentleman from Indiana yield?

Mr. VESTAL. Yes.

Mr. WALSH. Will the chairman of the committee state what the idea was of placing this under the jurisdiction of the Secretary of Agriculture?

Mr. VESTAL. Mr. Chairman, the jurisdiction would have to be placed under either the Secretary of Agriculture or the Bureau of Standards. The pure-food act comes under the Department of Agriculture, and the bill passed by the House here last fall in the standardization of flour barrels was put under the Department of Agriculture. We believe that it was better to have them all under that department rather than to have part of them under one and part of them under the other.

Mr. WALSH. What is the Bureau of Standards doing?

Mr. VESTAL. Nothing with this bill.

Mr. WALSH. Nothing along similar lines?

Mr. ANDERSON. It has no powers of enforcement at all.

Mr. WALSH. Under no laws? They just make investigations and tests and report to the Secretary of the Department in which they are?

Mr. ANDERSON. I think so, with some very unimportant exceptions.

Mr. WALSH. And the chairman states that all of these various acts that have been passed establishing standards are now being administered by the Secretary of Agriculture?

Mr. VESTAL. By the Department of Agriculture.

Mr. WALSH. Whether they deal with agricultural products or not?

Mr. VESTAL. Yes.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. CONNALLY. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. CONNALLY: Page 16, line 14, strike out all of section 10.

Mr. CONNALLY. Mr. Chairman, and gentlemen of the committee, I shall not delude myself by entertaining any hope that this amendment will be adopted, but I want to take this occasion to enter my very vigorous protest against the provisions of this section. Gentlemen on the committee, evidently for fear that they had forgotten some restrictions, for fear some little provision had escaped their vigilant eye, through an apprehension that somewhere a great crime might be committed by some individual possessing a hamper which did not fit to the nicety of the thousandth of an inch the measurements and details prescribed by this bill have dragged in section 11, by which they authorize the Secretary of Agriculture, a purely administrative officer, to exercise inquisitorial powers, almost, if not quite, legislative powers, and they put into the hands of this Secretary of Agriculture the power to do what?

Let us see what this Draconian Code provides. He shall be authorized—no; they are not content with authorizing him to do it, but he "shall prescribe such regulations." As Congress sees fit? No; as he in his wisdom may find necessary. For doing what? "For carrying into effect the provisions of this act." In other words, they give him plenary power to carry into effect the harassing and annoying and unnecessary proscriptions of this bill. Not that he is authorized, but he "shall." "He shall cause such examinations and tests to be made as may be necessary in order to determine whether hampers," and so on, meet the different requirements. What else? You are not content with that. "For said purposes the authorized officers and agents of the Department of Agriculture may visit factories, stock rooms, and other places of business—" Without warrant? Yes. Without any writ or process? Yes. Let these little inspectors, these Federal subofficials, go into your factory or your place of business without warrant or without written authority in search not of an anarchist with a bomb but of a dangerous criminal with a harmless hamper in his hand.

And is that all? Oh, no. That is not sufficient. "Where such hampers, baskets, or parts thereof are manufactured or held for sale or shipment." What else may they do? "They may enter cars, vessels, other vehicles, and places under the control of carriers engaged in the transportation of such hampers, baskets, and take samples," and so forth. Now, gentlemen of the committee, by reason of this section you put into the hands of a minor official of the Department of Agriculture a power that under a free government ought to be vested nowhere. To invade property or to violate its possession ought not be permitted except by warrant or writ. You put it into the power of this subofficial of the Department of Agriculture to enter the sealed cars in which the goods of citizens of the United States may be transported in interstate or intrastate commerce, in charge of a carrier responsible under the statute and under the common law with the custody and the transportation of such goods, and you violate that custody by permitting some Government employee to break the seals of those cars without a warrant and without any written authority except the certificate of his appointment; to violate the sanctity of that shipment, and to violate the sanctity of private property which, under the Constitution, ought at least yet to have some respect at the hands of this Congress and at the hands of the majority of this House.

The CHAIRMAN. The time of the gentleman has expired. [Cries of "Vote!"] The question is upon the amendment offered by the gentleman from Texas.

The question was taken, and the amendment was rejected.

Mr. WINGO. Mr. Chairman, I want to suggest to the committee an amendment to which I just called the attention of the chairman of the committee and that is, in line 25, page 16, after the word "sale," there should be inserted the word "and." If you do not insert this word "and" you are going to restrict investigation to warehouses and factories that are owned by carriers, and that is not what it is intended to do.

Mr. VESTAL. The committee accepts the amendment.

Mr. WINGO. I will offer that amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. WINGO: Page 16, line 25, after the word "sale," insert the word "and."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 13. That for carrying out the purposes of this act the Secretary of Agriculture is authorized to cooperate with State, county, and municipal authorities, manufacturers, dealers, and shippers to employ such persons and means, and to pay such expenses, including rent, printing, publications, and the purchase of supplies and equipment, in the District of Columbia and elsewhere, as he shall find to be necessary, for which purposes the sum of $10,000 is appropriated out of any money in the Treasury not otherwise appropriated, available immediately and until expended.

The committee amendments were read as follows:

Page 17, line 6, strike out the figures "13" and insert "11."

The question was taken, and the amendment was agreed to.

Page 17, line 9, correct the spelling of the word "shippers."

The question was taken, and the amendment was agreed to.

Mr. GARRETT. Mr. Chairman, may I ask the gentleman, Is it contemplated that this act shall apply to other than the continental United States?

Mr. VESTAL. I think not.

Mr. GARRETT. Well, of course, this is not an interstate-commerce act; this is an act defining a standard of measurement and of dimensions to all parts of the United States and in intrastate commerce as well as interstate commerce. Now, the question in my mind is whether this will apply to Porto Rico and the Philippine Islands.

Mr. VESTAL. I do not think so. I do not know whether the section 6 on page 13——

Mr. MANN of Illinois. The gentleman will notice on page 13——

Mr. GARRETT. It says:

That it shall be unlawful to manufacture for sale or shipment, sell, offer for sale, or ship, or to import or cause to be imported into the continental United States—

And so on. That is a clause making it unlawful; but will the standard set down in the other sections apply?

Mr. MANN of Illinois. It would apply to Hawaii, of course, and ought to apply.

Mr. GARRETT. Would it apply to Porto Rico and the Virgin Islands and the Philippines?

Mr. MANN of Illinois. It would not apply to the Philippines.

Mr. GARRETT. Probably not.

Mr. MANN of Illinois. Our legislation does not apply to the Philippines unless we so provide.

Mr. GARRETT. Well, I am not quite sure the gentleman is correct about that.

Mr. MANN of Illinois. Oh, yes.

Mr. GARRETT. What does the gentleman think about the Porto Rican matter?

Mr. MANN of Illinois. I am not sure about that.

Mr. GARRETT. Here is the difficulty about it: We have usually——

Mr. MANN of Illinois. None of them are Territories.

Mr. GARRETT. We have usually been accustomed to dealing with bills of an interstate-commerce character, and in the beginning of those bills defining what should constitute interstate commerce, and have excluded the insular possessions. In this bill we are not dealing with an interstate matter, but with a standard.

Mr. MANN of Illinois. We have not excluded the insular possessions in the interstate-commerce bill, but of course we have described it so that it covers Territories and Districts or commerce among the States, and of course that would not apply to these outlying possessions.

Mr. GARRETT. Exclusive of the operation of the language we used, whatever you may term it, I think it is a question of some consideration as to whether or not it applies to the insular possessions. I do not wish to delay the matter in any respect, but I suggest this in order that the gentleman from Indiana [Mr. VESTAL] may give it consideration with a view to a conference which may be held upon this act.

Mr. WINGO. Mr. Chairman, I offer an amendment after the word "shippers," in line 9, by inserting a comma and the word "and."

The CHAIRMAN. The gentleman from Arkansas offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WINGO: Page 17, line 19, after the word "shippers," insert a comma and the word "and."

Mr. WINGO. Mr. Chairman, I take it the committee wants that amendment. It is obviously necessary. I want to ask the gentleman what is his idea of authorizing the Secretary of Agriculture to cooperate with the State, county, or municipal authorities? What cooperation can they give? You have not given them any authority under this bill. If a sheriff, for instance, were to go out to inspect, unless he was designated as an individual he would be a trespasser and could be held liable on his State bond as sheriff if he undertook to go out and exercise any authority under this bill as an official, because you nowhere in the bill give the Secretary authority to designate a State official as an official of the Federal Government for the purposes of the act.

Mr. MANN of Illinois. I think the word "and" ought to go in there.

Mr. WINGO. That is obvious. I was talking about another proposition. If you use the State officers—and I am in favor of it—I think you ought to authorize the Secretary of Agriculture not only to cooperate but employ such persons and authorize them to act for the department. He can not designate the "sheriff of Sevier County," because if he did, that sheriff would be acting in his official capacity, and under the State law he would have no authority, and if he acted he would be a trespasser and might be sued on his bond. We ought to authorize them to designate them as agents of the department. That would protect the sheriff then.

Mr. MANN of Illinois. If the gentleman will permit, I think this language is for the purpose of covering the case as in the pure-food act and in the insecticide act and the various other acts of that sort, where a large share of the work is done in cooperation with the officials of the States who are appointed for the purpose of enforcing similar laws and regulations in the States.

Mr. WINGO. There is a distinction, if the gentleman will permit. Most of the States have a pure-food act. The police officers of most of the States have police authority to do most of the things the Federal officers would request them to do in cooperation. But very few of the States will have a standard fruit-basket law, so that they will have no authority to go as State officers and make inspection of fruit baskets.

Mr. MANN of Illinois. In most cases in the markets they have officials for the purpose of enforcing weights and measures. All an official has to do if he finds a basket, is to notify the General Government, if it is in violation of the law.

Mr. WINGO. He can not exercise the authority provided in section 11 without laying himself liable, unless he acts as an individual, but he could not act as a State police official.

Mr. MANN of Illinois. No. He would have to act, if he acted at all, in an official capacity, as an agent.

Mr. WINGO. That is the point. You only authorize us to use him as a State official. You ought to authorize the Secretary to designate the State official as an agent of the department, because you do not speak of him except in his official State capacity.

Mr. MANN of Illinois. We only authorize here the cooperation; that is all.

Now, as a matter of fact I could not say, but there was quite a controversy here at one time as to whether under the pure-food law the Agricultural Department had the right, or if it had the right, whether it was advisable, to employ local officials whose duty it was to enforce the local law. I think a good many of them were on the rolls of the Agricultural Department nominally, at nominal pay. Now, of course, if they seized something under their authority and nominal pay, they did it as agents of the Government. But so far as notifying the department and calling things to their attention, they could do that under cooperation.

Mr. WINGO. I am just offering this as a suggestion. I do not care much about it myself.

Mr. DEMPSEY. Would not the authority to employ such persons cover what the gentleman has in mind?

Mr. WINGO. It might do it, but you do not refer to them as persons, but as officials. It might do it.

The CHAIRMAN. The time of the gentleman from Arkansas has expired. The question is on agreeing to the amendment offered by the gentleman from Arkansas.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

Mr. MANN of Illinois. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. MANN of Illinois. I do so for the purpose of asking a question. The gentleman from Iowa [Mr. TOWNER] suggested that it might be advisable to insert in this bill a provision like this as a new section:

And this act shall not apply to the insular possessions of the United States.

Would there be any objection to that? That would make the act still apply to Hawaii and Alaska, as it ought to.

Mr. GARRETT. I should say offhand that insular possessions have no definite status in any law, except the rules of the House.

Mr. MANN of Illinois. I think it is a term that we have frequently used in legislation.

Mr. GARRETT. I think not. I think we have denominated the Territories that are included in what is commonly understood as "insular possessions."

Mr. MANN of Illinois. The gentleman may be correct. I am not particular about it. The matter can be considered later, of course.

Mr. GARRETT. Well, can it? It can be considered in another body; but how can it be considered here?

Mr. TOWNER. It would be very easy to say that it should not apply to the Philippine Islands, Porto Rico, and the Virgin Islands.

Mr. MANN of Illinois. And the islands of Samoa and Tutuila and several others that we still own.

Mr. GARRETT. I believe Guam is still owned.

Mr. WINGO. How about the island of Yap?

Mr. BROOKS of Pennsylvania. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the last two words.

Mr. BROOKS of Pennsylvania. Mr. Chairman, there is an industry in the mountain regions of eastern Pennsylvania, and in my district, that I am afraid might be entirely destroyed by this bill. That industry is the manufacture of hickory baskets during the frozen winter months by the poor mountaineers. These baskets are a splint product, but not in the sense of this particular bill, as I understand it. The hickory blocks are split up, drawn through irons that regulate the thickness of them, and from these hickory strips or withes baskets are woven.

Now, this bill provides for hampers and other styles of containers. I would like to know whether or not this bill will allow the continuation of that industry, or whether it will destroy it; whether these hickory baskets will be considered as hampers and included in the definition of hampers. I would like the chairman of the committee having this bill in charge to answer that question for me.

Mr. MANN of Illinois. Why should this bill destroy the industry?

Mr. BROOKS of Pennsylvania. These poor people might not be able to conform in the manufacture of their baskets to the technical requirements of this bill. They make these baskets by hand and do not have forms to make them over, consequently can not all be the same size, and these baskets are made in very large quantities and sold to wholesale dealers.

Mr. LAYTON. Mr. Chairman, will the gentleman yield?

Mr. BROOKS of Pennsylvania. Yes.

Mr. LAYTON. For what purpose are the baskets used?

Mr. BROOKS of Pennsylvania. For what purpose?

Mr. LAYTON. Yes.

Mr. BROOKS of Pennsylvania. They are used for gathering fruits and vegetables, and also for conveying fruits and vegetables from the farm to the market or to the consumers or dealers.

Mr. WINGO. If the gentleman will permit me, I do not think there is any question but that this bill will destroy that industry. As a matter of fact, the prime object of this bill is to destroy or hamper infant industries.

Mr. BROOKS of Pennsylvania. If this will destroy this particular industry, then it ought to be amended.

Mr. WINGO. In all seriousness, I think it will. I have one such factory in my district. They will be penalized and their baskets will be driven out of the market.

Mr. BROOKS of Pennsylvania. If that is the interpretation of the chairman of the committee in charge of the bill, I will offer an amendment to preserve that industry. Mr. Chairman, I offer an amendment on page 17, in line 5, after the word "entitled," to strike out the period and insert:

This act shall not forbid the storing or conveying of fruits or vegetables in any kind or style of containers except when sold or offered for sale by the hamper, round-stave basket, or splint basket.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BROOKS of Pennsylvania: On page 17, in line 5, after the word "entitled" insert the following:

"This act shall not forbid the storing or conveying of fruits or vegetables in any kind or style of containers except when sold or offered for sale by the hamper, round stave basket, or splint basket."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania.

The question being taken, on a division (demanded by Mr. BROOKS of Pennsylvania) there were—ayes 29, noes 46.

Accordingly the amendment was rejected.

The Clerk read as follows:

SEC. 14. That sections 7 and 8 of this act shall become effective, at but not before the expiration of one year following the 1st day of November next succeeding the passage of this act.

With the following committee amendment:

Page 17, line 16, strike out the figure "14" and insert the figure "12."

The amendment was agreed to.

Also the following committee amendment:

Page 17, line 16, strike out the figures "7" and "8" and insert in lieu thereof the figures "5" and "6."

The amendment was agreed to.

Mr. WINGO. Mr. Chairman, I move to strike out the last word in order to make a suggestion to the committee. I think they will agree to this kind of an amendment. I think we ought to amend this provision so that these sections shall become effective at the expiration of two years from the passage of this act. I will give the gentleman a reason.

Mr. MANN of Illinois. If the gentleman will make it brief, maybe we will vote with him.

Mr. WINGO. I will make it brief. I am just as hungry as the gentleman is.

I think the committee ought to frame the language. I suggest as an amendment to change the word "one" to the word "two" and make the word "year" plural—"years." Then strike out the words "following the 1st day of November next succeeding" and insert the word "from." That would make it read:

That sections 5 and 6 of this act shall become effective at but not before the expiration of two years from the passage of this act.

I call the attention of gentlemen to the fact that the large fruit associations, the peach association and others, order an extraordinary amount of these containers so as to be sure that they will not get caught short.

Mr. VESTAL. I will accept the amendment.

The CHAIRMAN. The gentleman from Arkansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WINGO: Page 17, line 17, after the word "of," strike out "one" and insert "two," and strike out the word "year" and insert the word "years." Strike out, in line 18, the words "following the 1st day of November next succeeding" and insert in lieu thereof the word "from," so that it will read: "That sections 5 and 6 of this act shall become effective at but not before the expiration of two years from the passage of this act."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. VESTAL. Mr. Chairman, I ask unanimous consent to return to section 1 of the bill for the purpose of offering an amendment on page 2, line 7, by striking out the words "of the staves." I do that in view of the amendments that we have adopted to the section. Also to strike out the same words wherever they occur in the section and subdivisions thereof.

Mr. WINGO. Reserving the right to object, and I do not think I shall object, did we strike out the language that required these words?

Mr. MANN of Illinois. We struck out all the provisions that required this language.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to return to section 1 for the purpose of offering an amendment. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. VESTAL: Section 1, strike out the words "of the staves" wherever they occur.

Mr. MANN of Illinois. That is lines 7 and 19, page 2; lines 6 and 7, page 3; line 19, page 3; lines 8 and 18, on page 4.

The CHAIRMAN. The question is on the amendment.

The question was considered, and the amendment was agreed to.

Mr. VESTAL. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. DOWELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 12350) to fix standards for hampers, round stave baskets, and splint baskets for fruits and vegetables, to establish a standard box for apples, and for other purposes, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. STEVENSON. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. It is clear that there is no quorum present.

Mr. GREEN of Iowa. Mr. Speaker, I move a call of the House.

Mr. BARKLEY. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The gentleman from Iowa moves a call of the House and the gentleman from Kentucky makes the preferential motion that the House do now adjourn.

The question was taken; and on a division (demanded by Mr. BARKLEY) there were 46 ayes and 66 noes.

Mr. BARKLEY. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 78, nays 120, answered "present" 8, not voting 220, as follows:

YEAS—78.

Almon	Doughton	McKinley	Rouse
Aswell	Dupré	Mann, S. C.	Sanders, La.
Babka	Ferris	Mansfield	Sherwood
Barkley	Fisher	Mays	Smith, N. Y.
Bee	Ganly	Mead	Stedman
Bland, Mo.	Garner	Milligan	Stoll
Blanton	Garrett	Montague	Taylor, Ark.
Box	Goodwin, Ark.	Moon	Thomas
Briggs	Griffin	Moore, Va.	Tillman
Byrnes, S. C.	Hastings	Neely	Venable
Byrns, Tenn.	Holland	Nelson, Mo.	Watkins
Carter	Howard	O'Connell	Weaver
Clark, Mo.	Hudspeth	Park	Welty
Cleary	Jacoway	Parrish	Wilson, La.
Connally	Kincheloe	Peli	Wingo
Cullen	Lanham	Quin	Woods, Va.
Davis, Tenn.	Lankford	Raker	Wright
Dickinson, Mo.	Larsen	Rayburn	Young, Tex.
Dominick	McDuffie	Robinson, N. C.	
Donovan	McKeown	Romjue	

NAYS—120.

Ackerman	Fuller, Ill.	Lehlbach	Ricketts
Anderson	Glynn	Little	Riddick
Andrews, Nebr.	Good	Lonergan	Riordan
Ashbrook	Goodall	Luce	Rogers
Barbour	Green, Iowa	McAndrews	Rowe
Begg	Greene, Mass.	McGlennon	Sanders, Ind.
Bland, Va.	Griest	McLaughlin, Nebr.	Sells
Boies	Hadley	Mann, Ill.	Shreve
Bowers	Hardy, Colo.	Mason	Siegel
Brooks, Ill.	Haugen	Miller	Sinnott
Brooks, Pa.	Hernandez	Minahan, N. J.	Strong, Kans.
Browne	Hersey	Monahan, Wis.	Summers, Wash.
Campbell, Pa.	Hersman	Mondell	Sumners, Tex.
Casey	Hickey	Mooney	Sweet
Chindblom	Hicks	Morgan	Swope
Classon	Hoch	Mott	Temple
Darrow	Hull, Iowa	Nelson, Wis.	Thompson
Davis, Minn.	Humphreys	Ogden	Timberlake
Dempsey	Hutchison	Phelan	Tincher
Dickinson, Iowa	Johnson, Wash.	Platt	Towner
Dowell	Jones, Pa.	Porter	Valle
Dunbar	Juul	Radcliffe	Vestal
Dyer	Kearns	Rainey, Ala.	Voigt
Echols	Keller	Rainey, J. W.	Volstead
Elliott	Kinkaid	Ramseyer	Walsh
Esch	Kleczka	Randall, Calif.	Watson
Evans, Nebr.	Knutson	Randall, Wis.	Webster
Fairfield	Kraus	Reed, N. Y.	Wheeler
Focht	Lampert	Reed, W. Va.	Wood, Ind.
French	Layton	Rhodes	Zihlman

ANSWERED "PRESENT"—8.

Burdick	Carss	Hawley	Rubey
Candler	Christopherson	Oliver	Vinson

NOT VOTING—220.

Andrews, Md.	Butler	Dale	Flood
Anthony	Caldwell	Dallinger	Fordney
Ayres	Campbell, Kans.	Davey	Foster
Bacharach	Cannon	Denison	Frear
Baer	Cantrill	Dent	Freeman
Bankhead	Caraway	Dewalt	Fuller, Mass.
Bell	Carew	Dooling	Gallagher
Benham	Clark, Fla.	Doremus	Gallivan
Benson	Coady	Drane	Gandy
Black	Cole	Dunn	Gard
Blackmon	Collier	Eagan	Garland
Bland, Ind.	Cooper	Eagle	Godwin, N. C.
Booher	Copley	Edmonds	Goldfogle
Brand	Costello	Ellsworth	Goodykoontz
Brinson	Crago	Elston	Gould
Britten	Cramton	Emerson	Graham, Ill.
Brumbaugh	Crisp	Evans, Mont.	Graham, Pa.
Buchanan	Crowther	Evans, Nev.	Greene, Vt.
Burke	Currie, Mich.	Fess	Hamill
Burroughs	Curry, Calif.	Fields	Hamilton

Hardy, Tex.	Lea, Calif.	O'Connor	Smithwick
Harreld	Lee, Ga.	Oldfield	Snell
Harrison	Lesher	Olney	Snyder
Hayden	Linthicum	Osborne	Steagall
Hays	Longworth	Overstreet	Steele
Heflin	Lufkin	Padgett	Steenerson
Hill	Luhring	Paige	Stephens, Miss.
Hoey	McArthur	Parker	Stephens, Ohio
Houghton	McClintic	Peters	Stevenson
Huddleston	McCulloch	Pou	Stiness
Hulings	McFadden	Purnell	Strong, Pa.
Hull, Tenn.	McKenzie	Rainey, H. T.	Sullivan
Husted	McKinley	Ramsey	Tague
Igoe	McLane	Reavis	Taylor, Colo.
Ireland	McLaughlin, Mich.	Reber	Taylor, Tenn.
James	McPherson	Robsion, Ky.	Tilson
Jefferis	MacCrate	Rodenberg	Tinkham
Johnson, Ky.	MacGregor	Rose	Treadway
Johnson, Miss.	Madden	Rowan	Upshaw
Johnson, S. Dak.	Magee	Rucker	Vare
Johnston, N. Y.	Maher	Sabath	Walters
Jones, Tex.	Major	Sanders, N. Y.	Ward
Kahn	Mapes	Sanford	Wason
Kelley, Mich.	Martin	Schall	Welling
Kelly, Pa.	Merritt	Scott	Whaley
Kendall	Michener	Scully	White, Kans.
Kennedy, Iowa	Moore, Ohio	Sears	White, Me.
Kennedy, R. I.	Moores, Ind.	Sims	Williams
Kettner	Morin	Sinclair	Wilson, Ill.
Kiess	Mudd	Sisson	Wilson, Pa.
King	Murphy	Slemp	Winslow
Kitchin	Newton, Minn.	Small	Wise
Kreider	Newton, Mo.	Smith, Idaho	Woodyard
Langley	Nicholls	Smith, Ill.	Yates
Lazaro	Nolan	Smith, Mich.	Young, N. Dak.

So the motion to adjourn was rejected.

The Clerk announced the following pairs:

On the vote:

Mr. OLDFIELD (for) with Mr. HAWLEY (against).

Mr. HENRY T. RAINEY (for) with Mr. MACCRATE (against).

Until further notice.

Mr. LONGWORTH with Mr. KITCHIN.

Mr. RODENBERG with Mr. BELL.

Mr. WILLIAMS with Mr. STEAGALL.

Mr. DENISON with Mr. BANKHEAD.

Mr. KELLEY of Michigan with Mr. OLIVER.

Mr. MCPHERSON with Mr. IGOE.

Mr. GRAHAM of Pennsylvania with Mr. STEELE.

Mr. KAHN with Mr. DENT.

Mr. CAMPBELL of Kansas with Mr. FLOOD.

Mr. GRAHAM of Illinois with Mr. OLNEY.

Mr. YATES with Mr. STEVENSON.

Mr. TINKHAM with Mr. AYRES.

Mr. GARLAND with Mr. RUCKER.

Mr. WOODYARD with Mr. LEA of California.

Mr. COLE with Mr. MCLANE.

Mr. LANGLEY with Mr. CLARK of Florida.

Mr. WINSLOW with Mr. HEFLIN.

Mr. CROWTHER with Mr. SCULLY.

Mr. CANNON with Mr. SISSON.

Mr. WHITE of Maine with Mr. HULL of Tennessee.

Mr. TREADWAY with Mr. DEWALT.

Mr. HAMILTON with Mr. EAGAN.

Mr. MAGEE with Mr. SIMS.

Mr. WHITE of Kansas with Mr. GODWIN of North Carolina.

Mr. VARE with Mr. MAHER.

Mr. GOULD with Mr. FIELDS.

Mr. CURRIE of Michigan with Mr. DRANE.

Mr. WARD with Mr. LAZARO.

Mr. MORIN with Mr. SEARS.

Mr. GREENE of Vermont with Mr. WILSON of Pennsylvania.

Mr. WASON with Mr. BRINSON.

Mr. ROSE with Mr. SULLIVAN.

Mr. KENNEDY of Rhode Island with Mr. TAGUE.

Mr. SCOTT with Mr. LESHER.

Mr. REAVES with Mr. HARRISON.

Mr. FOSTER with Mr. GALLAGHER.

Mr. PETERS with Mr. BENSON.

Mr. FREAR with Mr. JOHNSON of Mississippi.

Mr. STRONG of Pennsylvania with Mr. EAGLE.

Mr. BURKE with Mr. GANDY.

Mr. FORDNEY with Mr. GARD.

Mr. SANFORD with Mr. HOEY.

Mr. TILSON with Mr. JOHNSON of Kentucky.

Mr. REBER with Mr. HUDDLESTON.

Mr. CRAGO with Mr. EVANS of Montana.

Mr. MERRITT with Mr. LEE of Georgia.

Mr. STEENERSON with Mr. HAMILL.

Mr. OSBORNE with Mr. WHALEY.

Mr. MADDEN with Mr. SMITHWICK.

Mr. RAMSEY with Mr. HARDY of Texas.

Mr. SNYDER with Mr. BOOHER.

Mr. DALE with Mr. LINTHICUM.

Mr. STEPHENS of Ohio with Mr. UPSHAW.

Mr. COSTELLO with Mr. CANTRILL.

Mr. PURNELL with Mr. EVANS of Nevada.

Mr. SLEMP with Mr. MAJOR.

Mr. ELLSWORTH with Mr. HAYDEN.

Mr. SMITH of Michigan with Mr. PADGETT.

Mr. MICHENER with Mr. WELLING.

Mr. ELSTON with Mr. WISE.

Mr. MUDD with Mr. GALLIVAN.

Mr. DALLINGER with Mr. BLACK.

Mr. KREIDER with Mr. O'CONNOR.

Mr. MACGREGOR with Mr. POU.

Mr. PAIGE with Mr. TAYLOR of Colorado.

Mr. MAPES with Mr. SMALL.

Mr. CRAMTON with Mr. DOREMUS.

Mr. MCKINLEY with Mr. DOOLING.

Mr. NEWTON of Missouri with Mr. CRISP.

Mr. BURROUGHS with Mr. MARTIN.

Mr. MURPHY with Mr. STEPHENS of Mississippi.

Mr. DUNN with Mr. ROWAN.

Mr. LUFKIN with Mr. OVERSTREET.

Mr. KIESS with Mr. MCCLINTIC.

Mr. MCLAUGHLIN of Michigan with Mr. KETTNER.

Mr. KENDALL with Mr. NICHOLLS.

Mr. LUHRING with Mr. SABATH.

Mr. MCKENZIE with Mr. JOHNSTON of New York.

Mr. EDMONDS with Mr. JONES of Texas.

Mr. MCCULLOCH with Mr. CAREW.

Mr. BUTLER with Mr. DAVEY.

Mr. BLAND of Indiana with Mr. COLLIER.

Mr. JAMES with Mr. CARAWAY.

Mr. HULINGS with Mr. BUCHANAN.

Mr. JOHNSON of South Dakota with Mr. BLACKMON.

Mr. FESS with Mr. BRAND.

Mr. ANTHONY with Mr. BRUMBAUGH.

Mr. HUSTED with Mr. COADY.

Mr. BACHARACH with Mr. GOLDFOGLE.

Mr. IRELAND with Mr. CALDWELL.

Mr. CHRISTOPHERSON. Mr. Speaker, I desire to vote "no."

The SPEAKER. Was the gentleman present, listening, when his name was called?

Mr. CHRISTOPHERSON. No; I was not.

The SPEAKER. The gentleman does not bring himself within the rule.

Mr. BURDICK. Mr. Speaker, I desire to vote "no."

The SPEAKER. Was the gentleman present, listening, when his name was called?

Mr. BURDICK. I was not.

The SPEAKER. The gentleman does not qualify.

Mr. RUBEY. Mr. Speaker, I desire to vote "no." I was not present and listening when my name was called, however.

The SPEAKER. The gentleman does not qualify.

Mr. CANDLER. Mr. Speaker, may I be recorded "present"? I had just left the Chamber and upon my return the Clerk was calling the roll and had just passed my name on the call.

The SPEAKER. The Chair has no authority to do that.

Mr. WINGO. Mr. Speaker, are we not trying to develop a quorum?

The SPEAKER. A quorum is not required on a motion to adjourn.

The result of the vote was announced as above recorded.

Mr. VESTAL. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

Mr. QUIN. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. BARKLEY. Mr. Speaker, the roll call developed that there is no quorum present.

Mr. BLANTON. Mr. Speaker, a point of order. The gentleman from Mississippi makes the point of order that there is no quorum present.

The SPEAKER. The Chair thinks the point of no quorum is pending, and that gentlemen who desire to vote, whom the Chair refused to recognize for that purpose, may be recognized to vote "present."

Mr. WINGO. That was the matter I had in mind when I suggested that we were trying to develop a quorum.

The SPEAKER. The Chair had taken it for granted that a quorum was present. Gentlemen who desire to vote, but who were not recognized for that purpose, may be recorded present.

The names of Mr. CANDLER, Mr. RUBEY, Mr. CHRISTOPHERSON, and Mr. BURDICK were called, and they answered "Present."

The SPEAKER. Two hundred and three Members are present, not a quorum.

Mr. WALSH. Mr. Speaker, I move that the Sergeant at Arms be directed to procure the attendance of absent Members.

Mr. BARKLEY. Mr. Speaker, I move that the House do now adjourn.

Mr. MANN of Illinois. Mr. Speaker, I make the point of order that that motion is dilatory.

The SPEAKER. No business has been transacted since the House refused to adjourn.

Mr. VESTAL. Mr. Speaker, is not the previous question pending?

Mr. JONES of Texas. Mr. Speaker, no business can be transacted when there is no quorum present.

The SPEAKER. The gentleman can move a call of the House, of course.

Mr. WALSH. Mr. Speaker, does the Chair hold that a motion to direct the Sergeant at Arms to bring in absent Members is not in order.

The SPEAKER. The Chair has not passed on that.

Mr. GREEN of Iowa. Mr. Speaker, I had made a motion for a call of the House before the gentleman from Kentucky [Mr. BARKLEY] made the motion to adjourn.

Mr. BLANTON. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. BLANTON. I make the point of order that where the House develops no quorum a motion to adjourn is not dilatory, as claimed by the gentleman from Illinois [Mr. MANN]. It is in order at any time.

The SPEAKER. The Chair thinks it can not be made immediately after a motion to adjourn has been voted down. The motion before the House is the motion of the gentleman from Iowa [Mr. GREEN] that a call of the House be ordered.

Mr. WINGO. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WINGO. Does the Chair think that, immediately upon a roll call developing the absence of a quorum, it is in order to move a call of the House to develop a quorum?

The SPEAKER. The motion for a call of the House is pending. The Chair will state the parliamentary situation. A point of no quorum was made by the gentleman from South Carolina [Mr. STEVENSON]. The gentleman from Iowa [Mr. GREEN] then moved the call of the House. The gentleman from Kentucky [Mr. BARKLEY] moved that the House adjourn. That motion was rejected on a yea-and-nay vote. Therefore the motion of the gentleman from Iowa [Mr. GREEN] for a call of the House is pending. The Chair was under a misapprehension, and supposed that a quorum developed on the motion to adjourn, and, therefore, he did not put the motion of the gentleman from Iowa, because he did not think it necessary.

Mr. WALSH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WALSH. Is not the motion to direct the Sergeant at Arms to bring in absentees a preferential motion over a call of the House, even though that motion be pending and no quorum is developed?

The SPEAKER. A call of the House would bring in the absentees.

Mr. WALSH. I will ask the Chair this question.

The SPEAKER. The Chair will hear the gentleman.

Mr. WALSH. The rules provide that when the House finds itself without a quorum it shall be in order either to move to adjourn or to provide for the procuring of a quorum. Now, the motion for the call of the House does not come within either class, particularly when the roll call has developed the absence of a quorum.

Mr. CLARK of Missouri. Mr. Speaker, the proposition of the gentleman from Massachusetts is only used in the aid of a call of the House. The Chair is entirely correct about it; there is a motion for a call of the House pending here now. Now, when we start in to have a call of the House and call the roll and you can not find a quorum around here anywhere, then the motion of the gentleman from Massachusetts is in order.

The SPEAKER. The question is on the motion of the gentleman from Iowa.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. BLANTON. Division, Mr. Speaker.

The House divided; and there were—ayes 96, noes 92.

So the motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Anderson	Bacharach	Bell	Blackmon
Andrews, Md.	Baer	Benson	Bland, Ind.
Anthony	Bankhead	Black	Booher
Brand	Foster	Lesher	Rowan
Brinson	Frear	Linthicum	Rucker
Britten	Freeman	Longworth	Sabath
Browne	Fuller, Mass.	Lufkin	Sanders, N. Y.
Brumbaugh	Gallagher	Luhring	Sanford
Buchanan	Gallivan	McArthur	Schall
Burke	Gandy	McClintic	Scott
Burroughs	Gard	McCulloch	Scully
Butler	Garland	McFadden	Sears
Caldwell	Godwin, N. C.	McKenzie	Sherwood
Campbell, Kans.	Goldfogle	McKinley	Sims
Cannon	Gould	McLane	Sinclair
Cantrill	Graham, Ill.	McLaughlin, Mich.	Sisson
Caraway	Graham, Pa.	McPherson	Slemp
Carew	Greene, Vt.	MacCrate	Small
Carter	Griffin	MacGregor	Smith, Idaho
Clark, Fla.	Hamill	Madden	Smith, Ill.
Coady	Hamilton	Magee	Smith, Mich.
Cole	Hardy, Colo.	Maher	Smithwick
Collier	Hardy, Tex.	Major	Snell
Cooper	Harreld	Mapes	Snyder
Copley	Harrison	Martin	Steagall
Costello	Haugen	Mays	Steele
Crago	Hays	Merritt	Steenerson
Cramton	Heflin	Michener	Stephens, Miss.
Crisp	Hill	Mooney	Stephens, Ohio
Crowther	Hoey	Moore, Ohio	Stiness
Currie, Mich.	Houghton	Moores, Ind.	Strong, Pa.
Curry, Calif.	Huddleston	Morin	Sullivan
Dale	Hudspeth	Mott	Tague
Dallinger	Hulings	Mudd	Taylor, Colo.
Davey	Hull, Tenn.	Murphy	Taylor, Tenn.
Denison	Husted	Newton, Minn.	Tilson
Dent	Igoe	Newton, Mo.	Tinkham
Dewalt	Ireland	Nicholls	Treadway
Dickinson, Mo.	James	Nolan	Upshaw
Dooling	Jefferis	O'Connor	Vare
Doremus	Johnson, Ky.	Oldfield	Walters
Drane	Johnson, Miss.	Olney	Ward
Dunn	Johnson, S. Dak.	Osborne	Wason
Eagan	Johnston, N. Y.	Overstreet	Whaley
Eagle	Kahn	Padgett	White, Kans.
Edmonds	Kelley, Mich.	Paige	White, Me.
Ellsworth	Kelly, Pa.	Parker	Williams
Elston	Kendall	Peters	Wilson, Ill.
Emerson	Kennedy, Iowa	Pou	Wilson, Pa.
Esch	Kennedy, R. I.	Purnell	Winslow
Evans, Mont.	Kettner	Rainey, H. T.	Wise
Evans, Nev.	Kiess	Ramsey	Yates
Fess	Kinkaid	Reavis	Young, N. Dak.
Fields	Kitchin	Reber	Zihlman
Fisher	Kreider	Robsion, Ky.	
Flood	Lazaro	Rodenberg	
Fordney	Lee, Ga.	Rose	

The SPEAKER. On this roll call 202 Members have answered to their names, not a quorum.

ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 35 minutes p. m.) the House adjourned until to-morrow, Thursday, April 29, 1920, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. RAYBURN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 13590) granting the consent of Congress to Sid Smith, of Bonham, Tex., for the construction of a bridge across Red River between the counties of Fannin, Tex., and Bryan, Okla., reported the same without amendment, accompanied by a report (No. 896), which said bill and report were referred to the House Calendar.

Mr. GLYNN, from the Committee on Claims, to which was referred the bill (H. R. 6171) to authorize the refund of duties collected on field kitchens imported during the year 1916, reported the same with amendments, accompanied by a report (No. 897), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS, from the Committee on Indian Affairs, to which was referred the bill (H. R. 6221) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in the Osage civilization-fund claim of the Osage Nation of Indians against the United States, reported the same without amendment, accompanied by a report (No. 899), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PLATT, from the Committee on Banking and Currency, to which was referred the bill (H. R. 11918) to amend section 9 of the Federal reserve act, reported the same without amendment, accompanied by a report (No. 900), which said bill and report were referred to the House Calendar.

Mr. MAYS, from the Committee on the Public Lands, to which was referred the bill (S. 3016) to authorize the disposition of certain grazing lands in the State of Utah, and for other purposes, reported the same with amendments, accompanied by

a report (No. 901), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HAUGEN, from the Committee on Agriculture, to which was referred the bill (H. R. 13402) for the purchase of lands occupied by experiment vineyards near Fresno and Oakville, Calif., reported the same without amendment, accompanied by a report (No. 902), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. BABKA, from the Committee on Claims, to which was referred the bill (H. R. 10570) for the relief of Mary Flinn, reported the same with an amendment, accompanied by a report (No. 898), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 13238) granting a pension to Anna Lowe, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. TINCHER: A bill (H. R. 13824) to provide for the storage of certain grain under Federal custody, the issue of receipts therefor, and for other purposes; to the Committee on Agriculture.

Also, a bill (H. R. 13825) to provide for taxing all the beneficiaries of the cost-plus contracts and beneficiaries of contracts made by the Government with members of the Council of National Defense during the war; to the Committee on Ways and Means.

By Mr. FLOOD: A bill (H. R. 13826) authorizing the Postmaster General to investigate and adjust claims arising out of contracts in star route, screen wagon, and other vehicle service entered into prior to June 30, 1919; to the Committee on the Post Office and Post Roads.

By Mr. EVANS of Montana: A bill (H. R. 13827) to repeal certain war-time legislation; to the Committee on the Judiciary.

By Mr. PHELAN: A bill (H. R. 13828) to authorize the Secretary of War to loan Army rifles to posts of the Grand Army of the Republic and Spanish War Veteran camps; to the Committee on Military Affairs.

By Mr. LITTLE: Resolution (H. Res. 537) instructing the Attorney General to institute proceedings against certain corporations and others, restraining them from distributing surplus war profits, and instructing the Committee on Ways and Means to draft a bill for taxing the same for the benefit of soldiers; to the Committee on Rules.

By Mr. QUIN: Joint resolution (H. J. Res. 345) authorizing the Secretary of War to loan, issue, or use quartermaster's and medical supplies for the relief of destitute persons in the districts overflowed by the Mississippi River and its tributaries; to the Committee on Military Affairs.

By Mr. SINCLAIR: Joint resolution (H. J. Res. 346) extending the time for payment of purchase money on homestead entries in the former Standing Rock Indian Reservation, in the States of North and South Dakota; to the Committee on Indian Affairs.

By Mr. HAYDEN: Joint resolution (H. J. Res. 347) repealing all war-time acts and joint resolutions of Congress; to the Committee on the Judiciary.

By Mr. ROGERS: Memorial of the Legislature of the State of Massachusetts relative to the action of the United States Government in respect to certain Italian boundaries; to the Committee on Foreign Affairs.

By Mr. GOULD: Memorial of the Legislature of the State of New York, urging the conferees on the water-power bill to make their report so as to enable the said bill to become a law; to the Select Committee on Water Power.

By Mr. TINKHAM: Memorial from the Legislature of the State of Massachusetts, urging the passage of a Federal daylight-saving law; to the Committee on Interstate and Foreign Commerce.

By Mr. MACGREGOR: Memorial of the Legislature of the State of New York, in connection with the return of the canals of that State by the Railroad Administration; to the Committee on Railways and Canals.

By Mr. ROGERS: Memorial of the Legislature of the State of Massachusetts, urging the passage of a Federal daylight-saving law; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AYRES: A bill (H. R. 13829) granting an increase of pension to Sue M. Inness; to the Committee on Invalid Pensions.

By Mr. BEGG: A bill (H. R. 13830) granting an increase of pension to William N. Thorn; to the Committee on Invalid Pensions.

By Mr. BRITTEN: A bill (H. R. 13831) for the relief of J. Henry Miller (Inc.); to the Committee on Naval Affairs.

By Mr. DENISON: A bill (H. R. 13832) granting a pension to Minnie M. Craig; to the Committee on Invalid Pensions.

By Mr. DOMINICK: A bill (H. R. 13833) granting a pension to Joseph T. Grobusky; to the Committee on Pensions.

By Mr. FULLER of Illinois: A bill (H. R. 13834) granting a pension to Henrietta Fowler; to the Committee on Invalid Pensions.

By Mr. JEFFERIS: A bill (H. R. 13835) for the relief of Eva Hugenberg; to the Committee on Claims.

By Mr. KING: A bill (H. R. 13836) granting a pension to Caroline L. Putman; to the Committee on Invalid Pensions.

By Mr. McKINLEY: A bill (H. R. 13837) granting a pension to Thomas W. Johnson; to the Committee on Pensions.

By Mr. OGDEN: A bill (H. R. 13838) for the relief of Pirtle Handley; to the Committee on Claims.

Also, a bill (H. R. 13839) for the relief of Christine Brenzinger; to the Committee on Claims.

Also, a bill (H. R. 13840) for the relief of the legal heirs of Mildred Eberlein; to the Committee on Claims.

By Mr. PHELAN: A bill (H. R. 13841) granting a pension to Mary A. Doak; to the Committee on Invalid Pensions.

By Mr. RICKETTS: A bill (H. R. 13842) granting an increase of pension to William H. Harris; to the Committee on Invalid Pensions.

By Mr. RUBEY: A bill (H. R. 13843) granting an increase of pension to John Hiley Walker; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 13844) granting a pension to Zanie Trent; to the Committee on Invalid Pensions.

By Mr. SIEGEL: A bill (H. R. 13845) for the relief of Mrs. Joseph Roncoli; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3281. By Mr. ELSTON: Petition of the Merchants' Exchange of Oakland, Calif., urging equitable increase in compensation of post-office employees, etc.; to the Committee on the Post Office and Post Roads.

3282. By Mr. O'CONNELL: Petition of Carl B. Hugelmeyer, Brooklyn, N. Y., urging the passage of the Lehlbach bill (H. R. 3149); to the Committee on Reform in the Civil Service.

3283. Also, petition of Brotherhood of Painters, Decorators, and Paper Hangers of America, New York, N. Y., urging the release of all political prisoners, etc.; to the Committee on the Judiciary.

3284. By Mr. RAKER: Petitions of numerous citizens of the United States favoring the passage of the Raker bill (H. R. 1112); to the Committee on the Judiciary.

3285. By Mr. RHODES: Petition of Bern Duffner and others, of De Soto, Mo., urging the parole of Federal prisoners, etc.; to the Committee on the Judiciary.

3286. By Mr. ROWAN: Petition of Ottilie Hyams and others, relative to the American political and civil prisoners, etc.; to the Committee on the Judiciary.

3287. Also, petition of H. Heitmeyer, William J. Cullinan, F. L. Ennis, Al. Brocker, Robert McKenna, Rudolph Koenfer, William C. O'Donoghue, Leopold Heine, William J. Kearney, William Fichter, Peter A. Murray, Mary A. Mahony, and Elizabeth Small, all of New York City, urging the early passage of House bill 13052, pensioning veterans of the Indian wars and campaigns up to and including the year 1890; to the Committee on Pensions.

3288. Also, petition of Sterling Motor Truck Co., opposing House bill 12976, calling for 10 per cent tax on all advertising publications and 15 per cent tax on bulletin boards; to the Committee on Ways and Means.

3289. Also, resolutions adopted by the National Association of Box Manufacturers on the labor question, urging revision of the antitrust laws; to the Committee on the Judiciary.

3290. Also, petition of William J. Beamish, of the Rotary Club, of New York, indorsing increase of pay to officers of the Army and Navy; to the Committee on Naval Affairs.

3291. Also, memorial of the Senate of the State of New York, urging the conferees on the water-power bill to make their report, so as to enable the said bill to become a law; to the Select Committee on Water Power.

3292. Also, resolutions adopted by the Brotherhood of Painters, Decorators, and Paper Hangers, and Chandelier and Art Metal Workers' Union, of New York City, relative to American political and civil prisoners, etc.; to the Committee on the Judiciary.

3293. By Mr. STEENERSON: Petition of Emir Erickson and other citizens of Bear Park Township, Minn., against universal military training, etc.; to the Committee on Military Affairs.

3294. By Mr. TAGUE: Petition of Robert J. Mitchell and others, Washington, D. C., urging that the railroad men be taken back without prejudice, etc.; to the Committee on Interstate and Foreign Commerce.

3295. Also, petition of the Penn Metal Co., Boston, Mass., George A. Sagendorph, president, urging bonus for only disabled soldiers; to the Committee on Ways and Means.

3296. Also, petition of the Civil Engineers' Association, of Boston and vicinity, urging the passage of the Jones-Reavis bill, etc.; to the Committee on Labor.

3297. Also, petition of H. C. Hoskins, Everett, Mass., and the National Association of Supervisory Post Office Employees, Los Angeles, Calif., relative to adjusted compensation for the postal employees, etc.; to the Committee on the Post Office and Post Roads.

3298. Also, petition of the Alpine Press, Boston, Mass., against the passage of House bill 12976; to the Committee on Ways and Means.

3299. Also, petition of the Washington Press, Boston, Mass., and the John W. Schaeffer & Co., of Boston, Mass., urging the defeat of House bill 12976; to the Committee on Ways and Means.

3300. By Mr. TEMPLE: Petition of Donora Woman's Christian Temperance Union, favoring the passage of House bill 8063; to the Committee on Foreign Affairs.

3301. By Mr. THOMPSON: Petitions of Farmer Grange No. 2161, of Farmer, Ohio, urging the passage of the "truth-in-fabrics" bill, House bill 11641; to the Committee on Interstate and Foreign Commerce.

3302. Also, petition of Middleport (Ohio) Lodge 676, International Association of Machinists, urging support of Senate joint resolution 171 for amnesty and Senate bill 1233, repealing the espionage law; to the Committee on the Judiciary.

3303. By Mr. TINKHAM: Petition of the Civil Engineers' Association, of Boston and vicinity, urging the passage of the Jones-Reavis bill, etc.; to the Committee on Labor.

3304. Also, petition of International Association of Machinists, Springfield, Mass., urging the release of all political prisoners in American civil and military prisons, etc.; to the Committee on the Judiciary.

3305. Also, petition of Bernard F. Fahy, secretary, County Galway Men's Benevolent Association, of Greater Boston, Mass., urging that the United States sever diplomatic relations with Great Britain on account of treatment of the Irish people, etc.; to the Committee on Foreign Affairs.

SENATE.

THURSDAY, *April 29, 1920.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, Thou art the author of truth and grace; and in the vast work committed to the hands of Thy servants in this Senate they need Thy guidance, not only to discern the truth but to transcribe the thoughts of Thy heart, the purposes of God, into the forms of human law. We pray Thee to guide the work of this day, that Thy servants may discharge their duties, in the fear of God, with a sense of Thy leadership. We ask it for Christ's sake. Amen.

The Reading Clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

ACTIVITIES OF THE FOURTH ASSISTANT POSTMASTER GENERAL (S. DOC. NO. 268).

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Postmaster General in response to Senate resolution 309. It will lie on the table until it is determined what is desired to be done with it.

Mr. KING subsequently said: In response to a resolution which I offered a few days ago, and which was adopted April 23, 1920, the Postmaster General has transmitted to the Senate certain information. I may say in passing that, in my opinion, the communication does not answer the resolution at all. However, I ask for the reference of the communication and accompanying papers to the Committee on Post Offices and Post Roads in order that the matter may there receive attention.

The VICE PRESIDENT. The communication and accompanying papers will be referred to the Committee on Post Offices and Post Roads and printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House agrees to the amendment of the Senate to the bill (H. R. 9369) to revise and equalize rates of pension to certain soldiers, sailors, and marines of the Civil War, to certain widows, former widows, dependent parents and children of such soldiers, sailors, and marines, and to certain Army nurses, and granting pensions and increase of pensions in certain cases.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H. R. 13206) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1921, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. DAVIS of Minnesota, Mr. CRAMTON, and Mr. BUCHANAN managers at the conference on the part of the House.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 9629. An act for the relief of the Merritt & Chapman Derrick & Wrecking Co.; and

H. R. 13387. An act to extend the time for the construction of a bridge across the St. Louis River between the States of Minnesota and Wisconsin.

PETITIONS.

Mr. LODGE presented a petition of Local Lodge No. 214, International Association of Machinists, of Springfield, Mass., praying for the parole of Federal prisoners, which was referred to the Committee on the Judiciary.

Mr. PHELAN presented a petition of the Northern California Milk Producers' Association (Inc.), of Sacramento, Calif., praying for the enactment of legislation granting to farmers the right of collective bargaining, which was referred to the Committee on the Judiciary.

CALLING THE ROLL.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Reading Clerk called the roll, and the following Senators answered to their names:

Calder	Harris	McNary	Smoot
Capper	Harrison	Moses	Sterling
Chamberlain	Jones, N. Mex.	Nelson	Sutherland
Colt	Jones, Wash.	New	Swanson
Comer	Kellogg	Nugent	Thomas
Culberson	Kendrick	Overman	Townsend
Cummins	King	Page	Trammell
Curtis	Knox	Phelan	Underwood
Dial	Lenroot	Phipps	Wadsworth
Dillingham	Lodge	Pomerene	Walsh, Mass.
Edge	McCormick	Ransdell	Warren
Fall	McCumber	Sheppard	Watson
Gay	McKellar	Smith, Ariz.	
Gronna	McLean	Smith, S. C.	

Mr. GRONNA. I was requested to announce that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is absent, due to illness. I ask that this announcement may stand for the day.

Mr. CURTIS. I have been requested to announce the absence of the Senator from Maine [Mr. HALE] and the Senator from New Hampshire [Mr. KEYES], who are detained at a meeting of the subcommittee of the Committee on Naval Affairs.

Mr. McKELLAR. I desire to announce that the junior Senator from Virginia [Mr. GLASS] is necessarily detained from the Senate.

I wish also to announce that the Senator from Rhode Island [Mr. GERRY], the Senator from Arizona [Mr. ASHURST], the Sen-

ator from North Carolina [Mr. SIMMONS], the Senator from Nebraska [Mr. HITCHCOCK], and the Senator from Nevada [Mr. PITTMAN] are absent on official business.

Mr. SWANSON. I wish to announce that my colleague, the junior Senator from Virginia [Mr. GLASS], is absent on official business.

The VICE PRESIDENT. Fifty-four Senators have answered to the roll call. There is a quorum present.

REPORTS OF COMMITTEES.

Mr. SMOOT. From the Committee on Appropriations I report back favorably with amendments the bill (H. R. 13555) making appropriations for fortifications and other works of defense, for the armament thereof, and for the procurement of heavy ordnance for trial and service, for the fiscal year ending June 30, 1921, and for other purposes, and I submit a report (No. 562) thereon. I desire to give notice that later in the day I hope to be able to call up the bill for consideration.

The VICE PRESIDENT. The bill will be placed on the calendar.

Mr. McLEAN, from the Committee on Banking and Currency, to which was referred bill (H. R. 13138) to amend section 8 of an act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, as amended May 15, 1916, reported it without amendment and submitted a report (No. 565) thereon.

LAKE SUPERIOR COAST GUARD STATION.

Mr. NELSON. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 9228) to authorize the establishment of a Coast Guard station on the coast of Lake Superior, in Cook County, Minn. This is a local bill recommended by the Treasury Department, and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, and it was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to establish a Coast Guard station on the coast of Lake Superior, in Cook County, Minn., in such locality as the captain commandant of the Coast Guard may recommend.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LANDS IN NEW MEXICO.

Mr. JONES of New Mexico. From the Committee on Public Lands I report back favorably with an amendment in the nature of a substitute the bill (S. 3218) for the relief of Martina Sena, Luis E. Armijo, and Maria Baca de Romero, and I submit a report (No. 563) thereon. I ask for its present consideration by unanimous consent.

Mr. SMOOT. Let it be read.

The VICE PRESIDENT. The substitute proposed by the committee will be read.

The READING CLERK. The committee report to strike out all after the enacting clause and to insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to convey by patent to Martina Sena or her heirs such tract of land as may be found by the Secretary of Agriculture to be chiefly valuable for agriculture and not needed for public purposes, not to exceed 147 acres, formerly occupied by Margarito Romero, which tract is situated upon the south fork of Gallinas Creek, in the county of San Miguel, State of New Mexico, and to convey by patent to Luis E. Armijo or his heirs such tract of land as may be found by the Secretary of Agriculture to be chiefly valuable for agriculture and not needed for public purposes, not to exceed 56 acres, occupied and improved by said Luis E. Armijo and his predecessors in interest and possession, which tract is situated upon the north fork of Gallinas Creek, in the county of San Miguel, State of New Mexico, and to convey by patent to Maria Baca de Romero or her heirs such tract of land as may be found by the Secretary of Agriculture to be chiefly valuable for agriculture and not needed for public purposes, not to exceed 190 acres, occupied and improved by said Maria Baca de Romero and her predecessors in interest and possession, which tract is situated on the north fork of Gallinas Creek, in the county of San Miguel, State of New Mexico: *Provided*, That the lands shall first be surveyed by an employee of the Forest Service under the direction of the United States surveyor general in accordance with the act of August 10, 1912 (37 Stats., p. 269), entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913": *Provided further*, That the expenses of said surveys shall be paid from available funds appropriated for the survey of homesteads on national forests under the act of August 10, 1912, aforesaid, and the act making appropriations for the Department of Agriculture for the fiscal year in which the survey is made.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PENTWATER RIVER BRIDGE.

Mr. CALDER. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 12869) for the construction of a bridge across the Pentwater River or Pentwater Lake, Mich., and I submit a report (No. 564) thereon. I ask unanimous consent for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole, and it was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the township of Pentwater, Mich., or the Pere Marquette Railroad Co., a corporation, to construct a bridge, with approaches thereto, across Pentwater River or at the outlet of Pentwater Lake, in the State of Michigan, at a point suitable to the interests of navigation, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JONES of New Mexico:

A bill (S. 4310) to amend an act entitled "New Mexico enabling act"; to the Committee on the Judiciary.

By Mr. TRAMMELL:

A bill (S. 4311) to amend sections 216 and 223 of chapter 18 of the United States Statutes at Large, being the revenue act of 1918, approved February 24, 1919; to the Committee on Finance.

By Mr. GRONNA (for Mr. LA FOLLETTE):

A bill (S. 4312) granting a pension to Ingwald Rugg; to the Committee on Pensions.

By Mr. CALDER:

A bill (S. 4313) for the relief of Philip A. Hertz; to the Committee on Pensions.

By Mr. SWANSON:

A bill (S. 4314) for the relief of the Gauley Mountain Coal Co. (with accompanying papers); to the Committee on Claims.

A joint resolution (S. J. Res. 193) authorizing the Secretary of War to loan tents to the State Normal School for Women, East Radford, Va., for the use of its summer normal school; to the Committee on Military Affairs.

DISTRICT OF COLUMBIA APPROPRIATIONS.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 13206) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1921, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CURTIS. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. CURTIS, Mr. PHIPPS, and Mr. SMITH of Maryland conferees on the part of the Senate.

OIL FOR NAVAL PURPOSES.

Mr. KING. Mr. President, yesterday during a discussion of the oil question it was asserted that there was a great shortage of oil and that the Government of the United States needed oil for naval purposes. Upon that occasion I offered a resolution, stating that I would this morning ask for its adoption. It occurs to me, however, that the matter is of so much importance that it ought to be the subject of a Senate investigation, and the question may not be one that ought to be given publicity at the present time. So I ask that the resolution be referred to the Committee on Naval Affairs, in order that that committee may take the necessary steps in the matter.

There being no objection, the resolution was referred to the Committee on Naval Affairs, as follows:

Resolved, That the Secretary of the Navy be directed to report to the Senate whether or not it is necessary or would be advantageous for the United States to acquire oil lands in foreign countries for naval purposes, and if so what steps should be taken to acquire such lands.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had on this day approved and signed the act (S. 2442) authorizing and directing the Secretary of the Interior to convey to the trustees of the Yankton Agency Presbyterian Church, by patent in fee, certain land within the Yankton Indian Reservation.

NATIONAL BUDGET SYSTEM.

The VICE PRESIDENT (at 12 o'clock and 20 minutes p. m.). The morning business is closed.

Mr. COMER obtained the floor.

Mr. SMOOT. Mr. President, I desire to suggest to the Senator from Alabama that we take up the unfinished business, and if he desires to address the Senate, he can do so upon that bill. If there is no objection, I ask that the Senate proceed to the consideration of House bill 9783.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9783) to provide a national budget system and an independent audit of Government accounts, and for other purposes.

VALUE OF COTTON CONTRACTS.

Mr. COMER. Mr. President, I have been trying to get through an amendment to the cotton-futures act which I regard as most important but against which a highly organized propaganda has been carried on by strong outside influences.

Cotton, notwithstanding its sectional culture and production, is not a sectional product but is a national product, of national use, of international use, and it is the highest duty of Congress to enact remedial legislation caring for it against selfish interests, particularly that class of interest which, while adding nothing to the intrinsic value of it, yet within the law organize to get undue gain.

Cotton is the only agricultural product where the gambler's interest is recognized by law, and by law should be restricted to the smallest possible opportunity to levy tax where no tax is due. The cotton exchanges are the only aggregation of business management which, proposing to take the functions of the economic law of supply and demand, to take the functions of the world's political economy, an economy where use makes the price, and which law is as old as commerce, and by pure egoism ensemble unto themselves the power to create a price, the power to govern prices, and the power to establish value.

This assumption, if not connected by experience with their business relations, with the facts regarding their business as put forth by them and running through years, would be pronounced insolent; and yet this is just what the cotton exchanges in their claimed relation to the price fixing and consequent value of cotton, the different grades of it, assume for themselves, and if remedial legislation is attempted which disturbs this power to get an increment where no increment is due, to reap a harvest from the other man's crop, they cause to be threatened dire results.

H. & B. Beer, cotton commission merchants, New Orleans Exchange, have issued a circular containing statements regarding the effect of the proposed amendment to the cotton-futures act on the cotton trade, particularly on low-grade cotton, and sent this broadcast through the cotton States and Congress. In this circular is given a set of figures on different styles of low-grade cotton proposing to show that even the present amendment to the Smith-Lever bill enacted a year ago had greatly depressed the value of low-grade cotton, causing serious loss to the holders of very large quantities of cotton not included in the tenderable grades.

Supposing that H. & B. Beer are competent to be commission merchants, we will cite them to the law of supply and demand, will cite them that the price of every grade of cotton is made in the markets of the world and not in the exchanges. If the exchanges made the prices, then by law we should multiply the number of exchanges until we had at least one in each cotton county, then by law we would make the exchanges good—I mean make them operate in the interest of the farmer and let them make the price of every grade of cotton and let them say how much difference there should be between the grades, high and low, and see that the spinners bought their allotment at their prices and at stated differences. I put this down barefaced to let H. & B. Beer understand that their statement is a camouflage so thin that it ought not to deceive that large class of credulous citizens who buy the medicine which makes the hair grow straight.

The schedule of types and prices and comparison that H. & B. Beer made and which I simply make a part of this address, and the difference between those grades which they inferentiate was caused by being outlawed from the exchanges, I mean by law are not now tenderable grades on the exchanges. They use good ordinary as being now 13.5 cents below middling. This extreme difference because it is not now tenderable. H. G. Hester, official statistician, states that low middling is 7.5 cents below middling, the greatest difference ever known, and yet low middling is in the tenderable grades, and by the very fact that it is tenderable, according to the logic of H. & B. Beer, should influence its value, but it does not; it can not.

H. & B. Beer also state that middling tinges, which are not tenderable, but because of the intrinsic value is 4¾ cents above low middling, and therefore because of its high relation to the tenderable grades should be tenderable. If the law of supply and demand, if the markets of the world make the price, if political economy is true, then this reasoning of H. & B. Beer either emanates from minds unacquainted with the first constructive principles of trade, or if appreciative of its true deceptive influence because of its appeal to the cupidity of the holders of low-grade cotton, then it becomes comparable to the vile intent of Iago whispering in the ears of the Moor, but with this difference, the exchange propaganda has for its purpose loot from that most oppressed class of our fellow citizens, the cotton farmer.

H. & B. Beer state that our present tenderable contract, of 10 standard types is too contracted; that we ought to go back to the 21 grades. If having the right to tender on the exchanges increases the value, why have any restrictions on the grades at all? Why not let any grade be tendered? That is the true logic of their reasoning.

As a commission house, they no doubt remember the fat times after 1890 and on through 1906–1910, when there were tens of thousands of bales of the lowest grade cotton at differences made by themselves assembled by the exchange members for the purpose of looting the market, and it was a scandal. In the immensity of its levy on the cotton trade the present motor hold-ups on banks are tame. It became a national scandal, and an attempted protective law was provoked. Under the loose management of the Bureau of Markets, the intent of this law was defeated, defeated by their allowance of a multiplex assembly of low grades at factitious differences, to be used not as a tender, but to defeat the very intent of the law for a fair contract. So great was the quantity and weight of low grades which the exchanges, notwithstanding they were unbridled, had failed to find a market for and had simply used as a speculative value and medium as a load in the dice with which to play the game, so great was the accumulation of low grades—and, mark you, these low grades accumulated when there was nothing to restrict them, when the markets of the world and the exchanges were open everywhere—that the war committee, of which Mr. Baruch was chairman, proposed to get them into manufacture by allocating a million bales of low-grade cotton to all the mills of the country. That is, they proposed to allocate this quantity of low-grade cotton and make the mills take it, whether they desired it or not or whether they could use it or not—a million bales of it.

This purpose was published; and while it was never enforced, the very suggestion of it put cotton down 5 cents per pound, and Congress had to pass a law that the exchanges could not put cotton down more than 2 cents per pound a day. This was when they had a free exchange and all grades of cotton were tenderable. If, as Messrs. Beer state, the exchanges influence and increase the use and protect the value of low-grade cotton, where were the exchanges then? Certainly, one blast of Rhoderick's horn would have been worth many millions of dollars to the cotton holders.

The Messrs. Beer, with their proposed advantages to off-grade cotton in having it made into a tender, forget that the cotton trade has been through all those debauching conditions in which they have been viciously robbed, and the suggestion by them to go back is comparable only to the memory of the Israelites' journey, the Promised Land ahead and the flesh pots of Egypt behind, yet there were those who wanted to go back; and there are those to-day, I will say to the Senator from North Dakota [Mr. GRONNA], who want to go back.

They charge that this is a spinner's contract and will hurt low grades of cotton. In its last analysis it is the spinner's demand and use which, being greater or less than the supply, makes the ultimate price of cotton. Of course, it is the spinner's demand that makes the demand for cotton. How else are you going to get a market for it? If there is more spinner's demand for any grade of cotton than there is of that cotton, then that cotton is relatively high. If there is less spinner's demand for any grade of cotton than there is supply, the price of that grade of cotton is relatively cheap. That is the law of supply and demand. You can not get beyond it. It can not be changed by contrary statements made by Messrs. Beer or anybody else.

The proposed contract will in the largest measure enable the spinner to utilize the purpose for which the exchanges were established, that is, in the fall of the year when the offering of cotton is most abundant, the spinners will become buyers, purchasing cotton and storing it in their own warehouses ahead of their sales. To protect this class of purchase they would sell an equal amount of cotton on the exchanges with perfect confidence that the exchange value would represent the

spot value. In the same manner if the spinner sold goods ahead, then he would buy on the exchange a relative amount of cotton, and as he bought the spot cotton to cover he would sell the hedge. The same way with the dealer in cotton, mentioning particularly the letter herewith printed of Messrs. W. P. Welch & Co., large cotton factors at Selma, Ala. They have an opportunity to buy 1,000 bales of cotton for which they have no order. They buy it, sell contracts against it, and again, if they should sell 1,000 bales ahead of what they had, they would buy contracts against it; and in both cases, when they had sold the cotton or bought the cotton, they would close out their hedge—close it out with confidence that the futures contract, representing the fair value of spot cotton and not an oscillating basis middling, as now, would be a business protection. This kind of a transaction would greatly benefit the producer, because at all times he would have a market at market value for his cotton; and this is a business protection that legitimate dealers in cotton have a right to demand that Congress should give. Thus would the exchanges function in a legitimate way, providing an accurate index to the commercial value of cotton.

They would be a hedge; they would be an index of the market—not makers of the market price, but an index of the market price. That is what the exchanges should be. Cotton values are not made through the exchange. You can turn the value around with the exchange in an unnatural manner, but the natural price of cotton everywhere in the world is the supply and demand price, and you can not get beyond it.

At the recent cotton convention in Montgomery one of the resolutions adopted was that a committee of business men should go to Europe to see the spinners and try to sell the cotton direct, eliminating the dealer; and yet the exchanges took possession of that convention, controlled its committees, and Mr. Thompson, ex-president of the New Orleans Cotton Exchange, used every effort that the Comer amendment to the cotton-futures act should be sequestrated, should not be indorsed.

Ex-Senator Frank S. White, Mr. M. C. Allgood, commissioner of agriculture of Alabama; Messrs. J. O. Thompson, and G. E. McElderry, and Gen. Bibb Graves, recognizing the importance of it to the cotton interests, not only of Alabama but of the whole South, by the most earnest effort had the amendment brought out of the hands of the sequestrating committee and discussed on the floor of the convention, and notwithstanding the most unfair methods used to suppress it the amendment was indorsed by the convention.

This was brought about by the splendid service of the gentlemen above named; and notwithstanding the fights against the amendment, notwithstanding the fight against the spinner, one of the constructive things the convention did was to send a delegation to the European spinner, not to the European cotton exchanges, but to the spinner to sell the cotton direct.

As against H. & B. Beer's statement, I introduce the statement of W. P. Welch & Co., Selma, Ala., large cotton factors, engaged in business for many years and very reliable.

SELMA, ALA., *April 20, 1920.*

Hon. B. B. COMER,
Washington, D. C.

DEAR SIR: We wish to command you in your effort to amend the law that will give to the cotton trade a just and fair contract on the cotton exchanges.

For years we have longed for a contract that would afford us a reasonable hedge. As you are aware, spot cotton is frequently offered for sale when buyers can not in turn make an actual sale; under such circumstances we, as buyers, would be glad to buy the cotton if we could get a hedge on the cotton exchanges that would be reasonably safe. Thus you will see the benefit that would arise in favor of the producer, he could always find a purchaser for his cotton. With conditions as have prevailed during the near past, how could a buyer buy spots at, say, 40 cents and sell a future contract as a hedge at a discount of something like $25 a bale?

If we can be of any service to you do not hesitate to call on us.

Yours, very truly,

W. P. WELCH & CO.

And, Senators, as long as what Mr. Welch says is true the exchanges are not functioning properly. They are running a proposition on which you can not do a safe business.

I also introduce a telegram from Mr. Lyday, of Fort Worth, Tex., president of the Farmers' Union of Texas, with the reputation of being a very smart man and fully acquainted with what he is talking about:

FORT WORTH, TEX., *April 27, 1920.*

B. B. COMER,
United States Senate, Washington, D. C.:

My first impression was your amendment would reduce value low grades. Careful investigation has convinced me I was wrong since your amendment would unquestionably make contracts for middling more valuable.

Of course it would.

All grades would be carried up with it, as price of all grades are based on middling; privilege of tendering low grades on contracts militates against values of all contracts and enables speculators to manipulate markets.

It does just what he asserts. He has stated the case as well as anybody could have done it. He stated it as well as I could have done it myself, Senators.

Cotton has but one real value.

That is true.

That is for spinning. Tendering unspinnable cotton hampers contracts for actual delivery, converts trading into an uncertain gamble, and injuriously affects all legitimate interests.

D. E. LYDAY.

That is from Texas, from the president of the farmers' union there. You can not state the case better than that.

This telegram gives a very clear statement of the whole case and carries the full intent of the amendment.

I also introduce a letter from Messrs. Helgason Bros., Vicksburg, Miss., who write from experience:

VICKSBURG, MISS., *April 25, 1920.*

Hon. B. B. COMER,
Washington, D. C.

DEAR SENATOR: We have read with great pleasure and profit your two addresses printed in the Vicksburg Herald of this city.

We have been in the cotton-growing, also speculating business on a conservative line for the past 20 years, and after reading what you say and what you are trying to do for cotton no informed disinterested man can do other than indorse your actions. As for the telegrams protesting against your amendment, the senders or signers have no more interest in the "poor farmer" than the devil has in the doctrine of saving lost souls.

I do not know whether I ought to have read that part or not—

That New Orleans bunch, headed by Thompson, would not hesitate at anything to perpetuate gambling in cotton in its worst form, and if you look back and see the form and signatures to the protests against the Smith-Lever Act—

That was last year—

you will see the same style and the same crowd trying to manufacture opposition to your bill, that will help every cotton grower in the United States. I do trust the Mississippi Senators will vote for your amendment.

You are performing a great service to the South in what you are doing.

Yours, very truly,

HELGASON BROS.,
By E. B. HELGASON.

I also again introduce Mr. E. A. Calvin, particularly the letterhead.

Cotton States Official Advisory Marketing Board—that is a big name, is it not?—Mr. E. A. Calvin, special representative, 300 Kellogg Building, Washington, D. C. This is a striking letterhead, and you would think that the farmer has in him a Brobdingnagian representative, but, inquiring into the record of this Brobdingnag, I find that the "Cotton States Official Advisory Marketing Board, Mr. E. A. Calvin, special representative," is purely self-mentality, the name being the only significance. He occupies expensive quarters. It would look like rather a paying office. This telegram from Mr. Brown will explain the farmer's relation to him, and I have heard that this extends to Texas:

ATLANTA, GA., *April 19, 1920.*

Hon. B. B. COMER,
Washington, D. C.:

My return from Montgomery to-day finds your letter of 13th. Providence prevents me coming to Washington this week. Can mail affidavits as to Calvin if you think we have time. Calvin does not represent any action of Cotton States Marketing Board relative to Comer amendment. Has absolutely no authority from board to speak for this board on this subject. I consider his persistence in this matter is an imposition on the board and an outrage against the South.

J. J. BROWN,
Commissioner of Agriculture and Member Cotton States Marketing Board.

In view of the letterhead—"Cotton States Official Advisory Marketing Board, E. A. Calvin, special representative"—I think he would be on an understandable basis if, with all the exchange propaganda he is constantly issuing, he would explain just what all this means, as he is now, and was last year, when the Smith-Lever bill was amended, functioning as an exchange lobbyist.

With Senator HARRIS's permission, I am reading into the RECORD, as part of this address, a letter from Mr. W. L. Brown, county chairman, Gwinnett County division, American Cotton Association:

LAWRENCEVILLE, GA., *April 21, 1920.*

Senator WILLIAM J. HARRIS,
Washington, D. C.

DEAR SENATOR: I have studied the Comer amendment restricting the delivery of cotton on future contracts, whereby the seller will be required to deliver 50 per cent middling and better. As a practical legitimate spot-cotton dealer, I heartily favor the amendment. This amendment will tend to eliminate the short selling of future contracts by the large cotton gamblers who deal exclusively in future-cotton contracts. Any legislation that will make it difficult for these future contract cotton gamblers to make deliveries will, in my honest judgment, benefit the producers to a great extent.

We have two classes of sellers of cotton—the one selling against his actual holdings of spot cotton, the other the fellow who sells the market short. The short seller is the enemy of the cotton farmer, the spot-cotton dealer, the banker, and the entire cotton-producing South. When he sells the market short he then throws his reputation as a great financier, commercial giant, and student of economics full force

against the market to beat it down to the very lowest point possible, so that he may be able to buy in his contracts at a great profit to himself. This is no guesswork with me.

Having been actually engaged in the business of buying and selling spot cotton for the past 12 years, I know whereby I speak.

As stated above, I have studied the Comer amendment thoroughly, and will frankly say that I believe it to be a good measure for every southern Congressman and Senator to support and enact into law.

Yours, very respectfully,

W. L. BROWN, *County Chairman.*

I can assure all the Members of Congress that the only relation this amendment can possibly have to the cotton-futures act is encouragement to honest, straight business dealing to which all business is entitled.

Are the exchanges competent advisers as to how they should be controlled? Should Congress lay down the regulations to protect the farmers, the dealers, and the manufacturers, or should the exchanges do it? Should they be left to what the exchanges advise? Cotton speculation through the exchanges, and abundantly borne out in their history, has practiced the most outrageous swindling methods. The value of cotton, not only to the South, not only to America but to the world, is too great to be bandied around in any such manner, and Congress owes it to this great international product to fully protect it.

In all this contest we are making there is nothing whatever that militates against the proper function of the exchanges. We believe the exchanges are necessary, as I have repeatedly said, as an index, as a barometer, of the market; but the very minute that they by manipulation attempt to make values, then they are not functioning.

I should be glad to answer any question any Senator may have to ask.

Mr. GRONNA. Mr. President, the amendment offered by the Senator from Alabama is troubling the conferees on the Agricultural appropriation bill, of whom I happen to be one. It has been argued to the conference committee that if the Comer amendment is adopted it will tend to reduce the price of low-grade cotton. It has also been argued that there is, especially this year, a larger quantity of cotton below the grade of middling than above the grade of middling, and for that reason it would necessarily tend to lower the price of low-grade cotton, because the Comer amendment provides that the spinner or buyer may demand one-half of the product middling and above, and the seller has the privilege of delivering one-half from any one or more of the 10 grades. I would like to have the Senator comment on that feature.

Mr. COMER. I went into that thoroughly in this very article.

Mr. GRONNA. Yes; I noticed that the Senator touched on it.

Mr. COMER. I covered the entire ground. The spinner goes into the open market and buys the cotton to make the goods out of which he can make the most money. That goes without saying. If that cotton is high grade, then there is created such a demand for high-grade cotton that high grade goes relatively up. At the same time, if the spinner can use the off-grade cotton at the lower price at which it is now selling, he switches off of the high grade and gets onto the low grade.

All these things are governed by that law which does not change, the law of supply and demand, which you can not switch around and twist about. Just as long as the present market exists, wherein a spinner can buy a high-grade cotton and make more money out of it, he is going to find that cotton if it is in existence.

If the low-grade cotton is not sold, of course, it hunts a lower level; it goes to where the demand will find it, where the usufruct will find it.

Mr. GRONNA. But would not the farmer who has produced principally low-grade cotton be penalized if the amendment proposed by the Senator were enacted into law?

Mr. COMER. Not in the least. They put into the minds of lots of people that the spinners go to the exchanges to get cotton. They do not. They go where the cotton is grown, they go to the section which grows the cotton, and buy it there. When they put cotton through the exchanges, then they have to pay the freight to New York, pay the expenses through the exchange, pay the expenses out of the exchange, and ship it to the point of consumption, whereas they could ship it from the point of origin, where it is raised, direct to the mill, saving one freight and also saving the exchange charges and certainly getting the same value.

Mr. GRONNA. Then I understand the Senator's argument to be that if the tenderable grades are reduced from 10 to 5 there would be less opportunity for selling the market short, and for that very reason the actual producer would stand a better chance of getting what his cotton really is worth than he does under the present law?

Mr. COMER. The tenderable grades are not reduced; they remain 10 as they are now, only one-half of it shall be of the higher grades. This actually puts new cotton in the futures contract, as hitherto the higher grades have been boycotted by the usufruct of the exchanges. Doing this will make the contract market approximate the spot market, so that the contract price will be equalized with the spot price. In other words, we would have a commercial market instead of basis middling, as now. The futures market, basis middling, constantly fluctuates from 1 to 3 cents, and in the more distant months more than that, below spot cotton. As the prices of the lower tenderable grades fluctuate with the basis middling price, you can easily understand how this fluctuating contract disturbs and lowers the market against the farmer or the actual holder of cotton. Hence, if the futures market was commercialized, made agreeable to the spot market, then the tenderable lower grades and all the lower grades would in a measure be vitalized on some known basis in their relation to value. Will again state that the use of the lower grades on the exchanges does not increase their value and the stabilizing of the exchange price by compelling the use of the higher grades in delivery of a contract will result in a higher contract market, at least approximating the spot market, and there is no cotton, whether low or high grade, and no honest business of whatever description that will be hurt by the transaction. Otherwise, every rule of trade would be void.

The price is fixed by commerce. It is commerce, the same thing, Senator GRONNA, that puts your wheat up or down, or your meat up or down, and, when you come to cotton, you do not find commerce different from what you have it out West. No attention should be paid to all this stuff about bringing in cotton through the exchanges, giving it this value or that value. They may muddy the price; they may grog the price, but when it comes to the inherent market price, it is commerce which makes it. Everybody knows that, and all these statements they make are camouflage. It is a camouflage, I say, which ought not to appeal to anybody, let alone as great a man as a Senator or a Representative. There is nothing else to it. The price of cotton of every grade, no matter where it is, is made by the law of supply and demand, and you can not get beyond it, and any statement beyond that is false, I do not care who makes it. It is attempted camouflage by the exchanges, saying to the farmers, "It will hurt low-grade cotton." They know it is not true; and, as I said here, if they do not know better, they ought to pull down their signs as men capable of doing business for others.

I would be glad to answer any question any Senator may have to ask about this. It is one of the most important things to the South. The amendment will greatly improve futures contract. It is simply a move up in business methods, to get honestly handled this great staple of the South. That is all there is to it, and when we come here and ask you to agree to this amendment, we ask you to pass a law that, as nearly as possible, will make a business proposition out of it, instead of a gambling proposition.

The people out West would not stand for this a minute. If the grain and meat exchanges should attempt to handle wheat and corn and meat like this, then there would be out West something like the old song down in Georgia, which the Senator from Georgia [Mr. HARRIS] can tell you about, "Hell Broke Loose."

I am truly sorry that this amendment has been so badly camouflaged; how it has been managed I do not know. I do not know how a man could misunderstand it. The actual cotton of consumption does not come through the exchanges, and I can not understand how any man can so misinterpret the function of the exchanges. The actual cotton of consumption comes from producer and dealer. The exchanges are intended to represent commercial values, which ought to be as far away from fictitious and factitious values as possible. On this kind of a market a dealer can buy or sell a hedge with the confidence of being protected by the rule of commerce and not exposed to gambling devices.

PUBLIC FISCAL CONDITIONS.

TO THE TAXPAYERS OF THE UNITED STATES.

Mr. THOMAS. Mr. President, I shall address myself very briefly to the taxpayers of the United States.

The war with Germany has entailed a debt of more than $25,000,000,000 upon the United States, demanding an annual interest charge far exceeding its annual prewar expenditure. A century of burdensome taxation, attended by the utmost frugality of administration, will not avail to cancel this stupendous obligation. Without such frugality it will be and abide with

us forever, or it will be repudiated when a wearied people, despairing of relief from its exactions, will cast it from their shoulders.

The needs of postwar administration have increased the aggregate of this debt. Hence you face the approach of the next fiscal year with a deficiency moderately estimated at $2,500,000,000. It can be liquidated directly by increased taxation, or postponed through another bond issue bearing interest at not less than 5 to 5½ per cent per annum.

Our national and individual well-being at all times, but just now more than ever, demands the exercise of every economy in public administration which is consistent with national security and efficiency in Government operation. It has been proclaimed in words, but up to this time Congress has honored the policy more in its breach than in its observance, while retrenchment in some directions has been fully offset by expansion in others. It is not surprising, therefore, that our aggregate appropriations far exceed the national income, albeit some excess was inevitable.

Large appropriations for some departments, notably those of war and of justice, have been unavoidable. Smaller ones could have been made in other directions, and sometimes with resulting improvement in the public service, and notably through the consolidation or abolition of bureaus and the elimination of thousands of supernumerary employees. But it is no exaggeration to assert that aside from the efforts of the appropriations committees, some of whose members in both Houses are sincere devotees to frugality in public fiscal affairs, the spirit of extravagance on the one hand and of indifference to the public fiscal conditions upon the other was never more apparent in legislation than at present.

This fact is strikingly illustrated by the Senate attendance since the final vote upon the treaty on March 19, from which date, with one or two exceptions, two roll calls followed by instructions to the Sergeant at Arms to request the presence of absent Senators have been necessary to secure quorums for the transaction of business. Absenteeism has synchronized with the consideration of great appropriation bills literally carrying hundreds of millions, to which so little attention is paid that quorum calls are avoided lest they result only in needless delay.

The Fuller bill to increase pension rates passed the Senate by a vote of not to exceed 12 for and less than half that number against it. The bill adds $65,000,000 to the Nation's permanent annual disbursement. During its consideration the attendance seldom exceeded a dozen Senators. Its importance was apparently too trifling to arouse even a languid interest. Yet a few of us believe the bill to have been an indefensible one. It establishes a horizontal pension increase without reference to the individual need of the beneficiaries and in disregard of the fact that the soldiers' homes, supported by public taxation, have literally thousands of empty beds and more than enough for all veterans needing the hospitality of their ample and generous accommodations. But between the alternative of $65,000,000 of public money and the displeasure of Grand Army of the Republic votes six months before a presidential election the line of least resistance was obvious. The taxpayer seems easily placated by mutual denunciations of party extravagance. The resentment of the disappointed pensioner is not to be so easily allayed.

Estimates for governmental needs for the next fiscal year vary from five to six billions of dollars. The smaller estimate is beyond the probable public revenue under the existing law. Unless the first be reduced or the last be revised upward, July 1, 1921, will bring a second deficiency. If the tax rate be increased at this period of dwindling production, its results must prove disappointing. Prosperity is incompatible with such a prospect, too gloomy for contemplaton but too serious to be wholly disregarded, however quiescent the taxpayer may be.

Party leaders give glib reassurance of colossal economies in appropriation represented by huge figures thrown upon the screen of moving events. The soporific announcement of cuts below departmental estimates, aggregating one and a half billions, means little or nothing in the final analysis. It may be good campaign material, but is otherwise without substance. Excess of estimates above appropriations is a common practice whose principal harvest is a series of deficiency bills for every session of Congress. These in turn become the vehicle of other and independent appropriations. The present Congress has passed two great deficiency bills, aggregating $121,171,899.13, and another is on the calendar, with still another on the way. It is perhaps necessary that I should say that this has reference to the deficiency appropriation bill which was passed day before yesterday.

The closing of the polls in November next will be the signal for another and yet another. The aggregate amounts carried by them added to the sum of the regular allotments will approach, if they do not exceed the rejected estimates when the next Congress, moved by the same impulses, will repeat the old tactics if your lethargy continues through the interval. Such conditions will, indeed, encourage fresh disbursements, and it will be strange if pending measures for drainage, irrigation, good roads, national education, maternity hospitals, and other Treasury demands now transiently suspended and involving countless millions do not press for successful consideration.

The same gentlemen who cheer you with glad tidings of vast economies effected and vaster ones in contemplation, are lending ready ears to the demand of some of the soldiers and sailors of the war just ended for a cash bonus, whose totals, under whatever plan thus far suggested will reach two billions, and may reach the vast sum of $3,000,000,000.

Since that statement was written, Mr. President, the House has determined to consider the insurance method of compensation, as it is called, under which it is proposed to increase the burdens of the people by $6,000,000,000, if it is adopted, an amount some 200 per cent greater than the most extreme estimates hitherto appearing upon the subject, and, of course, 200 per cent more attractive to the beneficiaries than the preceding schemes of so-called compensation.

In this connection I ask permission to have printed in the RECORD, without reading, an editorial from the New York World of yesterday entitled "A bonus by confiscation," and an editorial from the New York Times of to-day, entitled "Taxing backward and looking forward."

The VICE PRESIDENT. Without objection, it is so ordered.

The editorials are as follows:

[From the New York World, Apr. 28, 1920.]

A BONUS BY CONFISCATION.

"Assuming that the two-billion bonus is to be voted to soldiers, the plan presented by Representatives JOHNSON of South Dakota and RAINEY of Illinois for raising the money is probably the worst that could be devised. What they would do is to levy an additional tax of 80 per cent upon incomes earned in 1917, 1918, 1919, and 1920—less taxes already paid—that were in excess of the income of the prewar year of 1914.

"This may be called an income tax, a conscription of war profits or a patriotic drive, but it amounts to a confiscation of capital. All these incomes have been heavily taxed once, and what was left of them was long ago absorbed in business extensions and other investments. In few cases could such a levy be met without borrowing or enforced liquidation. The country gradually adjusted itself to the highest taxation ever known, although its effects to-day are plainly visible in prices that refuse to come down and in restricted enterprise. Perhaps all that is needed to break the back of prosperity is to set the precedent of plunder that this measure has in view.

"One such raid will lead to others, and with that prospect before him the average man of affairs will find industry and trade in the United States about as inviting as they are in Russia. The Government which gives its receipt in full for taxes and then comes back with a confiscatory demand for more does not have far to go before it will find an excuse for forced loans and the seizure of all property and credit.

"If it is conceivable that money is to be obtained in this way for the purpose named without disaster to those who pay it, there is a moral certainty that its diffusion among millions of recipients will be demoralizing now and for many years to come."

—

[From the New York Times, Apr. 29, 1920.]

TAXING BACKWARD AND LOOKING FORWARD.

"Labor seems to think that the object of doing business is to produce wages. Lawmakers seem to think that the object of doing business is to produce taxes. The real object of business is the production of goods, and whatever tends to lessen production is contrary to the interest of consumers—that is, of everybody—and sure to be disappointing to those who wish to convert profits into either wages or taxes. When profiteers are dissatisfied with profits they become investors, and production is lessened to that extent.

"Nothing yet suggested, not even the Kitchin schedules, is better adapted to produce that result than the proposal to take two billions of taxes from the excess profits of 1917–1920, using 1914 for a basis of comparison. Retroactive legislation is odious, but cumulative retroactive taxation seems particularly so. If it were not a presidential year, it would not be possible for

members of both parties to think that four years' cumulated back taxes could be collected in one year any more than fruit could be picked twice. Last year's profits are like last year's birds' nests—the eggs are either hatched or addled. Nobody has separated the profits of those years and kept them in a fund in readiness for a raid by the taxgatherers.

"The fear of such a tax already is disheartening those who earn what they pay in wages and taxes. If the money really is taken from them, some will be ruined, others will stop doing business, and there will be unemployment for the wage earners and double time without extra pay for the tax collectors. As it is a bipartisan plan, there would seem to be no way to punish both parties for such a blunder, worse than a crime. The penalty would have to be visited upon individuals seeking reelection, and there might be surprising results to independent candidacies. That would be the only way to make an impression upon representatives of the taxpayers who are under the delusion that it is possible to confine the burden of taxes to any class of the community.

"If the Members of Congress were in any considerable proportion men of business, they would be more sympathetic with wage earners who are fooled with counterfeit wages and with business, big or little. Most of them are free from the suspicion of being themselves profiteers, for their salaries are their chief means of support and not subject to the surtaxes which the proposal of cumulative retroactive taxation, four years in one, would impose in a form as offensive as novel. To get better taxation it is necessary to find a tax which is universal and known to be such because everybody gets a receipt for the payment. Taxes are paid generally, if not universally, however they are laid, but too many think that they escape them because they never see a tax bill. A tax which Members of Congress would know that they paid personally like other people would make them cautious about the sort of tax which they pretend that they collect from profiteers. There is no person outside of Congress whose opinion is valuable who doubts that the excess-profits tax is shifted to those who have no suspicion that they pay it and who know that they are not profiteers.

"But so far from repenting of the excess-profits tax, the taxers want to revive it in more offensive form and lay it upon both corporations and individuals, as well as retroactively. Americans must love to be humbugged if they do not see that the tax schemers intend to cut open the layers of the golden eggs in order to get eggs more quickly. Marcelline was never so funny as when he got in everybody's way, bustling about and zealously meddling with tasks of which he knew nothing. Our taxers are not like Marcelline, for there is nobody at hand to remedy their blunders and their efforts are not funny nor harmless. It may be suggested that they are trying to do more than they have shown capacity to do and are overworking themselves at tasks which the country would be glad to have left undone."

Mr. THOMAS. The demand for this exaction is organized and clamorous. Its insistence is too loud to be ignored. The consequence of its denial, as voiced by its eager proponents, is too terrible for words. Congressional courage, never too valorous, quails before it. Whoso questions its constitutionality is derided; whoso challenges its justice is doomed to disaster in November. The plan is maturing, the bills are in committee, the lobby is tireless and aggressive. Unless opposition is aroused very soon the spoils will be gathered for early division. You will be required to supply them by some method of special taxation not yet formulated. Whatever the method, its effect will be to transfer the money of one part of the people to the pockets of another part. And you may be sure the method will be an indirect one, seeking to shelter its obvious injustice under the forms lending themselves to plausible terms of justification. The profiteer, if he can be located, always subject to extravagant and doubtless to just disapprobation, may be required to pay an added tax percentage to his present rates of assessment, the proceeds to be applied to the payment of the soldiers' bonus; and this upon the charge that, having profited by the perils and sacrifices of the man in the trenches, it is but justice that he should yield a scanty portion of his fortune to his less favored and more worthy neighbor. Or the excess-profits tax may be raised for the same reason. The plan will in any event be so framed that it will not apparently directly touch the tax-paying masses. These will be told that no part of the added burden will rest upon their shoulders, that they have been carefully shielded from the operation of the law, which, based upon a perfect scheme of distributive justice, will pay a nation's dole from a tainted fund. The tax-paying voter will indeed be expected to applaud a revenue measure which, by governmental processes, distributes the loot of the wicked among the hosts of the poor and the deserving. For, mind you, the revenue to be raised by this process is not for governmental purposes, but for the reward of militant patriotism. Taxation until now has been theoretically for necessary public purposes. This project enlarges its scope and sets a precedent under whose operation money may be taken from the people, or some part thereof, to satisfy private demands, backed by the possession of political power. How far it will be carried in future, once the first step is taken, no man may safely prophesy. John Marshall said the power to tax is the power to destroy. But that great jurist, in his most pessimistic moods, never dreamed that his countrymen would assail the fundamentals of constitutional government by using this mighty prerogative to garner wealth from one part of the people that it might confer that wealth upon another.

The idea is not a new one. It is the active principle in protection, whose final analysis is the guardianship of crime by the police power. It blazed forth in the French Revolution and more recently in Russia. But there the method was direct. It was called confiscation. Names and methods, however, do not alter facts. The odor of the rose and the injustice of robbery are the same in every language. The direct method has, nevertheless, one advantage over the indirect one, for confiscation is the beginning and the end. The loss is a fixed one whether partial or complete, for it can not be passed on to the community, while the indirect method accomplishes that inevitable result.

This bonus tax, wherever originally placed, will be paid by the consumers of America, just as they have paid and are paying the excess-profits tax, the stamp tax, and nearly every other tax carried by the revenue bill. These become overhead expenses to the immediate taxpayer, and as such are added to cost and levied upon the consumer. The Department of Justice estimates that the excess-profits tax and other taxes on business has increased the price of commodities by 23.2 per cent. This always was and always will be so. The genius and experience of man has never been able to defeat this persistent feature of every scheme of taxation since government began. Every man avails himself of it whose business, however humble, involves the production or exchange of commodities. Those of the American Legion who accept the proposed bonus will contribute to its return with everything they buy or consume. Every artisan at his workstand, every farmer at the plow, every merchant, bookkeeper, manufacturer, everyone who produces and consumes, will, whether he knows it or not reimburse the man or corporation upon whose income this excise will be levied, whose inconvenience will be transient, and whose loss will be limited to the sum of their own consumption. Of all the forms of taxation, the most insidious is the indirect process. Painless, unperceived, and seldom recognized it operates by day and by night inexorably, effectively, perniciously. Among its advocates are many of its victims. Like the chronic user of narcotics, they seem unable to exist without it, and all are prone to surrender to its methods, preferring unconscious robbery to the rude and more agonizing processes of frontal attack.

The cost of living, already beyond all past experiences, will be raised by the sum of this proposed tax plus a generous margin for safety or profit, or both. You, my toiling fellow citizens, striving vainly to live within your means, and not the profiteer, are the certain victims of this colossal raid upon the revenues of the Republic. And no one knows it better than your Senators and Representatives in Congress assembled by whose votes must the proposal be accomplished. If any of them do not know it, their capacity for national legislation is a minus quantity. Many of them sincerely believe the demand a just one, and feel called on to comply with it; but they can not challenge the eternal fact that the burden must finally rest with all its crushing weight upon the bent back of the American consumer.

No one doubts that every raise in wages adds to the cost of living. The increase to the railway brotherhoods is now reflected in a huge national deficit, for the payment of a portion of which a bill carrying about $310,000,000 is now before us. It will soon find expression in heavier freight and passenger rates. I bought an overcoat not long since and was told the labor cost in it was larger than the price of my last one. Hence, being the consumer, I had to pay $135 for it.

Surely, my countrymen, your daily sacrifices and experiences are too serious and too constant to delude you into the notion that you will escape the unnecessary and intolerable burden of added billions of taxation by the sleight-of-hand process of imposing it directly upon a class. The horse's burden is all that rests upon his back, and includes his rider's gun, though he may carry it upon his shoulder. Mr. Lincoln said all the people can not be fooled all the time. I doubt if taxpayers have been fooled about their tax burdens, but if so they have been fooled long enough.

I shall not now discuss the character of this contemplated raid upon the Treasury, whose stupendous proportions make all others look like the catchpenny schemes of immature adventurers. I shall do that when it shall have taken definite form and appears upon our calendar. I shall content myself for the present with the assertion that even though we had two and a half billions of dollars in the Treasury, which we have not and, doubtless, never shall have, it should be used not for bonus purposes but to liquidate that much of our national debt. No true lover of this Republic, whether soldier or civilian, would do otherwise. "Debt," said Wendell Phillips, "is the fatal disease of Republics." It grows by what it feeds on. Once a free nation is caught in its toils only the heroic resolution of its citizens to wrest themselves free from its clutches by liquidating it at whatever sacrifice can replace it upon enduring foundations. Borrowing, though less easy and more respectable than stealing, is safe; but once it becomes the habit, either of a Republic or of an individual, the end is bankruptcy or repudiation.

Following the outbreak of this war, Congress established a vast system of war-risk insurance, upon the recommendation of the Secretary of the Treasury. It was expressly designed as a substitute for the pension system which has so long disfigured our statute books. The bureau was generously financed by appropriations, premiums, and allotments aggregating $1,132,197,042. It has paid $786,152,376.41 in benefits to 1,661,059 recipients, and is easily the greatest life and risk insurance establishment in the world. It will and should be maintained until it shall have accomplished its object.

Notwithstanding the Government support of this most meritorious institution, other and added demands by its beneficiaries have been and are being made for money.

The Senator from Utah, when this bill was up for consideration, made the prediction that, instead of being a substitute for, it would become supplemental to added demands for pensions and other forms of monetary compensation. First, a bonus of $250,000,000, which was paid, now another of $2,500,000,000, which it is proposed to distribute. This appetite for ready money easily secured grows amazingly. Like that for pensions, it will prove progressive both in amount and aggressiveness.

I might add, Mr. President, in view of what is now taking place in the other House, they will also become retroactive, reach back, and, under the forms of taxation, levy upon the accumulated wealth of the country, presumably upon a particular class, but actually upon the wealth of all the land. Like the daughters of the horse leech, its cry will be give, give, give. Every cent that is given will come from you. Other organizations of men, eager to imitate this example, will arise, are arising, possessed of arguments quite as plausible, armed with power quite as apparent, to knock at the congressional door for financial recognition, and demand their share of the public revenues. The floodgate lifted now may never close. The devastating torrent, overrunning the land and leaving ruin in its wake, will in time overwhelm the Nation.

But one thing stands between this monstrous proposition and its certain accomplishment. I refer to the aroused opposition of the great army of American taxpayers and consumers. If that can be materialized, and disciplined by swift and intelligent organization, it can be converted into a potent force for good in Washington. Practically every other interest is so organized, with its militant lobbies at the Capitol. These lobbies, like the bonus, are sugar coated by more pleasing names. They are generally called committees on legislation. Labor, agriculture, good roads, prohibition, antiprohibition, irrigation, drainage, rivers and harbors, Mississippi flood control, leagues and antileagues, the Plumb plan and other plans, Syrians, Koreans, Czecho-Slovaks, Jugo-Slavs, Polanders, Irish, and Egyptians, all these and more are with us. They want governmental aid, which, in the last analysis, means financial aid. You who furnish the sinews for every Government activity; you whom the tax collector interviews, inspects, and interrogates; you who must prepare correct schedules and pay correct amounts of tax levies at your peril; you without whom this great Republic is impotent and can not function; you who want nothing from your Government but security and permission to ply your calling in peace; you who respond always to your country's needs when called upon, who loaned it your billions and gave it your sons, are neither organized nor articulate. The hosts which are organized and on the ground struggling against each other in the mad rush for your rapidly diminishing Treasury, know you only as the source of supply. Since you do not seemingly concern yourselves with the manner in which your representatives spend your money, they encounter no opposition to their assaults upon your treasure vault save as they come in collision with each other or attract by their clamor rival seekers for public and national bounties.

Mr. MYERS. Mr. President——

Mr. THOMAS. I yield to the Senator from Montana.

Mr. MYERS. I do not want to discourage the distinguished Senator from Colorado, but I desire to say that I do not think there is a particle of chance or reason to hope that the great body of the American people will act according to any sort of organization or common understanding in these matters. The special interests which the Senator has mentioned will continue to cast their votes in one block, as one vote, and the remainder of the people will simply go to the polls and vote according to politics; Republicans will vote the Republican ticket; Democrats will vote the Democratic ticket. They will vote a party label; and that sort of thing, in my opinion, is going to continue so long as the American Republic shall last.

Mr. THOMAS. The Senator from Montana can not discourage me. My discouragement reached zero long ago. I try to warm it occasionally, and that is, perhaps, all that I shall accomplish by this effort.

Some of your representatives will oppose the enactment of this measure to the best of their ability. Some believe the Government to be without authority to tax its citizens for a private purpose. Some perceive the injury which the project, if successful, will impose upon those who are to enjoy its fruits. But against them are the clamor of the multitude and the subtle influence of organized power, a power by no means confined to the ranks of the legion. These representatives need all the support you can render. They are fighting your battles much more than their own. They would protect you from confiscatory legislation by defeating a measure whose greatest menace is the encouragement it must give to other schemes of public plunder. If you content yourselves with occasional protests, voicing only individual opinion, they will be undone. But if you will imitate the tactics of the forces arrayed against you, if you will mass your opposition into ordered and intelligent associations, and give them the strength which comes from your union, they will hold the outposts and win the fight. If you remain unorganized and incoherent, you will be plucked in the end, as you have been in the past. But one course remains; you must unite or perish. And there is no time to lose, for the adversary has mobilized his forces and is on the way.

Mr. President, it gives me great pleasure to announce the reception of large numbers of letters from ex-service men and from organizations of ex-service men patriotically protesting against the bonus and calling upon their Representatives in Congress to defeat it. It would be impossible and at the same time, I think, unnecessary to incorporate in the RECORD all the letters and resolutions to that effect which I have received, but I have selected two from a very large number, one an individual letter signed by G. W. McCoy, written from Gunnison, Colo., the other signed by William M. Galvin, adjutant of Augustus P. Gardner Post, No. 18, of the American Legion, of the District of Columbia, with appropriate resolutions upon the subject. As I read these resolutions this morning I was proud of the fact that the members of Augustus P. Gardner Post, No. 18, proved themselves worthy of the illustrious and glorious American name by which they have designated their branch of the American Legion. I ask, Mr. President, that these letters and the resolutions be inserted in the RECORD at the end of my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

GUNNISON, COLO., *April 25, 1920.*

Hon. CHAS. S. THOMAS,
United States Senator.

DEAR SIR: I wish to commend your stand on the so-called bonus legislation.

A great many letters are appearing in the public press as to why bonuses should be granted to ex-service men at this time, but I have failed to see a single letter written by an ordinary ex-service man in opposition to the plan. Now, I belong to the opposition, served 14 months in France, 6 months in the zone of shell fire during the World War and believe this soldier relief legislation should be defeated. Does anyone know a healthy and honorable ex-service man whose circumstances demand that this bonus bill, with all it entails, be forced through Congress at this time?

Drafted men, who were forced into the service, have a right to demand extra pay, though they show a great lack of patriotism in making these demands at this time. Volunteers who make this demand violate the principle of voluntary service by so doing. If the advocates of this bonus bill place a cash value on their services and demand that the public pay the bill at once, receive payment, then at some future time should become in actual need and seek further relief, the public at that time will have the right to say to them, "We paid your bill at your own valuation; we owe you nothing more."

Any kind of relief bill at this time founded on a cash payment basis is wrong and should be defeated.

More power to the Senators and Congressmen who dare to brave the bugaboo of the soldier vote which is dangled before their eyes to force favorable action on this matter.

Very truly, yours,

G. W. McCOY,
Formerly of Company L,
Twenty-third Engineers.

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AUGUSTUS P. GARDNER POST, No. 18,
DISTRICT OF COLUMBIA DEPARTMENT OF
THE AMERICAN LEGION,
April 29, 1920.

Hon. CHARLES S. THOMAS,
Washington, D. C.

DEAR SIR: I inclose herewith a resolution expressing disapproval of the bonus legislation now before Congress adopted unanimously by the Augustus P. Gardner Post of the American Legion, Washington, D. C., at a meeting held April 22 last. The resolution is sent to you by direction.

The Augustus P. Gardner Post will esteem it a favor to receive an expression of opinion from you concerning its resolution.

Very truly, yours, WILLIAM M. GALVIN, *Adjutant.*

"Whereas the District of Columbia commander of the American Legion has sent to the Augustus P. Gardner Post, No. 18, of the District of Columbia, through usual channels a copy of H. R. 13293, a bill to be known as the national soldiers' land settlement, home aid, vocational training, and adjusted compensation act, together with the recommendation of the District of Columbia department legislative officer of the American Legion that all District of Columbia posts and their members urge Senators and Representatives individually to pass that bill at the earliest possible moment and without radical amendment; and

"Whereas this is the first occasion upon which the Augustus P. Gardner Post has been called upon to cooperate or even to express its opinion in the matter of this proposed adjusted compensation; and

"Whereas this fitting occasion has arisen for the post to take public notice and action on this vital question: Therefore be it

"*Resolved*, That the Augustus P. Gardner Post is opposed to the passage of the national soldiers' land settlement, home aid, vocational training, and adjusted compensation (H. R. 13293) act, because all of its provisions are based primarily upon a monetary gratuity for past military service. The bonus for past or prospective military service has been a recognized evil throughout our history. The payment of such a bonus would violate the principle of the fundamental obligation of the citizen to render military service to the State in time of war. That obligation has no price.

"The bill would impose a financial burden on the country which would be economically disastrous, and in the exercise of their sense of individual obligation to the community, State, and Nation the members of the Augustus P. Gardner Post can not approve and do oppose the imposition of such a burden. The American Legion was not formed to serve such purposes as this, nor can the veteran justify a demand for a bonus by the misdeeds of the profiteer. He should neither protect nor imitate the wrongdoer; and be it further

"*Resolved*, That the Augustus P. Gardner Post urges the speedy passage of all necessary legislation for the complete relief of injured veterans and the widows and orphans of those who died as the results of service. It believes that support of this bill by the American Legion would be in effect the abandonment by the American Legion of the disabled and the widows and orphans; and be it further

"*Resolved*, That copies of this resolution be transmitted to all Members of Congress in order that they may be informed of the opposition to the bill by the Augustus P. Gardner Post and its reasons therefor, to the national commander of the American Legion, to the commanders of the departments of the American Legion, and to all posts thereof in the District of Columbia in the hope that the reasons expressed against the bonus may influence them to oppose this bill, and to the press in the hope that it may induce due consideration of the reasons against the bonus and influence others to take similar action."

NATIONAL BUDGET SYSTEM.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9783) to provide a national budget system and an independent audit of Government accounts, and for other purposes.

Mr. McCORMICK. Mr. President, the bill before the Senate, H. R. 9783, as amended by your committee and unanimously reported from that committee, proposes a reorganization in the method of preparing, coordinating, and assembling the estimates of expenditure submitted to the Congress by the Executive.

The plan contemplated by the bill is not new. The idea upon which the plan is based is even older. I do not now speak of the original plan under which estimates were submitted to Congress by Alexander Hamilton and his immediate successors, but of those several attempts by Congress, during the last quarter of the last century, to bring some order into the preparation and submission of estimates.

The provisions in the Revised Statutes—the acts of July 3, 1884, March 3, 1901, and June 22, 1906—all express the consciousness of Congress that want of system and of central authority to prepare estimates made for waste and inefficiency. It may be said that the several acts were steps, each in advance of the one preceding; but it must be said, too, that the steps were halting, and that they did not carry the reform of the Government finances very far.

Some 20 years ago academic students of public finance in America, academic students of the fiscal systems of the several States and of the National Government, began to express concern lest the want of any central authority to assemble and revise estimates, in the States or in the Nation, presently would lead to such an appalling increase of public expenditure as to imperil the prosperity of the country. Before the war the agitation for reform, for the adoption of some modern system of budget-making, had borne results in most of the great cities, and finally in a majority of the States.

The great mass of taxpayers who were conscious of the growing burden of taxation and of the want of coordination in the control of expenditure naturally knew only in the most general terms the character of the reform which they sought to have carried into law. Some men demanded a budget system, any budget system, and that it be adopted immediately, without delay, instanter. They would apply the budget system, so called, to the body politic with as little concern and with as great certainty of its efficacy as our mothers would have applied a mustard plaster to any of us. It was not until the Nation became conscious of the burdens consequent upon the war that Congress addressed itself to a thorough study of the control of estimates in its bearing upon the appropriation of moneys by Congress and so upon the levy of taxes.

These several burdens—the inflation of the currency, the increment of the public debt, the creation of great armies of functionaries whose discharge from the public service presents difficulties incomparably greater than that of the discharge of the men under arms—in every country have raised the issue of retrenchment, and impressed upon men the importance—nay, the necessity—of providing adequate machinery for the control of expenditures.

I do not have to argue in this presence the relation between expenditures and the inflation of the currency. It may be said that in the civilized world the aggregate circulating medium is four times what it was before the outbreak of hostilities in 1914, with a consequent increase in the cost of articles manufactured, of produce raised upon the farm, of labor, of living.

It is noticeable that although the increase in costs is chiefest in those countries where deficits have been the greatest and loans the largest, nevertheless the increase in the cost of living in other countries inevitably influences the cost of living here.

If the Secretary of the Treasury of the United States, whether it be the present incumbent of the office or the able Senator from Virginia [Mr. GLASS] who preceded him, finds it necessary to admonish other powers regarding their expenditure, it is even more necessary that we should set an example to other powers of economy and efficiency in the control of public finances.

Even now two of the great belligerents among the European democracies face grave deficits during the coming year. The French budget contemplates an expenditure for the fiscal year to come of 42,000,000,000 francs, half of it, and only half of it, to be raised by taxation. Of the twenty-one or twenty-two billion francs to be raised by taxation, nearly a half in turn constitutes an addition to the sum of taxation raised during the fiscal year now coming to a close. One of the consequences of the increase in the levy of taxes and of the appalling deficit about to be authorized by the French chambers is the threatened general strike in France on the 1st of May next. A great element in the population thus seeks to demonstrate its opposition to the continued conduct of the Government upon such a scale as to incur vast and continuing deficits.

In Italy the aggregate of expenditure and the sum of the deficit, to be sure, are smaller than those contemplated in

France; but the revenues of the Italian Government never have been comparable with those of the French Republic. Italy is a poor country, yet she contemplates for the ensuing fiscal year an expenditure of nearly 10,000,000,000 lire, a deficit of 2,500,000,000 lire. At the current rate of exchange, let us say that the deficit of France will amount during the ensuing fiscal year to $3,000,000,000, and that of Italy to between $600,000,000 and $700,000,000. The English—merchants, mariners, bankers, statesmen, for long generations—have determined that there shall be no more deficits, and that as the Government during the ensuing year is able to provide a surplus the inflation of the currency shall be diminished in proportion to the ability of the Government to withdraw treasury bills or bank notes from circulation.

It is notable, nevertheless, Mr. President, in spite of the insistent demands of the general public in Great Britain, her manufacturers, and her bankers for a sharp retrenchment in expenditure, that the chancellor of the exchequer has given notice that it will be necessary to levy new taxes in the sum of nearly three-quarters of a billion dollars a year.

I have before me figures prepared in the Treasury Department showing the estimated ordinary receipts of the United States for the fiscal year terminating June 30, 1920, and for the fiscal year terminating June 30, 1921. For the first year they are six and a half billion dollars; for the second year they are something less than five and a half billion dollars. It is impossible to speak definitely at this time of the balance between revenue and expenditure in this country, but as nearly as one may determine there is every probability that this year may see a deficit and next year likewise. This, Mr. President, despite the wisdom and resolution of the chairman of the majority steering committee in the House [Mr. MONDELL] and the chairman of the House Appropriations Committee [Mr. GOOD]. They, with their colleagues, have cut the estimates of the administration nearly 33 per cent, or by over a billion dollars. If the deficits be not large, nevertheless they must be considered in face of the fact that the floating indebtedness of the United States can not be appreciably reduced this year or next year.

We do not propose a revolution in this bill. We propose to return to our old system. There is no system yet devised which can meet every exigency, or any system which, during the course of time, is not liable to abuse. Senators know that during the first years of the Republic Alexander Hamilton discharged the duties, bore the responsibilities, and exercised the authority of a true minister of finance. The estimates of expenditure were prepared under his supervision and control. That was true of his immediate successors. By degrees the practice which existed under the general authority of law fell into desuetude. But it was not until the seventies that the law took cognizance of the abandonment of the practice which had existed at the beginning of the Republic, of the abandonment of the exercise of power by the Secretary of the Treasury. The bill reported to the Senate by the committee contemplates a restoration of the duty abandoned by the Treasury Department.

Mr. President, you will understand that the committee sought advice from men without regard to party whose successful experience in the public service justified the committee in attaching great weight to their judgment. The committee likewise, of course, made some study of the systems of other countries. Its members were interested to note that the very abuses which have crept into the Treasury here, that the very accretion of nongermane functions in the Treasury through act of Congress, found their counterparts in abuses or accretions in the treasuries of other countries.

To-day both the British Treasury and the French Ministry of Finance are under searching examination. To-day in Great Britain there is a well-nigh universal demand on the part of those in Parliament who have studied the problem that the treasury shall be purged of its nongermane functions, and that it shall be concerned only with revenue, the national expenditure, and the estimates of both to be submitted to the legislature.

It was the original purpose of the committee of the Senate to include in the bill provisions removing from the Treasury certain bureaus which, in the opinion of the committee, have no reason for being there, and which make of the Treasury a spending department. It is the very nearly unanimous judgment of critics, not only in this country but in others, that the Treasury should be charged with no responsibility for expenditure on its own account. Therefore it was the judgment of your committee that the Bureau of War Risk Insurance, the General Supply Committee, the Office of the Supervising Architect of the Treasury, the Public Health Service, and other services all should be removed from the Treasury Department. The bill as originally drawn made provision for the removal of such services.

But the committee unanimously came to the conclusion that since Congress faced the task of reorganizing and coordinating all the executive departments in the interest of homogeneity, economy, and efficiency, it would be a mistake at this time to remove from the Treasury and to place in other departments certain bureaus which might remain in the other departments only for a twelvemonth, until Congress had completed the work contemplated in the resolution submitted by the Senator from Utah [Mr. SMOOT] and referred to the Committee on Appropriations.

There are certain differences between the bill reported to the Senate and the bill as it passed the House. It may be said of the bill as reported to the Senate that it goes further than does the bill which passed the House. It is written in more specific terms. The powers created by it are more exactly defined. It seeks to carry into law this year the reform which it contemplates, whereas the bill as it passed the House, as a study of the texts of the two measures will show Senators, postpones until another day the accomplishment of the actual reform. The bill as reported to the Senate places the budget-making machinery in the Treasury. The bill as it passed the House places it in the office of the President of the United States.

In order that I may not tax the time and the patience of the Senators who are in the Chamber by a long and detailed examination of the two bills, I may invite their attention to certain provisions of the bill as it passed the House which exemplify the differences between the two measures. The first sentence of the first section of that bill reads:

> That there is created in the office of the President a bureau of the budget.

The first sentence of the second section reads:

> That the bureau of the budget shall assist the President in the performance of the powers conferred upon him by this act.

The responsibility not for the sum of the budget and the fiscal policy of the administration but the actual detailed preparation of the budget is imposed upon the President of the United States by the terms of the bill as it passed the House, a responsibility which, in the judgment of your committee, the President, already the most overburdened Executive in the world, never would be able to discharge if he found time for his other duties and the conduct of the business of the people abroad and at home.

The other salient characteristic of the House bill may be found by reading section 2, excepting the first sentence, to which I have alluded. It reads:

> The bureau shall also make a careful investigation of all provisions of law dealing in any way with the preparation and transmission to Congress of estimates and the preparation and submission to Congress of financial data of any character—

And so forth.

In section 5 it is provided:

> That, except as otherwise provided in this act, the statutes governing the contents, order, and arrangement of the estimates of appropriations and receipts, and the notes and other data submitted therewith, shall apply to the estimates submitted to the President under section 3 and to the estimates for the expenditure needs of the Government when transmitted by the President under section 4.

Section 6 provides—

> That the President, in addition to the budget herein required to be transmitted, shall transmit at the same time and for the service of the fiscal year ending June 30, 1922, only, an alternative budget prepared in such form and according to such system of classification and itemization as is, in his opinion, most appropriate, with such explanatory notes and tables as may be necessary to show where, in such budget, the various items embraced in the budget provided for in section 4 are contained. The alternative budget shall also make known the essential facts regarding the condition of the Treasury, revenues, and expenditures, appropriations, and what, in the opinion of the President, are the revenue and expenditure needs of the Government for the ensuing fiscal year, and how these needs should be met.

Mr. President, an examination of the whole bill will bear out the purport of these passages which I have read, that the House bill in effect contemplates no other change in the existing method of assembling and transmitting estimates than that they shall be assembled in the office of the President and not in the Department of the Treasury. The House bill creates no authority to revise or reduce estimates. It provides only for their assembling in the President's office.

The bill as reported to the Senate does not postpone the consummation of the plan for the genuine control of the estimates of the department by single authority. It does not postpone and vest in the Executive discretion as to the form in which the estimates shall be submitted for the better information not only of Congress but of public opinion. The bill as reported to the Senate sets forth the terms under which a budget of the estimates must be submitted to Congress. It provides the machinery for the assembly of the estimates and for their revision—aye, and reduction—and places that machinery in the Department of the Treasury.

Mr. WARREN. Will it interrupt the Senator if I ask a question at this point?

Mr. McCORMICK. Not at all.

Mr. WARREN. I notice that the House bill provides for one director and one assistant, also one comptroller and one assistant, while the bill submitted by the distinguished Senator from Illinois, on the part of the Senate special committee, provides for one principal and two assistants each. The Senator feels that that is necessary, does he?

Mr. McCORMICK. The committee felt that if the budget bureau were to be able intelligently to examine the preliminary estimates as provided in the bill, to cooperate with the bureau chiefs during the preliminary preparation of estimates to the end that when they finally came to the Secretary of the Treasury they might represent a meeting of the minds and agreement, it would be wise to give the commissioner of the budget two assistants. The committee felt that if the machinery were worth creating, it would be wise at this time to give the commissioner of the budget two principal assistants, upon whose discretion and judgment he might largely rely.

I do not answer the second part of the question of the Senator from Wyoming at this time, because it comes under a different head of the bill. The decision upon the number of assistants represents the judgment of members of the committee like the senior Senator from Utah [Mr. SMOOT] and the senior Senator from North Carolina [Mr. SIMMONS], whose experience is much greater, as their judgment is much more weighty, than my own.

Perhaps I might take advantage of the question of the Senator from Wyoming to point out that, of course, the bill in no sense touches the constitutional responsibility of the Executive or of Congress. It vests in the Treasury authority covering the preparation of estimates, it makes the President responsible for the aggregate estimate of expenditures sought from Congress, but it makes Congress no less responsible for the aggregate of expenditures authorized by law.

There are critics of the measure, among them one distinguished Senator who is not present to-day, who feel that the committee should have sought to restrict the control of Congress over appropriations. The committee did not share that view, and if any member of the committee had held that view, nevertheless the committee would not have felt justified in attempting any such restriction by legislation. If Congress is to be limited in its control of expenditure, that limitation must be brought about by rules adopted by the two Houses for their own restraint.

Mr. WARREN. Of course, the Senator will understand that the questions I asked were in no wise in criticism. I merely had in mind the matter of economy.

Mr. McCORMICK. I quite understand, and I thank the Senator for his questions. In the light of his long experience, I hope he will interrupt with as many questions as may occur to him.

Mr. WARREN. In the line of economy, and judging from the actions of some of the heads of departments and their assistants, sometimes a less number of assistants is better than a greater number, because they divide the duties and authorities, and occasionally produce worse rather than better work. I want to see them paid salaries high enough to secure the service of those abundantly capable, and whether we establish one or two assistants or more, they should receive whatever they are worth. I simply asked to know if the committee had given that so thorough an examination that they felt they ought to have three high-salaried men in the performance of these branches, the comptroller and the others.

Of course, the Senator, I know, joins me and others in wanting that this should lead to economy as well as regularity. In fact, we must adopt economy if we are going to sustain our credit and not go entirely bankrupt, as seems sometimes to be hinted in the amounts of money by which our expenditures exceed our income. So that in this bill I assume that in dividing and stating the duties of each of the assistants the committee had some reason for wanting to have the additional two assistants and for dividing and assigning to each his duties.

The Senator will remember that we have sometimes met with complaints from the head of a department that he should rule as to his assistants and what duties should be delegated to each by him, and I assume the committee must have considered that along with other matters.

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER (Mr. STERLING in the chair). Does the Senator from Illinois yield to the Senator from Kansas?

Mr. McCORMICK. Certainly.

Mr. CURTIS. Did not the committee also consider the advantage there would be in having three or two members in passing on the question of duplication of work in the different departments?

Mr. McCORMICK. That was one of the considerations which led the committee to its final conclusion.

It will be interesting, perhaps, to the Senator from Wyoming [Mr. WARREN] to know that the New York Chamber of Commerce, in indorsing the Senate bill in sweeping terms, made but one exception to the indorsement. It found the salaries provided for the commissioner and the comptroller and their several assistants too small.

Mr. WARREN. I should expect that from the New York Chamber of Commerce.

Mr. McCORMICK. The committee considered this question. They had the advantage of the judgment of those Senators long in the service, as I have suggested, and after debate at several sessions they finally fixed the number of assistants as found in the bill and their salaries as there set down.

The committee decided for the Treasury as against the office of the President on several grounds. In the first place, it seemed the part of wisdom that the financial policy of the administration, in so far as it was deputized to a subordinate of the President, should be under the guidance of a single officer. The ultimate responsibility, of course, under the Constitution and under the terms of the bill, is with the President; it is impossible to divest him of that responsibility. But the committee felt after due deliberation that it would be unwise to hold one officer responsible for the control of revenue and the estimate of income and another for the estimates of appropriation; that is, of expenditures.

Furthermore, it was the judgment of the committee, after hearing witnesses whose opinion and experience carried weight, that a director or commissioner of the budget in the office of the President would lack the authority necessary to maintain his judgment as against that of the multitude of chiefs of divisions and of bureaus, who, moved by the best of good will and an insatiable appetite, always seek to increase appropriations by Congress. If a bureau chief were upheld by a Cabinet officer as against the commissioner of the budget, the commissioner of the budget would have no recourse but to surrender or appeal directly to the President. If the President were to sustain a subordinate officer as against the head of a department, a member of the Cabinet, the only course open to the member of the Cabinet would be to resign.

The committee felt, on the other hand, that if the matter were at issue between the Secretary of the Treasury and another member of the Cabinet, in the great majority of cases the differences would be resolved without reaching the President, and if any of them finally were submitted to the President for determination neither officer would feel it incumbent upon himself to resign if the decision went against him.

The committee presumed that under the terms of the bill the President, in conference with his Cabinet at some time prior to the beginning of the preparation of the budget, would determine the general fiscal policy of the administration in fulfillment of its economic, social, and political program, allotting tentatively to the several departments and establishments of the Government sums necessary to carry out that program. At the same time the Cabinet would have under review the estimates of the Treasury for the revenue during the forthcoming year. The President in conference with his Cabinet must determine whether the demands for expenditure would meet the revenue contemplated to accrue from existing taxation, whether they would require additional taxation, or whether they would permit the repeal of existing taxes by Congress. Certainly no preliminary estimate can be infallible. Therefore it would be the duty of the Treasury, through the Secretary, advised by the commissioner of revenue and the commissioner of the budget, to propose to the President and to the members of the Cabinet from time to time such modifications of the original plan as might be dictated by developments.

The commissioner of the budget bureau, Mr. President, acting through his assistants and other subordinates, would be in contact with all departments during the preparation of the estimates, and particularly with the fiscal officer, the "financial secretary," so called, for the designation of whom provision is made in the bill.

Here is presented a vast opportunity for economy to be accomplished by the budget bureau, and which can be accomplished in no other way. Senators who have served long and usefully, as has the Senator from Wyoming [Mr. WARREN], know how many duplications and multiplications of the same service there are throughout the departments of the Government; and yet I do not doubt that the Senator from Wyoming will bear me out that, with all the burden of their other duties upon them, it has never been possible for these devoted con-

servators of the public revenue in the other House and in the Senate to rid the Government of duplication and the multiplication of services, and the consequent waste which is found throughout all the departments.

Mr. WARREN. Will the Senator allow me to interrupt him?

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Wyoming?

Mr. McCORMICK. I do.

Mr. WARREN. The Senator from Illinois is absolutely correct in the statement which he has just made. Of course, in the early days of my service in the Senate—in fact, before I was a member of the Committee on Appropriations and even afterwards—there was a check in this matter, because appropriations were then all in the hands of one committee. That committee through its work in connection with the different departments of the Government could provide pretty well against duplications and multiplications of appropriations. However, the growth of the country and the fact that the other House first divided their appropriation bills and apportioned them amongst various committees other than the Committee on Appropriations, which action was followed by the Senate, resulted in the duplication of services and appropriations, and that defect has never entirely been overcome; indeed, I very much doubt if it ever can be entirely overcome unless the very ardent wishes and labor of those of us who are figuring on having a budget system may overcome it.

I wish to see it overcome; I welcome in entire earnestness any move along the line of a budget system if it shall accomplish exactly that to which the Senator from Illinois alludes—the prevention of duplication in the different departments of work, each one of those departments striving to build itself up without at least very much regard to any other.

Mr. McCORMICK. Mr. President, it is a matter of wonder and admiration to those of us who are the junior Members of this body how the older Members, and especially those who have devoted their energies to the Committee on Appropriations, have mastered the details of this amorphous structure, which is the administrative branch of the Government of the United States. So long as there was no centralized authority in the Executive, responsible before the country and before Congress for the aggregate of estimates, there was no movement within the executive branch of the Government to purge the departments of duplicate services. It may be that some of us are too sanguine, but I am constrained to believe that from the time that the President and the Secretary of the Treasury as his agent become responsible to Congress and the country for the aggregate of expenditure, and therefore of taxation, an effort will be made, through the machinery created under the pending bill, to purge the Government of waste and inefficiency.

I do not say that the bill goes far enough. It seems to me that the resolution introduced by the Senator from Utah [Mr. SMOOT], and which is now in the Committee on Appropriations, over which the Senator from Wyoming so ably presides, should be passed at this session, to the end that a joint committee of Congress may begin its labors upon a reorganization of the executive departments. I would go even further: I would give the Committee on Appropriations or an analogous committee general control over all appropriation bills, determining the gross sums which may be allotted to the several services for which provision is made in the various appropriation bills.

It has been the habit for a long time in the public press and on the Chautauquas to charge Congress not merely with the ultimate responsibility for expenditure but with the primary responsibility for extravagance, assuming that the initiative is with Congress. The pork barrel has become proverbial. Yet Senators very well know that to-day it is not the appropriations for rivers and harbors or for public buildings which consume the substance of the taxpayer; it is the maintenance of a multitude of functionaries.

I do not gainsay that among the most able, public-spirited, and zealous servants of the Government are those very expert bureau chiefs who seek most eagerly to increase the sums appropriated for the support of their bureaus or divisions without regard to the total cost of the Government. It is a matter of jest in the Capitol that in one service or another, military or civil, such a bureau chief or such a chief of division manages to prepare and to secure in the Secretary's estimate the incorporation of figures twice as great as might be necessary for the successful maintenance of his office.

They do that, cynically looking to Congress to reduce the appropriation below the estimate submitted. Mr. President, if this bill becomes a law the time is not far distant when the toleration of such a practice will bring the Chief Executive of the Government, whoever he may be, into such general disrepute that he or his successor will compel reform.

The House committee in its wisdom believed that in establishing a centralized control of estimates by the Executive it would be prudent to create an officer independent of the executive department, appointed by the President, but, in so far as might be provided, responsible also to Congress, to supervise and criticize the expending departments of the administration. The Senate bill follows the House bill in principle. It creates a general accounting office under a comptroller general, and vests in his office not only the powers of the Comptroller of the Treasury but those of the several auditors and those duties now discharged by the divisions of Public Moneys and of Bookkeeping and Warrants.

The Senator from Wyoming, when he asked the first of his illuminating questions, addressed it very naturally to the number of assistants to the comptroller general provided by the bill, as well as to those provided for the commissioner of the budget. I might say, first, that the Senate bill contemplates vesting in the comptroller an especial and important responsibility, for which no provision is made in the House bill. The assistant comptroller general is, if I may so phrase it, the chief of audit and control. His duties, I think, need no other definition; they are those already established by law. The third assistant comptroller general is, in effect, the chief bookkeeper of the Government, discharging duties now already established by law.

The second assistant comptroller general is to be the expert accountant of the Government. I do not doubt that Senators now in the Chamber can give more instances than ever I can of the inconsistent and incongruous systems of accounting which obtain in the various departments.

When the committee began hearings the Association of Chartered Accountants notified the committee that it wished to be represented by witnesses. There were none of those witnesses who, before the committee or privately, did not speak of the incongruous, the inconsistent, the wasteful, the blind systems of accounting which obtained in various branches of the executive departments. The committee owes to the study, the judgment, and the information of the Senator from Utah [Mr. SMOOT] more than to any other member of the committee the inclusion of this provision in the bill.

In years gone by it has been suggested that commissions be appointed and firms of expert accountants employed to bring order out of the disorder in the accounting systems of the Government. The bill provides that the second assistant comptroller general shall have authority to bring about uniformity and consistency in the Government's accounts. Perhaps Senators have had such an experience as has been related to me of a member of the Cabinet who during the same week presented statistics bearing on the same subject, the second group of which utterly contradicted the first group, and both of which had been supplied to him by his own department, although by different branches thereof.

Now I come to the provision of the bill creating the board of appeals.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Ohio?

Mr. McCORMICK. I do.

Mr. POMERENE. Before the Senator proceeds to that branch of the bill, I notice that the House bill practically provides that the comptroller general shall succeed to all the powers and duties of the Comptroller of the Treasury. In what respect does the bill increase the duties of the comptroller general over and above those now performed by the Comptroller of the Treasury?

Mr. McCORMICK. I thank the Senator for that question. It devolves upon his office the duties of the Divisions of Bookkeeping and Warrants and Public Moneys, which now are attached to the office of the Secretary of the Treasury. Upon examination it was learned that these two bureaus, although nominally subordinate to the Secretary of the Treasury, were actually vestibules, as it were, to the comptroller's office. The Division of Public Moneys receives from the Treasurer's office certificates of deposit, wherever originating, designates the character of their entries, and forwards them to the Division of Bookkeeping and Warrants. It is a clerical bureau, as the Senator will learn upon examination, performing a function in duplicate of that subsequently performed in the comptroller's office. It also deals with the approval of duplicate checks where the originals have been lost or destroyed prior to payment.

The Division of Bookkeeping and Warrants discharges one function which under this bill goes to the commissioner of the budget. It is the agency, as it were, which to-day collects and assembles the estimates of the departments, and which subsequently are transmitted by the Secretary of the Treasury to

Congress. It keeps the account of the general fund of the Treasury and the appropriation accounts therefrom it sets up when appropriations are made. It keeps the personal accounts of bonded persons who receive certain advances on accountable warrants. It makes out the warrants opening the appropriation accounts on the books. It makes out warrants for covering in certificates of deposits on the books. It makes out pay warrants and accountable warrants. All these, of course, are approved by the comptroller. Finally, it reports daily and annually the receipts and disbursements of the Government.

When it was first proposed to the committee that the comptroller general, in addition to taking over the responsibility as provided in the House bill, should take over these responsibilities of the Division of Bookkeeping and Warrants and the Division of Public Moneys, I wondered how great these responsibilities might be and how large a personnel might be involved. The responsibility, legally and in an accounting sense, is as meager as I have outlined here, while the number of persons is 79 out of a total of 2,445 who, by the terms of the bill, would be transferred to the comptroller general's office.

Beyond this, Mr. President, as I sought to explain a moment ago, there is added the new responsibility—to be discharged under the comptroller's direction by his second assistant—that of bringing about uniformity and consistency in the accounts of the Government. One of the members of the Bureau of Efficiency remarked to me that at certain far-off points systems of keeping accounts original with some individual now forgotten still obtain. There is no hand now which can reach out to establish uniformity of accounting, any more than there is any hand which can reach out to sweep out redundant and wasteful services in the Government.

Mr. POMERENE. Mr. President, do I understand from that statement that under the office of the Comptroller of the Treasury there may be different systems of bookkeeping relating to the several executive departments?

Mr. McCORMICK. Those different systems do not exist in the office of the Comptroller of the Treasury, but in the administrative accounts which he is called upon only to examine and to audit. The Senator from his long experience knows, doubtless in far greater detail than I do, that there is the administrative account and the administrative audit, over which the comptroller has no jurisdiction other than to certify that the accounts balance and that the Government has not been fraudulently deprived of money.

Have I answered the Senator's question?

Mr. POMERENE. Yes.

Mr. McCORMICK. Before I conclude I must say a word about the board of appeals for which provision is made in the bill, and of the constitution of which I am ready to acknowledge I am less certain than I am of any other provision of the bill. I think the principle of a board of appeals is sound.

It was the judgment of the committee, after considering the matter, that the individual who sought and who received a reconsideration of his claim, a new adjudication of the decision of the comptroller's office, himself would be better satisfied and would be assured of more certain justice if a board of three, representing a point of view other than that of the original adjudicating officer, sat in judgment upon the claim. It was at first contemplated that the first assistant comptroller, who had made the original adjudication, should be a member of that board, and I confess that there is strong argument that he should be present as a member of the board in reviewing the case upon which he has passed originally. He could bring to the board the fruit of his experience. There was argument that the third assistant comptroller, who, after all, will be a bookkeeper, and presumably nothing but a bookkeeper, would come to the board in no sense especially equipped for the responsibility which will devolve upon the board. It was originally proposed that the board should consist of the first and second assistant comptrollers and the solicitor, but it was the final judgment of the committee to constitute the board as provided in the bill. I advert to the hesitancy of the decision because I think that the facts in such a case should be laid before these experienced Members of the Senate who are present, and whose judgment ought to be had upon such a provision.

Mr. KELLOGG. I do not want to interrupt the Senator, but when he gets through I wish to ask him a question.

Mr. McCORMICK. I will be glad to answer the question now.

Mr. KELLOGG. I understand the comptroller general is to have jurisdiction over all matters relating to auditing in all departments of the Government.

Mr. McCORMICK. He would have vested in him all the powers now exercised by the comptroller and the auditors, including the Auditor of the Post Office Department.

Mr. KELLOGG. So that he may establish a uniform system of accounting in all departments of the Government?

Mr. McCORMICK. He may. So far as his control over accounting is concerned, that is a provision not found in the House bill and an authority not now existing in law.

Mr. KELLOGG. That is what I wished to ask the Senator.

Mr. McCORMICK. I may recall in this connection, if my memory is not at fault, that the powers sought to be conferred upon the comptroller by this bill are not only those which have been proposed by the Association of Expert Accountants, but by the President in his regular message to this Congress.

I could discuss the details of this bill at greater length, Mr. President, and I could with great good will urge upon the Senate that this bill, in itself and alone, will not accomplish all the reforms which we seek. The all-important work contemplated by the resolution of the Senator from Utah, now in the Appropriations Committee, and soon to be reported, I hope, is necessary not merely as a supplement, but as the crown, if you wish, to the reform contemplated in this bill. Its importance transcends that of this bill. I count the country fortunate that the resolution was submitted, not only because of its terms, but because of the person of its author. We may be certain that the search undertaken by the budget bureau will be the more thorough, and we may be certain that the reforms which it recommends will be the more drastic, if the Senator from Utah presides over the committee created by the terms of his resolution.

I could argue, sir, that while Congress proposes the reformation of the Executive, the House and Senate would do well to examine their own constitution for the dispatch of the public business. There are nearly fourscore committees of the Senate and nearly threescore committees of the House, some of them created before this Chamber in which we sit was born in the imagination of the architect—committees which have not met during the service of any Senator here to-day. The want of policy and restraint which under this committee system marks the voting of moneys threatens not only our prosperity but our very security.

The reorganization of the administrative departments and the reform of parliamentary organization must wait a little. An effective budget system we can establish now and by the terms of this bill. As I have explained at all too great length, it makes the Secretary of the Treasury what Alexander Hamilton was—the President's chief deputy in determining the administration's financial policy. It creates a budget bureau in the Treasury, and by providing for a financial secretary in each of the departments insures the collaboration of the departments with the budget bureau; it gives the Secretary of the Treasury not only the power to collect estimates but to revise and reduce them. Furthermore, it prescribes the form in which he must submit them to the President. Finally, it makes the President indisputably responsible for the sum of the estimates and Congress no less clearly responsible for the sum of the appropriations. It vests the comptroller general with powers and responsibility which make him no less the agent of Congress than of the President in searching the spending offices for waste or mismanagement.

I know that this is a dull theme and that figures are a drab study, but consider that Federal taxes are fivefold what they were 5 years ago and State taxes fivefold what they were 20 years ago. Within five years the debts of France and Italy have grown fivefold. The British debt is ten times what it was before the war. Our debt is twenty times greater than it was three years ago. Japan owes less to-day than she did when she began hostilities against Germany.

In these crowded years, when passionate devotion to liberty and high hopes of a new age steeled the hearts of men to face the agonies of war, homilies upon frugality and sermons upon prudence have found few to hear them. The hearts of the people have been stirred by the pledges of their spokesmen that their sufferings would win for them and their children a better world, a more general and more genuine democracy, a larger measure of economic justice, a surer social progress, and, above all, enduring peace. These are things to enthral the souls of multitudes, to move orators to eloquence, to enlist the services of statesmen. Who among us does not hope that in our own time we may be vouchsafed in some small part the happiness which always lies before the succeeding generations of men, like the treasure under the rainbow's end?

None of the ideals for which we fought and for which some died can be fulfilled; no measures for the relief of the weak or for the control of the ruthless, for the pursuit of science or for the education of the masses; no plan to assure markets to the farmer, tradeways for the merchants, or prosperous and

unbroken labor for our workers can be carried into law unless Congress, husbanding the public wealth, conserves to-day the means with which to work to-morrow. In bygone centuries great civilizations have fallen, their foundations rotted under the pressure of unendurable taxation, their superstructures wasted by profligate administration. The most splendid designs for the future, aye, and the very present prosperity of our society hang upon the measure of reform now before the Senate.

WORK OF RECLASSIFICATION COMMISSION.

Mr. HENDERSON. Mr. President, I desire at this time to call the attention of the Senate to the report of the Congressional Joint Commission on Reclassification of Salaries, "submitting," as its subtitle says, "a classification of positions on the basis of duties and qualifications and schedules of compensation for the respective classes."

The duty of the commission, as defined by the act, was—

to investigate the rates of compensation paid to civilian employees by the municipal government and the various executive departments and other governmental establishments in the District of Columbia, except the navy yard and the Postal Service, and report by bill or otherwise, as soon as practicable, what reclassification and readjustment of compensation should be made so as to provide uniform and equitable pay for the same character of employment throughout the District of Columbia in the services enumerated.

This commission, through its chairman, submitted its report to the Congress on March 12, and on March 22 introduced a bill in the Senate (S. 4106) which, if enacted into law, will carry into effect the recommendations made by the commission. I had the honor of serving on that commission, and I wish to assure you that the best efforts of every member of the commission were used in an earnest endeavor and desire to present a constructive document—I may say, a reconstructive report—to the Congress. As stated, however, in our letter of submittal, on page 17 of the report, "your commission is not suffering from any illusions as to the degree of perfection attained."

I have here the report of the Reclassification Commission and the current Book of Estimates. The Book of Estimates contains the recommended appropriations for the fiscal year beginning July 1, 1920, and ending June 30, 1921. It contains the estimates made by the various departments in the summer and early fall of 1919 and compiled and submitted by the Secretary of the Treasury last December for the assistance of the Appropriations Committees of the House and the Senate and the Members of Congress for use in considering proposed expenditures. All the Members of the Senate are familiar with the Book of Estimates. I wish every Member of the Senate and of the House had become as familiar with the contents of the report of the Reclassification Commission, but in these times of readjustment following the World War and with our attention fixed on the various candidacies for nomination for the Presidency at the coming national conventions, it apparently has been difficult for the Congress to give to this report the attention which I am sure all recognize it deserves and will receive sooner or later.

By way of contrast with some things in the reclassification report, let me call your attention to some things in the Book of Estimates. Take the matter of titles of positions. The title of a position goes for that position when it is vacant and when it is occupied the title applies to the position and to the employee holding it. The titles of positions are used in the ordinary business of the department; they are used by the Civil Service Commission in calling examinations to secure eligibles to certify for appointment; they are used by the departments in submitting to the Congress their estimates for appropriations for what the accountants and budget experts call personal services; and they are used by the Congress in making appropriations; so titles of positions are quite important. Even if Congress passes the budget bill now pending it will be necessary for Congress to consider the titles of positions and the reclassification as contained in this report.

How many titles of positions appear in the Book of Estimates? I am unable to give you the grand total for the entire Government service, but I can give you the total in the Book of Estimates for the positions in the Washington service; that is, those in the municipal government, the various executive departments, and other governmental establishments in the District of Columbia, exclusive of the navy yard and the Postal Service. In short, I can give the positions of employees over which the commission had jurisdiction. For these, the positions of employees at the Capital City alone, the Book of Estimates contains 2,066 different titles. Of this number 583 are included in estimates for statutory appropriations and 1,483 are included in the details supporting estimates for lump-sum appropriations.

It appeared to the commission that this was an excessively large number of titles. In fact, it is larger by 304 than the total number of titles for classes of positions appearing in the report of the Reclassification Commission. The commission would have welcomed a further decrease, but it was not authorized to reorganize the Government service. It took the service as it found it and endeavored to classify the existing positions for which the Congress had been making appropriations. But the large number of titles in the Book of Estimates is not the worst feature. These present titles are vague and in many cases meaningless. Except in a few cases there are no statutes defining what they mean. They are not backed up with specifications.

Under an act of 1854, sections 163 and 164 of the Revised Statutes, there are created four classes of clerks, classes 1, 2, 3, and 4. A clerk of the first class is one who gets $1,200 per year; of the second class, $1,400; of the third class, $1,600; and of the fourth class, $1,800. We often found clerks of these four classes doing the same work but getting these different salaries and, under the present law, in different classes. The trouble is that the present titles do not represent a classification on the basis of the duties of the positions and the qualifications required to perform the duties.

It was found that for positions involving the same duties and the same degree of responsibility there were often great varieties of titles in use.

This lack of standardization in present titles of positions gives such a good understanding of the fundamental defect in the present situation that I think you will be interested in what the report has to say about it. I quote from the details of our seventh finding on page 44 of the report:

LACK OF STANDARDIZATION IN PRESENT TITLES OF POSITIONS.

"Seventh finding: That the Government has no standard to guide it in fixing the pay of its employees and no working plan for relating the salaries appropriated to the character and importance of the work for which such salaries are to be paid, and that the designations of positions now appearing in the Book of Estimates are inaccurate and misleading.

"As an employer the Government of the United States has not hitherto established, by law or otherwise, a standard for paying its employees uniformly according to the duties, responsibilities, and qualifications involved in their respective positions. The rates of compensation of some positions are fixed by general statute, in other cases by the annual appropriation acts, and in still other cases by individual, executive, or administrative action. The rates of compensation thus fixed pertain to positions with specified titles but undefined as to duties, degree of responsibility, or required qualifications.

"Legislation enacted in 1854 and still in force, section 163 of the Revised Statutes, provides that 'the clerks in the departments shall be arranged in four classes, distinguished as the first, second, third, and fourth classes,' and section 167 prescribes the annual salaries as follows: 'Clerks of the first class, $1,200; clerks of the second class, $1,400; clerks of the third class, $1,600; and clerks of the fourth class, $1,800.' But the duties which must be performed by an employee to entitle him to the pay of any one of these classes have never been defined.

"An examination of the questionnaires of 1,283 employees whose salaries are appropriated for under the title of 'Clerk, class 1,' showed that they are filling positions that call for the performance of 97 varieties of duties. A similar study of the questionnaires of 3,207 'Clerks, class $1,200,' brought out the fact that they are properly classifiable in 77 of the classes proposed in this report. This analysis, carried further, revealed the same conditions throughout the whole range of present clerk classes.

"That the appropriation titles, pay-roll titles, or common titles generally are by no means descriptive of the duties of employees has been brought vividly before the commission by the detailed examination of the questionnaires giving data regarding rate of compensation, duties, etc., for each position studied. Two fairly typical illustrations of the variations in pay-roll titles for a given definite occupation or kind of work (referred to in this report as a 'class') are here presented to give some idea of the wide divergence.

"Employees termed 'senior file and record clerks' in the classification, according to the duties actually performed, have been selected for the first illustration. This class embraces 2,400 employees. While many of them were described as clerks of the four classes and some as 'clerk, class $1,000,' 'clerk, class $1,100,' 'clerk, class $1,300,' and some simply clerks, the positions of others were described by many different titles, 105 being the total number of different titles now in use for this

class. In the words of the classification the duties and qualifications of a 'senior file and record clerk' are as follows:

"Duties: Under general supervision, to exercise independent judgment in assorting, classifying, arranging, and filing papers, cards, cross-reference sheets, books, samples, or other office records; to extract papers or folders from files for information or for precedent purposes, or to make notations thereon; to read, brief, and index papers and search the files for required information; to have charge of or to operate a tally card or follow-up file; in some cases, to review the work of other file clerks; and to perform related work as required.

"Common qualifications: Training equivalent to that represented by graduation from high school and by not less than one year's work in a recognized filing or library school; ability to instruct others and supervise their work; and preferably knowledge of typewriting.

"Special qualifications: For each class in the group familiarity with the classification of the subject matter and the method of filing in the office where the work is performed, as indicated by the title of that class.

"The pay-roll titles now in use for employees whose actual duties class them under the title 'Senior file and record clerk' were found to be as follows:

"Apprentice graphotype operator; assorter; assistant supervisor; administrative clerk; addressograph operator; assistant graphotype supervisor; awarder; addressograph proof reader; addressograph operator; adjuster; assistant file clerk; auditing clerk; assistant file and mail clerk; assistant statistician; assistant manager; assistant chief; address correspondent; auditor; assistant in document section; boss painter; bookkeeper; clerk; clerk, class 1; clerk, class 2; clerk, class 3; clerk, class 4; clerk, class $1,000; clerk, class $1,100; clerk, class $1,300; clerk, typist; correspondence clerk; underclerk; verifier; correspondent; clerk—stenographer and typist; chief of incoming mails and files; clerk, general duties; coder; code clerk; chief file clerk; copyist; card puncher; clerk statistician; dictator; duplicator clerk; editor; examiner; expert (clerk); editorial clerk; filer; filer and searcher; file clerk; form-letter supervisor; file supervisor; first checker; file assistant; freight-rate clerk; group head; group head supervisor; index and catalogue clerk; index clerk; indexer; Italian verifier; junior clerk; library assistant; mail clerk; minor clerk; telegrapher; unit supervisor; mail messenger; mail examiner; mail reader and distributor; planning and recording clerk; principal file clerk; production expert; project clerk; reawarder; reviewer; route clerk; reviser; rate clerk; recording clerk; searcher; special detail clerk; special searcher; special expert; sorter; stenographer; stenographer-typist; supervisor; skilled laborer; special agent; substitute supervisor; special employee; secretary; statistician; subreviser; title writer and index supervisor; time clerk; timekeeper; typist; trouble chaser; telephone supervisor; typist, reader, and file clerk; telephone operator.

"Examination of the above list of titles for a single 'character of employment' shows that they are based upon no common plan. Moreover, the titles themselves indicate in a striking way that the plan of basing rates of compensation upon the appropriation titles of positions and without regard to duties results in great inequalities in the rates paid for the same work in the Government service. We find clerks, class 1, at $1,200; clerks, class 2, at $1,400; clerks, class 3, at $1,600; clerks, class 4, at $1,800, all performing the work of a position requiring the same duties and qualifications and carrying with it the same degree of responsibility.

"Junior examiners have been selected as a second illustration. In this class some 500 employees are described at present by 48 different pay-roll titles. The duties and qualifications of a junior examiner in the terms of the classification are:

"Duties: Under supervision, to make tentative findings upon claims of simple character involving office rules and regulations, or to pass upon features of more complex claims; to assemble evidence, data, and reports; to check routine periodical reports of local offices; to conduct correspondence incidental to the foregoing; and to perform related work as required.

"Examples: Examining passports to see if correct in form; examining applications for issuance of duplicate money orders; approving bonds of letter carriers and clerks; making primary adjustments of awards to soldiers and sailors under war-risk insurance acts; making abstracts of inspectors' reports, Interstate Commerce Commission; determining specific penalties, Internal-Revenue Service; making initial examination of applications for copyright; examining survey plats and tract books; adjudicating claims of simple character.

"Common qualifications: Training equivalent to that represented by graduation from high school; and not less than one year's experience as an under examiner or experience considered equivalent.

"Special qualifications: For each class in the group, familiarity with the activities of the department or bureau where the work is performed, as indicated by the title of that class.

"The pay-roll titles for employees whose duties call for their classification under the title of junior examiner were found to be as follows:

"Clerk, class 1; clerk, class 2; clerk, class 3; clerk, class 4; typist; administrative clerk; claims examiner; special expert; examiner; field examiner; statistical clerk; correspondence clerk; examiner of transportation and travel expense; attorney; insurance expert; unit supervisor; assistant in insurance section; State supervisor; law clerk; typist; clerk; group head; supervisor; assistant supervisor; secretary; clerk (qualified in buiness administration); reviewer; index and catalogue clerk; examiner and reviewer; stenographer; reawarder; subsupervisor; junior claims examiner; editorial clerk; awarder; correspondence clerk; correspondence supervisor; copyist; reader; auditor; special examiner; instructor; duplicate adjuster and reviewer; junior clerk; skilled laborer; file clerk; special clerk; instructor examiner.

"Examples of many different pay-roll titles embraced under a single class title are not limited to the services involving filing and examining work. They are found in nearly all of the services. Under the title 'Junior civil engineer' as the correct occupational designation were found positions carrying 33 different pay-roll titles, some of which were: 'Clerk, class 3,' 'Chief draftsman,' 'Valveman,' 'Assistant classifier,' and 'Skilled laborer.'

"In the class of positions properly designated as 'Associate cadastral engineer,' involving knowledge of United States laws and regulations governing public-land patents as well as engineering, were found several employees whose positions now carry the following pay-roll titles: 'Clerk,' 'Clerk, class 3,' Clerk, class 4,' and 'United States surveyor on special detail.' Among those correctly classed as 'Carpenter' were found some 400 employees having at present 29 different pay-roll titles. These included 'Mechanic,' 'Mechanician,' 'Night guard,' 'Orderly,' and 'Clerk, class 1200.'

"Examination of these lists of titles for positions involving the same 'character of employment' shows that they are meaningless. They indicate that to base rates of compensation upon the appropriation titles of positions and without regard to duties will inevitably result in great inequalities in the rates paid for the same work, and that the use of this confused title scheme has been largely responsible for the existing lack of uniformity in pay for like work.

"On lump-sum pay rolls the titles are of several different types. Often they indicate the position of the employee in his immediate organization. Examples of such titles are 'Assistant supervisor,' 'Administrative clerk,' 'Assistant chief,' 'Group head,' and 'Unit supervisor.' If one is possessed of detailed information regarding the organization concerned and if it has adopted a standard terminology, then titles may be indicative of the rank of the respective employees. They are not descriptive of the duties.

"Another type of title is apparently based on the qualifications which were possessed by the employee on entrance into the service and upon which he qualified in the civil-service tests. Among such titles are 'Apprentice graphotype operator,' 'Addressograph operator,' 'Clerk-stenographer and typewriter,' 'Clerk, statistician,' 'Card puncher,' 'Minor clerk,' 'Skilled laborer,' and 'Telegrapher.' That these titles are used for clerks actually engaged in filing probably reflects the frequent practice of assigning employees to duties without much reference to the examinations under which they entered the service.

"Because of the practice of basing rates of compensation upon title of position only, it is not an uncommon occurrence to change the title of a position without change of duties so as to increase the salary of the incumbent.

"The facts abundantly prove the contention that the present titles, despite their great number and variety, are of almost no value to the Congress and its committees for identifying the nature of the work actually performed. It is apparent that the present appropriation, pay roll, and common titles of positions can not serve as a basis for a system of uniform and equitable pay for the same 'character of employment' and that Congress has had no other standard."

I now call your attention to the commission's classification, part 2 of the report. This is the bulk of the detailed report, 884 pages of titles and specifications of classes and proposed rates of compensation, while part 1 contains findings of facts, recommendations, and expositions of the classification. That you may readily understand what part 2 contains, I shall read from page 72 of part 1 the passage headed—

"A DESCRIPTION OF THE RECOMMENDED PLAN OF CLASSIFICATION AND OF THE CLASS SPECIFICATIONS—BASIS, ARRANGEMENT, AND CONTENTS.

"The classification of positions in the Washington service that the commission has worked out as a basis for the equalizing and standardizing of salaries is presented in this report as part 2. A description of this classification should probably be prefaced by a brief statement of the principles upon which it was worked out and a definition of some of the special terms that must be used to make the description clear.

"PRINCIPLES AND DEFINITIONS.

"The act requires that the recommended salaries should be uniform for the same 'character of employment.' The classification is for the purpose of bringing together positions involving the same 'character of employment.' In interpreting this expression the commission proceeded on the basis—

"1. That positions and not individuals were to be classified.

"2. That the duties and responsibilities pertaining to a position constitute the outstanding characteristics that distinguish it from other positions, or, conversely, that mark its similarity to other positions.

"3. That the qualifications in respect to education, experience, knowledge, and skill necessary for the performance of certain duties are obviously determined by the nature of those duties, and hence a statement of such qualifications assists in bringing out the differences and similarities in the duties involved and constitutes a valuable aid in the determination of the proper classification of positions.

"4. That the individual characteristics of those persons who happened to occupy the positions at the time should have no bearing on the classification. In other words, that the duties the incumbents are required to perform rather than the age, sex, pay, or fitness of such incumbents should serve as the basis for the grouping of positions according to likeness in the 'character of employment.'

"5. That positions could properly be considered of the same 'class' as involving the same 'character of employment' where the duties and responsibilities are so nearly the same that persons who at the time of appointment could be considered qualified for any one of such positions could be considered equally well qualified for any one of the others.

"Certain terms used in the classification and in the following description should be interpreted in the light of the following definitions:

"1. Position: A 'position' is a specific office, employment, or job (whether occupied or vacant) calling for the performance of certain duties and the exercise of certain responsibilities by an individual.

"2. Class: A 'class' is a group of all positions which, regardless of their organization connection, or location, call for the performance of substantially similar duties or work and involve the exercise of responsibilities of like importance, and therefore demand substantially the same qualifications on the part of incumbents, and are, for these reasons, subject to common treatment in the selection of qualified appointees and other employment processes, and that can be aptly described by the same title.

"3. Series of classes: Where a number of 'classes' of positions are substantially similar as to the type of work involved and differ only in rank as determined by the importance of the duties, the degree of responsibility involved, and the amount of training and experience required, such 'classes' constitute a 'series,' and each is given a title containing a common term descriptive of the type of work, with a modifying term indicative of the relative rank.

"4. Service: A 'service' is a general aggregation of classes of positions grouped regardless not only of departmental and organization lines, but also regardless of rank, on the basis of outstanding common characteristics, selected more or less arbitrarily to aid in the process of classification. A 'service' includes positions belonging to a given occupation, vocation, calling, profession, business, craft, trade, or group of trades—a general line of work.

"THE CLASSIFICATION PLAN IN GENERAL.

"Part 2 of this report sets forth the classification in detail. There are 1,762 sets of specifications, each of which normally covers one class of positions. In some cases, however, specifications cover 'groups of classes' of the same rank but having special variations with respect to some single qualification requirement within the group. Each set of specifications applies to every position in the class (or the group of classes) in all of the departments and independent establishments in the Washington service, be it a large class embracing thousands of positions or the smallest possible class embracing only one position truly in a class by itself.

"The classes are arranged in the following 44 services:

"I. Services involving clerical, office, or commercial work:

"1. Administrative and supervisory clerical service.
"2. Assessor and appraised service.
"3. Court clerk and docket service.
"4. Departmental publications and information service.
"5. Fiscal and accounting service.
"6. Mail, file, and record service.
"7. Messenger service.
"8. Miscellaneous clerical service.
"9. Office appliance operating service.
"10. Personnel service.
"11. Specialized business service.
"12. Supply and equipment service.
"13. Telephone and telegraph operating service.
"14. Typing, stenographic, correspondence, and secretarial service.

"II. Services involving the skilled trades, manual labor, public safety, or related work:

"15. Custodial and janitor service.
"16. Detention and reformatory service.
"17. Domestic service.
"18. Engineman service.
"19. Farm, garden, and park maintenance service.
"20. Fire service.
"21. Investigational and inspectional service.
"22. Marine operating service.
"23. Police and criminal investigation service.
"24. Printing trades service.
"25. Skilled trades and labor service.

"III. Services involving scientific, technical, professional, or subsidiary work:

"26. Actuarial service.
"27. Agricultural promotion and extension service.
"28. Architectural service.
"29. Arts service.
"30. Biological science service.
"31. Chaplain service.
"32. Community and recreation service.
"33. Economic and political science service.
"34. Educational service.
"35. Engineering service.
"36. Law and examiner service.
"37. Library service.
"38. Medical science service.
"39. Nursing service.
"40. Patent service.
"41. Physical science service.
"42. Social science service.
"43. Statistical service.
"44. Translating service.

"Each service is preceded by a list of the classes it contains. Within each service the specifications for the various classes are arranged in series, each of which begins with the class of the lowest rank and ends with that of the highest rank. There may be only two classes in the series, there may be seven or eight. All told, there are 376 series, and in addition there are some 378 classes that do not fall in any series.

"Following the specifications for each class, or group of classes, is given the recommended schedule of compensation in the form described in the next section of this part of the report.

"A complete alphabetical list of the classes appears in the back of the book. This includes, in addition to the class titles, the names of the groups and of the services and series to aid the inquirer in finding all the classes covering lines of work in which he may be interested.

"Each set of specifications contains four main features, the title of the class, a statement of duties, a statement of qualifications, and the principal lines of promotion from and to the class.

"The title of the class: The title describes, as accurately as can be done in a word or two, the class of positions as a whole. It will become the title of each position in the class and will also apply to every employee holding a position in the class. In many cases, of course, the class titles are entirely different from the present pay roll or customary departmental titles of the positions that properly go into the class. They have been carefully selected with a view to obtaining aptness and brevity in description. However, the titles now appearing in appropriation bills and departmental records have been given preference and have been retained whenever they are consistent with the commission's classification. The title invariably contains a substantive word in form indicating the kind of work common to all of the positions in the class (e. g., stenographer) generally with a prefixed word in adjective form indicating the ranking of the class on the basis of difficulty of duties, degree

of responsibility involved, or extent of qualifications required for the performance of the duties of the positions in the class (e. g., 'senior' stenographer). The use of numerals or letters to indicate this ranking element in the classification has been rejected in the work of the commission because they would imply equal differences between the classes within a service and also a standardization of the ranks or grades of classes that is not supported by the facts about the variations between positions. In the use of adjectives in the titles standard terminology has been adopted as far as possible. The adjectives in the series of classes in the clerical services, beginning with the lowest, are 'under,' 'junior,' 'senior,' 'principal,' 'head,' and 'chief.' The term 'senior' in these services has ordinarily been used for the position held by an employee who has reached the journeyman stage of development and has demonstrated full capacity for the average position typical of the series. The 'junior' is ordinarily the employee doing the simpler duties of the type, while the 'under' is generally one without any previous experience doing beginner's work of the type.

"The adjectives 'principal,' 'head,' and 'chief' in titles might at first appear to be synonyms, but by precedents set in various municipal and State classifications they have come to indicate the ranking of higher classes of positions from principal up.

"In the scientific and technical services the adjectives in the series are somewhat different, being taken by analogy from titles used in the field of higher education, and running as follows: 'Junior,' 'assistant,' 'associate,' full rank (indicating by the absence of any adjective), and 'senior.'"

Mr. President, on this matter of the scheme of titles there is an analogy drawn from the standardization in the university world. I recall from my own experience as a student, and later as a regent of the University of Nevada, that the titles of those on the faculties ran like this: Instructor, assistant professor, associate professor, professor, senior professor. So the titles in this classification for those services which draw most heavily from the colleges and universities of the country are similar. Likewise, if you will pardon me for another personal reference, I noted when a second lieutenant in the Second Regiment United States Volunteer Cavalry, in the Spanish-American War, that above me were first lieutenant, captain, major, lieutenant colonel, colonel, and higher, and the ranks below were sergeant, corporal, and private. Not only in the educational world, the Army and Navy, and the police and fire service, but in every civilian line of work in a large organization there is a ranking element in classification. The commission has tried very carefully to have this worked out on the basis of the facts:

"The titles contain words indicating the department in which the positions are found only in those cases where the class of positions is peculiar to that department and is likely to remain so indefinitely. In order that classes peculiar to the District of Columbia government may be readily distinguished, the words 'District of Columbia' have been appended to the titles—e. g., coroner, District of Columbia.

"Where the 'group of classes' appears, the name of the group is the part of the titles of the classes which is common to them all, both the substantive and the adjective. For the special classes in the group the variation in title is indicated in parentheses.

"THE DUTIES STATEMENT.

"The two divisions in the class specifications under side headings 'Duties' and 'Qualifications' together define the class and indicate its scope. Of these the foundation statement is that under the heading of 'Duties.' This is put in the infinitive form and contains, ordinarily, a broad statement descriptive of the work performed in positions that come within the class, followed by a description of the responsibilities involved, including both supervisory responsibility and responsibility for work independent of supervision. As far as possible standard terminology has been used to indicate the degree of supervision under which the duties are performed. 'Under immediate supervision' indicates that all work performed is closely scrutinized by a superior; 'under supervision' indicates that all work is done under the personal observation of a superior; 'under general supervision' indicates considerable independence of action in carrying out instructions; 'under direction' implies practically independent execution of plans developed by a superior; and 'under general direction' carries the idea of development and execution of plans along the lines of a very general program laid down by a superior.

"Other clauses in amplification of the general statement are included in sufficient detail to give an outline picture of the class concerned in relation to the other classes in the same service or in other services. The duties statement for every set of specifications concludes with a clause covering duties not specifically mentioned. For classes of positions in which the duties are of a supervisory nature this reads 'and to perform other related work,' and for classes of positions in which the work is supervised the phrase 'and to perform related work as required' is used. It is believed that this covers those slight variations that come from the assignments of employees to special tasks from time to time to meet departmental emergencies and fluctuations in work.

"EXAMPLES OF DUTIES.

"In many sets of specifications examples are given in addition to the general statement of duties. These examples, set forth in participial form, are used to show the variation in details of work that the incumbent of any position in the class may be called upon to perform. They serve to support and explain the scope of the class as indicated in more general terms by the duties statement. They will also assist in allocating to its proper class a given position of known duties. The examples of duties as given are not to be considered as inclusive or exclusive, nor do all the kinds of work listed necessarily apply to any one position.

"THE QUALIFICATIONS STATEMENT.

"The statement of qualifications covers two or more of the following five lines: (1) Education and training; (2) experience; (3) special knowledge of subject matter, process, or method; (4) traits of character; (5) physical attributes. The qualifications in every case are those which any person should possess to be eligible for appointment to a position within the class. They serve primarily to assist in defining the character of the employment covered by the class, supplementing the duties statement. Incidentally they should be of great value to the agency that must recruit the service. Since proficiency increases with experience and industry in the work of the class, the qualifications set up are not those of the employee who has attained the maximum usefulness but those properly required of an employee at entrance. Moreover, since the Government wishes to provide the widest possible competition for merit appointment to positions in the various classes, the qualifications are put at the minimum to secure efficient service from the entering employees.

"Ordinarily the educational requirements are given first. These are given, depending on the extent of education required, in the following form: (1) 'Common-school education;' (2) 'Training equivalent to that represented by graduation from a high school;' (3) 'Training equivalent to that represented by graduation with a degree from an institution of recognized standing.' In no case has the commission recommended that the possession of a degree or a certificate from an educational institution be made an absolute requirement. In every case it has specified educational qualifications 'equivalent to' the education represented by a formal certificate or degree. This has been with the definite view that the employee who through general reading or private study has acquired the equivalent of the education measured by formal certificates or degrees is just as much desired for the Government service as any other. It is left to the employing authorities to apply these terms of equivalents under the limitations of the proposed bill reading as follows:

"'Whenever the possession of a university or college degree or a high-school diploma, or the equivalent of such degree or diploma, is prescribed as a qualification for a class, the commission shall prescribe as such equivalent a standard or standards based on experience or demonstrated ability in the performance of duties similar to those prescribed for such class, which will be accepted as such equivalent.'

"In setting up the experience requirements, emphasis has been laid on the character of experience rather than its length. Only in unusual cases has more than five years of service of a certain specified kind been prescribed. This item includes statements showing where the experience must have been secured or where it should preferably have been secured.

"In some cases a statement of special knowledge required in addition to that clearly indicated by the character of the experience necessary is given. For example, 'Thorough knowledge of the laws and regulations in force in the District of Columbia relating to public health;' 'Ability to read scientific French and German and to prepare in clear and concise English manuscript dealing with work in meteorology;' 'Knowledge of the use of drawing instruments and ability to use them neatly.'

"Native and acquired ability and qualities of character are shown for each class of supervisory positions, and some phrase descriptive of the character of supervisory ability required is given. In the interest of standardization the words 'adminis-

trative ability' are used uniformly instead of 'executive ability.' The qualities of initiative, industry, enthusiasm, honesty, sobriety, and patience are not indicated except in special cases, being regarded as requisites of all classes of positions. But whenever the possession of a quality is preeminently necessary for the performance of the work in question it is given. For example, 'junior information clerk' is required to have tact and good address. Physical attributes are indicated for many of the classes of the skilled trades and for the classes in the police, fire, and custodial services, where health and strength are essential requirements. Also for some of the classes of the clerical services physical qualifications are required. For example, in examining finger prints, 'good eyesight' is necessary.

"Where the specifications apply to a 'group of classes,' the duties statement is followed by a statement of common qualifications applying to all of the classes in the group, and then a statement under a separate heading of 'special qualifications,' which indicates those qualifications that differentiate between the classes in the group—usually knowledge of a special subject matter—as indicated by the titles of the respective classes.

"PRINCIPAL LINES OF PROMOTION.

"The statements of duties and qualifications—the specifications proper—are followed for most of the classes with a section headed 'Principal lines of promotion.' Under this the first line begins with the word 'From' and lists one or more classes of positions involving duties of less difficulty, less responsibility, and fewer qualifications. Employees in these classes of lower rank should be eligible for competition for promotion on merit to the class concerned. The second line begins with the word 'To' and lists one or more classes of positions involving more difficult duties, greater responsibilities, and higher qualifications to which employees in the class concerned should be eligible to compete for promotion. The listing of these principal lines of promotion does much toward setting the upper and lower boundaries of the class. It is a valuable supplement to the specifications proper.

"The lines of promotion listed are merely the main lines. They are neither exclusive nor inclusive. The commission recommends a policy of the broadest avenues of promotion possible, not only within bureaus and departments but across department lines. It has recommended this broad plan of promotion outlined elsewhere in this report as a fundamental feature of the comprehensive employment policy designed to secure efficiency and the desired morale in the service as a whole.

"It is to be remembered that the development of such a classification as that herewith submitted, with principal lines of promotion indicated, has been awaited by the Civil Service Commisson as a preliminary to the establishment of the competitive system for true promotion—that is, for advance from class to class, as distinguished from mere salary increase within a class."

Reclassification means a great deal more than mere temporary readjustment of salaries of employees. There are three points of view involved—those of the Government or the public, the administrators or the management, and the employees or incumbents of the positions. It would be difficult to make a better statement of what reclassification means than is found in the "summary of benefits," on pages 26 and 27 of the report. Permit me to read it, because I think it will be of value to you in connection with other points I desire to make:

"SUMMARY OF BENEFITS.

"The commission is firmly of the opinion that the adoption of the classification of positions and the uniform schedules of pay recommended in this report, and of the proposed plan for the future administration of this classification and these schedules will bring about the following benefits to the Congress, the departments, the employees, and the public at large.

"The Congress will secure:

"A sound and practical working basis for arriving at the proper rates of compensation in appropriations for personal services.

"The assurance that on this basis salaries and wages will be appropriated at the same rate for the same work in all departments and at all times.

"A means of controlling expenditures for personal services paid from lump-sum appropriations or contingent funds, and of bringing them into conformity with the basis observed in itemized appropriations.

"The assurance that on this basis the salaries appropriated for positions of different classes will have the equitable relationship that is called for by the difference in the values of the work involved in the respective classes.

"The further assurance that the salaries appropriated on this basis will be fair to the employee and to the public as the taxpayer.

"A method of adjusting salary scales from time to time, as required and justified by changes in economic conditions, in such a way as to permit of discriminating application of increases or decreases which will take into account the relative requirements of the several kinds of employment (as against the arbitrary spreading of bonuses, increases, or reductions over deserving and undeserving classes), and which will not affect the relative status of employees in the same class.

"Assistance in the consideration of estimates through the common use by all departments of a specific and uniform terminology for classes of positions, i. e., kinds of personal service.

"A means, through this descriptive system of nomenclature, of comparing the organization requirements of different departments and of the same department at different periods.

"Relief from the pressure of special requests for changes in the salary appropriations for individual positions or employees or for special groups or departments.

"The departments will secure:

"The immediate relief, so vital to the holding together of the experienced departmental organizations, that will come from the adoption of revised salary scales for specialized workers (particularly scientific and technical employees).

"Permanent relief from the confusion resulting from the variations in salary scales for the same work in different departments, with the consequent tendency toward interdepartmental competition.

"A means of expressing their exact organization needs to the appropriating body—the Congress—and the recruiting body—the Civil Service Commission.

"All of the direct and indirect benefits that will come from a fair and businesslike wage policy and a contented personnel.

"The employees will secure:

"Immediate relief in cases where they are now inadequately paid.

"Uniform justice in the relation between the compensation they receive and the value of their work.

"The assurance that all other employees of the Government engaged in the same work are being treated in the same way.

"The assurance that adjustments of pay in the future will have reference to changes in living costs.

"The incentive to effort that comes of a knowledge of an assured reward for successful accomplishment—advance in pay for increased usefulness in the same class of work and higher compensation upon promotion to a higher grade of work.

"The public will secure:

"The assurance that its Government aims to be a model employer, and to pay each employee in proportion to the value of the work required of him.

"The commission further submits that many additional benefits in addition to those enumerated above will accrue from the adoption of its general recommendations for a comprehensive and centrally administered employment policy (see recommendations 16 to 24 in the foregoing tabulation). It believes that the standardization of working conditions that will result will be second only to the standardization of pay in its good results. It is convinced that the personnel policies proposed will insure to the Government a maximum return in loyal and efficient service for its pay-roll expenditures and will make the public service attractive as offering real opportunity for a worth-while career."

Your commission, immediately after its appointment in March, 1919, began to study the problem assigned to it by the Congress, and soon found that there was abundant precedent for a classification of positions on the basis of duties and qualifications, as the foundation for just and equitable standardization of compensation. This precedent was found in the largest cities and in some of the States of our own country, and also in the entire national service of the Dominion of Canada. As distinguished from the old civil-service reform movement, which established a so-called classified service to set up barriers against spoils control of the public service, this new classification movement laid stress on a businesslike foundation for all employment processes. It had an exact counterpart in the development of the employment manager's department to handle personnel problems in the large organizations of private industry. All this work rests on an analysis of the positions concerned.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER (Mr. STERLING in the chair). Does the Senator from Nevada yield to the Senator from Ohio?

Mr. HENDERSON. I yield.

Mr. POMERENE. I notice that under the resolution appointing the Joint Commission on Reclassification it was authorized, by a bill to be presented, to reclassify all positions and to readjust compensation in all of the departments except the navy

yards and the Postal Service. Why were those branches of the public service excluded?

Mr. HENDERSON. There is a joint commission now investigating the reclassification of salaries in the postal department. That commission was made up of members of the respective Committees on Post Offices and Post Roads of the two Houses, and the work is under way. Furthermore, I understand that some years ago salary reclassifications were made in the navy yards. Therefore, those two services were left out of the bill presented by the commission.

There will be found an excellent review of what I have referred to as a "movement," in some notes given as Appendix B of the "Report of Transmission to Accompany the Classification of the Civil Service of Canada," prepared by Arthur Young & Co., of Chicago, and issued by the Canadian civil-service commission in 1919. I recommend its reading by anyone who desires to get an understanding of the scope of modern work in the classification of employments and the standardization of compensation.

From this it appears that the Commonwealth of Australia made a duties classification of the 11,661 positions in its service between 1902 and 1904.

Mr. President, I understand that it took the commission in the Commonwealth of Australia 17 months to make a duties classification of the 11,661 positions, while your commission handled over 100,000 questionnaires in 12 months.

Some of the Senators may recall the executive commission created in 1907, known as the Keep Commission. President Roosevelt sent to the Congress a report by that commission on the classification of positions and the gradation of compensation. This report proposed a duties classification, although it did not work it out comprehensively.

The first of the duties classifications in this country was made by the city of Chicago in 1909 and 1910. Mr. E. O. Griffenhagen, of Chicago, who served as chief counselor of our joint commission, was connected with that early classification as expert on system and organization for the civil-service commission of the city of Chicago. He informed me that in the Chicago work one of the reference reports used was the 1907 report of the Keep Commission. Mr. Herbert E. Fleming, of Chicago, who served as director for our joint commission, was connected with the Chicago commission on city expenditures in 1909, and in 1910 was secretary and manager for the Chicago Civil Service Reform Association, both of which bodies assisted in creating public opinion in favor of promoting efficiency through a duties classification and salary standardization.

Following the Chicago classification some of the others were: New York City, 1912–1916; New Zealand, 1912; Pittsburgh, 1914; New York State, 1916; New Jersey, 1917; Dominion of Canada, 1919.

The Canadian classification was made under an act of 1918 calling for a classification of the "outside service"—that is, the service outside of the capitol at Ottawa. But in order to get a complete standardization both the "outside" and the "inside" service, which had previously received some classification, were classified together. While our work was going on both Houses of Parliament unanimously adopted the Canadian classification, which went into effect in April, 1920. The Canadian classification was made for a commission—in that case a civil-service commission—by a firm of American experts.

After preliminary counsels with representatives of the New York bureau of municipal research, as well as with others interested in this kind of work, your commission decided to retain for service at the head of its directing staff the same firm which had served Canada so well. This organization, formerly known as the industrial engineering staff of Arthur Young & Co., of Chicago, but now practicing as Griffenhagen & Associates (Ltd.), had charge of many large undertakings in the field of personnel and salary standardization work since 1911, when it entered this field.

Mr. Griffenhagen, as before stated, was appointed chief counselor and had an important part in preparing the program of work upon which we based our year's operations, and in the course of the ensuing months spent much time in consultations with the commission on questions of policy and procedure, and in general supervision of the work of the staff. Mr. Fleming, serving as director for the commission, was in Washington continuously throughout its work, correlating the activities of the headquarters staff and the classification staff, the research staff, the statistical force, and the clerical force, detailed from the various departments. These two men, together with R. O. Beckman, Robert E. Goodell, and Fred G. Henchling, of Chicago, acting as assistant directors; Lewis Meriam, of Washington, statistician; W. E. Mosher, of New York, associate director in charge of economic research; and Ad Hoehne, of New York, in charge of classification records, constituted the headquarters or directing staff of the commission.

Mr. President, these men brought to the service of the commission wide experience in classification and standardization, from both governmental bodies and industrial and business concerns. They brought an outside point of view, and with it great initiative and industry. This was highly important since the bulk of our work, under the act creating this commission, had to be done largely by inexperienced classifiers of positions detailed from the various departments. These specialists from the outside showed great skill in training and leading the detailed force, and a broad vision of the entire subject, thereby aiding the commission in keeping its various activities correlated and being able to make its report on March 12—the date set by law. While retained on a professional basis, they gave to the work fine public spirit.

In retaining these experts the commission was actuated by a high sense of duty in having a scientific and practical piece of work accomplished in a strictly nonpartisan manner. I am sure the junior Senator from Missouri [Mr. SPENCER], the only Republican member of the commission from the Senate, will bear me out in the statement that not a single step was contemplated or taken by the Reclassification Commission in a partisan spirit. The report, of course, speaks for itself in this respect, for nowhere in it can be found a single expression of a partisan nature. I sincerely trust that it will be considered by this body in the same spirit in which it was prepared, drawn, and submitted. It is a business matter, relating entirely to the employment side of the Government.

In this connection I wish to call your attention to the fact that the commission submitted a unanimous report. There is no minority report. There were six men, with six different experiences and perhaps six different lines of thought as to where emphasis should be placed. But by months and days and hours of pounding away on the material submitted to us by our directing staff we hammered out and reached conclusions which, while perhaps not perfect, together make a piece of work we feel is entitled to your best consideration.

The lack of uniformity and equity in compensation, growing out of the lack of any system designed to secure uniformity and equity, really astounded the commission when it studied the statistics and the statements of facts compiled from the questionnaires which had been distributed, the organization charts which had been made, and the supplementary facts that had been gathered through visits to the departments and public hearings. I shall only cite a few by headings:

"LACK OF UNIFORMITY IN PAY SCALES BETWEEN DEPARTMENTS.

"First finding: The commission finds that the salary and wage rates for positions involving like duties and responsibilities and calling for the same qualifications—that is, for positions of the same class—show wide variations and marked inequalities."

I wish to call the attention of Senators to the statement on page 33 of the report in regard to this matter.

"Second finding: The commission finds that the salary and wage rates for positions in the same class are different in different departments and independent establishments. The scale of pay in some departments is markedly higher than the scale for the same class of work in other departments."

Attention is called to the table on page 35 of the report.

"INEQUALITY BETWEEN SALARY AND WAGE SCALES IN WAR-EXPANDED DEPARTMENTS AND OTHER DEPARTMENTS.

"Third finding: The commission finds that these inequalities in salary and wage scales as between departments are most striking when the rates of pay in the war-expanded establishments are contrasted with those in the organizations that were not largely increased during the war."

Attention is called to the table on pages 38 and 39 of the report.

"INCREASE IN INEQUALITIES AS A RESULT OF THE PRESENT BONUS SYSTEM.

"Fourth finding: The commission finds that the bonus act for the fiscal year ending June 30, 1920, tends in many cases to increase the inequality in salary and wage rates for positions in the same class."

Attention is called to the table on page 40 of the report.

"INEQUITY IN RATES IN RELATION TO INCREASES IN THE COST OF LIVING.

"Fifth finding: The commission finds that rates of compensation in the Government service as a whole have not increased as rapidly as has the cost of living."

Attention is called to the table on page 42 of the report.

"VARIATION IN RECENT INCREASES IN RATES AS BETWEEN CLASSES AND DEPARTMENTS.

"Sixth finding: The commission finds that the amounts of recent increases in rates of pay in the Government service have varied greatly (a) as between classes of employment and (b) as between departments."

Attention is called to the table on page 44 of the report.

I am quite sure Senators will find those tables very interesting.

Mr. President, we owe a debt to Canada for her precedent in a national field, and while the Canadian reclassification report of 1919 was the last word on the subject up to that time, it is the judgment of those who have taken the time to examine the two that the Washington reclassification report of 1920 marks an advance over its best predecessor. One reason for this is that the Washington report gives more facts and figures, more description and more statistics, showing the situation to be remedied by classification.

While the Washington classification is not quite so consistent as it would have been if it had been done exclusively by experts, as was the Canadian, still the commission has had the benefit of the intimate knowledge of the departments brought to the work by the detailed staff.

Furthermore, in this style of presentation, especially in the schematic arrangement of the plan of classification, with the titles and specifications of the classes given by services and series, the commission believes marked progress has been shown.

If more time could have been given to this work it would have been even better. The commission was working under pressure, and especially is this true from early in December, 1919. Pains were taken, however, to recommend provision for carrying this work forward in the future. It is of the utmost importance that some action be taken at an early date on the resolution (No. 160) now pending before the Senate taking care of this matter. The commission felt that the plan of administration could best be carried on through the Civil Service Commission. It is the only central personnel agency the Government now has, and it logically should be the administrative agency for classification and salary standardization. The idea of enlarging it and adding elected employees and administrative members was rejected, but the commission favors an advisory council, so constituted, also departmental personnel committees.

It may be asked, What does classification itself do for salary standardization? When like positions, regardless of departmental lines, are placed in the same class, the first great move toward just and equitable compensation is made.

The commission differentiated between mere salary advance and true promotion. The latter is a change for a class of positions involving duties, responsibilities, and qualifications of one level to a class involving the same elements at a higher level. Periodic efficiency increases in compensation within the class is recommended, and, of course, provide salary scales.

There is no absolute standard for salaries. We took into account many factors—salaries now paid in the various departments, compensation paid in comparable positions in the outside world, recent legislation by the Congress, and finally our own best judgment.

Just what the cost to the Government would be in increased pay to the employees, if the report is adopted, is not easily determined. I believe that if the recommendations of this commission are substantially adopted the Government will not be the loser. In this connection let me read from the letter of submittal on page 11 of the report, under the title "Estimates of Cost":

"ESTIMATES OF COST.

"In considering the cost of the proposed changes in salaries your commission was of necessity compelled to depend on carefully prepared estimates. Within the time available after the completion of the last salary recommendations, it was impracticable to make the detailed tabulations required to show the precise amount that would be added to the appropriations if the recommendations of your commission are adopted. Our statistical staff made a detailed study of 68,806 positions, or approximately 70 per cent of the total number in the Washington service, to estimate the cost of the recommendations made in respect to them. These positions represented practically all the numerically important classes of employees working full time and receiving no special allowance. We regard these estimates as giving results of substantial accuracy not only because the classes were representative but also because the average basic salary of the positions included in the estimate was $1,242 and the average basic salary of all the 100,000 positions on our position lists, as based on the pay rolls and reports submitted by the departments, was $1,240. The other tests to which the estimates were submitted seemed to us to demonstrate that the percentages of increase they showed were substantially accurate."

Mr. KING. Mr. President, would it disturb the Senator if I should ask him a question for information?

Mr. HENDERSON. Certainly not.

Mr. KING. The commission, as I understand the Senator's statement, based their estimates and calculations upon the assumption that there were 100,000 employees or more, or, at any rate, that the roll showed more than 100,000 employees of the Government in Washington. I wish to ask the Senator whether or not they reached any conclusion as to the necessity of 100,000 or more employees in the departments here in Washington, in view of the fact that just before the war, my information is, that the number of Government employees in Washington was very much less than that—indeed, less than 40,000? Are the recommendations of the commission based upon the fact that more than 100,000 are to be the number of employees in the departments at Washington, and would the recommendations have been different if the number of employees had been substantially the same as during the prewar period?

In other words, does the question of the number of employees cut any figure in the recommendations, in the classification, and in the final report of the commission?

Mr. HENDERSON. My answer to the Senator is that the commission feel that the number now in the employment of the Government at Washington should be greatly reduced, and the estimate of cost of necessity had to be based upon the number of employees in the service at this time. As the number is reduced, of course, the expense will not be so great. We took what was placed before us, those that were in the service at this time; but the commission feel that if this report is acted upon, and our recommendations considered, and some action taken, we shall be able to reduce greatly the force in the employ of the Government here and also get greater efficiency under the system proposed by the commission; but, of course, the figures I am giving now were based upon the number of employees as given us by our staff.

"Judging from these figures, we would place the percentage of increase in pay, over and above the present pay including the bonus, at between 8 and 10 per cent; we believe the percentage will be nearer 8 than 10. A closer statement is difficult, because for most classes provision is made for efficiency advances within the class. Actual experience alone will demonstrate how many of the employees in a given class will get the maximum and how many the minimum. With due allowance for this factor of uncertainty, we believe it safe to say that the increased appropriation involved will not exceed 10 per cent over the present pay, including bonus, and in all probability will be approximately 8.5 per cent."

As to how this report has been received, permit me to call your attention to two editorials taken from two of the leading newspapers in Washington—the Washington Star of March 13 and the Washington Post of March 14. I ask that these two editorials may be printed as a part of my remarks, without reading.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

[From the Evening Star, Mar. 13, 1920.]

THE RECLASSIFICATION REPORT.

"After months of painstaking effort and research the Joint Congressional Commission on Reclassification has reported to Congress a plan of reorganization in the departmental service, embodied in a bill which provides a system of duty divisions and pay scales. It is the first practical attempt to establish the civil service of the Government on a definite basis of coordinated efficiency and compensation.

"For many years the Government's pay scale has been under criticism. It has not been generous, and in times of public stress, caused by the advance in necessity costs, lack of advancement has severely injured the employees, who have been barely able to meet their requirements, and with no established system of promotions have had no hope of betterment.

"The war-time rise in prices brought the matter to a crisis. Congress voted to refer the question to a commission, composed in part of sitting members and in part of former members. This commission has labored faithfully, going deeply into the matter to find the best mode of classifying duties and assigning compensations. It has adopted the principle of regular promotions as the basis of the plan, and has grouped the workers into numerous classifications, within which they may advance regularly and from which they can pass to others of higher grade upon demonstrating capacity and merit.

"The hope is that Congress will not now proceed to tear this plan to pieces. It may not be perfect. It may be subject to criticism from both points of view—that of the Government employer and

that of the employees. But the commission has been in the best position to judge the whole matter and to frame a working plan. If the Houses of Congress now go at the subject in a spirit of detailed correction or change there is no prospect of immediate enactment. Far better will it be to adopt the plan as it stands and to amend from time to time as changes are shown to be desirable or necessary.

"The great point about this plan is that it is consistent. It is built around a single principle of putting all the departments and bureaus on the same footing as to duties and pay. Its adoption will greatly simplify the work of the Appropriation Committees and the Houses later. It will make administration easier and more effective. If it is accompanied or closely followed by a retirement measure the Government service will at last be placed upon the plane of definite businesslike justice and system."

—

[From the Washington Post, Mar. 14, 1920.]

THE CIVIL SERVICE.

"The report of the Joint Congressional Commission on Reclassification of Salaries, just submitted to Congress, is like a ray of sunshine breaking through the clouds to 107,000 Government employees whom it affects. Through a readjustment of existing salaries upon an equitable basis the commission attempts to do away with the many inconsistencies now in effect and to provide for increased compensation measurably in proportion to the advanced cost of living. The new schedule ranges from $720 a year for messengers up as high as $9,000 a year, the various rates being basic and exclusive of the $240 bonus now being received by those earning smaller salaries.

"But the increased pay provided in the report, welcome as it is and deserved as all will admit, is not the most encouraging feature. What is of far greater importance to the young clerk or artisan is that the machinery is proposed under which merit will be recognized in the service and promotion will go only to those who win it by efficiency. The lucrative and desirable positions in the services are opened as attainable goals for all who will work for them. Those who give their lives to the civil service of the Government may do so, if this report eventually is enacted into law, with the knowledge that in their declining years, when their efficiency has been reduced by age, they will not be thrown out upon the world to be a care upon others, but may retire with a pension adequate to maintain them in comfort for the remainder of their days.

"The Reclassification Commission has dealt with the whole subject of the civil service in a broad and comprehensive spirit. It has attempted to evolve a plan which will do justice to the employee and to the Government and make Government employment attractive, not by fancy pay but by assurance of just treatment and proper recognition of efficiency. If this plan is transmuted into law and is administered in good faith, the young man or young woman who enters the civil service may do so with pride and with confidence that the Government will prove a just and appreciative employer. No longer will Government service be looked upon merely as a haven for incompetents or mediocrities or as a stepping-stone to permanent and better positions outside."

"Government workers under this report are divided into more than 1,700 classes, and the commission has fixed maximum and minimum salaries for each class, endeavoring to give the same rate of pay to all doing work of a similar character and with like responsibility. But realizing that in attempting a task of this magnitude mistakes and injustices are certain to creep in, an appeal board is set up for the purpose of hearing complaints regarding classification and salaries and for remedying any defects of this nature which may be disclosed. This board will represent the various branches of the public service, and its recommendations to the Civil Service Commission and to the school board will carry weight. The reclassification of salaries suggested, it is estimated, will add $33,000,000 a year to the Government's pay rolls. Making allowance for the $240 bonus now effective, the increase in cost to the Government would amount to but $13,000,000 a year.

"Perhaps defects in the plan recommended may be developed. There may be discrepancies in salaries and classifications which will demand correction; some suggestions may have to give way to better ones; criticisms may be brought forward which will appeal forcefully to reason. But these are matters which are entirely susceptible of adjustment, and they will not alter the fact that the commission has outlined a practical reform which is based upon justice, and which, if adopted by Congress, will provide a much more competent civil service. Congress should deal with the subject promptly."

Mr. HENDERSON. Mr. President, the Senate members upon this commission had in mind one important feature that should always be considered when reading or studying this report, which is, the foundation for a sound and comprehensive policy for the Government as an employer.

NATIONAL BUDGET SYSTEM.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9783) to provide a national budget system and an independent audit of Government accounts, and for other purposes.

Mr. SMOOT. I ask that the bill may be read.

The VICE PRESIDENT. The bill will be read.

The ASSISTANT SECRETARY. The Special Committee on the National Budget report to strike out all after the enacting clause of the bill, and to insert:

That this act may be cited as the "national budget and audit act."

SEC. 2. That when used in this act—

The term "department" means any executive department.

The term "establishment" means any independent commission, board, bureau, office, agency, or other establishment of the Government, including the municipal government of the District of Columbia, which obtains support from moneys appropriated out of the Treasury of the United States, but shall not include the legislative branch of the Government.

The term "budget estimates" means all estimates of appropriations needed or requested by any department or establishment.

SEC. 3. That there is hereby created in the Treasury Department a budget bureau. The President shall nominate and, by and with the advice and consent of the Senate, appoint a commissioner and two assistant commissioners of the budget bureau. The commissioner and the two assistant commissioners shall be known as the commissioner of the budget and assistant commissioners of the budget, respectively. The first commissioner appointed shall continue in office for a term of two years, and the first assistant commissioners four and six years, respectively, from the date when this act shall take effect, the term of each assistant commissioner to be designated by the President, but the successors of the commissioner and of the two assistant commissioners shall be appointed for terms of six years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the official whom he shall succeed. The commissioner shall receive an annual salary of $10,000 and the assistant commissioners shall each receive an annual salary of $7,500. The assistant commissioners shall perform such duties as the commissioner may designate, and in the absence or incapacity of the commissioner or during a vacancy in the office of commissioner the Secretary of the Treasury shall designate one of the assistant commissioners to act as commissioner.

SEC. 4. That the commissioner shall employ and fix the compensation of such attorneys, economists, accountants, special experts, examiners, clerks, and other employees, and make such expenditures for rent, printing, books, periodicals, office equipment and supplies, and other expenses of the bureau as he may find necessary to carry out the provisions of this act, and as may from time to time be provided for by law: *Provided*, That not more than $200,000 per annum shall be expended under the provisions of this section and not more than four persons shall be employed by the commissioner, at a salary of $5,000 per annum, and no person shall be employed by him at a salary in excess of that sum. All employees of the bureau, except the commissioner and the two assistant commissioners, shall be appointed in accordance with the civil-service law and regulations.

SEC. 5. That the head of each department and establishment shall designate one of the assistant secretaries or other chief assistant to have direct supervision of those services which have to do with the purely business operations of the department, such as the offices of chief clerk, appointment clerk, disbursing officer, division of accounts, division of mails and files, division of supplies, superintendent of buildings, etc., and, under the direction of the head of the department, to perform the duties of a general business manager of the department. Such assistant secretary or other chief assistant so designated shall also act as a general financial secretary, and as such shall supervise the classification and compilation of all budget estimates, including supplemental and deficiency estimates, for such departments, and perform such other duties as the head of the department or establishment may prescribe.

SEC. 6. That the head of each department and establishment shall study, analyze, and revise the budget estimates of his department or establishment, and shall submit to the commissioner of the budget on or before the 1st day of October in each year his final revised budget estimates for the ensuing fiscal year; and, in case of the failure of the head of any department or establishment to furnish such estimates as herein required, the commissioner of the budget shall cause to be prepared budget estimates for such appropriations as in his judgment shall be requisite for such department or establishment.

SEC. 7. That after the head of a department or establishment has submitted to the commissioner of the budget the regular budget estimates of such department or establishment for the ensuing fiscal year, he shall not submit for such year, any special, supplementary, or additional budget estimates or other request for appropriations except to carry out laws subsequently enacted, or to meet unforeseen emergencies of the public service. Such special, supplementary, or additional estimates shall be accompanied by a full statement of their imperative necessity and reasons for their omission from the regular budget estimates.

SEC. 8. That the head of each department or establishment in communicating budget estimates to the commissioner of the budget shall give references to any law or treaty by which the proposed expenditures are authorized, specifying the date of each and the volume and page of the Statutes at Large or of the Revised Statutes, as the case may be, and the section of the act in which the authority is to be found.

SEC. 9. That in all cases where the head of a department or establishment includes in his budget estimates an amount that is in excess of the amount previously provided for the same item, or an item for which no appropriation previously has been made, he shall set forth in detail by means of a note the reason why he has estimated for such increase or new item.

SEC. 10. That the Secretary of the Treasury shall by regulation prescribe a uniform system of preparing and submitting budget estimates.

SEC. 11. That the commissioner of the budget shall have and perform the powers and duties now held and performed by the division of bookkeeping and warrants of the office of the Secretary of the Treasury, in so far as they relate to the compilation of the budget estimates.

SEC. 12. That it shall be the duty of the commissioner of the budget in the period prior to, and upon submission to him, of the budget estimates of the several departments and establishments, to make a detail study of the organization, activities, and methods of business of the several administrative services of the Government for the purpose of determining those changes which, in his opinion, should be made in the existing organization, activities, and methods of business of such services or in the appropriation of moneys for the support and conduct of the work of such services, or in the assignment of particular activities to particular services, or in the regrouping of services departmentally with a view to securing greater efficiency and economy in the conduct of public affairs. The budget estimates for the ensuing fiscal year, together with the recommendations of the commissioner of the budget, shall be submitted to the Secretary of the Treasury on or before November 1 of each year.

SEC. 13. That the Secretary of the Treasury shall revise, consolidate, unify, coordinate, reduce, or otherwise change any item or items of the budget estimates submitted to him by the commissioner of the budget, including any special, deficiency, or supplemental budget estimates, in such manner as he may deem necessary to effect economies and to prevent waste, extravagance, loss, or duplication.

SEC. 14. That every department and establishment shall furnish to the Secretary of the Treasury and to the commissioner of the budget such information regarding its powers, duties, activities, organization, financial transactions, and methods of business as they or either of them may from time to time require, and the commissioner of the budget, or any of his assistants or employees, when duly authorized by such commissioner, shall, for the purpose of securing such information, have access to, and have the right to examine, any books, documents, papers, or records of any such department or establishment.

SEC. 15. That the Secretary of the Treasury shall, on or before the 20th day of November in each year, prepare and submit to the President for his consideration the budget, which shall contain a statement in summary and in detail of the budget estimates for the ensuing fiscal year as revised under the provisions of section 13 hereof.

The budget shall further contain:

(a) Balanced statements of current Treasury resources and obligations, setting forth in detail the condition of the Treasury at the end of the last completed fiscal year, the estimated condition of the Treasury at the end of the year in progress, and the estimated condition of the Treasury at the end of the year to be financed, if the financial proposals contained in the budget are adopted.

(b) Statements setting forth in detail all essential facts regarding the bonded and other indebtedness of the Government.

(c) Statements setting forth in detail the amount of appropriations, whether annual, permanent, or otherwise, including balances of appropriations for prior fiscal years, available for expenditure during the year in progress.

(d) Statements setting forth in detail the revenues of the Government paid into the Treasury during the last completed fiscal year or series of years, the estimated revenues to be paid into the Treasury during the year in progress and the estimated revenues to be paid into the Treasury during the year to be financed, if the revenue proposals contained in the budget are adopted.

(e) Statements setting forth the expenditures of the Government during the last completed fiscal year or series of years, the estimated expenditures during the year in progress, and the expenditures as represented by the revised budget estimates, which, in the opinion of the Secretary of the Treasury, should be authorized for the year to be financed.

(f) Such other financial statements and data as in the opinion of the Secretary of the Treasury are necessary or desirable in order to make known in all practicable detail and fullness the financial condition, operations, and the estimated future revenues and expenditures of the Government.

(g) If the estimated revenues for the ensuing fiscal year, on the basis of existing law, are less than the estimated expenditures which in his opinion should be authorized for that year, the Secretary of the Treasury shall in the budget make recommendations to the President for new taxes, loans, or other appropriate action to meet the deficiency; or if such estimated revenues are greater than the estimated expenditures for the ensuing fiscal year, he shall make recommendations for the application of such surplus or for a reduction in taxation.

The foregoing provisions regarding the character of the data to be furnished by the budget are intended to be directory only and may be departed from in detail as experience and conditions to be met may render necessary or desirable, provided that the fundamental purposes sought to be obtained by such statements are carried into effect.

The Secretary of the Treasury shall from time to time submit in like manner to the President such supplemental, deficiency, or other budget estimates as may be submitted to him by the commissioner of the budget, as provided in this act.

SEC. 16. That the Secretary of the Treasury shall not transmit to the President budget estimates for the District of Columbia greater than twice the estimated revenues of the District, including charges under all appropriation bills.

SEC. 17. That the President shall have authority to revise the budget submitted to him by the Secretary of the Treasury, by the increase, reduction, or elimination of any item therein contained, by the addition of new items which, in his opinion, are needed for the proper conduct of the affairs of the Government, by the consolidation or regroupng of items, or by making any other changes in the way of the assignment of specific duties to particular services the regrouping of services, the consolidation or elimination of field stations or other units of organization, or in any other feature of the organization and operations of the several services which, in his opinion, will lead to increased economy and efficiency in the conduct of public affairs.

SEC. 18. That the President shall, on or before the 10th day of December of each year, submit to Congress the budget, as revised and approved by him, including a statement of what, in his opinion, are the revenue and expenditure needs of the Government and how these needs should be met. The President shall also from time to time submit to Congress such supplementary, deficiency, or other budget estimates as shall be approved by him, and no budget estimate or request for any increase in any item of the budget as submitted by the President shall be submitted to Congress or to any Member or committee thereof by any officer of, or person employed in, any department or establishment except as provided for by this act, unless at the request of either House of Congress or a committee thereof having jurisdiction over appropriations or revenues.

SEC. 19. That the Secretary of the Treasury shall, at the request of any committee of either House of Congress, direct appropriate officials from the budget bureau to furnish such committee such aid and information, in person or otherwise, as the committee may request.

SEC. 20. That the Secretary of the Treasury shall cause to be prepared a codification of all the laws now in force relating to the expenditures of the Government, and shall, on or before January 1, 1921, transmit the same to the President with a statement showing which of such laws in his judgment should be revised, or repealed in whole or in part, and what new provisions, if any, should be added. The President is hereby requested to transmit to Congress such codification and accompanying statements, together with his recommendations.

SEC. 21. That there is created an establishment to be known as the general accounting office, which shall be independent of the several executive departments and under the control and direction of the comptroller general of the United States. The offices of Comptroller of the Treasury and Assistant Comptroller of the Treasury are abolished, to take effect July 1, 1920. All other officers and employees of the office of the Comptroller of the Treasury shall become officers and employees in the general accounting office at their grades and salaries on July 1, 1920, and all books, records, documents, papers, furniture, office equipment, and other property of the office of the Comptroller of the Treasury shall become the property of the general accounting office.

There shall be in the general accounting office a comptroller general of the United States and three assistant comptrollers general of the United States, who shall be nominated and, by and with the advice and consent of the Senate, appointed by the President. The comptroller general of the United States shall receive a salary of $10,000 a year; the first and second assistant comptrollers general shall receive salaries of $7,500 a year; the third assistant comptroller general shall receive a salary of $5,000 a year. During the absence or incapacity of the comptroller general, or during a vacancy in that office, the first assistant comptroller general shall act as comptroller general. The comptroller general and the assistant comptroller general shall hold office for a term of five years and shall be removable only for cause: *Provided*, That in the first instance the comptroller general shall be appointed for a term of one year, the first assistant comptroller general for a term of two years, the second assistant comptroller general for a term of three years, and the third assistant comptroller general for a term of four years, respectively, from the date when this act shall take effect: *Provided further*, That any person chosen to fill a vacancy shall be appointed only for the unexpired term of the official whom he shall succeed.

SEC. 22. That the comptroller general shall perform the same duties and have the same powers and responsibilities as those now performed by, or appertaining to the Comptroller of the Treasury, the six auditors of the Treasury Department, and the Division of Bookkeeping and Warrants of the Office of the Secretary of the Treasury, except as provided in section 11 hereof. Subject to the approval of the Secretary of the Treasury, the comptroller general shall prescribe the procedure for the issue of warrants for the receipt or payment of public moneys at the Treasury, including the postal revenues and expenditures therefrom. He shall perform the duties now appertaining to the Division of Public Moneys of the Office of the Secretary of the Treasury so far as they relate to the covering of revenues and repayments into the Treasury, the issue of duplicate checks and warrants, and the certification of outstanding liabilities for payment. He shall prescribe the forms, systems, and procedures for administrative appropriation and fund accounting in the several departments and establishments, and for the departmental or administrative examination of fiscal officers' accounts and claims against the United States. He shall submit periodically to Congress reports upon the adequacy and effectiveness of the administrative examination of accounts and claims in the respective departments and establishments, and upon the adequacy and effectiveness of the departmental inspection of the offices and accounts of fiscal officers.

SEC. 23. That the assistant comptrollers general shall perform the following duties:

(a) The first assistant comptroller general shall perform the same duties as those now performed by, or appertaining to, the six auditors of the Treasury Department, except as otherwise expressly provided herein, and such other duties as may from time to time be assigned to him by the comptroller general. He shall receive, audit, and settle all accounts of fiscal officers and claims against the United States, and certify his findings thereon to the third assistant comptroller general. The findings of the first assistant comptroller general upon the settlement of public accounts shall be final and conclusive upon the executive branches of the Government, except that any person whose account has been settled, or the head of the department or establishment to which any account pertains may, within a year, obtain a revision of the account by the board of appeals created by section 24 hereof.

(b) The second assistant comptroller general shall prescribe the forms of keeping and rendering all accounts of appropriations and funds, revenues and expenditures, and accounts of fiscal officers. He shall determine the accounting procedure to be followed in the payment of settled liabilities of the Government, in advancing funds to disbursing officers, and in covering public moneys into the Treasury, and the procedure to be followed in accounting for appropriations made or special funds established or authorized by Congress. He shall conduct a continuous inspection of the methods and procedure followed in the administrative examination of fiscal officers' accounts and claims, and he shall report periodically to heads of departments and establishments, and to the comptroller general, as to the adequacy and effectiveness of such examination. He shall periodically inspect the places of business of accountable officers, examine the books and papers evidencing their respective transactions, and count their cash, stamps, and accountable paper; he shall report periodically to heads of departments and establishments, and to the comptroller general, as to the adequacy of the inspection of accountable officers conducted by the respective departments and establishments with which they are connected; and he shall perform such other duties as may from time to time be assigned to him by the comptroller general.

(c) The third assistant comptroller general shall keep all general accounts of receipts and expenditures of public money, including the postal revenues and expenditures therefrom; of appropriations, special funds, and trust funds, and of the public debt; and he shall perform generally the duties now appertaining to the division of bookkeeping

and warrants of the Office of the Secretary of the Treasury, except as expressly provided herein; he shall perform the duties and exercise the functions now appertaining to the division of public moneys of the Office of the Secretary of the Treasury so far as they relate to the covering of revenues and repayments into the Treasury, the certification of outstanding liabilities for payment, and the authorization of the issue of duplicate checks and warrants. He shall perform such other duties as may from time to time be assigned to him by the comptroller general.

All acts performed by the assistant comptrollers general under this section shall be subject to the direction and approval of the comptroller general.

SEC. 24. That there shall be attached to the general accounting office a board of appeals, to consist of three members, including the second assistant comptroller general and the third assistant comptroller general. The third member, who shall be chairman of the board, shall be nominated, and, by, and with the advice and consent of the Senate, appointed by the President, and shall receive compensation at the rate of $5,000 a year. He shall be known as the solicitor of the general accounting office, and shall hold office for a term of five years. He shall have administrative charge of the board's activities and shall supervise such subordinate personnel as may be attached to it.

The board of appeals shall perform its duties under such rules of procedure as may be prescribed by the comptroller general. It shall review all decisions of the first assistant comptroller general involving an original construction of a statute or a modification of an existing construction, and items in any account affected by such decision shall be suspended and settlement thereof withheld until the board of appeals shall approve, disapprove, or modify such decision and certify its findings to the first assistant comptroller general. Upon application by any disbursing officer or head of a department or establishment, the board of appeals shall render its decision upon any question involving a payment to be made by such disbursing officer or under the jurisdiction of such head of department or establishment, which decision when so rendered and confirmed by the comptroller general shall govern the first assistant comptroller general to settling the account containing such payment. Any disbursing officer or head of department or establishment, or any other person aggrieved by the action or by any decision of the first assistant comptroller general in the settlement of an account or claim may, within one year from the date of such settlement, present an appeal to the board of appeals and obtain a revision of the account or claim thereby, and the decision of the board of appeals upon such revision shall be final and conclusive upon the executive branches of the Government after confirmation by the comptroller general. Authority to suspend payment and direct the reexamination of any account settled by the first assistant comptroller general shall be exclusively vested in the comptroller general, who shall have authority to reopen any account so settled and direct its revision by the board of appeals.

SEC. 25. That the offices of the six auditors of the Treasury Department and the division of bookkeeping and warrants of the Office of the Secretary of the Treasury shall be abolished, but the six auditors of the Treasury Department shall be transferred at their present salaries to become officers of the general accounting office, and all other officers and employees of these offices and of the division of bookkeeping and warrants shall become officers and employees in the general accounting office at their grades and salaries on July 1, 1920. All books, records, documents, papers, furniture, office equipment, and other property of these offices and of the division of bookkeeping and warrants shall become the property of the general accounting office. The general accounting office shall occupy the rooms now occupied by the office of the Comptroller of the Treasury, the six auditors of the Treasury Department, and the division of bookkeeping and warrants until otherwise provided.

SEC. 26. That the comptroller general shall appoint, remove, and fix the compensation of such officers and employees in the general accounting office as may from time to time be provided for by Congress, and perform all other duties of the head of an independent Government establishment. All such appointments shall be made in accordance with the civil-service laws and regulations. Not more than three persons shall be employed by the comptroller general at a salary of $5,000 a year, and no person shall be employed by him at a salary in excess of that sum. Until March 5, 1921, no person who at the time of the passage of this act holds office as one of the six auditors referred to in section 25, and who in pursuance of said section is transferred to the general accounting office, shall be removed from office or have his compensation reduced, except for cause. All officers and employees of the general accounting office, whether transferred thereto in pursuance of sections 21 and 25, or appointed by the comptroller general, shall perform such duties as may be assigned to them by the comptroller general. The comptroller general shall make such rules and regulations as may be necessary for carrying on the work of the general accounting office.

SEC. 27. That the comptroller general shall investigate, at the seat of government or elsewhere, all matters relating to the receipt and disbursement of public funds, and shall make to the President on or before October 15 of each year, and to Congress, at the beginning of each regular session, a report in writing of the work of the general accounting office, containing recommendations concerning the legislation he may deem necessary to facilitate the prompt and accurate rendition and settlement of accounts and concerning such other matters relating to the receipt and disbursement of public funds as he may think advisable. In such regular report, or in special reports at any time when Congress is in session, he shall make recommendations looking to greater economy or efficiency in the public expenditures. He shall make such investigations and reports as shall be ordered by either House of Congress or by any committee of either House having jurisdiction over revenues, appropriations, or expenditures. The comptroller general shall also, at the request of any such committee, direct assistants from his office to furnish the committee such aid and information as the committee may request. The comptroller general shall specially report to Congress every expenditure or contract made by any disbursing officer in any department or establishment in any year in excess of the appropriation to such department or establishment and in violation of law.

All departments or establishments except the Supreme Court shall furnish to the comptroller general such information regarding the powers, duties, activities, organization, financial transactions, and methods of business of their respective offices as he may from time to time require of them; and the comptroller general, or any of his assistants or employees when duly authorized by him, shall, for the purpose of securing such information, have access to and the right to examine any books, documents, papers, or records of any such department or establishment. The authority contained in this paragraph shall not be applicable to expenditures made under the provisions of section 291 of the Revised Statutes of the United States.

SEC. 28. That the Civil Service Commission shall establish an eligible register for accountants for the general accounting office, and the examination of applicants for entrance upon such register shall be based upon specifications approved by the comptroller general.

SEC. 29. That for the fiscal year ending June 30, 1921, the sum of $225,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of defraying the expenses of the establishment and maintenance of the budget bureau, and the sum of $150,000 for the establishment and maintenance of the general accounting office, including the payment of salaries herein authorized.

SEC. 30. That this act shall take effect on July 1, 1920.

Mr. SMOOT. Mr. President, I send to the desk an amendment to the pending bill.

The VICE PRESIDENT. The amendment will be stated.

The READING CLERK. On page 32, line 20, insert, after section 28, a new section, as follows:

SEC. 29. The Bureau of Efficiency, together with its books, papers, and records, furniture, equipment, and supplies, is hereby transferred to the jurisdiction of Congress, and its officers and employees are transferred in their present status without reappointment. The Chief of the Bureau of Efficiency shall hereafter be appointed jointly by the President of the Senate and the Speaker of the House of Representatives and may be removed from office by them. All other employees of the bureau, including a disbursing officer for the payment of the salaries and expenses of the bureau, shall be appointed by the chief of the bureau in accordance with the civil-service laws and regulations. The Bureau of Efficiency shall conduct a continuous investigation of the public expenditures. It is authorized to investigate any matters relating to the organization, activities, or methods of business of the several administrative services of the Government and shall from time to time submit to Congress reports of its investigations with recommendations looking to greater efficiency and economy in the conduct of the public business. It shall make such special investigations and reports as may be required by either House of Congress or by any committee or subcommittee thereof of either House having jurisdiction over revenues, appropriations, or expenditures. Officers and employees of the executive departments and other establishments shall furnish authorized representatives of the Bureau of Efficiency with all information that the bureau may require for the performance of its duties and shall give such representatives access to all records and papers that may be needed for that purpose.

Mr. SWANSON. Mr. President, I am earnestly in favor of a budget system and think we should have an effective one. I believe it will coordinate the various departments of the Government and make them more economical and effective and save much duplication in work and much waste and extravagance of expenditure.

However, I did not rise to make a speech in behalf of the budget system. My colleague, the junior Senator from Virginia [Mr. GLASS], has been unavoidably detained from the Senate to-day. It was impossible for him to be here. I expect possibly he will be here to-morrow. I know he is deeply interested in the budget system, and he has some very positive views about how the system should be made effective and beneficial in its results.

I ask the Senator from Illinois if he contemplates having the bill passed this afternoon?

Mr. McCORMICK. Mr. President, in view of the absence of the junior Senator from Virginia, I have said to the leader of the minority that I should be very glad to have the bill put aside for the afternoon, if the Senator from Utah [Mr. SMOOT] wishes to devote the balance of the afternoon to the consideration of the fortifications appropriation bill, but I should want an agreement that the budget bill shall be the unfinished business at the conclusion of the morning hour to-morrow.

Mr. SMOOT. I expect the fortifications appropriation bill to be in the Senate from the Printing Office within the next few minutes. Then I shall ask the Senator having the bill in charge to temporarily lay it aside, and I shall ask the Senate to take up the fortifications appropriation bill.

Mr. SWANSON. Then consideration of the budget bill will be resumed at 2 o'clock to-morrow, at the conclusion of the morning hour?

Mr. SMOOT. Yes.

Mr. SWANSON. If the morning business is concluded before 2 o'clock, will it come up at that time? I think my colleague may be here a little after 12 o'clock. He will be here before 2 o'clock, at least.

Mr. SMOOT. We can go on with the bill until that time. Even though it be a little after 12 o'clock when your colleague arrives, there are other amendments to be offered to the bill, I understand. The amendment which I offered has not been acted upon, Mr. President. I should like to have a vote on the amendment.

The amendment was agreed to.

Mr. McCORMICK. In order that there may be no misunderstanding, unanimous consent has been given that, although the budget bill is to be laid aside temporarily this afternoon it shall be the unfinished business at the conclusion of the morning hour to-morrow.

Mr. THOMAS. It will be temporarily laid aside.

Mr. SWANSON. It is understood that it shall be temporarily laid aside and that it can be brought up any time anyone wants to call it up to-morrow.

Mr. SMOOT. Mr. President, I will state that I am informed that copies of the fortifications appropriation bill will be in the Chamber in just a moment. Then I shall ask the Senate to take the bill up for consideration. I do not believe there will be any opposition to the bill. It has been cut to the bone. It carries only about $18,000,000, and I might say that, perhaps, we have been a little too strict in following the bill as it passed the House.

We recognize that all appropriations ought to be as small as possible, and we followed out that thought in the preparation of the fortifications appropriation bill. If we have made any error at all, in my opinion, it has been in not meeting the demand of the War Department for appropriations for the Air Service. I recognized that the establishment of an Air Service in the War Department is one that is of vital importance to our country. I think if there is an efficient Air Service established in the War Department that many of the millions of dollars which are now spent for land fortifications could be eliminated from future appropriation bills.

I do not know that I care to speak upon any particular item in the bill until the bill is before the Senate. I am quite sure that all that we have granted in the bill is necessary and my only fear is that in some one or two particulars we have cut the appropriation too much. If all the other appropriation bills had been scanned as carefully, and only the amounts appropriated that were absolutely necessary, as has been done in the fortification bill, I think the amounts of appropriations for the coming fiscal year would be hundreds of millions of dollars less than they will be.

COMMITTEE SERVICE.

Mr. UNDERWOOD. If there is no objection, I should like to have an order entered placing the junior Senator from Alabama [Mr. COMER] on some of the committee assignments which belonged to my late colleague, Senator BANKHEAD.

The VICE PRESIDENT. The order will be read.

The order was read, and agreed to, as follows:

Ordered, That the junior Senator from Alabama [Mr. COMER] be appointed to the following committees:
Civil Service and Retrenchment.
Coast and Insular Survey.
Commerce.
Conservation of National Resources.
Post Offices and Post Roads.
Transportation Routes to the Seaboard.

EXECUTIVE SESSION.

Mr. SMOOT. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 15 minutes spent in executive session the doors were reopened.

ADJOURNMENT.

Mr. SMOOT. Mr. President, a number of Senators desire an adjournment at this time, and to take up the fortifications appropriation bill in the morning hour to-morrow. I have no objection to that course. I therefore move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Friday, April 30, 1920, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 29, 1920.

AGENT AND CONSUL GENERAL.

Carroll Sprigg of Dayton, Ohio, to be agent and consul general of the United States of America at Cairo, Egypt.

COMMISSIONER OF IMMIGRATION.

Frederick A. Wallis, of New York, to be commissioner of immigration at the port of Ellis Island, N. Y.

UNITED STATES CIRCUIT JUDGE.

Alexander C. King, of Atlanta, Ga., to be United States circuit judge, fifth circuit, vice Don A. Pardee, deceased.

UNITED STATES DISTRICT JUDGE.

Frank Cooper, of Schenectady, N. Y., to be United States district judge, northern district of New York. (An additional appointment under act of Feb. 25, 1919.)

POSTMASTERS.

ARIZONA.

Leonard C. Parke to be postmaster at Chandler, Ariz., in place of R. M. Miller, resigned.

ARKANSAS.

Hamlet Goudelock to be postmaster at Eureka Springs, Ark., in place of J. A. Bridgford, deceased.

Joseph W. Cheairs to be postmaster at Tillar, Ark., in place of J. T. Cheairs, jr., resigned.

Robert A. Choate to be postmaster at Tuckerman, Ark., in place of R. H. Harrison, resigned.

Bishop H. Harper to be postmaster at Wilmot, Ark., in place of A. B. Cone, resigned.

CALIFORNIA.

Calla Winger to be postmaster at Orcutt, Calif., in place of M. I. Walker, resigned.

Alfred Gourdier to be postmaster at Torrance, Calif., in place of H. Burmaster, deceased.

George A. Debenedetti to be postmaster at Half Moon Bay, Calif., in place of J. M. Azevedo, declined.

William J. Martin to be postmaster at Salinas, Calif., in place of Clarence Tynan, resigned.

Florence Stone to be postmaster at Tustin, Calif., in place of H. M. Day, declined.

Robert W. Walker to be postmaster at Vallejo, Calif., in place of R. W. Walker. Incumbent's commission expired October 16, 1918.

COLORADO.

Charles L. Grover to be postmaster at Aspen, Colo., in place of M. Farrell. Incumbent's commission expired January 22, 1919.

George Haver to be postmaster at Eckley, Colo., in place of C. D. Murphy, resigned. Office became presidential January 1, 1918.

Erman D. Acton to be postmaster at Oak Creek, Colo., in place of Frances L. Browning, resigned.

Ernest E. Hufty to be postmaster at Paonia, Colo., in place of H. E. Maxville, resigned.

CONNECTICUT.

Alfred A. Barrett to be postmaster at Berlin, Conn., in place of A. B. Goodrich, resigned.

Warren A. Leonard to be postmaster at Ivoryton, Conn., in place of J. B. Griswold, resigned.

FLORIDA.

Joseph B. Reed to be postmaster at Daytona Beach, Fla., in place of J. B. Reed. Incumbent's commission expired January 5, 1920.

GEORGIA.

Lawrence W. Griswold to be postmaster at Decatur, Ga., in place of K. W. Kirkpatrick. Incumbent's commission expired February 25, 1919.

Robert I. Fanning to be postmaster at Washington, Ga., in place of J. C. Newsom, resigned.

ILLINOIS.

Cornelius D. Pautler to be postmaster at Evansville, Ill., in place of C. D. Paulter, to correct name.

George V. Robinson to be postmaster at Forest, Ill., in place of J. O. Morris, resigned.

Andrew R. Tarbox to be postmaster at Gibson City, Ill., in place of J. A. Pence, deceased.

Omah Coulter to be postmaster at Omaha, Ill., in place of Omah Kinsall. Name changed by marriage.

John Wacker to be postmaster at Techny, Ill., in place of Herman Richarz, resigned.

Arthur Justus to be postmaster at Warren, Ill., in place of L. H. Rowe, declined.

Thomas W. Daly to be postmaster at Witt, Ill., in place of T. W. Daly. Incumbent's commission expired April 27, 1920.

INDIANA.

Harry R. Burns to be postmaster at Flora, Ind., in place of J. L. Roblyer, resigned.

Walter C. Farrell, to be postmaster at Middletown, Ind., in place of J. P. Cummins, resigned.

Orville E. Steward to be postmaster at Rossville, Ind., in place of J. W. Clark, resigned.

John N. Hunter to be postmaster at South Bend, Ind., in place of G. W. Zinky, resigned.

IOWA.

Earl E. Houdek to be postmaster at Sigourney, Iowa, in place of W. C. Gambell, resigned.

Patience Felger to be postmaster at Afton, Iowa, in place of G. T. Porter, resigned.

Charles G. Wiley to be postmaster at Bonaparte, Iowa, in place of E. W. Chapman, deceased.

Lloyd S. Meyers to be postmaster at Columbus Junction, Iowa, in place of J. S. Blair, resigned.

Mabel G. Hart to be postmaster at Farragut, Iowa, in place of W. B. Trullinger, resigned.

Sherman I. Rutledge to be postmaster at Iowa Falls, Iowa, in place of S. I. Rutledge. Incumbent's commission expired January 17, 1920.

Charles E. L. See to be postmaster at Laurens, Iowa, in place of T. D. Bellinger, resigned.

Edward C. Reindl to be postmaster at Manly, Iowa, in place of R. G. Mitchell, resigned.

Nels A. Jensen to be postmaster at Newell, Iowa, in place of W. L. Holtz, resigned.

Arthur O. Reinhardt to be postmaster at Van Horn, Iowa, in place of M. K. Honzelka, resigned.

KANSAS.

Elizabeth Newman to be postmaster at Towanda, Kans., in place of Eula Ensor, resigned.

William J. Taylor to be postmaster at Colby, Kans., in place of C. V. Parrott, removed.

William M. Burkholder to be postmaster at Anthony, Kans., in place of R. R. Beam. Incumbent's commission expired January 12, 1919.

Stella B. Sizelove to be postmaster at Coats, Kans., in place of S. J. Ross, deceased.

Charles E. Schul to be postmaster at Grenola, Kans., in place of W. N. Hamill, declined.

George W. Harley to be postmaster at McCune, Kans., in place of Merida Castleberry, deceased.

KENTUCKY.

Mary Molloy to be postmaster at Kuttawa, Ky., in place of Albert Doom, resigned.

Frank H. Wade to be postmaster at Pembroke, Ky., in place of W. W. Garrott, resigned.

LOUISIANA.

Joseph E. Ryan to be postmaster at Berwick, La., in place of Albert Hanson, resigned.

George D. Nash to be postmaster at Logansport, La., in place of J. R. Nash, resigned.

MAINE.

Ray C. Gary to be postmaster at Caribou, Me., in place of F. S. Doyle, resigned.

Gustavus A. Young, to be postmaster at Island Falls, Me., in place of W. S. Hagar, resigned.

Wilbur L. Phoenix to be postmaster at National Soldiers' Home, Me., in place of E. G. Stuart, resigned.

Lewis G. Tawksbury to be postmaster at Stonington, Me., in place of E. E. Crockett, deceased.

Carleton E. Young to be postmaster at Winterport, Me., in place of I. G. White, resigned.

MASSACHUSETTS.

Herbert E. Buxton to be postmaster at Shrewsbury, Mass., in place of M. H. Hickey, resigned.

Walter B. Currier to be postmaster at South Acton, Mass., in place of W. F. Kelly, deceased.

MICHIGAN.

John B. Ahearn to be postmaster at Kinde, Mich., in place of Anthony M. Wagner, resigned.

MINNESOTA.

Alfred E. Hill to be postmaster at Aurora, Minn., in place of Frank Tillmans, removed.

George H. Hopkins to be postmaster at Battle Lake, Minn., in place of Carl J. Tiller, declined.

Hans P. Becken to be postmaster at Hanska, Minn., in place of Gunella M. Belson, resigned. Office became presidential October 1, 1919.

MISSISSIPPI.

Mellon E. Daniel to be postmaster at Dlo, Miss., in place of Mary F. May, resigned.

Jerry T. Talbert to be postmaster at Grenada, Miss., in place of A. S. Bell, deceased.

Zilpha L. Killam to be postmaster at Hickory, Miss., in place of Vera A. Temple, resigned. Office became presidential October 1, 1919.

Pearl Young to be postmaster at Noxapater, Miss., in place of Thomas F. Kirkpatrick, resigned. Office became presidential April 1, 1919.

Edwin L. Sibley to be postmaster at Philipp, Miss., in place of Johnathan R. Moreland, resigned.

William A. Davis to be postmaster at Wiggins, Miss., in place of Sheppard L. Martin, removed.

MISSOURI.

Everett G. Stith to be postmaster at Hardin, Mo., in place of Hevner F. Hoover, resigned.

Essie Ward to be postmaster at King City, Mo., in place of M. H. Estill. Incumbent's commission expired December 22, 1918.

MONTANA.

George H. Wood to be postmaster at Malta, Mont., in place of Nathalie Patton, resigned.

Claude C. Alexander to be postmaster at Stanford, Mont., in place of T. J. Waddell, resigned.

Robert Parsons to be postmaster at Sweetgrass, Mont., in place of W. R. Crockford, resigned.

NEBRASKA.

Nora G. Johnson to be postmaster at Big Spring, Nebr., in place of W. B. Beach, resigned.

Laura M. Baird to be postmaster at Cairo, Nebr., in place of Cora Congrove, resigned.

Thomas J. Oberender to be postmaster at Chappell, Nebr., in place of E. S. Updike, resigned.

Claude A. Sheffner to be postmaster at Hay Springs, Nebr., in place of P. C. Morgan, resigned.

Archie L. Smith to be postmaster at Imperial, Nebr., in place of A. S. Campbell, resigned.

Lew E. Bartholomew to be postmaster at Ralston, Nebr., in place of A. J. Strahl, resigned.

NEVADA.

John W. Christian to be postmaster at Pioche, Nev., in place of A. A. Carman, resigned.

NEW JERSEY.

George Coleman to be postmaster at Delanco, N. J., in place of John Jenkins, declined.

Frederick J. Dushanek to be postmaster at Garwood, N. J., in place of F. J. Dushanek. Incumbent's commission expired January 29, 1920.

Ida H. Collom to be postmaster at Pemberton, N. J., in place of J. B. Hankins, removed.

NEW MEXICO.

Frank Canavan to be postmaster at Gallup, N. Mex., in place of C. L. Loughridge, resigned.

Arthur B. Wimberly to be postmaster at Hagerman, N. Mex., in place of C. M. Samford, resigned.

Fred V. Conniff to be postmaster at Hillsboro, N. Mex., in place of M. F. Rea, resigned.

NEW YORK.

Henry W. Bowes to be postmaster at Bath, N. Y., in place of H. W. Bowes. Incumbent's commission expired March 28, 1920.

Mary Van de Bogart to be postmaster at Red Hook, N. Y., in place of E. J. Conley, resigned.

Guy O. Hinman to be postmaster at Angelica, N. Y., in place of S. R. Hooker, resigned.

Frank M. Evans to be postmaster at Fredonia, N. Y., in place of F. M. Evans. Incumbent's commission expired April 26, 1920.

NORTH CAROLINA.

Archibald A. McKeithen to be postmaster at Aberdeen, N. C., in place of E. T. McKeithen, resigned.

Edward P. McCoy to be postmaster at Pisgah Forest, N. C., in place of H. H. Patton, resigned. Office became presidential April 1, 1919.

NORTH DAKOTA.

Evelyn Johnson to be postmaster at Bowbells, N. Dak., in place of G. A. Kopriva, relieved because of mental irresponsibility.

Walter M. Moore to be postmaster at Forbes, N. Dak., in place of W. D. Smith, resigned.

Charles B. Thomas to be postmaster at Harvey, N. Dak., in place of J. G. Senger, deceased.

OHIO.

Jerome H. C. Goodhart to be postmaster at Brewster, Ohio, in place of E. E. Schott, resigned.

Harry C. Parrett to be postmaster at Continental, Ohio, in place of S. D. Hensel, resigned.

Don B. Stanley to be postmaster at Lowell, Ohio, in place of K. B. Stanley, resigned.

OKLAHOMA.

William H. Whiddon to be postmaster at Grandfield, Okla., in place of J. W. Smith, resigned.

Willard P. Morris to be postmaster at Hooker, Okla., in place of W. P. Morris. Incumbent's commission expired April 26, 1920.

Charles R. Wilson to be postmaster at Cherokee, Okla., in place of J. H. Blythe, declined.

Sue L. Lower to be postmaster at Hunter, Okla., in place of J. H. Childers, resigned. Office became presidential April 1, 1919.

Charley M. Foil to be postmaster at Jennings, Okla., in place of C. M. Foil. Incumbent's commission expired January 17, 1920.

Roy J. Clark to be postmaster at Kusa, Okla., in place of W. W. Christopher, resigned.

Ira K. Turnham to be postmaster at Muldrow, Okla., in place of W. H. Breedlove, removed.

Fred Godard to be postmaster at Wellston, Okla., in place of C. C. Speakman, resigned.

OREGON.

Leonard J. Locher to be postmaster at Burns, Oreg., in place of M. E. Gould, resigned.

Charles H. Skinner to be postmaster at Hermiston, Oreg., in place of J. H. Young, resigned.

William C. Foster to be postmaster at Tillamook, Oreg., in place of P. W. Todd. Incumbent's commission expired January 27, 1918.

PENNSYLVANIA.

Robert L. Wheeler to be postmaster at Delta, Pa., in place of J. H. Wheeler. Incumbent's commission expired August 25, 1918.

Louise Martin to be postmaster at Koppel, Pa., in place of J. W. Mills, jr., resigned.

Matthew Storey to be postmaster at South Brownsville, Pa., in place of G. B. Kirk, resigned.

Upton G. Hawbecker to be postmaster at Camp Hill, Pa., in place of M. B. Berneker, resigned.

James Woodburn, jr., to be postmaster at Franklin, Pa., in place of R. McCalmont. Incumbent's commission expired January 25, 1919.

Charles A. Graul to be postmaster at Mount Pleasant, Pa., in place of C. S. Yothers, resigned.

Laura C. Ehler to be postmaster at Shippensville, Pa., in place of E. S. McElhatten, resigned.

Andrew E. Hiltebeitel to be postmaster at Souderton, Pa., in place of R. E. Gerhart. Incumbent's commission expired March 20, 1918.

PORTO RICO.

Moises Jordan to be postmaster at Utuado, P. R., in place of J. M. Alcover, resigned.

SOUTH CAROLINA.

Edward D. Grant to be postmaster at Ehrhardt, S. C., in place of J. B. Ehrhardt, resigned.

Joseph W. Conyers to be postmaster at Timmonsville, S. C., in place of A. R. Garner, resigned.

SOUTH DAKOTA.

Lucy H. Berndt to be postmaster at Avon, S. Dak., in place of A. Vauk, resigned.

Harry A. Briggs to be postmaster at Ipswich, S. Dak., in place of E. J. Engler, resigned.

William L. Lowry to be postmaster at Leola, S. Dak., in place of F. Junge, resigned.

William R. Amoo to be postmaster at Morristown, S. Dak., in place of R. B. Lipes, resigned.

TENNESSEE.

Connell G. Byrd to be postmaster at Adams, Tenn., in place of J. B. Sugg, resigned.

Walter W. Price to be postmaster at Oneida, Tenn., in place of W. C. Smith, resigned.

Bessie P. Downing to be postmaster at South Pittsburg, Tenn., in place of B. A. Heard, deceased.

TEXAS.

Manton W. Williams to be postmaster at Sinton, Tex., in place of J. D. Williams, resigned.

John L. Brunner to be postmaster at Taylor, Tex., in place of J. L. Brunner. Incumbent's commission expired January 5, 1920.

John P. Olive to be postmaster at Windom, Tex., in place of F. P. Clark, removed. Office became presidential July 1, 1919.

Henry J. Caldwell to be postmaster at Alba, Tex., in place of J. D. Blizzard, resigned.

Seth W. Lawrence to be postmaster at Anson, Tex., in place of Edward Kennedy, resigned.

Hal M. Knight to be postmaster at Sterling City, Tex., in place of W. S. Nelson, resigned.

UTAH.

Urvin Gee to be postmaster at Moroni, Utah, in place of Randall Christensen, resigned.

VERMONT.

Alfred A. Durkee to be postmaster at Pittsford, Vt., in place of John O'Donnell, deceased.

Claude C. Duval to be postmaster at West Burke, Vt., in place of R. W. Densmore, deceased.

VIRGINIA.

William H. Rixey to be postmaster at Rosslyn, Va., in place of Bayard Mackey, resigned.

WASHINGTON.

Stanley A. Claflin to be postmaster at Elma, Wash., in place of W. F. Roberts, jr., resigned.

WEST VIRGINIA.

Samuel A. Christie to be postmaster at Keystone, W. Va., in place of I. J. Partlow, resigned.

Charles G. Price to be postmaster at Smithfield, W. Va., in place of O. T. Erskine, resigned.

WISCONSIN.

Adlai S. Horn to be postmaster at Cedarburg, Wis., in place of A. W. Horn, deceased.

Ernest R. Nickel to be postmaster at Chippewa Falls, Wis., in place of C. J. Cunningham, resigned.

George A. Slaiken to be postmaster at Luck, Wis., in place of H. J. Jensen, resigned.

Roy D. Larrieu to be postmaster at Spring Valley, Wis., in place of R. D. Larrien, to correct name.

Hans P. Hansen to be postmaster at Withee, Wis., in place of P. P. Paulsen, resigned.

WYOMING.

William G. Haas to be postmaster at Cheyenne, Wyo., in place of W. L. Larsh, resigned.

Eugene W. Gillespie to be postmaster at Rock River, Wyo., in place of J. R. Kelley, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 29, 1920.

UNITED STATES MARSHAL.

Samuel W. Randolph to be United States marshal eastern district of Wisconsin.

COLLECTOR OF CUSTOMS.

Charles M. Sleeper to be collector of customs for customs collection district No. 1, Portland, Me.

CONSULAR SERVICE.

Nathaniel B. Stewart to be consul general of class 3.

John Randolph to be consul of class 7.

John G. Erhardt to be consul of class 7.

COAST AND GEODETIC SURVEY.

Louis Morris Zeskind to be junior hydrographic and geodetic engineer.

Henry Caperton Warwick to be junior hydrographic and geodetic engineer.

Jacob Stanley Rosenthal to be junior hydrographic and geodetic engineer.

Floyd Woodsworth Hough to be junior hydrographic and geodetic engineer.

Robert James Auld to be hydrographic and geodetic engineer.

POSTMASTERS.

CONNECTICUT.

Frank J. Serena, Saugatuck.

NEW YORK.

James O. Bennett, Silver Creek.

OKLAHOMA.

D. H. Watson, Beggs.

Eugenia B. Kersh, Inola.

Howard E. Sowle, Vici.

RHODE ISLAND.

Marian L. Lang, Fort Greble.

WITHDRAWALS.

Executive nominations withdrawn from the Senate April 29, 1920.

POSTMASTERS.

ARIZONA.

Albert C. Cooling, Oatman.

COLORADO.

Earnest G. Beechler, Akron.

ILLINOIS.

Robert D. Miner, Findlay.
Will G. Looman, Meredosia.
Floyd E. Heath, Warren.

IOWA.

James E. Lowrie, Lehigh.
William F. Garrison, Swea City.

KENTUCKY.

Thomas J. Kelly, Hawesville.

LOUISIANA.

Henry Jacobs, Berwick.

MISSISSIPPI.

Daniel G. Pepper, Lexington.

MONTANA.

Rupert L. Clark, Sweetgrass.
Charles J. Bell, Wisdom.

NEBRASKA.

Oscar E. Spethmann, Valentine.

NEVADA.

Albert Y. Werner, Gardnerville.

NORTH CAROLINA.

Robert T. Wade, Morehead City.

OHIO.

John E. Futhey, Adena.
Elmer A. Taylor, McConnellsville.

TEXAS.

Charles R. Hart, Montague.

HOUSE OF REPRESENTATIVES.

THURSDAY, *April 29, 1920.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Lord God, our Heavenly Father, without whom nothing is strong, nothing is holy, so move upon the hearts of men everywhere that they may fix their minds upon the eternal values of life.

For where your treasure is, there will your heart be also.
The light of the body is the eye: if therefore thine eye be single, thy whole body shall be full of light:
But if thine eye be evil, thy whole body shall be full of darkness. If therefore the light that is in thee be darkness, how great is that darkness!
No man can serve two masters: for either he will hate the one, and love the other; or else he will hold to the one, and despise the other. Ye can not serve God and mammon.

The age is full of deception, deceit, selfish ambitions, and thousands are suffering for the necessities of life, which are abundant for all. Hasten the day, we beseech Thee, when brotherly love shall come, that we may return, and that right speedily, to the normal, when every man shall worship Thee under his own vine and fig tree and none shall make him afraid, for Thou art God and Thou knowest the heart of every man; thus we hope, and aspire, and pray. In the spirit of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

OPERATIONS OF FEDERAL LAND BANKS.

Mr. WINGO. Mr. Speaker, I ask unanimous consent to make a statement of about two minutes in length.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. WINGO. On April 13 I placed in the RECORD a comparative statement of certain expenses connected with the operation of farm-land banks. It is found on page 5626 of the RECORD.

I wish to call attention to the last column under table 3, which lists the average cost of appraisal of profits and organizations to February 29, 1920, per $1,000. In that column the Federal land bank at St. Louis is credited with a cost of $4.39 per thousand, or the second highest in the system. This average of $4.39, which was furnished by the bank to the board in making up the statement, is based upon the total loans recommended by the appraisers, and not as called attention to in a footnote that accompanies the table, which was that it was based upon the total amount. Now, the cost of appraisal, if based upon the total number of loans considered by the Federal land bank at St. Louis, would be $2.17 per thousand instead of $4.39.

EXTENSION OF REMARKS.

Mr. SMITH of Idaho. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the rural-credits bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. McCLINTIC. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the soldiers' bonus legislation.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

DISTRICT OF COLUMBIA APPROPRIATIONS.

Mr. DAVIS of Minnesota. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 13266, being the District appropriation bill, and disagree to all the amendments of the Senate, and ask for a conference.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to take from the Speaker's table the District appropriation bill, disagree to all the Senate amendments, and ask for a conference. Is there objection [After a pause.] The Chair hears none.

The SPEAKER appointed the following conferees: Mr. DAVIS of Minnesota, Mr. CRAMTON, and Mr. BUCHANAN.

Mr. MONDELL. Mr. Speaker, by unanimous consent may I make a statement on behalf of the coordinate legislative branch of the Government, that this appropriation bill as it comes to the House carries less than when it left the House? So far as I can recall in all my years of service here this is the first time that an appropriation bill has returned from the Senate reduced in amount. That is so remarkable a fact that I think it is worthy of mention.

Mr. CLARK of Missouri. It seems to me we ought to pass a resolution of thanks.

EXTENSION OF REMARKS.

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent to extend my remarks in to-day's RECORD in reference to a certain passport provision in the Diplomatic and Consular appropriation bill, now in conference.

The SPEAKER. The gentleman from Washington asks unanimous consent to extend his remarks in the RECORD upon the passport provision of the Diplomatic bill. Is there objection?

Mr. GARNER. Mr. Speaker, a parliamentary inquiry. The Diplomatic and Consular bill has not gone to conference, has it?

Mr. MANN of Illinois. The conference report has been made, anyhow.

Mr. JOHNSON of Washington. I should have so stated. The report of the conferees appears in Tuesday's RECORD.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. SIEGEL. Mr. Speaker, I make the same request.

The SPEAKER. The gentleman from New York makes a similar request. Is there objection? [After a pause.] The Chair hears none.

Mr. HASTINGS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the rural credit legislation.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to extend his remarks in the RECORD on the subject of rural credit legislation. Is there objection? [After a pause.] The Chair hears none.

RETIREMENT OF EMPLOYEES.

Mr. LEHLBACH. Mr. Speaker, in accordance with the order entered yesterday, by unanimous consent I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 1699.

The SPEAKER. The gentleman from New Jersey asks unanimous consent that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 1699.

Mr. LEHLBACH. And pending that, Mr. Speaker, I would like to see whether an arrangement for limitation of time in general debate can be made.

Mr. CLARK of Missouri. What suggestion has the gentleman to make about it?

Mr. LEHLBACH. I would suggest that the general debate be confined to the bill and be limited to two hours—one hour to a side.

Mr. GODWIN of North Carolina. I have a good many requests for time over here of 10 and 15 minutes each. I would suggest that an hour and a half on a side would be better.

Mr. LEHLBACH. The gentleman has requests that will occupy the full 90 minutes if allotted to him under that arrangement?

Mr. GODWIN of North Carolina. Yes, I think so; and I expect other requests also.

Mr. LEHLBACH. Mr. Speaker, I ask unanimous consent that general debate on this bill be limited to three hours—one-half to be controlled by the gentleman from North Carolina [Mr. GODWIN] and one-half by myself—the debate to be limited to the bill.

The SPEAKER. The gentleman from New Jersey asks unanimous consent that the general debate be limited to three hours, and all confined to the bill, half of the time to be controlled by himself and half by the gentleman from North Carolina [Mr. GODWIN].

Mr. BLANTON. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from North Carolina whether or not that takes care of the time that has been requested?

Mr. GODWIN of North Carolina. Yes, sir; this takes care of all the time I have requests for.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the motion of the gentleman from New Jersey that the House resolve itself into the Committee of the Whole House on the state of the Union.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (S. 1699) for the retirement of employees in the classified civil service, with Mr. MCARTHUR in the chair.

The CHAIRMAN. The Clerk will report the bill by title.

The Clerk read as follows:

An act (S. 1699) for the retirement of employees in the classified civil service, and for other purposes.

Mr. LEHLBACH. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from New Jersey is recognized for one hour and a half.

Mr. LEHLBACH. Mr. Chairman, I yield 25 minutes to the gentleman from Wisconsin [Mr. NELSON].

Mr. NELSON of Wisconsin. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. NELSON of Wisconsin. Mr. Chairman and gentlemen of the House, I am in favor of the passage of this bill, Senate bill 1699, known as the Lehlbach-Sterling bill, passed by the Senate April 3, 1920, and amended by the House Committee on Reform in the Civil Service, for the retirement of employees in the classified civil service of the United States. I am for it because I believe it is a long step in the right direction for a just and scientific treatment of our Government employees, because it makes possible a more efficient personnel in the handling of our Government business.

It is quite evident to anyone who has studied the business of our Government that we need to introduce into our various governmental departments more of business efficiency, and while it is not possible that in a republican form of government we can ever hope to have the same degree of efficiency as obtains in private business or in well-regulated corporations, yet I do believe that even in a republican form of government such as ours we can have a much larger degree of business efficiency than now obtains, and it is my opinion that we must eliminate, in many of our departments and bureaus, large numbers of inefficient help and cut down the number of employees. Indeed, we must have a real house cleaning in every one of these departments, especially in the departments which have grown like mushrooms during the recent emergency of the Great War. Thousands of employees should be dismissed from the service, and a larger degree of efficiency demanded of the balance of the employees. This, in my judgment, can only be done when the administration and Congress address themselves to the fact that we must have in our government both economy and efficiency, and that is what is contemplated under the bill now before us for discussion and passage.

Our slogan must be fewer employees in most of our departments, but greater efficiency in all. Eliminate the drones and increase the pay and the possibilities of scientific advancement for those who are efficient and remain in the service. This is the best way of improving our efficiency and increasing our morale. The awful waste now apparent must be eliminated, and this retirement bill will assist the departments and the administrative bureaus to do this. The large army of war emergency clerks should be reduced at once to a basis of immediate need, and the slogan should not be fewer hours and bigger pay, but a more adequate pay and a larger efficiency. We must introduce all along the line scientific methods of reclassification and a proper basis for advancement or promotion—promotions to be based on a system of efficiency and service. At the present time, in my opinion, the Government is paying too dearly for want of a real system of coordination and cooperation in the various departments, and through a lack of an efficient program of promotions based on real merit and service.

In our Government service we should insist on the common-sense system used in our most highly organized business enterprises, both private and corporate. The Government must deal on the square with these employees and the employees must do their utmost to make the service efficient. Secretary Lane has, in my judgment, struck the keynote when he said:

And now, in parting, let me say a general word as the fruit of my experience here. Washington is a combination of political caucus, drawing room, and civil-service bureaus. It contains statesmen who are politicians and politicians who are not statesmen. It is rich in brains and in character. It is honest beyond any commercial standard. It wishes to do everything that will promote the public good. But it is poorly organized for the task that belongs to it. Fewer men of larger capacity would do the task better. Ability is not lacking, but it is pressed to the point of paralysis because of an infinitude of details and unwillingness on the part of the great body of public servants to take responsibility. Everyone seems to be afraid of everyone. The self-protective sense is developed abnormally, the creative sense atrophies. Trust, confidence, enthusiasm—these simple virtues of all great business are the ones most lacking in Government organization. We have so many checks and brakes upon our work that our progress does not keep pace with the Nation's requirements. We could save money for the Government if we had more discretion as to how we should use that given us. For the body of the civil servants there should be quicker promotion or discharge and a sure insurance when disability comes. For the higher administrative officers there should be salaries twice as high as those now given and they should be made to feel that they are the ones responsible for the work of the department; the head being merely an adviser and a constructor of policies. As matters are now devised there are too few in the Government whose business it is to plan. Every man is held to details, to the narrower view, which comes too often to be the department view or some sort of parochial view. We need for the day that is here and upon us men who have little to do but study the problems of the time and test their capacity at meeting them. In a word, we need more opportunity for planning, engineering, statesmanship above, and more fixed authority and responsibility below.

The Hon. Franklin D. Roosevelt, Assistant Secretary of the Navy, has written a letter in which he refers to defects in our departmental organizations when he says:

I do not hesitate to say that I could run the Navy Department more efficiently in every way with 15 per cent fewer employees if I could have authority to take the salaries of these employees and add the amount, in my discretion, to the pay of those who are experts in their own line of work and who would command far higher pay in private employ. I have in mind the men who are making good, but will not stay under present conditions.

This bill is not perfect, but it is the best bill that the combined judgment of all the Government departments affected could bring forth. It is based upon the best scientific research made of the various pension or retirement plans now in force in this and other countries of the world. It has the approval of all the Cabinet officers and of the department heads involved and of the rank and file of the official leaders and individuals of the employees affected.

The functions of a pension system should be twofold: First, to secure a better and more efficient service to the employer; and, second, a protection against the risk of dependence and of old age or disability of the employees. For economic efficiency the employer, whether a government, a corporation, or an individual, has found it to his interest to establish some pension system which will enable the old or disabled employees to retire under proper and helpful conditions. The obligation resting upon the employer is both a financial and a moral one—financial because of the economic efficiency and better service to be obtained, and moral because of the better and happier conditions to be brought to the whole group of laborers employed.

The unanimous testimony of the heads of the executive departments is that some such measure as the one under contemplation is an economic necessity in the efficient administration of our Government. The three factors that must govern in the consideration of this problem are humanity, economy, and efficiency. As to the humanity of it, it is only necessary to refer briefly to the long period of service of these people, to their low salaries, and to the high cost of living, and to realize what is emphatically true—that the people of the United States are not willing that a man or woman who has served faithfully for a lifetime shall be cast out on the street or upon the mercy of his kin.

It is quite evident that the removal of a sufficient number of inefficient employees will permit efficiency and dispatch of

business and help to put the Government on a business basis such as obtains to-day in any well-regulated business concern.

Pension systems are now maintained by nearly all of the foreign Governments, notably France, England, and Germany. In our own country several systems of pensions are in operation, both contributory and noncontributory. Teachers' pensions, both by States and cities, are common. Superannuated preachers' funds are now maintained by all the leading religious denominations. Police and firemen's pensions are common in most of our large cities. Railroads, banks, and insurance companies and large mercantile establishments maintain and operate very complete systems of pensions. In most of these systems pensions for superannuation or retirement are granted to employees retiring at 60 to 70 years of age after from 10 to 30 years of service. The employing companies have, as a rule, so restricted the age limit for entering their service that the usual maximum age is now 45 years. Pensioners are usually allowed to engage in gainful occupations, but may not reenter the company's service.

Most of the large railroad systems have retirement or pension funds established. For example, the Baltimore & Ohio Railroad Co. has a relief department divided into three sections, known as the relief, savings, and pension divisions. The fund for the payment of pensions is supported by the company and was put into operation in 1884.

Organized society, expressed in governments, corporations, or private associations, has adopted many forms of aid and relief funds and insurance funds of various kinds, and in later years superannuation or retirement funds based on scientific study for the purpose of not only benefiting the pensioners, but for the efficiency and general betterment of the service, have been adopted, and it is to this phase of the subject that I desire to address myself to-day.

Mr. GARD. Mr. Chairman, will the gentleman yield?

Mr. NELSON of Wisconsin. Yes; I yield to the gentleman from Ohio.

Mr. GARD. Does the gentleman intend to put in the RECORD the number and percentage of inefficient employees?

Mr. NELSON of Wisconsin. I will say to the gentleman that it will be my purpose to do so.

A CIVIL-SERVICE RETIREMENT LAW HAS BEEN INDORSED BY BOTH DEMOCRATIC AND REPUBLICAN PARTIES.

The Democratic Party in its national platform of 1916 has this to say with reference to a retirement law:

> We believe in an equitable establishment of retirement law providing for the retirement of superannuates and disabled employees of the civil service to the end that a higher standard of efficiency may be maintained.

The Republican Party in its national platform of 1912 makes this significant statement:

> We favor legislation to make possible the equitable retirement of disabled and superannuated members of the civil service in order that a higher standard of efficiency may be maintained.

This bill, therefore, ought to have the unanimous support of every Democrat and every Republican. This measure should not be put in the sense of a partisan measure at all. Indeed, Mr. Chairman, as a new Member I am impressed with the fact that too often we omit real constructive legislation by injecting too much of partisan spirit. I feel that when it comes to real constructive legislation the question ought not to be whether it is to help the Democratic Party or the Republican Party, but the question ought to be, "Will it help the American people?" [Applause.]

We should be concerned to-day with a large reconstruction program. Our Government must be put on a business basis. We must have a budget system. We must assist our taxpayers by reducing all possible waste and inefficiency.

I wish to make this observation, however, that collectively we are all for reduction of appropriations and taxes, and each Congressman is flooded with letters and telegrams pleading to cut down appropriations and reduce taxation; but, individually, there is not a measure up for which appropriations are asked in which there are not thousands of telegrams and letters sent to individual Congressmen and Senators pleading for some particular item of appropriation to be doubled and trebled.

Fortunately, however, for us to-day this measure—as agreed to unanimously by our committee and passed by the Senate and approved by all our departmental heads, and by that wizard of finance, our Government actuary, Mr. McCoy, who states that this measure produces not only efficiency and business methods but actually reduces our taxes by millions of dollars annually, and in efficiency will mean a saving of $18,000,000 annually to our Government—does reduce taxes and eliminate waste in our Government.

Mr. HASTINGS. Will the gentleman yield?

Mr. NELSON of Wisconsin. Yes. I will yield to the gentleman from Oklahoma.

Mr. HASTINGS. Do I understand the gentleman to say that the report is unanimous?

Mr. NELSON of Wisconsin. Yes. It is a unanimous report of the committee.

Mr. HASTINGS. So there is no minority report upon this bill?

Mr. NELSON of Wisconsin. No; there is not.

Mr. HASTINGS. It is indorsed by all the members of the committee?

Mr. NELSON of Wisconsin. Yes; it is.

Mr. HASTINGS. And all the Cabinet officers?

Mr. NELSON of Wisconsin. As far as I know.

Mr. RAMSEYER. Did I understand the gentleman to say there would be a saving of $18,000,000 in efficiency?

Mr. NELSON of Wisconsin. Yes. Our Government actuary makes the statement that the efficiency of the service will be increased at least 5 per cent, which is equivalent to over $18,000,000 per year on the present number of civil-service employees.

Mr. RAMSEYER. That is, by enacting this law?

Mr. NELSON of Wisconsin. Yes; by this retirement bill, and I wish to say that we can do nothing more just and humane to-day to our faithful Government employees than by passing this bill.

Mr. CRISP. Will the gentleman yield?

Mr. NELSON of Wisconsin. Yes; I yield to the gentleman from Georgia.

Mr. CRISP. I should like to know if the gentleman can give us any estimate as to how much this bill will cost the Government?

Mr. NELSON of Wisconsin. It will approximate about $9,000,000 a year and it may run up to $15,000,000 a year and possibly more as the number of employees increases, but that is relative according to the increase of the number of employees and the increase of salaries. The contribution by employees being fixed at 2½ per cent on their salaries would naturally reduce the amount paid by the Government and increase that paid by the employees should their salaries be increased over the present salary standard.

Mr. BLACK. Will the gentleman yield?

Mr. NELSON of Wisconsin. I am sorry, but I must hurry on. I would like to yield, but my time is limited.

Thousands and thousands of employees now upon the pay rolls should be eliminated. The employees should feel that as they give their best to their Government they should be paid adequate salaries and be given the chance of proper promotions. And, Mr. Chairman, this is what I contend this bill will do for our Government in providing a proper basis of retirement of our employees and provide for a proper basis of promotion.

Pension systems of several kinds are as old as the Roman Empire, but not until in recent years have pension systems been placed on a thoroughly scientific basis, built upon actuarial tables. Pensions as rewards for services in military or naval activities or for distinguished contributions in the fields of discovery, art, science, or literature have been quite common for centuries past. But recent years have brought pensions into the field of industry and labor as a distinct aid to efficiency in public and private life.

We now recognize that both private and public service are sure to become impaired as a result of the waste and demoralization brought about by retaining in the service employees who are no longer efficient because of infirmity or old age. It is generally agreed that in all our Government departments to-day there are thousands of worn-out employees who should be retired, as their retention prevents the promotion of younger and abler men and women. Our present system of retaining in the service men and women incapacitated is extravagantly expensive to our Government and contributes to the inefficiency of our governmental departments.

Congress and our Government administration must of necessity see to it that a square deal is given to the faithful Federal employees of our Government, and the Federal employee who is shirking his duty and only looks for pay day to come around should be eliminated with the greatest of haste, as he would be in any well-regulated business concern. I therefore appeal to both Democrats and Republicans to throw all partisanship aside when it comes to a measure of this kind and have only one aim in view, and that is the efficiency and economy in our governmental administration. And, speaking to the majority party to-day, I wish to say that we can do nothing more just and enhance in a larger degree the economy and efficiency of Government administration than by granting to our Government employees in the classified civil service a retirement plan such as is contemplated under the pending bill. The Republican Party,

ever known as the party of efficiency in public service, would add to its long list of large achievements another most worthy achievement of governmental efficiency and social justice by passing overwhelmingly the pending retirement bill.

In the broadest and deepest sense our duty as national legislators is not to legislate as Democrats or Republicans but as Americans. The final determination of our vote on important measures should not be whether it will help the Democratic Party or the Republican Party, or whether it will mean our own return to Congress, but rather will it help the American people? At present our American Government is drifting like a ship without a pilot. We have no Chief Executive to direct in a large and true sense its destiny. Cabinet officers are not even permitted to function in their various departments and to use their best initiative without danger of dismissal. The apparent indifference of the executive branch of our Government to carrying out the legislation enacted by Congress has brought about a very serious condition in our country to-day—a condition that must not be permitted to continue much longer, and which we fervently hope will end by March 4, 1921. [Applause.]

Much of the unrest and chaos to-day in our social and industrial life and the apparent inability to stop unscrupulous profiteering both by rich and poor, high and low, by greedy capital both private and corporate, and by grasping labor, led by Bolsheviki and radicals, is due largely to the policy inaugurated during the war emergency to truckle to greedy capital on the one hand, making it possible to make unconscionable profits at the expense of the Government and the public, and, on the other hand, to bow to every mandate of labor, exacting higher and higher wages and shorter and shorter hours. Indeed, I desire to say right here, with all the earnestness of my soul, that during the war emergency the administration and Congress should have had the nerve and courage, as well as statesmanlike vision, to have conscripted both capital and labor as well as the lives of our dear boys—the flower of our Nation's dearest and noblest asset. Then, as the boys fought, bled, and died in the trenches on Flanders Fields to make the world safe and humanity free at a dollar a day, our labor and capital at home could not have demanded, as they did, the emergency advantages which have led, in my judgment, to much of the high cost of living due to unconscionable profits by greedy capital, individual and corporate, and unreasonable demands in high wages and short hours by our labor unions.

I am a friend of labor, and I came from the ranks of labor. I shall always stand for honest toil and for honest capital. I shall continue to stand and vote for the interest of both as long as they stand for the interest of our Republic and for a square deal to all. But I am persuaded that 69,000 millionaires made by war profiteering during the four years of the Great War and the labor unions demanding billions in increased wages and shorter hours have been indifferent in a large degree to the welfare of our public, the third side in the great triangle of our Nation's interest, who have been long-suffering and patient to the very limit. Both capital and labor have, in my judgment, not been willing to remedy the great need of our social and economic life to-day for a larger production, a better distribution, and for a larger conservation for the common good of all. Each seemingly is demanding the last pound of flesh from a patient and long-suffering public.

Between the fight of the 4,000,000 to 5,000,000 of organized labor on the one side and organized capital on the other, the 35,000,000 or 40,000,000 of unorganized labor and the rank and file of our American citizenship, the long-suffering and patient public, have been sacrificed between the upper and the nether millstone, which have been grinding the public without regard and mercy. And to-day this patent and long-suffering majority is rising to the knowledge of the fact that it is utterly sacrificed to greed and lust of capital and utter selfishness and disregard by organized labor. Now let both unite with the ranks of American life and industry and demand the square deal to all and special privileges and class legislation to none. Let us be the servant of all but the slave of none. [Applause.]

No true and self-respecting Representative or Senator can submit to the selfish and self-centered demands of organized labor on the one side, demanding less hours with increased pay, including Plumb plans and coal strikes, and, on the other side, the utterly selfish and greedy lust of power and special privileges so forcibly expressed by the Steel Trust in its Pittsburgh steel-plus base, and the past method of the Standard Oil Co. in strangling all competition, and the old railway method of first destroying all competition and then raising rates, and the all-persuasive monopoly of the packers' combines. [Applause.]

In this land of majority rule no minority selfishness shall ever have the ascendency; in this land of freedom each rising sun shall shine on "the land of the free and the home of the brave"; in this land the Stars and Stripes shall protect equally beneath its folds the rich and the poor, the high and the low, the ignorant and the learned, and its future shall spell the hope of equality, justice, and equal opportunities. The ideals of a minority, when they are right and devoid of selfishness, can be brought to the attention of the American people and approved by the majority under our present system of constituted law and order. [Applause.]

We are living to-day in times of great unrest and social and economic discontent, yet pregnant with great opportunities for consecrated wealth and loyal labor to work out a destiny mighty with promise for peace and happiness. Change the awful tide for selfish power for the higher and nobler ambition for heroic service, and you will make at once humanity more helpful and the world more free. The old foundations of error, inequality, fixed wrong, stereotyped injustice, selfish ambitions, gruelling aims, and material aggrandizement are to-day in a fluid mass melted in the fire of the world's awful conflict. The hopes and aspirations of mankind to-day are ready to be led by the spirit of freedom, justice, and patriotism to nobler resolves and higher consecrations, ready to become conscious instruments of social good, universal happiness, and nation-wide and world-wide freedom of body, mind, and soul.

The remedy, in my judgment, is plain. Capital must become more generous and labor must become more faithful. Both must clasp hands across the chasm that now divides them in a spirit of real cooperation and with a heart and mind actuated by the principles of the Son of Man to the end that they will serve their Nation and their generation in the highest and truest sense. Thus only can we bring about a larger production and a proper conservation of our national resources, including money and industry. Selfishness, greed, and profiteering must cease.

The great game of grabbing and holding without conscience and regard for our fellow men must stop. The india-rubber conscience produced as an aftermath of the great World War in the ranks of both labor and capital, rich and poor, high and low, must be changed to the principles enunciated by Christ in the Sermon on the Mount or we shall suffer utter defeat and chaos. All the forces of the Government and the people must be united in a spirit of constructive cooperation and deep filial concern if we shall hope to make our Nation socially happy and economically contented. The real constructive program needed by our Nation and the world to-day is to just get back to first principles of civilization and Christianity and build upon the eternal Rock of Ages to the end that farm, mine, and factory shall produce its utmost and be conserved and distributed for the welfare and betterment of mankind. The future growth and glory of our Nation still rest on what Roosevelt called the "square deal to all." We must still build on the primal rights of mankind as a unit and not upon the rights of single individuals or even groups or classes. These ideas are American in their truest and highest sense and make a government "of the people, for the people, and by the people." This idea of universal liberty and universal well-being is the only hope that will fulfill the promises of the immortal Declaration of Independence and will verify the vision of our immortal founders. It is this idea, truly American, that to-day must elevate the intellectual spirit of our Nation and deepen the channels of our moral and spiritual life. [Applause.]

BRIEF HISTORY OF EFFORTS TO SECURE CIVIL-SERVICE RETIREMENT LEGISLATION.

Beginning with the year 1889, the first real effort was made to secure the enactment of a civil-service retirement law, which took the form of a bill introduced by Representative Brosius, of Pennsylvania. This initial effort contemplated that the annuities or pensions to be paid the superannuated or retired employees were to be created by a common fund made up of contributions from the entire classified civil service as constituted and organized. This plan of commingling the contributions of the employees was fundamentally inequitable and actuarily unsound. It was the application of the so-called tontine plan of insurance to a retirement scheme.

Shortly after the introduction of the Brosius bill the civil-service employees organized, in March 1900, about 20 years ago, the United States Civil Service Retirement Association. At first this organization limited its activities to the civil-service employees connected with the Federal Government in the District of Columbia. No substantial progress was made in the effort to impress the Congress with the need for this legislation until 10 years later, when the various civil-service organizations, principally composed of postal employees, began the active agitation throughout the United States for the enactment of an equitable civil-service retirement law.

There seems to have been two schools of thought as to the most desirable way of providing for the retirement of the aged and disabled employees of the classified civil service of the Government. Some contended—and it is only fair to say that these constituted the great majority of the civil-service employees—that the Federal Government should pay the entire cost of pensioning its aged and disabled civil-service employees. Others insisted that the retiring allowances should be made up by individual contributions of the employees, based upon their salaries, with varying percentages of deduction, with the proviso that the Government would supplement the individual contributions by recognizing its liability to the extent of providing the necessary appropriations to cover past or back services.

Only within a very recent period have these two schools of thought been brought into complete harmony, which is now exemplified in the Lehlbach-Sterling retirement bill, now under consideration. The underlying principle of this bill is the recognition of the contractual relationship between the Government on the one hand as the employer and the civil-service personnel on the other hand as the employees. In other words, this bill attempts to recognize the principle, as far as it is possible to do so, that the cost of providing retirement annuities should be divided between the Government and its employees.

The underlying theory of a so-called contribution system where the individual beneficiaries contribute a percentage of their wages or compensation is predicated upon the idea that such a plan will encourage thrift and stimulate the employee to a higher effort in the discharge of his official duties besides giving him a voice in the management of the fund thus created.

It may be of interest to note at this point that the Carnegie Foundation for the Advancement of Teaching in a recent bulletin published by it sets out in as brief a form as it is possible to state it the evils of a pension system where the beneficiaries do not contribute to the creation of their own annuities. I quote from a report of the foundation published in February, 1919:

A pension system paid out of income, whether of a government or of a corporation, at no cost to the beneficiary is expensive beyond all anticipation. Its cost is not only impossible to estimate in advance, but has proved an intolerable burden even to the practically unlimited income of a government.

Experience shows further that, while under the noncontributory plan the beneficiary appears to get something for nothing, it is certain that in a limited number of years the pension will be absorbed in the wage or salary schedule and become practically deferred pay, received by only a minority of those interested.

The effect of the so-called free pension upon the individual is distinctly demoralizing. The notion of getting something for nothing appeals to our universal human nature, but it is a prolific breeder of human selfishness. Not only is this true, but the lifting from the shoulders of the individual of a responsibility, properly and rightfully his, is a source of weakness not of strength. What society needs is the machinery under which the individual shall be able to discharge his obligation without making an unreasonable demand either upon his financial resources or upon his self-control.

As a result of an extended study of all pension systems, both in this country and abroad, the commission intrusted with this work formulated as a part of its report the following principles upon which a sound pension system should rest.

In further support of the so-called partly contributory system of retirement as exemplified by the bill under consideration, I quote Mr. Paul Studensky in his pamphlet entitled "The pension problem and the philosophy of contributions," in which he summarizes the relative advantages and disadvantages of the three distinct types of pension schemes:

I. THE WHOLLY CONTRIBUTORY SYSTEM.

1. It embodies no public purpose, for it is usually established by the employees as their private association for their own benefit. The employees manage it themselves, while the Government and the public have little interest in the matter.

2. In the course of time the measure proves unfair to the employees and inadequate for the Government and leads to considerable bitterness. The employees realize that the pension is of benefit not only to them but also to the public, and they consider unfair that they alone should contribute. Frequently, too, they take an extreme viewpoint that it does not benefit them but benefits only the public and that they should be absolved, therefore, from contributing. The Government realizes that the system could more adequately benefit the public if it were reorganized and managed partly or entirely with that purpose in view. As a result of the movement, either a subsidy is granted or employees' contributions are altogether abolished, the Government assuming the entire cost. At the same time the Government takes either part or the entire management out of the hands of employees. Thus the system changes to a partly or noncontributory basis.

3. The abandonment of wholly contributory systems is accelerated by the fact that the employees always fix their contributions so low that the fund breaks down after a few years of operation.

4. If their contributions were high, they would lead to an increase of salaries, thereby shifting a part of the employees' pension burden upon the taxpayers in another form.

5. It affords no basis for the establishment of a sound actuarial system, because the cost of benefits, especially at higher ages, would be absolutely impossible for the employees alone to bear.

II. THE NONCONTRIBUTORY SYSTEM.

1. It is autocratic, more or less discretionary with the higher officials, and dangerous, therefore, to the independence of employees. It is established by the employer for the purpose of gaining a greater control over the efficiency of the service by retiring the superannuated and by threatening the active members of the force with forfeiture of all pension rights in case of their dismissal or resignation. It regards the employee merely as a machine and ignores his needs and desires. It gives him no voice in the management of the system.

2. It is inequitable between the older and younger employees. It focuses the attention upon the immediate retirement of the aged members. Its natural tendency is to provide no benefits for the contingencies which threaten the young employee, such as early disability, early death, resignation and dismissal, but to provide increased benefits to the fortunate ones who remain in the service until old age.

3. As the pension disbursements increase they depress the wages of the younger employees, with a result that the pension becomes a "deferred pay" and the system becomes contributory under disguise in a most inequitable form. The younger generation pays for the benefits of the older and no one knows how much he pays.

4. It absolves a large group of employees from any obligation to save. This is harmful to the individual employee as well as the society at large. It meets the condemnation of the public which promotes voluntary and compulsory savings and it is eventually substituted by a contributory system.

5. It becomes too costly for the Government. The latter is forced to request the employees to contribute and changes it to a partly contributory basis. The change involves much greater complications than would have taken place had that basis been adopted from the beginning. It has been abandoned almost everywhere abroad and must be abandoned in this country.

6. Its basis is ill adapted to the establishment of a sound actuarial system which involves the building of a reserve, because the cost of such a system would be too great from the very outset for the Government alone to bear.

7. Its exclusive application to a certain group of or all public employees affords an argument against the establishment of contributory systems for all other wage earners. It blocks, therefore, the spreading of the social insurance movement.

III. THE PARTLY CONTRIBUTORY SYSTEM.

1. It is a compromise between the foregoing two extreme systems.

2. It harmoniously combines with social insurance and with its principle that every worker must participate in the cost of his protection.

3. It is a joint undertaking which involves mutual benefits and a twofold purpose—on the one hand, insuring the employees and their dependents against want in old age, disability, death and, to some extent, resignation and dismissal; on the other hand, facilitating the elimination of the inefficient from the service and promoting an esprit de corps.

4. It tends to give both sides an equal voice in management.

5. It promotes a clear distinction between pension and wages, each side knowing what it pays; it is not intended either to reduce or increase the wages, does not depress the wage, and does not become a "deferred pay."

6. It makes possible the establishment of a financially sound system, the cost of which amounts to 10 or 11 per cent, or even more, by dividing the cost and requiring the employees to pay 5 or 6 per cent, as is being done all over the world.

7. Concurrently with its adoption for both present employees and new entrants, the old "vested rights" and privileges are being swept away.

8. It is a system which progresses in harmony with social evolution while the other systems are dying, and it expresses the growing mutual responsibilities which make for a greater democracy and a happier community.

It may be of interest to call attention at this point to a plan which has been adopted by the city of New York in pensioning its school-teachers. This plan is essentially a fifty-fifty plan, where the employees contribute one-half the cost and the city of New York the other one-half for the purpose of creating the individual annuity.

Prior to the adoption of the plan a committee was appointed by the mayor of the city of New York, and this committee undertook, during the course of its investigation, to study the details of some 9 or 10 different plans at that time in existence of pensioning municipal employees of the city of New York.

The committee made its report on December 8, 1915, and I quote from that report the following statement:

In this report, therefore, following good practice elsewhere, and guided by the past mistakes of New York City in dealing with pension problems, a proposal is made to organize a retirement system which will be free, on the one hand, of uncertainties, and, on the other, will provide a means just to employees and taxpayers alike for its financing. It is by no means maintained that the conclusions set forth in the report are final. They are presented with a view to complete discussion and with the expectation that they will be changed in the light of fuller wisdom and possibly more mature thought which this discussion will produce. Whatever may be the judgment on the recommendations, the facts are plainly told so that there is provided a complete basis for considering the two major questions involved in the problem: First, what shall be the conditions of retirement? Second, how shall the cost of meeting these conditions be provided?

It is conceivable, of course, that the cost of the entire pension plan may be levied upon the teachers themselves. But to do so would mean either to cut down the benefits below a point where they would seem adequate to furnish a proper basis of retirement or to impose an intolerable burden upon the teaching force. Similarly it is conceivable that the entire cost might be laid upon the city. But if this were done the burden on taxpayers would be so great that protest would be surely evoked, and either reduction or complete stoppage of benefits would follow.

The middle course of equal division of cost is suggested with the adequate safeguard of the interest of teachers that in case they withdraw from the service prior to retirement their contributions shall be returned to them with compound interest. * * *

I wish to conclude my statement in the discussion of plans with the following excerpt from the report of the commission appointed by the Carnegie Foundation for the Advancement of Teaching, which had under consideration the reorganization of

the original scheme for pensioning superannuated teachers under this benefaction.

[Excerpt from report of commission appointed by the Carnegie Foundation for the Advancement of Teaching to consider a provisional plan for a pension system.]

I.

1. The function of a pension system is to secure to the individual who participates in it protection against the risk of dependence due to old age or to disability.

2. The obligation to secure this protection for himself and for his family rests first upon the individual. This is one of the primary obligations of the existing social order. Society has done its best for the individual when it provides the machinery by which he may obtain this protection at a cost within his reasonable ability to pay.

3. Men either on salary or on wages are, in the economic sense, employees. The employer, whether a government, a corporation, or an individual, has a direct financial interest in the establishment of some pension system which shall enable old or disabled employees to retire under satisfactory conditions. In addition, society demands to-day that the employer assume some part in the moral and social betterment of his employees. The obligation of the employer to cooperate in sustaining a pension system is primarily a financial one, and, in the second place, a moral one.

4. A pension system designed for any group of industrial or vocational workers should rest upon the cooperation of employee and employer.

5. Teachers' pensions should be stipendiary in character, amounting to a fair proportion of the active pay.

II.

1. In actuarial terms a pension is a deferred annuity upon the life of one or more individuals, payable upon the fulfillment of certain conditions.

2. In order that an individual participating in a pension system may be assured of his annuity when due, one condition is indispensable: There must be set aside year by year the reserve necessary, with its accumulated interest, to provide the annuity at the age agreed upon. On no other conditions can the participator obtain a satisfactory contract. The man of 30 who participates in a pension plan under which he expects an annuity 35 or 40 years in the future, will take some risk of disappointment in accepting any arrangement less secure than a contractual one.

3. A pension system conducted upon the actuarial basis of setting aside year by year the necessary reserve is the only pension system whose cost can be accurately estimated in advance.

4. A method by which a pension is paid for in advance in annual or monthly installments is the most practical plan which can be devised for purchasing a deferred annuity, provided that the contributions begin early in the employee's career, and provided also that the contributions paid in year by year receive the benefit of the current interest for safe investments.

5. As a matter of practical administration, a pension system should apply to a group whose members live under comparable financial and economic conditions. To attain its full purpose participation in the pension system to the extent of an agreed minimum should form a condition of entering the service or employment the members of which are cooperating in the pension system.

HISTORY OF CIVIL-SERVICE PENSIONS IN GREAT BRITAIN.

A brief history of civil-service pensions in Great Britain will be found in Senate Document No. 290, Sixty-first Congress, second session, the material embraced therein having been prepared by Mr. Herbert D. Brown, at present the chief of the Bureau of Efficiency, under direction of the then Commissioner of Labor.

The first general law on the subject of superannuation was passed by Parliament in 1810, amended by the act of 1822, and later by the acts of 1824 and 1829. These several amendments were intended to extend the provisions of the original act to new classes of employees.

The first comprehensive superannuation act passed by Parliament was the act of 1834, under the provisions of which the employees all were required to contribute a small percentage of their salaries to a common fund, out of which superannuation allowances were made to those reaching the retiring age, but where no provision was made for a refund of any portion of the individual contributions in the event of voluntary separation from the service or death before reaching the retirement age.

The act proved to be inequitable and unsatisfactory. This led to the passage of the act of 1859, where the Government practically confiscated the entire amount of money remaining in the common fund under the act of 1834 and undertook to establish a straight civil pension plan, where the entire cost was to be borne by the Government, without any contributions from the individual employees.

This later act likewise proved unsatisfactory and as early as 1874 an agitation was begun by the civil-service employees of Great Britain asking for important amendments with additional benefits, resulting in the appointment by Parliament of several royal commissions, which undertook to make a critical survey of the whole situation and to prove or disprove the statement of the employees that the practical administration of the act of 1859 resulted in substantially decreasing their salaries, because all persons who were placed in a pensionable class with an ultimate pension in view were compensated at a less rate of pay than those engaged upon the same or similar work who did not come within the pensionable class.

It was therefore found that practically one person out of seven on an average lived long enough to enjoy the benefits of a retirement allowance, though, as a matter of fact, all persons, as stated above, expecting to receive the benefit of a pension were receiving less compensation than they otherwise would have been paid.

After 50 years of agitation, Parliament passed the act of September 20, 1909, and recognized in the amendments made that there was substantial merit in the contentions of the employees as to the inequalities and inequities of the act of 1859.

The present act under which civil-service employees of Great Britain are retired on account of age or disability Mr. Brown considers an indirect though essentially a contributory scheme, and in concluding his review of the several acts referred to summarizes his conclusion in part as follows:

The conclusions to be drawn from Great Britain's century of experience in pensioning its civil employees are very definite. That experience shows that pensions paid out of the public treasury as pure gratuities are certain to be taken into account in fixing salaries, and a pension system thus becomes, in effect, a contributory system. As soon as the employees realize that they are contributing to their own pension they at once demand that, on separation from the service for any cause whatever, the value of their contributions shall be returned to them in some form. It is in recognition of the reluctance of human nature to give something for nothing—shown first by the officers of the Government in taking the pension into account in fixing salaries, and next by the employees in their unwillingness to forfeit their contributions under any circumstance—that the pension system of England was modified by the act of September 20, 1909.

RETIRING AGES OF EMPLOYEES.

The Lehlbach-Sterling bill groups certain classes of employees for the purpose of establishing ages of retirement. Railway postal clerks under the provisions of this bill are eligible for retirement at 60 years of age after 15 years of service. Mechanics, city and rural letter carriers, and post-office clerks retire at 62 years of age after 15 years of service, and all other employees, not embraced in the above-mentioned groups, retire at the age of 65 years after 15 years of service.

The Smoot amendment, adopted by the Senate, eliminates the group arrangement and retires all employees at the age of 70 years. In all retirement bills which have been thus far presented the effort has been made to group, for the purpose of establishing ages of retirement, those employees whose occupation is more or less hazardous. For example, railway postal employees, where the records of the Post Office Department show that this class of employees suffer physical breakdown earlier than perhaps any other class of civil-service workers.

Statistics have been prepared to show that mechanics in the navy yards and in the arsenals also suffer earlier physical breakdown than do other classes of employees engaged in purely clerical work. The same has been found to be true of city and rural letter carriers, though the statistics as to rural letter carriers are not as complete as those with respect to city letter carriers and post-office clerks. This explains why mechanics, city and rural letter carriers, and post-office clerks have been put in a group by themselves in establishing the age of retirement.

Of course it must be conceded that if all civil-service employees are to be retired at the age of 70 years it will materially reduce the ultimate cost to the Government under the terms of the bill, but in justice to those groups of employees who are engaged in more or less hazardous employment an earlier age should, in justice and fairness to them, be fixed under the terms of this bill. As a compromise the groups of employees retiring at the ages of 60 and 62 might be advanced to 65, and all other workers retired at the age of 70. It may be of interest, however, to state that superannuated civil-service employees retired by Great Britain under the provisions of the act of September 20, 1909, to which reference has been made, are compulsorily retired at the age of 65. This is general as applied to civil-service employees in Great Britain. In France superannuated civil-service employees are retired at the age of 68.

Personally I agree with the committee of the House that the Smoot amendment should not obtain in this bill, as it in a large measure vitiates many of the good effects of the bill. The bill as it originally came from the House committee and as now amended by the House committee should obtain and be enacted into law, because it gives to the employees every advantage to be gained under the Smoot amendment, and in addition to this makes it possible for the Government to protect itself against keeping persons from 62 or 65 to the age of 70 who are incompetent or for any reason unable to perform their duties efficiently. Under the House amendment it is possible for the Government to extend by two-year periods the time of superannuation of the Government employee, thus making him retire at about the age of 70 if he proves efficient and qualified in every way, but it also makes it possible for the Government to retire the man at 65 should he be found to be utterly inefficient and incompetent. This elasticity works to the advantage both of the Government and of the effective and efficient Federal employees and should be retained in the bill. One of the

real reasons for making this bill is to effect efficiency and economy and to increase the morale of the entire Government employees. This, in my judgment, the Smoot amendment entirely nullifies and it should therefore not receive the approval of the House. The Smoot amendment absolutely forces the Government, as is now the case, to retain on the pay rolls all employees between the ages of 65 and 70 whether they are competent or not.

WHAT WILL THE SYSTEM COST THE GOVERNMENT?

From the best actuarial authorities and from the hearings presented it would be quite accurate to make the deduction that the Government would contribute over 62 per cent of the cost and the employees a little over 37 per cent of the cost. In fact, it is quite the opinion of those who have given this their best and most thorough study that, under the terms of the bill, the Government will ultimately contribute about five-eighths of the cost and the employees about three-eighths.

I am advised that the Lehlbach-Sterling bill, which in all essential particulars is identical in its provisions with the McKellar-Keating bill, has been the subject of extended and critical examination by the actuaries both in the employ of the Government and in private employ. I am advised that Mr. Joseph S. McCoy, Government actuary, connected with the Treasury Department, made an actuarial examination of the bill under consideration, and the report of his examination was submitted to the Committee on Civil Service and Retrenchment of the Senate. I take pleasure in quoting from his report as to the cost of the plan:

Table showing what a 2½ per cent deduction from salary will amount to when the age of 65 years is reached, money at 4 per cent reinvested annually. Also the amount needed to be contributed by the Government to pay the indicated annuities.

Length of service.	Amount of annuity.	$1,200 salary.			$1,800 salary.			$2,000 salary.			$2,500 salary.		
		Employee.	Government.	Per cent.	Employee.	Government.	Per cent.	Employee.	Government.	Per cent.	Employee.	Government.	Per cent.
YEARS.													
44	$720.00	$3,462.38	$2,179.19	38	$5,193.56	$448.01	8	$5,770.63	[1] $129.06	(1)	$7,213.28	[1] $1,571.71	(1)
40	720.00	2,850.77	2,790.80	49	4,276.15	1,365.42	24	4,751.28	890.29	16	5,929.09	[1] 297.52	(1)
35	720.00	2,209.57	3,432.00	61	3,314.35	2,327.22	41	3,682.61	2,008.96	35	4,602.76	1,038.81	18
30	720.00	1,682.55	3,959.02	70	2,323.82	3,317.75	59	2,804.24	2,837.33	50	3,505.30	2,136.27	38
27	648.00	1,412.53	3,664.89	72	2,118.79	2,958.63	58	2,354.22	2,723.20	53	2,942.77	2,134.65	42
24	576.00	1,172.48	3,340.79	74	1,758.72	2,754.55	61	1,954.13	2,550.14	56	2,442.66	2,070.61	46
21	504.00	959.08	2,990.02	75	1,438.61	2,510.49	63	1,598.46	2,350.64	59	1,998.08	1,951.02	49
18	432.00	769.36	2,615.58	77	1,154.04	2,230.90	66	1,282.27	2,102.67	62	1,602.84	1,782.10	53
15	360.00	600.70	2,220.09	79	901.05	1,919.74	68	1,001.17	1,819.62	64	1,215.46	1,605.33	57

[1] Excess over amount sufficient to pay annuity.

From this table the following illuminating deductions can be made:

On the basic salary of $1,200 for the nine periods, the Government will contribute about 66⅔ per cent; on the $1,800 basic salary, the Government would contribute about 49⅞ per cent; on the $2,000 basic salary, the Government would contribute about 44 per cent; and on the $2,500 basic salary, the Government would contribute about 33⅓ per cent; or, taking the average on the four basic salaries for the several periods, the Government would contribute about 48$\frac{7}{19}$ per cent.

The following letter by Jos. S. McCoy, the Government actuary, who is an authority on actuarial figures, is so replete with fundamental facts and illuminating information that I wish to insert it here in full:

JANUARY 15, 1920.

Hon. PAUL F. MYERS,
Chief Clerk, Treasury Department.

DEAR SIR: Referring to your letter of the 8th instant, relative to Senate bill 1699, proposing a scheme for the retirement of civil-service employees, I have to say as follows:

The method of retiring employees in the classified service contained in Senate bill 1699 provides for the employees loaning the Government 2½ per cent of their salaries at a rate of interest lower than that paid by the Government on its war bonds.

This loan, instead of having a fixed date of maturity, is to be repaid them upon their separation from the service, whether on account of death, resignation, or other cause. If the employee reaches the age of 65 while still in the service, after a service of 15 years or more, the loan is repaid in the shape of a fixed annuity, depending principally upon the length of service, but also upon the salary received for the last 10 years of service. It may be stated that the maximum salary basis for this annuity is about that now paid on entrance.

If the annuitant lives long enough to exhaust his loan, together with the interest thereon, the deficit is to be made good by the Government and the full annuity is continued until his death.

From this it is evident that no aid is given any employee by the Government unless he continues in the service and lives long enough to be retired, and then, also, long enough to exhaust his loan to the Government.

It is also evident that each person is saving for himself and not for the general service. His payments go into a fund for himself and not into a general fund for all employees. This is a fact, even if it happens, as it often will, that his salary is so high and he has continued in the service so long that his loan to the Government is large enough to be more than sufficient to pay the annuity due him. In this case provision is made that his estate shall receive the balance.

At first, the burden of paying these annuities would be entirely upon the Government, those who are retired at once not having contributed at all. This would change gradually until those who are now entering the service would be retired. Finally the contribution on the part of the Government would be somewhere around 50 per cent. If entrance to the service was limited by age to those under 30 years, the Government's contribution would probably fall below 50 per cent.

The maximum number of annuitants will not probably exceed 30,000. The total annual payment to these would be about $18,000,000, of which the Government would probably contribute not in excess of $10,000,000 annually, and this could readily be reduced to not in excess of $9,000,000 annually, much less than the bonus now paid.

Not having statistics of the service as at present constituted, I have estimated the number of employees of each age in the service upon the basis of a total of 300,000 employees. Allowance has been made in this estimate for the large increase in personnel during the last few years. This estimate places the total number, 65 years of age and over, at 12,220, and the number who have reached 60 years, but not 65 years of age, at 12,500. It places the number to be retired at once under the provisions of this bill at 9,285. The average number on the retired list for the first 10 years and the total payments thereto are as follows:

	Number.	Payment.
First year	10,116	$6,099,600
Second year	11,835	7,101,000
Third year	13,309	7,980,000
Fourth year	14,418	8,650,800
Fifth year	15,456	9,273,600
Sixth year	16,467	9,880,200
Seventh year	17,495	10,497,000
Eighth year	18,557	11,134,200
Ninth year	19,735	11,841,000
Tenth year	20,944	12,566,400

The average annuity paid would not be over $600, due to the length of service of those retired.

These computations are based upon the retirement at not before 65 years of age, as the number that can be retired at 60 and 62 years is unknown. It is probable that the majority of those entitled to retirement at those early ages will not be retired during the first 10 years.

As before stated, it is not a fair method to deduct from the payments made by the clerks the above payments. For the first year the Government would have to bear all the burden of these, about $6,000,000. After that the share contributed by the clerks would increase until in about 30 or 40 years the normal would be reached, when the Government's share would not, upon this basis, be in excess of $10,000,000 per annum; probably about $9,000,000. It is doubtful whether the maximum contribution by the Government for any one year will ever reach $15,000,000, based upon a service of 300,000 employees.

As before stated, the 30,000 employees, the maximum that will probably ever be upon the retired list at any one time, are the only employees aided by the Government, the remaining employees, those dying and those leaving the service for any other cause, receiving upon such separation only the amount contributed by them, together with the moderate interest thereon. For this reason it would seem futile to complicate the analysis of this scheme by attempting any analysis beyond that of the annuitants themselves.

While there are a number of inequalities and faults of omission and commission in this scheme, it is probable that modifications made as the working of the scheme may show necessary will be able to perfect it and make of it a model plan of superannuation beneficial to the Government and to the employee alike.

While the plan will eventually cost the Government some $9,000,000 a year, it is very evident that the efficiency of the service will be increased at least 5 per cent, which is equivalent to over $18,000,000 per year.

Annexed is a table showing the present worth of annuities for life, beginning at the age of 65 years; also, a table showing the amount of the payments made by the employees upon reaching the age of 65 years, based upon the age of entrance and upon their salaries, together with the contribution necessary to be made by the Government, both as to amount and percentage, in each case, so as to pay the corresponding annuity.

Respectfully,

JOS. S. MCCOY,
Government Actuary.

I wish to insert the following table of figures submitted by Mr. Joseph S. McCoy, the Government actuary, to the chairman, Mr. LEHLBACH, of the Civil Service Reform Committee. This

table very clearly indicates the lack of real business efficiency in our present method of operating Government business and shows the necessity for a retirement law such as the one proposed.

Estimated cost to the Government of not retiring clerks inefficient through mental or physical incapacity. Based upon a total number of 300,000 employees.

	Estimated number of clerks who, chiefly through age, are inefficient.	Annual salary of employees.		Total cost of—	
		Average salary.	Total salary.	Nonretirement.	Retirement.
100 per cent inefficient	5,202	$900	$4,681,800	$4,681,800	$3,121,200
75 per cent inefficient	1,737	1,000	1,737,000	1,302,750	1,042,200
50 per cent inefficient	1,256	1,200	1,507,200	753,600	753,600
Total	8,195		7,926,000	6,738,150	4,917,000

That is, the Government is now paying annually some 8,195 employees $6,738,150 for work not performed by them, but actually performed by other employees. It would cost about $4,917,000 per year to retire these employees, a net saving by retirement of about $1,821,150.

If we take into consideration the $240 bonus, which will be granted to these 8,195 employees for the fiscal year ending June 30, 1921, there will be an additional saving of $1,966,800.

I am further advised that the McKellar-Keating bill was actuarily examined by Dr. Maddrill, at that time employed as actuary in the Bureau of Efficiency, and I take pleasure in referring to his testimony before the Committee on Civil Service and Retrenchment of the Senate from which I read:

The CHAIRMAN. Dr. Maddrill, have you made a statement as to the estimated receipts in the form of deductions from employees' salaries, for the first six years, and the disbursements upon withdrawals prior to pension age, the pensions, and guaranteed returns to pensioners, and the differences in these figures; and if so, will you file the same as Exhibit C to this hearing?

Dr. MADDRILL. I herewith file a statement along those lines.

(The statement referred to is here printed in full, as follows:)

"EXHIBIT C.—*Estimated excess of amount of deductions over the amount paid upon withdrawal and as pensions and guaranteed returns to pensioners.*

"[McKellar-Keating bill (S. 4637, H. R. 12352).]

Fiscal year ending July 1—	Receipts in the form of deductions.	Disbursements upon withdrawals prior to pension age.	Pensions and guaranteed returns to pensioners.	Excess.
1920	$9,000,000	$400,000	$1,732,000	$6,900,000
1921	9,400,000	865,000	1,972,000	6,550,000
1922	9,500,000	1,340,000	2,154,000	6,000,000
1923	9,600,000	1,840,000	2,400,000	5,350,000
1924	9,700,000	2,360,000	2,589,000	4,750,000
1925	9,770,000	2,910,000	2,778,000	4,100,000

"The amounts of pensions and guaranteed returns to pensioners can be computed for the first few years with fair confidence, for the reason that the portion of the service which they cover is probably not much affected by the present abnormal conditions. These payments are to be made not only from the civil service retirement fund but also from public moneys.

"On the other hand, the amounts of the deduction to be received, following the passage of the bill, from the employees now in the service are just as indeterminate as the present size of the service itself. While the Bureau of Efficiency, in the course of other investigations, has been called upon to estimate the size of the present service, and has, perhaps, received as authentic information as can be furnished, the numbers assumed to be now in the service must be deemed conjectural. The amounts of deductions received and of disbursements upon withdrawals prior to pension age must, therefore, be taken as more or less uncertain approximations.

"It seems hardly necessary to point out that the differences in the last column are not an index to the solvency of the scheme. They have no actual significance. The amounts in the first column are received to pay definite pensions mostly in the distant future, though they may, like savings deposits, be withdrawn from the account earlier. The amounts in the third column are combined costs to the Government and to the employee."

The CHAIRMAN. From these figures on Exhibit A, I notice that the percentage is a little more than 5 per cent. Generally speaking, do you think that 5 per cent of the salaries of the civil-service employees will pay for this system?

Mr. MADDRILL. Five per cent will very nearly cover the cost of this proposed bill, as shown by these figures.

The CHAIRMAN. I now call your attention to Exhibit C, in which I notice that within the first six years the aggregate amounts received from the employees are very considerably in excess of the amount to be paid out in pensions and guaranteed returns to the annuitants and to be paid out upon withdrawals prior to the pension age. Will you kindly explain this?

Mr. MADDRILL. The statement made following the table in Exhibit C practically covers these points, Senator. There I have endeavored to make it clear that the receipts in the form of deductions greatly exceed the gross payments to be made during the first few years of the system. When all the employees at present in the service have retired the figures will show receipts and disbursements very nearly equal.

The CHAIRMAN. In other words, Dr. Maddrill, as I understand you, while for the first few years the aggregate amount received from the employees will very considerably exceed the amount paid out by the Government, still, as the years go by and the system continues in force, the amount that the Government pays will increase until the two will be about equal?

Mr. MADDRILL. That is true. I might add one thing more. This statement would be almost exactly true if no growth were to take place in the service, but as it is natural to assume that the service will always grow, the payments made in the form of deductions being made by the employees for benefits to be received by them many years hence will for that reason rather exceed payments paid out by the Government.

The CHAIRMAN. Some criticism has been suggested that inasmuch as the United States Government now needs all its funds to carry on the war, it would not be wise to institute this system, which will cost the Government money, while the war is going on. As I understand these figures, instead of the Government having to pay out any money for the retirement system for the next few years, it will actually receive more money from the employees during the next few years than it will pay out in retirement pensions; is that correct?

Mr. MADDRILL. Of course, you understand that the moneys paid in by the employees actually belong to them, and, accordingly, during the first few years of the system they could be regarded as a loan by the employees to the Government. In other words, the funds paid in by the employees are trust funds in the hands of the Government.

The CHAIRMAN. Dr. Maddrill, have you made a statement of figures in reference to this cost, and, if so, will you submit it for the record and mark it "Exhibit D"?

Mr. MADDRILL. I have made figures showing the calculation of the cost the first years of pensions and guaranties, and will mark the same "Exhibit D" and submit it herewith.

(The matter referred to is here printed in full, as follows:)

EXHIBIT D.—*Cost of pensions and guaranties.*

[McKellar-Keating bill (S. 4637, H. R. 12352).]

Fiscal year ending July 1—	Retiring July 1, 1919 (assuming bill will become effective then).			Retiring annually thereafter.						Combined cost by years.
	1,344 mechanics, carriers, and railway postal clerks.	3,232 others.	4,576 civil employees.	Mechanics, carriers, etc.		Others.		Civil employees.		
				Number.	Cost.	Number.	Cost.	Number.	Cost.	
1920	$549,200	$1,183,300	$1,732,500							$1,732,000
1921	510,000	1,081,000	1,591,000	331	$137,100	581	$243,800	912	$380,900	1,972,000
1922	471,100	980,700	1,451,800	340	226,900	605	475,300	945	702,200	2,154,000
1923	432,600	883,300	1,315,900	349	388,900	630	695,400	979	1,084,300	2,400,000
1924	394,700	790,000	1,184,700	358	503,100	657	901,200	1,015	1,404,300	2,589,000
1925	376,600	700,000	1,075,600	367	608,700	684	1,093,500	1,051	1,702,200	2,778,000
1926	321,500	614,500	936,000	376	710,200	712	1,273,400	1,088	1,983,600	2,920,000
1927	286,800	534,500	821,300	386	807,600	742	1,448,500	1,128	2,256,100	3,077,000
1928	253,800	460,000	713,800	396	901,000	773	1,618,800	1,169	2,519,800	3,234,000
1929	222,500	391,400	613,900	406	990,100	805	1,784,500	1,211	2,774,600	3,388,000

In the consideration of the cost we should not overlook the estimated loss in dollars and cents to the Government at the present time due to inefficiency on account of superannuation and physical disability.

In 1912 it was estimated that the Government was annually sustaining a loss of about $2,500,000 as the result of maintaining upon its rolls inefficient employees in the various branches of the service, the inefficiency being primarily due to superannuation or physical disability. In other words, the Government is now maintaining, by indirection at least, a costly system of civil pensions where the presence of these aged and infirm persons can not help but be demoralizing to the younger

personnel of the service, as in many cases these aged employees perform little or no service and report for duty merely for the purpose of drawing their regular monthly pay.

The question may be asked, Why are these aged employees retained in the service, why are they not dismissed because of their inefficiency? The answer is plain. To do so would be considered heartless and cruel and contrary to the dictates of humanity, and Congress has been repeatedly told by Cabinet officers, heads of bureaus, and other supervisory officials that they will not dismiss these aged people, as to do so would in many cases result in great distress or would force these people to be cared for by charitable institutions if not fortunate enough to have friends or relatives who would provide for them.

The Government of the United States, rich, prosperous, and a leader in world thought, is the only civilized Nation in the world which has not made some sort of provision to take care of its aged and disabled civil-service workers.

Congress has enacted legislation pensioning the employees in the Life-Saving Service, the enlisted men in the Coast Guard Service, and the employees in the Lighthouse Establishment, and the Judiciary. In addition, Army and Navy paymasters clerks are pensioned, and in all of these instances wholly at the expense of the Government and without any contributions from the employees themselves, while this bill attempts to make a division of the cost between the Government and its employees upon approximately the basis of five-eighths for the Government and three-eighths for the employees.

The bill carries an appropriation of $100,000 to cover administrative expenses, and this money is to be appropriated out of moneys not otherwise appropriated in the Treasury of the United States. It has been claimed, and I accept it as being true, that for a period of nine or ten years the Government will not be called upon to make any direct appropriations from the Treasury for the purpose of paying annuities, for the reason that during this period it has been estimated by the actuaries that the moneys derived from the deductions from the salaries of the employees will accumulate in considerable volume, and from this civil-service retirement fund annuities will be paid. During this period of time, of course, the Government will hold these deductions with the accumulating compound interest at the rate of 4 per cent, compounded annually, as a trustee, but nevertheless will have the use of this money for the purpose of paying annuities.

As bearing upon the question of cost, I wish to call attention to the following statement made by the Joint Commission on Reclassification of Salaries in its report submitted to Congress on March 12, 1920:

NEED FOR RETIREMENT LAW.

Your commission recommends the immediate enactment of an actuarially sound retirement law. Our investigations have convinced us that the Government is maintaining a most expensive civil pension system. Thousands of superannuates encumber the pay rolls and reduce the morale of the departments. Some are brought to their desks in wheeled chairs, and in one case an employee frankly told your commission that he had no duties, "because he was blind." Of course, no administrative officer has been found heartless enough to dismiss these faithful servants from the positions they occupy. Their salaries amount to much more than would be the cost of a generous retirement system, to say nothing of the decreased efficiency resulting from their presence.

In making the statement quoted from the report, it should be borne in mind that the commission had the fullest opportunity during the period covered by the report in making a detailed study of the entire civil service in the city of Washington, including not only the departmental service but the civil-service personnel of the District of Columbia as well. Questionnaires were submitted by approximately 100,000 civil-service employees.

HOW WILL THE RECLASSIFICATION OF SALARIES AFFECT THE OPERATION OF THE RETIREMENT LAW?

It has been contended by some that in the event Congress should enact a retirement law for the civilian employees of the Government based upon their individual contributions, it would at once be made the basis for a general increase of salaries to cover the amount of such deductions. It should be remembered that the bill under consideration provides that no deduction shall exceed 2½ per cent of the basic pay, salary, or compensation of the employees. The report of the Joint Commission on Reclassification of Salaries plainly shows that independent of any retirement law the salaries of Government employees should be readjusted with substantial increases in many instances, and if the report of this joint commission should be made the basis for the enactment of law embodying the recommendations contained in the report, it would undoubtedly create a greater sense of satisfaction on the part of the employees contributing a portion of their salaries toward the creation of their retiring annuities, simply for the reason that the increases recommended by the joint commission are more than sufficient to cover the small percentage of deduction contemplated under the terms and provisions of this bill.

In order that the records may have a complete answer to the oft-repeated question, What is the number of civil-service employees in the District of Columbia and in the various departments of the Government? I wish to insert here a letter from the Hon. Martin A. Morrison, president of the United States Civil Service Commission, together with a table of statistics covering this inquiry:

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., March 24, 1920.

Hon. ADOLPHUS P. NELSON, M. C.,
Room 276, Office Building, House of Representatives,
Washington, D. C.

MY DEAR MR. NELSON: In response to your personal inquiry as to the number of persons in the Federal civil service, I inclose herein two tables. You will note that one relates only to employees within the District of Columbia. This list is approximately correct down to January 31, 1920. We have no later figures that are complete.

The other list relates only to service outside the District of Columbia and is approximately correct down to July 1, 1919. We have no later figures that are complete. You will note that the total number within the District of Columbia on January 31, 1920, was 100,110. It is estimated that by July 1, 1920, the number will be smaller.

You will note that the total in the field service (outside the District of Columbia) on July 1, 1919, was 657,744. This number has been considerably reduced and is being reduced.

Total number in District of Columbia	100,110
Total number outside	657,744
	757, 854

The commission estimates that by July 1, 1920, the grand total of 757,854 will be reduced to less than 650,000. Of course, drastic legislation in the meantime may make greater reductions. As the commission must await official reports on appointments and separations, it is rarely possible to give official figures complete and accurate to date. The commission has compiled no data in the matter of the ages of Federal employees, and therefore can not estimate the effect of the pending retirement legislation.

Very truly, yours,
MARTIN A. MORRISON,
President.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., April 27, 1920.

Hon. ADOLPHUS P. NELSON,
House of Representatives.

MY DEAR MR. NELSON: Supplementing my letter to you of March 24, 1920, I respectfully call your attention to the fact that the figures therein include the entire personnel of the civilian Executive branch of the Federal Government. In order to give you the best available figures on the probable number that will be in the competitive classified civil service on July 1, 1920, I beg to report that the number will be approximately 430,000 persons.

Very truly, yours,
MARTIN A. MORRISON,
President.

Number of employees in the executive civil service in the District of Columbia on Apr. 1, 1917, Nov. 11, 1918, July 1, 1919, and subsequent dates.

[Figures for dates subsequent to July 1, 1919, are based partly upon informal reports.]

	Apr. 1, 1917.	Nov. 11, 1918.	July 1, 1919.	Sept. 30, 1919.	Oct. 31, 1919.	Nov. 30, 1919.	Dec. 31, 1919.	Jan. 31, 1920.
Department of State	281	686	778	773	769	782	779	789
Department of the Treasury	8,285	29,342	32,645	36,723	38,140	38,325	38,065	37,444
Department of War	2,816	37,405	27,416	23,709	22,287	21,684	21,158	20,523
Department of Justice	321	541	452	476	492	496	500	510
Post Office Department	2,097	2,396	2,463	[1] 2,463	[2] 2,463	[2] 2,463	[2] 2,463	[2] 2,463
Department of the Navy	6,376	12,500	11,037	11,473	11,443	11,271	11,105	10,858
Department of the Interior	5,294	5,361	5,513	5,713	5,792	5,867	5,936	5,957
Department of Agriculture	[4] 4,200	[4] 6,100	[4] 5,100	[4] 4,827	[4] 4,819	[4] 4,778	[4] 4,766	[4] 4,721
Department of Commerce	1,656	2,298	2,356	2,060	2,081	2,100	2,160	2,583
Department of Labor	360	1,427	597	325	332	324	334	190
Government Printing Office	3,996	5,280	4,794	5,092	5,172	5,171	5,154	5,150
Smithsonian Institution	462	368	453	455	447	445	441	438
Interstate Commerce Commission	862	796	836	854	856	855	862	863
Civil Service Commission	225	654	320	308	320	317	315	331
United States Bureau of Efficiency	23	38	34	67	73	72	55	83
Federal Reserve Board	75	124	159	188	265	318	320	[5]

[1] No report for this period.
[2] No report for a preceding period or periods.
[3] No report for this and preceding period or periods.
[4] Approximate.
[5] Dropped; salaries not paid from Federal funds.

Number of employees in the executive civil service in the District of Columbia on Apr. 1, 1917, Nov. 11, 1918, July 1, 1919, and subsequent dates.—Continued.

	Apr. 1, 1917.	Nov. 11, 1918.	July 1, 1919.	Sept. 30, 1919.	Oct. 31, 1919.	Nov. 30, 1919.	Dec. 31, 1919.	Jan. 31, 1920.
Federal Trade Commission	196	691	377	369	361	389	384	408
United States Shipping Board	22	1,227	1,879	1,957	1,953	1,954	1,909	1,911
Railroad Administration		1,163	1,324	1,300	1,393	1,419	1,390	1,395
Council of National Defense	33	323	114	71	71	71	68	69
War Trade Board		2,338	267	101	98	96	92	91
Alien Property Custodian		512	397	318	310	295	282	269
United States Tariff Commission	25	74	56	78	83	86	85	86
United States Employees' Compensation Commission	6	48	60	58	64	67	72	74
Federal Board for Vocational Education		222	704	[1]937	[2]982	[2]1,019	[2]1,069	[2]1,069
The Panama Canal	110	110	110	111	113	112	112	112
Interdepartmental Social Hygiene Board		2	16	31	32	33	33	35
Superintendent State, War, and Navy Building	187	1,694	1,800	[4]1,800	[2]1,775	[2]1,738	[2]1,694	[2]1,679
War Industries Board		[5]1,295	9	[2]9	[2]9	[2]9	[2]9	[2]9
United States Food Administration		1,490						
United States Fuel Administration		[6]948						
Total	37,908	117,454	102,126	102,766	102,519	102,950	101,562	100,110

[1] No report for August, 1919.
[2] No report for this and preceding period or periods.
[3] No report for a preceding period or periods.
[4] No report for July, 1919.
[5] Approximate.
[6] No report for this period.

NUMBER OF PERSONS IN THE EXECUTIVE SERVICE OF THE FEDERAL GOVERNMENT JULY 1, 1919, OUTSIDE DISTRICT OF COLUMBIA.[1]

[Compiled from data furnished to the Bureau of the Census by the several departments and independent offices. In some cases the figures are only approximations, owing to the fact that certain of the departments and offices have lump-sum appropriations and the force paid from such appropriations is continually varying in size.]

Department of State	1,098
Department of the Treasury	26,307
Department of War	168,063
Department of Justice	2,470
Post Office Department	284,377
Department of the Navy	96,751
Department of the Interior	13,147
Department of Agriculture	17,872
Department of Commerce	8,276
Department of Labor	3,078
Interstate Commerce Commission	1,378
Civil Service Commission	49
United States Shipping Board [2]	15,650
Federal Board for Vocational Education [3]	1,741
The Panama Canal	17,487
Total	657,744
Total on July 1, 1917	476,388

[1] United States Railroad Administration not included.
[2] Includes Emergency Fleet Corporation, but only employees of administrative and executive divisions, not mechanics and other employees of the various shipyards.
[3] Number of employees reported on Nov. 11, 1919.

POST-OFFICE EMPLOYEES.

Some time ago I received from the Chamber of Commerce of Ashland, Wis., the following statement:

At a meeting of the board of directors of the Ashland Chamber of Commerce held Tuesday, April 6, 1920, the matter of the insufficient help in the Ashland post office came to its attention, and the Secretary was instructed to write you calling attention to the condition as exists locally, and in addition to make the recommendation for the board of directors of the Ashland Chamber of Commerce that attention be given to the general matter of the increase in pay for post office as well as other Federal employees.

This request from the Chamber of Commerce of Ashland led me to make a thorough investigation into the service of our post-office employees, and I am amazed at the inadequate salaries which are provided for this large branch of the Government service. Indeed, it is my belief, after a thorough investigation, that the post-office employees are one of the most efficient and conscientious set of men in our Government service and deserve our very best consideration. I find that but trifling increases have been made in their salaries since the year 1883, while the cost of living has increased since that time over 100 per cent.

We hear very much these days about the inadequate pay of the preacher and the teacher, and I am persuaded that the teacher and the preacher are entirely inadequately paid for the services rendered to the good of society. I am also persuaded that to this class must be added the post-office Federal employee, and I wish to say, at this point, that I sincerely hope that when the report of the Reclassification Commission will be before us, we will do the right thing and give a square deal to all post-office employees. During all the hardships of the war they stood manfully by our Government and have given us their very best all through the great conflict. The postal employees stuck manfully to their duties and worked untold overtime periods but did not receive an adequate raise to help them. In my judgment, it is necessary for us to conserve the best interests of our Postal System by giving a proper wage to our postal employees. Under most trying conditions in many places they have faithfully performed their duties, and I believe that it is up to Congress to see that the service shall be improved by keeping in the service, through adequate wage and proper retirement law, the best talent and the best brains possible. I am glad to believe that when we shall have the whole question before us we should do the square thing by this important branch of our Government service, and these faithful employees of the Postal Service shall be given a square deal. [Applause.]

For facts and figures and suggestions upon which I base my arguments, I wish to give full credit to Joseph S. McCoy, the Government actuary; Dr. Lewellyn Jordan, of the Treasury Department; Gilbert E. Hyatt, president of the National Federation of Postal Employees; R. H. Alcorn, chairman of the Joint Conference on Retirement and president of the American National Association of Supervisors; John S. Beach, of the Pension Bureau; E. J. Ryan, president National Railway Mail Association; Senator STERLING, of the Senate Committee on Civil Service and Retrenchment; and to our able chairman of the House committee, Mr. LEHLBACH, who has worked most efficiently in season and out of season for the enactment of a proper retirement law.

NEEDS OF POST-OFFICE CLERKS AS TO RETIREMENT.

One of the handicaps of the post-office clerk is the name under which he is known. He is not a clerk in the common meaning of the term, but is a highly specialized tradesman who, after undergoing an arduous training, becomes a skilled distributor of mail. This trade is based upon an accurate knowledge of a series of facts concerning the proper dispatch of mail to trains, or of the names of firms, the streets, and numbers served by the carriers of his city. Just how severe the training required is can be shown by the following tabulation of facts necessary to the proper dispatch of one city:

A SEVERE TEST OF EFFICIENCY.

During his service he is required to commit to memory a scheme of distribution comprising from 10,000 to 25,000 separate and distinct notations or facts. To illustrate: He must know that the town of Olney, Ill., is in the county of Richland, that a letter for that place must be dispatched on the 8.30 a. m. auto for connection with the Chicago and Carbondale railway post-office train 23, No. 1, via Champaign, leaving the Illinois Central depot at 8.45 a. m. When this train is gone he must know on what train to send it next and so on as per following schedule:

Chicago and Carbondale train 23, No. 1 (via Champaign), Illinois Central depot, pouch locks 8.29 a. m., auto 8.30 a. m., train time 8.45 a. m.

Chicago and St. Louis train 21, No. 3, Dearborn station, pouch locks 9.41 a. m., auto 9.42 a. m., train time 10 a. m.

Chicago, Springfield, and St. Louis train 1, No. 3, Union station, pouch locks 9.59 a. m., auto 10 a. m., train time 10.15 a. m.

Chicago and Evansville train 93, No. 3, Dearborn station, pouch locks 12.06 p. m., auto 12.07 p. m., train time 12.25 p. m.

Chicago and Carbondale train 3, No. 2, except Saturday, Illinois Central station, pouch locks 5.59 p. m., auto 6 p. m., train time 6.15 p. m.

Chicago and Carbondale train 21, No. 2, except Saturday, Illinois Central station, pouch locks 8.14 p. m., auto 8.15 p. m., train time 8.30 p. m.

He must have stored away in his memory approximately the same amount of information regarding 2,000 to 5,000 other post offices in his particular State or section of States. He must, besides, be ever on the alert for letters that are overweight or stamps that are uncanceled while he distributes mail at the rate of 50 to 75 pieces per minute.

As train schedules change, post offices are discontinued, new ones established, or old ones reestablished, the schemes of distribution are in a continual state of fluctuation, so that the clerk, in order to maintain a proper standard of efficiency, must study and practice at home.

He must be prepared to take an examination every 75 days or every year, according to scheme, and pass with a mark of not less than 95 per cent. This requires him to devote on an average of one hour a day to his study at home.

Regarding the efficiency of the average post-office clerk, Mr. Frank H. Galbraith, superintendent of mails in the Chicago office, made the statement that the post-office clerk makes only one error in every 34,026 pieces of mail handled, while the general public makes one in every 177.

When it is realized that the dispatch of mail to a whole State, or even a group of States, forms the necessary equipage of every

distributor, it becomes plain that only the freshest and most retentive minds can absorb the new facts and unlearn the old ones involved in this work. Men of advanced years can not acquire with any degree the same facility as can a young man the new and arbitrary series of data which is the trade of the post-office clerk. In addition to this basic condition, which is enough in itself to establish that any man of 62 years, perhaps at his highest efficiency for other classes of work, is past his zenith as a distributor, are certain other conditions surrounding this calling which make it peculiarly one of the Government industries to which the principle of retirement should be applied in the interests of both humanity and of efficiency. [Applause.]

SALARIES OF POSTAL EMPLOYEES.

The postal employees have been notoriously underpaid for many years. So much is this true that it is a palpable impossibility for a competent employee to save on the wage formerly established and the one now allowed. For many years the maximum salary was $1,200, only reached after at least six years in lower classifications, $1,100 having been the limit in the second-class office. At present there has been allowed a temporary classification with a maximum of $1,650. That this increase, gained after over a decade of waiting, is now less adequate than the former classification at the time of its inauguration is shown by the following tables of cost compiled by Chicago post-office clerks and making a more modest estimate of the situation than many other creditable sources have brought forward.

A MINIMUM EXISTENCE EXPENSE ACCOUNT FOR FAMILY OF FOUR.

Minimum existence expense account for family of four, including two children of school age:

Rent, $25 per month	$300.00
Fuel, 5 tons coal at $12 per ton	60.00
Gas and light, $4 per month	48.00
Food, at 18 cents per person per meal, $15.12 per week	786.24
Clothing, including shoes, underclothing, coats, hats, suits, etc., husband and wife, $150; two children, $150	300.00
Insurance, household and life	92.60
Telephone, necessity because of irregular working hours	18.00
Reading matter, newspaper and two magazines	13.88
Carfare to and from work only	37.44
Doctor and dentist bills	50.00
Household upkeep, $5 per month, and incidentals, $2 per month	84.00
Total for year's necessities	1,790.16

ESTIMATE BASED ON AMERICAN STANDARD OF LIVING.

Additional items necessary to the maintenance of an American standard of living:

Interest on home, $15 per month	$180.00
Fuel, 1 ton additional	12.00
Repairs and upkeep	100.00
Insurance on house	10.00
Reading matter for educational purposes	10.00
Church or lectures	25.00
Recreation, vacation, $50; movies or other diversions, $1 per week	102.00
	439.00
Doctor and dentist bills reduced $25 because of better living conditions	25.00
	414.00
Minimum existence, total	1,790.16
Grand total	2,204.16

In comparing these totals with the prevailing salaries paid the postal employees the question arises as to how they manage to get along.

A comparative scale of wages, gathered by the same organization, the Chicago Local No. 1, National Federation of Postal Employees, shows something of the handicap suffered by the postal employees on the score of comparative remuneration:

REMUNERATION IN PRIVATE INDUSTRIES FAR GREATER THAN IN POSTAL SERVICE.

That private industries have recognized the necessity for wages commensurate with the increased cost of living is evidenced by the following table of salaries. We insert the salaries of postal employees at the bottom of each group to show the marked contrast in Government salaries.

	Per annum.
Masons and bricklayers	$2,002.00
Structural iron setters	2,002.00
Plasterers	2,002.00
Hoisting engineers	2,002.00
Electrical workers	2,002.00
Steam fitters	1,864.72
Tile setters	1,859.00
Plumbers	1,859.00
Gas fitters	1,859.00
Stonecutters	1,859.00
Cement floor layers	1,859.00
Ornamental iron setters	1,830.40
Lathers	1,830.40
Carpenters	1,830.40
Roofers	$1,773.20 to 1,830.40
Sprinkler fitters	1,830.40
Pipe coverers	1,744.60
Marble cutters	1,716.00
Painters	1,716.00
Sheet-metal workers	1,716.00
Cement finishers	1,716.00
Elevator constructors	1,716.00
Post-office clerks	1,000 to 1,500.00

The above workers, excepting the postal clerks, receive time and one-half for overtime, with double time for work performed on Sundays and holidays.

Many of these workers have received increases in pay since the above schedule was put into effect.

PRINTERS.

	Per annum.
Printers, pressmen	$1,924.00 to $2,340.00
Folding-machine operators, 3 machines	1,846.00
Stock cutters	1,768.00
Tension men	1,716.00
Folding-machine operators, 2 machines	1,790.00
Separating-machine operators	1,638.00
Separating-machine assistants	1,638.00
Folding-machine feeders	1,560.00
Press feeders	1,664.00

Night work $1.50 per week in excess of day scale.

STOCKYARD WORKERS.

Cattle killing, floormen	2,496.00
Cattle killing, splitters	2,496.00
Cattle killing, backers	2,381.20
Cattle killing, rumpers	2,256.40
Cattle killing, sticking and heading	1,996.80
Cattle killing, knocking only	1,747.20
Sheep killing, pelters	2,184.00
Sheep killing, sitters	2,184.00
Hog killing, scalders	2,121.60
Hog killing, helpers	1,872.00
Hog killing, gutting	2,184.00
Beef casing, middle fatter	2,496.00
Beef casing, scraping tripe	2,121.60
Hog casings, feeding machine	1,872.00
Kitchen cooks	1,996.80
Live-stock handlers, scale counters	1,920.00
Live-stock handlers, feeders	1,800.00
Common labor, men and women	1,632.40
Post-office clerks, including expert distributers—maximum	1,500.00

TEAMSTERS AND CHAUFFEURS.

Laundry-wagon drivers, $25 per week and commission, average $40 per week	2,080.00
Milk-wagon drivers, $35 per week and commission, average $36.50	1,898.00
Bakery-wagon drivers, $25 per week and commission, average $42 per week	2,184.00
Chauffeurs, 7-ton truck	1,768.00
Chauffeurs, 5-ton truck	1,638.00
Chauffeurs, 3-ton truck	1,508.00
Teamsters, 4-horse wagon	1,508.00
Post-office clerks, expert distributers included—maximum	1,500.00

RAILROAD OFFICE CLERKS.

Freight rate clerks, $1,500 to $1,700 per year and over.

Post-office clerks are the lowest paid of any of the above-mentioned workers.

The rate of increase in the cost of living is claimed by experts to be one which will continue. The present situation is shown by the following table:

HOW COST OF FOOD INCREASED.

In support of the food item of $786.24, we submit the following table taken from the report issued by the Government April 18, 1919:

	1913	1914	1917	1918	To-day.
Sirloin steak, pound	$0.25	$0.26	$0.30	$0.37	$0.45
Pork chops, do	.20	.30	.31	.38	.42
Bacon, sliced, do	.32	.32	.50	.60	.63
Lard, do	.15	.15	.31	.35	.37
Eggs, dozen	.39	.35	.30	.68	.52
Butter, pound	.36	.36	.49	.65	.72
Milk, quart	.08	.08	.12	.14	.13
Bread, pound loaf	.06	.07	.10	.10	.10
Sugar, pound	.05	.06	.08	.10	.11

As a whole, 22 articles were 2 per cent higher last month than the preceding month, and were 14 per cent higher than March, 1918.

For the six-year period, March, 1913, to March, 1919, the increase in the retail prices of all the foods was 89 per cent, with flour, bacon, lard, and cornmeal increasing more than 100 per cent.

This should establish the fact that the postal worker is not and has not been in a position to lay up a surplus against old age. If the Government has taken his youth and vitality until he can no longer meet the strain of his calling, without paying a sufficient wage to allow him to provide for himself the responsibility for his proper provision in old age certainly rests with his employer.

To return to the peculiarities of the post-office clerks' calling a number of other circumstances make it one in which it is not a profession to be followed to an advanced age.

NIGHT WORK.

Work at night is deteriorating. The unnatural conditions of rest and of labor inseparable from duty at night are wearing on young men, producing an earlier breakdown. On the older man, requiring his natural rest for recuperation, this hardship produces a keen effect on the well being of the individual and on the quality of his work. Something like 70 per cent of the distributors work at night.

OVERTIME.

The Post Office Department exacts from its employees an amount of overtime at certain periods of the year that can not be followed without a drain on the vitality. Bitter complaint has been made against this by the clerks of the service, and these complaints are being made at the present time. Chicago, Minneapolis, Omaha, and other places are cases in point.

SPEEDING UP.

The very nature of the work requires, during the rush periods when the post offices are swamped with mail, in the evenings, at the first of the month, and the beginning of the year, and of the quarters of the year, that the post-office clerk must work at high tension. The form of the examinations he must pass, periodically, to prove his qualification for the job show that speed is considered one of the prime requisites. Add to this the almost perfect accuracy obviously necessary and it becomes plain that while the young and the middle-aged can meet the strain, the aged can not.

LOWERED MORALE.

One of the by-products of a lack of a retirement provision is the effect on the men in the service. The boys have before their eyes every day that they work object lessons in the penalty paid by those who spend a lifetime in the Government service. They see the aged employee, after years of expert work, struggling to keep up his end, pitifully trying to hide the fact that he is not able to deliver the amount of work set as a standard by the average of the other men, and only hoping that his deficiencies will pass unnoticed. They realize that the old man is there only on sufferance and that it is only the simple humanity or perhaps the shame of those in authority which prevents him being driven from the service. Concrete examples of this condition may be found in almost every post office of any size in the country. The effect on the young man entering the service can be seen in the increasing difficulty of retaining these young men in the service. A letter from Detroit says that it is hard to retain the newcomer beyond two days and that the younger element among the regular force is resigning at the rate of from 10 to 20 a week. The civil-service periodicals throughout the country show the effort necessary to recruit the force to its bare requirements. Under this situation it is the young man who leaves, the old one must remain, and the result is an increasing retirement problem. Chicago and New York are in this condition, and it is a general rather than an exceptional condition throughout the country. It simply means that the recruit for the service, learning the facts surrounding his employment and seeing the concrete proofs that the calling holds no future, leaves it as soon as possible. The former attitude of the public, that any Government job was a good job, is fast changing to the commonly heard expression that the Government service is no place for the forward-looking and ambitious. The advice given now is to keep out and not, as formerly, to enter.

Even if executives so brutal as to throw out the old employees could be found there is no remedy in this but an aggravation of the problem, as it would simply mean another argument to deter the young man, who must continuously recruit the Government ranks, from applying for these positions. If the Post Office Department is to recover the ground it has lost and attract again to its ranks the men of the snap and enthusiasm that its obvious requirements make necessary, it must, among other things, make it a calling that a man is not afraid to stay in. The passage of a retirement measure will not solve all the problems, but it will relieve one of the most pressing.

INSANITARY POST OFFICES.

Many of the post offices of the country are not fit for the purpose for which they were erected. In addition, insanitary conditions prevail in some of the largest. A notable example is the Chicago post office, the sanitary condition of which has been a source of complaint for over a decade. Lack of ventilation, proper lighting, and even of ordinary cleaning have been continuously complained of without redress. Such surroundings contribute to a lowered efficiency, a higher sick and death rate, and an earlier superannuation. Uncleaned, even undusted, mail sacks not only spread germs through the offices but must contaminate the mail received by the public. Tuberculosis rises to the dignity of an occupational disease among post-office clerks.

SCIENTIFIC ANALYSIS OF THE LEHLBACH-STERLING BILL.

The first paragraph of section 1 defines the optional age when employees shall be eligible for retirement and makes it a condition precedent for retirement on an annuity that the employee shall have rendered in the aggregate at least 15 years of service.

Except in the preferential classes, the age for retirement is fixed at 65 years. The optional age for retirement of mechanics, city and rural letter carriers, and post office clerks is 62 years, for the reason that their occupation is either hazardous, laborious, or subject to exposure, or the conditions of their employment are such as to render them incapable for efficient service at a comparatively early age. By analyzing the provisions of section 6 in conjunction with the paragraph now under consideration, we find that retirement does not at once become compulsory, but that employees may be continued in the service beyond retirement age under certain conditions specified in that section. More extended reference to the question of optional and compulsory retirement will be made when section 6 is reached.

Employees of the Library of Congress and the Botanic Garden are included in the provisions of the act. These employees, coming as they do under the legislative branch of the Government, have a peculiar status. Although they are not in the classified civil service, yet their duties, rights, and privileges are analogous to those of other civil-service employees and their tenure of office is reasonably certain; therefore it would appear to be an act of justice to give them the same benefits of a retirement law as will be accorded to the employees in the classified civil service.

The power vested in the President to extend the scope of the law is in harmony with the authority already conferred upon the Executive in civil-service matters. That he shall have added power to exclude from the operation of the law certain employees is deemed wise, particularly in the interest of good administration. It will be noted, however, that this power is limited, and it is presumed will be invoked only to meet extraordinary contingencies which may arise from time to time and which would render administration of the law difficult or prejudicial to the interests of the Government or the employees concerned.

Certain employees of the municipal government of the District of Columbia are also included in the provisions of the act. The conditions of employment in this branch of the service are such as to warrant the extension of the law to include the employees mentioned in the third paragraph of section 1.

Postmasters are specifically excluded from the provisions of the act, for the reason that their occupation as such is usually incidental to other lines of business, and, in fact, in a large proportion of cases, they give only part time to the duties of the office; therefore the application of a retirement law for postmasters would be exceedingly difficult, if not inequitable, as compared with other branches of the service.

An act of Congress approved June 20, 1918, provides for retirement of certain employees in the Lighthouse Service, and as that act confers greater benefits upon those employees than they would receive under this bill they are also specifically excluded.

Section 2 defines the classifications and rates to be used as a basis for computing annuities, which are graduated both in relation to the number of years in the service and to the average annual salary, pay, or compensation during the last 10 years of service. A maximum and minimum annuity is fixed for each class, and it is provided that in no case shall an annuity exceed $720 per annum or be less than $180 per annum. As before indicated, no annuity shall be granted for less than 15 years' service.

The following table will serve to illustrate the scale of annuities provided in this section:

Table of annuities.

Average annual salary, pay, or compensation during last 10 years of service.	Class A, 30 years or more 60 per cent.	Class B, 27 to 30 years, 54 per cent.	Class C, 24 to 27 years, 48 per cent.	Class D, 21 to 24 years, 42 per cent.	Class E, 18 to 21 years, 36 per cent.	Class F, 15 to 18 years, 30 per cent.
$1,200 or more	$720	$648	$576	$504	$432	$360
$1,100	660	594	528	462	396	330
$1,000	600	540	480	420	360	300
$900	540	486	432	378	324	270
$800	480	432	384	336	288	240
$700	420	378	336	294	252	210
$600 or less	360	324	288	252	216	180

The House committee has added a very important amendment that should obtain in order to deal fairly and squarely with the higher paid employees of the Government when it added the following amendment at the end of section 2:

Whenever the contribution, with interest, of the employee, at the age of retirement will purchase an annuity of the kind provided for herein in excess of the annuity herein provided, the employee shall receive an annuity of the amount his contributions with interest will purchase.

It is evident to anyone who has given this deep and thorough study that this section is eminently fair and will remove the objections raised by the higher salaried Federal employees and will enhance the equity and square dealing of the entire people.

Section 3 gives the employee the benefit of all periods of service for the purpose of assignment to classes defined in section 2. If the employee is in receipt of a pension or compensation on account of military or naval service, the period of his or her service in the Army or Navy shall not be included for the purpose of assignment to classes; in the event, however, that such employee is not in receipt of a pension or compensation for such service, then the period of military or naval service may be included. This means, in effect, that the retired employee may receive an annuity in addition to a pension or compensation, but the period of military or naval service in such cases shall be eliminated for the purpose of computing annuity.

Section 4 provides for administration of the act by the Commissioner of Pensions under direction of the Secretary of the Interior.

The Bureau of Pensions is splendidly equipped to undertake this additional work. It is located in a spacious building, well lighted and well ventilated, and affords maximum facilities for transaction of official business. Included in its personnel are many employees who, by reason of education and training, have become skilled in the law and practice governing adjustment of pension claims. The medical division, under direction of the medical referee, includes employees possessing a technical knowledge of medical jurisprudence. More than 1,200 boards of examining surgeons scattered throughout the country come under the control of the bureau and are available for the purpose of making examinations at a minimum cost. There is also a corps of special examiners in the field service trained in making inquiries affecting the rights and interests of claimants and pensioners. The disbursing office is fully equipped with every modern mechanical appliance used for the purpose of writing and mailing pension checks.

It will be possible to utilize all these agencies in the business of adjusting claims for annuities and making payments when granted, thus providing administration at a minimum cost and yet with a maximum of efficiency.

The right of appeal to the Secretary of the Interior from any adverse action of the Commissioner of Pensions in his construction of the retirement law would be in harmony with present practice in pension matters, and the assurance that such appeal would be considered by a regularly constituted board guarantees to the appellant a judicial determination of his claim.

Section 5 provides for retirement of employees who become totally incapacitated for efficient service before reaching the retirement age. The interests of the Government have been carefully safeguarded in the drafting of this section.

The employee must have had at least 15 years of service before becoming eligible for retirement on account of disability. Retirement is conditioned upon an examination by competent medical authority, and total disability for efficient service must be satisfactorily established. The annuitant must submit to a medical examination annually until reaching the retirement age unless the disability is permanent in character. Provision is made for discontinuing the payment of annuity upon recovery from the disability and for suspending the annuity if the annuitant fails to comply with the rules and regulations applying to medical examination. The Commissioner of Pensions is given full authority to institute special examination at any time to determine the facts relative to the disability for which the employee has been retired.

If the nature of the disability is such as to give the employee the right to benefits under the Federal employees' compensation act, then he may elect whether he will accept such benefits or accept retirement or annuity as provided in this section.

Section 6 defines the conditions under which retirement shall be compulsory or may become optional. Upon reaching the retirement age the employee shall be automatically separated from the service unless arrangements have been made previously for his retention. The right to retire upon reaching the requisite age, or at any time thereafter, belongs to the employee; he can not be compelled to remain in the service after having attained retirement age. Retention in the service beyond retirement age rests primarily upon the decision of the administrative officer as to whether the employee is still capable of rendering efficient service to the Government, even under these conditions, and continuance of the employee in the service must be by mutual agreement between him and the administrative officer.

Continuance in the service shall be upon certification; first, by the administrative officer stating that the employee is efficient and is willing to continue in the service, and, finally, upon certification by the Civil Service Commission as a matter of official record. The certification shall be for two-year periods only, but may be terminated at any time at the will of the employee or by the administrative officer, should he decide that the employee shall have become inefficient. This point is more clearly defined in the proviso contained in section 7.

After the act has been in full force and effect for 10 years, retirement becomes compulsory at the end of four years after reaching the retirement age defined in section 1.

Section 7 gives the employee the privilege of filing an application for annuity 30 days in advance of his retirement, which will facilitate the adjudication of his claim and insure prompt payment of the annuity after separation from the service. The time is not limited, however, within which he may file the application, but it is absolutely necessary that he shall make claim in proper form before his application for annuity can be considered, and this claim must be supported by relevant facts based upon authentic records. The certificate to be issued by the Department of the Interior becomes evidence of the right to the annuity therein defined.

The date when the annuity shall commence is fixed so that there will be no lapse between termination of pay for active service and the commencement of the annuity.

Section 8 provides for deduction of 2½ per cent from the employees' basic salary, pay, or compensation, and such deductions are to be transferred to the credit of a special fund known as the "civil-service retirement and disability fund." This fund will become immediately available for the payment of annuities, refunds, and allowances. The interest of the individual employee in the deduction from his or her salary, pay, or compensation is fully safeguarded by the provisions contained in section 11 hereinafter outlined.

The Secretary of the Treasury is directed to invest in interest-bearing securities such portions of the "civil-service retirement and disability fund" as may not be immediately required, and he is empowered to receive and invest certain moneys and contributions and to disburse the same as outlined in the last paragraph of this section.

Section 9 provides that every employee coming within the provisions of the act shall consent and agree to the deductions from salary, pay, or compensation, as specified in section 8, and by so doing he becomes a party to the contract between himself and the Government. This section modifies certain provisions of the Revised Statutes which fixes the classification of salaries of employees in the departments.

Section 10 defines the conditions under which employees in the unclassified service at the time of the passage of the act, but who subsequently attain a classified status, may obtain credit for service rendered prior to classification, or prior to the passage of the act. Provision is also made for those who become separated from the service and who are subsequently reinstated.

In both such cases it is necessary that a sufficient sum shall be deposited with the Treasurer of the United States to equalize their deductions with those of the employees who shall have been continuously in the classified service from the passage of the act, otherwise they will be treated as new entrants in the service. A provision is made, however, so that failure to make the requisite deposit shall not operate to deprive the employee of credit for service rendered prior to the date when the act shall become effective.

Section 11 makes provision for return of deductions with accrued interest under three contingencies:

First. In case of separation of an employee from the service for any cause whatsoever before reaching the retirement age the total amount of deductions with accrued interest shall be returned to the employee.

Second. In case an annuitant shall die without having received annuities equal to the total amount of deductions with accrued interest, the difference shall be paid to the legal representatives of the annuitant.

Third. In case an employee shall die without having reached the retirement age or before establishing a valid claim for annuity, the total amount of deductions with accrued interest shall be paid to the legal representatives of the employee.

Section 12 provides for payment of annuities monthly under such rules and regulations as the Secretary of the Interior may prescribe. If the present practice in the payment of pensions is followed checks will be issued, without requiring separate vouchers, in all cases where payments are to be made directly to the annuitant. In other cases vouchers may be required.

Section 13 requires the Civil Service Commission to keep a complete record of all appointments, changes in grade, separations from the service, and all other relevant data which will enable it to furnish the Commissioner of Pensions with a report upon each individual claim whenever called for, showing all facts necessary to a proper adjustment of such claim. The commission is also required to keep needful tables and records as a basis for future valuations and adjustments of the plan for retirement of employees under the provisions of the act.

The Commissioner of Pensions is required to make an annual report, showing in detail all relevant data in connection with

receipts and disbursements on account of annuities, refunds, and allowances.

Section 14 provides that none of the moneys mentioned in this act shall be assignable in law or equity and that they shall not be subject to execution, levy, attachment, garnishment, or other legal process.

Section 15 authorizes the appropriation of the sum of $100,000 for the purpose of carrying out the provisions of the act and makes provision for future estimates.

Section 16 provides for the establishment of a board of actuaries, who will operate under the authority of the Commissioner of Pensions. The establishment of this board insures reducing the system, ultimately, to a sound financial and actuarial basis.

Section 17 repeals all laws in conflict with the act.

STATEMENTS AND LETTERS SUBMITTED BY CABINET OFFICERS, HEADS OF DEPARTMENTS, AND COMMISSIONS OF THE GOVERNMENT.

Mr. Saltzgaber, Commissioner of Pensions, stated at a hearing before the Senate Committee on Civil Service and Retrenchment, on June 25, 1919:

My convictions have existed for a long time that it is to the interests of the Government and of the employees, as well as economic and humane, that a bill like this should be enacted into law. I presume that in the Pension Bureau we have the most conspicuous example of the need of such legislation. We have a great many clerks who have served the Government for a long period of time, some of them over 50 years, and they have reached an old age at which they are no longer efficient, some of them; and yet Congress does not require it, and we do not turn them out of employment. They are still carried on the roll, but practically they are of very little, if any, benefit to the Government by way of service that they render.

Mr. Galloway, a member of the United States Civil Service Commission, submitted to the Committee on Reform in the Civil Service of the House, on June 18 and June 25, 1919, the commission's views as to the necessity for retirement legislation, and later appeared before the Senate committee:

In response to your communication of June 12, your attention is invited to the inclosed extracts from recent reports to the commission relating to retirement of employees.

The commission as at present constituted is in accord with the views therein expressed, and trusts that the subject will have the earnest attention of your committee. The Government is now actually pensioning its superannuated employees, and this in a very expensive, indirect, and unsatisfactory way. Heads of departments and bureaus have not the heart to discharge men and women who have grown old and infirm in the service, and so their names are carried on the pay rolls year after year with little regard for ability to render an equivalent in service. Many of these old people, who would otherwise resign, continue in their positions in the hope of having the benefit of a retirement law. With provision made for retirement, appointing officers would have less hesitation in relieving the service of the deadwood that now encumbers it. A retirement law is urgently needed in the interests of efficient public service.

Yours, very truly, ——— ———, *President.*

In the annual report of the Civil Service Commission for the year 1916, under the heading of "Retirement," the report says:

Superannuation is older than the civil-service act, and any increase does not result from the merit system. That system does not protect incompetents. Improved administrative methods and the standardization of salaries can not be effectively made until a retirement system is established which will provide for superannuated employees. The commission believes that a contributory plan would be just and practicable and earnestly recommends its adoption.

In its annual report for the year 1917, under the heading of "Retirement," the commission said:

The increased demands upon the personnel of the civil service by the war have given emphasis to the need of a retirement system. It is too costly to continue the aged and infirm in positions requiring alertness and vigor, especially where they have supervision of other employees, and a retirement system is possible which would be alike in the interests of the Government and of the worker. While inefficiency is a just cause for removal, appointing officers naturally hesitate to dismiss old employees who have become incapacitated after rendering long and efficient service, and a virtual pension system thus exists.

The commission does not favor a system of straight civil pensions. Temporary or permanent injuries received in the performance of duty are already provided for out of the Public Treasury in the compensation act of September 7, 1916, which extends to personal injuries sustained while in the performance of duty and applies to all civilian employees of the United States Government.

The commission favors a general system of retiring annuities, based upon length of service, the annuity to be provided by deductions from the salaries of employees invested under the supervision of the Government, the interest on which will be sufficient to provide the annuity to be paid.

A retirement system would give stability to the service, create an inducement to capable men to continue in it, contribute to improved administrative methods, and make possible a standardization of salaries and other needed reforms. The benefits to the service from an equitable retirement system would justify a direct contribution from the Public Treasury to create an annuity for superannuated employees in the service at the time the system is established.

The Hon. Newton D. Baker, Secretary of War, had the following to say before the Senate Committee on Civil Service and Retrenchment on June 25, 1919:

I do not believe that anybody who has had an executive place has failed to realize the practical impossibility of securing the dismissal of superannuated employees who have been faithful and whose only fault is their superannuation and enfeebleness by the process of age. It leads to the clogging up of the service; it discourages and dispirits those who are already in the service.

I myself am frequently called upon to reduce clerks who have given practically the whole of their lives to the service of the Government, and yet have reached a place where the maximum of their capability is that they should be the custodian of more or less dead files, and they get into positions of inactive occupation, as it were, with very modest income but always with a feeling of grievance and resentment, and a difference of opinion between them and their superiors as to whether their enfeeblement is real or their reduction is based upon some prejudice. As a matter of fact, every department in Washington has employees whose entire life has been devoted to the Federal service, who have now reached the place where nothing but the necessity of their daily bread keeps them at any occupation, and where out of pure humanity and against all reason the head of the department is obliged to retain them in the service.

There is another consideration to which I would like to ask the attention of the committee. I do not want to moralize about it, but I have a very strong feeling that we ought to do everything we can to make the service of the Government dignified, to make it honorable and respected, and to attract into it the very best material that we can possibly find. Generalizations are always dangerous, and this will be dangerous, but I am going to suggest it. I feel perfectly sure that in the vast emergency which this war has presented, if the public service had been intrinsically more dignified, it would have enabled us to get along with fewer employees, and would have enabled us to do away with a very large number of wholly inexperienced employees who were brought into the service because they were the only people who were procurable through the channels of the civil service or otherwise.

I think that the public service should be put upon a dignified basis, so that it would mean not only just compensation during the period of active service, but that it would provide a system of retirement which will enable that same employee who has given full service to the Government to have enough to live upon in a very modest way for the remaining years of his life. Every consideration that I can think of, humanitarian, toward the employee, and the good of the service, so far as the Government itself is concerned, so far as getting the best type of employees and getting the best service out of those we have, dictates, I think, the necessity of some sort of retirement provision for the employees in the public departments.

Mr. Paul F. Myers, chief clerk of the Treasury Department, before the Senate committee on June 25 made the following statement and submitted a letter of the Secretary of the Treasury, Mr. GLASS:

I should like briefly to say a few words in support of the retirement measure. The Secretary of the Treasury, in response to the request of the chairman of this committee, has submitted a letter, which I will make a part of the record here, with your permission, indorsing the general retirement measure.

The CHAIRMAN. This may go into the record, and I had expected to put it into the record until I learned that you might possibly come.

(The communication referred to is here printed in the record, as follows:)

TREASURY DEPARTMENT,
Washington, June 25, 1919.

Hon. THOMAS STERLING,
Chairman Committee on Civil Service and Retrenchment,
United States Senate.

MY DEAR SENATOR: In compliance with the request contained in your letter of the 23d instant, I take pleasure in inclosing excerpts from recent annual reports of the Secretary of the Treasury relating to retirement of superannuated and disabled employees.

In reply to your request for an expression of my personal views on the subject of enacting legislation which will provide for retiring civil service employees, I am of the opinion that an efficient service is not practicable without a method of honorably and justly retiring persons whose efficiency because of age or physical or mental incapacity is seriously impaired. The Treasury Department is constantly engaged in the work of increasing its efficiency and diminishing the relative expense of operation, but any extensive and successful effort to improve the administrative operations of this large department is very heavily handicapped by the absence of a just method of retirement.

The efficiency of the department is retarded for want of a retirement law. I believe that the enactment of legislation providing for superannuated or disabled employees of the civil service in this department would result in economies and increased efficiency in the transaction of public business. It would be a measure of benefit to the Government and of justice to the employees, who faithfully have devoted their talents and the best years of their lives to the interests of the Government.

In this connection I should like to draw particular attention to the following recommendation contained in the annual report of my predecessor, Secretary McAdoo, for the fiscal year 1918:

"Recommendation has been made in previous annual reports of the Secretary for the enactment of an equitable retirement law for civil-service employees. The necessity for effective action of some character along this line has been accentuated during this period of war. It would seem to be not only a measure of justice to faithful public servants who have devoted their lives and talents to the Government, but it would be also in the interest of economy and increased efficiency in the administration of the public business.

"In considering this important question the attention of Congress is respectfully invited to the possibilities of an expansion of the principles underlying the Bureau of War Risk Insurance. Humanity demands that something be done for the civil employees of the Government and suggestions of pension systems, while praiseworthy as an effort to render justice, and effective as an expedient, would probably not afford a real solution. It is confidently believed that the solution lies along the lines of insurance with both the Government and the civil employees contributing to a scientific plan that will provide for retirement as well as insurance against death."

I heartily indorse the suggestion outlined above.

Sincerely, yours,

CARTER GLASS, *Secretary.*

Excerpts from annual reports of Secretaries of the Treasury. The 1909 report is as follows:

Any inquiry into the efficiency of administration very soon involves a consideration of a policy of civil service retiring pensions. And it seems to me that the conclusion is unavoidable that a really efficient service is out of the question without a method of honorably and justly retiring persons whose efficiency is seriously impaired. It is quite true that the older clerks of the service are no more likely than the younger

clerks to be inefficient. Indeed, their experience and their settled relations to the service could easily compensate for the lack of some other personal equipment. But just as there are instances where the younger clerks should be disciplined or dismissed so there are many cases of the older clerks where, in justice to both themselves and the service, they ought to be honorably relieved.

The service is blocked in many instances by the unwillingness of the officials in charge to throw out of place worthy men and women who have given the best of their lives to the work of the Government. So that, in a very important and wholly unsatisfactory manner, practically a pension system is and long has been in operation.

The United States is the only Nation that has no general legal retiring pension for the employees of its civil service. We have this unique position in the world, along with a reputation for great wealth and for otherwise liberal expenditures. The entire civilized world has shown great and growing recognition of pensions or retiring allowances; and while the United States is so far behind the rest of the world in civil pensions, it has by far the largest pension list among the nations. The war and navy pensions are a recognized part of our policy; and in civil service pensions have been extended to the judiciary. And though as a Government we have halted at a general retirement allowance for civil employees, the great universities of our country and the great corporations have been taking immense steps along this very line, and the Federal Government is becoming more and more isolated.

While I have spoken only of the effect upon the service itself of the lack of a system of retiring pensions, there are, as everyone knows, other claims upon the Government to establish this policy. I hope that the Congress will take up and consider favorably one of the various forms of law that are proposed. This subject has been before the country and before the Government for a long while; and if the policy were to be adopted at this time, it would undoubtedly give a strong impulse to that improvement of every branch of the service which is now so much desired by the people and which is a matter of so much interest to the Congress and to the administration. In expressing my opinion in favor of the retiring allowance I purposely avoid the expression at this time of a preference for any particular plan or system.

The following letters from members of the Cabinet were read into the record of the hearings on this retirement bill:

JUNE 15, 1919.

MY DEAR MR. CHAIRMAN: I am glad, in response to your favor of the 11th instant, to hand you extracts from the annual reports of this department during the past six years relating to the subject of legislation for retirement of superannuated and disabled Government employees.

Since the extracts forwarded were written by myself, it may hardly be necessary to add to them in further expression of my views, yet I regard the subject as of such importance that I must not leave undone anything within my power to advance it.

I look at it from the standpoint of common justice, on the one hand, and from that of efficient service on the other hand. Large private concerns recognize that a lifetime spent in their service carries with it an obligation of honor toward the employee who has thus served faithfully when years make him incapable of further effective work. The business house that would turn out an aged employee, saying to him, in substance "Now, look out for yourself," after a long and good record, would be damned by the common opinion of the business world, and ought to be.

The only conceivable excuse that could be made would be that the employer had paid during the long service a sufficient salary over and above all the exigencies of life to have enabled the employee to provide himself for his own old age.

No one will charge the Government with doing that, especially when objection is made to an employee endeavoring in his own time to add something to his or her income.

Failure to be as just in these matters as private concerns are injures the Government, either by causing the ambitious to seek better opportunities for service elsewhere, or by relaxing the efforts of its employees generally through the unconscious drag that comes from hopeless service.

The result of the present condition is seen in the survival of many old people in the Government work who struggle on, when they should have ceased from their labors because they needs must. Enactments requiring these aged workers to be discharged are substantially repealed by the higher law of humanity. They are demoted and maintained at reduced pay, thus creating what is in substance a pension without retirement, without the dignity of a recognition by the Government of their worth, and maintaining the inefficiency which everyone seeks to remove.

I am not specially concerned as to the details of any measure, but do earnestly hope it may be possible soon to establish a civil retirement system which will at once justly provide for those who have served many years, open the door to a more rapid promotion and to larger opportunities for younger and more active employees, and make the Government work more efficient not only through the removal of ineffectives but by the unconscious but very real self-discipline that comes in response to wise and farseeing treatment of the employee.

I firmly believe that after a year of experience with any sound retirement system no voices will be lifted against it.

Yours, very truly,

WILLIAM C. REDFIELD,
Secretary of Commerce.

Hon. FREDERICK R. LEHLBACH,
Chairman Committee on Reform in the Civil Service,
United States House of Representatives, Washington, D. C.

DEPARTMENT OF LABOR,
OFFICE OF SECRETARY,
Washington, June 25, 1919.

Hon. THOMAS STERLING,
Chairman Committee on Civil Service and Retrenchment,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Your letter of June 23, inviting me to attend the hearing held by your committee to-day on the subject of civil-service retirement, or to submit any statement I might desire to make on the subject matter, was received this morning. As your office has been advised, my engagements to-day were such that I was unable to be present at the hearing.

In view of the fact that practically all other Governments have long ago enacted legislation of this character and that a very large percentage of the private employing corporations have inaugurated retirement pension systems, Congress would do well, in my judgment, to lose no time in enacting an adequate civil-service retirement law.

Entirely apart from the humanities and justice involved in such legislation, it would seem to be high time to recognize the fact that the executive departments have a pension roll, whether they like it or not, and that it is the most expensive, cumbersome, and in many ways inhuman sort of a pension system. What I refer to here is the waterlogged pay roll, which in all essentials produces a pension system without the retirement. In other words, aged and decrepit employees who have been worn out in Government service are retained on the pay roll at a salary which is considerably higher in most cases than would provide an adequate pension. These people are not discharged, can not and will not be discharged by the heads of departments for humane reasons, which we need not go into here. On the other hand, they must be at their desks each day for seven hours in order to receive the salary at which they are listed. This is not only a physical hardship upon them, it is a useless and inhumane one.

On the other hand, it has a demoralizing effect upon the other employees, particularly those who, going in at the entrance grade, are perhaps getting a salary for real work much less than the pensioners are receiving. These old people do nothing and are expected to do nothing, and the young clerks coming in at a lesser rate are naturally more or less incensed at being required to do the work that these "old-timers," so called, are unable to do.

If the pay rolls could be relieved of this water logging, the Government could pay the entire cost of a reasonable system, such as is outlined in your bill, and save money.

You will see from this that I do not look upon the retirement of civil-service employees as a charity measure. All of the great corporations do it as a business proposition. Some of these corporations and some foreign Governments have a contributory system and some pay the amount outright from the treasury. Personally I do not favor the contributory system. I believe that ultimately the Government of the United States will adopt a fair civil-service retirement annuity paid from the Treasury of the United States.

However, at this time and for the purpose of getting the principle of retirement accepted, I should be glad to see even a contributory system enacted.

I sincerely trust that Congress will enact at this session some sort of civil-service retirement.

Sincerely, yours,

W. B. WILSON, *Secretary.*

DEPARTMENT OF STATE,
Washington, June 25, 1919.

Hon. THOMAS STERLING,
Chairman Committee on Civil Service and Retrenchment,
United States Senate.

MY DEAR SENATOR STERLING: I have just this morning received your letter of the 23d of June, informing me that hearings on the subject of civil-service retirement will be held this afternoon, June 25, at 2 p. m., in room 450, Senate Office Building, by the Senate Committee on Civil Service and Retrenchment, and inviting me to appear and state my views for the consideration of the committee.

It so happens that I have official engagements which make it impossible for me to appear before the committee to-day, and therefore I hasten to say that if the committee should desire especially to ask me any questions upon the subject of civil-service retirement I should be glad to appear before it at some other time. I have no information to present to the committee further than to say that I am strongly in favor of the adoption of some practical plan for retirement of civil-service employees as a measure greatly in the interest of efficiency and one which in the end would be economically advantageous. It is my belief that this is one thing that would help to bring about a much-needed improvement in the Government service, not only by making suitable provision for worthy men and women who have devoted their best years to the service of the Government at a very modest rate of compensation, but also by offering inducement to persons of ability to devote their lives to the service of the Government with the assurance that when their usefulness is at an end the Government will provide an annuity for the period after their earning capacity shall have ceased.

Thanking you for your invitation, I am, my dear Senator STERLING,
Very sincerely, yours,

FRANK L. POLK.

[From hearings on Post Office appropriation bill, 1921, before the Committee on the Post Office and Post Roads, December, 1919.]

Mr. KOONS. If there is any prospect of a return to duty at the end of the year, we do not drop them. If there is no prospect that they will return to duty at the end of the year, sometimes we put them at the foot of the substitute roll. They hope to get a pension law passed, and we put them at the foot of the substitute roll in order to carry them, if possible, beyond that time. But as long as we carry them on the roll as a regular employee, it prevents us from appointing a regular clerk, and we try to take care of them in each particular case as best we can.

Mr. MADDEN. How many employees injured in the performance of their duties who were unable to return to work within one year were required to resign or have been dropped from the rolls?

Mr. KOONS. None during the past year.

Mr. MADDEN. Then I would like to know what procedure is followed in cases where employees become incapacitated through age and are no longer able to perform their duties?

Mr. KOONS. The policy in those cases, when a person becomes incapacitated and is no longer able to perform his duties, is to reduce him one grade or to the next lower grade. And as he becomes less efficient we reduce him down until finally some of them reach the lowest grade. It is very seldom a person is dropped from the service because he is incapacitated. There are occasions where that is done, but that is only in cases where it has reached such a stage that we could not under the law possibly keep him in the service any longer.

Mr. MADDEN. In your judgment, would the enactment of a retirement law for superannuated employees benefit the Postal Service?

Mr. KOONS. Yes. The passage of a retirement law for superannuated employees would benefit the Postal Service, but in my judgment it would not benefit the employees to the extent they expect.

Mr. MADDEN. In what respect?

Mr. KOONS. Because, at this time, the minimum salary is $1,200, and it is very rarely we ever drop one from the service. When they reach the lowest point they are retained at the minimum salary. Now they draw that salary and they have some employment. But if a retirement bill were in effect they would be dropped. I think all the bills have provided a maximum of $600, which is all they could receive, and they would not have any employment. And if you take a man who has been active all of his life and take his employment away from him, it is more serious than to allow him to perform what service he can and pay him for it.

Mr. MADDEN. So you think it is best for the men to comply with the practice which is followed by the department at the present time?

Mr. KOONS. Yes; it is better for the men themselves, but not for the Postal Service.

Mr. MADDEN. Do you think economy and efficiency would result from the elimination of those men through a system of retirement?

Mr. KOONS. There would undoubtedly be economy and efficiency both, Mr. Madden, because the maximum retirement rate is $600 and there would be a saving of $600 in the salary alone. And, of course, the old employee who would leave the service would be replaced by a young man who is more active and efficient.

This bill, having been passed by the Senate, approved by Cabinet officers and heads of departments and bureaus, and by the rank and file of the classified civil-service employees, and approved as sound and economical both to the Government and the employees by our best governmental actuarial experts, should have an overwhelming vote for its passage by the House and be enacted into law.

This law would mean the dawn of a better day for economy and efficiency in our governmental service and would make it possible to inject the beginning of a program of real efficiency and administration of our Government business. The Government in its final analysis is but the business of the entire Nation. It would also mean the beginning of a more efficient, happy, and contented Federal employee. [Applause.]

Mr. GOODYKOONTZ. Mr. Chairman, on yesterday I made some remarks upon the subject of the container bill which was under consideration, and I ask unanimous consent to revise and extend my remarks in the RECORD upon that bill.

The CHAIRMAN. The gentleman from West Virginia asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. LEHLBACH. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Chairman, I am very glad that the time has finally arrived for the consideration of this legislation. It has been pending before this Congress for a long time and has been agitated for a great deal longer time. The tendency of the business public throughout the world is to provide for those who are in its employ when they can no longer provide for themselves. I have always believed that the Government should not be less generous than the business public that helps to maintain the Government. If the business public believes it to be economic wisdom to pension the men and women who are in its employ when they are no longer able to function, it certainly ought not to be considered unwise for the Government to do the same thing. We are here affording an opportunity for many faithful men and women who have passed the meridian in life in the Government service to retire, with the knowledge that they are not going to suffer for the remaining years of their lives. We give here an opportunity for people who are in the Government service, when they have reached the age of 60 years, up to 65, to take advantage of the privileges of retirement after having contributed part of the earnings which they have made during their employment to the payment of the annuity which they are to receive as the result of their retirement.

It is said by those who have given careful study to the question that there is not a very large number of people to be affected immediately by the enactment of this law, but there is a sufficient number who have passed the age of usefulness still in the Government service who, if they were turned out on the streets, would be compelled to go to the poorhouse; and since they have given the best that is in them in the early years of their lives to the faithful service of the Government, the enactment of this law is but the extension of a measure of relief which indicates the intention of the Government to deal justly with those who are upon its pay rolls.

It must be known to any person who has given any consideration to the matter that many people are still in the service of the Government who are not able to function, and that if we deal with this question purely as a matter of economy it will be an economic method of conducting the Government to retire these people on some sort of pension, because to-day I think it will be acknowledged by all who know the facts that somebody else in many instances is required to do the work for which other people are being paid. I am not as clear that it will save a large amount of money annually to the Treasury of the United States as is the gentleman who just preceded me, but that should not be the prime consideration. The prime consideration should be justice, and inasmuch as we are endeavoring to make the Government function efficiently, then to the extent that we can mete out justice and at the same time promote the efficient conduct of the Government bureaus, even if we are obliged to add something to the cost, I am in favor of it. The time has come in the world's activities when more serious consideration must be given to the comfort and well-being of the masses of the people, and while the people in the United States, generally speaking, and particularly those upon the Government pay roll, are better compensated than those who are employed by other nations and other peoples, yet I believe we should begin to realize that we are the only nation in the world, with one or two exceptions, that has not already entered upon the policy of providing for those who are in the Government service when they are no longer able to do that kind of a day's work that people are expected to do in their early years. I have seen a great many of these patriotic men and women who have devoted their lives faithfully to the service, who have been hanging on, so to speak, with the hope that some legislation of this sort would be enacted before they were compelled to retire to the poorhouse, and even the compensation provided for in this bill is not going to enable those who are to become its beneficiaries to live in great luxury, because the highest compensation to be paid in any case will be $720 a year and the lowest $180. So that it will be a meager living they will receive at best, but it will be an evidence of the good intention of the Government, through the Congress, to recognize the merits of their case.

I am glad to have this opportunity to say in a general way that I am proud that the time has come, under the leadership of my distinguished friend from New Jersey, Mr. LEHLBACH, to present this meritorious measure to the consideration of the House. Mr. LEHLBACH has given more consideration and study to the question than anyone that I know of. His heart and soul is embodied in the legislation. He will be able in more detail than yet has been presented to tell us the merits of the measure. I congratulate him as a young Member of the House upon his success in bringing this bill before the body for consideration [applause], and I congratulate the men and women who are to be permitted to come under the provisions of the bill upon the fact that they have had such an able, earnest, young champion of their cause. He has never hesitated night or day to urge and plead with his fellows in this House to give early consideration to this measure, and if he never does anything else during his membership in the Congress than to be the sponsor of this beneficent legislation he is entitled to the hearty thanks and the earnest and enduring gratitude of those who are to come under its provisions. [Applause.]

Mr. GODWIN of North Carolina. Mr. Speaker, I yield 10 minutes to the gentleman from New Jersey [Mr. HAMILL].

Mr. HAMILL. Mr. Chairman and gentlemen of the committee, I am glad to see this day arrive, when the Congress of the United States is proceeding to consider the necessity of doing an act of long-delayed justice to a most worthy class of Government employees and at the same time something which will promote greater efficiency in the transaction of public business in the various departments of the Government. I eagerly join with the gentleman from Illinois [Mr. MADDEN] in offering cordial congratulations to my colleague from New Jersey [Mr. LEHLBACH], the chairman of the committee, on the successful result of his efforts in behalf of this bill. I am sure it can be predicted now at the beginning of the debate that the bill will pass the House by a substantial majority and that it will receive presidential sanction and be written into the statute books of the country.

There are two main reasons why this bill ought to become a law. They are the promotion of efficiency in the transaction of public business and the rendering of justice and fair treatment to our deserving public employees. It is a well-recognized fact that the Government departments are filled with deserving men and women who have worn out their energies and become superannuated through long years of devoted public service. The period of their usefulness is past. But there is no way whereby they can be fairly separated from the service. They can be discharged and thus in their declining days deprived of their means of earning a livelihood. It is to the credit of the respective heads of our various departments that they have not resorted to this drastic procedure. I remember talking several years ago to a distinguished head of the War Department on this very subject. He told me that when he came into the department he was amazed at the number of employees who were superannuated, and he called his assistant into consultation and asked him what he could do with them. His assistant told him that the only course he could follow would be to discharge all employees who had outlived their usefulness. He declined to take this step on humanitarian grounds. The alternative was that he had to conduct the business of his department under the conditions and difficulties caused by superannuation. I am glad to be able to say that his attitude toward his employees was not exceptional, but that it is the way in which the matter is dealt with by practically every department head.

Many touching instances could be recited here showing the necessity for a retirement law. Aged letter carriers are seen

on our streets burdened with bags of mail which would tax the strength of much younger men. Old department employees are compelled to ride in hacks to their offices, and I have heard it said, and truthfully said, that if in some of our large Government office buildings the elevators failed to work it would be impossible for a large number of the aged clerks to reach the floor where their desks are located.

It is strange to think that this condition exists in the United States. It does not exist in Great Britain, nor in France, nor in any of the progressive European countries.

It is true that the operation of this measure will entail expense to the Government. One of the speakers estimated the cost at about $9,000,000 annually. But, against this figure, we must consider the increased efficiency and the greater volume of business which would be discharged by the young and vigorous entrants into the service who would take the places of the older men. I think experience will demonstrate that there will be an actual saving through the operation of a retirement plan. Take the case of an employee earning $1,500 or $1,600 a year, who is retired at about half of this amount and whose place is taken by a new employee at $1,000 a year. The Government procures the services of a more capable man and loses practically nothing, because in time the aged pensioner will die, while it will take some years before his successor reaches by seniority rule the salary that the old employee received before he was pensioned.

The great corporations of the country, ruled as they are by men of ability and foresight, have seen that it is not only humanitarianism but good business as well to pension their employees. The Pennsylvania Railroad, the American Sugar Refining Co., the American Telephone & Telegraph Co., can be cited as examples. These concerns pay pensions not as a matter of charity; they pay them because they know that when an employee is assured of a means of subsistence until his death he will work with contentment and fidelity and perform a higher character of service than is the case where he does not have a pension to look forward to in his declining years.

This pension bill must not be regarded as governmental generosity. Pensions are not gratuities, and they should not be considered as such. They should be looked upon as deferred wages—as payments of wages which were not disbursed at the time when they were earned. When an employee gives all the best that is in him of skill, of industry, of ability, and of loyalty to the Government; when he devotes his whole life to Government service, then the least the Government might do is to pay him a pension to sustain him when age and consequent weakness render him unfit for further service.

Mr. Chairman, I am glad to support this measure. For years I have introduced and worked for the enactment of a pension bill. The measure which I proposed provided for what is known as the straight pension plan, according to which the Government would pay 100 per cent of the pension. The plan of this bill is known as the contributory system, whereby the cost of the pension is borne between the Government and the employee. While I consider that as a matter of principle the Government should pay the full amount of the pension, nevertheless this measure provides the relief which at this time is sorely needed.

I was glad to hear the first speaker on the Republican side of this Chamber refer to this bill as a nonpartisan measure. I have always so considered the question of pension legislation. There should be no partisanship in this Congress when it comes to performing an act of simple fairness and common justice to deserving employees. In the agitation carried on throughout the country for the past 10 years Members of Congress, heads of departments, business men, clergymen, and men prominent in professional life all united to create a sentiment in favor of this legislation, and there was no taint or suggestion of partisanship in their noble endeavors. This measure is a response to the Nation-wide demand for justice to the public employees. I feel satisfied that the vote by which it will pass will be a vote in which both parties in this Chamber will cordially and enthusiastically unite. [Applause.]

Mr. GODWIN of North Carolina. How much time did the gentleman yield back?

The CHAIRMAN. Three minutes.

Mr. GODWIN of North Carolina. I yield 10 minutes to the gentleman from Texas [Mr. BLACK]. [Applause.]

Mr. BLACK. Mr. Chairman, it will not take me long to state my position on the civil-service retirement measure. I believe that we ought to have a retirement law, but I believe that the employees themselves should create the fund to pay the annuity, and that the only part of the expenses which the Government can be fairly asked to assume is the cost of the overhead expenses of administering the fund. There is, however, one additional expense which I think the Government can fairly afford to pay in order to get the system started, and that is the cost of retiring those aged employees who are now in the service and have not made any contributions to a retirement fund. Further than this I do not think the Government should go. The ideal condition, of course, would be for the Government to pay its employees a salary or wage which would be sufficient not only to support the employee and his family in average American standards of living but would also be sufficient to enable a man of ordinary thrift and economy to lay by a sinking fund to maintain himself and such family as he may be expected to have at that age in life in reasonable comfort, and trust to the employee to accumulate these funds by his own efforts. That would be the most desirable thing to do from many standpoints, but as a practical proposition it does not work out. Some men are thrifty and economical and have no difficulty whatever in making provision for their old age on salaries which others spend without apparent extravagance or dissipation and find themselves without funds in their old age.

For instance, we have here, for example, Mr. A and over here Mr. B, drawing the same annual compensation, and Mr. A comes down to his old age with a fund that he has accumulated himself sufficient to keep him in reasonable comfort. Mr. B, without apparent extravagance or dissipation, comes down to his old age without anything to maintain himself and family; and the unfortunate part is that, in Government as well as in most other employment, a very large number of people are in the class with Mr. B. So these practical facts we must reckon with, and I think it is to the advantage of the Government to make provision against them.

It is a fact which is well known that there are many employees now in Government employment who are too old to render efficient service, and many of them render scarcely any at all. Some one answers, why not discharge them? And looking at the matter from the cold logic of business, that would be the thing to do; but I am very glad to know that even in this age of so much unrest and discontent, when civilization is yet so far from perfection, that we do not look at everything from the cold logic of business. Sentiment sways us in some things, and it would be a bad old world, indeed, if it did not.

> That man may last, but never lives,
> Who much receives but nothing gives,
> Whom none can love, whom none can thank,
> Creation's blot, creation's blank.

So as a practical proposition the executive heads of our departments do not discharge these old men when they can no longer perform useful service; and, I guess, under the same or similar circumstances the most of us would act in the same way.

So what is to be done? The only logical answer, to my mind, is to create some kind of a retirement system. What kind shall it be? There are three plans possible of adoption. First, the cost thereof to be borne entirely by the Government; second, the cost to be borne by the Government and the employees by joint contributions to the fund; and, third, the cost to be borne entirely by the employees. I could not possibly bring myself to favor the first plan, wherein the Government would pay all, because that would simply amount to old-age pensions to civilians, and unless we are going to make it general in its application I would not single out one group of our civilian workers and make them a favored class at the taxpayers' expense.

I can not favor the second plan for substantially the same reasons, because if it is not right for the Government to contribute all of the fund out of general taxation it is not right for it to contribute any part of it. Under the plan proposed in the bill now under consideration, the 62.3 per cent which the Government would ultimately pay of the retirement fund would only be less wrong to the extent as it would differ in degree from a 100 per cent contribution by the Government to the fund.

So the plan that I do favor is that which requires that the Government shall deduct from the compensation of its employees a fund sufficient to create the retirement fund. And at the proper time in the consideration of the bill I will offer an amendment to accomplish that purpose. What shall the percentage of deduction be? The present bill now under consideration provides that the rate of deduction shall be 2½ per cent; and, according to Mr. Beach, the actuarial expert from the Bureau of Pensions, who advised the committee in the preparation of this bill, this rate of 2½ per cent will pay about 37.7 per cent of the retirement fund, and the Government would therefore have to contribute about 62.3 per cent.

Mr. Herbert D. Brown, of the Bureau of Efficiency, in the figures which were inserted by Senator SMOOT in the CONGRESSIONAL RECORD of April 3, places the Government's contribution

at a considerable higher percentage than 62.3 on a basis of the rates contained in the present bill. But, assuming that the figures of Mr. Beach are correct, then the rate which it would be necessary to collect from the employees to make the system self-sustaining would be slightly in excess of 6 per cent of their annual compensation. Therefore, at the proper time, I shall move to strike out the figures 2½, on line 22, page 12, and insert 6 per cent.

Mr. HARDY of Texas. Will the gentleman yield?

Mr. BLACK. I will.

Mr. HARDY of Texas. Is not the gentleman of the opinion that if this system of cooperative or self-serving insurance were adopted that it would ultimately result in the Government having to raise the salary of the employee enough to include the sum which would be deducted from his pay for insurance?

Mr. BLACK. I will say in answer to my colleague that I do not think there should be any reasonable connection whatever between the salary paid to a Government employee and this retirement fund. If it is a proper thing to do to create a retirement fund, it should not affect in any way whatever his salary. The salary of a Government employee should be the amount which his services are reasonably worth.

Mr. HARDY of Texas. Is not the gentleman, however, facing this condition: That if circumstances arose under which it was claimed that the employee barely received enough to support or give him a living, that he would have to receive that sum over and above what was deducted from his pay for insurance?

Mr. BLACK. I will say to the gentleman that a statement of that kind would simply be an argument that would go to the inadequacy of the salary. His salary should be high enough, as a matter of simple justice, to permit him to support his family in reasonable comfort and in addition make provision for his old age. If we are justified in creating a retirement fund, then I contend that we should take it out of the employee's annual compensation, for the very reason that I stated awhile ago—that if you admit the duty of the Government to contribute 100 per cent of it, or 65 per cent of it, then you admit the principle of civilian pension, and you have no better right to pension a civilian employee of the United States Government than you have a right to pension any civilian worker in my district. [Applause.]

Will the gentleman yield me five minutes more? I will conclude in that time.

Mr. GODWIN of North Carolina. I yield five minutes more to the gentleman.

Mr. CANDLER. Will the gentleman yield?

Mr. BLACK. I will.

Mr. CANDLER. The gentleman referred a moment ago to a statement that appeared in the RECORD by Senator SMOOT. Will the gentleman put in his remarks, so that it will be clear, what the estimated cost of this bill will be?

Mr. BLACK. Yes; I will be glad to do that.

Now, in conclusion, let me say this 6 per cent will, of course, not cover the overhead expenses of administering the fund, nor will it provide the funds necessary to retire the aged employees now in the service who will be eligible for retirement. That expense will have to be borne by the Government, because it would not be just to tax it against the younger employees. All that they should be required to do is to contribute a fund which will be sufficient to take care of their own retirement.

Now, it is admitted that a definite estimate in this matter is difficult to make, and if it should turn out that the rate of 6 per cent will fall short of the amount required to pay the annuities, then, of course, the Government will have to make up the deficit out of the Treasury. If it should, however, prove to be too much, the employees will not be hurt, because under the terms of the bill if an employee quits the service before reaching the age of retirement all that he has paid in will be refunded to him plus compound interest at the rate of 4 per cent. If he dies in the service before reaching the age of retirement, all that he has paid in is paid to his legal representative plus compound interest at the rate of 4 per cent. Also, if the committee amendment on page 6 is adopted, if the employee stays in the service until he reaches the age of retirement and his contribution of 6 per cent with interest at the age of retirement will purchase an annuity of the kind provided in the bill in excess of the annuity therein provided, the employee shall receive an annuity which the amount of his contributions with interest will purchase. So the only party that would stand any chance to lose on the 6 per cent rate would be the Government, and therefore I hope that it will be adopted; and if it is adopted I shall certainly vote for the bill, as will, I think, a good many others who will not otherwise do so. [Applause.]

Mr. Chairman, under leave to extend my remarks I insert a table prepared by actuarial experts for Senator SMOOT, and which he referred to in debate when this bill was pending in the Senate. I insert the table at the request of the gentleman from Mississippi [Mr. CANDLER].

APPENDIX.

Estimated cost by years of retiring employees in the classified civil service at ages 60, 62, and 65, under the provisions of the Sterling bill (S. 1698), and at age 70, with the same benefits. (Based on 263,152 employees.)

Years.	Total costs.		Cost to Government.		Per cent of cost to Government.		Cost to employees.		Per cent of cost to employees.		Total cost of retirement at age 70 expressed as per cent of cost to Government of retirement at ages 60, 62, and 65.
	Retirement ages 60, 62, and 65.	Retirement age 70.	Retirement ages 60, 62, and 65.	Retirement age 70.	Retirement ages 60, 62, and 65.	Retirement age 70.	Retirement ages 60, 62, and 65.	Retirement age 70.	Retirement ages 60, 62, and 65.	Retirement age 70.	
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)	(l)
0	$4,584,871	$2,051,389	$4,584,871	$2,051,389	100.00	100.00					44.74
1	5,039,420	2,270,591	5,026,256	2,268,163	99.92	99.89	$4,164	$2,428	0.08	0.11	45.17
2	5,558,782	2,449,662	5,547,303	2,443,245	99.79	99.74	11,479	6,417	0.21	0.26	44.16
3	6,220,023	2,636,992	6,193,959	2,622,720	99.58	99.46	26,064	14,272	0.42	0.54	42.57
4	6,890,559	2,832,472	6,843,152	2,807,261	99.31	99.11	47,407	25,211	0.69	0.89	41.39
5	7,629,299	3,006,582	7,553,885	2,971,694	99.01	98.84	75,414	34,888	0.99	1.16	39.80
6	8,429,037	3,206,293	8,316,096	3,152,425	98.66	98.32	112,941	53,868	1.34	1.68	38.56
7	9,288,172	3,454,971	9,126,863	3,376,900	98.26	97.74	161,309	78,071	1.74	2.26	37.85
8	10,155,866	3,732,247	9,933,671	3,621,802	97.81	97.04	222,195	110,445	2.19	2.96	37.57
9	11,106,843	4,084,813	10,809,244	3,887,207	97.32	96.34	297,599	147,606	2.68	3.66	37.33
10	12,070,624	4,388,062	11,685,218	4,193,105	96.81	95.56	385,406	194,957	3.19	4.44	37.55
11	13,031,234	4,831,050	12,541,676	4,579,519	96.24	94.79	489,558	251,531	3.76	5.21	38.54
12	14,066,265	5,366,783	13,457,386	5,041,838	95.67	93.95	608,879	324,945	4.33	6.05	39.88
13	15,258,676	5,920,950	14,505,743	5,507,275	95.07	93.01	752,933	413,675	4.93	6.99	40.82
14	16,560,992	6,533,956	15,641,402	6,022,428	94.45	92.17	919,590	511,528	5.55	7.83	41.77
15	17,987,266	7,146,618	16,875,478	6,524,098	93.82	91.29	1,111,788	622,520	6.18	8.71	42.35
16	19,350,101	7,704,886	18,027,923	6,964,855	93.17	90.40	1,322,178	740,031	6.83	9.60	42.74
17	20,694,703	8,273,228	19,144,720	7,414,560	92.51	89.62	1,549,983	858,668	7.49	10.38	43.21
18	22,162,843	8,825,292	20,353,337	7,831,005	91.84	88.73	1,809,506	994,287	8.16	11.27	43.36
19	23,770,154	9,432,283	21,672,936	8,289,774	91.18	87.89	2,097,218	1,142,509	8.82	12.11	43.53
20	25,297,338	10,122,487	22,895,409	8,794,231	90.50	86.88	2,402,429	1,328,256	9.50	13.12	44.21
21	26,876,601	10,911,414	24,144,825	9,367,474	89.84	85.85	2,731,776	1,543,940	10.16	14.15	45.19
22	28,569,097	11,746,573	25,471,139	9,962,501	89.16	84.81	3,097,958	1,784,072	10.84	15.19	46.12
23	30,146,830	12,624,313	26,676,132	10,564,000	88.49	83.68	3,470,698	2,060,313	11.51	16.32	47.32
24	31,625,026	13,570,455	27,764,880	11,198,813	87.79	82.52	3,860,146	2,371,642	12.21	17.48	48.88
25	33,064,667	14,344,735	28,798,664	11,675,856	87.10	81.39	4,266,003	2,668,879	12.90	18.61	49.81
26	34,522,890	15,160,319	29,829,822	12,167,752	86.41	80.26	4,693,068	2,992,567	13.59	19.74	50.82
27	35,761,612	16,057,252	30,652,578	12,756,230	85.71	79.44	5,109,034	3,301,022	14.29	20.56	52.38

APPENDIX—continued.

Estimated cost by years of retiring employees in the classified civil service at ages 60, 62, and 65, under the provisions of the Sterling bill (S. 1699), and at age 70, with the same benefits. (Based on 265,152 employees.)—Continued.

Years.	Total costs.		Cost to Government.		Per cent of cost to Government.		Cost to employees.		Per cent of cost to employees.		Total cost of retirement at age 70 expressed as per cent of cost to Government of retirement at ages 60, 62, and 65.
	Retirement ages 60, 62, and 65.	Retirement age 70.	Retirement ages 60, 62, and 65.	Retirement age 70.	Retirement ages 60, 62, and 65.	Retirement age 70.	Retirement ages 60, 62, and 65.	Retirement age 70.	Retirement ages 60, 62, and 65.	Retirement age 70.	
(c)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)	(l)
28	$36,934,145	$16,536,830	$31,406,355	$13,234,316	85.03	78.32	$5,527,790	$3,662,514	14.97	21.68	53.80
29	38,095,501	17,707,769	32,143,948	13,673,246	84.38	77.22	5,951,553	4,034,523	15.62	22.78	55.09
30	39,168,775	18,576,206	32,798,554	14,130,025	83.74	76.07	6,370,221	4,446,180	16.26	23.93	56.64
31	40,003,757	19,408,016	33,250,504	14,536,480	83.12	74.90	6,753,253	4,871,536	16.88	25.10	58.37
32	40,784,257	20,082,215	33,647,346	14,801,054	82.50	73.70	7,136,911	5,281,161	17.50	26.30	59.68
33	41,428,608	20,694,940	33,934,245	15,029,639	81.91	72.62	7,494,363	5,665,301	18.09	27.38	60.99
34	41,938,515	21,351,265	34,107,252	15,244,900	81.33	71.41	7,831,233	6,106,365	18.67	28.59	62.60
35	42,429,271	21,821,095	34,255,011	15,337,741	80.73	70.29	8,174,260	6,483,354	19.27	29.71	63.70
36	42,768,720	22,204,383	34,271,466	15,363,669	80.13	69.19	8,497,254	6,840,714	19.87	30.81	64.79
37	42,873,784	22,608,139	34,104,374	15,404,943	79.55	68.14	8,769,410	7,203,196	20.45	31.86	66.29
38	42,920,989	22,993,399	33,894,988	15,393,322	78.97	66.95	9,026,001	7,600,077	21.03	33.05	67.34
39	42,902,616	23,221,093	33,640,823	15,316,079	78.41	65.96	9,261,793	7,905,014	21.59	34.01	69.03

Mr. GODWIN of North Carolina. Mr. Chairman, I yield 10 minutes to the gentleman from South Carolina [Mr. STEVENSON].

Mr. STEVENSON. Mr. Chairman, I have been impressed with the statements of the gentleman from Wisconsin [Mr. NELSON] and the gentleman from Illinois [Mr. MADDEN], to the effect that this was simply an act of justice. I am inclined to look at it from a different angle. I think that it is an act possibly inspired by the humanity which runs through our Government, as well as our own hearts, and an act of business, looked at from the standpoint of the Government that has a great many officers on its pay rolls who have become utterly inefficient from age. But I want to discuss from the justice standpoint, just a minute, the reasons for reporting and pressing this and certain other bills at this time, if justice is that which is actuating the rushing of bills through this House.

Last June I introduced a bill to carry out a simple contract made by this Government with some of its employees, and also to do justice to them as between them and others, and that bill slept in the Committee on Military Affairs until December. And then, on their suggestion, being introduced in different form, it has slept there again until the 28th of February, when it was assigned to two other committees, and finally landed in the Committee on Interstate and Foreign Commerce, where it still sleeps. And that is a measure calling for justice to men who are deserving of justice at our hands—bill H. R. 10835, to provide that disabled officers of the Army of the late war who were not Regular Army officers and were disabled in the service should receive the same compensation as like officers of the Regular Army who were retired for disability. And I want to know why, if this is for the purpose of justice, we can not get a little justice for these other people also. I want to read you the act upon which the men who enlisted as officers of the Army at the beginning of the war enlisted, and under which they were invited to enlist:

> That all officers and enlisted men of the forces herein provided for other than the Regular Army shall be in all respects on the same footing as to pay, allowances, and pensions, as officers and enlisted men of corresponding grades and length of service in the Regular Army.

The courts of this country have decided that the retirement privilege is a pension, and the Judge Advocate General of the Navy to-day makes that decision, and that is the stand of the Navy. And the officers who went into the service and who went to France and were disabled from work for the balance of their days, and many of them shot all to pieces, came back here and said, "Give us justice," and they said, "You are not entitled to any retirement pay. We contracted that you should have the same consideration as the Regular Army officer, but you can not get it."

And then I introduced a bill and have been pressing it here for justice to these officers, for these men that have not got as many votes as many other people—some 2,000 of them—who are a spectacle to behold to-day, with a compensation of $80 a month as a maximum, while Regular Army officers, the very least of them, are retired at $157 a month. Yet these men are denied the privilege of being heard on this floor because they can not get a committee to report a bill here that will give them justice, which was promised in the act cited above. And then Members come in here and talk about doing justice in this House. Not only that, but they propose in the next few days to give a bounty to all the men who served, those who were in and who were not, and expressly exclude the officers, the very men who led the men in the fighting, and are back here maimed and blind and halt, and then gentlemen get up here and talk about doing justice in the public service. I am in favor of this bill properly guarded, giving a pension to people who have always been in an office here in Washington, a very much sought after position. We are giving a bonus to a million men, many of whom never saw a fight and never received a scratch, giving retirement privilege to the officers of the Regular Army, and yet to the young men who left their positions of standing and were selected by the Government to go out and lead the fight, and have come back here disabled for life, we say to them, "You are not entitled even to the bonus; we are going to give it to the men who never heard a gun fired and never were in reach of the bullets of the enemy, but not to you." I am tired of hearing about justice when I see a rank injustice like this being perpetrated, and that which purports to be perpetrated by gentlemen who propose to force a bonus bill here through the House giving $500 and $1,000 to the men all over this country, many of whom were never touched. I do not oppose that if the money is obtained from the proper sources, but I say do justice to these disabled men.

The CHAIRMAN. The gentleman will suspend. Unanimous consent was agreed to for debate on this bill, to be limited to the bill. The Chair will admonish the gentleman to proceed in order.

Mr. STEVENSON. The gentlemen over here discussed the question of the justice of the Government to its employees, and I heard nobody call them to order. I am discussing the question of whether it lies in the mouth of these gentlemen who control these committees and who have refused for six months to give a tardy recognition of justice to these men, to come in here and talk about justice to us when they are pensioning everybody else except the men who were shot on the battle fields of France.

Now, Mr. Chairman, when will justice cease to trot through this House on three legs? She is limping badly now, and if we get through what is proposed in the next few days she will be limping much worse, and the men at Walter Reed who are appealing to this Congress for a mere pittance which will enable them to live without being the objects of charity in the neighborhood in which they live have been appealing here for six months for a mere consideration at the hands of this House, and the committees controlled by the gentlemen who talk of justice over there but have failed and refused to give them the first show here. Is it because they have only about 2,000 votes and the bonus is to be given to about 2,000,000? Is that the reason that thus far they have been unable to get a hearing on their bill in this House? And the leader on that side has stated that he hopes the committee will not allow that measure to come before this. And yet they propose to pension the people who

have been in the departments in a snug berth all their lives and deny it to these men who carry the marks of the bloody strife in which they participated in the defense of this country in their bodies and will carry them to their graves. [Applause.]

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. LEHLBACH. Mr. Chairman, I yield five minutes to the gentleman from Idaho [Mr. SMITH].

The CHAIRMAN. The gentleman from Idaho is recognized for five minutes.

Mr. SMITH of Idaho. Mr. Chairman, any observing person who during the last third of a century has walked through the corridors of the departments of the Government, or watched the clerks entering the various Government buildings in the mornings or leaving them at the close of the day, must have noticed the large proportion of elderly and infirm among them. Prior to the establishment of the classified civil-service law most of those clerks who had outlived the term of the Congressman from their district were replaced at the request of the new Member by more active persons from among his constituents; but when the civil-service law became effective, preventing removals except for cause, and providing for appointments by a competitive examination, the clerks were permitted to remain, regardless of advancing years and increasing inefficiency.

Every new Cabinet officer or bureau head no doubt approaches the responsible duties of this position with a determination to eliminate the inefficient clerks, especially those advanced in years, in order that the work of the department may be kept up to date and disposed of in the most efficient manner. He soon discovers, however, that there is a human element entering into the matter which he can not ignore, and after a few weeks or months he drops into the old groove, because he has not the heart to throw out of employment faithful clerks whose only shortcomings are infirmities incident to advancing years.

At the beginning of the Harrison administration Hon. T. B. Coulter, of Ohio, an old friend of mine, was appointed Auditor for the Post Office Department. He soon discovered that some of the work was over three years in arrears; that nearly one-fifth of the force, consisting of 600 clerks, was inefficient, and that there were approximately 75 who, because of old age, were incapable of performing their duties in an efficient manner. Most of these were drawing the highest salaries paid in the bureau. The auditor stated that his first move would be to discharge these inefficient clerks and have their positions filled through the Civil Service Commission with younger clerks, in order that the work might be brought up to date and kept current. But before he could carry out his plan he had met personally many of these inefficient clerks, who, he discovered, were apprehensive that they would lose their positions in view of the statement he had made publicly, and acquainted him with their personal affairs. He learned that in almost every instance members of their family were dependent upon them; that they had accumulated nothing during their years of service; and that practically only a month's salary remained between them and their daily living. Few of them owned their own homes, and scarcely any of them had any other income than their salaries. Col. Coulter, the auditor, being an especially kind and large-hearted man, later stated that he would resign his position before he would be responsible for turning out of the service any of these aged clerks.

He called together the clerks in the various divisions, explained the embarrassing situation confronting him, and asked for volunteers to return in the evening and devote three hours of work five days a week, without compensation, to bring the work up to date. As an evidence of patriotism and devotion to the service of the Government, over three-fourths of the clerks cheerfully acquiesced, and during a period of nearly three months worked three hours in the evening during five days of the week, in order to bring the work up to date.

It will thus be easily understood why the Cabinet officers and the heads of bureaus refuse to assume the responsibility of discharging the aged clerks and the absolute necessity of enacting a general retirement law.

For the last 25 years the problem of how to take care of the faithful but aged clerks has been a constantly increasing one, and the necessity of formulating some humane and practical plan has engaged the attention of Congress, the Cabinet heads, and the clerks themselves during the intervening years. In 1893 and 1894 the Civil Service Commission called attention in its annual reports to the necessity of making some provision for the retirement of the aged clerks, and again in 1902, 1903, 1905, and 1908. The department and bureau heads earnestly and repeatedly urged favorable consideration of such legislation.

The Secretary of the Interior in his annual reports for the years 1904, 1905, 1908, 1909, 1910, 1911, and 1912 gave the subject of retirement particular attention, and the annual reports of the other heads of departments since 1909 have set forth the pressing need of some general plan of retirement of superannuated employees both as a matter of justice to the employees and in the interests of the efficiency of the service. Reference may be made particularly to the annual reports for 1911 by the Secretary of the Treasury (p. 7), the Secretary of War (p. 33), the Postmaster General (p. 15), and the Secretary of the Interior (p. 17).

In respect to the War Department, Secretary Dickinson, in his annual report for 1909, recommended that some provision be made for retirement on annuities of employees who become superannuated in the service, and in his annual report for 1910 he renewed this recommendation, inviting attention to extracts from the annual report of the several bureau chiefs setting forth the need that some measures be taken to provide for the retirement of superannuated members of the civil service.

President Taft, in his annual message to Congress in 1909, under the caption of "Reduction in cost of governmental administration," recommended legislation for the retirement of civil-service employees, coupling with it a recommendation for an increase in salary to meet the increased cost of living.

Again, in his message to Congress, December 21, 1911, he said:

I have already advocated in my last annual message the adoption of a civil-service retirement system, with the contributory features added to it, so as to reduce to a minimum the cost to the Government of the pensions to be paid. After considerable reflection I am very much opposed to a pension system that involves no contribution from the employees. I think the experience of other Governments justifies this view, but the crying necessity for some such contributory system, with possibly a governmental outlay in order to cover the initial cost and to start the system going at once while the contributions are accumulating, is manifest on every side. Nothing will so much promote the economy and efficiency of the Government as such a system.

On February 18, 1908, the special committee on personnel of the Keep Commission—a commission appointed by the President June 2, 1905, on business methods in the executive departments—after careful consideration of this subject, presented a plan for the retirement of superannuated employees on the basis of monthly deductions from the salary of each employee to provide a fund for the purchase of annuity on his retirement. More recently the subject has received thorough consideration by the President's Commission on Economy and Efficiency.

Responsive, presumably, to the recommendations of the Civil Service Commission, the bureau and department heads, the recommendation of the Keep Commission and of the President, the matter has received consideration at the hands of Members and committees of Congress. Since 1903 no less than 50 bills have been introduced in Congress for the retirement of the employees of the civil service, and the matter has been the subject of repeated hearings before committees of Congress.

The following are recommendations from department and bureau heads as to the necessity of retirement legislation:

RECOMMENDATIONS OF CABINET OFFICERS.

SECRETARY OF THE TREASURY CARTER GLASS, 1919.

The efficiency of the department is retarded for want of a retirement law. I believe that the enactment of legislation providing for superannuated or disabled employees of the civil service in this department would result in economies and increased efficiency in the transaction of public business. It would be a measure of benefit to the Government and of justice to the employees who faithfully have devoted their talents and the best years of their lives to the interests of the Government.

In this connection I should like to draw particular attention to the following recommendation contained in the annual report of my predecessor, Secretary McAdoo, for the fiscal year, 1918:

"Recommendation has been made in previous annual reports of the Secretary for the enactment of an equitable retirement law for civil-service employees. The necessity for effective action of some character along this line has been accentuated during this period of war. It would seem to be not only a measure of justice to faithful public servants who have devoted their lives and talents to the Government, but it would also be in the interest of economy and increased efficiency in the administration of the public business."

SECRETARY OF COMMERCE WILLIAM C. REDFIELD, 1919.

I look at it from the standpoint of common justice on the one hand and from that of efficient service on the other hand. Large private concerns recognize that a lifetime spent in their service carries with it an obligation of honor toward the employee who has thus served faithfully when years make him incapable of further effective work. The business house that would turn out an aged employee, saying to him in substance, "Now look out for yourself," after a long and good record would be damned by the common opinion of the business world, and ought to be.

The only conceivable excuse that could be made would be that the employer had paid during the long service a sufficient salary over and above all the exigencies of life to have enabled the employee to provide himself for his own old age. No one will charge the Government

with doing that, especially when objection is made to an employee endeavoring in his own time to add something to his or her income.

Failure to be as just in these matters as private concerns are injuries the Government either by causing the ambitious to seek better opportunities for service elsewhere or by relaxing the efforts of its employees generally through the unconscious drag that comes from hopeless service.

The result of the present condition is seen in the survival of many old people in the Government work who struggle on when they should have ceased from their labors because they needs must. Enactments requiring these aged workers to be discharged are substantially repealed by the higher law of humanity. They are demoted and maintained at reduced pay, thus creating what is in substance a pension without retirement, without the dignity of a recognition by the Government of their worth, and maintaining the inefficiency which everyone seeks to remove.

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SECRETARY OF LABOR HON. W. B. WILSON, 1919.

Entirely apart from the humanities and justice involved in such legislation it would seem to be high time to recognize the fact that the executive departments have a pension roll, whether they like it or not, and that it is the most expensive, cumbersome, and in many ways inhuman sort of a pension system. What I refer to here is the waterlogged pay roll, which in all essentials produces a pension system without the retirement. In other words, aged and decrepit employees who have been worn out in Government service are retained on the pay roll at a salary which is considerably higher in most cases than would provide an adequate pension. These people are not discharged, can not and will not be discharged by the heads of departments, for humane reasons which we need not go into here. On the other hand, they must be at their desks each day for seven hours in order to receive the salary at which they are listed. This is not only a physical hardship upon them, it is a useless and inhumane one.

On the other hand, it has a demoralizing effect upon the other employees, particularly those who, going in at the entrance grade, are perhaps getting a salary for real work much less than the pensioners are receiving. These old people do nothing and are expected to do nothing, and the young clerks coming in at a lesser rate are naturally more or less incensed at being required to do the work that these "old-timers," so called, are unable to do.

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[From Postmaster General Burleson's report for 1913, p. 187.]

RETIREMENT OF DISABLED OR SUPERANNUATED CLERKS.

The requirements of the Railway Mail Service are exacting, and the performance of duty is attended by danger and hardship. From the nature of the work performed it is necessary that the force be active and energetic, and it must be replenished constantly with an element of that character in order to maintain a high degree of efficiency. When the work of a railway postal clerk deteriorates it is necessary to change his assignments to postmasterships in second, third, and fourth class post offices if these positions are placed under the civil service. Provision should also be made for their retirement from the Railway Mail Service when disabled or superannuated upon some system of limited payment provided for by a contributory plan or otherwise.

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[Postmaster General Wanamaker's report for 1890, p. 38.]

I wish that some scheme might be devised by which the departmental force, and all parts and branches of the Postal Service, classified or to be classified, might be encouraged into new exertions by some just, general, and certain plan of promotions. This would perhaps involve the retirement at a certain age of Government employees who have been efficient in the past, and would possibly involve, too, the payment to them of a stated sum, or of smaller sums at stated periods. But scores of places in the departments, and in the large post offices, as I doubt not, are to-day filled with superannuated clerks who fail to do the work which the department is required by Congress and the public to expect of them, and also prevent those from taking their places who would be glad to do all of the work well. It would seem as if we might either heartlessly remove these useless Government employees or else confess that we really have a civil pension roll. In any occupation it is the man who is looking for better work to do and for better pay for doing it that deserves the better work and the better pay; and I am certain that the efficiency of the whole postal force would be increased beyond all calculation if there could exist, in it and through it, a continual upward movement, a regular and certain retirement in some just and humane way, and a consequent influx of the young, the strong, the ambitious.

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[Extract from the Annual Report of the Secretary of Commerce, 1913.]

SUPERANNUATION AND RETIREMENT.

The problem of utilizing the services of aged employees to the best advantage is constantly becoming more difficult of solution. The growing volume of work, the demand for increased efficiency, and the introduction of new methods and ideas require the services of men and women whose minds are active and capable of development. It seems inconsistent that the Government should expend large sums of money in attempting to procure properly equipped eligibles to enter its employ and at the same time retain on its rolls those who have long passed their usefulness. The heads of bureaus are reluctant to discontinue the services of superannuated clerks, for to do so would in most cases deprive the latter of their only source of income. Demotion is but a palliation, and does not fully meet the difficulties of the case. It would therefore seem to be only just to provide in some manner for the retirement of such employees on annuities at least partly commensurate with the rates of pay which they have been receiving. In some cases the reduction of force possible through the greater efficiency of younger men and women would go far to meet the cost of these annuities.

A brief statement of a few reasons in favor of the contributory plan for retirement:

"(1) The experience of England shows that pensions furnished entire by the Government are considered practically as deferred pay; in that sense they tend to keep salaries down; and in a similar sense they form an indirect contribution from the employees. At the urgent request of the employees, moreover, the English system was modified a few years ago in the direction of a contributory plan.

"England and Russia are still considered straight-pension territory. Germany, France, Austria, New Zealand, Australia, Canada, etc., are in the contributory column.

"(2) According to the experience of the straight-pension system in England, only one in six or seven employees lives or remains in the service long enough to secure a pension. Under the contributory plan an employee may leave at any time, taking his savings with him.

"(3) Under a straight-pension plan, it is believed, there would be a constant tendency to seek through Congress special dispensations on account of those employees who died before the pensionable age and whose families might be left destitute. This matter of special privilege would not only have a demoralizing effect upon the employees in general but would tend to bring the whole civil service into public disrepute.

"(4) A straight pension undoubtedly would tend to bind a man to his job. An employee might be deterred from leaving the service and bettering himself simply because he felt the binding power of a pension and realized that provision for his old age depended upon holding his job until the time of retirement. It has been argued, also, that the average employee under such circumstances might hesitate or refuse to protest against possible injustice or maladministration for fear of incurring the displeasure of the powers that be. Such an argument, however, would hardly apply in the case of a contributory plan, since an employee might be assured, in so far as his pension were concerned, of withdrawing his savings if he should resign."

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[From the report of the Commissioner of Pensions for the fiscal year ended June 30, 1918.]

CIVIL-SERVICE RETIREMENT.

The question of retirement of certain employees who have passed the age of usefulness is one that is frequently before Congress and is ever present to the officials of this bureau.

We have a great number of employees who have served the bureau loyally for many years, but who have now become physically less effective in the activities of the service. These people have generally been the supporters of families and have been unable to make any provision for their latter years. It would be a heartless and inexcusable proceeding to dismiss these worn-out servants of the Government, and yet their continuance in the service is indefensible, except on humanitarian grounds. Unless these people are to be summarily dismissed, the Government would be a gainer in a financial way by devising some retirement plan, and the bureau would greatly profit in increased results by the elimination of the nonefficient class.

The argument favorable to civil-service retirement draws much strength from conditions in the Pension Bureau.

The following statement shows the number, ages, etc., of employees in the Pension Bureau on the 1st day of July, 1918:

Number in the classified civil service	925
Age of oldest employee	87
Number over 80 years of age	24
Number between 70 and 80 years of age	168
Based on age of 70, number eligible for retirement	192
Percentage of all employees eligible for retirement	20.75

The average age of all employees in December, 1917, was 57 years.

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NEED OF A RETIREMENT LAW AS APPLICABLE TO PENSION BUREAU.

Mr. Edward C. Tieman, former Deputy Commissioner of Pensions, in a statement to the committee, said:

I think, because of the fact that the Pension Bureau is one of the oldest bureaus in the Government service, we can demonstrate there in the most effective and easily recognized way the advisability, both from an economic and a humane point of view the advantages of a retirement law. At present we have about 870 employees on our rolls. We find that 295 of that number are eligible for retirement under the provisions of this bill. They are 65 years of age, have had the necessary service, and come within the requirements of either the voluntary or the compulsory provisions of this act.

I have found, on making a personal investigation, that approximately 150 of the 870 employees in our bureau would probably take advantage of a retirement law. I can say this, without any reflection upon that 150, nearly all of whom are employed in some manner, that we could dispense with their services at this time and not lose in appreciable degree any measure of efficiency in the bureau. It is not to us a helpful service, so far as the administration of pension matters go. I would say further that at least 50 of that 150 are inefficient and do not render any useful service whatever to us. They could be retired. In order that you may understand just what I mean by what I have said with reference to the number who might retire or be retired under this law, I would say that for the 150 whose services could be dispensed with 50 efficient clerks would render us a better service and a more useful service than those 150 clerks. If those 150 clerks were to take advantage of the provisions of this bill, the annuity paid to them would approximate $90,000. The amount of salary paid to them is approximately $190,000. If their services were not replaced at all with new appointees in this bureau, there would be an outright saving in salaries of $100,000. But, of course, it goes without saying that we would have to appoint persons to take the places of those who are going out. But I repeat that 50 efficient persons would render us a far more valuable service than is rendered by the entire 150.

Now, I think that demonstrates, in a practical way, the benefits in the Pension Bureau of this bill or of any other retirement bill as an economic and humane proposition. It is humane, because it is our experience that old people, who have been efficient, who have rendered loyal and splendid service, who have had their responsibility of families, who have educated their children, and who have reached the ages where they have become inefficient, ought to be taken care of, because it would be absolutely inhumane to retire them arbitrarily from the service without any sort of provision for meeting the exigencies of life. We use our inefficient people down there the best way we can. We shift them from one place to another. They render all the service they can, and they render it in the best way that they can. But these people ought to be retired. They do not render a service that is valuable to us nor could they render it elsewhere.

ABILITY OF PENSION BUREAU TO ADMINISTER A RETIREMENT LAW.

The proceedings incident to adjudicating claims for pensions and the proceedings incident to the administration of a bill of this character are so nearly related and so similar in general character that the practice which now obtains in the Pension Bureau and the practice which would obtain in administering the benefits of an act of this character are so nearly alike that the training and experience of the clerks now in the bureau would be invaluable if they were required to take up this additional work. While we have a large number of inefficients, there are

about 700 trained expert clerks in the Pension Bureau who are not only capable of giving advice but they are capable of supervising and directing the efforts and energies of other clerks. Out of that 700 clerks we have a sufficient number who could be put in charge of this work and other less experienced clerks could be put under them, so that this work from its very inception would go forward without a particle of delay. At the same time, with the addition of such help as will be required, because of the retirement of some clerks who are engaged upon pension work, we could handle the pension work and go ahead with the administration of both laws without delay with absolute satisfaction to everybody concerned, and with great economy.

COST OF ADMINISTRATION.

There would be no considerable expenditure because of this additional work. We have the building, equipment, and a system of filing already in operation which could be used in this connection. We have a corps of trained clerks which, if increased as was found necessary to administer the pension laws and this law, would not involve a large amount of expense. We have a medical division which would determine all medical questions. We have a special examination division which covers practically the entire United States, which would investigate every question that brought up a matter of doubt. Our medical division has under its control local examining boards in practically every county in every State of the United States, before which an applicant for the benefits of this law might appear for examination. Those boards are maintained without a dollar of expense to the Government, because the members of the board are paid only for the examinations they actually make and report. Now, those same boards would handle this business just as they handle the pension claims, because the same character of questions would be considered. We have a disbursing division where, already installed, is all the machinery necessary for the payment of this annuity. We are paying now about 630,000 pensioners every quarter. The employees in the disbursing division are engaged 12 months in the year in making out and mailing checks, and the financial division is making out vouchers for those who are paid under voucher. The record division is maintaining a perfect system of indexes, which could be enlarged to include the beneficiaries of this law.

The persons entitled to annuities under a retirement law could be paid every month through our disbursing division without the expenditure, I think, of a single dollar for additional mechanical appliances. The only requirement would be a few more clerks.

The plan contained in the pending bill is the result of a most careful study on the part of actuaries and Government experts, as well as by Senators and Representatives in Congress, and it is believed that it is as nearly perfect and will come as nearly as possible to accomplishing what is so much desired as any legislation that could be framed.

I am heartily in favor of its provisions and earnestly hope that it may be placed upon the statute books before the close of the present session of Congress. [Applause.]

The CHAIRMAN. The time of the gentleman from Idaho has expired.

Mr. SMITH of Idaho. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. GODWIN of North Carolina. Mr. Chairman, I yield 15 minutes to the gentleman from Oklahoma [Mr. FERRIS] and ask unanimous consent that he be allowed to use the 15 minutes of my time out of order.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that the gentleman from Oklahoma be allowed to use the 15 minutes granted out of his time out of order. Is there objection?

There was no objection.

Mr. MANN of Illinois. Mr. Chairman, I will not make any objection, although I suggest to the gentleman to withdraw his request. It is not within the power of the committee to change the order that was presented in the House. I shall make no point of order on the gentleman; I do not care what he talks about or what he talks, but it is not within the power of the committee by unanimous consent to change the order that was made by the House requiring the debate to be confined to the bill. Probably the Chair will call the gentleman down if nobody else does.

Mr. GODWIN of North Carolina. Mr. Chairman, I will state to the gentleman that the time will not be extended and that the 15 minutes will be used out of my time, and the subject to be discussed is so near to the subject matter under discussion that I thought it would not be unreasonable to make the request.

Mr. MANN of Illinois. I know. I was simply stating that the committee can not change by unanimous consent the orders presented in the House.

Mr. BLANTON. Mr. Chairman, this is just a little House courtesy to the distinguished coming Senator from Oklahoma [Applause.]

Mr. FERRIS. Mr. Chairman, will the gentleman from Illinois yield to me?

Mr. MANN of Illinois. Yes. I am not objecting.

Mr. FERRIS. I am fully aware of the rule and I am fully aware that it is out of order.

The CHAIRMAN. The unanimous-consent request is not in order under the agreement. The gentleman from Oklahoma [Mr. FERRIS] is recognized for 15 minutes. [Applause on the Democratic side.]

Mr. FERRIS. Mr. Chairman and gentlemen of the Congress, out of the war with Germany, in which 4,800,000 men participated, sprang an organization known as the American Legion, conceived in the highest purposes and which will be a live, active force in the Republic for the next half century. The executive committee of that organization, pursuant to request, have drafted a relief bill that meets their approval. It was introduced by Chairman FORDNEY. It affects 4,800,000 soldiers. It affects the taxpayers. It affects the Treasury. It is important that a grateful Republic do its duty.

SYNOPSIS OF THE BILL.

They have drafted a bill and submitted it to Congress. It is up for consideration to-day. It consists of four well-defined proposals of relief:

First. The land settlement provision.

Second. Home-purchase provision—long-time loans, low rates of interest, homes to be selected by the soldier.

Third. Vocational training, trades, science, education, and general improvement of the soldier.

Fourth. Adjusted compensation—bonus to enable the soldier to recoup part of the financial loss suffered while in the service.

Fifth. The committee has added a fifth option to the soldier, known as the paid-up insurance policy provision.

It is roughly estimated by those in charge of the bill and on the Ways and Means Committee that it will cost about $2,000,000,000. This money must be raised from the taxpayers. The committee has reported that it shall be raised in two years. They provide five sources from which to raise this necessary two billions of revenue.

The sources are as follows:

First. Consumption tax—sales tax—from which it is estimated they can raise $400,000,000 per year, or $800,000,000 for the two years the tax is to run.

Second. Tax on tobacco.

Third. Tax on real estate transfers.

Fourth. Stock-exchange transactions.

Fifth. A gradual raising of the general income-tax laws, and from the latter four sources are to be raised $1,200,000,000 necessary to make up the two billion.

Roughly speaking, the average days of service for the men are 400 days. The adjusted compensation is figured on a basis of $1.25 per day, which would approximate roughly $500 per man.

The bill as it is to be reported from the committee includes all enlisted men and officers up to and including captains. It does not include widows, as they are provided for in the war-risk insurance law. It includes the Regular Army personnel during the period of the war only. It ought to include all men and women who served; we can not afford to cut out part of them—they all served.

HISTORY OF THE LEGISLATION.

The history of this legislation is interesting. It originated primarily in Secretary Lane's office. That bill received consideration during a preceding Congress and was first reported from the Irrigation Committee. That bill also received consideration during the early part of this session of Congress by the House Public Lands Committee. Numerous bills have been introduced on the question, some 50 in number—long hearings were had before the Public Lands Committee, which resulted in the final reporting of the Mondell bill. That bill was not acceptable to the soldiers—it was not acceptable to the Congress.

Recently by an appropriate resolution all of the 50 bills that had been introduced by the several Members of Congress, some 50 in number, were summarily referred to the Committee on Ways and Means for consideration.

The executive committee of the American Legion drafted and promulgated a bill; it was introduced by Chairman FORDNEY of the Ways and Means Committee. That bill has been considered by five subcommittees. It is a very important bill affecting 4,800,000 soldiers, a far-reaching effect upon the Treasury, a draft upon the taxpayers, and is a bill of first importance. It should not be considered under suspension of rules, which excludes the offering of amendments, only allowing 40 minutes debate, as a gag rule intended only for emergency, and no emergency is here asserted to exist.

VIEWS OF MEMBERS CLASSIFIED.

The membership of the House of Representatives, consisting of 435 Members, may well be classified into four groups, as follows:

First. Those actively and energetically in favor of soldier legislation.

Second. Those vigorously opposed to any legislation for the soldiers whatever.

Third. Those in favor of land and home legislation but opposed to bonus.

Fourth. Those who pretend to be in favor of legislation, but who hope to make it so obnoxious that it will be without value to the soldiers, and who are striving to attach to it a method of taxation so odious that it renders the bill unsatisfactory to the soldiers, if not a reflection upon their patriotism and devotion to country.

MY OWN PERSONAL VIEWS.

I am one of those who feel it the duty of Congress to pass soldier relief legislation for the soldier and pass it now. I did what I could to get it passed last Congress. Other countries engaged in the war have granted some substantial recognition to their soldiers, why should not we do the same? We are better able to provide for them; we should even do more than they.

I am in favor of including every person connected with the service, both men and women, both officers and men. I do not believe in haggling, cheeseparing, and driving any sharp bargains with these soldiers. A great portion of them were drafted into the service. They were our Nation's defenders then. We should be their defenders now. [Applause.]

I am in favor of passing legislation that will benefit the 4,800,000 soldiers, sailors, and marines and not only 3,000,000 of them, as provided for in this proposed bill. They were all soldiers. They were all the Nation's defenders; true, some served more than others, but each one served as he was directed to serve; each one stood ready to do his Government's bidding and his Government's call; it was not within his power to determine whether he had active service or inactive service; his was to serve; he did serve, and this is no time to drive sharp bargains with him—to make fish of one and fowl of another.

I am in favor of making the land-settlement provision, the home-purchase provision, the vocational-training provision, the paid-up insurance provision, so attractive that not a single man of the 4,800,000 will elect or feel it to his best interest to select a so-called bonus or cash provision. I feel that by so doing the Nation's defenders will receive benefits more lasting in character, will receive benefits that will make them better citizens, will receive benefits that will improve the community in which they live; whereas it is without doubt in many cases true that the cash bonus will not be availing, will not be lasting in character, and will not do more than temporary good, if even that, for the ones receiving it.

There are, however, doubtless some cases where the cash bonus will be the only assistance the Government could render and the soldier could accept, and for that reason I am in favor of the adjusted compensation for that soldier, or soldiers, as provided for in the American Legion bill.

I take no stock in the proposition that this is a sale of the soldier's patriotism, and I receive those statements as coming from those who either have not thought upon the subject or are seeking to strike a body blow at this legislation. It is to be regretted that such talk would be even tolerated. The 4,800,000 men who have just offered their lives to their country are not entitled to be subjected to any such talk.

I am one of those who believes this legislation is just—is due from Congress, and that the soldier may accept it without a feeling that his Government has done something that justice does not demand and something that a grateful Republic would not only be willing but anxious to do.

I am one of those who believes this Government can not afford to fail to pass this bill which will enable our boys to again gain their stride and take their several places in society in the community in which they live.

I am one of those who believes the legislation should be freely given without any humiliation to the soldier, without any vicious haggling, nasty criticism of the soldier. The soldier should not be subjected to humility and beggary because this Nation is asked to do what other nations do. Members here who make such criticisms are, I fear, unmindful of the services these soldiers rendered. They have forgotten the dangers of yesterday. They have forgotten the sacrifices made, the ends achieved. They brought the flag back in victory, not in defeat. They did what a grateful Nation asked them to do. They did what the Nation could do only through their patriotism, their zeal, and devotion to country.

UNWHOLESOME PROVISIONS OF BILL.

FIRST OBJECTION.

I am opposed to attaching to this legislation any revenue legislation of any sort. If this is just legislation that should be passed, and I assert that it is, it should become a charge against the general revenues of the Government and should not have an irritating special tax provision attached to it. This course is without precedent, is without justice, is an innovation which, in my opinion, amounts to a slur and a reflection upon the soldier. Even if it is not so intended it will amount to that. This should not be done. I am in favor of striking from this soldier-relief bill the revenue bill attached to it and let the revenues necessary to carry forth this legislation be provided for in the future in the regular way as a separate bill, standing on its own bottom, and not hitched on or attached to this soldier bill at all. In my 14 years of service in this House I have never before been called upon to vote for remedial legislation of any sort and at the same time hang a tariff bill on to it. The raising of revenue is one question and within the jurisdiction of the Ways and Means Committee. The creation of a charge against the Treasury and the appropriating of money is another question. These two questions can not properly be linked together. Taxes are always odious, always heavy to bear, always unpopular; therefore I do not want this special irritating "sales tax" hung on to this soldier-relief bill. The soldiers will feel hurt about it. It is not fair or just to them. It should not be done.

I submit the Ways and Means Committee have erred in tying these two provisions together. I assert that it is economically unsound. I assert that it is wrong in principle. It will reflect on the soldiers and it is unfair to the Members of Congress who desire to vote for soldier-relief legislation to couple with it and force them to vote for a tax proposition which they believe to be unsound, unfair, unworkable, and unjust.

OBJECTION TO ANNOUNCED PLAN OF ALLOWING BUT 40 MINUTES' DEBATE AND NO OPPORTUNITY OF AMENDMENTS.

Even if it were proper to hang onto this soldier legislation a revenue bill of any sort, I am bitterly opposed to the raising of this necessary money by any "consumption or sales tax" of any kind or sort. Such a tax on every sale is at best a taxing of the poor, who can ill afford to pay it; it is the imposition of an irritating tax that will be an annoyance to the retail merchant; it will be an irritation to the public; cost more than it amounts to to collect it; make tax collectors of our business men; bring humiliation and disgrace to our soldiers; it will be forcing our soldier population to be themselves taxed to pay for this legislation; it will be a lifting of the burdens from the rich, the war profiteer, and the ammunition maker, and heaping it onto the shoulders of the poor. I submit this is not as it should be. I submit the 4,800,000 boys do not desire this. I submit the already overtaxed public can not endure this. I submit it should not be raised in this way.

THIRD OBJECTION.

Lincoln said, "God must have loved the poor, because he made so many of them." It seems to me we should observe and avoid any steps that make more of the poor than has been decreed to us. To pursue such a course is to breed socialism, distress, discontent, and, finally, to submerge the Government. Let me without partisanship, without any desire other than to help our Republican friends who are in full control, not to do this thing, not to raise this money in this way.

FOURTH OBJECTION.

The bill affects 4,800,000 soldiers; it creates a charge upon the Treasury of $2,000,00,000; it is the highest duty a Nation owes; it is a duty to its soldiery. Still the Republican side of the House allows but 40 minutes' debate; not a single Member of the House is given permission to offer an amendment; we are forced to vote yes or no, however imperfect, improper, insecure, and lacking in feasibility the bill may be found to be. Such a procedure is without precedent, vicious, unpardonable, and will live to plague the party that forced it down the throats of 435 patriotic Representatives of the people duly elected and brought here to do their full duty.

I am sure I am not alone in my hostility toward the procedure adopted by the majority for the consideration of this bill. I am sure every Democrat on this side of the House objects to it. I am sure a large majority of the Republicans who believe in fair play, full consideration, and justice to the membership of this House are likewise opposed to it. This legislation is entirely too important, affects too many people, creates too great a charge on the Treasury to be handled in this summary way. If Speaker GILLETT does his duty—and in this instance it is discretionary with him—he will refuse to recognize any Member to move to suspend the rules to pass such a bill as this with but 40 minutes' debate and without the right to offer a single, solitary amendment, which precludes the right to even make a motion to recommit.

To pursue this course is to say that every Member of Congress who desires to vote for soldier legislation must likewise adopt and vote for this infamous provision of a consumption or sales tax.

I submit that this tax provision should stand on its own bottom. If it is just to thus tax the poor, the membership will approve it standing alone; if it is unjust to thus tax them, it should not be forced upon them in order that they may accord

their friendship, help, and support for the 4,800,000 soldiers who richly deserve their support.

The membership of this House should at least be entitled to a chance to register its will; the country is entitled to know who favors this consumption or sales tax and who opposes it. The country is entitled to know who favors these soldiers and who really opposes them; the soldiers are entitled to know who really favor them and who really oppose them; and by coupling these two proposals together, which, to my mind, is almost infamous, it enables the Member who is really opposed to soldier legislation to hide behind the cloak of taxation and thereby really conceal his motives. I submit this is indefensible; I submit the exigencies are not so great to perform such a day's work.

WEALTH OF THE COUNTRY ABLE TO BEAR BURDENS.

Members of Congress here, on one pretext and another, are asserting that the Government can not afford to pass this legislation; they are asserting that the 4,800,000 boys do not need this assistance; some of them are even going so far as to speak scornfully of the men who so recently served them; some of them are asserting that the men received $30 a month during this war and but $15 during previous wars, and that is true; but the conditions are so different and the purchasing power of the dollar is so reduced and the ability to earn for those behind the lines had so increased that the financial sacrifices made by the soldier have been greater than he may well be expected to endure. They likewise paid about $7 per month for insurance, $15 for family allowance, until their salaries really were not only consumed but more than consumed. They came out broke. They need this legislation. They deserve it.

The real question to determine is whether or not the taxpayers of the Republic can really afford this additional drain upon them.

Let us observe what the Treasury Department shows as to the fortunes actually amassed by war profiteers—by ammunition profiteers—behind the lines during the war. We are told that there are 23,000 new millionaires—made during the war, came to us as a result of the war, out of the war. These millions were made by men behind the lines, in safety, while 4,800,000 of America's sons were fighting and dying in the service of their country on sea and land that free government might live. The soldiers were performing this hazardous service at $30 a month. They were baring their heads and their breasts to all the dangers, horrors, suffering, and terrors of war while the millions were being amassed by those behind the lines, in safety, selling their wares to the Government at fabulous profits.

Can these 23,000 millionaires thus created afford to be taxed to enable their Government to do justice to their soldiery? Will they desire to protest a modest levy against their fortunes made during the war, out of the war, to adjust the losses of America's soldiery? I do not believe it. The fortunes thus amassed could be put to no better purpose than help these boys to their feet, help a Nation keep its pledge, show a Nation's gratitude, and do a Nation's duty.

We are told that the corporations of this country who earned annually more than $100,000 made war profits during the war of more than $2,000,000,000. We are told that 69,000 men made war profits alone of $3,000,000,000 during the war years. If this be true, and my information is that it is true—my information is that it is but a mere scratching of the surface of what has actually been made—will these shrewd business men, brilliant, able, virile, thrifty, strong, capable of earning millions, will they come here and protest this legislation which levies a tax against their profits, their swollen fortunes, their earnings that have climbed mountain high, made possible by conditions occasioned and brought about by the war?

If they do come and protest, will a just Congress or a just constituency tolerate them and their millions of war profits to be tax free while the soldier stalks the street, penniless and alone? Will the 435 chosen representatives of the people, sworn to do their duty, acting under their oath of office, tax the farmer on his implements, the workman on his tools, the 20,000,000 toilers and wage earners on every purchase they make, to the end that these swollen fortunes may not be interrupted or molested or exactions levied against them?

No; I can not believe America's thrifty, thriving, teeming business men would have this Congress adopt such a course. I can not believe the 4,800,000 soldiers, a major portion of whom were drafted into the service, would accept or tolerate us to thus render their legislation unpopular, irritating, undesirable, unsatisfactory, by such a tax.

No; I repeat, the 4,800,000 soldiers were the flower of the Republic; they were the fairest flowers in all the garden; they carried the flag across 3,000 miles of surging sea, that free government might live; they fought on foreign soil; they brought victory out of chaos; brought hope out of despair. They brought the flag back in honor, not in dishonor; they served America well; they served civilization well. They are home with us again; they are our soldiers. Let us encourage them; let us disclose that the heart of a grateful Republic beats for them and with outstretched hands embraces them. Give to them some substantial recognition to help them find their way; to enable them to start anew; to urge them to nobler and better things.

This relief should not be grudgingly given. No irritating tax features should be injected into it or hung onto it. No nation can long endure that does not stand true to its soldiery. [Applause.]

Mr. FERRIS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. LEHLBACH. Mr. Chairman, I yield two minutes to the gentleman from North Dakota [Mr. YOUNG].

The CHAIRMAN. The gentleman from North Dakota is recognized for two minutes.

Mr. YOUNG of North Dakota. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. YOUNG of North Dakota. Mr. Chairman, I would like to get the special attention of all those gentlemen who represent districts covered by grants of lands to railroads. I have just obtained a very important decision from the Solicitor of the Treasury in reference to certain claims that have been gathered up by attorneys, accompanied with powers of attorney, in which they are to get $100 for simply using a 2-cent postage stamp to mail them across to the Commissioner of Lands to the effect that the claimants may revoke those powers of attorney if they desire.

There is one firm of attorneys that did do a considerable amount of work in connection with this matter in establishing the law. They brought a case in one of the lower courts and took it through to the Supreme Court, and, of course, as to them they have earned perhaps a substantial fee. But other attorneys who have been gathering up claims, who absolutely did nothing to help establish the law, are to get 50 per cent, and it seems to me those who are claimants ought to know that they can revoke those powers of attorney, and that as much publicity as possible should be given to this——

Mr. SINNOTT. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from North Dakota yield to the gentleman from Oregon?

Mr. YOUNG of North Dakota. I do.

Mr. SINNOTT. Are the gentleman's observations directed toward those railroad grants where the double minimum has been charged unlawfully by the Government?

Mr. YOUNG of North Dakota. Yes.

Mr. SINNOTT. And the attorneys have taken the matter up for a refund of one-half of the double minimum?

Mr. YOUNG of North Dakota. Yes. That is what it is designed to cover.

Mr. SINNOTT. Does the gentleman know whether the Northern Pacific grant down from the Columbia River is included?

Mr. YOUNG of North Dakota. Does the gentleman mean the grant of 1889?

Mr. SINNOTT. Yes.

Mr. YOUNG of North Dakota. It is.

The CHAIRMAN. The time of the gentleman has expired.

Mr. YOUNG of North Dakota. Under the leave granted to me, I shall extend in the RECORD copies of the letter from the Commissioner of the General Land Office and the decision of the Solicitor for the Treasury, and other letters and telegrams, which I am sure will be of interest to all Representatives from railroad land-grant States:

FARGO, N. DAK., *April 22, 1920.*

Hon. GEORGE M. YOUNG,
Congressman Second District North Dakota,
House Office Building, Washington, D. C.:

Have just sent Secretary of Interior following telegram:

"Regarding rebate due settlers who filed in odd-numbered sections within railroad-grant area, great injustice has resulted in cases where settlers, without any knowledge of department's decision of September 10, were induced to sign contract with attorneys at Washington to collect Government rebate on terms outrageously exorbitant. Much

dissatisfaction expressed because of Government's failure to notify settlers of decision months ago."

Suggest you get in touch with department immediately regarding this matter and insist upon some measure of relief. Also suggest that you communicate by wire with the different United States land offices in North Dakota for further particulars. Answer.

THE NORTH DAKOTA LEADER,
By JOHN ANDREWS, *Managing Editor.*

—

[Telegram.]

APRIL 23, 1920.

JOHN ANDREWS,
Managing Editor North Dakota Leader,
Fargo, N. Dak.:

Your telegram in respect to rebate due settlers who filed on odd-numbered sections within railroad-grant area just received, and will have immediate attention.

GEORGE M. YOUNG,
Member of Congress.

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TELEGRAM CONTAINING INFORMATION AND ADVICE.

APRIL 23, 1920.

JOHN ANDREWS,
Managing Editor North Dakota Leader,
Fargo, N. Dak.:

In further response to your telegram will say that I have investigated at the General Land Office the matter of rebates due to settlers who filed on lands in odd-numbered sections within the railroad-grant areas and commuted their entries. It is entirely unnecessary for anyone at this time to employ attorneys to collect these rebates. It is a simple matter for any man to collect it by asking for blanks either from the Land Office or from his Congressman. The trouble is that many have already sent claims to attorneys at Washington coupled with a power of attorney to handle the claims and retain one-half the amount collected for their services. About 95 claims out of 100 coming in now are being presented by attorneys, and only about 5 per cent are coming in where the checks will be made out in full to individual claimants. It occurred to me that perhaps it would be well for each claimant to file a revocation of his power of attorney with the Commissioner of the General Land Office. The chief law clerk claimed that this could not be done, because of the rule of law that a power of attorney coupled with an interest is not revokable. I thrashed this out with the chief law clerk, and he is now in considerable doubt about it, but is inclined to think that the power of attorney used in these cases is revokable, because of the law which provides that claims against the Government can not be assigned, and that in these cases they have attempted to assign a half interest in the claim. So far as I can learn it will be impossible to get an opinion from the Solicitor of the Treasury Department in advance of an actual case being presented to him. This can be done by some one filing a revocation of his power of attorney with the Commissioner of the General Land Office, which, if done, will be sent by the commissioner along with the claim and power of attorney to the solicitor for his opinion. I am going to do the best I can to obtain an opinion from the solicitor without waiting for this process; but it would seem to me that it would be well to get word to every claimant possible through the press to file revocations, because the claims are coming in fast, and, of course, it will do no good to file a revocation after the claims have been paid. It would seem to me well worth while for all having claims to quickly forward revocations, either direct to the Commissioner of the General Land Office or to their Congressman to be filed with him.

The commissioner has taken under advisement the matter of issuing a general statement to the press in respect to the fact that claimants need not employ attorneys.

GEORGE M. YOUNG,
Member of Congress.

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REPAYMENT INFORMATION.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, April 17, 1920.

Hon. GEORGE M. YOUNG,
House of Representatives.

MY DEAR MR. YOUNG: Referring to your telephone call of the 23d relative to the practice of Copp & Andrews and other attorneys of this city in the matter of repayment of portions of moneys paid on lands within the limits of railroad-land grants, I have the honor to advise you that for many years this department held that both odd and even numbered sections within the primary limits of railroad-land grants as fixed by map of general route, or definite location, should be rated at $2.50 per acre.

The firm of Copp & Andrews in the year 1912 filed in this office the claim of Robert A. Laughlin for repayment of $1.25 per acre of the money paid on cash entry No. 106, The Dalles, Oreg., series. The entry is located in an odd-numbered section within the limits of the grant of the Northern Pacific Railroad Co. as fixed by map of general route filed August 13, 1870, for that portion of the grant of July 2, 1864 (13 Stat., 365), through what is known as the Columbia Valley from Wallula Junction, Wash., to Portland, Oreg. No map of definite location was ever filed, and the road was never constructed as to that portion, and the grant to that extent was forfeited by the act of September 29, 1890 (26 Stat., 496).

The act of 1864 granted to the railroad company the odd-numbered sections for 20 miles on each side of the road after the general route should be fixed, excepting from said grant the odd-numbered sections which had been settled upon or otherwise segregated from the public domain prior to the date that the line of road was definitely fixed. It was further provided that the alternate reserved even-numbered sections should "not be sold by the Government at a price less than $2.50 per acre when offered for sale." This department, following uniform previous decisions, held that all lands within the limits of said branch line, as shown by map of general route, both in odd and even numbered sections, were properly rated at $2.50 per acre from the date of withdrawal on map of general route to the date of forfeiture in 1890.

In the Laughlin case, which was pursued through the Court of Claims and the Supreme Court by Copp & Andrews, the latter court held, in effect (249 U. S., 440–447) that since the granting act did not authorize the increase in price, and there was no other authority for such increases on lands in odd-numbered sections, the price should be $1.25 per acre where no map of definite location of the road was filed, unless a different price was fixed by a special act providing for the sale of such lands.

Following this decision of the Supreme Court, the department in its decision of September 10, 1919 (47 L. D., 258), heirs of E. D. Baldwin, held, in effect, that odd-numbered sections which had been excepted from railroad land grants because of prior settlement or segregation, whether the road had been definitely located or not, should be $1.25 per acre, instead of $2.50, as had been theretofore charged.

It follows, in the absence of special provisions of law to the contrary, that one who purchased an odd section of land within the limits of a railroad grant where the map of general route has been filed, and who has therefore been required to pay in excess of $1.25 per acre for such land, is, generally speaking, entitled to repayment for such excess; or one who has entered land so situated under the homestead laws and has paid commissions computed on the basis of more than $1.25 per acre, is entitled to a repayment of such excess commissions.

This office has given full information concerning claims of this character, in response to all inquiries, and where the record showed a prima facie right to repayment blank forms were inclosed; but we have not searched our records to ascertain the possible existence of such claims with a view to giving notice thereof. Circular No. 664, under date of December 13, 1919, notified the local offices of the change of the rule relative to the price of odd sections in railroad grant limits. I presume we have received a thousand applications for repayment by reason of the decision above referred to, about equally divided between applications for excess purchase price and excess commissions.

Referring to the telegram you have received, will say that the department is in no way responsible for the activity of attorneys in this connection, so long as such activity is not unprofessional in character. Any contracts which prospective claimants have entered into with such attorneys are, of course, purely private transactions.

Very respectfully,

CLAY TALLMAN, *Commissioner.*

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REQUEST TO SOLICITOR FOR OPINION.

APRIL 23, 1920.

SOLICITOR FOR THE TREASURY DEPARTMENT,
Washington, D. C.

DEAR SIR: I am very anxious to obtain as quickly as possible your opinion as to whether certain powers of attorney are revocable which were filed by attorneys for the collection of a portion of the commutation fees upon homesteads in odd-numbered sections within the land-grant areas.

The following is a sample of the form of power of attorney referred to:

"I hereby appoint ———, of Washington, D. C., my true and lawful attorney, with full power of substitution to prosecute my claim for repayment of money due me under this application and to receive warrant in payment thereof."

While I have not had an opportunity to investigate, I assume that the particular attorneys who carried the test case through the courts are entitled to reasonable compensation for their services. I do understand, however, that there are other attorneys who did absolutely nothing to test out the law who gathered in some claims without doing any work on them at all and filed them with the Commissioner of the General Land Office and expect to collect by reason of the powers of attorney and retain 50 per cent of the amount collected.

Would not the law against assigning claims against the Government take these powers of attorney out of the general rule of law that powers of attorney coupled with an interest are not revocable?

I want to protect the men who executed powers of attorney against cutting their claims in the middle by men who did nothing more to earn the fee than walk over to the Commissioner of the General Land Office and file the claim, or else send it to him through the mails, and I am very anxious to have an opinion from you as quickly as possible so as to put a stop to this, if it can be stopped; in other words, an opinion several weeks from now would be of no value, because it will be like locking the barn door after the horse has been stolen.

Thanking you in anticipation for an expression of your opinion in this matter quickly, I remain,

Yours, respectfully,

GEORGE M. YOUNG,
Representative in Congress, Second District, North Dakota.

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OPINION OF SOLICITOR OF THE TREASURY.

DEPARTMENT OF JUSTICE,
OFFICE OF THE SOLICITOR OF THE TREASURY,
Washington, D. C., April 27, 1920.

In re revocation of power of attorney for collection of part of commutation fees upon homesteads.

Hon. GEORGE M. YOUNG, M. C.,
House of Representatives, Washington, D. C.

SIR: Your letter of the 23d instant, relative to whether a certain power of attorney given for the collection of a portion of commutation fees upon certain homesteads is revocable, was received.

The power of attorney referred to reads as follows:

"I hereby appoint ———, from Washington, D. C., my true and lawful attorney, with full power of substitution, to prosecute my claim for repayment of money due me under this application and to receive warrant in payment thereof."

Generally speaking, the law is well settled that if no term of service has been agreed upon, the principal may at any time revoke the authority of his agent so far as it relates to things to be done and remaining unexecuted, unless the authority is coupled with an interest. Of course, if the authority has been executed it can not be revoked. The power of revocation exists even though it be expressly stipulated that the agency is irrevocable. American and English Encyclopedia of Law, second edition, volume 1, pages 1216 et seq. Also see Greene's Digest, volume 3, page 3369, of the American State Reports.

It is clear to my mind that the foregoing power of attorney can be revoked.

The Auditor for the Interior Department informed me that until such power of attorney is revoked the warrant issued on the claim for repayment of money due the claimant who executed such power of attorney would be delivered to the attorney named in such instrument; but a written revocation of such power of attorney sent either to the Auditor for the Interior Department or the Secretary of the Treasury would result in such warrant being sent direct to the claimant.

A mere notice setting out a copy of the power of attorney to be revoked, signed by the claimant, and delivered to the Auditor for the Interior Department or the Secretary of the Treasury, would be sufficient of such revocation. Of course, if the attorney performed any service, either personal or through some other parties, under the powers conferred by such instrument, he could collect for such services by an action in court under a contract made by and between him and the claimant.

If I can be of any further service to you in this or any other matter, I shall be pleased to do so.

Very respectfully, LAWRENCE BECKER, *Solicitor.*

TELEGRAM TO THE GOVERNOR.

APRIL 29, 1920.

To the GOVERNOR OF NORTH DAKOTA,
Bismarck, N. Dak.:

Yesterday the 28th I sent a telegram to P. E. Byrne, register of the United States land office, Bismarck, in the following words:

"Am pleased to inform you that I have just obtained a written opinion from the Solicitor for the Treasury Department, in which he states that the powers of attorney obtained by Washington attorneys for the collection of claims for excess amount paid by homesteaders in commuting entries upon odd-numbered sections within railroad grants can be revoked. The decision is written in response to my written application to the solicitor for decision made on April 23, and after citing authorities and giving copy of the power of attorney used by the attorneys, reads as follows:

"'It is clear to my mind that the foregoing power of attorney can be revoked. The Auditor for the Interior Department informed me that until such power of attorney is revoked, the warrant issued on the claim for repayment of money due the claimant who executed such power of attorney would be delivered to the attorney named in such instrument, but a written revocation of such power of attorney sent either to the Auditor for the Interior Department or the Secretary of the Treasury would result in such warrant being sent direct to the claimant. A mere notice setting out a copy of the power of attorney to be revoked, signed by the claimant, and delivered to the Auditor for the Interior Department or the Secretary of the Treasury would be sufficient notice of such revocation. Of course, if the attorney performed any service either personal or through some other parties under the powers conferred by such instrument he could collect for such services by an action in court under a contract made by and between him and claimant.'

"Now, if the widest publicity can be given to this it will result in a saving of about $100 for those who learn about it and act quickly. Only one firm of attorneys can show they earned anything to speak of, namely, Copp & Andrews, because they took the test case through the courts, but even that firm in case of revocation of power of attorney would have to go into court and prove the real value of their services. Other attorneys can probably show no services performed of any value and will probably never go into court. Of course, those who have not yet signed powers of attorney should be cautioned not to do so, and should write to their Congressman for blanks."

Have received to-day, the 29th, a telegram from Receiver Brandt, of the United States land office, saying that he is not at liberty to act without the authority of the Commissioner of the General Land Office, and the Commissioner of the General Land Office has just refused to give such authority, saying that he does not care to interfere with agreements made between claimants and their attorneys. I am therefore calling the entire matter to your attention, believing the information should be made as public as possible.

GEORGE M. YOUNG,
Member of Congress Second District.

A copy of my telegram respecting decision was also sent to Mr. John Andrews, Fargo.

HOW TO GET $100 FROM THE GOVERNMENT BY WRITING A LETTER.

[Copy of open letter.]

DEAR SIR: I inclose herewith a copy of an important decision rendered by the Hon. Lawrence Becker, Solicitor of the Treasury Department, which holds that powers of attorney may be revoked which were given by claimants to attorneys authorizing them to collect claims for overpayment by those who commuted their entries upon odd-numbered sections within the railroad grant areas.

Those who have heretofore given powers of attorney to the firm of Copp & Andrews may revoke the powers of attorney given to them, but thereafter may be obliged to pay the amount which they agreed to pay them, because these particular attorneys presented and argued the case in the Court of Claims and also in the Supreme Court of the United States, and it was through them that the right to secure a rebate was established. All other attorneys, in my judgment, performed only nominal services. They had nothing to do with establishing the law and can collect the money merely by presenting it to the Commissioner of the General Land Office or by simply mailing it to him. It would seem that no one should consent to pay anything other than a very small amount for such nominal services, and it would seem now that everyone who has outstanding a power of attorney under these circumstances should immediately revoke it. Attorneys in Oregon who brought action in the State courts to recover fees under somewhat similar circumstances failed to secure a judgment.

If the revocation of the power of attorney is forwarded to me, I will file it promptly. Of course, it must be filed before the Government pays the money. It will do no good thereafter.

If any claim has not yet been made, I shall be pleased to forward blanks upon which to make out the claim, present it, secure the money, and forward it without any charge whatsoever.

It should be remembered that the man who made final proof is entitled to a rebate even if he doesn't live on the land now.

In order to assist you in the preparation of the revocation of power of attorney, I have obtained the approval by the Solicitor of the Treasury Department to the following form:

"Revocation of power of attorney.

"Know all men by these presents that whereas I, ——— ———, of ——— ——— post office, State of North Dakota, did, in my letter of attorney, constitute and appoint ——— ———, of ——— ———, my true and lawful attorney for me and in my name to prosecute my claim for repayment of money due me under the application attached to said power of attorney, in which said application a claim was made for $1.25 per acre erroneously and improperly collected from me by the Government of the United States at the time of making final proof by me covering the following-described land: ——— ———, and which said power of attorney also authorized said ——— ——— to receive a warrant in payment thereof.

"Now, therefore, I, the said ——— ———, by these presents do hereby revoke, countermand, annul, and make void said letter of attorney and all power therein and thereby or in any manner given or intended to be given to the said ——— ———.

"In witness whereof I have hereunto set my hand and seal this ——— day of ———, A. D. 1920.

"——— ———. [SEAL.]

"Signed, sealed, and delivered in the presence of—

"———.

"———.

"STATE OF NORTH DAKOTA,
"*County of* ———:

"On this ——— day of ———, A. D. 1920, before me, a notary public in and for said county and State, personally appeared ——— ———, known to be the person who is described in and who executed the foregoing instrument and acknowledged that he executed the same freely and voluntarily.

"———,
"*Notary Public,* ——— *County, N. Dak.*

"My commission expires ———."

If this does not interest you kindly hand it on to your neighbor, who may be saved $100 by it.

Those who desire further information upon this subject are invited to write me about it, in care of the House of Representatives, Washington, D. C. Everything will be done free of charge.

Yours very truly,

GEORGE M. YOUNG,
Representative in Congress from Second District North Dakota.

The CHAIRMAN. The time of the gentleman from North Dakota has expired.

Mr. LEHLBACH. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. KELLY].

The CHAIRMAN. The gentleman from Pennsylvania is recognized for five minutes.

Mr. KELLY of Pennsylvania. Mr. Chairman and gentlemen of the committee, Uncle Sam is the greatest employer in the world and should be the fairest and most just. This Government, with a pay roll greater than that of any other enterprise in the world, can and should blaze the way for the solution of the great problems involved in the relations between employer and employee.

'Tis pity but 'tis true that the United States and Turkey alone of the nations of the world have failed to provide retirement pay for worn-out public servants. That the richest Nation in the world has been sending its faithful employees to the scrap heap in old age has been cause for shame. The passage of this retirement measure will be cause for congratulation and approval.

I have been urging the passage of a measure of this kind since I first entered this Congress. It has always seemed to me that by insisting upon humanity and justice in our dealings with Government employees we would be setting an example which would be of great value in the struggle for industrial justice in the Nation. That is the vital problem in America. Upon its solution depends the future of this Nation and its institutions, and this measure is a long step in the right direction.

The gentleman from Texas [Mr. BLACK] made an interesting statement a moment ago when he said that the wages paid Government employees have nothing whatever to do with the question of retirement. As a theory this assertion may be correct. As a practical condition it is woefully wrong. I will admit that the wage paid every real worker should be sufficient to not only provide food, clothing, and shelter for the worker and his family but also to provide a fund for the days of old age. The fact is that present wage standards for Government employees make necessary a constant struggle to maintain the American standard of health and decency for the present, to say nothing of the future.

Senator STERLING, joint author of this measure, in the debate in the Senate stated that the average yearly compensation for employees of the United States Government is $1,138. Of course, that includes many with low salaries along with those who receive high salaries, but the average is fixed at that figure.

Now, does any sane man think that such an income in these days of skyrocketing prices will meet the cost of the actual necessaries of life? It will not provide for a family to-day in Washington or any other large city in the land.

The best summary of the income necessary to support the average family at a level of health and decency has been prepared by the Bureau of Labor Statistics. It is based on the prices of last August, which were lower than they are to-day on almost every item. It is the result of wide investigation and careful study. It considers the average American family to consist of the parents and three children, and the figures are on that basis.

This budget states that the minimum quantity of food will cost $773.93 for the year. The clothing costs are fixed at $513.72. Rent, fuel, and light are figured at $428. All other items are computed to amount to $546.82. The total income

necessary to permit the family to have the ordinary necessaries of life is fixed at $2,262.47.

When you study this report you will find no extravagance, to say the least. The weekly food bill for the entire family is $14.55. On the bill of fare made possible by that sum I promise there will be no gluttony and overeating.

The clothing items are figured to a razor edge. The man is allowed a hat every two years, a pair of gloves every two years, an umbrella every three years, and an overcoat every four years. The wife is awarded a suit every two years and a coat every three years.

Still more interesting than the items covered in the budget are the items omitted entirely. There is not a cent for the purchase of a book or magazine. There is not a cent for the purchase of furniture, although house furnishings and furniture have a way of wearing out. There is nothing for moving expenses, although in these days of the rent profiteer moving day is a fixed day in the calendar. There is no provision for a postage stamp nor a sheet of letter paper. There is nothing for funeral expenses, even though the grim reaper comes some time or other into every home.

This latest and best report on a living income for the average American family fixes the amount required at $2,262.47. It is issued under the auspices of the Government by Government investigators. Place beside that fact the other fact that the average pay of Government employees is $1,138 a year and then ask yourself if there is no connection between the income received and the need for protection from the poorhouse in the days of old age.

Mr. Chairman, down all the years there has been a terror in the hearts of mankind. It is the fear of poverty and helplessness in the days of old age. It has put despair in the minds of men and women and has cast a pall over countless lives.

None have been more subject to this terror than the Government employee, giving all their days of usefulness to the work of America. They know no other work, and when Uncle Sam casts them off the only door open is that leading to the charitable institution, which is worse than death itself.

Simply as a matter of common humanity and decency, I contend that we can not take the best efforts of faithful employees for a lifetime and then throw them out as waste on the scrap heap. Such a policy is against every principle of Americanism; it can not be endured in a land of justice.

Most department heads in the public service have taken that stand and as a result have refused to discharge old and worn-out employees, and they have been kept on the pay roll long after their days of usefulness have passed. Of course, that is better than heartlessly casting them out, but such a course is not fair to either the employee or to the Government.

I believe this retirement bill will substitute for the present haphazard, unscientific, inefficient pension system a just and fair plan, which will assure a square deal to every employee. It will save this Government millions of dollars in the end. No longer will we have a situation where a man's very life depends on his being kept in the service. Under this system those who have become inefficient through age and infirmity will be glad to step aside for younger men to assume their tasks and carry them through more effectively.

Mr. Chairman, one of the finest instances of patience and loyalty is to be found in the average Government employee. Through the discouragements of less than a living wage, of debt and privation, there have been faith and devotion which deserve admiration. They were in the public service. They believed the Nation's business must be carried on. In the midst of soaring prices for every necessary of life, with the increases cutting their incomes in two, they held to the faith that America would be just.

It is a pleasure to see this retirement measure so near passage. It is an evidence that this Congress wants to be fair, and that, though long delayed, justice will be the final reward of every faithful worker in this Nation, both in and out of the Government service.

Mr. LEHLBACH. I yield 10 minutes to the gentleman from Indiana [Mr. FAIRFIELD].

Mr. FAIRFIELD. Mr. Chairman, this is essentially new legislation on the part of the Government of the United States. It has been denominated progressive legislation, just legislation, legislation that takes into account the fact that a human being can not be made most efficient by merely mechanical means. Yet I have no doubt there are men who seriously and honestly think the legislation is unwise, perhaps unjust, and possibly not economic.

It might be well to reflect that the legislation is not proposed suddenly, or without very long and careful study. As I understand it, for almost a quarter of a century there have been those in this House who have advocated legislation of this sort. Various bills have been proposed, and after the most careful consideration and study of the bill the Senate has passed the measure that is now reported out into the House by our committee.

It is easy, perhaps, to cripple a bill of this kind in essential features by unwise amendments. There has been no disposition on the part of any who have spoken thus far to do that. We have been led to understand that any agency, whether governmental or private, that employs vast numbers of men and women becomes in a sense responsible for their physical well-being. A great corporation enters a community, organizes its industry, advertises for help, men are called, and there is a large concentration of population in a certain industry. There has been a disposition in this country to say that if they do not want to work at that particular thing let them quit. But a closer study of the problem of efficiency has revealed that if there is one peculiarity to a human being it is that, so far as industry is concerned, he is absolutely immobile—he can not change or shift after many years of employment in a particular industry—and because of that fact many of the great industries of this country have already thought it wise in an economic sense, in a humanitarian sense, to take care of their employees when they become unable to discharge their duties either by virtue of age or inability.

That responsibility rests upon every agency that is willing to take, even by solicitation, young men and keep them in their employment; and the Government, employing more than 350,000 men and women in the classified service, can not shirk that responsibility.

This bill—the first that has ever passed the Senate, as I understand it, and the first time that it has had, in all probability, an assurance of passing the House—is an effort to discharge the responsibilities of the Government as an employer to its employees.

It is true that in a sense it is a radical departure from what we had thought either wise or economic in the handling of this Government. But many years ago old Thomas Carlyle made a very pertinent remark with regard to the Government of the United States. He said:

> You have never had problems to solve in that country because you have had abundance of room; but wait until a crowded population begins to trench upon substance; wait until in a compact civilization you are faced with the great problems that constantly confront the concentrated populations of Europe, and then you will begin to understand something of the difficulties inherent in human government.

We are beginning to understand in the development that has rapidly come with the rise of great cities, with the taking up of public lands, with all the perplexing problems of social, economic, and industrial unrest, some of the difficulties that confront us. And so this legislation will go out to the people stamped with the idea that the Government of the fathers is capable of adapting itself to the new and untried situation, and is capable of so adapting itself as to show forth that immortal idea that gave the Republic birth, that the people are to have the first consideration. And so, gladly, I am supporting this bill. [Applause.]

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. ROBINSON of North Carolina. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio [Mr. MOONEY].

Mr. MOONEY. Mr. Chairman, at the outset I must confess the very greatest enthusiasm for retirement legislation. Upon my election to Congress, when the Democratic Ways and Means men suggested that new members submit a preferred list, I asked for membership on the Committee on Reform in the Civil Service, and this request followed my desire to try to help in retirement and reclassification work.

My interest came largely from years in the life insurance business, which calls most sharply to attention the very small percentage of men who approach old age with anything like a competence, and the appalling number who in later life are wholly or in part dependent upon relatives or public charity. It follows my profound conviction that there is a social and moral obligation upon the part of each employer to care for the aged employee who has given to him many years of faithful service, and its practical advantages were emphasized by my knowledge of the substantially increasing number of large employers who through group insurance or private endowment have made provisions for annuities for their aged employees.

A large acquaintance with and friendship for postal employees in my own city has emphasized the need for this kind of legislation at the earliest possible date. As has happened in all industrial centers, the cost of living in Cleveland has greatly increased through the past several years; salaries, generally, have also risen, and Federal pay is now below the standard of

like work outside. Many of the very best employees have been forced by their expenses to leave the service, but there still remain a great many men who can leave the Government to-morrow and accept private employment at increased pay—these men have full knowledge of that fact, yet with a sense of duty that almost passes understanding have remained at their posts and by increased efforts are attempting to maintain the former high standard of efficiency with new helpers—in many instances young boys. There is no gentleman present who does not appreciate how absolutely we all depend upon uninterrupted mail service. I have felt, and do feel, that this department of the Government, which is not only self-supporting but earns a surplus, owes retirement provisions to its employees as a mark of appreciation for this loyalty and as deferred payment on salaries that are now much too small. [Applause.]

While originally there was more personal concern in the Postal Department and while perhaps the same reason for retirement does not exist in other branches, I am now convinced of its absolutely universal necessity. It is true that this legislation marks a distinct change in the civil-service employment policy of our Government, but the principle has been established for many years in both the Army and the Navy; there has been no effort to take away Army or Navy retirement rights, and should be none; yet I submit there can be no reason for its application there that does not here apply.

There is difference of opinion as to the outlay involved. One gentleman in particular, in whose judgment I have unusual confidence, who believes in retirement legislation and has given the subject careful study, opposes this measure, because he feels the expenditure will eventually be great. I do not easily disagree with the mature judgment of this gentleman, but have given to this measure unusual study; have tried to approach it as a business proposition; have given to it the very best of whatever little ability there is in me; and am convinced that it is a measure not of expense but of economy; that it is absolutely essential to efficient conduct of the Government's business. I have talked with men who from large actuarial and industrial experiences are best qualified to pass upon the subject; have carefully gone through the facts developed at our hearings; have looked for but have not found one country in which retirement legislation has been enacted and repealed; have talked with firms which carry this form of insurance, who regard it not as philanthropy but good, sound business; and have had my own judgment in the matter absolutely confirmed. There are many persons now eligible for retirement, many others who soon will be and whose contribution toward this fund will be small. Of course, it goes without the saying that their retirement payments will run into money, but the question is not how many persons but how much accomplishment will be taken from the service; whether or not the cash difference between retirement and present pay will do this work. It is a matter of common knowledge that there are very many men and women in the departments here and elsewhere who, because of age or ill health, are unable to render efficient service; it is known that incompetency for these reasons does not cause dismissal from the service; and until retirement legislation is enacted the time will never come when it does cause dismissal. It therefore follows that the Government is conducting a most expensive pension plan, and instead of receiving dividends in contentment and added loyalty of its employees is thereby demoralizing its own service. [Applause.]

The present policy forces a heartless and undeserved humiliation upon faithful employees; it crowds offices, retards promotions, and warns the ambitious and younger employee of what will happen in the evening of his own life; it advises the competent to seek private employment and will have the tendency to crowd Government service with those who have neither the ambition nor energy to succeed in outside work. There has never been a time in the history of the Republic when it was more essential that not one unnecessary dollar be expended, and in all proper measures to save money I shall go as far as anyone, but proper economy does not mean to sacrifice the aged and infirm. [Applause.] In the interest of efficiency there must be neither man nor woman in public service who could not retain a like position in private employment. The business of this Government is too vast and too important to be inefficiently handled, for, after all, an organization is just so good as its weaker links.

There is, in my judgment, not the slightest doubt that while some departments are staggering on without sufficient help other bureaus have very many more clerks than there is either reason or work for. This is not at all surprising, nor does the fault lie in any one man or set of men, because the vast machine has never since its organization been properly coordinated, nor have additions to personnel ever been made under any plan that would be permitted in private enterprise. Many bureaus were hastily enlarged and others formed under stress of war, with more concern for expedition than expenditure; but this reason no longer exists and it is my conviction that a joint congressional committee on reorganization can perform a real public service and can accomplish real economy. The Committee on Reclassification has just reported that work has been done, and I think well done, but the reclassification and reorganization work should go together, for it is the theory of civil service that by competitive examinations efficient, energetic help may be obtained and to prove successful these positions must be at least equally as desirable as positions in private employment. [Applause.] In the last analysis it is my judgment that the multiplicity of clerks and the inefficiency of which we all complain is largely the fault of Congress.

It is my observation that generally you get what you pay for, and when positions in the Government are made a little more desirable than those outside they will be filled with men and women who expect to make the service their life work. The Government should not retain in its service one unnecessary employee, for, after all, and particularly at this time, each one of these is kept from useful service elsewhere and there are more than enough positions for all of them, but there is a clear duty upon the part of Congress to set an example in fairness to its people, not to be far behind the average corporation in treatment accorded employees. [Applause.]

I believe that great economy in governmental work will follow proper treatment to the correct number of efficient employees; that the passage of this bill will go a long way in the right direction, and I hope it will pass without amendment. [Applause.]

Mr. ROBINSON of North Carolina. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman, I am one of the free lances of the House, in the sense that I always say what I think, and I commend that kind of life to my colleagues. You have no idea what a feeling of satisfaction it is to be absolutely unhampered and unshackled in what you say and do here in the House. I have been that way ever since I have been here—I say what I think, always. I have sense enough to know that the kind of a speech that I am going to make is unpopular with the men who sent us the two letters of instruction received by you and me this morning—mine went into the waste basket. I know that my speech is not popular with those organizations that told you a short time ago, through the newspapers, that they are card indexing you now; they are finding out what you do in your office, in your home, and everywhere else, and will use it against you on the hustings when election time comes. They say they are going to beat you when the time comes if you have not done exactly as they want you to do. My speech is not popular with the four newspapers here in Washington that make their living off the Government employees and Congress.

My speech is not going to be popular with such business concerns as the one here in Washington, so very successful that the other day it declared a dividend of 200 per cent, made here in Washington off the Government employees. I am not for a paternalistic government. I am for a government which is to be supported by the people; I am not for a government that is to support a few of the people at the expense of the many.

I have only 10 minutes, and I must pursue my line of thought, which is untrammeled, unshackled, and unhampered, in the manner in which I deem best. There are clerks here who have been permitted to grow old in the service. They have been permitted to believe that the Government owes them something more than it owes anyone else. They have been led, through the extravagant atmosphere of Washington, to eat, drink, and be merry, and to promptly spend as it comes extravagantly. Some of them have not much of this world's goods. I have as much humanity, I have as much sentiment, I have as much of the milk of human kindness in my heart as any of my colleagues in this House when it comes to spending my own money out of my own pocket, but when it comes to spending other people's money I am a little careful. I know that when I make a speech against this bill I put myself up here as the target for the darts of some of my colleagues. I realize that, but I do my duty just the same.

The fault of the whole business is in the civil-service law that we have on the statute books, which says to men and women, stay in the Government service, spend what you may at the time you get it, get your pay check to-day and spend it to-morrow, because when you get old the Government will take care of you. Go down in your districts, my friends, and take the doctors, when they get old and are not able to perform the

service in competition with other doctors, they go to the scrap heap. Therefore they are thrifty, energetic, and save for old age. Take your lawyers, when they get old and can not longer win their cases in the courthouse in competition with other lawyers, they go to the scrap heap. Therefore, they are thrifty, energetic, and save for old age. Take your preachers, the men of God who faithfully serve the people in the pulpit. The great majority of them in this great Nation, when they get old, when they can not deliver the goods, when they can not keep their congregations awake 30 minutes on Sunday morning, must go to the scrap heap. They are therefore thrifty, energetic, and save for old age. Take your merchants, take your clerks in the stores, take your employees in banks, and when they get where they can not deliver the goods, in competition with others, they go to the scrap heap. And therefore they are thrifty, energetic, and save for old age. The greatest incentive there is for thrift and economy, the greatest incentive there is to fight extravagance and to produce the best there is in men and women in this country, is the fear of old age. It is the preparation for old age that makes men and women thrifty and economical in this country, and when you take from them the fear of old age, when you take from them the thought that they do not have to prepare and save for it, you take away from them the best incentive for thrift and economy there is in mankind.

I can not vote for this bill. I am going to be one of the few men who is going to vote against it. Do you know what the Government of the United States is? It is the best employer in the world. I have worked for $20 a month, at the hardest work a man ever did in his life—$20 a month. I know what money is worth. Yesterday in Chicago a man was convicted of theft by a jury before a distinguished Federal judge. Judge Landis then took occasion to criticize this Government by saying in substance that the United States Government was a poor employer of people, and by what he said led his readers to believe that, because it paid this man who was guilty of theft only $1,200 a year, therefore it was not much of a crime for a man to steal when a man was paid only $1,200 a year. I want to tell you right now that the great majority of the people of this country until lately have not made more than $1,200 a year. In my day and time $100 a month has been a big salary for a clerical employee in a bank, with responsibilities of finances running up into the millions on his shoulders. We are getting careless about what we do with public money. This Government pays some of its employees as much as $2,500, as much as $3,500 and even as much as $4,500 a year, and those who get between $3,500 and $4,500 a year, not long ago demanded of us that we should pay them a bonus of $240 a year.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. Mr. Chairman, will the gentleman not grant me one minute more?

Mr. GODWIN of North Carolina. I yield one minute more to the gentleman.

Mr. BLANTON. Mr. Chairman, the employees of this Government here in Washington get 30 days' vacation on full pay each year and get 30 days' more sick leave on a doctor's certificate on full pay each year. They get a half holiday every Saturday during the three summer months and get a holiday on every occasion when we have a national holiday. They get all 52 Sundays, something that I have never been able to get since I have been in Congress. They get all of the pleasures of Washington. Up to $2,500 salaries they get a bonus of $240. They go to work under pleasant environments, in comfortable buildings, work only seven hours per day, and everything is pleasant around them. Thousands of them here are rich, if you will but refer to the amount of taxes they pay. Thousands of them own their own homes, thousands of them drive their own automobiles, thousands of them are this week paying $4.40 apiece for tickets at the Follies down here at one of the theaters in this city, something I am not extravagant enough to do for my family, because I am not that careless with money, even on my salary. Uncle Sam is the finest employer in the whole world.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. LEHLBACH. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. FOCHT].

Mr. FOCHT. Mr. Chairman, the gentleman who has just taken his seat made some observations about the scrap heap, that place of lost hope for doctors, lawyers, and preachers. I doubt very much whether he or anyone else ever heard of a doctor going on the scrap heap, which means, of course, the poorhouse, or of a lawyer ever going to the scrap heap, which is the poorhouse, and certainly the preachers are always taken care of under provisions made by the various church councils throughout the United States. That, it would seem, settles that part of his argument.

I want to call attention now to what virtually amounts to an attack upon men who are worn out in the Government service and are ready to go to what has been characterized as the scrap heap unless humane provision is made for them. And they are not all department clerks, for right now I have a case in my congressional district of a most capable and worthy young man who has gone totally blind as a consequence of his long hours engaged in that nerve-racking and brain-and-body exhausting service as a railway-mail clerk. Would any Member vote to deny this man the allowance this bill provides? God forbid.

We have seen in operation during the late war, and it is a recognized fundamental right of this Government to take everything you have, tax your land away from you, confiscate your barns gorged with the fruits of the field, take the coat from your back, and conscript you and your son into the military service to be wounded or shot, and we believe in supporting and defending the Government that that is correct. And we have submitted to it and still continue to submit to it; but, my friends, when the Government has the right to do that, and we recognize freely and cheerfully that right, it is also the right and the duty and high obligation of the Government to protect her citizens. It is the duty of the Government, not only the duty, but the very good policy to take care of the youth in the morning of life, give them a proper start, teach them how to make a living honestly so that they do not have to steal or beg or grow up in ignorance. But, on the other hand, at the end of the journey of the life, if after they have contributed all of mental power and physical strength to our good Government, in the name of all that is worthy of men where is the Member who would refuse to the aged men and women who happen to fall a little short in their ability to make enough to sustain life the pittance asked for, and send them to the scrap heap or earth's hell, the poorhouse? [Applause.] My friends, you will recall the sop handed the people after the French revolution. All the world thought and hoped and fervently prayed that following that bloody event there was something going to come to the people. We saw revealed that all the people got were parliaments where men could talk and the nobility still held the land and all things good and useful and worth while having. Quite different here. As Emerson says, this is the land of opportunity, and as a great poet adds, "Yes; and of work also." Why, my friends, would you allow your hated and despised enemy, the German Empire or Austria, to give a pension to the aged and not give it here? In England, in Switzerland, even bloody Turkey, and Venezuela and Australia give a pension to the aged people. But in an investigation of this subject as compared with our American standards and ideals it is so small as to suggest the sop and mere husks thrown to the people after the French revolution to make them contented. Let us do the big, broad, substantial, humane thing and show our humanity. Since we have the right to take the man and all he has, we should show that there is philanthrophy and justice enough in the Government of the United States to take care of him in his declining and sunset years. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEHLBACH. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The Chair desires to admonish the occupants of the galleries that they are not permitted under the rules of the House to indulge in demonstrations either of approval or disapproval, and that this rule will be observed. Otherwise the galleries will be cleared. The gentleman has 27 minutes remaining. If no one desires further time, the Chair will direct the Clerk to read the bill.

Mr. GODWIN of North Carolina. Mr. Chairman, I yield five minutes to the gentleman from Maryland [Mr. LINTHICUM]. [Applause.]

Mr. LINTHICUM. Mr. Chairman and gentlemen of the committee, a very distinguished speaker of Baltimore in addressing a large concourse of men the other evening said:

> No man can really enjoy this life and perform the duty he owes to humanity and himself until he has reached that stage when he can eliminate the fear of death.

I say to-day that no Government employee can perform the duty and service to the National Government which he should perform until after some provision is made for him which will enable him to eliminate the fear of poverty and want of himself and family in old age. [Applause.]

The retirement bill before this committee to-day is a long step in that direction. I have favored retirement legislation ever since I became a Member of Congress, nearly 10 years ago. It took only one visit to the departments of the Government, where I beheld those far beyond the age of profitable employment endeavoring to perform the work assigned them

and which convinced me that certainly something should be done to enable the retirement of these superannuated employees.

I believe the present bill, whereby the Government bears about three-fifths of the retirement expense and the employees two-fifths, will enable the Government to more efficiently carry on the work and at less expense to the taxpayers. I believe that it will make Government employment more desirable by the people of our country; that we will be able to keep a steadier force instead of having so many resignations because of small pay.

When the employees realize that by entering the Government service they not only will receive a fair salary for the work performed but that they will be protected by retirement when disabled or too old to work they will be more willing to enter the service and make it their life employment. It will enable the Government to retire many of the employees who are so anxious to leave the service because of inability to perform the work owing to age. It will save the Government money rather than be an expense. It will be a protection to the old employees in time of retirement. It will make Government service an employment sought for and will redound to the great advantage, efficiency, and financial gain of the National Government, the people, and the taxpayers of the land.

Certainly if the great corporations found it advisable to establish a retirement system for financial reasons, as well as efficiency, the National Government need have no fear of its advantages. Long years ago the English Government found the retirement system necessary and beneficial and have always continued it.

Statistics plainly demonstrate the economy of the retirement system and show that the Government will be saved a very large sum in addition to efficiency.

I have been told by Government statisticians that the change of employees or their employment is most detrimental to the service and causes vast loss to the Government, as well as greatly cripples the service itself.

This retirement bill will wonderfully aid stability of employment and lead to Government work as a profession in itself. I look forward to great advantages from the passage of this bill.

The enactment of this retirement bill by the present session of the Sixty-sixth Congress is an indication of the fact that the people of this country have learned the lesson of the day and will go forward toward reconstruction and world peace in safety.

We have just learned the lesson that we can not all some day be rich and quit work, but rather that each one should ask the question, "What can I do to help in the community's work?" then find something to do and do it.

We as a great community are wresting our living from the earth, the air, and the sea. The rank and file of us must get up early and work hard and long with brain and brawn to get the kind of living we desire, for one year's harvest will barely last till the next crop is gathered, one year's cloth is worn ere next year's yarn is woven, the paint on the roof will keep out the weather for two years at most.

When the whole community problem is viewed it is plain that any able-bodied, able-minded man or woman who does not do his or her best at some useful task is a slacker.

We can do this. We can rear and educate the children free from care. We can nurse and protect the sick and disabled. We can gently and reverently care for the aged in the land.

It has been said, and with some truth, that if we enact all demanded legislation such as this retirement bill that every man will be carrying two men on his shoulders. We are not, however, enacting all such legislation. Only this retirement bill is before us. Truthfully, though, are we not each carrying two men, and are we not remiss in our duty if we refuse?

Our years are threescore years and ten, though by reason of strength they may be fourscore years. Twenty years of that time is unproductive youth, the greater part of the years after 60 is leisurely old age. Five of the other 40 years are taken in vacation or sickness, so that we have 35 years of productivity to carry 35 years of growth, recreation, and retrospection. Every man should cheerfully be willing to carry two men on his back during his prime and not lazily depend on child labor and the aged odd-job man to ease his righteous burden.

But to advert to the phase of governmental efficiency. The civil service is the great governmental machine. We change chauffeurs, as it were, every four years, but we have found that we do not desire to get out a new model machine every time we get a new head. However, no machine can run without lubrication and replacement of worn-out parts.

The lubrication we should supply is reasonable bonus, fair pay, proper leave and sick leave, opportunity for promotion, and healthy working conditions. But with the best of lubrication parts will wear after 15 to 30 years' use, and a retirement law to revive these worn parts from this living governmental machine is absolutely essential to its proper functioning. Human scrap is far more precious than scrap iron or scrap brass, and employees who have given long years of service should be given honorable retirement with as large an annuity as the state of the Treasury and fair taxation will warrant.

Even the trees now throwing out their new leaves of opalescent green will in the fall crown these same leaves with robes of crimson and yellow and brown before they enter into their long sleep covering the roots of the trees.

The enactment of this law is in accord with all the laws of social and business life. It serves the ends of justice, efficiency, and safety. We should make it as generous as we dare, having due regard for taxation of the people, whose shoulders are bowed with war burdens and reconstruction requirements.

The truth is I believe the retirement of the aged and the enrollment of the young and vigorous will reduce the cost of government, secure more prompt service, and inure to the great advantage, in taxation and efficiency, of all the people of the land. [Loud applause.]

Mr. Chairman, I submit the following figures to justify the economy to be derived from its passage and approval:

Estimated cost to the Government of not retiring clerks inefficient through mental or physical incapacity, based upon a total number of 300,000 employees.

	Estimated number of clerks who chiefly through age are inefficient.	Annual salary of employees.		Total cost of—	
		Average salary.	Total salary.	Nonretirement.	Retirement.
100 per cent inefficient	5,202	$900	$4,681,800	$4,681,800	$3,121,200
75 per cent inefficient	1,737	1,000	1,737,000	1,302,750	1,042,200
50 per cent inefficient	1,256	1,200	1,507,200	753,600	753,600
Total	8,195		7,925,000	6,738,150	4,917,000

That is, the Government is now paying annually some 8,195 employees $6,738,150 for work not performed by them but actually performed by other employees. It would cost about $4,917,000 per year to retire these employees, a net saving by retirement of about $1,821,150.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LINTHICUM. I ask leave to revise and extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland? [After a pause.] The Chair hears none.

Mr. LEHLBACH. Mr. Chairman, I yield three minutes to the gentleman from West Virginia [Mr. BOWERS].

Mr. BOWERS. Mr. Chairman, I rise to support the Sterling-Lehlbach bill. In the early part of this week the House passed the Fuller pension bill, a bill whose provisions will materially benefit the old veterans of the Civil War and their widows. In these days of high cost of living one should not forget the old and incapacitated who have served their country and their Government.

For nearly 16 years it was my pleasure to be at the head of an important Government bureau. I came in contact daily with governmental employees, and I want to add my testimony that as a whole they were worthy, conscientiously performed their duties, were loyal and faithful, and considering the amount of compensation they received then as compared with their present salaries in these days of prevailing high prices they are the poorest paid people in the world. Twenty years ago these employees bought the necessities of life for one-third of the amount that they pay for the same things to-day. Sugar was then 5 cents per pound; to-day it is 30 cents. Shoes were $3.50 a pair; to-day good shoes cost $14 a pair. I find employees now, messengers in the departments, who received then only $60 per month, others who received from $1,000 to $1,600 per annum, and the only stipend that has been given them in these long years of varying changes is the insignificant bonus of $240.

Mr. Chairman, this is a delayed act of justice. It is not right, it is not just and true to the traditions of this Government, the greatest and best Government on earth, that its employees should be so niggardly paid. I know of men who 20 years ago were receiving eighteen hundred and two thousand dollars a year, and in those days they lived in the good residential sections of the city, because their salaries would permit them to

live there. Since that time many of these people who have come within my own observation have been demoted on account of their increasing years, and to-day, with the high cost of living and with the profiteering that is evident in Washington, these faithful employees are compelled from actual necessity to move to the more remote and less desirable sections of the city in which practically their whole life has been spent in the service of the Government. Many of these have reared large families, there have been times of sickness and death, and with the necessities of life increasing a little more from year to year it has been impossible for them to lay aside a competence for their old and declining age. It is the duty of every man in the House, irrespective of party affiliations, to support this just and beneficent measure. With a familiarity of the conditions that existed then and exist to-day, it is a step in the right direction to pass this bill. Many of the labor organizations have for years been endeavoring to bring about this legislation. They are to be commended for their efforts; every organization has a right to use its earnest endeavors to bring about a situation that will inure to the benefit of its members and to its fellow man. Members of Congress are frequently criticized for the side upon which they cast their votes. Take my own case. I have been subject to severe criticism because I voted according to my best judgment and for the good of the American people, yet I challenge a thorough investigation of my attitude toward labor. I was for years an officer in a labor organization and have always employed my best talent and means to better labor conditions wherever and whenever I have found them bad. And now that the opportunity has arisen to be of consequence to those who have spent their lives in the service of the Government, I am surprised that any Member of Congress should speak unfavorably against this bill, and it is not my purpose to sit idly by and permit an individual to malign people all of whom are better than himself. I feel it my duty as well as a pleasure to vote for this long-delayed and much-needed legislation.

Mr. LEHLBACH. Mr. Chairman, I yield three minutes to the gentleman from New York [Mr. REED].

Mr. REED of New York. Mr. Chairman, I am going to speak a word in behalf of a certain group that will be beneficiaries under this bill, the railway postal clerks. We all demand a very high order of services from Government employees, and we find here the assertion made that Government employees are inefficient. I want to call your attention to a few figures which show how dependent we are as a people on the efficiency of this particular group of employees. This Government handles over 15,000,000,000 pieces of mail each year, which is one-third of the aggregate postal business of the world. The Postal Service handles more than 800,000 letters every hour of the 24 every day in the year. Aside from this, each day 250,000 money orders are handled, and thousands of tons of second, third, and fourth class mail. Now, let us see what we expect of the postal clerks.

Each clerk must be familiar with the location of from 5,000 to 20,000 post offices, and is required to be able to tell instantly on which railroad each one is located, through what junction point a letter dispatched by him from that office must pass, and a multitude of other details. Every day that we go to our office, every day a business man or professional man goes to his office, he is absolutely dependent upon the efficiency of these men. They are men who are highly specialized in a certain line of work. We have to have a certain type of men, who are accurate and efficient.

Let me give you this statement in order to show how efficient these men become: One clerk made a record of handling 17,000 cards addressed to as many post offices at the rate of 60 a minute, without putting a single card in the wrong pigeonhole in the mailing case. Every business house is interested in that type of efficiency. When a clerk becomes faithfully schooled so that he is efficient and of value to the country he is not particularly well fitted for any other position. I know a man to-day 70 years old who has the efficiency which I have just described. He is not able to do anything else. And there are thousands of them in the same position, and they should be taken care of in their old age. They have given the best they have. Look at the risk involved. The mail clerks travel in the aggregate 272,413,940 miles annually.

It is not only the risk of life and limb that is involved in these miles of travel, but it is the days and weeks that these faithful men are obliged to be away from their families. It is difficult, too, to imagine a service where longer hours of strenuous work are required. These men stand on their feet for hours handling tons of mail with a degree of skill and accuracy rarely equaled in any other service with which we are familiar.

Thousands of these railway mail clerks entered the service when comparatively young at a time when the compensation they received was sufficient for their maintenance. Time went on and they became more efficient, but their compensation was not increased in proportion to their ability. If it had not been for the fact that they had been in the service so long that they were practically unfitted for any other kind of service, they would have yielded to the opportunities which the business world of to-day has to offer. In many cases, however, it was not this fact alone that kept them in the service. The loyalty and the morale of the railway mail clerks is a matter of common knowledge. They stayed because they were in the service of their country and realized the importance of the high order of the service they were rendering to the business and social life of the Nation. It is not enlarging upon the facts at all to state that the whole business fabric of this country is dependent on efficient mail service. We can not hope to retain the younger men now engaged in this service unless the compensation is materially increased or unless in lieu of such increase this bill becomes a law and thereby protects these faithful employees in their old age. It can hardly be claimed by any person who has given any study to living conditions for some years past that these men could hope to save very much money from the meager salary that they have received. It is my firm belief that we owe far more to these faithful employees than we realize. It is not too much to say that the Railway Postal Service, with its almost 20,000 employees, constitutes the backbone of the American postal system. Every person engaged in business demands the efficient handling of the business mail of this country, and so far as the railway clerks are concerned there has never been the slightest cause to complain. This legislation will retain good men in the service, eliminate the inefficient, and provide an incentive to render good service. It will make the service appeal to men who are fitted temperamentally and mentally for this line of work. It will be a forward step in social and economic legislation. I am for this measure because I believe it is a matter of good business for the country as a whole to enact it.

Mr. LEHLBACH. Mr. Chairman, I would like to say to the gentleman from North Carolina [Mr. GODWIN] that there is only one more speech left on his side.

Mr. GODWIN of North Carolina. How much time have I remaining, Mr. Chairman?

The CHAIRMAN. The gentleman has 11 minutes remaining.

Mr. GODWIN of North Carolina. I yield six minutes to the gentleman from Tennessee [Mr. MOON].

Mr. MOON. Mr. Chairman, there is but little I can say in a few minutes about this question. I recollect that not many years ago gentlemen of this House cast their votes upon principle rather than on questions of expediency or to meet the wishes of a particular class. Unfortunately, that time has largely passed. Let us still stand by the doctrine announced by all the great parties of this country, that it is contrary to its best public interests to grant civil pensions to anyone. The question of granting a pension to a soldier was a mooted one, but how could the Government live without defense by its soldiers and its sailors? So it was granted. I favor the granting of pensions to all indigent soldiers and all needy and worthy soldiers, and that has been the policy of the Government. I do not favor the proposition of taking the money of the people from the Treasury and giving it to private individuals. The necessities for the existence of the Government demand a pension to the soldiers. Who can say that this is a meritorious measure? Who can say that it is honest? Who can say—who is willing to stand for the interest of the American people—that we as trustees of these people and of their funds have a right, a moral right, to go into their Treasury and take their money and give it away to the private individual in annuities?

Are there no obligations upon us to the people to economize that we may meet the great demands of Government, even if there were a right to grant these pensions under the law to private citizens? If the employees are not paid enough, pay them more that they may save something for old age. Do not make them wards of the Government. As a gratuity, if you desire to retire the superannuated on pay, do so, and make the law such that this necessity may not exist again. There may be some equity in this view, but not otherwise. The public debt amounts to $25,000,000,000. Divide it among the congressional districts and you will find an average of $60,000,000 of money that these people must raise to meet this great obligation. How can we pay it if the people's money is given away in civil pensions? We must economize. This is no time for extraordinary expenses; this is no time for building monuments; this is no time for the creation of commissions and the expenditure of public money in that way.

It would have been better had we repealed four-fifths of these Government commissions and put an end to government by commission in this country. We can and we ought to run this

Government at one-third of its expense now. We, this Congress, are more largely responsible than any other body on earth for the high cost of living to-day. Why? Because you are maintaining upon the statute books the war statutes, restrictions upon trade and commerce, limitations upon the individual and the power and right of the citizens. Until you wipe away these statutes, until you bring back the normal, legal conditions which existed, there can be, and will be, no yielding to the ordinary law of supply and demand. They who produce, and especially the middleman in trade, will exact under the laws from the consumer until we turn men free to contend in commerce and trade among themselves, and thereby, under the law of supply and demand, reduce the cost of living and produce revenue from the citizen by the encouragement of business and individual prosperity so that he can pay taxes. The relief must come from your legislation. The law to restore the normal conditions by the repeal of war statutes must come. Trade and commerce must be free and restrictions removed, else the conditions that now exist will remain. [Applause.] Taxes must be reduced and the payment of the war debt spread over a long period of time.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GODWIN of North Carolina. Mr. Chairman, I yield the remainder of my time to the gentleman from California [Mr. RAKER].

The CHAIRMAN. The gentleman from Californa is recognized for five minutes.

Mr. RAKER. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. RAKER. Mr. Chairman, I am in favor of the purposes and objects of this legislation. I am for this bill with the House amendments. I am in favor of making promises to the people, and I am as strongly in favor of carrying out to the letter these promises. When we do that, we will get results. Here is an opportunity to carry out one of the promises made by the Democratic Party in 1916, and upon which they were successful in the election. I want to read that part of the platform:

GOVERNMENT EMPLOYMENT.

We hold that the life, health, and strength of the men, women, and children of the Nation are its greatest asset, and that in the conservation of these the Federal Government, wherever it acts as the employer of labor, should, both on its own account and as an example, put into effect the following principles of just employment:

1. A living wage for all employees.
2. A working day not to exceed eight hours, with one day of rest in seven.
3. The adoption of safety appliances and the establishment of thoroughly sanitary conditions of labor.
4. Adequate compensation for industrial accidents.
5. The standards of the "uniform child-labor law" wherever minors are employed.
6. Such provisions for decency, comfort, and health in the employment of women as should be accorded the mothers of the race.
7. An equitable retirement law providing for the retirement of superannuated and disabled employees of the civil service, to the end that a higher standard of efficiency may be maintained.

We believe also that the adoption of similar principles should be urged and applied in the legislation of the States with regard to labor within their borders, and that through every possible agency the life and health of the people of the Nation should be conserved.

You will notice that No. 7 is particularly applicable to this bill:

An equitable retirement law providing for the retirement of superannuated and disabled employees of the civil service, to the end that a higher standard of efficiency may be maintained.

[Applause.]

Mr. RAYBURN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from California yield to the gentleman from Texas?

Mr. RAKER. Yes; I yield for a question.

Mr. RAYBURN. Does that commit us to the proposition that the Government should pay it all or that we should simply make up a deficit?

Mr. RAKER. No; it does not require that the Government should pay it all. It is a division. It is an equitable retirement bill.

Mr. FOCHT. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Yes.

Mr. FOCHT. Why was this delayed so long? Why did you not do it during the years when your party was in power? [Laughter on the Republican side.]

Mr. RAKER. Oh, we were working on it, and we would have got it through beyond all question, but the war was on, and we put aside all other legislation in order to win the war, which was done. [Applause on the Democratic side.] Now the opportunity presents itself for the Democratic Party. Every Member ought to vote for this bill. I am glad that it has been presented, to the end that this legislation, which has been much needed and long delayed, might be placed upon the statute books. It is indefensible to try to defeat it. It is right and proper from every standpoint, and the Government ought to stand as an example to private employers to properly provide for and protect and make proper provision for their employees.

Mr. SMITH of Idaho. The only opposition that is coming to it is coming from the Democratic side.

Mr. RAKER. Oh, I do not think so. I think there will be little opposition to the bill, and I think it will be passed in proper form. It will be voted for by the almost unanimous vote of the House.

The bill is not altogether perfect, but it should be put on the statute books, and in whatever respect it may be found to be imperfect additions and subtractions should be made later. Take these superannuated people in the various departments from the departments and place therein virile men and vigorous women, so that the work can be done and so that at the same time these old men and women who have given their lives to the Government service may be permitted to live in peace and comfort and not as paupers. [Applause.]

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. LEHLBACH. Mr. Chairman, I ask unanimous consent to extend and revise my remarks.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from New Jersey is recognized for 20 minutes.

Mr. LEHLBACH. Mr. Chairman, the fundamental difficulty with the people who oppose this legislation on principle is that they conceive what they would like the conditions to be, and then they attempt to legislate or refuse to legislate in conformity with those ideal conditions which they have conceived. I have a great deal of sympathy for the proposition, the view, that the human race ought to be composed of men and women who have sufficient strength of character, self-denial, forethought, and prudence as they go through life, no matter what their situation is, to take care of themselves when they arrive at old age. But we are not considering things as we would like to have them. We must consider them as they are, and in a great proportion of the people we find that, through restricted opportunities and the want of a sufficient force of character and self-denial, the great mass of people do not in fact reach old age in such a position financially as that they are able to take care of themselves.

Now, that proposition has been recognized by the industrial and the business world of our country. Every great industry employing large numbers of people has, through experience, learned that they can have recourse to one or the other of two courses of action with respect to their employees. When these employees, after having devoted a great portion of their lives to the service of their employer, reach an age where their services are no longer efficient or competent, the employers can do either one of two things: They can discharge them and throw them upon the charity of relatives, friends, or the public, or they can provide for their retirement. Self-interest as well as the dictates of humanity have taught the industries and the great commercial enterprises of our country that it is a part of wisdom for the employer to choose the humane course as being in fact in the long run the more economical course; and so we find that there is not a railroad in the United States, there is not a big insurance company in the United States, there is not a big employer of labor in the United States, that does not as a matter of sound business practice provide an annuity for its employees on a sound basis when those employees have been in its service for a certain length of time. It is exactly as the proposition of the workmen's compensation and the employers' liability. To a very large extent, the employer's liability for accidents or disability incurred in service, whether the fault of the employer or not, has been forced upon the employer by legislation.

The retirement proposition they have with forethought and in the exercise of their own common sense burdened themselves with, and this proposition is simply that the Government as an employer should treat its employees with respect to this question exactly as every other big employer in the country has found it wise to treat its employees. [Applause.]

Now, inasmuch as we find that the employees generally, either through their restricted means or possibly their want of providence—because they are no different from the rest of the run of human beings—reach old age without adequate provision to take care of themselves, the question of the Govern-

ment solving this problem presents itself. In effect the Government has unofficially already solved this problem. It has solved it in the most clumsy, uneconomic fashion that you could possibly conceive. The way the Government solves the question of taking care of employees who have reached a state of inefficiency and incompetency because of old age is simply to retain them on the pay roll and let somebody else do the work and pay them their salaries. It is unjust to the Government. It is unjust to the chief of a division or the head of a bureau to have incompetent and inefficient superannuates on the pay rolls, because they are responsible for the quantity of work done under them, and they are handicapped by these older employees. It is unjust to the old employee himself, because it places him in a precarious position, where he continues to exist and draw the means of subsistence at the will or whim of a superior.

Mr. KINCHELOE. Mr. Chairman, will the gentleman yield?

Mr. LEHLBACH. Yes.

Mr. KINCHELOE. I want to ask a question for information.

Mr. LEHLBACH. Yes.

Mr. KINCHELOE. I understand and know that what the gentleman has said is true, that the old employees are still kept on the rolls even when they are unable to perform the service expected of them and the work is performed by others. Would that be true also of the rural-route carriers? If they were incapable of performing their duty, would they still be retained on the rolls and the work performed by somebody else?

Mr. LEHLBACH. As far as possible, even in the Post Office Department, men who have become inefficient and incompetent have been for humanitarian reasons retained on the roll as long as it was at all possible; but in that employment to which the gentleman refers it is more difficult to retain them on the rolls than it is in departmental work, and for that reason we find that within the last few years 37 railway mail clerks have been separated from the service because they were no longer efficient.

Mr. ROGERS. Will the gentleman yield?

Mr. LEHLBACH. Yes.

Mr. ROGERS. As I understand it, this bill includes only classified civil-service employees of the Government.

Mr. LEHLBACH. With certain exceptions, which, as the bill is read, will be fully explained.

Mr. ROGERS. Is there any reason, in the gentleman's opinion, why a group of men like our consuls general and consuls should not come within the provisions of such a bill as this?

Mr. LEHLBACH. There is no reason why they should not if those most conversant with the duties and qualifications of those officers should decide that they ought to be within the provisions of the bill; and the bill provides that the terms of this act may be extended to other groups by Executive order, just exactly as the classified service may be extended by Executive order.

Mr. ROGERS. In the opinion of the chairman of the committee an Executive order can be issued which will cover the consuls general and consuls of the United States?

Mr. LEHLBACH. Yes.

Now, the proposition that an individual should take care of himself as far as possible has been recognized in this bill. This bill is an evolution, and the result of the study of various measures that from time to time have been proposed within the last 20 years. It is by no means perfect, but it is the best measure which experiment and consideration and discussion and study for the period of the last two decades has brought forth. For that reason I bespeak for it indulgent consideration on the part of those who believe in the principle of retirement.

The bill provides that each employee shall contribute from his salary throughout the term of his employment 2½ per cent of his salary toward his retirement in old age, and it provides that when the time for retirement comes his retirement pay shall be based upon a certain percentage of his salary during the last 10 years, proportionate to his length of service; that a person who has been in the service for 30 years or more shall be entitled to an annuity of 60 per cent of his salary and a person who has been in the service of the Government from 27 to 30 years gets a smaller percentage of his salary, but there is a maximum of $720 for the annuities and a minimum of $180.

Now, the plan works out in this way, that when the time comes for the employee to retire, the accumulation of his contributions and the interest earned thereby would pay a certain portion of the annuity, and the Government contributes the difference. The less a man has an opportunity to take care of himself by means of saving from his earnings in the course of his active life the greater the Government's contribution will be, and the more a man is capable of taking care of himself by reason of higher pay, and therefore ability to save a greater amount of money toward his old age, the less the contribution of the Government is. The committee and those furthering this legislation have thought that was fair, that the Government should contribute not a constant sum to each Government employee, but a little more to those who need it most and less to those who are best able to take care of themselves.

Mr. BLACK. Will the gentleman yield?

Mr. LEHLBACH. Yes.

Mr. BLACK. I notice that there is a committee amendment which says that if the amount paid by the Government employee should create a greater annuity than $720, the employee shall get that amount. Now, if that amendment is agreed to, why then, if I understand the bill, the employee who pays a greater amount will not be contributing anything to the annuity of the man who is paid a less amount, because he is guaranteed in that committee amendment to get the full face value of his contribution.

Mr. LEHLBACH. Under this bill no Government employee can possibly contribute one single penny toward the annuity of another employee. He contributes to his own annuity only.

Mr. BLACK. That is what I want to bring out. I understood the purport of the gentleman's argument to be that the man who was drawing a larger salary would in some way contribute to the man who was getting less.

Mr. LEHLBACH. No; I said in that case the contribution of the Government would be less, and if a man is getting a sufficient salary so that his contribution toward his retirement annuity is sufficient to pay the annuity provided for, the Government does not contribute anything, because it ought not to contribute anything toward the retirement of a man who through his active life has been able to take care of that himself.

Now, the age limit in the bill as reported from the committee and the age limit in the bill as originally introduced are permissive limits. There is no compulsory retirement at any specific age, for the first 10 years of the operation of this bill.

The fact is that a man or woman who for 15, 20, 25, or 30 years has been exclusively in the employment of the Government and reaches the age of 65 or more is unfit to leave the Government service and get remunerative employment on the outside. In very rare instances would that be possible, and so rare are the exceptions that no legislation need be made to cover that kind of a case.

Consequently it is to the interest of every Government employee, as he becomes old, if he is still able to work efficiently, to remain in the service, notwithstanding the fact that the permissive retirement age limit has been reached; and this bill provides that upon the application of anyone reaching the retirement age, if his superiors will certify that he is competent and efficient to do the work, he may have his term of active service extended for a period of two years, and at the end of that two years' period of extension he may have it extended again for a period of two years, and so on, except that after 10 years have elapsed the bill contemplates that every person should be retired eventually when he reaches his seventieth year. Now, the effect of this provision is that there being an overwhelming motive for an employee to remain at his salary of $1,400 or $1,600 rather than retire at a maximum annuity of $720, the Government will have the right to refuse to continue on the rolls the man at $1,400 or $1,600 who can not do the work and retire him at $720. If, on the other hand, there is an employee who is able to continue to do the work, even if he has reached the stipulated age, he will be continued on the rolls and do the work for the salary, and will not get any retirement annuity at all until he becomes inefficient to do the work for the Government and is retired.

The bill as originally introduced and as amended by the committee enables the Government to get rid of every inefficient man whether he wishes to retire or not.

Mr. HICKS. Will the gentleman yield?

Mr. LEHLBACH. I will.

Mr. HICKS. Did I understand the gentleman to say that the head of a department had the power, at his discretion, to say whether or not a man shall be continued in the service after he reaches the age of 70 years?

Mr. LEHLBACH. Yes; after the retirement age is reached as fixed by the bill; there are different ages for different classes.

Mr. HICKS. The question I would like to ask the gentleman is, if that be the case and that discretion is lodged in the head of the department, will not that employee who is contemplating to be retired use every pressure he can bring to bear to retain his position?

Mr. LEHLBACH. Yes; it is for his interest to do so. The bill provides that after this has been in operation 10 years, when an employee reaches 70 years he shall get no further extension, because cases where there is complete efficiency after that age are rare indeed.

Mr. HICKS. The bill makes it compulsory?

Mr. LEHLBACH. Yes; after the bill has been in operation 10 years. There is no age at which a man must retire if he can do efficient work until the bill has been in operation 10 years.

Mr. CANNON. Will the gentleman yield?

Mr. LEHLBACH. I will.

Mr. CANNON. I got an impression from a hasty glance at the bill that a Government employee who would come under its terms could quit at any time and get his money at compound interest that had been taken from him. Is that correct?

Mr. LEHLBACH. That is correct. This money is not to be used for the retirement of other employees, but he gets it back with interest. That prevents the thing that so frequently occurs under present conditions. It prevents a man being separated from the service either with or without his own fault in a penniless condition. It makes every employee save a portion of his pay, so that when he is separated from the service he has something to live on until he can locate himself in some other pursuit. That is one of the incidental benefits.

Mr. EAGAN. Will the gentleman yield?

Mr. LEHLBACH. I will.

Mr. EAGAN. In the event that the employee takes issue with the Government head, the chief of a bureau, has he any opportunity to submit his case to any other authority than the department head?

Mr. LEHLBACH. As to his efficiency, no.

Mr. EAGAN. Is any physical examination required?

Mr. LEHLBACH. No. Naturally the man who is at the head of the department would naturally and obviously know the capacity of the man or employee to do efficient work. Somebody has got to determine it, and the man who is responsible for his work has the right to decide it.

Mr. EAGAN. Then the employee has no appeal if he insists that he is competent and the bureau chief says he is not.

Mr. LEHLBACH. The bill provides for no appeal in such an instance.

Mr. EAGAN. Does not the gentleman think it would be practicable to have some such plan worked out?

Mr. LEHLBACH. If the employer is satisfied that one of his employees is inefficient, why create some kind of machinery composed of persons who know nothing about his work that can come in and reverse it.

Mr. EAGAN. A man might claim that he was competent except for physical disability.

Mr. LEHLBACH. Then he is not competent or efficient. Now, Mr. Chairman, I want to say a word as to the cost of this proposed system of retirement. I am reading from a report from a Government actuary, Joseph S. McCoy, in the Treasury Department, transmitted by Secretary GLASS while Secretary of the Treasury, in response to inquiries from the other branch of this legislative body. He said:

> At first the burden of paying these annuities would be entirely upon the Government, those who are retired at once not having contributed at all. This would change gradually until those who are now entering the service would be retired. Finally the contribution on the part of the Government would be somewhere around 50 per cent. If entrance to the service was limited by age to those under 30 years, the Government's contribution would probably fall below 50 per cent.
>
> The maximum number of annuitants will not probably exceed 30,000. The total annual payment to these would be about $18,000,000, of which the Government would probably contribute not in excess of $10,000,000 annually, and this could readily be reduced to not in excess of $9,000,000 annually, much less than the bonus now paid.

In accordance with the estimates of the actuary, the cost of this system will be substantially equal upon the employees themselves and on the Government, and on the cash outlay for the annuities would be substantially in the neighborhood of $10,000,000.

The CHAIRMAN. The time of the gentleman has expired. All time has expired, and the Clerk will read.

Mr. BOWERS. Mr. Chairman, before the Clerk begins to read, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

Mr. GARD. Mr. Chairman, reserving the right to object, upon what subject?

Mr. BOWERS. Upon this bill.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FOCHT. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection?

Mr. GARD. Upon what subject?

Mr. FOCHT. Upon this bill.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GODWIN of North Carolina. Mr. Chairman, I ask unanimous consent that all Members be allowed three days in which to extend their remarks in the RECORD.

The CHAIRMAN. That request is not in order in Committee of the Whole. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That, beginning at the expiration of 90 days next following the passage and approval of this act, all employees in the classified civil service of the United States who have on that date, or shall have on any date thereafter, reached the age of 70 years and rendered at least 15 years of service computed as prescribed in section 3 of this act, shall be eligible for retirement on an annuity as provided in section 2 hereof.

The provisions of this act shall include superintendents of United States national cemeteries, employees of the Library of Congress, excepting persons appointed by the President and confirmed by the Senate, and may be extended by Executive order, upon recommendation of the Civil Service Commission, to include any employee or group of employees in the civil service of the United States and classified at the time of the passage of this act. The President shall have power, in his discretion, to exclude from the operation of this act any employee or group of employees in the classified civil service whose tenure of office or employment is intermittent or of uncertain duration.

All regular annual employees of the municipal government of the District of Columbia, appointed directly by the commissioners, including those receiving per diem compensation paid out of general appropriations, but whose services are continuous, and including public-school employees, excepting school officers and teachers, shall be included in the provisions of this act, but members of the police and fire departments shall be excluded therefrom.

Postmasters, and such employees of the Lighthouse Service as come within the provisions of section 6 of the act of June 20, 1918, entitled "An act to authorize aids to navigation and for other works in the Lighthouse Service, and for other purposes," shall not be included in the provisions of this act.

With the following committee amendments:

Page 1, line 4, strike out the words "passage and."

The CHAIRMAN. The question is on agreeing to the committee amendment.

Mr. MANN of Illinois. Mr. Chairman, I do not know why the committee proposed this amendment. I think what it ought to provide is "following the passage of this act." It has been very customary to say that an act takes effect upon its approval. The approval of an act means the signing of it by the President. The passage of an act is when either the President signs it or it is passed over the President's veto or it is deposited with the Secretary of State because it has not been vetoed within 10 days. I presume that the President will sign this bill; but if I were drawing it, and wished to draw it properly, I would provide that it should take effect upon its passage.

Mr. LEHLBACH. Mr. Chairman, the gentleman from Illinois has brought to the attention of the chairman of the committee the technique of the situation and I ask unanimous consent to withdraw the committee amendment.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent to withdraw the committee amendment. Is there objection?

Mr. GARD. Mr. Chairman, reserving the right to object, is not the proper procedure to vote down the committee amendment and then amend the bill as it is desired?

Mr. MANN of Illinois. I think that is correct.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The question was taken, and the committee amendment was rejected.

Mr. MANN of Illinois. Mr. Chairman, I move to amend by striking out the words "and approval," line 4, page 1.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Line 4, page 1, strike out the words "and approval."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 1, line 7, strike out the word "seventy" and insert the words "sixty-five."

The CHAIRMAN. The question is on agreeing to the committee amendment.

Mr. BLANTON. Mr. Chairman, I think this proposed committee amendment, to change the retirement age from 70 to 65, is a reflection upon the splendid service that has been given in this House by numerous Members. You can search the whole United States over and you can not find to-day a more valuable member of any legislative body in the world than our beloved

friend the distinguished gentleman from Illinois [Mr. CANNON]—84 years old, with a mind as clear as a bell, daily vigorously fighting for and against various measures on the floor of this House. [Applause.] Where is there a legislator stronger to-day than this distinguished colleague of ours? Yet you want to say that when a man gets to be 65 years old he is no longer able to attend to business affairs. Look at our distinguished colleague from Delaware [Mr. LAYTON].

Mr. LAYTON. Great Scott! [Laughter.]

Mr. BLANTON. He hates to admit it, and none of us would think he is 65 years old. He would easily pass for 50, but if you were going to cut according to the provisions of this bill, you might reach him. Oh, I could just pick them out here and there all over this House.

Mr. ANDREWS of Nebraska. How about CHAMP CLARK?

Mr. BLANTON. Yes; take the able and distinguished leader of the minority. Take them all over this House. Take my distinguished friend on the Republican side, Gen. HULINGS, who walks as straght as an Indian across this floor every time he rises from his seat. To see him walk across this floor you would think that he was not over 40, with a mind also as clear as a bell. You could pick them out all over this House, and yet you say by this bill that when a man reaches the age of 65 he is ready to step aside. I am not going to be personal with Members and friends and colleagues, whom it might embarrass, and I only mention those I have mentioned because I know it will not embarrass them. If you go to the other end of the Capitol, you find that the majority of the distinguished Members who serve in the Senate are over 65 years of age. Go to the Supreme Court of the United States, and to the Cabinet, and you will find men over 65 years of age. Go to the White House, and you will find an able man over 65 years of age——

A MEMBER. He ought to be retired.

Mr. BLANTON. Oh, he will be the idol of the public eye when lots of you gentlemen on the other side are gone and forever forgotten. This is the most ridiculous provision I have ever heard of being placed in any piece of legislation.

Mr. UPSHAW. Mr. Chairman, the thought occurs to me that my friend from Texas [Mr. BLANTON] has not remembered that if all of these employees, thousands of them, were equal in ability to the very distinguished gentlemen to whom he has referred this afternoon, they all might have been in Congress or in the United States Senate.

Mr. BLANTON. Oh, but they perform a different kind of service, and these distinguished gentlemen I have mentioned are here under a strain of nerves all of the time.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. Oh, well, the committee amendment is not worthy of discussion more than five minutes by anyone; it is so ridiculous.

Mr. LEHLBACH. Mr. Chairman, the distinguished Don Quixote of Texas has again been fighting a windmill. The committee amendment is not designed to retire a single Government employee at the age of 65 if he is efficient and competent to do his work. It is simply designed to allow the Government to retire an inefficient and incompetent man when he reaches that age.

Mr. ANDREWS of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. LEHLBACH. Yes.

Mr. ANDREWS of Nebraska. Under the existing law that may be done now. As I understand the law now, it not only makes it possible to retire a person at that age—65 years—when he becomes incompetent, but it is the duty of the department to do it. That is the law now.

Mr. LEHLBACH. Mr. Chairman, the statute law does permit a man who reaches the age of 65 years in the Government service, because of inefficiency, to be retired out on the street without a cent and without——

Mr. ANDREWS of Nebraska. Or at 40 years of age.

Mr. LEHLBACH. And without the slightest care or consideration of the years of service he may have given the Government. But this bill, if this amendment is not adopted, will preclude any number of inefficient and incompetent between the ages of 65 and 70 from being severed from the service, and while the statute does permit the incompetent or inefficient at the age of 65 now to be severed from the service, the common law, that is founded on humanity, has made it impossible to do so.

Mr. ANDREWS of Nebraska. Will the gentleman yield again?

Mr. LEHLBACH. I will.

Mr. ANDREWS of Nebraska. Does the gentleman mean to say that this law repeals the provisions of the general statute now which empowers the head of a department to release from the service a person who is incompetent at any particular age?

Mr. LEHLBACH. I will ask the gentleman to show me a single instance in 10 years where a man in a department here in Washington over 65 years of age has been released for incompetency.

Mr. ANDREWS of Nebraska. I know of many of them.

Mr. GARD. Mr. Chairman, I move to strike out the last word. Mr. Chairman and gentlemen of the committee, I rise to seek some information of the proposed amendment. I suppose that an act for the retirement of employees in the classified service is a necessary concomitant of the classified service, but what I would like to know is the reason for the committee changing the time in the Senate bill from 70 years to 65 years, and with special reference to what investigation the committee has made as to how many more employees would be brought in the purview of this bill at 65 than at 70 years, and before the gentleman answers I want to make this slight observation on the bill. Everyone believes, of course, that efficiency should be rendered in all governmental branches, and we recognize there is an age, probably not a given age because some men are stronger at an advanced age than others, but there must be some average age of retirement, but the question is in the servive of the United States not so much of getting people in, especially the service here in the District of Columbia, but of getting them out. Now, I read the other day that over 5,000 employees in the service here were 100 per cent inefficient; I do not know whether that is true or not. Under section 6 of this bill it provides for automatic retirement, and it subsequently provides that they may be retained by the heads of the bureaus for a period of two years, and they may be retained even after they reach the age of 65 years, and then for two years after that, and so on up until 10 years after the passage of this act, and you can run them along—men and women both—from 65 to 75 years if some particular person, as a head of the bureau, will certify to their being efficient or competent. Now, that is the trouble with the whole business. There never has been an executive officer who would take it upon himself—and the reason is through their natural sympathy—there never has been a supervising officer who would undertake to discriminate and put out the old men and women. Now, if you reduce the age to 65 years and carry on this same section 6 as you are carrying it on, you carry on an age not of 65 years for retirement but a retirement age of 75 years. That is too great an age to carry even in a bill of this kind. I make these observations and trust the gentleman will answer them, because I view it to be pertinent, my position being I favor a bill of this kind but I desire to do what I can to make a proper bill.

Mr. LEHLBACH. I will say in answering the gentleman from Ohio, if he will yield——

Mr. GARD. Yes; I yield.

Mr. LEHLBACH. That there is no compulsion on the part of the Government to retire anybody at any age at all as long as he is efficient, but this bill gives the Government the option of retiring a man after he becomes 65 years of age if his services are inefficient and are so found by his superior officer. Now, it has been suggested, just as the gentleman from Ohio suggests, that possibly the benefit of a doubt in an undue number of cases will be given by the superior officer to men who wish to be retained in the service.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. GARD. I will ask for five additional minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. LEHLBACH. It has been suggested that men who are really inefficient after they reach the age of 65 will be certified as efficient by their superiors because of the desire of the man to retain his full salary and his place on the roll rather than be retired on an annuity, and for that reason it has been suggested to amend that portion of the bill and make it read that the certification of efficiency must be with the approval of the Civil Service Commission, which would afford just such a check as the gentleman from Ohio suggests.

Mr. GARD. Well, under the provision of this section 6 it provides that all these men who reach the age of 65 shall automatically retire, and then they may be continued after a certain certification is made by the head of the department, branch, or independent office of the Government that he or she is qualified by reason of his or her efficiency or willingness to stay on.

Mr. LEHLBACH. Yes.

Mr. GARD. Now, I venture the assertion that if this language is continued and the age of 65 remains in, the gentleman will not get anybody to retire because the retirement pay is

much less than the full pay, and with the difficulty of getting the head of a department to separate the inefficient now, how much more difficult is it going to be to get them to insist on automatic retirement when they migh say, Here is a man or woman 65½ years of age, and he or she is good for two or four years, and so it can run up to 10 years. So you really write in this bill now a retirement at 75 years of age. Is not that right?

Mr. LEHLBACH. It is not, because we must assume some sense of duty is implanted in a chief of a bureau or head of a division, and the motive that causes him to retain an inefficient on the pay roll is because it has become the custom recognized as such, and because it leaves a person separated from the pay roll absolutely destitute.

But with a retirement provision and annuity the strong motive for retaining an inefficient man in the service will be taken away from the bureau chief, and his sense of duty—with the motive and sanction of custom to set it aside no longer present—will govern, and we can trust the bureau chiefs and heads of divisions to not certify a man efficient who, in fact, is not at all efficient.

Mr. GARD. How many more persons are eligible to retirement at the age of 65 than at the age of 70?

Mr. LEHLBACH. I have not the exact number in such shape that I can state it. Of course, there are a large number of people between 65 and 70 in the Government service and who will be continuously reaching that age.

I want to impress upon the committee this, that with the Senate amendment you can not get a person who is inefficient between the age of 65 and 70 out of the service, but with the committee amendment you can get them out and, on the other hand, you can retain every efficient employee no matter how much older than 65 years he may be. With that statement, I trust the amendment will be agreed to.

Mr. RAKER. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman and gentlemen, it was stated that no effort was made to relieve the department of superannuated employees. That is a mistake. Then the statement of the gentleman from Ohio, to the effect that if the bill is as the House amends it there will be no one retired, I think is a mistake, because they will receive an annuity and unquestionably the department will relieve them from the service and they will get enough to live on and can and will be retired. And gentlemen ought to remember and the committee ought to remember that some six years ago the Department of the Interior, under the supervision of a couple of new heads or directors of the various branches, thought it would have certain superannuated employees relieved because they were doing practically nothing. There was no provision made for their care. Some complained then that there were too many in there and the department should exercise the provision of the law and separate them from the service. So they proceeded to do so. The first man shot himself the next day. He had to go out on the street as a pauper. The next day the second one was taken sick and had to go to the poorhouse. And one or two more were in like position. Old people in the service in all the departments became panic-stricken. Certain old, faithful servants thought they were going to be turned out. So the department simply had to quit for humanity's sake, and the Government has been paying a salary to many old men and women who ought to have been retired and would have been retired had this bill been in force with the House amendment in it as suggested by the gentleman from New Jersey [Mr. LEHLBACH].

Now is an opportunity to correct what has been done in the past, so far as the future is concerned, and so far as those old people are now in the departments. It ought to be done. And unquestionably the heads of the departments can and will separate these from the departments, because they know they will not be turned out on the streets, nor will they be compelled to go to the almshouse. And that is the very object and purpose of this legislation, namely, to give relief, first, to the Government—and it ought to be thus considered—and, second, on behalf of the good, old, faithful servants that have been giving their time and attention to this work.

While it is not in this bill, while I am not making any declaration now, if those who are interested would look into the old-age condition of the men and women of this country and observe the cost that the State, the county, and Government are paying to-day, they would find out that you could provide for them good, fair, proper homes, without sending them to the poorhouse, and the Government, the State, and the county would be the gainers in dollars and cents, to say nothing about removing the humiliation. We have not seemed to reach that yet, but we are now at a point where we can hastily pass this bill, and the provision that the committee of the House has placed in here ought to remain. The argument made by the gentleman from Texas [Mr. BLANTON], that certain men in the House of age and experience might be affected, I do not think brings any comparison. This relieves the situation, because the automatic handling of the law would end that when the man or woman has reached that age that they could not perform the service that they ought to do at 65, and the officer in charge can and will separate them from the service, and he can do it with a good conscience; he can do it knowing that the party is going to be protected and cared for. And I hope the amendment will be adopted.

Mr. SIMS. Mr. Chairman, I favor the committee amendment. I think it is reasonable, proper, and right. It is the length of time the employee has served rather than the age at which he renders the service. If a gentleman or lady enter the service at 20 years of age, at 65 they will have performed 45 years of service. Now, what would be the difference in giving him or her this privilege of retirement, which reduces their pay one-half or one-quarter, voluntarily, as it would be, practically?

Now, with the privilege of being reexamined and retaining their positions, the average man or woman who is able and willing to perform the service is sure to make application to be continued, and there is no question but that the bureau chief, unless he has some grouch against an employee, would be willing to make the statement and certificate.

Now, as I said before, after a man has worked 45 years, although efficient and faithful, what difference does it make about the age at which he entered the service? I want to suggest to some of my economical friends the fact that the judges of the Federal courts may retire at the age of 70 on full pay for the balance of their lives, provided they have been on the bench for 10 years prior to that time. In the case of a poor man or a poor woman who has worn himself or herself out in the service of the public—not in so dignified and important a service, to be sure, but after all a service that has to be rendered—why should not such a person have the privilege of retiring at the age of 65? No one can get anything under this bill who has not served 15 years, but the Federal judge that has served 10 years, when he reaches the age of 70, can retire on full pay.

Mr. EVANS of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. SIMS. Yes.

Mr. EVANS of Nebraska. Does not section 5 permit any employee to retire on his own application?

Mr. SIMS. You mean after 65?

Mr. EVANS of Nebraska. No; before 65.

Mr. SIMS. And get an annuity?

Mr. EVANS of Nebraska. And get the annuity.

Mr. SIMS. I do not so understand.

Mr. EVANS of Nebraska. That is the way the bill provides.

Mr. SIMS. That is better than I thought it was. That is when he is totally disabled. But suppose a person is able, but has served for 45 years of his life and has reached the age of 65; why should he not be permitted to quit? If you bring in a younger person, you let him have the salary that the older person had. Now, half of this comes out of the salaries of the employees themselves, but in the case of the Federal judges all of it comes out of the taxpayer, and all of it continues to go to the judge for the balance of his life. How many judges retire after serving 10 years? Very few. The truth of it is they frequently remain on the bench too long. There ought to be some limit to service in a hard position where they have been bending over a desk for 40 years. They ought not to be turned out to starve. Therefore I think the committee amendment permitting retirement at the age of 65 ought to be adopted.

Mr. LUCE. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Massachusetts rises in opposition to the amendment.

Mr. LUCE. Mr. Chairman, six or seven years ago, when my State created a teachers' retirement system, I was asked to serve as a member of the board intrusted with its administration, and until I came here a year ago I was in constant touch with the details of administering a system like this. If out of that personal experience I can bring to the House anything of value, I shall be very glad. Hoping that this experience might prove of help, I studied the bill with some care, and observed, among other things, that it should be changed, as it seems to me, in the matter of administrative details in respect to the very point to which the gentleman from Ohio [Mr. GARD] called attention, and I have drafted an amendment which will be introduced at the proper time and which, I think, will meet the difficulty.

Mr. GARD. Mr. Chairman, will the gentleman yield?

Mr. LUCE. Certainly.

Mr. GARD. Will the gentleman give us the benefit of the amendment that he intends to offer? Will he advise us now what the amendment is?

Mr. LUCE. Certainly. As the bill now stands, decision rests wholly with the superior of the man who is to be retired, and it is perfectly true that very great pressure will be brought to bear upon him. I may recall that in our experience school committees would come to us and ask that a woman might be employed beyond the age of 70 years, and in one case a woman pleaded with us that she might be permitted to work without pay, although she had reached the age of 74, because, she said, she would die if she could not continue. But our law being mandatory, we could not yield to this pressure.

This pressure is sure to come, and there ought to be added to the approval demanded of the man's superior the approval also of the Civil Service Commission, an outside body, which undoubtedly would not be affected by this pressure. The bill as drafted simply requires certification by the Civil Service Commission. My suggestion to the committee is that we make it with the approval and certification of the Civil Service Commission, which, I think, will meet the case.

And to the gentleman who has just spoken [Mr. ANDREWS of Nebraska] I would say that in the Massachusetts and nearly all other retirement systems it has been found wise to permit men to retire at the age of 60, to say that retirement shall be optional from 60 to 70, and mandatory at the age of 70.

This bill gives most of the employees option until the age of 65, and therefore it is more severe and less elastic than most of the approved systems.

Mr. ANDREWS of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. LUCE. Certainly.

Mr. ANDREWS of Nebraska. Is it the gentleman's understanding of the bill that at the age of 65 it is wholly optional with the clerk whether he retire or not?

Mr. LUCE. No; not to that extent. At 65 the option is dependent upon his fitness, but should the suggestion of the gentleman from Nebraska prevail he could not in any event retire before the age of 70. You compel him to stay there five years longer.

I knew one case where a superintendent of schools who was in excellent health and perfect condition at the age of 60, when it was optional with him to retire, came to us and asked us to let him take advantage of his option. We expressed surprise that a man in such condition should want to stop at 60, and he gave as his answer, which I thought was a very wise answer, that he knew when it was time for him to get into some other occupation, where he could spend the rest of his days. He wanted to go out and get on a farm before he had broken down, and so took advantage at the age of 60 to avail himself of the opportunity to establish himself on his farm, whereas if he had been compelled to wait until he was 70 he might not have been able to do this.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. ANDREWS of Nebraska. Mr. Chairman, I ask that the gentleman have five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. ANDREWS of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. LUCE. Certainly.

Mr. ANDREWS of Nebraska. With whom does the option at the age of 65 rest, with the head of the department or with the clerk?

Mr. LUCE. With both.

Mr. ANDREWS of Nebraska. Could the head of the department retire him whether the clerk desires to retire or not?

Mr. LUCE. The head of the department can retire him if the head of the department says he is inefficient and ought to be retired.

Mr. ANDREWS of Nebraska. Just as he can now.

Mr. LUCE. Oh, Mr. Chairman, it is perfectly true that it can be done now. At this very moment you can retire every one of these gentlemen standing at the doors of the galleries above this Hall, but all humanity forbids it. [Applause.] No public official has done it, and no public official ought to do it. [Applause.]

Mr. ANDREWS of Nebraska. I hope the gentleman does not understand me as favoring retirement without the fund. I was among the first to help lay the ground for bringing about the retirement fund.

Mr. SMITH of Idaho. Will the gentleman yield?

Mr. LUCE. Yes.

Mr. SMITH of Idaho. Does the gentleman's amendment contemplate that the Civil Service Commission will examine the applicant?

Mr. LUCE. It is contemplated that the word "approval" will secure from the Civil Service Commission an intelligent examination of the case.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. LUCE. Yes.

Mr. CHINDBLOM. Has the gentleman observed that in section 6 it is provided that after 10 years a continuation of 4 years of service only beyond the age of 65 or 70, whichever may be prescribed in section 1, may be permitted? So that if we adopt this age of 65 as the age of retirement, after 10 years it will be impossible to retain anybody in the service beyond the age of 69 years?

Mr. LUCE. Mr. Chairman, I observed that, and made inquiry of the chairman of the committee. I shall but repeat his argument if I explain why he satisfied me on that point. He said that those who are now in the service, having held their positions up to this time without contemplation of such a provision, ought to have the opportunity, but that those who enter the service after this will face a situation which it must be presumed they have contemplated, and for which they ought to have made provision. In other words, this is a matter, shall I say, of generosity to those who are now in the service, but contemplates that those afterwards entering the service shall face the certainty that at the age of 69 they must give way to younger and more capable employees.

Mr. CHINDBLOM. What I meant to convey was that if 70 years is the proper age for actual final retirement, we will have practically that provision after the end of 10 years by making it possible to have 4 years of additional service beyond the 65-year retirement age.

Mr. LUCE. At the age of 69.

Mr. CLARK of Missouri. Mr. Chairman, will the gentleman yield?

Mr. LUCE. Certainly.

Mr. CLARK of Missouri. What sense is there in making age the standard of retirement? [Applause.] Ought not the standard of retirement of these people to be unfitness?

Mr. LUCE. It certainly ought, but in the affairs of life it has never been discovered that it is possible to prescribe the standard which the gentleman suggests, and for that reason many corporations, many municipalities, many States, and many nations have decided that this is the only practicable way to proceed. It is the experience of mankind to which I must advert in order to answer the gentleman, and not what I should wish and what I think he would wish.

Mr. CLARK of Missouri. Have not these heads of departments down the Avenue got sense enough to rig up some kind of a plan by which they can tell when a person is fit or unfit to discharge his work?

Mr. LUCE. Why, sir, I have been employing men and women for 30 years, and all through that time have wrestled with this problem of reconciling humaneness and expediency and have not succeeded in finding the solution.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired. Without objection, the pro forma amendment will be withdrawn. The question is on the committee amendment.

Mr. HARDY of Texas. Mr. Chairman, I should like to be heard just a moment. I will not detain the House long.

I have always opposed this character of legislation, which is the beginning of a civil-service pension system, because employment in the civil service of the United States is a voluntary employment. No citizen is under compulsion to take it, and always when such employment is obtained it is considered a benefit and a favor. In addition to that, no citizen in his employment by the United States is under compulsion to remain there. He is free to quit when he sees proper; that is to say, he may quit whenever he can find a job that pays him more or suits his fancy better. But, as a matter of fact, the efficiency of the service of the United States is the thing most to be subserved by the passage of legislation like this. I was on the Committee on Reform in the Civil Service some 10 years ago when a similar bill came up. The committee disposed of that bill in short order by laying it away after considerable investigation. We had up also the proposition to try to provide an annuity or pension derived from assessments made upon the salaries of the employees. The idea was something like the amendment suggested by my friend and colleague from Texas [Mr. BLACK]. We soon reached the conclusion that that would indirectly come to the same thing, because the employees' salary would be increased enough to cover the deductions and still give ample compensation for the service.

Mr. BLACK. Will my colleague yield just there?

Mr. HARDY of Texas. Yes; if I have time.

Mr. BLACK. Does the gentleman think there is any real reason for making a presumption of that kind? Does he think there ought to be any relation whatever between the amount of the salary paid to the employee and the creation of the annuity?

Mr. HARDY of Texas. We knew there was this connection, that under all circumstances the salary to be actually received by the employee would necessarily have to be ample to give him a living, and in these days of the high cost of living if we gave enough salary to give a living over and above the deduction for the purpose of the sinking fund to create this annuity we would probably have to raise the salary by the amount that we imposed in the way of an assessment, so we discarded that and discarded the bill. That at least was the way we looked at it in those days. As a matter of justice and equality we did not believe the Government employee had any more right to a pension in his old age than any other citizen who had reached old age without having accumulated a competency, and my real reason for opposing this kind of legislation was that I believed in equality of all the people before this Government and before the State governments; that if we were to help the unfortunate, the aged, the disabled, it should be a uniform and equal law. The Government of the United States, however, has no power to provide a uniform old-age pension such as other nations have provided, but it has the power to take care of those who have been in its employment. It has the power to pension its own employees.

In addition to that, our own platform at the last Democratic national convention declared that it was the duty of the Government to establish an equitable retirement law providing for the retirement of superannuated and disabled employees of the civil service.

I doubt, however, Mr. Chairman, that a man reaching the age of 65 is either superannuated or disabled. I believe that the Senate placed the right measure of age. A large percentage of the Members of this body have reached the age of 65 and are still practically in their prime; and as the gentleman from Illinois [Mr. CHINDBLOM] said a moment ago to the gentleman from Massachusetts [Mr. LUCE], it is a fact that under this bill, if we adopt the amendment and make 65 the limit, you can not extend the period of service beyond the age of 69.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. HARDY of Texas. I ask unanimous consent to proceed for one minute.

The CHAIRMAN. The gentleman from Texas asks that his time be extended one minute. Is there objection?

There was no objection.

Mr. HARDY of Texas. Under these circumstances, if this bill is not amended by changing the age from 70 to 65, under the plank in the platform of my party at the last election I shall be bound to support the bill.

Mr. LEHLBACH. Will the gentleman yield?

Mr. HARDY of Texas. Yes.

Mr. LEHLBACH. The gentleman realizes that 65 is merely permissive and not a limitation.

Mr. HARDY of Texas. This amendment permits the retirement at 65, and I think 65 is too young, and it forces a retirement at 69. By adopting the age of 65 as the general age of eligibility for a pension and the age of 62, and even 60 years as the age of pensionable status under this bill for certain classes of employees, you will perhaps double the number of pensioners under the law, and I therefore hope that the committee amendment will be defeated. It may be that we will be forced to grant civil employees pensions in order to secure efficiency in Government service, but I trust we will make the list no longer than absolutely necessary.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. MANN of Illinois having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Dudley, its enrolling clerk, announced that the Senate had passed with amendments the bill (H. R. 13108) making appropriations for the naval service for the fiscal year ending June 30, 1921, and for other purposes; had requested a conference with the House of Representatives upon the bill and amendments and had appointed Mr. PAGE, Mr. BALL, Mr. MCCORMICK, Mr. SWANSON, and Mr. SMITH of Maryland as the conferees on the part of the Senate.

The message also announced that the Senate had passed the bill (S. 2977) to amend section 8 of an act to provide for the sale of desert lands in certain States and Territories, approved March 3, 1877, as amended by an act to repeal timber culture laws, and for other purposes, approved March 3, 1891, in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 13266) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1921, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon and had appointed Mr. CURTIS, Mr. PHIPPS, and Mr. SMITH of Maryland as the conferees on the part of the Senate.

RETIREMENT OF CIVIL-SERVICE EMPLOYEES.

The committee resumed its session.

Mr. LEHLBACH. Mr. Chairman, I suggest that debate on this amendment has long since been exhausted.

The CHAIRMAN. The question is on the committee amendment.

The question was taken; and on a division (demanded by Mr. BLANTON) there were 82 ayes and 30 noes.

So the committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 1, line 10, after the word "hereof," insert: "*Provided*, That mechanics, city and rural letter carriers, and post-office clerks shall be eligible for retirement at 62 years of age, and railway postal clerks at 60 years of age."

Mr. BARKLEY. Mr. Chairman, I move to strike out the last word for the purpose of asking the gentleman from New Jersey a question. The original provision of section 1 provided for the retirement at the age of 65, as amended, and it provided that the employee must have been in the service of the Government for 15 years. This proviso does not carry that provision. I desire to ask the gentleman if it is his interpretation that the 15-year provision shall also apply to rural carriers and others cared for in this proviso?

Mr. LEHLBACH. Yes; it applies to all mentioned in section 1.

Mr. BARKLEY. What is the principal reason for permitting the retirement of these employees at the age of 62 instead of 65?

Mr. LEHLBACH. Because of the difference in the character of employment and work that they must do, which results in an earlier superannuation and the degree of physical hardihood and strength that is necessary to perform the work which will render a man less able to do it at an earlier age than it would if performing services in the departments in Washington under pleasant surroundings in well-heated and well-lighted buildings. The gentleman knows what rural carriers and city carriers have to do.

Mr. BARKLEY. Does not the gentleman take into consideration the advantages of an outdoor life in postponing the age of incapacity as it applies to those in this class of service?

Mr. LEHLBACH. I believe that the question of the gentleman is rhetorical instead of asking for information. I believe the work of the rural or city carrier, the hardships to which he is exposed, the extreme heat of the summer, the storm and the blizzard of the winter, the 60 or 70 pound mail sack, will render him unable to do the work at an earlier age than an employee of the Department of the Interior or the Department of Commerce who works here in Washington.

Mr. BARKLEY. Under the regulations of the Post Office Department you may have an examination of rural carriers at the age of 50. He would reach the age of 62 after 12 years of service. Is he entitled to retirement?

Mr. LEHLBACH. He is not.

Mr. BARKLEY. He would have to be 65 before he could retire under the provisions of the bill?

Mr. LEHLBACH. He would.

Mr. UPSHAW. Mr. Chairman and gentlemen of the committee, I feel that I would be recreant to an impulse of both patriotism and humanity if I were to fail to register my hearty support of this bill. I am in favor of it, partly because of the increased efficiency it will bring, because of the replacement of old and infirm people by young and more efficient helpers; but, supremely, I am in favor of this bill because I believe that the attitude of this Government toward those who have served it long and faithfully ought to be one of gratitude and of guardianship. Only to-day I had the honor of having as my guest at luncheon Mr. M. E. Geer, of Douglasville, Ga., president of a number of cotton mills in the South. He referred to this bill and declared warmly that he hoped it would pass.

He made mention of one man, old in years but noble in record and purpose, who, he said, can not do the efficient work he one time did—indeed, he can not earn his salary—but the mill can

not let him go, because such a course would be cruel. And surely this Government, as a great family corporation, if you please, of general, national fellowship, ought to sustain a relation toward its employees of a lifetime as kind and generous as that of commercial organizations. Only to-day I had a long-distance call from a noble old man down in Virginia, 84 years old, who has been an employee of the Pension Department for nearly 30 years. The weight of old age has forced him to give up his work. The long illness and recent death of his dear old wife left him with a broken heart and an empty purse. Do not tell me that the Government which this faithful old man has served so long has no concern about his present condition. With a pathos that would break your heart he said, "Do your best for us to-day." Gentlemen, if I ever err by any vote I cast on the floor of this House, I want to err trying to find that side of any provision that means the larger comfort and happiness of humanity. I know that our National Treasury is burdened now because of the new billions of debt that were added by our country's necessary part in the Great War, and I am in favor of our meeting this tremendous responsibility like brave American citizens ought to do; but we must remember that the strength and even the safety of the Republic depend on the faith and love of its citizenship. Pass this old-age retirement bill, and the Government not only does its duty to those who have blessed it by their long and faithful services but it wins that strength that comes from the living and dying gratitude of the gray-haired veterans in civil life, together with the grateful faith and love of the younger millions who shrine these aged ones in their hearts—the loyal millions who constitute the Nation's strength to-day and the hope of our national future.

Mr. LEHLBACH. Mr. Chairman, I suggest that the debate upon this particular amendment has been exhausted, and that gentlemen who wish to speak will have ample opportunity to do so as there are other amendments in this section.

Mr. CALDWELL. Mr. Chairman, I have a perfecting amendment which I desire to offer.

Mr. GARD. Mr. Chairman, I have an amendment to the committee amendment which I have already sent to the Clerk's desk.

Mr. LEHLBACH. Mr. Chairman, I ask unanimous consent that debate be limited to the amendment and to the amendment to the committee amendment, and that then it be voted upon.

The CHAIRMAN. Does the gentleman desire to limit the time for debate?

Mr. LEHLBACH. Mr. Chairman, I ask unanimous consent that all debate upon this particular amendment and amendments thereto close in 10 minutes.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent that all debate upon this amendment and amendments thereto close in 10 minutes. Is there objection?

Mr. CALDWELL. Mr. Chairman, reserving the right to object, I want to offer an amendment to the committee amendment, and to speak to it for a moment or two.

Mr. LEHLBACH. I contemplated that the gentleman would have opportunity to discuss that, in the request that I made.

Mr. CALDWELL. I do not know. An amendment has been offered by the gentleman from Ohio and there is five minutes' debate upon that and then someone is entitled to five minutes against it.

Mr. LEHLBACH. These gentlemen will have opportunity in 10 minutes to discuss the amendment that they have offered.

The CHAIRMAN. Is there objection?

Mr. CALDWELL. I object. There will be two amendments instead of one, and five minutes is allowed for debate for and against each amendment.

The CHAIRMAN. The gentleman from New York objects, and the Clerk will report the amendment offered by the gentleman from Ohio.

The Clerk read as follows:

Amendment by Mr. GARD to the committee amendment: Page 2, line 2, after the word "age" strike out the period, insert a comma, and add: "if said mechanics, city and rural carriers, post-office clerks, and railway postal clerks shall have rendered at least 15 years of service, computed as prescribed in section 3 of this act."

The CHAIRMAN. The question is on the amendment to the amendment.

Mr. LEHLBACH. Mr. Chairman, does not the gentleman from Ohio think that the limitation which he repeats in his proposed amendment and which is found in lines 7, 8, and 9 of the section, governs the proviso which is in the shape of a committee amendment?

Mr. GARD. There is some question in my mind, so out of caution I have offered the amendment.

Mr. LEHLBACH. There can not be any question about it. It says that anybody who has reached the age of 65 years and rendered at least 15 years of service may be retired, and it says, "provided, mechanics, city and rural letter carriers and post-office clerks shall be eligible for retirement at 62 years of age, and railway postal clerks at 60 years of age." It is entirely unnecessary.

Mr. MONTAGUE. But is the gentleman not making it possible that the word "provided" may be construed as "except"?

Mr. LEHLBACH. I have no objection to the amendment, except that it is unnecessary.

Mr. GARD. I think the amendment is necessary, because——

Mr. LEHLBACH. The committee will accept it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The question was taken, and the amendment to the amendment was agreed to.

Mr. CALDWELL. Mr. Chairman, I offer an amendment. Page 1, line 10, strike out the words "city and," and on page 2, line 1, after the word "clerks," the last word in the line, insert the words "and city carriers."

Mr. MANN of Illinois. City carrier is already in.

Mr. CALDWELL. I strike them out in one place and insert them in another.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment to the committee amendment offered by Mr. CALDWELL: Page 1, line 10, after the word "mechanics," strike out the words "city and." Page 2, line 1, after the word "clerks," insert the words "and city carriers."

Mr. MANN of Illinois. Will the gentleman yield for one question?

Mr. CALDWELL. Yes, sir.

Mr. MANN of Illinois. If the gentleman's amendment goes on, should it not be "city letter carriers"?

Mr. CALDWELL. I guess that would be proper, and I ask unanimous consent that the words be changed to "and city letter carriers."

The CHAIRMAN. The gentleman asks unanimous consent to modify his language by the insertion of the additional word. Is there objection? [After a pause.] The Chair hears none.

Mr. CALDWELL. Mr. Chairman, I offer this amendment for the purpose of putting the city letter carrier on the same status as the railway mail clerk. Now, those of us who live in the great cities and see the man in gray walking from house to house with a great pack on his back realize that when a man gets to be 60 years of age that it is very, very rare that this is not a burden that it is impossible for him to continue on. I go frequently to the meetings of the City Letter Carriers' Association in my great city. I see these old men in the declining years of their lives bowed down with these loads they have carried in the service of the people, and I say that we should endeavor to give them the justice to which they are entitled. And there is no reason in my mind that they should not be considered with the same degree of fairness and with the same degree of justice we give to the man who is in the Railway Postal Service.

Mr. BEE. Will the gentleman yield?

Mr. CALDWELL. I yield to my friend from Texas.

Mr. BEE. Does the gentleman from New York think, though, that this provision is not one that the average employee is looking forward to except with dread? In other words, it is forcing this retirement on him when he is not able to carry himself?

Mr. CALDWELL. No; as I understand it the man if he wants to stay in can, but when a man is 60 years of age and has worked, as he will work when he goes in the letter carrier service, and considering the age he must be when he goes in you must realize that he is working the very life out of him and ought to be permitted to go on the retired list when he reaches the age of 60 years if he so desires. If the service of a railway mail clerk makes it necessary, surely the service of a letter carrier makes it necessary, and I therefore, Mr. Chairman, offer and strongly urge this amendment.

Mr. LEHLBACH. Mr. Chairman, I think it will commend itself to the judgment of the committee that the city letter carrier is rather in the class of the rural carrier and other postal employees, while, on the other hand, the service of the railway postal clerk, by reason of the arduous and nerve-racking and dangerous character of such employment, is in a class by itself. I think that the divisions as contemplated by the committee amendment will commend themselves more to good judgment than the amendment offered by the gentleman from New York, and I ask for a vote on the amendment.

Mr. BARKLEY. Will the gentleman yield for this question? He might save time while he has the floor.

I desire to ask the gentleman on what theory he puts the post-office clerks under the 62-year age limit, while the other clerks in the Government are put at 65?

Mr. LEHLBACH. Because the post-office clerks work under different hours than the clerks here in the departments work. They have their night shifts and day shifts, and they have their work to get out in a specified time. And they are working at high pressure and, to a certain extent, excepting weather conditions, they are subject to the extra pressure that is on carriers and the other employees in the Post Office Department, which is not on the general run of Government employees and clerks.

Mr. BARKLEY. They do not work longer hours than the other Government clerks.

Mr. LEHLBACH. They have night shifts. They work at night under regular swings, and they must get their work out by the clock. They must have their work ready for trains; they must have it ready for certain hours of delivery. They should be classed with the city carriers and with the rural carriers rather than with the ordinary Government employees in the departments.

Mr. MADDEN. What they do is this: They are on duty 10 hours a day, and in that 10 hours they work 8 hours and have 2 hours of the day when they have to study distribution schemes.

Mr. RANDALL of California. And 80 per cent of the post-office clerks work at night.

Mr. LEHLBACH. That is what I said.

Mr. BROOKS of Pennsylvania. Mr. Chairman, I move to strike out the last word to make a few remarks on the amendment to the amendment. I think that that amendment is a proper one, for the reason that I have observed in my city that when carriers start out with their bag full of mail, since they have been loaded up with this additional parcel-post service, many times they carry a bundle of 100 pounds and more. And when men get to the age of 60 years in that kind of work, where they are subject to the heat of the summer and the cold weather of the winter, they can not stand the severe hard work after they become 60 years of age. And I think of the various men that are provided for in this committee amendment the city carriers are the hardest worked.

The CHAIRMAN. The question is on the amendment to the amendment offered by the gentleman from New York [Mr. CALDWELL].

The question was taken, and the amendment was rejected.

Mr. BARKLEY. Mr. Chairman, I desire to offer a substitute for the entire committee amendment.

The CHAIRMAN. The gentleman from Kentucky offers a substitute, which the Clerk will report.

Mr. BARKLEY. I do not have it written. I will state it. It is as follows:

After the word "hereof," on page 1, line 10, insert: "*Provided*, That mechanics, city and rural letter carriers, and post-office clerks and railway mail clerks shall be eligible for retirement at 60 years of age."

It provides a full retirement age of 60 for all classes provided in the proviso, without this little finicky difference between 60 and 70.

The CHAIRMAN. The gentleman from Kentucky offers a substitute to the amendment, which the Clerk will report.

Mr. CALDWELL. Mr. Chairman, I would like to informally ask the chairman of the committee a question. I ask unanimous consent to speak for one minute.

The CHAIRMAN. That will not be in order until after the amendment is read. The Clerk will report the substitute offered by the gentleman from Kentucky [Mr. BARKLEY].

The Clerk read as follows:

Substitute offered by Mr. BARKLEY for the committee amendment: After the word "hereof," page 1, line 10, insert: "*Provided*, That mechanics, city and rural letter carriers, and post-office clerks and railway mail clerks shall be eligible for retirement at 60 years of age."

The CHAIRMAN. The question is on the substitute offered by the gentleman from Kentucky [Mr. BARKLEY].

Mr. MANN of Illinois. Mr. Chairman——

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. BARKLEY. Mr. Chairman, I do not care to occupy the time now.

Mr. LEHLBACH. If the gentleman from Illinois will yield for a suggestion, I want to suggest to the gentleman from Kentucky that his amendment as it stands takes out of the amendment the amendment to the amendment of the gentleman from Ohio, which has been accepted.

Mr. BARKLEY. Yes. I desire to insert that at the end of it.

Mr. MANN of Illinois. Mr. Chairman, I think this substitute would be a mistake. The gentleman from Kentucky is evidently under the impression at present that this retirement is a great benefit to these employees; but what is proposed is to retire a letter carrier at half pay at an age when he is not able, probably, to get into other employment very successfully. The majority of these officers, mechanics, rural carriers, and post-office clerks are quite competent at the age of 62 years, and there is not one of them who is competent that will desire to be retired at half pay.

Why not give them the opportunity to remain in the service at their full pay two years longer, as is provided in the bill?

Mr. BARKLEY. Mr. Chairman, will the gentleman yield?

Mr. MANN of Illinois. Certainly.

Mr. BARKLEY. Under the provisions of the bill those who have reached the age of retirement and are still competent, or think they are, may have an extension of 10 years.

Mr. MANN of Illinois. No; not at all. They may have an extension of four years.

Mr. BARKLEY. Ten in all.

Mr. MANN of Illinois. No; not at all. The gentleman is mistaken.

Mr. BARKLEY. There may be a repetition.

Mr. MANN of Illinois. The limitation as to four years does not take effect for 10 years. During the first 10 years the extension may be made for 10 years, or up to the limit of 10 years from now. But there are lots of clerks in the post office 60 years of age who would like to remain in the service until they are 62 and four years longer, and who are quite competent to perform the service. I do not think there is any occasion for turning them out at this time against their will.

Mr. BARKLEY. Mr. Chairman, will the gentleman yield?

Mr. MANN of Illinois. I yield.

Mr. BARKLEY. Under the proviso on page 11 of the bill, at the end of 10 years after this act becomes effective, no employee shall be continued in the civil service beyond the age of retirement defined in section 1 for more than four years.

Mr. MANN of Illinois. I have stated that while the gentleman was getting that information from somebody else. [Laughter.]

Mr. BARKLEY. I thank the gentleman for the information that I get from him. I am always glad to get it. [Laughter.]

Mr. MANN of Illinois. I say for the next 10 years they can extend the time, but after 10 years from now they can not extend it under the bill for more than 10 years.

Mr. BARKLEY. Then, if this bill is a benefit to the retired employee, why should he not be permitted to take advantage of it at 60 years, if his employment has been such as to incapacitate him, without compelling him to wait until he is 65?

Mr. MANN of Illinois. If he is incapacitated he gets the benefit of the retirement anyhow; but under the gentleman's amendment at the age of 64 a letter clerk, in good, efficient condition, is forcibly separated from the service at half pay.

Mr. BARKLEY. But under the amendment offered by the committee the railway mail clerk is in the same situation. My amendment seeks to make the option at the age of 60 apply to the railway postal clerk and mail clerk.

Mr. MANN of Illinois. I understand railway mail clerks are in poorer condition physically at the end of their service when they reach the age of 60 than a letter clerk or a mechanic. The strain on the nerves of a postal railway clerk is the greatest strain that can be found upon any class of employees in the United States in or out of the Government service. But that is not the case with the mechanic; that is not the case with the post-office clerk; and they find places where these men can perform good service. Now, of course, it is only cutting them out of two years' salary. I do not believe that it ought to be done. They do not want it. I have more of these letter carriers in my district, I expect, than there are in the whole State of Kentucky. [Laughter.]

The CHAIRMAN. The question is on agreeing to the substitute offered by the gentleman from Kentucky [Mr. BARKLEY].

The question was taken, and the substitute was rejected.

The CHAIRMAN. The question is on the adoption of the committee amendment as amended by the amendment offered by the gentleman from Ohio [Mr. GARD].

The amendment as amended was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 2, line 3, after the word "include," insert "American employees of the Panama Canal above the grade of laborer."

Mr. GARD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Ohio offers an amendment to the amendment. The Clerk will report it.

The Clerk read as follows:

Amendment offered by Mr. GARD to the committee amendment: Page 2, line 3, after the word "American," insert the words "citizens who are."

Mr. GARD. Mr. Chairman and gentlemen of the committee, I have offered what I think is a necessary perfecting amendment after the word "American," on line 3 of page 2, to insert

the words "citizens who are." I do it for the reason that the language of the bill is intended to include only American citizens who are employees of the Panama Canal, and not all employees who are employed by America on the canal, because it might take in employees of all nationalities.

Mr. LEHLBACH. Does the gentleman think the adjective "American" refers to the employer or the employee?

Mr. GARD. The American employee is an employee of the American Government. There can not be any other than an American employee if you say "America" refers to the employer, which is the Panama Canal Commission. The term "American employee" may be properly construed, I take it, under the terms of this bill, to mean the employees of the American Government, and not necessarily an American citizen.

Mr. LEHLBACH. What other employees of the Panama Canal can there possibly be than employees of the American Government, of which the Panama Canal is an arm? If "American" means anything, it means the nationality of the employee. However, the committee will accept the amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Ohio [Mr. GARD] to the committee amendment.

The amendment to the committee amendment was agreed to.

The CHAIRMAN. The question is on agreeing to the committee amendment as amended.

The committee amendment as amended was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 2, line 6, after the word "Congress," insert "and the Botanic Gardens."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 2, line 18, after the word "Columbia," strike out the words "appointed directly by the commissioners."

Mr. LEHLBACH. Mr. Chairman, in explanation of that amendment, I desire to say that that will embrace the employees and the clerks in the courts here in the District and the employees of the Municipal Public Library, who are employed, respectively, by the judges under the District of Columbia and by the library trustees, although paid by the District.

Mr. HUDSPETH. Will the gentleman yield?

Mr. LEHLBACH. I yield to the gentleman from Texas.

Mr. HUDSPETH. I should like to ask the chairman what were the reasons which actuated the committee in excluding school officers and school-teachers in the District of Columbia?

Mr. LEHLBACH. School-teachers already have a retirement fund. The bill includes public-school employees, except the school-teachers and officers who are already cared for in a separate retirement fund.

Mr. SUMNERS of Texas. Will the gentleman yield?

Mr. LEHLBACH. Yes.

Mr. SUMNERS of Texas. Referring back to the language in the fourth line on page 2, "the Panama Canal," is that the corporate name?

Mr. LEHLBACH. That is the corporate title of the activities there on the Isthmus. It is not the Panama Canal Commission, but it is called the Panama Canal.

Mr. SUMNERS of Texas. Does it include the Panama Railroad employees?

Mr. LEHLBACH. It does not include the employees of the railroad, because the Panama Railroad is a corporation operating under the jurisdiction of the Government but employing its own railroad force as a private corporation.

Mr. SUMNERS of Texas. But, as a matter of fact, the Government owns the railroad?

Mr. LEHLBACH. One line of steamships plying between this country and the Panama Canal is controlled by the Panama Railroad.

Mr. SUMNERS of Texas. But the Panama Railroad, as a matter of fact, is owned by this Government?

Mr. LEHLBACH. A majority of the stock is owned by the Government.

Mr. SUMNERS of Texas. It owns the railroad.

Mr. LEHLBACH. A majority of the stock is owned by the Government, but it is a separate corporate entity, and run by directors.

Mr. SUMNERS of Texas. I understand. I was just trying to get the mind of the chairman of the committee. Are these employees taken care of in any provision of this or any other bill?

Mr. LEHLBACH. The railroad employees?

Mr. SUMNERS of Texas. Yes.

Mr. LEHLBACH. They are not. They are not directly Government employees.

Mr. SUMNERS of Texas. Why are they not treated like ordinary Government employees, which they practically are?

Mr. LEHLBACH. Because they are hired and fired by the directors and managers of the railroad, which, no matter what the Government interest in it may be, is a private corporation in so far as its dealings with its employees are concerned.

Mr. KNUTSON. The Panama Railway Co. is incorporated under the laws of the State of New York.

Mr. LEHLBACH. And, furthermore, the railroad employees have not the civil-service status of the classified employees of the Government.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARD. I ask that the gentleman may have one minute additional. I want to ask him a question.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that the time of the gentleman from Texas be extended one minute. Is there objection?

There was no objection.

Mr. GARD. Is it the gentleman's purpose, in striking out these words in lines 18 and 19, to provide for the court bailiffs and court criers and messengers and other people appointed directly by the judges of the Supreme Court of the District of Columbia and the municipal court and the other courts here in the District?

Mr. LEHLBACH. Principally the clerks, and so forth, in the court. I presume the attendants would come in, if they are regular annual employees of the municipal government.

Mr. GARD. Does the gentleman think it is a wise amendment to include personal employees of the judges, like stenographers, clerks, and bailiffs?

Mr. LEHLBACH. If they are regular annual employees and have served at least 15 years, they can come in under the provisions of this act. Under those circumstances they are substantially not personal appointments, but akin to the classified civil service. The act can not affect a personal appointee who does not serve continuously at least 15 years. Therefore the personal appointee of a judge who might for the time being be an incumbent of the office would not be carried by this clause.

Mr. GARD. These employees are purely personal employees, and not under the classified civil service.

Mr. LEHLBACH. A purely personal employee changes with the personality of the appointing power. In order to get the benefit of this act at all, such an appointee must have at least 15 years of service under the Government, and that makes him a permanent employee.

Mr. STEVENSON. Mr. Chairman, I want to ask the chairman of the committee one question. Will this include the clerks of the courts?

Mr. LEHLBACH. It will.

Mr. STEVENSON. And the recorder, who gets fees, and gets a very large compensation?

Mr. LEHLBACH. No. He must be either a regular annual employee, which means he is on an annual salary, or receive a per diem compensation. That excludes fee officers.

The CHAIRMAN. The question is on the committee amendment.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 3, after line 6, insert the following:

"The provisions of this act shall extend to all persons who were in the service of the Government on the 30th day of September, 1919."

Mr. BLANTON. Mr. Chairman, I have an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 3, line 9, after the figures "1919," strike out the period, insert a colon, and add the following proviso: "*Provided*, That none of the provisions of this act shall apply to and none of its benefits shall be received or enjoyed by any person who is a member of any association, society, organization, or union of Government employees which is affiliated with, subject to, or a member or component part of, or acknowledges the authority of, any higher or superior body or institution of organized labor; and, subject to the approval of the Secretary of the Interior, the Commissioner of Pensions shall make and enforce rules for the enforcement of this section and governing the method and character of proof required in order that employees may receive the benefits of this act."

Mr. LEHLBACH. Mr. Chairman, is the amendment read for information or is it offered at this time?

The CHAIRMAN. It is an amendment to the committee amendment, and is offered at this time.

Mr. BLANTON. It is a proviso following the committee amendment.

Mr. LEHLBACH. Mr. Chairman, I make the point of order that the amendment is not germane to the committee amendment that it purports to modify.

Mr. BLANTON. Mr. Chairman, I would like to be heard on the point of order. Mr. Chairman, the amendment to the committee amendment is clearly germane. The amendment of the committee seeks to prescribe the kind of employees to whom this provision of the bill shall extend. This is merely a limitation on the employees. The committee amendment seeks to state what employees shall have the benefit of the provisions under this act, and this amendment is merely a limitation saying that they shall have such benefits only under certain limitations.

Mr. LEHLBACH. Section 1 extends the provisions of the act, specifying the character of the employment of the various Government employees to whom the provisions of this retirement act shall apply. In each instance it deals solely with the character of the employment of the person to be affected. It does not deal with any outside activity or any activity whatsoever of the employee, but it deals with the character of the employment, provided he is of a certain age and has served a certain length of time. It relates to the classified service and those to whom it may be extended, the postal clerks, the railway mail clerks, employees of the Botanic Gardens, and all those who have been in that character of employment up to the 30th of September, 1919. It has nothing whatever to do with any characteristic adhering to the employee or any affiliation of any employee, but simply relates to his service to the Government, and therefore the amendment which limits the application of the provisions of this act to persons who do or do not do certain things has nothing to do with the character of their employment and is not germane.

The CHAIRMAN. The Chair is ready to rule. This bill seeks to retire employees in the classified service and presents certain limitations to those who may come within the provisions of the bill. The amendment offered by the gentleman from Texas merely provides additional limitations beyond those already provided for in the fore part of the paragraph. It seems to the Chair that the amendment offered is in order and germane, and the point of order raised by the gentleman from New Jersey is overruled.

Mr. BLANTON. Mr. Chairman, the whole bill deals with the subject of efficiency. If it was not for the fact that when an employee gets to be a certain age he becomes in the eyes of the legislators inefficient, he would not be retired. So, dealing with the question of efficiency is the practical subject of the legislation at this time. We have provided in this House and in the Senate, and the measure has been signed by the President of the United States, that no policeman in the city of Washington or the District of Columbia employed by the Government may belong to an organization which acknowledges any higher or superior body or institution of organized labor. Why did you pass that? On the ground of efficiency of the service here in the District of Columbia. We have gone further; we have provided that no fireman who is an employee of the Government in the District of Columbia can belong to these organizations. Why have you provided that? On the ground of efficiency of the firemen. I put in the RECORD some time ago a letter from the chief of the Bureau of Efficiency of the United States, Mr. Herbert D. Brown, wherein he tells you over his own signature that you can never expect high efficiency from the Government employee as long as they belong to the organization which this seeks to eliminate. He tells you over his signature that as long as they affiliate with this organization they will depend, not upon their service, but upon their union card, their card of affiliation, and will render service accordingly. He gives you good reasons for it. I hope my colleagues have read that letter. What reason have you for not eliminating this affiliation? What reason have you when you go home to give to your constituents and they ask you why you allow your Government employees to thus affiliate with the American Federation of Labor, when you cut off your firemen and policemen? Do you know why you waited so long to cut them off? I introduced bills to cut them off months before the House and Senate passed the provision. Why did we wait so long? I will tell you. The police strike prematurely pulled off in Boston woke you up to the danger of such affiliation, when in one night in the great city of Boston $300,000 worth of property was destroyed by thugs and lawbreakers. It woke you up, and it did not take long after that police strike in Boston for us to pass that kind of a law. What are you going to do about this? I think the time has come to insert a provision, even in a limited measure, against such a thing. Here is a special privilege that we are giving the employee, and every man here to-day knows that eventually the Government is going to pay every bit of this retirement fund, because you are going to give the employees a living wage, even after you take this little stipend out of their pay. When you do that, are you still going to let them join these bodies that come in here and send up instructions like we received this morning from Mr. Morrison, the Secretary of the American Federation of Labor? What has Mr. Morrison got to do with a question of legislation between you and the Government employees?

The CHAIRMAN. The time of the gentleman from Texas has expired. The question is on the amendment to the committee amendment offered by the gentleman from Texas.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 22, noes 85.

Mr. BLANTON. Mr. Chairman, this is such an important matter that I ask for tellers.

The CHAIRMAN. The gentleman demands tellers. Those in favor of taking this vote by tellers will rise and stand until counted. [After counting.] One gentleman has risen, not a sufficient number, and tellers are refused.

Mr. ALMON. Mr. Chairman, I offer the following amendment, which I send to the desk.

The CHAIRMAN. The gentleman from Alabama offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. ALMON: Page 23, line 8, strike out the words "the 30th day of September, 1919," and insert in lieu thereof "the 1st day of January, 1920."

Mr. ALMON. Mr. Chairman, there may be some good reason why this act should be retroactive. I have not heard any debate or discussion of that feature. It passed the Senate without any retroactive feature. This date, the 30th of September, of course, is fixed without any special reason, unless it be it will give those in the service about six months before the act is supposed to become a law, the benefits of the act. The gentleman from Texas [Mr. RAYBURN] has indicated that he would make a motion to strike this entire amendment out and let the bill stand as it passed the Senate. If the chairman of the commitee has any good reason why this bill should be made retroactive in this respect and why the 30th day of September, 1919, about six months before he is expecting the law to be approved, to be fixed, I should like to hear it. Why not make it the first day of this month or the first day of the year? The bill passed the Senate some time this month. I do not know that those in the service on the 30th of September have any reason to believe that the law would be passed at that time any more than those now in the service. If the gentleman has any good reason why this time should be fixed, I would be glad to hear it.

Mr. LEHLBACH. Mr. Chairman, if the gentleman will yield, it was urged with considerable force before the committee that by reason of the desire to contract the expansion of the departments, due to war activities, and economy manifest in making appropriations, in order to bring about a contraction of the clerical force in the various departments, instead of dismissing in every instance those who had come here as war workers some were retained, and instead some of the old employees who were about 69, 70, and 73 years of age were let go. And that this situation occurred about the 30th of September when the appropriation bills were beginning to be reported and acted upon and the departments were having notice that these contractions of service were expected by Congress. The total number would be 37; 6 in the Treasury, 2 in the War Department, 1 in the Navy Department, 11 in the Interior Department, 4 in the Department of Agriculture, 12 in the Department of Commerce, and 1 in the Interstate Commerce Commission, which would make 37 in all. Now, the reason why September 30 was fixed, as I say, was that this separation, due to contractions in anticipation of reduced appropriations, began about that period and continued practically the winter months. That is the reason for the amendment and why these dates were fixed.

Mr. ALMON. Has the gentleman any information of the number of the other employees who have been severed from the service other than those in the District of Columbia amount to that will be affected by this bill?

Mr. LEHLBACH. Those are all to be affected by the bill under the classified service whether in or out of the District.

Mr. ALMON. What about those who are not in the District of Columbia, rural letter carriers?

Mr. LEHLBACH. They are supposed to be included here. The committee requested from every department and every Government activity a report of cases and those are all the cases.

Mr. BARKLEY. Mr. Chairman, I move to strike out the last word. I want to ask the gentleman a little further about this amendment. It says that the provisions of this act shall extend to all persons who were in the service of the Government on the 30th day of September, 1919. Does that mean all who were not in the service at that date are excluded from the operation of this law?

Mr. LEHLBACH. No; but all those who come into the service in the future are taken care of by section 1.

Mr. BARKLEY. I am speaking now of those who were in the service prior to September 30, 1919, in computing the 15-year period, if they should hereafter come back into the service. For instance, if any war worker who was employed and who was dismissed from the service or separated prior to September 30, 1919, having worked a year or a year and a half prior to that date and on that date was not in the service, should in the future come back in the service would he be permitted under section 3 to add his prior service before the 30th of September, 1919, to his future service in order to arrive at the 15-year period?

Mr. LEHLBACH. Yes; the service does not necessarily have to be continuous and they would in the instance the gentleman outlined be entitled to figure the year and a half, or whatever the time is, if they return to the service at a future date and then eventually become eligible for retirement.

Mr. BARKLEY. This amendment seems to be somewhat contradictory. Section 3 provides for a method of computation and it might be construed so as to exclude the person who did not happen to be in the Government service on that date.

Mr. LEHLBACH. I do not think that it would be reasonably susceptible to that construction, and I think that the gentleman need have no fear.

Mr. BARKLEY. I hope the gentleman is right.

Mr. LEHLBACH. I ask for a vote.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question is now on the committee amendment.

The question was taken, and the committee amendment was agreed to.

Mr. LEHLBACH. Mr. Chairman, I offer on behalf of the committee an additional amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Committee amendment: Page 2, line 6, after the word "of," insert the words "and Superintendent of the Capitol Building and Grounds."

Mr. LEHLBACH. Mr. Chairman, in explanation of that amendment I wish to say that Mr. Elliott Woods, the Superintendent of the Capitol Building and Grounds, has permanent employees exactly in the same status as employees of the Library of Congress and the Botanic Gardens. They are employed to the number of 104 and take in the power plant and mechanics engaged in repairs of the building. They are not in the class known as patronage or police but are permanent employees here year in and year out and have been here for 15, 20, or 25 years. As I said, the total number will be 104, and I believe they ought to be eligible to retirement if they seek to take advantage of it, but they possibly are still efficient and will continue. There are eight of those. We might as well let them in because they have the same status practically as in the Library of Congress and the Botanic Gardens.

Mr. MANN of Illinois. Mr. Chairman, I am not opposed to the amendment, but I would like to make an inquiry. This covers the elevator operators in the House Office Building?

Mr. LEHLBACH. I am under the impression those gentleman are what is loosely known as "patronage."

Mr. MANN of Illinois. I am under that impression myself, but I am under the impression also that they are part of the force of the Superintendent of the Capitol. And I am not sure you can make a distinction very well in the House between one class of political appointees and another class. Very likely there is no one of them who will ever acquire any benefit under the act because of a service of 15 years. Yet, if one of the employees of the House says that he has had a retirement bill passed which covers his case, how will the other employees of the House feel when their cases are not covered?

Mr. BARKLEY. Will the gentleman yield?

Mr. MANN of Illinois. I will.

Mr. BARKLEY. My attention has been attracted to one case. Out in the document room is Mr. Joel Grayson, who has been in the employ of the Government for many years. Is there anything in this bill that would include him?

Mr. MANN of Illinois. There is not, and I trust that Mr. Grayson will remain in the employ of the House at full salary as long as he lives. [Applause.]

Mr. BARKLEY. I hope so, too.

Mr. MANN of Illinois. Because his knowledge, even if he had to be brought in a wheeled chair or brought in a bed to the document room, would be worth to us more than he draws out of the Treasury many times. [Applause.]

The CHAIRMAN. The question is on the committee amendment offered by the gentleman from New Jersey [Mr. LEHLBACH].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. LEHLBACH. Division, Mr. Chairman.

The committee divided; and there were—ayes 93, noes 9.

So the amendment was agreed to.

Mr. LEHLBACH. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Thereupon the committee rose; and the Speaker having resumed the chair, Mr. MCARTHUR, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 1699) for the retirement of employees in the classified civil service, and for other purposes, and had come to no resolution thereon.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RAMSEY, from the Committee on Enrolled bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 13387. An act to extend the time for the construction of a bridge across the St. Louis River between the States of Minnesota and Wisconsin; and

H. R. 9629. An act for the relief of the Merritt & Chapman Derrick & Wrecking Co.

ENROLLED BILLS SIGNED.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 13387. An act to extend the time for the construction of a bridge across the St. Louis River between the States of Minnesota and Wisconsin;

H. R. 9629. An act for the relief of the Merritt & Chapman Derrick & Wrecking Co.; and

H. R. 12610. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1921, and for other purposes.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 2977. An act to amend section 8 of an act to provide for the sale of desert lands in certain States and Territories, approved March 3, 1877, as amended by an act to repeal timber-culture laws, and for other purposes, approved March 3, 1891; to the Committee on the Public Lands.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BRAND, for balance of week, on account of illness in family.

To Mr. GOLDFOGLE, until further notice, on account of illness.

To Mr. WELTY, indefinitely, on account of illness in his family.

To Mr. AYRES, indefinitely, on account of sickness.

POINT OF NO QUORUM.

Mr. DYER. Mr. Speaker, I make the point that there is no quorum present.

Mr. GOOD. Will the gentleman withhold that until I can present this bill?

The SPEAKER. Will the gentleman from Missouri withhold that until the gentleman from Iowa can report the bill?

Mr. DYER. Not at this time.

The SPEAKER. The Chair will count.

ADJOURNMENT.

Mr. MONDELL (interrupting the count). Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 25 minutes p. m.) the House adjourned until Friday, April 30, 1920, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Navy, transmitting draft of requested legislation to amend article 38 of the articles

for the government of the Navy; to the Committee on Naval Affairs.

2. A letter from the Secretary of the Navy, transmitting draft of requested legislation to authorize officers of the naval service to accept offices with compensation and emoluments from Governments of the Republics of South America; to the Committee on Naval Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. RAKER, from the Committee on the Public Lands, to which was referred the bill (S. 795) to provide for the disposition of public lands withdrawn and improved under the provisions of the reclamation laws, and which are no longer needed in connection with said laws, reported the same with amendments, accompanied by a report (No. 903), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. RODENBERG, from the Committee on Flood Control, to which was referred the bill (H. R. 13313) to authorize the construction of flood control and improvement works in Boise de Sioux River, the Red River of the North, and Lake Traverse, between the States of Minnesota, North Dakota, and South Dakota, reported the same without amendment, accompanied by a report (No. 904), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ZIHLMAN: A bill (H. R. 13846) to regulate the practice of undertaking and embalming in the District of Columbia and to safeguard public health; to the Committee on the District of Columbia.

Also, a bill (H. R. 13847) to provide for the closing of Cedar Road between Quincy Street and Shepherd Street NW., in the District of Columbia; to the Committee on the District of Columbia.

By Mr. HICKS: A bill (H. R. 13848) authorizing the Secretary of War to donate to the village of Rockville Center, N. Y., one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. MANN of Illinois: A bill (H. R. 13849) authorizing the Secretary of War to donate to the Bob Evans Camp, No. 76, Department of Illinois, United Spanish War Veterans, 1 German machine gun and 12 old models of Springfield rifles; to the Committee on Military Affairs.

By Mr. FERRIS: A bill (H. R. 13850) to authorize the purchase of Federal farm-loan bonds by the Secretary of the Treasury; to the Committee on Banking and Currency.

By Mr. HAYDEN: A bill (H. R. 13851) to authorize mining for nonmetalliferous minerals on Indian reservations; to the Committee on Indian Affairs.

By Mr. FERRIS: Resolution (H. Res. 538) authorizing and directing the Federal Trade Commission to investigate the price of sugar and report to the House of Representatives; to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of Washington: Resolution (H. Res. 539) for the immediate consideration of House bill 13646; to the Committee on Rules.

By Mr. STEDMAN: Joint resolution (H. J. Res. 348) to correct the records of certain naval and marine officers who joined the Confederate forces; to the Committee on Naval Affairs.

By Mr. GOLDFOGLE: Memorial of the Legislature of the State of New York, asking that the water-power bill be reported from conference; to the Select Committee on Water Power.

By Mr. GRIFFIN: Memorial of the Legislature of the State of New York, disapproving and opposing the operation of barges, tugs, and other equipment by the Federal Government on the canals of the State of New York, and requesting the transfer of all of said property to the State of New York for its use; to the Committee on Interstate and Foreign Commerce.

By Mr. CAREW: Memorial of the Legislature of the State of New York, requesting the expediting of the Federal water-power bill; to the Committee on Water Power.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 13852) granting an increase of pension to Lilla May Pavy; to the Committee on Pensions.

By Mr. DUNBAR. A bill (H. R. 13853) granting a pension to James A. Haley; to the Committee on Pensions.

Also, a bill (H. R. 13854) granting an increase of pension to Lucina Heath; to the Committee on Invalid Pensions.

By Mr. ESCH: A bill (H. R. 13855) granting a pension to Dora B. Brown; to the Committee on Invalid Pensions.

By Mr. GRAHAM of Illinois: A bill (H. R. 13856) granting a pension to Harriet M. Powers; to the Committee on Invalid Pensions.

By Mr. HARRELD: A bill (H. R. 13857) granting a pension to Mary M. Frantz; to the Committee on Invalid Pensions.

By Mr. HUDSPETH: A bill (H. R. 13858) for the relief of E. W. King; to the Committee on Claims.

Also, a bill (H. R. 13859) for the relief of Benito Viscaina and Maria Viscaina; to the Committee on Claims.

By Mr. JOHNSON of Washington: A bill (H. R. 13860) granting a pension to Edward L. Miller; to the Committee on Pensions.

By Mr. PURNELL: A bill (H. R. 13861) granting a pension to Sallie J. Pile; to the Committee on Invalid Pensions.

By Mr. RIORDAN: A bill (H. R. 13862) for the relief of Bridget McGrane; to the Committee on Claims.

By Mr. SELLS: A bill (H. R. 13863) granting an increase of pension to Eva Estes; to the Committee on Pensions.

By Mr. SINNOTT: A bill (H. R. 13864) for the relief of Milburn Knapp; to the Committee on Claims.

By Mr. SUMMERS of Washington: A bill (H. R. 13865) granting a pension to Rebecca Martin; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 13866) granting a pension to Annie J. Peters; to the Committee on Pensions.

Also, a bill (H. R. 13867) granting a pension to Sarah Athens; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13868) granting an increase of pension to Mary B. Houk; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3306. By Mr. BURDICK: Petition of James J. Dunn and others, desiring the passage of House bill 1112, providing for the parole of Federal prisoners; to the Committee on the Judiciary.

3307. Also, resolutions of Rhode Island Ladies' Auxiliary of the Ancient Order of Hibernians, urging the Foreign Relations Committee of the House of Representatives to report the Mason resolution, and that same be passed as a declaration of America's policy toward Ireland; to the Committee on Foreign Affairs.

3308. By Mr. BURROUGHS: Resolution of New Hampshire Division Sons of Veterans Auxiliary, United States Army, Gertrude C. Messer, division president; Arie L. Doyle, division secretary, advocating passage of Smith-Towner bill, House bill 7 and Senate bill 1017; to the Committee on Education.

3309. By Mr. CAREW: Petition of American officers of the Great War, Philadelphia Chapter, Philadelphia, Pa., protesting against discrimination between the enlisted and commissioned personnel in bill providing compensation for ex-service men; to the Committee on Ways and Means.

3310. By Mr. DARROW: Petition of Philadelphia Board of Trade, favoring military training provisions of the Army reorganization bill; to the Committee on Military Affairs.

3311. Also, petition of Philadelphia Board of Trade in opposition to House bill 12379; to the Committee on Banking and Currency.

3312. By Mr. GOLDFOGLE: Petition of National Guard Association of the State of New York, regarding legislation affecting State National Guards; to the Committee on Military Affairs.

3313. Also, petition of National Association of Audubon Societies of New York City, protesting against use of Yellowstone Park for public utilities and private interests; to the Committee on the Public Lands.

3314. Also, petition of Chamber of Commerce of the State of New York, opposing the bonus for soldiers and sailors; to the Committee on Ways and Means.

3315. Also, petition of Amalgamated Ladies Garment Cutters' Union, Local 10; Cloak and Skirt Makers' Union, Local 11; and

the White Goods Workers' Union, all of New York, favoring amnesty for political prisoners; to the Committee on the Judiciary.

3316. By Mr. GRAHAM of Pennsylvania: Petition of Philadelphia Board of Trade, opposing the passage of House bill 13201; to the Committee on Ways and Means.

3317. Also, petition of Philadelphia Board of Trade, opposing the passage of House bill 13262; to the Committee on Coinage, Weights, and Measures.

3318. By Mr. HUDSPETH: Petition of commissioner of agriculture of the State of Texas and fertilizer-control officials, protesting against the enactment of legislation for the sale and use of ferilizer; to the Committee on Agriculture.

3319. By Mr. KELLY of Pennsylvania: Petition of committee on transportation and railroads of Chamber of Commerce of Pittsburgh, Pa., opposing seasonal freight rates on coal; to the Committee on Interstate and Foreign Commerce.

3320. By Mr. KENNEDY of Rhode Island: Resolutions of Ladies' Auxiliary to the Ancient Order of Hibernians of Rhode Island, urging passage of the Mason bill, House bill 3404; to the Committee on Foreign Affairs.

3321. Also, petition of Mr. D. J. O'Sullivan and 22 others, of Providence, R. I., urging passage of the Raker bill, House bill 1112, providing for the parole of Federal prisoners; to the Committee on the Judiciary.

3322. By Mr. LEA of California: Petition of star-mail contractors in California, requesting extra compensation of 50 per cent on amount of their contracts, the increase to date from July 1, 1914; to the Committee on the Post Office and Post Roads.

3323. By Mr. MacGREGOR: Petition of International Brotherhood of Electrical Workers, of Buffalo, N. Y., favoring 1 cent rate for drop postage; to the Committee on the Post Office and Post Roads.

3324. Also, petition of sundry citizens of the United States favoring passage of House bill 1112; to the Committee on the Judiciary.

3325. By Mr. MOONEY: Petition of 300 citizens of Cleveland, Ohio, opposing Senate bill 3718; to the Committee on the Post Office and Post Roads.

3326. By Mr. O'CONNELL: Petition of National Civil Service Reform League, urging favorable consideration of the recommendations in the report on the Joint Committee on Reclassification of Salaries; to the Committee on Reform in the Civil Service.

3327. Also, petition of American Federation of Labor, favoring the Sterling-Lehlbach civil-service retirement bill; to the Committee on Reform in the Civil Service.

3328. Also, petition of National Sheep and Wool Bureau of America, favoring the passage of the truth in fabric bill; to the Committee on Interstate and Foreign Commerce.

3329. Also, petition of International Brotherhood of Electrical Workers, favoring 1-cent drop letter postage; to the Committee on the Post Office and Post Roads.

3330. By Mr. RAKER: Petition of sundry citizens of the State of Arizona, favoring the passage of House bill 1112; to the Committee on the Judiciary.

3331. By Mr. STINESS: Petition of the Ladies' Auxiliary of the Ancient Order of Hibernians of Rhode Island, indorsing the provisions of the Mason bill providing for the recognition of the Irish Republic and the appointment of an American minister to Ireland; to the Committee on Foreign Affairs.

3332. By Mr. TAGUE: Petition of W. S. Best Printing Co., of Boston, Mass., protesting against the passage of House bill 12976; to the Committee on Ways and Means.

3333. Also, petition of American Federation of Labor, favoring the Sterling-Lehlbach civil service retirement bill; to the Committee on Reform in the Civil Service.

3334. Also, petition of Citizens' Correspondence Committee, of New York, for the retirement of superannuated civil service employees of the Federal Government and favoring the Sterling-Lehlbach retirement bill; to the Committee on Reform in the Civil Service.

3335. Also, petition of C. H. Simonds Co., protesting against House bill 12976; to the Committee on Ways and Means.

3336. By Mr. TAYLOR of Tennessee: Petition of Sterchi Bros., Knoxville, Tenn., opposing House bill 12379; to the Committee on Banking and Currency.

3337. By Mr. TILSON: Petition of M. S. Wadham and others, of New Haven, Conn., in favor of House bill 1112; to the Committee on the Judiciary.

SENATE.

FRIDAY, *April 30, 1920.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come before Thee for the divine inspiration for this day. Whatever the vulgar mass call work may count with the mass; Thou dost look upon the spiritual qualities that sometimes can not find expression in word or act. Thou dost read the hearts of men. We come before Thee, who dost see our secret thoughts. We would be right with God at the beginning of a new day of work, that the finer qualities of service may be expressed in that which we do for our fellow men in the fear of God. To this end do Thou bless us at the beginning of this day. For Christ's sake. Amen.

The Reading Clerk proceeded to read the Journal of yesterday's proceedings, when on request of Mr. CURTIS, and by unanimous consent, the further reading was dispensed with and the Journal was approved.

PETITIONS.

Mr. CAPPER presented a petition of Farmers' Union No. 1946, of Winfield, Kans., and a petition of the Farmers' Union of Oak Ridge, Ark., praying for the enactment of legislation granting to farmers the right of collective bargaining, which were referred to the Committee on the Judiciary.

Mr. FERNALD presented a petition of the National Association of Box Manufacturers, praying for the revision of the so-called antitrust law, which was referred to the Committee on the Judiciary.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House disagrees to the amendments of the Senate to the bill (H. R. 13677) making appropriations to supply a deficiency in the appropriations for the Federal control of transportation systems, and to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1920, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. GOOD, Mr. CANNON, and Mr. BYRNES of South Carolina managers of the conference on the part of the House.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice President:

H. R. 9369. An act to revise and equalize rates of pension to certain soldiers, sailors, and marines of the Civil War and the War with Mexico, to certain widows, including widows of the War of 1812, former widows, dependent parents, and children of such soldiers, sailors, and marines, and to certain Army nurses, and granting pensions and increase of pensions in certain cases;

H. R. 10917. An act to amend an act entitled "An act to incorporate the National Education Association of the United States" by adding thereto an additional section;

H. R. 12610. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1921, and for other purposes;

H. R. 12956. An act extending the time for constructing a bridge across the Bayou Bartholomew, in the State of Arkansas;

H. R. 13253. An act to grant the consent of Congress to the Elmer Red River Bridge Co. to construct a bridge across the Red River; and

H. J. Res. 301. Joint resolution to authorize the Secretary of War to grant revocable licenses for the removal of sand and gravel from the Fort Douglas Military Reservation for industrial purposes.

REPORTS OF COMMITTEES.

Mr. JONES of Washington. From the Committee on Commerce I report back favorably without amendment the bill (S. 4076) to amend section 4404 of the Revised Statutes of the United States as amended by the act approved July 2, 1918, providing that the supervising inspectors of the Steamboat-Inspection Service be included under the classified civil service, and I submit a report (No. 566) thereon. I should like to ask for its immediate consideration. It is a very short bill; and it simply places the supervising inspectors of steamboats under the classified service. They have come up from the classified service, but when they become district supervisors they are not in the classified service. The bill does not increase any salaries or anything of the sort.

Mr. SMOOT. Let the bill be read first.

The Reading Clerk read the bill.

Mr. JONES of Washington. I withdraw my request for present consideration and ask that the bill may go to the calendar.

The VICE PRESIDENT. The bill will be placed on the calendar.

Mr. CUMMINS, from the Committee on Interstate Commerce, to which was referred the joint resolution (S. J. Res. 161) to exempt the New York State Barge Canal from the provisions of section 201 of H. R. 10453, reported it with an amendment and submitted a report (No. 567) thereon.

TERMINATION OF WAR WITH GERMANY.

Mr. LODGE. From the Committee on Foreign Relations I report back with certain amendments the joint resolution (H. J. Res. 327) terminating the state of war declared to exist April 6, 1917, between the Imperial German Government and the United States, permitting, on conditions, the resumption of reciprocal trade with Germany, and for other purposes, and I submit a report (No. 568) thereon.

Mr. KNOX. Mr. President, I desire to give notice that on Wednesday next, at the conclusion of the routine morning business, with the consent of the Senate, I shall address myself to the joint resolution just reported by the Senator from Massachusetts.

The VICE PRESIDENT. The joint resolution will be placed on the calendar.

REGULATION OF COLD STORAGE.

Mr. GRONNA. I report back favorably, with an amendment in the nature of a substitute, from the Committee on Agriculture and Forestry the bill (H. R. 9521) to prevent hoarding and deterioration of and deception with respect to cold-storage foods, to regulate shipments of cold-storage foods in interstate commerce, and for other purposes, and I submit a report (No. 569) thereon. The Senate committee wrote an entirely new bill. In order to expedite matters, we have stricken out all after the enacting clause of the House bill and substituted the Senate committee bill. I ask that the bill be placed on the calendar.

The VICE PRESIDENT. The bill will be placed on the calendar.

WATER-POWER DEVELOPMENT—CONFERENCE REPORT.

Mr. JONES of Washington. I submit the conference report on the disagreeing votes of the two House on House bill 3184, known as the water-power bill. I ask that it be printed and lie on the table until action is taken in the House.

The VICE PRESIDENT. The report will be printed and lie on the table.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3184) to create a Federal power commission and to define its powers and duties, to provide for the improvement of navigation, for the development of water power, for the use of lands of the United States in relation thereto, to repeal section 18 of "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, approved August 8, 1917, and for other purposes," and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 17, 22, 28, 29, 31, 44, 46, and 59.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 6, 7, 9, 10, 12, 13, 14, 16, 18, 19, 20, 23, 24, 25, 30, 32, 33, 34, 35, 37, 39, 40, 41, 42, 47, 50, 51, 52, 53, 54, 55, and 56, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"That the commission shall appoint an executive secretary, who shall receive a salary of $5,000 a year, and prescribe his duties, and the commission may request the President of the United States to detail an officer from the United States Engineer Corps to serve the commission as engineer officer, his duties to be prescribed by the commission."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"'Navigable waters' means those parts of streams or other bodies of water over which Congress has jurisdiction under its authority to regulate commerce with foreign nations and among the several States, and which either in their natural or improved condition, notwithstanding interruptions between the navigable parts of such streams or waters by falls, shallows, or rapids, compelling land carriage, are used or suitable for use for the transportation of persons or property in interstate or foreign commerce, including therein all such interrupting falls, shallows, or rapids; together with such other parts of streams as shall have been authorized by Congress for improvement by the United States or shall have been recommended to Congress for such improvement after investigation under its authority."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: ", and said classification of investment of the Interstate Commerce Commission shall in so far as applicable be published and promulgated as a part of the rules and regulations of the commission"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "In order to aid the commission in determining the net investment of a licensee in any project, the licensee shall, upon oath, within a reasonable period of time, to be fixed by the commission, after the construction of the original project or any addition thereto or betterment thereof, file with the commission, in such detail as the commission may require, a statement in duplicate showing the actual legitimate cost of construction of such project, addition, or betterment, and the price paid for water rights, rights of way, lands, or interest in lands. The commission shall deposit one of said statements with the Secretary of the Treasury. The licensee shall grant to the commission or to its duly authorized agent or agents, at all reasonable times, free access to such project, addition, or betterment, and to all maps, profiles, contracts, reports of engineers, accounts, books, records, and all other papers and documents relating thereto"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "or by its executive secretary"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: ", if it be satisfied as to the ability of the applicant to carry out such plans"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"The commission is hereby authorized and directed to investigate and, on or before the 1st day of January, 1921, report to Congress the cost and, in detail, the economic value of the power plant outlined in project No. 3 (H. Doc. No. 1400, 62d Cong., 3d sess.) in view of existing conditions, utilizing such study as may heretofore have been made by any department of the Government; also in connection with such project to submit plans and estimates of cost necessary to secure an increased and adequate water supply for the District of Columbia. For this purpose the sum of $25,000, or so much thereof as may be necessary, is hereby appropriated."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"That the licensee shall pay to the United States reasonable annual charges in an amount to be fixed by the commission for the purpose of reimbursing the United States for the costs of the administration of this act; for recompensing it for the use, occupancy, and enjoyment of its lands or other property; and for the expropriation to the Government of excessive profits until the respective States shall make provision for preventing excessive profits or for the expropriation thereof to themselves, or until the period of amortization as herein provided is reached, and in fixing such charges the commission shall seek to avoid increasing the price to the consumers of power by such charges, and charges for the expropriation of excessive profits may be adjusted from time to time by the commission as conditions may require: *Provided*, That when licenses are issued

involving the use of Government dams or other structures owned by the United States or tribal lands embraced within Indian reservations the commission shall fix a reasonable annual charge for the use thereof, and such charges may be readjusted at the end of 20 years after the beginning of operations and at periods of not less than 10 years thereafter in a manner to be described in each license."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "one hundred"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"(i) In issuing licenses for a minor part only of a complete project, or for a complete project of not more than 100-horsepower capacity, the commission may in its discretion waive such conditions, provisions, and requirements of this act, except the license period of 50 years, as it may deem to be to the public interest to waive under the circumstances: *Provided*, That the provisions hereof shall not apply to lands within Indian reservations."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "may grant the application with the provision to be expressed in the license that the licensee will install the necessary navigation structures if the Government fails to make provision therefor within a time to be fixed in the license and"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "*Provided*, That in the event the United States does not exercise the right to take over or does not issue a license to a new licensee, or issue a new license to the original licensee, upon reasonable terms"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"That all proceeds from any Indian reservation shall be placed to the credit of the Indians of such reservation. All other charges arising from licenses hereunder shall be paid into the Treasury of the United States, subject to the following distribution: Twelve and one-half per cent thereof is hereby appropriated to be paid into the Treasury of the United States and credited to 'Miscellaneous receipts'; 50 per cent of the charges arising from licenses hereunder for the occupancy and use of public lands, national monuments, national forests, and national parks shall be paid into, reserved, and appropriated as a part of the reclamation fund created by the act of Congress known as the reclamation act, approved June 17, 1902; and 37½ per cent of the charges arising from licenses hereunder for the occupancy and use of national forests, national parks, public lands, and national monuments, from development within the boundaries of any State shall be paid by the Secretary of the Treasury to such State; and 50 per cent of the charges arising from all other licenses hereunder is hereby reserved and appropriated as a special fund in the Treasury to be expended under the direction of the Secretary of War in the maintenance and operation of dams and other navigation structures owned by the United States or in the construction, maintenance, or operation of headwater or other improvements of navigable waters of the United States."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "*Provided*, That when application is made for a license under this section for a project or projects already constructed, the fair value of said project or projects, determined as provided in this section, shall for the purposes of this act and of said license be deemed to be the amount to be allowed as the net investment of the applicant in such project or projects as of the date of such license, or as of the date of such determination, if license has not been issued. Such fair value may, in the discretion of the commission, be determined by mutual agreement between the commission and the applicant or, in case they can not agree, jurisdiction is hereby conferred upon the district court of the United States in the district within which such project or projects may be located, upon the application of either party, to hear and determine the amount of such fair value"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"That any person, association, corporation, State, or municipality intending to construct a dam or other project works across, along, over, or in any stream or part thereof, other than those defined herein as navigable waters, and over which Congress has jurisdiction under its authority to regulate commerce between foreign nations and among the several States, may in their discretion file declaration of such intention with the commission, whereupon the commission shall cause immediate investigation of such proposed construction to be made, and if upon investigation it shall find that the interests of interstate or foreign commerce would be affected by such proposed construction, such person, association, corporation, State, or municipality shall not proceed with such construction until it shall have applied for and shall have received a license under the provisions of this act. If the commission shall not so find, and if no public lands or reservations are affected, permission is hereby granted to construct such dam or other project works in such stream upon compliance with State laws."

And the Senate agree to the same.

W. L. JONES,
KNUTE NELSON,
REED SMOOT,
H. L. MYERS,
DUNCAN U. FLETCHER,
Managers on the part of the Senate.

JOHN J. ESCH,
N. J. SINNOTT,
EDWARD T. TAYLOR,
GORDON LEE,
Managers on the part of the House.

Concur in above report except as to amendment No. 36.

G. N. HAUGEN.

URGENT DEFICIENCIES.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 13677) making appropriations to supply a deficiency in the appropriations for the Federal control of transportation systems, and to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1920, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WARREN. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. WARREN, Mr. CURTIS, and Mr. UNDERWOOD conferees on the part of the Senate.

FORTIFICATIONS APPROPRIATIONS.

The VICE PRESIDENT (at 12 o'clock and 5 minutes p. m.). The morning business is closed.

Mr. SMOOT. I ask unanimous consent for the present consideration of House bill 13555, the fortifications appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 13555) making appropriations for fortifications and other works of defense, for the armament thereof, and for the procurement of heavy ordnance for trial and service, for the fiscal year ending June 30, 1921, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

The Reading Clerk read the bill.

The VICE PRESIDENT. The amendments of the committee will be stated in their order.

The first amendment of the Committee on Appropriations was, under the subhead "Armament of fortifications," on page 5, line 2, after the word "facilities," to strike out "$1,600,000" and insert "$2,000,000," so as to make the clause read:

For purchase, manufacture, maintenance, and test of ammunition for mountain, field, and siege cannon, including the necessary experiments in connection therewith, the machinery necessary for its manufacture, and necessary storage facilities, $2,000,000.

The amendment was agreed to.

The next amendment was, under the subhead "Proving grounds," on page 6, line 11, after the word "ranges," to strike out "$350,000" and insert "$500,000," so as to make the clause read:

For current expenses of the ordnance proving grounds, comprising the maintenance of rail and water transportation, repairs, alterations, accessories, and service of employees incidental to testing and proving ordnance and ordnance matériel, hire of assistants for the Ordnance Board, purchase of instruments and articles required for testing and experimental work, building and repairing butts and targets, clearing and grading ranges, $500,000.

The amendment was agreed to.

The next amendment was, under the subhead "Fortifications in insular possessions," subhead "Engineer Department," on page 8, line 19, before the word "Islands," to strike out "Philippine" and insert "Hawaiian," so as to make the clause read:

For preparation of plans for fortifications and other works of defense in the Hawaiian Islands, $3,000.

The amendment was agreed to.

The next amendment was, under the subhead "Air Service," on page 11, line 15, after "$1,300,000," to insert "*Provided*, That the unexpended balances of the appropriations made for aviation purposes in connection with the seacoast defenses in the Insular Possessions in the act approved February 14, 1917, are hereby made available until June 30, 1921: *Provided further*, That in the establishment of these stations the following limits of cost of structures are authorized but shall not be exceeded: For each barracks $40,000, for each post exchange $30,000, for each seaplane hangar $87,000, for each repair shop, $30,000, for each boathouse and dock $24,000," so as to make the clause read:

For the establishment, construction, enlargement, or improvement of aviation stations for use in connection with the seacoast defenses of the Hawaiian Islands, including the acquisition of land or any interest in land by purchase, lease, condemnation, or otherwise, and the preparation necessary to make the same suitable for the purpose intended, $1,300,000: *Provided*, That the unexpended balances of the appropriations made for aviation purposes in connection with the seacoast defenses in the Insular Possessions in the act approved February 14, 1917, are hereby made available until June 30, 1921: *Provided further*, That in the establishment of these stations the following limits of cost of structures are authorized but shall not be exceeded: For each barracks $40,000, for each post exchange $30 000, for each seaplane hangar $87,000, for each repair shop, $30,000, for each boathouse and dock $24,000.

The amendment was agreed to.

The next amendment was, under the subhead "Panama Canal fortifications," on page 14, line 10, after "$1,985,534," to insert "*Provided*, That the unexpended balance of the sum of $155,000 appropriated by the act of July 8, 1918, 'For the purchase or reclamation of land required for the defense of the Panama Canal' is hereby continued and made available for obligation until June 30, 1921, and the Secretary of War may expend said balance or so much thereof as may be necessary for the purchase or reclamation of land required for the defense of the Panama Canal," so as to make the clause read:

In all, specifically for fortifications and armament thereof for the Panama Canal, $1,985,534: *Provided*, That the unexpended balance of the sum of $155,000 appropriated by the act of July 8, 1918, "For the purchase or reclamation of land required for the defense of the Panama Canal," is hereby continued and made available for obligation until June 30, 1921, and the Secretary of War may expend said balance or so much thereof as may be necessary for the purchase or reclamation of land required for the defense of the Panama Canal.

The amendment was agreed to.

The next amendment was, in section 6, page 16, line 4, after the word "orders," to insert "or contracts," so as to make the section read:

SEC. 6. That all orders or contracts for manufacture of material pertaining to approved projects, which are placed with arsenals or other ordnance establishments and which are chargeable to armament of fortifications appropriations, shall be considered as obligations in all respects in the same manner as provided for similar orders placed with commercial manufacturers.

The amendment was agreed to.

The next amendment was, in section 8, page 17, after line 3, to insert:

Supplies for seacoast defenses, $40,000.

The amendment was agreed to.

The next amendment was, on page 17, line 5, after the word "defenses," to strike out "$63,346.68" and insert "$88,292.88," so as to make the clause read:

Sites for fortifications and seacoast defenses, $88,292.88.

The amendment was agreed to.

The next amendment was, on page 17, line 13, after "$786,264,146.97," to insert "*Provided*, That unless specifically authorized by law no contract shall be entered into or obligation incurred or additional work undertaken at or on account of United States nitrate plants Nos. 1 and 2, situate at or in the vicinity of Muscle Shoals, Ala., except for purely maintenance purposes," so as to make the clause read:

Armament of fortifications, $786,264,146.97: *Provided*, That unless specifically authorized by law no contract shall be entered into or obligation incurred or additional work undertaken at or on account of United States nitrate plants Nos. 1 and 2, situate at or in the vicinity of Muscle Shoals, Ala., except for purely maintenance purposes.

Mr. UNDERWOOD. I desire to ask the Senator in charge of the bill for what purpose this provision was placed in it.

Mr. SMOOT. The amount turned back for armament of fortifications, as the Senator will see by the bill, is $786,264,146.97. Then we put in a proviso based upon a letter I have from Mr. GRAHAM, of the House of Representatives. Perhaps I had better read the letter for the Senator's information.

Mr. UNDERWOOD. I should like to hear it read.

Mr. SMOOT. The letter is as follows:

Pursuant to the conversation with you to-day, permit me to state that the Secretary of War, in February, 1920, issued an order allotting $1,250,000 to be expended by the Ordnance Department for the purpose of building certain additions to and making certain changes in United States nitrate plant No. 2, at Muscle Shoals, Ala. Advertisements appeared in several papers asking for bids on this work, which are to be opened May 5 next. Col. J. H. Burns, of the nitrate division, appeared before our subcommittee No. 5 to-day—

That was April 27, 1920—

and testified that these improvements consisted of an allowance of $519,000 for the development of a limestone quarry, the land for which had been heretofore acquired at a cost of $60,000, and that other sums aggregating in all over $1,000,000 were to be expended for the construction of coke bins, railroad tracks and trestles, skip hoists, ash conveyors, and other improvements in the Muscle Shoals plant.

As you know, bills are now pending in the House Military Affairs Committee and in the Senate Committee on Agriculture and Forestry, by which bills it is desired by the Secretary of War to form a semi-public corporation to operate United States nitrate plant No. 2 as a fertilizer factory and calling for an appropriation of $12,500,000. No action has been taken on these bills. In addition the Select Committee on Expenditures in the War Department has been investigating this matter thoroughly, and is now about to report to the House, which report will doubtless be presented some time next week, and which will make recommendations as to future expenditures and future operation of United States nitrate plant No. 2.

In view of the situation that these bills are pending and the action of the select committee, which will suggest to the House certain recommendations that may be concurred in by the House, it seems manifest that no further expenditures of money ought to be made at Muscle Shoals until the Congress passes upon these pending matters. There has already been expended upon this plant over $69,000,000, and nothing more ought to be expended until a congressional policy has been adopted.

The Secretary of War is taking the money for this expenditure of $1,250,000 out of the fund known as armament of fortifications C, where there seems to be an unexpended balance.

That was the balance to which I referred in my opening statement.

In view of the suggestions above made I respectfully suggest that there be inserted in the pending fortifications bill now before your committee suitable limitations to prevent the expenditure of funds in the item of fortifications C provided in the present bill or preceding bills without prior authority of Congress.

That is the recommendation that was made by a Member of the other House. I was fully aware that upon the bill which was before the Agricultural Committee of the Senate no report had been made, and in view of the $1,250,000 that had been assigned for the purposes named in the letter I just read, as testified to by Col. J. H. Burns, the committee thought it would be proper at this particular place to insert the pending amendment.

Mr. UNDERWOOD. Now, let me ask the Senator a question. This was merely a letter from a Member of Congress. Did the committee send for Col. Burns and have him appear before the subcommittee?

Mr. SMOOT. No, Mr. President, because his testimony was before the committee.

Mr. UNDERWOOD. Then, let me ask the Senator if the committee sent for any man who was connected with the Ordnance Department and gave him a chance to respond to this letter?

Mr. SMOOT. No; but the committee had before it the testimony of Col. Burns, of the Ordnance Department.

Mr. UNDERWOOD. But Col. Burns's testimony did not show that he wanted this improvement stopped.

Mr. SMOOT. No; but does the Senator really think that we ought now to proceed to spend $1,250,000 on plant No. 2 at Muscle Shoals for the purpose indicated?

Mr. UNDERWOOD. I will state my conclusions about the matter. I am utterly surprised to find this clause in the pending bill, and I should like to know how far the committee, before taking such drastic and unusual action as this, went into the proposition of hearing from the men who are interested. Did the committee call officers of the Ordnance Department of the Army before it previously to recommending the

stopping of work on a Government project that related to the Army and to the safety of the country?

Mr. SMOOT. The committee desired, while legislation was pending before the committees of the Senate, to stop the expenditure of—

$519,000 for the development of a limestone quarry, the land for which had been heretofore acquired at a cost of $60,000, and that other sums aggregating in all over $1,000,000 were to be expended for the construction of coke bins, railroad tracks, trestles—

And so forth.

I understand, and so Col. Burns testifies, that there is a movement on foot to turn plant No. 2 at Muscle Shoals into a plant for the purpose of manufacturing nitrates for commercial purposes, and that the Government is not to operate it but that it is to be done by some semi-Government organization.

Mr. UNDERWOOD. Mr. President, I am sure that shows the attitude of the committee before the Senate. It discloses how little the committee knew about this provision and how ill-advised this action is, for the Senator's statement itself discloses the fact that he does not know what the Government is attempting to do. That is very natural; I am not criticizing the Senator personally, because none of us can keep up with the endeavors of the Government or even with what is going on in other committees; but I think it was entirely without justification for the Appropriations Committee to wade into a proposition of this kind and stop the hand of the Government in a great endeavor without knowledge of the facts. The Senator's own statement shows that he does not know what is being done, because the bill now pending before the Agricultural Committee does not propose to turn this plant over to private parties; it does not propose to have an organization disconnected with the Government to run the plant.

The proposals now pending before the Agricultural Committee, which I hope will be reported to the Senate, is to establish a Government corporation, every share of the stock of which will be owned by the United States Government and voted by the Secretary of War, for the purpose of carrying on this plant for governmental purposes.

Mr. SMOOT. Bearing in mind the organization of the Fleet Corporation, does the Senator say that that is a Government organization or is it only a semi-Government organization?

Mr. UNDERWOOD. There can be no question about the matter; the bill is pending before the Agricultural Committee, and we hope that it will receive an early report to the Senate. It is not a semi-Government proposition. The reason this plant is to be run by a corporation instead of by a bureau of the Government is that after many months of careful investigation by the ablest men in the War Department, after investigation of European conditions as well as American conditions, they concluded that the plant could be more successfully run through a Government corporation than it could through a bureau of the Government; that thereby red tape would be avoided and its efforts would be more directly effective. If the proposed corporation is organized nobody can make a dollar out of the proposition except the Government; nobody will be able to control it but the Government, for every director will be selected by the Secretary of War, voting the stock.

Now, Mr. President, if the Senator will yield to me for a moment, I should like to make a statement about this proposition.

Mr. SMOOT. I shall be glad to yield to the Senator, but before doing so I should like to ask the Senator a question. Is it true that Col. Burns testified that "these improvements consisted of an allowance of $519,000 for the development of a limestone quarry"?

Mr. UNDERWOOD. I heard a part of Col. Burns's testimony, but the matter coming up here hastily I can not recall it all. I think, however, I can explain to the Senator the necessity for that expenditure.

Mr. SMOOT. I will be glad to hear the explanation, because there is no doubt that Col. Burns did testify to that fact; and I thought that it was a very poor proposition, particularly inasmuch as legislation was pending here to invest $519,000 in a limestone quarry and its development.

Mr. UNDERWOOD. I hope the Senator will be absolutely candid with me.

Mr. SMOOT. Oh, I am.

Mr. UNDERWOOD. The Senator says that it is a poor proposition. I ask the Senator whether he has made any investigation of this matter further than the information he has obtained from Mr. GRAHAM in the letter which he has read?

Mr. SMOOT. No, I have not, any further than the testimony that was given before the House committee, and on that testimony I took it for granted that it was a very poor proposition.

Mr. UNDERWOOD. The Senator had the opportunity when the matter was before his committee to call the officers of the Ordnance Department of the United States Army who are standing behind the bill now pending and also behind this proposition as a matter of protection not only to the Government but as an aid to the agricultural interests of America. To attempt to stay their hand and destroy this project without investigation seems to me without any justification whatever.

I wish to say a few words more, but I do not want to interrupt the Senator if he desires to speak further at this time.

Mr. SMOOT. I merely should like to call attention to the further fact that I have here a memorandum from the office of the Chief of Ordnance of the War Department dated April 28, 1920, in which he outlines the estimate of expected expenditures for the nitrate division of the Ordnance Department from January 15, 1920, to June, 1920. He estimates not only for the expenditures but for the amount of obligations of ourselves for this purpose. In the letter he states that $1,250,000 is to be used for the "completion of the limestone quarry, Waco, Ala., and alterations and additional construction of United States nitrate plant No. 2, Muscle Shoals, Ala." That is in conformity with Col. Burns's testimony, only Col. Burns goes into details as to how the money shall be expended.

Mr. UNDERWOOD. I am not taking issue with the Senator about the fact that the nitrate corporation proposes to spend some money, and to spend money to develop a rock quarry; I think that is all true. I do not know exactly whether his figures as to amounts are correct, but I assume they are, at least I will assume so for this argument, as I have not the figures before me to refresh my recollection. It is all true that they are trying to develop this great plant; but the real facts in the case are these: A committee was appointed by the other House of Congress to investigate war expenditures, to ascertain whether expenditures during the war were properly made. I have no criticism of the committee along that line. They investigated expenditures with reference to the building of the great nitrate plant at Muscle Shoals, but I know of no findings of fact to show that there was any great misappropriation of funds or unwarranted use of funds. I think they did find some few trivial matters, as would be found in the case of the expenditure of $60,000,000 on any project.

It is admitted that this plant at Muscle Shoals cost more money, a great deal more money, than it would have cost to have developed it in time of peace before the war; it probably cost more money than it would cost to build it to-day, but it was a rush order, contracted for and built in time of war, when our ships were scarce and we did not have sufficient tonnage on the seas to bring nitrogen from Chile. We had no supply in this country; there was no opportunity for us to get a powder supply to defend our line in France unless we had an adequate nitrogen supply. Under these stressing and dangerous conditions to the country the President ordered that the construction of this plant should be immediately undertaken and that it should be completed within one year. Of course, under those circumstances of stress, the plant cost more money than it would have cost ordinarily. The same thing is true of every other war development that occurred during the period of the war.

I have nothing to say about this committee's investigation of what happened in the past. As I say, I know of nothing to reflect seriously on the building of this plant. There may be some minor criticism as to the cost. No man can deny that for every dollar we spent during the war we got only a minor portion of the benefit that we would have received in time of peace; but this question goes far beyond that, and we might as well face it here and now.

A great nitrate plant, manufacturing nitrogen that can be used for the manufacture of powder in time of war and for the manufacture of fertilizers in time of peace, has been built at this point. It has cost sixty or seventy millions of dollars. It is there. It is a completed project. It is ready to work. It has been worked. It actually ran during the last months of the war and manufactured nitrogen for the benefit of the Government. At the present time that plant is compelled to buy its lime rock from private concerns at a high cost. The Ordnance Department conceived the idea, and properly, that it could buy its own lime-rock quarry and, with a proper expenditure of money, deliver the lime at the plant at a greatly reduced cost in comparison with what it has to pay now to private individuals. In other words, it has provided itself with a supply of raw material. There is nothing improper, nothing unusual about it. It is in the interest of economy that the plans of the Ordnance Department should be carried out. As a matter of fact, they have made a great expenditure. They have bought the land. It is there for them to develop, and what the Senator is trying to cut off is the use of the property that belongs to the Government.

I know where this fight lies. It is not in the expenditure of this money. It is not in the operation of this plant for war purposes. The whole situation comes down to this:

The Congress, before the war came on, by legislation directed the President of the United States, as a matter of preparedness in time of war, to establish a great nitrogen plant in this country; and we appropriated $20,000,000 for it and authorized him to locate one, and we said in that bill that we made this appropriation to protect the Government in time of war and to aid the farmers of America by converting this nitrogen into fertilizers for their benefit in time of peace. It is a declared policy of this Government. It is an enactment on the statute books of this country immediately preceding the war. Now, here is where this combat comes, and you might as well recognize it; it is coming here in a few weeks, anyhow.

The plant could not be built within the $20,000,000. It was not a sufficient appropriation, in the beginning, to meet the war necessities. In the next place, a dollar counted for twice as much before the war as it did during the war; and so the $20,000,000 that Congress appropriated was inadequate. But the President of the United States, carrying out the expressed legislative will of the Congress, established this plant to protect our Government in time of war, and now the plant is built. It is already operating. It makes nitrogen. That nitrogen for a few months was converted into powder for the use of the Government. The war is over now, and there is no necessity to operate this plant any longer for the purpose of manufacturing powder; but, after a careful investigation by the Ordnance Department of the War Department, they have made a report to the Congress, which is now before the Agricultural Committee of the Senate, that it will be cheaper to use this plant now for the making of nitrogen to manufacture fertilizers and aid agriculture than it will to close it down and let it run out as a dead plant. More than that, they have stated that if we keep it in operation as a going plant, manufacturing fertilizer, we can turn it over in an hour as a matter of defense to the Government if we become involved in war.

The people of this country do not seem to visualize the situation that, except as to a few small experimental plants, the absolute defense of this country in time of war is dependent on a supply of nitrogen coming from Chile; and if we became involved in war with a country that could stop our communication by sea with the nitrate beds of Chile we would have to surrender, because we would not have the powder to put into our guns.

The Ordnance Department has come before the Agricultural Committee of the Senate and said: "We have on hand 300,000 tons of sodium nitrate that we are carrying as a matter of defense in case we become involved in war"; and everybody knows now that 300,000 tons of sodium nitrate is only the supply for a few months in case we are engaged in war. There is, however, a great demand by the farmers of the North and the West and the South for sodium nitrate to-day. There is a cry against the high cost of living and a demand for greater food production in America. There is but one way in which you can get it, and that is by giving the farmers fertilizers and letting the same amount of labor raise more food.

Mr. POMERENE. Mr. President——

Mr. UNDERWOOD. I yield.

Mr. POMERENE. What is the amount of the Government's investment in this plant at the present time?

Mr. UNDERWOOD. In the plant itself? I will not attempt to give the exact figures, but in the neighborhood of $70,000,000.

Mr. POMERENE. And if the expenditure provided for in this bill is not made, what effect will it have on the further continuance of the operation of that plant?

Mr. UNDERWOOD. I think the plant could continue to operate as it does now by buying its raw material—the lime rock that is necessary to run the plant, because that is essential in the running of it—from private persons; but that is not the point I was making. An issue has come before the Congress. There are certain great interests in this country that have made up their minds that they are going to kill this plant.

Mr. POMERENE. That is just what I was leading up to. I had a letter the other day from a prominent business man condemning this proposition, and in substance suggesting that the Government, by the operation of this plant, would be competing with another plant, I think in Syracuse, N. Y., where they employ the Haber process of making nitrates. Can the Senator advise us as to the respective merits of the two processes? I ask that question now because probably a year ago, or longer, students of this subject—at least those with whom I came in contact—were not themselves satisfied as to the respective merits of the several processes.

Mr. UNDERWOOD. Yes; I will advise the Senator. I can not advise him as fully and as well as if I had my papers and figures before me, but, if he will allow me, as the matter has jumped up and come to me unexpectedly, if he will take a general statement from me, I have upstairs in my office ample data to show the whole thing. The Senator is not alone in receiving these letters. I have many of them in my desk right now. More than that, I have had them for a year. The same interests whose hand is shown in this bill to-day have been fighting this proposition from the beginning.

Mr. SMOOT. Mr. President, I take exception to the statement of the Senator from Alabama.

Mr. UNDERWOOD. I am not talking about the Senator from Utah. The Senator has been misled on this proposition, I am sure.

Mr. SMOOT. I will make a short statement when the Senator is through.

Mr. UNDERWOOD. But I am not taking back what I say about the fight of these interests. I know what it means to make by-product coke, and who is engaged in the business. I am engaged in it myself. Every pound of coke that comes out of the plants in which I am interested is by-product coke, and some of the profits that they make out of by-products come into my pocket. They can not tell me that. I know what they are doing, and I know the fight they are making, and it is a selfish fight. It is a fight against the great agricultural interest of America, and I do not propose to be a party to it.

Here is the proposition: You can make ammonia and get nitrate out of the by-products of coal, and you do do it, and it is good ammonia, and makes good nitrogen. It is all right as far as it goes, but it is a limited supply, and always will be a limited supply, because you can only manufacture by-product coke for one purpose, and that is the purpose of making pig iron, and you can only produce pig iron to the extent of the consumption in the world's market. When you reach the maximum consumption of pig iron, then you reach the maximum of production of ammonia through the by-product process, and the ammonia that you produce through the by-product process is not adequate and sufficient to supply the present needs—nay, not adequate and sufficient to supply one-third of the present needs—of the people of America, not to take into consideration at all the growing demand of America for an adequate supply of nitrogen, on which the very food products of the people of this country are based.

This is one of the greatest problems that ever confronted any nation. There are but two causes that ever destroyed a nation's life in the history of the world. One is that it has been overwhelmed by a conquering army, and the other is that the fertility of its soil became depleted and the nation died from starvation. There is only one answer to each problem, and that is nitrogen. Inorganic fertilizers must be manufactured, and nitrogen must be had to save the country from the attack of a foreign foe.

The fertility of the soil throughout this country is being depleted every hour. Thirty or forty years ago we had the great West, with its fertile fields, but the continuous planting of crops is sapping the soil. As a boy, when I lived in the Northwest myself, I saw fields that were ripe with grain producing 40 and 50 bushels of wheat to the acre. I take it that it would be an extraordinary field to-day that would produce half of that amount. Year by year the fertility of the soil is being sapped, with no fertilizer to take the place of what is taken out of it. The only adequate supply comes from the nitrate beds of Chile, and must be taxed $11 a ton, paid as a tribute to the Chilean Government, in order that the farmers of America may produce. Here is an effort being made by our Government in a way to supply this demand. It is a belated effort. The only great nation in the world to-day which is not manufacturing this great supply of nitrogen from the air is our Government, and the manufacture at this one plant would not be adequate by any means.

Mr. GRONNA. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from North Dakota?

Mr. UNDERWOOD. I yield to the Senator.

Mr. GRONNA. I suggest to the Senator from Alabama also that it has been demonstrated—I think quite satisfactorily—to the Committee on Agriculture that it would cost the Government approximately a half million dollars annually to take care of this plant if it is locked up.

Mr. UNDERWOOD. Surely.

Mr. GRONNA. More than that, it is not only necessary to manufacture nitrogen, but I think what the Government needs as much as anything is a great laboratory. At Muscle Shoals we shall have cheap power. There is not any question about that, when the dam is completed. We ought to have in the country to-day from 500 to 1,000 experts working on these prob-

lems. That is being done in foreign nations, as the Senator knows. Even during the war in Germany they had thousands of experts who were locked up in laboratories working and experimenting on these different compounds. I think it would be extremely unfortunate to put any provision in the bill which would stop the work of this plant.

I am not going to say what the Committee on Agriculture will do in reference to the bill before it, but I will say that, so far as I am personally concerned, I believe we will have to yield to the wishes of the Secretary of War and let him dispose of 150,000 tons of the nitrate ammonia which they have on hand. I think they have 300,000 tons on hand. It has been stated to us that it would be unsafe for us to have on hand less than 300,000 tons, unless this plant could be put in operation so that the Government would be able to go ahead and manufacture it.

Mr. UNDERWOOD. I thank the Senator from North Dakota for his statement. I was just coming to that point.

Mr. RANSDELL. Will the Senator from Alabama permit me to supplement very briefly to what the Senator from North Dakota has stated in regard to the value of a chemical research laboratory?

Mr. UNDERWOOD. Certainly.

Mr. RANSDELL. In testifying before our committee the other day one of the witnesses said that the Du Pont Co. at the present time have a great chemical research laboratory, in which they give employment to between 400 and 500 of the brightest young men of the country, and from another source I learn that as the boys graduate in the colleges of the country they are offered by the Du Pont people an excellent opportunity to enter their laboratory. They are paid a minimum of $1,500 a year, with their board and lodging, and turned loose, as it were, in that great laboratory to investigate every possible means, particularly for the eradication and cure of consumption. They are looking into all sorts of things.

That is a private institution. They are doing a great deal, I take it, for humanity in that great laboratory. But I do not imagine that the Du Pont people will feel compelled to give their secrets to the entire country if they discover any very wonderful things. They will belong to them; whereas if the research laboratory to which the Senator from North Dakota [Mr. GRONNA] has referred be established at Muscle Shoals, it will belong to the Government, and the scientists can find out a great many valuable things in addition to the production of nitrogen for the benefit of all the people of the country.

Mr. UNDERWOOD. The Senator is correct. Of course this laboratory he speaks of, operated by the Du Pont Co., is of great value to the country, but it is along an entirely different plan from that of which the Senator from North Dakota speaks. The purpose of this corporation, aside from making nitrogen, is to have a laboratory there in which the making of fertilizers will be investigated, the adaptability of fertilizers, and there will be the money earned out of this corporation to pay a great staff to try to develop agriculture in this country. It is one of the greatest projects that has ever been conceived by man.

Mr. RANSDELL. I agree to that.

Mr. UNDERWOOD. That anybody should stand in the way of it, should stop the course of the upbuilding of this great plant in the interest of the agricultural people of America it seems to me an is unspeakable thing.

Mr. SMITH of South Carolina. Mr. President, if the Senator will allow me, the provisions of the original bill, which passed in 1916, were that a plant sufficiently large should be established to supply the ammunition needs of the Government, and that it should be kept in operation to meet its ultimate requirements during times of war. It so happened that the very ingredient that is necessary to produce our explosives is also the ingredient which is indicated for the enrichment of the soil, and the bill provided that the Government should build a plant sufficiently large to meet the needs of the War Department during times of war, and during times of peace to operate and sell this product for the benefit of agriculture.

As the Senator indicated a moment ago, as we are now dependent upon a foreign country entirely for our source of supply of nitrogen, namely, the mines of Chile, and having established a plant which, according to the testimony before the Committee on Agriculture, of which I am a member, can supply, if developed, the needs of this Government, would it not be the part of folly for us, with this plant established, to lock it up? As to practically all the previous sources from which we got ammonia during all the years past—tankage, for instance, used for fertilizer purposes—they have discovered a process now by which they can purify it and use it for animal feed. Cottonseed meal, used heretofore for the purpose of making fertilizer, is now, 85 per cent of it, being used for feed. So the sources of those things adequate for enriching the soil have decreased, while the demand for ammonia has increased.

With this plant established, and, according to the testimony taken, making complete fertilizer by the combination of phosphoric acid and potash, in the process you get a thoroughly balanced fertilizer, and if war were declared, the same machinery could be put at once to the manufacture of nitric acid. On the plea of somebody, or in the fear that the Government may expend money which would not be of benefit to the American people, unless this plant is run, a total of $60,000,000 is lost; a supply of 160,000 tons of sulphate of ammonia, or, if they increase it, perhaps 300,000 tons, by running the plant at full capacity, and all this product which could be supplied to the agricultural needs of the country, will be absolutely wiped out.

Mr. SMOOT. There is nothing in the amendment suggested which will stop the plant from running.

Mr. SMITH of South Carolina. Yes; but if the Senator will allow me, it gives an indication that the Senate is not in sympathy with carrying on this work, so much needed by the agricultural interests of the country.

Mr. UNDERWOOD. I think we might as well face the question squarely. I am not charging the Senator from Utah [Mr. SMOOT] with it, because I do not think he knew the facts in this case when he reported the amendment, but I know what is behind it. I have not a doubt in my mind as to what is behind it. The object is to destroy the usefulness of this plant to American agriculture. This is only one step in the fight that is being made against it.

More than that, as the Senator from North Dakota [Mr. GRONNA] said, there is no more crying need in America to-day than for sulphate of ammonia for fertilizers. The farmers of America—North, South, East, and West—are crying for an additional supply of ammonia for fertilizers. They can not get it; it is not purchasable, and officials of the War Department have come before the Committee on Agriculture and stated that out of this reserve stock, which they hold to defend us in time of war, they are willing to dispose of 150,000 tons at cost to the farmers of America to-day, which they can use in the fields this year, if Congress will act quickly and in time, provided this plant is put in a going way; if, instead of being shut down and allowed to rust and rot, the steam and the electricity be put behind it, and it be made a going concern. They say that then one-half of the present supply they hold of Chilean nitrates will be adequate, with this plant in operation. But for the defense of the Nation they can not afford to give it up unless you start the operation of this plant. Here is the $500,000 needed to put the plant in operation, with the farmers of the country crying for fertilizer, and yet this committee would absolutely stop the wheels, say that it has to go over until next year, or some time in the future, not only refusing to give an appropriation but actually taking away an appropriation which is already available.

Mr. President, there can be no more justification for that item in the bill than for a provision which would disband the Army of the United States.

But I want to say to the Senate that I know the combat is here. The great business interests in America which are making nitrogen through the process of ammonia and by-product coke contend that if we start this plant and make nitrogen out of air, it is competing with their business. I am the last man in the world to contend that the Government ought to go into business and take it away from the individual, but the men engaged in this industry do not begin to supply the needs of this Nation, because, even if they developed the by-product coke to its last analysis, their limitation is such that they can not supply the needs of America. So in the end we are going to be thrown for an adequate supply of nitrogen where we have been in the past—on the fields of Chile, with all the expense of transportation and Chilean taxes resting as a burden on the backs of the farmers of this country.

More than that, there is a chance of this plant rotting out, becoming inadequate, not ready for use in time of war, removing one of the great defensive arms which we built at great cost in the late war. As the Senator from Maryland [Mr. SMITH] suggests to me, there is business enough at the plant for both purposes.

Mr. OWEN rose.

Mr. UNDERWOOD. If the plant were run to its full capacity, it could not supply within a third of the present needs of America for nitrogen. Unless these gentlemen want a monopoly in order that the price of fertilizer and the price of nitrogen may soar to an untold extent, there is no reason why this plant should not be put in operation. I yield to the Senator from Oklahoma.

Mr. OWEN. I was just going to suggest to the Senator that they not only can not supply the present demand, but that the demand for nitrogen is absolutely without any bounds whatever. It is the basis of human food.

Mr. UNDERWOOD. Absolutely; there is no limit on it. The only reason why more nitrogen is not used by the farmers of America is because of the high price. Reduce the price to a reasonable extent and you will more than double the demand.

Mr. POMERENE. Mr. President, the Senator stated a moment ago that if this plant was operated at its full capacity it could only produce about one-third of our present consumption.

Mr. UNDERWOOD. Not over that. It may not produce that much.

Mr. POMERENE. What proportion of our present demand can be produced by other manufacturing facilities which we have in the country?

Mr. UNDERWOOD. I do not like to state figures without having them before me, but my recollection is that the testimony before the Senate committee disclosed the fact that it is not possible to produce more than one-third from the other sources. I say that subject to revision. It is a small amount; I do not think it amounts to one-third.

Mr. POMERENE. If that be so, then the operation of this plant can not seriously interfere with the operation of the other plants at a reasonable profit?

Mr. UNDERWOOD. Not at all, except that it may reduce the price to some extent. That is where the shoe pinches. These gentlemen are not able to supply the needs of the American people, but we have had very high prices for ammonia and nitrogen during the war, and it is natural enough, I suppose, for men who have had high prices not to want to take the chance of giving them up. However, that is not the position for the Congress of the United States to occupy. We should take steps, and take them at once.

I know that when the bill comes from the Committee on Agriculture and Forestry it will be met with combat all along the line. This is not a fight of to-day or of yesterday. We have been fighting this situation for five years. Every time Congress has advanced one step it has been compelled to do it by fighting down the opposition of men who had personal interests on the other side. I do not want the Senate of the United States to commit itself to any such proposition.

This may be a small matter; it may not go to the real crux of the situation. It is merely taking away an appropriation that is being used to develop and supply the raw material for this plant. I do not say that the plant could not run without it; it will run more cheaply if it has it; but the Senate of the United States should not for one moment cast a vote that will let the people of the country think that its sympathies and its action are not going to be behind this great endeavor.

I say to the Senator from Utah [Mr. SMOOT] that there is not an organization of farmers in America, from the Atlantic to the Pacific, that has not indorsed the bill for the carrying on of this plant, the bill that is pending before the Committee on Agriculture and Forestry to-day. They have appeared before the committee officially. They have sent in great masses of petitions. More than that, I want to say that the arm of the Government which protects us in war, the War Department, and the Ordnance Bureau of the War Department, stand behind the bill before the Committee on Agriculture and Forestry as a matter of national defense. They are standing behind it because it means the protection of the honor and the safety of the Nation. The issue involved is protection both in war and in peace and the development of the country in time of peace.

I wish to have a roll call on the amendment, Mr. President. If the Senate is not going to strike it out I want the Senators who are standing for it to take the responsibility on the record of the Senate.

Mr. SMOOT. Mr. President, the remarks of the Senator from Alabama are far afield of the amendment. I want the Senate to listen to the amendment and see what it provides. I do not propose to be put in the attitude in which the Senator from Alabama has tried to put me or the committee. I have no such intention as the Senator from Alabama has intimated, and there is nothing in the amendment other than would have been done by any business man in the world if he owned the plant himself.

This is what the amendment provides:

That unless specifically authorized by law no contract shall be entered into or obligation incurred or additional work undertaken at or on account of the United States nitrate plants Nos. 1 and 2, situate at or in the vicinity of Muscle Shoals, Ala., except for purely maintenance purposes.

That does not interfere with the operation of the plant. We find that there is before a committee of this body a bill covering the whole question as to how far the plant should be expanded and what the Government of the United States should do with it for the future. When an improvement that is made to-day will cost two and one-half or three times what it would cost in ordinary times, it seems to me it is the height of folly to make purchase or expend money for the improvement of a limestone quarry, when it has not the least effect upon the operation of the plant. There will not be one ounce of nitrate made more or less if the amendment is agreed to.

Mr. SMITH of South Carolina. Mr. President——

The PRESIDING OFFICER (Mr. THOMAS in the chair). Does the Senator from Utah yield to the Senator from South Carolina?

Mr. SMOOT. I yield.

Mr. SMITH of South Carolina. May I ask the Senator what is the specific object hoped to be obtained by the adoption of the amendment?

Mr. SMOOT. It is this. As long as legislation is to pass Congress providing a policy that is to be pursued in the operation of the plant at Muscle Shoals, why now undertake, as the Secretary of War has done, to set aside $1,250,000 for the improvement of a limestone quarry?

Mr. SMITH of South Carolina. But the Senator is fully aware that there are certain ingredients necessary in the production of the products that are to come from this plant. It is only in pursuance of the policy established in perfecting the plant and the product that the Secretary of War is making these investments. Not one of the bills that are pending contemplate anything else than the operation of a company after a plant is completed. They take it for granted that Congress is going to complete this necessary adjunct to our economic system; and not only that but just to interject the thought here, this plant is only the beginning, I hope, of the operation of like plants by the Government throughout the country.

The Senator from Alabama mentioned a moment ago what it means to the farmers of the country. It means one-third of the indicated demand now, whereas I stand here to assert that if the supply of ammonia were ten times what it is and the price was at all reasonable, the farmers of the country could use it for the betterment of conditions that now confront us and that are alarming.

Mr. SMOOT. The Senator from South Carolina need not tell the Senator from Utah that, because the Senator from Utah knows it just as well as the Senator from South Carolina.

Mr. SMITH of South Carolina. The Senator from Utah looks one way and walks another. I do not understand why he should introduce an amendment here that has all the earmarks and all the indications that there is a hostile feeling in the Senate from some source toward that plant. I am not asking for an inordinate and senseless use of money. The Secretary of War is fully alive to the situation and is doing all he can to develop this plant to the point where it will produce the necessary ingredients for the farmers of this country during times of peace, and now for us to say to him, "You must stop until legislation, the chances for which are not one in ten, is passed in the Senate, stop all improvements and contemplated expenditures until the nature and character of the pending legislation becomes known."

Mr. SMOOT. The Senator is talking upon something that is not in the amendment. All that this amendment means is that there shall be no contract made or obligation entered into until specifically allowed by law, except for purely maintenance purposes.

I want to say to the Senator from Alabama that I do not care whether the amendment remains in the bill or not. So far as I am personally concerned the amendment can go out. But I am not going to stand here and be charged with opposing the manufacture of nitrates on the ground that the agricultural interests of the United States want it and certain interests are opposed to it. I have never objected to an appropriation made for the Muscle Shoals project.

Mr. UNDERWOOD. I have not made any charge so far as the Senator is concerned. I said in the beginning that I thought the Senator had been misled with reference to this. But I know the purpose of the men behind this thing, and I know it is to destroy this plant.

Let me call the Senator's attention to the language of the amendment. He says we are not talking to the language, but listen to this language:

That unless specifically authorized by law—

What does that mean? It means unless there is another bill passed by both Houses of Congress, after it comes out of the committee.

Mr. SMOOT. There is no doubt that there will be such a bill, and the Senator and I will both support it.

Mr. UNDERWOOD. Wait a minute.

That unless specifically authorized by law no contract shall be entered into or obligation incurred or additional work undertaken at or on account of the United States nitrate plants Nos. 1 and 2, situate at or in the vicinity of Muscle Shoals, Ala., except for purely maintenance purposes.

The purpose of maintenance does not mean operation. It does not mean operation; it means a dead plant. That is all it can mean.

Mr. SMOOT. Oh, Mr. President, that is so far-fetched——

Mr. UNDERWOOD. It is not far-fetched.

Mr. SMOOT. There is no use in discussing the question at all if the Senator is going to place such a construction upon it.

Mr. UNDERWOOD. I know what maintenance means, and I know what operation means. I know that the purpose of this proposition is to wipe out the legislation of five years in the interest of the agriculture of America. The purpose is to put on the statute books a law that will absolutely tie the hands of the Government, and make them come back to Congress and fight their way through the committees and both Houses of Congress and receive the approval of the President before agriculture can get the benefit of the expenditure of over $70,000,000 on a plant that is now prepared and ready to pour out its bountiful gift. There can be no question about what this means.

Mr. SMOOT. The Senator is altogether wrong. The appropriations are already made. We are not interfering with them in the least. The only object there was in the amendment was to make no further contracts until the legislation is finally agreed to in Congress as to what shall be the future policy of the Government. The Senator from Alabama need not think there is going to be opposition to any kind of legislation, passed either in the House or the Senate, that will allow the increased production of nitrates in this country.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER (Mr. GAY in the chair). Does the Senator from Utah yield to the Senator from Ohio?

Mr. SMOOT. I yield.

Mr. POMERENE. Do I understand that without the amendment those in charge of the plant would have the authority to make additions or improvements?

Mr. SMOOT. Mr. President, I have read the letter in reference to the matter; the War Department has already advertised; and bids are to be opened on May 5 next.

Mr. POMERENE. I understand that, but I am asking whether they now have that authority? I assume that it is the Senator's view that they have such authority?

Mr. SMOOT. They propose to take a million and a quarter dollars out of the appropriation for "Armament of fortification C" for the purpose of the completion of improvements of the limestone quarry at Waco, Ala.

Mr. UNDERWOOD. They undoubtedly have the authority; they have advertised for bids and are going to carry out the work.

Mr. SMOOT. I think they have the authority.

Mr. POMERENE. That leads to the second question which I intended to ask: If it is the Senator's desire only temporarily to interfere with further development, why does he, by his amendment, seek to take away all power in that behalf for all future time unless Congress hereafter grants it?

Mr. SMOOT. That is exactly what Congress is going to do. I have not any doubt that the bill which is before a committee of the other House or the bill before the Agricultural Committee in the Senate is going to become law, but let us wait and see what Congress is going to do, and let us wait and see what plan is finally agreed upon.

Mr. POMERENE. It seems to me there is some reason for the suspicion which appears to be in the mind of the Senator from Alabama [Mr. UNDERWOOD] when he speaks as he does with respect to this amendment. If it was the desire of the proponent of the amendment simply temporarily to suspend the power to make further developments that would be one thing; but the amendment seeks to take away from the War Department all power with respect to any additional development.

Mr. SMOOT. Mr. President, all that I know or that anybody else knows as to what the amendment will accomplish is that it will say to the Secretary of War that the bids that are to be opened on May 5 in relation to the improvement of the limestone quarry at Waco, Tex., shall not be proceeded with; that is all there is to the amendment. I do not know the extent of the limestone quarry. I know that nitrates are being made at the plant and they have had no trouble in the past. I know that the amendment will not in any way interfere with the future operations of the plant and never was intended to do so.

The Senator from Alabama says that great interests are back of this amendment with a view of killing the plant. I have not had a person call on me in behalf of the amendment or in relation to the killing of the plant, either lately or at any other time. The Senator from Alabama knows that there is no interest in the United States that can kill the plant.

Mr. UNDERWOOD. I hope I know it; but I know I have battled with them for a long time, and I know the difficulties which we have had to face.

Mr. SMOOT. I know my statement is correct.

Mr. UNDERWOOD. I am not making any charge against the Senator from Utah, but I know that the purpose of the amendment, if accomplished, would stop the plant and absolutely force new legislation before a wheel could be turned, for I know what the word "maintenance" means. It does not mean operation, and this amendment prohibits the use of any money except for maintenance. Now, the authorization is here; has been granted; the law has provided for the operation of this plant; and the money has been appropriated by Congress. The amendment seeks to take it away; there can not be any doubt about what the situation is. I think somebody has fooled the Senator from Utah; but I am not at all fooled as to what the men who are standing behind the amendment intend by it.

Mr. SMOOT. So far as I am concerned, I will again say that I do not care whether the amendment stays in the bill or is stricken out; but it appeared to me that the amendment only followed the course that any business man in the world would follow. I know that if the Senator from Alabama himself owned the plant or was a manager of the same and a contemplated change was under consideration by himself or by a board of directors, he would never spend $1,250,000 until a final decision was reached. I know he would not do so. That is exactly the situation at the plant at Muscle Shoals. The Congress of the United States is the board of directors; it is considering plans to-day as to what shall be done; and now we are asked to allow the expenditure in a certain way of $1,250,000.

It is not the amount of money alone that is involved. Perhaps it would be better to have the $519,000 for the limestone quarry expended than to have a feeling created in the minds of any class of people against Congress or Members of Congress, who are trying, at least, to save every dollar possible to the Treasury of the United States. The sum involved is small and insignificant compared to what we have already expended on the Muscle Shoals plant. The sum of $70,000,000 has been expended there, and no human being can tell how much more will be spent. So far as I am concerned, I want to see appropriated whatever amount is necessary to make the plant a success. I recognize, as well as does any man living, the necessity of the manufacture of nitrates in the United States. I know what nitrates mean to the agricultural interests of the country, and I am aware of the situation the farmers have confronted during the recent war for the lack of such nitrates; but that is no reason, Mr. President, why we should squander money; and there is no reason why, if by withholding the appropriation for a month or two we may be able to save this money, we should not do so. What legislation passes or what is contained in the amendment will not affect the agricultural interests of this country for this year in any way, shape, or form.

Mr. President, with that statement I am going to ask the Senate to disagree to the amendment. I do not desire the amendment to be adopted with any such intimation as has been made with respect to the purpose for which it was incorporated in the bill.

Mr. UNDERWOOD. Mr. President, I wish to say again that I make no charges against the Senator from Utah, but if all that was being attempted was to prevent the operation of a rock quarry, it would be very easy to say so and to specifically designate the rock quarry; but the amendment in its broad detail says that no money shall be expended "except for purely maintenance purposes." The plant at Muscle Shoals has been authorized; it has been provided by legislation that it shall be operated; the money is already in the hands of the executive branch of the Government to carry it on, and this amendment would not only stop the operation of the rock quarry but stop the whole operation of the plant. It means that nothing can be done with it but allow it to lie there; that the Government shall police it and oil the machinery, but if anything further is to be done it will be necessary to come back to Congress for legislation in the future with all the attendant delays. I know what the amendment means just as well as does the Senator from Utah. He may interpret it differently, but the man who reads the words "no money shall be used except for maintenance purposes" knows what the meaning is. He can read it as he runs.

Mr. SMOOT. Would the Senator be satisfied if we inserted the words "and operation," so as to read "for maintenance and operation purposes"?

Mr. UNDERWOOD. No, sir; I do not want any limitation. The Senator admits that he has only heard from one side of this case; the great Ordnance Department, which has it in charge, were not called by the committee; the committee and the Congress have had no opportunity to hear from the Government. There is but one thing that can be done properly with this amendment, and that is to throw it out of the bill, and I

am glad to hear the Senator say that he consents to its being thrown out of the bill.

Mr. SMOOT. I am perfectly willing, as I have already said, that the amendment shall be eliminated, but I still say that the construction put upon the amendment by the Senator from Alabama is not as I construe it and not as it is intended to be construed.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

Mr. UNDERWOOD. On that I ask for the yeas and nays.

Mr. CUMMINS. I suggest to the Senator from Alabama that he withdraw his request, the Senator from Utah having said that he was willing that the amendment should be disagreed to.

Mr. UNDERWOOD. Very well; I will withdraw the request with that understanding.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was rejected.

INTEREST RATES.

Mr. OWEN. Mr. President, a few days ago I received a very strenuous telegram from a bank calling attention to the fact that the Federal Reserve Board was very severely pressing them to sell the Liberty bonds which they hold, and was charging them a higher rate of interest for loans on the Liberty bonds than the Liberty bonds bore.

This particular bank, whose name I intentionally omit because I do not wish to prejudice the bank, had acquired for patriotic reasons much more than its quota of Liberty bonds; moreover, there happened to be large Government works near by whose employees were induced, for patriotic purposes, to subscribe to Liberty bonds on partial payment plan, and the bank practically underwrote them, taking the notes of the employees with the bonds as security. The war stopped, and thousands of these employees left the neighborhood and unloaded the whole matter upon the bank.

If the bank should be forced to sell these bonds now, they would lose 15 per cent on several millions of dollars, and would suffer a very, very serious loss. Moreover, the bank is now losing the difference between the rate of interest the bonds bear and the rate of interest the reserve bank is charging on the loans which the bank is compelled to carry with the reserve bank.

LIBERTY BONDS.

In the meantime the Liberty bonds have undergone a severe depreciation. It is impossible for the banks to advantageously sell the bonds. We have the right to inquire into the cause of this depreciation of these Government bonds.

Before the war United States bonds bearing 2 per cent, with the circulation privilege, sold above par. Belgium for 50 years before the war had a 3 per cent rate of interest for merchants and business men. France had a like rate. The banks of the United States pay their depositors 2 and 3 per cent, and in some cases 4 per cent interest. The savings banks pay 4 per cent interest. The banks of America paying 4 per cent interest can not be expected to lend their money for less than 5 or 6 per cent, and they were lending money very freely at 5 per cent previous to the war.

The practice in New York of charging extortionate interest rates for call loans—10, 15, 20, and 30 per cent—has had a bad psychological effect on interest rates throughout the United States. The people have ceased to feel shocked at a high interest rate of 10 per cent when the New York papers quote call money, for immediate payment, at the rate of 15 and 20 per cent. A call loan, subject to immediate payment, is entitled to the lowest possible rate. Indeed in normal times the rate of interest on call loans frequently went to 2 per cent, sometimes to 1½ per cent per annum, and when call loans are quoted at 20 per cent it seems only fair that the people should be contented to pay a very high rate for time loans. These artificial high interest rates on call loans secured by New York Stock Exchange collateral have not been held as technical usury, because the New York law was changed so as to permit any rate of interest to be charged on call loans of $5,000 and upward.

The men who fix these high rates justify themselves on the ground that the high rate is necessary to check and repress undue speculation in stocks.

Undue speculation in stocks is an evil. It absorbs credits that ought to be used in industry and commerce. Loans on investment securities exceeded $1,900,000,000 a few months ago in New York City. They have now been somewhat reduced, but the true remedy is not high interest rates.

The banks of New York can stop speculation very easily:

First. By refusing to make new loans for speculative purposes, and this should be demanded of them by the Comptroller of the Currency and by the Federal Reserve Board and the Federal reserve bank.

Second. The banks can require the gradual liquidation of speculative loans, giving reasonable time in which to accomplish it without great injury to the borrowers.

Third. The banks can demand more collateral as margins, and in that way check the tendency to speculation. Of course, they do practice this to some extent.

Fourth. They can gradually raise the rate of interest on speculative loans as a penalty for such loans, without raising the rate of interest on manufacturing and commercial loans.

Induced by the argument that it would tend to check speculation, the Federal Reserve Board has raised the rates of interest to member banks from 4 to 6 and 7 per cent. The member banks borrow money from their depositors to whom they pay 2 and 3 per cent, and these deposits are loaned out at 5 and 6 per cent, or a margin of approximately 3 per cent. The Federal reserve banks pay no interest to their depositors. The Federal reserve banks made nearly a hundred per cent profit last year on an interest rate lower than the present rate. The member banks who receive no interest on their deposits are entitled to a rate, in my opinion, of 3 per cent, where the member bank is only asking the use of a part of its reserves. When aggressive borrowing banks ask in excess of their own reserves, the Federal reserve bank is justified in imposing a rate that will penalize those banks, thus automatically checking the abuse; and I understand they are putting into effect an arrangement of this kind, certainly at the Kansas City reserve bank.

Before the Federal Reserve Board raised the rate of interest I took the liberty of writing a letter to the chairman of the reserve board expressing the hope that the board would not raise the rate of interest. I will insert that letter without reading, Mr. President, if it is agreeable to the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The letter referred to is as follows:

UNITED STATES SENATE,
April 27, 1920.

Hon. W. P. G. HARDING,
Governor Federal Reserve Board, Washington, D. C.

MY DEAR GOVERNOR: I have been intending to call to see you and beg of you and of the Federal Reserve Board to consider the injurious effects of raising the interest rates in America in its relation to adding to the high cost of living and in its relation to bearing down the market value of Government bonds.

I have just received a telegram from the president of an important national bank. He explained to me that his bank had bought and underwritten a much larger volume of Government bonds than they would have done normally because of important Government works put up in his city. Thousands of employees who were compelled to buy Government bonds unloaded them on the bank when the war suddenly ended, and he has been unable to sell these bonds on a falling market, and the market is falling because the reserve board has raised the rate of interest and set the example to the banks of the United States and justified them to their own conscience and to their customers in raising the rate approximately 2 per cent throughout the Union. For your consideration I quote the telegram:

> Can nothing be done to give Liberty bonds some standing? The Federal reserve bank is pressing us unmercifully to sell what we have, and has served notice that they will rediscount no commercial paper until we do so, and as you know this can only be done in the New York Exchange at panic prices, it makes a serious and very embarrassing situation which might be very far-reaching.

The reserve banks should be cautioned in pressing the banks too far to sell these bonds on a falling market. This particular bank, I invite you to observe, would receive a great injury, and you will be unable to repair it afterwards.

The Federal Reserve Board can not permit itself to be held responsible for the consequences that will ensue if it persists in this policy of raising the interest rates as a remedy for speculation. This remedy is worse than the disease.

This remedy is not necessary because there are other available remedies whose consequences will be harmless. I venture to suggest several:

First. That the banks be advised to require loans for speculative purposes to be gradually reduced;

Second. That the banks be required to demand increased margins on such loans;

Third. That the banks be invited to raise the rate on such speculative loans, and not raise the rates on loans upon which the manufacturer, the commercial, and industrial life of the Nation depend; and

Fourth. That the banks be invited and required to refuse new speculative loans on investment securities.

My dear Governor, the bondholders of the United States have already suffered a loss in the market value of their bonds of over $2,000,000,000. Bonds which they bought as a patriotic duty; bonds which they bought on borrowed money; bonds which they bought at a sacrifice.

The Government should not through its own agencies destroy the value of these securities by pursuing a policy of raising the interest rates, and I beg you, and I beg the board through you, to change this policy.

Moreover, my dear Governor, I call your attention to the unpardonable and scandalous practice of the usurious charges current in New York City, where on call loans, the stock-exchange collateral, the rates have been running as high as 30 per cent. I enter my solemn protest against this, and on behalf of the people of my State and the people of the United States I call upon the Federal Reserve Board to put an end to this nefarious practice which sets a false standard to the people of the United States in the matter of interest rates, and which has been used to justify the Federal Reserve Board to raise the rates on the whole country for the avowed purpose of stopping speculation when no such remedy was necessary.

Yours, very respectfully,

ROBERT L. OWEN.

Mr. OWEN. The Federal reserve banks were not intended as money-making banks. They were intended as public institutions to secure stability in credits. They appear to be proceeding upon the theory that it is their business to make all the money they can, which I regard as a serious misconception of the purpose of the reserve act.

When the Federal Reserve Board raised the rate to 6 and 7 per cent, it was perfectly natural that the member banks throughout the country should raise their rates to 8 and 10 per cent, and when the rates were thus raised an average of 3 per cent on the $25,000,000,000 of loans, an immediate increase of interest charge in the amount of $750,000,000 was levied on the people of the United States with a consequent increase in the cost of living.

In addition to this, a charge was made by the merchant, by the manufacturer, by the wholesaler, and by the retailer for his profits on the extra cost of handling the business of the country; so that there was an added charge on the people of the United States, in addition to the interest charges raised, as I have pointed out, of probably over a billion and one-half dollars. In addition to this, the railroads of the country have found themselves compelled to pay 7 per cent interest, plus commissions and discounts, all of which is a charge upon the people of the country in the form of freight and high passenger rates, adding another enormous extra charge to the cost of living.

The charging of these high rates of interest, regarded as necessary, has the effect of depreciating the market value of United States bonds. Already the depreciation of 15 per cent on twenty-six billions of bonds amounts to nearly $3,000,000,000. When the Secretary of the Treasury appealed to all the banks of the United States to put on the drive for the sale of Liberty bonds and Victory bonds at par, with 4½ per cent interest, the people bought them for patriotic reasons. Many of them borrowed money with which to buy these bonds.

I do not think it wise, I do not think it just, I do not think it decent or ethical for the Government agencies to pursue a policy which causes a loss of $3,000,000,000 to these patriotic bondholders, and more especially when the policy is otherwise injurious and harmful in the most serious way.

The people of this country are entitled to have these bonds brought back to par. The banks are entitled to have these bonds brought back to par, and I most vigorously object to the Federal reserve act being administered in such a manner as to bring about these serious losses to the patriotic people of the country.

Mr. President, on February 16 I called the attention of the Senate to this matter and had printed in the RECORD my letter of February 13 to the President calling it to his attention. I know of no action to correct the matter complained of.

This world, Mr. President, is a world of cause and effect, and adequate causes will invariably produce a fixed result. Raising the normal rate of interest to a higher point is a sufficient cause to bring about the low market value of the Liberty bonds. The only remedy for this condition is an appeal to public opinion, and to that opinion I appeal.

FORTIFICATIONS APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13555) making appropriations for fortifications and other works of defense, for the armament thereof, and for the procurement of heavy ordnance for trial and service, for the fiscal year ending June 30, 1921, and for other purposes.

The PRESIDING OFFICER. The Secretary will continue the reading of the bill.

The next amendment of the Committee on Appropriations was, on page 18, after line 1, to insert:

Submarine mine structures, $15,200.

The amendment was agreed to.

The next amendment was, on page 18, line 8, after the word "defense," to strike out "$800,534,992.93" and insert "$800,615,139.13," so as to make the clause read:

Total appropriations to be covered into the Treasury, fortifications and other works of defense, $800,615,139.13.

The amendment was agreed to.

Mr. SMOOT. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT SECRETARY. On page 8, line 13, it is proposed to strike out "$130,000" and to insert in lieu thereof "$560,000."

Mr. SMOOT. Mr. President, I am just in receipt of a letter from the Secretary of War advising me of the receipt of a cablegram from the commanding general of the Hawaiian Department on this item, and the Secretary says:

It is the opinion of the War Department that the commencement of the work on roads in Oahu is the most necessary single item on the fortification bill, on account of the strategic importance of the Hawaiian Islands to our Navy in both defensive and offensive operations in the Pacific. The retention of this item in the bill to be submitted by your committee to the Senate is recommended.

I hope the amendment will be agreed to, and that it may go into conference.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Utah.

The amendment was agreed to.

Mr. CUMMINS. Mr. President, I offer the amendment which I send to the desk, and which I hope will be acceptable to the Senator from Utah.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT SECRETARY. It is proposed to add a new section, to be known as section 9, to come at the end of the bill, as follows:

SEC. 9. That no part of the moneys appropriated in this or any previous act shall be expended to abolish or remove from any one of the arsenals of the United States any permanent department or shop established by legislative act prior to April 6, 1917, unless such removal is authorized by act of Congress.

Mr. SMOOT. I see no objection to the amendment.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Iowa.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

NATIONAL BUDGET SYSTEM.

Mr. McCORMICK. Mr. President, at the conclusion of yesterday's business House bill 9783 was under consideration by the Senate. I ask unanimous consent that we may proceed to its consideration prior to the conclusion of the morning hour, because if we do so I feel certain that the amendments yet to be offered can be disposed of shortly and that the bill can proceed to a vote.

The PRESIDING OFFICER. Is there any objection?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9783) to provide a national budget system and an independent audit of Government accounts, and for other purposes.

Mr. RANSDELL obtained the floor.

Mr. SMOOT. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ball	Glass	McKellar	Smith,Ariz.
Brandegee	Gronna	McLean	Smith,Ga.
Capper	Hale	McNary	Smoot
Chamberlain	Harris	Moses	Sterling
Colt	Harrison	New	Sutherland
Comer	Henderson	Nugent	Thomas
Culberson	Jones,N.Mex.	Overman	Townsend
Cummins	Jones,Wash.	Owen	Trammell
Curtis	Kellogg	Page	Underwood
Dial	Kendrick	Phipps	Walsh,Mass.
Edge	Keyes	Pomerene	Warren
Fall	King	Ransdell	Watson
Frelinghuysen	Lodge	Reed	
Gay	McCormick	Sheppard	
Gerry	McCumber	Simmons	

Mr. GRONNA. I was requested to announce that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is absent due to illness. I ask that this announcement may stand for the day.

Mr. McKELLAR. I desire to announce the unavoidable absence of the Senator from South Carolina [Mr. SMITH] on official business.

The PRESIDING OFFICER. Fifty-seven Senators have answered to their names. There is a quorum present. The Senator from Louisiana will proceed.

VALUE OF COTTON CONTRACTS.

Mr. RANSDELL. Mr. President, I wish to discuss the Comer amendment to the cotton-futures act, inserted in the Agricultural appropriation bill. This amendment was agreed to some time ago and is now in conference. In order that the Senate may understand it, I will first read the amendment agreed to by the Senate on the motion of the Agricultural Committee, which is very brief. I read from page 92 of the bill, amendment No. 249:

Provided, That the amendments relating to cotton provided for in section 6 of the act known as the wheat guarantee act, approved March 4, 1919, are hereby recognized and declared to be permanent legislation.

To this amendment of the committee the Senator from Alabama [Mr. COMER] induced the Senate to accept the following amendment:

That hereafter each lot of cotton classified as tenderable in whole or in part on a section 5 contract of said act as amended, shall give to the buyer the right to demand that one half of the contract shall be delivered in the official cotton standard grades of the United States from the grades of middling fair, strict good middling, good middling, strict middling, and middling, and that the seller shall have the option of delivering the other half of said contract from any of the official cotton standard grades as established in said act.

Mr. President, I wish to discuss this question for two reasons. In the first place, I am a cotton grower myself. It is the only business in which I am engaged at the present time aside from my duties as a United States Senator, and Louisiana produces a large quantity of cotton.

In the second place, the city of New Orleans, the largest city in my State, has a big institution, known as the New Orleans Cotton Exchange, which has been severely criticized and commented upon in several speeches made by the Senator from Alabama [Mr. COMER]. I feel it my duty, therefore, to make some explanation and defense of this great business of my State.

Former Solicitor Francis G. Caffey, of the United States Department of Agriculture, in an address delivered before the Alabama State Bar Association at Montgomery, Ala., July 10, 1915 (refer S. R. A. Markets No. 5, issued August 11, 1915, Department of Agriculture), stated that, since 1884, 120 bills dealing with the regulation of cotton futures had been introduced at various sessions of Congress, and previous to the Sixty-third Congress three passed the House. Since then the Smith-Lever bill was enacted into law, and was further amended by the act of March 4, 1919. The trade is now operating under the law which became final August 18, 1914, known as the Smith-Lever bill, and amended March 4, 1919. Senator COMER has introduced an amendment to H. R. 12272, which amendment shall give to the buyer the right to demand that one half of the contract shall be delivered in the official cotton standard grades of the United States from the grades of middling fair, strict good middling, good middling, strict middling, and middling, and that the seller shall have the option of delivering the other half of said contract from any of the official cotton standard grades as established in said act.

Mr. President, the president of the New Orleans Cotton Exchange was in this city yesterday and I had a discussion with him about the effect of the Comer amendment. He stated that the amendment was couched in language which, to him, was ambiguous, that he did not understand exactly what it meant, and he was very fearful that if the amendment should be agreed to and become a part of the law the cotton exchange would not know how to carry it out, and people making contracts for future delivery of cotton would be uncertain as to what meaning the law intended to convey. I asked him to put his statement in writing, which he did, and I will read it. It is addressed to me, dated yesterday, and reads:

WASHINGTON, D. C., *April 29, 1920.*

Hon. JOSEPH E. RANSDELL,
United States Senator from Louisiana, Washington, D. C.

DEAR SENATOR: After carefully reading and considering Senator COMER'S amendment to bill H. R. 12272 I have come to the conclusion, although I have not had legal advice, that the ambiguity of the language of the said amendment is such as to cause considerable confusion and litigation and the probable closing of the cotton exchanges until a final decision would be rendered by the Supreme Court of the United States if it should be adopted.

I would like to state at this point that I talked yesterday with another member of the New Orleans Cotton Exchange, Mr. Wolfe, who said that in his judgment, if this amendment were agreed to as written, there would be no transactions on the exchange until the matter had been submitted to the Supreme Court for a construction of its language, which he thought would take at least two years; therefore the exchange would be closed for practically two years. I continue reading:

1. I quote from the amendment, as follows:

"That hereafter each lot of cotton classified as tenderable in whole or in part on a section 5 contract of said act as amended shall give to the buyer the right to demand," etc.

You will note that the wording states that cotton shall give to the buyer the right to demand. How can cotton, which is an inanimate thing, possess the power to give the buyer a right to demand?

2. A matter of much greater importance is the following:

"That hereafter each lot of cotton classified as tenderable in whole or in part on a section 5 contract of said act as amended shall give to the buyer the right to demand that one half of the contract shall be delivered in the official cotton standard grades of the United States from the grades of middling fair, strict good middling, good middling, strict middling, and middling."

It is not clear whether the buyer has the right to demand that one-half of the contract is to be delivered proportionately or in unequal percentages of the grades of middling fair, strict good middling, good middling, strict middling, and middling, or whether the buyer can demand 50 per cent of any one of these five grades.

3. The particular part of this act which is most ambiguous and one sure to be questioned is as follows:

"And that the seller shall have the option of delivering the other half of said contract from any of the official cotton standard grades as established in said act."

The cotton exchanges are now operating under the United States cotton-futures act and the amendment thereto contained in the wheat-guaranty bill of March 4, 1919.

Neither of these acts establishes any "official cotton standard grades" which you will note the language of the Comer amendment requires.

However, the United States cotton-futures act, section 9, states:

"SEC. 9. That the Secretary of Agriculture is authorized from time to time to establish and promulgate standards of cotton by which its quality or value may be judged or determined, including its grade, length of staple, strength of staple, color, and such other qualities, properties, and conditions as may be standardized in practical form, which, for the purposes of this act, shall be known as the official cotton standards of the United States."

I therefore contend that the seller has the option under the Comer amendment of delivering 50 per cent of the contract from the 20 grades established and promulgated by the Secretary of Agriculture under section 9 of the United States cotton-futures act, because the amendment thereto of March 4, 1919, does not establish or authorize the making of official standards, and the words contained in the Comer amendment—"of the official cotton-standard grades as established in said act"—must refer to the grades established and promulgated by the Secretary of Agriculture under the United States cotton-futures act, section 9, because, as before stated, the amendment of March 4, 1919, contains no such provision.

Respectfully submitted.

EDW. J. BUTLER,
President New Orleans Cotton Exchange.

Mr. President, I have looked as carefully as I can into the statements contained in Mr. Butler's letter and I believe he is entirely correct. The reference in the amendment of the Senator from Alabama [Mr. COMER] is clearly to the act of 1919, not the original Smith-Lever Act of 1914. It was under the original act of 1914, section 9, that the Secretary of Agriculture was authorized to establish standards and grades of cotton. Hence if the Senate is to adopt the amendment of the Senator from Alabama it should clarify the language, it should rewrite and make clear what is meant.

To confirm my own opinion in this matter, I called up the Bureau of Markets this morning, read this letter to them, and asked what construction they placed upon it? They replied that they had no right whatsoever as an administrative bureau to be giving any advice on legislation, but if I asked them how they construed the Comer amendment as it now appears in the bill pending before the conferees, they would say that it is ambiguous; that they do not understand quite what it means; and that if Congress is to pass this amendment they would respectfully suggest that it be corrected so as to make its meaning clear.

Mr. President, I shall discuss a number of the features of the bill before I get through, but that criticism of Mr. Butler, backed up by what the Bureau of Markets says, illustrates the point which a number of us have made in regard to the amendment; that it is a hasty and ill-considered piece of legislation; that it was not submitted to the Committee on Agriculture and Forestry when the bill was being prepared; that the friends and foes of the measure had no opportunity to discuss it fully before its presentation to the Senate. It came up first on the floor; it came up in the rush of legislation; it came up when many of those who are particularly interested—Senators representing cotton States—were absent from the Senate, and it was agreed to without that full and careful consideration which should be given to important legislation like this.

Bear in mind, sir, that if the amendment passes it will practically nullify the Smith-Lever cotton-futures act passed in 1914, fully six years ago, an act which has been functioning very well indeed; an act which has corrected many, I might say most all, of the great evils which were complained of in the cotton-futures business, to wit, the practice, especially on the New York Exchange, of delivering on contract a very low grade

of nearly worthless cotton, the value of which was fixed by a committee of the exchange not at its real value as compared with middling, the basis of the contract, but a very much higher price than its real value.

It was the iniquities of the old contract which were sought to be corrected by the Smith-Lever bill, and they were corrected by it. All the cotton tenderable under the Smith-Lever bill was good, spinnable cotton. The lowest grade was good ordinary. But last year, to make assurance doubly sure, Congress amended the original Smith-Lever bill and removed good ordinary from the tenderable grades, so that now nothing can be delivered below the grade of low middling.

In defending his amendment the Senator from Alabama [Mr. COMER] is recorded in the RECORD of the 17th of this month as saying:

> The greatest objection the exchanges have to the amendment is that in a great measure it takes the "bear" out of the transaction. The exchanges want the low grades kept in the tender, not for the purpose of helping the low grades, not for the purpose of benefiting legitimate trading, but for the purpose of increasing the opportunity to "bear" the market. They know what is the reason. They know it. This is all they have used the low grades for the past year and all the years back, and they know it, and all this stuff about a spinner's contract as against the farmer's and dealer's contract is simply intended to retain an advantage in which the game can be played with marked cards, and they know it.
>
> They never like the game unless they can mark the cards. It is worse than a negro crap game where loaded dice are used.

Those are pretty strong words when applied to many of the high-grade men of the New Orleans Cotton Exchange. There are no better men in America than they, no more honorable, able, upright men. We have just selected one of them governor of the State of Louisiana after a great political contest, in which he was opposed by a very fine man. This gentleman has been for many years a big cotton factor in New Orleans—a leading cotton merchant, also a large cotton planter—perhaps the largest cotton commission merchant in the United States, for I believe his firm sells more cotton than any other. He made his campaign for election as governor mainly as a friend of the farmer and was elected on that program. I refer to Hon. John M. Parker, one of the strongest, truest, and best men in the South. You have all heard of him. He was elected governor of my State as the farmers' friend, and is himself a big cotton producer and merchant, who for some years was president of the cotton exchange.

It gives me pleasure to testify to Mr. Parker's high character in every particular as a man, a merchant, a cotton producer, a citizen of whom the State of Louisiana and the Nation ought to be proud. And there are many just as good in the New Orleans Cotton Exchange.

Mr. COMER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Alabama?

Mr. RANSDELL. Certainly.

Mr. COMER. I believe the Senator said just now that on the New York Cotton Exchange several years ago a very bad, ugly game was played, in which they used punk cotton to depress the market.

Mr. RANSDELL. I have understood that to have been the case. I can not testify personally, but that charge was made on the floor of the Senate when we were discussing the Smith-Lever bill, and it was largely on the statements made at that time that we changed the former rule.

Mr. COMER. I will give the Senator a little further information on that point. Two years ago on the New York Cotton Exchange there was an operator who had sold 10,000 bales and had this low-grade cotton to threaten a tender, and reaped a harvest on New York exchange on that kind of a transaction. He then sent the cotton to New Orleans to deliver on a similar transaction. It had been understood for years that this low-grade cotton assembled in New York was used for that purpose, and it was also written in the Knox corporation report that in New York some of the exchange members who had the fixing of differences in the prices of the cotton to be tendered, the low grade and otherwise, had sold the market and made the differences out less than the commercial price and reaped a big harvest on that account.

I want to ask the Senator, if I may, if they were honorable, honest men? Were they good men? On that exchange you have the same men in New York that you have in New Orleans, and you have some of the very best merchants—you have Hubbard and Carpenter and McFadden, and all of those. The question is, Were they honorable men, too, or were they dishonorable men?

I just want to get what you are stating here. What I am charging is that a game was played and with marked cards or loaded dice.

Mr. RANSDELL. I know nothing whatsoever——

Mr. COMER. But you ought to know. You are charging this. You charge that it was wrong in New York and yet I charge the same thing in New Orleans.

Mr. RANSDELL. I demand proof of you or of anyone else, because in New Orleans——

Mr. COMER. I will give it to you.

Mr. RANSDELL. If you have their names, I should like to have them put in the RECORD.

Mr. COMER. I will do it. I will say that two years ago we bought some cotton in New Orleans——

Mr. RANSDELL. From whom?

Mr. COMER. I do not remember just this minute.

Mr. RANSDELL. I should like to have the details, the place, the circumstances.

Mr. COMER. You will get the facts.

Mr. RANSDELL. It is for the Senator to show them.

Mr. COMER. What I am stating is the fact. We had delivered to us 100 bales on contract, and in this delivery of 100 bales there were 16 different styles of low-grade cotton, impossible of almost any kind of use. I sent the statement to the Senator from Georgia [Mr. SMITH]—I sent him the name and the list of the cotton—and also to the Senator from South Carolina [Mr. SMITH], and called attention to the outrageous dealings that were perpetrated on those exchanges by the men. I am not attacking their character. I am attacking their method of business, a method we are demanding should be changed, and it is right that it should be changed.

Mr. RANSDELL. Does not the Senator think that after making such a serious charge as that he ought to tell the Senate the firm that sent him that 100 bales of this very low cotton, this cotton which was not tenderable under the contract?

The Senator is a man of considerable wealth, or reputed to be, and is a man certainly of great intelligence. Why did he not prosecute the people for that? They certainly had no right to tender such cotton as that under the terms of the Smith-Lever Act, passed in 1914. The Senator said it was two years ago. Do not generalize. Particularize!

An ordinary criminal when charged with murder is entitled to be told the time, the place, the circumstances of the alleged crime; that he, John Brown, did on a certain day kill and murder Bill Jenks. Now, the Senator has made this charge against the New Orleans Cotton Exchange, and I demand of him to name the men who did it, and to say why he did not prosecute them.

Mr. COMER. May I interrupt the Senator there?

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Alabama?

Mr. RANSDELL. Yes; the Senator may interrupt me.

Mr. COMER. I did not prosecute, because the whole transaction was done within the law, the law which we are proposing right now to amend, and which should be changed; that is why I did not do so.

Mr. RANSDELL. How could that be done within the terms of the Smith-Lever law?

Mr. COMER. Because the law authorized the delivery of that kind of cotton.

Mr. RANSDELL. The Smith-Lever Act says——

Mr. COMER. The Smith-Lever Act authorized it, or it was so construed, at any rate.

The PRESIDING OFFICER. The Chair wishes to remind Senators of Rule XIX of the Senate.

Mr. COMER. I thank the Chair very much, indeed.

The PRESIDING OFFICER. It is impossible for the Reporter to report the debate.

Mr. RANSDELL. I should like to remind the Senator from Alabama that there is no reason why we should get excited. Under the terms of the Smith-Lever law—and I should like to read it and show the Senator what the Smith-Lever law provides—no other cotton than "good ordinary" can be delivered under the terms of the contract. That law was passed in 1914, and was reenacted——

Mr. COMER. If the Senator will allow me——

Mr. RANSDELL. If the Senator will pardon me, I will yield him the floor in a moment. The law was first passed in 1914, and was reenacted in the Agricultural appropriation bill of 1916. Here is what it says. I will let any Senator decide the matter for himself. The act after referring to the contract then provides:

> Fifth. Provide that cotton that, because of the presence of extraneous matter of any character or irregularities or defects is reduced in value below that of "good ordinary," or cotton that is below the grade of "good ordinary," or, if tinged, cotton that is below the grade of "low middling," or, if stained, cotton that is below the grade of "middling," the grades mentioned being of the official cotton standards of the United States—

And so on.

As I have stated, the Smith-Lever law was passed in 1914; and under the terms of that law one can not contract on any of the exchanges in this country for cotton below "good ordinary." I say, though I am not a spinner, on information received, that "good ordinary" is spinnable cotton. There are many grades of cotton below "good ordinary." The cotton to which reference has been made and which it is said was tendered on the New York market years ago was far below the grade of "good ordinary." I do not see how it was possible for the Senator from Alabama to have cotton tendered to him under the future contract provided for in the Smith-Lever law which was below "good ordinary."

Mr. COMER. May I interrupt the Senator?

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Alabama?

Mr. RANSDELL. I shall be very glad to have the Senator interrupt me.

Mr. COMER. If the Senator from Louisiana will excuse me, I will say that a majority of the mills do not use cotton below middling. That is why the grades middling and above are comparatively high now. There are middling, strict low middling, low middling, strict ordinary, and good ordinary. "Good ordinary" is pretty low down, and nine-tenths of the mills do not use "good ordinary."

In addition to that you have in low middling, not low middling white, but low middling yellows, low middling spotted, low middling tinged—three grades; you have strict low middling yellows, strict low middling spotted, and strict low middling tinged; you have in middling, middling tinged, middling yellows, middling spotted, middling stains, a grade of cotton through which runs a deep yellow color. Very few of the mills can use it. Then you have strict middling stains, and so on. With all of these grades I am perfectly familiar, and when I make a statement, Senators, it is right along the line of direct facts; I mean, I have been in contact or seen others in contact with the actual transaction. Under the Smith-Lever law, allowing the 21 grades, there are 5 grades of middling and above, and there are 16 low grades, you understand, and when you get those 16 grades together and conglomerate them, the man who delivers them, I do not care who he is, intended the cotton should not be used. Such a transaction as that is not business; such a transaction as that ought to be outlawed. The cotton people of the South demand of you that you give us a contract that will be honest to the buyer and to the seller, a business contract under which business men can use the cotton. That is what we ask. We are not attacking the character of the men who make such sales any more than the Senator from North Dakota [Mr. GRONNA] has attacked the character of the men who operate the corn exchanges, the grain exchanges, and the meat exchanges. We are not attacking their character at all; we are attacking the practice of the exchanges, as the methods are authorized and carried on in the exchanges. It is wrong that these practices should continue.

This is not a new idea; this is a continuation of a fight that has been going on for years; it is, I repeat, not a new thing, but is, in fact, old.

Mr. RANSDELL. May I ask the Senator if he will not kindly tell us what the 21 grades, to which he refers, are?

Mr. COMER. Yes, sir.

Mr. RANSDELL. As I read the law, there are only 10 grades provided for in the Smith-Lever Act, everything above and including "good ordinary."

Mr. COMER. The difficulty lies in the way the Bureau of Markets has construed the law; it was the Bureau of Markets that murdered it; and I told them so myself; I told them, "You have ruined the law, and it is all wrong."

Mr. RANSDELL. Then, does the Senator charge that the United States Bureau of Markets, as well as the New Orleans Cotton Exchange and the New York Cotton Exchange, have been guilty of gross misdoings in this matter?

Mr. COMER. Not only do I charge it, but I wrote them so. I had a correspondence with them two years ago and openly charged that the law was being administered for the use of the speculators and the gamblers. I openly made that charge, and they have it on their files.

Mr. RANSDELL. One question, please. The Senator has been talking considerably, and I have been very generous, I think, in yielding time to him.

Mr. COMER. I thank the Senator very much.

Mr. RANSDELL. I call the attention of the Senator to the fact that he has neglected to name the criminal. He states that he had this contract for 100 bales. Now, I ask him to name the criminal, the time, and the place.

Mr. COMER. We did most of our business during that year through Lowry & Co. They delivered the cotton according to the law; they did not deliver it unlawfully; it was lawful cotton; but the law which permits such transactions we demand shall be changed.

Mr. RANSDELL. Mr. President and Senators, the Senator from Alabama says that this transaction, affecting 100 bales of cotton, was so utterly vicious and bad——

Mr. COMER. It was vicious and bad.

Mr. RANSDELL. That he actually wrote to the Senator from Georgia about it. It surely must have made sufficient impression upon him to remember the firm which swindled him so badly on this hundred bales of cotton.

Mr. COMER. Let us get that back——

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Alabama?

Mr. RANSDELL. I yield.

Mr. COMER. I ask to be excused for my impetuosity, perhaps; I am not accustomed to debate here; it is all new to me.

Mr. RANSDELL. I yield to the Senator.

Mr. COMER. I never said I was swindled.

Mr. RANSDELL. I understood the Senator in that way.

Mr. COMER. I did not intimate that I was swindled; I said the whole transaction was within the law; but that the law which allowed such infamous transactions ought to be repealed, for it is wrong. That is what I said.

Mr. RANSDELL. Did not the Senator intimate——

Mr. COMER. I did not intimate anything at all.

Mr. RANSDELL. Well, let me ask the Senator, then, did he not indicate to the Senate that in this transaction, in connection with 100 bales of cotton on the New Orleans Exchange, he had been very badly treated?

Mr. COMER. No, sir.

Mr. RANSDELL. Very well; if the Senator retracts what he has just stated——

Mr. COMER. I do not retract.

Mr. RANSDELL. Then I will go ahead.

Mr. COMER. I said I had been treated badly by the law; that is what I said.

Now, if the Senator will permit me to make the matter a little bit wider. At the same time we took a hundred bales of cotton in New York through Carpenter & Co. we took up a hundred bales through Hubbard Bros., nice men, good men, but each one of those hundred bales had 12 different styles of low-grade cotton which was tendered for the purpose of preventing its use. We kept that cotton in New York for three months, with instructions to them to sell it, but they could not get a buyer, and after keeping it there for three months and being unable to sell it, or to make a price on it, we sold it back to the exchange, and delivered it. Now, what kind of a transaction is that?

Mr. RANSDELL. I am not attempting to prove that all exchanges and the members thereof are white-robed angels; I am simply trying to show that, in a general way, the transactions of the exchanges are legitimate; and I believe that Senators in the main will agree that they are.

Mr. COMER. Excuse me, please——

Mr. RANSDELL. There may be some rascally transactions conducted there, just as there are in every business of life.

Mr. COMER. I never said "rascally"; I said within the law they perpetrated a transaction that was not business; that is what I said.

Mr. RANSDELL. Let me ask the Senator if within the law these exchanges did something the result of which was to deprive a man of his property, would not that be rascally? It looks to me like it would; I can not look at it in any other way.

Mr. President, in consequence of this attack on the cotton exchanges, it may be well for the Members of the Senate to know what the report of the Committee on Agriculture on the Smith-Lever bill, Sixty-third Congress, second session (H. Rept. 765), says of the functions and economic uses of the cotton exchanges. This is a congressional document issued recently; listen to it, Senators:

> It is the opinion of the committee that the abolition of the cotton exchanges would result inevitably in the monopolizing of the entire cotton crop into the hands of a very few powerful interests, with the force and means to fix the price at which the farmer would be compelled to sell his cotton. Fully 75 per cent of American produced cotton leaves the hands of the producer during the four months of September, October, November, and December. It takes no stretch of the imagination to foresee how utterly helpless the farmer, as a class, would be in his present disorganized condition as a factor in fixing the price of his own products, as against the organized genius and money of the spinners and powerful spot-cotton dealers.

Let me repeat those words:

> As against the organized genius and money of the spinners and powerful spot-cotton dealers.

Mr. COMER. Mr. President——

Mr. RANSDELL. I decline to yield for the present.

The PRESIDING OFFICER. The Senator from Louisiana declines to yield.

Mr. RANSDELL. Let me finish this thought, and then I will gladly yield.

Any legislation, therefore, which eliminates from the cotton trade the element of legitimate speculation and legitimate speculators, must, in the opinion of the committee, result disastrously to the producers.

That is not what a cotton man said; it is what the committee of the United States Congress reported, namely, that the elimination of these exchanges would result disastrously to the cotton producers. But to continue—

especially at that season of the year when the bulk of the crop is moving from him into the channels of commerce. Cotton exchanges properly regulated in their operations, in that they afford opportunities for legitimate speculation, may be made to be of real benefit to farmers, merchants, and spinners. The legitimate speculator, operating through the exchanges, is the only buffer standing between the helpless producer and the powerful buyer of his product.

I now yield for a question. I would remind the Senator that I am willing to yield for a question, but not for a speech.

Mr. COMER. I would like to ask the Senator a question. Does he think the stabilizing of the value of cotton on the exchange, and the proper functioning of the exchange in representing the true value of cotton, would tend to destroy it? The exchanges, as the Senator knows, are supposed to be an index of prices, and are not supposed to be anything else. Does not the Senator think that the law of supply and demand governs the price of cotton everywhere?

I believe in the exchanges. I believe, when they are functioning right, that they are first-class propositions. All on earth that these measures are trying to do is to have the exchanges do just what they purport to do, and that is to render a true index of the value of cotton, which, as the Senator knows, they have not done for a long time.

Mr. RANSDELL. I can not admit the last statement at all. I believe they have functioned satisfactorily, certainly since the passage of the Smith-Lever Act.

Mr. COMER. Can I convince the Senator?

Mr. RANSDELL. No; I want to try to answer the Senator's question. The Senator has asked me, as I understood the question, if the price of cotton is not regulated solely by the law of supply and demand, or certainly very largely. There is no dispute between us on that proposition. Supply and demand is the great regulator of all prices; but, Mr. President and Senators, cotton is a commodity that is handled throughout the entire year. It is gathered by the producer in two or three fall months, and it should be marketed very gradually for the next 12 months, until the cotton comes in again. Ordinarily the farmer is not a man of large means. The producer, the farmer, should have some kind of stabilizing influence or agency—some kind of insurance, if you please. I may say to the Senator from Alabama that I should be a very unhappy man if I could not insure my property, my ginhouse, barns, dwellings, store property, and so forth. I find it necessary to insure every dollar's worth of property that I have, and so does every prudent business man. Now, the spirit of the exchange, I say—there may be some people in it who violate that spirit, but the proper spirit back of the exchange—is to create an insurance agency, a vehicle of stabilizing, by means of insurance, the transactions in cotton. That is exactly what it does; and in that connection I wish to read at this time a very interesting letter from a gentleman who was referred to yesterday by the Senator from Alabama in rather derogatory terms.

He read a letter from Mr. Helgason, of Vicksburg, in which Mr. W. B. Thompson, of New Orleans, was spoken of as a man who, in connection with "that New Orleans bunch," would "not hesitate at anything to perpetuate gambling in cotton in its worst form," and so forth. I wish to say that I have known Mr. Thompson for many years and enjoy the honor and pleasure of his friendship. There is not in the city of Washington at this moment a more intellectual man than W. B. Thompson. I have never heard even a reflection against his character for probity and fair dealing in every way. He is a big cotton commission merchant and sells cotton for the producers. He has been for years a large cotton producer himself. I do not know that he is to-day, but until three years ago he owned three plantations in my home parish—East Carroll, La.—and I know that there is hardly to be found anywhere a better or a more intellectual man than Mr. Thompson.

If you will listen to this letter you will find that he is a man of a high ability. It is a letter addressed on the 9th of this month to Mr. J. C. Wannamaker, president of the American Cotton Association, St. Matthews, S. C., and signed by Mr. Thompson in his capacity as chairman of the Louisiana division of the American Cotton Association.

I will state that Mr. Thompson has taken the greatest interest in building up this association of cotton producers in Louisiana; not spinners, but men who produce the cotton from the ground by the sweat of their brow. I have the honor myself of being one of its charter members in Louisiana, and I can not stand quietly by and see letters put in the RECORD assailing—and I do not believe it was the intention of the Senator from Alabama to assail—the character of that excellent man; but that was the purport of the letter which the Senator inserted in the RECORD.

Mr. COMER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Alabama?

Mr. RANSDELL. I will yield when I finish this letter.

The letter to Mr. Wannamaker reads:

[American Cotton Association, Louisiana division. Membership campaign headquarters, 806 Perdido Street, New Orleans, La. Phone Maine 6836.]

APRIL 2, 1920.

Mr. J. S. WANNAMAKER,
President American Cotton Association,
St. Matthews, S. C.

DEAR MR. WANNAMAKER: I am in receipt of your wire of the 29th instant, as follows:

"Comer amendment offered without our knowledge. Please write fully your judgment of disadvantage to same. Many strong friends in favor amendment, stating will improve value of contract, preventing depression of prices; that producer will have extra inducement for improving production and harvesting. Especially anxious to have your judgment on account profound regard for same."

That was the telegram Mr. Wannamaker sent to Mr. Thompson, and here is his reply:

In times past I have made a rather close study of the future contract and I have long since come to the conclusion that its chief and, indeed, its only value lies in the protection it affords buyers and sellers of cotton and manufacturers of cotton goods. When the future contract market functions normally, the owner of cotton, pending such time as he can market the same, or, if he be a farmer, before he has made the same, can insure himself against loss by selling a future contract hedge; the cotton buyer can make forward contracts with the spinner before he has any cotton in hand and protect himself against loss by buying a future contract hedge; and the manufacturer may make forward contracts for the sale of his product before he has cotton in hand or a specific grade contract with spot merchant or broker and insure himself against loss by buying a future contract hedge.

Senators, this is somewhat academic, but it is a most difficult and intricate subject, so I trust you will be patient while I read this letter:

It is this hedge or price insurance function of the future contract which makes it valuable to the trade. It was never intended nor will it ever be possible to make the future contracts for cotton bought and sold around the rings of the exchanges take the place of direct dealings for specific grades and staples between the manufacturer and the spot merchant.

I may interlard here that the Smith-Lever bill contains definite provision for specific contracts set out in full in paragraph 10. One can make a contract for future delivery under the terms of that bill, but it is a specific contract, not a future contract. To proceed:

These contracts, which provide the protection aforesaid to those who do not want to speculate, are supplied primarily by those who want to speculate and whose business it is to speculate. These latter are the underwriters, who assume the risk. From this postulate it is obvious, therefore, that the form of the contract or the character and extent of the obligation to which the speculative seller or buyer is called upon to commit himself becomes the determining factor in the existence of a future-contract market. If the contract is too narrow, or if it contains conditions which place the seller at a disadvantage, then there will always be more buyers than sellers, and in consequence the contract will go to an artificial premium, and if these disadvantages are exaggerated the price of contracts, irrespective of the value of cotton, will go through the roof, and you will no longer have any contract market, because nobody will be willing to take the short side of the contract. If, on the other hand, the contract be too broad and the advantages all lie with the seller, buyers will be driven from the market, and the whole system of future trading will be destroyed.

In order, therefore, that supply of contracts may be forthcoming and a future-contract market possible, it is necessary that the authorized contract shall be one to which both the speculative buyer and seller will be willing to commit himself. It must be a basis contract, because no speculative seller of future contracts would commit himself to an obligation to deliver a specific grade which it might be impossible to obtain, and the range of deliverable grades should be sufficiently wide to give him a reasonable assurance that he could secure the cotton necessary to liquidate his contract should he be called upon to do so. On the other hand, the buyer must have assurance that he will not be called upon to take delivery of unmarketable cotton or of any cotton at artificial price differences.

I indulge in this somewhat prolonged academic discussion in order that you may understand the reason for my opposition to the Comer amendment.

I am very much in favor of the future-contract market properly regulated. In fact it is my opinion that it would be a great calamity to the producer if the future markets were destroyed or impaired.

Mr. Thompson agrees in that particular with the committees of Congress in their recent report, to which I have already alluded.

He continues:

I am opposed to the Comer amendment because, in my opinion, it so narrows the contract that its effect would be to drive out sellers, which would have the effect of running up the prices of the contract

to abnormal premiums, which in turn would eventually destroy the future contract as a trade agency for hedging purposes. If this were the case, there would then be no reason for the existence of a future-contract market and it would not be tolerated.

It is true that under the present grade limitations the future contract has been ruling at a discount under the spots, but this discount is not, in my opinion, due to the grade limits. Low-middling white cotton, the lowest grade deliverable, is in spinning value a very good grade of cotton. It does not by any means belong in the category of those worthless grades which have been in times past used under the fixed difference system of the New York Exchange prior to the Smith-Lever law for the purpose of manipulation. It is true that low middling is not and has not been in active demand, but if all grades are to be eliminated from contract deliveries because they temporarily are not in demand, regardless of spinning value, then we would have a most unstable and erratic contract, which would be of no use whatsoever to the cotton trade.

The reason for the discount of contracts under spots is primarily because the speculative element which looks for deflation and lower prices is in the majority. You will recall that these discounts are larger as the maturity of the contracts is extended and grow less as approach is made to the current month. As a matter of fact, it is the history of the future-contract movement that the current-month contracts run up to a parity, or approximately so, and, in the recent New York March case, to a premium. This proves conclusively that the contract as it now stands is a perfectly good contract and the future discounts are not the results of any vice in the contract, but rather of the psychology of the speculative trade in respect to future developments.

I am just as much opposed to broadening the contract as I am to narrowing it. We must remember that these are abnormal times in all lines of business and that we can not expect the future contracts to function as in normal times. It is as much a mistake to try to rectify abnormal conditions by meddling with the future contract as it is to try to restore a fever patient by doctoring the thermometer which registers his temperature.

The present contract is not sufficiently wide to admit of delivery of grades intrinsically valueless, nor is it so narrow as to deter any reasonable trader from selling under its terms of delivery. It is a good contract, and if we meddle with it we might, and probably would, bring consequences of which the meddlers do not dream.

Of course, the spinners desire a narrower contract. Those who do not use anything lower than strict middling cotton would favor even a strict middling contract, but they do not seem to understand that the future contracts entered into around the ring can not possibly take the place of direct contracts for specific grades and staples made between themselves and spot merchants. The function of a future contract is to supply protection and not specific performance. It is an insurance policy. The insured under a fire policy receives remuneration for his loss, not the rebuilding of just such a house as his fancy might dictate. If the men who want insurance should pass a law which would require the underwriters to furnish a particular kind of house in accord with the wishes of the insured, the result would be that he would deprive himself of all insurance, because the underwriters would not write such a policy.

Of course, you and I and the producers want a high price for cotton, but if we drive the short sellers out of the market we will advance the price of contracts without increasing the amount realized by the producer, and we will destroy a trade system which is and has been of the greatest value in the problem of marketing cotton.

I think therefore that we should let the contract stand as it is to-day and defer the consideration of any experiments until the trade situation shall have been adjusted to a nearer approach to the normal. In the meantime we should try to reduce the patient's temperature by direct application rather than by monkeying with the thermometer.

With all good wishes,

Sincerely, yours,

W. B. THOMPSON,
Chairman Louisiana Division.

Mr. COMER addressed the Chair.

The PRESIDING OFFICER (Mr. MCCORMICK in the chair). Does the Senator yield?

Mr. RANSDELL. I yield to the Senator from Alabama [Mr. COMER] for a question.

Mr. COMER. The Senator has just read a letter from Col. Thompson. He is a member of the cotton exchange, is he not?

Mr. RANSDELL. Yes.

Mr. COMER. An ex-president of it?

Mr. RANSDELL. Yes, sir.

Mr. COMER. Fully imbued, of course, with all the cotton exchange ideas.

Mr. RANSDELL. Perhaps so, but a friend of the farmers nevertheless; and above all an honest, patriotic man.

To the casual reader or layman the Comer amendment would appear as an equitable contract to both buyer and seller alike, that is, a 50-50 proposition, but when carefully analyzed it will be noted that the buyer has the right to demand delivery of one-half of the contract from the grades of middling fair, strict good middling, good middling, strict middling, and middling, that is, five grades, whereas the seller has the option of delivering the other half of said contract from the grades of low middling and strict low middling, which are the only grades which he can deliver below middling of the so-called low grades.

Mr. COMER. Mr. President——

Mr. RANSDELL. I will yield to the Senator as soon as I make this statement.

Mr. COMER. Excuse me.

Mr. RANSDELL. But besides the five grades of middling and above from which the seller is compelled to deliver, he may in addition tender good middling tinged, strict middling tinged, and good middling yellow stained. However, the additional grades, with the exception of good middling yellow stained, always command a handsome premium over middling cotton and are generally known in the cotton trade as good grade cotton. The seller in the fulfillment of his option is entitled to use only two of the grades below middling. Therefore it can readily be seen that only 20 per cent of the grades deliverable are those below middling, and not 50 per cent of the grades below middling, as would be indicated by the casual reading of the amendment. As an illustration, the average grade of the 1918–19 crop was below middling, and it is generally conceded by the trade that the 1919–20 crop, which records will be available by August 1, 1920, is lower than the preceding crop.

I now yield to the Senator from Alabama.

Mr. COMER. I just wanted to state that in the deliverable lower grades strict middling tinges are of no better value, possibly, than strict low middling white. A tinged cotton and a stained cotton are not very desirable in the manufacture of goods, and the five lower grades, except the one, good middling tinged, are not desirable cotton, and there are four of them out of which they have been delivering all these years, and I will state to the Senator that practically all exchange deliveries have been made out of those four grades—low middling, strict low middling, strict middling tinged, and good middling. Mills call for these three grades: Low middling, strict low middling, and strict middling tinged. Whenever you get colored cotton it is not good for spinning.

Mr. RANSDELL. I do not know what effect color has on the spinning value, but I would not place my judgment against that of the Senator, who has had such large experience as a manufacturer. People who are experts in the matter, and in whom I have implicit confidence, assure me that these tinges are really more valuable than middling, and sell higher; but I may possibly have been misinformed.

Mr. COMER. The Senator has been misinformed. A strict middling tinge is no more valuable than the strict low white. The price on the market this season has not been as good. I will just add this, that the four grades I mentioned are grades deliverable under all contracts, and it has been generally understood these were the grades that would be tendered, as the tender is of the lower grades.

Mr. RANSDELL. I repeat that all I know about the matter is what I have been told by the president and two other very prominent members of the New Orleans Cotton Exchange, namely, that these other grades are above middling. That is a difference of opinion, however, and again, Mr. President, fortifies my argument that full hearings ought to be held on this bill. There is such a great dispute as to facts, so much difference of opinion among the doctors. When all the doctors agree, they may put the patient to death without very much criticism by anybody; but if the doctors disagree seriously and the patient dies somebody is going to be criticized sharply; and I am afraid they are going to kill this patient on account of the wide diversity of opinion among themselves, unless the matter can be delayed and discussed very fully. I am sure the urbane and kindly chairman of the Committee on Agriculture will permit this matter to be postponed for an impartial hearing.

He always wants both sides to be fully heard, and he never makes up his mind until he hears both sides.

Owing to the shortage of labor it is likely that future crops for several years will be low grades, as it will be impossible to gather the crop before weather conditions lower the grades, and as only 20 per cent of the deliverable grades are below middling, it will be impossible to get sufficient good grades to warrant the selling of contracts as a price insurance or hedge, and trading will soon become so restricted, particularly during the spring and summer months, when all of the good grades have generally gone into consumption, that the contract will cease to function.

Senators, I beg of you to remember that the legitimate and proper function of this contract is as a hedge, so called, or an insurance, as the ordinary man would understand it. Price insurance will be destroyed and a chaotic condition will exist for the producer, merchant, and cotton banker. As a result the market will be at the mercy of the spinner.

Owing to the large number of low grades grown the Comer amendment is not sufficiently comprehensive and does not allow a sufficient percentage of the low grades specified in the contract to be delivered. It is, therefore, of little use to the producer and I fear it will have a tendency to greatly reduce in price those grades below middling. To the merchant who uses the Comer contract to protect his forward sales of actual cotton this contract has little value as a hedge or price insurance, for unless he can dispose of the low grades he may have received on the contract he will be unable to use the future market as a hedge or price insurance, for the cotton remaining in

his hands is undeliverable without the required 50 per cent of middling and above.

As I have tried to indicate, where is he going to get that 50 per cent? There is so much low grade, how are you going to find 50 per cent of middling and above?

If the Comer amendment is passed and put into immediate effect the trade will be completely demoralized, as all forward sales up to and including December have been made and hedged upon an entirely different basis of price insurance.

All merchants' stocks have also been hedged on an entirely different basis of price insurance. The result of this confusion would be to greatly depress values of actual cotton to the detriment of the producer, merchant, and cotton banker, and to the great benefit of the spinner.

Another effect of the passage of the Comer amendment will be to greatly increase the expense to the producer of marketing his cotton, as the interior or country buyer who at present buys direct from the producer on his farm or on the country square of the small interior market would not buy any qualities below middling white, unless he had an order for that specific quality, for he could get no price insurance on the grades below middling white or tinges above middling allowed in the contract without carrying bale for bale of the grades of middling and above required by the Comer amendment.

Mr. COMER. Mr. President——

The PRESIDING OFFICER. Does the Senator yield to the Senator from Alabama?

Mr. RANSDELL. I will yield in a moment.

The economic evolution in the cotton trade has been enabling the farmer to carry, finance, and sell his cotton at home to the interior buyer. Under the Comer amendment the interior buyer is seriously handicapped so the producer will be compelled to consign his cotton to the commission merchant far from home, and must assume the many charges incident thereto in order to lighten the burden of financing. He is deprived of selling his cotton at home which is more remunerative.

I now yield to the Senator.

Mr. COMER. Who makes that statement?

Mr. RANSDELL. I make that statement.

Mr. COMER. Yourself?

Mr. RANSDELL. Yes. That is my understanding. I gather it from my investigation of the subject.

Mr. COMER. I desire to know if that was spoken by an experienced person, an experienced cotton man, or an inexperienced one. The reason I ask the question was because it is contrary to every fact in the case.

Mr. RANSDELL. I will answer the Senator by stating that these facts are given to me by members of the New Orleans Cotton Exchange.

Mr. COMER. I thought so.

Mr. RANSDELL. I am not a member of that exchange; I am not a cotton merchant; I am not a cotton spinner; I am simply an humble farmer, who produces cotton, and I sell it the best I can.

But, while I am talking about the exchange, I want to say, Mr. President, that it seems to me, as it has always seemed, that the cotton merchants in New Orleans who sell my cotton—for I am obliged to sell through them very largely—on commission usually of 2½ per cent of its value have the same interest to get a good price for it that I have. The cotton exchange of New Orleans is very largely made up of the cotton merchants of New Orleans—I understand fully 50 per cent cotton merchants. I know W. B. Thompson and John M. Parker, the two gentlemen to whom I have already alluded and of whom I shall speak again, are big cotton merchants. These men are interested in getting as high a price as possible for cotton. It stands to reason that if cotton brings 20 cents a pound, or $100 per bale, 2½ per cent thereon amounts to $2.50 per bale. If cotton brings 40 cents per pound, or $200 per bale, 2½ per cent thereon nets $5 per bale.

So these cotton merchants are interested in a big price for the product of the producer. But is the same true of the spinner? Is the spinner interested in paying an enormous price for cotton? It is perfectly natural—and I would pursue the same course if I were a spinner—for him to buy it as cheaply as he can, and certainly prudent business men who are spinners want cotton as cheap as possible. The grower, the producer, of cotton wants to get a good price, and the man who uses the staple wishes to buy it at a low price; the producer on the one hand versus the spinner on the other. The cotton merchant, the intermediary, the man who is paid a commission on his sale, certainly is very much interested in getting a good price for the farmer's cotton, and even if the merchants be the unscrupulous men that some gentlemen would make believe, even if the dealers on the exchange be such vicious persons, I would rather trust my little cotton crop to their tender mercies than to the tender mercies of the men who are going to spin it and sell it as woven goods.

In connection with the same matter I wish to say that the Senator from Alabama [Mr. COMER] has alluded frequently to the great cotton convention recently held in his State at the capital city of Montgomery. That convention passed a unanimous resolution that while they did not pretend to try to fix the price of cotton, nor did they attempt to say how much acreage should be planted in cotton this year, nature having done that—in addition to the shortage of labor—but they did say that the spinners could well afford to pay at least 60 cents a pound for cotton when we consider the unprecedented price received for their manufactured articles.

Mr. COMER. Mr. President——

Mr. RANSDELL. I yield for a question.

Mr. COMER. The only question I wish to suggest to the Senator is that he has confounded commission merchant and the exchange. You sell your cotton through the commission merchant?

Mr. RANSDELL. I do.

Mr. COMER. That is spot cotton. Exchange cotton is a different thing entirely. There is no relation between the cotton merchant and the exchange at all—one selling spot cotton, and the exchange merchant is selling or buying contract cotton. There is no relation at all.

Mr. RANSDELL. I think there is a very close relation. I have known them in New Orleans for a great many years, and I never knew a commission merchant there who was not a member of the exchange and very closely connected with it. I have just read what one large merchant, Mr. W. B. Thompson, who is also a member of the exchange, has said.

I yield further for a question only.

Mr. COMER. The exchange transaction and the commission merchant transaction are two different things.

Mr. RANSDELL. Why adopt the Comer amendment, with its many dangerous features, when the country to-day is getting the highest price for cotton since the Civil War, and the producer, merchant, banker, and spinner are all reaping the benefits? Further, it was only on March 4, 1919, that the present contract was adopted and has not been in force one complete crop year. It has functioned normally and has contributed to continue the splendid trade conditions referred to above. It was amended for the purpose of creating a closer relationship between future contracts and spot cotton, and in this respect it has been eminently successful. I wish to call attention to the values of the current month since March, 1919, as recorded in the New Orleans contract market, and its comparative value to the quotation of middling cotton in the New Orleans spot market.

Mr. President, I will not attempt to read the entire table showing that middling cotton in May, July, October, December, 1919, and January and March, 1920, were practically the same as the contract cotton for the same months, a difference of perhaps 1 cent; but I ask that it be printed in full.

The PRESIDING OFFICER. Without objection, permission is granted.

The tabulation is as follows:

Date.	Middling spot quotation.	Current contract month.
	Cents.	
May 26, 1919	32.00	May, 33.40 cents.
July 14, 1919	34.25	July, 35.50 cents.
Oct. 22, 1919	36.88	October, 37.52 cents.
Dec. —, 1919	40.00	December, 40.85 cents.
Jan. 22, 1920	39.75	January, 40.30 cents.
Mar. 18, 1920	41.00	March, 40.10 cents.

Mr. RANSDELL. This tabulation is not intended to convey the idea that the relationship between spots and futures exists every day during the option of the months traded in, but does conclusively show that at some time during the life of the option the close relationship between spots and futures actually exists.

The amendment of March 4, 1919, from the foregoing facts appears to have established the extreme relationship between contracts and spot quotations, and any effort to further restrict the percentage of grades tenderable would create a fictitious value for contracts; and while the Comer amendment would put up the price of future contracts, they would be of no value to the trade any more than the price of a specialty like sea-

island cotton, which is a very small percentage of the crop grown, reflects the price obtainable for the great bulk of the cotton crop.

Discounts between near months and distant positions in the cotton market have existed for some time. I may mention that at times during preceding seasons even when cotton was as low as 9 cents per pound comparative discounts existed. The explanation of this fact is purely psychological. At all times a great many consumers have no confidence in prices; therefore, to induce them to buy to fulfill their commitments for a future date one must discount the price. The illustration above given of the close relation existing at times during the current month between spots and futures proves that those who have sold discounts have paid the penalty. This has been the rule rather than the exception since 1914, the price of cotton continually advancing from below 6 cents per pound to over 42 cents per pound for middling cotton.

Dealing in cotton is not an exact science, nor is the hedge afforded by the contract market a complete protection, but it is as good a price insurance as any insurance company would underwrite for fire or other risks. Further, the Smith-Lever bill as amended March 4, 1919, under section 10, permits the trading in specific grade contracts, and if any buyer can find a seller who will sell him such a contract upon the exchanges he is permitted to conclude such a contract.

Mr. President, I ask permission to print section 10 as a part of my remarks without reading.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

SEC. 10. That no tax shall be levied under this act on any contract of sale mentioned in section 3 hereof if the contract comply with each of the following conditions:

First. Conform to the rules and regulations made pursuant to this act.

Second. Specify the grade, type, sample, or description of the cotton involved in the contract, the price per pound at which such cotton is contracted to be bought or sold, the date of the purchase or sale, and the time when shipment or delivery of such cotton is to be made.

Third. Provide that cotton of or within the grade or of the type, or according to the sample or description specified in the contract shall be delivered thereunder, and that no cotton which does not conform to the type, sample, or description, or which is not of or within the grade specified in the contract shall be tendered or delivered thereunder.

Fourth. Provide that the delivery of cotton under the contract shall not be affected by means of "set-off" or "ring" settlement, but only by the actual transfer of the specified cotton mentioned in the contract.

The provisions of the first, third, and fourth subdivisions of this section shall be deemed fully incorporated into any such contract if there be written or printed thereon, or on the document or memorandum evidencing the same, at or prior to the time the same is entered into, the words "Subject to United States cotton futures act, section 10."

This act shall not be construed to impose a tax on any sale of spot cotton.

This section shall not be construed to apply to any contract of sale made in compliance with section 5 of this act.

Mr. RANSDELL. This contract you will perceive is infinitely stronger than that provided in the Comer amendment, but it was never intended and has never been used as a price insurance but to permit the trading in specific grades of cotton under the rules of the exchanges and the rules and regulations promulgated by the Bureau of Markets.

Specific contracts permitted under section 10 are traded in largely between producers, merchants, and spinners, but have never been used as price insurance because no seller will undertake the restrictions of such a contract, and consequently no one can buy them across the pit.

In the CONGRESSIONAL RECORD of April 17, Sixty-sixth Congress, second session, Senator COMER, in discussing his bill, is quoted as follows, pages 5769 and 5770:

The exchanges have not sold a bale of middling cotton in years. They do not intend to sell that kind of cotton. There has not been any middling or above delivered to the exchanges for years. I say notwithstanding this, through the demand of the spinners for that class of cotton, the high grades are much higher relatively than the low grades, which do pass through the exchanges.

The low grades pass through the exchange, and they themselves say it is too low, too comparatively low. The high grades do not pass through the exchanges at all. The price is made by the demand, just like all other prices on all commodities are made.

Of course not; the Cotton Exchange of New Orleans does not buy, sell, or deal in cotton at all. It is an institution through whose medium and rules and regulations, under the supervision of the United States Department of Agriculture, trading in cotton is facilitated. I presume that the Senator from Alabama [Mr. COMER] refers to transactions made on the exchange between members in receiving and delivering cotton on future contracts under section 5.

May I ask the Senator from Alabama if that is not what he meant? Of course, the Senator did not mean the exchange itself dealt in cotton; he meant contracts between members of the exchange.

Mr. COMER. I also meant what I said in that speech, that in tenderable cotton while the five upper grades were tenderable, it was not used for tender; that the lower grades were used. For instance, we got 200 bales this week, and I dare say there was not a single grade of middling and above.

Mr. RANSDELL. Does the Senator mean the lower grades were not certificated?

Mr. COMER. Oh, yes; they are certificated, but the basis middling is so much lower than the price of middling that they deliver the lower cotton and let the higher cotton go by the boards.

Mr. RANSDELL. I am glad to have the Senator's definition. In order to prove the inaccuracy of the Senator's statement, I submit the figures obtained from the Bureau of Markets of cotton classified and certificated from March, 1919, to December 1, 1919, on the New Orleans Cotton Exchange:

	Bales.
Middling fair	3
Strict good middling	399
Good middling	3,226
Strict middling	6,071
Middling	5,866
Good middling, tinged	232
Strict middling, tinged	121
Good middling, yellow stained	2
	15,920
Strict low middling	3,442
Low middling	1,382
	4,824
Grand total	20,744

Therefore, it will be seen that out of 20,744 bales, 15,920 bales of middling and above and 4,824 bales below middling have been certificated by the Bureau of Markets in New Orleans since the adoption of the Smith-Lever bill, as amended March 4, for the period above mentioned. This should dispel any idea that this exchange is used simply for the purpose of tendering undesirable low grades to depress the value of the balance of the cotton grown.

I may mention that the Liverpool cotton market has adopted and is now trading in the same contract as that traded upon in the American exchanges to-day under the Smith-Lever bill, as amended March 4, 1919, and there is no assurance that Liverpool would change their contract, assuming that Senator COMER's proposed amendment should become a law. I refer to Liverpool because over 50 per cent of our crop is exported and is settled for through the rules of the Liverpool Cotton Association. Surely a large bulk of this business which has been put through for next fall and winter should at least enjoy the advantages of being finally liquidated without having the price insurance on which the business was originally based entirely changed.

Several large organizations have expressed their opinions on the Comer amendment. The board of directors of the American Cotton Association, in convention at Montgomery, Ala., during the week beginning April 11, instant, passed the following resolution:

Board of directors recommends this matter be referred to new committee on legislation enactment with instructions that said committee shall make a full investigation of the matter and make recommendations to executive committee. The executive committee shall instruct said legislative committee in the premises after a full hearing has been given all parties in interest—

I hope the Senators will listen to this. The board of directors of the great American Cotton Association advise that a "full hearing" be given all parties in interest—

on the merits of the proposed legislation, due and proper notice of which hearing shall be given before action is taken by executive committee.

Mr. COMER. Mr. President——

The PRESIDING OFFICER (Mr. HENDERSON in the chair). Does the Senator from Louisiana yield?

Mr. RANSDELL. Let me complete this statement, and then I shall yield.

Mr. COMER. Very well.

Mr. RANSDELL. Notwithstanding this wise policy suggested by the board of directors, the convention itself on its last day, with only a small percentage of the attendance present, passed a resolution by a vote of 16 to 15 indorsing the Comer amendment. The closeness of this vote indicates the great differences of opinion existing over this important question.

I wish now to read an extract from a letter to me from Mr. T. J. Appleyard, jr., of New Orleans, campaign director of the Louisiana division, American Cotton Association, dated the 22d instant. I do not know Mr. Appleyard very well; I have met him several times, and he is a very agreeable gentleman. I do not think he is a citizen of Louisiana unless he has re-

cently become so; but he is certainly a very bright, intelligent man. He states:

While the vote—

On the Comer amendment—

was not a representative one in that the attendance at the convention during the last day was simply a matter of about 50 men, and while the amendment was favored by the convention, so far as the vote by States was concerned, yet I can not feel that it in any wise represents an expression of the actual membership of the organization for this reason, that in totaling the number of members that each State is now supposed to have on its roster, by the vote of Arkansas, Louisiana, Mississippi, North Carolina, and South Carolina, 31,445 members expressed themselves as against the amendment, whereas Alabama, Florida, Georgia, Oklahoma, and Tennessee, voting in favor of the amendment, only expressed the opinion of 2,545 members of the association. Perhaps this may be interesting information for you.

Then I have a very brief extract from a statement made to me by Mr. W. M. Steele, of New Orleans, a former newspaper man of very high grade, who attended that convention as publicity manager or director of the Louisiana division of the cotton association. Here is what he says about that vote of 16 to 15. The Louisiana division, Senators, is a very large one. Here is what Steele says about the way the vote was obtained:

Questions arose as to the apportionment of the vote of the States, and no one seemed to have the correct or official apportionment. Finally the vote was taken on the basis of an undisputed apportionment in a vote of the day before, and resulted in the adoption of the indorsement by a vote of 16 to 15, as follows:

For amendment: Alabama, 3; Florida, 1; Georgia, 5; Oklahoma, 4; Tennessee, 3; total, 16.

Against: Arkansas, 3; Louisiana, 3; North Carolina, 3; Mississippi 2; South Carolina, 4; total, 15.

According to the statement of Mr. Appleyard, the overwhelming majority of the members of the cotton association, represented at the convention, so far as the State rosters go, was against the amendment. It was carried by a majority of one. How was that majority secured? By allowing Tennessee 3 votes and giving to Mississippi only 2 votes. Everybody knows that Mississippi raises a great deal more cotton than Tennessee. That was an unfair apportionment. However, be that as it may, Mr. President and Senators, that vote of 16 to 15 indicates that, among the producers of cotton in the greatest cotton convention ever held in America—I had the pleasure of attending its sessions for three days, and I have never seen a better gathering of cotton growers, from practically every State in the South—at that convention there was a majority of only one favoring the amendment; and the directors of the association at that great convention, passed by a practically unanimous vote—so far as I am informed—a resolution suggesting that the whole matter be referred to the future, and that both sides be given a chance to be heard. So it can not be said that the association went on record as favoring the Comer amendment.

I now yield to the Senator from Alabama.

Mr. COMER. I should like to ask if Mr. Thompson was not there and most active in the arrangement, direction, and management of the convention?

Mr. RANSDELL. Yes, Mr. Thompson was there, and he was very active indeed. Mr. Thompson is always found where there is being discussed any matter affecting cotton interests. When anything tending to promote the upbuilding of American cotton, production on the farm, and the interests of the farmer is under consideration, Mr. Thompson is there with his wise head and eloquent voice speaking for the American cotton farmer. I have heard him time and again.

Mr. COMER. And for the cotton exchange?

Mr. RANSDELL. Possibly he speaks for the cotton exchange; it would be strange if he should not, for he used to be president of the exchange; he is now one of its prominent members, and that exchange is one of the big institutions of the greatest city in the South. No man, however, can intimate or indicate that W. B. Thompson is not as honorable, high-toned a man and as strongly inclined to do right as any other citizen of America. I hope the Senator from Alabama does not mean to intimate to the contrary.

Mr. COMER. He had a great deal to do with that convention; that is the very thing I am talking about.

The PRESIDING OFFICER (Mr. GAY in the chair). Does the Senator from Louisiana yield to the Senator from Alabama?

Mr. RANSDELL. I yield to the Senator from Alabama for a question.

Mr. COMER. I have here a letter from ex-Senator Frank S. White, who was a Member of this body, and one of the finest men of whom I know. He is running for election to the Senate to succeed the late Senator Bankhead, and I trust he will be elected, because I do not know of a better man. I will ask the Senator from Louisiana if he will allow me to read the letter now?

Mr. RANSDELL. I do not wish to yield my time for the reading of a long letter. When the Senator replies to me, if he cares to do so, he can read the letter.

The PRESIDING OFFICER. The Senator from Louisiana yielded to the Senator from Alabama for a question.

Mr. RANSDELL. I decline to yield my time for the reading of a long letter.

Mr. COMER. It is a short letter, and simply tells that Mr. Thompson and the exchange crowd with him took hold of that convention and ran it to the best of their ability. I should like to have the letter read.

Mr. RANSDELL. The Senator can put it in the RECORD in his own time. I shall have no objection to his doing so; but I will say that I was at the convention, and Mr. Thompson was there and took a very active part; but I can not conceive of anyone intimating that any man, no matter how able, could run that magnificent aggregation of the bone and brawn and intellect of American cotton farmers. I myself would not dare to make any such intimation, and I can hardly believe that the ex-Senator from Alabama, Mr. White, whom I held in very high esteem when we were brother Members of this body, has done so. The Senator, however, can put the letter in the RECORD in his own time. I must proceed.

Mr. COMER. I will be glad to put the letter in the RECORD.

Mr. RANSDELL. Mr. President, I wish also to read an extract from a resolution passed by the Mississippi Valley Association, in convention at St. Louis on the 20th instant, just a few days ago. The resolution was adopted unanimously at a big convention composed of delegates from 28 States, the entire Mississippi Valley being represented. This is the resolution:

In view of the vital importance to the cotton producers and other cotton interests of the Mississippi Valley and that of the Nation, we respectfully request and urge that no final action be taken on the Comer amendment to the Agricultural appropriation bill without a full and public hearing.

Senators, can such a request as that be denied? What caused our Revolutionary ancestors to break away from Great Britain 145 years ago? What caused us to enter into the mighty struggle which gave freedom to this Republic but the refusal on the part of Great Britain to allow us any hearing whatsoever in the British Parliament, which taxed us without representation and without a hearing? The people of the Mississippi Valley ask for a hearing before Congress undertakes to repeal a most important law, a law which, to my personal knowledge, was considered for months and months before its enactment. We did not pass the Smith-Lever bill hastily. We considered it in the committees of the House and of the Senate; we considered it on the floor of each body for a long time. Members of the Agricultural Committee know the absolute truth of my statements. Now we are asked to repeal that important law by an amendment submitted on the floor of the Senate for the first time, when Senators like ELLISON SMITH, of South Carolina, whose name, in conjunction with Congressman Lever's, was given to the great piece of legislation which it is now proposed to repeal, was absent from the Chamber; when HOKE SMITH, of Georgia, was absent; and when I, too, was absent from my seat. I make no charge of any improper action on the part of the Senator from Alabama in bringing up the amendment at that time. He had a right to do so. It was perhaps our duty to have been here; but unfortunately we were called away. I am, however, simply stating the fact that we were not here, and this measure came up in our absence. It completely changes, I repeat, a most important piece of carefully considered legislation. It is not right, Senators, to put such a measure through without a hearing, and all we ask is that it be heard fully and fairly.

I am not a specialist on these matters; the proposed legislation may be good; but, so far as I have been able to study it, I do not think so. However, I may be wrong. I am in the position here of a lawmaker, willing to listen to all the arguments pro and con on this subject; willing to have a special committee, if necessary, appointed to study it. It affects vitally the greatest money crop on earth, the cotton crop of the South, which for years has given this country such a wonderful balance of trade; and it is most unwise, unbusinesslike, and unstatesmanlike to legislate on a measure of this magnitude without a full hearing of both sides.

Mr. President, I will now read a few lines from a letter of Hon. John M. Parker, recently elected governor of my State, to whom I have just referred. It is dated New Orleans, April 13, 1920, and is addressed to Hon. L. LAZARO, House of Representatives, Washington, D. C. It was published in full in the CONGRESSIONAL RECORD of April 19, page 5851, so I will merely read an extract from it:

DEAR DR. LAZARO: From what I understand of the Comer amendment, it provides that at least 50 per cent of any cotton tendered for delivery on contract in the New York or New Orleans markets shall be middling or above, the remainder to be of any other of the standard grades, at option of deliverer. This would tend to restrict the quality and character of cotton that is tenderable on contract and would naturally handicap the deliverer and benefit the receiver. The result would be a contract more favorable to the spinner and possibly less favorable to the producer. It would probably enhance the value of the contract as compared with the spot basis.

Any further restriction as to the kind of cotton that may be delivered on contract will naturally make that much less ready outlet for the producer.

Could anything be stronger from an honest conservative than that statement of Governor elect Parker? Furthermore, I am informed that at the Mississippi Valley convention in St. Louis on the 22d Mr. Parker delivered a strong speech and spoke in unequivocal language in opposition to the Comer amendment, insisting upon delay in regard to it.

Mr. DIAL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from South Carolina?

Mr. RANSDELL. I yield.

Mr. DIAL. My views on this amendment have already been expressed upon the floor of the Senate some time ago; but the Senator stated a while ago that he would as soon trust his interests to the cotton exchange as he would to the spinners of this country, the manufacturers, and I see occasional references in this letter of Mr. Parker's trying to create a prejudice against the mills.

I want to say to the Senator that I am interested in milling myself, not only in farming but also in manufacturing, and that I know of no higher class of men in the United States than the presidents of cotton mills in the South. I know pretty well when this industry was started; I remember the first modern mill that was ever built in South Carolina, and I do not claim to be very old. The mills have been built up by home people, home capital, a large amount of it being furnished by the farmers themselves, and they have conferred a great benefit on the producers in making a market for their cotton; so I resent any insinuation whatever that the manufacturers are in any way tricky or in any way unreliable.

I have no war to make on the exchanges, when conducted in a proper way, but the manufacturers of this country could not manipulate the market if they were disposed to do so. I do not deny that they want to make money, the same as the farmer, the same as the merchant, the same as the doctor or the lawyer or anybody else; but if they were disposed to try to take any undue advantage in buying cotton they could not do it. They have to compete with the world. The United States has to compete with England, and Liverpool, as the Senator knows, fixes the price of cotton. We compete with Japan and we compete with the whole world, and the manufacturers of the North are in the same position as those of the South.

In our country, in my State, where we now manufacture about the amount of cotton that we raise—I do not think this enterprise has grown to such a great extent in the Senator's State; they have, I believe, a mill or two in New Orleans—in my country it is a great industry. We have large stockholders. The stockholders get together and they want to build a mill to benefit their community and to make a market for their produce. It is not only for their cotton, but for their trucking and other interests, and no other industry in modern times has developed the country as manufacturing has developed the South. So his remarks, if he means any reflection whatever upon that kind of industry, are entirely out of place and uncalled-for and unjustifiable.

Mr. RANSDELL. Mr. President, the Senator from South Carolina can not point to a single word uttered by me in reflection on the spinners. I have not uttered one word in criticism of the spinners, and no one who heard what I have said could infer such a thing. I have said, and I repeat—and I have spinners in my State, though not as many as the Senator from South Carolina has—that the interest of the producer to get a good price for his product is one thing and the interest of the man who spins that cotton into cloth for sale is another thing. That is all I have said, and the Senator can put that in his pipe and smoke it, if he wishes. I have not intimated anything derogatory against the spinner, nor would I do so. I have tried to show that the cotton exchange is composed very largely of merchants who are interested in getting a good price for the cotton of the farmer, and believe I have shown to any fair mind that the spinner is interested in buying this cotton as cheaply as he can. I do not mean to reflect on anyone.

Mr. DIAL. Mr. President, I have such a high regard for the Senator from Louisiana that I did not suppose he would intentionally reflect upon anyone; but the colloquy came about in his answer to the Senator from Alabama [Mr. COMER], in which he said that the Alabama Senator accused the cotton exchange of manipulation, and the Senator from Louisiana said that he would as soon trust his interests in the hands of the cotton exchange or the cotton broker as he would in the hands of the manufacturer.

Mr. RANSDELL. If the Senator considers it a reflection on the spinner to say that I would as soon trust these honorable men of my State as the honorable men of his State, I certainly have no excuse or apology to make for that remark. I stand by it, but I again say that I did not intend any reflection on the spinners.

Mr. DIAL. Very well. I am glad the Senator did not mean any reflection. I did not think he did.

Mr. RANSDELL. I certainly did not; but I again say that I would rather trust my individual cotton to the hands of the men who are interested to get just as much as they can for it, because they sell on commission, than to people who are buying it to manufacture.

Mr. DIAL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Louisiana further yield to the Senator from South Carolina?

Mr. RANSDELL. I decline to yield further. Let the Senator speak in his own time.

Mr. President, the Senator from Alabama has read from a letter of a nice man in the State of Mississippi, whom I know and esteem. He is a friend of mine—Mr. Helgason. I think he is mistaken in the views he has on this bill, but we can not all agree. I have here, however, a letter from another very good man in Mississippi, Mr. A. B. Learned, of Natchez. Nobody in the State of Mississippi stands any higher than A. B. Learned. If the Senator from Mississippi [Mr. HARRISON] were here, or any of its Members of Congress, they would confirm what I say about him. He owns some property in Louisiana, but his home is in Mississippi. He is a big manufacturer of lumber, as well as a banker and cotton grower. He wrote me from the city of St. Louis on April 19, 1920. I do not know what cotton-exchange people may have influenced him to write this letter. Perhaps he was enticed to do so by some of those fellows from New Orleans who belong to the cotton exchange; but, at any rate, he wrote this letter:

HOTEL STATLER,
St. Louis, Mo., April 19, 1920.

Senator JOSEPH E. RANSDELL,
Senate Office Building, Washington, D. C.

DEAR SENATOR: I just had my attention called to the fact that Senator COMER has introduced an amendment to the Agricultural appropriation bill, and that it has gone to conference, which, if it becomes a law, will require that 50 per cent of cotton tendered on contracts must be of a grade of middling or above, and 50 per cent below middling.

As a cotton planter of your State—

I think this gentleman owns some plantation property over in Concordia Parish, and possibly some in Tensas Parish—

it strikes me that this would be extremely detrimental to the interests of the growers. To get the other side of the matter, I asked my friend, Mr. J. W. Sanders, who manages and practically owns the cotton mills at Meridian, Kosciusko, Yazoo City, and Natchez, what he thought of it. He replied that it would be strictly to the interests of the cotton mills manufacturers, but would be very detrimental to the grower. The differential between the price of middling and low middling is now about 8 cents, while the actual spinnable difference is only about 2 cents or 3 cents. Mr. Sanders confirms my opinion that the 8-cent differential would be very greatly increased if the Comer amendment became a law.

Your own experience the last few years has shown you that frequently the crop will not go as much as 50 per cent middling and above, and the last two years it has been much less than 50 per cent. Yet, under the Comer amendment, all in excess of 50 per cent would be outlawed.

I wish you would think this matter over seriously, and if possible see that the cotton-growing interests are given a full hearing before the amendment is allowed to become a law.

Sincerely yours,

A. B. LEARNED,
Natchez, Miss.

I now ask permission, without reading, to insert in the RECORD an able editorial on this subject, entitled "COMER praises his pet," which appeared in the Times-Picayune of New Orleans under date of the 27th instant.

The PRESIDING OFFICER. Without objection, the editorial will be printed.

The editorial is as follows:

[From the Times-Picayune, New Orleans, La., of Apr. 27, 1920.]

COMER PRAISES HIS PET.

Recently the Times-Picayune went to the defense of the cotton interests of the South in opposition to a measure, both fathered and mothered by United States Senator B. B. COMER of Alabama, designed to permit cotton spinners to skim the cream off of the cotton crop and leave the milk as a by-product in the farmers' hands, without a definite market and minus the protections now thrown around many hundreds of thousands of bales of merchantable, spinnable cotton. As we explained in our editorial, Senator COMER is a prominent, a millionaire, spinner, and the term "spinners' contract" was long ago accepted as a trade term in the cotton business meaning but one thing—a contract worded to place the whip handle in the mill man's hand wherewith to

drive those who plow and plant and work and harvest the South's great crop.

We pointed out some reasons why the Alabama legislator was taking an astigmatic view of the South's interests, and in our position, we scarce need add, we are in accord with the great majority of the cotton growers of the South. Those who take Senator COMER'S view are very largely those near enough the cotton mill districts of the Appalachian slope to come under the influence of mill domination.

Our editorial evidently touched the quick, for the Senator arose in the Senate Chamber and went into an extended discussion of his proposed measure and "strafed" violently all who would not remain blind to the trap set by his reenforced "spinners' contract."

The Senator's argument, and a one-sided discussion by others from the mill sector, brought out no new facts, and by their involutions and deviations managed to avoid the real point of our criticism. In fact, we only wish we commanded editorial space to give the Senator's talk paragraph by paragraph in order to point out seriatim their faulty reasoning.

The germ of his defense, apparently, was that the exclusion from tenderability on contract of cottons grading below middling would tend to stabilize contracts by forcing spot cotton and futures into a closer unity of price. This, Senator COMER said, would make hedges safer and, as he saw it, would benefit all branches of the trade.

Now, if the latter fact is true, pray how would the planter benefit who, by the chances of season and fate, had produced a crop of cotton that would grade below low middling and middling? According to the "Comer rider," this cotton, in spite of the fact that Senator COMER'S own six cotton mills do spin such staple, would remain in the planter's hands until taken at their own price by buyers from the Avondale Mills or some others of their kind. We say "at their own price," because, having grown cotton grading below the tenderable limit, the planter would be unable to protect his holdings by hedges, and without such hedges could not borrow on his holdings and await a better market.

One of Senator COMER'S first statements was that his company had made use of 25,000 bales of hedges during the season. Presumably this was not done merely as a pastime but because such transactions had a value—as, indeed, they most certainly had—and yet by means of his "rider" the Senator is striving to take away from the trade at large the possibility of such hedges in transactions involving many hundreds of thousands of bales of cotton now protected under the Lever law.

In his effort to make a point the speaker returned to an outworn attack on the cotton exchanges, although his own statement as to the value of the hedge was enough in itself to disprove the old contention. Indeed, one has but to hark back to those distressful months at the beginning of the war, when the exchanges were closed, to recall in what an impasse the planters found themselves when there were no exchanges open to serve as a clearing house for cotton prices. We recall the "buy a bale" campaign, and the values that went almost to nothing at all because there existed no machinery to harmonize beliefs and melt them into that consensus that would determine price.

"It is buying and consumption," said Senator COMER, "that make the price. It is not the power of tendering it on the exchange."

In reply to that, and in its disproof, we have but to quote the statistics showing that the spread between good ordinary and middling cotton in 1918, when the former was still tenderable on contract, was 4½ cents a pound, whereas on April 8 of the present year that spread was 13½ cents. Such was the depressing effect of nontenderability. The figures are eloquent!

Mr. RANSDELL. I now have a letter from former Senator LeRoy Percy, of Greenville, Miss. It is a copy of a letter which was addressed by Senator Percy to the Senator from Alabama [Mr. COMER] on the 7th of this month. This copy was handed to me by the Senator from Mississippi [Mr. HARRISON] at my request. I asked the Senator from Alabama if he would have any objection to my reading it in connection with my remarks, and he very kindly replied that he had no objection, although he said that the situation had changed in many particulars since this letter of Senator Percy was written, on the 7th of this month.

The letter is dated Greenville, Miss., April 7, 1920, and I call the attention of Senators who knew ex-Senator Percy to it, because he is one of the ablest men who ever sat in this body. He served here only a brief time, but he impressed his great intellectuality, independence of thought, and high character on everyone who met him.

Senator B. B. COMER,
Washington, D. C.

DEAR SENATOR: I beg to acknowledge receipt of your letter in regard to your amendment to the cotton-futures act and I appreciate your writing me in reference to the matter, and I have read with much interest the synopsis of your argument in favor of the amendment.

I am in thorough accord with you as to the purpose to be subserved by the cotton exchanges. They are intended to be a barometer of the market and the business usufruct of the futures market consists in its being a barometer of prices on the hedging of sales and purchases; and I further agree with you that there should be no modification in the sense of making looser the present contract. Our only point of difference is, I believe, that the present contract makes the exchange a better barometer of actual conditions than the contract with your proposed amendment.

The present contract makes the exchange a better barometer, says Senator Percy, than the proposed amendment.

The present contract is the result of some years of effort to secure the passage of legislation which would prevent cotton prices from reckless manipulation by gamblers.

Senators thought that we had accomplished that when we put through the Smith-Lever bill several years ago. We worked at it hard, as I have already stated, and we thought we had accomplished it. Senator Percy evidently thought the same. He proceeds:

The present contract is the result of some years of effort to secure the passage of legislation which would prevent cotton prices from reckless manipulation by gamblers, their chief weapon for depressing prices being their ability to tender on future contracts junk which nobody wanted. The fear of such tenders kept the price of futures below the price of spots, and the making of such tenders frequently stampede the market. Under the present contract, while a purchaser may not get the grade that he needs in his business, he either gets the grade which he needs or one which can be disposed of.

Under the present contract, if you do not take the grade you need in your business, you get one you can sell; you do not get junk, as they used to get before the Smith-Lever law was enacted.

Mr. COMER. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER (Mr. MCCORMICK in the chair). Does the Senator yield to the Senator from Alabama?

Mr. RANSDELL. Just let me finish this sentence, and then I will yield.

Junk cotton can not be tendered on contracts, and yet the range given the seller in grades is sufficient to permit of his always being able to fill his contracts.

I yield now to the Senator from Alabama.

Mr. COMER. The Senator said just now that only 20,000 bales had been put on the New Orleans Exchange, certificated by the Bureau of Markets.

Mr. RANSDELL. That is what the Bureau of Markets furnished me a statement of, 20,744 bales.

Mr. COMER. Say, 25,000?

Mr. RANSDELL. No; 20,744.

Mr. COMER. All right, say, 20,744. What I wish to bring out is that, of course, they have sold millions of bales, and they have had certificated only 20,744 bales. I am saying that to show you that the exchange does not propose to deliver any cotton. That is what I am after, and when I said very few bales had been delivered, practically none, that is what I meant. I meant comparatively none of the higher grade had been delivered. They have 20,744 certificated, but they have sold millions of bales, and they do not mention what they have done in New York. There are less than 10,000 bales of cotton there certificated, and yet there are millions sold, thus showing the absurdity of delivering cotton through the exchanges to the spinner or anyone else. I gave you permission to read the Percy letter, and I am glad you did, but will you read Mr. Welsh's letter also?

Mr. RANSDELL. I have not his letter.

Mr. COMER. I will give it to you.

Mr. RANSDELL. You can read it in your own time. I am going to yield the floor in a few moments, and then you can read anything you desire.

In reply to the Senator, I do not care to go into the explanation again. I have made it once, and I do not care to repeat it. But the Senator gave the impression very plainly, in the extract from his speech which I have quoted, that the New Orleans Cotton Exchange did not have anything to do with any but the low grades, nothing except middling and above, and I got from the Bureau of Markets the certification for the past year, since the amendment to the Smith-Lever law went into effect, and I read it. Now, I am going to let the Senator make his own explanation in his own time. I decline to yield further. I have certainly been very generous, and the Senator can go ahead in his own time.

Mr. COMER. I thank the Senator.

Mr. RANSDELL. Mr. Percy goes on to say:

Without accurate data on hand, I am inclined to question the statement that two-thirds of the cotton crop runs middling to good middling. My impression is that more than 50 per cent is below middling. That the present price of futures is below spots and the fact that the distant months are lower than the near months is not due to the ability to tender low-grade cotton on the contracts. This is shown by the fact that there is no low-grade cotton in New York; no tenderable cotton sufficient to depress prices.

The former normal conditions which made the distant months carry higher prices to represent the carrying charges on cotton do not exist, for the reason that the world is slow to concede—

Here is the sort of a statesman he is—

that present prices are justified—

A great cotton convention in Alabama said that the manufacturers could afford to pay 60 cents for cotton. Mr. Percy says:

The world is slow to concede that present prices are justified, and the expectation is that there will be a break in the price of spot cotton which will be reflected in lower prices of contracts, and this expectation operates to make distant months have lower values, each month as it is reached, being forced up to the value of spot cotton, because each month the bears find that they have been disappointed in the price of spot cotton being lowered, and that no spot cotton can be bought to tender on the contracts.

I believe that the amendment to the present contract would make dealings fewer, and the frequency of transactions on the exchanges is beneficial to the producer simply as affording information as to prices and their fluctuation. Since the present contract has been made there

has been no breaking of the market on tenders in any considerable amount of spot cotton. To make the contract harder to fill for the seller would lessen the number of transactions, and would in all probability make the contracts reflect a higher value than the average value of spot cotton that the trade has become accustomed to; furthermore, the trade has become accustomed to the present contract, and it is the same contract which is in use in Liverpool. I do not believe it would be made a better barometer in reflecting the prices of the actual cotton by the amendment.

This gentleman is certainly not one of those members of the cotton exchange referred to by the Senator. He was an ornament to the Senate some years ago. He is one of the best lawyers in the South, one of its largest cotton producers, one of the men who has the greatest quantity of spot cotton to sell, and he has been a very close student all his life of all the problems connected with cotton, for he lives in the city of Greenville, Miss., in the center of the finest cotton belt on earth. There is nothing comparable anywhere to the Delta lands of the Mississippi Valley. The city of Greenville is in the center of this rich section, and Leroy Percy has all of his life been connected in the most intimate way with cotton, as a producer, as a handler, as a lawyer representing cotton people, and he certainly knows whereof he speaks. He adds:

However, I do not believe that any grave disaster would result from the adoption of the amendment. It is simply a case that well enough had better be let alone. My own interest is as a cotton producer. I do not entertain the idea that there is anything sinister in the amendment or that it is designed to operate in favor of the spinners. It is a pleasure to find a law proposed by one who has made a careful study of the subject, as you have evidently done. The ends which we both desire are the same.

Cordially, yours, LEROY PERCY.

Mr. MOSES. Mr. President, will the Senator yield to me for a question?

Mr. RANSDELL. In just one second I will yield. I wish to indorse most heartily the closing paragraph of this letter of Senator Percy. I know not whether the amendment is going to produce good. I certainly do not believe that the able and honorable Senator from Alabama had any sinister motive in offering it. I am certain that he did not. I am making no charge against the spinners. I am simply asking that this great question be studied with care, every opportunity being given to both sides to be heard before it is acted upon.

I now yield to the Senator from New Hampshire.

Mr. MOSES. I understood the Senator a short time ago to state that at a convention of cotton growers held last week in Alabama it was set forth that the manufacturers could well afford to pay 60 cents a pound for their product.

Mr. RANSDELL. I said that they passed a resolution saying that in substance. They did not state cotton ought to bring 60 cents a pound, but that, considering the prices at which the manufactured products are being sold, the manufacturers could well afford to pay 60 cents a pound for raw cotton. That was said in that convention.

Mr. MOSES. In the course of the discussion which took place in that convention was there given any basis of cost of production of the finished textiles which led to that conclusion?

Mr. RANSDELL. I did not attend that meeting of the convention, and can not say whether there was or not. I know that a great many people were there from the big cotton manufacturing States of North Carolina, South Carolina, Georgia, Alabama, and Mississippi, all of which manufacture a considerable amount of cotton. I met some of the manufacturers myself, but I was not present at the meeting where this resolution was passed, and I can not say what discussions were held in regard to it.

Mr. MOSES. Nor can the Senator state whether the manufacturers who were there offered any protest against this effort?

Mr. RANSDELL. I can not say that. All I know is that the resolution was passed.

Mr. MOSES. I merely wish to remark, Mr. President, that if that price were to obtain for cotton, I happen to know of a single manufacturing establishment in the State which I have the honor in part to represent where the raw material for a year's supply would be increased about $30,000,000, if such an increase should take place as the Senator has indicated.

Mr. RANSDELL. In conclusion I wish to state that the Smith-Lever bill as amended March 4, 1919, is the result of several years of careful study and consideration of the subject and that the cotton-future market and the cotton trade generally, including the producer and spinner, are enjoying a period of great prosperity.

I am opposed to the Comer amendment, for I maintain that it will have the opposite effect upon the producer than that which Senator COMER contends. If such a bill is enacted into law, the trading in price-insurance contracts will become so restricted as to ultimately destroy entirely the functions of cotton exchanges as useful and necessary bodies to the trade at large.

The Comer amendment should be given a general hearing of all interests in every branch of the cotton trade before the proper committees of Congress. If after such a hearing and due investigation it is found that it has the merits claimed for it by its author and adherents, it should be enacted into law. On the contrary, if it has no merit, and I contend that it has not, it should be discarded, certainly for the present.

NATIONAL BUDGET SYSTEM.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9783) to provide a national budget system and an independent audit of Government accounts, and for other purposes.

Mr. EDGE. Mr. President, I thoroughly appreciate the great importance of trying to settle any disputed questions relating to cotton production and sale. It seems to me impossible, however, following the debate, and the colloquy which resulted from it, to settle it this afternoon; and inasmuch as the unfinished business before the Senate happens to be the consideration of the bill known as the budget bill, I thought perhaps it would not be entirely out of place to consume a few moments of the afternoon to discuss the question actually before the Senate.

Also, not to draw a parallel exactly but repeating my full appreciation of the importance of everything connected with cotton production and the cotton industry, I wish to modestly draw the attention of the Senate to a situation that I think must be obvious and self-evident, that there is no question, not excluding cotton, so important to the American people to-day as to make an honest endeavor, and it must be made by Congress, to lower the expense of maintaining and administering the Government.

I feel, Mr. President, that the adoption of a businesslike budget will have a direct effect upon all the difficult problems that are now facing Congress and which, to a great extent, are responsible for the unrest in the country. Upon the amount of expenditures on the part of the Government, of course, depends entirely the amount of taxes we must exact from the public. To-day the great spirit of unrest, while it can be traced of course to many causes, fundamentally, I believe, is based on this cause—a realization upon the part of all classes of people, rich and poor alike, that the Government is not administered economically and that the public is receiving but a small proportion in results for the amount of money they are paying the Government. I do not believe the American people would greatly complain of their taxes if they were not convinced by so many evidences that in actual results but a small percentage of the money expended benefits them or that we receive in even a small degree our money's worth.

The budget bill, as prepared by the special committee and generally outlined by the Senator from Illinois [Mr. MCCORMICK] yesterday, is not a panacea for all the evils of extravagance of government, but it will do one thing, and the accomplishment of that one thing, in my judgment, is more important to-day in connection with all our responsibilities than perhaps the passage of any individual measure, to whatever subject it may relate, and that is the centralizing of responsibility.

My short experience in Washington causes me to believe that the greatest activity here is evading responsibility—I do not mean in the Houses of Congress, but in the various executive departments of the Government—what we call on the street "passing the buck." It is absolutely impossible for the Government ever to conduct its affairs on anything resembling a business plan or business principle unless we centralize responsibility and can call on some departmental official as being actually responsible for matters connected with his department.

In our investigations in preparing the budget bill or in some allied investigations, just as an illustration, we discovered that there were forty-odd departments, boards, bureaus, or commissions engaged in activities connected with public health. There were twenty-odd boards, departments, and commissions engaged in matters of commerce.

Mr. CURTIS. Mr. President——

Mr. EDGE. I yield to the Senator from Kansas.

Mr. CURTIS. May I ask the Senator to repeat the number they found engaged in public-health work?

Mr. EDGE. If I am correct in my recollection it was 47.

Mr. CURTIS. I may state that I asked the question of one of the representatives of the Health Department before the Committee on Appropriations, and he stated to that committee that there were 47 in the District of Columbia engaged in health-service work or work related to that subject.

Mr. EDGE. I appreciate the confirmation from the Senator from Kansas. Of course it is perfectly obvious that with such a condition existing proper results can not be obtained. As I recall, these 47 different bureaus, boards, commissions, or de-

partments were under three or four different Cabinet portfolios absolutely unrelated to each other, naturally in no way concerned with each other's activities, overlapping in such manner that of course the result can be nothing but waste of public money, and, in addition to the waste of public money, and which is equally as important, gross inefficiency.

I believe, returning to the main point, that it will have a wonderful moral effect on the present state of mind of all the American people if we do adopt the budget plan of administering the Government, and through that action they recognize that their Congress is preparing to transform the Government of their country, their Government, into something resembling a business organization, with its consequent saving.

Taxes—again may I draw attention to that certainly self-evident fact—must represent expenditures. The Government can not make money. The Government's function is to spend money. Whenever the Government attempts to make money, as evidenced by our railroad experiment, we lose money. Therefore there is no way ever to cut down the present range of taxation unless it is by reducing the expenditures through the Congress in Washington.

In defense of this body it is not in a position to systematically or scientifically reduce expenditures until the demands are brought to Congress after and with a careful, businesslike review, that every successful business organization must have if the business is to be successful.

The system under the bill is perfectly simple. To sum it all up in a few words, it provides, in effect, that when boards, bureaus, departments, and commissions apply for appropriations through the heads of their departments they are assembled in the Treasury Department, selected for the purpose of a general consideration of the demands. There they are taken in hand by a department of the budget, which department should be equipped, of course, with a staff prepared to give careful consideration to the requests and the demands of all the activities of the Government. A certain time is given for that consideration.

For the first time, so far as I know, in the history of the Government, one board with one head is enabled to put down on the table the entire business of the United States and is able to say where it is overlapping and is able to determine where its responsibilities could be brought together and properly consolidated. Then the Secretary of the Treasury, with that information all in detail carefully prepared, showing the business of the Government altogether, is permitted under the bill to make changes, to make reductions, to make consolidations, or to otherwise change the general budget as it appears to him it justifies.

It then goes to the President. The President, the head of the Government, of course it is assumed, has been giving some care and attention to the preliminary making up of the budget, so that when it actually reaches him as the head of the business he discusses it with his Cabinet officers, the Secretary of the Treasury particularly. He has his own ideas of the policy of the Government, or he should have, with the result that he also has the power to prune these estimates, to suggest actual changes, to recommend consolidations, and to generally assemble the business of the Government for the second time, and then he transmits it to Congress.

In no way is Congress curtailed in its opportunity or power to change the budget. Personally I think that is a mistake, but I am not going to discuss that because that is probably going a little too far. I would not adopt exactly the English system, or the British system, where Parliament can make, only under certain conditions, changes, but I would to some extent adopt it, and ultimately this Government, in my judgment, will adopt it. But for the present we are going perhaps far enough to have the benefit of a careful investigation of all requests made by the budget bureau, supervised by the head of the budget, revised by the Secretary of the Treasury, again considered by the President of the United States, and then sent to Congress.

The Senator from Utah [Mr. SMOOT] presented an amendment to the bill yesterday which I think, if constitutional—I sincerely hope it is—will be helpful to Congress, providing that the Bureau of Efficiency, I think it is called, shall be more directly under the control, or at least at the call, of Congress than it is under present conditions, so that when we receive this budget we can call in the Efficiency Bureau and ask to have further investigations made of certain items or certain departments of which we are not entirely satisfied as it appears to us. Then Congress, of course, can exercise its function, as it always has.

I think the Appropriation Committees in Congress could be reduced, but that can come in the future, especially if we have this scientific budget actually presented to us in this form.

Mr. President, I would have preferred what is generally termed an Executive budget. My idea may not be entirely practical for a large unit like the Government of the United States or a great country such as ours, but I believe absolutely, as I said at the outset, in centering responsibility. I would like to see the President of the United States not alone carrying out those responsibilities which we all know, of course, under the Constitution he must assume, but I would like to see him the actual head of the great big business of the United States. There is no greater business on earth than the business of government, and there is no business on earth that has greater opportunity to help all classes of business in the country than has the Government business of the country.

We are only confined within the limits of the Constitution, and that is a fairly liberal document. I would like to see the President of the United States realize, through such legislation, that he was the head of this big business, and that when he presented a budget he presented with it his ideas of the policy for the coming year, which would be administered by his separate departments, the seven or eight portfolios represented by his Cabinet officers, and that Congress would have that complete scheme brought before them, and would, I believe, as a result, to some extent at least, enter into the enthusiasm and possibilities of conducting the Government from that angle. Congress would be giving up none of its prerogatives, but would be working more in harmony with the spirit of this progressive age.

But we are getting nearer it under this bill. We are placing the responsibility solely first with the Secretary of the Treasury, and I do not think it is a bad plan as a starter, because I appreciate that the Government of the country is a very, very large affair, with many ramifications and responsibilities.

So, Mr. President, I do hope that the Senate will expeditiously consider and pass the bill, and that the conferees of the two Houses, the House already having passed a bill, will, without unnecessary or needless delay, agree on a conference report, and that there will radiate out to the country a realization of the fact that Congress has met the demand of many years; that Congress is establishing what you might now call a real policy in the conduct and administration of its business, that must attract and receive the approval of all classes of citizens and members of every political party.

I think the moral effect of the passage of the bill for the establishment of a budget system will be wonderful, especially in view of the feeling that now prevails throughout the country of waste and extravagance. The mere fact that under it the people will recognize that taxes must be ultimately reduced through the curtailment of expenses by wiping out, I hope, many useless activities and consolidating others, will in itself have an effect which must be a great satisfaction to the country in these days when there is so much unrest.

Only a few years before the recent war, as we well remember, a Congress was referred to in the newspapers throughout the land as a "billion-dollar Congress." To-day we face in this Congress requests for appropriations amounting to over $5,000,000,000. We are cutting expenditures down as best we can with the meager information under which we have to operate—and the paucity of the information is absolutely indefensible—but we can not cut down taxes or talk about cutting down taxes until we cut down expenditures permanently. And we can not cut down expenditures materially until we install a common-sense business management in this great Government of the people of the United States.

I am confident the final adoption of this proposed act in both Houses of Congress will have an effect on the country generally and instill a confidence that will be of great, enduring, and lasting benefit.

Mr. JONES of New Mexico. Mr. President, I think this is a time for congratulation. The question of the establishment of a national budget has been agitated for a great many years. The necessities for it have been apparent to everyone who has given any study to the question. It now appears as though we are going to establish a budget system; it seems that the pending bill is going to pass the Senate practically without opposition. I repeat, I think this is a time for congratulation, and I feel glad that I have had an opportunity, in an humble way, to serve upon the committee which has presented the bill. The bill itself has been discussed at great length by our able chairman, the Senator from Illinois [Mr. MCCORMICK], and the Senator from New Jersey [Mr. EDGE] has just made an excellent presentation of some of the features of the bill and the

necessities for it; so at this late hour I do not believe that I should take up the time of the Senate by any general discussion.

I believe, however, that the country would like to know just what the material features of the bill are, and I do not know of any better way of getting that information before the country in a concise form than by having printed in the RECORD a portion of the report of the committee which reported the bill. It is not long, but it sets forth the contents of the bill and analyzes the purpose of each particular section. I therefore ask unanimous consent that there may be printed in the RECORD as a part of my remarks that portion of the report of the committee down to where the comparative tables are stated on page 10.

The PRESIDING OFFICER (Mr. KENDRICK in the chair). Without objection, it is so ordered.

The matter referred to is as follows:

Report to accompany H. R. 9783.

The Special Committee on the National Budget, to whom was referred the bill (H. R. 9783) to provide a national budget system and an independent audit of Government accounts, and for other purposes, which passed the House October 21, 1919, having considered the same, report favorably thereon with the recommendation that the bill do pass with an amendment.

The committee feel that it is unnecessary to present in this report facts or arguments in favor of a national budget system for the Federal Government. The need for budgetary reform is obvious and we are wholly in sympathy with the general purpose sought to be accomplished by the House bill. The problem for the committee has been one of method—of how best to adopt the budget idea to our existing practices in financial administration.

The committee has heard the opinions of persons familiar with the problem of budget legislation and has carefully studied the several aspects of budget making. While agreeing with the general theory of the House bill, fixing upon the President the ultimate responsibility for the preparation and submission of the annual budget, the committee deemed it advisable to redraft that portion of the bill which deals with the preparation of estimates and to revise in great part the other portion which provides for an accounting and audit office independent of the Treasury. The provisions of the House bill are written in rather more general terms than those recommended by the committee of the Senate. The bill as revised by the Senate committee is carefully related to existing law, a considerable portion of the bill being actual reenactment, with such revision as was obviously necessary.

THE BUDGET BUREAU.

The House bill provides that the budget bureau shall be placed in the office of the President of the United States and immediately under his personal direction. This must be upon the assumption that the President himself would prepare the budget, with the assistance of the director of the budget bureau and his staff, who would serve as the President's agents in gathering the necessary facts. The President himself would be required frequently to make decisions upon various questions arising in the several departments of the Government.

The committee has recommended (sec. 3) that the budget bureau be placed in the Treasury Department instead of in the President's office for reasons which to the committee seem conclusive. The committee believe that the President, who is the most heavily burdened Executive in the world, would not be able to give the personal attention necessary to the proper oversight of the budget bureau without slighting the conduct of the general business of the country abroad and at home. If, under these circumstances, a large measure of responsibility were assumed by the director of the budget bureau, there would arise certain very obvious difficulties. The director of the budget would not be a member of the Cabinet, in conference with which the President would formulate his budget policy. As a subordinate officer he would be called upon from time to time to set his judgment against that of a member of the Cabinet. He could maintain that judgment against the judgment of the heads of the several departments only by constant appeals to the President. If the President were to maintain the opinion of the director of the budget against that of the head of the department upon any serious issue, the resignation of the member of the Cabinet would naturally follow. In short, a budget bureau in the office of the President would be an anomaly in the Government.

The committee believe that if the budget bureau were in the Treasury Department the greater number of differences between the Treasury and the other departments regarding the estimates of expenditure would be adjusted without appeal to the President. It is the practice of other Governments, as it was formerly the practice of the Government of the United States, to vest in the treasury or finance department the responsibility for the collection of revenues and for the preparation of estimates of expenditure. The Secretary of the Treasury, under the bill, would resume the powers and responsibilities exercised by Alexander Hamilton and his immediate successors, the responsibilities exercised by the corresponding officer in other Governments, and would survey the whole field of revenue and expenditure. He would be present in Cabinet meeting during the formulation of the budget plans of the administration, and present at the successive meetings when the plans might be modified to meet any exigencies which might arise. The great burden of taxation now imposed, and the great burden of taxation likely to be laid on the people, even though great economies may be achieved in the next ensuing years, require a more constant and intimate correlation of expenditure to income than has been necessary during the last generation.

The committee at first believed that it would be wise to provide in the bill that the Treasury should be divested of certain duties not germane to its primary functions, and planned to transfer the Bureau of Public Health, the Bureau of War Risk Insurance, the General Supply Committee, and the Office of the Supervising Architect from the Treasury to the Interior Department. But in view of the probability of general legislation looking to the reorganization and better coordination of the executive departments it was decided that it would be inadvisable at this time to anticipate such general reorganization by removing these bureaus and services from the Treasury. The committee calls the attention of the Senate to the fact that the bill provides for a restoration, rather than a new grant, of authority to the Treasury. Under the act of September 2, 1789, establishing the Treasury Department, the Secretary had the powers and duties regarding the estimates of expenditures and revenue now proposed to be restored to him. This act was confirmed by the act of May 10, 1800, which appears to have been recognized by the act of August 26, 1842, which established the fiscal year of the Treasury, as well as by the act of January 7, 1846, which provided for the printing of the annual estimates. Indeed, it appears that this grant of authority was never directly repealed, although the exercise of the authority was gradually relinquished and its continued exercise, therefore, was not provided for in the revision of the statutes of 1874.

Other variations from the House bill may be noted as follows:

1. There is provided instead of the director and an assistant director of the budget bureau, a commissioner, and two assistant commissioners, who shall be appointed by the President, with the advice and consent of the Senate, and who shall hold office for a term of six years. All other employees of the bureau are placed under the civil-service rules. (Sec. 3.)

2. There is provided in each of the departments and establishments of the Government "a general financial secretary," who shall have supervision over the formulation and the preparation of the budget estimates for his respective department or establishment. This is to insure careful scrutiny and coordination of effort in arriving at the financial needs of the spending departments. (Sec. 5.)

3. The head of each department and establishment is further required to study, analyze, and revise his budget estimates before they are finally submitted to the commissioner of the budget. This is in order to fix the responsibility upon the department heads for the financial demands which they propose to make upon the Treasury. (Sec. 6.)

4. On or before October 1 each year the head of each department and establishment is required to submit to the commissioner of the budget "his final revised budget estimates for the ensuing fiscal year." (Sec. 6.)

5. The head of the departments are further required, when their budget estimates are in excess of existing appropriations, or when they are entirely new, to set forth in detail, by means of a note, the reasons why such increase or new item is requested. (Sec. 9.)

6. It is made the duty of the Secretary of the Treasury to prescribe a uniform system of rules and regulations regarding the form and the method of the preparation and submission of budget estimates. (Sec. 10.)

7. The commissioner of the budget takes over the functions of the Division of Bookkeeping and Warrants in so far as they relate to the estimates. (Sec. 11.)

8. On or before November 1 of each year the commissioner of the budget is required to report the results of his investigations regarding the organization activities and methods of business of the various services of the Government in the interest of securing economy and efficiency to the Secretary of the Treasury. He is also required on that date to submit to the Secretary of the Treasury the budget estimates which have been submitted to him. (Sec. 12.)

9. It is made the duty of the Secretary of the Treasury to "revise, consolidate, unify, coordinate, reduce, or otherwise to change any item or items of the budget estimates submitted to him" in the interest of economy and to prevent waste, extravagance, loss, or duplication. (Sec. 13.)

10. On or before November 20 each year the Secretary of the Treasury is required to submit to the President the budget estimates in the form of a national budget. The bill prescribes the general form and content of this budget. This is done to insure the submission to Congress of a real budget setting forth the condition of the Treasury, both as to expenditure, revenue, and public debt; past, present, and recommended appropriations; comparative tables and such other financial data as may seem advisable. (Sec. 15.)

11. The President is given explicit authority to change the form or the contents of the budget in any respect as he may deem proper. The purpose of this provision is more completely to fix upon the President the responsibility for the budget recommendations. (Sec. 17.)

12. The President is required, on or before December 10, to submit the budget to Congress. (Sec. 18.)

13. The Secretary of the Treasury is required to prepare a codification of the laws relating to the expenditures of the Government. (Sec. 20.)

It is the general purpose of the bill to fix upon the President and his administration the legal and political responsibility for the sum and the detail of the estimates of expenditure proposed to Congress, and to fix no less clearly upon Congress responsibility for the appropriations authorized.

The bill, if it become law, in no sense will impair either the authority or the responsibility of Congress. It presumes that the President, in conference with his Cabinet, will adopt a fiscal policy conformable to his general program; it presumes that there will be laid before the Cabinet the estimates of the revenues for the ensuing fiscal year, as well as preliminary and tentative estimates for expenditure by the several departments. The President, in conference with his Cabinet, must determine the sum of the budget—the total of expenditure to be proposed to Congress—as well as the sums proposed to be expended by the several executive departments of the Government. This will require at the same time decision whether recommendation shall be made to Congress to continue the existing sum of taxation, to reduce, or to increase it.

Doubtless no preliminary estimate of revenue and expenditure will be absolutely accurate. As time elapses during the preparation of the budget the allotments proposed for the several departments and their subdivisions will be subject to modification. It is here that the Secretary of the Treasury, the commissioner of the budget, and his staff will render their most useful service, in association with the heads of departments and the "general financial secretary" or departmental budget officer provided in the bill.

A BUDGET POLICY.

As the President and Cabinet in conference will necessarily determine not only the general budgetary policy of the administration but the sums to be allotted to the several departments or establishments, so will the head of each department or establishment, through his "financial secretary," begin the preparation of the estimates for the department or establishment. The budget bureau, through its representative, will bring to the several departments, their bureau chiefs and "financial secretaries," the experience and practice of all the other departments, drawing attention to duplications or multiplications of work, to economies achieved or achievable, and to examples of adminis-

trative efficiency or inefficiency. It should be manifest that the budget bureau is not concerned with policy, but with its fulfillment; with the collection and correlation of information for the benefit of the departments.

The bureau, through its continuing contact with the various departments, will be in a position to criticize extravagance and to bring information and pressure to bear in the interest of economy. It will be within the province of the commissioner of the budget to call to the attention of the Secretary of the Treasury any waste, extravagance, or duplication of work which he discovered in order that the Secretary of the Treasury may call his colleagues' attention to the subject, and, if necessary, exercise the authority to revise and eliminate items which is conferred upon him by the bill.

THE SUBMISSION OF ESTIMATES.

On or before October 1 each year the heads of the departments will submit their budget estimates to the commissioner of the budget according to the rules and regulations prescribed by the Secretary of the Treasury. The commissioner of the budget, with his staff, having been in contact with the spending departments throughout the entire year, will be already familiar with the budget estimates, many of which will have been under discussion from time to time. The estimates will to this extent be in the nature of summaries of decisions arrived at by conference between the budget bureau and the bureau chiefs and between the heads of departments and the Secretary of the Treasury. The bill provides for this interplay of human contact and the exercise of common sense in arriving at an economical and businesslike program of expenditure.

Between October 1 and November 20 the commissioner of the budget, with his assistants, working under the direction of the Secretary of the Treasury, will carefully go over all of the estimates and work them up into proper budgetary form, making such revisions and changes as necessary. During this time further conferences with the spending departments will be necessary. By November 20 the budget will have reached that stage where it has been approved not only by the Secretary of the Treasury but also by his colleagues in the Cabinet, ready for the consideration of the President.

On or before November 20 the Secretary of the Treasury is required to submit to the President this budget according to the form and method provided in the bill. The President is given explicit authority to make any revisions, modifications, or changes as he may see fit. From this date it becomes the President's budget in fact as well as in theory. On or before December 10 the President is required to submit the budget to Congress.

THE PRESIDENT'S RECOMMENDATIONS OF THE BUDGET.

Congress will thus have before it the recommendations of the President in the form of a national budget, setting forth the financial needs of the Government in a clearly understandable form, with such additional facts and figures as may be necessary to throw light upon past and prospective transactions. The estimates, instead of coming to Congress uncompared, unrelated, and unrevised, representing the personal views and aspirations of bureau chiefs, will be laid before Congress in the form of a proposed business program of government, already revised and coordinated in the interest of economy and efficiency and the reduction of taxation.

This bill does not in any way abridge the authority of Congress over appropriations. Congress will be at liberty, as now, to revise or increase the budget estimates or add new items to them. What attitude Congress takes on this question is not a matter of legislation but of rule. It is within the sole province of each House of Congress to decide whether it will modify the existing rules and committees established for the consideration of appropriation bills.

THE GENERAL ACCOUNTING OFFICE.

The committee is in entire harmony with the principle given expression in the House bill that an independent audit is an essental part of any budget program; and provision has been made accordingly in the committee bill.

The House bill proposes to transfer to an independent accounting department the duties and functions as well as the personnel of the offices of the Comptroller of the Treasury and the six auditors of the Treasury Department. The same provision appears in the committee bill. This independent accounting establishment, however, is designated in the committee bill as the general accounting office instead of the accounting department as in the House bill. This change is made in view of the special significance which attaches in Government terminology to the word "department."

Although the committee is in agreement with the proposal contained in the House bill to transfer the so-called accounting officers of the Treasury to an independent establishment, it feels strongly that such a change will only partially satisfy the deficiencies now existing in the audit of public accounts. The House proposals merely bring together under one head, independent of the executive departments, a number of powers now exercised by separate offices in the Treasury Department. It seems to the committee that it is no less important to extend the authority of the accounting officers than to concentrate powers which already exist.

Such a concentration of powers and authority is, of course, very desirable and should be effected; but it is questionable whether this step alone would result in any considerable improvement, since it would affect only that portion of the accounting work of the Government which is involved in the audit and settlement of accounts of fiscal officers and claims against the United States.

THE ACCOUNTING ESTABLISHMENT OF THE GOVERNMENT.

Generally, speaking, the financial and accounting establishment of the United States Government includes: (a) The collecting, disbursing, and depositary agencies attached to the various executive branches; (b) the bookkeeping divisions of bureaus and offices, which are designed to maintain adequate records of the appropriations and funds of the respective bureaus and offices for administrative purposes as well as to facilitate the preparation of estimates and reports to Congress; (c) the reviewing organizations established within the departments to insure administrative supervision of the financial transactions of subordinate officers; and (d) the accounting and recording offices of the Treasury whose function it is to settle all accounts of fiscal officers and claims against the various departments, and to maintain complete summary records of appropriations and funds, of revenues and expenditures, of the public debt, and of balances of fiscal officers.

THE HOUSE BILL.

The House bill affects only the offices last mentioned; that is, the accounting offices of the Treasury, including the office of the Comptroller of the Treasury, the Auditor for the War Department, the Auditor for the Navy Department, the Auditor for the Interior Department, the Auditor for the Treasury Department, the Auditor for the Post Office Department, and the Auditor for the State and Other Departments.

It has been repeatedly pointed out that the principal defects of the Government accounting system result from the absence of unified control and from the diffusion of accounting authority and responsibility among numerous officials each of whom has effectually exclusive jurisdiction in his own field. Any satisfactory system of Government accounting should have as its underlying principle the investment of final and exclusive authority and responsibility over all accounting and auditing operations in a single official; and this principle should be applied to the furthest extent consistent with the exercise of an undivided control over strictly administrative matters by the heads of departments and establishments.

LACK OF UNIFORM ACCOUNTING.

The Government has become notorious for lack of uniformity in its accounting methods. Administrative accounting procedures in the departments are, practically speaking, left to the ingenuity of individual employees, and as a result each bureau and office now keeps its books in accordance with its own peculiar ideas. Federal disbursing and collecting officers in the District of Columbia and throughout the United States are largely permitted to keep their local records to suit their own tastes and notions of system and procedure. Such small uniformity as may be found in these offices has been brought about by regulations emanating from the heads of the several departments and establishments. Only in the manner and form of accounting to the auditors of the Treasury is there a semblance of accounting uniformity and regularity.

The law requires that the accounts of fiscal officers and claims against the United States shall receive two separate and independent audits—one by the department or establishment concerned, spoken of as the administrative examination; the other by the accounting officers of the Treasury, usually alluded to as the Treasury examination.

With respect to the administrative examination it would be fair to say that as many systems and plans of auditing the accounts of disbursing and collecting officers and claims against the United States are in vogue to-day as there are separate agencies of government. In some cases the administrative examination is a complete and full examination; in some cases it is woefully inadequate; and in other cases it exists in name only.

The conduct of the Treasury examination is divided along departmental lines among six auditors, each one of whom has exclusive jurisdiction in the audit and settlement of the accounts which are required to be submitted to him. Although nominally the six auditors are under the direction of the Secretary of the Treasury, they have the responsibility for the settlement of accounts. The control exercised by the Secretary is purely administrative. Each auditor is left to develop his own methods of examining and settling the public accounts. The Comptroller of the Treasury bears an appellate relationship to the six auditors. He reviews, on appeal, settlements made by them in the first instance, and modifies and revises such settlements in his discretion. He renders advance decisions at the request of disbursing officers and heads of departments and establishments on the applicability of appropriations to specific purposes and on other matters relating to the expenditure of public funds.

WANT OF COORDINATION.

Since the auditing and accounting functions are scattered among seven offices, there is little coordination of effort among the Treasury accounting officers. The House bill would correct this particular defect. But this is probably the least important of the defects of the present arrangement.

If new provisions are to be made for the accounting establishment of the United States at this or any other time, they should accomplish a concentration of authority over all Federal accounting activities. They should confer upon a single official the power to prescribe and to supervise departmental methods of bookkeeping and of examining claims and accounts of fiscal officers. They should require this official to keep the Government's books of general accounts of appropriations and funds, of revenues and expenditures, of the public debt, and of fiscal officers. And they should provide for advance decisions to fiscal officers and to heads of departments, and for the review upon appeal of the settlement of accounts and claims made in routine order. It is the feeling of the committee that the House bill is deficient in that it accomplishes none of these things. The committee has, therefore, inserted in the bill additional provisions, which it believes necessary to bring about a proper reorganization of the accounting system of the Government.

THE SENATE BILL.

The bill as revised proposes to create an independent establishment to be known as the general accounting office, which will take over the powers and duties now exercised and performed by the Comptroller of the Treasury and the six Auditors of the Treasury Department in precisely the same fashion as is prescribed by the provisions of the House bill. The committee bill, however, goes further, and confers upon the general accounting office the authority and power to prescribe and to supervise methods of accounting in the departments; to prescribe and supervise the methods employed in the administrative examination of accounts and claims; and to exercise in general a control over all the accounting procedures of the Government.

While the committee bill goes into considerable detail in describing the duties of the head of the general accounting office and of his principal assistants, the actual effect of the enactment of the bill would be to remove many hampering restrictions which now inhere in the accounting laws which serve only to surround Government accounting procedures with endless red tape. Existing accounting procedures in the Government practically follow the specifications laid down by Alexander Hamilton, who was the designer and author of the original Federal accounting system. While methods in the commercial world, where executives have been given a free hand, have steadily improved, and continue to improve, the Government's accounting system remains practically as it was originally put into effect, hemmed in on all sides by statutory limitations and age-old traditions. It is believed that the provisions of the committee bill will go far toward breaking down these limitations and will result in putting the accounting and auditing work of the Government upon a modern basis.

THE COMPTROLLER GENERAL.

In the committee bill the comptroller general of the United States is given exclusive jurisdiction over all matters relating to auditing and accounting forms, systems, and procedures. His powers and authority, however, will be exercised through three assistant comptrol-

lers general, who will act under his direction and with his approval. The general accounting office is to be organized into three branches. The auditing branch proper will be in charge of the first assistant comptroller general.

This officer will receive, audit, and settle the accounts of all disbursing and collecting offices of the Government and all claims against the United States. He will perform generally the duties now intrusted to the auditors for the various departments. The constructive accounting branch will be under the second assistant comptroller general. This officer will prescribe and supervise accounting and bookkeeping procedures in the departments. The general bookkeeping branch will be under the third assistant comptroller general, to whom will be intrusted the duties now performed by the Secretary of the Treasury through the Division of Bookkeeping and Warrants. This officer will keep the general accounts of appropriations, of fiscal officers, of special funds, of trust funds, and of the public debt.

A BOARD OF APPEALS.

The committee bill further provides that a board of appeals will be attached to the general accounting office, to exercise the appellate authority now vested in the Comptroller of the Treasury. This board will pass upon all appeals from settlements of accounts and claims made by the auditing branch. It will render advance decisions and will decide for the comptroller general all questions involving construction of statutes. The board is to be made up of three members. The chairman will be known as the solicitor of the general accounting office; the other members will be the second and third comptrollers general. The creation of this board will round out the organization of the accounting establishment.

Mr. JONES of New Mexico. Now, Mr. President, I desire to call attention particularly to one or two provisions of the bill. The Senator from New Jersey has just stated that the people of this country are looking to Congress and to the administration to bring about an economical use of the public funds. The country wants to secure a full return for every dollar raised by taxation. To my mind the pending bill proposes to create one part, at any rate, of a system to bring about a great reduction in public expenditures.

The situation in the administration of governmental affairs does not merely happen to be the situation at the present moment. The existing method of conducting the affairs of this Government has been the result of progressive growth. The system started many years ago, and has been added to here and there by Congress, from session to session, until we now have the present unwieldy and very confusing and complex system of administration. I submit that there is not a large business concern in this country or elsewhere that would tolerate its business being conducted in the manner in which the business of this country has been carried on. I wish, however, to emphasize the fact that no particular administration is responsible for the situation which we now confront. It is a system which has grown up during the years. It has become unwieldy with the mere processes of time and the necessary temporizing with the administrative side of the Government. I am glad to know that now there seems to be a concerted and earnest effort on the part of Congress—I know there is such an effort in the Senate—to bring about a reformation of these conditions.

This bill, as I have said, is one step. The Senator from Utah [Mr. SMOOT] has introduced a resolution which, to my mind, ought to bring about a material and beneficial result. He seeks to coordinate the various services of the Government, and I can not imagine any one thing which will tend more to bring about a thoroughgoing business administration than the carrying out of the purposes which the resolution of the Senator from Utah seeks to accomplish. There is in this bill a step in that same direction, but I do not believe that it will take the place of the commission which the Senator from Utah seeks to have appointed. I believe that the proposed commission should be appointed; I believe that it should have full support; and I believe that its work will redound to a substantial benefit to the Government. However, I desire to call attention to the features of the pending bill bearing upon that same subject.

Section 12 of the pending bill, page 17, makes it—

the duty of the commissioner of the budget, in the period prior to and upon submission to him of the budget estimates of the several departments and establishments, to make a detail study of the organization, activities, and methods of business of the several administrative services of the Government for the purpose of determining those changes which, in his opinion, should be made in the existing organization, activities, and methods of business of such services, or in the appropriation of moneys for the support and conduct of the work of such services, or in the assignment of particular activities to particular services, or in the regrouping of services departmentally with a view to securing greater efficiency and economy in the conduct of public affairs.

This bill will establish a bureau whose specific duty it will be to make a detailed study of these very matters. In the very nature of the process through which that bureau will pass it is true that it can not reform all of these matters at one time, nor do I believe that the commission which the Senator from Utah seeks to have established can accomplish everything. There is no doubt that such a commission will find many branches of the service which should be coordinated, and will make valuable suggestions and recommend proposed legislation of inestimable value; but no commission in any one investigation can reach every one of the irregularities or improperly conducted activities of the Government. It is necessary that there shall be a continuing body whose duty it shall be, as stated in the bill, to make a detailed study, not for one year but every year, and which shall always be prepared to make suggestions and changes for the benefit of the administration of public affairs.

Mr. SMOOT. Mr. President——

Mr. JONES of New Mexico. I yield to the Senator.

Mr. SMOOT. There is not a business concern of any size in the United States that does not follow the practice referred to by the Senator; but the Government of the United States, expending billions of dollars where corporations expend hundreds of thousands of dollars, has no agency whatever to look after just such vital matters as those to which the Senator is now referring.

Mr. JONES of New Mexico. The Senator from Utah has undoubtedly made a correct statement. No business man would tolerate the situation that we find existing in the governmental departments to-day. It is necessary to be ever awake lest there be a loosening up of business methods in conducting public affairs, and particularly is this true now when the national budget has assumed such tremendous proportions.

Before the war our yearly expenditures altogether were only about $1,000,000,000 a year. I am satisfied that for some years to come they will aggregate four or five billion dollars. It is important that the taxpayers of this country get full value received for every dollar which they contribute if it is possible to bring such a condition about. As the Senator from New Jersey has said, the Government is not a money-making institution, and it has no assets or resources except what it secures from the taxpayers of the country. It is not expected to engage in any business enterprise for the purpose of making money.

Mr. President, I find on examination of this bill that after the detailed study has been made there is no specific direction that the budget bureau or the commissioner of the budget shall transmit the result of the study to the Secretary of the Treasury. Of course, it was contemplated that that would be done, together with the recommendations of the commissioner of the budget as to the changes which he might think should be made. I therefore move, after the word "with," on line 15 of page 17, section 12, to insert the words "the results of such detailed study and," so that the last sentence of that section will read:

The budget estimates for the ensuing fiscal year, together with the results of such detailed study and the recommendations of the commissioner of the budget, shall be submitted to the Secretary of the Treasury on or before November 1 of each year.

I suggest that amendment.

Mr. McCORMICK. Both of those amendments only make more manifest the intent of the two sections. I not only see no objection to the amendments, but I very readily accept them.

The PRESIDING OFFICER. If there is no objection, the amendment will be agreed to.

Mr. JONES of New Mexico. Mr. President, section 13 does not give to the Secretary of the Treasury any authority to include in this budget any changes in the way of combination of activities; but under section 17, after the budget is transmitted to the President, the President has authority—

to revise the budget submitted to him by the Secretary of the Treasury, by the increase, reduction, or elimination of any item therein contained, by the addition of new items which, in his opinion, are needed for the proper conduct of the affairs of the Government, by the consolidation or regrouping of items, or by making any other changes in the way of the assignment of specific duties to particular services, the regrouping of services, the consolidation or elimination of field stations or other units of organization, or in any other feature of the organization and operations of the several services which in his opinion, will lead to increased economy and efficiency in the conduct of public affairs.

That gives to the President the right to put into this budget any of these modifications that he sees fit; and thus there will come to the Congress, with the recommendations of the President, any changes which he may have to suggest, and to that extent the responsibility is fully placed upon the administration to bring about these economic changes and better administration of the Government; but there seems to me again—if I may call the attention of the chairman of the committee to the matter—a necessity for making it a little clearer that the results of this detailed study by the commissioner of these various activities, which according to the amendment now go to the Secretary of the Treasury, shall go on up to the President, so that he shall have all the information before him. He will have before him this detailed study, with the results and recom-

mendations of the commissioner of the bureau. He will have before him the recommendations of the Secretary of the Treasury, full information; and, having that, if he fails to act the country will hold him responsible. But in order to make that clear, on page 20, line 10, part of section 15, I suggest that there be inserted another paragraph "(h)," as follows:

The Secretary of the Treasury shall also submit, together with his recommendations thereon, to the President the results of the detailed study authorized and directed by section 12 hereof.

That amendment will make it perfectly clear that these matters should all finally go to the President for his ultimate action.

Mr. McCORMICK. Mr. President, I see no objection to the amendment. I trust that the Senator will send the two amendments to the desk in order that they may be submitted to the Committee of the Whole and voted upon.

Mr. JONES of New Mexico. I will send up my copy of the bill later. I have some other notes upon it, and I will give it to the desk a little later.

Mr. McCORMICK. If the Senator will just read it again, the Secretary can get it, and we can take a vote on it right away.

Mr. JONES of New Mexico. I have read the amendment:

(h) The Secretary of the Treasury shall also submit, together with his recommendations thereon, to the President the results of the detailed study authorized and directed by section 12 hereof.

The PRESIDING OFFICER. If there is no objection, the amendment will be agreed to.

Mr. JONES of New Mexico. Now, Mr. President, for just a few moments I desire to refer to one other provision of this bill, not because of any criticism of it, but because it is a concrete example of another situation which exists in the business affairs of our Government.

For instance, section 4 of this bill provides:

That the commissioner shall employ and fix the compensation of such attorneys, economists, accountants, special experts, examiners, clerks, and other employees, and make such expenditures for rent, printing, books, periodicals, office equipment and supplies, and other expenses of the bureau as he may find necessary to carry out the provisions of this act, and as may from time to time be provided for by law: *Provided*, That not more than $200,000 per annum shall be expended under the provisions of this section and not more than four persons shall be employed by the commissioner at a salary of $5,000 per annum, and no person shall be employed by him at a salary in excess of that sum.

There is another section of this bill, section 29, which appropriates $150,000 for the use of the comptroller general's department or office, and the bill proposes that that shall be expended in substantially the same way that the commissioner of the budget is authorized to expend this $200,000. To my mind, that presents another evil which is upon a parity, at least, with the evil sought to be remedied by this bill.

Mr. McCORMICK. Mr. President, will the Senator permit an interruption upon that point?

Mr. JONES of New Mexico. I am very glad to yield to the Senator.

Mr. McCORMICK. I do not seek to defend in principle the character of general appropriation herein provided for, but I ask the Senator to bear in mind that this service is absolutely new. We have no exact experience upon which to base a schedule of detailed expenditure and appropriation therefor. The Senator, I think, will bear in mind one meeting of the committee when we discussed the sums to be appropriated under the head of the commissioner of the budget and of the comptroller general, and the circumstances under which we fixed this limitation. The limitation is in the act. We did not feel that at this time we could define it more particularly, and so we were satisfied to incorporate the aggregate sum in the body of the bill.

Mr. JONES of New Mexico. Mr. President, the chairman of the committee has just made precisely the kind of a speech that I intended to make. I think the committee was thoroughly justified in putting this provision in the bill precisely as it is. I do not believe it would have been practical at all to do otherwise; but this is only one new agency of government which is being created. There have been hundreds of others, and under existing law there is no means that I know of by which such a question can be handled in any better way than it is handled right in this bill. Under existing law you have to give discretion to somebody to employ those people, and not only as to their employment but they must have the right to fix salaries. But, Mr. President, that presents a woeful spectacle. We create a new agency here. Undoubtedly this agency will need the same kind of official assistance and the same kind of work done in its branch of the service as is needed in many other services of the Government; and criticism has been sounded from this floor day after day calling attention to the evils of one department of the Government bidding against another department of the Government for the same kind of employee. We have the conflict between the Shipping Board and the merchant marine; we have the conflict between the War Department and all the other departments; and so, from one side of governmental administration to another, you are continually bringing about a conflict of interest. You are bringing about a rivalry to get the same kind of employee, and something ought to be done to prevent that. You are also having one department pay one salary and another department another for the same kind of service—salaries which vary as much as 200 per cent.

The Senator from Nevada [Mr. HENDERSON] on yesterday called attention to these inequities in the present administration. I say "the present administration," but it has reached back through all of the administrations of which I have had any knowledge.

Mr. CURTIS. Mr. President——

Mr. JONES of New Mexico. I yield to the Senator.

Mr. CURTIS. The Senator stated that in the different departments different salaries are paid for people who do like work. I want to call his attention to the fact that in the same department clerks who are doing exacly the same work are paid salaries differing from one hundred to five hundred dollars.

Mr. JONES of New Mexico. The Senator is quite right about that, and I thank him for calling attention to it. Where these lump-sum appropriations are made, such as are proposed in this bill, of course the officials of the Government pay the market price for labor; they pay the general price prevailing throughout he country for various professional men and officials and employees; they come in direct competition with all of the old bureaus and activities which have existed in the governmental service for a generation or more. There is this direct conflict. Now, Mr. President, it seems to me that while we are enacting this most necessary bill—a bill which will bring about salutary reforms—we should also realize that there are other difficulties in this Government.

The Senator from Nevada [Mr. HENDERSON] yesterday discussed at some length the report of the Reclassification Commission, which worked over a year in studying the situation to which I now allude. Up to the present time, of course, the Congress has been so busy with other matters that it could not give to that report any careful consideration; but I want to impress upon Senators that while we are taking this step there are other steps to be taken. We have passed a retirement bill. That is one long stride. I hope it will soon become a law. We shall undoubtedly pass this budget bill. I hope the conferees will get together so that it may become a law; and then I want the Senate to take the third step and adopt the report of the Reclassification Commission, in substance.

I do not claim that that report is perfect by any means. You can not make any big job perfect in one trial, but you can lay the foundation and build on it and aid the business administration of the Government. What you want is to have a clear perspective of the receipts and expenditures of the Government. You want efficiency in Government; you want service. By the retirement bill, by the reclassification bill, and by this bill I believe you will substantially get it.

I sincerely trust that this bill will pass and that then we may give some consideration to the other measure.

Yesterday evening I received a letter from the National Civil Service Reform League referring to the report of the Reclassification Commission. It is very interesting as showing a full and unqualified indorsement of the commission's report and the necessity for its consideration and adoption. I ask that it may be printed in the RECORD as a part of my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL CIVIL SERVICE REFORM LEAGUE,
New York, April 29, 1920.

HON. ANDRIEUS A. JONES,
Senate Office Building, Washington, D. C.

DEAR SIR: The National Civil Service Reform League, through its committee on legislation, urges your favorable consideration of the recommendations in the report of the Joint Committee on Reclassification of Salaries. The league's committee has given careful consideration to the report and believes that it points the way to a distinct step in advance in the Government service.

The civil service is in serious need of attention on all of the points enumerated in the commission's report. At present many of the best employees are resigning from the service, and it is evident that something must be done to retain the more efficient of those who have not resigned.

Particular attention is called to the recommendation in paragraph 4 of the summary of recommendations "that the Congress directs an existing agency, logically and preferably the Civil Service Commission, to make a final allocation of indi-

vidual positions to the classes set forth in the recommended plan of classification," and also that in paragraph 6 of the same summary of recommendations "that the permanent administration of the classification and schedules of compensation be delegated by law to an existing independent agency of the Government, logically and preferably the Civil Service Commission."

We are of the opinion that the Civil Service Commission is the only agency which by its character and position in the scheme of Government organization is at all fitted to perform these functions. A comprehensive and uniform employment policy for the Government can hardly be brought about unless the work outlined in the above-quoted recommendations is included within the scope of the commission's activities. The Civil Service Commission, by the nature of its present duties, is the only Government department that deals directly with every other department. It is in a position, if it is given authority to do so, to secure with the least possible friction, the necessary information to enable it to specify standard rates of compensation and to develop a classification of the service which will be common to all departments.

The league is also of the opinion that the Civil Service Commission should have specific responsibility placed upon it for the establishment and the maintenance of a uniform service record system throughout all Government departments. Such a service record should be made available for use in connection with all promotions, and the commission should be given jurisdiction over all promotions throughout the service.

Without such centralized control over the graded service of the Government, there will always be injustice because of inequalities in the treatment of employees in different departments. The discontent and resultant enormous labor turnover which is cited in the Reclassification Commission's report is evidence of the deplorable injustice worked upon the average employee at the present time.

We respectfully suggest that the draft of a bill proposed by the Reclassification Commission is capable of improvement in certain respects. For example, sections 9 and 10 of the bill provide an elaborate scheme for the control of appointments, promotions, reinstatement, and transfer of employees within the classified service, such scheme to be administered by the Civil Service Commission with the cooperation of the heads of departments. We believe that these functions should properly be performed by the Civil Service Commission, but that it is of questionable value to stipulate in a statute all of the details as to how the Civil Service Commission should function in this respect. We believe that a better method of presenting this legislation would be the mere enunciation of the principle that so far as practicable vacancies should be filled, first, by transfer; second, by reinstatement; third, by promotion; and, finally, by original appointment to the service; and that the determination of the practicability of these various methods of filling vacancies should be left in the hands of the Civil Service Commission, who shall work in cooperation with the heads of departments on all questions of examination and appointment.

We therefore reserve the privilege of discussing any proposed legislation along the lines of the recommendations made in the report of the Reclassification Commission and of suggesting amendments which would improve the language of such legislation.

Respectfully, yours,

CHARLES V. ROBERTS,
Chairman,
RUSSELL WHITMAN,
MAYO FISLER,
Committee on Legislation.

Mr. SIMMONS. Mr. President, I do not desire to discuss the bill, but I do wish to say, as a member of the committee which framed it, that I do not think any committee in this body charged with the framing of new legislation has devoted more earnest consideration to the subject than was given to this measure by the committee. Every member of that committee felt profoundly the responsibility that had been placed upon him in the framing of the measure. Every member of that committee felt that the country at large, without regard to party, had declared itself in favor of some effective legislation of this character.

I think the bill is admirably worked out to accomplish the general purpose which the country has with reference to the establishment of a budget system. I do not think there ought to be any party divisions about the measure. I think both parties are thoroughly committed to the principle of the bill. I hope that there will be no prolonged discussion of it, and that we may speedily pass it. I think the people of this country will appreciate speedy action upon it. The state of public sentiment with reference to this bill has so completely crystallized in favor of it that there ought to be no division in this body or in the other body with respect to it, unless, of course, some defect in the method provided for carrying out the general principle can be pointed out.

Mr. THOMAS. Mr. President, I want to assure the Senator who has just spoken that if his admonition is directed to me, I have no intention whatever of opposing the bill.

Mr. SIMMONS. Mr. President, I hope the Senator does not think I was referring in any way to him. I certainly was not.

Mr. THOMAS. It would have been perfectly proper if he had, as far as that is concerned. I am explaining more for the Senator's own comfort than for mine, if he had any such opinion or impression.

I have no doubt that, as has been stated, the bill is the best which the committee was able to frame, agree upon, and report. I have no doubt that if they had remained longer in session they would still have encountered obstacles to the preparation of a more desirable measure, and for a reason to which I will refer in my brief discussion of some of its features.

A budget bill, Mr. President, is designed for the systematic operation of governmental processes. It is a business arrangement, primarily designed to square receipts and expenditures, thus enabling appropriations to be intelligently made, and all of them confined to the revenues which are estimated for the particular fiscal year. A budget bill which accomplishes that is a good bill. A budget bill which fails to accomplish that is not a good bill, and must result in disappointment to the public and to those who attempt to administer it.

As far as this bill goes, it is admirable, it is systematic, and I hope that it may ultimate in better subsequent legislation. But if the people of the United States have been led to believe that their expenses are going to be reduced by the operation of the bill, then they are facing a great disappointment, because it will do nothing of the sort.

In Great Britain and in other countries operating under budgets, the amounts requested by the budget authorities constitute a maximum of expenditure and the legislature can not go beyond that maximum, although they may reduce these estimates just as extensively as in their judgment the situation demands. The estimates will come to Congress under the bill, and we will be informed with considerable accuracy of the amount of the revenue for the succeeding fiscal year and of the requirements of the various departments and divisions of the Government, and the Appropriations Committees having the various items of appropriations to dispose of will undoubtedly square their work with the estimates thus received. The bills thus prepared will come to the two Houses, where they will be subjected to the identical abuses which have so long disfigured appropriation bills in Congress, and when they finally reach conference committees their own fathers will have difficulty in recognizing them. Senator Smith, Jones, or Brown, if you please, having specific appropriations in mind in which their constituents are interested, will offer amendments carrying them, and in the Senate, particularly, they will get them, since otherwise, under the rules of the Senate, obstructions can be easily placed in the pathway of any legislation, however desirable.

Mr. JONES of New Mexico. Mr. President——

The PRESIDING OFFICER. Does the Senator yield to the Senator from New Mexico?

Mr. THOMAS. In just a moment. And in the House, Mr. President, hereafter as heretofore, Representatives interested in similar extra appropriations will see that they are placed upon the bill in the absence of legislation to the contrary. I yield to the Senator from New Mexico.

Mr. JONES of New Mexico. The Special Committee on the National Budget gave very careful consideration to the point to which the Senator is now referring and fully appreciated the difficulties which occur to the Senator. We did not see how, by legislation, the point could be met. We did not see how, by legislation, we could put in a restriction upon Congress, except by a constitutional amendment, and, of course, that would be impracticable for any immediate relief.

But the plan which has been under consideration and which will doubtless be proposed later is to amend the rules of the Senate so that such additions can not be made to the budget except by a two-thirds vote of the Senate, for instance. Of course, we all realize that the rules of the Senate may be changed also, but as they now exist such a rule seems to have been efficacious in some respects, as the rule which provides that you can not propose an amendment to a general appropriation bill unless it has been estimated for or reported by a committee.

Mr. THOMAS. Mr. President, there may be some constitutional objections to such a scheme. There are also constitutional objections which might be urged to any budget scheme. The Senator is doubtless convinced, for he is a very good lawyer and a most conscientious Senator, that a constitutional limitation interferes between what the committee desired to accomplish and what they have accomplished. If he lays the flattering unction to his soul that the difficulty can be overcome by amending the Senate rules, then he, too, is doomed to a very serious disappointment, for the Senate rules, like the laws of the Medes and Persians, have been made, and admit of little change, the difficulty being that the same character of opposition and filibuster can be opposed to a proposed amendment to a Senate rule which can be offered to any measure pending before us.

During my term of service in this body, comparatively recent, extending over a period of something more than seven years, I have butted my head against a stone wall in the effort to obtain amendments of the Senate rules. Several other Senators have done the same thing. With the single exception of a so-called cloture rule, we have accomplished nothing.

Mr. President, it is not the constitutional objection, in my judgment, so much as it is the senatorial and congressional prerogative which makes an effective budget bill at this time practically impossible.

I will join the Senator from New Mexico in an effort to amend the Senate rules, notwithstanding my pessimism about it; but the man who has the power under the present system of rules and procedure to force appropriations out of the Public Treasury for his constituency is not going to surrender that power very easily. It is a prerogative, Mr. President, of enormous value, particularly as it results in getting public money, which constitutes a vast reservoir for contributions to everything under the sun, and which draws the people of the United States, individuals, associations, and masses, as a magnet draws the needle, and finds the most successful operations in amendments to appropriation bills.

The Senator calls my attention to an existing rule under which a point of order can be made against a proposed amendment for an appropriation which has not been estimated for or reported from a committee. It is very easy, in my experience, to get a report from a committee. I am just as guilty as the rest of you. I take advantage of the rule, and I suppose I will do it as long as I am here. I have some friends who believe in getting while the getting is good and who are also disposed to criticize laxity of effort upon the part of their representatives. The rule, as the Senator knows, when it is invoked, is frequently set aside by a vote of the Senate. On the other hand, Senators hesitate to invoke it lest, when the time comes for the consideration of their amendment, some one who has suffered from the application of the rule may seek to extend that application so as to include the offender.

Mr. SMOOT. That always happens on a river and harbor bill.

Mr. THOMAS. Certainly, it always happens on a river and harbor bill, and all other bills where the amendments are representative of different parts of the country, and which, of course, brings into play the good old doctrine of "you pat my back and I will pat yours," to the tune of "God Save the King" and "God Help the Country."

I want to see some budget system which will prevent that, if possible, and until we have it budget bills will not protect the Treasury of the United States against needless and extravagant appropriations. The estimates sent to us by the proper authorities will be exceeded in the future just as they have been exceeded in the past.

I confess a keen sense of disappointment on reading the bill, that in a vital particular it is sadly deficient.

I shall vote for it and I sincerely trust it will prove more efficacious than I am afraid it will. No man will be more gratified if, in our experience under it, it does prove to be a scientific, systematic method of dealing with the public finances.

Mr. KING obtained the floor.

Mr. McCORMICK. Will the Senator from Utah yield that I may move a recess?

Mr. KING. I yield for that purpose.

RECESS.

Mr. McCORMICK. In view of the lateness of the hour, I move that the Senate take a recess until to-morrow at 12 o'clock.

The motion was agreed to; and (at 5 o'clock and 5 minutes p. m.) the Senate took a recess until to-morrow, Saturday, May 1, 1920, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, *April 30, 1920.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Come, Thou Almighty Spirit, enter into our souls with all Thy transforming power, clarify our vision, quicken our sensibilities, that we may walk worthy of the vocation wherewith we are called and hallow Thy name in thought and deed, conscientiously, efficiently, and receive at the end of this day Thy benediction; for Thine is the kingdom, and the power, and the glory, forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

THE COMER COTTON "RIDER."

Mr. DUPRÉ. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an editorial on the Comer cotton "rider."

The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

The editorial is as follows:

[From the Times-Picayune, New Orleans, La., Apr. 27, 1920.]

COMER PRAISES HIS PET.

Recently the Times-Picayune went to the defense of the cotton interests of the South in opposition to a measure, both fathered and mothered by United States Senator B. B. COMER, of Alabama, designed to permit cotton spinners to skim the cream off of the cotton crop and leave the milk as a by-product in the farmers' hands, without a definite market and minus the protections now thrown around many hundreds of thousands of bales of merchantable, spinnable cotton. As we explained in our editorial, Senator COMER is a prominent spinner, and the term "spinner's contract" was long ago accepted as a trade term in the cotton business meaning but one thing—a contract worded to place the whip handle in the mill man's hand wherewith to drive those who plow and plant and work and harvest the South's great crop.

We pointed out some reasons why the Alabama legislator was taking an astigmatic view of the South's interests, and in our position, we scarce need add, we are in accord with the great majority of the cotton growers of the South. Those who take Senator COMER'S view are very largely those near enough the cotton mill districts of the Appalachian slope to come under the influence of mill domination.

Our editorial evidently touched the quick, for the Senator arose in the Senate Chamber and went into an extended discussion of his proposed measure, and "strafed" violently all who would not remain blind to the trap set by his reinforced "spinner's contract."

The Senator's argument, and a one-sided discussion by others from the mill sector, brought out no new facts, and by their involutions and deviations managed to avoid the real point of our criticism. In fact we only wish we commanded editorial space to give the Senator's talk paragraph by paragraph, in order to point out seriatim their faulty reasoning.

The germ of his defense apparently was that the exclusion from tenderability on contract of cottons grading below middling would tend to stabilize contracts by forcing spot cotton and futures into a closer unity of price. This, Senator COMER said, would make hedges safer and, as he saw it, would benefit all branches of the trade.

Now, if the latter fact is true, pray how would the planter benefit who, by the chances of season and fate, had produced a crop of cotton that would grade below low middling and middling? According to the "Comer rider," this cotton, in spite of the fact that Senator COMER'S own six cotton mills do spin such staple, would remain in the planter's hands until taken at their own price by buyers from the Avondale Mills or some others of their kind. We say "at their own price" because, having grown cotton grading below the tenderable limit, the planter would be unable to protect his holdings by hedges, and without such hedges could not borrow on his holdings and await a better market.

One of Senator COMER'S first statements was that his company had made use of 25,000 bales of hedges during the season. Presumably this was not done merely as a pastime, but because such transactions had a value—as, indeed, they most certainly had—and yet by means of his "rider" the Senator is striving to take away from the trade at large the possibility of such hedges in transactions involving many hundreds of thousands of bales of cotton now protected under the Lever law.

In his effort to make a point the speaker returned to an outworn attack on the cotton exchanges, although his own statement as to the value of the hedge was enough in itself to disprove the old contention. Indeed one has but to hark back to those distressful months at the beginning of the war, when the exchanges were closed, to recall in what an impasse the planters found themselves when there were no exchanges open to serve as a clearing house for cotton prices. We recall the "buy-a-bale" campaign, and the values that went almost to nothing at all because there existed no machinery to harmonize beliefs and melt them into that consensus that would determine price.

"It is buying and consumption," said Senator COMER, "that make the price. It is not the power of tendering it on the exchange."

In reply to that, and in its disproof, we have but to quote the statistics showing that the spread between good, ordinary, and middling cotton in 1918, when the former was still tenderable on contract, was 4¼ cents a pound, whereas on April 8 of the present year that spread was 13¼ cents. Such was the depressing effect of nontenderability. The figures are eloquent.

ENROLLED BILLS SIGNED.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles, when the Speaker signed the same:

H. R. 13253. An act to grant the consent of Congress to the Elmer Red River Bridge Co. to construct a bridge across the Red River;

H. R. 9369. An act to revise and equalize rates of pension to certain soldiers, sailors, and marines of the Civil War and the War with Mexico, to certain widows, including widows of the War of 1812, former widows, dependent parents and children of such soldiers, sailors, and marines, and to certain Army nurses, and granting pensions and increase of pensions in certain cases;

H. J. Res. 301. Joint resolution to authorize the Secretary of War to grant revocable licenses for the removal of sand and gravel from the Fort Douglas Military Reservation for industrial purposes;

H. R. 10917. An act to amend an act entitled "An act to incorporate the National Education Association of the United States" by adding thereto an additional section; and

H. R. 12956. An act extending the time for constructing a bridge across the Bayou Bartholomew, in the State of Arkansas.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. GOOD, by direction of the Committee on Appropriations, reported the bill (H. R. 13870) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1921, and for other purposes, which was read a first and second time and, with the accompanying report, was ordered printed and referred to the Committee of the Whole House on the state of the Union.

Mr. BYRNS of Tennessee. Mr. Speaker, I reserve all points of order on the bill.

The SPEAKER. The gentleman from Tennessee reserves all points of order on the bill.

RAILROAD DEFICIENCY APPROPRIATION BILL.

Mr. GOOD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 13677, the railroad deficiency appropriation bill, disagree to all the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Iowa asks unanimous consent to take from the Speaker's table the bill H. R. 13677, the railroad deficiency appropriation bill, disagree to all the Senate amendments, and ask for a conference. Is there objection?

There was no objection; and the Speaker announced as the conferees on the part of the House Mr. GOOD, Mr. CANNON, and Mr. BYRNES of South Carolina.

RETIREMENT OF CIVIL-SERVICE EMPLOYEES.

Mr. LEHLBACH. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (S. 1699) for the retirement of employees in the classified civil service, and for other purposes.

The SPEAKER. The gentleman from New Jersey moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill S. 1699. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The gentleman from Oregon [Mr. MCARTHUR] will please take the chair.

Thereupon the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (S. 1699) for the retirement of employees in the classified civil service, and for other purposes, with Mr. MCARTHUR in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill S. 1699, which the Clerk will report by title.

The Clerk read as follows:

An act (S. 1699) for the retirement of employees in the classified civil service, and for other purposes.

The CHAIRMAN. When the committee rose last evening the first section of the bill had been concluded. The second section has not yet been taken up.

Mr. BEGG. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BEGG: On page 3, line 9, strike out the period, insert in lieu thereof a comma, and add "and to employees of the Railway Mail Service who have been removed from the classified service without prejudice, provided they were qualified as required by sections 1 and 2 hereof at the time they were separated from the classified service."

Mr. BEGG. Mr. Chairman and gentlemen of the committee, I want to call the attention of the members of the committee to this fact, this bill provides a radical departure from anything that the Government has ever undertaken in this country heretofore. I am in entire sympathy with the idea so far as it applies to aged employees who have given their service to the Government.

However, the question that we might just as well face is the question of a bigger proposition in the way of an old-age insurance. I am not so sure that I am not in entire sympathy with the proposition. As an economic proposition, it seems to me that it would be better to make the individual in a way responsible for his own destiny during all periods of his life rather than to make an absolute dependent out of him.

Now, if I had more than five minutes I would like to elaborate on that phase, but it is of value to at least touch upon it in this particular five-minute discussion, and hence I will call attention to the fact that whenever a human being becomes a dependent on the social body he handicaps the progress of the whole social unit, and on that basis and for that reason we can afford to assume this sort of a protectorate over the aged.

I want to direct your attention to this fact in this amendment: The Railway Mail Service, as everybody admits, is the most hazardous business in the Government service. There are men who are excluded from the provision of this act by virtue of their having been severed from the service without cause and without blame, so far as they are responsible for it, other than that they have arrived at the age of 60 or 65 years.

Now, I have evidence of the fact that men have been suspended without cause and not because they are inefficient, for in a number of these cases where I have looked up the records I find that they were not discharged because of inefficiency. If this Congress and this committee wants the evidence, I will submit the examination papers in every case right up to the immediate month preceding their separation from the service, and I will show you that every one of these men has a rating above 96 per cent, and that they were discharged not because of inefficiency, but in order to make room for some younger employee. I want to insert those letters in the RECORD as evidence of the truth of that statement.

Some of these men have died since they were separated from the service. I personally know one man who to-day is lying on what in all probability will be his deathbed, who has given his entire life to the Railway Mail Service, who has no income other than that to be derived from the mere pittance that he was able to lay away through the strictest kind of economy when he was in the service.

I want to direct your attention to the fact that the railway mail clerks are, by virtue of their position, compelled to spend more of their salaries than the man who has a job where he has established his home, because a railway mail clerk gets on his train, goes a hundred or five hundred miles away from his home, and is compelled to put up there and pay hotel or lodging expense, while the man who gets $1,000 or $1,200 salary in the post office or in the police department or in any other governmental agency is actually getting at least $250 or $300 a year more than the railway mail clerk whose salary is the same figure.

Mr. BLACK. Mr. Chairman, will the gentleman yield?

Mr. BEGG. I will be glad to yield.

Mr. BLACK. The gentleman is probably aware of the fact that the average annual allowance to the railway mail clerk for travel is $190 per annum.

Mr. BEGG. I am aware of that, I will say to the gentleman, and my statement still holds good in reference to that allowance.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. BEGG. Mr. Chairman, I ask for three minutes more.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to proceed for three minutes. Is there objection?

There was no objection.

Mr. BEGG. The number of people affected by this amendment if it passes—and I may say that the chairman of the committee has accepted the amendment, so that there is no opposition from the committee.

Mr. LEHLBACH. I did not say I would accept it, but I said I would not oppose it.

Mr. BEGG. The gentleman says he did not accept it, but that he would not oppose it. This proposition is nothing more than a humane idea. Every single argument that you can offer as a reason for the passage of this bill can be offered for the incorporation of this small number of people who will be affected by it.

Mr. WELLING. How many will there be?

Mr. BEGG. I can not give the exact number, but I am advised by the railway postal clerks that the number will be less than 50. They are dying rapidly. These men are at the age of

68 and 70 years now. The number of people who will be affected is small, and every single argument you can offer for the bill can be offered more forcibly for this class of people.

The passage of a measure of this kind is only in line with our treatment of the dumb brutes. In 1916, in the War Department, they had an old war horse named Rodney, I believe, that had given his service and his life for over 20 years to the War Department. He was useless. They did not send him to the fertilizer factory and make fertilizer out of him. They were too humane. They found a way, without coming to Congress, whereby they could pension that old horse for the rest of his days. I ask you if the war horses in the Postal Service do not deserve the same consideration as an actual animal that pulled a truck or probably carried an officer of the War Department? [Applause.] It seems to me it is a mere humanitarian idea and can have no opposition.

Mr. GARD. Will the gentleman yield?

Mr. BEGG. I yield to my colleague.

Mr. GARD. I am interested in the gentleman's amendment, and I confess I do not understand exactly the application of exemption to these railway postal employees. Does it apply to railway mail clerks who have been separated from the service?

Mr. BEGG. Without cause—only those who in their notice of dismissal have had it stated that they are removed without prejudice. I will go further. It says that their civil-service status shall not be affected in any way to preclude their being put on in some other position.

Mr. GARD. It is not intended to include those men who have been removed for some cause?

Mr. BEGG. Not in any case.

Mr. GARD. Why were they removed?

Mr. ANDERSON. For age disability.

Mr. BEGG. I can only quote the letters of removal.

Mr. GARD. Does it mean that they were removed because they were too old to perform their duties?

Mr. BEGG. Not necessarily, because their examination papers showed 96 per cent efficiency.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLANTON. I ask unanimous consent that the gentleman's time may be extended one minute. I want to ask him a question.

Mr. BEGG. Make it three minutes.

Mr. BLANTON. The gentleman wants two minutes more. So I ask that his time be extended three minutes.

The CHAIRMAN. The gentleman from Texas asks that the time of the gentleman from Ohio be extended three minutes. Is there objection?

There was no objection.

Mr. BEGG. My amendment refers only to those who have been removed without prejudice. You ask me why they have been removed. I only know what the letters written by the Railway Mail Service say:

> In the reorganization that has taken place you are hereby notified that you will no longer be continued on the pay roll, but this removal is without any prejudice as to your civil-service status.

And their examination papers, of which I have a number, show that their grades, even the month before they were removed, were as high as 98 per cent, and none of them below 90 per cent.

Mr. GARD. What is the number of these men who will be affected?

Mr. BEGG. I can not give the definite number, but my information is that it is under 50.

Mr. BLANTON. Will the gentleman yield?

Mr. BEGG. I will.

Mr. BLANTON. In the gentleman's State of Ohio he will find a few deserving farmers who have been on the same farm 40 long years who have devoted their lives to raising foodstuffs to feed people in cities. Now, would not the gentleman be willing to include in the provisions of this bill those particular farmers who have devoted 40 years of their lives to feeding the public?

Mr. BEGG. In reply to the gentleman I will say that his proposition is not far wrong, and without stopping to discuss it it seems to me this is only the first step in the direction of old-age pensions. I have no time to discuss that further than to say that we seem to be stampeded here to raise salaries because we are losing good, competent men. That is the only argument we hear. When the personnel officer testified before a committee of which I happened to be a member investigating a certain department he said that the average salaries of the people in commercial life in Washington were from $20 to $30 a month less than those of Government officers. Yet we are being stampeded every day to raise the salaries of Government employees. But that does not argue against the passage of this retirement bill or old-age pensions, and I am for it.

Mr. WELLING. Are not many of these gentlemen who have been removed without prejudice very much under 60 years of age?

Mr. BEGG. No; not one of them is under 65 years of age.

Mr. KEARNS. Will the gentleman yield?

Mr. BEGG. I yield to the gentleman from Ohio.

Mr. KEARNS. I understand the gentleman is offering this amendment because there are so many efficient clerks leaving the employ of the Government because of the low salaries?

Mr. BEGG. No; I am not introducing it for any such purpose.

Mr. KEARNS. The gentleman made that statement.

Mr. BEGG. No; I beg the gentleman's pardon; I introduced it because the bill is going to pass, and I think it is right that it should pass, to take care of these aged men.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. BEGG. Mr. Chairman, I ask for two minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

Mr. FAIRFIELD. I shall not object, but I think it is about time that we concluded debate on this amendment.

Mr. BEGG. I surrendered my time in general debate to the gentleman, and I have not consumed any time at all. So I think the gentleman might be at least fair.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. KEARNS. What was the gentleman's statement about the testimony before the committee?

Mr. BEGG. I said that the testimony of the personnel representative before the committee was that he had made investigation of salaries paid in Washington for similar positions and found them to be from $20 to $30 a month less than the Government paid, and that the Government is the pacemaker in salaries, in spite of the fact that we hear every day that employees are leaving the Government service because the pay is too small. I said in spite of that being the fact I was in favor of the old-age pension bill, which, on humanitarian grounds, is right, and because of that fact I want to incorporate into the benefits of this bill these people who have been severed from the service for no reason except that they have become old. It seems to me that that is clear enough for anybody to understand. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

The following are the letters referred to by Mr. BEGG:

RAILWAY MAIL SERVICE,
OFFICE OF SUPERINTENDENT NINTH DIVISION,
Cleveland, Ohio, July 14, 1917.

JOHN E. WEST, *Railway Postal Clerk:*

On account of the reorganization of the New York and Chicago railway post office, whereby a large number of clerks are to be released therefrom, you have been selected to be dropped on account of your inability to perform satisfactory service in the Railway Mail Service, due to inefficiency.

This will be effective with the close of July 15, 1917.

C. V. MCCHESNEY, *Superintendent.*

(Copy to the General Superintendent.)
(Examinations show 95 per cent or better.)

—

RAILWAY MAIL SERVICE,
OFFICE OF SUPERINTENDENT NINTH DIVISION,
Cleveland, Ohio, July 24, 1917.

Mr. LOUIS SCHERZ, *Sandusky, Ohio.*

DEAR SIR: In connection with my letter of July 14, advising you that you would be dropped from the service, I desire to state that no order of removal has been issued, but your services and pay were discontinued because you were not needed, and your civil-service status is not affected so far as concerns your application for reinstatement to any position for which you may be found capable of filling in the Postal Service or in any other department of the Government.

Yours, very truly,

C. V. MCCHESNEY, *Superintendent.*

Mr. CANNON. Mr. Chairman, I did not intend to say a word about this legislation. There are 110,000,000 people in this country. Civilization is founded on the selfishness of the unit, of all the units. It rests on the hearthstone, it rests on the efficiency, the good manhood and womanhood of all the people. We propose to pension the people who were engaged in the war. We have legislation pending that dwarfs this legislation in its importance and in the amount it costs.

Who pays these taxes? The consumers, the 110,000,000 of people. What is the condition in the factories, on the farm, the condition everywhere where people, if they are of any account and normal, live in the sweat of their faces? The gentleman just said that he stands for old-age pensions. What is the effect of old-age pensions? He also announced that this is the open sesame for old-age pensions. If civilization rests on the hearthstone, what makes people toil, what makes them care

for the family, what makes them save? It is the desire to bring up the family as it ought to be brought up, to add their help to civilization and to the Government. It is to enable them to pay their just taxes. You can never make taxation that acts exactly equal. One man is unfortunate, one man is born simple-minded; the State takes care of him. One man goes insane, and the State takes care of him. That is all taken care of in every State.

Now, how many are there—farmers, tenants, those that are not tenants—how many of them are in the railway service that are unfortunate? The fortunate people—and I measure my words—in the great mass during my service of almost 50 years in the House of Representatives—the fortunate people are the people who have civil employment from Uncle Sam. [Applause.]

The registers of the Civil Service Commission are wonderfully crowded—they are piling up and piling up. Can they all get in? No. They grumble. We had to pass a law that no Member of Congress should interfere in the operation of the civil-service act.

Now, I know it is ungracious; I know it is not popular; I know, perhaps, I am not benefiting myself personally, but I feel this way about it: My personal life and my political life are not worth three hoots. There are better men than I am who could succeed me, and probably more competent men. And all of us have constituents, if one went out with a search warrant, in the event of the death or defeat, who might succeed us and be our superior.

Oh, how it appeals to the heart. These poor men! I know cases where men who were in the Civil War, where they were in the War with Spain; I know many cases where they have been dropped from their civil positions on account of old age. But we have cared for them with a pension. We have just passed the Fuller bill, and I believe it has gone to the President. The bill for the Spanish War veterans, I believe, has been reported favorably in the Senate. I am for all proper pensions; but, first and above all, I am for keeping the law that this Congress and former Congresses have enacted in recent years that where people are in the Army or the Navy and become sightless or armless, where a hundred thousand rest in France, leaving widows with dependents, we are caring for them as never people were cared for before. We are giving to these widows and dependents, and with the inflation of our credit, with the inflation of our currency, they have a far greater claim upon all the people in asking for $30 a month, or $5 for the first child, $10 for the second, and so on. You pass this kind of legislation, at times illy considered, and the dollar goes down in purchasing capacity, but in God's chancery you have got to increase and make it good. All these things are to be thought of. I know it is useless to talk about this. I may see the duty and the wisdom and the propriety of it, and my voice may be lifted up, but they will say, "Oh, CANNON, what are you talking about; we are going to pass it." The gentleman from Ohio says it is the foundation for old-age pensions. When you make old-age pensions you make men say, "Oh, it is not necessary for me to save; if I live to be 60 or 70, the Government is going to take care of me; I will get a pension." Civilization, I say again, rests on the selfishness of the unit and upon the hearthstone. [Applause.]

There is where it rests, but here it will be proposed to follow that up so that everybody who gets to be a certain age will have a pension, and who is to pay it? Oh, it is to be paid by taxation, it is said; and when you do that, then I fear you beget inefficiency. [Applause.]

Mr. FAIRFIELD. Mr. Chairman, I move to strike out the last word. I trust the gentleman will not forget the pending amendment, which is retroactive for a particular class of employees. It does honor to the humanitarian ideas of the gentleman who presented it, and it may be unfortunate that this legislation was not sooner put upon the statute books, but nobody knows how much is involved, although we are assured that not a great many people will be affected. I have no doubt there could be presented just as good arguments in favor of the rural mail carrier to go back to 1917, in favor of the city carrier to go back to 1917, and in favor of every other clerk who has been severed from the service since 1917. The committee does not recommend this legislation. The chairman said only that he would not personally oppose it. I think it very unwise, and I trust that the amendment will not be agreed to.

Mr. MANN of Illinois. Mr. Chairman, I have been in favor of a retirement law for many years, believing it is a concomitant of the nonpartisan method of appointment under the civil service. There are two dangers with respect to the proposition. One is that after it becomes a law there will be an organized force of Government employees to use political pressure everywhere they can get it for the purpose of increasing the amount which they will receive out of the Treasury, and also of increasing the salaries which they are to receive to more than compensate for the amount which is to be deducted from their salary as a part of the sum to be raised. The other danger is that everyone who has been in the Government service heretofore will seek to be covered under the provisions of this bill, to receive the pension allowed, but to make no contribution at all to the fund. That is the proposition that is mildly stated as to a particular class in the pending amendment. If this amendment shall be agreed to, no one can well refuse hereafter to extend the time as to this class of employees back of 1917, or to include within the provisions of the law other employees in other branches of the service.

Mr. BEGG. Mr. Chairman, will the gentleman yield?

Mr. MANN of Illinois. Yes.

Mr. BEGG. I just want to make the statement that I quite agree with the gentleman upon the proposition of not paying in anything. I have an amendment that I expect to offer that no man shall be permitted to receive the benefits of this law until he has paid in at least 2½ per cent of the total salary for two years preceding.

Mr. MANN of Illinois. That is a matter of discussion.

Mr. BEGG. That puts him upon a par with the man who has been in for 10 years.

Mr. MANN of Illinois. You can not include everyone in a particular class unless you go back many years, and you can not select out one class without receiving pressure hereafter from every other class. I think the Government employees now in the service ought to receive the status provided by this law for the benefit of the public service, not merely for their own benefit. I think it is unwise to commence to tamper with the provisions by including other classes now out of the Government service, because we all know that if we commence we can not stop.

The CHAIRMAN. The question is on the amendment of the gentleman from Ohio.

Mr. MONTAGUE. Mr. Chairman, I ask unanimous consent that the amendment be again reported.

The CHAIRMAN. Without objection, the amendment will be again reported.

There was no objection, and the Clerk again reported the Begg amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. HUDSPETH. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment by Mr. HUDSPETH: Page 3, line 1, after the word "postmasters," insert "of the second, third, and fourth class," and strike out in line 5, page 3, the word "not."

Mr. HUDSPETH. Mr. Chairman, this is a retirement bill, and it occurs to me that the second, third, and fourth class postmasters ought to come under the benefits of the bill. I agree with the gentleman from Illinois [Mr. MANN] that this bill ought to be in the interest of the public service. I want to say to the Members of this House that fourth-class postmasters in many portions of the country have resigned, and the people of the local communities have to supplement the salary in many instances out of their own pockets in order to get the benefits of mail delivery. I can see no reason why the second, third, and fourth class postmasters should not come under the benefits of this bill.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. HUDSPETH. Yes.

Mr. CANNON. There are about 55,000 of them, are there not?

Mr. HUDSPETH. I do not know.

Mr. CANNON. Take the fourth-class postmasters; there are 40,000 of them, at least?

Mr. HUDSPETH. Yes.

Mr. CANNON. They were put under the civil service by order of President Taft?

Mr. HUDSPETH. I understood it was by order of President Wilson.

Mr. CANNON. I think Taft first, then I think Mr. Wilson followed suit.

Mr. HUDSPETH. He ratified it, I am sure.

Mr. CANNON. He ratified it.

Mr. HUDSPETH. And very properly.

Mr. CANNON. They were turned out almost universally by people who wanted their places, were they not?

Mr. HUDSPETH. I want to state to the gentleman from Illinois that they have not been turned out in my district. I have been trying to get one of them turned out for inefficiency, but they told me they were all under the civil service. [Laughter.]

Mr. CANNON. Maybe the gentleman was not here when they were appointed.

Mr. HUDSPETH. I have been here for about a year, and I have been very energetically trying to get one of them out, because he failed to serve the Nation efficiently, and have not been able to do so, because they said they were under the civil service and it could not be done. But the rest of the postmasters in my district are efficient, patriotic men and women, and the Government is paying them a niggardly salary.

Mr. ROBSION of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. HUDSPETH. Yes.

Mr. ROBSION of Kentucky. Are there not others who are willing to take their places?

Mr. HUDSPETH. Not in many instances, I will say to the gentleman. The people in some of the local communities make up a fund in order to have their mail delivered in many cases, and you can not find many men who can afford to work for $175 a year in Texas in the arduous work as postmaster. It is one of the most important positions to the general public of any Uncle Sam has to bestow.

And I want to state to you that it is hard work. I make that statement in reply to some gentleman on the Republican side who says postmasters do not work.

Mr. SMITH of Idaho. Will the gentleman yield?

Mr. HUDSPETH. I will.

Mr. SMITH of Idaho. Would it not be better to amend the law compensating the postmaster and give him a compensation that would be attractive?

Mr. HUDSPETH. Yes; that is a nice song they have been singing here for about three years, but it has not been any benefit to the second, third, and fourth class postmasters.

Mr. SMITH of Idaho. If the amendment of the gentleman were adopted, he would retire a man on an allowance of $180 where the income from the post office was perhaps only $1.

Mr. HUDSPETH. And that dollar would buy a little coffee, at the present price at least 1 pound of sugar, and help to that extent. I will say to my friend that possibly in his State also postmasters, good men and true, are resigning every day because they can not live on the salary.

Mr. SMITH of Idaho. I think that is true, and they should be better compensated.

Mr. HUDSPETH. Then let us never miss an opportunity to help them.

Mr. SMITH of Idaho. The gentleman's amendment proposes to compensate those retired from the service, not those occupying the position now.

Mr. HUDSPETH. That is some inducement, I will state to my friend, to stay there and serve the public at a loss, as many do from the West, as the gentleman knows, if he is conversant with conditions in the West. I do not want to miss an opportunity to help this kind of people, because you have got to have good public service. Somebody has got to serve as postmaster, and this great big, splendid Government of ours ought not to continue to require the postmasters who serve it and serve an expectant and hard-to-please public on Mexican sheep-herder's wages. You Republicans have been promising to raise salaries of second, third, and fourth class postmasters ever since I came here. Now make good on one single promise in your entire life.

Mr. MANN of Illinois. Will the gentleman yield?

Mr. HUDSPETH. I will.

Mr. MANN of Illinois. In reference to the form of the gentleman's amendment, does the gentleman desire to repeal the law now providing for the retired list in the Lighthouse Service?

Mr. HUDSPETH. No, sir.

Mr. MANN of Illinois. The gentleman's amendment would do that as presented.

Mr. HUDSPETH. I do not think so. It does not put them in the present bill.

Mr. MANN of Illinois. Yes; but the gentleman's amendment would do that.

Mr. HUDSPETH. Well, I did not intend to do that. I am trying to help these postmasters back in the sticks.

Mr. MANN of Illinois. I was not referring to that. The gentleman's amendment to the bill as it stands excludes the Lighthouse Service.

Mr. HUDSPETH. I did not intend that. What would the gentleman from Illinois suggest?

Mr. MANN of Illinois. If I were offering the amendment the gentleman has introduced here, I would say that hereafter postmasters of the first class shall not be included in the provisions of the act. I think that would accomplish the gentleman's purpose.

Mr. HUDSPETH. My sole purpose is to help these second, third, and fourth class postmasters, the hardest worked and poorest paid people on this earth, let me say to you, my good friends on both sides. The position of postmaster is one of great importance to every community. Measured by the service he renders, I think the people who receive mail—and most everyone does receive some character of mail—expect more at the hands of a postmaster than any other public servant. He does not get half enough pay. I am a young man yet. If my people permit, I am going to stay right here and hammer for more pay for our postmasters until I get it. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment offered by the gentleman from Texas.

The question was taken, and the amendment was rejected.

Mr. ALMON. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. ALMON. Mr. Chairman, I move to strike out lines 7, 8, and 9, page 3.

Mr. LEHLBACH. Mr. Chairman, I make the point of order that the gentleman is trying to strike out an amendment which the committee adopted on yesterday.

The CHAIRMAN. The point of order is sustained, and the Clerk will read.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. STRONG of Kansas having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Dudley, its enrolling clerk, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 3218. An act for the relief of Martina Sena, Luis E. Armijo, and Maria Baca de Romero.

The message also announced that the Senate had passed without amendment the bill (H. R. 12869) for the construction of a bridge across the Pentwater River or Pentwater Lake, Mich.

The message also announced that the Senate had passed without amendment the bill (H. R. 9228) to authorize the establishment of a Coast Guard station on the coast of Lake Superior in Cook County, Minn.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 13677) making appropriations to supply a deficiency in the appropriations for the Federal control of transportation systems and to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1920, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. WARREN, Mr. CURTIS, and Mr. UNDERWOOD as the conferees on the part of the Senate.

RETIREMENT OF CIVIL-SERVICE EMPLOYEES.

The committee resumed its session.

The Clerk read as follows:

SEC. 2. That for the purpose of determining the amount of annuity which retired employees shall receive, the following classifications and rates shall be established:

Class A shall include all employees to whom this act applies who shall have served the United States for a total period of 30 years or more. The annuity to a retired employee in this class shall equal 60 per cent of such employee's average annual basic salary, pay, or compensation from the United States for the 10 years next preceding the date on which he or she shall retire: *Provided*, That in no case shall an annuity in this class exceed $720 per annum or be less than $360 per annum.

Class B shall include all employees to whom this act applies who shall have served the United States for a total period of 27 years or more, but less than 30 years. The annuity to a retired employee in this class shall equal 54 per cent of such employee's average annual basic salary, pay, or compensation from the United States for the 10 years next preceding the date on which he or she shall retire: *Provided*, That in no case shall an annuity in this class exceed $648 per annum, or be less than $324 per annum.

Class C shall include all employees to whom this act applies who shall have served the United States for a total period of 24 years or more, but less than 27 years. The annuity to a retired employee in this class shall equal 48 per cent of such employee's average annual basic salary, pay, or compensation from the United States for the 10 years next preceding the date on which he or she shall retire: *Provided*, That in no case shall an annuity in this class exceed $576 per annum, or be less than $288 per annum.

Class D shall include all employees to whom this act applies who shall have served the United States for a total period of 21 years or more, but less than 24 years. The annuity to a retired employee in this class shall equal 42 per cent of such employee's average annual basic salary, pay, or compensation from the United States for the 10 years next preceding the date on which he or she shall retire: *Provided*, That in no case shall an annuity in this class exceed $504 per annum, or be less than $252 per annum.

Class E shall include all employees to whom this act applies who shall have served the United States for a total period of 18 years or more, but less than 21 years. The annuity to a retired employee in this class shall equal 36 per cent of such employee's average annual basic salary, pay, or compensation from the United States for the 10 years next preceding the date on which he or she shall retire: *Provided*, That in no case shall an annuity in this class exceed $432 per annum, or be less than $216 per annum.

Class F shall include all employees to whom this act applies who shall have served the United States for a total period of 15 years or more, but less than 18 years. The annuity to a retired employee in this class shall equal 30 per cent of such employee's average annual basic salary, pay, or compensation from the United States for the 10 years next preceding the date on which he or she shall retire: *Provided*, That in no case shall an annuity in this class exceed $360 per annum, or be less than $180 per annum.

The term "basic salary, pay, or compensation" wherever used in this act shall be so construed as to exclude from the operation of the act all bonuses, allowances, overtime pay, or salary, pay, or compensation given in addition to the base pay of the positions as fixed by law or regulation.

The committee amendment was read, as follows:

Page 5, after the word "regulation," line 25, insert: "Whenever the contribution, with interest, of the employee at the age of retirement will purchase an annuity of the kind provided for herein in excess of the annuity herein provided, the employee shall receive an annuity of the amount his contributions with interest will purchase."

The CHAIRMAN. The question is on the committee amendment.

The question was taken, and the committee amendment was agreed to.

Mr. ANDREWS of Nebraska and Mr. OSBORNE rose.

The CHAIRMAN. The gentleman from California.

Mr. OSBORNE. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 21, after the words "per annum," insert the following: "Any employee included in this class may upon his or her own application be eligible for retirement on the annuity herein provided."

Mr. OSBORNE. Mr. Chairman, the object of this provision is that one who has served 30 years, even if he has not reached the age of 65 or 70 years, whatever the limit is, may be eligible for retirement. It is based upon the provision of law which applies to officers in the Army and the Navy, section 1243 of the Revised Statutes, which makes them eligible to retire after 30 years' service. The amendment is drawn as nearly like the section referred to as the difference in conditions will permit—nearly in the language of that section. However, I will state that that section of the Revised Statutes leaves retirement within the discretion of the President——

Mr. CANNON. Will the gentleman yield?

Mr. OSBORNE. I will.

Mr. CANNON. Can not these employees retire immediately and get their money back, with compound interest, if they want to retire before the retiring age? Are they not provided for otherwise in the bill?

Mr. OSBORNE. I do not so understand it.

Mr. CANNON. I think that is the case.

Mr. LEHLBACH. They draw their money down when they quit the service, with interest compounded.

Mr. CANNON. So that it would seem that ought to care for them.

Mr. LEHLBACH and Mr. GARD rose.

Mr. GARD. Mr. Chairman, I rise to oppose the amendment.

Mr. LEHLBACH. I was going to rise to oppose the amendment, but I will yield to the gentleman from Ohio.

Mr. GARD. The gentleman from New Jersey is chairman of the committee, and I will defer to him.

Mr. LEHLBACH. I merely desire to say, Mr. Chairman, that such a provision is foreign to the fundamental purposes of this bill, which is to provide for efficiency in our departments of Government and give a practical opportunity to get rid of incompetency and inefficiency due to superannuation and old age. There is no merit in the proposition that a man 50 years of age who had entered the service at the age of 20 should be retired and draw pay from the Government when he is perfectly capable of earning his living. These annuities are not largesses or rewards to the workers for the Government, but they are to take care of those who no longer are able to take care of and provide for themselves, and manifestly the people coming under such an amendment would not be in that class.

Mr. GARD. Mr. Chairman, I think the idea as expressed by the gentleman from California [Mr. OSBORNE] is not in accord with what should be the purpose of the bill. I am of those who believe in the merit of this bill as a concomitant of the classified civil-service work, because I believe where we establish a system of Government employment, where clerks are necessarily unable to compete in higher branches of private employment, in order to make it attractive to the highest class of men and women we are compelled to put in measures which will provide for them in time of illness or old age. But the test of the matter is efficiency and in providing increased compensation for persons in the service. Nor is the amendment offered by the gentleman from California comparable with the military and naval service of which he speaks. So it seems to me that in every other point of view we can not so enlarge this bill as to provide for the authorization of these annuities to persons who do not come within the period of disability or inefficiency. When disability occurs, when inefficiency exists, then the purpose of this bill is to protect the United States; but it is not the purpose of the bill—it should not be the purpose of the bill, at least—to bring in vast numbers of persons who by reason of a service of 30 years will take advantage of that service when they can render efficient service, take advantage of 30 years performance of duty to accept an annuity, when in reality they can do the work. I trust the amendment will not be agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. OSBORNE].

The question was taken, and the amendment was rejected.

Mr. ANDREWS of Nebraska. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Nebraska offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. ANDREWS of Nebraska: Page 3, line 18, after the word "next," strike out the remainder of line 18 and all of line 19 down to and including the word "retire" and insert in lieu thereof the words "following the first 10 years of service."

Mr. ANDREWS of Nebraska. Mr. Chairman, the question of the retirement of civil-service employees has been under serious consideration for several years.

On the 27th of September, 1905, the Treasury branch of the Civil Service Retirement Association held the first of their public meetings in Washington for the advocacy of that movement. At that time the clerks of the various departments were proceeding upon the presumption that the fund should be created by contributions from the clerks under the classified service and thus release the National Treasury entirely from any expense in connection with the movement.

At a later date some began to advocate the opinion that the National Treasury should bear the entire expense of the plan.

For several years those conflicting opinions delayed action, but they did serve the purpose of agitating the question before the country and the committees in Congress.

The plan now under consideration in the pending bill proposes to secure the major portion of this fund through contributions from the beneficiaries. The proponents of this bill have figured out the whole question to a satisfactory conclusion in their own minds and tell us that the Government will save money by the enactment of this bill. I hope that result will be achieved.

I am heartily in sympathy with the proposition to provide a fund from which payment can be made to worthy clerks whose disabilities compel them to withdraw from active duties. The existence of such a fund will enable the heads of the departments to grant release from service to several persons who really desire to retire with a moderate compensation.

While this is a very unfavorable time to support any plan that contemplates even in appearance a civil pension list, the arrangement furnished by the advocates of the bill seems to be very satisfactory on the lines of practical economy for the Government. For these reasons and accepting their conclusions as valid, I shall be glad to favor the passage of this bill.

I am heartily in favor of the Senate provision relative to the age of retirement; that is, 70 years. The House committee amendment fixed the age at 65, which would be far more expensive than the Senate provision. The Government would also lose in efficient service rather than gain. Hence I shall oppose the adoption of the committee amendment.

Moreover, I think this committee amendment is unfair to the Government from the standpoint of economy. It is unfair to those who are between the ages of 65 and 70. I could accept the theory underlying the explanation of the committee amendment were it not for my observations that stand emphatically against it.

Let me illustrate. You may go into the Government service—I speak of clerks in the departments rather than those in other lines of Government employment—and take all of the men and women in the departments of the Government between 65 and 70 years of age and then take an equal number, or take the whole number, if you wish, between 25 and 35 years of age. The first group, 65 to 70 years, will furnish a higher average grade of efficiency than the latter group—25 to 35. I know that from observation, not as a matter of theory. Knowing it as I

do from the standpoint of observation, I can not support the proposition of the committee on the ground of governmental economy. Moreover, when you take men and women from 65 to 70 who have won their way up to that point and they have physical and mental ability to go on with their work, the Government is the gainer, rather than the clerks themselves, by their continuance.

I agree fully in the provision of the bill which furnishes relief for those whose physical condition may require a separation from the service. Under the law as it stands now and the provisions carried in this bill, the head of any department can meet the situation and meet it with the same relief that this bill provides for a compensation at retirement. I want to say to you, gentlemen, that I was among the first to begin the agitation for a retirement fund. I had the honor and pleasure of addressing the first large group of Government clerks that assembled in the city of Washington on September 27, 1905, to begin the campaign for this legislation. I am not going to abandon the principle where I find it of practical application now, but upon the basis of economy for the Government and fair and just dealing with the men and women between 65 and 70 years of age I stand for the Senate provision.

The second 10 years of service should be made the test period for retirement compensation, because the clerk will be at his best during those years.

The last 10 years of service preceding 65 will be the period in which a number of embarrassments may appear through ill health. The second 10 years of service comprise a period in which the real value of the clerk can be intelligently measured. In the last 10 years preceding 65 you will find more instances in which health fails, and the sick record of the clerk will disclose the fact that a considerable portion of time has been lost and reduction in grade will follow because of a reduction in physical ability to maintain oneself in the discharge of the average amount of service when the health and strength were good. This rule, if applied, will, I believe, be fair and just and give the proper measure for the proper period when the actual work of the clerk to the Government can be intelligently and wisely determined.

Mr. HASTINGS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I confess that I have not heretofore given this question the attention that it merits. Members of Congress are too busy with public matters to specialize in all subjects. I do not enjoy the privilege of being a member of the committee that has been giving this bill close study.

The question of retiring Government employees has been discussed at intervals for many years. It has been taken up and discussed more or less informally on numerous occasions since I have been a Member of Congress. I am sure that people generally throughout the country do not fully appreciate the necessity for legislation along the lines of this bill. Our citizens are far removed from governmental activities and do not come into contact with the work of the various departments. Therefore they do not have an opportunity to see these employees and judge of their efficiency. I have had some prejudice against their retirement and have felt that it would entail an extra drain upon the United States Treasury at a time when every effort should be made to economize.

After a more careful study of the principle involved in the bill and the report on it by the committee I am thoroughly convinced that a vote for this bill can be justified on the three grounds of efficiency, economy, and humanity.

One of the reasons why there is so much complaint against delays in the Government service is because there are so many old, infirm, and inactive employees. Everybody knows that private offices transact business very much more expeditiously than Government offices. Of course, Government employees can not afford to make mistakes. They must guard against criticism and must be exceptionally careful. With alert, active, and young employees there is no question but what the efficiency of the service would be greatly increased. One inefficient employee delays many others, as everyone knows. It would also be more economical for the Government to retire these employees at the pay indicated for the various classes in this bill or even at full pay rather than to keep them on the pay roll. Our experience in private life is that inefficient clerical help is never economical.

I believe it would effect a large saving of money for the Government if only the very best clerical assistance that could be obtained were employed. All the leading corporations are adopting a retirement system, and this same policy is recommended for governmental employees. There is no economy in slow help or inefficient service. Everyone is demanding expeditious action.

Again, this bill can be justified from a purely humanitarian standpoint. You may say what you will, but no head of a bureau is going to take the responsibility of retiring old and infirm clerks. Members of Congress think that they would do so if they were the heads of bureaus and the responsibility were placed upon them. However, the fact remains that no head of a department has done so in the past, which is sufficient to convince me that no head of a department will take the responsibility in the future of turning these old employees out. I think, therefore, that it would add to the efficiency of the service to pass this retirement bill. It would be more economical for the Government and would be humane.

I do not think we should deceive ourselves. I believe that the amounts allowed the various clerks under section 2 of this bill will be increased in time. Old and infirm retired employees can not live upon the amounts provided, and amendments will be asked of Congress to increase them. I do not doubt but what Congress, responding to public sentiment, will feel justified in granting the increases.

I do not know that I fully agree with all the details of the bill. With the little study that I have been able to give it, I am inclined to think that there should be automatic retirement at a certain age. I believe that the provision in the bill allowing employees to make application to remain longer will be abused. I believe that the head of every department or bureau who has aged clerks will yield to their importunities and permit them to remain in the service as long as the law will allow them. When an exception is made for one employee it is very difficult not to make an exception of another. I do not believe that any elasticity should be given in the act. Government employees will then know that there is not a chance of their remaining upon the pay roll any longer, and that they are to be retired at a certain definite specified time. They will begin to make provision against that time, and there will be no uncertainty about it.

It has been stated on the floor in this debate that the heads of the various departments can now dismiss inefficient clerks. However, this authority has never been exercised. My fear is that under the elastic provision of section 6 of this bill, inefficient employees will be retained after the age limit has been reached. I want to utter a word of warning against this provision. It will be abused and will permit discrimination. I would much prefer to have a definite age limit fixed. I grant you there are men and women over the age limit who could serve the Government efficiently and well after they become 65, but an arbitrary limit ought to be fixed. If 65 years is not the correct one, then the experience of other countries and business establishments should be drawn upon and the proper age limit should be fixed. What I am arguing is for a definite limit, so that employees will know years in advance when they are to be retired. They will then begin to make preparations for it. They would know that there is absolutely no uncertainty about it and that there is no chance to remain in the Government service.

I am not so sure that I would place the administrative features of the bill under the Commissioner of Pensions. My judgment is that a new bureau in the Department of the Interior or some other department should be created. The responsibility should then be placed upon the head of that particular bureau to carry out the purposes of this measure. Placing the responsibility upon the Commissioner of Pensions means that it will fall largely upon some subordinate in his office. I object to this as the matter is too important. The responsibility should be placed upon some person who is able to give it his undivided attention, so that the best results can be obtained. He ought not to have any other duties and should be given an opportunity to study this question alone. Other legislation supplemental to this will be required, and he should collect all the data called for or required by the various committees of Congress.

In order to further supplement my remarks showing the necessity for this legislation, I submit the following statement clipped from the Washington Star, which is a most convincing argument, in my judgment, in favor of retirement legislation:

AGED WORKERS ILLUSTRATE NEED FOR RETIREMENT LAW—TWENTY-SEVEN EMPLOYEES OVER 80 YEARS OLD AT WORK IN PENSION BUREAU, UNABLE, AFTER YEARS OF SERVICE, TO RESIGN.

As a concrete example of the necessity for the enactment of a retirement law for civil-service employees, Commissioner Gaylord M. Saltzgaber, of the Pension Bureau, to-day pointed out that there are 27 employees of his bureau who are over 80 years old.

Speaking as of April 1, 1920, Commissioner Saltzgaber declared that there were 844 employees in the classified civil service in the Pension Bureau, of which number 27 were over 80 years of age, 78 were between 75 and 80, 91 were between 70 and 75 years, and 86 were between 65 and 70 years, a total of 282, or 33.41 per cent over 65 years old. The average age of all employees is about 58½ years.

"The oldest male employee was born March 17, 1831, and has consequently just celebrated his eighty-ninth birthday," said Mr. Saltzgaber. "He is a Civil War veteran, and has been in the civil service nearly 37 years. The oldest female employee was born August 25, 1834, and is therefore in her eighty-sixth year. Her husband served in the United States Marine Corps, and she has been in the civil service nearly 30 years."

SERVED 57 YEARS.

"In respect to length of service, it is found that one employee has been in the civil service more than 57 years, another for more than 53½ years, and still another for more than 52 years. In addition to these, 50 others have been in the service for periods ranging from 40 to 50 years and 261 have been in the service from 30 to 40 years. The average period of service for all employees in the bureau is 26.15 years.

"It has been estimated that there would be a clear saving to the Government of $136,550 annually by retiring all those in the Bureau of Pensions over 70 years of age. This amount represents the difference between the aggregate base pay and the aggregate annuities; it does not include, however, any allowance for bonus. Should a bonus of $240 for the next fiscal year be granted, then the saving would be increased by $47,040, or a total saving during the next fiscal year of $183,590. This estimate is based upon the assumption that none of the vacancies caused by retiring those over 70 will be filled," continued Mr. Saltzgaber.

The foregoing is a striking example of the necessity for a retirement law, and it is believed that similar conditions may be found in many other branches of the Government service, especially in this city.

There are in the Government service thousands of employees who have served their Government faithfully, many of them for 30, 40, or 50 years or more, and who now find themselves in the evening of life unable to leave the service and live upon their meager accumulations. In many instances it has been impossible for them to accumulate a sufficient sum to provide for old age, and consequently they are compelled to remain in the service in order to eke out a living. Many of them are suffering from infirmities due to age and in some instances from incurable diseases.

MANY UNABLE TO WORK.

"A great many are wholly or in large part inefficient and should be retired, but it may be said to the credit of the administrative officials that not one of them could be so heartless as to discharge these aged employees so long as it is possible to retain them on the rolls under existing laws and regulations," declared an official.

"These old people have been watching Congress year by year, hoping and praying that a retirement law will be enacted. Some are bedridden and are being carried on the rolls without pay in the hope that the retirement bill will be enacted into a law and will afford them some measure of relief in their last days.

"I have an abiding faith that this Congress will recognize that a retirement law will make for real efficiency and economy in the service and that as a measure of justice to the employees its enactment should no longer be delayed. The preponderance of evidence presented by Government officials at the hearings as well as recommendations incorporated in their annual reports warrants the statement that the administrative officers of the Government are practically unanimous in support of retirement legislation."

Mr. RAKER. Mr. Chairman, I move to strike out the last word.

I hope this amendment will not be adopted. It is peculiarly worded, but it is intended in effect to mean that in case of a man's retirement the compensation will be based upon the second 10 years preceding the date upon which he shall retire. I am a little bit surprised at the argument of my friend from Nebraska [Mr. ANDREWS] to-day and yesterday. Yesterday he stated that in the years from 25 to 35 the party would not give the service that he would between the years of 35 and 45.

Mr. ANDREWS of Nebraska. Will the gentleman yield?

Mr. RAKER. I will.

Mr. ANDREWS of Nebraska. The period of 25 to 35 compared with the period of 65 to 75, average service.

Mr. RAKER. I understood the gentleman to say from 35 to 45. But be that as it may, if the party is in 10 years and then another period of 10 years, you ought to figure on the last 10 years of the service and not upon the first 10 years, for this reason: Let us be frank. In the last 10 years they will know that they must keep up an efficiency in work so as not to be demoted, but if they make the first 10 years good they will then begin to put on the soft pedal. Instead of being virile and giving all the energy that they ought to give to the Government during the last 10 years of their service they can well afford to change the status.

Mr. VAILE. Will the gentleman yield?

Mr. RAKER. I will.

Mr. VAILE. I did not understand that the amendment of the gentleman from Nebraska was based on the first 10 years.

Mr. RAKER. It does not say that, but that is what it means.

Mr. VAILE. The gentleman is referring to the second 10 years.

Mr. RAKER. I am hitting the first 10 years first, and then I will come to the second 10 years.

Mr. LEHLBACH. If the gentleman will yield, a man may be only 20 years in the service, and that would be the first 10 years.

Mr. RAKER. That is right. The point I am getting at is whether it is the first 10 years or the second 10 years that ought to be the standard. It ought to be the last 10 years. If you fix the prior 10 years, anyone can see that there will be a breaking down. There will be a slack, there will be a reason to slack, because it is wholly immaterial what they get during the last 10 years, because their compensation will be fixed upon the prior 10 years instead of the last 10 years.

Mr. ANDREWS of Nebraska. It means that the period for fixing the average rate will be 10 to 20 years after 10 years have been actually served.

Mr. RAKER. That is the point. Let us fix it as the bill has it. Leave it that the compensation will be according to the average service for the 10 years next preceding the time of separation from the service, and the party, then, will all the time have an interest in himself and have an interest in the Government, so that he will get the highest wage that his ability commands in the department. Do not leave it so that he may constantly and continually be slacking in the work.

Mr. BLAND of Missouri. Will the gentleman yield?

Mr. RAKER. I will.

Mr. BLAND of Missouri. Is it not also a fact that even if an employee is efficient during the last 10 years, he receives the highest salary during the term?

Mr. RAKER. That is true. But I still wanted to get this before the committee again. That ought to be the fact; necessarily it should be the fact; but if you fix the prior period before the 10 years in which he resigns, it is human nature, so far as retirement is concerned, to slack in the work, because if a man is demoted from a $1,500 job to a $1,400 and then to $1,300 and then to $1,200——

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAKER. I ask unanimous consent for one minute more.

The CHAIRMAN. The gentleman from California asks unanimous consent to proceed for one minute more. Is there objection? [After a pause.] The Chair hears none.

Mr. RAKER. Then if you retire, your compensation will be fixed not upon your last 10 years' work but upon the 10 years prior, when you had established your record and ought to have maintained it. That is not right. Let us tote fair on this measure.

Mr. BLAND of Missouri. Will the gentleman yield?

Mr. RAKER. I will.

Mr. BLAND of Missouri. Is it not a fact that all astute and sound business men make it an invariable rule never to demote an employee or reduce his salary, but, rather, prefer to discharge him? They never place before an employee any obstacle, but always seek to give him encouragement.

Mr. RAKER. That must be of necessity the final result. Where an inducement is held out——

The CHAIRMAN. The time of the gentleman from California has again expired.

Mr. LEHLBACH. Mr. Chairman, I move that all debate on this amendment be now closed.

The CHAIRMAN. The gentleman from New Jersey moves that all debate on the amendment be now closed. The question is on agreeing to that motion.

The motion was agreed to.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Nebraska [Mr. ANDREWS].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 3. That for the purposes of this act and subject to the provisions of section 10 hereof, the period of service shall be computed from the date of original employment, whether as a classified or unclassified employee in the civil service of the United States, and shall include periods of service at different times and services in one or more departments, branches, or independent offices of the Government, and shall also include service performed under authority of the United States beyond seas, and honorable service in the Army, Navy, Marine Corps, or Coast Guard of the United States: *Provided*, That in the case of an employee who is eligible for and elects to receive a pension under any law, or compensation under the war-risk insurance act, the period of his or her military or naval service shall not be included for the purpose of assignment to classes defined in section 2 hereof, but nothing contained in this act shall be so construed as to affect in any manner his or her right to a pension, or to compensation under the war-risk insurance act, in addition to the annuity herein provided.

It is further provided that in computing length of service for the purposes of this act all periods of separation from the service shall be excluded, and that in the case of substitutes in the Postal Service only periods of active employment shall be included.

Mr. LEHLBACH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New Jersey offers an amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment: Page 6, line 19, after the word "service," insert the words "upon which such pension or compensation is based."

Mr. LEHLBACH. Mr. Chairman, the purpose of the amendment is simply to clarify the meaning and to render certain what was intended by this proviso.

The provisions of this section are that in computing the length of service on which the retirement annuity is to be based all service for the United States, including military and naval service, shall be added in, but if based on that military or naval

service a pension or compensation is being received from the Government, that period upon which the pension or compensation is based would not also be included in figuring what civil pension or retirement the individual is to receive.

Now, it has been suggested that possibly all military or naval service would be treated as an entity and not as different periods considered as separate. A situation might arise like this, that a Civil War veteran having served in the Civil War may be drawing a pension, and he may subsequently be employed in substantially a civil capacity, but theoretically and technically in the Army, under the act of 1886, which provides for the enlistment of general-service clerks who perform clerical service; and if it be construed that the military service be considered as a whole, because a man is drawing a pension based on his war service in the Civil War, you will not be entitled to add in his service as a clerk subsequent to and in accordance with the act of 1886. That, of course, is manifestly not the intention. It is to clarify that that the amendment is offered.

Mr. GARD. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from New Jersey yield to the gentleman from Ohio?

Mr. LEHLBACH. Yes.

Mr. GARD. I did not catch the gentleman's amendment. Will he kindly advise me what it is?

Mr. LEHLBACH. In line 19, page 6, where it says the period of his military or naval service shall not be included, after the word "service" are inserted the words "upon which such pension or compensation is based," so that it will read, "the period of his or her military or naval service upon which such pension or compensation is based shall not be included," so that if a man subsequently serves in what is construed to be a military or naval capacity, the service outside of that service upon which the pension is based shall not be excluded.

Mr. BEE. Let me suggest to the gentleman from New Jersey that a general-service clerk is an enlisted man under the law.

Mr. LEHLBACH. Yes.

Mr. BEE. And, although he renders no military service, yet his time is running on in the service of the United States.

Mr. LEHLBACH. And such time so running is included in the computation of the service. Otherwise this other service to the Government is entitled to be added in. If he was a Civil War veteran, he could not include that Civil War service, but he ought not to be debarred from including the other clerical service.

Mr. BEE. Mr. Chairman, I find myself approaching this bill with great difficulty. I can not reconcile myself in its entirety to the question of a civil pension, yet I realize that often in Government we reach "a condition, and not theory."

When we established a system of civil-service employment in the Government we paved the way eventually and certainly for legislation of this character. I have sometimes wondered whether the Government would not thrive better, whether its citizenship would not be better subserved if we wiped from the statute books the civil-service provisions altogether.

Allow me to suggest to the committee that under our present system we appoint a man to a civil-service position and say to him, "Your appointment is for your natural life, during good behavior." Thereby we take away from him all initiative, all ambition, all desire to improve himself in the certain knowledge that as the years roll on he will have employment. Therefore the time comes when he is no longer needed by the Government; his efficiency is so impaired by age or infirmity that he can no longer carry on his duties and functions. Then the question comes what to do with him. It is all right to say, "Turn him out." I had service on a school board for many years and many a time has the school board in solemn conclave discharged an old teacher merely to have him come into the office the next morning and be put back, because you just simply can not do otherwise. But I do think there ought to be provision by which the machinery of this legislation should be assumed by the Government and the expense of that machinery borne by the Government and that the employees themselves should raise the fund necessary for the compensation. That will not be a great deal to pay out on the administration.

What I fear is the future. I fear the time is going to come when we are going to establish a system of civil pensions in this country, just as the suggestion was made here a few months ago when the bill was passed by which any man who had ever been in the service of the United States and was injured in any kind of accident should be cared for by the Government. We are facing too much paternalism in our Government.

Mr. BLAND of Missouri. Mr. Chairman, will the gentleman yield?

Mr. BEE. Yes.

Mr. BLAND of Missouri. Is the gentleman informed as to whether or not there was a less percentage of old employees under the old rule of "to the victors belong the spoils" than under the civil-service régime?

Mr. BEE. I do not know as to that. I will say to the gentleman that when I was a very young man I was employed as a general-service clerk in the Army of the United States for three years. I saw coming over me that spirit of lack of endeavor, destining me as certainly as the sun shines to spend the rest of my life as a service clerk.

Just a few days ago I had a letter from three men, with whom in my boyhood I worked side by side. They were older than I was. To-day they are still working as service clerks at $100 or $125 a month, with their families to support. The point I seek to urge is this, that the only purpose of this legislation is to increase the efficiency of the Government service, and as the gentleman from Oklahoma well said a few minutes ago, it is not only to promote the efficiency of the Government but the economy of it in getting rid of aged and infirm men whom you have not the heart to turn out in the street. It is all right to say that men should accumulate, but in this country men do not accumulate on salaries. You can not build salaries big enough for men to accumulate upon them. The result is that you have got in the Government service hundreds and hundreds of old men and women whom we have simply got to take care of, and the fundamental reason why we must take care of them is because we established the civil-service system originally.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BEE. I ask unanimous consent that my time be extended one minute.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that his time be extended one minute. Is there objection?

There was no objection.

Mr. BLAND of Missouri. The gentleman is aware of the fact that every business house figures that a change of employees results in an expense to the business.

Mr. BEE. Oh, I understand that.

Mr. BLAND of Missouri. And that the fewer changes you have the greater the efficiency and the less the expense.

Mr. BEE. I understand that, and I can see that the civil-service system is a permanent thing. I am not talking about the civil service in that light, except to say that the men who wrote the civil-service law on the statute books of this Government laid the foundation for the retirement law, because they fixed it so that the men who went into the Government service, with the certainty of a lifetime tenure, lost the ambition and initiative that other men in other lines of endeavor are stimulated to have. Therefore we must have something of this kind in order to promote efficiency in the Government.

Mr. GARD. Mr. Chairman and members of the committee, in calling attention to the proposed amendment submitted by the chairman of the committee [Mr. LEHLBACH] I desire to have made more clear, if possible, the meaning of section 3, with particular respect to line 9 on page 6.

The purpose of the bill, as I take it, is for the retirement of employees in the classified civil service, and I can only repeat that it has always seemed to me that when once we have established the civil service, when once we have made a service of the United States based upon merit, and have thereby created a system of permanent employment not depending upon political change or the whim or caprice of the appointing person; when we have established a permanency of employment, necessarily we are forced to pass some legislation affecting disability and retirement. But I note in section 3, page 6—

That for the purposes of this act and subject to the provisions of section 10 hereof, the period of service shall be computed from the date of original employment, whether as a classified or unclassified employee in the civil service of the United States, and shall include periods of service at different times and services in one or more departments, branches, or independent offices of the Government.

I desire to ask the chairman of the committee if it be his idea to include in the benefits of this retirement act one who was entirely in the unclassified service and who never got into the real classified civil service? Because there may be such a case. I do not know that there is, but there may be such a case as an unclassified employee serving the required length of time, but never getting into the civil service at all. Is he now, by virtue of the provisions of section 3, in line 9, included in the provisions of this civil-service retirement bill?

Mr. LEHLBACH. If the gentleman will yield, I will be glad to answer him.

Mr. GARD. Yes; I will be glad to yield.

Mr. LEHLBACH. He is not; and no person is included who is not in the classified civil service, unless he comes within

the few exceptions in the paragraph on page 2, where the exceptions are stated to include American employees of the Panama Canal above the grade of laborer, superintendents of United States national cemeteries, employees of the Library of Congress, and the Botanic Gardens. With those few exceptions no one who is not in the classified civil service of the United States is entitled to retire under the provisions of this act. He must be in the classified civil service. Now, when the time comes for his retirement, his annuity is based upon the length of his service to the Government. It may be that a person who has served in the classified service, and who in that service has reached the retirement age has in the past, for the period of a few years, possibly, begun his service as an unclassified employee, having been afterwards transferred to the classified service, or he may have been in the late war in the military or naval service, and has from that entered the classified service, so that the various services to the Government in which he has engaged may be included in the period of service upon which the annuity is based. But the annuity only applies to him if he is, at the time he becomes eligible, a classified civil-service employee. The act further provides in section 10 that if a person in the unclassified service comes into the classified service and becomes eligible to retirement, but as an unclassified employee has not made those contributions which those in the classified service have made, he can not take advantage of his service in the unclassified position in getting his annuity without paying into the retirement fund such an amount as he would have paid had he been in the classified service for that period. I think that covers the case.

Mr. GARD. The point to which I desire to call the attention of the gentleman for further information is this: Of course, I am sympathetic, as everyone is, with the inclusion of the military and naval service. That ought to be granted. But suppose a person was in the unclassified service, say, for 14 years and only in the classified service for 1 year. By the provisions of section 3 and the other provisions of the act he comes within the purview of the act, notwithstanding the fact that only for a very limited period has he been in the classified civil service.

Mr. LEHLBACH. But in order to take advantage of that unclassified tenure he must pay into the fund those contributions which he would have made had the position which he was occupying been classified.

The CHAIRMAN. The time of the gentleman from Ohio has expired, and the question is on the amendment offered by the gentleman from New Jersey.

The question was taken, and the amendment was agreed to.

Mr. LUCE. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 7, line 3, after the word "service," insert "and so much of any period of leave of absence as may exceed six months."

Mr. LEHLBACH. Mr. Chairman, the committee has no objection to that amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

The amendment was agreed to.

The Clerk read as follows:

SEC. 5. That any employee to whom this act applies who shall have served for a total period of not less than 15 years, and who, before reaching the retirement age as fixed in section 1 hereof, becomes totally disabled for useful and efficient service by reason of disease or injury not due to vicious habits, intemperance, or willful misconduct on the part of the employee, shall upon his or her own application or upon the request or order of the head of the department, branch, or independent office concerned, be retired on an annuity under the provisions of section 2 hereof: *Provided, however*, That no employee shall be retired under the provisions of this section until examined by a medical officer of the United States or a duly qualified physician or surgeon or board of physicians or surgeons designated by the Commissioner of Pensions for that purpose and found to be disabled in the degree and in the manner specified herein.

Every annuitant retired under the provisions of this section, unless the disability for which retired is permanent in character, shall, at the expiration of one year from the date of such retirement and annually thereafter until reaching the retirement age as defined in section 1 hereof, be examined under direction of the Commissioner of Pensions by a medical officer of the United States, or a duly qualified physician or surgeon or board of physicians or surgeons designated by the Commissioner of Pensions for that purpose, in order to ascertain the nature and degree of the annuitant's disability, if any; if the annuitant recovers and is restored to his or her former earning capacity before reaching the retirement age, payment of the annuity shall be discontinued from the date of the medical examination showing such recovery; if the annuitant fails to appear for examination as required under this section, payment of the annuity shall be suspended until continuance of the disability has been satisfactorily established. The Commissioner of Pensions is hereby authorized to order or direct at any time such medical or other examination as he shall deem necessary to determine the facts relative to the nature and degree of disability of any employee retired on an annuity under this section.

Fees for examinations made under the provisions of this section by physicians or surgeons who are not medical officers of the United States shall be fixed by the Commissioner of Pensions, and such fees, together with the employee's reasonable traveling and other expenses incurred in order to submit to such examinations, shall be paid out of the appropriations for the cost of administering this act.

In all cases where the annuity is discontinued under the provisions of this section before the annuitant has received a sum equal to the total amount of his or her contributions, with accrued interest, the difference shall be paid to the retired employee, or to his or her estate, upon application therefor in such form and manner as the Commissioner of Pensions may direct.

No person shall be entitled to receive an annuity under the provisions of this act, and compensation under the provisions of the act of September 7, 1916, entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," covering the same period of time; but this provision shall not be so construed as to bar the right of any claimant to the greater benefit conferred by either act for any part of the same period of time.

Mr. JUUL. Mr. Chairman, I move to strike out the last word for the purpose of calling the gentleman's attention to the beginning of section 5, that any employee who shall have served for a total period of not less than 15 years who becomes totally disabled for useful and efficient service by reason of disease or injury not due to vicious habits, intemperance, or willful misconduct shall be entitled to the benefits of section 2 of the bill, and so forth. Why should this section limit the relief to an employee who has served 15 years and the relief be denied to a man who has served 13 years, 12 years, or 9 years, if he is injured in the service and becomes disabled?

Mr. LEHLBACH. For this reason: This is not a workman's compensation act, but is a retirement act, and retirement is in part based on the length of service to the Government. If a man has served 15 years or more and becomes of a certain age, by reason of that age he is deemed no longer able to render able and efficient service and he is retired on an annuity. If by reason of disease or injury, having served that length of time, he becomes disabled, he is entitled to the annuity, notwithstanding he has not reached the age. In other words, because he is disabled by disease or injury rather than by old age, under this section he is entitled to the benefits of the act. In the case that the gentleman speaks of, that has been provided for by Congress in the compensation act, which compensates a man for that injury. This is not compensation for injury, but it is retirement on an annuity for disability.

Mr. JUUL. I understand that; but where the man becomes totally disabled by disease or injury, not through vicious habits, intemperance, or willful misconduct on his part, and he has been in the service only 14 years he is not entitled to the benefits of the act. Why should you deny him the benefits of the act if he has been in the service 14 years and give it to the man who has been in 15 years?

Mr. LEHLBACH. Because the retirement is based largely on the fact that he has served the Government a certain length of time. You must draw the line somewhere, and we draw it at 15 years instead of 14 years. A man might be in the Government service six months and if he was disabled, according to the gentleman's view he would be entitled to the benefits of the act.

Mr. JUUL. If he was disabled in the service of the Government, he ought to be cared for, whether it is 10 years or 15 years.

Mr. LEHLBACH. I do not agree with the gentleman.

Mr. JUUL. There is where the chairman and I disagree.

Mr. GARD. Mr. Chairman, I offer the following amendment: Section 5, page 7, line 22, strike out the words "for useful and efficient service."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 7, line 22, strike out the words "for useful and efficient service."

Mr. GARD. Mr. Chairman, the provisions of section 5, as I read them, are intended to afford protection for one who becomes totally disabled in some respects outside the service. Because I take it if he is injured in the service the provisions of the United States workman's compensation law applies to all classes of Federal employees. But if he is injured or has some illness not a matter in the performance of his official duties, then section 5 provides that if he becomes totally disabled for efficient and useful service by reason of disease or injury not due to his vicious habits, intemperance, or willful misconduct, he shall on his own application become the beneficiary of section 2. What I am led to inquire in offering the amendment is whether it is the intention of the committee to put a hard and fast rule of finding of a medical disability, or is it the intent to have a varying rule of disability with a qualification that one may be disabled for useful and efficient service? It would seem to me, and I offer it for the judgment of the chairman and the members of the committee, that if one is to come within the provisions of this law of retirement without reaching the retirement age, the disability should be permanent. The qualifying words "disabled for useful and efficient service" may be

such as to include a man who is on the actual border line of service, whereas if force and compulsion of the medical finding is total disability, then it would seem to me that in that event a reason would be established for their retirement when they have not in fact reached the retirement age.

Mr. LEHLBACH. In the first place, Mr. Chairman, this does not exclude one who has sustained injury in the course of employment. The person so injured has his election whether he will come under the terms of this act or under the act of September, 1916.

Mr. GARD. He can take the one that pays him the most.

Mr. LEHLBACH. He has that right. In the second place, the total disability need not be permanent. The gentleman will notice that the section provides that if on the examination they find that it is not a total disability, then the annuity ceases, because the man ought to be back at work.

But the words "total disability" must have reference to his disability to do something, or must be something to which they have reference. Disability from what? Disability from doing useful and efficient service. I think it leaves the nature of the disability hanging in the air to strike out the words the gentleman from Ohio suggests.

Mr. GARD. The gentleman thinks they should not be stricken out?

Mr. LEHLBACH. I think they should not be.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Ohio.

Mr. GARD. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Without objection, the amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

SEC. 6. That all employees to whom this act applies shall, upon the expiration of 90 days next succeeding its passage, if of retirement age, or thereafter on arriving at retirement age as defined in section 1 hereof, be automatically separated from the service, and all salary, pay, or compensation shall cease from that date, and it shall be the duty of the head of each department, branch, or independent office of the Government to notify such employees under his direction of the date of such separation from the service at least 60 days in advance thereof: *Provided*, That if within 60 days after the passage of this act or not less than 30 days before the arrival of an employee at the age of retirement, the head of the department, branch, or independent office of the Government in which he or she is employed certifies to the Civil Service Commission that by reason of his or her efficiency and willingness to remain in the civil service of the United States the continuance of such employee therein would be advantageous to the public service, such employee may be retained for a term not exceeding two years upon certification by the Civil Service Commission, and at the end of the two years he or she may, by similar certification, be continued for an additional term not exceeding two years, and so on: *Provided, however*, That at the end of 10 years after this act becomes effective no employee shall be continued in the civil service of the United States beyond the age of retirement defined in section 1 hereof for more than four years.

Mr. LUCE. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. LUCE: Page 11, line 1, insert before the word "certification," the words "approval and," and in line 2 of the same page before the word "certification" the words "approval and."

Mr. LUCE. Mr. Chairman, this is the amendment that I said yesterday would be suggested at the proper place.

Mr. LEHLBACH. I desire to state that the committee approves the amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Massachusetts.

Mr. GARD. Mr. Chairman, I rise in opposition to the amendment. The amendment offered by the gentleman from Massachusetts [Mr. LUCE] is the amendment to which I called attention yesterday in the discussion of this bill. I have no purpose now except to further the discussion so that we may thoroughly understand what is necessary to be done in the matter. It seemed to me then, and it seems to me now, that there always has been a difficulty, and always will be a difficulty, in having the head of a department, upon his own initiative, strike a deserving and aged person from the rolls of employment, notwithstanding the fact that that person may not be of the proper degree of efficiency. There must be in my opinion some method of separating superannuated and inefficient employees from the service other than through the head of a department. I realize that the amendment offered by the gentleman from Massachusetts goes in the right direction. Whether it goes sufficiently far or not is the purpose to which I am now speaking.

I would state that the successful operation of this law must depend upon a board of retirement. In other words, I believe that before a bill can be made to operate successfully you must take away from the heads of the divisions, the immediate employer of the men or women, the pressure of influence, personal and political, which would be brought upon them to continue the inefficient servant in office, and I think it is essential to the carrying out of the provisions of the bill to establish either an independent board of retirement, or to say that the Civil Service Commission is the body that must determine whether or not these persons shall be continued in the service. My suggestion is, and I confess that I have not got it sufficiently worked out except to offer it to the committee as a suggestion, that instead of limiting it, even so far as the gentleman from Massachusetts limits it, I would go so far as to strike out the provisions of the approval or finding of the head of the department and place the matter in the hands of the Civil Service Commission as a board of retirement. I have been preparing an amendment of that kind but I have not got it sufficiently worked out to present it finally. I am hopeful that the matter may be discussed by the gentleman from Massachusetts [Mr. LUCE] and by the gentleman from Nebraska [Mr. ANDREWS] who have had great experience in matters along this line. Is it advisable at all to have any discretion of continuation of employment left in the person at the head of a department, or is it better to have the entire discretion or continuance of employment left, say, in the Civil Service Commission? I would be glad to hear from both the gentleman from Massachusetts and the gentleman from Nebraska.

Mr. LUCE. Mr. Chairman, I move to strike out the last word. If this were simply a matter of retirement, I should not perhaps take issue at all with the gentleman from Ohio [Mr. GARD], but this is not only retirement, but retention, and the purpose of the section is to handle this question of whether men shall be retained. In this particular it seems to me that the superior of the employee ought certainly be given opportunity to say whether he wants the man retained or not. For that reason I would have both concur, the superior and the Civil Service Commission. The gentleman has suggested the creation of a board of retirement. It seems to me that this provision in effect turns the Civil Service Commission into such a board, and saves us from the necessity of adding another board to the roster of the Government. For my own part I should be quite willing that the Civil Service Commission assume this function.

Mr. JUUL. Mr. Chairman, will the gentleman yield?

Mr. LUCE. Yes.

Mr. JUUL. I want to ask the gentleman what he thinks will be the effect of this bill, whether the employee will seek to sever his connection with the service when he may under this act, or seek to be retained in the service, taking into consideration that there is a provision here for about 60 per cent of the pay.

Mr. LUCE. Mr. Chairman, our experience in Massachusetts with the teachers' system is that some teachers desire to stay and some desire to go.

Mr. JUUL. On a similar basis?

Mr. LUCE. On a similar basis. It depends very largely upon the physical condition of the person.

Mr. JUUL. Does not the gentleman think that the average individual between 60 and 70 years of age can go out in life and earn the missing 40 per cent, and do it more easily than he could earning the total 100 per cent by remaining in the service?

Mr. LUCE. That brings in the personal equation. Conditions vary so much it is impossible to generalize. Some persons have lost all initiative and practically all power of self-reliance through long retention in the public service. A few perhaps have enterprise and confidence and courage enough to do what the gentleman suggests, but I fancy most of them are lacking in that power.

Mr. ANDREWS of Nebraska. Mr. Chairman——

Mr. HASTINGS. Will the gentleman from Nebraska yield to have the amendment again reported?

Mr. ANDREWS of Nebraska. I do.

The CHAIRMAN. Without objection, the amendment will be again reported.

There was no objection.

The amendment was again reported.

Mr. ANDREWS of Nebraska. Mr. Chairman, the gentleman from Massachusetts [Mr. LUCE] proposes to use the Civil Service Commission as a political "bumper."

Mr. Chairman, at this point some wise provision should be made for the determination of the question at issue. If you adopt the amendment as proposed, you bring in the Civil Service Commission to determine a question which is outside the legal jurisdiction and primary purpose of that commission. Moreover, you are inviting into the affairs of the executive departments an agency that might become the greatest trouble maker that can be imagined. It may seem strange that I should make a remark of that character, but having had some direct observation I may cite one or two instances. I remember very distinctly that when the President of the United States and the Secretary of the Treasury had decided that a certain

course was proper in regard to certain appointments, the Civil Service Commission, taking issue in the matter, went across lots and called upon the accounting officers to disallow the salaries of the officers in question upon the dictum of the commission itself. Any organization that will go to that limit is willing to assume unwarranted jurisdiction where great trouble might follow. Take another instance. The merit system is discussed with a great deal of fluency even by members of the Civil Service Commission after they enter upon that commission. Not long since a former Member of this House went to the Treasury Department and urged the promotion of a clerk from $1,400 to $1,600 per annum. Unfortunately the appointment clerk, or somebody in the division of appointments, gave to that former Member of Congress all the files in the case, and he traveled the town for a day and a half. He went to the office in which the clerk was employed and for an hour or two hours sought to secure a reversal of the recommendation of the officer who had given a recommendation in favor of somebody else for the promotion. That man to-day is at the head of the Civil Service Commission. And there is the merit system; there is an illustration as to the outcome of a policy embodied in this amendment. With these graphic examples in my mind and knowing them to be facts, I can not support the amendment. Of course, political pressure will manifest itself in connection with the administration of this act. The Civil Service Commission, however, is not the proper agency to deal with this question. There should be a retirement board whose members are thoroughly acquainted with the conditions and requirements of departmental life. All cases should be referred to that board as they reach the ages of retirement. At least one member of that board should be a competent physician.

The findings of such a board would be far more valuable than those of the Civil Service Commission. It would operate in harmony with the needs and policies of the executive branches of the service. It would not in any sense become a trouble maker, as the Civil Service Commission surely would. Such a board could be kept in close touch with the needs of the various branches of the service, the abilities and qualifications of the clerks arriving at the ages of retirement, and also the scope of the demands upon the retirement fund. Wise discretion exercised along those lines would become very economical in the interests of the Government and also the clerks. At best, the work of the Civil Service Commission would be largely perfunctory, while that of the board could be directed along lines of careful investigation in perfect accord with the heads of the various departments and independent organizations. With such an arrangement the retirement law can be enforced in such a way as to deal equitably and justly with the clerks on the one hand and the Government on the other and thus contribute very largely toward increased efficiency and economy.

The CHAIRMAN. The question is upon the adoption of the amendment offered by the gentleman from Massachusetts.

The question was taken, and the amendment was agreed to.

Mr. MOON. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Tennessee rise?

Mr. MOON. For the purpose of moving to amend by striking out this whole section.

Mr. EVANS of Nebraska. Mr. Chairman, I have a perfecting amendment to offer.

The CHAIRMAN. The gentleman from Nebraska has a perfecting amendment and will be recognized.

Mr. MOON. Very well.

The CHAIRMAN. Then the gentleman from Tennessee will be recognized. The Clerk will report the amendment offered by the gentleman from Nebraska.

The Clerk read as follows:

Amendment by Mr. EVANS of Nebraska: Page 10, line 16, after the word "thereof" insert "provided that the head of a department, branch, or independent office of the Government from which any employee or employees are automatically retired shall certify to the Civil Service Commission the names, ages, position, class, and percentage of inefficiency of such employees, and in all cases where such percentage is 90 or over no employee shall be permitted in such department, branch, or independent office by reason of the retirement of any such employee or employees.

Mr. EVANS of Nebraska. Mr. Chairman, it has been stated that one of the chief purposes of this bill is to dispose of inefficient employees and to produce economical administration. It has been stated and has been suggested that the Committee on Appropriations can control this question when they come to make the general appropriations. There is one condition, however, which should be borne in mind. This bill by its terms upon its passage immediately becomes effective and under the statements which have been distributed to the Members there are at least 5,000 employees to be effected by this bill who are 100 per cent inefficient, and yet having the difficulties which have been brought to our attention by the chairmen of the committees which make appropriations we know the difficulty——

Mr. JUUL. Will the gentleman yield for a brief question?

Mr. EVANS of Nebraska. Certainly.

Mr. JUUL. I want to ask the gentleman, what does the gentleman consider 100 per cent inefficient; that there are 5,000 men drawing salaries who render no service at all?

Mr. EVANS of Nebraska. I take that to be exactly the statement that has been made by those who are advocating the passage of this bill. I hold in my hand a statement which was circulated which states that there are 5,202 persons in the service 100 per cent inefficient, and it has been stated on the floor of this House repeatedly that there are over 6,000 of such inefficient employees. Now, to go on. The chairmen of Committees on Appropriations have repeatedly stated that they can not secure accurate information as to the needs of the various bureaus and departments, and if that fact is true, and I take it that it is and that they speak with knowledge, then the heads of these departments immediately upon the retirement of the 5,000 or 6,000 inefficient employees will at once fill their places with other persons, and when you come to make your appropriations for the next year you will be confronted with the fact that there are persons in those places, and it is so much easier to keep them out than to get them out after they are in, and therefore I have offered this amendment. There is another purpose. The departments which are inefficient and about which complaints have been made have stated that they are loaded up with inefficient employees. If that is true, now is their time to make good and certify to the Civil Service Commission the names, ages, position, class, and inefficiency of those persons, so that there shall be a record upon that question. And it has been suggested that if these employees are 100 per cent inefficient, or even 90 per cent inefficient, as we know how they wander around these departments doing nothing, there can be no loss to the department to have removed timber which obstructs the ways and keeps back efficient work in the department. I think the amendment should be adopted, and I understand the chairman of the committee does not object thereto.

Mr. LEHLBACH. Mr. Chairman, I am in sympathy with the purpose that the gentleman from Nebraska [Mr. EVANS] seeks to effect by his amendment. I think that in so far as reporting the degree of efficiency of every employee who is retired to the Civil Service Commission it is an excellent suggestion, and I think that portion of the gentleman's amendment would come in better where the act provides that all employees, and their grade and status, and so forth, shall be reported to the Civil Service Commission. That comes later in the act, and that would be a good place for it. But I want to suggest this to the gentleman from Nebraska, that a bureau chief or the head of a division is subject to control and discipline, and that if he allows in his department the retirement of a clerk for inefficiency and then employs some one to replace the inefficient clerk he renders himself by that act subject to stricture and criticism, and, if he does it in a flagrant manner, subject to removal.

Mr. DICKINSON of Iowa. Does the gentleman see any reason, then, why it should not be so stated in the bill here, so that he will be put on his guard against doing such a thing?

Mr. LEHLBACH. I merely want to say this: The gentleman says there shall be no replacement where the employee replaced is 90 per cent inefficient. I want the committee to consider whether that is not an invitation to the chief of a bureau to replace those inefficient in a less degree?

Mr. LAYTON. If there are 5,000 who are 100 per cent inefficient and if the various bureaus having them upon the roll are discharging such persons from their bureaus, why should those 5,000 places be filled?

Mr. LEHLBACH. There is not any reason on earth for it.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. LEHLBACH. Mr. Chairman, I ask for two additional minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. LEHLBACH. There is no reason on earth why those places should be filled. It is to get these people out of the departments and keep them out and reduce the force to the lowest point consistent with efficiency that this bill is reported and its passage urged. That is one of the reasons for the legislation.

Mr. LAYTON. Is there anything in this bill that will prevent the filling of 5,000 places of those 5,000 inefficients?

Mr. LEHLBACH. It is not in this bill, because it is not in the province of this bill to regulate that matter in the departments.

Mr. LAYTON. If this bill goes into effect, immediately upon its passage the department can fill those 5,000 places at once, and then, after they are in there, you can not break them loose.

Mr. LEHLBACH. Any person who has ten 100 per cent inefficient employees in his division, and those 10, who are 100 per cent inefficient, are separated from the service, and he should employ 10 others to take the place of the totally inefficient people who have not been doing work, that man ought to be at least discharged from the service.

Mr. McKEOWN. Will the gentleman from New Jersey yield?

Mr. LEHLBACH. Yes.

Mr. McKEOWN. Would that amendment preclude a subordinate clerk who has been doing the work for a man who is inefficient, holding a higher position, from being promoted to that position?

Mr. LEHLBACH. No. I think the amendment merely means a replacement into the service from the outside, but I think if such an amendment is to be passed as the gentleman suggests, there ought to be a lower limit than 90 per cent. I see no reason why in the replacement of people 75 per cent should not be made.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. LEHLBACH. Mr. Chairman, I would like one minute more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. LEHLBACH. I think the amendment of the gentleman from Nebraska [Mr. EVANS] prohibiting replacement where there is a 90 per cent degree of inefficiency, would be a tacit sanction for replacement whether they were needed or not, when the efficiency is in a less degree. That is the only criticism I might make of the amendment.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. EVANS of Nebraska. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended one minute in order to answer a question.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. EVANS of Nebraska. If the amendment is amended so that it would read 75 per cent, would that be satisfactory?

Mr. LEHLBACH. I would rather see it go through prohibiting replacements at 75 per cent than prohibiting replacements at 90 per cent. I would rather have no replacements except where it is necessary, and the place to do that through the action of Congress is through the Appropriations Committee and through the activities of the agencies which the budget system will create. I do not think we can effectively do it, and for that reason I express my doubts as to this amendment. But I am in hearty accord and sympathy with the purpose of it.

Mr. MANN of Illinois. Mr. Chairman, may we have the amendment again reported?

The CHAIRMAN. Without objection, the amendment will be again read.

The amendment was again reported.

Mr. MANN of Illinois. Mr. Chairman, I am fully in sympathy with the purpose that the gentleman has in his mind, but I doubt the efficacy of the proposition. For many years we carried a provision in the appropriation bills, or, at least, in the legislative, executive, and judicial appropriation bill, that no part of the money appropriated should be paid to any superannuated or inefficient employee, or words to that effect. I think it was acknowledged and frequently stated that no person was ever separated from the service because of that provision in the law. That covered all of the branches of the public service in Washington except the Agricultural Department, and in spite of a positive provision forbidding the payment of any of the money appropriated as salary to any employee who was superannuated or inefficient the heads of the departments every year would recommend the pension system, because they had so many employees under their bureau or branch of the service who by reason of age were practically inefficient. Now, I do not think you will get a department officer who wants to replace anyone to report that some one let out is 90 per cent inefficient. I question very much whether you will get the head of a department to report that anyone who has been retained in the service under that head, practically contrary to law, when that person is separated from the service, is 90 per cent inefficient, no matter what the facts may be. The men who are going out of the service will not like to have it said that they are 90 per cent inefficient. They will be separated from the service without any such statement as that, because in order to remain in the service the head of the department has to certify that they are efficient, and there is quite a difference between a bureau chief certifying that a man is efficient in order to keep him in the service and certifying that he is inefficient in order to cast a blot upon him—not only upon the man who is separated from the service but the man who has kept him in the service.

Mr. BLANTON. Will the gentleman yield?

Mr. MANN of Illinois. I yield.

Mr. BLANTON. Does not what the distinguished gentleman says demonstrate fully that the main inefficiency begins with the chiefs of the departments?

Mr. MANN of Illinois. Oh, it begins with the hearts of men. That is where it begins. [Applause.] And you can not change the hearts of men by legislation.

Mr. LAYTON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Delaware?

Mr. MANN of Illinois. I yield.

Mr. LAYTON. Is it not possible to put into this bill a provision against the filling of any of these 5,000 places where they are 100 per cent inefficient?

Mr. MANN of Illinois. I think possibly you might put into the bill without any injury to the service a provision forbidding the filling of any places where they are separated under the provisions of this bill for the next fiscal year.

Mr. LAYTON. I hope the gentleman, with his long experience, will put that in.

Mr. MANN of Illinois. Well, I do not expect to. But I shall vote for such a proposition if anybody else offers it.

Mr. JUUL. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last two words.

Mr. JUUL. Mr. Chairman and gentlemen, if we retire 5,000 men drawing on an average, say, $1,500 per year, we thereby save $7,500,000. Now, if we place them on half pay, we pay out $3,750,000. But if we employ an equal number of men to the number of men retired, we will pay out $3,500,000 in annuities and spend an additional $7,500,000 for new salaries to men to perform work that is not now being performed. It seems to me, as we are sitting here legislating away millions of money, retiring with one piece of paper 5,000 men and paying these 5,000 men $3,750,000, in the rough, and probably more, there ought to be some provision here by which the additional $7,500,000 should not be paid out.

Mr. LAYTON. Mr. Chairman, will the gentleman yield?

Mr. JUUL. I yield to the gentleman from Delaware.

Mr. LAYTON. That is the very point I wanted to make. I thoroughly agree with the gentleman. We are passing a bill here in these times of financial depression and tremendous cost and expense in this country, and we are going to spend a lot of money in still other ways, and yet we are confronted with the fact that neither the chairman of the committee nor any other Member of this House with parliamentary experience seems to be willing to correct what is manifestly a radical defect in this bill. If these 5,000 men are manifestly inefficient to the extent of a 100 per cent inefficiency, we ought to take time enough now to amend this bill so that these 5,000 places can not be filled.

Mr. JUUL. The gentleman from Delaware is somehow consuming my five minutes. [Laughter.]

The CHAIRMAN. The gentleman from Illinois yielded to the gentleman from Delaware.

Mr. JUUL. I yielded to the gentleman from Delaware for a question.

I would suggest the following amendment: "*Provided*, That for the fiscal year ending June 30, 1921, no person shall be employed to take the place of the superannuated men retired who are not now performing any active service." The chairman can use any language he wants to, and place it anywhere in the bill he wants to; but it seems to me his bill ought to contain it.

Mr. BLANTON. Silence! [Laughter.]

Mr. MOON rose.

The CHAIRMAN. The gentleman from Tennessee is recognized in opposition to the amendment.

Mr. MOON. Mr. Chairman, I do not know that I desire to oppose the amendment in detail. I do not know whether that ought to be carried in preference to a motion to strike out the enacting clause. One section of this bill is about as bad as any other section. There is not one that is good. There is not one that is Democratic. There is not one that is Republican. There is not one that is American in this whole bill. [Applause.]

If you have a lot of superannuated employees who have been made so by reasons of conditions that have existed without their fault, you should have the courage to give them a sufficient pension or some money to retire them and get them out of the way and put new fresh men in their places. But you

should enact the law in such a shape that that condition can not arise again. [Applause.]

What right have we to take the people's money year in and year out and pay it for civil pensions—giving away millions of public money? We are the trustees of the people's money. We have the right to collect taxes for the purpose of administering the Government honestly under the terms of the Constitution. While we may have power in our legislative discretion to give away money, it is not moral and it is not honest to do it. [Applause.]

Mr. Chairman, bear with me for a moment. I do not believe in this civil-service business at all. I do not believe in the life tenure of office. I looked around over this body a few minutes ago and I saw 40 men sitting here—400 vacant seats—as if with prizes lifting up the Treasury door, and standing behind them I seemed to see a class with a whip lashing them like cowards because they hesitated to steal the money of the people and give it to them. [Applause.]

Now, it is an old-time principle that honesty is the best policy. Let us treat these superannuated men as we ought to treat them and put an end hereafter to superannuation in office. We ought not to have it. It is contrary to the genius of a free State to have any life offices or have any men who may draw civil annuities from the Government. These have been the means in the countries of the world of suppressing liberty and destroying the rights of the private citizen everywhere.

Let me make, in the few minutes I have, one simple illustration: Here are two young men, 21 years of age, who enter life together. They are both tempted by office at Washington. They apply to the civil service. One succeeds in the examination and the other fails. The successful one comes to Washington, receives a salary, say, of $1,800 or $2,000 or more a year. He enjoys the pleasures and allurements of the city. He lives well; he flourishes; he enters society; he gets an increase in his salary as he becomes more proficient. He passes on through life with all the pleasures of a great Capital. Sixty-five years of age comes to him. He has not been provident. He has saved no money. He is to be retired now at that age on half pay, the ward of a nation, and he has received three times, perhaps, the compensation for his services that his services were worth. Now, let us take the other man, his companion in youth. He does not obtain office. He gets a place in a blacksmith's shop or in a store or on a farm. He works along through life. He makes a living, barely, without any of its pleasures. He comes down to 65 years of age. Although he may be weak, although his family may be in need, there is no beneficent Government to extend the hand of liberality or generosity to him. He must bear the burden of the hard life he lives and go down to the grave without the consideration of his country. Yet he may be a producer who was worth five times as much to mankind as the man who held an official position. He gets nothing. The other is rewarded under a system that is not democratic.

Ah, what more? The little pittance that this nonoffice-holder may have saved in the great struggle of life is taxed. All he has had to live upon through life is taxed; and what for? Not alone to support his Government, economically administered, but in part to be given in annuities to the favored officials. That very man contributes a part of his hard earnings to the life support, after 65 years of age, of the man who has held office all his life, practically, and shown his unfitness by his incapacity to reserve a cent for his old age. Under one section of this bill a man may retire after 36 years and get a greater pension the balance of his life than a disabled soldier in some cases. I protest against such wrong to the private citizen. I protest against collecting millions of dollars from the people to give to able-bodied officials. I protest against this base plundering of the Public Treasury.

Mr. DICKINSON of Iowa. Mr. Chairman, I offer a substitute for the amendment offered by the gentleman from Nebraska [Mr. EVANS].

The CHAIRMAN. The gentleman from Iowa [Mr. DICKINSON] offers a substitute, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. DICKINSON of Iowa as a substitute for the amendment offered by Mr. EVANS of Nebraska: Page 10, line 16, after the word "thereof," insert "*Provided*, That no person retired by reason of the provisions of this act during the present fiscal year shall be replaced by additional employees, except railway postal clerks."

Mr. DICKINSON of Iowa. Mr. Chairman, I ask unanimous consent to change the amendment by saying "fiscal year ending June 30, 1921."

The CHAIRMAN. Without objection, that correction will be made.

Mr. MANN of Illinois. I reserve the right to object. This bill may become a law by the middle of May.

Mr. LEHLBACH. It does not go into operation until 90 days after its passage.

The CHAIRMAN. Without objection, the correction will be made in accordance with the suggestion of the gentleman from Iowa.

Mr. DICKINSON of Iowa. Mr. Chairman, I believe this meets the objection that was made to the other amendment, and it seems to me that it prevents the reemployment of additional help to take the place of men retired on account of being 100 per cent inefficient or less if retired under the provisions of this act.

Mr. BLACK. If I caught the effect of the gentleman's amendment, if a rural carrier is retired under this bill the Post Office Department can not replace that carrier.

Mr. DICKINSON of Iowa. A rural carrier, if he is 100 per cent inefficient, can not be carrying the mail, can he?

Mr. BLACK. Perhaps I did not correctly get the effect of the gentleman's amendment. May I have it reported again?

The CHAIRMAN. Without objection, the amendment will be again reported.

The Clerk read as follows:

Amendment offered by Mr. DICKINSON of Iowa as a substitute for the amendment offered by Mr. EVANS of Nebraska: Page 10, line 16, after the word "thereof," insert "*Provided*, That no person except railway postal employees retired by reason of the provisions of this act during the present fiscal year ending June 30, 1921, shall be replaced by additional employees."

Mr. MANN of Illinois. The word "present" before "fiscal year" should go out.

Mr. BLACK. The gentleman says a man does not necessarily have to be inefficient in order to retire under this act. When a rural carrier, for instance, reaches the age of 62 he has the absolute right to retire, even though he is 100 per cent efficient.

Mr. MANN of Illinois. He is retired.

Mr. BLACK. Not necessarily. He may go on if he gets permission.

Mr. MANN of Illinois. He is retired unless he is permitted to remain.

Mr. BLACK. But he may retire anyway.

Mr. MADDEN. He may want to retire anyhow.

Mr. MANN of Illinois. The same would be true of letter carriers in a city undoubtedly. I do not think you will strike very many rural carriers who have been 15 years in the service, but you will strike a great many city carriers who have been 15 years in the service. Of course, we do not want to say that they can not appoint any city carriers during the year, or any new clerks. As far as I am concerned, I am willing to vote for the gentleman's amendment if I can feel assured—and I suppose I can—that it will be rewritten in conference between the two bodies. Here is the situation. We have made the appropriations for the executive departments for the fiscal year ending June 30, 1921. The clerks are provided for. Now, it is a natural tendency everywhere to fill the places if they are authorized. If they are filled, it is very hard to cut them off. I think the gentleman would be safe if, instead of restricting it as he has, he should make the amendment apply only to employees right here in the District of Columbia. What he wants to cover is the executive departments. There are not many inefficient people elsewhere.

Mr. DICKINSON of Iowa. Mr. Chairman, I ask unanimous consent to revise the substitute by striking out the words "except railway postal clerks," and to say:

Provided, That no person employed in the District of Columbia retired under the provisions of this act—

And so forth.

The CHAIRMAN. Without objection, the substitute will be amended in accordance with the request.

Mr. BLANTON. I ask recognition in opposition to the amendment.

Mr. LEHLBACH. Pending that, will the gentleman allow me to move that all debate on this section and all amendments thereto close in five minutes?

Mr. GARD. I have an amendment which I have passed into the hands of the Clerk.

Mr. LEHLBACH. Then all debate on this amendment and amendments thereto.

The CHAIRMAN. The gentleman from New Jersey moves that all debate on this amendment and all amendments thereto close in five minutes.

The motion was agreed to.

Mr. BLANTON. Mr. Chairman, I am going to vote for the gentleman's amendment. I think it is the sanest proposition that has been offered in, about, or around this piece of legislation. I think that this bill is well denominated a retirement

measure. I think it is just such paternalistic measures as this that are going to cause retirements, not of clerks, but eventually, when the people get to card indexing us, it is going to retire some of us Congressmen if we keep it up, because some day the people are going to begin watching and finding out just exactly what it is that is making it cost so much to live in this land. Retirement measure, yes. That is one of the incidents that will make taxes higher. It is one of the expensive incidents that make Congress and Congressmen looked down upon and brought into disrepute over the country. The postmaster at the House Office Building the other day received a package in the mail addressed to "The rotten bunch in Congress." He opened it up and what do you suppose he found? He found a great big club, sent by somebody.

Mr. DICKINSON of Iowa. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. DICKINSON of Iowa. Did he deliver it to the gentleman from Texas?

Mr. BLANTON. No, sir; because the gentleman from Texas did not come within that bunch. I have been voting to keep the money in the Treasury. The gentleman from Iowa knows how he voted, and knows whether he comes within that category. The club still remains there. But some of these days the people are going to wield that club and there is going to be retirement here.

The other day we concluded legislation that has gone to the President which will expend in the next fiscal year for pensions, not to soldiers of the late war but to alleged survivors and widows, young and old, of previous wars, $291,000,000 in one year.

I believe in pensions for our disabled and indigent soldiers of all wars. I do not begrudge one single dollar that goes to a needy soldier who has defended the flag of our country. I have voted against pension bills ever since I have been here, but not because dollars were going into the pockets of men who defended our flag, but because dollars have been going out of the Treasury of the United States into the pockets of men who never fought a day in their lives for the flag of their country or for any other good purpose in life. I have voted against pension measures, because in foreign lands, in Austria and Germany, there are hundreds of men who have not been in the United States for 40 years who have been drawing annually from this Government, from the Treasury of the United States, money that has gone a long way in the late war to fight against the purposes of that flag.

I am fighting this kind of a measure because it is paternalistic, but I am in favor of the gentleman's amendment. I think it is a good amendment. We must keep watch on the little points. I am sorry the chairman did not offer it. It was suggested by the distinguished gentleman from Delaware [Mr. LAYTON] who called on the distinguished gentleman from Illinois [Mr. MANN] to offer it, but the distinguished gentleman from Illinois can not do everything on that side of the House, he has got to depend on some of you younger fellows to do part of it.

The CHAIRMAN. The time of the gentleman from Texas has expired, all time has expired, and the question is on the amendment offered by the gentleman from Iowa as a substitute for the amendment of the gentleman from Nebraska.

The question was taken, and the amendment as a substitute was adopted.

The CHAIRMAN. The question recurs on the amendment of the gentleman from Nebraska as amended by the amendment of the gentleman from Iowa.

The question was taken, and the amendment was agreed to.

Mr. HASTINGS. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 11, line 4, strike out "10" and insert "5," and on page 11, line 7, strike out all of the section after the word "hereof."

Mr. HASTINGS. Mr. Chairman and gentlemen of the committee, I think the weakness of this bill is the elasticity that is given in this section. The purpose of this amendment is that after five years to provide for automatic retirement. We have heard a good deal said here about the "hearts" of men and the "heads" of the various bureaus allowing inefficient clerks to remain in the public service. Yet that is exactly what you provide for in section 6. Let me warn the Members of the House and particularly the chairman of the committee that if this section remains as it is the "hearts" of the heads of the various bureaus will not be changed; they will be importuned by the old and infirm clerk to be permitted to remain two years longer and still two years longer, and not a single one of the heads of these bureaus will turn them out.

The maximum amount that a man in class A can receive is $720. Here comes an old infirm clerk getting $1,200 or $1,400, and he says are you going to turn him adrift; that he could not live on $720; that he had worked for the Government, lo, these 30 years. Now, I want to say that the "hearts" of the heads of the bureaus are going to be just as they have been for the last 20 years.

I would say to these employees that at the expiration of five years that they will be retired, and that they must make preparation for retirement at the end of five years. At the end of that time you can not make application to the "heart" of the head of the bureau to be continued two years longer.

Mr. JUUL. Will the gentleman yield?

Mr. HASTINGS. Yes.

Mr. JUUL. The gentleman suggests that the present employee must make provision for the future. How can they do it when they can not live on what they now get?

Mr. HASTINGS. This is not a salary proposition. If the gentleman wants an answer, why does he not go to the proper committee and provide for increases in salaries. That is not in the pending question. You are retiring these men on a maximum salary of $720, and what I am arguing and trying to impress on the Members of the House is as to the elastic provision in section 6 that will permit every one of these employees, instead of being retired, to come to the head of the bureau and prevail on him to let him remain two years longer, and every employee will do it.

It has been said many times on the floor that there has been a provision permitting the heads of bureaus to discharge inefficient clerks, but that has not been done and will not under this section.

Mr. BLAND of Missouri. Will the gentleman yield?

Mr. HASTINGS. Yes.

Mr. BLAND of Missouri. They can only be retained by the Civil Service Commission; it is removed from the control of the bureau.

Mr. HASTINGS. Yes; but they will rely upon the recommendation of the head of the bureau. I think it would be much better if it were left so that these employees when they enter the Government service will know that they will be retired at the end of a certain time when they reach a certain age. Let it be 65 years or 67 years or 70 years, but some definite time beyond which an employee can not remain, and then you will have no discretion in the "hearts" or the heads of the bureaus. [Applause.]

Mr. JONES of Texas. Inasmuch as the bill provides 65 years as the retirement feature, does not the gentleman think that is a pretty low age to have the absolute requirement of retirement?

Mr. HASTINGS. If 65 years is too low, amend it and make it 70 years. What I am insisting upon is that there ought to be some definite age and no elasticity to it. Everyone will know when he is to be retired; there will be no favoritism and no disappointments and no heartaches.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. LEHLBACH. Mr. Chairman, there have been numerous suggestions of amendments which the committee from time to time has accepted and of which it has expressed its disapproval and others which it has left to the judgment of the committee, but with regard to this amendment now offered the chairman of the committee can not too strenuously voice his opposition to it. This amendment with regard to the age of retirement, so far as the protection of the Government is concerned, would take the heart out of the bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma.

Mr. JONES of Texas. Mr. Chairman, I would like to have the amendment divided, if it can be.

The CHAIRMAN. The gentleman from Texas demands a division of the amendment.

Mr. JONES of Texas. I move to strike out the last word.

Mr. MANN of Illinois. It is subject to division.

Mr. JONES of Texas. I want to divide it for this reason: I think the first part of the amendment is very good—that is, to change it from 10 to 5 years—but the amendment in toto as it is presented makes the 65-year limit absolute.

Mr. HASTINGS. That is what I want to do.

Mr. JONES of Texas. It seems to me there is a good deal more reason for the first part of the amendment than for the last part. Certainly there are some men who are 65 years of age who are qualified to remain; not only qualified, but who ought to remain in the service. I shall favor the first part of the amendment, but I do not think the latter part should be adopted. I ask for a division of the amendment.

Mr. LEHLBACH. Mr. Chairman, I yielded the floor under the impression that the Chair was putting the question for a

vote, but my time had by no means expired. I wish to say that after consideration 10 years seems to be a reasonable time for those who are now in the service or who have reached or are about to reach the retirement age to have the privilege, if they are capable of rendering efficient service to continue, and for those who in the course of 10 years come along and reach in that period of time the retirement age to have the chance for repeated extensions. I see no very great advantage to be gained by cutting that period down from 10 years to 5 years, and I trust it will not be done. But to strike out the latter part of this provision making retirement absolute for railway-mail clerks at 60; for postal employees, mechanics, rural and city letter carriers at 62; and for all other classified employees at 65, no matter how efficient a man who has reached that age might be, is to act without reason.

There is no reason why the Government should pay retirement pay to a man who is able and willing to render service for pay, and it is in order to get rid of those who are inefficient that these age limits are tentatively placed, and in order to retain those who are willing and able to work for a salary that the two years' extension periods are provided for. The only reason that can be urged for abolishing the two-year extension periods is that our department heads and bureau and division chiefs are inefficient and are violating the law and will not carry out the duties of their office with a reasonable degree of honesty.

Mr. HASTINGS. Mr. Chairman, will the gentleman yield?

Mr. LEHLBACH. Yes.

Mr. HASTINGS. Do you not provide at the end of 10 years for automatic retirement?

Mr. LEHLBACH. We do not. We provide that at the end of 10 years there shall be only two periods of two years' extension.

Mr. HASTINGS. The periods can not be extended for a longer time than 4 years at the end of 10 years.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. LEHLBACH. Mr. Chairman, just one moment more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HASTINGS. Suppose a man is efficient and you add the 4 years to the 62, making it 66 for a rural carrier, but he is still efficient at that time, you then provide for his retirement?

Mr. LEHLBACH. Of course, there must be some limit. You can not legislate so that every single instance in over 300,000 employees can be taken care of, but you can use your judgment and try to legislate so that the great bulk of them will be properly included.

Mr. PARRISH. Mr. Chairman, I rise in opposition to the pro forma amendment of the gentleman from Texas [Mr. JONES]. I have been studying this bill very carefully, and I have especially been studying the provisions of the bill affected by the amendment offered by the gentleman from Oklahoma [Mr. HASTINGS]. I wish to say that I believe that the amendment of the gentleman from Oklahoma would very materially take the heart out of this bill. In the first place, I am not in favor of taking out of the public service any man who can render efficient service, and I am not willing to concede that when a man gets to be 60 years of age as a railway mail clerk, or 62 years of age as a rural or city carrier, or to 65 years as a clerk he is incompetent. I personally favor the extension of the age of voluntary retirement to 70 years. This provision of the bill here on page 11, however, permits the extension of the time of voluntary retirement with approval in the case of the railway mail clerk to 64 years and in the case of the rural and city carriers to 66 and in the case of the regular clerk to 69. Some of the best service that this world has ever received has been rendered by men who have passed those ages, those milestones in their lives. As a matter of fact, I favor the extension of the four-year period to a six-year period rather than to cut it down, and I prepared an amendment awhile ago which would extend it to six years rather than limiting it to a shorter period.

Mr. McKEOWN. Mr. Chairman, will the gentleman yield?

Mr. PARRISH. Yes.

Mr. McKEOWN. Those who advocate this bill from the standpoint of economy contend that it will put out of the service inefficient men, and, therefore, improve the service and be of great value to the Government. Does the gentleman think that under this liberal provision in this section we will do any more putting out of the service than in the past?

Mr. PARRISH. I do not think so, but I think this. A bill which forces out of the service a man at 60 not only costs the Government an annuity which will be a burden upon the Government but at the same time deprives the Government of some man's useful service that he wants to and is able to render good and efficient service. If you put a similar age limit on this House and undertake to follow the committee you would no doubt cut out of this House some of the most useful and beneficial Members. Now, I take it the age limit——

Mr. JONES of Texas. Will the gentleman yield?

Mr. PARRISH. I will yield.

Mr. JONES of Texas. Does the gentleman intend to offer his amendment later? I rather think it ought to be increased from four years, and I wondered if the gentleman still intended to offer it?

Mr. PARRISH. I will offer my amendment to make it six years instead of four at the proper time. If you apply the age limit, as attempted by this bill, to the Supreme Court of the United States at this time, what service will the United States be deprived of? I am for efficiency in the Government service. I do not want any man to misunderstand me. I believe when the time comes in a man's life when he can not render efficient service he ought to be retired, and I believe under the provisions of this bill that there will be more retired in the future than otherwise in cases of inefficiency.

Mr. HASTINGS. Will the gentleman yield?

Mr. PARRISH. I will.

Mr. HASTINGS. If that be true, why should they put any years in at all—65, 62, and 60? Why not create an efficiency commission to pass upon that without putting any age in at all? And why did the committee bring in any age limit at all? I am not so much discussing the 65 years as I am discussing the years they brought in themselves and recommended to this House.

Mr. PARRISH. In reply to that I will say I do not know just the reasons the committee had for it, but I do believe when you put an ironclad rule, such as the amendment of my friend attempts to do, and force these men out of the service at 60, 62, and 65, you are going not only to cause the expense to this Government to be increased unnecessarily by carrying efficient men on the retired list but you are going to deprive the Government of the services of good men who are still worth while. If the employee desires to stay in the service after reaching the ages stated in the respective provisions of the bill, and the head of the department in which he is working and the Civil Service Commission approves his claim of efficiency, he should be retained for at least six years above the said respective ages. I therefore offer my amendment.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEHLBACH. Mr. Chairman, I move that all debate on this section and all amendments thereto be now closed.

Mr. GARD. I have an amendment, but I do not desire to debate that.

Mr. LEHLBACH. I know, but that will not preclude the offering of the amendment.

The CHAIRMAN. The gentleman from New Jersey moves that all debate on this section and all amendments thereto be now closed.

The question was taken, and the motion was agreed to.

The CHAIRMAN. The question is upon the amendment of the gentleman from Oklahoma, on which the gentleman from Texas [Mr. JONES] has demanded a division. The question is upon the first part of the amendment, which the Clerk will report.

The Clerk read as follows:

Page 11, line 4, strike out "10" and insert "5."

The CHAIRMAN. The question is upon the adoption of that part of the amendment which the Clerk has just reported.

The question was taken, and the Chair announced the noes seemed to have it.

On a division (demanded by Mr. BLACK) there were—ayes 28, noes 75.

So the first portion of the amendment was rejected.

The CHAIRMAN. The Clerk will report the second portion of the amendment.

The Clerk read as follows:

Page 11, line 7, after the word "hereof," strike out "for more than four years."

The question was taken, and the amendment was rejected.

Mr. PARRISH. Mr. Chairman, my amendment is at the Clerk's desk, and I now offer it.

The CHAIRMAN. The gentleman from Ohio has an amendment which is ahead of that of the gentleman from Texas, which the Clerk will report.

The Clerk read as follows:

Page 11, line 4, strike out the words "and so on" and insert "but in no case shall such certification of retention apply to any employee who has reached the age of 70 years."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The question was taken, and the Chair announced the noes seemed to have it.

On a division (demanded by Mr. HASTINGS) there were—ayes 32, noes 74.

So the amendment was rejected.

The CHAIRMAN. The gentleman from Texas [Mr. PARRISH] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 11, line 7, after the word "than," strike out "four" and insert in lieu thereof "six."

Mr. LEHLBACH. Mr. Chairman, the committee will accept that amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 7. That every employee who is or hereafter becomes eligible for retirement because of age as provided in this act, shall, within 60 days after its passage or 30 days before reaching the retirement age, or at any time thereafter, file with the Commissioner of Pensions, in such form as he may prescribe, an application for an annuity, supported by a certificate from the head of the department, branch, or independent office of the Government in which the applicant has been employed, stating the age and period or periods of service of the applicant and salary, pay, or compensation received during such periods, as shown by the official records: *Provided, however,* That in the case of an employee who is to be continued in the civil service of the United States beyond the retirement age as provided in section 6 hereof, he or she may make application for retirement at any time within such period of continuance in the service, but nothing contained in this act shall be construed to prevent the compulsory retirement of such employee when in the judgment of the head of the department, branch, or independent office in which he or she is employed such retirement would promote the best interests of the service.

Upon receipt of satisfactory evidence the Commissioner of Pensions shall forthwith adjudicate the claim of the applicant, and if title to annuity be established, a proper certificate shall be issued to the annuitant under the seal of the Department of the Interior.

Annuities granted under this act for retirement on account of age shall commence from the date of separation from the service on or after the date this act shall take effect, and shall continue during the life of the annuitant. Annuities granted for disability under the provisions of section 5 hereof shall be subject to the limitations specified in said section.

Mr. VAILE. Mr. Chairman, I move to strike out the last word.

Mr. Chairman and gentlemen of the committee, I desire to congratulate the Committee on Reform in the Civil Service and its able chairman, the gentleman from New Jersey [Mr. LEHLBACH], on this consummation of the many months of the most faithful and painstaking zeal for the welfare of a large class of our citizens who have not been very liberally treated in the past. In fact, I know that the gentleman from New Jersey has worked on this matter not only for months but for years. He certainly deserves the applause and commendation of his own constituents and of the country.

As has been observed by others in this debate, we have, in effect, been pensioning many old civil-service employees for some time, merely because the simplest dictates of humanity forbade throwing out upon the street or into the poorhouse old people who had faithfully served the Government for years, even though they were no longer able to earn their pay. One among many such cases was described by Mr. Ayres, chief clerk of the Department of the Interior, in his testimony before the committee having this bill in charge. Mr. Ayres, speaking of a superannuated and feeble-minded employee who had difficulty in even counting his monthly pay, but who was, nevertheless, retained in charity, said:

His mind is cloudy in other respects, but the one straw that he clings to is that he did his duty faithfully while he had his health and strength, and now that both are gone Congress will surely enable him to live in decency the few years remaining to him.

Mr. Henry Sterling, presenting this matter from the standpoint of organized labor, said:

How an employer can take a young man and carry him all through the period of his working life and wring him dry and throw him away like a worn-out dishrag and conceive that he has done anything of justice is more than I can understand. That is what the United States, as an employer, is doing all the time, except when it keeps a man in service when he is not earning his money, to the detriment and suffering of others who are on the pay roll.

As a result of the untiring efforts of Mr. LEHLBACH and his committee, we are now about to substitute for this haphazard, unofficial, and inequitable, although well-intentioned, system of pensioning a scientific system affecting all alike.

We have now come to section 8, which provides for the deduction of 2½ per cent per month from each employee's basic salary for the purpose of providing a fund for the payment of this compensation. Of course, we realize the several purposes which the committee had in mind in the insertion of this provision. We realize that one of the purposes was that the whole bill might not be choked to death for a lack of an appropriation, that we may start this very useful and necessary legislation off properly with the provision of a fund right at the start.

There was also another reason, a reason of policy, to promote thrift on the part of the employee to make him save this 2½ per cent and to give him a vested interest in the fund. But, gentlemen of the committee, I do hope that that is not going to be our permanent policy in regard to this retirement pay. If the employee could pay 2½ per cent per month without hurting himself it would be a different proposition; but when many Federal employees are receiving less than $100 per month, even 2½ per cent of it—two-thirds of a day's wage—is very hard for a man to save. Every penny must be used for rent and groceries and clothing in these days. Every penny is often spent before it is received. Now, let me call attention to this consideration in regard to the pay of Government employees: Their pay always lags behind the pay of employees in private industry, and there are several reasons for that that will be obvious. In the first place, in the ordinary industry wages are fixed by agreement, which are usually for not a very great length of time—six months to a year. In the Government the Federal employees' salaries are fixed by regulations and extend over a considerable period. In the second place, many Government jobs are of a sort involving no competition with other employers for labor. Such a situation always tends to keep wages down. The Federal employee is also unable to get an increase of his earnings by work outside. That is often prohibited by law. So the earnings of a Federal employee always lag behind those of an employee in outside industries.

Mr. BLANTON. Will my distinguished colleague yield?

Mr. VAILE. I will be glad to do so.

Mr. BLANTON. Why, the gentleman surely knows there are thousands of employees here in the District of Columbia now who work either for private individuals, firms, or corporations every single afternoon after 4.30 or 5 o'clock?

Mr. VAILE. That may apply to some departments where it is not specifically prohibited by law or is permitted by regulation. But ordinarily clerks can not work outside.

Mr. MADDEN. I think the gentleman is mistaken, because they do work outside.

Mr. VAILE. They are not supposed to do so.

Mr. MOONEY. Is it not a sad commentary on the Government that it is necessary for its employees to seek work outside?

Mr. VAILE. That is what I was about to suggest—that if they do that it is a pretty sad commentary on the Government's treatment of those men.

Mr. BLANTON. I have already called attention to the fact that the chief chemist of this Government, Mr. Parsons, while receiving a salary of $4,800, at the same time received $3,500 from a chemical corporation. Is that a sad commentary on the Government as a paymaster?

Mr. VAILE. It may not be in the case of a chief chemist, but it is in the case of a bureau clerk that gets only $100 or less per month. The average clerk in the Bureau of Engraving and Printing gets less than $100 a month. The average wage of 4,000 women in that bureau is less than $1,000 a year, including the bonus. They could not save 2½ per cent a month from their salary. I think if this legislation is desirable at all—which most of us in the House concede it is—it is a fair proposition, even if it is a sort of additional compensation. I realize it is additional compensation. I realize that the gentleman from Illinois [Mr. MANN] spoke truly when he said that we will be confronted with an organization of employees that will try to make their compensation sufficient to pay for this deduction.

Mr. CARTER. Will the gentleman yield?

Mr. VAILE. Not now. I wish to finish this thought first. We can not stop that. Whether we provide retirement pay or not, we would be sure to have organizations of Federal employees who would try to raise their compensation to something like the compensation received in private industry. They can not be blamed for that. They ought to feel they have a right to urge the Government to give them what they can receive from a private corporation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLANTON. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended three minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. BLANTON. Will the gentleman yield?

Mr. VAILE. Certainly.

Mr. BLANTON. I call my friend's attention to the report made here, which forms a public document now on file, in response to one of the resolutions introduced by me and which passed this House, showing that in the city of Washington there is one family, by the name of Graham, where one son gets $250 a month, a sister $100 a month plus the $240 bonus, the father

$100 a month plus the $240 bonus, the mother $95 a month plus the $240 bonus, and another brother gets $350 a month—all one family. When this one family draws that much, is the Government a parsimonious paymaster and a parsimonious employer in that case?

Mr. VAILE. If those members of that family earn it, they ought to have it, even though they have the misfortune of relationship with each other. [Applause.]

Mr. CARTER. Will the gentleman yield?

Mr. VAILE. Yes.

Mr. CARTER. Did I understand the gentleman to say that he objected to taking this 2½ per cent out of the salaries of the clerks?

Mr. VAILE. I said that I hoped it would not be the permanent policy of the Government. I realize there are cogent reasons for it now.

Mr. CARTER. Does not the gentleman think it the fair, candid, and honorable way to give the clerk a salary to which he is entitled, and then take out of the salary sufficient for this retirement fund, and place him on his own resources, rather than to make him a pensioner upon the Government?

Mr. VAILE. I think it is one of the duties of the Government to induce these people to remain in service as long as they are willing to serve. Their experience is a benefit, an asset, to the service. If they can be protected from the specter of want and hardship in their old age, who would wish to prevent that?

Mr. CARTER. If their salaries would warrant it, the gentleman would not take the position that the Federal Government, in addition to paying them an adequate salary, ought to pension them also?

Mr. VAILE. I think the pension, plus the salary they are receiving, ought to be commensurate with the salaries received in private industry.

Mr. CARTER. I agree with the gentleman on that. The viewpoint I am trying to get is, Does not the gentleman think it would be better to pay these clerks the salary to which they are entitled, including in that enough for their retirement fund, and then take it out of the refund, in order that the fellow will not get the idea that the Government is supporting him, but that he is somewhat self-sustaining?

Mr. VAILE. That would be all right if we can do that. The gentleman knows from his experience as a legislator that in practically all the Government service the pay of the employee lags behind the pay of similar employees in private industry. We can not expect to change that. As I have endeavored to show, it is practically an unavoidable condition of a service where wages are fixed, fixed for long periods, in advance, and where there is little competition for labor.

It is said that "republics are ungrateful." I do not believe the statement is true, broadly speaking, but the way to disprove it is for the Republic to be just to those who serve it.

Mr. MONDELL. Mr. Chairman, may I have unanimous consent to discuss the bill generally and not the paragraph under consideration?

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to proceed out of order for five minutes. Is there objection?

Mr. BLANTON. Reserving the right to object, and I shall not object——

Mr. MONDELL. I want to discuss the bill, but not this paragraph.

Mr. BLANTON. I want to ask the distinguished gentleman from Wyoming whether or not he is going to enlarge upon the statement which he should have made yesterday had the sundry civil bill been introduced, and which inadvertently the newspapers printed yesterday afternoon?

Mr. MONDELL. The newspapers did not prematurely print anything so far as I know. I gave out a statement which reflected very great credit on this Congress—the Democratic as well as the Republican side of the Congress—showing the great saving we have made, and that was generally published. I hope it will have the effect of inclining the public to a more favorable view of the Congress than some portions of the public have sometimes had in the past.

Mr. Chairman, I rose to congratulate the House on the fact that a civil-service retirement law would soon be on the statute books. I have one matter of keen regret with regard to the situation, and I feel it my duty to express it, because I am somewhat responsible for that situation. The gentleman from New Jersey [Mr. LEHLBACH] has long been devoted to the cause and to the purposes of this legislation. He understands thoroughly the principles underlying the legislation. He has worked faithfully to promote legislation of this character. His committee, working faithfully with him, reported a bill as long ago as May 26, 1919. I was in favor of the legislation, but at that time I was not certain that the sentiment of the House was as favorable to the legislation as it now is. In fact, I was not entirely satisfied at that time that we could pass the bill in the form proposed by the committee. Later we took up our program of appropriations at the beginning of this session, and it seemed wise to bring in general legislation after we got our appropriation program well along.

Under those circumstances the bill that is to become a law may not bear the name of the gentleman from New Jersey, because the Senate passed their bill first. I hope it may, notwithstanding the fact that we are now acting upon a Senate title. I am a little responsible for the fact that it is the Senate bill that we are now acting upon. I have long been in favor of this legislation, and yet I have felt that we should not take it up until the appropriation program was well along. Hence the gentleman from New Jersey may not be known as widely as he ought to be in the future in connection with this legislation. I hope, however, if the bill is known in the future by the name of the Member of the Senate who introduced the Senate bill, it may also bear the name of the gentleman from New Jersey. [Applause.] He is certainly entitled to great credit for the legislation.

Now, Mr. Chairman, let me say again that I congratulate the Congress on both sides, and I congratulate the country, that we are to have a civil-service retirement law. Many good and honest people have striven for that sort of legislation for many years. There has been much difference of opinion in this country relative to its wisdom, but gradually public opinion came to the point where the great majority of the people believe in legislation of this kind, believe in the principle of this bill as applied to employees generally, not only in the public service but in private employment. I do not pretend to be an expert on the details of this class of legislation. I have on several occasions raised questions with the gentleman from New Jersey relative to certain features of his bill, only to discover that so well grounded was he in the principles upon which the bill is based, so well informed was he in the arguments for the provisions of the bill as they stand, that he convinced me in every case that the bill was sound in detail as well as in principle.

Mr. Chairman, I am so much interested in the passage of this legislation that I shall not delay its passage by taking the time of the committee longer to discuss it. I entertain the hope that before the gavel falls this evening this bill will have passed the House and be on the last lap toward final enactment. [Applause.]

Mr. HASTINGS. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Oklahoma moves to strike out the last word.

Mr. HASTINGS. I do so for the purpose of making an inquiry of the chairman as to why the administration of this bill was placed under the Commissioner of Pensions. And before he answers, let me say that as a friend of this legislation I had hoped that some bureau, some independent bureau, either under the Department of the Interior or some other department of the Government, would be created and that the head of it would be given the sole responsibility for the administration of this act. It is a very great responsibility, and I do not believe it ought to be left to subordinates. What I fear is that, being administered under the Commissioner of Pensions, with all the other duties that the commissioner has, the details of the administration of this bill will be largely left to subordinate officials. I want to ask the chairman if consideration was given to that question by the committee?

Mr. LEHLBACH. The committee not only gave careful consideration to the question, but it had before it full information, not only as to the availability of the Commissioner of Pensions office but of other bureaus and departments of the Government that might possibly be charged with the duty of the administration of the provisions of this act. But the Commissioner of Pensions is equipped for the duties that are imposed upon him by this act, and with but a small increase of personnel and at a minimum cost will be able efficiently and completely to perform the duties, and for that reason the committee placed the administration of the law in his hands.

Mr. VAILE. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. The gentleman from Colorado asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

SEC. 8. That beginning on the first day of the third month next following the passage of this act and monthly thereafter there shall be deducted and withheld from the basic salary, pay, or compensation of each employee to whom this act applies a sum equal to 2½ per cent of such employee's basic salary, pay, or compensation. The Secretary of the Treasury shall cause the said deductions to be withheld from all specific appropriations for the particular salaries or compensation from which the deductions are made and from all allotments out of lump-sum appropriations for payments of such salaries or compensation for each fiscal year, and said sums shall be transferred on the books of the Treasury Department to the credit of a special fund to be known as the "civil-service retirement and disability fund," and said fund is hereby appropriated for the payment of annuities, refunds, and allowances as provided in this act.

The Secretary of the Treasury is hereby directed to invest from time to time, in interest-bearing securities of the United States, such portions of the "civil-service retirement and disability fund" hereby created as in his judgment may not be immediately required for the payment of annuities, refunds, and allowances as herein provided, and the income derived from such investments shall constitute a part of said fund for the purpose of paying annuities and of carrying out the provisions of section 11 of this act.

The Secretary of the Treasury is hereby authorized and empowered in carrying out the provisions of this act to supplement the individual contributions of employees with moneys received in the form of donations, gifts, legacies, bequests, or otherwise, and to receive, invest, and disburse for the purposes of this act all moneys which may be contributed by private individuals or corporations or organizations for the benefit of civil-service employees generally or any special class of employees.

Mr. BLACK. Mr. Chairman, I have prepared an amendment which I have sent to the Clerk's desk.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLACK: Page 12, line 22, after the word "to," strike out the figures "2½" and insert the figure "6."

Mr. BLACK. Mr. Chairman, if I may have the attention of the committee, I can state very briefly the purport and effect of my amendment if it should be adopted.

The amendment, in short, is intended to make the rate of contribution on the part of the Government employees sufficient to create their retirement fund out of their own contributions. And competent experts have estimated that an assessment of 6 per cent of their annual compensation will be sufficient for that purpose.

Now, it is true that this 6 per cent will not pay the overhead expenses of administering the fund, and it will not take care of the expense of retiring those aged employees who are now in the service and who would have to be retired under the provisions of the bill. Those are expenses which, I think, the Government should properly pay.

Now, some gentlemen who have argued in support of this bill have related this proposed measure to the question of compensation to the Government employees. For instance, the gentleman from Colorado [Mr. VAILE], who spoke just a moment ago, based his argument upon that viewpoint. Well, now, Mr. Chairman, I do not think that in the consideration of the retirement question the two ought to be grouped together at all, because we do not expect to carry forward indefinitely the present scale of salaries. I take it that before this Congress adjourns, or at least not further than the next session of Congress, we shall take up a measure to reclassify the salaries of all Government employees, following the report of the Reclassification Commission which was submitted to Congress only a short time ago, and when we do that there are two paramount things that we ought to consider and bear in mind and hold to with a steadfast purpose. The first of these is that we should make careful investigation and see to it as nearly as may be that every unnecessary office in the Government is abolished, and that every unnecessary official or employee is eliminated from the service. There is not a bit of doubt in my mind that there are now on the Government pay roll a considerable number of officials and employees which are unnecessary and do not perform any useful public service.

Their elimination is the first thing that we should bear in mind. The next is we ought to see that for those who do remain in the service—and, of course, that will be a very large number—a salary or wage is fixed sufficient to enable them to support their families in reasonable comfort according to the average standard of American living. And not only ought it to be a living wage, but it ought to be large enough to enable them to lay aside a sufficient fund to support themselves and dependent members of their family in their old age.

Mr. BARKLEY. Will the gentleman yield for a question?

Mr. BLACK. I will be very glad to. Probably I can get a little more time.

Mr. BARKLEY. I was wondering whether it really would make any difference in the long run whether we eliminated any contribution on the part of the Government and compelled the employees to contribute the whole of it, with the result that in the future their salaries would be increased sufficiently to take care of that and leave their compensation practically what it is now.

Mr. BLACK. The point I make is that this Congress should be considerate enough, it ought to have judgment enough, it ought to have courage enough, not to relate the two propositions at all. The reclassification of salaries should be taken up as a separate and independent matter and dealt with in a spirit of absolute fairness to the Government employees. Fair and generous payment should be provided for honest and efficient service performed.

Mr. OLIVER. Will the gentleman yield for a moment?

Mr. BLACK. Yes; I am glad to yield to the gentleman.

Mr. OLIVER. I was very much interested in the gentleman's statement that in the reclassification the two things to be borne in mind were to get rid of the inefficient——

Mr. BLACK. And the unnecessary.

Mr. OLIVER. And to give adequate pay to those who remain.

Mr. BLACK. Yes.

Mr. OLIVER. Now, ought not that to be attended to before a bill of this kind is considered?

Mr. BLACK. Undoubtedly it should have been. I do not think the retirement bill should have been brought before the House until after the passage of the reclassification bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLACK. May I have five minutes more?

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for five minutes. Is there objection?

Mr. LEHLBACH. Reserving the right to object, will the gentleman yield to me to move to close debate?

Mr. BLACK. I will ask the gentleman to wait until the conclusion of my remarks.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BLACK. Now, Mr. Chairman, I have stated what I think we ought to do with respect to the matter of levying an assessment to provide for this retirement fund, and I will admit that, from the standpoint of ordinary logic, the more desirable thing to do would be to require the Government employee to make his own accumulation by his own private economy and industry. I admit that a compulsory retirement law is in a sense a paternalistic measure. I admit that; but it is a more sensible paternalism than the present method that we have of keeping these aged employees on the roll after they have passed the age of efficiency. And therefore I do not think we ought to write a bill in anticipation of the reclassification bill that will cause the Government to contribute 65 per cent and the employees only 35 per cent, unless we are going to write it upon the assumption that we are going to do an injustice to these employees when we come to reclassify their salaries; because if we do justice to them in the fixing of their salaries and pay them that which they are entitled to receive, then I contend that we have no right to call upon the general taxpayers, many of whom will receive less salaries than these Government employees will receive, and make them create a fund to pay these pensions.

Some of my Democratic friends have referred to our national platform as advocating the passage of this Lehlbach bill. The Democratic platform did not advocate the passage of a law like this. Here is what it says:

We favor an equitable retirement law providing for the retirement of superannuated and disabled employees of the civil service, to the end that a higher standard of efficiency may prevail.

Now, that word "equitable" means a law which will be fair to the taxpayer as well as to the Government employee, and I submit that it is not equity to ask the taxpayer to put up 65 per cent of the retirement fund.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. BLACK. Let me finish this statement. If it is equity to cause the Government to put up 65 per cent, I have got about the same idea of such equity as an old fellow had whom I used to hear Judge Greene, law professor at Lebanon, Tenn., tell about. The old fellow had a suit on the equity side of the docket, and in explaining to him why he lost the judge told him that equity was on the other side, and he said, "Well, damn equity." [Laughter.]

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. BLACK. I yield to the gentleman from Vermont.

Mr. GREENE of Vermont. The gentleman, I dare say, has had some experience in writing platforms. I suppose he appreciates the great virtue there is in writing into a platform such a word as "equitable," so as to leave every individual voter free to define it to himself in testing any special measure.

Mr. BLACK. Especially in writing Republican platforms, that would undoubtedly be true.

Mr. GREENE of Vermont. No; in writing Democratic platforms.

The CHAIRMAN. Gentlemen will confine themselves to the matter at issue.

Mr. GREENE of Vermont. A Democratic platform never is an issue.

Mr. BLACK. Gentlemen of the House in giving the Democratic platform as a reason for voting for this measure in its present form ought to remember that we had another plank in our platform at St. Louis that I do not think receives an over amount of consideration. That platform plank was this:

We demand careful economy in all expenditures for the support of the Government.

Mr. Chairman, I want to emphasize that on such occasions as this we ought to give consideration to that plank in our platform.

Now, I want to read an observation made by a very distinguished citizen from my State a few days ago, a man with whom I do not always agree, but whom we all recognize as a man of great ability, ex-Senator Bailey. In discussing this very measure he had this to say, in speaking of the Government employees:

They receive 12 months' pay for 11 months' work; and why should the taxpayers of this country be required, after paying them a salary while they work, to still pay them a salary after they have ceased to work? The laborer is worthy of his hire, but the hire is worthy of the laborer. Who will take care of the taxpayers when they quit work?

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLANTON. I ask unanimous consent that the gentleman have two minutes more.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that the time of his colleague be extended two minutes. Is there objection?

There was no objection.

Mr. BLACK. I will not take the two minutes. I will just finish reading this quotation, and then I am through. Ex-Senator Bailey continued to say:

The Government can not support the people. It may, of course, support a part of the people; but if it does, it must do so at the expense of the other part.

Mr. Chairman, let me say in conclusion, one of the oldest maxims is that "any unnecessary taxation is unjust taxation," and I submit that if the Government employees receive the salaries which they are entitled to receive, then any contribution on the part of the Government is unnecessary and therefore unjust. If they do not receive the rate of compensation to which they are entitled, then it is our duty to see that they do receive it, and we will not discharge the obligation by passing this retirement law. [Applause.]

Mr. SWOPE. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. SWOPE. Mr. Chairman, there used to be an old maxim to the effect that one half of the world does not know how the other half lives. But if this bill is passed and amended and extended from time to time it will not be long before the old maxim will have no application, because one half will know exactly how the other half lives. The first half will know that the second half is living on pensions and taxes that the first half is paying. [Laughter and applause.]

The Federal Government of late has been reaching out until its employees are legion. Every year more are added to the pay roll and only a few taken off. And now it is proposed to retire all of these employees with pensions upon their arrival at certain ages. I am against putting such a burden upon the taxpayers of this country. The war has been over 18 months, and yet the city of Washington is swarmed with thousands of Government employees who are doing practically nothing but drawing their pay, which the taxpayers of this country are compelled to furnish. The present administration is responsible for this excess of employees at the expense of the public, and if it shows no desire to cut down on them I refuse to vote to pension those we have. It has been argued that to give this pension to these employees will save the Government money. Such an argument is preposterous, and I can prove it by their own argument and figures. The advocates of this bill have stated that there are to-day 5,202 clerks who are 100 per cent inefficient on the pay rolls at a yearly cost of $4,681,800 to the taxpayers of this country.

In other words, there are to-day 5,202 employees who draw salaries, but "they toil not, neither do they spin." Why are the taxpayers of this country called upon to hereafter furnish pensions not only for these but for all others? It will cost the taxpayers $3,121,200 the first year it goes into operation, to say nothing of the cost of each succeeding year. The advocates of this bill claim that it will cost less to pension these men than it does to employ them. If that is so, why are they being employed at all? Under what authority have these different departmental heads kept on the pay rolls of this Government 5,202 persons who do not work? There is nothing political in what I am saying, Mr. Chairman, because both Democrats and Republicans have admitted that these figures are correct, because they were furnished by the departments themselves. But that is not all. There are 1,737 clerks who are 75 per cent inefficient, and it will cost $1,042,200 to retire them on pensions just for the first year. Then there are 1,256 who are 50 per cent inefficient, and it will cost $753,600 to retire these the first year. In all, it will cost something like $4,917,000 for the first year. Now where is all of this money to come from? Right out of the pockets of the taxpayers. I think it is about time to give the taxpayers a chance, and am therefore against this bill. Practically everyone believes that we should pension our disabled soldiers and their dependents, and that it might be advisable to retire on pensions aged employees who are engaged in hazardous work, such as railway mail clerks; but to pension all of the Government employees here in Washington and elsewhere is out of the question. That statement may not be popular, but it is the truth. [Applause.]

My idea is that we are proceeding in the wrong direction with this problem. The main argument that is made in favor of this bill is that these employees do not receive enough, and that they finally reach an age when they neither possess funds nor efficiency or health, and because of those facts they should be pensioned. In most instances these people are under obligation to the Government, because it has fed and clothed them for years. Their relation to the Government is simply a contractual relation. They chose that work of their own free will at a time when Government employees were the best paid employees in the United States. Most of them got their positions by some political pull, and they regarded themselves as fortunate. But by and by as the country developed and a greater premium was paid on individual thrift and initiative the men who stayed out of the Government employ and worked harder and longer hours than the Government employees began to make more money than the Government employees; and to-day it is claimed that the Government employees are poorly paid.

I do not know of a Member of this House who could perform his work in the hours of a Government employee here in Washington. I say to you that I could not make a living practicing law only seven hours a day. You could not, and you could not make a living in any of your lines of work on seven hours a day. Their working conditions are good as compared with men in other vocations. If these employees are not paid sufficient wages, the remedy for this condition is adequate pay and not pensions. I am always in favor of good wages, reasonable hours, and healthy working conditions. If these employees are paid fair wages, then it would be up to them whether they would lay up for their old age or not instead of hanging on and waiting for a pension.

NOT FOUNDED ON MERIT.

Moreover, this bill draws no distinction between the competent and the needy. It takes in all of the civil-service employees regardless of what they possess. Government employees are like everyone else. Some have saved and others have wasted. Their pay until of recent years has been unusually good and many have saved up considerable estates. There are several right here in Washington who will draw these pensions and who are worth over $100,000. There are several worth over $50,000, and many worth over $10,000. Now, I contend that those employees should not be permitted to draw one cent under this bill. I am unwilling to vote to tax the people I represent to pay pensions to this class of employees, because in many cases it would be taxing the poor to pay the rich. The gentleman from New Jersey [Mr. LEHLBACH] in presenting this bill has stated that it will have the effect of reducing the number of employees. I claim that it will have the opposite effect, because all of them will strain every effort to stay in so as to remain the required time to be entitled to a pension. The gentleman from New Jersey [Mr. LEHLBACH] has also stated that there will be something like 8,000 employees to resign if this bill is passed, but, Mr. Chairman, we all know that as soon as they resign there will be others to take their places.

This bill also draws a class distinction expressly stating that its provisions shall apply to "American employees of the

Panama Canal above the grade of laborer." The laborer will have to bear his burden of the taxes, but will not be permitted to reap any of the benefits.

Take two young men starting in the country. One is making $1 a day 10 or 15 years ago. The other man has a place in Washington, for he perhaps had some friend here who was a Member of Congress who got him a job. He draws $100 a month. A few years ago that was mighty good pay. The other man may be a tenant, a laborer, a miner, a farmer, but he helps to feed and clothe the country, and is just as honorable and does as efficient and necessary work as the man in the Government departments. But when he gets old and perhaps dependent, what are you going to say to him? You say to his boys and his girls, "You have to take care of your father, and you not only have to take care of him but you have to pay taxes to provide a pension for the other man who happened to be in the Government employ." Such a practice is not consistent with our principles of government.

NOT THE PROPER TIME.

I do not agree that this is the proper time to bring up a bill like this. Up to date we never have had any legislation of this kind. And to pass a bill like this at a time when the country is deeper in debt and levying more taxes than ever before in its 144 years of independence seems to me very unwise. I want to know how many votes this bill would receive if there was a tax proposition tied on it. It would not receive a baker's dozen. [Applause.] Well, the money has to be raised from some source, and whether a tax provision is tied on it or not the money will be raised by taxation.

Now, with all due respect to the Members who favor the bill as drawn, I can not help from stating that my belief is that a good many arguments are founded on sympathy. One Member said he had been at a funeral of an old employee who died financially stranded. I will say that for every employee you find in that condition I can go out in the country and find 100 who are not drawing pensions and who have never held a Government job, yet they and their family would have to be taxed to furnish a pension for the Government employee.

RETIREMENT TERM TOO SHORT.

Another thing I do not approve of is retiring a man after only 15 years' service. That is too short a service to entitle an employee to retire on a pension. A man working 7 hours a day for only 15 years is not entitled to retire at the age of 65 or any other age. There is no corporation or private business concern that would adopt that principle. You are retiring men in the Government employ on a shorter term of service than you would retire them in the service of the United States Army. The officer in the United States Army has to put in 30 years of hard service before he is retired. A man can come here to Washington, get into the department under this bill, put in 15 years of work, and retire with an annuity. In other words, he might have been a loafer all his life, but if he finally put in 15 years with the Government and reached the age of 65 he would be entitled to retire on a pension under this bill.

Mr. CALDWELL. Will the gentleman yield?

Mr. SWOPE. I will.

Mr. CALDWELL. Did the gentleman vote for the Army reorganization bill passed the other day?

Mr. SWOPE. I certainly did.

Mr. CALDWELL. Does the gentleman remember the provision in relation to retiring Army officers—that it was considerably less than 30 years?

Mr. SWOPE. It was considerably greater than 15 years. [Applause.]

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. CALDWELL. Mr. Chairman, I ask unanimous consent that the gentleman from Kentucky have one minute more.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CALDWELL. The gentleman is in error; that provision provided for retirement of an officer for five years on a percentage basis.

Mr. SWOPE. For disability.

Mr. CALDWELL. For inefficiency.

Mr. SWOPE. Mr. Chairman, I repeat that the basic retirement provision in the Army bill is 30 years' service and is graded downward in cases of inefficiency and disability, as the gentleman from New York has kindly stated, but the bill we are discussing expressly states that a Government employee can be retired after 15 years of service on reaching 65, which neither takes into account disability or inefficiency. This bill proceeds upon the wrong principle and is too great a burden to the taxpayers, and I am compelled to vote against it. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MACCRATE. Mr. Chairman, I move to strike out the last word. I suppose anyone who knows something of pension systems in our municipalities, especially in the city of New York, realizes that the pension is not an unmixed benefit to the employee. As a matter of fact one of the greatest deterrents we have in the city of New York to men leaving our fire and police departments to better themselves is the fact that some day they will get a pension. Personally I would like to see men in all walks of life get enough so that they could themselves lay aside for a rainy day, and, if I were a Government employee, I am not sure that I would be as hopeful for good from this retirement bill as many of the employees are. I am going to support this measure not because it helps the employee only, but because I believe it will help greatly in the administration of the Government's business. It is beside the question to talk of some part of the people supporting another part of the people under the terms of this legislation. To properly consider the matter, we must distinguish between acts of government which are governmental in their nature and acts which are purely matters of administration. On the administration side the Government is an employer dealing with employees who must be recompensed and dealt with as employees and not only as citizens of the Republic. When you suggest, therefore, that the employee shall pay the full amount of whatever he shall get at the end of his service, you are giving him nothing except a compulsory savings system, and you take from him the right to say how much he shall or shall not save. If you do that, you will have demands for increased compensation every year, because out of the wages paid the employees can not pay the full cost of their retirement pension.

For the good of the employees of this Government, I trust no one will ever suggest in their behalf that they make no contribution to the retirement fund. We hear now on every occasion when increased pay is justly due them that they get 30 days' sick leave and 30 days' vacation, and should they contribute nothing to the retirement fund, we would hear added "and they get a pension." It is difficult enough now to get fair pay for efficient service rendered to the Government, and in the future it will be well if the employees can continue to say that, "We are contributing to this fund."

In discussing what the Government shall do for the employees, it is well to ask what the relation between the Government and its employees is as compared with the private employer and his employees. When a man becomes attached to the Government service, in most instances he gets into a line in which there is no competition with the Government. He limits his opportunities for advancement, because he can not find a competitor to the Government. Like the Post Office, the various departments of Government have a monopoly in their special line. On the other hand, the man outside of Government employment finds plenty of competitors of his employer. He has the opportunity to start in business for himself. When you put a man in the employ of the Government he must abandon the hope of ever becoming his own "boss." He goes into a place and stays there, as a rule, till death, and at a salary of from $1,000 to $2,000 per year. [Applause.]

It is useless to talk of people saving for old age when you do not provide enough for their present wants. We must be fair in dealing with our own employees if we expect to have influence with private employers in the attitude they shall take to their employees.

Mr. LEHLBACH. Mr. Chairman, I ask unanimous consent that all debate upon this section and all amendments thereto shall close in 20 minutes, with the understanding that the gentleman from Texas [Mr. JONES] is to have 10 minutes, the gentleman from Oklahoma [Mr. MCKEOWN] 5 minutes, and the gentleman from Texas [Mr. RAYBURN] 5 minutes.

The CHAIRMAN. Is there objection.

There was no objection.

The CHAIRMAN. The gentleman from Texas [Mr. RAYBURN] is recognized.

Mr. RAYBURN. Mr. Chairman, I never like to disappoint anybody if I can help it, especially I do not like to disappoint the people of the district that I seek to represent here. On this occasion I shall not disappoint the people whom I represent, for the reason that nobody who knows me believes that I will vote for this bill. [Applause.] I want to say this further, and that is that I indorse in toto the very fearless and very able remarks of my distinguished and well-beloved friend from Illinois [Mr. CANNON] which he made this morning. I know that this bill is going to pass. I feel entirely certain that the amendment of my colleague from Texas [Mr. BLACK] will be

defeated. I would with much misgiving vote for this bill even if the amendment of my colleague were adopted. But I sought this opportunity, Mr. Chairman, for the sole reason of placing in the RECORD at this time my solemn protest against such legislation as this. [Applause.] You talk about platforms. You talk about what the Democratic Party stood for. If the Democratic Party since its organization has stood for anything, it has stood for equality of all men before the law of this land. [Applause.] It has stood always against dividing people into classes in this land and allowing a part of them to believe that they should by legislation be treated as a special class.

Those who have been in this House for the past two years know that I stand for the Government of the United States taking care of men whom it should take care of; that it should take care of the dependents of the men who laid down their lives that this country's honor might be defended; that it shall take care generously of the men who came back from battle scarred and maimed; but I shall not upon this occasion, I never will as long as I live, vote to tax the people, all the people of this country, to pay civil pensions to a special class. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. All time has expired. The question is on the adoption of the amendment of the gentleman from Texas [Mr. BLACK].

Mr. BLACK. May I ask that it be reported again?

The amendment was again reported.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Texas.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. LEHLBACH. Division, Mr. Chairman.

The committee divided; and there were—ayes 43, noes 64.

Mr. BLACK. Mr. Chairman, I demand tellers.

Tellers were ordered; and Mr. BLACK and Mr. LEHLBACH took their places as tellers.

The committee again divided; and there were—ayes 40, noes 80.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 11. That in the case of an employee in the classified civil service of the United States who shall be transferred to an unclassified position, and in the case of any employee to whom this act applies who shall become absolutely separated from the service before becoming eligible for retirement on an annuity, the total amount of deductions of salary, pay, or compensation with accrued interest computed at the rate of 4 per cent per annum, compounded on June 30 of each fiscal year, shall, upon application, be returned to such employee: *Provided*, That all money so returned to an employee must be redeposited, before such employee may derive any benefit under the provisions of this act, upon reinstatement or retransfer to a classified position; and in case an annuitant shall die without having received in annuities an amount equal to the total amount of the deductions from his or her salary, pay, or compensation, together with interest thereon at 4 per cent per annum compounded as herein provided up to the time of his or her death, the excess of the said accumulated deductions over the said annuity payments shall be paid in one sum to his or her legal representatives upon the establishment of a valid claim therefor; and in case an employee shall die without having reached the retirement age or without having established a valid claim for annuity, the total amount of deductions with accrued interest as herein provided shall be paid to the legal representatives of such employee.

Also the following committee amendments were read and agreed to:

Page 15, line 10, after the word "before" strike out the words "reaching the retiring age" and insert in lieu thereof the words, "becoming eligible for retirement on an annuity."

Page 15, line 15, after the word "employee" insert:

"*Provided*, That all money so returned to an employee must be redeposited before such employee may derive any benefit under the provisions of this act, upon reinstatement or retransfer to a classified position."

The CHAIRMAN. Without objection, the spelling of the word "classified" in line 19 will be corrected by the Clerk.

There was no objection.

Mr. LUCE. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Massachusetts rise?

Mr. LUCE. To offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LUCE: Page 16, line 7, change the period to a colon and add the following words:

"*Provided*, That if in case of death the amount of deductions to be paid under the provisions of this section does not exceed $300, and if there has been no demand upon the Commissioner of Pensions by a duly appointed executor or administrator, the payment may be made after the expiration of three months from date of death to such person or persons as may appear in the judgment of the Commissioner of Pensions to be entitled to the proceeds of the estate, and such payment shall be a bar to recovery by any other person.

Mr. LEHLBACH. Mr. Chairman, the committee accepts the amendment.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Massachusetts.

The amendment was agreed to.

The Clerk read as follows:

SEC. 15. That for the fiscal year ending June 30, 1920, there is hereby authorized to be appropriated, from any moneys in the Treasury not otherwise appropriated, the sum of $100,000 for salaries and for clerical and other services, the purchase of books, office equipment, stationery, and other supplies, and all other expenses necessary in carrying out the provisions of this act, including traveling expenses and expenses of medical and other examinations as provided in section 5 hereof.

The Secretary of the Interior shall submit annually to the Secretary of the Treasury estimates of the appropriations necessary to continue this act in full force and effect.

Mr. LEHLBACH. Mr. Chairman, I offer an amendment. On page 18, line 3, strike out, after the word "That," in line 3, the words "for the fiscal year ending June 30, 1920."

The CHAIRMAN. The gentleman from New Jersey offers an amendment, which the Clerk will report.

The Clerk read as follows:

An amendment offered by Mr. LEHLBACH: Page 18, line 3, after the word "That," strike out "for the fiscal year ending June 30, 1920."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New Jersey.

The amendment was agreed to.

The Clerk read as follows:

SEC. 16. That the Commissioner of Pensions, with the approval of the Secretary of the Interior, is hereby authorized and directed to select three actuaries, one of whom shall be the Government actuary, to be known as the board of actuaries, whose duty it shall be to annually report upon the actual operations of this act, with authority to recommend to the Commissioner of Pensions such changes as in its judgment may be deemed necessary to protect the public interest and maintain the system upon a sound financial basis. It shall be the duty of the Commissioner of Pensions to submit with his annual report to Congress the recommendations of the board of actuaries. It shall be the duty of the board of actuaries to make a valuation of the "civil-service retirement and disability fund" at the end of the first year following the passage of this act and at intervals of every five years thereafter, or oftener, if deemed necessary by the Commissioner of Pensions. The compensation of the members of the board of actuaries, exclusive of the Government actuary, shall be fixed by the Commissioner of Pensions, with the approval of the Secretary of the Interior.

Also the following committee amendment was read:

Page 18, line 22, after the word "to," strike out the words, "protect the public interest and."

The CHAIRMAN. The question is on agreeing to the committee amendment.

Mr. WALSH. Mr. Chairman, I desire to discuss the committee amendment.

The CHAIRMAN. The gentleman from Massachusetts is recognized.

Mr. WALSH. Mr. Chairman, the committee has seen fit to strike out the words "protect the public interest and," so that it will read:

As in its judgment may be deemed necessary to maintain the system upon a sound financial basis.

I assumed and thought probably that that portion of the paragraph was synonymous with the words stricken out, and that to maintain it on a sound financial basis would be protecting the public interest.

Mr. LEHLBACH. That was not exactly the thought.

Mr. WALSH. Then what was the reason?

Mr. LEHLBACH. Because the presumption is that every employee of the Government or anyone connected with the Government of the country in any capacity is there for the purpose of protecting the public interest. That is the presumption, that he will so act, and the law is that he is there to protect the public interest, and the words are absolutely meaningless in the statute, and mar the statute, and ought not to be in it. Those who have any connection with the Government are all there to protect the Government interest. Why write those words into a statute when they are ridiculous?

Mr. WALSH. Well, the gentleman says that the presumption is that that is what these employees are to do. It is a pretty violent presumption, I think, in the case of a great many.

Mr. MONTAGUE. Mr. Chairman, will the gentleman yield?

Mr. WALSH. I yield to the gentleman from Virginia.

Mr. MONTAGUE. Will the gentleman permit me to suggest that if the argument of the gentleman from New Jersey is sound there is no necessity for the remaining words on line 23, that these employees shall have the duty of maintaining the system on a sound financial basis?

Mr. LEHLBACH. They may need information as to the proper course to pursue with regard to the appropriations under this bill in order to maintain it on a sound financial basis; but

the words "to protect the public interest" do not indicate any activity whatsoever to a Government employee or Government official.

Mr. MONTAGUE. Then all you need is "what is deemed to be necessary." That is all.

Mr. WALSH. They will probably construe that to mean "maintain themselves on a sound financial basis." That is what a great many of the public employees are most interested in, and they do not care a snap for the public interest, whether it is written in the statute or not. [Applause.] We have a vast horde of employees. We even had to offer to pay their railroad fare home from here immediately after the signing of the armistice in order to separate them from the service——

Mr. BLANTON. And then you did not do it.

Mr. WALSH. And a suggestion is made in another body that, in order to reduce the great force we now have, we should repeat that experiment and offer to pay their railroad fare home as an inducement, if you please, for them to submissively quit their positions.

The time has come when the Congress ought to assert itself. We ought to eliminate these employees by curtailing the appropriations, and get rid of some of these employees that we have down here filling up a number of these buildings that were constructed during the war time for emergencies, to be located there temporarily. There are a great many of us here who will not live, I think, to see the day when some of these buildings are removed. They ought to be taken down. Those public properties here ought to be once more restored to the purpose for which they were intended and be made beautiful parks again instead of being cluttered up with buildings for these useless employees.

Now, I submit to the gentleman from New Jersey [Mr. LEHLBACH], who has shown great skill and ability in directing this measure through the House, that it might be well if we permitted this language, even though it does perhaps in his view somewhat mar the statute, to remain in there in order to recall to some of the beneficiaries of this legislation the fact that they do have a duty to protect the public interest. [Applause.]

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. CALDWELL. Mr. Chairman, I move to strike out the last word, for the purpose of asking the chairman of the committee a question.

The CHAIRMAN. The gentleman from New York moves to strike out the last word.

Mr. CALDWELL. I would like to ask the chairman of the committee what was the moving reason on the part of the committee for not fixing the salaries of these actuaries? We have been talking about economy here, and asserting that Congress ought to keep its hands on the expense account, and that kind of thing, and yet we say, on page 19, "The compensation of the members of the board of actuaries, exclusive of the Government actuary, shall be fixed by the Commissioner of Pensions, with the approval of the Secretary of the Interior." Why could not Congress fix that?

Mr. LEHLBACH. Because after this law goes into effect and the machinery for it is being established it can be told with much more certainty just what the functions of these actuaries will be, what degree of skill and expertness will be required, and the amount of time these outside actuaries will have to put on the work in order effectively to fulfill the functions imposed upon them by the section, and that information upon which the salary should be based can not be ascertained until they begin the work. For that reason it was deemed inexpedient and impracticable for the committee arbitrarily to fix a salary, but a salary commensurate with the amount of work and the character of work to be done could be ascertained and left to the commissioner who assigned these people and under whom they work, with the approval of the chief of the department, the Cabinet officer, the Secretary of the Interior.

Mr. CALDWELL. I hope the gentleman will remember this when we come with the appropriation bill next time, following this bill. If the Secretary of the Interior and the Commissioner of Pensions do not fix the salary according to what Congress ought to fix it, I hope the gentleman from New Jersey will call the attention of the House to that fact.

Mr. MANN of Illinois. Mr. Chairman, I would like to call the attention of the gentleman from New Jersey [Mr. LEHLBACH] to this paragraph of the section where it is proposed to strike out the words "to protect the public interest."

This section provides for the appointment of a commission of actuaries, one of whom is to be the Government actuary and two are to be taken from the outside. I suppose they will not be in service all the time. The section directs them to recommend changes in the law, to recommend changes in the system to the Commissioner of Pensions; and the Commissioner of Pensions is required to submit their report to Congress, "with authority to recommend to the Commissioner of Pensions such changes as in his judgment may be necessary to protect the public interest and maintain the system upon a sound financial basis." The committee have recommended that you strike out the words "to protect the public interest." It seems to me that this board of actuaries, in reporting upon what changes they think ought to be made, ought to have in mind the fact that they are directed to report changes to protect the public interest as well as to maintain the system upon a sound financial basis.

Mr. BEE. Mr. Chairman, will the gentleman yield?

Mr. MANN of Illinois. Just in a moment.

Mr. BEE. Very well.

Mr. MANN of Illinois. The statement of the gentleman from New Jersey a while ago was that it was their duty to do that anyway. That is erroneous. If we give the commission specific direction as to what they are to report upon, that is the only duty they are to have; and if this language is stricken out, the only changes they can report are as to what is necessary to maintain the system upon a sound financial basis. It seems to me they ought to have authority in their report to report recommendations for changes in the law to protect the public interest. What objection can there be to that?

Mr. LEHLBACH. If the gentleman will yield, I will simply state to the House, in justice to the committee, that the amendment which they here recommend is an amendment that was suggested to them emanating from another body.

Mr. MANN of Illinois. Well, then, I think we had better vote it down.

Mr. BEE. I wanted to ask the gentleman from Illinois this question: If the debate shows that this specific language has been stricken out, would it not be a direction to the actuaries not to consider the public interest?

Mr. MANN of Illinois. Without that language in the bill, it seems to me while they might exercise the authority, they at least would not be required to exercise the authority to recommend changes in the law or the system which would protect the public interest, regardless of whether it was for the purpose of maintaining a sound financial basis.

Mr. BLAND of Missouri. Will the gentleman yield?

Mr. MANN of Illinois. I yield to the gentleman from Missouri.

Mr. BLAND of Missouri. Has it not been urged upon the House that the whole bill has been proposed in order to protect the public interest and to increase the efficiency of the departments? And if that idea be carried through then these words should still be carried in the bill, to protect the public interest, should they not?

Mr. MANN of Illinois. I think so.

Mr. Chairman, I think this bill is about to pass this House. I have been a Member of the House for several years and was at one time on the Committee on Reform in the Civil Service. I have never been enthusiastic about the contributory plan for retirement. I have long believed in retirement. I think the contributory plan, while it is covered in this bill in the main, will be more expensive than it will be economical. I can remember, not so very long ago, when I think there were not 10 Members of this House who were in favor in any way whatever of a retirement plan, when very few of the corporate institutions or private concerns of the country had inaugurated a retirement system for their own employees. Now gentlemen call this paternalistic. In a sense it is, but after all it is a part and parcel of the subject of the wage you pay.

Not very long ago I read the autobiography of one of the admirals or generals, a man very eminent, whom I knew well and know well, a man of very high standing, who said that some time after he entered the service he thought seriously of resigning, but finally remained in the service of the Government because he could be assured that if he lived to be retired he would have sufficient compensation from the Government to care for him in his old age and that that was the deciding factor which persuaded him to remain in the service. I have no doubt that the passage of a bill for the retirement of Government employees will cause many of the most efficient people to remain in the service of the Government, because they will feel that when they reach old age they at least will not have lost all that they have tried to save. There will be some saving coming from the Government.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WALSH. I ask that the gentleman have five additional minutes.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that the time of the gentlemtn from Illinois be extended five minutes. Is there objection?

There was no objection.

Mr. WALSH. Will the gentleman yield for a question?

Mr. MANN of Illinois. I yield.

Mr. WALSH. Does the gentleman think that the argument which he is making has been borne out by experience in the Military or Naval Establishments, that the fact that they are permitted to have retirement pay after service for a certain number of years is keeping a lot of these men in the service?

Mr. MANN of Illinois. I have not the slightest doubt that it is keeping a very large share of them in the service. And, by the way, in connection with that, I have heard a good many times about how many men in the Army and Navy were leaving the Government service—resigning because the compensation was not sufficient. Personally, I have had more applications from temporary officers in the Army and Navy—especially in the Army—who hope, desire, and ask that they may be retained as permanent officers under the reorganized-Army bill, regardless of any increase in pay, than I have had from men who propose to resign because the pay was not sufficient. [Applause.] Those men who are not in the service permanently want to get in; and it is human nature that when a man gets into an employment he wants to have his compensation increased. I have no quarrel with anybody who wants that. It is our duty, however, to protect the public.

I believe this retirement bill will keep some of the most efficient employees in the service. Everywhere many of them to-day are leaving the Government service. The opportunities outside for increased pay—temporarily, at least—offer quite an inducement, and the majority of mankind do not think in years ahead. They think for to-day or to-morrow. I hope that some of these efficient men will be persuaded to remain in the service, upon the theory that when they reach the age of retirement they will know that neither fire nor robbery nor disaster will have taken away from them all chance for some support in their old age.

Mr. WALSH. Will the gentleman yield?

Mr. MANN of Illinois. I yield to the gentleman from Massachusetts.

Mr. WALSH. I should be interested to know, if the gentleman cares to give his opinion, whether he thinks the passage of this bill will not probably result in making the $20 a month bonus, or additional compensation, which is now given to Government employees a permanent thing?

Mr. MANN of Illinois. I can not say; I do not know. No one knows. One thing is very certain: If the cost of articles which are consumed and produced keeps moving upward, the whole standard of wages and salaries throughout the United States and the world will have to be readjusted to the new conditions. While the Government is very slow about changing salaries—either increasing them or decreasing them—it is inevitable that if the cost of living continues as it is—and much more inevitable if it increases—that the pay of all Government employees will be increased. [Applause.]

Mr. BLANTON. Mr. Chairman, I move to strike out the last two words, merely pro forma to get the floor. Mr. Chairman, I have tried to be consistent in my votes and my actions ever since I have been in Congress. Consistency now makes me favor this committee amendment. I think it is very apropos indeed for the distinguished chairman of this committee to move to strike out these particular words from this bill at this time. What is the committee amendment? It proposes to strike from this bill the words "to protect the public interest."

I want to go with him and help him strike them out, because nowhere in this bill has there been any attempt, legislative or otherwise, to protect the public interest. The time has come in this House under the present régime when the interest of the public has long since been forgotten. There is hardly a bill we have under consideration now where it would not be best, for consistency at least, to strike out all reference to the public interest. We talk about the $25,000,000,000 of the debts we must pay. We talk about the $3,300,000,000 more deficit that we face and have to make up. This is a debt-paying Government. It pays its debts. It does not let the interest accumulate. When the interest on Liberty bonds or other obligations becomes due, you take the coupons, go to the bank and collect them in cash, and the cash comes out of the pockets of the tax-burdened people. And yet, facing a $25,000,000,000 indebtedness, and facing a $3,300,000,000 more deficit, we day after day on the floor of this House urgently pass bills of this kind with the public interest stricken out. You ought to adopt this amendment. The public has long since begun to expect this interest for the public to be left out of every bill.

I was amused yesterday afternoon when an attempt was made to introduce on the floor by the chairman of the Committee on Appropriations the great sundry civil bill, carrying millions of dollars. The distinguished majority leader had already given out his statement that he expected to make in a speech on the introduction of the bill. The evening papers yesterday afternoon stated that Mr. MONDELL made the following speech in connection with the introduction of the sundry civil bill. The gentleman from Missouri [Mr. DYER] threw a monkey wrench into the proposition last night, and the gentleman from Wyoming did not get a chance to make his speech.

Mr. MONDELL. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. MONDELL. I did not see any newspaper print that statement as a speech. I frequently have made statements to the newspapers without making them on the floor.

Mr. BLANTON. They may have said "statement"; but I saw the gentleman from Wyoming come in with the gentleman from Iowa, who had the bill under his arm, and the gentleman from Wyoming had a twinkle in his left eye, and I knew that he was expecting to make a speech. [Laughter.]

Mr. LEHLBACH. Mr. Chairman, in view of the support of the gentleman from Texas, I trust that the amendment will be defeated.

The CHAIRMAN. The question is on the committee amendment.

The question was taken, and the committee amendment was rejected.

The Clerk completed the reading of the bill.

Mr. LEHLBACH. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MCARTHUR, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 1699) for the retirement of employees in the classified civil service, and for other purposes, and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. LEHLBACH. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

There was no demand for a separate vote.

The amendments were agreed to.

The bill was ordered to be read a third time, and was read the third time.

Mr. BLANTON. Mr. Speaker, I have a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. BLANTON. I am.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. BLANTON moves to recommit the bill to the Committee on Reform in the Civil Service with instructions to report the same back to the House forthwith with the following amendment, to wit: "Page 3, line 9, after the figures '1919,' strike out the period, insert a colon, and add the following proviso: '*Provided*, That none of the provisions of this act shall apply to and none of its benefits shall be received or enjoyed by any person who is a member of any association, society, organization, or union of Government employees which is affiliated with, subject to, or a member or component part of, or acknowledges the authority of, any higher or superior body or institution of organized labor; and, subject to the approval of the Secretary of the Interior, the Commissioner of Pensions shall make and enforce rules for the enforcement of this section and governing the method and character of proof required in order that employees may receive the benefits of this act.'"

Mr. LEHLBACH. Mr. Speaker, I make the point of order against the motion to recommit.

The SPEAKER. The gentleman will state his point of order.

Mr. LEHLBACH. That the motion to recommit is not germane. This bill provides that Government employees who reach a certain age and who have been in the Government service for a certain length of years shall come under the provisions of the retirement provided in the bill, if they fall within certain classes, and those classes in every instance are confined to the character of employment. The motion to recommit seeks to exclude from the provisions of the bill a class not based on the character of employment, but on some membership by the individual in some outside association or in some activity that is dissociated from the employment. If this were to include another class or to exclude another class, based on the character of employment, it would be germane, that being the only character or class considered in the bill. The provisions include those in the classified service and also those in the service of the Panama Canal, in the Botanic Gardens, and so forth, in every instance based on the character of service. This introduces a different classification and therefore is not germane.

The SPEAKER. The Chair understands that this same point of order was raised when this was offered as an amendment in Committee of the Whole, and that the point of order was overruled. The Chair, of course, is always disposed, if possible, to have the ruling in the House the same as in Committee of the Whole. It seems to the Chair in the present instance that this motion is in substance the same as if to say that the provisions of the act shall extend to all persons who were in the service of the Government, except certain persons. The Chair overrules the point of order.

Mr. LEHLBACH. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 4, noes 157.

Mr. BLANTON. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The Chair will count. [After counting.] One hundred and seventy-five Members present, not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. The question is on the motion to recommit.

The question was taken; and there were—yeas 7, nays 318, answered "present" 2, not voting 99, as follows:

YEAS—7.

Blanton	French	Garrett	Rayburn
Davis, Tenn.	Garner	Mansfield	

NAYS—318.

Ackerman	Fairfield	Kreider	Quin
Almon	Ferris	Lampert	Radcliffe
Anderson	Fisher	Lanham	Rainey, Ala.
Andrews, Nebr.	Focht	Lankford	Rainey, H. T.
Anthony	Fordney	Larsen	Rainey, J. W.
Ashbrook	Foster	Layton	Raker
Aswell	Frear	Lazaro	Ramsey
Babka	Freeman	Lea, Calif.	Ramseyer
Bacharach	Fuller, Ill.	Lee, Ga.	Randall, Calif.
Baer	Gallagher	Lehlbach	Randall, Wis.
Barbour	Gallivan	Linthicum	Reavis
Barkley	Gandy	Lonergan	Reed, N. Y.
Bee	Ganly	Longworth	Reed, W. Va.
Begg	Gard	Luce	Rhodes
Benham	Glynn	Lufkin	Ricketts
Black	Godwin, N. C.	Luhring	Riddick
Bland, Mo.	Good	McAndrews	Riordan
Bland, Va.	Goodall	McArthur	Robinson, N. C.
Boies	Goodwin, Ark.	McClintic	Robsion, Ky.
Bowers	Goodykoontz	McDuffie	Rodenberg
Box	Gould	McFadden	Rogers
Briggs	Graham, Ill.	McGlennon	Romjue
Britten	Green, Iowa	McKenzie	Rouse
Brooks, Ill.	Greene, Mass.	McKeown	Rowan
Brooks, Pa.	Greene, Vt.	McKinley	Rowe
Browne	Griest	McLaughlin, Nebr.	Rubey
Buchanan	Hadley	MacCrate	Rucker
Burdick	Hamill	MacGregor	Sabath
Burke	Hardy, Colo.	Madden	Sanders, Ind.
Burroughs	Hardy, Tex.	Magee	Sanders, La.
Byrnes, S. C.	Harreld	Maher	Sanford
Byrns, Tenn.	Hastings	Major	Schall
Caldwell	Haugen	Mann, Ill.	Scott
Campbell, Kans.	Hawley	Mann, S. C.	Sherwood
Campbell, Pa.	Hayden	Mapes	Shreve
Cannon	Hays	Siegel	Simmons
Carew	Hernandez	Martin	Sims
Carss	Hersey	Mason	Sinclair
Casey	Hersman	Mays	Sinnott
Chindblom	Hickey	Mead	Small
Christopherson	Hicks	Merritt	Smith, Idaho
Clark, Mo.	Hill	Michener	Smith, Ill.
Classon	Hoch	Miller	Smith, Mich.
Cleary	Holland	Milligan	Smith, N. Y.
Coady	Howard	Minahan, N. J.	Stedman
Collier	Huddleston	Mondell	Stevenson
Connally	Hudspeth	Montague	Stiness
Cooper	Hull, Iowa	Moon	Stoll
Crago	Hull, Tenn.	Mooney	Strong, Kans.
Crowther	Husted	Moore, Ohio	Summers, Wash.
Cullen	Hutchinson	Moore, Va.	Sweet
Currie, Mich.	Igoe	Morgan	Swope
Dallinger	Ireland	Mott	Tague
Darrow	Jacoway	Mudd	Taylor, Ark.
Davey	James	Neely	Taylor, Colo.
Davis, Minn.	Jefferis	Nelson, Mo.	Taylor, Tenn.
Dempsey	Johnson, Ky.	Nelson, Wis.	Temple
Dickinson, Mo.	Johnson, S. Dak.	Newton, Mo.	Thompson
Dickinson, Iowa	Johnson, Wash.	O'Connell	Tillman
Dominick	Johnston, N. Y.	O'Connor	Tilson
Donovan	Jones, Pa.	Ogden	Timberlake
Dooling	Juul	Oldfield	Tincher
Doughton	Kahn	Olney	Tinkham
Dowell	Kearns	Osborne	Towner
Dunbar	Keller	Overstreet	Valle
Dupré	Kelley, Mich.	Padgett	Venable
Dyer	Kelly, Pa.	Paige	Vestal
Eagan	Kennedy, R. I.	Park	Vinson
Edmonds	Kettner	Parrish	Voigt
Elliott	Kincheloe	Pell	Volstead
Elston	King	Peters	Walsh
Esch	Kinkaid	Phelan	Walters
Evans, Mont.	Kleczka	Platt	Ward
Evans, Nebr.	Knutson	Porter	Wason
Evans, Nev.	Kraus	Pou	Watkins
Watson	White, Kans.	Winslow	Young, N. Dak.
Weaver	White, Me.	Wood, Ind.	Young, Tex.
Webster	Wilson, Ill.	Woods, Va.	Zihlman
Welling	Wilson, La.	Woodyard	
Wheeler	Wilson, Pa.	Wright	

ANSWERED "PRESENT"—2.

Oliver	Sisson

NOT VOTING—99.

Andrews, Md.	Dent	Jones, Tex.	Sears
Ayres	Dewalt	Kendall	Sells
Bankhead	Doremus	Kennedy, Iowa	Slemp
Bell	Drane	Kiess	Smithwick
Benson	Dunn	Kitchin	Snell
Blackmon	Eagle	Langley	Snyder
Bland, Ind.	Echols	Lesher	Steagall
Booher	Ellsworth	Little	Steele
Brand	Emerson	McCulloch	Steenerson
Brinson	Fess	McLane	Stephens, Miss.
Brumbaugh	Fields	McLaughlin, Mich.	Stephens, Ohio
Butler	Flood	McPherson	Strong, Pa.
Candler	Fuller, Mass.	Monahan, Wis.	Sullivan
Cantrill	Garland	Moores, Ind.	Sumners, Tex.
Caraway	Goldfogle	Morin	Thomas
Carter	Graham, Pa.	Murphy	Treadway
Clark, Fla.	Griffin	Newton, Minn.	Upshaw
Cole	Hamilton	Nicholls	Vare
Copley	Harrison	Nolan	Welty
Costello	Heflin	Parker	Whaley
Cramton	Hoey	Purnell	Williams
Crisp	Houghton	Reber	Wingo
Curry, Calif.	Hulings	Rose	Wise
Dale	Humphreys	Sanders, N. Y.	Yates
Denison	Johnson, Miss.	Scully	

So the motion to recommit was rejected.

The Clerk announced the following pairs:

Mr. TREADWAY with Mr. KITCHIN.

Mr. DENISON with Mr. BANKHEAD.

Mr. GRAHAM of Pennsylvania with Mr. FIELDS.

Mr. WILLIAMS with Mr. CARAWAY.

Mr. CURRY of California with Mr. HUMPHREYS.

Mr. MCPHERSON with Mr. DRANE.

Mr. BUTLER with Mr. STEELE.

Mr. BLAND of Indiana with Mr. WISE.

Mr. COLE with Mr. THOMAS.

Mr. DUNN with Mr. WINGO.

Mr. ANDREWS of Maryland with Mr. UPSHAW.

Mr. COPLEY with Mr. HARRISON.

Mr. DALE with Mr. JOHNSON of Mississippi.

Mr. COSTELLO with Mr. LESHER.

Mr. ECHOLS with Mr. MCLANE.

Mr. CRAMTON with Mr. NICHOLLS.

Mr. ELLSWORTH with Mr. HEFLIN.

Mr. FESS with Mr. SUMNERS of Texas.

Mr. GARLAND with Mr. SCULLY.

Mr. HAMILTON with Mr. SEARS.

Mr. HOUGHTON with Mr. AYRES.

Mr. HULINGS with Mr. BELL.

Mr. KENDALL with Mr. BENSON.

Mr. SLEMP with Mr. BLACKMON.

Mr. SELLS with Mr. CANTRILL.

Mr. ROSE with Mr. BOOHER.

Mr. PURNELL with Mr. BRAND.

Mr. REBER with Mr. CANDLER.

Mr. PARKER with Mr. BRINSON.

Mr. NOLAN with Mr. BRUMBAUGH.

Mr. NEWTON of Minnesota with Mr. DAVIS of Tennessee.

Mr. MURPHY with Mr. CLARK of Florida.

Mr. MOORES of Indiana with Mr. CARTER.

Mr. SANDERS of New York with Mr. EAGLE.

Mr. MORIN with Mr. CRISP.

Mr. YATES with Mr. GOLDFOGLE.

Mr. VARE with Mr. GRIFFIN.

Mr. STRONG of Pennsylvania with Mr. DOREMUS.

Mr. STEPHENS of Ohio with Mr. DENT.

Mr. STEENERSON with Mr. DEWALT.

Mr. SNYDER with Mr. JONES of Texas.

Mr. SNELL with Mr. HOEY.

Mr. MONAHAN of Wisconsin with Mr. STEAGALL.

Mr. KIESS with Mr. STEPHENS of Mississippi.

Mr. KENNEDY of Iowa with Mr. SMITHWICK.

Mr. MCLAUGHLIN of Michigan with Mr. SULLIVAN.

Mr. LANGLEY with Mr. WELTY.

Mr. MCCULLOCH with Mr. WHALEY.

Mr. LITTLE with Mr. OLIVER.

Mr. FULLER of Massachusetts with Mr. FLOOD.

Mr. DARROW. Mr. Speaker, my colleague, Mr. BUTLER, is unavoidably absent. If he were present, he would vote in favor of the bill.

Mr. OLIVER. Mr. Speaker, I am paired with the gentleman from Michigan, Mr. KELLEY, and I wish to withdraw my vote and answer "present."

The name of Mr. OLIVER was called, and he answered "Present."

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will unlock the doors. The question is on the passage of the bill.

The question was taken.

Mr. ALMON. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 272, nays 54, answered "present" 2, not voting 98, as follows:

YEAS—272.

Ackerman	Fordney	Lankford	Randall, Wis.
Anderson	Foster	Layton	Reavis
Andrews, Nebr.	Frear	Lazaro	Reber
Anthony	Freeman	Lea, Calif.	Reed, N. Y.
Ashbrook	French	Lehlbach	Reed, W. Va.
Babka	Fuller, Ill.	Linthicum	Rhodes
Bacharach	Gallagher	Lonergan	Ricketts
Baer	Gallivan	Longworth	Riddick
Barbour	Gandy	Luce	Riordan
Barkley	Ganly	Lufkin	Rodenberg
Bee	Gard	Luhring	Rogers
Begg	Glynn	McAndrews	Rouse
Benham	Godwin, N. C.	McArthur	Rowan
Bland, Mo.	Good	McClintic	Rowe
Bland, Va.	Goodall	McFadden	Sabath
Boies	Goodykoontz	McGlennon	Sanders, Ind.
Bowers	Gould	McKeown	Sanders, La.
Briggs	Graham, Ill.	McKinley	Sanford
Britten	Green, Iowa	McKinley	Schall
Brooks, Ill.	Greene, Mass.	McLaughlin, Nebr.	Scott
Brooks, Pa.	Greene, Vt.	MacCrate	Sherwood
Browne	Griest	MacGregor	Shreve
Burdick	Hadley	Madden	Siegel
Burke	Hamill	Magee	Sims
Burroughs	Hardy, Colo.	Maher	Sinclair
Butler	Harreld	Major	Sinnott
Byrns, Tenn.	Hastings	Mann, Ill.	Smith, Idaho
Caldwell	Haugen	Mapes	Smith, Ill.
Campbell, Kans.	Hawley	Martin	Smith, Mich.
Campbell, Pa.	Hayden	Mason	Smith, N. Y.
Carew	Hays	Mays	Stedman
Carss	Hernandez	Mead	Stiness
Casey	Hersey	Merritt	Strong, Kans.
Chindblom	Hersman	Michener	Summers, Wash.
Christopherson	Hickey	Miller	Sweet
Classon	Hicks	Minahan, N. J.	Tague
Cleary	Hill	Monahan, Wis.	Taylor, Colo.
Coady	Hoch	Mondell	Taylor, Tenn.
Cooper	Holland	Montague	Temple
Crago	Howard	Mooney	Thompson
Crowther	Huddleston	Moore, Ohio	Tilson
Cullen	Hudspeth	Moore, Va.	Timberlake
Currie, Mich.	Hull, Iowa	Morgan	Tincher
Dallinger	Husted	Mott	Tinkham
Darrow	Hutchinson	Mudd	Towner
Davey	Igoe	Neely	Vaile
Davis, Minn.	Ireland	Nelson, Wis.	Vestal
Dempsey	James	Newton, Mo.	Volgt
Dickinson, Iowa	Jefferis	O'Connell	Walsh
Donovan	Johnson, S. Dak.	O'Connor	Walters
Dooling	Johnson, Wash.	Ogden	Ward
Dowell	Johnston, N. Y.	Olney	Wason
Dunbar	Jones, Pa.	Osborne	Watkins
Dunn	Juul	Padgett	Watson
Dupré	Kahn	Paige	Weaver
Dyer	Kearns	Parrish	Webster
Eagan	Keller	Pell	Welling
Edmonds	Kelly, Pa.	Peters	Wheeler
Elliott	Kennedy, R. I.	Phelan	White, Kans.
Elston	Kettner	Platt	White, Me.
Esch	King	Porter	Wilson, Ill.
Evans, Mont.	Kinkaid	Pou	Wilson, Pa.
Evans, Nebr.	Kleczka	Radcliffe	Winslow
Evans, Nev.	Knutson	Rainey, J. W.	Wood, Ind.
Fairfield	Kraus	Raker	Woods, Va.
Ferris	Kreider	Ramsey	Woodyard
Fisher	Lampert	Ramseyer	Young, N. Dak.
Focht	Lanham	Randall, Calif.	Zihlman

NAYS—54.

Almon	Dominick	Mansfield	Sisson
Aswell	Doughton	Milligan	Small
Black	Garner	Nelson, Mo.	Stevenson
Blanton	Garrett	Oldfield	Stoll
Box	Goodwin, Ark.	Overstreet	Swope
Buchanan	Hardy, Tex.	Park	Taylor, Ark.
Byrnes, S. C.	Hull, Tenn.	Quin	Tillman
Candler	Jacoway	Rainey, H. T.	Venable
Cannon	Johnson, Ky.	Rayburn	Vinson
Clark, Mo.	Kincheloe	Robinson, N. C.	Wilson, La.
Collier	Larsen	Robsion, Ky.	Wright
Connally	Lee, Ga.	Romjue	Young, Tex.
Davis, Tenn.	McDuffie	Rubey	
Dickinson, Mo.	Mann, S. C.	Rucker	

ANSWERED "PRESENT"—2.

Moon Oliver

NOT VOTING—98.

Andrews, Md.	Brinson	Cramton	Eagle
Ayres	Brumbaugh	Crisp	Echols
Bankhead	Cantrill	Curry, Calif.	Ellsworth
Bell	Caraway	Dale	Emerson
Benson	Carter	Denison	Fess
Blackmon	Clark, Fla.	Dent	Fields
Bland, Ind.	Cole	Dewalt	Flood
Booher	Copley	Doremus	Fuller, Mass.
Brand	Costello	Drane	Garland
Goldfogle	Kitchin	Purnell	Strong, Pa.
Graham, Pa.	Langley	Rainey, Ala.	Sullivan
Griffin	Lesher	Rose	Sumners, Tex.
Hamilton	Little	Sanders, N. Y.	Thomas
Harrison	McCulloch	Scully	Treadway
Heflin	McKenzie	Sears	Upshaw
Hoey	McLane	Sells	Vare
Houghton	McLaughlin, Mich.	Slemp	Volstead
Hulings	McPherson	Smithwick	Welty
Humphreys	Moores, Ind.	Snell	Whaley
Johnson, Miss.	Morin	Snyder	Williams
Jones, Tex.	Murphy	Steagall	Wingo
Kelley, Mich.	Newton, Minn.	Steele	Wise
Kendall	Nicholls	Steenerson	Yates
Kennedy, Iowa	Nolan	Stephens, Miss.	
Kiess	Parker	Stephens, Ohio	

So the bill was passed.

The Clerk announced the following additional pairs:

On final passage:

Mr. KELLEY of Michigan (for) with Mr. OLIVER (against).

Mr. UPSHAW (for) with Mr. MOON (against).

Additional general pairs:

Mr. EMERSON with Mr. RAINEY of Alabama.

Mr. MCKENZIE with Mr. STEAGALL.

Mr. NEWTON of Minnesota with Mr. STEELE.

Mr. VOLSTEAD with Mr. WINGO.

Mr. MOON. Mr. Speaker, I voted "nay" on the roll call. I am paired with the gentleman from Georgia, Mr. UPSHAW, and I wish to withdraw that vote and answer "present."

Mr. LONGWORTH. Mr. Speaker, my colleague, Mr. MURPHY, is unavoidably absent. If he were present, he would vote "yea."

Mr. GREENE of Vermont. Mr. Speaker, I wish to say that my colleague, Mr. DALE, is unavoidably absent. If he were present, he would vote "yea."

Mr. MAPES. Mr. Speaker, my colleagues, Mr. MCLAUGHLIN of Michigan, Mr. CRAMTON, and Mr. DOREMUS, are unavoidably absent. If present, they would vote "yea."

The result of the vote was announced as above recorded.

On motion of Mr. LEHLBACH, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. LEHLBACH. Mr. Speaker, I ask unanimous consent that all Members of the House have three legislative days in which to extend their own remarks on this retirement bill.

The SPEAKER. The gentleman from New Jersey asks unanimous consent that the Members have three legislative days in which to extend their remarks on the retirement bill. Is there objection?

Mr. CLARK of Missouri. Mr. Speaker, I would like to ask the gentleman if that was for everybody to print?

Mr. LEHLBACH. Yes.

Mr. CLARK of Missouri. I object.

WATER-POWER LEGISLATION—CONFERENCE REPORT.

Mr. ESCH, from the Committee on Interstate and Foreign Commerce, presented a conference report on the bill (H. R. 3184) to create a Federal power commission and to define its powers and duties, to provide for the improvement of navigation, for the development of water power, for the use of lands of the United States in relation thereto, to repeal section 18 of "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, approved August 8, 1917, and for other purposes," and for other purposes, for printing in the RECORD under the rule.

Following are the conference report and statement:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3184) to create a Federal power commission and to define its powers and duties, to provide for the improvement of navigation, for the development of water power, for the use of lands of the United States in relation thereto, to repeal section 18 of "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, approved August 8, 1917, and for other purposes," and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 17, 22, 28, 29, 31, 44, 46, 59.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 6, 7, 9, 10, 12, 13, 14, 16, 18, 19, 20, 23, 24, 25, 30, 32, 33, 34, 35, 37, 39, 40, 41, 42, 47, 50, 51, 52, 53, 54, 55, 56, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the

matter proposed by the Senate amendment insert the following:

"That the commission shall appoint an executive secretary, who shall receive a salary of $5,000 a year, and prescribe his duties, and the commission may request the President of the United States to detail an officer from the United States Engineer Corps to serve the commission as engineer officer, his duties to be prescribed by the commission."

And the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"'Navigable waters' means those parts of streams or other bodies of water over which Congress has jurisdiction under its authority to regulate commerce with foreign nations and among the several States, and which either in their natural or improved condition, notwithstanding interruptions between the navigable parts of such streams or waters by falls, shallows, or rapids compelling land carriage, are used or suitable for use for the transportation of persons or property in interstate or foreign commerce, including therein all such interrupting falls, shallows, or rapids; together with such other parts of streams as shall have been authorized by Congress for improvement by the United States or shall have been recommended to Congress for such improvement after investigation under its authority."

And the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: ", and said classification of investment of the Interstate Commerce Commission shall in so far as applicable be published and promulgated as a part of the rules and regulations of the commission"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"In order to aid the commission in determining the net investment of a licensee in any project, the licensee shall, upon oath, within a reasonable period of time, to be fixed by the commission, after the construction of the original project or any addition thereto or betterment thereof, file with the commission, in such detail as the commission may require, a statement in duplicate showing the actual legitimate cost of construction of such project, addition, or betterment, and the price paid for water rights, rights of way, lands, or interest in lands. The commission shall deposit one of said statements with the Secretary of the Treasury. The licensee shall grant to the commission or to its duly authorized agent or agents, at all reasonable times, free access to such project, addition, or betterment, and to all maps, profiles, contracts, reports of engineers, accounts, books, records, and all other papers and documents relating thereto."

And the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "or by its executive secretary"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "if it be satisfied as to the ability of the applicant to carry out such plans"; and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"The commission is hereby authorized and directed to investigate and, on or before the 1st day of January, 1921, report to Congress the cost and, in detail, the economic value of the power plant outlined in project No. 3, House Document No. 1400, Sixty-second Congress, third session, in view of existing conditions, utilizing such study as may heretofore have been made by any department of the Government; also in connection with such project to submit plans and estimates of cost necessary to secure an increased and adequate water supply for the District of Columbia. For this purpose the sum of $25,000, or so much thereof as may be necessary, is hereby appropriated."

And the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"That the licensee shall pay to the United States reasonable annual charges in an amount to be fixed by the commission for the purpose of reimbursing the United States for the costs of the administration of this act; for recompensing it for the use, occupancy, and enjoyment of its lands or other property; and for the expropriation to the Government of excessive profits until the respective States shall make provision for preventing excessive profits or for the expropriation thereof to themselves, or until the period of amortization as herein provided is reached, and in fixing such charges the commission shall seek to avoid increasing the price to the consumers of power by such charges, and charges for the expropriation of excessive profits may be adjusted from time to time by the commission as conditions may require: *Provided*, That when licenses are issued involving the use of Government dams or other structures owned by the United States or tribal lands embraced within Indian reservations the commission shall fix a reasonable annual charge for the use thereof, and such charges may be readjusted at the end of 20 years after the beginning of operations and at periods of not less than 10 years thereafter in a manner to be described in each license."

And the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "one hundred"; and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"(i) In issuing licenses for a minor part only of a complete project, or for a complete project of not more than 100 horsepower capacity, the commission may in its discretion waive such conditions, provisions, and requirements of this act, except the license period of 50 years, as it may deem to be to the public interest to waive under the circumstances: *Provided*, That the provisions hereof shall not apply to lands within Indian reservations."

And the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "may grant the application with the provision to be expressed in the license that the licensee will install the necessary navigation structures if the Government fails to make provision therefor within a time to be fixed in the license and"; and the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "*Provided*, That in the event the United States does not exercise the right to take over or does not issue a license to a new licensee or issue a new license to the original licensee upon reasonable terms"; and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"That all proceeds from any Indian reservation shall be placed to the credit of the Indians of such reservation. All other charges arising from licenses hereunder shall be paid into the Treasury of the United States, subject to the following distribution: Twelve and one-half per cent thereof is hereby appropriated to be paid into the Treasury of the United States and credited to 'Miscellaneous receipts'; 50 per cent of the charges arising from licenses hereunder for the occupancy and use of public lands, national monuments, national forests, and national parks shall be paid into, reserved, and appropriated as a part of the reclamation fund created by the act of Congress known as the reclamation act, approved June 17, 1902; and 37½ per cent of the charges arising from licenses hereunder for the occupancy and use of national forests, national parks,

public lands, and national monuments, from development within the boundaries of any State shall be paid by the Secretary of the Treasury to such State; and 50 per cent of the charges arising from all other licenses hereunder is hereby reserved and appropriated as a special fund in the Treasury to be expended under the direction of the Secretary of War in the maintenance and operation of dams and other navigation structures owned by the United States or in the construction, maintenance, or operation of headwater or other improvements of navigable waters of the United States."

And the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "*Provided*, That when application is made for a license under this section for a project or projects already constructed, the fair value of said project or projects, determined as provided in this section, shall for the purposes of this act and of said license be deemed to be the amount to be allowed as the net investment of the applicant in such project or projects as of the date of such license, or as of the date of such determination, if license has not been issued. Such fair value may, in the discretion of the commission, be determined by mutual agreement between the commission and the applicant or, in case they can not agree, jurisdiction is hereby conferred upon the district court of the United States in the district within which such project or projects may be located, upon the application of either party, to hear and determine the amount of such fair value"; and the Senate agree to the same.

Amendment numbered 58: That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"That any person, association, corporation, State, or municipality intending to construct a dam or other project works across, along, over, or in any stream or part thereof, other than those defined herein as navigable waters, and over which Congress has jurisdiction under its authority to regulate commerce between foreign nations and among the several States, may in their discretion file declaration of such intention with the commission, whereupon the commission shall cause immediate investigation of such proposed construction to be made, and if upon investigation it shall find that the interests of interstate or foreign commerce would be affected by such proposed construction, such person, association, corporation, State, or municipality shall not proceed with such construction until it shall have applied for and shall have received a license under the provisions of this act. If the commission shall not so find, and if no public lands or reservations are affected, permission is hereby granted to construct such dam or other project works in such stream upon compliance with State laws."

And the Senate agree to the same.

JOHN J. ESCH,
N. J. SINNOTT,
EDWARD T. TAYLOR,
GORDON LEE,
Managers on the part of the House.

W. L. JONES,
KNUTE NELSON,
REED SMOOT,
H. L. MYERS,
DUNCAN U. FLETCHER,
Managers on the part of the Senate.

Concur in above report except as to amendment No. 36.

G. N. HAUGEN.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes on the amendments of the Senate to the bill (H. R. 3184) to create a Federal power commission and to define its powers and duties, to provide for the improvement of navigation, for the development of water power, for the use of lands of the United States in relation thereto, to repeal section 18 of "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, approved August 8, 1917, and for other purposes," and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon by the committee of conference submitted in the accompanying conference report as to each of the said amendments, namely:

On amendment No. 1: In lieu of the provision in the House bill that the commission shall appoint an executive secretary, the Senate provided that the commission shall request the President of the United States to detail an officer from the United States Engineer Corps to serve the commission as executive secretary and engineer officer, his duties to be prescribed by the commission. The conferees restored the House provision requiring the commission to appoint an executive secretary and adopted the Senate provision as to detailing an officer from the United States Engineer Corps to serve as engineer officer, the request for such detail being permissive instead of mandatory, as in the Senate provision. The Senate provision that the officer should also serve as executive secretary was stricken out.

On amendments Nos. 2, 3, 4, 5, and 6: These amendments are verbal changes perfecting the text.

On amendment No. 7: This amendment recasts the House definition of "reservations."

On amendment No. 8: This amendment recasts the House definition as to the term "navigable waters," the House agreeing to the Senate definition with an amendment, inserting after the word "interruptions" the words "between the navigable parts of such streams or waters," thus making it clear that although the navigable parts of such streams may be interrupted by falls, shallows, or rapids, the portions occupied by falls, shallows, or rapids are within the jurisdiction of Congress, and that no dams can be constructed at, upon, or across such falls, shallows, or rapids without securing a license as provided in the bill. Under the House definition of "navigable waters" it might be possible to construct dams at the very point where dams would have to be located without securing such license. The Senate definition, moreover, limits the application of the act to those cases where interstate or foreign commerce will be directly affected.

On amendment No. 9: Strikes out certain words not necessary to the definition of "Government dam."

On amendment No. 10: This amendment perfects the text with reference to the definition of "net investment."

On amendment No. 11: This amendment requires as to net investment that the classification of investment of the Interstate Commerce Commission shall, in so far as applicable, be published and promulgated as a part of the rules and regulations of the commission. This is for the purpose of publicity.

On amendments Nos. 12, 13, and 14: These amendments are verbal, perfecting the text.

On amendment No. 15: Amendment No. 15, with the amendment agreed to in conference, is merely an elaboration of the provision already contained in lines 1 to 15, inclusive, on page 12, relating to the examination of books and accounts of licensees, the submission of statements and reports, including full information as to assets and liabilities, capitalization, net investment, etc. The amendment as modified requires the licensee to file with the commission "a statement in duplicate showing the actual legitimate cost of construction of such project, addition, or betterment, and the price paid for water rights, rights of way, lands, or interest in lands."

On amendment No. 16: This is merely a verbal amendment, perfecting the text.

On amendment No. 17: This amendment prohibited the issuance of any licenses affecting tribal lands embraced within Indian reservations which were ceded to the Indians by the United States by treaty, except by and with the consent of the council of the tribe. The Senate conferees receded from this amendment. The conferees saw no reason why water-power use should be singled out from all other uses of Indian reservation land for special action of the council of the tribe.

On amendment No. 18: This amendment is verbal, perfecting the text.

On amendment No. 19: Amendment No. 19 provides that upon the filing of any application for a license which has not been preceded by a preliminary permit under subsection (e) of section 4, notice shall be given and published as required by the proviso of said subsection.

On amendments Nos. 20 and 21: These amendments are verbal, perfecting the text.

On amendment No. 22: Amendment No. 22 giving authority to the commission to investigate as to the utility of tunnels and to make rules and regulations for their use has been eliminated from the bill, the Senate conferees having receded. No sufficient reason was presented why the authority to investigate should be limited to one particular type of water conduit rather than to all the major structures of a power project.

On amendments Nos. 23, 24, 25, and 26: These amendments are verbal changes and were considered desirable as they clarify the text.

On amendment No. 27: This amendment relates to the construction on the Potomac River of a power plant outlined in

project No. 3, House Document No. 1400, Sixty-second Congress, third session, generally known as the Great Falls project. The amendment authorized the commission to construct said project under its direct supervision or to enter into contracts for materials and labor for the construction of the same or any part of the same as in its judgment may be the most practical and economical, not exceeding a limitation of cost of $25,000,000. In lieu of the amendment the conferees recommended a substitute authorizing and directing the commission to investigate and, on or before the 1st day of January, 1921, report to Congress the cost and, in detail, the economic value of the power plant outlined in project No. 3, House Document No. 1400, Sixty-second Congress, third session, in view of existing conditions, utilizing such study as may heretofore have been made by any department of the Government; also in connection with such project to submit plans and estimates of cost necessary to secure an increased and adequate water supply for the District of Columbia. For this purpose the sum of $25,000, or so much thereof as may be necessary, is hereby appropriated.

On amendments Nos. 28, 29, 30, and 31: These amendments of section 8 relating to the involuntary transfer of licenses were not, with the exception of amendment No. 30, relating to judicial sales, adopted by the conferees, the Senate having receded from its amendments.

On amendments Nos. 32, 33, 34, and 35: These amendments are verbal, perfecting the text.

On amendment No. 36: This amendment relates to the charge imposed upon the licensee for water power developed. The House bill in paragraph (e) of section 10 provided "that the licensee shall pay to the United States reasonable annual charges in an amount to be fixed by the commission." The Senate bill provided that "the licensee shall pay for the license herein granted such reasonable annual charges as may be fixed by the commission for the purpose of reimbursing the United States for the cost of administration of the act in relation to water powers developed under its jurisdiction." The licensee was also to pay for the use and occupation of any public lands and lands in reservations, except tribal lands embraced within Indian reservations, necessary for the development of the project covered by the license such reasonable annual charges based upon the actual value of the Government lands used as might be fixed by the commission; but in no event should the annual charge for the foregoing exceed 25 cents per developed horsepower. In lieu of both Senate and House provisions as to charges the conferees recommend the following:

"That the licensee shall pay to the United States reasonable annual charges in an amount to be fixed by the commission for the purpose of reimbursing the United States for the costs of the administration of this act; for recompensing it for the use, occupancy, and enjoyment of its lands or other property; and for the expropriation to the Government of excessive profits until the respective States shall make provision for preventing excessive profits or for the expropriation thereof to themselves, or until the period of amortization as herein provided is reached, and in fixing such charges the commission shall seek to avoid increasing the price to the consumers of power by such charges, and charges for the expropriation of excessive profits may be adjusted from time to time by the commission as conditions may require."

On amendment No. 37: This amendment directs that licenses when issued for the development, transmission, or distribution of power by States or municipalities shall be issued and enjoyed without charge when "sold to the public without profit."

On amendment No. 38: This amendment permits the issuance of licenses without charge in projects of not more than 100-horsepower capacity when such power is used for the development, transmission, or distribution of power for domestic, mining, or other beneficial use. The House bill fixed this limit at 50 and the Senate bill at 200 horsepower.

On amendment 39: This amendment removes the exemption from charge where the power is developed upon tribal lands within Indian reservations.

On amendment No. 40: This amendment is verbal and perfects the text.

On amendment No. 41: This amendment makes it mandatory upon the licensee to reimburse the owner of a reservoir or other improvement for such part of the annual charges for interest, maintenance, and depreciation thereon as the commission may deem equitable.

On amendments Nos. 42 and 43: These amendments strike from the House bill the provision authorizing the commission in its discretion to waive certain conditions, provisions, and requirements of the act in issuing licenses for a part only of a complete project, where the land of the United States required is to be used only for transmission lines, water conduits, or for storage reservoirs, or for a complete project of not more than 50-horsepower capacity. In lieu of the House provision the Senate excepted from such waiver the license period of 50 years and increased the horsepower capacity to 200 horsepower. The House conferees agreed to the Senate substitute with an amendment reducing the horsepower capacity to 100. Under the House provision the commission could allow perpetual grants without conditions for transmission lines, water conduits, and storage reservoirs if the remainder of the project was on private land.

On amendment No. 44: This amendment provides that the licensee shall not directly or indirectly discriminate or permit discrimination in the apportionment, allotment, transmission, distribution, sale, or lease of power or electrical energy or current in favor of any municipality as against any other or others in respect of service, rates, or the quantity of power or electrical energy or current transmitted or supplied to it or them. The Senate receded from this amendment. Under this Senate amendment, had it been retained, the licensee serving two adjacent cities, if he could not develop a new source of supply, might cancel a part of his contracts in one city and transfer the power to another city. Under such conditions no user of power in either city could get a binding contract, and no one would purchase of the licensee if any other source of supply was available. Such a provision would lead to the raiding of one municipality by another, would keep business enterprises away, and would make power development under the act hazardous.

On amendment No. 45: Amendment No. 45, in section 12, as agreed to by the conferees is a substitute for both Senate and House provisions relating to applications for projects involving the construction of a lock or locks or other navigation structures. The House provision was "the commission may before taking action upon such application cause a report," etc., to be made to Congress. The Senate provision was that the commission "shall take no action," but cause a report, etc. The substitute, as recommended by the conferees, provides that the commission "may grant the application, with the provision to be expressed in the license, that the licensee will install the necessary navigation structures if the Government fails to make provision therefor within a time to be fixed in the license and" cause a report to be made to Congress.

On amendment No. 46: This amendment relates to severance damages and provides that such damages "shall not exceed the aggregate actual expenses or loss for maintenance, depreciation and interest upon such part of the property not taken as is made temporarily idle by the severance therefrom of the property taken; such aggregate expenses to be computed for a period reasonably necessary for providing a substitute source of power and in no case to exceed the value of the works taken." This amendment is a partial statement of the principle adopted by the California Railroad Commission for fixing severance damages in the case of the valuation for purposes of purchase by the city of Los Angeles of certain properties of the Southern California Edison Co. While the rule was an equitable one under the circumstances of that particular case, where the company was left in possession of its main transmission system and its largest generating plants, it might be inequitable in cases where, for example, the generating plants were all taken and the transmission and distributing systems left. The Senate receded from the amendment and it has been eliminated, the conferees believing that the existing provisions of section 14 were sufficient to take care of the matter of severance damages.

On amendment No. 47: This amendment is merely verbal.

On amendment No. 48: This amendment relates to the terms of the license. The House bill provided "that in the event the United States does not exercise the right to take over and does not issue a new license to the original or a new licensee, then the commission shall issue from year to year an annual license to the then licensee under the terms and conditions of the original license until the property is taken over or a new license is issued as aforesaid." The Senate bill provided "that in the event the United States does not exercise the right to take over or does not issue a license to a new licensee or tender a new license to the original licensee, upon the terms and conditions aforesaid which is accepted" then the commission, etc. The conferees agreed to the Senate amendment amending it, however, so as to read as follows: "*Provided*, That in the event the United States does not exercise the right to take over or does not issue a license to a new licensee, or issue a new license to the original licensee upon reasonable terms" then the commission, etc. The House conferees contended that the retention of the words "which is accepted"

in the Senate amendment would practically result in a perpetual franchise. These words were eliminated and the Senate amendment, modified as above set forth, was agreed to.

On amendment No. 49: This amendment relates to the disposition of charges arising from licenses. The House bill provided that such charges should be paid into the Treasury of the United States; then 50 per cent of the charges arising from licenses for the occupancy and use of national forest was reserved and appropriated as a special fund in the Treasury for the survey, construction, and maintenance of roads and trails within the national forests. Fifty per cent of the charges arising from licenses for the occupancy and use of national parks was to be reserved and appropriated as a special fund in the Treasury, to be expended in the improvement and development of such parks. Fifty per cent of the charges arising from licenses for the occupancy and use of public lands, and of national monuments, and power-site or other reserves outside of national forests was to be paid into the reclamation fund. All proceeds from any Indian reservation were to be placed to the credit of the Indians of such reservation. Fifty per cent of the charges arising from all other licenses were to be placed in a special fund, to be expended in the maintenance and operation of dams and other navigation structures owned by the United States or in the construction, maintenance, or operation of headwater or other improvements of navigable waters of the United States. The Senate bill provided that all charges arising from licenses were to be paid into the Treasury of the United States and to be reserved as a special fund therein. Such part of said fund as Congress might from time to time direct was to be appropriated toward paying the costs of administration of the act and of conducting the investigations authorized thereunder. The remainder, if any, in so far as the same might be derived from dams in navigable streams was to be expended in the maintenance and operation of dams or other navigation structures owned by the United States or in the construction, maintenance, and operation of headwater or other improvements of streams. In so far as such funds were derived from licenses to occupy portions of the public lands, one half thereof was to be paid into the reclamation fund and the other half was to be paid to the States in which the lands occupied were located, in the proportion to each that the amount derived from the lands within its bounds bore to the whole amount derived from the occupancy of all such lands. The proceeds from licenses authorizing the occupancy of any part of any Indian reservation were to be placed to the credit of the Indians of such reservations.

In lieu of both Senate and House provisions as to the disposition of funds derived from charges the conferees agreed to the following substitute:

"That all proceeds from any Indian reservation shall be placed to the credit of the Indians of such reservation. All other charges arising from licenses hereunder shall be paid into the Treasury of the United States, subject to the following distribution: Twelve and one-half per centum thereof is hereby appropriated to be paid into the Treasury of the United States and credited to 'Miscellaneous receipts'; 50 per centum of the charges arising from licenses hereunder for the occupancy and use of public lands, national monuments, national forests, and national parks shall be paid into, reserved, and appropriated as a part of the reclamation fund created by the act of Congress known as the reclamation act, approved June 17, 1902; and 37½ per centum of the charges arising from licenses hereunder for the occupancy and use of national forests, national parks, public lands, and national monuments, from development within the boundaries of any State shall be paid by the Secretary of the Treasury to such State; and 50 per centum of the charges arising from all other licenses hereunder is hereby reserved and appropriated as a special fund in the Treasury to be expended under the direction of the Secretary of War in the maintenance and operation of dams and other navigation structures owned by the United States or in the construction, maintenance, or operation of headwater or other improvements of navigable waters of the United States.

The plan of distributing these funds as contained in the above substitute follows with some change in the percentages the plan of distribution adopted in the oil-leasing act recently passed.

On amendment No. 50: This amendment relates to the regulation of the issuance of securities and provides that securities issued by the licensee shall be subject to such regulations as prescribed by the commission, but they shall be allowed only for the "bona fide purpose of financing and conducting the business of such license."

On amendment No. 51: This amendment is a verbal change.

On amendments Nos. 52, 53, and 54: These amendments in section 21 relate to the acquisition by any licensee of dam sites through the exercise of the right of eminent domain. Amendment No. 54 states the conditions under which the right may be exercised.

On amendments Nos. 55 and 56: These amendments are verbal changes.

On amendment No. 57: This amendment provides for the determination of the valuation of projects already constructed when application is made for a licensee to come under the provisions of the act. Without such a provision there would be no means of determining valuation. One of the fundamental elements of the act is the current determination of the "net investment." No project should be brought under license until steps have been taken to determine the property value which is to be recognized throughout the entire duration of the license. The amendment provides that "fair value" is the most satisfactory basis of determination at the date of the issuance of the license. The House conferees objected to the proviso at the end of amendment No. 57 to the effect—

"That no contract which shall have been lawfully made prior to the passage of this act, not extending beyond the term of the license, for power, light, heat, or water, or for the service or delivery of the same to be furnished from any project works, and to which such project works, or the person, company, or corporation constructing, owning, or operating the same shall be subject, shall be affected by any license under this act, and no such person, association, or corporation shall be released from any lawful obligation by reason of this act or of any license granted thereunder."

The House conferees believed that the only purpose of this proviso was to prevent review in rate-making proceedings of any contract for power entered into prior to the passage of the act. Presumably this part of the amendment has particular reference to contracts at Niagara Falls. Public utility commissions in general have the right to review, and to require the alteration of, contracts which are not in the public interest. If contracts are in the public interest, it is not to be presumed that the power granted under the act will be employed to annul or alter them, and hence no amendment would be needed in such circumstances. If they are not in the public interest, the latter half of the amendment would prevent their annulment or alteration, at least by any of the agencies provided in the act. This part of the amendment is, therefore, not proposed in the public interest, but for the purpose of protecting contracts which can not otherwise be defended before public rate-making bodies. The Senate conferees receded from this proviso in amendment No. 57 and it was eliminated from the bill.

On amendment No. 58: This amendment seeks to prescribe how a stream of doubtful navigability may be determined as within the provisions of the law, and in substance it provides that the commission shall ascertain whether the interests of commerce are affected; if not, then permission is granted to construct in accordance with the State laws.

On amendment No. 59: This amendment is a revision of section 18 of the rivers and harbors act approved August 8, 1917, creating a Waterways Commission. While in general the provisions of the amendment are identical with the original act, it changes the personnel of the commission and omits paragraphs 3 and 4 of the original act. The first of these paragraphs granted authority to employ expert assistance and made an appropriation of $100,000 for the expenses of the commission. The second paragraph authorized the employment of clerical and other help in the District of Columbia. In view of the fact that many of the duties imposed upon this Waterways Commission will be assigned to the water power commission under the pending bill and other duties have already been assigned to other governmental agencies under the transportation act of 1920, the House conferees opposed this amendment. The Senate conferees receded and the amendment has been eliminated.

JOHN J. ESCH,
N. J. SINNOTT,
G. N. HAUGEN,
EDWARD T. TAYLOR,
GORDON LEE,
Managers on the part of the House.

RELIEF OF CERTAIN ARMY OFFICERS.

Mr. KAHN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 2448 and agree to the conference asked for by the Senate.

The SPEAKER. The gentleman from California asks unanimous consent to take from the Speaker's table the bill which the Clerk will report.

The Clerk read as follows:

An act (S. 2448) for the relief of certain officers of the United States Army, and for other purposes.

The SPEAKER. Is there objection?

Mr. WALSH. Reserving the right to object, what is this bill?

Mr. KAHN. It is for the relief of certain officers of the United States Army, a bill which passed the House about a week or 10 days ago. It is a Senate bill.

Mr. WALSH. I know; but what relief does it provide for?

Mr. KAHN. There are probably 10 or 12 officers. It is a relief in regard to certain moneys, and so forth.

Mr. WALSH. I remember now.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The SPEAKER announced the following conferees: Mr. CRAGO, Mr. SANFORD, and Mr. WISE.

EXTENSION OF REMARKS.

Mr. PARRISH. Mr. Speaker, I ask unanimous consent to revise and extend the remarks that I made on this bill this afternoon.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

By unanimous consent, Mr. MACCRATE, Mr. MASON, Mr. SABATH, Mr. JUUL, Mr. EAGAN, and Mr. KELLER were granted leave to extend their remarks on the bill S. 1699.

Mr. McFADDEN. Mr. Speaker, I ask unanimous consent to extend my remarks on rural-credit legislation.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD on the rural-credit legislation. Is there objection? [After a pause.] The Chair hears none.

Mr. ROBSION of Kentucky. Mr. Speaker, I wish to ask unanimous consent to extend my remarks on this bill.

The SPEAKER. Is there objection?

Mr. KEARNS. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman from Missouri [Mr. CLARK] a question. Why is it that he objects to certain Members who have not taken up the time of the House in discussing this bill extending their remarks on the bill and permits it to all these others who have taken up the time of the House and wearied the country on this bill, and who will waste a lot of paper in printing?

Mr. CLARK of Missouri. I will tell you. The Printing Office have run so short of print paper that they can not print the speeches that are actually made. I made one here a few days ago, I think last week, and never changed 10 words in it, and immediately gave an order for quite a large number of them, because I wanted to educate the country [laughter], and they have not got them out yet because they have not got the paper.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. CLARK of Missouri. Yes.

Mr. WALSH. Is it not a fact that there is some doubt as to whether they can continue to publish the RECORD because of the shortage of print paper?

Mr. CLARK of Missouri. Yes. That is the reason why I object. If a man makes a speech here on the floor of the House—if he actually makes it—he has some sort of a right to revise his speech, and generally the more he revises it the better he is off.

Mr. KEARNS. I do not object.

Mr. MONDELL rose.

Mr. BLANTON. Mr. Speaker, I make the point of order that there is no quorum present, unless the gentleman from Wyoming has something special which he wishes to submit.

Mr. MONDELL. Will the gentleman withhold a moment?

Mr. BLANTON. Yes; I withhold it, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky [Mr. ROBSION] to extend his remarks in the RECORD?

There was no objection.

Mr. MILLER. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection?

There was no objection.

HOUR OF MEETING TO-MORROW—11 O'CLOCK A. M.

Mr. MONDELL. Mr. Speaker, on behalf of the majority and minority members of the Committee on Appropriations, I ask unanimous consent that when the House adjourns to-night it adjourn to meet at 11 o'clock to-morrow morning.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that when the House adjourns to-night it adjourn to meet at 11 o'clock to-morrow morning. Is there objection?

There was no objection.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 3218. An act for the relief of Martina Sena, Luis E. Armijo, and Maria Baca de Romero; to the Committee on Public Lands.

ADJOURNMENT.

Mr. LEHLBACH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 47 minutes p. m.) the House adjourned, pursuant to the order, until to-morrow, Saturday, May 1, 1920, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting supplemental estimate of appropriation required by the Treasury Department for the expense of freight, telegrams, etc., current fiscal year (H. Doc. No. 744); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting supplemental estimate of appropriation required by the Bureau of the Mint for additional expenses in operating the mint at Philadelphia during the remainder of the fiscal year 1920 (H. Doc. No. 745); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting supplemental estimate of appropriation required by the Railroad Labor Board for the fiscal years 1920 and 1921 (H. Doc. No. 746); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Acting Secretary of the Navy, transmitting statement in connection with H. R. 13803, providing for a bureau of the air; to the Committee on Military Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. GOOD, from the Committee on Appropriations, to which was referred the bill (H. R. 13870) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1921, and for other purposes, reported the same without amendment, accompanied by a report (No. 905), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. RAYBURN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 13724) to authorize the construction of a bridge across the Sabine River at or near Orange, Tex., reported the same without amendment, accompanied by a report (No. 906), which said bill and report were referred to the House Calendar.

Mr. ESCH, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 3270) authorizing the Superintendent of the Coast and Geodetic Survey, subject to the approval of the Secretary of Commerce, to consider, ascertain, adjust, and determine claims for damages occasioned by acts for which said survey is responsible in certain cases, reported the same without amendment, accompanied by a report (No. 907), which said bill and report were referred to the House Calendar.

Mr. TAYLOR of Colorado, from the Committee on the Public Lands, to which was referred the bill (S. 1) authorizing the cutting of timber by corporations organized in one State and conducting operations in another, reported the same without amendment, accompanied by a report (No. 908), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DICKINSON of Iowa, from the Committee on Foreign Affairs, to which was referred the bill (S. 3406) for the purchase of buildings and grounds for the embassy of the United States at Brussels, Belgium, reported the same with amendments, accompanied by a report (No. 909), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 6210) granting an increase of pension to George Poff, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ACKERMAN: A bill (H. R. 13869) to stabilize Liberty bonds by providing for their acceptance at par value in part

payment of income and excess-profits taxes; to the Committee on Ways and Means.

By Mr. GOOD: A bill (H. R. 13870) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1921, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. ESCH: A bill (H. R. 13871) to amend section 5 of the act entitled "An act to regulate commerce," approved February 4, 1887, as amended; to the Committee on Interstate and Foreign Commerce.

By Mr. KELLEY of Michigan: A bill (H. R. 13872) to authorize officers of the naval service to accept offices with compensation and emoluments from Governments of the Republics of South America; to the Committee on Naval Affairs.

By Mr. MOTT: A bill (H. R. 13873) to amend "An act to reduce tariff duties and to provide revenue for the Government, and for other purposes," approved October 3, 1913; to the Committee on Ways and Means.

By Mr. FORDNEY: A bill (H. R. 13874) to provide adjusted compensation for veterans of the World War, to provide revenue therefor, and for other purposes; to the Committee on Ways and Means.

By Mr. DALLINGER: A bill (H. R. 13875) to stabilize the purchasing value of the dollar; to the Committee on Coinage, Weights, and Measures.

By Mr. DOWELL: Resolution (H. Res. 540) for the immediate consideration of H. R. 13500; to the Committee on Rules.

By Mr. MASON: Resolution (H. Res. 541) asking the Secretary of the Treasury to seek collection of the amount due from Great Britain to the United States; to the Committee on Ways and Means.

By Mr. RAKER: Joint resolution (H. J. Res. 349) to suspend the requirements of annual assessment work on mining claims during the year 1920; to the Committee on Mines and Mining.

By Mr. CULLEN: Memorial of the Legislature of the State of New York, urging action on the water-power bill; to the Committee on Water Powers.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DAVILA: A bill (H. R. 13876) for the relief of Richard Poillon; to the Committee on Claims.

By Mr. FORDNEY: A bill (H. R. 13877) for the relief of the Ann Arbor Railroad Co.; to the Committee on Claims.

By Mr. HICKS: A bill (H. R. 13878) for the relief of Charles B. Chrystal; to the Committee on Claims.

Also, a bill (H. R. 13879) for the relief of the Sirio Match Co., of New York City, N. Y.; to the Committee on Claims.

Also, a bill (H. R. 13880) for the relief of the Acme Die Casting Corporation, of New York City, N. Y.; to the Committee on Claims.

Also, a bill (H. R. 13881) for the relief of the Drapery Hardware Co., of New York City, N. Y.; to the Committee on Claims.

Also, a bill (H. R. 13882) for the relief of Fairbanks, Morse & Co., of New York City, N. Y.; to the Committee on Claims.

Also, a bill (H. R. 13883) for the relief of the Thermal Syndicate (Ltd.), of New York City, N. Y.; to the Committee on Claims.

Also, a bill (H. R. 13884) for the relief of the William Wrigley, Jr., Co. (Inc.), of New York City, N. Y.; to the Committee on Claims.

By Mr. KAHN: A bill (H. R. 13885) for the relief of Palmer & McBryde; to the Committee on Claims.

By Mr. MASON: A bill (H. R. 13886) to give the Court of Claims jurisdiction to hear and adjudge the claims of the estate of John Frazier, deceased, and of the estate of Zephaniah Kingsley, deceased; to the Committee on Claims.

Also, a bill (H. R. 13887) granting a pension to Nancy Elizabeth Williams; to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 13888) granting a pension to Sarah C. Turner; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3338. By Mr. BRIGGS: Petition of commissioners of agriculture, opposing and protesting against the enactment of legislation designed to place regulation of fertilizers under control of Federal Government; to the Committee on Agriculture.

3339. By Mr. CULLEN: Petition of National Guard Association of the State of New York, favoring reorganization of the National Guard under the Army clause of the Constitution; to the Committee on Military Affairs.

3340. Also, petition of Chandelier and Art Lamp Workers' Union, New York City, favoring Senate joint resolution 171 and Senate bill 1233 regarding amnesty and repeal of the espionage laws; to the Committee on the Judiciary.

3341. Also, petition of Brotherhood of Painters, Decorators, and Paper Hangers of New York City, favoring Senate joint resolution 171 and Senate bill 1233 regarding amnesty and repeal of espionage laws; to the Committee on the Judiciary.

3342. Also, petition of One hundred and seventh Infantry Post, American Legion, New York City, favoring the more efficient care of disabled officers and enlisted men; to the Committee on Interstate and Foreign Commerce.

3343. Also, petition of American Federation of Labor, favoring Sterling-Lehlbach civil-service retirement bill; to the Committee on Reform in the Civil Service.

3344. By Mr. DALLINGER: Petition of Roger Casement Branch, Friends of Irish Freedom, urging favorable consideration of the Mason bill; to the Committee on Foreign Affairs.

3345. By Mr. DYER: Petition of Frank Lee, of St. Louis, Mo., asking the inclusion of the Regular Army men in the soldier-bonus legislation; to the Committee on Ways and Means.

3346. Also, petition of Merchants' Exchange, of St. Louis, Mo., favoring increase of appropriation in the transportation act to $600,000,000; to the Committee on Appropriations.

3347. Also, petition of O. J. Moore Grocer Co. and the Charles R. Jong, Jr., Co., favoring the passage of House bill 263, the anticommercial-bribery bill; to the Committee on the Judiciary.

3348. By Mr. FULLER of Illinois: Petition of the Italian Chamber of Commerce, of Chicago, Ill., concerning immigration bills; to the Committee on Immigration and Naturalization.

3349. Also, petition of Augustus P. Gardner Post, No. 18, American Legion, of the District of Columbia, opposing soldier-bonus legislation; to the Committee on Ways and Means.

3350. By Mr. GALLIVAN: Petition of citizens of Boston in favor of passage of Mason bill and, further, in favor of abrogation of all treaties with England; to the Committee on Foreign Affairs.

3351. By Mr. O'CONNELL: Petition of National Shoe Retailers' Association of the United States of America, protesting against the McNary bill; to the Committee on Interstate and Foreign Commerce.

3352. Also, petition of Ideal Cocoa & Chocolate Co., of New York, urging reform in tax system; to the Committee on Ways and Means.

3353. Also, petition of Augustus P. Gardner Post, No. 18, District of Columbia, opposing bonus legislation; to the Committee on Ways and Means.

3354. Also, petition of Listerated Gum Corporation, of New York, favoring reform in tax system; to the Committee on Ways and Means.

3355. By Mr. RAKER: Three petitions of numerous citizens of the United States favoring passage of House bill 1112; to the Committee on the Judiciary.

3356. By Mr. TEMPLE: Resolutions adopted at mass meeting at New Castle, Pa., April 11, 1920, protesting against the passage of Senate bill 3718; to the Committee on the Post Office and Post Roads.

3357. Also, petitions favoring the passage of the Capper-Hersman bill, as follows: Ginger Hill Grange, No. 1549, Monongahela; Brighton Grange, No. 1392, Beaver; and Big Beaver Grange, No. 1578, New Galilee, all in the State of Pennsylvania; to the Committee on the Judiciary.

SENATE.

SATURDAY, *May 1, 1920.*

(Legislative day of Friday, April 30, 1920.)

The Senate met at 12 o'clock noon, on the expiration of the recess.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the bill (S. 1699) for the retirement of employees in the classified civil service, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House insists upon its amendments to the bill (S. 2448) for the relief of certain officers of the United States Army, and for other purposes, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CRAGO, Mr. SANFORD, and Mr. WISE managers at the conference on the part of the House.

PETITIONS AND MEMORIALS.

Mr. TOWNSEND presented a petition of the Friends of Irish Freedom, of Detroit, Mich., praying for the recognition of the Republic of Ireland, which was referred to the Committee on Foreign Relations.

He also presented a petition of Nicholas Tasson Post, No. 157, Michigan Branch, American Legion, of Diorite, Mich., praying for increased compensation for ex-service men, which was referred to the Committee on Finance.

He also presented a memorial of the Michigan State Dental Society, remonstrating against any change being made in the present status of the Army Dental Corps, which was referred to the Committee on Military Affairs.

He also presented a petition of the Holland American Aid Society, of Kalamazoo, Mich., praying for an increase in the salaries of postal employees, which was ordered to lie on the table.

He also presented petitions of sundry citizens of St. Clair, Port Huron, and Norway, all in the State of Michigan, praying for the parole of Federal prisoners, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of St. Clair County, Mich., praying for the protection of maternity and infancy, which was referred to the Committee on Public Health and National Quarantine.

He also presented a memorial of the Michigan State Dental Society, remonstrating against the imposition of excise tax upon any material employed in the correction of any physical defects, which was referred to the Committee on Finance.

Mr. KNOX presented a memorial of the Board of Trade of Philadelphia, Pa., remonstrating against the enactment of legislation authorizing an issuance of bonds in exchange for bonds of the first, second, third, and fourth Liberty loan issues, which was referred to the Committee on Finance.

He also presented a memorial of the Board of Trade of Philadelphia, Pa., remonstrating against the enactment of legislation providing a further exemption from taxation of the interest from Liberty bonds, which was referred to the Committee on Finance.

He also presented a memorial of the Board of Trade of Philadelphia, Pa., remonstrating against the enactment of legislation to limit the charges of nonmember banks as to the collection and payment of checks upon them, which was referred to the Committee on Banking and Currency.

He also presented a memorial of the Board of Trade of Philadelphia, Pa., remonstrating against the enactment of legislation providing that the representatives of American industries shall in any way obligate the Government of the United States to guarantee the payment of debts of other nations, carry mercantile accounts or finance mercantile credits for foreign governments, which was referred to the Committee on Banking and Currency.

He also presented a memorial of the Board of Trade of Philadelphia, Pa., remonstrating against the enactment of legislation to prohibit the destruction of gold and subsidiary silver coins, etc., which was referred to the Committee on Banking and Currency.

He also presented a memorial of the Board of Trade of Philadelphia, Pa., remonstrating against the enactment of legislation providing for the protection of the monetary gold reserve, etc., which was referred to the Committee on Finance.

He also presented a petition of the Board of Trade of Philadelphia, Pa., praying for the adoption of compulsory universal military training, which was ordered to lie on the table.

ADJUSTMENT OF POSTAL SALARIES.

Mr. LENROOT. I present a petition signed by several thousand residents of the city of Milwaukee, Wis., praying for immediate action relative to the adjustment of salaries of post-office employees. I ask to have the heading printed in the RECORD, and that the petition be referred to the Committee on Post Offices and Post Roads.

Mr. MOSES. Will the Senator from Wisconsin have the heading of the petition read, so that we may understand its purport?

Mr. LENROOT. I shall be glad to read it. It is as follows:

A petition and a demand for better mail service and justice for the postal employees.

We are all aware that the present poor mail service is due to the fact that the country is willfully neglecting the postal employees, causing them to resign in large numbers. The present salary scale in the post office is both inadequate and insecure. The resignations will not stop until a new and just scale is adopted, and all bonuses discontinued. Congress promised over a year ago to take such a step and has dodged the issue ever since. The Postal Service can not last much longer at the present gait; a complete smash up is in sight.

How can anybody imagine that such a situation is real economy?

If you will agree to the above sentiments, sign this petition. I will see to it that it is forwarded to Congress.

CHAS. J. CUMMING,
Real Estate and Insurance, 120 Wisconsin Street.

The petition proper is headed as follows:

We, the undersigned, respectfully petition and insist upon immediate action on your part, and upon the part of Congress in general, to provide for an adequate and just reclassification of salaries in the Postal Service. We are absolutely convinced that this is the only way in which efficiency can ultimately be restored in our mail service.

I will say, Mr. President, that this is not a petition from postal employees. It is from business men of Milwaukee, patrons of the post office at that city. They ask that the petition be referred to the Postal Classification Commission, but I understand that that commission will shortly make a report. The Senator from New Hampshire [Mr. MOSES] is a member of that commission, and I should like to inquire of him as to the status of this matter.

Mr. MOSES. Mr. President, the postal commission has been engaged in taking testimony in all parts of the country to develop the actual conditions in the Postal Service. That work has been completed. The commission has also finished the work of taking the testimony of the administrative heads of the Post Office Department, and it is expected that the commission will be able to proceed within a few days to the drafting of a report. The character of that report, naturally, I can not undertake to forecast, but I am of the opinion, Mr. President—and I hope that the Senator from Wisconsin [Mr. LENROOT] will convey this opinion to his constituents—that the report of the commission, if adopted by Congress, will afford adequate relief for some of the conditions which to-day exist in the Postal Service.

I take this occasion, however, Mr. President, to express my further opinion that the conditions in the Postal Service are due to many elements, among which low salaries constitute but one. There are other elements entering into the Postal Service more fundamental, more far-reaching, and infinitely more detrimental to the morale of the service than the income which the postal employees receive. It is my opinion that the entire policy of the administration of the Postal Service at the minute is of a nature tending to destroy the morale of the service, even, indeed, as if that were its purpose; and I think that no complete remedy for these conditions can be had from any report which the commission may make or from the adoption of the recommendations of the commission; I think that the remedy lies much deeper than that; but, so far as the commission is able to govern the conditions of the Postal Service, through its recommendations, I think I may safely assure the Senator from Wisconsin that the commission's report will be adequate.

Mr. LENROOT. Mr. President, I am very glad to have the statement from the Senator from New Hampshire; but, however great the responsibility elsewhere may be for the administration of the postal laws, Congress itself is responsible for the inadequate salaries that are now being paid the postal employees and should, so far as it has power, relieve the present situation as soon as possible. I am glad to know that the prospects are that the report of the commission will be submitted in a few days, and I sincerely hope that it will be acted upon by Congress and the salaries of postal employees adjusted before this session shall adjourn.

The VICE PRESIDENT. The petition will be referred to the Committee on Post Offices and Post Roads.

TERMINATION OF WAR LEGISLATION.

Mr. SMITH of Georgia introduced a bill (S. 4315) providing for the termination of certain war legislation, which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That any provision contained in any law enacted by Congress rendering the operation or effectiveness of such law, or any part thereof, contingent upon the termination of the present war or the present or existing emergency, in whatever words expressed, shall be construed and interpreted to refer to and indicate, in lieu of the date of the termination of the present war or the present or existing emergency, the date of the enactment of this act, irrespective of any provision to the contrary contained in any such law. The termination of any such law, or of any part thereof, shall not be construed or interpreted, however, so as to prejudice, terminate, or affect any rights, privileges, or remedies, or any duties, obligations, liabilities, or penalties arising or accruing, or acquired or incurred, thereunder prior to such termination.

BILLS INTRODUCED.

Bills were introduced, read the first time, and by unanimous consent, the second time, and referred as follows:

By Mr. OWEN (by request):

A bill (S. 4316) to amend act of Congress approved June 30, 1913; to the Committee on Indian Affairs.

By Mr. TOWNSEND:

A bill (S. 4317) granting an increase of pension to Ralph S. Jordan (with accompanying papers); to the Committee on Pensions.

By Mr. CUMMINS:

A bill (S. 4318) to extend the period for construction of Eagle Rock Reservoir under the act of March 3, 1891; to the Committee on Public Lands.

A bill (S. 4319) to further amend an act entitled "An act to regulate commerce," approved February 4, 1887, as amended; to the Committee on Interstate Commerce.

A bill (S. 4320) for the relief of Joseph D. McGarraugh (with accompanying papers); to the Committee on Military Affairs.

RETIREMENT OF CIVIL-SERVICE EMPLOYEES.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 1699) for the retirement of employees in the classified civil service, and for other purposes.

Mr. STERLING. I move that the Senate disagree to the amendments of the House, request a conference with the House on the disagreeing votes of the two Houses thereon, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. STERLING, Mr. CUMMINS, and Mr. MCKELLAR conferees on the part of the Senate.

A PROPOSED PLATFORM OF NATIONAL ECONOMY FOR ALL PARTIES.

Mr. THOMAS. Mr. President, at this time when the people are being assured of effective programs of economy in legislation it is most discouraging to be informed by the Post that the total new burden to be borne by the public, inclusive of the proposed bonus, is $5,000,000,000 a year, or ten times the cost of the Panama Canal. I refer to an article from the pen of George Rothwell Brown appearing in this morning's paper emphasizing the demand of the transportation companies for higher freights, also of the coal operators for more expensive coal, together with the soldiers' bonus and the proposed increase of wages to the railroad brotherhoods.

I shall not attempt to read into the RECORD this long but very important article. I merely wish to emphasize the fact that whatever legislation against the profiteer may be enacted or enforced, however rigidly he may be punished, the almost certain addition of $5,000,000,000 to the burdens of the people must result in a continued rise in prices, a continued demand for higher wages and salaries, and a continuance of the spiral up to a point where industrial collapse is as certain as the tides.

Mr. President, face to face with these conditions, it has occurred to me that a suggestion of a political platform would not be inappropriate, to consist of 14 points, that being the popular number of propositions for peace, for sermons, for reforms of all kinds, and therefore appropriate for a political platform in 1920. I venture to submit one, not intended for any particular party but which incorporates some trite but valuable principles. Whether they emanate from the committee of 107, which has long been incubating platform propositions for the Republican Party, or whether they come from the committee on resolutions of the Democratic Party, of which Mr. Bryan may or may not be the chairman, or from the committee of 48, which I understand has been selected or self-appointed to consider platform propositions for the new party—and a modern campaign without a new party would be Hamlet with the principal character omitted—I indulge the hope that it will receive the anxious consideration of the taxpayers of the country.

I suggest, therefore, Mr. President, the following:

1. Enforcement of law, without fear, favor, or relaxation.
2. Maintenance of order at all times.
3. Protection of every citizen in the exercise of his constitutional rights.
4. Holding every citizen, individual and corporate, to the recognition and performance of every civic duty and responsibility.
5. Encouragement of production, with campaigns against waste and extravagance.
6. Promotion of thrift everywhere, the Government setting an example by the practice of rigid economy in every department of public administration that may consist with public security, safety, and efficiency.
7. Discouragement of all further legislation transferring the duties, prerogatives, and powers of the States to the domain of Federal jurisdiction.
8. American rights and interests the first duty of the individual and the Government.
9. America first. In our foreign relations the maintenance of friendship, amity, mutual understanding, and every assistance to other powers in their task of rehabilitation compatible with our interest and our constitutional authority.
10. Revision and decrease of national taxation to the lowest possible rate compatible with the actual needs of an economic national administration.
11. Pensions for dependents of soldiers killed in battle or dying in the service, for retirements, and for service men wholly or partially disabled by wounds or by disease incurred in the service.
12. All appropriations to be wholly confined to public objects and purposes.
13. The consumer is the ultimate taxpayer. Though unorganized he is entitled to our first consideration, whatever his political affiliations or lack of political influence.
14. Pointing with pride and viewing with alarm will catch no votes in 1920.

NATIONAL BUDGET SYSTEM.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9783) to provide a national budget system and an independent audit of Government accounts, and for other purposes.

Mr. KING. Mr. President, the Senator from Colorado [Mr. THOMAS] has suggested a number of interesting matters for the consideration of the Senate and Congress. Upon many occasions he has discussed in a fearless manner important questions which demand attention at the hands of the American people. It would be for the welfare of the country if the sound advice often given by him were followed in governmental affairs as well as by the citizens of our country. However, I did not rise for the purpose of adverting to the various points referred to by the Senator.

We have before us what is known as the budget bill, and there is a desire that it be speedily passed this morning. I had intended to present in a brief way a history of budgetary reforms and operations of the budget system in other countries as well as in some of the States of the Union, the inherent difficulties to be encountered in the establishment of a budget system in a Federal Government such as ours as well as the advantages and benefits which a proper budget system will bring to the administration of the affairs of our Government. It has developed, however, that there is no opposition to the pending measure, and I shall therefore pretermit a discussion of the subjects referred to and content myself with a few general observations and a reference to the substitute bill which I shall offer pro forma for the measure which is now before us.

In common with other Senators, I have felt for some time that the method employed by the United States in dealing with its financial affairs was loose and inefficient. I have felt that the estimates furnished by the various agencies of the Government were wholly unreliable, and if accepted by Congress would result in still greater inefficiency, waste, and extravagance and lead to serious financial embarrassment. No one who is familiar with the method of preparing estimates and making appropriations to meet the expenses of the Government can speak approvingly of the same. Students of governmental problems and of fiscal administrative reforms have with substantial unanimity condemned our limping, imperfect, inefficient, and chaotic system. Executive officials, unfortunately, have failed to appreciate the responsibility resting upon them or the solemn duty which they owed to their Government and to the country. Bureau chiefs and subordinate officials have prepared estimates and figures for submission to Congress which call for appropriations of such magnitude as to shock all who are interested in economy, efficiency, and good government. There seems to have been a wild scramble upon the part of the executive departments and agencies to get the largest possible sums out of the Treasury of the United States. There has been the appearance of an indefensible rivalry as to which bureau or executive agency could secure the largest appropriation. Officials have projected their own ambitious schemes for extension of their functions and powers and authority into submitted estimates for appropriations. Unimportant divisions and bureaus headed or controlled by theorists, doctrinaires, or those who have no conception of the limitations upon the Federal Government and its Treasury have under the present system of appropriations been magnified and developed until they have assumed enormous proportions and extracted from the Treasury of the United States from year to year stupendous sums.

Executive officials in their desire to extend the operations of the branches of the public service with which they were connected have encroached upon other bureaus, divisions, or fields of activity under the control of the Federal Government, and have thus produced duplication which has resulted in expenditures of millions annually which brought no adequate results

to the Government or the people and, indeed, with propriety could be entered in a column entitled "Waste and extravagance."

The evils of which I am speaking are not recent in their origin. They have existed for many years and have manifested themselves regardless of the party in power. The machinery of the Government is not new. It has developed slowly, but the passage of time has only increased the mechanical devices, but unfortunately the augmentation of the machinery has brought neither efficiency nor reform.

I think it may truthfully be said that with the increase in divisions, bureaus, and governmental agencies there has been less efficiency and less of a spirit of service and devotion to the public weal. It has often been charged by political economists and historians that republics are proverbially extravagant and inefficient. Without expressing any opinion in regard to this view, I do not hesitate to state that in the administration of the affairs of this Republic there has been great waste and extravagance, and there has developed a cumbersome, lumbering organism which has suffered many breakdowns and brought chagrin and humiliation to all who were interested in efficiency and economy in the public service and the application of the highest principles of political and administrative morality to the governmental affairs of the Republic.

The pending measure has many admirable features and I believe is a step in the right direction. It will work some needed reforms; but I am afraid it will prove disappointing to many students of our Government and its administrative functions, who have felt that a well-balanced scientific budget system would accomplish radical and important reforms. No budget system, no system of estimates or accounting, will effectuate the reforms desired or eradicate all of the evils attending Federal administration. As a matter of fact, few genuine reforms result from legislation; wise legislation is the result of manifestations of the spirit of justice and progress. There is a mental and moral attitude which is a most potential factor in advancing the cause of justice and righteousness in the private lives and relations of individuals, as well as in their relations to the Government and in the affairs of the Government itself. So long as the people believe that the Government may be exploited for their advantage or may be plundered for the advancement of interests not purely governmental there will be inefficiency and prodigality in governmental administration. So long as public officials and employees of the Government feel an impersonal relation to the Government and are not filled with a passion and patriotic desire for its welfare and the welfare of all the people, we may expect maladministration, inefficiency, extravagance, bureaucratic tyranny, and executive incapacity.

Loyalty to the Government by its employees is indispensable to efficient administration. Employers, whether corporations or individuals, who have the loyal and enthusiastic and moral support of all who are in their service achieve the highest and most satisfactory results.

There must be developed a higher standard of morality with respect to governmental affairs. Individuals of high integrity and probity do not always appreciate the wrong involved in evading customs laws and regulations. Persons who in their relations with their fellows follow the highest standards of truth and rectitude feel, in dealing with the Government or when in the Government service, that a different rule of conduct or standard of duty applies. When all who are in the service of the Government, or are directly or remotely connected with its administration, feel that the Government is a part of themselves and that when they injure it they are striking themselves and at the most important and sacred things in life, there will be administrative reforms and the affairs of the Government will be conducted upon a different level. There will be efficiency and loyalty and genuine progress. When we carry into the service of our country and into our daily relations and dealings with it that spirit of sacrifice and loyalty, that patriotic fervor which manifested itself in the recent war as a powerful spiritual force, many of the evils and imperfections and wrongs now existing in the Government and in administrative action will disappear.

There must be developed a feeling that the Government is a repository of the liberties and happiness of the people, and that whatever weakens or injures or debases it reacts immediately upon each individual and will impair, if not destroy, the liberty and peace and happiness of the people individually and collectively. Many persons visualize truth and justice and religion and moral forces as divine and sacred beings; the forces and influences manifesting themselves therein are not cold and lifeless and abstract, but are animate and vital. So also our Government should be regarded not as a mental abstraction nor as a pallid and inanimate projection of the finite mind. The most perfect expedients to secure wise and just administration in the affairs of government will fail of their object unless among the people and in the hearts of those clothed with government privilege there is a profound respect and reverence for law and justice as well as a spirit of love for and devotion to country. In an autocratic government reforms have been wrought by those invested with power. In the earlier years of Napoleon's power he accomplished important administrative reforms. He gave a code of laws to his country which has survived to this day. He introduced administrative reforms particularly in the fiscal and accounting branches of the Government that have excited the admiration of students of political science. The people of France were not sufficiently loyal to the great reforms which he inaugurated to fully preserve them after Napoleon's power was gone.

The American people have not yet learned the lesson of thrift and economy. The inexhaustible resources of the new world have made this the richest and most powerful Government the world has ever seen. We have believed that our resources were limitless and that no improvidence or extravagance could jeopardize or endanger our future. We have regarded our country as vast in area and unrestricted in power. We have examined everything with the telescope; seldom have we employed the microscope. We have insisted upon doing big things in a big way. We have opposed conservation and economy and thrift and a jealous regard for the small things whether they were material or abstract. This characteristic is preeminently American and has found expression in our private lives, in our business affairs, and in our administration of our municipal, State, and National Governments. This view, which has become a national trait, has developed a spirit of prodigality and extravagance. We have not worked intensively nor applied ourselves with the scientific and investigating spirit to the details of life. There must be a radical change among the people. The economic and industrial condition of our country and of the world calls for a reexamination of our policies and our attitude toward those questions which affect our lives individually and nationally. We should be admonished that our resources are limited and that some have reached the point of exhaustion. The cry should go forth from every section of our land for conservation and economy and providence. The curriculum of our schools should be so modified as to impress upon the coming generation the imperative necessity of thrift and the dignity and glory and sacredness of labor.

Mr. President, the success of the pending measure will depend largely upon the attitude of the Chief Executive of our Nation as well as upon the courage and ability and patriotism of the chief officials provided for in the bill. There will be the same demands, unreasonable and unjust, made by bureaus and executive departments for appropriations. There will be the same ambition for the aggrandizement of the executive departments, bureaus, agencies, and instrumentalities. There will be the same insistent demands for Federal aid in matters that are purely local in character. Indeed, unless there is a change in public sentiment, the demands for Federal aid and interposition by the States and local governments will increase and result in illegal and illegitimate and unconstitutional appropriations from the Federal Treasury. It also must be remembered that the attitude of the legislative branch of the Government toward the question of appropriations will largely determine the success of the budget system. If the accounting officers of the Government and if those who have to do with the operation of the budget as provided in the pending bill faithfully discharge their duties, they will point the way to economy and efficiency and reform. If Congress fail to support them and listen to local and individual demands for appropriations and refuse to follow the path of safety and of constitutional sanction, inefficiency and waste will continue, and the evils of maladministration will be increased. This bill, in my opinion, will provide checks and restraints that will be of great benefit to our country. That something should be done to check the growing expenditures of our Government all must admit. The people everywhere seem to be obsessed with the thought that there is no limit to the funds of the Federal Government, and that there should be no restriction upon the appropriations which it makes.

If we do not curtail expenses national bankruptcy is inevitable. As I have stated, conscientious and patriotic officials carrying out the letter and spirit of this bill can challenge attention to the dangers before the country and point to the disasters which will follow the heedless, headlong, frenzied expenditures which we are making and are called upon to make. This Congress has appropriated entirely too much. Efforts to check appropriations prove futile. Many who cry the loudest for appropriations bestow but little thought upon the question of producing the necessary revenue to meet the appropriations.

There are many organizations clamoring for appropriations; the forces and influences exerted in and out of Congress to secure appropriations are numerous and powerful. The voices raised against these demanded appropriations are few and the impediments in the way of the flood from the Federal Treasury offer but slight resistance.

The administration of the Government must be conducted along scientific lines. The successful business man is the one who avails himself of the most improved and scientific methods in every department of his enterprise. He is constantly looking for reforms and economies. Efficiency experts command high salaries and the money invested for their services is like bread cast upon the waters, and it returns a hundredfold. One marvels that our Government has not provided a proper system for estimates and accounts and that we have followed archaic and obsolete methods in the administration of the departments of Government. There has been no coordination of the executive branches of the Government. Let me say, in passing, that legislation is imperatively needed for the purpose of rearranging, consolidating, coordinating, and integrating the executive departments and bureaus and agencies of the Government. There is much confusion in the present arrangement of departments and executive agencies. Many bureaus should be transferred; some should be abolished. A scientific and rational plan should be promptly provided under which there will be a complete reorganization of the departments of the Government.

Mr. President, the bill reported by the Special Budget Committee is not perfect. Many of its provisions are not satisfactory to me. However, it has so many meritorious features that I think it should receive the support of both sides of the Chamber. The committee in the consideration of the question were actuated by a desire to work out the very best plan that the situation permitted. There was not the slightest partisanship manifested. The distinguished chairman of the committee, the Senator from Illinois, is entitled to the thanks of the Senate and the Congress for his unselfish and faithful efforts. It was my good fortune to be a member of the committee and to participate in the discussions and work, the result of which is the bill now before us.

On the 5th of January, 1920, I introduced a bill which reorganized the Bureau of Efficiency and increased its powers. It also provided that the chief of the bureau should be appointed by the Speaker of the House of Representatives. The object of the bill was to secure efficiency in the administration of the departments of the Government. The bill before us, as amended, provides that the Bureau of Efficiency shall be transferred to the jurisdiction of Congress, and it is empowered to investigate matters relating to the methods of business and organization of the executive branches of the Government. It will be the duty of the bureau to aid Congress in investigating the various departments of the Government with a view to determining whether there is inefficiency and for the purpose of aiding Congress in judging as to the necessity in meeting the appropriations suggested by the executive branches of the Government.

On the 3d day of March of this year I introduced a bill to extend the powers of the Comptroller of the Treasury and to create an office of accounts in the Department of the Treasury and to provide for an annual budget of estimates and report the fiscal operations of the Treasury. Some of its provisions are incorporated in the pending measure. I have prepared a substitute for the present bill. It does not differ materially, except in one or two particulars.

The terminology of the pending measure in a number of instances might in my opinion be improved. I shall ask for a vote upon the substitute. However, it is not my purpose to analyze its provisions or demand its adoption. Having given my support to the committee bill, I do not feel at liberty to argue against its provisions nor to impede its passage. The parliamentary situation is such as to call for the prompt passage of the bill and the Senate should act to-day, and at an early hour to-day, upon the matter. Therefore, as stated, I have no intention of confusing the situation nor obstructing the speedy passage of the committee bill, although I believe the substitute which I shall offer, and which is upon the desks of the Senators, contains some improvements over the pending bill. If the substitute should not be accepted, I shall ask the conferees upon the part of the Senate to consider carefully the provisions of the substitute bill, and when the subject is in conference to write into the bill as it shall be agreed upon the amendments which are embodied in the substitute bill. Briefly, let me say that in my opinion the title of the committee bill is not quite appropriate. It should be "An act to create a bureau of estimates and a general accounting office in the Department of the Treasury, to provide for an annual budget, and for other purposes." Technically speaking, the committee bill does not create a budget system, but it does create a bureau of estimates.

Permit me, first, to call attention to section 3 of the committee bill, which provides that "there is hereby created in the Treasury Department a budget bureau." My substitute would change this expression so that it would read, "there is hereby created in the Treasury Department a bureau of estimates." The duty of this bureau is to prepare estimates, and in my opinion it is more accurate to denominate the bureau which is created "a bureau of estimates" than "the budget bureau." The committee bill provides that the head of the bureau shall be named "commissioner," and that two assistants shall be provided. The substitute changes the name of the head of the bureau to "examiner" and his assistants to "assistant examiners." The word "commissioner" is too general and rather meaningless. There are so many officials under that title that it ceases to convey any meaning as to the nature and duties of the office. The word "examiner" has a more precise and distinctive meaning. Section 21 of the committee bill states "that there is created an establishment to be known as the general accounting office, which shall be independent of the several executive departments and under the control and direction of the comptroller general of the United States." The substitute which I shall offer provides "that there is created in the Department of the Treasury the general accounting office, which shall be under the control and direction of the comptroller of accounts." It will be observed that the substitute changes the name of the chief officer of accounts from "comptroller general of the United States" to "comptroller of accounts." It seems to me that the title "comptroller general of the United States" is rather too big and overwhelming.

The office created deals with the accounts, and the chief official in this organization is the comptroller of accounts. It seems to me that the term is misleading if he is named the comptroller general of the United States. I sincerely hope the conference committee will consider this provision.

I also believe better results will be secured and it is certainly more logical to create in the Department of the Treasury a general accounting office than to—

> create an establishment * * * which shall be independent of the general executive departments.

I believe that there will be better coordination and more satisfactory results if the amendments which I have suggested prevail. The budget bureau or bureau of estimates is created in the Treasury Department, as the Treasury Department is the fiscal department of the Government. There should be one department in which are merged and consolidated all the agencies of the Government which have to do with the revenues and disbursements. The Treasury Department records the income received by the Government. There should be found within the Treasury Department full and complete information regarding the expenditures of the Government. I believe that the placing of these organizations provided by the pending bill in the one department will make for greater efficiency and facility of administration.

Mr. President, without taking further time to explain the differences between the substitute bill and the committee bill, I move that the substitute bill which I send to the desk be adopted in lieu of the committee bill.

Mr. KING's amendment is to strike out all after the enacting clause and insert the following:

That this act may be cited as the "estimates and accounts act."

SEC. 2. That when used in this act—

The term "department" means any executive department.

The term "establishment" means any independent commission, board, bureau, office, agency, or other establishment of the Government, including the municipal government of the District of Columbia, but shall not include the legislative branch of the Government.

The term "estimates" means all estimates for appropriations made or requested by any department or establishment.

SEC. 3. That there is hereby created in the Department of the Treasury the bureau of estimates. The President shall nominate and, by and with the advice and consent of the Senate, appoint an examiner and two assistant examiners of the bureau of estimates. The examiner first appointed shall continue in office for a term of two years, and the assistant examiners four and six years, respectively, from the date when this act shall take effect, the term of each assistant examiner to be designated by the President, but the successors of the examiner and of the two assistant examiners shall be appointed for terms of six years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the official whom he shall succeed. The examiner shall receive an annual salary of $8,000 and the assistant examiners shall each receive an annual salary of $6,000. The assistant examiners shall perform such duties as the examiners may designate, and in the absence or incapacity of the examiner or during a vacancy in the

office of examiner the Secretary of the Treasury shall designate one of the assistant examiners to act as examiner.

SEC. 4. That the examiner of estimates shall employ and fix the compensation of such attorneys, accountants, examiners, experts, clerks, and other employees, and make such expenditures for rent, printing, books, periodicals, office equipment, and supplies as he may find necessary to carry out the provisions of this act: *Provided*, That not more than $200,000 per annum shall be expended under the provisions of this section and not more than four persons shall be employed by the examiner at a salary of $5,000 per annum, and no person shall be employed by him at a salary in excess of that sum. All employees of the bureau, except the examiner and the two assistant examiners, shall be appointed in accordance with the civil-service law and regulations.

SEC. 5. That the head of each department and establishment shall designate one of the chief officers of the department or establishment to have direct supervision of the business operations of the department, such as the offices of chief clerk, appointment clerk, disbursing officer, division of accounts, division of mails and files, division of supplies, superintendent of buildings, etc., and, under the direction of the head of the department, to perform the duties of a general business manager of the department. The officer so designated shall supervise the classification and compilation of the estimates, including supplemental and deficiency estimates, for such departments, and perform such other duties as the head of the department or establishment may prescribe.

SEC. 6. That the head of each department and establishment shall examine, analyze, and revise the estimates of his department or establishment, and shall submit to the examiner of estimates on or before the 1st day of October in each year his final revised estimates for the ensuing fiscal year, and shall attach thereto specifications of the personnel and employees arranged by classes with the number in each class, of the work and functions to be performed and of the amount and description of materials and supplies required, which specifications shall comprehend the personnel, work, functions, and materials covered by the estimates, together with a comparative statement of the personnel, work, functions, and materials used and performed in the preceding fiscal year. In case of the failure of the head of any department or establishment to furnish such estimates as herein required, the examiner of estimates shall cause to be prepared estimates for such appropriations as in his judgment shall be requisite for such department or establishment.

SEC. 7. That after the head of a department or establishment has submitted to the examiner of estimates the regular estimates of such department or establishment for the ensuing fiscal year, he shall not submit for such year any special, supplementary, or additional estimates or other request for appropriations except to carry out laws subsequently enacted, or to meet unforeseen emergencies. Such special, supplementary, or additional estimates shall be supported by a full statement of their necessity and the cause for their omission from the regular estimates.

SEC. 8. That the head of each department or establishment in transmitting the estimates to the examiner of estimates shall refer to the law or treaty by which the proposed expenditures are authorized, specifying the date of each and the volume and page of the Statutes at Large or of the Revised Statutes, as the case may be, and the section of the act in which the authority is to be found.

SEC. 9. That in all cases where the head of a department or establishment includes in his estimates an item that is in excess of the amount previously provided for the same purpose, or an item for which no appropriation previously has been made, he shall set forth in detail the reason why he has made such increased or additional estimates.

SEC. 10. That the Secretary of the Treasury shall prescribe a uniform system of preparing and submitting estimates.

SEC. 11. That the examiner of estimates shall have the powers and perform the duties now held and performed by the Division of Bookkeeping and Warrants of the Office of the Secretary of the Treasury, in so far as they relate to the compilation of the estimates.

SEC. 12. That it shall be the duty of the examiner of estimates in the period prior to and after submission to him of the estimates to inspect and examine the organization, activities, and methods of business of the several administrative departments of the Government to determine the changes which, in his opinion, should be made in the existing organization, functions, and methods of business of such departments or in the appropriation of moneys for the maintenance of the same, or in the assignment of particular duties to particular personnel, or in the grouping of services, in order to secure greater effectiveness and economy in the conduct of the public business. The estimates for the ensuing fiscal year, together with the recommendations of the examiner of estimates, shall be submitted to the Secretary of the Treasury on or before November 1 of each year.

SEC. 13. That the Secretary of the Treasury shall revise, arrange, consolidate, coordinate, reduce, or otherwise alter any item or items of the estimates, including any special, deficiency, or supplemental estimates, in such manner as he may deem necessary to effect economies and to prevent waste, extravagance, or duplication.

SEC. 14. That every department and establishment shall furnish to the Secretary of the Treasury and to the examiner of estimates such information regarding its powers, duties, functions, organizations, finances, and methods of business as they or either of them may from time to time require, and the examiner of estimates, or any of his assistants or employees, when duly authorized by him, shall, for the purpose of securing such information, have access to, and have the right to examine, any books, documents, papers, or records of any such department or establishment.

SEC. 15. That the Secretary of the Treasury shall, on or before the 20th day of November in each year, prepare and submit to the President for his consideration the budget, which shall contain a statement in summary and in detail of the estimates for the ensuing fiscal year as revised under the provisions of section 13 hereof.

The budget shall further contain:

(a) Statements setting forth the expenditures of the Government during the last completed fiscal year classified by organization units, compared with the estimated expenditures of the same organization units for the fiscal year in progress, and with the estimates of expenditures to be authorized for the fiscal year next ensuing.

(b) Statements setting forth the expenditures of the Government during the last completed fiscal year classified by functions, compared with the estimated expenditures for the same functions for the fiscal year in progress, and with the estimates of expenditures to be authorized for the fiscal year next ensuing.

(c) Statements setting forth in detail the revenues of the Government actually paid into the Treasury during the last completed fiscal year, compared with the estimated revenues to be paid into the Treasury during the fiscal year in progress, and with the estimates of revenues to be paid into the Treasury during the fiscal year next ensuing under the provisions of existing law.

(d) Balanced statements of Treasury resources and obligations setting forth in detail the condition of the Treasury at the end of the last completed fiscal year, the estimated condition of the Treasury at the end of the fiscal year in progress, and the estimated condition of the Treasury at the end of the next ensuing fiscal year on the basis of existing revenue laws and of the estimates of expenditures for the fiscal year next ensuing.

(e) Statements setting forth in detail all essential facts regarding the bonded and other indebtedness of the Government.

(f) Statements setting forth in detail amounts of appropriations, whether annual, permanent, or otherwise, including balances of appropriations for prior fiscal years available for expenditure during the year in progress.

(g) If the estimated revenues for the ensuing fiscal year, according to the existing law, are less than the estimated expenditures which in his opinion should be authorized for that year, the Secretary of the Treasury shall recommend to the President new taxes, loans, or other appropriate means to meet the deficiency; or if such estimated revenues are greater than the estimated expenditures for the ensuing fiscal year, he shall make recommendations for the application of such surplus or for a reduction in taxation.

The foregoing provisions regarding the contents of the budget are directory only, and may be altered in form or detail as conditions may render necessary or desirable, provided that the substantial purposes of such statements are adhered to.

The Secretary of the Treasury shall from time to time submit in like manner to the President such supplemental, deficiency, or other estimates as may be submitted to him by the Examiner of Estimates, as provided in this act.

SEC. 16. That the Secretary of the Treasury shall not transmit to the President estimates for the District of Columbia greater than twice the estimated revenues of the District, including charges under all appropriation bills.

SEC. 17. That the President shall have authority to revise the budget submitted to him by the Secretary of the Treasury, by the increase, reduction, or elimination or alteration of any item therein contained, by the addition of new items which, in his opinion, are needed for the conduct of the Government, by the consolidation, rearrangement, or regrouping of items, or by making any reassignment of specific duties, the regrouping of functions, the consolidation or elimination of field stations or other units of organization, or in any other arrangement of the organization and operations of the public business, which, in his opinion, will lead to increased economy and effectiveness.

SEC. 18. That the President shall, on or before the 10th day of December of each year, submit to Congress the budget, as revised and approved by him, including a statement of what, in his opinion, are the revenue requirements of the Government and how the same should be met. The President shall also from time to time submit to Congress such supplementary, deficiency, or other estimates as shall be approved by him, and no estimate or request for any increase in any item of the budget as submitted by the President shall be submitted to Congress or to any Member or committee thereof by any officer of, or person employed in, any department or establishment except as provided for by this act, unless at the request of either House of Congress or a committee thereof having jurisdiction over appropriations or revenues.

SEC. 19. That the Secretary of the Treasury shall, at the request of any committee of either House of Congress, direct appropriate officials from the bureau of estimates to furnish such committee such aid and information, in person or otherwise, as the committee may request.

SEC. 20. That the Secretary of the Treasury shall cause to be prepared a codification of all the laws now in force relating to the expenditures of the Government, and shall, on or before January 1, 1921, transmit the same to the President with a statement showing which of such laws in his judgment should be revised, or repealed in whole or in part, and what new provisions, if any, should be added. The President is hereby requested to transmit to Congress such codification and accompanying statements, together with his recommendations.

SEC. 21. That there is created in the Department of the Treasury the general accounting office, which shall be under the control and direction of the comptroller of accounts. The offices of Comptroller of the Treasury and Assistant Comptroller of the Treasury are abolished, to take effect July 1, 1920. All other officers and employees of the office of the Comptroller of the Treasury shall become officers and employees in the general accounting office at their grades and salaries on July 1, 1920, and all books, records, documents, papers, furniture, office equipment, and other property of the office of the Comptroller of the Treasury shall become the property of the general accounting office.

There shall be in the general accounting office a comptroller of accounts and three assistant comptrollers, who shall be nominated and by and with the advice and consent of the Senate appointed by the President. The comptroller of accounts shall receive a salary of $8,000 a year; the first and second assistant comptrollers shall receive salaries of $6,000 a year; the third assistant comptroller shall receive a salary of $5,000 a year. During the absence or incapacity of the comptroller of accounts, or during a vacancy in that office, the first assistant comptroller shall act as comptroller of accounts. The comptroller of accounts and the assistant comptrollers shall hold office for a term of five years, and shall be removable only for cause: *Provided*, That in the first instance the comptroller of accounts shall be appointed for a term of one year, the first assistant comptroller for a term of two years, the second assistant comptroller for a term of three years, and the third assistant comptroller for a term of four years, respectively, from the date when this act shall take effect: *Provided further*, That any person chosen to fill a vacancy shall be appointed only for the unexpired term of the official whom he shall succeed.

SEC. 22. That the comptroller of accounts shall perform the same duties and have the same powers and responsibilities as those now performed by, or appertaining to the Comptroller of the Treasury, the six auditors of the Treasury Department, and the Division of Bookkeeping and Warrants of the Office of the Secretary of the Treasury, except as provided in section 11 hereof. Subject to the approval of the Secretary of the Treasury, the comptroller of accounts shall prescribe the procedure for the issue of warrants for the receipt or payment of public moneys at the Treasury, including the postal revenues and expenditures therefrom. He shall perform the duties now appertaining to the Division of Public Moneys of the Office of the Secretary of the Treasury so far as they relate to the covering of revenues and repayments into the Treasury, the issue of duplicate checks and warrants, and the certification of outstanding liabilities for payment. He shall prescribe the forms, systems, and procedures for administrative ap-

propriation and fund accounting in the several departments and establishments, and for the departmental or administrative examination of fiscal officers' accounts and claims against the United States. He shall submit periodically to Congress reports upon the adequacy and effectiveness of the administrative examination of accounts and claims in the respective departments and establishments, and upon the adequacy and effectiveness of the departmental inspection of the offices and accounts of fiscal officers, together with recommendations for such legislation as may improve and facilitate the settlement of accounts and as may correct wasteful practices and prevent the creation of deficiencies in excess of expenditures authorized by Congress. The comptroller of accounts, for this purpose, shall have the right to examine any books, documents, papers, records, or operations of any department, bureau, board, commission, office, or agency of the executive departments.

SEC. 23. That the assistant comptrollers shall perform the following duties:

(a) The first assistant comptroller shall perform the same duties as those now performed by, or appertaining to, the six auditors of the Treasury Department, except as otherwise expressly provided herein, and such other duties as may from time to time be assigned to him by the comptroller of accounts. He shall receive, audit, and settle all accounts of fiscal officers and claims against the United States, and certify his findings thereon to the third assistant comptroller. The findings of the first assistant comptroller upon the settlement of public accounts shall be final and conclusive upon the executive branches of the Government, except that any person whose account has been settled, or the head of the department or establishment to which any account pertains may, within a year, obtain a revision of the account by the board of appeals created by section 24 hereof.

(b) The second assistant comptroller shall prescribe the forms of keeping and rendering all accounts of appropriations and funds, revenues and expenditures, and accounts of fiscal officers. He shall determine the accounting procedure to be followed in the payment of settled liabilities of the Government, in advancing funds to disbursing officers, and in covering public moneys into the Treasury, and the procedure to be followed in accounting for appropriations made or special funds established or authorized by Congress. He shall conduct a continuous inspection of the methods and procedure followed in the administrative examination of fiscal officers' accounts and claims, and he shall report periodically to heads of departments and establishments, and to the comptroller of accounts, as to the adequacy and effectiveness of such examination. He shall periodically inspect the places of business of accountable officers, examine the books and papers evidencing their respective transactions, and count their cash, stamps, and accountable paper; he shall report periodically to heads of departments and establishments, and to the comptroller of accounts, as to the adequacy of the inspection of accountable officers conducted by the respective departments and establishments with which they are connected; and he shall perform such other duties as may from time to time be assigned to him by the comptroller of accounts.

(c) The third assistant comptroller shall keep all general accounts of receipts and expenditures of public money, including the postal revenues and expenditures therefrom; of appropriations, special funds, and trust funds, and of the public debt; and he shall perform generally the duties now appertaining to the Division of Bookkeeping and Warrants of the Office of the Secretary of the Treasury, except as expressly provided herein; he shall perform the duties and exercise the functions now appertaining to the Division of Public Moneys of the Office of the Secretary of the Treasury so far as they relate to the covering of revenues and repayments into the Treasury, the certification of outstanding liabilities for payment, and the authorization of the issue of duplicate checks and warrants. He shall perform such other duties as may from time to time be assigned to him by the comptroller of accounts.

All acts performed by the assistant comptrollers under this section shall be subject to the direction and approval of the comptroller of accounts.

SEC. 24. That there shall be attached to the general accounting office a board of appeals, to consist of three members, including the second assistant comptroller and the third assistant comptroller. The third member, who shall be chairman of the board, shall be nominated, and, by and with the advice and consent of the Senate, appointed by the President, and shall receive compensation at the rate of $6,000 a year. He shall be known as the solicitor of the general accounting office and shall hold office for a term of five years. He shall have administrative charge of the boards' activities and shall supervise such subordinate personnel as may be attached to it.

The board of appeals shall perform its duties under such rules of procedure as may be prescribed by the comptroller of accounts. It shall review all decisions of the first assistant comptroller involving an original construction of a statute or a modification of an existing construction, and items in any account affected by such decision shall be suspended and settlement thereof withheld until the board of appeals shall approve, disapprove, or modify such decision and certify its findings to the first assistant comptroller. Upon application by any disbursing officer or head of a department or establishment the board of appeals shall render its decision upon any question involving a payment to be made by such disbursing officer or under the jurisdiction of such head of department or establishment, which decision when so rendered and confirmed by the comptroller of accounts shall govern the first assistant comptroller in settling the account containing such payment. Any disbursing officer or head of department or establishment, or any other person aggrieved by the action or by any decision of the first assistant comptroller in the settlement of an account or claim may, within one year from the date of such settlement, present an appeal to the board of appeals and obtain a revision of the account or claim thereby, and the decision of the board of appeals upon such revision shall be final and conclusive upon the executive branches of the Government after confirmation by the comptroller of accounts. Authority to suspend payment and direct the reexamination of any account settled by the first assistant comptroller shall be exclusively vested in the comptroller of accounts, who shall have authority to reopen any account so settled and direct its revision by the board of appeals.

SEC. 25. That the offices of the six auditors of the Treasury Department and the Division of Bookkeeping and Warrants of the Office of the Secretary of the Treasury shall be abolished, but the six auditors of the Treasury Department shall be transferred at their present salaries to become officers of the general accounting office, and all other officers and employees of these offices and of the Division of Bookkeeping and Warrants shall become officers and employees in the general accounting office at their grades and salaries on July 1, 1920. All books, records, documents, papers, furniture, office equipment, and other property of these offices and of the Division of Bookkeeping and Warrants shall become the property of the general accounting office. The general accounting office shall occupy the space now occupied by the Office of the Comptroller of the Treasury, the six auditors of the Treasury Department, and the Division of Bookkeeping and Warrants until otherwise provided.

SEC. 26. That the comptroller of accounts shall appoint, remove, and fix the compensation of such officers and employees in the general accounting office as may from time to time be provided for by Congress, and perform all other duties of the head of an independent Government establishment. All such appointments shall be made in accordance with the civil-service laws and regulations. Not more than three persons shall be employed by the comptroller of accounts at a salary of $5,000 a year, and no person shall be employed by him at a salary in excess of that sum. Until March 5, 1921, no person who at the time of the passage of this act holds office as one of the six auditors referred to in section 25, and who in pursuance of said section is transferred to the general accounting office, shall be removed from office or have his compensation reduced, except for cause. All officers and employees of the general accounting office, whether transferred thereto in pursuance of sections 21 and 25 or appointed by the comptroller of accounts, shall perform such duties as may be assigned to them by the comptroller of accounts. The comptroller of accounts shall make such rules and regulations as may be necessary for carrying on the work of the general accounting office.

SEC. 27. That the comptroller of accounts shall investigate, at the seat of government or elsewhere, all matters relating to the receipt and disbursement of public funds, and shall make to the President on or before October 15 of each year, and to Congress at the beginning of each regular session, a report in writing of the work of the general accounting office, containing recommendations concerning the legislation he may deem necessary to facilitate the prompt and accurate rendition and settlement of accounts and concerning such other matters relating to the receipt and disbursement of public funds as he may think advisable. In such regular report, or in special reports at any time when Congress is in session, he shall make recommendations looking to greater economy or efficiency in the public expenditures. He shall make such investigations and reports as shall be ordered by either House of Congress or by any committee of either House having jurisdiction over revenues, appropriations, or expenditures. The comptroller of accounts shall also, at the request of any such committee, direct assistants from his office to furnish the committee such aid and information as the committee may request. The comptroller of accounts shall specially report to Congress every expenditure or contract made by any disbursing officer in any department or establishment in any year in excess of the appropriation to such department or establishment and in violation of law.

All departments or establishments, except the Supreme Court, shall furnish to the comptroller of accounts such information regarding the powers, duties, activities, organization, financial transactions, and methods of business of their respective offices as he may from time to time require of them; and the comptroller of accounts, or any of his assistants or employees, when duly authorized by him, shall, for the purpose of securing such information, have access to and the right to examine any books, documents, papers, or records of any such department or establishment. The authority contained in this paragraph shall not be applicable to expenditures made under the provisions of section 291 of the Revised Statutes of the United States.

SEC. 28. That the Civil Service Commission shall establish an eligible register for accountants for the general accounting office, and the examination of applicants for entrance upon such register shall be based upon specifications approved by the comptroller of accounts.

SEC. 29. That for the fiscal year ending June 30, 1921, the sum of $225,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of defraying the expenses of the establishment and maintenance of the bureau of estimates, and the sum of $150,000 for the establishment and maintenance of the general accounting office, including the payment of salaries herein authorized.

SEC. 30. The Bureau of Efficiency, together with its books, papers, and records, furniture, equipment, and supplies, is hereby transferred to the jurisdiction of Congress; and its officers and employees are transferred in their present status without reappointment. The Chief of the Bureau of Efficiency shall hereafter be appointed jointly by the President of the Senate and the Speaker of the House of Representatives and may be removed from office by concurrent resolution for inefficiency, neglect of duty, or malfeasance in office. All other employees of the bureau, including a disbursing officer for the payment of the salaries and expenses of the bureau, shall be appointed in accordance with the civil-service laws and regulations. The Bureau of Efficiency is authorized to investigate any matters relating to the organization, activities, or methods of business of the several administrative services of the Government and shall from time to time submit to Congress reports of its investigations with recommendations looking to greater efficiency and economy in the conduct of the public business. It shall make such special investigations and reports as may be required by either House of Congress or by any committee of either House having jurisdiction over revenues, appropriations, or expenditures. Officers and employees of the executive departments and other establishments shall furnish authorized representatives of the Bureau of Efficiency with all information that the bureau may require for the performance of its duties, and shall give such representatives access to all records and papers that may be needed for that purpose.

SEC. 31. That this act shall take effect on July 1, 1920.

Amend the title so as to read: "An act to create the bureau of estimates and the general accounting office in the Department of the Treasury, to provide for an annual budget, and for other purposes."

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Utah [Mr. KING].

The amendment was rejected.

Mr. SMOOT. Mr. President, I have for a number of years recognized the necessity of some agency in the Government to pass upon estimates for appropriations which are needed for the maintenance and operation of our Government. The present plan is so unsatisfactory, so unbusinesslike, that I doubt whether it can find a single defender. It has resulted in estimates being made not by the heads of departments, but in nearly all cases the estimates are made by the chief clerks of the various bureaus and divisions of the departments of the Government. Under the system now prevailing every bureau and every division of the departments of the Government has

vied with every other to see that its growth is not exceeded by that of any other bureau or division. It is a physical impossibility for Members of Congress to make a personal examination into every estimate submitted. The only investigations which are made are when the increases asked for are beyond all reason and the committee wants some explanation in regard to them.

I recognize that the pending measure is far from perfect, but I know that it is a step in the right direction, and I have every confidence that it will result in a more systematic plan of estimates for appropriations which are necessary for the maintenance of the Government than has been apparent in the past.

Again, Mr. President, there is a provision in the bill under which hereafter there can be a systematic checking up of the estimates when they are submitted to Congress. To-day estimates are sent by the Secretary of the Treasury to the Appropriations Committee of the House or of the Senate, through the Speaker of the House or the President of the Senate, and if there is an investigation made of any particular estimate, it is defended in every case by the very persons who originated it, and that at a time when the appropriation bill containing the item is before the House or Senate. Appropriation bills must be passed; they have the right of way in both Houses; and it is impossible for members of committees of the House and of the Senate to go into a detailed investigation of all the estimates which are submitted to them requiring appropriations.

I have no doubt the pending bill will be amended very shortly after it shall have become a law and put in operation, but the plan outlined in the bill, I think, will result in an immediate improvement. I think it will be easier for every Senator and every Representative, if he has any interest whatever in the amount of money which is appropriated by Congress in order to maintain the Government, to learn hereafter for what the money is to be expended and how it is to be expended than under the present system.

Mr. President, in the budget systems of some of the leading countries of the world there is provision made preventing the legislatures of such countries from increasing an appropriation which has been estimated for in budget form.

Mr. McCORMICK. That is true only as to the British Commonwealth.

Mr. SMOOT. No; there is one other country which has such a provision.

I have had enough experience in the Senate to know that such a provision would be rather too drastic. We all know that, even after appropriation bills have passed the other House, have come to the Senate, and have been reported to the Senate by the Committee on Appropriations, it has been found scores of times that it was absolutely necessary that there be an appropriation made for some particular purpose which had theretofore not been estimated for or reported from the committee; and with such a drastic provision in the law as that to which I have referred it would be hard to meet such a situation. But, Mr. President, I think that the rules of the Senate could be amended and strengthened so that no items could be put upon an appropriation bill increasing the budget estimate unless by unanimous consent.

I recognize the force of what the Senator from Colorado [Mr. THOMAS] stated yesterday, that unanimous consent generally is very easily obtained in the Senate; but I think if the proposed system were put in operation and should develop, as I hope it will develop, it will create a greater interest amongst Senators as to the expenditure of the public funds. In that event, whenever an increased appropriation would be asked for there would have to be an absolute reason and justification for it beyond a question of doubt before unanimous consent could be secured. That is one of the questions that will have to be considered later in connection with this proposed legislation; and I hope that within the next few years the legislation will be so perfected that it will work to the end all of us profess we want to reach. Yet how often do we see appropriations increased without a word of opposition being heard.

Mr. THOMAS. Mr. President——

Mr. SMOOT. I yield to the Senator.

Mr. THOMAS. The Senator has referred to the amendment of the rules of the Senate as a possible measure of relief from the evil to which his remarks have been directed. I concede that such a rule, although subject to suspension by a two-thirds vote or by unanimous consent, would go a long way toward preventing the incorporation into appropriation bills of additional appropriations through amendments offered on the floor; but does the Senator believe it is possible to secure such an amendment?

Mr. SMOOT. I think, Mr. President, that it will be possible; and not only that, but I wish to say to the Senator that, so far as I am personally concerned, I should like to see the rule made absolute that an amendment providing an increased appropriation or an additional item of appropriation could only be added by unanimous consent of the Senate.

Mr. THOMAS. I should also like to see that done, and I wish I could share the Senator's confidence; but, in view of the futility of the efforts which have been made for over a period of many years to amend the rules of the Senate, I am unable even to hope that such a remedy is within the limits of senatorial possibility.

Mr. SMOOT. Mr. President, perhaps it would be well enough for me to state why I have hope and confidence that such action will be taken. There is no question in my mind that the appropriations which Congress will be called upon to make will be so large, the amounts will be so staggering to the American people, that the pressure brought to bear upon Congress for the reduction of the appropriations, even those which must be made, will be so great that Senators will want just such kind of a rule to protect themselves.

Mr. THOMAS. Mr. President, the Senator from Utah, as well as myself and some other Members of the Senate, during the last seven or eight years have warned this body that the indignant wrath of an outraged people would manifest itself in no uncertain terms against these appropriations. I fail to see any material evidence of any collective movement or expression of that sort, and I am beginning to doubt whether it will materialize.

Shortly after I came here, when I objected to one of these appropriations, I was informed by an old and experienced Senator that I was wasting my breath in a useless effort, for the very good reason that the people wanted these moneys expended and became indignant when any attempt was made to impose limitations upon our practice.

Mr. SMOOT. Mr. President, conditions to-day are quite different from the conditions before the year 1916 as to the indebtedness of our Government.

Mr. EDGE. Mr. President, may I interrupt the Senator just for a suggestion?

Mr. SMOOT. Certainly.

Mr. EDGE. Referring to the interesting experience of the Senator from Colorado, was it not quite true that in those days we did not have income taxes and excess-profits taxes and many other types of taxation which I think have served more or less to awaken the public?

Mr. THOMAS. No, Mr. President; we did not have them at that time, but I do not yet perceive any signs of awakening, although the tax rates have been doubled and quadrupled and quintupled. Possibly we may get under the skin after a while; I hope so; but so far we hear nothing—at least I have heard nothing—except individual protests and screams of pain. There has been no organized effort, no mutual protest, no general form of denunciation or demand for relief. I hope it will come, though. I hope the Senator is right.

Mr. SMOOT. I do not want to be an alarmist, but I say now that there will have to be a change not only in the expenditures of money on the part of the Government but in the mode of living of the people in this country, or trouble is bound to come. I see the storms arising; and when we stop to think that the world is not producing what the world requires, only one result can come from it, and that is disaster. The peoples of the world will have to produce more, and unless they do, I care not how much taxes may be reduced or how large the appropriations, it will not remedy the situation.

It is all very well for us to issue paper money by the billions; it is all very well for the countries of the world to put their printing presses in operation and issue untold billions of uncovered paper money; but the greater the quantity of it that is issued the greater the cost of producing goods in the world and the cost of living to the people. The only thing that can bring about normal times in this country and in all the world is to produce more and at least to produce as much as is consumed by the people of the world.

Mr. President, that is far afield from this bill. I want to express my approval of this legislation. I have assisted the chairman of this committee to prepare it with the best ability that I have; and while it does not represent the exact views of any member of the committee, I do believe that it represents the consensus of opinion of all of the members of the committee. There is not a member of the committee but who recognizes that when the bill is in operation weaknesses will be developed here and there, and when that time comes I have not any doubt but that Congress will be glad to make the necessary amendments to rectify the shortcomings of the bill.

I believe that the bill ought to pass the Senate of the United States with a unanimous vote. I did intend to analyze the

House bill and to show the difference between the House bill and the bill of the Senate; but I think it is hardly necessary, and I will content myself by saying this: There is no question in my mind but that the Senate bill is an immensely better piece of legislation than that of the House. In fact, I believe that if the House bill passed the Senate and became a law it would fail to accomplish what we hope for. Of course, it will go into conference and be thrashed out there. I hope the conferees will have little trouble in agreeing upon the bill.

Mr. McCORMICK. Mr. President, I believe there are no more amendments to be offered to the bill.

The VICE PRESIDENT. The question is on agreeing to the committee amendment as amended.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

JOINT COMMITTEE ON RECLASSIFICATION OF SALARIES.

Mr. JONES of New Mexico. Mr. President, I desire to call up for consideration Senate joint resolution 160, Order of Business 419, authorizing the Civil Service Commission to take over the records of the Joint Reclassification Commission and have their custody and keep them up to date until the report of that commission can be acted on.

I have been receiving a good many inquiries regarding this joint resolution. On yesterday I inserted in the RECORD a letter from the Civil Service Reform League stating that that league had given careful consideration to the report of the commission and indorsed the work which had been done. Of course, the league suggested one or two amendments, and no contention is made by anybody on the commission that amendments may not be necessary. In fact, we know of some which we shall be glad to suggest ourselves.

This morning I am in receipt of a letter from the president of the Federal Employees' Union in the city of Washington. It embodies a copy of a resolution, which I will read:

Whereas on February 24, 1920, the chairman of the Commission on Reclassification of Salaries introduced in the Senate joint resolution 160 to provide for the preservation and maintenance of the records of that commission by authorizing and directing the United States Civil Service Commission to assume custody of the records and keep them current pending consideration by Congress of the final report and recommendations of the joint commission, which resolution was referred to the Committee on Civil Service and Retrenchment, and was reported back favorably to the Senate; and

Whereas on March 10, 1920, the chairman of the Committee on Reclassification of Salaries moved that the Senate consider that resolution, but instead, after a suggestion of no quorum by Senator SMOOT, the Senate proceeded to consideration of the peace treaty, and so far as can be ascertained, no further effort has been made to get action on the resolution, notwithstanding that its passage would be the first step in the progress of the service to the standardization which is essential to any betterment of it, and no good reason is apparent why that progress should be delayed; and

Whereas the civilian employees of the Government in the District of Columbia had every reason to believe that the investigation of working conditions by the Joint Commission on Reclassification of Salaries was made with an honest purpose of benefiting the service, by adjusting inequalities of compensation and correcting wrong conditions of employment, but the seemingly needless delay in action on the joint resolution 160 gives rise to a feeling of doubt in the minds of the civilian employees that there is any real interest at all in the matter on the part of Congress; and

Whereas administrative officers were advised when they were preparing their estimates for the coming fiscal year not to include any recommendations for increases in compensation of civilian employees for the reason that the Reclassification Commission was considering the matter of salaries, thus giving rise to the reasonable belief that Congress intended to adjust salaries in accordance with the recommendations of the commission or in accordance with some other plan, and as a result of this there are many deserving employees who will suffer a hardship; and

Whereas inaction or silence on the part of the civilian employees of the Government in the District of Columbia must appear to indicate that they are satisfied with the existing condition, although as a matter of fact they are entirely dissatisfied with that condition: Now therefore be it

Resolved by Federal Employees' Union, No. 2, in quarterly meeting assembled, That the members of this union record their dissatisfaction with the present bonus condition which represents an unscientific, inadequate, and unfair method of attempting to meet the greatly increased cost of living, and perpetuates existing irregularities of salaries which reclassification was intended to correct; and be it further

Resolved, That it is the sense of this union that dilatory or obstructive methods on the part of any member of either House of Congress in dealing with Senate joint resolution 160 or the report of the Reclassification Commission, can not help but lessen the confidence of the civilian employees of the Government in the sincerity of avowals of purpose by Members of Congress to standardize and readjust salaries in the civil service, notwithstanding the fact that such standardization is the most vital need of the civil service; and be it further

Resolved, That it is the sense of this union that the Civil Service Commission has not evinced the active interest in this reclassification that the employees had a right to expect, and that its passive attitude toward Senate joint resolution 160 is calculated to lead, and in many instances has led, to a lack of confidence on the part of civil service employees in the ability or the desire of the individual members of the commission to take over the work of reclassification and administer it with the vigor that would be the first essential of the success of the undertaking; and be it further

Resolved, That a copy of these resolutions be furnished to the chairman of the Reclassification Commission, the chairmen of such committees of Congress as the president of this union may deem desirable, and to the president of the Civil Service Commission.

That resolution came to me unexpectedly; I knew nothing about any such action being contemplated; and I present it now, not for the purpose of contending that the attitude of the employees themselves should have any definite bearing upon this subject, but to indicate to the Senate the necessity that something shall be done.

The Reclassification Commission submitted its report on March 12. It is necessary that the statistics which the commission accumulated while it was active should be kept up to date. We have managed to do that thus far by getting some detailed employees in the District to keep those records. But it is done in a manner which it seems to me may possibly be termed irregular, and inasmuch as the commission is supposed to have completed its labors in fact, if not technically, the commission feels that it should be relieved of further responsibility in the matter.

I desire to call special attention to the letter which was inserted in the RECORD yesterday, which came from the National Civil Service Reform League. I believe I will read a portion of it. It certainly comes from a body whose judgment is worthy of very serious consideration, because that organization has been giving careful thought and study to these matters for many years. The letter is addressed to me, and in part is as follows:

The National Civil Service Reform League, through its committee on legislation, urges your favorable consideration of the recommendations in the report of the Joint Committee on Reclassification of Salaries. The league's committee has given careful consideration to the report and believes that it points the way to a distinct step in advance in the Government service.

The civil service is in serious need of attention on all of the points enumerated in the commission's report. At present many of the best employees are resigning from the service, and it is evident that something must be done to retain the more efficient of those who have not resigned.

Particular attention is called to the recommendation in paragraph 4 of the summary of recommendations "that the Congress directs an existing agency, logically and preferably the Civil Service Commission, to make a final allocation of individual positions to the classes set forth in the recommended plan of classification," and also that in paragraph 6 of the same summary of recommendations "that the permanent administration of the classification and schedules of compensation be delegated by law to an existing independent agency of the Government, logically and preferably the Civil Service Commission."

We are of the opinion that the Civil Service Commission is the only agency which by its character and position in the scheme of Government organization is at all fitted to perform these functions. A comprehensive and uniform employment policy for the Government can hardly be brought about unless the work outlined in the above-quoted recommendations is included within the scope of the commission's activities. The Civil Service Commission, by the nature of its present duties, is the only Government department that deals directly with every other department. It is in a position, if it is given authority to do so, to secure with the least possible friction the necessary information to enable it to specify standard rates of compensation and to develop a classification of the service which will be common to all departments.

Mr. President, I read that letter because it bears directly upon this joint resolution. I will state, however, that it is not the purpose of the joint resolution to forestall subsequent and different action by the Senate, or recommendations which may be made by the Committee on Appropriations, to which the report of the Reclassification Commission has been referred.

Mr. KING. Mr. President, will the Senator permit an inquiry?

Mr. JONES of New Mexico. I gladly yield.

Mr. KING. It seems to me that the Senator, if I understand his position, is asking for some step to be taken which commits Congress to the acceptation and the passage of the reclassification bill tendered by the commission.

Mr. JONES of New Mexico. The Senator is not correct in that surmise. The purpose of this joint resolution is simply to transfer to the Civil Service Commission the records of the Reclassification Commission, and keep the information which those records contain up to date, pending the action by the Senate, or the Committee on Appropriations, to which the report has been referred.

Mr. KING. What information is it which the Senator desires shall be kept up to date, to use his expression?

Mr. JONES of New Mexico. For instance, there are changes in the personnel of the employees in the District from day to day, and in considerable numbers. The purpose is to keep together information as to who those employees are, what they are doing, what other employees have taken their places, if any, or any new employees who have been brought into the service of the Government; to keep not only their names but a list of the jobs which they are filling, and those jobs are pre-

liminarily put into the classifications which have been stated by the commission.

Mr. KING. The information may be very important; I express no opinion in regard to the matter; but if it is necessary to be preserved does not each bureau possess that information, and can it not be obtained at a moment's notice from the various bureaus and executive agencies and instrumentalities of the Government?

Mr. JONES of New Mexico. By no means. I will state to the Senator that that was one of the first important services which the commission performed. There is no agency of the Government at the present time which keeps a record of all its employees and the jobs which they are filling. For the first time, this commission undertook to collect that information.

Mr. KING. Let me state to the Senator that upon a number of occasions I have asked for information as to the number of employees and the salaries being paid, and the information has been furnished me very promptly by various departments and bureaus of the Government.

Mr. JONES of New Mexico. The Senator can get that from each individual bureau, but there is no agency of the Government at the present time which keeps a total list of all employees, nor can the Senator get from any bureau on any short notice any information as to the jobs which the employees of that bureau are filling.

Mr. KING. I appreciate the fact that there ought to be somewhere a record of the employees of the Government and the work which they are performing, and if the heads of the various bureaus do not have that information, it seems to me they have been very derelict. I can not conceive of the head of a bureau performing his duties, or being able to understand really the work which is being done by his bureau, unless he knows the employees and the work which is committed to their care.

Mr. JONES of New Mexico. The difficulty is that at the present time there is no classification of the jobs which the Government employees are filling. They have titles. A given bureau can give to the Senator the number of employees under a given title, but those titles mean absolutely nothing, and there is no uniformity as between the different bureaus and the different departments as to those titles.

The Senator from Nevada [Mr. HENDERSON] day before yesterday made a very explicit and, I think, a very attractive and splendid discussion of this matter. Of course, we understand that Senators can not read all of the speeches which are made here, and the report of the Reclassification Commission is somewhat voluminous; but if Senators could possibly find time to go into this matter, I feel convinced that there would be no serious opposition, not only to this joint resolution, which is merely a temporary and a comparatively unimportant measure, but to taking up the substance of the report itself and putting it into law. We quite agree that a good deal of it was compiled under pressure; many of the decisions were reached in a hurried way; but you will find in the report the substance and the foundation for one of the most valuable things which has ever been suggested for the business administration of the affairs of the Government.

Mr. KING. Has the Senator estimated the cost which will be entailed upon the Government to keep up this information? It seems to me that it could be very readily maintained or obtained, and that the cost would not be very great.

Mr. JONES of New Mexico. The joint resolution was amended by the Committee on Civil Service and Retrenchment in the Senate by adding this proviso:

> *Provided*, That the heads of the various governmental services and the Commissioners of the District of Columbia are hereby authorized, as provided in the original act, to detail officers and employees, not exceeding 20, and without additional expense for clerical services, to carry out the purposes of this resolution.

That is the manner in which this work is expected to be performed, and I think that it is the only proper manner in which it can be performed, for the reason that the report has been made up, in large measure, by the detailed services of present employees. They are familiar with those records and can do the work better than could possibly be expected from any new people.

Mr. KING. Of course, I am not very familiar with the activities of the Classification Commission. While I have given some attention to the report and to the speech delivered by the Senator from Nevada [Mr. HENDERSON], I do not appreciate the exact work which the Senator now seeks to devolve upon the Civil Service Commission, but, as I understand it, it seems that the work is not very onerous, and I can not conceive of the necessity of 20 employees for the purpose of keeping up that information.

Every firm in the United States knows the number of its employees. Some plants have perhaps 15,000 or 20,000 employees and the heads of the various departments know the employees, the wages which are being paid, and the changes which are made. Every night, if some employee leaves the service, his card is passed in and the bookkeeper makes the proper notation; indeed, they keep their books up to date so well—at least in many of the companies—that a man may be paid at the end of the day if he desires to sever his connection with the company.

I understand that there are over 100,000 names upon this classification report. It seems to me that it is not a very difficult task to note the necessary changes in the personnel of the Government employees in the District. I can not see why there should be a great number of employees detailed for the service. I do not see why each bureau should not make a record of the changes each day that are made in the personnel of that bureau. It would seem to me that the result could be accomplished by having the heads of the bureaus or the chief clerks of the various executive agencies, who have to do with the personnel, make a report every week or every month to such person or bureau or agency as may be designated of the changes in the personnel within those bureaus.

Mr. JONES of New Mexico. The Senator is quite right about that, I think. I am sure what he said would impress anyone as being the practical side of it. But there is a point which the Senator overlooks, and that is that under this reclassification system the list of the employees in the Federal service contains more information than the mere names and the official titles which they are given. Their cards, showing their duties, the jobs which they are performing, are put together under the reclassification system which the commission has reported, and no bureau can possibly perform that function. It must be done by a centralized agency, by an agency which understands the classifications, the various definitions of positions, and which understands the standardization which the commission has established and does keep up, for the use of the Committee on Appropriations, a complete list, so that that committee can get complete information as to the probable cost of any increase in salaries, as to the number of employees to be dealt with in any given class of positions. No bureau can possibly perform that function, because it has not the classifications. It is the centralized system of records which we have now that will be of value to the Committee on Appropriations when it comes to consider this work.

At any rate, it does seem to me that there can be no question that this report, on which there has been so much time and effort expended, as well as the money expense to the Government in its preparation, should be preserved and turned over in such form as that it shall be of positive use to the Committee on Appropriations when that committee undertakes to consider the general subject. It is the purpose in preserving and keeping it up to date to give definite and current information to the Committee on Appropriations when it undertakes the consideration and final determination of the report itself.

Mr. KING. Will the Senator permit one other question?

Mr. JONES of New Mexico. I am very glad to yield to the Senator from Utah.

Mr. KING. Does the classification which the commission has made in any way depend upon the number of employees of the Government?

Mr. JONES of New Mexico. It does not.

Mr. KING. Then, just for illustration, if the services of 20,000 or 30,000 employees in the District were dispensed with and they were dismissed from the public service, the classification would stand just the same?

Mr. JONES of New Mexico. I will say to the Senator that the classification as it now stands is a description of the different governmental jobs in the District of Columbia, regardless of the number of people filling those jobs. Of course, the jobs themselves may lapse, other jobs may be created, and changes in the classification must necessarily be made from time to time; but at present that classification consists merely in defining the classes of work which are actually being carried on in the District of Columbia now.

Mr. President, I move that the Senate take up for consideration the joint resolution (S. J. Res. 160) to provide for the preservation and maintenance of the records of the Joint Commission on Reclassification of Salaries.

Mr. WATSON. Mr. President——

The VICE PRESIDENT. The question is on the motion of the Senator from New Mexico, which is not debatable.

Mr. WATSON. I had no desire to debate it, but is not a motion in order to substitute another measure?

The VICE PRESIDENT. No; the pending motion must be voted up or down.

Mr. JONES of New Mexico. I should merely like to say that——

The VICE PRESIDENT. The Chair has announced that the motion to take up the joint resolution is not debatable. The question is on the motion of the Senator from New Mexico.

The motion was rejected.

THE DYE INDUSTRY.

Mr. WATSON. Mr. President, I move that the Senate proceed to the consideration of the bill (H. R. 8078) to regulate the importation of coal-tar products, to promote the establishment of the manufacture thereof in the United States, and, as incident thereto, to amend the act of September 8, 1916, entitled "An act to increase the revenue, and for other purposes."

Mr. MOSES. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Ball	Gerry	McCumber	Smith, Ga.
Brandegee	Gronna	McLean	Smith, Md.
Capper	Hale	McNary	Smith, S. C.
Chamberlain	Harris	Moses	Smoot
Colt	Harrison	New	Sterling
Comer	Henderson	Nugent	Sutherland
Culberson	Jones, N. Mex.	Overman	Swanson
Cummins	Jones, Wash.	Page	Townsend
Curtis	Kellogg	Phipps	Trammell
Dial	Kendrick	Pittman	Underwood
Dillingham	Keyes	Pomerene	Walsh, Mass.
Edge	King	Ransdell	Warren
Elkins	Knox	Sheppard	Watson
Frelinghuysen	Lenroot	Simmons	
Gay	Lodge	Smith, Ariz.	

The VICE PRESIDENT. Fifty-eight Senators have answered to the roll call. There is a quorum present. The Senator from Indiana [Mr. WATSON] moves that the Senate proceed to the consideration of House bill 8078.

Mr. KING. I ask for a division.

On a division the motion was agreed to, and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8078) to regulate the importation of coal-tar products, to promote the establishment of the manufacture thereof in the United States, and, as incident thereto, to amend the act of September 8, 1916, entitled "An act to increase the revenue, and for other purposes."

Mr. FRELINGHUYSEN. Mr. President, the bill now under consideration, known as the dyestuffs bill, is designed to regulate the importation of coal-tar products, and, I think, is one of the most important bills which Congress has been called upon to consider since the declaration of war with Germany. We have recently passed an Army reorganization bill providing for the future preparedness of this country—a national defense act, so to speak. We have also passed a naval appropriation bill providing appropriations for the maintenance of a strong naval force as an additional means of national defense. I consider the pending bill third in importance to those two important measures which the Senate has lately passed.

While I might be accused of having to some extent a local interest in this bill, inasmuch as in my State during the war there were erected from 25 to 30 factories for the manufacture of dyes from coal-tar products, as similar factories were erected in other States, yet I am not approaching the subject from the commercial standpoint or from the standpoint of its material importance, but I am approaching it from the standpoint of our duty as the representatives of the people to prepare this country by protecting and sustaining the dyestuff industry which was created during the war and which prior to the war was practically a negligible quantity, so far as manufacturing the necessities of war was concerned. During the great struggle we were forced, owing to our unpreparedness, to create this new industry in our country. Our lack of vision placed us in a very critical and dangerous position at the beginning of the war.

Public expression has been repeatedly given to the duty that Congress owes to the Nation in regard to this subject. Many public men have expressed the opinion that what expediency has taught us to create during the war should be capitalized and retained and that Germany's industrial hold here should be loosened. Great industries which prior to the war Germany controlled in the United States are now in the hands of American owners, or are supposed to be.

Before the war German interests, through partial or complete control of raw and semimanufactured material, largely controlled the production of textiles, medical supplies, including asperin and salvarsan and many other drugs in everyday use, electrical and automotive equipment, candy, chemicals, raw materials, and last, but not least, coal-tar dyes, the key to the whole organic chemical industry.

These industries and many others which I can not at the present moment recall have passed into American hands. German patents filed in the United States are now controlled for America's needs and uses and secrets heretofore protected by laws against American competition are revealed to American manufacturers for the public benefit and profit.

It is safe, therefore, to assume that with the passage of this bill the industrial influence which before the war Germany exercised in this country can never be restored.

Let us see what the publicly declared policy of the United States has been since we faced this dangerous condition.

The President has twice recommended to Congress a policy to be pursued in regard to dyes and coal-tar products. The last occasion of such a recommendation was in his message on May 20, 1919.

This message was sent to Congress at a time when the great problems of reconstruction were to be considered by Congress, and probably after the President had been advised by those who had been obliged to meet the problem of procuring munitions and producing chemical gases and the other necessary materials in the war that it was absolutely necessary, if in the future we were to be prepared, that some measure of protection should be thrown around this great industry. So the President said in his message:

> There is, fortunately, no occasion for undertaking in the immediate future any general revision of our system of import duties. No serious danger of foreign competition now threatens American industries. Our country has emerged from the war less disturbed and less weakened than any of the European countries which are our competitors in manufacture. Their industrial establishments have been subjected to greater strain than ours, their labor force to a more serious disorganisation, and this is clearly not the time to seek an organized advantage. The work of mere construction will, I am afraid, tax the capacity and the resources of their people for years to come. So far from there being any danger or need of accentuated foreign competition, it is likely that the conditions of the next few years will greatly facilitate the marketing of American manufactures abroad. Least of all should we depart from the policy adopted in the tariff act of 1913, of permitting the free entry into the United States of the raw materials needed to supplement and enrich our own abundant supplies.
>
> Nevertheless, there are parts of our tariff system which need prompt attention. The experience of the war has made it plain that in some cases too great reliance on foreign supply is dangerous, and that in determining certain parts of our tariff policy domestic considerations must be borne in mind which are political as well as economic. Among the industries to which special consideration should be given is that of the manufacture of dyestuffs. Our complete dependence upon German supplies before the war made the interruption of trade a cause of exceptional economic disturbance. The close relation between the manufacturer of dyestuffs, on the one hand, and of explosives and poisonous gases, on the other, moreover, has given the industry an exceptional significance and value. Although the United States will gladly and unhesitatingly join in the program of international disarmament, it will nevertheless be a policy of obvious prudence to make certain of the successful maintenance of many strong and well-equipped chemical plants. The German chemical industry, with which we will be brought into competition, was and may well be again a thoroughly knit monopoly capable of exercising a competition of a peculiarly insidious and dangerous kind.

Mr. President, if Germany's industrial mailed fist extended across the seas and crushed this industry before the war and was prevented during the war, Germany's mailed fist is again appearing in opposition to this bill at the present time. I am told that agents in this country representing the German cartel, the powerful corporation that practically prevented the American industry from prospering before the war, are already conspiring and conniving, and already have their lobby here in Washington to prevent the passage of this bill. The President was right when he pointed out in his message that undoubtedly those influences will be exerted again to crush this industry which has been built up during the war.

The President went on in his message:

> The United States should, moreover, have the means of properly protecting itself whenever our trade is discriminated against by foreign nations, in order that we may be assured of that equality of treatment which we hope to accord and to promote the world over. Our tariff laws as they now stand provide no weapon of retaliation in case other governments should enact legislation unequal in its bearing on our products as compared with the products of other countries. Though we are as far as possible from desiring to enter upon any course of retaliation we must frankly face the fact that hostile legislation by other nations is not beyond the range of possibility and that it may have to be met by counter legislation. This subject has, fortunately, been exhaustively investigated by the United States Tariff Commission. A recent report of that commission has shown very clearly that we lack and that we ought to have the instruments necessary for the assurance of equal and equitable treatment. The attention of the Congress has been called to this matter on past occasions, and the past measures which are now recommended by the Tariff Commission are substantially the same that have been suggested by previous administrations. I recommend that this phase of the tariff question receive the early attention of the Congress.

Again, even as late as Monday, February 23, 1920, Attorney General Palmer, in a speech in Topeka, Kans., said:

> May last the President urged upon the Congress the necessity for legislation which would support the great chemical industry which was built up in the United States during the war, at a time when German dyestuffs were not imported. At last accounts that recommendation had not been complied with in letter or in spirit.

In our effort to meet this situation this bill is before the Senate; and let me quote from the testimony of Dr. Matthews in the hearings before the House committee, in which I think he puts his finger on the great principle involved in this bill:

There is one thing which the people of the United States must remember, and that is that all the most important explosives of the present day are either coal-tar products or the result of chemical processes requiring the use of coal tar, and in all dyestuff factories there is unavoidable production of large quantities of substances which are directly available for conversion into explosives, so that it is important that the Government aid the industry in every way possible.

When the importation of dyes from Germany was cut off by the war it was encouraging to the people of this country to see the large number of people who went into the industry to serve the country. There were large establishments and small ones, every one doing its full part. They commenced with the dyes which were the easiest to produce and gradually expanded the production until to-day they are producing about 90 per cent of the dyes needed in this country.

In that connection, Mr. President, to show you the patriotism of one of our great inventors and manufacturers in New Jersey, I want to read a letter from Thomas A. Edison, dated Orange, N. J., December 16, 1919:

FROM THE LABORATORY OF THOMAS A. EDISON,
Orange, N. J., December 16, 1919.

CHARLES L. PARSONS, Esq.,
1709 G Street, Washington, D. C.

DEAR MR. PARSONS: Your letter of December 13 has been received. During the early part of the war I erected the first plants for producing benzol and toluol. The latter was used for making T. N. T. The benzol was used in my plant where I produced the first synthetic carbolic acid for our Government, from which they made picric acid explosives at Picatinny, N. J., and Indianhead, near Washington.

In addition, I was the first to produce aniline oil in quantity for the textile mills, at their request, to prevent them from shutting down.

I want to bear on that "to prevent the mills in this country from shutting down." I mention it to point out the selfishness of those textile industries in this country that are now opposing this measure. They have forgotten the great service rendered to them during the war when the supply of dyes and other products was cut off by reason of the war. They have forgotten that; and now, when they can get some of these raw materials and these dyes cheaper, they are indifferent to the interests of this great industry which was created during the war, and are opposing this legislation intended to protect and to retain that industry for America.

I was also the first to produce in this country paraphenylenediamine, which saved the fur dyers from closing their doors. Other very necessary chemicals were also produced in these early plants. Altogether, I put up five chemical works and four subsidiary plants, all of which were erected within 65 days from the time of starting. I continued to operate these various plants until other manufacturers could supply the market, when I retired and sold the apparatus to various chemical works. These facts are mentioned to show that I am familiar with chemical manufacture, but I no longer have any interest in this kind of production.

I have been reading about the various schemes put forward for protecting our factories against German low cost until they get a little more experience. It is my opinion that our factories should be protected, not by tariff, which would be no protection at all, but by a licensing system, good for, say, four years, at the end of which Congress, if necessary, could make longer extension. I believe that ultimately the Americans will beat the Germans at their own game.

Yours, very truly,

THOS. A. EDISON.

Carbon copies to Hon. JOSEPH S. FRELINGHUYSEN and Hon. WALTER E. EDGE.

Here was a great manufacturer in my State who came to the rescue of the manufacturing interests of this country.

Senators, shall these immense factories now be dismantled? Shall their machinery become idle? Shall their laboratories for research, so valuable to all industries and trades, be abandoned? Shall the scientists, chemists, and great army of artisans who have been trained and become experienced at such cost be dismissed and the value of their achievements be lost sight of?

The defeat of this bill would mean this.

The story of the dye industry is one that shows the pitiful plight of a great country whose statesmen have lacked the vision to see that encouragement of industrial progress through the development of science was essential to the safety of the country and its people, who had placed their destiny in their hands. What an indictment this is of the lethargy and indifference of Presidents, Senators, and Congressmen during the last 40 years in failing to recognize the very essentials of preparedness in advancing the science of dye and coal-tar manufacturing industries. That a country in which had been born men of inventive genius, who had bridled steam in the locomotive and steamboat and produced the telephone, telegraph, airplane, automobile, cotton gin, and thousands of other inventions which show the masterly genius of America, should find itself helpless and impotent in the final analysis when a great war threatens is indeed a pity.

Notable advances have also been made in the manufacture of synthetic medicinals in the United States. A small number of these were made here in 1914, but German dye manufacturers, especially the house of Bayer, dominated the world's markets. A large proportion of America's prewar production was carried on in the factories owned and controlled by the German manufacturers—the Bayer Co. and the Heyden Chemical Works, which are now in American hands.

Two drugs widely used in the treatment of influenza are acetylsalicylic acid and salol. The output of both these drugs in 1918 showed a large increase over 1917. There can be little question that if the manufacture of these drugs in the United States had not been well established the mortality during the recent epidemic would have been much larger than it was.

Of special interest is the case of arsphenamine, a specific remedy for syphilis, and commonly ranked by the medical profession as among the most important half dozen drugs.

This drug was controlled by German patents and trade-marks under the name "salvarsan," and therefore could not be made in the United States until the passage of the trading-with-the-enemy act. This act gave power to the Federal Trade Commission to issue licenses under patents owned by citizens of enemy countries. The first licenses issued under the law were for this drug. Later these patents were seized and sold by the Alien Property Custodian to the Chemical Foundation. The licenses contain provisions requiring the licensees to use the name of arsphenamine and provide for a large reduction of price for the drug to the public.

Prior to the war Germany controlled the dye industry of the world, amounting to $68,300,000 in value of artificial dyes. In 1914 only seven establishments in the United States were engaged in the industry, with $3,000,000 capital invested, employing only 500 people, and producing only $3,596,795 worth of goods, the salaries and wages amounting to only $500,000 per annum. But what a change in 1918.

At the beginning of the war America was therefore helpless as far as the dye industry was concerned, but not for long. American ingenuity, genius, and enterprise soon produced a marvelous change. The war had created an embargo. No fear then of German competition. No fear then of the power of German science and research. Necessity knew no law, and America was equal to the emergency. The war caused men to engage in the enterprise for patriotic purposes. Old factories were enlarged, new companies organized, and factories built. German patents filed in America were seized and utilized. Manufacturing establishments in the United States had used about $25,000,000 worth of German dyes per annum. Dyes used in industrial manufacture, with an output of $3,000,000,000 worth of goods annually, all had been dependent on Germany for their colors. If Germany had at any time prior to the war shut off her supplies, these enterprises could not have produced the goods to meet the fashions and styles of the period. Many and varied were the industries affected—leather, paint, textile, silk, cotton, woolen, hosiery, carpet, automobile trades, and numerous others.

We all know the terrible plight of our manufacturers shortly after the war broke out—the money loss and embarrassment to trade and commerce. Read the papers of that period. Shortly after the war broke out and before the United States entered it, Secretary Bryan arranged with Germany for exchange of wool and cotton for the dyes so sorely needed in this country. What a humiliating confession of industrial weakness was this! Who does not recall the sensation made by the sudden appearance of the giant submarine *Deutschland* in Baltimore or has forgotten the wild scramble by the manufacturers to secure the cargo of dyes with which she was loaded? This was repeated when she returned to America the second time, at New London.

I dare say we have not forgotten the expedients we used in our efforts to produce picric acid, T. N. T., ammonium nitrate, tetryl, and the chemical gases, acetate celluiose, the "dope" for our airplanes, and the chemicals for photography, and many other valuable essentials which we so much needed when we finally entered the conflict.

Let us reflect on this lesson—the tremendous cost due to our indifference to national preparedness. If we had had the foresight to have considered in advance the signs so clearly outlined, how many lives would have been spared, how much treasure would have been saved, how much more speedily the war would have been ended! Now what a change has come over the spirit of our dreams—or nightmare would be a better term!

I read from the report of the Senate Committee on Finance:

The Tariff Commission submitted a table of production of dyes in this country in 1918, and the amount produced by the 77 companies making finished dyes was 58,464,866 pounds, of the value of $62,026,390. This was a clear gain over the production of 1917, which amounted to 45,977,246 pounds, valued at $57,796,288, and when it is remembered that there was imported into this country in 1914 over 45,000,000 pounds, the change is wonderful, and it is the best evidence of what can be done in this country.

It is true that at this time there are many important dyes which are not produced in this country, but the men who have become interested in this industry believe that in time, and with proper protection and regulation, they will be able to supply the demand. More than 300 different dyes were made in the United States in 1918, and many dyes which were not produced in 1917 were on the list of American products in the year 1918. One of the large producers informed the committee that he was now producing several vat dyes, but he was not ready to put them on the market and did not intend to offer them to the public until he was satisfied that they were equal to the foreign product.

Sixteen States are now represented by plants manufacturing chemicals and dyestuffs alone.

I have a list taken from the House hearings naming the States, as well as the names of the establishments which are now operating in those States. This is a report filed by the American Dye Institute and includes those manufacturing concerns which are making dyes, not coal-tar products. There are 16 different States in which these plants are located—Pennsylvania, New York, Ohio, Massachusetts, Michigan, Delaware, New Jersey, Illinois, Wisconsin, Missouri, Connecticut, California, West Virginia, Florida, Rhode Island, and Tennessee. I ask that this list be inserted in the RECORD in connection with my remarks.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

Althouse Chemical Co., Reading, Pa.; American Aniline & Products Co., New York City; Atlas Color Works, Brooklyn, N. Y.; Atlantic Dyestuff Co., Boston, Mass.; Ault & Wiborg Co., Cincinnati, Ohio; Beacon Color & Chemical Co., Boston, Mass.; Butterworth-Judson Corporation, New York City; Certified Chemical Corporation, New York City; Chemical Co. of America, New York City; Commonwealth Chemical Corporation, New York City; Dicks, David Co. (Inc.), New York City; Dow Chemical Co., Midland, Mich.; E. I. du Pont de Nemours & Co., Wilmington, Del.; Dye Products & Chemical Co., New York City; Essex Aniline Works (Inc.), Boston, Mass.; Grasselli Chemical Co., Cleveland, Ohio; Heller & Merz Co., Newark, N. J.; Frank Hemingway (Inc.), New York City; Holland Aniline Co., Holland, Mich.; Holliday-Kemp Co., New York City; Hydrocarbon Chemical Products Co., Cardington, Pa.; H. Kohnstamm & Co., New York City; Calco Chemical Co., Bound Brook, N. J.; Marden, Orth & Hastings Corporation, New York City; John Campbell & Co., New York; Consolidated Color & Chemical Co., Newark, N. J.; Newport Chemical Co., Milwaukee, Wis.; Gaskill Chemical Co., Brooklyn, N. Y.; Merrimac Chemical Co., Boston, Mass.; Barrett Manufacturing Co., New York; Metals Disintegrating Co., New York City; Monroe Color & Chemical Works, St. Louis, Mo.; Monsanto Chemical Works, St. Louis, Mo.; Geo. H. Morrill Co., Norwood, Mass.; National Aniline & Chemical Co. (Inc.), New York City; Naugatuck Chemical Co., Naugatuck, Conn.; Organic Salt & Acid Co., Long Island City, N. Y.; Sherwin-Williams Co., Cleveland, Ohio; Transatlantic Chemical Corporation, New York City; United States Color & Chemical Co., Boston, Mass.; Zobel Color Works (Inc.), New York City; Central Dyestuff & Chemical Co., Newark, N. J.; Peerless Color Co., Bound Brook, N. J.; Rector Chemical Co., New York City; Newport Chemical Works, Passaic, N. J.; The Barrett Co., New York, N. Y.

In its geographical distribution the dyestuff industry is represented by plants in 16 different States, as follows:

Pennsylvania, New York, Ohio, Massachusetts, Michigan, Delaware, New Jersey, Illinois, Wisconsin, Missouri, Connecticut, California, West Virginia, Florida, Rhode Island, Tennessee.

Mr. DIAL. Mr. President——

The PRESIDING OFFICER (Mr. STERLING in the chair). Does the Senator yield to the Senator from South Carolina?

Mr. FRELINGHUYSEN. I yield.

Mr. DIAL. Can the Senator tell us whether or not these plants have been successful financially?

Mr. FRELINGHUYSEN. I am glad the Senator has asked that question. I intend later to place in the RECORD a statement from one or two of these plants, showing that no profit has been made out of the dye industry; in other words, that they have practically put back in reconstruction and purchase of new machinery almost all the earnings. If the Senator is anxious regarding the excessive profits accruing to those concerns, I will say that most of the profits have been returned to the plants in construction and purchase of machinery; that the industry is largely in the experimental stage; and they must continue their experiments, which is very costly. I do not think that in any instance any great profits have been made, and I will show later in my speech a comparison between the estimate of the profits made in America and the profits made in Germany by German plants during the war.

In this connection possibly the Senator will be interested in the information given in a letter from John J. White, a man interested in the dye industry in my State. He wrote me as early as October 9 last asking that something be done to protect these war plants against German competition. I informed him as to what Congress was doing, and he wrote me on April 22 this letter. It illustrates, I will say to the Senator from South Carolina, the situation which is confronting a number of plants in my State, thirteen or twenty, I believe. He says:

As you can well realize, it is very upsetting to me not to know what shape this legislation is finally going to take. It is becoming more and more the opinion of people in the chemical business that they are going to get no help whatever from Washington. I am glad to note that you are positive that the bill will pass.

I wish that there were some way that we could get immediate action on this. Concerns like ours can wait until something is done, but on behalf of the small chemical manufacturers, with only $100,000 to $150,000 invested, I can say that their entire assets are in jeopardy, due to the delay on this situation. For example, I know of one small manufacturer who makes a product in competition with one of ours, who has had to close his plant, because foreign goods were coming in here at better prices than he could manufacture at, on account of the rates of exchange. As far as we are concerned, on this particular product we have had the portion of our plant which manufactures it shut down for four months, on account of the same condition, and have now turned to importing merchandise as a measure of self-defense.

Mr. DIAL. I thank the Senator. I was just asking for information. I have heard different reports about the profits they are making.

Mr. THOMAS. Mr. President, may I ask the Senator from New Jersey if his correspondent informs him from what country these imports are being received?

Mr. FRELINGHUYSEN. That information is not contained in the letter. I was a little curious regarding that myself.

I have been very much interested in reading a book written by Edwin E. Slosson, literary editor of the Independent and associate in the Columbia School of Journalism, entitled "Creative Chemistry." The book is a compilation of articles prepared for the Independent in 1917 and 1918. It tells the story of the wonderful advancement made through modern chemistry in medicine and commercial materials produced from coal-tar derivatives. I wish that every Member of the Senate could read the book.

In chapter 4, referring to coal-tar colors, we find the following description of the utilization that is made of the tar derivatives of coal:

If you put a bit of soft coal into a test tube (or, if you haven't a test tube, into a clay tobacco pipe, and lute it over with clay) and heat it, you will find a gas coming out of the end of the tube that will burn with a yellow, smoky flame. After all the gas comes off, you will find in the bottom of the test tube a chunk of dry, porous coke. These, then, are the two main products of the destructive distillation of coal. But if you are an unusually observant person—that is, if you are a born chemist with an eye to by-products—you will notice along in the middle of the tube, where it is neither too hot nor too cold, some dirty drops of water and some black, sticky stuff. If you are just an ordinary person, you won't pay any attention to this, because there is only a little of it and because what you are after is the coke and gas. You regard the nasty, dirty, smelly stuff that comes in between as merely a nuisance, because it clogs up and spoils your nice, clean tube.

Now, that is the way the gas makers and coke makers, being for the most part ordinary persons and not born chemists, used to regard the water and tar that got into their pipes. They washed it out so as to have the gas clean and then ran it into the creek. But the neighbors, especially those who fished in the stream below the gas works, made a fuss about spoiling the water, so the gas men gave away the tar to the boys for use in celebrating the Fourth of July and election night or sold it for roofing.

But this same tar, which for a hundred years was thrown away and nearly half of which is thrown away yet in the United States, turns out to be one of the most useful things in the world. It is one of the strategic points in war and commerce. It wounds and heals. It supplies munitions and medicines. It is like the magic purse of Fortunatus, from which anything wished for could be drawn. The chemist puts his hand into the black mass and draws out all the colors of the rainbow. This evil-smelling substance beats the rose in production of perfume and surpasses the honeycomb in sweetness.

Mr. President, for many years we have been allowing this valuable product in this country to go to waste because we have neglected the dye and coal-tar industry. I have here an estimate made by Mr. Henry D. Rust, president of the Coppers Co., of Pittsburgh. These figures were presented to the Senate by the distinguished Senator from Pennsylvania [Mr. KNOX] in the very able speech made in support of the bill when it was first reported. The table is to be found on page 139 of the dyestuffs hearings before the Committee on Finance of the Senate, and shows that the annual wastage of the by-product of coal amounts to $930,000,000. It is compiled by States. The State of Pennsylvania is the highest, with $309,000,000 a year wasted; the State of West Virginia, $159,000,000; the State of Illinois, $149,000,000; and the State of Alabama, $32,000,000.

The tar obtained from the gas plant or the coke plant has now to be redistilled, giving off the 10 "crudes" already mentioned and leaving in the still 65 per cent of pitch, which may be used for roofing, paving, and the like. The 10 primary products or crudes are then converted into secondary products, or "intermediates," by processes like that for the conversion of benzene into aniline. There are some three hundred of these intermediates, and from them are built up more than three times as many dyes. The year before the war the American customhouse listed 5,674 different brands of synthetic dyes imported, chiefly from Germany, but some of these were trade names for the same product made by different firms or represented by different degrees of purity or form of preparation. Although the number of possible products is unlimited and over 5,000 dyes are known, only about 900 are in use. We summarize the situation so: Coal tar—10 crudes, 300 intermediates, 900 dyes, 5,000 brands.

Indigo is one of the oldest and fastest of the dyestuffs. To see that it is both ancient and lasting look at the unfaded blue cloths that enwrap an Egyptian mummy. When Cæsar conquered the British he found them tatooed with woad, the native indigo. But the chief source of indigo was, as its name implies, India. In 1897 nearly a million acres in India were growing the indigo plant, and the annual value of the crop was $20,000,000. Then the fall began, and by 1914 India was producing only $300,000 worth. What had happened to destroy this wonderful industry? Simply that the Badische Anilin und Soda Fabrik, of Germany, had worked out a practical process for making artificial indigo.

That indigo on breaking up gave off aniline was discovered as early as 1840. But how to reverse the process and get indigo from aniline puzzled chemists for more than 40 years, until finally it was solved by Adolf von Baeyor, of Munich. He worked on the problem of the constitution of indigo for 15 years, and discovered several ways of making it. It is possible to start from benzene, toluene, or naphthalene. The first process was the easiest, but if you will refer to the products of the distillation of tar you will find that the amount of toluene produced is less than the naphthalene, which is hard to dispose of. That is, if a dye factory had worked out a process for making indigo from toluene it would not be practicable, because there was not enough toluene produced to supply the demand for indigo. So the more complicated naphthalene process was chosen in preference to the others in order to utilize this by-product.

The Badische Anilin und Soda Fabrik spent $5,000,000 and 17 years in chemical research before they could make indigo, but they gained a monopoly—or, to be exact, 96 per cent—of the world's production. A hundred years ago indigo cost as much as $4 a pound. In 1914 we were paying 15 cents a pound for it. Even the pauper labor of India could not compete with the German chemists at this price. At the beginning of the present century Germany was paying more than $3,000,000 a year for indigo. Fourteen years later German was selling indigo to the amount of $12,600,000. Besides its cheapness, artificial indigo is preferable because it is of uniform quality and greater purity. Vegetable indigo contains from 40 to 80 per cent of impurities, among them various other tinctorial substances. Artificial indigo is made pure and of any desired strength, so that dyers can depend on it.

Our independent ancestors got along so far as possible with what grew in the neighborhood. Sweetapple bark gave a fine saffron yellow. Ribbons were given the hue of the rose by pokeberry juice. The Confederates in their butternut-colored uniforms were almost as invisible as if in khaki or feldgrau. Madder was cultivated in the kitchen garden. Only logwood from Jamaica and indigo from India had to be imported.

That we are not so independent to-day is our own fault, for we waste enough coal tar to supply ourselves and other countries with all the new dyes needed. It is essentially a question of economy and organization. We have forgotten how to economize, but we have learned how to organize.

Before the war six English factories producing dyestuffs employed only 36 chemists altogether, while one German color works, the Hochster Farbwerke, employed 307 expert chemists and 74 technologists. This firm, united with the six other leading dye companies of Germany on January 1, 1916, to form a trust to last for 50 years. During this time they will maintain uniform prices and uniform wage scales and hours of labor, and exchange patents and secrets. They will divide the foreign business pro rata and share the profits. The German chemical works made big profits during the war, mostly from munitions and medicines, and will be, through this new combination, in a stronger position than ever before to push the export trade.

The United States, like England, had become dependent upon Germany for its dyestuffs. We imported nine-tenths of what we used, and most of those that were produced were made from imported intermediates. When the war broke out there were only seven firms and 528 persons employed in the manufacture of dyes in the United States. One of these, the Schoelkopf Aniline & Chemical Works, of Buffalo, deserves mention, for it had stuck it out ever since 1879, and in 1914 was making 106 dyes. In June, 1917, this firm, with the encouragement of the Government Bureau of Foreign and Domestic Commerce, joined with some of the other American producers to form a trade combination, the National Aniline & Chemical Co. The Du Pont Co. also entered the field on an extensive scale and soon there were 118 concerns engaged in it with great profit. During the war $200,000,000 was invested in the domestic dyestuff industry. To protect this industry Congress put on a specific duty of 5 cents a pound and an ad valorem duty of 30 per cent on imported dyestuffs; but if, after five years, American manufacturers are not producing 60 per cent in value of the domestic consumption, the protection is to be removed. For some reason not clearly understood and therefore hotly discussed, Congress at the last moment struck off the specific duty from two of the most important of the dyestuffs, indigo and alizarin, as well as from all medicinals and flavors.

The manufacture of dyes is not a big business, but it is a strategic business. Helgoland is not a big island, but England would have been glad to buy it back during the war at a high price per square yard.

We have been importing more than $12,000,000 worth of coal-tar products a year, but the cottonseed oil we exported in 1912 would alone suffice to pay that bill twice over. But, although the manufacture of dyes can not be called a big business, in comparison with some others, it is a paying business when well managed. We have the coal tar and we have the chemists, so there seems no good reason why we should not make our own dyes, at least enough of them so we will not be caught napping as we were in 1914. It was decidedly humiliating for our Government to have to beg Germany to sell us enough colors to print our stamps and greenbacks and then to beg Great Britain for permission to bring them over by Dutch ships.

The raw materials for the production of coal-tar products we have in abundance if we will only take the trouble to save it. In 1914 the crude light oil collected from the coke ovens would have produced only about 4,500,000 gallons of benzole and 1,500,000 gallons of toluol, but in 1917 this output was raised to 40,200,000 gallons of benzole and 10,200,000 gallons of toluol. The toluol was used mostly in the manufacture of trinitrotoluol for use in Europe. When the war broke out in 1914 it shut off our supply of phenol—carbolic acid—for which we were dependent upon foreign sources. This threatened not only to afflict us with headaches by depriving us of aspirin, but also to remove the consolation of music, for phenol is used in making phonograph records. Mr. Edison, with his accustomed energy, put up a factory within a few weeks for the manufacture of synthetic phenol. When we entered the war the need for phenol became yet more imperative, for it was needed to make picric acid for filling bombs. This demand was met, and in 1917 there were 15 new plants turning out 64,146,499 pounds of phenol, valued at $23,719,805.

In this book is a chapter on "Nitrogen, preserver and destroyer of life."

One of the high explosives used in the war was known as T. N. T., which uses as its base toluol. It is one of the coal-tar products, an inflammable liquid, resembling benzine. When treated with nitric acid in the usual way it takes up like the other three nitro groups and so becomes tri-nitro-toluol. T. N. T. is the latest of high explosives and in some ways the best of them.

Picric acid has the bad habit of attacking the metals with which it rests in contact forming sensitive picrates that are easily set off, but T. N. T. is inert toward metals and keeps well. T. N. T. melts far below the boiling point of water, so can readily be liquified and poured into shells. It is insensitive to ordinary shocks. A rifle bullet can be fired through a case of it without setting it off, and if lighted with a match it burns quietly. The amazing thing about these modern explosives, the organic nitrates, is the way they will stand banging about and burning, yet the terrific violence with which they blow up when shaken by an explosive wave of a particular velocity, like that of a fulminating cap.

It is these high explosives that have revolutionized warfare. As soon as the first German shell packed with these nitrates burst inside the Gruson cupola at Liege and tore out its steel and concrete by the roots the world knew that the day of the fixed fortress was gone. The armies deserted their expensively prepared fortifications and took to the trenches. The British troops in France found their weapons futile and sent across the channel the cry of "Send us high explosives or we perish!" The home Government was slow to heed the appeal, but no progress was made against the Germans until the Allies had the means to blast them out of their entrenchments by shells loaded with 500 pounds of T. N. T.

I might go on and read the history of the wonderful advance in high explosives and chemistry. I want to read an extract from the introduction of this wonderful book written by Julius Stieglitz, professor of chemistry in the University of Chicago:

The recent war, as never before in the history of the world, brought to the nations of the earth a realization of the vital place which the science of chemistry holds in the development of the resources of a nation. Some of the most picturesque features of this awakening reached the great public through the press. Thus the adventurous trips of the *Deutschland* with its cargoes of concentrated aniline dyes,

valued at millions of dollars, emphasized as no other incident our former dependence upon Germany for these products of her chemical industries.

The public read, too, that her chemists saved Germany from an early disastrous defat, both in the field of military operations and in the matter of economic supplies; unquestionably without the tremendous expansion of her plants for the production of nitrates and ammonia from the air by the processes of Haber, Ostwald, and others of her great chemists the war would have ended in 1915, or early in 1916, from exhaustion of Germany's supplies of nitrate explosives, if not indeed from exhaustion of her food supply as a consequence of the lack of nitrate and ammonia fertilizer for her fields. Inventions of substitutes for cotton, copper, rubber, wool, and many other basic needs have been reported.

These feats of chemistry, performed under the stress of dire necessity, have, no doubt, excited the wonder and interest of our public. It is far more important at this time, however, when both for war and for peace needs the resources of the country are strained to the utmost, that the public should awaken to a clear realization of what this science of chemistry really means for mankind, to the realization that its wizardry permeates the whole life of the Nation as a vitalizing, protective, and constructive agency very much in the same way as our blood, coursing through our veins and arteries, carries the constructive, defensive, and life-bringing materials to every organ in the body.

The whole Nation's welfare demands, indeed, that our public should be enlightened in the matter of the relation of chemistry to our national life. Thus, if our commerce and our industries are to survive the terrific competition that must follow during this reestablishment of peace, our public must insist that its representatives in Congress preserve that independence in chemical manufacturing which the war has forced upon us in the matter of dyes, of numberless invaluable remedies to cure and relieve suffering; in the matter, too, of hundreds of chemicals which our industries need for their successful existence.

Unless we are independent in these fields, how easily might an unscrupulous competing nation do us untold harm by the mere device, for instance, of delaying supplies, or by sending inferior materials to this country, or by underselling our chemical manufacturers and, after the destruction of our chemical independence, handicapping our industries, as they were in the first year or two of the war. This is not a mere possibility created by the imagination, for our economic history contains instance after instance of the purposeful undermining and destruction of our industries in finer chemicals, dyes, and drugs by foreign interests bent on preserving their monopoly. If one recalls that through control, for instance, of dyes by a competing nation, control is in fact also established over products valued in the hundreds of millions of dollars, in which dyes enter as an essential factor, one may realize, indeed, the tremendous industrial and commercial power which is controlled by the single lever—chemical dyes. Of even more vital moment is chemistry in the domain of health; the pitiful calls of our hospitals for local anesthetics to alleviate suffering on the operating table, the frantic appeals for the hypnotic that soothes the epileptic and staves off his seizure, the almost furious demand for the remedies that came in the early years of the war are still wringing the hearts of many of us. No wonder that our small army of chemists is grimly determined not to give up the independence in chemistry which the war has achieved for us. Only a widely enlightened people, however, can insure the permanence of what farseeing men have started to accomplish in developing the power of chemistry through research in every domain which chemistry touches.

The general public should realize that in the support of great chemical-research laboratories of universities and technical schools it will be sustaining important centers from which the science which improves products, abolishes waste, establishes new industries, and preserves life may reach out helpfully into all the activities of our great Nation that are dependent on the transformation of matter.

For the story of scientific achievements is the greatest epic the world has even known, and, like the great national epics of bygone ages, should quicken the life of the Nation by a realization of its powers and a picture of its possibilities.

Germany's great success in her manufacturing enterprises was due, to a large extent, to her scientific research, and especially was this so in the organic chemical industry. There are many instances on record of her scientific discoveries reflecting directly industrial advancement and achievement. I will mention but one. Through her research, I am told, synthetic artificial rubber was discovered, the fact that aniline oil had a remarkable effect in reducing the time of vulcanizing from 4 to 8 hours down to 30 minutes, with the result that 4 to 8 hours were saved in time and wear and tear on the vulcanizing machinery.

Aniline oil is used by the large rubber-tire manufacturers. Tires are costly enough, but had it not been for this discovery, the price would be almost prohibitive.

Does any student of economics suppose that Germany will not now sacrifice millions in the endeavor to break down any tariff wall we may erect and, by underselling, seek to wipe out our competition? Should she succeed in destroying the American dye industry, then she will make up her losses by exacting enormous prices from those of our manufacturers—representing three and one-half billions of products—that rely solely on dye and coal-tar products for the continuance of their industries?

The dye manufacturers of the country on whom rests the responsibility of completing the full line of dyes which America needs must devote their whole thought and available resources to developing these new lines without having to stand the open competition, which it is admitted, will come from Germany if the products which they have already learned to manufacture must be subjected to such competition.

The purpose of the dye clauses in the peace treaty is not to provide the allied and associated powers with adequate dye supplies, but is to prevent reprisals on the part of Germany against those countries which are trying to develop a self-sustaining dye industry, in case Germany should attempt to withhold from those countries certain needed dyestuffs not yet manufactured in the new plants.

As evidence of Germany's ability and determination to get back the markets of the world it is a well-known fact that within two months she has succeeded in landing in one day in Brazil approximately seven months' supplies of dyestuffs for that country.

The Brazilian agent of one of the largest members of the German cartel recently stated that at the termination of the war he got in touch with the German company to know whether he could continue his old agency and what prices of dyes would be, and requested shipments of certain colors. The company in question replied that they were sending what they figured would be a suitable supply for Brazil; that they knew nothing about the prices; that he was free to sell them at such figures as was necessary to obtain and to deduct 20 per cent for commission for himself and deposit the balance to their credit in a named bank.

Germany needs the markets of the United States and will stop at nothing to regain them.

Further evidence of the need of this legislation immediately lies in the fact that those who represent in this country to-day the German monopoly of dyestuffs are intensively and openly active in their efforts to defeat this legislation and thus regain their markets before the American industry can be rounded out.

The delay in this legislation is injurious to all dye manufacturers in America, but those manufacturers with the largest resources can best stand the losses due to this delay. It is the small manufacturer with limited resources who is already being severely strained by delay. The question of his continued operations is largely involved in the matter of prompt and definite assurance from the Congress that the American industry is to be thoroughly safeguarded. Perhaps the best answer to the fear of monopoly through this legislation, expressed by some of the Senators, is to be found in the fact that a bill along this line has been advocated by 40 of the manufacturers of dyes and intermediates making over 95 per cent of the total produced in this country.

Most of the companies have invested every dollar of profit in plant and apparatus, which will be practically valueless if proper legislation be not enacted to support this industry for a sufficient time to enable it to efficiently compete with Germany.

This is an industry where the plant cost is much higher than most other industries, and, as a matter of fact, the value of the annual production is less than the investment. For example, the total amount already invested in this country is approximately $100,000,000; value of the total production of these plants in 1918 is given in the United States Tariff Commission Bulletin No. 11, 1918, $62,026,390. Some of these plants had not then, and as a matter of fact have not yet, reached a stage of development where they show a profit. The total profits of all plants, 1918, amounted to a fraction less than 10 per cent on the entire investment. As against this, the dividends of the three largest German manufacturers for the 25 years preceding 1914 averaged 28 per cent.

Attention is called to page 80 of the dyestuffs hearings before the Senate Committee on Finance. I quote:

> The American dyestuff industry has grown from nothing to a large industry in less than four years and has shown itself worthy of every aid and encouragement. Though hampered by lack of many supplies and the diversion of its personnel and facilities to war activities, the industry produced 45,977,246 pounds of dyes alone in 1917 and 56,464,446 pounds in 1918. The average selling price per pound for the production in 1917 was $1.26 and for 1918, $1.07. (See Tariff Commission Report, 1918, Dyestuffs and related coal-tar chemicals.) It is doubtful if any other industry can show a decrease in selling price during this period of ever-increasing cost of raw materials and labor, and it may be stated with certainty that this reduction was accomplished through chemical efficiencies and healthy domestic competition. Figures are not yet available for 1919, but there is every indication of still further progress in this respect.

Since this testimony was offered it has been ascertained that the average price of all American dyestuffs over the year 1919 was approximately 84 cents per pound. It is noteworthy that these successive reductions in price were made during a period when this new industry enjoyed what was in effect complete protection from foreign competition and at a time when practically without exception every manufacturing enterprise in the United States showed higher raw-material and labor costs.

The question was asked in previous debate how after-the-war prices had compared with war prices. The following statement,

taken from Dr. Matthew's report in the House hearings, is informative:

Substantial progress has been made in reducing costs in many intermediates, for example, beta naphthol, an important intermediate.

	Prices.
July to December, 1915, about	$2.00
January to June, 1916, about	1.50
July to December, 1916, about	1.01
January to June, 1917, about	.751
July to December, 1917, about	.612
January to June, 1918, about	.624
July to December, 1918, about	.634
January to April, 1919, about	.514

The present price is about 40 cents per pound, which is equivalent to 27 cents per pound if based on the prewar price of raw materials, and on this product also yields are being continuously improved.

When we entered the war and the German dye patents became available to American manufacturers many people presumed that now the production of dyes was going to be an easy thing; we had the patents, and all we had to do was just go ahead and follow the recipe given. Nothing is more erroneous than this impression. The Chemical Foundation in acquiring these patents for American industries—the acquisition of the patents on these products—merely gave the right to make them; the ability to make them has to be developed by long research and investigation. Remember this was an entirely new enterprise to our chemists and our manufacturers; they were not as yet skilled in the art. Trying to make a dyestuff by following the instructions of a German patent would be very much the same as if one of you gentlemen was asked to make biscuits to-morrow morning and you got a cookbook and followed the required recipe.

You could follow that recipe word for word in everything it tells you, and you would make the biscuits; but unless you were an experienced cook and had made biscuits often before in order to become skilled in the art, I doubt if even your wife would be willing to eat the biscuits; yet biscuits have been made for centuries. Nor can you say that this is the fault of the American chemist—the German chemist had to learn how to do these things—it took him 40 or 50 years to learn how. Take the example of indigo; the German chemists—and the most brilliant ones they had—spent years in learning how to make this dye. After 17 years of laboratory work they spent 40 years in experimenting on a small-plant scale, and they scrapped one plant after another as they learned how to do it. One company alone spent several millions of dollars in this preliminary development work on indigo before they had this dye on the market for use. Mr. Dow, the chemical manufacturer of Midland, Mich., made up his mind that he wished to make indigo. When he started he knew nothing of dyestuffs, but in less than two years he had indigo on the market and for the past two years he has been turning out this dye, equal to anything the Germans produced, but not yet made nearly so cheaply.

The United States Census of Manufactures, 1914, shows industries directly and indirectly dependent on dyestuffs, showing a total of 67,585 establishments, 2,143,642 persons employed, $4,366,213,000 capital invested, and $5,700,636,000 value of products.

In the table embodying the digest of the dyestuff census Dr. Matthews showed a growth between 1917 and 1918.

In 1917 there were 190 firms reporting the manufacture of coal-tar chemicals, and in 1918, 215; in 1917 there 1,733 chemically trained men employed; in 1918, 2,233.

The amount spent on research work in 1917 was $2,500,000, and in 1918 $4,500,000.

The very remarkable growth in the development of intermediates and of dyes as well as certain specific colors and chemical products are set forth in the table.

The increase in the number of the intermediates was from 103 in 1917 to 175 in 1918, and in the number of dyes manufactured 178 in 1917 and 313 in 1918.

The junior Senator from Iowa [Mr. KENYON] touched upon the subject of a monopoly. In answer to his query, I call attention to the report of the United States Tariff Commission on dyes and related coal-tar chemical, 1918, at page 21.

Mr. President, I ask permission to insert as a part of my remarks the report of the United States Tariff Commission on dyes and related coal-tar chemicals, relating to the German Cartel, the corporation which has controlled the German dye industry. It is very short.

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). Without objection, it is so ordered.

The report is as follows:

REPORT OF THE UNITED STATES TARIFF COMMISSION ON DYES AND RELATED COAL-TAR CHEMICALS, 1918.

When the American industry is viewed as a whole, its organization is seen to lack an important element of strength that adds greatly to the competitive power of foreign producers. We refer to the concentration of capital and centralization of control which is a marked feature of the industry abroad. Even before the war there were in Germany only six prominent and seven minor companies manufacturing dyes. At present all of these are consolidated into a single "cartel" for the avowed purpose of making a unified effort to regain the lost foreign market. In Switzerland the three leading firms have been united and are said to control one of the smaller concerns in England. Almost the entire English industry also has been brought together in a single powerful company. The American situation stands out in strong contrast. In 1918 there were in this country 127 companies making intermediates and 77 making finished dyes.

The advantages and the dangers of industrial combination have so long been a matter of public discussion that it seems hardly necessary to enumerate them here. It should be pointed out, however, that some such organization seems more requisite to success in the coal-tar chemical industry than in others, and that it has been effected abroad not only with the consent but under the direction of the Government. It is essential that there should be in each plant the perfect integration that is possible only in large-scale operations; an unusual amount of research and experimental work is imperative but it is singularly costly, and therefore duplication is peculiarly undesirable. The industry is unique in the degree to which it depends on men of scientific attainments so high as always to be relatively scarce, so that it is desirable that the scope of their activities should be extended as widely as possible; improvements and inventions have come and will continue to come in such quick succession that the industry as a whole should benefit by having them immediately available for all engaged in it, and that every plant should have the financial strength which will enable it to put in the new and scrap the old equipment and processes.

The Tariff Commission wishes to argue neither for nor against industrial combination, but it feels bound to point out that the numerous and mutually unrelated companies now producing coal tar chemicals in the United States are less prepared for international competition than the highly centralized organizations that have been formed in Europe.

Mr. FRELINGHUYSEN. Suggestion has been made that Germany is so crippled from lack of raw materials and labor conditions, deprived by a reparation commission of 50 per cent of her output—which I shall refer to later—that we need have no fear of German competition in the immediate future.

I am not convinced of the soundness of the argument of the statesmen who preach Germany's impotence and weakness at the present time; I am not convinced of Germany's inability to "come back." England, France, and the United States underestimated Germany's strength and her recuperative powers before the war, and as a result of this stupidity, neglect, and indifference there are 10,000,000 men in their graves and 20,000,000 wounded and crippled hobbling through the world.

I am suspicious of Germany yet, and whether I am right or wrong in that conclusion I believe it is a crime for us to take chances whether we have evidence or not of Germany's present ability for industrial recuperation.

What is Germany's policy and what is her present position? I present the meager evidence at hand.

The following report, dated November 5, 1918, has been received by the naval intelligence office from a reliable source in Denmark and is interesting in shedding some light on the present condition of the dyestuff industry in Germany:

During the war competing firms have arisen everywhere in the neutral and enemy countries. We shall meet competition which, with Government subsidy and protection, will endeavor to dispute the leadership in the world's markets which we have obtained after years of labor and efforts. We must be armed for this fight, and it seems to me that there is no better way of doing this than by an amalgamation of our home industry along the broadest lines.

In order to protect the improvements obtained through science and practice in chemicals, and above all in colors, one well-informed expert suggests that foreign countries should not be given the newest colors for their own use for a long time, but that the German dye manufacturers should work hand in hand with the German textile industry and produce finished colored products, the imitation of which, at least for a certain period, would be impossible abroad.

I also wish to read from a letter of one of my constituents, Mr. F. Herbert Chamberlain, now president of the Heydon Chemical Co., of Garfield, N. J., a former German concern, now Americanized, and Mr. Chamberlain having become president. He wrote me on September 20, 1919, following his return from a visit to Germany. I read this to counteract the impression that is being given out that Germany is not industrially prepared to compete with the United States and to show that she is prepared; that she has large stocks of dyes which will be released, large stocks even beyond those that will be turned over to the reparations commission. Mr. Chamberlain said:

During my vacation I availed myself of the privilege of visiting the chemical plants of the Farbenfabriken vorm. Frederick Bayer at Leverkusen, and Badische Anilin und Soda Fabrik at Ludwigshafen, and beg to assure you that I was astounded at the magnitude of the plants in question. One had heard so much in regard to the unsatisfactory labor conditions in Germany since the revolution; that damage had been done to these plants by the allied armies; and that these plants were under the control of the interallied council, that these three plants were carefully observed during my visit.

In regard to the Bayer plant, which covers between 600 and 650 acres, the management stated that they had 8,000 employees, 300 chemists, and a clerical force of 2,500 men. It seems to be quite evident that this statement was fictitious, especially after our talk with the officials representing the British Government. The indications are that they are employing double this number—approximately

the same number of men as the Badische Anilin plant referred to below.

The Badische Anilin und Soda Fabrik plant covers 750 to 800 acres. The management stated that they were employing 16,000 workmen, 250 chemists, and a clerical force of between 1,800 and 2,000 men. The prewar hourly rate for operative labor was M. O. 50, equivalent at a prewar rate to approximately 12 cents per hour, and the factory operated on 12-hour shifts. To-day the hourly rate is M. 2.50, which is equivalent at the present rate of exchange to approximately 9 cents per hour, and their hours have been reduced from 12 to 8 hour shifts.

In walking through the various sections of the two companies one is impressed with the apparent satisfaction of the workmen, their industrious intent, and one can not see any outside indications of dissatisfied conditions, and from what I saw the companies are manufacturing dyes and intermediates on three 8-hour shifts per day. Their stores are heavily loaded, and the only inference is that as England has barred the receipt of any of these dyes and intermediates for the next 10 years, the Germans are looking forward to dumping their products in this country. Outside of the fact that the British Army have one man stationed at the Bayer plant, whose main function is to supply data to the interallied council, there is no apparent control of what this company is manufacturing, with the result that the plant is working at full force and there is no sign of any destruction caused by the war.

At the Badische plant my observation extended over a longer period of time and their dye and intermediate sections are working at full force, and I understand from the French officials in charge that their warehouses are full of dyes, intermediates, and pharmaceuticals. At this plant I also noticed that they were putting up new buildings.

In talking with the business men of the occupied area—bankers, merchants, and laborers—I was greatly impressed with the general tone of satisfaction. The shops were well filled with goods, the people in fine physical condition, with the exception that in the poorer quarters the children looked somewhat anemic, and I came back fully convinced that unless our Government not only gives the chemical industry a proper tariff protection, but in addition some licensing method that will prevent the Germans from dumping their commodities in this country, that it will be death to the industry and mean that the last four years' effort, not only in time but investment, made by the chemical manufacturers and scientists of our country will have been of no avail.

We do not seem to realize that the chemical industry has to compete with the low rate of approximately 9 cents per hour per day as compared with our 40 cent to 50 cent rate, which you will appreciate is an enormous difference to overcome, and as near as I can ascertain from the French and British officials the feeling is most prevalent that the German chemical manufacturers themselves started this revolution with the main idea that while it would mean a small increase in wages which they would be compelled to give their laborers, this would be a mere bagatelle compared with what they hoped to gain by such a method, and that they could use these artificial disturbances in wrenching concessions from the council of five in Paris.

In June there occurred a meeting between the management of an important chemical manufacturing concern near Dusseldorf and a delegation of their laborers. The delegates asked for an increase of 50 pfenigs over the 2 marks which they are actually being paid. These figures were equivalent to 12½ cents at the rate of exchange prevailing at that time. It was interesting to note the attitude of those men, who were as deferential as they behaved before the war. They stated the reasons for their request, giving the price of food, and altogether made a very good case for themselves. Their management conceded half of what they asked for, whereupon the delegates expressed their profound gratitude to the management for having yielded to them and promised to increase their efforts so that the company would not be the losers but the gainers by their concession.

Wherever I had opportunities of interviewing either employers or employees I found a similar situation. The men are willing to work at any wage which provides them with the bare necessities of life, and I was greatly impressed with the energetic manner in which they were working throughout the various plants I visited. You will realise that the rate asked for by these men was only 12½ cents per hour, at the rate of exchange at the time. At to-day's rate of exchange the rate asked for would be equivalent to the rate of 8 cents per hour, and this is the situation the industry in this country has to face to-day.

Reviewing the situation, we find that England is prepared to manufacture not only practically all of the intermediates but also the bulk of the finished dyes and pharmaceuticals to cover both her industrial and surgical requirements, and, as you are aware, has put into practice legislation that will prevent the dumping of dyes, intermediates, and pharmaceuticals in the British domain. This protection is vested in a licensing committee, which has full power to grant or refuse licensing and fix charges on such licensing.

There are large stocks of dyes and pharmaceuticals ready to be shipped out of the country, with the United States as their destination, as appeared from a statement made by the United States consul general in Zurich, who pointed out the large number of agents making all necessary negotiations with the object of shipping to America such goods as soon as the requirements of the certificate of origin were removed, and that the consulate was flooded with applications for the proper certificates to cover such shipments. This situation, I assume, he has already reported to our Government.

Mr. President, at this point I ask leave to insert a petition signed by over 4,500 workmen of the Du Pont factory in Salem County, N. J., urging that legislation be enacted in order that the industry may be continued.

The PRESIDING OFFICER. In the absence of objection, permission is granted.

The petition referred to is as follows:

Resolution adopted by the works conference at the dye works November 28, 1919.

Whereas the 4,500 employees of E. I. du Pont de Nemours & Co., at its dye works in Salem County, N. J., have organized an employees' conference plan, which, briefly, is as follows: The employees of each department of said works elect representatives who meet with other representatives named by the management in a general works conference to discuss and promote matters of mutual interest and benefit to employee and employer; and

Whereas at a meeting of said works conference, held on November 19, 1919, an elected representative from the power department brought to the attention of the conference House bill No. 8078, now pending in the Senate of the United States, and being designed to protect and make possible the continued development of the dye industry in America; and

Whereas after a thorough investigation the members of such works conference are convinced that the passage of said bill is of the utmost importance to the American dye industry and of vital consequence to the welfare and livelihood of the employees of the aforesaid dye works; and

Whereas recent experience has emphasized the national importance in times of stress of the existence of such basic industries as the dye industry is destined to become under adequate protection:

Now, therefore, upon motion made, duly seconded and unanimously adopted, it was

Resolved by the works conference of the E. I. du Pont de Nemours & Co., at the dye works, Salem County, N. J., That this body, on behalf of the employees it represents, call to the attention of the New Jersey Representatives in Congress the vast importance of said House bill 8078 to the country and to the more than 4,000 dye workers in Salem County and their families, and to this end the secretary be, and he hereby is, authorized and directed to communicate with Senators EDGE and FRELINGHUYSEN, of New Jersey, urging that these Senators vote for this bill, and that they furthermore use their efforts and influence toward its enactment, and to forward copies of this resolution to each of the Members of the House of Representatives from New Jersey for their information.

E. A. TRACY,
Secretary of the Works Conference.

Mr. FRELINGHUYSEN. I also ask to have inserted a copy of a resolution adopted by the United States Chamber of Commerce urging Congress to enact legislation to protect the pivotal industries created during the recent war.

The PRESIDING OFFICER. It is so ordered, without objection.

The resolution referred to is as follows:

(Copy of declaration as prepared and recommended by the resolutions committee at the eighth annual convention of the Chamber of Commerce of the United States of America, April 29, 1920, and adopted by unanimous vote of all the delegates in attendance. The following was meant to apply to the industries which developed as the result of the war and without mentioning any particular division of manufacture, though the phraseology led as closely as possible to the chemical industry and its branches, more particularly organic chemistry.)

Resolution 10.

PIVOTAL INDUSTRIES.

Conditions brought upon us by the European war and our national necessities after we entered the war made it of the highest public importance that certain industries should at once be developed in the United States. Large investments of capital and skill have been placed in such industries. Some of them are of vital necessity to the national defense and the national welfare, and at the same time are capable of adding to our national resources. Such industries should be sustained. Since the armistice there has now been opportunity to survey industries developed during the war and to ascertain those which confer the national benefits mentioned. Congress is asked to proceed with legislation which will assure the continuance of these American industries.

Mr. FRELINGHUYSEN. Mr. President, I believe it is the manifest duty of Congress to establish at once a national policy to protect the dye and coal-tar products industry in the United States and to enable the manufacturers of this country to make their arrangements to procure and invest the necessary capital for experimentation and to retain the expert chemists and artisans necessary for continuing their war-time activities for America's markets.

The question is asked, "Why the need of an embargo, why this blockade of our ports against Germany and this industry?" Embargoes, I admit, are generally distasteful to those who believe in fair competition and impartial rivalry. Yet in no other line of business do the same conditions exist that prevail in this industry. The dye and coal-tar industry is one to which our manufacturers had not given their devoted attention prior to the war, while Germany, with 40 years of preparation, of research and scientific experimentation, had been in supreme control, and the remainder of the world had been absolutely subservient and submissive to that control. We are now fighting 40 years of German preparedness.

While we have, it is true, during the war, due to the temporary embargo, won a preliminary skirmish, our industrial troops are untrained, and we must entrench for an extended period if we are to go forth eventually and meet in open competition the industrial veterans of Germany. Time is the essential factor. Forty years of research and experimentation by German scientists and artisans can not be met in a few short months of preparation.

Capital has not a reputation for timidity in this country. American enterprise is courageous and is willing to take a chance, providing that chance is an even one; but it is not fair for us in this Congress to expect the American manufacturer to hazard millions of his capital and also expect him to fight in the dark without giving him the opportunity to make the necessary research, so that American chemists and scientists may study and experiment, in order to meet the competition growing out of Germany's 40 years of previous experience.

That is the reason industrial captains are anxious to have time to develop fully this industry in the United States, with a view to the Nation's protection and her prosperity as well. They do not ask 40 years' congressional support and protection. They did ask 15. We have given 3 in this bill. In my opinion, 3 years is too short. These manufacturers, these chemists, and these artisans should have at least 5 years in which to perfect their program for meeting and defeating the chemists and artisans of Germany who have been trained for nearly half a century. I shall offer an amendment extending the time to 5 years. After that period shall have elapsed these manufacturers can develop the American industry and increase American prosperity, and then will be willing, I am sure, to have the embargo lifted and the tariff abolished, facing Germany in open competition, confident that the result will be the "survival of the fittest," and the fittest will be the American industry.

If we believe in legislating to retain our commercial independence, if we believe that it is wise for Congress to pass measures for national defense, then the enactment of this law becomes a matter of patriotic duty.

My interest in this bill is, first, that the United States shall sustain and safeguard the industries that are essential to our industrial supremacy and necessary for the national defense, the safety of the country, and the prosperity of all of her citizens.

We would be derelict in our duty as Senators were we to allow a peace to be consummated and Germany permitted to regain on this continent the control and monopoly of dyes and coal-tar products which she formerly enjoyed, thus placing ourselves once more in her power and subservient to her will.

Some have hinted that we will create a monopoly and unfairly protect certain corporations in this country. This bill does not create a monopoly. But it does safeguard and preserve the knowledge and science, the genius and achievement, the energy and experience, gained during the war.

Have we forgotten the lessons of the war? Have we forgotten the sacrifice made by reason of our lack of preparedness? Have we forgotten the helpless condition with which we would have been confronted had not England and France held Germany back long enough to allow us to make the explosives and materials which she had formerly controlled and monopolized? Is the memory of this episode fading from view?

My secondary interest in this bill is due to the fact that in my State there are industries which manufactured large quantities of the dyes and coal-tar products consumed in this country during the war. Those industries mobilized for war, and now desire to mobilize for peace, and will be ever ready, should the peace and safety of the United States and civilization of the world again be menaced, to mobilize, and mobilize quickly, to assist in safeguarding the Nation and the world.

I am an insurance man, and am applying the knowledge of 30 years of experience. Thinking, perhaps, that I might qualify as an expert, I testify that this bill is an insurance for peace.

My added interest in this bill is to give the workingmen of my State and other States where this industry is harbored continued employment, so that their toil may contribute to the prosperity not only of my State but of the country at large.

I think that my first duty is to my country, and it is my duty as a Senator in this body to legislate for those who must follow, to safeguard their interests and protect their future by learning and profiting by the lessons given through the horrible experience of the war.

I scout the sentiment expressed on this floor that this bill will establish a monopoly in America. I challenge anyone to show that any combination exists to control the American market at the expense of the consumer through the enactment of this bill.

Keen rivalry and business competition will exist here in America for the trade of the American consumer, but if even remotely such a monopolistic evil should creep in, we have ample laws on the statute books to protect the public against such abuses.

Again, my interest in this bill is because of the belief that it will retain an industry in this country that we have legitimately captured, not by force of arms but by our energy, our genius, and our ingenuity, and that it will foster, encourage, and promote such industry. I believe that the policy reflected in this legislation will inure to the benefit of all American citizens. I know it will not be for the benefit of citizens of Germany.

Let us not get confused, Senators, between the two schools of thought in this Chamber. This bill does not involve the question of free trade or protection; it does not involve the question of Democratic or Republican policies; it involves the great policy and issue of America first.

I am not afraid to proclaim from the housetops that I want the American manufacturer and business man to prosper and make reasonable profits. I do have such a desire, and I do not apologize for it. I am not suspicious of the American business man or the American manufacturer or of his honesty or integrity of purpose any more than I am suspicious of the cotton farmer of the South, the wheat farmer of the West, the miner of the Northwest, or the workingman of all sections of America. Let them all prosper and succeed.

But I am still suspicious of the resourcefulness, the selfishness, the cupidity, and intrigue of the scientist and manufacturer of Germany. I do not want to return to that humiliating period which existed before the war, when the color of the dresses of the women of America, the shades of their stockings, the color scheme of their shirt waists, when the leather in our chairs, the stripes in our clothing, the rubber in our automobile tires, the tint of the curtains at our windows, the paint on our houses, the color of our carpets, yes, even the red and blue in our Star-Spangled Banner, bore everlasting evidence that their ingredients were made in Germany.

Rely on Germany for all these articles? Never in my life, while I have the breath to vote against it! Some may wish this. Not I. Nor am I going to keep a pile of bricks under my desk to throw at the business men of this country.

This policy has been followed too long. It has destroyed our railroad system, driven our merchant marine from the seas, impaired our finances, slackened our spirit, limited our power, and dimmed our industrial prestige.

It is easy to be a demagogue, but it is hard to stand against public opinion when it is misguided and in error. While the voice of the demagogue has been heard in the land, we have been neglecting the interests of America. But England has been frowning on radicalism, frowning on distrust and suspicion of her business and manufacturing industries, working zealously to restore and rebuild her power in commerce and industry by leaps and bounds, and is capturing trade in every mart of the world—trade that is ours by all economic laws—while we have been sleeping at the helm.

Let us forget any sectional interests. I am for America's progress and her upbuilding in every corner of this broad land, in every one of her 48 States. I am for the supporting of our industries and our own resources, untinged by sectional selfishness or partisanship. There is time enough to talk politics on the stump, in the open where the air can cool our fevered brows and temper our fervid speech. Let us get down to business here in Congress and do business as Americans, loving one great country.

"No special privilege to Germany; equal rights to America" is my motto.

In concluding my remarks I wish to say that it is my sincere belief that the enactment of this bill will firmly establish the dye and coal-tar products industry in the land, and that we will go forward untrammeled in peace-time pursuits as we did in war time. Its result will be American products produced by American workmen in American factories, sold to American consumers, and then supplied to the other markets of the world unhampered by unfair legislative restriction.

Theodore Roosevelt once said:

> There is no limit to the greatness of the future before America, before our beloved land. But we can realize it only if we are Americans, if we are nationalists, with all the fervor of our hearts and all the wisdom of our brains. We can serve the world at all only if we serve America first and best.
>
> We must work along our own national lines in every field of achievement. We must feel in the very marrow of our being that our loyalty is due only to America, and that it is not diluted by loyalty for any other nation or all other nations on the face of the earth.
>
> Only thus shall we fit ourselves really to serve other nations, to refuse ourselves to wrong them, and to refuse to let them do wrong or suffer wrong.
>
> To thine own land be true, and it must follow as the night the day, thou canst not then be false to any land.

Mr. MOSES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. NEW in the chair). The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Fall	Lodge	Smith, Ariz.
Ball	Fernald	McNary	Smith, Md.
Brandegee	Frelinghuysen	Moses	Smoot
Capper	Gerry	Nelson	Sterling
Chamberlain	Gronna	New	Sutherland
Curtis	Harris	Page	Thomas
Dial	Harrison	Phipps	Trammell
Dillingham	Jones, Wash.	Pomerene	Underwood
Edge	Kendrick	Ransdell	Watson
Elkins	King	Sheppard	

Mr. DIAL. My colleague [Mr. SMITH of South Carolina] is detained on official business.

The PRESIDING OFFICER. Thirty-nine Senators have answered to their names. There is not a quorum present.

Mr. WATSON. Mr. President, it is very evident that a quorum can not readily be obtained this afternoon; I move that the Senate adjourn.

The motion was agreed to; and (at 2 o'clock and 35 minutes p. m.) the Senate adjourned until Monday, May 3, 1920, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *May 1, 1920.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, humbly and reverently we bow in Thy holy presence and would drink deeply from the fountain of life, be refreshed, purified, strengthened for the duties of the new month which dawns upon us; that we may think deeply, act wisely, patriotically; that good government may have its sway and stand the test of all opposition, to the glory and honor of Thy holy name. In the spirit of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. GOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the sundry civil appropriation bill, H. R. 13807; and pending that I ask unanimous consent that the time for general debate be equally divided between the gentleman from Tennessee [Mr. BYRNS] and myself.

The SPEAKER. The gentleman from Iowa asks unanimous consent that the time for general debate be equally divided, half to be controlled by himself and half by the gentleman from Tennessee [Mr. BYRNS]. Is there objection?

Mr. GARD. Reserving the right to object, has any time for general debate been fixed?

Mr. GOOD. There has been so much demand for general debate that in conversation with the gentleman from Tennessee [Mr. BYRNS] it appeared to be the best plan to let the general debate run to-day without limit, and then, when we go into Committee of the Whole on Monday or Tuesday, or whenever we next take up the bill, debate can be limited.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 13807) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1921, and for other purposes, with Mr. ANDERSON in the chair.

Mr. GOOD. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. GOOD. Mr. Chairman, I yield 10 minutes to the gentleman from Indiana [Mr. ELLIOTT]. [Applause.]

Mr. ELLIOTT. Mr. Chairman, for some time past there has been a pernicious effort on the part of some publicity source to make the people of this country believe that the Congress has not been doing its full duty to the disabled discharged soldiers of the late war by way of furnishing them adequate hospital facilities necessary to restore them to health and to care for those who are destined at an early date to make the supreme sacrifice for their country. One article circulated by a news agency was to the effect that 72,000 soldiers who had become insane during their service in the late war had been neglected by Congress, and that none of these insane men had been provided with hospital treatment.

I do not know the name of the pernicious liar who started this report, but I do know that the report is not true. [Applause.] It is unfortunately true, however, that there are, according to the report of the Public Health Service made to the Committee on Public Buildings and Grounds February 7, 1920, 10,162 of what are termed neuro-psychiatric patients who will need hospital attention under the supervision of the Bureau of War Risk Insurance during the next two years. These men are suffering from various kinds of mental troubles, from mild derangements to violent insanity, and, to use a term invented by the soldiers during the war, from "shell shock." Although many of these patients had little or no experience at the front, and may have been suffering from slight mental or nervous disorders at the time they enlisted, their troubles have been aggravated by exposure and by disease contracted while in the Army. Had they never been in the service they would have been classed as insane.

The Public Health Service further reports that it will need for tubercular patients within the next two years 12,183 beds, and for general and surgical cases 4,538 beds, making the total number of beds needed during that period 26,883, which number will be further reduced by 1,835 beds which are provided for in public act 326, making a total number of beds needed in public hospitals by the Public Health Service 25,048. (See hearing No. 19, Public Buildings and Grounds Committee, Feb. 7, 1920, p. 28.)

The discharged disabled soldiers of the late war who are entitled to hospital treatment are under the supervision of the Director of the Bureau of War Risk Insurance, who, under the law, can send such patients to the Public Health Service hospitals, to the National Soldiers' Homes, or to private hospitals for treatment, at his option.

The War Department has at its command more beds than it needs for the use of the Army at this time, but after a soldier is discharged he is no longer entitled, under the law, to be sent to an Army hospital. The Secretary of War, however, has turned over to the Public Health Service 21 hospitals which the Public Health Service is now using. These hospitals have space for 16,690 patients. (See hearing No. 21, Public Buildings and Grounds Committee. Evidence of the Hon. N. D. Baker, Secretary of War.) The Secretary of War further testified that he had no other hospitals which he could turn over to the Public Health Service, but on cross-examination he admitted that Fort Meade, in South Dakota, and Fort McKenzie, in Wyoming, two substantial Army posts, had been vacated for some years with the exception of having a very few soldiers stationed in them to act as caretakers.

The Secretary of War also said that owing to the fact that under the Army reorganization bill the Army might be increased there was a possibility the War Department would need these two posts, but that he was ready to give a revocable permit for their use to the Public Health Service for the care of neuropsychiatric cases. These posts could be arranged for approximately 2,000 patients and save the taxpayers many millions of dollars.

There are now 10 National Soldiers' Homes in this country, which were built to provide for the disabled and homeless veterans of our wars. These homes are in convenient and ideal locations throughout the country and they have a capacity for approximately 21,000 beds. They have at this time 10,000 vacant beds, which are available for the use of the soldiers and sailors of the late war. I am informed by Gen. George H. Wood, president of the board of governors for these homes, that the veterans of the Civil War who are now being cared for in these homes are quite old and many of them are very feeble and that 10 per cent of them died during the last fiscal year. He also said that the number of vacant beds in these homes was steadily increasing. He said that they have in all of these homes adequate and competent medical and surgical staffs and that the veterans have been cared for in a most satisfactory manner for over 50 years. Gen. Wood said that four of these National Soldiers' Homes are now used for the care of tubercular patients. He said that the locations of these institutions are ideal for the treatment of tuberculosis. Gen. Wood also said that each of these homes is provided with adequate heating, lighting, power, and water supply plants, so that additional buildings can be constructed, if necessary, and added to any one of the institutions, at a minimum cost per bed, for hospital purposes.

The Director of the Bureau of War Risk Insurance has examined some of the National Soldiers' Homes and has said that it would be a shame to not use them to their fullest capacity for the care of patients who could be satisfactorily treated in them.

It has been estimated by the Public Health Service that it will cost $3,250 per bed to provide hospitals such as it desires to build. The 10,000 vacant beds in our National Soldiers' Homes should be used at once, for this would save the country more than $30,000,000; and by providing additional buildings at these homes, where we have the land and the equipment, we would save many more millions of dollars in the construction of hospitals.

One of the grievous faults of the United States Government has been the duplication of services in the various departments. For instance, the Government has at this time ample hospital facilities to provide for all the cases which the Government is under obligation to care for if we could bring the control of all these institutions under one governing head. But, in the meantime, while awaiting the millenium in governmental affairs it is our duty to proceed to take care of the boys who gave up so much for their country in the late war, and we are going to do it. As I said before, the Director of the Bureau of War Risk Insurance is charged by law with the care of discharged disabled soldiers and sailors of the late war. He can utilize the National Soldiers' Homes; the Public Health Service hospitals and private hospitals for their treatment. Under the provisions of the sundry civil bill now under consideration the director has placed at his disposal the sum of $46,000,000 with authority to use the same for enlarging National Soldiers' Homes and providing them with additional equipment; he has authority to build additional hospitals for the Public Health Service and to lease private hospitals. So by utilizing this appropriation and the 10,000 vacant beds now available and by taking over Fort Meade and Fort McKenzie he will be adequately prepared to discharge our obligations to these worthy men.

As soon as it can be done it is highly desirable that the various institutions of our Government be reorganized in such a manner that we can avoid duplication of service and division of authority, especially in the most important matter of discharging our obligations to our soldiers and sailors.

Mr. LAZARO. Will the gentleman yield?

Mr. ELLIOTT. I yield to the gentleman from Louisiana.

Mr. LAZARO. I quite agree with the gentleman that everything is being done that could possibly be done to relieve these men, those who are mentally deranged and those who have acquired disease; but does not the gentleman think that it is the duty of the Government to use every available bed, so that these men who are sick, whether mentally deranged or whether they have acquired disease, can be given treatment in the very beginning? A good many of these cases, if they are treated in the beginning, have a chance to get well, whereas if the treatment is delayed the trouble is likely to become permanent.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. ELLIOTT. I ask unanimous consent that my time be extended five minutes.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. ELLIOTT. In answer to the gentleman from Louisiana, I desire to say that I think it is the duty of the various departments of the Government charged with the care of these men to utilize every available resource that we have for their care, and where we lack any hospital or other facility to take care of these men Congress should, and I think will, readily provide it as fast as it is needed. I think that in addition to some of the hospitals that we now have we need some for tubercular patients, because they have to be segregated, to keep the infection away from patients of other classes. As nearly as I can find out, we need in this country another hospital for the insane, to take care of the violent insane from this war.

Mr. LAZARO. The gentleman realizes, too, that these cases must be treated in the very beginning—that is, the mentally deranged and the tubercular patients, in order to have a chance to get well.

Mr. ELLIOTT. Yes; and it is not going to be to their interest to wait two years to build fireproof hospitals before we begin their treatment. We ought to utilize at once everything that we now have. [Applause.]

Mr. GOOD. I yield five minutes to the gentleman from Nebraska [Mr. REAVIS].

Mr. REAVIS. Mr. Chairman, the condition of my throat this morning will not permit me to elaborate on the proposition I have in mind, but a matter has been called to my attention that I thought should be called to the attention of the House. I think we are all in sympathy with the propaganda of the administration looking to economy on the part of the individual, to the utilization of those things that we have on hand, so far as possible, rather than the purchase of new material; the wearing of our old clothes, to contribute in some measure to the catching up with the great shortage in clothing that now exists, and other economies of similar nature. I had hoped, Mr. Chairman, that the administration in its conduct of the public business would harmonize its conduct with its propaganda.

On page 8133, serial 6, part 1, of the testimony taken in that subdivision of the investigation of the expenditures in the War Department that has within its jurisdiction ordnance supplies, the testimony of one Mr. Worley, whose testimony, I understand, is not disputed in the record, shows the purchase of 2,551,087 sets of harness.

The total purchases of horses and mules during the progress of the war was 395,000. These animals were purchased at different seasons, to repair the wastage and the losses by death and sickness, so that the estimate is made that there were never more than 300,000 horses and mules in the service at any one time. For these we purchased two and one-half million sets of harness. When the war was over Col. Goetz, who had charge of these purchases, testified, on page 1410 of serial 8, part 2, that in addition to these sets of harness we had on hand 1,800,000 pounds of black harness leather that had not yet been made up into harness, which was worth from 90 cents to $1 a pound.

Mr. BLANTON. Will the distinguished gentleman yield there?

Mr. REAVIS. With pleasure.

Mr. BLANTON. Can the gentleman tell us in that connection about how many horses and mules our War Department owns at this time?

Mr. REAVIS. They never owned more than 395,000. Those were the total purchases, but they never owned at any one time, according to the best estimates, more than 300,000 horses and mules.

Mr. BLANTON. The papers in my State and district are heralding the fact now that the Government horse buyers are going from county to county to-day buying horses for the War Department, urgently pressing the people to bring their horses in to them in order that they may buy them.

May I ask the distinguished gentleman who is a part of the majority of this Congress which controls legislation and controls the purse strings of the Treasury, why it is necessary in peace time when we now have so many horses and mules as we do for Government agents to go through the country and buy additional horses and mules?

Mr. REAVIS. I would be delighted to answer the gentleman if I knew, but may I refer him to the Secretary of War, who has this matter in charge?

Mr. BLANTON. We furnish the money and they must get the money from Congress, and the gentleman's party holds the purse strings.

Mr. REAVIS. I will say that if I were in control of the Committee on Military Affairs of this House I would not only refuse to make the appropriation for such purchase, but I would incorporate in the bill a mandatory provision compelling them to sell the surplus harness, saddles, and leather they now have on hand.

Mr. HULL of Iowa. Will the gentleman yield?

Mr. REAVIS. Yes.

Mr. HULL of Iowa. The reason they give for buying horses and mules at this time is that last fall they considered it better policy to sell off all the horses they could possibly spare; that it would be cheaper than to keep them through the winter. Then they propose to buy new horses in the spring. I am telling you what they say about it. We have provided for an increase in the Army and they have to have the horses for the increased Army.

Mr. BLANTON. That does not appeal to the very enlightened and well-informed gentleman from Iowa, I take it.

Mr. REAVIS. My idea was that they were purchasing extra horses so as to have sufficient horses for the harness they have on hand. [Laughter.] Mr. Chairman, on page 1406, series 6, part 2, the testimony of Col. Goetz is that for 106,000 Cavalry horses they purchased 945,000 saddles, a little over 7 saddles for every riding horse we had in the Army.

The warehouses of this country are filled with harness and saddles and harness leather for which the farmers of this country are compelled to pay exorbitant prices because of the great shortage, and now the War Department has out a proposal that I hold in my hand for the purchase of more harness and more saddles.

Mr. BLAND of Missouri. Will the gentleman yield?

Mr. REAVIS. Yes.

Mr. BLAND of Missouri. My recollection is that in the military appropriation bill we appropriated recently a million and a half dollars for the purchase of horses. The gentleman from Texas [Mr. JONES] took the floor and opposed that appropriation. Why was the additional appropriation made?

Mr. REAVIS. I was very much in accord with the position of the gentleman from Texas [Mr. JONES]. I can not answer

the gentleman. I have my ideas about it, and the more I get into it the more firmly I become grounded in these ideas. Let me call your attention to the character of the saddle and harness for which the War Department is now seeking bids.

Mr. GARNER. Will the gentleman yield right there?

Mr. REAVIS. Yes.

Mr. GARNER. These advertisements for bids are to be paid for out of the appropriation for the next fiscal year. What attracts the attention of every Member of the House and the gentleman from Nebraska is that Congress, both Republicans and Democrats, but at least in control of the Republicans, have appropriated a million and a half dollars for additional horses, and I do not know how much in addition to that for other things, and if it was not for those appropriations these advertisements would not be in the paper.

Mr. REAVIS. I want to say that this came before the passage of the military appropriation bill. It is dated March 29, 1920, and has just been called to my attention, and that is the reason I call it to the attention of the House. The purchase is to be made on or before the 5th day of April. It is a past transaction that I am calling attention to.

Mr. BLANTON. Will the gentleman yield for one further question?

Mr. REAVIS. Yes.

Mr. BLANTON. In reply to what the distinguished gentleman said a moment ago regarding the situation, I want to say that I have seen a Government agent pay $150 for a plug of a horse that could have been bought by an agent for $65 lots of times. I have no doubt the gentleman from Nebraska has seen like cases.

Mr. REAVIS. Let me call attention to the character of the equipment they are seeking to purchase. In this proposal I am reading the description of the saddle, notwithstanding they have 945,000 on hand:

Saddles, 4-inch coupe, 1¼-inch solid nickel English wire terret pedestal hook, with 1¼-inch running bearer; ¾-inch single-strap billets, patent leather skirts, and jockey enamel leather bottom, patent leather facing, full pad, hand lace saddle, jockey blocked up—

Now, that sounds like some saddle, and I have no doubt that these saddles are being purchased for the use of officers in the Army. I can picture in my mind a spirited and proud-stepping steed with one of these patent leather, jockey enamel leather saddles strapped upon him, that saddle occupied by the robust form of some Army officer, cantering along the shady lanes of the bridle paths in the parks of Washington, and it will be a delectable sight for the poor devil sitting on the bench wearing his old clothes for economy. [Laughter.]

Mr. GARNER. He ought to have the gentleman from California and a few gentlemen from the Military Affairs Committee to see the sight.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. GOOD. I yield the gentleman two minutes more.

Mr. REAVIS. Mr. Chairman, I am calling the attention of the House to this not from any spirit of criticism, but I do not believe there is a man on either side of the aisle that approves of this reckless and criminal waste of the funds of this country, and it ought not to be permitted longer.

Mr. KING. Will the gentleman yield?

Mr. REAVIS. Yes.

Mr. KING. I understood the gentleman to say that the warehouses of the country were filled with supplies of leather.

Mr. REAVIS. They are.

Mr. KING. Has it occurred to the gentleman that the Federal banks are financing the gentlemen who are holding this leather? That they are putting up their notes and bills of exchange and having money issued against them, and that is the leather money that we are receiving in the country to-day?

Mr. REAVIS. Well, I did not know that, Mr. Chairman, but I have gotten to the point where I am a little like a dope fiend, and it takes a larger dose each time to get any reaction on my part. What I do want to say is, I am sincerely hopeful that some committee of this House having jurisdiction of this matter will not only refuse further appropriations to this department to be wasted in this way, but that it will return mandatory legislation to this body compelling this department to sell this surplus material and recover that money into the Treasury. The time has gone by when Congress can look with indifference upon a proposition of this kind.

The CHAIRMAN. The time of the gentleman has expired.

Mr. REAVIS. May I have one more minute?

Mr. GOOD. I yield the gentleman an additional minute.

Mr. GARNER. May I make a suggestion in the form of a question?

Mr. REAVIS. Yes.

Mr. GARNER. There is just one remedy I see for this situation here—I agree with the gentleman that every Member of the House will criticize and condemn it—and that is to get a committee of this House that will see that you do not make appropriations for it. And whenever you concentrate all the committees into one committee of this House the War Department will not have the influence it has now.

Mr. REAVIS. There is not any doubt about that, Mr. Chairman, but it is a very deplorable condition that one great department of this Government should have a system of that character and should keep on wasting the funds of this Government the way it has been doing the past year and a half. None of us are entirely absolved from the evil of it, and so far as I am concerned I am willing to support any legislation that will not only prevent additional waste of this kind but compel the Secretary of War to dispose of the surplus that is rotting and deteriorating in the warehouses of this country at this time.

Mr. Chairman, because of the condition of my throat and because I do not want to take the time to read this proposal, I ask unanimous consent that I may incorporate as a part of my remarks this proposal of the War Department seeking to purchase additional saddles and harness parts.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent to incorporate in his remarks the matter indicated. Is there objection? [After a pause.] The Chair hears none.

Mr. BLAND of Missouri. Will the gentleman yield for a moment?

Mr. REAVIS. I will.

Mr. BLAND of Missouri. I call the attention of the gentleman to page 32 of H. R. 13587 as passed by the House, and under the title "Horses for Cavalry, Artillery, Engineers," and so forth, which provides for an appropriation of $1,500,000 for that purpose.

Mr. REAVIS. Now, let me ask the gentleman a question. He is seeking to show a partisan responsibility, and I have no desire on my part to make partisan capital of this at all. There is nobody preventing these people from selling these horses. If the War Department went out, as stated by the gentleman from Texas and the gentleman from Iowa, and sold the horses they had on hand, as a matter of course a new appropriation would have to be made; but the condition was made necessary by the conduct of the War Department in selling those animals.

Mr. BLAND of Missouri. I am not indicating any partisan purpose whatever, but simply going to the bottom of these facts as outlined by the gentleman. I am in entire sympathy with his proposition. As a matter of fact, the evidence did not develop in the hearings upon the military appropriation bill that all horses had been sold, and the fact was disclosed they had a supply on hand, and serious objection was made that $1,500,000 was not necessary for the purchase of additional horses.

Mr. REAVIS. Does the gentleman believe that legislation, if not demanded, is at least advisable to tell the War Department to dispose of its surplus material?

Mr. BLAND of Missouri. That cry and demand has been made——

Mr. REAVIS. But does not the gentleman approve of that contention?

Mr. BLAND of Missouri. I have not approved of the disposition of horses by sale and then a repurchase of horses, nor do I approve of the appropriation of $1,500,000 for the purpose of purchase; and if you give no appropriation for that purpose the expenditure can not be made.

Mr. REAVIS. Let me ask the gentleman this question: Whether, if we have hundreds and thousands of sets of harness, saddles, and different equipment of that kind that has been declared surplus, would not the gentleman approve of legislation that would require the War Department to dispose of it?

Mr. BLAND of Missouri. Absolutely; if it is wise under the facts as they really exist.

Mr. REAVIS. What does the gentleman think of a department that requires legislation to compel them to perform a manifest duty?

Mr. BLAND of Missouri. I would enact legislation if I were in a responsible majority to prevent it and refuse to pass appropriations all of which would prevent it.

Mr. REAVIS. I am with the gentleman on that, on both propositions.

Mr. CANNON. If the gentleman will allow me, why did not you enact it 15 months ago?

Mr. BLAND of Missouri. Why, during the conduct of the war, if I may answer——

Mr. REAVIS. I have not yielded, Mr. Chairman.

Mr. EVANS of Nevada. Will the gentleman yield?

Mr. REAVIS. I do.

Mr. EVANS of Nevada. What is the number of these saddles which the gentleman stated; I did not hear it.

Mr. REAVIS. The total number they authorized and contracted for, according to the testimony of Col. Goetz, who is in charge of the purchase, was 945,000.

Mr. EVANS of Nevada. They propose to buy how many more?

Mr. REAVIS. This proposal only contains a proposal for 200 more, but they have hundreds of thousands of them in the warehouses now, so what is the use of buying any more?

Mr. EVANS of Nevada. I fully agree with the gentleman.

The CHAIRMAN. The time of the gentleman has expired.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CAMPBELL of Kansas having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendments the bill (H. R. 13555) making appropriations for fortifications and other works of defense, for the armament thereof and for the procurement of heavy ordnance for trial and service for the fiscal year ending June 30, 1921, and for other purposes; in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 1699) for the retirement of employees in the classified civil service and for other purposes, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. STERLING, Mr. CUMMINS, and Mr. MCKELLAR as the conferees on the part of the Senate.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

Mr. BYRNS of Tennessee. Mr. Chairman, I yield 20 minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman, I ask leave to revise and extend my remarks.

The CHAIRMAN. The gentleman from Texas asks leave to revise and extend his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. BLANTON. Will the Chairman call my attention to the fact when I have used 10 minutes? Mr. Chairman, we met this morning to take up the great sundry civil appropriation bill, and by actual count there were on the floor only three of my Republican colleagues. Those three Republicans, headed by the distinguished gentleman from Massachusetts [Mr. WALSH], ought to be congratulated and ought to have their pictures framed for being loyal and being here to take up this bill.

Mr. REAVIS. Will the gentleman yield?

Mr. BLANTON. I yield.

Mr. REAVIS. The gentleman realizes, of course, the hour at which we met this morning is an unusual hour?

Mr. BLANTON. Yes; but that hour was agreed upon unanimously yesterday evening, and the notice of it was in the CONGRESSIONAL RECORD, and it was in the printed calendar that was placed on our desks this morning at 7 o'clock in every office in the House Office Building. I know, because I was there when it came in the early morning mail.

Mr. Chairman, a most serious crisis has been reached in the affairs of our Nation. Anarchy is in our midst. Congress has been temporizing with it. It is even fostered and protected by a Cabinet officer. There are 25 anarchist publications in New York alone, constantly seeking to disrupt and overthrow our Government by force and violence. Nearly two score more of such anarchistic publications thrive in our country from New York to Seattle. The Department of Justice has ascertained that there are 60,000 anarchists now in the little State of Washington.

What is the subtle power and influence, Mr. Chairman, that prevents this Congress from doing its duty and taking the steps necessary to free our beloved land of this monster? What is the particular thing that stands in the way of this Congress cooperating with our Department of Justice and granting what it says it must have to wipe this dangerous menace from our midst? What is it that stops us when our conscience prompts us to act? What is it that deters us? What is it that has us bound hand and foot so that we can not function? What is it that even makes us whisper, when we would discuss this evil?

There is but one answer: Mr. Samuel Gompers and the American Federation of Labor. Card indexing, threats of political defeat, love of office, unwillingness to make sacrifice and take our chances on losing position has made us pause, and rather that our whole Nation bear the ills it has than that we personally fly to others that we do know of, through personal and public communication from Mr. Gompers. Thus, not conscience, but fear of Gompers makes cowards of us all.

Let me quote from yesterday's Washington Star the headlines:

CLASHES BETWEEN DEPARTMENTS OF LABOR AND JUSTICE ARE DISCLOSED.

Attempts to break up completely the most damnable conspiracy against the Government in the Nation's history was frustrated by disagreements between the Department of Labor and the Department of Justice, Chairman JOHNSON, of the House Immigration Committee, testified to-day at the renewal of the investigation by the Rules Committee into the handling of deportation warrants by Louis F. Post, Assistant Secretary of Labor.

Arrests of 5,000 communists was followed by an "awful mix-up between the two departments," resulting in the release of the big majority of those held, JOHNSON said. The Department of Justice did its part, he added, but one obstacle appeared in Assistant Secretary Post.

Mr. JOHNSON told the committee that George Audreytchine, described as "A prince of the I. W. W.," was released by the Department of Labor after letters had been exchanged by radical leaders, saying "that if we can keep Secretary Wilson out making speeches Post will release Audreytchine."

The Immigration Committee, Representative JOHNSON said, had evidence that Emma Goldman, the radical leader, had sent a plea by telegram to Assistant Secretary Post in behalf of one arrested communist.

Mr. Post, Mr. JOHNSON declared, referred the plea to the office of the Secretary of Labor with the notation that "Miss Goldman's representations of fact be given full credence."

SECRETARY ALREADY IMPEACHED.

Representative JOHNSON told the committee he did not introduce a resolution looking to the impeachment of Mr. Post, because "the Secretary already has been impeached by nine-tenths of the people of the United States."

Jackson H. Ralston, attorney for Secretary Post, replying to Representative JOHNSON, declared that from beginning to end "the Department of Justice has attempted to inject itself in deportation proceedings without legal right."

Now, Mr. Chairman, let me quote the following from this morning's Washington Post:

ASSERTS THAT POST IS SHIELDING "REDS"—REPRESENTATIVE ALBERT JOHNSON, ARGUING FOR IMPEACHMENT, FILES NEW CHARGES—CITES EMMA GOLDMAN NOTE—HOUSE INVESTIGATORS CHALLENGE STATEMENTS OF UNITED STATES OFFICIAL'S ATTORNEY.

Assistant Secretary of Labor Post has succeeded in eliminating the Department of Justice from deportation proceedings, with the result that all the work of the Attorney General in rounding up radicals throughout the country has been brought to naught, Representative ALBERT JOHNSON, of Washington, charged before the House Rules Committee yesterday during hearings on the resolution providing for impeachment proceedings against the Labor Department official.

"The Department of Justice during the first week of this year rounded up nearly 5,000 communists and Russian workers," said Mr. JOHNSON. "It broke up a damnable conspiracy against the United States Government. Yet since then Mr. Post, with exclusive power over deportation, has sent out of the country only 22. It is time that Congress investigate such a situation.

"Everybody knows that Mr. Post sympathizes with many of these radicals. In 1916 he made a speech defamatory of the United States Army, and his writings show the type of man he is."

Mr. JOHNSON presented to the committee a telegram from Emma Goldman to Mr. Post in which she urged the release of an alien, George Audreytchine, claiming that if he were sent back to Macedonia he would be placed in the army or killed. Across the telegram Mr. Post wrote:

"Referred to the Acting Secretary with the suggestion that Miss Goldman's recommendations of fact be given full credence."

Mr. JOHNSON cited the Audreytchine case as one in which Mr. Post had violated the law.

CHALLENGE LAWYER'S STATEMENT.

Jackson H. Ralston, Mr. Post's attorney, made his defense in the form of an attack on the Department of Justice and Attorney General Palmer. He made several charges against the department that were promptly challenged by both Republicans and Democrats.

One of Mr. Ralston's charges was that the Department of Justice is "organizing and creating branches of the communist party," presumably in order to have somebody to arrest. Most of the committeemen laughed at the charge. Another was that Attorney General Palmer sought to have many suspected radical aliens deported without a hearing. Representative POU, of North Carolina, demanded that Mr. Ralston prove this statement. Mr. Ralston then said that all he could do was to produce two or three witnesses who would say the same thing.

The third assertion was that "the administration of justice in this country has sunk to a lower level than in Russia during the régime of the Czar."

"I can not let that statement pass unchallenged," Chairman CAMPBELL of Kansas said. "Everybody knows it is ridiculous to make such a charge."

Is it so very strange that we find Assistant Secretary of Labor Louis F. Post the dependable friend of anarchists and the confidential correspondent of Emma Goldman, whose deportation was finally forced by the Department of Justice and public sentiment? Is it so very strange that anarchists should find protection in the Department of Labor? Is it so very strange that Louis F. Post should now be defended by Jackson H. Ralston, the renowned attorney for anarchists in the United States, and who has before appeared before the Rules Committee in this Congress to stop the passage of laws that would hamper anarchists in their hellish practices? Why, less than a year ago our Secretary of Labor, William B. Wilson, in the annual con-

vention of the American Federation of Labor, sat on the platform with Samuel Gompers and Mrs. Rene Mooney, the then indicted wife of the convicted bomb-throwing anarchist, Thomas Mooney, and asserted that his Department of Labor was still at work in its efforts to free this anarchist, and then refused to answer the resolution passed by the House of Representatives and tell it exactly what his department had done and was doing, and how much money it had spent in behalf of such anarchist, and the House has never yet forced him to answer. Do not the records on file in this House show that Secretary of Labor Wilson sent John B. Densmore, with a bunch of thugs, to San Francisco in behalf of Mooney, where they committed burglary and other felonies by installing a dictograph in the office of the district attorney, for the purpose not of enforcing laws but to thwart laws, in an attempt to free this anarchist, Mooney? Did not Samuel Gompers, whom Jackson H. Ralston also represents, collect a tremendous slush fund and go to every extreme imaginable to free the McNamaras, anarchists, and also to free the anarchist, Mooney? Did not Samuel Gompers, knowing William Z. Foster to be an anarchist, place him in charge of the great steel strike not long ago?

But, Mr. Chairman, let me quote again from yesterday evening's Washington Star:

PRECAUTION TAKEN AGAINST "REDS" IN MAY DAY THREAT—DEPARTMENT OF JUSTICE WARNS MEN LISTED AS PROBABLE VICTIMS OF ATTACK.

Every precaution was taken to-day by the Department of Justice to protect the lives and property of a score or more high State and Federal officials who, according to Attorney General Palmer, are marked for assassination to-morrow in a nation-wide "May Day celebration" of the "reds."

Mr. Palmer gave an official public warning of the alleged plot last night. All persons listed as probable victims of the radicals were to-day given warning by the Department of Justice.

POSTMASTER WARNED.

City Postmaster Chance to-day instructed Clarence Schooley, superintendent of mails, and other officials of the office, to be on the watch for suspicious-looking parcels coming into the Washington city post office by parcel post.

And, Mr. Chairman, the following excerpts are from this morning's Washington Post:

WATCH KEPT ON REDS—MAY DAY VIOLENCE THWARTED, FEDERAL OFFICIALS INSIST—SPORADIC STRIKES FORESEEN—MEN MARKED FOR DEATH AMPLY PROTECTED, GARVAN SAYS—DEPARTMENT OF JUSTICE WILL ALLOW RADICALS TO HOLD MEETINGS TO-DAY AND PERMIT THEM "TO TALK THEMSELVES BLUE," BUT AGENTS WILL SEE THAT THEY KEEP WITHIN BOUNDS—PROPAGANDA TERMED "AMAZING."

EXPECT SPORADIC VIOLENCE.

Assistant Attorney General Garvan, who directed raids on Communist and Communist Labor Party organizations in January, declared, as he went home for the night, that late reports indicated that whatever violence might occur would be sporadic.

It was disclosed by Mr. Garvan that several Members of Congress, three Federal judges, and an attorney recently active in investigating radical disturbances had been marked for assassination. With the early discovery of the plots, however, Mr. Garvan believed the officials, against whose lives the plots were directed, now are amply protected.

Mr. Garvan called attention to the apparent unlimited amount of money employed by the Communist Labor Party in fomenting disorders, declaring that at no time in history had a radical movement been so plentifully financed. He traced the source of these funds to Amsterdam and thence to Russia.

PROPAGANDA IS "AMAZING."

The amount of radical literature circulated within the last week was described by Mr. Garvan as "amazing" as he pointed to scores of different periodicals, pamphlets, and circulars, together with special editions of radical newspapers piled in his office, all appealing for a "May day show of power." Exponents of direct action, he contended, were taking advantage of a psychological opportunity while the Nation awaited developments "to lay their incendiarism on the people's doorsteps."

Mr. Garvan declared that Tom Miliouska, arrested on a deportation warrant, which was later canceled by Assistant Secretary of Labor Post, had been found in Chicago distributing the May day proclamation of the Communist Party. Miliouska, Mr. Garvan said, was freed by Mr. Post because he said he did not know the nature of the communist creed.

Right here I want to commend this Committee on Immigration, and especially this able, fearless, painstaking, patriotic chairman, the gentleman from Washington [Mr. JOHNSON], for the efficient work done and the courage exhibited in the attempt made to clean up this Department of Labor. This distinguished chairman has personally experienced what anarchy means to his State of Washington and realizes full well what a menace it is to the Government of the United States. He is going to make some disclosures within a short time that will astonish even the Members of Congress. It will simply astound the people of this Nation.

Ask our distinguished colleague from New York [Mr. SIEGEL] and my able and efficient colleague from Texas [Mr. BOX] what they have learned through this Immigration Committee investigation with regard to Assistant Secretary Louis F. Post being the willing tool of anarchists, dependable to do their will. Ask whether they have found anything "rotten in Denmark." Read the statements of these gentlemen before the Rules Committee. You will then learn how this Assistant Secretary of Labor, Louis F. Post, has been harboring dangerous anarchists in our midst and has been turning them loose by the thousands. Read the 158 pages of hearings had April 21 to 24, 1920, before Chairman JOHNSON, which has just been printed, and remember the fact that for three years communists have been pouring into the United States by the thousands and have been obtaining thousands of new recruits here in the United States, and not until January 24, 1920, did Secretary Wilson hold that communists were deportable, and then he did it under the whip and spur of public criticisms made by the Department of Justice, myself, and others who were not afraid to speak. No distinction whatever can be made between an anarchist and a communist, in that each wants government destroyed by force and violence. Yet the Secretary of Labor is now trying to draw a distinction so as to save members of the Communist Labor Party, an anarchist organization.

And while he hesitates, this morning's Washington Post heralds the news that the Department of Justice has evidence of plots by members of this very organization to assassinate on this May day several Members of Congress, three Federal judges, and a Government attorney. Must the officers of this Government continue to live in fear of assassination by cowardly thugs? Mr. Chairman, there is no fear of death that can keep me from raising my voice in behalf of the Government of the United States and the principles for which that flag stands.

Mr. LAYTON. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. In just a moment. Please do not consider me discourteous, but I have some matters that I desire to lay before this Congress. How long are we going to let this last? It is just a simple question.

Mr. LAYTON. And that is what I want to ask.

Mr. BLANTON. It is just the simple question, Do you love your office more than you do your Government? Mr. Gompers has sent you word that if you do not do as he wants you to do he has you card indexed and that he is going to put you out of office when the time comes. He keeps his representative in this gallery to watch you, and let me show you how far it goes.

Yesterday we had before us the bill to pension all of the civilian employees of this Government. These Government employees in 168 different union locals are affiliated with the American Federation of Labor. These Government employees are also card-indexing us, watching our actions, official and private, and have threatened to act in concert with the American Federation of Labor in defeating us, if we do not do their bidding. Let me read you an excerpt from a communication signed by the Chief of the United States Bureau of Efficiency placed in the RECORD by me on April 10, 1920:

UNITED STATES BUREAU OF EFFICIENCY,
Washington, D. C., March 3, 1920.

Hon. THOMAS L. BLANTON,
House of Representatives, Washington, D. C.

MY DEAR MR. BLANTON: I have just received your letter of March 2, in which you make certain inquiries concerning personnel conditions in the executive departments in Washington. I will quote your questions and undertake to answer them in the order in which they appear in your letter:

"(2) May we expect efficient service generally from our employees as long as they are affiliated with the American Federation of Labor?"

I believe that the affiliation of Government employees with labor organizations must, of necessity, result in a reduction of efficiency in the departments. I am of the opinion that such affiliation has an unfortunate effect on the morale of the service. The employee comes to feel that his success depends not so much on his individual effort as on the political strength of the organization to which he belongs.

"(3) Is there not fully as much reason for separating our Government employees from strike organizations as there was for separating the police and firemen from such organizations?"

Yes; quite as much reason, and even more. In the event of police strikes or strikes involving a fire department it will always be possible, because of the relatively small number of people involved, for residents of the community to assume the burdens laid down by the striking policemen or firemen, and while it is true that inexperienced persons would not be able to safeguard the public interests to the same extent as could regular policemen or firemen, yet the danger to the community could be kept within reasonable bounds and situations of this sort could be taken care of with a relatively small loss to the public. In the case of a strike of Government workers, which might involve not merely a few employees, but practically the entire force in the Government service, the damage to the public interest would be far greater. Such a strike would practically result in the suspension of all the functions of the Federal Government. It would affect not merely a few people, or a few thousand people, but, practically speaking, the entire population of the country.

"(4) I call your attention to the attack made upon you in the Federal Employee, the official magazine of the National Federation of Federal Employees, for February 28, 1920, page 3 thereof, suggesting your demise, by reason of your late activities for efficiency. Is this veiled threat of the official organ of Government employees going to stop your activities and cause you to 'lay down'?"

My answer to this inquiry is, "No." I shall continue to work for economy and efficiency in the Government service without regard to threats that may be made by any person or organization.

Very sincerely, yours,

HERBERT D. BROWN,
Chief Bureau of Efficiency.

Now, Mr. Chairman, note that this chief of our United States Bureau of Efficiency states emphatically that we shall not have efficiency from our Government employees as long as we permit them to affiliate with the American Federation of Labor, and that such affiliation destroys the morale and causes Government employees to depend not upon their effort, but upon the strength of the American Federation of Labor. And note that he asserts that there is much more reason for requiring our Government employees to separate from the American Federation of Labor than there was for so causing the policemen and firemen of the District of Columbia.

After the fearful police strike in Boston, where in one night over $300,000 worth of property was destroyed, and women were attacked, and thugs reigned supreme, this Congress finally awoke to its duty and gathered courage enough to pass laws compelling the police and firemen here to separate from the American Federation of Labor and all other strike organizations. And remember, Mr. Samuel Gompers defended the Boston police strike and criticized us for passing such laws over his command.

So, following the judgment and suggestion of Herbert D. Brown, Chief of the United States Bureau of Efficiency, I made a motion yesterday to require our Government employees to separate from the American Federation of Labor, and I forced a roll call vote on it, and only six Members would stand hitched. Let me quote the RECORD:

Mr. BLANTON. Mr. Speaker, I have a motion to recommit.
The SPEAKER. Is the gentleman opposed to the bill?
Mr. BLANTON. I am.
The SPEAKER. The Clerk will report the motion to recommit.
The Clerk read as follows:
"Mr. BLANTON moves to recommit the bill to the Committee on Reform in the Civil Service with instructions to report the same back to the House forthwith with the following amendment, to wit: 'Page 3, line 9, after the figures "1919," strike out the period, insert a colon, and add the following proviso: "*Provided*, That none of the provisions of this act shall apply to and none of its benefits shall be received or enjoyed by any person who is a member of any association, society, organization, or union of Government employees which is affiliated with, subject to, or a member or component part of, or acknowledges the authority of, any higher or superior body or institution of organized labor; and, subject to the approval of the Secretary of the Interior, the Commissioner of Pensions shall make and enforce rules for the enforcement of this section and governing the method and character of proof required in order that employees may receive the benefits of this act."'"
Mr. LEHLBACH. Mr. Speaker, I make the point of order against the motion to recommit.
The SPEAKER. The gentleman will state his point of order.
Mr. LEHLBACH. That the motion to recommit is not germane. This bill provides that Government employees who reach a certain age and who have been in the Government service for a certain length of years shall come under the provisions of the retirement provided in the bill, if they fall within certain classes, and those classes in every instance are confined to the character of employment. The motion to recommit seeks to exclude from the provisions of the bill a class not based on the character of employment, but on some membership by the individual in some outside association or in some activity that is dissociated from the employment. If this were to include another class or to exclude another class, based on the character of employment, it would be germane, that being the only character or class considered in the bill. The provisions include those in the classified service and also those in the service of the Panama Canal, in the Botanic Gardens, and so forth, in every instance based on the character of service. This introduces a different classification and therefore is not germane.
The SPEAKER. The Chair understands that this same point of order was raised when this was offered as an amendment in Committee of the Whole, and that the point of order was overruled. The Chair, of course, is always disposed, if possible, to have the ruling in the House the same as in Committee of the Whole. It seems to the Chair in the present instance that this motion is in substance the same as if to say that the provisions of the act shall extend to all persons who were in the service of the Government, except certain persons. The Chair overrules the point of order.
The SPEAKER. The question is on the motion to recommit.
The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 4, noes 157.
Mr. BLANTON. Mr. Speaker, I make the point of order that there is no quorum present.
The SPEAKER. The Chair will count. [After counting.] One hundred and seventy-five Members present, not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. The question is on the motion to recommit.
The question was taken; and there were—yeas 6, nays 318, answered "present" 2, not voting 100, as follows:

Blanton, French, Garner, Garrett, Mansfield, Rayburn—yeas 6.

Mr. Chairman, I will not give the negative vote, because I do not want to embarrass my colleagues. I deeply sympathize with them on these votes. Some of them are in close districts. The union vote is absolutely decisive. They know that if they vote against improper union demands, or for proper restrictions of unions, they will be defeated, as the unorganized vote never goes to any trouble to reelect, while the offended union vote spends time and money to defeat any Congressman who displeases them. Thus, such a motion requiring separation of Government employees from the American Federation of Labor could get only six votes in the House. It got only three votes in the Senate, so our brothers over there are feeling the effect of card indexing too. But what are you going to do when the people wake up and begin card indexing their Congressmen? I must, however, get back to my subject and anarchy and Louis F. Post.

Mr. LAYTON. Mr. Chairman, will the gentleman yield?
Mr. BLANTON. Oh, I can not refuse to yield.
Mr. LAYTON. I simply wanted to ask the gentleman this question: Instead of berating Congress for the sins of commission or omission of the Assistant Secretary of Labor, Mr. Post, does the gentleman not think that the blame should rest primarily upon the administration for not discharging him?
Mr. BLANTON. Oh, it rests upon this Congress. We could put him out of there in 40 minutes if your majority on this side who control legislation, who have it in the hollow of their hands, wanted to do it. You have been putting this truckling off on the Democratic Party long enough. You are in power now, and the people of the United States, when there is truckling going on, are going to hold you Republicans responsible for it.
Mr. LAYTON. Who put Mr. Post in?
Mr. BLANTON. Oh, I do not care who put him in—we are the ones who ought to put him out, and you know it as well as I do. What I have been preaching to you for a year and a half is true, and that is that this whole Department of Labor down there is full of it. Do you think that Secretary Post could be turning anarchists loose every day; that he could carry on private correspondence by telegram with such anarchists as Emma Goldman, and place such correspondence on the Secretary's desk, without the Secretary of Labor knowing about it and approving it? Did not the Secretary of Labor in the last convention of the American Federation of Labor at Atlantic City sit on the same platform with an anarchist—with Mrs. Rene Mooney, then indicted for anarchy, the wife of a convicted bomb thrower; and did he not tell you at that time he was doing everything that the Department of Labor could do to free Mooney?
The CHAIRMAN. The Chair will state that the gentleman from Texas has consumed 15 minutes.
Mr. BLANTON. Mr. Chairman, here is a great report that I want to commend the Immigration Committee for making. It took some courage to bring that out. Are we going to let it drop? Are we going to do nothing?

When the Attorney General asked us for a law last November, and had a bill prepared by him introduced here by the Representative from Ohio [Mr. DAVEY], your great Committee on the Judiciary approved it, and with some alterations introduced it, but when it went before your Committee on Rules the newspapers reported that Samuel Gompers would stop it. When Samuel Gompers and his attorney, this same Mr. Jackson Ralston, of Washington, who is known as the anarchist attorney throughout this land, appeared before your Rules Committee they killed the sedition bill as dead as Hector, and we have never been able to get it up again. And Jackson Ralston is now representing Louis F. Post before that committee, and he is going to kill this proposal to clean up the Department of Labor as dead as Hector. Or are we to wake up and begin to function?

Mr. CARSS. Mr. Chairman, will the gentleman yield?
Mr. BLANTON. Just a moment; I want to show you what I have to contend with, because I am making this fight. No wonder Louis F. Post has his private secretary, Hugh Reid, drawing $2,340 from this Government, now engaged editing his Knot Hole against me. One of my colleagues from the Republican side yesterday told me that an employee of this Government told him night before last that they were going to put me out of this Congress if they had to spend a million dollars. One of my Republican colleagues told me that. Of course, such an assertion is ridiculous. But you will find many who have asserted here that I am to be defeated, regardless of cost, even to expending $100,000 by the unions. Here is a letter that I received in the mail this morning from a banker in my district, and I want you to listen to it:

THE GUARANTY STATE BANK OF EASTLAND, TEX.,
Eastland, Tex., April 27, 1920.

Hon. THOMAS L. BLANTON, M. C.,
Washington, D. C.

DEAR SIR: Don H. Biggers, of Eastland, Tex., has this day deposited with me in trust the sum of $250, to be paid to you upon the following conditions:
That you shall, on or before the 15th day of June, 1920, present to me, by mail, in person, or through any authentic source, the following affidavit, subscribed and sworn to by not less than 44 Members of Congress, or by Hon. CHAMP CLARK, Hon. CLAUDE KITCHIN, Hon. CHARLES R. CRISP, Hon. WARREN GARD, Hon. HENRY D. FLOOD, Hon. JAMES W. GOOD, Hon. JOSEPH WALSH, Hon. JOHN TILSON, Hon. JOSEPH G. CANNON:
"Affidavit: We, the undersigned Members of Congress, knowing and having been associated with THOMAS L. BLANTON, Congressman from the seventeenth congressional district of Texas, take pleasure in making affidavit to the fact that we regard said THOMAS L. BLANTON as a

truthful, honorable gentleman; a man absolutely honest and fair in his parliamentary tactics; and that he has been a valuable and efficient Member of Congress; and that his work has been valuable to the country."

The conditions governing the trust herein created are more fully set forth in copy of letter from Don. H. Biggers to myself, herewith inclosed.

I have no interest or concern whatever in this matter, except that of following instructions this day given to me by Don. H. Biggers.

Very respectfully,

P. S. WOLFE, *Cashier.*

I have the respect, confidence, and friendship of every Member of this House whose respect, confidence, and friendship I deem worth while. I have made some hard, determined fights in this House and have made a few enemies, because I have fought against some of their plans and purposes. The nine Congressmen mentioned in this letter are nine of the ablest, most honorable, dependable Members of this House. I have such high respect for them and such confidence in them that I am going to propose to Mr. Samuel Gompers and his little tool the only chance they have to beat me and get me out of Congress is, if they can get these nine Congressmen named in this letter to make affidavit expressing negation to the statements required in said letter I will agree to resign my position. And each of these nine Congressmen have been faithful friends of organized labor and have voted for every reasonable and just demand male by organized labor; yet I am not afraid of their adverse report.

Go to all of the numerous employees of this House, to the clerical help, the reading clerks, the talley clerks, the Sergeant at Arms' department, the doorkeepers, the police, the pages, and messengers in and around this Capitol, and they are all my personal friends. Go to all of the employees in the House Office Building, and they are my personal friends. I believe that I have the respect, confidence, and friendship of every reporter on this floor who takes down our debates. But do you know why Don H. Biggers—and his silent partners—offer me $250 to get affidavits from Congressmen? Do you know the reason they send me that letter?

Mr. CARSS. Have you received any affidavits yet?

Mr. BLANTON. I would not expect one from the gentleman from Minnesota, although I have been fighting not him, but I have been fighting his radical leaders, like Mr. Gompers, who puts in charge of the steel strike an anarchist, a man whom he knew to be an anarchist, like William Z. Foster. I am not fighting the gentleman from Ohio [Mr. COOPER]. God bless him! He is an honorable man, a high-principled, moral man, one of the best in this country. I am not fighting him. I am fighting anarchistic leaders. When they send me a letter like this, they know, in the first place, that I would not embarrass a Member of Congress by asking him to make any kind of an affidavit.

In the second place, they know that if a colleague of mine would sign a statement like that, Samuel Gompers and his bunch of radical leaders would turn loose upon them and do everything in their power to defeat them in their districts. This fellow Don H. Biggers edits a little newspaper called the Olden Advance, and reproduces in it attacks made here against me in Secretary Post's private secretary's Knot Hole, and he also uses several whole columns each week in vilifying me. And he puts this $250 in the bank, sends me this letter, and then will go over the country and say, "BLANTON can not furnish a statement of good standing in the House of Representatives." This fellow Biggers is a splendid writer and a competent newspaper man, but has never used his talents for any good cause. I have nothing but compassion for him, however, as his boys are splendid, loyal, patriotic young men, who during the war served their country well and deserve every praise and commendation for it.

Mr. SABATH. Is this from a labor organization?

Mr. BLANTON. It is from a fellow by the name of Biggers. There are Members here who served in the Texas Legislature with him, and if they were put on the witness stand they would have to admit that Biggers "boozed" most of his time away and did nothing worthy of note, and finally resigned. He may, however, have stopped drinking now and may accomplish something in the next legislature.

That is not all I have to stand. I wish you could see some of the packages I have gotten through the mail lately, some of the 5-pound boxes of "candy" that have come from New York and other large cities addressed, "For the Blanton children, care of Congressman BLANTON, Washington, D. C."

A MEMBER. What kind?

Mr. BLANTON. Five-pound boxes of candy, but my children did not eat it. I have here a late package received through the mail. I will show you. This is such a novelty, an innovation, it really makes a fellow feel good to get a package like this [indicating]. I had an inspector at the post office to open it for me. [Laughter.] I want to show it to you. When it was first opened the inspector and I thought it was dynamite. I did not blame him, as it looked like it by the way it was wrapped with the brown edges showing. What you see there is a brown-looking thing. It was all tied with strings, and from the way it looked the supposition was, when you opened one of those strings, it touched off a cap. Fortunately, he discovered it was harmless. Let me show you what it is. [Exhibiting a very large horseshoe.] It makes a fellow feel goood when you get a horseshoe like that, and where on a nice card it is written in green ink, "The luck of the Irish to Congressman BLANTON." I do not mind getting anything of that kind.

Mr. SABATH. You do not get many of them, do you?

Mr. BLANTON. I do not get many of them from those men who are trying to repeal the Volstead Prohibition Act. [Applause.] I get commendation from the stalwart citizens of this country, those who have the interest of the young manhood at heart and who have placed upon our fundamental law a provision that whisky shall never be sold or manufactured in this country any more.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. May I have five minutes more?

Mr. BYRNS of Tennessee. I yield five minutes more to the gentleman.

Mr. BLANTON. Does anybody else want to ask a question?

Mr. SABATH. May I inquire again from whom this letter the gentleman read was received? Is he a labor man or associated with any labor organization?

Mr. BLANTON. He may belong to a typographical union, though I do not know that. He has been spending, I imagine, some of Mr. Gompers's slush fund, that he says he is going to defeat me with in my district. I imagine that. Because, otherwise, I do not see how he could afford to devote from a third to a half of his paper each week to such vicious attacks against me. Getting back to the question, what are you Congressmen going to do on this issue of anarchy? The country looks to you. It is depending on you Republicans now for action, because you are in power. Are you going to lie down? Do you think more of your office than you do of the people and that flag? Are you not going to make this country a safe place for people to live in?

Let me read to you again what the morning paper says:

It is disclosed by Mr. Garvan that several Members of Congress, three Federal judges, and an attorney recently active in investigating radical disturbances have been marked for assassination to-day.

Is the Congress of the United States going to be so weak-kneed that it is going to let this condition of fear on the part of public officials exist in this Nation? It is up to you. You can stop it inside of this week if you want to do so.

You can bring in a law here that will transfer the Immigration Bureau to the Secretary of State's Department and stop this monkey business, this anarchy, this "boring from within," this disruption of the Government of the United States, which ought to withstand this kind of anarchy. It is up to you. Are you going to let this matter die in the Committee on Rules, as the sedition bill died? Are you going to let Jackson H. Ralston, this anarchist attorney, stop it?

There is just one thing, let me repeat—there is just one thing that stands in our way and obstructs our passing a proper law and getting rid of this anarchy once for all; that is the American Federation of Labor. That is the only thing that makes us weak-kneed. It is the fear of the primary and the general elections and the loss of our position that makes us sit back and cringe, shall I say, like cowards? Oh, no!

Now, gentlemen, take it from me, the people of this country are not going to continue to charge it to the Democratic Party alone; they are going to charge both of us with it. They are going to charge Republicans and Democrats alike with it. They are going to hold us individually responsible in our districts. If we let this condition prevail long, some of these days you are going to hear from them. [Applause.]

The CHAIRMAN. The gentleman's time has expired. The gentleman from Iowa is recognized.

Mr. GOOD. Mr. Chairman, I yield two minutes to the gentleman from Kansas [Mr. LITTLE].

The CHAIRMAN. The gentleman from Kansas is recognized for two minutes.

Mr. LITTLE. Mr. Chairman, I beg the indulgence of the House for two minutes in order to call the attention of the Members to a bill to codify and consolidate the laws of the United States that has been laid before you this morning; and I hope

that Members will keep it, although it is asking a good deal, perhaps. But one-third of the laws of the United States are in that book, and two-thirds of them are to follow. We shall hope to have the approval of the House for it in December. There are lawyers who would be glad to pay $5 for this calendar print, and I hope you will preserve it and make up your minds as to its correctness.

Mr. MADDEN. Where is it?

Mr. LITTLE. On your desks right now. The purpose now is to give it to you months in advance, so you can study it and find out if it is right or not; so that you can find out if it is the law reproduced as it was before in 1874. I would like to have you ascertain for yourselves. Each section shows the origin, in footnotes, and you can ascertain if it is the law.

I call your attention to this now so that you may not throw the document into the wastebasket, as I do with respect to most of the stray printed stuff that comes to me. [Laughter.]

Mr. McKEOWN. Mr. Chairman, will the gentleman yield?

Mr. LITTLE. Yes.

Mr. McKEOWN. Is this a codification or attempt to set out any repeal, or simply an attempt to give the law as it is now, and where the laws conflict to make them conform?

Mr. LITTLE. That is it exactly.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. LITTLE. Yes.

Mr. MOORE of Virginia. I happen to be a member of the gentleman's committee, and I am glad to serve under such an able and energetic chairman. For the information of the House I suggest that the gentleman state what proportion of the laws we have already codified.

Mr. LITTLE. Yes; about one-third.

Mr. MOORE of Virginia. One-third?

Mr. LITTLE. Yes; fully.

Mr. MOORE of Virginia. And there is every prospect that in a few months we shall have thrown all the statute law into a single volume?

Mr. LITTLE. Yes. I hope by that time it will be done. I hope by that time our committee will have it ready for the House.

Mr. MOORE of Virginia. And that volume will be accessible at a very low price to the entire public?

Mr. LITTLE. I should think from what the printer tells me that we could sell it for $5, all the laws.

Mr. MOORE of Virginia. And at the present time, as I understand, you can not buy a compilation of that sort for less than $10, and the price ranges from that up to $100?

Mr. LITTLE. That is what I understand.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. LITTLE. I ask unanimous consent for one minute more.

Mr. GOOD. I yield one minute more to the gentleman.

The CHAIRMAN. The gentleman is recognized for one minute more.

Mr. LITTLE. I just want to add this: The gentleman from Virginia suggests that it costs from $10 to $100 for a similar work, but you can not get this work. The private works of which the gentleman speaks are not equal to the official publications. They can not be introduced in evidence. The gentleman himself understands that, but I thought I would say a word in order that others might not be misled. There is no other book that can be introduced in evidence. If this book is issued it will be the law and can be used in evidence. At present you would have to introduce 36 volumes to prove all the law. The private publications are excellent and admirable, but they are not quite sufficient.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. LITTLE. Yes.

Mr. RAKER. You take one section and you show the origin of that section, and if any part of it is repealed you indicate where it is repealed, and any addition that may have been made, and then the section as presented shows the law as it is to-day?

Mr. LITTLE. Yes, exactly; and such commentary as is made goes right to the foot of it, the history of the section, in fact.

Mr. RAKER. That is very desirable, and the gentleman and his committee ought to be complimented on that work.

Mr. LITTLE. I thank the gentleman.

A SAVING OF APPROXIMATELY $600,000,000 IN THIS BILL.

Mr. GOOD. Mr. Chairman, the sundry civil appropriation bill is the last of the great supply bills to engage the attention of the House.

This bill, like all appropriation bills, is constructed on the estimates submitted by the various executive departments, as provided by law. The estimates for this bill represent approximately one-fifth of the entire appropriations which the administration has requested for 1921. The total estimates for every branch of the Government service, including indefinite and permanent annual appropriations and other recognized charges not formally submitted, are roughly estimated at $5,350,000,000.

The total of the estimates for the sundry civil bill is $1,036,486,130.60.

The bill carries appropriations aggregating $428,216,944.02. It carries $608,269,185.68 less than the amount estimated by the executive departments. It carries $320,462,436.43 less than the amount appropriated for the current year for the services or purposes usually appropriated for in the sundry civil act.

The savings effected by this bill alone amount to the grand total of $608,269,185.68. Had this Congress adopted the course suggested by the administration's estimates on this bill, it would then be necessary for the Government to raise by taxation or otherwise approximately $600,000,000 which the House has eliminated from these estimates.

The sundry civil bill, as its name implies, touches all of the civil branches of the Government service. The services that are provided with funds through this bill are so numerous and are subdivided into so many different activities that it will be impossible to give more than a general idea with regard to them in this discussion. When the bill is read for amendment each item will then be open for general discussion and debate. In that manner alone will the House be able to understand clearly and fully the extent to which this bill makes provision for governmental activities.

In the preparation of this bill the committee has been guided by certain fundamental principles. It recognizes that a reduction in taxation must precede a reduction in the high cost of living. To bring about normal living costs, therefore, it is necessary to commence with a reduction in national expenditures. Or, stated conversely, there can be no substantial reduction in the high living costs without a reduction in taxation, and there can be no substantial reduction in taxation without a substantial reduction in expenditures. Actuated only by a desire to bring about a more healthy condition in living costs and to meet a demand that is nation wide, the committee has examined the estimates with great care and has reduced them wherever a reduction could be made without injury to the service.

I have prepared a statement showing (a) the total estimates required for each of the 13 supply bills, (b) the amount originally estimated, (c) the supplemental estimates, (d) the total estimates for each bill, and (e) the amount carried in each bill as it passed the House.

I have assumed that the amount the sundry civil bill carries as reported to the House will be substantially the final judgment of the House. Doubtless there will be minor changes. But I hope that as the result of the deliberations of the House the amount carried in the bill will not be materially increased.

A SAVING OF APPROXIMATELY $1,500,000,000 ON THE SUPPLY BILLS.

This statement does not, of course, deal at all with the permanent and indefinite appropriations, including the large expenditures of more than a billion of dollars in interest charges alone. It includes only those services estimated for in the annual supply bills. The total amount estimated for these 13 supply bills is $3,591,292,027.17. The aggregate amount carried in these same bills as they passed the House is $2,110,953,058. In other words, the House by its action on the 13 supply bills, assuming that the sundry civil bill will not be increased, has effected a saving over the estimates made by the executive departments of $1,480,338,434.59.

It would be difficult to conjecture what would follow the acceptance of the estimates made by the executive departments of the Government and the appropriation of all the money that was asked for. Had this Congress adopted such a course it would then be confronted with the task of raising through taxation or otherwise an additional sum of approximately $1,500,000,000.

Mr. HARDY of Texas. Will the gentleman yield?

Mr. GOOD. Yes.

Mr. HARDY of Texas. Has the gentleman stated the total estimates as the total carried in the bill?

Mr. GOOD. Yes. Mr. Chairman, I ask unanimous consent to print the table I have referred to in full.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. GOOD. The total estimates, exclusive of the permanent and indefinite appropriations, which include the interest on the Government debt, which is considerable more than a billion

dollars, were $3,591,292,027.17. The total carried in the 13 supply bills as they passed the House, assuming that this bill passes in practically the amount that it carries, would be $2,110,953,592.58, a reduction in the estimates of $1,480,338,434.49.

The statement is as follows:

THE THIRTEEN REGULAR ANNUAL APPROPRIATION BILLS FOR 1921.

Statement showing the amount of the regular and supplemental estimates for each bill, the amount of each bill as passed by the House, and the increase or decrease in the estimates effected by each bill as it passed the House.

[April 29, 1920.]

Name of bill.	Regular estimates.	Supplemental estimates.	Total of estimates.	Bills as passed by House.	Increase (+) decrease (—) bills as passed the House compared with regular and supplemental estimates.
Agriculture	$37,528,102.00	[1] $10,169,755.00	$47,697,857.00	$30,270,354.00	— $17,427,503.00
Army	982,809,020.00	322,100.00	983,122,120.00	376,765,824.00	— 606,356,296.00
Diplomatic and Consular	11,243,250.91		11,243,250.91	8,828,037.91	— 2,415,213.00
District of Columbia	19,179,716.03	1,152,612.84	20,332,328.87	18,305,484.87	— 2,026,844.00
Fortifications	117,793,330.00	134,000.00	117,927,330.00	18,833,442.00	— 99,093,888.00
Indian	12,994,494.27		12,994,494.27	9,986,979.07	— 3,007,515.20
Legislative, executive, and judicial	122,291,395.52	201,990.00	122,493,385.52	104,368,671.11	— 18,124,714.41
Military Academy	6,778,637.20		6,778,637.20	2,139,912.70	— 4,638,724.50
Navy	573,131,254.80	9,500,000.00	582,631,254.80	425,289,574.00	— 157,341,680.80
Pension	215,030,000.00		215,030,000.00	214,020,000.00	— 1,010,000.00
Post Office	391,713,673.00		[2] 391,713,673.00	461,528,368.00	+ [2] 69,814,695.00
River and harbor	42,841,565.00		42,841,565.00	12,400,000.00	— 30,441,565.00
Sundry civil	[3] 906,576,840.60	129,909,290.00	1,036,486,130.60	[4] 428,216,944.92	— 608,269,185.68
Total	[5] 3,439,902,279.33	151,389,747.84	3,591,292,027.17	2,110,953,592.58	—1,480,338,434.59

[1] Includes $8,000,000 for fiscal years subsequent to the fiscal year ending June 30, 1921.
[2] Estimate did not include provision for continuing temporary increases in compensation of postal employees provided in last annual appropriation bill and H. J. Res. 151, which have been continued for next year and for which the bill as reported carried $75,783,900. Had these temporary increases been included in the estimates the bill as reported would have shown a decrease under the estimates of $5,969,205.
[3] Excludes $100,000, which has been handled as a deficiency item.
[4] Bill as reported to the House.
[5] This sum includes only the estimates for 1921 for the thirteen annual supply bills and is exclusive of estimates for permanent appropriations ($1,425,407,752.20) and miscellaneous items carried in special acts, and also exclusive of deficiency estimates for the fiscal year 1920.

Mr. GOOD. These savings are, indeed, large. The reductions have been sweeping, but they have all been necessary to bring our expenditures within the anticipated revenue. In making these reductions the several appropriation committees of Congress have not been unmindful of the needs of the various branches of the Government service. The reductions will not prevent the healthful and vigorous functioning of every needed governmental activity.

The savings, however, will involve retrenchment. It will necessarily mean the halting to some extent of a building program. It will mean the cutting out of certain war activities that ought to have been eliminated long ago. It may mean, too—at least the committee reporting the bill hope it may mean—the elimination of duplications and of overlapping in governmental activities. And, finally, the result will be greater economy and efficiency in every branch of the Government service.

THE NEED FOR BUDGETARY CONTROL OVER REVENUE AND EXPENDITURES.

The examination of the estimates submitted for the sundry civil expenses of the Government has furnished additional proof of the necessity for a budget system. It is, indeed, to be deplored that the greatest business enterprise in all the world, the Government of the United States, is conducted without a business or fiscal program and without due recognition of the simple business principles which men of affairs everywhere find necessary in the successful conduct of their business.

The House more than six months ago passed a bill providing for a budget system. At the time of the reporting of this bill no action had been taken by the Senate other than to hold hearings and report out a bill. In order to assure budgetry legislation at this session of Congress it was the judgment of the committee that the budget bill passed by the House should be carried as a provision in the pending measure. That provision has been made.

COMPARISON OF SUNDRY CIVIL BILLS, 1921 AND 1916.

I have prepared a further statement comparing this bill with the sundry civil act for the fiscal year 1916. That analysis shows the increases and decreases in the various items carried in this bill as compared with like items carried in the bill for 1916.

In this connection I feel that intelligent analysis of appropriations for 1921 for the several civil activities of the Federal Government should start with the prewar or 1916 expenditures. New elements of cost have intruded, of course. But prewar conditions—rather than the postwar conditions of 1918, 1919, or 1920—furnish the objective of our efforts to retrench and put the Government again on an economical and normal peace basis.

The comparison of the fiscal years 1916 and 1921 is as follows:

Comparative statement of the sundry civil appropriation act for the fiscal year ending June 30, 1916, with the sundry civil bill for the fiscal year ending June 30, 1921, as reported to the House of Representatives on Apr. 30, 1920.

Department or purpose.	Appropriated fiscal year 1916.	Recommended in this bill, fiscal year 1921.	Increase (+) decrease (—) amounts recommended in this bill compared with appropriation for 1916.
Treasury Department:			
Public buildings	$19,428,737.50	$12,442,078.50	— $6,986,659.00
Coast Guard	5,652,900.00	9,499,940.00	+ 3,847,040.00
Engraving and Printing	3,812,500.00	5,854,000.00	+ 2,051,500.00
Bureau of War Risk Insurance		171,000,000.00	+171,000,000.00
Miscellaneous objects	1,027,700.00	1,186,970.00	+ 159,270.00
Customs Service	10,180,000.00	10,457,000.00	+ 277,000.00
Public Health Service	2,868,106.00	8,582,000.00	+ 5,713,894.00
Total, Treasury Department	42,969,943.50	219,031,988.50	+176,062,045.00
District of Columbia: Columbia Hospital for Women and Lying-in Asylum	75,725.00	20,000.00	— 55,725.00
Smithsonian Institution	589,500.00	654,620.00	+ 65,120.00
Interstate Commerce Commission	4,765,000.00	4,693,100.00	— 71,900.00
U. S. Board of Mediation and Conciliation	50,000.00	35,000.00	— 15,000.00
Commission on Industrial Relations	100,000.00		— 100,000.00
Federal Trade Commission	355,000.00	955,000.00	+ 600,000.00
Alien Property Custodian		455,000.00	+ 455,000.00
American Printing House for the Blind		40,000.00	+ 40,000.00
Fine Arts Commission		10,500.00	+ 10,500.00
Council of National Defense		75,000.00	+ 75,000.00
Employees Compensation Commission		2,654,940.00	+ 2,654,940.00
Federal Board for Vocational Education		90,000,000.00	+ 90,000,000.00
Interdepartmental Social Hygiene Board		1,015,000.00	+ 1,015,000.00
National Advisory Committee for Aeronautics	[1] $5,000.00	200,000.00	+ 200,000.00
Shipping Board		442,500.00	+ 442,500.00
Tariff Commission		300,000.00	+ 300,000.00
Rock Creek and Potomac Parkway Commission		200,000.00	+ 200,000.00
War Department:			
Armories and arsenals	653,600.00	2,233,800.00	+ 1,580,200.00
Quartermaster Corps	875,494.99	22,028,186.67	+ 21,152,691.68
National military parks	162,060.00	179,635.00	+ 17,575.00
Engineer Department	5,805,250.00	8,490,150.00	+ 2,684,900.00
Medical Department	137,500.00	151,500.00	+ 14,000.00

[1] Carried in naval appropriation act.

Comparative statement of the sundry civil appropriation act for the fiscal year ending June 30, 1916, etc.—Continued.

Department or purpose.	Appropriated fiscal year 1916.	Recommended in this bill, fiscal year 1921.	Increase (+) decrease (−) amounts recommended in this bill compared with appropriation for 1916.
War Department—Continued.			
National Home for Disabled Volunteer Soldiers	$4,931,009.50	$5,753,800.00	+ $822,790.50
Back pay and bounty	55,000.00	1,500.00	− 53,500.00
Total, War Department	12,619,914.49	38,847,571.67	+ 26,227,657.18
Interior Department:			
Public buildings	223,000.00	111,950.00	− 111,050.00
Public Land Service	1,451,000.00	1,370,000.00	− 81,000.00
Surveying public lands	710,000.00	700,000.00	− 10,000.00
Geological Survey	1,355,520.00	1,655,700.00	+ 300,180.00
Bureau of Mines	757,300.00	1,277,642.00	+ 520,342.00
Reclamation Service	13,530,000.00	7,909,000.00	− 5,621,000.00
Protection of lands and property, Imperial Valley, Calif.	100,000.00		− 100,000.00
Testimony disbarment proceedings	500.00	300.00	− 200.00
Expenses in Alaska	2,335,000.00	7,526,400.00	+ 5,191,400.00
National parks	242,550.00	903,860.00	+ 661,310.00
Government Hospital for Insane	345,250.00	1,130,000.00	+ 784,750.00
Columbia Institution for the Deaf	76,000.00	103,500.00	+ 27,500.00
Howard University	101,000.00	158,000.00	+ 57,000.00
Freedmen's Hospital	60,640.00	94,520.00	+ 33,880.00
Total Interior Department	21,287,760.00	22,940,872.00	+ 1,653,112.00
Department of Justice:			
Public buildings	180,000.00	100,000.00	− 80,000.00
Miscellaneous objects	997,052.50	2,332,300.55	+ 1,335,248.05
Total Department of Justice	1,177,052.50	2,432,300.55	+ 1,255,248.05
Judicial:			
Payment to widow of late Justice H. H. Lurton	14,500.00		− 14,500.00
U. S. courts	7,239,096.00	10,393,556.00	+ 3,154,460.00
Total Judicial	7,253,596.00	10,393,556.00	+ 3,139,960.00
Department of Commerce:			
Lighthouse Service	5,100,000.00	7,770,000.00	+ 2,670,000.00
Coast and Geodetic Survey	1,365,620.00	1,842,570.00	+ 476,950.00
Bureau of Fisheries	1,095,340.00	1,209,310.00	+ 113,970.00
Bureau of Standards	90,000.00	87,272.00	− 2,728.00
Total Department of Commerce	7,650,960.00	10,909,152.00	+ 3,258,192.00
Department of Labor:			
Immigration Service	2,451,000.00	3,065,700.00	+ 614,700.00
Naturalization Service	275,000.00	525,000.00	+ 250,000.00
Employment Service		225,000.00	+ 225,000.00
United States Housing Corporation		1,065,000.00	+ 1,065,000.00
Women in industry		75,000.00	+ 75,000.00
Negro economics		15,000.00	+ 15,000.00
Total Department of Labor	2,726,000.00	4,970,700.00	+ 2,241,700.00
Legislative	306,136.00	422,000.00	+ 115,864.00
Government Printing Office	5,417,115.00	7,236,293.20	+ 1,819,178.20
Panama Canal:			
Construction, maintenance, operation, etc.	16,940,000.00	9,281,851.00	− 7,658,149.00
Fortifications	2,639,048.30		− 2,639,048.30
Total Panama Canal	19,579,048.30	9,281,851.00	− 10,297,197.30
Grand total	126,922,750.79	428,216,944.92	+301,294,194.13

It will be observed that while this bill carries $428,216,944.92 the sundry civil act for 1916 carried $126,922,750.79. It must be borne in mind, however, that this bill carries very large items for which it was unnecessary to appropriate money in 1916. For example, it carries $125,000,000 as compensation to the soldiers of the late war, it carries $46,000,000 for hospital treatment of such soldiers, it carries $90,000,000 for vocational education for the soldiers of that war, and it also carries $21,500,000 for bringing back the bodies of our deceased soldiers who are buried on the other side. These four items aggregate $282,500,000. They are chargeable entirely to the war.

EXCLUSIVE OF PROVISION FOR SOLDIERS AND SAILORS, INCREASE OVER 1916 IS BUT $18,000,000.

The appropriations carried by this bill aggregate $145,667,944.92 after the foregoing appropriation items growing out of the war have been eliminated from consideration. This is more by eighteen millions than the amount carried in the appropriation bill in 1916. Every dollar herein appropriated, however, goes to pay for a necessary service or to purchase of essential materials and supplies. Then, too, service and material will be purchased at existing market prices, which are much higher than the market prices of labor and materials in 1916. Consequently it was necessary to appropriate more money to secure them. Furthermore, a moderate increase over 1916 has been found necessary to provide for a normal increase in the demands upon the public service since 1916.

Mr. BLAND of Missouri. Mr. Chairman, will the gentleman yield?

Mr. GOOD. Yes.

Mr. BLAND of Missouri. Is the amount appropriated for the return of the bodies of dead soldiers from France thought to be a sufficient amount for that purpose?

Mr. GOOD. It is thought by the committee that the War Department will not be able to expend anything like the amount carried in this bill during the next year. My opinion is that we could have cut that item by five or six million dollars and not have delayed for a single day the bringing back of a single body from France.

Mr. BLAND of Missouri. And would have brought all of them back that the parents and wives desire brought back?

Mr. GOOD. No. I do not believe that the work can all be done during the next year. It is proposed to bring back 50,000 bodies and to prepare for reburial in the cemeteries of France, as I recall, about 25,000 additional bodies. That work can not all be done during the next year. If England and the other countries should also require that the bodies of their soldiers be taken from France, you can see the congestion that would result, and you might bring on epidemic in that portion of France if attempt should be made to do this work all at once.

The work must be carried on with some degree of common sense and good judgment, but it was the opinion of the committee that inasmuch as Congress had already taken action in the matter, and inasmuch as France had now given consent to the return of the bodies of our dead, we should grant the appropriation asked. There has been a disposition on the part of some people in the Government service to pass the buck that the committee felt that inasmuch as it would require $21,500,000 to bring back the bodies of our dead soldiers that it would be best to grant the appropriation at this time, even to the cent that was asked for by the department, so that the bereaved mothers and fathers and families of boys who lost their lives on the other side could not under any circumstances receive word from the War Department that the bodies of their dear ones were not returned because Congress had refused to grant the appropriation, and that is likely what would have happened if we had reduced the appropriation.

UNEXPENDED APPROPRIATIONS WHICH WERE MADE AVAILABLE TO REDUCE THE HIGH COST OF LIVING.

Complaint has been made of the failure of Congress to make appropriations to reduce the high cost of living. Executive officials have openly charged that the failure of the administration to bring down the cost of living was due solely to the refusal of Congress to make appropriation therefor. Appropriations have, however, been made by this Congress to reduce the high cost of living. In some instances, notably the appropriation to the Federal Trade Commission of $150,000, remains unexpended. That commission recognized the fact that to have expended the money appropriated to reduce the high cost of living, although asked for by the Executive, would have been a flash in the pan, a total waste of the people's money. Therefore it refused to expend the appropriation. Other appropriations made to bring about a reduction in the cost of living have resulted in no appreciable decrease in price. But during the time this money was being expended the price of many of the necessaries of life has materially advanced, sugar having advanced to double the price at which it was selling when the appropriations to reduce the high cost of living were granted.

No doubt it will again be charged that we have reduced some of the estimates where it was intended by the executive departments to spend the money to reduce the high cost of living. We have made some reductions where funds might be expended along that line. I submit that the action of the committee is entirely justifiable, when we remember that out of all the appropriations made for this purpose no substantial benefit in the way of reduction in the cost of living has come as the result of any investigation made by the Government into living costs. I am not surprised at the results, for when the appropriations were granted for this purpose it was recognized that the investigations proposed could have but little beneficial effect; but the failure to produce results certainly justifies the committee in refusing to waste additional funds in this way.

While it is impossible to discuss in general debate the two thousand or more items carried in this bill, there are a few items to

which I feel the attention of the committee should be called before the bill is read for amendment that will explain the theory upon which the bill was drawn. First and foremost are the provisions carried for the care and treatment of the sick and disabled soldiers in the World War.

Under the existing laws such soldiers are the beneficiaries of the Bureau of War Risk Insurance. Persons entitled to hospital treatment under the provisions of that act are placed by the director either in charge of the Public Health Service, in State institutions, or in privately owned hospitals. On February 6 there were 3,805 nervous and mental patients in hospitals, mostly in State institutions. At the end of the month of February there were 10,960 additional war-risk patients being treated by the Public Health Service either in the United States marine hospitals, the United States Public Health Service hospitals, original stations, or in private or State hospitals under contract with the Public Health Service. Of said 10,960 war-risk insurance cases, 903 were being treated in marine hospitals, 4,578 in the United States Public Health Service hospitals, 363 in the 118 original stations, and 5,260 were being treated in other hospitals under contract with the Public Health Service.

At the close of the Civil War the Government entered upon a policy of providing homes wherein treatment could be given the disabled soldiers, sailors, and marines of that war, and at the close of the Spanish-American War these homes were thrown open to the sick and disabled soldiers of that war. There are 10 branches of the National Home for Disabled Volunteer Soldiers. The following table will give the location of these branches; the bed capacity, both for barracks and hospitals; the present membership; the vacant space on March 31, 1920; the gain and the loss in membership; and the vacant space therein on April 26, 1920:

Capacity and membership, National Home for Disabled Volunteer Soldiers.

[Actual on Mar. 31. Approximate on Apr. 26, 1920.]

Branches.	Bed capacity.		Total.	Members present Mar. 31, 1920.	Vacant space Mar. 31, 1920.	Membership changes since.		Vacant space Apr. 26, 1920.[1]
	Barracks.	Hospital.				Gain.	Loss.	
Central (Dayton)	2,708	567	3,275	2,312	963	.....	256	1,219
Northwestern (Milwaukee)	1,294	322	1,616	881	735	.....	20	755
Eastern (Togus, Me.)	1,200	455	1,655	831	824	.....	30	854
Southern (Hampton, Va.)	.....	.....	2,547	.....	2,547	802	.....	1,745
Western (Leavenworth, Kans.)	1,966	391	2,357	1,597	760	.....	25	785
Pacific (Los Angeles)	2,300	472	2,772	2,385	387	.....	10	397
Marion, Ind	1,504	278	1,782	982	800	.....	25	825
Danville, Ill	2,150	294	2,444	1,194	1,250	.....	35	1,285
Mountain (Johnson City)	1,816	400	2,216	1,308	908	.....	235	1,143
Battle Mountain Sanitarium	.....	400	400	315	85	.....	.....	85
	.....	.....	.....	11,805	9,259	802	636	9,093

[1] Approximate, no post return being received since Mar. 31, 1920, but accurate enough for practical purposes.

These homes are operated in connection with the farms upon which the buildings are located. In practically every one of the homes there is maintained a dairy herd, large enough to supply fresh and wholesome milk for all the members. The farming operations, as a general rule, are sufficient in extent to provide fresh vegetables and supplies. This arrangement has been found not only economical but very satisfactory in furnishing the membership of the homes with wholesome food and attractive surroundings, and attractive employment for those members who are able and desire to work.

It is the unanimous opinion of the committee, which went very thoroughly into the question of the management of these homes, that the Government is to be congratulated upon the economical and businesslike management of this institution. No agency in the Government is more efficiently operated or more economically conducted than the National Home for Disabled Volunteer Soldiers.

This table shows that on April 26, 1920, there were 9,093 vacant beds in these homes. In building these institutions it was recognized that a person who needs hospital treatment ought not to be turned out of the institution as soon as an operation has been performed, or as soon as he is able to leave the hospital where he has been treated for some disease. It has been found necessary, therefore, to provide the homes with both hospitals and barracks, so a member can be cared for in the barracks after intense treatment in the hospital. It may be necessary to provide additional hospital facilities in some of the barracks, and this can be done at a minimum of expense, out of the funds appropriated.

The Public Health Service has submitted an estimate for building new hospitals to provide hospitalization for the soldiers of the late war amounting to $84,000,000. It has been pointed out by this service that their hospital facilities are inadequate. It is the judgment of the committee that the 9,093 beds in our soldiers' homes should be made available for the soldiers of the late war, and to bring this about it has been necessary to remove certain obstacles that now prevent a more generous use of these homes by these soldiers.

The law provides that certain soldiers are entitled to be admitted to the homes "who are disabled by disease, wounds, or otherwise, and have no adequate means of support." The pending bill makes certain that the homes shall be opened to the soldiers of this war, and eliminates the objectionable feature now on the statute books, which makes it necessary that a person be indigent before he can be admitted to one of the homes.

The evidence before the committee was to the effect that the cost for this year for hospital treatment for the soldiers of the late war was on the basis of $28,000,000, not including the amount expended by the Director of the Bureau of War Risk Insurance for the care and treatment of the nervous and mental patients in State and other institutions. It was estimated that the amount necessary to care for the mental cases would aggregate something like $10,000,000 for the next year, although the amount actually expended for this year is much less than that sum.

The actual cost for care, provisions, clothing, and treatment for all members in the soldiers' homes during the past year was 97 cents per man per day. The actual cost for such treatment, not including clothing, for the persons under the care of the Public Health Service, was roughly estimated at something over $4 per day. Under the law, the Director of the Bureau of War Risk Insurance has the power to place its patients in the institutions he may designate. The committee felt, therefore, that the appropriation for the care of these patients should also be made to the Director of the Bureau of War Risk Insurance, with power of allotment to the institution to which he might assign such patient, whether it be the Public Health Service or the National Home for Disabled Volunteer Soldiers, State hospitals, or private institutions.

By utilizing the soldiers' homes to their full capacity, unquestionably the situation will be relieved in a threefold aspect. First and foremost, the ex-service men who are in need of treatment and entitled to it under the law can be given the treatment immediately, and will not be compelled to wait until hospitals are built. Second. It will mean a large saving by the utilization of buildings already constructed, to take care of the soldiers of former wars, for the treatment of the disabled soldiers of this war. Third. The proposed utilization of these homes which have been so successfully conducted will result in a saving of at least $10,000,000 annually.

Mr. CANNON. Will the gentleman yield?

Mr. GOOD. Certainly.

Mr. CANNON. At these homes the Government owns the land?

Mr. GOOD. Yes.

Mr. CANNON. They have farms, and they could double or treble their capacity in buildings if necessary?

Mr. GOOD. Yes.

Mr. CANNON. I do not believe it will be necessary to any very great extent. They have central heating plants and laundry plants and all that kind of thing, so that if additional accommodations have to be provided to care for the soldiers of this war, instead of requiring $3,000 a bed, to acquire land and build the hospitals from the ground up, it could be done for a much less amount, as I have indicated, at these homes,

where the Government has not only room and farms and heating plants and all that kind of thing, but it could be done with much better administration, with the organization that the soldiers homes have, than we could hope for during the lifetime perhaps of almost any existing Member of Congress.

Mr. GOOD. The gentleman from Illinois [Mr. CANNON] is entirely correct. All of these homes are surrounded by fine farms. These farms are run by the board of managers. At the Los Angeles Home last year they put up 57,000 quarts of preserves, and what they did not use there was sent to the other homes. The homes are run in a businesslike way. This year in the month of February you had about 10,000 soldiers in the care of the Public Health Service, and by this legislation and this appropriation we make available practically immediately a bed capacity almost equal to that which is now used by the Public Health Service for the care of the soldiers of this war.

An examination of the bill will disclose that it is practically a maintenance bill, so far as it relates to construction. Reductions in estimates for building construction and development work are large. In the more important items we have made the reductions as follows:

Public buildings	$11,010,525
Armories and arsenals	6,353,559
Military barracks, Hawaii	2,968,000
Military barracks, Panama	11,242,125
Buildings and grounds, Washington, D. C.	596,000
Reclamation Service	12,695,000
National parks	1,452,007
Howard University	$1,543,937
Lighthouses, beacons, etc.	6,759,900
Panama Canal	8,963,540
A total reduction of	63,584,593

Other reductions in minor items for building and construction were made on the same theory. Obviously such construction ought not to be carried on at a time when prices are so abnormally high. It is apparent that there is a shortage of material as well as labor. With this condition confronting us the Government ought not to enter into competition in the matter of buildings and improvements, and thereby complicate the situation. It would in the first place make living costs higher to those who are compelled to build homes and make improvements. In the second place, the Government would make abnormal expenditures owing to the prevailing conditions. It was the opinion of the committee that this building program could wait without injury to the Government service. All told, the building program which has been eliminated is approximately $70,000,000. When this building program can be taken up and completed will depend altogether upon conditions. Certainly that program ought not to be carried on at a time when the work would necessitate the levying of new taxes and when it would retard private enterprise and development. The committee realizes that when these conditions improve it will be necessary to build additional facilities for the Lighthouse Service, to build additional public buildings for Government activities, to improve the highways in the national parks, and to make other needed construction outlays.

THE RECLAMATION SERVICE.

The reduction of over $12,000,000 in the estimates for the Reclamation Service was made, however, for quite a different reason. The necessity of bringing additional lands under production as soon as possible was obvious, and the bill carries appropriations aggregating $7,909,000 for that purpose. That sum will exhaust all of the funds in the Treasury available for reclamation service. The Director of the Reclamation Service believes that additional funds arising out of the operation of the oil-leasing act would be available during the year. The committee found, however, that all of the money derived through the operation of that act has been paid under protest. The extent to which such funds may be available for reclamation service is necessarily problematical. The committee therefore decided it would be unwise financing to count upon any portion of those payments for reclamation projects for the next fiscal year, and for that reason it elimnated estimates aggregating $12,695,000.

WAR-RISK INSURANCE.

In the judgment of the committee the amount estimated for the payment of military and naval compensation was in excess of the anticipated requirements. During the present fiscal year there has been expended up to March 31, in the payment of such compensation, $83,000,000. The present monthly rate of expenditure for such purposes is approximately $7,400,000. Assuming that this rate of expenditure will increase somewhat for the months of April, May, and June, the total amount paid out for military and naval compensation will aggregate approximately $113,000,000. There was available for this purpose for the present fiscal year $135,000,000.

Unquestionably the rate of expenditure for the next fiscal year will exceed that of the present fiscal year. The appropriation, however, makes allowance for this. If the rate of expenditure reached the sum of $12,000,000 per month, as against an average of about $7,400,000 per month for the present fiscal year, the bill would make ample provision. It carries a total of $147,000,000, as follows:

An unexpended balance of this appropriation at the end of this fiscal year, approximating $22,000,000, is anticipated. The bill reappropriates the unexpended balance, and also carries an additional appropriation of $125,000,000, thus making available for the next fiscal year the sum of $147,000,000 for the payment of military and naval compensation to the soldiers of the late war.

THE SHIPPING BOARD.

By far the largest reduction was made in the estimate for the emergency shipping fund. The Shipping Board requested an appropriation of $446,270,652. No direct appropriation is carried in the bill for the completion of the ship-construction program or for the payment of claims on canceled contracts.

It developed in the hearings that the Shipping Board would have on hand on July 1 approximately $60,000,000. There is due the United States Shipping Board Emergency Fleet Corporation from the Army on account of transportation approximately $130,000,000, and the board believes that it will receive from that source approximately $70,000,000. The board also estimates that it will receive on account of ships sold prior to the taking effect of this act $15,000,000; that it will receive during the next fiscal year approximately $25,000,000 from the sale of surplus materials and plants. It also estimates that it will receive approximately $30,000,000 on account of ships that will be sold during the next fiscal year. The income from the operation of the ships is problematical.

Mr. Gillen, special assistant to the chairman of the Shipping Board, made the following statement before the committee:

This being a liquidating job, we should be told that there were not any appropriations for us, and that we should see to it that out of our own liquidations we get sufficient funds to take care of our needs.

The board estimated that its requirements will be as follows:

Contract claims	$125,000,000
Repairs to ex-German ships	44,000,000
Completion of contracts	34,000,000
Administration	24,000,000
Capital fund for operation	29,000,000
Total	306,000,000

Unquestionably some of these estimates are excessive, and the total estimate can be very materially reduced. Assuming that the estimates of its available resources are correct, and that there will be on hand $60,000,000 of cash on July 1, that it will receive $70,000,000 from the Army, and that it will receive $15,000,000 from the sale of ships heretofore made, $25,000,000 from the sale of surplus materials, and $30,000,000 from the sale of cargo ships which are to be sold, the Shipping Board would have $200,000,000 to carry on its work for the fiscal year 1921, especially if the estimated requirements for the reconditioning of the German ships were eliminated. The bill therefore carries no direct appropriation for the emergency shipping fund but makes available all unexpended balances on hand July 1 next, as well as funds that may be received because of operations and in addition thereto $70,000,000 from the sale of ships and surplus materials. It is believed that these funds will prove ample.

The committee are not a unit with regard to this item. The bill does not carry any appropriation at all, but simply makes available these funds, which, with the operating income, whatever that may be, will be enough to do the work that the Emergency Fleet Corporation ought to do. Now it is proposed to spend $44,000,000 to recondition 22 ex-German ships. You will recall having read in the newspapers with regard to the injunction issued to restrain the sale of those ships.

We took over during the war 95 German ships, and we have sold quite a number of them. It was proposed by the Shipping Board to sell these 22 passenger ships, and I think a great deal of misapprehension prevails throughout the country, and even in Congress, with regard to those ships. Inasmuch as the committee have not allowed the $44,000,000 estimated to recondition these ships, I think that the House at this time should understand just what is involved.

When we took over these ships it was after an attempt had been made by the Germans to destroy them. The delicate machinery was injured to such an extent that it was necessary to make extensive repairs, but the repairs were hurriedly made. The ships were then practically dismantled. The expensive interiors were removed. The wiring was taken out. Practically nothing was left of the ships except the hulls. Some im-

provements were made to make transports out of them, and they were put into the transport service, and they are in that condition now.

Now, these ships must be practically rebuilt if they are to become passenger ships and serve the purpose for which they were constructed. At least all the interior must be replaced if they are to be put in the passenger service. Those ships are 16 years old, on the average. That is, on an average they have been in the water 16 years. The average life of a ship of this character, so the committee were advised, is around 22 years. Certainly the Shipping Board proceeded in a businesslike way in making the investigation looking to a sale of the ships. They employed a firm of expert appraisers, and this firm appraised every one of these ships, and then the board offered them for sale. I have seen the appraisement. It was not thought best to put the appraisements in the RECORD, but one ship on the list which, I remember, for example, was appraised at $800,000, and the bid received was, as I recall, about $1,200,000, or about $400,000 more than the appraisement. Now, this House has passed a bill, almost unanimously, directing the sale of the ships we have acquired. It is proposed here by this estimate to place more than $2,000,000, on an average, on each one of these old hulls to recondition them and then offer them for sale.

Suppose we do that, and you are a buyer? You go before the Shipping Board and you say, "Admiral Benson, what is the price of this ship?" Let us suppose that he will say, "$3,500,000." You would say, "Oh, that is too much." Admiral Benson would reply, "We have just spent $2,000,000 in reconditioning that ship." You answer, "Yes; you wasted $2,000,000 on that ship. I would not have reconditioned that ship in that way. You have spent money uselessly and needlessly."

The committee felt that if these ships are to be sold they ought to be sold now, and that the taxpayers should not be required to dig down into their pockets and raise $44,000,000 to recondition these ships that will be reconditioned for somebody else, but rather that the shipping interests that buy them should recondition them themselves. [Applause.]

That may be a mistaken policy. We shall never get back to normal conditions if we keep on taking this war activity and that war activity and carrying it on and on to the extent of improving all the property that came to us through the war. Our part ought to be to sell the property as soon as we can get a fair value for it and let the man who buys it improve it as he would have it.

Mr. MOORE of Virginia. May I interrupt the gentleman?

Mr. GOOD. Certainly.

Mr. MOORE of Virginia. As I understand from the gentleman's statement, as soon as the bill to which he refers becomes a law it will be possible for the Shipping Board to effect the sale of these vessels?

Mr. GOOD. Yes. I think there is a contention on the part of the Shipping Board that they now have the right, but that has been disputed in the courts.

Mr. MOORE of Virginia. That contention is in issue?

Mr. GOOD. Yes.

Mr. MOORE of Virginia. And, as I understand, the policy that was pursued by Judge Payne, the head of the Shipping Board, was in line with this legislation which we are seeking to enact.

Mr. GOOD. I think so.

Mr. HARDY of Texas. Will the gentleman yield?

Mr. GOOD. Yes.

Mr. HARDY of Texas. Judge Payne said before our committee that he had consulted good lawyers who thought there was no authority under existing law. I forget whether he was of the opinion that he did have the authority or not; but, at any rate, there were lawyers who said he had not, and he thought it was his duty, in that doubtful situation, to ask Congress for direct and specific authority.

And therefore he did through our committee generally ask for that authority, and we undertook in the presentation of the bill to give him that authority. While I am on my feet I wish to say that the whole matter out of which that injunction grew was presented by Judge Payne before our committee, and we found, I think I may say for both the Members on the Republican and Democratic sides of that committee, that he was apparently doing everything he could to realize a fair price for the Government in case there should be any sale, and, furthermore, that in offering those vessels for sale he expressly reserved the right to reject any and all bids; and he gave one or two instances, such as the gentleman has mentioned, where he thought the price offered might be more than the Government would ultimately realize should it first improve or refit these ships, and it is, as the gentleman says, a great problem whether it is wiser for the Government to refit these ships now or to sell them now, because, as the gentleman has well said, after we have expended our money and refitted them we may not be able to get back the amount we have expended.

Mr. GOOD. Now, it has been stated that Congress ought to avoid that issue, that the Shipping Board is passing the buck to Congress, and that by refusing to grant the $44,000,000 asked for we then accept the problem that has been passed, whereas we ought to pay no attention to it, except make the appropriation asked for. It seems to me that we are just in the position where we can not escape our duty. If, on the other hand, we appropriate the money we will have accepted the buck and will have indorsed a program contrary to the action of the House heretofore taken, contrary to, I believe, the sentiment of 90 per cent of the people of America; that is, of improving all of these things that have come to us as a result of the war and which we expect to sell.

Mr. OLIVER. Will the gentleman yield?

Mr. GOOD. I do.

Mr. OLIVER. To what extent did the resolution passed by the Senate interfere with the immediate sale of these ships?

Mr. GOOD. I do not know as to that; I was not aware that the resolution had actually passed. I knew it had been introduced.

Mr. OLIVER. My understanding is that the resolution has passed the Senate, and that it was not a joint resolution. May I ask if the inquiry by the committee developed the expense incident to the retention of these ships by the Shipping Board in their present condition?

Mr. GOOD. I do not know that I catch the gentleman's thought.

Mr. OLIVER. I remember noticing that it was claimed by the Shipping Board that a very large expense was incidental to the further retention of those ships, and I was anxious to know whether the inquiry of the gentleman's committee disclosed what that expense was to the Government?

Mr. GOOD. The investigation that the committee made of the matter did not extend to the question of the actual maintenance and upkeep outside the reconditioning of the ships. The committee felt that inasmuch as this matter was in Congress and would be disposed of by this Congress in some way, authority given one way or the other, that this nominal charge for maintenance would be paid. Some of those ships have not yet been returned to the Shipping Board from the War Department, unless returned recently. The Shipping Board has in mind the leasing of these ships if they are not sold or reconditioned, and if they do the maintenance will be taken care of by the lessee.

Mr. HARDY of Texas. Will the gentleman permit me to answer there? The Committee on the Merchant Marine and Fisheries did have considerable hearings involving evidence from the chairman of the Shipping Board, showing what the cost to the Government of the upkeep and maintenance of those ships in their present condition was at this time, so that perhaps the gentleman from Pennsylvania [Mr. EDMONDS], who is a great remembrer of details, might give at this point some very definite recollection of that.

Mr. EDMONDS. If the gentleman will permit, I would like to say I do not remember exactly. Of course, a great many of these German ships are in operation, and have been in operation. Some have been tied up, and of course when tied up it is going to cost considerable money for wharfage, watchmen, and men necessarily on board. I do not remember the exact sum, but on some ships it will be considerable.

Mr. HARDY of Texas. I was simply stating I thought it was a considerable sum and I thought that my colleague from Pennsylvania might perhaps remember.

Mr. EDMONDS. It is a considerable sum.

Mr. GOOD. Of course, it is not comparable to what is being asked to recondition them?

Mr. EDMONDS. Not at all.

Mr. GOOD. A very small item.

Mr. EDMONDS. If the gentleman will yield, the disclosures in the committee showed the depreciation of these ships is about 3 per cent on their age, and it shows that Government reconditioning, at the price the Shipping Board says it would cost, would involve a loss of over $6,000,000, taking into consideration the price in the bids the last time bids were opened for those particular ships. And I would like to say, further, I fully agree with the suggestion of the chairman of the Committee on Appropriations in regard to these ships. They ought to be sold before, not after, being repaired and reconditioned.

Mr. HARDY of Texas. Will the gentleman yield?

Mr. GOOD. I will.

Mr. HARDY of Texas. The bill that we were preparing and did prepare left the discretion in the head of the department to sell or not to sell. It simply left it with him as a proposition

to be acted upon in his best judgment, which I think is the best course to take.

Mr. GOOD. It seems to me that that is practically all that can be done. It is an administrative function pure and simple, one that Congress can not deal with except to grant the power.

The committee have been impressed with the fact that the Shipping Board has been miserably and poorly managed. It has had at the head of it some very eminent men, and in making the statement that it has been poorly managed I do not wish to reflect upon the business judgment or executive ability of any of the very able gentlemen who at different times were placed at the head of the Shipping Board. I am led to make that observation because of a policy that ought not to have been followed at all; a policy that has resulted in confusion and extravagance. In the first place, Gen. Goethals and Mr. Denman were placed there. Why Gen. Goethals was tied up with a man who did not want to go no one even knew. Following them was Mr. Hurley, and then came Judge Payne, and then Admiral Benson. This enterprise, involving a property valued at more than $3,000,000,000, ought to have had at its head one of these men from the beginning to the end, so that there might have been a national policy, a continuous policy, and a program of economy all the way through. One man simply got his chair warmed when he went out, and another came in, and so on, and as a result to-day the Emergency Fleet Corporation do not know where they stand financially; they do not know how much money they have; how much they owe; and do not seem to have a decent set of books. It is a national disgrace.

It is deplorable that an arm of the Government handling so much of the people's money and producing so much in the way of ships has not been conducted in a businesslike way from the start to the finish, and the difficulty is not with the ability of the men at the head, but with the unbusinesslike policy of changing them with almost every change of the moon.

Mr. HARDY of Texas. Will the gentleman yield right there?

Mr. GOOD. Yes.

Mr. HARDY of Texas. When this Shipping Board was first created, Mr. Denman, of California, was placed in charge of it, and there grew up such a controversy between him and Gen. Goethals that both Gen. Goethals and Mr. Denman resigned. After that Mr. Hurley was placed in charge, but it was in the hurly-burly of war, and what the gentleman says by way of criticism during his administration was largely and unavoidably correct. But as soon as Mr. Payne took charge of the administration, I want to say that, having made some investigation, he exercised most remarkable capacity in bringing order out of chaos.

Mr. GOOD. I agree with the gentleman entirely. He ought to have been left there. He ought to have been kept there. That is what I am complaining about. It is this thing of moving men from one place to another, that is so prevalent in many of the departments to-day, that is a crime and a waste of public money. They can not do good work in that way.

Mr. HARDY of Texas. Just one suggestion in connection with that. I think the gentleman is probably right—that we have never had any better administrator than Mr. Payne. He brought about a systematic organization of bureaus, an organization of the different departments, and so when he retired he transmitted to Admiral Benson a very perfect system.

Mr. GOOD. I have but the kindest words for each of these men. I would not lay anything at their doors. Each one was able to do the work and do it well, but about the time he was able to do his best work he was ousted; some one else came in and had to learn the business.

Mr. HARDY of Texas. One thing further. Admiral Benson had been connected with the shipping interests considerably, and my recollection is that Mr. Payne stayed for quite a while in the office in order to induct Admiral Benson into all the knowledge he had of the matter.

Mr. GOOD. Of course Admiral Benson has a great knowledge of shipping. He is a man of great executive ability, but who knows when he will be out and some new man put on the job? No matter how efficient the man you can not get the best out of him until he learns his job, and when he learns it he should be retained; drafted, if need be.

SUPERPOWER PROJECT.

The superpower item of this bill is unique, perhaps. It is, I believe, a vitally important one.

Government can not stand still. It must advance. It must provide for a healthy growth of every useful governmental activity. Throughout the bill will be found numerous items making adequate provision for a normal and healthy growth. This policy can be best illustrated by the provision found in the bill providing for a survey of power production and development in the United States. The bill carries $125,000 for that purpose.

The Director of the Geological Survey and the Director of the Bureau of Mines called attention to an alarming condition with regard to the supply of fuel oil in the United States. The Director of the Geological Survey estimated that the present rate of consumption would exhaust the total supply of fuel oil in the United States within 20 years. The Director of the Bureau of Mines estimated that the supply, based on present consumption, would be exhausted within 10 years.

This statement in itself was sufficient. The committee investigated the subject thoroughly for the purpose of ascertaining whether some substitute for fuel oil could not be found. The bill provides for a Government survey of the entire power situation covering the territory stretching between Boston and Washington. This survey will be made by scientific experts employed by the Government to ascertain the feasibility of utilizing coal at the mouth of the mine and at tidewater and the surplus of power made by large manufacturing and power plants within the territory.

The survey is a practical undertaking. Its results can be seen and roughly appraised in advance. The survey, moreover, is not new. A few years ago the New York, New Haven & Hartford Railroad Co. made a survey touching the matter of power used on its lines. The result was the electrification of their entire system. Prior to that time when the system was electrified, 8 pounds of coal produced 1 horsepower. After electrification it required but 4 pounds of coal to produce 1 horsepower.

The saving to be effected by manufacturing in the utility plants in the small territory where it is proposed to make the survey will exceed, according to reliable estimates, $30,000,000 per year.

The survey provided by this bill is essential. Without it, it would be difficult, if not impossible, to interest the capital necessary to develop the superpower project.

The survey represents Government initiative and cooperation, which will result in savings to the country of hundreds of millions of dollars annually. It will result in a great saving in the direct cost of fuel. It will furnish a reserve source of power for transportation and utility companies, which will be of large value in times of labor disputes and other emergencies. The principle can be applied broadly. Its benefits will accrue to towns and villages and to the farms of the country.

Mr. Chairman, I want at this time to express my very hearty appreciation of the splendid service and cooperation of every member of the Committee on Appropriations.

The work of that committee has been unusual. During the war we made appropriations often without question. The mere suggestion that money was necessary to carry on the war and a request for it brought forth the appropriation. Now, however, that the war is over, and with these heavy overhanging war expenditures, with the expenditures running along with, if not exceeding, the revenues, it becomes more and more necessary for the committee to examine the estimates in detail, to study them carefully, and to arrive at sound conclusions in regard to the appropriations. In this great task the Committee on Appropriations has done what I believe to be real teamwork. I am very happy to say that, so far as members of the subcommittees that prepared this bill are concerned, for more than two months they have given unsparingly of their time and strength to the preparation of this measure. Their work was without bias or partisan tinge of any kind.

I can not too strongly express my very high appreciation of such splendid service. With no motive actuating them except to perform a real Government service, these associates in a very large measure are entitled to the credit for the reductions made in the estimates and for the policy adopted by the committee. [Applause.]

Mr. BYRNS of Tennessee. Mr. Chairman, before I proceed to discuss one or two provisions in the pending bill I desire to refer very briefly to a statement that was issued by the majority leader, the gentleman from Wyoming [Mr. MONDELL], on Thursday in anticipation of the introduction of this bill and to which my attention has been called.

The statement issued by the gentleman was to the effect that this was the last of the great supply bills to be reported to the House for the next fiscal year, and that the reduction in the estimates for all of the various appropriations required for the fiscal year amounted to $1,500,000,000 in round numbers. He referred to that as a saving which had been made by this Congress to the Treasury of the United States.

I have heard some gentlemen on the majority side of this House refer to some of these reductions as a saving, in the course of political speeches made on the floor, but I confess

I was very much surprised when the gentleman from Wyoming, who has had such a long and splendid career in this House, broadly claimed a reduction of estimates submitted by the departments to be a saving on the part of Congress or a positive proof of its economy. I was equally surprised when the gentleman from Iowa, the distinguished chairman of the committee [Mr. GOOD], in the course of his remarks this morning referred to the various reductions made in the estimates on appropriation bills as a saving to the Treasury.

In the sense that Congress fails to appropriate the amount of money estimated for, it is a saving, provided we are willing to assume that the administrative departments would wrongfully expend all the money that was appropriated for their benefit, even though it might not be needed during the next fiscal year for the ordinary and necessary activities of the Government. But if, on the other hand, it be intended to have the inference drawn that this Congress by reducing the estimates in the amount named has acted differently from preceding Congresses, then I take issue, because there is no well-informed man who does not know that it has been the uniform custom of all Congresses, whether Democratic or Republican, to largely reduce the estimates which come to Congress from the various departments.

As the gentleman from Iowa stated, the estimates have been reduced for the next fiscal year by about one billion and a half dollars. If that is to be called a saving to the Treasury then I want to call your attention to the fact that for the fiscal year 1918, when both branches were Democratic, the estimates were reduced in the sum of $5,554,161,598.31. [Applause on the Democratic side.]

If you measure the reduction during 1918 by the same yardstick with which the gentleman from Wyoming and the gentleman from Iowa seek to measure the reduction of the estimates for the next fiscal year, I submit the record for saving made by a Democratic Congress for 1918.

I took pains, gentlemen, to examine the records of a number of preceding Congresses to see just what the action of those Congresses were on the estimates submitted by the departments. I find that in the past 12 years, with only three exceptions, every Congress, whether Republican or Democratic, has largely reduced the estimates submitted by the departments. One of those exceptions occurred in 1917, when both branches of Congress were Democratic, and there was an excess of appropriations of something like $79,000,000 over and above the estimates. You gentlemen who were in Congress at that time will recollect that that was due to the fact that after the estimates had been submitted by the Navy Department Congress decided to adopt a preparedness program—a new shipbuilding program for the Navy. On that account a greater sum was appropriated than was originally estimated for, but the estimates for all other purposes were largely reduced.

The other two exceptions were for the fiscal years 1911 and 1912, when there was an increase over the estimates submitted by the departments. That was the Sixty-first Congress, and at that time it had a Republican majority in both branches. With those three exceptions, I repeat, there has not been, within the last 12 years, a session of Congress which has not largely reduced the expenditures below the estimates submitted by the departments, and I dare say if you go back further you will find the same to be true.

Let me call attention to some of the reductions that were made for the year 1916 and prior years when the majority in Congress was Democratic, and when appropriations were being made for normal activities of the Government in something less than a billion dollars to carry on the expenses of the Government. Congress reduced the estimates more than $20,000,000 in 1916. For the fiscal year 1915 the estimates were reduced more than $30,000,000. For the fiscal year 1914 they were reduced more than $38,000,000. For the fiscal year 1913 they were reduced more than $10,000,000.

I have already referred to the fiscal years 1911 and 1912. For the fiscal year 1910 they were reduced more than $38,000,000, and more than $49,000,000 for the fiscal year 1909.

I cite these figures simply to show the absurdity of the claim put forth that merely because this Congress has reduced the estimates submitted by the departments six or eight months ago it has made a saving to the Treasury, and that the mere fact of reduction shows economy on the part of Congress. The only way you can learn whether Congress has been economical is to compare the appropriations for the next fiscal year, two years after the war has come to a close, with appropriations made for similar activities for the prewar period. I lay it down as a fact that can not be disputed, that all supply bills for the next fiscal year, carrying appropriations for the same activities that were provided for before the war, will show a greater sum for those particular activities than was appropriated by a Democratic Congress before the war began.

Mr. DAVIS of Tennessee. Will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. DAVIS of Tennessee. I will ask the gentleman if that is not the fact even with respect to activities that do not pretend in any manner to relate to the Army or naval activities?

Mr. BYRNS of Tennessee. The gentleman is entirely correct. It was stated by the gentleman from Iowa [Mr. GOOD] that for the fiscal year 1916 the sundry civil appropriation bill carried $125,000,000, while this bill carries $428,000,000; but, as the gentleman from Iowa clearly said, there should be deducted from the $428,000,000 something like $282,000,000 for activities growing out of the war. However, when the appropriations for those particular activities are deducted, it will be seen that the pending sundry civil appropriation bill carries something like $145,000,000, as compared with $125,000,000 for the fiscal year 1916. It may be said, as the gentleman from Iowa has well said, that that is merely a normal increase, and I am not disposed to quarrel with him upon that proposition. Perhaps it is, but I wish to repeat that if you will compare the bills for the next fiscal year with the appropriation bills which were passed before the war, you will find that there has been no reduction and in many cases there has been a substantial increase over the amount appropriated before the war started.

Mr. HULL of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. HULL of Tennessee. I was interested in the figures the gentleman cited to the effect that all Congresses make smaller amounts of appropriations in the aggregate than the estimates sent by the departments. I notice that the gentleman from Wyoming [Mr. MONDELL] gives out weekly and semiweekly statements to the press respecting the economies effected in this Congress. The question I desire to ask is whether, according to the standard of economy on which he bases these figures and claims a saving of a billion and a half dollars, by the same standard previous Democratic Congresses under this administration have not saved from five to six billion dollars?

Mr. BYRNS of Tennessee. The gentleman is entirely correct.

Mr. HULL of Tennessee. But the whole thing is really a piece of sophistry which can only fool the people.

Mr. BYRNS of Tennessee. But it does not deceive anyone in Congress, nor do I think it will deceive any well-informed man in the country. I may say, as further showing the absurdity to which my colleague from Tennessee has called attention, in respect to these statements of the gentleman from Wyoming, that I had occasion to run back over the appropriations recommended by the Committee on Appropriations for the past eight years and during Democratic control of Congress. I excluded the appropriations made during the last session of the Sixty-fifth Congress, which was Democratic, because, as you know, most of the appropriation bills failed on account of a Republican filibuster in the Senate. During the eight years that the Democrats were in the majority on the Committee on Appropriations, in the supply bills over which that committee has jurisdiction, consisting of the sundry civil, the fortifications, the legislative, the District of Columbia, the pensions, and the deficiency appropriation bill, there was an actual reduction of estimates made by that committee in its recommendations to Congress during those years of $9,275,684,891.55. [Applause on the Democratic side.]

I insist that if the gentleman from Wyoming, who, as my colleague states, issues weekly and semiweekly statements to the press and has them scattered throughout the country, takes the position that merely because this Congress has reduced the estimates for the next fiscal year one billion and a half it has established a record for economy, he should be fair enough to give previous Democratic Congresses and Democratic committees credit for these sums, amounting to more than five billion and a half for one fiscal year alone. But, as I have stated, everyone knows, or should know, that the mere fact that reductions are made in the estimates submitted by some department head or perhaps some bureau chief is no evidence that Congress has practiced economy in making appropriations. That is clearly a false basis of computation and comparison, for real legislative economy or retrenchment consists in cutting down the amount of fixed or normal expenditures as made during previous years. If you apply this standard, the present Congress has made no decrease in appropriations. On the contrary, it has made an actual increase.

The uniform reduction of estimates by Congress emphasizes the very great importance, particularly at this time, of the passage of some sort of budget legislation. Estimates are submitted without the semblance of businesslike procedure. Before

the war, when our expenses were small compared to what they are to-day, there was not such great demand for budget legislation, because it was a comparatively easy thing to raise the amount of revenue necessary to meet the expenses of the Government; but now that our expenses have mounted, until they are four and five times greater than they were before the war, there is all the more reason why we should have some sort of budget legislation.

Since the war came to a close the President of the United States has urged Congress to adopt budget legislation. The last session of the Sixty-fifth Congress placed in the deficiency appropriation bill a provision which would have brought about the appointment of a committee to prepare and present to Congress budget legislation, but that bill failed in the Senate on account of the filibuster to which I have referred. This House last October passed a budget bill, but it has been in the Senate since that time, and only yesterday was taken up for consideration. Even if the Senate acts promptly upon the bill it will be impossible to afford any real or effective relief for the next fiscal year. We have lost a year, so to speak, by the dilatory action of the body at the other end of the Capitol in disposing of the budget bill, which passed the House six or eight months ago. The reason for that is that under the law estimates must be prepared by October 15 and they are sent to Congress upon the first Monday in December. Hence I repeat that if that bill were to become a law within the next few days there would not be sufficient time to establish the machinery and to effect the organization provided for in the bill, so that it could get to work in the departments and render any real and effective service in so far as the next estimates are concerned.

Mr. CAMPBELL of Kansas. Mr. Chairman, will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. CAMPBELL of Kansas. I am happy to inform the gentleman from Tennessee that the Senate has just passed the budget bill.

Mr. BYRNS of Tennessee. I am delighted to hear it, but I repeat that it is very unfortunate that it took the Senate something like six or seven months to act on that bill, which was promptly passed by this House at the last session of Congress. It has yet to go through conference, and there is no guaranty that it will become a law at this session of Congress. I have said that the very fact that these estimates are always submitted in large amounts and always greatly reduced by Congress is an evidence of the necessity for budget legislation. It is not strange to one who thinks about it that these estimates are always submitted in amounts much larger than Congress feels should be provided for the actual expenses of the Government.

There is no one vested with authority or the necessary machinery and facilities for the purpose of revising and reducing these estimates before they are transmitted to Congress. They are forwarded, it is true, through the Secretary of the Treasury, but they come from the Secretary of the Treasury just as they leave the various departments of the Government, and the department heads are in the habit of accepting them just as they come from the various bureau chiefs. It is perfectly natural that a bureau chief or even a department head, being required under the law to prepare these estimates in October before they are to go into effect the following July, should be careful that he does not make a mistake in not asking for enough, feeling that when Congress takes them up during the months of January, February, March, and April, within three months of the ensuing fiscal year, their necessity will be fully investigated in the light of the conditions and exigencies existing at such time. Hence it is that under present methods of procedure the estimates are always submitted in amounts greater than it is expected will be allowed. This is a practice which should be corrected, and Congress will prove derelict in its duty if it does not speedily pass a budget bill.

Reverting to the statement of the gentleman from Wyoming, it should be said that it is not altogether fair to the departments to say that their estimates have been pared to the extent of a billion and a half. Take the pending sundry civil bill. The estimates amounted to more than a billion dollars. If you will read the hearings, you will find that the voluntary withdrawals upon the part of many who were asking for appropriations in this bill will amount to more than $225,000,000, thus reducing the estimates by that amount, but for which the gentleman from Wyoming gives no credit. The Navy Department, after sending its estimates to the Committee on Naval Affairs, voluntarily withdrew from those estimates $85,000,000. The War Department voluntarily withdrew $51,000,000 from its estimates for fortifications, and I have no doubt but what in the case of the Committee on Military Affairs and other committees of this House there have been like voluntary reductions.

Mr. DOUGHTON. Will the gentleman yield?

Mr. BYRNS of Tennessee. I will yield to the gentleman.

Mr. DOUGHTON. If such large savings have been brought about in the appropriations by a Republican Congress, why have they not been accompanied by some reduction in taxes?

Mr. BYRNS of Tennessee. I can not tell the gentleman, for that would necessarily follow if their claim was true. On the contrary, I suspect if these appropriations continue to mount up, that rather than decreasing taxes it will be necessary to increase them hereafter.

Mr. HULL of Tennessee. Will the gentleman yield?

Mr. BYRNS of Tennessee. I yield to the gentleman.

Mr. HULL of Tennessee. On this question of what constitutes legislative economy in making appropriations, the gentleman from Wyoming [Mr. MONDELL] in his weekly and semi-weekly statements, which some of the newspapers always carry and publish in full, fixes the standard of legislative economy as the difference between the appropriations made by the Congress and the estimates sent over by the departments. Now, I have the impression that legislative economy means the reduction of fixed current expenditures, not merely the wiping out of even a temporary war bureau or division that has been manifestly created for temporary purposes, but a reduction in what is at least apparently a fixed current expenditure of the Government. Now, if that is not the purpose of real legislative economy, I do not see, to say the least of it, any force in the other theory.

Mr. BYRNS of Tennessee. I agree entirely with the gentleman. As I stated a few moments ago, the only way we can determine as to whether this Congress has proved more economical than preceding Congresses is to take the bills which were passed by those Congresses for particular activities of the Government and compare them with the appropriations made for the next fiscal year for similar activities. [Applause on the Democratic side.] I wish to repeat the statement I then made, that if you will make a close analysis of the supply bills for the next fiscal year you will find, just as in the case of this pending sundry civil bill, that in every particular the appropriations made for the same activities which were carried on before the war have been increased by this Congress for the next fiscal year in varying amounts.

Now, Mr. Chairman, just a few words in regard to the pending bill. This bill makes considerable reductions in the estimates, and I want to concur in what the gentleman from Iowa has said that there has been no partisan spirit shown in the consideration and preparation of this bill. The committee has sat daily since February 3 in conducting hearings, which amount to nearly 3,000 pages, upon the various items contained in this bill.

Every member of the committee, regardless of party affiliations, has been influenced by only one desire, and that is to eliminate as far as possible all needless and unnecessary expenses, and in that spirit the Democratic minority, I am sure the gentleman from Iowa will agree, has cooperated fully and freely with the Republican majority. I want to here say that in anything I may have said I have not intended to reflect upon any Member of the House, and particularly not upon the gentleman from Iowa, who is chairman of the Committee on Appropriations. I wish to say that he is a real economist. The gentleman has far vision, he has the courage to act upon these matters as they come before him, and he has been actuated in the preparation of this bill, and in all bills coming before that committee, with the sincerest motives of economy. This bill makes reductions in some particulars which if I had my way I might possibly not have made, because I believe in some particular cases, which it is unnecessary to enumerate, it invites deficiencies during the next session of Congress, which never promotes either economy or efficiency. But that will be after the election, and that may have afforded very good reason to our friends upon the other side for reducing some of these estimates. But in the end it means the reverse of real actual economy.

This bill carries some considerable appropriations, on the other hand, which I would not have been willing to recommend if I had had my way; but, taking it all in all, with the exception of one or two provisions, I give my hearty assent to this bill, and if in some particulars too little has been appropriated, they can be taken care of in deficiency bills later on. But there are two provisions in this bill to which I can not give my assent. One is the item relating to the Shipping Board, the other to the Department of Justice. The Shipping Board, when they submitted their estimates last fall, asked for over

$446,000,000 for the next fiscal year. When they came before the committee they stated that if the committee would appropriate their unexpended balance—that is, the balance which would be unexpended on July 1—they would be able to get along with $251,000,000, or, in other words, they withdrew practically $195,000,000 of their original estimate.

It was stated that upon July 1 they would have a balance of something over $61,000,000. They had a building program requiring $225,000,000 to complete at the time these hearings were held, and it was stated that by July 1 they would have expended on that building program $127,453,500, leaving a balance of $97,546,500 to be provided for in this bill. They have now about 400 ships on the ways nearing completion, and it is expected to have very nearly all of those ships completed during the month of October. It was stated that one or two of them might not be completed until next June, but all of them will be completed during the next fiscal year. Therefore it is important, of course, that the Shipping Board should be provided with all the money necessary to complete the building program now under way. In addition to that, it was stated that in the operations of ships they needed $29,000,000 or $30,000,000 by way of a fund to be used as working capital in such operations.

They say they can not operate the ships unless they have some such capital fund upon which to draw. In addition to this, there have been claims filed against the Shipping Board. The unsettled claims at the time of the hearings amounted to $125,000,000. Those claims grew out of cancellations of contracts existing at the time of the signing of the armistice. Those claims were being settled at the rate of about $4,000,000 a month. Certainly if those claims are to be taken up and disposed of, as they should be, they will need from $50,000,000 to $60,000,000 during the next fiscal year for their settlement. As a matter of fact, we may assume that those claims will be adjudicated, as they ought to be, much more quickly during the next fiscal year than heretofore.

Then they need $24,000,000, so they say, for administration. The cost of administration at the present time is at the rate of $28,000,000 to $30,000,000. I am frank to say to you that I think that is a very large sum for administration purposes. So far as I am concerned, I would be entirely willing to give them $15,000,000 or $16,000,000 for administrative purposes, and see how they get along with it.

In addition to that, they need, if they are to recondition the German ships, $44,000,000 after July 1. Now, as the gentleman from Iowa [Mr. GOOD] has stated, it is estimated it will take $50,000,000 to recondition those German ships, amounting to about 22 or 23 in number. They figure they will have expended by July 1 for that particular purpose $6,000,000 out of funds now on hand, making it necessary to have $44,000,000 to recondition those ships during the next fiscal year.

The gentleman from Iowa says he is opposed to reconditioning those ships, and he practically tells you that if this bill passes as it has been reported to the House there will be no money for that purpose. Now, I do not say, gentlemen, that those ships ought to be reconditioned, but I say that I am not in a position, with the information I have, nor do I believe this House is in a position, with the information it has at this time, to say here and now that we will not recondition any of the German ships. With my necessarily limited knowledge of the matter, I am not willing to assume any such responsibility. I am in favor of leaving that responsibility to the Shipping Board, which has all the facts before it, and permit them, if they see fit and think it is to the best interests of this Government, to recondition them and give them the money necessary for that purpose. If they do not think it is necessary to recondition them, if they do not think it is good business to recondition them, then they do not have to spend the money. It will lie in the Treasury. This bill does not impose any obligation on them to spend the money merely because it has been appropriated.

Mr. WALSH. Will the gentleman yield?

Mr. BYRNS of Tennessee. I yield to the gentleman.

Mr. WALSH. How much longer should we wait for the Shipping Board to change its attitude upon that question? Every time there is a change of personnel there is a change of policy.

Mr. BYRNS of Tennessee. I do not think the Shipping Board has changed its attitude, although I do not speak for the Shipping Board. I am under the impression that some of the present Shipping Board do not believe they ought to be reconditioned. But if Congress is to act upon the proposition, I feel that action ought to be taken after the proper legislative committees of this House and of the Senate have thoroughly investigated the matter and reported a bill on the subject, and that we ought not upon an appropriation bill to undertake indirectly, by denying an appropriation, to legislate upon whether or not the Shipping Board shall pursue the policy of reconditioning the ships.

Mr. BRITTEN. Will the gentleman yield?

Mr. BYRNS of Tennessee. I will.

Mr. BRITTEN. Does the gentleman really feel that these great ships should be left idle pending action by the House as to whether or not they should be reconditioned?

Mr. BYRNS of Tennessee. I do not. I do not think they should be kept idle any longer than is absolutely necessary, of course.

Mr. BRITTEN. That is what would occur, however, if the gentleman's idea should prevail.

Mr. BYRNS of Tennessee. But there is no reason, if this Congress wants to take action, why the Committee on the Merchant Marine and Fisheries in this House should not proceed to have its hearings and report legislation very promptly to the House upon the subject.

Mr. BRITTEN. The gentleman, I believe, will agree with me that something ought to be done with those ships. We either ought to recondition them or we ought to sell them.

Mr. BYRNS of Tennessee. I agree with the gentleman thoroughly on that. So far as I am personally concerned, I want to see the United States Government sell all these ships as soon as it possibly can, but I do not want to see those ships sold at a sacrifice, nor do I want to see them sold on such terms that foreign Governments and rival commercial nations will be flying their flags over those ships. These ships have been built at great expense to the people as an incident to the war, and I want to see them maintained as a great American merchant marine, flying the American flag, and carrying our produce and manufactured products to every port and every market of the world.

Mr. BRITTEN. The gentleman understands that any sale that was made by the Shipping Board will not carry with it a change of the flag. The sale will be made conditioned upon the registry of the ship under the American flag at all times.

Mr. BYRNS of Tennessee. I understand that to be the policy of the board, and I hope it will continue to be.

Mr. DAVIS of Tennessee. Will the gentleman yield?

Mr. BYRNS of Tennessee. I yield.

Mr. DAVIS of Tennessee. In that connection I wish to call attention to the fact that the Shipping Board has been enjoined by Judge Bailey, of the Supreme Court here in the District, from selling those German ships. That case was appealed, it is true, to the Supreme Court, and pending a decision the Shipping Board can not sell them. And, of course, it can not go ahead and recondition them without an appropriation. Consequently, in the absence of a final decision and in the absence of authoritative legislation on the part of Congress, the Shipping Board is necessarily at a standstill on that proposition.

Mr. BRITTEN. I thank you for that information, but is that quite correct, I will ask the gentleman? My impression is, if the Shipping Board has a large amount of money on hand it can rehabilitate these ships right now if it wants to do so. I do not think it is necessary for the Shipping Board to come to Congress for an appropriation.

Mr. BYRNS of Tennessee. I think it is, because they have not the funds on hand with which to recondition them. There is no legal reason why the Shipping Board may not recondition the ships, provided they have the money with which to do it.

Mr. GOOD. I will state to the gentleman that the Shipping Board is now spending about $2,000,000 in reconditioning those ships and expects to spend that amount within the next few weeks.

Mr. BYRNS of Tennessee. My recollection of their statement is that they expect to spend as much as $6,000,000 by July 1.

Mr. GOOD. That is what they wanted to do, but I think they have modified their plans.

Mr. BYRNS of Tennessee. Well, I think if this bill goes through the House they will not expend any, because they realize that they will not have the money available for the work of reconditioning these ships.

Mr. DAVIS of Tennessee. The fact which I wanted to call attention to was this, that the Shipping Board had under consideration what action should be taken in regard to these German ships, and there was a considerable difference of opinion on the board itself as to whether the ships should be sold or reconditioned. The Committee on the Merchant Marine and Fisheries called before them and heard Judge Payne, who represented one view, and Mr. Scott, another member of the board, who represented an opposite view, and it was during the time

that they were discussing the policy and during the time in which they had called for bids to see what could be done that they were enjoined, as I before stated.

Mr. BYRNS of Tennessee. Enjoined from making a sale of these ships.

Mr. DAVIS of Tennessee. Yes.

Mr. BYRNS of Tennessee. I understand the injunction went to the sale.

Mr. DAVIS of Tennessee. Yes.

Mr. EDMONDS. It is possible that the Shipping Board are not doing anything with these ships that were enjoined in that suit, but they are reconditioning some ships. I could give the names of them if I had a letter here which I have mislaid somewhere.

Mr. BYRNS of Tennessee. Yes. I think the gentleman is correct that they are spending some money in reconditioning ships.

Mr. EDMONDS. It was Mr. Stevens who spoke of that.

Mr. DAVIS of Tennessee. Yes. In that connection Mr. Stevens and Judge Payne both said they had reconditioned one of these ships.

Mr. EDMONDS. That was one. The rest of them had not been reconditioned, and the other German ships were not included in the bidding.

Mr. DAVIS of Tennessee. Yes. I understand the determination of the general policy of the board was brought to an abrupt conclusion by that litigation and by the proceedings and inquiries in the Senate as to what should be done.

Mr. EDMONDS. I think, so far as the German ships are concerned, that is so; but I do not think there is anything in the injunction to prevent their reconditioning the ships. I think they could go ahead and do it if they thought best.

Mr. BRIGGS. Is it not true that the Shipping Board has only been waiting until the policy of Congress could be determined, and has not the Senate been holding hearings with respect to this very policy, so that the Shipping Board later could determine what action should be taken with respect to the German ships?

Mr. BYRNS of Tennessee. I think that is true since the injunction suit was brought; but it is also true, as the gentleman from Pennsylvania [Mr. EDMONDS] has said, that the Shipping Board was proceeding on a policy of reconditioning some of these ships, and last fall requested that a sufficient amount be appropriated for reconditioning all of these ships.

Now, I want to say this, gentlemen, because I do not want to be misunderstood as to my position in this matter: I do not say that these ships should be reconditioned, nor do I think that Congress ought to take that position on an appropriation bill. I do not think Congress should settle a grave, serious question of that sort until after the proper legislative committees of this House and the Senate have given it thorough consideration and determined upon what they think to be the best policy, and then come before the House and the Senate and ask for action upon the policy recommended by them. But here we had a hearing primarily on the question as to what amount should be allowed to the Shipping Board, and, incidentally, of course, when it appeared that they wanted $44,000,000 to recondition those ships, the question came up as to why they should be reconditioned, and all the various questions connected with it. But the primary purpose of this hearing was to determine what money they should have.

I believe that the thing we should do is to appropriate the money and say to the Shipping Board: "There is the money. We have made it possible for you to recondition those ships if it is your best judgment that it should be done; but if you fail to do so and you are hereafter subjected to just criticism on account of such failure, we are not going to permit you to avoid your solemn responsibility by saying that Congress did not give you the money. We are going to give you the money and let you act on your own responsibility as to whether or not the ships should be reconditioned, unless in the meantime Congress, through its legislative committees, shall by legislation prevent your action in the matter."

That is the reason why I think we ought to have carried $44,000,000 for the next fiscal year in this bill.

Mr. EDMONDS. There is nothing in this bill that allows or prevents the Shipping Board from using the money to recondition the ships. The bill allows them to use the money as they please, does it not?

Mr. BYRNS of Tennessee. The gentleman from Iowa [Mr. GOOD] stated—and I do not think it can be questioned—that if this bill goes through the House as it is presented there will not be any money with which to recondition the ships.

Mr. EDMONDS. Could not the operation of the Shipping Board become so very profitable that they could find lots of money for that purpose?

Mr. BYRNS of Tennessee. Yes; but I do not think the hearings show any possibility of such highly profitable operations during the next fiscal year.

Mr. FAIRFIELD. Does the gentleman mean to indicate that the ships will become a liability instead of an asset?

Mr. BYRNS of Tennessee. No; I do not mean to indicate that, but I will tell the gentleman what the hearings disclose on that subject. During the months of January, February, and March the Shipping Board received the net sum of $8,000,000 on account of operations. I am using round figures now. Mr. Gillen, who spoke for the board, said that the major portion of that $8,000,000 was received in the month of January, and that there had been a considerable falling off in February and in March. I asked Mr. Gillen the question whether or not the fact that $8,000,000 was made in the first three months of this year might be taken as a fair gauge as to what would be made during the next fiscal year by reason of the operation of the ships, and he said no; that in his opinion there would be a falling off in rates. He did not say it would be a losing proposition, nor did he say that we would not make money at the rate of $8,000,000 in three months; but I submit that it is not reasonable to expect that they will make so much out of operations next year that they will be able to spend the amount required to recondition the ships.

Mr. FAIRFIELD. If that be true, the gentleman still thinks it would be wise, before proper legislative investigation has been made, to appropriate this money, and then, if it ought not to be spent, to let Congress intervene subsequently and interfere with its expenditure?

Mr. BYRNS of Tennessee. Of course, this particular appropriation does not apply to the ships that are now in operation, the cargo ships. These particular ships are now lying idle in port, and nothing can be done with them, and they will necessarily remain idle until they are sold or somebody puts them in proper condition to be utilized either for cargo or for passenger purposes.

Mr. FAIRFIELD. I understand that up to date the Shipping Board have not been unanimous by any means on the question of the wisdom of reconditioning these ships.

Mr. BYRNS of Tennessee. I think that is true.

Mr. FAIRFIELD. And without our having thus studied it, the gentleman still thinks that we ought to hold the Shipping Board responsible for what its ultimate decision may be, and make all the funds available that they ask for, to the end that the ships may be reconditioned?

Mr. BYRNS of Tennessee. I think so, until after the matter has been given a full and thorough consideration by the proper committee of this House and of the Senate having jurisdiction of the matter. In other words, I do not think we ought in an indirect way on an appropriation bill to legislate so as to prevent these ships being reconditioned and take away from the Shipping Board that responsibility of decision which is theirs at the present time and permit them, so to speak, to pass the buck to Congress. Now, if Congress desires to take action, then Congress should do so; but, in my judgment, this should not be done until after the proper legislative committees having jurisdiction of the subject have given it thorough consideration and reported to this House.

Mr. FAIRFIELD. Just one more question.

Mr. BYRNS of Tennessee. Yes.

Mr. FAIRFIELD. Would it not be possible to make the appropriation bills coincident with the final legislative report, which would indicate that they ought or ought not to be reconditioned, so that Congress would not necessarily be to blame if after having made an investigation and determined that they should be reconditioned it should then appropriate the money to that end? As I understand it now, even the gentleman himself is not convinced that it ought to be done. The board are divided, and it would perhaps be unwise to make that additional appropriation now.

Mr. BYRNS of Tennessee. This is the bill in which the money will have to be carried for the next fiscal year for the Shipping Board. Now, if Congress should later on decide that the ships should not be reconditioned, or if the Shipping Board should decide that it was poor policy to recondition those ships, the money would not be spent, and the people and the Treasury would lose nothing by the appropriation made in this bill.

Mr. FAIRFIELD. Well, of course, we are a little chary in Congress on the question whether money that has been appropriated will be spent or not. I am not so sure but that it would be wiser to keep control of it until Congress had itself

determined that the reconditioning should be made, and then let Congress make the proper appropriation.

Mr. BYRNS of Tennessee. If Congress wishes to take some action, it can do so of course; but as was suggested by the gentleman from Illinois a while ago, certainly something should be done to these ships. They should either be sold and the money covered into the Treasury or they should be reconditioned and put into operation, because while they are lying idle in harbor they are costing a great deal of money.

Mr. FAIRFIELD. I understand that, but this investigation to which I refer would, of course, determine that fact. But so long as that fact is not determined, it does look to me as though it is just a little unwise to make these additional appropriations on the faith that the Shipping Board will refrain from using the money.

Mr. BYRNS of Tennessee. Here is the situation. There is this difference between the gentleman and myself in the final analysis: The gentleman proposes to take the responsibility here and now of saying that these ships shall not be reconditioned, because his attitude is that the appropriation should not be made. Now, I prefer to take the other horn of the dilemma, to appropriate the money and say to the Shipping Board that "this appropriation does not carry any obligation upon your part to recondition those ships, but here is the money." I propose to say to them: "If the best interests of the United States demand that that money be expended to recondition those ships, then you, under your obligation as shipping commissioners, should spend this money economically and properly; but if the interests of the Government do not demand it, then the money should stay in the Treasury." Now, in the position that the gentleman takes, Congress puts itself in the attitude here and now, without that investigation which I think ought to be first conducted, of saying in so many words to the Shipping Board, "You shall not recondition these ships." In the other case Congress leaves that responsibility to the Shipping Board unless it takes action later on through one of its legislative committees.

Mr. CANNON. Will the gentleman yield?

Mr. BYRNS of Tennessee. I yield to the gentleman.

Mr. CANNON. Congress is not ready now to say that it is going to have these ships reconditioned. How would it do to apply that principle all along the line, and appropriate a lump sum for the general service before we get estimates and recommendations?

Mr. BYRNS of Tennessee. Here is the position of the Shipping Board: It has asked for this money to recondition these ships. The Shipping Board has acted upon its responsibility and is before Congress to-day requesting that $44,000,000 be appropriated for that purpose. The estimate for this purpose is now before us and the Shipping Board has not withdrawn it or requested that it be not allowed.

Mr. HICKS. Will the gentleman yield?

Mr. BYRNS of Tennessee. I yield to the gentleman from New York.

Mr. HICKS. I was not here when this colloquy began, and my question may have been answered, but I should like to ask the gentleman this question: I assume, of course, that after these repairs have been made to these ships, the selling price of the ships will be considerably in excess of the amount of money to be expended upon them. Has the gentleman any idea what the increase in value would be of these ships over and above the repairs?

Mr. BYRNS of Tennessee. I have not; that is one reason I am not in a position on my responsibility as one Member to say that these ships ought or ought not to be reconditioned.

Mr. HICKS. Unless the value is increased by a considerable amount it would not be a wise thing to go ahead and spend the money on making the repairs.

Mr. BYRNS of Tennessee. I do not think, if the gentleman will take the hearings on this part of the bill and study them, the gentleman would be able to satisfy himself on that point. That emphasizes the position I take that we ought not here in this indirect way to direct the Shipping Board or deprive them of the responsibility that is theirs as to the reconditioning of the ships without further investigation, especially when they are before us asking that the funds be granted for that purpose.

Mr. HICKS. One more question: The gentleman's theory, then, is that all the discretionary power as to whether or not the ships should be rehabilitated should be placed in the hands of the Shipping Board?

Mr. BYRNS of Tennessee. No; I do not go that far. That is where it is now, but I would not deny to Congress the power to dictate the policy of the Shipping Board, although I do not think Congress is in any position to dictate the policy without investigation by the two legislative committees that have jurisdiction.

Mr. FAIRFIELD. Will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. FAIRFIELD. As I understand, the Shipping Board asks for the money to recondition the ships. Is that true?

Mr. BYRNS of Tennessee. Yes.

Mr. FAIRFIELD. Will not the fact that we grant this money be prima facie evidence that Congress intends that the ships shall be reconditioned?

Mr. BYRNS of Tennessee. If the Shipping Board thinks it is wise to do so.

Mr. FAIRFIELD. Will not the presumption be that Congress is of that opinion?

Mr. BYRNS of Tennessee. No; I do not think the Shipping Board would recondition the ships, if in their judgment they ought not to be, merely because they had the money with which to do it.

Mr. EDMONDS. Will the gentleman yield?

Mr. BYRNS of Tennessee. I will.

Mr. EDMONDS. Where in this appropriation bill are they deprived of the right to recondition the ships if they have the money?

Mr. BYRNS of Tennessee. They are not. There is nothing in this bill to deprive them of the right; but if the gentleman will examine the bill he will find that the total appropriations carried in the bill for expenses of the Emergency Fleet Corporation amount to $131,000,000 plus whatever is made by the operation of the ships.

Mr. EDMONDS. And that would amount to $50,000,000 or $60,000,000.

Mr. BYRNS of Tennessee. Not from past experience. Because during the first three months of this year the operating net income was only $8,000,000. Assuming that the operating income will continue during the next fiscal year at that rate, that would only amount to $32,000,000. If you add that to the $131,000,000, you will have for the Emergency Fleet Corporation in this bill $163,000,000. They say that they require $97,000,000 to complete the building program. They also require $30,000,000 as a capital fund to operate the ships, and they require $24,000,000 for administrative purposes. They have claims amounting to $125,000,000, which they are settling at the rate of $4,000,000 a month. So the gentleman can see that the amount carried in the bill is not enough.

Mr. EDMONDS. How about the money that they will collect from the War Department?

Mr. BYRNS of Tennessee. This bill does not permit them to use it. There is $60,000,000 or $70,000,000 which they will probably collect from the War Department, but they can not use it under the terms of this bill, because it limits the fund that can be used to the particular items set forth in the bill, and the sum due from the War Department is not made available.

Mr. BRITTEN. Will the gentleman yield?

Mr. BYRNS of Tennessee. I will yield to the gentleman.

Mr. BRITTEN. I would like to ascertain the gentleman's idea about $44,000,000 expenditure. Is he in favor of appropriating that amount now for the Shipping Board?

Mr. BYRNS of Tennessee. Yes.

Mr. BRITTEN. I take it then that the gentleman intends to offer an amendment at the proper time for that appropriation.

Mr. BYRNS of Tennessee. That is my purpose.

Mr. BRITTEN. Suppose the amendment should be defeated and Congress not make the appropriation. What disposition is the Shipping Board going to make of these ships? They ought to be put on the high seas, where they are so urgently needed to-day.

Mr. BYRNS of Tennessee. I do not know. If the ruling made by Judge Bailey, of the District Supreme Court, is confirmed by the appellate court, where it is now pending, they will have no authority to sell the ships without action by Congress, and they will have no money to recondition them.

Mr. BRITTEN. They can rent the ships and get them on the high seas; they could do that within a week.

Mr. BYRNS of Tennessee. I am glad the gentleman stated that. Admiral Benson stated that he was endeavoring to make some arrangements with the shipping interests whereby they would be willing to recondition the ships at their own expense, and operate them upon proper and satisfactory terms with the Government.

Mr. BRITTEN. These ships should be put on the high seas carrying American products and American people to Europe. The gentleman knows as well as I do that the demand is tremendous for passage to Europe. People will go over in bunkers and sleep in hammocks, not only going over but coming back,

and these ships ought to be on the high seas in the interest of the American people.

Mr. BYRNS of Tennessee. I agree with the gentleman, that if the Shipping Board can make arrangements so that the ships can be reconditioned by private interests under satisfactory terms to the Government, it ought to be done, rather than have them remain idle. But as the chairman of the Shipping Board stated before the committee, if it can not be done, I think we ought to appropriate the money so that if they are not permitted to sell them they can recondition them.

Mr. BRITTEN. They ought to be on the high seas, and even in their present condition without rehabilitation they would pay a tremendous profit.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. BYRNS of Tennessee. Certainly.

Mr. CHINDBLOM. Am I correct in understanding that Admiral Benson stated in the hearings before your committee that the Shipping Board has done nothing to ascertain whether the ships can be leased and on what terms they can be leased?

Mr. BYRNS of Tennessee. I did not say that he had done nothing. He stated that it was the hope of the board to be able to do something and every effort was being made in that direction.

Mr. CHINDBLOM. It is some two or three months since Judge Payne appeared before the Committee on Merchant Marine and Fisheries, and since the agitation in this matter began, when the injunction was issued preventing the sale. Has no progress been made since that time?

Mr. BYRNS of Tennessee. I do not know what progress has been made, but Admiral Benson stated that the Shipping Board was endeavoring to effect such an arrangement. The matter was not gone into fully by the committee along that particular line because we were investigating the estimates submitted for appropriation.

There is another objection that I have to this particular form of appropriation. I have just stated to you that this bill will authorize the use of $163,000,000 for the Emergency Fleet Corporation purposes.

I can realize why the majority of the committee prefer to make those funds available rather than to make a direct appropriation out of the Treasury and have the receipts covered into the Treasury as miscellaneous receipts, because, while the bill will authorize the expenditure of $163,000,000, it does not appear upon the face of the bill, and credit can, therefore, be taken for a reduction of estimates in the sum of $163,000,000 which really should not be taken when you take into consideration that the bill authorizes such expenditure. But I say that it is not good business to permit the Shipping Board to have access to this reservoir with one hand and then with the other hand to another reservoir in order to get money with which to carry on its operations. Here are four or five or six different reservoirs provided in this bill from which the Emergency Fleet Corporation can draw in order to get the amount of money that it is proposed to let it expend.

I say that if we were making this appropriation along business lines and according to proper business policy, we would say to the Emergency Fleet Corporation, you shall have so much money for the next fiscal year, and if it is thought that $163,000,000 is sufficient, then we will make an appropriation of $163,000,000, and carry a provision in the bill covering into the Treasury all of the money they get by way of operations and sales of ships, and surplus and supplies, and collection upon accounts, and so forth. If we were administering our own private funds that is what we would do. Why should it not be done in this case? If we did that, then we would have a clear bookkeeping account with the Shipping Board. Upon one side of the ledger we would have the amount of money that we appropriated, and on the other side of the ledger we would have the amount collected, which has been put into the Treasury.

After all, it comes out of the Treasury of the people, whether we permit them to draw from these various reservoirs and retain this money to themselves or make the direct appropriation out of the Treasury. I shall offer an amendment seeking to make a direct appropriation in behalf of the Shipping Board, and also providing that the money received by them from these various sources shall be covered into the Treasury as part of its miscellaneous receipts.

There is one other provision in this bill to which I make serious objection.

Mr. EDMONDS. Mr. Chairman, will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. EDMONDS. Is it the gentleman's intention to have in that lump sum the amount that is to be used for operations?

Mr. BYRNS of Tennessee. The gentleman means the capital fund?

Mr. EDMONDS. The capital fund, if you want to call it that.

Mr. BYRNS of Tennessee. Yes. They stated that they must have a capital fund of twenty-nine to thirty million dollars, and I think, of course, the Congress should provide that fund.

Mr. EDMONDS. That would be a revolving fund, of course.

Mr. BYRNS of Tennessee. Yes.

Mr. EDMONDS. You would not expect the operating receipts to be turned into the Treasury?

Mr. BYRNS of Tennessee. Oh, yes.

Mr. EDMONDS. Only the net receipts.

Mr. BYRNS of Tennessee. If they had $30,000,000 appropriated as a revolving fund, of course the net receipts would be all that would be turned into the Treasury, not the entire gross receipts.

Mr. EDMONDS. I was going to say that if you did that, you would so hamper operations that they would not be able to operate.

Mr. BYRNS of Tennessee. Here is the proposition in a nutshell: This bill reappropriates the amount which will be on hand July 1 and it appropriates the amount received during the year 1921 from the operation of ships. I contend that what we ought to do is to require the net income from the operation of ships to be covered into the Treasury. The bill appropriates not to exceed $15,000,000 from deferred payments on ships sold prior to the approval of this act. It seems to me that the proper and businesslike policy to pursue would be to require whatever amount of money they collect from deferred payment on ships to be covered into the Treasury of the United States. The bill appropriates not to exceed $25,000,000 from the sale of plants and surplus materials. That money, I contend, ought to be turned into the Treasury of the United States, as well as the $30,000,000 from ships sold during the fiscal year 1921, which is authorized to be expended. What is the difference in turning that money into the Treasury of the United States and carrying a direct appropriation, appropriating it out of the Treasury? You will thus be able to know definitely just how much money they are expending, and I dare say that if there had not been such a great desire to make a showing in reduction of estimates just that policy would have been pursued.

This was the policy pursued in the case of the fortifications bill passed at the last Congress. We found reservoirs containing hundreds of millions of dollars which came over from the war. That bill carried a provision, to which the gentleman from Iowa gave his assent, for he was a member of the subcommittee, covering into the Treasury upon June 30 of this year every dollar that the Ordnance Department had in those various reservoirs, in order that, beginning with next July 1, direct appropriations should be made for whatever might be needed.

Mr. EDMONDS. The gentleman's idea was contained in the Greene bill, which passed the House here, that all money should be turned into the Treasury and all money spent should be subject to direct appropriation.

Mr. BYRNS of Tennessee. Exactly.

Mr. EDMONDS. That is in the Greene bill which passed the House.

Mr. BYRNS of Tennessee. I am heartily in favor of that sort of provision. It seems to me to be good common sense and a sound business policy.

Mr. BRIGGS. Will the gentleman yield?

Mr. BYRNS of Tennessee. I will.

Mr. BRIGGS. What are the estimates of this amount on hand July 1, 1920, and the amount to be received during the fiscal year 1921 from the operation of ships. Is there any reasonable, fair, and accurate estimate of what this amount will be?

Mr. BYRNS of Tennessee. The Shipping Board stated they would have on hand July 1 fifty-five millions and five hundred and some thousand dollars; that between now and July 1 they will have expended $6,000,000 toward reconditioning those ships. If they do not spend this sum, they will have over $61,500,000 on July 1. Now, so far as operations is concerned, you can, of course, only determine what the net income from operations next year will be by comparison with what they have been in the past.

It is stated by the Shipping Board that during the first three months of this year the net income was $8,000,000. Now, while Mr. Gilian stated that was not a fair gauge of what might be made during the next fiscal year, because rates are falling, nevertheless if you assume that they will make as much money during the next fiscal year as they made during the first three months of this calendar year their income from operations next year will be $32,000,000.

Now, gentlemen, briefly to another point, because I have taken more time than I intended. There is one other provision

in this bill to which I make very serious objection, and that is the appropriation made for the Department of Justice for the detection and the prosecution of crimes. For the current year the Department of Justice has had for this purpose $2,600,000. The estimate submitted last fall was $3,500,000, but the Attorney General stated when he came before the committee that he had always had a record for economy, and he appreciated the importance of the very strictest economy and voluntarily reduced the estimate $1,000,000. He stated that he felt if he was given $2,500,000 for the prosecution of crime that he would be able to get along during the next fiscal year.

Now, the committee has recommended to the House that that estimate be further reduced and only $2,000,000 be appropriated. Now, I think that is a mistake. I believe we should allow the amount of $2,500,000, which, in itself, is a reduction of $1,000,000 from the current year. This money is used by the Attorney General in the prosecution of his campaign against anarchists and the radical agitators over the country. It is also used in the prosecution of profiteers and in the effort to reduce the high cost of living. It is also used for the detection and prosecution of all the other crimes upon the criminal statutes of the United States Government. Now, it seems to me right at this time, when this country is being beset from within by aliens who owe no allegiance to our Government and who are seeking to do all they possibly can to break down and destroy our Government that Congress ought not to adopt a policy which would indicate to them that we propose not to be quite so vigilant or so vigorous during the next fiscal year as we have been during the current year. We can not have domestic peace in this country until our Government has brought about the deportation of these radical agitators and aliens who are now engaged in efforts to break down and destroy our form of government. And so I believe that we ought to appropriate the full amount of $2,500,000 which was asked for by the Attorney General.

We are appropriating for the next fiscal year more than three times as much as we appropriated for the Army in 1916. We are appropriating more than four times as much as we appropriated for the Navy in 1916. We are appropriating something like $450,000,000 for the Navy and over $300,000,000 for the Army, and it is proposed in this bill, in the name of economy, to deny to the Attorney General $500,000, which he proposes to use in his prosecutions against these aliens who have come to this country and who are boldly flying the red flag with the purpose of breaking down and destroying our form of government. When this item is reached in the bill, I propose to offer an amendment restoring the appropriation, not to the amount asked for last fall but to the amount asked for now, which is two and a half millions, and which, as I said, is $100,000 less than was carried for the current year.

Mr. KNUTSON. If I understand the gentleman, he proposes to offer an amendment appropriating two and a half million dollars to deal with the dangerous aliens in this country?

Mr. BYRNS of Tennessee. No. The bill carries $2,000,000, and I propose to offer an amendment to increase it to $2,500,000.

Mr. KNUTSON. Is the gentleman aware of the fact that two departments of this Government, having to do with the prosecution and deportation of dangerous aliens, are working at cross purposes, and it is very doubtful, indeed, if this money could be utilized wisely, in view of that fact?

Mr. BYRNS of Tennessee. I have noticed what has been said in the newspapers, but I do not know just how far they are acting at cross purposes.

Mr. KNUTSON. If I may say to the gentleman, as a member of the Committee on Immigration and Naturalization, I have been looking into the matter, and it seems to me that the two branches of the Government should coordinate before we go to work and lavish any more money for this particular purpose.

Mr. DAVIS of Tennessee. Will the gentleman yield?

Mr. BYRNS of Tennessee. I yield.

Mr. DAVIS of Tennessee. I want to ask the gentleman from Minnesota, in line of those inquiries, if he does not approve the position taken by the Department of Justice in that controversy?

Mr. KNUTSON. I rather think we all do.

Mr. BYRNS of Tennessee. It is for the Department of Justice that I think this appropriation should be made, so that its activities along that line will not be curtailed. There has been no complaint, as I understand it, upon the part of anybody against the Department of Justice for not being vigorous and active in its efforts to run down the anarchists and the alien agitators. I noticed in the paper this morning a statement made before the Committee on Rules by the distinguished chairman of the Committee on Immigration and Naturalization, the gentleman from Washington [Mr. JOHNSON], in which he took occasion to say, or, at least, he was reported in the paper as having said, that the Department of Justice, in his judgment, had done its full duty.

Now, as to whether or not the other department, or any officer in that department, has failed to do his duty, I do not know, but the Department of Justice is not charged with the responsibility of finally passing upon these cases, but it has the responsibility of ferreting out these particular individuals. When we deny the $500,000, just to that extent we handicap the Attorney General in his efforts to put these agitators up to the Department of Labor, and have the Labor Department pass upon the question as to whether or not they ought to be returned to their own country.

Mr. KNUTSON. Does not the gentleman think that the Department of Justice has probably magnified the danger of the "reds" in this country in order to take the minds of the people off of the high cost of living and the administration's failure to deal with the problem?

Mr. BYRNS of Tennessee. I do not for a moment, and, if the gentleman will pardon me, I do not believe he does.

Mr. KNUTSON. I think they are using it as a red herring to drag over the trail.

Mr. BYRNS of Tennessee. I can not believe that the gentleman entertains those views. The gentleman knows that the Department of Justice issued 6,500 warrants for arrests, and 3,500 of those warrants were served. Those men were arrested. More than 500 cases have been passed upon by the Department of Labor, and 249 have actually been deported. The Attorney General deserves the thanks of the country for his able, fearless, and tireless prosecution of these insidious enemies of our country.

Mr. KNUTSON. If the gentleman will permit, my interest in the matter is purely economic and not political.

Mr. BYRNS of Tennessee. And as a result of the work of the Department of Justice, 249 anarchists, including Emma Goldman and Alexander Berkmann, were sent to Russia, and if we had not sent more than those two, I think this Government would have been well warranted in spending the sum of $2,500,000. [Applause.] I hope that this House, when the time comes, will vote to give the Attorney General the full amount which he says is necessary in order to enable him to conduct this campaign.

Mr. KNUTSON. Is there anything in this bill to give the Attorney General money with which to prosecute profiteers in sugar and other necessities of life?

Mr. BYRNS of Tennessee. This fund is available for that as well as for the other purpose.

Mr. KNUTSON. I am very glad to hear the gentleman say that.

Mr. BYRNS of Tennessee. Mr. Chairman and gentlemen, I have already consumed far more time than I intended, and I thank you for your very kind and patient attention. [Applause.]

Mr. GOOD. Mr. Chairman, I yield 45 minutes to the gentleman from South Dakota [Mr. JOHNSON].

Mr. JOHNSON of South Dakota. Mr. Chairman, in the few moments that are allotted to me I propose to discuss the adjusted compensation law for ex-service men and women and the methods of taxation that should be used to raise the necessary funds to carry into effect that statute, if it is enacted. In order to intelligently discuss the question it is necessary to go into some of the history that makes such a law necessary at the present time.

On the 6th of April, 1917, the Members of this House, in response to a request from the President of the United States, cast their vote upon a resolution declaring war against the Imperial German Government, and by an overwhelming vote decided for war. In that resolution was a declaration that "to bring the conflict to a successful termination all of the resources of the country are hereby pledged by the Congress of the United States." So far as I have been able to learn, this is the only time that such a declaration, stating that not only all of the men but all of the money and means of making money were formally pledged to a successful termination of any war, has ever been made. Later on, in May, 1917, after a bitter fight in this House, led on the one side by the gentleman from California [Mr. KAHN] and on the other side by the gentleman from Missouri [Mr. CLARK], the youth of the country was, in accordance with the declaration of war, conscripted to fight on the field of battle the war into which we had entered.

It is not my purpose to discuss our reasons for entering the war or any feature of it. Consistently upon the floor of this

House and every other place I have refused to enter into any discussion of the conflict, leaving that to others more familiar with it, who could discuss it perhaps from a standpoint unbiased by participation in it.

I only discuss it to bring to the attention of the House the fact that every man that did participate in the war came out with certain convictions based upon his experience. They have those convictions, and it is useless to discuss with any man anything upon which he has made up his mind by reason of experience gained in the war. He will not change. The resolution is mentioned only because, from April 6, 1917, the path which we pursued during the war, and must pursue after its conclusion, was laid down so that every man and every corporation had full notice served as to what might be expected from them. Every individual, upon the passage of that resolution, knew that he could be called upon even to his life to fight the battles of the country, and every man and corporation knew that the call might be made for every dollar of his or its property to carry on the struggle. It was assumed that not only physical but monetary sacrifices would eventually be made, and they were made during the war by the great majority of the people of the United States. From the days of Cantigny to the days of the Meuse-Argonne fight men willingly and cheerfully walked through terrific artillery barrages into intensive machine-gun fire; cheerfully braved the dangers of airplane raids and of poison gas, feeling that when they returned to the United States they would find that the spirit of the declaration of war had been carried out, that equal sacrifices would have been made by those who remained at home, and that the soldier would have an equal opportunity with the noncombatant citizens of the country to make a living and receive the benefits, if any, that came from the war. It had been stated by one high in authority that "politics was adjourned," and the average soldier, deprived by rigid censorship from any knowledge of conditions in the United States, assumed that the declaration was made in good faith. On their return to this country, however, it was quickly demonstrated that the financial resources of the country, pledged by the Congress of the United States to a successful termination of the war, had not been given to it, although ample opportunity had been offered to the President, the Cabinet, and the Congress to see that that was done, and as a consequence there has been an unrest among ex-service men that is reflected in the battle in this Congress to try to adjust the profits and compensation of combatants and noncombatants. The issue has been clouded by bitter partisan discussion on the floor of this House by an attempt of leaders of the Republican Party to claim and demonstrate that they are the only friends of the ex-service man, and by the partisan attacks of Democratic leaders to lead the ex-service men to believe that they are the only ones who have stood up for their privileges and emoluments. The discussion has degenerated into such a verbal battle as might be expected between two small children, representatives of each party abusing members of the other party and refusing to enter into a cold-blooded discussion of the facts that should govern our action.

Many Members of this House have participated in the debate, and most of them have made statements which they will later regret. Personally I shall waste little time in the use of personalities upon this floor, because a great issue is involved which I desire to discuss, and the personalities of the men who agree or disagree with me, like all of us, will be soon forgotten. The charge inferentially made by the gentleman from Iowa [Mr. GREEN], that those of us who desire to tax war profits and war incomes are demagogues, should be cast aside as lightly as the inferential charge made by the gentleman from Illinois [Mr. RAINEY], that the members of the Republican steering committee represent corporate wealth. Those charges are unworthy of the gentlemen who made them. The facts are that members of my party on this side of the House are extremely anxious to claim for themselves all of the brains, integrity, and virtues that belong to the country as a whole, and members of the Democratic Party on that side of the aisle are anxious to show that they are high-mindedly seeking the good of the American people and are opposed in their endeavors by members of the Republican Party. That attitude assumes a lack of intelligence on the part of the people of the United States and only infantile ability for the men who fought for the Government during the late war and who will be the beneficiaries of this legislation if it is enacted. None of us will for one moment fool or delude the ex-service man and woman of our late war, and however much any of us may talk we will not escape the judgment of those who must pay the taxes which the law will make necessary. From December, 1918, to the present time ex-service men have believed that by reason of legislation they were discriminated against financially as compared with those who remained at home in civil life, and that discrimination to-day must be admitted. At that time and for many years previous the Democratic Party was in power, and if service men and women were discriminated against it was because of legislation for which that party was responsible. They can escape no responsibility until March 4, 1919, when the Republican Party came into power. If the discrimination was permitted to continue, the responsibility is upon the Republican organization, and no words that any of us may use can help us escape that responsibility. Very painfully have many Members of this House who have never fought in any war in which our country was engaged, and men belonging to both political parties, agreed that an adjusted compensation law must be passed, and there will be no party division as to the form of that law. The fight originally in this Congress was to make men see that an adjusted compensation law should be passed and that fight is won. With the exception of a very few courageous men who have strong convictions and are not afraid to state them, the membership of this body, regardless of their political beliefs, are publicly espousing the cause of that kind of a law.

I say courageous advisedly, because some politics must enter into the discussion of any law. I can recall one man—one of the most valuable Members of this House, the gentleman from Iowa [Mr. GOOD]—who has consistently fought for economy in government, and who has just as consistently led the fight for things that would benefit the service man. He introduced the amendment and fought for the law which increased the compensation of enlisted men from $15 to $30 per month, as shown by page 2390 of the CONGRESSIONAL RECORD for May 16, 1917; he introduced and fought for an amendment which would exempt service men from a portion of their income tax. On the floor of this House and on every occasion, publicly and privately, he has fought for laws that would afford hospital facilities for the sick and wounded and provide for the families and dependents of men who entered the service. There has been no more consistent friend of the service man than that gentleman in any Congress; and, while I disagree with him on the particular statute under consideration, I know that when the rolls are all made up the men who fought will recognize their obligation to him and admire and respect his courage.

The same thing might be said of the gentleman from Wyoming [Mr. MONDELL], with whom it is well known I have radically disagreed on several occasions. You may be certain that that gentleman will tell you the same thing in his room at the Capitol that he would tell you in a Republican conference or on the floor of the House; and I know the ex-service men, in discussing that gentleman, would say that he has the courage of his convictions. I know that is the record.

Agreeing that the law must be and will be passed, we may therefore ignore temporarily all of the provisions of the statute except that which involves taxation. As was said, the Democratic Party has been in power while the money was raised to conduct the war; the responsibility belongs to that party. If huge fortunes have been piled up—and they have been—that party is responsible. Regardless of what gentlemen on the Democratic side of the House may say, every opportunity has been given by votes on the floor to see that the spirit of the declaration of war, pledging the financial resources of the country to its conduct, should be carried out.

On May 18, 1917, as shown by the CONGRESSIONAL RECORD, commencing at line 11, on page 2547, the gentleman from Iowa [Mr. GOOD] offered an amendment to increase the excess-profits tax 30 per cent for the calendar year 1917 and every calendar year thereafter; and I shall insert his amendment and his remarks thereon at that time and the table of net profits of American industrial corporations for the years 1913, 1914, 1915, and 1916, which he had prepared.

Mr. Chairman, as I desire to quote from the RECORD and will not have the time to read all the questions, I ask unanimous consent that I may extend my remarks.

The CHAIRMAN. The gentleman from South Dakota asks unanimous consent to extend his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. JOHNSON of South Dakota. One would think to read the remarks of the gentleman from Iowa [Mr. GOOD] that he could look into the future and see the problem we were going to be compelled to meet in this Congress. It would be well for the Members of this House to read the things he said on the floor of this House immediately after the declaration of war.

If we had followed his advice we would not have this situation to-day. I will quote from him.

Mr. GOOD said:

Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

"Amendment by Mr. GOOD: At end of line 22, page 8, insert a new section, as follows:

"'SEC. 205. That in addition to the taxes under existing laws and in addition to the taxes imposed by section 200 hereof, there shall be levied, assessed, collected, and paid a like excess-profits tax of 30 per cent in the calendar year 1917, and every calendar year thereafter, by every corporation, joint-stock company or association, insurance company, and partnership, on that portion of the net profits of any such corporation, joint-stock company or association, insurance company, and partnership in excess of the normal profits of any such corporation, joint-stock company or association, insurance company, and partnership. That in determining the normal profits of any corporation, joint-stock company or association, insurance company, and partnership, the Commissioner of Internal Revenue shall take the net profits of any corporation, joint-stock company or association, insurance company, and partnership for the years 1912, 1913, and 1914, and the average net profits for said years shall constitute the normal profits of any such corporation, joint-stock company or association, insurance company, and partnership. The Commissioner of Internal Revenue shall make due allowances for any and all additions to or reductions in the capital invested after January 1, 1915, by any corporation, joint-stock company or association, insurance company, and partnership, on the basis of 8 per cent per annum. In determining the normal profits of any corporation, joint-stock company or association, insurance company and partnership not engaged in business during any or all of the years of 1912, 1913, and 1914, the Commissioner of Internal Revenue shall in the manner above prescribed ascertain the normal profits of any such corporation, joint-stock company or association, insurance company, and partnership during such time as any such corporation, joint-stock company or association, insurance company, and partnership was engaged in business prior to January 1, 1915; that the normal profits of any corporation, joint-stock company or association, insurance company, and partnership organized subsequent to January 1, 1915, shall be deemed to be 10 per cent on the capital invested: *Provided, however*, That if the net earnings of any such corporation, joint-stock company or association, insurance company, and partnership shall be less than 10 per cent per annum on the capital invested then, and in that event, an additional tax shall be levied by this section.'"

Mr. GOOD. Mr. Chairman, if the amendment I have offered is adopted, quite a number of the oppressive provisions of this bill that impose purely consumption taxes may be eliminated. If adopted, many of the taxes imposed on legitimate industry may be greatly reduced. We are all agreed that we must finance this war, but in financing it we ought to adopt some general comprehensive plan that will reduce the burden on the great mass of our people to the minimum. The plan should be so comprehensive that it would afford a minimum of hardship to legitimate industry. It should at the same time place as much of the burden as possible on those who make abnormal profits out of the war. I believe the English system of taxation for financing the war is conceded by 75 per cent of the membership of this House to be far better than the system here proposed in this bill.

The amendment I have offered will accomplish this and only this: It does not place a penny of additional tax on normal profits. It imposes an additional tax of 30 per cent on war profits. It taxes war profits only. In order to make the amendment harmonize with the text of the existing law and the provisions of this bill, I have designated these profits as excess profits, or profits in excess of normal profits. The amendment can best be understood by applying its provisions to a given case. Take a concern like the Hercules Powder Co., for example. Last year that concern had a net profit of $16,658,873. Under this amendment, if adopted, the Commissioner of Internal Revenue will ascertain what the normal profits of the Hercules Powder Co. were during the three years before the war—that is, for 1912, 1913, and 1914. The normal profits of that concern for those years was, in round numbers, $1,000,000 per year. The amendment does not propose any tax on those normal profits of $1,000,000, but in ascertaining the amount of the tax the Commissioner of Internal Revenue would subtract $1,000,000, the normal profits, from the abnormal profits of $16,658,873, made in 1916. He would find that the Hercules Powder Co. for 1916 had a war profit of $15,658,873. On this he would compute a tax of 30 per cent, and out of these war profits this concern would be compelled to pay to the Government $4,697,661.90. Is there any injustice in such a tax? Would any hardship result from the imposition of such a tax? Would a single man, woman, or child in the United States be compelled to wear poorer clothing or to eat less food because of such a tax? The hardship and suffering through the imposition of such a tax would be reduced to the minimum. No person in this time of stress should be allowed to make and retain a profit like that. My amendment, if adopted, would take 30 per cent of the war profits of every person and every corporation in the United States to support the war. That is what the English system does. Only under the English law to-day they take 80 per cent of the war profits to support the war.

This was in 1917. The gentleman from Iowa [Mr. GOOD] said:

Think of it. This bill imposes only a normal tax on that corporation. It proposes to take no more of the war profits of that corporation than it does of the corporation whose profits have not increased a dollar because of the war. We put a tax on telephone bills, on heat bills, on electric-light bills, water bills—purely consumption taxes—and everyone knows that in these times of stress the bills of the ordinary consumer are more than he can bear. But it is not proposed at all to reach out and make an exception of the class that profits because of the war. These war profits exist all over the country. Men are ambitious to make money, and their avarice too often permits them to raise the prices of the necessaries of life. And if this amendment is adopted it will tend to regulate prices and at the same time it will reach those same large concerns that have been engaged in making a horizontal increase, not only in war supplies but in the necessaries of life, and it will take 30 per cent of their war profits to support and carry on the war.

Then the gentleman from Iowa [Mr. GOOD] inserted his table of profits, as follows:

Net profits of American industrial corporations.

[Figures shown are the net profits earned for the stockholders after deducting cost of materials, labor, depreciation, overhead, interest, and all other charges. All figures are official, having been taken from the companies' annual reports.]

Corporation.	1916	1915	1914	1913
American Can Co.	$7,962,982	$5,029,273	$2,916,339	$4,376,173
American Smelting & Refining Co.	23,252,248	14,402,732	9,271,565	9,756,540
American Hide & Leather Co.	1,643,266	959,974	107,205	475,518
American Beet Sugar Co.	2,445,189	1,424,654	452,074	881,055
American Locomotive Co.	10,769,429	[1] 1,491,980	2,076,127	6,185,303
American Steel Foundries Co.	3,418,057	[1] 219,574	[1] 231,481	1,033,592
American Woolen Co.	5,863,819	4,080,865	2,788,602	[1] 1,179,791
American Writing Paper Co.	2,524,378	[1] 126,956	[1] 108,310	[1] 229,190
Armour & Co.	20,100,000	11,000,000	7,509,908	6,028,197
Atlas Powder Co.	2,939,790	1,671,762	294,150	322,838
Baldwin Locomotive Co.	5,982,517	2,827,816	359,230	4,017,800
Bethlehem Steel Corporation.	43,593,968	17,762,813	5,509,020	5,122,708
Barrett Co. (American Coal Products Co.).	4,247,858	2,482,236	1,280,476	1,835,811
Brown Shoe Co.	1,467,757	240,322	495,890	710,464
Central Leather Co.	15,489,201	5,626,897	4,876,924	4,388,345
Colorado Fuel & Iron Co.	2,201,171	[1] 334,611	[1] 905,968	1,727,192
Crucible Steel Co.	13,223,655	3,073,750	1,015,039	4,905,886
Cuban-American Sugar Co.	8,235,113	5,594,048	2,705,723	356,887
E. I. du Pont de Nemours Powder Co.	82,107,693	57,257,308	4,831,793	4,582,075
General Chemical Co.	12,286,826	5,958,746	2,857,898	2,809,442
Hercules Powder Co.	16,658,873	4,886,102	1,247,255	1,017,212
International Agricultural Corporation.	1,279,832	[1] 160,022	84,908	[1] 161,493
International Nickel Co.	11,748,279	5,598,072	4,792,665	5,009,120
Lackawanna Steel Co.	12,218,234	2,409,108	[1] 1,652,444	2,755,883
Morris & Co. (packers)	3,832,213	2,321,415	2,205,672	1,916,997
National Enameling & Stamping Co.	2,417,803	913,742	548,756	761,274
New York Air Brake Co.	8,214,962	1,343,285	641,046	654,512
Phelps-Dodge Corporation.	21,974,263	9,720,475	6,654,839	7,907,710
Pittsburgh Steel Co.	4,564,068	858,160	416,551	1,193,660
Railway Steel Spring Co.	3,710,805	1,363,229	374,454	1,121,668
Republic Iron & Steel Co.	14,780,163	3,515,819	1,028,748	3,101,300
Sloss-Sheffield Iron & Steel Co.	1,912,624	522,388	490,139	678,466
Swift & Co.	20,465,000	14,087,509	9,450,000	9,250,000
Texas (Oil) Co.	13,898,861	6,393,327	6,185,794	6,963,123
United States Steel Corporation.	271,531,730	75,833,833	23,496,768	81,216,985
United States Cast Iron Pipe Co.	1,308,441	[2] 381,387	[1] 59,868	564,427
United Fruit Co.	11,943,151	5,900,523	2,264,911	5,315,631
United States Industrial Alcohol Co.	4,884,587	2,172,013	653,264	652,353
United States Smelting, Refining & Mining Co.	8,898,464	6,502,324	2,265,641	3,535,588
Westinghouse Air Brake Co.	9,306,103	1,575,839	3,482,994	5,255,259
Westinghouse Electric & Manufacturing Co.	9,666,789	2,009,744	4,058,809	3,164,032
Wilson & Co. (packers)	4,913,873	2,463,732	[2] 1,511,528	1,364,245
Total	729,983,235	292,588,355	124,242,776	204,233,749

[1] Deficit. [2] 19 months. [3] 15 months.

The table submitted by the gentleman from Iowa [Mr. GOOD] absolutely checks up with the tables submitted to the Senate on April 24, 1920, by the Senator from Kansas [Mr. CAPPER], whose remarks are shown on pages 6109 to 6111 of the CONGRESSIONAL RECORD of that date. Both of these gentlemen, the gentleman from Kansas [Mr. CAPPER] and the gentleman from Iowa [Mr. GOOD] called attention, three years apart, to the profits of the American Hide & Leather Co., to the profits of the Central Leather Co., to the profits of the Crucible Steel Co., to the profits of the General Chemical Co., and to the profits of the National Enameling Co. The gentleman from Iowa [Mr. GOOD] showed the profits that would be made and desired us to adopt the tax. The gentleman from Kansas called attention to the profits that had been made and desired us to adopt the tax. It ought to be recognized by Members of this House that when we pass legislation in this House it may be defeated in another legislative body, but that it will not be defeated when there is a man like the gentleman from Kansas in another legislative body, in a fight which Members who engaged in the argument with him will never forget.

On April 24, 1920, the gentleman from Kansas [Mr. CAPPER] said in the Senate in submitting profit figures:

Profits have been made by Continental Oil, 200 per cent; United Fuel Gas, 200 per cent; Ohio Fuel Supply, 100 per cent; Nonquit Spinning Co., 100 per cent; Amoskeag Cotton Manufacturing Co., 100 per cent; Stutz Motors, 100 per cent; Nashua Manufacturing Co., 100 per cent; American Tobacco Security Co., 75 per cent; Manomet Mills, 55⅝ per cent; Hood Rubber Co., 66⅔ per cent; Crucible Steel, 50 per cent; Cleveland-Akron Bag, 50 per cent; Union Bag & Paper, 50 per cent; Auto-Car Co., 40 per cent; John R. Thompson Co., 33⅓ per cent; St. Maurice Paper Co., 30 per cent; F. W. Woolworth, 30 per cent; Electric Welding of Boston, 25 per cent; Delaware & Cleveland, 25 per cent; Hawaiian Pineapple Co., 25 per cent; Electric Welding Co., 25 per cent; General Chemical Co., 20 per cent; American Multigraph, 20 per cent; Truscan Steel, 20 per cent.

The Standard Oil Co. of Indiana has recently increased its capital from $1,000,000 to $30,000,000, giving its stockholders a stock dividend of 2,900 per cent.

Also, it is instructive to learn that the National Candy Co.'s earnings last year showed an increase of 545 per cent over 1915; that Burns Bros., the largest retail coal dealers in the United States, made a net profit of 40 cents a ton, against 23½ cents in 1916; that the earnings of the United Drug Co., doing a business of $50,000,000 annually, were 242 per cent greater than 1916; that the American Ice Co., which cuts ice by the millions, but not profits, has in the last four years increased its earnings 283 per cent; that the International Cotton Co., doing nearly $8,000,000 worth of business last year, made 39 per cent more money, although it sold 20 per cent fewer goods; that the Pacific Mills' output of cotton and worsted dress goods produced 34 per cent more profit than in the year before the war; and that the excess-profit surplus of United States Steel—the surplus remaining after dividends—has aggregated nearly $500,000,000 in the last five years, although $315,000,000 was spent on improvements.

These patriotic melon raisers, who have made their millions and billions during and since the war, now are urging that the soldiers' bonus be raised by a 1 per cent tax on sales to be paid on every dollar spent by every man, woman, and child in the country, including the ex-service men themselves. Mr. President, I shall favor placing this tax right where it belongs—on war profits—and taking from these huge stock dividends, from excess war profits, and from the profiteers, all that is needful to compensate the men who sacrificed themselves instead of their country, or their countrymen, in time of war.

During the coal strike, while zero cold and privation threatened the people, the price of crude oil shot up nearly 300 per cent, and still is rising. The oil men have the same golden rule as the lumbermen and the sugar barons, namely, their price limit is all they can compel the consumer to pay, and they are scientific compellers. There is none more compelling. They have boosted oil from 40 cents, in 1915, to $3 a barrel and higher, a gain of more than 650 per cent; and while prices are being screwed up a notch or two more "to encourage production" their wives are importing $250,000 works of art from Europe and stopping at no extravagance at home.

The papers told yesterday of a Texas oil company that is expected soon to cut a 400 per cent stock-dividend melon. Each stockholder will be permitted to buy one new share at $100 for every share of old stock he holds. The old shares are now quoted at $850, having risen to that figure from a par value of $100.

It is said the poor man's luxury is tobacco. Its use is so general that it is even considered a necessity by many persons. It is interesting to note in this connection that the contribution to good government of the Tobacco Products Corporation is a dividend balance showing a rise of 1,547 per cent over its 1914 profits, which the smoker had to pay or go without this solace.

Smokers generally will be interested in learning that the General Cigar Co., which in 1906 acquired the property and business of the old United Cigar Co., amassed a net income of nearly 34 cents on each dollar of its sales in 1917, and in 1919 this had grown to almost 38 cents, notwithstanding nearly all 7-cent cigars in the market have recently been advanced to 8 cents retail.

Other upholders of government and befrienders of the poor are the American Hide & Leather Co., whose profits for 1919 were more than three and one-half times larger than those it gained in 1914; the Central Leather Co., whose 1919 profits more than doubled those of the same months in 1918; and the Endicott-Johnson Shoe Manufacturing Corporation, whose profits rose from $2,174,430 in 1915 to $9,791,580 in 1919.

In terms of dividends on its common stock, last year's profits of the American Hide & Leather Co. increased from 44 cents a share in 1915 to $15.52 a share in 1919, or thirty-five times the earnings it distributed in 1915, and they were ample.

During the first nine months of the same year, while the Government was hunting high and low for rampant profiteers, and the price of shoes was steadily going higher and the price of hides was as steadily going lower, the net earnings of the Central Leather Co. increased 55 per cent, or about 103 per cent over the average nine months of 1918. Its accumulated surplus rose from seven and three-fourths millions in 1914 to thirty and one-fourth millions in 1919. Yet despite these swollen profits the public is being warned that shoes are going to cost more instead of less.

Mr. President, for four years wheat farmers, as a whole, have little more than broken even. The size of the American loaf has been reduced for the first time in history, and the price has been nearly doubled. But the net profits of the 15 plants of the Standard Milling Co. have been increased 100 per cent, but not because of increased wages and taxes.

The National Enameling & Stamping Co. makes kitchen ware. Prior to the war it successfully met the severe competition of Germany and earned a fair return on its investment. In three recent years it has run up its net profits 326 per cent, because it could hold up American housewives and there was no one to say it nay. A Wall Street report says this company earned in the month of January alone enough to pay all its fixed charges and preferred dividends for the year. Here is a fine example of unmitigated, overreaching greed.

I have recently received a letter from Lakin C. Taylor, of the Pittsburgh Tin Plate & Steel Corporation. The Pittsburgh Tin Plate & Steel Corporation, with plants or offices in Pittsburgh, New York, Philadelphia, Chicago, Baltimore, Rochester, Cleveland, Buffalo, Cincinnati, Columbus, Albany, Newark, Toledo, and Syracuse, offers to sell me or my friends some of the Pittsburgh company's stock. It writes me under date of March 27 last that additions planned for its mills should increase present earnings over 300 per cent. And, as if this were not sufficiently inviting, points out that "every operating tin-plate and sheet-steel mill has made enormous fortunes for its stockholders, many of their common shares selling at 1,500 per cent premium.

"A similar steel company," so the letter relates, "organized by the head of this corporation earned 77 per cent last year, and the holders of the common stock made a profit of over 1,000 per cent."

Here is one profiteer who cheerfully admits it in writing on his own letterhead sent through the United States mails, which guarantees the facts in that letter are as stated, as the mails of the United States can not be used to defraud. I respectfully refer these facts to the Attorney General.

Profits of the American Sugar Refining Co. were confessedly $15,000,000 for 1919, compared with $12,000,000 for the preceding year, although this corporation's share of the business in the United States has dwindled from 60 per cent in 1900, when it had virtually a monopoly, down to 27 per cent.

During the last few years the sugar companies have declared stock dividends from surplus profits aggregating millions—on which Uncle Sam must now refund income taxes—besides regular and excessive cash dividends. Even the earnings of the American Beet Sugar Co. are expected to show profits of $15 a share for 1919, compared with $6 the preceding year. And sugar is taking another leap skyward, probably to increase the billion of dollars to be exacted in higher profits this year from the American people. Meanwhile sugar imports from Cuba exceed the capacity of the refineries.

Mr. President, the humble banana, controlled by the United Fruit Co., with its fleet of 28 ships, has become a kingly profiteer. Its net earnings for 15 months, ending December last, equal 40 per cent on fifty millions of stock outstanding, rounding up a surplus for the last 51 months equal to nearly 122 per cent. If ten millions set aside as a war-risk reserve fund are added, the total surplus that the United Fruit Co. has piled up within the last four years would amount to 141 per cent. I leave it to you to judge whether it is an unwarranted or a harsh use of words to call this corporation an unmitigated price pirate and profit gouger.

To be complete, a list of examples in profit extortion would include a great many other corporations in the United States. The few that have been cited, and the situation of the people, are sufficient to indicate the magnitude of this menace to our efforts to reach sounder and saner times.

These figures ought to have convinced any man in 1917 or ought to convince any man in 1921 that war profits should and must be taxed.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of South Dakota. I yield to the gentleman.

Mr. KNUTSON. These figures were all on file down at the Revenue Department, were they not, and therefore accessible to this administration, and yet no attempt was made to apprise Congress of the abnormal profits being made out of the war, so that this Congress could tax them?

Mr. JOHNSON of South Dakota. I think it is but fair to say that they were printed in the RECORD by the gentleman from Iowa [Mr. GOOD] on May 18, 1917, and they have been on file in the Internal Revenue Department all these years, and, of course, the present administration must have been familiar with the facts and should be chargeable with notice in any event.

Mr. KNUTSON. I am speaking of the profits made during the time we were in the war. Of course, we were just entering the war at the time the gentleman from Iowa offered his amendment.

Mr. JOHNSON of South Dakota. Of course, these figures have been put in whenever an income or excess-profits tax return was filed.

Mr. HARDY of Texas. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of South Dakota. Yes.

Mr. HARDY of Texas. They have been before the Members on both sides of the aisle all the time?

Mr. JOHNSON of South Dakota. Yes; I think it is fair to say that they have been before Members on both sides of the aisle all the time, and that the Democratic Party is chargeable with legislation up to the time they went out of power, and that the Republican Party is chargeable from that time on. And at the present time, leaving politics out of discussion, I resent the action of a Member in mixing up a law affecting the ex-service men with a political discussion. I know the gentleman from Texas [Mr. HARDY] would not do that any more than would the gentleman from Minnesota [Mr. KNUTSON]. [Laughter.]

Now, Members of the Democratic Party, aided by the gentleman from Iowa [Mr. GREEN], led the fight on the floor for the rejection of the Good amendment, and was surprised and astonished at the desire of the gentleman from Iowa [Mr. GOOD] to tax excess profits and prevent this exorbitant piling up of wealth by individuals and corporations, and he is now surprised that we should attempt to secure any part of it to adjust the compensation of men who fought.

Mr. HENRY T. RAINEY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from South Dakota yield to the gentleman from Illinois?

Mr. JOHNSON of South Dakota. Yes.

Mr. HENRY T. RAINEY. Did I not understand the gentleman from Iowa [Mr. GREEN] to say the other day that he always voted for the highest rate? Do I understand the gentleman from South Dakota now to say that Mr. GREEN opposed Mr. GOOD's proposition?

Mr. JOHNSON of South Dakota. I will say to the gentleman that the gentleman from Iowa [Mr. GREEN], as shown by the RECORD when this Good amendment was up, spoke as follows, saying:

Mr. Chairman, I am surprised and even astonished at my colleague [Mr. GOOD] in offering this amendment.

Then he gave his reasons for taking that attitude.

Now, the gentleman from Iowa [Mr. GREEN] did not accuse the gentleman from Iowa [Mr. GOOD] of being a demagogue, as he accuses us now, but by joining with the Democratic majority at that time he defeated the attempt to tax excess profits, as shown by the vote on the Good amendment on page 2552 of the RECORD for May 18, 1917, when it was defeated by a vote of 42 ayes to 103 nays.

Now, it does not come with good grace for members of the Democratic Party at this time to contend that they and they alone wished to tax exorbitant profits, when on the 18th day of May, 1917, when they absolutely controlled this House, they joined with a few Republicans and defeated an amendment which would have taken the profits at the time they were made, have avoided this discussion at the present time, and prevented the piling up of exorbitant fortunes and much of the Great War debt which we have. Different newspaper writers have referred to the fight which we are making against the sales tax and for a war-profits tax as an "insurgent movement." The RECORD does not bear out that statement. At the time this matter was being discussed, as shown on page 2550 of the RECORD for May 18, 1917, the gentleman from Wyoming [Mr. MONDELL], now the majority leader of this House, was strenuously in favor of taxing war profits, and as the majority leader to-day he is still in favor of that method of taxation and not a sales or consumption tax, unless he has completely reversed his position. At that time Mr. MONDELL said, on page 2548 of the CONGRESSIONAL RECORD:

I should like to have five minutes on the other side—

Referring to the viewpoint I take to-day.

On page 2549 he said:

I am not against the amendment, but I desire to have five minutes.

On page 2550 he said:

Mr. Chairman, the gentleman from Iowa [Mr. GREEN], a member of the committee, attempts to answer the argument in behalf of the amendment offered by his colleague [Mr. GOOD] by saying that the English system is complex and that he had difficulty in applying it to our situation.

Now, his colleague has shown the House how easy it is for a Yankee to take the basic principle of the English law and write his provisions in a brief paragraph not complicated and easy of execution. The fact is the amendment offered by the gentleman from Iowa [Mr. GOOD] should take the place of the present excess-profits law and the excess-profits tax in this bill, because while our present law is rather illogical and not entirely equitable, the proposition of the gentleman from Iowa is logical and equitable. There should be no war tax on normal profits. We reach normal profits through the income tax, and the only war tax that should be placed on profits is a war tax on abnormal, unusual, excessive profits, and that is what this amendment proposes to do. It would lay no tax at all on a profit that was entirely normal and usual—usual to the business. It would lay no tax on any profit less than 10 per cent, but above the normal, and above 10 per cent it would do what the English law does—lay a heavy tax for the purpose of reaching those who are making abnormal profits out of the war.

There are various sorts of corporations making unusual and abnormal profits out of the war situation. Whether they are doing so under conditions in restraint of trade I do not know. Evidently the Attorney General does not know. He has not been able to find out. No one has been punished for that sort of thing. But we all know that the prices of the necessities of life have advanced steadily day by day, and some people are making enormous and abnormal profits out of those rises in price.

Those are the classes of profits that ought to be reached, and they are not the classes of profits that are reached by any of the provisions of this bill. The excess-profits tax, so called, in this bill is not an excess-profits tax at all. It is simply a plain, ordinary, everyday direct profits tax. A profits tax should be a tax on excess profits, unusual and abnormal profits.

I might say, as a matter of fact, that the Attorney General apparently has never been able to find out that exhorbitant profits were being made, although he had notice served on him on May 18, 1917, that such profits were then being taken. Mr. MONDELL made the statements in 1917 that prove my contention that if he opposes our plan of taxation now he is the one that is insurging, and not myself, because this is his original plan and I simply adopt it. It was the Republican plan in 1917, and I assume that it is to-day. If it is not, it would be a peculiar situation that Republican majority leaders, sound Republicans, would advocate one thing when the Democrats are in power and then advocate something else because they themselves happen to get into power.

The RECORD conclusively shows that the Republicans, when we were out of power, led by the gentleman from Iowa [Mr. GOOD] and the gentleman from Wyoming [Mr. MONDELL], were in favor of the system which I advocate now, and I hope it can never be said that the Republican leader of this House is for one thing when the Democrats are in power and another thing when the Republicans happen to control. As a matter of fact I never will believe that the gentleman from Wyoming [Mr. MONDELL] is opposed to our plan of taxation and has reversed his position until he takes the floor and states his reasons for the reversal of position. Both he and the members of the steering committee have been accused of fighting an excess-profits and war-income tax, but until I hear a simple, declarative sentence from them I shall refuse to believe the charge.

At the time this so-called Good amendment was before the House it was opposed by the gentleman from North Carolina [Mr. KITCHIN], who was the recognized Democratic leader of the House at that time and to-day, and a reading of the pages of the RECORD referred to and those immediately following will not show that the voice of the gentleman from Illinois [Mr. HENRY T. RAINEY] or the voice of the gentleman from Texas [Mr. GARNER] were ever raised in favor of the Good amendment and against the statute which has allowed the creation in this country of 23,000 war millionaires and 69,000 men who have accumulated in profits more than $3,000,000,000. In other words, all this talk that we have had in the last few days with reference to this tax has been political "bunk" by some Republicans who want a political advantage and by Democrats who are seeking the same thing.

I am firmly of the opinion, in fact I know, that a good many Democrats, whose names I shall not mention at this time because I do not believe in personalities unless I am attacked, are doing everything that they can to defeat the adjusted compensation law and would tack any amendment on it that they could which would insure its defeat. I asked the minority leader, Mr. CLARK, the other day if he could assure me that the Democrats would support the tax measure we have been discussing, and I believe he will whip them into line, but a great many of them will be whipped into line because they do not believe we can secure enough votes on the Republican side to write our views into the statute.

As further evidence of the fact that it is not myself and those associated with me who are insurgent, permit me to call attention to the remarks of the gentleman from Ohio, Dr. FESS, as found on page 2552 of the RECORD of May 18, 1917, who stated as follows:

Now, if that result can be reached by refusing to put an excess-profits tax on all the businesses of the country, but rather confine it to a high rate on these businesses making great profits out of the war, as in England, it seems to me it is equitable, it is just, and I do not think that it is an unwise discrimination because of the great emergency. And if the committee is not ready to make some such recommendation in the light of what England has accomplished under the great stress of the World War, to rewrite this particular provision which puts 16 per cent on all businesses, whether augmented profits from war or other reasons, rather than to fix the high per cent on those businesses prospering from the war, then I frankly say I am ready to vote to recommit the bill—send it back to the committee with instructions to bring it in with this war excess-profits provision thoroughly worked out. It is a source of great revenue without great disturbance at a time of great emergency.

This ought to make it apparent to the country and the Members of the House when the matter comes up before the House for discussion that we should have the support of the gentleman from Wyoming and the gentleman from Ohio [Mr. FESS], and all of these men who, if they take any other attitude than the one they have advocated, would themselves be the insurgents and we would be the regulars. [Laughter.]

Mr. STEENERSON. Will the gentleman yield?

Mr. JOHNSON of South Dakota. Certainly.

Mr. STEENERSON. The statement has been made that the income-tax returns are accessible to Members of Congress. I think that is a mistake. They are accessible by reason of the fact that the Senate in July, 1918, passed a resolution asking for this information, and it is published in Senate Document 259. I would like to have the gentleman insert the letter of transmittal written by Secretary McAdoo giving the information.

Mr. JOHNSON of South Dakota. I am glad the gentleman from Minnsota has given that information, and shall be glad to insert it in the RECORD at this point.

The letter is as follows:

Letter of transmittal.

TREASURY DEPARTMENT,
Washington, July 5, 1918.

Hon. THOMAS R. MARSHALL,
President of the United States Senate.

MY DEAR MR. PRESIDENT: I have the honor to refer again to Senate resolution 253, receipt of which was acknowledged by my letter of June 8. The resolution reads as follows:

"*Resolved*, That the Secretary of the Treasury be, and he is hereby, directed to furnish the Senate with the following information:

"First. Any and all facts, figures, data, or information now in possession of the Treasury Department relative to profiteering which would in any way enable Congress to deal with the matter either through the present proposed revenue legislation or through enactment of more effective criminal statutes. That such report shall contain a list of all corporations, with the amount of their earnings, which have earned in excess of 15 per cent on their capital stock, as shown by their returns to the Internal Revenue Bureau for the calendar year 1917, accompanied by such statement as will show net earnings of the same corporation for the calendar year 1916.

"Second. The figures showing the amount of money which the Government has raised up to this time since the beginning of the war by taxation and the amount which it has raised by loans."

The information submitted herewith in response to the first paragraph of the resolution was obtained from the income and excess-profits returns of 31,500 of a total of approximately 55,000 corporations in the United States which in the calendar year 1917 earned 15 per cent or more on their capital stock. The corporations included in the list are believed to be representative, as some are included from each of the major groups and most of the minor groups representing the various recognized industries, trades, and occupations comprising the business activities of the country.

The information called for by the second paragraph of the resolution is printed on pages 387–388.

Respectfully,

W. G. MCADOO, *Secretary.*

Mr. JOHNSON of South Dakota. Those three gentlemen—the gentleman from Wyoming [Mr. MONDELL], the gentleman from Ohio [Mr. FESS], and the gentleman from Iowa [Mr. GOOD]—stated the Republican view, while the gentleman from Iowa [Mr. GREEN] and those in control of the Democratic Party stated and abided by the Democratic theory.

Cutting out the politics in this discussion we get to this point: It was very apparent that nothing was to be done along the lines of adjusted compensation until approximately six weeks ago, when many Republican House Members joined in a request for a Republican conference with the idea that all of the bills affecting ex-soldiers should be forced to one committee for consideration. Over the Democratic protest, as shown by the RECORD, we sent those bills to the Ways and Means Committee. The Ways and Means Committee, after due consideration, have adopted practically in toto the desires of the American Legion as expressed in a draft of a bill prepared by them. There was little disagreement as to what should be done, except with reference to taxes. Some of the members, both Republican and Democratic, of the Ways and Means Committee determined that the money that was necessary should be raised by a turnover sales tax on each sale from the producer to the consumer. Whatever anyone may say, I know that that was practically agreed upon. That plan of taxation, as so clearly shown by the gentlemn from Wisconsin [Mr. FREAR], would have taxed every necessity of life one-half of 1 per cent every time it changed hands from the producer to the retailer.

Mr. KEARNS. Will the gentleman yield?

Mr. JOHNSON of South Dakota. I will.

Mr. KEARNS. That is not reported in the bill, and what is the advantage or use in discussing it? It is what is going to be reported or presented to the House.

Mr. JOHNSON of South Dakota. It is brought up for this reason: Great objection has been taken by different Members of the House, Republicans and Democrats, because some of us have expressed our own convictions as to the method of taxation. I brought it up to show that if this fight had not been made the agreement for the turnover sales would have been jammed through the House.

Mr. KEARNS. What difference does it make as to the visionary ideas Members of Congress may have had? The only thing we are concerned in is what is going to be presented or what has been presented.

Mr. JOHNSON of South Dakota. Well, the gentleman has his views and I have mine, and we might disagree as to whether they should go into the RECORD or not. I think when the record is made up it should show the whole transaction and without indulging in personalities, which neither the gentleman from Ohio nor I would do.

It would tax coal one to four turnovers, or a fourfold tax; rubber, three turnovers, or a threefold tax; dairy products, three to four turnovers; sugar, four turnovers; grain, one to six turnovers; steel, four to five turnovers; leather, five turnovers; cotton and wool, five to nine turnovers. Taking, for instance, the tax on shoes, it would mean that the eyelets and hooks would be taxed from two to three times before they ever came to the shoe manufacturer and be taxed from three to four times while they went through the hands of the manufacturers, jobbers, and dealers. Practically every tax on the necessities of life would be from 4 to 8 per cent.

There was a firm determination on the part of some Members of this House, both Republicans and Democrats, to force this consumption tax through, to bring in the bill some time to-day, bring it up under the suspension of the rules Monday, and, with a gag placed in the mouth of every Member of Congress, force him to vote against adjusted compensation for service men or swallow cumulative turnover sales taxes. A great number of Republicans resented and still do resent that action, because no party or party leadership, either Democratic or Republican, can "gag" the membership of this House and remain in power, or has a right to do so. [Applause.]

Mr. BYRNES of South Carolina. The gentleman said there was a determination on the part of both Republicans and Democrats. Will the gentleman name one Democrat who entertained that view?

Mr. JOHNSON of South Dakota. I will say very frankly to the gentleman—and I know he knows I am telling the truth, while this byplay is going on between us——

Mr. BYRNES of South Carolina. It is no byplay on my part. I want information.

Mr. JOHNSON of South Dakota. I could name a gentleman on the Democratic side, a Member of the very highest standing, who told me that; but if I should make that statement on the floor of the House it would be conveying information to the House and to the public which was given to me by that gentleman privately——

Mr. BYRNES of South Carolina. If any gentleman is in favor of that proposition, surely he has no objection to having it stated.

Mr. JOHNSON of South Dakota. I am not going to attempt for myself to express the opinion of any Democrat, but will let each one of you express your own opinion.

Mr. BYRNES of South Carolina. Does the gentleman mean there is only one Democrat who is in favor of it?

Mr. JOHNSON of South Dakota. I believe there are many more than one.

Mr. BYRNES of South Carolina. What reason has the gentleman for believing it?

Mr. JOHNSON of South Dakota. From the statements made to me by that gentleman. And I will say to the gentleman from South Carolina that he may prod me all he desires, but he is not going to get me to divulge on the floor of the House what that gentleman personally said to me.

Mr. BYRNES of South Carolina. I was simply asking for information.

Mr. JOHNSON of South Dakota. As I said, there was a firm determination to jam this thing through with a gag placed in the mouth of every Member of Congress and force him to vote against adjusted compensation for service men or swallow cumulative turnover sales taxes. A great number of Republicans resent that action, because no party or party leadership, either Democratic or Republican, can gag the membership of this House and remain in power.

We are not responsible to party leaders, either Democrats or Republicans, but only to our own constituents. As soon as it was evident that the American people would back us in a fight against a cumulative sales tax, that feature of the bill was eliminated and another iniquity proposed. In other words, after breaking through the barbed-wire entanglements of the proposed "gag" rule, we ran into another line of defense in the shape of a law which is to raise part of the money through a sales tax and an extremely small part of it through a tax on incomes. The cumulative-turnover feature was dropped and the tax placed on final retail sales. The greatest propaganda that I have seen in the six years that I have been a Member of Congress has been used to force a retail-sales tax down the throats of the American people, not only for the purposes of this bill but with the hope that it will be the fundamental method of raising taxes in the United States for all time to come, so that we may eliminate the income tax. Gentlemen may protest all that they wish that this is not the plan, but they know that this is proposed; that the country is being flooded with propaganda to this effect, and that it is the intention to lower or abolish the income tax. They have even been able to get commercial clubs in my own district and State to indorse the sales-tax theory; and if I did not know that the matter had not been thoroughly discussed by members of these bodies I would assume that they were in favor of a cumulative or turnover sales tax. Now that the light of publicity has been thrown upon this propaganda and the plans of its authors exposed, it is apparent to me that a third line of defense has been prepared, and, in order to escape a clear, clean-cut defeat, the authors of this law are determined that the membership of this body is not going to be given an opportunity to secure a straight-out vote on the sales tax on one side and an excess-profits tax on the other, in conjunction with the adjusted-compensation statute. I expect the move to be made to separate the adjusted-compensation law from any tax feature, so that we can with a whoop and a hurrah pass the compensation law and leave in the nebulous future somewhere the question as to how we shall raise the money to pay the bill. It is a cowardly and ridiculous procedure and a confession of weakness on the part of the men who propose it.

This Congress has had soldier legislation under discussion ever since it met, knowing it would be compelled to raise the money to pay the bill, and if we ever will be prepared to say how it should be done we are ready now.

Anyone who does not know to-day how he thinks it should be done ought to leave this Congress and go into some business that he understands thoroughly and concerning which he can make up his mind.

Since the discussion on the floor of this House the other day, however, when for the first time since I have been in Congress an open agreement was made openly on the floor, some Members have discovered that no "gag" will be allowed to apply, and thereby no sales tax forced upon us, and an attempt will be made to postpone further consideration of the taxing features of the law. That will be done by enemies of the legislation, by those who hope that Congress will pass a law that the President will veto, and while Republicans and Democrats pass the buck back and forth the ex-service man will suffer. We are ready to meet the issue and meet it Monday with a vote. Let the membership

of this House decide then whether they want a sales tax or desire to and will tax incomes and war profits. Bills have been introduced and all any Member is asked to do is to vote "yes" or "no," and thereby state his convictions. All we desire is a vote. I can not conceive of any great party or the representative of any great party that is not willing to meet that simple test. The bill which I have introduced, in which I have no personal pride, is not drastic; it is not even retroactive. I would like to make it so, and I think that the replacements that we will secure in some future Congresses will make such a law possible. Personally, I would be willing to accept any amendment which anyone has to offer which would make the law more intelligible or more effective. As yet I have not seen anyone, however, who desires to argue against this law with anything but invective and statements concerning party regularity. The bill which I have introduced, H. R. 13798, simply provides as follows:

For a tax applied to the net income of corporations for the year 1920 to be determined on the following basis:

1. Average the net income of the corporations for the years 1917, 1918, 1919, and 1920.

2. Deduct the average income, war-profits, and excess-profits taxes for the same year.

3. Average the net income of the corporation for the prewar period and deduct that average from No. 2.

4. Deduct or add 10 per cent of the average invested capital for the taxable years 1917, 1918, 1919, and 1920 and the prewar period; take 80 per cent of the remainder. The application of the tax would result as follows: As to the proportion of the invested capital used in 1920, which equals the average amount of invested capital used in the prewar period, the corporation would be permitted to earn exactly the same percentage of return as it earned in the prewar period. As to capital added since the prewar period the corporation would be allowed to earn 10 per cent. Tax applies to the remainder of the net income in 1920 at the rate of 80 per cent, provided that when that rate is applied the actual amount of the tax is not in excess of 80 per cent of the net income earned in 1920.

Now, of course, as has been estimated by the different experts, we will lose 10 per cent of the total amount of tax which we ought to receive by reason of deaths and by reason of the fact that some people have no incomes in 1920; but that is one of the problems and difficulties that we meet with any taxing law. If anyone can object honestly and consistently and sincerely to that kind of a law he has a right to his objection, and he ought to be allowed to make his objection and to vote, and give us the same opportunity.

The corporation tax estimates which show what amount the law will produce are as follows:

Mr. McCoy estimates that the aggregate net income of all corporations for the years 1917, 1918, 1919, and 1920 in excess of four times the average net income for the prewar period, plus the income, excess-profits, and war-profits taxes paid during 1917, 1918, 1919, and 1920, is $3,800,000,000. If you exclude from this computation corporations whose average net income for the years 1917, 1918, 1919, and 1920 do not exceed $100,000, the excess is not more than $2,000,000,000.

He also estimates that the aggregate net income of individuals having an income averaging more than $20,000 for the years 1917, 1918, 1919, and 1920 in excess of the net income of such individuals for 1914, plus income and excess-profits taxes paid by such individuals during the years 1917, 1918, 1919, and 1920, is about $1,318,000,000.

Corporations tax estimates.

	Prewar period.	1917	1918	1919	1920
Number of corporations	130,000	232,000	245,000	260,000	200,000
Net income	$4,123,000,000	$10,730,000,000	$9,000,000,000	$8,900,000,000	$8,500,000,000
Average net income	$23,000	$46,200	$39,200	$34,200	$32,600
Income and profits tax		$2,922,000,000	$3,250,000,000	$1,922,000,000	$1,750,000,000
Estimated net income, less prewar net income, plus 10 per cent of invested capital		$4,722,000,000	$3,550,000,000	$2,822,000,000	$2,550,000,000
Less tax		$1,800,000,000	$300,000,000	$900,000,000	$800,000,000
Total taxable increase in net income					$3,800,000,000

Individual income-tax estimates.

	1914	1917	1918	1919	1920
Net income over $20,000	$2,000,000,000	$3,883,000,000	$2,560,000,000	$2,563,000,000	$2,550,000,000
Tax paid		565,000,000	1,190,000,000	1,075,000,000	1,000,000,000
Tax paid plus 1914 net income		2,565,000,000	3,190,000,000	3,075,000,000	3,000,000,000
Taxable income		1,318,000,000	−630,000,000	−512,000,000	−450,000,000

These estimates have been carefully prepared. I did not prepare them. We know that practically no Member of this House can prepare estimates of this kind, because some of us are not competent to do it, and none of us has the time to do it, if we take proper care of our other duties. This has been prepared largely by Mr. McCoy, a man who is recognized as the best of the accountants that we have.

Mr. MACGREGOR. Will the gentleman yield?

Mr. JOHNSON of South Dakota. I yield to the gentleman.

Mr. MACGREGOR. It was feared that an attempt would be made to hitch onto this proposition the land subsidy scheme which was opposed by most of the Members of this House. What is the view of the gentleman on that proposition?

Mr. JOHNSON of South Dakota. I desire to be perfectly frank with the gentleman. I have said the same thing privately, and ought to be willing to say publicly what is said privately. If an opportunity were given, I would vote to strike out the reclamation feature of this bill, the so-called Lane-Mondell feature, because I think very little advantage will be taken of it by the service men, and I do not like to see any reclamation legislation or other legislation that can not get through on its own merits be passed through the House by being tied onto soldier legislation.

Mr. BARBOUR. Was not that reclamation feature included in the fourfold plan of the American Legion?

Mr. JOHNSON of South Dakota. It was, absolutely; but I take the same attitude that I think every Member of this House takes, that we can not be governed entirely by the view of the American Legion or any organization, however great. I introduced the bill in this House which incorporated the American Legion, but recognize the fact that legislation must be written on the floor of this House and nowhere else. It can not be written anywhere else, and I think any man here ought to have the absolute right to vote his own convictions on any proposition, whether it is indorsed by the Anti-Saloon League, the liquor interests, the American Federation of Labor, the railroad operatives, bankers' associations, boards of trade, the American Legion, or any other organization. We are in a peculiar position on the floor of the House, with some organization continually demanding our votes and saying they are going to get a knife and run it into our backs if we do not do just exactly the way they desire us to do. The life of a Member of Congress is not as easy as some people seem to believe. [Laughter.]

The CHAIRMAN. The time of the gentleman from South Dakota has expired.

Mr. JOHNSON of South Dakota. Mr. Chairman, may I have 10 minutes more?

Mr. GOOD. Mr. Chairman, I yield 10 minutes more to the gentleman from South Dakota.

Mr. JOHNSON of South Dakota. To my mind the questions before us are simple. First, are we willing Monday or very shortly to have a vote on the adjusted compensation law? Second, are we willing to have a vote on the method for raising the money? Those of us who take my view of the matter would say "yes," to both questions and should join with me in forcing this House to adopt a rule indorsing all the provisions of the bonus law as it will be reported, except that feature providing for a sales tax, if such a tax is included. If the sales tax is included with the adjusted compensation law, and no opportunity given to offer a substitute tax law and the gag rule applied, then any Member of this House, however much he might believe in an adjusted compensation law, is, in my opinion, justified in voting against the whole measure, and I shall so vote. [Applause.] If it so comes up and is defeated, it will come up again at once with a rule and a free vote given. If this "gag"

rule is adopted, and the bonus law is to be forced down our throats with 20 minutes' debate, without a chance for discussion, under suspension of the rules, I believe the independent Members of this House will vote to not suspend the rules, but that the questions be considered on their merits, considered at once, and settled.

Mr. KEARNS. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of South Dakota. My time is very short, but I yield to the gentleman.

Mr. KEARNS. The gentleman speaks about a gag rule. I am not in entire sympathy with the bill as it has been presented here, but there can not be such a thing as a gag rule, because that rule can not be adopted unless by a majority of the House.

Mr. JOHNSON of South Dakota. If a second is demanded.

Mr. KEARNS. Yes; and if a second is demanded by two-thirds.

Mr. JOHNSON of South Dakota. No; if a second is demanded by a majority.

Mr. KEARNS. Then a majority; but how can you call it a gag rule when a majority of this House wants to vote on the bill, if they know what the bill is going to be? That would not be any gag rule if a majority is for it when they know what the bill is.

Mr. JOHNSON of South Dakota. I can tell the gentleman exactly the situation. The gentleman has asked me frankly and I will answer him frankly. You could put the membership of this body who are in favor of an adjusted compensation law up against the possibility of either voting against the law they desire to see passed or else voting for a sales tax they absolutely disbelieve in.

Mr. KEARNS. But they can vote against the rule, the majority of the House. They can vote again the rule and go into the House with an open field, with amendments.

Mr. JOHNSON of South Dakota. I am on the Rules Committee, and if they wanted to secure a rule separating this thing, I think I can speak for two members of that committee, and I think the minority leader can speak for some others, and say that you can get a rule that will separate these and have an untrammeled vote.

Mr. KEARNS. But whatever the rule is, we know what it is and what the bill is, and if a majority votes for that rule, knowing what the rule is and what the bill is and that amendments can not be offered, how can you call it a gag rule?

Mr. JOHNSON of South Dakota. If it comes in under a rule, it would not be a gag rule, but if it comes in under a suspension of the rules, it would be unfair to the Members of this House.

Mr. KEARNS. But it takes a majority to adopt either of them.

Mr. JOHNSON of South Dakota. If you adopt a rule, you have a chance to submit one substitute or one motion to recommit, but if you come in under suspension of the rules, you have the gag applied to you, and either you are recorded against the whole thing or for it, when, as a matter of fact, you will probably at heart be half for it and half against it. [Applause.]

If it does come up under suspension of the rules, and the law is defeated, it will come up with a rule requested by the leader of this House, and come up at once, because no party dares to take the attitude that it will not at least act on this legislation during the present Congress, and no man needs to worry. If the vote is presented, he may demand that he have an opportunity to vote.

I want to say, however, that I think this matter has been to a great extent clarified by the action of the Republicans of the House. The chairman of the great Ways and Means Committee, the gentleman from Michigan [Mr. FORDNEY], who has fought for an adjusted compensation law, when many men were opposed to it who now are not opposed to it, has stated publicly that he deemed that the action of the Republican conference last evening eliminated a sales tax from the bill and that other provisions for raising the money would be taken up. I believe that by reason of that fight we have eliminated the sales tax. [Applause.] I want to say that I believe it would have been in the bill if the fight had not been made, and I believe we can trust the gentleman from Michigan. I know that we can trust him to do anything that he says he will do. He says definitely that he is going to bring out an adjusted compensation law, and that he believes the Republicans in the House have spoken, and that there will be no sales tax.

What I have said is Republicanism as I understand it, because I believe that the Republican Party believes in the majorty rule and is always willing to abide by it. The members of the Republican Party are and must be willing that their votes shall be cast on any proposition and must be willing to abide by the results. That is my understanding of Republicanism, and anyone who takes the opposite view is insurging from Republicanism, as I understand it. [Applause.]

Mr. BYRNS of Tennessee. Mr. Chairman, I yield 10 minutes to the gentleman from Oklahoma [Mr. HOWARD].

Mr. HOWARD. Mr. Chairman, there are few subjects to-day that are disturbing the minds of the citizens of this country more than the extreme high price and unequal distribution of sugar. Sugar is one of the principal commodities and necessities of life. Every family and every person is interested. There is no doubt but that the element of speculation which has entered into the dealing in and the distribution of this commodity has had a very material effect in raising the price of it to the consumer.

For some time the Department of Justice, through the Food Administration and the Attorney General, has been wrestling with this question and making every effort toward a more equitable distribution and the elimination of speculation and the curbing of the profiteer. The price of sugar has very materially increased as a result of resales within the trade. The Department of Justice has been unable to meet this situation because of inadequate legislation, the only means now provided being the licensing system. With the declaration of peace or the repeal of war measures the licensing system will automatically become obsolete and of no value. This would leave the people of this country entirely at the mercy of the sugar speculators. For this reason I have to-day introduced into the Congress a measure seeking to curb this speculation and to remedy the handicap relative to this under which the Department of Justice is to-day laboring.

The measure which I have introduced is largely the result of the special effort that the Department of Justice has been and is making to regulate the distribution and the price of this commodity.

Mr. Chairman, I ask that the bill which I have to-day introduced be read to the House by the Clerk on my time.

The CHAIRMAN. Without objection, the Clerk will read the bill in the time of the gentleman.

Mr. KING. Mr. Chairman, reserving the right to object, would it annoy the gentleman to yield for a question?

Mr. HOWARD. No, sir.

Mr. KING. Has the gentleman considered the question involving the speculators in sugar; that is, in reference to the financing of their bills by the Federal reserve bank of the city of New York and the taking of their notes to pay and receiving currency from the Treasury of the United States, and that sugar is the basis of our currency to-day? Has the gentleman considered that feature of it, and had the Attorney General considered that feature of it?

Mr. HOWARD. I can not speak for the Attorney General, but I have given some consideration to it. I think there is too much of it being done.

Mr. COOPER. Will the gentleman yield?

Mr. HOWARD. Yes, sir.

Mr. COOPER. I received a letter from one of my constituents yesterday complaining of the sugar situation and stating that the sugar in the little town he lived in was now selling for 33 cents a pound. Now, does the gentleman maintain we will have to have legislation passed by the Congress before the Attorney General has any power to act in a case of that kind?

Mr. HOWARD. Sugar is selling in my home town at from 33 to 35 cents at this time, and the investigation made recently discloses the fact that some sugar has changed hands and gone through the hands of speculators from two to seven times, and that from 20 to 70 per cent of the cost of sugar at this time is by reason of this speculation.

The Clerk read as follows:

A bill to regulate the dealing in, distributing, importing, or manufacturing of sugar.

Be it enacted, etc., That it is hereby made unlawful for any person handling, dealing in, distributing, importing, or manufacturing sugar willfully to resell sugar to persons in the same trade without reasonable justification. The Attorney General shall by regulation prescribe what shall constitute reasonable justification for such resales.

SEC. 2. Any person violating any of the provisions of this act and the regulations made thereunder, upon conviction thereof, shall be fined not exceeding $10,000 or be imprisoned for not more than two years, or both.

Mr. HOWARD. Mr. Chairman, we who have given this subject study and thought believe this legislation is necessary and remedial, and on behalf of the 110,000,000 consumers of sugar in this country I plead for immediate and favorable consideration by the committee and immediate and favorable action by the Congress on it. [Applause.]

I yield back the remainder of my time.

Mr. GOOD. Mr. Speaker, I yield 10 minutes to the gentleman from Indiana [Mr. DUNBAR].

Mr. DUNBAR. Mr. Chairman and gentlemen of the committee, the chairman of the Committee on Appropriations, Mr. GOOD, stated that before the high cost of living could be reduced it would be necessary for the expenses of our Government to be reduced. I want to say that one of the principal items entering into the cost of governmental operation is due to the fact of the inflation of the currency, and until our currency is deflated the Government can not expect, in addition to economic operations which are now being used, further to reduce the cost of our governmental expenses.

On March 30 last I presented statistics obtained from the daily financial bulletins issued by the Treasury Department relating to the operation of the Federal reserve banks, showing that for a period of six months, extending from September 1, 1919, to March 1, 1920, we were approaching a paper-circulating medium at the rate of $1,500,000,000 per annum. Since that time the inflation of our currency has not been at the same rate but nearly so, and continues to be a source of anxiety and great concern.

The inflation during March was as follows:

April 1, Federal reserve notes	$3, 299, 064, 875
March 1, Federal reserve notes	3, 255, 213, 250
Increase during month	43, 851, 625

Our gold coin, including bullion in the Treasury, decreased as follows:

March 1	$2, 720, 767, 606
April 1	2, 662, 284, 553
Decrease	58, 483, 053

The inflation of currency during April continues as follows:

April 24, Federal reserve notes	$3, 335, 140, 000
April 1, Federal reserve notes	3, 299, 064, 875
Increase	36, 075, 125

The report of the amount of general stock of gold in the United States is contained in the Treasury reports as of the issue of the 1st of each month. I do not know whether it has declined during this month, but the amount of gold and lawful money held by the Federal reserve agent as security for the Federal reserve bank notes has decreased $36,171,000 from March 31 to April 24.

The amount of Federal reserve notes and the amount of commercial paper, gold, and lawful money held by the Federal reserve agents as security to insure the payment of the Federal reserve notes in existence of even date was as follows:

Apr. 24, Federal reserve notes	$3, 335, 140, 000
Commercial paper	2, 815, 094, 000
Gold and lawful money	1, 150, 658, 000
	3, 965, 752, 000

On June 30, 1919, the Federal reserve notes amounted to $2,694,640,000, an increase of $640,500,000 to date. At the same time the stock of gold in the United States has decreased approximately $400,000,000. The amount of gold and lawful money held as security by the Federal reserve agents amounted June 30, 1919, to $1,113,824,000, as against $1,150,658,000 April 24, 1920.

The percentage of gold to secure circulation June 30, 1919, amounted to 41.3, as compared to 34.8 April 24, 1920.

Unless inflation of our currency is checked, the theory of fiat-money advocates will be vindicated or a panic will occur the severity of which has never been equaled by any in our experience. It was proclaimed in a recent convention of bankers that further inflation of our credit standard must be checked if commodity prices are to decline or even remain stationary. One of the publications of financiers declared that with deflation of currency Congress must reduce its expenditures. Congress has been reducing appropriations, and the expenditures of the Government have steadily been reduced, but coincident with reduced appropriations and reduction in Government expenses the inflation of the currency has continued to increase enormously. I call the attention of the Congress to the fact that the excess of disbursements over receipts, exclusive of principal of the public debt, for the first nine months of the fiscal year amounted to $214,207,713.82.

Deducting from this the amount of $387,720,914 used for the purchase of foreign obligations, which are included under ordinary and special disbursements, we would have had a surplus of receipts over expenditures for nine months amounting to $173,513,200. Under the leadership of Mr. MONDELL, to whose endeavors in relation to economy this House readily responds, I do not understand why it would be necessary to raise additional taxation to pay the proposed bonus to soldiers. The expenditures of our Government, exclusive of the public debt, during the nine months of this fiscal year and for three-month periods amount as follows:

1919.	
July, August, September	$2, 153, 856, 655. 11
October, November, December	1, 693, 028, 454. 03
1920.	
January, February, March	1, 181, 291, 689. 80
	5, 028, 176, 798. 94
Revenue for 9 months	4, 813, 969, 085. 12
Deficit	214, 207, 713. 82
	5, 028, 176, 798. 94

During the first three months of this calendar year the excess of ordinary and special receipts over disbursements, exclusive of transactions affecting the principle of the public debt, amounted to more than $400,000,000. I do not know what items of expense resulting from the war are to be paid by the United States Government, so I am unable to say that receipts will continue to exceed disbursements at a rate as indicated by transactions of the last three months which would amount to more than $1,400,000,000 per year.

I do not understand why the item of $387,720,914 expended for the purchase of foreign obligations and securities should be charged as Government expenditures unless the United States Government never again expects us to realize any money on securities purchased with this money. The Government continues to purchase these securities having so far this month spent nearly $16,000,000 for that purpose as of April 27, 1920.

Covering three-month periods the transactions of the United States Treasury show the following excess of receipts or excess of disbursements for the periods enumerated:

	Excess of disbursements over receipts exclusive of the principal of the public debt.	Excess of receipts over disbursements exclusive of the principal of the public debt.
1919:		
July, August, September	$516, 010, 585. 13	
October, November, December	100, 811, 430. 09	
1920:		
January, February, March		$402, 614, 301. 40
Difference, deficit		214, 207, 713. 82
	616, 822, 015. 22	616, 822, 015. 22

The CHAIRMAN. The time of the gentleman has expired.

Mr. DUNBAR. Can I have five additional minutes?

Mr. GOOD. I will yield the gentleman five additional minutes.

Mr. DUNBAR. It is very unfortunate that peace with Germany has not been declared, our troops withdrawn from Europe, accounts balanced, so that we would know our financial liabilities in order that something like an accurate estimate could be made as to how far our expense receipts would exceed our disbursements, except for our floating indebtedness of $3,000,000,000. I believe that if the proposed bonus to be paid soldiers could be extended over a period of several years there would be no necessity to impose an additional tax to be paid for the amount required, and providing that the Federal reserve bank prevent further inflation of the currency. Possibly inflation has gone too far. The business world is full of promoters who should be toilers and producers. Too many left or never had occupation of usefulness and productiveness, having been allured by promotion schemes financed by evidence of indebtedness, converted by the Federal reserve banks into Federal reserve notes, which even the Treasury Department does not designate as lawful money.

Bonds of the United States Government, for which the wealth of the Nation is pledged, are sold below par. Federal reserve notes which have 34 per cent of gold pledged for their payment will continue to decline in value and purchasing power as inflation of our currency proceeds.

We have outstanding about $3,000,000,000 in Treasury certificates. It is unfortunate that these Treasury certificates were not during the war, or shortly after, funded by an issue of bonds so as to have cleaned up our floating obligations. If the Federal reserve banks continue inflation of the currency and a panic ensues, the demand for the payment of these tax certificates, which fall due at intervals, might give embarrassment to our Government and add to the general confusion of the times. Except for this floating indebtedness staring us in the face, I feel sure we could enact new revenue laws reducing the amount of

taxation and eliminating some of the objectionable features of the present law. [Applause.]

Mr. GOOD. Mr. Chairman, I will yield 10 minutes to the gentleman from Oregon [Mr. McARTHUR].

"THE ROCK OF THE MARNE."

Mr. McARTHUR. Mr. Chairman, "Marne" is a name indelibly inscribed on the pages of history. It was at the Marne in September, 1914, that the French under Joffre turned back the German hordes in their mad dash toward Paris; and it was at the Marne in July, 1918, on the selfsame ground that a single regiment of American Infantry, with some aid from the Artillery, once more stemmed the German tide and rolled it back in defeat, earning thereby for itself and its gallant colonel the proud title, "The Rock of the Marne." [Applause.]

World military annals report few feats that equal, and none that surpass, the deeds of the Thirty-eighth Regiment of Infantry under the command of Col. Ulysses Grant McAlexander in the second Battle of the Marne. "On this occasion," says Commander in Chief John J. Pershing in his final report, "a single regiment of the Third Division wrote one of the most brilliant pages in our military annals. It prevented the crossing to certain points on its front, while on either flank the Germans who had gained a footing pressed forward. Our men, firing in three directions, met the German attacks with counterattacks at critical points and succeeded in throwing two German divisions into complete confusion, capturing 600 prisoners."

Glory enough, it would seem, for one regiment of American Infantry to have defeated two entire divisions of Germans—six regiments of infantry plus artillery and auxiliary troops. The significance of the victory comes only when one has a clear understanding of the general military situation in July, 1918, and of the particular importance of the position in the allied line held by the Thirty-eighth Regiment.

In the summer of 1918 the German forces were again in motion toward Paris. Their hopes for success ran high. The Kaiser had set July 17 as the date for his triumphal entry into the French capital. The race was between the Kaiser and the Americans. Barrier after barrier the Germans hurdled or smashed through until they arrived at the Marne.

Between Chateau-Thierry and Dormans—

Wrote Maj. Gen. J. T. Dickman—

the Marne is a navigable stream, which flows in a deep valley. The crest of the banks is about 400 feet above the level of the river. The strategical feature of the stretch of 20 kilometers between Chateau-Thierry and Dormans is the valley of Surmelin Creek. This valley furnished the only good opening toward the south. The railroad and two good wagon roads in this valley running toward Conde en Brie and Montmirail are indispensable for the line of supply of an army crossing the Marne.

The Surmelin Valley was, indeed, the gateway to Paris. The sector along the Marne where it is joined by the Surmelin was held by the Thirty-eighth. On its left lay another American regiment, on its right a French division. The Germans knew the great strategical value of the Surmelin Valley and were prepared to enter it at all costs. On the other hand, Col. McAlexander was aware of the necessity of holding it against the enemy. Defeat or retreat spelled disaster to the Allies. [Applause.]

McAlexander typified the Regular Army at its best. A graduate of West Point, he had served in the Indian wars and had been cited for conspicuous gallantry in Santiago in the Spanish-American War. He had seen service in the Philippines. He was one of the first officers to be sent to Europe and had been afforded ample opportunity of studying the German style of warfare.

But training and experience are not the only requisites of the successful leader. McAlexander was the incarnation of the fighting spirit, and, furthermore, he possessed the ability to communicate this fighting spirit to his men. On one occasion he said:

Do you wish an invincible, unconquerable regiment? Then organize it, administer it, train it, and fight it along invincible and unconquerable lines. Imbue it with a pride that scoffs at danger, inspire it with a soul of intrepidity and honor and make it to know that its defeat is impossible; that it may be killed, but that it can not be conquered.

[Applause.]

The story of the Thirty-eighth at the Marne is that of a regiment of men who might be killed but could not be conquered. They had been trained in the McAlexander school—"along invincible and unconquerable lines"—and they knew that for them defeat was impossible. How fortunate for the allied cause that this was so.

The great outstanding fact in the battle of the Thirty-eighth against the German hosts at the Marne is that of regimental unity. Every unit, from battalion to corporal's squad, acted in complete harmony of command. Had there been one weak link in the regimental chain this tale had been one of military disaster instead of military glory. The men had implicit faith in their officers, and over all was the McAlexander fighting spirit and genius. The colonel was always in the fight. No matter how long the march or how dangerous the battle line, McAlexander was always at the head of his men. [Applause.] Indeed, when the distinguished-service cross was conferred upon him the citation related that he had gone ahead of his men in full view of the enemy, thus leading his men by force of his example to the successful assault of enemy positions. Two wound stripes attest to the risks he ran. One of his captains relates how, in the thick of the Battle of the Marne, he came upon the colonel between him and the enemy. Going to McAlexander he said, "Colonel, don't you know that nothing can live in this place?" To which Col. McAlexander laconically replied, "Well, while we are yet alive let's give 'em hell!" Small wonder the regiment possessed an invincible, unconquerable spirit. [Applause.]

The evening of July 14 found the regiment ready for any emergency. It was arranged on principles of "formation in depth." Near the river and along the Metz-Paris railroad, which paralleled the river, lay the Second Battalion, under Maj. Rowe; back of it was the First Battalion, under Maj. Keeley; and last, the Third Battalion, under Maj. Lough. Col. McAlexander had gone over the ground carefully, and, to the surprise of his officers, had ordered trenches dug on the right flank between himself and the French. He was going to take no chances of an unprotected flank in case the French division on his right retreated. This evidence of military foresight, as was proved later, saved the regiment from annihilation and turned certain defeat into victory.

As midnight of July 14 approached an ominous stillness filled the air. Instinctively the men of the Thirty-eighth felt that something unusual was about to transpire. Their suspense was of short duration. Exactly at 12 o'clock the German artillery opened fire. The sector was swept for hours, until it would seem no living thing could have escaped. But the Americans, huddled in their tiny dugouts or open slit trenches, awaited the attack which was sure to follow. How they longed to come to blows with this deadly thing which threatened to stifle the freedom of the world, to see it face to face, to meet steel with steel!

At about 4 o'clock the bombardment was lifted and a rolling barrage took its place. Back of the barrage came masses of gray-clad Germans, two divisions strong, with a third in support. At the river boats were loaded and pontoon bridges were built. But here again McAlexander's military genius evidenced itself. Instead of withdrawing all his men from the river bank, he left a strong detachment there. I believe it was the French general, Degoutte, who phrased it "McAlexander fought with one foot in the water." It was not exactly orthodox, and to the Germans it was another example of American ignorance of military science, but like many another American innovation in the World War it proved its worth. The American riflemen on the bank of the Marne destroyed boatload after boatload of Germans. It was the proud boast of the Thirty-eighth that no Germans were able to cross the river in the sector held by it. [Applause.]

Farther to the left and right, however, the Germans did effect crossings, and advanced against the Metz-Paris railway line a short distance from the river. Here, too, they met a resistance which they could not overcome. Charge after charge failed to carry them across the railroad track. No German graves are located behind this line, but there are about 600 between it and the river. The Thirty-eighth paid heavily for its resistance, but the line held.

In referring at a later date to this phase of the fight, Col. McAlexander said:

There was only one thing that saved us, and that was the spirit of kill or be killed. And I want to say that I was willing to sacrifice the regiment and myself with them rather than yield 1 foot of ground to those Germans. I gave orders to my men to hold their sector until they had orders to retire, and they were just as anxious to hold their ground as the colonel was to have them hold it. The books say that when your casualties have reached one-third you are out of action. But I want to tell you of one company that, when 70 per cent of its men were casualties, organized the remaining 30 per cent in a countercharge and captured 410 prisoners.

[Applause.]

Need our schoolboys turn to Leonidas at Thermopylae or Miltiades at Marathon for tales of heroism after such a recital as this? Surely the story of McAlexander and the Thirty-eighth at the Marne will find its place in our histories alongside that of Jackson at New Orleans and Thomas, the "Rock of Chickamaugn." [Applause.]

On the flanks another chapter was being written. The American regiment on the left had given ground and the Germans

were filtering through against the Thirty-eighth. On the right the French division had retired. The Thirty-eighth thus had to defend itself on the front and both flanks. It was here that Col. McAlexander's plan of defense bore fruit. The Germans had begun an encircling pincers movement to cut off the regiment, and but for the precaution that had been taken to protect the right flank in case of retirement of the French they would have been successful.

Messages sent back from the front lines to the commanding officer tell tales of grave danger, but ring with fighting determination to hold at all hazards. For example, in reply to a message of encouragement from Col. McAlexander directing him to hold on, Maj. Rowe wrote:

We have no intention of withdrawing unless we are completely outflanked. At present Boche machine guns are troublesome on right flank. If French counterattack in time, we shall be O. K. We must thicken the lines to-night and have ammunition and food and carrying parties from rear. There are many German rowboats on river which should be destroyed before night. We are weary but proud.

[Applause.]

"Invincible and unconquerable." How Americans must thrill with pride on reading such a message.

For three days the fight on the flanks went on, the Germans striving desperately to open the gateway through the Surmelin. An order came to Col. McAlexander: "Fall back if you think best." "Is it up to my decision?" he asked. "Yes." "Then I hold my lines." [Applause.]

What was there back of this heroic determination to hold the lines at all costs? Aside from the strategic position occupied by the Thirty-eighth, there was the question of morale.

It was our part—

Said Col. McAlexander—

to so impress the Germans with our fighting ability and our wish to fight them that their morale would be destroyed to the extent of seeing great forces brought against us with no prospect of their success.

Did this fight affect the morale of the Germans? Let the Germans themselves answer:

Our retreat across the river (Marne) was awful: those Americans certainly did clean us up * * * they fight like tigers * * *. If those in front of us are fair specimens of the average American troops, and there are as many as they say there are, then goodbye to us.

This from the notebook of a member of the defeated Sixth Grenadier Regiment, a crack fighting unit.

Nor was recognition of the importance of the Thirty-eighth's victory lacking among American and French officers. Maj. Gen. Dickman wrote:

In the fighting on the front and flanks of the Thirty-eighth Infantry, the enemy's losses were so great that his offensive was completely shattered and the attack was not renewed. The regiment was still in good condition and its fighting capacity was unimpaired.

The defeat of the enemy on the Marne July 15, 1918, definitely marked the transition for him from the offensive to the defensive. The heroic stand of the Thirty-eighth Infantry stopped the enemy's advance toward Paris and made possible the counterattack at Soissons three days later.

One of the brightest pages in the history of the American Expeditionary Forces was written on this day by the Thirty-eighth Infantry, and no soldier can have a prouder title than ability to state that he fought with the Thirty-eighth Infantry in the defense of the Marne.

[Applause.]

A French officer who had witnessed the action wrote, in part:

The youthful soldiers of the Thirty-eighth Regiment did their job finely, showing themselves quite equal to our own best troops. Having received orders to hold on at any cost, they got killed only after having accounted for at least three times as many of the enemy and succeeded in maintaining the integrity of their front. * * *

Col. McAlexander, commanding the Thirty-eighth Infantry, showed himself to be a remarkable leader, cool-headed and efficient. He is liked and respected by men of whom he, on his side, has every reason to be proud.

When, at a later date, the award of croix de guerre with palm was made to Col. McAlexander and to the regimental colors of the Thirty-eighth, Gen. Petain, commander in chief, cited the regiment as follows [translation]:

Thirty-eighth Regiment of American Infantry, an elite regiment, which, under the energetic and intelligent command of its chief, Col. McAlexander, gave proof of unshakable tenacity in the course of the German attack of July 15, 1918. Attacked on the front, assailed on the right and left over many kilometers, faithful to its instructions, it remained, despite everything, on the bank of the Marne, hurled back the enemy, superior in numbers, and took over 200 prisoners.

According to French high command, the action was "peculiarly American both in conception and execution."

Yet this was not all. On the night of July 21, when the wornout heroes were preparing for the first real sleep in a week, orders came to be ready to advance in the morning. The great smash was on. The German offensive had broken at the Marne and the tide had turned, never again to ebb until the Hindenburg line was pierced and the Germans, face to face with the greatest military disaster in history, signed the terms of the armistice.

There was no rest for the Thirty-eighth until the end came. "Let us cherish within our hearts the memory of our fallen comrades. Salute them! Then forward!" These words, worthy of immortal fame, are taken from Col. McAlexander's general order of July 27, 1918, to the officers and men of his regiment.

Honors came—medals for bravery—promotion—in Europe. But at home, how many knew of the deeds of McAlexander and the Thirty-eighth? It is a matter of record, reported by no less an authority than Maj. Gen. David C. Shanks, that when the regiment returned home no welcoming committee was at hand to greet it. Let us not attribute the lack of appreciation to the proverbial ingratitude of republics but rather to ignorance of the facts. The American people simply did not know.

When the real story of the greatest war in all history shall have been written, then will the deeds of McAlexander and the Thirty-eighth Regiment of Infantry shine forth in their true light and a grateful Nation sing the praises of the "Rock of the Marne." [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. McARTHUR. I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. GOOD. Mr. Chairman, I yield to the gentleman from Montana [Mr. RIDDICK].

Mr. RIDDICK. Mr. Chairman, I ask unanimous consent to revise and extend my remarks on the peace treaty.

The CHAIRMAN. The gentleman from Montana asks unanimous consent to revise and extend his remarks on the peace treaty. Is there objection? [After a pause.] The Chair hears none.

HE KEEPS US OUT OF PEACE.

Mr. RIDDICK. Mr. Chairman, House joint resolution 327, passed by the House of Representatives April 8, 1920, was supported with practical unanimity by Republicans and opposed with practical unanimity by Democrats.

This was a resolution "terminating the state of war declared to exist April 6, 1917, between the Imperial German Government and the United States."

The debate on this resolution demonstrated anxiety on the part of the Republican membership of the House to end the war and of administration Democrats in Congress to prevent the official termination of the war and the consequent curtailment of the war powers exercised by the President.

Extracts from the debate in the House make clear the grounds upon which Republican Congressmen pressed the peace resolution.

Mr. BYRNS of Tennessee. Mr. Chairman, I yield to the gentleman from New York [Mr. DONOVAN].

Mr. DONOVAN. Mr. Chairman, I ask unanimous consent to extend my remarks on the automobile situation.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks on the automobile situation. Is there objection? [After a pause.] The Chair hears none.

Mr. GOOD. Mr. Chairman, I yield to the gentleman from Illinois [Mr. MCKINLEY].

Mr. MCKINLEY. Mr. Chairman, I ask to extend my remarks by inserting an article written by Mr. Elisha Hanson on the budget.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks by inserting an article on the budget written by Mr. Elisha Hanson. Is there objection? [After a pause.] The Chair hears none.

Mr. BYRNS of Tennessee. Mr. Chairman, I yield 30 minutes to the gentleman from Missouri [Mr. DICKINSON]. [Applause.]

Mr. DICKINSON. Mr. Chairman, in the beginning of what I wish to say I want to evidence my appreciation of what was done by the Committee on Appropriations in putting in this bill the full amount of the estimate relative to the care and transportation of the remains of soldiers buried in France. With some reluctance and some hesitation I speak at all on this subject particularly, having spoken once at the close of another general debate when there were only a few present, and I know that what I shall say now will be heard by only a limited few, and what shall appear in the RECORD will be read by only a small per cent of the Members, for the RECORD is not extensively read. But I am intensely interested in the subject-matter about which I am permitted to say a few words. I have not been satisfied with the delay that has attended the executive departments and the legislative branch of the Government dealing with the question of the removal and transportation from abroad to this country of the remains of the soldier dead. With great rapidity the troops of this country were carried abroad to meet

the emergency of that great situation. Relatives all over the country expected the agreement entered into between France and this country to be carried out at the earliest practicable moment. It was then stated while the soldiers were being returned that the bodies of the dead could not be returned until the soldiers themselves had been brought back, and that was reasonable. It was suggested by those in high authority that they would commence to bring them back in the fall, probably in the early fall, but I read here statements which I saw for the first time to-day in the hearings before the Committee on Appropriations in answer to questions by the chairman of the committee addressed to Maj. H. R. Lemly:

Since you were here the other day, Maj. Lemly, there has been transmitted to Congress a supplemental estimate of $21,549,000 for the disposition of remains of officers, soldiers, and civilian employees. When you were before us the other day you stated that the remains of the soldiers who are buried in France would not be returned.

Maj. Lemly said that that was true at that time.

The CHAIRMAN. I understand there has been some change in the negotiations between France and the United States in this respect?

Maj. LEMLY. Yes, sir.

The CHAIRMAN. What is the situation at present?

Maj. LEMLY. They are to be brought back; all that the families request for are to be brought back, which makes about two-thirds of those over there.

I call attention to the fact that, without any utterance on the part of Congress whatever, it seems to have been determined in military circles by those in high authority, notwithstanding the agreement entered into between this country and France, under which it was agreed that the remains should be brought back after the termination of the war, that the bodies should be left in France. I have not thought, and I do not now believe, that that was a matter that ought to have been finally settled by any officer in any department of the Government; but if it was to be settled, it ought to have been settled by a positive expression on the part of Congress, representing the expressed wishes of those most interested. A controversy arose by reason of utterances of different persons, some in high authority, and the program and policy were changed. Numerous resolutions were introduced in this House. Hearings were had before the Committee on Foreign Affairs, and I have regretted, with the understanding of what was the general sentiment in this House and a large majority sentiment in the country, that Congress has not declared its wish and the wish of the country relative thereto. [Applause.] This agreement entered into in the summer of 1918 ought not to have been lightly set aside against the desire of the people of this country or the relatives of those who are buried in France, particularly when it was within the province, in my judgment, of the American people to speak through their authorized representatives here.

I have kept up with the entire matter from the first, and I understand that those in high authority yielded their judgment and their views, and that renewed negotiations were entered into by which the agreement heretofore made between this country and France was restored. And I believe it is understood by a large majority of the relatives of those who are buried in France that wherever the nearest relatives have requested the bodies be returned this Government will respond to it. And the solemn promise has been made to these people. That promise I now believe will be kept, and this Government can not afford to break its promise with the relatives of those who lost their lives in foreign countries. [Applause.] I speak to-day because of the fact that I have received hundreds of letters expressing the heart's desire to have the bodies of those dear to them brought back and restored to them, so that they could be buried near their own homes, where they could be looked after by the tender hands of mothers and sisters. I have one letter from a mother who lost her only son in France, and who is buried there, that says she has offered this Government, through Secretary of War Baker, to give back all the war-risk insurance—$10,000—for the return of the body of her son, and to go after her son's remains, and pay all the expenses of bringing back his remains to be buried in this country before she shall die. I insert her letter:

SOUTH PASADENA, CALIF., *April 6, 1920.*

Hon. C. C. DICKINSON,
House of Representatives, Washington, D. C.

MY DEAR SIR: My nephew, J. G. Whiteside, secretary to Congressman WINGO, of Arkansas, sent me your speech of January 27 on the subject of bringing home our soldier dead. I read every word of that speech, and let me congratulate you from the depths of my sad heart. My prayers go out to you for success in this great work. May God give you strength to carry this bill through Congress. I am one of the heart-broken mothers who gave her only son in this miserable war. He is Pvt. Jacob Hawthorne Moles, of the Sixty-seventh Company of the Fifth Regiment, United States Marine Corps. He was killed at the Battle of Blanc Mont Ridge on October 4, 1918. My only son, Mr. DICKINSON. This boy, as well as myself, were born in the wonderful State of Missouri at St. Louis. We were compelled to come to California, and he enlisted from Los Angeles. I have written to almost everyone that I thought would help me. I have offered this Government, through Secretary of War Baker, to give back all the insurance—$10,000—my dear child left me if they would only give me back his dear body, so I will know when my last hour comes that we will be united in death. I have never been given one word of encouragement. I have also offered to go after my child's remains, paying all expenses myself, and still they will not give me what is mine. This boy did not wait to be called. He enlisted when he did not need to go. I am asking how much longer I will have to wait. This is my only desire in life, and when it is accomplished I am willing to give up this struggle. Please, Mr. DICKINSON, if possible, help me. I am so sad at heart; the days are so dark without my dear child. I will appreciate anything done for me in this matter. Again let me say that my wishes go out to you for success. I am thankful that one man feels the heartstrings of us suffering relatives. I gave all I had to give. May the blessings of God be with you.

Respectfully a soldier's mother,

Mrs. HENRIETTA MOLES.
1115 Montrose Avenue, South Pasadena, Calif.

That is only one of hundreds that have come to me, and I desire to press this thought upon this House, because in this country it is believed by many that Congress is all powerful. You and I know that Congress does not always have its will and way, but in a matter of this kind I regret that some declaration, embodied in some resolution, has not been adopted, so that France and other countries where these soldiers are buried might know what is the declared wish of this country and put an end to this question, about which there should have been no controversy, in my judgment.

It is settled now, I sincerely hope, that wherever the written request has been made by the nearest relative the faith of the Government is pledged that the body of the soldier will be brought back. But it is a question now of delay.

In his speech of to-day Mr. GOOD of Iowa, the chairman of the Appropriations Committee, in response to a question asked by Mr. BLAND of Missouri, stated to this House as follows:

Mr. BLAND of Missouri. Mr. Chairman, will the gentleman yield?

Mr. GOOD. Yes.

Mr. BLAND of Missouri. Is the amount appropriated for the return of the bodies of dead soldiers from France thought to be a sufficient amount for that purpose?

Mr. GOOD. It is thought by the committee that the War Department will not be able to expend anything like the amount carried in this bill during the next year. My opinion is that we could have cut that item by five or six million dollars and not have delayed for a single day the bringing back of a single body from France.

Mr. BLAND of Missouri. And would have brought all of them back that the parents and wives desire brought back?

Mr. GOOD. No. I do not believe that the work can all be done during the next year. It is proposed to bring back 50,000 bodies and to prepare for reburial in the cemeteries of France, as I recall, about 25,000 additional bodies. That work can not all be done during the next year. If England and the other countries should also require that the bodies of their soldiers be taken from France you can see the congestion that would result, and you might bring on epidemic in that portion of France if attempt should be made to do this work all at once.

The work must be carried on with some degree of common sense and good judgment, but it was the opinion of the committee that inasmuch as Congress had already taken action in the matter, and inasmuch as France had now given consent to the return of the bodies of our dead, we should grant the appropriation asked. There has been a disposition on the part of some people in the Government service to pass the buck that the committee felt that inasmuch as it would require $21,500,000 to bring back the bodies of our dead soldiers that it would be best to grant the appropriation at this time, even to the cent that was asked for by the department, so that the bereaved mothers and fathers and families of boys who lost their lives on the other side could not under any circumstances receive word from the War Department that the bodies of their dear ones were not returned because Congress had refused to grant the appropriation, and that is likely what would have happened if we had reduced the appropriation.

Over there in France lies a nephew of Congressman BLAND of Missouri—a brave and gallant soldier, Maj. Bland, of Kansas City, Mo., who was killed in action at Thiaucourt in the Battle of St. Mihiel, and now lies buried near the town of Thiaucourt for more than a year, and his devoted wife has been over there watching over the grave of the husband who gave his life for his country, and she waits with longing heart the day when she can come back with his body to be buried on American soil.

I have felt that this country, that was willing to spend so much to send them across, would be willing to appropriate an amount ample to meet all the necessities and costs and expenses of bringing them back at a reasonably early date. [Applause.]

It is estimated that between 50,000 and 60,000 will be brought back in response to the written requests of their relatives, at an expense estimated at $500 for each soldier. That would be over $25,000,000. And yet the amount as set out in the report apparently is not sufficient to meet all demands for this purpose. I quote from the report:

Another large increase for 1921 over 1920 is the sum of $13,200,000 for the return to the United States of the remains of American soldiers who died abroad in the recent war and the segregation in permanent American cemeteries in France of the remains not requested to be returned. It is estimated by the War Department that approximately 50,000 bodies will be returned to the United States at an average cost of $500 and that approximately 25,000 bodies will be segregated in permanent American cemeteries in France at an average cost of $200, making a total approximated cost for both purposes of $30,000,000. There has been previously appropriated for this pur-

pose approximately $8,500,000, which is continued available for the next year by this bill, and an additional appropriation of $21,500,000 is recommended, thus placing at the disposal of the War Department the entire estimated cost for this purpose.

Thereby verifying the statement of the chairman of the committee that the amount of appropriation as provided in this bill is not sufficient to meet all the demands, thereby causing a delay, I fear, for another year or until some subsequent additional appropriation is made.

As I said, I appreciate the fact that those in charge of this appropriation appropriated every dollar asked by the War Department. I had been in hopes that the War Department would ask for an appropriation at this time abundantly ample for the return of all, without delaying the bringing of any, where requested. The anxiety in the breast of those who are weary of delay ought not to be increased by any neglect of executive or legislative authority.

Mr. KING. Will the gentleman yield?

Mr. DICKINSON of Missouri. Yes.

Mr. KING. I am very much in sympathy with the remarks being made by the gentleman here, but can he enlighten us on what influence has been at work against the influence of this Congress and the people of this country to keep those bodies in France?

Mr. DICKINSON of Missouri. Ah, I am reluctant, more reluctant for personal reasons, to mention names or to review the history of the effort made by those more powerful than the humble citizens whose sons are buried there, which has had, I fear, a great influence, in the first place, in reaching the conclusion that they should not be brought back, and, subsequent thereto, in bringing the delay, with more delay now promised, by reason of the facts now within the knowledge of those who have sought information.

Mr. KING. Does the gentleman think that the spirit of profiteering in France and in the city of New York amongst the bankers on foreign exchange and the steamship companies and the automobile companies in France and the hotels in France have had anything to do or any influence in this matter?

Mr. DICKINSON of Missouri. I have no desire to enter that field or to thrust that into what remarks I see fit to make. It would take a long time to say what I might think or what has been uttered in the press and said one way and another. I have no desire to say an unkind or unfriendly word about those who differ with the relatives and with me in their desire to have their own returned to this country. I did regret a recent utterance made in a public speech deploring the fact that there was a desire on the part of relatives to have the bodies of their dead brought back, the speaker not being aware that the arrangements and agreements between this country and France had been completed, by which the matter was settled finally; but I have believed, and still believe, that the failure of Congress to speak and the injudicious speaking of certain men in high places did have much effect on the action of those in authority in France in heretofore failing to give earlier consent to the removal of the soldier dead.

I do not care to question the motives by which men are actuated and charge that there was any selfish reason behind it. I can not believe that any influence of that kind would have any weight with this Government. I hope it would have no weight with Congress. Whether that influence was sought to be brought forward here or abroad, that power, if foreign, would disappear if this Congress had spoken; it would have no influence when those in authority in this Government would demand or request of France that all obstacles to the return of the soldier dead should be removed. I know and you know that no foreign government or country would refuse to permit the return of the soldier dead, particularly from that country where so many lie and where so great a service was done by this country to that country.

Now, the thing that I am interested in and the thing I wanted to call attention to is that it has been a matter of regret, as the chairman seemed compelled to state for the information of the House, that the amount asked was not sufficient to meet all the demands of this service. I hope he is mistaken. I hope the estimate is ample. When the soldiers were returned there were abundant vessels to bring them back. If transportation facilities were not ample, there were transportation facilities in the possession of this Government at one time.

The delay now, I understand, has been due, as they say, in part, to want of coal. I understand that this Government has offered to provide the coal. The latest, as I understand it, is that those within the war zone shall not be returned before the middle of September, thereby making it possible that they may not all be returned within the next fiscal year. I hope all can be returned long before the end of the fiscal year; I had hoped within the calendar year.

Now, I have said more than I intended to say on this subject. I wanted to express a regret that the amount might not be large enough, and also to express regret at the delay. I wanted positive and early action. I want expedition of service. I know the wide difference of opinion on this matter.

Mr. RHODES. Mr. Chairman, will my colleague permit a question?

The CHAIRMAN. Does the gentleman from Missouri yield to his colleague?

Mr. DICKINSON of Missouri. I yield.

Mr. RHODES. The gentleman states that he knows there is a wide difference of opinion. I will ask him if it is not a fact that the figures show that at least 75 per cent of the people who have been asked by the War Department whether or not they wish the bodies of their relatives returned have expressed a desire for the return of the bodies?

Mr. DICKINSON of Missouri. Yes; I understand that. But what I mean is there is a wide difference as to the other and smaller percentage who desire the bodies to remain over there; the option was left with them; and the difference is very wide between those who want them back and those who want them to remain buried and cared for in foreign cemeteries. I have feared, however, that they were an influential minority. I have no criticism of those who hold a different view from that of those who want their soldier dead to be returned to this country. I desire no controversy with those of different thought and feeling relative to their own soldier dead.

Mr. PARRISH. Will the gentleman yield?

Mr. DICKINSON of Missouri. Yes.

Mr. PARRISH. I understand that a man has been sent from the War Department to France to confer with the authorities there with a view to the speedy return of the bodies in the war zone, and I understand also that that representative was expected back here the last of April. I was wondering if the gentleman had any information as to the report that he brought back as to just when the bodies could be removed. I am very much in sympathy with my friend and colleague, and concur in everything he has said with reference to the matter.

Mr. DICKINSON of Missouri. I have no late information as to when Mr. Hays, sent over by the Secretary of War, and also the representative of the Quartermaster's Department will return. This matter is being especially looked after by Col. Pierce, who is at the head of the Graves Registration Service.

Mr. PARRISH. I was anxious to know whether they had brought back any report. The last information I had was from the Secretary of War, and he said he thought they would start to actually remove the bodies by the 1st of September. I was wondering whether there had been any change in that program.

Mr. DICKINSON of Missouri. From what conversations I have had and what information I have received I have a very distinct impression that they will not wait until the 1st of September as far as the bodies that are not in the war zone are concerned.

Mr. PARRISH. They are being removed now.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. BYRNS of Tennessee. I yield to the gentleman 10 minutes more.

Mr. DICKINSON of Missouri. But the delay relates particularly to the bringing back of those who are within the war zone.

Mr. PARRISH. Yes; that was the very point.

Mr. DICKINSON of Missouri. Now, I want to look at it and give absolute and full credit, and I am not here desiring to criticize, except to express regret that they did not make the amount large enough to cover the entire expense.

Mr. PARRISH. I agree with the gentleman.

Mr. DICKINSON of Missouri. I had hoped and thought that probably by the middle of September all those not within the war zone would have been brought back. I know it is within the power of this country to bring those back and to expedite the work. It is now a year and a half since the signing of the armistice. The great body of the troops have been brought back, the last of them, I think, in the early fall, and since that time there have been abundant ships to perform this service.

Mr. RHODES. Will the gentleman permit this observation?

Mr. DICKINSON of Missouri. Yes.

Mr. RHODES. I think the War Department claim that the reason they did not ask a larger sum for this purpose was because of industrial conditions and perhaps because of health conditions it was not thought practicable to undertake the more

prompt return of the bodies or to enlarge upon the effort that has been made up to this time.

Mr. DICKINSON of Missouri. I understand that has been suggested, but I have talked to parties high in authority, who have informed me that there was no real foundation for that idea. In my judgment, this work ought not to be delayed. I have reached the conclusion that Congress will not express itself at all on this matter, and that it will rest in confidence that the War Department will go ahead and carry out this agreement just as effectively and well as if Congress had spoken. But if Congress had spoken positively months ago, I am sure there would not have been any agreement reached to let them all remain there, and there would not have been any uncertainty in the minds of the authorities in France as to the attitude of this Government, and this delay would not have occurred. There is an unrest in this country because of this uncertainty.

It remains for Congress now to speak by its own prompt action in making the appropriation as asked in the estimate of the War Department.

Mr. MOONEY. Will the gentleman yield?

Mr. DICKINSON of Missouri. Yes.

Mr. MOONEY. The real reason for the delay thus far has been that there has been no agreement reached with France, or had not been until very recently, had there?

Mr. DICKINSON of Missouri. I understand at one time, if Maj. Lemly is right, that there was an agreement that they would none of them be brought back, and the agreement theretofore entered into between this country and France was set aside. Then the Secretary of War opened it up through the Secretary of State and restored that agreement and reached the conclusion that has now been made final, and the transportation has begun.

I desire now to give full credit to every positive act done by any representative of this Government connected with the executive departments. I do not want to be understood as criticizing, but express the hope that there may be no necessity for any action on the part of Congress save to make the appropriation and that the executive department will do all that there is to be done and as speedily as it can be done. [Applause.]

Mr. GOOD. Mr. Chairman, I yield 15 minutes to the gentleman from Illinois [Mr. KING].

Mr. KING. Mr. Chairman—

> Ill fares the land, to hastening ills a prey,
> Where wealth accumulates and men decay.

All is not now well with the common people, whose welfare is the concern of all. No greater calamity could befall our country than that the middle classes should be reduced in their modest fortunes or possibly placed upon the road to penury. Yet millions of this class, by reason of their inability to keep pace with the rising prices of necessities of life, are already slowly but surely starting on the downward grade.

How necessary then for the great and powerful to give their earnest and immediate attention to the cries from below, lest the basis of all be crushed, lest the back of the middle class be broken!

HOUSE RESOLUTION NO. 476.

As an aeolian on the window sill tinkles to the first faint breeze of the coming storm, so the delicately adjusted business of the banking house first responds to the slightest indication of approaching disturbances in the financial atmosphere. It is my belief that no honest banker would willingly lend the slightest assistance to any procedure which would tend to debase the people's currency, of which he, by reason of superior knowledge and ability, is naturally the guardian and protector. This belief is strengthened by the remarkable manner in which the bankers of the country, especially in the South, West, and Northwest, have and are supporting the above resolution introduced by me on the 28th day of February and now before the Rules Committee and upon which a hearing will be had on May 4 or 5 next, at which bankers and financial experts from over the country will testify. The hearing, originally set for April 15, was postponed on account of the railroad interruption caused by the strike.

The investigation, if ordered by the House, will be wholly nonpartisan and conducted in the broadest manner. The resolution authorizes a committee of nine Members of the House of Representatives to fully investigate the administration of the Federal reserve act since its passage generally and with regard especially to the alleged enforcement of State banks into the system; competition between reserve banks and member banks; open market transactions; great and unexpected earnings of Federal reserve banks; salaries paid; oppressive policies toward member banks; destruction of the State bank system; intimidation of directors; enforcement of diversified business of the whole country to conform to rigid rules of the Federal Reserve Board; inflation of the currency as affecting the high cost of living; refusal to make loans to member banks secured by Liberty bonds; policy of Federal Reserve System paying for collection of checks rather than permit banks to charge for such service; method of handling clearance deposit accounts and "float"; concentration of power in hands of Federal Reserve Board; and regulation by the board of the conduct of nonmember State banks.

The committee or any subcommittee thereof is given in the resolution the usual powers to subpœna witnesses, compel the production of books, papers, and so forth.

Only one point can be considered here to-day—the administration of the Federal banking act in relation to the debasement of the currency and the high cost of living.

UNREST.

Unrest exists in the Nation.

A thousand reasons, each suitable and sufficient to the individuals who proclaim them, are given for its existence, accordingly as he is disturbed or made uncomfortable, mentally or physically, by his immediate and selfish surroundings.

The ordinary man is more confused than he is restless. For some reason, the exact nature of which he can not divine, he finds himself at a loss to locate the exact cause of his confusion. He looks about him and generally lays the blame upon some condition which is a result of something else and not the real cause of his discomfiture.

Confused and confounded by propaganda of paper organizations for this, that, and the other, by his loss of faith in the press, by the preachments of the professoriate, by the teachings of theorists, the swash of the penny-a-liners, the gyrations of the political medicine men, and the prophecies of the false astrologers, he swoons in his bewilderment and becomes oblivious to the real cause of his discontent, which is his inability to procure for a reasonable price and within his purchasing power the plain necessities of life to which he has been accustomed and where in thousands of cases the prices are absolutely prohibitory.

THE HIGH COST OF LIVING.

The high and the advancing cost of the necessities of life is the cause of 90 per cent of all the unrest in the Nation.

Deprivation of the masses is the cause of political ferment. The cry for bread unfailingly precedes the cry of revolution. The free distribution of corn among the plebians quelled many a crisis in Rome. So far in this country no one but the very poor and unfortunate are in want of bread, but conditions are becoming such that destitution can be seen already in the dress of the middle classes.

Practically the only tailor-made clothes now worn by the middle classes are those obtained before the war. In a mass meeting in Chicago the other day a man in a threadbare suit which he purchased new for $18 before the war said that for a new one like it $67 was demanded. He could not buy it, and was determined when his present rags fell from him he proposed to walk through the streets of Chicago naked.

Celluloid collars have been decreed for the middle classes, overalls are being put on, and soon there will be a demand for a shipment of wooden shoes from Holland.

The philanthropists now commend the cheaper cuts of meat to the "plain citizen."

If these high prices are the result of a course of conduct other than by reason of the uninterrupted law of supply and demand, it is the duty of the Government to investigate and regulate, and it is the sacred duty of those men who occupy the "seats of the mighty" in the business and financial world, to whom the preservation of the Government as established by the forefathers is of such moment, to back to the last sacrifice every attempt on the part of the Government to preserve the great middle classes, and all people for that matter, from exploitation and degredation.

The attempt, by the use of placards, billboards, paid writers, cartoonists, poets, professors, and all the avenues of publicity, to enveigle the masses into the idea that high prices have come to stay and, like death, are to be permanently endured is futile. It is equally unavailing to attempt to disseminate the false cry that the high cost of living is due to the excess-profits tax, lack of production, restriction upon immigration, the want of a Federal tax commission, or that the imposition of a consumption tax in lieu of income taxes, or the creation and financing of manufacturing plants by American money in Europe and other foreign countries employing cheap foreign labor to compete in the American market, will remedy the situation. Most of these suggestions come from the man with an ax to grind.

Neither will it do to lay the blame for the high cost of living upon the moderate people and to say to them, "It is all your own fault; you are extravagant buyers and foolish spenders." The common man pays no more than the price asked. He can buy no cheaper. If he wants a pair of shoes, he finds the price is $25, and he has the choice of taking them or letting them alone. All these hallucinations should be brushed aside.

THE INFLATION OF THE CURRENCY.

John Stuart Mill says:

That an increase in the quantity of money raises prices and diminution lowers them is the most elementary proposition in the theory of currency.

Not even the sky has been made a limit for the issuance of that kind of paper money known as Federal reserve notes. For 20 years gold and silver have increased rapidly enough to keep pace with a healthy growth without the issue of paper money by the banks. Coin, gold, and silver certificates, legal tender notes, national bank bills, and the new stock of gold from Europe gave us an ample supply of money of about $4,713,000,000. Then we adopted the Federal reserve banking act providing for a flexible or elastic currency which has been the means of issuing and floating of about $3,000,000,000 of new paper money by the 12 Federal reserve banks. Under the rule of Mr. Mill prices—not to the farmer but to the consumer—have had to advance to absorb this enormous and unwarranted increase of paper money.

The Federal reserve banks have issued more than four times over more paper money than the 7,800 national banks combined. How much longer will these bankers continue to issue paper money and cause prices to continue to soar higher and higher? You can not bring down prices and inflate the currency at the same time.

Take the case of the reserve bank at Chicago. While the people are endeavoring to reduce the high cost of living this one bank issued $86,458,875 additional paper money in six months ending January 1, 1920. How could a Federal reserve bank do this? Upon what is this money based? What is back of it? Gold 40 per cent, and the remaining 60 per cent is based not upon gold, silver, or precious stones but upon credit—that is to say, debts, particularly upon debts created in transactions involving the staples of life.

For instance, if you knew of an article which was getting scarce and by buying a large amount and withholding it from the market you could force the price up to a point where you could realize a big profit, you would drop around to your banker and inform him of your plan. If you are a good commercial risk, or will secure him with a lien on the article, he will take your note, say, for $100,000 and hand you over the money, which will enable you to hold the goods, after deducting the discount. This note is rediscounted by a Federal reserve bank, taken or sent by it, indorsed, to the Treasury of the United States, and the Comptroller of the Currency will give to the Federal reserve bank notes guaranteed by the Government.

The Federal reserve bank is protected by your signature and the articles. If you fail and the articles are lost while in the process of holding, the Federal reserve bank loses and makes good to the Government.

But, now, suppose articles or staples of life which make up 60 per cent of the basis upon which these Federal notes or paper money to the amount of the issue of three billions of dollars should be destroyed by a fire in one night. It would break the banks, of course, if they could not recover from the signers of the notes out of other property. The Government, having guaranteed the paper currency to the holders of it, would find that it had nothing to rely upon but the broken banks, and thus would be put upon the Government an obligation which it could not stand.

Right here comes in the connection between this inflated currency and the high cost of necessities of life, which, to the extent of 60 per cent, is the basis upon which this paper money rests. As a sudden fire would break the banker and ruin the Government, so any other loss by decay or reduction in price below the figure for which the hoarded articles were purchased would be injurious to the Federal reserve banker, and therefore his interest in maintaining high prices of the commodity stored.

A good example arises at this time. A few days ago there was not a pound of sugar to be had in Washington stores. Recently an item appeared in the financial columns stating that holders of sugar in New York were waiting for a price of 18¾ cents. The transaction is no doubt financed by the Federal reserve bank of New York which discounted and took the notes of the holder, either with or without the sugar as security, and delivered them to the United States Treasury and received Federal reserve notes for the same.

Here is an extract from an article in the morning paper:

Leon Israel & Bros., Wall Street brokers and importers, are charged with selling 500,000 pounds of sugar at 21.5 cents a pound which they bought at 14.6 cents. Israel is a director of the New York Office and Sugar Exchange. The firm has foreign branches and is said to have done a gross business of $25,000,000 last year. Israel tentatively pleaded not guilty when arraigned and was released in $1,000 bail.

What does that mean? How could Leon Israel & Bros. do business if they were not backed by some bank? What bank? The Federal reserve bank of the city of New York. They take their notes, and they put them up to the Treasurer, and the Treasurer issues the money founded upon nothing but speculation in sugar and other foodstuffs.

You may have a $5 reserve note now in your pocket, based upon this sugar transaction. Can you reasonably expect that when this money is based on sugar the price of sugar will naturally fall? The first holder may even sell his holdings to a second holder, who will again be financed by the Federal reserve bank. Our money system has created another formidable middleman—the holder.

One might say that the basis of this currency, the foodstuffs, is inflated by holding or hoarding it. That is a never-ending process. Every time an upward fluctuation of the market takes place a new issue of paper money appears. So we might, with reference to the paper money, reverse the statement of Mr. Mill to read with equal truth:

That a raise in prices increases the quantity of money and a lowering of prices decreases it.

An elastic yardstick of varying lengths would be a poor standard of measure, yet bankers by the permission of the Federal Reserve Board and contrary to the intention of Congress are using an elastic standard of value for their Federal reserve notes in issuing money based upon the hoarded necessities of life.

The elastic standard is stretched to the snapping point, where it is held. To prevent loss they are holding it taut rather than shorten it. How long can it be done? How much better to relieve the tension than to let it snap. Yet I have heard it said by reckless persons that a panic might be a good thing.

IMMEDIATE DEFLATION NECESSARY.

In order to deflate this currency it is not necessary for Congress to pass any additional legislation. It can be done by the bankers themselves and thus prevent the great upheaval which would be attendant upon a panic. This deflation should take place only gradually.

The Bankers' Statistics Corporation recommends as a remedy for the situation a maintenance of present prices and a raise all around to meet them. This would, of course, prevent banks and speculators from losing any money, but would require many years to establish an equilibrium and thousands of wage and salary earners would never in this life overtake the high cost of living.

Increasing the discount rates will not cause deflation, as is shown at the present time. Speculators rapidly accustom themselves to the advanced rate, increase the margin of their profits, and move increasingly forward. A law has been passed permitting a graduated and progressive discounting, but so far has been unavailing.

The sole method of relief is liquidation.

Let there be a gradual paying off of these loans, otherwise there remains nothing to do but to prohibit by law for a time the further issue of paper money. There ought to be a positive provision in the law prohibiting any Federal reserve bank from issuing any currency based upon speculative loans in the necessities of life.

The purpose of House resolution 476 is to proceed in a sane and safe way to investigate the whole field for the purpose of discovering the defects in the administration of the law and applying a remedy in the interest of the people as a whole.

Mr. BYRNS of Tennessee. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio [Mr. SHERWOOD].

Mr. SHERWOOD. Mr. Chairman, on Tuesday, the 27th of April, the eloquent gentleman from Texas [Mr. SUMNERS] paid a very beautiful tribute to Gen. Grant on the ninety-eighth anniversary of his birth. He was the eighteenth President of the United States.

That tribute was printed in the CONGRESSIONAL RECORD and brought a very interesting and valuable letter from a prominent ex-Confederate soldier of this city, and that is the occasion of my being on my feet.

We all concede that nothing new can be said of Gen. Grant. History and biography have been busy with his name and fame for over half a century, and history has said its last word. It

was that crash of cannon shot against the walls of Fort Sumter in April, 1861, that made the wounded captain of the Mexican War, leading a modest life in Galena, Ill., the leading general of the Union Army and, at the end of eight years as President, the foremost man of all the world.

It is not great men who make the epochs of human history. It is great epochs that make great men. Had there been no Trojan war, there would have been no Homer. Had there been no conflict of the kings in the formation period of English literature, there would have been no William Shakespeare. Had there been no war of the American Revolution, there would have been no George Washington. Had there been no war in sixty-one and sixty-five, there would have been no Gen. Grant.

This letter is not only interesting but it has historical value. Let me read:

WASHINGTON, D. C., *April 29, 1920.*

Hon. HATTON W. SUMNERS,
House of Representatives, Washington, D. C.

DEAR SIR: I have read with great emotion your speech in the House of Representatives on the anniversary of the birth of Gen. Grant. You eloquently uttered the feelings and sentiments of all old Confederate soldiers in regard to Gen. Grant. I have the honor of being one of them, having been a member of Company B, Second Maryland Infantry, McComb's Brigade, Gen. Harry Heath's Division, of A. P. Hill's Corps.

The Federals broke through Wilcox's Division of the same corps at Hatchers Run on the 2d day of April, 1865, and that morning we started on our retreat toward Appomattox Court House. We had marched seven days on the retreat, with a pint of raw corn issued to us for rations every day until the morning of the 9th of April, when, upon emerging from a skirt of woods upon an open field at the top of a gentle hill with a slight valley below us, we beheld the Federal line of battle drawn up upon the opposite hill with skirmishers advanced and our own skirmishers facing them, about 250 or 300 yards apart. We felt sure we were about to charge them when, to our amazement, we were given orders to stack arms. One of our men exclaimed, "We are going to surrender." Capt. John W. Torsch, who was commanding our regiment, all our field officers having been killed or wounded, promptly ordered him under arrest; but in a very little while the reality became known and within half an hour Confederate and Federal soldiers were all intermingled.

Not an insulting word was uttered upon either side, and in little groups they began discussing the different battles they had been in against each other, and the Federal soldiers freely admitted that we had given them hell in the most of them.

Gen. Grant ordered beeves from his own Army to be driven into our camp, and when they were butchered we cut slices of meat off the carcasses, stuck them on the ends of our ramrods, thrust them in the fire, and ate the meat without any bread. The commissary wagons had not been able to keep up on the rapid march.

In a little while we saw a squad of horsemen coming from the Federal lines and saw that it was a general and his staff. It proved to be Gen. Lee coming from Gen. Grant's headquarters. He was in full-dress uniform, boots and spurs beautifully shined, and as erect on old Traveler as is his statue in Statuary Hall. A day or two afterwards we heard that Gen. Grant apologized to Gen. Lee for being in fatigue uniform, saying his headquarters wagon had not been able to keep up. When the men recognized Gen. Lee, both Confederates and Federals lined the sides of the road as he passed along with his hat lifted above his head, the Federal soldiers cheering him as lustily as the Confederates.

Now, Mr. SUMNERS, begging you to excuse me for having troubled you with this little narrative of a great event in history, which I have hastily jotted down from memory, "et quorum pars parva fui," I wish to express to you my thanks and appreciation for your eloquent speech on Gen. Grant's anniversary and subscribe myself,

Very truly, yours, A. W. NEALE.

[Applause.]

Mr. BYRNS of Tennessee. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. GOOD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. ANDERSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 13870, the sundry civil bill, and had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 9228. An act to authorize the establishment of a Coast Guard station on the coast of Lake Superior, in Cook County, Minn.; and

H. R. 12869. An act for the construction of a bridge across the Pentwater River or Pentwater Lake, Mich.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 9369. An act to revise and equalize rates of pension to certain soldiers, sailors, and marines of the Civil War and the War with Mexico, to certain widows, including widows of the War of 1812, former widows, dependent parents, and children of such soldiers, sailors, and marines, and to certain Army nurses, and granting pensions and increase of pensions in certain cases;

H. R. 13253. An act to grant the consent of Congress to the Elmer Red River Bridge Co. to construct a bridge across the Red River;

H. J. Res. 301. Joint resolution to authorize the Secretary of War to grant revocable licenses for the removal of sand and gravel from the Fort Douglas Military Reservation for industrial purposes;

H. R. 10917. An act to amend an act entitled "An act to incorporate the National Education Association of the United States," by adding thereto an additional section;

H. R. 12956. An act extending the time for constructing a bridge across the Bayou Bartholomew, in the State of Arkansas; and

H. R. 12610. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1921, and for other purposes.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. STEPHENS of Ohio, for 15 days, on account of important business.

FORTIFICATION APPROPRIATION BILL.

Mr. SLEMP. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 13555, the fortifications appropriation bill, with Senate amendments thereto, disagree to all of the Senate amendments, and ask for a conference.

The SPEAKER. Is there objection?

There was no objection.

The Chair appointed the following conferees: Mr. SLEMP, Mr. FRENCH, and Mr. EAGAN.

MEMORIAL EXERCISES—THE LATE REPRESENTATIVE VAN DYKE.

Mr. KELLER. Mr. Speaker, I ask unanimous consent that Sunday, May 16, 1920, after the exercises in memory of the late Representative WILLIAM J. BROWNING, be set apart to pay tribute to the memory of Hon. CARL C. VAN DYKE, late a Member of this House from the State of Minnesota.

The SPEAKER. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. GOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 15 minutes p. m.) the House adjourned until Monday, May 3, 1920, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting request from the Surgeon General of the Public Health Service that the estimate for medical, surgical, and hospital services and supplies for war-risk insurance beneficiaries, etc., be increased for fiscal year 1921 (H. Doc. No. 747); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting paragraph of requested legislation required by the Bureau of Engraving and Printing and for inclusion in the general deficiency bill; to the Committee on Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. MERRITT, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 12161) to amend an act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909 (35 Stat. L., p. 1134), reported the same with amendments, accompanied by a report (No. 911), which said bill and report were referred to the House Calendar.

Mr. JOHNSON of Washington, from the Committee on the Public Lands, to which was referred the bill (H. R. 8545) to provide for the disposition of abandoned lighthouse and lifesaving stations, reported the same with amendments, accompanied by a report (No. 912), which said bill and report were

referred to the Committee of the Whole House on the state of the Union.

Mr. VAILE, from the Committee on the Public Lands, to which was referred the bill (S. 793) authorizing the issuance of patent to the Milk River Valley Gun Club, reported the same with amendments, accompanied by a report (No. 914), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. KINKAID, from the Committee on Irrigation of Arid Lands, to which was referred the bill (S. 3477) to increase, without expenditure of Federal funds, the opportunities of the people to acquire rural homes, and for other purposes, reported the same with amendments, accompanied by a report (No. 915), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. GLYNN, from the Committee on Claims, to which was referred the bill (H. R. 6098) for the relief of A. S. Rosenthal Co., reported the same without amendment, accompanied by a report (No. 913), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. EDMONDS: A bill (H. R. 13889) to promote marine insurance and for other purposes; to the Committee on the Merchant Marine and Fisheries.

By Mr. HOWARD: A bill (H. R. 13890) to regulate the dealing in, distribution, importing, or manufacturing of sugar; to the Committee on the Judiciary.

By Mr. BARKLEY: A bill (H. R. 13891) to amend the War Finance Corporation act by authorizing said corporation to purchase newsprint paper and resell same to the publishers of newspapers in the United States, and for other purposes; to the Committee on Appropriations.

By the SPEAKER: Memorial of the Legislature of the State of Kentucky, requesting Congress to designate February 12 of each year as a national holiday, this being the birthday of Abraham Lincoln; to the Committee on the Library.

By Mr. CROWTHER: Memorial of the Legislature of the State of New York, favoring the early enactment of the Federal water-power bill; to the Committee on Water Power.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLAND of Indiana: A bill (H. R. 13892) granting a pension to Martha A. James; to the Committee on Pensions.

Also, a bill (H. R. 13893) granting a pension to Robert H. Burress; to the Committee on Pensions.

By Mr. BROWNE: A bill (H. R. 13894) granting a pension to Sarah Jackson; to the Committee on Invalid Pensions.

By Mr. COPLEY: A bill (H. R. 13895) granting a pension to Addie M. Blair; to the Committee on Invalid Pensions.

By Mr. CRAGO: A bill (H. R. 13896) for the relief of Jeremiah Stover; to the Committee on Military Affairs.

By Mr. CROWTHER: A bill (H. R. 13897) granting an increase of pension to James Sullivan; to the Committee on Pensions.

By Mr. DAVIS of Tennessee: A bill (H. R. 13898) granting a pension to Edmond D. Judkins; to the Committee on Invalid Pensions.

By Mr. HUDSPETH: A bill (H. R. 13899) for the relief of Mrs. Harold G. Halstead; to the Committee on Claims.

By Mr. JONES of Pennsylvania: A bill (H. R. 13900) for the relief of Zora B. Custer; to the Committee on Military Affairs.

By Mr. McFADDEN: A bill (H. R. 13901) granting a pension to Martha J. Killam; to the Committee on Invalid Pensions.

By Mr. McKEOWN: A bill (H. R. 13902) granting a pension to William P. Johnson; to the Committee on Invalid Pensions.

By Mr. MICHENER: A bill (H. R. 13903) granting an increase of pension to Michael Pletcher; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3358. By the SPEAKER: Petition of Improved Order of Red Men, Davenport, Iowa, opposing the moving of any of the units from the Rock Island Arsenal; to the Committee on Military Affairs.

3359. Also (by request), petition of the Men's Club of the Humboldt Park Community Methodist Episcopal Church, of Chicago, Ill., favoring an increase of pay for postal employees; to the Committee on the Post Office and Post Roads.

3360. By Mr. CAREW: Petition of the One hundred and seventh Infantry Post, of New York City, advocating betterment of the service rendered to disabled soldiers; to the Committee on Interstate and Foreign Commerce.

3361. By Mr. COLE: Petition of Middleport, Ohio, Lodge, No. 676, International Association of Machinists, urging passage of Senate joint resolution 171 and Senate bill 1233; to the Committee on the Judiciary.

3362. By Mr. CROWTHER: Petition of sundry residents of the city of Schenectady, N. Y., favoring the enactment of House bill 1112, providing for the parole of Federal prisoners; to the Committee on the Judiciary.

3363. By Mr. DYER: Petition of C. F. Bates, of St. Louis, Mo., favoring passage of House bill 13201; to the Committee on Mines and Mining.

3364. Also, petition of Kansas City, Mo., Dental Society, protesting against House bill 7785, providing for a tariff on dental instruments; to the Committee on Ways and Means.

3365. Also, petition of Augustus P. Gardner Post, No. 18, American Legion, of Washington, D. C., expressing disapproval of the bonus legislation; to the Committee on Ways and Means.

3366. Also, petition of Theo. Poehler Mercantile Co., favoring passage of legislation to protect commerce against commercial bribery; to the Committee on Interstate and Foreign Commerce.

3367. By Mr. FULLER of Illinois: Petition of the National Shoe Retailers' Association of the United States of America (Inc.), Philadelphia, Pa., opposing the passage of the McNary bill, providing for the stamping of the price on each pair of shoes at which the same was sold by the manufacturer; to the Committee on Interstate and Foreign Commerce.

3368. Also, petition of the Chicago Coal Merchants' Association, opposing the passage of Senate bill 4089; to the Committee on Interstate and Foreign Commerce.

3369. By Mr. GOLDFOGLE: Petition of F. S. Green, commissioner of highways of the State of New York, Albany, N. Y., favoring the passage of the Federal aid highways bills now before Congress; to the Committee on Appropriations.

3370. Also, petition of Three hundred and fifth Infantry Post, American Legion, New York City, favoring increased pay for soldiers, sailors, and marines; to the Committee on Ways and Means.

3371. Also, petition of Children's Cloak and Reefer Makers' Union, Local No. 17, New York City, favoring the passage of Senate joint resolution 171 and Senate bill 1233; to the Committee on the Judiciary.

3372. By Mr. KENNEDY of Iowa. Petition of Iowa Branch, United National Association of Post Office Clerks, favoring increased compensation for post-office clerks; to the Committee on the Post Office and Post Roads.

3373. By Mr. LINTHICUM: Petition of W. Wylie Ritchey and P. H. Goodwin & Co., both of Baltimore, Md., in re House bill 13201; to the Committee on Ways and Means.

3374. Also, petition of Mrs. Reuben Ross Holloway, Baltimore, Md., in re House bill 10104, extending patent on insignia of National Society United States Daughters of 1812; to the Committee on Patents.

3375. Also, petition of Margaretta Poe, treasurer Maryland Audubon Society, in re House bill 12446; to the Committee on the Public Lands.

3376. Also, petition of M. E. Towner, Baltimore Md., in re Timberlake bill; to the Committee on Ways and Means.

3377. Also, petition of Rev. William Schouler and C. E. Perkins, both of Baltimore, Md., in re House bill 13334; to the Committee on the Merchant Marine and Fisheries.

3378. Also, petition of International Association of Machinists, Baltimore, Md., in re bill introduced by Senator EDGE to prevent railroad strikes; to the Committee on Interstate and Foreign Commerce.

3379. Also, petition of Traffic Club, Baltimore, Md., in re House bill 13015; to the Committee on Ways and Means.

3380. Also, petition of Edward J. Storck and R. B. Pue & Co., both of Baltimore, Md., in re Ralston-Nolan bill; to the Committee on Ways and Means.

3381. Also, petition of American Hammered Piston Ring Co., Baltimore, Md., in re House bill 12976; to the Committee on Ways and Means.

3382. Also, petition of Chesapeake Baking Co., Baltimore, Md., in re House bill 12379, the Steagall bill; to the Committee on Banking and Currency.

3383. Also, petition of Henry S. Wampole Co., Baltimore, Md., in re tax on advertising proposed by Representative Joseph Thompson; to the Committee on Ways and Means.

3384. Also, petition of Maryland Department American Legion, Baltimore, Md., in re universal military training; to the Committee on Military Affairs.

3385. Also, petition of Enterprise Fuel Co., Baltimore, Md., in re Senate bill 4089; to the Committee on Interstate and Foreign Commerce.

3386. Also, petition of B. W. Figgins; Stuart S. Janney, commander; Charles B. Reeves; and Maxie Anna Pyle, all of Baltimore, Md., in re soldiers' bonus; to the Committee on Ways and Means.

3387. By Mr. O'CONNELL: Petition of One hundred and seventh Infantry Post of New York City, advocating betterment of service given to disabled soldiers; to the Committee on Interstate and Foreign Commerce.

3388. Also, petition of Twentieth Assembly District Regular Republican Club, favoring development of Jamaica Bay as a port of entry for large ships; to the Committee on Rivers and Harbors.

3389. Also, petition of C. W. Parsons, editor of the American Druggist, protesting against the proposed tax on advertising; to the Committee on Ways and Means.

3390. By Mr. OSBORNE: Memorial of Roosevelt Camp, No. 9, United Spanish War Veterans, Los Angeles, Calif., in support of House resolution 496; to the Committee on Ways and Means.

3391. By Mr. ROWAN: Petition of American Druggist and Pharmaceutical Record, protesting against bill introduced by Representative Thompson levying a tax on advertisements; to the Committee on Ways and Means.

3392. Also, resolutions adopted by the International Brotherhood of Electrical Workers, Local No. 41, urging that the committee report out bills calling for 1-cent letter rate in cities, towns, and rural routes; to the Committee on the Post Office and Post Roads.

3393. Also, petition of Ideal Cocoa & Chocolate Co., favoring 1 per cent tax on all gross sales; to the Committee on Ways and Means.

3394. Also, resolutions adopted by Augustus P. Gardner Post of the American Legion, relative to House bill 13293; to the Committee on Military Affairs.

3395. Also, resolutions adopted by the One hundredth and Seventh Infantry, New York City, urging the Surgeon General of the United States Army to endeavor to obtain adequate and efficient medical and surgical treatment for the veterans of the World War, to grant allowances sufficient to permit them to meet the high cost of living, and to give vocational training without delay to those in need of same; to the Committee on Military Affairs.

3396. Also, petition by Listerated Gum Corporation, favoring 1 per cent tax on all gross sales; to the Committee on Ways and Means.

3397. Also, resolutions adopted by the board of directors of the Rotary Club of New York, favoring the construction of a national system of highways throughout the United States; to the Committee on Roads.

3398. Also, petition of the National Shoe Retailers' Association of the United States of America (Inc.), protesting against the McNary bill; to the Committee on Ways and Means.

3399. Also, resolutions adopted by the American Federation of Labor, favoring the Lehlbach retirement bill; to the Committee on Reform in the Civil Service.

3400. By Mr. TINKHAM: Petition of a mass meeting of citizens of Boston, Mass., urging the passage of the Mason bill; to the Committee on Foreign Affairs.

3401. Also, petition of Augustus P. Gardner Post, No. 18, of the District of Columbia, opposing the passage of House bill 13293; to the Committee on Ways and Means.

SENATE.

MONDAY, *May 3, 1920.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, our constant need of Thy power and of Thy grace makes it impossible for us to forget Thy name in the great task which has been committed to our hands. We come before Thee consecrating this day to Thy service. We pray that this day may be Thy day, that Thou wilt lift us to Thy presence, that Thou wilt guide our hearts and minds in all knowledge and wisdom, that Thou wilt control us from evil tendencies in act and thought within us. Help us to express the divine idea as it is committed to us in the form of human life and government. For Christ's sake. Amen.

The Journal of the proceedings of the legislative day of Friday, April 30, 1920, was read and approved.

COTTON IN STORAGE (S. DOC. NO. 263, PT. 2).

The VICE PRESIDENT laid before the Senate a communication from the Director of the Census, transmitting, in response to a resolution of March 24, 1920, certain information relative to the number of bales of so-called unspinnable cotton, including gin cut, water packed, perished fiber, and linters, in public storage and at concentrating points, which was ordered to lie on the table and be printed.

ANNUAL REPORT OF THE FEDERAL TRADE COMMISSION.

The VICE PRESIDENT laid before the Senate the annual report of the Federal Trade Commission for the fiscal year ended June 30, 1919, which was referred to the Committee on Interstate Commerce and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House disagrees to the amendments of the Senate to the bill (H. R. 13555) making appropriations for fortifications and other works of defense, for the armament thereof, and for the procurement of heavy ordnance for trial and service, for the fiscal year ending June 30, 1921, and for other purposes," asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SLEMP, Mr. FRENCH, and Mr. EAGAN managers at the conference on the part of the House.

The message also announced that the House insists upon its amendments to the bill (S. 1699) for the retirement of employees in the classified civil service, and for other purposes, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LEHLBACH, Mr. FAIRFIELD, and Mr. GODWIN of North Carolina managers at the conference on the part of the House.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 9228. An act to authorize the establishment of a Coast Guard station on the coast of Lake Superior, in Cook County, Minn.; and

H. R. 12869. An act for the construction of a bridge across the Pentwater River or Pentwater Lake, Mich.

DECLARATION ON CHARGE OF FRENCH MILITARISM.

Mr. LODGE. I present a declaration which has been sent to me as chairman of the Committee on Foreign Relations, with the request that it be inserted in the RECORD of the proceedings of Congress. It is very brief, and it will take only a moment to read it:

"The undersigned share the regret expressed in the United States Senate at the reflections recently made by the President upon our ancient ally France who bore the brunt of the late war from the outset, as well as of previous assaults, and upon Italy, whose sacrifices in the late war entitle her to respect. Such public criticism of friendly and allied nations is not warranted and it affects adversely our relations with nations whose interest in peace is equal to our own. Precautions against the recurrence of armed invasions taken by the victims of repeated German aggressions are justified and the determining by them of what defensive precautions are dictated by experience is not a proper basis for denunciation."

Among the signers of the above declaration are the following:

"Chester H. Aldrich, architect, New York; Henry Morrell Atkinson, financier, Atlanta, Ga.; Joseph A. Blake, surgeon, New York; Mrs. Joseph A. Blake, Tarrytown, N. Y.; Charles J. Bonaparte, ex-United States Attorney General, Baltimore, Md.; John Jay Chapman, author, New York; Joseph H. Choate, jr., lawyer, New York; Charles Stewart Davison, lawyer, chairman American Defense Society, New York; Mrs. Dexter Blagden, New York; Carroll Dunham, physician, Irvington, N. Y.; Mrs. Carroll Dunham, Irvington, N. Y.; Allen W. Evarts, lawyer, New York; Robert Glendenning, banker, Philadelphia, Pa.; Richard Gottheil, professor, Columbia University, N. Y.; William Greenough, lawyer, New York; Edward W. Harden, banker, New York; Henry Winthrop Hardon, lawyer, New York, Myron T. Herrick, ex-governor of Ohio, formerly United States ambassador to France; David Jayne Hill, diplomat and historian, Washington, D. C.; Alonzo G. Hinckley, justice supreme court, Buffalo, N. Y.; John Mead Howells, architect, New York; Walter Jennings, capitalist, New York; G. E. Johnson, editor, Louisville, Ky.; Harry Pratt Judson, president University of Chicago; Fred M. Kirby, capitalist, Wilkes-Barre, Pa.; Lester Leland, manufacturer, Boston, Mass.; Maurice Léon, lawyer, New York; William T. Manning, clergyman, New York; William Fellowes Morgan, president Merchants' Association, New

York; Mrs. Frederick Nathan, New York; Walter G. Oakman, financier, New York; E. H. Outerbridge, merchant, formerly president Chamber of Commerce, New York; Mrs. Douglas Robinson, New York; Henry D. Sharpe, manufacturer, Providence, R. I.; A. B. Silsbee, banker, Boston, Mass.; Walter R. Spalding, professor, Harvard University; Moorfield Storey, lawyer, Boston, Mass.; Cornelius S. Sweetland, banker, Providence, R. I.; Percy R. Turnure, surgeon, New York; William Roscoe Thayer, author, Cambridge, Mass.; Alfred Tuckerman, bibliographer, Newport, R. I.; Mrs. Alfred Tuckerman, Newport, R. I.; William Harman Van Allen, clergyman, Boston, Mass.; Whitney Warren, architect, New York; Henry Watterson, journalist, Louisville, Ky.; E. T. Weir, manufacturer, Weirton, W. Va.; D. M. Weir, manufacturer, Weirton, W. Va.; Barrett Wendell, professor emeritus Harvard University; Caspar Whitney, editor, New York; Wilbur H. Williams, journalist, New York."

I ask that the declaration be referred to the Committee on Foreign Relations.

The VICE PRESIDENT. Without objection, that order will be made.

PETERSBURG, ALASKA, BOND ISSUE.

Mr. NEW, from the Committee on Territories, to which was referred the bill (S. 4286) to amend an act entitled "An act to authorize the incorporated town of Petersburg, Alaska, to issue bonds in any sum not exceeding $75,000 for the purpose of constructing and installing a municipal electric light and power plant and for the construction of a public-school building," approved September 29, 1919, reported it without amendment.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. KENYON:

A bill (S. 4321) granting a pension to Millie S. Jones (with accompanying papers); to the Committee on Pensions.

By Mr. CALDER:

A bill (S. 4322) for the relief of Philip A. Hertz; to the Committee on Military Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. LODGE submitted an amendment proposing to appropriate $15,000 for the administration of the National Gallery of Art by the Smithsonian Institution, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. SHEPPARD submitted an amendment proposing to appropriate $356,700 for an aviation landing field and drill ground at Fort Bliss, Tex., etc., intended to be proposed by him to the Army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

CONTROL OF MARKETS AND COMMODITIES.

Mr. KING. I submit the following resolution, and ask that it be read and referred to the Committee on the Judiciary.

The resolution (S. Res. 355) was read and referred to the Committee on the Judiciary, as follows:

Whereas doubts have been expressed as to the effectiveness of the Sherman Antitrust Act and acts supplementary thereto for the prevention and dissolution of corporations, combinations, trusts, and conspiracies to monopolize the trade in certain necessary commodities in commerce between the States: Now, therefore, be it

Resolved, That the Committee on the Judiciary be, and is hereby, requested to inquire into the question of the control of markets and commodities by trusts and monopolies and by conspiracies to hinder and restrain trade between the States, and to report to the Senate whether or not the Sherman Antitrust Act requires revision, alteration, or extension to make the same effective, and further to report to the Senate what additional legislation may be appropriate and necessary to liberate production, manufacture, and commerce from undue impediments and restraints.

RETIREMENT OF CIVIL-SERVICE EMPLOYEES.

On motion by Mr. STERLING, it was

Ordered, That the bill (S. 1699) entitled "An act for the retirement of employees in the classified civil service, and for other purposes," be printed showing the House amendments numbered.

FORTIFICATIONS APPROPRIATIONS.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 13555) making appropriations for fortifications and other works of defense, for the armament thereof, and for the procurement of heavy ordnance for trial and service, for the fiscal year ending June 30, 1921, and for other purposes," and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SMOOT. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. SMOOT, Mr. KENYON, and Mr. OVERMAN conferees on the part of the Senate.

DEFICIENCY APPROPRIATIONS—CONFERENCE REPORT.

Mr. WARREN submitted the following conference report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13677) making appropriations to supply a deficiency in the appropriations for the Federal control of transportation systems and to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1920, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 4, 5, and 6, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following "transferred from the appropriation made in paragraph (g) of the said section 204 and"; and the Senate agree to the same.

F. E. WARREN,
CHARLES CURTIS,
O. W. UNDERWOOD,
Managers on the part of the Senate.

JAMES W. GOOD,
J. G. CANNON,
JAMES F. BYRNES,
Managers on the part of the House.

The report was agreed to.

THE CALENDAR.

The VICE PRESIDENT (at 12 o'clock and 5 minutes p. m.). The morning business is closed.

Mr. SMOOT. Mr. President, I ask unanimous consent for the consideration of the bill (H. R. 10918) to provide revenue and encourage domestic industries by the elimination, through the assessment of special duties, of unfair foreign competition, and for other purposes. It is commonly known as the anti-dumping bill.

Mr. THOMAS. Mr. President, I object.

The VICE PRESIDENT. The calendar under Rule VIII is in order.

Mr. McLEAN. Mr. President, there are three bills on the calendar providing for the coinage of 50-cent pieces, the bill (H. R. 12460) to authorize the coinage of 50-cent pieces in commemoration of the one hundredth anniversary of the admission of the State of Maine into the Union, the bill (H. R. 12824) to authorize the coinage of 50-cent pieces in commemoration of the one hundredth anniversary of the admission of the State of Alabama into the Union, and the bill (H. R. 13227) to authorize the coinage of 50-cent pieces in commemoration of the three hundredth anniversary of the landing of the Pilgrims. These bills have been reported from the Committee on Banking and Currency favorably, and they have passed the House, and action on these measures is urgently demanded. I do not know whether they would be reached on the calendar to-day. They ought to be disposed of, and I ask unanimous consent that they may be taken up now in their order.

Mr. SMOOT. Some time before 2 o'clock, if we have not reached those bills on the calendar, I do not think there will be any objection to taking them up, but if we are going to take up the calendar under Rule VIII I think we had better begin with the first bill on the calendar.

Mr. McLEAN. I understand there is objection to my request?

Mr. SMOOT. Yes; at this time.

The VICE PRESIDENT. The calendar will be proceeded with.

Senate resolution 76, defining a peace treaty which shall assure to the people of the United States the attainment of the ends for which they entered the war, and declaring the policy of our Government to meet fully obligations to ourselves and to the world, was announced as the first business on the calendar.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The resolution will go over.

The bill (S. 529) for the relief of the heirs of Adam and Noah Brown was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The bill will go over.

The bill (S. 600) for the relief of the heirs of Mrs. Susan A. Nicholas was announced as next in order.

Mr. SMOOT and Mr. KING. Let the bill go over.

The VICE PRESIDENT. It will go over.

The bill (S. 1223) for the relief of the owner of the steamer *Mayflower* and for the relief of passengers on board said steamer was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 174) for the relief of Emma H. Ridley was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1722) for the relief of Watson B. Dickerman, administrator of the estate of Charles Backman, deceased, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 168) to create a commission to investigate and report to Congress a plan on the questions involved in the financing of house construction and home ownership and Federal aid therefor was announced as next in order.

Mr. KENYON. I think the resolution submitted by the Senator from New York [Mr. CALDER], which was passed by the Senate, practically covers the question involved in the bill, and I shall not ask to have it taken up.

Mr. SMOOT and Mr. OVERMAN. Let it go over under Rule IX.

Mr. KENYON. Let it retain its place on the calendar. I wish to investigate it further.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2224) to incorporate the Recreation Association of America was announced as next in order.

Mr. KING. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1660) to provide a division of tuberculosis in and an advisory council for the United States Public Health Service, and for other purposes, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will go over.

The joint resolution (S. J. Res. 41) proposing an amendment to the Constitution of the United States was announced as next in order.

Mr. KING. Let the joint resolution go over.

The VICE PRESIDENT. It will go over.

The bill (S. 2457) to provide for a library information service in the Bureau of Education was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. It will go over.

The bill (S. 131) to provide that petty officers, noncommissioned officers, and enlisted men of the United States Navy and Marine Corps on the retired list who had creditable Civil War service shall receive the rank or rating and the pay of the next higher enlisted grade was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will go over.

The bill (S. 1448) for the relief of Jacob Nice was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will go over.

Senate resolution (S. Res. 172) for the selection of a special committee to investigate the administration of the office of the Alien Property Custodian was announced as next in order.

Mr. OVERMAN. Let that go over.

The VICE PRESIDENT. The resolution will go over.

The bill (S. 2785) to provide aid from the United States for the several States in prevention and control of drug addiction and the care and treatment of drug addicts, and for other purposes, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 51) directing the Court of Claims to investigate claims for damages growing out of the riot of United States negro soldiers at Houston, Tex., was announced as next in order

Mr. KING. Let that go over.

The VICE PRESIDENT. The joint resolution will be passed over.

The bill (S. 2672) to carry into effect the findings of the Court of Claims in favor of Elizabeth White, administratrix of the estate of Samuel N. White, deceased, was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1302) for the relief of John H. Rheinlander was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2444) to create the commission on rural and urban home settlement was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will go over.

The bill (S. 3201) fixing the salary of the district attorney for the eastern district of New York was announced as next in order.

Mr. OVERMAN. That is included in another bill. Let it go over.

The VICE PRESIDENT. The bill will go over.

The bill (S. 3224) relating to the creation in the Army of the United States of the grade of lieutenant general was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The Senate resolution 215 providing that whenever the United States becomes a member of the League of Nations this Government should present to the council or the assembly of the league the state of affairs in Ireland and the right of its people to self-government was announced as next in order.

Mr. SMOOT. Let the resolution go over.

The VICE PRESIDENT. It will go over.

DEPORTATION OF ALIENS.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6750) to deport certain undesirable aliens and to deny readmission to those deported.

The bill was read, as follows:

Be it enacted, etc., That aliens of the following classes, in addition to those for whose expulsion from the United States provision is made in the existing law, shall, upon the warrant of the Secertary of Labor, be taken into his custody and deported in the manner provided in sections 19 and 20 of the act of February 5, 1917, entitled "An act to regulate the immigration of aliens to, and the residence of aliens in, the United States," if the Secretary of Labor after hearing finds that such aliens are undesirable residents of the United States, to wit:

(1) All aliens who are now interned under section 4067 of the Revised Statutes of the United States and the proclamations issued by the President in pursuance of said section under date of April 6, 1917, November 16, 1917, December 11, 1917, and April 19, 1918, respectively.

(2) All aliens who since August 1, 1914, have been or may hereafter be convicted of any violation or conspiracy to violate any of the following acts or parts of acts, the judgment on such conviction having become final, namely:

(a) An act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917, or the amendment thereof approved May 16, 1918;

(b) An act entitled "An act to prohibit the manufacture, distribution, storage, use, and possession in time of war of explosives, providing regulations for the safe manufacture, distribution, storage, use, and possession of the same, and for other purposes," approved October 6, 1917;

(c) An act entitled "An act to prevent in time of war departure from and entry into the United States contrary to the public safety," approved May 22, 1918;

(d) An act entitled "An act to punish the willful injury or destruction of war material or of war premises or utilities used in connection with war material, and for other purposes," approved April 20, 1918;

(e) An act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917, or any amendment thereof or supplement thereto;

(f) An act entitled "An act to punish persons who make threats against the President of the United States," approved February 14, 1917;

(g) An act entitled "An act to define, regulate, and punish trading with the enemy, and for other purposes," approved October 6, 1917, or any amendment thereof;

(h) Section 6 of the Penal Code of the United States.

(3) All aliens who have been or may hereafter be convicted of any offense against section 13 of the said Penal Code committed during the period of August 1, 1914, to April 6, 1917, or of a conspiracy occurring within said period to commit an offense under said section 13, or of any offense committed during said period against the act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890, in aid of a belligerent in the European war.

SEC. 2. That in every case in which any such alien is ordered expelled or excluded from the United States under the provisions of this act the decision of the Secretary of Labor shall be final.

SEC. 3. That in addition to the aliens who are by law now excluded from admission into the United States all persons who shall be expelled under any of the provisions of this act shall also be excluded from readmission.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 1233) to repeal an act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," and the act amendatory thereof, was announced as next in order.

Mr. OVERMAN. Let that bill go over under Rule IX, Mr. President.

Mr. NELSON. I ask that that bill be placed on the calendar under Rule IX.

The VICE PRESIDENT. Without objection, it is so ordered.

The bill (S. 3090) to repeal the espionage act was announced as next in order.

Mr. OVERMAN. I also ask that that bill go to the calendar under Rule IX.

Mr. NELSON. I ask that the same order in regard to that bill be made as was made in reference to the bill preceding it on the calendar.

Mr. SMOOT. I do not desire that that bill shall go over under Rule IX, and I should like to have the Senator from North Carolina withdraw his request to that effect.

Mr. OVERMAN. Very well.

Mr. SMOOT. The Senator's objection will carry it over, but I should like to have it retain its place on the calendar.

Mr. OVERMAN. I withdraw the request and merely ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2707) for the relief of Ellen M. Willey, widow of Owen S. Willey, was announced as next in order.

Mr. KING. I ask that that bill be passed over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 848) to reimburse Isaiah Stephens, postmaster at McMechen, Marshall County, W. Va., for money and postage stamps stolen was announced as next in order.

Mr. KING. I ask that that bill go over. I examined the report in that case some time ago, and it seemed to me there was no liability on the part of the Government.

The VICE PRESIDENT. The bill will go over.

DISTRICT OF COLUMBIA INCORPORATIONS.

The bill (S. 3066) to provide for the incorporation of cooperative associations in the District of Columbia was announced as next in order.

Mr. KING. Mr. President, reserving the right to object to the consideration of the bill, the title of which has just been stated, I desire to ask the Senator from Kansas [Mr. CAPPER] whether or not, under the present general incorporation act of the District of Columbia, individuals may not incorporate for the purpose of carrying out the business provided for under the bill?

Mr. CAPPER. No; they can not. It is now necessary for such persons to go to some State and to secure a charter under State law. This bill is simply permissive; it merely gives to the citizens of the District of Columbia the same rights which are given in about 30 States of the Union, which permit incorporation under State laws. It simply proposes to confer on persons in the District of Columbia the same privilege.

Mr. KING. If the Senator will permit me, I desire to state that a subcommittee of the Committee on the Judiciary is now revising and codifying the general incorporation act or acts of the District of Columbia, and their purpose is to enlarge the scope of the existing law and more nearly to conform it to the best general incorporation acts obtaining in any of the States of the Union. The Judiciary Committee upon a number of occasions has had this question under consideration, and several instances have been called to the attention of the committee where it was apparent that there ought to be some emendation of the existing incorporation act. I think no one can object to this particular bill, but in view of the fact that the subcommittee, of which the Senator from Iowa [Mr. CUMMINS] is chairman, is considering this entire subject, and doubtless will report at a very early date a broad and comprehensive incorporation act, I ask the Senator from Kansas would he object to the postponement of the consideration of the bill for a little while until the subcommittee shall bring in their bill?

Mr. CAPPER. I was not informed that the Judiciary Committee were working on such a measure. I have no objection to the bill going over until they can make their report.

Mr. KING. Would the Senator object to having the bill referred to that committee, so that in the consideration of the entire subject they might have the Senator's bill before them?

Mr. CAPPER. I would not. I think probably it would be well to have the bill referred to that committee.

Mr. KING. I shall leave the request, if any shall be made, to the Senator from Kansas, because I desire to conform my conduct to his wishes.

Mr. CAPPER. I move that the bill (S. 3066) to provide for the incorporation of cooperative associations in the District of Columbia be referred to the Committee on the Judiciary, which is now considering this whole question and preparing to frame a bill making provision for the whole subject.

The VICE PRESIDENT. Without objection, it is so ordered.

MAJ. ELLIS B. MILLER.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1661) for the relief of Maj. Ellis B. Miller, which was read, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, commission Maj. Ellis B. Miller as a captain in the United States Marine Corps as of date of May 13, 1908, said commission to be in lieu of one dated May 13, 1919: *Provided*, That the pay and allowances accruing by reason of this act shall not exceed the difference between the pay and allowances of a captain and those of a first lieutenant in the Marine Corps from May 13, 1908, to June 8, 1909: *Provided further*, That the said Ellis B. Miller shall take rank on the lineal list of officers in the Marine Corps next after James K. Tracy, the officer who immediately preceded him on the list of first lieutenants on May 13, 1908.

Mr. SMOOT. I should like to have the Senator from Iowa [Mr. KENYON] state just what this bill intends to do and why it should be passed.

Mr. KENYON. Mr. President, I believe the bill will be better explained by reading the letter which is referred to in the report of the committee on the bill. I ask that it may be read at the desk.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The letter was read, as follows:

[Second indorsement.]

JUNE 23, 1919.

From: The major general commandant.
To: Judge Advocate General.
Subject: Bill for relief of Maj. Ellis B. Miller, U. S. M. C.

1. A bill (S. 7106) similar to the attached bill was introduced into the Senate of the United States September 7, 1916, and upon being referred to this office by the department the following indorsement was placed thereon:

"* * * By act of Congress approved May 13, 1908, the Marine Corps was increased and the promotion of a number of officers was provided for, including then First Lieut. Ellis B. Miller."

In October and November, 1908, the examinations of the officers of the Marine Corps on duty in the Philippine Islands were held, under the provisions of Navy Department General Order No. 36, dated December 10, 1906, this being the order then in force there, no superseding order having been received. Lieut. Miller was the last officer examined in the Philippines, due to the remoteness of his station at Polloc.

On September 28, 1908, Navy Department General Order No. 76 was substituted for the one mentioned above. No copy of this order was received by the president of the marine examining board until after the completion of the examinations of all the officers in the Philippines due for promotion. The chief change in the procedure under the new order involved the raising of the requirements for promotion, so that a candidate was required to attain a mark of not less than 3.0 in each subject, instead of a minimum of 2.5 allowed by the old order. The examining board consisted of Majs. John A. Lejeune, Thomas C. Treadwell, and Melville J. Shaw. The findings and recommendations of this board in the cases of all candidates that appeared before it, except Lieut. Miller, were approved by the department and the candidates were promoted. The findings in the case of Lieut. Miller were disapproved on the ground that he should have been examined under General Order 76 instead of under the old order.

In February, 1909, Lieut. Miller was directed by cable to proceed to the United States and report at Washington for reexamination. The board before which he appeared in Washington did not recommend him for promotion on account of a recent report for debt made by Mr. F. J. Smith, a military tailor of Annapolis, Md., which report was made in January, 1909, after Lieut. Miller had been examined in Manila, found qualified, and recommended for promotion. As a result of this second examination, Lieut. Miller was suspended from promotion for one year, with a consequent loss of 14 numbers. He was again examined in 1910, found qualified, and promoted captain with rank from May 13, 1909, and to fill a vacancy which occurred June 8, 1909.

Col. Lejeune, who was president of the examining board which examined the officers on duty in the Philippines, states that the examination of Lieut. Miller was held under exactly the same conditions as those of the other officers whose boards were approved by the Navy Department, and that a number of those officers whose boards were approved received marks of less than 3.0 in some subjects. He also states that General Order No. 76, dated September 28, 1908, which raised the minimum passing mark, did not, through some mistake in transmission, reach the officers of the brigade in the Philippine Islands until February, 1909; that the board regarded Lieut. Miller as fully qualified to perform all the duties of the grade of captain, and he as president would have found him so qualified, and believes that the other two members of the board would also have found him qualified, even had his examination been conducted in accordance with the provisions of the later order.

This office is of the opinion that Capt. Miller is, in view of the circumstances above set forth, entitled to relief. It happens that he has now made his number as major, and in order that his position on the list of officers of the Marine Corps may be definitely set forth if Congress passes an act for his relief it is recommended that the de-

partment express its approval of the inclosed bill with an amendment thereto as follows:

"*Provided further*, That the said Ellis B. Miller shall take rank on the list of majors in the Marine Corps next after James K. Tracy, the officer who immediately preceded him on the list of first lieutenants on May 13, 1908. * * *"

2. In view of the fact that this officer has been permanently promoted to the grade of major, and temporarily to the grade of lieutenant colonel, it is recommended, in order that the desired result may be accomplished, that the bill be amended to read as follows, and that it receive the favorable consideration of the department:

"*Be it enacted, etc.*, That the Secretary of the Navy be, and he is hereby, authorized to advance Ellis B. Miller 12 numbers on the lineal list of permanent majors in the Marine Corps, so that he will take rank next after James K. Tracy, the officer who immediately preceded him on the list of first lieutenants on May 13, 1908, and to advance him 12 numbers on the lineal list of temporary lieutenant colonels of the Marine Corps, so that he will take rank next after James K. Tracy.

"*Provided*, That said Ellis B. Miller shall be entitled to the difference in pay and allowances between the rank of captain and first lieutenant, United States Marine Corps, for the period from May 13, 1908, to June 8, 1909."

By order of the major general commandant:

CHAS. G. LONG.

A true copy.

C. B. CATES.
First Lieutenant, United States Marine Corps.

Mr. KENYON. Mr. President, in further explanation of the bill, I will say that Mr. Miller was a lieutenant of the United States Marine Corps and was in the Philippine Islands at the time of certain examinations. The mark which an officer must attain was raised during that time. He did not take the examination in the Philippines, but came back to the United States and took the examination here. He was not promoted at the time he should have been promoted because of a certain tailor's bill which he had not paid, and that is the real nut of the whole thing. He has been a gallant officer, and has now reached the rank of major, so that there should be an amendment to the bill. The commanding general has advised that this wrong to him should be righted. We have passed here, I think, a number of bills under similar circumstances, even in cases where drunkenness was charged, removing the defect in the officer's record and giving him his promotion. That is all there is to this case.

Mr. WARREN. What excuse was given for not paying the bill?

Mr. KENYON. That he was hard up, I presume, and the fact that the bill was rather pressed on him. I am not making any defense of his action in this regard; but he is a man with a family; he bought expensive uniforms, and the tailor had told him there would be no hurry about paying for them, and so the matter was allowed to run along for two or three years. However, the bill was paid years ago; but simply because of that one thing the Secretary of the Navy has advised against this bill. The committee have reported it unanimously. The Senator from Michigan [Mr. NEWBERRY], at that time Secretary of the Navy, was in favor of righting this wrong, and he reported the bill from the committee. That is all there is to it. This officer, however, now having reached the rank of major, the bill should be changed somewhat, and I offer an amendment to strike out all after the enacting clause and insert the matter I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The READING CLERK. It is proposed to strike out all after the enacting clause and to insert the following:

That the Secretary of the Navy be, and he is hereby, authorized to advance Ellis B. Miller 12 numbers on the lineal list of permanent majors in the Marine Corps, so that he will take rank next after James K. Tracy, the officer who immediately preceded him on the list of first lieutenants on May 13, 1908, and to advance him 12 numbers on the lineal list of temporary lieutenant colonels of the Marine Corps, so that he will take rank next after James K. Tracy: *Provided*, That said Ellis B. Miller shall be entitled to the difference in pay and allowance between the rank of captain and first lieutenant, United States Marine Corps, for the period from May 13, 1908, to June 8, 1909.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 3109) to amend section 26 of the act approved July 17, 1916, known as the Federal farm-loan act, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1455) for the relief of John L. O'Mara was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2954) to remove the charge of desertion from the military record of Albert F. Smith, deceased, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3152) for the relief of George W. Mellinger was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1453) for the relief of Adolph F. Hitchler was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 1713) authorizing and directing the Secretary of War to appoint a commission to investigate and report upon the available sources of water supply for the District of Columbia was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2822) making available additional moneys for the reclamation fund, and for other purposes, was announced as next in order.

Mr. OVERMAN. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

J. B. WATERMAN.

The bill (S. 2554) for the relief of J. B. Waterman was considered as in Committee of the Whole.

The VICE PRESIDENT. This bill has been heretofore considered in Committee of the Whole, and the amendment reported by the committee has been agreed to. If there be no further amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WAR WITH GERMANY.

The joint resolution (S. J. Res. 139) repealing the joint resolution of April 6, 1917, declaring a state of war to exist between the United States and Germany was announced as next in order.

Mr. OVERMAN. Let that go over.

The VICE PRESIDENT. The joint resolution will be passed over.

PENSIONS AND INCREASE OF PENSIONS.

The bill (S. 3746) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

Mr. SMOOT. Mr. President, the next three bills—S. 3747, H. R. 6639, and H. R. 7775—are all omnibus pension bills, and I ask that they may go over, as the so-called Fuller pension bill takes care of most of these cases. If there is any action to be had upon the bills in the future, the cases not affected by the Fuller pension bill will have to be taken out of the omnibus bills and considered. Therefore I ask that those three bills may go over.

Mr. McCUMBER. Mr. President, I simply desire to add to what the Senator from Utah has said that I am having all of these bills gone over for the purpose of eliminating therefrom all that would be covered by the pension bill which has just become a law. When that work is completed, I will select one of those bills and place upon it all of the other special bills, placing them all in a single omnibus measure.

Mr. KING. Mr. President, will the Senator yield?

Mr. McCUMBER. I yield.

Mr. KING. Would it not be the appropriate thing to strike these bills from the calendar?

Mr. McCUMBER. Not at present. Let them remain until I have selected one of them for amendment in which to insert all of the others that are not taken care of by the so-called Fuller pension bill.

Mr. KING. Would it not be proper to move the indefinite postponement of these bills?

Mr. McCUMBER. No; not until we have segregated those that I wish to have passed. I can not tell which one contains the greater number of those special bills.

The VICE PRESIDENT. The bills will be passed over.

The bill (S. 3395) to discontinue the improvement to provide a channel extending from the sea to the Charleston Navy Yard was announced as next in order.

Mr. DIAL and Mr. SMITH of South Carolina. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3396) to discontinue the construction of a dry dock at the navy yard, Charleston, S. C., was announced as next in order.

Mr. DIAL. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The resolution (S. Res. 285) authorizing the Subcommittee on Naval Affairs under resolution No. 62, agreed to June 6, 1919, to employ such counsel and clerical assistants as it may deem necessary, was announced as next in order.

Mr. KING. Let that go over.

Mr. SMOOT. Mr. President, before the resolution goes over I should like to ask the Senator from Maine, if he is in the Chamber, if there is any necessity for this resolution remaining on the calendar? I understand that the examination has been proceeded with and virtually finished, and if that is the case this resolution ought to be indefinitely postponed. I ask that it go under Rule IX.

The VICE PRESIDENT. In the absence of objection, it will be so ordered.

JOHN MURPHY.

The bill (S. 310) for the relief of John Murphy was announced as next in order.

Mr. KING. Mr. President, reserving the right to object, I will ask the Senator from West Virginia [Mr. SUTHERLAND] to explain the justice of this bill. The purpose, of course, is obvious.

Mr. SUTHERLAND. Mr. President, I am very much interested in this bill, because I know the circumstances of the case and believe the passage of the bill to be thoroughly justifiable.

This man was charged with desertion. The committee looked over all the circumstances of the case and decided unanimously that it was an appropriate thing to do to remove this charge of desertion from his record. The facts are that he was ill and went to his home on leave, and when he returned to join his company it had moved away. He was prevented by prevailing high waters from reaching his company and returned home, having been in the hospital and at home for a long time, and very soon after that the war ended.

There was no intention upon the part of this man to desert. No one who ever knew him thought that such was the case. His neighbors, his associates in the war, and all others knew that he was keenly interested in his duties as a soldier and performed them all satisfactorily and patriotically. He is an old man, bedridden, nearly 80 years of age, and has rested under this accusation for all these years, and in my judgment it would be an act of simple justice and would do no harm to anyone to allow this correction to be made.

Mr. KING. Mr. President, will the Senator permit an inquiry?

Mr. SUTHERLAND. Certainly.

Mr. KING. The Senator says this man was detained by reason of high water, so that he did not join his colors. Why did he not, as soon as the high water subsided, join the Army, either the company with which he was formerly identified or some other?

Mr. SUTHERLAND. I will say to the Senator from Utah that the conditions down in southern West Virginia at that time were not as they were in many sections of the country. It was a very wild country; the activities of this company were far removed, and he was not near any of the active operations of our Army or any other. He was doing duty out on the Ohio River, and the company was removed, and the difficulty in ascertaining where his company was or where any of the operations were was exceedingly great. There was a lack of telegraphic communication and railroad communication, and he was up there in the mountains, and made an effort to rejoin his company, and was prevented from doing so.

Mr. KING. How long did this man serve in the Army?

Mr. SUTHERLAND. The report of the committee will show the time. I do not remember exactly, but he served in the Army for a considerable length of time.

Mr. KING. I will ask that the report be read, still reserving the right to object; and if objection may not be made after the reading of the report, I shall object now.

Mr. SUTHERLAND. The report shows that he was enrolled in October, 1862. He was admitted to the general hospital at Gallipolis, Ohio, in April, 1864, after having served for nearly two years, and was furloughed in June, 1864, and was prevented then from rejoining his company. His company remained in service until June, 1865.

Mr. KING. Mr. President, permit me to call the Senator's attention to the report:

Application for removal of the charge of desertion and for an honorable discharge in this case has been denied and now stands denied on the ground that the case is not covered by the provisions of the act of Congress approved March 2, 1889, the law governing the subject of removal of charges of desertion, for the reason that this soldier did not serve until May 1, 1865, and that it has not been established to the satisfaction of the department that he was prevented from completing his term of enlistment by reason of disability contracted in the line of duty.

In view of that report of The Adjutant General, I regret that I shall be constrained to object.

The VICE PRESIDENT. The bill will be passed over.

BILL PASSED OVER.

The bill (H. R. 5726) to fix the compensation of certain employees of the United States was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

SCHOONER "CHARLOTTE W. MILLER."

The bill (S. 2274) for the relief of the owners of the schooner *Charlotte W. Miller* was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the claim of the owners of the schooner *Charlotte W. Miller*, first injured and sunk by collision with the U. S. S. *D-2* in the forenoon of Tuesday, July 31, 1917, about 2 miles east of Cornfield Shoal Lightship, in Long Island Sound, and subsequently, on the afternoon of said day and thereafterwards further injured so that she became a total loss, because the U. S. S. *Ontario* took charge of the sunken schooner, relieving the salvors of the owners then in charge thereof, and herself attempted to tow said sunken schooner to New London, Conn., for and on account of the injury to and loss of the said schooner and damages to the owners thereof, may be submitted to the United States District Court for the District of Rhode Island under and in compliance with the rules of said court sitting as a court of admiralty, and said court shall have jurisdiction to hear and determine and to render judgment thereupon upon the same principles and measures of liability and damages in like cases in admiralty: *Provided, however*, That the investigation of the said claim shall be made upon the following basis:

First. The said court shall find the facts attending the injury to and loss of the said schooner *Charlotte W. Miller* and damages to the owners thereof.

Second. If it shall appear that the responsibility therefor rests with the U. S. S. *D-2* and the U. S. S. *Ontario*, or either, the court shall then ascertain and determine the amount which should be paid to the owners of the said schooner *Charlotte W. Miller* in order to reimburse them for the losses and damages so sustained, and shall render a decree accordingly.

SEC. 2. That should said decree be rendered in favor of the owners of the said schooner *Charlotte W. Miller*, the amount thereof shall be paid out of any money in the Treasury not otherwise appropriated.

Mr. SMOOT. If the bill is to be considered to-day, I want to move to strike out section 2 of the bill.

The VICE PRESIDENT. The Secretary will state the amendment.

The ASSISTANT SECRETARY. Strike out section 2, on page 2, in the following words:

SEC. 2. That should said decree be rendered in favor of the owners of the said schooner *Charlotte W. Miller*, the amount thereof shall be paid out of any money in the Treasury not otherwise appropriated.

Mr. GERRY. I should like to ask the Senator from Utah his reason for moving to strike out section 2?

Mr. SMOOT. I know of no case in Congress where, when a claim is referred to the Court of Claims or any other court, an appropriation was made for an unknown amount at the time the reference was made. I will say to the Senator that we have stricken out a like section from every bill of a similar character which has passed at this session of Congress, except two. Two bills passed the Senate without notice being taken of the section carrying the appropriation, but on my request those bills were sent back to the Senate after they were enrolled and the change was made. No bill that has been passed finally has carried an appropriation.

Mr. GERRY. The Senator has no objection to the bill with that section stricken out?

Mr. SMOOT. I have no objection to the consideration of the bill with section 2 eliminated.

The VICE PRESIDENT. The question is on the amendment of the Senator from Utah.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JESSE L. CLAY.

The bill (S. 1003) for the relief of Jesse L. Clay was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 5, to insert a dollar mark before the numerals "1,013.56," so as to make the bill read:

Be it enacted, etc., That the United States Employees' Compensation Commission is authorized and directed to pay to Jesse L. Clay $1,013.56 as reimbursement for all expenses incurred by or for him for or on account of hospital treatment, nurses' and doctors' services, and pay for all time lost from his regular employment as a machinist in the navy yard, Washington, D. C., as the result of a necessary operation performed immediately following an injury sustained while on duty

and in the course of his employment, on May 16, 1916, such reimbursement and payment to be made from funds under the control of said commission under the act of September 7, 1916, notwithstanding the failure on the part of the injured employee to report the injury as required by the rules of the commission, of which rules he had no knowledge, and without requiring strict proof that the operation was the direct and necessary result of the injury so sustained.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM GORDON CORPORATION.

The bill (S. 2292) for the relief of the William Gordon Corporation was announced as next in order.

Mr. KING. I would be glad to have the Senator from Wyoming [Mr. WARREN], who introduced this bill, offer some explanation as a reason for its passage. If it is merely to compensate the contractor because of the change in industrial conditions, it occurs to me that it would be wiser to attach it to some general bill, under which there would be an investigation of the entire subject. Reserving the right to object, I ask for an explanation of the bill.

Mr. OVERMAN. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

COMPENSATION OF INJURED EMPLOYEES.

The joint resolution (H. J. Res. 80) to correct an error in the wording of the appropriation of $71,000, made in the act approved July 9, 1918, and to authorize the Secretary of War to pay said sum to respective parties entitled thereto, was considered, and was read, as follows:

Resolved, etc., That the Secretary of War be, and he is hereby, directed to pay or cause to be paid out of the $71,000 heretofore appropriated by the act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1919," approved July 9, 1918, the sum of $42,000 to the heirs, executors, or representatives, or parties entitled to receive same for the deaths of those ascertained and reported by the commission appointed under the terms of joint resolution of August 9, 1912, and that he be further directed to pay out of said $71,000 so appropriated the remaining sum of $29,000 to those wounded, or to their heirs or proper legal representatives, the said sums of $42,000 and $29,000 to be paid to the proper parties in the respective amounts as found and reported and set forth on page 20 of said House Document No. 1168, Sixty-second Congress, third session.

Mr. SMOOT. Mr. President, this joint resolution was read in full when the calendar was under consideration some time ago.

The VICE PRESIDENT. The joint resolution is in the Senate.

Mr. SMOOT. Yes; I remember it. At that time, Mr. President, I took occasion to criticize the awards which had been made covering this appropriation of $71,000 by a special examination. I find that the money has already been appropriated, and this is simply to amend the law, so that the awards may be paid in full. I am not going to object to the consideration of the joint resolution, but I hope that in the next examination which is made, where there is anyone hurt on the border, or anywhere else, there will not be a proposal to give the sum of $15,000 to a brother of the person hurt or killed by a citizen of a foreign country, when, if that same person, working for the Government of the United States, were killed in service, his estate would have received as compensation one year's pay.

As long as the appropriation is made, and the awards have been agreed to, Mr. President, I am not going to object, but if my attention had been called to it in the first place, when the appropriation was made, I certainly should have objected to any such amount.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

OSCAR C. GUESSAZ.

The bill (S. 557) for the relief of Oscar C. Guessaz was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Oscar C. Guessaz, out of any money in the Treasury not otherwise appropriated, the sum of $100, as reimbursement for a horse lost while serving in the military service of the United States on or about the 13th day of January, 1899, at Camp Columbia, near Habana, Cuba.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LAND FOR ARMY SUPPLY BASES.

The joint resolution (S. J. Res. 151) to permit the payment for certain lands whereon Army supply bases are situated, was announced as next in order.

Mr. KING. I would like to have some explanation of the joint resolution. If it is to confirm some of the unwise selections made by the War Department, I am opposed to it.

Mr. SMOOT. Let it go over.

The VICE PRESIDENT. The joint resolution will be passed over.

GOVERNMENT PURCHASES OF GRAIN.

The bill (S. 3844) to provide for discontinuing the purchase and sale of grain by the Government, and for other purposes, was announced as next in order.

Mr. GRONNA. Mr. President, if this bill had been promptly passed by the Congress of the United States at the time it was reported great relief would have been afforded to people throughout the country. I fully realize that at this time there are only a few days left before the law will expire by limitation. So far as it affects the farmer, it will expire on the 31st of this month. I fully realize that so far as it affects the purchasers of wheat—the millers and the bakers—under existing law, they will have 45 days after the expiration of the law. I think it was a mistake of Congress not to pass the bill, because to-day, at a time when all the wheat has been disposed of by the farmers, it is bringing $3.35 in the market at Minneapolis. Since the bill was reported wheat has advanced 75 to 85 cents a bushel, and rye has advanced 50 to 60 cents a bushel. Of course it is all in the hands of speculators now, and the speculators are getting the benefit of it.

I shall not ask to have the bill considered to-day. I simply ask that it go over.

The VICE PRESIDENT. The bill will go over.

SALARIES OF ATTORNEYS AND MARSHALS.

The bill (S. 3430) fixing the salaries of certain United States attorneys and United States marshals was announced as next in order.

Mr. KING. I would like to ask the chairman of the Judiciary Committee if he desires to have this bill taken up for consideration at this time? I am opposed to the bill.

Mr. OVERMAN. I think the bill ought to pass. It is a bill recommended by the Attorney General, and with the exception of the Senator from Utah, reported unanimously by the committee. It is a bill to readjust salaries which ought to be readjusted, and I would like at some time to have it taken up.

Mr. KING. I dislike very much, of course, to interpose an objection to the request of my amiable and distinguished friend, but this is a bad time to begin increasing the salaries of the higher-paid officials of the Government. We have not enough time this morning to discuss the bill, so I object.

The VICE PRESIDENT. The bill will be passed over.

LANDS IN HAWAII.

The bill (S. 3461) to provide for the exchange of Government lands for privately owned lands in the Territory of Hawaii was announced as next in order.

Mr. GRONNA. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

THE DYE INDUSTRY.

The bill (H. R. 8078) to regulate the importation of coal-tar products, to promote the establishment of the manufacture thereof in the United States, and, as incident thereto, to amend the act of September 8, 1916, entitled "An act to increase the revenue, and for other purposes," was announced as next in order.

Mr. SMOOT. That bill is the unfinished business and will come up at 2 o'clock, so I ask that it may go over at this time.

The VICE PRESIDENT. The bill will be passed over.

FEDERAL LIVE STOCK COMMISSION.

The bill (S. 3944) to create a Federal live stock commission was announced as next in order.

Mr. GRONNA. Mr. President, I assume that this bill could not be passed this morning if it were taken up. I want to say, however, that I hope the Senate will permit the bill to be taken up at an early date. It ought to be considered and it ought to be passed. I realize that some of those engaged in this particular business find fault with it, but if they can give no better arguments against it than the argument which I read in a circular issued by Swift & Co., it seems to me it is rather an argument in favor of passing the bill than an argument against it. I will ask to have it go over.

Mr. KENYON. I should like to ask the Senator from North Dakota when he expects to move to take up the bill?

Mr. GRONNA. I have been conferring with the Senator from Wyoming [Mr. KENDRICK], and we hope to have the bill taken up this week for consideration.

Mr. KENYON. I have been away and I did not know what the plan was, but I agree with the Senator that the bill should be acted on. So far as I am concerned, I shall object to any adjournment of this Congress until the bill is acted on.

Mr. GRONNA. I agree with the Senator.

BILLS PASSED OVER.

The bill (S. 3928) relating to the ships acquired from Germany, and for other purposes, was announced as next in order.

Mr. NELSON. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 9281) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, was announced as next in order.

Mr. KING. May I ask my colleague if that is not included in the suggestion which he made?

Mr. SMOOT. Yes; and the next bill on the calendar, H. R. 10515, also. I ask that the bills may go over.

The VICE PRESIDENT. They will go over.

The bill (H. R. 1853) to reimburse E. T. Thing and S. A. Thing for losses and damages sustained by them by the negligent dipping of their cattle by the Bureau of Animal Industry, Department of Agriculture, was announced as next in order.

Mr. SMOOT and Mr. KING. Let that go over.

The VICE PRESIDENT. It will go over.

The bill (S. 3725) authorizing the Court of Claims to adjudicate the claim of Capt. David McD. Shearer for compensation for the adoption and use and acquisition by the United States Government of his patented inventions was announced as next in order.

Mr. OVERMAN. Let that go over.

The VICE PRESIDENT. The bill will go over.

The bill (S. 1391) to add certain lands to the Sequoia National Park, Calif., and to change the name of said park to Roosevelt National Park was announced as next in order.

Mr. NUGENT. Let that go over.

The VICE PRESIDENT. The bill will go over.

The bill (H. R. 5218) to provide revenue for the Government and to establish and maintain the production of magnesite ores and manufactures thereof in the United States was announced as next in order.

Mr. CURTIS. This bill and calendar Nos. 415, 440, and 441 are to be passed over. They are tariff bills and will be taken up later.

The VICE PRESIDENT. The bills will be passed over.

The joint resolution (S. J. Res. 160) to provide for the preservation and maintenance of the Joint Commission on Reclassification of Salaries was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The joint resolution will be passed over.

The bill (H. R. 10074) to enlarge the jurisdiction of the Municipal Court of the District of Columbia and to regulate appeals from the judgments of said court, and for other purposes, was announced as next in order.

Mr. OVERMAN. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

LAND IN SAN FRANCISCO.

The bill (S. 3995) providing for the relinquishment of certain-described property by the United States to the city and county of San Francisco, State of California, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That all the right, title, and interest of the United States in and to the property herein described is hereby relinquished to the city and county of San Francisco, a municipal corporation of the State of California; the said property being the four fifty-vara lots fronting 275 feet on the north side of Harrison Street between Spear and Main Streets, with a uniform depth of 275 feet as laid down on the official map of said city and county.

SEC. 2. That all acts or parts of acts in conflict herewith are hereby repealed.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. MAMIE DUFFER.

The bill (H. R. 1266) for the relief of Mrs. Mamie Duffer, of Shannon, Miss., was announced as next in order.

Mr. SMOOT. Mr. President, the Senator from Mississippi [Mr. HARRISON] informed me this morning that if he was not in the Chamber when this bill was reached, he would like to have me suggest that the bill be indefinitely postponed, as a settlement has already been agreed to. In behalf of the Senator from Mississippi I make that motion.

The motion was agreed to.

EDWARD W. OWENS.

The resolution (S. Res. 334) referring the claims of Edward W. Owens and others to the Court of Claims was read and agreed to, as follows:

Resolved, That the claims of Edward W. Owens and others (S. 2719), Julia Dezera Stewart (S. 2868), and Lawrence S. Vandall (S. 3582), now pending in the Senate, together with all the accompanying papers, be, and the same are hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; and the said court shall proceed with the same in accordance with the provisions of such act and report to the Senate in accordance therewith.

BILLS PASSED OVER.

The VICE PRESIDENT. Orders of Business Nos. 440 and 441 are tariff bills and have been passed over. Nos. 444, 445, 446, 447, 448, and 449 are pension bills, and under the request of the Senator from North Dakota [Mr. MCCUMBER] will go over.

IMPERIAL VALLEY, CALIF.

The bill (H. R. 12537) to provide for an examination and report on the condition and possible irrigation development of the Imperial Valley, in California, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to have an examination made of the Imperial Valley, in the State of California, with a view of determining the area, location, and general character of the public and privately owned unirrigated lands in said valley which can be irrigated at a reasonable cost, and the character, extent, and cost of an irrigation system, or of the modification, improvement, enlargement, and extension of the present system, adequate and dependable for the irrigation of the present irrigated area in the said valley, and of the public and privately owned lands in said valley and adjacent thereto not now under irrigation, which can be irrigated at a reasonable cost from known sources of water supply, by diversion of water from the Colorado River at Laguna Dam.

SEC. 2. That the said Secretary shall report to Congress not later than the 6th day of December, 1920, the result of his examination, together with his recommendation as to the feasibility, necessity, and advisability of the undertaking, or the participation by the United States, in a plan of irrigation development with a view of placing under irrigation the remaining unirrigated public and privately owned lands in said valley and adjacent thereto, in connection with the modification, improvement, enlargement, and extension of the present irrigation systems of the said valley.

SEC. 3. That the said Secretary shall report in detail as to the character and estimated cost of the plan or plans on which he may report, and if the said plan or plans shall include storage, the location, character, and cost of said storage, and the effect on the irrigation development of other sections or localities of the storage recommended and the use of the stored water in the Imperial Valley and adjacent lands.

SEC. 4. That the said Secretary shall also report as to the extent, if any, to which, in his opinion, the United States should contribute to the cost of carrying out the plan or plans which he may propose; the approximate proportion of the total cost that should be borne by the various irrigation districts or associations or other public or private agencies now organized or which may be organized; and the manner in which their contribution should be made; also to what extent and in what manner the United States should control, operate, or supervise the carrying out of the plan proposed, and what assurances he has been able to secure as to the approval of, participation in, and contribution to the plan or plans proposed by the various contributing agencies.

SEC. 5. That, for the purpose of enabling the Secretary of the Interior to pay not to exceed one-half of the cost of the examination and report herein provided for, there is hereby authorized to be appropriated the sum of $20,000: *Provided*, That no expenditure shall be made or obligation incurred hereunder by the Secretary of the Interior until provision shall have been made for the payment of at least one-half the cost of the examination and report herein provided for by associations and agencies interested in the irrigation of the lands of the Imperial Valley.

Mr. SMOOT. Mr. President, I am not going to object to the consideration of the bill at this time, but, merely for the record, I wish to say that if this project is undertaken it will mean the expenditure of at least $32,000,000, and I do not want the provisions in section 4 to be construed hereafter in any way as binding the Government of the United States to appropriate money which may be recommended by the Secretary of the Interior; in other words, the part of section 4 to which I have reference is as follows:

That the said Secretary shall also report as to the expense, if any, to which, in his opinion, the United States should contribute to the cost of carrying out the plan or plans which he may propose.

I am perfectly willing that the appropriation of $20,000 should be made to cooperate with the people of the Imperial Valley in making investigation as to just what should be done with the Colorado River, that at times threatens the Imperial Valley, but I do not want the passage of the bill in any way to be pointed to in the future as obligating the Government to pay any portion of the expenses of the project if it is recommended and undertaken. The reports may show conditions that would justify the Government in cooperating in subsequent im-

provements, but I do not want the provision referred to in this bill to be pointed to as the act of Congress obligating the Government to make any appropriation for the proposition.

Mr. PHELAN. Mr. President, I understand the Senator does not object to the passage of the bill; but, for the information of the Senate, I desire to say that the Secretary of the Interior—then Mr. Lane—reports favorably and calls our attention to the fact that in February, 1918, this district provided $30,000 toward a fund of $45,000 for a Federal survey of the proposed plan for an all-American canal bringing water from Laguna Dam to the Imperial Valley, and is asking that $20,000 be now appropriated.

In view of the conditions—

Quoting him—

regarding the possibility of passing an appropriation for construction of the works as presented by the committee, it seems to me that the best thing which can be done at the present time to advance the interests of this proposition, which I regard as meritorious, would be to appropriate further moneys for the necessary investigations which would be preliminary to construction.

So it is understood that this money is preliminary to construction; and, of course, Congress shall then determine what construction shall be made and what its contribution shall be.

This is one of the greatest projects proposed in the Southwest. The Government owns 250,000 acres in this, the most fertile valley in the world, whose fertility has been demonstrated by private enterprise. In fact, the Agricultural Department, I am told, warned the settlers from investing money there because, on analysis of the soil, it found it would be "unproductive." This was an error. The citizen proved its value by irrigation, and the Government has a real, direct interest in this work of reclamation.

Mr. SMOOT. Does the Senator mean to make this speech with the idea of impressing upon the Senate that the Congress is going to appropriate $30,000,000 for this project?

Mr. PHELAN. Indeed, no.

Mr. SMOOT. Because if that is the case I do not want the bill to pass.

Mr. PHELAN. I merely wish the Senate to be informed of the object of a preliminary survey and what the department thought should be done to save this most fertile valley from destruction, including 250,000 acres of Government land. It is for Congress later to determine that, and it will be asked to cooperate.

The Colorado River hangs as a menace over this valley, which is 120 feet below the level of the sea, and there is an international question of river control involved. In fact the condition is unique; but this appropriation will inform Congress what should be done, if anything. That is the object of it. I am not raising any question now as to what shall be done in the future. I do not know that it would be fair to recommend that this appropriation be made unless Congress was informed that its object is to lay the foundation for the protection of the valley, including 250,000 acres of Government land, against the Colorado River. That is all that there is in the background.

Mr. SMOOT. I have been told by Mr. Davis, of the Reclamation Service, that he thinks if the so-called Smoot rural home bill becomes a law that private capital will develop the proposed project. The Senator knows that under the law to-day this examination would be made by the Reclamation Service, but Mr. Davis assures me that there is no money in the reclamation fund to undertake this work.

This is opening the door to a class of appropriations for the examination of reclamation projects, but it is of such a character that I felt perhaps it would be better that we should make an expenditure of $20,000 for the purpose. It is for that reason that I do not now object, but when we stop to think that the expenditure of $30,000,000 or $40,000,000, or likely more than $45,000,000 may be involved before the project is completed, in my opinion we should go a little slowly, for such an expenditure will take more than one-half as much as has been spent upon all present reclamation projects.

I wish to say to the Senator from California that we in Utah have some valleys which if water could be placed upon them would be as fertile as any land found in the Imperial Valley. However, I think the bill should be passed with the understanding which I have stated.

The VICE PRESIDENT. Does the Chair understand that the Senator is still in favor of the bill?

Mr. SMOOT. Yes; let it be put on its passage, notwithstanding the statement of the Senator from California.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WALTER I. WHITTY.

The bill (S. 2989) for the relief of Walter I. Whitty was announced as next in order.

Mr. KING. I ask that that bill go over.

Mr. ROBINSON. If the Senator from Utah will withhold for a moment his request that the bill go over I hope that an explanation will enable me to procure its passage.

This bill was referred to the appropriate authorities in the War Department for a statement of facts and recommendations. The facts are somewhat fully set forth in the report of the committee, and I ask that the report may be printed in the RECORD.

Mr. SMOOT. I suggest to the Senator that the report be read.

Mr. ROBINSON. I would ask for the reading of the report, which states the facts fully, but I think I can state them with sufficient clearness and, perhaps, save a little time on the part of the Senate.

The beneficiary of this proposed legislation was transferred from the position of clerk in the Engineer Department at Little Rock, Ark., to the position of civilian clerk with the Expeditionary Forces effective July 21, 1917. He was so employed until his return to the United States on a surgeon's certificate of disability. It appears almost conclusively from the facts as stated by Gen. Kreger, assistant to the Judge Advocate General, incorporating a report on the case by the Chief of Engineers, that while serving as civilian clerk this man contracted very serious disability. The Acting Judge Advocate General made this statement in reference to the case:

3. It is assumed that Mr. Whitty was given the benefit of the usual regulation allowance of sick leave with pay, which may not exceed 30 days in any one calendar year. This is, of course, in addition to the regular allowance of annual leave, not to exceed 30 days per annum. When such leave allowances are exhausted, if the employee does not perform duty, pay must be stopped. This applies to civilian employees in the executive departments at Washington as well as to employees in the field service, including employees of the Engineer Department at large. The only provision for the relief of sick or disabled civilian employees other than the above-mentioned provison for sick leave is that contained in the injured employees' compensation act of September 7, 1916, which applies only to cases of personal injury, under which compensation is paid by the United States Employees' Compensation Commission.

Subsequently the Committee on Military Affairs addressed a second communication to the War Department, and the following information was called to the attention of the committee:

In view of the statement contained in the preceding indorsement of the Surgeon General concerning Mr. Whitty's physical condition, and of the further fact that, as stated, it is the opinion of the Surgeon General that the disability was incident to his service, and had a similar condition occurred in the case of an officer or an enlisted man it would have been considered in line of duty, favorable action is recommended on the foregoing bill for the relief of Mr. Whitty.

The statement of the Surgeon General referred to, in part, is as follows:

The disability was incident to his service, and if a similar condition had occurred in the case of an officer or enlisted man it would have been considered in line of duty.

In view of the facts in the case as set forth in the report, I ask the Senator from Utah if he does not feel justified in permitting the bill to pass?

Mr. KING. With the permission of the Senator——

Mr. ROBINSON. I yield.

Mr. KING. I desire to ask his view in regard to this situation which occurs to me. Does not the Senator think if this bill is passed it will be regarded as a precedent to reimburse, either by direct appropriation or by the granting of a pension, all civilian employees, clerks, and so on, who may have been in the Army?

Mr. ROBINSON. I will say to the Senator from Utah that similar legislation has heretofore passed. There are already such precedents existing. Of course, this would be an additional case, but it would hardly be regarded, in my opinion, as a precedent.

Mr. KING. Mr. President, I regret to interpose an objection to any request made by the distinguished Senator from Arkansas, but I ask him to let this bill go over until the next calendar day.

Mr. ROBINSON. Very well.

Mr. KING. So that I may have an opportunity to investigate and see just how far it will lead.

Mr. ROBINSON. I shall be very glad to do that. If the Senator feels that he would not be justified at this time in having the bill considered let it go over.

Mr. KING. If it will not establish a precedent which will be injurious to the Government in the future, I shall be very glad to have the bill passed.

The VICE PRESIDENT. The bill will go over.

Mr. ROBINSON. I renew my request that the entire report of the committee be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The report submitted by Mr. KIRBY, April 3, 1920, from the Committee on Military Affairs, is as follows:

(Report to accompany S. 2989.)

The Committee on Military Affairs, to whom was referred the bill (S. 2989) for the relief of Walter I. Whitty, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

This measure was referred to the Secretary of War for report. Full information concerning the case was given by the assistant to the Judge Advocate General of the Army, Gen. Kreger, in a report to the Secretary of War on December 13, 1919. The report, which was the eighth indorsement in the case, reads as follows:

WAR DEPARTMENT, J. A. G. O., *December 13, 1919.*

To the SECRETARY OF WAR:

1. The inclosed bill, S. 2989, "for the relief of Walter I. Whitty," introduced in the Senate September 11, 1919, by Senator ROBINSON, has been referred to the War Department by the Senate Committee on Military Affairs with request that the committee "be furnished with any information relative to this measure in possession of the War Department." The bill authorizes the Secretary of War to pay to Walter I. Whitty—

"The sum of $125 per month for the period from July 11, 1918, the date upon which his compensation as a clerk in the Engineer Department of the United States Army was discontinued due to disability received in line of duty, until such time as the proper authorities may discharge him from Army General Hospital No. 26, or from such other hospital or institution under the supervision of the War Department to which he may be transferred."

It further provides for the payment to Mr. Whitty, by the United States Employees' Compensation Commission, for any partial or permanent disability resulting from the illness which necessitated his confinement in such hospital and to treat him as coming within the injured employee's compensation act of September 7, 1916 (39 Stat., 742).

2. A report from the Chief of Engineers on this case shows that Mr. Whitty was transferred from the position of clerk at $1,200 per annum in the Engineer Department at Large, Little Rock, Ark., to the position of civilian clerk at $1,400 per annum for duty under the chief engineer officer, American Expeditionary Forces, effective July 21, 1917, and that he was so employed up to the time of his being returned to the United States "on surgeon's certificate of disability." It appears that Mr. Whitty was placed in camp hospital No. 27, Tours, France, in May, 1918. The papers do not disclose when he was returned to the United States, but the Chief of Engineers states that—

"Upon his return to the United States (he) was ordered to the United States Army hospital at Fort Des Moines, Iowa, for treatment, from which hospital he was discharged October 24, 1919."

The Surgeon General reports that while it is not customary in the case of civilians to make notation on sick and wounded report as to whether or not the disability was incurred in line of duty, it is, nevertheless, the opinion of his office that in Mr. Whitty's case—

"The disability was incident to his service, and if a similar condition had occurred in the case of an officer or enlisted man it would have been considered in line of duty."

He quotes the medical record in Mr. Whitty's case as follows:

"May 4 to June 15, 1918, pleurisy, serofibrinous, right side, complication; empyema, right side. Operation—drained pleural cavity, and resecting 2 inches of eighth and ninth ribs posterior to axillary line, right side; anesthetic, ether. May 10, 1918. August 24 to September 14, 1918, empyema, right. October 11, 1918, to ——, empyema, right, flowing pleurisy, right, incurred in France about May 4, 1918. (Remaining in General Hospital No. 26, Fort Des Moines, Iowa, No. 1859.)"

3. It is assumed that Mr. Whitty was given the benefit of the usual regulation allowance of sick leave with pay, which may not exceed 30 days in any one calendar year. This is, of course, in addition to the regular allowance of annual leave, not to exceed 30 days per annum. When such leave allowances are exhausted, if the employee does not perform duty, pay must be stopped. This applies to civilian employees in the executive departments at Washington as well as to employees in the field service, including employees of the Engineer Department at Large. The only provision for the relief of sick or disabled civilian employees other than the above-mentioned provision for sick leave is that contained in the injured employees' compensation act of September 7, 1916, which applies only to cases of personal injury, under which compensation is paid by the United States Employees' Compensation Commission.

4. It is recommended that these papers be transmitted to the Senate Committee on Military Affairs.

E. A. KREGER,
Assistant to the Judge Advocate General.

In order to secure information from the War Department as to whether or not the department favored this measure, the clerk was directed to again take the matter up with the department and make inquiry with regard thereto. In a letter addressed to the clerk to the committee, Mr. J. B. Randolph, acting assistant and chief clerk of War Department, under date of March 16, 1920, expressed the department's approval of the measure as follows:

"The department is in receipt of your letter of the 12th instant, with which you inclosed a copy of Senate bill 2989 and correspondence with the department relative thereto.

"In the second paragraph of the indorsement of the Chief of Engineers of November 26, 1919, inclosed, he states:

"'In view of the statement contained in the preceding indorsement of the Surgeon General concerning Mr. Whitty's physical condition, and of the further fact that, as stated, it is the opinion of the Surgeon General that the disability was incident to his service, and had a similar condition occurred in the case of an officer or an enlisted man it would have been considered in line of duty, favorable action is recommended on the foregoing bill for the relief of Mr. Whitty.'

"The department concurs in the opinion of the Chief of Engineers."

LAND AT FORT BLISS, TEX.

The bill (S. 3139) for the purchase of land adjoining Fort Bliss, Tex., was announced as next in order.

Mr. WARREN. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

MABEL L. NOBLE.

The bill (S. 3421) for the relief of Mabel L. Noble was considered as in Committee of the Whole. It directs the Secretary of the Treasury to redeem certificates of indebtedness of the United States of America No. 88817, denomination of $500, of the issue dated May 9, 1918, and maturing September 15, 1928, with interest at the rate of 4½ per cent from September 15, 1918, to September 15, 1928, in favor of Mabel L. Noble, of Somerville, N. J., without presentation of the certificate, the certificate of indebtedness having been lost or destroyed; but she shall first file in the Treasury Department of the United States a bond in the penal sum of double the amount of the principal and interest of the certificate of indebtedness of the United States of America in such form and with such securities as may be acceptable to the Secretary of the Treasury to indemnify and save harmless the United States from any loss on account of the lost or destroyed certificate of indebtedness hereinbefore described.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ROOSEVELT 2-CENT COIN.

The bill (S. 3774) to authorize the coinage of a Roosevelt 2-cent coin was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That there shall be coined at the several mints of the United States 2-cent pieces, of an alloy composed of 95 per cent of copper and 5 per cent of tin and zinc, in such proportions as shall be determined by the Director of the Mint, and of such size and weight as may be necessary to distinguish it from the 1-cent pieces of similar composition; and upon the 2-cent pieces, the coinage of which is hereby authorized, there shall be the following devices and legends: Upon one side there shall be the medallion of Theodore Roosevelt, with the dates of his birth and death, and with an inscription of the words "In God we trust," and upon the reverse shall be an inscription "E Pluribus Unum" and an inscription "United States of America" and a designation of the value of the coin.

Mr. KING. Mr. President, I should like to ask the chairman of the committee whether there is a unanimous report in favor of this bill?

Mr. GRONNA. Mr. President, the chairman of the Committee on Banking and Currency does not seem to be present at the moment, but I will say to the Senator that the report is unanimous. I am a member of the Committee on Banking and Currency.

Mr. KING. Will the Senator state whether or not there is a public necessity for this measure?

Mr. GRONNA. Of course, the Senator from Utah knows as much about that as I do, but I think there is a demand for a 2-cent piece. The Senator also knows there are other reasons why this measure should be passed.

Mr. McLEAN. Mr. President, I do not wish to take the Senator from North Dakota from the floor, but I merely want to announce that I am here.

Mr. KING. I should like to ask the chairman of the committee whether or not the business needs of the country require this proposed law, and whether or not there is any utility in having a 2-cent coin?

Mr. McLEAN. It was represented to the committee that a 2-cent piece would be a real convenience at this time in making change. Transfers on the street railways in the city of Washington, for instance, cost 2 cents, and the fare has been raised to 8 cents. A 2-cent piece would easily be distinguished from any other coin, and the measure seems to me to be unobjectionable. As the Senator knows, a great many local fares are not in multiples of five, but at present the fare in many cases is either 7 or 8 cents, and a 2-cent piece would be a great convenience. It would be a little larger than the 1-cent piece, probably, and would be easily identified from that coin, so that there would be no trouble in distinguishing it. There seems to be no objection to the measure, and it was favorably reported from the committee.

Mr. GRONNA. Before the Senator from Connecticut came in I took the responsibility of saying that the report of the Committee on Banking and Currency on this measure was unanimous.

Mr. McLEAN. I know of no objection to the bill from any source, although the Secretary of the Treasury, to whom the bill was referred, opposed it on the ground that it might interfere with cash-register machines or some mechanical devices now in use. However, I wrote to the manufacturers of cash registers, and their reply was that they had no objection to the bill. So I know of no practical difficulty in the way of the coinage of the proposed 2-cent piece, nor do I think it will interfere with the business in any way.

Mr. KING. If the Senator will pardon me, if there is any real necessity, if there is any utility, and if the people want such a coin, I have no objection to the bill; but if it is merely for the purpose of commemorating the achievements of a great

man who has departed I would be opposed to it, no matter who the man was.

Mr. McLEAN. I can only repeat what I have said to the Senator, that it was represented to the committee that the proposed coin would be a convenience at this time.

Mr. KING. My opinion—although, of course, it is not to be set up against the judgment of the chairman of the committee—is that there is no particular need for it, and that it will prove a disadvantage rather than an advantage.

Mr. BRANDEGEE. Mr. President, if I may interrupt the Senator from Connecticut, we all remember when we had a 2-cent copper coin and a 3-cent nickel coin, and I never really understood why they were discontinued. I think they were useful even at the time they were issued. There may have been some reason for discontinuing them, but as to that I do not know. I think, as my colleague has so well said, inasmuch as all over the country the ordinary price of a ride on a trolley car, which was formerly 5 cents, has now been raised to 7 cents or more, that the 2-cent piece would be a great public convenience. Whether or not it is a public necessity in the sense that we could not get along without it is a different question. I suppose we could get along on wampum if we had nothing else to use.

I should like to ask my colleague, while this matter is up, if I am correct in thinking that a bill of this kind was presented by the Senator from New Jersey [Mr. FRELINGHUYSEN] providing for the recoinage of the 3-cent coin?

Mr. McLEAN. No; I think not. I think the bill to which my colleague refers was a bill for the coinage of 7 and 8 cent pieces.

Mr. BRANDEGEE. Possibly. Well, that shows the same necessity.

Mr. McLEAN. The committee has not yet had any hearings on that bill or reached any conclusion in regard to it. I will say, however, that it is my opinion that the coinage of the 2-cent pieces will largely obviate the necessity for 7 and 8 cent pieces.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (H. R. 10918) to provide revenue and encourage domestic industries by the elimination, through the assessment of special duties, of unfair foreign competition, and for other purposes, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 6238) to provide revenue for the Government and to establish and maintain the production of zinc ores and manufactures thereof in the United States was announced as next in order.

Mr. KING. Mr. President, that has been ordered to go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 4166) to provide for election contests in the Senate of the United States was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3763) regulating the disposition of lands formerly embraced in the grants to the Oregon & California Railroad Co. and Coos Bay Wagon Road Co. was announced as next in order.

Mr. GRONNA. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

CARIBOU NATIONAL FOREST.

The bill (H. R. 4311) to authorize the addition of certain lands to the Caribou National Forest was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands with amendments, on page 1, line 5, after the word "flow," to strike out "or regulation and improvement of the grazing thereon," and on page 2, line 23, after the word "That," to strike out "all lands embraced in any lawful application or entry pending at the date of the approval of this act be, and the same are hereby, excluded from the provisions of this act," and to insert "the inclusion of any of the aforesaid lands in the Caribou National Forest shall not affect adversely any valid application or entry pending at the date of the approval of this act," so as to make the bill read:

Be it enacted, etc., That any lands within the following-described areas, found by the Secretary of Agriculture to be chiefly valuable for the production of timber or the protection of stream flow, may, with the approval of the Secretary of the Interior, be included within and made a part of the Caribou National Forest, Idaho, by proclamation of the President, said lands to be thereafter subject to all laws affecting national forests: Sections 26 and 27, township 9 south, range 46 east, Boise meridian; northwest quarter of section 1, all of section 2, east half of section 12, all of sections 13, 23, 24, 25, 26, 35, and 36, township 10 south, range 45 east, Boise meridian; all of sections 6, 7, 18, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 31, 32, 33, 34, and 35, township 10 south, range 46 east, Boise meridian unsurveyed; all of sections 1, 2, 11, 12, 13, 14, east half of section 23, all of 24, 25, and 36, township 11 south, range 45 each, Boise meridian; all of unsurveyed township 11 south, range 46 east, Boise meridian; all of section 36, township 12 south, range 45 east, Boise meridian; all of sections 2, 3, 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 29, 30, 31, 32, of township 12 south, range 46 east, Boise meridian, partly unsurveyed; all of sections 5 and 6, and north half of section 7, and north half of section 8, township 13 south, range 46 east, Boise meridian: *Provided*, That the inclusion of any of the aforesaid lands in the Caribou National Forest shall not affect adversely any valid application or entry pending at the date of the approval of this act.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

TRANSMISSION OF POISONS, ETC., THROUGH THE MAILS.

The bill (H. R. 9781) to amend section 217 of the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909, was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Judiciary with amendments, on page 3, line 13, before the word "or," to strike out "$5,000" and insert "$10,000," and in line 14, before the word "years," to strike out "10" and insert "20," so as to make the bill read:

Be it enacted, etc., That section 217 of the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909 (35 Stat. L., p. 1131), is hereby amended to read as follows:

"SEC. 217. That all kinds of poison, and all articles and compositions containing poison, and all poisonous animals, insects, and reptiles, and explosives of all kinds, and inflammable materials, and infernal machines, and mechanical, chemical, or other devices or compositions which may ignite or explode, and all disease germs or scabs, and all other natural or artificial articles, compositions, or materials, of whatever kind, which may kill or in any wise hurt, harm, or injure another or damage, deface, or otherwise injure the mails or other property, whether sealed as first-class matter or not, are hereby declared to be nonmailable matter, and shall not be conveyed in the mails or delivered from any post office or station thereof, nor by any letter carrier; but the Postmaster General may permit the transmission in the mails, from the manufacturer thereof or dealer therein to licensed physicians, surgeons, dentists, pharmacists, druggists, and veterinarians, under such rules and regulations as he shall prescribe, of any articles hereinbefore described which are not outwardly or of their own force dangerous or injurious to life, health, or property: *Provided*, That all spirituous, vinous, malted, fermented, or other intoxicating liquors of any kind are hereby declared to be nonmailable, and shall not be deposited in or carried through the mails. Whoever shall knowingly deposit or cause to be deposited for mailing or delivery, or shall knowingly cause to be delivered by mail, according to the direction thereon or at any place at which it is directed to be delivered by the person to whom it is addressed, anything declared by this section to be nonmailable, unless in accordance with the rules and regulations hereby authorized to be prescribed by the Postmaster General, shall be fined not more than $1,000 or imprisoned not more than two years, or both; and whoever shall knowingly deposit or cause to be deposited for mailing or delivery, or shall knowingly cause to be delivered by mail, according to the direction thereon or at any place to which it is directed to be delivered by the person to whom it is addressed, anything declared by this section to be nonmailable, whether transmitted in accordance with the rules and regulations authorized to be prescribed by the Postmaster General or not, with the design, intent, or purpose to kill or in anywise hurt, harm, or injure another or damage, deface, or otherwise injure the mails or other property, shall be fined not more than $10,000, or imprisoned not more than 20 years, or both.

The amendments were agreed to.

Mr. KING. Mr. President, may I ask the Senator who reported the bill whether, in its consideration, the committee took into account the existing law dealing with the transmission of inflammable and explosive articles through the mail?

Mr. STERLING. I will say to the Senator that the object of this bill is to amend the existing law in that respect. It amends the law of 1909 relative to the transmission of poisonous matter through the mails and relative to the transmission of explosives, and so forth, through the mails. The proposed amendment is designed to give the Postmaster General some further power in regard to the regulation of the mailing of these articles.

The law as it stands contains this provision:

The Postmaster General may permit the transmission in the mails under such rules and regulations as he shall prescribe as to preparation and packing of any articles hereinbefore described which are not outwardly or of their own force dangerous or injurious to life, health, or property.

The United States district court has decided that the Postmaster General's power is limited to that of prescribing regulations in regard to the preparation and packing of any such articles, so that he can not discriminate as between persons who are licensed and persons who are not licensed, as druggists, physicians, and so forth, who are permitted to buy any of these articles.

Mr. KING. If the Senator will excuse me——

Mr. STERLING. Yes.

Mr. KING. What I had in mind was this: The Senator will recall that some time ago the Judiciary Committee reported a bill which, when it first reached the committee, made it a capital offense to deposit any explosives in the mail for the purpose of being transmitted through the mail with the intention of doing harm to any individual or for the purpose of killing any individual. As the Senator will recall, that bill, which was before the committee, after consideration was amended in some particulars not necessary now to recount. What I had in mind was whether this bill would be construed as mitigating the punishment provided in that bill or interfering with that bill and the statute of which it was amendatory.

Mr. STERLING. I could not say certainly as to that, but my impression is that it would not.

Mr. KING. The Senator will recall that that bill provided that the transmission through the mail of any bomb or explosive which was calculated to do bodily injury or to take the life of another constituted a very serious offense; and, as I recall, we provided that in the discretion of the court there might be life imprisonment instead of death. If this bill in any way would modify the provisions of that bill or come in conflict with it, it seems to me it ought to receive further consideration.

Mr. STERLING. I do not recall now the status of the bill to which the Senator from Utah refers. I recall that such a bill was before the committee, and that the committee did increase the penalty provided in that bill; but we have also increased the penalty provided in the House bill through the amendments reported by the Senate committee. Instead of fining the person $5,000, we have fixed the maximum fine which may be imposed at $10,000; and instead of the maximum imprisonment being fixed at 10 years, we have fixed the maximum at 20 years.

Mr. KING. I shall not object to the consideration of this bill; but I will ask the Senator, when the bill reaches conference, if it does, to examine that question, and, if it shall be found that there is a conflict, that the matter be brought to the attention of the Senate.

Mr. NELSON. Mr. President, if the Senator will allow me——

Mr. STERLING. Certainly.

Mr. NELSON. This bill does not materially change existing law. Most of it is a reenactment of the present statute. The only change in the law is in respect to one particular matter. The present law provides that the Postmaster General shall have the right to prescribe the manner in which explosives or other similar substances shall be packed in order to be mailable, and then it provides that druggists can ship their prescriptions, narcotics, and other remedies by mail. One of the courts held that that did not give the Postmaster General any authority except to prescribe the mode in which these explosives and poisons were to be packed. The principal object of this bill is to change that so that the Postmaster General can pass upon that question, instead of being limited merely to the mode in which the prescription or package shall be put up.

The only other amendment is in the last part of the bill, where the maximum fine is increased from five thousand to ten thousand dollars and the maximum imprisonment from 10 to 20 years. That amendment was made because in these cases the acts which are forbidden may result in death. If a man sends explosives through the mail with a malicious intent to do harm and it results in death, there ought to be a higher penalty; and this leaves the court to fix a higher penalty, which can go up to 20 years imprisonment or $10,000 fine, and anything less than that.

The main purpose of the bill is to get around the defect that was described in the decision of one of the Federal courts, and that is that the power of the Postmaster General, in connection with the mailing of these goods, is limited simply to prescribing the form in which the remedy or container is to be packed. Otherwise there is no change in the existing law.

Mr. KING. Mr. President, the next to the last statement by the Senator confirms the apprehension which I expressed a moment ago. The bill which we reported from the Judiciary Committee some time ago dealt with the question of the depositing in and transmission through the mails of explosives which might result in death, and in that bill we fixed a penalty greater than this. This bill, though it is addressed to the emendation of a different statute from that which we formerly considered, prescribes a different penalty; and if it is passed subsequently to the other measure it would by implication repeal it, and I am afraid there is some incongruity between this bill and the one which we passed a short time ago. I should be glad if this matter could be allowed to go over, so that we can discover whether there is any inconsistency, whether this bill encroaches upon ground covered by the bill that we passed a short time ago.

The VICE PRESIDENT. The bill will go over if the Senator objects.

Mr. STERLING. I hardly think the bill ought to go over on the suggestion made by the Senator from Utah, and I hope he will not object to its passage. My belief is that there is urgent need for the passage of this measure, so that the Postmaster General may make regulations that will be of some real value. The only regulations he can make now are those stated by the Senator from Minnesota, relating to the preparation and packing of these deleterious articles that may be sent through the mails. This bill allows him to go further than that, and allows him to permit the transmission through the mails of many of these substances through regularly licensed druggists, physicians, and others.

Mr. KING. I am not complaining about those provisions. I think there is a real necessity for something of that kind; but if this bill does interfere with the bill which we formerly passed in any particular it would seem to me that we ought to pause. If, however, the Senator will assure me that if this bill is passed now he will compare it with the other one before the conference agrees, if a conference shall be appointed upon the amendments, and that the matter will be brought back to the attention of the Senate in case there is a conflict, I shall not object.

Mr. STERLING. Certainly.

Mr. KING. But I shall rely upon the Senator to see that this bill does not interfere with the one which we passed some time ago.

Mr. STERLING. I shall be interested in comparing this bill throughout with the bill to which the Senator refers.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

WOMEN'S BUREAU.

The bill (S. 4002) to establish in the Department of Labor a bureau to be known as the women's bureau was announced as next in order.

Mr. KING. Let that go over.

Mr. KENYON. Of course, if the Senator from Utah objects to the consideration of the bill, I can not help it; but I wonder if he is very serious in his objection.

Mr. KING. There are too many bureaus now in the Government, and too many departments, for that matter. There is a plan on foot on the part of distinguished Republican Senators, for which I thank them in my own behalf, to reorganize and coordinate the departments and executive agencies of the Government. If the commission appointed for that purpose shall report the necessity of creating another bureau, I shall not object at all; but in view of the fact that there must be a reorganization of the executive departments of the Government, a reclassification of the bureaus, and a reassignment of executive agencies from one department to another, it seems to me we ought not to create any more bureaus now.

Mr. KENYON. I agree with the Senator about the work of this commission on reorganization, and I hope it may formulate a plan which will be helpful. But that is some ways off. I simply want to say that this bill was passed by the House with practically no opposition. It is one thing, I think, which the women of the country happen to be unanimously asking for.

Mr. WARREN. This is a Senate bill. The House has passed a similar bill?

Mr. KENYON. It has. This is the same as the bill which passed the House. If the Senator from Utah objects, I will not press it at this time, but later I shall move to take it up. It is one of the bills which should be acted upon before Congress adjourns.

The VICE PRESIDENT. The bill will go over.

PENSIONS TO SOLDIERS OF SPANISH WAR, ETC.

The bill (H. R. 2) to pension soldiers of the War with Spain, the Philippine insurrection, and the China relief expedition was announced as next in order.

Mr. KING. Let that go over.

Mr. NEW. Mr. President, I very much hope that the Senator from Utah will not insist on pressing his objection to the consideration of this bill. I think there are many reasons why it should be considered on its merits. There are personal reasons why I should like very much to have it considered, if the objections of the Senator from Utah are such that he can withhold them.

Mr. KING. Mr. President, I should be very glad to accede to the request of my friend, but the limited time this morning would not allow that full discussion and consideration of this bill which its merits and demerits require. We have been very generous. We passed a $75,000,000 appropriation bill the other day for pensions, and demands are here for one or two billion dollars more. Of course, when the Republicans are so anxious for economy I want to help them, and I object.

Mr. NEW. I give notice, then, that at the close of the morning business to-morrow I shall move that the Senate proceed to the consideration of this bill.

The VICE PRESIDENT. The bill will go over.

MILITARY JUSTICE.

The bill (S. 64) to establish military justice was announced as next in order.

Mr. WARREN. I wish to state that that has been added to the Army reorganization bill, and I ask that the bill may go over without prejudice.

The VICE PRESIDENT. The bill will be passed over.

AMENDMENT OF PENAL LAWS.

The bill (H. R. 7629) to amend the penal laws of the United States was announced as next in order.

Mr. GRONNA. Mr. President, I may not have any objection to this bill after I have had time to consider it carefully. However, there are only a few minutes remaining of the morning hour, and I ask the Senator from Utah who reported the bill to let it go over for to-day.

Mr. KING. I have no objection if the Senator desires to have it go over.

The VICE PRESIDENT. The bill will be passed over.

JUDICIAL DIVISIONS IN ALASKA.

The bill (S. 4205) to amend section 4, chapter 1 of Title I, of an act entitled "An act making further provision for a civil government for Alaska, and for other purposes," approved June 6, 1900, as heretofore amended by section 2 of an act entitled "An act to amend section 86 of an act to provide a government for the Territory of Hawaii, to provide for additional judges, and for other judicial purposes," approved March 3, 1909, and for other purposes, was considered as in Committee of the Whole.

Mr. NELSON. Mr. President, the judicial district of Alaska consists of four divisions. The judges there have agreed on a change in the boundaries of some of the divisions, and the bill was prepared and recommended by the Department of Justice. It is a long bill, reciting those boundaries at length. That is all the bill involves, and it is what the Department of Justice and the judges recommend. So I ask that the bill may be put on its passage.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COMMEMORATION OF ANNIVERSARY EVENTS.

Mr. McLEAN. Mr. President, I ask unanimous consent that the consideration of the remaining bills on the calendar prior to No. 508, House bill 12460, be postponed until next Monday.

Mr. CURTIS. Is there anything that is very urgent about the bills in which the Senator is interested which makes him feel that they are more important than the measures which precede them on the calendar?

Mr. McLEAN. The bills in which I am interested authorize the coinage of 50-cent pieces in commemoration of certain events. They passed the House, and there is an anxiety to get the Senate to pass them, because the events are now coming on—the hundredth anniversaries of the admission of Maine and Alabama into the Union, and the three hundredth anniversary of the landing of the Pilgrims.

The VICE PRESIDENT. Is there any objection? The Chair hears none.

The bill (H. R. 12460) to authorize the coinage of 50-cent pieces in commemoration of the one hundredth anniversary of the admission of the State of Maine into the Union was considered as in Committee on the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The bill (H. R. 12824) to authorize the coinage of 50-cent pieces in commemoration of the one hundredth anniversary of the admission of the State of Alabama into the Union was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The bill (H. R. 13227) to authorize the coinage of 50-cent pieces in commemoration of the three hundredth anniversary of the landing of the Pilgrims was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLAIMS OF COWLITZ INDIANS.

Mr. CURTIS. I ask unanimous consent that we now return to the consideration of Order No. 484 on the calendar, Senate bill 1521.

The bill (S. 1521) authorizing the Cowlitz Tribe of Indians, residing in the State of Washington, to submit claims to the Court of Claims was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with an amendment, on page 2, line 3, after the word "adjudge," to strike out the following words: "the rights, both legal and equitable, of the said Cowlitz Tribe and of the United States in the premises, notwithstanding lapse of time or statutes of limitation. The suit or suits instituted hereunder shall be begun by the Cowlitz Tribe of Indians as parties plaintiff and the United States as the party defendant. The petition or petitions may be verified by the attorney or attorneys employed by the Cowlitz Tribe upon information and belief as to the facts therein alleged, and no other verification shall be necessary: *Provided*, That upon the final determination of such suit or suits the Court of Claims shall have jurisdiction to fix and determine a reasonable fee not to exceed 10 per cent of the recovery, to be paid to the attorney or attorneys employed by the said Cowlitz Tribe of Indians, and the same shall be included in the decree and shall be paid out of any sum or sums due said tribe," and to insert in lieu thereof the following: "all legal and equitable claims, if any, of said Cowlitz Tribe against the United States, and also any legal or equitable defense, set-off, or counterclaim which the United States may have against the said Cowlitz Tribe, and to enter judgment thereon, notwithstanding lapse of time or statutes of limitation; and the final judgment and satisfaction thereof shall be a full settlement of all claims of said Cowlitz Tribe against the United States. Such cause shall be commenced within three years after the passage of this act, and in such cause the said Cowlitz Tribe shall be party plaintiff and the United States shall be party defendant; and the petition setting forth the cause of said Cowlitz Tribe shall be verified by the attorneys employed by said Cowlitz Tribe to prosecute their claims under this act, under contract approved by the Secretary of the Interior and the Commissioner of Indian Affairs as provided by sections 2103 to 2106 of the Revised Statutes, upon information and belief as to the facts alleged therein, and no other verification to said petition shall be necessary," so as to make the bill read:

Be it enacted, etc., That all claims of whatsoever nature, both legal and equitable, which the Cowlitz Tribe of Indians, residing in the State of Washington, may have against the United States, shall be submitted to the Court of Claims, with the right of appeal by either party to the Supreme Court of the United States for determination; and jurisdiction is hereby conferred upon the Court of Claims to hear and determine any and all such claims and to render final judgment thereon.

The Court of Claims shall advance the causes upon its docket for hearing and shall have authority to determine and adjudge all legal and equitable claims, if any, of said Cowlitz Tribe against the United States, etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

YANKTON TRIBE OF INDIANS.

The bill (S. 3716) conferring jurisdiction on the Court of Claims to determine and report upon the interest, title, ownership, and right of possession of the Yankton Tribe of Indians to the Red Pipestone Quarries, S. Dak., was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That jurisdiction be, and it hereby is, conferred upon the Court of Claims to determine and report from the finding of facts reported by said court as authorized by section 22 of the act of April 4, 1910, the interest, title, ownership, and right of possession of the Yankton Tribe of Indians in and to the land known as the "Red Pipestone Quarries," described in said act of April 4, 1910.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill conferring jurisdiction on the Court of Claims to determine and report upon the interest, title, ownership, and right of possession of the Yankton Tribe of Indians, South Dakota, to the Red Pipestone Quarries, Minn."

CLAIMS OF NORTHERN ARAPAHOES AND NORTHERN CHEYENNES.

The bill (S. 3164) authorizing the Northern Arapahoe Tribe and the Northern Cheyenne Tribe of Indians to submit claims to the Court of Claims was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That all claims of whatsoever nature which the Northern Arapahoe Tribe and the Northern Cheyenne Tribe of Indians may have against the United States, which have not heretofore been determined by the Court of Claims, may be submitted to the Court of Claims, with the right of appeal to the Supreme Court of the United States by either party, for determination of the amount, if any, due said tribes from the United States under any treaties, agreements, or laws of Congress, or for the misappropriation of any of the funds of said tribes, or for the failure of the United States to pay said tribes any money or other property due; and jurisdiction is hereby conferred upon the Court of Claims, with the right of either party to appeal to the Supreme Court of the United States, to hear and determine all legal and equitable claims, if any, of said tribes against the United States, and to enter judgment thereon.

SEC. 2. That if any claim or claims be submitted to said courts they shall settle the rights therein, both legal and equitable, of each and all the parties thereto, notwithstanding lapse of time or statutes of limitation, and any payment which may have been made upon any claim so submitted shall not be pleaded as an estoppel, but may be pleaded as an offset in such suits or actions, and the United States shall be allowed credit for all sums, including gratuities, heretofore paid or expended for the benefit of said tribes or any band thereof.

The claim or claims of the tribe or tribes or band or bands thereof may be presented separately or jointly by petition, subject, however, to amendment, suit to be filed within five years after the passage of this act; and such action shall make the petitioner or petitioners party plaintiff or plaintiffs and the United States party defendant, and any band or bands of said tribes or any other tribe or band of Indians the court may deem necessary to a final determination of such suit or suits may be joined therein as the court may order. Such petition, which shall be verified by the attorney or attorneys employed by said Northern Arapahoe Tribe and the Northern Cheyenne Tribe, or either of them or any bands thereof, shall set forth all the facts on which the claims for recovery are based, and said petition shall be signed by the attorney or attorneys employed, and no other verification shall be necessary. Official letters, papers, documents, and public records, or certified copies thereof, may be used in evidence, and the departments of the Government shall give access to the attorney or attorneys of said tribes or bands thereof to such treaties, papers, correspondence, or records as may be needed by the attorney or attorneys for said tribes or bands of Indians.

SEC. 3. That if it be determined by the Court of Claims in the said suit herein authorized that the United States Government has wrongfully appropriated any lands belonging to the said Northern Arapahoe Tribe or the Northern Cheyenne Tribe of Indians, damages therefor shall be confined to the value of the said land at the time of said appropriation, together with interest at 3 per cent per annum, and the decree of the Court of Claims with reference thereto, when satisfied, shall annul and cancel all claim and title of the said Northern Arapahoe Tribe or Northern Cheyenne Tribe or any other tribe or band of Indians in and to said lands, as well as all damages for all wrongs and injuries, if any, committed by the Government of the United States with reference thereto.

SEC. 4. That upon the final determination of such suit, cause, or action the Court of Claims shall decree such fees as it shall find reasonable to be paid the attorney or attorneys employed therein by said tribes or bands of Indians under contracts negotiated and approved as provided by existing law, and in no case shall the fee decreed by said Court of Claims be in excess of the amounts stipulated in the contracts approved by the Commissioner of Indian Affairs and the Secretary of the Interior, and no attorney shall have a right to represent the said tribes or any band thereof in any suit, cause, or action under the provisions of this act until his contract shall have been approved as herein provided. The fees decreed by the court to the attorney or attorneys of record shall be paid out of any sum or sums recovered in such suits or actions, and no part of such fees shall be taken from any money in the Treasury of the United States belonging to such tribes or bands of Indians in whose behalf the suit is brought unless specifically authorized in the contract approved by the Commissioner of Indian Affairs and the Secretary of the Interior as herein provided: *Provided*, That in no case shall the fees decreed by said court amount to more than 10 per cent of the amount of the judgment recovered in such cause.

Mr. CURTIS. On page 3, line 21, the committee recommends striking out the words beginning with the word "together" and ending with the words "per annum." It is a provision allowing interest. It is not the policy of the Government to allow interest.

The VICE PRESIDENT. The Secretary will state the amendment.

The READING CLERK. On page 3, line 21, to strike out the words "together with interest at 3 per cent per annum," so as to make the clause read:

Damages therefor shall be confined to the value of the said land at the time of said appropriation, and the decree of the Court of Claims with reference thereto, when satisfied, etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OTTAWA AND CHIPPEWA INDIANS.

The bill (S. 3307) authorizing the Ottawa and Chippewa Tribes of Indians of Michigan to submit claims to the Court of Claims was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That all claims of whatsoever nature which the Ottawa and Chippewa Tribes of Indians of Michigan may have against the United States may be submitted to the Court of Claims for determination of the amount, if any, due said tribes from the United States under any treaties, agreements, or laws of Congress, or for the misappropriation of any of the funds of said tribes, or for the failure of the United States to pay said tribes any moneys or other property due; and jurisdiction is hereby conferred on the Court of Claims, with the right of either party to appeal to the Supreme Court of the United States to hear and determine all legal and equitable claims, if any, of said tribes against the United States, and to enter judgment thereon.

SEC. 2. That if any claim or claims be submitted to said court, they shall settle the rights therein, both legal and equitable, of each and all the parties thereto, notwithstanding lapse of time or statutes of limitations, and any payment which may have been made upon any claim so submitted shall not be pleaded as an estoppel, but may be pleaded as an offset in such suits or actions, and the United States shall be allowed credit for all sums heretofore paid or expended for the benefit of said tribes or any band thereof. The claim or claims of said tribes, or band or bands thereof, may be presented separately or jointly by petition, subject, however, to amendment, suit to be filed within five years after the passage of this act; and such action shall make the petitioner or petitioners party plaintiff or plaintiffs and the United States shall be the party defendant, and any band or bands of said tribes the court may deem necessary to a final determination of such suit or suits may be joined therein as the court may order. Such petition which shall be verified by the attorney or attorneys employed by the said Ottawa and Chippewa Tribes of Indians of Michigan, or any bands thereof, shall set forth all the facts on which the claims for recovery are based, and said petition shall be signed by the attorney or attorneys employed, and no other verification shall be necessary; official letters, papers, documents, and public records, or certified copies thereof, may be used in evidence, and the departments of the Government shall give access to the attorney or attorneys of said tribes or bands thereof to such treaties, papers, correspondence, or records as may be needed by the attorney or attorneys for said tribes or bands of Indians.

SEC. 3. That upon the final determination of such suit, cause, or action, the Court of Claims shall decree such fees as it shall find reasonable to be paid the attorney or attorneys employed therein by said tribes under contract to be approved by the Secretary of the Interior and the Commissioner of Indian Affairs as provided by existing law, and in no case shall the fees decreed by said court amount to more than 10 per cent of the amount of the judgment recovered in such cause, such fee to be paid from said judgment.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALLOTMENT TO MARY CRANE.

The bill (S. 4046) to cancel an allotment made to Mary Crane, deceased, embracing lands on the Winnebago Reservation, in Nebraska, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to cancel the restricted fee patent issued to Mary Crane (Ho tah kah win kaw), deceased Winnebago allottee, No. 43, on the Winnebago Reservation, in Nebraska, embracing the southwest quarter of the northeast quarter of section 20, township 26 north, range 9 east, sixth principal meridian, Nebraska, containing 40 acres.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALLOTMENT TO COMANCHE PESSA.

The bill (S. 4047) authorizing and directing the Secretary of the Interior to make an allotment to Pessa, a member of the Comanche Tribe of Indians in Oklahoma, was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to make an allotment of 160 acres from the unallotted, unreserved, unappropriated, and undisposed of tracts within the former Kiowa, Comanche, and Apache Indian Reservation in Oklahoma to Pessa, a duly enrolled and recognized member of the Comanche Tribe, who has not heretofore been allotted, but who is entitled to an allotment under the provisions of the act of Congress of June 6, 1900 (31 Stat. L., p. 676): *Provided*, That all acts of Congress inconsistent with making the allotment herein provided for are hereby amended accordingly.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ERROR IN INDIAN ALLOTMENT.

The bill (H. R. 9615) authorizing the Secretary of the Interior to correct an error in an Indian allotment was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That for the purpose of correcting an error made in the allotment on the public domain of Domatil E. Lafournaise, an Indian of the Turtle Mountain Band of Chippewas, whereby the same is in conflict with the allotment of Jenoir Brien, a member of the same band, and to clear title to the land allotted to Jenoir Brien, the Secretary of the Interior is hereby authorized to issue a patent in fee to lot 5 of the southeast quarter of section 6, township 159 north, range 103 west of the fifth principal meridian in North Dakota, in favor of Henry E. Thomas, holder of a deed to the allotment of Domatil E. Lafournaise (now Patnaude); said patent to issue upon the execution by Henry E. Thomas of a quitclaim deed in favor of E. L. Hugelen, purchaser of the allotment of Jenoir Brien, covering lot 3 of the same section allotted to Jenoir Brien and erroneously included in the allotment of Domatil E. Lafournaise.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LAND IN FORT BERTHOLD INDIAN RESERVATION.

The bill (H. R. 13139) for the sale of isolated tracts in the former Fort Berthold Indian Reservation, N. Dak., was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the provisions of section 2455 of the Revised Statutes of the United States as amended by the act of March 28, 1912 (37 Stats. L., p. 77), relating to the sale at public auction of isolated tracts of the public domain, be, and the same are hereby, extended and made applicable to lands within the portion of the Fort Berthold Indian Reservation, N. Dak., opened under the act of June 1, 1910 (36 Stats. L., p. 455): *Provided*, That the provisions of this act shall not apply to lands which are not subject to homestead entry: *Provided, further*, That purchasers of land under this act shall pay for the lands not less than the price fixed in the law opening such lands to homestead entry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CLAIMS OF CROW INDIANS.

The bill (S. 192) authorizing the Crow Tribe of Indians, residing in the State of Montana, to submit claims to the Court of Claims, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with amendments, on page 2, after line 6, to insert the words "within five years from the passage of this act"; on line 8, after the word "plaintiff," to strike out the word "and" and to insert in lieu thereof the word "against"; on line 11, after the word "Indians," to insert the words "under contract approved by the Secretary of the Interior and the Commissioner of Indian Affairs in accordance with sections 2103–2106 of the Revised Statutes of the United States"; on line 19, after the word "recovery," to strike out the words "and in no case in excess of $25,000"; and on line 23, after the word "reside," to strike out the words "and the same shall be included in the decree," so as to make the bill read:

Be it enacted, etc., That all claims of whatsoever nature which the Crow Tribe of Indians residing in the State of Montana may have or claim to have against the United States under any treaty or law of Congress, or for the misappropriation of any funds of the tribe, or the failure to pay any moneys when due shall be submitted to the Court of Claims, with the right of appeal by either party to the Supreme Court of the United States for determination, and jurisdiction is hereby conferred upon the Court of Claims to hear and determine any and all such claims and to render final judgment thereon.

The Court of Claims shall advance the case or cases upon its docket for hearing, and shall have authority to determine and adjudge the rights, both legal and equitable, of the said Crow Tribe and of the United States in the premises, notwithstanding lapse of time or statutes of limitation. The suit or suits instituted hereunder shall be begun within five years from the passage of this act by the Crow Tribe of Indians as parties plaintiff against the United States as party defendant. The petition or petitions may be verified by the attorney or attorneys employed in said claim by the Crow Tribe of Indians under contract approved by the Secretary of the Interior and the Commissioner of Indian Affairs in accordance with sections 2103–2106 of the Revised Statutes of the United States upon information and belief as to the facts therein alleged, and no other verification shall be necessary: *Provided*, That upon the final determination of such suit or suits the Court of Claims shall have jurisdiction to fix and determine a reasonable fee, not to exceed 10 per cent of the recovery, to be paid to the attorney or attorneys employed by the said Crow Tribe of Indians, who shall be a member or members of the bar in good standing of the highest court of the State, District, or Territory in which he or they reside, and shall be paid out of any sum or sums found due said tribe.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THE DYE INDUSTRY.

The VICE PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is House bill 8078.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8078) to regulate the importation of coal-tar products, to promote the establishment of the manufacture thereof in the United States, and, as incident thereto, to amend the act of September 8, 1916, entitled "An act to increase the revenue, and for other purposes."

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Reading Clerk called the roll, and the following Senators answered to their names:

Ball	Cummins	Gronna	Keyes
Borah	Curtis	Hale	King
Brandegee	Dial	Harris	McLean
Capper	Edge	Henderson	McNary
Chamberlain	Elkins	Jones, Wash.	Nelson
Colt	Fall	Kendrick	New
Culberson	Gay	Kenyon	Nugent
Overman	Smith, Md.	Townsend	Warren
Pomerene	Smoot	Trammell	Watson
Simmons	Sutherland	Underwood	Wolcott
Smith, Ariz.	Thomas	Wadsworth	

The PRESIDING OFFICER (Mr. CURTIS in the chair). Forty-three Senators have answered to their names. There is not a quorum present. The Secretary will call the roll of absentees.

The Reading Clerk called the names of the absent Senators, and Mr. MCCUMBER, Mr. PAGE, and Mr. REED answered to their names when called.

Mr. FRELINGHUYSEN, Mr. SWANSON, Mr. STERLING, Mr. CALDER, Mr. FERNALD, Mr. PHIPPS, and Mr. SHEPPARD entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty-three Senators have answered to their names. A quorum is present. The bill will be read.

The Reading Clerk read the bill which had been reported from the Committee on Finance with amendments.

Mr. THOMAS. Mr. President, the reading of the bill has been concluded?

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). The reading of the bill has been concluded except as to the portions which have been stricken out and the committee amendments, which are printed in italics.

Mr. THOMAS. May I ask the Senator having charge of the bill whether he desires that the amendments to the bill be considered seriatim?

Mr. WATSON. I think the best course to pursue would be first to consider the committee amendments.

Mr. THOMAS. There are some unimportant amendments in the bill.

Mr. WATSON. There are some unimportant amendments, and, in order to make harmonious the text, I wish to offer two or three amendments at this point, if the Senator will allow me.

Mr. THOMAS. Certainly. I simply rose to inquire of the Senator how he intended to proceed.

The PRESIDING OFFICER. The Senator from Indiana offers an amendment, which will be stated.

The READING CLERK. On page 3, line 4, it is proposed to strike out "benzochloride" and in lieu thereof to insert the word "benzoylchloride."

Mr. WATSON. That is simply a correction of the spelling, I will say to the Senator from Colorado.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The next amendment offered by the Senator from Indiana will be stated.

The READING CLERK. On page 6, line 11, after the word "That," it is proposed to strike out the words "on and after the day following the passage of this act."

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. WATSON. Mr. President, my attention was diverted for a moment, and I inquire how far the Secretary has proceeded with the reading of the bill?

The PRESIDING OFFICER. The Secretary has read all of the bill except the parts stricken out and the amendments of the committee, which are printed in italics; in other words, the Secretary has read all of the original bill.

Mr. WATSON. Then, I think, Mr. President, we might as well have the amendments read and considered.

The PRESIDING OFFICER. The first amendment reported by the committee will be stated.

The first amendment of the Committee on Finance was, on page 1, line 3, after the word "That," to strike out "title 5" and to insert "Title V."

The amendment was agreed to.

The next amendment was, on the same page, line 6, after the word "That," to strike out "on and after the day following the passage of this act."

The amendment was agreed to.

The next amendment was, on page 4, line 1, before the word "or" to strike out "xylidin" and insert "xylidin"; and, in the same line, after the word "sulphoacid," to strike out "of" and insert "or."

The amendment was agreed to.

The next amendment was, on page 5, line 1, before the words "per cent," to strike out "40" and insert "15," so as to read "15 per cent ad valorem."

The amendment was agreed to.

The next amendment was, on page 5, line 10, before the word "suitable" to strike out "resorcin," and the comma, and insert "resorcin"; in line 11, after the word "its," to strike out

"salts" and the comma; and insert "salts"; in line 13, after the word "saccharin" to strike out "methylsalicylate, coumarin, and other flavors"; in line 16, before the word "indene" to strike out "coumarone" and insert "coumaron"; on page 6, line 2, after the word "indigo" to strike out "natural methyl salicylate or oil of wintergreen or oil of sweet birch; natural coumarin," and insert "adonite, arabinose, dulcitol, galactose, inosite, inulin, levulose, mannitol, mannose, melizitose, raffinose, rhamnose, sorbitol, xylose, and other of the higher saccharides required for scientific purposes"; and in line 9, before the words "per centum" to strike out "45" and to insert "30."

The amendment was agreed to.

The next amendment was, on page 6, line 14, after the words "duty of" to strike out "6" and to insert "2½"; in line 16, after the words "duty of," to strike out "7" and insert "5"; in line 23, after the words "duty of" to strike out "7" and insert "5"; on page 7, line 1, before the "cents" to strike out "7" and insert "5"; on the same page, line 12, after the word "That" to strike out the words "beginning six months" and to insert "on and"; in the same line, before the word "passage" to strike out "date of"; and in line 16, after the word "ingredients" to strike out "of" and insert "or."

The amendment was agreed to.

The next amendment was, on page 8, line 10, after the word "That" to strike out "all articles" and insert "any article"; in line 11, after the words "terms of" to strike out "paragraphs" and insert "paragraph"; and, in line 12, after the numerals "501," to strike out "and" and insert "or."

The amendment was agreed to.

The next amendment was, on page 8, line 16, after the word "That," to strike out "on and after the day when this act shall go into effect."

The amendment was agreed to.

The next amendment was, on page 9, after line 4, to strike out:

SEC. 503 (a). During the period of two years after the date of the approval of this act it shall be unlawful for any person or persons or corporation to import or bring into the United States, or any of its possessions, except under license previously obtained, as hereinafter provided, from the United States Tariff Commission, any of the products enumerated in section 500 of this act, or any product derived directly or indirectly from coal tar, including crude products and intermediate products, as well as dyestuffs, medicinals, and other finished products, and including mixtures and compounds of such products and other products.

To meet the reasonable expenses of the United States Tariff Commission in the execution of the duties imposed upon it by this act, the cost of maintenance of a suitable office at a place to be designated by the commission, the commission may charge a reasonable fee for the issue of each license. Should the moneys received from such fees in any year be less than the said expenses the deficiency shall be paid out of the appropriation for 'expenses of collecting the revenue from customs.'

SEC. 503 (b). The said United States Tariff Commission shall issue licenses to import for domestic consumption such of the products covered by section 503 (a) of this act, as may be unobtainable from domestic sources and also such and such only of the said products as may, though obtainable from domestic sources be unobtainable on reasonable terms as to price, quality, and delivery. The commission shall limit the issue of licenses to import any product as nearly as may be to the quantities required by the actual current needs of the consuming industries in the United States, having regard to the necessities of such industries as are unable to determine beforehand their requirements. Nothing herein contained shall authorize the commission to refuse a license to a manufacturer, person, or agent to import for actual use by the manufacturer a foreign dye when such domestic dye of equal quality is not immediately available for his use. The commission in passing upon applications for such licenses may regulate its own practice and procedure, but shall so regulate the same as to prevent all avoidable delay.

SEC. 503 (c). Any product described in section 503 (a) of this act which shall be imported into the United States or any of its possessions without license, as provided in said section 503 (a), shall be forfeited and shall be destroyed whenever and wherever found.

SEC. 503 (d). Any person subject to the jurisdiction of the United States who shall, either as principal or as accessory, import or attempt to import or aid in importing any product described in section 503 (a) of this act without license as therein provided shall be fined not exceeding $5,000 or the value of such product at the time of importation, whichever shall be greater, or shall be imprisoned for not more than one year, or both.

SEC. 504. Except as otherwise herein specially provided, this act shall take effect on the day following its passage.

And insert:

SEC. 504. That during the period of three years after the date of the approval of this act, except as hereinafter provided, no article enumerated in Group II or Group III of section 500 of this act shall be admitted to entry or delivered from customs custody in the United States or in any of its possessions unless the United States Tariff Commission shall determine that such article or a satisfactory substitute therefor is not obtainable in the United States or in any of its possessions on reasonable terms as to quality, price, and delivery, and that such article is required for use by an actual consumer in the United States or in any of its possessions.

SEC. 505. That under this act an article shall be deemed to be of reasonable quality if such article, in the judgment of the United States Tariff Commission, is capable of giving results in use substantially equal to a corresponding article of foreign origin.

SEC. 506. That under this act "reasonable terms as to price" for any article shall mean the lowest price or prices, for the time being, which, in the judgment of the United States Tariff Commission, shall be sufficient to insure the maintenance in the United States or in any of its possessions of the production of such article by an efficient plant operating on a substantial commercial scale.

SEC. 507. That under this act "reasonable terms as to delivery" shall mean delivery within such period as, in the judgment of the United States Tariff Commission, shall be a reasonable time of an amount of such article or articles, which, in said commission's judgment, shall be sufficient to supply the need of the consumer or consumers for a period of six months.

SEC. 508. That the United States Tariff Commission, in executing the duties imposed upon it by this act, may regulate its own practice and procedure and make all rules and regulations necessary and proper for the accomplishment of the purposes of this act: *Provided*, That no article enumerated in Group II or Group III of section 500 of this act shall be admitted to entry or delivered from customs custody in the United States or in any of its possessions in any case where the United States Tariff Commission shall determine that the actual consumer for whose use such article is intended has received or may obtain on reasonable terms as to quality, price, and delivery a six months' supply of such article: *And provided further*, That no article enumerated in Group II or Group III of section 500 of this act which may be useful both as a substitute for a domestic article and for some other purpose for which the domestic article is not adapted shall be admitted to entry or delivered from customs custody in the United States or in any of its possessions, except when the United States Tariff Commission shall determine that such article is imported for such other purpose.

SEC. 509. That the United States Tariff Commission shall have exclusive jurisdiction of the distribution among consumers in the United States and in its possessions of any of the articles which may become available to such consumers under Annex VI of section 1 of Part VIII of the treaty of peace with Germany submitted by the President on July 10, 1919, to the United States Senate.

SEC. 510. That, notwithstanding the prior termination of the present war, the provisions of the trading with the enemy act, approved October 6, 1917, and of any proclamation of the President issued in pursuance thereof, which prohibit or control the importation into the United States of dyes or other products derived directly or indirectly from coal tar, are continued for a period of 90 days, beginning with the date of the taking effect of this act. All individual licenses issued by the War Trade Board section of the Department of State prior to the expiration of said 90 days shall remain in effect and the importations under such licenses shall be permitted.

SEC. 511. That 90 days after the date when this act shall take effect the Secretary of State shall forthwith cause to be transferred to the United States Tariff Commission all papers, questionnaires, documents, books, and other records of the War Trade Board Section of the Department of State relating to the issuance of individual import licenses on articles enumerated in Group II and Group III of section 500 of this act.

SEC. 512. That for the purpose of enforcing the provisions of this act the United States Tariff Commission shall have the power to require, by order from time to time, from any persons engaged in the manufacture within the United States or in any of its possessions of any articles enumerated in Group II or Group III of section 500 of this act and who ship or deliver for shipment any such articles in interstate commerce, sworn statements showing their actual production, stocks on hand, contracts, or accepted orders for future delivery, and cost of production of such articles and price at which each article is offered for sale, together with a sample thereof, if desired, and any other information which the United States Tariff Commission may require.

The United States Tariff Commission shall also have power, through its duly authorized agents, to visit and inspect all factories and warehouses and books of record of persons engaged in the manufacture within the United States or in any of its possessions of any of the articles enumerated in Group II or Group III of section 500 of this act and who ship or deliver for shipment any of such articles in interstate commerce. The powers granted the United States Tariff Commission under Title VII of the act of Congress approved September 8, 1916, entitled "An act to increase the revenue, and for other purposes," shall furthermore be available for carrying into effect the provisions of this act

The information thus secured shall not be matter of public record, but shall be for the confidential use of the United States Tariff Commission only, and shall not be published or revealed except in the form of totals, averages, or summaries which shall not disclose the operations of individual domestic manufacturers.

SEC. 513. That any person who refuses or fails to comply with any order of the United States Tariff Commission issued by authority granted in this act and who while so refusing or failing to comply ships or delivers for shipment in interstate commerce any of the articles enumerated in Group II or Group III of section 500 of this act shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine not exceeding $100 per day until such order of the United States Tariff Commission shall be complied with.

SEC. 514. That any person subject to the jurisdiction of the United States who shall, either as principal or as accessory, enter or attempt to enter or aid in entering any article enumerated in Group II or Group III of section 500 of this act otherwise than as herein provided or otherwise than in compliance with the rules and regulations prescribed under the authority of this act, or who shall willfully misstate or misrepresent any facts to the said United States Tariff Commission shall be fined not exceeding $5,000 or the appraised value of such article in the United States at the time of importation, whichever shall be greater, or shall be imprisoned for not exceeding two years, or both; and the United States Tariff Commission may, in its discretion, refuse to permit any such person to make further entries of any of the articles enumerated in Group II or Group III of section 500 of this act.

SEC. 515. That the word "person" as used in this act shall include individuals, partnerships, associations, and corporations.

SEC. 516. That any article enumerated in Group II or Group III of section 500 of this act which the United States Tariff Commission shall find has been entered or delivered contrary to the provisions of this act, or which shall be abandoned as unclaimed, shall be destroyed under regulations prescribed by the Secretary of the Treasury.

SEC. 517. That to meet all necessary expenses of the United States Tariff Commission in performing the duties imposed by this act, including rental of suitable quarters, the purchase of supplies and equipment,

books of reference, law books, periodicals, and printing and binding, and the payment of personal and other services in the District of Columbia and elsewhere and traveling and subsistence expenses in the United States, together with all necessary traveling expenses and expenses for subsistence outside of the United States which shall not be restricted by the limitations of existing law, the sum of $100,000, or so much thereof as may be necessary, is hereby appropriated for the fiscal year ending June 30, 1920.

SEC. 518. That it is hereby expressly declared to be the intent of the Congress in enacting this act to build up, develop, and protect the dyestuffs manufacturing industry in the United States and its possessions, and that each and every of the foregoing sections shall be so construed as to effectuate such intent.

SEC. 519. That except as otherwise herein specially provided, this act shall take effect on the day following its passage.

The PRESIDING OFFICER. The question is upon agreeing to the amendment of the committee.

Mr. THOMAS obtained the floor.

Mr. KING. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ball	Frelinghuysen	McCormick	Smith, S. C.
Borah	Gay	McCumber	Smoot
Brandegee	Hale	Moses	Sutherland
Chamberlain	Harris	Nelson	Swanson
Culberson	Harrison	Nugent	Thomas
Cummins	Henderson	Page	Townsend
Curtis	Jones, Wash.	Phelan	Underwood
Dial	Kellogg	Phipps	Wadsworth
Edge	Kendrick	Sheppard	Warren
Elkins	Kenyon	Simmons	Watson
Fall	Keyes	Smith, Ariz.	Wolcott
Fernald	King	Smith, Ga.	

The PRESIDING OFFICER. Forty-seven Senators have answered to their names, not a quorum. The Secretary will call the names of absentees.

The Reading Clerk called the names of the absent Senators, and Mr. CAPPER and Mr. RANSDELL answered to their names when called.

Mr. CALDER, Mr. SMITH of Maryland, Mr. COLT, Mr. FRANCE, Mr. POMERENE, and Mr. STERLING entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty-five Senators have answered to their names. A quorum is present.

Mr. MOSES. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MOSES. What is the present status of the bill?

The PRESIDING OFFICER. The bill is in the Committee of the Whole, and the pending question is the amendment proposed by the committee.

Mr. THOMAS addressed the Senate. After having spoken, with interruptions, for about two hours,

Mr. WATSON. Mr. President, has the Senator reached a point in his remarks where he can suspend for this evening?

Mr. THOMAS. I am entirely subject to the pleasure of the Senator who has charge of the bill.

Mr. WATSON. That is very kind of the Senator, but I do not desire to interrupt the continuity of his remarks.

Mr. THOMAS. I am perfectly willing to yield the floor until to-morrow if the Senator desires.

ADJOURNMENT.

Mr. WATSON. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, May 4, 1920, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *May 3, 1920.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Infinite Spirit, our Father in heaven, out of the depth of the soul we cry unto Thee for renewed faith and confidence, inspiration, strength, courage; that with fidelity to truth we may hold our course to Thee as it has been revealed to us in all the ages of the past, by the thoughts and behavior of the good and the true, especially in holy writ by the prophets and seers, and in the life, character, and heroic example of the world's Great Exemplar, Christ the Lord. Amen.

The Journal of the proceedings of Saturday was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, Mr. FOCHT was granted leave of absence for the day, on account of the death of a friend.

ASSISTANCE TO THE COMMITTEE ON THE JUDICIARY.

Mr. IRELAND. Mr. Speaker, I ask consideration of the privileged resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolution 526.

Resolved, That the Committee on the Judiciary, pursuant to the resolution of the House of Representatives adopted March 4, 1920, be, and is hereby, authorized and empowered to employ such stenographic, clerical, and legal assistance, and such accountants, and to have such printing and binding done as it may deem necessary.

All expenses that may be incurred by said committee, including the expenses of said committee or any subcommittee thereof when sitting outside of the District of Columbia, shall be paid out of the contingent fund of the House of Representatives, on vouchers signed by the chairman of said committee, or by the chairman of a subcommittee, where such expenses are incurred by such subcommittee.

The committee amendments were read, as follows:

Page 1, line 4, after the word "stenographic," insert the word "and," and after the word "clerical," strike out the words "and legal," and after the word "assistance," in line 5, strike out "and such accountants," and in line 6, beginning with the line, strike out the words "and binding," and add, after line 13, the words "and approved by the Committee on Accounts, provided any such expenditures shall not exceed $500."

Mr. IRELAND. Mr. Speaker, this is a resolution to provide funds for the Subcommittee of the Committee on the Judiciary that has in hand the sugar investigation under the resolution referred to. I have talked with the chairman of the subcommittee and he said that the amount named in this resolution would be ample for all their expenditures. There have been certain eliminations made in the original resolution and the committee amendments properly safeguard the measure, so there can be no objection raised.

Mr. GARNER. If the gentleman will yield, I think the Subcommittee on the Judiciary, as well as the Committee on Accounts, are to be congratulated for making an investigation of this kind with such far-reaching effect on such a small amount of money. This is the first political resolution I have heard which costs as little as $500, and I think you are to be congratulated.

Mr. IRELAND. I am fearful that the chairman of the committee, if he makes a very exhaustive examination, is going to come back and ask for more, will be forced to do so; but he said that this amount would be ample for the present.

Mr. GARD. Will the gentleman yield?

Mr. IRELAND. I will.

Mr. GARD. Did the gentleman state that the chairman of the subcommittee stated that there might be necessity for further appropriation?

Mr. IRELAND. No; when I talked with him he was very confident this would be sufficient, but I am fearful if this investigation is extended he will want more later.

Mr. GARD. I understand that the resolution as amended by the committee, with the consent of the chairman, of the Subcommittee on the Judiciary, eliminates the employment of legal assistance?

Mr. IRELAND. It certainly does.

Mr. GARD. And limits the appropriation to $500?

Mr. IRELAND. Yes, sir; that is correct.

Mr. GARD. It takes out also the item for binding.

Mr. IRELAND. There appeared to be no necessity for that. I ask for the adoption of the amendments.

The question was taken, and the amendments were agreed to.

The resolution as amended was agreed to.

RETIREMENT BILL.

Mr. LEHLBACH. Mr. Speaker, I ask to take from the Speaker's table the bill S. 1699, the retirement bill, to insist on the House amendments, and acceed to the Senate's request for a conference.

The SPEAKER. The gentleman from New Jersey asks unanimous consent to take from the Speaker's table the clerks' retirement bill and insist upon the House amendments and agree to the conference asked for by the Senate. Is there objection? [After a pause.] The Chair hears none. The Chair appoints the following conferees.

The Clerk read as follows:

Mr. LEHLBACH, Mr. FAIRFIELD, and Mr. GODWIN of North Carolina.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States, by Mr. Sharkey, announced that the President had, on May 1, 1920, approved and signed bill of the following title:

H. R. 9369. An act to revise and equalize rates of pension to certain soldiers, sailors, and marines of the Civil War and the War with Mexico, to certain widows, including widows of the War of 1812, former widows, dependent parents, and children of such soldiers, sailors, and marines, and to certain Army nurses, and granting pensions and increase of pensions in certain cases.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 3239. An act to amend the Army appropriation act for 1920 so as to authorize travel allowances to persons discharged from disciplinary barracks and other places of confinement other than honorably, and for other purposes; to the Committee on Military Affairs.

CALENDAR WEDNESDAY—REMOVAL OF AQUEDUCT BRIDGE.

The first business in order on the Calendar for Unanimous Consent was the bill (H. R. 10328) to amend an act approved May 18, 1916, entitled "An act to provide for the removal of what is known as the Aqueduct Bridge, across the Potomac River, and for the building of a bridge in the place thereof."

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MONTAGUE. Mr. Speaker, I ask that the bill just reported may be passed without prejudice.

The SPEAKER. The gentleman from Virginia asks unanimous consent that the bill be passed without prejudice. Is there objection?

Mr. WALSH. Well, Mr. Speaker, reserving the right to object, this bill has been retained on the Unanimous Consent Calendar now for several weeks, and I think if it is going to be passed this time it ought to go to the foot of the calendar, the same as other bills which, when they are passed numerically, are placed at the foot of the calendar. This is quite an important measure.

Mr. MONTAGUE. That is one reason I have asked that it be passed without prejudice. I have not heretofore asked that it be considered because of its importance, and for that reason I requested that it go over without prejudice. I do that after a conference with the chairman of the committee, the gentleman from Wisconsin [Mr. ESCH].

Mr. WALSH. Does the gentleman have any serious objection to its going to the foot of the calendar?

Mr. MONTAGUE. No; not any very serious objection; and if the gentleman insists upon it I recognize his right to interpose objection.

Mr. WALSH. No; I will not make it.

The SPEAKER. Is there objection to passing the bill without prejudice? [After a pause.] The Chair hears none. The Clerk will report the next bill.

CHANGING NAME OF SEQUOIA NATIONAL PARK, CALIF., TO ROOSEVELT PARK.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 5006) to add certain lands to the Sequoia National Park, Calif., and to change the name of said park to Roosevelt National Park.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GARD. Mr. Speaker, reserving the right to object——

Mr. SINNOTT. Mr. Speaker, I ask that this bill be passed without prejudice. The gentlemen interested in it are not present.

The SPEAKER. The gentleman from Oregon asks unanimous consent that this bill be passed without prejudice. Is there objection?

Mr. GARD. Mr. Speaker, reserving the right to object, does the gentleman know that it is the purpose of the gentlemen to reconcile the differences which have existed apparently between the Department of Agriculture and the Department of the Interior?

Mr. SINNOTT. I think that is the purpose of the gentleman who introduced the bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the next bill.

IRRIGATION EASEMENTS IN YELLOWSTONE NATIONAL PARK.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 12466) authorizing the granting of certain irrigation easements in the Yellowstone National Park, and for other purposes.

The title of the bill was read.

The SPEAKER. Is there objection?

Mr. WALSH. I object.

Mr. SMITH of Idaho. Mr. Speaker, will the gentleman withhold his objection?

Mr. WALSH. Yes.

Mr. SMITH of Idaho. I wish to explain its merits. I attempted to do so to the gentleman personally about the last unanimous-consent day, and he told me he would not be here and did not care to go into the matter. This is a bill of very great importance, affecting the interests of nearly 30,000 people, not only their individual properties but the food supply, as the construction of the reservoir as proposed will avoid a possible loss of ten or fifteen million dollars' worth of foodstuffs annually.

Mr. WALSH. I will reserve my objection.

Mr. SIEGEL. I am going to object anyway.

The SPEAKER. Does the gentleman object?

Mr. SIEGEL. I propose to object anyway.

Mr. WALSH. Well, I am going to object anyway, but I will reserve the right to object.

Mr. SMITH of Idaho. If the gentlemen do not wish to be informed about the bill, of course there is no use in discussing it.

Mr. WALSH. On what does the gentleman base his assumption that gentlemen are not informed about the bill?

Mr. SMITH of Idaho. Because the gentleman was not here when the bill was discussed two weeks ago for nearly an hour.

Mr. WALSH. That is a very slight basis, that because I was not here two weeks ago is a good reason for supposing that I have not given it attention since. The gentleman is not the only source of information on this measure.

Mr. SMITH of Idaho. Of course, that is true.

Mr. WALSH. I am reserving the right to object. The gentleman desired to submit certain information, which I would be very glad if he would do.

The SPEAKER. Does the gentleman from New York object?

Mr. SIEGEL. I object.

The SPEAKER. The gentleman from New York objects. The Clerk will report the next bill.

SETTLEMENT WITH LESSEES, CAMP FUNSTON, KANS.

The next business on the Calendar for Unanimous Consent was the bill (S. 3706) authorizing the Secretary of War to make settlement with the lessees who erected buildings on a five-year lease on the zone at Camp Funston, Kans., and for other purposes.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. SNELL. Mr. Speaker, I do not see the gentleman from Kansas [Mr. ANTHONY] here on the floor, and I ask that the bill be passed over without prejudice.

The SPEAKER. The gentleman from New York asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the next bill.

INVENTIONS, PATENTS, AND PATENT RIGHTS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 9032) authorizing the Federal Trade Commission to accept and administer for the benefit of the public and the encouragement of industry inventions, patents, and patent rights, and for other purposes.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. WALSH. Well, Mr. Speaker, reserving the right to object, I would like to ask the gentleman from California [Mr. NOLAN], if he is present, if it is intended that the Government should embark upon the policy of developing patents and inventions under the broad powers contained in this bill, collecting fees for royalties, and so on? I now am informed and understand the gentleman from California is unavoidably detained upon other important business, and during his absence I shall be compelled to object. I will ask that the bill be passed over without prejudice and go to the foot of the calendar.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that the bill be passed over without prejudice and go to the foot of the calendar. Is there objection?

There was no objection.

CLAIMS OF INDIANS RESIDING IN CALIFORNIA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 12788) authorizing any tribes or bands of Indians of California to submit claims to the Court of Claims.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. MANN of Illinois. Reserving the right to object, the bill seems to authorize almost anybody to bring a claim against the Government if he happens to be a resident of California now

or in the past. That is a good place to reside. How many suits against the Government is it expected will be brought if this bill should become a law?

Mr. RAKER. One.

Mr. MANN of Illinois. Well, if that is the case, the bill ought to be so drawn.

Mr. RAKER. If the gentleman will yield for a statement, I will say that there were originally 18 tribes or bands that had negotiated the treaties referred to in the report. There is another tribe with which a treaty was not had. They are in the northern part of the State. The court is given the power and authority and the department believes it would be better that one suit were brought to bring in all in one suit. In other words, some might sue and the rest would hold off. Now, the court can authorize and direct all to come in, and the whole matter is adjudicated in one petition. It saves litigation and it saves expense and trouble, and the Department of the Interior thought it would be better to do it that way than to attempt to put in the 18 tribes referred to here.

Mr. MANN of Illinois. I do not know how many tribes or bands there are; 50 or 60——

Mr. RAKER. No; there are 18, as the report shows.

Mr. MANN of Illinois. Oh, no; I beg the gentleman's pardon. Eighteen does not include all the bands and tribes, if I am correctly informed. Can even 18 different tribes or bands bring one suit? If this gives authority to any band of Indians in California to bring a suit against the Government, of course that authority, if it is given and attorneys can find any possible chance to make a claim against the Government, will naturally encourage the bringing of suits that are not contemplated now at all.

Mr. RAKER. No. The purpose is not that.

Mr. MANN of Illinois. I am talking about the effect, not the purpose in the gentleman's mind.

Mr. RAKER. I think the department officials and attorneys are all of opinion that we can get one litigation. It involves one question, primarily, and that is the right of the Indians to possession of these lands of which they were dispossessed, and the court will adjudicate that question in one case. It will save expense to the Government and expense to individuals, and that one question is all there is involved in the whole matter.

Mr. MANN of Illinois. If one tribe of Indians brings a suit against the Government, how can some other tribe or band of Indians, relating to other lands entirely, be joined in the suit?

Mr. RAKER. This bill authorizes it.

Mr. MANN of Illinois. Where?

Mr. RAKER. I think in section 2:

> The claim or claims of the said tribe or any band thereof may be presented separately or jointly by petition, subject, however, to amendment, suit to be filed within two years after the passage of this act; and such action shall make the petitioner or petitioners party plaintiff or plaintiffs and the United States shall be the party defendant, and any band or bands of said tribes the court may deem necessary to a final determination of such suit or suits may be joined therein as the court may order.

I want to call the attention of the gentleman to this one matter, and I think I know what he wants. The question involved is as to the right of the Indians to the land at the time of the treaty between the United States and Mexico. Now, if the court decides that they had no title or right by such possession, then all the cases are ended; but it can all be brought in at once, and if the court determines that the Indians, by virtue of that possession, had a claim of right, then the court could only give them the amount provided in the bill, namely, 7,500,000 acres, and fix the price at not exceeding $1.25 an acre, so that the Government is protected. In addition to that the Indians are to be charged with the $4,000,000 and some odd that has been given them as gratuities; but this will adjust the question of their right to the land. After the treaties were entered into by them and after the Government of the United States obtained this territory, all of the land was taken from the Indians and disposed of like other public lands. Does that answer the gentleman's question?

Mr. MANN of Illinois. Well, in the first place this bill authorizes any number of suits to be brought, notwithstanding the argument of the gentleman that only one suit will be brought. In the second place, if one suit should be brought by one tribe, and there should be a decision by the Court of Claims in favor of the contention of the gentleman, the other tribes could not be joined in that suit.

Mr. RAKER. Two years are given in which to commence the suit. I think it was and is the purpose of all concerned that this may be in one consolidated case. Even if by chance there should be two or three petitions filed, as the questions are similar, the court undoubtedly would consolidate the cases, and there would be only one case tried, thereby saving expense and trouble, and it would all be before the court at once, so that it would all be adjudicated at one time, to the end that there would be no aftermath when the matter was disposed of.

Mr. MANN of Illinois. Oh, well, there will be an aftermath long after the gentleman and I are dead unless the Indians get all the money they want, just as this comes up seventy-odd years after the cause of action arose. There will always be an aftermath as long as there are live attorneys and live Indians to bring claims against the Government on some plea or other.

Mr. RAKER. Of course, what I meant by "no aftermath" was that the whole question would be adjudicated in one consolidated case. While there is life there is hope, as there ought to be; but the purpose is to economize and consolidate and adjust this matter as speedily and economically as possible.

Mr. MANN of Illinois. If that is the purpose, then the bill ought to require it.

Mr. RAKER. We think it does.

Mr. MANN of Illinois. The gentleman knows that it does not require it.

Mr. RAKER. I can not conceive of any district court or any other court allowing separate trials. If there should be two or three petitions filed on this same subject, the court undoubtedly, under the law, would direct a consolidation, and there would be only one trial.

Mr. MANN of Illinois. How many bands of Indians have there been in California? Between 50 and 100, have there not?

Mr. RAKER. Different bands?

Mr. MANN of Illinois. This bill permits any one of them to bring a suit against the Government. If the gentleman wants to accomplish a certain purpose, why does he not draw a bill to accomplish that purpose?

Mr. RAKER. The department, after their investigation, say this is the most economical way to do it, and expeditious, as well as fair to the Government and all concerned.

Mr. MANN of Illinois. I have not seen that statement from the department. I think the bill had better go over until the gentleman can assure us.

Mr. RAKER. I did not have that statement of the department put in writing, to bring it up here; but there are other bills allowing other tribes of Indians to bring suit, and this is modeled after those.

Mr. MANN of Illinois. I do not recall any other bill, but I think if this is passed this will be a model which gentlemen from every other Indian State will follow, to introduce a blanket bill authorizing anybody in the State who happens to be an Indian to bring a suit against the Government, regardless of whether he has an actual claim or not. I think it is bad practice.

Mr. RAKER. One other question, and then I am through. Will the gentleman yield for one more statement?

Mr. MANN of Illinois. Why, certainly.

Mr. RAKER. The report and record show that this is the only lot of Indians who have been so badly treated for whom provision has not been made.

Mr. MANN of Illinois. That is the statement which the gentleman makes, but he can not get the Indians in Washington, or Oregon, or Idaho, or Oklahoma, or Montana to agree to it.

Mr. RAKER. That is the statement in the record of the department.

Mr. MANN of Illinois. Oh, I have not read it that way, but it does not make any difference. That has nothing to do with the question. I think the gentleman had better ask to have this go over.

Mr. RAKER. Other bills just like this have passed. Why not allow this to pass?

The SPEAKER. Is there objection?

Mr. WALSH. Mr. Speaker, I object.

The SPEAKER. Objection is made.

Mr. RAKER. I ask unanimous consent that the bill may be passed without prejudice.

Mr. CANNON. Mr. Speaker, a parliamentary inquiry. This is the third time I have seen this bill come up by unanimous consent.

Mr. RAKER. No; this is the second time.

Mr. CANNON. If it is passed without prejudice or goes to the foot of the calendar, what is the effect of that? Is there any other, more efficient way to postpone it for the session, and to keep people who are against it and would be here, from having to come here every Monday? I am asking for information.

The SPEAKER. The effect of passing it without prejudice is to leave it on the calendar, so that it will come up two weeks from to-day.

Mr. CANNON. What would prevent it coming up two weeks from to-day?

The SPEAKER. After it has gone off the calendar the second time it would not come up again.

Mr. CANNON. I think we had better get it in that condition.

Mr. RAKER. I hope the gentleman will not object.

Mr. CANNON. Objection has already been made. Did not the gentleman from Massachusetts object?

Mr. WALSH. The request has not yet been stated by the Chair.

Mr. RAKER. I am making the request that the bill may be passed and remain on the calendar.

Mr. WALSH. I do not think a measure as general as this is ought to even be held out and have sufficient approval by the House to permit it to remain on the Calendar for Unanimous Consent.

Mr. RAKER. I hope the gentleman will not object. This is the second time that the bill has been brought up. I may say that other bills not so meritorious as this bill have been passed. It has the approval of the Indian Committee, and the chairman has stated that it is one of the most meritorious bills that has been before the Indian Committee.

Mr. WALSH. There is nothing personal in my objection.

Mr. RAKER. I know there is not.

Mr. WALSH. But I do not want to have it understood that the House has given unanimous consent to establish any such policy as to permit blanket legislation of this character. Why does not the gentleman frame the legislation along the lines of other bills?

Mr. RAKER. It is framed on a line advantageous to the Government and advantageous to the Indians. It saves time and consolidates the matter better than any other bill.

Mr. MacGREGOR. Mr. Speaker, the regular order.

Mr. WALSH. I object.

Mr. RAKER. Mr. Speaker, I ask that it remain on the calendar, to go to the foot of the calendar.

The SPEAKER. The gentleman from California asks that the bill go to the foot of the calendar. Is there objection?

Mr. WALSH. I object.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that I may speak for five minutes.

The SPEAKER. The gentleman from California asks unanimous consent to proceed for five minutes. Is there objection?

Mr. WALSH. Reserving the right to object, what does the gentleman wish to speak about?

Mr. RAKER. I would like to speak for five minutes on the Unanimous Consent Calendar.

Mr. WALSH. Why does not the gentleman speak under a reservation on the next bill? The gentleman can get it without stopping the proceedings for this purpose. I regret that I shall be obliged to object. The gentleman can get five minutes on the next bill.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Dudley, its enrolling clerk, announced that the Senate had passed with amendment the bill (H. R. 9783) to provide a national budget system and an independent audit of Government accounts, and for other purposes, in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 13555) making appropriations for fortifications and other works of defense for the armament thereof and for the procurement of heavy ordnance for trial and service for the fiscal year ending June 30, 1921, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses and had appointed Mr. SMOOT, Mr. KENYON, and Mr. OVERMAN as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13677) making appropriations to supply a deficiency in the appropriations for the Federal control of transportation system and to supply urgent deficiencies in certain appropriations.

The message also announced that the Senate had passed without amendment a joint resolution and bills of the following titles:

H. J. Res. 80. Joint resolution to correct an error in the wording of the appropriation of $71,000 made in the act approved July 9, 1918, and to authorize the Secretary of War to pay said sum to respective parties entitled thereto;

H. R. 12537. An act to provide for an examination and report on the condition and possible irrigation development of the Imperial Valley in California;

H. R. 9615. An act authorizing the Secretary of the Interior to correct an error in an Indian allotment;

H. R. 12460. An act to authorize the coinage of 50-cent pieces in commemoration of the one hundredth anniversary of the admission of the State of Maine into the Union;

H. R. 12824. An act to authorize the coinage of 50-cent pieces in commemoration of the one hundredth anniversary of the admission of the State of Alabama into the Union;

H. R. 13139. An act for the sale of isolated tracts in the former Fort Berthold Indian Reservation, N. Dak.;

H. R. 13227. An act to authorize the coinage of 50-cent pieces in commemoration of the three hundredth anniversary of the landing of the Pilgrims; and

H. R. 6750. An act to deport certain undesirable aliens and to deny readmission to those deported.

DISPOSITION OF CERTAIN OREGON LAND GRANTS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 9392) regulating the disposition of lands formerly embraced in the grants to the Oregon & California Railroad Co. and Coos Bay Wagon Road Co.

The SPEAKER. Is there objection?

Mr. WALSH. Reserving the right to object, I would like to ask the gentleman from Oregon [Mr. SINNOTT] a question. Are the provisions in this bill in accord with the provisions of the water-power bill, or do they run counter to the provisions of that legislation?

Mr. SINNOTT. No; I think not. This bill is introduced at the request of the Interior Department. It relates to the disposition of land formerly embraced in the grant to the Oregon & California Railroad Co. of some 2,000,000 acres, and the Coos Bay wagon-road grant, involving some 90,000 acres of land, the title to which was revested in the Government. The Secretary of the Interior desires to have authority to sell the timber contained on the power-site withdrawal.

Mr. WALSH. I was referring more especially to the provisions of section 2, which deals with the water-power site and the damages which are to be awarded under the direction of the Secretary of the Interior. As I recall the water-power bill, the authority is vested in a board consisting of three Cabinet officers.

Mr. SINNOTT. There is a special reservation in the revesting act. The revesting act authorized the Secretary of the Interior to make withdrawals of land valuable for power-site purposes. The act also gives certain settlers who were upon the land in December, 1913, and have maintained their residence on the land from that date to the date of application preference rights of entry on the land.

Some of these settlers have been on the land since 1905, but under the act of revestment these settlers get no preference or any rights on the land withdrawn for power-site purposes. It has developed since the land was thrown open for entry that a few settlers were residing on the land that has since been withdrawn for power-site purposes. I think there are 11 in one land district and 7 in another land district.

Section 2 would give these settlers the right to enter the land on which they have been living for some time and which has been withdrawn for power-site purposes. If that land were hereafter needed for power-site purposes it may be taken from them on reimbursement for their improvements.

Mr. MANN of Illinois. Will the gentleman yield for a question?

Mr. SINNOTT. Certainly.

Mr. MANN of Illinois. What does the language mean in reference to homes where it says that these entries or sales authorized by the proviso shall be subject to disposition as water-power sites? Is the land to be taken away from the men to whom it has been sold without compensation?

Mr. SINNOTT. The land would be taken away without compensation, but they would be reimbursed for improvements.

Mr. MANN of Illinois. Upon what theory do we do it? If he owns the land we have no authority to take it away without compensation. If he does not own the land why should we pay for the improvements illegally put upon it?

Mr. SINNOTT. The improvements are not illegally put upon it. For a number of years before the title was revested in the United States they were there, relying on the original terms of the grant to the railroad company. The grant provided that the land should be sold at not more than $2.50 an acre to actual settlers. These settlers went on the land. The railroad company refused to sell them the land.

Mr. MANN of Illinois. But in section 1 of this bill it is provided:

That if a valid claim for a preferred right of homestead entry is shown to exist * * * it may be exercised therefor, as provided in section 2 hereof.

If a valid claim for a homestead entry exists, is not the man entitled to the land? Upon what theory could we take the land away from a man who has a valid claim for homestead entry and pay him nothing for that and then allow him for the improvements, and is it not sure that if we do that we will be very soon called upon to pay him for the land we have taken away from him?

Mr. SINNOTT. That is, a valid claim in accordance with the terms of section 5 of the revestment act. I appreciate the gentleman's criticism, and I think it is well taken, but that really is not a valid claim. It is a valid claim within the provisions of section 5 of that act, except that the valid claim would not apply to lands withdrawn for power-site purposes, although otherwise it would come within the provisions of section 5 of the revestment act.

Mr. MANN of Illinois. As I understand it, there are various homesteaders on some of this land which has been withdrawn for power-site purposes, and they can not get a patent to the land. Their homestead entries are not allowed, but if the land had not been withdrawn for power-site purposes, then their homestead entries would have been valid and allowed.

Mr. SINNOTT. That is correct.

Mr. MANN of Illinois. I am not sure that the gentleman even would help those people out in this case. Under section 1 of this bill you have to have a valid claim for a preferred right of homestead entry. That must exist. I do not recall the exact terms in section 5 of the act of 1916.

Mr. SINNOTT. I have it here—

Provided further, That during the period fixed for the submission of application for entry under this section any person duly qualified to enter said lands, who has resided thereon to the same extent and in the same manner as is required under the homestead laws, since the 1st day of December, 1913, and who has improved the land and devoted some portion thereof to agricultural use, and who shall have maintained his residence to the date of such application, shall have the preferred right to enter the quarter section upon which he was so residing, whether said land shall be of class 2 or class 3—

And class 1 is the water-power withdrawal land—

where such quarter section does not contain more than 1,200,000 feet, board measure of timber, and where the quarter section contains more than said quantity of timber, such person may enter a 40-acre tract or lot containing approximately 40 acres upon which his improvements, or the greater part thereof, are situated.

So that he gets under section 5 a preference right to class 2 and class 3 land.

Mr. MANN of Illinois. That is for timber land or otherwise, but not for water-power site land.

Mr. SINNOTT. Not for water-power site land.

Mr. MANN of Illinois. Here is land reserved for water-power site purposes, and he has not any valid claim for homestead entry on land reserved for that purpose, and it would not be a valid claim if the land had been reserved for water-power site purposes. I do not know what the construction is——

Mr. SINNOTT. I think they would give a liberal construction to it.

Mr. MANN of Illinois. I think we ought to know something about how many of these people there are who went on these claims knowing that they were water-power lands.

Mr. SINNOTT. These men all went upon the land prior to withdrawal of the land as water-power site land, because they had to be on the land since December, 1913, and the act of revestment providing for water-power site withdrawals was passed in June, 1916.

Mr. MANN of Illinois. In respect to the form of the gentleman's bill, if he will permit, I have a suggestion to make. The proviso in section 1 reads:

That if a valid claim for a preferred right of homestead entry is shown to exist * * * or a preferred right of purchase or entry, * * * it may be exercised therefor.

The term "is shown to exist" is not made applicable to the language in line 7 "or a preference right of purchase or entry under section 3." It occurs to me that it ought to be transposed from where it is to come in at the end of line 8.

Mr. SINNOTT. Mr. Speaker, I do not quite follow the gentleman.

Mr. MANN of Illinois. The gentleman means that either in the case of a homestead entry or a preference right of purchase it must be shown to exist.

Mr. SINNOTT. Yes.

Mr. MANN of Illinois. The language "is shown to exist" does not apply to the language "or a preference right of purchase or entry" the way the bill reads. I think the language "is shown to exist" ought to come in at the end of line 8, so that it would refer both to the preferred right of entry and also to the preference right of purchase or entry.

Mr. SINNOTT. I think that should be changed in that way.

Mr. MANN of Illinois. With respect to section 2, suppose a man is on this land and has made a homestead entry, has made improvements upon it. Section 2 undertakes to say that the Government may dispose of that land as a part of a water-power site and make compensation to the owner for actual damages caused by the loss of his improvements. When is that to be done? These water-power sites may not be disposed of for many years, I take it.

Mr. SINNOTT. It will not be until the disposition of the land for water-power purposes.

Mr. MANN of Illinois. Is the man to be allowed to retain this land for 20 or 30 years or maybe longer, having paid nothing for it, and keep on making improvements which the Government will have to recompense for?

Mr. SINNOTT. Oh, he pays $2.50 an acre for the land.

Mr. MANN of Illinois. Where?

Mr. SINNOTT. Under the terms of the act of revestment.

Mr. MANN of Illinois. I do not think he pays anything for it.

Mr. SINNOTT. Yes; $2.50 per acre. That is provided for in the act of 1916.

Mr. MANN of Illinois. It is perfectly patent that the Government can not stand in the position of letting a homesteader pay $2.50 a acre for his land and then the next day take it away from him and pay him nothing for it.

Mr. SINNOTT. Well, that is the sole right that he gets under the act of revestment and in this bill.

Mr. MANN of Illinois. I understand, but we all know what would happen in a case of that kind, and suppose he stays there and keeps on making improvements? It seems to me that he and the Government both ought to know something more about their rights. I do not see why the Government should give the right to a man to improve land, and he takes the chances on the value of the land, and having made large improvements on it the Government takes the chances on the improvement.

Mr. SINNOTT. Well, a person who gets a water-power license on the land will have to reimburse the man for any improvements that are damaged and the sole right the settler will get is to be reimbursed.

Mr. MANN of Illinois. I do not know who will reimburse him for his damages, whether the water-power man or the Government; I take it that it will be the Government. The water-power bill may provide for that; I do not know.

Mr. SINNOTT. Yes; it does. This bill was drawn by the Interior Department, and we made no changes in it.

Mr. MANN of Illinois. I thought so. Unfortunately they have somebody up there who draws bills very carelessly at times.

Mr. SINNOTT. I think the bill will accomplish the desired purpose.

Mr. WALSH. Will the gentleman permit a further question? Does the gentleman think that if this measure should become a law before the general water-power bill becomes a law that the operations of section 2 would not run counter to the provisions of the general water-power bill?

Mr. SINNOTT. The general water-power bill will not apply to these lands——

Mr. WALSH. Why not?

Mr. SINNOTT. Because these lands are embraced within a special act of Congress, and entry upon water-power sites is particularly excluded.

Mr. WALSH. I withdraw my reservation.

The SPEAKER. Is there objection?

Mr. GARD. Mr. Speaker, reserving the right to object, I was unable to hear a part of the colloquy, and therefore beg the indulgence of the committee if I ask something of which the gentleman has spoken, either in reply to the gentleman from Illinois or the gentleman from Massachusetts. I take it from reading the report that this bill was prepared by the Department of the Interior?

Mr. SINNOTT. The gentleman is correct.

Mr. GARD. And introduced by the gentleman from Oregon or some one of his committee?

Mr. SINNOTT. I introduced it at the request of the Secretary.

Mr. GARD. The bill provides for three different changes. It first provides for power sites——

Mr. SINNOTT. For four.

Mr. GARD. Timberlands, agricultural lands, and fees; but what I want particularly to know is this: Section 2 provides

that certain lands may be embraced in homestead entries as are provided for in section 1 of this bill. That is the provision which allows him to sell the land as power-site land in the same way he is now authorized to sell lands classified as timberlands.

Mr. SINNOTT. Well, not to sell the land but to give certain settlers who have been on the land, some of them for 20 years, a right to make entry upon the land withdrawn for power-site purposes. The Secretary mentions, at the bottom of page 2 of the report, that some of these settlers have been on the land since 1905, and upon the land which was subsequently, within the last two or three years, withdrawn for power-site purposes; and unless this amendment is enacted into law these men will lose their rights and lose their improvements.

Mr. GARD. As I see from the report, while this act is supposed to have control over some 450,000 acres, that already 112,000 acres have been classified and withdrawn as valuable for power-site purposes?

Mr. SINNOTT. There is something over 2,000,000 acres all told in both the grants revested by the Government.

Mr. GARD. What is the gentleman's interpretation—and this is particularly what I want to know—of this language in section 2: "That the lands embraced in homestead entries or sales authorized by the provision of section 1"?

The object of the bill is to permit the taking of the land for power-site purposes, is it not?

Mr. SINNOTT. That is one object of the bill.

Mr. GARD. Why does not the bill include compensation for the property taken, assuming that a man has lived on it a long time and has made a proper homestead entry, instead of damages for improvement, loss of improvement sustained, and the use of the land for power-site and water-power purposes? In other words, as I view this section 2 it provides that, notwithstanding the fact that a man has been on the land a long time and has made certain improvements, for power-site purposes they can come in and take his land and pay him only for the actual damages sustained on the loss of improvements thereon through the use of the land for water-power purposes.

Mr. SINNOTT. Of course, he would take it subject to that hazard, and he only gets the preference right knowing that hazard is hanging over him.

Mr. GARD. Would not that apply to entries already made? Would not the same provision apply to entries already made?

Mr. SINNOTT. No; there are no entries that have been made, because they have already been rejected, and no man can apply for the railroad land unless he has been living upon the land since December, 1913, three years prior to the passage of the act revesting title in the 2,000,000 acres.

Mr. GARD. Is there any provision contained in this bill or contemplated for the payment of compensation other than the loss of improvements?

Mr. SINNOTT. Only the loss of improvements.

Mr. GARD. And to how many cases is it supposed this will apply?

Mr. SINNOTT. As I remember the testimony when the act of revestment was passed there were just about 100 settlers, all told, upon the entire 2,000,000 acres. But the Secretary reports that there are 18 cases pending—11 in Roseburg district and 7 from the Portland district.

Mr. GARD. Can the gentleman advise me as to what is the purpose of the department in recommending the enactment of this particular act at this time, before the enactment of the water-power bill, on which the gentleman is a conferee?

Mr. SINNOTT. I did not think the water-power bill will apply to these preference rights.

Mr. GARD. Is this intended to take care of a local situation which must be covered by this bill?

Mr. SINNOTT. It is intended to take care of a local situation which must be covered by this bill.

Mr. RAKER. Reserving the right to object, Mr. Speaker, I want to ask the gentleman from Oregon [Mr. SINNOTT] a question. He is a member of the committee, and he is familiar with the situation. I want the matter to be fully presented to the House. It is my purpose to assist, if I can. But I want to get this other matter before the House and draw a distinction between a man in Oregon and one in California. These men were on this land while it was in the possession of the railroad company, while it had patent, while the settler was occupying the land. Is that right?

Mr. SINNOTT. That is right.

Mr. RAKER. Then, under the decision of the Supreme Court and the revestment act, we allowed those who were on the land while it was in the private ownership of the railroad company to claim a preference right for homesteads if they were on before 1913?

Mr. SINNOTT. December, 1913.

Mr. RAKER. Yes. This shows that some of these men were on the land as far back as 1905, having a possessory right. Is that right?

Mr. SINNOTT. That is right.

Mr. RAKER. In Oregon a man can go along and get a right, and the Government protects him at this late date and gives him a preference right to the land in the first instance, and when it is revested and when it is withdrawn for power sites it still protects him and allows him to secure damages. But the poor unfortunate devil of an Indian, who has been robbed of his rights, when a Member in his behalf comes in here and presents a bill, with a unanimous report from the committee favorably upon it, he can not get consideration to go to the Court of Claims to have it adjudicated. You will not even give him the right to be heard, let alone the right to adjudicate in advance by the legislation that we enact. This bill says to the man in Oregon, "We are going to protect your prior occupancy, when you occupied it when it was private land; we reinvested it in the Government, and we are still going to protect you in your rights."

But in addition to that we find that 120,000 acres is valuable for power-site purposes, and we say, "We are going to protect you in that, and give you a preference right, and make the parties pay you for it." But you go to work and kick the unfortunate Indian off and rob him of that which you promised him he should live upon, and beat him out of 7,500,000 acres of land, and you will not even give him a right to file his claim in the Court of Claims, to the end that it may be adjudicated in the same suit and at the same time.

I want to tell you that it does seem to me to be peculiar that the unfortunate Indian has got into the position where he can not even present his claim to the Court of Claims, even when all the officers of the Department of the Interior have gone over the matter, after it has been fully presented to the Committee on Indian Affairs, and that committee has unanimously reported not that you give him anything, but that you simply authorize him to go into the Court of Claims and present his claim to that tribunal upon valid testimony, and that he might present his claim.

Mr. GARD. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from California yield to the gentleman from Ohio?

Mr. RAKER. I yield.

Mr. GARD. In making the statement that the gentleman is making in criticism of the action of the House a little while ago, does the gentleman feel that this bill pending should be objected to?

Mr. RAKER. I am asking the question of the gentleman from Oregon [Mr. SINNOTT], and he is a level-headed, clear-minded gentleman, supporting here a bill relating to the Oregon (Klamath) Indians, which has received the sanction of this House. I was just wondering why it was you could provide a preference right to-day, and then when you bring a matter up for the purpose of giving a party—an Indian in California—a right to go into the Court of Claims, it should not even be considered. I want to say to the gentleman from Oregon that I am in favor of his bill, and that I hope it will be enacted, but I can not help reverting to the fact that consideration was refused to the other bill, H. R. 12788, just objected to. I hope that the distinguished gentlemen who objected to the other bill will at least read the hearings and permit it to be considered by the House, so that it can go to the Court of Claims for adjudication.

The SPEAKER. Is there objection to the consideration of this bill?

There was no objection.

The SPEAKER. The Clerk will report the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That in the administration of the act approved June 9, 1916 (39 Stat. L., 218), revesting title in the United States to the lands formerly granted to the Oregon & California Railroad Co. remaining unsold July 1, 1913, and the act approved February 26, 1919 (40 Stat. L., 1179), authorizing the United States to accept from the Southern Oregon Co. a reconveyance of the lands granted to the State of Oregon by the act approved March 3, 1869, the Secretary of the Interior is hereby authorized, in his discretion, to sell the timber on lands classified and withdrawn as power-site lands, in such manner and at such times as he is now authorized to sell the timber from lands classified as timberlands: *Provided*, That if a valid claim for a preferred right of homestead entry is shown to exist, in accordance with the terms of section 5 of said act of June 9, 1916, or a preference right of purchase or entry under section 3 of said act of February 26, 1919, for lands thus classified and withdrawn, it may be exercised therefor, as provided in section 2 hereof.

Mr. MANN of Illinois. Mr. Speaker, I move to amend by striking out on page 2, line 5, after the word "entry," the words "is shown to exist" and to insert the same words at the end of line 8.

The SPEAKER. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MANN of Illinois: Page 2, line 5, after the word "entry," strike out the words "is shown to exist" and insert the same words at the end of line 8, page 2.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

SEC. 3. That the provisions of the act of Congress approved May 31, 1918 (40 Stat. L., 393), "to authorize the Secretary of the Interior to exchange for lands in private ownership lands formerly embraced in the grant to the Oregon & California Railroad Co.," as amended in section 4 of this act, shall be extended to the lands reconveyed to the United States under the term of said act of February 26, 1919, and authorize the exchange of lands embraced therein in like manner and for the same purpose.

Mr. SINNOTT. Mr. Speaker, I move to amend, in line 22, page 2, by striking out the figures "393" and inserting "593."

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Oregon.

The Clerk read as follows:

Amendment offered by Mr. SINNOTT: Page 2, line 22, strike out the figures "393" and insert the figures "593."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The Clerk will read.

The Clerk completed the reading of the bill.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. SINNOTT, a motion to reconsider the vote by which the bill was passed was laid on the table.

REIMBURSEMENT OF CERTAIN COUNTIES IN NEW MEXICO.

The next business on the Calendar for Unanimous Consent was the bill (S. 3867) authorizing the State of New Mexico to apply the proceeds of the grant to said State of 1,000,000 acres of land made by section 7 of the enabling act, June 20, 1910, for the reimbursement of Grant County, Luna County, Hidalgo County, Santa Fe County, and the town of Silver City, N. Mex.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WALSH. Reserving the right to object, I should like to ask the gentleman from New Mexico [Mr. HERNANDEZ] for a little explanation of this measure. It seems that there has been a House bill which was more comprehensive than the Senate bill, and now the Senate bill comes over very much curtailed in language.

Mr. HERNANDEZ. According to the report of the Secretary of the Interior, this bill is similar to a bill introduced during the Sixty-fifth Congress. Its purport is the same. This is a bill to authorize the Legislature of New Mexico to pass upon this matter. The Federal Government does not assume any responsibility whatever in making these payments. The money is now in the treasury of the State to meet the payments provided for in the bill. The amount involved is close to $300,000. It all comes from the proceeds of the sale, rental, and lease of the lands granted to the State by the enabling act of 1910. The bonds mentioned in the bill have already been validated by act of Congress of 1897. Payment of this interest by these counties had been stopped by an action in the United States court for the district of New Mexico because the enabling act does not mention that interest.

Mr. MANN of Illinois. Will the gentleman yield for a question?

Mr. HERNANDEZ. Yes.

Mr. MANN of Illinois. Under the enabling act we gave the State a million acres of land.

Mr. HERNANDEZ. For this purpose.

Mr. MANN of Illinois. Not for this purpose, but for other purposes, and prescribed what the proceeds should be used for.

Mr. HERNANDEZ. Yes; primarily for this purpose.

Mr. MANN of Illinois. Well, I think not. If we now by legislation divert the proceeds of the land and allow the State to use the proceeds for the purpose indicated in this bill, will that be followed hereafter by some one from the State claiming that because we diverted the proceeds from what we originally intended therefore we ought to give the State more land?

Mr. HERNANDEZ. Oh, no; not at all.

Mr. MANN of Illinois. Well, I want to be very sure that that is definitely in the RECORD; and even if it were in the RECORD I would not trust it, if it were some of the States out there that are making claims.

Mr. HERNANDEZ. The original grant was made for the purpose of paying these bonds that had been validated by act of Congress of 1897. The bonds have been taken care of by the States by the issuance of other bonds in their place. The interest attached to the bonds has been paid. Everything has been settled except the interest that the counties had paid up to the time that the bonds were validated by the act of Congress. There will be no claims against the United States for this purpose. The money is now in the treasury of the States, and this bill authorizes the Legislature of the State of New Mexico to thrash out the matter and settle it once and forever. In any event, the remainder of this money derived from the sale, rental, and lease of these lands, when this matter is settled, will go into the general county funds of the State of New Mexico, where it belongs and where it was intended to go after this matter was settled. I hope there will be no objection to it, because those counties are very much interested in having this matter settled by the next legislature in January. [Applause.]

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GARD. Reserving the right to object, I read from the report, which seems to be made upon different letters from the Secretary of the Interior, one dated February 18, 1920, and one dated February 12, 1919. I see that there is a finding by the Secretary of the Interior that no payment was ever made by Santa Fe County, either of principal or interest, and that in the opinion of the Secretary of the Interior there is no recommendation of this sort of legislation, except such as may be said to exist inferentially by the language of Secretary Payne, the present Secretary, in which he says that he has no objection to interpose, provided it be shown to the satisfaction of the committee that this bill as passed by the Senate should be enacted into law. It does not so appeal to me, and I object.

The SPEAKER. Objection is made.

Mr. HERNANDEZ. I ask that the bill may retain its place on the calendar.

The SPEAKER. The gentleman from New Mexico asks unanimous consent that the bill retain its place on the calendar.

Mr. GARD. I have no objection to that being the continuing order. Heretofore it has been the order that such bills take their place at the foot of the calendar, but I have no objection.

Mr. WALSH. I think we ought to follow the custom and make the bill go to the foot of the calendar, unless some good reason to the contrary is shown.

The SPEAKER. Is there objection to the bill going to the foot of the calendar?

There was no objection.

The SPEAKER. The Clerk will report the next bill.

CERTAIN BUILDINGS AT WATERTOWN, N. Y.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13576) authorizing the Secretary of War to turn over to the Postmaster General without charge therefor a certain building, or buildings, now located at Watertown, N. Y.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. WALSH. Reserving the right to object, I ask that the bill be reported.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized in his discretion to turn over to the Postmaster General without charge therefor such buildings or parts thereof as may be desired by the Postmaster General and now located at Watertown, N. Y.; and the Postmaster General is hereby authorized to cause said buildings or parts thereof to be removed to Washington, D. C., and reassembled or reconstructed for the use of the Post Office Department on the tract of land adjoining the mail-equipment shops and which it proposes to purchase.

Mr. WALSH. Reserving the right to object, I should like to ask the gentleman from Illinois [Mr. MADDEN] if there is any report from the War Department on this matter?

Mr. MADDEN. There is no formal report, but the Secretary of War suggested to the Postmaster General that he had this building, which is constructed partly of steel and partly of glass and is assembled in sections, for which building the department has no use, which he would be very glad to turn over to the Post Office Department for reerection as an equipment shop.

I wish to say in this connection that in the last Post Office appropriation bill the sum of $25,700 was appropriated to buy a piece of land adjoining the present equipment shop, on which the department has had an option for three years, and that that

appropriation was made immediately available, and I understand that now the land has been purchased with the appropriation provided for, and if the Post Office Department can be given permission to accept this building and transport it and reerect it, it will give the department the facilities which it has long desired and needed and will make a very great saving to the Treasury of the United States.

Mr. WALSH. Under what authority will the Postmaster General bear the expense of taking down the building and moving it away?

Mr. MADDEN. I do not know that any special authority is granted in this bill.

Mr. WALSH. Might he not be held up on the ground that he has no authority to expend money unless the bill shall take care of it?

Mr. MADDEN. I think he stated that he has the means by which it can be done without a special appropriation.

Mr. WALSH. Is it intended to take down but one building?

Mr. MADDEN. A part of a building or such parts as he may need.

Mr. WALSH. The bill says buildings or parts thereof. He could clean off the whole reservation.

Mr. MADDEN. All he wants is a part of the building that he may need.

Mr. WALSH. I suggest that there had better be some authority in the bill for the Postmaster General to apply some of his funds toward the expense undertaken or he will not be able to remove it.

Mr. MADDEN. If the gentleman wishes to offer an amendment probably it will be acceptable.

Mr. HICKS. Reserving the right to object, Mr. Speaker, how much did these buildings cost the Government in the first place?

Mr. MADDEN. I do not know; they were munition buildings, but there is no further use for them now.

Mr. HICKS. Has the gentleman any information of how much it will cost to take them down, move them, and erect them in Washington?

Mr. MADDEN. Yes, $50,000; and it would cost more than $250,000 to erect the building that we ought to have; so we are not only utilizing the material that might otherwise be destroyed or go to waste, but we are saving the Treasury $200,000, and at the same time furnishing facilities by which the equipment shop of the post-office service may be conducted on a much more economical basis than it is now being conducted.

Mr. HICKS. That is the point I wanted to arrive at. From the statement of the gentleman from Illinois there will be a saving to the Government of the United States of practically $200,000 in money——

Mr. MADDEN. Two hundred thousand dollars in money besides the saving that will be made by the economies that will be introduced by the enlarged facilities afforded by the building.

Mr. HICKS. Would the gentleman have any objection to incorporating in the bill an amendment on the line suggested by the gentleman from Massachusetts?

Mr. MADDEN. They are going to tear the buildings down anyway, and all the Post Office Department wishes is to take such parts of buildings that are to be taken down as will be necessary for this building here for the Postal Service. The Secretary of War is not only agreeable but anxious that the Postmaster General may utilize the material and save the money to the Government.

Mr. GARD. Reserving the right to object, the report says that the Secretary of War expressed a willingness to transfer without cost to the Post Office Department a building erected for war purposes at Watertown, N. Y. Was that in writing?

Mr. MADDEN. No; my information comes entirely from the Postmaster General, who, after consultation with the Secretary of War, told me the facts of the case, and I am simply repeating them.

Mr. GARD. The building at Watertown which they desire to knock down is a building capable of being knocked down and reassembled so that it could be used to advantage here.

Mr. MADDEN. It is a fabricated building made out of fabricated material put up in sections, and all you have to do is to take the sections down, put them on a car, transport them, and refabricate them.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized, in his discretion, to turn over to the Postmaster General without charge therefor such buildings or parts thereof as may be desired by the Postmaster General and now located at Watertown, N. Y.; and the Postmaster General is hereby authorized to cause said buildings or parts thereof to be removed to Washington, D. C., and reassembled or reconstructed for the use of the Post Office Department on the tract of land adjoining the mail-equipment shops and which it proposes to purchase.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. MADDEN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

GRANTING CERTAIN LANDS TO POCATELLO, IDAHO.

The next business on the Calendar for Unanimous Consent was the bill (S. 2528) to grant certain lands to the city of Pocatello, State of Idaho, for conserving and protecting the source of its water supply and as a municipal park site.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. GARD. Reserving the right to object, this particular bill seems to be one of a series of bills which the gentleman from Idaho has been introducing here under the guise of protecting the water supply. I think this is the third one on the calendar of this kind in the last two months. How many more such bills has the gentleman?

Mr. SMITH of Idaho. I have no other bill of this character on the calendar, but we may have other bills, because as our towns develop and the people are able to put in a water supply they naturally ask for legislation of this character.

Mr. GARD. It is rather a careless form of legislative procedure—by unanimous consent to take up these questions and grant 2,880 acres, as in this particular instance. Unless it can be shown positively that these grants are necessary for the protection of the water supply, I should object. Of course, I realize that a water supply is essential to every community, whether it is a city or a town; they must have good water, but there has been so many of these bills that it has become a regular park parade of legislation for water-power protection.

Mr. SMITH of Idaho. It is just as necessary to protect the water power of one town as another, and we have numerous towns developing in Idaho which require a water supply for domestic purposes.

Mr. GARD. But this seems to be a performance lately arrived at.

Mr. SMITH of Idaho. No; this bill was introduced in the last Congress, but did not get through the Senate in time enough to be considered in the House.

Mr. FRENCH. If the gentleman will yield, the reason why this kind of legislation is necessary in these western States is because the Government owns the fee or title to this rugged land.

We are not able to go to the private owners and purchase their lands. More than that, the land is of a rough character, is practically worthless, and we must have it to protect the watershed. The title necessarily is in the Government. I would say that this land has been inviting public settlement for many years. It is close to the city, but people do not want it, because for any kind of farming purposes it is practically valueless. A price of $10 an acre was fixed on the land along about 22 or 23 years ago, when it was part of an Indian reservation. We then invited public settlement upon the payment of this amount per acre in addition to complying with the other provisions of the law, but people would not take the land. It was then reduced to $2.50 an acre, and still people would not take the land. It is practically worthless, and yet as long as it is public land the city has no security in attempting to make any provisions looking to the keeping of it policed, to the keeping of it cleaned, to the keeping of people from hauling dead animals or refuse of one kind or another and putting it on the property. It is desirable that it be turned over to the city, so that the city can exercise the functions necessary in protecting its water supply.

Mr. GARD. The city of Pocatello has no waterworks system at present?

Mr. FRENCH. Oh, yes; it does have; and some years ago there was a tract of land granted to the city to protect its water supply, but at that time the city had a population of 5,000 people and to-day it has a population of 15,000.

Mr. SMITH of Idaho. The present reservoir is located on the public land under the right-of-way law. It was located by the company that established the waterworks, but the city has recently purchased the waterworks from the private individual or corporation, and now it desires to build an additional reservoir to store more water because of the rapid increase in population.

Mr. FRENCH. What I had in mind was that the land that had been granted to the city was for the watershed, not necessarily for the building of a reservoir. The city acquired from

the Government some lands some years ago, when it was only a city of about five or six thousand population. It is very essential now, with a population of 15,000, that the city may have adequate protection and may preserve the health of the people. This is very vital.

Mr. GARD. The gentleman will tell me if I am mistaken in my statement of the situation. As I understand it, the city of Pocatello now has a municipally owned waterworks system?

Mr. SMITH of Idaho. That is true; on a portion of this land; but the city desires to build an additional reservoir.

Mr. GARD. It formerly was under the control of some private water corporation?

Mr. SMITH of Idaho. Yes.

Mr. GARD. That sold it to the city of Pocatello?

Mr. SMITH of Idaho. Yes.

Mr. GARD. There is and has been existing a reservoir for the storage of water for the supply of the people of this town?

Mr. SMITH of Idaho. Yes; under the right-of-way law over the public land.

Mr. GARD. And now it is desired to have vested in the city as the owner, on the payment of $1.25 an acre, the 2,880 acres for the conservation and protection of the source of the water supply and as a municipal park site. Do they want it for a water supply or for a park?

Mr. SMITH of Idaho. They want it for a water supply, but the land will have to be fenced, and the city desires of course to protect the surrounding land and will no doubt plant some trees to protect the soil against erosion.

Mr. GARD. How far is this place from the city of Pocatello?

Mr. SMITH of Idaho. About a mile and a half. It is up on the mountain top just at the left of the city as you go westward.

Mr. GARD. It is not necessary that it be used for a municipal park site?

Mr. SMITH of Idaho. Oh, no.

Mr. GARD. Why not strike out the provision that it is for a municipal park site? It is a mile and a half up the mountain side, and nobody but a mountain goat or an aeroplane can get to it. I suspect that they are long on park sites out there and short on people.

Mr. SMITH of Idaho. The reason that the words "for a municipal park" are placed there, as I say, is that the city desires to fence the land and improve it by the planting of trees and putting in grass to prevent erosion of the soil.

Mr. GARD. They can do that all right. I am in favor of protecting the water system if it is necessary to be protected. The gentleman from Idaho knows more about it than I do, but we ought to understand what we are doing. If it is necessary to protect the water system by the purchase of this land, I am willing to have that done, but I do not like to have attached to it the provision that it is to be established as a municipal park site.

Mr. SMITH of Idaho. I do not think there is any objection to striking out those words.

Mr. GARD. Will the gentleman move to strike out those words?

Mr. SMITH of Idaho. Yes.

Mr. GARD. Is the description of the land now in accordance with the request of the Secretary of the Interior, as contained in his letter of August 13, 1919?

Mr. SMITH of Idaho. Yes; it was checked over; and I shall offer an amendment to insert, after the word "State," in line 10, page 1, the words "containing 2,880 acres," so that there will be no doubt about the exact quantity of land desired.

Mr. GARD. If the gentleman will offer that amendment, I have no objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to convey to the city of Pocatello, in the county of Bannock, and State of Idaho, certain adjacent public lands described as west half of section 2 and all of sections 3, 4, 9, and 10, or such portions thereof as said city may select, in township 7 south, range 34 east, Boise meridian, in said county and State, upon the payment of $1.25 per acre for the land selected, to have and to hold said lands for the conservation and protection of the source of the water supply of said city and as a municipal park site: *Provided*, That the grant hereby made is, and patent issued thereunder shall be, subject to all legal rights heretofore acquired by any person or persons in or to the above-described premises or any part thereof and now existing under and by virtue of the laws of the United States: *And provided further*, That there shall be reserved to the United States all oil, coal, and other mineral deposits that may be found in the lands so granted and all necessary use of the lands for extracting the same; and that the lands hereby authorized to be conveyed as hereinbefore set forth and all portions thereof shall be held and used by or for the said grantee for the purpose herein specified; and if the said lands shall cease to be so used they shall revert to the United States, and this condition shall be expressed in the patent to be issued under the terms of this act: *And provided further*, That said grantee shall within two years from the passage of this act make its selection and entry of the land and make use thereof for the purposes herein specified, and the grant herein is made upon the express condition that the mayor of the city of Pocatello shall, on or before January 10 of each year after the expiration of said two years, submit report to the Secretary of the Interior as to the use made of the land herein granted during the preceding calendar year, showing compliance with the terms and conditions stated in this act, and that in the event of his failure to so report, or in the event of a showing to the Secretary of the Interior that the terms of the grant have not been complied with, the grant shall be held to be forfeited, and the Attorney General of the United States shall institute suit in the proper court for the recovery of said lands.

SEC. 2. That the Secretary of the Interior is hereby authorized and directed to cause the east half of section 2, in township 7 south, of range 34 east, Boise meridian, to be surveyed, appraised, and disposed of under section 2381, United States Revised Statutes.

Mr. SMITH of Idaho. Mr. Speaker, I move to amend by inserting after the word "State," in line 10, page 1, the words "containing 2,880 acres."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. SMITH of Idaho: Page 1, line 10, after the word "State," insert the words "containing 2,880 acres."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SMITH of Idaho. Mr. Speaker, I move to amend, on page 2, line 2, by striking out the words "and as a municipal park site."

The Clerk read as follows:

Amendment by Mr. SMITH of Idaho: Page 2, line 2, strike out the words "and as a municipal park site."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the third reading of the bill as amended.

The bill was ordered to be read a third time, was read the third time, and passed.

The title was amended to conform to the bill.

On motion of Mr. SMITH of Idaho, a motion to reconsider the vote by which the bill was passed was laid on the table.

NEZ PERCE NATIONAL FOREST, IDAHO.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 9028) to authorize the addition of certain lands of the Nez Perce National Forest, Idaho.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. GARD. Mr. Speaker, reserving the right to object, I would be glad to have the gentleman sponsor for the bill tell the House the necessity for the enactment of it, and then I may ask indulgence for some questions relative to the report.

Mr. FRENCH. When the forest-reserve policy was undertaken between 20 and 30 years ago the withdrawals were of a blanket character, and upon hasty examination certain sections here and there were omitted from the withdrawal. In some instances it was because it seemed mining activities justified it and other reasons operated to prevent lands from being included within the forest reserves in other parts. Now, this particular land has an acreage of approximately one and one-half townships and it was not included in the forest-reserve withdrawal at the time the withdrawal was made that surrounds the land, because mining activities were quite keen and the people desired that the area should not be included. Well, the mining situation has rather cleared up and, more than that, mining may proceed within forest reserves, and the land now is a menace to the adjacent lands.

I would say that this particular tract of land is entirely surrounded by forest reserve. Under the Interior Department, which department has charge of public lands, there is no systematic forest fire supervision. Under the Agricultural Department, which has charge of the forest reserve land, there is a systematic fire patrol service. This little tract of land has no supervision whatever from the standpoint of the Government on the forest fire question. It is a menace to the surrounding timber belonging to the Government by reason of the fact that it is not cared for and supervised. It is felt that it should be included within the reserve, that the Forest Service could maintain the patrols without any additional expense particularly, and supervise the area just as it supervises the area surrounding it, and from the standpoint of economy and efficiency it should be done. It has been open for public settlement all these years and settlers have acquired little land and that in itself

is after all the final test in such a country as this that the lands are not very much sought after for any kind of purpose.

Mr. GARD. I am interested in the form of the bill since I note in the report on pages 2 and 3 of Secretary Lane where he says under date of July 25, 1919:

I am not advised as to the necessity of the proposed legislation. I have no definite information relative to the character of the lands; therefore I am not sufficiently informed concerning the advisability of reserving the lands for forest purposes to make a specific recommendation, but your attention is called to the report on said bill made by the Secretary of Agriculture under date of June 30, 1919.

The only reference I see to that report, which is not included in the present report, is that the last item in the report of the committee recites—

The committee deems it unwise to enact a bill in the phraseology suggested by the Secretary of Agriculture.

So I would be pleased to have the gentleman submit as to what was the report of the Secretary of Agriculture of the date of June 30, 1919, which evidently was adverse to the bill.

Mr. FRENCH. I wonder if my colleague, who was on the committee, would call to mind the particular phraseology that the Agricultural Department suggested in reference to the Nez Perce Reserves?

Mr. SMITH of Idaho. The bill as introduced was identical with the bill suggested as I recall.

Mr. FRENCH. I would say this——

Mr. SMITH of Idaho. The last report from the department was November 29, 1919.

Mr. FRENCH. If the gentleman will notice page 1 of the bill he will see that the committee took notice of the position of the Secretary of the Interior by providing an amendment on lines 4 and 5 to the effect that the withdrawals, or rather the inclusion, of the land within the national forests should be the finding of both the Secretary of Agriculture and the Secretary of the Interior.

Mr. GARD. That is the committee amendment. That does not give what I ask. What I asked about is this. There was also in the report of the Secretary of the Interior the statement that there was a report of the Secretary of Agriculture under date of June 30, 1919. Now, nowhere in this present report is there any reference or incorporation of that report. Now, on the last page, page 4, there is a finding by the present committee that it deemed it unwise to enact the bill in the phraseology suggested by the Department of Agriculture.

Mr. SMITH of Idaho. The reason for that is this, that the Department of Agriculture is anxious to have these forest reserves created and boundaries extended on their report entirely, and it has been the policy of the committee, following out the suggestion of the Secretary of the Interior, that these forest reserves should only have their boundaries widened after the Secretary of the Interior had been consulted.

Mr. GARD. There ought to be some definite plan adopted.

Mr. SMITH of Idaho. We have got a definite plan and——

Mr. GARD. But here is evidence of the confusion between the Department of Agriculture and the Department of the Interior.

Mr. SMITH of Idaho. That is nothing new; that is confusion that has existed for the last 10 years.

Mr. GARD. Possibly it has.

Mr. SMITH of Idaho. Because the public lands are under the Department of the Interior and the forest reserves are under the Department of Agriculture, and we have put on this amendment in order to force them to get together and come to some conclusion as to these boundary lines.

Mr. FRENCH. If the gentleman will notice the report, bottom of page 3 and top of page 4, he will see the identical language the Department of Agriculture suggested and the amendment that it would propose. The gentleman will see by looking over the language that it practically is the language in the bill with the exception that we have felt that both departments should be consulted in this matter rather than only one, and that latter idea has time and again been determined to be the attitude of the House, and I think largely on account of the gentleman from Ohio that both of these departments should be consulted.

Mr. GARD. I simply desire to know what was the agreed-upon procedure, so that we might have a form which we could follow.

Mr. FRENCH. That is the procedure agreed upon, so far as the principle is concerned.

Mr. GARD. Is there any protection in the bill? If there is, I see none. The bill is very short. Regarding that which is stated in the memorial of the Legislature of the State of Idaho in the second paragraph, where they say that, "Whereas said area is rich in timber, water power, minerals, forage, and game, and practically devoid of land having any possible agricultural value," is there sufficient protection of the Government in the bill as it is framed in the mineral resources of the land?

Mr. FRENCH. The bill, if it shall pass, will bring the land then under the general laws relating to the forest control of mineral lands or mineral lands within forest reserves. Oh, yes; that is fully taken care of by the general law.

The SPEAKER pro tempore (Mr. LONGWORTH). Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That any lands within the following-described areas found by the Secretary of Agriculture to be chiefly valuable for the production of timber or the protection of stream flow may be included within and made a part of the Nesperce National Forest by proclamation of the President, said lands to be thereafter subject to all laws affecting national forests:

North half of township 26 north, range 6 east; the south half of township 27 north, range 6 east; the southwest quarter of township 27 north, range 7 east; and the northwest quarter of township 26 north, range 7 east, Boise meridian.

With a committee amendment, as follows:

On page 1, line 4, after the word "Agriculture," insert the words "and Secretary of the Interior."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. WALSH. Mr. Speaker, I move to strike out from line 7 the word "Nezperce" and insert the words "Nez Perce." I assume that that is the correct spelling, for I notice that in the memorial of the State of Idaho, which was sent to Congress, it was so spelled. My recollection is that in the Agricultural bill it is carried with the same spelling. I would like to ask the gentleman from Idaho if that is the proper way?

Mr. FRENCH. I think that touching this particular forest reserve and its name the suggestion of the gentleman from Massachusetts is well made, and although the name is spelled both ways, I think his suggestion for this forest reserve is the correct spelling. There is a town in Idaho by the same name which is spelled exactly as it was spelled in the bill as I introduced it. The name is spelled in two ways. However, I notice the letter from the department, and the department refers to the spelling in the same way that the gentleman suggests.

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Massachusetts [Mr. WALSH].

The Clerk read as follows:

Amendment offered by Mr. WALSH: Page 1, line 7, strike out "Nezperce" and insert in lieu thereof "Nez Perce."

Mr. SMITH of Idaho. Mr. Speaker, in the Postal Guide the word "Nezperce" is spelled as in the bill, as it is the policy of the Post Office Department to consolidate names of towns where two words or three occur and run them all together. But I think, in view of the fact that the Department of the Interior and the Department of Agriculture refer to the name as suggested by the gentleman from Massachusetts, that his amendment should be accepted.

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Massachusetts.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. WALSH. Mr. Speaker, I ask that the title be amended in accordance with the text.

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent that the title be amended in accordance with the text. Is there objection?

There was no objection.

On motion of Mr. FRENCH, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

SIERRA NATIONAL FOREST, CALIF.

The next business on the Calendar for Unanimous Consent was the bill (S. 2789) for the consolidation of forest lands in the Sierra National Forest, Calif., and for other purposes.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. GARD. Reserving the right to object, I note from the phraseology of this bill that it may be open to the objection that the gentleman who had charge of the last bill said had been removed when they included the Secretary of the Interior in the matter of the policy of these forest reserves and public lands now in forests.

The present bill which the gentleman from California [Mr. BARBOUR] has—S. 2789—provides that if, in the opinion of the Secretary of Agriculture, these lands are desirable for exchange, and so forth. Is it the gentleman's idea also that the Secretary of the Interior should have some supervisory interest in matters of this kind?

Mr. BARBOUR. They are national-forest lands, and for that reason would come under the Department of Agriculture and the jurisdiction of the Secretary of Agriculture. Of course, the Secretary of the Interior, as I understand the procedure, would accept title on behalf of the Government. But as to the value of the land to be exchanged and the determination of the question as to whether it would be for the best interests of the general public, that is left to the Secretary of Agriculture, because it is forest-reserve land and would come under his jurisdiction.

Mr. GARD. What is the difference between this bill that we now have before us and the bill affecting the use of the land in a former Indian reservation that we have just passed?

Mr. BARBOUR. I will state to the gentleman from Ohio that the lands that are affected by this bill are in isolated tracts, privately owned, the title to which was acquired prior to the establishment of the national forest reserves. These lands lie within the national forests, and it is desired by the Department of Agriculture to consolidate the national forest areas. For that reason it asks the authority and power to make exchanges in order to consolidate these areas in the Sierra National Forest.

Mr. GARD. Is there any limitation of the power of the Secretary of Agriculture to make these transfers or trades, as they may be called?

Mr. BARBOUR. Yes. In this bill he is limited to accepting title to lands in the Sierra National Forest.

Mr. GARD. The gentleman will pardon me again, but how large a scope of territory does that include?

Mr. BARBOUR. I could not state offhand the number of acres, but it is quite a good-sized area. I suppose that probably, at a rough estimate, there would be a million and a half or two million acres; possibly not that much.

Mr. GARD. How much private land is there?

Mr. BARBOUR. The Secretary of Agriculture in his report does not state. He simply refers to the fact that there exists these small isolated tracts, which were acquired by the owners prior to the establishment of the national forest policy. They are in small areas. It is for the purpose of assisting in the administration of the forest reserve by facilitating enforcement of the fire-prevention regulations and the utilization of the grazing facilities that the Secretary desires that the lands should be consolidated into one compact tract.

Mr. GARD. Is it the purpose of this bill to make more compact the territory of the Sierra National Forest, and to take in small parcels of land now privately owned in exchange, by the giving of other parcels of land to the persons now owning the private tracts?

Mr. BARBOUR. Yes. Under the language of the bill the Secretary of Agriculture could exchange lands in any national forest in the State of California for these tracts that are inside the present boundaries of the Sierra National Forest.

Mr. GARD. Under this bill he is not limited to exchanging lands within the Sierra National Forest.

Mr. BARBOUR. Do you refer to the lands which shall be given in exchange?

Mr. GARD. Yes; the lands to be given in exchange. The only limitation is that they must be lands within the national forests in California.

Mr. BARBOUR. Yes; that is the only limitation.

Mr. GARD. As may be determined by the Secretary of Agriculture.

Mr. BARBOUR. That is the only limitation placed upon the exchange of the lands. This bill would authorize the Secretary to give in exchange for the Sierra Forest lands tracts of equal value within any national forest in California.

Mr. GARD. Is it necessary, in the gentleman's opinion, to include the Secretary of the Interior in that supervisory control, or should it be entirely vested in the Secretary of Agriculture?

Mr. BARBOUR. I do not think it is necessary to include the Secretary of the Interior, because, as I said before, the national forests are exclusively under the control of the Department of Agriculture, and this bill gives authority and power to the Secretary of Agriculture to determine the value of the lands to be exchanged and also the question of public policy. The Secretary of Agriculture is authorized to pass upon all questions connected with these exchanges, and the only lands affected are those that are directly under his control and jurisdiction.

Mr. JUUL. I desire to ask the gentleman from California a question.

Mr. BARBOUR. I yield to the gentleman from Illinois.

Mr. JUUL. This grants rather broad powers to an executive officer. I want to ask the gentleman to what extent does he think it would injure his bill if the words in line 9 were changed from "equal value" to "equal acreage"? Under this bill he might trade 1 acre for 100 acres, or he might trade a thousand acres for half an acre.

Mr. BARBOUR. Yes; but the matter which will determine the advisability of the trade will be the value. You may have in one place a thousand acres of land that are not as valuable as 10 acres in another place, and in considering this matter we have found that you can not measure the comparative value of land in these exchanges by the area. The only practical way to make the exchange is upon a basis of the value of the land.

Mr. JUUL. How do you propose to arrive at the valuation? You say in the bill that the Secretary of Agriculture may exchange lands of equal value.

Mr. BARBOUR. Yes.

Mr. JUUL. Under your bill he may take a thousand acres of the public domain and swap them for one acre if he wants to.

Mr. BARBOUR. It must be of equal value.

Mr. JUUL. Who passes on that question?

Mr. BARBOUR. The Secretary of Agriculture, under the usual method of determining the value of forest areas.

Mr. JUUL. What is the method used for arriving at equal values? Here is a tract containing, let us say, some of your giant trees out there and now it is proposed to swap 10 or 100 or 1,000 acres.

Mr. BARBOUR. There are no giant trees in this area.

Mr. JUUL. I mention that just by way of illustration.

Mr. BARBOUR. There are experts connected with the Department of Agriculture who can go through these forest areas and tell you within a few dollars the value of the standing timber. As to grazing land, the value of that is very readily determined by the value of adjacent grazing land.

Mr. JUUL. You put a financial value on the land which you are going to trade?

Mr. BARBOUR. Yes.

Mr. JUUL. And then put another financial value on the land which is to be taken in exchange?

Mr. BARBOUR. Yes.

Mr. JUUL. It will be a question of swapping dollars for dollars?

Mr. BARBOUR. Yes; at 100 cents on the dollar.

Mr. JUUL. I think it is pretty risky business.

Mr. McKEOWN. Reserving the right to object, this land that is to be exchanged is now under the Secretary of Agriculture, as being in the forest reserves. You are not going to take other public land, except that in the forest reserve, to exchange for these lands?

Mr. BARBOUR. That is all.

Mr. McKEOWN. What advantage will the Government gain by exchanging for these parcels in order to make compact the forest reserves in the Sierra National Forest if it permits the lands of other reservations to be taken? Will they reserve the lands in compact form, or will they allow the exchange of scattered lands?

Mr. BARBOUR. Oh, no; they will not do that. As I am informed, and also know the fact to be, in some of the forest areas in the United States there are lands down around the borders on the lower levels that are really not forest areas at all, but they have been included within the boundaries of our national forests. Now, those lands can be exchanged.

Mr. McKEOWN. And not break up the forests?

Mr. BARBOUR. Not break up the regularity of the boundary. There may be scattered timberlands on the border of these forest areas that can also be readily exchanged without breaking up the regularity and uniformity of the tract.

Mr. GARD. And the reason that the Secretary of the Interior is not included is because this is all under the exclusive control of the Secretary of Agriculture?

Mr. BARBOUR. All exclusively under the control of the Secretary of Agriculture.

Mr. GARD. Further reserving the right to object, I note from the report and the hearings on the bill that the acceptance of this land must be by the Secretary of the Interior, whereas the determination of public interest to be benefited thereby is vested entirely in the Secretary of Agriculture.

Mr. BARBOUR. Yes.

Mr. GARD. The report also says "in making such exchange for national forest land or timber given shall not exceed the equal value of land within the Sierra National Forest which the Secretary of the Interior is authorized to accept as such

value may be determined by the Secretary of Agriculture." It would seem to me that the way you have provided for legal acceptance by the Secretary of the Interior that surely he should have equal voice with the Secretary of Agriculture in determining whether it would be for the public benefit.

Mr. BARBOUR. The reason for that provision is purely a technical one. The Department of the Interior is the department which has jurisdiction of the title of all public lands in the United States. It is for that reason that the Secretary of the Interior is mentioned in the bill as the one to accept title.

Mr. TAYLOR of Colorado. Will the gentleman yield?

Mr. GARD. Certainly.

Mr. TAYLOR of Colorado. Secretary Lane, in his report, says that if the passage of the bill is deemed advisable by Congress he would suggest that it be plainly indicated that the exchange is purely within the discretion of the Government and that therefore there be inserted after the word "authorized," in lines 3 and 4, page 1, the words "in his discretion."

Now, I may say that in nearly all the bills of this kind that clause has been inserted. I feel that the bill will not be harmed, and that the departments will work harmoniously together, and that the gentleman ought to be willing to adopt the suggestion of the Secretary of the Interior and amend the bill by inserting the words "in his discretion."

Mr. BARBOUR. That amendment is acceptable.

Mr. TAYLOR of Colorado. If that goes in, I do not see that there can be any objection to the bill, and it makes it in harmony with the other bills of this kind.

Mr. GARD. If that language goes in—and I think it should—will it be necessary to include after the words "Secretary of Agriculture," in line 6, the words "Secretary of the Interior?"

Mr. TAYLOR of Colorado. No.

Mr. GARD. The gentleman from California will offer the amendment as suggested by the gentleman from Colorado, following the suggestion of the Secretary of the Interior?

Mr. BARBOUR. Yes; I am perfectly willing to offer it.

Mr. EVANS of Nebraska. Will the gentleman yield?

Mr. BARBOUR. I will.

Mr. EVANS of Nebraska. As I understand the purpose of the gentleman from California, the purpose is to exchange these lands for such lands as are suited to agriculture.

Mr. BARBOUR. Not necessarily. I mentioned agriculture in connection with other purposes to which the land given in exchange might be put.

Mr. EVANS of Nebraska. Would it not be best to include in your bill an amendment which would keep in control of the Government those lands suitable only for timber culture?

Mr. BARBOUR. That is the purpose of the bill, but I would not want to include an amendment to that effect. There might—and probably will—be lands suitable for forest purposes which would be received in exchange for agricultural lands, but I do not think it would be wise to limit in this bill the discretion of the Secretary of Agriculture or the Secretary of the Interior. The character of the land varies, as the gentleman knows; some is rocky, some is forest land, and there is some meadowland. There are many kinds of land in our forest reserves.

Mr. EVANS of Nebraska. How many acres will be affected by this bill?

Mr. BARBOUR. I can not give the gentleman the exact acreage, but I can assure the gentleman that there will not be a large acreage, for the reason that these lands lie in isolated tracts and are privately owned. They are in tracts of 40 acres or 160 acres, and were acquired under the homestead laws prior to the establishment of the national forest reserve.

Mr. EVANS of Nebraska. I notice that the bill confines the land within the Sierra National Forest in California. What is the purpose of confining it exclusively to California?

Mr. BARBOUR. The lands that are to be given in exchange?

Mr. EVANS of Nebraska. Yes.

Mr. BARBOUR. All the land to be acquired under this bill is in the Sierra National Forest. The land that will be or can be given in exchange is land in the Sierra or other national forests in California, which, in the discretion of the Secretary, it is advisable to exchange.

Mr. EVANS of Nebraska. What is there in the bill which prevents the Secretary from buying pieces of land, the lands in other forests, and creating the condition which exists now?

Mr. BARBOUR. The provisions of the bill would prevent that. The purpose of the department is to consolidate these forest areas. They might trade a piece of land on the outskirts of another forest reserve, but they would not go into the interior.

Mr. TAYLOR of Colorado. Will the gentleman yield for me to make another suggestion?

Mr. BARBOUR. Certainly.

Mr. TAYLOR of Colorado. I may say that we have bills, some of which have passed the Senate and are now before the Public Lands Committee, providing for a general exchange of lands throughout all the forest reserves of the whole United States. We have never been able yet to pass a general bill of that kind. Various members have always opposed it, and thereby compelled us to pass individual local bills of this kind, which is entirely illogical and unnecessary. If we had a general law making general provisions for the exchange of all these lands we would avoid a lot of these little local bills. But we never could get unanimous consent, and we are compelled to do this piecemeal legislation in this way because this House has never seen fit to enact a general law on the subject, although, as I say, some such bills have gone through the Senate.

Mr. RAKER. Objection was made this morning to a bill which avoided piecemeal legislation. I had a bill which sought to consolidate matters all in one bill and objection was made to it, and now objection is made to this bill because it relates to one forest.

Mr. JUUL. Mr. Speaker, reserving the right to object, I desire to ask the gentleman from California a question. Would the gentleman from California, if consent is granted—and I do not mean to put this as a condition to my consent—would the gentleman consent to an amendment in line 19, page 2, something like this: Provided the Secretary of Agriculture shall, after each exchange of land as provided for in this act, send a report to Congress showing in detail the acreage conveyed and the acreage received in exchange therefor. That would simply be placing on the Secretary of Agriculture the responsibility for having made the trade and have him make his report to Congress.

Mr. BARBOUR. I understand that the Secretary of Agriculture reports on all of those matters, anyway, but the objection to the gentleman's proposed amendment would be that if he made a small exchange of 5 or 10 acres he would immediately have to report to Congress, and Congress would not want to be bothered with those details.

Mr. JUUL. Then he could just dictate a letter to the Congress setting forth that he had conveyed a portion of the southeast quarter of section so and so in return for a portion of the northwest quarter of some other section.

Mr. BARBOUR. That may be true, but I think it is quite unnecessary.

Mr. JUUL. Mr. Speaker, I withdraw the objection and shall offer an amendment when the time comes.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized to accept on behalf of the United States title to any lands within the Sierra National Forest, Calif., if in the opinion of the Secretary of Agriculture the public interests will be benefited thereby and the lands are chiefly valuable for national-forest purposes, and in exchange therefor may give not to exceed an equal value of such national-forest land or timber or assignable certificates for timber within the national forests in California as may be determined by the Secretary of Agriculture, and in determining the relative values of the lands or timber to be exchanged, consideration shall be given to any reservations which either party may make of timber, minerals, or easements. Such assignable certificates for timber shall be issued under the authority of the Secretary of Agriculture, shall be for the agreed value of lands acquired, and shall be acceptable only at their face value when accompanying bids for the purchase of national-forest timber or in payment for national-forest timber in California when purchased under existing laws and regulations. Timber given in such exchanges shall be cut and removed under the laws and regulations relating to the national forests, and under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture. Lands conveyed to the United States under this act shall, upon acceptance of title, become a part of the Sierra National Forest.

With the following committee amendments:

Page 2, line 1, after the word "timber," strike out the words "or assignable certificates for timber."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The Clerk read as follows:

Page 2, line 3, after the word "agriculture," strike out the remainder of the line and lines 4, 5, 6, 7, 8, 9, 10, 11, 12, down to and including the word "regulations" in line 13.

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. BARBOUR. Mr. Speaker, I offer the following amendment, suggested by the gentleman from Colorado [Mr. TAYLOR]:

Page 1, line 4, after the word "authorized," insert the words "in his discretion."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. BARBOUR: Page 1, line 4, after the word "authorized," insert the words "in his discretion."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. JUUL. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. JUUL: Page 2, line 19, after the word "forest," insert: "*Provided*, That the Secretary of Agriculture shall, after each exchange of land, as provided for in this act, send a report to the Congress showing in detail the acreage conveyed and acreage received in exchange therefor."

Mr. BARBOUR. Mr. Speaker, I make the point of order that the amendment is not germane. The bill simply provides for the exchanging of these forest areas and provides the manner in which the exchange shall be made. This amendment would seem to direct the action of the Secretary of Agriculture, and direct him in the administration of his department.

Mr. JUUL. Mr. Speaker, the gentleman from California can not get rid of my amendment in that manner. Here is a bill granting to the Secretary of Agriculture the power to trade lands owned by the United States. My amendment simply provides that when the Secretary has made the trade for the United States he shall report to the Congress what he has done.

Mr. BARBOUR. Mr. Speaker, will the gentleman yield?

Mr. JUUL. In just a moment. Before I go any further I want to raise the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Illinois makes the point of order that there is no quorum present. The Chair will count.

Mr. BARBOUR. Mr. Speaker, I withdraw the point of order.

Mr. JUUL. Mr. Speaker, I withdraw the point of no quorum.

Mr. BLANTON. Mr. Speaker, I think we ought to congratulate the distinguished gentleman from Illinois.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was rejected.

The SPEAKER. The question is on the third reading of the bill as amended.

The bill was ordered to be read the third time, was read the third time, and passed.

On motion of Mr. BARBOUR, a motion to reconsider the vote by which the bill was passed was laid on the table.

RIGHTS OF WAY FOR PUBLIC-ROAD PURPOSES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 9825) authorizing any land-grant railroad company, or its successors, to convey for public-road purposes certain parts of its right of way.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That any land-grant railroad company, or any of its successors or assigns, is hereby authorized to convey to any State, county, or municipality any portion of its right of way, to be used as a public highway or street: *Provided*, That no such conveyance shall have the effect to diminish the right of way of said railroad company to a less width than 50 feet on each side of the center of the main track of the railroad as now established and maintained.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That all railroad companies to which grants for rights of way through the public lands have been made by Congress, or their successors in interest or assigns, are hereby authorized to convey to any State, county, or municipality any portion of such right of way to be used as a public highway or street: *Provided*, That no such conveyance shall have the effect to diminish the right of way of such railroad company to a less width than 50 feet on each side of the center of the main tract of the railroad as now established and maintained."

Mr. BARBOUR. Mr. Speaker, I offer the following amendment: On page 2, line 9, in the committee amendment, strike out the word "tract" and insert the word "track."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. BARBOUR: Page 2, line 9, amend the committee amendment by striking out the word "tract" and inserting in lieu thereof the word "track."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BARBOUR. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. BARBOUR: Page 2, line 9, strike out the period, insert a colon, and add: "*Provided further*, That in the event that any such railroad company and the appropriate public authorities fail to agree on a mutually satisfactory basis of compensation for any portion of said right of way, such public authorities may proceed to acquire the same under the laws of eminent domain of the State in which such land is situated."

Mr. MANN of Illinois. Mr. Speaker, I reserve the point of order on the amendment.

Mr. BARBOUR. Mr. Speaker, I wish to state that this amendment is offered at the request of the California State Highway Commission. I have a telegram from the commission, and I also was interviewed by one of their engineers about a week ago. He stated to me that there are about 40 miles of the State highways in California that are on railroad rights of way under revocable licenses granted by the railroads companies to the public authorities. These licenses can be revoked at any time.

It has been suggested by the State Highway Commission and their representative that this amendment would be desirable for the reason that if in the future the railroad company should decline to convey any of these rights of way or grant permits for their use, then the proper State, county, or municipal authorities could go into court and condemn such rights of way under the law of eminent domain of the State in which such land is situated. They do not anticipate any difficulty of that kind. Their relations have been harmonious up to the present time, but it is simply a precautionary measure.

Mr. MANN of Illinois. What have we to do with the authority of the State to condemn under the power of eminent domain? The State controls that within its own boundaries, and the National Government, in my opinion, can neither give nor take away the power of the State to take property under the right of eminent domain. I doubt the advisability of Congress undertaking to confer upon the State of California or the local authorities power to condemn what may be public lands granted the railroads under the power of eminent domain, when the State has that authority, if it wishes to exercise it, and we have not got it.

Mr. BARBOUR. I will state to the gentleman that it has occurred to me——

Mr. MANN of Illinois. Of course, the purpose of asking for the amendment is not the purpose of the gentleman, I take it; but it is probably the purpose of some one connected with the highway commission to hold a club over the railroads, and endeavor to force them to accept a settlement which the commission proposes. While it may be right, we have not the power to say whether the State shall condemn railroad land; that is for the State to determine.

Mr. BARBOUR. If the gentleman will yield, I will state I had not considered it in that connection. This amendment was suggested to me, and I have offered it; and it seems to me that if we authorize them to convey the land as provided in this bill, then the conferring of the additional right of eminent domain would follow.

Mr. SINNOTT. I think the courts have held, as to these rights of way granted to railroads, that they can not be alienated in any way, either under the right of eminent domain or by adverse user. And the courts have held so in the Northern Pacific Railroad cases; so before any right could be granted to a third party in that right of way they would have to get the consent of Congress.

Mr. MANN of Illinois. Well, I see this bill does not affect the property of the railroad company, except where they have rights of way through public land; still, if the railroad has acquired a right of way through the public lands, I do not know whether we ought to permit the State to come along and condemn that for something else or not. I doubt that.

Mr. BARBOUR. That would contemplate payment to the railroad of the actual value of the land?

Mr. MANN of Illinois. Yes; but we have not given these rights of way to the railroad companies for the purpose of sale. The Government gave the railroad company in certain cases the right of way through the public domain not for the purpose of selling it to somebody. I think it ought to receive more consideration——

Mr. JUUL. Will the gentleman from Illinois yield for a brief question? Does not the gentleman think that if we insert simply between lines 1 and 4 "without compensation" that that would then merely permit the railroad company to convey to the State without sale?

Mr. MANN of Illinois. That is practically what this bill does now; but that does not cover the case suggested by the gentleman from California.

Mr. TAYLOR of Colorado. If the gentleman will permit a suggestion, the Union Pacific Railroad Co. for practically a thousand miles has 400 feet right of way, and in some cases, where they go through a narrow valley or over a mountain, there is no other way to get a right of way for a wagon road except over these rights of way, and that is entirely more than they have had any use for; and the Federal highway good roads bill will not spend money and they will not cooperate with the State in spending money on these public lands.

Mr. MANN of Illinois. The Committee on the Public Lands has just reported a bill providing where any of these rights of way are given up that the land shall go to the owner of the property on each side.

Mr. TAYLOR of Colorado. That bill has not passed.

Mr. MANN of Illinois. Oh, no; but it has been reported.

Mr. TAYLOR of Colorado. Let me say that bill does not go a quarter far enough. It does not provide, it seems to me, for any system that is workable. However, I have not made any opposition to it, but I may state the bill we have reported out is not going to get anywhere or accomplish anything, I am afraid.

Mr. MANN of Illinois. Well, I do not know how many bills the Committee on the Public Lands has on this calendar, but there are a great many. I hope they will accomplish something if they are passed, but at times I think it would be wiser if they reported fewer bills and gave those they did report out more careful consideration.

Mr. BARBOUR. Will the gentleman yield?

Mr. MANN of Illinois. Certainly.

Mr. BARBOUR. This bill does not intend to interfere with the railroad company's right of way, because it expressly reserves to the railroad company a right of way of 100 feet, or 50 feet on each side of the center of the main track.

Mr. MANN of Illinois. That would not apply to the gentleman's amendment?

Mr. BARBOUR. No. But some of these rights of way are 200 or more feet.

Mr. MANN of Illinois. The amendment says they may condemn the whole right of way as far as the track.

Mr. JUUL. Mr. Speaker, I object to the consideration of the bill.

Mr. EVANS of Montana. Mr. Speaker, I suggest it is too late; the bill is now under consideration.

The SPEAKER. The bill is now being considered by the House, and the question is on the amendment.

Mr. MANN of Illinois. Mr. Speaker, I make the point of order that the amendment is not germane to the bill.

Mr. EVANS of Nebraska. Mr. Speaker, will the gentleman yield?

Mr. MANN of Illinois. The bill relates to the conveyance of public land by the railroad company, and the amendment is to give the State authority to condemn it under the right of eminent domain. It is not a germane amendment.

Mr. JUUL. Mr. Speaker, a question, please.

The SPEAKER. The gentleman will state it.

Mr. JUUL. Does my objection to the consideration of the bill come too late?

The SPEAKER. It does. The House had already acted. The Chair thinks the point of order is well taken. As the Chair understands the bill, the bill simply provides that the railroad company shall make condemnation. The amendment, as the Chair understands it, is that in the event such railroad company can not agree as to compensation, the property may be acquired by eminent domain. The Chair does not think that is within the purpose of the bill, and the Chair sustains the point of order. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER. Without objection, the title will be amended in accordance with the text.

There was no objection.

On motion of Mr. EVANS of Montana, a motion to reconsider the vote whereby the bill was passed was laid on the table.

TARGHEE NATIONAL FOREST.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10434) to add certain lands to the Targhee National Forest.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. WALSH. Reserving the right to object, I have not had an opportunity to examine the bill carefully. Did the committee follow the suggestion of the Secretary of the Interior and amend the bill as recommended?

Mr. FRENCH. Yes; with the exception that the last two lines of the bill are retained, which are:

Provided, That this shall not affect any existing valid adverse claim hereto initiated.

Other than that the amendment was adopted in the language recommended.

Mr. SMITH of Idaho. Excepting that we inserted the words "with the approval of the Secretary of the Interior," in accordance with the policy adopted by the committee that both departments should be consulted when it is proposed to place lands in forest reserves.

Mr. FRENCH. Yes; I overlooked that.

Mr. WALSH. You have made it conform to the bill that we just passed with reference to the Nez Perce National Forest?

Mr. FRENCH. Yes; with the exception that the phraseology is a little bit different. But the spirit of it is exactly the same.

Mr. WALSH. Is it any broader in scope than the other bill?

Mr. FRENCH. Oh, no. The spirit of the two bills is exactly alike.

Mr. WALSH. The spirit of the bills may be the same, but does the phraseology fail to provide for the necessary protection to the interests of the Government?

Mr. FRENCH. Not at all. In the bill under consideration, on page 2, line 2, it says that the lands may be included within a national forest upon finding of the Agriculture Department, "with the approval of the Secretary of the Interior." In the other bill, as I recall it, it provided that when found satisfactory "by the Secretary of the Interior and the Secretary of Agriculture." I say the phraseology is a little bit different, but the meaning is exactly the same.

Mr. WALSH. How long has it been since it required legislation of this sort? I thought the President would do this by proclamation.

Mr. FRENCH. About 10 or 15 years.

Mr. SMITH of Idaho. There are only two or three States where the department has the authority under the general law to create forest reserves or extend the boundaries. About 10 years ago a law was passed that no additional forest reserves should be created or forest boundaries extended without the consent of Congress. The President may curtail the boundaries, but he can not extend them without legislation, excepting in a few States.

Mr. WALSH. That was one of the results of the Ballinger controversy, was it not?

Mr. FRENCH. No; I do not so understand. It was the result of a great deal of antagonism to the forest-reserve policy 15 years ago. It was a new policy, and the forest administration had not understood the wishes of the people, and the people did not articulate thoroughly with the forest policy, and there was a good deal of bitter feeling in the West on account of the extension of the forest reserves.

Mr. WALSH. I have no objection to this bill.

Mr. PARRISH. Mr. Speaker, reserving the right to object, I would like to ask the gentleman in charge of the bill what per cent of this land, if any, would be suitable for agriculture?

Mr. FRENCH. You might say that the whole of it is worthless for agricultural purposes, with the possible exception of grazing. It lies to the south side of the Bitterroot range of mountains and extends right to the crest of the mountains, and, as the gentleman can see, the total acreage is approximately two and one-half townships, so that there would be very little land that could possibly extend down into the valley enough to be valuable for any kind of agricultural use. As a matter of fact, it is not useful except for grazing purposes.

Mr. PARRISH. I understand this would include 46,000 acres?

Mr. FRENCH. Yes.

Mr. PARRISH. If this land is not included in the national forests, would it be likely that it would be filed on by the farmers and settlers that would go into that country?

Mr. FRENCH. I think the lands that are available for any satisfactory farming use have all been filed on, and there is

very keen competition for all lands of that character. These lands have been inviting, as you might say, public settlement all these years. No one has filed on an acre of it, so far as I am aware, and if so, it is provided that the settler's interest may be taken care of. But they are essentially lands that are not fit for acquiring title to for agricultural character on account of their rugged, moutainous character.

Mr. PARRISH. In case this land is included in the park, how much expense does that entail on the Federal Government? Are they not a source of expense to the Government when they are put into a park?

Mr. FRENCH. On the contrary, the forest reserves are a source of profit to the Government. That profit is derived in part from the sale of timber and in part from moneys received from the leasing of the lands for grazing purposes.

Mr. PARRISH. I understand they get money for the grazing.

Mr. FRENCH. Yes. Last year the profit was in excess of $2,000,000 from grazing.

Mr. PARRISH. Which would yield to the Government the greatest income on the land, to seal it up in these parks or forest reserves and hold it and let the Government get the benefit of the grazing rentals or leave it open for the public to file on, taking into consideration the expenses incurred in the care and maintenance of the national forests?

Mr. FRENCH. Unquestionably to include it within the national forests, because I think these lands are not available for any kind of farming purposes other than grazing.

Mr. PARRISH. Is it because of insufficient rainfall?

Mr. FRENCH. No; on account of their high, rugged, mountainous character. As I said, they extend to the very peak of the Bitterroot Mountains.

Mr. PARRISH. How much land is there now in the national forest reserves in the State of Idaho?

Mr. FRENCH. Does the gentleman mean what is the area?

Mr. PARRISH. Yes; how many acres?

Mr. FRENCH. Stating it not in acres, but in area of the State, I would say approximately 30 per cent of the State is within national forests.

Mr. PARRISH. I just wanted to get that information. I did not intend to object.

Mr. GARD. Mr. Speaker, reserving the right to object, I should like to have from the gentleman from Idaho a statement concerning the proviso at the bottom of page 2:

Provided, That this shall not affect any existing valid adverse claim heretofore initiated.

How many privately established claims are there now in this tract?

Mr. FRENCH. I am not aware that there is one, but the gentleman will understand that sometimes claims may be initiated of which the department is not aware until some weeks later. The entries are made in the local land office, and sometimes mining entries are initiated through local offices in the counties, but the department here will not be advised of them until some time later. I do not think the language is essential, because I think we could not take away from the settlers anything that belongs to them. Nevertheless, since the phrase was used in the bill as submitted to me, I did not change it, and the committee did not change it.

Mr. RAKER. Will the gentleman yield?

Mr. FRENCH. I yield to the gentleman from California.

Mr. RAKER. I hope the gentleman will revise his statement as to the effect of the bill, because they have held, in all the decisions setting aside these forest reserves, that homesteads and desert-land claims and other claims can not be consummated if the department desires to prevent it.

Mr. FRENCH. If that is true, it is worse than I thought it was, and the language ought to be in the bill.

Mr. RAKER. Certainly it ought to be in the bill. By all means it should not be left out.

Mr. GARD. I am not complaining of the language. What I was trying to get at was as to whether there had been any claims established within the limits of Targhee National Park by persons now living on them or operating on them?

Mr. FRENCH. I doubt if there are any such claims at all.

Mr. GARD. Does the gentleman know?

Mr. FRENCH. No. A right of that kind might have been initiated this morning at the local land office, and the department here would not be advised of it until sometime later.

Mr. GARD. Is there no visible, physical evidence of the establishment of a claim, so that one can see it?

Mr. FRENCH. Why, certainly.

Mr. GARD. How many of these are there?

Mr. FRENCH. I would not have any means of knowing that right now, and the department does not know of any of these claims. This is one of those catch-all phrases that is always inserted in these bills when we think there is a chance of land being acquired by private ownership, in order to protect rights which may have been initiated.

Mr. GARD. I am interested in this phase of the matter: There is a possibility of people owning lands adjacent to these forest reserves desiring the extension of the forest reserves, because that pactically amounts to permissive use to those owning and occupying the adjoining lands of the forest reserves for their own purposes without any compensation.

Mr. FRENCH. No; on the contrary, I would say that at the present time, the lands being public lands, the settlers have the unlimited use of those lands for grazing purposes without paying any fees.

Mr. GARD. Yes; but subject, of course, to the purchase of the land by some one.

Mr. FRENCH. No; the lands are not subject to purchase. They may be acquired in certain ways under the public-land laws.

Mr. WELLING. Homesteaded.

Mr. FRENCH. But only isolated tracts could be purchased, and these lands would not come within the description of isolated tracts.

Mr. GARD. But they may be acquired under the provisions of the homestead law?

Mr. FRENCH. Yes; that is true.

Mr. GARD. But when they become a part of the national forests that proposition is, of course, eliminated.

Mr. FRENCH. Not altogether, for the reason that the law provides that lands available for agricultural purposes within forest reserves may be acquired. The burden of proof, however, is on the entryman, and not always then does the department recognize the entry. It has it within its discretion to approve or disapprove of the application.

Mr. JUUL. If the gentleman from Ohio has finished, I desire to ask the gentleman from Idaho a question.

Mr. GARD. Yes.

Mr. JUUL. To what extent will the nationalization of this forest mountain land interfere with the educational system out in that country? Suppose in the immediate vicinity there are high schools. Will the nationalization of this forest land deprive the neighboring tax-leving body of the power to levy the taxes essential to the carrying on of educational matters?

Mr. FRENCH. No, not at all. These lands to-day can not be taxed.

Mr. JUUL. Let me make clear what I mean. Suppose you take half a township and place it in the forest reserve. The remaining half of the township is in private ownership and is subject to taxation. To what extent would the taking of the half of the township and placing it in the forest reserve increase the amount of money which the citizens in the remaining part of that township would have to pay?

Mr. FRENCH. Of course, if the lands that were taken were taxable lands, it would diminish the tax receipts; but here is a case where the lands are not subject to taxation at the present time, because they now belong to the Federal Government.

Mr. JUUL. I understand that; but if it is possible to settle them, and if they were settled, they would pay taxes. You now propose to nationalize a portion of these lands. The settlers upon those lands would have to pay their share of taxes, would they not?

Mr. WELLING. If they were lands suitable for settlement, the gentleman would not want them included in the forest reserves.

Mr. JUUL. If they were used as grazing lands they would be taxable.

Mr. WELLING. No; not if they were public lands.

Mr. JUUL. You could not settle them, and the people who owned the remaining portions of the township would have to bear the burden.

Mr. FRENCH. If the gentleman will yield, the way that question is working out is that a certain percentage of the receipts of the forest land, in order to meet the very objection the gentleman raises, is to-day distributed to the counties and States where the lands are located. So that takes care of the situation.

Mr. JUUL. I thank the gentleman for the information.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That all unappropriated public lands within the following described townships are hereby added to and made a part of the Targhee National Forest, and hereafter all laws and regulations affecting national forests shall be applicable thereto: Township 13 north, ranges 32 and 33 east, and township 12 north, ranges 31 and 32 east, Boise meridian: *Provided*, That this shall not affect any existing valid adverse claim heretofore initiated.

With the following committee amendment:

Amend page 1 by striking out all of lines 3 to 8, inclusive, and all of line 9 to the proviso, and inserting in lieu thereof the following:

"That all unappropriated public lands within the following described areas, found by the Secretary of Agriculture to be chiefly valuable for the production of timber or the protection of stream flow, may, with the approval of the Secretary of the Interior, be included within and made a part of the Targhee National Forest, in Idaho, by proclamation of the President, said lands to be thereafter subject to all laws affecting national forests: Sections 1, 2, 3, 4, 9 to 16 inclusive, 21 to 28 inclusive, 34, 35, 36, township 12 north, range 32 east, all township 13 north, range 32 east, all township 13 north, range 33 east, all of Boise meridian and base."

The committee amendment was agreed to.

Mr. RAKER. Mr. Speaker, I move to amend, on page 2, line 11, by striking out the word "this" and inserting the words "the provisions of this act."

The Clerk read as follows:

Amendment offered by Mr. RAKER: Page 2, line 11, after the word "that," strike out the word "this" and insert "the provisions of this act."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FRENCH, a motion to reconsider the vote whereby the bill was passed was laid on the table.

ABANDONED PORTIONS OF RIGHTS OF WAY GRANTED TO RAILROAD COMPANIES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 9899) to provide for the disposition of abandoned portions of rights of way granted to railroad companies.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GARD. Reserving the right to object, as I read this bill granting the disposition of abandoned portions of rights of way granted to railroad companies, it is intended to provide for an automatic forfeiture, or for the automatic readjustment of title and possession, so that it places the ownership either in the municipality, if the grant is to any city or town, or the ownership of a number of people who may be without the limits of the municipality or corporation. I would be glad to hear some statement from the gentleman in charge of the bill.

Mr. CHRISTOPHERSON. Mr. Speaker, the bill was originally drawn so as to have an automatic disposition of these lands, but the committee has submitted amendments to which I agree, that the forfeiture or abandonment shall be determined either by a decree of court or an act of Congress, the title to go to the party who owns the subdivision or the municipality in cities or towns. I see no objection to these amendments. I think they are essential, that the abandonment should be determined by a decree of court or an act of Congress, especially in view of the fact that the Supreme Court held in the Northern Pacific case that when a railroad is granted land for right of way it is taken out of the public-lands status, and the railroad company can not convey it, but that it reverts back to the Government. I may say as to the purpose of the bill, that we have in our State—and I presume other States the same—pieces of land, rights of way where the railroad company have relocated their lines and abandoned parts of their right of way, whence the right of way under the court decision reverts to the Government.

There are two statutes already covering this same subject, one in 1906 and another in 1909, but these acts were present in their character and do not operate on these rights of way that have been abandoned since their passage.

Mr. TAYLOR of Colorado. Will the gentleman permit a suggestion?

Mr. CHRISTOPHERSON. Certainly.

Mr. TAYLOR of Colorado. There are a great many rights of way throughout the mountains that were located under the right-of-way acts of 1891 or 1875, and when they came to build the road they did not in all cases build it on the right of way but subsequently straightened the track so that it would run straight. On the Denver & Rio Grande Railroad there are 10 or 12 miles where they went away up into the canyon and back again that has not been used for 30 years, and yet there is no way that the people can get any title to it. There is one man who has a homestead on it who is paying taxes on that land. As a matter of fact, there is no way that a man can get title to that land.

Mr. MANN of Illinois. Why can not they get title to the land? It is Government land.

Mr. TAYLOR of Colorado. No; it is not.

Mr. MANN of Illinois. We have plenty of law forfeiting such land.

Mr. TAYLOR of Colorado. It would take an act of Congress to forfeit it.

Mr. MANN of Illinois. Not at all; there is a general law.

Mr. TAYLOR of Colorado. I beg the gentleman's pardon. There is no law which restores to the Government these rights of way; they are still held by the railways. They do not officially abandon them, but they still hold them.

Mr. MANN of Illinois. The gentleman can not get me to agree that there is no law now that when the Government grants the right of way to a railroad and it does not use it for 30 years that it is not forfeited to the Government.

Mr. TAYLOR of Colorado. It takes some evidence to support it and a decree of the court. You have to have some legal proceeding in order to forfeit it. You can not automatically say that a company has abandoned property simply because it does not use it.

Mr. MANN of Illinois. Will the gentleman from South Dakota yield?

Mr. CHRISTOPHERSON. I will.

Mr. MANN of Illinois. Suppose the railroad company chooses to change its line of tracks upon which it has a considerable piece of property used for station purposes, yards, and so forth. Is there any reason why we should give all that to somebody who purchased the adjoining land and paid nothing for it? It might be valuable property.

Mr. CHRISTOPHERSON. I think that with the amendment here the rights of the railway company are absolutely protected. The owner must go into court, and the court, if there were valuable properties or buildings upon them, would protect them. So far as the question asked a moment ago, that there are methods by which this land can be obtained, as I said before, there were two acts passed, one in 1906 and one in 1909, covering this same subject, but those acts operate on abandonments that had taken place up to that time and not since that time. Under the decision of the Supreme Court in the Northern Pacific case against Newton, One hundred and ninetieth United States, this land when the railway company abandons it is in the same status of public unoccupied land. The railway company has only what is called a base or qualified fee. The railroad company can use it for railroad purposes as long as it sees fit, but when it abandons it it goes back to the Government and the railroad company has no right to convey it, nor any ownership therein.

Mr. MANN of Illinois. I understand that and fully agree with the gentleman, notwithstanding the statement of the gentleman from Colorado [Mr. TAYLOR], who in this case was wrong; but the courts do not decree in any case, by the way, that the railroad has abandoned the property, except upon action instituted by the Government, so that does not amount to very much anyway; but suppose the railroad company does absolutely forfeit its rights, as it may in some cases, where it owns a large amount of property for station and yard purposes. Is there any reason why that should be turned over to the adjoining property owner for nothing?

Mr. CHRISTOPHERSON. In that event I should assume that the railroad company would likely remove its improvements. The purpose of the bill is not to deprive the railroad company of improvements that it has placed on the land.

Mr. MANN of Illinois. I was not speaking of improvements. I was speaking of the land.

Mr. CHRISTOPHERSON. Then the purpose of the bill is that it should go to the party who filed upon it and became the owner of the subdivision, and his heirs and assigns. For example, as I say, we have in our State a school section——

Mr. MANN of Illinois. The gentleman uses the term "his heirs." The language of the bill, by the way, is "his heir or its heirs." I confess I do not know what "its heirs" means.

Mr. CHRISTOPHERSON. It speaks of corporations in there.

Mr. MANN of Illinois. But corporations do not have heirs.

Mr. CHRISTOPHERSON. The gentleman is correct about that.

Mr. MANN of Illinois. That, however, is easily corrected.

Mr. CHRISTOPHERSON. It should be "his heirs."

Mr. MANN of Illinois. No; it should be "his heirs" where it says "his heir," and "heirs" should be stricken out after the word "its." But I was just wondering whether any consideration had been given to the matter, and I have not received the information. There are many cases where railroad companies acquire a considerable amount of property for yard purposes and various station purposes. On some of these railroads they do change the routes sometimes by eliminating a considerable amount of detour. Somebody may have acquired this land adjoining. They have not paid for the land that the railroad company intended to use, and is it quite fair to say we give it to them? As far as the ordinary right of way is concerned, I do not raise any question about it.

Mr. CHRISTOPHERSON. Let me say to the gentleman that in that event, if they have acquired the land under a land grant, the railroad company could not make any disposition of that land. They could make no use of it except for railroad purposes, and they could not sell it or transfer it.

Mr. MANN of Illinois. I understand; but that is not my question. Is there any reason why we should give it to somebody because that somebody bought some other land from us?

Mr. CHRISTOPHERSON. Why should we not give it to the man who has filed on it?

Mr. SINNOTT. Mr. Speaker, will the gentleman yield?

Mr. CHRISTOPHERSON. Yes.

Mr. SINNOTT. Is not this the situation? The right of way——

Mr. MANN of Illinois. I am not speaking of the right of way.

Mr. SINNOTT. But I want to develop the idea. The right of way was granted to the railroad company. Some one gets a patent from the Government for that particular quarter section of land through which the railroad right of way runs. Upon the abandonment of that right of way by the railroad company the person who is the grantee from the Government for the entire tract of land becomes the owner of the abandoned right of way.

Mr. MANN of Illinois. That is like the ordinary case of a highway anywhere that is abandoned. Ordinarily the adjoining property owner owns to the center of the right of way, or would take it if it is vacated. That is not always the case, because I signed a lease this morning myself to give somebody the property where a street had been vacated. What I ask is this: If a railroad company owns a considerable amount of land at some point for yard and station purposes and it abandons that part of the route because it relocates, is there any reason why we should give that land to somebody just because that somebody bought the adjoining land?

Mr. SINNOTT. The only person who would get it is some one who has received the property from the Government subject to right of way or the easement of the railroad company under this bill.

Mr. MANN of Illinois. Oh, no; that is not the case. He has not bought it subject to the easement of the railroad company at all. If that were the case it would not take a law on the subject. The man would have it as soon as the railroad company abandoned it. This is to have the Government donate the land to the adjoining owner, and I can see that probably no great harm will come from that ordinarily in respect to farm lands so far as the ordinary right of way is concerned; but this land may be valuable village or city land. The Government may own a yard or station property in a place where it is valuable, and you propose to say that because somebody owns a lot adjoining that, they shall get possession of what may be ten times the value of the land that they have in front of them.

Mr. SINNOTT. The person who gets it is the person to whom the title of the United States may have been or may be granted.

Mr. MANN of Illinois. Oh no; not at all. It may be assigned. It may be a city lot and the railroad company sometimes changes its route through cities.

Mr. CHRISTOPHERSON. Has the gentleman in mind the amendment suggested on line 8, page 2:

except lands within a municipality the title to which, upon forfeiture by abandonment, as herein provided, shall vest in such municipality.

Mr. MANN of Illinois. Well, I do not think——

Mr. TAYLOR of Colorado. The committee put in that amendment for that purpose.

Mr. MANN of Illinois. Well, it is still giving it away.

Mr. TAYLOR of Colorado. But the Government has already given it to the railroads.

Mr. MANN of Illinois. Yes; but the railroads abandoned it, and the Committee on the Public Lands, I regret to say, instead of going on the policy always to try to conserve the interests of the Government, wherever they can find a chance to give away lands of the Government never miss a chance to recommend it [laughter], and so here is one.

Mr. TAYLOR of Colorado. They have been paying taxes on this land for a good many years.

Mr. MANN of Illinois. Oh, the railroad company has paid the taxes.

The SPEAKER. Is there objection?

Mr. GARD. Reserving the right to object, it seems to me, from a reading of the report, that this part which provides for the automatic transfer and vesting of land which really belongs to the United States, because somebody happens to own contiguous thereto a tract of land in a part of the country outside of municipality, is going a little too far in the matter of vesting title without any procedure under the laws of the United States, and therefore I object, Mr. Speaker.

Mr. CHRISTOPHERSON. Will the gentleman withhold his objection?

The SPEAKER. Objection is made, and the Clerk will report the next bill.

ENLARGING BOUNDARIES OF THE OREGON NATIONAL FOREST.

The next business in order on the Calendar for Unanimous Consent was the bill (S. 2792) to enlarge the boundaries of the Oregon National Forest.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. WALSH. Mr. Speaker, reserving the right to object, is this a bill to take care of some scenery along the Columbia Highway and the purpose of enlarging this reserve in the State of Oregon? Is that the sole purpose?

Mr. SINNOTT. Upon the north and west of this Oregon forest reserve is this 14,000 acres, which they desire to have added to the rest of it to lessen the fire risk. This 14,000 acres, a part of it, lies along the Columbia Gorge, along the line of the railroad, and fire frequently catches from the operations of the railroad and burns from there into the forest reserves. In a part of this land is Larch Mountain, where the Forest Service at the present time has a lookout which commands the Bull Run Reserve and the balance of this Oregon forest reserve, amounting to about 1,000,000 acres. The waters which supply Multnomah Falls and Oneonta Gorge are also in this area desired to be taken into the forest reserve. I think the gentleman saw Multnomah Falls when he was in Oregon. They are falls of nearly a thousand feet high. They are right in the heart of the Cascade scenery.

Mr. WALSH. Well, I know the gentleman is very interesting thus far, but I do not see any great need for this legislation.

Mr. SINNOTT. Well, the cut-over lands, according to the report of the officials of the Forest Service on these lands, are a constant fire menace. The cut-over lands lie between——

Mr. WALSH. What is going to prevent its being a fire menace if it goes into the forest reserve?

Mr. SINNOTT. Well, it will receive the protection of the Forest Service and the scattered lands in private holding will be consolidated. The Government will have its lands consolidated and the fire protection will be taken care of much more economically than they have under the present situation.

Mr. WALSH. This will prevent certain lumber-logging corporations from deforesting the slopes of the large mountains?

Mr. SINNOTT. That is one of the objects of it.

Mr. WALSH. Well, I thought that the policy of the committee and the people of those States was to keep the lands out of these forest reserves and permit them to be acquired by private ownership?

Mr. SINNOTT. Well, that is true as to purely agricultural land, but where the land has actual value for forest purposes we are adding to the forest reserves all the time.

Mr. WALSH. This is some 14,000 acres?

Mr. SINNOTT. Some 14,000 acres.

Mr. WALSH. Well, I am not inclined to object to this bill, although I think it has become too free to add lands to forest reserves out in these Western States. I should like to see the Government let go of them all [applause]—that is, a great portion of it—and permit the States to attempt the handling of those things. It is very peculiar that some of these Western States are not deemed competent to manage their affairs along this line. I shall not object, Mr. Speaker.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GARD. Mr. Speaker, reserving the right to object, I ask the gentleman's attention to section 2, and I have no purpose of objecting to the bill—page 2. I think after the word "empowered," in line 6, the words "in his discretion" should be inserted.

Mr. SINNOTT. I have no objection to inserting that.

Mr. GARD. Will the gentleman offer that as an amendment?

Mr. SINNOTT. Yes.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the boundary of the Oregon National Forest, in the State of Oregon, is hereby changed to include the following lands, subject to all the laws and regulations governing the national forests: Township 1 south, range 6 east, section 6; that part of township 1 north, range 6 east, lying south of the Columbia River not now included in said forest; township 2 north, range 6 east, all of sections 34, 35, and 36 south of the Columbia River: *Provided*, That this action shall, as to all lands which are at this date legally appropriated under the public-land laws or reserved for any public purpose, be subject to and shall not interfere with or defeat legal rights under

such appropriation, nor prevent the use for such public purpose of lands so reserved so long as such appropriation is legally maintained or such reservation remains in force.

SEC. 2. That the Secretary of the Interior be, and he hereby is, authorized and empowered, upon the recommendation of the Secretary of Agriculture, to exchange, upon the basis of equal value, nonmineral lands or timber belonging to the United States in the Oregon National Forest for privately owned lands lying within the exterior limits of the Oregon National Forest, and that upon the consummation of such exchanges the lands deeded to the United States shall become parts of the Oregon National Forest, and the Secretary of the Interior shall issue patents to the selected lands.

Mr. SINNOTT. Mr. Speaker, in accordance with my understanding with the gentleman from Ohio, I move to amend on page 2, line 6, by inserting after the word "empowered" the words "in his discretion."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 6, after the word "empowered," insert the words "in his discretion."

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be read the third time, was read the third time, and passed.

On motion of Mr. SINNOTT, a motion to reconsider the vote by which the bill was passed was laid on the table.

RIGHTS OF WAY TO RAILROAD COMPANIES.

Mr. CHRISTOPHERSON. Mr. Speaker, I ask unanimous consent that the House bill, No. 9899, to provide for the disposition of abandoned portions of rights of way granted to railroad companies, the one just objected to, may retain its place on the Unanimous Consent Calendar.

The SPEAKER. The gentleman from South Dakota asks unanimous consent that the bill H. R. 9899 be allowed to retain its place on the Unanimous Consent Calendar. Is there objection?

Mr. WALSH. Well, I think it should go to the foot of the calendar.

Mr. CHRISTOPHERSON. I have no objection to that.

The SPEAKER. Without objection, it will go to the foot of the calendar.

There was no objection.

The SPEAKER. The Clerk will report the next bill.

SALE OF ISOLATED TRACTS, OREGON & CALIFORNIA RAILROAD GRANT LANDS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13389) to authorize the Secretary of the Interior to dispose of at public sale certain isolated and fractional tracts of lands formerly embraced in the grant to the Oregon & California Railroad Co.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GARD. Reserving the right to object, what I want particularly to know concerning the bill is in respect to the communication of Secretary Payne, on page 2 of the report, wherein he calls attention to the fact that the provisions of the Revised Statutes are extended only to a certain class of lands, whereas in this bill it is sought to include matters not contained in that class.

Mr. HAWLEY. I beg the gentleman's pardon. I did not quite understand the gentleman's query.

Mr. GARD. In the letter of Secretary Payne it is stated that, under the present provisions of the Revised Statutes, substatutes are extended by this bill only to lands of class 3, and it is suggested that on lines 10 and 11 it includes certain matters not included within the statutory provisions of class 3. That is in the last paragraph of Secretary Payne's letter.

Mr. HAWLEY. I will say to the gentleman that I think that is taken care of on page 2 by the striking out of certain language in line 2. Does that meet the gentleman's objection?

Mr. GARD. I do not know. I am asking the gentleman.

Mr. HAWLEY. The bill is intended to apply only to agricultural land consisting of small fragments of sections or irregular tracts too small for the homesteader to take as a homestead. They will be purchased by homesteaders who own the adjoining lands and desire to obtain them to extend their homesteads. This will provide a market for otherwise unsalable land.

Mr. GARD. What is the scope of the land denominated as "lands classified as agricultural land"? How much is that?

Mr. HAWLEY. That description applies to all land classified as agricultural and which does not have more than 1,200,000 board feet to the quarter section.

Mr. GARD. How large are these small isolated tracts supposed to be?

Mr. HAWLEY. I think none of them would run over 60 acres. There might occasionally be one of 80 acres, low in agricultural value, and chiefly valuable for grazing purposes.

Mr. GARD. What I want to arrive at is this, although I can not express it accurately: Is there any definite number of acres described as land which is being classified as agricultural land?

Mr. HAWLEY. No. The act disposing of the Oregon and California grant provided that these lands should be classified by the Department of the Interior, and this was recently done. A very considerable acreage was classified as agricultural. There has been settlement and sale of lands all through the tract, which left in many places small areas. They can not be disposed of under the law of 1916 except as agricultural lands. They are unsalable except to homesteaders residing near them. This bill is to extend the opportunities of sale so that these tracts can be disposed of and the Government obtain the money from them anticipated by the act.

Mr. MILLER. They are unsalable because of their small acreage?

Mr. HAWLEY. Yes; because of the small acreage. No one can make a home on them.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the provisions of section 2455, Revised Statutes, be, and the same are hereby, extended to class 3 of the lands formerly embraced by what are known as the Oregon and California railroad grants, title to which was revested in the United States under the provisions of the act approved June 9, 1916 (39 Stat. L., p. 218): *Provided*, That no sales hereunder shall be made for less than $2.50 per acre, and the appraised value of the timber on the land where such land is not classified as agricultural land, nor until such lands shall have been subject to homestead entry for a period to two years: *Provided further*, That the proceeds of such sales shall be applied in the manner prescribed in said act of June 9, 1916 (39 Stat. L., p. 218).

With a committee amendment, as follows:

On page 2, line 2, strike out the words "where such land is not classified as agricultural land."

Mr. RAKER. Mr. Speaker, I just want to have a little time on the amendment. How many acres would each individual be able to acquire under this bill? Does the gentleman from Oregon know?

Mr. HAWLEY. From the letters I have received from settlers who desire to obtain them, I judge the largest acreage that has been suggested is a 40-acre tract.

Mr. RAKER. I rose on that very question.

Mr. HAWLEY. There are very few of those. Most of them are smaller.

Mr. RAKER. Does not the gentleman think that to avoid any possibility there ought to be a proviso, "after two years," and then say, "not exceeding 40 acres to any one person"?

Mr. SINNOTT. There is a limitation in the Revised Statutes.

Mr. RAKER. What is it?

Mr. SINNOTT. One hundred and sixty acres. That would be the limitation.

Mr. RAKER. I realize that.

Mr. SINNOTT. Of course, the other land has to be occupied before this can be sold in these small tracts.

Mr. RAKER. I am seeking information. Of course, as a matter of fact, most of these tracts are isolated, so that if you allowed a man to get 160 acres you practically take up all the land there is.

Mr. SINNOTT. You take up all the isolated tracts in that section of the country. It is a rugged, mountainous section. If under 160 acres a man may get a very poor piece of land.

Mr. RAKER. This is the whole grant?

Mr. SINNOTT. Yes.

Mr. RAKER. Which commences in the northern part of California and runs up to Washington?

Mr. SINNOTT. Yes. Those are the culls.

Mr. RAKER. This is not culls?

Mr. SINNOTT. Oh, yes, it is.

Mr. RAKER. This is segregated as "agricultural land."

Mr. HAWLEY. Mr. Speaker, will the gentleman yield?

Mr. RAKER. Yes.

Mr. HAWLEY. It is for the benefit of the Government to have the tracts sold, even if in larger areas than 40 acres. For instance, you may have a 60-acre tract that is so isolated that the Government could never sell it except to the settler; and, second, the buyer here must not only pay what the settler pays, but he must pay more, because he must pay the price for any timber there may be on it.

Mr. RAKER. I understood this was open to the homestead settler.

Mr. HAWLEY. Yes.

Mr. RAKER. And the man has to pay $2.50 per acre for it?

Mr. HAWLEY. Yes.

Mr. RAKER. There is no question about that?

Mr. HAWLEY. No.

Mr. RAKER. What I rose for was to ask the gentleman if he thought 160 acres was too large an amount and whether this ought to be restricted to 40 acres to any one person?

Mr. HAWLEY. So far as I know, I have no objection to limiting it to a certain area, but it ought to be larger than 40 acres. I am afraid that to limit it would operate to the disadvantage of the Government.

Mr. RAKER. No; it can not; but I will not be particular about it. I will ask the gentleman from Oregon [Mr. SINNOTT] what he thinks about it?

Mr. SINNOTT. I do not think it should be limited. It would limit the man and it would also limit the Government. The Government will get more for 160 acres than it will for 40 acres.

Mr. RAKER. It gets the same price, $2.50 an acre.

Mr. SINNOTT. Theoretically, yes; but a man will not take 40 acres of land.

Mr. RAKER. The gentleman thinks the limitation ought not to be applied?

Mr. SINNOTT. I think it ought not.

Mr. HAWLEY. Let us have a vote.

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

The Clerk read as follows:

Committee amendment: Page 2, line 4, strike out "to" and insert "of."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

PURCHASE OF CERTAIN LANDS BY THE CITY OF MYRTLE POINT, OREG.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10285) to authorize the purchase by the city of Myrtle Point, Oreg., of certain lands formerly embraced in the grant to the Oregon & California Railroad Co. and revested in the United States by the act approved June 9, 1916.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. GARD. Reserving the right to object, how far from the city of Myrtle Point is the land which that city desires to obtain for the purpose of protecting its water supply?

Mr. HAWLEY. I think it is some 5 or 6 miles. The city owns its own water system, and owns a part of this watershed already. It has a plant constructed on the watershed and a pipe line to the city, and these two tracts, one of 80 acres and the other of 40 acres, are now in the midst of the present holdings of the city. They desire to add them to their present holdings for the better protection of their water supply.

Mr. GARD. How large an acreage of protection for the water supply have they now?

Mr. HAWLEY. It would be only a guess on my part, but if I remember rightly, it exceeds 1,000 acres, and they are acquiring other lands from private owners by private sale.

Mr. GARD. What is the source of the water supply?

Mr. HAWLEY. Mountain streams.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

That the Secretary of the Interior shall be, and is hereby, authorized to issue a patent to the city of Myrtle Point, Oreg., for the following-described lands, being a part of the lands revested in the United States by the act of Congress enacted June 9, 1916 (39 Stat., p. 218), to wit: The south half of the southeast quarter of section 11, the east half of the southwest quarter of the southeast quarter of section 11, and the north half of the northwest quarter of the northwest quarter of section 13, all in township 29 south, range 12 west, of the Willamette meridian, in the State of Oregon; on condition that the said city first shall pay to the United States, when said lands are subjected to disposition under said act of revestment, the sum of $2.50 per acre for all of said lands and the appraised price of the timber on all such lands as may be classified as timberlands.

Mr. PARRISH. I move to strike out the last word, for the purpose of asking the gentleman in charge of the bill if he does not think the mineral-reservation clause that has gone on a number of bills similar to this should be put on this bill?

Mr. HAWLEY. I have no objection; but there is no mineral there.

Mr. PARRISH. We can not tell. There might be oil or gas or other minerals that are valuable in territory which now seems very unpromising which may later develop into productive territory.

Mr. HAWLEY. This is very near the summit of the coast range of mountains. I have no objection to the mineral-reservation clause going in, but it is unnecessary, because there is no mineral at all there.

Mr. PARRISH. Have there been any tests made?

Mr. HAWLEY. That portion of the State has been very thoroughly prospected for copper, gold, silver, and other minerals, but there has never been any mining in this section. I have, however, no objection to the clause being inserted.

Mr. PARRISH. I offer the following amendment.

The SPEAKER. There is a committee amendment to this section, which the Clerk will report.

The Clerk read as follows:

Committee amendment: Strike out of line 9, page 1, and line 1, page 2, the words "the east half of the southwest quarter of the southwest quarter of section 11."

The committee amendment was agreed to.

The Clerk read the following committee amendment:

Page 2, line 1, after the word "and," strike out "the north half of."

The committee amendment was agreed to.

The SPEAKER. The gentleman from Texas [Mr. PARRISH] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. PARRISH moves to amend page 2 at the end of line 9 by inserting the following: "*Provided*, That there shall be reserved to the United States all oil, coal, and other mineral deposits that may be found in the lands so granted and all necessary use of the lands for extracting the same."

The amendment was agreed to.

The Clerk completed the reading of the bill.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

RAILROAD DEFICIENCIES—CONFERENCE REPORT.

Mr. GOOD presented the following conference report for printing under the rule:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13677) making appropriations to supply a deficiency in the appropriations for the Federal control of transportation systems and to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1920, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 4, 5, and 6, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "transferred from the appropriation made in paragraph (g) of the said section 204 and"; and the Senate agree to the same.

JAMES W. GOOD,
J. G. CANNON,
JAMES F. BYRNES,
Managers on the part of the House.

F. E. WARREN,
CHARLES CURTIS,
O. W. UNDERWOOD,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13677) making appropriations to supply a deficiency in the appropriations for the Federal control of transportation systems and to supply urgent deficiencies in certain other appropriations for the fiscal year ending June 30, 1920, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of the said amendments, namely:

On Nos. 1 and 2, relating to the paragraph authorizing deductions from the amount found due from the United States to certain short-line railroads, the sums found due by those railroads to the United States: Strikes out the language, inserted by the

Senate, requiring the sums found due the United States to be deducted from the amount of the "deficit or decrease" of the operating income of the railway; and inserts the language, proposed by the Senate, making clear that the sums deducted as due the railway administration shall be credited to the proper appropriations for the railway administration.

On No. 3: Inserts the paragraph, proposed by the Senate, authorizing and directing the Auditor for the Navy Department to pay the San Francisco Bridge Co. the sum of $128,260.60 appropriated in the deficiency act approved March 6, 1920.

On Nos. 4, 5, and 6, relating to the Senate: Inserts the appropriation of $7,500 to pay the widow of Hon. John H. Bankhead, late a Senator from the State of Alabama, and inserts the paragraph appropriating $16,990.95 for repairs, improvements, equipment, and supplies for Senate kitchens and restaurants.

JAMES W. GOOD,
J. G. CANNON,
JAMES F. BYRNES,
Managers on the part of the House.

DONATION OF G. A. R. HALL IN BEDFORD, TAYLOR COUNTY, IOWA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 9944) authorizing the Secretary of the Treasury to accept on behalf of the United States the donation by Sedgwick Post, No. 10, Grand Army of the Republic, of its memorial hall property in Bedford, Taylor County, Iowa, for Federal building purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WALSH. Reserving the right to object, this seems to be a very patriotic act. I should like to ask the gentleman from Iowa [Mr. TOWNER], who introduced the bill, if this building is entirely suitable for post-office purposes? I assume that the gentleman is familiar with it.

Mr. TOWNER. I will say to the gentleman that a preliminary inspection was made by the order of the Postmaster General and a special inspector was sent for that purpose. He finds that the property is situated in the most desirable part of the town. That I know. I think it is the most desirable location in town and one of the most desirable properties in town, worth a good deal of money. It is at the intersection of two principal business streets and has an alley in the rear. The ground-floor room is much larger than immediate needs render necessary.

Mr. WALSH. There is no heating plant in it.

Mr. TOWNER. There is not a heating plant in it except a temporary arrangement.

Mr. WALSH. The Grand Army Post desires to reserve the right to the second story, which I presume will not interfere with the operations of the postal business?

Mr. TOWNER. Not at all. The lower part to be occupied by the post office is now rented and has been rented for a number of years at quite a large rental. The post originally was a post of 400 or 500 members. It is now down to about 25. The post is in good financial condition. It does not need the rent which they now receive, and while there is enough left of them to take some action they desire to convey it to the United States for post-office purposes. The report of the inspector says:

> The offer seems to be made in a spirit of genuine patriotism and is a most generous one. If Congress grants authority for its acceptance, I would suggest that arrangements be made to supply the post with heat and light on the second floor without charge and for the erection of a suitable bronze tablet on the side of the building.

Mr. WALSH. This carries no authorization for installing a heating plant?

Mr. TOWNER. No; the Post Office Department says that will be entirely unnecessary for the present. When it is necessary it will not require any special appropriation, because it will be done under the general power of the department to provide for light and heat of the post offices then in use.

Mr. WALSH. That would be done by the Treasury Department, I take it.

Mr. TOWNER. Yes; on the recommendation of the Post Office Department. The Postmaster General in his recommendation for acceptance says:

> The offer is a most generous one, and I would therefore suggest that you look into the matter with a view to recommending to Congress the enactment of necessary legislation to permit of the acceptance of the site and building.

Mr. WALSH. That is what he stated to the Treasury Department. What did the Treasury Department say about that?

Mr. TOWNER. The Treasury Department made no recommendation for acceptance except in drawing up the bill, saying that it had received a communication from the Post Office Department and recommending that the legislation which the Postmaster General suggested should be in the form which they required, and which I have followed in preparing the bill. I presume that amounts to a recommendation on the part of the Treasury Department.

Mr. WALSH. I want to congratulate the distinguished gentleman from Iowa in having a post composed of these worthy veterans who are inspired by patriotic purposes to make this most generous offer to their Government. Mr. Speaker, I withdraw the reservation of the objection.

Mr. TOWNER. Mr. Speaker, I desire to say that there can be no question about the entire good faith and generous intent and purpose of the offer. The offer is not made with the intention of escaping any liability; they have ample funds and would receive a large rental for the lower story, which is to be occupied by the Post Office Department, if they retained the building.

The SPEAKER. Is there objection?

Mr. BLANTON. Reserving the right to object, eventually what is this gift going to cost the Government? What is it going to require the Government to expend?

Mr. TOWNER. Nothing, except the necessary repairs, for a large number of years.

Mr. BLANTON. It is such an extraordinary thing to find individuals or a combination of individuals so patriotic that they are giving something to the Government, it causes us to be a little inclined to look a gift horse in the mouth.

Mr. TOWNER. I agree with the gentleman, and this offer seemed to be very surprising to the Post Office Department and other officials of the United States.

Mr. BLANTON. There is nothing underneath it or behind it that we do not understand?

Mr. TOWNER. Nothing at all. I can say that to the gentleman without any reservation whatever. There can be no possible selfish motive on the part of this G. A. R. post, which is receiving a large rental for use of these premises, and which they would continue to receive as long as the post might exist. I will say that its members desire to take this action while there is enough of them left so that it could receive respectful consideration. I presume out of 400 or 500 members of this post there are not more than 25 living.

Mr. GARD. I notice the report says that the post office at this place is now paying $650 a year for rental, and that the only thing necessary to make this a suitable post-office building is a new concrete floor and a heating plant. I think the gentleman is to be congratulated on having these individuals for constituents, and they are to be commended for their generous and patriotic offer.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

The Clerk read the bill as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to accept on behalf of the United States at any time after January 1, 1920, the donation by Sedgwick Post No. 10, Grand Army of the Republic, of its memorial hall property in Bedford, Taylor County, Iowa, for Federal building purposes; being the east 29 feet of lot 8, block 11, original town of Bedford, at the southwest corner of Main and Water Streets, together with the two-story and basement building, 29 by 81 feet, outside measurement, now situated thereon; that said property shall be used and operated as are other public buildings, and that the annual appropriations for the general maintenance of public buildings under the control of the Treasury Department shall be construed to be available for use in connection with said property as for other buildings under said department.

That the Secretary of the Treasury is authorized to permit said post and the Sedgwick Post Women's Relief Corps No. 62, to continue to occupy the second floor of said building until such time as said post dissolves; such occupancy to be without charge for rent, water, heat, or light, which are to be included in such free use.

And that a suitable bronze tablet commemorative of this gift shall be furnished and placed on the exterior of said building at the expense of the United States.

Mr. MANN of Illinois. Mr. Speaker, I move to amend the bill by striking out, on page 1, line 5, the language "at any time after January 1, 1920."

The Clerk read as follows:

> Amendment by Mr. MANN of Illinois: Page 1, line 5, after the word "States" strike out the words "at any time after January 1, 1920."

Mr. MANN of Illinois. This language would have been and was proper in the bill when it was introduced, but as it is after that date now it is no longer necessary to have that language remain in the bill. I want to say that I think we ought to express our hearty appreciation and thanks for the tender of this gift by these old soldier boys out in Iowa.

It is not only a generous contribution to the Government, but it was a fine thing to think of at a time when nearly everyone in the country is wondering how we can raise more money by taxes on the part of the Government officials, and how we can escape the payment of taxes on the part of the individual. These people in their old age, filled with enthusiasm for the Government which they saved during the Civil War, now give

us an opportunity to express our appreciation of the nobility of their souls. [Applause.]

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken.

Mr. BLANTON. Mr. Speaker, I demand a division. I think we ought to show that this is passed unanimously.

The House divided; and there were—ayes 37, noes 0.

So the bill was passed.

COURTHOUSE AND JAIL AT CORDOVA, ALASKA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 12437) to authorize the expenditure of the sum of $100,000, heretofore appropriated for the erection of a United States post office, courthouse, and jail at Cordova, Alaska, by the act approved March 4, 1913, for the erection of a United States courthouse and jail at Cordova, Alaska.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WALSH. Mr. Speaker, I do not think we ought to permit this to pass at this time. It carries considerable appropriation for a post-office building in Alaska, and I object.

The SPEAKER. Objection is made, and the Clerk will report the next bill.

Mr. GRIGSBY. Mr. Speaker, I ask unanimous consent that the bill retain its place on the calendar.

The SPEAKER. Is there objection?

Mr. GARD. Mr. Speaker, will the gentleman from Massachusetts reserve his objection until the gentleman from Alaska can make a statement about the bill?

Mr. WALSH. Certainly.

Mr. GRIGSBY. Mr. Speaker, this bill does not carry any appropriation whatever. The $100,000 was appropriated in 1913, but could not be used for the purpose appropriated because it was inadequate. The original bill provided for the construction of a post office, courthouse, and jail. The Supervising Architect, however, reported that by dispensing with the post-office part of the building the money was adequate for a courthouse and jail, which were very badly needed. It would be the first public building for seven years constructed in Alaska. It is not a new appropriation at all.

Mr. LANGLEY. Mr. Speaker, if the gentleman will permit me, I was absent on account of illness at the time this bill was considered in the committee and am not entirely familiar with the details, but we have not reported a bill carrying any appropriation at this session, and it is not the purpose of the committee to do so. But I am sure that this bill was reported by the committee with the understanding that it does not involve any appropriation. I have been absent all day in conference with the representatives of the Senate on the omnibus pension private bills that are pending, and I am glad to say that we have just finished our labors and have taken care of many old soldiers and their widows and helpless children.

Mr. WALSH. How did it come to be appropriated for a post office in 1913 or 1914 and that now they want to have it used for a courthouse and jail?

Mr. LANGLEY. The gentleman from Alaska [Mr. GRIGSBY] can answer that better than I can.

Mr. WALSH. It seems to me that the committee that made the original appropriation should have the information about the matter.

Mr. LANGLEY. I was not on the committee when the 1913 bill was passed.

Mr. LONGWORTH. Does not this simply mean that it will be necessary in the near future to make another appropriation of $100,000 for a post office?

Mr. BLANTON. Certainly.

Mr. LANGLEY. I am not sure about that.

Mr. MANN of Illinois. Mr. Speaker, will the gentleman yield?

Mr. LANGLEY. Yes.

Mr. MANN of Illinois. Are the gentleman from Kentucky [Mr. LANGLEY] and the gentleman from Alaska [Mr. GRIGSBY] aware that in the sundry civil appropriation bill, which is now under consideration in the House, the policy is maintained of not making appropriations at present, with the condition of the Treasury what it is, for the construction of new buildings, regardless of authorizations in the past?

Mr. LANGLEY. Yes; and I do not think this bill violates that policy, as it does not authorize the appropriation of any money for a public building.

Mr. GRIGSBY. I will state to the gentleman that this money has already been appropriated.

Mr. MANN of Illinois. I understand; but it has not been expended. It is in exactly the same condition that any building is where an authorization has been made and no appropriation has been made. They can not expend it there without an appropriation, and they can not expend it here without this legislation. The Committee on Appropriations, in view of the existing condition of the Treasury, has adopted the policy of not providing money for new public buildings, although they have been authorized and in some cases contracts have been entered into. Whether that will be the policy of the House I do not know, but in view of that policy adopted by the committee, ought we to make an exception in this case? We will undoubtedly be asked to make exceptions in the consideration of the sundry civil appropriation bill.

Mr. ELLIOTT. Mr. Speaker, will the gentleman yield?

Mr. MANN of Illinois. Yes.

Mr. ELLIOTT. I was presiding over the Committee on Public Buildings and Grounds, I think, when this bill was considered, the gentleman from Kentucky [Mr. LANGLEY] being sick and unable to attend. As I remember the bill, they asked for permission to cut out a part of the Government activities there.

Mr. MANN of Illinois. The law originally provided for a post office, courthouse, and jail combined, with an appropriation of $100,000. They claim now, in the first place, that they can not build it for the $100,000, and, in the second place, that it is not a proper place for a courthouse, anyway. It does not make much difference where you put a jail. So they want to spend the money for a jail and courthouse. I think that is perfectly legitimate, but that is not the question with me. I have no doubt they need the jail and the courthouse, and I have no doubt they need the post office, though I do not think they need it half as badly as they need a new post office in the city of Chicago, and we are not asking an appropriation at this time for that purpose.

Mr. SMITH of Idaho. Mr. Speaker, will the gentleman from Alaska yield?

Mr. GRIGSBY. Yes.

Mr. SMITH of Idaho. Is there a site provided for this proposed building?

Mr. GRIGSBY. Yes. This town has donated the site.

Mr. MANN of Illinois. In a place where they do not want it.

Mr. WALSH. On a hillside.

Mr. GRIGSBY. As I understand it, the appropriation has been made; it is not simply an authorization.

Mr. SMITH of Idaho. And all that is desired is to have the law amended so that you can build a courthouse and jail.

Mr. WALSH. And get another hundred thousand dollars for a post office.

Mr. SMITH of Idaho. That is a matter for the future.

Mr. WALSH. This should have been gone into at the time the original appropriation was asked for. They should have known where the site was, whether it was too steep to climb up to or climb down from the post office, and I do not think we ought now to authorize it.

Mr. SMITH of Idaho. As I understand the site is suitable for the courthouse and jail, and they need the courthouse and need the jail——

Mr. WALSH. They probably need the jail, but they have to use a derrick to get there.

Mr. SMITH of Idaho. And they have the money on hand.

The SPEAKER. Is there objection?

Mr. WALSH. Mr. Speaker, I object.

The SPEAKER. Objection is made.

Mr. GRIGSBY. Mr. Speaker, I ask unanimous consent that the bill just considered may retain its place on the calendar.

The SPEAKER. The gentleman from Alaska asks unanimous consent that the bill referred to may go to the foot of the calendar.

Mr. WALSH. Go to the foot of the calendar?

Mr. GRIGSBY. I asked that it retain its place on the calendar.

Mr. WALSH. If the gentleman will ask that it go to the foot of the calendar I will not object.

Mr. GRIGSBY. I will modify my request.

The SPEAKER. Is there objection to its going to the foot of the calendar? [After a pause.] The Chair hears none.

BRIDGE ACROSS THE RED RIVER BETWEEN TEXAS AND OKLAHOMA.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 13590) granting the consent of Congress to Sid Smith, of Bonham, Tex., for the construction of a bridge across the Red River between the counties of Fannin, Tex., and Bryan, Okla.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to Sid Smith, of Bonham, Tex., and his successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Red River at a point suitable to the interests of navigation, from a point on its south bank northeast of Elwood, Fannin County, Tex., to a suitable point on the north bank of Red River lying in a northerly direction from said beginning in the county of Bryan, in the State of Oklahoma, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

NATIONAL REDWOOD PARK.

The next business in order on the Calendar for Unanimous Consent was (H. Res. 159) to direct the Secretary of the Interior to report upon the suitability, location, cost, if any, and advisability of securing a national redwood park.

The Clerk read the title of the resolution.

The SPEAKER. Is there objection to the present consideration of this resolution?

Mr. WALSH. Mr. Speaker, reserving the right to object, I would like to ask the gentleman if the Secretary of the Interior has exclusive jurisdiction over forest reserves?

Mr. LEA of California. I think the Department of Agriculture has exclusive jurisdiction over the forest reserves and the Secretary of the Interior has jurisdiction over the parks.

Mr. WALSH. This would be treated differently from forest reserves if this tract was acquired?

Mr. LEA of California. Yes; so I understand.

Mr. WALSH. The same as the Yellowstone, the Yosemite, and these other parks?

Mr. LEA of California. Yes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Resolved, That the Secretary of the Interior be, and is hereby, directed to investigate and report to the House of Representatives as to the suitability, location, cost, if any, and advisability of securing a tract of land in the State of California containing a stand of typical redwood trees of the species "Sequoia sempervirens" with a view that such land be set apart and dedicated as a national park for the benefit and enjoyment of the people of the United States and for the purpose of preserving such trees from destruction and extinction, and also as to whether or not the whole or any part of such lands or the purchase price thereof would be donated to the United States, and the probable cost of maintaining such lands as a part of the national park system.

The committee amendment was read, as follows:

Page 1, line 4, after the word "tract," insert "or tracts."

The question was taken and the amendment was agreed to.

The resolution as amended was agreed to.

CLAIMS OF OSAGE NATION OF INDIANS.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 6221) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in the Osage civilization-funds claim of the Osage Nation of Indians against the United States.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the claim of the Osage Tribe of Indians against the United States for moneys due, arising out of the sale of Osage lands under the treaty of September 29, 1865, proclaimed January 21, 1867 (14 Stats. L., p. 687), shall be submitted to the Court of Claims, with the right of appeal to the Supreme Court of the United States by either party, for the amount due or claimed to be due said tribe from the United States for the misappropriation of any of the funds of the said tribe, or for the failure of the United States to pay the tribe any money due under said treaty; and jurisdiction is hereby conferred upon the Court of Claims to hear and determine, as right and justice may require, and as upon a full and fair arbitration, the claim of said tribe against the United States, notwithstanding lapse of time or statutes of limitation, and also any legal or equitable defense, set-off, or counterclaim, including gratuities, which the United States may have against said Osage Tribe, and to enter judgment thereon: *Provided*, That if it be found that the United States Government has wrongfully appropriated any part or parcel of the lands or the funds of said Osage Tribe of Indians, judgment for damages in respect thereto, if any, shall be confined to the value of the land, or the amount of funds, at the time of said appropriation, together with interest at the rate of 5 per cent per annum thereon to the date of the decree of the Court of Claims rendered in respect thereto, less any legal or equitable set-offs or counterclaims, including gratuities, which the United States Government may have against the said Osage Tribe of Indians. The judgment of the Court of Claims in this matter rendered, when satisfied, shall annul and cancel all claims and title of said Osage Tribe in and to said lands and funds, as well as all other matters and things adjudicated and authorized to be adjudicated by the Court of Claims, as herein provided. Such action in the Court of Claims shall be presented by a single petition, to be filed within two years after the passage of this act, making the United States party defendant, and shall set forth all the facts on which the Osage Tribe of Indians bases its claim for recovery; and the said petition may be verified by the authorized attorney or attorneys of the tribe, employed under contract approved by the Commissioner of Indian Affairs and the Secretary of the Interior, as provided by law, upon information or belief as to the existence of such facts, and no other statements or verifications shall be necessary. Official letters, papers, reports, and public records, or certified copies thereof, may be used as evidence. Whatever moneys may be found to be due the tribe under the provisions of this act, less attorney's fees, shall be segregated and placed to the credit of the individual Indians: *Provided further*, That the Court of Claims shall decree such fees as the court shall find to be reasonable to be paid to the attorney or attorneys employed by the tribe, and in no case shall such fees exceed the amount stipulated in the approved contract nor amount to more than 10 per cent of the amount and value of the judgment recorded in said cause.

Mr. WALSH. Mr. Speaker, has consent been granted for the consideration of this measure?

The SPEAKER. Oh, yes; consent has been granted and the bill has been read.

Mr. BAKER. Mr. Speaker, when this bill passes I am going to ask unanimous consent to return to the bill that was passed this morning on the Unanimous Consent Calendar authorizing the California Indians to commence necessary action to present their rights to the Government in the Court of Claims, so that both matters may be proceeding along about the same time.

Mr. MILLER. And, Mr. Speaker, there is a bill pending for Indians west of the Cascade Mountains in the State of Washington and that will be included along with this.

The bill was ordered to be read the third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. WALSH. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The Chair will count. [After counting.] The Chair is of the opinion that there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

Mr. WALSH. Mr. Speaker, I move that the House do now adjourn.

Mr. HOWARD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOWARD. Had the Speaker announced the result of the vote on this bill before the gentleman made his point of no quorum?

Mr. WALSH. What if he did?

The SPEAKER. The Chair does not see that that makes any difference. The gentleman moves that the House do now adjourn.

The question was taken; and the Speaker announced the noes seemed to have it.

On a division (demanded by Mr. WALSH) there were—ayes 6, noes 21.

So the House refused to adjourn.

The question was taken; and there were—yeas 219, nays 52, answered "present" 10, not voting 145, as follows:

YEAS—219.

Ackerman	Davis, Minn.	Howard	Magee
Almon	Davis, Tenn.	Huddleston	Mansfield
Andrews, Nebr.	Dickinson, Mo.	Hudspeth	Mapes
Ashbrook	Dickinson, Iowa	Hull, Tenn.	Martin
Aswell	Dominick	Igoe	Mays
Babka	Doughton	Jacoway	Mead
Baer	Dunbar	Johnson, Ky.	Michener
Barkley	Dupré	Johnson, Miss.	Miller
Bee	Eagan	Johnson, S. Dak.	Minahan, N. J.
Bell	Elliott	Jones, Tex.	Monahan, Wis.
Benham	Elston	Kahn	Moon
Black	Evans, Mont.	Kearns	Mooney
Bland, Mo.	Evans, Nev.	Keller	Moore, Ohio
Bland, Va.	Fess	Kelly, Pa.	Morgan
Blanton	Fisher	Kiess	Mott
Box	Frear	Kincheloe	Mudd
Brand	Freeman	Kinkaid	Murphy
Briggs	French	Kleczka	Neely
Buchanan	Fuller, Ill.	Kraus	Nelson, Mo.
Burdick	Gallagher	Lampert	Newton, Mo.
Burroughs	Gandy	Lanham	Nolan
Butler	Garner	Lankford	O'Connor
Byrnes, S. C.	Garrett	Larsen	Ogden
Byrns, Tenn.	Godwin, N. C.	Layton	Oldfield
Candler	Goodwin, Ark.	Lazaro	Oliver
Caraway	Hadley	Lea, Calif.	Olney
Carss	Hardy, Colo.	Lehlbach	Osborne
Casey	Hardy, Tex.	Lonergan	Overstreet
Christopherson	Harreld	Luce	Paige
Clark, Mo.	Harrison	Lufkin	Park
Classon	Hastings	McAndrews	Parrish
Cleary	Hawley	McClintic	Pell
Coady	Hayden	McDuffie	Peters
Cole	Hays	McFadden	Phelan
Collier	Hernandez	McGlennon	Platt
Connally	Hersman	McKinley	Porter
Cooper	Hickey	McLane	Purnell
Crisp	Hicks	McLaughlin, Nebr.	Quin
Currie, Mich.	Hill	MacCrate	Rainey, H. T.
Dallinger	Houghton	MacGregor	Rainey, J. W.

Raker	Schall	Stedman	Weaver
Randall, Calif.	Scott	Stevenson	Webster
Randall, Wis.	Sells	Swope	Welling
Rayburn	Sherwood	Taylor, Ark.	Welty
Reed, W. Va.	Sims	Thomas	Whaley
Rhodes	Sinclair	Thompson	Wheeler
Ricketts	Sinnott	Tillman	White, Me.
Riddick	Sisson	Upshaw	Wilson, La.
Robsion, Ky.	Small	Vaile	Wilson, Pa.
Rogers	Smith, Idaho	Vestal	Wingo
Romjue	Smith, Ill.	Vinson	Woods, Va.
Rouse	Smith, Mich.	Volstead	Wright
Rubey	Smithwick	Walters	Young, N. Dak.
Sanders, Ind.	Snell	Wason	Young, Tex.
Sanders, La.	Snyder	Watkins	

NAYS—52.

Anderson	Foster	King	Temple
Barbour	Fuller, Mass.	Knutson	Tilson
Begg	Gallivan	Longworth	Timberlake
Brooks, Pa.	Gard	McPherson	Tincher
Campbell, Kans.	Good	Madden	Towner
Cannon	Graham, Ill.	Mann, Ill.	Treadway
Chindblom	Green, Iowa	Parker	Venable
Copley	Greene, Vt.	Ramseyer	Walsh
Dale	Hamilton	Reavis	White, Kans.
Dempsey	Hoch	Rucker	Wilson, Ill.
Echols	Jefferis	Siegel	Winslow
Esch	Jones, Pa.	Strong, Kans.	Woodyard
Evans, Nebr.	Kendall	Sweet	Yates

ANSWERED "PRESENT"—10.

Britten	Haugen	Juul	Steenerson
Brooks, Ill.	Hersey	Langley	
Dowell	Ireland	Pou	

NOT VOTING—145.

Andrews, Md.	Dyer	Kettner	Rodenberg
Anthony	Eagle	Kitchin	Rose
Ayres	Edmonds	Kreider	Rowan
Bacharach	Ellsworth	Lee, Ga.	Rowe
Bankhead	Emerson	Lesher	Sabath
Benson	Fairfield	Linthicum	Sanders, N. Y.
Blackmon	Ferris	Little	Sanford
Bland, Ind.	Fields	Luhring	Scully
Boies	Flood	McArthur	Sears
Booher	Focht	McCulloch	Shreve
Bowers	Fordney	McKenzie	Slemp
Brinson	Ganly	McKeown	Smith, N. Y.
Browne	Garland	McKinley	Steagall
Brumbaugh	Glynn	McLaughlin, Mich.	Steele
Burke	Goldfogle	Maher	Stephens, Miss.
Caldwell	Goodall	Major	Stephens, Ohio
Campbell, Pa.	Goodykoontz	Mann, S. C.	Stiness
Cantrill	Gould	Mason	Stoll
Carew	Graham, Pa.	Merritt	Strong, Pa.
Carter	Greene, Mass.	Milligan	Sullivan
Clark, Fla.	Griest	Mondell	Summers, Wash.
Costello	Griffin	Montague	Sumners, Tex.
Crago	Hamill	Moore, Va.	Tague
Cramton	Heflin	Moores, Ind.	Taylor, Colo.
Crowther	Hoey	Morin	Taylor, Tenn.
Cullen	Holland	Nelson, Wis.	Tinkham
Curry, Calif.	Hulings	Newton, Minn.	Vare
Darrow	Hull, Iowa	Nicholls	Voigt
Davey	Humphreys	O'Connell	Ward
Denison	Husted	Padgett	Watson
Dent	Hutchinson	Radcliffe	Williams
Dewalt	James	Rainey, Ala.	Wise
Donovan	Johnson, Wash.	Ramsey	Wood, Ind.
Dooling	Johnston, N. Y.	Reber	Zihlman
Doremus	Kelley, Mich.	Reed, N. Y.	
Drane	Kennedy, Iowa	Riordan	
Dunn	Kennedy, R. I.	Robinson, N. C.	

So the bill was passed.

The Clerk announced the following pairs:

Until further notice:

Mr. WATSON with Mr. KITCHIN.

Mr. DENISON with Mr. DRANE.

Mr. CURRY of California with Mr. STEAGALL.

Mr. KENNEDY of Iowa with Mr. BENSON.

Mr. NEWTON of Minnesota with Mr. BRUMBAUGH.

Mr. STEPHENS of Ohio with Mr. HOEY.

Mr. KELLEY of Michigan with Mr. O'CONNELL.

Mr. SUMMERS of Washington with Mr. BANKHEAD.

Mr. STRONG of Pennsylvania with Mr. HEFLIN.

Mr. GRAHAM of Pennsylvania with Mr. STEELE.

Mr. LANGLEY with Mr. CLARK of Florida.

Mr. BROWNE with Mr. KETTNER.

Mr. TINKHAM with Mr. CARTER.

Mr. ZIHLMAN with Mr. AYRES.

Mr. DUNN with Mr. HUMPHREYS.

Mr. RADCLIFFE with Mr. DAVEY.

Mr. VARE with Mr. MCKINLEY.

Mr. KENNEDY of Rhode Island with Mr. TAGUE.

Mr. DYER with Mr. GRIFFIN.

Mr. GRIEST with Mr. MILLIGAN.

Mr. WILLIAMS with Mr. BLACKMON.

Mr. CRAGO with Mr. LESHER.

Mr. WOOD of Indiana with Mr. DONOVAN.

Mr. KREIDER with Mr. DOOLING.

Mr. SHREVE with Mr. HOLLAND.

Mr. DARROW with Mr. LEE of Georgia.

Mr. FOCHT with Mr. DEWALT.

Mr. LUHRING with Mr. NICHOLLS.

Mr. FORDNEY with Mr. MONTAGUE.

Mr. HUTCHINSON with Mr. BOOHER.

Mr. GARLAND with Mr. CALDWELL.

Mr. ROSE with Mr. STOLL.

Mr. HAUGEN with Mr. WISE.

Mr. DOWELL with Mr. ROWAN.

Mr. RAMSEY with Mr. CANTRILL.

Mr. BACHARACH with Mr. FIELDS.

Mr. MCCULLOCH with Mr. SCULLY.

Mr. MCLAUGHLIN of Michigan with Mr. EAGLE.

Mr. GOODALL with Mr. LINTHICUM.

Mr. SLEMP with Mr. MOORE of Virginia.

Mr. MONDELL with Mr. TAYLOR of Colorado.

Mr. REBER with Mr. SULLIVAN.

Mr. MCKENZIE with Mr. CAMPBELL of Pennsylvania.

Mr. EDMONDS with Mr. FERRIS.

Mr. ANTHONY with Mr. MAJOR.

Mr. HUSTED with Mr. SUMNERS of Texas.

Mr. STINESS with Mr. MCKEOWN.

Mr. MORIN with Mr. STEPHENS of Mississippi.

Mr. BOWERS with Mr. JOHNSTON of New York.

Mr. HULINGS with Mr. RIORDAN.

Mr. MASON with Mr. DENT.

Mr. RODENBERG with Mr. FLOOD.

Mr. GREENE of Massachusetts with Mr. CAREW.

Mr. BLAND of Indiana with Mr. CULLEN.

Mr. ROWE with Mr. SEARS.

Mr. NELSON of Wisconsin with Mr. SMITH of New York.

Mr. COSTELLO with Mr. HAMILL.

Mr. MERRITT with Mr. ROBINSON of North Carolina.

Mr. SANFORD with Mr. PADGETT.

Mr. MOORES of Indiana with Mr. SABATH.

Mr. BOIES with Mr. DOREMUS.

Mr. CROWTHER with Mr. GANLY.

Mr. BURKE with Mr. GOLDFOGLE.

Mr. GOULD with Mr. RAINEY of Alabama.

Mr. SANDERS of New York with Mr. MAHER.

Mr. JOHNSON of Washington with Mr. MANN of South Carolina.

Mr. LANGLEY. Mr. Speaker, did the gentleman from Florida. Mr. CLARK, vote?

The SPEAKER. He did not.

Mr. LANGLEY. I voted "yea," but I have a general pair with the gentleman from Florida, and I wish to withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present.

On motion of Mr. HASTINGS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

NATIONAL BUDGET SYSTEM.

Mr. GOOD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 9783) to provide a national budget system and an independent audit of Government accounts, and for other purposes, disagree to the Senate amendments, and agree to the conference asked for by the Senate.

The SPEAKER. Is there objection?

There was no objection; and the Speaker announced as the conferees on the part of the House Mr. GOOD, Mr. CAMPBELL of Kansas, Mr. MADDEN, Mr. BYRNS of Tennessee, and Mr. GARNER.

BOARD OF VISITORS, NAVAL ACADEMY.

The SPEAKER. The Chair appoints on the Board of Visitors at the Annapolis Naval Academy in place of Mr. KELLEY, of Michigan, resigned, Mr. PETERS, of Maine; in place of Mr. VARE, of Pennsylvania, resigned, Mr. LUFKIN, of Massachusetts; and in place of Mr. KETTNER, of California, resigned, Mr. MONTAGUE, of Virginia.

The Clerk will report the next bill on the Unanimous Consent Calendar.

REFUND OF DUTIES COLLECTED ON FIELD KITCHENS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 6171) to authorize the refund of duties collected on field kitchens imported during the year 1916.

The title of the bill was read.

The SPEAKER. Is there objection to the immediate consideration of this bill?

Mr. GARD. Mr. Speaker, I realize the patriotic purpose which impelled the donors of the field kitchens to buy these kitchens for the use of the training camps at a time when the War Department did not have them, and I am indeed sympathetic with the purpose of the bill, to refund the amount paid by

them for duties from Canada into the United States. But what I want to ask is, How is the refund to be made?

The bill provides that the refund is to be made to the donors. In this instance I take it that there may have been a number of donors, since these kitchens were purchased by public subscription and sent down to a place in Illinois. Is there not considerable difficulty in returning the money to the donors and subdividing it so that it can be returned?

Mr. MANN of Illinois. That is the proposed amendment. It seemed to me that the language in the original bill was better than that in the amendment.

Mr. BRITTEN. That was the proposed committee amendment, of course.

Mr. GARD. Yes; but the difficulty, as I view it, is in the practical application of it to the donors. If there is some association or company or some person who furnished these kitchens, then this bill can be so amended as to direct the refund of the money to such person or such company or association.

Mr. BRITTEN. "The proper parties in interest" is the language employed in the bill originally.

Mr. GARD. Yes; "the proper parties in interest" is better, I think.

Mr. MANN of Illinois. That would have to be shown by proof to the Treasury Department. It is not shown here.

Mr. BRITTEN. I agree with the gentleman that the bill as originally presented is better than as amended by the committee.

Mr. GARD. I say, if the parties at interest are capable of being recognized, that is a much better phrase than the word "donors," in my opinion. By whom were these kitchens furnished?

Mr. BRITTEN. I have in mind a particular kitchen which was furnished by Col. McCormick, of the Chicago Tribune, and probably a few friends. The kitchens cost some $2,000 apiece. There may have been two, three, or more kitchens furnished to the National Guard and taken to the Mexican border at a time when the War Department had not sufficient equipment to take care of the troops. In the first instance a duty was charged when a rolling kitchen was brought over the line from Canada. This bill seeks to refund the duty. It is a small item.

Mr. GARD. I say I am in sympathy with the purpose of the bill. I suggest that it should be changed so that payment can be made to the proper person. The committee recommends the striking out of the words "proper parties in interest" and the words "by popular subscription." Does the gentleman think that is necessary?

Mr. BRITTEN. Personally I do not think it is; but it is barely possible that the committee may have had some hearings on this bill of which I am not aware.

I will say to the gentleman that this bill as originally introduced by me was prepared by the Treasury Department, and introduced just as it was received.

Mr. GARD. I think the phrase "proper authorities in interest" is much better than the word "donors."

Mr. BRITTEN. So do I.

Mr. GARD. Is there anyone here representing the Committee on Claims?

Mr. BRITTEN. I do not see the chairman of the particular subcommittee of the Committee on Claims present at this moment.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. CANNON. Will the gentleman yield?

Mr. BRITTEN. I yield to my colleague [Mr. CANNON].

Mr. CANNON. Mr. Chairman, as I understand it, these were donations made to buy kitchens.

Mr. BRITTEN. No; the donations were of the kitchens themselves.

Mr. CANNON. Donated to the Army. There were many hundreds of millions of dollars donated by the patriotic men and women of the United States for the benefit of the soldiers, God knows how much through the Red Cross and the Salvation Army. I am afraid this is a dangerous precedent to make. It seems to me the legal obligations that we are running up against, patriotic many of them, would mount up into the billions.

Mr. BRITTEN. These patriotic people donated portable kitchens to the Army.

Mr. CANNON. What is the difference?

Mr. BRITTEN. On those kitchens, which they bought in Canada, the United States Government exacted a duty, and this merely returns the duty to the parties who purchased the kitchens and donated them for this purpose.

Mr. CANNON. Oh, well, it is the same thing.

Mr. BRITTEN. It is not comparable to an ordinary contribution to some charitable association or in a war-relief direction.

Mr. CANNON. It was a donation of something that the Army needed, and there were drives made all over the United States.

Mr. GLYNN. If the gentleman will allow me, these donations were not to the Army. They were donations of field kitchens to the National Guard when they went down to the Mexican border in 1916.

Mr. CANNON. They were in the service of the United States.

Mr. GLYNN. It was before the war. These were National Guardsmen and not any part of the Army.

Mr. CANNON. But they were in the service of the United States.

Mr. BRITTEN. I am sure that this bill does not attempt to cover anything that can be compared with an ordinary contribution. When the kitchens were brought into this country from Canada the Government assessed a duty on them.

Mr. CANNON. What is the difference between donations of dollars, donations of clothing, and the hundreds of millions—I was going to say billions—of dollars that were donated by the patriotic people? Now, here comes a bill to establish a precedent to pay back something to somebody who patriotically donated field kitchens, on which you say they paid a duty when the kitchens were imported. If you should carry out that same principle, you would have it on all imported articles. I do not know how much is involved in this——

Mr. BRITTEN. Probably a few hundred dollars.

Mr. CANNON. A few hundred dollars! Many millions of dollars will be involved in it if you enter upon this policy.

Mr. BRITTEN. But, my dear sir, this is money that went directly into the National Treasury. It did not go to any organization.

Mr. CANNON. It does not make any difference where it went. They donated it. The money went into the National Treasury.

Mr. BRITTEN. They did not donate this money. It was an assessment on the part of the Government, of a duty on these kitchens that were imported from Canada.

I am, indeed, sorry that I can not agree with my distinguished colleague, and can not possibly see a parallel case in the one he has just mentioned.

Naturally, duties are assessed on many characters of importations, and to say that a refund of duties paid on rolling field kitchens, which were contributed to the Army, would be establishing a dangerous precedent, is beyond my comprehension. The failure of the House to pass this bill will mean direct taxation on public spirit, direct taxation on patriotism, direct taxation on humanity, and a suggestion that the National Treasury itself should benefit in real hard money, because the War Department was not in a position to provide the simple necessities of an unimportant campaign.

Mr. Speaker, it would be parallel to suggest to a patriotic citizen that the Government would accept and allow the importation of a very necessary piece of field equipment, provided the donor of that equipment would also pay a cash bonus into the National Treasury. Neither the Treasury Department nor the War Department desire to retain the duty which has been collected from public-spirited citizens whose first thought was the welfare of the men who were going to the front, and I shall be ashamed to tell my friends in Chicago that a Congress which is appropriating billions has refused to do this simple justice.

The amount of money involved is so small that it is hardly worth talking about, but I was quite sure that my bill, which was made to remedy a wrong, would meet with unanimous approval of the House.

Mr. CANNON. There was a duty on wool. God knows how the women knit. God knows how they bought and paid for the wool to knit. This establishes a precedent that we ought not to establish, and therefore I object to the consideration of the bill.

The SPEAKER. Objection is made. The Clerk will report the next bill.

LANDS WITHDRAWN UNDER THE RECLAMATION LAWS.

The next business on the Calendar for Unanimous Consent was the bill (S. 795) to provide for the disposition of public lands withdrawn and improved under the provisions of the reclamation laws, and which are no longer needed in connection with said laws.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WALSH. Mr. Speaker, reserving the right to object, this is another one of these blanket bills. I should like to have the gentleman in charge of it give a little explanation of the great urgency for a bill so general in its character.

Mr. RAKER. The Congress on February 2, 1911, passed a law authorizing the sale of lands that the Reclamation Service had purchased for the purpose of conducting their operations on reclamation projects. This bill authorizes the Reclamation

Service to dispose of the land that was withdrawn, that is still owned by the Government, but which the Reclamation Service improved in its use in constructing the reclamation project, which land at this time is not necessary for the project any longer. The Government has expended large sums of money. The parties desire the land, and the purpose is to appraise it and sell it at public auction or to the highest bidder.

Mr. MANN of Illinois. Will the gentleman yield for a question?

Mr. RAKER. Yes.

Mr. MANN of Illinois. The law which we did pass authorized the Reclamation Service to sell land no longer needed, which has been acquired under the reclamation act?

Mr. RAKER. Yes.

Mr. MANN of Illinois. I take it that it was the thought of Congress—I remember the bill and I know that was my impression at that time—that that covered all the lands that they had.

Mr. RAKER. That was the idea of the department and the House.

Mr. MANN of Illinois. But it has been held since then that that only referred to land which had been purchased?

Mr. RAKER. Yes.

Mr. MANN of Illinois. And not to land which had been withdrawn for reclamation purposes?

Mr. RAKER. That is a clear presentation of the matter.

Mr. MANN of Illinois. And this is simply to authorize the selling of land no longer needed, which has been withdrawn?

Mr. RAKER. The gentleman has clearly stated the matter before the House.

Mr. WALSH. Who made that ruling?

Mr. RAKER. The Secretary of the Interior. While it is under the Reclamation Service the Secretary of the Interior, of course, has the final determination of what shall be done.

Mr. WALSH. How did it happen that the land is no longer needed?

Mr. RAKER. In a number of instances on projects where the land was withdrawn they have constructed buildings and made improvements and done many things in connection with the land.

Mr. MANN of Illinois. That was while the work was being constructed.

Mr. RAKER. Yes. Private individuals desire to purchase the property after full appraisal and the Government gets back the money and places it in the reclamation fund.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. RAKER. Certainly.

Mr. CHINDBLOM. Are the methods and machinery provided in the bill for the sale of the property the same as in similar laws?

Mr. RAKER. Identical.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill as follows:

Be it enacted, etc., That whenever in the opinion of the Secretary of the Interior any public lands which have been withdrawn for or in connection with construction or operation of reclamation projects under the provisions of the act of June 17, 1902, known as the reclamation act and acts amendatory thereof and supplemental thereto, and which have been improved by and at the expense of the reclamation fund for administration or other like purposes, are no longer needed for the purposes for which they were withdrawn and improved, the Secretary of the Interior may cause said lands, together with the improvements thereon to be appraised by three disinterested persons to be appointed by him and thereafter sell the same, for not less than the appraised value, at public auction to the highest bidder, after giving public notice of the time and place of sale by posting upon the land and by publication for not less than 30 days in a newspaper of general circulation in the vicinity of the land, not less than one-fifth the purchase price shall be paid at the time of sale, and the remainder in not more than four annual payments with interest at 6 per cent on deferred payments.

SEC. 2. That upon payment of the purchase price the Secretary of the Interior is authorized, by appropriate patent, to convey all the right, title, and interest of the United States in and to said lands to the purchaser at said sale subject, however, to such reservations, limitations, or conditions as said Secretary may deem proper: *Provided*, That not over 160 acres shall be sold to any one person, and if said lands are irrigable under the project in which located they shall be sold subject to compliance by the purchaser with all the terms, conditions, and limitations of the reclamation act applicable to lands of that character: *Provided*, That the accepted bidder must, prior to issuance of patent, furnish satisfactory evidence that he or she is a citizen of the United States.

SEC. 3. That the moneys derived from the sale of such lands shall be covered into the reclamation fund and be placed to the credit of the project for which such lands had been withdrawn.

With the following committee amendments:

On page 1, line 5, change the word "or" where it occurs the second time in said line to "of."

On page 1, line 8, after the comma, insert the words "which are not otherwise reserved."

On page 2, line 6, after the word "centum," insert the words "per annum, payable annually."

The committee amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. RAKER, a motion to reconsider the vote whereby the bill was passed was laid on the table.

DISPOSITION OF CERTAIN GRAZING LANDS IN UTAH.

The next business on the Calendar for Unanimous Consent was the bill (S. 3016) to authorize the disposition of certain grazing lands in the State of Utah, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That so much of the act of Congress approved March 3, 1905 (public, No. 212), as limited the sale of Indian lands in the former Uintah Indian Reservation, in Utah, remaining undisposed of five years from the taking effect of the act to disposition in tracts of not more than 640 acres to any one person be, and the same is hereby, repealed, and such lands shall remain subject to disposition as provided by law, under rules and regulations to be prescribed by the Secretary of the Interior: *Provided*, That where the validity of purchases heretofore made under the act of March 3, 1905, have been or may hereafter be questioned in any departmental or court proceeding on the ground that a larger area than 640 acres has been directly or indirectly acquired by one person or corporation, the Secretary of the Interior is authorized, in his discretion, to accept a reconveyance of the lands involved in such proceeding and to repay to the purchaser or his assigns the purchase money paid therefor, or to validate, ratify, and confirm such sales, or to examine and determine the present value of said lands and upon payment by the patentee or purchaser or his assigns of the difference between the amount heretofore paid and such ascertained value, to validate, ratify, and confirm such sales.

With the following committee amendments:

Page 1, line 4, strike out the word "limited" and insert in lieu thereof the word "limits."

Page 1, line 4, after the word "the," insert the word "future."

Page 2, line 6, after the word "discretion," strike out the following: "to accept a reconveyance of the lands involved in such proceeding and to repay to the purchaser or his assigns the purchase money paid therefor or."

The committee amendments were agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. WELLING, a motion to reconsider the vote whereby the bill was passed was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. SUMMERS of Washington, for 10 days, on account of urgent business.

To Mr. DENISON, for two weeks, on account of sickness in his family.

HOUR OF MEETING TO-MORROW.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow. I do this at the request of members of the majority and minority of the Committee on Appropriations.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow. Is there objection?

Mr. GARD. Reserving the right to object, is this request made in pursuance of the request of the members of the Committee on Appropriations?

Mr. MONDELL. Yes.

The SPEAKER. Is there objection?

There was no objection.

BRIDGE ACROSS SABINE RIVER, NEAR ORANGE, TEX.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13724) to authorize the construction of a bridge across the Sabine River at or near Orange, Tex.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. WALSH. Mr. Speaker, I have no objection to this bill and am willing that it should be passed, but I would like a ruling of the Chair whether it has been on the calendar a sufficient length of time. It was placed on the calendar April 30.

The SPEAKER. It has not.

Mr. WALSH. Then I ask unanimous consent that it may be considered now.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent for the present consideration of the bill. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Orange Chamber of Commerce, its successors and assigns, be, and they hereby are, authorized to construct, maintain, and operate a bridge and approaches thereto across the Sabine River at a point suitable to the interests of navigation at or

near the city of Orange, Tex., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. GARD. Mr. Speaker, it seems to me that in line 4, where it says "its successors and assigns be and they are hereby are," should read "be and it hereby is authorized to construct." I move, in line 4, ot strike out the word "they" and insert the word "it," and in the same line strike out the word "are" and insert the word "is."

The Clerk read as follows:

Amendment by Mr. GARD: Strike out, in line 4, the word "they" and insert the word "it," and in the same line strike out the word "are" and insert the word "is."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. BOX, a motion to reconsider the vote whereby the bill was passed was laid on the table.

ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 2 minutes p. m.) the House, under its previous order, adjourned until to-morrow, Tuesday, May 4, 1920, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting recommendation for an amendment to a bill (H. R. 13015) to enable the Commissioner of Internal Revenue to simplify the regulations under which exported property is exempt from exportation tax, making the exemption applicable to the Canal Zone, was taken from the Speaker's table and referred to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. SINCLAIR, from the Committee on Indian Affairs, to which was referred the joint resolution of the House (H. J. Res. 346) extending the time for payment of purchase money on homestead entries in the former Standing Rock Indian Reservation, in the States of North and South Dakota, reported the same without amendment, accompanied by a report (No. 916), which said joint resolution and report were referred to the Committee on the Whole House on the state of the Union.

Mr. GANDY, from the Committee on Indian Affairs, to which was referred the bill (H. R. 397) to authorize a lieu selection by the State of South Dakota for 160 acres on Pine Ridge Indian Reservation, and for other purposes, reported the same without amendment, accompanied by a report (No. 918), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. BABKA, from the Committee on Claims, to which was referred the bill (H. R. 7053) for the relief of H. L. McFarlin, reported the same with an amendment, accompanied by a report (No. 919), which said bill and report were referred to the Private Calendar.

Mr. KELLY of Pennsylvania, from the Committee on Claims, to which was referred the bill (H. R. 11656) for the relief of the Stevens Institute of Technology, of Hoboken, N. J., reported the same without amendment, accompanied by a report (No. 920), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 13409), granting a pension to Mary L. Lewis, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. CASEY: A bill (H. R. 13904) authorizing the Secretary of War to donate to the Third Regiment Field Artillery, Pennsylvania National Guard, one German cannon or fieldpiece No. 6561; to the Committee on Military Affairs.

Also, a bill (H. R. 13905) authorizing the Secretary of War to donate to the Third Regiment Field Artillery, Pennsylvania National Guard, one German cannon or fieldpiece No. 6541; to the Committee on Military Affairs.

By Mr. McPHERSON: A bill (H. R. 13906) to purchase a site for a post-office building in the city of Carterville, Jasper County, Mo.; to the Committee on Public Buildings and Grounds.

By Mr. ROGERS: A bill (H. R. 13907) to provide for the purchase of a site and the erection of a new post-office building at Ayer, Mass.; to the Committee on Public Buildings and Grounds.

By Mr. PLATT: A bill (H. R. 13908) to amend section 16 of the act of Congress approved July 17, 1916, known as the Federal farm loan act; to the Committee on Banking and Currency.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEGG: A bill (H. R. 13909) granting a pension to Alfred H. Ward, alias James Johnson; to the Committee on Invalid Pensions.

By Mr. BOOHER: A bill (H. R. 13910) granting a pension to Mary E. Touhy; to the Committee on Invalid Pensions.

By Mr. BRITTEN: A bill (H. R. 13911) for the relief of J. Henry Miller (Inc.); to the Committee on Naval Affairs.

By Mr. BROOKS of Pennsylvania: A bill (H. R. 13912) for the relief of William H. Paules; to the Committee on Claims.

By Mr. CLASSON: A bill (H. R. 13913) granting a pension to Ira D. Bryant; to the Committee on Pensions.

By Mr. DALLINGER: A bill (H. R. 13914) granting a pension to Elizabeth A. Browne; to the Committee on Pensions.

By Mr. DAVIS of Minnesota: A bill (H. R. 13915) granting a pension to William W. Kinne; to the Committee on Pensions.

By Mr. DUNBAR: A bill (H. R. 13916) granting an increase of pension to Alice A. Warner; to the Committee on Pensions.

By Mr. FOCHT: A bill (H. R. 13917) granting an increase of pension to Clarence R. Solomon; to the Committee on Pensions.

By Mr. FULLER of Massachusetts: A bill (H. R. 13918) granting a pension to Inez Mabel Chase; to the Committee on Invalid Pensions.

By Mr. McFADDEN: A bill (H. R. 13919) granting a pension to Wealthy J. Larrabee; to the Committee on Invalid Pensions.

By Mr. MICHENER: A bill (H. R. 13920) granting a pension to Esther A. Blythman; to the Committee on Invalid Pensions.

By Mr. MOON: A bill (H. R. 13921) for the relief of H. S. McBride; to the Committee on Claims.

By Mr. MILLIGAN: A bill (H. R. 13922) granting a pension to Orville George; to the Committee on Invalid Pensions

By Mr. TILLMAN: A bill (H. R. 13923) granting a pension to Andrew J. Gouge; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13924) to correct the military record of John Eastep; to the Committee on Military Affairs.

By Mr. WELTY: A bill (H. R. 13925) for the relief of Alfred P. Reck; to the Committee on Military Affairs.

By Mr. WARD: A bill (H. R. 13926) for the relief of Cora T. Dering; to the Committee on Claims.

By Mr. SCOTT: Resolution (H. Res. 542) to pay Theodore W. Kolbe and May Peacock, clerks to the late Hon. Charles A. Nichols, one month's salary; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3402. By the SPEAKER (by request): Petition of Duncan McLaren, of Washington, D. C., favoring an emergency relief of $500 for teachers; to the Committee on the District of Columbia.

3403. Also (by request), petition of advisory board of the Canadian Camp of New York City, opposing the passage of House bill 12466; to the Committee on the Public Lands.

3404. Also (by request), petition of United Cloth Hat and Cap Makers of North America, Boston, Mass., favoring the passage of the France resolution to repeal the espionage law; to the Committee on the Judiciary.

3405. Also (by request), petition of Rock Island Lodge, No. 190, Loyal Order of Moose, protesting against the removal of any department or departments comprising any of the Rock Island Arsenal; to the Committee on Military Affairs.

3406. Also (by request), petition of Knights of Columbus, Allouez Council, No. 658, Rock Island, Ill., protesting against the removal of any of the departments comprising any of the Rock Island Arsenal; to the Committee on Military Affairs.

3407. By Mr. DALLINGER: Petition of Massachusetts Forestry Association, protesting against the passage of House bill 12466; to the Committee on the Public Lands.

3408. By Mr. ESCH: Petition of members of the Edward A. Barton Post, American Legion, residents of Mauston, County of Juneau, Wis., favoring an immediate passage of the soldiers' bonus bill; to the Committee on Ways and Means.

3409. By Mr. GANDY: Resolutions adopted by board of directors of the Commercial Club of Belle Fourche, S. Dak., favoring the "truth-in-fabrics" bill and urging its passage for the protection of the woolgrowers of the country; to the Committee on Interstate and Foreign Commerce.

3410. Also, resolutions adopted at Minneapolis on April 6, 1920, at a meeting of bankers representing Minnesota, Wisconsin, North Dakota, South Dakota, and Montana, opposing Federal reserve system of check clearances and urging amendment of Federal reserve law; to the Committee on Banking and Currency.

3411. By Mr. KENNEDY of Rhode Island: Petition of 74 employees of the Pawtucket (R. I.) post office, urging the granting of adequate and living wages to postal employees; to the Committee on the Post Office and Post Roads.

3412. By Mr. MONAHAN: Resolution passed by the board of directors of the Wisconsin Manufacturers' Association, Madison, Wis., vigorously favoring the projected deep-waterway canal that will make possible the sailing of ocean going vessels on the St. Lawrence River and the Great Lakes; to the Committee on Railways and Canals.

3413. By Mr. MOON: Papers to accompany House bill 13921, for the relief of H. S. McBride; to the Committee on Claims.

3414. By Mr. O'CONNELL: Petition of United Engineering Societies of the Canal Zone, favoring House bill 6649 and Senate bill 2332, to create a department of public works; to the Committee on Expenditures in the Department of the Interior.

3415. Also, petition of West Side Business Men and Taxpayers' Association, Buffalo, N. Y., favoring House bill 11203, for 1-cent postage; to the Committee on the Post Office and Post Roads.

3416. By Mr. RANDALL of Wisconsin: Petition of William J. Gleeson and 472 residents of the State of Wisconsin, urging a refund of moneys paid as a special tax by retail dealers in liquors; to the Committee on Ways and Means.

3417. By Mr. ROWAN: Petition of Women's Union, Bureau of Engraving, favoring the Newton amendment to the sundry civil bill; to the Committee on Appropriations.

3418. Also, petition of Disabled Men's Bureau of Service and Legislative Relief, for the patients of Walter Reed General Hospital in connection with soldier relief legislation; to the Committee on Ways and Means.

3419. Also, petition of the American Legion Post of the College of the City of New York, against the bonus to noninjured veterans of the World War; to the Committee on Ways and Means.

3420. Also, petition of commander New York Naval Militia, favoring increase in amendment to naval appropriation bill to include the naval militia; to the Committee on Naval Affairs.

3421. By Mr. TAGUE: Petition of United Engineering Societies of the Canal Zone, favoring passage of the Jones-Reavis bill to create a department of public works; to the Committee on Expenditures in the Department of the Interior.

3422. Also, petition of Boston Typothetae Board of Trade, the Warren Press, and the Boston Allied Printing Trades Council, protesting against the proposed tax on advertising; to the Committee on Ways and Means.

3423. Also, petition of Fitzgerald, Hubbard & Co. and Tucker, Hayes & Bartholomew, of Boston, Mass., protesting against the bonus for ex-soldiers and against the proposed tax on stock-exchange transactions; to the Committee on Ways and Means.